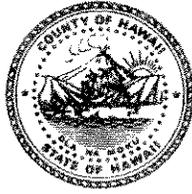


Harry Kim  
Mayor



AUG 23 2007

Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

July 31, 2007

Honorable Genevieve Salmonson, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL  
07 AUG -6 P2:11  
RECEIVED

Dear Ms. Salmonson:

**Final Environmental Assessment (DEA)**

**Applicant: Edy Campbell, President, AOA O Hale Kai O Kona**

**Request: Reconstruction of Fire-Damaged Buildings of Hale Kai O Kona  
Within Shoreline Setback Area.**

**TMKs: 7-6-17: 27**

The Hawaii County Planning Department has reviewed the comments received during the 30-day public comment period, which began on May 23, 2007 - OEQC Publication Date. The agency has determined that this project will not have significant environmental effects and has issued a FONSI. Please publish this notice in the August 23, 2007 OEQC Environmental Notice.

We have enclosed a completed OEQC Publication Form, four copies of the Final Environmental Assessment (FEA) and the project summary hardcopy and on disk. If you have any questions, please call Jeff Darrow of this department at 961-8288 ext. 259.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

Encls. Final EA (4 copies)  
Completed OEQC Publication Form  
Project Summary (hard copy and on disk)

JWD:smn

P:\public\wpwin60\CH343\2007\LTerry-AOAOHaleKaiOKona-FEA-FONSI.doc

cc: Ron Terry



**FINAL ENVIRONMENTAL ASSESSMENT**  
**RECONSTRUCTION OF HALE KAI O KONA**  
**FIRE-DAMAGED BUILDINGS**  
**WITHIN SHORELINE SETBACK**

TMK (3rd) 7-6-17:027  
Holualoa, North Kona District, Island of Hawai'i, State of Hawai'i

**APPLICANT:**

Edy Campbell, President  
Board of Directors  
AOAO Hale Kai O' Kona  
2130 Rosa Vista Terrace  
Camarillo CA 93012

**ACCEPTING  
AUTHORITY:**

Hawai'i County Planning Department  
101 Pauahi Street, Suite 3  
Hilo HI 96720

**CONSULTANT:**

Ron Terry Ph.D.  
Geometrician Associates  
PO Box 396  
Hilo HI 96721

**CLASS OF ACTION:**

Action in Shoreline Setback Area

This document is prepared pursuant to:  
the Hawai'i Environmental Protection Act,  
Chapter 343, Hawai'i Revised Statutes (HRS), and  
Title 11, Chapter 200, Hawai'i Department of Health Administrative Rules (HAR).



## **SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

The eight-unit Hale Kai O Kona condominium complex, built in 1978, is bordered on the east by Ali'i Drive, on the north and south by other condominiums, and on the west by a shoreline consisting of a pahoehoe shelf behind which is a shallow, elevated white sand beach. An existing concrete masonry wall separates the building foundation from the sand beach, providing protection from occasional storm waves. A public pedestrian right of way on the southern end of the complex connects Ali'i Drive to the shoreline area. In 2004 a fire destroyed the roofs and tops floors of two of the living units and damaged them to the extent that occupation was no longer possible. Charred wood and damaged building components were removed immediately for safety reasons, and soon 60 to 70 percent of the buildings, including interior finishes and fixtures, was demolished and removed. The first floor level and the walls and floors of the second story remain, and the existing foundation remains in good enough condition to be reused.

The proposed project consists of the exact reconstruction in place of these units. No grading will be necessary, and no new parking or buildings will be added. The buildings were originally built outside the minimum 20-foot setback from the shoreline per a November 28, 1977, certified shoreline, in full compliance with all laws, regulations and permits. After the fire, the plans for reconstruction required another survey of the shoreline. This survey, certified on July 5, 2006, indicated that part of the shoreline had advanced landward, although no flood damage or erosion problems have been reported during the intervening 29 years. The existing placement of the buildings on their original foundations, inclusive of the roofed lanai, now encroach approximately 11 feet into the 20-foot setback.

The objective of the project is to reconstruct these two units so they are habitable once again and in the same condition they were prior to the fire. The owners of the units have suffered hardship due to the loss of property value, loss of use, and the loss of potential income. The entire condominium complex has suffered loss due to the fire-damaged buildings being unattractive, which depreciates the sale and rental prices of adjacent units. Owners have also been subject to special assessments to make up the difference between reconstruction costs and insurance proceeds. As the project would take place entirely within an existing condominium complex on top of an existing foundation and first floor, very few impacts would occur. Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean. Construction will be limited to daytime hours. If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

**TABLE OF CONTENTS**

SUMMARY .....		ii
PART 1: PROJECT DESCRIPTION .....		1
1.1 Project Description and Location .....		1
1.2 Relationship to State of Hawai`i EIS Law and EA Process .....		5
1.3 Public Involvement and Agency Coordination .....		7
PART 2: ALTERNATIVES .....		8
2.1 No Action .....		8
2.2 Alternatives Initially Evaluated but Dismissed from Further Consideration .....		8
PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION .....		9
3.1 Basic Geographic Setting .....		9
3.2 Physical Environment.....		9
3.2.1 Drainage, Floods and Hazards .....		9
3.2.2 Flora, Fauna, Wetlands and Threatened & Endangered Species .....		12
3.2.3 Air Quality, Noise and Scenic Resources .....		12
3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions .....		13
3.3 Socioeconomic and Cultural .....		13
3.3.1 Land Ownership and Land Use, Designations and Controls .....		13
3.3.2 Socioeconomic Characteristics .....		14
3.3.3 Cultural Setting .....		14
3.3.4 Archaeology and Historic Sites .....		16
3.4 Public Facilities and Utilities .....		17
3.4.1 Recreational Facilities and Resources .....		17
3.4.2 Other Public Facilities and Utilities .....		18
3.5 Secondary and Cumulative Impacts.....		18
3.6 Required Permits and Approvals.....		19
3.7 Consistency With Government Plans and Policies .....		19
3.7.1 Hawai`i County General Plan .....		19
3.7.2 SMA Guidelines .....		24
3.7.3 Shoreline Setback Rules .....		24
PART 4: DETERMINATION .....		28
PART 5: FINDINGS AND REASONS.....		28
REFERENCES .....		30

**LIST OF FIGURES**

Figure 1	USGS Project Location Map .....	2
Figure 2	TMK Map.....	3
Figure 3a	Airphoto.....	4
Figure 3b	Shoreline Makai of Hale Kai O Kona.....	4
Figure 3c	Fire-Damaged Building .....	5
Figure 4	Location of Fire-Damaged Buildings in Relation to Certified Shorelines .....	6
Figure 5	County of Hawai`i Flood Zone Map.....	10

**APPENDICES**

APPENDIX 1	SMA Permit 49 and Subsequent Planning Department Letters
APPENDIX 2A	Comment Letters In Response To Early Consultation
APPENDIX 2B	Draft EA Comment Letters and Responses
APPENDIX 3	Site Plan
APPENDIX 4	Flood Elevation Certification

## **PART 1: PROJECT DESCRIPTION**

### **1.1 Project Background, Description and Location**

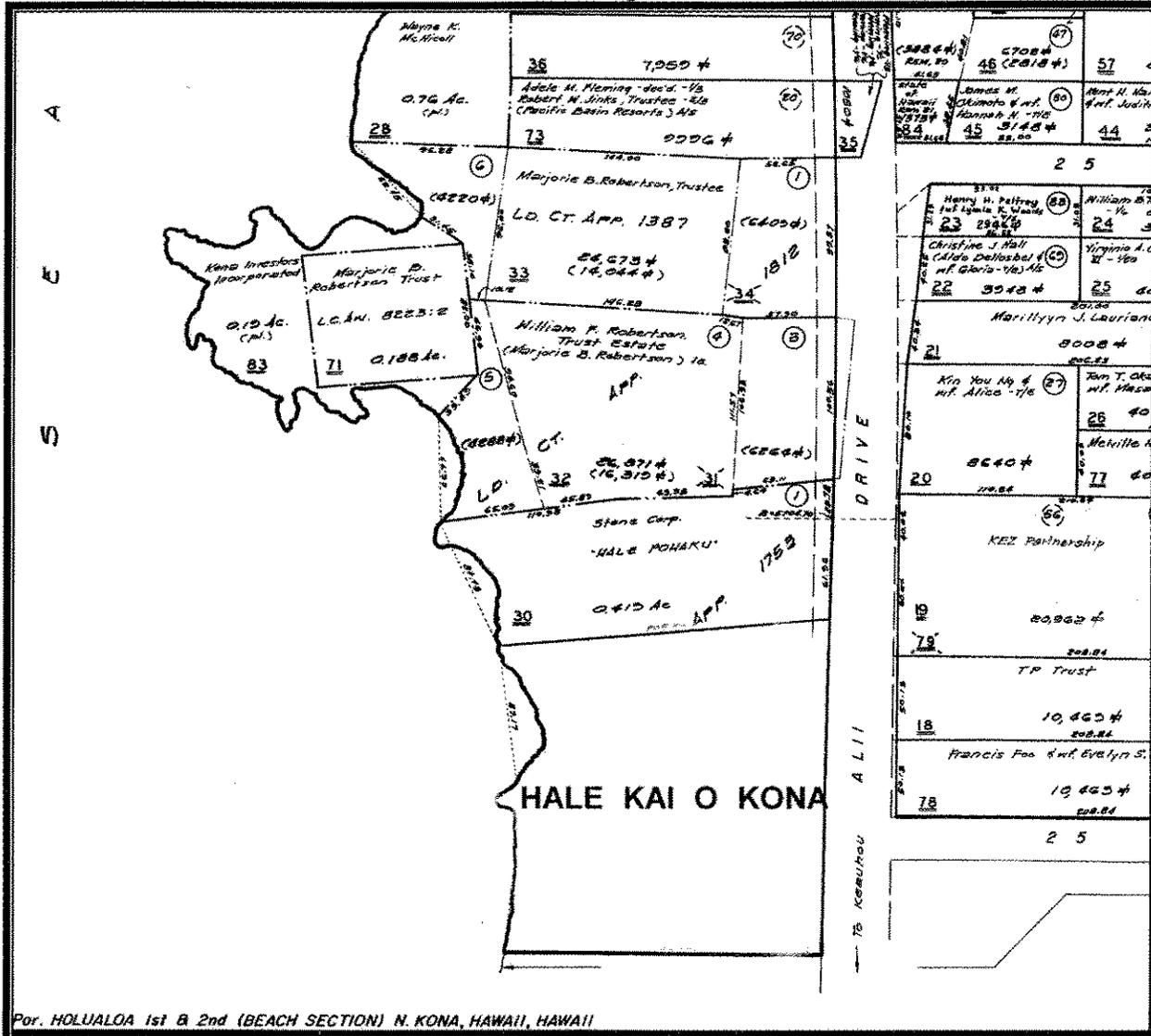
The Hale Kai O Kona condominium complex was built in 1978 under SMA Permit 49, effective January 13, 1978 (see App. 1), on Ali`i Drive in Kailua-Kona on the island of Hawai`i (Figures 1, 2 & 3a). It consists of three pairs of buildings with two separate buildings, with a total of eight separate living units. The complex is bordered on the east by Ali`i Drive, on the north and south by other condominiums, and on the west by a shoreline consisting of a pahoehoe shelf behind which is a shallow, elevated white sand beach (Figure 3b). Steps connect the walkways between buildings to the shoreline area. An existing concrete masonry wall at the crawlspace separates the building foundation from the sand beach, providing protection from occasional storm waves. A public pedestrian right of way on the southern end of the complex connects Ali`i Drive to the shoreline area. The Ali`i Drive side has a rock wall on the property border with 2 access points for cars and pedestrians, and 16 parking stalls adjoin the buildings.

In 2004 a fire destroyed the roofs and tops floors of Buildings 3 and 4, damaging these two living units to the extent that occupation of was no longer possible (Figure 3c). Charred wood and damaged components were removed immediately for safety reasons, and soon 60 to 70 percent of the building, including interior finishes and fixtures, was demolished and removed. The first floor level and the walls and floors of the second story remain, and the existing foundation remains in good enough condition to be reused.

The proposed project consists of the exact reconstruction in place of Buildings 3 and 4 (see Appendix 3 for Site Plans). No grading will be necessary, and no new parking or buildings will be added. The buildings were originally built outside the minimum 20-foot setback from the shoreline per a November 28, 1977, certified shoreline, in full compliance with all laws, regulations and permits. After the fire, the plans for reconstruction required another survey of the shoreline. This survey, certified on July 5, 2006, indicated that part of the shoreline had advanced landward, although no flood damage or erosion problems have been reported during the intervening 29 years. Figure 4 illustrates the position of the buildings in relation to both certified shorelines and the current (July 2006) 20-foot setback. The existing placement of the buildings on their original foundations, inclusive of the roofed lanai, now encroach approximately 11 feet into the 20-foot setback. As the July 2006 survey was approaching its one year expiration period at the time the Draft EA was released, a new survey was undertaken, accepted for processing by DLNR on June 23, 2007, with an expected processing completion date of September 20, 2007. The new survey has no significant differences from the previous one and would not affect the design of the buildings or present any different or more severe impacts.



Figure 2  
TMK Map



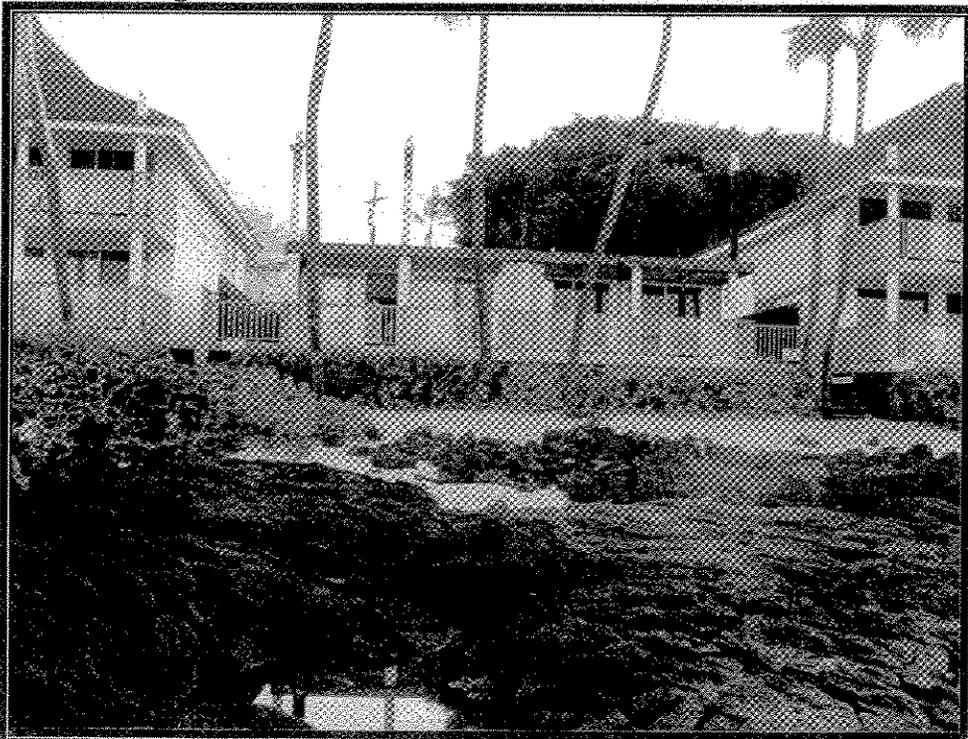
TMK 7-6-17:27. Source: Hawai'i County Tax Maps.

The objective of the project is to reconstruct these two units so they are habitable once again and in the same condition they were prior to the fire. The owners of the units have suffered hardship due to the loss of property value, loss of use, and the loss of potential income. The entire condominium complex has suffered loss due to the fire-damaged buildings being unattractive, which depreciates the sale and rental prices of adjacent units. Owners have also been subject to special assessments to make up the difference between reconstruction costs and insurance proceeds.

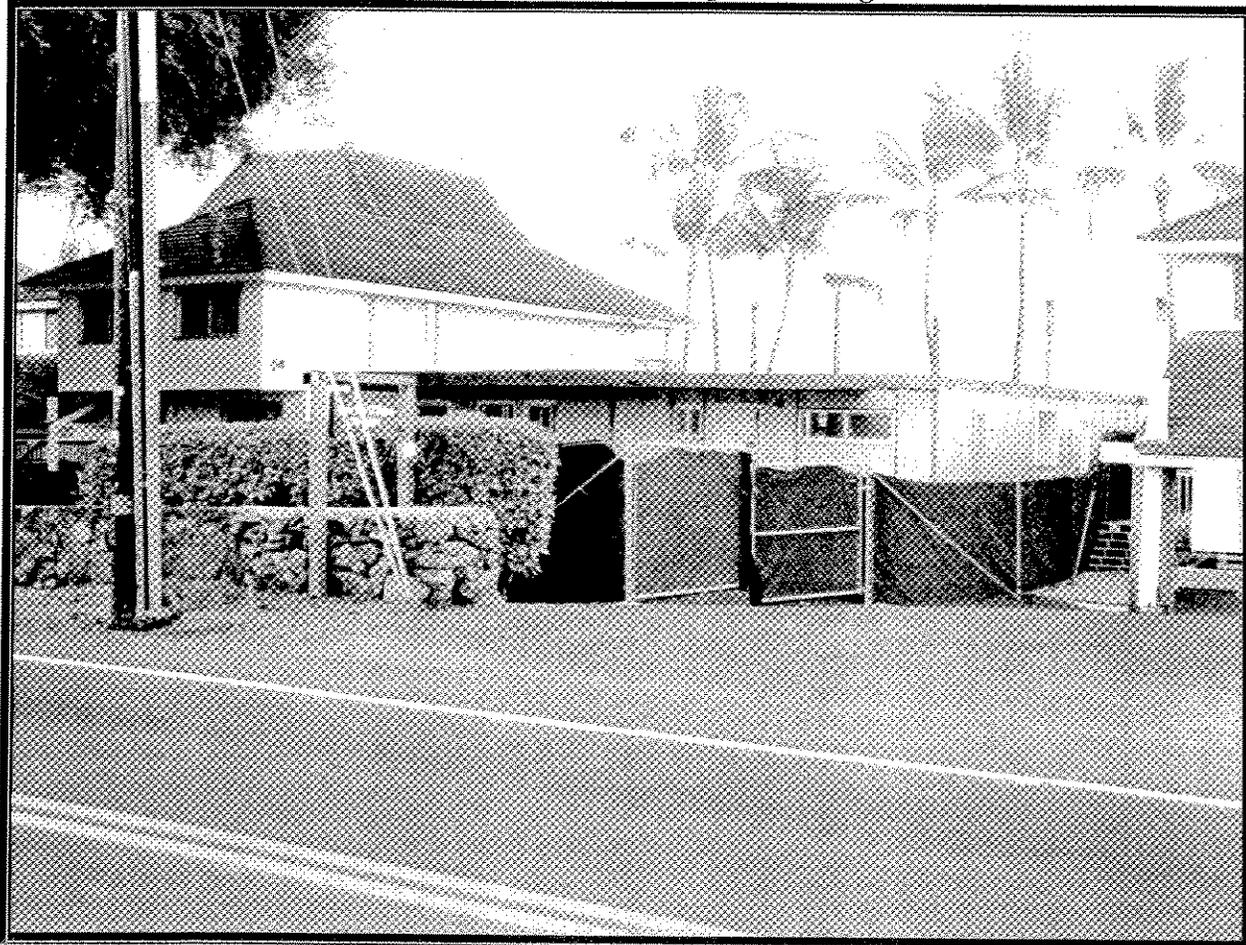
**Figure 3a Airphoto**



**Figure 3b Shoreline Makai of Hale Kai O Kona**



**Figure 3c Fire-Damaged Building**



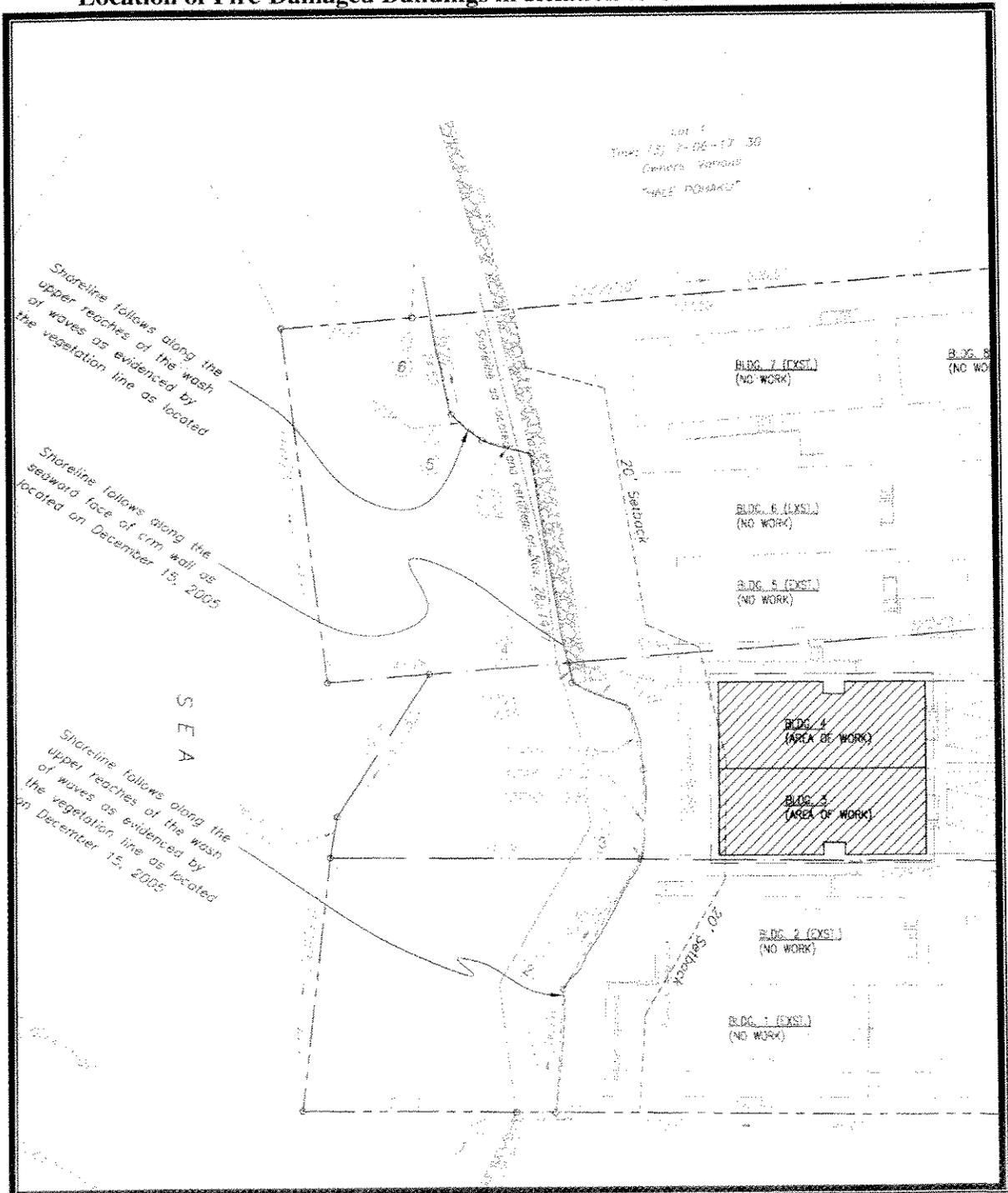
## **1.2 Relation to State of Hawai'i EIS Law and EA Process**

This Environmental Assessment (EA) process was conducted in accordance with Chapter 343 of the Hawai'i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai'i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai'i. Per HAR §11-200-6(b)(1)(C), *an EA is necessary because the site is within the Shoreline Setback Area and the County of Hawai'i has determined that the project is not an exempt activity.*

According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. If the EA concludes that no significant impacts would occur from implementation of the proposed action, a Finding of No Significant Impact (FONSI) will be prepared and an action will be permitted to occur. If the EA finds that significant impacts are expected to occur because

of a proposed action, then an Environmental Impact Statement (EIS) is prepared in order to allow wider investigation of impacts and public involvement.

**Figure 4**  
**Location of Fire-Damaged Buildings in Relation to Certified Shorelines**



Section 2 considers alternatives to the proposed project, and Section 3 discusses the existing environment and impacts associated with this project. Section 4 discusses the determination of the approving agency (anticipated determination in the Draft EA), and Section 5 lists the criteria and the findings made by the applicant in consultation with the County of Hawai'i Planning Department for this project.

### **1.3 Public Involvement and Agency Coordination**

The following agencies, organizations and individuals have been or will be consulted during the Environmental Assessment process:

County:

Planning Department	Public Works Department
Fire Department	Police Department

State:

Department of Health  
Department of Land and Natural Resources  
    Office of Chairman  
    Office of Coastal and Conservation Lands  
    State Historic Preservation Division  
    State Parks Division  
Office of Hawaiian Affairs (Honolulu and West Hawai'i Offices)

Federal:

U.S. Army Corps of Engineers

Private:

Kona Outdoor Circle	Sierra Club
Kona Hawaiian Civic Club	Kona-Kohala Chamber of Commerce
Kali Kona R E Investments LLC	Public Access Shoreline Hawaii

Copies of communications received during preconsultation are contained in Appendix 2A. Comment letters to the Draft EA and the applicant's responses to them are contained in Appendix 2B. Revisions to the Final EA based on letters received or changed circumstances are indicated in this document by double underlines, as in this sentence.

## **PART 2: ALTERNATIVES**

### **2.1 No Action**

Under the No Action Alternative, the fire-damaged buildings would remain as-is. There would be no public benefit to this alternative, and it would also be undesirable from a land use and aesthetic standpoint. It would also fail to address the owners' financial losses and hardship. This represents the baseline by which to compare environmental effects from the project.

### **2.2 Alternatives Initially Evaluated but Dismissed from Further Consideration**

Another course of action would be to demolish and remove the buildings as a complete loss to the owners, which although creating a small open space corridor with some public benefit, would fail once again to address the owners' financial losses and hardship.

Relocating the building outside the setback area would require demolishing the existing and first floor, which are still quite reusable. Aside from the waste of this structure and its material, according to calculations by the owners' association, the cost to relocate the buildings to outside the setback area would be more than double the fire insurance amount for reconstruction. It would also detract from the small available parking area on the mauka side of the building. According to construction specialist Kevin Mitchell of Rider Hunt Levett & Bailey, at a minimum, demolishing the slab and wall would cost \$7,000, new walls \$38,000, utilities \$25,000, a new first floor deck \$100,000, and about \$100,000 for the loss of parking. This would lead to excessive financial hardship for the owners, who have received less than full value from insurance and have already been obliged to pay special assessments. For a small owners association with only eight units, the additional cost associated with a complete demolition and reconstruction would be excessively burdensome on individual owners, and the association does not consider this a reasonable alternative.

## **PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION**

### **3.1 Basic Geographic Setting**

The property is located between the sea and Ali`i Drive, the major coastal County road in Kailua-Kona, (Figs. 1, 2 & 3a). The surface geology consists of lava flows from Hualalai volcano that erupted earlier than 10,000 years ago (Wolfe and Morris 1996). Soil is classified as Punaluu extremely rocky peat, a thin (typically 4 inches thick) organic soil over pahoehoe. It is rapidly permeable (although permeability through underlying pahoehoe may be slow), with slow runoff and slight hazard of erosion (U.S. Soil Conservation Service 1973). The climate is generally warm and dry, averaging between 25 and 30 inches of rain annually, with a mean annual temperature of approximately 76 degrees Fahrenheit (U.H. Hilo-Geography 1998:57).

### **3.2 Physical Environment**

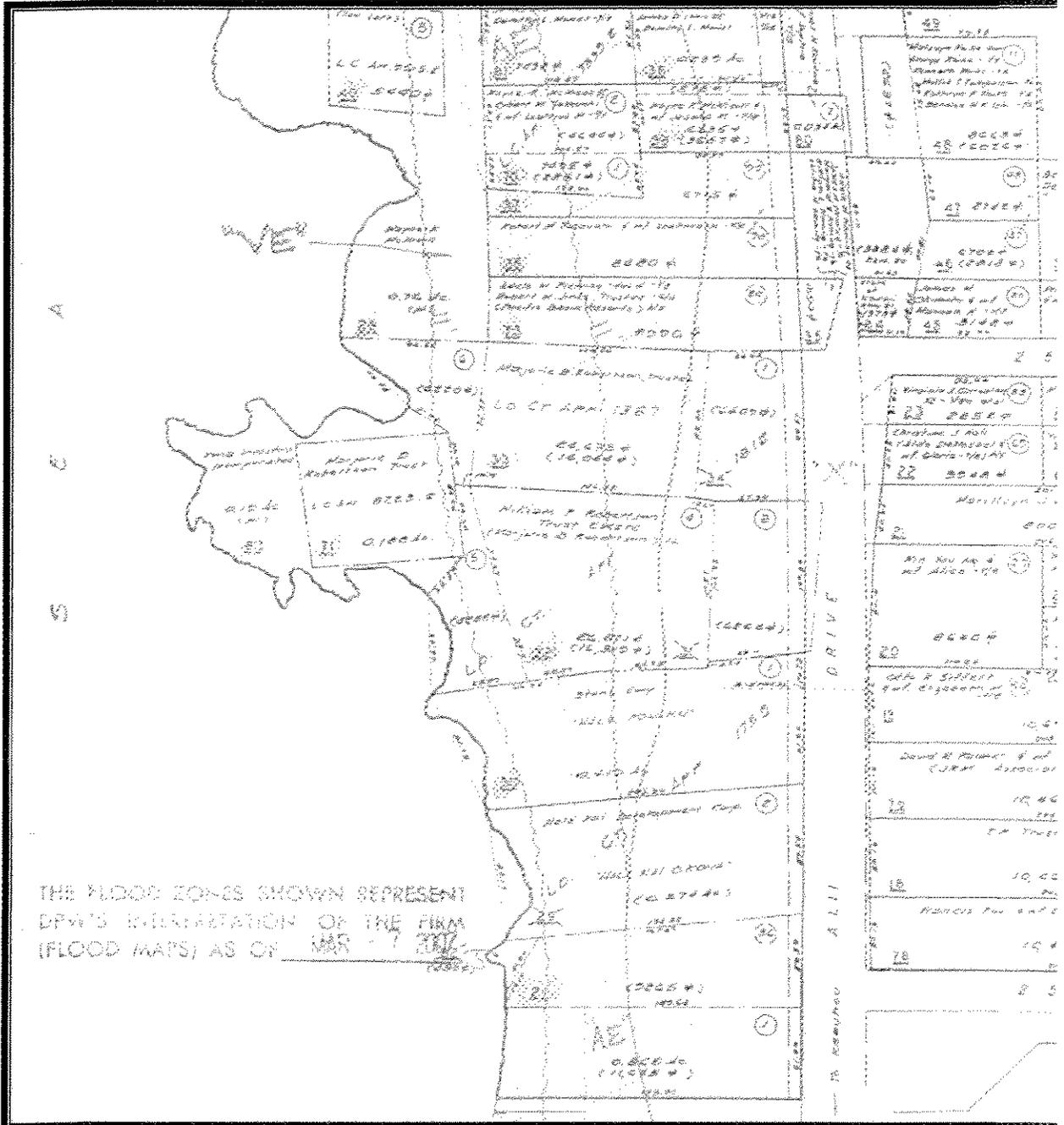
#### **3.2.1 Drainage, Flooding and Hazards**

##### *Environmental Setting*

Floodplain status for many areas of the island of Hawai`i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program's Flood Insurance Rate Maps (FIRM). FIRM maps that have been interpreted by the Hawai`i County Department of Public Works and transferred onto County tax maps serve as the official and best guide to the boundaries of flood zones for small properties (Figure 5). Part of the property is within Zone VE (Coastal High Hazard Area), with a base flood elevation of 11 feet. A professional engineer prepared a Flood Elevation Certification for the property which demonstrated that the elevation of the lowest finished floor is 13.87 feet, 2.87 feet above the base flood elevation (Appendix 4). Although exceptionally high waves may cause flooding even outside of coastal flood zones, the land that lies behind the CMU walls protecting the foundation on Buildings 3 and 4, as well as other units, does not appear to have sustained any noticeable damage from wave activity in the recent past.

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. The United States Geological Survey (USGS) classifies all of Kailua-Kona, which is on the slopes of the dormant volcano Hualalai, as Lava Flow Hazard Zone 4, on a scale of ascending risk 9 to 1 (Heliker 1990). In terms of seismic risk, the entire Island of Hawai`i is rated Zone 4 Seismic Probability Rating (Uniform Building Code, Appendix Chapter 25, Section 2518). Zone 4 areas are at risk from major earthquake

Figure 5  
County of Hawai'i Flood Zone Map



Source: Hawai'i County Department of Public Works

damage, especially to structures that are poorly designed or built, as the October 2006, 6.7-magnitude (Richter) quake demonstrated.

An observation that the shoreline has moved landward as part of the shoreline survey process is an indication of possible erosion. In this case, it is not certain whether the certification difference in 1978 was due to actual changes in the long-term position of the shoreline, short-term (possibly seasonal) changes in the white-sand storm beach, or observer/surveyor differences. Lots that front sandy beaches are regularly subject to coastal processes including erosion and accretion, which can be affected by human actions such as removal of sand or shoreline hardening. Erosion may adversely affect not only a lot owner's improvements and adjacent properties but also State lands and waters, along with the recreational and ecosystem values they support (Hwang 2005; Fletcher et al 2003). There are few beaches on the lava shorelines of Kailua-Kona, and those that are present (e.g., Disappearing Sands or La`aloa) are highly subject to seasonal erosion and deposition.

#### *Impacts and Mitigation Measures*

All structures would conform to seismic standards of the Uniform Building Code. Although the general area is exposed to a certain amount of hazard from lava flows, earthquake, and high waves, the project presents no additional hazard to the public.

Reconstruction of the project would not affect coastal processes, including erosion or accretion, because an existing CMU wall that fronts the foundation and the first story remains intact, and all buildings behind and above this wall are not within the reach of waves. If the entire structure were removed and the area restored to a natural or semi-natural condition, it is possible that some sand would transfer from makai of the Hale Kai O Kona complex to the area of the vacated building, in the gap between the other buildings of the complex. It is even possible that a larger volume of sand than currently present could eventually accrete. Given the loss of value and enjoyment of the property by the owners who have already suffered as a result of the fire, these small and uncertain benefits do not seem a reasonable tradeoff.

As with all shorefront property in Kona, rising sea levels associated with both natural subsidence of the island and rising sea levels caused by global warming, which may also increase storm activity, is a risk. This risk is not distinct or separable from that shared by hundreds of other property owners in the area. Landowners and residents of coastal properties have been made aware of the potential and accept the risk when they purchase and/or inhabit such areas. No public resources or structures in the area appear to be at risk from consequences of allowing rebuilding of the fire-damaged building. In this context, although this risk needs to be acknowledged, the reconstruction of the units would not seem to cause any substantial environmental impacts either singly or cumulatively.

### **3.2.2 Flora and Fauna, Wetlands and Threatened and Endangered Species**

#### *Flora and Fauna*

The site was inspected for biological resources in February 2007. The vegetation at Hale Kai O Kona consists of typical species used in coastal landscaping, and no threatened or endangered animal or plant species or unique habitat were found or would be expected in the area. The area that would be affected by reconstruction has little vegetation, and the only plant species in the area seaward of Buildings 3 and 4 is the native shrub naupaka (*Scaevola sericea*). Common migratory waterbirds such as ulili (*Heteroscelus incanus*) and kolea (*Pluvialis fulva*) utilize the rocky shelf and tidepools makai of the wall. No streams, wetlands or special aquatic sites (e.g., anchialine ponds) are present on the property. In terms of conservation value, no botanical or zoological resources requiring special protection are present on the property itself.

Despite the urban context, North Kona coastal waters have excellent marine biota, including healthy coral-based ecosystems and waters used by boaters, swimmers, divers, and fishermen. Maintenance of water quality is essential for preservation of natural ecosystems that they utilize.

#### *Impacts and Mitigation Measures*

Because of the lack of native terrestrial ecosystems and threatened or endangered plant species, no adverse impacts to terrestrial biota are expected occur as a result of construction and use of the property. Careful adherence to the precautions for preventing any effects to water quality during construction listed below in Section 3.2.4 should prevent any substantial adverse impact on aquatic biological resources in coastal waters.

### **3.2.3 Air Quality, Noise, and Scenic Resources**

#### *Environmental Setting*

Air pollution in the Kona area is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that persistently blankets the district. Drier areas experience blowing dust, especially during construction in high wind episodes.

Noise on the site is moderate, and is derived primarily from nearby residences and roads, especially Ali'i Drive.

The general area shares the quality of scenic beauty along with most of the Kona coastline. The *Hawai'i County General Plan (2005)* contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment, and also identifies areas of natural beauty. The General Plan does not list

any specific viewpoints or sites of natural beauty in the area, aside from the viewplane along Queen Ka`ahumanu Highway going mauka and makai. Where visible from Ali`i Drive, Holualoa Bay and Kamo`a Point, which lie about a half mile south, are locally considered highly scenic.

#### *Impacts and Mitigation Measures*

The project would not affect air quality or noise levels, except for very minor and brief effects during construction. No impacts to views of or from the areas discussed in the General Plan would occur. The reconstruction of the residential structures will not have any substantial impact to scenery, because the building foundations and first floors are already present and no ocean views would be blocked. If the structures were completely removed, a view corridor to the sea would be created, at least until such time as another building was constructed. For construction noise mitigation, construction will be limited to daytime hours.

#### **3.2.4 Hazardous Substances, Toxic Waste and Hazardous Conditions**

Project managers are not aware of any issues related to hazardous or toxic substances or conditions. A project manual for the demolition and reconstruction activities prepared by construction management specialists Rider Hunt Leavett & Bailey specifies a number of standard conditions for safely dealing with demolition material and construction waste in compliance with environmental regulations. The manual also specifies actions should any hazardous material be discovered or released on the project site. Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean. Given adherence to the project manual and appropriate laws and regulations, the project would present no adverse impacts in relation to hazardous or toxic materials.

### **3.3 Socioeconomic and Cultural**

#### **3.3.1 Land Ownership and Land Use, Designations and Controls**

##### *Existing Environment*

The property is owned by AOA O Hale Kai O` Kona. The State Land Use District is Urban, and County zoning is V 1.25 (Resort-Hotel District, required land area of 1,250 square feet, for each dwelling unit). The site is within the Special Management Area (SMA), and a portion of the area required for reconstruction of the residential structures is within the Shoreline Setback Area (see Figure 4). Special Management Permit 49, granted on received on January 13, 1978, allowed the construction of the 8-unit Hale Kai O Kona complex.

The Planning Department determined in a letter of October 19, 2006 (see Appendix 1), that a Special Management Area Permit would not be required for reconstruction, but that a Shoreline Setback Variance would be required. This Environmental Assessment is part of the process for obtaining a Shoreline Setback Variance. The consistency of the project with the regulations and policies of the Special Management Area and the Shoreline Setback are discussed in Section 3.7.2 and 3.7.3, respectively.

### **3.3.2 Socioeconomic Characteristics**

#### *Existing Environment: Social Characteristics and Recreation*

The project site is within the ahupua`a of Holualoa in the North Kona District of the island of Hawai`i. Many parts of Kona have experienced high rates of growth associated with the booming visitor industry in West Hawai`i. Since 1970, population has grown rapidly in all of West Hawai`i and particularly in North Kona, where the number of inhabitants increased from 4,832 in 1970 to 28,543 in 2000 (U.S. Census of Population 2000).

Holualoa is characterized by a mixture of multi-family, multi-story buildings and single-family homes in the Ali`i Drive area, with single-family homes mauka of Ali`i Drive.

#### *Impacts and Mitigation Measures*

No adverse socioeconomic impacts are expected to result from the project. The reconstructed residential structures will not adversely affect direct neighbors, who are part of the Hale Kai O Kona complex. Multi-family zoned property and uses are dominant in the surrounding area, and the proposed use is consistent with all nearby properties. Public access to the shoreline, which is currently afforded by a pedestrian right of way on the south end of the complex, will not be affected in any way by the reconstruction project.

### **3.3.3 Cultural Setting**

The cultural value of the project site was assessed as part of this EA. The purpose of this investigation was to determine whether the property supported any traditional gathering uses, was vital for access to traditional cultural sites, or had other important symbolic associations for native Hawaiians. Sources for the information included examination of maps and publications and consultation with agencies and organizations knowledgeable about Kailua in general and Holualoa in particular. It should be emphasized that the project is restricted to reconstruction of existing, fire-damaged structures and that the property is surrounded by development on all sides except on the shoreline.

Kona became a residence of many of the ali`i (chiefs) of the island of Hawai`i beginning with Umi-a-liloa, who unified the island circa 1525. By this time, the island was divided into six districts or moku-o-loko (Fornander 1973 – Vol. II: 100-102). On Hawai`i

Island, the district of Kona is one of six major moku-o-loko within the island. Kona, like other large districts on Hawai'i, was further divided into `okana or kalana (regions of land smaller than the moku-o-loko, yet comprising a number of smaller units of land), including that of Kona `akau (North Kona), which extended from Lanihau to Pu`uohau.

Like Umi-a-liloa centuries before upon unification of Hawai'i, Kamehameha I also moved his court to Kona after unification of all the islands to Kamakahonu in the ahupua`a of Lanihau (present-day Kailua-Kona). Here Kamehameha spent the last years of his life and died in 1819 (Menton 1994: pp. xv-xvii).

Soon after Kamehameha I's death, Kamakahonu was yet again the site of historic events, when Kamehameha II (Liholiho) ended the kapu forbidding women and men to eat together, thereby precipitating the end of the ancient religion with its kapu system. Later on in the year 1820 Kamehameha II and his entourage, including a number of American Protestant missionaries, departed for O`ahu, where the Kingdom's government was relocated. John Adams Kuakini created a fort out of the Ahu`ena Heiau at Kamakahonu, where governance of the island continued under his charge.

Major changes in the area were brought about by the introduction of new forms of agriculture, which were of limited success, and by the Great Mahele in 1848, whereby Kamehameha III and his chiefs redistributed land ownership (Kelly 1983: pp. 22, 35-36). Over 800 kuleana property awards to native Hawaiians were made in Kona at this time and many other thousands of acres of Kingdom lands were sold to both Hawaiians and foreigners.

Within Kona, Holualoa ahupua`a has a particularly interesting and important history. Holualoa served as a royal center during the reign of many generations of paramount ali`i in the dynastic line of Hawai'i Island. It is celebrated for its association with various chiefesses, including Keolonahihi, who is said to have built the first important complex in Holualoa around A.D. 1300. Keakamahana and her daughter Keakealaniwahine, who were the highest ranking ali`i of their dynastic line and generation, are associated with the royal center from the period between A.D. 1600-1800, when six other such centers were developed along the Kona coast: Kamakahonu near present day Kailua Pier, Kahalu`u, Keauhou, Ka`awaloa, Kealakekua and Honaunau. Ali`i would travel between these royal centers throughout the year for resources and recreation. Areas with good surfing and canoe landings such as Holualoa were favored by the ali`i as royal centers. Kamehameha became adept at board and canoe surfing at Holualoa Bay.

The National Park Service has recently listed the Holualoa 4 Archaeological District on the National Register of Historic Places (<http://www.state.hi.us/dlnr/chair/pio/HtmlNR/05-N79.htm>.) The site, which lies a half mile south of Hale Kai O Kona condominiums, consists of Keolonahihi State Historical Park and its two complexes: Keolonahihi Complex, encompassing 12 acres on the makai side of Ali`i Drive; and the Keakealaniwahine Complex, encompassing 16 acres on the mauka side. The district

contains a total of eight heiau structures that were constructed and dedicated for a range of religious functions representative of the Hawaiian culture, including surfing (Hale `A`ama), warrior training (Kanekaheilani Heiau), medicine and healing (Hualani Heiau), fertility (Mo`ipe Heiau), and preparation of ali`i for burial. The State is also in the process of possibly acquiring a 1.25-acre parcel that will link the Keakealaniwahine Complex to Ali`i Drive.

The Hale Kai O Kona project site itself does not appear to be specifically associated with the Holualoa 4 complex (almost a half mile distant) or other important structures or events. No kuleana (lots awarded to commoners after the Mahele) appear on tax maps of the property. This completely developed building site is surrounded by modern development on all sides, and no archaeological sites are present (see Section 3.3.4). The rich cultural associations of Holualoa are no longer particularly evident in this vicinity. The Honolulu and West Hawai`i offices of the Office of Hawaiian Affairs and the Kona Hawaiian Civic Club were consulted by letter to provide an opportunity for identification of resources or issues; no responses identifying resources have yet been received.

The lava shoreline and tidepools of this part of Kona are used for modern and traditional practices, including fishing and gathering. These practices will not be constrained or prevented in any way by the reconstruction of the fire-damaged structures. Lateral access to the shoreline will remain unrestricted.

#### *Impacts and Mitigation Measures*

No significant historic or cultural sites appear to be present in the area that would be affected by the proposed project. Important cultural practices related to shoreline gathering may occur but would not be affected, and no cultural impacts would appear to be associated with reconstructing the fire-damaged building.

### **3.3.4 Archaeology and Historic Sites**

#### *Environmental Setting*

No sites are listed on the National and State Register of Historic Places on or directly adjacent to the property, according to published lists of Register sites maintained by the State Historic Preservation Division. Historic sites, including the major complexes of Keolonahihi and Keakealaniwahine at Holualoa 4, are present about a half mile south at Holualoa Bay, as discussed in Section 3.3.3, above.

No archaeological sites appeared to be present when the complex was constructed in 1978. The project site itself was completely graded when the complex was built, and as shown in the photographs in Figures 3a-3d, no area of the property affected by the proposed action has its natural surface; no subsurface activities are proposed as part of the reconstruction.

### *Impacts*

It would appear that no historic sites are present or would be affected by the proposed reconstruction of the fire-damaged residential structures. As part of early consultation for the EA, the Hawai'i State Historic Preservation Division (SHPD) was contacted by letter on February 13, 2007, for concurrence to determine whether there is sufficient information to determine that no effect to significant historic sites will occur. As of July 12, 2007, no response has been received.

### *Mitigation Measures*

As a precaution against inadvertent archaeological or burial finds, the following additional mitigation measure will be implemented:

Mitigation Measure: If any previously unidentified sites, or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings, or walls are encountered during excavation, work will stop immediately and SHPD will be consulted to determine the appropriate mitigation.

## **3.4 Public Facilities and Utilities**

### **3.4.1 Recreational Facilities and Resources**

#### *Existing Environment*

The shoreline fronting the lava wall consists of a lava shelf with sand pockets that are formed by and reworked during large wave episodes. This area is used by residents and visitors to the condominium complex, and others who access this area laterally along the shoreline or through the pedestrian access at the south end of the Hale Kai O Kona complex, for fishing, gathering, hiking and sunbathing.

#### *Impacts and Mitigation Measures*

Mauka-makai access and use of the shoreline in front of Hale Kai O Kona are clearly important for recreation. The proposed reconstruction of the fire-damaged structures would not affect access or use of these areas in any way.

### **3.4.2 Other Public Facilities and Utilities**

#### *Environmental Setting*

The site is serviced by overhead power and telephone lines from HELCO and Hawaiian Telcom. Water service is from the County of Hawai'i Department of Water Supply. Wastewater disposal is through the municipal sewage system. No other public facilities are present.

The site is accessed by a driveway from Ali'i Drive. Traffic congestion along Ali'i Drive and throughout North Kona has increased substantially over the last decade, exacerbated by the difficulty the County and State have encountered in implementing planned road improvements.

#### *Impacts and Mitigation Measures*

Reconnection of existing utility hookups will cause no adverse impact to public facilities or utilities. The proposed reconstruction will not add to traffic, as it will simply replace habitable units that existed prior to the fire in 2004. No new buildings or square footage will be built beyond what was there in 2004. No additional mitigation measures appear warranted.

### **3.5 Secondary and Cumulative Impacts**

The very small scale of the proposed project will not produce any secondary impacts, such as population changes or effects on public facilities.

Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures. A number of residential, commercial, and public infrastructure projects are currently in planning or construction in Kailua-Kona. Notably large undertakings include the County of Hawai'i road projects of the Lako Street Extension, the La'aloa Street Extension, and the Kahului-Keauhou Parkway (a.k.a. Ali'i Highway), which involve construction within two miles or closer of the property. A number of multi-family residential projects ranging between 10 and 300 units are in planning or construction within a similar radius. Impacts from these larger projects, particularly construction-phase impacts related to runoff, traffic and noise, may accumulate with those of other larger projects and create problems in Kona. The very small scale of the proposed reconstruction of several living units will not produce impacts substantial enough to accumulate in any significant way with those of other projects. The adverse effects of reconstructing the two fire-damaged units at Hale Kai O Kona are very minor and temporary disturbance to air quality, noise, and visual quality during construction. Other than the precautions for preventing any effects to water quality during construction listed above in Section 3.2.4, no special mitigation measures should be required to counteract

the small adverse cumulative effect. It is particularly important to note that the project is expected to generate negligible scenic impact, no impact to public use and enjoyment of trails and shoreline areas, and no effect to historic or cultural properties. There would thus be no risk of cumulative impact to these resources.

### **3.6 Required Permits and Approvals**

*County of Hawaii:*

Special Management Area Permit Exemption (obtained)  
Shoreline Setback Variance  
Plan Approval

### **3.7 Consistency With Government Plans and Policies**

#### **3.7.1 Hawai'i County General Plan**

The *General Plan* for the County of Hawai'i is the document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The plan was adopted by ordinance in 2005. The *General Plan* is organized into thirteen elements, with policies, objectives, standards, and principles for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai'i. Below are pertinent sections followed by a discussion of conformance.

#### **ECONOMIC GOALS**

Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.

Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.

Strive for diversity and stability in the economic system.

Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural and social environment.

*Discussion:* The proposed project is in balance with the natural, cultural and social environment of the County, would create temporary construction jobs for local residents and indirectly affect the economy through construction industry purchases from local suppliers. A multiplier effect takes place when these employees spend their income for food, housing, and other living expenses in the retail sector of the economy. Such activities are in keeping with the overall economic development of the island.

## ENVIRONMENTAL QUALITY GOALS

Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.

Maintain and, if feasible, improve the existing environmental quality of the island.

## ENVIRONMENTAL QUALITY POLICIES

Take positive action to further maintain the quality of the environment.

## ENVIRONMENTAL QUALITY STANDARDS

Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and well being, through the enforcement of appropriate Federal, State and County standards.

Incorporate environmental quality controls either as standards in appropriate ordinances or as conditions of approval.

*Discussion:* The proposed project would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. Although any building sited within the shoreline setback area induces some level of intrusion on the coast, the particular context behind an existing CMU wall mauka of a lava shelf and the fact that the buildings have existed here since 1978 mitigates this intrusion. The reconstructed buildings are located between other such units in an area dominated by condominium complexes and would continue to be compatible with the existing rural single-family homes and recreational and historic site uses in the general area.

## HISTORIC SITES GOALS

Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii.

Appropriate access to significant historic sites, buildings, and objects of public interest should be made available.

## HISTORIC SITES POLICIES

Agencies and organizations, either public or private, pursuing knowledge about historic sites should keep the public apprised of projects.

Require both public and private developers of land to provide historical and archaeological surveys and cultural assessments, where appropriate, prior to the clearing or development of land when there are indications that the land under consideration has historical significance.

Public access to significant historic sites and objects shall be acquired, where appropriate.

*Discussion:* No archaeological or cultural sites appear to be present on the property and particularly in the area affected by the reconstruction project, which is completely covered by an existing first floor and foundation of a building.

#### FLOOD CONTROL AND DRAINAGE GOALS

Conserve scenic and natural resources.

Protect human life.

Prevent damage to man-made improvements.

Control pollution.

Prevent damage from inundation.

Reduce surface water and sediment runoff

#### FLOOD CONTROL AND DRAINAGE POLICIES

Enact restrictive land use and building structure regulations in areas vulnerable to severe damage due to the impact of wave action. Only uses that cannot be located elsewhere due to public necessity and character, such as maritime activities and the necessary public facilities and utilities, shall be allowed in these areas.

Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

#### FLOOD CONTROL AND DRAINAGE STANDARDS

Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawaii County Code.

Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).

Applicable standards and regulations of Chapter 10, “Erosion and Sedimentation Control” of the Hawaii County Code.

Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

*Discussion:* Part of the property is within Zone VE (Coastal High Hazard Area), with a base flood elevation of 11 feet (Figure 5). A professional engineer prepared a Flood Elevation Certification for the property which demonstrated that the elevation of the lowest finished floor is 13.87 feet, 2.87 feet above the base flood elevation (Appendix 4). The improvements are subject to review by the Hawai`i County Department of Public Works to ensure that all relevant standards of Chapter 27 and Chapter 10 are addressed. The reconstruction project cannot be reasonably located anywhere else.

#### NATURAL BEAUTY GOALS

Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.

Protect scenic vistas and view planes from becoming obstructed.

Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

#### NATURAL BEAUTY POLICIES

Increase public pedestrian access opportunities to scenic places and vistas.

Protect the views of areas endowed with natural beauty by carefully considering the effects of proposed construction during all land use reviews.

Do not allow incompatible construction in areas of natural beauty.

*Discussion:* Construction will take place within an existing condominium complex on top of an existing foundation and first floor, and will impose no new scenic impact. The improvements are minor and will not cause scenic impacts or impede access.

#### NATURAL RESOURCES AND SHORELINES GOALS

Protect and conserve the natural resources of the County of Hawaii from undue exploitation, encroachment and damage.

Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.

Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.

Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

#### NATURAL RESOURCES AND SHORELINES POLICIES

The County of Hawaii should require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.

Encourage the use of native plants for screening and landscaping.

*Discussion:* The proposed project avoids impact on shoreline resources by remaining located behind an existing CMU wall, in exactly the same area as before the fire.

#### LAND USE GOALS

Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.

#### LAND USE POLICIES

Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

#### LAND USE, OPEN SPACE GOALS

Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.

Protect designated natural areas.

#### LAND USE, OPEN SPACE POLICIES

Open space shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

*Discussion:* The proposed reconstruction of the fire damaged buildings does not detract from the open space in the area. Lateral coastal access will be preserved.

### **3.7.2 SMA Guidelines**

The condominium complex was granted SMA Permit 49, effective January 13, 1978, by the Hawai'i County Planning Commission. By letter of October 12, 2006, the Planning Department determined that an SMA Assessment and Permit were not required for the reconstruction project, as the original permit allowed for eight units and there was no increase in density (see App. 1 for original permit and subsequent letters). In any case, the proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled *Coastal Zone Management*. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, or coastal hazards.

The proposed reconstruction is consistent with the character to the surrounding area, which contains identical or very similar condominium units, and it is not likely to result in any substantial adverse impact on the surrounding environment. The property is adjacent to the shoreline but will not restrict any shoreline uses such as hiking, fishing or water sports. Furthermore, the viewplanes to and along the shoreline towards the property will not be adversely impacted, as the foundation and first floor upon which the reconstruction would occur already exists and the area has previously supported a two-story building. No historic sites are present on the affected area, which is completely covered by structures. It is expected that the project will not result in any impact on the biological or economic aspects of the coastal ecosystem. The project site is not situated over any major natural drainage system or water feature that would flow into the nearby coastal system. The general property contains only a few native plants and none that are not extremely common. Part of the property is within the Coastal High Hazard Area with a base flood elevation of 11 feet. A professional engineer prepared a Flood Elevation Certification for the property that demonstrated that the elevation of the lowest finished floor is 13.87 feet, 2.87 feet above the base flood elevation (App. 4). The reconstruction will comply with Chapter 27 of the Hawai'i County Code, which regulates development within the floodplain. Construction is mauka of an existing CMU wall and would not affect beaches nor public use and recreation of the shoreline. Given the urban context and minor nature of the project, no substantial impact on marine resources will occur.

### **3.7.3 Shoreline Setback Rules**

Rule 11 (Shoreline Setback) of the Hawai'i County Planning Department Rules of Practice and Procedure governs uses with the Shoreline Setback Area. Pursuant to Rule 11-6(b), all structures and activities that do not qualify under section 11-7(a) through (c) are prohibited in the shoreline setback area, unless the applicant obtains a Shoreline Setback Variance or the Planning Director determines that it is a "minor activity" that does not adversely affect the shoreline" in the context of the rules and is thus exempt. Reconstruction of the fire-damaged buildings has been determined by the Planning Department not to qualify as a minor activity, and it thus requires a variance. In his letter

of October 19, 2006, the Planning Director required a Shoreline Setback Variance for the reconstruction (see App. 1).

Shoreline Setback Variances are governed by Rule 8 of the Hawai'i County Planning Commission Rules of Practice and Procedure, which provides for the variance process in section 8-8 and defines the criteria for approving a variance in section 8-10 (b) (3):

*(b) A variance may also be granted upon a finding that, based upon the record, the proposed structure or activity meets one of the following standards of this subsection: ...*

*(3) Hardship Standard.*

*(A) A structure or activity may be granted a variance upon the grounds of hardship only if:*

- (i) The applicant would be deprived of reasonable use of the land if required to comply fully with this rule; and*
- (ii) The request is due to unique circumstances and does not draw into question the reasonableness of this rule; and*
- (iii) The request is the practicable alternative which best conforms to the purpose of this rule.*

Project planner Greg Mooers has provided the following interpretation of how the request for variance meets these criteria:

(i) Should the applicants be denied this variance, they will be denied a reasonable use of the subject property that they enjoyed prior to the fire, which has caused a loss of value and enjoyment of the property. The applicant's request to reconstruct their fire-damaged units in exactly its original location on top of the existing foundation and first floor and encroaching approximately 11 feet within the current setback area is a reasonable and accepted use of the property.

(ii) This request for a variance is due to a fire that partially damaged the structure, and is thus a unique circumstance that does not draw into question the reasonableness of the rule. This request for a variance is due to the unique circumstances of a fire which partially damaged the structure. Relocating the building outside the setback area would require demolishing the existing and first floor, which are still quite reusable. Aside from the waste of this structure and its material, according to calculations by the owners' association, the cost to relocate the buildings to outside the setback area would be more than double the fire insurance amount for reconstruction. The proposed improvements within the setback area will not encroach in to the public shoreline area, nor will it impact any coastal processes.

(iii) The request for permission to build the proposed improvements is the practicable alternative that best conforms to the purpose of rule 8, section 8-2. The existing footprint avoids any additional encroachment onto the shoreline area. The proposed action will not cause the loss of sand, coral or rocks from the shoreline. The proposed improvements will not endanger any residential dwellings.

Section 8-10 (b) (3) continues:

*(B) Before granting a hardship variance, the Commission must determine that the request is a reasonable use of the land. The determination of the reasonableness of the use of land shall consider factors such as shoreline conditions, erosion, surf and flood condition, and the geography of the lot as it relates to health and safety.*

The applicant's response to this criterion is that the proposed use is reasonable, considering that SMA 49 was already granted for this use in 1978 and the applicants have enjoyed use of the buildings until the fire in 2004. There will be no jeopardy to health or safety by the proposed reconstruction of the fire damaged buildings.

*(C) If a structure is proposed to artificially fix the shoreline, the Commission must also determine that shoreline erosion is likely to cause hardship if the structure is not allowed within the shoreline area.*

The reconstruction of the fire damaged buildings will not artificially fix the shoreline. The proposed reconstruction would occur on an existing foundation which is already protected by a CMU wall.

*(D) Hardship shall not be determined as a result of rezoning amendments, planned unit development (PUD) permits, cluster plan development (CDP) permits, or subdivision approvals after June 16, 1989.*

This does not apply to the subject case, as the property was zoned appropriately for this development, had Plan Approval and was constructed prior to 1989.

Section 8-10 continues:

*(c) No variance shall be granted unless appropriate conditions are imposed as applicable:*

- (1) To comply with Chapters 10 and 27 of the Hawaii County Code relating to Erosion and Sedimentation Control and Flood Control respectively;*
- (2) To maintain safe lateral access along the shoreline or adequately substitute for its loss;*
- (3) To minimize risk of adverse impacts on beach processes;*
- (4) To minimize risk of structures failing and becoming loose rocks or rubble on public property; and*
- (5) To minimize adverse impacts on public views to, from and along the shoreline.*

- (1.) The applicant will comply with all provisions of Chapters 10 and 27.
- (2.) The proposed reconstruction will not impact the lateral access, which is located on the shoreline makai of the structures.
- (3.) The proposed action will not negatively impact beach processes as the subject property is separated from the beach by a CMU wall that has existed for almost thirty years, and the structure will be placed on the same foundation that has been used previously. There is no evidence that there has been any effect on beach processes by the building in the past.
- (4.) The CMU wall protects the subject property, and there is no history of damage to this or adjacent units, and little risk of damage in the near future.
- (5.) The reconstructed two-story building will have the same height limitation as all of the other structures on site and the same footprint and height as the original building had. It will have no greater effect on view plane than the replaced structure had. The reconstruction involves an existing foundation and first floor and will not affect view planes to, from, or along the shoreline.

#### **PART 4: DETERMINATION**

Based on evaluation of the environmental setting and impacts and consideration of comments received on the Draft EA, the Hawai'i County Planning Department has determined that the proposed action will not have a significant effect upon the environment and that an Environmental Impact Statement is not required, and has thus issued a Finding of No Significant Impact (FONSI).

#### **PART 5: FINDINGS AND REASONS**

Chapter 11-200-12, Hawai'i Administrative Rules, outlines those factors agencies must consider when determining whether a project has significant effects:

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resource would be involved, committed or lost. No native ecosystems or historic sites are present. Although the project is within the shoreline area, no alteration to coastal processes is expected because the foundation and first floor of the building to be reconstructed are already present and protected from wave action by a CMU wall.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* No restriction of beneficial uses would occur.
3. *The proposed project will not conflict with the State's long-term environmental policies.* The State's long term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will not have any substantial effect on the economic or social welfare of the Kona community or State.
5. *The proposed project does not substantially affect public health in any detrimental way.* The project will not affect public health and safety in any way.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* As the project involves the reconstruction of an existing fire-damaged building with several units, no secondary effects are expected.
7. *The proposed project will not involve a substantial degradation of environmental quality.* The project is minor and environmentally benign, and it would thus not contribute to environmental degradation.

8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The site was already disturbed as part of building the original structures. No rare, threatened or endangered species of flora or fauna are known to exist on the project site, and none would be affected by any project activities.

9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The project is not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions, mainly because the reconstruction of a portion of two living units would have extremely minor impacts.

10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels.* No substantial effects to air, water, or ambient noise would occur. Brief, temporary effects could occur during construction and will be mitigated.

11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Part of the property is within Zone VE (Coastal High Hazard Area), with a base flood elevation of 11 feet. A Flood Elevation Certification for the property demonstrated that the elevation of the lowest finished floor is 13.87 feet, 2.87 feet above the base flood elevation. Although the proposed project is located in a zone exposed to some flooding potential, as well as earthquake and volcanic hazard, there are no reasonable alternatives that would avoid such exposure, the project presents no additional hazard to the public, and the project is not imprudent for the landowner.

12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* The project does not impact the views listed in any plan, particularly those of the Hawai'i County General Plan. Furthermore, the project will not impair views of or along the coastline from any public viewpoint.

13. *The project will not require substantial energy consumption.* Negligible amounts of energy input will be required for construction.

For the reasons above, the proposed project is not expected to have any significant effect in the context of Chapter 343, Hawai'i Revised Statutes and section 11-200-12 of the State Administrative Rule.

## REFERENCES

Fletcher, C.H., Grossman E.E., Richmond, B.M., and A.E. Gibbs. 2003. "Mapping shoreline change using digital orthophotogrammetry on Maui, Hawaii" in: *Shoreline Mapping and Change Analysis: Technical Considerations and Management Implications, Journal of Coastal Research*. Special Issue #38.

Formander, A. 1973 *An Account of the Polynesian Race: Its Origin and Migrations*. Tokyo: Charles E. Tuttle Co., Inc.

Gagne, W., and L. Cuddihy. 1990. "Vegetation," pp. 45-114 in W.L. Wagner, D.R. Herbst, and S.H. Sohmer, eds., *Manual of the Flowering Plants of Hawai`i*. 2 vols. Honolulu: University of Hawai`i Press.

Hawai`i State Department of Business Economic Development and Tourism (DBEDT). 1997. *State of Hawai`i Data Book*. Honolulu: DBEDT.

Heliker, C. 1990. *Volcanic and Seismic Hazards on the Island of Hawai`i*. Washington: U.S. GPO.

Hwang, D. 2005. *Hawaii Coastal Hazard Mitigation Guidebook*. Hawaii CZM publication prep. purs. to NOAA Award No. NA07OZ0115.

Kelly, Marion. 1983. *Gardens of Kona*. Honolulu: State of Hawaii Department of Transportation in cooperation with the Federal Highway Administration.

Menton, Linda K., editor. 1994. *Kona in History, A Guide to Resources*. Honolulu: The History and Humanities Program of the State Foundation on Culture and the Arts in cooperation with the Kona Historical Society.

U.S. Bureau of the Census. 1991. *1990 Census of Population, General Population Characteristics*. 1990 CP-1-13. Washington: GPO.

U.S. Soil Conservation Service. 1973. *Soil Survey of Island of Hawai`i, State of Hawai`i*. Washington: U.S.D.A. Soil Conservation Service.

University of Hawai`i at Hilo, Dept. of Geography. 1998. *Atlas of Hawai`i*. 3rd ed. Honolulu: University of Hawai`i Press.

Wolfe, E.W., and J. Morris. 1996. *Geologic Map of the Island of Hawai`i*. USGS Misc Investigations Series Map i-2524-A. Washington, D.C.: U.S. Geological Survey.

**RECONSTRUCTION OF HALE KAI O KONA**

**FIRE-DAMAGED BUILDINGS**

**WITHIN SHORELINE SETBACK**

**ENVIRONMENTAL ASSESSMENT**

**APPENDIX 1**

**SMA PERMIT 49 AND SUBSEQUENT**

**PLANNING DEPARTMENT LETTERS**



January 13, 1978

Mr. John W. Godfrey, President  
The Godfrey Corporation  
P. O. Box 1688  
Kailua-Kona, HI 96740

Dear Mr. Godfrey:

SMA Use Permit Application  
Planned Development Permit Application  
Tax Map Key 7-6-16:29 & 7-6-17:27 & 29

The Planning Commission at its duly held public hearing on January 12, 1978, considered your applications for: a) Special Management Area (SMA) Use Permit and b) Planned Development Permit (PDP) to allow the construction of an 8-unit condominium and related improvements at Holualoa, North Kona, Hawaii.

The Commission voted to approve your application effective January 12, 1978, subject to the following conditions:

1. That the proposed development shall conform to representations made by the petitioner and shall be limited to no more than eight (8) units.
2. That consolidation of the three (3) lots into one (1) lot be obtained within one (1) year from the effective date of the Special Management Area Use Permit.
3. That the petitioner or its authorized representative shall submit plans for plan approval within one (1) year from the effective date of the consolidation of the three parcels. Construction shall commence within one (1) year from the date of final plan approval and be completed within two (2) years thereafter.

JAN 16 1978

4. That the petitioner shall provide public access to the shoreline. The location of such access and improvements to be made to it shall be determined at the time of plan approval.
5. That a landscaping plan shall be submitted to the Planning Director for his review and approval.
6. That the petitioner shall comply with the rules and regulations of the State Department of Health; in particular, with regard to sewage disposal facilities.
7. That the requirements of the Department of Water Supply shall be complied with.
8. That all other applicable rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area Use Permit and the Planned Development Permit may be deemed null and void by the Planning Commission.

We will be forwarding the official Special Management Area Use Permit and Planned Development Permit as soon as the document is prepared. In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8286.

Sincerely,



William F. Mielcke  
Chairman, Hawaii Planning Commission

smn

cc: Building Division, Dept. of Public Works

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SPECIAL MANAGEMENT AREA )  
USE PERMIT )  
by )  
GODFREY CORPORATION )  
for )  
AN EIGHT (8) UNIT CONDOMINIUM )  
AND RELATED IMPROVEMENTS )  
in )  
HOLUALOA, NORTH KONA, HAWAII )

SMA USE PERMIT NO. 49

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on December 19, 1977, considered the application of GODFREY CORPORATION for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of an eight (8) unit condominium and related improvements at Holualoa, North Kona, Hawaii, Tax Map Key 7-6-16:29 and 7-6-17:27 and 29.

The Commission has found:

That the proposed development is not expected to have any substantial environmental or adverse ecological effects. The petitioner has stated that "...no grading is anticipated at the site," and thus no major disturbance to the existing topography is expected.

Further, the parcel is not known to have any endangered plant or animal species, unique land forms, nor any historic sites.

That although the proposed development will alter the shoreline area, aesthetic and pollution concerns may be minimized and/or mitigated through conditions of approval and existing rules and regulations.

That public access to the shoreline from Alii Drive will be provided via two (2) ten (10) foot wide routes along the side property lines. Further, no construction will block or restrict access laterally along the shoreline.

That the request is consistent with the General Plan Multiple-Family Residential policy which encourages the development of multi-family units in those areas serviced

by essential utilities. The area is currently serviced by electric and telephone lines. Adequate water for this project has already been committed by the Department of Water Supply.

That the request is consistent with the General Plan Housing element which calls for the provision of various housing types. The proposed development will consist of seven (7) four (4) bedroom units and one (1) three (3) bedroom unit, and will add to the housing supply.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of an eight (8) unit condominium and related improvements at Holualoa, North Kona, Hawaii, Tax Map Key 7-6-16:29 and 7-6-17:27 and 29, pursuant to the authority vested in it by Rules No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

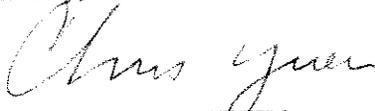
1. That the proposed development shall conform to representations made by the petitioner and shall be limited to no more than eight (8) units.
2. That consolidation of the three (3) lots into one (1) lot be obtained within one (1) year from the effective date of the Special Management Area Use Permit.
3. That the petitioner or its authorized representative shall submit plans for plan approval within one (1) year from the effective date of the consolidation of the three parcels. Construction shall commence within one (1) year from the date of final plan approval and be completed within two (2) years thereafter.
4. That the petitioner shall provide public access to the shoreline. The location of such access and improvements to be made to it shall be determined at the time of plan approval.
5. That a landscaping plan shall be submitted to the Planning Director for his review and approval.
6. That the petitioner shall comply with the rules and regulations of the State Department of Health; in particular, with regard to sewage disposal facilities.
7. That the requirements of the Department of Water Supply shall be complied with.
8. That all other applicable rules and regulations shall be complied with.

Ms. Louisa Potgieter, SAIA, AIA  
Page 2  
October 19, 2006

Planning Commission approval of a Shoreline Setback Variance Application will be required to allow for the reconstruction of Units 3 and 4 on the original building footprint.

If you have questions, please feel free to contact Esther Imamura of this office at 961-8288, extension 257. For further information on the Shoreline Setback Variance Application, Jeff Darrow can be reached at extension 259.

Sincerely,



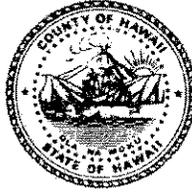
CHRISTOPHER J. YUEN  
Planning Director

ETI:cd

\\Coh31\planning\public\wpwin60\CZM\SMMA\2006\SAA 06-204 Potgieter Hale Kai O'Kona.doc

xc: Ms. Deborah Chang - Long Range Planning  
Mr. Norman Hayashi - Planning Division  
Planning Department - Kona

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

April 13, 2007

Ron Terry, Ph.D.  
Geometrician Associates, LLC  
P.O. Box 396  
Hilo, HI 96721

Dear Dr. Terry:

**Pre-Draft Environmental Assessment (April 2007) Comments**  
**Applicant: Edy Campbell, President, AOA Hale Kai O Kona**  
**Request: Reconstruction of Fire-Damaged Buildings of Hale Kai O Kona**  
**Within Shoreline Setback Area.**  
**TMKs: 7-6-17: 27**

---

The following comments pertain to your client's proposal to the reconstruction of 2 units that were damaged by fire within the Hale Kai O Kona condominium complex. Our comments have been requested because the proposed request will be within the Shoreline Setback Area, which is an action that triggers the environmental review requirements of HRS, Chapter 343.

It is our understanding that the proposed project will consist of the exact reconstruction of two units of the eight-unit Hale Kai O Kona condominium project, which were destroyed by fire in 2004. Undamaged portions of the units that will remain and the existing foundation will be reused. Through the Special Management Area Assessment process, an updated shoreline survey certified on July 5, 2006 indicated that part of the shoreline had moved inland. The new survey identified portions of the original placement of the structures that were damaged now encroach approximately 11 feet within the 20-foot shoreline setback area, which will require a Shoreline Setback Variance from the Planning Commission.

It is also our understanding that Godfrey Corporation was granted Special Management Area Use Permit No. 49, effective January 13, 1978, to construct the 8-unit condominium complex & related improvements and that these structures were originally constructed outside of the 20-foot shoreline setback area.

Ron Terry, Ph.D.  
Geometrician Associates, LLC  
Page 2  
April 13, 2007

After reviewing the Pre-Draft Environmental Assessment and our files, the Planning Department has no objections to the project. We have the following comments to be addressed within the Draft Environmental Assessment:

**Section 1.3 Public Involvement and Agency Coordination:** In the Draft EA, please include the following private organization for consultation:

Public Access Shoreline Hawaii (PASH)  
c/o Isaac D. Harp, President  
P.O. Box 437338  
Kamuela, HI 96743  
E-mail Address: [Imua-Hawaii@Hawaii.rr.com](mailto:Imua-Hawaii@Hawaii.rr.com)  
Phone: (808) 885-8540

**Section 3.7.2 SMA Guidelines:** In the Draft EA, please include a copy of Special Management Area Use Permit No. 49 as an exhibit for reference.

**Submission Details:** The following items will need to be submitted to the Planning Department with the original Draft EA:

- 4 hard copies of the Draft EA
- A Completed OEQC Publication Form
- A Project Summary (250 words or less on hard copy and on disk)

Please complete and submit the "OEQC Publication Form" which is to also include a 250-word or less project description. The form can be found at <http://www.state.hi.us/health/oeqc/submissions/index.html>. Additionally, you will need to submit the summary on a disk or by email to [oeqc@pixi.com](mailto:oeqc@pixi.com), and hard copy.

If you have any questions, please feel free to contact Jeff Darrow at 961-8288, ext 259.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JWD:smn  
P:\public\wpwin60\CH343\2007\LTerry-AOAOHaleKaiOKona-DEAComments.doc

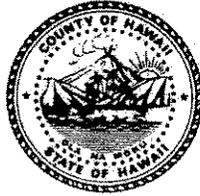


**RECONSTRUCTION OF HALE KAI O KONA  
FIRE-DAMAGED BUILDINGS  
WITHIN SHORELINE SETBACK  
ENVIRONMENTAL ASSESSMENT**

**APPENDIX 2  
COMMENT LETTERS  
FROM AGENCIES AND ORGANIZATIONS  
IN RESPONSE TO PRE-CONSULTATION**



arry Kim  
Mayor



Lawrence K. Mahuna  
Police Chief

Harry S. Kubojiri  
Deputy Police Chief

## County of Hawaii

### POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawaii 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

February 22, 2007

Mr. Ron Terry, Principal  
Geometrician Associates  
P.O. Box 396  
Hilo, Hawaii 96721

Dear Mr. Terry:

SUBJECT: Early Consultation on Hale Kai O Kona Shoreline Setback Variance  
Environmental Assessment, Tax Map Key: (3) 7-6-17:27 & 29,  
North Kona, Hawaii

Staff has reviewed the above-referenced request and has no comments or  
objections to offer at this time.

Should you have any questions, please feel free to contact Captain Paul Kealoha,  
Commander of the Kona District, at 326-4646, ext. 249.

Sincerely,

LAWRENCE K. MAHUNA  
POLICE CHIEF



DÉREK D. PACHECO  
ASSISTANT CHIEF  
AREA II OPERATIONS

PK:dmv

**Harry Kim**  
Mayor



**Darryl J. Oliveira**  
Fire Chief

**Glen P.I. Honda**  
Deputy Fire Chief

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720  
(808) 981-8394 • Fax (808) 981-2037

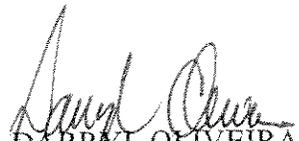
March 12, 2007

Mr. Ron Terry  
Geometrician Associates, LLC  
PO Box 396  
Hilo, Hawaii 96721

**SUBJECT: ENVIRONMENTAL ASSESSMENT CONSULTATION**  
Hale Kai O Kona Shoreline Setback Variance  
**TAX MAP KEY: (3)7-6-17:27 & 29, North Kona, Hawaii**

---

We have no comments to offer at this time in reference to the above-mentioned Environmental Assessment Consultation.

  
DARRYL OLIVEIRA  
Fire Chief

DJO:lpc



PHONE (808) 594-1888

FAX (808) 594-1865



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

HRD07/2909

March 16, 2007

Ron Terry, Principal  
Geometrician Associates  
P.O. Box 396  
Honolulu, HI 96721

**RE: Request for early consultation on Hale Kai O Kona Shoreline Setback Variance  
Environmental Assessment, North Kona, Hawai'i Island; TMKs: 7-6-017:027 and 029**

Dear Ron Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of your February 10, 2007, request for comments on the above project, which would allow the applicants to reconstruct two residential structures whose roof and top floors were damaged by fire in 2004. Since then, the shoreline was recertified and a small part of the building is within the 20-foot shoreline setback. OHA has no comments at this time. Thank you, however, for the opportunity to comment, and we look forward to the opportunity to review the forthcoming Draft Environmental Assessment. If you have any further questions or concerns, please contact Heidi Guth at (808) 594-1962 or e-mail her at [heidig@oha.org](mailto:heidig@oha.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde W. Nāmu'o".

Clyde W. Nāmu'o  
Administrator

C: Ruby McDonald  
Community Resource Coordinator  
OHA – Kona Office  
75-5706 Hanama Place, Suite 107  
Kailua-Kona, HI 96740



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

March 21, 2007

Regulatory Branch

File No. **POH-2007-56**

Ron Terry  
Geometrician Associates, LLC  
P.O. Box 396  
Hilo, HI 96721

Dear Mr. Terry:

This is in response to your letter dated February 10, 2007 for early consultation comments for preparation of a draft environmental assessment (DEA) to be prepared for reconstruction of two residential structures at located at TMKs: (3) 7-6-17: 27 and 29 in North Kona, Hawaii Island, Hawaii. We have reviewed the information you provided under the Corps' authority to issue Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403) and Section 404 of the Clean Water Act (CWA) (33 USC 1344).

Based on the information provided on behalf of the applicant, the Hale Kai O Kona Association, we are unable to determine if a permit will be required for the proposed reconstruction activities. We can confirm that the subject parcels are adjacent to the Pacific Ocean, a navigable water of the U.S. subject to the Corps jurisdiction; however, more information is required in order issue a determination. Please submit for review a copy of the forthcoming DEA, site photos, construction plans, and best management plans (BMPs) for any work and/or activities occurring in or above ocean waters.

Should you have any questions regarding this project and permit requirements, please contact Ms. Joy Anamizu by phone at 808-438-7023, or [joy.n.anamizu@usace.army.mil](mailto:joy.n.anamizu@usace.army.mil) and refer to the file number above.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young".

George P. Young, P.E.  
Chief, Regulatory Branch

**RECONSTRUCTION OF HALE KAI O KONA**

**FIRE-DAMAGED BUILDINGS**

**WITHIN SHORELINE SETBACK**

**ENVIRONMENTAL ASSESSMENT**

**APPENDIX 2B**

**DRAFT E.A. COMMENT LETTERS**

**AND RESPONSES**



Harry Kim  
Mayor



Darryl J. Oliveira  
Fire Chief

Glen P.I. Honda  
Deputy Fire Chief

County of Hawai'i  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720  
(808) 981-8394 • Fax (808) 981-2037

June 14, 2007

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT  
PROJECT: RECONSTRUCTION OF HALE KAI O KONA FIRE-DAMAGED  
BUILDINGS WITHIN SHORELINE SETBACK  
TAX MAP KEY: (3<sup>RD</sup>) 7-6-17:27 NORTH KONA

---

We have no comments to offer at this time in reference to the above-mentioned Draft Environmental Assessment.

  
DARRYL OLIVEIRA  
Fire Chief

PBW:lc



# geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

July 14, 2007

Darryl Oliveira, Chief  
Hawaii Fire Department  
25 Aupuni Street, Suite 103  
Hilo HI 96721

**Subject: Draft EA for Hale Kai O Kona Reconstruction of Fire-Damaged  
Buildings Within the Shoreline Setback Environmental Assessment,  
Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Chief Oliveira:

Thank you for your comment letter on the Draft EA dated June 14, 2007, in which you stated that you had no comments. We appreciate your review of the document. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,



Ron Terry, Principal  
Geometrician Associates



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**  
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720  
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 18, 2007

**TO:** Mr. Christopher J. Yuen, Planning Director  
Planning Department

**FROM:** Milton D. Pavao, Manager

**SUBJECT:** **SHORELINE SETBACK VARIANCE APPLICATION (SSV 07-000002)**  
**APPLICANT – AOA O HALE KAI O'KONA**  
**REQUEST: RECONSTRUCTION OF TWO BUILDINGS WITH SHORELINE**  
**SETBACKS OF 11.5 IN LIEU OF THE MINIMUM 20-FOOT**  
**REQUIREMENT**  
**TAX MAP KEY 7-6-017:027**

Please be informed that we have no objection to the proposed application as the reconstructed buildings will not require additional water.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Milton D. Pavao, P.E.  
Manager

FM:dfg

copy – AOA Hale Kai O'Kona  
Mr. Gregory M. Mooers

*... Water brings progress...*

# geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

July 14, 2007

Milton Pavao, Manager  
Hawai'i County Department of Water Supply  
345 Kekuanaoa Street, Suite 20  
Hilo HI 96720

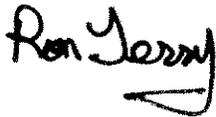
**Subject: Draft EA/SSV for Hale Kai O Kona Reconstruction of Fire-Damaged Buildings Within the Shoreline Setback Environmental Assessment, Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Mr. Pavao:

Thank you for your letter to the Hawai'i County Planning Department dated June 18, 2007, on the Shoreline Setback Variance (SSV) for the subject project. As the author of the Draft Environmental Assessment (EA) that was associated with the SSV, I would like to take this opportunity to acknowledge your statement that DWS has no objection to proposed reconstruction.

Again, thank you for your comment. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,



Ron Terry, Principal  
Geometrician Associates

LINDA LINGLEY  
GOVERNOR OF HAWAII  
2007 JUN 19 AM 7 53



ALLAN A. SMITH  
DIRECTOR  
BOARD OF LAND AND NATURAL RESOURCES  
FOUNDED ON WATER RESOURCES MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 13, 2007

Mr. Christopher Yuen, Planning Director  
County of Hawaii  
Planning Department  
101 Puuahi Street Suite 3  
Hilo, Hawaii 96720

Attention: Mr. Norman Hayashi

Dear Mr. Yuen:

Subject: Shoreline Setback Variance Application, AOA O Hale Kai O'Kona, ,  
Kailua-Kona, Hawaii, Tax Map Key: (3) 7-6-17:27

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, Commission on Water Resource Management, Office of Conservation & Coastal Lands, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji  
Administrator

029899

LINDA LINGGLE  
GOVERNOR OF HAWAII



ALLAN A. SMITH  
DIRECTOR  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 21, 2007

MEMORANDUM

- TO: DLNR Agencies:
- Div. of Aquatic Resources
  - Div. of Boating & Ocean Recreation
  - Engineering Division
  - Div. of Forestry & Wildlife
  - Div. of State Parks
  - Div. of Water Resource Management
  - Office of Conservation & Coastal Lands
  - Land Division - Hawaii District/Morris Atta

FROM: Russell Y. Tsuji

SUBJECT: Shoreline Setback Variance Application for reconstruction of 2 buildings with shoreline setbacks of 11.5 feet in lieu of the minimum 20 foot requirement

LOCATION: Kailua-Kona, Hawaii, Tax Map Key: (3) 7-6-17:27

APPLICANT: Mooers Enterprises, LLC on behalf of Hale Kai O'Kona, AOA

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 11, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *C. J. [Signature]*  
Date: 5/30/07

07 MAY 23 07 05 ENGINEERING

DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

LD/RYT

Ref.: ShorelineSetbackVarApplfor2BldgEconstWith11.5ShorelineSetbackInLien20FootMin  
Hawaii.003

COMMENTS

- (X) We confirm that part of the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone VE with a 11feet base flood elevation. The National Flood Insurance Program does regulate developments within VE as indicated in bold letters below.
- (X) Please take note that the remainder of the project site according to the Flood Insurance Rate Map (FIRM), is located in Zones X and AE. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X, however, it has strict development regulations within Zone AE as indicated in bold letters below.
- ( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is \_\_\_\_\_.
- (X) Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- ( ) Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
- (X) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3536 (Kona) of the County of Hawaii, Department of Public Works.
- ( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- ( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

- ( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- ( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

( ) Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: Eric T. Hirano  
ERIC T. HIRANO, CHIEF ENGINEER

Date: 5/30/07

LINDA LINGLE  
GOVERNOR OF HAWAII



ALLAN A. SMITH  
OFFERED CHAIRMAN  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED

07 MAY 22 10:36



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

COMMISSION ON WATER  
RESOURCE MANAGEMENT

May 21, 2007

MEMORANDUM

From:

- DLNR Agencies:
- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Div. of Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Hawaii District/Morris Atta

RECEIVED  
MAY 22 2007  
10:36 AM

To:

FROM: Russell Y. Tsuji

SUBJECT: Shoreline Setback Variance Application for reconstruction of 2 buildings with shoreline setbacks of 11.5 feet in lieu of the minimum 20 foot requirement

LOCATION: Kailua-Kona, Hawaii, Tax Map Key: (3) 7-6-17:27

APPLICANT: Mooers Enterprises, LLC on behalf of Hale Kai O'Kona, AOAO

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 11, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: Christine T. Johnson  
Date: 5/26/07

LINDA LINGUE  
GOVERNOR OF HAWAII



ALLAN A. SMITH  
DIRECTOR  
OFFICE OF LAND AND NATURAL RESOURCES  
DEPARTMENT OF WATER RESOURCE MANAGEMENT



RECEIVED  
OFFICE OF CONSERVATION  
AND COASTAL LANDS

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

2007 MAY 22 A 10 55

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

May 21, 2007

MEMORANDUM

TO: DLNR Agencies:  
 Div. of Aquatic Resources  
 Div. of Boating & Ocean Recreation  
 Engineering Division  
 Div. of Forestry & Wildlife  
 Div. of State Parks  
 Div. of Water Resource Management  
 Office of Conservation & Coastal Lands  
 Land Division - Hawaii District/Morris Atta

RECEIVED  
LAND DIVISION  
2007 JUN -4 P 3 45  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

FROM: Russell Y. Tsuji  
SUBJECT: Shoreline Setback Variance Application for reconstruction of 2 buildings with shoreline setbacks of 11.5 feet in lieu of the minimum 20 foot requirement  
LOCATION: Kailua-Kona, Hawaii, Tax Map Key: (3) 7-6-17:27  
APPLICANT: Mooers Enterprises, LLC on behalf of Hale Kai O'Kona, AOA

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 11, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

STATE LAW MANDATES A  
MINIMUM 20 FOOT SHORELINE  
SETBACK. IT IS UNCLEAR  
IF THE COUNTY CAN RELAX  
THE MINIMUM SETBACK  
ANY FURTHER.

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*  
Date: 6-4-07

HRS 205 A-46 (a) (8)

SENT BY: ;

06/20/2007 11:18

9618742

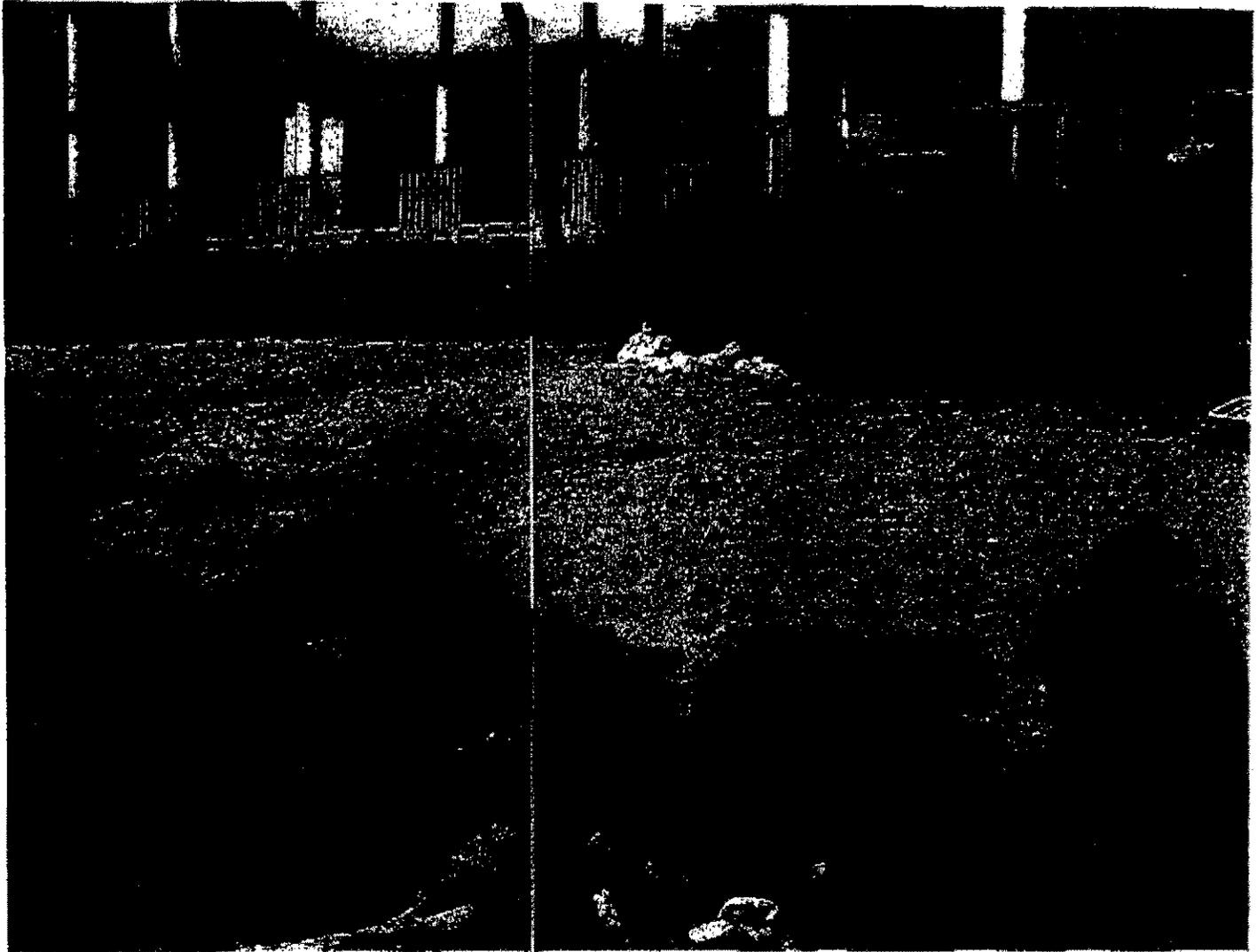
808 880 1456;

PLANNING

JUN-25-07 11:14AM;

PAGE 8/15

PAGE 11



# geometrician

ASSOCIATES, LLC  
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawaii 96721 rterry@hawaii.rr.com

July 14, 2007

Russell Tsuji, Engineering Division  
Land Division  
Hawai'i State DLNR  
P.O. Box 621  
Honolulu HI 96809

**Subject: Draft EA for Hale Kai O Kona Reconstruction of Fire-Damaged Buildings Within the Shoreline Setback Environmental Assessment, Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Mr. Tsuji:

Thank you for your letter dated June 13, 2007, to the Hawai'i County Planning Department on the Shoreline Setback Variance (SSV) for the subject project, in which you transmitted the comments of the various DLNR Divisions. As the author of the Draft Environmental Assessment (EA) that was associated with the SSV, I would like to take this opportunity to respond to these comments.

1. *Engineering Division: Flood zone status.* Thank you for your confirmation of the flood zone status of the property, which also had been noted in the EA. Please note that we have coordinated with the Hawai'i County Department of Public Works, which has determined that the subject building's footprint is not within the FIRM zone.

2. *OCCL: County authority.* The applicant believes that the County does have authority to grant Shoreline Setback Variances under Hawai'i Revised Statutes Chapter 205a-46(a)(8). These rules are elaborated upon under the Hawai'i County Planning Commission's Rule 8.

3. *No comments.* We also acknowledge the no comment memo from the Water Management Division.

Again, thank you for your comment. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,

A handwritten signature in black ink that reads "Ron Terry". The signature is written in a cursive style with a large, stylized "R" and "T".

Ron Terry, Principal  
Geometrician Associates

Harry Kim  
Mayor

2007 MAY 23 AM 10 23-7



Bobby Jean Leithead-Todd  
Director

Nelson Ho  
Deputy Director

**County of Hawaii**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
25 Aupuni Street, Room 4 Hilo, Hawaii 96720-4252  
(808) 961-8085 • Fax (808) 961-8086

**MEMORANDUM**

Date : May 18, 2007  
To : CHRISTOPHER YUEN, Planning Director  
From: BOBBY JEAN LEITHEAD-TODD, Director *BJT*  
Subject: Shoreline Setback Variance Application (SSV 07-000002)  
Applicant: AOA O Hale Kai O'Kona  
Request: Reconstruction of Two Buildings with Shoreline Setbacks of 11.5 Feet in Lieu of the Minimum 20-Foot Requirement  
TMK: 7-6-17-27

We have reviewed the subject application and offer the following recommendations:

DEPARTMENT COMMENTS:

*an*

WASTEWATER COMMENTS:

- No comments
- Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawaii County Code.
- Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawaii County Code. Complete D.E.M. Sewer Extension Application.
- Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawaii County Code.
- Other: \_\_\_\_\_

*SO*

TECHNICAL SERVICES COMMENTS:

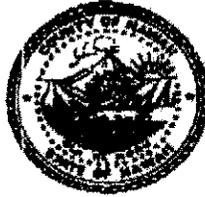
*County sewer in the county: forward to WWD for review.*

SOLID WASTE COMMENTS:

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

cc: SWD, TSS, WWD

Harry Kim  
Mayor



Barbara Bell  
Director

Michael Dwersky P.E.  
Solid Waste Division Chief

**County of Hawai'i**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
25 Aupuni Street, Room 210 • Hilo, Hawai'i 96720-4252  
(808) 961-8083 • Fax (808) 961-8086

June 6, 2006

**SOLID WASTE MANAGEMENT PLAN**  
Guidelines

**INTENT AND PURPOSE**

This is to establish guidelines for reviewing solid waste management plans, for which special conditions are placed on developments. The solid waste management plan will be used to: (1) encourage recycling and recycling programs, (2) predict the waste generated by the proposed development to anticipate the loading on County transfer stations, landfills and recycling facilities, and (3) predict the additional traffic being generated because of waste and recycling transfers.

**REPORT**

The consultant's report will contain the following:

1. Description of the project and the potential waste it may be generating; i.e. analysis of anticipated waste volume and composition. This includes waste generated during the construction and operational phases. Greenwastes will be included in this report for both construction grubbing and future operational landscape maintenance.
2. Description and location of the possible sites for waste disposal or recycling. We will not allow the use of the County transfer stations for any commercial development; commercial development as defined under the policies of the Department of Environmental Management, Solid Waste Division.
3. Since the Department of Environmental Management promotes recycling, indicate onsite source separation facilities by waste stream; i.e. source separation bins of glass, metal, plastic, cardboard, aluminum, etc. Provide ample and equal space for rubbish and recycling.
4. Identification of the proposed disposal site and transportation methods for the various components of the waste disposal and recycling system, including the number of truck traffic and the route that truck will be using to transport the waste and recycled materials.

**Solid Waste Management Plan Guidelines**  
Page 2 of 2

5. The report will include any impacts to County waste and recycling facilities, and the appropriate mitigation measures. All recommendations and mitigation measures will be addressed.
6. Description of the waste reduction component that analyzes techniques to be employed to achieve a reduction goal.
7. Analysis will be based on the highest potential use or zoning of the development.

**REQUIREMENTS AND CONDITIONS**

1. A solid waste management plan will be done for all commercial developments, as defined under the policies of the Department of Environmental Management, Solid Waste Division.
2. We will require the developer to provide or resolve all recommendations and mitigation measures as outlined in the report, besides any conditions placed on the applicant by the Department of Environmental Management.
3. A licensed environmental or civil engineer will draft and certify the solid waste management plan.

CONCUR:



---

Barbara Bell  
DIRECTOR

10/13/03  
Revised 05/05/06

# geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawai'i 96721 rterry@hawaii.rr.com

July 14, 2007

Bobby Jean Leithead-Todd, Director  
Hawaii County Department of Environmental Management  
25 Aupuni Street  
Hilo HI 96720

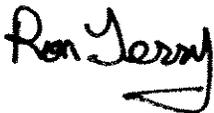
**Subject: Draft EA for Hale Kai O Kona Reconstruction of Fire-Damaged  
Buildings Within the Shoreline Setback Environmental Assessment,  
Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Ms. Leithead-Todd:

Thank you for the DEM letter to the Hawai'i County Planning Department dated May 18, 2007, on the Shoreline Setback Variance (SSV) for the subject project. As the author of the Draft Environmental Assessment (EA) that was associated with the SSV, I would like to take this opportunity to acknowledge DEM's statements regarding the availability of the public sewer and the requirement to connect with it, and the need to submit a Solid Waste Management Plan and follow relevant regulations concerning solid waste disposal. The applicant will continue to have the reconstructed units connected to the County sewer system and will comply with all regulations related to solid waste.

Again, thank you for your comment. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,

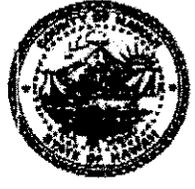


Ron Terry, Principal  
Geometrician Associates

\*\*\*\*\*

erry Kim  
Mayor

2007 MAY 20 PM 10:30



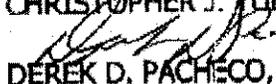
Lawrence K. Mahuna  
Police Chief

Harry S. Kubojtri  
Deputy Police Chief

**County of Hawaii**

**POLICE DEPARTMENT**  
349 Kapiolani Street • Hilo, Hawaii 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

May 22, 2007

TO : CHRISTOPHER J. YUEN, PLANNING DIRECTOR  
FROM :  DEREK D. PACHECO, ASSISTANT CHIEF,  
AREA II OPERATIONS  
SUBJECT : Shoreline Setback Variance Application (SSV 07-00002)  
Applicant: AOA O Hale Kai O'Kona  
Request: Reconstruction of Two Buildings With  
Shoreline Setbacks of 11.5 feet in Lieu of the  
Minimum 20-Foot Requirement  
Tax Map Key: 7-6-17:27

Staff has reviewed the above-referenced application and has no comments or objections to offer at this time.

RA:dmv



LINDA LINGLE  
GOVERNOR



CHIYOME L. FUKINO, M.D.  
Director of Health

2007 MAY 24 09 08 21

PLANNING DEPARTMENT  
COUNTY OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 918  
HILO, HAWAII 96721-0918

MEMORANDUM

DATE: May 22, 2007

TO: Christopher J. Yuen  
Planning Director, County of Hawaii

FROM: Newton Inouye *NJ*  
Acting District Environmental Health Program Chief

SUBJECT: Shoreline Setback Variance Application (SSV 07-000002)  
Applicant: AOA O Hale Kai O'Kona  
Request: Reconstruction of Two Buildings With Shoreline Setbacks of  
11.5 Feet in Lieu of the Minimum 20-Foot Requirement  
Tax Map Key: 7-6-17:27

The submittals for the subject development have been transmitted to our Environmental Management programs for their coordinated review and comments. Upon receipt of their reply, their comments will be forwarded to your office.

WORD:SSV07-000002.my

028939

# geometrician

ASSOCIATES, LLC

integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawai'i 96721 rterry@hawaii.rr.com

July 14, 2007

Newton Inouye,  
Acting District Environmental Health Program Chief  
Hawaii State Department of Health  
PO Box 916  
Hilo HI 96721-0916

**Subject: Draft EA for Hale Kai O Kona Reconstruction of Fire-Damaged  
Buildings Within the Shoreline Setback Environmental Assessment,  
Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Mr. Inouye:

Thank you for your letter to the Hawai'i County Planning Department dated May 22, 2007, on the Shoreline Setback Variance (SSV) for the subject project. As the author of the Draft Environmental Assessment (EA) that was associated with the SSV, I would like to take this opportunity to acknowledge your statement that you would issue a letter with the Environmental Management Program's coordinated comments. We appreciate your review of the document. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,



Ron Terry, Principal  
Geometrician Associates

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

2007 JUN 25 PM 3 52

PLANNING DEPARTMENT  
COUNTY OF HAWAII  
DATE: June 19, 2007

# Memorandum

TO: Christopher J. Yuen, Planning Director  
Planning Department

FROM: Galen M. Kuba, Division Chief *GK*  
Engineering Division

SUBJECT : Variance Application WH (SSV 07-000002)  
Applicant: Edy Campbell  
Owner: AOA O Hale Kai O' Kona  
Location: Kona, HI  
TMK: 3 17-6-017:027

We reviewed the subject application and our comments are as follows:

All new building construction shall conform to current code requirements.

The existing building foot print is not within a regulated special Flood Hazard Area on the Flood Insurance Rate Map. (FIRM)

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE

copy: ENG-HILO/KONA  
PLNG-KONA

*[Handwritten signature]*

# geometrician

ASSOCIATES, LLC  
integrating geographic science and planning

phone: (808) 969-7090 PO Box 396 Hilo Hawai'i 96721 rterry@hawaii.rr.com

July 14, 2007

Galen Kuba  
Engineering Division Chief  
Hawaii County Department of Public Works  
101 Aupuni Street  
Hilo HI 96720

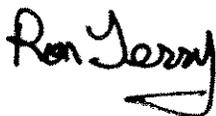
**Subject: Draft EA for Hale Kai O Kona Reconstruction of Fire-Damaged  
Buildings Within the Shoreline Setback Environmental Assessment,  
Tax Map Key: (3) 7-6-17:27, North Kona, Hawai'i**

Dear Mr. Kuba:

Thank you for your letter to the Hawai'i County Planning Department dated June 19, 2007, on the Shoreline Setback Variance (SSV) for the subject project. As the author of the Draft Environmental Assessment (EA) that was associated with the SSV, I would like to take this opportunity to acknowledge your statement that new building must conform to current code requirements and that the footprint of the existing building is not within the FIRM. The applicant will conform with all appropriate code requirements.

Again, thank you for your comment. If you have any questions about the project, please contact Kevin Mitchell of Rider Levett Bucknall at 886-1638.

Sincerely,



Ron Terry, Principal  
Geometrician Associates

**RECONSTRUCTION OF HALE KAI O KONA**

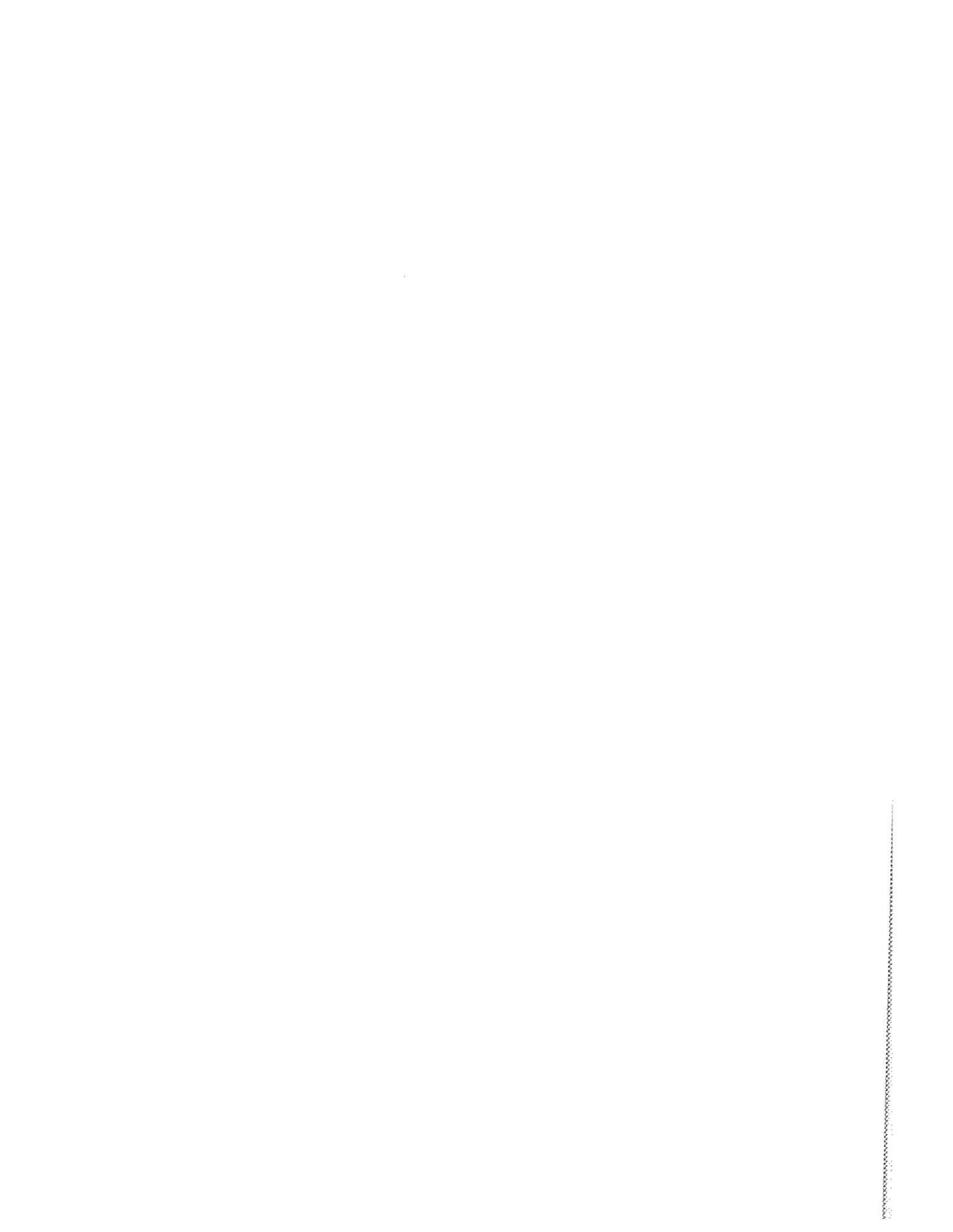
**FIRE-DAMAGED BUILDINGS**

**WITHIN SHORELINE SETBACK**

**ENVIRONMENTAL ASSESSMENT**

**APPENDIX 3**

**SITE PLANS**



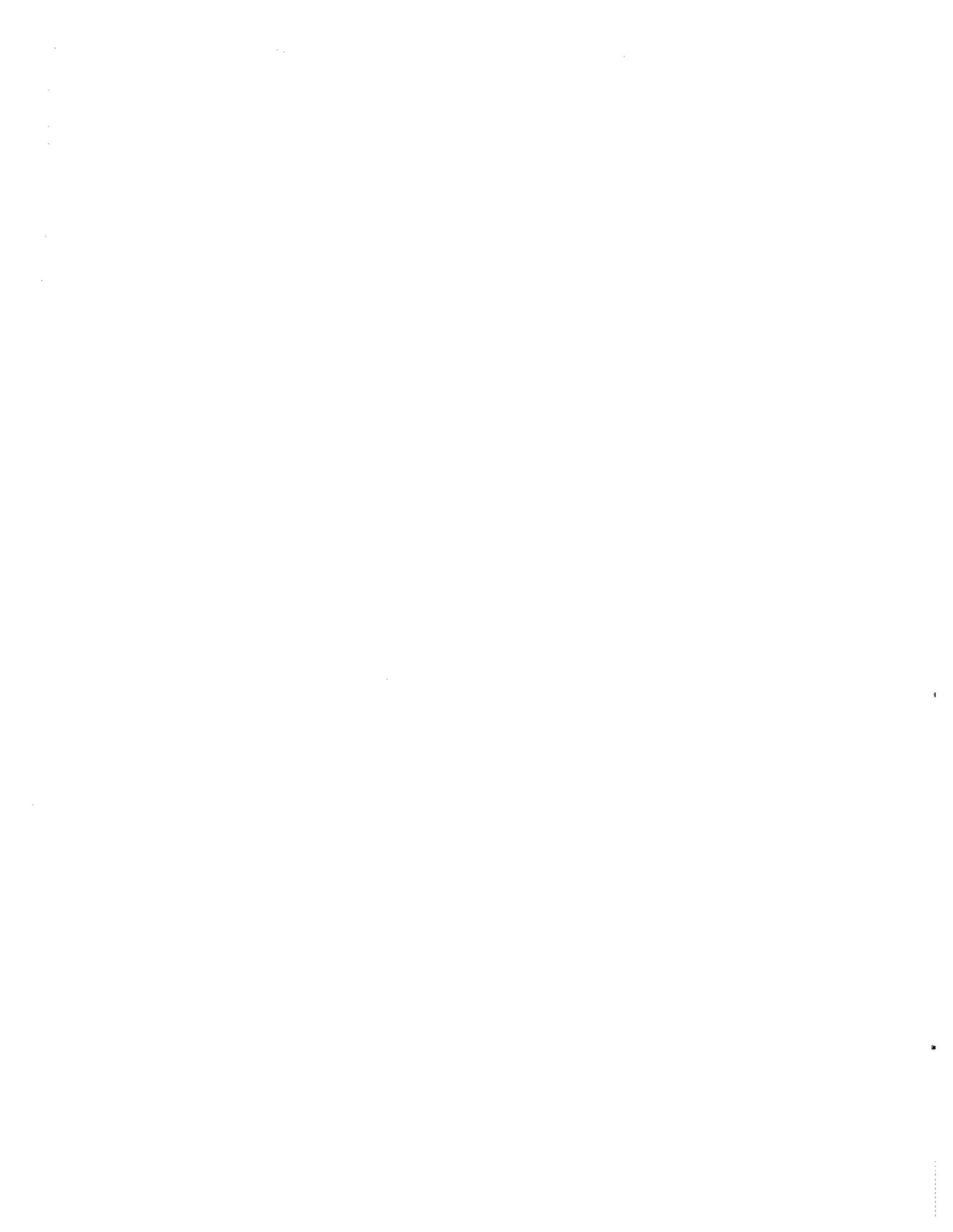




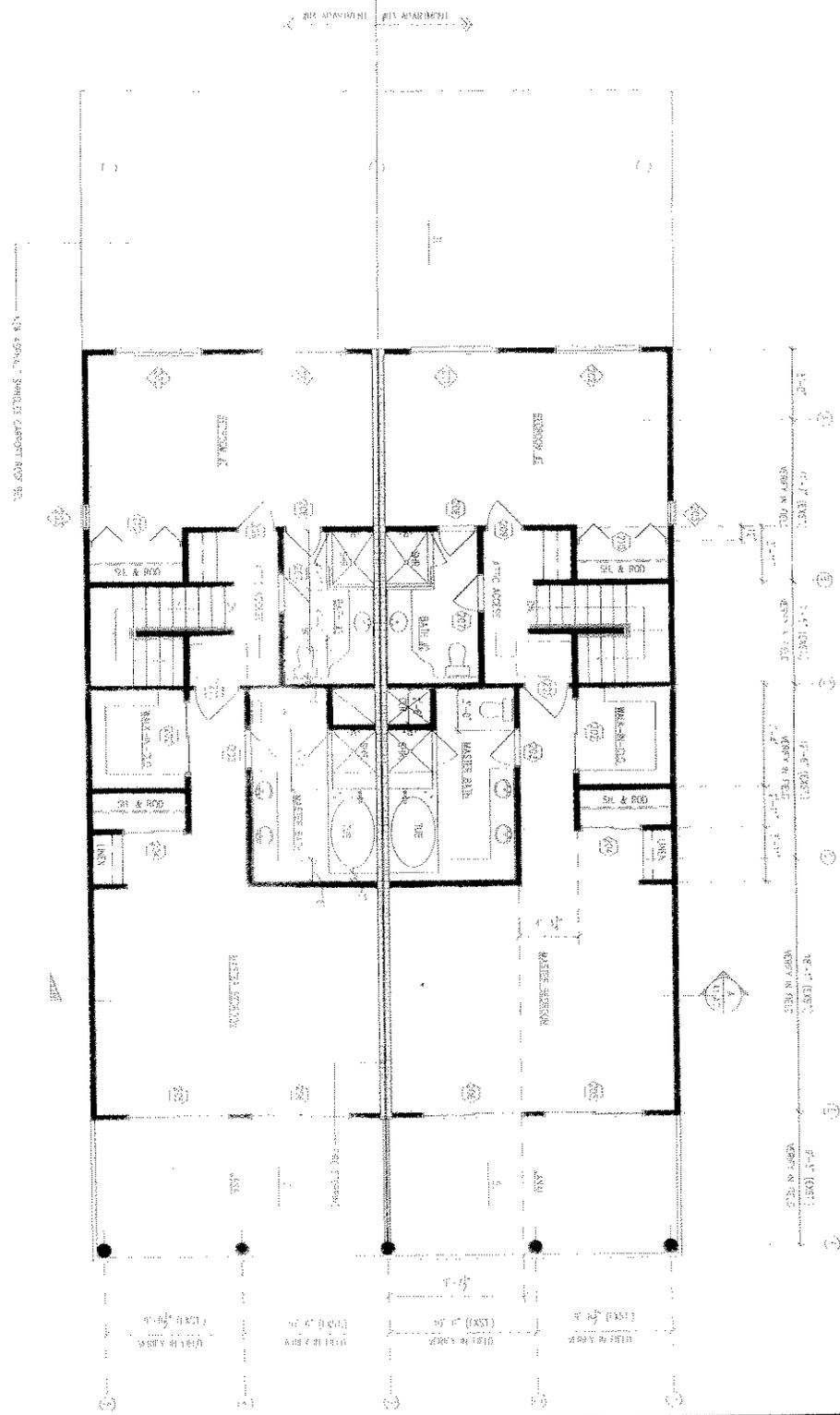








SECTION 1000



**LEGEND**  
 - DWT WALL, TYPICAL TO EQUIN. 1/2\"/>

**GENERAL NOTES:**  
 1. CONSTRUCTION SHALL BE ACCORDING TO ALL APPLICABLE CODES.  
 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC).



A3

EDWIN GOSLIN

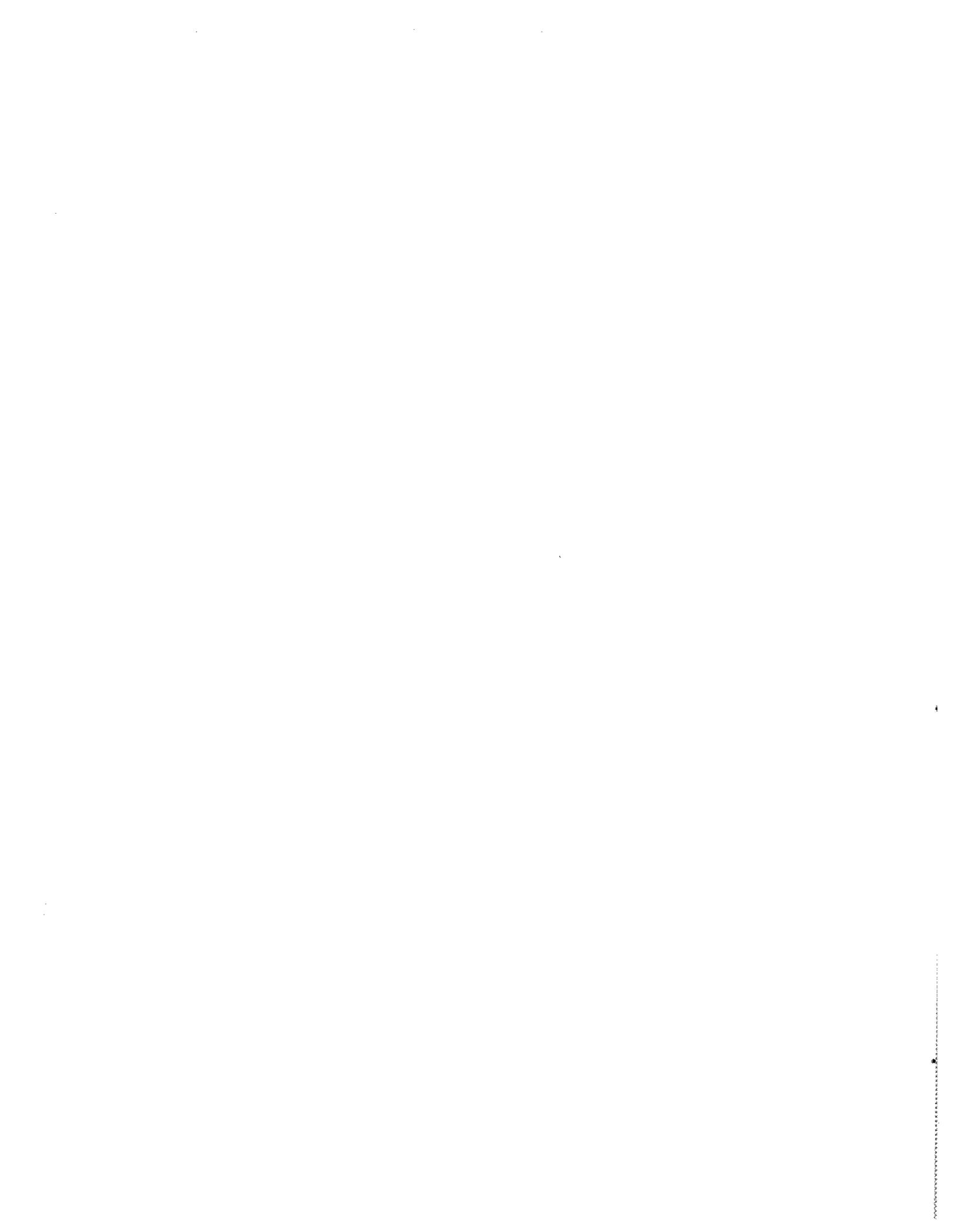
NO.	REVISION	DATE

**HALE KAI O' KONA**  
 2150 N. KONA  
 KAILUA-KONA  
 HAWAII 96741  
 PHONE: 808-885-1111  
 FAX: 808-885-1112  
 WWW.LOUISALEROUXDESIGN.COM

FOR SCALE  
 THIS PLAN WAS PREPARED BY THE ARCHITECT OR AN ARCHITECT UNDER HIS SUPERVISION AND TO THE BEST OF HIS KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE CODES AND REGULATIONS.



**Louisa Le Roux DESIGN**  
 LOUISA LE ROUX ARCHITECT, AIA, SAIA  
 99 S. BARBARA STREET  
 HONOLULU, HAWAII 96825  
 FAX: 394-5551  
 TEL: 277-0246











**RECONSTRUCTION OF HALE KAI O KONA**  
**FIRE-DAMAGED BUILDINGS**  
**WITHIN SHORELINE SETBACK**  
**ENVIRONMENTAL ASSESSMENT**

**APPENDIX 4**

**FLOOD ELEVATION CERTIFICATION**



# ELEVATION CERTIFICATE

OMB No. 1660-0008  
 Expires February 28, 2009

Important: Read the instructions on pages 1-8.

SECTION A - PROPERTY INFORMATION		For Insurance Company Use:
A1. Building Owner's Name Hale Kai O'Kona AOA		Policy Number
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 76-6204 Alii Drive		Company NAIC Number
City Kailua-Kona State Hi ZIP Code 96740		
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) TMK : (3) 7-6-017: Por. 027		

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential

A5. Latitude/Longitude: Lat. 19°36'35.536" N Long. 155°58'44.506" W Horizontal Datum:  NAD 1927  NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 5

A8. For a building with a crawl space or enclosure(s), provide

a) Square footage of crawl space or enclosure(s) _____ sq ft	A9. For a building with an attached garage, provide:
b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade _____	a) Square footage of attached garage _____ sq ft
c) Total net area of flood openings in A8.b _____ sq in	b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade _____
	c) Total net area of flood openings in A9.b _____ sq in

## SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. FIP Community Name & Community Number Hawaii County 155166		B2. County Name Hawaii		B3. State Hawaii	
B4. Map/Panel Number 155166 0926	B5. Suffix E	B6. FIRM Index Date June 2, 1995	B7. FIRM Panel Effective/Revised Date June 2, 1995	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 11.0

10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.  
 FIS Profile  FIRM  Community Determined  Other (Describe) \_\_\_\_\_

11. Indicate elevation datum used for BFE in Item B9:  NGVD 1929  NAVD 1988  Other (Describe) \_\_\_\_\_

12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)?  Yes  No  
 Designation Date \_\_\_\_\_  CBRS  OPA

## SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

1. Building elevations are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.

2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in item A7.  
 Benchmark Utilized BM No 6 1971 Vertical Datum NGVD 1929  
 Conversion/Comments \_\_\_\_\_

Check the measurement used.

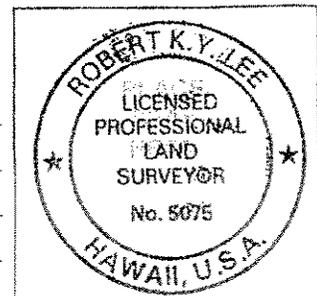
a) Top of bottom floor (including basement, crawl space, or enclosure floor)	<u>13.87</u> _____	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
b) Top of the next higher floor	<u>22.65</u> _____	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
c) Bottom of the lowest horizontal structural member (V Zones only)	_____	<input type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
d) Attached garage (top of slab)	_____	<input type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments)	_____	<input type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
f) Lowest adjacent (finished) grade (LAG)	<u>8.4</u> _____	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)
g) Highest adjacent (finished) grade (HAG)	<u>9.9</u> _____	<input checked="" type="checkbox"/> feet	<input type="checkbox"/> meters (Puerto Rico only)

## SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form.

Certifier's Name Robert K.Y. Lee		License Number LS 5075	
Title President	Company Name Towill, Shigeoka & Associates, Inc.		
Address 2153 North King Street, Suite 308	City Honolulu	State Hi	ZIP Code 96819
Signature <i>Robert K.Y. Lee</i>	Date April 25, 2007	Telephone (808) 538-3857	



<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 76-6204 Alii Drive	Policy Number
City Kailua-Kona State HI ZIP Code 96740	Company NAIC Number

**SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments

Signature \_\_\_\_\_ Date \_\_\_\_\_  Check here if attachments

**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).  
 a) Top of bottom floor (including basement, crawl space, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the HAG.  
 b) Top of bottom floor (including basement, crawl space, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

**SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_ Telephone \_\_\_\_\_

Comments

Check here if attachment

**SECTION G - COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8. and G9.

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.  A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3.  The following information (Items G4.-G9.) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
-------------------------	------------------------------	---

- G7. This permit has been issued for:  New Construction  Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters (PR) Datum \_\_\_\_\_
- G9. BFE or (in Zone AO) depth of flooding at the building site: \_\_\_\_\_  feet  meters (PR) Datum \_\_\_\_\_

Local Official's Name \_\_\_\_\_ Title \_\_\_\_\_  
 Community Name \_\_\_\_\_ Telephone \_\_\_\_\_  
 Signature \_\_\_\_\_ Date \_\_\_\_\_

Comments

Check here if attachment

# Building Photographs

See Instructions for Item A6.

For Insurance Company Use:

Policy Number

Company NAIC Number

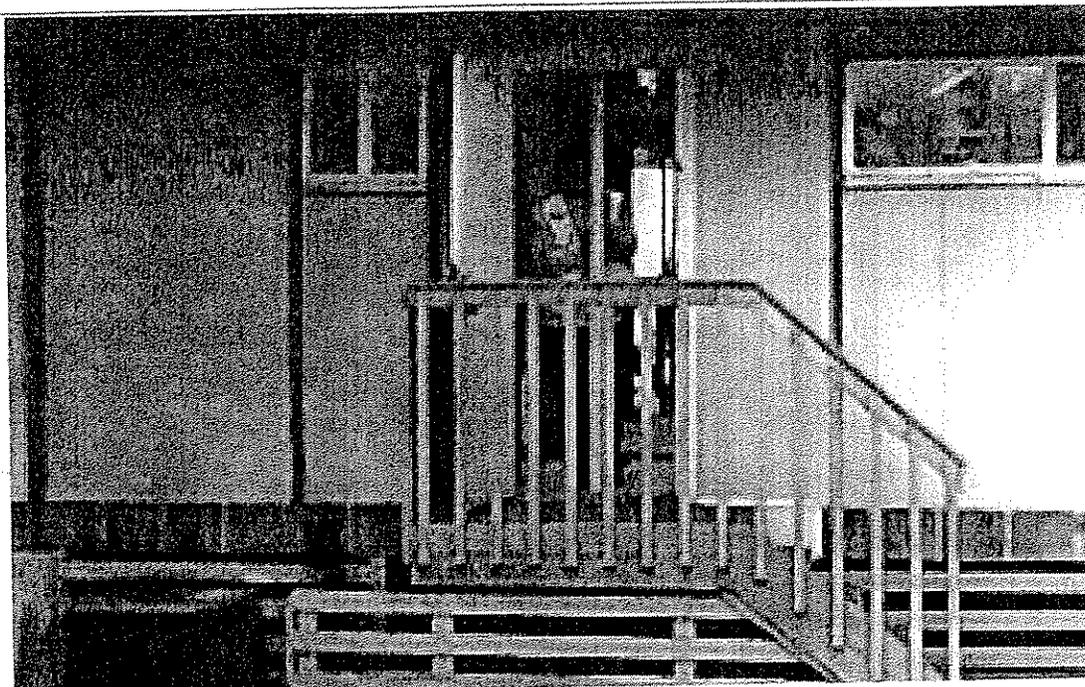
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

76-6204 Alii Drive

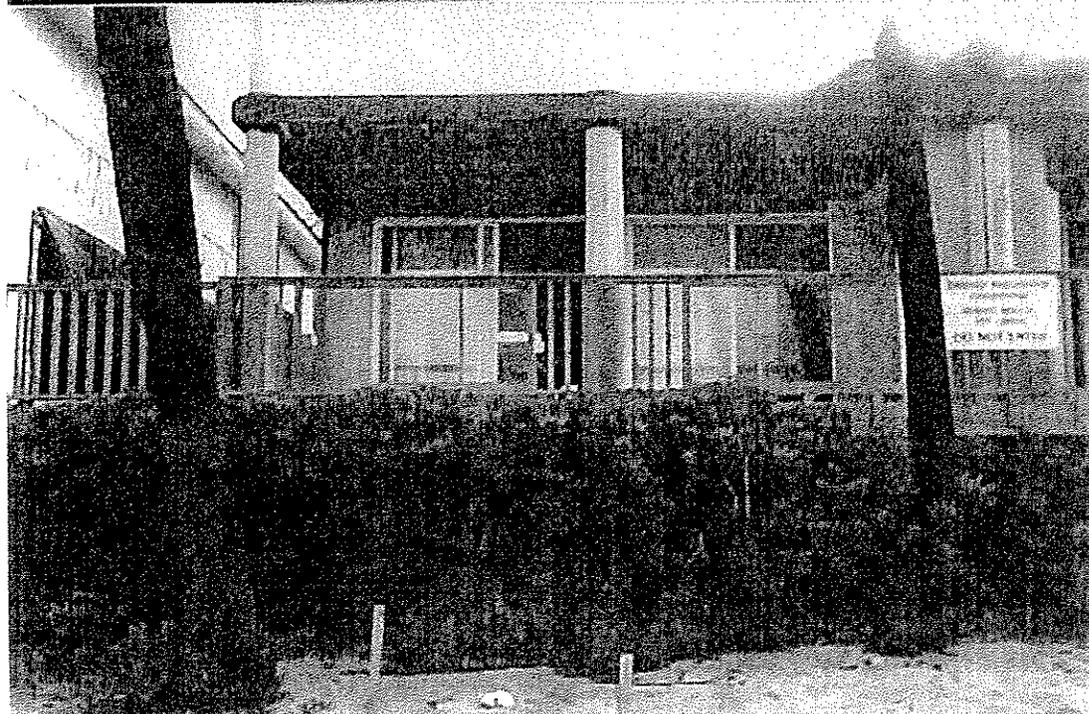
City State ZIP Code

Hilua-Kona Hawaii 96740

When using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.



Front

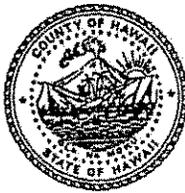


Back



COM

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

### County of Hawaii

#### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

October 12, 2005

Ms. Louisa Potgieter, SAIA, AIA Assoc.  
Louisa Le Roux Design  
1188 Fort Street, Suite 200  
Honolulu HI 96813

**RECEIVED**  
NOV - 7 2005

RIDER HUNT LEVETT & BAILEY

Dear Ms. Potgieter:

Pre-consultation on the Reconstruction of a Condominium Unit  
Hale Kai O'Kona  
TMK: 7-6-17:27, Holualoa, North Kona, Hawaii

This is in response to your August 29, 2005 inquiry as to whether a Special Management Area Use Permit Assessment Application is required for the reconstruction of a 2-unit condominium building which was 60-80% destroyed in a fire.

The building will be rebuilt in exactly the same location. The original foundations would be reused. It will follow the former floor plan, with minor interior modifications. The elevations and height of the building will be the same to maintain the original design style.

According to our records, SMA 49 was approved on January 13, 1978. It allowed for the construction of an 8-unit condominium and related improvements. Therefore, the submittal of a Special Management Area Use Permit Assessment Application is not required for the reconstruction since these two units were permitted by SMA 49.

However, setback requirements for all structures were noted on Final Plan Approval dated April 13, 1978. The "8-unit Condominium Townhouse - 2,100 s.f. per unit" was approved with a rear yard setback of 20 feet, based on the Certified Shoreline Survey dated November 29, 1977.

*Hawai'i County is an equal opportunity provider and employer.*

MEMORANDUM:

PLANNING DEPARTMENT — County of Hawaii, Hilo, Hawaii 96720

To: FILES

Date: 12/21/81

From: Alice

Subject: Compliance with Conditions of SMA No. 49

Upon review of the subject file(s), it is found that all conditions as stipulated in the Permit(s) have been complied with.

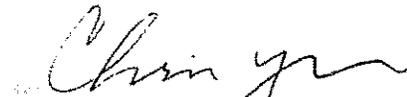
Ms. Louisa Potgieter, SAIA, AIA Assoc.  
Louisa Le Roux Design  
Page 2  
October 12, 2005

Over the past 27 years, the shoreline may have changed. Therefore, depending on the location of the current certified shoreline, the proposed reconstruction may require approval of a Shoreline Setback Variance.

In view of the foregoing, we are requesting that you submit a site plan, drawn to scale, showing the location of the subject condominium in relation to a current certified shoreline. Distances from the nearest proposed improvements (i.e., roof overhangs and exterior stairs) to the 20 foot shoreline setback line should be clearly shown to facilitate our review of the proposed project.

If you have questions or require further information, please feel free to contact Esther Imamura or Larry Brown of this office at 961-8288, extension 257 or 258, respectively.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

ETI:cd  
P:\WPWIN60\CZM\Letters\2005\Potgieter Hale Kai O'Kona 76017027.doc

xc: Planning Department – Kona

Harry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

County of Hawaii  
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • FAX (808) 961-8742

October 19, 2006

Ms. Louisa Potgieter, SAIA, AIA  
933 Wainiha Street  
Honolulu HI 96825

Dear Ms. Potgieter:

**Subject: Special Management Area Use Permit Assessment Application (SAA 06-000204)**  
**Applicant: AOA Hale Kai O'Kona**  
**Request: Reconstruction of Units 3 and 4**  
**Tax Map Key: 7-6-17:27, Holualoa, North Kona, Hawaii**

This is to acknowledge receipt of the Special Management Area Use Permit Assessment Application and transmittal letter dated September 28, 2006 for the reconstruction of Units 3 and 4.

On January 13, 1978, SMA 49 was approved to allow for the construction of an 8-unit condominium on the subject property. A shoreline setback line of 20 feet was granted.

Subsequently, the building, consisting of Units 3 and 4, was about 60-80% destroyed in a fire.

By letter dated October 12, 2005, a determination was made that a Special Management Area Use Permit Assessment Application was not required for the reconstruction of this 2-unit condominium building since SMA 49 allowed for 8 units. However, the shoreline of Hale Kai O'Kona, certified by the Chairman of the Board of Land and Natural Resources on July 5, 2006, clearly documents coastal erosion since the last certification on November 28, 1977. Portions of the remnants of Units 3 and 4 are now located within the current 20 feet shoreline setback area.

January 22, 1980

Mr. John W. Godfrey, President  
The Godfrey Corporation  
P. O. Box 1688  
Kailua-Kona, HI 96740

Dear Mr. Godfrey:

Compliance with Permit Conditions  
Planned Development Permit No. 10  
SMA Use Permit No. 49  
Tax Map Key 7-6-17:27

A review of our files has revealed that you have complied with all conditions of Planned Development Permit No. 10 and SMA Use Permit No. 49.

We would like to take this time to thank you for your cooperation in this matter.

Should you have any questions on this matter, please feel free to contact us at 961-8288.

Sincerely,



Sidney M. Fuke  
Planning Director

FS/lgv

JAN 23 1980

Should any of the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void.

The effective date of this permit shall be January 12, 1978.

Dated at Hilo, Hawaii, this 31st day of January.



William F. Mielcke, Chairman

APPROVED as to  
FORM and LEGALITY

*Roxanna Garcia*

CORPORATE COUNSEL  
COUNTY OF HAWAII

Date JAN 27 1978

ANT