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Mayor



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County of Hawai'i
PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 20-000431

Project: Remove Wood Fence and Replace with New Lava Rock Wall and an Automatic Gate
Applicant(s): Leon Robert Tucker Jr.
Owner(s): Leon Robert Tucker Jr.
TMK(s): (3) 7-6-017: 036, 037 and 039
Location: North Kona, Hawai'i
Land Area(s): 036 - 7,959 sq. ft.; 037 - 8,733 sq. ft.; and 039 - 8,879 sq. ft.

Applicant's Request

1. Project Description:

On proposed Lot 1-A, along the mauka property lines adjacent to Ali'i Drive, remove the wood fence and replace it with a new lava rock wall and an automatic gate.

2. Purpose of Project: To increase the property value of the parcels.

3. Project Valuation: \$25,000

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), the *Construction, reconstruction, demolition, or alteration of the size of any structure* is defined as "development." Therefore, the proposal to remove the wood fence and replace it with a new lava rock wall and an automatic gate on proposed Lot 1-A 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 Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** Single-Family Residential (RS-15).
4. **Special Management Area:** The subject parcel is located in the SMA; however, the shoreline was certified by the Chairperson of the Board of Land and Natural Resources, on December 4, 2018, and no portion of the proposed project is located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Zones VE and 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 \$25,000 for the new lava rock wall and an automatic gate 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-20-000431** is hereby approved to remove the wood fence and replace it with a new lava rock wall and an automatic gate on proposed Lot 1-A.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. SMM-20-00431**, 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 proposed work shall comply with the requirements of Hawai'i County Code (HCC), Chapter 27 Flood Control, and HCC Chapter 10 Erosion and Sedimentation Control.
4. 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.
5. All construction activities for the new rock wall shall be completed within two (2) years from the date of this letter.

6. All plans submitted with land use and Building Permit applications must depict both the certified shoreline, as determined in the December 4, 2018, certified shoreline map and a forty (40)-foot shoreline setback line taken from the certified shoreline.
7. The forty (40)-foot shoreline setback line shall be clearly and unmistakably marked physically on proposed Lot 1-A and Lot 2-A prior to any demolition and construction activities. Markers used to identify the forty (40)-foot shoreline setback line shall be maintained and kept in place for the entire duration of the construction and demolition activities approved by this determination.
11. A construction barrier and silt fence must be depicted and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, *"The construction barrier and the silt fence must be erected prior to any land altering or construction activities and must remain in place until final inspection by Department of Public Works."*
12. A construction barrier and a silt fence, meeting with the approval of the Planning Director, shall be erected along the entire length of the forty (40)-foot shoreline setback line of both proposed Lot 1-A and proposed Lot 2-A prior to the commencement of any land altering or construction activities. The barriers shall not inhibit lateral public access and must be maintained in good condition, remaining in place until final inspection has been granted for all improvements. After installation, please contact our Planning Inspectors at (808) 323-4770 to arrange for a site inspection.
13. Any further development, including but not limited to, additional structures and landscaping improvements not included in this approval, or use of the adjacent proposed Lot 1-A as a staging or parking area for construction materials and equipment/machinery shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
14. The applicant shall implement standard Best Management Practices (BMPs) for erosion control and water quality, including the ability to contain and clean up fuel, fluid, or oil spills immediately for activities/uses. Grading shall not be performed during periods of heavy rain. If visible petroleum, persistent turbidity, or other unusual substances are observed in the nearby waters as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance. Further, contractors shall limit work on windy days and use dust suppression measures such as applying water to control fugitive dust, in particular, during demolition of the dwellings. Finally, the shoreline setback area shall be kept clear of any rubbish or debris resulting from the construction activities at all times.
15. In the unlikely event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, 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 at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

16. 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.
17. In issuing this determination, the Planning Department has relied on the information and data that the applicant has provided in connection with this assessment application. If, subsequent to this determination, such information and data prove to be false, incomplete or inaccurate, this determination may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
18. 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 determination; 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).
19. 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.



RY
MICHAEL YEE
Planning Director

8/14/20
Date



PROPOSED SITE PLAN

THIS PLAN IS THE PROPERTY OF FHG ARCHITECTS, AIA, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FHG ARCHITECTS, AIA, LLC.

OWNER: Lani Property Trust, Inc.
Site: 14-011-031-2
Titled: 14-011-031-2

DATE: 8/5/2015
BY: [Signature]
CHECKED: [Signature]

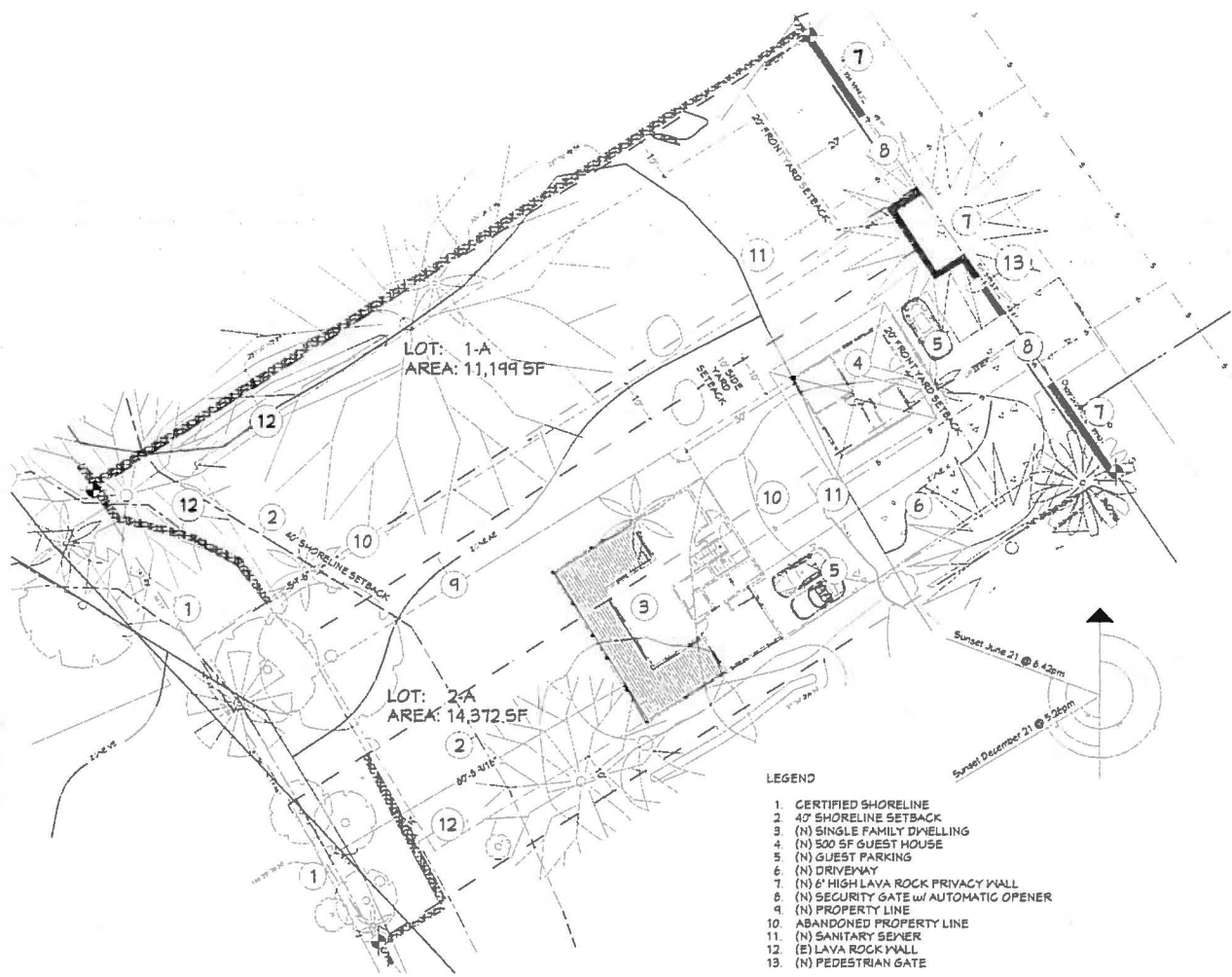
DESIGNED BY: [Signature]
PROJECT NO.: 14-011-031-2

DATE: 8/5/2015
BY: [Signature]
CHECKED: [Signature]
SCALE: 1" = 10.0'

**PROPOSED
SITE PLAN**

A-0.3

Sheet 4 of 5



WORK ON SITE WITH TRUCK & CRANE



PROPOSED CONCRETE FOUNDATION



PROPOSED CONCRETE FOUNDATION



PROPOSED CONCRETE FOUNDATION



REINFORCED

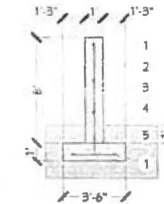
CONCRETE

FOOTING

REINFORCED

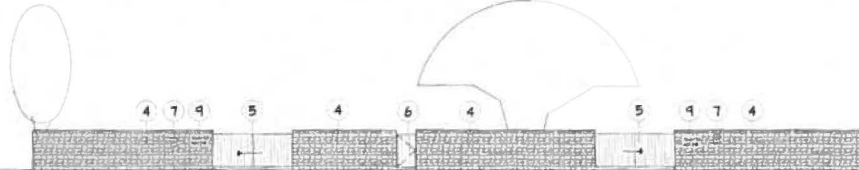
CONCRETE

FOOTING



LEGEND

1. 1/2" REBAR @ 24" O.C. HORIZONTAL
2. 1/2" REBAR @ 18" O.C. VERTICAL
3. CONCRETE REINFORCED MASONRY
4. REINFORCED CONCRETE FOOTING
5. 1/2" REBAR



VIEW FROM ALI'I DRIVE

LEGEND

1. DEMOLISH AND REMOVE EXISTING STRUCTURES AND ALL RELATED SITE IMPROVEMENTS
2. REMOVE EXISTING FENCE AND GATE, ALIAS AND BRIDGE
3. REMOVE EXISTING FENCE AND GATE, ALIAS AND BRIDGE
4. REMOVE EXISTING FENCE AND GATE, ALIAS AND BRIDGE
5. PROVIDE AND INSTALL 1/2" REBAR @ 24" O.C. HORIZONTAL
6. PROVIDE AND INSTALL 1/2" REBAR @ 18" O.C. VERTICAL
7. PROVIDE AND INSTALL 1/2" REBAR @ 24" O.C. HORIZONTAL
8. PROVIDE AND INSTALL 1/2" REBAR @ 18" O.C. VERTICAL
9. PROVIDE AND INSTALL 1/2" REBAR @ 24" O.C. HORIZONTAL
10. PROVIDE AND INSTALL 1/2" REBAR @ 18" O.C. VERTICAL

FHG
Architects
AIA, LLC
2 Star Rating
1 Star Rating
1 Star Rating
1 Star Rating



PROJECT NO. 145-001
PROJECT NAME: PROPOSED CRM WALL
PROJECT LOCATION: 145-001
PROJECT DATE: 145-001

DESIGNED BY: Robert Taylor
CHECKED BY: Robert Taylor
DATE: 145-001

DATE: 145-001
SCALE: 145-001

DATE: 145-001
SCALE: 145-001

DATE: 145-001
SCALE: 145-001

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