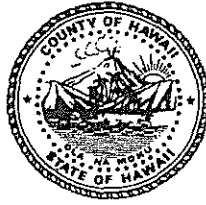


William P. Kenoi
Mayor



2-14/004:16
BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

August 13, 2009

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo HI 96720

Dear Mr. Fuke:

**Subject: Special Management Area Use Permit Assessment Application (SAA 09-000470)
Special Management Area Minor Permit No. 09-000121**

Applicant: Kako'o Ka'Umeke

**Land Owners: Makana Kai Limited Partnership: (Stanley Herbert
Roehrig and Janice Hodapp Roehrig)**

Request: Conversion of a Single-Family Dwelling into Meeting Rooms

Tax Map Key: 2-1-004:016 & 039, Keauhaka, South Hilo, Hawai'i

2-1-14:16

This is to acknowledge receipt on July 8, 2009 of the Special Management Area Use Permit Assessment Application for the conversion of portions of a single-family dwelling into meeting rooms and an educational/resource material repository and the construction of a parking area on the subject parcel.

The 1.135 combined acreage of both parcels are zoned Resort-Hotel District (V-0.75) and Open by the County and designated Urban by the State Land Use Commission. The parcel has frontage along the shoreline, though proposed work is to occur within the existing house structure or mauka (inland) of it.

For your information, Hawai'i Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(10)A(i and iii), state that "development" includes "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Change in the density or intensity of use of land, including but not limited to the division or subdivision of land." 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. 09-000121 is hereby issued for the conversion of a single-family dwelling to a meeting facility, resource center and office space on the

AUG 14 2009

Mr. Sidney Fuke
Page 2
August 13, 2009

subject parcels, 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 Dana Okano of this department at 961-8134.

Sincerely,



BJ LEITHEAD TODD
Planning Director

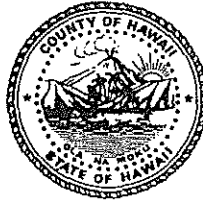
DO:cs
P:\Wpwin60\CZM\SMM\2009\SMM 09-121L Kakoo Ka Umeke.Rtf

Enclosures - SMM No. 09-000121
Department of Public Works August 12, 2009 Memo

xc w/encls: Long Range Planning
Mr. Norman Hayashi, Planning Commission
Mr. Robert Usagawa, Zoning Inspector

xc 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 9680

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 09-000121

Project: Conversion of a Single-Family Dwelling into Meeting Rooms
Applicant: Kako'o Ka'Umeke, Inc.
Landowner: Makana Kai Limited Partnership: Stanley Herbert and Janice Hodapp Roehrig
Tax Map Key: 2-1-014:016 and 039 **Combined Land Area:** 1.135 acres

Applicant's Request

1. Project Description:

The applicant proposes to convert approximately 3,151 square feet of the existing single-family dwelling into meeting rooms, a community resource center and office space. The remainder of the existing structure, approximately 3,600 square feet will continue to function as a single-family dwelling. This will require minimal interior improvements to the existing structure. In addition, the conversion of part of the dwelling into meeting rooms, a resource center and office space will also require the installation of additional parking stalls to accommodate the new use of the building. The proposed location of the parking area is inland of the existing structure and is currently used as a driveway for the dwelling. The applicant also seeks after-the-fact approval for two unpermitted improvements on the property, a "cap" over an existing rock wall that runs *mauka* to *makai* (inland to seaward) and a fence that runs parallel to a rock wall along the *makai* edge of the lot.

2. Purpose of Project:

The purpose of the project is to continue using the subject property and existing single-family dwelling as a residence, and to expand use of the dwelling to include a meeting facility and resource center for the community. There will be an average number of 15-20 participants utilizing the facility at a time, and they will also be allowed to bring their children to the facility while meetings are in progress.

3. Project Valuation: \$10,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i), and (iii) relating to the Special Management Area (SMA), the "Placement or erection of any

solid material or any gaseous, liquid, solid, or thermal waste,” and “Change in the density or intensity of use of land, including but not limited to the division or subdivision of land” are defined as “development.” Therefore, the proposed conversion of a single-family dwelling to meeting rooms, a resource center and office space requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Urban.
2. **General Plan:** Both parcels are designated Open along the coastal area and Resort inland.
3. **County Zoning:** Resort-Hotel District (V-0.75) and Open
4. **Special Management Area (SMA):** The parcels are located in the SMA and have frontage along the shoreline.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject parcels are located within Flood Zones “VE”.

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 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, Environmental Impact Statements.

Findings

The proposal to convert portions of the single-family dwelling to a meeting facility, resource center and office space, including the installation of a parking area, will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable or can be successfully mitigated against, and is 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 \$10,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 12, 2009 states in part the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, ... 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.

All construction shall comply with the requirements of Chapter 27, Flood Plain Management, of the Hawai'i County Code."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000121** is hereby approved to allow for the conversion of a single-family dwelling to a meeting facility, resource center and office space, including the addition of a parking lot, subject to the applicant's compliance with the conditions of approval as specified below.

The second part of the applicant's proposal, to obtain after-the-fact permits for the "cap" on the *mauka-makai* rock wall within proximity of the shoreline, and the fence along the *makai* seawall, can only be permitted by this agency once our jurisdiction for these structures has been established. Therefore, the request to waive the requirement for a certified shoreline survey is not granted and shoreline survey certified by the Board of Land and Natural Resources will be required as a condition of this permit for consideration under a subsequent SMA Assessment Application.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 09-000121**, subject to the following conditions:

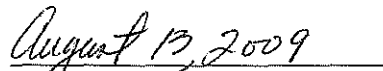
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall complete the interior renovations and parking lot construction within one (1) year 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.
4. The applicant shall obtain a certified shoreline survey from the Board of Land and Natural Resources, then submit a request to the appropriate jurisdictional authority to retain the "cap" on the *mauka-makai* wall and the fence along the *makai* seawall, within one (1) year from the date of this permit. All requirements of the jurisdictional authority regarding these improvements must be complied with in full.
5. A letter from State of Hawai'i Department of Health (DOH) must be obtained concurring with the applicant's assertion that the current wastewater facility at the

property (a cesspool) is of sufficient capacity to meet the increased demand of a single-family dwelling converted to a meeting facility, resource center and office space with up to 20 participants and their children utilizing the facility at a time, and that this wastewater system meets with DOH regulations regarding wastewater facilities for these types of uses. Any recommendations or requirements made by DOH regarding the system must be complied with in full. This letter from DOH must be submitted to the Planning Department prior to granting of Final Plan Approval. Any recommendations or requirements of DOH must also be a condition of Final Plan Approval.

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/owner, 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:


BJ LEITHEAD TODD
Planning Director


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: August 12, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: *for* *EG* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000470)

Applicant: Kako'o Ka 'Umeke

Land Owner: Makana Kai Limited Partnership

Request: Conversion of a SFD into School Offices and Meeting Rooms

Location: Waiākea, South Hilo, Hawaii

Tax Map Key: 2-1-14: 016 & 039

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo received today, dated July 14, 2009, and offer the following comments for your consideration.

The subject parcels are located entirely 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.

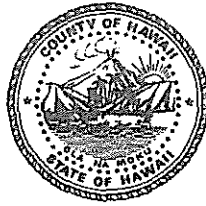
All construction shall comply with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code.

Questions may be referred to Mr. Frank DeMarco or Mr. Kelly Gomes at 961-8327.

KG

c: Frank DeMarco

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

September 9, 2010

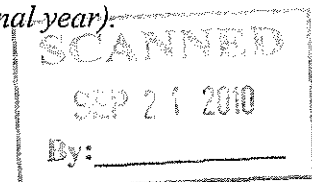
Ms. Sue Lee Loy
498 Auwae Road
Hilo, HI 96720

Dear Ms. Lee Loy:

SUBJECT: Special Management Area Minor Permit (SMM 09-000121)
Applicant: Sue Lee Loy
Land Owner: Makana Kai Limited Partnership (Stanley and Janice Roehrig)
Request: Time Extension for the Performance of Condition 4 SMM 09-000121
Tax Map Key: 2-1-004:016 and 39, Keaukaha, South Hilo, Hawai'i
2-1-014:

This is in response to a letter you sent to our office on August 11, 2010 and a conversation you had with my staff on September 9, 2010 requesting a time extension to ensure performance of condition 4 of SMM 09-000121. For your information, condition 6 of the permit (below) outlines the circumstances by which a time extension may be granted:

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).*



Ms. Sue Lee Loy
Page 2
September 9, 2010

After considering the circumstances surrounding the time extension request, we have determined that the non performance is a 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. Furthermore, granting the time extension is not contrary to the original reasons for granting the permit.

Based on the above, we are granting a one (1) year time extension to August 13, 2011, to obtain a certified shoreline survey from the Board of Land and Natural Resources.

Should you have any questions regarding this time extension, feel free to contact Christian Kay at 961-8136.

Sincerely,



BJ LEITHEAD TODD
Planning Director

CRK:cs

P:\wpwin60\CZM\Letters\2010\Makana Kau Ltd PartnershipSMM09-000121 amended.doc

cc: Stanley Roehrig
87 Keōkea LP
Hilo, HI 96720

cc. Long Range Planning