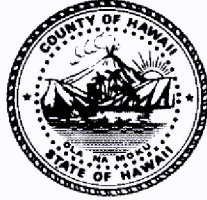


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

March 06, 2023

Mark Cruz
1576 Lower Kimo Drive
Kula, HI 96790
VIA EMAIL

Dear Mr. Cruz:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000133)
Special Management Area (SMA) Minor Permit
(PL-SMM-2023-000041)**

Applicant: Mark Cruz
Landowner: Trivandrum and Tejovathi Sundaresan
Request: Single-Family Residence and Related Improvements
Tax Map Key: (3) 1-5-059:061, Keaau, Puna, Island of Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-2022-000133) received by this office on November 15, 2022; additional information was submitted to this office on January 27, 2023. The applicant is requesting to construct a single-family residence with related improvements. The valuation of the proposed project is \$483,525 as reported by the applicant.

The 0.49-acre subject parcel is zoned Agricultural-1 acre (A-1a) by the County and designated as Agricultural by the State Land Use Commission (LUC). The subject parcel is designated as "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The entire subject parcel is located within the Special Management Area (SMA) and is considered a "shoreline parcel" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Due to the location of the proposed single-family residence and related improvements being at least 70-feet from the approximate shoreline, the Director has waived the requirement for a Shoreline Certification for this proposed activity. Staff notes that there is no deeded public access through the subject parcel; however, the applicant will not restrict lateral public access along the shoreline.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No. 9-4(e)(1)(E) relating to Special Management Area (SMA), "*grading, removing, dedging, 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 construction of a single-family residence and related improvements that is located on a shoreline parcel 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 because the total valuation of the proposed project is under \$500,000 and will not have a cumulative impact or significant adverse environmental or ecological effect on the SMA.

Therefore, pursuant to Chapter 205A-22, Hawai'i Revised Statutes (HRS), Special Management Area Minor Permit No. PL-SMM-2023-000041 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 questions regarding this document, please contact Tracie-Lee Camero of this office at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiicounty.gov.

Sincerely,


Zendo Kern (Mar 6, 2023 09:53 HST)

ZENDO KERN
Planning Director

TC:mads
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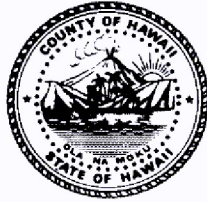
Enclosure: SMA Minor Permit No. PL-SMM-2023-000041
Exhibit 1 – Site Plan

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

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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Special Management Area Minor Permit No. PL-SMM-2023-000041

Project: Single-Family Residence and Related Improvements
Applicant(s): Mark Cruz
Landowner(s): Trivandrum and Tejovathi Sundaresan
TMK(s): (3) 1-5-059:061
Location: Keaau, Puna, Island of Hawai'i
Land Area: 0.49 acres

Applicant's Request

1. **Project Description:** The applicant is proposing to construct a single-family residence and related development on the subject parcel. This Special Management Area (SMA) Minor Use Permit is being pursued for the following activities:
 - a. Construction of a 2,947 square foot, four (4) bedroom and four (4) bath single-family residence with garage and concrete driveway.
 - b. Water is not available to the site; therefore the residence will be connected to a water catchment system.
 - c. An Individual Wastewater System (IWS) will be installed on the property in accordance with Department of Health rules and regulations.
2. **Purpose of Project:** To construct a single-family residence on the parcel.
3. **Project Valuation:** \$483,525.
4. **Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No 9-4(e)(1)(E), "*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 construction of a single-family residence and related improvements that is located on a shoreline parcel 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 because the total valuation of the proposed project is

under \$500,000 and will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

State and County Plans

5. **State Land Use District:** The subject parcel is within the State Land Use Agricultural 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 as both Agricultural-1 acre (A-1a).
8. **Special Management Area:** The project parcel is located within the Special Management Area (SMA) as well as located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** The majority of the project area is within Flood Zone “X”, with a portion of the coastal area located within Flood Zone “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 conducted 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 \$483,525 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-2023-000041** is hereby approved for the construction of a single-family residence and related improvements, subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2023-000041**, 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. A building permit for the proposed single-family residence and related improvements shall be secured from the Department of Public Works-Building Division within four (4) years from the date of this letter.
4. The 40-foot shoreline setback line as shown on the "Planning Department Exhibit-1" must be delineated on the site/plot plan submitted with the Building Permit application.
5. A construction barrier, meeting with the approval of the Planning Director, shall be erected along the entire length of the 40-foot shoreline setback line prior to the commencement of land altering and construction activities and shall remain in place until final inspection has been granted by the Building Division for the new single-family residence. The construction (and/or erosion control) barrier must be shown 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 (and/or erosion control) barrier must be erected prior to any land altering or construction activities and must remain in place until final inspection by Department of Public Works (or Planning Department)."*
6. No land alteration, grubbing, landscaping/irrigation or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur within forty (40) feet of the shoreline without securing prior written determination of minor structure or activity pursuant to Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.
7. The applicant shall not, at any time, impede or otherwise restrict lateral public access along the shoreline fronting the subject parcel.
8. The method of dewatering shall meet with the requirements of the Department of Health. The individual wastewater system shall be located mauka of the shoreline.
9. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
10. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
11. 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.

12. 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.
13. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
14. 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.
15. The Applicant has submitted a written estimate(s) provided by a contractor(s) licensed to do business in the State of Hawai'i for all construction activities to confirm that the total project valuation is not in excess of \$500,000. In the event the total valuation of the (construction of a single-family residence and related improvements) does exceed \$500,000, this Special Management Area Minor Permit shall be deemed null and void and the applicant shall be required to secure approval of a Special Management Area (Major) Use Permit from the Planning Commission.
16. The Planning Director shall initiate procedures to revoke this permit should any of the conditions not be met or substantially complied with in a timely fashion.

If you have any questions, please feel free to contact Tracie-Lee Camero at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiiicounty.gov.

APPROVED:

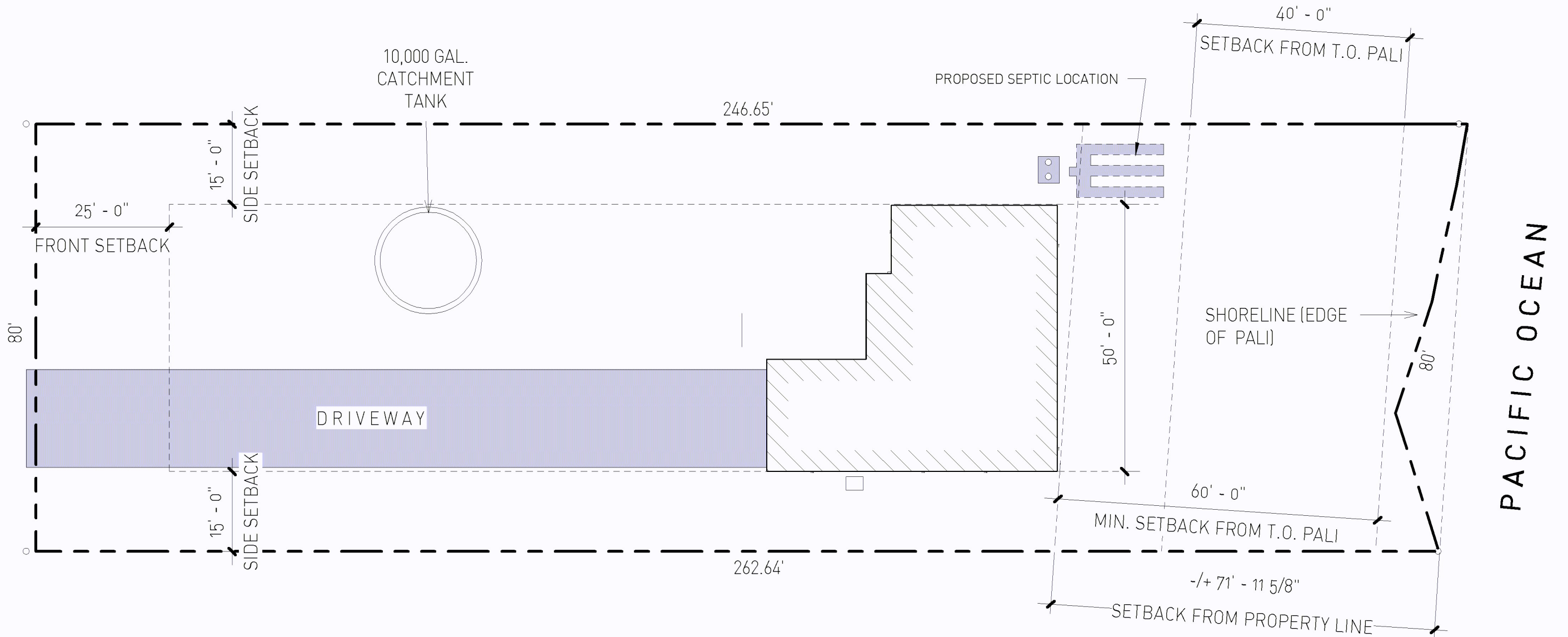
Zendo Kern
Zendo Kern (Mar 6, 2023 09:53 HST)

ZENDO KERN
Planning Director

March 06, 2023

Date

PARADISE ALA KAI DRIVE



SITE PLAN
1" = 20'-0"

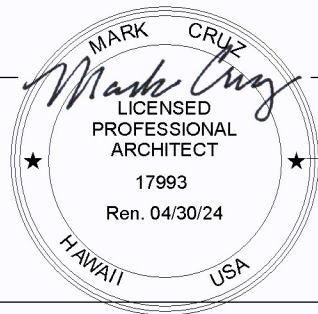
Planning Dept.
Exhibit **1**

SUNDARESAN RESIDENCE

Paradise Ala Kai Dr, HPP
TMK: (3) 1-5-059: 061

CRUZ ARCHITECTURE+DESIGN

1576 LOWER KIMO DRIVE
KULA, HI 96790
T: 415.802.7447
MARK@CRUZAD.COM



Mark Cruz

LICENSE EXPIRATION 4-30-24
THIS WORK WAS PREPARED BY ME OR UNDER MY
SUPERVISION AND CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION

SITE PLAN

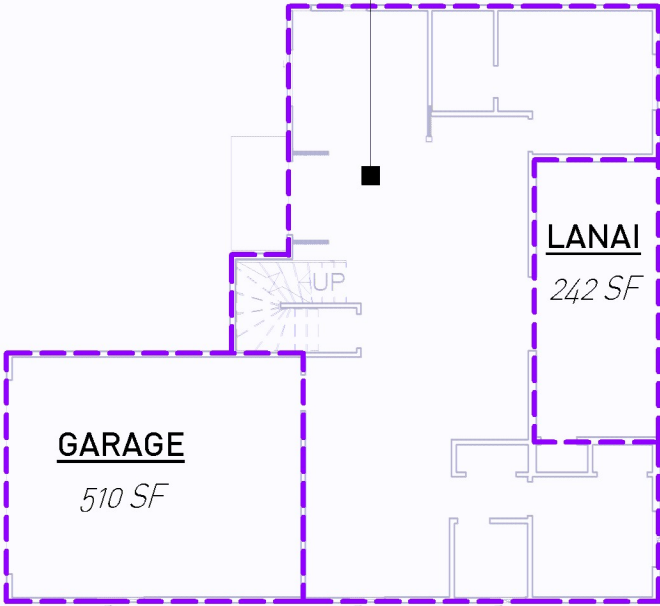
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SMA 1

DATE: Issue Date

**.GROUND FLOOR
GROSS**

1295 SF

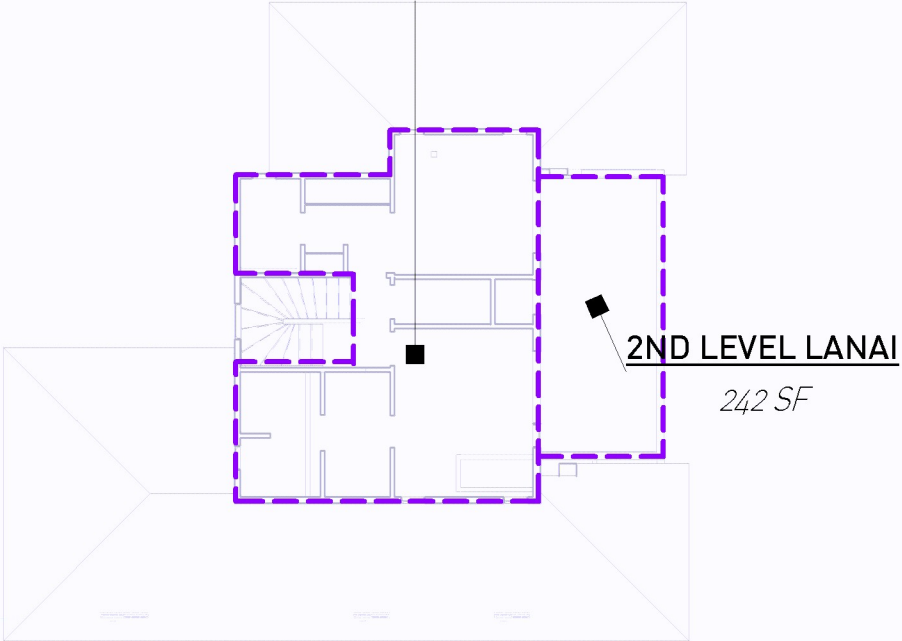


MAIN FLOOR

1/16" = 1'-0"

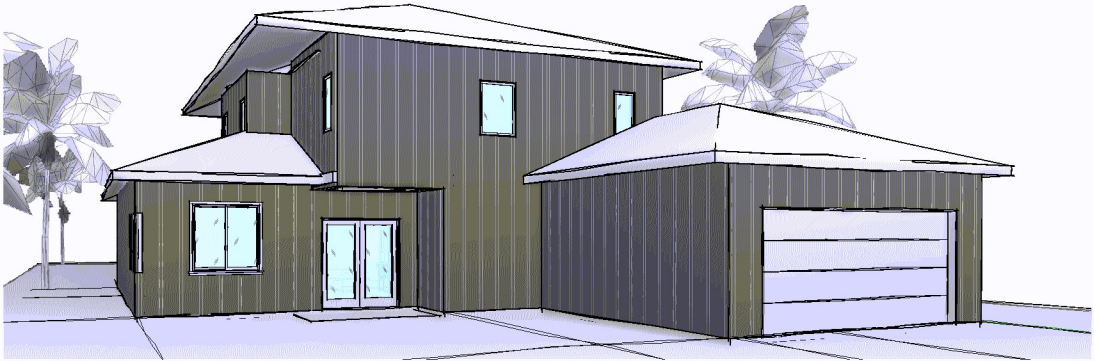
SECOND FLOOR GROSS

658 SF



2ND FLOOR

1/16" = 1'-0"



Area Schedule (Gross Building)	
Name	Area

.GROUND FLOOR GROSS	1295 SF
2ND LEVEL LANAI	242 SF
GARAGE	510 SF
LANAI	242 SF
SECOND FLOOR GROSS	658 SF
Grand total: 5	2947 SF

Planning Dept.
Exhibit **1**

SUNDARESAN RESIDENCE

Paradise Ala Kai Dr, HPP
TMK: (3) 1-5-059: 061

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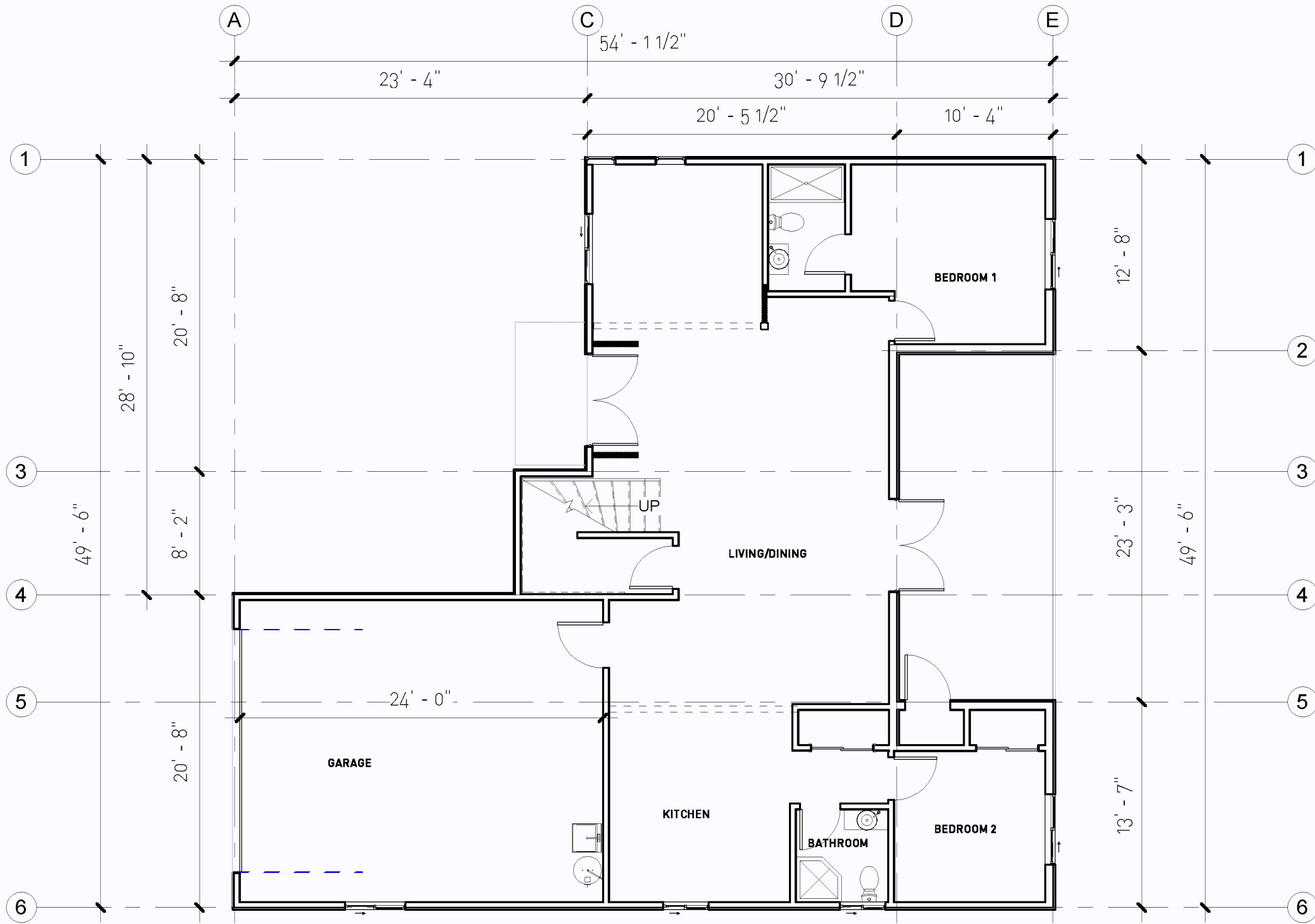
LICENSE EXPIRATION 4-30-24
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GROSS AREA

SCALE: 1/16" = 1'-0"

SMA 0

DATE: Issue Date



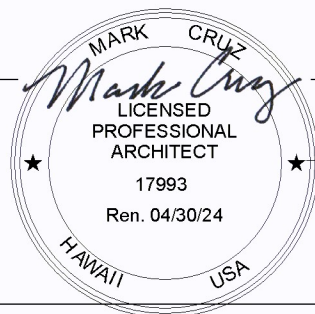
FIRST FLOOR PLAN
1/8" = 1'-0"

SUNDARESAN RESIDENCE

Paradise Ala Kai Dr, HPP
TMK: [3] 1-5-059: 061

CRUZ ARCHITECTURE+DESIGN

1576 LOWER KIMO DRIVE
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Mark Cruz

LICENSE EXPIRATION 4-30-24

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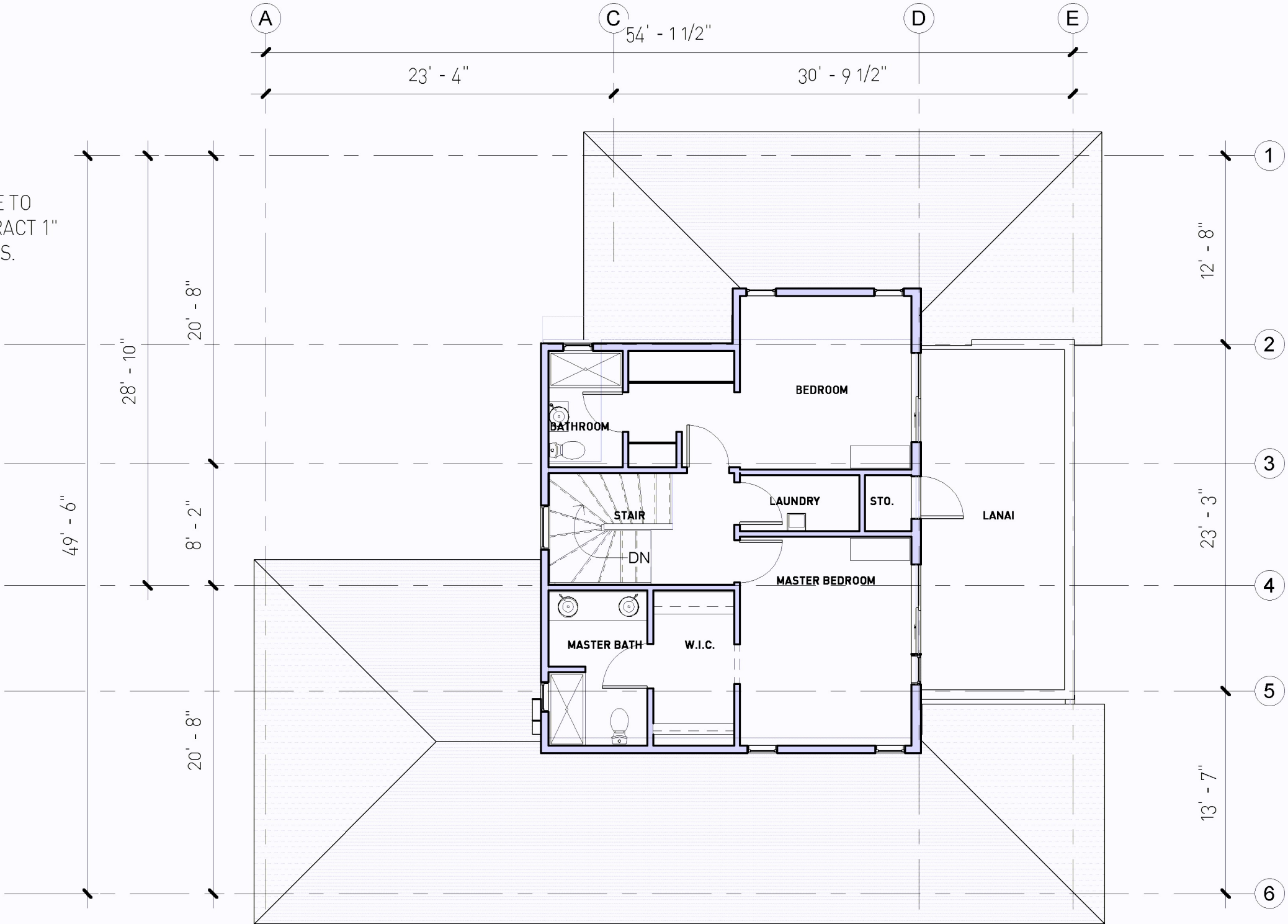
GROUND FLOOR PLAN

SCALE: 1/8" = 1'-0"

SMA 2

DATE: Issue Date

NOTE: DIMENSIONS ARE TO FACE OF FRAME. SUBTRACT 1" FOR FINISH DIMENSIONS.



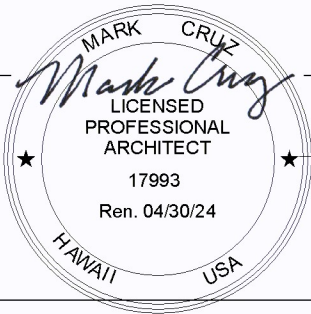
SECOND FLOOR PLAN
1/8" = 1'-0"

SUNDARESAN RESIDENCE

Paradise Ala Kai Dr, HPP
TMK: (3) 1-5-059: 061

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SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

SMA 3

DATE: Issue Date