

COUNTY OF HAWAI'I PLANNING DEPARTMENT

BACKGROUND REPORT

PACIFICA BIG ISLAND, LLC

AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT NO. 286

PACIFICA BIG ISLAND, LLC is requesting a three (3)-year time extension to Condition No. 2 (Time to Secure Final Plan Approval) of Special Management Area Use Permit No. 286, which allows the development of 184 units of multiple-family housing and related improvements on two (2) parcels totaling approximately 24.499 acres of land situated within the Special Management Area. The subject properties are located on the east (mauka) side of the Kamehameha III Road-Ali'i Drive intersection, Kahulu'u and Keauhou 1st, North Kona, Hawai'i, TMK: 7-8-010:078 and 090.

APPLICANT'S REQUEST

1. **Request:** The applicant is requesting to amend Condition No. 2 of SMA Permit No. 286 to allow for a three (3) year time extension to secure Final Plan Approval for the proposed multiple-family residential project. Condition No. 2 currently states, *"Final Plan Approval PLA-08-000376 issued on March 12, 2008 is null and void. Final Plan Approval for Phase II, covered by TMK: 7-8-010:078 and 090, consisting of no more than 184 units, shall be secured from the Planning Department within three years from the effective date of this amendment in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify proposed structure(s), access(es), fire protection measures, landscaping and security fencing for structures situated less than 75 feet from the Kaulana at Kona project identified by TMK: 7-8-010:092, and parking areas. Further, the plans shall reflect the design principles for building and landscaping set forth in the Comprehensive Design Principles for Keauhou-Kona."*
2. **Reasons for Request:** After acquiring the properties in 2014 and amending SMA Permit No. 286 in 2015, the applicant has worked diligently to develop the project by securing Final Plan Approval for a 32-unit multiple-family housing project on parcel 90 & the Common Area Clubhouse/Recreation Facility on parcel 78 however, after bids for the development proved too costly, the applicant spent additional time and money to re-think the technical design of the project (specifically grading and building placement) to reduce

costs. Shortly after an administrative time extension to secure Final Plan Approval was granted in 2018, the Kīlauea eruption suddenly and drastically impacted the housing and development market. Less than two years after the completion of the eruption and just as the financing market was beginning to recover, the COVID-19 pandemic hit resulting in nation and statewide shutdowns, uncertainty in financial markets and drastic increase in the cost of construction. Despite the preceding, the applicant is still committed to completing the project and wishes to retain the appropriate land use entitlement (in this case, the SMA Permit) that would enable it to construct the remaining phases of the project, which would require the requested time extension.

3. **Applicant's Current Tentative Plans:** The applicant currently plans to develop Phase II of the project within the next five years. Phase II consists of no more than 184 multiple-family housing units within two-and three-story structures on the subject properties (please note, the application inaccurately represents a remaining total of 198 units entitled). Additional improvements would include 414 parking stalls (10 of which would be handicapped stalls), an approximately 1,600 square foot clubhouse, swimming pool, and barbeque or gathering area, landscaping, and on-site infrastructure to support the project (e.g., roadways and utility lines). Should the extension be granted, Condition No. 3 of the subject SMA Permit requires the applicant to commence construction within one year of securing Final Plan Approval and complete construction within five years thereafter.
4. **Supportive Information:** The applicant has submitted the attached in support of the request: **(Planning Department Exhibit 1 - Special Management Area Amendment Application dated March 30, 2021 & Planning Department Exhibit 2 - Additional information via email from Sidney Fuke dated June 17, 2021)**
5. **Landowner:** Pacifica Big Island, LLC.

BACKGROUND INFORMATION

6. **August 15, 1989:** SMA 286 was approved by the Planning Commission to allow the development of a 276-unit multiple-family residential project and related improvements on an approximately 26-acre parcel identified as TMK 7-8-010:078. At the time, the project was to be developed in two phases with 44 units developed in the first phase and

the balance in the second phase. Parcel 78 was subsequently subdivided into 2 lots consisting of 20.8 acres and 5.7 acres. The 5.7-acre lot (TMK 7-8-010:092) covered all of Phase I, which is the 44-unit project referred to as Kaulana at Kona that was completed in October 1991.

7. **December 2, 2002:** The Planning Commission amended SMA 286 by decreasing the density within Phase II by 64 units from 232 to 168 multiple-family units and a time extension to allow additional time to secure plan approval and construct the project.
8. **April 15, 2005:** The Planning Commission amended SMA 286 to allow additional time, until April 15, 2008, for the applicant to secure final plan approval.
9. **May 9, 2005:** The Planning Commission approved SMA 456 to allow the development of a 16-unit multiple family residential complex and related improvements on a 3.69-acre parcel identified as TMK 7-8-010:090.
10. **March 12, 2008:** The Planning Director issued Final Plan Approval for a 74-unit multi-family residential development on parcels 78 and 90.
11. **March 6, 2015:** The Planning Commission amended SMA 286 to include the land area and density covered by SMA 456 to allow a total of 184 units to be built in Phase II. The Planning Commission also revoked SMA 456 upon approval of this amendment.
12. **July 23, 2015:** Final Plan Approval (PLA-15-001202) for 32 dwelling units in multiple-family dwellings on parcel 90, was issued by the Planning Department and on June 8, 2017 a one-year administrative time extension was granted until July 22, 2018 to utilize the Plan Approval. This has since expired.
13. **September 8, 2015:** Final Plan Approval for the Common Area Clubhouse/Recreation Facility on parcel 78 was granted, and it expired on September 7, 2017.
14. **September 4, 2018:** Planning Director grants an administrative time extension to Condition No. 2 of SMA 286 until March 6, 2021 (**Planning Department Exhibit 3 - Applicant's request for Administrative Time Extension by letter dated March 2, 2018 & Director's response by letter dated September 4, 2018**).
15. **March 1, 2021:** Applicant submitted amendment request by letter, which was incorporated into and superseded by Mr. Fuke's amended request dated March 23, 2021.

STATE AND COUNTY PLANS

16. **State Land Use Designation:** Urban.
17. **General Plan LUPAG Designation:** Medium Density Urban. This designation allows for village and neighborhood commercial and single-family and multiple-family residential and related functions (multiple family residential -- up to 35 units per acre).
18. **Zoning:** Multiple-Family Residential district, minimum land area of 3,000 square feet per unit (RM-3). RM-3 zoning would allow a maximum of 355 units on the combined 24.499-acre project site. The maximum building height in the RM district is 45 feet.
19. **Kona Community Development Plan (CDP):** The subject property is located within the Kona Urban Area but outside of the Kahalu'u Makai Village Transit Oriented Development (TOD) area. Kamehameha III Road and Ali'i Drive fronting the subject property are designated in the CDP as secondary transit routes.

DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

20. **Subject Properties:** The project area consists of two parcels totaling 24.499 acres in size. Parcel 78 is 20.813 acres in size and has frontage along Kamehameha III Road and Ali'i Drive. Parcel 90 is 3.686 acres in size, is located just north of parcel 78, and has frontage along Kamehameha III Road. The topography of the property is sloping with an elevation gain of about 140 feet between the lowest point along Ali'i Drive and the highest point along the northeastern side of the property. There are currently no structures on the project area.
21. **Surrounding Zoning/Land Uses:** Properties immediately adjacent to the subject property are a mix of commercial, multiple, and single family residential and open golf course. The Country Club Villas condominiums are located across Ali'i Drive to the southwest. The Keauhou Shopping Center and other commercial businesses are located across Kamehameha III Road to the northwest. The Kaulana at Kona condominiums, which were developed as Phase I of SMA 286, are located to the south. To the north is the Keauhou Rehabilitation and Healthcare Center to the east is a portion of the Kona Country Club golf course.
22. **U.S.D.A. Soil Survey:** A'a lava flows, which have little to no soil covering.
23. **Land Study Bureau Soil Classification System:** Existing Urban Development.

24. **Agricultural Lands of Importance to the State of Hawai'i (ALISH):** Unclassified.
25. **Flood Zone:** Zone "X", an area determined by FEMA to be an area of minimal flood hazard.
26. **Archaeological/Historic/Cultural Resources:** In January 2009, an archaeological assessment (AA) of parcel 78 was completed. The assessment determined that around 2004-2005 the property was extensively altered by bulldozer activity. According to SHPD records, in 1980 three historic sites consisting of a portion of a historic trail (SIHP 4619), an agricultural complex (SIHP 4633) and two small ahu (SIHP 4634), were previously documented on the property. No traces of these sites were located during the 2009 assessment due to the extensive bulldozing of the property. In February 2014, a draft AA for parcel 90 was submitted to SHPD. The report concluded that no historic sites are present on the property due to extensive bulldozing. Condition No. 13 of the SMA permit required the applicant to consult with the State Na Ala Hele Trail Program and/or National Park Services' Ala Kahakai National Trails Program regarding the appropriateness of incorporating the remnants of a historic trail on the subject site and to provide a report of this consultation, including the incorporation of such a trail, if appropriate, to the Planning Department in conjunction with the Plan Approval process. By letter dated June 23, 2021, the applicant's representative provided the required report which outlined the consultation with Na Ala Hele and subsequent archaeological review on the location of trail segments in the project area and recommended treatment (**Planning Department Exhibit 4 – June 23, 2021 Letter from Sidney Fuke**). In April 2015, the applicant's archeologist submitted an update to the AA for parcel 90, which found that the trail never extended into parcel 90, but once extended onto a portion of parcel 78, but was determined to lack significance as the alignment of the trail segment did not provide meaningful access for cultural practices on the landscape, thus no further work was recommended. SHPD accepted the AA in October 2015. Finally, according to the applicant, there is no evidence of traditional native Hawaiian cultural practices occurring on the property.

27. **Flora/Fauna Resources:** No formal flora/fauna study was submitted with the application because the property has previously been bulldozed. Thus, it is unlikely that threatened or endangered floral or faunal species are present on the property.
28. **Public Access:** There is no record of a designated public access to the shoreline or mountain areas that traverses the property. There are several opportunities to access the shoreline from Kamehameha III Road makai of Ali'i Drive in the Keauhou area.
29. **Scenic Resources:** The General Plan identifies the view plane from Kamehameha III Road looking mauka and makai as a natural beauty resource. Due to the topography of the property and proximity (less than 30 feet) of the buildings to the road, it is possible the view planes from the road looking south and southwest may be adversely affected by the proposed development. To mitigate view plane obstructions towards the sea, Condition 15 of the current permit requires photo simulations and a view plane analysis to ensure the buildings are setback a sufficient distance from the road.

PUBLIC FACILITIES AND SERVICES

30. **Access:** Access to the Phase II project site will be from an improved roadway easement situated on parcel 78. This easement, which consists of a 20-foot-wide paved roadway within a 50-foot-wide right-of-way, intersects with Kamehameha III Road. This intersection is signalized. The roadway easement also provides access to the Keauhou Rehabilitation and Healthcare Center. The project will not have direct access to Kamehameha III Road. Condition No. 4 of the permit restricts access through Kaulana of Kona development, which was Phase I of the development approved by SMA 286. Condition No. 5 of the permit requires pedestrian improvements along the property's Kamehameha III Road and Ali'i Drive frontage.
31. **Water:** According to the Department of Water Supply (DWS), County water is available to the property via a water agreement dated April 12, 2012 that allocated 40 water units to parcel 90 and 150 water units to parcel 78. DWS further requests that the applicant submit detailed water usage calculations for the proposed project, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval. The water usage calculations should include the estimated peak flow in gallons per minute (GPM), and the total estimated maximum daily water usage in gallons per day, including

any irrigation/ landscaping/non- potable use. The applicant plans to use xeriscape landscaping to minimize the need for non-potable water.

32. **Wastewater:** Wastewater will be disposed of into a private sewer system and treated at the He'eia Wastewater Treatment Plant.
33. **Solid Waste:** Solid waste generated by this development will be disposed of at the County landfill.
34. **Other Essential Utilities/Services:** All essential utilities and services are available to the project site.

AGENCIES' COMMENTS

35. **Department of Water Supply: (Planning Department Exhibit 5 - May 20, 2021 memo)**
36. **State Department of Health: (Planning Department Exhibit 6 - May 10, 2021 memo)**
37. **Department of Land and Natural Resources (DLNR) – Engineering Division: (Planning Department Exhibit 7 – May 14, 2021 memo)**
38. **Department of Land and Natural Resources (DLNR) – Commission on Water Resources Management: (Planning Department. Exhibit 8 – May 19, 2021 memo)**

AGENCIES-NO COMMENT/CONCERNS

39. Department of Public Works, Department of Environmental Management, Police Department, Fire Department, State Office of Planning, DLNR-Land Division

AGENCIES- NO RESPONSE

40. Office of Housing and Community Development

APPLICANT'S RESPONSE TO AGENCY COMMENTS

41. **Planning Department Exhibit 9: June 18, 2021 letter from Sidney Fuke to Planning Department**

PUBLIC COMMENTS

42. **Planning Department Exhibit 10: June 22, 2021 Email from John Powell in opposition.**

**SPECIAL MANAGEMENT AREA (SMA)
USE PERMIT APPLICATION**

**PROPOSED MULTIPLE FAMILY
RESIDENTIAL PROJECT**

**APPLICANT – PACIFICA BIG ISLAND,
LLC**

**KEAUHOU 1ST, NORTH KONA, HAWAII
TMK: (3) 7-8-010: 078 & 090**

**Prepared For:
Pacifica Big Island, LLC**

**Prepared By:
Sidney M. Fuke, Planning Consultant**

March 2021

**Planning Dept.
Exhibit 1**

COH PLANNING DEPT
MAR 30 2021 AM 10:19

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SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

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

APPLICANT: Pacifica Big Island, LLC

APPLICANT'S SIGNATURE: [Signature] DATE: 3/26/21

ADDRESS: 1775 Hancock Street, Suite 200 San Diego, CA 92110

LIST APPLICANT'S INTEREST IF NOT OWNER: _____

LIST PRINCIPAL(S) INCLUDING NAMES OF MAIN OFFICERS: Deepak Israni

PHONE:(Bus. 619-296-9000 (Res.) _____ (Fax) _____

LANDOWNER(S): Pacifica Big Island, LLC

LANDOWNER SIGNATURE(S): [Signature] DATE: 3/26/21
(May be by letter)

LANDOWNER(S) ADDRESS: 1775 Hancock Street, Suite 200 San Diego, CA 92110

REQUEST: Proposed 198 unit Multiple-Family Residential Project and related facilities

TAX MAP KEY: 7-8-010: 078 and 090 ZONING: RM-3

SIZE OF PROPERTY OR AFFECTED AREA(S): 20.813 acres and 3.686 acres (24.499 acres)

AGENT: Sidney Fuke, Planning Consultant

ADDRESS: 100 Pauahi Street, Suite 212 Hilo, HI 9672

TELEPHONE:(Bus.) 969-1522 (Res.) _____ (Fax) _____

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

ORIGINAL: Sidney Fuke COPIES: Pacifica Big Island, LLC

**SPECIAL MANAGEMENT AREA USE PERMIT REQUEST
PACIFICA BIG ISLAND, LLC
TMK: 7-8-010: 078 and 090**

I. INTRODUCTION AND PERMITTING HISTORY

This section provides a brief permitting history relating to a proposed development of a multiple-family residential development of properties identified by TMK: 7-8-010: 078 and 090.

Two (2) SMA permits were approved for the development of 228 multiple-family residential units on two (2) contiguous parcels situated in Keauhou, North Kona, Hawai'i and identified by TMK: 7-8-010: 078 and 090.

- SMA 286 (TMK: 7-8-010: 078), approved in August 1989 and amended in December 2002, allowed the development of a 212-unit multiple-family residential project and related improvements with a construction completion requirement of March 12, 2014.
- SMA 456 (TMK: 7-8-010: 090), approved in April 2005, allowed the development of a 16-unit multiple-family residential project and related improvements on the adjoining parcel.

Although SMA 456 did not have a condition relating to the commencement or completion of the project, because those properties were (and still are) commonly owned and to be developed as one, Final Plan Approval encompassing both properties was approved on March 12, 2008 for a 74-unit multiple-family residential project and related improvements. The March 12, 2014 completion deadline stipulated by SMA 286 became applicable.

Inasmuch as this completion condition could not be met and both projects were being developed as one, the owner/applicant (Pacifica Big Island LLC) applied for the following requests, which were approved by the Leeward Planning Commission ("Commission") on February 19, 2015:

- Revocation of SMA 456 (**Exhibit A**); and
- Amendment to SMA 286 (**Exhibit B**) by
 - including the land area (TMK: 7-8-010: 090) with **16** multiple-family residential **units** covered by SMA 456;
 - stipulating or making clear that the **total** number of units, exclusive of the already developed 44-units in Phase I, be capped at 168 units plus an additional 30 units for a total of **198 units** within the area covered by SMA 456; and
 - per Condition 2 requiring that Plan Approval be secured within 3 years of the date of the approval letter (March 6, 2015) and per Condition 3 commencing construction within a year of receipt of

Final Plan Approval and completing the project within 5 years thereafter.

The applicant subsequently requested and on September 4, 2018, received an administrative time extension to March 6, 2021 to comply with Condition 2 (receipt of Plan Approval). (**Exhibit C**)

In a letter to the Planning Director, dated November 16, 2020, the applicant requested an extension to March 6, 2024. (**Exhibit D**) In a letter, dated February 11, 2021, the Planning Department referencing a December 15, 2020 email from the applicant, informed the applicant that the extension request had to be acted upon by the Commission. (**Exhibit E**) Pursuant to that letter, the applicant submitted such a request in a letter, dated March 1, 2021 with the requisite number of copies and filing fee. (**Exhibit F**)

II. NATURE OF REQUEST

The applicant's objective is essentially to retain the appropriate land use entitlement (in this case, the SMA Permit) that would enable it to construct the remaining phases of the project. This could be achieved through the Commission's approval of a time extension of SMA 286 with appropriately "refreshed" or "updated" conditions or the issuance of a new SMA Permit. That was covered by the applicant's time extension request of March 1, 2021.

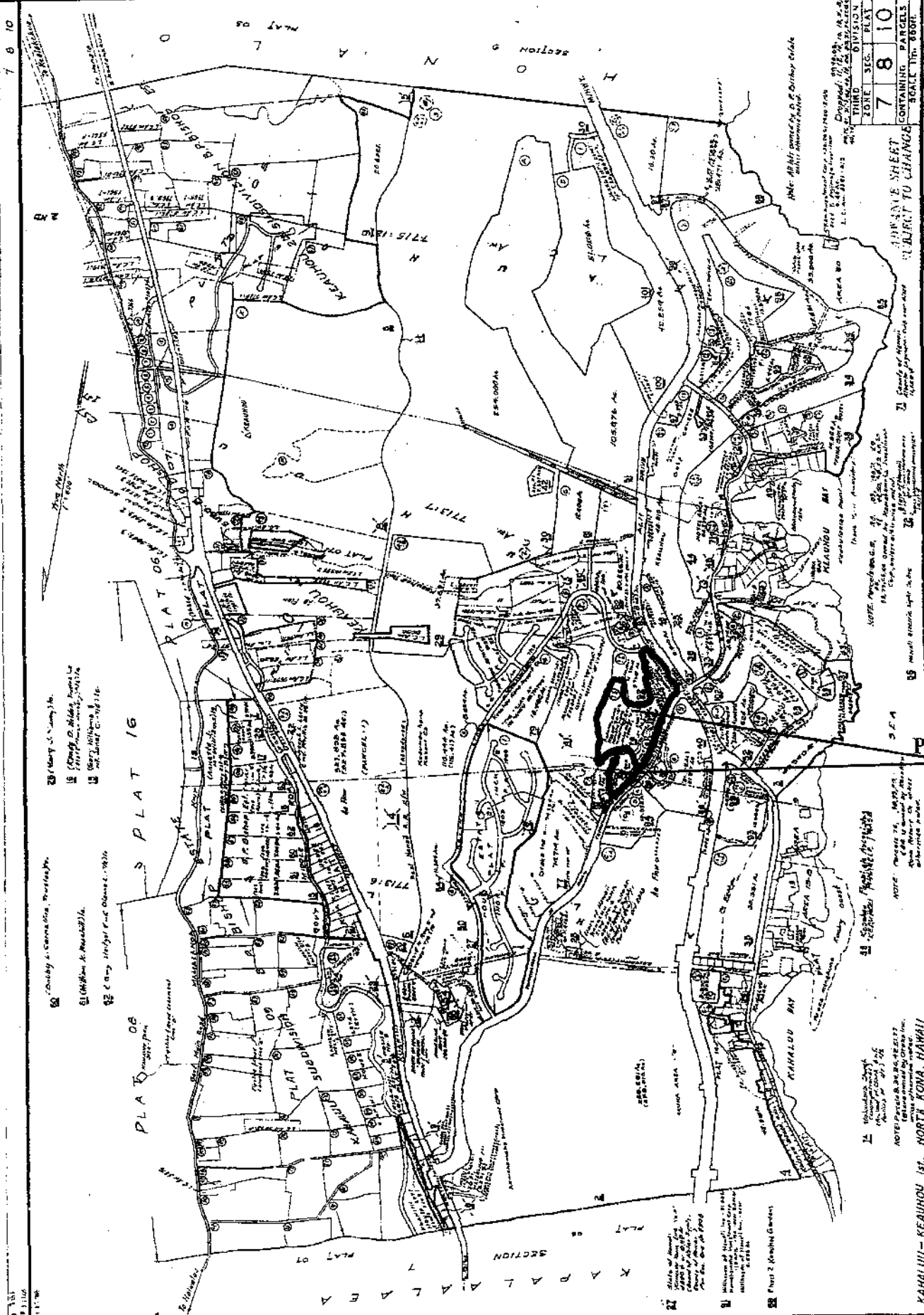
However, in the event either the Planning Department or Commission determine that a new SMA Permit should be entertained, the applicant has elected to submit this request. In the end, it will defer the processing route (i.e., extension or new application) to the Planning Department and/or Commission.

Notwithstanding the March 1 submittal, this report will cover items required as though this were a brand new application as well as the extension request.

III. PROJECT LOCATION

The subject area consists of two (2) parcels identified by TMK: 7-8-010: 078 and 090. Parcel 078 consists of 20.813 acres, while the adjoining 3.686 parcel is identified as Parcel 090 for a combined area of 24.499 acres.

They are situated along the east side of Kamehameha III Road, immediately adjacent and *makai* (southwest) of the Keauhou Rehabilitation and Healthcare Center and then up to southern corner of the intersection of Ali'i Highway and Kamehameha III Road. The Keauhou Shopping Center is located generally to the west, while the 44-unit Kaulana at Kona multiple-family project is located to the south, fronting Kaulana Road. Please note that the 44-unit Kaulana project was developed as Phase I of SMA 286. (**Figures 1 & 2**)



7	8	10
7	8	10
7	8	10

ADJUTANT GENERAL'S OFFICE
HONOLULU, HAWAII
JANUARY 1964
PLAT 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16
SECTION 7, 8
SCALE 1" = 100'

NOTE: The map is a reproduction of the original map and is not a survey. It is subject to change without notice.

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FIGURE 1

PROJECT SITE

KAHALOU - KEAHOU 1st, NORTH KONA, HAWAII

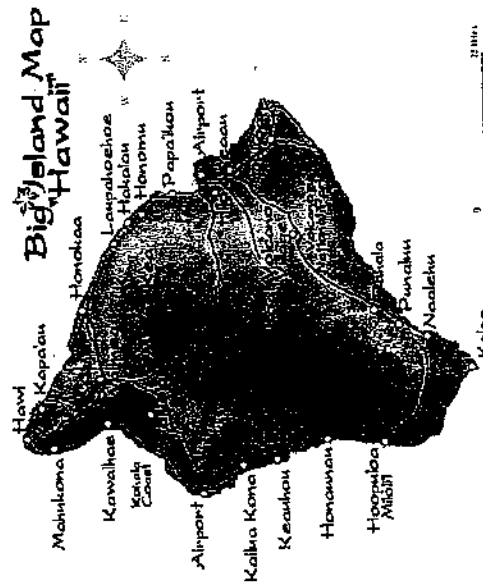


FIGURE 2

ALTY ARCHITECTS INC.
75-582 KUALAHI HWY.
SUITE #205
KAILUA-KONA, HAWAII 96740
WWW.ALTARCHITECTS.COM

KAM III CONDOMINIUM
KEAUHOU - HAWAII - HAWAII

IV. PROJECT DESCRIPTION

As noted earlier, the subject properties were covered originally by two (2) SMA permits (SMA 286 and SMA 456). The project covered under SMA 286 was originally approved for 276 multiple-family units within several two (2) and three (3) story structures. They were to be developed in two phases. Phase I, consisting of 44 units, has already been developed. Based on a December 2002 amendment, the remaining number of units within Phase II was reduced from **232 to 168 units**. Like Phase I, the units would be situated within several two (2) and three (3) story structures.

The project approved in April 2005 under SMA 456 allowed the development of 16 multiple-family units, also housed in several two (2) and three (3) story structures. When the permits were consolidated into one on February 2015, the number of units within this 3.69 acre area was increased from **16 to 30 units**.

In sum, SMA 286 allowed a total of 276 units (44 + 232), while SMA 456 allowed 16 units for a combined **total of 292 units**. Based on the existing entitlements, however, the combined total would be **242 units** (44 + 168 + 30), a reduction of 50 units. Given that 44 units have already been constructed, the **remaining number of units** to be constructed over both properties is now **198**.

The general design concept then and now for both projects is quite similar – multiple family units housed in several two (2) and three (3) story structures. The applicant intends to maintain that concept, as depicted in the preliminary site plan. **(Figure 3).**

Within the 3.69 acre area, the tentative plan reflects the one (1) 8-plex and two (2) 12-plex structures for a total of **30 units**. **(Figures 4 and 5)** That would average about 5,000+ square feet of land per unit, which is considerably less dense than the site's RM-3 or one unit for every 3,000 square feet density.

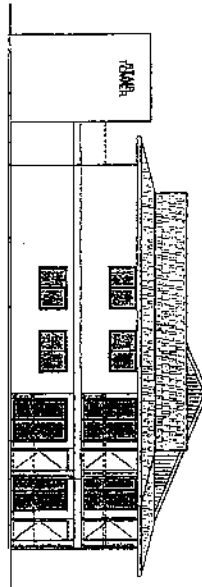
The remaining **168 units** would be tentatively housed in seven (7) 21-plex structures on the remaining 20+ acre area. **(Figure 6)** That would average over 6,000 square feet of land per unit, again, more than ½ of the allowable RM-3 density.

The additional improvements would include:

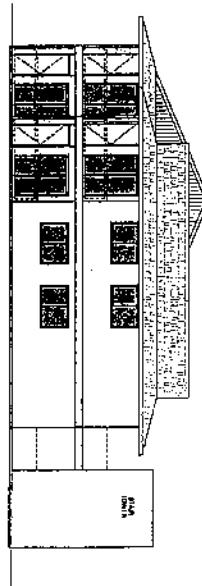
- 414 parking stalls, of which ten (10) would be handicapped. This would nearly double the minimum requirement of 224 stalls.
- A 1,600+/- square foot clubhouse **(Figure 7)**, swimming pool, and barbeque or gathering area.



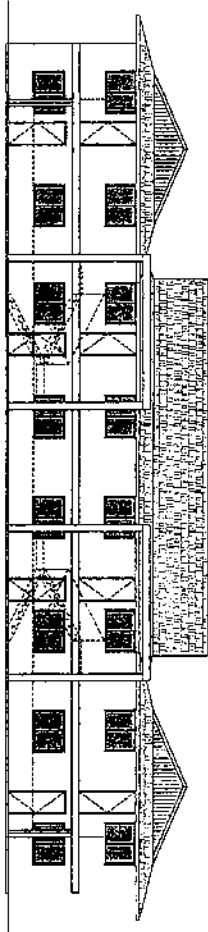
MAKAI ELEVATION



KONA ELEVATION

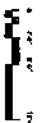


KAILUA ELEVATION



MAUI ELEVATION

0 PLEX - TYPICAL EXTERIOR ELEVATIONS



A11

1 OF 4 SHEETS

0 PLEX EXTERIOR ELEVATIONS

01/10/2011

01/10/2011

01/10/2011

01/10/2011

01/10/2011

Pacific Big Island

T.M.K. (3) 7-6-010-078 and 090
1775 Hancock St. Ste 200
San Diego, CA 92110-2036

FIGURE

ALPI ARCHITECTS

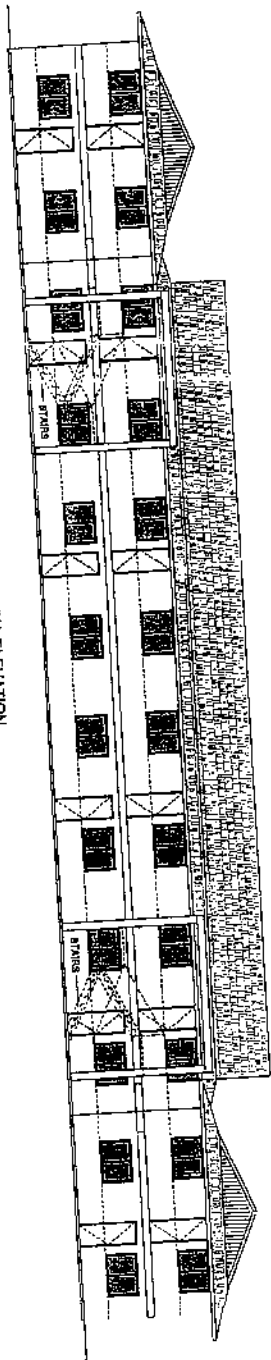


ALPI ARCHITECTS
ARCHITECTS • PLANNERS • ENGINEERS

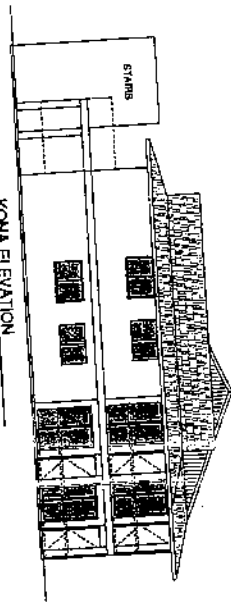
3000 QUAIL HILL DRIVE, SUITE 200 • KAILUA-KONA, HI 96740
PHONE: 808-325-1177 • FAX: 808-325-1171 • www.alpiarchitects.com

12 PLEX - TYPICAL EXTERIOR ELEVATIONS

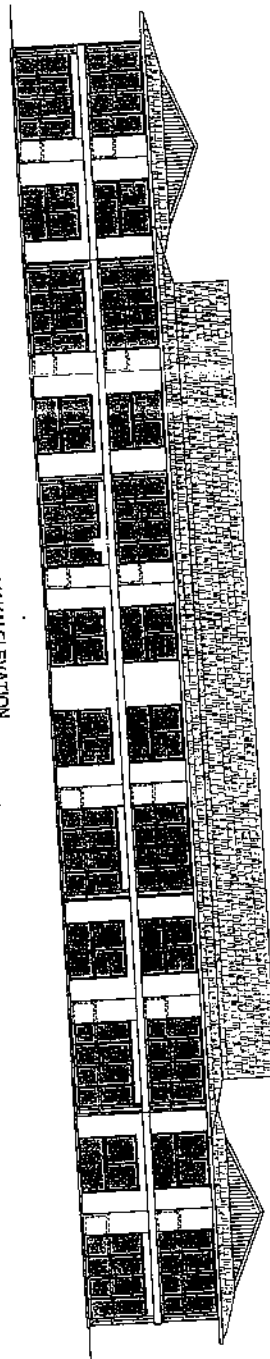
MAUKA ELEVATION



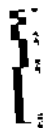
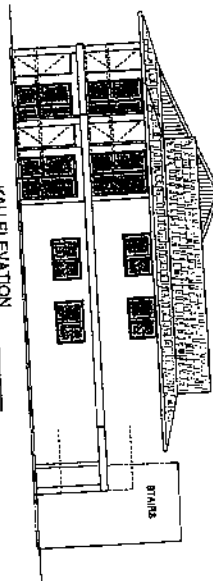
KONA ELEVATION



MAWA ELEVATION



KAU ELEVATION



A2

12 PLEX
EXTERIOR
ELEVATION

12/15/2014

12 PLEX

EXTERIOR

ELEVATION

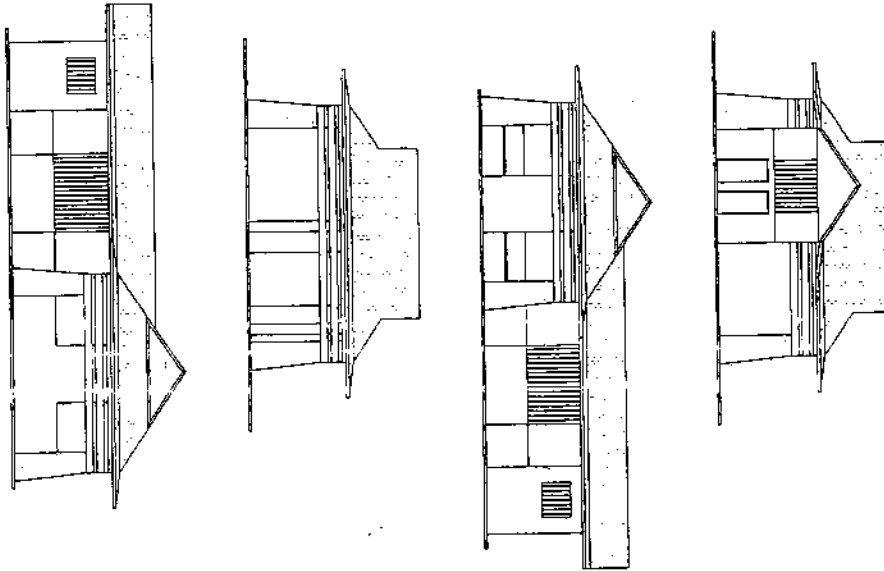
Pacifica Big Island LLC
T.M.K. (3) 7-B-010-078 and 090
4775 Hanalei St. Ste 200

FIGURE 5

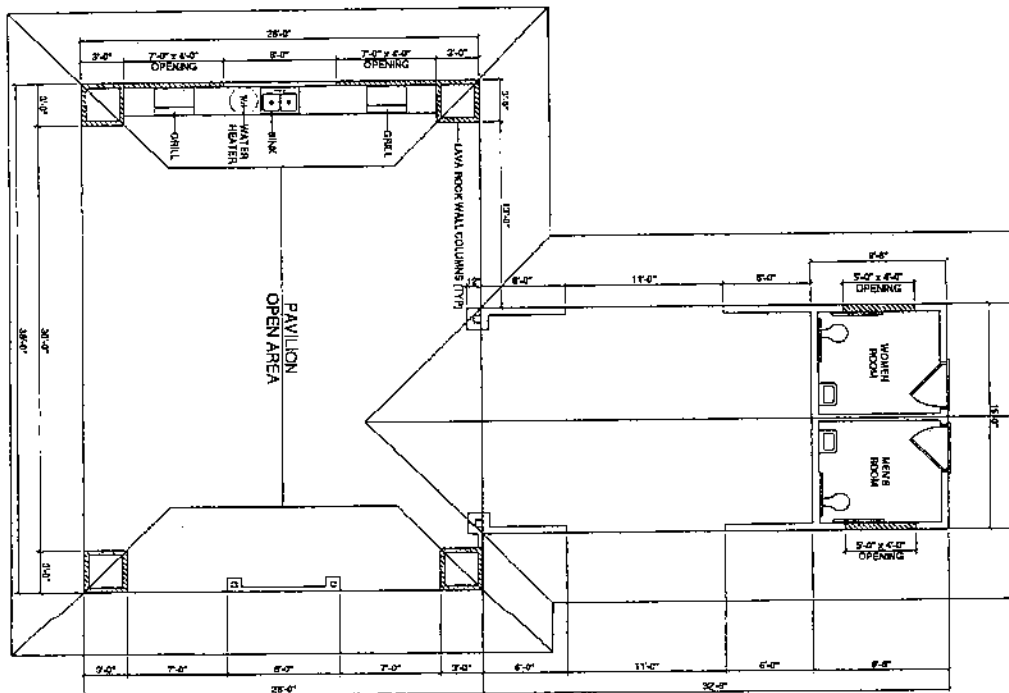
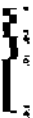


ALP'I ARCHITECTS
ARCHITECTS • PLANNERS • ENGINEERS
7001 EMMETT BOULEVARD, SUITE 100, KAILUA-KONA, HI 96740
PHONE: (808) 325-1100 FAX: (808) 325-1101

EXTERIOR ELEVATIONS



CLUB HOUSE



- Landscaping and on-site infrastructure to support the project, such as road and utility lines.

It should be emphasized that the plans submitted herein are conceptual and may be modified to accommodate financing, market, topographic, and unforeseen site related development issues.

V. ARCHAEOLOGICAL/CULTURAL CONSIDERATIONS

Haun and Associates prepared an Archaeological Assessment for TMK: 7-8-010: 078, the area covered by SMA 286. In a letter, dated February 24, 2009, the State Historic Preservation Division (“SHPD”) approved the Assessment. In so doing, it concurred that the *“project area has been extensively altered by bulldozer activity, which occurred approximately 4-5 years ago. No historic properties were identified during the current survey.”* **(Exhibit G)** Please note that although the report is not included in this report, a copy will be provided to the Planning Department.

Relative to Parcel 90, the area covered by SMA 456, an updated Archaeological Assessment was prepared in May 2015 by Haun and Associates. The Assessment did not identify any historic properties. However, in a letter, dated August 13, 2015, SHPD requested more research be done regarding the possibility of a remnant trail within the site. **(Exhibit H)**

The research was done, and a revised report was submitted. In its letter, dated October 30, 2015, SHPD noted that the *“revised AA report indicates that the trail alignment was not identified in either Parcel 090 during the current survey or the adjacent Parcel 08 in prior surveys.”* SHPD thus accepted the report. **(Exhibit I)** Again, like the Archaeological Assessment for parcel 078, a full copy of the report regarding parcel 090 will be provided separately to the Planning Department.

In view of the recent Hawaii State Supreme Court’s “PASH” and “*Ka Pa`akai O Ka`Aina*” decisions, the cultural issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion of the cultural, historical, and natural resources and associated tradition and customary practices of this site.

In this situation, although the subject site is near the ocean, it does not front the shoreline. While there appeared to be trail segments on the site, they have since been destroyed and not in use. As such, gathering of marine life and coastal access through the subject site should not be an issue.

The applicant neither recalls seeing any native Hawaiians using the subject area in the recent past for the gathering of plants nor learning of any information to that effect from area residents. In the unlikely event that legitimate gathering claims

are made by native Hawaiians, the applicant intends to respect and honor such claims and provide the needed access within the site.

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural and historical resources of the area.

VI. INFRASTRUCTURAL CONSIDERATIONS

A. Road

Access to the revised Phase II of this project will be from an improved roadway easement situated on one the subject parcels (TMK: 7-8-010: 078). This easement, which consists of a 20-foot wide paved roadway within a 50-foot wide right-of-way, intersects with Kamehameha III Road. It also serves as access to the Keauhou Rehabilitation and Healthcare Center via an existing improved roadway easement. The intersection is signalized. The project will not have any direct access to Kamehameha III Road.

The applicant will continue to honor the Memorandum of Agreement, Declaration of Restrictive Covenant, and release of Reserved Rights by the previous landowner. Said restriction stipulated that Phase II not take its access to Kaulana Street through Phase I – Kaulana at Kona and is reflected in Condition 5. The plans submitted herein reflect the project's access from Kamehameha III Road.

Furthermore, the condition (Condition 6) relating to making pedestrian improvements fronting the project area along Kamehameha III Road and Ali'i Drive will also be complied with by the applicant.

B. Water

County water can be made available from an existing 8-inch line along Kamehameha III road. A Water Agreement was consummated between the former landowner (Kamehameha Schools-Bishop Estate and Kamehameha Investment Corporation) and the County Board of Water Supply on April 12, 2012. This Agreement resulted in the assignment and/or availability of 291 equivalent water units for the development of Parcel 10 (TMK: 7-8-010: 078).

C. Wastewater, Solid Waste and Drainage

Wastewater will be disposed off in the Keauhou-Kona sewer system, which includes the private He'eia Wastewater Treatment Plant. The plant has sufficient capacity to accommodate the project's wastewater requirement.

Solid waste will be collected by commercial haulers and disposed off at the County landfill at Pu'uana'hulu. The landfill has capacity to accommodate the disposal needs of this project.

The US Corps of Engineers' Flood Insurance Rate Map (FIRM) designates the area of the proposed development to be in Zone X (areas outside of 500-year flood). There are no identifiable drainage ways through the site. Accordingly, the site has not and should not be subject to flooding.

As there will be an added level of impervious surface resulting from the proposed parking area and new structure, there may be an issue relating to potential increased run-off. In that event, a drywell or similar type of accommodations will be implemented, subject to the review and approval of the Department of Public Works. The depth of this drywell - if needed - will be of sufficient depth to avoid potentially high groundwater table.

VII. OTHER CONSIDERATIONS

A. Soil/Topography

Being within a heavily urbanized area, the Land Study Bureau Overall Master Productivity Rating does not have any classification for this site. Likewise, the site is not classified under the Agriculture Lands of Importance to the State of Hawaii (ALISH) classification system. Thus, the State's classification system does not recognize this site as being agriculturally significant.

Under the U.S.D.A Soil classification system, the site is classified rL, V, A'a and Pahoehoe lava flows. As such, the classifications suggest little or practically no soil covering.

B. Design and Visual

The project should not affect coastal views from any public highway. The site is situated *mauka* of Alii Drive, one of two public highways in this area. Because the site is situated south of the Kamehameha III Road, ocean views while traveling *makai* should not be significantly affected.

Relative to surrounding properties and in deference to existing residential uses and a golf course, however, certain design related conditions were made a part of the amended SMA 286. These included Condition 2 relating to a security fencing from the Kaulana at Kona project and conformity to its design principles; and Conditions 15, 16, and 17 relating to setback and view plane.

It should be noted that some of these conditions were a result of the meetings between the Kaulana at Kona Homeowners Association and applicant's

architect and planning consultant. A copy of the minutes of this meeting of January 30, 2015 is found in **Exhibit J**.

The plans that were submitted and received Plan Approval on July 23, 2015 reflect the pertinent conditions. (**Exhibit K**)

C. Flora/Fauna

The subject site is sparsely vegetated. The existing vegetation in this area is quite typical of low, dry land areas. As such, there are sprinklings of koa haole, christmas berry, exotic weeds and grasses – such as fountain grass. This is confirmed by the archaeological assessment performed by Haun and Associates. None of these are threatened or endangered plant species.

Although there was no professional survey conducted of the faunal resources of the site, the applicant does not believe that rare or endangered faunal resources are likely to be found within or proximate to the subject site. The site is not only within an urban area, but also in fact fully developed.

Introduced bird species (such as dove, Japanese White-eye, house finch, myna) are common in this area. Domestic animals such as cats and dogs, and other animals like rats and mongoose are also common. These are all common and not endangered.

As such, it is unlikely that the development of the subject property would cause any adverse faunal impacts.

D. Air Quality/Noise

The existing background ambient noise levels are associated with the wind, foliage, birds, and the like. This is relatively low, averaging less than 45 Ldn.

Manmade noise in this area, however, is heavily influenced by traffic along Ali'i Highway and the King Kamehameha III Road. Although this project will introduce additional vehicular traffic to this area, it will be very insignificant due to its residential versus commercial aspects. Thus, any traffic increase should result in a noise increase of less than 55 Ldn, which is within acceptable levels within an urban environment.

The short-term noise impacts will be associated with the construction of the project. These will be temporary. Further, all applicable State rules governing construction noise abatement will be observed. The applicant also intends to not allow noise-generating construction activity to occur during the weekends and early morning and late evening hours.

The proposed development should not generate any direct air quality impacts. As the project itself is not expected to have uses that generate adverse air pollutants, the only discernible air quality impact would be associated with vehicular traffic to and from the site. While the added traffic will have an impact to the ambient air quality, the impact should not be significant. This is due in part to the higher EPA standards for automobile air emissions and the prevailing trade winds.

All the required parking area within the project site will be paved with an all-weather, dust free surface. Additional landscaping, if required as part of the Plan Approval process, will be implemented. As such, except for minimal construction dust in the beginning, long term dust generated by the project should be insignificant.

E. Coastal Hazard

As the site is situated above of the 200-foot elevation level and over 300 feet from the ocean, it should not affect or be affected by shoreline processes and not be vulnerable to normal coastal high water.

VIII. RELATIONSHIP TO SMA POLICIES AND OBJECTIVES

A. Recreational Resources

The proposed improvements should not have any adverse impact to the recreational resources of the area. The property is not a coastal property, and there are intervening privately owned properties between the project site and the ocean.

Furthermore, the project's frontage along King Kamehameha III Road and Ali'i Highway will be improved with curb, gutter, and sidewalk. These improvements should make it more inviting and safer for pedestrians who may be traveling to the shoreline in this area. Conflicts between pedestrians and vehicles should be minimized, thus enhancing rather than diminishing the recreational activities in the area.

B. Historical and Cultural Resources

As confirmed by the archaeological assessments conducted of the subject site and subsequently approved by the SHPD, the historic or cultural resources of the site would not be affected, as none deemed worthy of preservation and/or protection has been found to date. During the construction of any improvements of the project, however, appropriate archaeological protective protocols will be adhered to. These include the cessation of all activities and consultation with the State SHPD in the event inadvertent discoveries are made.

C. Scenic and Open Space Resources

As noted earlier, the coastal view plane is not readily visible from King Kamehameha III Road, as the site is situated south of the Road. Further, as the site is situated *mauka* of Ali'i Highway, the public view from that Highway should not be impeded. As such, although this project will have little, if any, visual coastal view plane impacts.

D. Coastal Ecosystem

The proposed improvements should not generate any adverse impacts to the area's coastal ecosystem. Although the structures may increase the volume of rainwater, they will be directed into existing or new drywells on-site and away from the ocean. Further, the site is situated over 500 feet from the shoreline, and any direct interaction between the proposed improvements and the coastal water should be barely existent, if at all.

Then, too, there already is a sewer line that fronts Ali'i Drive. This line will be utilized to accommodate all of the project's wastewater demand.

E. Economic Uses

With the long-standing melting global economies and global insecurities due in part to the threat of terrorism and health concerns (such as SARS, Ebola and now COVID-19 and its variants), it should be heartening to still find businesses willing to invest and develop zoned properties. The community, in its Kona Community Development Plan, expressed a desire to allow developments in certain areas, like the subject site. Should this project be built, it will transform a vacant area into a residential community that can only help create a more vibrant Keauhou community.

Furthermore, in this situation, the applicant is willing to develop the project consistent with zoning and other regulatory requirements. In so doing, it should directly and indirectly generate over 50 short-term, full and part-time employment in the construction and construction-related industries. New moneys will be circulated within the community. Because of its location within Keauhou and its pedestrian-friendly improvements, the project should encourage homeowners and visitors to walk to nearby retailers, thus further promoting the circulation of new moneys within the community.

Upon its completion, this planned multiple-family residential complex should generate at least ten (10) indirect and direct full and part time jobs. Through its marketing program, this project should also help other related industries and Kona in general.

F. Coastal Hazards

Although the site is designated "X" on the Flood Insurance Rate map, it still falls within the Civil Defense Tsunami Evacuation Zone. Although there will be habitable units within the project, with the advance early warning systems, there should be adequate provisions to address impacts from tsunami (with the exception of locally generated tsunamis).

As the site is not located adjacent to the shoreline and over 500 feet away, normal winter storm waters should not be an issue for this project.

G. Managing Development

While this function is more applicable to the "authority" or approving agencies, the request is intended to operate within the confines of the existing Zoning Code. The subject site is zoned RM-3, and the requested uses and design/development parameters (parking, height, setback, etc.) would be consistent with said zoning. In that regard, this project would be consistent with the policy of "us(ing), implement(ing), and enforc(ing) existing law effectively to the maximum extent possible in managing present and future coastal zone management."

H. Public Participation

There is a statewide public advisory body called Marine and Coastal Zone Management Advisory Group (MACZMAG) that has the task, among other matters, of advising the lead agency (Office of State Plan) on coastal management issues. This includes a direct or indirect review of certain requests that may have statewide coastal zone management implications.

Public participation in the review of the permitting process is also achieved through the posting of a sign, as well as the use of sending notices to surrounding property owners of the submittal of an SMA application **and** another separate notice informing said owners of the date of the Planning Commission's required public hearing as well as the rights to request for participation via a contested case hearing.

I. Beach Protection

The subject property is not a coastal property and over 300 feet from the shoreline. As such, the policies and objectives relating to this matter do not apply.

J. Marine Resources

Mitigating measures will be taken during the construction and post-construction period of this project. Erosion control measures meeting with the

requirements of the State Department of Health and County Department of Public Works will be developed and implemented, particularly during the construction period. Drywells, if needed, meeting with the Underground Injection Control (UIC) requirements of the State Department of Health will be used to help address potential impacts from surface runoff after the project is completed. Then, too, the project's drainage will be directed to the landscaped areas to further minimize the velocity and volume of surface runoff going into drywells.

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 mitigating measures will be taken to address any potential adverse impacts of this project.

- B. The proposed uses - as discussed earlier - are consistent with the objectives, policies, and guidelines of the SMA Rules and Regulations; and
- A. The proposed uses are consistent with the County General Plan, Kona Community Development Plan, and the County Zoning Code. All those documents earmark the subject site for multiple-family residential uses. The requested multiple-family residential uses would be consistent with the RM-3 designation. No zoning amendment is required to effectuate this request.

IX. JUSTIFICATION OF TIME EXTENSION REQUEST

In the event the Planning Department and/or Commission opt to process this request as a time extension, this section attempts to justify the extension pursuant to the guidelines outlined in SMA 286.

1. *The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.*

The applicant's inability to perform within the stipulated period was a result of conditions that could not have been foreseen or were beyond the control of the applicant and not attributable to the applicant's negligence.

The applicant secured full control of the properties during the latter part of 2014, and promptly filed for the time extension and SMA permits consolidation request. Since the extension granted by the Commission in 2015, the applicant has fulfilled its archaeological protocols and submitted plans for and received Plan Approval on July 23, 2015 for 32 units and on September 8, 2015, the clubhouse. (See **Exhibit K**). While a building permit was issued for the 32 units, the permit was never implemented and is thus void.

As noted in its extension request of March 1, 2021 (**Exhibit F**), the applicant noted that it spent time and money to see how the project could better address the site challenges in the hopes of reducing the construction cost. It also noted the economic slowdown due to the Kilauea eruption, financing market, and the COVID-19 pandemic.

The applicant has every intention to completing the project, hopefully within the next five (5) years. Further, this need for additional time is not necessarily attributable to the applicant's "negligence."

2. *Granting of the time extension would not be contrary to the General Plan or Zoning Code.*

Since the subject site was zoned for multiple-family residential uses (RM-3), there have been no amendments to the General Plan affecting the subject property or immediately surrounding area. The General Plan Land Use Pattern Allocation Guide Map is still *Medium Density*. Further, all improvements consistent with the prevailing Zoning Code standards, such as setback, height, parking, and landscaping will be complied with.

Likewise, since the SMA permit was issued, there have been no significant changes to the criteria or guidelines for issuance of a SMA permit. The only possible exception may be the archaeological and cultural issue, which has been addressed earlier. The reasons for issuance of the SMA 286 affecting the subject properties, as evidenced in **Exhibit B**, are still applicable.

3. *Granting of the time extension would not be contrary to the original reasons for granting of this permit.*

In approving the amended SMA permit, the Commission discussed the project's relationship to the General Plan, zoning ordinance, SMA guidelines, and other policies of the State and County. It then concluded that the

proposed amendment (time extension) *"is consistent with the objectives and policies of Chapter 205A, HRS."* (See **Exhibit B**)

The applicant maintains that based on the information provided in this report, the proposed development in its entirety will not *"have a substantive adverse impact on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management and Rule 9 of the Planning Commission relating to the Special Management Area."*

Thus, the reasons for the approval of the initial and amended SMA permit are still valid today. Accordingly, approval of this requested extension or new permit would not be inconsistent with the reasons for approving the initial SMA permit(s).



County of Hawai'i

LEEWARD PLANNING COMMISSION

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

MAR 06 2015

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area Use Permit No. SMA 456
Applicant: Pacifica Big Island, LLC
Request: Revocation of Special Management Area Use Permit No. 456
Tax Map Key: 7-8-010:090

The Leeward Planning Commission, at its duly held public hearing on February 19, 2015, considered the above-referenced request for the revocation of Special Management Area (SMA) Use Permit No. 456. Originally, SMA Use Permit No. 456 allowed the development of a 16-unit multiple family residential complex and related improvements on 3.686 acres of land. The project site is situated on the southeast side of Kamehameha III Road, immediately adjacent to and makai of the Keauhou Rehabilitation and Healthcare Center, Kahulu'u and Keauhou Ist, North Kona, Hawai'i.

The Commission voted to approve the revocation of Special Management Area Use Permit No. 456 as requested by the applicant. Thus, the permit is hereby revoked.

Should you have any questions, please contact Maija Jackson of the Planning Department at 961-8159.

Sincerely,

Brandi K. Beaudet, Chairman
Leeward Planning Commission

LPacificabislandrevokeSMA456lpc

cc: ✓ Pacifica Big Island, LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
Department of Transportation-Highways, Honolulu
Mr. Gilbert Bailado

Hawai'i County is an Equal Opportunity Provider and Employer

EXHIBIT A



County of Hawai'i

LEEWARD PLANNING COMMISSION

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

MAR 06 2015

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Amendment to Special Management Area Use Permit No. SMA 286
Request: Amend SMA 286 Which Allowed the Development of a 212-Unit Multiple
Family Residential Project by Including the Land Area and Density Permitted by
SMA 456 for a Total of 228 Units on 24.5 Acres of Land
Applicant: Pacifica Big Island, LLC
Tax Map Key: 7-8-010:078 & 090

The Leeward Planning Commission, at its duly held public hearing on February 19, 2015, voted to approve the above-referenced request to amend Special Management Area (SMA) Use Permit No. 286 to increase the residential unit density by 16 units to maximum unit count of 184 units for the remaining phases, increase the land area to include TMK: 7-8-010:90, and a time extension to complete construction of the development. The project site is situated on the east (mauka) side of the Kamehameha III Road-Ali'i Drive intersection, Kahuluu and Keauhou 1st, North Kona, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Final Plan Approval PLA-08-000376 issued on March 12, 2008 is null and void. Final Plan Approval for Phase II, covered by TMK: 7-8-010:078 and 090, consisting of no more than 184 units, shall be secured from the Planning Department within three years from the effective date of this amendment in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify proposed structure(s), access(es), fire protection measures, landscaping and security fencing for structures situated less than 75

feet from the Kaulana at Kona project identified by TMK: 7-8-010:092, and parking areas. Further, the plans shall reflect the design principles for building and landscaping set forth in the Comprehensive Design Principles for Keauhou-Kona.

3. Construction, which includes site work, for Phase II shall commence within one year from the date of receipt of Final Plan Approval for the revised Phase II as described in Condition 2 and be completed within five years thereafter.
4. The applicant shall submit detailed water usage calculations for the Phase II development, prepared by a professional engineer licensed in the State of Hawai'i, to the Department of Water Supply within 180 days from the effective date of this amendment.
5. Access(es) to the proposed development shall meet with the approval of the Department of Public Works, provided however, that in no event shall the Phase II development take access to Kaluna Street through Phase I – Kaulana at Kona.
6. The applicant shall provide full improvements to the entire frontage along Kamehameha III Road and along the property's frontage with Ali'i Highway between Kamehameha III Road and Kaluna Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any relocation of utilities; meeting with the approval of the Department of Public Works prior to issuance of the certificate of occupancy for the proposed units. Install street lights, signs and markings meeting with the approval of the Department of Public Works, Traffic Division. The applicant shall construct all improvements to dedicable standards and dedicate to the County. Said improvements may be deferred until required by the Department of Public Works; provided, however, that a bond or equivalent surety to assure its construction shall be posted with the County.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
8. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. The drainage improvements shall be constructed, meeting with the approval of the Department of Public Works, prior to receipt of a Certificate of Occupancy.

9. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
10. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with Department of Health regulations and construction industry standards and practices utilized during construction projects of the State of Hawai'i.
11. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
12. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.
13. The applicant shall consult with the staff of the State's Na Ala Hele Trail Program and/or National Park Services' Ala Kahakai National Trails Program regarding the appropriateness of incorporating the remnants of a historic trail on the subject site and shall provide a report of this consultation, including the incorporation of such a trail, if appropriate, to the Planning Department in conjunction with the Plan Approval process.
14. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the affected area shall cease and the DLNR- State Historic Preservation Division immediately notified. Subsequent work within the affected area shall not proceed until clearance is obtained from the DLNR- State Historic Preservation Division.
15. All buildings shall be setback a sufficient distance from the property line fronting Kamehameha III Road so that the buildings do not substantially interfere with or detract from the line of sight toward the sea from the road. The applicant shall provide photo simulations and a view plane analysis with plans for Final Plan Approval showing view planes towards the sea from the road, particularly looking south and southwest, with the proposed buildings.

16. Unless a lesser setback is approved by the Planning Director, all proposed buildings and activity areas (i.e. swimming pools, tennis courts, etc.) shall observe a minimum setback of 200 feet from the center line from the golf course fairway. If deemed necessary, additional setbacks or other mitigating measures, such as additional landscaping along certain portions of the golf course boundaries, may be imposed at the time of plan approval review.
17. The highest point of any building that is constructed in the area designated as Area "A" on the diagram, which is attached hereto as Exhibit "A" and incorporated herein by this reference, shall not exceed the elevation above mean sea level of the finished ground floor level of Building 1 of the Kaulana at Kona, Phase I, which building is located as shown on the attached Exhibit "A". The highest point of any building that is constructed in the area designated as Area "B" on the diagram, which is attached hereto as Exhibit "A" and incorporated by this reference, shall not exceed the elevation above mean sea level of the finished floor for the pool deck area of the Kaulana at Kona, Phase I which pool deck is located as shown on the attached Exhibit "A".
18. Comply with all other applicable County, State and Federal laws, rules, regulations and requirements.
19. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this amendment. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
20. An initial extension of time for the performance of conditions within this amended permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.

Mr. Sidney M. Fuke
Planning Consultant
Page 5

- C. Granting of the time extension would not be contrary to the original reasons for the granting of this permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

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

[Note: Ramseyer version available upon request.]

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Maija Jackson of the Planning Department at 961-8159.

Sincerely,



Brandi K. Beaudet, Chairman
Leeward Planning Commission

LPacificbigisland Amend SMA286lpc
Enclosure: PC Findings Report

cc: Pacifica Big Island LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources - HPD
Department of Transportation-Highways, Honolulu
Mr. Gilbert Bailado

COUNTY OF HAWAII
PLANNING COMMISSION FINDINGS

PACIFICA BIG ISLAND, LLC

AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT NO. 286

The applicant is requesting to amend Special Management Area (SMA) Use Permit No. 286, which allowed the development of a 212-unit residential condominium project and related improvements on TMK 7-8-010:078. The amendment is to increase the density by 16 units, increase the land area to include TMK 7-8-010:090, and a time extension to complete construction of the development. The property is located on the east (mauka) side of the Kamehameha III Road - Ali'i Drive intersection, Kahulu'u and Keauhou 1st, North Kona, Hawai'i, TMK: 7-8-010:078 and 090.

SMA Use Permit No. 286 allowed the development of a 212-unit residential condominium project and related improvements on TMK 7-8-010:078. The applicant is requesting to amend Conditions 2 and 3 of SMA Permit No. 286 in order to increase the density by 16 units, increase the land area to include TMK 7-8-010:090, and obtain a time extension to complete construction of the development. Currently SMA Permit No. 456 allows for development of a 16-unit multiple family residential complex on TMK 7-8-010:090, which is a 3.69-acre adjoining property owned by the applicant. The applicant is requesting to amend SMA 286 to transfer and include the development rights covered by SMA 456.

The applicant requests the following specific amendments to Conditions 2 and 3 of SMA 286 (material to be deleted is bracketed and new material is underlined):

- "2. Final Plan Approval for Phase II, [Land Area 10] covered by TMK: 7-8-010:078 and 090, consisting of [168] 184 units, shall be secured from the Planning Department within three years from the effective date of this [new] amendment....."
- "3. Construction for Phase II shall commence within one year from the date of receipt of Final Plan Approval for the revised Phase II as described in Condition 2 and be completed within five years thereafter."

These amendments would require that construction of the 184 units begin within 4 years and be completed within 9 years of the effective date of the amendment, provided an administrative time extension is not granted.

The applicant requests the amendment in order to provide design flexibility over both properties and to make it easier to administer and track permit conditions. The amendment would have the effect of increasing the number of units for the 3.69-acre property covered by SMA 456 from 16 to 32 units, as depicted in the preliminary site plan.

The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, restore the natural resources of the coastal zone areas. Therefore, special controls on development within the SMA are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to insure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves, by

dedication or other means. The grounds for approving an SMA permit amendment are based upon the following criteria:

The proposed development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. In considering the significance of potential environmental effects, the Director shall consider the sum of those effects that adversely affect the quality of the environment and shall evaluate the overall and cumulative effects of the action. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options.

A "substantial adverse effect" is determined by the specific circumstances of the proposed use, activity or operation. In determining whether a proposal may have a substantial adverse effect on the environment, the Director shall consider every phase of a proposed action and expected consequences, either primary or secondary, or the cumulative as well as short or long-term effect of the proposal. In reviewing the proposed development against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1 through 10), it has been determined that the proposed amendment will not have a significant adverse environmental or ecological effect upon the Special Management Area. It should be noted that under Planning Commission Rule 9-10 (H) (9), a proposed use, activity or operation may constitute a substantial adverse if it affects an environmentally sensitive areas, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water.

The property is located within Flood Zone X and there are no know topographic concerns that would adversely affect the property. The property is not located in an environmentally sensitive area. The property is located within an area adequately served with essential services and facilities such as County water, private sewer system, transportation systems and other utilities. Any potential runoff or discharge that could reach ocean waters will be handled by on-site improvements consistent with the requirements of the Department of Public Works and State Department of Health. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed amendment is not anticipated to have any substantial adverse effects upon nearby coastal resources. Conditions of approval will be included to ensure that impacts on coastal resources are minimized.

The proposed development is consistent with the objectives and policies provided by Chapter 205A, HRS and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The objectives and policies of Chapter 205A, HRS include, but are not limited to, the protection of coastal recreational resources, historic resources, scenic and open space resources, coastal ecosystems, marine resources, beaches, and controlling development in coastal hazard areas.

Coastal Recreational Resources: The property is located over 2,000 feet mauka of the shoreline. There are several ways for future residents of the development and the general public to access the shoreline for recreation. A condition of the permit requires

pedestrian improvements along the property's Ali'i Drive and Kamehameha III Road frontage in order to provide safe access to the shoreline.

Historic Resources: Two archaeological assessments of the property were conducted which determined that no historic sites or features are currently present on the property due to previous grading. However, it is likely three historic sites, including a historic trail, were destroyed when the property was previously cleared. The Planning Department agrees with the State Historic Preservation Division's recommendation that the applicant consult with the State's Na Ala Hele Trail program and the National Park Service trail program to see if it would be possible to re-establish the historic trail on the property.

Scenic and Open Space Resources: Due to the sloping topography in the area, the sea can be viewed by motorists driving along Kamehameha III Road. Due to the topography of the property and proximity (less than 30 feet) of the buildings to the road, it is possible the view planes from Kamehameha III Road looking south and southwest may be partially obstructed. According to the Buildings 1, 2, and 3 on the applicant's site plan (Figure 3 in Application) will have the most significant impact to views towards the sea because there is currently a direct view of the sea from the road in this area and the property sits at a higher elevation than the road which will cause the buildings to sit above the road, thereby reducing views of the sea. However, the buildings are oriented in a way to create view corridors so that views of the sea are not completely blocked. Buildings 8, 9 and 10 are set back a substantial distance from the road and sit at a lower elevation than the road, thus views of the sea around these buildings should not be significantly affected. To mitigate view plane obstructions towards the sea, a condition will require photo simulations and a view plane analysis to ensure the buildings are setback a sufficient distance from the road.

Coastal Ecosystems and Marine Resources: To address the potential impacts of soil erosion and water quality on marine resources and coastal ecosystems the applicant will implement best management practices as part of the NPDES permit process and comply with state and county regulations relating to storm water runoff including but not limited to Chapter 10, Erosion and Sedimentation Control, Hawai'i County Code. Additionally, wastewater generated by the project will be treated in a private sewer system.

Beach Protection: There are no beaches on or near the subject property.

Coastal Hazards: The elevation of the property varies from about 140 to 280 feet above mean sea level. The subject property is located just outside of the tsunami evacuation zone as designated by the County Civil Defense Agency and is located in Flood Zone "X", an area determined by FEMA to be outside the 500-year flood plain.

Lastly, the applicant will continue to be required to comply with all original conditions of SMA Permit No. 286 as well as additional conditions that have been recommended by reviewing state and county agencies based on current regulations.

Based upon the above findings, the proposed amendment is consistent with the objectives and policies of Chapter 205A, HRS.

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

County of Hawai'i
PLANNING DEPARTMENT

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

September 4, 2018

Mr. Matt Deal, Project Manager
Pacifica Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

Dear Mr. Deal:

Special Management Area (SMA) Permit No. 286

Applicant: Pacifica Big Island, LLC

Subject: Request for Administrative Time Extension and 2018 Annual Progress Report

Tax Map Keys: (3) 7-8-010:078 and 090

This letter is in response to your letter dated February 27, 2018 transmitting the 2018 annual progress report for SMA Permit No. 286 and your letter dated March 2, 2018 requesting a 2-year administrative time extension to comply with Condition 2 (secure final plan approval) of SMA Permit No. 286.

Thank you for providing the annual progress report. The report does not respond to our letter dated June 5, 2017, in which we ask the status of Condition No. 4 related to water commitments for the project. Please provide the water calculations to the Department of Water Supply and secure the necessary water commitment as soon as possible. We look forward to receiving the 2019 annual progress report due by March 6, 2019.

Regarding your request for a time extension, Condition No. 2 of the permit requires that Final Plan Approval for Phase II, consisting of no more than 184 units, be secured within three (3) years from the effective date of the amended permit, or by March 6, 2018. Final Plan Approval (PLA-15-001202) for 32 dwelling units in multiple-family dwellings, was issued by the Planning Department on July 23, 2015; however Condition 5 of the Final Plan Approval indicated the approval shall expire on July 22, 2017 if not used. In a letter dated June 8, 2017, the Planning Director granted a one-year time extension to July 22, 2018 to utilize PLA-15-001202.

SEP - 5 2018

EXHIBIT C

Mr. Matt Deal, Project Manager
Pacifica Big Island, LLC
Page 2
September 4, 2018

You will need to apply for a new Plan Approval since PLA-15-001202 has expired. Additionally, our records indicate the Final Plan Approval for the common area clubhouse/recreation facility (PLA-15-001216) has also expired, as of September 7, 2017 and no time extension was granted.

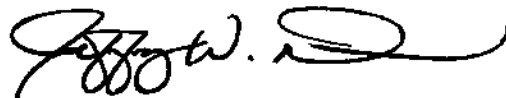
Condition No. 20 of SMA Permit No. 286 allows for an administrative time extension for a period of time not to exceed what was originally granted. Based on the reasons in your letter, we will grant an administrative time extension until **March 6, 2021** to comply with Condition No. 2.

Please be informed, should you need an additional extension of time your request and reasons shall be forwarded to the Planning Commission. A public hearing will be held by the Planning Commission.

Lastly, you indicated the technical design of the project may change to reduce costs, particularly grading and building placement. Please be aware that any change in grade or building placement must comply with Condition 15 of SMA Permit No. 286 so that the buildings do detract from the line of sight from Kamehameha III Road to the sea.

If you have any questions, please feel free to contact Maija Jackson at (808) 961-8159.

Sincerely,



For MICHAEL YEE
Planning Director

MJJ:mad
P:\wpwin60\Maija\Letters\TER\LDeal-AdminTER&2018APR-SMA286.doc

cc: Kona Planning Office (COR-18-116969 & COR-18-117051)
TMK 7-8-010:078 & 090
Kaulana HOA Board c/o Erik Pfeiffer via email pfeiffere001@hawaii.rr.com

Pacifica Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

November 16, 2020

Michael Yee
Planning Director
c/o Maija Jackson
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720
Maija.jackson@hawaiicounty.gov

Re: SMA 286
PLA-08-000376
TMK: 7-8-010:078 and 090

Dear Mr. Yee:

Pacifica Big Island, LLC, the owner/applicant of that certain property identified as TMK: 7-8-010:090, located in Keauhou, North Kona, Hawai'i, which is subject to SMA 286 and, formerly PLA-08-000376, hereby requests an extension of the entitlements granted pursuant thereto.

Pacifica has taken numerous steps over the years to bring this project to development. It had been the original plan of the owners to develop multi-family housing targeted for the local housing market (gap housing), as opposed to the resort or investor market. This plan depended upon certain cost assumptions which have proven difficult, if not impossible, to achieve as the project went to bid. Needless to say, the owners were not expecting the results actually received.

The owners spent additional time and money re-thinking the technical design of the project, particularly grading and building placement, trying to reduce costs. With the critical state of reasonably priced housing in the State of Hawai'i and on the Island of Hawai'i, we feel it is reasonable to maintain this current housing entitlement, rather than face the time and expense of re-entitling, which would inevitably drive the price of any housing on this property even higher.

Directly after the request for a time extension in 2018 allowed under the SMA, Hawaii experienced the eruption of Kilauea. This event drastically and suddenly impacted the housing and development market. The owners worked to address this setback in an effort to bring the project to fruition. Less than two years after the completion of the volcano eruption, just as the market was beginning to recover, COVID-19 shut down the world and the State of Hawaii imposed the strictest quarantines in the country. For the past eight months, we have watched with uncertain eyes how to move the project forward. Now three months prior to the expiration of the SMA, it is still unknown what the long-term impact of COVID-19 will have on the world and Hawaii in particular. At the time of this letter, Hawaii is still imposing a 14-day quarantine to come visit. Construction costs nationwide have

EXHIBIT D

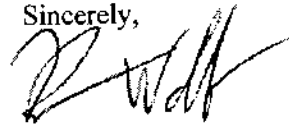
skyrocketed due to the shortage of lumber and other building materials. All of these have presented a significant burden to move the project forward.

The community, in its Kona Community Development Plan, expressed a desire to allow developments in certain areas, like the subject site. The subject site is zoned RM-3, and the contemplated uses and design/development parameters (parking, height, setback, etc.) are consistent with that zoning. Should this project be built, it will transform a vacant area into a residential neighborhood that can only help create a more vibrant Keauhou community. The owner has cleaned up, and continues to clean up, trash on the property which has been used as a dumping ground and sometimes homeless camp.

The applicant remains willing to develop the project consistent with zoning and other regulatory requirements without seeking any modifications to the approvals already in place. According to Haun and Associates "No archaeological sites or features were identified within the project area"; public services are installed in adjacent roads; the site is urban; there are no known rare or endangered species, either floral or fauna, on the site. It remains an ideal residential site if only the right set of economic factors can be engaged. Additionally, at build-out, the project should create ten or more permanent jobs. We ask that you work with us to extend the deadline given the large scale natural impacts that Hawaii has experienced over the last several years.

Respectfully, we request that the approval deadline be extended until March 6, 2024.

Sincerely,



Ryley Webb
Land Development Manager
619-296-9000
rwebb@pacificacompanies.com

cc: darai@co.hawaii.hi.us
sidfuke@hawaiiantel.net

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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



County of Hawai'i
PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

February 11, 2021

Mr. Ryley Webb, Land Development Manager
Pacifica Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

Dear Mr. Webb:

SUBJECT: Special Management Area (SMA) Use Permit No. 286
Applicant: Pacifica Big Island, LLC
Subject: Request for Administrative Time Extension
Tax Map Keys: 7-8-010:078 and 090

This is in response to your email dated December 15, 2020, requesting a three (3)-year administrative time extension to comply with Condition 2 (time to secure final plan approval) for SMA Permit No. 286. Please accept our apologies for the delayed response.

A review of our records indicates that by letter dated September 4, 2018, pursuant to Condition No. 20 of the subject SMA Permit, the Planning Director already granted an initial administrative time extension to March 6, 2021 to comply with Condition No. 2. Both the letter and subject permit indicate that any additional extension of time would need to be approved by the Planning Commission.

Based on the preceding, please forward an original and twenty (20) copies of your amendment request, reasons for the request and a \$250 filing fee to the Planning Commission for consideration. As you have yet to provide your 2021 Annual Progress Report, please include that as part of the submittal to provide the Planning Commission with an update on condition compliance.

If you have any questions, please feel free to contact Christian Kay of this office at 961-8136.

Sincerely,

ZENDO KERN
Planning Director

CRK:akm

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planning@hawaiicounty.gov

FEB 12 2021

EXHIBIT E

Pacifica Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

March 1, 2021

Chairperson Nancy Carr Smith
Leeward Planning Commission
c/o Christian Kay
County of Hawaii Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Re: SMA 286
PLA-08-000376
TMK: 7-8-010:078 and 090

Dear Chairperson Nancy Carr Smith and Planning Commission Members:

Pacifica Big Island, LLC, the owner/applicant of that certain property identified as TMK: 7-8-010:090, located in Keauhou, North Kona, Hawai'i, which is subject to SMA 286 and, formerly PLA-08-000376, hereby requests an extension of the entitlements granted pursuant thereto. Pacifica contacted the Planning Department in November 2020 to request the extension. Pacifica received a response from the Planning Department on February 18, 2021 referring the matter to the Planning Commission. This letter is Pacifica's official request to the Planning Commission with regard to an extension.

Pacifica has taken numerous steps over the years to bring this project to development. It had been the original plan of the owners to develop multi-family housing targeted for the local housing market (gap housing), as opposed to the resort or investor market. This plan depended upon certain cost assumptions which have proven difficult, if not impossible, to achieve as the project went to bid. Needless to say, the owners were not expecting the results actually received.

The owners spent additional time and money re-thinking the technical design of the project, particularly grading and building placement, trying to reduce costs. With the critical state of reasonably priced housing in the State of Hawai'i and on the Island of Hawai'i, we feel it is reasonable to maintain this current housing entitlement, rather than face the time and expense of re-entitling, which would inevitably drive the price of any housing on this property even higher.

Pacifica requested a time extension in 2018 in order to finalize construction documents after receiving a Final Plan Approval. Directly after the request for a time extension in 2018, Hawaii experienced the eruption of Kilauea. This event drastically and suddenly impacted the housing

EXHIBIT F

and development market. The owners worked to address this setback in an effort to bring the project to fruition. Less than two years after the completion of the volcano eruption, just as the financing market was beginning to recover, COVID-19 shut down the world and the State of Hawaii imposed the strictest quarantines in the country. For the past year, we have watched with uncertain eyes how to move the project forward. Now with the upcoming expiration of the SMA, it is still unknown what the long-term impact of COVID-19 will have on the world and Hawaii in particular. At the time of this letter, Hawaii is still imposing strict testing and quarantine requirements in order to visit. Construction costs nationwide have skyrocketed due to the shortage of lumber and other building materials. All of these have presented a significant burden to move the project forward.

The community, in its Kona Community Development Plan, expressed a desire to allow developments in certain areas, like the subject site. The subject site is zoned RM-3, and the contemplated uses and design/development parameters (parking, height, setback, etc.) are consistent with that zoning. Should this project be built, it will transform a vacant area into a residential neighborhood that can only help create a more vibrant Keauhou community. The owner has cleaned up, and continues to clean up, trash on the property which has been used as a dumping ground and sometimes homeless camp.

The applicant remains willing to develop the project consistent with zoning and other regulatory requirements without seeking any modifications to the approvals already in place. According to Haun and Associates "No archaeological sites or features were identified within the project area"; public services are installed in adjacent roads; the site is urban; there are no known rare or endangered species, either floral or fauna, on the site. It remains an ideal residential site if only the right set of economic factors can be engaged. Additionally, at build-out, the project should create ten or more permanent jobs. We ask that you work with us to extend the deadline given the large scale natural impacts that Hawaii has experienced over the last several years.

Per the SMA, three conditions are required to be met in order to approve the extension.

- A) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.* The project has been significantly handicapped by conditions that are outside of the Applicant's control. Shortly after requesting the initial extension from the Planning Director per SMA Condition 20 in order to finalize construction documents for the first phase, Hawaii experienced the eruption of the Kilauea volcano. Soon after the County began to recover, Covid-19 shut down the world. The applicant is committed to completing a successful project, but the last three years have been lost due to a natural disaster and a pandemic entirely out their control.
- B) Granting of the time extension would not be contrary to the General Plan or Zoning Code.* The General Plan and Zoning Code along with the SMA allow for an extension to be granted by the Planning Commission. The current General Plan and draft General

Plan 2040 identify the site as Medium Density Urban for Future Land Use Designation which aligns with the density approval of the SMA and the current zoning of the property. The draft General Plan prioritizes development in the Urban Growth Areas. The proposed development will complement the goals, policies and standards of the Land Use Element of the General Plan. The subject property is zoned Residential Multifamily 3 (RM-3) by the County. The zoning allows for 1 unit per 3000sf of lot which would allow approximately 350 units on the property. However, the SMA only allows for 186 consistent with the maximum density of the zone. Lastly, the proposed project falls within the area affected by the Kona Community development Plan, which was adopted by Ordinance No. 08 131. The proposed use is consistent with the Kona CDP.

- C) *Granting of the time extension would not be contrary to the original reasons for the granting of this permit.* The granting of the time extension is in order to complete the requirements of the original permit. The granting would not be contrary to the permit and the process to grant the time extension is clearly outlined and allowable.

Respectfully, we request that the approval deadline be extended until March 6, 2024.

Sincerely,



Ryley Webb

Land Development Manager

619-296-9000

rwebb@pacificacompanies.com

cc: sidfuke@hawaiiantel.net

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

634 Rec'd 2/28/09
LAURA H. THILEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUI
FIRST DEPUTY

KEN C. KAWAILANA
DEPUTY DIRECTOR - WATER

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

February 24, 2009

Dr. Alan E. Haun, Principal Investigator
Haun & Associates
HRC 1, Box 4730
Kea'au, Hawai'i 96749

LOG NO: 2009.0051
DOC NO: 0902TD12
Archaeology

Dear Dr. Haun:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Assessment Report for 20.813 Acres (Lot 3-C-1-B)
Keauhou 1st Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-8-10: 78**

Thank you for submitting the subject draft report, titled *Archaeological Assessment TMK: (3)-7-8-10:78, Land of Keauhou 1, North Kona District, Island of Hawai'i* (A.E. Haun and D. Henry, January 2009, Report 634-011309).

The report describes the findings of a field survey within a 20.813-acre development parcel within the Keauhou Resort development area. As indicated, the project area has been extensively altered by bulldozer activity, which occurred approximately 4-5 years ago. No historic properties were identified during the current survey.

Three historic properties were previously documented within this parcel during a survey of a larger development parcel (Hammatt and Folk 1980). These included a portion of a trail (SIHP Site 4619), an agricultural complex (Site 4633), and two small ahu (Site 4634). No traces of these former sites could be located during the current survey. We are attempting to gather additional information regarding the status of these sites and the circumstances that lead to their destruction.

The subject report is approved in accordance with HAR §13-284-5, and §13-276-5 (a) and (c) pertaining to assessment reports. Please send one hard copy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention of "SHPD Library". Please contact Theresa Donham at 808-933-7653 if you have any questions or concerns regarding this letter.

Aloha,

Nancy McMahon, Deputy SHPO/State Archaeologist
and Historic Preservation Manager
State Historic Preservation Division

EXHIBIT G

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

1178 Rec'd 8/28/15
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALIHUWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

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

August 13, 2015

Alan Haun, Ph. D., Principal Investigator
Haun and Associates
73-1168 Kahuna A'o Road
Kailua Kona, Hawai'i 96740
aHaun@haunandassociates.com

LOG NO: 2015.00330
DOC NO: 1508MV23
Archaeology

Dear Dr. Haun,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Assessment for Pacifica Big Island LLC
Waikoloa Ahupua'a, South Kohala District, Island of Hawai'i
TMK (3) 7-8-010:090**

Thank you for the opportunity to review the draft report titled *Archaeological Assessment TMK (3)7-8-010:090 Keauhou Ahupua'a North Kona District Island of Hawaii*, A. Haun, and D. Henry, (May 2015). This document was received by our office on July 30, 2015. We apologize for the delayed review and thank you for your patience. This archaeological survey consisted of a 100% pedestrian survey of the surface environment. No historic properties were identified. Therefore, the report was presented as an archaeological assessment.

SHPD recently received correspondence from the State of Hawaii Trail and Access System Coordinators or Na Ala Hele (H15:02 Keauhou 1st, Log No. 2015.01684) that indicates a trail alignment (SIHP 4619), recorded by Hammatt (1980), was located on the adjacent property (TMK parcel :078) and subsequently destroyed by grading activities. In their correspondence, Na Ala Hele determined that "Although the trail has been destroyed the underlying fee simple title of the trail section remains with the State of Hawaii through its Board of Land and Natural Resources." We recognize that the recording of this trail in 1980 did not likely utilize GPS technology and may be inaccurate. Therefore, we request that an effort is undertaken to if the former location of the trail (SIHP 4619) extended into the subject property (Parcel :090). If the former location of the trail can be identified on parcels :078 or :090 please assess the significance of this alignment and provide treatment recommendations. SHPD believes that if this trail alignment has the potential to perpetuate the historic access for cultural practices on the landscape it is potentially significant under criterion e alone, and should be recommended for preservation. If the trail alignment can be identified and is determined to be a significant historic property please present the results of this report as an AIS that includes the entire project area meets the standards of HAR 13-276. However, if the alignment of the trail segment does not provide meaningful access for cultural practices on the landscape it may not be considered a significant historic property.

Please conduct the requested search for the trail alignment within the overall project area on this parcel as well as parcel :078 and submit a revised draft report for SHPD review. Please contact Mike Vitousek at (808) 652-1510 or Michael.Vitousek@Hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,

Michael Vitousek,
Lead Archaeologist Hawaii Island Section
Historic Preservation Division

CC: Moana Rowland/DLNR/StateHiUS,

EXHIBIT H

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
COMMISSIONER ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER

AGRICULTURAL RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCES MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAPOLAHE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 30, 2015

Alan Haun, Ph. D., Principal Investigator
Haun and Associates
73-1168 Kahuna A'o Road
Kailua Kona, Hawai'i 96740

Log No. 2015.03598
Doc. No. 1510SL09
Archaeology

Dear Dr. Haun:

SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Assessment for Pacifica Big Island LLC
Keauhou 1 Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-8-010:090

Thank you for the opportunity to review the revised draft report titled *Archaeological Assessment TMK: (3) 7-8-010:090 Keauhou 1 Ahupua'a North Kona District Island of Hawai'i* (Haun and Henry, September 2015). We received this submittal on September 28, 2015. This archaeological survey consisted of a 100% pedestrian surface survey. Due to negative findings, the archaeological inventory survey (AIS) results are presented as an Archaeological Assessment (AA) in accordance with Hawaii Administrative Rule (HAR) §13-284-5(b)(5)(A).

In our previous correspondence of August 13, 2015 (Log No. 2015.00330, Doc. No. 1508MV23), we stated that SHPD had "recently received correspondence from the State of Hawaii Trail and Access System Coordinators or Na Ala Hele (H15:02 Keauhou 1st, Log No. 2015.01684) that indicates a trail alignment (SIHP 4619), recorded by Hammatt [sic] (1980), was located on the adjacent property (Parcel 078) and subsequently destroyed by grading activities." We further stated that we recognized that the recording of this trail in 1980 may have been inaccurate, and requested that an effort be undertaken to identify whether the trail alignment exists within the subject project area (Parcel 090) and the adjacent parcel (078) and, if found to be present, for the trail alignment be assessed for significance, and if determined significant under Criterion e, for it to be recommended for preservation, and for the report to be revised from an AA to an AIS.

The revised AA report indicates the trail alignment was not identified in either Parcel 090 during the current survey or the adjacent Parcel 078 in prior surveys. It also indicates that based on Hammatt and Folk (1980), including their site location map, the trail (SIHP 4619) never extended through Parcel 090. It once extended through a portion of Parcel 078, but had been destroyed prior to the Haun and Henry (2009) survey of Parcel 078.

The revised AA report meets the requirements of HAR §13-276-5. It is accepted by the SHPD. Please send two hardcopies of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Please contact me at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have any questions regarding this letter.

Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
Archaeology Branch Chief

EXHIBIT I

DRAFT III: Kam III Condo Project Presentation, January 30, 2015

Sidney Fuke, Planning Consultant and Ali Ghalamfarsa of Ali'i Architects Inc. made a presentation at the Kaulana Clubhouse Friday, Jan. 30, 4PM on behalf of Pacifica Big Island, LLC's multifamily development on land adjacent to Kaulana. Ali Ghalamfarsa returned Monday, Feb 2, to meet with some residents on follow up concerns.

Listed is a summary of the Kam III Condominium Project and impacts to Kaulana.

Project Summary:

The project contains 179 multi family units situated on 24 acres to be built in two phases. Phase 1 construction could begin as early as December and contain 32 units facing Kamehameha III Road to the north of Kaulana. Phase 1 construction is estimated at 18 months. Thereafter, Phase II would include the development of the balance of the 24 acres in preparation for construction, and a likely phasing of the remaining units. The project has 10 buildings, including clubhouse and pool. The buildings are triplex and duplex in height, with covered parking at surface level, maximum height of 49.5 feet (roof ridgeline). The buildings adjacent to Kaulana are triplexes (buildings 6 & 8).

Summary of impacts to Kaulana:

View Plane Preservation: Kaulana's westward ocean view is preserved as a result of existing CCRs (conditions, covenants & restrictions) from previous SMA amendments (see appendix A); however, the view north from Building A toward Kailua Bay may be obstructed. Sid & Ali took a walking tour after the meeting and met with some impacted owners of Building A. Ali met again, Monday with Kaulana owners and presented a new set of renderings to determine the extent, if any, of view plane obstruction to the north. These new renders show the cruise ship anchorage to the north as not being blocked by the new development. Kaulana residents seem satisfied.

Site Drainage: Sid stated that during construction site drainage would be contained on site and upon completion the project would

use dry wells with depths of up to 25 feet. During the walk around residents expressed concern that the bottom of a 25 foot well is higher than the adjacent Kaulana site resulting in possible overflow onto Kaulana from bldg #6 site. Ali stated the issue will be addressed by County Public Works Dept. during the site plan review process, and the developer will require to submit a site drainage plan prior to the issuance of building permits. Still, Kaluana needs follow up on this item.

Dust Containment: The project will comply with county environmental health requirements of dust control/abatement during construction. Further, Kaulana will be given notice as to when construction begins. There is concern about dust once site preparation has been completed awaiting construction during phase II. It was pointed out the majority of the residents are +60 years old and many have respiratory problems.

Glare from roofs: Ali stated the roofs of the proposed development are constructed of a none glare material.

Exterior building Lighting & Landscape Buffering: During the walk around residents noted the proximity of buildings #6 and #8 to Kaulana and suggested extensive landscaping buffering and the elimination of exterior lights facing Kaulana to reduce impact. Ali agreed. He pointed out that the county has adopted a "Dark Skies" ordinance governing exterior lighting which curtails light by limiting outdoor lighting that is misdirected, excessive, or unnecessary. This reduces "light pollution" important for the preservation of the night skies for the volcano observatories. Further he agreed to extensive landscaping on the south side of building #6 at the time of site preparation to provide a sight barrier.

Site Security: Kaulana residents expressed concern about site security during construction and upon completion of the project, and suggested a wall/fence. Ali opposed a fence/wall around the entire completed project, but agreed to a barrier on the south end of the project's bldg #8. He suggested the use of bougainvillea as an attractive landscaping and physically barrier. Ali felt the site's escarpments provided a natural barrier.

Good Neighbors: Kaulana residents stated their willingness to be good neighbors to the new development and hoped the feeling is reciprocal.

Pest Control: Site development will disturb insect and rodent populations and they will migrate to adjacent properties including Kaulana. Kaulana residents are seeking a strong pest/rodent control/abatement program during all phases of construction. This item was addressed to Ali during the Monday Feb 2 meeting. He stated he would speak to a representative of Big Island Pacifica, LLC about the request.

Updates, Site Maps & Elevations: As the project progresses Kaulana residents will receive project updates, and current renditions of elevations and site maps of the proposed Kam III Condo Project.

Appendix A

Stated conditions of approval from past amendments to SMA 286 permit as they apply to Kaulana at Kona

The highest point of any building that is constructed in the area designated as Area "A" on the diagram, which is attached hereto as Exhibit "A" and incorporated herein by this reference, shall not exceed the elevation above mean sea level of the finished ground floor level of Building 1 of the Kaulana at Kona, Phase I, which building is located as shown on the attached Exhibit "A". The highest point of any building that is constructed in the area designated as Area "B" on the diagram, which is attached hereto as Exhibit "A" and incorporated by this reference, shall not exceed the elevation above mean sea level of the finished floor for the pool deck area of the Kaulana at Kona, Phase I which pool deck is located as shown on the attached Exhibit "A".

Access(es) to the proposed development shall meet the approval of the Department of Public Works, Provided however, that in no event shall Phase II - Land Area 10 development take access to Kaluna Street through Phase I - Kaulana at Kona.

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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

County of Hawai'i
PLANNING DEPARTMENT

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

July 23, 2015

Mr. Deepak Israni
Pacifica Big Island LLC
1775 Hancock St., Suite 200
San Diego, CA 92110

Dear Mr. Israni:

SUBJECT: Application for Plan Approval
32 dwelling units in three multiple-family dwellings
TMK: 7-8-010:090, Keauhou, North Kona

We have reviewed and conditionally approved your Plan Approval application and plans for the above-referenced phase of development. Enclosed is a copy of the FINAL PLAN APPROVAL, dated July 23, 2015 for your file.

Please note the conditions of approval included as part of the FINAL PLAN APPROVAL. These conditions must be complied with prior to and during occupancy of the proposed structures, or as otherwise specified. Some of these conditions affect design or placement changes you may consider in the course of construction. We strongly recommend discussing these conditions of approval in advance with any architects, contractors or other third parties involved in construction decisions and requests for Certificates of Occupancy.

Should you have any questions, please contact Keola Childs, Planner, of our West Hawai'i office at 323-4770.

Sincerely,


DUANE KANUHA
Planning Director

CKC:cke
\\Coh33\planning\public\Plan Approvals\7PLA-15-001202 Pacifica B-I LLC 78010090 Ltr.doc

Enclosure: Final Plan Approval PLA-15-001202

EXHIBIT K

COUNTY OF HAWAII PLANNING DEPARTMENT

FINAL
PLAN APPROVAL
PLA-15-001202

APPLICANT:

Pacifica Big Island LLC

DATE APPROVED:

July 23, 2015

LOCATION:

75-216 Hualalai Road, Kailua-Kona, North Kona

TAX MAP KEY:

7-8-010:090

PARCEL AREA / PROJECT SITE AREA:

3.69 Acres

ZONING:

Multiple-Family Residential (RM-3)

PROPOSED USE:

32-Unit Residential Apartment Complex – Condominium Property Regime (CPR)

<u>As Shown on Plan</u>	<u>Comments</u>
Front Yard (Private Road) 44' - 0"	OK. 20'-0" Minimum required
Front Yard (Kamehameha III Rd) 47' - 0"	OK. 20'-0" Minimum required + view plane setback per analysis and director's approval
Side Yard (South) 10' - 0"	OK. 10'-0" Minimum required (2 stories)
Side Yard (East) 22' - 7"	OK. 10'-0" Minimum required (2 stories)
Ht. of Structures 23' - 0" (all main buildings)	OK. 45 feet maximum height limit
Access to parking Driveway access from unnamed private road	OK.
Off-Street Parking 65 standard size spaces including 4 ADA Accessible spaces all of which are Van Accessible)	OK. exceeds minimum requirement of 40 spaces and meets requirement for ADA Accessible spaces for the buildings provided. Parking requirements calculation: 32 dwelling units at 1.25:1 ratio = 40 spaces
Loading and Unloading Space 1. One 12' x 50'	OK. one required
Density 32 dwelling units, one dwelling unit per 5,020 sq. ft.	OK. 53 dwelling units permissible in RM-3 zoning district; (160,650 sq. ft. @ 3,000 sq. ft. per d.u. = 53.5 = 53 maximum).
Fencing and Walls: Material fence surrounding pool/common area. And rock retaining walls	OK.
Height five and six feet	OK.
Location center of property (interior) and portions of side yard boundaries	OK.

Exterior Lighting Not shown	OK, all exterior lighting shall comply with HCC, Chapter 14
Landscaping 40' – 70+' deep landscape buffer fronting Kamehameha III Road, and other landscaping per plans	OK, Complies with Rule 17 of the Planning Department's Rules of Practice and Procedures and Condition 2 of SMA Permit no. 286
Others Tax Clearance	OK, Dated 7/23/15
Site Drainage Plan	OK, Approved by Dept. of Public Works 6/26/15
SMA no. 286	OK, subject to compliance with conditions of SMA Permit no. 286, including but not limited to those referenced below in Conditions of this Plan Approval

Conditions of Approval:

1. Prior to occupancy or use of the facilities, all parking spaces shall be striped and signed, including ADA parking and access aisle signage, and the landscaping irrigation system shall be demonstrated as being operable prior to occupancy or use of any of the proposed facilities.
2. All proposed landscaping shall be irrigated and maintained in good condition per approved landscaping plan with no litter or excessive accumulation of plant debris.
3. Property Owner and occupants shall comply with all conditions of Special Management Area Permit no. 286 pertaining to the subject property. Compliance shall include, but not be limited to, the requirements of Condition 6 thereof: construction of full improvements to Kamehameha III Road to County dedicable standards along entire frontage of the subject parcel, including pavement widening with curb, gutter, sidewalk, drainage systems therefor, street lights, traffic signs and markings and any necessary relocation of utilities as approved by the County Department of Public Works, with construction completed prior to occupancy of any dwelling units on the subject property.
4. No Modifications to Plans without Prior Written Approval. All work shown on the development plans covered by this Final Plan Approval shall be completed as shown. No additions, substitutions or alterations to the site, parking, landscaping, or building design plans covered by this Final Plan Approval, nor any modification of the types of uses designated therein, shall be made without prior written approval of such changes by the Planning Department. A request for approval of such changes shall be submitted in writing and include scaled plan sheets clearly depicting and specifying all proposed changes. Upon assessing the requested changes, the Director may approve or deny the requested changes or require a new, complete application for Plan Approval where the Director finds the changes to be substantial. Prior to approval of a Certificate of Occupancy (C.O.), the Planning Department may inspect the subject property to verify compliance with the approved plans. A C.O. shall not be approved where the buildings, site improvements, landscaping or use plans are found by the Director to be inconsistent with the submittals for which this Final Plan Approval is issued.

Final Plan Approval PLA-15-001202 (TMK: 7-8-010:090)

July 23, 2015

Page 3 of 3

4. The property owner shall comply with all other applicable laws, rules, regulations and requirements of Hawai'i County.
5. This Final Plan Approval is valid for two years from the date of approval, and shall expire on July 22, 2017.



Planning Director

Date July 23, 2015

ARCHAEOLOGICAL ASSESSMENT

TMK: (3) 7-8-10:78

LAND OF KEAUHOU 1

NORTH KONA DISTRICT

ISLAND OF HAWAII

By:

Alan E. Haun, Ph.D.

and

Dave Henry, B. S.

Prepared for:

Keauhou Resort Development Venture I LLC
78-6740 Makole'a Street
Kailua-Kona, HI 96740

January 2009

Haun & Associates

Archaeological, Cultural, and Historical Resource Management Services
HCR 1 Box 4730, Keauhou, Hawaii 96749 Phone: 982-7755 Fax: 982-6343

Introduction

At the request of Keauhou Resort Development Venture 1 LLC, Haun & Associates has prepared an archaeological assessment for TMK: (3) 7-8-10:78 (Lot 3-C-1-B), a 20.813-acre parcel located in the Land of Keauhou 1, North Kona District, Island of Hawai'i (Figures 1 and 2). The objective of the survey was to satisfy historic preservation regulatory review requirements of the Department of Land and Natural Resources-Historic Preservation Division (DLNR-SHPD), as contained within Hawaii Administrative Rules, Title 13, DLNR, Subtitle 13, State Historic Preservation Rules (2003) and DLNR-SHPD recommendations in letters dated June 26, 2003 (LOG NO: 2003.0959; DOC NO: 0306mm12) and October 6, 2003 (LOG NO: 2003.1881; DOC NO: 310MMo2).

No archaeological sites or features were identified during the survey, therefore the project is documented as an archaeological assessment pursuant to Chapter 13-284-5(5A). As required, this report contains a description of the project area and field methods.

Project Area Description

The project area is an irregularly-shaped 20.81-acre parcel located in the Land of Keauhou 1 at elevations that range from c. 100 to 280 ft. The parcel is bordered by Kamehameha III Road to the west, by the Ali'i Highway to the southwest, by the Kona Country Club golf course and facilities and by Kaluna Street to the east and southeast and by undeveloped land to the north (Figure 3). Several bulldozed road cuts extend into the project area from the north.

The project area has been extensively impacted by bulldozer activity that altered the topography of most of the parcel. The vegetation within the parcel is comprised of fountain grass (*Pennisetum setaceum* [Forsk.] Chiov.) *koa haoie* (*Leucaena leucocephala* [Lam.] de Witt), 'opiuma (*Pithecellobium dulce* [Roxb.] Benth.), lantana (*Lantana camara* L.), Christmas berry (*Schinus terebinthifolius* Raddi), with scattered *kiawe* trees (*Prosopis pallisa* [Humb. & Bonpl. Ex Willd.] HBK.), *Noni* (*Morinda citrifolia*), coconut palms (*Cocos nucifera*) and papaya (*Carica papaya* L.). Overviews of the project area are illustrated in Figures 4 and 5.

The terrain within the project area slopes slightly to steeply to the west and northwest. The ground surface throughout the parcel is comprised of an a'a lava flow. According to Sato et al. (1973:34), a'a lava consists of a "clinkery, hard, glassy, sharp pieces piled in tumbled heaps". The parcel is situated on the southwestern slopes of Hualalai Volcano, with a surface mantle comprised of Holocene lava flows from Hualalai dating to between 1,500 and 3,000 years before present (Wolfe and Morris 2001). Rainfall in the general vicinity of the project area averages 10 to 20 inches per year (Juvik and Juvik 1998).

Methods

The survey fieldwork was conducted on January 7, 2009 by a crew of four archaeologists under the direction of Dr. Alan Haun. Approximately 4 labor-days were required to complete the fieldwork portion of the project. The archaeological investigation of the project area consisted of a 100% surface examination with the surveyors walking transects at 10-meter intervals. Ground surface throughout the project area was fair to excellent.

Background

The project area is located within the *ahupua'a* of Keauhou 1, in the district of North Kona (see Figures 1 and 2). Keauhou is literally translated as "the new era or the new current" (Pukui and Elbert 1986:104). The following summary of Keauhou is derived from Maly and Wong-Smith (1999), Maly and Maly (2001) Tomanari-Tuggle (1985) and Burchard (1996). According to legend, Lono, the Hawaiian god of agriculture, fertility, and rain originally lived at Keauhou where he discovered the primary Hawaiian cultigens taro, sweet potatoes, sugar cane, bananas, yams, and kava. Early events documented in the Kona

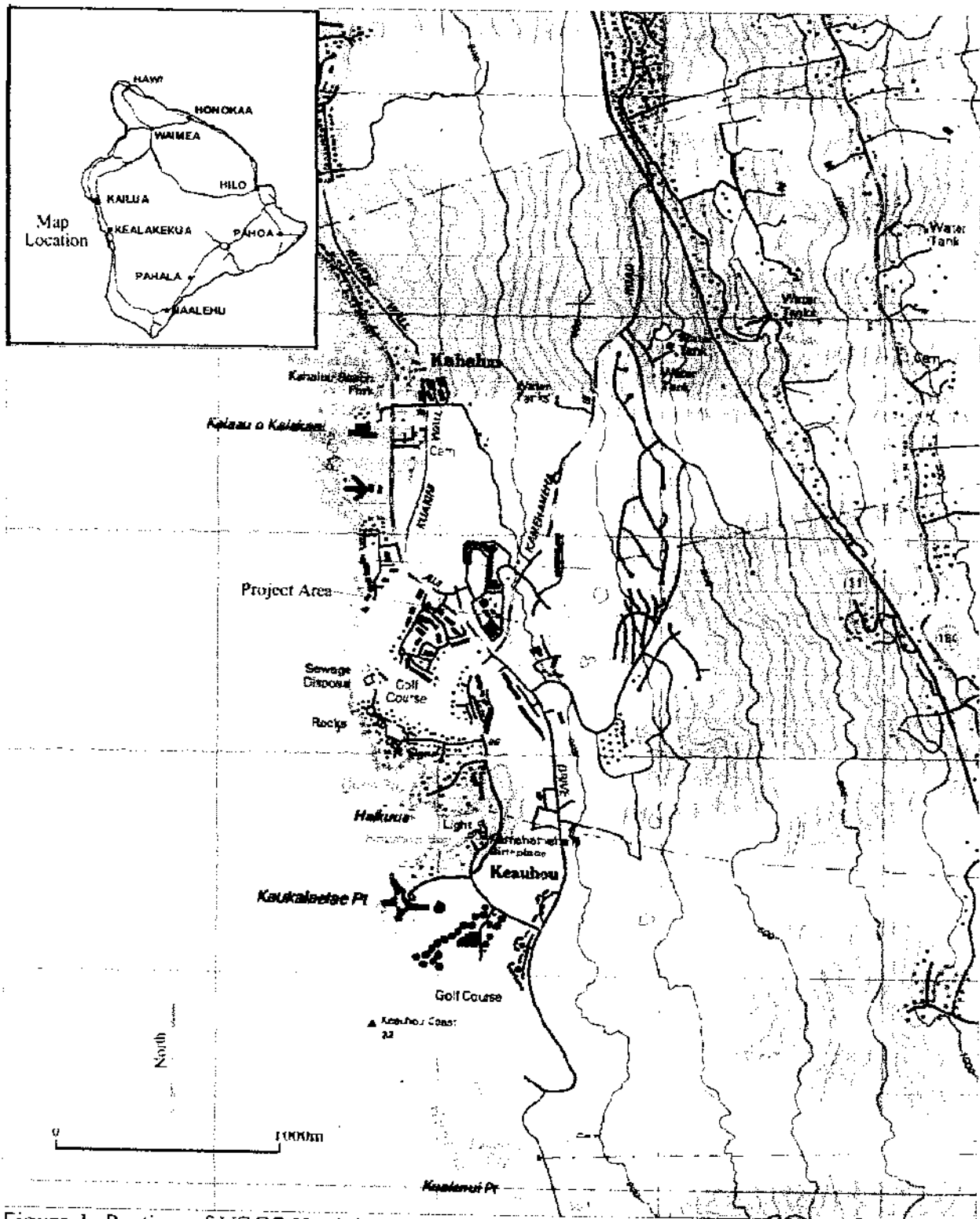


Figure 1. Portion of USGS Kealahou Quadrangle showing Project Area

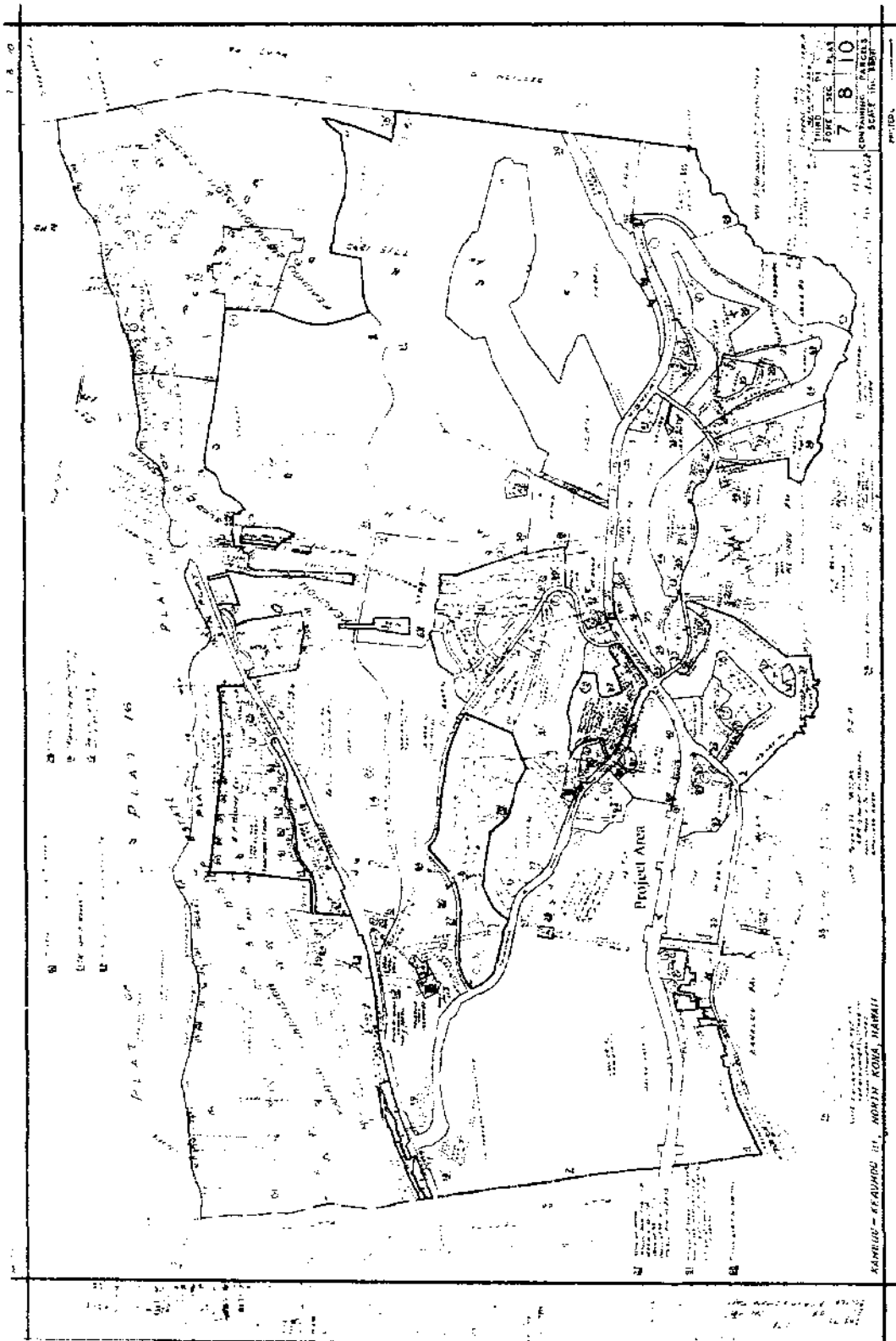




Figure 3. Project Area Overview from Google Earth



Figure 4. Project Area Overview, view to northeast



Figure 5. Project Area Overview, view to southeast

regional traditional history are associated with 'Umi-a-Liloa. Hawaii Island was first unified under the rule of 'Umi-a-Liloa and Kona was selected as a dwelling place of chiefs. The area lies within the realm of the traditional Hawaiian political authority that was centered in the Kailua-Keauhou area from at least the 15th century to the reign of Kamehameha I. 'Umi-a-Liloa is also associated with an upland *heiau* in Keauhou, Ahu-a-Umi.

After the death of Captain Cook in 1779, the Hawaii Island Chief Kalani'opu'u moved to Keauhou where he could surf. Kamehameha's father-in-law, Ke'eamoku, was given Keauhou in return for his assistance in Kamehameha's unification of Hawaii Island in 1791. Native historian David Malo was born in Keauhou in ca. 1793. Kamehameha's wife, Keopuolani, was raised from the age of 10 in Keauhou beginning ca. 1790. She was the mother of Liholiho and Kamehameha III (Kauikeaouli), who was born there in 1814. Kamehameha reportedly built the large *holua* slide (Site 1669) in Keauhou for Kauikeaouli. Governor Kuakini and Kekauluohi were also raised in Keauhou. In the late 1700s to early 1800s Kamehameha monopolized foreign commerce including the provisioning of trading and whaling ships and beginning in 1811 the sandalwood trade. The *holua* and numerous *heiau* near the coast in the Keauhou-Kahaluu area attest to the longstanding importance of the area as a royal center.

The Lekeleke burial ground is situated a short distance south of the project area. It is well known because of its association with Kekuaokalani's religious rebellion against the young King Liholiho. The rebellion was prophesized by the *kaula* (prophet or seer) Kapihe in the 1770s. Kamehameha's consort, Ka'ahumanu aided the young king in the overthrow of the *kapu* system in 1819. After Liholiho formally dissolved the ancient system by eating with his mother, Keopuolani, and Ka'ahumanu, the king ordered the destruction of *heiau* and overthrow of the old idols. Liholiho's cousin, Kekuaokalani, who was the keeper of the war god Kukailimoku, was enraged by the destruction of the ancient *kapu* system and mounted a rebellion from Ka'awaloa. After a failed attempt to peacefully end the rebellion by Keopuolani, Liholiho's forces, led by Kalanimoku met Kekuaokalani's forces initially at Lekeleke in Keauhou 2. After an initial skirmish at Lekeleke, the main battle occurred in Kuamo'o near the coast. After a furious battle Kekuaokalani was finally killed and his forces dispersed.

Native Hawaiian historic accounts and the observations of early foreign visitors such as Ellis and Wilkes describe the extensive cultivated slopes that included Keauhou. The cultivated lands, today known as the Kona Field System, were in intensive use during late prehistoric times. The project area is situated in the *kula* zone of the system. The field system extends north to Kau Ahupua'a, south to Honaunau, and from the coastline to the forested slopes of Hualalai.

The first missionaries arrived in Kailua in 1820, but only stayed a few months. They returned in 1823 and were given land to establish missions and by 1825 schools. In 1823, Ellis counted nineteen *heiau* and 610 houses along the coastal trail from Kailua to Keauhou, and eight *heiau* and 443 houses between Keauhou and Ka'awaloa. The early missionary census and other data documented a substantial population in Kona including a large settlement surrounding Keauhou Bay in the 1820s; however, the population decreased dramatically over the next two decades due to death and dislocation caused by introduced diseases, droughts, fires, and famine.

The gradual shift from subsistence farming to a market economy began with the introduction of coffee, corn, pumpkins, cotton, pineapple, and Irish potatoes in the 1820s to 1840s. Other introduced early historic crops included melons, cabbage, onions, oranges, and tobacco. Keauhou served as port where firewood, sandalwood, and produce were shipped. The introduction of cattle ranching and commercial coffee production in the mid-1800s caused further change to the traditional agricultural system.

During the Great Mahele, Keauhou 1 was given to Victoria Kamaemahu (LCA 7713, Apana 7) and Keauhou 2 was given to Lot Kapuaiwa (Kamehameha V; LCA 7715, Apana 12). The Waihona 'Aina (2000) Mahele Database, which is a compilation of data from the Indices of Awards (Indices 1929), Native Register (NR n.d.), Native Testimony (NT n.d.), Foreign Register (FR n.d.) and Foreign Testimony (FT n.d.); lists seventy-two awarded LCA claims for 133 parcels within Keauhou 1 and 2. These claims by 67 claimants list total of 210 claimed parcels. Five claimants (J.H. Naihe, Kaanoano, Kailiakaale, Kapela, and Kupaka) each filed two LCA claims.

The awarded claim testimonies describe 34 house lots with at least 55 houses. Enclosing walls are mentioned for 24 house lots. The testimonies refer to over 400 cultivated plots, sections, *mala* and *kihapai*. Specific crops mentioned include taro (126 plots), sweet potatoes (110), coffee (39), pumpkins (5), gourd (2), pineapples (3), *olonā* (1), and a variety of trees (coconut [22], *kou* [21], orange 15), *loulou* [13], palm [6], *hala* [4], *noni* [2], papaya [2], and *hau* [1]). Two gardens are described as enclosed with walls.

Public Instruction Records cited by Maly and Maly (2001:214) list two schools in Keauhou in 1847. The teachers were Kaihe and Keliiahue. School records from 1848 list four teachers and 108 students at the two Keauhou schools. Tax records from 1849 list 60 people subject to taxation in Keauhou. Maly and Maly (2001:21-22) quote a Hawaiian language newspaper article that describes an inspection of schools in Kona. Two schools are reported for Keauhou in 1856. The school of Kanakaokahialii had 25 students with marginal proficiency.

Records documenting the late 1800s in Keauhou are limited. Tax records indicate a decrease in tax payers from 72 in 1857 to 24 in 1881 (Tomonari-Tuggle 1985:31). A Chinese retail store was established in Keauhou in 1867. Jackson's 1885 map of Keauhou Bay shows a settlement of at least twenty-six structures, mostly situated on the north side of the bay. Eight of the structures have walled yards surrounding them. Scattered coconuts are also depicted.

Commercial sugar cane cultivation in Kona was attempted in the late 1800s and early 1900s, but was abandoned by the mid-1920s (Kelly 1983). Cattle ranching and coffee cultivation continued during the late 1800s and 1900s. A railroad extends through the *ahupua'a* half way between the coast and the Mamalahoa Highway. Construction of the railroad began in 1901 by the West Hawai'i Railway Company (Conde and Best 1973). The railroad was constructed to transport sugar cane to the Kailua Sugar Company Mill situated in Waiaha. By the 1970s, the rapidly developing tourism industry began to transform the region's land use from ranching and commercial agriculture, except coffee production, to subdivisions, resorts, and commercial establishments.

Hammatt and Folk (1980) surveyed the project area and identified three archaeological sites in the project area vicinity: an undefined agricultural feature (Site 4633), 2 *ahu* (Site 4634), and a portion of a trail (Site 4619). DLNR-SHPD correspondence dated June 6, 2003 (LOG NO: 2003.0959, DOC NO: 0306mm12) indicates that a portion of the trail site is preserved within an adjacent parcel.

Findings

No archaeological sites or features were identified within the project area. No evidence of the sites identified by Hammatt and Folk (1980) was found. The absence of sites is attributable to the extensive bulldozing that has occurred within the project area. No further archaeological work is recommended for the property based on the survey results.

References

- Burchard, G.C.
1996 Population and Land Use on the Keauhou Coast, the Mauka Land Inventory Survey, Keauhou, North Kona, Hawaii Island, Part 1: Narrative Volume. International Archaeological Research Institute, Inc. Prepared for Belt Collins and Associates and Kamehameha Investment Corporation.
- Conde, J., and G. Best
1973 *Sugar Trains: Narrow Gauge Rails of Hawai'i*. Felton, California: Glenwood Publishers

FINAL
ARCHAEOLOGICAL ASSESSMENT



TMK: (3) 7-8-10:090
KEAUHOU 1 AHUPUA'A, NORTH KONA DISTRICT
ISLAND OF HAWAI'I

HAUN & ASSOCIATES

ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL RESOURCE MANAGEMENT SERVICES
73-1 168 KAHUNA A'O ROAD, KAILUA-KONA HI 96740
PHONE: 808-325-2402 FAX: 808-325-1520

FINAL
ARCHAEOLOGICAL ASSESSMENT
TMK: (3) 7-8-10:090
KEAUHOU 1 AHUPUA'A
NORTH KONA DISTRICT
ISLAND OF HAWAI'I

Prepared by:
Alan E. Haun, Ph.D.
and
Dave Henry, B.S.

Prepared for:
Mr. Scott Russell, Pacifica Companies
c/o Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

January 2015
(revised September 2015)

HAUN & ASSOCIATES

ARCHAEOLOGICAL, CULTURAL, AND HISTORICAL RESOURCE MANAGEMENT SERVICES
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PHONE: 808-325-2402 FAX: 808-325-1520

MANAGEMENT SUMMARY

Haun & Associates completed an Archaeological Assessment of the 3.686 acre TMK: (3) 7-8-10:090 located in Keauhou 1 Ahupua'a, North Kona District Hawai'i. The survey documented extensive prior bulldozer disturbance of the project area. No archaeological sites or features are present in the project area. Similar findings were noted during a previous archaeological investigation in the parcel by Hammatt and Folk (1980 - see **Figure 6**).

A draft of the present assessment report was submitted to DLNR-SHPD in July 2015 and a review was subsequently provided to Haun & Associates in an August 13, 2015 letter from Hawai'i Island Lead Archaeologist Mike Vitousek (Log No. 2015-00330, Doc. No. 1508MV23 – **Appendix A**). The review letter states that SHPD and Na Ala Hele (State of Hawaii Trail and Access System Coordinators), believe that a trail (Site 4619) noted by Hammatt and Folk (1980) may have once extended through the parcel (Parcel 090) and the adjacent Parcel 078. According to this letter, "If the former location of the trail can be identified on Parcels :078 and 090 please assess the significance of this alignment and provide treatment recommendations".

Hammatt and Folk (1980) provide very limited information on the Site 4619 trail. No written site description is available and it is only included as an entry in several tables in this report. According to the Hammatt and Folk (1980) site location map (see **Figure 6**), Site 4619 never extended into Parcel 090 and only a small portion was present in the southern portion of Parcel 078. Considerable efforts were made to locate the Site 4619 trail within Parcel 078 during the Haun and Henry (2009) survey; however, due to the extensive ground disturbance in this parcel, no remnants of it remain.

According to **Figure 6**, several trails (Sites 4623 and 7960) converge with Site 4619 in the inland portion and continue seaward. The trail has been truncated by a modern reservoir, with a section extending to the southwest, where it terminates well inland from the shoreline. Despite the limited information available, it is clear that the trail does not represent a main *mauka-makai* transportation route and did not provide access to significant locations within the *ahupua'a*. It is therefore likely that the trail alignment did not provide access for notable cultural practices and it is not considered a significant historic property based on its lack of integrity. No further archaeological work is recommended for the property based on these results.

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INTRODUCTION

At the request of Sidney Fuke on behalf of his client, Mr. Scott Russell of Pacific Companies, Haun & Associates has prepared an archaeological assessment for TMK: (3) 7-8-10:090, a 3.686 acre parcel located in the Land of Keauhou 1, North Kona District, Island of Hawai'i (**Figures 1 and 2**). The objective of the survey was to satisfy historic preservation regulatory review requirements of the Department of Land and Natural Resources-Historic Preservation Division (DLNR-SHPD), as contained within Hawaii Administrative Rules, Title 13, DLNR, Subtitle 13, State Historic Preservation Rules (2003).

No archaeological sites or features were identified during the survey, therefore the project is documented as an archaeological assessment pursuant to Chapter 13-284-5(5A). As required, this report contains a description of the project area, field methods and a brief background description.

PROJECT AREA DESCRIPTION

The project area is an irregularly-shaped 3.686 acre parcel located in the Keauhou 1 Ahupua'a at elevations that range from approximately 215 to 230 feet. The parcel is bordered by Kamehameha III Road to the northwest, by paved roads along the southwest and southeast sides and by a development to the east (**Figure 3**).

The entire project area extensively impacted by previous bulldozer activity. A bulldozed road cut extends into the project area from the south, ending at a circular turnaround (see **Figure 3**). A cloth silt fence supported by rebar posts parallels this cut along the north and west sides (**Figure 4**). The southwestern portion of the project area (26% or 0.95 acres) appears to have been recently bulldozed evidenced by exposed areas with no vegetation and pushpiles of lava stones and cinders. An overview of this disturbed area is depicted on the cover of this report.

The remaining portions of the project area also appear to have been bulldozed, although this disturbance seems to be older than the southwestern portion. Although covered in vegetation this area also has low pushpiles of lava stones and bulldozer scrapes on areas on exposed outcrops. An example of this portion of the project area is depicted in **Figure 5**.

Haun and Henry (2009) conducted a survey of a 20.813 acre parcel (Parcel 78) located adjacent to the project area to the south (see **Figure 2**). The survey of this area also noted extensive bulldozer disturbance likely associated with the construction of adjacent roads and the nearby Kona Country Club (see **Figure 3**). No sites were present in the Haun and Henry (2009) survey area.

The vegetation within the parcel is comprised of fountain grass (*Pennisetum setaceum* [Forsk.] Chiov.) *koa haole* (*Leucaena leucocephala* [Lam.] de Witt), Christmas berry (*Schinus terebinthifolius* Raddi), *kiawe* trees (*Prosopis pallisa* [Humb. & Bonpl. Ex Willd.] HBK.) and noni (*Morinda citrifolia*). The terrain slopes gently to moderately to the west. Sato *et al.* (1973) report that the project area is a'a lava (1973: Sheet 102); however, areas of pahoehoe lava are also present. According to Sato *et al.* (1973:34), a'a lava consists of a "clinkery, hard, glassy, sharp pieces piled in tumbled heaps". The pahoehoe lava is classified as a, "billowy, glassy surface that is relatively smooth, and there are hummocks and pressure domes"(1973:34).

The parcel is situated on the southwestern slopes of Hualalai Volcano, with a surface mantle comprised of Holocene lava flows from Hualalai dating to between 1,500 and 3,000 years before present (Wolfe and Morris 2001). Rainfall in the general vicinity of the project area averages 10 to 20 inches per year (Juvik and Juvik 1998).

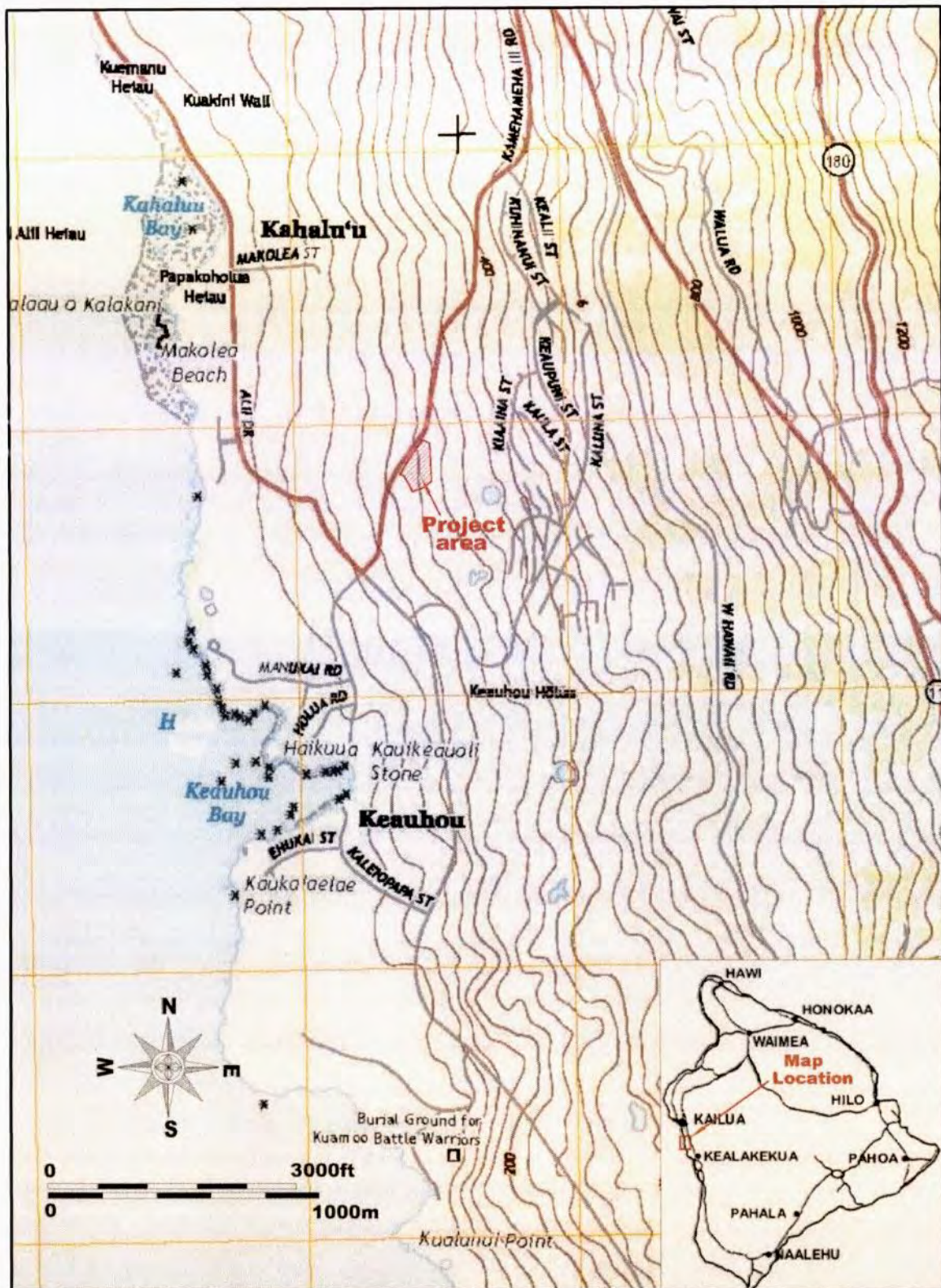


Figure 1. Portion of 2013 USGS 7.5' Kealakekua Quadrangle showing project area

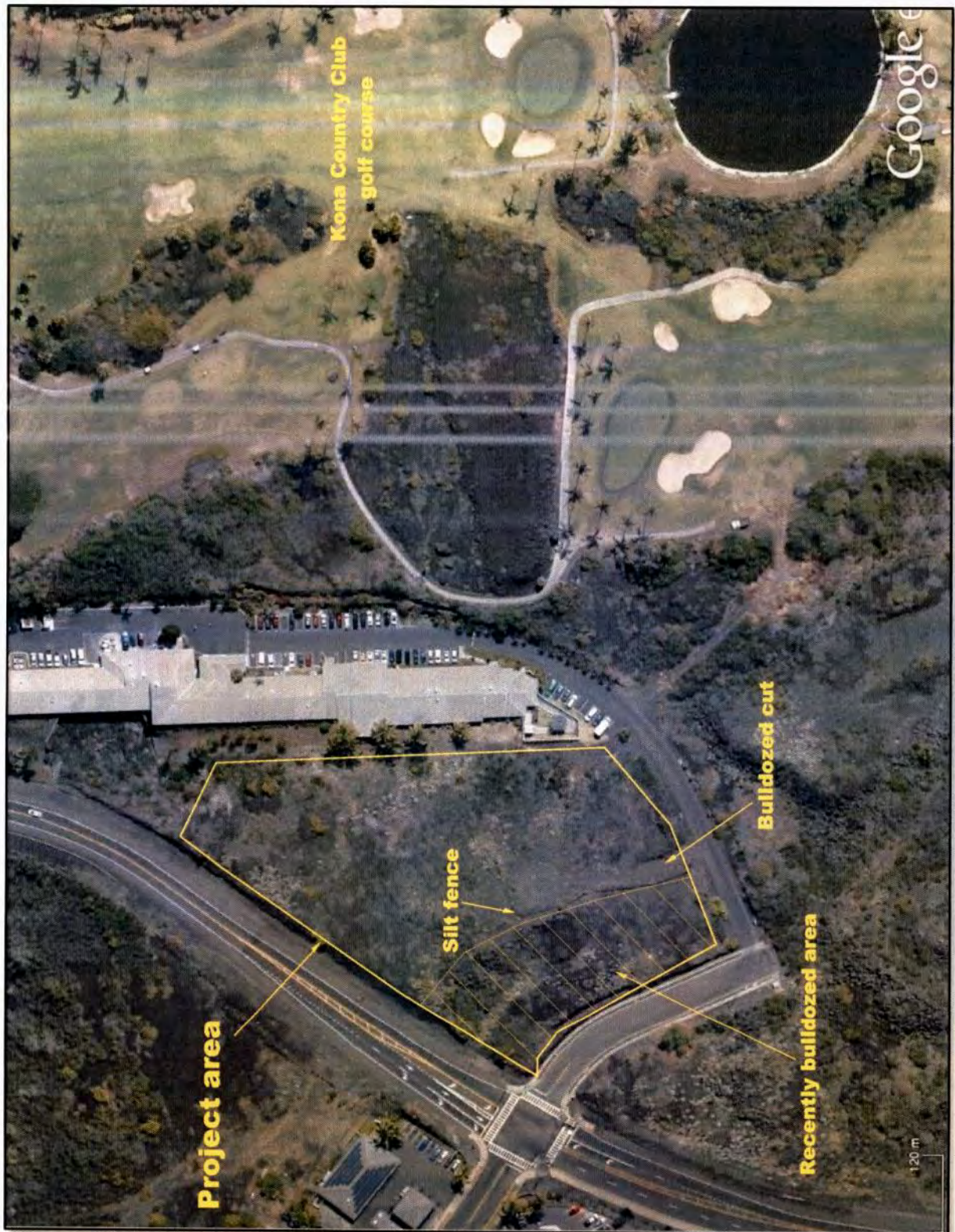


Figure 3. Aerial view of project area (from Google Earth)



Figure 4. Overview of project area showing bulldozed cut and silt fence, view to northwest



Figure 5. Overview of inland portion of project area, view to south

METHODS

The survey fieldwork was conducted on February 4, 2004 by Haun & Associates Project Supervisor Shawn Fackler, B.A. and Field Archaeologist Tammy Gibson, B.A., under the direction of Dr. Alan Haun. Approximately 1 labor-day was required to complete the fieldwork portion of the project. The archaeological survey consisted of a 100% surface examination with the surveyors walking transects at 10-meter intervals. Ground surface visibility throughout the project area was fair to excellent.

BACKGROUND

The project area is located within the *ahupua'a* of Keauhou 1, in the district of North Kona (see **Figures 1 and 2**). Keauhou is literally translated as “the new era or the new current” (Pukui and Elbert 1986:104). The following summary of Keauhou is derived from Maly and Wong-Smith (1999), Maly and Maly (2001) Tomanari-Tuggle (1985) and Burtchard (1996). According to legend, Lono, the Hawaiian god of agriculture, fertility, and rain originally lived at Keauhou where he discovered the primary Hawaiian cultigens taro, sweet potatoes, sugar cane, bananas, yams, and kava. Early events documented in the Kona regional traditional history are associated with ‘Umi-a-Liloa.

Hawaii Island was first unified under the rule of ‘Umi-a-Liloa and Kona was selected as a dwelling place of chiefs. The area lies within the realm of the traditional Hawaiian political authority that was centered in the Kailua-Keauhou area from at least the 15th century to the reign of Kamehameha I. ‘Umi-a-Liloa is also associated with an upland *heiau* in Keauhou, Ahu-a-Umi.

After the death of Captain Cook in 1779, the Hawaii Island Chief Kalani’opu’u moved to Keauhou where he could surf. Kamehameha’s father-in-law, Ke’eamoku, was given Keauhou in return for his assistance in Kamehameha’s unification of Hawaii Island in 1791. Native historian David Malo was born in Keauhou in ca. 1793. Kamehameha’s wife, Keopualani, was raised from the age of 10 in Keauhou beginning ca. 1790. She was the mother of Liholiho and Kamehameha III (Kauikeaouli), who was born there in 1814. Kamehameha reportedly built the large *holua* slide (Site 1669) in Keauhou for Kauikeaouli. Governor Kuakini and Kekauluohi were also raised in Keauhou. In the late 1700s to early 1800s Kamehameha monopolized foreign commerce including the provisioning of trading and whaling ships and beginning in 1811 the sandalwood trade. The *holua* and numerous *heiau* near the coast in the Keauhou-Kahalu’u area attest to the longstanding importance of the area as a royal center.

The Lekeleke burial ground is situated a short distance south of the project area. It is well known because of its association with Kekuaokalani’s religious rebellion against the young King Liholiho. The rebellion was prophesized by the *kaula* (prophet or seer) Kapihe in the 1770s. Kamehameha’s consort, Ka’ahumanu aided the young king in the overthrow of the *kapu* system in 1819. After Liholiho formally dissolved the ancient system by eating with his mother, Keopuolani, and Ka’ahumanu, the king ordered the destruction of *heiau* and overthrow of the old idols. Liholiho’s cousin, Kekuaokalani, who was the keeper of the war god Kukailimoku, was enraged by the destruction of the ancient *kapu* system and mounted a rebellion from Ka’awaloa. After a failed attempt to peacefully end the rebellion by Keopuolani, Liholiho’s forces, led by Kalanimoku met Kekuaokalani’s forces initially at Lekeleke in Keauhou 2. After an initial skirmish at Lekeleke, the main battle occurred in Kuamo’o near the coast. After a furious battle Kekuaokalani was finally killed and his forces dispersed.

Native Hawaiian historic accounts and the observations of early foreign visitors such as Ellis and Wilkes describe the extensive cultivated slopes that included Keauhou. The cultivated lands, today known as the Kona Field System, were in intensive use during late prehistoric times. The project area is situated in the *kula* zone of the

system. The field system extends north to Kau Ahupua'a, south to Honaunau, and from the coastline to the forested slopes of Hualalai.

The first missionaries arrived in Kailua in 1820, but only stayed a few months. They returned in 1823 and were given land to establish missions and by 1825 schools. In 1823, Ellis counted nineteen *heiau* and 610 houses along the coastal trail from Kailua to Keauhou, and eight *heiau* and 443 houses between Keauhou and Ka'awaloa. The early missionary census and other data documented a substantial population in Kona including a large settlement surrounding Keauhou Bay in the 1820s; however, the population decreased dramatically over the next two decades due to death and dislocation caused by introduced diseases, droughts, fires, and famine.

The gradual shift from subsistence farming to a market economy began with the introduction of coffee, corn, pumpkins, cotton, pineapple, and Irish potatoes in the 1820s to 1840s. Other introduced early historic crops included melons, cabbage, onions, oranges, and tobacco. Keauhou served as port where firewood, sandalwood, and produce were shipped. The introduction of cattle ranching and commercial coffee production in the mid-1800s caused further change to the traditional agricultural system.

During the Great Mahele, Keauhou 1 was given to Victoria Kamamalu (LCA 7713, Apana 7) and Keauhou 2 was given to Lot Kapuaiwa (Kamehameha V; LCA 7715, Apana 12. The Waihona 'Aina (2000) Mahele Database; which is a compilation of data from the Indices of Awards (Indices 1929), Native Register (NR n.d.), Native Testimony (NT n.d.), Foreign Register (FR n.d.) and Foreign Testimony (FT n.d.); lists seventy-two awarded LCA claims for 133 parcels within Keauhou 1 and 2. These claims by 67 claimants list of total of 210 claimed parcels. Five claimants (J.H Naihe, Kaanoano, Kailiakaale, Kapela, and Kupaka) each filed two LCA claims.

The awarded *kuleana* claims range from 0.2 to 6.6 acres in area with an average of 2.88 acres. Most of the claims included a coastal house lot and at least two or three cultivated parcels at differing elevations corresponding with zones of the Kona Field System. The testimonies for the Keauhou claims are atypical in the rarity of claimed parcel boundary descriptions. The testimonies refer to thirty-nine *ili* land divisions. Waipio is mentioned eleven times, Paki is listed for ten parcels, followed by Opuokaha and Haliipalala (8), Haleape (7), Kamuku and Laulaulahili (6), Kaohia (4) and four parcels each for Maili, Pakohe, Papalanui, and Puuloa. Most of the remaining names are only mentioned once.

The awarded claim testimonies describe 34 house lots with at least 55 houses. Enclosing walls are mentioned for 24 house lots. The testimonies refer to over 400 cultivated plots, sections, *mala* and *kihapai*. Specific crops mentioned include taro (126 plots), sweet potatoes (110), coffee (39), pumpkins (5), gourd (2), pineapples (3), *olonā* (1), and a variety of trees (coconut [22], *kou* [21], orange 15), *lauu* [13], palm [6], *hala* [4], *noni* [2], papaya [2], and *hou* [1]). Two gardens are described as enclosed with walls.

Public Instruction Records cited by Maly and Maly (2001:214) list two schools in Keauhou in 1847. The teachers were Kaihe and Keliiahue. School records from 1848 list four teachers and 108 students at the two Keauhou schools. Tax records from 1849 list 60 people subject to taxation in Keauhou. Maly and Maly (2001:21-22) quote a Hawaiian language newspaper article that describes an inspection of schools in Kona. Two schools are reported for Keauhou in 1856. The school of Kanakaokahialii had 25 students with marginal proficiency.

Records documenting the late 1800s in Keauhou are limited. Tax records indicate a decrease in tax payers from 72 in 1857 to 24 in 1881 (Tomonari-Tuggle 1985:31). A Chinese retail store was established in Keauhou in 1867. Jackson's 1885 map of Keauhou Bay shows a settlement of at least twenty-six structures, mostly situated on the north side of the bay. Eight of the structures have walled yards surrounding them. Scattered coconuts are also depicted.

Commercial sugar cane cultivation in Kona was attempted in the late 1800s and early 1900s, but was abandoned by the mid-1920s (Kelly 1983). Cattle ranching and coffee cultivation continued during the late 1800s and 1900s. A railroad extends through the *ahupuaʻa* half way between the coast and the Mamalahoa Highway. Construction of the railroad began in 1901 by the West Hawaiʻi Railway Company (Conde and Best 1973). The railroad was constructed to transport sugar cane to the Kailua Sugar Company Mill situated in Waiaha. By the 1970s, the rapidly developing tourism industry began to transform the region's land use from ranching and commercial agriculture, except coffee production, to subdivisions, resorts, and commercial establishments.

The project area was previously examined by Cultural Surveys Hawaiʻi (CSH) during a survey of portions of the Keauhou-Kona Resort (Hammatt and Folk 1980). A portion of the site location map from this project, depicting the present project area is presented in **Figure 6**. As indicated in this figure, no archaeological sites were observed in the project area during this study.

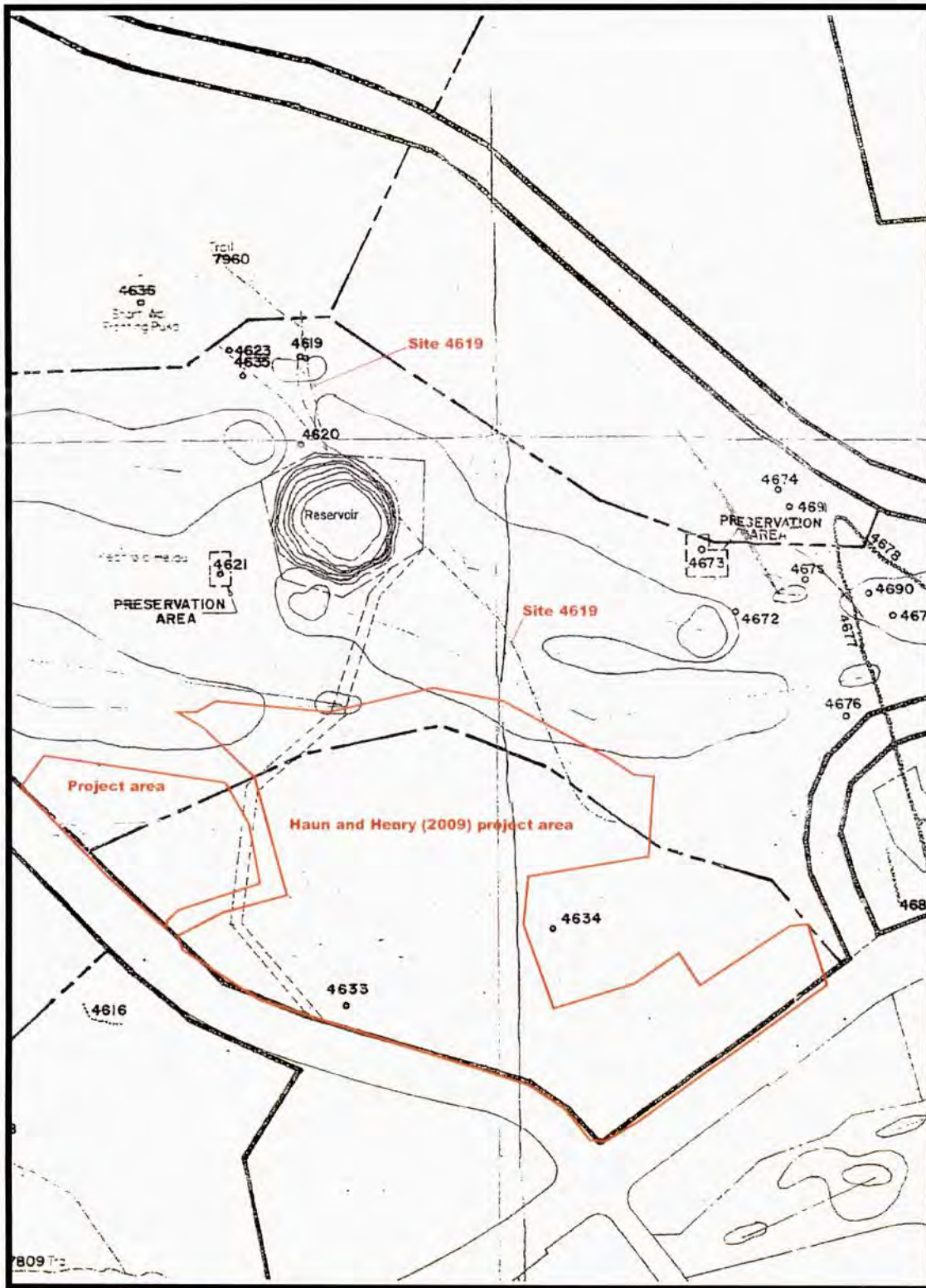


Figure 6. Hammatt and Folk (1980) site location map

FINDINGS

No archaeological sites or features are present in the project area. Similar findings were noted during a previous archaeological investigation in the parcel by Hammatt and Folk (1980 - see **Figure 6**).

A draft of the present assessment report was submitted to DLNR-SHPD in July 2015 and a review was subsequently provided to Haun & Associates in an August 13, 2015 letter from Hawai'i Island Lead Archaeologist Mike Vitousek (Log No. 2015-00330, Doc. No. 1508MV23 – **Appendix A**). The review letter states that SHPD and Na Ala Hele (State of Hawaii Trail and Access System Coordinators), believe that a trail (Site 4619) noted by Hammatt and Folk (1980) may have once extended through the parcel (Parcel 090) and the adjacent Parcel 078. According to this letter, "If the former location of the trail can be identified on Parcels :078 and 090 please assess the significance of this alignment and provide treatment recommendations".

Hammatt and Folk (1980) provide very limited information on the Site 4619 trail. No written site description is available and it is only included as an entry in several tables in this report. According to the Hammatt and Folk (1980) site location map (see **Figure 6**), Site 4619 never extended into Parcel 090 and only a small portion was present in the southern portion of Parcel 078. Considerable efforts were made to locate the Site 4619 trail within Parcel 078 during the Haun and Henry (2009) survey; however, due to the extensive ground disturbance in this parcel, no remnants of it remain.

According to **Figure 6**, several trails (Sites 4623 and 7960) converge with Site 4619 in the inland portion and continue seaward. The trail has been truncated by a modern reservoir, with a section extending to the southwest, where it terminates well inland from the shoreline. Despite the limited information available, it is clear that the trail does not represent a main *mauka-makai* transportation route and did not provide access to significant locations within the *ohupua'a*. It is therefore likely that the trail alignment did not provide access for notable cultural practices and it is not considered a significant historic property based on its lack of integrity. No further archaeological work is recommended for the property based on these results.

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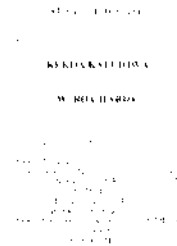
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APPENDIX A - SHPD AUGUST 13, 2015 REVIEW LETTER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
KAKAHIWA BUILDING
151 KANIKOHI AVENUE, SUITE 200



August 13, 2015

Alan Haun, Ph.D., Principal Investigator
Haun and Associates
73-1168 Kahuna A'o Road
Kailua Kona, Hawaii 96740
haun@haunandassociates.com

LOG NO. 2015-005511
DOC NO. 1508XIV23
Archaeology

Dear Dr. Haun:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
Archaeological Assessment for Pacifica Big Island LLC
Waikoloa Ahupua'a, South Kohala District, Island of Hawaii
TMK (3) 7-8-010-090**

Thank you for the opportunity to review the draft report titled *Archaeological Assessment TMK (3) 7-8-010-090 Keanohou Ahupua'a, North Kona District, Island of Hawaii* by A. Haun and D. Henry (May 2015). This document was received by our office on July 30, 2015. We apologize for the delayed review and thank you for your patience. This archaeological survey consisted of a 100% pedestrian survey of the surface environment. No historic properties were identified. Therefore, the report was presented as an archaeological assessment.

SHPD recently received correspondence from the State of Hawaii Trail and Access System Coordinators or Na Ala Hele (HIS-02 Keanohou 1st, Log No. 2015-01684) that indicates a trail alignment (SHP 4619), recorded by Hammar (1980), was located on the adjacent property (TMK parcel .078) and subsequently destroyed by grading activities. In their correspondence, Na Ala Hele determined that "Although the trail has been destroyed the underlying fee simple title of the trail section remains with the State of Hawaii through its Board of Land and Natural Resources." We recognize that the recording of this trail in 1980 did not likely utilize GPS technology and may be inaccurate. Therefore, we request that an effort is undertaken to if the former location of the trail (SHP 4619) extended into the subject property (Parcel .090). If the former location of the trail can be identified on parcels .078 or .090 please assess the significance of this alignment and provide treatment recommendations. SHPD believes that if this trail alignment has the potential to perpetuate the historic access for cultural practices on the landscape it is potentially significant under criterion c alone, and should be recommended for preservation. If the trail alignment can be identified and is determined to be a significant historic property please present the results of this report as an AIS that includes the entire project area meets the standards of HAR 13-276. However, if the alignment of the trail segment does not provide meaningful access for cultural practices on the landscape it may not be considered a significant historic property.

Please conduct the requested search for the trail alignment within the overall project area on this parcel as well as parcel .078 and submit a revised draft report for SHPD review. Please contact Mike Vitousek at (808) 652-1510 or Michael Vitousek@hawaii.gov if you have any questions or concerns regarding this letter.

Aloha,

Michael Vitousek,
Lead Archaeologist Hawaii Island Section
Historic Preservation Division

C. C. Moana Rowland, DLR State Historian

Kay, Christian

From: Sidney Fuke <sidfuke@hawaiiantel.net>
Sent: Thursday, June 17, 2021 2:12 PM
To: Kay, Christian
Subject: Pacifica Big Island, LLC

Hi Christian,

Thanks for your call. First of all, I do have to apologize for my bad math resulting in an erroneous figure when the Commission approved the amendment in 2015. In sum:

- a. Original permits: SMA 286 allowed 212 units, of which 40 units have been constructed; SMA 456 allowed 16 units with no units constructed.
- b. The permits were combined in 2015 as they were adjoining and commonly owned properties, with the remaining SMA being 286. The idea was to retain the same density (212 + 16) between the 2 properties, less the 40 built structures. Accordingly, the remaining allowable density should have been (228-40) 188 units. May bad math then, however, computed 184, which was the number represented and approved in the 2015 amendment. As such, I do not believe – without starting all over and amending the hearing notices, etc. – we can increase the number by 4. So, the number at this point is 184 units.
- c. Further, another objective behind the 2015 amendment was to allow the potential increase (say from 16 to 20 units) affecting the 3.868 acre site and if so, the density the larger parcel would have to be reduced by 4 units. The existing provision allows that.
- d. Given that, the applicant's time extension request would be having 3 years to secure Plan Approval and a 5 year construction completion window.

Sorry for the confusion! As always, feel free to contact me if you have questions.

Sid

Pacific Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

March 2, 2020

Michael Yee
Planning Director
c/o Maria Jackson
County of Hawaii Planning Department
101 Paahuli Street, Suite 3
Hilo, HI 96720
Maria.jackson@hawaiicounty.gov

Re: SMA 286
PLA-08-000376
TMK: 7-8-010,075,001-000

Dear Mr. Yee:

Pacific Big Island, LLC, the owner applicant of that certain property identified as TMK: 7-8-010:090, located in Keauhou, North Kona, Hawai'i, which is subject to SMA 286 and, formerly PLA-08-000376, hereby requests a two year extension of the entitlements granted pursuant thereto, until March 6, 2020.

Although the market for housing appears robust, the economics of producing that housing have deteriorated significantly over the past two years. It had been the original plan of the owners to develop multi-family housing targeted for the local housing market (gap housing), as opposed to the resort or investor market. This plan depended upon certain cost assumptions which have proven difficult, if not impossible, to achieve as the project went to bid. Needless to say, the owners were not expecting the results actually received. The current construction labor market in Kona can best be described as "frenzied".

The owners are currently re-thinking the technical design of the project, particularly grading and building placement, trying to reduce costs. With the critical state of reasonably priced housing in the State of Hawai'i and on the Island of Hawai'i, we feel it is reasonable to maintain this current housing entitlement, rather than face the time and expense of re-entitling, which would inevitably drive the price of any housing on this property even higher.

The community, in its Kona Community Development Plan, expressed a desire to allow developments in certain areas, like the subject site. The subject site is zoned RM-3, and the contemplated uses and design development parameters (parking, height, setback, etc.) are consistent with that zoning. Should this project be built, it will transform a vacant area into a residential neighborhood that can only help create a more vibrant Keauhou community. The owner has cleaned up, and continues to clean up, trash on the property which has been used as a dumping ground and sometimes homeless camp.

Extension Request

Att: Michael Yee

March 2, 2020

Page 2 of 2

The applicant remains willing to develop the project consistent with zoning and other regulatory requirements without seeking any modifications to the approvals already in place. According to Ham and Associates, "No archaeological sites or features were identified within the project area; public services are installed in adjacent roads; the site is urban; there are no known rare or endangered species, either floral or fauna, on the site. It remains an ideal residential site if only the right set of economic factors can be engaged. Additionally, at build-out, the project should create ten or more permanent jobs.

Respectfully, we request that the approval deadline be extended until March 6, 2020.

Sincerely,

Matt Deal

Matt Deal

Project Manager

858-776-8142

mdeal@paytiteacompanies.com

cc: darang@co.hawaii.hi.us
sid@ukei.hawaiiangel.net
leslie.yim@kie-kona.com

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

County of Hawai'i
PLANNING DEPARTMENT

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

September 4, 2018

Mr. Matt Deal, Project Manager
Pacifica Big Island, LLC
1775 Hancock Street, Suite 200
San Diego, CA 92110

Dear Mr. Deal:

Special Management Area (SMA) Permit No. 286
Applicant: Pacifica Big Island, LLC
Subject: Request for Administrative Time Extension and 2018 Annual Progress Report
Tax Map Keys: (3) 7-8-010:078 and 090

This letter is in response to your letter dated February 27, 2018 transmitting the 2018 annual progress report for SMA Permit No. 286 and your letter dated March 2, 2018 requesting a 2-year administrative time extension to comply with Condition 2 (secure final plan approval) of SMA Permit No. 286.

Thank you for providing the annual progress report. The report does not respond to our letter dated June 5, 2017, in which we ask the status of Condition No. 4 related to water commitments for the project. Please provide the water calculations to the Department of Water Supply and secure the necessary water commitment as soon as possible. We look forward to receiving the 2019 annual progress report due by March 6, 2019.

Regarding your request for a time extension, Condition No. 2 of the permit requires that Final Plan Approval for Phase II, consisting of no more than 184 units, be secured within three (3) years from the effective date of the amended permit, or by March 6, 2018. Final Plan Approval (PLA-15-001202) for 32 dwelling units in multiple-family dwellings, was issued by the Planning Department on July 23, 2015; however Condition 5 of the Final Plan Approval indicated the approval shall expire on July 22, 2017 if not used. In a letter dated June 8, 2017, the Planning Director granted a one-year time extension to July 22, 2018 to utilize PLA-15-001202.

SEP - 5 2018

Mr. Matt Deal, Project Manager
Pacifica Big Island, LLC
Page 2
September 4, 2018

You will need to apply for a new Plan Approval since PLA-15-001202 has expired. Additionally, our records indicate the Final Plan Approval for the common area clubhouse/recreation facility (PLA-15-001216) has also expired, as of September 7, 2017 and no time extension was granted.

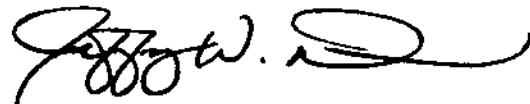
Condition No. 20 of SMA Permit No. 286 allows for an administrative time extension for a period of time not to exceed what was originally granted. Based on the reasons in your letter, we will grant an administrative time extension until **March 6, 2021** to comply with Condition No. 2.

Please be informed, should you need an additional extension of time your request and reasons shall be forwarded to the Planning Commission. A public hearing will be held by the Planning Commission.

Lastly, you indicated the technical design of the project may change to reduce costs, particularly grading and building placement. Please be aware that any change in grade or building placement must comply with Condition 15 of SMA Permit No. 286 so that the buildings do detract from the line of sight from Kamehameha III Road to the sea.

If you have any questions, please feel free to contact Maija Jackson at (808) 961-8159.

Sincerely,



FX
MICHAEL YEE
Planning Director

MJJ:mad

P:\wpwin60\Maija\Letters\TER\LDcal-AdminTER&2018APR-SMA286.doc

cc: Kona Planning Office (COR-18-116969 & COR-18-117051)
TMK 7-8-010:078 & 090
Kaulana HOA Board c/o Erik Pfeiffer via email pfeiffere001@hawaii.rr.com



SidneyFuke, Planning Consultant

100 Pauahi Street, Suite 212 • Hilo, Hawai'i 96720
Telephone: (808) 969-1522 Cell: (808) 989-0640
E-mail: sidfuke@hawaiiantel.net

• Planning • Variance • Zoning
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• Environmental Reports

June 23, 2021

COH PLANNING DEPT
JUN 24 2021 AM 8:07

REC'D HAND DELIVERED

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

ATTN: Mr. Christian Kay

Dear Mr. Kern:

Subject: Time Extension Request - SMA No. 286
APPLICANT: Pacifica Big Island, LLC
TMK: 7-8-010: 078 and 090

This is to follow up on my discussion with Mr. Christian Kay of your staff regarding compliance with Condition 13 which stated: *"The applicant shall consult with the staff of the State's Na Ala Hele Trail Program and/or National Park Services' Ala Kahakai National Trails Program regarding the appropriateness of incorporating the remnants of a historic trail on the subject site and shall provide a report of this consultation, including the incorporation of such a trail, if appropriate, to the Planning Department in conjunction with the Plan Approval process."*

While no specific report was prepared prior to issuance of Plan Approval, the applicant believes that the substance of this requirement was fulfilled. If needed, the applicant respectfully requests your acceptance of this letter as the "report."

In summary:

1. The Leeward Planning Commission approved the amendment to SMA No. 286, with the aforementioned Condition 13, on February 19, 2015.
2. Subsequently, this office reached out to Na Ala Hele ("NAO"), and in its memo/letter of April 22, 2015 (Exhibit A) to Mr. Michael Vitousek of State Historic Preservation Division ("SHPD") and Mr. Clement Chang, Na Ala Hele's Trail Specialist, NAO noted that
 - a. *"a historic trail did exist on a portion of the subject parcel"*.
 - b. While this trail was destroyed for unknown reasons, *"the alignment found in 1980 is still considered a historic feature under the jurisdiction of the State of Hawaii through its Department of Land and Natural Resources."*

Planning Dept.
Exhibit 4

SCANNED
JUN 23 2021
11:45:11

Mr. Zendo Kern, Director
June 23, 2021
Page 2

- c. The applicant *"should seek guidance from the State Historic Preservation Division to determine the location of the destroyed trail and an appropriate protocol to honor its importance as a transportation feature in the past."*
3. In reviewing a grading permit application affecting the subject site, Mr. Michael Vitousek of SHPD in a letter, dated July 16, 2015, **(Exhibit B)** requested that *"an effort is undertaken to identify the former location of the trail in the project area."* Further, if *"the former location of the trail can be identified on parcels 078 or 090"* its significance be assessed with appropriate treatment recommendations.
4. In reviewing and accepting the revised Archaeological Assessment ("AA"), Dr. Susan Lebo of SHPD, in a letter to Dr. Alan Haun, the archaeological consultant, dated October 30, 2015, **(Exhibit C)** commented and concluded that
 - a. *"The revised AA report indicates the trail alignment was not identified in either Parcel 090 during the current survey or the adjacent Parcel 078 in prior surveys. It also indicates that based on Hammatt and Folk (1980), including their site location map, the trail (SIHP 4619) never extended through Parcel 0. It once extended through a portion of Parcel 078 but had been destroyed prior to the Haun and Henry (2009) survey of Parcel 078."*
 - b. *"The revised AA meets the requirements...and is accepted by SHPD."*
5. Although Final Plan Approval was issued on July 23, 2015, prior to the acceptance of the final AA, the approved plans did reflect what it believed to be possible but unconfirmed traces of the destroyed trail. This is reflected in the site plan by an oblong circle at the property's eastern boundary, adjacent to the developed Kaulana project. **(Exhibit D)** Due to its location, this area cannot be developed or reasonably used.

We trust that the above adequately addresses Condition 13. If not or if there are further questions or comments on this matter, please let me know. Thank you very much.

Sincerely,



SIDNEY M. FUKÉ
Planning Consultant

Enclosures

Copy -- Mr. Ricky North, Pacifica Big Island, LLC via email



NA ALA HELE
Hawaii Trail & Access System

COPY

April 22, 2015

Ref: H15:02 Keauhou 1st

TO: Clement Chang, Trails Specialist
Michael Vitousek, Historic Preservation Division

FROM: D. Moana Rowland, Abstractor *DMR*

SUBJECT: Disposition of Trail Identified as State Inventory Historic Property
Site No. 4619, situate within Tax Map Key: H) 7-8-10-78 in
Keauhou 1st, North Kona, Island of Hawaii

Research has been completed on the subject trail in response to your request for comments. Although this trail segment is not found on maps available at the State Survey Office, it was found on the ground by Hallett H. Hammatt, and William H. Folk, during an Archaeological Survey conducted in October 1980. Staff at the State Historic Preservation Division noted in 2009 that the trail was destroyed by bull dozer activity sometime between 2004 and 2005.

Pacifica Big Island LLC ("Pacifica"), the current owners of the subject parcel and adjoining parcel 90, proposes to build a 228 unit multi-family residential project. Pacifica's consultant, Sidney Fuke, acknowledges the trail has been obliterated and is seeking a determination on the status of the destroyed trail.

Based on all available information it is clear a historic trail did exist on a portion of the subject parcel and was significant enough to be included on the historic property inventory of the State of Hawaii. For unknown reasons, this historic trail was destroyed. In spite of its destruction, the alignment found in 1980 is still considered to be a historic feature under the jurisdiction of the State of Hawaii through its Department of Land and Natural Resources. The following summary of pertinent law regarding historic trails is provided for your reference.

Hawaii, unlike any other State in the United States, was originally a sovereign nation – a kingdom. There were certain pre-existing laws that were passed on and incorporated into what became laws of the United States Territory, and then

EXHIBIT A

Na Ala Hele Recommendations

Pacifica should seek guidance from the State Historic Preservation Division to determine the location of the destroyed trail and an appropriate protocol to honor its importance as a transportation feature in the past.

The Hawaii Island Na Ala Hele Advisory Council has prepared a manual for suggested guidelines on the treatment of Historic Hawaiian Trails. A copy has been attached for your reference.

Although the trail has been destroyed the underlying fee simple title of the trail section remains with the State of Hawaii through its Board of Land and Natural Resources. As such, the trail is considered unencumbered state land, and its disposition is subject to the approval and recommendations of the said Board. Therefore, besides the Division of Forestry and Wildlife, Pacifica should reach out to the Land Division and the State Historic Preservation Division and seek comments from those agencies as well.

DAVID V. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

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

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND

July 16, 2015

Peter Dahlberg
pdahlberg@hawaii.nm.com

LOG NO: 2015.02569
DOC NO: 1508MV24
Archaeology

Dear Mr. Dahlberg:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
County of Hawai'i Grading Permit Application for the
Pacifica Big Island LLC Multi Family Development
Keauhou Ist Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-8-010:078 and :090**

Thank you for the opportunity to review this grading permit application that was received by our office on July 6, 2015. According to the application, 4.2 acres of the 24.499 acre lot will be graded in order to facilitate the development of multifamily residences. A review of our records indicates that the parcel :078 was previously subjected to an archaeological inventory survey (AIS) by Haun and Henry (2009), no historic properties were identified and the report was presented as an archaeological assessment that was accepted by SHPD via correspondence LOG NO 2009.0051, DOC NO 0902TD12. This letter indicated that three historic properties, recorded by Hammatt (1980), a trail (SIHP 4619), an agricultural complex (SIHP 4633), and ahu (SIHP 4634) were formerly located on the parcel and were subsequently destroyed. The SHPD letter indicated that more information was needed in order to determine the circumstances behind the destruction of the sites. SHPD's review of the Special management Area Use Permit for this project requested that our previous recommendations be carried out and DLNR's Na Ala Hele Program and Ala Kaha Kai National Historic Trail be consulted to determine if the former trail location could be incorporated into the state trail system (LOG NO: 2014.5475, DOC NO: 1412MV27).

SHPD subsequently received correspondence from Na Ala Hele (H15:02 Keauhou Ist, Log No. 2015.01684) that indicates the trail alignment (SIHP 4619), was located on the subject property (TMK parcel :078) and subsequently destroyed by grading activities. In their correspondence, Na Ala Hele determined that "Although the trail has been destroyed the underlying fee simple title of the trail section remains with the State of Hawaii through its Board of Land and Natural Resources." We recognize that the recording of this trail in 1980 did not likely utilize GPS technology and may be inaccurate. **Therefore, we request that an effort is undertaken to identify the former location of the trail in the project area.** If the former location of the trail can be identified on parcels :078 or :090 please assess the significance of this alignment and provide treatment recommendations. SHPD believes that if this trail alignment has the potential to perpetuate the historic access for cultural practices on the landscape it is potentially significant under criterion "e" alone, and should be recommended for preservation. If the trail alignment can be identified and is determined to be a significant historic property please present the results of this report as an AIS that includes the entire project area (parcels :078 and :090) and meets the standards of HAR 13-276. However, if the alignment of the trail segment does not provide meaningful access for cultural practices on the landscape it may not be considered a significant historic property.

Our records indicate that an archaeological assessment (AA) has been reviewed for parcel :090 and SHPD requested revisions in order to determine if the trail (SIHP 4619) can be located on that parcel as well LOG NO: 2015.00330, DOC NO: 1508MV23. Please revise this AA to address the issue of the former location and potential significance of the trail and present the revisions as an AIS or AA depending on the results. We look forward to the opportunity to approve an archaeological inventory survey or archaeological assessment for this project area prior to the issuance of the subject permit.

EXHIBIT B

Peter Dahlberg
August 13, 2015
Page 2

For questions or concerns regarding this letter please contact Mike Vitousek at (808) 652-1510 or Michael.Vitousek@Hawaii.gov.

Aloha,

A handwritten signature in black ink that reads "Mike Vitousek". The signature is written in a cursive, flowing style.

Michael Vitousek,
Lead Archaeologist Hawaii Island Section
Historic Preservation Division

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 B. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 30, 2015

Alan Haun, Ph. D., Principal Investigator
Haun and Associates
73-1168 Kahuna A'o Road
Kailua Kona, Hawaii 96740

Log No. 2015 03598
Doc No. 1510SL09
Archaeology

Dear Dr. Haun.

SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Assessment for Pacifica Big Island LLC
Kauhau 1 Ahupua'a, North Kona District, Island of Hawai'i
TMK: (3) 7-8-010:090

Thank you for the opportunity to review the revised draft report titled *Archaeological Assessment TMK: (3) 7-8-010:090 Kauhau 1 Ahupua'a North Kona District Island of Hawai'i* (Haun and Henry, September 2015). We received this submittal on September 28, 2015. This archaeological survey consisted of a 100% pedestrian surface survey. Due to negative findings, the archaeological inventory survey (AIS) results are presented as an Archaeological Assessment (AA) in accordance with Hawaii Administrative Rule (HAR) §13-284-5(b)(5)(A).

In our previous correspondence of August 13, 2015 (Log No. 2015.00330, Doc. No. 1508MV23), we stated that SHPD had "recently received correspondence from the State of Hawaii Trail and Access System Coordinators or Na Ala Hele (H15:02 Kauhau 1", Log No. 2015 01684) that indicates a trail alignment (SIHP 4619), recorded by Hamnatt [sic] (1980), was located on the adjacent property (Parcel 078) and subsequently destroyed by grading activities." We further stated that we recognized that the recording of this trail in 1980 may have been inaccurate, and requested that an effort be undertaken to identify whether the trail alignment exists within the subject project area (Parcel 090) and the adjacent parcel (078) and, if found to be present, for the trail alignment be assessed for significance, and if determined significant under Criterion e, for it to be recommended for preservation, and for the report to be revised from an AA to an AIS.

The revised AA report indicates the trail alignment was not identified in either Parcel 090 during the current survey or the adjacent Parcel 078 in prior surveys. It also indicates that based on Hamnatt and Folk (1980), including their site location map, the trail (SIHP 4619) never extended through Parcel 090. It once extended through a portion of Parcel 078, but had been destroyed prior to the Haun and Henry (2009) survey of Parcel 078.

The revised AA report meets the requirements of HAR §13-276-5. It is accepted by the SHPD. Please send two hardcopies of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Please contact me at (808) 692-8019 or at Susan.A.Leho@hawaii.gov if you have any questions regarding this letter.

Aloha,

Susan A. Leho
Susan A. Leho, PhD
Archaeology Branch Chief

EXHIBIT C



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKUANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

May 20, 2011

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Special Management Area Use Permit No. 286 (Docket No. 89-000006)
Applicant: Pacifica Big Island, LLC
Request: Time Extension to Comply with Condition No. 3
Tax Map Key 7-8-010:078 and 090

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

Please be informed that there was an assignment of equivalent units from the Water Agreement, dated April 12, 2012, which was approved by the Water Board. This assignment allocated 40 units of water to Parcel 90, 101 units of water to Tax Map Key 7-8-010:044, and 150 units of water remained with Parcel 78.

The Department requests that the applicant submit detailed water usage calculations for the proposed project, prepared by a professional engineer licensed in the State of Hawaii, for review and approval. The water usage calculations should include the estimated peak flow in gallons per minute (GPM), and the total estimated maximum daily water usage in gallons per day, including any irrigation/landscaping/non-potable use.

The applicant will also need to address the irrigation/landscaping/non-potable use as the water availability of the Department's existing water facilities will not be able to provide additional water beyond the total number of water units allocated to the subject parcel.

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

Sincerely yours,

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

RQ:dfg

copy - Pacifica Big Island, LLC
Mr. Sidney M. Fuke, Planning Consultant

Planning Dept.
Exhibit 5

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

141961



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 509
HONOLULU, HI 96821-0009

MEMORANDUM

DATE: May 10, 2021

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

FROM: Eric Honda *E. Honda*
District Environmental Health Program Chief

SUBJECT: Special Management Area Use Permit No. 286 (Docket No. 89-000006)
Applicant: Pacifica Big Island, LLC
Request: Time Extension to Comply with Condition No. 3
(Time to Complete Construction)
TMK: 7-8-010:078 and 090

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 Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on April 29, 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:

- Requires a federal permit, license, certificate, approval, registration, or

Planning Dept.
Exhibit 6

141699

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://www.hawaii.gov/permits/section-401-wqc/>.

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: <https://www.hawaii.gov/cwb/section-401-wqc/>.

- 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:

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:

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://www.cwb.hawaii.gov/npdes/>.

- 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:

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:

[https://www.hawaii.gov/health/standard-comments/](#). 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 redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design.

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

Ref: Special Management Area Use Permit No. 286 (Docket No. 89-000006) -
Request for Time Extension to Comply with Condition No. 3 (Time to
Complete Construction)

Location: Keauhou 1st, North Kona, Island of Hawaii

TMK(s): (3) 7-8-010:078 and 090

Applicant: County of Hawaii on behalf of Pacifica Big Island, LLC

COMMENTS

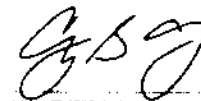
The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT/>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai: County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

Signed: _____



CARTY S. CHANG, CHIEF ENGINEER

Date: May 14, 2021

Planning Dept.

Exhibit 7

DAVID LEE
10/1/2021



SUZANNE L. CASE

KAMANA PAMBER, PH.D.
MICHAEL G. BURK
LEAH L. A. CHAN, M.D.
NEIL J. HANNAS
WAYNE K. KATAYAMA
DAVE J. MEYER

M. KALEO MANUEL, PH.D.

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 521
HONOLULU, HAWAII 96809

May 19, 2021

REF: RFD 5660 8

TO: Mr. Russell Tsuji, Administrator
Land Division

FROM: M. Kaleo Manuel, Deputy Director *M. Kaleo Manuel*
Commission on Water Resource Management

SUBJECT: Special Management Area Use Permit No. 286 (Docket No. 89-000006)-Request for Time
Extension to Comply with Condition No. 3 (Time to Complete Construction)

FILE NO: RFD 5660 8
TMK NO: (3) 7-8-010.078, (3) 7-8-010.090

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrn>.

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☐ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czmn/initiatives/low-impact-development/>.
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☐ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

Planning Dept.
Exhibit 8

- http://www.hawaiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf
- ☒ 9 There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- ☐ 10 The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11 A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 12 A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13 There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 14 Ground-water withdrawals from this project may affect streamflows which may require an instream flow standard amendment.
- ☐ 15 A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 16 A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 17 A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18 The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

- ☒ OTHER Drywells can be a source of pollution to the underlying ground water aquifer and should go through proper department of health review.

Impacts to ground water dependent ecosystems are becoming an emerging issue as impacts to these are related to impacts to traditional & customary practices of sustenance from these ecosystems. We recommend consultation with the region's (moku) Aha Moku Council on whether this project will impact any traditional & customary practices.

Planning - The proposed water source(s) and projected water demands for the project, both potable and non-potable, should be identified and the calculations used to estimate demands should be provided. A discussion of the potential impacts on water resources and other public trust uses of water should be included, and any proposed mitigation measures described. Water conservation and efficiency measures to be implemented should also be discussed.

If you have any questions, please contact W. Roy Hardy of the Regulation Branch at 587-0225 or Neal Fujii of the Planning Branch at 587-0216.



SidneyFuke, Planning Consultant

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• Planning • Variance • Zoning
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June 18, 2021

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

COH PLANNING DEPT
JUN 18 2021 PM2:13
REC'D HAND DELIVERED

Dear Mr. Kern:

Subject: Time Extension Request - SMA No. 286
APPLICANT: Pacifica Big Island, LLC
TMK: 7-8-010: 078 and 090

Thank you for providing me with a copy of agency comments to date regarding the subject matter. We would like to use this means to respond to these comments.

County Department of Water Supply (DWS)

The DWS noted that water was available. Pursuant to its other requirements, the applicant intends to submit a water use calculation study, prepared by a registered professional engineer, to the DWS for its review and approval. This study will address the estimated peak flow and total maximum daily water usage calculations, as well as the non-potable demands of the project. For your additional information, the applicant intends to incorporate the concept of xeriscape into its landscaping so as to minimize the use of potable water for irrigation.

At any rate, not knowing of the outcome of the pending SMA requests and/or conditions that may be attached to any approval which could affect the project's water use requirement, the report will be submitted within 6 months of the date of action on the pending SMA request and prior to submittal of any application for a building permit. We trust that this is satisfactory.

County Fire Department (FD)

The FD had no comments or issues with the request. Please note, however, that the requirements of the Fire Department will be specifically addressed and complied with in conjunction with the building permit process.

County Department of Public Works, Engineering Division (DPW-E)

Like the FD, the DPW-E had no objections to the request. Again, the construction requirements (grading, right of way improvements, building, etc.) will be addressed and complied with.

Mr. Zendo Kern, Director
June 18, 2021
Page 2

County Department of Environmental Management (DEM)

Both divisions under the DEM (Solid Waste and Wastewater) had no comments or objections to the request. For your information, the project will connect to the sewer system that services this area.

County Police Department (PD)

Like most of the other departments, the PD did not have any objections or comments on the request.

State Department of Health (DOH)

The requirements of the DOH relating to drainage (such as the Underground Injection Systems), noise and dust control measures will be adhered to and addressed during the construction permitting and implementation phases of this project.

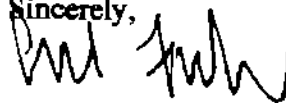
State Department of Land and Natural Resources (DLNR)

The Engineering Division outlined its flood hazard rules. It should be noted that the site is designated "X" or areas of outside of the 500-year flood hazard area. Its Hawai'i Island Land Division had no comments.

Relative to the comments of the Commission on Water Resource Management, the project's water requirements are being coordinated with the County DWS. Further, xeriscape is being planned for its landscaping, while plumbing efficiency fixtures will be installed, the latter being a County Building Code requirement. These are designed to minimize excessive use of potable water. Further, the use of drywells to address on-site generated water will be designed to address groundwater issues via the NPDES and UIC permitting system.

We trust that the above adequately responded to these comments. If not or if there are further questions or comments on this matter, please let me know. Thank you very much.

Sincerely,



SIDNEY M. FUCE
Planning Consultant

Mori, Ashley

From: Mark Powell <markp50@att.net>
Sent: Tuesday, June 22, 2021 6:34 PM
To: LPCtestimony
Cc: Villegas, Rebecca; David, Maile
Subject: Comments on Agenda items

PLANNING DEPT
 JUN 23 2021 12:55

Aloha Commissioners,

I would like to bring to your attention that the State Highway Department does not now, or have a plan in the next 4 years to widen the Queen K Highway from Henry Street to Kamehameha III road.

So there fore

Agenda item 2 (Amend SMA 286) for major development should not be approved until such time the highway is widened.

Also any other major projects along this corridor should not be approved until the Highway is fully widened. There should be a complete moratorium on any large projects along this corridor until such time the highway is widened or the work has started

Item 4 (Communication 183)

Mr. Pernis should not be removed because he ask the hard questions of developers or even staff. Some County staff think they can get rubber stamped projects through without question!

At least Mr. Pernis is not afraid to ask questions and he and the people deserve an answer.

Mahalo
 John Powell
 Kailua-Kona

Planning Dept.

Exhibit 10