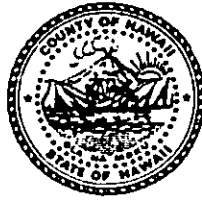


Stephen K. Yamashiro  
Mayor



Sobay  
Condominium  
Virginia Goldstein  
Director

Russell Kokubun  
Deputy Director

## County of Hawaii

PLANNING DEPARTMENT  
25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-8742

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'97 DEC 24 A11:05

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

December 22, 1997

Mr. Gary Gill, Director  
Office of Environmental Quality Control  
235 S. Beretania Street  
State Office Tower Suite 702  
Honolulu, HI 96813

Dear Mr. Gill:

Subject: Final Environmental Assessment/Finding of No Significant Impact (FONSI)  
Applicant: Sobay Hawaii, Inc.  
Request: Allow for the Development of a 21 Unit, 4-Story Residential Condominium  
Waiaha 1st, North Kona District, Hawaii  
Tax Map Key: 7-5-18:20

Please find enclosed a completed OEQC Publication Form, four (4) copies of the Final Environmental Assessment (EA) and project summary on disk for the above-referenced project.

The applicant proposes to construct a 21 unit, 4-story residential condominium on the subject property. Portions of the subject property to be developed lie within the shoreline setback area, thus triggering Chapter 343, HRS, relating to Environmental Impact Statements. The property is also located within the Special Management Area (SMA).

As the issuance of an SMA Use Permit and a Shoreline Setback Variance by the County Planning Commission is prerequisite to the development of the property for the proposed uses, the Planning Department shall be the accepting agency.

We have reviewed the Final EA and with the proposed changes, we have determined that this project will have no significant environmental effect and that a FONSI may be issued on this proposal.


139

Mr. Gary Gill, Director  
Office of Environmental Quality Control  
Page 2  
December 22, 1997

Please publish notice of this Final EA in The Environmental Notice on December 23, 1998.

Should you have any questions, please contact Susan Gagorik or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

SG:cjf  
f:\wpwin60\christin\ggill.skg

Enclosure

cc: Kazuichiro Furusawa, President  
Sobay Hawaii, Inc.  
c/o Mr. Yukio Takeya  
Ala Kai Realty  
688 Kinoole Street Suite 102  
Hilo, HI 96720

Roy Takemoto, Esq.  
171 Hoomalu Street  
Hilo, HI 96720

**FILE COPY**

JAN - 8 1998

1998-01-08-HI-PEA-SoBay Condominium

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*Final Environmental Assessment*

OFFICE OF ENVIRONMENTAL  
QUALITY IMPROVEMENT

## **SOBAY CONDOMINIUM**

*Waiaha 1st, North Kona District, Hawaii*  
TMK: 3rd 7-5-18:20

**Prepared for:**  
SoBay Hawaii, Inc.

**Prepared by:**  
Roy R. Takemoto  
Land Use Consultant  
P.O. Box 10217  
Hilo, HI 96721

**December 17, 1997**

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# FINAL EA: SOBAY CONDOMINIUM

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## 1.0 INTRODUCTION

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### 1.1 Applicant and Approving Agency

The Applicant, SoBay Hawaii, Inc. ("SoBay" or "Applicant"), a Hawaii corporation, proposes to construct a 21-unit oceanfront condominium. The need for a Shoreline Setback Variance triggers the environmental review requirements under *Hawaii Revised Statutes* Chapter 343.<sup>1</sup> The approving agency is the County of Hawaii Planning Department.

### 1.2 Agencies Consulted

The following agencies and organizations were consulted during the process of preparing this environmental assessment or during the 30-day public review period:

- Federal
  - U.S. Army Corps of Engineers
  - U.S. Department of the Interior, Fish and Wildlife Service
- State
  - Department of Accounting and General Services
  - Department of Health
  - Department of Land and Natural Resources
  - Office of State Planning
  - Department of Transportation
- County
  - Planning Department
  - Department of Public Works
  - Department of Water Supply

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1. *Hawaii Revised Statutes* §343-5(a)(3).

- Fire Department
- Police Department
- Department of Parks & Recreation
- Organizations and Individuals
  - Community Organizations
  - Legislators and Councilpersons
  - Adjacent landowners

## 2.0 DESCRIPTION OF PROPOSED ACTION

### 2.1 Location and Ownership

The approximately 0.68-acre project site is located *makai* of Alii Drive one-half mile south of the former Kona Hilton at Waiaha 1st, North Kona, island and County of Hawaii (TMK: 3rd/7-5-18:20) (see Figure 1 on page 3 and Figure 2 on page 4) ("Site"). The address is 75-5894 Alii Drive. The Applicant owns the parcel in fee simple.

The seaward property line, certified by the Department of Land and Natural Resources on May 14, 1997, follows the *makai* edge of a low rock wall along the southern portion of the Site (see Appendix C). This wall is a legal structure since it was built prior to June 22, 1970, the effective date of the shoreline setback law regulating structures within the setback area,<sup>2</sup> and the wall did not require a building permit since it was less than 6' high (see aerial photo taken on August 21, 1969 by R.M. Towill, Figure 3 on page 5). From the beach side, the height of the wall ranges from approximately 3' to a maximum of approximately 5' depending on the sand accumulation patterns, with the height generally increasing relative to the sandy beach toward the southerly direction.

### 2.2 Existing Uses

*Site.* The current use of the Site includes two vacant single-story structures. The Kona Rub-A-Dub massage therapy business previously occupied these structures. These structures would be demolished to construct the proposed project (see Figure 4 on page 6).

*Surrounding Areas.* The surrounding uses are as follows:

- North: Kona Reef condominium;
- South: single-family residence;
- East (mauka): vacant lot and recently constructed County Waiaha Bay Sewer Pump Station across Alii Drive;
- West (makai): ocean.

2. Hawaii Revised Statutes §205A-44(b)(1).

FIGURE 1. Location Map

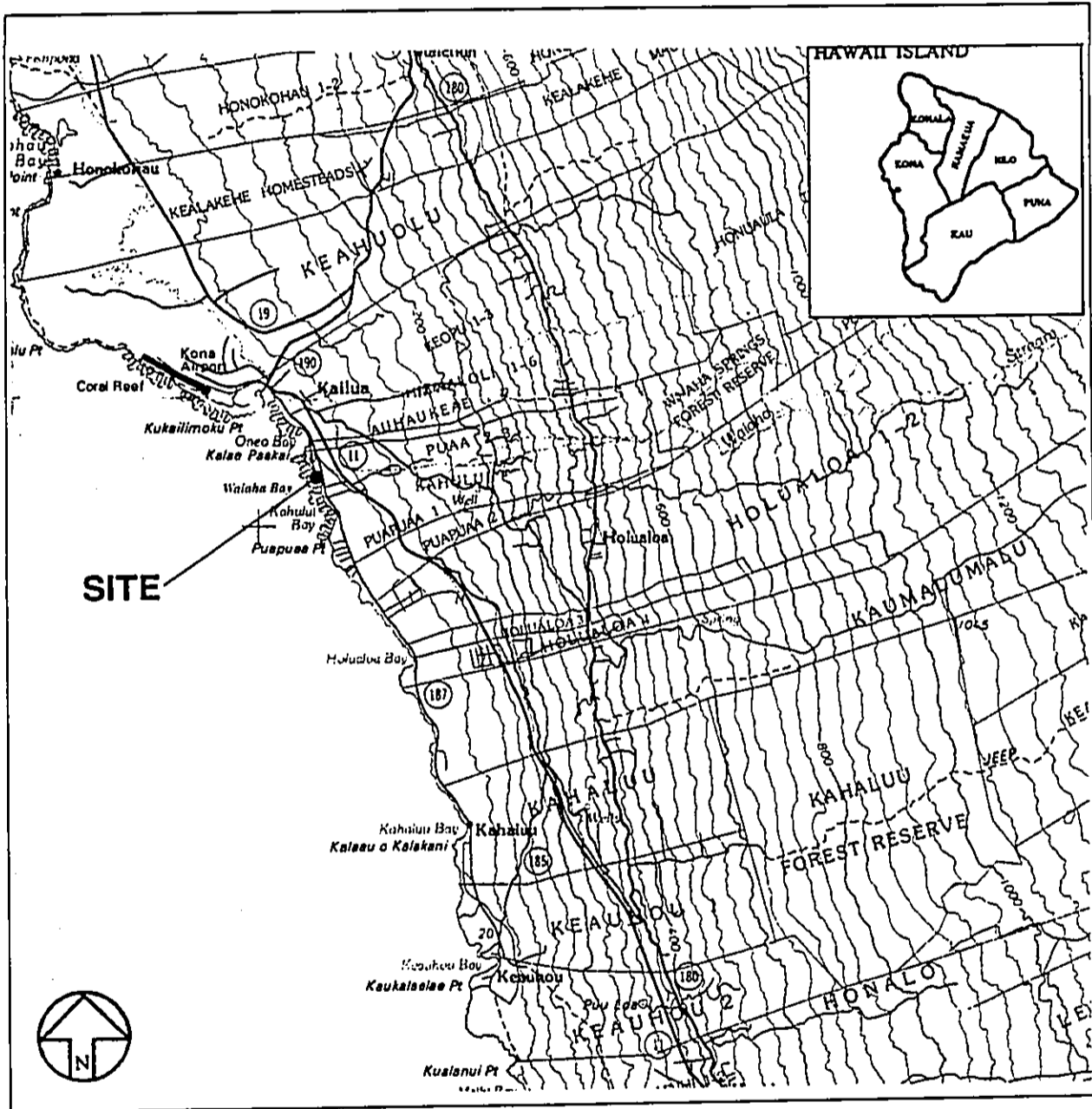




FIGURE 2.

Tax Map

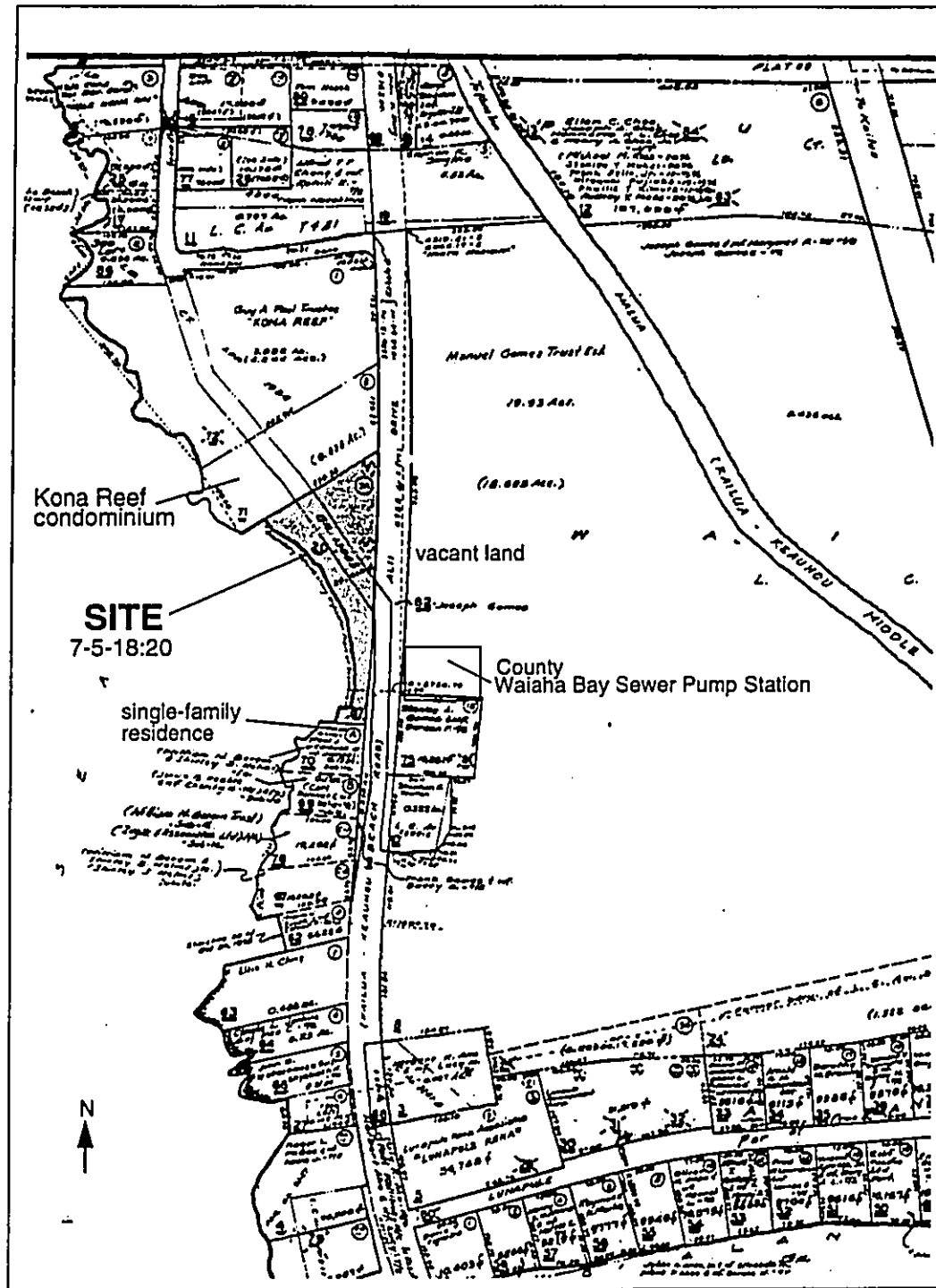
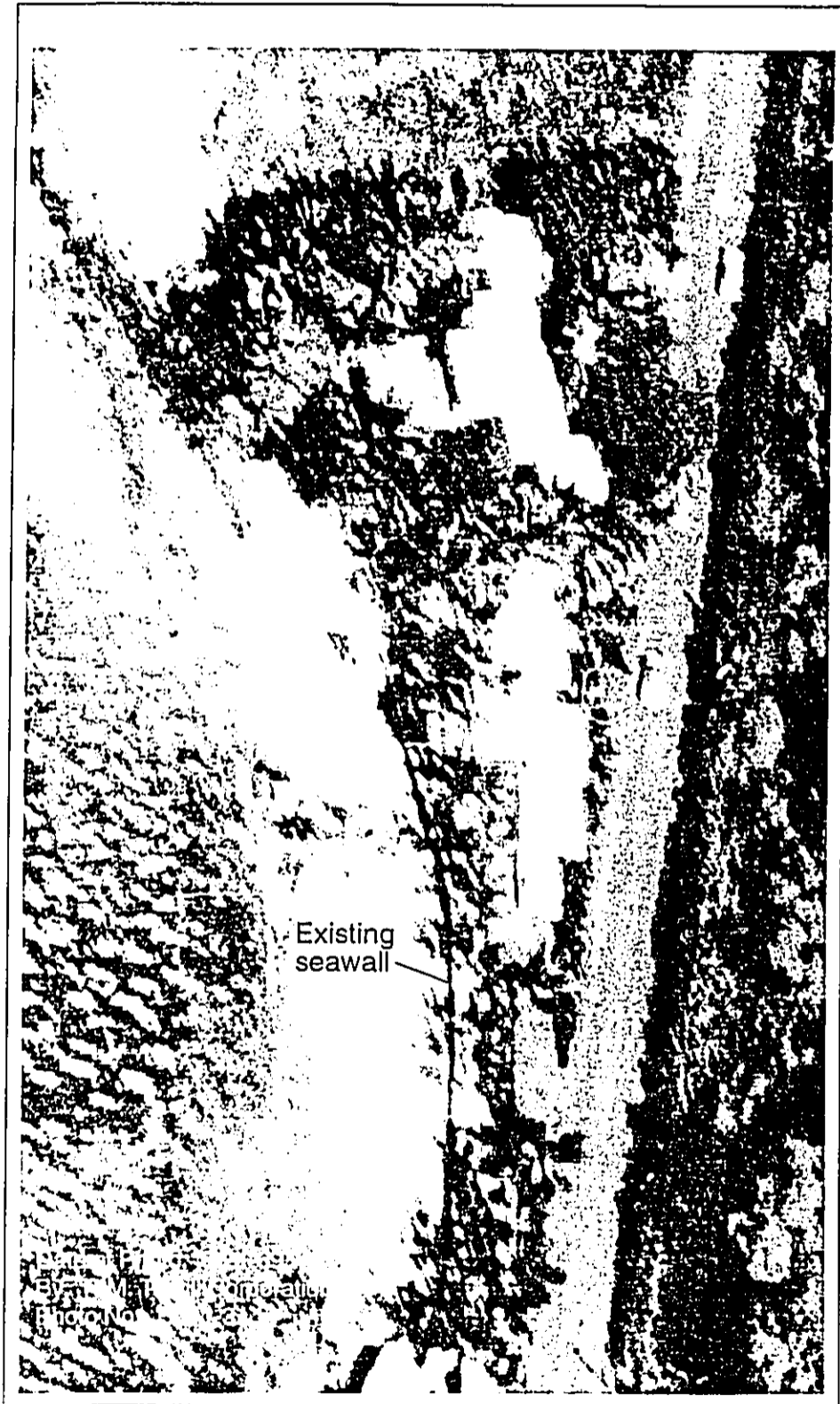


FIGURE 3.

Aerial Photograph of Existing Seawall

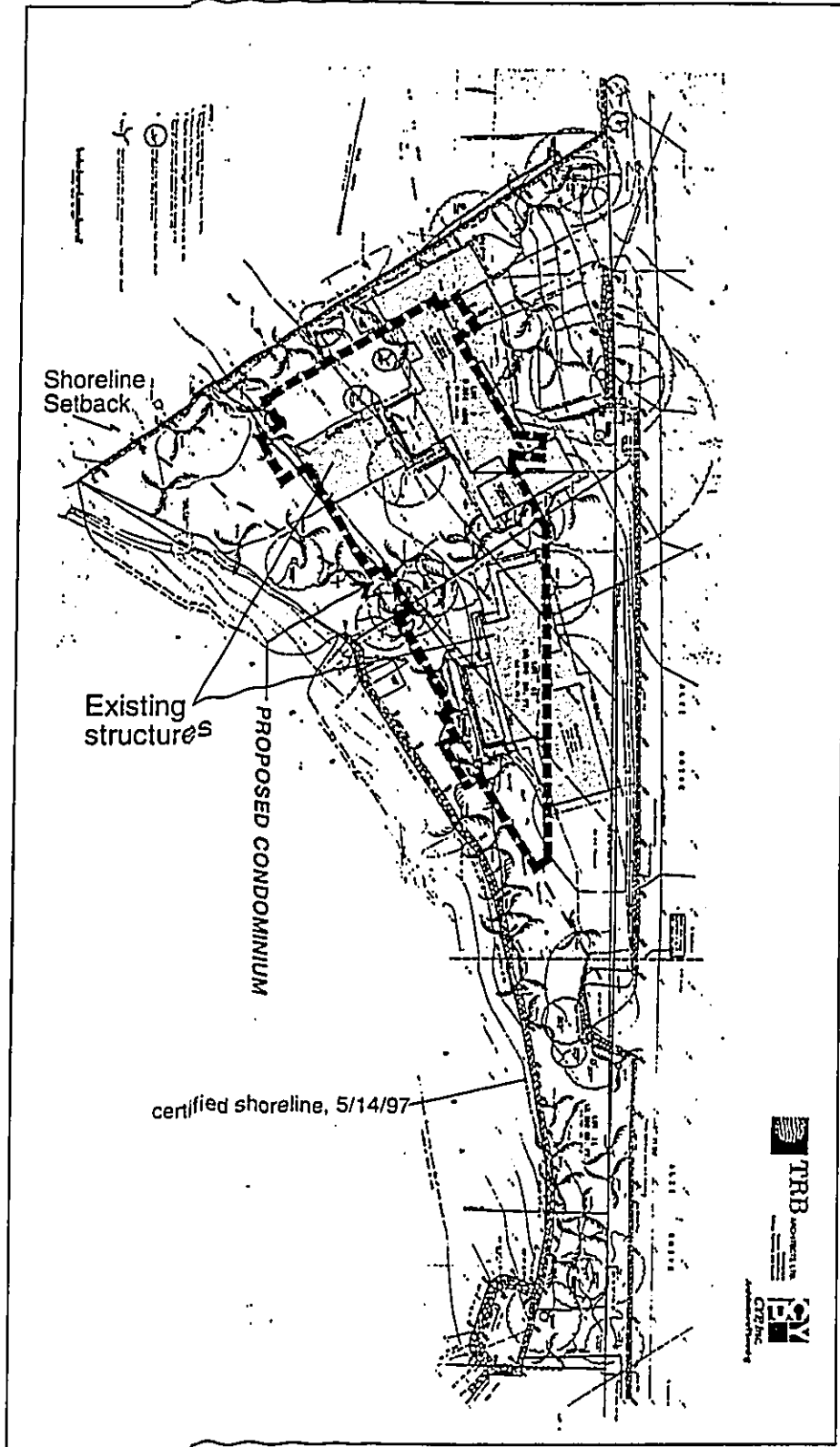


§2.2

DESCRIPTION OF PROPOSED ACTION

FIGURE 4.

Existing Conditions



## 2.3 Project Description

### 2.3.1 Project Objectives

The project objectives are as follows:

- construct a smaller, more intimate condominium compared to the typical resort condominiums along Alii Drive that is conveniently located to the amenities of Kailua-Kona;
- preserve ocean views from Alii Drive along the southern portion of the Site;
- enhance public access to the sandy beach fronting the Site.

### 2.3.2 Conceptual Plan

The 21-unit residential condominium consists of a 4-story building over a below-grade parking level (see Figure 5 on page 9 and Figure 6 on page 10). The proposed building height is 45'. The building footprint is approximately 7500 s.f., resulting in a lot coverage of 25%. The total gross floor area is approximately 30,000 s.f. The units will range in size from 1,100 s.f. to 1,585 s.f. (living area excluding lanai). The parking level consists of 25 stalls with 2 additional on-grade stalls on the northern portion of the Site.

The nature of the Site and the associated setbacks dictated a building with a rhythm of setbacks around the building that create an impression of several smaller structures and provide visual relief compared to a straight facade. The overhang of roof and lanais add to the architectural detail, and also enhance the shading of the units thereby making them more energy efficient (see Figure 7 on page 10 and Figure 8 on page 11).

The gently sloping roof will be clad with copper shingles that will oxide to a green patina. The exterior walls will be covered with a light blue-green stucco to complement the roof color; the window and door trims as well as the railings and shutters will accent the look with gray and rose tones. The window glass will have a green tint for appearance and energy efficiency, but not be reflective. Planters on the railings and trellises on the offset faces will further soften the building and add color. The building will be screened from Alii Drive by several trees, including a large existing banyan tree.

Proposed actions within the shoreline setback area originally included landscaping, pathway, portion of a driveway, filling of existing man-made pool, and overhang of roof and two decks. However, in response to comments from concerned members of the public, the Applicant has made the following revisions to the project plans:

- Instead of a 10' wide public accessway, the Applicant will offer dedication to the County, State, or charitable nonprofit entity of a conservation easement for the southern portion of the Site;

- The seawall fronting the proposed conservation easement area will be temporarily repaired (e.g., sand bags) until completion of construction of the project and then removed to enable the natural beach processes to prevail;
- In lieu of the dismantled seawall, a new wall outside the shoreline setback area will be constructed with a landscaped sand berm fronting the wall; the wall would protect the building, separate the project from the public conservation easement area, and the berm would serve as a reservoir to replenish the beach sand during high waves;
- The idea of the sand berms evolved from the decision to remove the southern portion of the seawall. The rationale to remove that portion of the seawall was to reduce the wave energy reflecting off a hard vertical surface, and to allow the waves to tap into the upper reaches of the beach thereby increasing the sediment budget available to the littoral cell. The sand berms perform similar functions to the seawall removal-- reflecting wave energy would be dissipated for any extremely high waves that should reach the building, and the sand would add to the available sediment budget. Therefore, the use of landscaped sand berms is proposed along the entire building *makai* frontage as an innovative landscaping concept for a site along a sandy beach to provide these functions that simulate a sand dune. The top of the berm would rise about 2 to 4 feet higher than the height of the existing seawall. The sand berms would not lessen the requirement for the building to be structurally flood-proofed to withstand any wave action in compliance with the County's Flood Control Code.
- The lanais projecting into the shoreline setback area will be eliminated (a portion of the unit instead would be used for an enclosed lanai);
- The projection of a portion of the roof eaves into the shoreline setback area will be eliminated by eliminating the overhang or by moving the wall back thereby reducing the unit size;
- Two alternatives are under consideration to reduce or relocate the southern driveway: 1) create a one-way in and out using the north and south driveways thereby reducing the width of the southern driveway; or 2) create a two-way access at the north driveway and eliminate the south driveway;
- Any windows along the north side of the building will be minimized to prevent looking into the lanais of the neighboring Kona Reef units; a landscaped buffer, including the preservation of the existing palm trees, will be provided between the two projects.

The actions remaining as part of the shoreline setback variance application include the landscaping that involves grade changes (i.e., landscaping on the sand berms) and filling the man-made pool. The pool would be filled with rocks and topped with about a 3' layer of sand.

## 2.4 Timetable and Cost

The estimated construction start is mid-1998, with completion a year later in 1999. The estimated construction cost is \$9 million.

FIGURE 5. Conceptual Site Plan

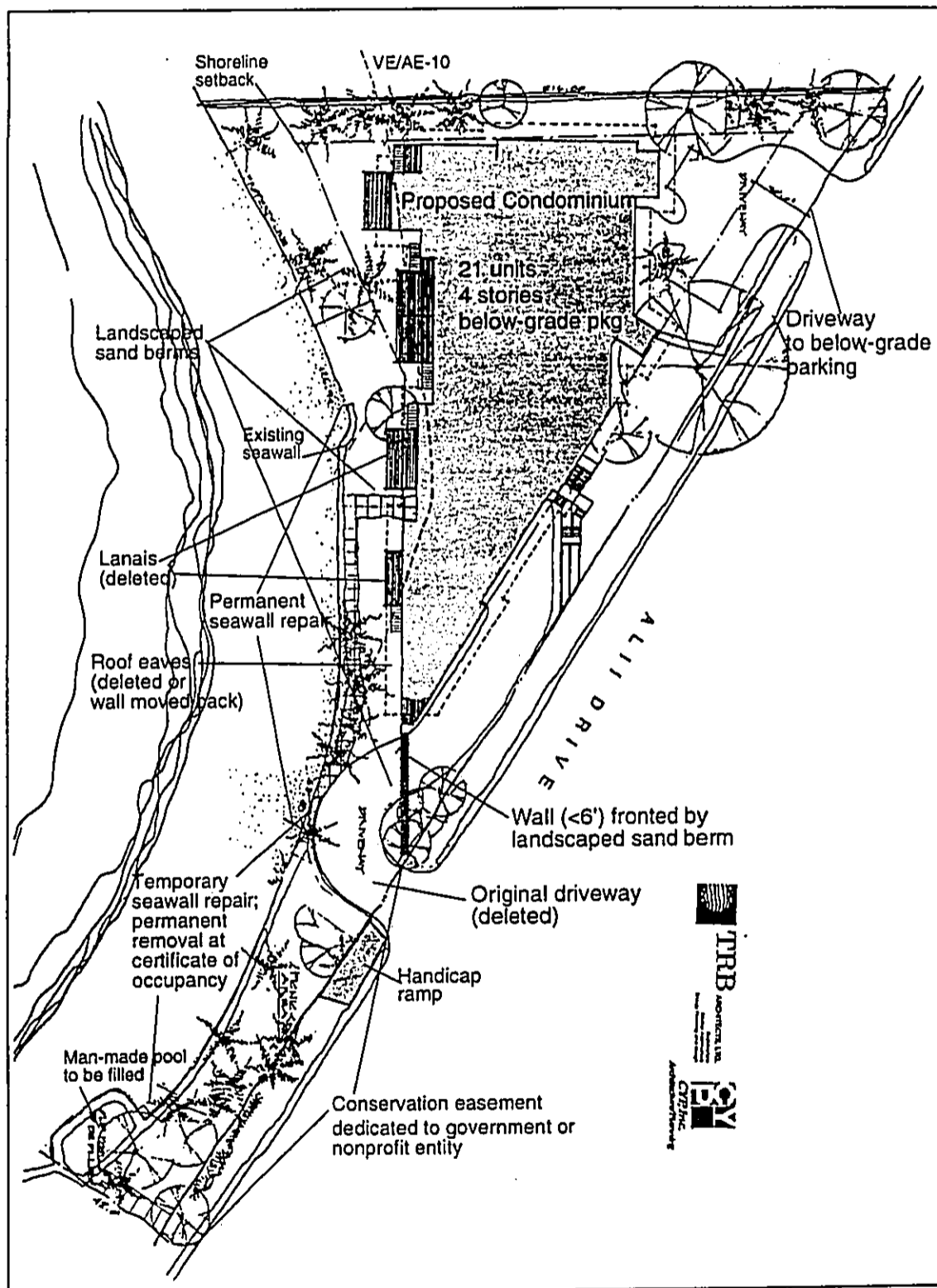


FIGURE 6. Building Section

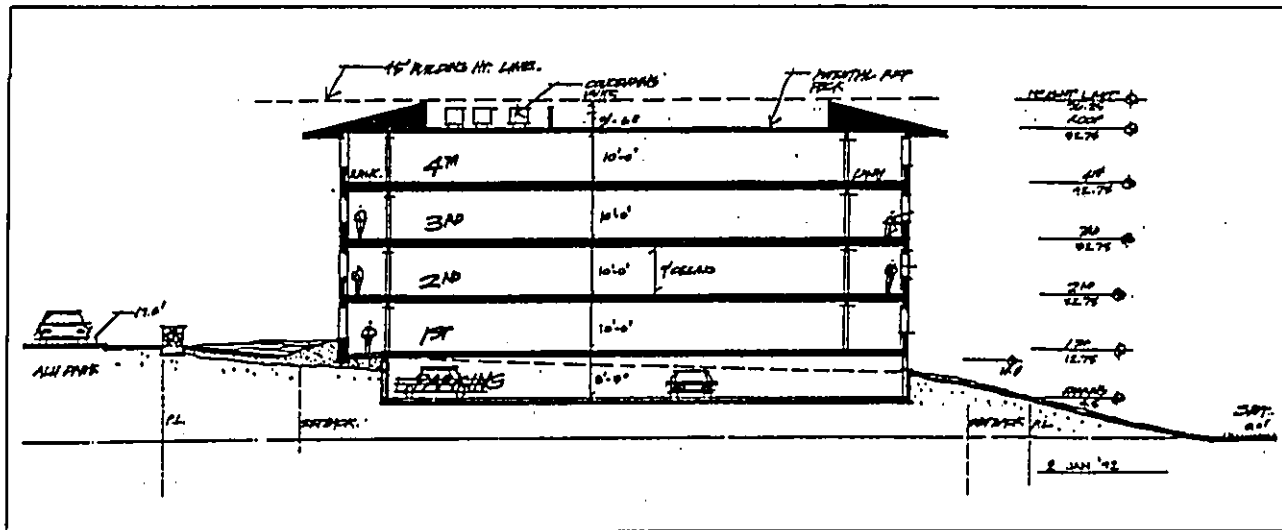


FIGURE 7. Alii Drive Elevation

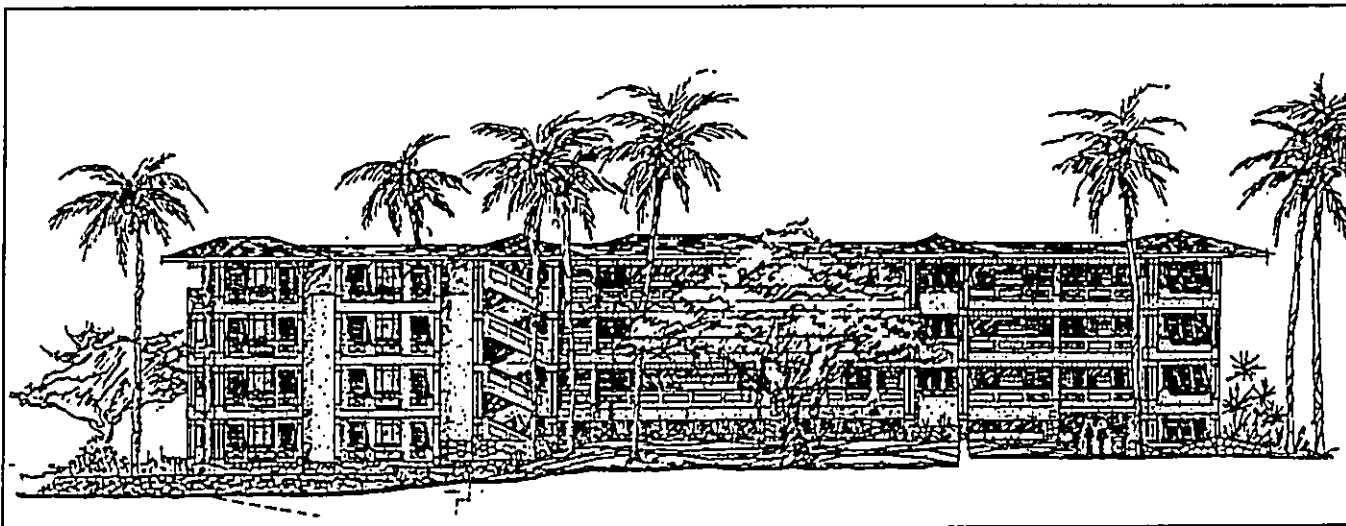
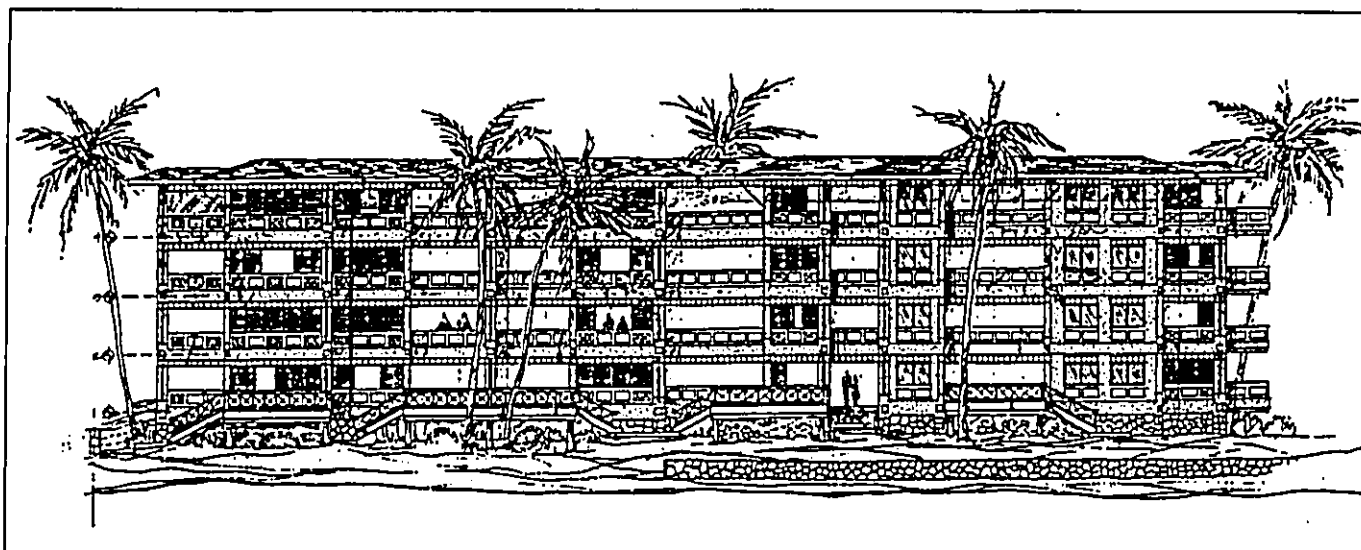


FIGURE 8. Ocean Elevation



### 3.0 ENVIRONMENTAL SETTING, IMPACTS, & MITIGATION MEASURES

#### 3.1 Physical Characteristics

##### 3.1.1 Climate

The mean annual rainfall is about 30". Since the tradewinds do not reach most of the Kona district due to the shielding effect of Mauna Kea, Mauna Loa, and Hualalai, Kona receives only minimal orographic rainfall. However, the difference between land and water temperatures on warm days, particularly in summer, generates moderate seabreeze circulation which results in showers. This rainfall is typically spotty in distribution and highly variable in duration and intensity, but the showers are frequent and heavy enough to produce a much higher mean rainfall in Kona than in other leeward areas in the State. Kona is atypical in that the wet months occur in summer from May through August.<sup>3</sup>

##### Impacts and Mitigation

None.

3. State of Hawaii, Department of Land and Natural Resources. *An Inventory of Basic Water Resources Data: Island of Hawaii*. Report R34, 1970.



### 3.1.2 Topography & Soils

The topography of the Site is relatively flat ranging in elevation from 8' to 18' above mean sea level. The Soil Survey Report classifies the soil as Waiaha extremely stony silt loam (WHC), which consists of shallow (bedrock at a depth of less than 1.5 feet), well-drained silt loams that formed in volcanic ash. Permeability is moderately rapid, runoff is slow, erosion hazard slight, and shrink-swell potential low.<sup>4</sup>

#### Impacts and Mitigation

None. Compliance with the County Grading Permit requirements would further ensure minimal erosion and sedimentation impacts during construction. The County's review of the grading permit application should consider the practices listed below to minimize erosion during construction as suggested by the Department of Health.<sup>5</sup>

- Conduct grubbing and grading activities during the low rainfall months (September through April for Kona).
- Replant or cover bare areas as soon as grading or construction is completed. New plantings will require soil amendments, fertilizers and temporary irrigation to become established. Use high planting and/or seeding rates to ensure rapid stand establishment.
- Properly dispose of sediment and debris from construction activities.

### 3.1.3 Natural Hazards

*Flood and Coastal Hazards.* The Flood Insurance Rate Map designates a portion of the Site in Zones VE and AE. The VE zone, defined as the coastal high hazard zone, extends inland approximately 40' from the shoreline at the northern corner of the Site, narrowing to 20' where the existing seawall begins, and then to 0' at the southern corner of the proposed building (see Figure 9 on page 14). The AE zone, which is the area of potential inundation by a 100-year rainfall, extends roughly 20' further inland parallel to the VE zone. The balance of the Site is not in the special flood hazard zone. The base flood elevation within the AE and VE zones on the Site is 10'. The Site is within the Civil Defense Tsunami Evacuation Zone, which means that when the Civil Defense issues a Tsunami Warning, anyone present on the Site must evacuate (see Figure 10 on page 15). The probable tsunami evacuation route would be south from the Site on Alii Drive, left onto Lunapule Road, then right onto Walua Road to a roadblock at the intersection of Walua Road with Kuakini Highway.<sup>6</sup> When the Civil Defense orders an evacuation, the police control traffic move-

4. U.S. Department of Agriculture, Soil Conservation Service. *Soil Survey of Island of Hawaii*. State of Hawaii, 1973, sheet 85.

5. Letter from Bruce Anderson, Deputy Director for Environmental Health, dated July 19, 1997 (included in Appendix D).

ments at the roadblocks to direct the evacuation and prevent makai-bound traffic into the evacuation zone.

*Volcanic and Earthquake Hazards.* The United States Geological Survey (USGS) classifies the area as Lava Flow Hazard Zone 4, on a scale of ascending risk 9 to 1.<sup>7</sup> The Building Code designates the entire island of Hawaii in Earthquake Zone 4 and contains certain structural requirements to address the relative seismic hazards.

#### Impacts and Mitigation

The County's Flood Control Code (*Hawaii County Code* Chapter 27) sets out compliance measures for activities in the various flood zones. Construction is permitted within the AE and VE zones subject to requirements related to anchoring, floodproofing, and elevating certain building elements above the base flood elevation.<sup>8</sup> The Department of Public Works requires certification of design compliance with Chapter 27 upon review of the building permit and also requires certification of actual construction compliance as a condition to issue the certificate of occupancy.<sup>9</sup>

#### **3.1.4 Flora/Fauna**

Since the Site has already been developed, the only vegetation on the Site are introduced landscaping plants; there are no rare or endangered species. There are several trees on the Site ranging in height from 10' to 45' including a banyan, monkeypod, plumeria, Royal Poinciana, milo, heliotrope, coconut, palms, and kukui.

#### Impacts and Mitigation

The landscaping plan will incorporate or relocate as many of the larger trees as possible. The landscape plan will include a landscaped buffer along the north boundary, including preservation of the existing palm trees, to screen the neighboring Kona Reef residents from the proposed project. The construction documents will require the contractor to take the necessary precautions to protect the identified trees during site clearing.

6. Julian Ng, Inc. Traffic Assessment Report for Proposed Residential Condominium: SoBay Hawaii, Inc., May 1992, p. 4 (attached to this EA as Appendix B).

7. Heliker, C. *Volcanic and Seismic Hazards on the Island of Hawaii*. U.S. Geological Survey, 1991.

8. Hawaii County Code, §27-18 (standards for construction) and -23 (standards for coastal high hazard areas).

9. Hawaii County Code §27-17 (certification standards).

FIGURE 9.

Flood Insurance Rate Map

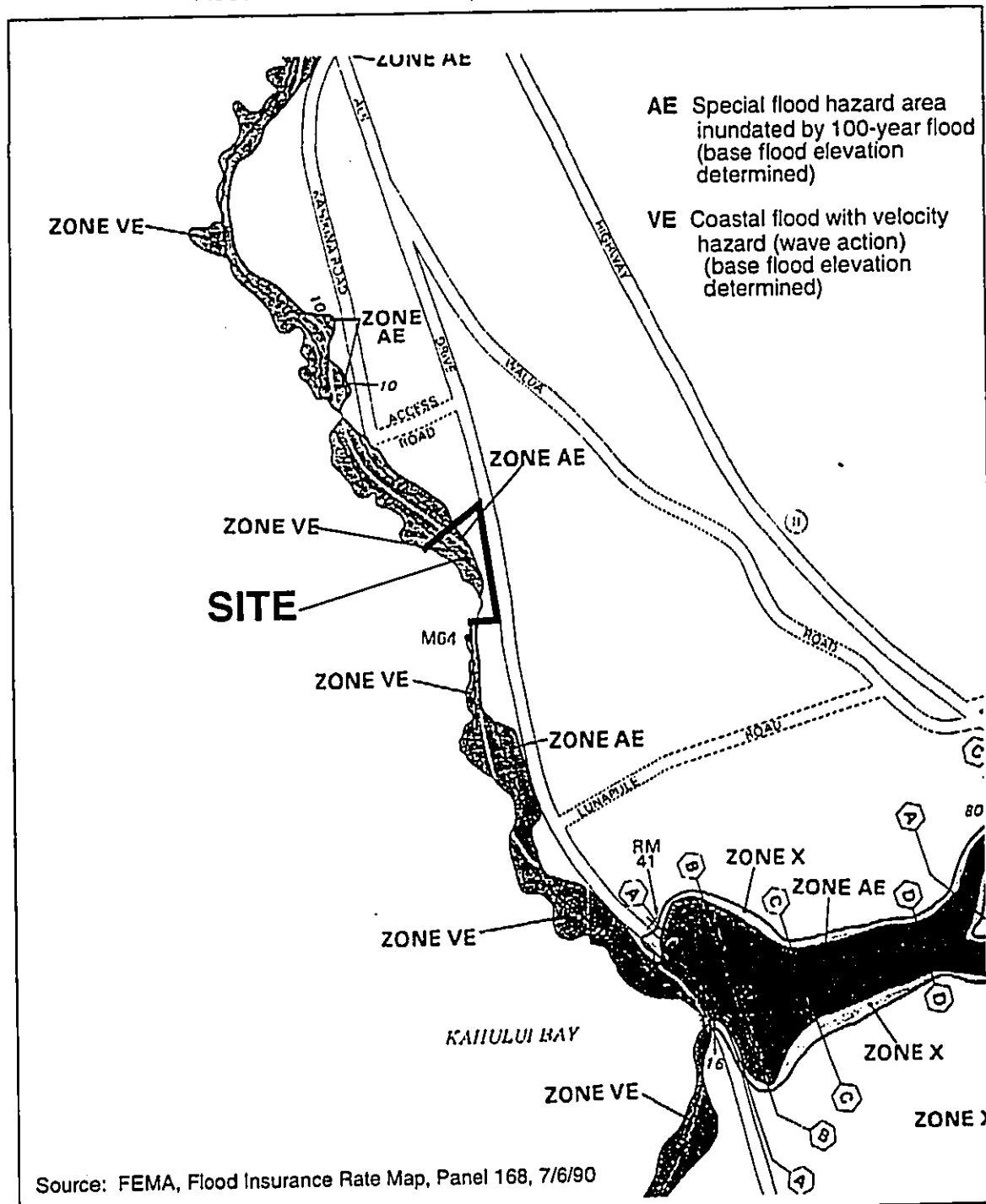
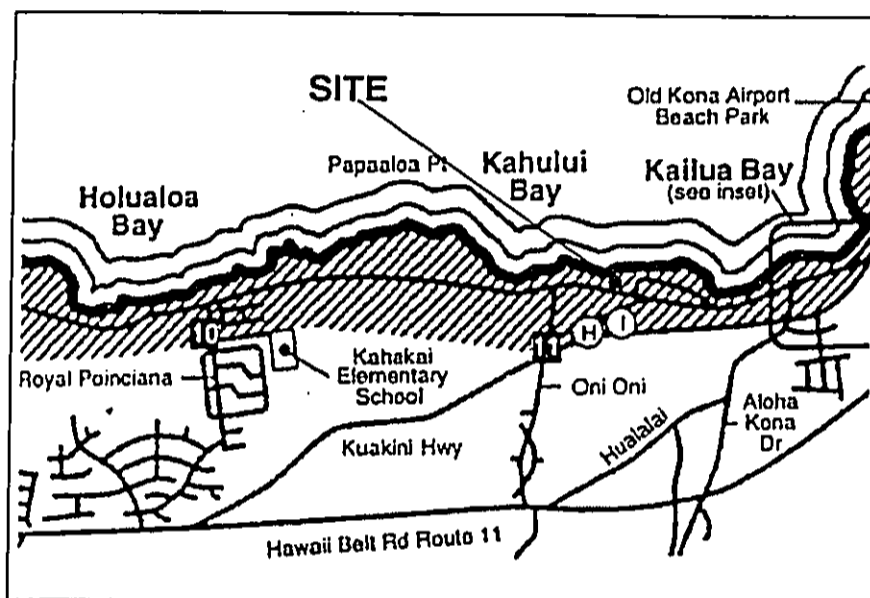


FIGURE 10. Tsunami Evacuation Zone



**3.1.5 Historic/Archaeological/Cultural Resources**

Due to the construction of the Old Kailua-Keauhou Beach Road that once traversed the Site and the existing houses, any possible historic sites have been covered or destroyed. High surf conditions over the years destroyed any features that may have existed seaward of the road and houses. The Hawaii State Historic Preservation Division confirmed the absence of any significant archaeological or historic sites.<sup>10</sup>

Impacts and Mitigation

No impact.

**3.1.6 Coastal Resources**

*Sandy Beach.* A white sand beach fronts the Site (see Figure 11 below). During the summer and fall, this beach is usually well developed and quite wide, with deep sand and wave action well away from the wall. Winter and spring surf appear to move the sand at the southern end of the property, and during periods of high tides and onshore winds, the waves can top the wall closest to the road. The certified shoreline follows along the makai edge of a legal seawall. Recent high waves damaged the southern portion of the wall (see Figure 12 on page 16).

<sup>10</sup> Letter from the State Historic Preservation Division to the County Planning Department, dated August 5, 1992 (included in this EA in Appendix A).

§3.1.6

ENVIRONMENTAL SETTING, IMPACTS, & MITIGATION MEASURES

FIGURE 11.

Sandy Beach Fronting the Site (looking southward)

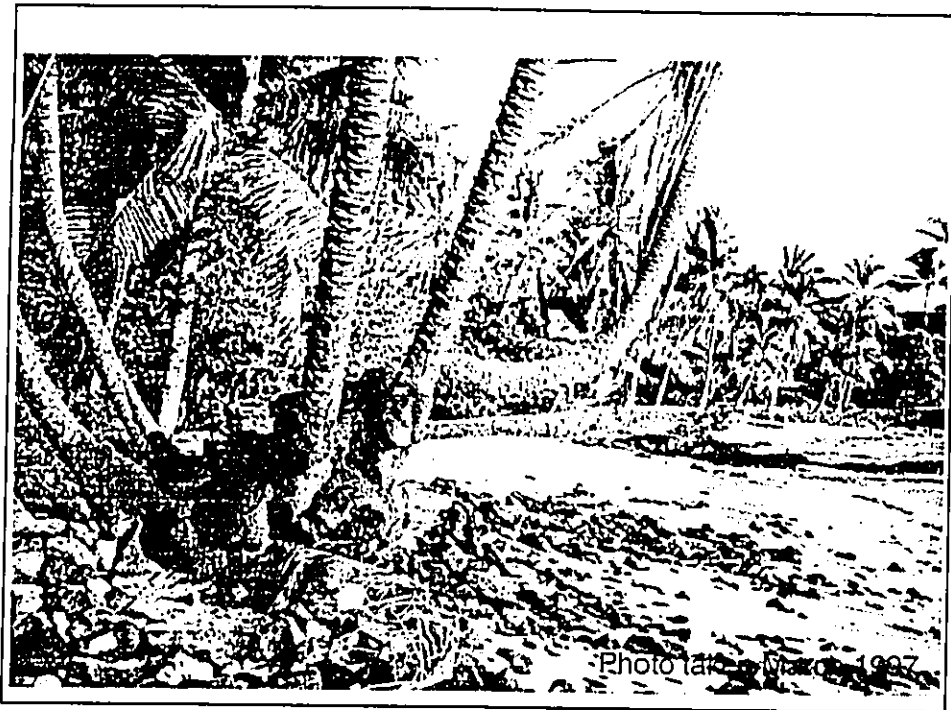


FIGURE 12.

Recent Seawall Damage



If the County approves the proposed project, the Applicant will only temporarily restore the seawall, possibly with sandbags, along the southern portion of the Site to protect the Site until completion of construction. The Applicant would then remove this temporary portion of the wall as a condition for the issuance of the certificate of occupancy to enable the natural beach processes to prevail. The removal of any obstruction to the natural wash of the waves would reduce the reflecting wave energy from high waves and increase the local littoral system's access to sediment on the upper beach to nourish the sandy beach. The proposed landscaping with sand berms along the front of the building would further supplement the sediment "budget" of the sandy beach by providing a reservoir for sand replenishment that could be tapped during periods of extremely high waves. The berms would also reduce the reflecting wave energy.

*Surfing Site.* A broad nearshore reef offers protection to the Site and sandy beach from all but the largest of storm waves and high tides. This reef also creates a surf site popularly known as Honi's.

*Man-made Pool.* The Applicant proposes to fill a man-made pool at the most southern portion of the seawall (refer to Figure 5, "Conceptual Site Plan," on page 9). The pool would be filled with rocks and topped with about a 3-foot layer of sand flush to the top of the pool. This pool is definitely not a natural coastal pond; it is not a wetland or anchialine pond. The filling would remove a potential public hazard and create a scenic vantage point (see Figure 13 on page 18 and Figure 14 on page 18). The Applicant is also willing to demolish the pool if that is the public's preference. However, the pool wall does protect structures on the neighboring property that are built near to the pool. The demolition of the pool may require an Army Corps of Engineers permit since the pool wall may be within the high tide line.<sup>11</sup> The Applicant originally planned to provide stairs from the filled pool to the beach as part of the public beach access. However, since the stairs would be underwater at certain times of the year, the Applicant abandoned this proposal and instead will offer public access over the entire southern portion of the Site as discussed previously.

<sup>11</sup> See letter from the Corps of Engineers, dated July 31, 1997, in Appendix D.

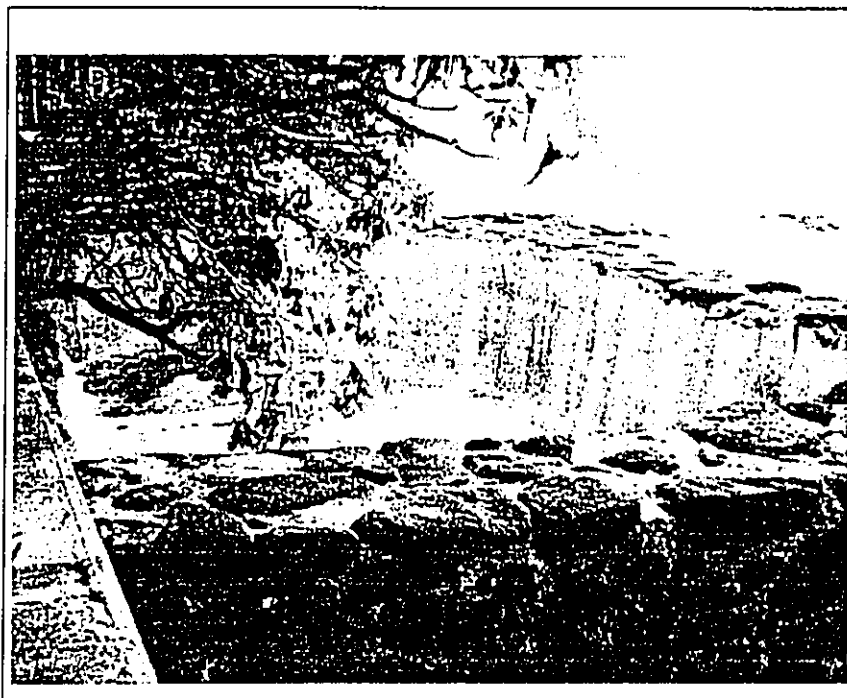
FIGURE 13.

Man-Made Pool



FIGURE 14.

Man-Made Pool (Close-Up)



### Impacts and Mitigation

The Applicant will permanently repair but not expand only that portion of the existing rock seawall fronting the proposed building. None of the proposed activities will extend beyond this wall. Therefore, the project will not change the dynamics of the existing conditions in terms of the impact of the seawall on the littoral processes. In fact, by agreeing to dismantle the wall fronting the southern portion of the Site, the Applicant will provide a beneficial impact to the sandy beach.

The portion of the Site's shoreline that does not have the existing seawall will remain open with naupaka shrubs. The Applicant proposes to import sand to create a berm fronting the building. The berm, besides protecting the building, would dissipate reflecting wave energy and act as a sand reservoir to replenish the beach.

#### **3.1.7 Air Quality and Noise**

The project will not emit noise or air pollutants other than from vehicular sources.

### Impacts and Mitigation

None. Noise during construction will be mitigated through compliance with the Department of Health Community Noise Control Rules.<sup>12</sup>

- The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels set forth in the rules;
- Construction equipment and onsite vehicles requiring an exhaust of gas or air must be equipped with mufflers;
- The contractor must comply with all other requirements pertaining to construction activities as specified in the rules and any conditions issued with the permit.

#### **3.1.8 Scenic Resources and Visual Impacts**

*Existing Trees and Site Appearance.* Currently, the existing landscaping and structures are not fully maintained. The proposed project, embellished with landscaping, will improve the scenic quality of the area and screen the proposed building from the highway. The large banyan and monkeypod trees will be retained, trimmed, and incorporated into the landscaping plan. Other existing trees will be relocated within the front, side, or shoreline setback areas.

<sup>12</sup> Hawaii Administrative Rules Chapter 11-46; see also letter from the Department of Health, dated July 1, 1997, included in Appendix D.



*Right of Way Corridor.* Resort zoning districts, which permit buildings up to 45' high, have the potential to create a "wall of hard surface" along the street right-of-way. The subject parcel is the last parcel in this resort district. The proposed building merely extends the building mass permitted by the General Plan and zoning, as implemented by the neighboring Kona Reef condominium, to the logical end. Beyond this Site, lower density zoning begins. The preservation of the southern portion of the Site in open space will provide a transition to the lower density uses. To mitigate the impact, the project includes preservation of the existing trees along Alii Drive supplemented by additional landscaping. If it would make a difference over and above the proposed landscaping, breezeways can be added to the design (at the cost of reduced unit sizes) to soften the building mass with openings. More extensive landscaping could be provided if the County reconsiders its requirement to widen the Alii Drive shoulder fronting the building. The landscaping plan will include a landscape buffer to screen the south side of the building from the users of the conservation easement area as well as from the travelers along Alii Drive as they approach the Site from the south heading toward Kailua-Kona.

*Mukai Views from Alii Drive.* The proposed building has been sited on the north side of the Site, thereby maintaining the existing views to the ocean from Alii Drive at the narrow southern portion of the Site where the road comes closest to the shoreline. Presently, the existing structures and landscaping completely block any views of the ocean from Alii Drive along the northern portion of the Site.

*Mauka Views from the Beach.* Mauka views from the beach are nonexistent. The existing structures and landscaping on the Site block any mauka views from the beach (see Figure 15 on page 21). Since the proposed building footprint approximately corresponds to the two existing structures, the project will not eliminate any existing mauka views. Landscaping along the shoreline boundary will screen the building from the view of beach and ocean users (refer to Figure 8, "Ocean Elevation," on page 11). This view would be no less intrusive than the existing adjacent Kona Reef condominium, which is also a 4-story building (see Figure 16 on page 21).

*Significant Scenic Resources.* The County of Hawaii General Plan identifies sites and vistas of significant natural beauty. None of the identified sites or vistas for North Kona are in the vicinity of the Site.<sup>13</sup>

<sup>13</sup> County of Hawaii General Plan, Supporting Document, November 1989, p. 36.

FIGURE 15.

Mauka View from Waiaha Sandy Beach

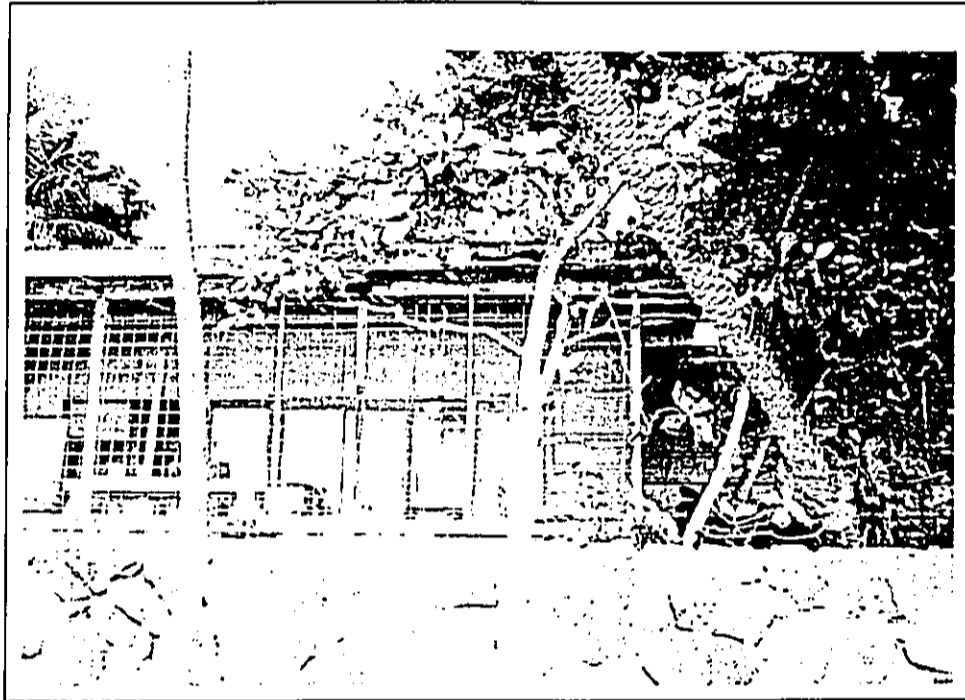


FIGURE 16.

Oceanside View of Existing Neighboring Condominium



*View Impact on the Neighboring Kona Reef Condominium.* Approximately 15 unit owners of the neighboring Kona Reef Condominium (out of 129 units) may lose their views across the Site since the proposed 4-story building will be as high as the 4-story Kona Reef. Presently, these 15 units look over the 1-story building on the Site. These 15 units are on levels 2 through 4; the ground level owners are already blocked by the existing buildings on the Site. The owners of the *makai* two columns of lanais seem to extend beyond the proposed building and would therefore not be impacted. The Site had been zoned Resort prior to the construction of the Kona Reef Condominium. Therefore, these 15 unit owners knew or should have known that the neighboring site owner could build a structure as high as the Kona Reef with comparable setbacks from the property line (i.e., 14' sideyard for a 4-story building). These owners do not own a negative easement over the Site nor possess any other legal right to a view over the Site.

#### Impacts and Mitigation

The project will not impact upon *makai* views from Alii Drive, nor will the project impact upon *mauka* views from the beach which are presently non-existent. The project will beneficially impact the aesthetic condition of the Site by replacing the dilapidated structures with a new structure. The Kailua Village Design Commission will review the architectural design of the proposed structure to ensure that it fits with the surrounding environment, and could suggest design mitigation measures such as breezeways if it deems appropriate.

The only unavoidable adverse impact will be to 15 unit owners of the neighboring Kona Reef Condominium whose views may be blocked by the proposed structure. To mitigate the impact, the project design will minimize windows on the north wall of the proposed building so that unit owners do not look out toward the Kona Reef neighbors, and landscaping within the sideyard will provide screening between the two projects including retaining the existing palm trees.

#### **3.1.9 Recreation Resources**

The County's Park Dedication Code applies to new multi-family dwellings such as the proposed project. However, this Code exempts projects in any district where adequate parks are available, defined as "any district where the ratio of acres of public parks and playgrounds within the district and not federally owned, to the resident population within the district is greater than the minimum ratio of five acres of land for parks and playground purposes for each one thousand persons."<sup>14</sup> The ratio in the North Kona District exceeds the minimum ratio.

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<sup>14</sup> *Hawaii County Code* §8-4(a)(1).

### Impacts and Mitigation

Although not required by the Park Dedication Code, the project will offer dedication of the southern portion of the Site as a conservation easement to the County. If this dedication is included as a condition of the SMA Permit, the County Council must be first consulted and approve.<sup>15</sup> The County has an adopt-a-park program for any willing community-minded group to voluntarily assume maintenance responsibility of this park to mitigate the County's maintenance costs.<sup>16</sup>

## **3.2 Socioeconomic Characteristics**

### **3.2.1 Shoreline Access**

The public currently trespasses through the Site to access the sandy beach fronting the Site. Although the Applicant originally proposed to provide an improved 10' wide public accessway from Alii Drive to the beach at the southern end of the Site, the Applicant will expand the public's access rights by creating a conservation easement over the entire southern portion of the Site (refer to Conceptual Site Plan, Figure 5, "Conceptual Site Plan," on page 9). The Applicant will offer dedication of the conservation easement to the County, State, or charitable nonprofit entity and would construct a handicapped-accessible ramp and other access improvements in accordance with County requirements. The conservation easement would enable the public to access the entire sandy beach area fronting the Site. Lateral shoreline access along the sandy beach would not be affected by the proposed project.

An existing problem is the lack of parking for the beach users. Both sides of Alii Drive have no-parking restrictions in the vicinity of the Site. A suggestion by the Honi's Beach Association is for the County to possibly consider multiple use of the County-owned wastewater pump site located across from the Site by reconfiguring the existing fence to enable limited parking on the pump station site for beach users.<sup>17</sup> The Applicant has presented this idea to the County, and the County is currently studying the proposal.

### Impacts and Mitigation

Beneficial impact-- the Applicant would provide perpetual shoreline public access rights. The Applicant would also assist with discussions and improvements to provide limited parking for beach users on the County-owned Waiaha Wastewater Pump Station site.

15. *Hawaii County Code* §2-162(b).

16. See Rules and Regulations of the Department of Parks and Recreation, County of Hawaii, Rule 12-- Rules Relating to the "Friends of the Park" Program.

17. The parking idea was discussed at a meeting between Michael Varney of the Honi's Beach Association and the Applicant's consultant on October 11, 1997 at the Site.

### 3.2.2 Land Values

Upon completion, the tax assessed value of the Site would increase due to the increased building value resulting in increased tax revenues to the County. The increased tax assessed value for the Site should not affect the real property tax assessed value of the neighboring single family residence to the south of the Site. Since this single family residence is zoned Residential (RS-10) and used as a residence, the County would assess the property as a single-family residence. The County classifies the Site as resort for real property tax purposes.

### Impacts and Mitigation

Beneficial impact-- the County will realize increased tax revenues upon completion of the project. There would be no impact on the tax assessed value of the neighboring single-family residence due to zoning differences and the existing use as a single-family residence.

## 3.3 Public Facilities, Utilities, and Services

### 3.3.1 Roads and Traffic

*Traffic Capacity.* Access to the project will be from Alii Drive, which has a 50' right-of-way with a 2-lane, 22'-wide pavement. Daily traffic volume on Alii Drive near the Site is estimated to be 15,000 vehicles per day, based on counts taken in 1990. The peak hourly traffic volume occurs in the afternoon. Traffic on Alii Drive is expected to increase with or without the proposed project as a result of other growth in the area.

*Shoulder Width.* The *makai* shoulder of Alii Drive is relatively narrow along the Site because the existing wall is located approximately 7' inward from the right-of-way property line (see Figure 17 on page 25 and Figure 18 on page 26). The County Department of Public Works has required that the Applicant move the wall to the property line to widen the shoulder along the Site boundary.<sup>18</sup> However, with the possibility of dedicating the conservation easement area to the County, the Department of Public Works is reconsidering this requirement in order to maximize the beach area.

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18. See memo from the County Department of Public Works, dated July 17, 1997 in Appendix D.

FIGURE 17.

Alii Drive Right-of-Way Boundary

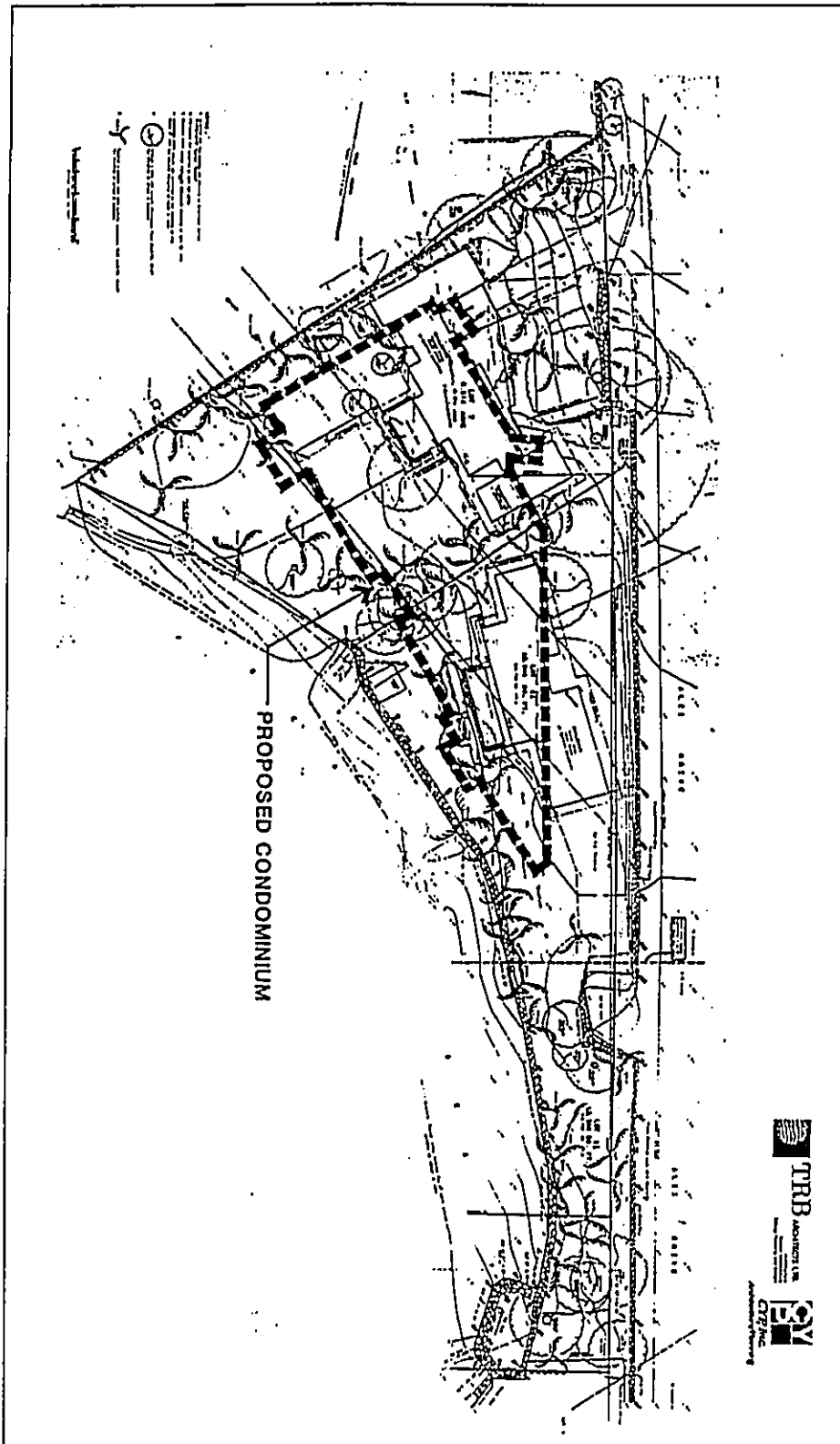
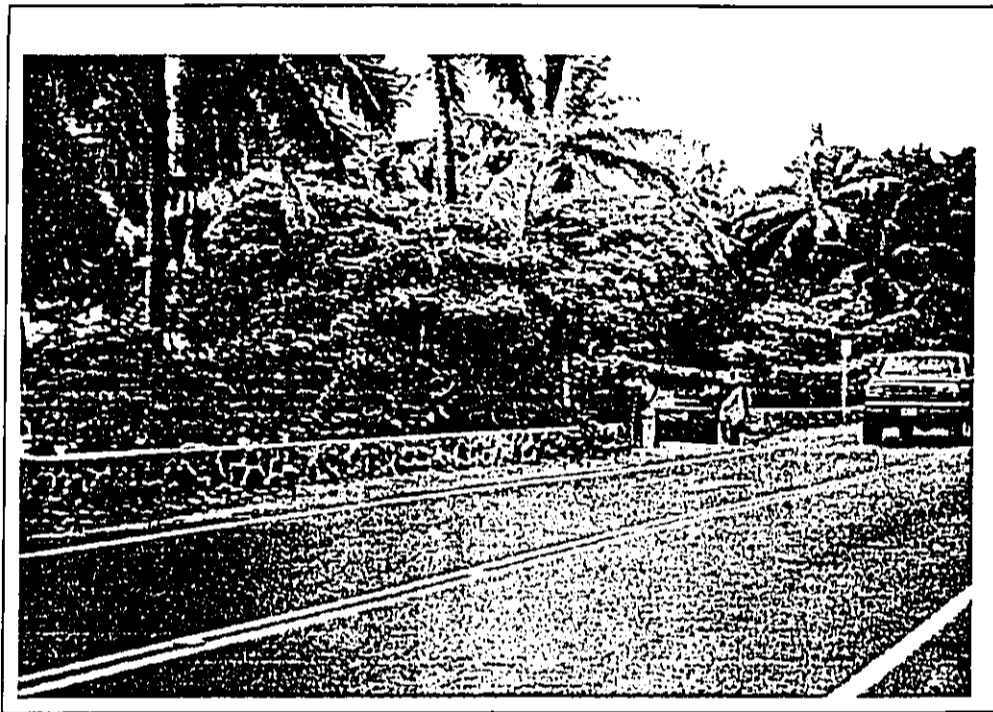


FIGURE 18.

Alii Drive Shoulder in Vicinity of the Project Site



#### Impacts and Mitigation

*Traffic Impact.* A preliminary traffic assessment indicated minimal impact from the project.<sup>19</sup> Based on conservative assumptions of 0.73 vehicle trips per occupied dwelling unit during the PM Peak Hour at 100% occupancy, the estimated project traffic is estimated at 9 vehicles entering and 7 vehicles exiting the Site in the PM Peak Hour. The impact in the immediate area is an increase in traffic on Alii Drive of about 0.6%; this compares to an estimated annual increase of 2% due to other growth in the Kailua-Keauhou area. At the driveway, the probability that a northbound vehicle will be delayed because of a vehicle waiting to turn into the driveway is well below the threshold level at which a separate turn lane should be provided. The traffic impact analysis also found that there will be sufficient gaps in the main traffic stream to permit vehicles existing the project to enter Alii Drive. The driveway(s) serving the project will allow for turnaround within the Site, thereby eliminating the need to reverse onto Alii Drive. Safe ingress and egress conditions exist due to the

19. Julian Ng, Inc., Traffic Assessment Report: Proposed Residential Condominium, SoBay Hawaii, Inc., May 1992 (see Appendix B).

excellent sight distance and no-parking along the *makai* side of Alii Drive in the vicinity of the project.

*Shoulder Improvements.* The County needs to weigh the tradeoffs between widening the shoulder to benefit pedestrians and bikers, or maintaining (and thereby maximizing) the beach area for the benefit of the beach users. The Applicant will comply with any requirements for shoulder improvements. At a minimum, the Applicant will trim the banyan tree to the property line and clean debris from the tree that has fallen onto the shoulder. This trimming and cleaning will in itself increase the effective usable area of the shoulder.

### 3.3.2 Wastewater System

A new sewerline is under construction along Alii Drive. The project will hookup to this line.

#### Impacts and Mitigation

The treatment plant has adequate capacity to accommodate the project. A sewer lateral has already been designated for the Site as part of the construction of the sewer collector main along Alii Drive.

### 3.3.3 Water System

Water service is available via a 6-inch main on Alii Drive. Two 5/8" meters currently serve the Site. The Site has an existing committed allotment of six water units. To accommodate the proposed 21 units, the Applicant will have to obtain an additional 15 water units with the required payments of deposits and facility charges to the Department of Water Supply.<sup>20</sup>

#### Impacts and Mitigation

Based on the County's Water System Standards of 400 gpd/unit for a multi-family residential project, the average daily water demand for the 21-unit project is 8,400 gpd. The maximum daily water demand is 12,600 gpd (1.5x average daily demand). The peak hour demand is 42,000 gpd (5x average daily demand). The fire flow demand is 2000 gpm/2 hrs. If the building is sprinklered, the flow could be reduced to 1500 gpm/2hrs; further reductions in fire flow requirements may be possible by using a roofdeck swimming pool as a source of water for the sprinklers. The water system serving the project has inadequate capacity to supply the fire flow. The Applicant will provide the necessary offsite improvements to supplement the existing line in accordance with the Department of Water Supply requirements (i.e., approximately 400 l.f. 8" D.I. waterline assuming 2000 gpm for a looped system). To reduce actual water demand, the project will incorporate water conservation measures such as flow restrictors on all faucets and showers, plus low-volume toilets.

20. See memo from the Department of Water Supply, dated July 2, 1997 in Appendix D.



**3.3.4 Drainage System**

As mandated in Storm Drainage Standards for Hawaii County, any increase in runoff determined to be due to development of a proposed site, including but not limited to buildings, paved roads and parking areas and more intensive use, must be disposed of by on-site drainage facilities.

**Impacts and Mitigation**

The project's drainage will be handled by drywells or other means acceptable to the County Department of Public Works. County ordinance prohibits discharge of stormwater into the public sewer system.<sup>21</sup> If the drywells are considered "injection wells", the Underground Injection Control (UIC) Permit would mitigate potential impacts to the groundwater quality. The relatively high water table would probably require shallow wells.

**3.3.5 Electrical/Telephone**

Electricity and telephone lines are available via overhead lines along Alii Drive.

**Impacts and Mitigation**

None.

**3.3.6 Police & Fire Protection**

Police patrols are dispatched out of a station in Kealahou. Three shifts with an average of eight patrolmen per shift provide round-the-clock coverage. The average response time to the Site is three to four minutes.

A two-company fire station located on Palani Road *mauka* of the junction with Queen Kaahumanu Highway serves the area. Three shifts with twelve firemen per shift provide round-the-clock service. Response time is also three to four minutes. Three certified Mobile Intensive Care Technicians (MICT) are assigned to the station, and one MICT is assigned to each shift. Emergencies are taken to Kona Hospital, which takes approximately 15 to 20 minutes. Firemen at the station are also trained in rescue procedures and have a Radon 25-foot rescue boat, diving equipment and surfboards for search and rescue work. Several of the firemen have various levels of water safety training and some are certified lifeguards.

**Impacts and Mitigation**

None.

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<sup>21</sup> Hawaii County Code §21-8.

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## 4.0 RELATIONSHIP TO PLANS, POLICIES, AND CONTROLS

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### 4.1 State Plan

The project conforms with the Hawaii State Plan objectives and policies (*Hawaii Revised Statutes* Chapter 226) discussed below.

**§226-11 Objectives and policies for the physical environment-- land-based, shoreline, and marine resources.** (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:

- (1) Prudent use of Hawaii's land-based, shoreline, and marine resources.
- (2) Effective protection of Hawaii's unique and fragile environmental resources.
- (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:
  - (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.
  - (3) Take into account the physical attributes of areas when planning and designing activities and facilities.
  - (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.
  - (9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational, and scientific purposes.

**Discussion:** The project has been designed to avoid impacts on the shoreline processes and resources-- no development activities will occur seaward of the existing seawall and any unusually high wave runup will be allowed to dissipate over a sand berm rather than to structurally deflect the waves which could cause beach erosion. The project includes dedication of a conservation easement for public shoreline access to the sandy beach fronting the Site. The Applicant will also refrain from permanently repairing the seawall fronting the conservation easement area to enable the littoral processes to more naturally move the sand in this area.

**§226-12 Objective and policies for the physical environment-- scenic, natural beauty, and historic resources.** (a) Planning for the State's physical environment shall be directed towards the achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historic resources.

- (b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:
  - (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.
  - (5) Encourage the design of developments and activities that complement the natural beauty of the islands.

**Discussion:** Existing ocean vistas from Alii Drive across the narrow southern portion of the Site will be preserved. The building height limit of 45' results in a building that does not exceed the height of existing trees on the Site. Therefore, existing ocean vistas from upland areas would not be impacted. The building design, which will be reviewed by the Kailua Village Design Commission (see Section 4.5, "Kailua Village Master Plan," on page 35 for further discussion), includes colors, materials, and articulations that complement the surroundings.

§226-19 Objectives and policies for socio-cultural advancement-- housing. (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives.

(2) The orderly development of residential areas sensitive to community needs and other land uses.

(b) To achieve the housing objectives, it shall be the policy of this State to:

(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

(6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.

**Discussion:** The Site is an underutilized urban parcel that is accessible to public facilities and services. The project will increase housing choices for those who can afford the resort lifestyle but desire a smaller, more intimate building setting.

#### 4.2 State Land Use Law

The State Land Use classification for the Site is Urban. The County, through its zoning ordinance, determines the permissible uses within the Urban district. The proposed project will not require a land use district reclassification.

#### 4.3 Hawaii County General Plan

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the Site is Resort. This Resort designation is intended for "uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), and supporting services."<sup>22</sup> The project will not require a General Plan amendment.

22. Hawaii County General Plan, Supporting Document, 1989, p. 80.

The project conforms with the General Plan objectives and policies discussed below.

**Flood Control and Drainage<sup>23</sup>**

*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.

*Policies*

The County shall continue to review land use policy as it relates to flood plain, high surf, and tsunami hazard areas.

All development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works.

**Discussion:** In 1993, the County comprehensively updated the Flood Control Code (*Hawaii County Code* Chapter 27). The project design conforms to the construction standards set forth in that code. Development-generated runoff will be disposed onsite in accordance with the Department of Public Works requirements.

**Natural Beauty<sup>24</sup>**

*Goals*

Protect scenic vistas and view planes from becoming obstructed.

*Policies*

The County of Hawaii shall establish view plane regulations to preserve and enhance views of scenic or prominent landscapes from specific locations, and coastal aesthetic values.

**Discussion:** The proposed site plan preserves the scenic vista of the ocean from Alii Drive along the southern portion of the Site.

**Natural Resources and Shoreline<sup>25</sup>**

*Goals*

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23. Hawaii County General Plan §4.D.

24. Hawaii County General Plan §4.E.

25. Hawaii County General Plan §4.F.

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

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.

*Policies*

The shoreline shall be protected from the encroachment of man-made improvements and structures.

Encourage the use of native plants for screening and landscaping.

**Discussion:** The project will not extend the existing seawall, which has been in existence for years without adversely affecting the sandy beach fronting it. The Applicant will consider the use of native plants for landscaping, especially along the *makai* boundary.

**Housing<sup>26</sup>**

*Goals*

Maintain a housing supply which allows a variety of choice.

*Policies*

The County shall encourage a volume of construction and rehabilitation of housing sufficient to meet growth needs and correct existing deficiencies.

The County shall continually review its codes and ordinances to see if there are overly stringent restrictions which may impose unnecessary hardship and adopt amendments if warranted.

**Discussion:** The project will provide oceanfront condominium living in a smaller building setting compared to other typical resort condominiums along Alii Drive. In recognition of the hardship caused by imposing a 40' shoreline setback that would have reduced the buildable area to less than 50%, the County granted an exception in 1980 to enable development to proceed on the Site with a 20' shoreline setback.

**Land Use-- General<sup>27</sup>**

*Goals*

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

*Policies*

Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.

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26. Hawaii County General Plan §4.H.

27. Hawaii County General Plan §4.M.

**Land Use-- Resort<sup>28</sup>***Goals*

Provide for resort development that maximizes conveniences to its users and optimizes the benefits derived by the residents of the County.

*Policies*

Promote and encourage the rehabilitation and the optimum utilization of resort areas which are presently serviced by basic community facilities and utilities.

**Discussion:** The Site is presently underutilized (already zone Resort with two dilapidated single-story structures) and serviced by basic County utilities. The proposed project conforms with the land use policy to encourage infilling in lieu of sprawling to areas not serviced by existing facilities.

**Land Use-- Multiple-Residential<sup>29</sup>***Goals*

To provide for multiple residential developments that maximize convenience for its occupants.

To provide for suitable living environments which accommodate the physical, social and economic needs of the island residents.

*Policies*

Appropriately zoned lands shall be allocated as the demand for multiple residential dwellings increases. These areas shall be allocated with respect to places of employment, shopping facilities, educational, recreational and cultural facilities, and public facilities and utilities.

The County shall encourage flexibility in the design of residential sites, buildings and related facilities to achieve a diversity of socio-economic housing mix and innovative means of meeting the market requirements.

The rehabilitation and/or utilization of multiple residential areas shall be encouraged.

*Standards*

Areas shall be located in such a manner that traffic generated by high density development will not be required to travel through areas of lesser density en route to principal community facilities.

Areas shall be protected from incompatible uses by transition zones.

Provide adequate access to arterial streets, shopping facilities, schools, employment centers, and other services.

Development shall not be permitted in natural hazard areas unless proper on-site improvements are provided.

Development shall be located in areas where public utilities can be economically provided at a level adequate to meet the demand for the concentrated service.

Recreational area and/or facilities shall be considered in multiple residential development.

28. Hawaii County General Plan §4.M(6).

29. Hawaii County General Plan §4.M(4).

**Discussion:** The proposed project meets the standards for multiple family residential project. The Site is conveniently located to urban services provided by Kailua-Kona. The Site is situated adjacent to other high-density condominium developments. The open area along the narrow southern portion of the Site will provide a recreational area for the project residents and the general public, and also serves as a buffer between the higher density project and the neighboring single-family residence. Although a portion of the Site is in the coastal and flood hazard zones, the project design conforms with the Flood Control construction standards for structures located within these areas. Adequate public facilities are available to service the proposed project.

#### 4.4 Hawaii County Zoning and Subdivision Codes

The existing County zoning designation for the Site is Resort-Hotel (V-0.75). The Site has been zoned Resort since 1967 with the adoption of the North Kona Zone Map.<sup>30</sup> The maximum permissible density is 750 s.f. of land area for each unit, which results in 39 units for the Site. Since multi-family dwellings are permitted uses within this district,<sup>31</sup> the proposed project will not require rezoning. The proposed 21 units are significantly less than the maximum permissible density.

The height limit in this zoning district is 45'. The minimum setbacks are 20' for the front and rear yards, and 14' side yards for this 4-story building (8' for the first story, and additional 2' for each additional story). The proposed plans meet these height and setback requirements. The zoning code requires 1.25 stalls per unit, which is met by 25 stalls in the below-grade level and 2 on-grade stalls.

All projects within the Resort-Hotel district require Plan Approval.<sup>32</sup> Since the project is located within the Kailua Village special district, the Kailua Village Design Commission must provide architectural and design review of all applications requiring Plan Approval.<sup>33</sup>

The zoning code requires 20% landscaping of the total land area of building sites within the resort zone; parking areas are not included in the landscaped area.<sup>34</sup> Of the Site's total land area of approximately 29,599 s.f., proposed landscaping within the front yard, north side yard, shoreline setback area, and conservation easement area consists of 10,250 s.f. or approximately 35% of the total land area.

30. Ordinance No. 74, County of Hawaii, adopted on May 24, 1967.

31. Ordinance No. 96-160, Section 2 (§25-5-92), An Ordinance Amending Chapter 25 of the Hawaii County Code Relating to Zoning, effective 12/7/96.

32. Ibid. (§25-2-71).

33. Ibid. (§25-7-4(b)).

34. Ibid. (25-5-97).

In 1980, the County approved a consolidation of two previous parcels to create the current parcel.<sup>35</sup>

#### 4.5 Kailua Village Master Plan

In September 1996, the County Council adopted by resolution an update to the Kailua Village Master Plan.<sup>36</sup> The Plan provides general design guidelines and focuses on the core Kailua-Kona village area. The Kailua-Kona Village Design Commission will use the design guidelines to review the project's design.

#### 4.6 Coastal Zone Management and Special Management Area

The project is located within the Special Management Area (SMA), and requires a Special Management Use Permit (i.e., the proposed project meets the definition of "development", does not qualify under any of the exempt uses, and exceeds a project value of \$125,000).<sup>37</sup> The Board of Land and Natural Resources certified the shoreline boundary on May 14, 1997.

To be approved, the SMA Rules require the project to conform with the objectives and policies of the Coastal Zone Management Act (*Hawaii Revised Statutes* Chapter 205A). The policies are discussed below.

- Recreational Resources

The policy objective is to provide coastal recreational opportunities accessible to the public. The Applicant would dedicate a conservation easement to the County to enable public access to the sandy beach fronting the Site. The project will not affect lateral shoreline access.

- Historic Resources

Since the Site does not have any known archaeological or historic sites, these policies are not applicable to the project. In *Public Access Shoreline Hawaii v. Hawaii County Planning Commission*, 79 H. 425 (1995), the Hawaii Supreme Court ruled that the Planning Commission must preserve and protect native Hawaiian rights to the extent feasible when issuing a SMA Permit. However, the Court recognized that the consideration of such gathering rights applied only to undeveloped land. Since the Site has been fully developed, this issue does not apply.

- Scenic and Open Space Resources

The proposed site plan preserves the existing *makai* vistas from Alii Drive over the southern portion of the Site. This open southern portion of the Site comprises over

35. Subdivision Consolidation No. 422, approved December 10, 1980.

36. R.M. Towill Corporation, Master Plan for Kailua-Kona, prepared for the County of Hawaii, April 1994.

37. County of Hawaii Planning Commission Rules of Practice and Procedure, Rule 9 (relating to Special Management Area).



40% of the Site's Alii Drive frontage. Proposed trimming and pruning of the existing trees and shrubs will enhance the view.

- Coastal Ecosystems

The proposed landscaping, possibly with some native species, would encourage the coastal strand vegetation to flourish. The man-made pond on the Site would be filled. This is not a natural coastal pond. The filling of this pond would eliminate a potential public hazard and in its place would provide a vantage point to enjoy the ocean views.

- Economic Uses

The proposed use conforms with the County General Plan and zoning.

- Coastal Hazards

All structures constructed within the flood hazard zones will comply with the restrictions and flood-proofing requirements of the County's Flood Control Code (Chapter 27, *Hawaii County Code* ).

- Managing Development and Public Participation

Public participation in the development process has been encouraged through the Chapter 343 environmental assessment process.

- Beach Protection

None of the activities applied for shoreline setback variance described below will interfere with natural shoreline processes.

- Marine Resources

Construction activities will be regulated by the Grading Permit to prevent sedimentation during construction. Stormwater runoff will be disposed onsite, which is an improvement over the existing conditions where the runoff from the driveway flows onto the beach.

The project is consistent with the SMA guidelines as follows:<sup>38</sup>

(1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:

(A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;

The Applicant will improve and dedicate a conservation easement to the County.

(B) Adequate and properly located public recreation areas and wildlife preserves are reserved;

Not applicable-- there are no wildlife habitats on the Site.

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38. Hawaii Revised Statutes §205A-26; County of Hawaii Planning Commission Rules of Practice and Procedure §9-7.

(C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and

The project will hookup to the recently constructed sewerline along Alii Drive.

(D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.

The project will not affect natural shoreline processes and will be designed in accordance with the County Flood Control Code. Compliance with the County Grading Permit requirements will prevent erosion and sedimentation during construction.

(2) No development shall be approved unless the authority has first found:

(A) That the development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interests. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;

The project will not have substantial adverse impacts.

(B) That the development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guide lines enacted by the legislature; and

The project is consistent with the Coastal Zone Management Act objectives and policies as discussed in the preceding pages, as well as these Special Management Area guidelines.

(C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.

The project is consistent with the County general plan and zoning as discussed in section 4.3 on page 30 and section 4.4 on page 34.

(3) The authority shall seek to minimize, where reasonable:

(A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;

The filling of the man-made pool is not a destruction of a natural coastal feature and eliminates a potential public hazard.

B) Any development which would reduce the size of any beach or other area usable for public recreation;

The project would not affect the size of the beach, and would in fact encourage the expansion of the beach by refraining from permanently repairing the seawall

along the southern portion of the Site fronting the proposed conservation easement.

(C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;

*The project does not reduce or impose restrictions upon public access; on the contrary, the project will improve public access with a safer access dedicated to the County to ensure the public's right in perpetuity.*

(D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and

The project preserves the existing line of sight from Alii Drive over the southern portion of the Site.

(E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

The project would not have an adverse impact on water quality (measures would be taken during construction to prevent sedimentation, development-generated stormwater runoff would be disposed onsite), and does not involve any activities that impact fisheries, wildlife habitats, or agricultural lands.

#### 4.7 Shoreline Setback Variance

Pursuant to the shoreline setback rules, the County granted an exception from the minimum 40' setback since the buildable area of the Site would be reduced to less than 50% of the parcel if the 40' setback were imposed.<sup>39</sup> As a result, the shoreline setback line for the Site is 20' from the certified shoreline.

The Applicant has amended the shoreline setback variance application in response to comments received on the Draft EA. The amended application requests a variance for the following:

- *Fill Existing Pool.* Fill in an old salt water pool at the southern end of the Site to improve safety of the area for both residents and the public who use the beach. The area would create a scenic vantage point to view the sunsets and the ocean.
- *Landscaping and Pathway.* Import sand to create landscaped sand berms. Relocate several of the existing milo and palm trees from the area proposed for the building footprint, and plant additional naupaka. Milo and naupaka

<sup>39</sup> County of Hawaii Planning Department Rules of Practice and Procedure, §11-5(b)(1). The decision to grant a 20' shoreline setback was confirmed in a letter dated 11/1/80 from Sidney Fuke, Planning Director, to Stephen Parker, Realtor-Appraiser.

are indigenous plant species. The coastal strand landscaping in the shoreline setback area should improve stabilization of the sand and, together with the sand berms, provide a natural buffer from high waves. The Applicant also proposes to construct a walkway on the property side of the seawall to facilitate access from the building to the beach.

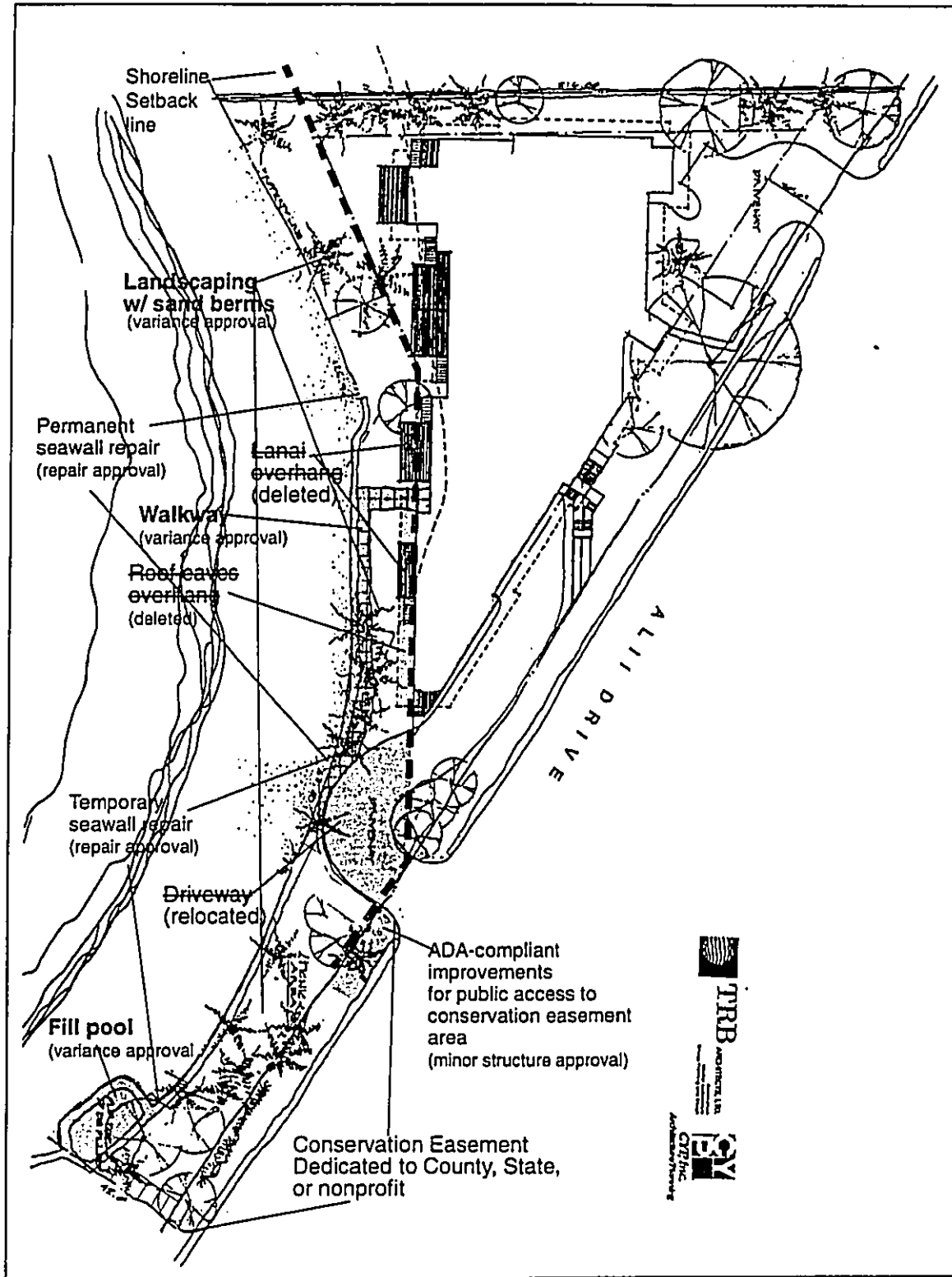
The Applicant filed a separate application for approval by the Planning Department to temporarily repair the seawall fronting the conservation easement (possibly with sandbags), and to permanently repair the seawall fronting the proposed building.<sup>40</sup> The temporarily repaired seawall would be removed upon completion of construction as a condition of issuance of a certificate of occupancy.

The Applicant redesigned the project to remove the following structures originally proposed in the shoreline setback area:

- *Driveway.* The driveway from Alii Drive to the lower parking level will be relocated outside the shoreline setback area.
- *Two Decks on the 1st Floor.* The 1st floor unit lanais that projected into the shoreline setback area were deleted.
- *Roof Overhang.* The portion of the roof overhang that projected into the shoreline setback area was deleted by eliminating the overhang or moving the building wall (i.e., reducing the unit size).

40. The planning director has the authority to approve repairs of legal structures within the shoreline setback area under County of Hawaii Planning Department Rules of Practice and Procedure, §11-7(b).

FIGURE 19. Proposed Activities Within Shoreline Setback Area



#### 4.8 Other Permits and Approvals

Prior to construction, the project will require grading and building permits. If drywells are required to drain the parking lot, the drywells may require an Underground Injection Control (UIC) Permit from the Department of Health (DOH). Since the limits of grading for the improvements will involve less than 5 acres, the non-point source controls under the NPDES Permit administered by DOH will not likely apply to the project. A building identification sign will require a sign permit. As a multi-family project with more than 4 units, the project design must conform with the Fair Housing Amendments Act standards which require that the building be designed and constructed in such a manner as to provide accessibility for a handicapped person.

Table 1: List of Permits and Approvals

Permit or Approval	Authority*	Approving Agency
<b>FEDERAL</b>		
Fair Housing Amendments Act Design Guidelines	Fair Housing Amendments Act of 1988	judiciary (enforcement by litigation)
Department of Army Permit (possibly)	Sec. 404, Clean Water Act	Corps of Engineers
<b>STATE OF HAWAII</b>		
Underground Injection Control (possibly)	HAR Chap. 11-23	Department of Health
<b>COUNTY OF HAWAII</b>		
Special Management Area Permit	PC Rule 9	Planning Commission
Shoreline Setback Variance	PC Rule 8	Planning Commission
Seawall Repair Approval	PD Rule 11	Planning Department
Plan Approval	HCC Chap. 25	Planning Department; Kailua Village Design Commission
Grading Permit	HCC Chap. 10	Department of Public Works
Driveway Permit	HCC Chap. 22	Department of Public Works
Building Permit (including certification of floodproofing design)	HCC Chap. 5, HCC Chap. 27	Department of Public Works

Table 1: List of Permits and Approvals

Permit or Approval	Authority*	Approving Agency
Construction in County Right of Way	HCC Chap. 22	Department of Public Works
Sign Permit	HCC Chap. 3	Department of Public Works; Kailua Village Design Commission
Approval of dedication requirements (if dedication required as a condition of any permit)	HCC §2-162(b)	County Council

\*PC Rule= Rules of Practice & Procedure, Planning Commission, County of Hawaii; PD Rule= Rules of Practice & Procedure, Planning Department, County of Hawaii; HCC= Hawaii County Code; HAR= Hawaii Administrative Rules

## 5.0 DETERMINATION WITH SUPPORTING FINDINGS AND REASONS

The proposed project is not expected to cause significant impacts to the environment, pursuant to the significance criteria established by the Environmental Council as discussed below;<sup>41</sup> therefore, the determination is to issue a Finding of No Significant Impact.

*The proposed project will not involve an irrevocable commitment to loss or destruction to any natural or cultural resources.* Since the Site has already been disturbed by previous development, the Site does not contain any significant natural or cultural resources. The filling of the man-made pool is not a destruction of a natural resource, and would eliminate a potential public safety hazard. The existing trees, none of which are rare or endangered, will be incorporated into the site plan or relocated to the extent possible. The sandy beach fronting the Site will be enhanced by the Applicant's decision to remove that portion of the seawall fronting the proposed conservation easement, as well as the landscaping with sand berms to provide additional "storage" for the littoral sediment budget.

*The proposed project will not curtail the range of beneficial uses of the environment.* The project will not curtail the public's access to the shoreline. Presently, the public trespasses over the Site. The project would, in fact, expand the public's use of the Site with the creation of a conservation easement over the

41. Hawaii Administrative Rules, §11-200-12.

southern portion of the Site for public use. The project will not affect the public's lateral shoreline access over the sandy beach fronting the Site. The improved shoreline access with the conservation easement would improve access to the Honi's surf site, especially if the County agrees to allow limited public parking on the wastewater pump station site across the street from the Site.

*The proposed project will not conflict with the State's long-term environmental policies.* The proposed project will not conflict with the environmental policies set forth in the State Plan and Chapter 344, Hawaii Revised Statutes in that the project will not damage sensitive natural resources nor emit excessive noise or contaminants.

*The proposed project will not substantially adversely affect the economic welfare, social welfare, or public health of the community.* The project will generate greater tax revenues than the existing use.

*The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.* The project will not induce further multi-family or resort development since it uses land already zoned for resort. The project will tap into existing available capacity for water and wastewater disposal.

*The proposed project will not involve a substantial degradation of environmental quality.* There will be no significant degradation of air, water, or noise quality. Landscaping will screen the building from Alii Drive and from the beach.

*The proposed project will not have cumulative impacts or involve a commitment for larger actions.* All phases of the project have been described and assessed in this EA. The Site is the end parcel in the resort zoning district. Therefore, the project could not induce further resort development of parcels in the vicinity of the Site without future rezoning.

*The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The Site is not a habitat for endangered or threatened flora or fauna species.

*The proposed project will not detrimentally affect air or water quality or ambient noise levels.* The proposed project will not produce any air emissions. Site work will be in accordance with grading permit conditions to minimize erosion, non-point source pollution, and dust. Noise during construction will be mitigated to acceptable levels by compliance with the Department of Health noise regulations.



*The proposed project is not located in an environmentally sensitive area (e.g., flood plain, tsunami zone, coastal area).* Although a portion of the project is within the special flood hazard and coastal high hazard zones, all structures proposed within these zones will meet the standards set forth in the County Flood Control Code. Activities proposed within the shoreline setback area will be reviewed under the shoreline setback variance process to ensure minimal impact.

*The proposed project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* The project will not affect any of the scenic sites or vistas identified by the County General Plan for North Kona. The existing vista from Alii Drive over the southern portion of the Site will be preserved.

*The proposed project will not require substantial energy consumption.* The project incorporates energy conservation measures such as shading provided by the overhanging decks and roof eaves, as well as water conservation devices that would reduce hot water requirements.

#### Summary of Unresolved Issues

The County must decide on the following issues:

- Whether to accept dedication of the conservation easement;
- Whether to accommodate limited public beach parking on the Waiaha Wastewater Pump Station site;
- Whether to require widening of the Alii Drive shoulder along the project site (and resulting narrowing of the beach area).

#### Summary of Mitigation Measures

##### *Design Phase:*

Prepare the conservation easement documents and dedicate the easement to the accepting entity (County, State, or charitable nonprofit organization).

Design the handicap ramp to the conservation easement area.

Submit plans for manmade pool (whether filling or demolishing depending on shoreline setback variance decision) to the Corps of Engineers to determine applicability of a Department of Army permit.

Prepare a landscaping plan for plan approval. The landscaping plan shall use native species as much as possible along the shoreline to enhance the coastal strand ecosystem, screen the building along the Alii Drive frontage, retain the existing banyan and monkeypod trees, screen the building on the south side from the conservation easement users, screen the building along the *makai*

boundary, screen the Kona Reef units along the northern boundary of the site (including preservation of the existing palms), and show the finished contours of the sand berms.

Design the offsite water connection for fireflow.

Comply with floodproofing requirements.

Comply with design review requirements set forth by the Kailua Village Design Commission.

Comply with Fair Housing Act Amendments design guidelines.

*Construction Phase:*

Clear the Alii Drive shoulder of fallen debris from the trees and trim the trees to the property line.

Comply with the Grading Permit requirements to prevent sedimentation of the coastal waters during construction.

Comply with noise regulations applicable to construction equipment.

Replant existing trees or preserve in place, as specified in the approved landscape plan.

Dismantle southern portion of the seawall as a condition of issuance of a certificate of occupancy for the building.

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## 6.0 REFERENCES

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Federal Emergency Management Agency, Flood Insurance Rate Map, Panel 860 & 880, September 16, 1988.

Heliker, C. 1990. Volcanic and Seismic Hazards on the Island of Hawaii. Washington: U.S. GPO.

Julian Ng, Inc., Traffic Assessment Report: Proposed Residential Condominium, SoBay Hawaii, Inc., May 1992.

R.M. Towill Corporation, Master Plan for Kailua-Kona, prepared for the County of Hawaii, April 1994.

State of Hawaii, Department of Land and Natural Resources. An Inventory of Basic Water Resources Data: Island of Hawaii. Report R34, 1970.

U.S. Soil Conservation Service. 1973. Soil Survey of Island of Hawaii, State of Hawaii. Washington: Government Publications.

APPENDIX A

**State Historic Preservation Division Letter**

ETERNAL FORTUNE CO.

0474-69-6763

974 38118 (X) 11:04 No.002 P.01

JOHN WAIKAI  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 6TH FLOOR  
HONOLULU, HAWAII 96813

WILLIAM W. PATY, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

OFFICERS

JOHN P. KEPPNER, II  
DONNA L. MANAHE

AQUACULTURE DEVELOPMENT  
PROGRAM

AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT

CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION

LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

August 5, 1992

LOG NO: 5841  
DOC NO: 0266x

Mr. Norman Hayashi, Director  
Planning Department  
County of Hawaii  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Mr. Hayashi:

**SUBJECT: SMA Use Permit Application (SMA 92-4) and Shoreline Setback  
Variance Application (SSV 92-2)--  
International Consulting & Marketing Group, Inc.  
Wainana, North Kona, Island of Hawaii  
TMK: 7-5-18:020**

Our records show that the subject parcel has been thoroughly disturbed by the construction of existing buildings and the "Old Kailua-Keauhou Beach Road" and that any significant historic sites in the parcel are likely to have been destroyed. Hence, the subject applications will have "no effect" on historic sites.

If your office should have any further questions, please contact Kanalei Shun at 587-0007.

Sincerely,

DON HIBBARD, Administrator  
State Historic Preservation Division

KS:amk

c: OCEA (File No. 93-006)

APPENDIX B

**Traffic Assessment Report**

by Julian Ng, Inc.

**TRAFFIC ASSESSMENT REPORT  
PROPOSED RESIDENTIAL CONDOMINIUM**

SoBAY HAWAII, INC.  
TMK: 7-5-18:J20 8 PM 1 55

prepared by: Julian Ng, Inc.  
May 1992 COUNTY OF HAWAII

An assessment of the potential traffic impact of a 21-unit residential condominium was done to provide additional information for a Special Management Area Use Permit petition for the subject property in Kailua-Kona, Hawaii. The property is located on the west (makai) side of Alii Drive, approximately 0.7 mile south (toward Keauhou) of Hualalai Road. The project site is about halfway between the existing intersections of Alii Drive with Walua Road and with Lunapule Road.

**Existing Conditions**

Alii Drive, a two-lane roadway providing access to adjoining properties, connects Kailua village at its north end to the Keauhou resort area to the south. A bikelane/pedestrian path is striped along the east (mauka) edge of the roadway. Where there is sufficient width, parking occurs off of the pavement on the west (makai) side. Several hotels, including the Kona Hilton Hotel, are located between Hualalai Road and the project site. Condominiums in residential and resort use are also present to both the north and south of the site. Daily traffic volume on Alii Drive near the project is estimated to be 15,000 vehicles per day (VPD), based on counts taken in 1990 at locations north and south of the site (Table 1). Highest traffic volumes occur during the PM Peak Hour. The peak hourly volume on Alii Drive fronting the site is estimated to be 1.3 times the volume at Station C-8-N.

Table 1  
TRAFFIC COUNTS

	<u>southbound</u>	<u>northbound</u>
Station 8M (Alii Drive south leg at Hualalai Road)		
24-hour (October 22-23, 1990)	10,678	9,703
AM Peak Hour (7:45-8:45 AM)	442	730
Midday peak hour (12:45-1:45 PM)	631	797
PM Peak Hour (5:00-6:00 PM)	959	683
Station C-8-N (Alii Drive 1.0 mile south of Hualalai Road)		
24-hour (October 17-18, 1990)	5,404	6,015
AM Peak Hour (7:45-8:45 AM)	217	484
Midday peak hour (1:45-2:45 PM)	403	413
PM Peak Hour (4:30-5:30 PM)	490	464

Source: State of Hawaii, Department of Transportation, Highways Division,  
*Traffic Survey Data (Individual Stations) - Island of Hawaii 1990.*

## Future Traffic

Traffic on Alii Drive is expected to increase with or without the proposed project, as a result of other growth in the area. The *Island of Hawaii Long Range Highway Plan*<sup>1</sup> projects an increase in traffic from 11,500 VPD in 1986 to 14,000 VPD in year 2010 on Alii Drive, which would be an annual average increase of 0.8%. For the shorter term, however, traffic counts taken near the project site over the last ten years (shown in Table 2) are used; regression analysis provides a growth rate of two percent per year. The PM Peak Hour volumes on Alii Drive in 1995 are projected to be 718 vehicles per hour (VPH) southbound and 679 VPH northbound.

Table 2  
TRAFFIC TREND

	<u>24-hour count</u>
Station C-8-N (Alii Drive 1.0 mile south of Hualalai Road)	
April 1982	9,906
July 1984	9,733
October 1986	11,721
May 1988	10,978
October 1990	11,419

Source: State of Hawaii, Department of Transportation, Highways Division, *Traffic Survey Data (Individual Stations) - Island of Hawaii 1990*.

## Project Traffic

The proposed project consists of twenty-one condominium apartments in a low rise (up to four stories) building. Trip rates based on tabulated data from other studies throughout the United States are presented in Table 3; the highest rate, 0.73 vehicle trips per occupied dwelling unit during the PM Peak Hour, is used to identify the potential traffic impact of the project. Of these trips, 57% (the average of the tabular values) would be entering the site.

Table 3  
TRIP GENERATION RATES

	Weekday	<u>AM Peak Hour</u>		<u>PM Peak Hour</u>	
	<u>Trip Rate</u>	<u>Trip Rate</u>	<u>% enter</u>	<u>Trip Rate</u>	<u>% enter</u>
Apartment	6.47	0.56	34%	0.69	58%
Low Rise Apartment	6.59	0.51	20%	0.62	65%
Residential Condominium	5.86	0.44	18%	0.55	66%
Recreational Homes	3.16	0.65	46%	0.73	50%
Resort Hotel	10.16	0.44	51%	0.67	47%

Source: Institute of Transportation Engineers, *Trip Generation* (5th Edition).



The traffic generated by the project is estimated assuming full occupancy. For the 21 units, estimated project traffic is 9 vehicles entering and 7 vehicles exiting the site in the PM Peak Hour. The distribution of this traffic, estimated from the traffic counts at the nearest stations, is shown in Table 4.

Table 4  
PROJECT TRAFFIC

	<u>Entering</u>		<u>Exiting</u>	
	<u>distribution</u>	<u>volume</u>	<u>distribution</u>	<u>volume</u>
to/from north (Kailua)	58%	4	67%	6
to/from south (Keauhou)	42%	3	33%	3

#### Capacity Analysis

The proposed project will have two driveways to Alii Drive. The north driveway will serve as the project's street level entry, with drop-off and service areas, and includes two parking spaces. The south driveway leads to a lower level parking area for 25 cars.

A driveway operates as if it were an unsignalized intersection. For purposes of the analysis, all of the peak hour traffic is assumed to use one driveway. The Unsignalized Intersection Analysis procedure in the *Highway Capacity Manual*<sup>2</sup> was used to determine conditions at the driveway.

The analysis determines the capacity of the left turn into, and each movement out of, the minor street or driveway. These capacities are compared with the volumes wishing to make each move; qualitative levels of service representing delays are determined from the excess of capacity over volume or "reserve capacity" as shown in Table 5. Table 6 summarizes the findings of the analysis.

Table 5  
LEVEL OF SERVICE CRITERIA

<u>Reserve Capacity</u>	<u>Level of Service</u>	<u>Expected Delay to Minor Street Traffic</u>
≥ 400	A	Little or no delay
300-399	B	Short traffic delays
200-299	C	Average traffic delays
100-199	D	Long traffic delays
0-99	E	Very long traffic delays

Source: *Highway Capacity Manual*, Table 10-3

Table 6  
 DRIVEWAY LEVELS OF SERVICE

	<u>Reserve Capacity</u>	<u>Level of Service</u>
Left turn, northbound Alii Drive to driveway	499	A
Right turn, driveway to southbound Alii Drive	307	B
Left turn, driveway to northbound Alii Drive	52	E

A separate analysis was done to estimate the probability of delay to northbound vehicles on Alii Drive behind cars waiting to turn into the driveway. The analysis procedure and parameters described in a research article<sup>3</sup> referenced by the American Association of State Highway and Transportation Officials<sup>4</sup> were used. The probability of delay for northbound Alii Drive traffic was calculated to be 0.6% in the peak hour, less than the 2.0% probability recommended as a minimum for providing a separate left turn lane on a two-lane roadway operating at 40-mile per hour speed.

#### Emergency Evacuation

The County of Hawaii Civil Defense Agency has determined tsunami evacuation zones and will order evacuation when necessary because of tsunami or other flooding. A map of the evacuation zone in the Keauhou to Kailua area is shown on page 52 of Hawaiian Telephone's May, 1991-1992 telephone book for the Island of Hawaii. The project site is within this evacuation zone.

The probable evacuation route from the site will be south on Alii Drive to Lunapule Road, left turn (east or mauka) to Lunapule Road, right turn (south) to Walua Road, to a roadblock at the intersection of Walua Road with Kuakini Highway. According to the Hawaii Civil Defense Agency, when an emergency situation results in an evacuation order, Hawaii County police will control traffic movements and direct the evacuation. The roadblocks will be established to prevent makai-bound traffic into the evacuation zone.

#### Conclusions

The proposed 21-unit condominium will have minor impacts to traffic conditions in the area. The impact in the immediate area is an increase in traffic on Alii Drive of about 0.6%; this compares to an estimated annual increase of 2% due to other growth in the Kailua-Keauhou area. The proportionate impact elsewhere would be less. At the driveway, the probability that a northbound vehicle will be delayed because of a vehicle waiting to turn into the driveway is well below the level at which a separate turn lane should be provided. The analysis also found that there will be sufficient gaps in the main traffic stream to permit vehicles exiting the project to enter Alii Drive.

Concerns about existing traffic conditions will be addressed in a current study being done by others for the County of Hawaii Planning Department. The Kailua Village Master Plan includes a circulation plan as a major element, and improvements to vehicular circulation and the reduction of traffic in the Kailua Village area should be pursued. For the proposed project, adequate sight distances and appropriate approach angles should be provided in the design of the driveways; however, because the impact of the proposed 21-unit condominium to traffic is small, no other mitigation measures will be necessary.

#### References

1. Parsons Brinckerhoff Quade & Douglas, Inc., *Island of Hawaii Long Range Highway Plan - Final Report* (prepared for State Department of Transportation and County of Hawaii: Departments of Planning and Public Works), May 1991. Figures II-7 and IV-3.
2. Transportation Research Board, National Research Council, *Highway Capacity Manual*, Special Report 209, Washington, D.C., 1985
3. M.D. Harmelink, "Volume Warrants for Left-Turn Storage Lanes at Unsignalized Grade Intersections". *Highway Research Record No. 211*, 1967.
4. American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*, 1990.

APPENDIX C

**Documentation for Shoreline Certification**



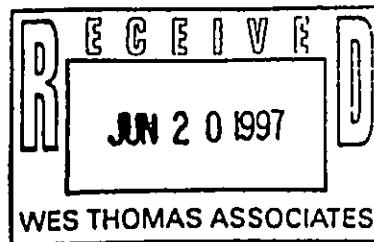
STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND DIVISION  
STATE PARKS  
WATER RESOURCE MANAGEMENT

JUN 19 1997

Ref.:LD-PEM

Ms. Crystal Thomas Yamasaki  
Wes Thomas Associates  
75-5749 Kalawa Street  
Kailua-Kona, Hawaii 96740



12325.2  
cc: Roy Talamato  
w/2 maps

Dear Ms. Yamasaki:

Subject: Shoreline Certification Request  
Applicant: Wes Thomas Associates  
Property Owner: So-Bay Hawaii, Inc.  
Location - Island: Hawaii District: N. Kona  
Tax Map Key: 7-5-18:20 & 87  
Property Description: Lots 7 & 11, Being Por of RP 1930 to Asa Thurston,  
LCAw 387, Part 4, Sec 2 to the American Board of Commissioners for Foreign  
Missions and Grant 13083 to Manuel Gomes at Waiaha Ist, N. Kona, Hawaii  
Land Management Case No.: HA-087

This is to inform you that the subject shoreline certification request has been certified and no appeal has been received. Six (6) certified copies of the map are enclosed herewith.

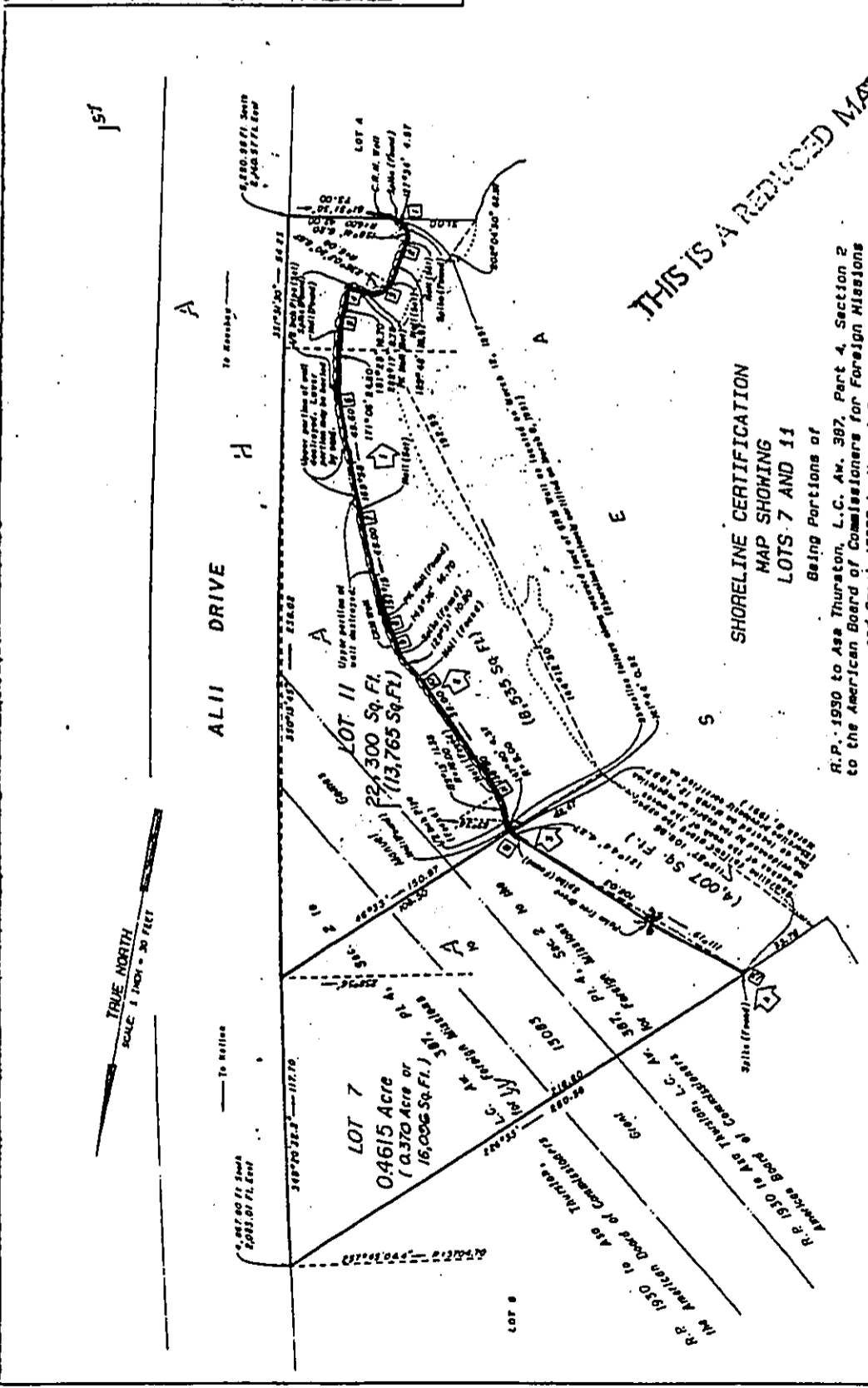
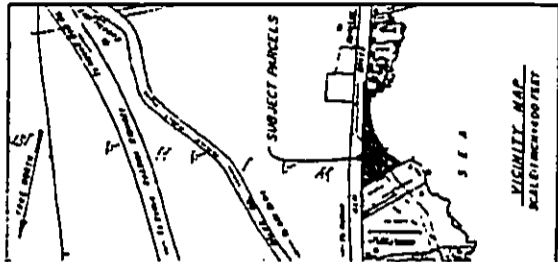
Should you have any questions regarding this matter, please feel free to contact Patti Miyashiro of our Honolulu Office at 587-0430.

Very truly yours,

DEAN Y. UCHIDA  
Administrator

Enclosures

c: Hawaii Land Board Member  
Hawaii District Land Office (w/enclosure)  
Survey Div., DAGS (w/enclosure)



- NOTES:
1. denotes photogram number and direction of view.
  2. denotes number in photograph.
  3. Names of owners of adjoining parcels are compiled from available tax map records.
  4. Bearings and coordinates are referred to Government Survey Triangulation Station "CALICO POINT MONUMENT".

The drawings are based and certified and delineated in red's hereby confirmed to bear the actual dimensions of JULY 1, 1997.

*Robert D. ...*  
 I, *Robert D. ...*  
 Surveyor  
 License No. 1000  
 State of Hawaii



Prepared By:  
**WEB THOMAS ASSOCIATES**  
 2555 Kalia Road  
 Honolulu, Hawaii 96815  
 TEL: (808) 235-7333  
 FAX: (808) 235-5311

30-BAY HAWAII, INC. (Owner)  
 1805 Kalia Street  
 Honolulu, Hawaii 96813



PROJECT NO.: 12229.2  
 DATE: APRIL 1, 1997  
 FIELD BOOK NO.: 1037  
 DISK NO.: 678  
 TAX MAP KEY: 7-3-18: 20 & 87 (3 RD DIV.)  
 REVISED: April 23, 1997 (Treatment changes)

DOCUMENT CAPTURED AS RECEIVED



PHOTOGRAPH NUMBER 1

DATE AND TIME OF PHOTOGRAPHS  
MARCH 12, 1997  
11:30 AM

*WES THOMAS ASSOCIATES*  
*Land Surveyors*

PROJECT NUMBER 12325.2  
TMK:7-5-18:20 & 87 (3RD DIV.)

75-5749 Kalawa Street, Kailua-Kona, Hawaii 96740 1817

DOCUMENT CAPTURED AS RECEIVED



PHOTOGRAPH NUMBER 2

DATE AND TIME OF PHOTOGRAPHS  
MARCH 12, 1997  
11:30 AM

**WES THOMAS ASSOCIATES**  
*Land Surveyors*

PROJECT NUMBER 12325.2  
TMK: 7-5-18:20 & 87 (3RD DIV.)

75-5749 Kalawa Street, Kailua-Kona, Hawaii 96740 1817



DOCUMENT CAPTURED AS RECEIVED



PHOTOGRAPH NUMBER 3

DATE AND TIME OF PHOTOGRAPHS  
MARCH 12, 1997  
11:30 AM

*WES THOMAS ASSOCIATES*  
*Land Surveyors*

PROJECT NUMBER 12325.2  
TMK:7-5-18:20 & 87 (3RD DIV.)

75-5749 Kalawa Street, Kailua-Kona, Hawaii 96740-1817

DOCUMENT CAPTURED AS RECEIVED



PHOTOGRAPH NUMBER 4

DATE AND TIME OF PHOTOGRAPHS  
MARCH 12, 1997  
11:30 AM

**WES THOMAS ASSOCIATES**  
*Land Surveyors*

PROJECT NUMBER 12325.2  
TMK: 7-5-18:20 & 87 (3RD DIV.)

75-5749 Kalahele Street, Kailua-Kona, Hawaii 96740-1817

APPENDIX D

**Comments and Responses to the Draft EA**

## COMMENTS AND RESPONSES TO THE DRAFT EA

The Draft EA was published in the July 8, 1997 OEQC Environmental Notice. This publication date triggered the start of the 30-day Review Period, which officially ended on August 7, 1997.

The Draft EA was sent to various agencies, organizations, and individuals listed below, as well as the Kona Library. The written comments and respective responses are reproduced in this Appendix. Those letters with "no comment" or "no impact", or those letters that merely provided information rather than raising a concern, are grouped together at the end of the Appendix and were not sent a response.

Agency/Organization	Commented; Response Sent	Commented; No Response Necessary	Did not send written comments
<b>Federal</b>			
U.S. Army Corps of Engineers	X		
U.S. Department of the Interior, Fish and Wildlife Service			X
<b>State</b>			
Department of Accounting and General Services		X	
Department of Health	X		
Department of Land and Natural Resources			X
Office of State Planning			X
Department of Transportation		X	
Office of Environmental Quality Control	X		
<b>County</b>			
Planning Department			X
Department of Public Works	X		
Department of Water Supply	X		
Fire Department	X		
Police Department			X
<b>Organizations &amp; Individuals</b>			
Legislators and Councilpersons			X
Honl's Beach Association	X		
Hui He'enalu o Kona	X		
Mr. John Mertens	X		
Mr. Jason Gagnon	X		



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

REPLY TO  
ATTENTION OF

July 31, 1997

Planning and Operations Division

Mr. Roy R. Takemoto  
Land Use Consultant  
PO Box 10217  
Hilo, Hawaii 96721

Dear Mr. Takemoto:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment (DEA) for the SoBay Condominium Project, North Kona, Hawaii (TMK 7-5-18: 20). The following comments are provided in accordance with Corps of Engineers authorities to provide flood hazard information and to issue Department of the Army (DA) permits.

a. Based on the information provided, repair of the seawall and the filling of the man-made pool may require a DA permit. Additionally, any work that results in the placement of structures or the discharge of dredged or fill material below the high tide will require a DA permit as well. Please contact Mr. Alan Everson of our Regulatory Section at 438-9258 for further information.

b. The flood hazard information provided on page 9 of the DEA is correct.

Sincerely,

Paul Mizue, P.E.  
Acting Chief, Planning  
and Operations Division

Roy Takemoto

Land Use Consultant  
P.O. Box 10217  
Hilo, HI 96721  
(808)955-0789  
FAX: (808)955-0189

November 9, 1997

Mr. Paul Mizue, P.E., Acting Chief, Planning and Operations Division  
Department of the Army  
U.S. Army Engineer District, Honolulu  
Fort Shafter, HI 96858-5440

Subject: SoBay Condominium, Waiaha 1<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment for the subject project.

1. *Seawall repair and filling of manmade pool.* In a phone conversation with a member of your staff, the staff person clarified that a DA permit would be applicable to seawall repair only if the wall was within the high tide line (i.e., the wall touched the ocean at high tide not counting the wash of the waves). The staff person also clarified that if the owner desired to dismantle the manmade pool, which would be within the high tide line, a DA permit would be required if the dismantling involved a discharge. To definitively ascertain the applicability of the DA permit to specific actions proposed for this project, the owner will submit plans to your department for review upon favorable disposition of the shoreline permit applications pending before the County of Hawaii.

2. *Flood hazard.* Thank you for confirming the accuracy of the flood hazard information as presented in the Draft EA.

Please call me if you have any questions.

Respectfully,

Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3378  
HONOLULU HAWAII 96801

LAWRENCE W. BIRD  
DIRECTOR OF WATER

IN COPY FROM FILE #

July 19, 1997

97-153/epo

Mr. Roy R. Takemoto  
Land Use Consultant  
P.O. Box 10217  
Hilo, Hawaii 96721

Dear Mr. Takemoto:

Subject: DRAFT ENVIRONMENTAL ASSESSMENT (DEA)  
Project: SoBay Condominium  
Location: Waiaha 1st, North Kona District, Hawaii  
TRK: (3) 7-5-18: 20

Thank you for allowing us to review and comment on the subject project. We have the following comments to offer:

Water Pollution

1. The applicant should contact the Army Corps of Engineers to identify whether a federal permit (including a Department of Army permit) is required for this project. If a federal permit is required, then a Section 401 Water Quality Certification is required from the State Department of Health, pursuant to Section 401 (a)(1) of the federal Water Pollution Control Act (commonly known as the Clean Water Act).
2. A National Pollutant Discharge Elimination System (NPDES) permit is required for any discharge to waters of the State including the following:
  - a. Storm water discharges relating to construction activities for projects equal to or greater than five acres;
  - b. Storm water discharges from industrial activities;
  - c. Construction dewatering activities;
  - d. Cooling water discharges less than one million gallons per day;

Mr. Roy R. Takemoto  
July 19, 1997  
Page 2

97-153/epo

- e. Groundwater remediation activities; and
- f. Hydrotesting water.

Any person requesting to be covered by a NPDES general permit for any of the above activities should file a Notice of Intent with the Department's Clean Water Branch at least 30 days prior to commencement of any discharge to waters of the State.

Any questions regarding these comments should be directed to Mr. Denis Lau, Branch Chief, Clean Water Branch at 586-4309.

Polluted Runoff Control

Proper planning, design and use of erosion control measures and management practices will substantially reduce the total volume of runoff and limit the potential impact to the coastal waters from polluted runoff. Please refer to the *Hawaii's Coastal Nonpoint Source Control Plan* for guidance on these management measures and practices for specific project activities. To inquire about receiving a copy of this plan, please call the State Coastal Zone Management Program in the State Planning Office at 587-2820.

The following practices are suggested to minimize erosion during construction activities:

1. Conduct grubbing and grading activities during the low rainfall months.
2. Replant or cover bare areas as soon as grading or construction is completed. New plantings will require soil amendments, fertilizers and temporary irrigation to become established. Use high planting and/or seeding rates to ensure rapid stand establishment.
3. Properly dispose of sediment and debris from construction activities.
4. Minimize the amount of construction time spent in any stream beds.

Any questions regarding these matters should be directed to the Polluted Runoff Control Program in the Clean Water Branch at 586-4309.

Mr. Roy R. Takemoto  
July 19, 1997  
Page 3

BENJAMIN J. CASTILLO  
DIRECTOR

97-153/epo


**Wastewater**

The subject project is located within the county sewer service system. As the area is sewered, we have no objections to the proposed project, provided that it is connected to the public sewer.

The developer should work closely with the County to assure the availability of additional treatment capacity and adequacy for the project. Non-availability of treatment capacity will not be an acceptable justification for use of any private treatment works or individual wastewater system.

If you should have any questions on this matter, please contact Ms. Lori Kajiwara of the Wastewater Branch at 586-4290.

Sincerely,



BRUCE S. ANDERSON, Ph.D.  
Deputy Director for Environmental Health

c: CNB  
HWB



**STATE OF HAWAII**  
DEPARTMENT OF HEALTH

P.O. BOX 518  
HONOLULU, HAWAII 96821-0518

LAWRENCE MINK  
DIRECTOR OF HEALTH

197 JUL 2 PM 4:10  
COMMUNICATIONS SECTION

DATE: July 1, 1997

TO: Planning Director, County of Hawaii

FROM: District Environmental Health Program Chief

SUBJECT: Shoreline Setback Variance Application (SSV 97-2)  
Request: Allow for Landscaping, Pathway, Driveway, Filling of Existing Pool, Two Decks on the First Floor, Roof Overhang and Repair of Existing Seawall. Special Management Area Use Permit Application (SMA 97-6)

Request: Construct a 21-Unit, 4-Story Residential condominium

Applicant: Sobay Hawaii, Inc.

Tax Map Key: 7-5-18:20

The applicant should contact the Army Corps of Engineers (COE) to identify whether a Federal permit (including a Department of Army (DA) permit) is required for this project. A Section 401 Water Quality Certification (WQC) is required for "Any applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, but which may result in any discharge into the navigable waters..." pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act (CWA)").

If the project involves the following activities with discharges into State waters, an NPDES general permit is required for each activity:

- a. Discharge of storm water runoff associated with construction activities, including clearing, grading, and excavation that result in the disturbance of equal to or greater than five (5) acres of total land area;
- b. Construction dewatering effluent;
- c. Non-contact cooling water;

06404

Planning Director  
County of Hawaii  
July 1, 1997  
Page 2

- d. Hydrotesting water; and
- e. Treated contaminated groundwater from underground storage tank remedial activity.

The application for NPDES general permit coverage should be submitted to the Director at least 30 days prior to the discharge to State waters.

If there is any type of process wastewater discharge from the facility into State waters, the applicant may be required to apply for an individual NPDES permit. The application for an individual NPDES permit should be submitted to the Director at least 180 days prior to the discharge of process wastewater to State waters.

Should you have any further questions regarding this matter, please contact the Engineering Section of the Clean Water Branch in Honolulu at (808) 586-4309.

Underground Injection Systems (Ph. 586-4258) which receive wastewater or storm run-offs from the proposed development need to address the requirements of Chapter 23, Hawaii State Department of Health Administrative Rules, Title 11, "Underground Injection Control."

The Department of Health would support any sewer requirements made by the County of Hawaii for the proposed project.

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

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

Planning Director  
County of Hawaii  
July 1, 1997  
Page 3

Should there be any questions on this matter, please contact the Department of Health at 933-4371.

  
AARON UENO

WP51:SSV97-2.mi



**Roy Takemoto**

Land Use Consultant  
P.O. Box 10217  
Hilo, HI 96721  
(808)938-0189  
Fax: (808)938-0189

November 9, 1997

Bruce Anderson, Ph.D., Deputy Director for Environmental Health  
Department of Health  
P.O. Box 3338  
Honolulu, HI 96801

Subject: SoBay Condominium, Waialaha I<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18-20)

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment, Shoreline Setback Variance Application (SSV 97-2), and SMA Use Permit Application (SMA 97-6) for the subject project in letters from Bruce Anderson, Ph.D. (dated July 19, 1997) and Aaron Ueno (dated July 1, 1997).

1. *Applicability of Army Corps of Engineers permit.* Upon checking with the Corps of Engineers, there is a possibility that a permit may be required to dismantle a manmade pool along the shoreline. Detailed plans are required to make this determination which the owner intends to submit to the Corps of Engineers at a later time after disposition of pending shoreline permits before the County of Hawaii.
2. *Applicability of NPDES permit.* Since the project site is less than 5 acres and no discharge is anticipated to the coastal waters from construction activities or cooling, the NPDES permit does not seem applicable to the project. Please advise if we are mistaken.
3. *Nonpoint source pollution control.* The Final EA will incorporate the applicable mitigation measures you suggested to minimize erosion during construction. The Final EA will suggest that these mitigation measures be enforced as conditions to the SMA permit and/or grading permit.
4. *Wastewater disposal.* The project will connect to the County's Honokohau wastewater system.
5. *Underground injection control.* The project may require injection wells to dispose stormwater runoff from the site. If these drainage facilities meet DOH's definition of injection wells, then the owner will apply for the UIC permit.

Department of Public Works  
Page 2  
November 9, 1997

6. *Community noise control.* The Draft EA had already cited the applicability of the Community Noise Control rules (Draft EA, section 3.1.7). The Final EA will add the details mentioned in the letter from the DOH Hilo office.

Please call me if you have any questions.

Respectfully,



Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.  
Aaron Ueno, DOH Hilo

BENJAMIN J. CAYETANO  
Gov. Elect



STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
214 SOUTH SENEKAMA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 588-4188  
FACSIMILE (808) 588-4188

GARY OEL  
DIRECTOR

Virginia Goldstein  
July 10, 1997  
Page 2

shoreline certified.

**Encroachment on the shoreline setback:** Although the setback in this lot is only 20 feet, the project proposes to intrude into the setback area. The project should be reconfigured to be completely mauka of the certified shoreline.

**Adjacent seawall:** When was the adjacent seawall built and what is its legal status? Provide an analysis of this and any other existing nearby walls or revetments and their cumulative impacts on the shoreline.

**Shoreline hardening:** It is the policy of the State of Hawaii under HRS Chapter 205A to discourage all shoreline hardening that may affect access to, or the configuration of, our island beaches. Any EA prepared in conjunction with an application to construct a seawall, revetment or similar structure, or to build structures within the shoreline setback area, should be accompanied by appropriate justification and detailed studies including, but not limited to, the following:

1. A Historical Shoreline Analysis of coastal erosion and accretion rates. This should include a description of all movements of the neighboring shoreline over at least the past 30 years. This analysis should be based, at least in part, on aerial photographs available through government agencies and private vendors. The analysis should provide a detailed history of erosion and accretion patterns using all available evidence.
2. A description of the nature of the affected shoreline, whether sandy, rocky, mud flats or any other configuration. The history and characteristics of adjoining sand dunes and reefs should be included.
3. Beach profiles that extend off shore at appropriate intervals along the beach indicating the width and slope of both the submerged and dry portions of the beach.
4. A description of structures and improvements (such as the walkway and man-made pool) on the subject property, their distances from the property line and shoreline, and how they may be affected by the construction of the proposed project or renovation of project elements.
5. A wave and storm frequency analysis for the area in question. This should include any relevant coastal processes such as longshore currents and

July 10, 1997

Virginia Goldstein, Director  
Hawaii Planning Department  
25 Aupuni Street  
Hilo, HI 96720

Attention: Susan Gagonik or Alice Kawaha  
Dear Ms. Goldstein

Subject: Draft Environmental Assessment (EA) for SoBay Condominium, North Kona; TMK 7-5-18:20

We have the following comments to offer:

**Flood Zone:** The type of flood conditions that zone AE represents is not given in section 3.1.3, Natural Hazards, nor in the related Figure 7, Flood Insurance Rate Map. Please include this information in the final EA.

**Agency and community contacts:** Document your contacts with neighbors, community groups and agencies, and include copies of any correspondence.

**Visual impacts:** Two single-story buildings are being replaced by a 4-story complex. Fully describe the impact on coastal views from Alii Drive and on mauka views from the beach.

**Man-made pool and seawall:** You propose to fill the man-made pool that is makai of the seawall. Neither the ownership of the seawall nor its legal status are specified in the draft EA. The locations of the certified shoreline and of the property line are critical factors in determining the rights and responsibilities of landowners over use of the seawall and the land makai of it. Please provide site maps that clearly show the current certified shoreline, previous certified shorelines, the private property line and the location of the structure. Any nearby public access right-of-way should also be depicted.

If the seawall was built illegally it could be ordered torn down and the new

Virginia Goldstein  
July 10, 1997  
Page 3

seasonal wave patterns.

8. An analysis that predicts the location of future shorelines with and without the seawall at least 30 years into the future or over the expected life of the wall.
9. Photos of the site that illustrate past and present conditions, showing the location of the proposed project.
10. All alternatives to shoreline hardening should be thoroughly researched and analyzed. Shoreline hardening includes repairing the seawall and building structures within the shoreline setback area. Alternatives include removal of the seawall, beach replenishment, dune-scaping, retreat from the shoreline by moving existing and proposed structures inland, and the "no action" alternative.

The inclusion of this information will help make this EA complete and meet the requirements of Chapter 343, HRS. Only after thorough study and analysis should any permit for shoreline hardening be considered.

If you have any questions, please call Nancy Heinrich at 586-4185.

Sincerely,



GARY GILL

c: Roy Takemoto  
Yukio Takeya, Ala Kai Realty

## Roy Takemoto

Lead Use Consultant  
P.O. Box 10217  
Honolulu, HI 96721  
(808)955-0189  
FAX: (808)955-0189

November 12, 1997

Gary Gill, Director  
Office of Environmental Quality Control  
136 South Beretania Street, Suite 702  
Honolulu, HI 96813

Subject: SoBay Condominium, Waiaha I<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment for the subject project.

1. **Flood zone.** The Final EA will provide a definition for the AE special hazard flood zone, which is the area with potential inundation by a 100-year flood due to rainfall. The flood map will include a legend to explain the AE and VE designations.
2. **Agency and community contacts.** The Final EA will include as an appendix the comments and responses received from community groups, neighbors, and agencies. Additionally, the Appendix will document any meetings held with community groups or neighbors.
3. **Visual impacts.** The Draft EA stated that the existing coastal view from the highway would be preserved. The Final EA will clarify that the proposed building will not change any existing *mauka* views from the beach since the footprint of the proposed building roughly corresponds to the combined footprint of the two existing buildings and these existing 2-story buildings already block any *mauka* views from the beach.
4. **Manmade pool and seawall.** The map included as Figure 3 in the Draft EA showed the certified shoreline. The shoreline has been rescertified, and the Final EA will replace Figure 3 with the most recent certified shoreline and label the certification date of the shoreline. Previous and current certifications show the existing seawall, including the manmade pool, as within the private property boundary. The Final EA will include an aerial photograph taken in 1969 showing the existence of the seawall. The Final EA will also confirm the legal status of the seawall since the County of Hawaii does not require a building permit for walls less than 6' in height and the seawall existed prior to June 22, 1970, pursuant to Hawaii Revised Statutes section 205A-44(b)(1).
5. **Shoreline setback area encroachments.** The shoreline setback variance application will be amended to include only the roof eave, filling in the manmade pool, landscaping with

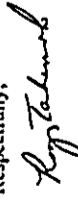
grade alterations for sand berms, and walkway. A separate application will be made to the Planning Director to determine whether the repair of the seawall is permitted pursuant to the Planning Department Rules of Practice and Procedure. The entire project would be located *mauka* of the certified shoreline (although we believe you meant the shoreline setback line, which is 20' inland of the certified shoreline).

6. *Adjacent seawalls.* The property to the south of the project site has a seawall. The Kona Reef condominium project to the north does not have a seawall. There is no sandy beach fronting the seawall to the south, which is a natural condition since that property is on a promontory that creates an embayment that probably is the reason for the sandy beach fronting the project site. Since the subject project has the only naturally occurring sandy beach in the area, a cumulative analysis does not seem relevant. The legality of the seawall on the adjacent property is beyond the scope of the project and has no bearing on the evaluation of this project.

7. *Shoreline hardening.* Your requirements that you listed may apply to new seawalls, but not to existing seawalls since under County shoreline setback rules that implement the state statute, legal structures within the shoreline setback area "may be repaired in conformance with plans approved by the Department, but shall not be enlarged without a variance" (County of Hawaii Planning Department Rules of Practice and Procedure section 11-7(b)). You provide no legal reference that would preempt the County rule to support your assertion that shoreline hardening includes repairing existing seawalls. The Final EA will clarify that the owner intends to permanently repair only that portion of the seawall fronting the proposed building. The manmade pool will be dismantled or filled at the public's desire. Furthermore, the Final EA will include a proposed mitigation measure to create a sand berm along the northern and southern portions of the site. The berm would function like a sand dune as a reservoir for beach replenishment and protect the building.

Please call me if you have any questions.

Respectfully,



Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

Memo to Planning Director  
July 17, 1997  
Page 2

DATE July 17, 1997

# Memorandum

TO : Planning Director

FROM :  Galen M. Kuba, Chief  
Engineering Division

SUBJECT: Shoreline Setback Variance Application (SSV 97-2)  
SMA Use Permit Application (SMA 97-6)  
Applicant: Sobay Hawaii, Inc.  
Location: Waialua 1<sup>st</sup>, North Kona, HI  
TMK: 7-5-18-20

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

1. Building shall conform to all requirements of code and statutes pertaining to building construction.
2. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage system should be installed meeting with the approval of DPW.
3. Applicant shall be informed that if drywells are included in the subject improvements, Chapter 23, Underground Injection Control (UIC) Administrative Rules, Dept. of Health, prohibit any person from operating, constructing or modifying an injection well (drywell) unless authorized by a permit issued by the Director of Health, State of Hawaii.
4. Any grading activities must comply with Chapter 10 of the Hawaii Country Code.
5. Portions of the property are in Flood Zones AE and VE. All construction activities, including grading, landscaping, seawall repair, and building construction within these areas must comply with Chapter 27 of the Hawaii Country Code. All plans should delineate the limits of the tsunami inundation zones.

6. In order to improve pedestrian and bicyclist safety, the applicant should provide a paved shoulder extending to the right-of-way line along their entire frontage. Pavement transitions and relocation of existing utilities may be required.

7. The driveways must conform to County standards. The driveway access plans should be submitted at a scale of 1"=20'. Sight distances must comply with the Hawaii Statewide Uniform Design Manual.

8. The project should tie in to the Honokohau wastewater system.

TWP:sis

cc: Engineering - Hilo  
Engineering - Kona  
Planning - Kona

97 JUL 21 PM 4 04  
COUNTY OF HAWAII

07091

**Roy Takemoto**

Land Use Consultant  
P O Box 10217  
Hilo, HI 96721  
(808)955-0189  
Fax (808)955-0189

November 9, 1997

Mr. Galen Kuba, Chief, Engineering Division  
Department of Public Works  
County of Hawaii  
25 Aupuni Street  
Hilo, HI 96720

Subject: SoBay Condominium, Waiaha 1<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment, Shoreline Setback Variance Application (SSV 97-2), and SMA Use Permit Application (SMA 97-6) for the subject project.


1. *Building codes.* The design and construction of the proposed building shall conform to all requirements of code and statutes pertaining to building construction.
2. *Storm runoff.* A drainage system approved by DPW will dispose all development generated runoff onsite.
3. *Drywells.* The applicant acknowledges the requirement for Department of Health approval for a drywell that meets the DOH's definition of an injection well.
4. *Sitework activities.* The applicant will comply with any requirements for grubbing, excavation, filling, and stockpiling set forth in Hawaii County Code Chapter 10.
5. *Flood hazard zones.* The applicant acknowledges that portions of the property are within the AE and VE zones, and will comply with the standards and requirements set forth in Hawaii County Code Chapter 27.
6. *Right-of-way improvements.* The applicant will provide the improvements to the right-of-way as required by DPW.
7. *Driveway design.* The driveway design will comply with the Hawaii Statewide Uniform Design Manual and be submitted for approval pursuant to Hawaii County Code Chapter 22.

Department of Public Works  
Page 2  
November 9, 1997

8. *Wastewater.* The project will tie in to the Honokohau wastewater system.

Please call me if you have any questions.

Respectfully,

  
Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII  
 25 LUPUNA STREET • HILCO, HAWAII 96722  
 TELEPHONE (808) 961-8660 • FAX (808) 961-8665

July 2, 1997

TO: Planning Department  
 FROM: Milton D. Pavao, Manager  
 SUBJECT: SPECIAL AREA MANAGEMENT AREA USE PERMIT APPLICATION NO. 97-006 AND  
 SHORELINE SETBACK VARIANCE APPLICATION NO. 97-002  
 APPLICANT - SOBAY HAWAII, INC.  
 TAX MAP KEY 7-5-018-020 & 087

We have no comments regarding the shoreline setback variance request.

However, for the subject special area management use permit application, we have the following comments and requirements:

Based on the prevailing water situation in the area, water can be made available from an existing 8-inch waterline, approximately 200 feet from the property along Alii Drive. A new 8-inch waterline must be installed parallel to the existing 6-inch waterline fronting the property to accommodate the required fire flow.

For your information, Parcel 7-5-018-020 has a water commitment through the Kona Source Agreement for four (4) additional units for a total of five units of water. Parcel 7-5-018-087 has an allotment for one water unit. Therefore, the two parcels have a total allotment of six (6) water units.

Pursuant to the Department's "Water Commitment Guidelines Policy," a copy of which is being forwarded to the applicant, a water commitment may be issued. Based on the fifteen (15) additional units requested in the proposed twenty-one (21)-unit condominium development, the required water commitment deposit is \$2,250.00.

Water brings progress...

Planning Department  
 Page 2  
 July 2, 1997

Remittance of \$2,250.00 from the applicant is requested as soon as possible so that a water commitment may be formally issued. The commitment will be in writing with specific conditions and effective dates stated. Please keep in mind that this letter shall not be construed as a water commitment. In other words, unless a water commitment is officially effected, water availability is subject to change depending on the water situation.

Upon the issuance of a formal water commitment, we shall submit our comments and requirements.

Should there be any questions, the applicant can contact our Water Resources and Planning Branch at 961-8660.

Milton D. Pavao, P.E.  
 Manager

MA:gms

Att.

copy - (w/att.) Sobay Hawaii, Inc. ✓  
 (w/o att.) Customer Service Sections (Hilo, Kona, Haines, Ka'u)

961-8660

Water brings progress...

961-8660

961-8660

961-8660

961-8660

**Roy Takemoto**

Lead Use Consultant  
P.O. Box 10217  
Hilo, HI 96721  
(808)935-0189  
Fax: (808)935-0189

November 9, 1997

Mr. Milton Pavao, Manager  
Department of Water Supply  
25 Aupuni Street  
Hilo, HI 96720

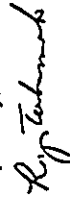
**Subject: SoBay Condominium, Waiaha I<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)**

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment, Shoreline Setback Variance Application (SSV 97-2), and SMA Use Permit Application (SMA 97-6) for the subject project.

1. *Water availability.* Thank you for confirming the availability of water to service the project. The owner acknowledges the need to install a parallel 8" line to provide the required fire flow.
2. *Water commitments.* The owner acknowledges that the site has an allotment of 6 water units. For the proposed 21 units, a commitment for an additional 15 units requires a deposit of \$2,250.00. The owner intends to pay this deposit after disposition of the SMA and SSV permit applications since those decisions would determine the permitted number of units to be built on the site.

Please call me if you have any questions.

Respectfully,



Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.



Stephen K. Yamashiro  
Mayor



**County of Hawaii**  
**FIRE DEPARTMENT**

777 Kalia Avenue • Mail Stop, Room 4 • Hahaione, Hawaii 96720-1274  
(808) 941-4207 • Fax (808) 941-4276

Nelson M. Tsuji  
Fire Chief  
Edward Bumalisy  
Deputy Fire Chief

To: Virginia Goldstein, Planning Director  
Page 2  
July 23, 1997

July 23, 1997

To: Virginia Goldstein, Planning Director  
From: Nelson M. Tsuji, Fire Chief

SUBJECT: SHORELINE SETBACK VARIANCE APPLICATION (SSV 97-2)  
REQUEST: ALLOW FOR LANDSCAPING, PATHWAY, DRIVEWAY,  
FILLING OF EXISTING POOL, TWO DECKS ON THE FIRST  
FLOOR, ROOF OVERHANG & REPAIR OF EXISTING SEAWALL  
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 97-6)  
REQUEST: CONSTRUCT A 21-UNIT, 4-STORY RESIDENTIAL  
CONDOMINIUM  
APPLICANT: SOBAY HAWAII, INC.  
REQUEST: A-20a TO A-1a  
TAX\_MAP\_KEY: 7-5-18:20

The Fire Department's requirements as stated in the Fire Code are:

"Fire Apparatus Access Roads

"Sec. 10.207. (a) General. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of this section.

"(b) Where Required. Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

"EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

"2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).



(172-14

"3. When there are not more than two Group R, Division 3 or Group H Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

"More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

"For high-piled combustible storage, see Section 81.109.

"(c) Width. The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

"(d) Vertical Clearance. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

"EXCEPTION: Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

"(e) Permissible Modifications. Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

"(f) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities." (20 tons)

"(g) Turning Radius. The turning radius of a fire apparatus access road shall be as approved by the chief." (45 feet)

"(h) Turnarounds. All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

"(i) Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

To: Virginia Goldstein, Planning Director  
Page 3  
July 23, 1997

"(j) Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief." (15%)

"(k) Obstruction. The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

"(l) Signs. When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both."

**"INSTALLATION AND MAINTENANCE OF FIRE-PROTECTION, LIFE-SAFETY SYSTEMS AND APPLIANCES**

**"Installation**

"Sec. 10.301. (a) Type Required. The chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction other than private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the chief.

"(b) Special Hazards. In occupancies of an especially hazardous nature or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, additional safeguards may be required consisting of additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers, suitable asbestos blankets, breathing apparatus, manual or automatic covers, carbon dioxide, foam, halogenated and dry chemical or other special fire-extinguishing systems. Where such systems are installed, they shall be in accordance with the applicable Uniform Fire Code Standards or standards of the National Fire Protection Association when Uniform Fire Code Standards do not apply.

To: Virginia Goldstein, Planning Director  
Page 4  
July 23, 1997

"(c) Water Supply. An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed, in accordance with the respective county water requirements. There shall be provided, when required by the chief, on-site fire hydrants and mains capable of supplying the required fire flow.

"Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

"The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be protected as set forth by the respective county water requirements. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.

"(d) Fire Hydrant Markers. When required by the chief, hydrant locations shall be identified by the installation of reflective markers.

"(e) Timing of Installation. When fire protection facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of construction. When alternate methods of protection, as approved by the chief, are provided, the above may be modified or waived.

"(f) All fire alarm systems, fire hydrant systems, fire extinguishing systems (including automatic sprinklers), Class I, II, III (combination standpipe system) and combined systems, basement inlet pipes, and other fire protection systems and appurtenances thereto shall meet the approval of the fire department as to installation and location and shall be subject to periodic tests as required herein. Plans and specifications shall be submitted to the fire department for review and approval prior to installation."

  
NELSON W. TSUI, Fire Chief

NMT/mo

**Roy Takemoto**  
Land Use Consultant  
P O Box 10217  
Hilo, HI 96721  
(808)959-0189  
Fax: (808)959-0189

November 9, 1997

Mr. Nelson Tsuji, Fire Chief  
Fire Department  
County of Hawaii  
777 Kilauea Avenue, Mall Lane, Room 6  
Hilo, HI 96720

**Subject: SoBay Condominium, Waiaha 1<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)**

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment, Shoreline Setback Variance Application (SSV 97-2), and SMA Use Permit Application (SMA 97-6) for the subject project.

1. *Fire protection system.* The project will include a fire protection system meeting the approval of the fire department for this proposed 4-story building.
2. *Fire flow.* The project will include construction of an 8" line to provide fire flow to the site.
3. *Plans and specifications.* The owner will submit the plans and specifications relating to the fire protection system for review and approval by the fire department as part of the building permit process.

Please call me if you have any questions.

Respectfully,

  
Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

Honi's Beach Association  
P.O. Box 2891  
Kamuela, HI 96743  
(808) 885-8022  
Fax: 887-1157

Virginia Goldstein  
Planning Director  
County of Hawaii Planning Dept.  
25 Aupuni Street  
Hilo, HI 96720

Dear Ms. Goldstein:

August 24, 1997  
Re: Proposed SoBay Condominium Project in Kailua-Kona

I am writing on behalf of the Honi's Beach Association to express our concerns regarding the proposed SoBay Condominium project at Wa'aha Bay (aka Honi's) off Ali'i Drive, Kailua-Kona, a visitor-oriented community, lacks white sand beaches, yet Wa'aha Bay actually provides such a beach for tourists and residents alike. The SoBay project greatly threatens this scarce and valuable resource.

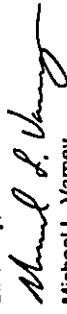
The SoBay project is asking for a variance to the shoreline setback for their driveway and to enclose the southern portion of the beach for a private "recreation area" for the exclusive use of their residents. This driveway would literally be built RIGHT ON the existing beach and would in fact be below the high water mark.

We have found a number of discrepancies in the projects Draft Environmental Assessment we ask you to review: figure 13 on page 31 uses an old seawall (which was knocked down this past year by high swells and tides) as the shoreline boundary, but this mis-represents the extent of the true shoreline which IS actually *mauka* of where the wall used to be. NOT where the wall used to be. Secondly, the project's proposed public access is underwater at high tide! Thirdly the published photos are outdated. (Enclosed are current photos that more accurately depict the shoreline in question.)

I request that a member of your department visit the site as soon as possible; the encroachment of this project into the shoreline and what should be public shore and fully accessible to all citizens will be immediately evident. Please advise me when this will be, so I can meet you there.

Mahalo for your time and attention to this matter.

Sincerely,

  
Michael L. Varney  
Chairperson

cc: Roy R. Takemoto, SoBay Land Use consultant  
Mike Wilson, Dept. Of Land and Natural Resources

Honi's Beach Association  
P.O. Box 2891  
Kamuela, HI 96743  
(808) 885-8022  
fax: 887-1157

Mr. Roy Takemoto  
P.O. Box 10217  
Hilo, HI 96720:

Re: Proposed SoBay Condominium Project in Kailua-Kona

August 30, 1997

Dear Mr. Takemoto:

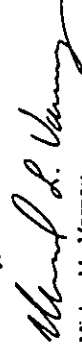
I am sending you the enclosed set of photos and a copy of a letter our association has written to Virginia Goldstein expressing our grave concerns regarding the SoBay project at Wa'aha Beach. We have also contacted Mike Wilson at the DLNR.

There are several matters in your May 16, 1997 Draft Environmental Assessment that strongly disturb us: primarily the questionable public access (non-existent at high tide) and the plans to rebuild the washed-out stone wall (which is below the high water mark) to section off the southern portion of the beach for strictly private use. The enclosed photos clearly document the true extent of the beach and how the project would encroach upon public shoreline.

It is vital for you to re-evaluate the SoBay Condominium DEA with regards to the request for a shoreline setback variance. The proposed driveway and private recreational area actually cover over beach and what is unquestionably public domain.

Honi's Beach Association would like to work with you in resolving this public interest issue, otherwise we may be forced to vigorously fight the shoreline setback variance in order to protect this valuable beach resource. I can be reached at the numbers above should you care to contact me to further discuss this matter.

Sincerely,

  
Michael L. Varney  
Chairperson

**Roy Takemoto**

Land Use Consultant  
P.O. Box 12717  
Honolulu, HI 96812  
808-953-0189  
Fax 808/953-0189

November 11, 1997

Mr. Michael Varney, Chairperson  
Honu's Beach Association  
Kamuela, HI 96743

Subject: SoBay Condominium, Waiaha I<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment for the subject project.

1. *Location of proposed public access.* Thank you for bringing to our attention the fact that the proposed location of the public access is to a portion of the beach that is submerged during high tide. In light of this situation, the owner will instead offer dedication of the entire southern portion of the site to the County as a conservation easement for the use and benefit of the public. In short, rather than just a public access, the public will have a mini-park. The owner also supported your suggestion you raised when I met you at the site to approach the County to explore the possibility of creating limited parking on a portion of the County-owned wastewater pump station site across the street from the beach. We have initiated contact with the County on this matter and will continue to work with you on this idea and apprise you of any developments. To further entice the County to accept dedication of the conservation easement, we hope that your organization would consider adopting this park and thereby assist with maintenance.
2. *Seawall repair.* The owner will clarify the seawall repair application to request approval to permanently repair only the portion of the existing seawall fronting the proposed building. The owner will request permission to temporarily repair the southern portion of the seawall fronting the conservation easement to protect the property until completion of construction of the project. The owner will agree to dismantle this portion of the seawall as a condition to issuance of a certificate of occupancy.
3. *Proposed driveway.* The owner's architect is considering alternatives to redesign or relocate the driveway out of the shoreline setback area. The shoreline setback variance application will be amended accordingly.

Thank you for meeting with me at the site on October 11 to discuss your concerns and share your ideas. Please call me if you have any questions.

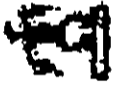
Respectfully,



Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

Hui He'enalu o Kona  
P.O. Box 4753  
Kailua-Kona, Hawaii 96745



July 28, 1997

Re: Proposed condominium development on Alii Drive by Sobay Hawaii, Inc.

The *Hui He'enalu o Kona* is a group of over one hundred dues-paying members. We successfully participated as interveners in the O'oma II LUC hearings and are the sister group of the *Protect Kohalaiki Ohana* whose involvement in the landmark *Kohalaiki/PASH* legal decision is, I'm sure, known by you.

It has come to our attention that the proposed development on Alii Drive of a four-story complex would require setback variances as well as Special Management Area permitting. We are opposed to both of these being issued to Sobay Hawaii, Inc. by Hawaii County.

First, the property fronts a popular surfing spot known as "Honi's" as well as a small sandy beach where safe access to the ocean is possible for bathers, swimmers, and kayakers. Public accessibility to this area is of primary concern to us in relation to private development needs as these coastal amenities are rare along the Kona coastline. Public use of the area (especially the *keiki*) is growing daily.

Second, variances to shoreline setbacks for private development should not be made in any situation. The laws made for shorelines are to protect the natural resources--on and offshore--and their proper use by the general public.

Third, especially on Alii Drive, open coastline views are essential to creating the unique ambiance for which Kona is famous. In addition, the sea breezes so essential to cooling our climate during the summer months are increasingly cut off as development becomes taller and moves closer to the sea. This increases the need for more air conditioning and the waste of fossil fuels as well as making pedestrian and cycling use on Alii Drive less desirable--presently of vast importance for locals and tourists alike. To further obstruct the viewplate and air circulation for those living along or using this main thoroughfare would be to create a more closed-in, hot, unusable area than is already the case in some areas along that street. The focus of planning on Alii Drive should, instead, be to enhance public recreational use of the nearshore area, maintain larger building setbacks, and extol this coastline's natural bounties for the good of the general public (the same approach that should be taken in all coastal situations).

As futuristic planners, our county should 1) refuse to vary shoreline setbacks in order to protect the coastline--it's environment and residents; 2) should await the revision of the General Plan and clarification of SMAs before providing SMA permits for new developments on our most delicate areas and 3) realize that children are our most valuable resource for the future. They can

only learn to be good citizens if they have healthy, free activities to stimulate them, teach them and creatively keep them out of trouble--all of which will lower the costs of crime in the long run. Please remember that any protection of the coastline ensures a better future for our children and all of our island residents, as well as for those visitors you hope to draw to our island.

Hawaii has already lost too much due to the overburdens of piecemeal planning. This can be avoided by holistic strategies that are well thought-out and combined with the implementation of laws that are meant to protect our island.

As a group of "eco" surfers concerned with the long-term benefits which open coastal space can provide to families and everyone who uses ocean resources for recreation, subsistence and spiritual sustenance--the Hawaiian way of life--we hope that you will use your integrity to disallow the variances and permitting which Sobay has requested.  
Mahalo for your consideration in this matter.

Sincerely, *Janeke Palama-Jennise*  
for the Hui He'enalu o Kona

cc: Curtis Tyler, Sobay Hawaii, Inc., Planning Commission

**Roy Takemoto**

Lead Use Consultant  
P.O. Box 10217  
Hilo, HI 96721  
(808)959-0169  
Fax: (808)959-0169

November 12, 1997

Ms. Janice Palama-Glennic  
Hui He'enalua o Kona  
P.O. Box 4753  
Kailua-Kona, HI 96745

**Subject: SoBay Condominium, Waialeale 1<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)**

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment for the subject project.

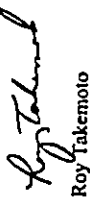
1. *Public access to the white sand beach.* As you pointed out, public access to the sandy beach is highly coveted. Currently, the only access is by trespassing over the subject property. The proposed public access over the subject property would legitimize a perpetual access right for the public. Instead of just a public access as originally proposed in the Draft EA, the owner has agreed to expand the public's access rights by dedicating a conservation easement to the County to allow the public to use the entire southern portion of the lot. The Final EA will incorporate this expanded mitigation measure.
2. *Shoreline variances.* The shoreline setback variance application will be amended to include only the roof eave, filling in the manmade pool, landscaping with grade alterations for sand berms, and walkway. A separate application will be made to the Planning Director to determine whether the repair of the seawall is permitted pursuant to the Planning Department Rules of Practice and Procedure. Based on constructive comments received on the Draft EA, the owner has decided to relocate the driveways out the shoreline setback area and to eliminate the lanais that projected into the shoreline setback area. Although a seawall was built on approximately three-fourths of the shoreline boundary fronting the site, the Final EA will clarify that the owner proposes permanently repairing only the portion fronting the proposed building. For the southern portion of the wall that has fallen into disrepair (fronting the proposed conservation easement), the owner will not permanently repair this portion of the wall. The artificial pool will either be filled or dismantled at the public's preference.
3. *Coastline views.* The proposed conservation easement over the southern portion of the site would perpetually ensure this rare scenic ocean vista along Alii Drive.

Hui He'enalua o Kona  
Page 2  
November 12, 1997

4. *Future planning.* The County's General Plan does not evaluate the uses specifically regulated by the Coastal Zone Management Act. Any changes to the SMA law must be lobbied for at the State level to amend Hawaii Revised Statutes Chapter 205A. The County General Plan has designated this site for resort use. The challenge is how to use this site for a use permitted by the resort designation while protecting significant public values. The proposed project has attempted to find this balance.

Please call me if you have any questions.

Respectfully,

  
Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

## FyrSAFE Engineering, Inc.

### Fire Investigation Research Engineering Safety

1225 Carnegie Street  
Suite 108  
Rolling Meadows IL 60008-1032

Telephone: (847) FYR-SAFE  
Direct: (847) 392-1111  
Facsimile: (847) 392-1175

SENT BY FACSIMILE AND USPS

August 5, 1997

Planning Commission  
25 Aupuni Street  
Room 109  
Hilo HI 96720

Re: Sobay Condominiums - Hawaii Project

Dear Sir:

This letter will confirm my opposition to the construction of the Sobay condominium project at 75-589A Alii Drive in Kailua-Kona, Hawaii. I oppose the variance requested by Sobay to further encroach on the shoreline setback and believe the entire project should be reassessed.

My interest is clearly distinguishable from the general public as I am an owner at the Kona Reef immediately to the north of the proposed Sobay project. The owners at Kona Reef use and enjoy the beach in front of the Sobay property. The proposed massiveness of the Sobay building with the minimum setbacks will obstruct ninety-plus percent of the view we currently have from our fourth floor condo.

I would appreciate consideration being given to each of the following subjects:

1. The white sand beach that has formed directly in front of the Sobay property is one of the few that exists between Kailua-Kona and Keauhou. This beach has become a popular spot for locals even though access currently is limited. The public access proposed by Sobay is a good idea but will drastically increase the traffic and use of the beach. I think this valuable, unusual, natural white sand beach should be reserved for the local population such as Kahalu'u. A park would be the most advisable use of the property upon which Sobay intends to build.
2. I personally believe that the shoreline should be reassessed as it appears that this particular location has been eroded by wave action much more than the adjacent properties. By just looking at the shoreline, one will notice that the properties on both sides of the beach have substantial rock outcroppings extending into the ocean, whereas the beach does not. A sea wall was built, and I expect erosion will create a condition similar to downtown Kailua-Kona where the beach will be eroded and the sea wall contributing to that erosion. Just by observation alone, it is clear this beach has eroded further inland than adjacent properties, that the lack of lava rock outcroppings contribute to this erosion, and the Sobay project even includes a basement which will potentially be subject to flooding and further shoreline damage.
3. Sobay's requested shoreline setback variance is an encroachment on a variance that has already been obtained. Thus, this is not a minor issue as I believe the reduction by the earlier variance of a 40 foot setback to 20 feet is already too close to the ocean given the shoreline as mentioned above. In addition, if one

Planning Commission  
Sobay Condominiums - Hawaii Project

August 5, 1997  
Page 2

looks south from this beach, it will be noticed that all wave action approaching from the southwest direction is capable of building until it hits this specific beach. Even Mr. Roy Takemoto, the consultant to Sobay, during a presentation to the Kona Reef Owner's Association on July 7, 1997, admitted this could contribute to greater wave damage to the Kona Reef.

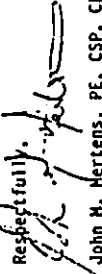
4. I believe this small piece of property is being overbuilt and is being wedged with minimum setbacks between the Kona Reef, Alii Drive, and the ocean. I have taken issue and written to the Hawaii Fire Inspector regarding the potential building code and fire spread issues of the Sobay project and its exposure to the Kona Reef. Fire spread, water supply, and access issues are obvious. The construction of a four-story, 21-unit Sobay building exposes 28 units of the Kona Reef with a very narrow distance between them.

5. Even the driveway to the Sobay project encroaches on the ocean setback variance as proposed by Sobay. I do not believe sufficient thought has been given to the increased use of this valuable, white sand beach by all of the existing projects which do not have a sand beach. I expect substantial roadside parking, congestion, and accidents since there is no other place for people to park. Mr. Takemoto said to the Kona Reef Owner's Association meeting that they could park on the east side of Alii Drive; however, it is already posted with no parking signs. I expect blockage of the road as well as the existing Sobay occupants who will have obstructed visibility along this busy stretch of Alii Drive.

As an individual, I would file a petition for standing against the variance if I were able to attend the hearings. Since this is not possible, I support the Owner's Association of the Kona Reef and their petition against this variance.

This letter will be postmarked August 5, 1997 in compliance with the deadline postmark date of August 7. If you have any questions, please feel free to call.

Respectfully,



John M. Mertens, PE, CSP, CFI  
1407 Dorothy Drive  
Palatine IL 60067  
847.392.1111 (work CDT)

JHM:djm

cc: Mr. Roy Takemoto, Sobay Hawaii Inc.  
Mr. Roy Thompson, Hawaiian Pacific Resorts



**Roy Takemoto**

*Land Use Consultant*  
P.O. Box 10217  
Hale, HI 96721  
(808)959-0189  
FAX: (808)959-0189

Mr. John Mertens  
Page 2  
November 12, 1997

November 12, 1997

Mr. John Mertens  
1407 Dorothy Drive  
Palatine, IL 60067

**Subject: SoBay Condominium, Waiala I<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)**

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the Draft Environmental Assessment for the subject project.

1. **Public access to the white sand beach.** As you pointed out, public access to the sandy beach is currently limited. Currently, the only access is by trespassing over the subject property. The proposed public access over the subject property would legitimize a perpetual access right for the public. Instead of just a public access as originally proposed in the Draft EA, the owner has agreed to expand the public's access rights by dedicating a conservation easement to the County to allow the public to use the entire southern portion of the lot. The Final EA will incorporate this expanded mitigation measure.
2. **Shoreline erosion.** Although a seawall was built on approximately three-fourths of the shoreline boundary fronting the site, the Final EA will clarify that the owner proposes permanently repairing only the portion fronting the proposed building. For the southern portion of the wall that was damaged by recent high waves (fronting the proposed conservation easement), the owner will not permanently repair the wall. The Final EA will include an aerial photograph taken in 1969 showing the seawall as already existing. For at least the past nearly 30 years, the existing seawall has not caused the beach to disappear. The proposed project will be designed to conform with potential coastal hazard requirements. The below-grade proposed use is strictly for parking. As described in the Draft EA, the proposed design would allow any unusually high wave runoff to flow into the parking level, rather than erecting a wall to reflect the wave forces. Additional mitigation measures under consideration, which will be incorporated in the Final EA, include importing sand to create a berm in front of the building at the northern and southern portions of the site to dissipate the wave energy. The berm would essentially function like a sand dune and serve as a sand reservoir to replenish the beach. In short, although the wall existed prior to the June 1970 effective date of the shoreline setback law regulating structures within the setback area, the owner will not pursue permanently repairing the full length of the seawall. The proposed commitments to refrain from

permanently repairing portions of the wall and the creation of a buffering berm that acts like a sand dune should further enhance the dynamics of this sandy beach.

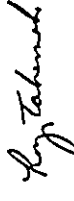
3. **Potential property damage from waves.** There must have been some serious misunderstanding of the presentation to the Kona Reef Association on July 7 since no statement was ever made about this project increasing potential damage to the neighboring Kona Reef. Kona Reef juts out beyond the proposed project and would be exposed regardless of whatever is built on the proposed site. The shoreline setback variance application will be amended to include only the roof eave, filling in the manmade pool, landscaping with grade alterations for sand berms, and walkway. A separate application will be made to the Planning Director to determine whether the repair of the seawall is permitted pursuant to the Planning Department Rules of Practice and Procedure. Other than these minor actions within the setback area, the building would be situated entirely within the permitted buildable area that would not require any setback variance approval.
4. **Building setbacks; fire flow capacity.** The proposed building complies with the setbacks required under the zoning code. The zoning code setbacks are more generous than the building code—where the zoning code requires a 14' side yard setback for the proposed height of the building, the building code would require only 10'. The Draft EA disclosed that the existing water line fronting the site does not have fire flow capacity, but that the owner would construct offsite improvements that consist of constructing a separate line from the project site to a connection designated by the County Department of Water Supply to provide this capacity. This type of mitigation measure (i.e., constructing a separate fire flow line) was done for another multi-unit condominium in the vicinity of the project.
5. **Onstreet parking.** You are correct that currently no onstreet parking is permitted on either side of the street fronting the site. The proposed project will not exacerbate this already bad situation. In conjunction with accepting the conservation easement for public use of the southern portion of the site, some of Honi's beach users have suggested that the County reconfigure the fencing on the wastewater pump site across the street to enable limited parking on the front yard of this County-owned property. The Final EA will incorporate these additional mitigation measures (conditioned upon acceptance by the County) to address the existing lack of parking for the users of the sandy beach.
6. **View impact to Kona Reef Condominium owners.** The proposed project will impact the views of a select number of units overlooking the project site. The first floor of some of these units do not presently have views since they are already blocked by the existing single-story structure on the site. The first two *makai* columns of *lafais* overlooking the site will not be impacted by the proposed building since the lanais of these units project beyond the *makai* edge of the proposed building. Therefore, the number of units

Mr. John Mertens  
Page 3  
November 12, 1997

impacted total 15 (out of 129 total units at Kona Reef). Although it may be unavoidable and unfortunate that the views of these owners may be obstructed by development on the project site, there is no legal right to the views. The site was zoned Resort prior to the construction of the Kona Reef (the site has been zoned Resort since 1967). The "massiveness" of the proposed project is comparable to the Kona Reef and is within the building envelope permitted for the site. In fact, the 21 units proposed for the site is less than the 39 maximum units allowed by the site's Resort zoning.

Please call me if you have any questions.

Respectfully,

  
Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

DOCUMENT CAPTURED AS RECEIVED

VIA FACSIMILE (961-8742) AND U.S. MAIL  
 Planning Department  
 25 Aupuni Street  
 Hilo, Hawaii 96720

Jason Gagnon  
 C/O Chris Pilaski  
 76-6201 Holiualoa Beach Road  
 Kailua-Kona, HI 96740  
 August 8, 1997

Re: Proposed 21-Unit condo called So-Bay at 75-5894 Alii Drive, Kailua-Kona, HI

Ladies and Gentlemen:

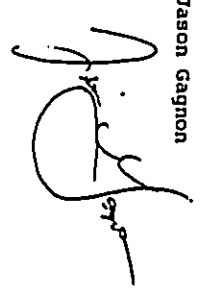
I am herewith submitting over 200 signatures of persons who are opposed to the above-referenced development. I collected these signatures over a 3 day period in response to the article in the West Hawaii Today on Monday, August 4, 1997. There is clearly substantial opposition to this development at Honi's Beach.

Honi's Beach is one of the few white sandy beaches in Kailua-Kona. Our local community enjoys this beach and it is a favorite surf spot for residents and visitors of all ages. Honi's Beach cannot accommodate a project of the proposed size without severely infringing on the public's current use of this lovely beach. Honi's Beach is an important community resource which should be preserved for everyone's enjoyment.

Currently, there are 2 residences located on the subject property. Kona-Rub-A-Dub, a massage office, has also operated a small business on the property for 15 years. This past use of the property has been appropriate and proposals to development the property beyond this usage or substantially similar usage should be rejected.

Please send notice of hearings and deadlines concerning this case to the above-referenced address or to facsimile number 334-9650. Thank you for your attention to this matter.

Sincerely,

Jason Gagnon  


Enclosures (107)

(7833

Save Honi's

- |                  |                   |
|------------------|-------------------|
| Paul Borek       | Fran's Zerkow     |
| Jay Lynn         | Joseph Beckwa     |
| Renee Dilly      | Phil Smith        |
| Buck Smith       | Kelci Taiti       |
| Lucy Morgan      | Kele Gough        |
| Mike Zallo       | Walter Seaman     |
| Phil Taiti       | Madison           |
| John             | Janice Brown      |
| Boyle            | Antigone Robinson |
| John             | Alan Fitch        |
| Dominick Purpura | Richard           |
| Cheryl Pickett   | Ray Vado          |
| Michelle Lee     | Andy Hight        |
| Ala              | John Poyras       |
| Lananna Powell   | John Poyras       |
| Cheryl           | Bernice Small     |
| C. J. Hua        | Renee Noble       |
| Carolee          | Charliss Noble    |
| Carolee          | Kelli Decker      |
| Erica            | Cheryl            |
| John Rapuano     | John              |
| Eden Small       | Ann Wilson        |
| Tammy Sue Noble  |                   |

SAVE HONI'S BEACH

- |                 |  |
|-----------------|--|
| John Kujawa     | 75-241 Punahoa St Kailua Kona HI 96740       |
| John            | P.O. Box 653 Kailua Kona HI 96740            |
| John            | 76-394 Kailua Kona HI 96740                  |
| James Stewart   |  |
| Marcia J. Terry | 75-253 Aiona Kona Dr. Kailua Kona HI 96740   |
| Wendy Baird     | P.O. Box 2120 Kailua Kona HI 96740           |
| Kimmy           | 77-301 Hahaione Dr. Kailua Kona HI 96740     |
| John            | 1908 520-9AE St. Kailua Kona HI 96740        |
| John            | 78-6725 Mahalo St                            |
| Willa           | P.O. Box 2054 Kailua Kona HI 96740           |
| Willa           | P.O. Box 305 Kailua Kona HI 96740            |
| Wesley Lagapa   | P.O. Box 1150 Kailua Kona HI 96740           |
| John            | P.O. Box 180 Kailua Kona HI 96740            |
| Claire Bajo     | P.O. Box 4689 Kailua Kona HI 96740           |
| Nattha Olan     | P.O. Box 5014 Kailua Kona HI 96740           |
| Andrea Smith    | 75-5865 Alii Rd. D-C-23 Kailua Kona HI 96740 |
| Jennifer        | P.O. Box 625 Kailua Kona HI 96740            |
| John            | P.O. Box 44181 Kailua Kona HI 96740          |
| John            | Same as Kenia                                |
| John            | Box 1165 Kailua Kona HI 96740                |

DOCUMENT CAPTURED AS RECEIVED

SAVE HONI'S BEACH

name ADDRESS

LESLIE HAZARD 29 ALABAMA #291740  
 Grace Joyce P.O. Box 1058, Captain Cook  
 Jason KITCHENS 71-205 Emu Pl. Kailua Kona HI 96740  
 Therese Bailey P.O. Box 1105 Capt Cook HI 96744  
 Helen T. Johnson P.O. Box 32264 Waipohia HI 96738  
 Heather Lee P.O. Box 5547 Kailua HI 96741  
 Lynn Stiel 70-101 Royal Poinciana Dr. K.K. HI 96744  
 Ann M. O'Connell P.O. Box 4937 Mokuauia HI 96741  
 Susan P.O. Box 10000 Mokuauia HI 96741  
 Cameron Dwyer 725 Kaimihana Kona HI 96740  
 Peter P.O. Box 2433 KAILUA-KONA HI 96741  
 Suzanne Fuller P.O. Box 5393 Kailua Kona, HI 96741  
 Rodney Rodgers 74-514 Richard St. K.K. 96740  
 Tibit Kim 1163 Umaki Pl. Honolulu, HI 96819

SAVE HONI'S BEACH

name ADDRESS STATE

Sally Lowery 123456 Kailua Kona HI  
 Emmy Buehler 75-2680 Kailua Hwy 304 HI  
 Lisa Hill P.O. Box 4722 Kailua HI 96741  
 Matthew a. Tansy Save The Beach Please  
 MERA MEYER P.O. Box 51 K.K. HI 96741  
 Brent Huddle 154 1365 Kailua HI 96741  
 Myr Matson 73-1190 P. Mokuauia St. K.K. HI 96740  
 Haje W. J. J. 10 KOLEE CLAVIS CA 93612  
 Robert E. J. P.O. Box 1584 Kailua HI 96740  
 Suzanne Rene Hammenburg P.O. Box 1584 Kailua HI 96740  
 Raquel Braccantini P.O. Box 5771 TUNA PL K.K. HI 96741  
 W. B. B. 726 W. N. Kailua HI 96741  
 Sandra G. 24 Pukiahe St. Apt. 202 Kailua HI 96741  
 Barbara L. P.O. Box 1117 K.K. HI 96740  
 Kelly Fund 75-4887 Anini St. K.K. HI 96741  
 James J. 75-1980 Ala Oka Ave. K.K. HI 96740  
 Angela Gray 75-308 Aloha Kona Circle K.K. HI 96740  
 Cecilia Palmer 56 Kaimihana Kona HI 96740  
 Sam D. 201 Kaimihana Kona HI 96740  
 Ellen Wilson 77-311 Sunset Dr. Kona HI 96740  
 Mary Murphy 75-252 Nani Kailua Dr. HI 96740  
 John J. P.O. Box 6425 Oahu, HI 96737

SAVE HONI'S BEACH

Sarah MacLennan P.O. Box 2735 K.K. HI 96745  
 Jess Smalling 77-1065 Kaimihana Kona HI 96740  
 Cary Cooperlander P.O. Box 2922 K.K. HI 96741  
 Roger Pine P.O. Box 2469 Honolulu HI 96820  
 Frank P. P.O. Box 70 Honolulu HI 96820  
 Tibit Kim P.O. Box 513 Kaimihana HI 96741  
 Darren Haversky P.O. Box 4752 Kailua Kona HI 96740  
 Alex M. 100 Alakele Pl. Pukohia HI 96741  
 Julie Burns 53 Through Dunes, Mokuauia HI 96741  
 Malin Juvinon 76-6244 HONERSA RD Kailua HI 96741  
 Dianne M. 2853 A. Pukohia HI 96741  
 Lynn M. 74-875 Kailua St Kailua Kona HI 96741  
 Paul M. 74-915 Kailua St K.K. HI 96741  
 Jack M. P.O. Box 1865 Kailua Kona HI 96741  
 Camille P. P.O. Box 5317 K.K. HI 96741  
 Kim Sanderson Kim Sanderson  
 Gary M. P.O. Box 1017 Kailua Kona HI 96741  
 Kim Sanderson Kim Sanderson

SAVE HONI'S BEACH

390191 394-60  
 Lisa M. P.O. Box 3 K.K. HI 96737  
 Lisa T. P.O. Box 485 K.K. HI  
 Even Chance 77-6363 Kailua St. HI 96741  
 Tom Curran 35-6724 Honolulu HI 96820  
 Tad D. P.O. Box 4718 K.K. HI  
 ASA CASAVILLA P.O. Box 1894 Kailua HI 96741  
 K. A. Foster 2811 NE Kailua HI 96741  
 Sandra J. P.O. Box 112 Honolulu HI 96741  
 G. M. 330 E 75th NYC 10024  
 Jodi Boyers 326 1012 S. HI 96741  
 Lynn J. 76-114 K.K. HI 96740  
 Lisa J. 60 Puka Beach Dr. HI 96741  
 Lisa J. 61 Puka Beach Dr. HI 96741  
 Lynn M. P.O. Box 728 Kailua Kona HI 96741  
 Kelly Shyca P.O. Box 5367 K.K. HI 96741  
 Kelly Shyca P.O. Box 5367 K.K. HI 96741  
 Sarah S. 776763 Kailua St. HI 96741  
 Heidi Smalling HI 96741  
 Jess Smalling HI 96741  
 Wendy Turmanen P.O. Box 6066, Oahu HI 96741

SAVE HONULU BEACH

Loel Isaac Wilson  
 Keoni Kapela  
 Jeane Kapela  
 Michael A. Mikhlin  
 Joel Kallio  
 Garoua Simid  
 J. L. K. K. K.  
 George  
 Ch. P.  
 Oie. Concas  
 M. B.  
 Lanya  
 Jason Baggs  
 Anjalee Hill  
 Anjamu Hill  
 Jason Forester  
 SHAW Falstach  
 Brian Kachina  
 Kneid  
 Pamela  
 MICH  
 Kilo

W. F. 324-6709  
 GREG KELLY  
 Torrey Hall  
 Sharon Elkins  
 Lazon Hall  
 Justin Clark 329-6479 (work)  
 Chris French 329-9526 (work) SAVE THE BEACH  
 Jason Herbert  
 Ernest Baker  
 Michael Navarre  
 Christine Brown  
 April Abanese

SAVE HONULU BEACH

76-6201 Honolulu Beach Rd.  
 75-251  
 76-2451 ALII DR KAILUA-KONA 96745  
 P.O. Box 49 Hilo, HI 96721  
 P.O. Box 455 Kealahou HI 96750  
 PO Box 390866 KF  
 75-5873 Waiward #D-224  
 75-5873  
 5536 Kailua Kona HI 96745  
 18-1763 LINAH ST. K K HI 96740  
 POB 1057 CAPT. COOK, HI 96701  
 P.O. Box 937 KAILUA-KONA HI 96741  
 78-6712  
 73-4175 ALAHA PLACE K.K. HI 96740 9672

SAVE HONULU BEACH

Sundara Asuley 76-6360  
 Kailua-Kona West Side  
 The Lawn  
 242  
 Margaret  
 324-0372  
 76-6300

**Roy Takemoto**

Land Use Consultant  
P O Box 10217  
HAG HI 96721  
(808)959-0189  
Fax: (808)959-0189

December 12, 1997

Mr. Jason Gagnon  
c/o Chris Pilaski  
76-6201 Holuiloa Beach Road  
Kailua-Kona, HI 96740

**Subject: SoBay Condominium, Waiaha 1<sup>st</sup>, North Kona, Hawaii (TMK 7-5-18:20)**

On behalf of the owner, SoBay Hawaii, Inc., the following responds to your comments to the proposed project.

1. **Public access.** Presently, the public trespasses over the subject property to access the beach. The project would ensure a perpetual public access right over the property by dedicating a conservation easement to a government or nonprofit entity. The dedicated area would include the entire southern portion of the site and would provide access to the entire sandy beach fronting the site (see attached). A wheelchair ramp would also be installed to enable disabled persons to enjoy this beach, where presently they are unable. The County is presently considering accepting dedication. Your expression of support of the dedication to the County could convince them of the value of this resource to merit acceptance of dedication.
2. **Parking.** Presently, there is no on-street parking for surfers and beach users. The applicant has offered to the County to reconfigure the fencing on the County's wastewater pump station site across the street to provide limited parking. The County is presently considering this offer.
3. **Preservation of sandy beach.** In response to comments, the applicant will relocate the proposed driveway outside of the shoreline setback area. This relocation would leave untouched the existing beach area from the existing driveway to the southern boundary of the property. In addition, the applicant will temporarily restore the seawall fronting this portion with sandbags or other temporary means until completion of construction of the project, and then remove the sandbags to enable the natural wave action to prevail in this area. The applicant also proposes using sand berms fronting the building to dissipate any wave energy that may reach the building, thereby reducing the reflecting backwash, and also serving as a reservoir for sand replenishment. The sand berms would function like sand dunes.


Mr. Jason Gagnon  
Page 2  
December 12, 1997

4. **Scale of the proposed building.** The site has been zoned Resort since the first zoning map for North Kona was adopted in 1967. The proposed 21 units are less than the maximum 39 units permitted under this zoning designation for this site. The project also meets the height limit of 45', and would be shorter than some of the existing trees on the property such as the banyan tree, which will be preserved. The mass of the proposed 4-story building would be comparable to the neighboring Kona Reef condominium.

In short, the property has been general planned and zoned for resort use. The project meets the height and setback restrictions for this zoning designation. Although the project will replace two one-story dilapidated structures with a more massive 4-story building comparable to the neighboring Kona Reef, the applicant has proposed measures to offset this impact by increasing the public benefits to the sandy beach resource: dedication of the southern portion of the site to a public or nonprofit entity for perpetual public use, eventual removal of the seawall fronting this southern portion of the site to enable natural wave action to prevail, provision of public handicap access to the southern portion, offer to the County to provide improvements to the County pump station site for limited public parking for the beach users, and the use of sand berms in the landscaping to minimize the energy of wave reflection and provide a reservoir for sand replenishment.

Please call me if you have any questions.

Respectfully,



Roy Takemoto

Cc: Planning Department, County of Hawaii  
SoBay Hawaii, Inc.

BENJAMIN J. CAYetano  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
669 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:  
STP 8.8058

KAZU HAYASHIDA  
DIRECTOR  
DEPUTY DIRECTOR  
OF TRANSPORTATION

(P) 1515.7

AUG 1 1997

Ms. Virginia Goldstein  
Director  
Planning Department  
County of Hawaii  
25 Aupuni Street, Room 109  
Hilo, Hawaii 96720-4252

County of Hawaii Planning Department  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Ms. Goldstein:

Subject: SoBay Condominium  
Draft Environmental Assessment  
TMK: 7-5-18: 20

Subject: SoBay Condominium, Waiaha 1st  
North Kona District, Hawaii  
Draft Environmental Assessment

Thank you for the opportunity to review the subject document.  
We have no comments to offer.

Thank you for your transmittal requesting our comments on the subject project.

The subject project is not anticipated to have an adverse impact on our State transportation facilities.

We appreciate the opportunity to provide comments.

Very truly yours,

KAZU HAYASHIDA  
Director of Transportation

c: Roy Takemoto

If there are any questions, please have your staff contact  
Mr. Ronald Ching of the Planning Branch at 586-0490.

GORDON MATSUOKA  
State Public Works Engineer

RC:jj  
c: Mr. Roy R. Takemoto, Land Use Consultant