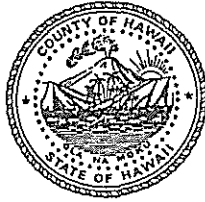


Harry Kim
Mayor



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

December 10, 2004

Patricia G. Engelhard, Director
Department of Parks and Recreation
101 Pauahi Street, Suite 6
Hilo, Hawai'i 96720

Dear Ms. Engelhard:

Special Management Area Use Permit Assessment Application (SMAA 04-114)

Special Management Area (SMA) Minor Permit No. 174 (SMM 174)

Applicant: County of Hawai'i, Department of Parks and Recreation

Landowners: State of Hawai'i – County of Hawai'i

Project: Establishment of Kuhio-Kalaniana'ole Park & Related Improvements

Tax Map Key: (3) 2-1-006:013 & 015

By this letter we are transmitting the referenced SMA Minor Permit No. 174, which is approved, subject to conditions, for the construction of a new shorefront park to provide and promote public shoreline and ocean related recreational activities.

As the exact location of the shoreline is not necessary to render a determination, your request for a waiver from the requirement to provide a certified shoreline survey as part of the SMAA application is hereby granted.

Upon due consideration of the information provided in your SMAA application and the accompanying submittals, your request for a determination of "minor structure or minor activity" in the shoreline setback area, pursuant to Rule 11-8, Planning Department Rules of Practice and Procedure, is hereby granted. This determination is subject to the conditions contained within SMM 174 and is based on the following findings:

1. Proposed improvements within the shoreline setback area shall be limited to the creation of pedestrian pathways, the installation of picnic tables and trash receptacles, and appropriate landscaping improvements;
2. The proposed project will not affect natural beach processes or artificially fix the shoreline;

Patricia G. Engelhard, Director
Department of Park & Recreation
Page 2
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3. The proposed project will not interfere with public access to the shoreline in the vicinity of the project site except as necessary to ensure the public welfare and safety during the actual construction period;
4. All grading or land altering activities shall be conducted at a distance significantly more than 40 feet inland of the shore;
5. The proposed project will not adversely impact public views to and along the shoreline except during the construction period; and
6. The proposed use and activity will not result in any permanent alteration to the existing topography of the shoreline area.

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

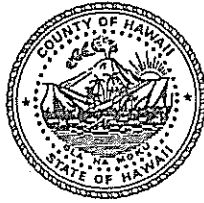
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P:\WPWIN60\CZMASMM\2004\SMM174 P&R Kuhio-Kalaniana'olePark ltr.doc

Encl: SMM 174

xc: ~~Ms.~~ Susan Gagorik – Long Range Planning
Mr. Norman Hayashi – Planning Commission, 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. 174

Project: Establishment of Kuhio-Kalaniana'ole Park Site
Applicant: County of Hawai'i, Department of Parks and Recreation
Land Owner: State of Hawai'i and County of Hawai'i
Location: Waiākea, South Hilo, Island & County of Hawai'i, Hawai'i
TMK: (3) 2-1-006:013, 015 &
Portion of abandoned RR R/W & Lu'ana Street R/W

Applicant's Request

1. Project Description:

The applicant proposes to develop a new oceanfront park on the subject properties consisting of approximately 3.28 acres. The proposed action includes the grubbing and clearing of approximately 1 acre within previously disturbed portions of the site. Proposed improvements include the construction of a 23-stall paved parking area, paved & unpaved walkways linking components of the site, a fenced storage area for small watercraft (canoes, kayaks, etc.), an outdoor shower, a grassed volleyball court, picnic tables and benches, a raised walkway & platform with interpretive signage, grassing & landscaping.

2. Purpose of Project:

The proposed project is a component of the County of Hawai'i's overall vision for the area to create a continuous County Park area encompassing nearly the entire shoreline of Reed's Bay from Reed's Bay Beach Park on the west shore to Kanakea Pond in the middle and the proposed site on the eastern shore. This vision proposes to enhance opportunities for shoreline access and ocean related recreational activities for Hawai'i County's citizens and visitors.

3. Project Valuation: \$120,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A), relating to the Special Management Area, "development" includes the following:

- (i) *Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste;*
- (ii) *Grading, removing, dredging, mining, or extraction of any materials;*
- (v) *Construction, reconstruction, or alteration of the size of any structure.*

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 (SLU) Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Open and Resort uses.
3. **County Zoning:** The subject property is zoned Open and Hotel-Resort (V-.75) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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, 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 Hawai'i County General Plan. The Zoning Code allows for parks and open recreational facilities in both the Open and Hotel-Resort zoning districts.

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

The estimated project cost of approximately \$120,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments, dated December 9, 2004, regarding the subject SMAA.

“We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated December 3, 2004 and offer the following comments for your consideration.

The subject parcels are located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

Construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code.

All development-generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.

The Luana Street right-of-way is intended to be abandoned and given to the Department of Parks and Recreation.

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.”

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 174** is hereby approved to allow for the proposed land altering and construction activities in connection with the establishment of Kuhio-Kalaniana'ole Park on the subject properties, subject to the applicant's compliance with the conditions of approval as specified below.

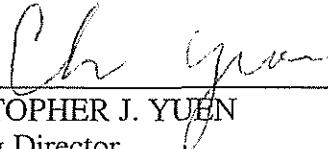
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 174** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of the State of Hawai'i-Department of Health and the Hawai'i County-Department of Public Works and applicable requirements of other affected agencies.
3. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works.
4. Approval of this SMA Minor Permit is, in part, based on the representation that the total cost/fair market value of the proposed improvements in connection with the establishment of Kuhio-Kalaniana'ole Park will not exceed \$125,000. Should the total cost/fair market value of the proposed improvements exceed \$125,000, SMM 174 shall be null and void; and the applicant shall be required to secure approval of a SMA Use Permit from the Planning Commission.

5. Plan Approval for the proposed project shall be secured from the Planning Director pursuant to Chapter 25 of the Zoning Code.
6. 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).
7. 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

December 10, 2004

Date