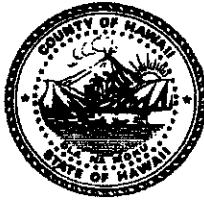


William P. Kenoi
Mayor



BJ Leithead Todd
Director

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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 13-000255

Project: Solar Roof Mount Photovoltaic Installation on Three Existing Buildings
Applicant: AOA Kona Reef, Inc.
Land Owner: AOA Kona Reef, Inc.
Location: North Kona, Hawai'i
TMK: 7-5-18:71 **Land Area:** 3.082 acres

Applicant's Request

1. Project Description:

This application is for the solar roof mount photovoltaic installation on three existing buildings of the Kona Reef AOA on the subject parcel.

The installation will be secured to the roof, with electrical equipment wall mounted and/or installed on the existing slab in the parking garage. The entire installation will be confined to the building's rooftops and interior. No land will be trenched, graded, leveled, exacted or otherwise modified to complete the installation.

A crane, concrete truck, and other heavy vehicles will be required to complete the system installation. Heavy machinery will be contained to existing paved roads.

All materials will be delivered to the site and staged on the existing asphalt of the parking and driveway areas. All materials will be delivered directly to the site in one or two full size shipping containers. From the containers a crane or boom lift will be used to elevate the modules and mounting hardware to each of the three building's rooftops.

2. Purpose of Project:

The applicant is proposing to offset roughly 70% of the annual demand for the common loads at Kona Reef AOA with emission free renewable solar energy.

3. Project Valuation: \$385,343.

4. Determination:

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9-4(e)(2)(E) states that "Development" includes "Construction, reconstruction, demolition, or alteration of the size of any structure". Therefore, the solar roof mount photovoltaic installation on three

existing buildings of the Kona Reef AOA requires a Special Management Area (SMA) Minor Permit.

State and County Plans

1. **State Land Use District:** It is designated Urban.
2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open and Resort Node.
3. **County Zoning:** It is zoned Resort-Hotel (V-.75).
4. **Special Management Area (SMA):** Although it is in the SMA with frontage along the coastline, the project will be contained to the roof tops and internal areas of the buildings. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** "AE" for Buildings A, B, C, D and E; "X" for Building F.

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

The project area is contained to the roof tops and internal areas of the buildings. Therefore, the proposed project 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 improvement. 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 Hawai'i 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 tsunامي, 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 cost of approximately \$385,343 is not in excess of \$500,000.

Upon review of the enclosed January 7, 2013 memorandum, the Department of Public Works, Engineering Division stated the following:

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

We have determined that, based on elevations provided on some original site plans in our files, Buildings A, B, C, D and E are located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Building F is located in Zone X.

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.

Substantial improvements of Buildings A-E are subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawai'i County Code. The proposed solar system improvements alone do not rise to the level of "substantial improvements" as defined by Chapter 27."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000255** is hereby approved to allow for the solar roof mount photovoltaic installation on three existing buildings, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

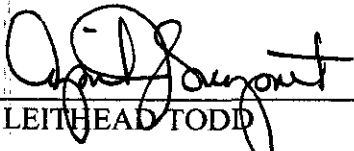
The Planning Director has approved **SMA Minor Permit No. 13-000255** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of the State Department of Health, the County Department of Public Works and applicable requirements of other affected agencies.
3. All construction activities shall be completed within one (1) year from the date of this letter.
4. The project area and the area makai of the buildings shall be kept clear of any rubbish or debris resulting from the construction activities at all times.
5. 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).
6. 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.

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

APPROVED:



BJ LEITHEAD TODD

1-25-13

Date