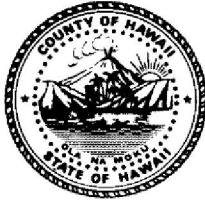


Mitchell D. Roth
Mayor

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County of Hawai'i

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August 9, 2022

Chris Sugidono
c/o Munekiyo Hiraga
305 High St., Ste. 104
Wailuku, HI 96793

Dear Mr. Sugidono:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000073)
Special Management Area (SMA) Minor Permit
(PL-SMM-2022-000027)
Applicant(s): Project Paradise, LLC
Landowner(s): Project Paradise, LLC (Parcel 003) &
BP Bishop Estates (Parcel 001)
Project: New Concrete Driveway
Tax Map Key: (3) 8-3-005:003 & 001
Location: South Kona District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2022-000073), submitted to this office on April 11, 2022, with additional information submitted on May 9, 2022; we apologize for the delay in processing your application.

The subject parcels total approximately 25.74 acres; however, the project area will only be approximately 2,000 square feet (sf). The parcels are each zoned Open (ope) by the County and designated Conservation District by the State Land Use Commission. The project area is designated Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. Both parcels are entirely within the SMA, with only Parcel 003 considered to be a "shoreline parcel" as defined by Hawai'i Revised Statutes (HRS) 205A-41.

Existing Land Uses:

Keawaiki Road is a private road which runs through Parcel 001 to the applicant's parcel (Parcel 003) which is currently developed with a single-family residence and related development. Staff notes that the dwelling was constructed in 1964, with minor improvements in the 1990's which were permitted via Conservation District Use Permit (CDUP) HA-739. Site Plan Approval (SPA:

HA-22-60) was granted by the DLNR Office of Conservation and Coastal Lands (OCCL) on July 26, 2022, for this proposed driveway construction project.

Proposed Project:

The proposed project is for the construction of a concrete driveway to separately serve the existing single-family residence located on Parcel 003. At this time the applicant is proposing the following:

- Construct a 16-ft wide by 106-ft long concrete driveway.
- Construct a 40-ft wide concrete “apron” or connection to the existing driveway from Keawaiki Road.
- Dig trench to accommodate lowering of existing waterline.
- Grading and grubbing as necessary to accommodate driveway construction and drainage.
- Installation of landscaping around new driveway.

The reconstructed driveway will be located outside the special flood zone areas, and the 3.2-ft. Sea Level Rise Exposure Area (SLR-Xa) boundary.

Purpose of Project:

A previously existing driveway was removed by the property’s prior owner, who chose to solely utilize a driveway that serviced both Parcel 003 and the adjacent parcel to the north, TMK (3) 8-3-005:005 (Parcel 005). The current owner and Applicant would like to re-establish the former access with a concrete driveway such that there are separate driveway entrances for Parcel 003 and Parcel 005 (Exhibit 1).

Shoreline Area Determination:

The project parcel is located within the Special Management Area (SMA); however, no portion of the project is located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS). Therefore, as the project is located approximately 100 feet from the shoreline, the requirement to submit a current certified shoreline survey is waived by the Planning Director.

The shoreline in the vicinity of the project site consists of rocks and has no designated beach access or sandy beach area. However, the proposed project will not restrict or impact lateral coastal access or the public’s ability to utilize the shoreline that fronts Parcel 003.

Special Management Area Determination:

Pursuant to Hawai‘i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1) 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 definitions of “Development” can be applied to the proposed use:

Chris Sugidono
c/o Munekiyo Hiraga
August 9, 2022
Page 3

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
- *Grading, removing, dredging, mining, or extraction of any materials, and*
- *Construction, reconstruction, or alteration of the size of any structure.*

The Planning Department finds that the proposed activity is not exempt from the definition of “development;” therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. PL-SMM-2022-000027, is hereby issued for the proposed driveway construction project. It is the applicant’s responsibility to read and comply with the conditions listed in the enclosed permit, that cover both the SMA exemption determination and the SMA minor 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 future development or activities 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.

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,


Maija Jackson for (Aug 9, 2022 13:16 HST)

ZENDO KERN
Planning Director

AJR:jaa

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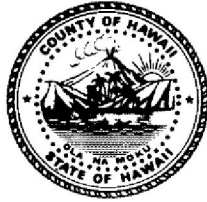
Enclosures: SMM Permit No. PL-SMM-2022-000027
Exhibit 1 – Site Plan

Cc (via e-mail): Shichao Li, State-OPSD
Lisa E. Webster, State-OPSD
DLNR-OCCL
GIS Section

Mitchell D. Roth
Mayor

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Special Management Area Minor Permit No. PL-SMM-2022-000027

Project: New Concrete Driveway
Applicant(s): Project Paradise, LLC
Landowner(s): Project Paradise, LLC (Parcel 003) &
BP Bishop Estates (Parcel 001)
TMK(s): (3) 8-3-005:003 & 001
Location: Keawaiki Road, South Kona District, Hawai'i
Land Area: 25.74 acres

Applicant's Request

- 1. Project Description:** This Special Management Area (SMA) Minor Use Permit is being pursued as the Proposed project includes uses deemed "development" and therefore require the SMA minor permit in accordance with SMA rules and regulations. At this time, the applicant is proposing the following:
 - Construct a 16-ft wide by 106-ft long concrete driveway.
 - Construct a 40-ft wide concrete "apron" or connection to the existing driveway from Keawaiki Road.
 - Dig trench to accommodate lowering of existing waterline.
 - Grading and grubbing as necessary to accommodate driveway construction and drainage.
 - Installation of landscaping around new driveway.

The reconstructed driveway will be located outside the special flood zone areas, and the 3.2-ft. Sea Level Rise Exposure Area (SLR-Xa) boundary.
- 2. Purpose of Project:** A previously existing driveway was removed by the property's prior owner, who chose to solely utilize a driveway that serviced both Parcel 003 and the adjacent parcel to the north, TMK (3) 8-3-005:005 (Parcel 005). The current owner and Applicant would like to re-establish the former access with a concrete driveway such that there are separate driveway entrances for Parcel 003 and Parcel 005.
- 3. Project Valuation:** \$3,000.
- 4. Determination:** According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(1) relating to Special Management Area

(SMA): “Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste”, “Construction, reconstruction, demolition, or alteration of the size of any structure”, and “Grading, removing, dredging, mining, or extraction of any materials” is defined as “development.” Therefore, the proposed new concrete driveway project is considered “development” and requires a SMA Minor Permit.

State and County Plans

5. **State Land Use (SLU) District:** The subject parcel is within the SLU Conservation District.
6. **General Plan:** The parcel is designated as Open (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcel is currently zoned Open (ope).
8. **Special Management Area:** The project parcel is located within the Special Management Area (SMA), as well as within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** Zone X, AE, 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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai‘i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
- ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
- ☒ 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 activities 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 \$3,000 for the new concrete driveway project 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. PL-SMM-2022-000027** is hereby approved for the following activities:

- Construct a 16-ft wide by 106-ft long concrete driveway.
- Construct a 40-ft wide concrete “apron” or connection to the existing driveway from Keawaiki Road.
- Dig trench to accommodate lowering of existing waterline.
- Grading and grubbing as necessary to accommodate driveway construction and drainage.
- Installation of landscaping around new driveway.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2022-000027**, **subject to the following conditions:**

1. The applicant(s), its successor(s), or assign(s) (“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. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within the minimum 40-foot shoreline setback area without securing a prior written determination of minor structure or activity pursuant to Planning Department Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. The proposed work shall comply with the requirements of Hawai'i County Code (HCC) Chapter 10, Erosion and Sedimentation Control.
7. The Applicant shall provide adequate and safe pedestrian access throughout the project area as required and will not alter or block any shoreline or coastal access.
8. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights 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.
9. In the 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, 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 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.
10. That in issuing this permit, the Department has relied on the information and data that the Applicant has provided in connection with this permit. If, subsequent to issuance of 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.

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 feel free to contact Alex J. Roy at (808) 961-8140 or via email at Alex.Roy@hawaiiicounty.gov.

APPROVED:

Maija Jackson for
Maija Jackson for (Aug 9, 2022 13:16 HST)

ZENDO KERN
Planning Director

August 09, 2022

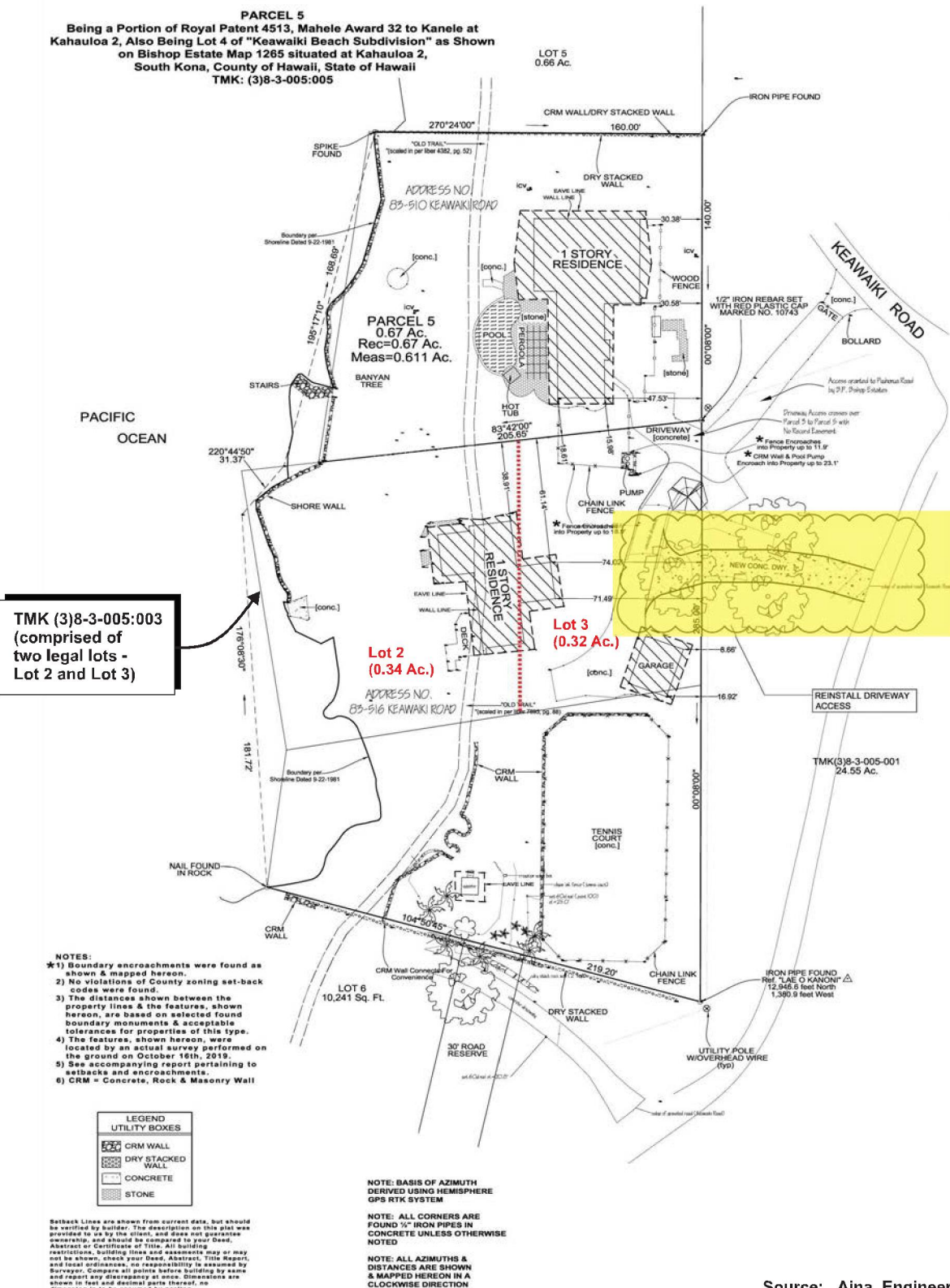
Date

MAP SHOWING EXISTING CONDITIONS UPON PARCEL 3

Being a Portion of Royal Patent 4513, Mahele Award 32 to Kanele at Kahauloa 2, Also Being Lots 1, 2 & 3 of "Keawai Beach Subdivision" as Shown on Bishop Estate Map 1265 situated at Kahauloa 2, South Kona, County of Hawaii, State of Hawaii
TMK: (3)8-3-005:003

PARCEL 5

Being a Portion of Royal Patent 4513, Mahele Award 32 to Kanele at Kahauloa 2, Also Being Lot 4 of "Keawai Beach Subdivision" as Shown on Bishop Estate Map 1265 situated at Kahauloa 2, South Kona, County of Hawaii, State of Hawaii
TMK: (3)8-3-005:005



Driveway Reconstruction Project Conceptual Site Plan

NOT TO SCALE

