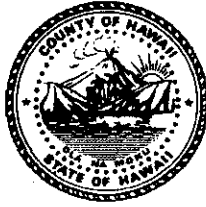


William P. Kenoi
Mayor



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

October 25, 2010

Mr. Paul Bleck, A.I.A., Ltd.
75-5940 Kuakini Highway, Suite 3
Kailua-Kona, HI 96745

Dear Mr. Bleck:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA 10- 000577)
Special Management Area Minor Permit No. 10-000163
Land Owner: Joe Trent and Elia Clifford
Request: Convert Existing Residential Garage to Auto Service
Garage Business, "Trent's Wheel Alignment"
TMK: 7-5-018:090, Waiaha 1st, North Kona, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 10-577), which you submitted on July 7, 2010. The applicant proposes to convert a portion of an existing single-family residence garage into, "Trent's Wheel Alignment", a commercial use.

The subject property consists of 11,158 square feet. The property is zoned Village Commercial (CV-10) by the County and is designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Medium Density Urban. Although, the entire parcel is located within the Special Management Area (SMA), it is not located within a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). We have waived the requirement for a Certified Shoreline Survey due to the fact that the subject property is approximately 1,200 feet from the shoreline.

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 (3) and Planning Commission (PC) Rule 9-4(e) (1) (C), "development" includes "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" It has been determined that the proposed change of land use from residential to commercial constitutes a change in the

Mr. Bleck, A.I.A, Ltd.

Page 2

October 25, 2010

intensity of the use of land. Therefore, this proposed project is considered to be "development" and requires a Special Management Area Minor Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special

Management Area Minor Permit No.10-000163 is hereby issued to allow the conversion of a portion of the existing single-family residence on the subject parcel into a commercial use. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Christian Kay of this department at 961-8136.

Sincerely,



BJ LEITHEAD TODD
Planning Director

CRK:cs

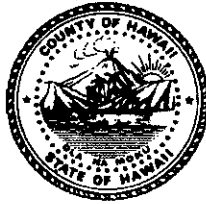
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Enclosure - SMM No. 10-000163
Department of Public Works Memorandum dated September 7, 2010

cc w/encls: Long Range Planning Division
Planning Division

cc ltr only: Mr. Abbey S. Mayer, Director

Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359



County of Hawai'i

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

Special Management Area Minor Permit No. 10-000163

Project: Convert Existing Residential Garage to Auto Service
Garage Business, "Trent's Wheel Alignment"
Applicants: Paul Bleck, A.I.A, Ltd.
Land Owners: Joe Trent and Elia Clifford
Location: Waiaha 1st, North Kona, Hawai'i
TMK: (3) 7-5-018:090 **Land Area:** 11,158 square feet

Applicant's Request

1. Project Description:

The applicant is seeking approval to convert a portion of an existing single family residence garage into a commercial wheel alignment business.

2. Purpose of Project:

Change of use from residential only to partial commercial use/residential use.

3. Project Valuation: \$2,000.00

4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 (3) and Planning Commission (PC) Rule 9-4(e) (1) (C), "development" includes "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" It has been determined that the proposed change of land use from residential to commercial constitutes a change in the intensity of the use of land. Therefore, the proposed land use change is considered "development" and requires a Special Management Area 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 Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Medium Density Urban.

3. **Community Development Plan:** The proposed project is consistent with the Kona Community Development Plan.
4. **County Zoning:** The parcel is zoned CV-10 (Village Commercial) by the County of Hawai'i. The proposed use is permitted under this zoning designation (Section 25-5-122).
5. **Special Management Area:** The entire parcel is located within the Special Management Area (SMA); however, it is not located within a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). The parcel is approximately 1,200 feet from the shoreline.
6. **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 proposed project will not have any affect on shoreline public access given that the subject property is approximately 1,200 feet from the shoreline.

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

The estimated project cost of approximately \$2,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 7, 2010, states the following:

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

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

A building permit will be required for the change of use. Different code sections and standards on building construction may apply.

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).

Zone "X" is not a designated Special Flood Area.

*Should there be any questions concerning this matter, please feel free to contact
Kiran Emler of our Kona Engineering Divisions at 327-3530."*


Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area
Minor Permit No. 10-000163** is hereby approved to allow the conversion of a portion of
the existing single family residence garage into a commercial use.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 10-000163** 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 Final Plan Approval and complete the alteration to the existing building within two (2) years 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.
3. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies, including the County Department of Public Works, as necessary to comply with all applicable laws and regulations.
4. 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).
5. 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

OCT 25 2010

Date


PLANNING DEPARTMENT
COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2010 SEP -8 AM 9:26

DATE: September 7, 2010

Memorandum

TO : B.J. Leithead-Todd, Planning Director
Planning Department

FROM : Ben Ishi, Acting Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit Assessment Application
(SAA 10-000577)
Applicant: Joe Trent and Elia Clifford
Location: North Kona, Hawaii
TMK: 3/7-5-018:090

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.

A building permit will be required for the change of use. Different code sections and standards on building construction may apply.

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).

Zone "X" is not a designated Special Flood Area.

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

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