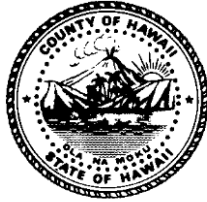


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563



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

April 25, 2023

Katherine Garson
c/o Carlsmith Ball LLP
121 Waiānuenue Ave.
Hilo, HI 96720
VIA EMAIL

Dear Ms. Garson:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2023-000146)
Special Management Area (SMA) Minor Permit
(PL-SMM-2023-000044)**

**Applicant: Magali Alvarez, Trustee
Landowner: Magali Alvarez, Trustee
Request: After-the-Fact Interior Improvements and Conversion of Single-Family
Residences to Duplex Residences
TMKs: (3) 7-5-020:019 & :038, Puapua'a 2nd, North Kona District, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-2023-000146) received by this office on January 23, 2023, with additional information received on March 28, 2023. The applicant is requesting approval for After-the-Fact (ATF) interior improvements to the existing single-family residences and for the conversion of those single-family residences into two (2) duplex residences (Exhibit 1). The valuation of the proposed project is \$209,800 as reported by the applicant.

The 24,519 square feet (sf) subject parcels are zoned Multiple-Family Residential 1,500 sf (RM-1.5) by the County and designated as Urban by the State Land Use Commission (LUC). Parcel 019 is designated as both "Medium Density Urban" (mdu) and "Open" (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map; Parcel 038 is designated as "Open" (ope). The subject parcels are located within the Special Management Area (SMA); however, only Parcel 038 is considered a "shoreline parcel" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). As the subject shoreline parcel is bounded by an approved

Katherine Garson
c/o Carlsmith Ball LLP
April 25, 2023
Page 2

seawall structure and no work will occur within the shoreline setback area, the Director has waived the requirement for a shoreline certification for this project.

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), "*construction, reconstruction, demolition or alteration of the size of any structure,*" and "*Change in the density and intensity of use of land, including but not limited to the division or subdivision of land*" is defined as "development." Therefore, the proposed ATF interior improvements and conversion of the existing single-family residences to two (2) duplex residences 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-2023-000044 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 Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Zendo Kern

[Zendo Kern \(Apr 25, 2023 16:19 HST\)](#)

ZENDO KERN
Planning Director

AJR:jaa

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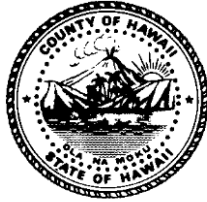
Enclosure: SMA Minor Permit No. PL-SMM-2023-000044
Exhibit 1 – Site Plans (5 Pages)

Cc (via email): Shichao Li, State-OPSD
Lisa E. Webster, State-OPSD
Katherine Luga, Carlsmith Ball LLP
GIS Section

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
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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

Special Management Area Minor Permit No. PL-SMM-2023-000044

Project: After-the-Fact Interior Improvements and Conversion of Single-Family Residences to Duplex Residences

Applicant(s): Magali Alvarez, Trustee

Landowner(s): Magali Alvarez, Trustee

TMK(s): (3) 7-5-020:019 & :038

Location: Puapua'a 2nd, North Kona District, Hawai'i

Land Area: 24,519 square feet

Applicant's Request

- 1. Project Description:** The applicant is seeking approval for After-the-Fact (ATF) interior improvements on the existing single-family residences and for the conversion of the single-family dwellings to two (2) 2-unit duplex residences. The following provides details for the proposed project:

Parcel 19:

1. Convert single-family dwelling to a 2-unit duplex residence.
2. Second floor - ATF kitchen.
3. First floor - removal of door to separate units.
4. New wastewater service line to traverse Parcel 19 to connect Parcel 38 to the County sewer system.

Parcel 38:

1. Convert single-family dwelling to a 2-unit duplex residence.
2. First floor – ATF 1 bedroom, 1 bathroom, sitting area.
3. Second floor – ATF conversion of covered lānai to create 2 bedrooms and 2 full bathrooms.
4. Second floor – ATF kitchen, non-structural demolition of walls to create new bedrooms, and demolition of existing stairs and replacement stairs.

Exterior Activities:

1. Closure of existing cesspool on Parcel 38 and installation of new wastewater service line across Parcel 19 to connect to County's wastewater system.
2. ATF removal of connecting CRM retaining wall (southern section).

2. **Purpose of Project:** The purpose of the proposed project is to convert the two (2) existing single-family residential structures into two (2) 2-unit duplex structures.
3. **Project Valuation:** \$209,800.
4. **Determination:** According to Hawai‘i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No 9-4(e)(1)(E), “*construction, reconstruction, demolition or alteration of the size of any structure,*” and “*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*” is defined as “development.” Therefore, the proposed ATF interior improvements and conversion of the existing single family residences into two (2) 2-unit duplex residences 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 Urban District.
6. **General Plan:** Parcel 019 is designated as “Medium Density Urban” (mdu) and “Open” (ope), and Parcel 038 is designated as “Open” (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
7. **County Zoning:** The parcels are currently zoned as Multiple-Family Residential 1,500 square feet (RM-1.5).
8. **Special Management Area:** The project parcels are located within the Special Management Area (SMA); however, only Parcel 038 is considered a “shoreline parcel” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
9. **Flood Zone:** FEMA designated Parcel 19 as Zone X while Parcel 038 is designated as within Zone VE, AE, 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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. These adverse effects 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 \$209,800 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-2023-000044** is hereby approved for the ATF interior improvements and for the conversion of the existing single-family dwellings into two (2) 2-unit duplex residences, 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-2023-000044**, 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. The proposed project shall be conducted in a manner as represented by the submitted Special Management Area Assessment Application (PL-SAA-2023-000146), including all stated activities, and proposed Best Management Practices.
4. A building permit for the ATF interior improvements and for the conversion of the single-family residences to two (2) 2-unit duplex residences shall be secured from the Department of Public Works-Building Division within four (4) years from the date of this letter.
5. The method of sewage disposal shall meet with the requirements of the Department of Health.
6. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
7. All construction and maintenance activities on the subject parcels shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
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. 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.
11. 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.
12. In the event the total valuation of the proposed project 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.
13. 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 Alex Roy at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

APPROVED:

Zendo Kern

Zendo Kern (Apr 25, 2023 16:19 HST)

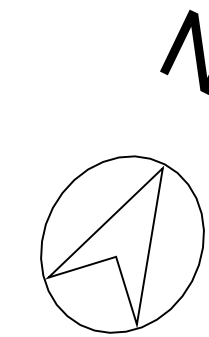
ZENDO KERN
Planning Director

April 25, 2023

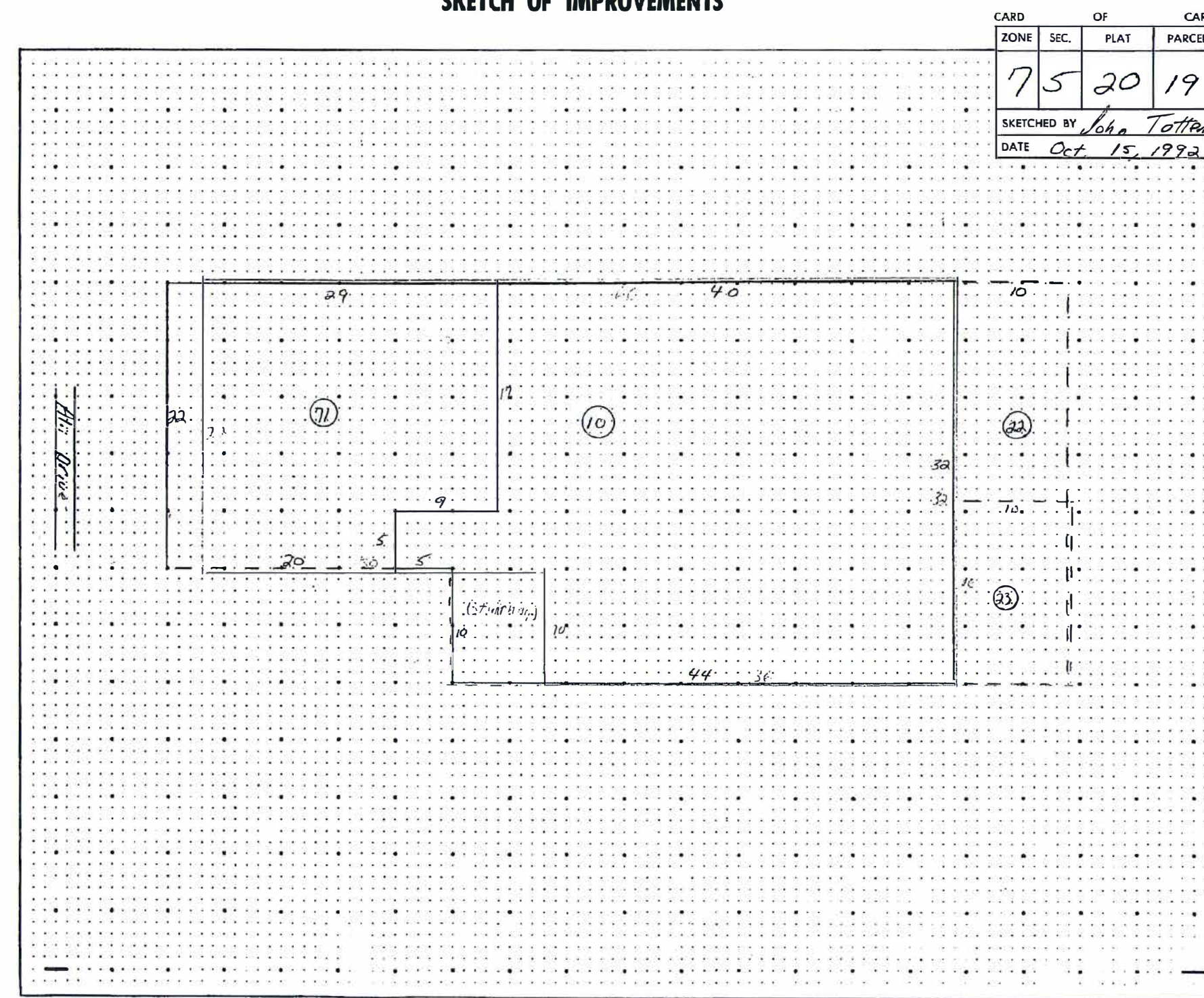
Date

The permit data reflected in this section is for the purposes of Real Property Tax assessments. For Building permit information or updates, please refer to the link below under the Building Division Permit and Inspections Information.

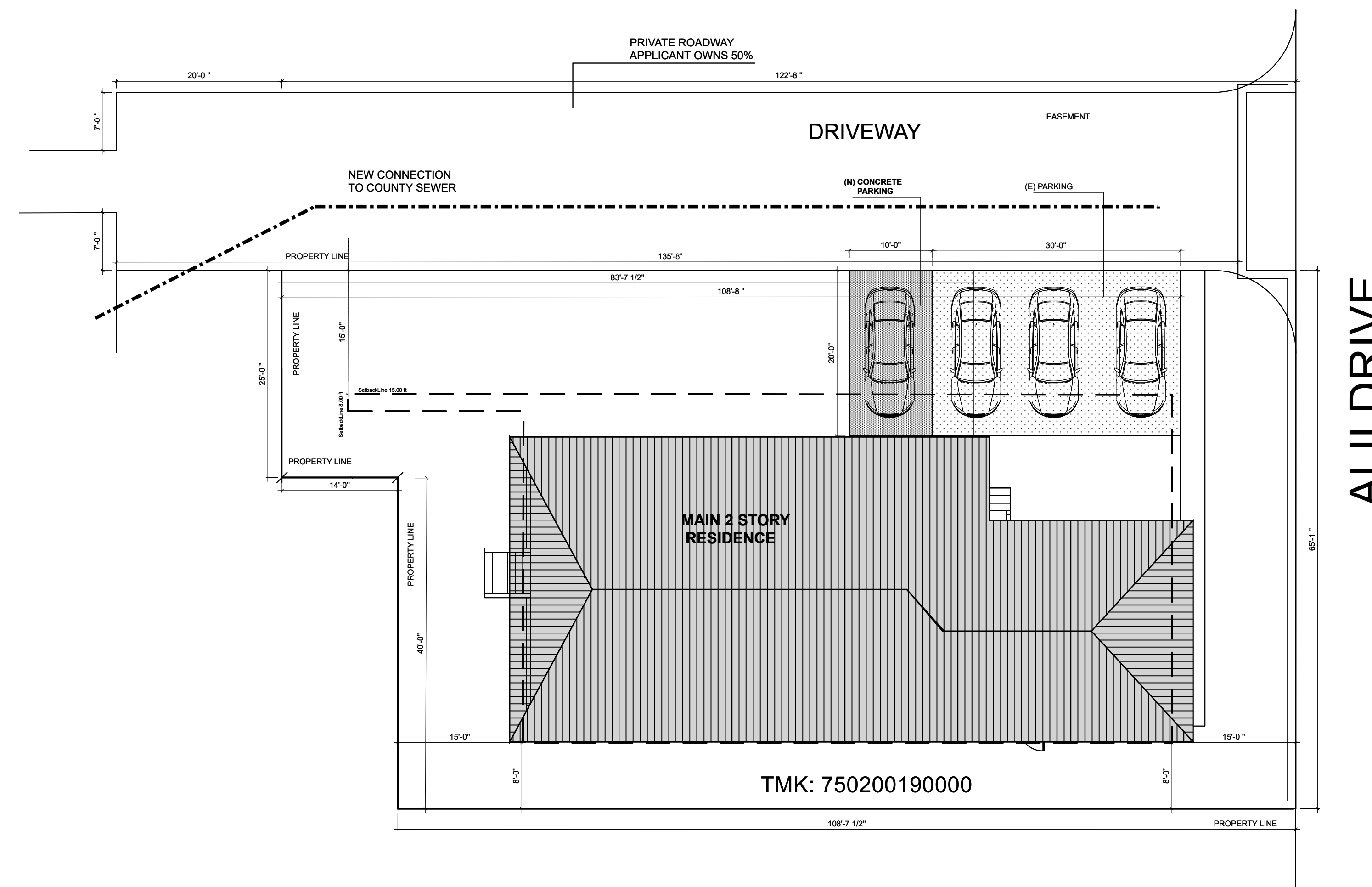
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6/30/2018	SK2019-01345		PERMIT COMPLETED	\$34,000
10/16/1991			PERMIT COMPLETED	\$182,000
			PERMIT COMPLETED	\$3,000
1/7, 1990	PD5091		EXPIRED PERMIT	\$150,000
1/5/1990			PERMIT COMPLETED	\$100



SKETCH OF IMPROVEMENTS



NO. OF		DATE		REMARKS
Y1	4-8-50	4,000	H. Hirokawa	S. Hirokawa 10-25-50 New Disp
528	4-10-53	220	S. H.	2/3/54 Garage 3
15448	7-30-54	300	S. H.	9/23/54 Steel Tank 4
17094	10-18-55	750	H. Nakayoshi	S. H. 2/25/56 Addn to store room wash



75-6130 ALII DR

$$\frac{3}{32}'' = 1'$$
EXHIBIT 5a

75-5699 Ali'i Drive,
Kailua-Kona, Hi, 96740



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.

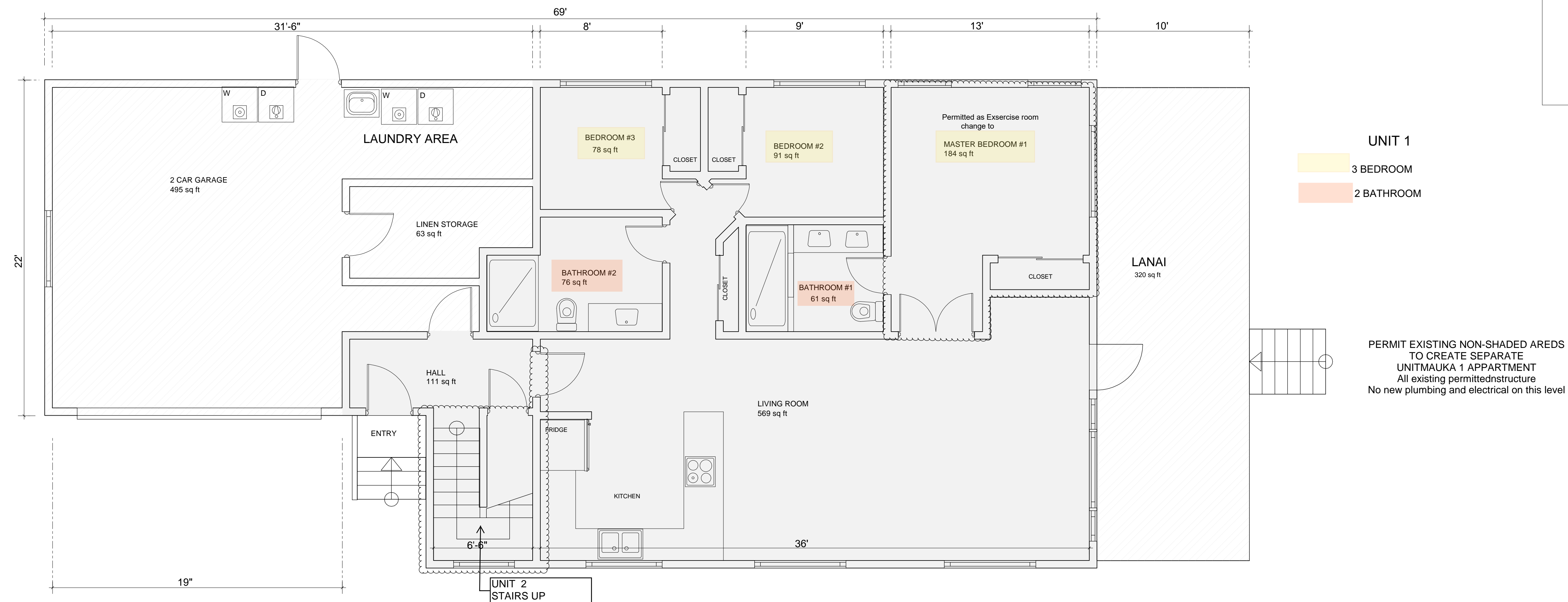
ALVAREZ RESIDENCE

LOT 1-A 7503 SF DES POR RP 7819 LCAW 8559-B:8

ALVAREZ & ALVAREZ TRST
REV 01 12 2023
Contact: Bill McCowatt
808 345 8000

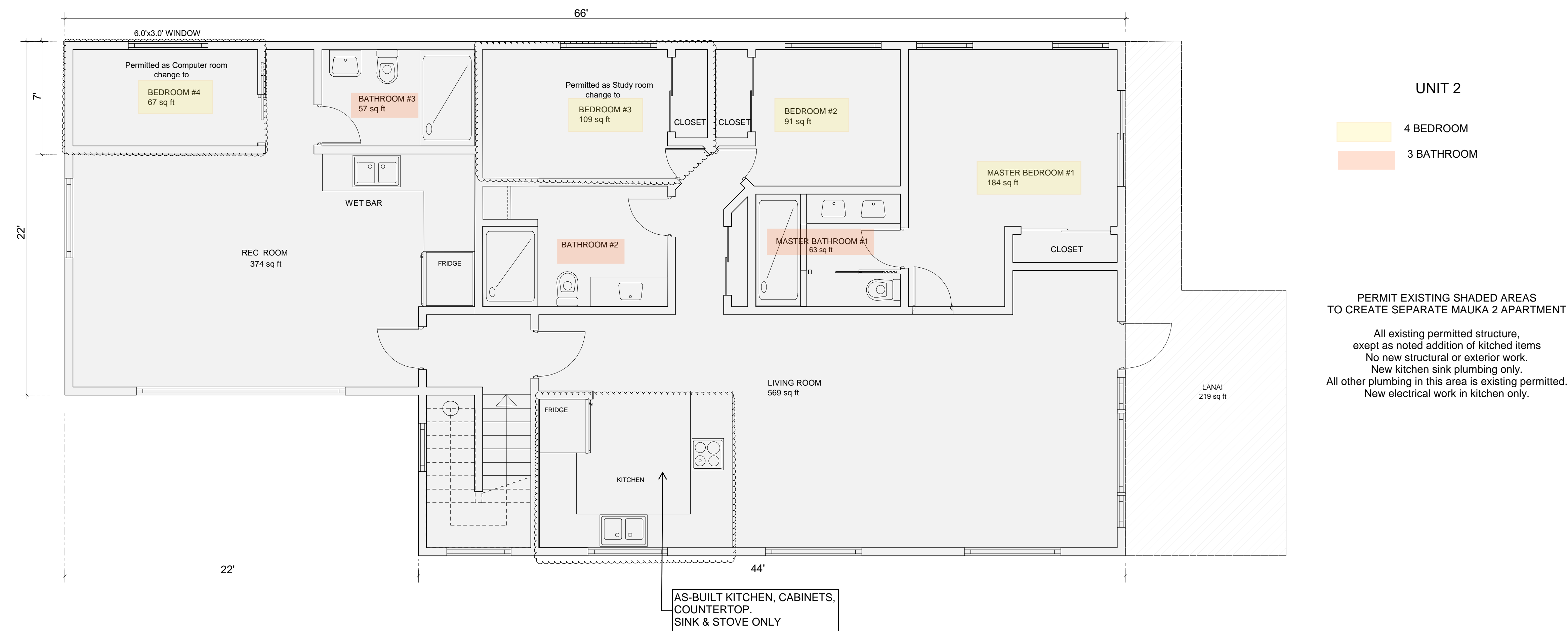
TMK:750200190000

C02



FIRST FLOOR UNIT 1

1/4"=1'



SECOND FLOOR UNIT 2

1/4"=1'



HALE HAWAII DESIGN
75-5699 Ali'i Drive,
Kailua-Kona, Hi, 96740



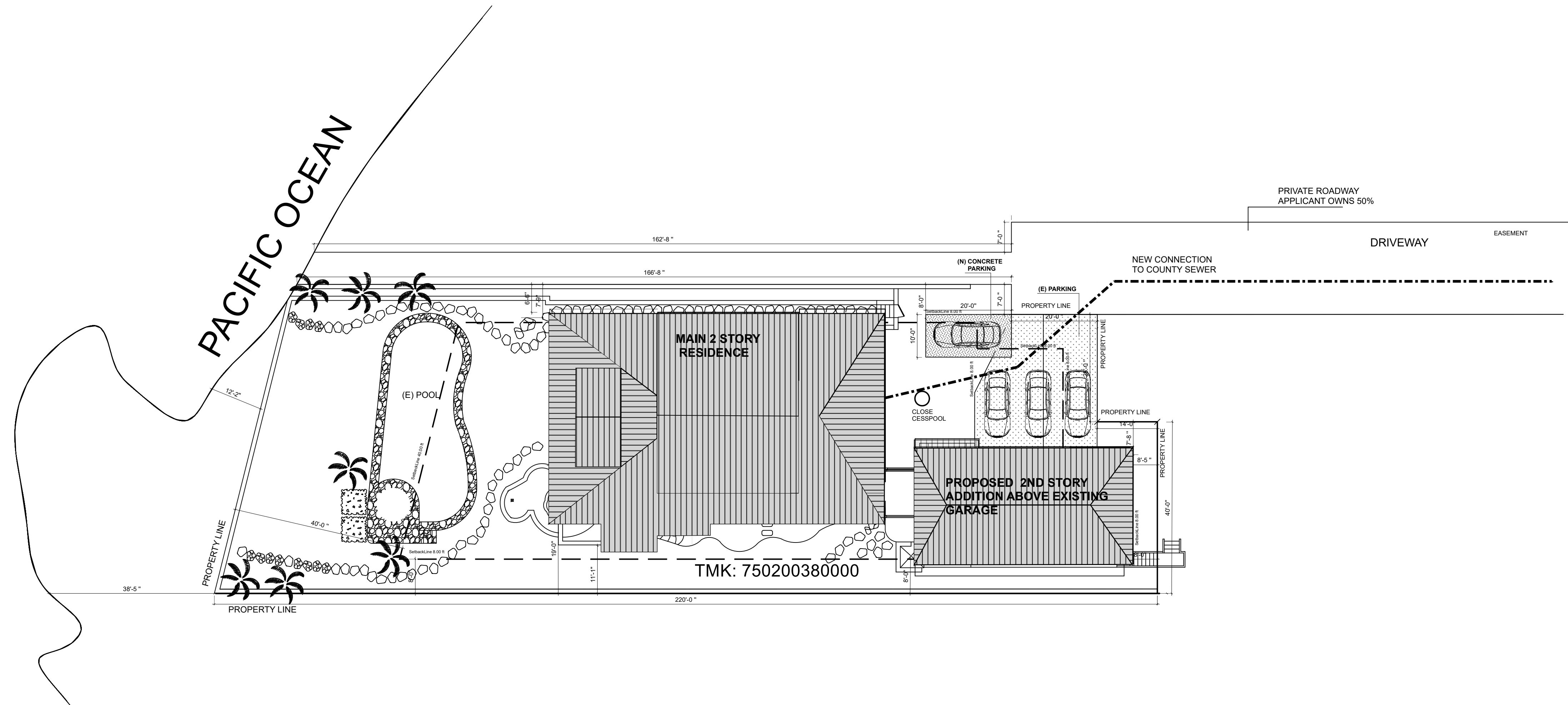
THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.

ALVAREZ TRUST MAUKA RESIDENCE
APARTMENTS AND AS-BUILT ALTS
75-6130 ALII DRIVE

Owner:
ALVAREZ & ALVAREZ TRST
REV 01 05 2023
Contact: Bill McCowatt
808 345 8000

TMK:750200190000

A03



MAKAI SITE PLAN

3/32"=1'

EXHIBIT 6a



HALE HAWAII DESIGN

75-5699 Ali'i Drive,
Kailua-Kona, Hi, 96740



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.

ALVAREZ RESIDENCE

75-6130 ALII DRIVE

Owner:

ALVAREZ & ALVAREZ TRST
REV 01 12 2023
Contact: Bill McCowatt
808 345 8000

TMK:750200380000

C01



HALE HAWAII DESIGN
75-5699 Ali'i Drive,
Kailua-Kona, Hi, 96740



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION AND
CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION.

ALVAREZ TRUST MAKAI RESIDENCE
APARTMENTS AND AS-BUILT ALTS
75-6130 ALII DRIVE

SMA/PA SET

ALVAREZ & ALVAREZ TRST

REV 01 05 2023

Contact: Bill McCowatt

808 345 8000

TMK:750200380000

A01

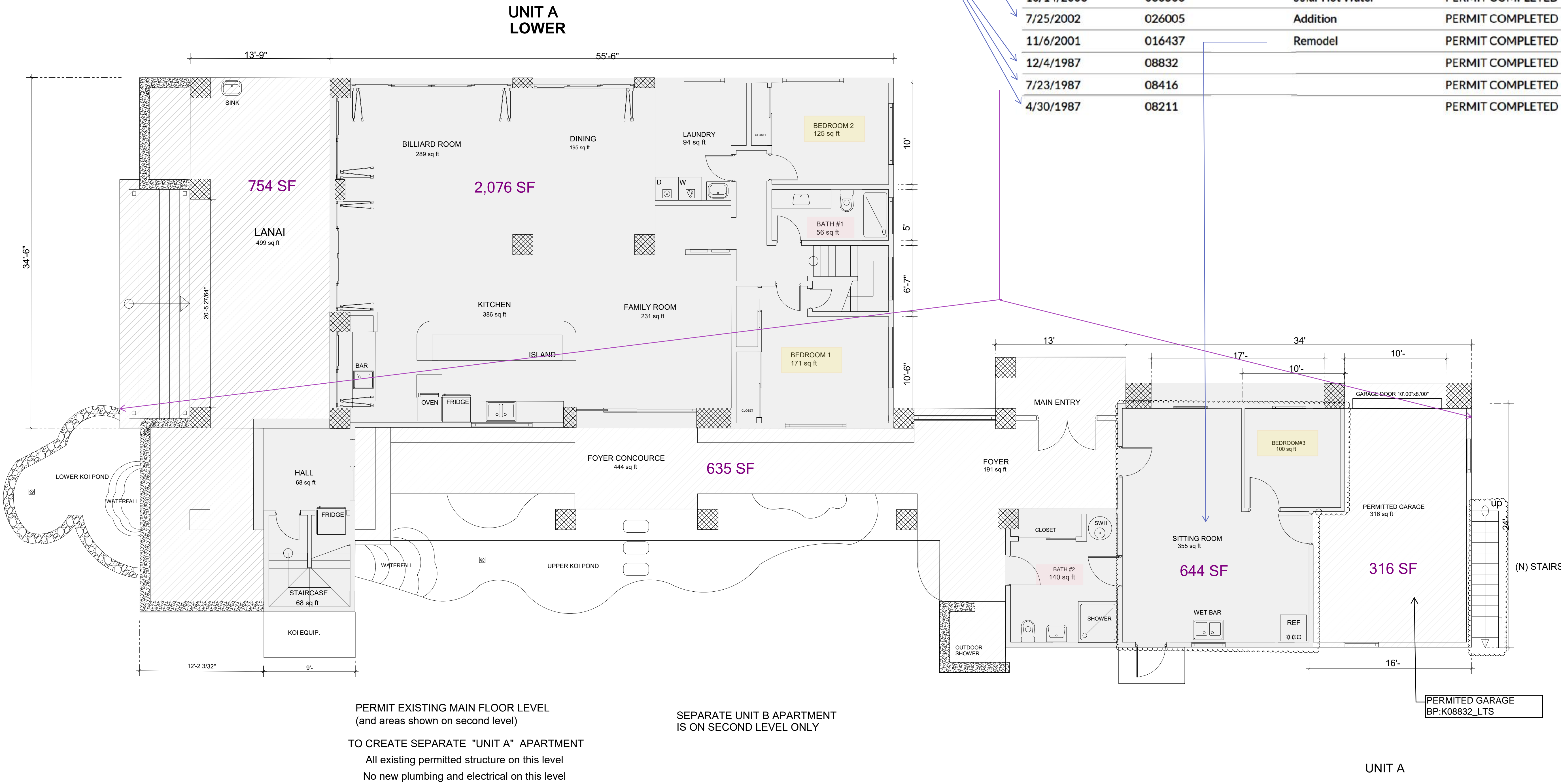
Permit Information

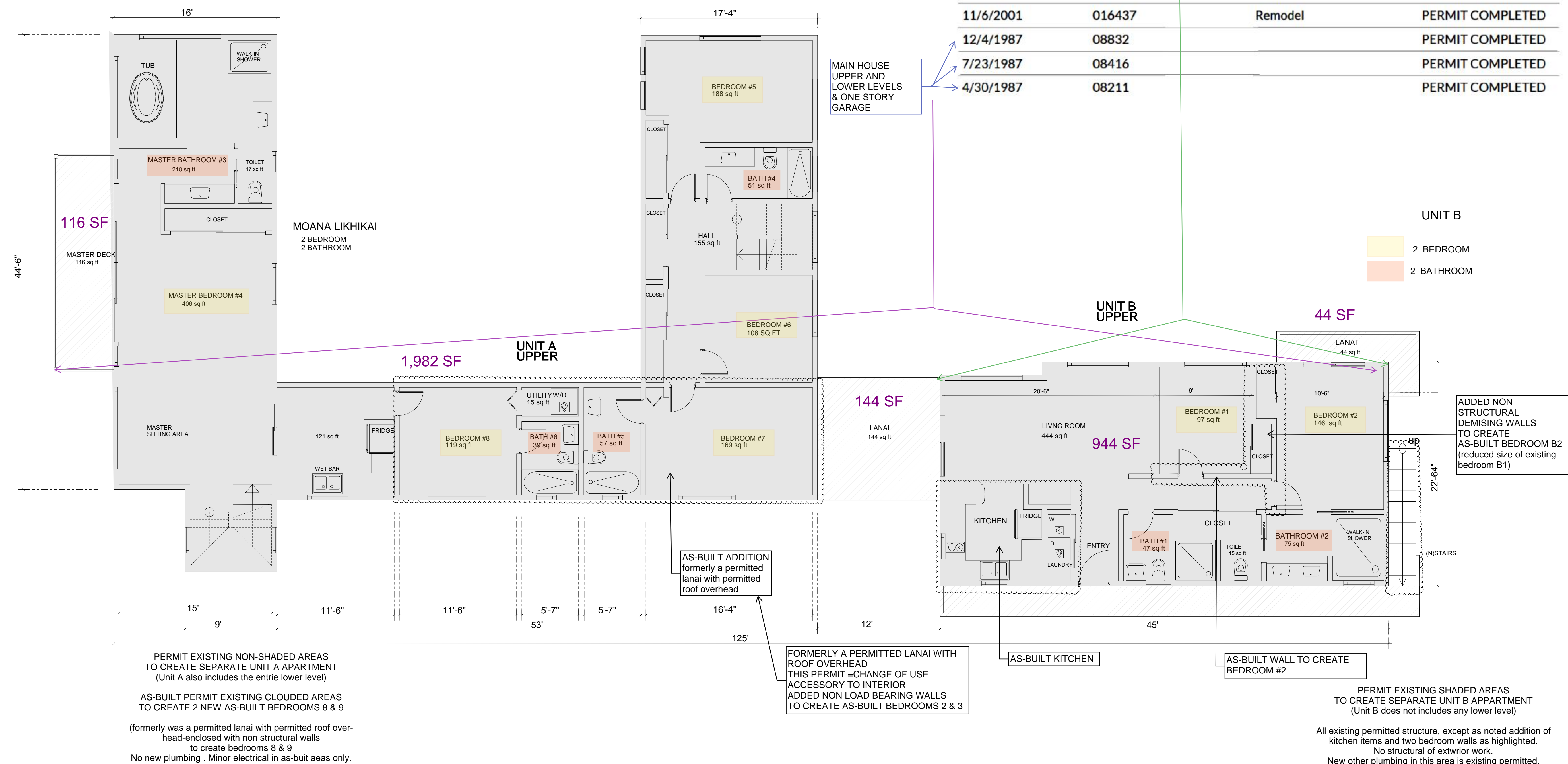
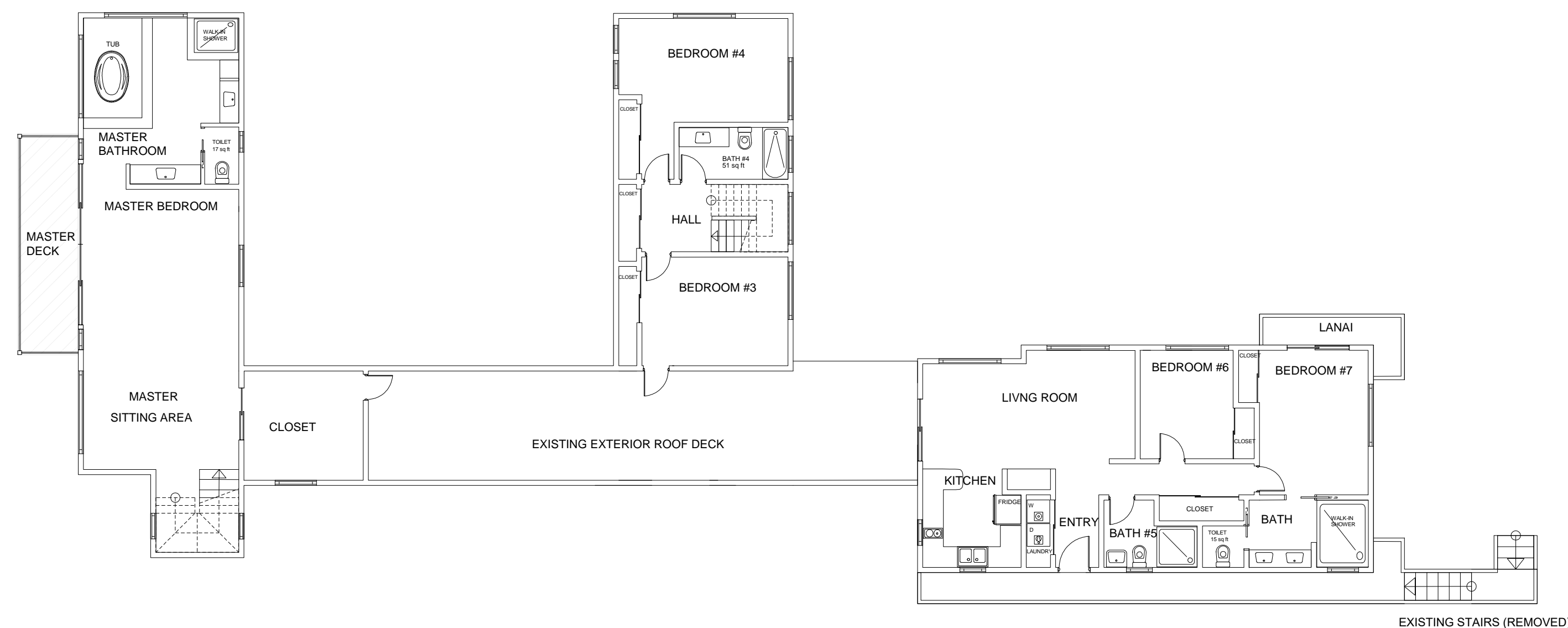
The permit data reflected in this section is for the purposes of Real Property Tax assessments. For B please refer to the link below under the Building Division Permit and Inspections Information.

Date	Permit Number	Reason	Status
11/1/2019	BK2019-01708	Photovoltaic	PERMIT COMPLETED
8/30/2011	B2011-0790FK		SOLAR WATER HEATER
10/14/2003	036506	Solar Hot Water	PERMIT COMPLETED
7/25/2002	026005	Addition	PERMIT COMPLETED
11/6/2001	016437	Remodel	PERMIT COMPLETED
12/4/1987	08832		PERMIT COMPLETED
7/23/1987	08416		PERMIT COMPLETED
4/30/1987	08211		PERMIT COMPLETED

ADDED SECOND
STORY
GARAGE

MAIN HOUSE
UPPER AND
LOWER LEVELS
& ONE STORY
GARAGE





A02