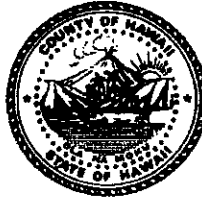


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

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## County of Hawai'i

### PLANNING DEPARTMENT

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### **Special Management Area Minor Permit No. 12-000244**

**Project:** Remove and Replace Existing Curb Wall that Supports a 4' High Security Fence at Makai Pool  
**Applicant:** Tamarock Masonry, Inc.  
**Land Owner:** Casa De Emdeko, Inc.  
**Location:** North Kona, Hawai'i  
**TMK:** (3) 7-5-020:007 **Land Area:** 3.843 acres

#### **Applicant's Request**

**1. Project Description:**

The existing curb wall that supports a 4' high security fence at makai pool will be removed and replaced with a new curb wall. Fiber rebar will be used for reinforcement to avoid future corrosion. 4000 PSI concrete will be placed in forms for a new curb wall. Unitex Solvent Seal will be applied at finish for extra protection from the elements.

**2. Purpose of Project:**

Due to ocean exposure, the existing wall can no longer be expected to support this stainless steel security fence. There is evidence of major cracking and spalling. The proposed repairs will secure fencing and protect the building structures and public safety in the event of high surf.

**3. Project Valuation:** \$24,220

**4. Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule 9-4(e)(1)(E) relating to Special Management Area, "development" does include "Construction, reconstruction, demolition, or alteration of the size of any structure." Therefore, we have determined that the proposed removal and replacement of the existing curb wall that supports the security fence at the makai swimming pool 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 Districts.
- 2. General Plan:** The parcel is designated as Open and Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** The property is zoned Resort-Hotel (V-1.5) by the County of Hawai'i.

4. **Flood Zone:** X

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 \$24,220 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 5, 2012, states the following:

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

*We have determined that the subject project is located within Flood 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 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."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000244** is hereby approved for the removal and replacement of the

existing curb wall on the subject property 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. 12-000244**, 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 construction methods listed in the application shall be strictly adhered to. All construction activities shall be completed within one (1) year from the date of approval of this permit.
4. No heavy equipment shall be used in the shoreline setback area.
5. No construction equipment or materials shall be placed makai of the salt water pool.
6. The area makai of the seawall shall be kept clear of any rubbish or debris at all times.
7. The public shall be allowed pedestrian lateral access makai of the salt water pool at all times.
8. Artificial light from exterior lighting fixtures, including, but 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 Chapter 205A-71(b), Hawai'i Revised Statutes.
9. 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.


10. 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).

11. Any deviation from the above conditions will automatically result in the termination of this approval and the applicant shall be responsible to restore the area to its original condition within 30 days of notice of termination by the Planning Director. Failure to abide by this notice of termination shall result in Penalties as provided for in Planning Department Rule 11-14, Penalties.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:

  
f BJ LEITHEAD TODD  
Planning Director

NOV 13 2012

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Date