



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. 13-000280

Project: Renovate Existing Bed and Breakfast / Raze and Rebuild Caretaker's Room
Applicant: Bruce and Kerry-Ann Bromberg
Landowner: Bruce and Kerry-Ann Bromberg
Location: Puakō, South Kohala, Hawai'i
TMK: (3) 6-9-003:031 **Land Area:** 12,754 s.f.

Applicant's Request

1. Project Description:

The proposed project is to renovate the existing 4-room bed and breakfast establishment and to raze and reconstruct the detached 480 s.f. caretaker's room. Approximately 2,000 s.f. of the subject property will be graded to accommodate the reconstruction of the caretaker's room and lanai renovations. The renovations will not increase the current covered floor area of approximately 2,899 s.f.

2. Purpose of Project:

The project will renovate the existing bed and breakfast establishment and move the caretaker's room, which is currently within the rear-yard setback, to the original location approved by SMA 419 that conforms to the setback requirements of Chapter 25 (Zoning Code) of the Hawai'i County Code.

3. Project Valuation: \$230,000.

4. Determination:

According to Chapter 205A-22, HRS, as amended, relating to the Special Management Area, "development" includes the "Construction, reconstruction, demolition, or alteration of the size of any structure", therefore the renovation of the existing Bed and Breakfast establishment and the demolition and reconstruction of the caretaker's room as presented in SAA 13-1006 is considered "development", requires review against the Special Management Area rules and regulations, and requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated as Low Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Single Family Residential (RS-10) by the County of Hawai'i.

3. **County Zoning:** The parcel is zoned Single Family Residential (RS-10) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** AE and AO.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>
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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 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 renovation of the existing 4-room bed and breakfast establishment and the demolition and reconstruction of the detached 480 s.f. caretaker's room is consistent with the Hawai'i County General Plan, the Zoning Code, and SMA Use Permit No. 419 and Use Permit No. 186.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$230,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 23, 2013, states the following:

"We reviewed the subject application and the encroachment survey forwarded to us on 8/21/13 and our revised comments are as follows:

We have determined that the subject property is located within Flood Zone "AE and AO" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Alteration of, or any new construction, improvements to repetitive loss structures or substantial improvements of structures within Parcel (3) 6-9-003:031 will be subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawai‘i County Code.

If the CRM walls shown on the encroachment survey dated May 15, 2013, were constructed after May 5, 1982, they are subject to regulation under Chapter 27 Section 27-18. Encroachments and or obstructions in the flood plain that can potentially block or impede flow, must be certified by a licensed civil engineer, with supporting data that, as a result of the encroachments, no increase in the base flood elevation occurs during the base flood discharge.

According to the encroachment survey, dated May 15, 2013, one of the CRM walls and electric meter pedestal are encroaching in Puako Beach Drive right-of-way. Such right-of-way encroachments shall be removed from the right-of-way and the road shoulder restored, meeting with the approval of the Department of Public Works.

In 2008, the Federal Emergency Management Agency (FEMA) issued a Hurricane Study for Hawai‘i County. In terms of potential risk to life and property, the more protective Base Flood Elevations and Special Flood Hazard Areas from FEMA’s hurricane study, were incorporated onto FEMA’s July 2011, Preliminary Digital Flood Insurance Rate Maps (Preliminary DFIRMs). Until FEMA’s Preliminary DFIRMs become effective, the County will continue using FEMA’s current effective Flood Insurance Rate Maps and Flood Insurance Study for Hawai‘i County. We advise all coastal property owners to review FEMA’s Preliminary DFIRMs and design/construct as appropriate. The Preliminary DFIRMs can be reviewed at the State of Hawai‘i, Department of Land and Natural Resources’ website: <http://gis.hawaiiinfip.org/fhat/>.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851.”

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 13-000280** is hereby approved for the renovation of the existing 4-room bed and breakfast establishment and for the demolition and reconstruction of the detached 480 s.f. caretaker’s room, subject to the applicant’s compliance with the conditions of approval as specified below.

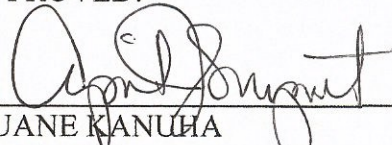
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 13-000280**, 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, its successors or assigns shall be responsible for complying with all stated conditions of Special Management Area Use Permit No. 419 and Use Permit No. 186, which approved the 4-bedroom bed and breakfast operation.

3. 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.
4. Per the enclosed memorandum dated August 23, 2013 from the Department of Public Works, the CRM wall and electric meter pedestal that are encroaching in the Puakō Beach Drive right-of-way shall be removed from the right-of-way and the road shoulder restored, meeting with the approval of the Department of Public Works. The applicant shall obtain written approval from the Department of Public Works, Engineering Division, confirming the satisfactory removal of said encroachments and restoration of the roadway shoulder and submit a copy to the Planning Department within one (1) year of the date of this permit.
5. Per the enclosed memorandum dated August 23, 2013 from the Department of Public Works, the CRM walls shown on the encroachment survey dated May 15, 2013, shall be certified by a licensed civil engineer stating that the walls will result in no increase in the base flood elevation, or, proof shall be submitted that the walls were constructed prior to May 5, 1982. The applicant shall obtain written approval from the Department of Public Works, Engineering Division, approving the engineering certification for the CRM walls, or provide proof of the walls' construction prior to May 5, 1982, and submit a copy to the Planning Department within one (1) year of the date of this permit.
6. Building permits submitted for the proposed project shall be inclusive of the floor plans of all structures on the property, inclusive of renovations proposed for the main structure and plans for the rebuild of the detached caretaker's room.
7. Any further development or changes of use, 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.
8. 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.
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:


DUANE KANUHA
Planning Director

AUG 28 2013

Date