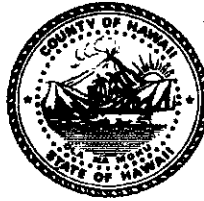


William P. Kenoi  
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Director

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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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**Special Management Area Minor Permit No. 13-000254**

**Project:** Remove the Existing Dwelling with Carport and Construct a 6-Unit Apartment Building with Parking and Related Improvements  
**Applicant:** Henry James Correa, Jr. and Kristie Lee Correa  
**Land Owner:** Henry James Correa, Jr. and Kristie Lee Correa  
**Location:** Pu'u'eo, South Hilo, Hawai'i  
**TMK:** 2-6-2:21 **Land Area:** 8,979 square feet

**Applicant's Request**

**1. Project Description:**

Proposed are the removal of the existing dwelling with carport and the construction of a 6-unit apartment building with parking, landscaping and other related improvements.

The 3-story 3,528 square feet building will have three 2-bedroom units, one studio, one 3-bedroom unit and a 1-bedroom ADA compliant unit. There will be an ADA parking space, 3 covered parking spaces and 6 spaces in a paved parking area. Stairways are on the south side of the building.

It is served by the County sewer system.

**2. Purpose of Project:**

The project presents a new private facility to provide local housing.

**3. Project Valuation:** \$395,000

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed project 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. **Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD):** According to Hawai'i Revised Statutes (HRS) Chapter 6E-2, “*‘Historic property’ means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old*”. The dwelling was constructed in 1959. Therefore, DLNR-SHPD requires a review for the removal or demolition of any structure that has been flagged as potentially historic.
3. **General Plan:** The parcel is designated Medium Density Urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. It is characterized as “*Village and neighborhood commercial and single family and multiple family residential and related functions (multiple-family residential – up to 35 units per acre).*”
4. **County Zoning:** It is zoned Neighborhood Commercial (CN-10).
5. **Special Management Area (SMA):** Although the subject property is in the SMA, it is over 530 feet from the coastline. 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”

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

The subject parcel is approximately 530 feet from the coastline. Therefore, the proposed improvements will not affect public access to the shoreline or negatively affect shoreline 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, 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 \$395,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated December 11, 2012 states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated October 19, 2012 and have no objections to the request.*

*The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000254** is hereby approved for the removal of the existing dwelling with carport and the construction of a 6-unit apartment building with parking and other related improvements on the subject parcel. This approval is 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. 13-000254** 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. Plan Approval shall be secured for the construction of the 6-unit apartment building within one (1) year from the date of this SMA Minor Permit.
4. Prior to the removal of the dwelling, the applicant shall provide the Planning Director with a copy of the Department of Land and Natural Resources, State Historic Preservation Division determination regarding this potentially historic structure.


5. Should the existing dwelling with carport be demolished instead of removed:
  - a. The total Cost/Fair Market Value of Development must be amended to include the cost of this activity before any demolition occurs. In the event the cumulative total valuation of the proposed project exceeds \$500,000, further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure will be required.
  - b. A Solid Waste Management Plan must be prepared to detail the disposition of demolition materials and a Landfill Disposal Permit procured if required by the Department of Environmental Management, Solid Waste Division.
6. The removal of the existing dwelling with carport and the construction of a six-unit apartment building with parking and other related improvements shall be completed within two (2) years from the date of approval of this permit.
7. Prior to its relocation, the applicant shall provide the Planning Director with the tax map key number of the parcel to which the dwelling and carport would be relocated.
8. Should the Department of Public Works, Building Division require any changes/additions to the construction plans submitted with this SMA assessment application, you must provide us with a revised cumulative Total Cost/Fair Market Value of the development, based on their "estimated valuation for all work to be performed" amount. In the event the cumulative total valuation of the proposed project exceeds \$500,000, further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure will be required.
9. Prior to any construction or land altering activities, submit a copy of the **issued** building permit which includes the final estimated building valuation that will be necessary to complete this project.
10. In issuing this permit, the Department has relied on the information and data that the applicant(s) has provided in connection with this permit. If, subsequent to this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and 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.
12. 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;

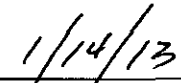
- b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
- c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).

13. 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 (808) 961-8139.

APPROVED:

  
\_\_\_\_\_  
B. LEITHEAD TODD  
Planning Director

  
\_\_\_\_\_  
Date