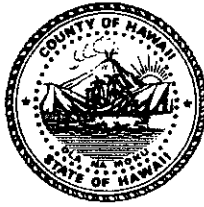


William P. Kenoi  
Mayor



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

March 31, 2011

Mr. Warren H.W. Lee, P.E.  
County of Hawai'i  
Department of Public Works  
101 Pauahi Street, Suite 7  
Hilo HI 96720

Dear Mr. Lee:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA 11-000645)  
Special Management Area Minor Permit No. 11-000172  
Applicant: County of Hawai'i, Department of Public Works  
Land Owner: Karen A. Kobayashi Trust  
Request: Construction of a Paved and Fenced 17-Space Parking Lot  
Tax Map Key: 7-6-15:12 & 13, North Kona, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on March 22, 2011 for the construction of a paved and fenced 17-space parking lot on the subject parcels.

Parcel 12 consists of 6,034 square feet and Parcel 13 consists of 7,500 square feet. Both are designated Urban by the State Land Use Commission and zoned Resort-Hotel (V-1.25) by the County. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Open and Medium Density Urban.

According to Hawai'i Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(e)(1)(B) and (E), "development" includes "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*", respectively. Therefore, the proposed activity is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

**MAR 31 2011**

Mr. Warren H.W. Lee, P.E.  
County of Hawai'i  
Department of Public Works  
Page 2  
March 31, 2011

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No.11-000172 is hereby issued to allow for the construction of a paved and fenced 17-space parking lot on the subject parcels. 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 Esther Imamura of this department at 961-8139.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

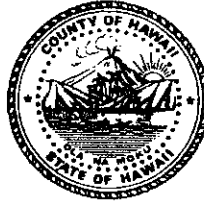
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Enclosure - SMM No. 11-000172

cc w/encls: Long Range Planning Division  
Planning Division  
Planning Department - Kona

cc ltr only: Ms. Mary Lou Kobayashi, Acting 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

### 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. 11-000172

**Project:** Construction of a Paved and Fenced 17-Space Parking Lot  
**Applicant:** County of Hawai'i, Department of Public Works  
**Land Owner:** Karen A. Kobayashi Trust  
**Location:** North Kona, Hawai'i  
**TMK:** 7-6-15:12                      **Land Area:** 6,034 square feet  
**TMK:** 7-6-15:13                      **Land Area:** 7,500 square feet

#### Applicant's Request

##### 1. Project Description:

The applicant proposes to construct a paved and fenced 17-space parking lot on the subject parcels. The project will include clearing and grubbing of the site, excavation/grading, paving, and fencing. Several existing trees and portions of the rock walls currently present on the site will be left in place. The parking lot will be fenced and gated and locked at night. It will include two parking stalls designed in accordance with the guidelines of the Americans with Disabilities Act (ADA).

The two parcels are leased by the County for a term of eight years, after which the landowner and County may negotiate to continue the lease.

##### 2. Purpose of Project:

This project will resolve problems associated with roadside parking by surfers, spectators and beachgoers at the surf site known as Banyans on the north side of Hōlualoa Bay. It will not solve all parking, congestion or safety problems in the area but it will generally contribute to a safer and less congested area.

##### 3. Project Valuation: \$115,000.00

##### 4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(B) and (E), "development" includes "Grading, removing, dredging, mining, or extraction of any materials" and "Construction, reconstruction, demolition, or alteration of the size of any structure", respectively. Therefore, the proposed paved and fenced 17-space parking lot is considered "development" and requires a Special Management Area Minor Permit.

### State and County Plans

1. **State Land Use District:** The subject parcels are designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Open and Medium Density Urban.
3. **County Zoning:** Both parcels are zoned Resort-Hotel (V-1.25).
4. **Special Management Area (SMA):** The subject parcels are located in the SMA. However, they are mauka of Ali'i Drive and the Kona Bali Kai Condominium. Therefore, they are not located in a "shoreline area" as defined by Section 205A-41, Hawaii Revised Statutes (HRS)."
5. **Flood Zone:** AE.

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

The project area does not have frontage along the coastline and there are no public access trails on or adjacent to the subject parcels. 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.

<b>Findings</b>
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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 \$115,000 is not in excess of \$125,000.

In the Final Environmental Assessment for the proposed Ali'i Drive Banyans Parking Lot dated April 2011, Section 3.1.2 Drainage, Water Features and Water Quality included the following comments regarding compliance with Chapter 27, Floodplain Management:

*"The project area has no perennial surface water bodies and no known areas of local (non-stream related) flooding. The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) FM1551660926E (6/2/1995) (Appendix 3) shows that the project site is in Flood Zone AE at approximately 15 feet in elevation."*

*"Parking lots, gates and signs are generally allowed uses within the AE flood zone. All designs must undergo internal DPW review to ensure conformance with Chapter 27 of the Hawai'i County Code."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000172** is hereby approved to allow for the construction of a paved and fenced 17-space parking lot, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 11-000172** 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 secure Plan Approval from the Planning Director for the proposed development within one (1) year from the date of approval of this permit.
4. All construction activities in connection with this project shall be completed within two (2) years from the date of Final Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
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. 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).
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

MAR 31 2011

Date