

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

August 4, 2011

Kona Reef AOA
75-5888 Ali'i Drive
Kailua-Kona HI 96740

Gentlemen:

**Subject: Special Management Area Use Permit Assessment Application (SAA 11-000687)
Special Management Area Minor Permit No. 11-000187**

Applicant: Kona Reef AOA

Request: Demolition of an Existing Structure and Construction of a Gazebo

Tax Map Key: 7-5-18:71, North Kona, Hawaii

This is to follow up on our July 25, 2011 letter relating to the above-referenced Special Management Area assessment for the demolition of an existing structure and construction of a gazebo on the subject parcel.

This 3.082 acre parcel is zoned Resort-Hotel (V-.75) by the County. It is designated Resort by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and Urban by the State Land Use Commission.

Although this parcel in the Special Management Area and has frontage along the shoreline, the project area is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(E), states that "Development" includes "*Construction, reconstruction, demolition or alteration of the size of any structure*". 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. 11-000187 is hereby issued for the demolition of an existing structure and construction of a gazebo subject to the applicant's compliance with the conditions of approval as specified in the permit.

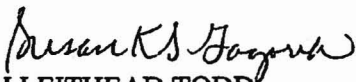
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Kona Reef AOA
August 4, 2011
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Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8139.

Sincerely,


BJ LEITHEAD TODD
Planning Director

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Enclosure - SMM No. 11-000187
Department of Public Works Memorandum dated July 28, 2011

xc w/encls: Long Range Planning ✓
Planning
Planning Department – Kona

xc ltr only: Mr. Jesse K. Souki, Director
Office of Planning, DBEDT
P.O. Box 2359
Honolulu, HI 96804-2359

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Special Management Area Minor Permit No. 11-000187

Project: Demolition of an Existing Structure and Construction of a Gazebo
Applicant: Kona Reef AOA
Location: North Kona, Hawaii
TMK: 7-5-18:71 **Land Area:** 3.082 acres

Applicant's Request

1. Project Description:

The applicant proposes to demolish an existing structure and construct a gazebo.

2. Purpose of Project:

The existing structure is deteriorating and must be removed. An exact copy of the gazebo will be erected in the same location.

3. Project Valuation: \$12,500

4. Determination:

Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)1)(E) relating to the Special Management Area, states that "Development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure*". Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Urban.
- 2. General Plan:** It is designated Resort by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. Kona Community Development Plan (KCDP):** The proposed activity is not contrary to the goals, objectives and policies of the KCDP.
- 4. County Zoning:** The subject property is zoned Resort-Hotel (V-.75).

5. **Special Management Area (SMA):** The subject property is located in the SMA. However, the project area is a portion of Building F and mauka of Building C. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

6. **Flood Zone:** Flood Zone "X".

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

The subject property has frontage along the ocean. However, the project site is a portion of Building F and is mauka of Building C. Therefore, the proposed project 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, 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 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 \$12,500 is not in excess of \$125,000.

The enclosed Department of Public Works (DPW), Engineering Division memorandum dated July 28, 2011 states the following:

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

The gazebo replacement project is a portion of Building F which is within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The subject project is not subject to regulations under Chapter 27 of the Hawai'i County Code."

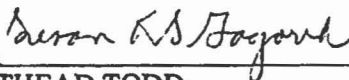
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000187** is hereby approved for the demolition of the existing structure and construction of a gazebo, subject to the applicant's compliance with the conditions of approval as specified below.

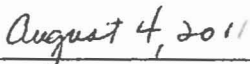
Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 11-000187, 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 other affected agencies.
3. The applicant shall secure a demolition permit and the building permit within one (1) year from the date of approval of this permit.
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:


for BJ LEITHEAD TODD
Planning Director




Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: July 28, 2011

Memorandum

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

FROM : Ben Ishii, Division Chief 
 Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 11-000687)
Applicant: Kona Reef AOAO
Location: North Kona, Hawaii
TMK: 3 / 7-5-018:071

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

The gazebo replacement project is a portion of Building F which is within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The subject project is not subject to regulation under Chapter 27 of Hawaii County Code.

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