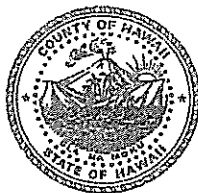


Harry Kim
Mayor



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

May 14, 2004

Mr. Scott Church
Kahaluu Beach Club, LLC
78-6842 Alii Drive, #22B
Kailua-Kona, Hawaii 96740

Dear Mr. Church:

Special Management Area Assessment Application No. 04-027 (SMAA 04-27)

Special Management Area Minor Permit No. 156 (SMM 156)

Project: Construction and Use of Temporary Sales Office at Beach
Villas at Kahaluu Construction Site

Applicant: Kahaluu Beach Club, LLC

Land Owner: Kahaluu Beach Club, LLC

Location: Kahaluu, North Kona, Hawaii

TMK: (3) 7-8-014:086

By this letter we are transmitting the referenced SMA Minor Permit No. 156, which is approved, subject to conditions, for the after-the-fact construction of a temporary sales platform/office on the subject property.

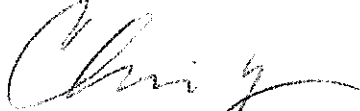
We understand that the proposed project is to provide a temporary location on the Beach Villas at Kahaluu construction site from which the developer may conduct onsite sales activities. The structure is designed to allow for relocation on the project site as necessary to facilitate the ongoing construction activities.

Hawai'i County is an equal opportunity provider and employer.

Mr. Scott Church
Kahaluu Beach Club, LLC
Page 2
May 14, 2004

Should you have questions, please feel welcome to call Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,



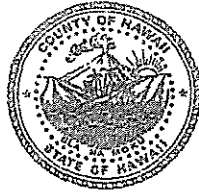
CHRISTOPHER J. YUEN
Planning Director

LMB:pak
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Enclosures: SMM No. 156
Department of Public Works May 4, 2004 Memo

/xc: Long Range Planning - Ms. Susan Gagorik

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 156

Project: Construction and Use of Temporary Sales Office at the Beach Villas at Kahaluu Construction Site
Applicants: Kahaluu Beach Club, LLC
Owners: Kahaluu Beach Club, LLC
Location: Kahaluu, North Kona, Hawaii, Island of Hawaii
TMK: (3) 7-8-014:086 **Land Area:** 33,964 square feet

Applicant's Request

1. Project Description:

The construction and use of a post and pier type structure being approximately 192 square feet in area with a 12'x12' fabric canopy. The structure will be sited at various locations on the construction site of the Beach Villas at Kahaluu condominium project, depending on space requirements of the general contractor.

2. Purpose of Project:

The proposed structure will be used to provide an on-site sales office for the developer of the project.

3. Project Valuation: \$3,000.00.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the construction, reconstruction, or alteration of any size structure is defined as "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site as Medium Density Urban. This allows for village and neighborhood commercial and residential and related functions (3-story commercial, residential up to 36 units per acre).
3. **County Zoning:** The subject property is zoned Resort-Hotel (V-1.25) by the County.
4. **Special Management Area:** The subject property is located in the SMA.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject property is not located in any designated Special Flood Area.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project site is not a shoreline property. Therefore, the proposed improvements will not affect the shoreline recreational resources available to the public.

There may be some adverse visual and noise impacts from the construction and periodic relocation of the platform. However, no lasting impacts are anticipated since the structure will be removed upon completion of the condominium construction, which is scheduled for November or December 2004.

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 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 Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, 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.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, 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 to the requirements of Chapter 343, HRS, Environmental Impact Statements.

Findings

As discussed above, the proposed 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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$3,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division (DPW-ED) has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has no objections. A copy of the DPW-ED comments memo is enclosed.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 156** is hereby approved to allow the construction a temporary sales platform/office subject to the applicant's compliance with the conditions of approval as specified below. This permit shall further serve to allow reconstruction of the temporary platform/sales office on the subject property in connection with and upon issuance of building permits for the remainder of the 27-unit project permitted under SMA Use Permit No. 382.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 156** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The approved temporary sales platform/office structure shall be removed from the subject property upon receipt of a certificate of occupancy for each phase of the project and/or no building permits remain open.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when he finds that sufficient mitigative measures have been taken.
5. The applicant shall comply with all applicable requirements of the State of Hawaii-Department of Health and the Hawaii County-Department of Public Works and applicable requirements of other affected agencies.
6. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:


CHRISTOPHER J. YUEN
Planning Director


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

MAY 10 9 10 09

DATE: May 10, 2004

PLNG

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application No. 04-27
Applicant: Kahaluu Beach Club, LLC
Location: Kailua-Kona, North Kona
TMK: 3 / 7-8-014:086

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

1. Buildings shall conform to all requirements of code and statutes pertaining to building construction.
2. According to the Flood Insurance Rate Map (FIRM), the subject property is not located in any designated Special Flood Hazard Area.

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