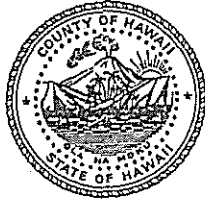


Harry Kim
Mayor



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

June 14, 2004

Mr. Bryson T. Kuwahara
P.O. Box 421
Pahoa, Hawaii 96778

Dr. Muhammad Yunis
RR2 Box 3918
Pahoa, Hawaii 96778

Dear Mr. Kuwahara and Dr. Yunis:

Subject: Special Management Area Assessment Application No. 04-31 (SMAA 04-31)
Special Management Area Minor Permit No. 157 (SMM 157)
Project: Consolidation of Existing 7 Lots and Resubdivision Into 5 Lots
Owners: B & L Kuwahara, LLC and Yunis Family Trust
Tax Map Key: 1-4-011:020 & 021

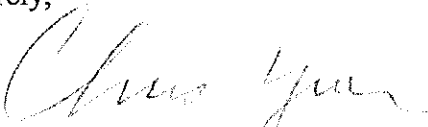
We are in receipt of your amended SMAA application and revised site plan for the SMAA 04-09. We also acknowledge your letter dated May 4, 2004 requesting a deferral of action on SMAA 04-09 until the above referenced corrections could be submitted. By this letter we are transmitting the referenced SMA Minor Permit No. 157, which is approved, subject to conditions, for consolidation of seven (7) lots and resubdivision into five (5) lots.

We understand that the proposed consolidation and resubdivision will not require any associated construction as provided for under §23-7 of the Subdivision Code.

Mr. Bryson T. Kuwahara
Dr. Muhammad Yunis
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June 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:cd
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Encl. SMM 15
DPW Memo dated June 1, 2004

cc: SUB 03-171
Ms. Susan Gagorik – Long Range

Special Management Area Minor Permit No. 157

Project: Consolidation of Seven (7) Lots and Resubdivision Into Five (5) Lots
Applicants: B & L Kuwahara LLP and Yunis Family Trust
Owners: B & L Kuwahara LLP and Yunis Family Trust
Location: Kapoho Beach Lots, Kapoho-Halekamanhina, Puna, Hawaii
TMK: (3) 1-4-011: 020 & 021 **Land Area:** 1.79 acres

Applicant's Request

1. Project Description:

The consolidation of a total of seven (7) lots contained within the subject TMK parcels and resubdivision into five (5) lots as shown on the revised preliminary plat map dated April 20, 2004 for SUB 2003-0171.

2. Purpose of Project:

To create a separate lot for the second dwelling being constructed on Parcel 20 and to facilitate the development of possible additional improvements for the building sites contained within Parcel 21.

3. Project Valuation: \$10,000.00.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(iii) relating to the Special Management Area, the change in density or intensity of use of land, including but not limited to the division or subdivision of land 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 Open. The Open designation identifies lands most suitable for parks or historic sites.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-10) 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 located within Flood Zone VE and AE. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined.

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

The project site is adjacent to the shoreline. However, the proposed action will not alter the shoreline recreational resources available to the public.

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 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.
- ☒ 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 Zoning Code.

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

The estimated project cost of approximately \$10,000 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. 157** is hereby approved to allow the consolidation of the existing seven (7) lots contained within the subject TMK parcels and their resubdivision into five (5) lots.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 157** 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. 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.
4. 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.

APPROVED:

CHRISTOPHER J. YUEN
Planning Director

Date