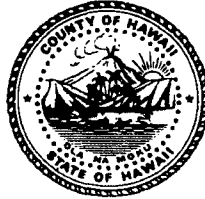


Harry Kim
Mayor

Wil Okabe
Managing Director

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74-5044 Ane Keohokalole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

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Deputy Director

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

April 23, 2019

Susan Kim
15-921 Paradise Ala Kai
Kea'au, HI 96749

Dear Ms. Kim:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA-19-001652)
Special Management Area (SMA) Minor Use Permit (SMM-19-000413)**
Applicant(s): Susan Kim
Land Owner(s): Susan Kim
Project: Proposed One-Bedroom Bed and Breakfast
TMK: (3) 1-5-057:087; Puna District, Island of Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA-18-001652), received on February 18, 2019.

The applicant proposes the following activities:

1. Establish a one-bedroom Bed and Breakfast in an existing two-bedroom, two-bathroom single-family residence;

The subject parcel is .65 acres and is zoned Agricultural 1-acre (A-1a) by the County of Hawai'i and is designated State Land Use (SLU) Agricultural by the State of Hawai'i. According to the County of Hawai'i General Plan 2005 (as amended) Land Use Pattern Allocation Guide (LUPAG) map, the subject parcel is designation as Rural (rur) and Open (ope).

The entire parcel is located within the Special Management Area (SMA) and is located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS).

APR 23 2019

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 establishment of a one-bedroom Bed and Breakfast is considered "development" and requires a review against the SMA 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-19-000413, 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 Jessica Andrews of this office at (808) 961-8155.

Sincerely,



FL MICHAEL YEE
Planning Director

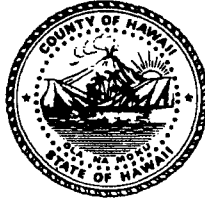
JMA:mad

Enclosures: SMM-19-000413

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

cc ltr. only: Mrs. Justine W. Nihipali
Office of Planning
State of Hawai'i DBEDT
P.O. Box 2359
Honolulu, HI 96804-2359

Harry Kim
Mayor



Michael Yee
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Special Management Area Minor Permit No. 19-000413

Project: Proposed One-Bedroom Bed and Breakfast
Applicant(s): Susan Kim
Owner(s): Susan Kim
Location: 15-921 Paradise Ala Kai, Kea'au, HI 96749
TMK: (3) 1-5-057:087
Land Area: .65 acres

Applicant's Request

1. Project Description:

The applicant proposes the following activities:

A. Establish a one-bedroom Bed and Breakfast in an existing two-bedroom, two-bathroom single-family residence.

2. Purpose of Project: The objective of the proposed project is to take advantage of the extra space in the applicant's home and to earn income from the Bed and Breakfast.

3. Project Valuation: \$0

4. Determination: According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(A) and (B) relating to Special Management Area (SMA): "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste", and "grading, removing, dredging, mining, or extraction of any materials" is defined as "development." Therefore, the proposed establishment of a one-bedroom Bed and Breakfast on the subject 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 Agricultural by the State Land Use Commission.
2. **General Plan:** The parcel is designated as Rural (rur) and Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Agricultural one-acre (A-1a)
4. **Special Management Area:** The subject parcel is located in the SMA; the parcel is located in the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zone X and VE

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 \$0 for construction of proposed structure 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-19-000413** is hereby approved to:

- A. Establish a one-bedroom Bed and Breakfast in an existing two-bedroom, two-bathroom single-family residence.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. SMM-19-000413**, 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 effective date of this SMA Minor Permit will be the effective date of Special Permit No. 18-000203. The applicant will establish the proposed one-bedroom Bed and Breakfast within two (2) years from the effective date.
4. Neither the landowner nor any agent of the landowner or its successors shall, at any time, impede or otherwise restrict lateral public access along the 40-foot shoreline setback area along the top of the sea cliff.
5. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. 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 construction activities at all times.
7. 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.
8. 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.

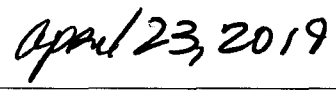
9. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:
 - a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, 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).
10. 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 Jessica Andrews at (808) 961-8155.

APPROVED:



MICHAEL YEE
Planning Director



Date