

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 6, 2005

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

Dear Mr. Bleck:

Special Management Area Use Permit Assessment Application (05-27)
Special Management Area (SMA) Minor Permit No. 05-00002 (SMM 05-00002)
Applicant: Paul Bleck
Owners: Kevin & Kinuko O'Connor
Request: Duplex Conversion
Tax Map Key: 7-8-12:77, Keauhou, North Kona, Hawaii

This is to follow up on our March 17, 2005 letter relating to the above-referenced Special Management Area Assessment for the duplex conversion on the subject parcel. With receipt of authorization from Ms. Kinuko O'Connor on May 19, 2005, this application is deemed complete.

This parcel is designated Urban by the State Land Use Commission and zoned Single Family Residential (RS-10) by the County. The General Plan designation is Resort Node.

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, demolition, or alteration of the size of any structure" and defined as "development". Therefore, a Special Management Area Minor Permit is required.

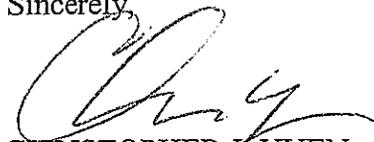
For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 05-00002 is hereby issued to allow for the duplex conversion, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Mr. Paul Bleck, AIA
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June 6, 2005

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

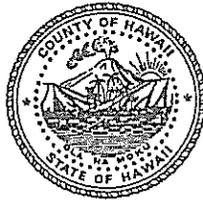
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Enclosures - SMM No. 05-00002
Department of Public Works March 31, 2005 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik
Planning Commission
Planning Department - Kona

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Special Management Area Minor Permit No. 05-00002

Project: Duplex Conversion
Applicant: Paul Bleck
Owner: Kevin & Kinuko O'Connor
Location: Keauhou, North Kona, Hawaii
TMK: 7-8-12:77

Applicant's Request

1. Project Description:

The applicant proposes to construct an ohana dwelling unit as a second story addition to the existing dwelling situated on the subject 12,560 square feet parcel. The proposed two-bedroom, two-bath unit consists of 1,156 square feet of floor space and 794 square feet of accessory space.

2. Purpose of Project:

The project is intended create an additional dwelling unit on the subject property.

3. Project Valuation: \$109,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(B)(i) relating to the Special Management Area, the construction of a single-family residence that is not part of a larger development, is not defined as "development." The Planning Director has determined that the construction of a second dwelling unit on a lot in the SMA constitutes a larger development. Therefore, the proposed duplex conversion 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 County of Hawaii General Plan (2005) became effective on February 9, 2005. The subject parcel is now designated as "Resort Node" on the Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The subject property is zoned Single-Family Residential (RS-10) by the County of Hawaii. Pursuant to §25-5-8(a) of the Hawaii County Zoning Code, there may be more than one single-family dwelling on each building site in an RS district provided there is not less than the required minimum building site area for each dwelling.
4. **Special Management Area (SMA):** Although the subject property is located in the SMA, it does not have frontage along the ocean.
5. **Flood Zone:** The subject parcel is not within a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

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

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, 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. The Zoning Code allows for ohana dwellings in the Single-Family district provided the building sites contains a minimum of ten thousand square feet and the applicant shall secure an Ohana Dwelling Unit Permit from the Planning Department.

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

The estimated project cost of approximately \$109,000 is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request.

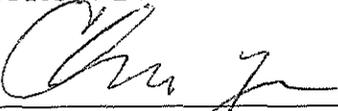
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 05-00002** is hereby approved to allow for the duplex conversion on the property, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

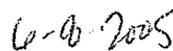
The Planning Director has approved **SMA Minor Permit No. 05-00002** subject to the following conditions:

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 Department of Health, the Department of Public Works and applicable requirements of other affected agencies.
3. Applicant shall secure approval of an Ohana Dwelling Unit Permit from the Planning Department.
4. Final inspection for the ohana dwelling shall be secured from the Department of Public Works, Building Division within two (2) years from the approval date of the Ohana Dwelling Unit Permit.
5. 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).
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

2005 MAR 31 AM 10 55

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: March 31, 2005

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 (05-027)
Applicant : Paul Bleck for Kelvin and Kuniko O'Conner
Location : Keauhou N. Kona, Hawaii
TMK : 3 / 7-8-012: 077

We reviewed the subject application and find the subject property is not within a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

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

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