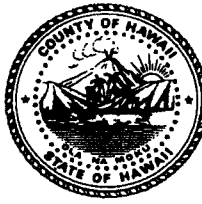


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

County of Hawai'i
PLANNING DEPARTMENT

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

August 22, 2017

Mr. Steven S.C. Lim
Carlsmith Ball, LLP
121 Waiānuenu Avenue
Hilo, HI 96720

Dear Mr. Lim:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001515)
Special Management Area Minor Permit No. 17-000374
Applicant: 1250 Oceanside, LLC
Land Owner: Hokuli'a Park and Cultural Sites Association Inc.
Project: Construction of a Restroom Facility, 28-Stall Parking Lot,
and Related Improvements
Tax Map Key: (3) 8-1-034:027, North Kona, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001515), submitted on July 10, 2017. Proposed is the construction of a restroom facility, 28-stall parking lot, and related improvements on the subject property as an accessory use to the Hokuli'a Shoreline Park, which is located on the adjacent TMKs: (3) 8-1-004:003 and 094 as well as 7-9-012:003. Locating the new restroom improvements on the subject property would provide more functional connectivity to the existing lateral shoreline trails and the several "pocket beaches" located within the park.

The project's intent is to encourage more public use and enjoyment of the park by providing a more traditional enclosed restroom facility and related amenities despite the Public Access Plan only requiring the construction of portable restrooms with minimal improvements. It will be an upgrade to the portable restroom facility and 25-stall parking lot located on TMKs: (3) 8-1-034:014 and 015.

These additions include a 761 square-foot restroom facility, 3 exterior showers, a drinking fountain, picnic table, waste receptacles, 24 foot wide A.C. pavement driveway and a new A.C. pavement parking lot consisting of 26 standard stalls and 2 ADA parking stalls. Other improvements include a 5-foot wide sidewalk from the parking lot to the restroom facility, a 4-6-foot wide walking trail from the restroom facility to the makai (northwest) property boundary to facilitate public access to the park, civil defense siren, emergency phone, landscape removal, remediation and planting, and directional and informational signage.

This 1.494 acre property is zoned Agricultural (A-1a) by the County and designated Agricultural by the State Land Use Commission. It is also designated Extensive Agriculture and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. In addition, the property is located entirely within the Special Management Area (SMA); however, it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41 as it is mauka of the Hokuli'a Shoreline Park.

However, on the property is a large archaeological preservation site complex that contains a surface burial, namely Site No. 21813. By letter dated April 22, 2004, SHPD approved the Burial Treatment Plan (BTP) which required a permanent 20-foot "no-build" buffer zone to be "defined by native vegetation or low stone walls, constructed of local basalt boulders and cobbles which would enclose the component burial features(s)." A SHPD approved dry stack rock wall is located along the 20-foot wide preservation site setback buffer, measured from the burial feature to the outer edge of the buffer wall. Also, the restroom facility will be 10 feet from the rock wall buffer on the north side, and 15.6 feet on the west side, facing the gate (or opening in the wall).

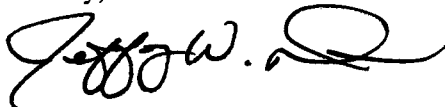
Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(A),(B) and (E), "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, demolition, or alteration of the size of any structure", respectively, are not exempt from the definition of "development" and require a review against the SMA rules and regulations.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.17-000374 is hereby issued for the construction of a restroom facility, 28-stall parking lot, and related improvements on the subject property. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



For MICHAEL YEE
Planning Director

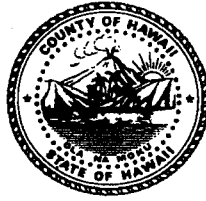
ETI:ja

\\Coh33\planning\public\wpwin60\CZM\SMM\2017\SMM 17-374L 1250 Oceanside LLC Carlsmith Ball.doc

Enc: SMM No. 17-000374
Department of Public Works Memo dated July 18, 2017

cc: DLNR, SHPD
Planning Department, Kona Office

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

County of Hawai'i PLANNING DEPARTMENT

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. 17-000374

Project: Construction of a Restroom Facility, 28-Stall Parking Lot, and Related Improvements
Applicant: 1250 Oceanside, LLC
Landowner: Hokuli'a Park and Cultural Sites Association Inc.
TMK: (3) 8-1-034:027 **Land Area:** 1.494 acres

Applicant's Request

1. Project Description:

Proposed is the construction of a restroom facility, 28-stall parking lot, and related improvements on the subject property as an accessory use to the Hokuli'a Shoreline Park, which is located on the adjacent TMKs: (3) 8-1-004:003 and 094 as well as 7-9-012:003. Locating the new restroom improvements on the subject property would provide more functional connectivity to the existing lateral shoreline trails and the several "pocket beaches" located within the park.

These additions include a 761 square-foot restroom facility, 3 exterior showers, a drinking fountain, picnic table, waste receptacles, 24 foot wide A.C. pavement driveway and a new A.C. pavement parking lot consisting of 26 standard stalls and 2 ADA parking stalls. Other improvements include a 5-foot wide sidewalk from the parking lot to the restroom facility, a 4-6-foot wide walking trail from the restroom facility to the makai (northwest) property boundary to facilitate public access to the park, civil defense siren, emergency phone, landscape removal, remediation and planting, and directional and informational signage.

However, on the property is a large archaeological preservation site complex that contains a surface burial, namely Site No. 21813. By letter dated April 22, 2004, the State Historic Preservation Division (SHPD) approved the Burial Treatment Plan which required a permanent 20-foot "no-build" buffer zone to be "defined by native vegetation or low stone walls, constructed of local basalt boulders and cobbles which would enclose the component burial features(s)." A SHPD approved dry stack rock wall is located along the 20-foot wide preservation site setback buffer, measured from the burial feature to the outer edge of the buffer wall. Also, the restroom facility will be 10 feet from the rock wall buffer on the north side, and 15.6 feet on the west side, facing the gate (or opening in the wall).

2. Purpose of Project:

The project's intent is to encourage more public use and enjoyment of the park by providing a more traditional enclosed restroom facility and related amenities despite the Public Access Plan only requiring the construction of portable restrooms with minimal improvements. It will be an

upgrade to the portable restroom facility and 25-stall parking lot located on TMKs: (3) 8-1-034:014 and 015.

3. **Project Valuation:** \$491,668.24

4. **Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(A),(B) and (E), "*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, demolition, or alteration of the size of any structure*", respectively, are not exempt from the definition of "development." Therefore, the proposed improvements are considered "development" and require an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is located in the Agricultural District.
2. **General Plan:** The parcel is designated as Extensive Agriculture and Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Agricultural (A-1a).
4. **Special Management Area:** The parcel is within the Special Management Area (SMA) but not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** 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 a 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 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 Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$491,668.24 is not in excess of \$500,000.
5. The enclosed Department of Public Works, Engineering Division memorandum dated July 18, 2017, states the following:

“We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone “X” according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The proposed project is not subject to regulation under Chapter 27 of the Hawai‘i County Code.

All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai‘i County Code.

All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.”

6. Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the construction of a restroom facility, 28-stall parking lot, and related improvements, subject to the applicant’s compliance with the conditions of approval as specified below.

Conditions of Approval

This SMA Minor Permit is 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The Building Permit for the proposed project shall be secured within two (2) years from the date of this permit.
4. Any additional grading, grubbing, filling or other construction activity, including but not limited to the construction of additional structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
5. 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.
6. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for

the discovery with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

7. 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 permit; 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).

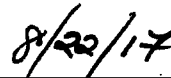
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

APPROVED:



 MICHAEL YEE
Planning Director



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


DATE: July 18, 2017

PLANNING DEPARTMENT
COUNTY OF HAWAII

2017 JUL 19 PM 2 23

Memorandum

TO : Michael Yee, Planning Director
Planning Department

FROM : Department of Public Works, Engineering Division 

SUBJECT : Special Management Area Use Permit Assessment Application
(SAA 17-001515)
Applicant: 1250 Oceanside, LLC
Land Owner: Hokuli'a Park and Cultural Sites Association, Inc.
TMK: (3) 8-1-034:027

We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The proposed project is not subject to regulation under Chapter 27 of the Hawaii County Code.

All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code.

All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

Should there be any questions concerning this matter, please contact Natalie Toevs of our Kona Engineering Division office at 323-4853.

NT

copy: ENG-HILO/KONA