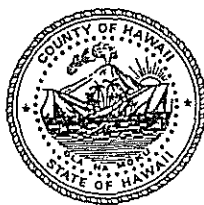


Harry Kim
Mayor



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

September 17, 2004

Mr. Paul and Mrs. Cynthia Bleck
75-5885 Walua Road
Kailua-Kona, Hawaii 96740

Dear Mr. & Mrs. Bleck:

Special Management Area Use Permit Assessment Application (SMAA 04-74)

Special Management Area (SMA) Minor Permit No. 164 (SMM 164)

Applicant: Paul Bleck and Cynthia Bleck

Landowners: Paul Bleck and Cynthia Bleck

**Project: Construct an Addition to the Existing Single-Family Dwelling to
Create a Double-Family (Duplex) Structure**

Tax Map Key: (3) 7-5-017:014, Lot 31-A-1

By this letter we are transmitting the referenced SMA Minor Permit No. 164, which is approved, subject to conditions, for the addition to the existing single-family dwelling to create a double-family dwelling structure on the subject property.

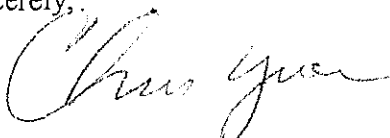
Mr. Paul and Mrs. Cynthia Bleck

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September 17, 2004

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

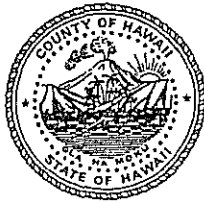
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Encl: SMM 164

xc: Ms. Susan Gagorik – Long Range Planning
Planning Department – West Hawaii Office w/Encl.
Mr. Kiran Emler, DPW – ED Kona w/Encl.

Harry Kim
Mayor



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PLANNING DEPARTMENT

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(808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 164

Project: Construct an Addition to the Existing Single-Family Dwelling to Create a Double-Family (Duplex) Structure
Applicant: Paul Bleck and Cynthia Bleck
Land Owner: Paul Bleck and Cynthia Bleck
Location: Waiaha 2nd, North Kona, Island & County of Hawaii, Hawaii
TMK: (3) 7-5-017:014 Lot 31-A-1

Applicant's Request

1. Project Description:

The applicant proposes to construct an addition to the existing single-family dwelling to create a double-family (duplex) structure on the subject property.

2. Purpose of Project:

The project is intended create an additional dwelling unit on the subject property to be used as a vacation rental unit and to provide accommodations for visiting family members.

3. Project Valuation: \$96,700.00

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 the size of any structure is defined as "development." Therefore, the proposed addition to the existing single-family dwelling to create a duplex dwelling structure and related improvements 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 (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Medium Density Urban uses.
3. **County Zoning:** The subject property is zoned Village Commercial (CV-10) by Hawaii.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), 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 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.

- ☒ 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, regarding 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 \$96,700 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments regarding the subject application.

“We have 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. *The proposed work is not within any Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).*
3. *All access to the County right of way shall comply with Chapter 22 of Hawaii County Code. The existing driveway on Walua Road will not allow for the future extension of sidewalk improvements along the Walua Road frontage. The applicant should be required to make corrections to the existing driveway approach meeting with the approval of the DPW. A 10-foot wide no vehicular access planting screen easement along Kuakini Highway frontage was required as a condition of approval for Subd. 7516 which prohibits the access to Kuakini Highway. No vehicular security gate should be located within 20 feet of the County right-of-way."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 164** is hereby approved to allow the construction of an addition to the existing single-family dwelling on the subject property by creating a double-family (duplex) dwelling structure, subject to the applicant's compliance with the conditions of approval as specified below.

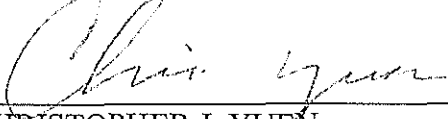
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 164** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. All construction activities in connection with this project shall be completed within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. The Department of Public Works shall approve all driveways on the subject property for vehicular access to Kuakini Highway and Walua Road.
4. Prior to occupancy of the second dwelling, the applicant shall make corrections, as approved by the Department of Public Works, necessary to the existing driveway approach to allow for the future extension of sidewalk improvements along the Walua Road frontage.
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. 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 mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

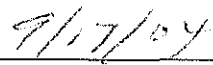
7. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
 - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
8. 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