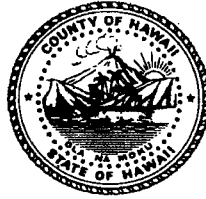


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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PLANNING DEPARTMENT

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March 9, 2017

Mr. Merrick Patten
Ko'a Architects LLC
166 Kamehameha Avenue, Suite 5
Hilo, HI 96720

Dear Mr. Patten:

**SUBJECT: Special Management Area Use Permit Assessment Application No. 16-001450
(SAA 16-001450)**

Special Management Area Minor Permit (SMM 17-000368)

Applicant(s): Neighborhood Power Corporation

Land Owner(s): State of Hawai'i and WHR LLC

**Request: Installation of Photovoltaic (PV) Systems on Roof Tops
and on a New Carport**

**Tax Map Key(s): (3) 2-1-005:016, 013, 027, 032 & 046 and 2-1-001:012,
Waiākea, South Hilo, Hawai'i**

This is to acknowledge receipt on November 10, 2016, of the Special Management Area Use Permit Assessment Application (SAA 16-001450), for the installation of a photovoltaic (PV) system on the roof tops of the Mauna Kea, Mauna Loa, and Kīlauea Towers, the Lobby and the Crown Room as well as on a proposed carport on Parcel 46. Also received was a time extension to review the application and additional information submitted on February 27, 2017.

The primary staging area is across Banyan Drive on Parcel 12. Secondary or temporary staging areas would most likely be along the back of the Crown Room. Short-term staging (a day or two) will be required for a crane or other type of hoist to lift materials onto the roof(s) of the buildings. These temporary/short-term staging and roof loading locations may be relocated for safety reasons. However, they will not occur on makai side of the subject buildings.

MAR 09 2017

We note the following for the subject parcels:

Parcel	Acreage	State Land Use	County Zoning	LUPAG	Ocean Frontage
13	0.72	Urban	V-.75 & Open	Resort Node/Open	Yes
16	2.95	Urban	V-.75	Yes	Yes
27	0.1212	Urban	V-.75	No	No
32	0.749	Urban	V-.75	No	No
46	1.054	Urban	V-.75	No	No
12	62.576	Urban	Open	Open	No

These properties are located entirely within the Special Management Area (SMA). However, only the Mauna Kea Tower is located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

By letter dated February 8, 2017, the DLNR has evaluated the work and determined that it is exempt from the requirement to prepare an Environmental Assessment, based on the Exemption List for the DLNR approved by the Environmental Council and dated June 5, 2015.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is defined as "development." Therefore, the proposed construction of a carport with a PV system on the roof is considered "development" and is not exempt from the SMA rules.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.17-000368 is hereby issued to allow for the installation of a carport with PV system on the roof. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

However, according to Chapter 205A-22, HRS, and Planning Commission Rule 9-4(e)(2)(F) relating to the Special Management Area, "*Repair, maintenance, or interior alterations to existing structures or relating to existing uses*" may be determined by the Planning Director to be exempt from the definition of "development." The proposal to install a PV system on the roof tops of the Mauna Loa and Kīlauea Towers, the Lobby and the Crown Room will not have a substantial adverse effect on the environment. Therefore, we have determined that these activities are exempt from the definition of "development."

Activities Permitted Within the Shoreline Setback Area

However, a portion of the Mauna Kea Tower is within the shoreline setback area. Planning Department Rules of Practice and Procedure, Rule 11-7(a) states that *"The following structures or activities may be permitted within the shoreline setback area provided written clearance is secured from the Planning Department:*

(6) Structures which were completed by, or activities which commenced prior to June 22, 1970."

Further, Rule 11-7(b) states that *"Structures or activities that qualify under section 11-7(a)(6) through (10) may be repaired in conformance with plans approved by the Planning Department, but shall not be enlarged without a shoreline setback variance."*

The hotel was constructed in the late 1960's and the proposed installation of a PV system on the rooftop will not increase the footprint or height of the Mauna Kea Tower. Because there is no enlargement of the existing structure, the plans for the Mauna Kea Tower are approved. However, please note that any substantive changes to the project as proposed in this application will require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

While further review of the proposed the installation of a PV system on the roof tops of the Mauna Kea, Mauna Loa, and Kīlauea Towers, the Lobby and the Crown Room against the Special Management Area rules and regulations will not be required, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, this determination of exemption from the SMA definition of development is subject to compliance with 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. Prior to applying for a building permit, the applicant shall submit a copy of the Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation for our files.
4. Building Permits for the proposed project shall be secured within two (2) years from the date of this letter.


5. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. Public access must remain open and unimpeded at all times.
7. Any grading, grubbing, filling or other construction activity, including but not limited to the construction of additional 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. Artificial light from exterior lighting fixtures, including but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
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).

Mr. Merrick Patten
Ko'a Architects LLC
March 9, 2017
Page 5

11. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

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

Sincerely,



MICHAEL YEE
Planning Director

ETI:ja

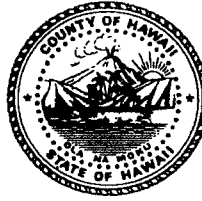
\\Coh33\planning\public\wpwin60\CZM\SMM\2017\SMM 17-368L Neighborhood Power Corp Naniloa Kilgore.doc

Enclosures - SMM No.: 17-000368
DPW Memorandum dated February 22, 2017

cc w/Encls.: Planning Division (via email)

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

Harry Kim
Mayor



Michael Yee
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Daryn Arai
Deputy Director

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PLANNING DEPARTMENT

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Phone (808) 961-8288
Fax (808) 961-8742

Special Management Area Minor Permit No. 17-000368

Project: Carport with a Roof Top Photovoltaic (PV) System
Applicant: Neighborhood Power Corporation
Land Owner(s): State of Hawai'i and WHR LLC
Location: Waiākea, South Hilo, Hawai'i
Tax Map Key(s): (3) 2-1-005:046 & 2-1-001:012 **Land Area(s):** 1.054 & 62.576 acres

Applicant's Request

1. Project Description:

Proposed is the construction of a carport with a roof top photovoltaic (PV) system on Parcel 046. The staging area may also include Parcel 012.

2. Purpose of Project:

The proposed project will reduce hotel resort development's dependency and use of electrical power generated off site, reducing power loads required to be shared with adjacent properties along Banyan Drive.

3. Project Valuation:

\$315,700.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** Both parcels are located in the State Land Use Urban District.
- 2. General Plan:** Parcel 046 is designated Resort (R) and Parcel 012 is designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** Parcel 046 is zoned Resort-Hotel (V-.75) and Parcel 012 is zoned Open.
4. **Special Management Area:** These properties are located entirely within the Special Management Area (SMA). However, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** VE

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</p>
--

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

1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of approximately \$315,700 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division Memorandum dated February 22, 2017, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated February 7, 2017, and have no objections to the request.

The subject parcels are 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)."
6. Pursuant to Planning Commission Rule Section 9-10(E), the Planning Director hereby approves the construction of a carport with a roof top photovoltaic (PV) system on Parcel 046. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

This SMA Minor Permit is subject to the following conditions:

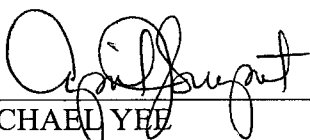
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state and county agencies as necessary to comply with all applicable laws and regulations.
3. Submit a Federal Aviation Administration (FAA) Determination of No Hazard to Air Navigation prior to applying for Plan Approval.
4. Building Permits for the proposed project shall be secured within two (2) years from the date of this letter.
5. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. Public access must remain open and unimpeded at all times.
7. Any grading, grubbing, filling or other construction activity, including but not limited to the construction of additional 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. Artificial light from exterior lighting fixtures, including but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
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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 contact Esther Imamura of this department at (808) 961-8139.

APPROVED:



MICHAEL YEE
Planning Director

3-9-17

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

2017 FEB 23 AM 10:59

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: February 22, 2017

Memorandum

TO: Michael Yee, Planning Director

FROM:  Department of Public Works, Engineering Division

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 16-001450)

Applicant: Neighborhood Power Corporation

Land Owner: State of Hawaii and WHR LLC

Request: Installation of PV System on Exist. Hotel Rooftop

Location: Waiakea, South Hilo, Hawaii

Tax Map Keys: 2-1-05: 013, 016, 027, & 046 and 2-1-01: 012

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated February 7, 2017 and have no objections to the request.

The subject parcels are 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).

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

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