

PLANNING DEPARTMENT
COUNTY OF HAWAII

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

~~BM~~

REF: OCCL: AJR

CDUA HA-3612

180 Day Expiration Date: April 09, 2012

MEMORANDUM:

NOV - 8 2011

To: DLNR

- Historic Preservation Division
- Land Division
- DOFAW

- Office of Hawaiian Affairs
- Hawaii County, DP
- Hawaii Board Member

FROM: Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

micc for

SUBJECT: REQUEST FOR COMMENTS – CONSERVATION DISTRICT USE APPLICATION HA-3612
Wilcox Single Family Residence (SFR) renovation

LOCATION: Keawaiki Road, South Kona, Hawaii County

TMK(s): (3) 8-3-005:012

Enclosed please find Conservation District Use Application (CDUA) HA-3612 for the Wilcox Single Family residence (SFR) renovation. We would appreciate any comments your agency or office has on the application.

Please note that the Maximum Developable Area (MDA) will be exactly 3499.23 ft² and the existing kitchen will be removed prior to construction of the new addition and new kitchen. Please contact Alex J. Roy at 808-587-0316, should you have any questions on this matter.

If no response is received by the suspense date of December 8, 2011, we will assume there are no comments.

- Comments Attached *Please see conditions of attached SAA -11-000721. No other comments.*
- No Comments

[Signature]
Signature

Attachments: Cover Letter; CDUA



April

NOV 10 2011

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REF: OCCL: AJR

CDUA: HA-3612

Acceptance Date: October 12, 2011

180-Day Expiration Date: April 9, 2012

Gregory R. Mooers
C/o Mooers Enterprises, LLC
P.O. Box 1101
Kamuela, Hawaii 96743

OCT 18 2011

Notice of Acceptance and Preliminary Environmental Determination
Conservation District Use Application (CDUA) HA-3612
(Departmental Permit)

Dear Mr. Mooers:

This acknowledges the receipt and acceptance for the processing of your resubmitted CDUA for the proposed renovation and expansion of an existing Single Family Residence (SFR). The 21,600 square foot (ft²) project area is currently occupied by an existing SFR and landscaping and lies within the Conservation District General Subzone. The parcel is located on Kealakekua Bay at 83-500 Keawaiki Road, South Kona, Hawaii County, TMK: (3) 8-3-005:012.

According to the application, the project proposal consists of two parts; 1) construction of an additional building structure and 2) renovation of the existing SFR. The 1,878ft² existing structure consists of one two-story residence that includes (4) four bedrooms, (2) two bathrooms, (1) one kitchen and various width concrete and wood lanai's. The proposed 1,622ft² structure and associated improvements will include a one story dwelling consisting of (1) one kitchen, (1) dining area, (1) one living room area and a 470ft² covered Lanai. Additional improvements include a sitting area and walkway constructed of sliced basalt pavers, a new concrete-rock-masonry (CRM) wall encircling a pigmented concrete "fire-ring", a covered walkway, a new 730ft² concrete driveway, and the removal of (2) two "Monkey Pod" (*Pithecellobium saman*) trees along with associated landscaping of the parcel. The existing kitchen and all associated additions related to the existing kitchen will be removed.

Access to the site is via Keawaiki Rd, a private road which provides *mauka-makai* access to Pu'uhoonua Road and Napo'opo'o Road. According to the applicant, the previous SFR and general landscaping and upkeep has disturbed the project site. Existing landscaping consists of introduced and uncommon native species. No mammals were observed on the parcel; however feral animals such as dogs, pigs, cats, mongoose, rats and chickens may traverse the property. It is believed there are no known rare, threatened, or endangered species of flora, fauna or significant habitats that exist on the project site.

An archeological assessment and cultural impact assessment was completed for the property. Based upon a preliminary review of the documents, the Historic Preservation Division believes that no historic properties will be affected by the proposal. There are no known cultural practices that take place on or near the property.

After reviewing the application, the Department finds that:

1. The proposed use is an identified land use within the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-22 *Identified land uses in the protective subzone P-9, STRUCTURES, EXISTING (C-2), Operations, repair, maintenance, or renovation of existing structures, facilities, equipment, or topographic features which are different from the original permit or which are different from department-approved construction plans* To allow, modify or deny this use would be at the discretion of the Chairperson. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to HAR §13-5-40, *Hearings*, no public hearing will be required;
3. The project is exempt from conducting an Environmental Assessment (EA) pursuant to HAR §11-200-8 (4) *Minor alterations in the conditions of land, water, or vegetation*.
4. The project site was previously determined to not be located within the Special Management Area (SMA), the applicant is currently pursuing a determination of SMA status from the County of Hawaii, Planning Department.

The OCCL will submit a copy of the application for publication in the *November 8, 2011* edition of the Office of Environmental Quality Control's *Environmental Notice*. The public comment period on the application will run until *December 7, 2011*. This office will forward any comments to the applicant for a response.

The OCCL also has a few initial comments on the application that you will need to address:

Maximum Developed Area

HAR 13-5 Exhibit 4, Single Family Residential Standards, defines Maximum Developable Area as *all enclosed (on three sides minimum, with floor and roof structure above) living areas; above-grade decks in excess of 4' in width, garage or carport; swimming pools, saunas or other water features, play courts; or any other standing structures, which are accessory to the approved land use.*

Your application and submitted plans provide differing totals of the Maximum Developed Area (MDA). Based on the submitted construction plans, sheet G-3, the OCCL has made an *initial* calculation of the MDA to be 3500.25ft². Please provide accurate totals of the MDA that is 3500ft² or less.

Rental units

The renovations of the existing Single Family residence will include four (4) bedrooms and two (2) bathrooms and could provide multiple livable units within the residence. Please remember that a condition of the original permit was that *the single family dwelling shall not be used for rental or any other commercial purposes unless approved by the Board.*

We will need a statement from the applicant clarifying that they will not be creating any rental unit(s) at the residence.

Additional kitchen

The existing dwelling has a kitchen; the proposed dwelling structure also has a kitchen and the plans submitted state that the existing kitchen will be removed. Please elaborate to when, during the construction process, the existing kitchen will be removed. This office recommends that the new kitchen cannot be constructed until the existing kitchen and all accessory structures have been removed completely.

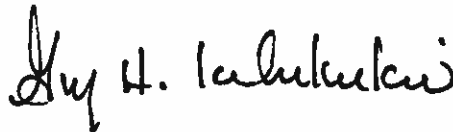
Lateral pedestrian public access

Please acknowledge that the *lateral pedestrian public access* within the shoreline setback area over TMK: (3) 8-3-005:013 is provided by a condition of previous SMA approvals. Shoreline setback area conditions for this site have been documented as of October, 2011.

Upon completion of the application review process, the Chairperson will review your CDUA for his consideration after all reviews and evaluations of the proposal have been made.

Should you have any questions regarding this application, please contact Alex J. Roy of our Office of Conservation and Coastal Lands Staff at (808) 587-0316.

Sincerely,



for William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

CC: Hawaii Board Member
OEQC
Kealakekua Public Library
Office of Hawaiian Affairs
Hawaii County Department of Planning
DLNR-DOFAW, Land Division, Historic Preservation Division
Hawaii County Councilmember Brenda Ford

