

COUNTY OF HAWAI'I PLANNING DEPARTMENT
RECOMMENDATION

PONO CANN AND MICHELE SASAKI-CANN
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2025-000078)

Upon careful review of the applicant's request against the guidelines for granting of a Special Management Area Use Permit, the Planning Director recommends **that this request to demolish an existing 72-year old, split-level, three-bedroom, two-bath dwelling and construct a new single-story, approximately 1,280 square-foot (sf) single-family residence with two bedrooms, two bathrooms, 2,156 sf lānai, 644 sf garage area, and related improvements on a 19,733-square foot shoreline parcel within the Special Management Area (SMA) be approved by the Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This approval recommendation is based on the following:

The applicant seeks a Special Management Area (SMA) Use Permit **to demolish an existing 72-year old, split-level, three-bedroom, two-bath dwelling and construct a new single-story, approximately 1,280 square-foot (sf) single-family residence with two bedrooms, two bathrooms, 2,156 sf lānai, 644 sf garage area, and related improvements**, totaling approximately 2,800 square feet of accessory area. Electricity, telephone, water, sewer, and internet utilities are already available to serve the property. Potable water will be provided by the Department of Water Supply, as county water is available at the site. No additional uses other than the dwelling and related accessory improvements are proposed for this project. The proposed building site will occupy most of the property area and is sited as far mauka as possible and a minimum of 40-feet inland from the certified shoreline which is located at the bottom of an approximately 90-foot-high coastal sea pali to mitigate potential coastal hazards and minimize environmental impact. The project's demolition and construction cost are estimated at approximately \$590,000, with demolition anticipated to take roughly 12 months

following permit approvals and the construction of the new dwelling anticipated to take 5 years following permit approvals.

The grounds for approving development within the Special Management Area are based on HRS, Chapter 205A-26(2) (Special Management Area guidelines) and Rule 9-11(e) of the Planning Commission Rules of Practice and Procedure. Planning Commission Rule 9-11(e) states that the Authority (Planning Commission) may permit the proposed development only upon finding that:

1. The development will not have any substantial adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety or compelling public interest;
2. The development is consistent with the objectives and policies and the Special Management Area guidelines as provided by Chapter 205A, HRS;
3. The development is consistent with the General Plan, Community Plan, Zoning Code and other applicable ordinances;
4. The development will, to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist, including specific factual findings regarding:
 - a. The identity and scope of valued cultural historical or natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
 - b. The extent to which those resources including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
 - c. The feasible action, if any, to be taken by the Authority to reasonably protect any valued cultural, historical or natural resources including any existing traditional and customary native Hawaii rights.

In review of the SMA guidelines as listed under HRS 205A-26(2)(A), 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 on the Special Management Area. Such adverse effects 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 eliminate planning options.

In reviewing the SMA guidelines listed under HRS 205A-26(2)(A), the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The proposed project involves construction of a single-family dwelling and associated accessory areas on a previously developed upland homesite. Environmental and ecological impacts are expected to be minimal and temporary, mainly confined to the construction phase, and will be mitigated through Best Management Practices (BMPs) for erosion and sedimentation control, stormwater management, and pollution prevention. There are no known significant natural, archaeological, historic, cultural, or ecological resources on-site, and the dwelling will be sited a minimum of 40 feet from the certified shoreline, reducing potential impacts related to coastal hazards or shoreline erosion. Furthermore, sewage and potable water services will be supplied by County owned and maintained systems, minimizing impacts to surrounding coastal resources. Thus, the project has appropriately minimized potential adverse effects to the extent practicable, and any minor impacts during construction will be clearly outweighed by the benefits provided by the dwelling to public health, safety, and compelling public interest, consistent with the SMA guidelines under HRS 205A-26(2)(A).

In reviewing the proposed development against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1-10), it has been determined that the proposed project to demolish an existing dwelling and develop a single-family dwelling and related development on the subject parcel will not have a significant adverse environmental or ecological effect upon the Special Management Area. This determination is based on the following:

In review of the SMA guidelines as listed under HRS 205A-26, the proposed development is consistent with the objectives and policies as provided by Chapter 205A-26, HRS, and Special Management Area guidelines contained in Rule No. 9 of

the Planning Commission Rules of Practice and Procedure.

The purpose of Chapter 205A-26, Hawai‘i Revised Statutes (HRS) and Rule 9 of the Planning Commission Rules of Practice and Procedure, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options. The objectives and policies of Chapter 205A-26, HRS and Rule 9-10(h) 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.

The proposed development of a residential structure and related improvements is consistent with the objectives and policies of the Coastal Zone Management Program (Chapter 205A, Hawai‘i Revised Statutes) including:

Recreational Resources:

No development will be within the shoreline setback area and will be a minimum of 40 feet from the shoreline to minimize future impacts related to coastal erosion. Where the property abuts the Pacific Ocean, the vertical slope of the shoreline Pali makes any past shoreline access highly improbable. Honoli‘i Beach, approximately 1,200 feet south of the proposed project site, provides shoreline access and a recreation area for the public.

Historic Resources:

Based on the history of development and use, the area of development proposed shows no evidence of historic properties. The subject property is not known to be used for gathering, ceremonial, or other cultural purposes by Native Hawaiians therefore there appears to be no potential for cultural impact to culturally valued resources or cultural practices.

Scenic and Open Space Resources:

No impact on the open space resources will arise from the proposed project or access to the Honoli‘i Beach located well south of the project area. Additionally, no public viewplane impacts are anticipated based on topography and vegetation.

Coastal Ecosystems and Marine Resources:

The subject property abuts the shoreline; however, the distance of the proposed development and the conditions of construction permits will minimize potential impacts to coastal resources such as soil erosion. All mandated setbacks and government regulations related to runoff and nearshore waters will be adhered to. No threatened or endangered animal or plant species are present and as such no adverse impact to flora, fauna, or ecosystems would be expected to result from the proposed development or any activities associated with the use.

Coastal Hazards:

The subject property, situated on a coastal pali approximately 90 feet above mean sea level, is inherently exposed to long-term coastal hazards, primarily erosion of the shoreline bluff. Since subdivision in 1950, the parcel has lost roughly 32 percent (6,333 sf) of its original land area to coastal erosion. According to the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM), the site lies within Zone X, outside of the 500-year floodplain, and is not subject to significant flooding or tsunami inundation. Surface runoff from the property currently drains makai over the pali toward the ocean, though much of the parcel is stabilized with lawn and vegetation that help minimize sediment transport. The proposed redevelopment will remain within the already improved upland portion of the lot, outside the certified 40-foot shoreline setback, which further reduces exposure to direct coastal hazard risks. Construction activities have the potential to generate dust, debris, and sediment-laden runoff, but these will be mitigated through best management practices (BMPs) such as silt fencing, erosion control measures, and timely debris removal. With these controls in place, no adverse impacts to the nearshore environment are anticipated, and the project is not expected to contribute to flooding, degradation of coastal waters, or acceleration of shoreline erosion. Consequently, the proposed action supports and fulfills the policy goals of preserving coastal ecological integrity, managing coastal hazards responsibly, and ensuring sustainable use of the coastal zone, as outlined in both Chapter 205A-26 HRS and Rule No. 9 of the Planning Commission's Rules.

The proposed development is consistent with the County General Plan, Hāmākua Community Development Plan (HCDP), Zoning Code, and other

applicable ordinances. The County General Plan Land Use Pattern Allocation Guide (LUPAG) designates the parcel as Low Density Urban (ldu) and Open (ope). Low Density Urban applies to residential areas, with ancillary community and public uses, and neighborhood and convenience-type commercial uses. The overall residential density may be up to six units per acre. The Open designation along the shoreline is primarily intended for the shoreline setback area. By situating the new home on the mauka (inland) half of the lot, 40 feet landward of the certified shoreline, the project will retain the coastal open-space character while satisfying the land-use goals, policies and standards of the General Plan.

The construction phase will generate short-term jobs for local contractors and stimulate purchases from on-island suppliers, with longer-term economic benefits through additional property-tax revenue.

Zoning Code

The subject property and all surrounding parcels are zoned Single-Family Residential 20,000 sf ft (RS-20). Neighboring lots—generally 14,000-20,000 sq ft—are developed with single-family dwellings; the proposed house therefore matches the established land-use intensity and neighborhood character.

Hāmākua Community Development Plan

The Honoliʻi Tract lies within the South Hilo coastal area addressed by the HCDP. Relevant goals include protecting and restoring viable agricultural lands and resources, as well as protecting and enhancing viewscales and open spaces that exemplify Hāmākua’s rural character. The HCDP emphasizes concentrating residential development within existing villages and towns while preserving large areas of productive agricultural lands for agricultural use. Since this area is developed with residential dwellings and related uses the proposed project aligns with this goal.

Conclusion

The residence and associated site work are compatible with existing single-family uses, respect coastal and environmental constraints, and support community economic vitality. Accordingly, the project is in harmony with the General Plan, HCDP, County Zoning Code, and other applicable regulations.

The development will to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist. In view of the Hawai‘i State Supreme Court’s “PASH” and “*Ka Pa‘akai O Ka‘Aina*” decisions, the issue relative to native Hawaiian rights, such as gathering and fishing rights, must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: The application was submitted with the project details and development application to the SHPD for their HRS Ch. 6E-42 review and concurrence. SHPD has not responded, however, a review of similar development in this area revealed no known cultural, historical, or archaeological resources on the subject parcel. The property has been continuously used as a residential homesite since 1952, and extensive past ground disturbance has altered its natural condition. Consultation of cultural resource databases and environmental review documents did not identify traditional or customary practices occurring on-site.

The valuable cultural, historical, and natural resources found in the area: While no resources were identified on the parcel itself, the surrounding Honoli‘i area is recognized for its broader cultural and natural significance. Honoli‘i Stream and Honoli‘i Beach Park, located to the south, are historically known fishing, gathering, and recreation areas for both Native Hawaiians and the general community. The coastline as a whole provides valued scenic, recreational, and subsistence resources, and contributes to the cultural identity of the Hilo region.

No floral or faunal species listed as threatened, endangered, or proposed for listing under state or federal statutes were observed on site, nor were any plants typically gathered for cultural purposes identified within the project area.

Possible adverse effects or impairment of valued resources: Ground alteration will remove most existing vegetation, but none of the species present is known to be culturally important. The proposed project is confined to the upland portion of the parcel, outside the certified 40-foot shoreline setback, and does not encroach upon Honoli‘i Stream, the beach park, or other coastal access points. Given the long-established

residential use of the property, redevelopment is not anticipated to interfere with the exercise of traditional cultural practices such as fishing, gathering, or shoreline access, all of which occur off-site at nearby public access areas. Therefore, potential adverse effects or impairments to valued resources are considered minimal.

Feasible actions to protect native Hawaiian rights: The proposed single-family residence is sited mauka of the certified shoreline and entirely outside the shoreline setback. To ensure protection of native Hawaiian rights, the applicants will implement best management practices (BMPs) during demolition and construction to avoid runoff or sedimentation into nearshore waters. They will also comply with all shoreline setback regulations to protect coastal processes and resources. In addition, consistent with SHPD protocol, work will cease immediately if any inadvertent discoveries of cultural deposits or burials occur, and SHPD will be notified for further guidance. These measures, combined with the project's limited scope and location in a previously developed residential lot, ensure that the development will, to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist. Collectively, these measures satisfy the *Ka Pa'akai* three-part test, uphold the protections affirmed in *PASH*, and demonstrate that the development will reasonably safeguard valued cultural practices and natural resources.

Lastly, this approval is made with the understanding that the Applicant remains responsible for complying with all other applicable government requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above findings, the proposed development will not have substantial adverse impacts on the environment, nor will its approval be contrary to the objectives and

policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area. Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s), or assign(s) (Applicant) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure all necessary approvals and permits from other affected Federal, State, and County agencies as necessary to comply with all applicable laws and regulations.
3. Other than the proposed project as described in this permit, no further work is permitted under this approval.
4. Construction of the single-family dwelling and related improvements shall be conducted in a manner that is substantially representative of plans and details as contained within the SMA Application dated May 9, 2025, and representations made to the Windward Planning Commission.
5. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
6. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
7. The applicant shall comply with Chapter 27 - Flood Control, of the Hawai'i County Code.
8. All earthwork and grading shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai'i County Code.
9. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
10. No land alteration, grubbing, landscaping or construction activities, including but not limited to, the stockpiling of debris, construction materials or equipment, shall occur in the shoreline setback area without securing a prior written determination of minor

structure or activity pursuant to Rule 11-8 from the Planning Director or approval of a Shoreline Setback Variance from the Planning Commission.

11. A construction barrier shall be erected along the entire length of the 40-foot shoreline setback line prior to the commencement of land altering and construction activities and shall remain in place until final inspection has been granted by the Building Division for the proposed dwelling.
12. The Applicant shall ensure that excessive siltation and turbidity are contained or otherwise minimized through the use of silt containment devices or barriers, or other approved Best Management Practices to minimize impacts to the nearshore and riverine areas.
13. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai‘i.
14. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
15. An initial extension of time for the performance of conditions within this 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.
 - 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).
- E. 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.

- 16. That in issuing this permit, the Department has relied on the information and data that the Applicant has provided in connection with this permit. If, subsequent to this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
- 17. 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.