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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 13-000274

Project: Conversion of Existing Single-Family Dwelling into a Surfing and Aqua Related Rental Shop and Related Improvements
Applicant: Dominic Del Rosario
Land Owner: Cook Girls' Trust
Location: Kahalu'u Beach Lots, North Kona, Hawai'i
TMK: (3) 7-8-014:037, 038 Land Area: 11,630 square feet

Applicant's Request

1. Project Description:

The applicant proposes to renovate and convert an existing 864 square foot single-family dwelling into his surfing and aqua related rental shop. The adjoining contiguous property mauka of the dwelling would also be improved with either asphalt/ concrete or concrete 3-stall parking area.

2. Purpose of Project:

The purpose of the project is to renovate the single-family dwelling to accommodate the building code's change of occupancy requirement as well as the provision of handicapped accessible parking and restroom.

3. Project Valuation: \$250,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4 (e) (1) (A) and PC Rule 9-4 (e) (1) (C), "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste," and "Change in the density or intensity of use of land, including but not limited to the division or subdivision of land," are not exempt from the definition of "development." Therefore, the proposed project including parking improvements on the vacant parcel and the renovation and conversion of the existing single-family dwelling into a surfing and aqua related rental shop requires a review against SMA rules and regulations.

State and County Plans

1. **State Land Use District:** The subject parcels are designated Urban by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Medium Density Urban.
3. **County Zoning:** The subject parcels are zoned V-1.25 (Resort-Hotel) by the County of Hawai'i.
4. **Special Management Area (SMA):** The subject parcels are located entirely within the SMA. However, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** X.

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 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 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$250,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated June 4, 2013, states the following:

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

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency

Management Agency (FEMA). There are no regulations for the project to conform with under Chapter 27 of Hawai'i Code.

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."

Pursuant to Planning Commission Rule 9-10(e), Special Management Area Minor Permit No. 13-000274 is hereby approved to allow the renovation and conversion of the existing single-family dwelling into a surfing and aqua related rental shop and parking improvements on the subject properties.

Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 13-000274 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. Applicant shall remove all existing encroachments into the property's minimum front and side yards or secure a Variance from Chapter 25, Zoning, Minimum yards, from the Planning Department within ninety (90) days of the date of this permit. Failure to remove the encroachments may result in Penalties as provided for in PC Rule 9-17, Penalties.
4. Applicant shall secure Plan Approval from the Planning Department for the proposed development within one year from the date of this permit.
5. Archeological monitoring shall be conducted for all ground disturbing construction activities, including but not limited to the installation of the septic system and driveway improvements.
6. Any further grading, grubbing, filling or other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. 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.

8. 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).
9. 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.

APPROVED:


for DUANE KANUHA
Planning Director

JUN 12 2013

Date