**SMA 07-000051**

Special Management Area Use Permit Assessment Application (SAA 07-000230) Special Management Area Minor Permit No. 07-000051

**Applicant:** Dan McKinley & Frank Foti Land

**Owner:** Kiowai Hui, LLC & Foti Alae Property, LLC

**Request:** Consolidation and Resubdivision of Twelve (12) Lots into Twelve (12) Lots

**TMK:** 8-7-5:1-2 and 10-19, Alae 1st & 2nd, South Kona, Hawaii

The requirement to provide public vehicular mauka-makai and public lateral shoreline pedestrian access, including public parking, will have a cumulative impact and ecological effect on the parcels. This requirement, included as a condition of final consolidation and resubdivision approval, is considered 'development'. However, it is anticipated that the cost of infrastructural improvements, if required, will not exceed $125,000 in valuation and will not have a significant adverse impact to coastal resources. Therefore, pursuant to Planning Commission Rule 9-10(E), Special Management Area Minor Permit No. 07-000051 is hereby issued to allow for the consolidation and resubdivision of twelve (12) lots into twelve (12) lots, subject to the applicant's compliance with the conditions of approval as specified in the permit.

Please note, however, that issuance of SMM 07-000051 does not imply tacit approval of the proposed consolidation and resubdivision project. All applicable Zoning and Subdivision Code requirements must also be satisfied

**Purpose of Project:** From nine lots previously located entirely or partially in the SMA, the new configuration will result in only three or four lots partially in the SMA. However, only two lots will have ocean frontage. The new configuration will also change the number of lots within the State Land Use Conservation District from nine to only two partially within the Conservation District.

**Determination:**

A public vehicular mauka-rnakai and public lateral shoreline pedestrian access, including public parking, meeting with the approval of the Planning Director, will be required prior to the granting of final consolidation and resubdivision approval. In consultation with the Na Ala Hele Statewide Trail and Access System and the Ala Kahakai National Historic Trails, the applicant shall establish the alignment of the historical coastal trail and create a pedestrian easement of not less than 10 feet in width from the property's northern to southern property lines, and align the southern terminus with the lO-foot wide pedestrian access on the adjoining property, TMK: 8-7-7:8.

This public vehicular mauka-rnakai and public lateral shoreline pedestrian access, including public parking, will have a cumulative impact and ecological effect on the parcels. Therefore, the proposed consolidation and resubdivision of these lots requires a SMA Minor Permit

**Findings:** Although there is no project cost for the consolidation and resubdivision of the twelve (I2) lots, the requirement to provide public vehicular mauka-makai and public lateral shoreline pedestrian access, including public parking, may require some infrastructural improvements.

**Conditions:**

3. The applicant shall develop a public access plan for the subject properties that provides, at a minimum, continuous traversable vehicular mauka-makai and lO-foot wide lateral shoreline pedestrian accesses, including public parking, along the existing coastal jeep road or as otherwise mutually agreed upon. This plan shall be submitted to the Planning Director for approval not more than one year after the granting of this permit. Approval of the public access plan shall be required prior to granting of fmal approval of the proposed consolidation and resubdivision. These access easements shall be delineated on the final plat map.

7. All site plans submitted to the Planning Department for any future land use permits or development on the applicable resultant lots shall include the location of the public vehicular mauka-makai and public lateral shoreline pedestrian access easements, including public parking.

\*\*\*NOTE\*\*\*\*

* **No public access plan was found 4/23/2021**

**PERMIT LOG**

Year 2007

* PaAmendeed
  + The planning department determined that public vehicular access and parking will not be required.
  + SEE THIS DOCUMENT FOR THE NEW PUBLIC ACCESS REQURINEMNTS

**SUB 06-000396**

Easements Agreements

* Year 2012 🡪 shorelinePAagrmnt
  + PG 3. Number 5 states that “on April 26, 2012 the planning Director approved a Shoreline Public Access Plan submitted by the Owners for Approval on April 23, 2012.
    - NO PUBLIC ACCESS PLAN WAS FOUND
  + See this document for PA easements 1-10 description.
  + See this document for all public access info

Shawna 4/23/2021