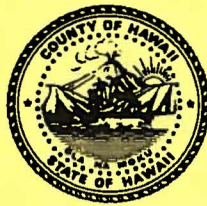


Harry Kim  
Mayor



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Director

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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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**Special Management Area Minor Permit No. 20-000429**

**Project:** Conversion of the Dwelling's Basement Level to a Duplex  
**Applicant(s):** Alyce Arata Trust  
**Owner(s):** Alyce Arata  
**TMK(s):** (3) 2-6-001:018  
**Location:** Pu'u'eo, South Hilo, Hawai'i  
**Land Area:** 1.8251 acres

**Applicant's Request**

**1. Project Description:**

The applicant proposes the following activities:

- Interior renovations to convert the existing 963.75 square feet basement level into a second dwelling unit consisting of a family room/kitchen, one-bedroom, 1-bath, laundry room and 2 storage rooms;
- New plumbing and utility upgrades as needed.

As all improvements will be within the dwelling's wall lines, no grading or grubbing is proposed. The staging area will be next to the garage and all construction debris will be taken to the authorized commercial landfill in Hilo. Further, construction workers will access the project site from the Hāmākua side of the dwelling.

**2. Purpose of Project:** To provide an additional rental unit on the property.

**3. Project Valuation:** \$100,000

**4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 relating to Special Management Area (SMA): *Construction, reconstruction, demolition, or alteration of the size of any structure is defined*

as “development.” Therefore, the proposed conversion of an existing single-family dwelling to a duplex on the subject parcel is considered “development” and necessitates 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 within the Urban District by the State Land Use Commission.
2. **General Plan:** The parcel is designated as Medium Density Urban (mdu) and Open (o) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** Resort-Hotel (V-.75).
4. **Special Management Area:** The subject parcel is located in the SMA and has frontage along the coastline. However, the project site is approximately seventy-five (75) feet from the top of the coastal pali with an approximately one hundred (100) feet drop to the shoreline/ocean. Therefore, the basement level of the existing single-family dwelling is not located within the “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** Zone X

#### **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 \$100,000 for the conversion of the existing structure into a duplex 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-20-000429** is hereby approved for:

1. Interior renovations to convert the existing 963.75 square feet basement level into a second dwelling unit consisting of a family room/kitchen, one-bedroom, 1-bath, laundry room and 2 storage rooms within the existing wall lines; and
2. New plumbing and utility upgrades as needed.

### **Conditions of Approval**

The Planning Director has approved **SMA Minor Permit No. SMM-20-000429**, 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. In particular, please note that a change of use building permit from the Department of Public Works – Building Division will be required for the duplex conversion.
3. All construction and maintenance activities on the subject parcel shall comply with Hawai'i County Code (HCC), Chapter 27 Flood Control, and HCC Chapter 10 Erosion and Sedimentation Control.



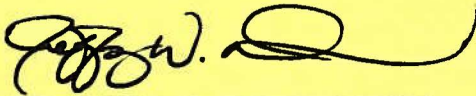
4. Construction of the proposed development shall be completed within two (2) years from the effective date of this permit. Prior to construction, the applicant(s), successor(s) or assign(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 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. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code.
5. The applicant shall comply with Best Management Practices (BMPs) and take reasonable precautions to prevent the project area from any localized runoff to Pukihae Stream and the ocean that may occur due to natural events or human induced activities.
6. That in issuing this permit, the Department has relied on the information and data that the applicant(s) has provided in connection with this permit. If, subsequent to this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
7. 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.
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. Any further development, including but not limited to, the construction of additional structures or improvements not included in this approval shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
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 contact Esther Imamura at (808) 961-8139.

APPROVED:



MICHAEL YEE  
*Planning Director*

7/17/20

Date