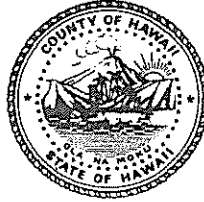


William P. Kenoi
Mayor



BJ Leithead Todd
Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

March 18, 2009

Mr. Sam Rosenthal
303 Kuikahi St
Hilo HI 96720

Dear Mr. Rosenthal:

**Subject: Special Management Area Use Permit Assessment Application (SAA 09-000419)
Special Management Area Minor Permit No. 09-000101**

Applicant: Sam Rosenthal

Land Owner: Sam Rosenthal

Request: Remove Overgrowth and Minor Landscaping

Tax Map Key: (3) 2-7-020:013, Paukaa, South Hilo, Hawaii

This letter is in response to the Special Management Area Assessment Application (SMAA) we received on February 23, 2009 requesting to remove overgrowth and install minor landscaping on the subject parcel.

This parcel is designated Urban by the State Land Use Commission. The project site is designated as Open by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Single-Family Residential minimum 20,000 sq ft lot size (RS-20) by the County.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)A(ii) relating to the Special Management Area, the proposed removal of overgrowth and minor landscaping do not qualify as exempt from the definition of "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. 09-000101 is hereby issued to remove overgrowth and install minor landscaping, subject to compliance with the conditions of approval as specified in the permit.

MAR 20 2009

Mr. Sam Rosenthal
Page 2
March 18, 2009

Should you have questions, please feel free to contact Bethany Morrison of this department at 961-8288, extension 252.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs

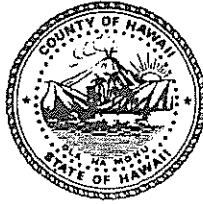
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Enclosures: SMM No. 09-000101
Department of Public Works March 10, 2009 Memo

cc w/encls: Long Range Planning Division

Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

cc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804



County of Hawaii

PLANNING DEPARTMENT

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Phone (808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 09-000101

Project: Remove Overgrowth and Minor Landscaping
Applicant: Sam Rosenthal
Land Owner: Sam Rosenthal
Location: Honolii Pali Tract 2, Paukaa, South Hilo, Hawaii
TMK: (3) 2-7-020:013 **Land Area:** 19,428 sq ft

Applicant's Request

1. Project Description:

The applicant proposes to remove overgrowth and install minor landscaping. In addition, the applicant proposes to remove several old stumps along the driveway.

2. Purpose of Project:

The purpose of the project is to clean and remove unwanted vegetation that has become overgrown and has died off in some areas due to lack of maintenance. The overgrown areas encourage rodents, mosquitoes, and coquies. These areas will be replanted with similar vegetation and properly maintained.

3. Project Valuation: \$2,200.00

4. Determination:

The proposed removal of overgrowth and minor landscaping is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use 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 designation is Open.
- 3. County Zoning:** The subject property is zoned Single-Family Residential minimum 20,000 sq ft lot size (RS-20) by the County of Hawaii.

4. **Special Management Area (SMA):** The subject parcel is located entirely within the SMA.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject property is located within Flood Zone X.

<p style="text-align: center;">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 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 project area has frontage along the coastline, however it is a cliff bluff. Therefore, the proposed activity will not affect public access to the shoreline or public use of the shoreline area. Also, the proposed landscaping will not occur along the cliff.

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 \$2,200 is not in excess of \$125,000.

By enclosed memorandum dated March 10, 2009, the Department of Public Works, Engineering Division had the following comments:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 5, 2009 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as an area of "minimal tsunami inundation."

Questions may be referred to Kelly Gomes at ext. 8327."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000101** is hereby approved for the removal of overgrowth and minor landscaping, 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. 09-000101** 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 all Federal, State and County of Hawaii departments and agencies.
3. Hand tools are the preferred equipment for the proposed landscaping. However, heavy equipment may be needed for the proposed stump removal. Heavy equipment may be used for stump removal approved by this permit and shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the activities requiring use of heavy equipment. The heavy equipment shall not be used to alter the grade of the subject parcel, as grading is not covered under this permit. In addition, the use of heavy equipment within 40 feet of the top bank of the cliff facing the ocean is strictly prohibited.
4. All green waste shall be collected and disposed of off-site at appropriate locations outside of the SMA site.
5. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the 40 foot shoreline setback area.
6. This permit does not include the construction of any structures or other uses on the subject property. Another SMA Use Permit Assessment will be required for any uses or activities beyond the scope of this project.
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 determination; 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. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

APPROVED:



BJ LEITHEAD TODD

Planning Director

3/14/09

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 10, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000419)

Applicant: Sam Rosenthal

Request: Remove Overgrowth and Minor Landscaping

Location: Honoli'i Pali Tract 2, Paukaa, S. Hilo, Hawaii

Tax Map Key: 2-7-20: 013

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated March 5, 2009 and have no objections to the request.

The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is designated as an area of "minimal tsunami inundation."

Questions may be referred to Kelly Gomes at ext. 8327.

