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FEB 23 2019

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February 7, 2019

Scott Glenn, Director
Office of Environmental Quality Control
Department of Health, State of Hawaii
235 S. Beretania Street, Room 702
Honolulu, Hawaii 96813

Subject: **Publication Of The Draft Environmental Assessment (DEA) For the Proposed Smith-Otto Single Family Residence Project**
Location: **78-6662 Ali'i Drive, North Kona District, Island of Hawaii**
TMK: **TMK: (3) 7-8-014:084**

Dear Mr. Glenn,

With this letter, the County of Hawai'i Planning Department – Planning Division hereby transmits the draft environmental assessment and anticipated finding of no significant impact (DEA-AFONSI) for the proposed Smith-Otto Single Family Residence Project located on TMK: (3) 7-8-014:084 in the North Kona District, Island of Hawaii for publication in the **February 23, 2019** edition of the *Environmental Notice*.

Enclosed is a completed OEQC Publication Form, one (1) copy of the DEA-AFONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word.

If there are any questions regarding this letter, please contact Alex J. Roy, M.Sc. at 808-961-8140 or via email at alex.roy@hawaiicounty.gov

Sincerely,

Michael Yee, Director
Planning Department

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OFC. OF ENVIRONMENTAL QUALITY CONTROL

AJR/

Enclosures: OEQC Publication Form
DEA-AFONSI (I hard copy)
CD-RW w/Pub Form, DEA-AFONSI

APPLICANT
PUBLICATION FORM

Project Name:	Smith-Otto Renovation and second-story addition over the existing dwellings footprint to an existing Single-Family Residence within a Shoreline Area at Kailua-Kona within the Kahalu'u Historic District
Project Short Name:	Smith-Otto Renovation & Addition
HRS §343-5 Trigger(s):	Project within the Shoreline Area. Project within a Historic District. Seeking Shoreline Setback Variance and Zoning Code Variance (side/front setbacks) from County of Hawaii
Island(s):	Hawaii
Judicial District(s):	Inset D, Hawaii County, North Kona
TMK(s):	(3) 7-8-014:084
Permit(s)/Approval(s):	County of Hawaii Leeward Planning Commission, County of Hawaii, & Hawaii Department of Health
Approving Agency:	County of Hawaii Leeward Planning Commission and County of Hawaii
Contact Name, Email, Telephone, Address	Lawton Allenby, E-mail: lawton@kealaola.com, Tel: (808) 324-1600, Address: PO Box 2113 Kealakekua, HI 96750-2113
Applicant:	
Contact Name, Email, Telephone, Address	Otto-Smith, Family Trust, Deborah Otto -Brad Smith, E-mail: debotto7@gmail.com, Tel: (619) 417-3379, Address: 1630 Seacoast Drive, Imperial Beach, CA 91932
Consultant:	
Contact Name, Email, Telephone, Address	Lawton Allenby, Principal Architect, Allenby and Associates, E-mail: lawton@kealaola.com, Tel: (808) 324-1600, Address: PO Box 2113, Kealakekua, HI 96750-2113

Status (select one)	**Submittal Requirements**
__X_ DEA-AFNSI	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.
____ FEA-FONSI	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.
____ FEA-EISPN	Submit 1) the approving agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.
____ Act 172-12 EISPN ("Direct to EIS")	Submit 1) the approving agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.
____ DEIS	Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.
____ FEIS	Submit 1) a transmittal letter to the OEQC and to the approving agency, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.
___ FEIS Acceptance Determination	The approving agency simultaneously transmits to both the OEQC and the applicant a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.
____ FEIS Statutory Acceptance	The approving agency simultaneously transmits to both the OEQC and the applicant a notice that it did not make a timely determination on the acceptance or nonacceptance of the applicant's FEIS under Section 343-5(c), HRS, and therefore the applicant's FEIS is deemed accepted as a matter of law.
____ Supplemental EIS Determination	The approving agency simultaneously transmits its notice to both the applicant and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that

a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.

____ Withdrawal — Identify the specific document(s) to withdraw and explain in the project summary section.

____ Other — Contact the OEQC if your action is not one of the above items.

Project Summary

Provide a description of the proposed action and purpose and need in 200 words or less.

Mr. Brad Smith and Ms. Deborah Otto request a shoreline setback variance and a variance from zoning code to build a second floor addition (1008.7 total square feet) over the existing dwelling's footprint (1324.5 total square feet single-bedroom dwelling, including lanai, decks, and covered porch) that was constructed in 1962-1963.

The Applicants are seeking a variance from the County Hawaii Planning Department's Rules of Practice and Procedure related to Rule 8 (Shoreline Setback). We are requesting your approval based on the grounds of hardship. The existing single bedroom home does not meet the needs of the family.

This proposed development is designed to minimize any impact to the land. The revised floor plan adds a second story that provide the bedrooms, bathrooms, and space necessary to live in the home full time.

This EA is being completed to provide the background of why the requested variance should be granted, and why there is no other way of accommodating the Smith-Otto family without it. We are specifically reviewing why the Hardship Exemption should be granted, and why it is a reasonable use of the land, and does not draw into question the reasonableness of the rule.

Draft – Environmental Assessment

Smith-Otto Renovation and second-story addition over the existing dwellings footprint to an existing Single-Family Residence within a Shoreline Area at Kailua-Kona within the Kahalu'u Historic District

December 12, 2018

TMK (3rd): 7-8-014:084
78-6662 Ali'i Drive
Kailua-Kona, County of Hawai'i, State of Hawai'i 96740
Lot 24-D-1 6569 SF DES POR RP 6856 LCAW 7713:6

APPLICANT:
Brad Smith and Deborah Otto
1630 Seacoast Drive
Imperial Beach, CA 91932

APPROVING AGENCY:
County of Hawai'i Leeward Planning Commission and
County of Hawai'i Planning Department
101 Aupuni Street, Suite 325
Hilo, HI 96720

CONSULTANT:
Allenby and Associates
P.O. Box 2113
Kealakekua, HI 96750

CLASS OF ACTION:

Use of land within a shoreline area as defined in HRS Section 205A-41

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

Contents

SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES 1
Hardship Exemption ... 1
Continuation of Summary ... 3
PART 1: PROJECT DESCRIPTION AND E.A. PROCESS ... 8
1.1 Project Description and Location ... 8
Owner's Statement ... 8
Proposed Project ... 8
1.2 Environmental Assessment Process ... 16
1.3 Public Involvement and Agency Coordination ... 17
PART 2: ALTERNATIVES ... 18
2.1 Proposed Project, Alternative House Sites and Alternative Uses ... 18
2.2 No Action ... 18
PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION ... 20
3.1 Physical Environment ... 20
3.1.1 Climate, Geology, Soils and Geologic Hazards ... 20
3.1.2 Flood Zones and Shoreline Setting ... 21
3.1.3 Water Quality ... 25
3.1.4 Flora and Fauna ... 27
3.1.5 Air Quality, Noise, and Scenic Resources ... 29
3.1.6 Hazardous Substances, Toxic Waste and Hazardous Conditions ... 30
3.2 Socioeconomic and Cultural ... 31
3.2.1 Land Use, Socioeconomic Characteristics and Recreation ... 31
3.2.2 Cultural and Historic Resources ... 32
3.3 Public Roads, Services and Utilities ... 36
3.3.1 Roads and Access ... 36
3.3.2 Public Utilities and Services ... 36
3.4 Secondary and Cumulative Impacts ... 37
3.5 Required Permits and Approvals ... 38
3.6 Consistency with Government Plans and Policies ... 38
3.6.1 Hawai'i County General Plan ... 38
3.6.2 Goals (for Managing Growth) ... 42
3.6.3 Hawai'i County Zoning and Special Management Area ... 43

3.6.4 Conservation District 44
PART 4: DETERMINATION, FINDINGS AND REASONS 45
4.1 Determination 45
4.2 Findings and Supporting Reasons 45
References 48
APPENDIX 1: Owners' Letters 49
APPENDIX 2: Comments in Response to Early Consultation/SHPD Letters and Comment to Draft EA and Responses 50
APPENDIX 3: Architectural Plans (Floor Plans and Elevations) 51
APPENDIX 4: Architectural Plans (Site Plan) 52
APPENDIX 5: Shoreline Survey Map 53
APPENDIX 6: Flood Zone Determination and Maps 54
APPENDIX 7: County Records and Permits 55
APPENDIX 8: Encroachment Agreement and Permits 56
APPENDIX 9: Archaeological Resources and Cultural Impact Assessment 57
APPENDIX 10: Environmental Assessment (Flora and Fauna) 58
APPENDIX 11: Special Management Assessment 59
APPENDIX 12: Consulting Resources 60

SUMMARY OF PROJECT, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Mr. Brad Smith and Ms. Deborah Otto (the applicants) request a shoreline setback variance and a variance from zoning code to build a second floor addition (1008.7 total square feet) over the existing dwelling's footprint (1324.5 total square feet single-bedroom dwelling, including lanai, decks, and covered porch) that was constructed in 1962-1963 (reference permit no. 25914 and residential appraisal card on file) within a shoreline area.

The Applicants are seeking a variance from the County Hawaii Planning Department's Rules of Practice and Procedure related to Rule 8 (Shoreline Setback). We are requesting your approval based on the grounds of hardship. The existing single bedroom home does not meet the needs of the family. The family is comprised of Brad and Deborah, Carol Barad (Deborah's aging mother who requires assistance), and Chantilly (Brad's daughter). As many of us encounter as our Ohana ages, it is necessary for the family to take care of their extended family. There are no good alternatives as Carol cannot afford to live in a senior community and requires family support and care.

The revised floor plan adds a second story that provide the bedrooms, bathrooms, and space necessary for Brad and Deborah, and Brad's mother, Carol to live in the home full time. Their daughter, Chantilly will also assist with caring for their grandmother. Living in Kona is a dream this family has had for years. They are eager to become part of the community, and hope this proposed development, designed to minimize any impact to the land, is approved so the family can live their dream.

Please see APPENDIX 1: Owners' Letters.

This Environmental Assessment is being completed to provide the background of why the requested variance should be granted, and why there is no other way of accommodating the Smith-Otto family without it. To clearly illustrate this need, we are specifically reviewing why the Hardship Exemption should be granted, and why it is a reasonable use of the land, and does not draw into question the reasonableness of this rule; the summary, Continuation of Summary, resumes on page 3.

Hardship Exemption

We understand that a shoreline setback can only be granted if the County finds one of several variance criteria. In this case, we are applying for the exemption due to the hardship criteria. This criteria is quoted below in this font and *our responses are in this font* and we believe fully explains why this is a hardship that should be granted under the authority of the Commission.

Hardship Standard.

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

i) The applicant would be deprived of reasonable use of the land if required to comply fully with this rule; and

Right now, the Applicants' home is a one-bedroom, one-bathroom, 864 square feet per County records (or 1,146 square feet including lanai, desks, and covered porch). The home is inadequate to house their family. By allowing the Applicants to build a second story on the same foot print, they will be able to accommodate their mother and daughter, who is needed to assist caring for her grandmother.

The home is a small home compared to other homes in the neighborhood, so this will not create an appearance of increased density. Improvements to the structure and the replacement of a tradition cesspool with a modern waste treatment system will reduce the impact of the structure on the land. The existing cesspool will be repurposed as a rain water catchment to minimize runoff water and further limit erosion.

ii) The request is due to unique circumstances and does not draw into question the reasonableness of this rule; and

The unique situation is the very small size of this home. The Applicant has 864 square feet livable area. The surrounding homes are typically larger, including some TMKs that are multi-story condominiums and multi-story homes. The neighboring eight multi-story condominiums each have 1,008 square feet livable area (7-8-014-015- 0001 through 0008.) Two lots to the south, there is a considerably larger two-story home with 1,105 square feet or 1,621 square feet including accessory living spaces (7-8-014-007.) The two-story home across Ali'i Drive has 880 square feet plus a basement and garage for a total 2,055 square feet (7-8-014-012.) The next home north has 1,088 square feet livable area (7-8-014-011.) The home neighboring to the north is larger, 932 square feet (7-8-014-083.)

Most of the neighboring homes are larger than the Applicant's current home. The proposed second floor addition does no change the character of the neighborhood. Therefore, by approving this Application, the reasonableness of this rule is not being challenged.

iii) The request is the practicable alternative which best conforms to the purpose of this rule.

This rule is intended to limit the use of shoreline land. This building footprint will not change as a result of the Commission allowing a second story to be added on top of the existing home's footprint. Since there are several other homes in the neighborhood are already multiple stories, it does not set a new president and conforms to the intent of this rule.

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

The use of this land will remain the same. The current and proposed development is the same use as a single family dwelling. The surrounding parcels are zoned RS-15 or V.

This request will improve the health and safety of the surrounding coastal area by replacing a cesspool for a far superior waste water treatment system.

Several measures will be added to the existing structure to reduce the flood conditions by enhancing the foundation stem wall and installing storm water dam protection on the first floor.

The seawall, constructed in the early 1960s, has protected the lot and initially constructed building; there has not been significant changes since the 1960s seawall was installed. This is reflected on the June 28, 1988 survey. The Owners are aware of possible risks of global climate change and shoreline conditions, understands these risks, and wishes to proceed.

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

As the existing seawall, constructed in the 1960s is structurally sound and has provided, since its construction, protection for the buildable area within the shoreline setback. The proposed addition will occur within the footprint of the existing building that is in back of the face of the existing seawall. No changes will be made, or are needed to be made, to the seawall.

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

Not applicable, no changes have been made after June 16, 1989.

Continuation of Summary

Today, this is a "legal non-conforming" single family dwelling. The proposed development of a second floor addition and renovation is so the home can have two bedrooms, see APPENDIX 3: Architectural Plans (Floor Plans and Elevations) on page 51. The proposed renovation and second story addition shall be located on the same, existing footprint and have the same purpose as a single family residence. The buildable section of the lot between the shoreline and Ali'i Drive was cleared many decades ago. The proposed renovation will not impact public views to the shoreline, as the second story addition elevation is located on top of the existing dwelling's footprint. There will be no grubbing or grading associated with the second story addition and renovation. The proposed second floor addition will add 873.6 square feet of habitable living space over the habitable living space on the existing first floor, and 135.1 square feet of lanai/deck over the current 178.5 square feet lanai and 234 square feet deck. The proposed second story floor elevation will be at the coastal zone with velocity hazard (wave action) base flood elevation of 18 feet (BFE). The second floor addition will have a building height of 31'0", less than the County of Hawai'i allowable of 35'0.

The parcel according to the County of Hawaii Real Property Tax office is 6,568 square feet (0.1508 acre). This development is within the shoreline area located on Ali'i Drive in Kaiula-Kona within the Kahalu'u Historic District, County of Hawaii, close to Kahalu'u Bay Park. The parcel is zoned RS-15 by the County of Hawai'i. The State of Hawai'i Land Use District is Urban. The current and proposed development is the same purpose as a single family dwelling and is in compliance with this parcel's current zoning and Land Use designation. The surrounding parcels are zoned RS-15 or V and are consistent with the proposed use.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback and within the 20'0" "non-confirming" shoreline setback, approximately 6 to 8 feet above shoreline (at the existing seawall). The project utilizes the existing cleared and landscaped area and does not intrude into these undisturbed areas beyond the seawall (constructed prior to June 22, 1970) or shoreline. The buildable section of the lot between the shoreline and Ali'i Drive was cleared many decades ago and planted with palms, tis, and shrubs, and are not indigenous or native plants. The Archaeological Survey has determined that no historic sites are present on any part of the property (see APPENDIX 9: Archaeological Resources and Cultural Impact Assessment on page 57.) The existing dwelling building envelope & existing seawall abuts and is located outside of the shoreline, but within the shoreline setback.

This proposed development is to build a second story addition over the existing dwellings footprint, at 78-6662 Ali'i Drive, Kailua-Kona, HI 96740, TMK 7-8-014-084. The existing dwelling has only one bedroom and one bath, and is a "legal non-conforming" single family residence. The proposed development amends this dwelling to a two bedroom and three bath dwelling, see attached plans starting on page 51. There will be no grubbing or grading associated with the second story addition.

The proposed development design is that of a modest modern 1960's Ali'i Drive beach house aesthetic that will have an open feel achieved with windows, sliding patio doors, cable guardrails, open interior spaces, and open lanais & decks. This design objective makes modifications to the existing beach house more accommodating for a family of four while keeping the beach house aesthetic that characterizes the Ali'i Drive and Kahalu'u Bay Park area.

The second story proposed addition will have two bedrooms and two bathrooms, one bathroom is proposed to be a "Jack and Jill" that can also be accessed from a new family room. The second floor is proposed to have an open family room between the two bedrooms and a lanai that is located and partially cantilevered over the existing footprint of the first floor.

The first floor proposed renovation removes the existing bedroom and creates a "great room" (open living space) that is accomplished by removing some of the interior walls. The existing kitchen and bathroom will remain with no modification. The renovation also extends existing kitchen cabinetry for a wet bar and rotates the laundry area adjacent to the first floor bathroom to create an enclosed bathroom/laundry room. The existing open lanai remains as an open lanai with a new cable guardrail system. The lanai and guardrail that abuts the seawall is located outside of the shoreline (see APPENDIX 5: Shoreline Survey Map on page 53).

The proposed new stairwell connecting the first floor to the second floor is within the existing footprint of the dwelling where the existing first story frame and porch ceilinged area are located. The proposed stairwell has a walk-through storage/outdoor shower area and open alcove that serves as a light well and opening to the existing kitchen window. The proposed stairwell design maintains the open feel of the existing first story frame and porch ceilinged area. The location of the existing first story frame and porch ceilinged area along with some of the lanai and the existing kitchen continue to be "legal non-conforming" as they are located within the 8'0" side yard setback.

The existing face or envelope of the dwelling is proposed to remain intact. For additional storm water surge protection, improvements to the stem wall are proposed with the addition of a removable dam. There is a three foot high concrete stem wall surrounding the existing dwelling with openings were the doors are located. The stem wall abuts the existing seawall is preserved; the new dams serve as an added water barrier/dam and protect the home during storm surges. The dwelling's existing structural walls and the second story walls are inset 5"to 6" from the face of this concrete stem wall as well as the seawall. The outside face of this stem wall is the outside face of the building footprint or envelope.

The minor modifications to the existing exterior walls are limited to an additional window to be added in the laundry area on that Ali'i Drive side of the dwelling to provide required light and ventilation per code. The existing sliding glass door on the south side is proposed to be swapped out to a pair of glazed French-doors that will serve as the main entry for the dwelling below a deck off the second story master bedroom. The existing vinyl sliding glass patio doors facing the ocean are to remain in place with the addition of cable guardrail. The proposed sliding glass door cable guardrails are located within the existing footprint of the dwelling that abuts the seawall and are located outside of the shoreline, see the Certified Shoreline Survey on page 53 and proposed floor plans on page 51. The existing walls are proposed to be clad with pre-finished cementitious lap siding, related trim, and soffit material (James Hardie siding products) that will overlay or cover the existing T1-11 siding. This proposed siding material, stainless steel cable guardrails, and the existing vinyl windows with integral vinyl trim will dramatically reduce the need for maintenance and future impacts.

As the proposed second floor elevation will be 18' (BFE) and constructed directly on top of the existing dwelling, using a tilt-up construction method (described below). Construction related work will be

within the existing dwelling footprint or envelope. The new proposed structural shear walls, additional foundation requirements, and structural enhancements shall be done from the inside of the building as well as the removal of some of the existing first floor interior walls. This will greatly mitigate any potential impacts within the shoreline setback. This development project will also have an integrated protection, demolition, and waste management plan as outlined below.

An Individual Wastewater System in compliance with State Department of Health regulations will be built. The existing "legal non-conforming" cesspool is proposed to be decommissioned and filled with rocks and be a rain water seepage pit where the roof downspouts will be ducted. This will also reduce potential erosion issues relating to roof rain runoff. A new aerobic treatment system or ATS, often called (incorrectly) an aerobic septic system will be installed in the existing driveway-parking area adjacent to Ali'i Drive outside of the shoreline setback. As cesspools have the potential of effluent contamination, given the location of the existing cesspool to the shoreline and the water table, this new proposed ATS will vastly reduce the potential of effluent contamination as an aerobic system produces a higher quality effluent than cesspool or traditional septic systems. A typical ATS produces an effluent with less than 30 mg/liter BOD5, 25 mg/L TSS, and 10,000 cfu/mL fecal coliform bacteria. This is clean enough that it cannot support a biomat or "slime" layer like a septic tank.

The proposed development scope of demolition to the existing dwelling is limited to:

- The removal of the existing roof structure (metal roof, roof sheathing, and associated ridge beam & joists) to the plate height. The T1-11 siding and wall framing where the proposed laundry window is proposed to be located outside of the shoreline setback.
- The existing sliding glass door and its associated framing is to be replaced with a new glass French-door that will be the new front door under the second floor master bedroom cantilevered balcony. The existing wood picket lanai guardrail is to be replaced with a cable guardrail system.
- The existing front door and associated framing is to be replaced as it is in conflict with the new stairwell (walk through storage/outdoor shower area and open alcove that will serve as a light well or opening to the existing kitchen window and under stairwell storage). These are also located outside of the shoreline setback.
- The removal of two fixed glass windows and associated framing that is to be replaced with structural shear walls at the bottom of the proposed stairwell. Some of interior gypsum wall partitions that separate the existing bedroom from the living spaces will also be removed.
- Some of the existing fence that is adjacent to Ali'i Drive which is located outside of the shoreline setback may be removed and reinstalled (or replaced pending on removal) to allow for construction access. Any damage caused by inappropriate removal shall be repaired or replaced.

The proposed construction work is limited and shall occur within the shoreline setback but outside of the shoreline. No work will be done beyond the shoreline. Also, construction shall be within the dwelling footprint and behind barricades & environmental protection. The second story addition shall be constructed using a tilt-up method; the exterior finished walls facing the ocean shall be constructed on the second floor and then tilted up and secured in place. This method alleviates the need construct beyond the shoreline.

The integrated protection, demolition, and waste management plan require that a silt fence and barricades be installed along the shoreline atop of the seawall, and around the dwelling. In addition, other demolition mitigation measures including but not limited to inlet protection, existing tree protection, concrete

washout mitigation measures, silt fencing, the use of straw erosion control rolls, gravel bag & street flow protection lines, and a designated construction entrance shall be implemented.

There will be no grubbing or grading associated with the second story addition or renovation or disturbance/alteration to the existing seawalls. Construction will produce minor short-term impacts to noise, air, and scenery. These will be mitigated by Best Management Practices that are anticipated as conditions of building permit. The Applicants will ensure that his contractor performs all work in conformance with applicable laws, regulations, and standards.

All construction related debris shall be deposited in an appropriate container and properly disposed of offsite in a local landfill. It is estimated that there will be 5 tons (10,000 lbs) of debris. The Applicants of the proposed development are planning on pursue recycling possibilities, mainly with the metal roofing. If recycling is not available, all construction related debris shall be deposed of per EPA standards and County of Hawai'i requirements.

A protective silt fence and barricades will be installed along the shoreline on top of the seawall, and around the dwelling. Along with other demolition mitigation measures including but not limited to inlet protection, existing tree protection, concrete washout mitigation measures, silt fencing, straw erosion control rolls, and gravel bag & street flow protection line, a dust fence and barrier will be installed around the construction area. See the Protection, Demolition and Waste Management Plan, Notes & Details in APPENDIX 11: Special Management Assessment on page 59.

A construction dumpster will be located in the existing driveway-parking area adjacent to Ali'i Drive which is outside of the shoreline setback. The dumpster will be covered during non-working hours and during transportation to the local landfill. This location will not impact typical traffic or pedestrian flow on Ali'i Drive.

The construction marshalling area and area for the storage of construction related materials will be located outside of the shoreline setback, adjacent to the dwelling facing Ali'i Drive, between the dwellings west facing wall and existing fence. Some of the existing fence that is adjacent to Ali'i Drive that is located outside of the shoreline setback may be removed and reinstalled (or replaced pending on removal) to allow for construction access.

The primary construction parking will be on site; overflow parking will be on the opposite side of Ali'i Drive on legal street parking. The Applicant is also planning on working with and obtaining temporary parking from the neighbor adjacent to this parcel, to the north, if additional construction parking is required. It is anticipated that there will typically be two to three personal construction vehicles on site during construction. It is not anticipated that this will impact traffic.

The surrounding work area and neighboring landscape areas shall be magnet dragged to insure all nails, screws etc. are removed. The Contractor shall protect all existing, existing power, telephone and TV cables, etc. during construction at all times. The Contractor shall protect and clean the roadway, parking area, and sidewalks/pedestrian walkways at the end of each day. The Contractor shall protect all existing landscaping.

The site has been surveyed for threatened and endangered plants and none are present. Impacts to the island wide-ranging endangered Hawaiian hoary bat and Hawaiian Hawk are limited as none are present or observed. If any island wide-ranging endangered Hawaiian hoary bat and Hawaiian Hawk are encountered during construction within the project site, work in the immediate area of the discovery shall be halted and the State of Hawaii will be contacted to determine the appropriate actions.

There are no anticipated impacts on costal ecosystem from the proposed development to build a second story addition and renovation. All proposed renovation activities will be located within/on top of a dwelling that is already in the shoreline setback but out of the shoreline. Furthermore, the proposed development does not encroach on the portion of the parcel that is east of the seawall or shoreline. The "flag" section of the parcel which is west of the seawall is a rocky tidal area and rocky tidal point that serves as a breakwater to Kahalu'u Bay. This area shall remain undisturbed and unhampered by the activities and use of the proposed development and shall remain as a "tidal area" where the costal ecosystems exist.

Archaeological Survey, see APPENDIX 9: Archaeological Resources and Cultural Impact Assessment on page 57, has determined that no sites are present, and research and consultation has revealed no cultural practices on the site. No historic designations are known. As such, no historic areas will be affected during the construction of the proposed development renovation and second story addition, or by the construction access to this parcel and the designated construction site/area. The subject parcel had been graded and landscaped many years ago. The County of Hawai'i Records indicate that this parcel was developed in the early 1960's. In the unlikely event that additional undocumented archaeological resources, including shell, bones, midden deposits, lava tubes, or similar finds are encountered during construction within the project site, work in the immediate area of the discovery shall be halted and the State Historic Preservation Division will be contacted to determine the appropriate actions.

The proposed development renovation and second story addition or its use will not affect the scenic and open resources. The proposed renovation will not impact public views to the shoreline, as the second story addition elevation is located 18' BFE and on top of the existing dwelling's footprint. The proposed developments building height of 31'0" is less than the County of Hawai'i allowable of 35'0". The design of the proposed second story addition minimizes the view plane impacts from neighbors and/or passersby. The existing fence design has a top open lattice at eye level allowing a shoreline view. The front as well as the side yard is landscaped with several palm trees, ti plants, and shrubs that are planned to be maintained. The existing fence and landscape currently provides a partial view of the shoreline from Ali'i Drive at street level. The views onto this parcel from Kahalu'u Bay or from the ocean are not impaired or impacted by the proposed development. Furthermore, there are no neighbors directly across from this dwelling on Ali'i Drive; this parcel is currently an open lot and undeveloped (reference TMK 7-8-014-013, zoned V). This lot is also elevated well above the Applicants parcel and Ali'i Drive by +/-5'0" that when developed should not be impacted by this development.

The proposed renovation will have no impact on the recreational resources in the area. There are no recreational resources associated with the property itself. Kahalu'u Bay Park which is located just south of the property has its own parking and will not be impacted by the construction activity. The construction, demolition, protection (site and shoreline), and the waste management policies and mitigation measures as outlined will not impact Kahalu'u Bay. The proposed residential use will not interfere in any way recreational resources or with ongoing access. The proposed development does not encroach on the portion of the parcel that is east of the seawall or shoreline.

PART 1: PROJECT DESCRIPTION AND E.A. PROCESS

1.1 Project Description and Location

Mr. Brad Smith and Ms. Deborah Otto (the Applicants) request a shoreline setback variance and a variance from zoning code under the hardship exception (Rule 8) to build a second floor addition (1008.7 total square feet) over the existing dwelling's footprint (1324.5 total square feet single-bedroom dwelling, including lanai, decks, and covered porch) that was constructed in 1962-1963, a "legal non-conforming" single family dwelling within a shoreline area. The proposed development of a second floor addition and renovation is so the home can have two bedrooms, see attached plans following page 51. The proposed renovation and second story addition shall be located on the same, existing footprint and have the same purpose as a single family residence. The buildable section of the lot between the shoreline and Ali'i Drive was cleared many decades ago. There will be no grubbing or grading associated with the second story addition and renovation. The proposed second floor addition will add 873.6 square feet of habitable living space over the 912 square feet of habitable living space on the existing first floor, and 135.1 square feet of lanai/deck over the current 178.5 square feet lanai and 234 square feet deck.

The parcel or lot according to the County of Hawaii Real Property Tax office is 6,568 square feet (0.1508 acre.) This development is within the shoreline area located on Ali'i Drive in Kaiula-Kona within the Kahalu'u Historic District, County of Hawaii, close to Kahalu'u Bay Park. The parcel is zoned RS-15 by the County of Hawai'i. The State of Hawai'i Land Use District is Urban. The current and proposed development is the same purpose as a single family dwelling and is in compliance with this parcel's current zoning and Land Use designation. The surrounding parcels are zoned RS-15 or V and is consistent with the proposed use.

The existing dwelling is located within the 8'0" side yard setback and within the 20'0" shoreline setback, approximately 6 to 8 feet above shoreline (at the existing seawall). The project would utilize the existing cleared and landscaped area and would not intrude into these undisturbed areas beyond the seawall or shoreline. The buildable section of the lot between the shoreline and Ali'i Drive was cleared many decades ago and planted with palms, tis and shrubs, and are not indigenous or native plants. The Archaeological survey has determined that no historic sites are present on any part of the property. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback.

Owner's Statement

Please see APPENDIX 1: Owners' Letters for letters following page 49 from Brad and Deborah, their Deborah's mother (Carol), and Brad's daughter (Chantilly). Perhaps Chantilly summarizes the family's sentiment best:

"Our goal is to have sufficient space for my parents, my grandmother, and myself (with my future family) in the house on Ali'i Drive. We are an extremely close family and want to provide my grandmother with the care she needs and deserves. We appreciate your time and consideration in allowing us to add a second bedroom and a second bathroom. Family is priority in our lives."

"We hope you will consider our request for this hardship exemption that we have designed to care for the land, and provide for our family."

Proposed Project

The proposed development design is that of a modest modern 1960's Ali'i Drive beach house aesthetic that will have an open feel achieved with windows, sliding patio doors, cable guardrails, open

interior spaces, and open lanais & decks. This design objective is to make modifications to the existing beach house to make it more accommodating for a family of four while keeping the beach house aesthetic that for so long characterized Ali'i Drive and the Kahalu'u Bay Park area.

The second story proposed addition will have two bedrooms and two bathrooms, one bathroom is proposed to be a "Jack and Jill" that can be accessed from a new family room. The second floor is proposed to have an open family room between the two bedrooms and a lanai that is located over and partially cantilevered over the existing footprint of the first floor.

The first floor proposed renovation is to accommodate the removal of the existing bedroom and create a "great room" or open living space that is accomplished by removing some of the interior walls. The existing kitchen and bathroom shall remain with no modification. There is a proposed modification off the existing kitchen cabinetry for a wet bar. The laundry area adjacent to the first floor bathroom will be rotated to create an enclosed bathroom/laundry room. The existing open lanai will remain as an open lanai with a new cable guardrail system. The lanai and guardrail that abuts the seawall is located outside of the shoreline, see attached Certified Shoreline Survey (in APPENDIX 5: Shoreline Survey Map following page 53.)

The proposed new stairwell connecting the first floor to the second floor is within the existing footprint of the dwelling where the existing first story frame and porch ceilinged area are located. The proposed stairwell will have a walk through storage/outdoor shower area and open alcove that will serve as a light well or opening to the existing kitchen window. The proposed stairwell design is to maintain the open feel of the existing first story frame and porch ceilinged area. The location of the existing first story frame and porch ceilinged area along with some of the lanai and the existing kitchen are "legal non-conforming" as they are located within the 8'0" side yard setback.

The existing face or envelope of the dwelling is proposed to remain intact with the exception of minor modifications noted here. There is a 3'0" high concrete stem wall that surrounds the existing dwelling and abuts the existing seawall that is to be preserved; it serves as an added water barrier/dam and protection. The dwelling's existing structural walls are inset 5"to 6" from the face of this concrete stem wall as well as the seawall. The outside face of this stem wall is the outside face of the building footprint or envelope. The minor modifications to the existing exterior walls is limited to an additional window to be added in the laundry area on that Ali'i Drive side of the dwelling to provide required light and ventilation per code. The existing sliding glass door on the south side is proposed to be swapped out to a pair of glazed French-doors that will serve as the main entry for the dwelling below a deck off the second story master bedroom. The existing vinyl sliding glass patio doors facing the ocean will remain in place with the addition of cable guardrail. The proposed sliding glass door cable guardrails are located within the existing footprint of the dwelling that abuts the seawall and are located outside of the shoreline, see the Certified Shoreline Survey and proposed floor plans. The existing walls are proposed to be clad with pre-finished cementitious lap siding, related trim, and soffit material (James Hardie siding products) that will overlay or cover the existing T1-11 siding. This proposed siding material, stainless steel cable guardrails, and the existing vinyl windows with integral vinyl trim will dramatically reduce the need for maintenance and future impacts.

As the proposed second floor will be at 18' (BFE) and constructed directly on top of the existing dwelling, construction related work will be within the existing dwelling footprint or envelope with the exception of work associated with exterior siding and roof installation facing the shoreline. The new proposed structural shear walls, additional foundation requirements, and structural enhancements shall be done from the inside of the building as well as the removal of some of the existing first floor interior walls. This will greatly mitigate any potential impacts within the shoreline setback. The development will also have an integrated protection, demolition, and waste management plan as outlined below.

An Individual Wastewater System in compliance with State Department of Health regulations will be built. The existing "legal non-conforming" cesspool is proposed to be decommissioned and filled with rocks and be a rain water seepage pit where the roof downspouts will be ducted. This will also reduce potential erosion issues relating to roof rain runoff. A new aerobic treatment system or ATS, often called (incorrectly) an aerobic septic system is to be installed in the existing driveway-parking area adjacent to Ali'i Drive outside of the shoreline setback. As cesspools have the potential of effluent contamination, given the location of the existing cesspool to the shoreline and the water table, this new proposed ATS will vastly reduce the potential of effluent contamination as an aerobic system produces a higher quality effluent than cesspool or traditional septic systems. A typical ATS produces an effluent with less than 30 mg/liter BOD5, 25 mg/L TSS, and 10,000 cfu/mL fecal coliform bacteria. This is clean enough that it cannot support a biomat or "slime" layer like a septic tank.

The surrounding area is a mix of residential, resort-hotel, vacation rental, and recreation uses, including several single- and two-story homes, and two-story condominium resort-hotels. The development's parcel is directly north and in very close proximity to Kahalu'u Bay Park. There is minor current construction and proposed development in the surrounding area.

The surrounding parcels are zoned Single Family Dwelling (RS-15) or Resort-Hotel (V) that is consistent with the proposed use. The surrounding area has both single- and two-story dwellings located on the shoreline. There is currently an open undeveloped lot directly across Ali'i Drive from the development's dwelling, and a two-story resort-hotel multi-unit complex across Ali'i Drive slightly further south facing the southern adjourning neighbor's parcels. The development's parcel abuts Ali'i Drive that is a main thoroughfare or street with current allowable "legal" off street parking located on the side shoulder, off the road and traffic right-of-way.

The development's parcel (TMK 7-8-014:084) is a flag shaped parcel, where the flag (buildable area) is located along the coastline to the west, and Ali'i Drive to the east. There are two parcels to the south that abut the flag section, TMK 7-8-014-074 zoned RS-15, a single story dwelling, and TMK 7-8-014-007 zoned V-1.25 that is a two-story resort-hotel.

To the north and adjoining the development's parcel is TMK 7-8-014-083 zoned RS-15. This neighboring parcel abuts the shoreline and is under construction that has ceased per County of Hawai'i and State of Hawai'i due to permit irregularities and shoreline infringements.

Further to the south is TMK 7 -8-014:006 zoned RS-15, TMK 7-8-014-005, -004 and -003 respectively that are the Kuemanu Heiau, St. Peters Catholic Church, and the County of Hawaii's Kahalu'u Bay Education Center & Kahalu'u Bay Park.

Directly across from the development's parcel, across Ali'i Drive, is TMK 7-8-014-013 zoned V that is currently undeveloped, and TMK 7-8-014-015 zoned V that is the Kona Seaspray, a two-story multi-unit resort-hotel complex.

TMK 7-8-014-007 the second neighboring parcel that abuts the flag section of the development's parcel has an Encroachment Agreement, registered on August 16th, 2005, see APPENDIX 8: Encroachment Agreement and Permits on page 56. This Agreement allows use of an open deck located on the development's parcel and is outside of the shoreline, but within the shoreline setback, see Certified Shoreline Survey. This 1960s deck-lanai and its support wall (constructed prior to July 16, 1967) is called out in County of Hawai'i Records and in County of Hawai'i Planning documents dated October 3, 2005, see attached. This neighboring parcel also has some completed and open permits relating to improvements per the County of Hawai'i website, and County of Hawai'i SMA application SAA 06-000152.

The proposed development renovation and second story addition is consistent with the current use of the existing development and surrounding area, and its design will have minimal impact if any on the area involved or surrounding area from neighbors and/or passersby. The proposed developments use will remain as it has been, a single family residential use, zoned RS-15. The proposed development has the same look and feel of the existing surrounding dwelling and it will enhance and complement the existing land use. See attached elevations. The proposed development's building height of 31'0" is less than the County of Hawai'i allowable of 35'0". The design of the proposed second story addition minimizes the view plane impacts from neighbors and/or passersby.

The proposed renovation will have no impact on the recreational resources in the area. There are no recreational resources associated with the property itself. Kahalu'u Bay Park is located just south of the property has its own parking and will not be impacted by construction activity. The construction, demolition, protection (site and shoreline), and the waste management policies and mitigation measures as outlined will not impact Kahalu'u Bay. The proposed development does not encroach on the portion of the parcel that is east of the seawall and shoreline, and therefore will not impact the neighboring recreational resources.

The Applicants have been informed of the rights of the public to utilize these areas west of the existing seawall and shoreline and the cultural and subsistence importance of these practices. The second floor addition over the existing dwelling's footprint was chosen to avoid disturbance to native shoreline and shoreline recreation activities.

Figure 1: Project Location Map

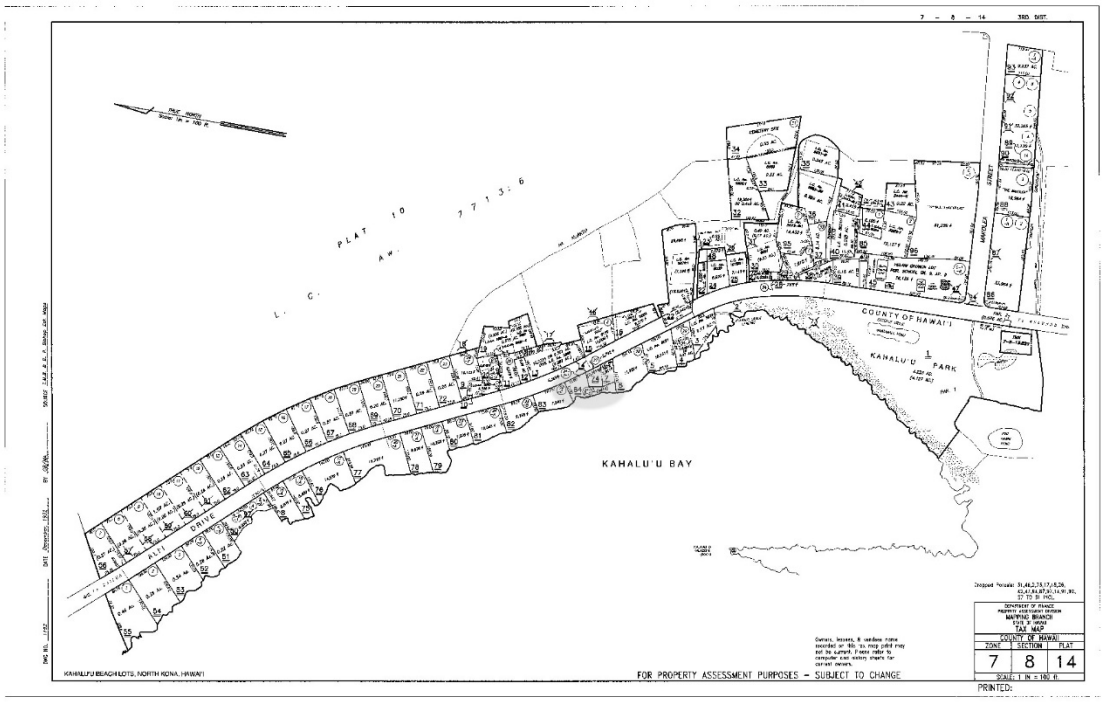

Figure 2: Site Plan

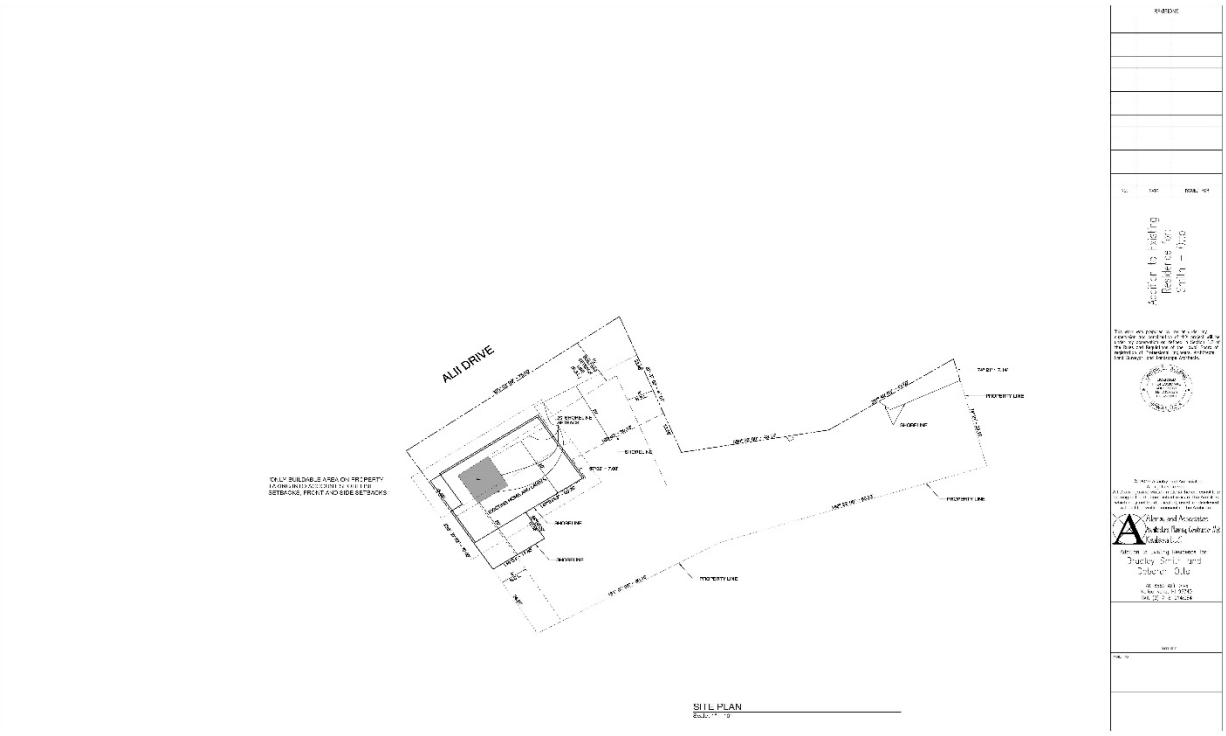

Figure 3: Ariel View Ali'i Drive & Ocean

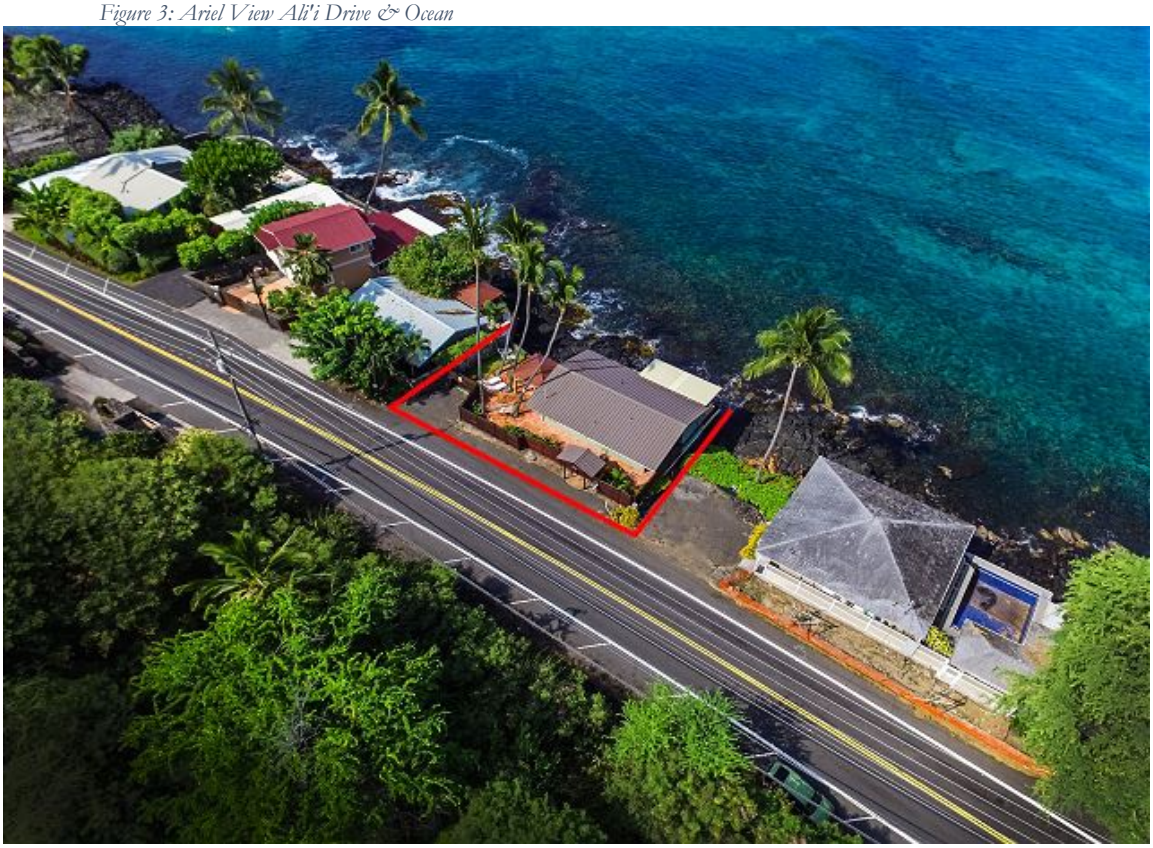

Figure 4: Ariel View from Ocean

Figure 5: Side View

Figure 6: Street View

Figure 7: Patio

Figure 8: Seawall

1.2 Environmental Assessment Process

This Environmental Assessment (EA) process is being conducted per the County of Hawaii Planning Department's request as the County does not consider the proposed project exempt from HRS 343 and has requested an EA for their review. Therefore, we are voluntarily submitting this document. This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai'i Administrative Rules (HAR), is the basis for the environmental impact assessment process in the State of Hawai'i.

According to HRS 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria.

Part 4 on page 45 of this document states the anticipated finding that no significant impacts are expected to occur, based on the preliminary findings for each criterion made by the consultant in consultation with the County of Hawai'i Planning Department, the approving agency. If, after considering comments to the Draft EA, County of Hawai'i Planning Department concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to proceed with other necessary permits. If the agency concludes that significant impacts are expected to occur as a result of the proposed action, then a final EA will be prepared.

1.3 Public Involvement and Agency Coordination

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

County:

Leeward Planning Commission

Rebecca Villegas, County Council, District 7 Council Member
Planning Department
Department of Public Works, Engineering and Building Divisions
Mayor's Office
Department of Parks and Recreation
Leeward Planning Commission
Fire Department
Police Department

State:

Office of Planning
Office of Environmental Quality Control
Department of Health, Environmental Planning Office
Department of Land and Natural Resources (DLNR):

- Office of Conservation and Coastal Lands
- State Historic Preservation Division
- Division of Boating and Ocean Recreation

Office of Hawaiian Affairs – West Hawaii
Kailua-Kona Public Library

Federal:

United States Army Corps of Engineers

Private:

Historic Hawaii Foundation
Kona Hawaiian Civic Club
Kona Outdoor Circle
Surfrider Foundation

Adjacent Property Owners (to be notified for Shoreline Setback Variance only)

Copies of the communications received during early consultation are contained in Appendix 2 following page 50. Comments to the Draft EA and responses to these comments are also contained in Appendix 2. Specific portions of the Final EA will be modified to reflect comments received; amended or modified text is denoted by double underlines, as in these sentences.

Copies of communications received during early consultation are contained in APPENDIX 12: Consulting following page 60.

PART 2: ALTERNATIVES

2.1 Proposed Project, Alternative House Sites and Alternative Uses

The proposed project and its location are described in Section 1.1 Project Description and Location on page 8 and illustrated in the Figures starting on page 11.

The parcel or lot is 2,582 square feet that is within the shoreline area located on Ali'i Drive in Kaiula-Kona within the Kahalu'u Historic District, County of Hawaii close to Kahalu'u Bay Park. The existing dwelling was permitted, reference permit no. 25914 and residential appraisal card on file, and is "legal non-conforming" single family residence. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcel's current zoning. The surrounding parcels are zoned RS-15 or V and is consistent with the proposed use.

The lot does not facilitate or allow for the construction by either adding on to the sides or front of the existing dwelling without impacting the lot, neighboring lots, and the shoreline more than it already does. Therefore, it was determined that building up on the current footprint was the only feasible way to proceed.

The proposed renovation second floor addition structural system and proposed structural enhancements to the existing dwelling shall be done from the inside of the dwelling to limit potential impacts. The new proposed structural shear walls, additional foundation requirements, and structural enhancements shall be done from the inside of the building. As well as the removal of some of the existing first floor interior walls. As the proposed second floor elevation will be 18' (BFE) and constructed directly over the existing dwelling, construction related work will be within the existing dwelling footprint or envelope.

The existing dwelling is located within the 8'0" side yard setback and within the 20'0" shoreline setback, approximately 6 to 8 feet above shoreline (at the existing seawall). The project would utilize the existing cleared and landscaped area and would not intrude into these undisturbed areas beyond the seawall or shoreline. The buildable section of the lot between the shoreline and Ali'i Drive was cleared many decades ago and planted with palms, ti plants, shrubs, vegetated with ornamental plants, and are not indigenous or native plants while avoiding the actual shoreline area and its resources and hazards.

There are no other locations on the property that could serve as the site for a residence given the size of the lot, setbacks, and buildable area. Construction of the proposed remodel and second floor addition over the existing dwelling's footprint takes advantage of the site by using existing structure, views, and breezes with limited impact to the lot. There is no known environmental or other reason for seriously considering other sites on the property. No other alternative uses for the property such as farming or commercial tourism uses are currently allowed by the County of Hawaii without requesting a zoning change, nor it is desired by the Applicants, and thus none are addressed in this EA (see APPENDIX 4: Architectural Plans (Site Plan) on page 52.)

2.2 No Action

Under the No Action Alternative, the remodel would not be built. Brad, Deborah, Carol, and Chantilly would need to make alternative housing arrangements that would have a financial impact and life care for Carol, the aging mother. This would likely cause emotional and physical hardships on the family.

The lot would remain as an aging single-bedroom, one-bath single family residence. The proposed development of the second floor addition and renovation is requested to accommodate their family. The existing 1960s residence and its aging cesspool would remain.

The property would become a full-time vacation rental.

This EA considers the No Action Alternative as the baseline by which to compare environmental effects from the project.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

The 2,582 square feet property is located between the Ali'i Drive and the shoreline. The lot is partially located within the shoreline area located on Ali'i Drive in Kaiula-Kona within the Kahalu'u Historic District, County of Hawaii close to Kahalu'u Bay Park.

The surrounding area is a mix of residential, resort-hotel, vacation rental, and recreation uses including several single- and two-story homes and two-story condominium resort-hotels. The development's parcel is directly north and in very close proximity to Kahalu'u Bay Park. There is current construction and proposed development in the surrounding area.

The surrounding parcels are zoned Single Family Dwelling (RS-15) or Resort-Hotel (V) that is consistent with the proposed use. The surrounding area has both single- and two-story dwellings located on the shoreline. There is currently an open undeveloped lot directly across Ali'i Drive from the development's dwelling, and a two-story resort-hotel multi-unit complex across Ali'i Drive slightly further south facing the southern adjourning neighbors' parcels. The development's parcel abuts Ali'i Drive, a main thoroughfare, with currently allowable legal off-street parking located on the side shoulder off the road and traffic right-of-way adjacent to this property.

The development's parcel is a flag shaped parcel; the buildable portion is located along the coastline to the west, and Ali'i Drive to the east. There are two parcels to the south that abuts this section, TMK 7-8-014-074 zoned RS-15 is a single story dwelling and TMK 7-8-014-007 zoned V-1.25 is a 2 story resort-hotel.

The shoreline in this area is neatly defined by the edge of a manmade stone seawall constructed in the 1960's. The top of the seawall is 6 to 8 feet above the shoreline sea level. The ground mauka is flat and was graded previously to accommodate the existing one-bedroom single family dwelling and side yard patio. The side yard patio was cleared many decades ago and planted with palms, tis, shrubs, vegetated with ornamental plants, and are not indigenous or native plants while avoiding the actual shoreline area.

3.1 Physical Environment

3.1.1 Climate, Geology, Soils and Geologic Hazards

Environmental Setting

The property is located on the flank of Hualalai in the District of North Kona – Kailua-Kona within the Kahalu'u Historic District on Ali'i Drive close to Kahalu'u Bay Park.

This area receives an average of about 33 inches of rain annually, with a mean annual air temperature of approximately 74 degrees Fahrenheit (Hawai'i, University of, 1998; University of Hawaii, 2014; Giambelluca, 2014).

The property is located in Lava zone 4 (Hualalai 4). This area includes all of Hualalai, where the frequency of eruptions is lower than that for Kilauea or Mauna Loa. The age of this flow was estimated at between 400 and 750 years (Moore, 1991).

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the U.S. Geological Survey in this area of Kailua-Kona and the Kahalu'u Bay Park is Zone 4 on a scale of ascending risk from 9 to 1. The relatively low hazard risk is because Hualalai is not currently active an volcano like Kilauea. Zone 4 includes areas all of Hualalai, where the frequency of eruptions is lower than that for Kilauea or Mauna Loa. Lava coverage is proportionally smaller, about 5%

since 1800, and less than 15% within the past 750 years; there is an insubstantial risk of lava inundation over a 50-year project span.

In terms of seismic risk, the entire Island of Hawai'i is rated Zone 4 Seismic Hazard (International Building Code, 2006). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built. The project site does not appear to be subject to subsidence, landslides, or other forms of mass wasting.

Soil in this area is pahoahoe lava flow (RLW) with the shallow layer (toping soil) of imported well drained soils consisting of organic material over fragmental pahoahoe lava substrata. The specific soil is cinder and cobbly with decomposed plant material. It has a soil subclass of VIIs that means it has limitations that make it unsuitable for cultivation and restrict its use to pasture, range, woodland or wildlife (U.S. Soil Conservation Service 1973), and is well suited for a single family dwelling side yard patio that will sustain palms, tis, shrubs, vegetated with ornamental plants.

The soil per the International Building code 2016 edition is classified as Site Class: "E" (Soft soil profile – per IBC 1613.5.5 and Table 1613.5.2), Ss: 1.920 (per IBC Figure 1613.5(10) – 0.2 Sec special response acceleration at 5% of critical damping), and S1: 0.880 (per IBC Figure 1613.5(10) – 1.0 Sec special response acceleration at 5% of critical damping) (International Building Code, 2006).

Impacts and Mitigation Measures:

In general, geologic conditions do not impose undue constraints on the proposed action, as much of the Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area have similar volcanic and seismic hazard and yet continue to be one of the fastest growing regions of the State. The Applicants understand that there are hazards associated with homes in this geologic setting, and has made the decision that a residence is not imprudent to construct or inhabit.

3.1.2 Flood Zones and Shoreline Setting

Floodplain Environmental Setting, Impacts and Mitigation Measures

Floodplain status for many areas of the island of Hawai'i has been determined by the Federal Emergency Management Agency (FEMA), which produces the National Flood Insurance Program's Flood Insurance Rate Maps (FIRM). The home building site is classified in Flood Zone VE, areas outside the mapped 500-year floodplain, with minimal tsunami inundation (see APPENDIX 6: Flood Zone Determination and Maps on page 54.) The floodplain is reconfirmed by DLNR per their January 4, 2018 letter (see APPENDIX 5: Shoreline Survey Map on page 53**.)**

Flood Zone Map

The development is located in Flood Zone VE, which is a Special Flood Hazard Area subject to inundation by the 1% annual chance flood and is a coastal flood zone with velocity hazard (wave action) with a base flood elevation of 18 feet. The property is also in a Tsunami Evacuation Zone.

The renovation will be located within the footprint of the existing residence, and within the 20'0" shoreline setback. The ocean front face of the existing residence is 5 to 6 inches back from the face of the existing and unaltered seawall, and 6 to 8 feet higher from the base of the seawall that marks the shoreline with no evidence of tsunami inundation. The elevation of the second floor will be above the base flood elevation of 18 feet. There is a 3 feet high concrete stem wall that surrounds the existing dwelling and abuts the existing seawall that is to be preserved; it serves as an added water barrier/dam and protection. The dwelling's existing structural walls are inset 5to 6 inches from the face of this concrete stem wall as well as the

seawall. The outside face of this stem wall is the outside face of the building footprint or envelope. The parcel is in the flood zone, and over 25 feet from the tidal breakwater and a hundred feet from open water. The new development would not be impacted other than mega-tsunami of the type that would inundate all of Kailua-Kona. The site is protected and has not been affected by high waves during recent tropical storms or hurricanes like Iselle or Madeline that hit the Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area coastline on August 8, 2014 and August 31, 2016 respectively. There was no damage to the house or other structures on the property, and no flooding or visible shoreline change or erosion. Previous owners have attested that there has been no water related damages to the property since at least 2003 (see APPENDIX 6: Flood Zone Determination and Maps on page 54.)

The development shall comply with County of Hawai'i Coastal Flood Zone with velocity hazard wave action of 18' (BFE). Since the home was constructed prior to 1982 (in 1962-63), the second floor addition's elevation will be located above this 18 feet elevation, and the value of the improvement for the second floor addition is less than 50% of the appraised total value, it is in compliance for building within the flood zone.

Certified Shoreline

The renovation will be located within the footprint of the existing residence, and within the 20'0" shoreline setback. The ocean front face of the existing residence in 5 to 6 inches back from the face of the existing and unaltered seawall and 6 to 8 feet higher from the base of the seawall that marks the shoreline with no evidence of alteration since its initial construction and appears to be structurally sound.. DLNR has stated that they defer the decision about using the 1988 Seawall to the County of Hawaii Planning Department. The County of Hawai'i Planning Department has accepted the 1988 Seawall (see APPENDIX 5: Shoreline Survey Map on page 53).

The County of Hawai'i Planning Department confirmed on February 15, 2018 that the June 18, 1988 certified shoreline remains valid (see APPENDIX 5: Shoreline Survey Map). Planning Director Yee, in part, stated: "we have determined that he 1988 certified shoreline survey is valid for purpose of establishing the shoreline setback and to proceed with the environmental assessment and shoreline setback variance process." This is consistent with Hawaii Administrative Rule 13-222-11(a).

The June 28, 1988, certified shoreline is fixed by an artificial structure which was either approved by government agencies or is a legal nonconforming use and for which there are engineering drawings to locate the interface between the shoreline and the artificial structure. The structure that fixes the shoreline remains intact and unaltered.

This Environmental Assessment (EA) process is being conducted per the County of Hawai'i Planning Department's request as the County does not consider the proposed project exempt from HRS 343 and has requested an EA for their review. Therefore, we are voluntarily submitting this document.

Pursuant to HRS § 343-5(a)(3), a proposed use of the shoreline area as defined by HRS § 205a-41 triggers an environmental assessment under HRS 343. However, pursuant to HRS § 343-6(a)(2), the Council is authorized to promulgate rules which would authorize certain classes of actions to be declared exempt from preparation of an environmental assessment. Based on this statutory authority, the Council promulgated Hawai'i Administrative Rule 11-200-8(a)(3)(A) which provides:

> **§11-200-8 <u>Exempt classes of action.</u>** (a) Chapter 343, HRS, states that a list of classes of actions shall be drawn up which, because they will probably have minimal or no significant effect on the environment, may be declared exempt by the proposing agency or approving agency from the preparation of an environmental assessment provided that agencies declaring an action exempt under this section shall obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption. Actions declared exempt from the preparation of an environmental assessment under this section are not exempt from complying with any other applicable statute or rule. The following list represents exempt classes of action:
>
> . . .
>
> (3) Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
>
> (A) Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units[.]

Coastal Erosion Issues: Background

Property near the shoreline is subject to natural coastal processes including erosion and accretion that can be affected by human actions such as removal of sand or shoreline hardening. Erosion may adversely affect not only a lot owner's improvements but also State land and waters, along with the recreational and ecosystem values they support. Development of shoreline properties also exposes residents and visitors to increased risk of hazardous high waves and tsunami.

As stated in a memo from DLNR-OCCL, the Atlas of Natural Hazards index for this parcel is the highest rating. This parcel is highly susceptible to coastal erosion. The subject parcel had been graded in the 1960's during the construction of the existing seawall and single family residence. All of the property mauka (east) of the existing seawall has been maintained and there is no evidence or erosion or impact from flooding from the original construction of the seawall and single family residence. See 3.1.2 Flood Zones and Shoreline Setting on page 21 and APPENDIX 6: Flood Zone Determination and Maps on page 54. The seawall has not been altered or modified since its original construction, and appears to be structurally sound. Furthermore, this property has not been impacted by coastal flooding since construction of the seawall and residence. See previous owners' affidavits in APPENDIX 6: Flood Zone Determination and Maps on page 54.

In the case of this property, the project does not involve any additional shoreline hardening or increased use of areas subject to beach processes. The existing footprint of the residence is within the 20' shoreline setback. Access to the home will remain the same and be from Ali'i Drive that the property abuts to the East.

The flood zone area is designated by the Flood Insurance Rate Map (FIRM); the flood elevation height is the same as the finish floor elevation of the existing residence. For added flood protection, the existing residence has 3'0" concrete stem walls around the perimeter of the building with the exception of doorways that provides a "dam" in case of flooding. The outside face of the seawall and stem wall is the outside face of the building footprint or envelope. It is proposed that removable flood protection dam boards be inserted into tracks to be installed at the doorways (openings in the stem wall) that will mitigate the potential for flooding of the existing first floor.

As discussed above, the proposed existing residence although in Flood Zone VE has not been affected by high surf or tsunamis including the latest tsunami of 2011, or for the recent hurricanes like Iselle in 2014 or Madeline in 2016, as attested to by the statements and affidavits (see APPENDIX 6: Flood Zone Determination and Maps on page 54.)

Coastal Erosion Analysis

The amendments to Title 13, Chapter 5, Hawai'i Administrative Rules, adopted at the DLNR meeting of August 12, 2011, specify the procedures for determining the shoreline setback. Exhibit 4 of the rules state:

"The shoreline setback line shall be established based on a setback distance from the certified shoreline of 40 feet plus 70 times the average annual coastal erosion rate, based on a coastal erosion study as defined in this chapter. No shoreline setback shall be established for any lot subject to this chapter unless the application for a shoreline setback line includes a shoreline survey certified by the department not more than 12 months prior to submission of the permit application. The shoreline setback line shall be based on the average lot depth (ALD) measured from the current shoreline. For lots with an ALD of two hundred feet or less, the shoreline setback line shall be established based on the ALD of the lot, as provided in Table 1, or based on 40 feet plus 70 times the annual erosion rate. The applicant may choose the lesser of the two methods, but in no case shall the shoreline setback line be calculated to be less than 40 feet. The department may waive the requirement for coastal erosion study based on supportive documentation from the applicant. Such documentation may include, but is not limited to, county or State approved coastal erosion rate data provided through the University of Hawaii, School of Ocean, Earth Science, and Technology, or evidence that the erosion rate is zero."

As discussed above, the parcel abuts the shoreline and ocean on the western face of its property and is +/- 140'0" long and +/- 30'0" wide swath of the applicant's property (flag pole section). The balance of their property located west of the shoreline is +/- 50 feet wide by 75 feet where the existing residence and side yard is located (flag section).

The current parcel with its existing seawall, that is 6'0" to 8'0" in height that abuts the shoreline along with the is rocky tidal area and rocky tidal point that serves as a "breakwater" to Kahalu'u Bay, is located in the flag post section of the development's parcel provides as natural protection for this parcel. Furthermore, the proposed development does not encroach on the portion of the parcel that is west of the seawall or shoreline. This area shall remain undisturbed and unhampered by the activities and use of the proposed development and remain as a tidal area. The anticipated average tide level of +1.4 feet, estimated swells with a 3-feet height, and a 9-second period would not impact the existing built portion of the Applicant's property because of the protection provided by the existing seawall. Furthermore, the new development shall comply with the County of Hawai'i flood zone requirements.

The entire mauka side of Ali'i Drive for Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area coastline is characterized by modest rocky cliff slopes bounded by beaches or shallow offshore tidal areas and

steep submarine slopes. The tidal breakwater area and the beaches located adjacent to the Applicant's property combined with the existing rock seawall play an important role in protecting the Applicant's property from erosion absorbing the lateral impact forces of incoming waves.

The lava flows that underlie the project site are dense pahoehoe. The pahoehoe flow is thick here, potentially a minimum of 8 to 12 feet, as evidenced by exposures in adjacent cliffs along Ali'i Drive, and well weathered by wave action. This area was highly susceptible to erosion by storm waves prior to the construction of the rock seawall that abuts the shoreline. Lower submerged portions of the flow potentially consist of durable "blue rock" that is highly resistant to erosion, and protect against erosion by normal sea waves and surf.

Stereographic inspection of photographs taken in the 1960's and comparison with recent Google Earth views revealed no measureable changes in the position of rocky shorelines fronting this property during this 55-year period subject to scale limitations, poor resolution and internal distortion of the analog photographs, and uncertainties of shoreline location (due to differing surf; see APPENDIX 5: Shoreline Survey Map on page 53.)

Effects of Subsidence and Sea Level Rise on Shoreline

Although a scenario of modest sea level rise would likely not substantially affect the integrity or use of the proposed residence, substantially larger increases, particularly in a case of sudden onset, could perhaps eventually affect it. If so, this residence would be among thousands, or perhaps tens of thousands, to be affected in what would be the largest disaster to affect the Hawaiian Islands since human settlement. As sea level rise is gradual, there would probably be an opportunity for the owner to consider relocating or scrapping the structure for re-use of its valuable materials should sea level rise sufficiently to endanger the structure.

Concerning the 2018 Hawaii Sea Level Rise and Adaption report, the development already mitigates concerns by being in compliance with ordinances adapted by the County of Hawai'i flood zone requirements.

3.1.3 Water Quality

The work associated with the proposed development including demolition, renovation of the first floor, and the construction of the second floor is limited and shall occur within the existing footprint of the dwelling, outside of the shoreline, but within the shoreline setback, and within the dwelling and behind barricades & environmental protection. No water features such as streams, springs, or anticline ponds are found on or near the property.

The integrated protection, demolition, waste management plan and construction shall require that silt fences and barricades be installed along the shoreline atop of the seawall, and around the dwelling. Along with other demolition and construction mitigation measures including but not limited to inlet protection, existing tree protection, concrete washout mitigation measures, silt/dust fencing, the use of straw erosion control rolls, gravel bags & street flow protection lines, and a designated construction entrance.

There will be no grubbing or grading associated with the second story addition or renovation or disturbance/alteration to the existing seawalls. No land clearing would occur on property. The lot was cleared and developed in the 1960's when the existing home was built. Therefore, a County grading permit not will be required.

The Applicants' engineer will determine whether the area of disturbance is sufficiently large to require a National Pollutant Discharge Elimination System (NPDES) permit that is not anticipated given the limited scope.

The Applicants will ensure that their Contractor shall perform all earthwork and grading in conformance with:

- "Storm Drainage Standards," County of Hawai'i, October, 1970, and as revised
- Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawai'i County Code
- Applicable standards and regulations of the Federal Emergency Management Agency (FEMA)
- Applicable standards and regulations of Chapter 10, "Erosion and Sedimentation Control," of the Hawai'i County Code
- Conditions of an NPDES permit, if required
- Any additional best management practices required by the Board of Land and Natural Resources

In addition, as part of construction, the Applicants will require that the construction contractor implement the following practices:

- The total amount of land disturbance will be minimized. The construction contractor will be limited to the delineated construction work areas within the lot.
- The contractor will not allow any sediment to leave the site, particularly towards the ocean.
- Construction activities with the potential to produce polluted runoff will not be allowed during unusually heavy rains or storm conditions that might generate storm water runoff.
- Cleared areas will be replanted or otherwise stabilized as soon as possible.

The general area already supports multiple homes and is utilized by residents, property owners, and public; there are no reported water quality problems from these uses. Upon their completion, this home will not be expected to contribute to sedimentation, erosion, and pollution of coastal waters.

The characterization of wastewater from a one single-family residence as "large scale" substantially overstates the impact of the replacement of an existing single-family residence on the lot. The Applicants will construct an individual wastewater system (IWS) in conformance with DOH requirements that exceeds the current level of treatment on the property and will represent a net benefit to water quality. The existing "legal non-conforming" cesspool is proposed to be decommissioned and filled with rocks and be a rain water seepage pit, where the roof downspouts will be ducted to. This will also enhance and reduce potential erosion issues relating to roof rain runoff. A new aerobic treatment system (or ATS) is to be installed in the existing driveway-parking area adjacent to Ali'i Drive outside of the shoreline setback. As cesspools have the potential of effluent contamination, given the location of the existing cesspool to the shoreline and the water table, this new proposed ATS will vastly improve the potential of effluent contamination as an aerobic system produces a higher quality effluent than cesspool or traditional septic systems. A typical ATS will produce an effluent with less than 30 mg/liter BOD5, 25 mg/L TSS, and 10,000 cfu/mL fecal coliform bacteria. This is clean enough that it cannot support a biomat or "slime" layer like a septic tank.

Furthermore, there are dozens of existing homes densely located along this coastline, and there is no indication of compromised water quality. The proposed renovation of the home would not contribute to sedimentation, erosion, and pollution of coastal waters.

3.1.4 Flora and Fauna

Environmental Setting: Flora

Prior to human settlement of Hawai'i, the natural vegetation of this part of this part of Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area shoreline was mostly urban with clustered vegetation. This vegetation plot was dominated by naupaka (*Scaevola taccada*), hala (*Pandanus tectorius*), 'ōhi'a (*Metrosideros polymorpha*), nanea (*Vigna marina*) and various sedges and coastal herbs (Gagne, 1990). The site was systematically inspected for plants by Zea Levine and Krista Olson (see APPENDIX 10: Environmental Assessment (Flora and Fauna) on page 58.) Special attention was paid in these surveys and subsequent field visits by the author of this EA to the look for the presence of endangered species known to grow in the general area.

As discussed above, much of the lot was cleared many decades ago, followed by construction of a residence and planting of ornamental palms and plants. There is a moderate side yard on the south side of the dwelling with several palm trees, ti plants, ground cover, a concrete paved/tiled deck, and fire pit area. The front yard is paved with tiles and there is a narrow planter adjacent to a fence and entry trellis. The wood fence is set back from Ali'i Drive to allow for off street parallel parking. There is also a fenced alcove driveway-parking area adjacent to Ali'i Drive marked as "restricted parking" for this parcel's lot use. The fencing and entry trellis is located outside of the shoreline setback. The buildable area of the property west of the seawall and the shoreline and ocean is property is +/- 50 feet wide by 75 feet long (~3,750 square feet) where the existing residence and small side yard is located (the flag section). Nearly all the flora is non-native. The balance of this property is located west of the seawall and abuts the shoreline and ocean. The +/- 140 feet long and +/- 30 feet wide swath of the applicant's property (flag pole section) is a tidal area and will not be disturbed as discussed above. No Ischaemum byrone or any other rare, threatened or endangered plant species was found on or near the property. A list of all species detected on the property itself is found below.

Environmental Setting: Fauna

During site visits, we observed Common Myna (*Acridotheres tristis*), Northern Cardinal (*Cardinalis cardinalis*), Spotted Dove (*Streptopelia chinensis*), Japanese White-eye (*Zosterops japonicus*), and House Finch (*Carpodacus mexicanus*). No native birds were identified, and it is unlikely that many native forest birds would be expected to use the project site due to its low elevation, alien vegetation, and lack of adequate forest resources. It is likely that the Hawai'i 'Amakihi (*Hemignathus virens*) are sometimes present, as some populations of this native honeycreeper appear to have adapted to the mosquito borne diseases of the Hawaiian lowlands, though none were noted to be present or observed. Common shorebirds, such as Golden Plover (*Pluvialis fulva*), Ruddy Turnstone (*Arenaria interpres*), and Wandering Tattler (*Heteroscelus incanus*), are often seen on the Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area coastline feeding on shoreline resources. These were not observed during our site visits but undoubtedly occasionally visit, despite the minimal habitat offer by the moderate to minor cliffy coast. They would be unlikely to make much use of the property itself, which is minimally ornamental landscaped and offers no habitat for them. The seabird Black Noddy (*Anous minutus melanogenys*) was not observed flying near the property or over the nearshore waters, as it frequently does in clifted coasts of the main Hawaiian Islands. It nests in crevices and caves in lava (especially pahoehoe) seacliffs; Black Noddy nests were not observed on the property.

Plant and Animal Species Observed

***Scientific Name* Family Common Name**

Ahnfeltiopsis coccina Phyllophora Limu lko'ele'ele
Alpinia purpurata Zingiberaceae Red Ginger
Areca catechu Arecaceae areca palm
Asystasia gangetica Acanthaceae Chinese violet
Brachidontes crebristriatus Mytilidae Hawaiian Mussel
Catharanthus roseus Apocynaceae Madagascar periwinkle
Chelonia mydas Cheloniidae Green sea turtle
Chlorophytum comosum Asparagaceae spider plant
Cocos nucifera Arecaceae Coconut
Codiaeum variegatum Euphorbiaceae Garden Croton
Colobocentrotus atratus Echinometra Helmet Urchin
Grapsus tenuicrustatus Grapsidae Black Crab
Heliconia densiflora Psittacorum Fire Flash
Hymenocallis littoralis Amaryllidaceae Beach Spider Lily
Jasminum sambac Oleaceae Arabian jasmine
Lantana montevidensis Verbenaceae Weeping Lantana
Leucaena leucocephala Fabaceae White Leadtree
Littorina littorea Littorinidae Periwinkle
Lonicera Caprifoliaceae Honeysuckle
Nerita picea Neritidae Sea Snail
Oxalis corniculata Oxalidaceae Creeping Woodsorrel
Pennisetum clandestinum Poaceae Kikuyu grass
Phymatosorus scolopendria Polypodiaceae monarch fern
Plumeria rubra Apocynaceae Plumeria
Portulaca oleracea Portulacaceae pigweed
Stephanotis floribunda Apocynaceae Madagascar jasmine

As with all of West Hawai'i, several endangered native terrestrial vertebrates may be present in the general area and may overfly, roost, nest, or utilize resources of the property. These include the endangered Hawaiian Hawk (*Buteo solitarius*), the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered Hawaiian Petrel (*Pterodroma sandwichensis*), and the threatened Newell's Shearwater (*Puffinus newelli*). It is noted that the Hawaiian hoary bats may be sensitive to disturbance or from activities that disturb or remove the vegetation between June 1 and September 1. Hawaiian Hawks nest between the months of March through October, when hawk nestlings will have fledged. The Applicants will conduct a pre-construction hawk search by a qualified ornithologist using standard methods prior to onset of any construction. This lot was cleared and graded in the 1960's. No grubbing or grading or the removal of vegetation or landscaping is required for the renovation of the existing single family residence. Furthermore, the renovation is limited to be within the footprint of the existing residence. No impacts are anticipated to any endangered species discussed above.

Other mammals in the project area are all introduced species including feral cats (*Felis catus*), feral pigs (*Sus scrofa*), small Indian mongooses (*Herpestes a. auropunctatus*), and various species of rats (*Rattus* spp.). None are of conservation concern and all are deleterious to native flora and fauna.

The coastal and marine fauna and flora observed are typical of the coastal areas of Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area. This young ecosystem has limited coral growth but has a variety of algae, fish, and invertebrates. Marine mammals and reptiles, some of them endangered, visit the coastal waters of Kahalu'u Bay Park.

Impacts and Mitigation Measures

Because of the minor nature of the project and the lack of sensitive terrestrial ecosystems and threatened or endangered plant species, renovation and use of the single-family residence are not likely to cause adverse biological impacts. The precautions for preventing effects to water quality during construction listed above in Sections 3.1.1 and 3.1.6 will reduce adverse impact on aquatic biological resources in coastal waters to negligible levels.

It is extremely unlikely that any disturbance to any endangered regional terrestrial vertebrates, Hawaiian Hoary Bats, or Hawaiian Hawks would occur given that the lot was originally graded in the 1960's, the limited nature of the proposed renovation, and no grubbing or grading. Finally, the Applicants will shield any exterior lighting from shining upward, in conformance with Hawai'i County Code § 14 – 50 et seq., to minimize the potential disorientation of seabirds.

3.1.5 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air quality in the area is generally excellent despite been adjacent to Ali'i Drive which is a major road, the extensive degree of human activity mainly car and pedestrian traffic, and recreation use of Kahalu'u Bay Park. The costal nature or Kahalu'u Bay Park area combined with Kailua-Kona trade winds also provides excellent air quality. Until recently, vog, sulfur dioxide, and articulate matter from Kilauea volcano was occasionally blown into this part of Kailua-Kona Ali'i Drive.

Noise on the site is moderate, and is derived from natural sources (such as surf and wind) due to the very coastal nature of the area, and from traffic noise from Ai'i Drive.

The area shares the quality of scenic beauty along with most of the Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area coastline. The County of Hawai'i General Plan contains Goals, Policies and Standards intended to preserve areas of natural beauty and scenic vistas from encroachment. The General Plan discusses beaches and tidal ponds as noted features of natural beauty in Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area but among specific examples of natural beauty, features or views of Kahalu'u Bay are not mentioned.

The proposed renovation will not impact public views of the shoreline since the second story addition is located on top of the existing dwelling's footprint. The proposed developments building height of 31'0", is less than the County of Hawai'i allowable of 35'0", with the second floor elevation at 18" (BFE). The design of the proposed second story addition minimizes the view plane impacts from neighbors and passersby. The existing fence's design has a top open lattice at eye level (at street level) and landscaped with several palm trees, ti plants, and shrubs that is planned to be maintained. The existing fence and landscape does currently obscure view of the shoreline from Ali'i Drive at street level, but the fence's open lattice section at eye level is open and allows for a shoreline view. The views onto this parcel from Kahalu'u Bay or the ocean are not impaired or impacted by the proposed development. Furthermore, there are no neighbors directly across from this dwelling on Ali'i Drive; this parcel is currently an open lot and undeveloped (reference TMK 7-8-014-013 zoned V). This adjourning lot is also elevated well above the development's parcel and Ali'i Drive by +/-5'0", and when developed should not be impacted. The existing rock seawall

that the dwelling abuts blends in with the tidal area. With the view plane from the ocean, a natural look provides privacy directly adjacent to the Applicant's property.

Impacts and Mitigation Measures

The project would not affect air quality or noise levels in any substantial ways. Brief and minor adverse effects would occur during construction. Given the small scale of the project, noise mitigation will likely not be necessary.

The project would not affect scenic resources, because the proposed renovation and second floor addition is to be located on the footprint of the existing residence, while maintaining the existing seawall, open lattice fencing, and landscaping. The construction and occupation of the single-family home would have virtually no visual impacts.

3.1.6 Hazardous Substances, Toxic Waste and Hazardous Conditions

Based on onsite inspection and the lack of any known former and current uses on the property, it appears that the site contains no hazardous or toxic substances and exhibits no other hazardous conditions. In addition to the measures related to water quality detailed in Section 3.1.3, to ensure to minimize the possibility for spills of hazardous materials, the Applicants propose the following conditions of the CDUP:

- Unused materials will be removed and disposed of at an authorized waste disposal site.
- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the Contractor will adhere to "Good Housekeeping" for all appropriate substances, with the following instructions:
    - Onsite storage of the minimum practical quantity of hazardous materials necessary to complete the job;
    - Fuel storage and use will be monitored to prevent leaks, spills or fires;
    - Products will be kept in their original containers unless unreasonable, and original labels and safety data will be retained;
    - Disposal of surplus will follow manufacturers' recommendation and adhere to all regulations;
    - Manufacturers' instructions for proper use and disposal will be strictly followed;
    - Regular inspection by Contractor to ensure proper use and disposal;
    - Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance to minimize leakage;
    - Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides, and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean;
    - All spills will be cleaned up immediately upon discovery, using proper materials that will be properly disposed of;
    - Regardless of size, spills or toxic or hazardous materials will be reported to the appropriate government agency;
    - Should spills occur, the spill prevention plan will be adjusted to include measures to prevent spills from re-occurring and clean-up procedures modified as necessary.

3.2 Socioeconomic and Cultural

3.2.1 Land Use, Socioeconomic Characteristics and Recreation

Existing Environment:

Because of the gradual occupation of lots developed during widespread land subdivision about sixty years ago, the Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area has been one of the Big Island's fastest-growing areas over the last thirty years. Population as measured in the 2010 U.S. Census was 45,326, a 66 percent increase over the 2000 count of 27,232 (U.S. Dept. of Commerce, 2011).

Despite a density and close proximately of homes to each other along Ali'i Drive, there is a lack of basic infrastructure like a waste water sewer system in most subdivisions and this Applicants' property. These relatively expensive lots which typically range in size from 0.06 to 0.25 acres, have attracted residents from the U.S. mainland and other parts of the State of Hawai'i seeking beach/ocean resort, vacation, and retirement property.

The basis of the economy of Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area is single family residences, resort-hotels, and condominiums, all of which are relatively dense in nature with minimal setback catering to vacationers, single families, or retirees seeking a beach/ocean setting and lifestyle. Some of Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area subdivisions, especially the north are essentially bedroom communities for Kailua-Kona workforce or for vacation accommodations. The Kahalu'u Bay Park area is a very popular snorkeling and surfing destination for tourists and residents as evidenced by the heavy flow of traffic along Ali'i Drive all day.

The property is currently a one-story single family dwelling with an aesthetic appearance of a small 1960's Ali'i Drive beach house that abuts the north property line. The parcel is flag shaped, with the flag facing the shoreline and Kahalu'u Bay. There is a rock faced 6'0' to 8'0" high seawall at the shoreline. The dwelling and open south side yard patio abuts this seawall as well, the flag section. The current open lanai overlooks and is adjacent to a rocky tidal point that serves as a breakwater to Kahalu'u Bay; this is where surfers typically cognate off-shore waiting for waves.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback, the 15'0" front yard setback, and within the 20'0" "non-confirming" shoreline setback. The existing dwelling seawall abuts and is located outside of the shoreline. The proposed development and facility use shall be maintained (unchanged) and is consistent and compatible with the current land use. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcels current zoning. The surrounding parcels are zoned RS-15 or V also consistent with the proposed use.

Like all other areas in Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area, there is a high demand for coastal recreation. Despite the long coastline, there are few sandy beaches along Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area and in most locations, ocean recreation consists primarily of fishing from Ali'i Drive road shoulders or open lots, and enjoying limited bathing in tide pools, or surfing. Maps of public accesses provided by the County of Hawai'i do indicate nearby official mauka-makai shoreline public accesses from Ali'i Drive (http://www.hawaiicounty.gov/pl-shoreline-access-big-island). However, there are informal access trails directly north and adjacent to the Applicants' property via a currently open area in the neighbor's lot, and to the south close to Kuemanu Heiau and St. Peter's Catholic Church on the shoreline, where surfers, tide pool bathers/explorers, fisherman, and opihi pickers access the shoreline. In doing so they often traverse a crude path running along their northern property line and along the seawall on the Applicants' property and the State property that lies makai of the western part.

Impacts and Mitigation Measures

No adverse socioeconomic impacts are expected to result from the project. The project will have a very small positive economic impact for the County of Hawaiʻi. The residence and associated improvements will not adversely affect recreation as access along the shoreline will not be affected. The proposed residential use will not interfere in any way with this continuing use. The Applicants have been informed of the rights of the public to utilize these areas and the cultural and subsistence importance of these practices, and expects to ensure continued public access along the seawall.

3.2.2 Cultural and Historic Resources

No historic areas are known on the property. As such, no historic area will not be affected during the construction of the proposed development, renovation, and second story addition, or by the construction access to this parcel, and the designated construction site/area.

The subject parcel had been graded and landscaped many years ago. The County of Hawaii Records indicate that this parcel was developed in the early 1960's. There is no ground work grubbing or grading associated with the proposed improvements. If any historical sites are encountered, work will stop and the Applicants will contact the State Historic Preservation Division and will not proceed until appropriate mitigation measures are in place.

Historical and Cultural Background

The first inhabitants of Hawaiʻi were believed to be settlers who had undertaken difficult voyages across the open ocean. For many years, researchers have proposed that early Polynesian settlement voyages between Kahiki (the ancestral homelands of the Hawaiian gods and people) and Hawaiʻi were underway by A. D. 300, although recent work suggests that Polynesians may not have arrived in Hawaiʻi until at least A. D. 1000 (Kirch, 2012).

The initial inhabitants of Hawaiʻi are believed to have come from the southern Marquesas Islands and settled initially on the windward side, eventually expanding to leeward areas. Early Hawaiian farmers developed new strategies and tools for their new environment (Kirch, 2012; Pogue, 1858). Societal order was maintained by their traditional philosophies and by the conical clan principle of genealogical seniority (Kirch, 2012). Universal Polynesian customs brought from their homeland included the observance of major gods Kane, Ku, and Lono; the kapu system of law and order; cities of refuge, various superstitions, and the concepts of mana and the ʻaumakua (Fornander, 1969).

The Development Period, believed under Kirch's new concept to have occurred from A. D. 1100 to 1350, brought an evolution of traditional tools, including a variation of the adze (koʻi), and some new Hawaiian inventions such as the two-piece fishhook and the octopus-lure breadloaf sinker. That was followed by the Expansion Period (A. D. 1350 to 1650) which saw greater social stratification, intensive land modification, and population growth. This period was also the setting for the second major migration to Hawaiʻi, this time from Tahiti. Also established during this period was the ahupuaʻa, a land-use concept that incorporated all of the eco-zones from the mountains to the shore and beyond. The usually wedge-shaped ahupuaʻa provided a diverse subsistence resource base (Hommon, 1986) and added another component to what was already becoming a well-stratified society (Kirch, 2012). Ahupuaʻa were ruled by aliʻi ʻai ahupuaʻa or lesser chiefs and managed by a konohiki. Aliʻi and makaʻainana, or commoners, were not confined to the boundaries of ahupuaʻa as resources were shared when a need was identified. Ahupuaʻa were further divided into smaller sections such as ʻili, moʻoʻaina, paukuʻaina, kihapai, koele, hakuone and kuakua. The chiefs of these land units have their allegiance to a territorial chief or moʻi (literally translated as king) (Hommon, 1986).

As population grew during the following centuries so did the reach of inland cultivation in the upland environmental zones and consequent political and social stresses. During the Proto-Historic Period (A. D. 1650-1795), wars reflective of a complex and competitive social environment are evidenced by heiau building. During this period, sometime during the reign of Kalaniopuʻu (A. D. 1736-1758), Kamehameha I was born in North Kohala.

Traditional life in Hawaiʻi took a sharp turn on January 18, 1778 with the arrival of British Captain James Cook in the islands. On a return trip to Hawaiʻi ten months later, Kamehameha visited Cook aboard his ship, the Resolution, off the east coast of Maui and helped Cook navigate his way to Hawaiʻi Island. Cook exchanged gifts with Kalaniopuʻu at Kealakekua Bay the following January, and Cook left Hawaiʻi in February. However, Cook's ship then sustained damage to a mast in a severe storm off Kohala and returned to Kealakekua, setting the stage for his death on the shores of the bay.

During the Proto-Historic Period there was a continuation of the trend toward intensification of agriculture, aliʻi-controlled aquaculture, settling of upland areas and development of traditional oral history. The Ku cult, luakini heiau and the kapu system were at their peaks, but the influence of western civilization was being felt in the introduction of trade for profit and a market-system economy. By 1810, the sandalwood trade established by Europeans and Americans twenty years earlier was flourishing. That contributed to the breakdown of the traditional subsidence system, as farmers and fishermen were required to toil at logging, which resulted in food shortages and a decline in population. The rampant sandalwood trade resulted in the first Hawaiian national debt, as promissory notes and levies granted by American traders were enforced by American warships. The assimilation of western ways continued with the short-lived whaling industry to the production of sugarcane, which was more lucrative but carried a heavy environmental price.

Following the death of Kamehameha I in 1819, the customary relaxing of kapu took place. But with the introduction of Christianity shortly thereafter, his successor, Kamehameha II, renounced the traditional religion and ordered that heiau structures either be destroyed or left to deteriorate. The family worship of ʻaumakua images was allowed to continue.

The project site is located within Kahaluʻu ahupuaʻa (mountain-to-sea system), a land unit of the District of Kailua-Kona within the Kahalu'u Historic District Ali'i Drive and the Kahalu'u Bay Park area, one of six major districts on the island of Hawaiʻi. This area has been populated for about 500 years, and in the 18th and 19th centuries was an important royal residence. One major feature is Pa o ka menehune (that means literally "wall of the ancients"), a breakwater constructed in ancient Hawai'i that might have once enclosed the entire bay. Since construction of a heiau using the dry-stack masonry technique (uhau humu pohaku) was a major undertaking, it is unusual to find the concentration of about ten that were built on this bay.

The Kuʻemanu Heiau is on the north end of the bay. This was used by royalty to view surfing and as a residence. Nearby the Keawaiki canoe landing site is popular today with local surfers.

Two ancient fishponds called Waikuaʻala and Poʻo Hawaiʻi are still visible. Royal Governor John Adams Kuakini had a thatched roof house, and King David Kalākaua built a beach house in this area which has been reconstructed. South of the bay is Hāpaialiʻi Heiau, associated with astrological observation, built between 1411 and 1465 and restored in 2007. The Keʻeku Heiau was used for human sacrifice (luakini) and Kapuanoni Heiau were also built just south of the bay. Petroglyphs thought to depict the defeat of Kamalalawalu of Maui by Lonoikamakahiki can be viewed at low tide near the temples.

Directly across Aliʻi Drive from Kahalu'u bay are the stone ruins of the original Helani Church built in 1861 by Rev. John D. Paris. It was built on the ruins of the ʻOhiʻamukumuku Heiau. As the population

moved inland, a new Helani Church was constructed at a higher elevation still used by the congregation today.

On the grounds of a former Kahuna's house, a Catholic church officially called "Saint Peter's by the Sea" was built in 1880 on Laʻaloa bay, and then moved to its present location in 1912, run by the Saint Michael the Archangel Catholic Church Parish. It is commonly known as "the little blue church," and is used as a landmark for canoe races.

In 1970, the Keauhou Beach Hotel was built on the point South of the bay. The hotel was bought in 1987 for $13M by the Azabu Building Company, headed by Japanese businessman Kitaro Watanabe. Plans were to enlarge it and build a larger resort combined with the Kona Lagoon Hotel (built in 1975), and more facilities across the street, to be called the Azabu Kona Beach Resort. There was also a botanical park called Kona Gardens on the uphill (mauka) side of the street. However, the investors suffered financial problems in the 1990s. The other properties were abandoned, reverting to the holder of the lease in 1995, the investment arm of Kamehameha Schools, which eventually also bought the remaining hotel. In June 1996, three of the executives were arrested in Tokyo, suspected of concealing assets from creditors. In 1997, the hotel was sold again to Trinity Investments from Chicago. The 462-room Kona Lagoon Hotel, closed since 1988, had fallen into disrepair. Local people said the project was "cursed" because of all the sacred sites in the area, and it was torn down in 2004, with long-term plans to restore the historic sites. In 2012, Kamehameha Schools announced plans to close and eventually demolish the Keauhou Beach Hotel, and to build a cultural and educational complex on the site. The hotel closed in October 2012 and demolition has been clompleted.

The Kahalu'u Bay District was added to the National Register of Historic Places on December 27, 1974. The bay is still used today by surfers, with a surf school across the street from the ancient canoe landing. The area around the bay was added to the National Register of Historic Places in 1974 as historic district number 74000713 in 1974. The state registry lists it as site 10-37-4150. The south end of the bay became Kahaluʻu Beach County Park in 1953, a popular snorkeling spot, although the beach is rocky with some gray sand.

A constant through all these eras of history is that the well-developed Hawaiian traditions of fishing and collecting food from the ocean continue to be practiced. This orientation to the coast and the traditional practices developed in Hawaiʻi are still passed down generation to generation and persist today. Many fishermen catch pūhi to fish for ʻulua along the moderate and low cliffs of Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area. Whether they use a hand-line or rod and reel, they use knowledge and techniques of past fishermen to select fishing locations, proper bait, and technique. Fishermen throw net, fish by rod and reel, or spear fish at different locations along the shoreline to catch specific fish such as āholehole, ʻāweoweo, kala, kole, kūmū, manini, mamo, moana, and many other types of fish. Many people still fish with rod and along the shore on this coastline, including in front of the subject property, or fish by boat out of Pohoiki for akule, kaweleʻā, mahimahi, ono,ʻōpakapaka, and other species. In addition, the traditional collection of ʻōpihi, ʻaʻama, and limu along the rocky shoreline is still practiced. Traditional Hawaiian fishing practices, shoreline gathering practices, and ocean access are protected by State law.

The Beach County Park and the Kohala Center sponsors a program called ReefTeach to educate visitors about the preservation of the bay, and has produced some educational videos on the history of the area. An educational festival called the Ocean Fair is held here as part of the Kona Earth Festival, associated with Earth Day. Outrigger Keauhou Beach Resort, now closed, has two more Heiaus on this point that are being reconstructed. Directly south of Kahaluʻu Bay is another historic area, Keauhou Bay.

Archaeological Investigations and Resources

The subject parcel had been graded in the 1960's during the construction of the existing seawall and single family residence. The lot was also re-landscaped with the enhancement of a paved patio many years ago. In reviewing the property, it was noted that all of the property mauka (east) of the existing seawall was significantly impacted by bulldozer disturbance during the original construction of the seawall and single family residence. This disturbance occurred over half a century ago, and prior to the purchase of the home by the current landowner and Applicants. The majority of the parcel has been mechanically leveled and covered in cinders and is currently landscaped with introduced ornamental species, as discussed above. This mechanically leveled area is bordered by Ali'i Drive and the existing seawall. The seawall has not been altered or modified since its original construction, and appears to be structurally sound.

No archaeological resources were observed or noticed on the property. An archaeological resource assessment survey was requested with the State Historic Preservation Division (SHPD) on September 1, 2016 and acknowledged receipt of on September 12, 2016. The Hilo Branch of State Historic Preservation Division (SHPD) was also contacted on September 14, 2016 (see APPENDIX 9: Archaeological Resources and Cultural Impact Assessment). The Applicants are currently waiting review comments from SHPD. As a precaution, in the unlikely event that any unanticipated resources are unearthed during development activities, the Applicants will ensure that SHPD will be contacted, as outlined in Hawai'i Administrative Rules 13 §13-280. In the unlikely event that any historical sites are encounter during the renovation of the existing home, work will stop and the Applicants will contact the State Historic Preservation Division and will not proceed until appropriate mitigation measures are in place.

Impacts to Archaeological Resources

Given the absence of archaeological resources on the property, the proposed renovation of the existing a single family residence would not significantly impact any known historic properties. No further historic preservation work is recommended.

Cultural Resources and Practices

When assessing potential cultural impacts to resources, practices, and beliefs, input gathered from community members with genealogical ties or long-standing residency relationships to the study area is vital. It is precisely these individuals who ascribe meaning and value to traditional resources and practices. Community members may also retain traditional knowledge and beliefs unavailable elsewhere in the historical or cultural record of a place. Individuals that were contacted, responded that they were not aware of any cultural resources or ongoing cultural practices or beliefs associated with this lot, other than traditional gathering and fishing on the shoreline and the current recreational use (surfing and snorkeling) in Kahalu'u Bay.

The investigations of the property and its history did not reveal any cultural resources or practices. Fishing and gathering still occur on the shoreline makai of the property. While some users are newcomers simply engaging in recreation or collecting food, others have deeper ties and are undertaking cultural practices as well.

The property does not contain any springs, pu'u, or caves that might be important cultural sites. No gathering of plant material is noted from the property, and aside from the shoreline strip that will not be disturbed in any way, all vegetation on is either non-native weeds or ornamental plantings. There are no cultural values or associations related to this vegetation.

Impacts and Mitigation Measures for Cultural Resources

Shoreline access and the cultural activities that abuts the Applicants' property will not be affected. It is reasonable to conclude, based upon the limited range of resources and the proposed mitigation to all affected resources, that the exercise of native Hawaiian rights related to gathering, access or other customary activities will not be affected, and there will be no adverse effect upon cultural practices or beliefs.

3.3 Public Roads, Services and Utilities

3.3.1 Roads and Access

Existing Environment, Impacts and Mitigation Measures

The sole road access to the project site is via an existing thoroughfare, Ali'i Drive. There is an existing gravel driveway or parking area that is to be maintained. The property is separated from Ali'i Drive by a wood fence that is set back from Ali'i Drive to allow for off-street parallel parking. There is also a fenced alcove driveway-parking area adjacent to Ali'i Drive marked as "restricted parking" for this parcel's lot use. No driveway or road improvements are planned or needed.

During construction the construction dumpster is to be located in the existing driveway-parking area adjacent to Ali'i Drive, outside of the shoreline setback. This location will also not impact typical traffic or pedestrian flow on Ali'i Drive. The dumpster is to be covered during non-working hours and during transportation to the local landfill.

Some of the existing fence that is adjacent to Ali'i Drive and located outside of the shoreline setback may be removed and reinstalled to allow for construction access. Any damage caused by inappropriate removal shall be repaired and replaced. The proposed demolition work associated with the proposed development is limited and shall occur outside of the shoreline, but within the shoreline setback, and within the dwelling and behind barricades & environmental protection. Also, the construction marshalling area and area for the storage of construction related materials is to be located 100% on the property, outside of the Ali'i Drive roadway or shoulder and the shoreline setback. The marshalling area and area for the storage of construction related materials is to be located adjacent to the dwelling facing Ali'i Drive, between the dwelling's west facing wall and existing fence.

3.3.2 Public Utilities and Services

Environmental Setting, Impacts and Mitigation Measures

An electric/telephone pole is presently located directly across Ali'i Drive from the Applicants' property (between TMK parcels 7-8-014-013 and 7-8-014-015). The existing electrical, telephone, CATV, and internet services are to be maintained. The existing electrical panel and meter is to be maintained at the existing location. The electrical mast will be extended up, in its existing location to the new roof of second floor addition. The applicants are planning on applying for a net metering solar photovoltaic system once the proposed construction is complete pending on HELCO availability of new net metering accounts in the service-switch area. The west facing roof of the second floor addition is the proposed location for these photovoltaic solar panels. These photovoltaic solar panels will not be visible from Ali'i Drive and will be only visible from the ocean.

Domestic water supply is through the existing Department of Water supply line and meter, provided and maintained by the Department of Water Supply. The existing water service is to be maintained during construction. Given the nature of the remodel and second floor addition, the existing water connection will not be affected by the construction.

The existing water supply complies with County of Hawai'i, State of Hawai'i, and the Hawai'i County Fire Department standards and its capacity will not be impacted by the proposed two additional bathrooms. Furthermore, the location and capacity of the existing emergency water system located close to, not on, the Applicants' property complies with the Hawai'i County Fire Department requirements.

Roof mounted solar hot water panels and tank (Solahart system) is proposed to be located on the west facing roof of the second floor addition. These roof mounted solar hot water panels and tank will not be visible from Ali'i Drive and will be only visible from the ocean; this system is in compliance with County of Hawai'i and State of Hawai'i energy requirements.

A new aerobic treatment system, or ATS, is to be installed in the existing driveway-parking area adjacent to Ali'i Drive outside of the shoreline setback. This exceeds the requirement that the wastewater be treated with a septic system in conformance with requirements of the State Department of Health. The existing "legal non-conforming" cesspool is proposed to be decommissioned and filled with rocks and be a rain water seepage pit, were the roof downspouts will be ducted to. This will also enhance and reduce potential erosion issues relating to roof rain runoff. As cesspools have the potential of effluent contamination, given the location of the existing cesspool to the shoreline and the water table, this new proposed ATS shall vastly improve the potential of effluent contamination as an aerobic system produces a higher quality effluent than cesspool or traditional septic systems. A typical ATS will produce an effluent with less than 30 mg/liter BOD5, 25 mg/L TSS, and 10,000 cfu/mL fecal coliform bacteria. This is clean enough that it cannot support a biomat or "slime" layer like a septic tank.

There will be no adverse impact to any public or private utilities. The renovation and second floor addition to the single-family home will have no measurable adverse impact to or additional demand on public facilities such as schools, police, fire services, or recreational areas. Bradley R Smith and Deborah L Otto, Applicants, acknowledge and understand that this lot, along with almost all other residences in the Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area District are located within a mile of emergency services.

3.4 Secondary and Cumulative Impacts

Due to its small scale of the proposed project, it would not produce any major secondary impacts such as population changes or effects on public facilities.

It is noted that cumulative impacts result when implementation of several projects that individually have minimum impacts are combined may produce severe impacts or conflicts in mitigation measures. There are no substantial government or private projects in construction or planning, and no accumulation of adverse construction effects would be expected. One private project (the undeveloped lot across Ali'i Drive) is currently under review in Planning. There are hundreds of single-family homes located on the Ali'i Drive between Kailua Village to Keauhou, and in the Kahalu'u Bay Park area, and occasionally there are two or more homes under construction simultaneously. The adverse effects of building a single family residence in this context are very minor and involve temporary disturbances to air quality, noise, traffic and visual quality during construction. It should again be noted that the proposed renovation and second floor adverse construction effects are not expected. Other than the precautions for preventing adverse impacts during construction listed above in Sections 3.1.3 and 3.1.6, no special mitigation measures should be required to counteract the small adverse cumulative effect.

3.5 Required Permits and Approvals

County of Hawai'i

A Special Management Area Permit or Exemption from the Planning Department, Shoreline Setback Variance from the Leeward Planning Commission, and a Setback Variance from the Planning Department, and a Building Permit all need to be obtained.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback, the 15'0" front yard setback, and within the 20'0" shoreline setback. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback. Therefore, the Applicants are requesting a shoreline setback variance and a variance from zoning code under the hardship exemption (Rule 8).

State of Hawai'i

A Wastewater System (septic) Permit needs to be obtained.

3.6 Consistency with Government Plans and Policies

3.6.1 Hawai'i County General Plan

The General Plan for the County of Hawai'i (Hawai'i County Planning Department, 2008) is the document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The plan was adopted by ordinance in 1989 and revised in 2005. The General Plan's Land Use Allocation Guide Map designates the subject parcel as Residential – Hotel/Resort. The General Plan is organized into thirteen elements, with policies, objectives, standards, and principles for each. There are also discussions of the specific applicability of each element to the nine judicial districts comprising the County of Hawai'i.

ECONOMIC GOALS

- Provide residents with opportunities to improve their quality of life through economic development that enhances the County's natural and social environments.
- Economic development and improvement shall be in balance with the physical, social, and cultural environments of the island of Hawaii.
- Provide an economic environment that allows new, expanded, or improved economic opportunities that are compatible with the County's cultural, natural, and social environment.

Discussion: The proposed construction and occupation of the renovation and second floor addition to an existing single-family home is in balance with the natural, cultural and social environment of the County, would create temporary construction jobs for local residents, and would indirectly boost the economy through construction industry purchases from local suppliers. A multiplier effect takes place when these employees spend their income for food, housing, and other living expenses in the retail sector of the economy. Such activities are in keeping with the overall economic development of the island.

ENVIRONMENTAL QUALITY GOALS

- Define the most desirable use of land within the County that achieves an ecological balance providing residents and visitors the quality of life and an environment in which the natural resources of the island are viable and sustainable.
- Maintain and, if feasible, improve the existing environmental quality of the island.
- Control pollution.

Discussion: (see Environmental Quality Standards, below)

ENVIRONMENTAL QUALITY POLICIES

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

Discussion: (see Environmental Quality Standards, below)

ENVIRONMENTAL QUALITY STANDARDS

- Pollution shall be prevented, abated, and controlled at levels that will protect and preserve the public health and wellbeing, through the enforcement of appropriate Federal, State and County standards.
- Incorporate environmental quality controls either as standards in appropriate ordinances or as conditions of approval.
- Federal and State environmental regulations shall be adhered to.

Discussion: The proposed construction and occupation of the renovation and second floor addition to an existing single-family home would not have a substantial adverse effect on the environment and would not diminish the valuable natural resources of the region. The home and associated improvements would be compatible with the existing single-family homes and recreational uses in the area. Pertinent environmental regulations would be followed, including those for mitigation of water quality impacts.

HISTORIC SITES GOALS

- Protect, restore, and enhance the sites, buildings, and objects of significant historical and cultural importance to Hawaii.
- Appropriate access to significant historic sites, buildings, and objects of public interest should be made available.

Discussion: (see Historic Sites Policies, below)

HISTORIC SITES POLICIES

- Agencies and organizations, either public or private, pursuing knowledge about historic sites should keep the public apprised of projects.
- Amend appropriate ordinances to incorporate the stewardship and protection of historic sites, buildings and objects.
- Require both public and private developers of land to provide historical and archaeological surveys and cultural assessments, where appropriate, prior to the clearing or development of land when there are indications that the land under consideration has historical significance.
- Public access to significant historic sites and objects shall be acquired, where appropriate.

Discussion: An archaeological resource assessment survey indicated that there are no historic properties are present on the lot. As well as, there are no known cultural resources or known or expected cultural uses on the lot.

FLOOD CONTROL AND DRAINAGE GOALS

- Protect human life.
- Prevent damage to man-made improvements.
- Control pollution.

- Prevent damage from inundation.
- Reduce surface water and sediment runoff.
- Maximize soil and water conservation.

Discussion: (see Flood Control and Drainage Standards, below)

FLOOD CONTROL AND DRAINAGE POLICIES

- Enact restrictive land use and building structure regulations in areas vulnerable to severe damage due to the impact of wave action. Only uses that cannot be located elsewhere due to public necessity and character, such as maritime activities and the necessary public facilities and utilities, shall be allowed in these areas.
- Development-generated runoff shall be disposed of in a manner acceptable to the Department of Public Works and in compliance with all State and Federal laws.

Discussion: (see Flood Control and Drainage Standards, below)

FLOOD CONTROL AND DRAINAGE STANDARDS

- "Storm Drainage Standards," County of Hawaii, October, 1970, and as revised.
- Applicable standards and regulations of Chapter 27, "Flood Control," of the Hawaii County Code.
- Applicable standards and regulations of the Federal Emergency Management Agency (FEMA).
- Applicable standards and regulations of Chapter 10, "Erosion and Sedimentation Control," of the Hawaii County Code.
- Applicable standards and regulations of the Natural Resources Conservation Service and the Soil and Water Conservation Districts.

Discussion: The property is in Flood Zone VE as determined by detailed methods in the Flood Insurance Rate Maps (FIRM). The project has not been affected by high surf or from tsunamis, including the latest tsunami of 2011, or from the recent hurricanes like Iselle in 2014 or Madeline in 2016, and as attested to by the attached insurance "no loss" statements and affidavits, in APPENDIX 6: Flood Zone Determination and Maps on page 54.

Furthermore, the flood zone area and elevation as designated by the Flood Insurance Rate Map (FIRM) is the same as that of Ali'i Drive, which is the same as the finish floor elevation of the existing residence. For added flood protection the existing residence has a 3'0" concrete stem wall around the perimeter of the building with the exception of doorways which provides a "dam" in case of flooding. The outside face of the seawall and stem wall is the outside face of the building footprint or envelope. It is proposed that removable flood protection dam boards be inserted into installed tracks at the door ways (openings in the stem wall) which will mitigate the potential for flooding of the existing first floor. The new second floor will be the 18' (BFE). The project will conform to applicable drainage and flood regulations and policies of the County of Hawai'i.

NATURAL BEAUTY GOALS

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.

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

Discussion: The improvements are minor and consistent with traditional uses of the land and will not cause scenic impacts or impede access.

NATURAL BEAUTY POLICIES

- Increase public pedestrian access opportunities to scenic places and vistas.
- Develop and establish view plane regulations to preserve and enhance views of scenic or prominent landscapes from specific locations, and coastal aesthetic values.

Discussion: The improvements are minor and consistent with traditional uses of the land and will not cause scenic impacts or impede access.

NATURAL RESOURCES AND SHORELINES GOALS:

- Protect and conserve the natural resources from undue exploitation, encroachment and damage.
- Provide opportunities for recreational, economic, and educational needs without despoiling or endangering natural resources.
- Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- Protect rare or endangered species and habitats native to Hawaii.
- Protect and effectively manage Hawaii's open space, watersheds, shoreline, and natural areas.
- Ensure that alterations to existing land forms, vegetation, 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 an earthquake.

Discussion: (see Natural Resources and Shorelines Policies, below)

NATURAL RESOURCES AND SHORELINES POLICIES

- Require users of natural resources to conduct their activities in a manner that avoids or minimizes adverse effects on the environment.
- Maintain the shoreline for recreational, cultural, educational, and/or scientific uses in a manner that is protective of resources and is of the maximum benefit to the general public.
- Protect the shoreline from the encroachment of man-made improvements and structures.
- Encourage public and private agencies to manage the natural resources in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.
- Encourage the use of native plants for screening and landscaping.
- Ensure public access is provided to the shoreline, public trails and hunting areas, including free public parking where appropriate.
- Ensure that activities authorized or funded by the County do not damage important natural resources.

Discussion: The proposed renovation and second story addition will not impact public views from the shoreline to Ali'i Drive or onto the Applicant's property, as the second story addition is located on top of the existing dwelling's footprint were the existing side yard that is landscaped with several palm trees, ti plants and shrubs is planned to be maintained. The 6 to 8 feet existing rock seawall that the existing dwelling abuts

blends in with the pahoehoe flow tidal area, and given the view plane form the ocean provides a natural look while providing some privacy directly adjacent to the applicant's property from the tidal area. The existing fence, as well as the seawall, and landscape does currently obscure some view from the shoreline at street level. The existing fence's open lattice top section enhances the view plane from the shoreline or ocean view of the trees located across Ali'i Drive directly across from the applicant's property, while showcasing the applicants planted side yard and patio.

The tidal breakwater and area and the beaches located adjacent to the Applicants' property combined with the existing rock seawall play an important role in protecting the property from erosion, waves, and tidal surges by acting to absorb the lateral impact forces of incoming waves; their presence in this area exposes sea cliffs to direct wave action. This area was highly susceptible to erosion by storm waves prior to the construction of the rock seawall that abuts the shoreline. As such, the property would not affect shoreline resources or be damaged by waves or tides.

The proposed renovation and second story addition to the existing residence and associated improvements will not adversely affect recreation, as access along the shoreline (west of the existing seawall in the tidal area) will not be affected. The proposed residential use will not interfere in any way with this continuing use. The Applicants' have been informed of the rights of the public to utilize these areas and the cultural and subsistence importance of these practices, and expects that conditions ensuring continued public access along the front of the property to continue.

COMMUNITY DEVELOPMENT PLAN (KAILUA-KONA COMMUNITY DEVELOPMENT PLAN)

The Community Development Plan (CDP) encompasses the judicial district of Kailua-Kona that includes Ali'i Drive and the Kahalu'u Bay Park area, and was developed under the framework of the February 2005 County of Hawai'i General Plan. CDO's plans are intended to translate broad General Plan Goals, Policies, and Standards into implementation actions as they apply to specific geographical regions around the County. CDPs are also intended to serve as a forum for community input into land-use, delivery of government services and any other matters relating to the planning area (Hawai'i County Planning Department, 2008).

3.6.2 Goals (for Managing Growth)

Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area CDP does not specify land use in the project area, but contains the following Goals for Managing Growth that are relevant to the action:

- Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area retains its seaside, urban character while it protects its native natural and cultural resources.
- The quality of life improves and economic opportunity expands for Kailua-Kona's Ali'i Drive and the Kahalu'u Bay Park area's residents.
- Exposure to high risk from natural hazards situations is reduced.
- Native vegetation, coastal and historic resources are provided new forms of protection.

Discussion: The proposed renovation and second story addition to the existing single-family home helps the area retain the character of Ali'i Drive and through provision of housing and expansion of a market for local goods and services, it improves the quality of life and economy. The lot shares the same volcanic and seismic hazard as all of Kailua-Kona area, the by virtue of the home's proposed location on the lot and within the footprint of the existing residence, coastal hazard is avoided. No native vegetation, rare species, coastal resources or historic sites will be adversely affected. The renovation and second story of the Applicants' single-family home is consistent with the CDP.

3.6.3 Hawai'i County Zoning and Special Management Area

The development as zoned by the County of Hawai'i is for Single Family Dwelling (RS-15) or Resort-Hotel (V), and the State of Hawai'i Land Use District for this property is Urban. Currently, the surrounding parcels are Single Family Dwelling or Resort-Hotel condominiums that is consistent with the proposed use. The surrounding area has both single and two story dwellings located on the shoreline. The proposed developments and facility use shall be maintained (unchanged) and is consistent and compatible with the current land use. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcel's current zoning. The surrounding parcels are zoned RS-15 or V which is consistent with the proposed use.

The development is within a shoreline area as defined in HRS Section 205A-41 and a County of Hawai'i Special Management Area. Single-family residences may be determined to be an exempt action under the County's Special Management Area (SMA) guidelines. The County of Hawai'i Planning Department requires preparation of an SMA Assessment Application, in which SMA issues are expressly dealt with. A summary of consistency is provided below. The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes, entitled *Coastal Zone Management*. Single-family residences may be determined to be an exempt action under the County's SMA guidelines. The proposed use would be consistent with Chapter 205A because it would not affect public access to recreational areas, historic resources, scenic and open space resources, coastal ecosystems, economic uses, or coastal hazards.

The proposed improvements are not likely to result in any substantial adverse impact on the surrounding environment. The proposed renovation and second floor addition to the existing residence that is located within the existing footprint of the Applicants' home will not restrict any shoreline uses such as beach related recreation, fishing, or water sports. The existing lateral pedestrian use of the shoreline area west of the existing seawall will not be impacted and there will be no effect on the public's access to or enjoyment of this shoreline area.

Furthermore, the design of the proposed second story addition minimizes the view plane impacts from neighbors and/or passersby. The existing fence, which design has a top open lattice at eye level (at street level), and landscaping, as well as the side yard that is landscaped with several palm trees, ti plants and shrubs is planned to be maintained. The existing fence and landscape does currently obscures some view of the shoreline from Ali'i Drive at street level, but the fence's open lattice section at eye level is open which allows for a shoreline view. The views onto this parcel from Kahalu'u Bay or from the ocean are not impaired or impacted by the proposed development. Likewise, the proposed second story addition will not impact public views from the shoreline to Ali'i Drive or onto the Applicant's property, as the second story addition is located on top of the existing dwelling's footprint were the existing side yard that is landscaped with several palm trees, ti plants and shrubs is planned to be maintained.

It is expected that the project will not result in any impact on the biological or economic aspects of the coastal ecosystem. The project site is not situated over any natural drainage system or water feature that would flow into the nearby coastal system. The property contains non-native plants.

In terms of beach protection, existing seawall that abuts the shoreline and would not affect any beaches or tidal areas nor adversely affect public use and recreation of the shoreline in this area. No impacts on marine resources are likely to occur.

No historic sites are present and there are no known cultural resources or practices.

3.6.4 Conservation District

The State Land Use District for the Applicant's property is Urban.

The proposed development is located in a shoreline area makau of the certified shoreline. Therefore, the proposed development is not located within the jurisdiction of the Conservation District.

PART 4: DETERMINATION, FINDINGS AND REASONS

4.1 Determination

The Applicants expect that the County of Hawai'i Planning Department, will determine that the proposed action will not significantly alter the environment, as impacts will be minimal, and that this agency will accordingly issue a Finding of No Significant Impact (FONSI). This determination will be reviewed based on comments to this EA.

4.2 Findings and Supporting Reasons

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.*

No valuable natural or cultural resource would be committed or lost. No common native plants are present but native ecosystems would not be adversely affected.

No archaeological sites or other historic properties are present. No valuable cultural resources and practices such as coastal access, fishing, gathering, hunting, or access to ceremonial sites would be affected in any way.

2. The proposed project will not curtail the range of beneficial uses of the environment.

No restriction of beneficial uses would occur by continued residential use on this lot.

3. The proposed project will not conflict with the State's long-term environmental policies.

The State's long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and basically environmentally benign, and it is thus consistent with all elements of the State's long-term environmental policies.

4. The proposed project will not substantially affect the economic or social welfare of the community or State.

The project would not have any substantial effect on the economic or social welfare of the Big Island community or the State of Hawai'i.

5. The proposed project does not substantially affect public health in any detrimental way.

The project would not affect public health and safety in any detrimental way. Wastewater will be disposed of in conformance with State Department of Health regulations.

6. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.

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

7. The proposed project will not involve a substantial degradation of environmental quality.

The project is minor and environmentally benign, and thus it would not contribute to environmental degradation.

8. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.

Thorough surveys have determined that no endangered plant species are present. Island wide-ranging species will experience no adverse impacts due to no grubbing or grading being a part of this development. The small scope of this development minimizes any potential impact.

9. The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.

The adverse effects of remodeling a single-family residence are very minor and temporary disturbance to traffic, air quality, noise, and visual quality during construction. This area is fairly isolated from sensitive receptors other than similar single-family residences. There are no substantial government or private projects in construction or planning, and no accumulation of adverse construction effects would be expected. One private project (the undeveloped lot across Ali'i Drive) is currently under review in Planning. Other than the precautions for preventing adverse effects during construction listed above, no special mitigation measures should be required to counteract the small adverse cumulative effect.

10. The proposed project will not detrimentally affect air or water quality or ambient noise levels.

No substantial effects to air, water, or ambient noise would occur. Brief, temporary effects would occur during construction and would be mitigated.

11. The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.

The property is located in a flood zone. The project has not been affected by high surf or from tsunamis, including the latest tsunami of 2011, or for the recent hurricanes like Iselle in 2014 or Madeline in 2016, and as attested to by the attached insurance "no loss" statements and affidavits.

Furthermore, the flood zone elevation as designated by the Flood Insurance Rate Map (FIRM) is the same as that of Ali'i Drive, and also the same as the finish floor elevation of the existing residence. For added flood protection the existing residence has 3'0" concrete stem walls around the perimeter of the building with the exception of doorways. This development proposes that removable flood protection dam boards be inserted into tracks installed at the openings in the stem wall. This will mitigate the potential for flooding of the existing first floor. The project will conform to applicable drainage regulations and policies of the County of Hawai'i.

12. The project will not substantially affect scenic vistas and view planes identified in county or state plans or studies.

No scenic views are located nearby or would be affected in any way. Coastal views from the Ali'i Drive shall be maintained as well as the views form the ocean unto the property. The attractive, open design of the home renovation and second floor addition and the maintenance of the existing landscaping, would not materially degrade the scenery of the project area.

13. The project will not require substantial energy consumption.

Given the limited scope and use as a single-family residence, there will be negligible amounts of additional energy consumption required for construction and use.

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APPENDIX 1: Owners' Letters

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Brad Smith
78-6662 Ali'i Drive
Kailua-Kona, Hi. 96740

July 17, 2018

To Whom It May Concern: Regarding the Smith-Otto Residence

My name is Brad Smith. My wife, Debbie Otto and I have always dreamed of retiring in Hawaii; the life style here has always appealed to us. We both love the ocean and water sports including snorkeling, surfing, boating and boogie boarding.

A few years ago while vacationing in Kona, we found the perfect spot on Kahaluu Bay. The combination of being ocean front near both surfing and snorkeling is quite rare and truly a paradise. Although the existing house, with only a single living area and bathroom, is too small for our extended family we jumped at the opportunity hoping that an expansion harmonious to the neighborhood will provide the space we need.

Right now, I am a plumber for the County of San Diego Parks and Recreation and my wife owns a flower stand. Together have a modest income; we were fortunate to stumble upon this tiny, fixer-up beach cottage.

As a plumber, I know that certain enhancements like a micro-XXX waste management system will have far less impact on the environment than the existing cesspool while providing enough capacity to handle an additional bedroom and bathroom.

My wife and I plan to move to our house permanently, within two years, and hope the renovations can be completed by then to accommodate our family.

With my wife, we are carrying for my 80-year-old mother, Carol who suffers from allergic asthma, emphysema, and C.O.P.D., will be moving with us as well. The several visits my mom has made to Hawaii have positively affected her breathing. After two weeks in the clean, semi-humid air,her lungs clear up and she no longer coughs up phlegm. When in Kona, she no longer needs to use her inhalers (Anora, Singular and Trilogy). Once a month she receives a nucala injection, which even with great insurance, is a tremendous financial hardship. She can not afford to live on her own.

My daughter, Chantilly, is graduating from college and will also be staying with us from time to time. She has assisted in the care taking of my mother and also my wive's deceased parents. We feel that the quaint one bedroom cottage won't be large enough for our future needs, especially when her family expands.

The revised floor plan will provide a first floor bedroom, and make the space we have far more usable. It will also provide additional hurricane protection for the property, without any changes to the footprint of the building. The addition of a second story, adding a second bedroom and bath, will give us the room necessary for ourselves, my mother and my daughter (and future family) when she comes.

Living in Kona is a dream that we have had for years. We want to remain part of the community, and hope the second story plan, that has been designed to minimize any impact to the land or environment, is approved so our family can live our dream.

Sincerely, Brent Otto Debbie Otto

Chantilly Otto-Smith
3120 Grape Street #2
San Diego, Calif. 91932

July 8, 2018

To Whom It May Concern, ref: Smith-Otto Residence

My name is Chantilly Otto-Smith, the daughter of Brad Smith and Debbie Otto. My parents own a small house on Ali'i drive in Kona, Hawaii. I am currently my grandmother's caretaker and hope to move to Hawaii to continue to care for her and my parents as they progress.

My grandmother has been experiencing progressive health issues, and plans to move to Hawaii soon due to the environmental benefits associated with the Island that decreases her symptoms of her COPD. With my experience in Hospice and other care taking positions, I will be able to aid in my grandmother's health needs.

It would be extremely beneficial to have an additional bedroom and an additional bathroom added to my parents house. Unfortunately, since we can't expand the footprint of the house, a second story would alleviate the difficulties in accommodating multiple family members in this small house.

Our goal is to have sufficient space for my parents, my grandmother, and myself (with my future family) in the house on Ali'i drive. We are an extremely close family and want to provide my grandmother with the care she needs and deserves. We appreciate your time and consideration in allowing us to add a second bedroom and a second bathroom. Family is priority in our lives.

Sincerely,

Chantilly O. Smith

Carol Kephart
1630 D. Seacoast Drive
Imperial Beach, Ca. 91932

July 2, 2018

My name is Carol Kephart; my son and daughter-in-law are Brad Smith and Debbie Otto. They own the cottage on Ali'i drive in Kona, Hawaii. They have been caring for me for the last couple of years, along with their daughter Chantilly. I am writing this letter to explain why the current small house would be a hardship for our family.

I was diagnosed with allergic asthma, emphysema, and COPD at the age of 62. Now at the age of 80, I'm still in need of inhalers, anora, cingula, and trelegy. I also receive nucala injections once a month. Even with my insurance, the medical costs are a tremendous financial burden on me.

On the numerous occasions I have visited the Kona with my son and daughter-in-law, my lungs relaxed and I was able to breathe with much more ease. Furthermore, the island air has reversed the need for my inhaler and some of my medications. Due to being on Medicare and a fixed income, I am unable to afford all of my medications on top of rent. Therefore, I hope to be able to spend my elderly years living with my son and daughter-in-law in Kona with them.

The house currently has only one bedroom and one bath. Having an additional bedroom for me would greatly increase all of our living conditions. However, it is my understanding that the footprint of the home may not be expanded so we believe a second story is the only way to increase our quality of life and adequately accommodate our family.

Chantilly, their daughter, has lived with them on and off and plans on caring for all of us in the future as she did for her maternal grandparents. She is currently my caretaker and will be moving shortly after me to Hawaii. An additional second story and another bedroom for her would accommodate everyone including her future family.

Please consider us and our situation when reaching a decision on the needed remodel. Sincere thanks for your time and efforts in this matter.

Carol Kephart

July 2 2018

Carol Leyhart
1630 N Sea coast Dr.
Imperial Beach Ca. 91932

My name is Carol Leyhart, my son and daughter in law are Brad Smith & Debbie Otto. They own the Cottage on Alii Drive in Kona Hawaii. They have been caring for me for the last couple of years, along with their daughter Chantilly. I am writing this letter to explain why the current small house would be a hardship for our family.

I was diagnosed with allergic asthma emphysema and COPD at the age of 62. Now at the age of 80, I'm still in need of inhalers, nasal illiptas & tray lay. I also recieve nucala injections once a month. Even with my insurance, the medical costs are a tremendous financial burden on me.

2

On the numerous occasions I have visited Kona with my son & daughter-in-law, my lungs have relaxed and I was able to breath with much more ease. Furthermore the island air has reversed the need for my inhaler and some of my medications. Due to my Medicare and a fixed income, I am unable to afford all of my medications on top of rent. Therefore, I hope to be able to spend my elderly years living with my son & daughter-in-law in Kona with them.

The house currently has only one bedroom & one bath. Adding an additional bedroom for me would greatly increase all of our living conditions. However, it is my understanding that the footprint of the home may not be expanded so we believe a second story is the only way to increase our quality of life and adequately accomodate

3

our family.

Chantilly, their daughter has lived with them in and out and plans on caring for all of us in the future as she did for her Maternal grand parents. She is currently my caretaker and will be moving shortly after me to Hawaii. An additional second story and another bedroom for her would accomodate every one including her future family.

Please consider us and our situation when reaching a decision on the needed Remodel.

Sincere thanks for your time and efforts in this matter.

Carol Kephart

APPENDIX 2: Comments in Response to Early Consultation/SHPD Letters and Comment to Draft EA and Responses

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APPENDIX 3: Architectural Plans (Floor Plans and Elevations)

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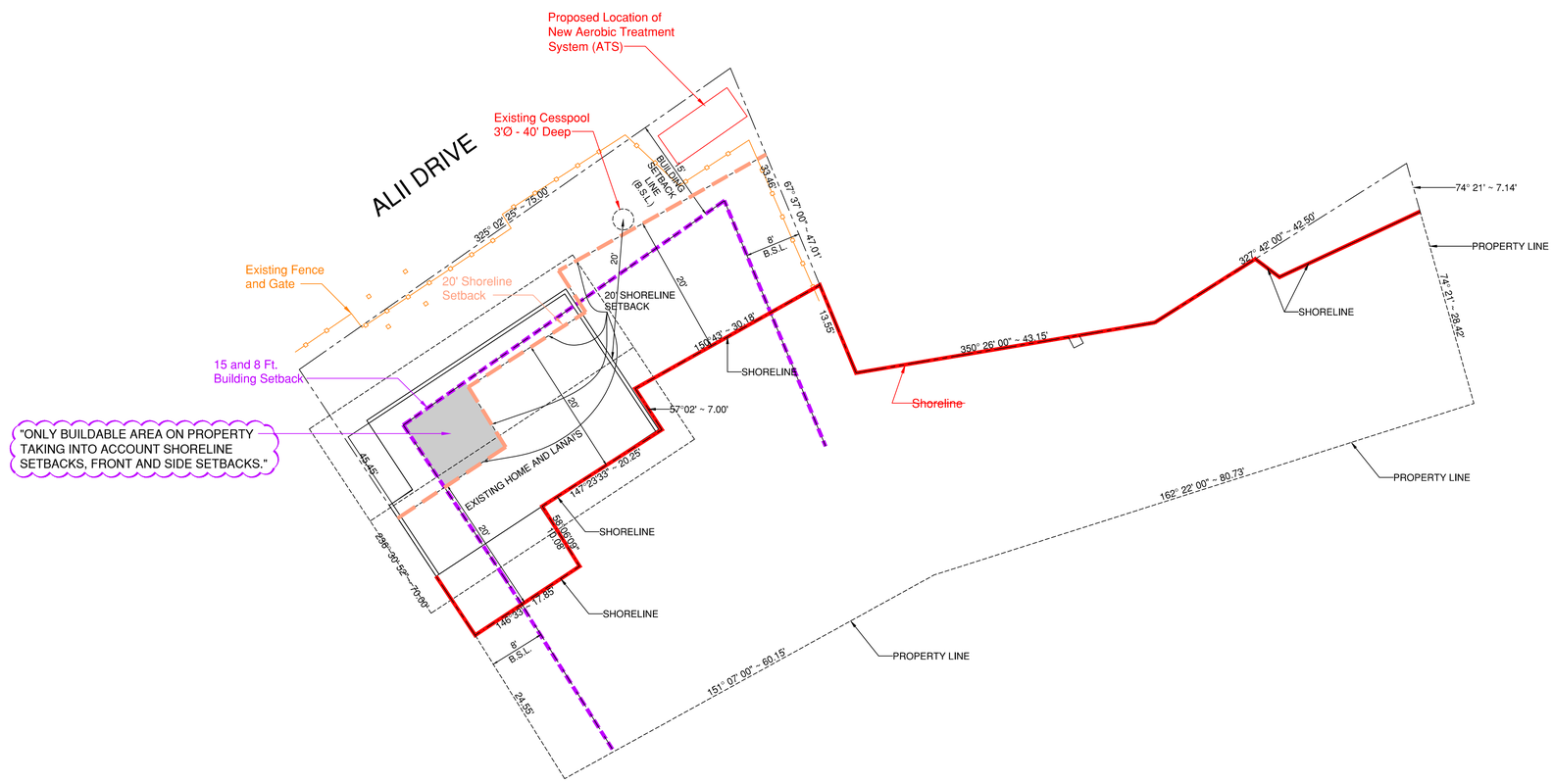

SITE PLAN

Scale: 1" = 10'

REVISIONS

NO.	DATE	ISSUED FOR
	6/9/2018	PERMIT

Addition to Existing
Residence for:
Smith – Otto

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LAWTON E. ALLENBY
LICENSED PROFESSIONAL ARCHITECT
No. AR-9943
Exp. 4/30/2020
HAWAII, U.S.A.

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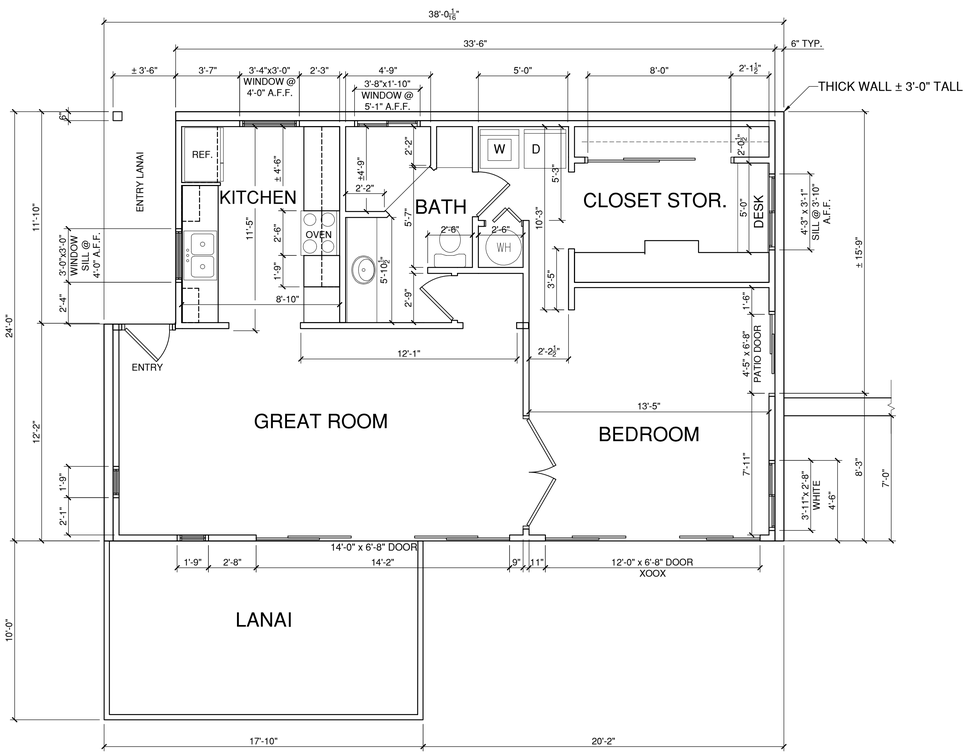
Allenby and Associates
Architecture, Planning, Construction Mgt.
Kealada LLC

Addition to Existing Residence for:
Bradley Smith and
Deborah Otto

78–6662 Ali'i Drive
Kailua Kona, HI 96740
TMK (3) 7–8–014:084

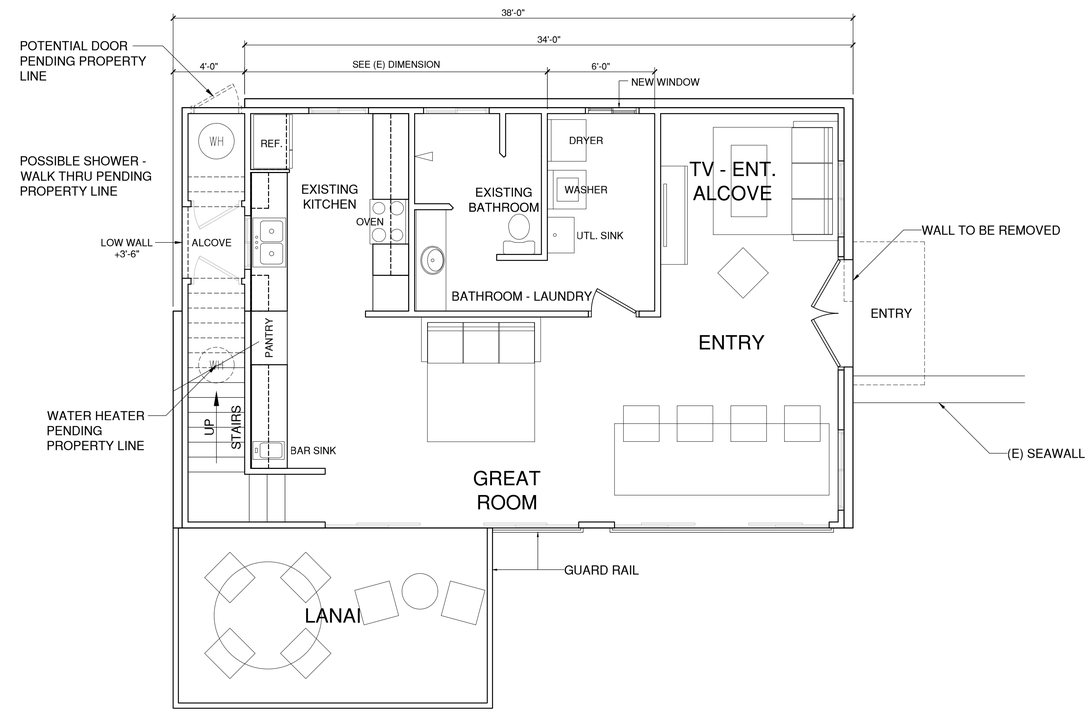
SHEET TITLE

PROJECT NO.



EXISTING FLOOR PLAN

Scale: 1/4" = 1'-0"



REMODELED FIRST FLOOR

Scale: 1/4" = 1'-0"

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Kealaola LLC

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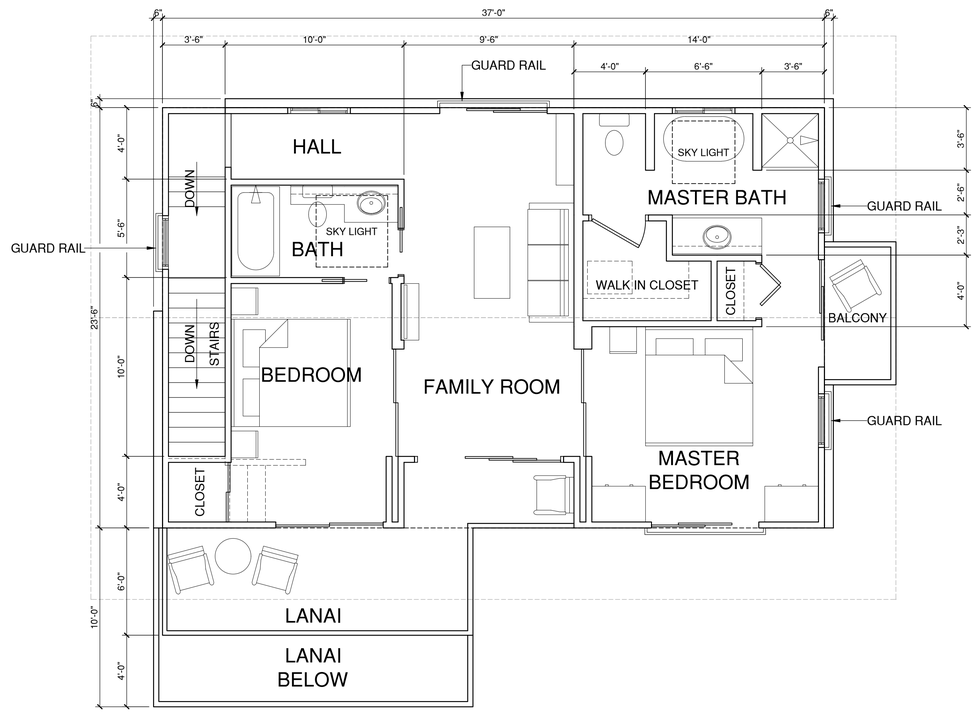
? Street
Kailua Kona, HI 96740
TMK (3) ?-?-???:???

SHEET TITLE

PROJECT NO.



2ND FLOOR ADDITION

Scale: 1/4" = 1'-0"

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LAYTON E. ALLENBY
LICENSED PROFESSIONAL ARCHITECT
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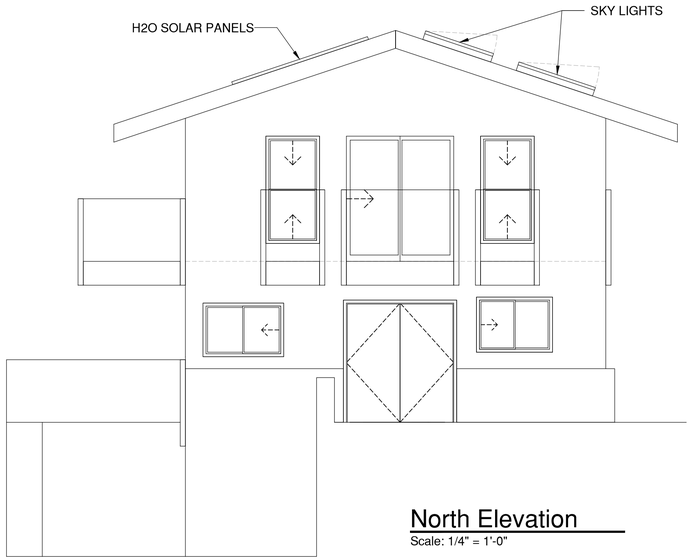
? Street
Kailua Kona, HI 96740
TMK (3) ?-?-???:???

SHEET TITLE

PROJECT NO.



North Elevation

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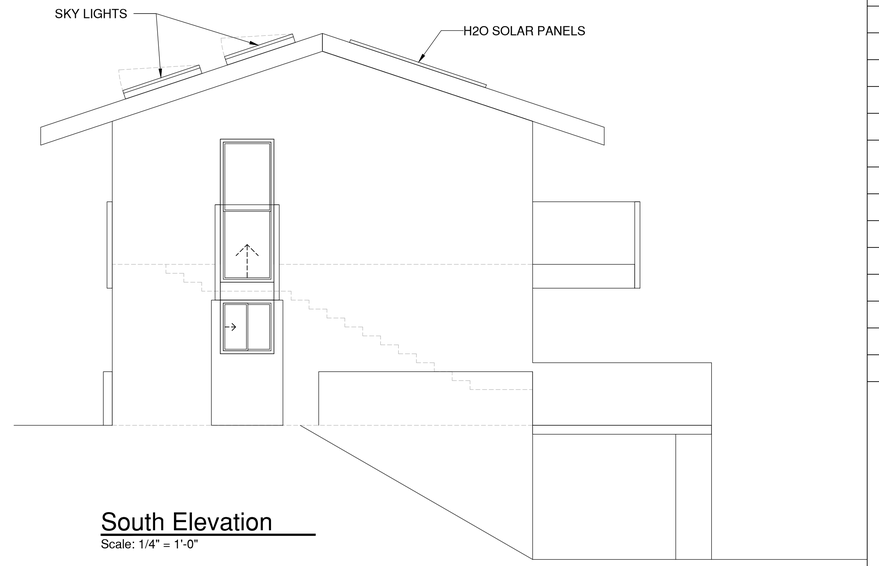

South Elevation

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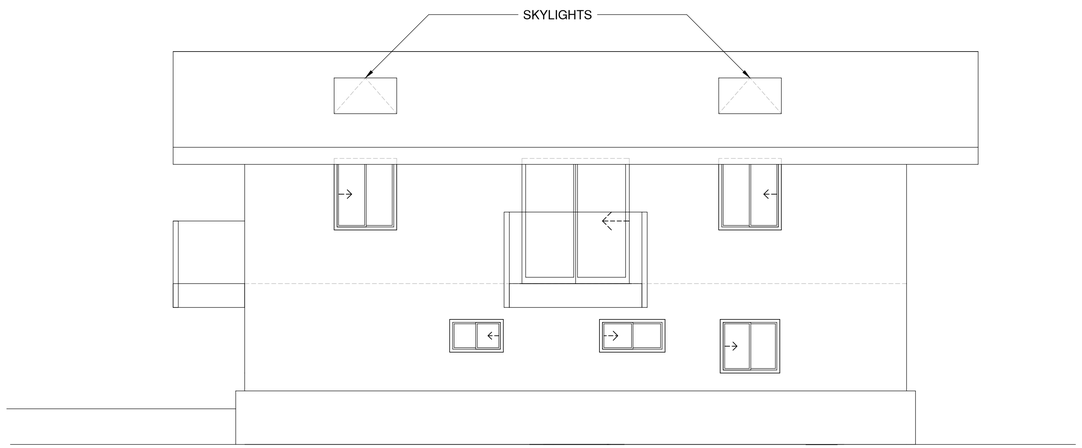
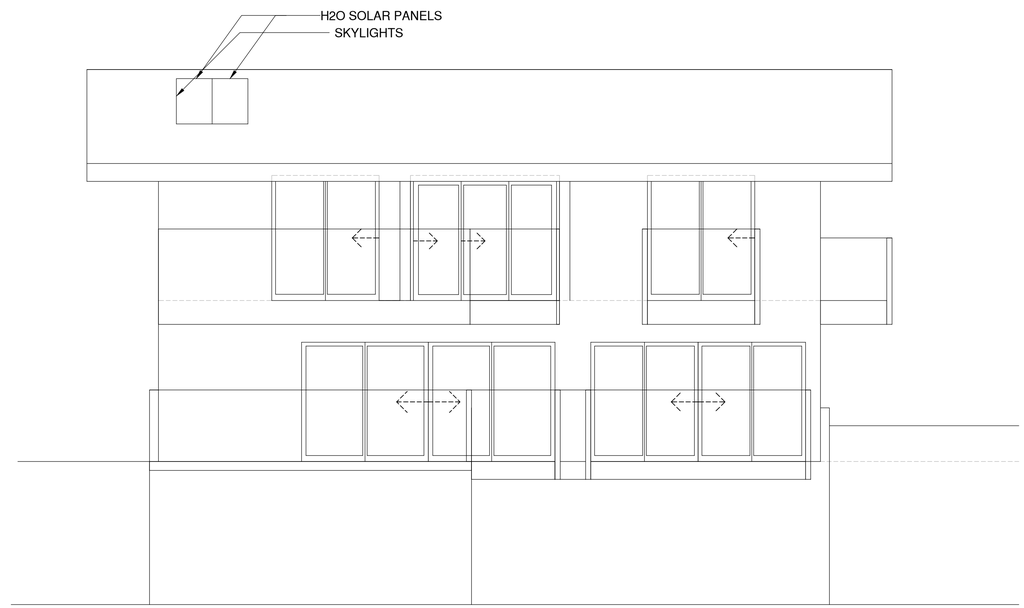


Ali'i Drive - East Elevation

Scale: 1/4" = 1'-0"



Ocean - West Elevation

Scale: 1/4" = 1'-0"

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LAWTON E. ALLENBY
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Kealaola LLC

Addition to Existing Residence for:
?

? Street
Kailua Kona, HI 96740
TMK (3) ?–?–???:????

SHEET TITLE

PROJECT NO.

APPENDIX 4: Architectural Plans (Site Plan)

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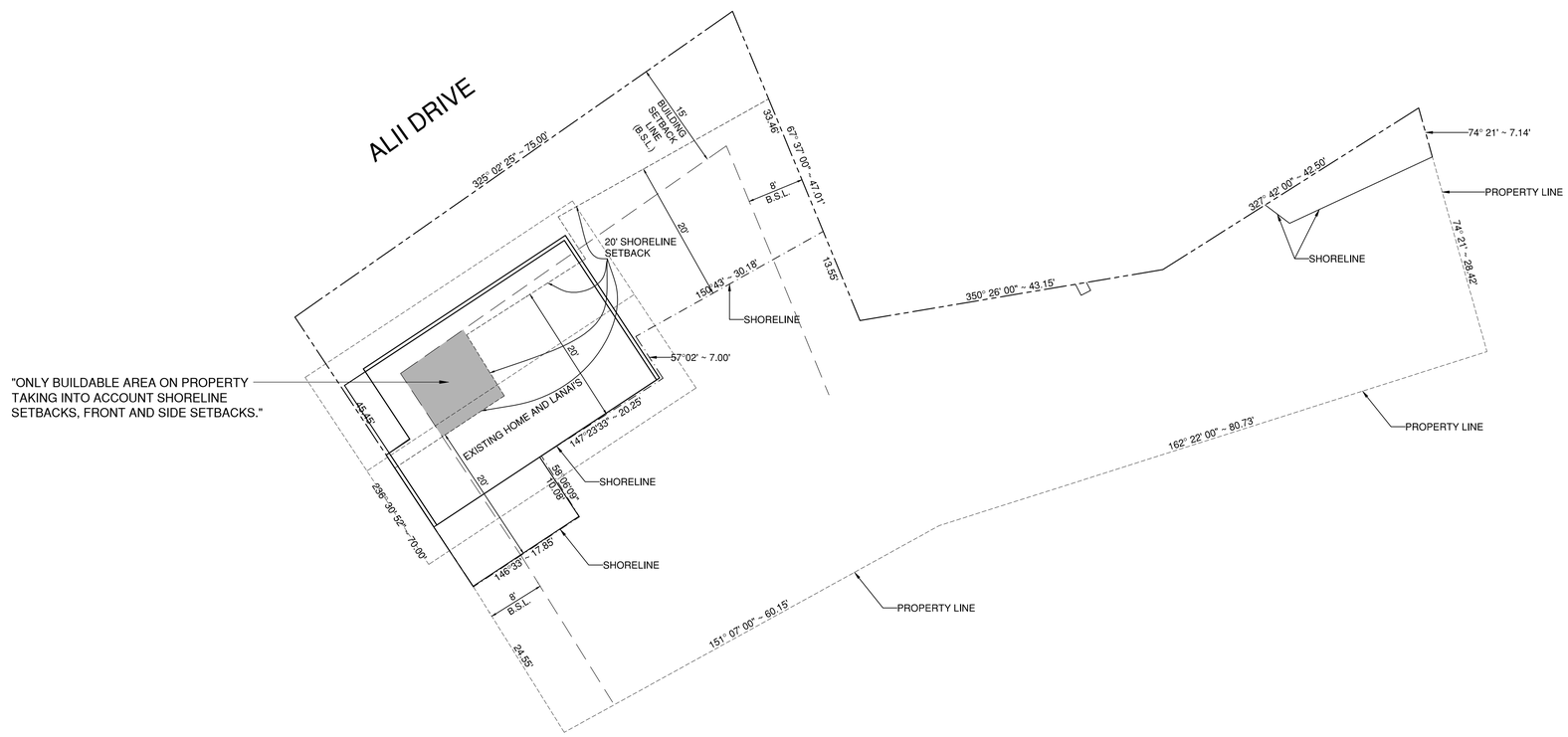

SITE PLAN

Scale: 1" = 10'

REVISIONS

NO.	DATE	ISSUED FOR

Addition to Existing Residence for: Smith – Otto

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LAWTON E. ALLENBY
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Allenby and Associates
Architecture, Planning, Construction Mgt.
Kealaola LLC

Addition to Existing Residence for:
Bradley Smith and Deborah Otto

78–6662 Ali'i Drive
Kailua Kona, HI 96740
TMK (3) 7–8–014:084

SHEET TITLE

PROJECT NO.

APPENDIX 5: Shoreline Survey Map

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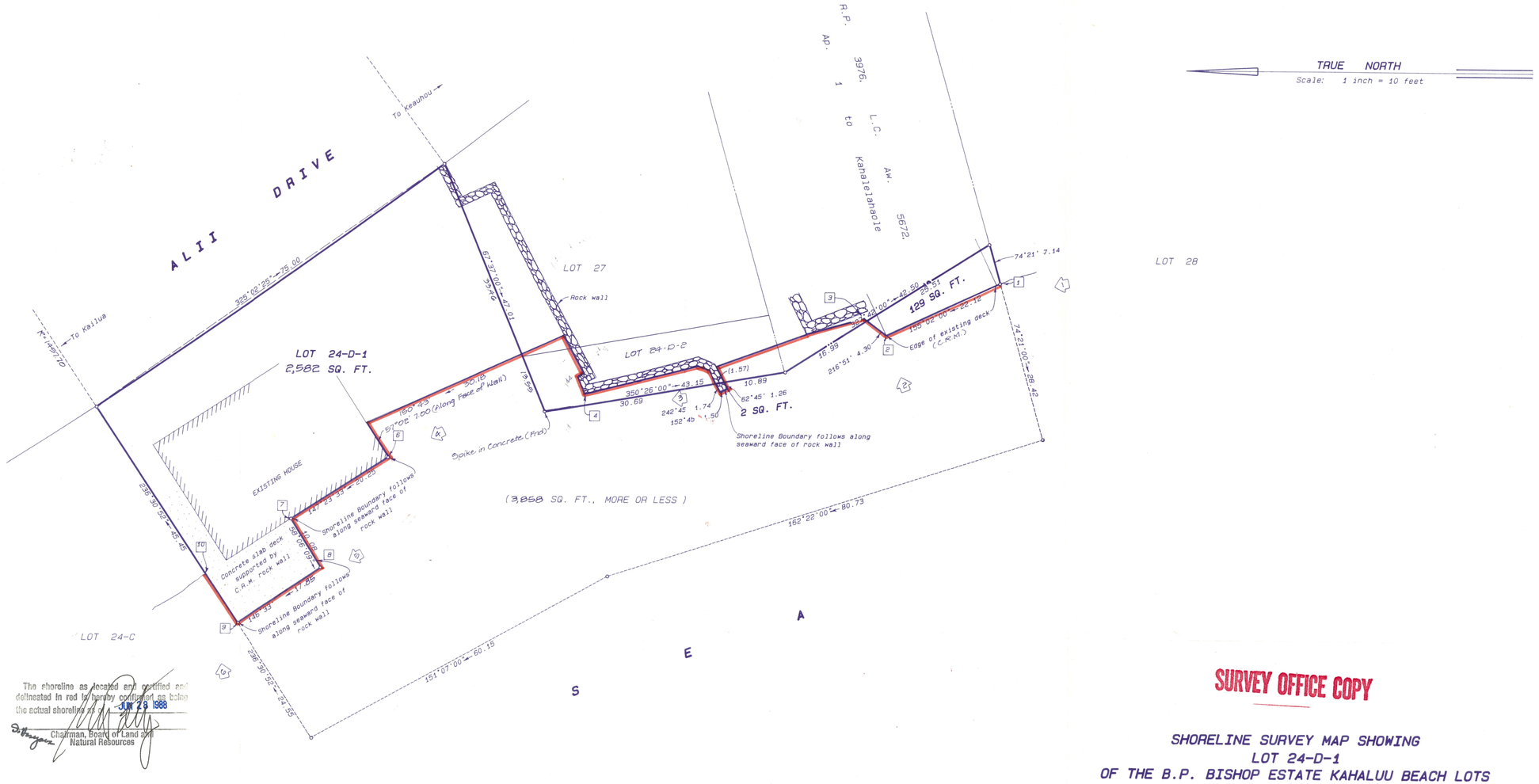

The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of JUN 29 1988

Chairman, Board of Land and Natural Resources

SURVEY OFFICE COPY

SHORELINE SURVEY MAP SHOWING
LOT 24-D-1
OF THE B.P. BISHOP ESTATE KAHALUU BEACH LOTS

AT KAHALUU, NORTH KONA, ISLAND AND COUNTY OF HAWAII,
STATE OF HAWAII

NOTES :

1. Azimuths and coordinates are referred to Government Survey Triangulation Station "KEAUHOU".
2. [1] Denotes numbered point in photographs.
3. Denotes number of photograph and direction of view.

Prepared By :

WES THOMAS & ASSOCIATES, INC.
75-5722 Kalawa Street
Kailua-Kona, Hawaii 96740

This map was prepared by me or under my direct supervision :

CHRYSTAL THOMAS YAMASAKI
Registered Professional Land Surveyor
Certificate Number : LS-4331

10 8 6 4 2 0 10 20 30
SCALE IN FEET

PROJECT NO. 03251.1
DATE: May 23, 1988
FIELD BOOK NO: 695
DISK NO: 106
TAX MAP KEY: 7-8-14: 84 (3rd Div.)
Revised: June 23, 1988

SITE PLAN

Scale: 1" = 10'

REVISIONS

NO.	DATE	ISSUED FOR

Addition to Existing Residence for: Smith – Otto

This work was prepared by me or under my supervision and construction of this project will be under my observation as defined in Section 1.2 of the Rules and Regulations of the Hawaii Board of registration of Professional Engineers, Architects, Land Surveyor, and Landscape Architects.

LAWTON E. ALLENBY
LICENSED PROFESSIONAL ARCHITECT
No. AR-9943
Exp. 4/30/2018
HAWAII, U.S.A.

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All Drawings and written material herein constitute the original and unpublished work of the Architect, which may not be duplicated, used, or disclosed without the written consent of the Architect.

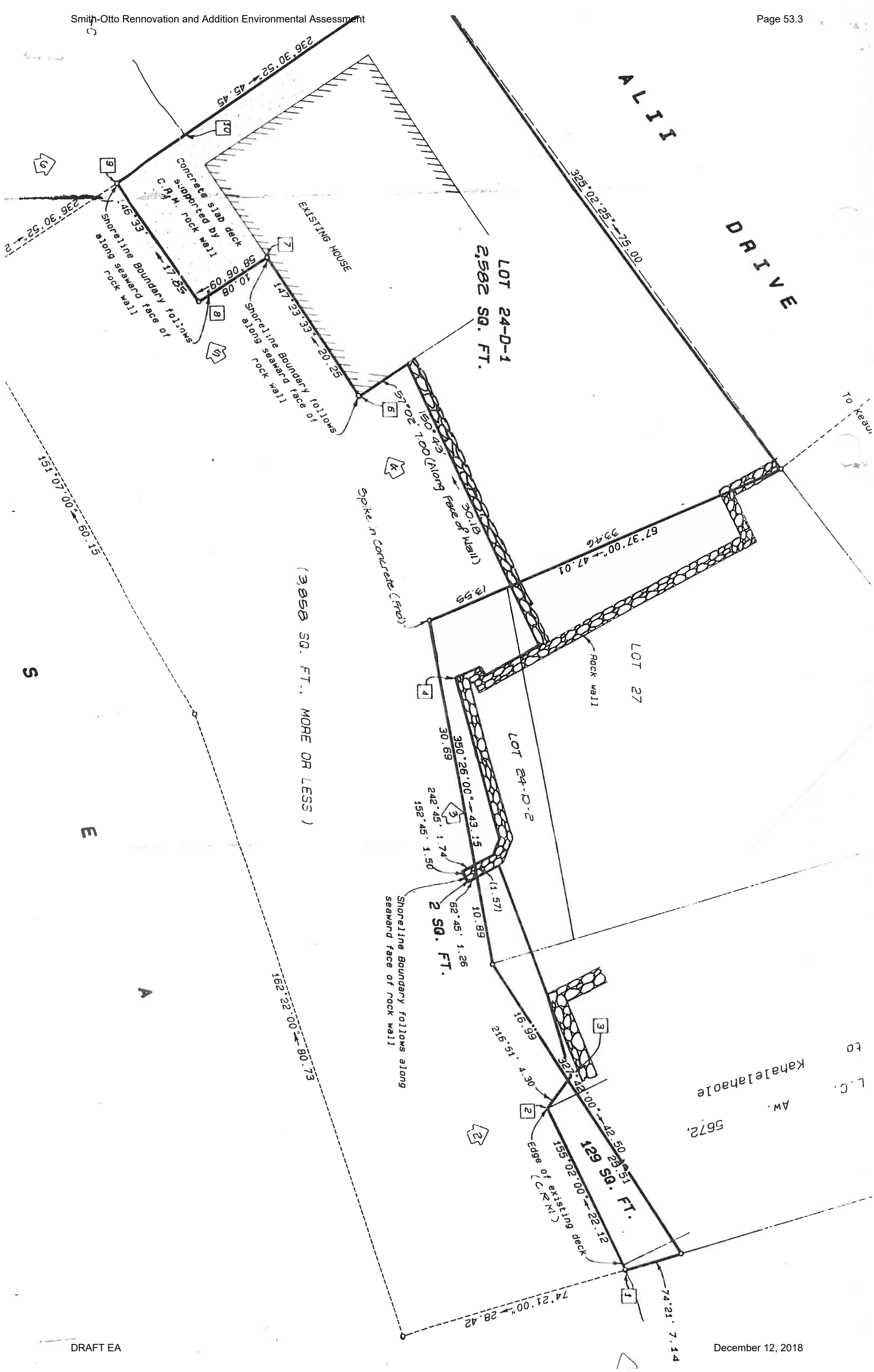
Allenby and Associates
Architecture, Planning, Construction Mgt.
Kealada LLC

Addition to Existing Residence for:
Bradley Smith and Deborah Otto

78-6662 Ali'i Drive
Kailua Kona, HI 96740
TMK (3) 7-8-014:084

SHEET TITLE

PROJECT NO.


ALII DRIVE
325°02'25" 75.00
LOT 24-D-1
2,582 SQ. FT.
EXISTING HOUSE
Concrete slab deck supported by C.R.M. rock wall
236°30'52" 45.45
236°30'52" 2
46°33' 17.85
58°06'09" 10.08
147°23'33" 20.25
Shoreline Boundary follows along seaward face of rock wall
57°02'00" 7.00 (Along Face of Wall)
150°43' 30.18
67°37'00" 47.01
33.46
13.55
Spike in Concrete (Fnd)
Rock wall
LOT 27
LOT 24-D-2
350°26'00" 43.15
30.69
242°45' 1.74
152°45' 1.50
(1.57)
10.89
62°45' 1.26
2 SQ. FT.
Shoreline Boundary follows along seaward face of rock wall
16.99
216°51' 4.30
327°42'00" 42.50
25.51
155°02'00" 22.12
129 SQ. FT.
Edge of existing deck (CRM)
74°21' 7.14
74°21'00" 28.42
162°22'00" 80.73
151°07'00" 60.15
(3,858 SQ. FT., MORE OR LESS)
To Keau
To Kahalelahaole
AW.
L.C.
5672.
S
E
A

Harry Kim
Mayor

Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

October 3, 2005

Ms. Chrystal Thomas Yamasaki, L.P.L.S.
Wes Thomas Associates
75-5749 Kalawa St.
Kailua-Kona, HI 96740

Dear Ms. Yamasaki:

SUBJECT: Determination of the Existence of Support Wall Prior to 1970
Kahalu`u, North Kona District, Hawai'i
TMK: (3)7-8-014:007

Thank you for the information you submitted with your letter dated September 18, 2005, requesting written confirmation that the existing support wall at the above-mentioned property is a permitted structure within the Shoreline Setback Area due to its construction prior to June 22, 1970.

It appears that the support wall, which is an integral part of the dwelling, most likely existed at the time of the aerial photograph dated July 16, 1967. Section 11-7(a)(6) of Rule 11 of the County of Hawaii Planning Department's Rules of Practice and Procedure states:

*"11-7 **Structures or Activities Permitted within the Shoreline Setback Area.***
(a) The following structures or activities may be permitted within the shoreline set-back area provided written clearance is secured from the Planning Department:
(6) Structures which were completed by or activities which commenced prior to June 22, 1970;"

OCT 07 2005

Ms. Chrystal Thomas Yamasaki, L.P.L.S.
Wes Thomas Associates
Page 2
October 3, 2005

This letter confirms that the Planning Department considers the existing support wall to be a permitted structure in the Shoreline Setback Area.

Sincerely,

CHRISTOPHER J. YUEN
Planning Director

DLC: cd
P:\public\WPWIN60\CZM\Letters\LSupportwallDetermination(TMK7-8-14-7).doc

cc: West Hawai'i Planning Office
Long Range Planning - Deborah Chang

WES THOMAS ASSOCIATES

1975 - 2005 30 YEARS OF EXCELLENCE Wes Thomas & Associates, Inc.

2005 SEP 1 PM 1 52 PLANNING DEPARTMENT COUNTY OF HAWAII

#17632

September 18, 2005

Attn: Alice Kawaha
Christopher Yuen, Director
Planning Department
101 Pauahi St, Ste 3
Hilo, HI 96720-3043

Re: Determination of the Existence of Support Wall Prior to 1970
Portion Royal Patent 3976, Land Commission Award 5672, Apana 1 to Kahaleiahaole
At Kahaluu, North Kona, Hawaii
TMK: 7-8-014: 007 (3rd Division)

Dear Mr. Yuen:

The owner of the subject property is seeking a shoreline certification from the State Department of Land and Natural Resources so that he can then apply to the County for a building permit. One of the Department of Land and Natural Resources requirements is that if the shoreline is going to be certified along an existing wall, they require an acknowledgment by the County that the wall is either permitted or a "grand fathered" structure and as such is considered legally constructed.

The County tax records show that the building was built in 1960. The wall is an integral part of the structure of the dwelling and from the 1967 aerial photo contact sheet and enlargement of the area with the structure, it is obvious that the wall existed on July 16, 1967. We are also enclosing photos of the seaward portion of the property dated June 9, 2005 which show how the makai side of the house is supported by the old wall.

For your added information we are enclosing a portion of the tax map. As you can see, when this property was improved, it was NOT oceanfront property, but rather had a parcel of land owned by others separating it from the ocean.

We respectfully request that your office issue a letter confirming our findings that the wall is a "grand fathered" condition and that as such, is considered legally constructed.

If you have any questions please feel free to contact the undersigned.

Very truly yours,

WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki, L.P.L.S.

CTY:tnke

encl: Contact print 1967
Enlargement 1967
Photo 2005
Tax records

005476

cc: Bert K. Weiss w/out encl

75-5749 Kalawa Street, Kailua-Kona, Hawaii 96740 Tel 808.329.2353 Fax 808.329-5334
email: surveys@wtahawaii.com website: www.wtahawaii.com

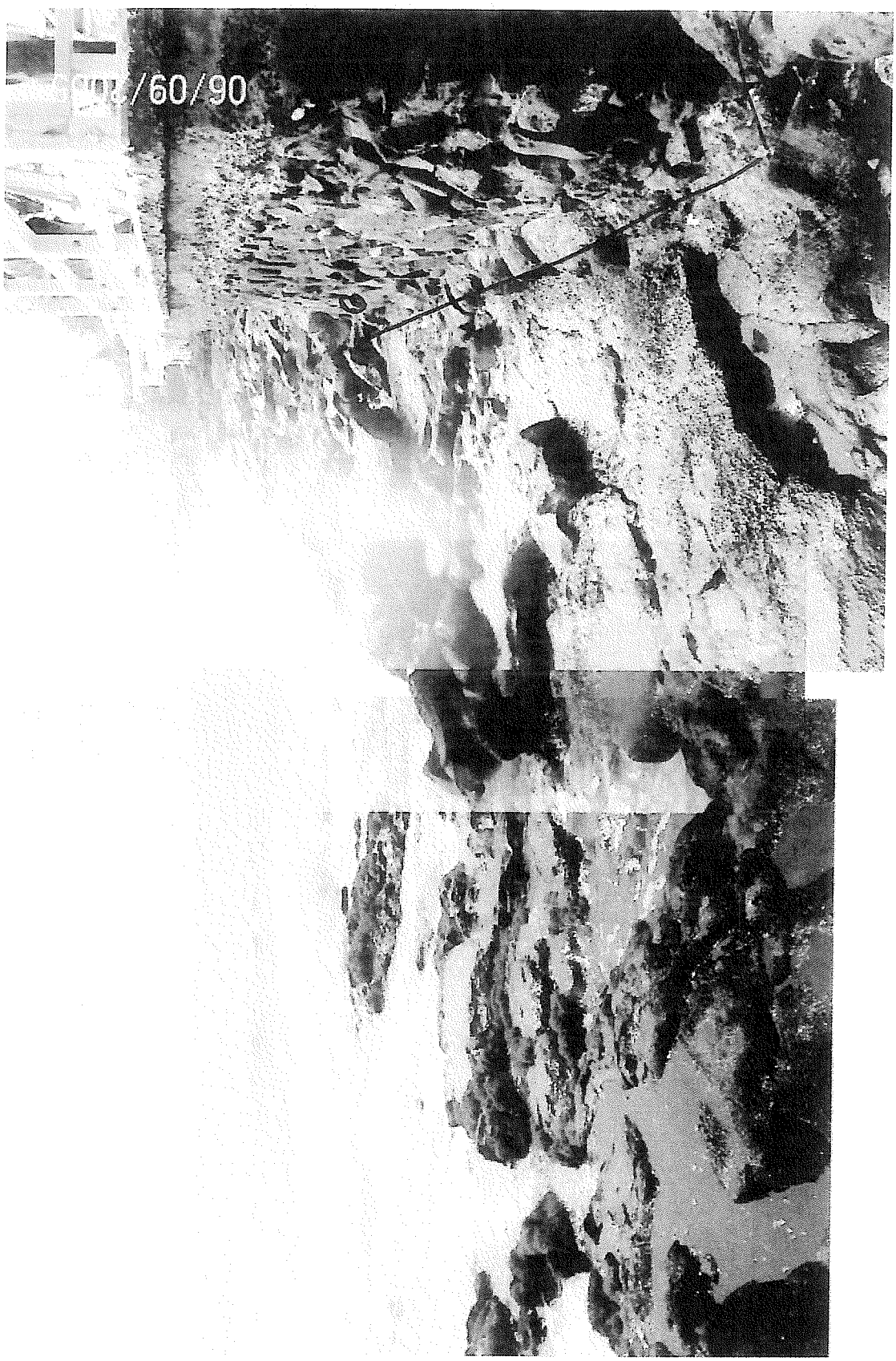
PHOTOGRAPH NUMBER 4

DATE OF PHOTOGRAPHS:
June 9, 2005

TIME OF PHOTOGRAPHS:
3:10 P.M.

WES THOMAS ASSOCIATES
-- Land Surveyors --
75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TEL. (808) 329-2353 FAX (808) 329-5334 EMAIL surveys@wtahawaii.com

PROJECT NO.: 17632
TAX MAP KEY: 7-8-014:007
(3RD DIVISION)



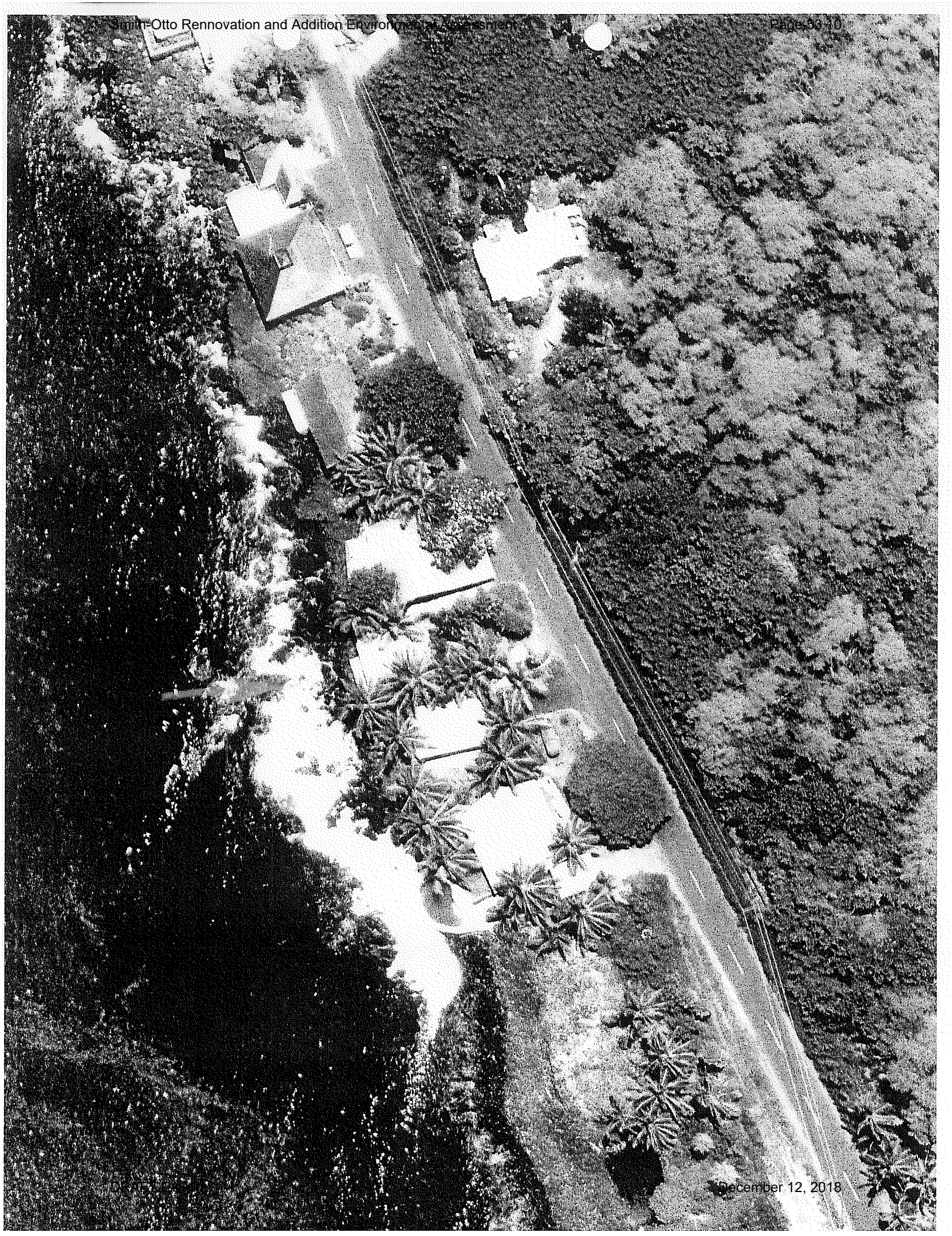
PHOTOGRAPH NUMBER 3

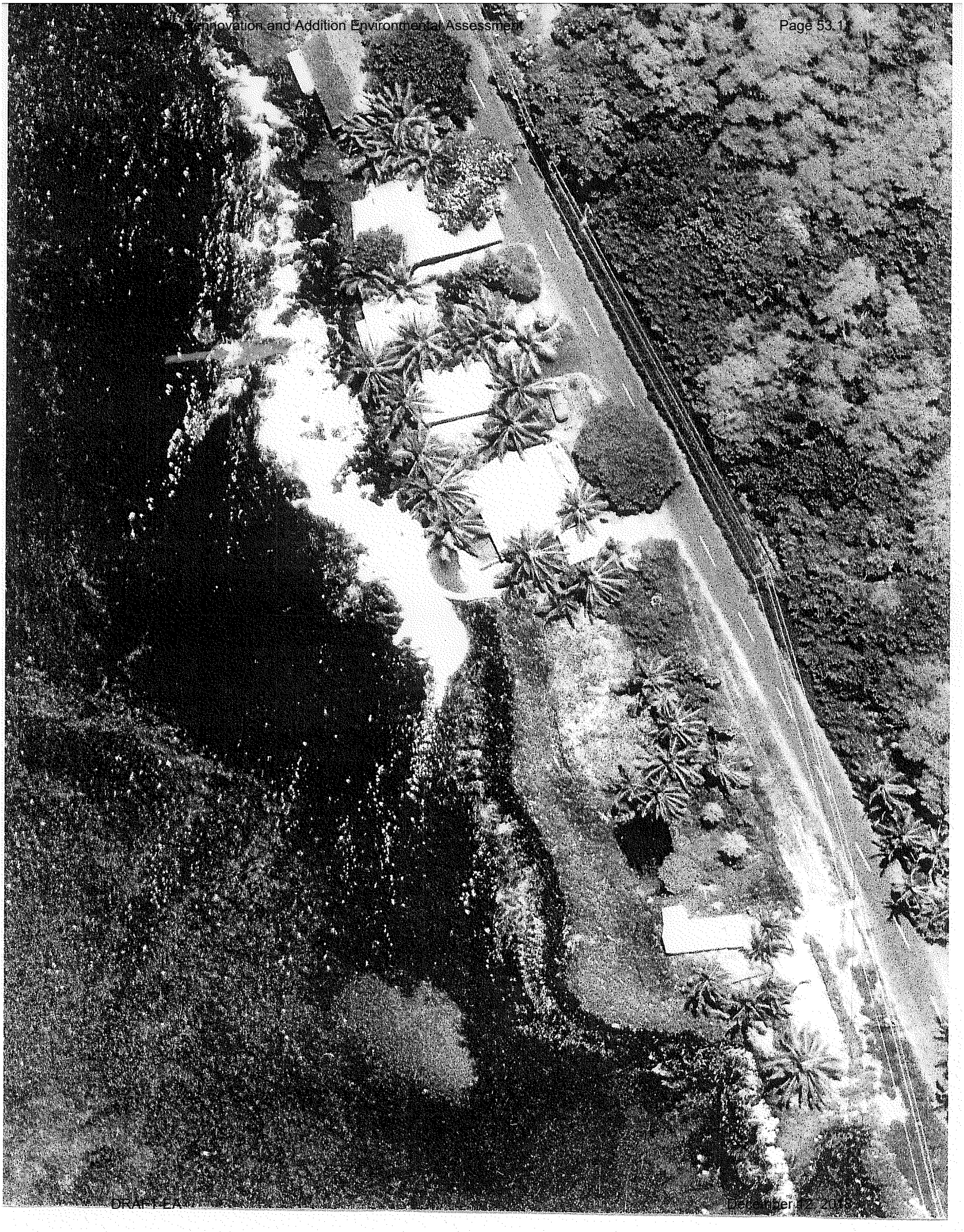
DATE OF PHOTOGRAPHS:
June 9, 2005

TIME OF PHOTOGRAPHS:
3:10 P.M.

WES THOMAS ASSOCIATES
-- Land Surveyors --
75-5749 Kalawa Street
Kailua-Kona, Hawaii 96740-1817
TEL. (808) 329-2355 FAX (808) 329-5334 EMAIL surveys@wtahawaii.com

PROJECT NO.: 17632
TAX MAP KEY: 7-8-014:007
(3RD DIVISION)





HAWAII COUNTY
REAL PROPERTY
TAX OFFICE

780140070000

78-6666 ALII DRIVE **WEISS BURT KAY**

Residential 1 of 1

Property Class	
Building Card	1
Story Height	1
Exterior Wall Type	FIR/PINE
Framing	WOOD/SINGLE WALL
Roof Design	GABLE
Roof Structure	WOOD
Roof Material	CORRUGATED IRON
Style	COTTAGE
Occupancy	SINGLE-FAMILY
Total Rooms	3
Full Baths	1
Half Baths	
Attic	
Bedrooms	1
Foundation	WOOD PIERS
Construction	WOOD JOIST
Flooring	CARPET
Interior Wall Structure	SINGLE WALL
Interior Wall Material	WOOD
Interior Ceiling	OTHER
Year Built	1960
Eff. Year Built	
Building Class	112
Grade	POOR-
Shape	RECTANGULAR
Percent Complete	
First Floor Living Area	616
Total Living Area	616

Data Last Modified : 9/9/2005

DISCLAIMER

This site was designed to provide quick and easy access to real property tax assessment records and maps for properties located in the County of Hawai'i and related general information about real property tax procedures. Listed information does not include all of the information about every property located in this County. Information and answers to the most commonly asked questions from members of the general public have been provided. The information on this site is subject to daily changes; time permitting, we normally refresh the data on this site on a weekly basis. All of the information listed on this site was prepared exclusively for tax assessment purposes. Users must understand that the property information and descriptions may change at any time. Persons using this data should NOT rely upon this information in formulating important decisions that affect their financial future nor should this information be considered as legal documentation. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Utilization of the search facility indicates understanding and acceptance of this statement by the user. Thank you.

Last Updated: 9/9/2005
Printed on Sunday, September 18, 2005, at 11:14:10 PM EST

SHORELINE SURVEY MAP SHOWING
LOT 24-D-1
OF THE B.P. BISHOP ESTATE KAHALUU BEACH LOTS

AT KAHALUU, NORTH KONA, ISLAND AND COUNTY OF HAWAII,
STATE OF HAWAII

Prepared By :

WES THOMAS & ASSOCIATES, INC.
75-5722 Kalawa Street
Kailua-Kona, Hawaii 96740

PROJECT NO. 03251.1
DATE: May 23, 1988
FIELD BOOK NO: 695
DISK NO: 106
TAX MAP KEY: 7-8-14: 84 (3rd Div.)

Revised: June 23, 1988

PHOTO NO. 2

PHOTO NO. 1

PAGE 1 OF 3

T.M.K.: 7-8-14:84
(3rd Division)

WES THOMAS & ASSOCIATES, INC.

LAND SURVEYORS

75-5722 KALAWA STREET • KAILUA-KONA, HI 96740

PROJECT NO. 03251.1
DATE OF PHOTOGRAPHS:
December 12, 2018

PHOTO NO. 4

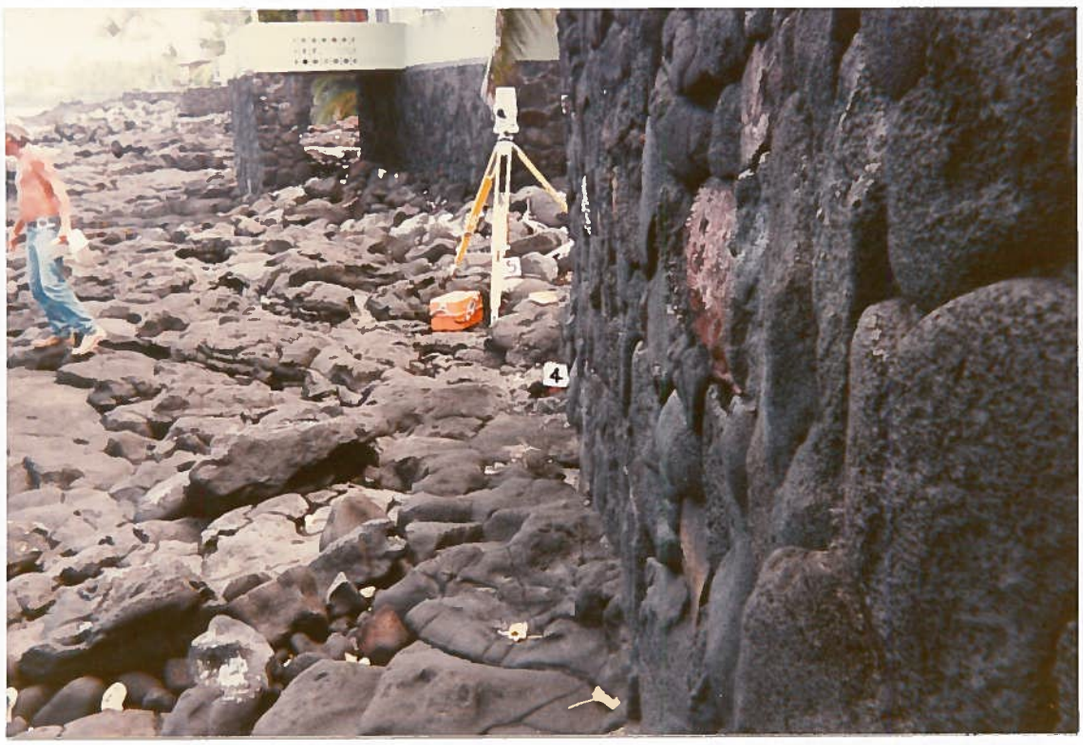


PHOTO NO. 3

PAGE 2 OF 3

T.M.K.: 7-B-14: 84
(3rd Division)

WES THOMAS & ASSOCIATES, INC.
LAND SURVEYORS
75-5722 KALAWA STREET • KAILUA-KONA, HI 96740

PROJECT NO. 03251.1
DATE OF PHOTOGRAPHS:

PHOTO NO. 6

PHOTO NO. 5

PAGE 3 OF 3

T.M.K.: 7-8-14: 84
(3rd Division)

WES THOMAS & ASSOCIATES, INC.
LAND SURVEYORS
75-5722 KALAWA STREET • KAILUA-KONA, HI 96740

PROJECT NO. 03251.1
DATE OF PHOTOGRAPHS:

SURVEY OFFICE COPY

SHORELINE SURVEY MAP SHOWING
LOT 24-D-1
OF THE B.P. BISHOP ESTATE KAHALUU BEACH LOTS

AT KAHALUU, NORTH KONA, ISLAND AND COUNTY OF HAWAII, STATE OF HAWAII

NOTES :

1. Azimuths and coordinates are referred to Government Survey Triangulation Station "KEAUHOU".
2. [1] Denotes numbered point in photographs.
3. (1) Denotes number of photograph and direction of view.

Prepared By :

WES THOMAS & ASSOCIATES, INC.
75-5722 Kalawa Street
Kailua-Kona, Hawaii 96740

This map was prepared by me or under my direct supervision :

Chrystal Thomas Yamasaki

CHRYSTAL THOMAS YAMASAKI
Registered Professional Land Surveyor
Certificate Number : LS-4331

10 8 6 4 2 0 10 20 30
SCALE IN FEET

PROJECT NO. 03251.1
DATE: May 23, 1988
FIELD BOOK NO: 695
DISK NO: 106
TAX MAP KEY: 7-8-14: 84 (3rd Div.)

Revised: June 23, 1988

Picture A1: Equal to 6 on Survey, Seawall at front lanai, same as Survey

Picture A2: Taken June 21 2016, Equal to 6 on Survey, Seawall at north side, same as Survey

Picture A3, Close-up of Seawall at front lanai same as Survey

Picture B, Close-up of Seawall, north lanai, same as Survey

Picture C, Detail of Seawall, north lanai, same as Survey

Picture D, Equal to 6 on Survey, Close-up of Seawall, north side of home, same as Survey

Picture E1, Equal to 4 & 5 on Survey, front side, same as Survey

Picture E2, Equal to 4 on Survey, front side, same as Survey

Picture F, Equal to 4 on Survey, south side, same as Survey

Picture G, Equal to 3 on Survey, south side, from south neighbor

Picture H, from lanai, looking south

Picture I, from inside house, looking west, north-west, towards corner of lanai

DAVID Y. IGE
GOVERNOR OF
HAWAII

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:TM

Correspondence: HA 18-124

JAN - 4 2018

Lawton Allenby
Allenby and Associates
PO Box 2113
Kealakeakua, HI 96750-2113

SUBJECT: Shoreline Certification and Hawai'i Revised Statutes (HRS) Chapter 343 Exemption Inquiry for Proposed Improvements to a Residence Located at Kahalu'u, Hawai'i, TMK: (3) 7-8-014:084

Dear Mr. Allenby:

The Office of Conservation and Coastal Lands (OCCL) has reviewed your information regarding the subject matter. According to your information, you are requesting confirmation that the June 18, 1988 certified shoreline for the noted parcel remains valid based upon the Hawai'i Administrative Rules (HAR), §13-222-11 (a) and you are also seeking an exemption from HRS, Chapter 343, in regards to an Environmental Assessment (EA).

In addition, you had included a draft document dated 11/13/2016 that states that your clients would be seeking a Conservation District Use Permit to request a shoreline setback variance and a variance from zoning code for improvements to your residence consisting of a 2nd floor addition. This document also states that the dwelling is "outside of the flood zone," and "no historic areas are known."

HAR §13-222-11(a) are Land Management rules and we have sought comment from relevant Land Division staff in regards to your request to exempt shoreline certification. Land Division has concurred with the OCCL and is inclined to recommend that a certified shoreline be sought. However, the decision is up to the regulating agency that would be the County of Hawai'i.

HAR, Chapter 13-5, the rules and regulations of the Conservation District[1] do not provide for requesting a shoreline setback variance and a variance from zoning code. Further based upon the Land Use Commission (LUC), the existing residence is within the State Land Use Urban District. As stated by you in your correspondence, the parcel is zoned "RS-15," that appears to be a County code. Please discuss these matters with the County of Hawai'i.

1 HAR, Chapter 13-5 can be found at dlnr.hawaii.gov/occl

Lawton Allenby
Allenby and Associates

Correspondence: HA 18-124

Regarding your discussion that the dwelling is "outside the flood zone," we wish to bring to your attention that it appears that the entire parcel and Ali'i Drive beyond are within Zone VE noted as a coastal flood zone with velocity hazard (wave action) with a base floor elevation of 18-feet. Further, according to the Atlas of Natural Hazards in the Hawaiian Coastal Zone,[2] the overall hazard assessment of this area is high (7) as it appears tsunami, stream flooding, high waves, storms, sea level rise, volcanic/seismic may potentially affect the property. **[Exhibits A, B, C]**

Regarding your discussion that "no historic areas are known," the Kahalu'u shoreline was a well-known thriving Hawaiian settlement and favorite area for Ali'i prior to the 1900's. While the area where the parcel exists was once noted as 'rocky waste' in a 1924 map, Kahalu'u, has been given historic district designation.

Regarding your request to exempt the proposed improvements to the rental property from HRS, Chapter 343, this decision is also up to the regulating agency that would be the County of Hawai'i. Should you have any questions regarding this correspondence, contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,

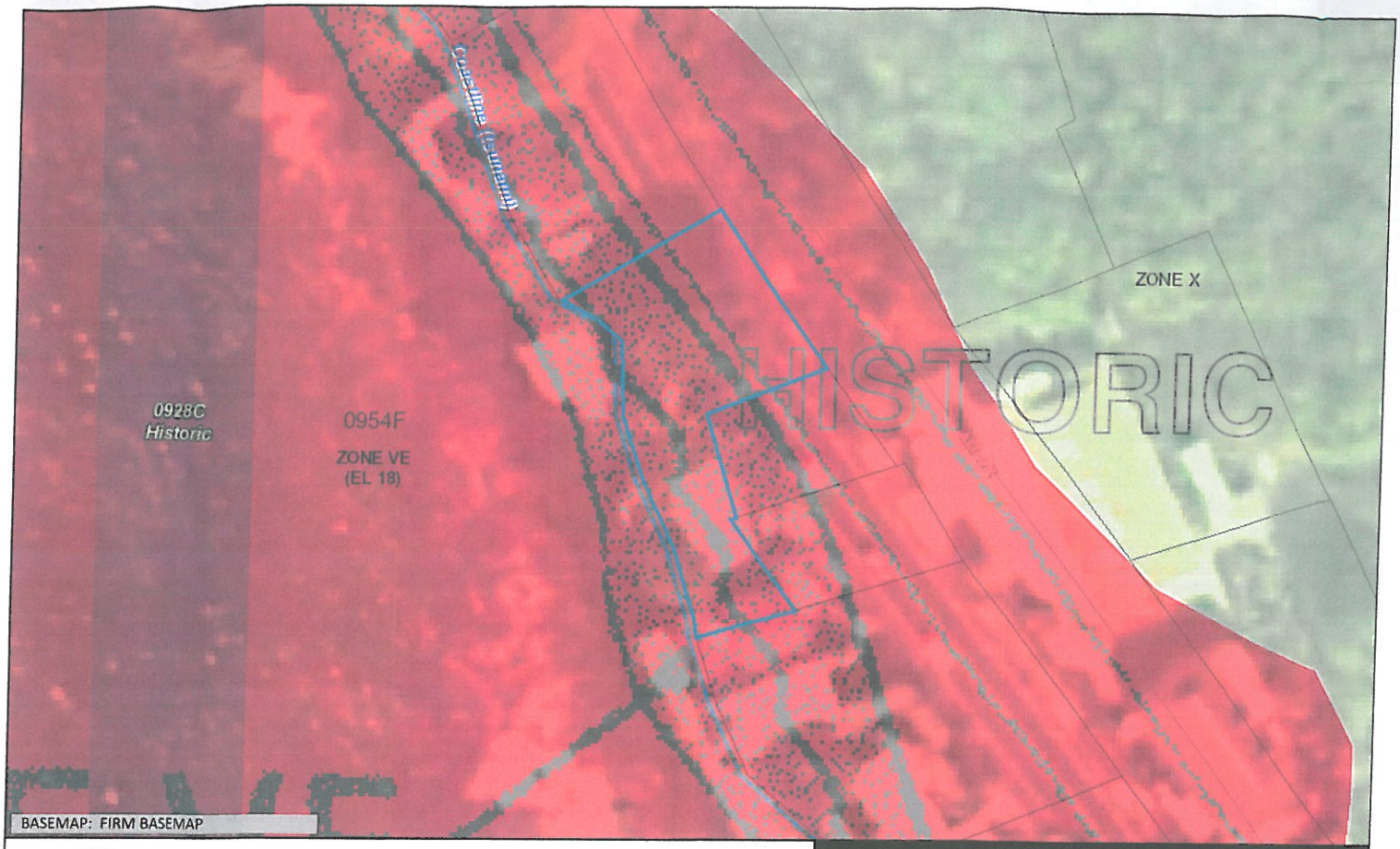
Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

C: Chairperson
Land
DAGS Survey
County of Hawai'i
-Planning

2 http://pubs.usgs.gov/imap/i2761/sections/5_Maui.pdf Atlas of Natural Hazards in the Hawaiian Coastal Zone (2002) Fletcher III, Charles H.; Grossman, Eric E.; Richmond, Bruce M.; and Gibbs, Ann E.

https://www.redawning.com/rental-property/cottage-kailua-kona

EXHIBIT A



Flood Hazard Assessment Report

www.hawaiinfip.org

Property Information

COUNTY:	HAWAII
TMK NO:	(3) 7-8-014:084
WATERSHED:	WAIAHA
PARCEL ADDRESS:	78-6662 ALII DRIVE KAILUA KONA, HI 96740

Notes:

Flood Hazard Information

FIRM INDEX DATE:	SEPTEMBER 29, 2017
LETTER OF MAP CHANGE(S):	NONE
FEMA FIRM PANEL:	1551660954F
PANEL EFFECTIVE DATE:	SEPTEMBER 29, 2017

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

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

0 40 80 ft

EXHIBIT B

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

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

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

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

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

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

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

OTHER FLOOD AREAS

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

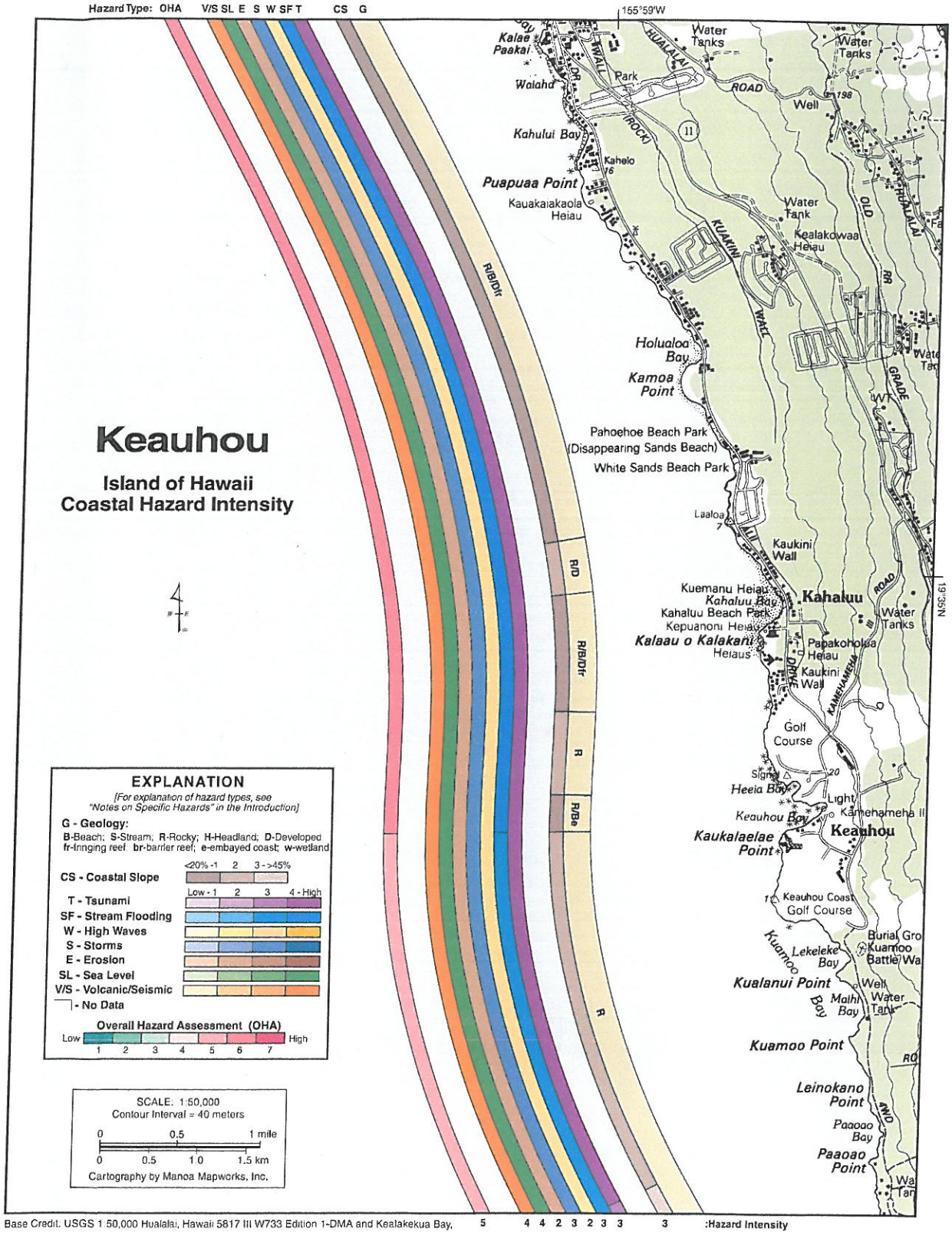

Hazard Type: OHA V/S SL E S W SF T CS G
155°59'W
19°35'N
Keauhou
Island of Hawaii
Coastal Hazard Intensity
EXPLANATION
[For explanation of hazard types, see "Notes on Specific Hazards" in the Introduction]
G - Geology:
B-Beach; S-Stream; R-Rocky; H-Headland; D-Developed
fr-fringing reef; br-barrier reef; e-embayed coast; w-wetland
CS - Coastal Slope
<20% -1 2 3 - >45%
T - Tsunami
SF - Stream Flooding
W - High Waves
S - Storms
E - Erosion
SL - Sea Level
V/S - Volcanic/Seismic
- No Data
Low - 1 2 3 4 - High
Overall Hazard Assessment (OHA)
Low 1 2 3 4 5 6 7 High
SCALE: 1:50,000
Contour Interval = 40 meters
0 0.5 1 mile
0 0.5 1.0 1.5 km
Cartography by Manoa Mapworks, Inc.
R/B/Dfr
R/D
R/B/Dfr
R
R/Be
R
Kalae Paakai
Waiahu
Kahului Bay
Puapuaa Point
Kauakaiakaola Heiau
Kahelo
Holualoa Bay
Kamoa Point
Pahoehoe Beach Park (Disappearing Sands Beach)
White Sands Beach Park
Laaloa
Kaukini Wall
Kuemanu Heiau
Kahaluu Bay
Kahaluu Beach Park
Kepuanoni Heiau
Kalaau o Kalakani
Heiaus
Kahaluu
Papakoholua Heiau
Kaukini Wall
Golf Course
Heeia Bay
Keauhou Bay
Kaukalaelae Point
Keauhou
Keauhou Coast Golf Course
Lekeleke Bay
Kualanui Point
Malihi Bay
Kuamoo Point
Leinokano Point
Paaoao Bay
Paaoao Point
Water Tanks
Park
Well
Water Tank
Kealakowaa Heiau
Kamehameha II
Light
Sign
Base Credit: USGS 1:50,000 Hualalai, Hawaii 5817 III W733 Edition 1-DMA and Kealakekua Bay,
5 4 4 2 3 2 3 3 3 :Hazard Intensity

EXHIBIT C

Harry Kim
Mayor

Michael Yee
Director

Daryn Arai
Deputy Director

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

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

County of Hawai'i
PLANNING DEPARTMENT

February 15, 2018

Mr. Lawton Allenby
Allenby and Associates
P.O. Box 2113
Kealakekua, HI 96750-2113

Dear Mr. Allenby:

SUBJECT: Proposed Determination Regarding the 1988 Certified Shoreline Survey
Tax Map Key: (3) 7-8-014:084 Kahalu'u Beach Lots, North Kona, Hawai'i

This is in response to your letter received November 13, 2017 requesting that the Planning Department consider a determination that the June 28, 1988 certified shoreline survey remains valid, that the shoreline setback from the June 28, 1988 certified shoreline is 20 feet, and that the current pictures submitted in the letter demonstrate that the current wall looks the same as the wall did at the time when the 1988 certified shoreline survey was approved at the base of the wall. Included in the letter were pictures taken at the time of the 1988 survey for comparison.

The Planning Department sent a letter to you dated April 4, 2017 requesting that you submit a written request to Department of Land and Natural Resources (DLNR) to have the Chairperson of the Board of Land and Natural Resources (BLNR) confirm the validity of the certified shoreline pursuant to HAR 13-222-11. Our office received the response letter to your submittal to DLNR dated January 4, 2018, in which DLNR states that they are inclined to recommend that a certified shoreline be sought, but state that the decision is up to the regulating agency, which is the County of Hawai'i.

Based on the above and the detailed information submitted to our office, we have determined that the 1988 certified shoreline survey is valid for purpose of establishing the shoreline setback and to proceed with the environmental assessment and shoreline setback variance processes.

Mr. Lawton Allenby
Allenby and Associates
Page 2
February 15, 2018

If you have any questions, please feel free to contact Jeff Darrow at 961-8158.

Sincerely,

MICHAEL YEE
Planning Director

JWD:mad

P\wpwin60\Jeff\Letters\Determination Letters\LAllenby-CertifiedShorelineValid.doc

cc: Roy A. Vitousek III, Esq., Cades Schutte LLP

APPENDIX 6: Flood Zone Determination and Maps

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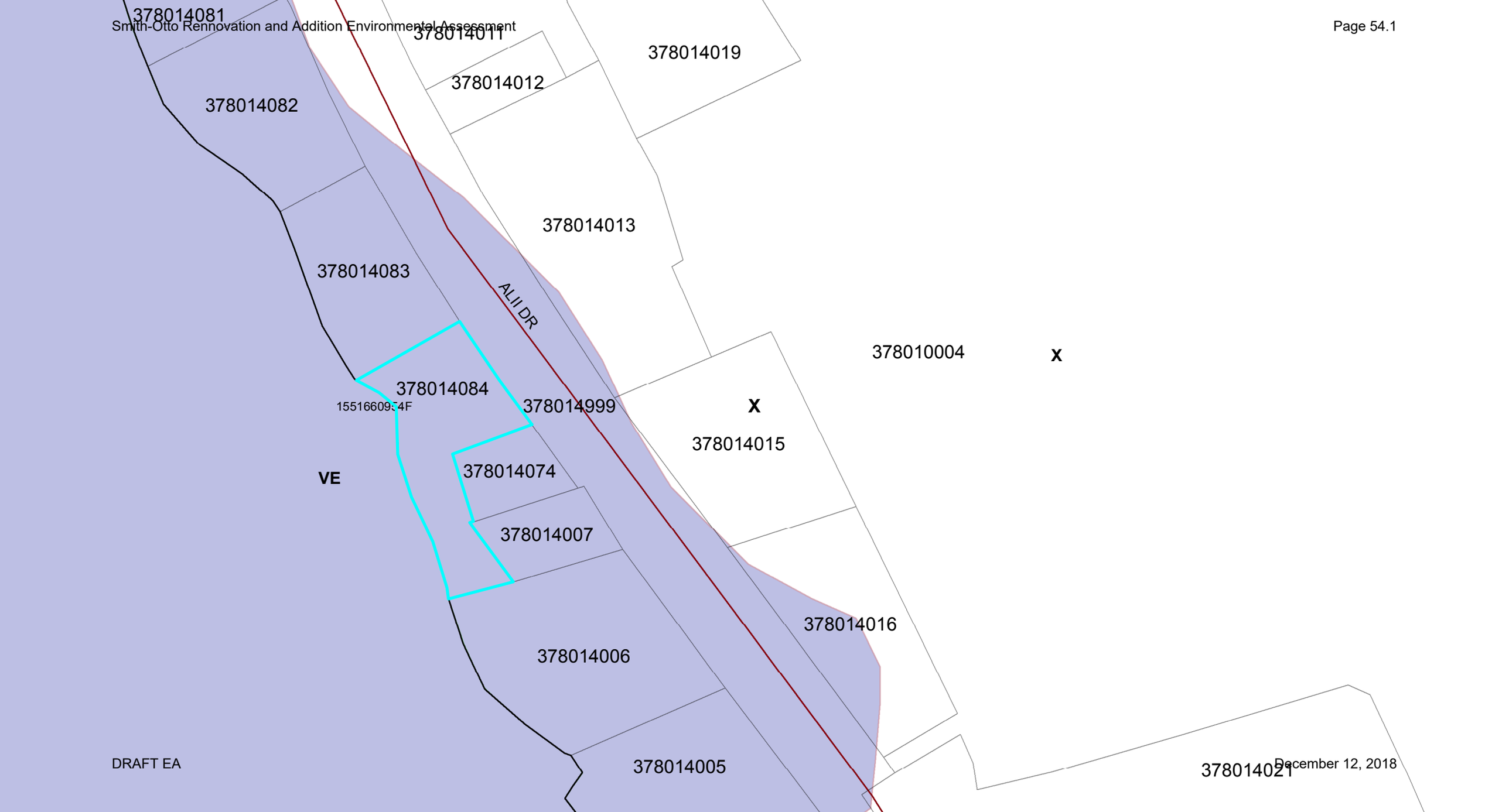
378014081
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ALII DR
378010004
X
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155166093F
378014999
X
378014015
VE
378014074
378014007
378014016
378014006
378014005
378014021

Rev 4/2/14
Email completed form to
dpweng@hawaiicounty.gov

County of Hawai'i
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

Flood Zone Determination

Tax Map Key: (3) 7-8-014:084

Requested by: Lawton Allenby

Company: Allenby & Associates

Address:

Phone No. 324-1600 Fax:

Date:

Flood Zone is: VE

Remarks:

Completed by: Jane Kaiawe Digitally signed by Jane Kaiawe DN: cn=Jane Kaiawe, o=County of Hawaii - DPW - Engineering Division, ou, email=jkaiawe@hawaiicounty.gov, c=US Date: 2016.09.12 12:45:40 -10'00'

Date: September 12, 2016

Notes:

1) Property in Zone X (not within the Special Flood Hazard Area) may be damaged by a flood greater than that predicted on the Flood Insurance Rate Map, or from a local drainage problem not shown on the map. The Information provided here does not create liability for the County of Hawai'i, or any officer or employee thereof, for any damage that results from reliance on this information.
2) Buyers are advised to consult an Architect and/or Engineer or other experts of the buyers' choice if there are additional questions.
3) See attached about the mandatory purchase of Flood Insurance requirements.
4) In 2008, the Federal Emergency Management Agency (FEMA) issued a Hurricane Study for Hawai'i County. In terms of potential risk to life and property, the more protective Base Flood Elevations and Special Flood Hazard Areas from FEMA's hurricane study, were incorporated onto FEMA's July 2011, Preliminary Digital Flood Insurance Rate Maps (Preliminary DFIRMs). Until FEMA's Preliminary DFIRMs become effective, the County will continue using FEMA's current effective Flood Insurance Rate Maps and Flood Insurance Study for Hawai'i County. We advise all coastal property owners to review FEMA's Preliminary DFIRMs and design/construct as appropriate. The Preliminary DFIRMs can be reviewed at the State of Hawai'i, Department of Land and Natural Resources' website: http://gis.hawaiinfip.org/fhat/.

LEGEND

BASE FLOOD ELEVATION (BFE) – Water surface elevation of a flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

FLOOD INSURANCE RATE MAP (FIRM) – Map used in administering the National Flood Insurance Program. The maps display shaded areas in the community that are subject to flooding. Flood Insurance rates are based on risk of the various Special Flood Hazard Areas zones (defined below) shown on the map. County of Hawai'i's regulations are tied to the different SFHA zones.

FIRM or SFHA zone information is available from the following sources:

- Order or viewed on the Internet by visiting http://msc.fema.store or by going directly to or by calling 1-877-336-2627
- The State of Hawai'i Department of Land and Natural Resources provides property specific flood zone designation information at its website http://gis.hawaiinfip.org/fhat/.
- The County of Hawai'i Department of Public Works provides (upon request and for a nominal fee) a copy of the Tax Map Key with the specific flood designations(s).

SPECIAL FLOOD HAZARD AREAS (SFHA) – Areas of land or zones that would be inundated by a flood having a 1 percent of occurring in any given year (also referred to as the base flood or 100-year flood).
ZONE A – No base flood determined
ZONE AE – BFE determined

ZONE AH – Flood depth of 1 to 3 feet (usually areas of ponding); base flood elevation determined

ZONE AO – Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flood, velocities also determined.

ZONE V – Coastal flood with velocity hazard (wave action); no BFEs determined.

ZONE VE – Coastal flood with velocity hazard (wave action); BFEs determined.

BUFFER ZONE – Areas bordering and within 50 feet of a SFHA with BFE, depth numbers specified in feet on the FIRM or other areas that have been studied and indentified with BFE or depth numbers [HCC §27-12 and §27-18(d)(5)].

OTHER FLOOD AREAS – Areas of land or zones not designated as SFHAs.

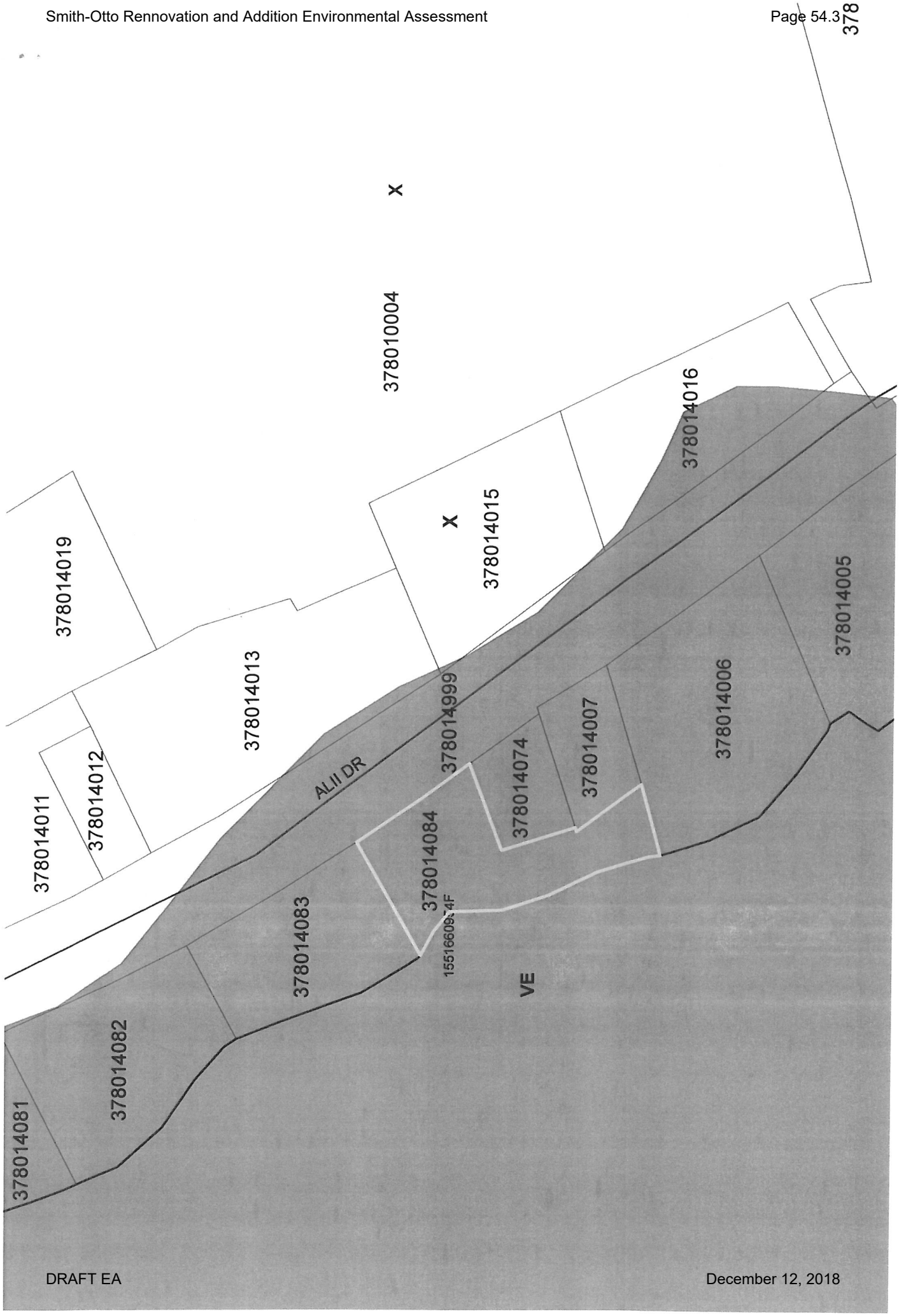
ZONE X (Shaded) – Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and, areas protected by levees from 100-year flood.

ZONE X – Areas determined t be outside the 500-year floodplain.

ZONE D – Areas in which flood hazards are not determined.

Notes:
1) FIRM maps do not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside SFHAs.
2) SFHAs (100-year flood) include Zones A, A1-A30, AE, AH, AO, V and VE.
3) Certain areas in SFHAs may be protected by flood control structures (e.g., levees).

County of Hawai'i is an Equal Opportunity Provider and Employer


378
X
378010004
X
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ALII DR
378014999
378014074
378014007
378014006
378014005
378014084
155166094F
378014083
VE
378014082
378014081

Mr. and Mrs. John Koeker
Boulder Creek, Calif. 95006

October 15, 2016

To Whom it may Concern:

We were the owners of "The Cottage" at 78-6662 Ali'i Drive, Kailua-Kona from December 2003 until December 2014. During those times, we never experienced any water damage as a result of wave or tide. The house remains a "dry lot."

Sincerely,

John Koeker
Sharon S. Koeker

HAWAIIAN INSURANCE™
AND GUARANTY COMPANY, LIMITED
Celebrating 100 Years of Service

(808) 536-2777 (808) 547-8464
(844) 413-1914 (Toll-Free)
info@higltd.com www.higltd.com

The Protection You Need | The Service You Deserve

July 27, 2016

To whomever it concerns:

Re: Deborah Otto and Bradley Smith

Property located at 78-6662 Alii Drive Kailua-Kona HI 96740

Dwelling Fire Policy #52-25-1379

This policy has been in force since 12/12/14 and there have been no losses to date.

Hawaiian Insurance and Guaranty Company, Ltd.

Brian Furuno

Lead Underwriter

Pioneer Plaza, 900 Fort Street Mall
Suite 1645, Honolulu, HI 96813

APPENDIX 7: County Records and Permits

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COUNTY OF HAWAI`I

Real Property Tax Office

Recent Sales in Area	Previous Parcel	Next Parcel	Return to Main Search Page	Hawaii Home	Real Property Home

Owner and Parcel Information

Owner Name	SMITH,BRADLEY RICHARD Fee Owner, Joint Tenancy OTTO,DEBORAH LOE Fee Owner	**Today's Date**	November 14, 2016
Mailing Address	1310 7TH ST CORONADO, CA 92118-2216	**Parcel Number**	780140840000
Location Address	78-6662 ALII DRIVE	**Project Name**	
Property Class	HOMEOWNER	**Parcel Map**	Show Parcel Map Plat (TMK) Maps
Neighborhood Code	7811-1	**Land Area (acres)**	0.1508
Legal Information	LOT 24-D-1 6569 SF DES POR RP 6856 LCAW 7713:6	**Land Area (approximate sq ft)**	6,568

Assessment Information

Show Historical Assessments

Year	Property Class	Market Land Value	Dedicated Use Value	Land Exemption	Net Taxable Land Value	Market Building Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Total Taxable Value
2016	HOMEOWNER	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
2016	RESIDENTIAL	$ 739,100	$ 0	$ 0	$ 739,100	$ 81,300	$ 81,300	$ 0	$ 81,300	$ 820,400

Appeal Information

No appeal information on parcel.

Land Information

Property Class	Square Footage	Acreage	Agricultural Usage
RESIDENTIAL	1,441	0.0331	
RESIDENTIAL	5,128	0.1177	

Residential Improvement Information

Building Number	Year Built	Effective Year Built	Square Feet	Total Room Count	Full Baths	Half Baths	Bedrooms	Framing	Exterior Wall	Roof Material	Heating/AC	Fireplace	Grade	Sketch
1	1963	1963	864	3	1	0	1	Frame	WOOD/SINGLE WALL	METAL	NONE	0	3+	Sketch Building 1

Other Building and Yard Improvements

Description	Quantity	Year Built	Area	Gross Building Value
JACUZZI POOL	1	1992	28	$ 700
PORCH CEILED W/ SHED ROOF	1	1992	64	$ 1,800

Permit Information

Date	Permit Number	Reason	Permit Amount
09/19/1991	911993		$ 6,000
04/30/1962	25914		$ 9,000

Dept of Public Works Bldg Division Permit and Inspections Information

Permit Date	Permit Type	Permit Number	Permit Reason	Permit Description	Estimated Cost	Inspection Date	Inspection Status
05/04/2015	Electrical	EK2015-00947	Electric Only,Repair	EXISTING SERVICE REPAIR AND REPLACEMENT	$3,000	05/29/2015	COMPLETED
05/17/2012	Electrical	EK2012-00080	Supplemental	SERVICE UPGRADE--- SUPPLEMENT TO E2010-0890K	$200	05/21/2012	COMPLETED
07/07/2010	Electrical	E2010-0890K	Addition;Repair;Electric Only	EXISTING SERVICE REPAIR	$4,000	05/02/2012	COMPLETED
03/15/1989	Electrical	E895274*	Alteration		$250	04/10/1989	COMPLETED

As a courtesy to the public, we provide building permit data as supplied by the Department of Public Works. As such, no warranties, expressed or implied, are provided for the data herein, its use or its interpretation, and accuracy.

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date of Recording	Land Court Document Number	Cert #	Book/Page	Conveyance Tax	Document Type

12/12/2014	$ 640,000	54710429	FEE CONVEYANCE	Warranty Deed	12/24/2014				2100	Warranty Deed
11/09/2003	$ 995,000	03-278143	FEE CONVEYANCE	Warranty Deed	12/17/2003				995	Warranty Deed
12/30/1993	$ 0	9400002896	FEE CONVEYANCE		01/07/1994				0.00	
10/28/1993	$ 0	9300181971	FEE CONVEYANCE	Warranty Deed	11/03/1993				0.00	Warranty Deed
09/20/1991	$ 0	9100129191	FEE CONVEYANCE	Warranty Deed	09/23/1991				0.00	Warranty Deed
04/11/1991	$ 0	9100047023	FEE CONVEYANCE	Warranty Deed	04/15/1991				0.00	Warranty Deed
10/23/1990	$ 2,000	9000167578	FEE CONVEYANCE	Deed	10/29/1990				1.00	Deed
10/23/1990	$ 2,000	9000167576	FEE CONVEYANCE	Deed	10/29/1990				1.00	Deed
10/22/1990	$ 0	9000167575		Deed	10/29/1990				0.00	Deed
11/22/1989	$ 2,000	8900182651	LEASE		11/30/1989			23934/88	1.00	
11/22/1989	$ 180,000	8900182650	LEASE		11/30/1989			23934/80	90.00	
11/22/1989	$ 485,000	8900182649	FEE CONVEYANCE		11/30/1989			23934/72	242.50	
11/22/1989	$ 2,000	8900182648	FEE CONVEYANCE	Warranty Deed	11/30/1989			23934/65	1.00	Warranty Deed
02/09/1989	$ 0	8900031673	A/S ON FEE		03/09/1989			22928/545	0.00	
02/09/1989	$ 237,500	8900031672	FEE CONVEYANCE	Warranty Deed	03/09/1989			22928/539	118.75	Warranty Deed
10/14/1988	$ 0	8900031670	FEE CONVEYANCE	Warranty Deed	03/09/1989			22928/528	0.00	Warranty Deed
08/03/1988	$ 0	8900031671	A/S ON FEE		03/09/1989			22928/533	0.00	
01/01/1900	$ 0	8800115455	FEE CONVEYANCE		08/12/1988			22237/605		

Current Tax Bill Information **2016 Tax Payments** **Show Historical Taxes**

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2016-2	Real Property Tax	02/21/2017	$ 0.00	$ 0.00	$ 2,030.72	$ 0.00	$ 0.00	$ 0.00	$ 2,030.72
									$ 2,030.72

Tax bill is computed to 11/30/2016 Or pay online at http://payments.ehawaii.gov/propertytax/hawaii Other Payment Options Click Here

Recent Sales in Area	Previous Parcel	Next Parcel	Return to Main Search Page	Hawaii Home	Real Property Home

The Hawaii County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: November 11, 2016

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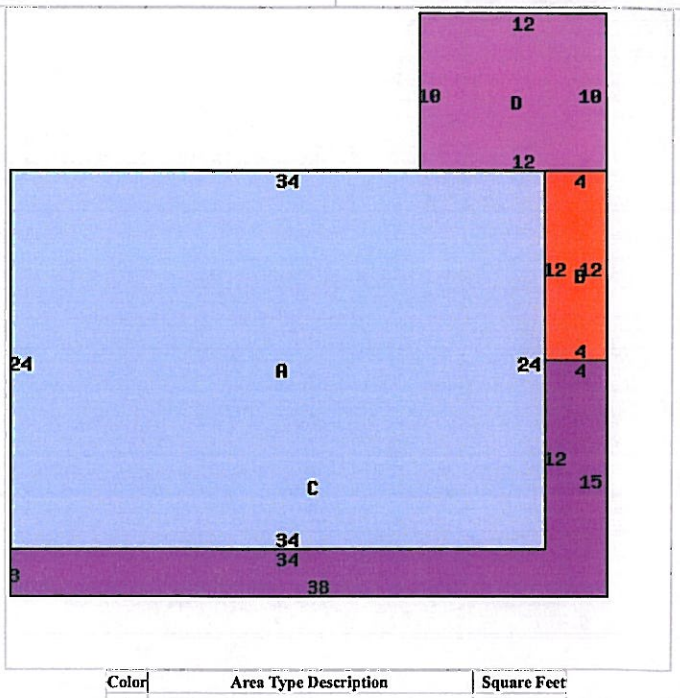
COUNTY OF HAWAI`I

Real Property Tax Office

Parcel Number: 780140840000	**Building Number: 1**
Owner: SMITH,BRADLEY RICHARD	**Physical Address: 78-6662 ALII DRIVE**



Color	Area Type Description	Square Feet
A	MAIN AREA	816
B	1ST STORY FRAME	48
C	PORCH CEILED SHED ROOF - MAS	162
D	CONCRETE DECK	120

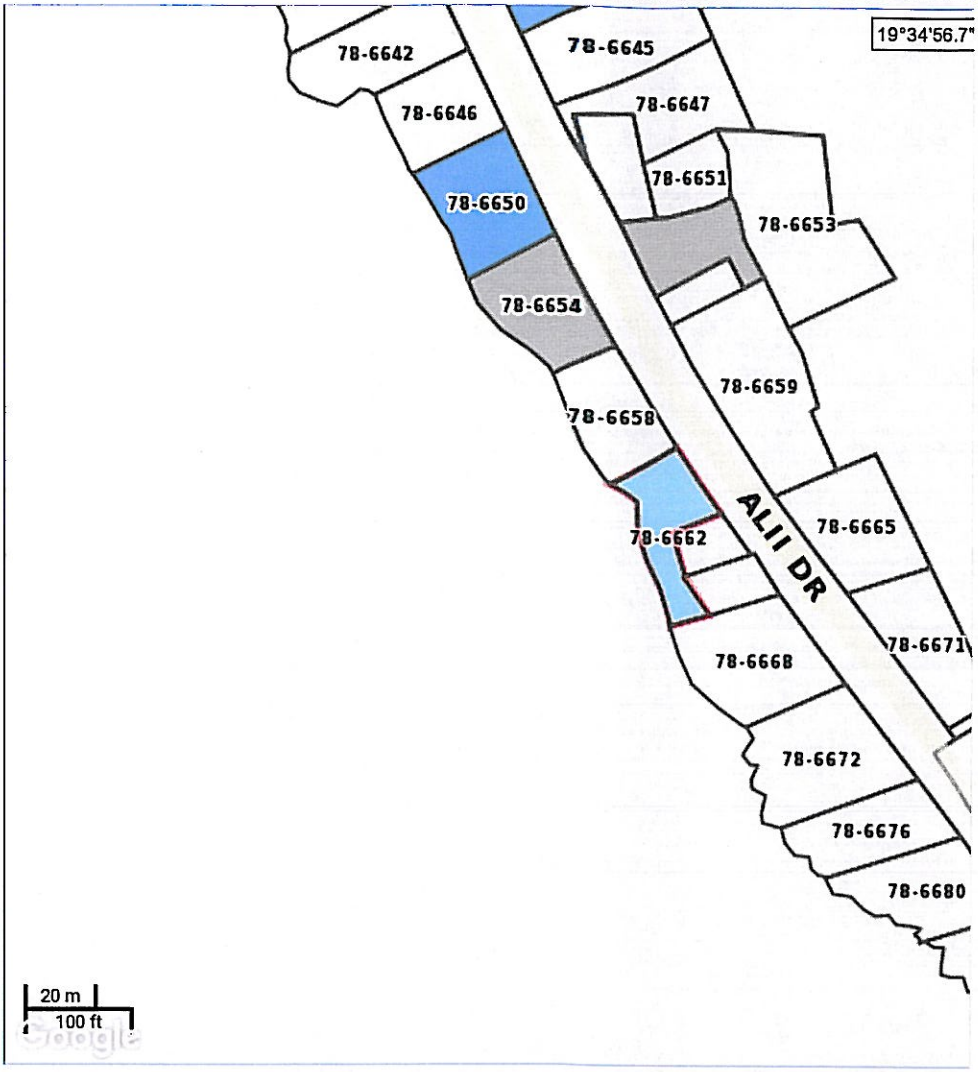
Enlarge Close Window

Zoom County | Zoom to Box | Zoom In | Zoom Out | Pan by Hand | Get Info | Zoom To Parcel | Center On Parcel | Measure | Area Tool

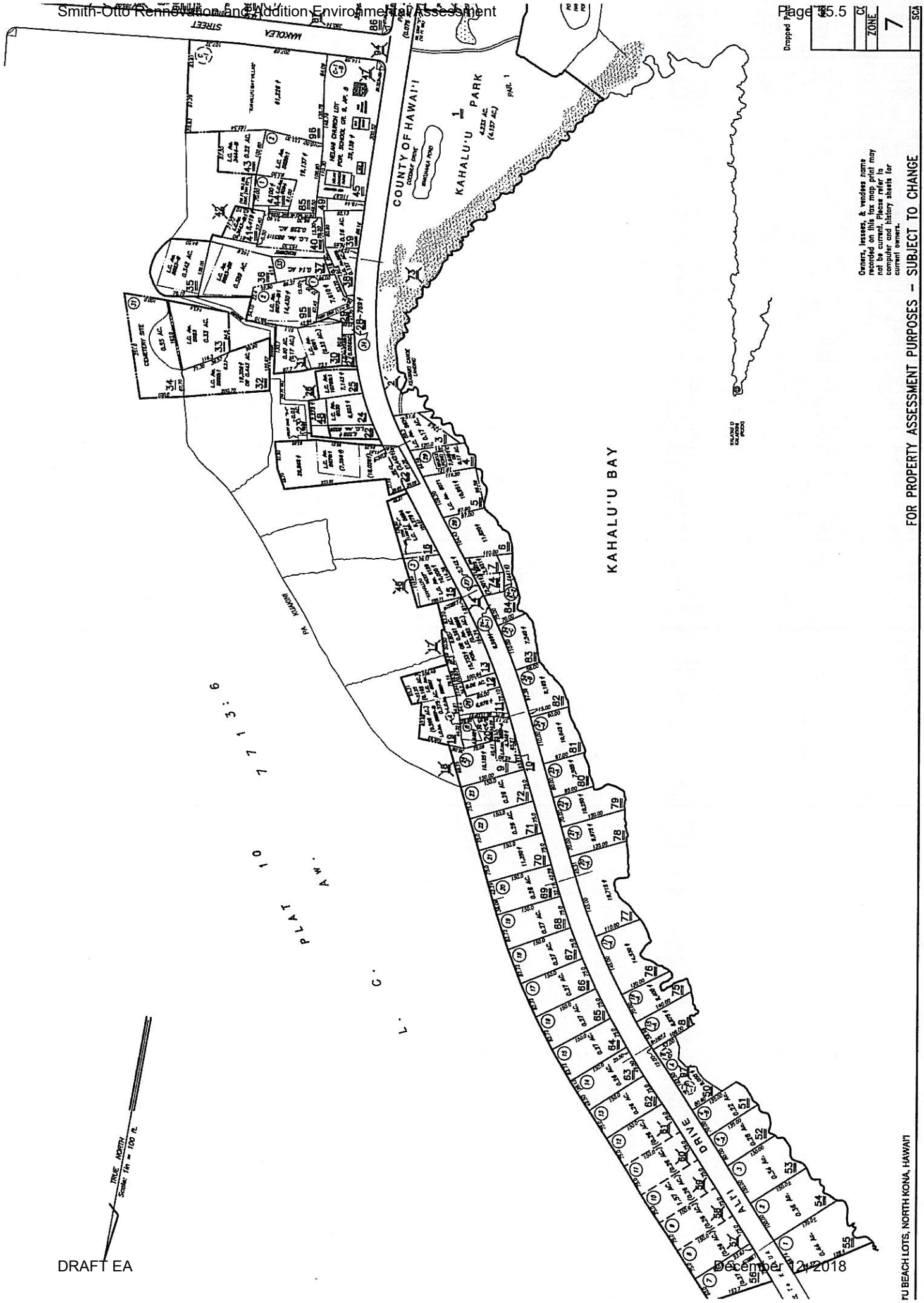
Controls

Available Layers
- ☑ Parcels
- ☐ Parcel Numbers
- ☑ Address #
- ☑ Yearly Sales
- ☑ Roads
- ☐ Schools
- ☐ Lakes and Rivers
- ☐ Satellite (Google)

Show Scale



*Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided certified taxroll. All data is subject to change before the next certified taxroll. The 'parcels' layer is intended to be used for visual purposes limitations of the data. The 'parcels' data layer does not contain metes and bounds described accuracy therefore, please use caution wher as a base may not produce precise results. GPS and imagery data will not overlay exactly.


MAKOLEA STREET
COUNTY OF HAWAI'I
KAHALU'U PARK
KAHALU'U BAY
ALII DRIVE
PLAT 10 T 1 3 : 6
TRUE NORTH
Scale: 1in = 100 ft.
ZONE
7
FOR PROPERTY ASSESSMENT PURPOSES – SUBJECT TO CHANGE
Owners, lessees, & vendees name recorded on this tax map print may not be current. Please refer to computer and history sheets for current owners.
PRINTED

DESCRIPTION OF IMPROVEMENTS

CARD ____ OF ____ CARDS

ZONE	SEC.	PLAT	PARCEL
7	8	14	84

SURVEY BY S+J

DATE 1/3/62

9. USE TYPE & OCC.

	RENT.	HOME
1-FAM.	☐	☑
2-FAM.	☐	☐
APART.	☐	☐
MULTI.	☐	☐

10. UNITS & ROOMS

LIV. UNITS 1

ROOMS (1BR)

STORIES

BASEMENT

11. FOUND. & STEPS

	FD.	ST.
CONC.	☐	☐
H.T.	☑	☐
STONE	☑	☐
WD. P.	☑	☐
H.O.G.		

Crawl space

12. FRAME

WD-SW ☑ SWDB ☐ DW ☐

MASONRY ☐

STEEL ☐

REIN. CONC. ☐

13. EXTERIOR WALLS

T & G 1 X 8

B & B

RUSTIC

BRICK

STONE/ROCK

HT.

PLAS/STUCCO

14. ROOF DESIGN

GABLE ☑ HIP ☐

FLAT ☐ GAMB ☐

15. ROOF STRUCT.

WOOD ✓

STEEL

CONC.

16. ROOFING

COMP.

BLT/UP.

SHING.

SHAKES ✓ (Small)

METAL

TILE

RAIN GUTTERS ☐

17. FLR STRUCT.

WOOD JOISTS ☑

CONC. " ☐

STEEL " ☐

CONC. SLAB ☐

18. FLOORING

	LIV.	B/R	BTH	KIT.	OTHER
PINE	✓	✓	✓	✓	
HDWD					
CEM					
TILE					

19. ELECTRICAL

FIXT. CH ☐ M ☐ GD ☐

OUTL. S/ST ☐ ST ☐ VG ☐

BUILT/IN OVEN ☐ STOVE ☐

VENT ☐ D/WR ☐

20. INTER. WALLS

TYPE 1 X 8 T & G

MAT.

21. CEILING

CANEC ☐ PLAS ☐

PINE ☐ PLY ☐

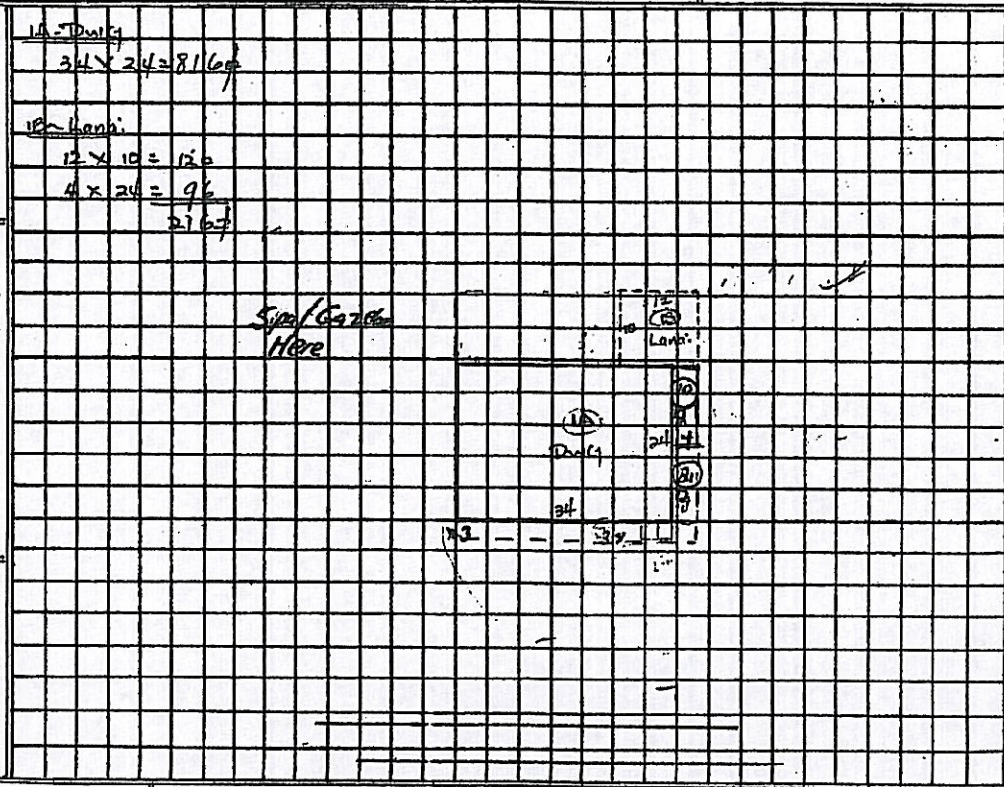
Exp. Beams

22. BATHROOMS

1 ☑ 1½ ☐

2 ☐ 2½ ☐

3 ☐



23. MILLWORK

WINDOWS-D/H		DOORS-PANEL	
SL. CS.		SOLID	✓
PICTURE		SLID'G	
JALOUSIE	✓	CUSTOM	
TRIM-PINE		CABINETS	✓
HARDWD		SHELVES	
METAL		VANITY (NO)	
		Sldg. Scrn Drs.	

24. PLUMBING

ITEM	CH	MED	GD	VAL.
5-UNIT				
BATH TUB				
W.C.		1		
BASIN		1		
SH. STALL		1		
SINK		1		
LAUND.		1		
SUN HT.				
5 plb. @		114		570
SUB TOTAL—PLUMBING				

25. ADD'L IMPVT DETAILS

ITEM	RF	WL	FL	AREA	CF	VAL.
1B-Lanai		–	conc	216 ft	25% of 6.12 = 1.54	333
SUB TOTAL DETAILS						333
TOTAL ITEMS 24 & 25						903

26. REMARKS

Remod

SHAPE

S

27. ADD'L FLOOR DET.

2ND ☐ 3RD ☐ 4TH ☐

28. CONDITION

BETTER THAN EVER ____ %

AVERAGE (NOR. DEP) ☑

BELOW AVER ____ %

29. CLASSIFICATION

CLASS W S/CL 2+

BY S+J

DRAFT EA

December 12, 2018

DEPARTMENTAL FORM P-17

DEPARTMENT OF TAXATION

RESIDENTIAL APPRAISAL CARD (Morgan-Segal) Lane

1. DEPRECIATION .967

B. NO.	YR. CONSTR.	AGE	LIFE EXP.	% GD.	ADJ. %
1	1962	N	30	100	

2. BLDG. PERMIT RECORD

PUR.	DATE	PER. NO.	AMOUNT	BP BY
Owe: Lana:	1-30-62	25914	$9,000	M. Nagatoshi

3. ADD'L L. IMPVTS

PAVED AREAS ☐ TERR/PATIOS ____ SQ. FT.
RET. WALL ☐ FENCES ____ LIN. FT.
LAWN-LDSC ☐ BARBEC. ____ CU. FT.
WALK WAYS ☐ SWIM. POOL ____ SQ. FT.
SPRINKLERS ☐ SHAPE ____ AV. DEPTH ____

REMARKS

CARD ____ OF ____ CARDS

	ZONE	SEC.	PLAT	PARCEL
4.	7	8	14	84

5. ADDRESS

6. CODE AF 100

7. USE

RES. ☑ ACR. ☐
COM'L. ☐ INST. ☐
IND. ☐

8. COMPUTATION OF IMPROVEMENT VALUE

NO.	AREA	CF.	YR. 1962	CF.	YR X1.08 1964	CF.	YR. 1965	CF. X1.18	YR. 1966	CF. X1.28	YR. 1967	CF.	YR. 1968
1	816	616	5027										
		Add'l	903										
			AF 5930										
		New 100	V 5930		6193		5989		6311		6777		6750
			AD 1/19/63										
					1969		1970		71-72		72-73		
					6527		6785		7086		7161		7257
			74-75		75-76		76-77		1977		1978		1979
			8141		9132		7827	EX	7758		8897		9068
			1980		1981		1982		1983		1984		1985
			9210		9797		10895		19753		20075		19413
			1986		1987								
			19335		19258								

Smith Otto Renovation and Addition Environmental Assessment

DIVISION H.A. 313 — 7811

ZONE	SEC.	PLAT.	PARCEL
7	8	14	84

NO.	SYMBOL	RATIO	AV. DEPTH	AREA	U.V.	YR. 1962 VAL.	U.V.	YR. 1964 VAL.	U.V.	YR. 1965 VAL.	U.V.	YR. VAL.
1	ϕ			3488 ϕ	70	2442	80%	2808				
2	ϕ			3522 ϕ	-90% 70	247	-90% 80%	284				
3	ϕ			3488 ϕ					80%	2808		
4	ϕ			3081 ϕ					-90% 80% (2430)	248		
5						1966		1968			AHL	1970
6	ϕ	H.A Rate		6569 ϕ	-10% 87½	5173	-10% 1.40	8277	-10% 1.60	(0510) 9459	-10% 08 26½	17244
7											Less 10%	1724
8												15520
9												1970
10	F	Imp Rec Rate		6569 ϕ							2.27½	14944
11						71–72		72–73		74-75	Less 10%	-1494
12		H.A Rate		6569 ϕ	2.80	16454		OUT				13450
13				Less 10%						74-75		76 - 77 1977
14		Imp Rec Rate		6569 ϕ	2.45	14485	2.80	18393	2.92½		2.55	16751
15				Less 10%			Less 10%	-1839	Less 10%		Less 10%	1675
16								16554	2.63¼	17293		15076
17												W 4242
18												

YEAR	1962	YR.	1963	YR.	1964	YR.	1965	YR.	1966	YR.	1967	YR.	1968	YR.	1969
AREA	7010 ϕ	AR.		AR.		AR.	6,569 ϕ	AR.		AR.	Adj. by B/E Date: 6 28/67	AR.		AR.	
LAND VALUE	2689	L	2689	L	3092	L	3056	L	5173	L	5173 5173	L	8277	L	9459
IMPROVEMENT	-	I	5930	I	6193	I	5989	I	6371	I	6777 6777	I	6750	I	6527
TOTAL	2689	T	8619	T	9285	T	9045	T	11544	T	11950 11950	T	15027	T	15986
LESS EX.	-	EX.	-	EX.	-	EX.	- -	EX.	-	EX.	-	EX.	—	EX.	
NET TAX VALUE	2689	N.T.	8619	N.T.	9285	N.T.	9045	N.T.	11544	N.T.	11950 11950	N.T.	15027	N.T.	15986
TAXES															

YEAR	1970	YR.	71 – 72	YR.	72–73	YR.	73-74	YR.	74-75	YR.	75 - 76	YR.	76 - 77	YR.	1977
AREA		AR.		AR.		AR.		AR.		AR.		AR.		AR.	
LAND VALUE	15520	L	16454	L	16554	L	16554	L	17293	L	17293	L	15076	L	15076
IMPROVEMENT	6785	I	7086	I	7161	I	7257	I	8141	I	9132	I	7827	I	7758
TOTAL	22305	T	23540	T	23715	T	23811	T	25434	T	26425	T	22903	T	22834
LESS EX.	—	EX.		EX.		EX.		EX.		EX.	—	EX.	12000	EX.	12000
NET TAX VALUE	22305	N.T.	23540	N.T.	23715	N.T.	23811	N.T.	25434	N.T.	26425	N.T.	10903	N.T.	10834
TAXES															

DEPARTMENTAL FORM P-26

RESIDENTIAL APPRAISAL CARD

CARD	OF	CARDS
ZONE SEC.	PLAT	PARCEL
7 7	8 8	14 14	84 84

1. TOPOGRAPHY	2. ST. IMPVTS	3. UTILITIES	4. USE	5. ADD'L L. IMPVTS
LEVEL ☐	GRAVEL ☐	WATER ☐	RES. ☐	PAVED AREAS ☐
SLOPING FT.	PAVED ☐	ELEC. ☐	COM'L ☐	RET. WALLS ☐ TERR/PATIOS ____ SQ. FT.
GRADE "	CURB ☐	GAS ☐	IND. ☐	LAWN-LDSC. ☐
H ☐ L ☐	GUTTER ☐	SEWER ☐	AGR. ☐	WALK WAYS ☐ FENCES ____ LIN. FT.
	SIDE WK ☐	UNDERG'D ☐	INST. ☐	SPRINKLERS ☐ BARBEC. ____ CU. FT.
				SWIM. POOL ____ SQ. FT.
				SHAPE ____

6. ____
7. ____
ADDR
8. ZONING ____
9. MOD. FACTOR ____
ST. DEPTH ____ CORNER ____
OTHER ____

DESCRIPTION: Lot ~~[illegible] & 24-D-2~~ 24-D-1 Kahaluu Beach Lots

OWNER	TITLE HISTORY	NET AREA
B. P. Bishop Estate	For 1962 7,010Ø fr pars 7814-6 & 8	7,010 Ø
~~(Josephine J Roy)Le~~	Le:10/1/61 fr Bishop 30 yrs Bk 4450/564 R:1/30/63	7,010Ø
~~(Margaret Segal)Le~~	Assmt/Le:10/18/62 fr J J Roy -- Bk 4453/453 R:2/4/63	7,010Ø
	For 1965 subd into lts 24-D-1&24-D-2	
	For 1965 441Ø drpd into 7814-74	6,569 Ø
	Part/Surr/Le 10/1/63 MSegal to BPBishEst 441Ø R11/25/64 Bk4893/47	
~~(Elmer L. Kittell & [illegible] S-T/E) In~~		
	Assmt/Le 4/24/65 fr MSegal R8/31/65 Bk5124/401	
~~(Raymond B. Millie&wf. Jacqueline T/E)Le~~	Assmt/le9/12/70 fr EWKittell&wfSC@$26.50 $53M@8%DP$10M Mo$300	
	R10/15/70 Bk7237/232 TMB 3366'70	
	Assmt/L: 10/28/75 fr E W Kittell & wf 7010 sf SCT 00.00 R: 11/18/75	
	Inst 84443 Liber 11029/341 TMB 5119 75-76 (KEYED ONLY -previously assigned)	
	Mod/L: 10/1/75 fr BP Bishop Est 6569 sf SCT 12.75 55 yrs bg 10/1/75	
	R: 11/18/75 Inst 84445 Liber 11029/347 TMB 5120 75-76 (KEYED ONLY - new lease)	
~~(Lorenzo J. Neilson, Jr. & wf Carol T - T/E) - A/S - le~~	A/S-le: 4/14/76 Cons$65,000 DP$5,000 Mo$503.52 R: 5/21/76 Liber 11420/327	
	TMB 12303'75-76.	
~~(Lorenzo J. Neilson, Jr & wf Carol T - T/E)-le~~	Assmt/Le: 3/13/79 R: 6/6/79 Liber 13749/36 TMB 9536'79.	
~~(Carol T Neilson) le~~	For 1981; Lorenzo James Neilson, II died on Jan. 11, 1980; TMB 13743'80;	
(Duke De Fisher (m)	A/S: 5/11/81 fr Carol T. Neilson (s) SCT$105.00 Amt:$210,000	
~~Mark G. Sabo (s) -T/C)A/S)LE~~	@ 12% DP:$30,000 Mo:$1,800 R: 5/20/81 Liber 15559/517	
	TMB 8231'1981.	
(Duke De Fisher (m)		
Mark G Sabo (s) - T/C) Le & A/S	A/S: 6/10/82 fr Trustees of the Est of BP Bishop SCT$24.00 Amt.$48,035	
	@15½% etc DP$4,804 Mo.$563.96 R:8/24/82 Liber16527/702 TMB'10416 '82	
	Assmt/A/S11/28/83 fr Carol T Neilson (s) toDorothy Conard). R2/1/84	
	Liber17634/66 TMB1315'84 (Keydd only, Monies only)	

YEAR	1978	1979	1980	1981	1982	1983	1984	1985	1986	YEAR
AREA										AREA
LAND	15830	15830	18679	30073	30073	50122	50122	64100	64100	LAND
IMP.	8897	9068	9210	9797	10895	19753	20175	19413	19335	IMP.
TOT.	24727	24898	27889	39870	40968	69875	70197	83513	83435	TOT.
EX.	12000	12000	12000	12000	-	-	-		-	EX.
NET	12727	12898	15889	27870	40968	69875	70197	83513	83435	NET
TAX										TAX

DRAFT EA

December 12, 2018

South Otto Renovation and Addition Environmental Assessment

DEPARTMENTAL FORM P-26-A (REV. 1969)

LAND APPRAISAL CARD

ZOINING:
C & C:
L. U. C.:

CARD ____ OF ____ CARDS			
ZONE	SEC.	PLAT	PARCEL
7	8	014	084
Pitt. CODE:	1	0	0

DESCRIPTION

HPR:

APT. UNIT

OWNER	TITLE HISTORY	NET AREA
	Assmt/A/S2/14/84 fr Dorothy Conard (m) to Mildred B Clausen Trustee of that certain Decl of Trust dtd 1/27/84 R3/19/84 Liber17730/404 TMB3228'84 (Keyed only)	

YEAR	1987		1988													
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE	19259	64100		102560												
GROSS TOTAL																
HOME EX																
OTHER EX																
NET																
NET TOTAL	83358															
YEAR																
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE																
GROSS TOTAL																
HOME EX																
OTHER EX																
NET																
NET TOTAL																

DEPARTMENTAL FORM P-26-A (REV. 1981)

ZONE	SEC.	PLAT.	DIVISION PARCEL
7	8	014	084

SHAPE: ___ norm/area; ___ irregular; 1 - -

TOPOGRAPHY: ___ near level; ___ sloping; ___ steep/hilly; ~~7811~~ 7811A(81)

ACCESS: ___ fr. paved rd.; ___ fr. unpaved rd.

UTILITY: ___ curb/sidewalk; ___ sewer/drain; ___ cesspool; ___ water to site

OTHER LAND IMPROVEMENTS: ___ paved driveway; ___ fence/walls; ___ walkway/patio; ___ retaining wall

SYM.	AV. DEPTH	RATIO	ITEM	AREA	U.V.	ADJ. U.V.	YR. 1978 VAL.	U.V.	ADJ. U.V.	YR. 1980 VAL.	U.V.	ADJ. U.V.	YR. 1981 VAL.
f				6569f	270	-10%	158304	315	-10%	18679	510	-10%	30073
							1983						
f				6569f	850	-10%	50122						
							1985			1988			1989
f				5128f	1250		64100	2000		102560			
f			unusable	1441f	+		NIL	+		NIL			NIL
				6569f			64100			102560			

DATE:

REMARKS:

APPENDIX 8: Encroachment Agreement and Permits

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R-827 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
AUG 17, 2005 11:00 AM

Doc No(s) 2005-163638

/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

20 1/1 Z2

LAND COURT SYSTEM | REGULAR SYSTEM

AFTER RECORDATION, RETURN TO: BY: MAIL ☒ PICKUP ☐

THIS DOCUMENT CONTAINS ___ PAGES

BURT KAY WEISS
76-6307 Haku Place
Kailua-Kona, Hawaii 96740

encroach/weiss

AFFECTS TAX MAP KEYS: (3) 7-8-014: 007 & 084

ENCROACHMENT AGREEMENT

THIS AGREEMENT made this 16th day of AUGUST, 2005, by and between **BURT KAY WEISS, an unmarried man**, having a mailing address of 76-6307 Haku Place, Kailua-Kona, Hawaii 96740, hereinafter referred to as "WEISS", and **JOHN DAVID KOEKER and SUSAN SHERWOOD KOEKER, Trustees of The Koeker 1982 Family Trust**, possessing full power to acquire, hold, grant, bargain, sell, convey, mortgage, lease, encumber and hypothecate real and personal property, and having a mailing address of 13878 Skyline Boulevard, Woodside, California 94062, hereinafter collectively referred to as "KOEKER".

WITNESSETH:

WHEREAS, WEISS is the fee simple owner of certain real property more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter called the "Lot 7"); and

WHEREAS, KOEKER is the fee simple owner of certain real property more particularly described in Exhibit "B" attached hereto and made a part hereof (hereinafter called the "Lot 84"); and

WHEREAS, Lot 7 and Lot 84 are adjacent to each other; and

WHEREAS, there is now constructed on a portion of the common boundary between Lot 7 and Lot 84 certain improvements, including a tiled deck and CRM retaining wall which, in accordance with a recent survey conducted by Chrystal T. Yamasaki, Licensed Professional

Description: Honolulu,HI Regular System-Year.DocID 2005.163638 Page: 1 of 8
Order: Otto Comment:

Land Surveyor No. 4331, dated June 27, 2005, were built in such a manner so as to straddle a portion of the common boundary between Lot 7 and Lot 84 and to encroach over and/or upon Lot 84, as depicted in yellow on the map which is attached hereto and incorporated herein as Exhibit "C" (the encroaching portion of the tiled deck and CRM retaining wall shall be hereinafter referred to collectively as the "Encroachments"); and

WHEREAS, the parties hereto are willing to permit the Encroachments to continue to exist in their present location, subject to the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, WEISS and KOEKER do hereby agree as follows:

1 Each party hereby covenants and agrees that so long as the Encroachments shall remain in their present location, each party shall allow the Encroachments to overlap and extend beyond the common boundary of Lots 7 and 84, and to encroach and rest upon Lot 84 to the same extent and in the same manner as the Encroachments now overlap and encroach, as shown in yellow on the map attached hereto as Exhibit "C".

2. Each party declares that such party does not make any claim against the other party hereto or such party's Lot by virtue of the existing Encroachments. Each party further covenants and agrees that such party has not sought and does hereby forever relinquish any accrued right, if any, to claim title to or the right to possession of any portion of the other's Lot as a result of said Encroachments.

3. Each party agrees not to assert or seek from the other party any claim or action for any damages for the Encroachments or to seek removal of the Encroachments.

4. As to the Encroachments depicted on the map attached hereto as Exhibit "C":

(a) WEISS and KOEKER agree that the Encroachments are the sole property and responsibility of WEISS and that WEISS shall be solely responsible for all necessary maintenance, repair and upkeep of said Encroachments. WEISS further covenants and agrees to keep and maintain said Encroachments in good order and condition, reasonable wear and tear excepted.

(b) WEISS will indemnify and save harmless KOEKER and KOEKER's lessees and tenants, against loss or damage to the property of KOEKER or to the property of others and from liability for injury to or death of persons arising out of or in connection with the Encroachments, the breach of any covenant herein contained, or by reason of the quality, condition or repair of said Encroachments when such loss, damage, injury or death arises out of or proximately results from the negligence, wrongful act or failure to act of WEISS or WEISS's lessees, tenants, family, invitees, servants or guests.

5. Each party hereby agrees that the provisions herein shall operate as a covenant running with each Lot herein described and shall bind all parties hereto and their respective heirs, executors, personal representatives, successors and assigns.

The parties agree that this Agreement may be signed and acknowledged in counterparts, each of which shall be considered an original, and the counterparts shall together constitute one

Description: Honolulu,HI Regular System Year.DocID 2005.169638 Page: 2 of 8
Order: Otto Comment:

and the same agreement, binding all of the parties to the agreement, notwithstanding that all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this Agreement, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above written.

BURT KAY WEISS

"WEISS"

JOHN DAVID KOEKER, Trustee of The Koeker 1982 Family Trust

SUSAN SHERWOOD KOEKER, Trustee of The Koeker 1982 Family Trust

"KOEKER"

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 19th day of June, 2005, before me personally appeared **BURT KAY WEISS**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

PEGGY JOHNSON NOTARY PUBLIC STATE OF HAWAII

Print Name: Peggy Johnson
Notary Public, State of Hawaii

My Commission Expires: 10/03/07

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 16th day of AUGUST, 2005, before me personally appeared **JOHN DAVID KOEKER, Trustee of The Koeker 1982 Family Trust**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Barbara Smith Kapela

Print Name: Barbara Smith-Kapela
Notary Public, State of Hawaii

My Commission Expires: 9-19-2005

L.S.

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 16th day of AUGUST, 2005, before me personally appeared **SUSAN SHERWOOD KOEKER, Trustee of The Koeker 1982 Family Trust**, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Barbara Smith Kapela

Print Name: Barbara Smith-Kapela
Notary Public, State of Hawaii

My Commission Expires: 9-19-2005

L.S.

Description for TMK 7-8-14: 07

Land situated at Kahaluu, North Kona, Island and County of Hawaii, State of Hawaii.

Being the whole of:

Royal Patent 3976,

Land Commission Award 5672, Apana 1 to Kahalelahaole.

Beginning at a nail (set) at the Northeasterly corner of this parcel of land, being also the southeasterly corner of Lot 27 of the "Kahaluu Beach Lots" as shown on Bishop Estate Map 6235-A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Keauhou" being 7,165.35 feet North and 8,360.48 feet West and running by azimuths measured clockwise from True South:

1.	324° 49' 30"	43.62	feet along the Southwesterly side of Alii Drive to a ½" pipe (found);
2.	74° 22' 00"	73.74	feet along Lot 28 to a 1½" pipe in concrete (found);
3.	147° 57' 00"	42.64	feet along Lot 24-D-1 to an old spike in concrete (found);
4.	254° 38' 00"	69.77	feet along Lot 24-D-2 and Lot 27 to the point of beginning, passing over a 1½" pipe in concrete at 67.40 feet, and containing an area of 2,921 square feet.

KEVIN McMILLEN
LICENSED PROFESSIONAL LAND SURVEYOR No. 9040
HAWAII, U.S.A.

KKM Surveys

Kevin McMillen

75-5766 Makelina Place
Kailua-Kona, Hawaii 96740
November 8, 2004

Kevin McMillen
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-9040

EXHIBIT "A"

Description: Honolulu,HI Regular System-Year.DocID 2005.163638 Page: 6 of 8
Order: Otto Comment:

That certain parcel of land (part of R.P. 6856, L.C. Aw. 7713, Ap. 6 to V. Kamamalu) situate at Kahaluu, North Kona, Island and County of Hawaii, State of Hawaii, comprising Lot 24-D-1, "KAHALUU BEACH LOTS", as shown on Bishop Estate Map 6235A on file in the Office of Bishop Estate, and being more particularly described as follows:

Beginning at a "+" at the east corner of this lot, the north corner of Lot 27, and on the southwest side of Alii Drive, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU", being 7,207.2 feet north and 8,412.4 feet west and running thence by azimuths measured clockwise from true South:

1.	67°	37'	00"	47.01	feet along Lots 27 and 24-D-2;
2.	350°	26'	00"	43.15	feet along Lot 24-D-2 to a pipe in concrete;
3.	327°	42'	00"	42.50	feet along R.P. 3976, L.C. Aw. 5672, Ap. 1 to Kahalelahaole to a pipe in concrete;
4.	74°	21'	00"	33.56	feet along Lot 28;
					Thence along the shoreline for the next two (2) courses, the direct azimuth and distance being:
5.	162°	22'	00"	80.73	feet;
6.	151°	07'	00"	60.15	feet;
7.	236°	30'	52"	70.00	feet along Lot 24-C to a pipe in concrete;
					Thence on a curve to the left with a radius of 1,457.70 feet along the southwest side of Alii Drive, the chord azimuth and distance being:
8.	325°	12'	25"	75.00	feet to the point of beginning and containing an area of 6,569 square feet, more or less.

EXHIBIT "B"

Description: Honolulu,HI Regular System-Year.DocID 2005.163638 Page: 7 of 8
Order: Otto Comment:

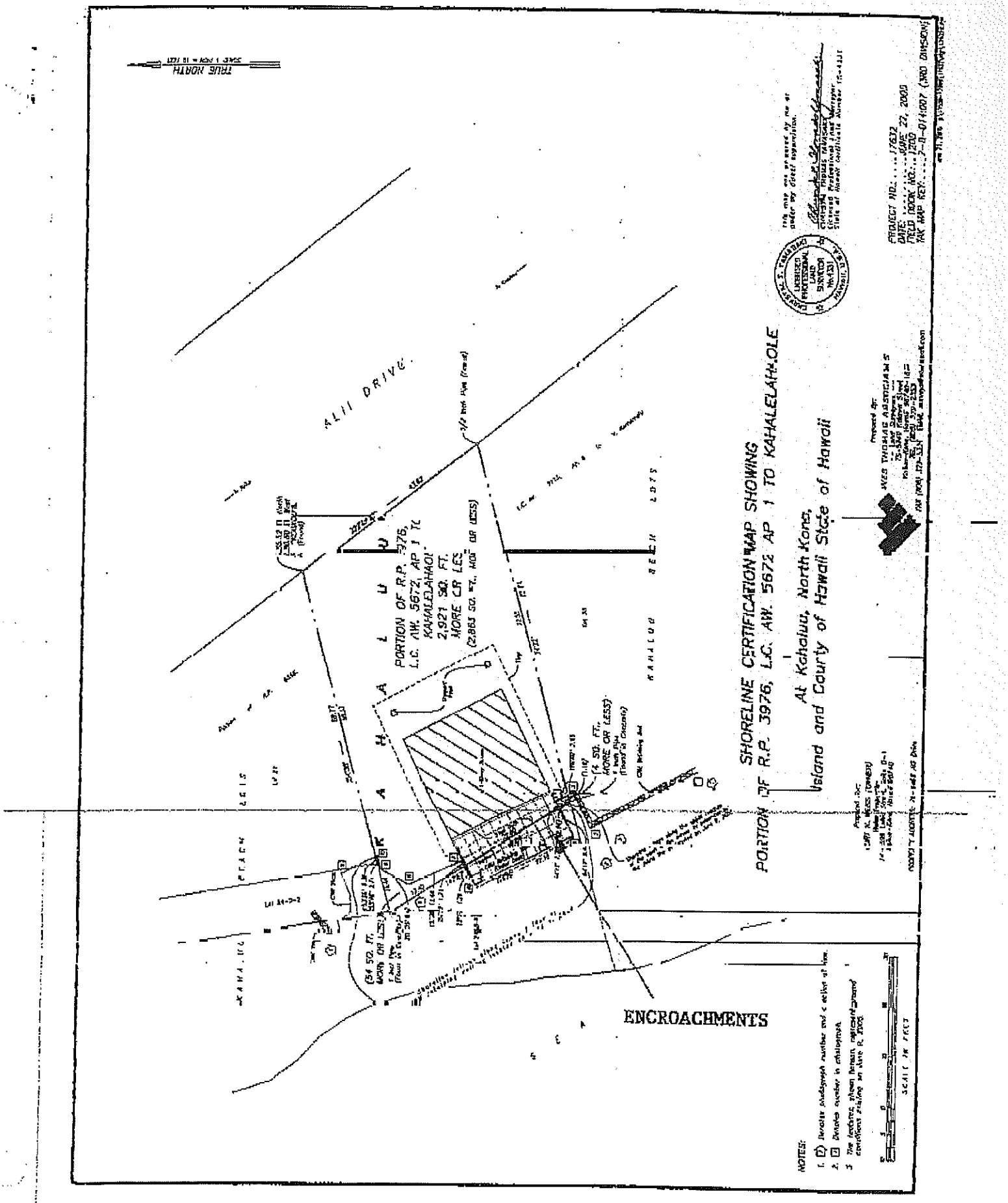

ALII DRIVE
PORTION OF R.P. 3976, L.C. AW. 5672, AP 1 TO KAHALELAHAOLE
2,921 SQ. FT. MORE OR LESS
(2,863 SQ. FT. MORE OR LESS)
(84 SQ. FT. MORE OR LESS)
(4 SQ. FT. MORE OR LESS)
SHORELINE CERTIFICATION MAP SHOWING
PORTION OF R.P. 3976, L.C. AW. 5672 AP 1 TO KAHALELAHAOLE
At Kahalu, North Kona,
Island and County of Hawaii State of Hawaii
ENCROACHMENTS
TRUE NORTH
PROJECT NO. 17612
DATE JUNE 27, 2005
FIELD BOOK NO. 1200
TAX MAP KEY: 7-8-014:007 (3RD DIVISION)
NOTES:
1. Bearing and distance number and / or letter at line.
2. Bearing number in parenthesis.
3. The landmarks shown hereon reflect the ground conditions existing on June 8, 2005.

EXHIBIT "C"

OLD REPUBLIC TITLE & ESCROW OF HAWAII
ORDER NO. 6825004464-JF

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, for the fiscal year 2014 - 2015, as follows:

Tax Map Key	:	3-7-8-014-084	
1st Installment	:	$4,135.08	Marked Paid
2nd Installment	:	$4,135.07	NOT Marked Paid
Total Value	:	$822,900.00	
Land Value	:	$754,000.00	
Imp. Value	:	$68,900.00	

2. Title to all minerals, and metallic mines reserved to the State of Hawaii.

3. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument

Entitled	:	DECLARATION
Dated	:	February 26, 1982
Recorded	:	in the Bureau of Conveyances, State of Hawaii, in Book 16189, Page 310

4. | | | |
|---|---|---|
| Agreement for | : | ENCROACHMENT AGREEMENT |
| Executed By | : | BURT KAY WEISS, an unmarried man |
| and Between | : | JOHN DAVID KOEKER and SUSAN SHERWOOD KOEKER, Trustees of The Koeker 1982 Family Trust |

On the terms, covenants and conditions contained therein,

Dated	:	August 16, 2005
Recorded	:	August 17, 2005 in the Bureau of Conveyances, State of Hawaii, as Document No. 2005-163638

DESCRIPTION OF IMPROVEMENTS

CARD ____ OF ____ CARDS

ZONE	SEC.	PLAT	PARCEL
7	8	14	7

SURVEY BY SH

DATE 1/14/60

USE TYPE & OCC.

	RENT.	HOME
1FAM.	☐	☑
2FAM.	☐	☐
APART.	☐	☐
MULTI.	☐	☐

UNITS & ROOMS

/. UNITS 1

OOMS

ORIES

ASEMENT

FOUND. & STEPS

	FD.	ST.
CONC.	☑	☑
H.T.	☐	☐
STONE	☐	☐
WD. P.	☐	☐
H.O.G.		

FRAME

WD-SW ☑ SWDB ☐ DW ☐

MASONRY ☐

STEEL ☐

REIN. CONC. ☐

EXTERIOR WALLS

K 1x8

STIC

CK

ONE/ROCK

S/STUCCO

18. ROOF DESIGN

GABLE ☑ HIP ☐

FLAT ☐ GAMB ☐

24. INTER. WALLS

TYPE S/W

MAT. 1x8 Tag

25. CEILING

CANEC ☐ PLAS ☐

PINE ☐ PLY ☐

Exposed Beams

26. BATHROOMS

1 ☑ 1½ ☐

2 ☐ 2½ ☐

3 ☐

19. ROOF STRUCT

WOOD ✓

STEEL

CONC.

20. ROOFING

COMP.

BLT/UP

SHING.

SHAKES

METAL CI

TILE

RAIN GUTTERS ☐

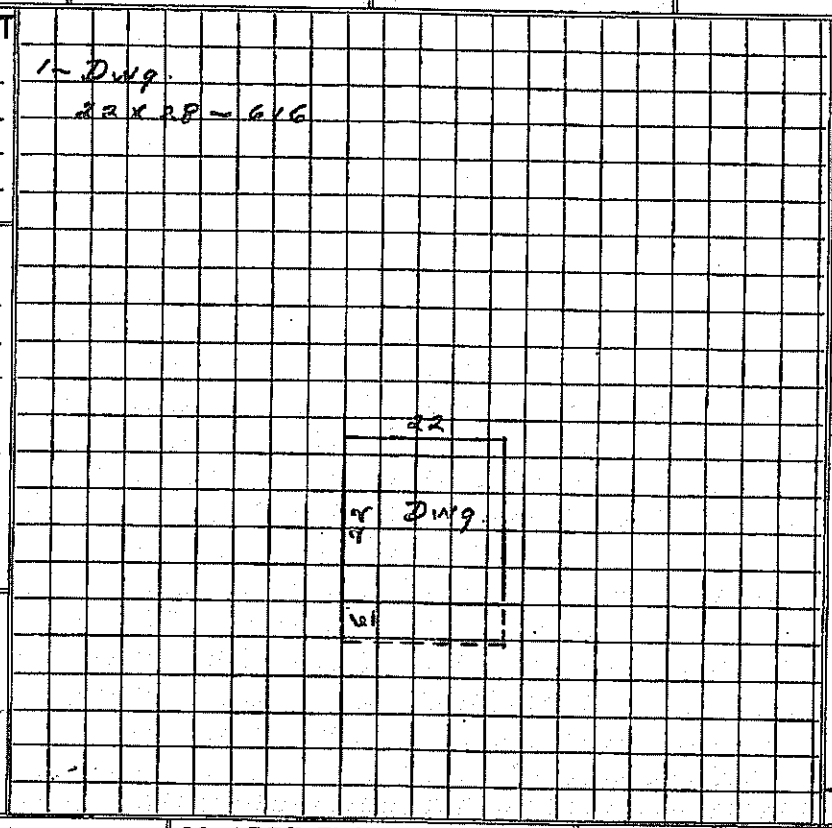
21. FLR STRUCT.

WOOD JOISTS ☐

CONC. " ☑

STEEL " ☐

CONC. SLAB ☑



27. MILLWORK

WINDOWS-D/H		DOORS-PANEL	
SL. CS.		SOLID	
PICTURE		SLID'G	✓
JALOUSIE		CUSTOM	
TRIM-PINE		CABINETS	
HARDWD		SHELVES	
METAL		VANITY(NO)	

28. PLUMBING

ITEM	CH	MED	GD	VAL.
5-UNIT				
BATH TUB				
W.C.	1			
BASIN	1			
SH. STALL	1			
SINK	1			
LAUND.				
SUN HT.				
4 pig 5x8				344 404
	101			
SUB TOTAL—PLUMBING				844

22. FLOORING

	LIV.	B/R	BTH	KIT.	OTHER
PINE					
HDWD					
CEM					
TILE	/	/	/	/	

23. ELECTRICAL

FIXT. CH ☐ M ☑ GD ☐

OUTL. S/ST ☐ ST ☑ VG ☐

BUILT/IN OVEN ☐ STOVE ☐

VENT ☐ D/WR ☐

30. ADD'L FLOOR DET.

2ND ☐ 3RD ☐ 4TH ☐

31. CONDITION

BETTER THAN AVER ____ %

AVERAGE (NOR. DEP) ☐

BELOW AVER ____ %

32. CLASSIFICATION

CLASS W S/CL 2 — S

BY SH. 112

29. ADD'L IMPVT DETAILS

ITEM	RF	WL	FL	AREA	CLS	VAL.
SUB TOTAL DETAILS						—
TOTAL ITEMS 28 & 29						844

December 2, 2008

Prior yrs. Bldg Value
See Dead File

RESIDENTIAL APPRAISAL CARD

Olney K Roy Prestridge Le

CARD	OF	CA
ZONE	SEC.	PLAT	PAR
6. 7	8	14	7

7. ADDR 2 - - 10078
8. ZONING
9. MOD. FACTOR
ST. DEPTH CORNER
OTHER

1. TOPOGRAPHY	2. ST. IMPVTS	3. UTILITIES	4. USE	5. ADD'L L. IMPVTS
LEVEL ☐	GRAVEL ☐	WATER ☐	RES. ☐	PAVED AREAS ☐
SLOPING ____ FT.	PAVED ☐	ELEC. ☐	COM'L ☐	RET. WALLS ☐ TERR/PATIOS ____ SQ. FT.
GRADE ____ "	CURB ☐	GAS ☐	IND. ☐	LAWN-LDSC. ☐ FENCES ____ LIN. FT.
H ☐ L ☐	GUTTER ☐	SEWER ☐	AGR. ☐	WALK WAYS ☐
	SIDE WK ☐	UNDERG'D ☐	INST. ☐	SPRINKLERS ☐ BARBEC. ____ CU. FT.
				SWIM. POOL ____ SQ. FT.
				SHAPE ____ AV. DEPTH ____

10a. COMPUTATION OF LAND VALUE

NO.	SYMB.	U.V.	AREA	ADJ. U.V.	YR. 1982 VAL.	ADJ. U.V.	YR. 1983 VAL.	ADJ. U.V.	YR. 1984 VAL.	ADJ. U.V.	YR. 1985 V
					6581		11923		12127		11777
					1986		1987				
					71680		11634				

11. BLDG. PERMIT RECORD

PUR.	DATE	PER. NO.	AMOUNT	BP BY
N	10-28-59		5,000	David Roy

12. DEPRECIATION .967

B. NO.	YR. CONSTR.	AGE	EXP.	% GD.	ADJ. %
1	1959	N	30	100	

10b. COMPUTATION OF IMPROVEMENT VALUE

NO.	AREA	U.V.	YR. VAL.	U.V.	61 YR. VAL.	U.V.	YR. 1962	U.V.	63 YR. VAL
1	616	553	3406						
			344						
			3750						
		100%	3750	1 97%	3638	2yr.	3518	3yr.	34
					X1.081964		1965		AD 5022 1966
					3553		3436		36
				X1.28	1967		1968		1969
					3888		3872		37
1	Dwg 616	553	4022 1970		71-72		72-73		73-74
		Add'l	Dwl						
			4426						
ADD'L DET. VAL		X 1.22	5400						
TOTAL REPL. VAL.		19 74	3996		4173		4217		
% GOOD									
PRESENT VALUE			74-75		75-76		76-77		1977
ADD'L DET. VAL			4917		5516		4728		4
TOTAL REPL. VAL.			1970		1979		1980		1981
% GOOD			5374		5478		5564		59
PRESENT VALUE									

HAWAII FORM P-17 TAX COMMISSIONER

FIELD BOOK LAND SHEET

TERRITORY OF HAWAII

DESCRIPTION	Sheet No1	Third DIVISION			
FEE LCAw 5672 Kahaluu		ZONE	SEC.	PLAT.	PARCEL
		7	8	14	07

OWNER	TITLE HISTORY	MAILING ADDRESS	
~~Robert Apau~~		c/o American Can Co., Honolulu	
~~Robert A Apau (dec'd)~~ ~~1/4 Und~~	Prob: #16363: 1st Jud Cir R A Apau (Apou) died 9/3/50 Pet 9/19/50		
~~Unknown Owner~~ ~~3/4 Und~~	Admr appt: 10/15/50 Hawaiian Trust Co., Ltd. Admr with Will annexed.	0.06 Ac.	
~~Daisy Apau (w)~~ ~~L/I~~	F/O/D:8/23/51 Est of Robert A Apau 1/4 und int in 0.06 ac tog/w other pars TMB 1172 '51 Preb #16363 1st Jud Cir 8/28/51 Bk 2500/403		
~~Robert A Apau Jr.~~)			
~~Lily L Walter~~)			
~~James Apau~~)			
~~Dora Sing~~) ~~1/4 Und~~			
~~Clarence Apau~~)			
~~Mabel MacLaren~~)			
~~Rachel Rabideau~~)			
~~Josephine Roy & hsb David K~~ ~~T/E~~ ~~1/4 Und~~	D:11/4/52 fr D Apau et als all right title & int in 0.06 ac $2500. tog/w other pars TMB 589 '53 11/4/52 Bk 2695/391	0.06 ac.	
~~(Marion R. Baker & hsb~~ ~~Sydney D.) A/S~~	A/S:11/8/52 fr D K Roy & wf 0.06 ac $2500. 2/27/53 Bk 2667/493	0.06 ac.	
~~Olney K Roy~~ ~~1/4~~	D:5/4/53 fr D K Roy & wf all right title & int in 0.06 ac $12000. tog/w other pars 6/8/53 Bk 2702/335	0.06 ac.	
	Canc/A/S:10/29/53 M R Baker & wf to D K Roy & wf 0.06 ac $1. 10/30/53 Bk 2754/156	0.06 ac.	
~~Ah Kui Apau (dec'd)~~ ~~1/4~~	For 1955 3/4 und int in 0.06 ac claimed by Heirs of dec'd children of Kahele aka: Kahalelahaole, awardee, LCAw 5672 NOTE: See 7804-09 for Genealogy		
~~Martha K A Birch (dec'd)~~ ~~1/4~~			
~~Ah Si Moe Apau (dec'd)~~ ~~1/4~~			
	D:8/28/54 Alice A Sanborn & hsb et als to Stephen N Kahoopii all right title & int in 0.06 ac. $10. 9/13/54 Bk 2866/240	0.06 ac.	
~~Stephen N Kahoopii~~ ~~2/4~~	D:9/13/54 fr J A Birch & wf et al all right title & int in 0.06 ac $10. 12/2/54 Bk 2897/223	0.06 ac.	
~~Stephen N Kahoopii~~ ~~3/4~~	D:8/28/54 fr A A Sanborn & hsb et als all right title & int in 0.06 ac $10. 9/13/54 Bk 2866/240 per TMB 1193 '54	0.06 ac.	
~~Olney K Roy~~) ~~(Herbert M Prestridge & wf Emily) Le~~) ~~1/4~~	De:2/12/55 fr O K Roy all right title & int in 0.06 ac for 15 yrs bg 3/1/55 AR:$35. 2/14/55 Bk 2926/214	0.06 ac.	
~~Olney K Roy~~ ~~1/3~~			
~~(Herbert M Prestridge&wf Emily) Le~~			
~~Stephen N Kahoopii~~ ~~2/3~~	Change of [redacted] ints for ref see 7-8-04-09 TMB 4068'60	0.06 ac.	
~~Olney K. Roy~~ ~~1/4~~			
~~(Herbert M. Prestridge&wf. Emily) Le~~			
~~Stephen N. Kahoopii~~ ~~3/4~~	For 1954 ownership reverted to previous status for data re:TMB 3569'64		
~~Olney K. Roy~~	Surr/Le10/21/68 fr Prestridge&wf a R11/22/68 Bk6305/215	3 3744	F/B:3996
~~Chester J. Wojahn&wf. Bessie O. T/E~~	D7/5/68 fr SNKahoopii(&wf) SCT$1.75 R11/22/68 Bk6305/219	2 1756	L-40044
	D10/25/68 SCT$9.50 R11/22/68 Bk6305/222		

YEAR	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
AREA										See Rev Sheet
LAND	1046	1221	1221	1402	1402	1525	1525	2440	2785	6862
IMP.	3638	3518	3402	3553	[redacted]	3655	[redacted]	[redacted]	3744	3996
TOT.	4684	4739	4623	4955	[redacted]	5180	[redacted]	[redacted]	6529	10858
EX.	–	–	–	–		–			5500	Rec.
NET	[illegible]	[illegible]	[illegible]	–		–				

TRACT	DIVISION		
ZONE	SEC.	PLAT.	PARCEL
7	8	14	07

7811A(89)

NO.	SYMBOL	U. F. V.	FRONT	RATIO	DEPTH	LOT	AREA	1944 VAL.	U. F. V.	1952 VAL.	U. F. V.	1956 VAL.	U. F. V.	1960 VAL.
DRAFT	8 Ae	87½			Beachlot (2614#)		0.06	52	06	157	17½	457	-20% No Waterfront 50	1046
EA								1962		1964		1966		1968
4	#	-33⅓% 70			" (2614#)		0.06	1221	-33⅓% 80½	1402	87½	2287	140	3660
5	#	-33⅓% 160			2614#		0.06	(4182) 2785			100 Ac-Fee -33⅓%	-762 1525	-33⅓%	-1220 2440
6								1970				72-73		74-75
7	#	-10% 2622#			2614#		.06	6862	280	7319	315	8234	350	9149
8								75-76		76-77	1977	1978		1980
9	#	36½			2614#		.06	9606	348	9107	348	9107	-10% 420	9881
10								1981		1983		1985		1988
11	#	570	-10%		2614#		.06	13410	-10% 950	22350	-10% 1400	32936	-10% 2000	47052
12										1989				
13	#						2614#		-10% 600					
14														
15														
16														
17														
TOTALS							0.06 Ac.		AREA		AREA		AREA	

YEAR	1944	YR.	1945	YR.	1946	YR.	1947	YR.	1948	YR.	1949	YR.	1950	YR.	19
AREA	0.06 ac	AR.	0.06 ac	AR.	0.06 ac	AR.	0.06 ac	AR.	0.06 ac	AR.	0.06 ac	AR.	0.06 ac	AR.	0.06 ac
LAND VALUE	52	L.	52	L	52	L	52	L	52	L	52	L	52	L	52
IMPROVEMENT	—	I	—	I	—	I	—	I		I	—	I	—	I	—
TOTAL	52	T	52	T	52	T	52	T	52	T	52	T	52	T	52
LESS EX.	—	EX.	—	EX.	—	EX.	—	EX.	—	EX.	—	EX.	—	EX.	—
NET TAX VALUE	52	N. T.	52	N. T.	52	N. T.	52	N. T.	52	N. T.	52	N. T.	52	N. T.	52
TAXES															

YEAR	1952	YR.	1953	YR.	1954	YR.	1955	YR.	1956	YR.	1957	YR.	1958	YR.	1959	1960
AREA	0.06 ac.	AR.	0.06 ac	AR.	0.06 ac.	AR.	0.06 ac.	AR.	Adj. Date: 11/14/56 0.06 ac. Value Succeeded	AR.		AR.		AR.		
LAND VALUE	157	L	157	L	157	L	157	L	457	L	457	L	457	L	457	1046
IMPROVEMENT	-	I	-	I	-	I	-	I	1871	I	1775	I	1686	I	1594	3750
TOTAL	157	T	157	T	157	T	157	T	2328	T	2232	T	2143	T	2051	4796
LESS EX.	-	EX.	-	EX.	-	EX.	-	EX.	-	EX.	-	EX.	-	EX.	-	-
NET TAX VALUE	157	N. T.	157	N. T.	157	N. T.	157	N. T.	2328	N. T.	2232	N. T.	2143	N. T.	2051	4796

DEPARTMENTAL FORM P-28-A (REV. 1969)

Sheet No. 2

LAND APPRAISAL CARD

ZOINING:
C & C:
L. U. C.:

CARD 2	OF	CARDS
ZONE SEC.	PLAT	PARCEL
7 8	14	7

Pltt. CODE: 100(85) 02 - —

DESCRIPTION

HPR:

APT. UNIT

OWNER	TITLE HISTORY	NET AREA
~~Chester J. Wojahn, Tr.~~	D: 2/25/79 fr Chester J. Wojahn &wf Bessie O. data refer to 7-4-009-041	
	TMB 1746'1980.	
Chester J Wojahn & Bessie O Wojahn - J/T		
L/I		
~~(Kay A Weeks (m) - 1/2~~		
Gary L Wojahn (m) - 1/2-T/C)	Rdm D2/25/85 R3/19/85 Liber18510/271 TMB3014'85	
	Keyed only - grantor's interest unknown Q/D: -----fr Penny Wojahn(s)	
	to Chester J Wojahn & wf Bessie O R: 9/29/87 Liber 21177/43	
	TMB 508099'87.	
(Chester J Wojahn & wf	Q/Deed: --- from Kay A. Weeks(m) R: 9/29/87 Liber 21177/46	
Bessie O - T/E) - 1/2 Rdm	TMB 508106'87.	

YEAR	71-72		72-73		73-74		74-75		75-76		76-77		1977		1978	
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE	4173	7319	4217	8234	4384	8234	4917	9149	5516	9606	4728	9107	4686	9107	5374	9107
GROSS TOTAL	11492		12451													
HOME EX	—	—	—	—												
OTHER EX	—	—	—	—												
NET	4173	7319	4217	8234												
NET TOTAL	11492		12451		12618		14066		15122		13835		13793		14481	

YEAR	1979		1980		1981		1982		1983		1984		1985		1986	
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE	5478	9107	5564	9881	5918	13410	6581	13410	11933	22350	12127	22350	11727	32936	11680	32936
GROSS TOTAL	14585		15445		19328		19991		34283		34477		44663		44616	
HOME EX																
OTHER EX																
NET																
NET TOTAL	14585		15445		19328		19991		34283		34477		44663		44616	

DEPARTMENTAL FORM P-26-A (7/81)

DEPARTMENT OF FINANCE

LAND APPRAISAL CARD

ZOINING:
C & C:
L. U. C.:

CARD ZONE	SEC.	OF PLAT	CARDS PARCEL
7	8	14	67

Pltt. CODE:

DESCRIPTION

HPR:

APT. UNIT

OWNER	TITLE HISTORY	NET AREA

YEAR	1987															
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE	11634	32936														
GROSS TOTAL																
HOME EX																
OTHER EX																
NET																
NET TOTAL	44570															
YEAR																
AREA																
	B	L	B	L	B	L	B	L	B	L	B	L	B	L	B	L
VALUE																
GROSS TOTAL																
HOME EX																
OTHER EX																
NET																
NET TOTAL																

APPENDIX 9: Archaeological Resources and Cultural Impact Assessment

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Lawton Allenby

From: DLNR.Intake.SHPD <dlnr.intake.shpd@hawaii.gov>
Sent: Monday, September 12, 2016 8:27 AM
To: Lawton Allenby; DLNR.Intake.SHPD
Subject: SUBMITTAL RECEIVED & ASSIGNED TO ARCHAEOLOGY **8RE: Smith Otto renovation and Addition. TMK (3) 7-8-014;084 Archaeological Resources Determination

Aloha, your submittal is in the queue for review by the Archaeology Branch on Oahu.
Kindly allow 30-45 days for review completion. A copy of the review letter will be emailed to you.
After 30 days, you may check on the review status by calling SHPD main phone 808-692-8015.
Mahalo.

From: Lawton Allenby [mailto:lawton@kealaola.com]
Sent: Saturday, September 10, 2016 10:13 AM
To: DLNR.Intake.SHPD <dlnr.intake.shpd@hawaii.gov>
Subject: Smith Otto renovation and Addition. TMK (3) 7-8-014;084 Archaeological Resources Determination

State of Hawaii
State Historic Preservation Division
e-mail: DLNR.Intake.SHPD@Hawaii.Gov

RE: Smith Otto Remodel and Addition
Archaeological Resources
TMK (3) 7-8-014:084
78-6662 Ali'i Drive, Kailua-Kona, HI 96740

Dear Archaeological Resources reviewer,

Please accept this letter from the Architect of Record. My client is requesting a shoreline setback variance and a variance from zoning code for the County of Hawaii. The County of Hawaii requests that State DLNR Historic Preservation Division review the Parcel in question and issue a letter of archaeological findings or a letter of "no effect".

There are no historic area(s) are known on this parcel. As such, no historic area(s) will not be affected during the construction of the proposed development renovation and 2nd story addition, or by the construction access to this parcel, and the designated construction site/area.

The subject parcel had been graded and landscaped many years ago. The County of Hawaii Records indicate that this parcel was developed in the early 1960's. There is no ground work grubbing or grading associated with the proposed improvements. The proposed development scope is to build a 2nd floor addition over the existing dwellings footprint (1146 total square foot single bedroom dwelling, including lanai, decks, and covered porch), that was constructed in 1962-1963. The proposed renovation and 2nd story addition shall be located on the same or existing footprint and have the same purpose as a single family residence.

The proposed 2nd floor addition will add 873.6 square feet of habitable living space over the 912 square feet of habitable living space on the existing 1st floor, and 135.1 square feet of lanai/deck over the current 178.5 square feet lanai and 234 square foot deck.

The parcel or lot is 6,568 square feet (0.1508 acre) that is within the shoreline area. The existing dwelling was permitted, reference County of Hawaii permit no. 25914 and residential appraisal card on file, and it is regarded as "legal non-conforming") single family residence. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcels current zoning.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback and within the 20'0"' "non-confirming" shoreline setback. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback, see certified shoreline survey. As such the Applicant is requesting a shoreline setback variance and a variance from zoning code. Which requires that the State DLNR Historic Preservation Division review the Parcel in question and issue a letter of archaeological finding or a letter of "no effect".

If you have any questions relating to this letter, I can be reached at my office (808) 324-1600.

Allenby and Associates
Architecture, Planning, Construction Management
Kealaola LLC

September 10, 2016

State of Hawaii
State Historic Preservation Division
e-mail: DLNR.Intake.SHPD@Hawaii.Gov

RE: Smith Otto Remodel and Addition
Archaeological Resources
TMK (3) 7-8-014:084
78-6662 Ali'i Drive, Kailua-Kona, HI 96740

Dear Archaeological Resources reviewer,

Please accept this letter from the Architect of Record. My client is requesting a shoreline setback variance and a variance from zoning code for the County of Hawaii. The County of Hawaii requests that State DLNR Historic Preservation Division review the Parcel in question and issue a letter of archaeological findings or a letter of "no effect".

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The parcel or lot is 6,568 square feet (0.1508 acre) that is within the shoreline area. The existing dwelling was permitted, reference County of Hawaii permit no. 25914 and residential appraisal card on file, and it is regarded as "legal non-conforming") single family residence. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcels current zoning.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback and within the 20'0"' "non-confirming" shoreline setback. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback, see certified shoreline survey. As such the Applicant is requesting a shoreline setback variance and a variance from zoning code. Which requires that the State DLNR Historic Preservation Division review the Parcel in question and issue a letter of archaeological finding or a letter of "no effect".

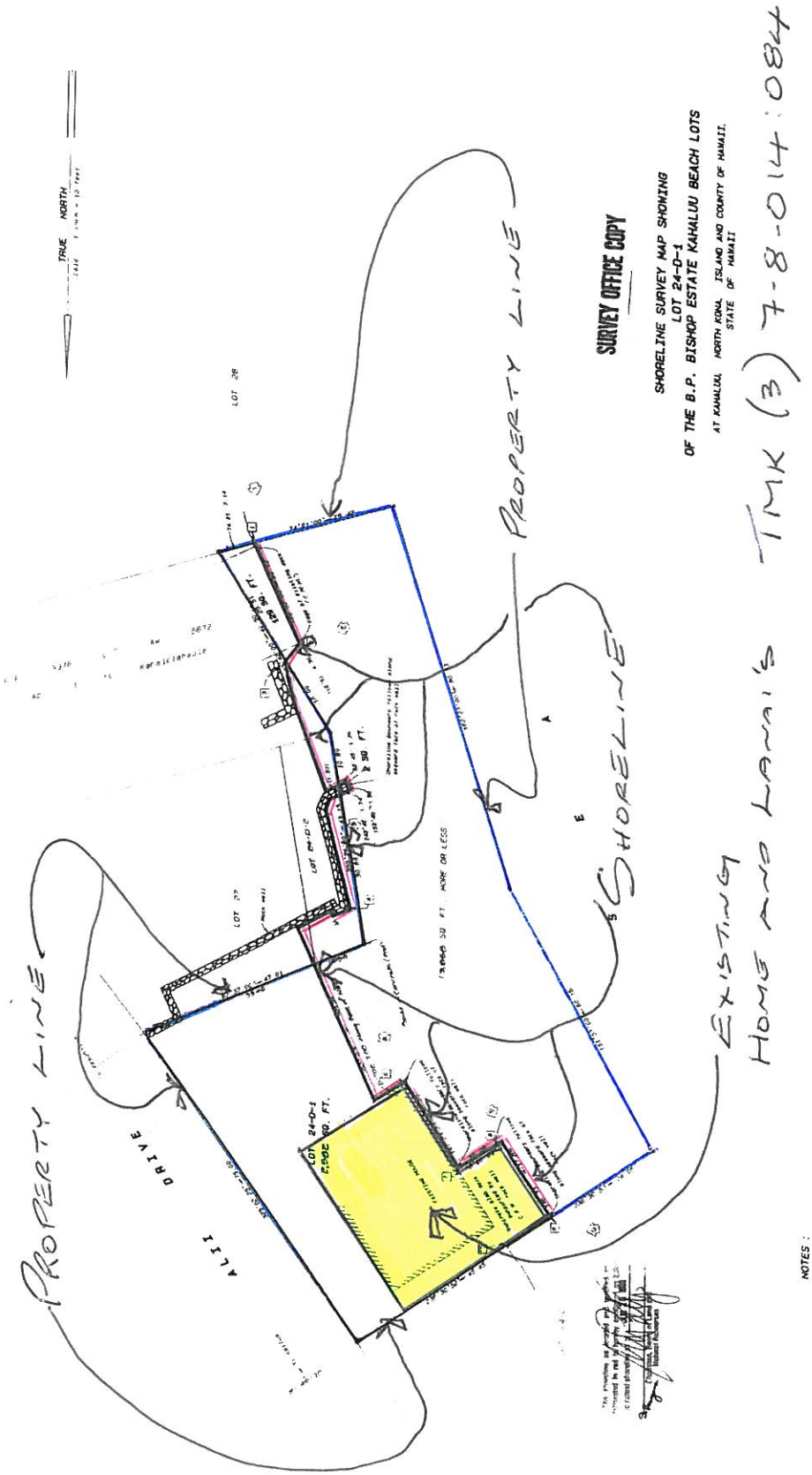
If you have any questions relating to this letter, I can be reached at my office (808) 324-1600.

Sincerely,

Lawton Allenby
Principal – Licensed Professional Architect

Attachments
cc: Brad Smith and Debra Otto

PO Box 2113 ♦ 79-983 Kealaola Street ♦ Kealakekua, Hawaii 96750-2113 ♦ Phone 808-324-1600 ♦ Fax 808-324-4640


SURVEY OFFICE COPY
SHORELINE SURVEY MAP SHOWING
LOT 24-D-1
OF THE B.P. BISHOP ESTATE KAHALUU BEACH LOTS
AT KAHALUU, NORTH KONA, ISLAND AND COUNTY OF HAWAII,
STATE OF HAWAII
TRUE NORTH
PROPERTY LINE
SHORELINE
EXISTING HOME AND LANAI'S
TMK (3) 7-8-014:084
ALII DRIVE
LOT 24-D-1
6,502 SQ. FT.
LOT 28
LOT 27
LOT 24-D-2
13,866 SQ. FT. MORE OR LESS
NOTES :
SCALE IN FEET

Allenby and Associates
Architecture, Planning, Construction Management
Kealaola LLC

September 14, 2016

State Historic Preservation Division
40 Po'olela Street
Hilo, Hawaii, 96720
Mile – Assistant Archeologist
(808) 933-7651

e-mail: DLNR.Intake.SHPD@Hawaii.Gov

RE: Smith Otto Remodel and Addition
Archaeological Resources
TMK (3) 7-8-014:084
78-6662 Ali'i Drive, Kailua-Kona, HI 96740

Dear Mike – Hilo Branch Archaeological Resources reviewer,

Mahalo for talking to me and forwarding to be the e-mail address to request an Archaeological Resources Assessment. For your information or action I have attached the request letter and associated attachments regarding Archaeological Resources at TMK (3) 7-8-014:084, 78-6662 Ali'i Drive, Kailua-Kona, HI 96740

If you have any questions relating to this letter, I can be reached at my office (808) 324-1600.

Sincerely,

Lawton Allenby
Principal – Licensed Professional Architect

Attachments
cc: Brad Smith and Debra Otto

PO Box 2113 ♦ 79-983 Kealaola Street ♦ Kealakekua, Hawaii 96750-2113 ♦ Phone 808-324-1600 ♦ Fax 808-324-4640

Lawton Allenby
Allenby and Associates
PO Box 2113
Kealakekua, Hawai'i
96750

November 21, 2016

Re: 78-6662 Ali'i Drive construction

Aloha, Lawton:

We have examined the site of the proposed remodel and addition on Ali'i Drive, searched the archeological studies and oral histories about the area, and contacted one of the lineal descendants of the makai district of the Ahupua'a of Kahalu'u.

We found nothing of historical or cultural significance that would be impacted by the proposed building.

The Kahulu'u district has been well-studied and documented through the years of resort development and the creation of the Beach Park. It appears that most heiau, caves, sacred sites, burial sites and freshwater springs are located to the south of the bay at Kahulu'u. The exception is Ku'emanu Heiau that is located well south of the lot in question. The area's historical and current importance as a surfing and fishing/ collecting place will remain intact and those resources available to the public.

Therefore, we find that the proposed building project will have no effect.

Me ke aloha,

Cirilo Rosario
West Hawai'i Fisheries Council
Member 2010-2016

Dr. Kate Kealani Winter
Co-chair, Keau Kukui Ula Heiau
Preservation Committee

75-686 Lalii Place, Kailua Kona, Hawai'i 96740

APPENDIX 10: Environmental Assessment (Flora and Fauna)

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Smith-Otto Renovation and 2nd story addition over the existing dwellings footprint to an existing Single-Family Residence at Kailua-Kona Environmental Assessment.

Flora and Fauna

Environmental Setting: Flora

Prior to human settlement of Hawai‘i, the natural vegetation of this part of this part of *Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area shoreline* was mostly dry coastal low-growing plants. The site was systematically inspected for plants by Zea Levine in 2016.

The lot was cleared decades ago, which was followed by construction of a residence and planting of ornamental landscaping. The cultivated flora and volunteer vegetation are dominated by non-native plants. A list of all species detected on the property itself is found in Table 1.

Environmental Setting: Fauna
Fauna beyond the waterline but within the site plan are included in the species inventory below. Above the waterline, one common species of gecko was observed as well (*Phelsuma laticauda* Gekkonidae Gold dust day gecko), and it is likely that others are sometimes present. It is likely that several common species of birds are sometimes present, but were not observed during site visits. Green Sea Turtle *Chelonia mydas* are often seen on the *Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park* area coastline feeding on shoreline resources. These were not observed during site visits but undoubtedly occasionally visit.

Plant Species Observed on Smith Otto Property
Scientific Name Family Common Name

Ahnfeltiopsis concinna Rhodophyta Limu aki'aki
Alpinia purpurata Zingiberaceae Red Ginger
Areca catechu Arecaceae areca palm
Asystasia gangetica Acanthaceae Chinese violet
Catharanthus roseus Apocynaceae Madagascar periwinkle
Chlorophytum comosum Asparagaceae spider plant
Cocos nucifera Arecaceae Coconut
Codiaeum variegatum Euphorbiaceae Garden Croton
Heliconia densiflora Psittacorum Fire Flash
Hymenocallis littoralis Amaryllidaceae Beach Spider Lily
Jasminum sambac Oleaceae Arabian jasmine
Lantana montevidensis Verbenaceae Weeping Lantana
Leucaena leucocephala Fabaceae White Leadtree
Littorina littorea Littorinidae Periwinkle
Lonicera Caprifoliaceae Honeysuckle
Oxalis corniculata Oxalidaceae Creeping Woodsorrel
Pennisetum clandestinum Poaceae Kikuyu grass

Phymatosorus scolopendria Polypodiaceae monarch fern
Plumeria rubra Apocynaceae Plumeria
Portulaca oleracea Portulacaceae pigweed
Stephanotis floribunda Apocynaceae Madagascar jasmine

Animal Species Observed on Smith Otto Property
Scientific Name Family Common Name
Brachidontes crebristriatus Mytilidae Hawaiian Mussel
Colobocentrotus atratus Echinometra Helmet Urchin
Grapsus tenuicrustatus Grapsidae Black Crab
Nerita picea Neritidae Sea Snail
Phelsuma laticauda Gekkonidae Gold dust day gecko

As with all of *West Hawai'i*, several endangered native terrestrial vertebrates may be present in the general area and may overfly, roost, nest, or utilize resources of the property. These include the endangered Hawaiian Hawk (*Buteo solitarius*), the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), the endangered Hawaiian Petrel (*Pterodroma sandwichensis*), and the threatened Newell's Shearwater (*Puffinus newelli*). None were observed during site visits.

Other mammals in the project area are all introduced species, including feral cats (*Felis catus*), small Indian mongooses (*Herpestes a. auropunctatus*) and various species of rats (*Rattus* spp.). None are of conservation concern and all are deleterious to native flora and fauna.

The coastal and marine fauna and flora are typical of the high-energy coasts of *Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area*. Marine mammals, including the Green Sea Turtle (*Chelonia mydas*), and reptiles, some of them endangered, also visit the *Kailua-Kona Ali'i Drive and the Kahalu'u Bay Park area* coastal waters.

Impacts and Mitigation Measures

The majority of existing vegetation will be left intact. Because of the minor nature of the project and the lack of sensitive terrestrial ecosystems and threatened or endangered plant species, construction and use of the single-family residence are not likely to cause adverse biological impacts. The precautions for preventing effects to water quality during construction listed above in *Sections 3.1.1 and 3.1.6* will reduce adverse impact on aquatic biological resources in coastal waters to negligible levels. The applicant agrees to shield any exterior lighting from shining upward, in conformance with Hawai'i County Code § 14 – 50 et seq., to minimize
the potential for disorientation of seabirds.

APPENDIX 11: Special Management Assessment

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Allenby and Associates
Architecture, Planning, Construction Management
Kealaola LLC

DRAFT SMA November 2016

Planning Department
West Hawaii Service Office
74-5044 Ane Keohokalole Highway
Kailua-Kona, HI 96740

RE: Shoreline Setback Variance Application
SMA Use Permit Assessment Application
Brad Smith and Deborah Otto 2nd story addition.
78-6662 Ali'i Drive, Kailua-Kona, HI 96740
TMK (3) 7-8-014:084

Dear Planning Reviewer,

Please accept this document as further clarification to the Shoreline Setback Variance Application & Special Management Area Permit Assessment Application submitted on behalf Brad Smith and Deborah Otto as prepared by Lawton Allenby, Principal Architect Allenby and Associates for TMK (3) 7-8-014:084, (78-6662 Ali'i Drive, Kailua-Kona, HI 96740).

This proposed development is to build a 2nd story addition over the existing dwellings footprint. The 2nd story addition as the exiting residence has only one bedroom and they need a second bedroom to accommodate their family.

Shoreline Setback Application 3B:
Summary Description of the proposed development:

The proposed development scope is to build a 2nd floor addition (1008.7 total square feet) over the existing dwellings footprint (1324.5 total square foot single bedroom dwelling, including lanai, decks, and covered porch), that was constructed in 1962-1963, (reference permit no. 25914 and residential appraisal card on file), and is a "legal non-conforming" single family dwelling. The proposed development of a 2nd floor addition and renovation is so the home can have two (2) bedrooms, see attached plans. The proposed renovation and 2nd story addition shall be located on the same or existing footprint and have the same purpose as a single family residence. There will be no grubbing or grading associated with the 2nd story addition and renovation. The proposed 2nd floor addition will add 873.6 square feet of habitable living space over the 912 square feet of habitable living space on the existing 1st floor, and 135.1 square feet of lanai/deck over the current 178.5 square feet lanai and 234 square foot deck.

The parcel or lot is 6,568 square feet (0.1508 acre) that is within the shoreline area. The existing dwelling was permitted, reference permit no. 25914 and residential appraisal card on file,

PO Box 2113 ♦ 79-983 Kealaola Street ♦ Kealakekua, Hawaii 96750-2113 ♦ Phone 808-324-1600 ♦ Fax 808-324-4640

and it is regarded as "legal non-conforming") single family residence. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcels current zoning. The surrounding parcels are zoned RS-15 or V which is consistent with the proposed use.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback, the 15'0" front yard setback, and within the 20'0"" "non-confirming" shoreline setback. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback, see certified shoreline survey. As such the Applicant is requesting a shoreline setback variance and a variance from zoning code.

Variance Request:

The Variance request by the Applicant is for this development is requested under Rule 8 – Shoreline Setback 8-10 Criteria for Approval of a Variance (3) Hardship. The existing dwelling is a single bedroom - one bath single family residence. The proposed development of the 2nd floor addition and renovation is requested as the Applicant need a second bedroom to accommodate their family, they have a daughter. The development would amend this dwelling to a two bedroom - 3 bath single family residence as illustrated in the attached plans.

Under Rule 8 Shoreline Setback (8-10 b 3 A), "A structure or activity may be granted a variance upon grounds of hardship only if:

(i) The applicant would be deprived of reasonable use of the land if required to comply fully with this rule;
Response: The Applicants full use of the land is hampered by that there is only one bedroom for a family that traditionally would have two bedrooms give the size of their family. Furthermore, the parcel would not be impacted as;
(A) The proposed development use is consistent with the current use.
(B) The proposed development would <u>not</u> increase the current impact on the parcel as the 2nd floor proposed addition and renovation is to be located on top of and within the existing dwelling footprint or envelop, and would not increase the dwellings footprint on the parcel.
(C) Proposed developments objective and polices to coastal hazards would enhance and be constant with the current use, appearance, and policies (as outlined below) with this parcel as well as with the neighboring parcels.

(ii) The request is due to unique circumstances and does not draw into question the reasonableness of this rule; and
Response: As a family comprised of more than 2 people, as in this Applicants case a married couple with a daughter is not a "unique circumstance", but the restraints of the existing dwelling requires that the family of three to dwell in a single bedroom with is inconstant with the "traditional" living accommodations or accepted standards.

(iii) The request is practicable alternative which best conforms to the purpose of this rule.

Response: The proposed 2nd floor addition and renovation is to accommodate an additional bedroom as described above and delineated in this document below. This application and supporting documents provides a practical solution to what would be otherwise require a family to dwell in a crowded condition that may tax the existing structure, its infrastructure, and parcel.

Shoreline Setback Application 3E
Chapter 205A, HRS and SMA (Special Management Are
Question 1: Description of proposed development:

Project Scope of Work

This proposed development is to build a 2nd story addition over the existing dwellings footprint, at 78-6662 Ali'i Drive, Kailua-Kona, HI 96740, TMK (3) 7-8-014:084. The exiting dwelling has only one bedroom and one bath and is a "legal non-conforming" single family residence. The proposed development will amend this dwelling to a two bedroom - three bath dwelling, see attached plans. There will be no grubbing or grading associated with the 2nd story addition. The proposed 2nd floor addition and renovation will add 873.6 square feet of habitable living space over the 912 square feet of habitable living space on the 1st floor, and 135.1 square feet of lanai/deck over the current 178.5 square feet lanai and 234 square foot deck.

The proposed development design is that of a modest modern 1960's Ali'i Drive beach house aesthetic that will have an open feel achieved with the amount and location of windows, sliding patio doors, cable guardrails, open interior spaces, and open lanais & decks. This design objective is to make modifications to the existing beach house to make it more accommodating for a family of 3 while keeping the beach house aesthetic that for so long characterized Ali'i Drive and the Kahalu'u Bay Park area.

The 2nd story proposed addition is to have two bedrooms and two bathrooms, one bathroom is proposed to be a "Jack and Jill" hat can be accessed from a new family room. The 2nd floor is proposed to have an open family room between the two bedrooms and a lanai that is located over and partially cantilevered over the existing footprint of the 1st floor.

The 1st floor proposed renovation is to accommodate the removal of the existing bedroom and create a "great room" or open living space, which is accomplished by removing some of the interior walls that was the bedroom. The existing kitchen and bathroom shall remain with no modification. There is a proposed extension off the existing kitchen cabinetry for a wet bar and rotating the laundry area adjacent to the 1st floor bathroom to create an enclosed bathroom/laundry room. The existing open lanai is to remain as an open lanai with a new cable guardrail system. The lanai and guardrail that abuts the seawall, which is located outside of the shoreline, see attached certified shoreline survey.

The proposed new stairwell connecting the 1st floor to the 2nd floor is within the existing footprint of the dwelling where the existing 1st story frame and porch ceilinged area are located. The proposed stairwell is to have a walk through storage/outdoor shower area and open alcove that is to serve as a light well or opening to the existing kitchen window. The proposed stairwell design is to maintain the open feel of the existing 1st story frame and porch ceilinged area. The location of the existing 1st story frame and porch ceilinged area along with some of the lanai and the existing kitchen

are "legal non-conforming" as they are located within the 8'0" side yard setback and the 15'0" front yard setback.

The existing face or envelope of the dwelling is proposed to remain intact with the exception of minor modifications noted below. There is a 3'0" high concrete stemwall that surrounds the existing dwelling and abuts the existing seawall is to be preserved, and serves as an added water barrier/dam and protection. The dwellings existing structural walls are inset 5"to 6" from the face of this concrete stem wall as well as the seawall. The outside face of this stemwall is the outside face of the building footprint or envelope. The minor modifications to the existing exterior walls is limited to an additional window to be added in the laundry area on that Ali'i Drive side of the dwelling to provide the required light and ventilation per code. The existing sliding glass door on the south side is proposed to be swapped out to a pair of glazed french-doors that will serve as the main entry for the dwelling below a deck off the 2nd story master bedroom. The existing vinyl sliding glass patio doors facing the ocean are to remain in place with the addition of cable guardrail. The proposed sliding glass door cable guardrails are located within the existing footprint of the dwelling that abuts the seawall and is located outside of the shoreline, see the certified shoreline survey and proposed floor plans. The existing walls is proposed to be clad with pre-finished cementitious lap siding, related trim, and soffit material (James Harie siding products) that will overlay or cover the existing T1-11 siding. This proposed siding materials, stainless steel cable guardrails, and the existing vinyl windows with integral vinyl trim will dramatically reduce the need for manitance, and potential impacts in the future.

The proposed 2nd floor addition structural system and proposed structural enhancements to the existing dwelling shall be done from the inside of the dwelling to limit potential impacts. The new proposed structural shear walls, additional foundation requirements, and structural enhancements shall be done from the inside of the building. As wells the removal of some of the existing 1st floor interior walls. As the proposed 2nd floor will be constructed directly over or ontop of the existing dwelling, construction related work will be within the existing dwelling footprint or envelope with the exception of work associated with exterior siding and roof installation facing the shoreline. This will greatly mitigate any potential impacts within the shoreline setback. The development will also have an integrated protection, demolition and waste management plan as outlined below.

The existing "legal non-conforming" cesspool is proposed to be decommissioned and filled with rocks and be a rain water seepage pit, were the roof downspouts shall be ducted to. This will also enhance and reduce potential erosion issues relating to roof rain runoff. A new aerobic treatment system or ATS, often called (incorrectly) an aerobic septic system is to be installed in the existing driveway-parking area adjacent to Ali'i Drive outside of the shoreline setback. As cesspools have the potential of effluent contamination, given the location of the existing cesspool to the shoreline and the water table, this new proposed ATS shall vastly improve the potential of effluent contamination as an aerobic system produces a higher quality effluent than cesspool or traditional septic systems. A typical ATS will produce an effluent with less than 30 mg/liter BOD5, 25 mg/L TSS, and 10,000 cfu/mL fecal coliform bacteria. This is clean enough that it cannot support a biomat or "slime" layer like a septic tank.

Demolition:

Demolition – The proposed development scope of demolition to the existing dwelling is limited to: The removal of the existing roof structure (metal roof, roof sheathing and associated ridge beam & joists) to the plate height. The T1-11 siding and wall framing where the proposed laundry window is to be located, that is located outside of the shoreline setback. The existing sliding glass door and its associated framing that is to be replaced with a new glass french-door that will be the new front door under the 2nd floor master bedroom cantilevered balcony. The existing wood picket lanai guardrail is to be replaced with a cable guardrail system. The existing front door and associated framing is to be replaced which is in conflict with the new stairwell (walk through storage/outdoor shower area and open alcove that is to serve as a light well or opening to the existing kitchen window and under stairwell storage), which are also located outside of the shoreline setback. The removal of two fixed glass windows and associated framing that is to be replaced with structural shear walls at the bottom of the proposed stairwell. And, some of interior gypsum wall partitions that separate the existing bedroom from the living spaces. Some of the existing fence that is adjacent to Ali'i Drive which is located outside of the shoreline setback may be removed and reinstalled (or replaced pending on removal) to allow for construction access. Any damage caused by inappropriate removal shall be repaired and replaced.

The proposed demolition work associated with the proposed development is limited and shall occur outside of the shoreline, but within the shoreline setback unless otherwise noted, and within the dwelling and behind barricades & environmental protection.

The integrated protection, demolition and waste management plan shall require that a silt/dust fence and barricades be installed along the shoreline atop of the seawall, and around the dwelling. Along with other demolition mitigation measures including but not limited to inlet protection, existing tree protection, concrete washout mitigation measures, silt/dust fencing, the use of straw erosion control rolls, gravel bag & street flow protection lines, and a designated construction entrance.

There will be no grubbing or grading associated with the 2nd story addition or renovation or disturbance/alteration to the existing seawalls.

No anticipated negative impact is anticipated with the implementation of the demolition and waste management policies & measures as outlined above.

Disposal of materials:

All construction related debris shall be deposited in an appropriate container and properly disposed of offsite in a local landfill. It is estimated that there will be 5,000 tons (10,000 lbs) of debris.

The Applicant of the proposed development is planning on pursue recycling possibilities, mainly with the metal roofing. If recycling is not available, all construction related debris shall be deposed of per EPA standards and County requirements in a local landfill.

Protection:

A protective a silt/dust fence and barricades shall be installed along the shoreline on top of the seawall, and around the dwelling. Along with other demolition mitigation measures including but not limited to inlet protection, existing tree protection, concrete washout mitigation measures, silt/dust fencing, the use of straw erosion control rolls, gravel bag & street flow protection line, a

dust fence and barrier shall be installed around the construction area. See attached protection, demolition and waste management plan, notes & details.

A construction dumpster is to be located in the existing driveway-parking area adjacent to Ali'i Drive which is outside of the shoreline setback. The dumpster is to be covered during none working hours and during transportation to the local landfill. This location will also not impact typical traffic or pedestrian flow on Ali'i Drive.

The construction marshalling area and area for the storage of construction related materials is to be located outside of the shoreline setback, adjacent to the dwelling facing Ali'i Drive, between the dwellings west facing wall and existing fence. Some of the existing fence that is adjacent to Ali'i Drive which is located outside of the shoreline setback may be removed and reinstalled (or replaced pending on removal) to allow for construction access.

The construction parking shall be on site, overflow parking can be located on the opposite side of Ali'i Drive on street legal parking. The Applicant is also planning on working with and obtaining temporary parking the neighbor adjacent to this developments parcel, to the north if additional construction parking is required. It is anticipated that there will be typically 2 to 3 personal construction vehicles during construction or construction related activates at any one time. It is not anticipated that this will impact traffic.

The surrounding work area and neighboring landscape areas shall be magnet dragged to insure all nails, screws etc... are removed.

The Contractor shall protect all existing, existing power, telephone and TV cables, etc… during construction at all times.

The Contractor shall protect and clean the roadway, parking area, and sidewalks/pedestrian walkways at the end of each day.

The Contractor shall protect all existing landscaping.

No anticipated negative impact is anticipated with the implementation of the protection management policies and measures as outlined above.

Anticipated waste generated by the demolition:

The anticipated wate generated form the is 5,000 tons (10,000 lbs).

The congtactor is planing of recycling the metal roof as much as possible.

Hazardous waste:

No hazardous materials are known to have been used in the construction of the exisitng building. If hazardous materials are found, the Contractor shall stop work and contact an agency for instruction on how to remove/dispose of them.

A local County of Hawaii landfill will be the location for disposing of all construction related debris.

Materials:

The proposed developments plan is to maintain and incorporate as much of the existing dwellings materials as possible. The development is proposing to use the existing vinyl windows and sliding glass patio doors and integrating the existing exterior siding materials as they have the

greatest impact on the shoreline, as well as maintaining the existing kitchen and bathroom thus mitigating potential related impacts.

The exterior walls are proposed to be clad with pre-finished cementitious lap siding, related trim and soffit material (James Harie siding products) that will overlay or cover the existing T1-11 siding. This proposed siding materials, the use of stainless steel cable guardrails, and maintaining the existing/using vinyl windows & sliding glass patio doors with its integral vinyl trim will dramatically reduce the need for exterior manitance, and mitigate any related potential impacts in the future.

The developments interior materials and related products shall be selected and specified to be of a similar nature to what is currently installed. The contractor will provide labor & material and all accessories for a complete installation.

The proposed developments intent in the selection of construction related materials and finishes shall be specified to enhance and increase the longevity of the dwelling.

No anticipated negative impact is anticipated with the implementation of the proposed use of construction related materials and finishes, or in the materials selection, policies, and measures as outlined above.

Question 2: Statement of Objective:

The proposed development intent is to enhance and increase the longevity of the facility and to mitigate any impacts on the existing parcel, neighboring parcels, and on the shoreline. While maintaining the appearance of a 1960's/modern modest Ali'i Drive beach house.

The development is to increase the habitable space and expand a single bedroom dwelling into a more comfortable and habitable two bedroom dwelling that can accommodate the Applicant's family of 3 with a 2nd story addition and renovation over & within the existing dwellings footprint/envelope , and by not expanding this development impact on the existing parcel. Thus, mitigating the developments impact on the parcel, neighboring parcels and the shoreline.

The design objective and intent is to make modifications to the existing beach house to make it more accommodating for a family of 3 while keeping the beach house aesthetic that for so long characterized Ali'i Drive and the Kahalu'u Bay Park area with a modest 1960's modern open feel beach house.

The proposed development will amend this dwelling to a two bedroom three bath dwelling along with decommissioning the existing cesspool with an aerobic treatment system or ATS, which will result in a less "confined" and thus less "stress" on the existing facility that is aging and is a "legal non-conforming" one bedroom single family dwelling.

The proposed development will bring the existing structure to comply with current code, including but not limited to conformance with current lateral loads (seismic and hurricane), energy standards, and health and life safety codes.

The proposed developments intent in the selection of materials and finishes is to enhance and increase the longevity of the dwelling thus mitigating future manitance and the potential of impacts to the shoreline and neighboring parcels.

The proposed developments integrated protection, demolition and waste management plan and construction policies. Along with the demolition and waste management mitigation measures indicated above, as well as the limited construction area practices and policies shall mitigate potential

impacts to the shoreline, the environment, neighboring parcels, as well as on the developments parcel.

All of which is in compliance with the intent of the County of Hawaii's adopted codes and ordnances while respecting the as-built conditions.

Question 3a: Description of area involved:

No anticipated negative impact.

The development parcel is located on the Makai side of Ali'i Drive north of Kahalu'u Bay Park at 78-6662 Ali'i Drive, Kailua-Kona, Hi 96740. It is currently a one-story single family dwelling with an aesthetic appearance of a small 1960's Ali'i Drive beach house that abuts the north property line. There is a moderate side yard on the south side of the dwelling with several palm trees, ti plants, ground cover, a concrete paved/tiled deck, and fire pit area. The front yard is paved with tiles and there is a narrow planter adjacent to a fence and entry trellis. The wood fenced is set back from Ali'i Drive to allow for off street parallel parking. These is also a fenced alcove driveway-parking area adjacent to Ali'i Drive marked as "restricted parking" for this parcel "lots use only". The fencing and entry trellis is located outside of the shoreline setback. The parcel is flag shaped, with the "flag pole" facing the shoreline and Kahalu'u Bay. There is rock faced 6'0' to 8'0" high seawall at the shoreline. The dwelling and open south side yard patio abuts this seawall as well, the "flag" section. The current open lanai overlooks and is adjacent to a rocky tidal point that serves as a breakwater to Kahalu'u Bay, this is where the surfer typical cognate off waiting for waves.

The proposed developments and facility use shall be maintained (unchanged) and is consistent and compatible with the current land use. The parcel is zoned RS-15, the current and proposed development is the same purpose as a single family dwelling and as such is in compliance with this parcels current zoning. The surrounding parcels are zoned RS-15 or V which is consistent with the proposed use.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback, the 15'0" front yard setback, and within the 20'0"' "non-confirming" shoreline setback. The existing dwelling seawall abuts and is located outside of the shoreline.

The scope of work is limited to the proposed development of build a 2nd story addition and renovation over and in the existing dwellings footprint. The proposed 2nd floor addition structural system and proposed structural enhancements to the existing dwelling shall be done from the inside of the dwelling to limit potential impacts. The new proposed structural shear walls, additional foundation requirements, and structural enhancements shall be done from the inside of the building. As well as the removal of some of the existing 1st floor interior walls. The proposed 2nd floor can be constructed directly over or on top of the existing dwelling, and the work with the exception of exterior siding and roof installation facing the shoreline with be done outside of the shoreline, but within the shoreline setback. This will greatly mitigate any potential impacts within the shoreline setback and shall not effect neighboring parcels.

The area involved for the proposed development during the construction is limited within the footprint/envelope of the existing dwelling, or adjacent to the existing dwelling and on the developments parcel outside of the shoreline setback.

The proposed construction marshalling area, the area for storage of materials, construction entrance to be located on the developments parcel, and located outside of the shoreline setback adjacent to the dwelling facing Ali'i Drive, between the dwellings west facing wall and existing fence.

The construction area shall be fenced with a debris & silt/dust fence/construction barrier that complies with EPA standards and County of Hawaii requirements. The developments integrated protection, demolition and waste management plan shall require that a silt/dust fence and barricades be installed along the shoreline on top of the seawall, and around the dwelling. Other demolition mitigation measures, including but not limited to inlet protection, existing tree protection, concrete washout mitigation measures, silt/dust fencing, the use of straw erosion control rolls, gravel bag and street flow protection lines, and a designated construction entrance all of which are located on the developments parcel and adjacent to the existing dwelling.

Question 3b: Description of surrounding area:

No anticipated negative impact.

The surrounding area is a mix of residential, resort-hotel, vacation rental, and recreation uses, including several single and two story homes and two story condominium resort-hotels. The developments parcel is directly north and in very close proximity to Kahalu'u Bay Park. There is current and/or proposed construction and development in the surrounding area.

The surrounding parcels are zoned Single Family Dwelling (RS-15) or Resort-Hotel (V) which is consistent with the proposed use. The surrounding area has both single and two story dwellings located on the shoreline. There is currently an open undeveloped lot directly across Ali'i Drive from the developments dwelling, and a 2 story resort-hotel multi-unit complex across Ali'i Drive slightly further south facing the southern adjourning neighbor's parcels. The developments parcel abuts Ali'i Drive which is a main thoroughfare or street with current allowable "legal" off street parking located on the side shoulder, off the road or traffic right-of-way.

The developments parcel TMK (3) 7-8-014:084 is a flag log shaped parcel, where the "flag pole" is located along the coastline to the west, and Ali'i Drive to the east. There are two parcels to the south that abuts the "flag pole" section, TMK (3) 7-8-014:074 zoned RS-15 is a single story dwelling, and TMK (3) 7-8-014:007 zoned V-1.25 that is a 2 story resort-hotel.

To the north and adjoining the developments parcel is TMK (3) 7-8-014:083 zoned RS-15. This neighboring parcel abuts the shoreline and is under construction which has ceased per County of Hawaii and State of Hawaii due to permit irregularities and shoreline infringements.

Further to the south is a parcel that abuts the developments "flag pole" section is TMK (3) 7 -8-014:006 zoned RS-15, TMK (3) 7-8-014:005, 4 and 3 respectively that are the Kuemanu Heiau, St. Peters Catholic Church, and the County of Hawaii's Kahalu'u Bay Education Center & Kahalu'u Bay Park.

Directly across from the developments parcel, across Ali'i Drive is TMK (3) 7-8-014:013 zoned V which is currently undeveloped, and TMK (3) 7-8-014:015 zoned V, the Kona Seaspray, a two story multi-unit resort-hotel complex.

TMK (3) 7-8-014:007 the 2nd neighboring parcel that abuts the "flag pole" section of the developments parcel has an Encroachment Agreement, registered on August 16th, 2005 , see

attached. Which has use of an open deck located on the developments parcel and is outside of the shoreline, but within the shoreline setback, see certified shoreline survey. This 1960's deck-lanai and its support wall (constructed prior to July 16, 1967) is called out in County of Hawaii Records, and in County of Hawaii Planning documents dated October 3, 2005, see attached. This neighboring parcel also have some completed and open permits relating to related improvements per the County of Hawaii website, and County of Hawaii SMA application SAA 06-000152.

Question 3c: Building effect on area:

No anticipated negative impact.

The proposed development renovation and to build a 2nd story is consistent with the current use of the existing development and surrounding area, and its design will have minimal impact if any on the area involved or surrounding area from neighbors and/or passerby.

The proposed developments use will remain as it has been, a single family residential use, zoned RS-15.

The proposed development has the same look and feel of the existing surrounding dwelling and it will enhance and complement the existing land use. See attached elevations.

The proposed developments building height of 22'0" is less than the County of Hawaii allowable of 35'0". The design of the proposed 2nd story addition minimizes the view plane impacts from neighbors and/or passerby.

Question 3d: Known impacts which cannot be avoided or mitigated:

No anticipated negative impact.

There may be some short term visual noise, or traffic impacts associated with the construction activities on the parcel. To mitigate those impacts, construction will be limited to take place during normal business hours, and any dust will be controlled through watering in conjunction to with the protection, demolition and waste management policies & measures as outlined above.

The construction parking shall be on site, overflow parking can be located on the opposite side of Ali'i Drive on street legal parking. The Applicant is also planning on working with the neighbor adjacent to this developments parcel to the north in obtaining temporary overflow construction parking, if additional construction parking is required. It is anticipated that there will be typically 2 to 3 personal construction vehicles during construction or construction related activates at any one time. It is not anticipated that this will impact traffic.

Question 3e: Alternatives to the proposed project:

No anticipated negative impact.

None known, other than not renovating the existing dwelling with the proposed 2nd story addition and renovation, which would result in the Applicant's family living in the existing confined "legal non-conforming" one bedroom dwelling with is existing and aging infrastructure.

Question 3f: Any irreversible and irretrievable commitment of resources:

No anticipated negative impact.

None known. The proposed improvements involves no irreversible or irretrievable commitments of resources.

Question 4a: Proposed developments objective and polices to recreational resources:

No anticipated negative impact.

The proposed development renovations and 2nd story addition will remain the same as the current use as a single family dwelling, zoned RS-15.

The proposed renovation will have no impact on the recreational resources in the area. There are no recreational resources associated with the property itself. Kahalu'u Bay Park which is located just south of the property has its own parking and will not be impacted by the construction activity. The construction, demolition, protection (site and shoreline), and the waste management policies and mitigation measures as outlined will not impact Kahalu'u Bay.

The proposed development does not encroach on the portion of the parcel that is east of the seawall or shoreline. This "flag pole" section of the parcel which is west of the seawall is rocky tidal area and rocky tidal point that serves as a breakwater to Kahalu'u Bay. As this area is not in the designated "construction area" which will be fenced with a construction and silt/dust fence and environmental mitigation measures which in will not impact the neighboring recreational resources.

Question 4b: Proposed developments objective and polices to historic resource:

No anticipated negative impact.

No historic area(s) are known. As such, no historic area(s) will not be affected during the construction of the proposed development renovation and 2nd story addition, or by the construction access to this parcel, and the designated construction site/area.

The subject parcel had been graded and landscaped many years ago. The County of Hawaii Records indicate that this parcel was developed in the early 1960's. There is no ground work grubbing or grading associated with the proposed improvements. If any historical sites are encounter, work will stop and the Applicant will contact the State Historic Preservation Division and will note proceed until appropriate mitigation measures are in place.

Question 4c: Proposed developments objective and polices to scenic and open resources:

No anticipated negative impact.

The proposed development renovation and 2nd story addition or use will not affect the scenic and open resources as indicted in our response above.

The proposed renovation will not impact public views to the shoreline, as the 2nd story addition is located on top of the existing dwelling's footprint. The proposed developments building height of 22'0", which is less than the County of Hawaii allowable of 35'0". The design of the proposed 2nd story addition minimizes the view plane impacts from neighbors and/or passerby.

The existing fence, which design has a top open lattice at eye level, and landscaping, as well as the side yard that is landscaped with several palm trees, ti plants and shrubs is planned to be maintained. The existing fence and landscape does currently obscures some view of the shoreline from Ali'i Drive at street level, but the fence's open lattice section at eye level is open which allows for a shoreline view. The views onto this parcel from Kahalu'u Bay or from the ocean are not impaired or impacted by the proposed development.

Furthermore, there are no neighbors directly across from this dwelling on Ali'i Drive, this parcel is currently an open lot and undeveloped (reference TMK (3) 7-8-014:013 zoned V). This adjourning lot is also elevated well above the developments parcel and Ali'i Drive by +/-5'0", which when developed should not be impacted by this development.

Question 4d. Proposed developments objective and polices to coastal ecosystems:

No anticipated negative impact.

There are no anticipated impacts on costal ecosystem from the proposed development to build a 2nd story addition and renovation. All proposed renovation activities will be located out of the shoreline and within/on top of a dwelling that is already in the shoreline setback.

Furthermore, the proposed development does not encroach on the portion of the parcel that is east of the seawall or shoreline. The "flag pole" section of the parcel which is west of the seawall is a rocky tidal area and rocky tidal point that serves as a breakwater to Kahalu'u Bay. This area shall remain undisturbed or hampered by the activities and use of the proposed development and remain is a "tidal area were" costal ecosystem exist.

Question 4e: Proposed developments objective and polices to economic use:

No anticipated negative impact.

The proposed renovation will ensure that the Applicant can make more use of the existing dwelling and may increase its market value over time somewhat, depending on market conditions. Thus, hopefully increase profits for the Applicant and the increase and thus impact the economy of the local community in a positive manner. The renovation will also increase the life span of the

dwelling that was constructed in the early 1960's and its related aging infrastructure (replacing the existing cesspool with a new aerobic treatment system or ATS).

The will be a short-term positive economic impact from this proposed development during the construction process relating to the hiring of local contractors and the purchasing of materials.

Question 4f: Proposed developments objective and polices to coastal hazards:

No anticipated negative impact.

The proposed improvements do not increase existing costal hazards. The property itself may be at some risk of induction from tsunamis.

The current parcel with its existing seawall, that is 6'0" to 8'0" in height which abuts the shoreline along with the is rocky tidal area and rocky tidal point that serves as a "breakwater" to Kahalu'u Bay, is located in the "flag pole" section of the developments parcel provides as natural protection for this parcel. This parcel was not affected by high surf or from tsunamis, including the latest tsunami of 2011, as attested to by the attached insurance "no loss" statements and affidavits, see attached.

Also attached is a costal hazard site plan illustrating the extent and position of these rocky tidal areas and rocky tidal point that serves as a natural protection and surf "diverter and dissipater" to this parcel, see attached.

The protective measures that are to be implemented during the construction process and associated mitigation measures as outlined above comply with County of Hawaii regulations and EPA standards.

As such, no costal hazards are anticipated to be affected by this proposed renovation or use.

Shoreline Survey:

The Applicant has attached to this application(s) a certified shoreline survey.

The existing "legal non-conforming" dwelling is located within the 8'0" side yard setback, the 15'0" front yard setback, and within the 20'0"' "non-confirming" shoreline setback. The existing dwelling building envelope & seawall abuts and is located outside of the shoreline, but within the shoreline setback, see certified shoreline survey.

The shoreline is fixed by a manmade seawall. The existing dwelling abuts this seawall and the existing dwellings structural walls are inset 5"to 6" from the face of this seawall as well the dwellings surrounding concrete stem wall. The outside face of the seawall and stem wall is the outside face of the building footprint or envelope. The proposed 2nd story addition is located within this footprint or envelope.

As such, the Applicant is requesting a shoreline setback variance and a variance from zoning code.

Site plan and building:

The Applicant has attached a site plan, a costal hazard site plan, a floor plan of the existing dwelling, floor plans, elevation, & building section of the proposed renovation & 2nd story addition, and the construction site protection, demolition & waste management plan & details.

Addition information or comments that may be required by the Planning Director:

None known or provided.

If you have any questions relating to this application(s) and the responses above, please call me at 324-1600.

Respectfully Submitted,

Lawton Allenby
Principal Architect

APPENDIX 12: Consulting Resources

Name	Affiliation
Dalhberg, Peter	Aina Engineering
Darrow, Jeff	County of Hawaii, Planning
Harada, Bryce	County of Hawaii, Public Works
Hummel, Mark	Hummel Construction
Imahura, Esther	County of Hawaii, Planning
Jackson, Maija	County of Hawaii, Planning
Kaiwe, Jane	County of Hawaii, Public Works
Lemmo, Samuel J	DLNR, OCCL
Levine, Zia	Flora and Fauna Environmental Associate
Naleimaile, Sean	DLNR, SHPD (Archaeology)
Newlon, Rosalin	County of Hawaii, Planning
Vitousek, Randy, Esq	Cades Schutte LLLP
Wilson, Kelly	County of Hawaii, Building and Engineering
Winter, Kathy, PhD	Archaeological and Cultural Consultant
Yanasaki, Chrystal Thomas	Wes Thomas Associates
Yee, Michael	County of Hawaii, Planning