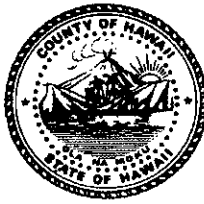


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

Special Management Area Minor Permit No. 12-000217

Project: New Construction and Commercial Activity
Applicant: Kamehameha Investment Corporation (KIC)
Land Owner: Kamehameha Investment Corporation (KIC)
TMK: 7-8-12:13 Land Area: 10,005 sq. ft.
B.P. Bishop Estate/Kona Surf Partners LLC
TMK: 7-8-10:59 Land Area: 1.723 acres
B.P. Bishop Estate/Alberto Lagunero
TMK: 7-8-10:44 Land Area: 25.239 acres
Keauhou, North Kona, Hawai'i

Applicant's Request

1. Project Description:

Proposed for TMK: 7-8-12:13 (Keauhou-Kona Yacht Club)

- a. Installation of a 5-foot wide concrete sidewalk along the southern boundary of the property, abutting the expanded concrete lanai area and continuing up to the proposed, approximately 25-foot long ADA ramp that would provide access to the existing concrete pad.
- b. ADA upgrades which include an ADA ramp to provide a smooth, level and safe access route to the platform. Also proposed are retrofitting of the existing concrete driveway at the northeast corner of the property to accommodate a van and access aisle and installation of a new ADA access route, with signage, in order to meet current ADA requirements. This new ADA access route will join the new parking area with the building. Also included are new concrete sidewalks and walkways to ensure safe access.
- c. A fire pit will be located just mauka of the existing concrete platform and flagpole, outside of the shoreline setback area. This approximately 8-foot by 10-foot rectangular pit lined with sand will be enclosed by landscape rock walls roughly the same height as the elevated makai platform. These walls, with no footing excavation or rip rap, will be held together with mortar and the top capped with concrete. The fire pit will utilize

propane with gas lines installed under the expanded concrete lanai and buried under the grassy area or the use of portable propane tanks.

- d. The existing 2,914 square foot concrete lanai area will be expanded to approximately 3,315 square feet. Also proposed is a free standing roof structure with gutters supported by columns over the expanded lanai. The roof structure would be low slope metal roofing installed over plywood sheeting. All of these proposed improvements are outside of the 20-foot shoreline setback area.
- e. Additional structures include a bike rack, kayak rack and outdoor shower in the mauka northeast area of the property.
- f. A snack bar will be established in the southern portion of the existing structure to serve guests of the nearby Sheraton Keauhou Resort, as well as visitors and residents engaging in recreational activity at Keauhou Bay. The snack bar would be within the footprint of the existing structure.

The staging area to accommodate the storage of materials and heavy equipment will be established at the existing driveway location, over 100 feet mauka of the 1983 certified shoreline.

Proposed for TMK: 7-8-10:59 and 44

Parking for the existing and proposed uses on the subject property will also be available at the Sheraton Keauhou Bay Resort parking area on Parcel 59 as well as on an existing graveled parking area on Parcel 44. Both areas are located within 1,000 feet of Parcel 13.

2. Purpose of Project:

In conjunction with addressing tsunami damage, other repairs to and routine maintenance of existing features due to general deterioration over time are needed for Parcel 13. The facility will be upgraded to comply with ADA requirements, and additional elements added to enhance the use of the existing structure. Additional parking will be provided off site on Parcel 59 and Parcel 44.

- 3. **Project Valuation:** The \$450,000 total for SAA 11-000720 covered the cost of the repair and renovation to Keauhou-Kona Yacht Club and other structures as well as for the new construction and commercial activity.

4. Determination:

Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B) and(E) relating to the Special Management Area, states that "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 project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** All three parcels are designated Urban.
2. **General Plan:** According to the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, Parcel 13 is designated Open, Parcel 59 is designated Resort Node and Parcel 44 is designated Resort Node and Open.
3. **Kona Community Development Plan (KCDP):** One of the Guiding Principles in the KCDP is to "*Provide Recreational Opportunities: Future growth should provide a diversity of recreational opportunities that are well-maintained, attractive, and easily accessible to the entire community*".
4. **County Zoning:** All three are zoned Resort-Hotel (V-.75, V-1.25, V-1.75 or V-4).
5. **Special Management Area (SMA):** The project sites are located in the SMA, but only Parcel 13 has frontage along the shoreline. However, this shoreline was certified to be along the face of the seawall on August 29, 1983.
6. **Flood Zone:** Parcel 13 - "VE, AE and X"; Parcels 44 and 59 - Zone "X".

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

Only the project site on Parcel 13 has frontage along the ocean. An ADA ramp will be installed to provide access to the existing makai concrete pad with stairs. No additional structures or uses are proposed within the 20-foot shoreline setback area. 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 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, 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 \$450,000 (including tsunami repairs and improvements included in SAA 11-000720) is not in excess of \$500,000.

The enclosed Department of Public Works (DPW), Engineering Division memorandum dated April 18, 2012 states the following:

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

We have determined that parcel 13 is located within Flood Zone 'VE, AE and X' and parcels 44 and 59 are in Zone X according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawai'i. Zone 'X' is not a designated Special Flood Hazard Area. A Zone 'X' designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Alteration of, or any new construction, improvements to repetitive loss structures or substantial improvements of structures within Parcel 13 will be subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawai'i County Code.

We wish to report our involvement to date on your list of 7 New Construction and Uses. A building permit is required for items 4-6. The applicant is in the process of obtaining necessary documentation to submit for compliance to Chapter 27 for items 1-6 in addition to the repairs of the existing structure. Item 7 is not subject to regulation under Chapter 27."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000217** is hereby approved for the proposed projects on the three parcels, 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. 12-000217 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. Plan Approval for the proposed new construction and commercial activity shall be secured within one (1) year from the date of approval of this permit.
4. Submit copy of the Parking Agreement for use of Parcel 44 from B.P. Bishop Estate/Alberto Lagunero prior to Plan Approval review.
5. The Building Permit for the proposed new construction and commercial activity shall be secured within one (1) year from the date of Final Plan Approval.

6. For Parcel 13:


- a. The public shall be allowed safe pedestrian lateral access along the shoreline at all times during the construction period.
- b. Best Management Practices regarding water quality must be strictly adhered to at all times.
- c. Comply with the requirements of Exhibit H, Best Management Practices, as amended by the Planning Director. (Please refer to the enclosed April 12, 2012 Planning Department letter.)
- d. A construction and dust barrier must be installed 20 feet from and parallel to the makai property line, from the north side property line to 8' from the southern property line. This would allow for the installation of the ADA ramp within the shoreline setback area. This must be installed prior to the commencement of any land altering and construction activities and shall remain in place until final inspection has been granted by the Building Division for the proposed work.
- e. A construction and silt barrier must be installed along the southwest property line that is within the 20-foot shoreline setback area prior to and during construction of the ADA ramp.
- f. The construction, dust and silt barriers 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, dust and silt barriers must be erected prior to any land altering or construction activities, and must remain in place until final inspection by the Department of Public Works".
- g. No construction activities, including, but not limited to, the stockpiling of construction materials or equipment, shall occur makai of the construction, dust and silt barriers.
- h. The area makai of the construction, dust and silt barriers shall be kept clear of any rubbish or debris resulting from the construction activities at all times.
- i. The construction, dust and silt barriers must be properly maintained to serve their intended purpose and shall remain in place until all construction activities are completed.
- j. No further construction, land alteration or landscaping shall occur within the 20-foot shoreline setback area without prior written approval of the Planning Director.
- k. The unpermitted pavilion-type structure shall be removed prior to final inspection of all construction activities by the Department of Public Works.
- l. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawaii Revised Statutes.
- m. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, petroglyphs, 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.

7. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
- 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;
 - Granting of the time extension would not be contrary to the original reasons for the granting of the determination; and
 - 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).
8. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

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

APPROVED:


BJ LEITHEAD TODD
Planning Director

MAY 15 2012

Date