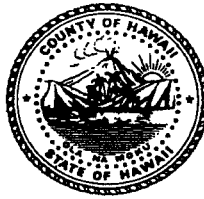


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

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 23, 2018

Mr. William McCowatt
75-5699 Ali'i Drive #204
Kailua-Kona, HI 96740
<bill@koaarchitects.com>

Dear Mr. McCowatt:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001485)
Special Management Area (SMA) Minor Use Permit (SMM 18-000381)
Applicant: Fish Hopper LLC, Sabu Shake Jr.
Land Owner(s): Fish Hopper LLC
Project: Addition of Third-Story to a Two-Story Restaurant
TMK: (3) 7-5-006:014, North Kona, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001485), submitted on April 17, 2017. By way of this letter, we also acknowledge the granting of time extensions for review of the application until January 30, 2018.

The applicant proposes the following improvements to the Fish Hopper restaurant: 1) rebuilding the exterior of the existing second-floor to support the proposed third-floor, 2) removal of interior partitions of the existing storage area, 3) creation of a second-floor dining area and kitchen, 4) construction of a new third-floor bar and lānai area, 5) addition of ADA restrooms, ramp, and parking, 6) interior alterations to the existing main level of the restaurant, and 7) construction of a new carport structure for installation of a solar PV system.

The subject 17,403 square-foot parcel is zoned Resort (V-.75) by the County of Hawai'i and is situated within the State Land Use Urban District. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject property is designated as Resort Node and Open. The entire property is located within the Special Management Area (SMA), but is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). As the project area is not located in a "shoreline area," the requirement to submit a current certified shoreline survey is waived for the above-listed scope of work.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area (SMA), "[c]onstruction, reconstruction,

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planning@hawaiicounty.gov

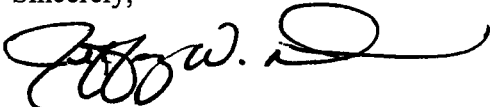
JAN 23 2018

demolition or alteration of the size of any structure” is defined as “development.” According to Chapter 205A-22, HRS, and PC Rule No. 9-4(e)(2)(F) relating to SMA, “development” does not include “[r]epair, maintenance, or interior alterations to existing structures or relating to existing uses.” Therefore, the proposed addition of a third-floor to include a new bar and lānai and construction of a new carport structure for installation of a solar PV system is considered “development” and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit. Interior alterations to the existing main level and second-floor relating to the existing use as a restaurant are not considered “development” and will not factor into the valuation of the development calculated pursuant to PC Rule No. 9-10(a). Further, we find that the proposed addition of a third-floor to include a new bar and lānai and construction of a new carport structure for installation of a solar PV system will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area, Minor Permit No. SMM 18-000381, is hereby issued for the project as described above. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit.

If you have any questions, please contact Lucas Mead of this office at (808) 961-8140.

Sincerely,



LM MICHAEL YEE
Planning Director

LM: ja

\\coh33\planning\public\wpwin60\CZM\SMM\2018\SMM 18-381L Fish Hopper.doc

Enclosures: SMM No. 18-000381
DPW Memorandum dated April 17, 2019
Copy of VAR-15-000312
KVDC Letter dated October 10, 2016

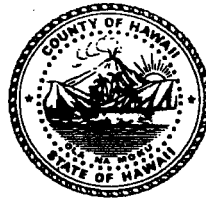
cc w/Encls.: Planning Division (via email)

Planning - West Hawai‘i Attn: KVDC (via email)

Fish Hopper LLC, Sabu Shake Jr.
700 Cannery Row
Monterey, CA 93940-1063

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
Director

Daryn Arai
Deputy Director

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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

Special Management Area Minor Permit No. 18-000381

Project: Addition of Third-Story to a Two-Story Restaurant
Applicant: Fish Hopper LLC, Sabu Shake Jr.
Owner: Fish Hopper LLC
Location: North Kona, Hawai'i
TMK: (3) 7-5-006:014 **Land Area:** 17,403 square feet

Applicant's Request

1. Project Description:

The applicant proposes the following improvements: 1) rebuilding the exterior of the existing second-floor to support the proposed third-floor, 2) removal of interior partitions of the existing storage area, 3) creation of a second-floor dining area and kitchen, 4) construction of a new third-floor bar and lānai area, 5) addition of ADA restrooms, ramp, and parking, 6) interior alterations to the existing main level of the restaurant, and 7) construction of a new carport structure for installation of a solar PV system.

2. Purpose of Project:

The proposed actions are in support of expansion of the existing restaurant.

3. Project Valuation: \$469,761

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area (SMA), "[c]onstruction, reconstruction, demolition or alteration of the size of any structure" is defined as "development." According to Chapter 205A-22, HRS, and PC Rule No. 9-4(e)(2)(F) relating to SMA, "development" does not include "[r]epair, maintenance, or interior alterations to existing structures or relating to existing uses." Therefore, the proposed addition of a third-floor to include a new bar and lānai and construction of a new carport structure for installation of a solar PV system is considered "development" and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit. Interior alterations to the existing main level and second-floor relating to the existing use as a restaurant are not considered "development" and will not factor into the valuation of the development calculated pursuant to PC Rule No. 9-10(a).

State and County Plans

- 1. State Land Use District:** The parcel is designated Urban by the State Land Use Commission.

2. **General Plan:** The parcel is designated as Resort Node and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Resort (V-.75).
4. **Special Management Area:** The subject property is located 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:** "VE" and "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>

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

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 alterations will not meet the minimum parking and loading requirements of Hawai'i County Code, Chapter 25, Zoning. However, Variance No. 15-000312 (VAR-15-00312), issued on March 18, 2016, granted conditional relief from Chapter 25, Zoning, Division 5 off-street parking and loading. As such, the proposed development is consistent with the Hawai'i County General Plan and Zoning code, pursuant to adherence of the conditions within VAR-15-000312. VAR-15-000312 has been enclosed for reference.
3. The proposed alterations were reviewed and recommended for approval by the Kailua Village Design Commission (KVDC) per letter dated October 10, 2016, with conditions. KVDC letter dated October 10, 2016, has been enclosed for reference.
4. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
5. The estimated project cost of \$469,761 for new construction is not in excess of \$500,000.
6. The enclosed Department of Public Works, Engineering Division memorandum dated April 17, 2019, which should be dated April 17, 2017, 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). Any new construction or substantial improvements will be subject to the requirements of Chapter 27 – Flood Plain Management of the Hawaii County Code. The maximum allowable improvement value to the existing restaurant is limited to 50 percent of the current building market value in order to be exempt from Chapter 27."

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 18-000381** is hereby approved for 1) rebuilding the exterior of the existing second-floor to support the proposed third-floor, 2) removal of interior partitions of the existing storage area, 3) creation of a second-floor dining area and kitchen, 4) construction of a new third-floor bar and lānai area, 5) addition of ADA restrooms, ramp, and parking, 6) interior alterations to the existing main level of the restaurant, and 7) construction of a new carport structure for installation of a solar PV system, 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. 18-000381**, subject to the following conditions:

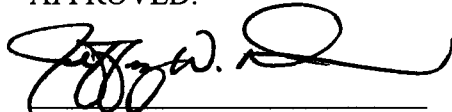
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall adhere to all conditions of VAR-15-00312 issued on March 18, 2016, granting conditional relief from Chapter 25, Zoning, Division 5 off-street parking and loading, unless otherwise amended by this department.
4. Construction of the proposed development shall be completed within two (2) years from the effective date of this permit. Prior to construction, the applicant(s), successor(s) or assign(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development.
5. All activities associated with this permit shall occur on the subject property and outside of the County right-of-way unless prior approvals have been granted from the Department of Public Works.
6. The disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai'i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division. We also highly recommend the recycling of all reusable materials. For information on recycling programs in Hawai'i County, the Department of Environmental Management, Recycling Section can be contacted at (808) 961-8942.
7. Best Management Practices must be followed to ensure the grounds surrounding the building area is kept clear of any rubbish or debris resulting from construction activities at all times.
8. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure. Should the

cost of any new activities or operations not included in the subject proposal but related to the subject undertaking move the total valuation of the project over \$500,000, this permit will be deemed void and a Special Management Area "Major" Use Permit will be required for the project.

9. If discoveries of historic properties, such as lava tube openings, concentrations of artifacts (shell, bone or charcoal deposits, etc.), structural remains or human skeletal remains are made, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651 for further guidance. 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 DLNR-SHPD.
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 any questions, please feel free to contact Lucas Mead at (808) 961-8140.

APPROVED:



MICHAEL YEE
Planning Director

1/23/10

Date

PLANNING DEPARTMENT
2017 APR 17 9:20

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

DATE: April 17, 2019

Memorandum

TO : Michael Yee, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief *di*
e Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 14-001485)
Request: Restaurant Alterations and Addition
Applicant: Fish Hopper LLC
Location: North Kona, Hawaii
TMK: 3 / 7-5-006:014

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

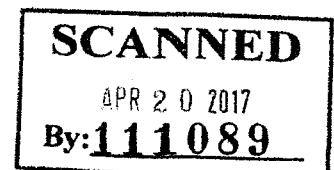
We have determined that the subject property is located within Flood Zones "VE" and "AE" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Any new construction or substantial improvements will be subject to the requirements of Chapter 27 - Flood Plain Management of the Hawaii County Code. The maximum allowable improvement value to the existing restaurant is limited to 50 percent of the current building market value in order to be exempt from Chapter 27.

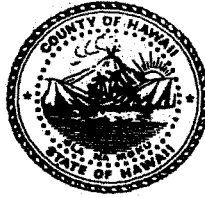
Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE

copy: ENG-HILO/KONA



William P. Kenoi
Mayor



Duane Kanuha
Director

Joaquin Gamiao-Kunkel
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

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

March 18, 2016

William McCowan
Koa Architects, Inc.
65-1285C Kawaihae Road
Kamuela, HI 96743

Dear Mr. McCowan:

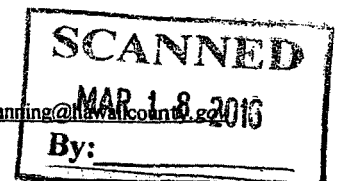
SUBJECT: Application: Variance - VAR-15-000312
Applicant: KOA ARCHITECTS INC./WILLIAM MCCOWATT
Owner: C&S PROPERTIES INC.
Request: Variance from Chapter 25, Zoning, Division 5 Off-Street Parking and Loading. Section 25-4-51, Off-Street Parking and Loading & Section 25-4-59, Location and Improvement of Loading Spaces.
Tax Map Key: 7-5-006:014 (Lot 1)

The Planning Director certifies the **approval** of Variance No. 15-000312, subject to variance conditions. The variance will allow for the proposed expansion of the Fish Hoppers Restaurant to be established without conforming to the requirement of number of parking spaces and loading improvements. These exceptions are from the Hawai'i County Code, Chapter 25, Zoning, Section 25-4-51, Required number of parking spaces and Section 25-4-59 (a), Loading and improvement of loading spaces.

BACKGROUND AND FINDINGS

1. **Location.** The subject property, consisting of approximately 17,402 square feet of land, is located in Kailua Village, situated at Lanihau 1st and Keopu 1st, North Kona, Hawai'i. The subject property's street address is 75-5683 Ali'i Drive.
2. **Zoning.** Resort-Hotel – 750 sq. ft. (V-.75).
3. **Height Limit.** Section 25-5-93 (a) Height limit in the V district shall be forty-five feet.
4. **State Land Use.** Urban.

MAR 18 2016



5. **Required Setback.** 20-feet front and rear, 8-feet sides for one-story, and an additional two feet for each additional story.
6. **Variance Application-Site Plan.** The applicant submitted the variance application, attachments, and filing fee on September 28, 2015, and other submittals related to the variance request and variance application. The variance application's site plan, drawn to scale and prepared by William McCowatt, (Koa Architects Inc.), shows existing restaurant with existing parking stalls and bike rack. (See attached exhibit D)

The renovation to the second floor requires additional parking and loading zone per Hawai'i County Code, Chapter 25, Zoning, Section 25-4-51, Required number of parking spaces and Section 25-4-59 (a), Loading and improvement of loading spaces.

7. **County Building Records.** Hawaii County Real Property Tax Office records date back until 1942; however, historical records indicate that The Fish Hopper Restaurant, which was previously known as The Ocean View Restaurant has a history dating back 100 years. The initial use of the restaurant was for an inn on the first floor and the boarding room on the second floor. The first floor was used as a restaurant with the second floor used as a boarding room and residence.
8. **Agency Comments and Requirements.**
 - a. The State Department of Health (DOH) memorandum, dated October 23, 2015. See attached memorandum - Exhibit A.
 - b. The Hawaii County Public Works Department-Engineering Division memorandum, dated October 26, 2015. See attached memorandum - Exhibit B.
 - c. The Hawaii County Public Works Department-Building Division memorandum, dated October 27, 2015. See attached memorandum - Exhibit C.
9. **Notice to Surrounding Property Owners.** The applicant submitted a copy of notice mailed to surrounding property owners (including affidavits) by USPS. According to these submittals, the first and second notices were mailed on October 23, 2015 and December 10, 2015, respectively. Notice of this application was published in the Hawai'i Tribune Herald and West Hawai'i Today on October 14, 2015.
10. **Time Extension.** The applicant's variance application was acknowledged by letter dated October 7, 2015 and additional time to review the application was required. The applicant granted the Planning Director an extension of time for decision on the Variance Application to March 18, 2016.
11. **Comments from Surrounding Property Owners or Public.** No written comments or

objections from surrounding property owners or general public were received by the Planning Department.

ANALYSIS OF GROUNDS FOR VARIANCE

No variance will be granted unless it is found that:

There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of the property.

The variance application meets criteria (a) for the following reasons:

The site plan shows the existing restaurant with fourteen (14) standard stalls, one (1) ADA van accessible stall, one (1) scooter/motor cycle stall and one five (5) capacity bicycle rack. The renovation of the second floor would require an additional 17 stalls.

The owners are proposing to renovate the second floor which was originally a boarding room and residence to be converted it into a bar/dining area. The subject site is 100 percent built-up with no additional area to accommodate the additional parking and loading/unloading space required for the second floor expansion.

Therefore, based on the information stated above special and unusual circumstances do exist on the subject property which would interfere with the highest and best use of the subject property.

(a) There are no other reasonable alternatives that would resolve the difficulty.

The variance application meets criterion (b) for the following reasons:

Alternatives available to the current owners to address the parking and loading requirements include the following actions:

The subject neighborhood is virtually 100 percent built-up with very few additional parcels to acquire and building a parking deck to meet the parking requirement is not feasible.

A no action or denial of this variance would deny the owners highest and best use of the subject property.

(b) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public's welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

The variance application meets criteria (c) for the following reasons:

The intent and purpose of requiring parking and loading standards are intended to minimize street congestion and traffic hazards, and provide safe and convenient access to residences, businesses, public services and places of public assembly.

The County of Hawai'i – Department of Public Works (Engineering Division) had the following comments: *"It is DPW-ENG policy to recommend the requirement of adequate off-street parking. However the existing one lane driveway is of most concern to DPW-Eng. The existing condition is conducive to conflicts between motorists entering and exiting the rear parking lot and driveway approach to Ali'i Drive which can negatively impact flow of traffic on Ali'i Drive. Any increase in trip generation will increase the effect."* As mentioned earlier, the subject property is 100 percent built-up; therefore, widening of the existing driveway is impractical. As such, the approval of this variance would address Department of Public Works – Engineering Division concern.

The subject property is located in Kailua Town, which is approximately 100 percent built-up with few vacant parcels. Kailua Town is a pedestrian friendly tourist community with a 116 car County parking facility approximately 500 feet northeast of the subject site and a private paid parking facility approximately 1,500 feet east of the subject site.

The variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties. As such, it is felt that the issuance of this variance will not depreciate or detract from the character of the surrounding properties.

This can be substantiated, to some degree, by the fact that no comments or objections were received from the surrounding property owners or general public in response to the Notification of Surrounding Property Owners.

Based on the foregoing findings and unusual circumstances, the applicant's request for variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code, and the County General Plan. Furthermore, the variance request will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

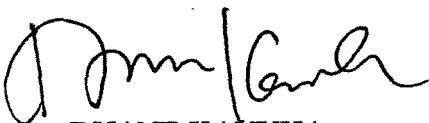
Based on the variance application's the proposed alterations on the subject property will not meet the minimum parking and loading requirements pursuant to Hawai'i County Code, Chapter 25, (Zoning Code).

This variance request is **approved** subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawai'i harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.
3. The applicant/owner(s), shall submit an Application for Plan Approval and other required submittals (SMA Assessment, etc.) to the County of Hawaii Planning Department for review. Plan Approval and other required entitlements shall be secured prior to submitting detailed building plans and specification for a County Building Permit.
4. Since a total of thirty-four (34) stalls are required for the subject development, two (2) ADA stalls shall be required on the subject site, one of which shall be ADA van accessible.
5. Building improvements on the subject property are subject to State Law and County Ordinances and regulation pertaining to building construction and building occupancy. The proposed additions shall be constructed in accordance with approved building plans and building specifications.

Should any of the foregoing variance conditions not be complied with, the Planning Director may proceed to declare subject Variance VAR-15-000312 null and void.

Sincerely,



DUANE KANUHA
Planning Director

LHN:nci

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xc: Planning Department-Kona
Real Property Tax Division-Kona
Gilbert Bailado, GIS (via email)



OCT 27 PM 3 44

PLANNING DEPARTMENT
COUNTY OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: October 23, 2015

TO: Mr. Duane Kanuha
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

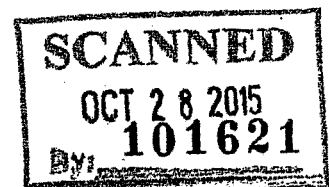
SUBJECT: Application: Variance VAR-15-000312
Applicant: KOA ARCHITECTS INC./ WILLIAM MCCOWATT
Owner: C&S PROPERTIES INC.
Request: Variance from Chapter 25, Zoning, Division 5. Off Street
Parking and Loading. Section 25-4-51, Off-Street Parking and
Loading & Section 25-4-59, Location and Improvement of
Loading Spaces.
TMK: 7-5-006:014 (Lot 1)

The Health Department found no environmental health concerns with regulatory implications in the submittals.

EXHIBIT

A

WORD: VAR-15-000312.eh



2015 OCT 26 PM 2 32

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

DATE: October 26, 2015

Memorandum

TO : Duane Kanuha, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief *Ben Ishii*
Engineering Division *l*

SUBJECT : Variance Application (VAR 15-000312)
Applicant: KOA Architects Inc./William McCowatt
Request: Variance From Chapter 25 Zoning, Division 5. Off Street
Parking and Loading. Section 25-4-51, Off-Street Parking and
Loading & Section 25-4-59 Location and Improvement of Loading
Spaces
Location: Kailua Kona, HI
TMK: 3/ 7-5-006:014

We reviewed the subject application and have the following comment to the request:

It is DPW-ENG policy to recommend the requirement of adequate off-street parking. However the existing one lane driveway is of most concern to DPW-ENG. The existing condition is conducive to conflicts between motorists entering and exiting the rear parking lot and driveway approach to Alii Drive which can negatively impact flow of traffic on Alii Drive. Any increase in trip generation will increase the effect.

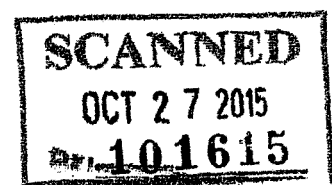
Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4851.

KE

copy: ENG-HILO/KONA

EXHIBIT

B





BUILDING DIVISION – DPW

COUNTY OF HAWAII – 74-5044 Ane Keohokalole HWY. BLDG E 1st Floor KAILUA-KONA, HI 96740
Hilo Office (808) 961-8331 * Fax (808) 961-8410 Kona Office (808) 323-4720 * Fax (808) 327-3509

2015 OCT 27 pm 3 43
PLANNING DEPARTMENT
COUNTY OF HAWAII

Date of Notice: October 27, 2015

Applicant: KOA Architects Inc. / William McCowatt

Owner: C & S Properties

Mailing address: Keauhou Shopping Center Suite 429

65-1285C Kawaihae Road, Kamuela, Hawaii 96743

Address location of property: 75-5681 Ali'i Drive, Kailua-Kona, Hawaii 96740

SUBJECT: Request Variance from Chapter 25, Zoning, Article 5. Off street parking and loading & Section 25-4-50, Location and Improvement of Loading Spaces

T.M.K.: 7-5-006:014 (lot 1)

This is to inform you that our records on file, relative to the status of the subject, discloses that:

- ☐ No Building, Electrical and Plumbing permit was issued for work done on the premise.
- ☐ No building permit was issued for the change of occupancy.
- ☐ At the time of completion, the subject complied to all building regulations that were in effect.
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.

X ☐ The following permits (s) still outstanding:

_X Building _X Electrical _ Plumbing _ Sign

Others: Fences & Accessory Structures, Projections into Building Setbacks

Should you have any questions regarding matters contained herein, please feel free to contact us.

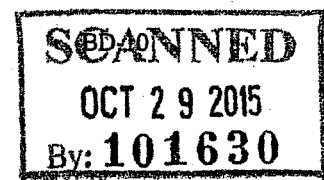
Please note that the proposed Change of Use per 2006 IBC Chapter 34, will be required to meet all Current Codes. The submitted preliminary plans that were attached for preliminary review, as presented did not meet Current Code.

Kelly Wilson, Plans Examiner

County of Hawaii Department of Public Works Building Division

EXHIBIT

C



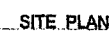


PARKING CALCULATION		factor
TOTAL Load: PL of	8,248 of	1:200
TOTAL Load: seating of	842 of	1:200
Standard Parking Spaces req.:		34
Section 25-5-56 ADA: Seating req.:		5
Section 25-5-56 Loading Spaces req.:		5
Standard Parking Spaces req.:		54
Multiple Spaces req.:		5
Smaller Integral Spaces req.:		5
Section 25-5-36 ADA: Seating req.:		5
TOTAL: Seating req.:		10
Section 25-5-56 Loading Spaces req.:		5

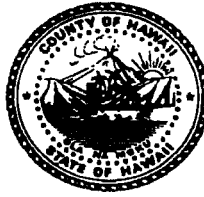
ALTERATIONS AREA TABULATION	
Main Level Existing:	3,000 sq ft
Main Level Alterations:	500 sq ft
Upper Level Alterations:	2,500 sq ft
Total Interior Alterations:	3,100 sq ft
2nd Level Level:	932 sq ft

GENERAL INFORMATION	
Tax Map Key:	7-000-010
Site Address:	75-000 ALB DRIVE
	KUALA-KONA, HAWAII
Legal Owners:	C B S PROPERTIES LLC
	780 CANNERY ROW
	MONTREY, CA 95040-1063
Contact:	BM M 808 345 8000
	BM@boomhawaii.com
Lot Size:	17,402 S F

Main Level Building:	3,000 s.f.
Upper Level Alterations:	2,000 s.f.
Total Interior Space:	5,000 s.f.



D



County of Hawai'i

KAILUA VILLAGE DESIGN COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 10, 2016

Mr. Duane Kanuha, Director
Planning Department
County of Hawai'i

Dear Mr. Kanuha:

SUBJECT: Kailua Village Design Commission Meeting of October 4, 2016
Applicant: WM. MCCOWATT, KOA ARCHITECTS
Land Owner: C & S Properties LLC
Design Review: Fish Hopper Restaurant: Proposed remodel of 2nd story storage area to restaurant kitchen with dining areas, bar, storage and restrooms and addition of 3rd story lanai dining area, storage and restrooms.
Location: Fish Hopper Restaurant – 75-5683 Ali'i Drive
TMK: (3) 7-5-006: 014 (COR-16-107496)

The Kailua Village Design Commission, at its October 4, 2016 meeting, unanimously voted to recommend to the Planning Director approval of the above-referenced proposed project as submitted with the following conditions:

1. Comply with Hawaii County Code Chapter 3 – Sign Code.
2. Remove any/all unapproved banners/signs currently on the property.
3. Any future signage must be applied for and receive approval through the appropriate channels.

Should you have any questions, please contact Terry Dunlap of the Planning Department's West Hawai'i office at 323-4770

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Dahlberg".

Peter Dahlberg, Chair
Kailua Village Design Commission

EKH:ekh S:\KVDC\2016 Correspondence\75006014 KVDC Fish Hopper Approval.docx

cc: Wm. McCowatt, Koa Architects
C & S Properties LLC
West Hawaii TMK File