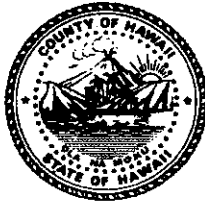


William P. Kenoi
Mayor



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

May 25, 2010

Mr. John R. Davis
16-1356 Keaau-Pāhoa Rd
Keaau HI 96749

Dear Mr. Davis:

SUBJECT: Special Management Area Use Permit Assessment Application (SAA 10-000566)
Special Management Area Minor Permit No. 10-000151
Applicant: John R. Davis
Land Owner: Hymin Zucker
Request: Removal of Coconut Tree on Parcel 24 and Routine Maintenance of
25-foot Strip Along South Side of Parcel 26
Tax Map Key: 2-6-1:24 and 26, Pu'u'eo, South Hilo, Hawai'i

This is to follow up on our May 3, 2010 letter relating to the above-referenced Special Management Area Assessment for the removal of a coconut tree on Parcel 24 and routine maintenance of a 25-foot strip along the south side of Parcel 26.

Parcel 24 consists of 12,821 square feet. Parcel 26 consists of 8,959 square feet. Both are designated Urban by the State Land Use Commission and zoned Resort-Hotel (V-.75) by the County. Although both are in the Special Management Area, only Parcel 24 has frontage along the coastline.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(B) relating to Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is 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. 10-000151 is hereby issued to allow for the removal of a coconut tree on Parcel 24 and routine maintenance of a 25-foot strip along the south side of Parcel 26, subject to the applicant's compliance with the conditions of approval as required by the permit.

Mr. John R. Davis

Page 2

May 25, 2010

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 961-8139.

Sincerely,



BJ LETTHEAD TODD
Planning Director

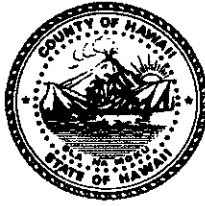
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Enclosures - SMM No. 10-000151
Department of Public Works May 12, 2010 Memo

cc w/Encls: Long Range Planning
Planning
Mr. Abbey S. Mayer, Director -- Office of Planning, DBED&T

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
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Special Management Area Minor Permit No. 10-000151

Project: Removal of Coconut Tree on Parcel 24 and Routine Maintenance of 25-foot Strip Along South Side of Parcel 26

Applicant: John R. Davis

Land Owner: Hymin Zucker

Tax Map Key: 2-6-1:24

Land Area: 12,821 sq. ft.

Tax Map Key: 2-6-1:26

Land Area: 8,959 sq. ft.

Applicant's Request

1. Project Description:

This proposal is for the removal of a coconut tree on Parcel 24 and routine maintenance of a 25-foot wide strip along the south side of Parcel 26.

2. Purpose of Project:

On Parcel 24, a tall coconut tree is leaning towards the Polynesia Capri Condominiums on the adjoining parcel to the south. Also, vegetation is encroaching along the rear of one condominium unit.

3. Project Valuation: \$500.00.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) relating to the Special Management Area, the "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.

2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcels as Open.
3. **County Zoning:** The subject properties are zoned Resort-Hotel (V-.75).
4. **Special Management Area (SMA):** Although Parcel 24 has frontage along the coastline, the coconut tree to be removed is over 50 feet from the ocean. Parcel 26 does not have frontage along the coastline.
5. **Flood Zone:** Flood Zone VE.

<p align="center">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>

Although Parcel 24 has frontage along the coastline, all work will be over 50 feet from the ocean. The proposed activity will not affect public access to the shoreline or negatively affect shoreline 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 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, 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 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 \$500 is not in excess of \$125,000.

By enclosed memorandum dated May 12, 2010, the Department of Public Works, Engineering Division had the following comments:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 3, 2010 and have no objections to the request.

Portions of the subject parcels are located in an area designated as Flood Zone VE 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 (tsunami) with velocity hazard."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 10-000151** is hereby approved to allow for the removal of a coconut tree on Parcel 24 and routine maintenance of a 25-foot strip along the south side of Parcel 26 with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 10-000151** 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 proposed work shall be completed within one (1) year from the date of this permit.
4. All green waste shall be collected and disposed of off-site at appropriate locations designated by the Department of Environmental Management for green waste.
5. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
6. Should any of the conditions not be met, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:


BJ LEITHEAD TODD
Planning Director

MAY 26 2010

Date

PLANNING DEPARTMENT
COUNTY OF HAWAII

2010 MAY 12 PM 2:26

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: May 12, 2010

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM:  Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 10-000566)

Applicant: John R. Davis

Request: Removal of Coconut Trees and Routine Maintenance

Tax Map Keys: 2-6-01: 024 & 026

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated May 3, 2010 and have no objections to the request.

Portions of the subject parcels are located in an area designated as Flood Zone VE 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 (tsunami) with velocity hazard.

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

