**SMA Minor 13-000269**

**Project:** Continued Use of Privately Owned Beach Park and Retention of Certain as Built Improvements Including a Rock Wall Along a Portion of the Southern Property Line, a Community Garden Area, Landscaping and Irrigation System, and Related Improvements.

**Land Owner:** B.P Bishop Estate Trustees, Kamehameha Schools

**Location:** Kahauloa 1st, South Kona, Hawaii

**TMK:** (3) 8-2-006:027

Pursuant to Planning Commission Rule 9-1 O(e), Special Management Area Minor Permit No. 13-000269 is hereby approved to allow the continued use of the subject property as a privately owned beach park as well as the approval of as-built improvements including a rock wall, a community garden area, landscaping and irrigation system, signage, picnic tables and related improvements on the subject property

**Findings:**

We commend the property owner for voluntarily providing access to the shoreline. In an effort to provide public access consistent with other County public access locations, the gate placed at the entrance shall remain open to the public from 6:00am to 8:00pm, as stated in the application. In addition, we will keep the provided hours of operation, restrictions on use, and signage on file in our office.

Pursuant to Planning Commission Rule 9-1 O(e), Special Management Area Minor Permit No. 13-000269 is hereby approved to allow the continued use ofthe subject property as a privately owned beach park as well as the approval of as-built improvements including a rock wall, a community garden area, landscaping and irrigation system, signage, picnic tables and related improvements on the subject property.

**Conditions: (Related to Public Access)**

4. Other than the approved as-built landscaping and irrigation improvements, no land alteration, grubbing, demolition or construction activities, including, but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the shoreline setback area without securing a prior written determination of minor structure or activity pursuant to PD Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.

5. As required by PD Rule 11-8 (b), the work within the shoreline setback area shall be completed within one (1) year from the date ofthis determination of minor structure or activity within the Shoreline Setback Area.

9. Within not more than 30 days from the approval ofthis permit, the applicant shall submit a public access plan for the approval ofthe Planning Director that will provide pedestrian public access to and along the shoreline on the subject property. A copy of our "What Should be Included in a Public Access Plan" guide is enclosed for your reference.

10. The approved public access plan shall be memorialized in a Shoreline Public Access Agreement document recorded with Bureau of Conveyances.

**Permit Log**

* **Year 2012 🡪 reqrdSmaPerm**
  + A shoreline set back is required but this minor activity does not interfere with public access or public views to and along the shoreline.
* **Year 2014 🡪 paAmendReqst**
  + The applicant sent a letter to the planning department stating that the SMM Use Permit was approved subject to certain condition, including, among others, the preparation and approval of a Public Access Plan for Parcel 027 and the memorialization of the Plan in a Shoreline Public Access Agreement that is to be recorded in the Bureau of Conveyances of the State of Hawaii. The Public Access Plan, dated July 2103 was approved by the planning Department on July 31, 2013.
  + (Scanner notes) The public access plan is in the public Access Plan subfolder with the approval letter.
  + (Scanner notes) I Did not find the Shoreline Public Access Agreement.
  + However, the document later states that “The only remaining requirement of SMM 13-000269 is with the respect to Condition 10 which states “The approved public access plan shall be memorialized in a Shoreline Public Access Agreement document recorded with Bureau of Conveyances.”.
  + **“**The applicant is requesting to amended to delete condition 10 relating to recordation of a shoreline public access agreement in its entirety.
  + **(**Scanner notes) I did not find an approval letter or any following documents stating that the planning department approved this request to amend condition 10.

Scanner – Shawna B. 4/22/2021