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## County of Hawai'i

### PLANNING DEPARTMENT

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March 06, 2023

Mrs. Breeani Sumera-Lee  
129 Banyan Way  
Hilo, HI 96720  
VIA EMAIL

Dear Mrs. Sumera-Lee:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA-21-001832)  
Special Management Area (SMA) Minor Use Permit  
(SMM-21-000448) (AMENDED)**

**Applicant: SCP Hilo, LLC  
Project: Paving of Parking Lot and new walls  
TMKs: (3) 2-1-006:056, 057, 058, 059 & 086; South Hilo District, Island of Hawai'i**

This letter is being sent in response to your February 12, 2023, request to amend Special Management Area Minor Permit No. 21-000448 (SMM-21-000448) to allow for the construction of a new wall along the parking areas located on the subject parcels. The Applicant estimates the valuation of the amended activities to be \$80,000.

SMM-21-000448 was approved on May 7, 2021, to improve the above referenced properties with asphalt/pavement for the convenience of patrons visiting the hotel.

The subject parcels are 13,992 square feet in size and is zoned Resort-Hotel (V-.75) by the County of Hawai'i and is designated within the State Land Use (SLU) Urban District by the State of Hawai'i land Use Commission. According to the County of Hawai'i General Plan Land Use Pattern Allocation Guide (LUPAG) map, the subject parcel is zoned situated within the resort designation.

The entire project area is located within the Special Management Area (SMA); however, no portion of the parcel is located within the "shoreline area" as defined by section 205A-41, Hawai'i Revised Statutes (HRS). The requirement to submit a current certified shoreline survey is being waived by the Director of the Planning Department for the above-listed proposed activities as the proposed activities occur well inland from the "shoreline area".

**Proposed Use:**

The applicant is proposing to improve the above referenced properties with asphalt/pavement for the convenience of patrons visiting the hotel located on the following adjoining parcels (TMKs: (3) 2-1-006:008, 029 & 069). Additional work includes the construction of a new rock wall around the hotel parking area and property.

Amended activities include:

- a) Building of a 242-foot long by 6-foot-high rock wall.
- b) Removal of old fence and landscaping.
- c) New landscaping around the new wall.

**Special Management Area Determination:**

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, “Development” means any of the [listed] uses, activities, or operations on land or in or under water within the Special Management Area.

According to the application, the following definition of “Development” can be applied to the proposed use:

- *Grading, removing, dredging, mining, or extraction of any materials, and*
- *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste.*

We find that the proposed action is not exempt from the definition of “development;” however, as described, the project 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-21-000448 (AMENDED)**, 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.

While further review of the proposed project against the Special Management Area rules and regulations will not be required, all other applicable Zoning Code and Building Code requirements must be satisfied. Additionally, any further development 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.

Mrs. Breeani Sumera-Lee  
March 06, 2023  
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If you have any questions, please contact Alex Roy of this office at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

Sincerely,

Zendo Kern  
Zendo Kern (Mar 6, 2023 09:54 HST)

ZENDO KERN  
Planning Director

AJR:mads

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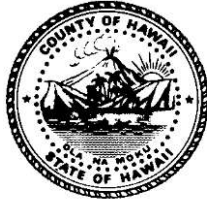
Enclosure: SMM-21-000448 (AMENDED)

cc via email: Shichao Li, State-OPSD  
Lisa E. Webster, State-OPSD  
GIS Section

Mitchell D. Roth  
Mayor

Lee E. Lord  
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## **Special Management Area Minor Permit No. 21-000448 (Amended)**

**Project:** Paving and Parking Improvements for Hotel Parking Area  
**Applicant:** SCP Hilo, LLC  
**Location:** Banyan Drive, South Hilo District, Island of Hawai'i  
**TMK:** (3) 2-1-006:056, 057, 058, 059 & 086  
**Land Area:** 13, 992 square feet

### **Applicant's Request**

#### **1. Project Description:**

The applicant is proposing to improve the above referenced properties with asphalt/pavement for the convenience of patrons visiting the hotel located on the following adjoining parcels (TMKs: (3) 2-1-006:008, 029 & 069). Additional work includes the construction of a new rock wall around the hotel parking area and property.

Amended activities include:

- a) Building of a 242-foot long by 6-foot-high rock wall.
- b) Removal of old fence and landscaping.
- c) new landscaping around the new wall.

- 2. Purpose of Project:** The applicant currently owns and operates the Hilo Seaside Hotel located on the following adjoining parcels (TMKs: (3) 2-1-006:008, 029 & 069). The applicant would like to improve the area with asphalt/pavement for the convenience of hotel's patrons and employees.

- 3. Project Valuation:** \$200,000 (Amended valuation adds \$80,000)

- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) and (E) relating to Special Management Area (SMA): "*Grading, removing, dredging, mining, or extraction of any materials*" and, "*Construction, reconstruction, demolition or alteration of the size of any structure*" is defined as "development." Therefore, the proposed improvements on the subject property is

considered “development” and requires a review against the Special Management Area rules and regulations. Our review has resulted in the issuance of a SMA Minor Permit.

<b>State and County Plans</b>
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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 by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is currently zoned Resort-Hotel (V-.75).
4. **Special Management Area:** The subject parcels are located in the SMA; 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:** Zone AE and VE.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 tsunamis, 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 and Coastal Dune Protection
- ☒ Marine and Coastal 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 \$280,000 for the construction of the proposed parking area and related improvements 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 21-000448 (Amended)** is hereby approved for the construction of an asphalt/pavement parking lot and related improvements on the above referenced properties.

### Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. SMM 21-000448 (Amended)**, **subject to the following conditions:**

1. The applicant, its successors or assigns (Applicant) 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 and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.

4. Best Management Practices (BMP) must be followed to ensure the grounds surrounding the project area are kept clear of any rubbish or debris.
5. 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.
6. In the 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, 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 (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
7. 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 Roy at (808) 961-8140 or via email at [alex.roy@hawaiicounty.gov](mailto:alex.roy@hawaiicounty.gov)

APPROVED:

Zendo Kern  
Zendo Kern (Mar 6, 2023 09:54 HST)

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ZENDO KERN  
Planning Director

March 06, 2023

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Date