

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
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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

December 3, 2014

Mr. Christopher Owens
52 Laehala Street
Hilo, HI 96720

Dear Mr. Owens :

SUBJECT: Special Management Area Use Permit Assessment Application No. 14-001215
Special Management Area Minor Permit No. 14-000322
Applicant: Christopher Owens
Landowner: Christopher Michael Owens
Request: Construction of a 3-story Duplex Dwelling Structure
Tax Map Key: (3) 2-1-014:043, Keaukaha, South Hilo, Hawai'i

This is to acknowledge receipt November 12, 2014, of the subject Special Management Area Use Permit Assessment Application (SAA-14-1215) to allow for the construction of a duplex dwelling structure and related improvements on the subject property. The proposed duplex, as depicted on Sheets 2 & 3 of the construction plans submitted with an application for Plan Approval (PLA 14-001119), shows a 3-story structure consisting of:

1. A ground floor consisting of approximately 2,057 sq. ft. for covered parking, patio areas, and a screened entry/stairwell;
2. A second floor 2-bedroom dwelling unit consisting of approximately 1,956 sq. ft.;
3. A third floor 2-bedroom dwelling unit consisting or approximately 1,956 sq. ft.;
4. A septic tank and absorption field;
5. A graveled driveway with 3 additional parking spaces; and
6. Landscaping.

The subject property consists of 9,453 sq. ft., is situated in the State Land Use Urban district, zoned Resort-Hotel (V-.75) by the County, and designated Resort by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA) and is not located in the "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

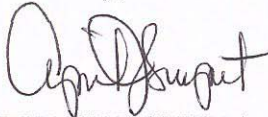
According to Rule 9-4(c), relating to Special Management Area, the "*construction of a single-family residence that is not part of a larger development*" may be exempt from the definition of

Mr. Christopher Owens
December 3, 2014
Page 2

"development." The valuation for the proposed duplex dwelling structure and related improvements is approximately \$350,000. Further, we find that the proposed development will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA. In view of the above, we have determined that construction of the proposed duplex dwelling structure requires a Special Management Area Minor Permit. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.:14-000322, enclosed herein, is hereby issued for the development described above and further depicted on Sheets 1, 2 and 3, of the plans referenced-above and attached herein. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions or require further information, please feel free to contact Larry Brown of this office at (808) 961-8135.

Sincerely,


DUANE KANUHA
Planning Director

LB:cs

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Encl: SMM 14-000322 w/plans
DPW-Eng. Div. memo dated 11/26/14

cc: Long Range Planning

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Special Management Area Minor Permit No.:14-000322

Project: Construction of a Duplex Dwelling Structure
Applicant: Christopher Owens
Landowner: Christopher Michael Owens
Location: Keaukaha, South Hilo, Hawai'i
TMK: (3) 2-1-014:043 **Land Area:** 8,453 sq. ft.

Applicant's Request

Project Description:

The proposed development is to construct a duplex dwelling structure and related improvements on the subject property. The proposed duplex, as depicted on Sheets 2 & 3 of the construction plans submitted with an application for Plan Approval (PLA 14-001119), shows a 3-story structure consisting of:

1. A ground floor consisting of approximately 2,057 sq. ft. for covered parking, patio areas and a screened entry/stairwell;
2. A second floor 2-bedroom dwelling unit consisting of approximately 1,956 sq. ft.;
3. A third floor 2-bedroom dwelling unit consisting of approximately 1,956 sq. ft.;
4. A septic tank and absorption field;
5. A graveled driveway with 3 additional parking spaces; and
6. Landscaping.

Purpose of Project:

The proposed duplex dwelling structure create a 4-bedroom 5-bathroom personal residence.

1. Project Valuation: \$350,000.

2. Determination:

According to Chapter 205A-22, HRS, as amended, relating to Special Management Area, "development" includes the construction of a single family dwelling that is part of a larger development requiring 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 Resort by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Resort-Hotel (V.75) by the County of Hawai'i.

4. **Special Management Area:** The subject property is located entirely within the SMA, and is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** VE.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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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 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 construction of a duplex dwelling on the subject property 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 \$350,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated November 26, 2014, states the following:

"We have reviewed the subject application forwarded by your memo dated November 19, 2014 and offer the following comments for your consideration.

The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood (1% chance of occurring in any given year) with velocity hazard (wave action).

The Base Flood Elevation is approximately 19 feet (computed flood elevation mean sea level). All construction shall be in compliance with the requirements of Chapter 27, Floodplain Management, of the Hawaii County Code. The Code requires the dwelling's

lowest horizontal portion of the structural members of the lowest floor be elevated to or above the Base Flood Elevation.

Fill material, walls, and fencing (considered an encroachment or obstruction) which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in Base Flood Elevation.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000322** is hereby approved for the construction of a duplex dwelling structure and related improvements on the subject parcel 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. 14-000322, 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. Plan Approval for the duplex dwelling structure shall be secured within not more than 90 days of approval date for this permit.
4. The building permit for the duplex dwelling structure shall be secured within one year from the date of the Plan Approval.
5. 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.
6. Prior to commencing any construction activity a construction silt barrier shall be erected along the entire makai (north) property line of the subject property and along any other portions of the perimeter the property where sediment or construction debris might enter adjacent properties due to topographical conditions. Such silt barrier(s) shall remain in place until all construction activity is completed and landscaping has been established.
7. All green waste, including stumps and tree roots, shall be routinely removed from within the SMA and made available to the Department of Environmental Management's Green Waste Facility. Any green waste not acceptable by the Department of Environmental Management for recycling as mulch shall be disposed of at an appropriate location designated by the Department of

Environmental Management. No stockpiling of green waste on the property shall be allowed.


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. 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

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).

10. 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 Larry Brown of this department at (808) 961-8135.

APPROVED:


f DUANE KANUHA
Planning Director

DEC 03 2014

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: November 26, 2014

Memorandum

TO: Duane Kanuha, Planning Director

FROM: *fu* *dk* Department of Public Works, Engineering Division

2014 NOV 28 AM 9:49
PLANNING DEPARTMENT
COUNTY OF HAWAII

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 14-001215)

Applicant: Christopher Owens

Landowner: Christopher Owens

Request: Construction of a New Double-Family Dwelling

Tax Map Key: 2-1-14: 043

We have reviewed the subject application forwarded by your memo dated November 19, 2014 and offer the following comments for your consideration.

The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action).

The Base Flood Elevation is approximately 19 feet (computed flood elevation from mean sea level). All construction shall comply with the Chapter 27, Floodplain Management, of the Hawaii County Code. The Code requires the dwelling's lowest horizontal portion of the structural members of the lowest floor be elevated to or above the Base Flood Elevation.

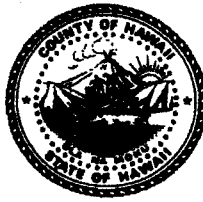
Fill material, walls, and fencing (considered an encroachment or obstruction) which may block, impede, or aggravate flooding is prohibited unless certified by a civil engineer licensed in the State of Hawaii, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation.

We do not sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements.

Questions may be referred to Kelly Gomes at ext. 8327.



William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

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April 4, 2016

Mr. Christopher Owens
52 Laehala Street
Hilo, HI 96720

Dear Mr. Owens:

**Subject: Special Management Area Use Permit Assessment Application
(SAA 16-001372)
Amendment of Special Management Area Minor Permit No. 14-000322
(SMM 14-000322)
Request: Additions to the Residential Duplex
Landowner: Christopher Michael Owens
TMK: (3) 2-1-014:043, Keaukaha, South Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 16-001372) which you submitted on February 25, 2016. Proposed is an amendment to SMM 14-000322 to allow for a first floor lanai extension and new living area of 625 square feet. On the second floor, there will be an extension to Bedroom #1, a new screened lanai and cargo lift totaling 77 square feet. On the ground floor will be the addition of a covered entry of 240 square feet. According to the County's Building Permit Program (MAGNET), the previous total floor area of the residential duplex was 5,131 square feet. With the addition of 942 square feet of improvements, the total floor area of the residential duplex will be 6,073 square feet.

Previous Special Management Area Determination:

On December 3, 2014, SMM No. 14-000322 was issued for the construction of a duplex dwelling structure and related improvements on the subject parcel. The duplex consisted of a 4-bedroom, 5-bathroom structure with a project valuation of \$350,000. Building Permit No. BH2015-01310 for the 3-story duplex was issued on July 14, 2015.

Request for Amendment of SMM 14-000322:

The cumulative cost of the development approved under SMM 14-000322 is \$350,000; the cost of the proposed improvements, as described earlier, is \$59,000 for a total development cost of \$409,000 which does not exceed the \$500,000 valuation threshold for SMA Minor Permits. In

Mr. Christopher Owens
April 4, 2016
Page 2

addition, the proposed improvements will not have any significant adverse environmental or ecological effect. For these reasons and pursuant to Planning Commission Rule Section 9-10(e), SMM 14-000322 is hereby amended to allow for the proposed improvements. Copies of the approved February 19, 2016, Sheets No. 1, 3 and 4 are enclosed for reference. Please note, however, that the applicant's compliance with the conditions of approval of the enclosed SMM 14-000322 must still be complied with in a timely fashion.

Should you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,

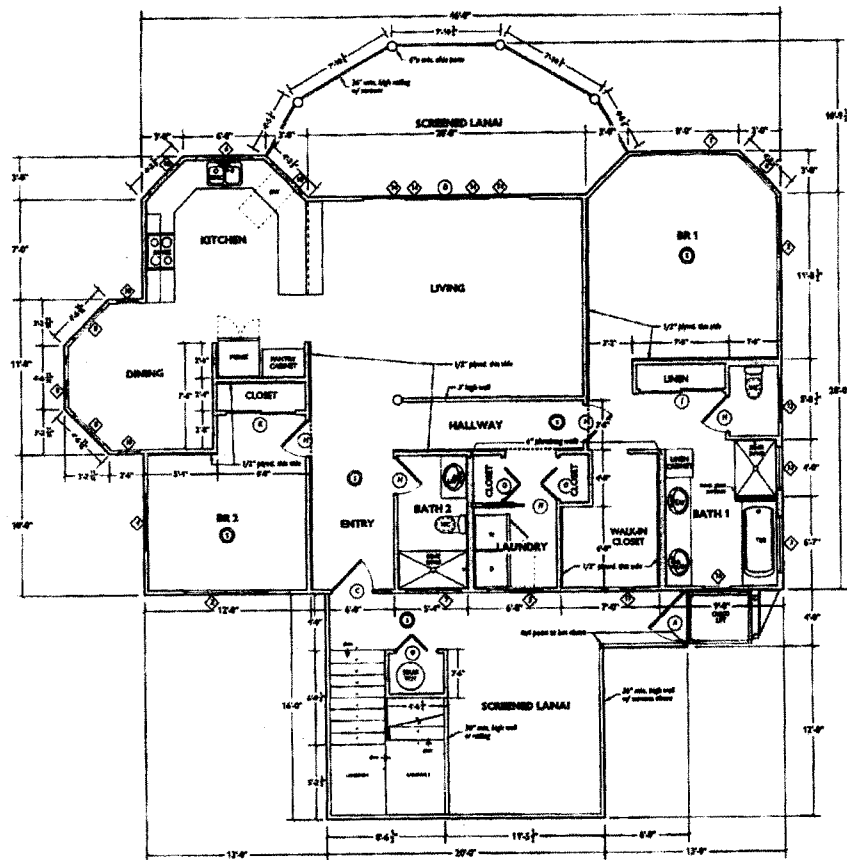

for DUANE KANUHA
Planning Director

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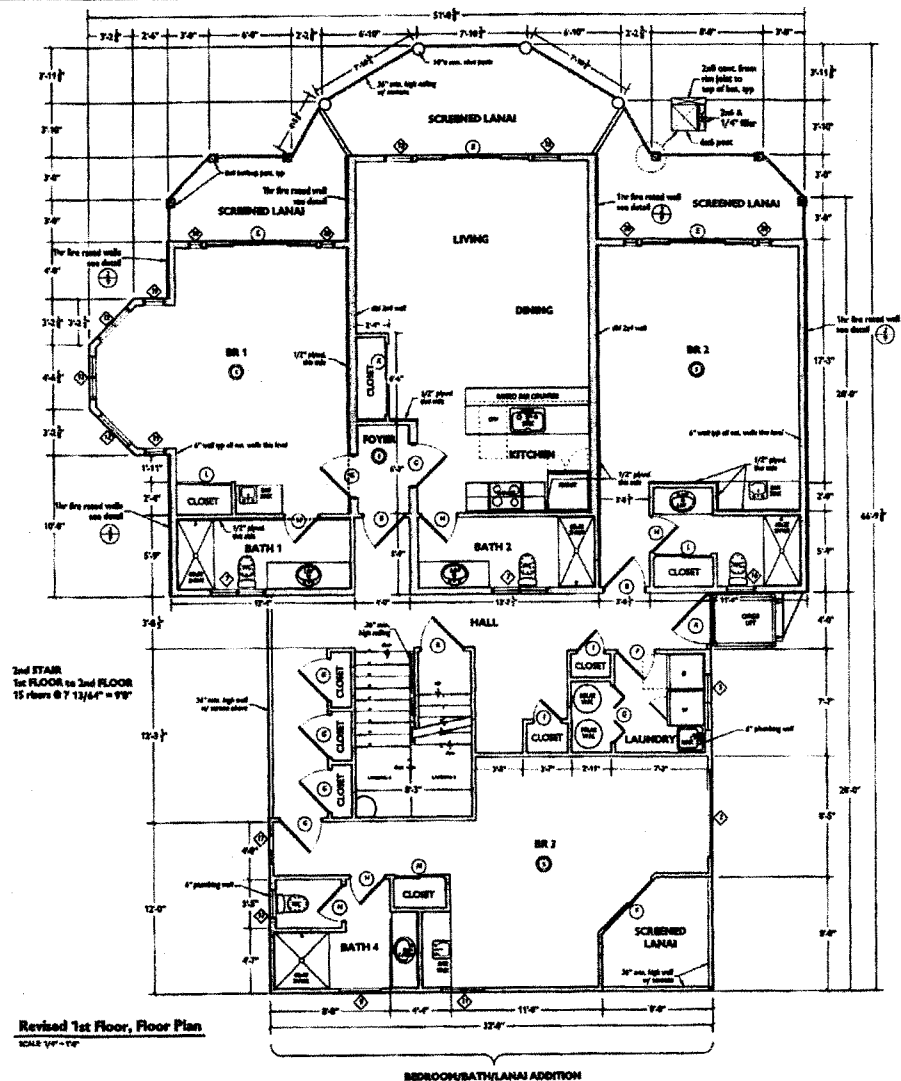
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Encl: February 19, 2016, Sheets No.1, 3 and 4
SMM 14-000322

Exp. 4/24/2014



Revised 2nd Floor, Floor Plan
SCALE 1/4" = 1'-0"

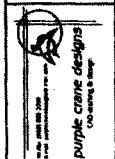


Revised 1st Floor, Floor Plan
SCALE 1/4" = 1'-0"



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AN ARCHITECT REGISTERED IN THE STATE OF HAWAII
AND IS THE PROPERTY OF THE ARCHITECT.
IT IS TO BE USED ONLY FOR THE PROJECT
AND SITE SPECIFICALLY IDENTIFIED HEREON.
Chris Owens
Architect

Addition to Duplex Residence
for Chris Owens
(Permit # BH2015-01310)
Kauaika
South Hilo, Hawaii



DATE 1/19/14
SHEET
4
OF 14