

COUNTY OF HAWAI'I PLANNING DEPARTMENT BACKGROUND REPORT

JEKATERINA MYSIN

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 21-000078)

JEKATERINA MYSIN is requesting a Special Management Area Use Permit to construct a six (6) unit, five (5) story condominium and related improvements on a 9,934 square foot lot within the Special Management Area. The subject property is located at 75-6150 Ali'i Drive, approximately 0.25 miles north of Royal Poinciana Drive, Puapua'a 2nd, North Kona District, Hawai'i Island, TMK: (3) 7-5-020:066

APPLICANTS' REQUEST

1. **Proposed Use:** The applicant is requesting to construct a six (6) unit condominium and related improvements on the subject parcel. The project will consist of four (4) 2-bedroom/3-bathroom units and two (2) 3-bedroom/5-bathroom units within a 45-foot high, five (5) story structure with parking at ground level under the building; additional off-street parking will be provided. A pool, lanai sitting area, and landscaping will also be included.
2. **Reason for the Request:** This project represents an opportunity to renew stewardship of an unused and long neglected property in a location well suited and currently zoned for multi-family residential use.
3. **Supportive Information:** The applicant has submitted the attached in support of the request: **(Planning Department Exhibit 1 – Use Permit Application received December 30, 2020; Planning Department Exhibit 2- Supplemental information in letter from Land Planning Hawaii dated January 19, 2021, and Planning Department Exhibit 3 – April 5, 2021 Archeological Field Inspection Report).**
4. **Landowner:** Jekaterina Mysin.

STATE AND COUNTY PLANS

5. **State Land Use District:** Urban.
6. **County Zoning:** Multiple-Family Residential 1,500 square feet (RM-1.5).
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) Map Designation:** Medium Density Urban (mdu).

8. **Kona Community Development Plan (KCDP):** The KCDP was adopted by Ordinance No. 08-131, which became effective on September 25, 2008, as amended by Ordinance 19 091, effective September 18, 2019. The property is within the boundary of the Kona Urban Area.
9. **Special Management Area (SMA):** The subject property is within the Special Management Area but is not considered a “shoreline” property as it is located approximately 200 feet from the nearest shoreline and a developed parcel exists between the property and the shoreline.

DESCRIPTION OF PROPERTY AND SURROUNDING AREAS

10. **Description of Property:** The 9,934 square foot subject parcel is located makai (seaward) of Ali'i Drive, approximately 0.25 miles north of Royal Poinciana Drive. A subdivision of Lot 1 under Land Court Application No. 1793 was approved January 4, 1966 which created the subject 9,934 square foot parcel; designated as “Lot 1-B”. **(Planning Department Exhibit 4 – January 4, 1966 Map)**. The property is primarily rectangular in shape with a small indent of the makai property boundary. The land is currently vacant of any structures and is not currently being used for any purpose. The parcel is mostly overgrown with dry grasses, non-native coastal vegetation and haole koa scrub, and has no discernible slope. The property sits at an elevation of approximately 20 feet above sea level. The property is adjacent to an established public shoreline access trail and parking is permitted along Ali'i Drive.
11. **Surrounding Zoning/Land Uses:** The zoning of the subject property and surrounding properties is Multiple-Family Residential (RM-1.5), including the 2-story Ala Ka La Condominium property, and properties located south also within the Single-Family Residential (RS-15) zoning district that includes both 2- and 3-story dwelling structures. The subject property is directly adjacent to a tennis court and recreation building for the adjacent subdivision. Mauka of Ali'i Drive are a number of parcels zoned Agricultural 5-acre (A-5a). Southeast of the subject property is the Kahakai Planned Unit Development which consists of Double-Family Residential-3,750 square foot (RD-3.75) parcels.
12. **Flood Zone:** The property is located within Zone X (areas determined by FEMA to be outside the 0.25% annual chance floodplain). The property is located within the Tsunami Evacuation Zone and is covered by a warning siren located at the Ali'i Kai subdivision.

13. **Flora/Faunal Resources:** Although there was no formal survey conducted of the floral and faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject property. The urban and highly altered nature of the surrounding area indicates the presence of rare or sensitive flora and fauna is unlikely. Site vegetation consists primarily of haole koa scrub and various non-native grasses and vine plants.
14. **Archaeological/Cultural/Historical Resources:** An Archeological Field Inspection (AFI) was conducted on the subject parcel by *TesArch Services* between February 17 and March 4, 2021 as requested by the State Historic Preservation Division (SHPD). The AFI concluded that the project site does include rock walls that are likely older than 50 years and therefore must be considered a “historic property” pursuant to Hawai‘i Revised Statutes (HRS) Ch. 6E-2. The AFI findings are consistent with the extent of historic disturbance of sites throughout Kailua-Kona. No evidence for any cultural activity was found in the interior of the property, and it is considered to be heavily disturbed due to the myriad of development that surrounds the property. The observed walls lack integrity as the stones have been recycled for other purposes or moved to accommodate development on adjacent lots. The walls are disassociated from their original context and function, and do not represent an important Ahupua‘a boundary and appear to be the cumulative result of multiple construction projects such as the demarcation of Ali‘i Drive and defining modern property boundaries. No other structural features were associated within these walls, nor was any evidence or additional historic artifacts found. Valued cultural resources include an existing public shoreline access trail located south of the subject property with parking permitted along Ali‘i Drive. The applicant states that it is not known whether the subject parcel or surrounding area was ever used for gathering by native Hawaiians. It appears very unlikely due to the non-native dominance of vegetation and history of disturbance by nearby development that any significant cultural resources would be found. SHPD has confirmed, by letter, the determination for the proposed project is “no historic properties affected” and that the HRS Ch. 6E-42 historic review process has ended (**Planning Department Exhibit 5 – April 30, 2021 Letter from SHPD**).
15. **Public Access:** There is an existing established shoreline public access route along the southern boundary of the subject property. This access is listed by the County as “Ali‘i

Pointe Subdivision”, described as *Rocky shoreline, Fishing hiking along shoreline. Foot access starts at entrance to Ala Kala Condominium, south of Ali‘i Pointe Subdivision. Limited parking along Ali‘i Drive. No Facilities. Hazardous footing, currents and waves.* The proposed use will not impact the established public access along the southern property boundary and its current level of use will remain during all construction and development activities.

16. **Coastal Resources:** The subject property is located adjacent to an existing and well used public shoreline access path. The proposed project, as designed, will not interfere with shoreline access, and will continue to support the public access pathway by keeping it clear of vegetation or encroachments.
17. **Recreational Resources:** The public shoreline access provides recreational access which will remain in its current state throughout construction and use of the parcel. No other changes to the site are proposed.
18. **Scenic and Open Space Resources:** While this structure will be higher than adjacent structures which are only two (2) or three (3) stories, the applicant has provided a Site Render (Figures 5a and 5b in P.D. Exhibit 1) which illustrates the proposed structure as it would appear after construction. As this property is bounded by the existing Ala Ka La Condominium (makai) and Ali‘i Drive (mauka) the impacts to scenic and open space resources will be minimal.
19. **Traffic:** The applicants anticipate the proposed use would generate a modest increase in traffic to the subject property; however, the increase would be limited to unit owners and guests and would be similar to general residential levels in this area.

PUBLIC SERVICES AND FACILITIES

20. **Roadway Access:** The subject parcel is accessed by Ali‘i Drive, which is a County owned and maintained roadway with an average pavement width of 30 to 40 feet within a 50-foot right-of-way. According to the Department of Public Works – Engineering Division, no vehicular security gate shall be installed or swing within 25 feet of the Ali‘i Drive Right-of-Way (ROW). Parking is not restricted along the paved shoulders of Ali‘i Drive fronting the subject property.
21. **Water:** According to the Department of Water Supply (DWS) the subject parcel is currently served by an existing 8-inch waterline located within Ali‘i Drive fronting the

subject parcel. There is an existing 1-inch service lateral installed to the property which is capable of accommodating a 5/8-inch meter. DWS has requested that the applicant submit estimated maximum daily water usage calculations for review and approval. Upon receipt of the water usage calculations the DWS will make a determination as to the water commitment deposit amount and prevailing facilities charges to be paid, if necessary. Based on the water demand the DWS will determine the appropriate service lateral and meter size required. The proposed project will require the installation of a reduced pressure type backflow prevention assembly, within 5 feet of the meter on the property. The installation of the backflow prevention assembly must be inspected and approved by the DWS before commencement/continuation of water service.

22. **Wastewater:** The applicant states that the wastewater system for the proposed condominium will integrate with the County Kealahou wastewater system that runs along Ali'i Drive; an existing 24-inch sewer main runs along Ali'i Drive at the subject property, with sufficient capacity to support the proposed use. According to the Department of Environmental Management (DEM)-Wastewater Division a connection of the proposed structure to the public sewer in accordance with Section 21-5 of the Hawai'i County Code (HCC) will be required.
23. **Other Essential Utilities and Services:** Telephone and electrical power service is currently available along the Ali'i Drive frontage on the property. Police, fire and medical services are available in Kailua-Kona.

AGENCIES' COMMENTS

24. **Department of Water Supply: (Planning Department Exhibit 6 – March 1, 2021 Memo)**
25. **Department of Environmental Management – Solid Waste Division/Wastewater Division: (Planning Department Exhibit 7 – February 10, 2021 Memo)**
26. **Fire Department: (Planning Department Exhibit 8 – February 5, 2021 Memo)**
27. **State Office of Planning: (Planning Department Exhibit 9 – February 25, 2021 Letter)**
28. **Department of Public Works – Engineering: (Planning Department Exhibit 10 – March 3, 2021 Memo)**
29. **State Historic Preservation Division (SHPD): (Planning Department Exhibit 11 – February 12, 2021 Letter)**

30. **State Department of Health: (Planning Department Exhibit 12 – March 4, 2021 Memo)**

AGENCIES – NO COMMENTS/CONCERNS

31. Police Department, State Department of Land and Natural Resources (DLNR)- Engineering and Land Divisions.

APPLICANT’S RESPONSE TO AGENCY AND PUBLIC COMMENTS

32. **Applicants Response to George Smith’s Comments: (Planning Department Exhibit 13 – April 7, 2021 email and May 5, 2021 Letter and attachments)**
33. **Applicants Response to Agency Comments: (Planning Department Exhibit 14 – April 21, 2021 Letters (3 separate letters submitted))**

AGENCIES – NO RESPONSE

34. Department of Parks and Recreation; Real Property Tax Office, National Park Service- Ala Kahakai Trail System.

PUBLIC COMMENTS

35. **A Petition for Standing in a Contested Case Hearing was submitted by George Smith: (Planning Department Exhibit 15 – February 22, 2021 Petition; Planning Department Exhibit 16 – March 23, 2021 Petition, and Planning Department Exhibit 17 - March 1, 2021 Appendix A, Attachment #2)**

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

**COUNTY OF HAWAII
PLANNING DEPARTMENT**
(Type or legibly print the requested information)

COH PLANNING DEPT
DEC 30 2020 AM 7:58

APPLICANT: Jetkaterina Mysin

APPLICANT'S SIGNATURE: _____

DATE: 12/24/20

ADDRESS: 91-1185 Waiemi St, Ewa Beach, HI 96706

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

LIST PRINCIPAL(S) INCLUDING NAMES OF MAIN OFFICERS: _____

PHONE:(Bus.) 808-599-0247

(Res.) _____

(Fax) _____

LANDOWNER(S): Jetkaterina Mysin

LANDOWNER SIGNATURE(S): _____

DATE: 12/24/20

(May be by letter)

LANDOWNER(S) ADDRESS: 91-1185 Waiemi St, Ewa Beach, HI 96706

REQUEST: To obtain a SMA Major Permit in order to develop a multi-unit structure within
a Special Management Area

TAX MAP KEY: (3) 7-5-020: 066

ZONING: RM-1.5

SIZE OF PROPERTY OR AFFECTED AREA(S): 9,934 square feet

AGENT: Land Planning Hawaii LLC

ADDRESS: 194 Wiwoole St, Hilo, HI 96720

TELEPHONE:(Bus.) 808-333-3393

(Res.) _____

(Fax) _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent

COPIES: Applicant

Planning Dept.
Exhibit 1

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
APPLICANT: JEKATERINA MYSIN
PUAPUAA 2ND, NORTH KONA, ISLAND OF HAWAI'I
TAX MAP KEY: (3) 7-5-020: 066

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I. BACKGROUND INFORMATION

A. EIS

The proposed project was evaluated with respect to HRS 343-5, and no triggers for environmental review were found.

B. PROJECT DESCRIPTION, OBJECTIVES & REASONS

Jekaterina Mysin ("**Applicant**") is requesting a Special Area Use Permit for the development of a six (6) unit condominium and related improvements on 9,934 square feet of land within the Special Management Area. The project will consist of four (4) 2-bedroom / 3-bathroom units and two (2) 3-bedroom / 5-bathroom units within a 45-foot high, five-story structure along with required off-street parking and landscaping

The 9,934 square-foot parcel sits entirely within the Special Management Area and the project valuation will exceed \$500,000. Based on this condition, my office hereby submits this Special Management Area (Major) Use Permit for review and approval by the Hawaii County Planning Department and Leeward Planning Commission. This project represents an opportunity to renew stewardship of an unused and long neglected property in a location well suited and currently zoned for multi-family residential use.

The subject property, consisting of 9,934 square-feet, is located on the *makai* side of Ali'i Drive in the Puapuaa 2nd ahupua'a, South Kona, Hawaii, approximately one-quarter mile north of Royal Poinciana Drive (**Figure 1**).

This area of Ali'i Drive hosts several multi-family residential and condominium developments. The Ala Ka La condominium project with eight (8) units, borders the parcel on the makai side. Aston Kona by the Sea, Kona Isle Condominiums, and Casa-De-Emdeko are nearby to the north. Castle Kona Bali Kai and Banyans Hawaii are to the south. The subject parcel and surrounding area are zoned for multi-family residential development. Further, a similar Special Management Area Use Permit (SMA 07-00020) for the construction of an 11-unit condominium complex on a shoreline property approximately 0.5 mile to the south. As the anticipated impacts from a smaller development on a parcel over 200 feet from the shoreline would be less than this nearby recently permitted development, granting of this Special Management Area Use Permit would be logical. Further, unavoidable impacts are not significant and are mitigated to the extent possible and would appear to be outweighed by public benefits.

OWG NO. 2736 (REVISED SEPT. 1947)



Figure 1

Project Objectives

The applicant wishes to construct a six-unit condominium on the subject property, as shown on the project site plan, **Figure 2**.

Building elevations and floor plans are shown in **Figures 3 a – e**.

Building elevations are shown in **Figure 4**.

Architectural renderings of the proposed condominium are shown as **Figure 5**.

Project Components

The proposed condominium would consist of a 5-story (4 dwelling floors) structure with parking at ground level under the building, two units on each 1st and 2nd floors, and two additional two-story units spanning the 3rd and 4th floors. The proposed building height is 44'-10".

Grubbing and grading of the entire 9,934 square-foot parcel would be required for site development. However, no significant cut/fill volume imbalances are anticipated during site preparation.

Access to the subject property is from Ali'i Drive approximately one quarter mile north of Royal Poinciana Drive. Ali'i Drive is a County owned and maintained 50-foot wide right of way with an average pavement width of 40 to 50-feet.

Regarding the Shoreline/Coastal Public Access, there is an established public shoreline access point adjacent to the property to the South. This access will remain unaffected by this project.

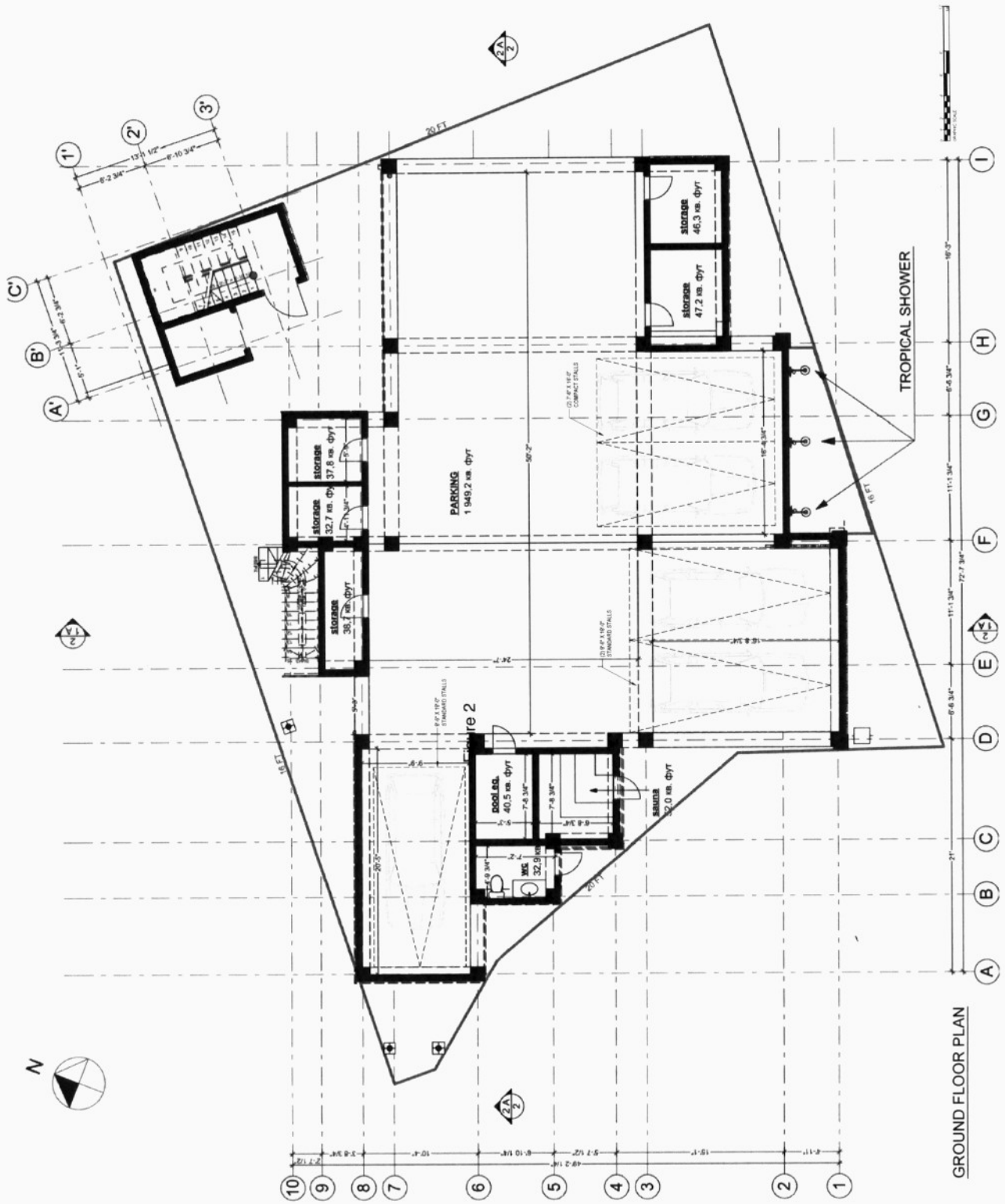
The subject property is served by all required utilities. Department of Water Supply service is available to the property. The project is proposed to connect to the County sewer line fronting the subject parcel.

The project would provide economic opportunities by creating short-term construction work associated with building the condominium and related infrastructure.

C. PROPERTY DESCRIPTION

The subject property, consisting of 9,934 square-feet, is located on the *makai* side of Ali'i Drive in the Puapuaa 2nd ahupua'a, South Kona, Hawaii, approximately one-quarter mile north of Royal Poinciana Drive.

The property is primarily rectangular in shape. The land is currently vacant of structures and currently not being used for any activity. The parcels consist of dry grasses, coastal vegetation and haole koa scrub. The parcel has little discernible slope and sits at an elevation of approximately 20 feet above sea level.



GROUND FLOOR PLAN

PROJECT NO.
Figure 3a

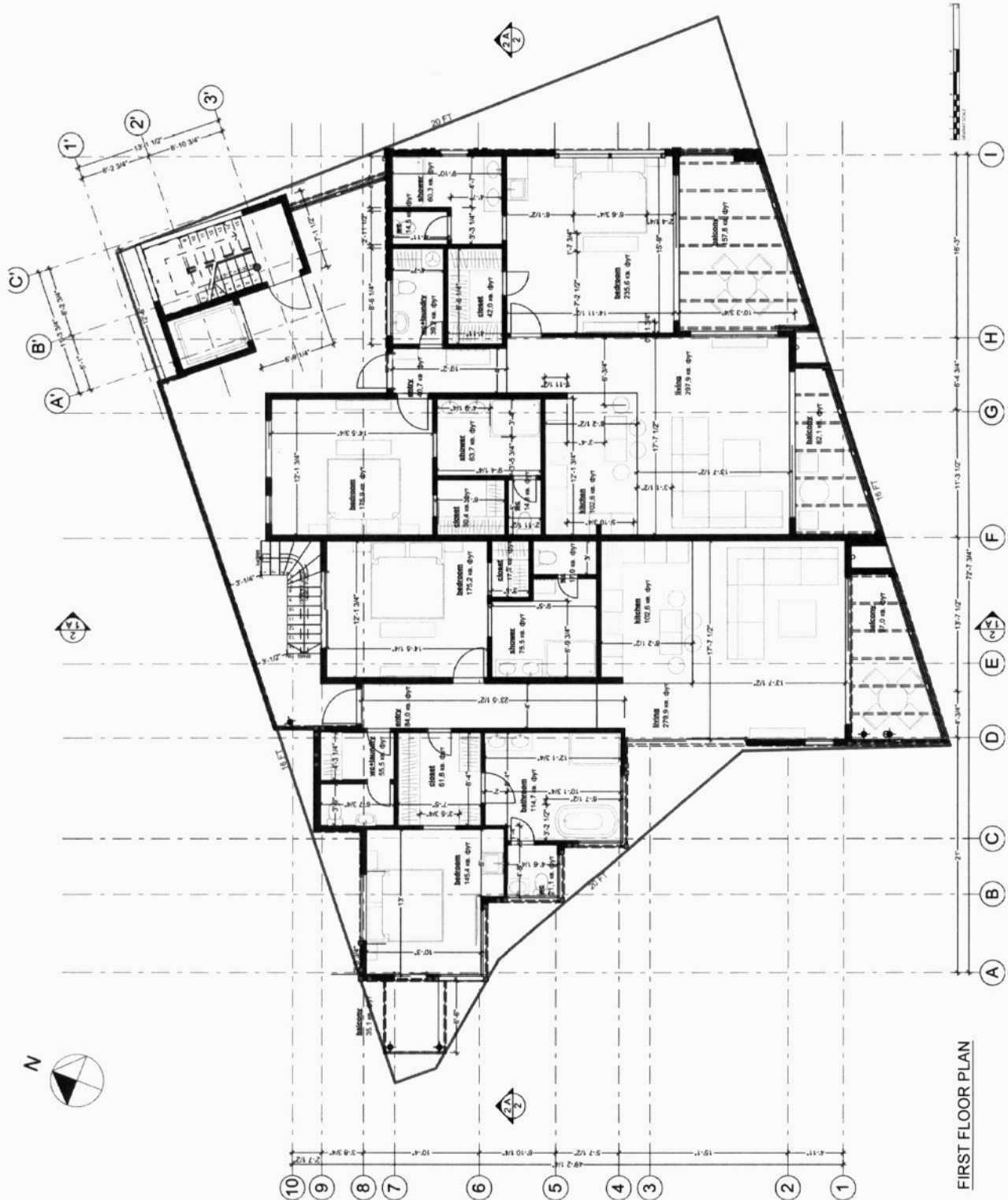
SHEET
A002

REVISIONS

DATE: 04/12/2005
DRAWN BY: TED

GROUND FLOOR PLAN

HAWAII IMPERIAL
NEW 4- STORY BUILDING
75-6150 ALII DRIVE
KAILUA-KONA HI 96740
T.M.K. 7-5-020 066



FIRST FLOOR PLAN

PROJECT NO.
Figure 3b

SHEET
A003

REVISIONS

DATE
04/12/2020

DESIGNED BY
TED

FIRST FLOOR PLAN

HAWAII IMPERIAL
NEW 4 - STORY BUILDING
75-6150 ALII DRIVE
KAILUA-KONA, HI 96740
T M K 7-5-020 066



SECOND FLOOR PLAN

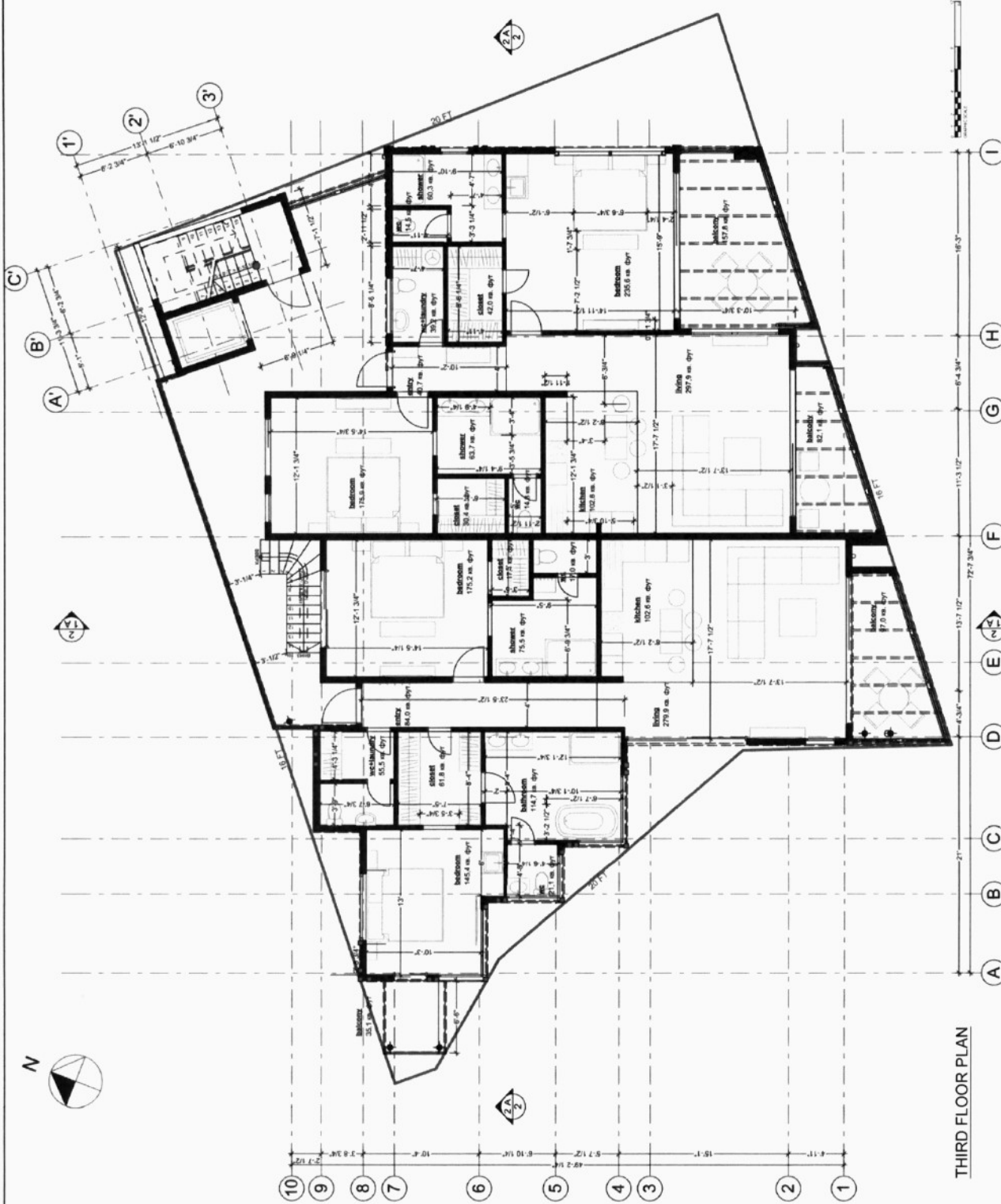
HAWAII IMPERIAL
NEW 4 - STORY BUILDING
75-6150 ALII DRIVE
KAILUA-KONA, HI 96740
T.M.K. 7-5-020 066

SECOND FLOOR PLAN

DATE: 04/12/2020
DRAWN BY: TED
REVISIONS:

SHEET: A004

PROJECT NO.: Figure 3c



THIRD FLOOR PLAN

Figure 3d

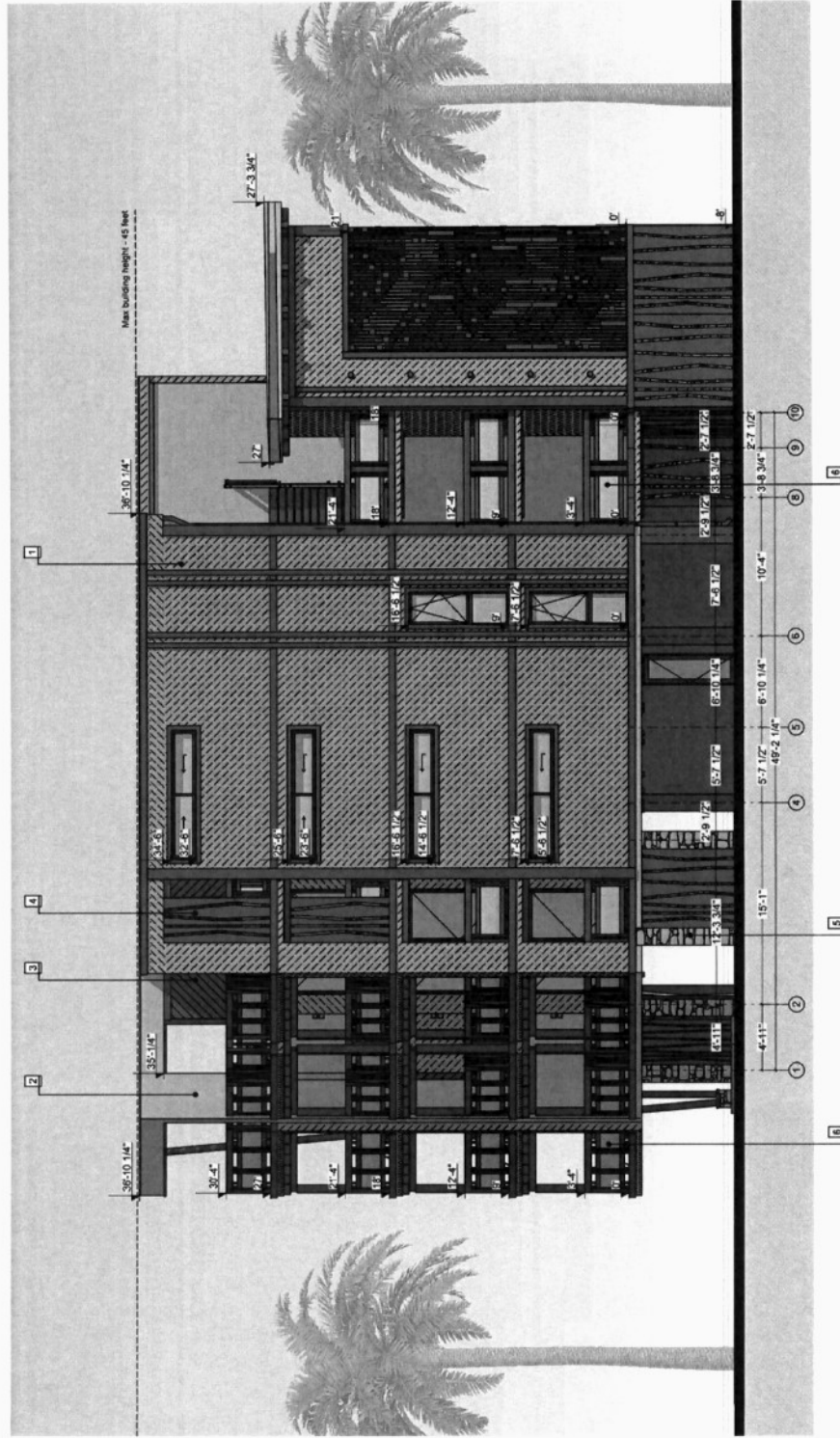
A005

DATE: 04/12/2020
DRAWN BY: TEE

THIRD FLOOR PLAN

HAWAII IMPERIAL
NEW 4 - STORY BUILDING
75-6150 ALII DRIVE
KAILUA-KONA, HI 96740
T.M.K. 7-5-020 096





RIGHT SIDE ELEVATION

SHEET
A012

PROJECT NO.
Figure 4

DATE
12/15/2019

DESIGNED BY
REVISED
REVISIONS

RIGHT SIDE ELEVATION

HAWAII IMPERIAL
NEW 4 - STORY BUILDING
75-6150 ALII DRIVE
KALUA-KONA, HI 96740
T.M.K. 7-5-020-066

Figure 5a. Site Render - side view of proposed development



Figure 5b Site Render - front view of proposed development



D. PROJECT VALUATION

The applicant hopes to secure County SMA Permit approval as soon as possible and begin the Building Permit process immediately thereafter. Construction would take approximately 12 months. Cost estimates for the project are approximately \$1,000,000.

E. STATE / COUNTY PLANS AFFECTING REQUEST

State Land Use

The State Land Use designation of the subject property is *Urban*. The proposed use complies with the land use designation and parcel zoning. As such, the County can process this application.

DLNR Conservation District

The subject property is outside the DLNR conservation district.

County General Plan

The County General Plan Land Use Pattern Allocation Guide ("LUPAG") map designates the subject property as Medium Density Urban. The MDU designation for a property of this size will allow for a multiple-family dwelling with up to six units, therefore the request is not contrary to the County General Plan Land Use Pattern Allocation Guide Map.

Additionally, the request would be consistent with the goals, policies, and standards of the General Plan document.

For one, it would provide some measure of **economic** opportunities by creating at least short-term construction work associated with the construction of the condominium and related infrastructure. There will also be limited amounts of landscaping and maintenance jobs. The proposed project should add revenues to the County and State coffers while providing needed employment opportunities in the area and County.

The project is and will be **energy** conscious through its use and/or encouragement of solar energy and design features that take advantage of the sun and wind patterns.

Maintaining and improving the quality of the **environment** is important to the success of this project. The General Plan identifies five (5) areas of environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not be contrary to any of those objectives.

Aside from the modest vehicular transmission, air pollution associated with the project should be negligible. The traffic generation and thus, vehicular

emission, will be limited to typically residential use. The wastewater system will integrate with the County Kealahou wastewater system that runs along Ali'i Drive, mitigating potential water quality impacts due to wastewater.

If required, a solid waste management plan could be prepared and implemented. However, that might not be necessary as the project's solid waste impact will essentially be limited to six (6) dwellings and there is little potential for waste management issues or noxious wastes from the proposed residential use.

The entire property resides in the "X" zone of the Flood Rate Map, outside of 500-year flood levels.

Although no commissioned archaeological survey of the site was made, an archaeological monitoring plan can be prepared and implemented in conjunction with further land clearing activity if needed.

Further, given the relatively disturbed nature of the property; the chances of finding undiscovered archeological remains should be minimal. However, in the event undiscovered archeological remains are found any work would cease and would only resume after proper clearances from the State and/or County have been received.

While there may have been infrequent sightings of the Hawaiian owl (*Pu`eo*), this area is not their primary habitat. As such, the proposed project should not have any significant impacts on rare or endangered plant or animal life in this area.

The General Plan also emphasizes that developments be mindful of an area's natural beauty. In this situation, the site will be developed in a manner that blends with the existing terrain and landscape. This area is also not listed as a natural beauty site.

As the site is proximate to the shoreline, there are potential **coastal resources** issues. However, the property is not directly adjacent to the shoreline and is outside of the conservation district.

In addition, since there is no increase in density or change in permitted use, there will be no significant impact to government services and infrastructure.

It would also be generally compatible with the surrounding area. The surrounding area is primarily condominium and vacation rental properties of similar nature to the subject parcel. The majority of the surrounding properties are 5,000 to 10,000 square-feet with a few larger lots *mauka* and to the North.

Given the above, the project would fulfill the following pertinent goals, policies, and standards of the General Plan:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County*
- *The County shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment*
- *Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.*

In view of the foregoing goals and policies, it is noted that the requested Special Management Area Permit would not be contrary to the County General Plan. The proposed development will complement the goals, policies and standards of the Land Use and Housing (Multiple Residential) Elements of the General Plan. The proposed condominium project will add to the housing inventory for the district, implementing the General Plan's Housing Element. The condominium project will be in conformance with the character of the surrounding neighborhood and will result in an intensity of land that is no higher than what is permitted by existing zoning

Kona Community Development Plan ("KCDP")

Relative to the Kona Community Development Plan (KCDP), Section 15.1 of the County General Plan called for the development and eventual County Council adoption of Community Development Plans. The General Plan states that the CDP "will translate the broad General Plan statements to specific actions as they apply to specific geographical areas." The General Plan also notes that should the CDP require a General Plan amendment, it could be considered concurrent with the adoption of the CDP. However, "If there is a direct conflict between the Community Development Plan and the General Plan, the General Plan shall be controlling."

Pursuant to the above, the Kona CDP was developed and adopted by the County Council on September 25, 2008 as Ordinance No. 08 131, as amended by Ordinance 19-091 effective September 18, 2019.

Relative to the Kona CDP, the subject site falls within the Kona Urban Area defined on the "Official Kona Land Use Map" – Figure 4-7 of the CDP.

The requested use permit is not contrary to the goals of the Kona CDP as outlined below.

- ***Objective LU-1: Overall Growth Pattern.*** *To identify areas where higher intensity growth areas should occur and areas where the rural character and open space along the shoreline should be preserved.*
- ***Policy LU-1.1: Official Kona Land Use Map.*** *The Official Kona Land Use Map (see Figure 4-7) shall define the Kona Urban Area (see Policy LU-1.2)*

and the general locations, spacing, and type of TOD Villages (see Policies TRAN-1.3 and LU-2.3).

- **Policy LU-1.2: Urban Area.** The majority of future growth in Kona shall be directed to the Kona Urban Area shown on the Official Kona Land Use Map (see Figure 4-7), which spans from the Kona International Airport to Keauhou subject to the policies set forth under Objective LU-2 Urban Area Growth Management.
- **Action LU-1.2a: Defines Kona Urban Area (Enacted by plan).**
- **Policy LU-1.4: Consistency with Land Use Pattern Allocation Guide (LUPAG).** The current LUPAG accommodates the vision and needs for the Kona CDP area-planning horizon and should be amended only for compelling reasons. Any rezoning application shall be consistent with the LUPAG.
- **Action LU-1.5a: Review rezoning and SMA applications pursuant to Policy LU- 1.4 (PD, on-going).**
- **Objective LU-2: Urban Area Growth Management.** Recognizing that the LUPAG Urban Area is larger than needed in order to accommodate the projected growth within the planning horizon, future growth within the Urban Area shall be encouraged in a pattern of compact villages at densities that support public transit.
- **Policy LU-2.1: Village Types Defined—Transit-Oriented Developments (TODs) vs. Traditional Neighborhood Developments (TNDs).** Both TODs and TNDs are compact mixed-use villages, characterized by a village center within a higher-density urban core, roughly equivalent to a 5-minute walking radius (1/4 mile), surrounded by a secondary mixed- use, mixed-density area with an outer boundary roughly equivalent to a 10-minute walking radius from the village center (1/2 mile). The distinction between a TOD and TND is that the approximate location of a TOD is currently designated on the Official Kona Land Use Map (Figure 4-7) along the trunk or secondary transit route and contains a transit station, while TND locations have not been designated and may be located off of the trunk or secondary transit route at a location approved by a rezoning action.
- **Policy LU 2.8 (1.)(b)**

Non-TND Projects. Any project may be developed in accordance with the existing zoning, subject to the following requirements:

- i. Parks (see Policy PUB-6.2.)

Policy PUB-6.2. Active Recreation Opportunities A range of recreational opportunities should be provided to encourage physical activity and interaction among toddlers, youth, teens, adults, and seniors...

Existing shoreline recreational opportunities will be improved by renewed maintenance of the property boundary fronting the shoreline access, preventing vegetation overgrowth and encroachment. Also, increased property tax revenues following development could help to fund required public park improvements in the community.

- ii. *Affordable Housing. Resale restrictions on affordable units build in compliance with HCC Chapter 11 (see Policy HSG-5.2)*

As the proposed development consists of developing residential units according to existing zoning with no outstanding commitments from previous rezoning ordinances, the project is exempt from affordable housing requirements according to Section 11-4(a) Hawaii County Code.

- iii. *Street Standards. Connectivity standards (see Policy TRAN-2.1), street standards (see Policy TRAN-3.1), and traffic calming standards (see Policy TRAN-3.7).*

As this proposed development is on a single parcel that connects directly to Alii Drive, connectivity is not a consideration. Requirements of the Department of Public Works regarding street standards will be implemented.

- iv. *Wastewater. Priority sewer area (see Policy PUB-4.4).*

The proposed development will connect to the Kealakehe wastewater system.

- v. *Sensitive Resources. Survey of potential sensitive resources (see Policy ENV-1.5)*

Analysis of potential impacts to sensitive resources is detailed in Section VI of this report. No significant adverse impacts to sensitive resources are anticipated from the proposed development.

F. SPECIAL MANAGEMENT AREA & HRS 205A GUIDELINES DISCUSSION

HRS 205A-2 Objectives

- (1)(A) *Provide coastal recreational opportunities accessible to the public*

The proposed project will support public coastal recreational opportunities through maintenance of land adjacent to established public shoreline access. Further, this project represents an opportunity to renew stewardship of an unused and long neglected property in a location well suited to residential development.

(2)(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Public access within the project will be maintained, ensuring safe access to the shoreline.

(3)(A) Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

The proposed project will have a modest impact on area scenic resources and will conform to the character of other developments in the area, and all zoning regulations. There are few homes adjacent to subject parcel. Renders of simulated view impacts from Kuakini Highway and Ali'i Drive are included as **Figure 6 a & b**.

(4)(A) Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

The proposed development will integrate with the County sewer system and control potential storm water runoff. As such there will be minimal coastal water impacts if any. Further, no regulated activities or uses are proposed for the shoreline setback area.

(5)(A) Provide public or private facilities and improvements important to the state's economy in suitable locations.

The proposed project will provide employment and economic opportunities for area businesses and increased tax revenues.

(6)(A) Reduce hazard to life and property from coastal hazards

The subject property lies at approximately 20 to 30 feet above sea level and within the tsunami evacuation zone. However, a Civil Defense Siren is located nearby the subject property along Ali'i Drive. Further, an emergency preparedness and response plan can be prepared for the proposed development if required.

(7)(A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

As this is a managing authority related objective, it is not applicable.

(8)(A) Stimulate public awareness, education, and participation in coastal management.

As this is a managing authority related objective, it is not applicable.



Figure 6a. Proposed development in relation to surrounding area. Ali'i Drive cuts roughly through the center of the frame northbound.



Figure 6b. Proposed development view impacts as seen from Kuakini Highway (at bottom of frame) near its intersection with Queen Ka'ahumanu Highway.

- (9)(A) *Protect beaches and coastal dunes for:*
(i) *Public use and recreation;*
(ii) *The benefit of coastal ecosystems; and*
(iii) *Use as natural buffers against coastal hazards; and*
(B) *Coordinate and fund beach management and protection.*

The proposed project will not impact the shoreline and with proposed mitigations for storm water and wastewater concerns should have little to no impact on public use and recreation on nearby areas.

- (10)(A) *Promote the protection, use and development of marine and coastal resources to assure their sustainability.*

The proposed project will not impact the shoreline and with proposed mitigations for storm water and wastewater concerns should have little to no impact on public use and recreation on nearby areas.

HRS 205A-2 Policies

- (1)(A) *Improve coordination and funding of coastal recreational planning and management*

As this is a managing authority related policy, it is not applicable.

- (1)(B) *provide adequate, accessible, and diverse recreational opportunities in the coastal zone management are by:*

- (i) *Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
(ii) *Requiring restoration of coastal resources having significant recreational and ecosystem value including, but not limited to, coral reefs, surfing sites, fishponds, and sand beaches, and coastal dunes, when such resources will be unavoidably damaged by development ; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;*
(iii) *Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
(iv) *Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
(v) *Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*
(vi) *Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*
(vii) *Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*

(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

As this is a managing authority related policy, it is not applicable.

- (2)(A) Identify and analyze significant archaeological resources;*
(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and
(C) Support state goals for protection, restoration, interpretation, and display of historic resources

As there appear to be no historic sites on the property, this policy does not apply.

- (3)(A) Identify valued scenic resources in the coastal zone management area;*

The proposed project will not significantly impact any valued scenic resources and will conform to the character of other developments in the area, and all zoning regulations.

- (3)(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;*

There are few homes nearby the subject parcel. Views from nearby public roads will not change significantly with respect to the existing character of the area. The parcel is not directly adjacent to the shoreline, and there are other homes on the makai side of the subject parcel that already block coastal views. Neighboring parcels on the mauka side of Ali'i drive remain primarily undeveloped, with thick vegetation covering the lots. Due to the existing development surrounding the subject parcel, the proposed project would not impact scenic views significantly. Additionally, visual impacts, from Ali'i Drive, are minimal based on the topography and existing developments adjacent to the shoreline. Visual impacts regarding the coastline do not change significantly from its current state. Further, the surrounding area has a gradual elevation change from mauka to makai, which by nature mitigate the blocking of coastal views. Renders of simulated view impacts from Kuakini Highway and Ali'i Drive are provided.

- (3)(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and*

The subject parcel has been overgrown by invasive weeds for many years. Renewed stewardship of the subject parcel by the proposed project

will further the goals of improving shoreline open space and scenic resources.

(3)(D) Encourage those developments that are not coastal dependent to locate in inland areas.

The subject property is not adjacent to the shoreline and is located approximately 220 feet from the shoreline. Parcels to the west and southwest are adjacent to the shoreline.

(4)(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

Relative to coastal ecosystems, there should be little, if any, adverse impacts. As noted earlier, the development will integrate with the County Sewer System and control potential storm water runoff. As such there will be minimal coastal water quality impacts if any. Further, by utilizing a previously disturbed site, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

(4)(B) Improve the technical basis for natural resource management;

As this is a managing authority related policy, it is not applicable.

(4)(C) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;

As noted earlier, the development will integrate with the County sewer system and control potential storm water runoff. As such there will be minimal coastal water quality impacts if any. Further, by utilizing a previously disturbed site, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

(4)(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

The planned development proposes no stream diversions, channelization or similar drainage or water use components.

(4)(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

As noted earlier, the development will integrate with the County sewer system, and control potential storm water runoff. As such there will be minimal coastal water quality impacts if any.

(5)(A) Concentrate coastal dependent development in appropriate areas;

This project is planned to utilize a non-coastal property designated for multi-family residential development by County zoning.

(5)(B) Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

The proposed project is planned, with appropriate mitigation measures, to minimize potential adverse social, visual, and environmental impacts. Any effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety and welfare, and other compelling public interest.

(5)(C) Direct the location and expansion of coastal dependent developments to areas designated and used for such developments and permit reasonable long-term growth at those areas, and permit coastal dependent development outside of presently designated areas when:

- (i) Use of presently designated locations is not feasible;*
- (ii) Adverse environmental effects and risks from coastal hazards are minimized; and*
- (iii) The development is important to the State's economy.*

The property is not adjacent to the coastline.

(6)(A) Develop and communicate adequate information about the risks of coastal hazards;

An Emergency Preparedness and Response Plan can be prepared if required.

(6)(B) Control development, including planning and zoning control, in areas subject to coastal hazards;

The proposed project is within coastal hazard zones, however with the proposed design and mitigations, potential impacts from coastal hazards are minimized.

(6)(C) Ensure that developments comply with requirements of the National Flood Insurance Program; and

The applicant will comply with all requirements of the Federal Flood Insurance Program and Chapter 27 Floodplain Management. Occupied structures are planned to be elevated on piles above base flood elevations and properly engineered to withstand wind and water loads. The subject property is located in Flood Zone X, outside of 500 year flood areas.

(6)(D) Prevent coastal flooding from inland projects.

The proposed project will dispose of all runoff generated by project improvements on site by approved means.

(7)(A) Use, implement and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

(7)(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

(7)(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

As these are managing authority related policies, they are not applicable.

(8)(A) Promote public involvement in coastal zone management processes;

(8)(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(8)(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

As these are managing authority related policies, they are not applicable.

(9)(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

(9)(B) Prohibit construction of private shoreline hardening structures including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities; and

(9)(C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities.

(9)(D) Minimize grading of and damage to coastal dunes;

(9)(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

(9)(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor; and

The subject parcel is not adjacent to the shoreline. The landscaped vegetation on the subject property will be maintained by the proposed use and will not encroach upon the adjacent public access.

- (10)(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*
- (10)(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*
- (10)(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*
- (10)(D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources; and*
- (10)(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

As these are managing authority related policies, they are not applicable.

The subject property is located approximately 170-feet from and not adjacent to the shoreline, the proposed improvements will not have any activity within the 40-foot shoreline setback area, nor will there be any activity within the conservation zone area. There will be a minor increase in traffic due to the development of six residential units, but the impact will be minimal and in keeping with the residential nature of the area.

The proposed action will not have any adverse impacts to **recreational resources**. The Shoreline/Coastal Public Access adjacent to the property to the south will not be affected by this project. Parking along Ali'i Drive is permitted in this area and pedestrian access is allowed at this point.

Although no commissioned archaeological survey of the site was made, an archaeological monitoring plan can be prepared and implemented in conjunction with further land clearing activity if needed. As such the **historic or cultural resources** of the site would not be affected. During the construction of any improvements on the subject parcels, appropriate archaeological protective protocols will be adhered to.

There is the potential for some small impact to the area's **scenic and open space resources**. Visual impacts, however, are minimized due to the elevation change or slope of the area.

Relative to the **Coastal Ecosystems**, there should be little, if any, adverse impacts. As noted earlier, the development will integrate with the County sewer system and control potential storm water runoff. As such there will be minimal coastal water quality impacts if any.

The proposed action will result in a moderately sized construction project. Thus, the use of the site should help foster the creation of jobs, albeit temporary. In that sense, there would be some measurable benefit to the **economic use** of this site and the area in general.

Although the site may be subject to **coastal hazards** because of its proximity to the ocean, the proposed activity will not be directly or regularly affected by any coastal hazard. The subject property is located in the Tsunami evacuation zone and the property is covered by a civil defense siren locate nearby in the Ali'i Kai subdivision. The nearest *mauka-makai* connector road is Royal Poinciana Drive located approximately ¼ mile to the south. It should be noted, however, that all future improvements on the site would have to comply with the FIRM requirements. The entire subject property is in Zone "X", areas outside of the 500-year floodway. Regardless, where required, appropriate floodwater requirements outlined in the County Code will be adhered to.

Based on the foregoing, it is concluded that the proposed improvements are consistent with the objectives, policies and guidelines of the Special Management Area Rules and Regulations. Specifically:

- A. The proposed project will not have any substantial, adverse environmental or ecological effect. Any effect that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety and welfare, and other compelling public interest.

Further, it will not generate any adverse effects by themselves or in conjunction with other individual developments, the potential cumulative impacts of which would result in a substantial adverse environmental or ecological effect and the elimination of planning options. Appropriate mitigative measures will be taken to address any potential adverse impacts of this project;

- B. The proposed activities - as discussed earlier - are consistent with the objectives, policies, and guidelines of the SMA Rules and Regulations; and
- C. The proposed activities are consistent with the County General Plan and County Zoning Code.

G. SURROUNDING ZONING & LAND USES

The surrounding area is primarily urban and residential of similar nature to the planned use of the subject property. Properties neighboring to the north west and south are all zoned RM-1.5. Larger properties to the east are zoned A-5a, and to the south are RS-15 RS-7.5 and RD-3.75. The majority of the surrounding properties are 5,000 to 10,000 square-feet with a few larger, 5-acre lots to the east.

There are condominiums, vacation rentals, and private residences along Alii Drive proximate to the subject property. There is also a residential subdivision to the south of the subject property. Surrounding properties to the east are vacant, with the exception of one commercial development. The subject

property is located approximately one quarter mile north from the Royal Poinciana Dr. intersection with Alii Drive.

The proposed condominium should not result in any change to the character or ambience of this area. The construction is planned in keeping with current zoning. Visually, it would be no different than other improvements in the area.

Traffic should continue to be at a residential level and hence, not any different than what exists today or the potential that exists today. As such, the request should not create a significant impact to surrounding areas.

H. FLOOD INSURANCE RATE MAP

There are no flooding or drainage issues associated with the site. The entire property is in zone "X" according to the "FIRM" map (Figure 7). The subject property is located in the Tsunami evacuation zone and the property is covered by a civil defense siren locate nearby in the Ali'i Kai subdivision. The nearest mauka-makai connector road is Royal Poinciana Drive located approximately ¼ mile to the south.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

I. ARCHAEOLOGICAL RESOURCES

Although no commissioned archaeological survey of the site was made, an archaeological monitoring plan can be prepared and implemented in conjunction with further land clearing activity if needed.

Further, given the relatively disturbed nature of the property; the chances of finding undiscovered archeological remains should be minimal. However, in the event undiscovered archeological remains are found any work would cease and would only resume after proper clearances from the State and/or County have been received.

J. FLORAL AND FAUNAL RESOURCES

Although there was no professional survey conducted of the floral and faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject site. The urban and highly altered nature of the surrounding area makes the presence of rare or sensitive flora and fauna unlikely. Site vegetation consists primarily of haole koa scrub (*Lucaena leucocephala*) and various non-native grasses and vines.



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HAWAII
 TMK NO: (3) 7-5-020:066
 WATERSHED: WAIAHA
 PARCEL ADDRESS: ADDRESS NOT DETERMINED
 KAILUA KONA, HI 96740

Notes:

Flood Hazard Information

FIRM INDEX DATE: SEPTEMBER 29, 2017
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 1551660951F
 PANEL EFFECTIVE DATE: SEPTEMBER 29, 2017

THIS PROPERTY IS WITHIN A TSUNAMI EVACUTION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUTION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



0 20 40 ft

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
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Figure 7

K. VALUED CULTURAL RESOURCES

The recent Hawaii State Supreme Court's "PASH" and "*Ka Pa'akai O Ka Aina*" decisions require decision-makers to consider a project's impact to native Hawaiian gathering and fishing rights. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated traditional and customary practices of this site and the impact of this project to these resources and practices.

The subject parcel is adjacent to an established public shoreline access trail. Currently parking is allowed along Alii Drive in this area. No changes will be made to this access.

It is not known whether the subject or immediate surrounding area was ever used for the gathering of plants by native Hawaiians. It would appear very unlikely that the site would serve such purpose today and/or in the recent past. The cultural impacts, if any, thus appear to be non-existent. Notwithstanding the above, however, in the event documented claims of gathering or access are made of this site the Applicant will honor them.

L. PUBLIC ACCESS

Public access to the shoreline is shown on the conceptual site plan (**Figure 2**). This access is described on the County's Shoreline Access Website as *Ali'i Pointe Subdivision – Rocky shoreline. Fishing hiking along shoreline. Foot access starts at entrance to Ala Kala Condominium, south of Ali'i Pointe Subdivision. Limited parking along Ali'i Drive. No Facilities. Hazardous footing, currents and waves.* The Shoreline/Coastal Public Access adjacent to the property to the south will not be affected by this project. Parking along Ali'i Drive is permitted in this area and pedestrian access is allowed at this point.

M. DESCRIPTION OF ACCESS

Access to the subject property is from Ali'i Drive, approximately one quarter mile north of Royal Poinciana Drive. Ali'i Drive is a County owned and maintained 50-foot wide right of way with an average pavement width of 40 to 50-feet, and 30 to 40-foot pavement width.

N. TRAFFIC IMPACTS

The subject property is accessed via Ali'i Drive. There would be a modest increase in traffic due to the construction of six units, however traffic would be limited to unit owners and guests and would be similar to general residential levels.

O. AVAILABILITY OF UTILITIES

Water

Consultation with the Department of Water Supply confirmed that an 8-inch water line is available to the subject property and can provide adequate flow for the proposed use and for fire suppression purposes.

Wastewater

The wastewater system for the proposed use will integrate with the County Kealahou wastewater system that runs along Alii Drive. A 24-inch sewer main runs along Alii Drive at the subject property, with sufficient capacity to support the proposed use.

Other Utilities

Electrical, telephone and cable services are available to the site.

P. POTENTIAL AREAS OF CONCERN

Coastal Hazards

The site may be subject to **coastal hazards** because of its relative proximity to the ocean. However, with the exception of very rare events, the proposed activity will not be directly affected by any coastal hazard. The subject property is located in the Tsunami evacuation zone and the property is covered by a civil defense siren located nearby in the Ali'i Kai subdivision. The nearest *mauka-makai* connector road is Royal Poinciana Drive located approximately ¼ mile to the south. The entire subject property is in Zone "X", areas outside of the 500-year floodway. Regardless, where required, appropriate floodwater requirements outlined in the County Code will be adhered to.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

II. ANTICIPATED IMPACTS

A. ENVIRONMENTAL SETTING

General Description

The subject property consists of 9,934 square-feet of land, located on the makai side of Alii Drive. The land area is primarily rectangular in shape. The

land is currently vacant of structures and currently not being used for any activity. The parcels consist of non-native grasses and vines and haole koa scrub. The parcel has little discernible slope and sits at an elevation of approximately 20 feet.

The average annual rainfall is approximately 29 inches. The average annual temperature ranges between 70 to 80 degrees Fahrenheit, with occasional higher and lower ranges during certain periods such as summer or winter months.

The prevailing wind patterns in the area are often light and variable, dominated by sea breeze (westerly) during the day and easterly or mountain winds during the evenings.

Soils

The Land Study Bureau Overall Master Productivity Rating for the subject area is undefined as it is classified as Urban. The Agriculture Lands of Importance to the State of Hawaii (ALISH) designation is "unclassified". The soil type is referred to as Punalu'u highly decomposed plant material, with 2 to 10 percent slopes. The soil is well drained with a high runoff potential. The entire 9,934 square-foot would be grubbed and graded for the proposed use. No substantial cut or fill excess volumes are anticipated in site preparation. Applicable regulations and requirements for grubbing and grading will be followed. No significant adverse impacts relating to soils, erosion or sedimentation due to site development are anticipated.

Flora and Fauna

Although there was no professional survey conducted of the floral and faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within or proximate to the subject site. The urban and highly altered nature of the surrounding area makes the presence of rare or sensitive flora and fauna unlikely. Site vegetation consists of alien and invasive plants, so no adverse impacts are anticipated from the proposed use.

Volcanic and Earthquake Hazards

The United States Geological Survey (USGS) classifies this area to be within Lava Flow Hazard Zone 4, on a scale of ascending risk, 9 to 1. This is the same classification as the City of Kailua Kona. There is very little that can be done to mitigate this situation and reflects an ongoing threat to all residents and businesses.

The entire island of Hawaii falls within Earthquake Zone 4, according to the County Building Code. As such, the Applicant understands and accepts that there may be added structural requirements to address this seismic hazard for

any new improvements. The proposed use is not anticipated to adversely impact site volcanic and seismic hazards.

Flood/Drainage

There are no flooding or drainage issues associated with the site. The entire property is in zone "X" according to the "FIRM" map. The subject property is located in the Tsunami evacuation zone and the property is covered by a civil defense siren locate nearby in the Ali'i Kai subdivision. The nearest mauka-makai connector road is Royal Poinciana Drive located approximately ¼ mile to the south.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. With the proposed mitigations, no adverse impacts to flooding or drainage issues to the site or neighboring properties are anticipated.

B. RELATIONSHIP TO LAND USE PLANS & POLICIES

Special Management Area

The subject site is situated within the County Special Management Area (SMA). As such, a Major SMA Permit is being requested. A discussion of this project's relationship to HRS Chapter 205A is found in Chapter IX of this report.

C. PROBABLE ENVIRONMENTAL IMPACT

There should be little, if any, increase to the ambient noise levels as the proposed request does not increase density nor does it change or affect the permitted use. The activities would be residential in nature.

The air quality in this area is mostly affected by emissions from natural and/or vehicular sources. Vehicular traffic to and from the site should not significantly increase over the current levels. The residential use itself is non-noxious.

There will be some minor impacts to views from surrounding properties. Potential view impacts will be largely mitigated by site landscaping and the topography of the surrounding area. Renders of simulated view impacts from Kuakini Highway and Ali'i Drive are included as **Figure 6 a & b**.

D. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

There will be some unavoidable impacts involved with the construction of the property improvements. Visual impacts, from Ali'i Drive, are modest based on the topography and existing development proximate to the subject property. Presently no coastline views from Ali'i Drive exist across the property due to adjacent developments. Further the proposed development will not affect views

of the coastline from Kuakini Highway or Queen Ka'ahumanu Highway as it will sit back over 200 feet from the coastline. Overall visual impacts regarding the coastline do not change significantly from its current state. The surrounding area has a gradual elevation change from mauka to makai, which by nature mitigates the blocking of coastal views.

With respect to cultural and archaeological resources, although no commissioned archaeological survey of the site was made, an archaeological monitoring plan can be prepared and implemented in conjunction with further land clearing activity if needed. In the event undiscovered archeological remains are found, any work would cease and would only resume after proper clearances from the State and/or County have been received.

Further, if legitimate claims for gathering are made they can be accommodated. Usually, this would be for coastal access and the project already has an established shoreline public access adjacent to the property that will not be affected. Additionally, there are no structures being proposed within the conservation zone district.

In terms of coastal water impacts, there should be little, if any, adverse impacts. Wastewater will be handled by the County sewer system. The necessary grubbing and grading on site will be done with required permits and appropriate best management practices. All runoff generated by new impervious surfaces will be disposed of on site with drywells or similar means.

E. ALTERNATIVES TO PROPOSED ACTION

The "status quo" alternative would involve not allowing construction of the condo. This would not be a logical alternative given the current zoning and limited impact of the project with appropriate mitigation measures. Denying the project would deprive the applicant of significant property rights in developing the property in a manner that would be consistent with the current zoning and in keeping with the character of the area. Further, economic development of the site would be denied should this project not be approved.

A related alternative would be for the applicant to plan for a condominium with fewer units. However, this would be contrary to the KCDP goal of concentrating development in the urban area and would unnecessarily restrict the property rights of the Applicant.

F. IRREVERSIBLE & IRRETRIEVABLE COMMITMENT OF RESOURCES

Given the urban and highly altered nature of the area, the likelihood of finding rare or endangered plant or animal life within or proximate to this site appears remote.

Further, as noted, although no commissioned archaeological survey of the site was made, an archaeological monitoring plan can be prepared and implemented in conjunction with further land clearing activity if needed.

The proposed condominium will connect to the County sewer system, and will control potential storm water runoff, so impacts to nearshore water quality should be negligible.

Accordingly, this proposed action should not result in the irreversible or irretrievable commitment of any environmental resources.

LAND
PLANNING
HAWAII

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January 19, 2020

Mr. Zendo Kern, Director Select
Planning Department
COUNTY OF HAWAII
101 Pauahi Street
Hilo, HI 96720

Dear Mr. Kern:

Subject: Supplemental Information for Special Management Area Use Permit
Applicant: Jekaterina Mysin
Puapuaa 2nd, North Kona, Hawaii TMK (3) 7-5-020:066

Please see the following in response to the Department's emailed request for additional information dated January 13, 2021:

Unnumbered question. Have you verified with the Department of Public Works Traffic Division that parking off of Ali'i Drive is in fact permitted. Your application makes mention that parking is permitted off of Ali'i Drive however aerial views (dated September 2019) of the area show "No Parking" signs located along Ali'i Drive in the front of the parcel...

Our review of these "street view" images acquired September 2019 indicates that the "No Parking Signs begin near the southern boundary of the subject property along Ali'i Drive. Parking appears to be prohibited to the south of the subject property.

1. The updated site plan that was submitted was reviewed and the following issues came up with your parking plan that may require you to redesign parking during the Plan Approval process:

a. Hawai'i County Code Section 25-4-53(c) requires a minimum width of 24' feet of open unobstructive space for 90° angle parking to curb stalls. The current parking below the structure does not have 24' feet of open unobstructive space.

Three of the five parking spaces shown beneath the proposed building do not appear to have the required parking aisle width. However, two stalls under the building would meet this standard. Taken with the five proposed exterior stalls and one proposed bike rack the parking requirements can be satisfied.

b. Hawai'i County Code Section 25-4-59.3(b) requires lots with five or more spaces shall be screened from adjoining lots with a minimum of 42 inches high continuous hedges or earth berms on the abutting property line

Hedges meeting the requirements of the zoning code will be included in final plans submitted for Plan Approval at the appropriate time.

Planning Dept.
Exhibit 2

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c. One handicap and access aisle may be required.

An ADA accessible stall can be accommodated on the site and can be addressed at the Plan Approval stage of permitting.

2. Lastly, please not that the Subdivision north of the Property indicated a fishing shrine called Kamakaokahi Fishing Shrine was once located in the area. This indicates that at some time and possibly in current day this area does have some cultural and recreational importance.

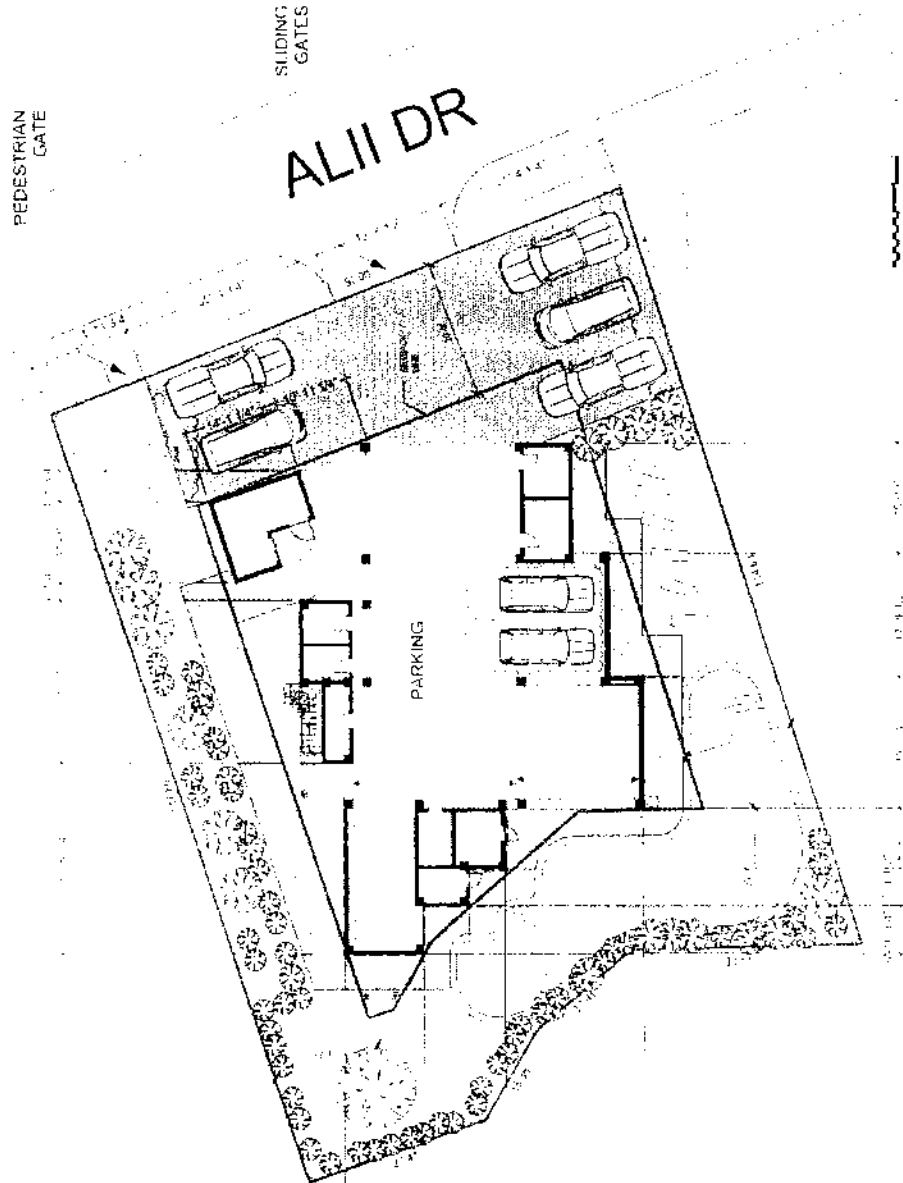
The Kamakaokahi Fishing Shrine is located in the adjacent Ali'i Point Subdivision (PUD 85-1) approximately 350-feet from the subject property (see attached map). We recognize the cultural and recreational importance of the area and stewardship of the lot frontage to the public access path will support the further public use of the area.

We trust that everything is in order for your acceptance and processing of this application. If not or if there are questions relating to this matter, please feel free to direct them to me. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator
Land Planning Hawaii LLC

Enclosures
Copy – Jekaterina Mysing



SITE PLAN

[illegible]



Timothy E. Scheffler, Ph.D.
Sole Proprietor - Principal Archaeologist
P.O. Box 388 Volcano, HI 96783
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**ARCHAEOLOGICAL FIELD INSPECTION of the Mysin Property/Hawaii
Imperial Condominiums (SMA Use Permit Application 21-000078).**

Puapuaa`a 2<sup>nd</sup> Ahupua`a, North Kona District, Island of Hawai`i

TMK (3) 7-5-020:066.

Prepared by

A handwritten signature in black ink, appearing to read 'Timothy Scheffler', is positioned above the printed name.

Timothy E. Scheffler, Ph.D.

Principal Investigator; SHPD Lic. #21-34.

Prepared for

John Pipan, Planning Administrator, Land Planning Associates, LLC.

194 Wiwoole St, Hilo, HI 96720

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(808)333-3391

April 5, 2021

Planning Dept.
Exhibit 3

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Executive Summary

An Archaeological Field Inspection of the less-than one-quarter acre Mysin property was carried out at the request of the State Historic Preservation Division in their review of Hawaii Imperial Condominiums' Special Management Area use permit application. The property was 100% visually inspected by the Principal investigator. While several remnants and collapsed sections of historic walls surround the property, none are likely to qualify as significant as they lack integrity and have little to offer for prehistoric research that is not now sufficiently documented.

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INTRODUCTION

Per §6E-42, Hawai'i Revised Statutes, the Project described below requires review by the State Historic Preservation Division (SHPD). This report of an Archaeological Field Inspection (AFI) is intended to ensure that any historic properties are properly identified that might be affected by the project.

This project is in response to **State Historic Preservation Division Project No. 2020PR00106/Doc. No. 2102SN09**, dated February 12, 2021.

Through the Planning Department, Department of Public Works the applicant is applying for a special management area (SMA) use permit related to the proposed construction of a six unit condominium (SMA use permit application #21-000078).

The AFI was carried out under the direction of Timothy E. Scheffler, Ph. D., Principal Investigator, tesARCH, Volcano HI (Lic. #21-34) on February 17 and March 4, 2021.

The 0.23 acre property is located on Ali'i Drive; **TMK (3) 7-5-020:066** about 100 meters inland from Mumuhale Point on the south side of Puapua'a Bay.

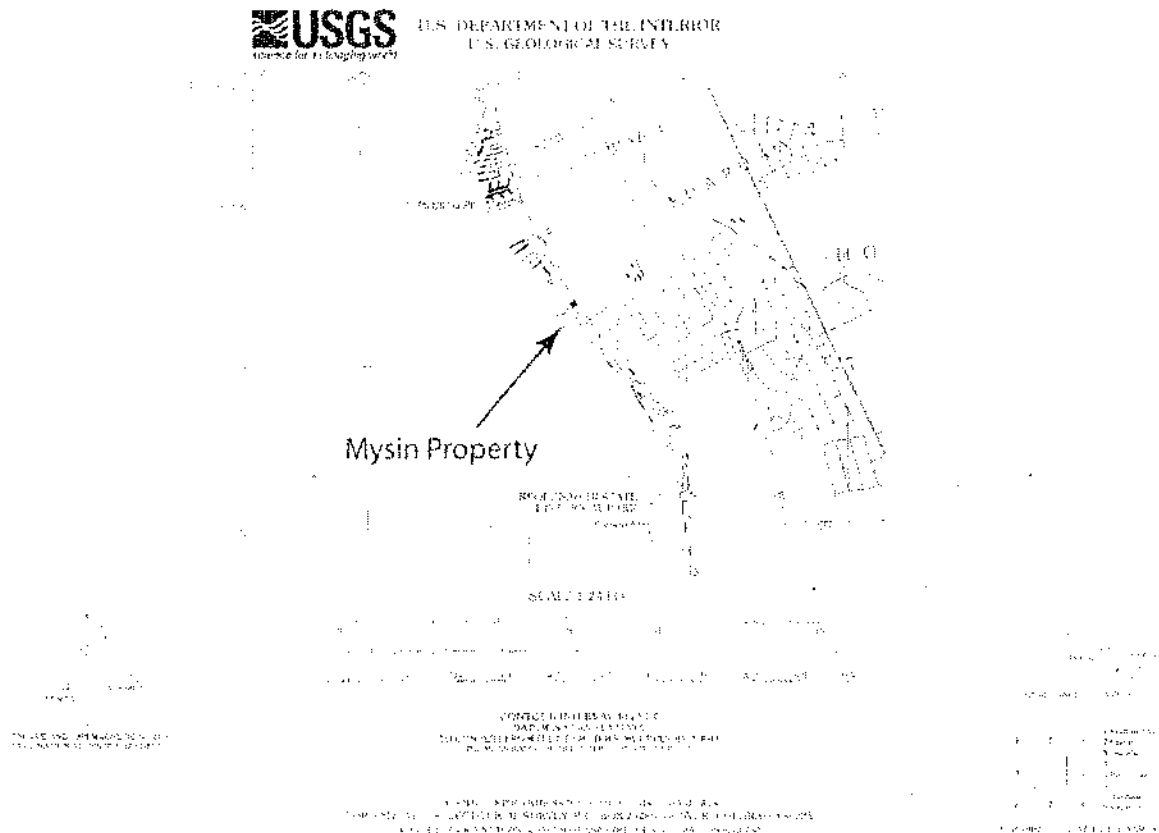


Figure 1 Portion of USGS topographic quad – "Kealakekua" (1996)

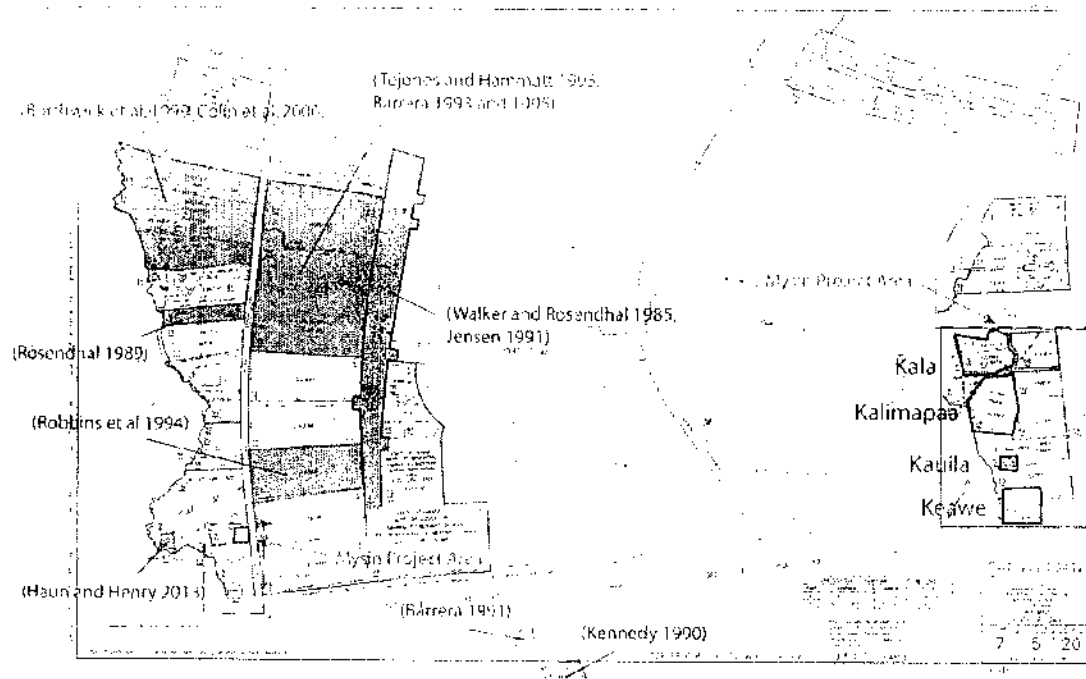


Figure 2 Tax Map Key with project area, Land Commission Awards, and previous archaeological studies.

PROJECT ENVIRONMENT

The Mysin property lies on Hualālai volcano, last active in 1800 and 1801. The Huehue and Ka'upulehu eruptions were notable as Pele sent extremely fast moving flows down the north flank to the sea, burying a large royal fishpond and prompting personal sacrifices of Kamehameha the Great (Kauahikaua et al. 2002, Moore et al. 1987). However, the current project area lies, as most of Kailua – Kona, on one of the oldest of Hualālai's flow fields. The rocks at the coastline for most of Alii Drive are at least ten-thousand years old, some of the oldest still exposed land surfaces on Hualālai.

The entire area of interest is underlain by a single marginal soil type. The thinly developed surface soil layer is described as "Punaluu decomposed plant material" (Sato et al 197, USDA 2021).

At higher elevations with much more rainfall, these old soils have developed into rich substrates for agriculture, however the xeric (dry) conditions of the coast and extreme heat and salt air at sea level limits vegetation to those species well adapted to the extreme conditions. The mean annual rainfall for the project area is 738.2 mm/yr. (Giambelluca, et al.2013).

The property is dominated by two species of drought tolerant noxious weeds, kiawe (*Prosopis pallida*) and night-blooming cereus (*Hylocereus undatus*). The kieawe trees are uniformly small, with trunk diameters of 1-2 cm or less. The nature of the vegetation is shown in two property overviews, Figure 3 and Photos 1 and 2. This homogeneity suggests a high level of recent disturbance across the entire property. While dense, the kiawe did not present any obstacles to survey mobility or ground visibility. Some efforts were necessary to clear portions of the cereus, which obscured a portion of the central area of the lot.



Figure 3 Google image from (March 8, 2013) with project area.



Photo 1 Overview of property from Ali'i Drive, view west.



Photo 2 Overview of property from rear, view north-northeast.

BACKGROUND TO THE ARCHAEOLOGICAL RECORD

ETHNOHISTORY

The Kailua area has been a royal seat since the time of 'Umi (Kamakau 1961). Before this major political shift in the 17th Century, the North Kona districts lies in relative obscurity with the exception of traditional oral histories. In order to delve to this temporal depth, traditional accounts passed through the generations by word of mouth must be relied upon. Sometimes the "myths" associated with place are more informative than any physical remains left at the location. We begin the background to the cultural history here.

The ethnohistory, or traditional accounts of Kona are relatively few, given the more recent shift of political influence to this side of the island (see below). Nevertheless, perhaps the most vivid and relevant example is the "Heart Stirring Story of Ka-Miki", or more properly, "Ka'ao Ho'oniua Pu'uwai no Ka-Miki". This epic parable is a long and complex account of the travels of two supernaturally endowed brothers. These stories were recorded by J.W.H.I. Kihe and J. Wise between 1914 and 1917 and reprinted in Hawaiian newspaper, *Ka Hōkū o Hawai'i*. So, while the stories are not exactly "ancient" they derive from ancient times and are consistent with traditional practices of passing site-specific history across the generations, through story and fable (Kanahele 1986). The stories contain place names, ceremonially significant sites, resource management practices and accounts of the regular day-to-day practices of native Hawaiian kama'aina (common people, lit. land child).

Set in the 1300's (as reckoned by association with the ruler Pili-a-Kaaiea) the brothers, Ka-Miki (the quick, or adept one) and Maka-'iole (squinting eyes) journey along the Alaloa trail from North Kona to Ka'u. In these adventures they reveal dishonorable priests, perform at local contest grounds (kahua) and challenge resident 'olohe (experts) in the martial arts, oratory recitation and debate, riddle making and other tests of physical skill and strength, the favored sports of the Ali'i – running, surfing, holua sliding, wrestling, etc. English translations of portions of these stories are available for Kona Hema (Maly 2003:9); unfortunately no similar translations are available for Kona Akau.

The brothers were aided and empowered by Ka-uluhe-nui-hihi—kolo-i-uka, one of the myriad forms of the goddess Haumea ("Earth Mother"). Kona retains this association with fertility and especially with precious and scarce sources of water only found at the few springs or to be collected in caves, drip by drip in a gourd. In their interviews with elder native Hawaiians at the time, Handy and Handy describe rain and water catchment rituals contained in the lore of Lono (Handy et al. 1972:523). The worship of Lono was centered in Kona, in fact it is at Keauhou Bay where Lono is said to have delivered sweet potato, yams, sugar cane, banana, and awa to the islands (ibid.:14). The annual Makahiki festival honoring Lono begins with the coming of the Kona storms - southerly seasonal winds and rains that sustain the leeward lands through the summer months. The importance of these elements of the cultural landscape cannot be underestimated in determining the wellbeing of ancient Hawaiians and their perspectives on their place in the social order.

Benefitting from the unmatched scholarship and efforts of the likes of Fornander (1885) and Kamakau (1965), it is possible to form some idea of Kona's political past from the 1600's on. In fact, it might be said that Kona's traditional history begins then, with Umi-a-Liloa, for an unknown reason, moving the royal court from Waipio in Hamakua to Kona. In fact Umi instigated a novel form of mobile royal residency, cycling between the main royal centers on the lee side – Kailua, Holualoa, Kahaluu, Kealahakua and Honaunau (Cordy 2000:206). Umi's descendants continued their reign from these seats

of power. For example, Lonoikamakahiki (1640 – 1660), his grandson, figures prominently in long distance voyaging sagas linking Hawaii to “Kahiki”. Keawe, another island uniter (1720 – 1740) had his favorite residence at Honaunau.

When Capt. James Cook arrived in 1790, it was Kalaniopu`u who met him at Kealahou Bay. By that time he was old and frail. However, as his forbearers before him, he had to contend with a major insurrection in the form of revolt by two high ranking district chiefs. The uprising sparked by Puna’s Imakakoloa and Kau’s Nu`uanupā`ahu was put down after Kalaniopu`u’s kahunas sent a shark to attack Nu`u. The story of this battle is still told by kama`aina today (Cordy 2000:295).

After the death of Kalaniopu`u, Kamehameha the Great gained control through a series of internecine wars with his kin (Kamakau 1961).

It was in the succeeding missionary period, in 1823, when William Ellis toured the island and described Kailua in his famous journals.

Kelly’s “Na Mala o Kona” (1983), describes a population decline with the introduction of western disease, the demise of the Kapu system and dislocations associated with contact. However, it also describes a newly emerging economy based on novel status items and crops which soon began to flourish under immigrant labor and a reorganization of land. Plantation systems and private property proliferated. Coffee came to dominate the produce of the once diverse Kona Field System and new cultural adaptation and hybridization occurred between the Haole, Japanese, Filipino, native and others. Before this Territorial era florescence, a reorganization of land tenure systems was necessary. The Ali`i were aware of this dilemma and actively sought to transition to the modern colonial economy through a process known as the Great Mahele (lit. a portion, division or to distribute).

MAHELE ERA

The Great Mahele (Chinen 1978) marks a major turning point in Hawaiian history and political economy. The transfer from a system of traditional land rights held by an absolute monarch, to a market system of fee-simple private property ownership, took some time to accomplish. The process was meticulously documented, by the Kingdom. This historical record remains as a window into the occupational history of places like Puapua`a. The claims made in the vicinity of the project area are listed in the Table below as retrieved and reviewed through Waihona`Aina Corporation (waihona.com) a digital database of these land use documents.

Type	No.	Claimant	Ahupuaa	Ili	Notes	Year
L. C. Aw.	7947:2	Kala	Puapuaa II	Hahape and Ililoa	2 apana, 5 houses	February 7, 1848
L. C. Aw.	7743:2	Kalimapaa	Holualoa I	Pahoa	Kihapais and House lot	January 25, 1848
L. C. Aw.	9177:3	Kauila	Puapuaa I, II, and III nui and Iki	Kamuku, Haleolono, Lauhulu, Halipalala, Waipio	3 apana, konohiki	February 10, 1848

L. C. Aw.	5649	Keawe	Puapuaa II	no record	1 house, 2 loulu palms, a grove of noni, pineapples, some coconut trees	January 24, 1848
Royal Pat.	7819	Lunalilo	Puapuaa Nui			December 24, 1886
L. C. Aw.	8559-B	Lunalilo and Kanaina	Kapulena, Kawela, Kukuihaele, Waikoekoe, Auau, Makapala, Kehena, Puako, Keopuhuiakahi, Honuiononui, Puapuanui, Lehuulanui, Kawanui, Lanihaunui, Honokohau, Pakiniiki, Ninole, Honuapo, Kahaualea, Keahialaka, Kalapana, Keaau, Laepaoo, Koa I, 2, Laeapuki, Makahanaloa, Pepekeo, Kaiwiki 2, Kahuku.			February 14, 1848

Table 1. Mahalea Era Land Commission Awards in the vicinity of the project area.

By far the largest claim was made by Lunalilo and his father Kanaina. Interestingly, their original joint claim, made in 1848, was not granted. This original claim was quite an ambitious acquisition; it included 30 ahupua`a on Hawai`i Island and 32 more on Maui, Lanai, Molokai, Oahu and Kauai. In 1886 after his father's passing, a Royal Patent Grant to Lunalilo for 379 acres in Puapuaa was granted.

Lunalilo was the first King of Hawaii elected under the Hawaiian Constitution of 1864. Kamehameha V did not leave a successor, leaving the selection to the Legislature. Lunalilo's genealogy made him a favorite, being the son of High Chief and Chiefess, Charles Kana`ina and Kakauluohi. His mother was a direct descendant of Liloa and Umi-a-Liloa, his grandfather a half-brother of Kamehameha I. These relations made him a grand nephew of Kamehameha the Great. To his great credit, though Lunalilo had the constitutional mandate of the legislature, he insisted that his reign submit to the popular vote as well. After an (unofficial) election the Legislature installed him on January 8, 1873. Tragically, Lunalilo died only a year later in February of 1874, and was succeeded by David Kālākaua (Kuykendall 1953).

The smaller claims by non-ali`i residents are instructive, occasionally itemizing economic resources such as loulu (*Pritchardia* spp.) and niu (*Cocos nucifera*) palms, or medicinal plants like noni (*Morinda citrifolia*)

in addition to food crops. The mention in these early records of introduced pineapple cultivation by Keawe in 1848 is notable. Pineapples (*Ananas comosus*) were introduced from South America to Europe in the 16th C by the Spanish (Sanewski et al. 2019). Presumably, they were introduced to Hawaii by early Europeans after Cook's "discovery" of the island chain at the end of the 18th C. It seems that hala kahiki ("pineapple" in Hawaiian) were adopted very rapidly by native Hawaiians.

The claims include the family house lots, and often list the number and productivity of agricultural mala and kīhāpai (a cultivated patch, garden or orchard) associated with the holding, sometimes called an `āpana (see Pukui and Elbert 1986 for translations of Hawaiian words). These small claims are illustrated on Figure 2, above. Lunalilo owned most of the land to the north, however, to the west for example, lay the dwelling of Kala, the man for whom the current "Alakala Apartments" derive their name. To the southwest and extending in multiple claims towards the point, Kalimapaa and his family registered his kuleana with these words:

"Hear ye, ye Land Commissioners: I hereby describe my kihapais and my house lot, and my planted trees. The kihapais consist of 3 sweet potato mala on the kula, ili of Pahoa, and 1 at pahee*. 2 taro mala extend from the apaa to the ama`uma`u fern zone. 10 taro mala are in another Pahoa. 2 taro mala are within ulu*. 1 sweet potato mala and 1 gourd mala are on the kula, 1 mala of lauhala, and 1 mala with exhausted soil."

Further south along the beach, two more families sought to have their property rights codified as well. In the document attesting to Kauila's land claim the land is mentioned to have been given to him by Kuakini in 1842 and he notes that he has it "worked as po`ahas..." – reference perhaps to stacked stone circles or rings in which `uala (sweet potato - *Ipomoea batatas*) and other trailing plants were grown in a medium of rock mulch and compost (Handy 1972). The legitimacy and temporal depth of the association between these families and specific plots of land is similarly demonstrated in the Keawe's statement in his claim that the land was passed to his family over the generations since Kamehameha I.

The several 19th C. households attested to in the Land Commission Award records, and Keawe's in particular, are likely to be the same kauhale mentioned by Reineke in his early surveys of Kailua-Kona archaeology, these are discussed below.

PREVIOUS ARCHAEOLOGY

The earliest settlements in Hawaii were likely located windward, where permanent pond-field taro farming could be practiced with great success. Small coastal sites on the Kona-side may have also been established early with a special focus on marine exploitation. Around 900 – 1100 A.D. (probably the later) these earliest Kona sites would be where fresh water was available (Cordy 2000:130, Kirch 2017). These small permanent habitations centered around sheltered bays, or perhaps near caves – critical for water catchment, were probably composed of extended family units cooperating and exchanging goods by way of canoe.

Inland settlements do not become common in the archaeological record until several centuries later. After A.D. 1400 upland sites increase in density and by the 1500's it is clear that population is growing along with the development of the Kona Field System's extent and intensity. During this expansion, the archaeological record also shows an increasing separation between a ruling political elite, a religious class, and the common people (Hommon 1976, 2013).

By Umi's time and through the 1600's populations are thought to have stabilized and land management was efficiently organized, in the form of the Ahupua`a system. With the introduction of a productive dry-land crop, the sweet potato, further development and cultural elaboration led arguably to the

emergence of a political economy characteristic of state-level societies in other parts of the globe; comparable in complexity to those of Mesopotamia, the Indus Valley, the Basin of Mexico, or Egypt (Hommon 1976, 2013).

Given the increasing role of Kailua-Kona throughout the 20th Century as a center of commerce and tourism, and a focus of urban development, the archaeological landscape of the area is relatively well studied. Early archaeologists focused on the coastal strand, while later contract-oriented (or, Cultural Resource Management - CRM) approaches focused on big highway realignments, for example. A 1928 USGS map (Figure 4) shows some extant houses along the coast to the south of the project area.

Early research projects initiated by the Bishop Museum identified major heiau sites for recording (Stokes and Dye 1991) and later efforts were made to describe a more complete archaeological picture of the coastline (Reineke 1930).

For example, both Stokes, in 1906 (Stokes and Dye 1991:52), and Reineke, in 1930 visited and described Kauakaikaola Heiau (SIHP #50-1037-3836), located to the north on Puapua`a Bay's north end. This heiau is a walled structure measuring 150 by 70 feet. The substantial structure houses several platforms and internal features including altars and a "bone pit". Many historic graves have been placed inside and outside. Further to the north are at least two more large platforms suggesting a relationship with the heiau, with these exceptions Stokes notes that "no other structures are nearby" (*ibid.*:54). Stokes goes on to assert that the heiau was built by Kamehameha I, and that the name is probably correct due to its having been recorded originally by J.S. Emerson - a "well versed" scholar of the Hawaiian language (*ibid.*:55).

Reineke created an inventory of archaeological sites, listed from south to north for the entire east coast (a portion of which is reproduced in Figure 5) in an unpublished manuscript for the Bishop Museum (1930). Concerning specific resources on found on Mumuhale Point in Puapua`a, Reineke recorded the following:

"Site 47. A succession of five modern house platforms. Then two more house sites, one flat on the ground, the other walled.

Site 48. A fishing heiau, NAMAOKAHAI, at Mumuhale Point, beside a modern graveyard. The platform seems to have been restored, especially Makai. The length is 55', past which is a low place 14' across, partly filled with stones, whilst a stone wall continues the platform for 25'. The width is 28' across at the north end, a few feet wider in the middle, while the south end is torn down. The back shelves down to the ground; the height elsewhere depends on the contour, averaging 6'." (Reineke 1930:II,5).

This fishing shrine, sometimes spelled Hamakaokakahai, now bears SIHP #50-10-37-2033 and was the subject of a recent AIS by Haun and Henry in 2013 (see below). More generally, Reineke characterizes the archaeological nature of sites between Kapalaalaea, Kailua, Kona to Lanihau:

"The most distinctive feature of this section is the use of coral fragments as a top dressing for the floors of dwelling sites. This is as characteristic as the use of ilili in the a-a section of Kahaluu." (Reineke 1930:II,1).

Furthermore, he notes with disappointment that this part of the island isn't more archaeologically intact. Overall he writes:

"... the results were disappointing, as grazing cattle and the demands of kuleana walls have resulted in the destruction of many sites. Furthermore, this coast was rather densely populated until recently, so that most dwelling sites will be recent and of little interest." (*ibid.*).

The ahupua`a of Puapua`a I and II was assessed by archaeologists again in the 1970's during surveys for the Ali'i Drive Realignment Corridor Project (Ching et al. 1973). Reported sites within the ahupua`a included two heiau, a dwelling cave, three shelters, two burials, five walls a cairn and an agricultural

mound. This list of a diverse number of functional site types present in these kula (coastal, lowland) elevations of Kailua-Kona remains a consistent trend.

In the 1980's Rose Schilt's classic study "Subsistence and Conflict in Kona, Hawaii" (1984) further refined the framework for settlement pattern studies on the east-side. Looking at the integration of garden plots in the KFS at lower elevations and through changing times along the Kuakini Highway Realignment Corridor gave a good glimpse into the prehistoric and historic development of the Kona Field System.

Late 20th C. and current archaeological efforts are mainly the result of modern historic preservation law and regulation, so called Cultural Resource Management (CRM) projects. In sum, fourteen separate reports were reviewed from the SHPD Library archive. These reports describe archaeological sites on eight discrete parcels of land located in Puapua`a Iki, Puapua`a Nui and Holualoa I, below Kuakini Hwy (see Figure 2 and Table 2). These are discussed in turn below, the results of a SHPD Library search for all recent CRM documents filed and finalized, from zone 7, section 5, Plats 20 and 35 as well as zone 7, Section 6, plat 17. This included the Makai portions of the Ahupua`a of Puapua`a I and II and Holualoa I.

The 115 acre Kahakai Development Project included archaeological Reconnaissance, Mitigation Planning, and Data Recovery. This survey covered a large swath of lands above (mauka of) Ali`i Drive and below the Kuakini Wall.

An archaeological Inventory Survey (AIS) of a small, 1.2 acre lot, makai of Ali`i Drive and just north of the current project area was carried out by Rosendhal in 1989. This survey recorded two historic sites described as historic clearing mounds, 2-3 meters in diameter.

Seven sites were defined on a 12 acre parcel consisting of four adjacent oceanfront lots in Puapua`a Iki (1st). An AIS, DR Plan and Preservation Plans describe five permanent habitations (two of which were LCA's and including SIHP #50-1037-6699 which was subject to Data Recovery), a complex of burial features confirmed by excavation (SIHP #50-10-37-6694), and perhaps most significantly, Kauakaikaola Heiau (SIHP #50-10-37-3836). This major heiau, commissioned by Kamehameha (see above) was restored in 1947. Currently, it stands on undeveloped land, disturbed only by the slowly rising sea level. All of the sites reported around this prominent heiau were found along the extreme coastal fringe, as large areas extending into the property from Ali`i Drive were bulldozed (Borthwick et al. 1999, Colin et al. 2000).

In 1994 an AIS was performed on a 5 acre parcel mauka of Ali`i Drive, just south of the project area. This survey also recorded significant prehistoric sites. Sixteen sites comprising fifty-four features were described. They included a diversity of site types, some with agricultural functions and some with temporary or permanent habitation functions in the prehistoric period. Eight of these sites were slated for Data Recovery and two for preservation. The later include a complex of possible platforms (SIHP #50-10-37-19784) and at least one confirmed burial platform (SIHP #50-10-37-6321).

Perhaps the densest sample of archaeological sites in the vicinity occurs on an 18.5 acre parcel mauka of Ali`i Drive, just north of the current project area, straddling Puapua`a I and II (Barrera 1993 and 1995, Robins et al. 1991). The AIS and subsequent Data Recovery for this parcel revealed clusters of habitation and agricultural remains, several associated with burial features and some found in subterranean caves (lava tubes or blisters). While selected sites were subject to subsurface testing, research goals were limited to a determination of function; all sites were assumed to be pre-contact in age. Thirty-eight of these sites walls, faced terraces and mounds were considered agricultural. Nineteen permanent residential sites were targeted for Data Recovery, including probable burial structures, platforms, and habitation caves. Further testing resulted in the confirmation of a suspected burial (SIHP #50-10-37-14409, Barrera 1995) and the investigation of sixteen of the agricultural sites. A total of four carbon samples were submitted for radiometric analysis ("C14" dating). With these, three of the sites were

placed in the 17th Century (i.e. A.D. 1600's) and one dated possibly to the 16th C, confirming their pre-contact date.

Perhaps the most recent archaeological efforts are also the closest in proximity. Haun and Henry (2013) excavated a portion of Hamakaokahai Shrine (SIHP #50-10-372033). This amounted to a very small areal sample (0.03 acres) of a very rich site, hidden by modern development. A trench was excavated on Mumuhale Point where Reineke had placed the fishing shrine in his surveys of almost 100 years earlier. Haun and Henry found extensive structural remains of the prehistoric platform along with fill materials containing artifacts and disarticulated human bone. In their extensive review of the Land Commission Awards the authors (ibid.:32) mention the possibility of a walled cemetery to the east or north.

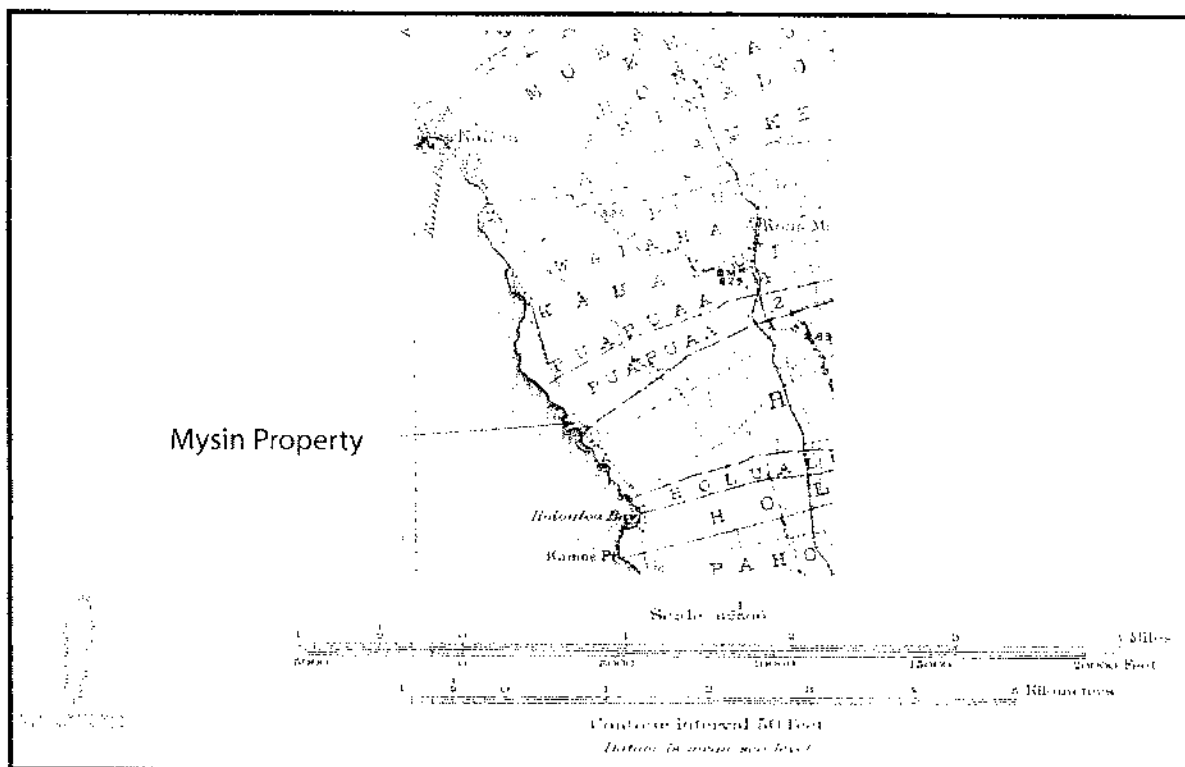
Lastly, two surveys in the neighboring TMK Section and Plats were reviewed. These lots, both mauka of Ali'i Drive at somewhat higher elevations were unremarkable. A single acre was found by Archaeological Consultants of the Pacific (Kennedy 1990) to be completely disturbed by bulldozing. The second parcel amounting to 2.5 acres in Holualoa was found to contain five sites. These sites were rather mundane in comparison to those of makai Puapua'a. They include C-shapes, historic stone walls, clearing mounds, agricultural retaining walls, and a single possible platform, the plurality of these sites most likely date to the contact era.

Author	Year	Title	TMK	Acres	Sites	Features	Burials
Walker and Rosendhal	1985	Archaeological Recon. Kahakai	7-5-20:01				
Jensen (Rosendhal)	1991	Archaeological Mitigation Program Kahakai Development Project, Ph I: DR, P, M	7-5-20:01	115	44	116	yes
Rosendhal	1989	AIS Puapua'a 2	7-5-20:21	1.2	2	na	no
Sustainable Resources Group International, Inc.	2000	Puapua'a Iki PP	7-5-20:22,24,28,34				
Colin Borthwick Hammatt	2000	DR 11.5 acres in Puapuaa 1	7-5-20:22,24,28,34				
Borthwick, Collins, Heidel, Robins, Creed and Hammatt	1999	AIS in 12 acre Puapua'a 1	7-5-20:22,24,28,34	12	7	na	yes
Robins, Walsh, Heidel, Hammatt	34516	AIS 5- acre parcel in Puapua'a 2	7-5-20:70	5	16	54	yes
Teonjes and Hammatt	1990	Arch DR Plan for sites in 18.5 acre Parcel	7-5-20:73, 74, 75				
Barrera Jr.	1995	Puapua'a DR	7-5-20:73, 74, 75				

Robins, Toenjes, Hammatt	1991	AIS and Testing at Puapua'a	7-5-20:73, 74, 75	18.5	57	139	yes
Barrera Jr.	1993	Puapuaa Excavation of HRHP 14409	7-5-20:73/74				
Haun Henry	2013	AIS Puapua'a	7-5-35:07 por.	0.03	1		yes
Kennedy	1990	Letter, AIS 1 acre	7-6-17:06	1	0		no
Barrera Jr.	1991	Holualoa AIS	7-6-17:68	2.5	5		no

Table 2 Summary of previous archaeology projects on file with the State Historic Preservation Division.

The available archaeological information in the area of the Mysin property allows for a substantive reconstruction of settlement patterns in Puapua'a I and II. The densities of sites found range from 0.38 sites per acre in Puapua'a I, on the large Kahakai Development (parcel TMK 7-05-020:01) to 3.08 sites per acre at Puapua'a II's southern extreme (parcel TMK 7-05-020:73,74 and 75). These sites are of a similar character and age consisting of prehistoric permanent and temporary habitations, modified with platforms, auxiliary burial features, shrines and scattered agricultural infrastructure. However, trends are discernable within the observed settlement pattern. Based on an evaluation of the midden remains and the proportions of marine vs. terrestrial derived food sources represented in them, Barrera (1995) concludes that "sites [in the study area mauka of Ali'i Drive] are more representative of the lower (makai) end of inland agricultural sites than the upper (mauka) end of the coastal habitation." The later dates on these sites (16th/17th C.) supports the hypothesis (Schilt 1984) that marginal portions of the Kona Field System (especially those in the relatively soil poor Kula) were occupied last. Future research in this region might seek to address if the cause of this late shift. Was it triggered by the availability of new soil (from volcanic eruptions, e.g.)? Or was the impetus accelerating degradation and erosion of upslope Kalu'ulu and 'Apa'a zones due to population-driven clearing for cultivation at higher elevations?



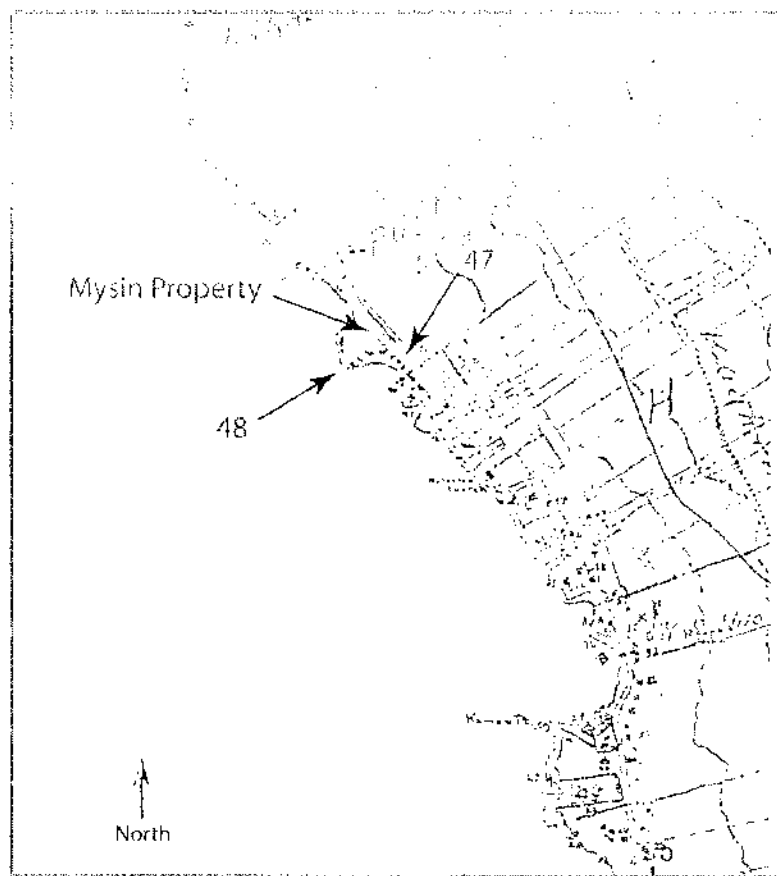


Figure 5 Portion of Reineke's (1930) map of Puapua's archaeological sites.

METHODS OF THE SURVEY

The project area visited on two occasions. An initial walk through by the author was conducted on February 17, 2021 and a second more intensive survey, mapping (compass and tape) and documentation (photography) effort was made with a crew of two under the author's supervision on March 4, 2021, for a total of 10 person-hours.

Systematic transects were walked across the property by the crew of three. These transects were spaced at approximately a 2 meter interval. In areas of denser kiawe and grass, small areas of vegetation and litter were cleared in order to inspect the raw soil layer. Visibility in the central portion was obscured by thick tangle of succulent (night blooming cereus). Efforts were made to clear this central tumulus, and further exposures from the periphery were made with machetes (Photo 3).



Photo 3 Central tumulus after removal of *Cereus* sp. (also note Kiawe vegetation).

RESULTS

The interior of the property was inspected thoroughly. Ground visibility was fair across the majority of the parcel, with the exception of a small central patch of cereus where visibility was poor (<10% of the total property area).

No historic features were noted within the lot. No historic artifacts, ecofacts or other surface indications of cultural activities such as coral fragments ('ili'ili), bone or shell midden, etc, were seen. The limited bottle glass and ceramic trash scattered around the lot was unequivocally modern. The central tumulus was given particular attention given the lessened visibility, however, no indications of any modification to the pāhoehoe outcrop were observed.

Four highly disturbed, separately constructed wall features surround the property. These are illustrated on Figure 6.

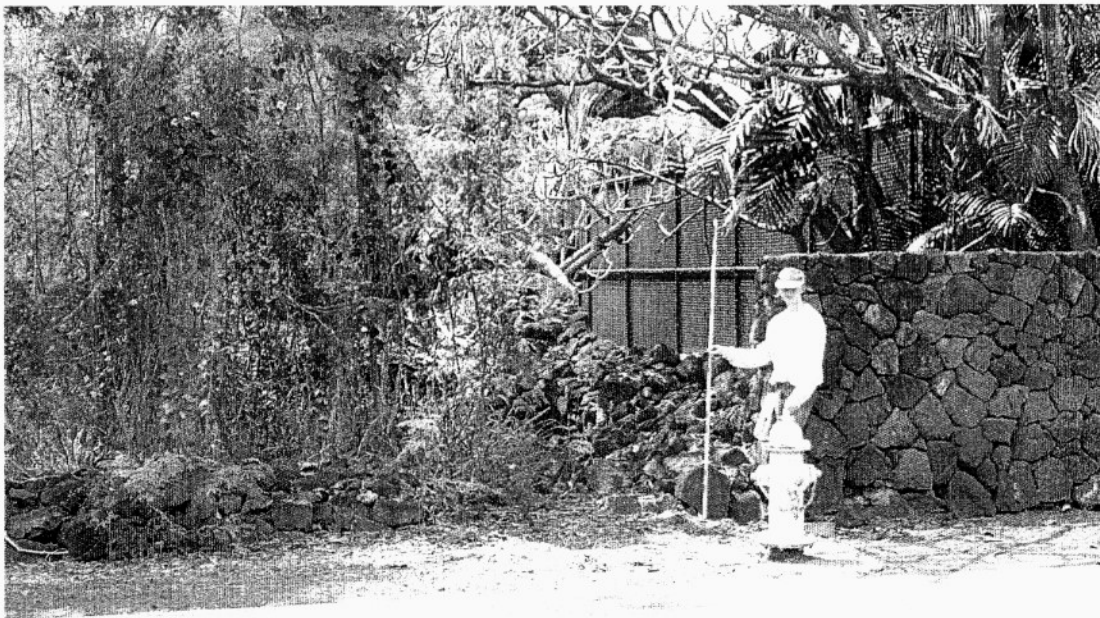


Photo 4 Disturbance at the property's north corner and adjoining newly constructed wall.

A heavily disturbed, but continuous stacked rock wall runs the length of the property along Alii Drive (Photo 4). This segment has been reconstructed near the driveway entrance at its east corner. At its northern extent it continues, but developments on Alii Drive have replaced it with a modern cemented version.

Some in situ base/foundation stones of another perimeter wall were noted along the driveway on the property's southeast. This segment is highly disturbed with only these isolated stones remaining. It seems most likely that the wall was destroyed in the construction of the driveway, adjacent.

The rear (southwest, or makai edge) of the property is similarly heavily disturbed, though remnants of a former wall may have been recycled and used to construct a newer barrier on the property boundary. An asphalted condominium complex parking lot abuts the rear property line. Rocks have been stacked along this meandering boundary towards the west corner, but the wall is constructed of simple stacked boulders and not core-filled; it is likely to be the altered remains of an original wall, perhaps associated with the LCA to the west (Kala).

The last remnant wall segment is found along the northwest side. A portion of a substantial core-filled and well faced wall of historic style runs parallel with the adjoining tennis courts (Photo 5), from the rear to within 5 meters of the Alii Drive corner (see Figure 6 for measurements and alignment). This wall is likely to have extended makai in its original form, however, it is truncated by a newly built concrete reinforced wall that now extends in its place. The opposite (Alii Drive end) is collapsed to rubble.

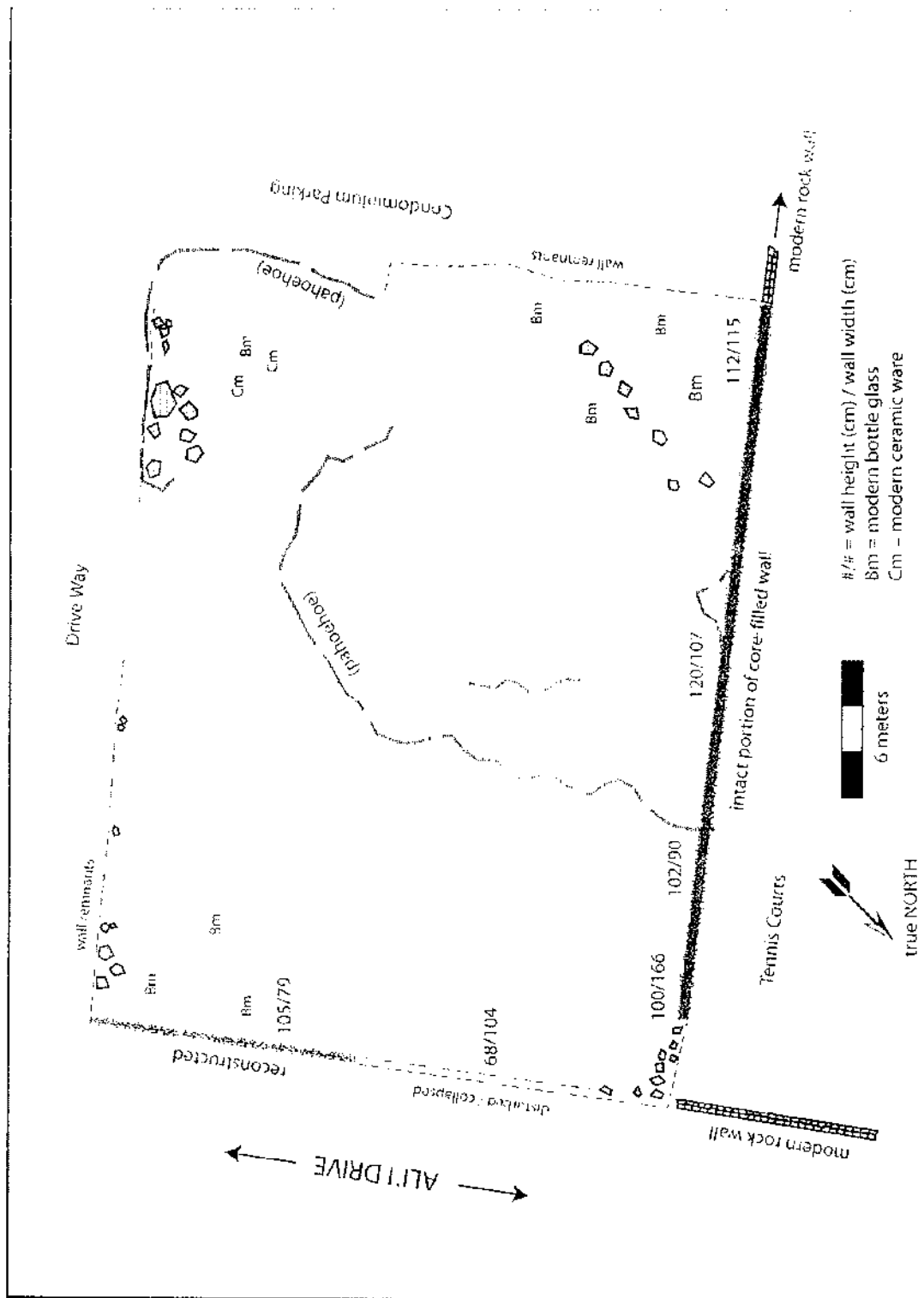


Figure 6 Plan Map of the Project Area.



Photo 5 Intact portion of core-filled wall.

CONCLUSION

This project does involve walls which are likely to be older than fifty years of age, and therefore must be considered “historic property” - any building, structure, object, district, area, or site, including heiau and underwater site, which is over 50 years old (HRS §6E-2).

The significance of such properties is determined based on an evaluation of the sites’ “Integrity of location, design, setting, materials, workmanship, feeling, or association” and with the application of one of the following criteria:

- a – associated with events that have made an important contribution to the broad patterns of our history
- b – associated with the lives of persons important in our past
- c – embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; or possess high artistic value
- d – have yielded, or is likely to yield, information important for research on prehistory or history
- e – have an important value to the Native Hawaiian people or to another ethnic group of the state due to associations with cultural practices once carried out or still carried out, at the property or due to associations with traditional beliefs, events, or oral accounts -- these associations being important to the group’s history and cultural identity.

Our findings are consistent with Reineke’s comments on the extent of historic disturbance of archaeological sites in Kailua-Kona, and with expected outcomes based on the review of more recent CRM efforts. No evidence for any cultural activity was found in the interior of the property and it is considered to be heavily disturbed.

The lot contains no caves, lava blisters, or other temporary habitation locales were identified, no agricultural (or otherwise functioning) mounds, C-shapes or other structures remain. No platforms, no terraces, nor even modifications of the prominent central outcrop, despite our efforts to find them under vegetation, were found. Lastly, there were no surface indications of the presence of burials nor any evidence to suggest that the cemetery mentioned in association with Hamakaokahai was located here.

These walls lack integrity, overall, as their stones have been recycled for other purposes or, more recently, bulldozed aside in the process of clearing land and or reconstructed portions using non-traditional methods (cement). The walls are disassociated from their original context and functions. While the single intact portion of wall on the north side may show some evidence of workmanship and skill in the craft of dry-stone masonry, it is not distinctive of its type. The walls do not represent an important ahupua`a boundary and seem to be the cumulative result of multiple constructions at different times for different purposes, including but not limited to livestock control, the demarcation of Ali`i Drive, and defining modern and historic property boundaries. None of the remnant wall segments retain sufficient physical integrity to reach the criteria necessary for inclusion in the State Inventory of Historic Places. No other structural features were associated with these walls, nor any historic artifacts or other evidence of potential information important for research into prehistory.

No Significant Historic Properties are likely to be affected by this project.

This project is NOT an activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; carried

out with Federal financial assistance; and or requiring a Federal permit, license or approval. It is NOT subject to compliance with Section 106 of the National Historic Preservation Act (NHPA).

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1793

Map 2

LAND COURT
STATE OF HAWAII

LAND COURT APPLICATION 1793

SUBDIVISION OF LOT 1
AS SHOWN ON MAP 1

INTO LOTS 1-A, 1-B, 1-C AND 1-D

LOCATED AT PUAPUAA 2ND, NORTH KONA, HAWAII

By *Robert M. Smith*
Registered Surveyor
Certificate Number 591-5



WFO, Hawaii
August 19, 1954

OWNERS: FRANK GOUVEIA
VIRGINIA GOUVEIA

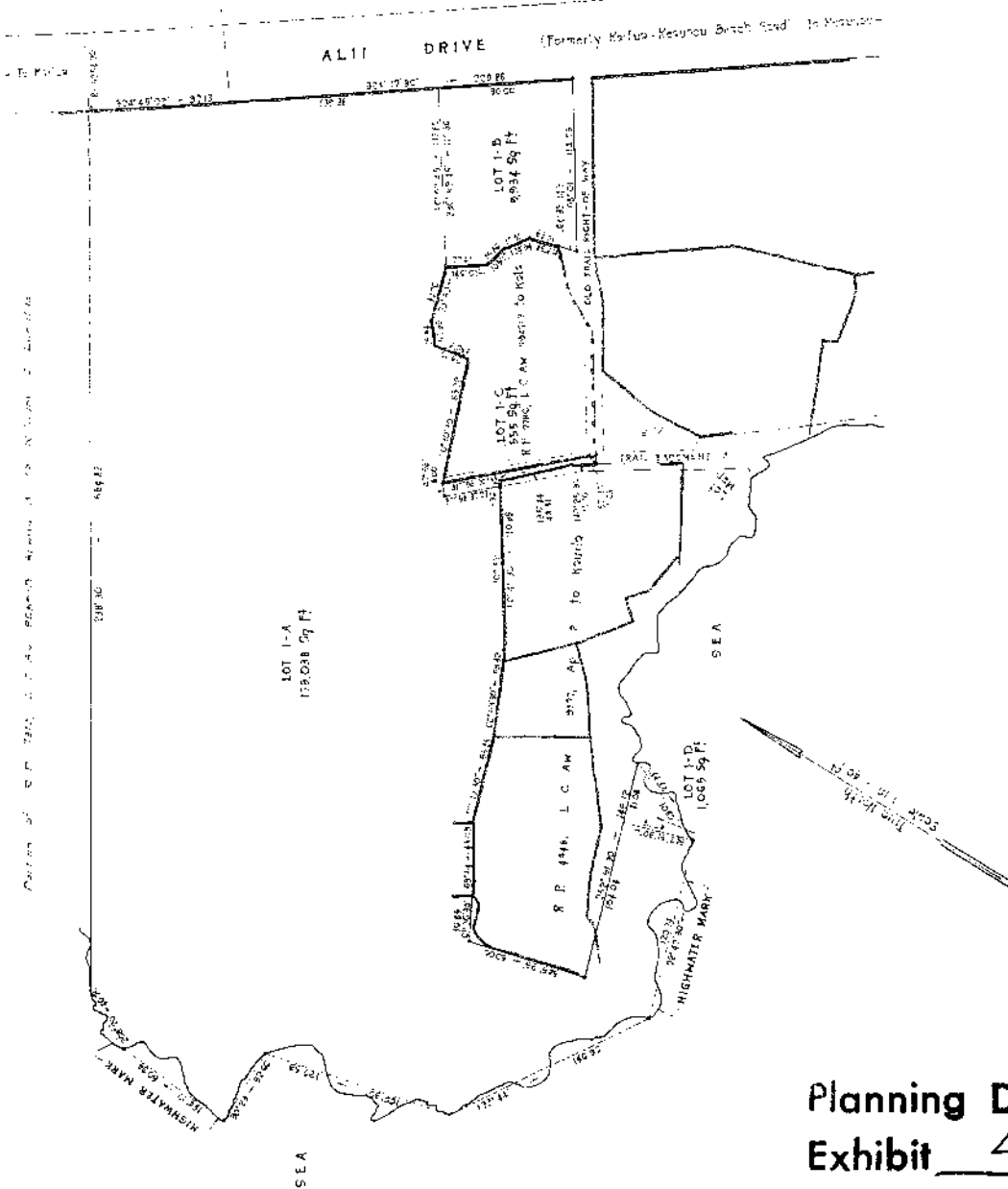
OWNERS' CERTIFICATE OF TITLE NUMBER: 100,901

AUTHORIZED AND APPROVED BY ORDER OF THE
JUDGE OF THE LAND COURT DATED JANUARY 4, 1954
BY ORDER OF THE COURT

Robert M. Smith
REGISTRAR OF THE LAND COURT

Filed November 24, 1954
Robert M. Smith
Registrar

20' x 20' = 40' Sq Ft



Planning Dept.
Exhibit 4

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVIYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENGINEERING
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 30, 2021

Zendo Kern, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiicounty.gov

IN REPLY REFER TO:
Project No. 2020PR00106
Submission No. 2021PR00106.002
Doc. No. 2104SN06
Archaeology

Dear Mr. Kern:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
SMA Use Permit Application (SMA 21-000078) for Hawaii Imperial Condominium
Archaeological Field Inspection
Puapua'a 2 Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-5-020:066**

This letter provides the State Historic Preservation Division's (SHPD's) review of an archaeological field inspection conducted in support of an application for a special management area (SMA) use permit to allow for the construction of the Hawaii Imperial Condominium at 75-6150 Ali'i Drive, Kailua-Kona, Hawai'i. In a letter dated February 12, 2021 (Project No. 2020PR00106, Doc. No. 2102SN09), SHPD requested a field inspection to determine if undocumented historic properties exist in this project area. John Pipan (Land Planning Hawaii) submitted the project on behalf of the applicant, Jetkaterina Mysin. SHPD received this request for comments on January 29, 2021. Included in the submittal were construction plans and the County of Hawaii permit application for the SMA use permit. The project area is the entire 0.23-acre parcel.

Project Description

The submittal provides information relating to the proposed construction of a six (6) unit condominium and related improvements within the Special Management Area. Construction activities will consist of vegetation removal on the entire parcel. The project will consist of six residential units within a 45-ft.-high, five-story structure, along with required off-street parking and landscaping. The submittal also indicates that the parcel is undeveloped and vacant of any structures.

Findings

tesARCH Services completed the requested field inspection and submitted a letter report titled, *Archaeological Field Inspection of the Mysin Property/Hawaii Imperial Condominiums (SMA Use Permit Application 21-000078), Puapua'a 2nd Ahupua'a, North Kona District, Island of Hawai'i TMK (3) 7-5-020:066* (Scheffler April 2021) to support a determination by SHPD for the proposed project. The current project area is primarily rectangular in shape. The land is currently vacant and unused. The parcel consists of dry grasses, coastal vegetation and haole koa scrub. The parcel has little discernible slope and sits at an elevation of approximately 20 feet above sea level. The Scheffler (April 2021) report indicates that a 100% surface pedestrian survey of the entire parcel was conducted using transects spaced 2 meters apart. Ground visibility was fair across the majority of the parcel, with the exception of a small central patch of cereus where visibility was poor. The report indicates that several remnant wall segments are located on the peripheries of the parcel. These walls have been assessed as lacking integrity based on evidence of impacts from previous construction activities within and surrounding the proposed project area. Scheffler (April 2021) suggests that none of the wall segments retain sufficient physical integrity to reach the criteria necessary for inclusion in the State Inventory of Historic Places. No additional structural features were identified and no surface artifacts.

Planning Dept.
Exhibit 5

Mr. Kern
April 30, 2021
Page 2

Determination

Based on current information, SHPD's **determination is no historic properties affected** for the proposed project. Pursuant to HAR §13-284-7(e), when the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence and historic preservation review ends. The HRS 6E-42 historic preservation review process is ended. The permit issuance process may proceed.

The Scheffler (2021) FI report served to facilitate project planning and the historic preservation review process. The FI report assisted in preparing SHPD's project effect determination for the subject permit. Please send two hard copies of the document clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version of the document to the Kapolei SHPD office, attention SHPD Library. Additionally, please send a PDF copy of the FI report to lehua.k.soares@hawaii.gov and upload a PDF copy to HICRIS Project 2021PR00106 using the Project Supplement option.

SHPD hereby notifies the County the permit issuance process may continue.

Please contact Sean Nāleimaile at (808) 933-7651 or at Sean.P.Naleimaile@Hawaii.gov for any questions or concerns regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: County of Hawaii Department of Public Works, public_works@hawaiicounty.gov
Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
John Papan, info@landplanninghawaii.com



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

March 1, 2021

COH PLANNING DI
MAR 3 2021 AMB

REC'D HAND DELIVER

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Special Management Area Use Permit Application (SMA 21-000078)**
Applicant – Jekaterina Mysin
Tax Map Key 7-5-020:066

We have reviewed the subject request and have the following comments and conditions.

Please be informed there is an existing 8-inch waterline within Ali'i Drive fronting the subject parcel. There is an existing 1-inch service lateral installed to the property capable of accommodating a 5/8-inch meter.

It should be noted that based on the drawings provided, the dwelling units on the third and fourth floors do not appear to be two-story dwelling units. There are kitchens on both floors and there are no stairs within the unit from the third floor.

The applicant must submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval. The water usage calculations shall show the estimated peak flow in gallons per minute (GPM), and the total maximum daily water use in gallons per day, including all irrigation/landscaping and other amenities that demand water use.

Based on the water usage calculations provided, the Department will determine the water commitment deposit due, facilities charge to be paid, and other requirements for water service. Please note that water service will not be activated until the facilities charge has been paid in full. Once the facilities charge has been paid, a permanent meter can be installed to serve the proposed development.

The applicant would also be required to submit construction plans, prepared by a professional engineer licensed in the State of Hawai'i, showing the required water system improvements. The applicant shall also be informed that the existing 5/8-inch meter, and any additional meters serving the proposed development, will require the installation of a reduced principle type backflow prevention assembly within five (5) feet of the meter on private property. The installation of the backflow prevention assemblies must be inspected and approved by the Department prior to granting water service.

Planning Dept.

Exhibit 6

SCANNED

MAR 04 2021 ✓

140137

Mr. Zendo Kern, Director

Page 2

March 1, 2021

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith K. Okamoto', with a stylized, cursive script.

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Ms. Jekaterina Mysin
Land Planning Hawai'i LLC

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Ramzi I. Mansour
Director

Brenda D. Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 • Hilo, Hawai'i 96720

Ph: (808) 961-8083 • Fax: (808) 961-8086

Email: cohdem@hawaiicounty.gov

COH PLANNING DE
FEB 19 2021 PM2

REC'D HAND DELIVE

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

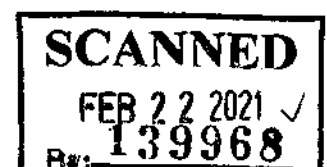
DATE: February 10, 2021

SUBJECT: Special Management Area Use Permit Application (SMA 21-000078)
Applicant: Jekaterina Mysin
Request: Allow for the Development of a Six-Unit Condominium Project
Tax Map Key: (3) 7-5-020:066

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Solid Waste Division for details):

- ☐ No comments.
- ☒ Commercial operations, State and Federal agencies, religious entities and non-profit organization may not use transfer stations for disposal.
- ☒ Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- ☒ Ample and equal room should be provided for rubbish and recycling.
- ☒ Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- ☒ Construction and demolition waste is prohibited at all County Transfer Stations.
- ☒ Submit Solid Waste Management Plan in accordance with attached guidelines.
- ☐ Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- ☐ Other: _____

Planning Dept.
Exhibit 7



Ramzi I. Mansour, Director

February 10, 2021

Page 2

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details):

- ☐ No comments.
- ☒ Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.
- ☐ Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- ☐ Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- ☐ *Check or line out as applicable:* ☐ If required by the Director of the Department of Environmental Management ("Director of DEM"), ☐ applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- ☐ Other: _____

RM:pls

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Robert R.K. Perreira
Acting Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

COH PLANNING D
FEB 9 2021 AM 11

REC'D BY EM

February 5, 2021

TO: ZENDO KERN, PLANNING DIRECTOR

FROM: ROBERT R. K. PERREIRA, ACTING FIRE CHIEF

SUBJECT: Special Management Area Use Permit Application (SMA 21-000078)
Request: Allow for the Development of a Six-Unit Condominium Project
Applicant: Jekaterina Mysin
Tax Map Key: 7-5-020:066

In regard to the above-mentioned request, the following shall be in accordance:

NFPA 1, UNIFORM FIRE CODE, 2006 EDITION

Note: Hawai'i State Fire Code, National Fire Protection Association 2006 version, with County of Hawai'i amendments. County amendments are identified with a preceding "C-" of the reference code.

Chapter 18 Fire Department Access and Water Supply

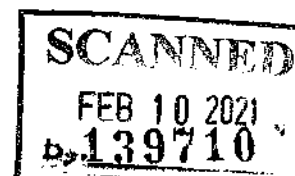
18.1 General. Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

18.1.1 Plans.

18.1.1.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

Planning Dept.
Exhibit 8



MJ -> 7 FEB 12 2021
111 2021

Zendo Kern, Planning Director
February 5, 2021
Page 2 of 9

18.1.1.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

C~ 18.1.1.2.1 Fire Hydrant use and Restrictions. No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

18.2 Fire Department Access.

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

18.2.2* Access to Structures or Areas.

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

18.2.3 Fire Department Access Roads. (*may be referred as FDAR)

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

18.2.3.1.3* When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400ft² (37 m²) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

18.2.3.2.1.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.1 shall be permitted to be increased to 300 feet.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

18.2.3.4 Specifications.

18.2.3.4.1 Dimensions.

C~ 18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. **Exception:** FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

C~ 18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less then 13ft 6 in.

C~ 18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

C~18.2.3.4.1.2.2 Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

C~ 18.2.3.4.2 Surface. Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

18.2.3.4.3 Turning Radius.

C~ 18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

18.2.3.4.3.2 Turns in fire department access road shall maintain the minimum road width.

18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

18.2.3.4.5 Bridges.

18.2.3.4.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

18.2.3.4.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.4.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

18.2.3.4.6 Grade.

C~ 18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

18.2.3.4.6.2* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.2.3.4.6.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

18.2.3.4.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved the AHJ.

18.2.3.5 Marking of Fire Apparatus Access Road.

18.2.3.5.1 Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

18.2.3.5.2 A marked fire apparatus access road shall also be known as a fire lane.

18.2.4* Obstruction and Control of Fire Department Access Road.

18.2.4.1 General.

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

18.2.4.1.3* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

18.2.4.2 Closure of Accessways.

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.4.2.3 Roads, trails, and other access ways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

18.3 Water Supplies and Fire Hydrants

18.3.1* A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural. Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

18.3.2* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.3.3* The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.

18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

C~ 18.3.8 Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for Firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for Firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for Firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of *this code*.

NOTE: In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:

- 1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;
- 2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
 - a) 4" for C900 PVC pipe;
 - b) 4" for C906 PE pipe;
 - c) 3" for ductile Iron;
 - d) 3' for galvanized steel.
- 3) The Fire Department Connection (FDC) shall:
 - a) be made of galvanized steel;
 - b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
 - c) be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;

- d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
 - e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
 - f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
 - g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*.
- 4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- 5) Inspection and maintenance shall be in accordance to NFPA 25.
- 6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

EXCEPTIONS TO SECTION 18.3.8:

- 1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- 2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.
- 3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- 4) For one and two family dwellings, agricultural buildings, and storage sheds greater than 2000square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.

Zendo Kern, Planning Director
February 5, 2021
Page 9 of 9

- 5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact Assistant Fire Chief Ian Smith at (808) 932-2907.



ROBERT R. K. PERREIRA
Acting Fire Chief



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <http://planning.hawaii.gov/>

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

DTS 202102231044LI

February 25, 2021

COH PLANNING DEF
MAR 3 2021 AM 10:17

Mr. Zendo Kern, Director
Department of Planning
County of Hawaii
East Hawaii Office
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Attention: Ms. Tracie Lee Camero

Dear Mr. Kern:

Subject: Special Management Area Use Permit (SMA 21-000078)
Request to Allow for the Development of a Six-Unit Condominium Project,
Puapuaa 2nd, North Kona, Hawaii; Tax Map Key: (3) 7-5-020: 066

Thank you for the opportunity to provide comments on the Special Management Area (SMA) Use Permit Application (SMA 21-000078) to allow for the development of a six-unit condominium, transmitted via memorandum received February 3, 2021.

According to the subject application, Jekaterina Mysin proposes to develop a six-unit condominium and related improvements on 9,934 square feet of land within the county designated SMA. The land is currently vacant, and not being used for any activity. The project will consist of four 2-bedroom/3-bathroom units, and two 3-bedroom/5-bathroom units within a 45-foot high, 5-story structure along with off-street parking and landscaping as required.

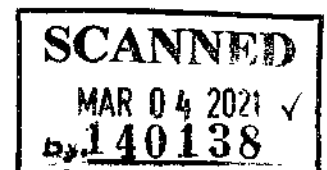
The subject parcel and surrounding area are zoned for multi-family residential development. Grubbing and grading of the entire parcel will be required for site development.

Construction would take approximately 12 months, and construction cost for the project is estimated at approximately \$1,000,000.

The Office of Planning (OP) has reviewed the subject SMA Use Permit Application, and has the following comments to offer:

1. Sea level rise is one of coastal hazards as defined in Hawaii Revised Statutes (HRS) Chapter 205A, as amended. To identify and assess any potential impacts of sea level rise on the subject property area, OP suggests the subject application refer to the findings of the Hawaii Sea Level Rise Vulnerability and Adaptation Report 2017, accepted by the Hawaii Climate Change Mitigation and Adaptation Commission. The Report, and Hawaii Sea Level Rise Viewer at <https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> particularly identifies a 3.2-

Planning Dept.
Exhibit 9



Mr. Zendo Kern
February 25, 2021
Page 2

foot sea level rise exposure area across the main Hawaiian Islands, which may occur in the mid to latter half of the 21st century. The application should provide a map of 3.2-foot sea level rise exposure area in relation to the project site.

2. OP suggests that the subject application assess any potential cumulative impacts under the CZM objectives and policies, and propose mitigation measures if necessary, including but not limited to coordination in project schedules, and construction parking and staging areas, to mitigate cumulative impacts from the proposed project on the SMA area.
3. Page 19, the application states that public access within the project will be maintained, ensuring safe access to the shoreline. The applicant should provide more details as to how the public access within the project will be maintained to ensure safe access to the shoreline and ocean recreation area.
4. The entire 9,934 square-foot land area would be grubbed and graded for the site development. The application should discuss site-specific mitigation measures to prevent any runoff, sediment, soil and debris potentially resulting from the proposed project, including excavation, grading and staging, from adversely impacting the coastal ecosystem and the State waters as specified in Hawaii Administrative Rules Chapter 11-54.
5. Any exterior lighting and lamp posts associated with the proposed project shall be cut-off luminaries to provide the necessary shielding to mitigate potential light pollution in the coastal areas, and lessen possible seabird strikes. No artificial light, except as provided in HRS §§ 205A-30.5(b) and 205A-71(b), shall be directed to travel across property boundaries toward the shoreline and ocean.
6. OP concurs that the State Historic Preservation Division (SHPD), Department of Land and Natural Resources, shall be consulted if any archaeological or historic resources, or human remains are encountered during construction. Subsequent work shall proceed only upon an archaeological clearance from the SHPD.

If you have any questions regarding this letter, please contact Shichao Li of our Coastal Zone Management Program at (808) 587-2841.

Sincerely,

Mary Alice Evans

Mary Alice Evans
Director

COH PLANNING DEP
MAR 4 2021 PM 1:11

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 3, 2021

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division 

SUBJECT: Special Management Area Use Permit Application (SMA-21-000078)
Applicant: Jekaterina Mysin
Request: Allow for the Development of a Six-Unit condominium Project
TMK: 7-5-020:066

Sorry for the delay. We have reviewed the subject request forwarded by your memo dated January 29, 2021 and provide the following:

All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared, and the recommended drainage system shall be constructed meeting with the approval of the Department of Public Works (DPW).

The existing drainage pattern for Alii Drive shall be maintained. Storm runoff shall not be concentrated or diverted to adjacent properties by placement of a wall or other improvements fronting Alii Drive.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

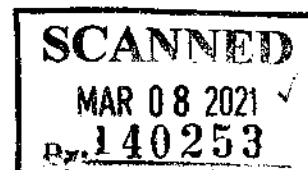
All earthwork and grading shall conform to Chapter 10 – Erosion and Sedimentation Control – of the Hawaii County Code.

All driveway connections and work within the County Right-of-Way shall conform to Chapter 22 – County Streets – of the Hawaii County Code. Sight distance shall meet applicable recommendations of the Hawaii Statewide Uniform Design Manual and/or the AASHTO Policy on Geometric Design of Highways and Streets.

No vehicular security gate shall be installed or swing within 25 feet of the Alii Drive right-of-way.

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit 10



DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL PLANTS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

COH PLANNING DE
FEB 16 2021 PM3

February 12, 2021

Zendo Kern, Planning Director
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, HI 96720
planning@hawaiiicounty.gov

IN REPLY REFER TO: REC'D BY EM
Project No. 2020PR00106
Doc. No. 2102SN09
Archaeology

Dear Mr. Kern:

SUBJECT: Chapter 6E-42 Historic Preservation Review -
SMA Use Permit Application (SMA 21-000078) for Hawaii Imperial Condominium
Puapua'a 2 Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-5-020:066

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject application for a special management area (SMA) use permit to allow for the construction of the Hawaii Imperial Condominium at 75-6150 Ali'i Drive, Kailua-Kona, Hawai'i. John Pipan (Land Planning Hawaii) submitted the proposed project on behalf of the applicant, Jetkaterina Mysin. SHPD received this request for comments on January 29, 2021. Included in the submittal were construction plans and the County of Hawaii permit application for the SMA use permit. The project area is the entire 0.23-acre parcel.

Project Description

The submittal provides information relating to the proposed construction of a six (6) unit condominium and related improvements within the Special Management Area. Construction activities will consist of vegetation removal on the entire parcel. The project will consist of six residential units within a 45-ft.-high, five-story structure, along with required off-street parking and landscaping. The submittal also indicates that the parcel is undeveloped and vacant of any structures.

Findings

A review of our records showed that no archaeological inventory survey has been conducted within the current project area. Our records also indicate that historic properties have been identified on adjacent parcels. Based on the absence of information regarding the presence or absence of historic properties on the subject parcel, SHPD has insufficient information to provide an effect determination for the proposed project.

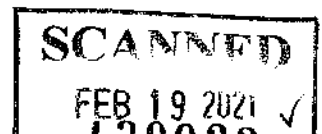
Determination

The SHPD requests that an archaeological field inspection (FI) of the project area be conducted by a qualified archaeologist to determine if undocumented historic properties exist in this project area. If undocumented historic properties are identified, we will request that an archaeological inventory survey report be prepared and approved by our office prior to initiation of land altering activities. Our office looks forward to the opportunity to review the results of the identification process.

For a list of approved archeological consultants in the State of Hawaii please visit the State Historic Preservation Division's website: <http://dlnr.hawaii.gov/shpd/>.

Following the completion of the FI, SHPD requests the FI report, along with a copy of this letter, be submitted to HICRIS Project 2021PR00106 using the Project Supplement option.

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Mr. Kern
February 12, 2021
Page 2

SHPD shall notify the County when the requested documentation has been reviewed and the permit issuance process may proceed.

Please contact Sean Nāleimaile at (808) 933-7651 or at Sean.P.Naleimaile@Hawaii.gov for any questions or concerns regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: County of Hawaii Department of Public Works, public_works@hawaiicounty.gov
Tracie-Lee Camero, tracie-lee.camero@hawaiicounty.gov
John Pipan, info@landplanninghawaii.com

DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 916
HILO, HI 96721-0916

In reply, please refer to:
File:

COH PLANNING DI
MAR 5 2021 PM3

REC'D HAND DELIVE

MEMORANDUM

DATE: March 4, 2021

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda 
District Environmental Health Program Chief

SUBJECT: Special Management Area Use Permit (SMA 21-000078)
Applicant: Jekaterina Mysin
Request: Allow for the Development of a Six-Unit Condominium Project
TMK: 7-5-020:066

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

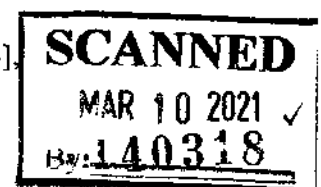
The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on February 11, 2021. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

Permit Issuance

- * Any project and its potential impacts to State waters must meet the State's:
 - 1) Antidegradation policy, which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected;
 - 2) Designated uses, as determined by the classification of the receiving State waters; and
 - 3) Water quality criteria [Hawaii Administrative Rules (HAR), Chapter 11-54].
- * A Section 401 Water quality Certification (WQC) is required if your project/activity:

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D) NJ 3/12/2021
-TC MAR 16 2021

Zendo Kern

March 4, 2021

Page 2 of 4

- Requires a federal permit, license, certificate, approval, registration, or Statutory exemption; and
- May result in a discharge into State waters. The term "discharge" is defined in Clean Water Act, Subsections 502(16), 502(12), and 502(6). Examples of "discharge" include, but are not limited to, allowing the following pollutants to enter State waters from the surface or in-water: solid waste, rock/sand/dirt, heat, sewage, construction debris, any underwater work, chemicals, fugitive dust/spray/paint, agricultural wastes, biological materials, industrial wastes, concrete/sealant/epoxy, and washing/cleaning effluent.

Determine if your project/activity requires a federal permit, license, certificate, approval, registration, or statutory exemption by contacting the appropriate federal agencies (e.g. Department of the Army (DA), U.S. Army Corps of Engineers (COE), Pacific Ocean Division Honolulu District Office (POH) Tel: 808-835-4303; U.S. Environmental Protection Agency Tel: 415-947-8021; Federal Energy Regulatory Commission Tel: 866-208-3372; U.S. Coast Guard Office of Bridge Programs Tel: 202-372-1511).

To request a Section 401 WQC, you must complete and submit the Section 401 WQC application. This application is available on the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>.

Please see HAR, chapter 11-54 for the State's Water Quality Standards and for more information on the Section 401 WQC. HAR, Chapter 11-54 is available on the CWB website at: <http://health.hawaii.gov/cwb/>.

- National Pollutant Discharge Elimination System (NPDES) permit coverage is required for:
 - Storm water associated with construction activities for land disturbances of one (1) acre or more. Land disturbance includes, but is not limited to, clearing, grading, grubbing, excavation, demolition, uprooting of vegetation, equipment staging, and storage areas.
 - Storm water associated with industrial activities for facilities with Standard Industrial Classification Codes regulated in 40 CFR 122.26(b)(14)(i) through (ix) and (xi).
 - Storm water and certain non-storm water from a small Municipal Separate Storm Sewer System.
 - Discharges of water pollutants into State surface waters. Examples of these discharges include, but are not limited to, cooling water, hydrotesting waters, dewatering effluent, and process wastewater.
 - Discharges from the application of pesticides (including pesticides, herbicides, fungicides, rodenticides, and various other substances to control pest) to State waters.

An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge or start of construction activities. To request an NPDES individual permit, you must complete and submit the NPDES individual permit application. This application is available on the e-Permitting Portal website located at:
<https://eha-cloud.doh.hawaii.gov/epermit/>.

A Notice of Intent (NOI) for coverage under a specific NPDES general permit must be submitted at least 30 calendar days before the commencement of the discharge or start of construction activities. To request NPDES general permit coverage, you must complete and submit the NOI. The NOI is available on the e-Permitting Portal website located at:
<https://eha-cloud.doh.hawaii.gov/epermit/>.

Please see HAR, Chapter 11-55 for more information on the NPDES individual permit and NPDES general permits. The specific NPDES general permits located in HAR, Chapter 11-55, Appendices B through M. HAR, Chapter 11-55 and HAR, Chapter 11-55, Appendices B through M are available on the CWB website at: <http://health.hawaii.gov/cwb/>.

- According to State law, all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards.

Monitoring

- Effluent discharge and/or receiving water monitoring may be required as conditions of Section 401 Water Quality Certifications and NPDES General and Individual permits.

Enforcement

- Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.
- Violations of Hawaii Revised Statutes 342D and 342E may elicit administrative, civil and criminal penalties for such violations.

Polluted Runoff Control

- Manage projects identified in watershed-based plans that reduce polluted runoff and educate the public about nonpoint source pollution. Projects are selected through an annual request for proposals. Funding is provided by the EPA through the Clean Water Act. For more information on projects and funding opportunities, please visit: www.hawaii.gov/doh/pollutedrunoffcontrol.

If you have any questions, please contact Ms. Joanne Seto, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopment projects. We also ask you to share this list with others to increase community awareness on healthy community design.

Mori, Ashley

From: Camero, Tracie-Lee
Sent: Wednesday, April 07, 2021 2:06 PM
To: Mori, Ashley
Subject: FW: Follow up on our call
Attachments: WTA and KKM Survey overlay.pdf; Survey Map KKM 5-22-13 markup.pdf; Survey Report KKM 5-22-13 .pdf

CDM PLANNING
 APR 7 2021 4:1

Good Afternoon Ashley,

Can you please intake this email and supporting documents. Thank you!

Sincerely,

Tracie-Lee Camero

Planning Department
 Planning Commission Division
 Phone: (808) 961-8166
 Fax: (808) 961-8742

Planning Dept.
 Exhibit 13

From: John Pipan <john@landplanninghawaii.com>
Sent: Wednesday, April 7, 2021 1:37 PM
To: smittyberta <smittyberta@gmail.com>
Cc: Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiicounty.gov>
Subject: Follow up on our call

Aloha George,

Thanks for your time earlier discussing your concerns regarding the proposed condominium neighboring your Ala Ka La Condominium.

Please see attached survey map and report from KKM Surveys in 2013. No encroachments are shown from the subject parcel (Lot 1-B) onto the Ala Ka La parcel. However there appear to be minor encroachments of 1.0ft and 1.7ft relating to the paved driveway to your parcel fronting Lot 1-B. I have compared this survey with the proposed site plan and the property boundaries on the plan are accurate to the survey. I requested a copy of the 2018 survey from Wes Thomas & Associates and overlaid it with the KKM survey to see if there are any discrepancies between the two. The only difference between the two is the exact meanderings of the "dry stack rock wall" bordering the two properties (see attached). If you'd like a printed 11x17 color copy of this overlay, I'm happy to send one. I believe this should put to rest any potential concerns about building on your property.

Regarding potential impacts to the power pole mentioned near the property boundary. We recognize your concern and the responsibility of the applicant to provide lateral support at the property boundary. These issues will be addressed by sound engineering at the plan approval and building permitting phases of the project.

Regarding building height and where the reference is drawn from Chapter 25 Hawaii County Code (Zoning) defines "building height" as *the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:*

SCANNED

APR 07 2021

(A) The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade.

(B) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in (A) above is more than ten feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building

It appears unlikely that there will be more than ten feet of difference between the sidewalk /ground surface surrounding the building and the lowest grade on the lot, so the height would be measured from (A)the highest adjoining sidewalk or ground surface within five feet of the building.

Thanks for pointing out the issues with the floor plans on the 3rd and 4th floors regarding additional kitchens and stairway connections. This issue only arose in the latest round of revisions and appears to be a mistake. I'll have the designer correct the issues.

Please let me know if you have any questions relating to the above information or would like to discuss further.

Best,

John Pipan

Planning Administrator

Land Planning Hawaii LLC

194 Wiwoole St, Hilo, HI 96720

(808)333-3391





194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

May 5, 2021

George-Kapalili Smith
75-6150 Alii Drive #3
Kailua-Kona, HI 96740

Dear Mr. Smith:

Subject: Special Management Area Use Permit Application (SMA 21-000078)
Applicant: Jekaterina Mysin
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-5-020: 066

Following up on our discussions regarding the subject application and the concerns noted in your petition for standing in a contested case hearing, I would like to summarize our take-aways.

Unnumbered comment relating to the overall look and scale of the proposed development.

Visual impacts from the proposed project will be modest and in keeping with the area's character. No existing scenic views from surrounding residences or public roads will be impacted by the proposed use as there are already multi-story condominium buildings makai of this site. No significant adverse impacts to the SMA are anticipated due to this project or cumulatively given the proposed mitigations.

1. The TMK: (3) 7-5-020:066 map, Figure 1, makes it appear that the property encompasses the entirety of lot 3, when in actuality it is less than 1/2 the area of the combined properties. This creates a false impression of buildable area in the presentation.

The purpose of the Location Map (Figure 1) is to indicate the location of the subject property. TMK maps are frequently used in this manner and there was no intent to misrepresent the buildable area of the parcel which is shown in greater detail on the provided site plans. Unfortunately, the TMK map has a note (See Inset "C") that partially interrupts the boundary between the two parcels potentially causing confusion. However, the purpose of this figure is only to locate the property with respect to the surrounding community, Ali'i Drive, the shoreline etc. which it does.

2. The driveway as shown will remove five currently available on-street (Alii Dr.) parking spaces. Our Shoreline Access is heavily used by families, surfers, diver, fisherpersons, and ocean access in general. Street parking is critical to the enjoyment of our shoreline by the public, and we already haven't enough on many days.

The proposed driveway will conform to Hawai'i County Code Chapter 22. Also there appears to be over 200 feet of frontage to the north of the subject property (past the fire hydrant and before the gate to the Alii Point pool area) where shoreline users could park.

Planning Dept.
Exhibit 13

3. The access gate as presented in A001 Site Plan, is approximately 5' from the edge of Alii Dr. (admittedly it may vary slightly, the scale of the exhibit is so small). Vehicles attempting to enter the property would be forced to stop in the Alii Dr. traffic lanes and wait while the gate cycles, creating a traffic delay and public safety problem. Measurements to gated properties in both directions on Alii Dr. clearly indicates past address to this potentially hazardous situation...

Per Department of Public Works comment letter, the gate will not be allowed to be installed or swing within 25 feet of the Ali'i Drive right-of-way. The gate has been removed from the latest site plan.

C. Yes. Our property was surveyed by Wes Thomas in 2018. The project survey, recently done by unknown survey, does not agree, placing some of our property, including our power/comm. Utility pole within applicant's declared property. Thomas states their survey is correct. Until that dispute is resolved, we assert that the applicant is planning to build partially on our property. Part of the disputed area consists of a large lava dome, that varies from 3'6" to 5'6" height above grade. The applicant proposes a swimming pool in this location. It would seem impossible to remove this natural feature without destroying our portion, and resulting in the loss of our power pole (regardless of which side of the line it is situated on).

These comments with two separate points represent the substantive comments relating to the proposed project that would be distinguishable from general public comments and correspond to the Petition question C. *Do you lawfully reside on or have some property interest in the land involved in the subject request?*

- By email on April 7, 2021 (and print copy) we provided an overlay comparing the 2018 Wes Thomas & Associates survey and the 2013 KKM Surveys. In short no discrepancies between the surveys were found to support your assertion that plans were to include building on a portion of Ala Ka La property.
- Regarding potential impacts to the power pole near the property boundary. We recognize your concern and the responsibility of the applicant to provide lateral support at the property boundary. Any potential issues with the proposed pool design will be addressed by sound engineering at the plan approval and building permitting phases of the project.

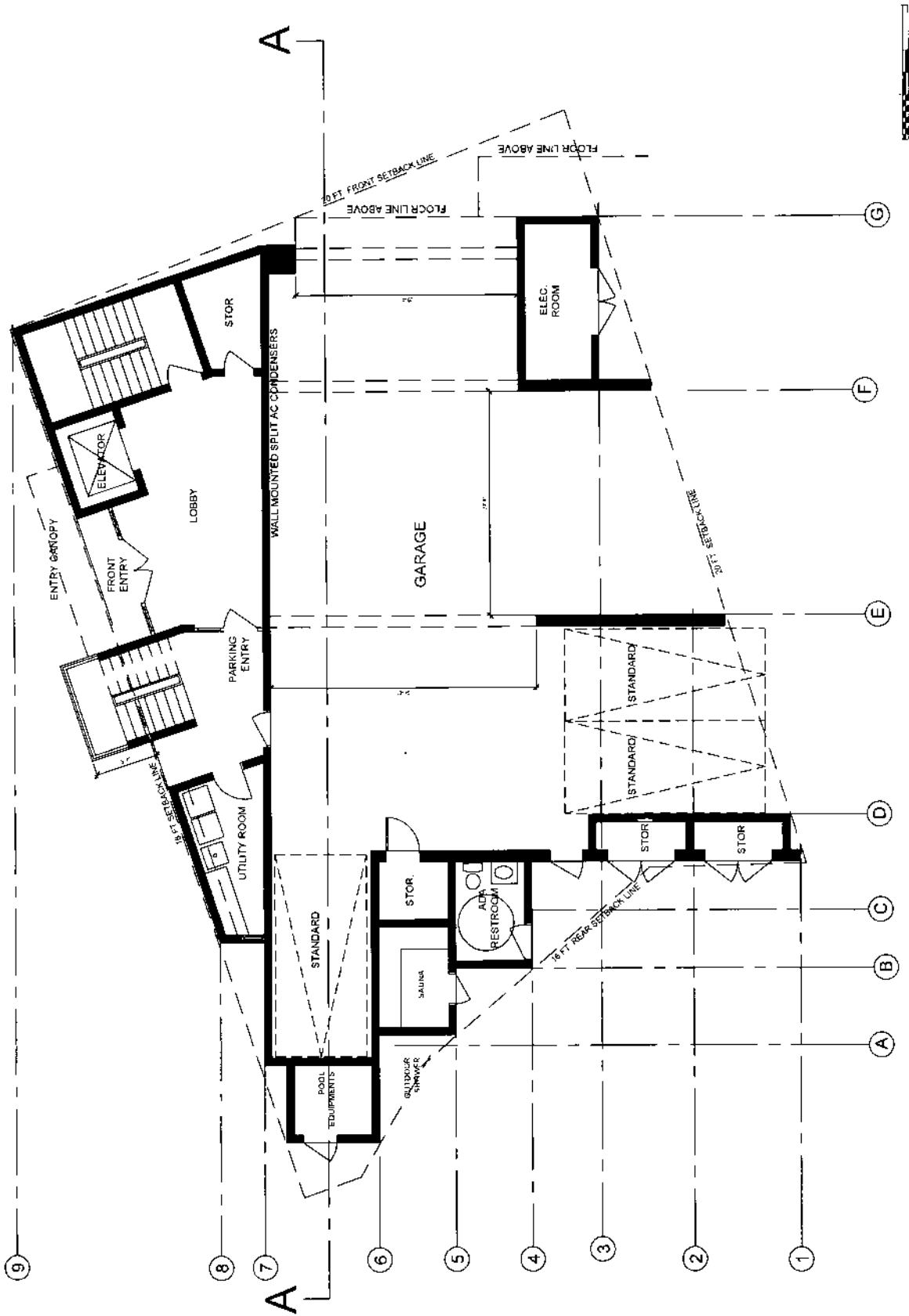
Thank you for your review and comments. If you have any questions relating to this matter please let me know. Thank you very much.

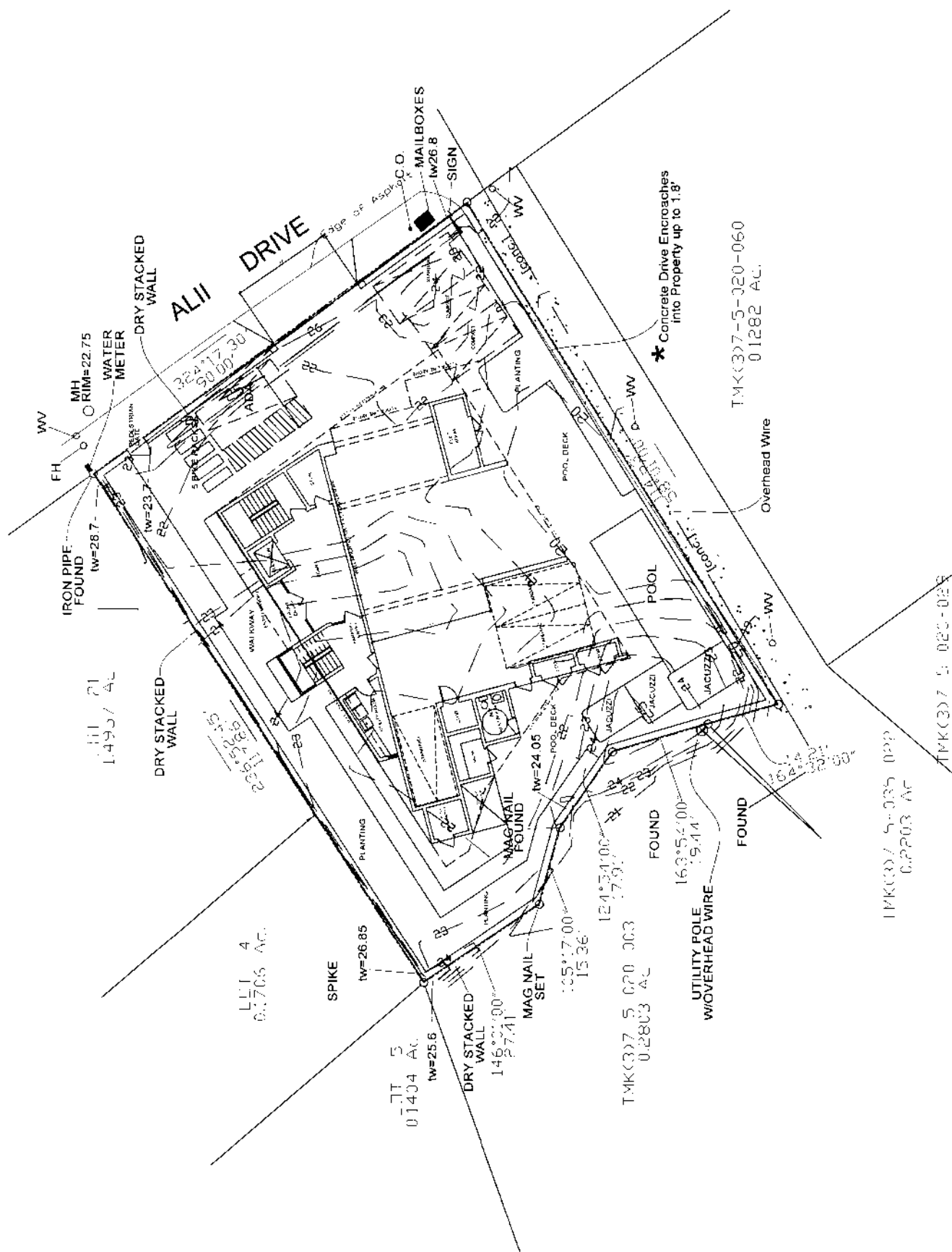
Sincerely,



JOHN PIPAN
Planning Administrator

Enclosures
Copy – Jekaterina Mysin







194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

April 21, 2021

Mr. Keith Okamoto, Manager-Chief Engineer
COUNTY OF HAWAII
Department of Water Supply
345 Kekuaaoa Street, Suite 20
Hilo, HI 96720

COH PLANNING DEPT
APR 23 2021 AM 9:56
REC'D BY EMAIL

Dear Mr. Okamoto:

Subject: Special Management Area Use Permit Application (SMA 21-000078)
Applicant: Jekaterina Mysin
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-5-020: 066

We are in receipt of the Department's comments on the proposed project dated March 1st 2021.

Thank you for noting the discrepancy on the proposed floor plans that included additional kitchens on the units spanning the 3rd and 4th floors. This was an error. Those extra kitchens have been removed and interior stairs have been added to the plans.

Water usage calculations will be prepared for the proposed use and submitted to DWS for approval.

Further any required water system improvements will be designed by a professional engineer licensed in the State of Hawai'i.

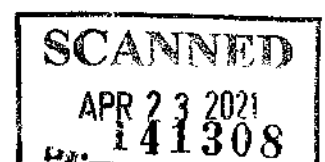
Thank you for your review and comments. If you have any questions relating to this matter please let me know. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator

Enclosures
Copy – Jekaterina Mysin

Planning Dept.
Exhibit 14





194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

April 21, 2021

Mr. Ikaika Rodenhurst, Director
COUNTY OF HAWAII
Department of Public Works
101 Pauahi Street, Suite 7
Hilo, HI 96720

COH PLANNING DEPT
APR 23 2021 AM 9:56
REC'D BY EMAIL

Dear Mr. Rodenhurst:

Subject: Special Management Area Use Permit Application (SMA 21-000078)
Applicant: Jekaterina Mysin
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-5-020: 066

We are in receipt of the Department's comments on the proposed project dated March 3rd 2021.

The proposed project will control and properly dispose of all site generated runoff as required and detailed in a drainage study approved by DPW.

The existing drainage pattern of Alii Drive will be maintained.

All earthwork and grading will conform to Hawaii County Code Chapter 10.

All driveway connections and work within the County Right-of-Way will conform to Hawaii County Code Chapter 22.

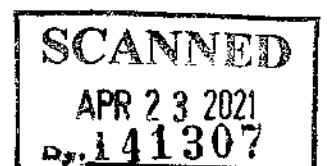
The gate shown on the proposed site plan has been removed, there will be no gate within 25 feet of the Alii Drive Right-of-Way.

Thank you for your review and comments. If you have any questions relating to this matter please let me know. Thank you very much.

Sincerely,

JOHN PIPAN
Planning Administrator

Enclosures
Copy – Jekaterina Mysin





194 Wiwoole St. Hilo, HI 96720
(808) 333-3393
info@landplanninghawaii.com

April 21, 2021

Ms. Mary Alice Evans
STATE OF HAWAII
Office of Planning
P.O. Box 2359
Honolulu, HI 96804

COH PLANNING DEPT
APR 23 2021 AM 9:56
REC'D BY EMAIL

Dear Ms. Evans:

Subject: Special Management Area Use Permit Application (SMA 21-000078)
Applicant: Jekaterina Mysin
Kailua-Kona, North Kona, Hawaii, TMK: (3) 7-5-020: 066

We are in receipt of the Office of Planning's comments on the proposed project dated February 25th, 2021. Please see responses to OP's comments below.

1. Relating to Sea level rise: Please see attached map depicting the subject property's location relative to potential Sea level rise exposure areas. The property is set back over 200 feet from the shoreline at approximately 25 to 30 feet of elevation. There are no anticipated impacts from Sea level rise under the scenarios analyzed in the University of Hawaii Pacific Islands Ocean Observing System, sea level rise viewer tool.

2. Relating to potential cumulative impacts from the project on the SMA and proposed mitigations: The proposed project will be developed consistent with its existing zoning and other development in the area. The project will connect to the County sewer system and will control and properly dispose of any site generated runoff. Visual impacts from the proposed project will be modest and in keeping with the area's character. No existing scenic views from surrounding residences or public roads will be impacted by the proposed use as there are already multi-story condominium buildings makai of this site. No significant adverse impacts to the SMA are anticipated due to this project or cumulatively given the proposed mitigations.

3. Relating to public access within the project: Page 19 contains a typo and should read public access adjacent to the project will be maintained free from encroachments from the project. This access is described in more detail on page 30 of the report.

4. Regarding mitigation measures to prevent runoff or sedimentation due to construction of the proposed project: Best Management Practices to control runoff from the subject property will be detailed in the building permitting package including but not limited to:

- Disturbed areas will be protected with silt fence, sediment wattles, and gravel bag filters.
- All disturbed areas that are not scheduled to be paved, landscaped or covered by a structure or gravel will have hydromulch or grass seed applied to stabilize the soil.

SCANNED

APR 23 2021

By: 141309

- Construction shall be sequenced to minimize the exposure time of the cleared surface area. Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period.
- Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the water quality criteria specified in HAR§ 11-54-04

5. Regarding exterior lighting: All proposed exterior lighting will comply with HRS and County Code. All exterior lighting will be shielded from the sky and will not be directed across property boundaries toward the shoreline and ocean.

6. Regarding State Historic Preservation Division (SHPD) consultation: An Archaeological Field Inspection was conducted on the subject property and has been forwarded to SHPD for their review and acceptance that no historic properties would be affected by the proposed use. Further, if any archaeological finds are made during construction work will cease and only proceed after clearance from SHPD.

Thank you for your review and comments. If you have any questions relating to this matter please let me know. Thank you very much.

Sincerely,



JOHN PIPAN
Planning Administrator

Enclosures
Copy – Jekaterina Mysin



Sea Level Rise Exposure Map – Subject property is marked by red pin.

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

COH PLANNING DEPT
FEB 22 2021 PM 2:00

NAME: George Smith
ADDRESS: 75-6150 Alii Dr. #3
Kailua-Kona,
HI 96740
PHONE NO.: 408-250-9357
APPLICANT/
DOCKET NO.: SMA 21-000078, TWK:(3) 7-5-020:060

REC'D BY MAIL

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes ☒ No ☐

If the answer is "yes", please explain:

SEE ATTACHMENT

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes ☐ No ☒

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes ☒ No ☐

If the answer is "yes", please explain:

SEE ATTACHMENT

Planning Dept.
Exhibit 15

13 FEB 24 2021
no payment
FEB 23 2021

PETITION FOR STANDING IN A CONTESTED CASE HEARING
(Page 2 of 2)

D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

Yes _____ No ✓

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

George Tant Smith Jr
Petitioner's Signature

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 20th day of February, 2021, before me personally appeared George Tant Smith Jr, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

NOTARY CERTIFICATION
Date: undated # Pages: 2
Dave Lynn Esperanza Third Circuit
Description: Petition for standing in a
contested case hearing
in Upemang
2021

Dave Lynn Esperanza
Notary Public, State of Hawaii

My commission expires: 10/14/2024

Appendix A Attachment to Notice of Submittal SMA 21-000078

from:

George & Roberta Smith

75-6150 Alii Dr. #3 Kailua-Kona, HI 96740

phn: 406.250.9357, 406.250.8922

e-mail: smittyberta@gmail.com

A. YES We reside in Ala Ka La Condominiums, on lot 3, contiguous to the proposed project. George Smith is the president of our AOA, and is forwarding comments from owners, based on current information. Comments to date:

1. The TMK : (3) 7-5-020: 066 map, Figure 1, makes it appear that the property encompasses the entirety of lot 3, when in actuality it is less than ½ the area of the combined properties. This creates a false impression of buildable area in the presentation.
2. The driveway as shown will remove five currently available on-street (Alii Dr.) parking spaces. Our Shoreline Access is heavily used by families, surfers, divers, fisherpersons, and ocean access in general. Street parking is critical to the enjoyment of our shoreline by the public, and we already haven't enough on many days.
3. The access gate as presented in A001 Site Plan, is approximately 5' from the edge of Alii Dr. (admittedly it may vary slightly, the scale of the exhibit is so small). Vehicles attempting to enter the property would be forced to stop in the Alii Dr. traffic lanes and wait while the gate cycles, creating a traffic delay and public safety problem. Measurements to gated properties in both directions on Alii Dr. clearly indicates past address to this potentially hazardous situation:

MAUKA

75-6143	private residence	60'
---------	-------------------	-----

UNKNOWN	Alii Gardens entry	20'
---------	--------------------	-----

MAKAI

75-6126	condominium	20'
---------	-------------	-----

75-6128	condominium	22'
---------	-------------	-----

75-6138	subdivision	29'
---------	-------------	-----

75-6150 *	Ala Ka La condo	10' (no gate), our only entry, 10' wide easement
-----------	-----------------	--

75-6156	private residence	12' (no gate)
---------	-------------------	---------------

75-6126	private residence	20'
---------	-------------------	-----

75-6126	private residence	29'
---------	-------------------	-----

75-6126	private residence	22'
---------	-------------------	-----

* Shoreline Access, aka Old Canoe Road, Royal Patent by Kauikeaouli. Although we are only required a 5' wide pedestrian accessway, historically vehicles enter, unload/load while parking on the street, and we support that community use.

B. NO

C. YES Our property was surveyed by Wes Thomas in 2018. The project survey, recently done by unknown surveyor, does not agree, placing some of our property, including our power/comm. pole within applicant's declared property. Thomas states their survey is correct. Until that dispute is resolved, we assert that the applicant is planning to build partially on our property. Part of the disputed area consists of a large lava dome, that varies from 3'6" to 5'6" height above grade. The applicant proposes a swimming pool in this location. It would seem impossible to remove this natural feature without destroying our portion, and resulting in the loss of our power pole (regardless of which side of the line it is situated on).

D. NO

PETITION FOR STANDING IN A CONTESTED CASE HEARING

(Page 1 of 2)

RCVD COH PLANNING DEPT
MAR 23 2021 AM 11:32

NAME: George Smith, President Aloka La AOA
ADDRESS: 75-6150 Alii Dr. #3 HAND DELIVERED
Kailua-Kona,
HI 96740
PHONE NO.: 906.250.9357, e-mail: smithyberta@gmail.com
APPLICANT/
DOCKET NO.: SMA 21-00007B, TMK: (3) 7-5-020:060

A. Is your interest in this matter clearly distinguishable from that of the general public?

Yes ☒ No ☐

If the answer is "yes", please explain:

see Appendix A, attached

If the answer is "no", please explain how the proposed action will nevertheless cause you actual or threatened injury:

B. Are you a government agency whose jurisdiction includes the land involved in the subject request?

Yes ☐ No ☒

If the answer is "yes", please explain the nature of the agency's jurisdiction:

C. Do you lawfully reside on or have some property interest in the land involved in the subject request?

Yes ☒ No ☐

If the answer is "yes", please explain:

Possible encroachment on our property, see
Appendix A - 'C'

Planning Dept.
Exhibit 16

Appendix A

SCANNED
MAR 24 2021 ✓

PETITION FOR STANDING IN A CONTESTED CASE HEARING
(Page 2 of 2)

- D. Are you a person or persons descended from native Hawaiians who inhabited the Hawaiian Islands prior to 1778, who practiced those rights which were customarily and traditionally exercised for subsistence, cultural, or religious purposes?

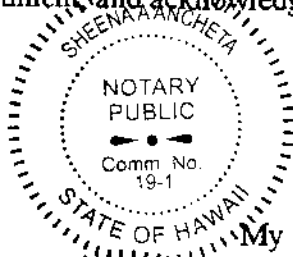
Yes _____ No ✓

If the answer is "yes", please submit any genealogical evidence and historical evidence showing the exercise of those rights to support your statement:

ST. Sidi
Petitioner's Signature

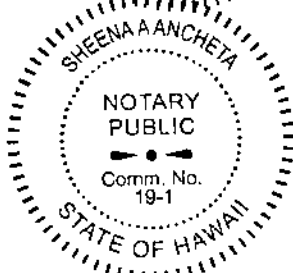
STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 23rd day of March, 2021 before me personally appeared George T. Smith Jr, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



[Signature]
Notary Public, State of Hawaii

My commission expires: January 13, 2023



Appendix A

NOTARY CERTIFICATION	
Doc. Date: <u>2/23/2021</u>	# Pages: <u>2</u>
Name: <u>Sheena Ancheta</u>	Third Circuit
Doc. Description: <u>Petition for Standing in a Contested Case Hearing</u>	
Signature: <u>[Signature]</u>	
Date: <u>2/23/2021</u>	

Appendix A Attachment to Notice of Submittal SMA 21-000078

from:

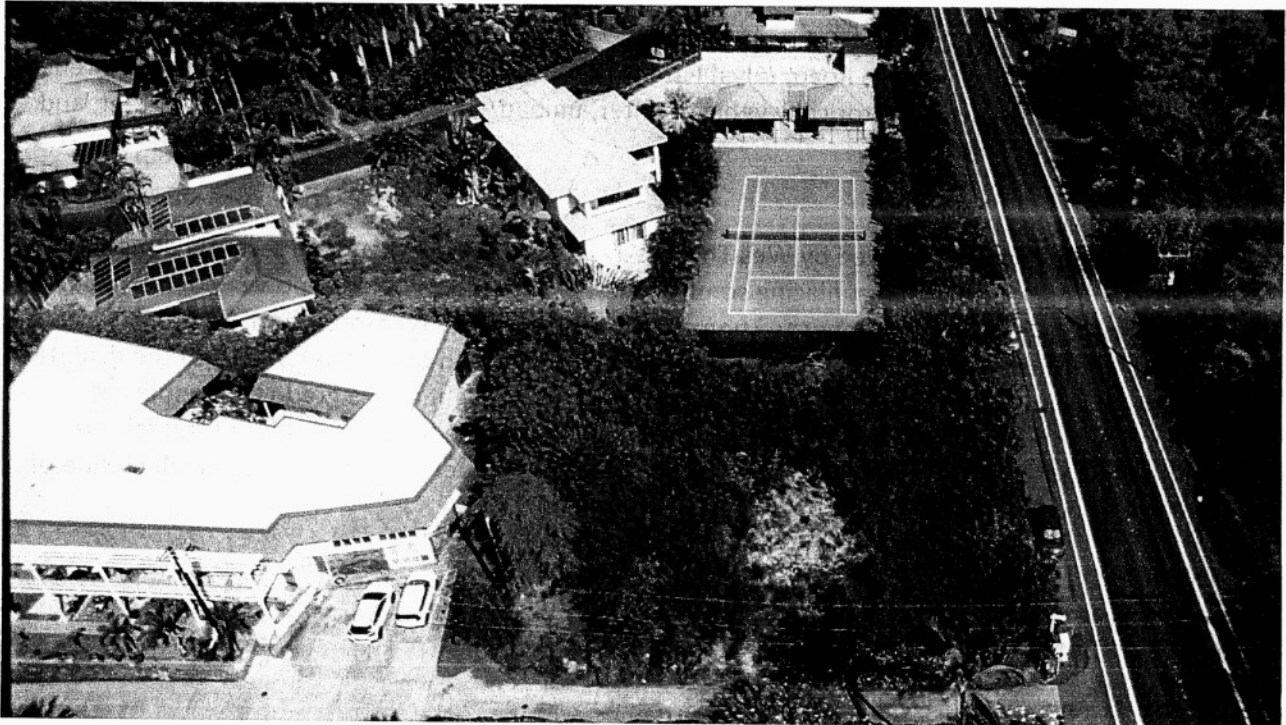
George & Roberta Smith

75-6150 Alii Dr. #3 Kailua-Kona, HI 96740

phn: 406.250.9357, 406.250.8922

e-mail: smittyberta@gmail.com

A. YES We reside in Ala Ka La Condominiums, on lot 3, contiguous to the proposed project (The white-roof building, left side of photo). George Smith is the president of our AOA, and is forwarding comments from owners, based on current information. Based on review of submitted statements, plans, and illustrations, there are several inconsistencies in the proposal.



Initial comments, to date:

Overall, the design, scale, and style, of the proposed building is incompatible with the neighborhood, the Scenic Corridor, and the general character of the shoreline area and vistas. The highly industrial design concept is in keeping with our industrial areas, not our residential zones. The overall look of the building is best understood by viewing the under-construction Kona Brewery building, not Alii Dr. condominiums. The design as proposed is jarringly out-of-place, and the scale is overwhelming to adjacent properties.

1. The TMK : (3) 7-5-020: 066 map, Figure 1, makes it appear that the property encompasses the entirety of lot 3, when in actuality it is less than $\frac{1}{2}$ the area of the combined properties. This creates a false impression of buildable area in the presentation.
2. The driveway as shown will remove five currently available on-street (Alii Dr.) parking spaces. Our Shoreline Access is heavily used by families, surfers, divers, fisherpersons, and ocean access in general. Street parking is critical to the enjoyment of our shoreline by the public, and we already haven't enough on many days.
3. The access gate as presented in A001 Site Plan, is approximately 5' from the edge of Alii Dr. (admittedly it may vary slightly, the scale of the exhibit is so small). Vehicles attempting to enter the property would be forced to stop in the Alii Dr. traffic lanes and wait while the gate cycles, creating a traffic delay and public safety problem. Measurements to gated properties in both directions on Alii Dr. clearly indicates past address to this potentially hazardous situation:

MAUKA

75-6143 private residence 60'

UNKNOWN Alii Gardens entry 20'

MAKAI

75-6126 condominium 20'

75-6128 condominium 22'

75-6138 subdivision 29'

75-6150 * Ala Ka La condo 10' (no gate), our only entry, 10' wide easement

75-6156 private residence 12' (no gate)

75-6126 private residence 20'

75-6126 private residence 29'

75-6126 private residence 22'

* Shoreline Access, aka Old Canoe Road, Royal Patent by Kauikeaouli. Although we are only required a 5' wide pedestrian accessway, historically vehicles enter, unload/load while parking on the street, and we support that community use.

B. NO

C. YES Our property was surveyed by Wes Thomas in 2018. The project survey, recently done by unknown surveyor, does not agree, placing some of our property, including our power/comm. Utility pole within applicant's declared property. Thomas states their survey is correct. Until that dispute is resolved, we assert that the applicant is planning to build partially on our property. Part of the disputed area consists of a large lava dome, that varies from 3'6" to 5'6" height above grade. The applicant proposes a swimming pool in this location. It would seem impossible to remove this natural feature without destroying our portion, and resulting in the loss of our power pole (regardless of which side of the line it is situated on).

D. NO

GEORGE TANT SMITH JR
ROBERTA FRANCES SMITH
PH 408-250-8922 408-250-8357
P O BOX 1902
KAILUA KONA HI 96745

1371

59-7981/3213

0

CHECK ARMOR

Pay to the Order of Hawaii County Director of Finance \$ 200.00
Two Hundred & 00/100 Dollars



HAWAII
COMMUNITY
FEDERAL CREDIT UNION

73-5611 Olawalu St., Kailua-Kona HI 96740

For SWA 21-000070

C.T. Smith

⑆321379818⑆ 1000589898914⑈1371

Printed Name

REG-03

RECEIPT

No. 738325

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ACCOUNT

PAYMENT

BAL. DUE

7-5-020:000

Camero, Tracie-Lee

From: George-Kapalili Smith <smittyberta@gmail.com>
Sent: Monday, March 1, 2021 1:58 PM
To: Camero, Tracie-Lee
Subject: Re: Mysin (Part 1 of 3)
Attachments: Plans review.pdf; level 4-5.pdf; S_W corner.pdf; Petition response.pdf

COH PLANNING DE
MAR 4 2021 AM 8:

Aloha Tracie, attached is my responses after reviewing the SMA 21-000078 plans you provided me (mahalo plenny) I have also included a resend of my previous Petition Response comments for continuity and rethink.

Thank you again for your assistance.

On Wed, Feb 24, 2021 at 12:47 PM Camero, Tracie-Lee <Tracie-Lee.Camero@hawaiiicounty.gov> wrote:

Good Afternoon,

Attached is Part 1 of 3 of the Mysin application that has been collected so far. Please feel free to contact me if you have any questions.

Sincerely,

Tracie-Lee Camero

Planning Department

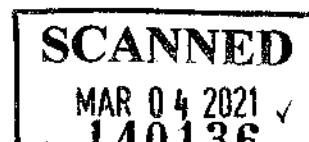
Planning Commission Division

Phone: (808) 961-8166

Fax: (808) 961-8742

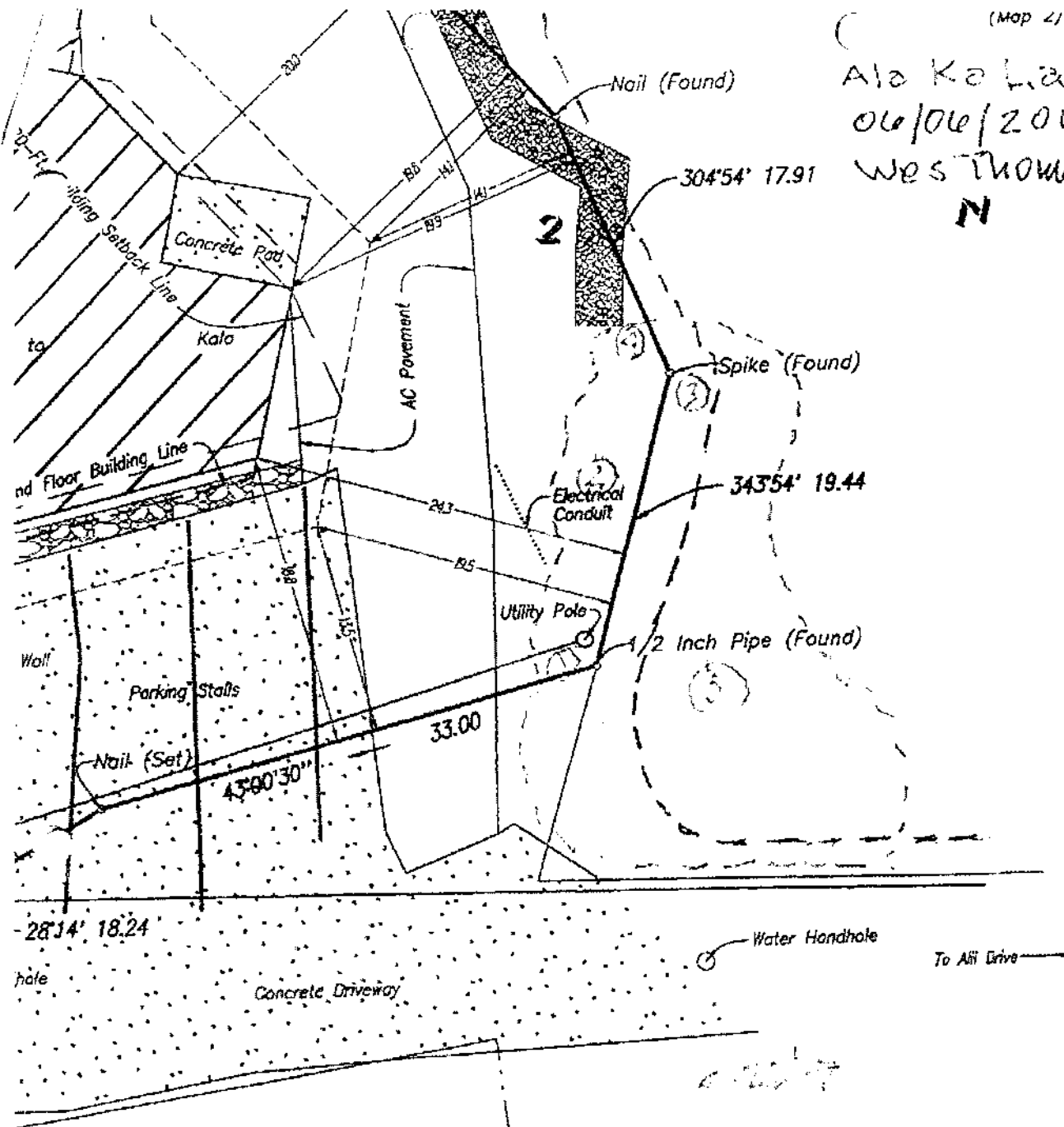
--
Aloha no, Smitty & Kapalili

Planning Dept.
Exhibit 17



(Map 2)

Alo Kala Survey
06/06/2018
Wes Thomas & Assoc.
N



(3) 7-5-020: 060

Ap. 2 to Kalimapaa

(D)

KALA

- 1 - +42"
- 2 - +18"
- 3 - +60"
- 4 - +48"

5 - +60"
SOLID
LAUA
BLOCK

Pool perimeter

WES THOM
Land

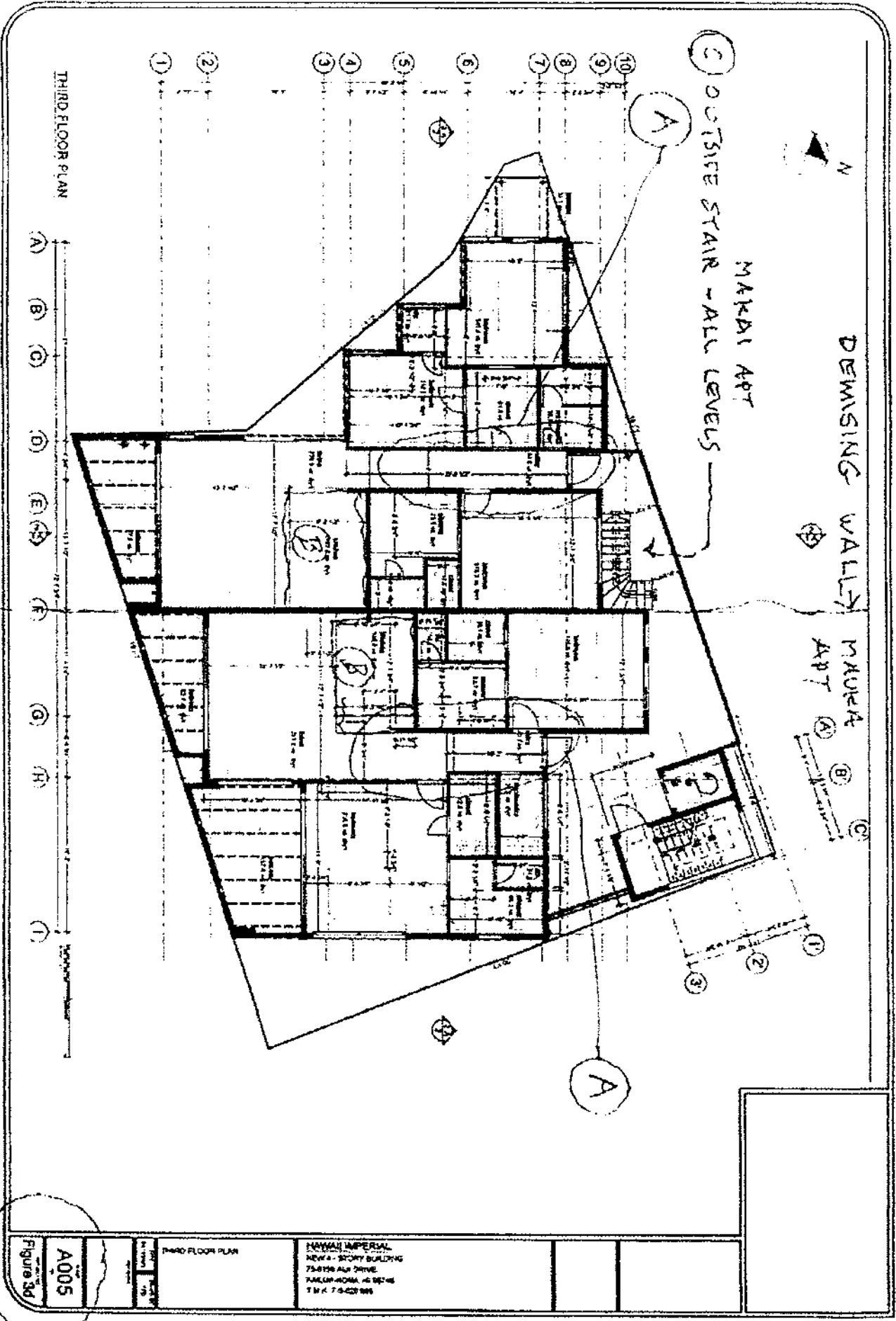
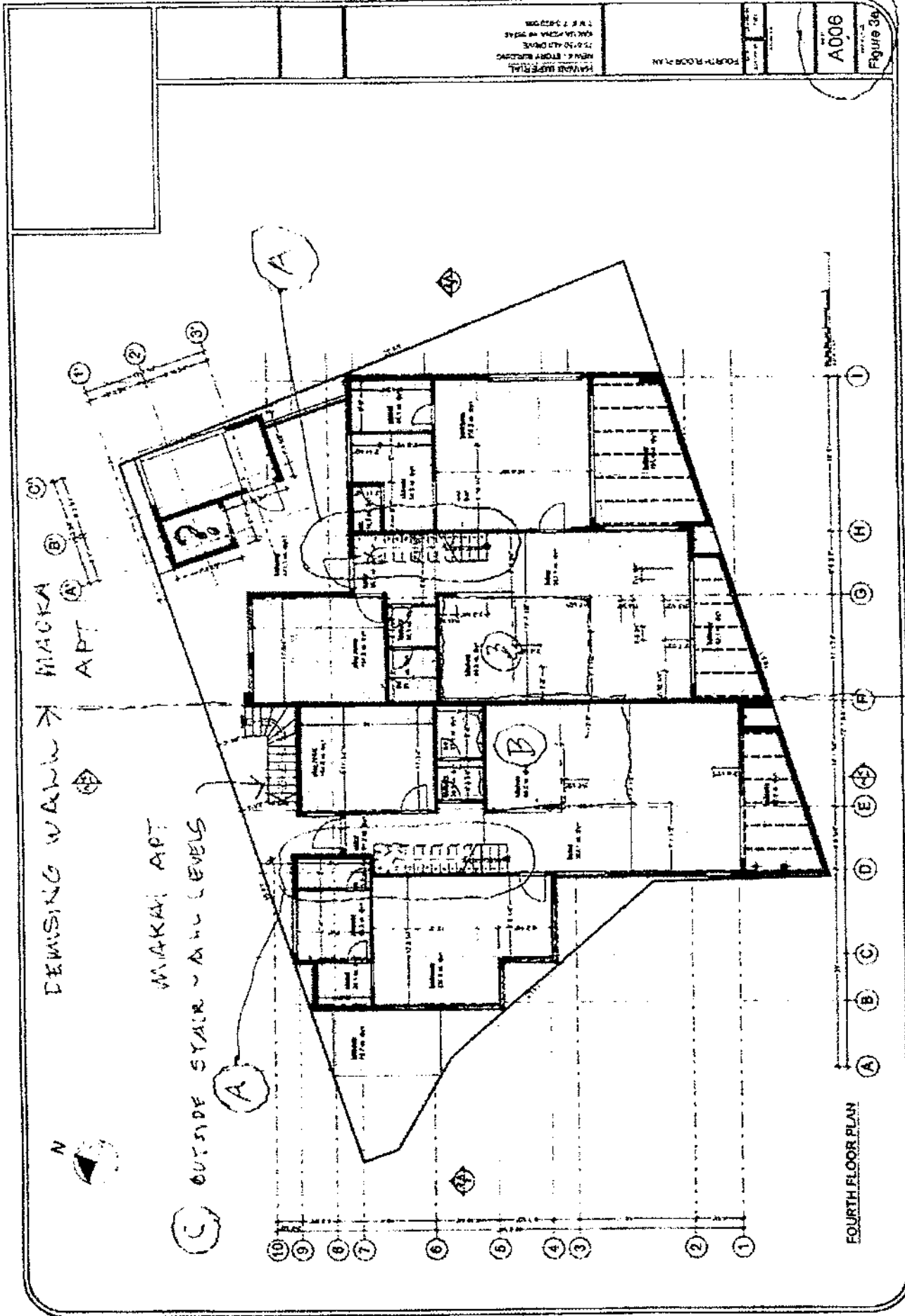


Figure 3d

A005

THIRD FLOOR PLAN

HAWAII IMPERIAL
NEW 4 - STORY BUILDING
75-1000 ALA DRIVE
PALAHU-ANUA, HI 96746
TWA 75-422 888



Appendix A Attachment #2 to Notice of Submittal SMA 21-000078

03/01/2021

From George Smith

75-6150 Alii Dr. #3, Kailua-Kona, HI 96740

phn: 406.250.9357

e-mail: smittyberta@gmail.com

Additional comments: SMA 211000078 (TMK: (3) 7-5-020:066) HAWAII Imperial

To whom it may concern

Attached are additional comments after receiving the elevations and floor plans. I have indicated the two units per floor as MAKAI and MAUKA, relative to their position on the site plan. Notation callouts are as follows:

? – Not identified on plans

A – Stairway level 5 descending to level 4

B – Kitchen

C – Stairs, outside landing

D – S/E portion of Ala Ka La survey

COMMENTS:

Floors – Overall the presentation refers to the project as four floors. In the US, the ground floor is conventionally level or floor 1. This plan uses the European convention by numbering the second level/floor as 1. Looking at the elevations and drawing references, the presentation states four floors, when in actuality it is five. There is NO way that one can fit five floors into 45', our vertical height limit in an RM 1.5 zone. There is no indication that the parking is in a basement. Requesting a height variance for the sole purpose of adding additional (and possibly duplicate) living area is not appropriate.

Site configuration - The lot is sited on an extensive shelf of blue rock lava, with multiple large above-grade solid lava domes of up to six feet. Additionally, the swimming pool is shown bisecting a large lava dome, which straddles our common property line. No dimensions are given, but scaling from the site plan, the pool appears to be approximately two to three feet from the property line. Siting the pool as shown would require excavating half the 5'-6" solid lava dome to grade, and then to the planned depth of the pool (which appears to be the deep end). Our utility pole is situated less than two feet from our property line*, and attempting to remove the mass of rock adjacent would destabilize our pole, and compromise the attendant underground utilities at it's base (see attached sketch -D).

(Using the plans floor numbers. MAUKA and MAKAI apartments are mirrored, except for minor differences in layout/sizes)

? – While there is no callout associated, the plan uses the conventional symbol for a passenger elevator. Note that the elevator goes all the way to floor 4.

A – Plans show a floor 4 descending interior stair, with a landing on floor 3. Floor 3 –A does not show a landing, and the hallway as shown does not have room for a stair or landing.

B – Plans indicate that the third floor apartments are two-level, however the floor 4 plan indicates a complete kitchen/dining room, in addition to floor 3 kitchen/dining. Single apartment - two kitchens?

C – With the lack of an interior stair connection between floors 3 and 4, the single outside landing or elevator is the only connection between the rooms of both supposed single two-level apartments.

D – The sketch of the S/E corner portion of Ala Ka La survey 06/06/2018, shows the approximate extent of the co-owned lava dome, our utility pole, and S/W corner of the proposed swimming pool.

Without additional mitigating information, it appears based on current plans, that this is not in fact, a six unit condo as stated in the application, it is actually an EIGHT unit building.