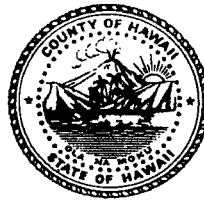


Harry Kim  
Mayor

Wil Okabe  
Managing Director

West Hawai'i Office  
74-5044 Ane Keohokalohe Hwy  
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Phone (808) 323-4770  
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## County of Hawai'i

### PLANNING DEPARTMENT

Michael Yee  
Director

Duane Kanuha  
Deputy Director

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

January 23, 2019

Mr. Carter Romero  
320 Kukuau St.  
Hilo, HI 96720

Dear Mr. Romero:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA-18-001647)  
Special Management Area (SMA) Minor Use Permit (SMM-19-000405)  
Applicant(s): Calvin and Ronaleen Mateo  
Land Owner(s): Calvin and Ronaleen Mateo  
Project: Demolition of Existing Structure and Construction of a  
New Structure  
TMK: (3) 2-6-003:024; Ohai Street, Hilo, Hawai'i**

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We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-18-0001647), submitted on December 18, 2018. Additional materials required for application review were recieved on December 28, 2018. Thank you for working to obtain the additional information and tax certificate for the proposed project.

*The applicant proposes the following activities:*

1. Complete demolition of an existing two (2) story structure that currently intrudes into the county property line setback;
2. Construction of a new two (2) story structure with the same floor area as the existing structure, and in approximately the same location as the existing structure.

The subject parcel is 1.35 acres and is zoned *Multiple-Family Residential* (RM-1) by the County of Hawai'i and is located within the State Land Use (SLU) Urban District. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject parcel is designated as Medium Density Urban (*mdu*).

The entire parcel is located within the Special Management Area (SMA) and is approximately 800 linear feet from the shoreline; however, the project area is not located in a "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). As the project area is not

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located in a "shoreline area," the requirement to submit a current Certified Shoreline survey is waived for the above-listed proposed activities.

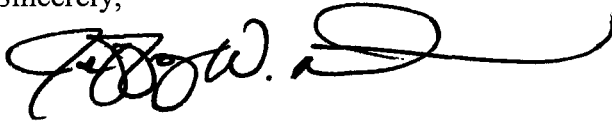
**Special Management Area Determination:**

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), "*construction, reconstruction, demolition or alteration of the size of any structure,*" the "*change in the density or intensity of use of land,*" and the "*change in the intensity of use of water, ecology related thereto, or of access thereto*" is defined as "development." Therefore, the proposed demolition of an existing structure and the construction of a new structure (with similar floor area) in approximately the same location on the property is considered "development" and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

We find that the proposed actions 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-19-000405, 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 Alex J. Roy, M.Sc. of this office at (808) 961-8140.

Sincerely,



*AY*

MICHAEL YEE  
Planning Director

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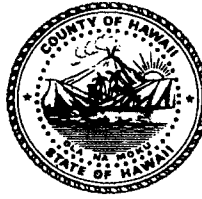
Enclosures: SMM-19-000405

cc w/Encls.: Administrative Permits Division (*via email*)

Mr. Calvin Mateo  
PO Box 6904  
Hilo, HI 96720

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

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**Special Management Area Minor Permit No. 19-000405**

**Project:** Demolition of Existing Structure and Construction of a New Structure  
**Applicant(s):** Calvin & Ronaleen Mateo  
**Owner(s):** Calvin & Ronaleen Mateo  
**Location:** Ohai Street, Hilo, Hawai'i  
**TMK:** (3) 2-6-003:024 **Land Area:** 1.35 acres

**Applicant's Request**

**1. Project Description:**

*The applicant proposes the following activities:*

1. Complete demolition of an existing two (2) story structure that currently intrudes into the county property line setback;
2. Construction of a new two (2) story structure with the same floor area as the existing structure, and in approximately the same location as the existing structure.

**2. Purpose of Project:**

The objective of the proposed development is to replace an existing structure (built in 1936) that is in violation of the building code due to its location within the property line setback and due to its greatly deteriorated condition.

**3. Project Valuation:** \$255,000

**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), "construction, reconstruction, demolition or alteration of the size of any structure," the "change in the density or intensity of use of land," and the "change in the intensity of use of water, ecology related thereto, or of access thereto" is defined as "development." Therefore, the proposed demolition of an existing structure and the construction of a new structure (with similar floor area) in approximately the same location on the property is considered "development" and requires a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

### 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 Medium Density Urban (*mdu*) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Residential (RM-1).
4. **Special Management Area:** The subject parcel is located within the SMA; however, the project area is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X (*outside the 500-year flood zone*)

### 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

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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$255,000 for demolition/new construction is not in excess of \$500,000.

### Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. SMM-19-000405** is hereby approved to:

Completely demolish an existing two (2) story structure that currently intrudes into the county property line setback, and 2) Construct a new two (2) story structure with the same floor area as the existing structure, and in approximately the same location as the existing structure.

<b>Conditions of Approval</b>
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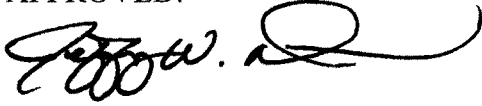
The Planning Director has approved **SMA Minor Permit No. SMM-19-000405**, subject to the following conditions:

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. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
4. Final Plan Approval for the proposed project from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code, shall be secured within one (1) year of the date of this approval and all construction activities shall be completed within (2) years from the date of Final Plan Approval.
5. Best Management Practices (BMP) must be followed to ensure the grounds surrounding the project area are kept clear of any rubbish or debris resulting from the demolition and construction activities at all times.
6. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under HRS Chapter, and Rule 9 of Planning Commission Rules of Practice and Procedure.
7. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
8. 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).

9. 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 Alex J. Roy. M.Sc. at (808) 961-8140.

APPROVED:



*For* MICHAEL YEE  
Planning Director

1/23/19

Date