

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
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Phone (808) 323-4770
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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

April 23, 2015

Ms. Jaelyn Rockman
76-5905 Mamalahoa Highway
Holualoa, HI 96725

Dear Ms. Rockman:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-15-001275)
Special Management Area Minor Permit (SMM-15-000330)
Applicant(s): Jaelyn Rockman
Land Owner(s): Bennett Jacoby and Connie Romain
Request: Conversion of Existing Office Building to Short-Term
Lodging and Related Improvements
Tax Map Key: (3) 7-6-015:015; Hōlualoa 1st and 2nd, North Kona, HI**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 15-001275) submitted on March 24, 2015. The applicant proposes certain interior renovations and related exterior improvements in order to convert the existing two-story office building into short-term lodging.

The proposed project includes the following:

1. Expansion of existing bathrooms;
2. Installation of a kitchen;
3. Tree trimming and landscape maintenance;
4. Installation of a privacy fence; and
5. Construction of storage areas under the existing stairwells.

The subject parcel consists of 7,640 square feet, is zoned Resort-Hotel (V-1.25) by the County of Hawai'i, and is designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. The parcel is located entirely within the Special Management Area (SMA); however, the parcel is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Ms. Jaelyn Rockman
April 23, 2015
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Special Management Area Determination:

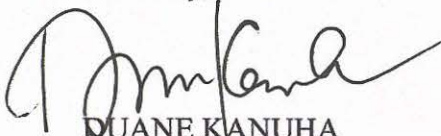
On January 25, 1983, the Planning Commission approved SMA Permit No. 193 (SMA 193) to allow for development of a two-story office building and related improvements on the subject property. The two-story office building and related improvements was completed consistent with the approvals and conditions in SMA 193.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (C), "Development" means "*Change in the intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the change in use from office to lodge use is considered to be development and will require a review against the Special Management Area rules and regulations.

For this reason, and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000330 is hereby issued for the SMA approval of the conversion of the existing office building into short term lodging and related improvements. 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

BJM:xs

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Enclosures: SMM No.: 15-00030
DPW Memorandum dated April 16, 2015

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

Mr. Bennett Jacoby
2978 Haleko Road, Suite A
Lihue, HI 96766-1379

cc ltr. only: Mr. Leo Asuncion, Acting Director



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Special Management Area Minor Permit No. 15-000330

Project: Conversion of Existing Office Building to Short-Term Lodging and Related Improvements
Applicant: Jaelyn Rockman
Landowner: Bennett Jacoby and Connie Romain
Location: Hōlualoa 1st and 2nd, North Kona, Hawai'i
TMK: (3) 7-6-015:015 **Land Area:** 7,640 square feet

Applicant's Request

1. Project Description:

The applicant proposes certain interior renovations and related exterior improvements in order to convert the existing two-story office building into short-term lodging. The proposed project includes the following:

1. Expansion of existing bathrooms
2. Installation of a kitchen
3. Tree trimming and landscape maintenance
4. Installation of a privacy fence
5. Construction of storage areas under the existing stairwells.

2. Purpose of Project:

The purpose of the proposed improvements is to provide congregate living accommodations, specifically targeting triathletes and visitors for the island for health, fitness, and wellness activities.

3. Project Valuation: \$50,000.

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (C), "Development" means "*Change in the intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the change in use from office to lodge use is considered to be development 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 Resort-Hotel (V-1.25) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA but is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** AE.

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

The estimated project cost of \$50,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 16, 2015, states the following:

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

Based on the Elevation Certificate attached to the application we determined that the subject property is located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements and the proposed fence within the subject property will be subject to the requirements of Chapter 27-Flood Control, of the Hawai'i County Code."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000330** is hereby approved for the conversion of the existing

office building into short term lodging 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. 15-000330**, 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. The applicant shall secure Plan Approval from the Planning Department prior to commencement of construction. All construction activities in connection with this project shall be completed within two (2) years from the date of Final Plan Approval.
4. 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.
5. 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.
6. 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).

7. 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

APR 23 2015


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: April 16, 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 15-001275)
Request: Renovate Existing Structure and Privacy Fence
Applicant: Jaelyn Rockman
Owner: Bennett Jacoby and Connie Romain
Location: Holualoa 1-2, North Kona, Hawaii
TMK: 3 / 7-6-015: 015

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

Based on the Elevation Certificate attached to the application we determined that the subject property is located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements and the proposed fence within the subject property will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

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

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copy: ENG-HILO/KONA

William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

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Fax (808) 961-8742

May 31, 2016

Ms. Jaelyn Rockman
76-5905 Māmalahoa Highway
Hōlualoa, HI 96725

Dear Ms. Rockman:

SUBJECT: Special Management Area Minor Permit (SMM-15-000330)
Request: Amend SMM-15-000330 to Conversion of Existing
Office Building to a Residential Duplex
Tax Map Key: (3) 7-6-015:015; Hōlualoa 1st and 2nd, North Kona, HI

This is in response to your May 11, 2016 letter regarding a proposed amendment of SMM-15-000330 to allow conversion of the existing office building into a residential duplex rather than the short-term lodging use previously requested and approved.

The subject parcel consists of 7,640 square feet, is zoned Resort-Hotel (V-1.25) by the County of Hawai'i, and is designated Urban by the State Land Use Commission. The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open. The parcel is located entirely within the Special Management Area (SMA); however, the parcel is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

On January 25, 1983, the Planning Commission approved SMA Permit No. 193 (SMA 193) to allow for development of a two-story office building and related improvements on the subject property. The two-story office building and related improvements was completed consistent with the approvals and conditions in SMA 193.

In addition, SMM-15-000330 was approved by our department on April 23, 2015 to allow interior renovations and related exterior improvements in order to convert the existing two-story office building into short-term lodging.

MAY 31 2016

Ms. Jaelyn Rockman
May 31, 2016
Page 2

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (C), "Development" means "*Change in the intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the change in use from office to residential duplex is considered to be development and will require a review against the Special Management Area rules and regulations.

The total development cost of \$50,000 does not exceed the \$500,000 valuation threshold for SMA Minor Permits. In addition, the proposed residential duplex will not have any significant adverse environmental or ecological effect. For these reasons and pursuant to Planning Commission Rule Section 9-10(E), SMM-15-000330 is hereby amended to allow for the proposed residential duplex. As a reminder, the applicant, its successors or assigns shall be responsible for complying with all other stated conditions of SMM-15-000330.

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

Sincerely,


DUANE KANUHA
Planning Director

BJM:ja

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Enclosures: SMM No.: 15-000330
DPW Memorandum dated April 16, 2015

cc w/Encls.: Planning Division
Kona Planning Office


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

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: April 16, 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 15-001275)
Request: Renovate Existing Structure and Privacy Fence
Applicant: Jaelyn Rockman
Owner: Bennett Jacoby and Connie Romain
Location: Holualoa 1-2, North Kona, Hawaii
TMK: 3 / 7-6-015: 015

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

Based on the Elevation Certificate attached to the application we determined that the subject property is located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements and the proposed fence within the subject property will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.

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



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Special Management Area Minor Permit No. 15-000330

Project: Conversion of Existing Office Building to Short-Term Lodging and Related Improvements
Applicant: Jaelyn Rockman
Landowner: Bennett Jacoby and Connie Romain
Location: Hōlualoa 1st and 2nd, North Kona, Hawai'i
TMK: (3) 7-6-015:015 **Land Area:** 7,640 square feet

Applicant's Request

1. Project Description:

The applicant proposes certain interior renovations and related exterior improvements in order to convert the existing two-story office building into short-term lodging. The proposed project includes the following:

1. Expansion of existing bathrooms
2. Installation of a kitchen
3. Tree trimming and landscape maintenance
4. Installation of a privacy fence
5. Construction of storage areas under the existing stairwells.

2. Purpose of Project:

The purpose of the proposed improvements is to provide congregate living accommodations, specifically targeting triathletes and visitors for the island for health, fitness, and wellness activities.

3. Project Valuation: \$50,000.

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e) (1) (C), "Development" means "Change in the intensity of use of land, including but not limited to the division or subdivision of land." Therefore, the change in use from office to lodge use is considered to be development 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 Resort-Hotel (V-1.25) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA but is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** 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 \$50,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 16, 2015, states the following:

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

Based on the Elevation Certificate attached to the application we determined that the subject property is located within Flood Zone "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements and the proposed fence within the subject property will be subject to the requirements of Chapter 27-Flood Control, of the Hawai'i County Code."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000330** is hereby approved for the conversion of the existing

office building into short term lodging and related improvements on the subject parcel subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

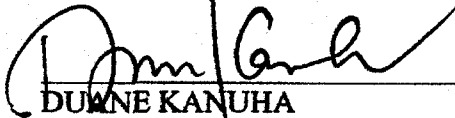
The Planning Director has approved SMA Minor Permit No. 15-000330, subject to the following conditions:

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. The applicant shall secure Plan Approval from the Planning Department prior to commencement of construction. All construction activities in connection with this project shall be completed within two (2) years from the date of Final Plan Approval.
4. 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.
5. 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.
6. 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).

7. 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

APR 23 2015

Date