

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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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

January 30, 2015

Mr. Russell Kumabe, AICP, Development Branch Chief
Department of Land and Natural Resources
Division of State Parks
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Kumabe:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-15-001240)**

Special Management Area Minor Permit (SMM-15-000215)

Applicant(s): DLNR, State Parks Division

Land Owner(s): DLNR, State Parks Division

**Request: Repairs to an Existing Rock Wall and Installation of
Security Lattice Fencing on Existing Wall Sections**

Tax Map Key: (3) 7-5-007:020; Keopu 2nd & 3rd, North Kona, Hawai'i

This is in response to the Special Management Area Use Permit Assessment Application (SAA 15-001240), received on December 29, 2014. The applicant proposes repairs to an existing rock wall and installation of security lattice fencing on existing wall sections. The application was submitted to address the Violation Warning Letter issued by our office on August 27, 2014. Please note that the proposed lattice fencing to the south of the property, fronting the shoreline, is not located on the subject property and therefore will not be reviewed as part of this application.

The subject parcel consists of 1.284 acres and is zoned Open by the County and designated Urban by the State Land Use Commission. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. The property is located entirely within the Special Management Area (SMA) and along the shoreline. The subject parcel is also the Hulihe'e Palace State Monument.

Special Management Area Determination:

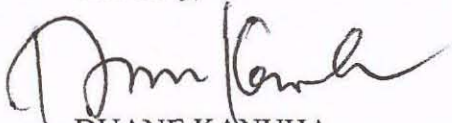
According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the definition of "development." Therefore, the repairs to an existing rock wall and installation of security lattice fencing on existing wall sections will require a review against the Special Management Area rules and regulations. For this reason, and

Mr. Russell Kumabe, AICP, Development Branch Chief
Department of Land and Natural Resources
Division of State Parks
January 30, 2015
Page 2

pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.:15-000325 is hereby issued for the SMA approval of the repairs to an existing rock wall and installation of security lattice fencing on existing wall sections, on the subject property, excluding the portion along the shoreline. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

Sincerely,



DUANE KANUHA
Planning Director

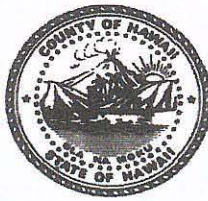
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Enclosures - SMM No.: 15-000325
DPW Memorandum dated January 29, 2015
SHPD Memorandum dated December 22, 2014
Copy of site plan

cc w/Encls.: Long Range Planning
Planning Division
Kona Planning Office

cc ltr. only: Mr. Leo Asuncion, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359



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Special Management Area Minor Permit No.: 15-000325

Project: Repairs to an Existing Rock Wall and Installation of Security Lattice
Fencing on Existing Wall Sections
Applicant: DLNR, State Parks Division
Landowner: DLNR, State Parks Division
Location: Keopu 2nd & 3rd, North Kona, Hawai'i
TMK: (3) 7-5-007:020 **Land Area:** 1.284 acres

Applicant's Request

1. Project Description:

The applicant proposes repairs to an existing rock wall and installation of security lattice fencing on existing wall sections. The repair and improvement project comprises of:

- Repair of a section of an existing concrete rock wall that runs east to west along the southern property line bordering Kona Inn Shopping Village; and
- Installation of lattice fences on 3 sections of the Palace boundary walls: the proposed repaired concrete wall section to the south, the east wall and pillar sections of the Palace grounds adjacent to Alii Drive. The fences will service as a security measures for the sections of the Palace that are susceptible to unauthorized intrusions.
- All work described above will be implemented by the Daughters of Hawai'i.

2. Purpose of Project:

The repair of the existing concrete rock wall will ensure the safety of the Palace visitors and staff, as the wall had collapsed from deterioration. The fencing improvements provide the south sections of the Palace grounds with boundary measures to safeguard personnel and property of Palace visitors and staff. These areas are adjacent to the caretaker's residence which currently provides open access for anyone to enter the Palace grounds during hours that the Palace is closed.

3. Project Valuation: \$23,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and PC Rule No. 9-4(e) (1) (E), "Construction, reconstruction, demolition, or alteration of the size of any structure" is not exempt from the definition of "development." Therefore, the repairs

to an existing rock wall and installation of security lattice fencing on existing wall sections, on the subject property, excluding the portion along the shoreline sections, will require a review against the Special Management Area (SMA) rules and regulations, and requires an 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 Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Open by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA, and along the shoreline.
5. **Flood Zone:** VE and AE.

Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 \$23,000 is not in excess of \$500,000.

The enclosed State Historic Preservation Division memorandum dated December 22, 2014, states in part that "*we believe that this project will result in no historic properties affected.*"

The enclosed Department of Public Works, Engineering Division memorandum dated January 29, 2015, 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 Zones "VE and AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA) and installation of the proposed lattice fencing is subject to Chapter 27 of Hawai'i County Code as an encroachment subject to further evaluation by the Floodplain Manager, DPW-Engineering Division. We will consider the proposed wall repairs exempt from regulation provided the height of the wall will not be increased by the repair".

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000325** is hereby approved for the repairs to an existing rock wall and installation of security lattice fencing on existing wall sections, on the subject property, excluding the portion along the shoreline, subject to the applicant's compliance with the conditions of approval as specified below.

Please note that the proposed lattice fencing to the south of the property, fronting the shoreline, is not located on the subject property and therefore is not approved as part of this permit.

Conditions of Approval

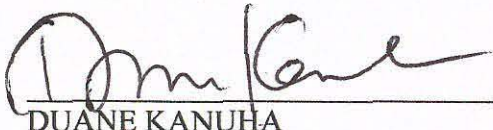
The Planning Director has approved **SMA Minor Permit No. 15-000325**, subject to the following conditions:

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. An application for design review for the lattice fencing project shall be submitted to the Kailua Village Design Commission within one (1) year from the date of this permit.
4. All construction activities shall be completed within two (2) years from the date of this permit.
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. 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.
7. 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).
8. 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 Bethany Morrison of this department at (808) 961-8138.

APPROVED:



DUANE KANUHA
Planning Director

JAN 30 2015


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: January 29, 2015

Memorandum

TO : Duane Kanuha, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 15-001240)
Request: Repair Existing Wall and Install New Lattice Fences
Applicant: DLNR, State Parks Division
Location: Keopu 2nd and 3rd, North Kona, Hawaii
TMK: 3 / 7-5-007:020

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

We have determined that the subject property is located within Flood Zones "VE and AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA) and installation of the proposed lattice fencing is subject to Chapter 27 of Hawaii County Code as an encroachment subject to further evaluation by the Floodplain Manager, DPW-Engineering Division. We will consider the proposed wall repairs exempt from regulation provided the height of the wall will not be increased by the repair.

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

KE

copy: ENG-HILO/KONA

DAVID Y. IGE
GOVERNOR OF HAWAII



PLANNING DEPARTMENT
COUNTY OF HAWAII
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WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

December 22, 2014

MEMORANDUM

To: Dan Quinn
Division of State Parks
PO BOX 621
Honolulu, HI 96809

LOG NO: 2014.4891
DOC NO: 1411MV06
Archaeology

FROM: Mike Vitousek, Lead Archaeologist Hawaii Island Section

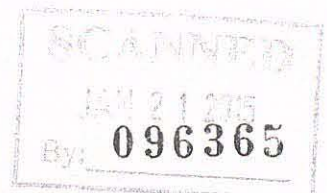
SUBJECT: Chapter 6E-8 and Historic Preservation Review -
Repair of Stone Wall at Hulihe'e Palace
Keopu Ahupua'a, North Kona District, Island of Hawai'i
TMK (3) 7-5-007:020 (portion)

Thank you for the opportunity to review this project. Your letter was received by our office on December 8, 2014. According to your letter, the proposed project involves the demolition and reconstruction of 10.4 meters of a stone wall with a concrete cap on the south eastern side of the palace grounds. A review of our records indicates that the project area is contained within the Hulihe'e Palace State Monument (SIHP 50-10-28-7001). Our records also indicate that no archaeological inventory survey (AIS) has been conducted on this parcel. SHPD was previously notified that work to deconstruct the existing stone wall had already been completed, and on August 18, 2014 SHPD archaeologist Michael Vitousek participated in a field inspection with SP archaeologist Tracy Tam Sing and DOCARE West Hawaii Supervisor Lino Kamakau. An inspection of the demolished stone wall revealed high amounts of modern debris, including soda bottles, candy wrappers and broken glass. An inspection of the cross section of the intact wall where the demolition had ended revealed that the wall was a dry stack rubble core filled wall with a cement cap. The modern debris present within the core included plastic bags, plastic bottles, glass, and candy wrappers. In addition, a plastic drinking straw was observed under the basal stones of the wall. SHPD has determined that this portion of the wall is less than 50 years old and, therefore, does not constitute a historic property (LOG NO: 2014.4891, DOC NO: 1411MV06). We believe that the construction of a similar stone wall in the area that the wall was demolished will have no adverse effect on the integrity of the palace grounds (SIHP 50-10-28-7001). Therefore, we believe that this project will result in **no historic properties affected**.

In the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified during construction activities, please cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at (808) 933-7653.

Please contact Mike Vitousek at (808) 652-1510 or Michael.Vitousek@hawaii.gov for any questions or concerns regarding this letter.

CC: Tracy.L.TamSing@hawaii.gov



Attachment A

