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Special Management Area Minor Permit No. 14-000316

Project: Conversion of a Single-Family Residence into a Medical Office and Detached Residence
Applicant: Zain Vally-Mahomed
Landowner: Zain Vally-Mahomed
Location: Pu'u'eo, South Hilo, Hawai'i
TMKs: (3) 2-6-004:017 **Land Area:** 12,824 s.f.

Applicant's Request

1. Project Description:

Proposed is the conversion of a single-family dwelling into a medical office with detached residence, and improvements to include connection to the sewer system, construction of a concrete ramp, construction of a concrete driveway, and construction of a carport and ADA parking.

2. Purpose of Project:

The project aims to provide pain management services to Hawai'i Island residents.

3. Project Valuation: \$17,732.25

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 Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Multiple-Family Residential (RM-1) by the County of Hawai'i.
- 4. Special Management Area:** The parcel is located entirely within the SMA, however, it is not 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, Hawai'i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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 tsunamis, 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 change of use from a single-family dwelling to a medical office is a permitted use provided that a Use Permit is granted, and is therefore consistent with the Hawai'i County General Plan and Zoning Code once said permit is obtained.

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

The estimated project cost of \$17,732.25 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated October 2, 2014, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 30, 2014 and offer the following comments for your consideration.

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.

The proposed upgrade to the driveways and sidewalk within the County right-of-way (Kauila Street) shall meet the requirements of the Americans with Disabilities Act and will require a permit from the Department of Public Works."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000316** is hereby approved for the conversion of a single-family dwelling into a medical office with detached residence, and improvements to include connection to the sewer system, construction of a concrete ramp, construction of a

concrete driveway, and construction of a carport and ADA parking, as presented in SAA 14-1170, 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. 14-000316, 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. A permit from the Department of Public Works will be required for the proposed upgrade to the driveway and sidewalks that are within the County right-of-way. Upgrades will have to meet the requirements of the Americans with Disabilities Act.
4. The single-family dwelling proposed for conversion to a medical office shall have *all* plumbing wastewater connected to a sewerage system for wastewater disposal prior to accepting patients at the proposed medical office.
5. The single-family dwelling proposed for residential use shall have *all* plumbing wastewater connected to a sewerage system for wastewater disposal prior to accepting patients at the proposed medical office.
6. A Use Permit, granted by the Windward Planning Commission, will be required for operation of the medical office on the subject property. A Use Permit will be required prior to the change of use of the structure into a medical facility and prior to accepting patients at the facility. A Use Permit Application has been enclosed for your convenience.
7. Plan Approval will be required for the proposed change in uses on the subject property. An Application for Plan Approval has been enclosed for your convenience.
8. All improvements required as conditions of other agencies with jurisdiction over the proposed conversion of the single-family dwelling to a medical office, such as but not limited to the State Department of Health, the County Planning Department or Windward Planning Commission and the County Department of Public Works, shall be summarized and presented to this department as part of a revised scope of work and valuation for this determination prior to issuance of a building permit. Should the valuation of the project exceed \$500,000, this permit will be deemed void and a Special Management Area Use "Major" Permit will be required for the proposal. Should the scope of work be substantially different than that presented within SAA 14-1170, then the applicant may be required to submit a new Special Management Area Use Permit Assessment Application for review by this Department.

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. 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 feel free to contact Lucas Mead of this department at 961-8140.

APPROVED:


for DUANE KANUHA
Planning Director

OCT 09 2014

Date