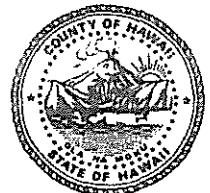


Estner

Henry Kim
Director



Christopher J. Yuen
Director
Brad Kurokawa, ASLA
LEED® AP
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, 2007

Mr. Richard Rochkovsky, AIA
74-5066 Lapa Nui Street
Kailua-Kona HI 96720

Dear Mr. Rochkovsky:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000244)
Special Management Area Minor Permit No. 07-000056
Applicant: Richard Rochkovsky
Land Owner: Robert and Carol Miller
Request: Conversion of a Duplex to a Triplex by Adding a Full Kitchen
Tax Map Key: 7-7-4:16, Ali'i Drive, Kailua-Kona, Hawaii

This is to follow up on our April 10, 2007 letter relating to the above-referenced Special Management Area assessment for the conversion of a duplex to a triplex by adding a full kitchen within the existing structure on the subject parcel.

The subject property is zoned Multiple-Family Residential (RM-1.5) by the County and designated Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. It is designated Urban by the State Land Use Commission.

SMA Minor Permit No. 82-32, issued on April 17, 1982, allowed for the grading and grubbing of the subject property.

Building Permit No. 821464 for a single-family dwelling was issued on August 18, 1982. Building Permit No. 905743 for the conversion of the single-family dwelling to a duplex was issued on May 21, 1990.

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, the "Construction, reconstruction, or alteration of the size of any structure" is defined as "development". As the project area is mauka of Ali'i Drive, the requirement of a certified shoreline survey is waived. Also, the proposed improvements will not have an adverse effect on the environment.

Mr. Richard Rochkovsky, AIA

Page 2

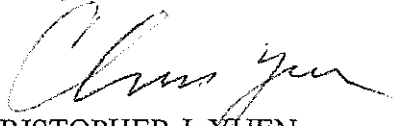
June 6, 2007

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. 07-000056 is hereby issued for the conversion of a duplex to a triplex by adding a full kitchen, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

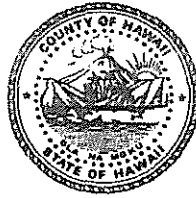
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Enclosure - SMM No. 07-000056

xc w/encls: Ms. Esther Imamura, Long Range Planning
Mr. Norman Hayashi, Planning Commission
Planning Department - Kona

xc ltr only: Ms. Laura H. Thielen, Director - Office of Planning, DBED&T
(SMM 07-000056 will be emailed with the semi-monthly report)

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 07-000056

Project: Conversion of a Duplex to a Triplex by Adding a Full Kitchen
Applicant: Richard Rochkovsky
Land Owner: Robert & Carol Miller
Location: Ali'i Drive, Kailua-Kona, Hawaii
TMK: 7-7-4:16 **Land Area:** 13,114 square feet

Applicant's Request

1. Project Description:

The landowner proposes to convert the duplex into a triplex by adding a full kitchen to the existing structure on the subject parcel. Construction work consists of the addition of kitchen cabinets and appliances in an existing space and building demising walls between the furthest southern unit and the central unit. There is no increase in the square footage or height of the existing structure. Parking is available on-site.

2. Purpose of Project:

The project will provide an additional single-family dwelling unit.

3. Project Valuation: \$15,000.

4. Determination:

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9-4(10)a(iii) states that "Development" includes "change in the density or intensity of use of land, including but not limited to the division or subdivision of land". Therefore, the proposed project requires a Special Management Area (SMA) Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban.
- 2. General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Open.

3. **County Zoning:** The subject property is zoned Multiple-Family Residential (RM-1.5). According to the Zoning Code, Section 25-5-32(a)(9), permitted uses in the RM district includes "*Dwellings, multiple-family*".
4. **Special Management Area (SMA):** Although the subject property is located in the SMA, it is mauka of Ali'i Drive and does not have frontage along the shoreline. Special Management Area Minor Permit No. 82-32 to allow for grading and grubbing on the subject parcel was issued on April 17, 1982.
5. **Building Permits:**
 - a. Building Permit No. 821464 was issued on August 18, 1982 for a 5 bedroom dwelling with recreation room, family room, 5 baths; garage underneath and swimming pool.
 - b. Building Permit No. 905743 to convert the single family dwelling into a duplex and convert the study into a second kitchen was issued on May 21, 1990.
6. **Flood Zone:** "X"

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

The project area is mauka of Ali'i Drive. Therefore, the proposed improvements will not affect the 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, 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 \$15,000 is not in excess of \$125,000.

Upon review of the enclosed April 26, 2007 memorandum, the Department of Public Works, Engineering Division stated the following:

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

Buildings shall conform to all requirements of code and statutes pertaining to building construction.

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The applicant should provide adequate off-street parking, without backing onto Alii Drive. In addition, due to the public recreational use along Alii Drive in this area, overflow parking to Alii Drive should be specifically prohibited by a condition of this permit."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000056** is hereby approved to allow for the conversion of a duplex to a triplex by adding a full kitchen, 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. 07-000056** 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 and the County Department of Public Works and applicable requirements of other affected agencies.
3. Applicant shall secure Plan Approval for the proposed conversion within one (1) year from the approval date of this permit.
4. Final inspection for the building permit issued to construct the third unit shall be secured within two (2) years from the approval date of this 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

JUN 06 2007


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 26, 2007

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 (SAA 07-000244)
Applicant: Richard Rochkovsky
Location: North Kona
TMK: 3 / 7-7-004:016

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

Buildings shall conform to all requirements of code and statutes pertaining to building construction.

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The applicant should provide adequate off-street parking, without backing onto Alii Drive. In addition, due to the public recreational use along Alii Drive in this area, overflow parking to Alii Drive should be specifically prohibited by a condition of this permit.

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-HILO