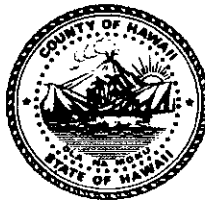


William P. Kenoi
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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 12-000215

Project: Demolition of Non-Conforming Dwelling and Construction of New Dwelling
Applicant(s): Dwayne Lerma and Joanne Goya
Owner(s): Dwayne Lerma and Joanne Goya
Location: Pu'ueo, South Hilo, Hawai'i
TMK: (3) 2-6-001:019 **Land Area:** 9,960 square feet

Applicant's Request

1. Project Description:

The proposed development involves the demolition of an existing dwelling and the construction of a single-family residence comprising of 5,400 square feet. The building foot print will consist of approximately 2,488 square feet which will need to be graded, leveled, and compacted. Retaining walls will be constructed and six parking stalls will be provided, two of which will be for compact vehicles. In addition, existing vegetation and trees encroaching upon the building area will be removed. Applicants propose connecting to the County of Hawai'i waste water system. Otherwise, applicants propose a septic system be installed. The other existing single-family residence on the subject property will remain unaltered.

2. Purpose of Project:

The applicant would like to demolish the dwelling as it is unsightly, aged, dangerous, and does not conform to current codes. The new residence will comply with current building codes and floodplain management requirements.

3. Project Valuation: \$400,000

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 demolition of an existing non-conforming dwelling that is no longer occupied and its replacement with a new dwelling on the same sight is considered "development" and requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is located in the State Land Use Urban District.
2. **General Plan:** The parcel is designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The subject property is zoned Resort-Hotel (V-.75).
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X and VE

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

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 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 \$400,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 16, 2012, states the following:

"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated April 3, 2012 and offer the following comments for your consideration.

The proposed location of the new dwelling is 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 flood (1% chance of occurring a=in any given year). Construction of the new dwelling shall comply with the requirements of Chapter 27 of the Hawai'i County Code.

All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000215** is hereby approved for the demolition of an existing non-conforming dwelling that is no longer occupied and its replacement with a new dwelling on the subject parcel, 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. 12-000215**, 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 single-family dwelling within one (1) year from the date of approval of this permit.
4. The construction of the single-family dwelling shall be completed within two (2) years from the date of approval of this permit.
5. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the 20 foot shoreline setback area. In addition, the use of mechanized equipment within 20 feet of the shoreline is strictly prohibited.
6. A construction barrier, meeting with the approval of the Planning Director, shall be erected along the 20-foot shoreline setback line fronting the subject properties prior to the commencement of any clearing activities and shall remain in place until the work is completed.
7. The construction barrier must be shown and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, "the construction (and/or erosion control) barrier must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works (or Planning Department)."
8. Demolition of the existing dwelling and the disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division. Their office may be reached at 961-8339.

9. Landscaping and irrigation shall be contained and maintained within the property lines of the lot of origin, and shall under no circumstances extend seaward of the shoreline as depicted on the certified shoreline survey for the lot dated April 4, 2011.
10. 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.
11. 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).
12. 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 feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:


BJ LEITHHEAD TODD
Planning Director

APR 24 2012

Date