



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. 11-000192

Project: Restaurant Renovation
Applicant: Armando Altamirano
Location: North Kona, Hawai'i
TMK: 7-5-9:34

Land Area: 0.301 acre

Applicant's Request

1. Project Description:

The applicant is proposing exterior and interior modifications to the existing two story commercial building. Exterior renovations include new wall sections, replaced roofing, redesigned railings and new exterior finishes/colors. Most of the proposed work involves substantial reconstruction of the interior walls, plumbing, electrical and waste-handling systems for a new restaurant operation.

There will be no increase in gross floor area or changes to the building structure which would alter its existing "footprint".

The existing landscaping will be renovated with selective replacements and minor improvements.

- 2. Purpose of Project:** The applicant proposes to create a modern, attractive, code-compliant and energy-efficient restaurant. A portion of the second floor will be made available for office or other commercial uses.

- 3. Project Valuation:** \$245,500

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, the "*Construction, reconstruction, demolition or alteration of the size of any structure*" is defined as "development." Therefore, the proposed restaurant renovation requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** According to the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, the parcel is designated Resort Node.
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 but does not have frontage along the coastline. It is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
6. **Flood Zone:** "X"

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

The subject property does not have frontage along the coastline and is between Ali'i Drive and Walua Road. Therefore, the restaurant renovation 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 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, 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 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 construction cost of \$245,500 is not in excess of \$500,000.

By memorandum dated September 1, 2011 the Department of Public Works, Engineering Division stated that:

"We reviewed the subject application and attached plans fo [sic] compliance to Chapter 27 and our comments are as follows:

We have determined that the subject property is located within Flood Zone "X" according to the current Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Therefore the proposed development will not currently be regulated under Chapter 27 Floodplain Management of Hawai'i County Code.

We noted by inspection of the plans and subsequent site inspection that existing landscaping shown to be within the County right-of-way severely limits sight distance at the driveway approach to Walua Road. The applicant will be required to remove any such obstructions. Existing and proposed private electrical equipment is also located within the County right-of-way. Unpermitted encroachments in the County right-of-way are prohibited by Chapter 22-2-1 of Hawai'i County Code.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4850."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000192** is hereby approved to allow for the restaurant renovation, 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. 11-000192** 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 restaurant renovation 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 comply with all applicable requirements of the State Department of Health, the Hawaii County Department of Public Works and applicable requirements of other affected agencies.
4. Prior to obtaining a building permit, submit documentation from the Department of Public Works, Kona Engineering Division that the requirements noted on their September 1, 2011 memorandum has been satisfactorily addressed.
5. The restaurant renovation is subject to the requirements of Chapter 20 - Refuse, of the Hawaii County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division (961-8339). For your information, we have enclosed a copy of their Solid Waste Demolition Diversion Plan Guidelines. While you may not be required to prepare a Solid Waste

Demolition Diversion Plan we highly recommend the recycling of all reusable materials. Please contact the Department of Environmental Management, Recycling Section at 961-8942 for information about recycling programs in Hawai'i County.

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.

If you have questions, please contact Esther Imamura of this office at 961-8139.

APPROVED:

SEP 07 2011


BJ LEITHEAD TODD

Date