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February 25, 2016

Michael J. Riehm, AIA  
Riehm Owensby Planners Architects  
P. O. Box 390747  
Kailua-Kona, Hawai'i 96739

Dear Mr. Riehm:

**SUBJECT: Application: PLANNED UNIT DEVELOPMENT (PUD-15-000032)**  
**Applicant: RIEHM OWENSBY PLANNERS ARCHITECTS**  
**Agent: RIEHM OWENSBY PLANNERS ARCHITECTS**  
**Owner: HAWAII ONE1 INVESTORS, LLC**  
**Request: PUD: LA'IPALA MAKAI**  
**Tax Map Key: 7-7-008:121**

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Upon review of the subject Planned Unit Development application and agency comments, the Planning Director, hereby, **approves, in part, the request for a PUD-15-000032**, to allow the development of a master-planned community consisting of 62-single family parcels on the subject property. This PUD approval outlines the EXCEPTIONS APPROVED AND EXCEPTIONS DENIED below in accordance with Chapter 25 (Zoning) and Chapter 23 (Subdivisions) based upon the following background and findings.

**BACKGROUND**

**APPLICANT'S REQUEST**

1. **Request.** The owners, Hawaii One1 Investors, LLC, are applying for a PUD to develop the subject property, TMK: 7-7-008:121, as a Planned Unit Development consisting of 62-single family residential lots.

The applicant is requesting a PUD to allow for multiple exceptions from Chapter 25 (Zoning) and Chapter 23 (Subdivisions) in order to achieve the design principles for the subject development. These exceptions are to improve the overall quality, aesthetics, and to create a



more pedestrian-oriented community that would not otherwise be possible with the current County of Hawaii Codes and Standard Details for roadway construction. Approval of the requested exceptions would enable the applicant to create a neighborhood-friendly residential development with 62 lots designed with landscaped common open spaces primarily along the northern property boundary, a streetscape that is pedestrian-oriented and walkable, within a human-scaled neighborhood environment. Some of the characteristics that promote this feeling of a neighborhood-friendly community and create a sense of place are:

- Human-scaled and pedestrian friendly with open space and landscaping
  - Compact and identifiable with boundaries that are recognizable
  - Use of CC&Rs to encourage housing design and energy efficiency
  - Visually coherent – through setback of homes from the streets, use of front porches, architectural style, materials, and details that contribute to a coherent image
  - Strong degree of spatial hierarchy – open spaces in different sizes, shapes and physical treatments that allow for social interactions
  - Street corridors that are visually bounded, layered for an intimate feeling that enhance the quality of the streetscape– use of street trees, steps, and front porches
  - Street blocks can be understood as comprising their component neighborhoods – role of the street as a “social channel” for neighborly interaction
  - Promote social interaction among residents by providing a neighborhood friendly streetscape
  - Streetscape that is designed to be both pedestrian friendly and to accommodate traffic
2. **Project Description.** The property is situated within the District of North Kona, Hawai‘i approximately 4.5 miles south of Kailua-Kona town. It is east (mauka) of Ali‘i Drive and west (makai) side of Kahului – Keauhou Parkway. The plan is to develop 62 residential lots, which will range in size from 3,082 sq. ft. to 6,501 sq. ft. The project is designed to address the needs and lifestyle of residents who want to live in a planned residential community that is a more compact community with alternate standards versus the current standard subdivision layout, which in many cases lacks a human scale and walkability. **See Master Plan (Exhibit A).**
3. **Project Timeline.** The applicant proposes to implement the development in a single phase in accordance with the following preliminary schedule, subject to permit approvals and economic conditions:



A. Permit Approvals:

- 1) PUD application submittal and approval, tentative subdivision submittal and approval, final subdivision submittal and approval: 6 months (March 2016 to September 2016).
  - 2) Total site work complete with lots prepared for future house construction and projected sales to be 100% complete (62 lots and homes): 48 months (October 2016 to October 2020).
4. **Time Extension.** The applicant granted the Planning Director a time extension until March 17, 2016 to issue a decision on the application.

**EXCEPTIONS REQUESTED AND REASONS: HAWAI'I COUNTY CODE, CHAPTER 25, ZONING (See EXHIBIT B - Applicant's Exhibit 1-10)**

5. **Minimum Street Frontage.** (Hawai'i County Code §25-4-30). The request is to allow the street frontage of a lot be less than the required 50% of building site average width for lots. With the project's use of drivecourts to create a "sense of place", the requirements of Section 25-4-30 become too restrictive for the Project's overall design goals.
6. **Minimum Site Area; Minimum Average Width.** (Hawai'i County Code §25-4-31). The request for reduced lot sizes below the minimum building site area or minimum average width area. The overall density as allowable by code would still be achieved by designing the project with less units than allowable. Lot sizes will range from approximately 3,082 sq. to 6,501 sq. The goal is to develop a workable amount of lots due to the amount of land area lost to the archaeological sites within the Project. Spatial characteristics of the neighborhood will be defined, with smaller lots, and defined by landscaped open spaces which provides for a visual feeling of a larger lot. The relief from the required minimum average width will help to achieve the Project's desired goal to create a human-scaled and pedestrian friendly community.
7. **Reduction of Building Site below Minimum Area.** (Hawai'i County Code §25-4-32). The request is for reduced lot sizes while remaining within the allowable density or intensity of land utilization. The reduction in lot size will accommodate design and still require the project to meet the required density as allowed by the current zoning.
8. **General Requirements for Yards and Open Space.** (Hawai'i County Code §25-4-40). The request is for alternate minimum yards and in lieu of the minimum required yards for a zoned district and to waive the requirement for labeling a front or rear yard. The project incorporates the use of landscaped open spaces and other unique street arrangements to provide a "sense of place" for the residents and to create spatial diversity. Through the use of reduced yard designations varying from 6'-8' (for sides) and from 8'-15' for (front and rear) an intimate and



human-scaled environment with a 'sense of place' is created. Applicant's Exhibits 1-9 delineate the reduced yard exceptions and relabeling of front and rear yard.

9. **Corner Building Sites.** (Hawai'i County Code §25-4-42). The request is to allow alternate minimum yard requirements in lieu of the requirement that for corner lots interior lines be side lot lines and all rear yard regulations be inapplicable. Through the use of reduced yard varying from 6' (for sides) and 6' (front and rear) designations an intimate and human scaled environment with a 'sense of place' is created. The project incorporates the use of landscaped open spaces and other unique street arrangements to provide a "sense of place" for the residents and to create spatial diversity.
10. **Fences and Accessory Structures.** (Hawai'i County Code §25-4-43). This request is twofold.

- A. The request is to allow for retaining walls that exceed 6 feet in height when used to retain the grade be permitted to be on the boundary line and without any front, side, or rear yard requirements.

Due to the prevalent slopes on the Island of Hawai'i, retaining walls are often required at the property line to manipulate the grade to provide buildable lot pads. These retaining walls should be permitted at the property lines without any front, side or rear yard requirements in order to develop a more useable site area.

- B. This request is to allow any accessory structure, architectural feature, wall, fence, or any other free standing architectural feature over six feet in height to extend into any required front, side or rear yard.

A variety of free standing architectural features may be used to create the desired character and ambiance of the neighborhood. These features may be in the form of walls, gates, arbors and trellises which in some cases may be over six feet in height. Flexibility in location of these items is critical to developing an intimate neighborhood character. The locations of these items will be pre-determined and the CCR's will control any abuse of this exception by the residents of the neighborhood.

11. **Permitted Projections into Yards and Open Spaces.** (Hawai'i County Code §25-4-44). The applicant requests that Section 25-4-44(a)(1) for additional exceptions to features that may project into the required yard. This exception would cover and allow for trellises, attached or detached to the house to exceed 6 feet in height, be permitted any distance into the required side yards.



12. **Minimum Building Site Average Width.** (Hawai'i County Code §25-5-6). The request is to reduce the minimum average width for the lots to achieve the spatial characteristics of the neighborhood, especially in defining the landscaped open spaces. The requirement of building site areas, building site average widths and yards is arbitrary in lieu of the Project's desired goal to create a human scaled and pedestrian friendly community.
13. **Minimum Yards.** (Hawai'i County Code §25-5-7) One of the design goals for the community is to develop an intimate and human scale environment that has a distinct "sense of place". In order to achieve this goal, control of the placement of the homes on the lots is mandatory. This request is to waive the minimum yards established in the RS district as established for this section. This would allow flexibility and variation in the side yard setbacks while still maintaining sufficient distance between the buildings.
14. **Other Regulations.** (Hawai'i County Code §25-5-8). The applicant requests that 25-5-8(d) which requires yard requirements based on area and average width, be waived. Flexibility in the dimensions and yards for the proposed lots will provide the spatial characteristics of the neighborhood, especially in defining the landscaped open spaces. This is need for the achieving the desired goal to create a human scaled and pedestrian friendly environment with a "sense of place".

**EXCEPTIONS REQUESTED AND REASONS: HAWAII COUNTY CODE,  
CHAPTER 23, SUBDIVISIONS (See EXHIBIT B - Applicant's Exhibit 11-30)**

15. **Block Sizes.** (HCC §23-29). The petitioner is requesting that block sizes be less than 400 feet in length to encourage pedestrians to walk versus drive to a destination. Studies have shown that pedestrians will walk versus drive when a destination is within a five minute walking distance or 1,350 feet. Therefore, blocks less than 400 feet in length may encourage residents to walk to visit neighbors versus driving.
16. **Lot Sizes, Shape, and Setback Line.** (HCC §23-32). The request is that standards for lot size, width, shape, orientation and building setback lines to be different from the standards detailed in the Zoning Code. Lots are proposed to range in size from approximately 3,082 sq. ft. to 6,501 sq. ft. in varying shapes with reduced setback lines as depicted in **EXHIBIT B- Applicant's Exhibit 1-9.**
17. **Access to Lot from Street.** (HCC §23-34). The request is to allow exceptions to the requirement that access to lots to be from an approved public or approved private street. The project would instead provide accesses in reduced widths via designated drivecourts and access and utility easements, as labeled in the Exhibits. This would be in lieu of a public or private street, to provide both vehicular access and utility service to some of the lots.



18. **Lot Side Lines.** (HCC §23-35). The request is to allow exceptions to the requirement that side lines of a lot shall run at right angles to the street or radial to the curve on a curved streets. The project is designed with side lines of the lots that front the curved interior roadway to be parallel to each other to create a sense of consistency with the placement of the homes versus the side lines running at right angles to the curved street.
19. **Through Lots; Planting Screen Easement.** (HCC §23-36). This section requires through lots shall be avoided to provide separation of development from major traffic arteries or adjacent non-residential activities or to overcome disadvantages of topography or orientation. Planting screen easements are also required. The applicant requests exception by providing a mew/open space where through lots occur.
20. **Minimum Right-of-Way and Pavement Widths.** (HCC §23-41). The request is to allow alternate street right of way and pavement width requirements as specified by code, in addition to increased pavements widths when sidewalks, curb, and gutter are required. The Project's internal roadway system will incorporate both County dedicable and private streets in order to make for a more neighborhood and pedestrian friendly environment. The applicant proposes to follow street section guidelines in the Kona Community Development Plan Village Guidelines as depicted in **EXHIBIT B - Applicant's Exhibit 28-30**.
21. **Intersection Angles; Corner Radius.** (HCC §23-45). The code sets minimum standards for street intersections to be a right angles and minimum corner radius of twenty-five feet. The request is that the minimum requirements for street intersections and corner radius be waived to provide safe pedestrian movement. Large turning radius at street intersections increase the walking distance from curb to curb, requiring the pedestrian to spend more time in the intersection. With this increased distance, the pedestrian must calculate, far in advance, an oncoming vehicle, to determine if they are able to safely cross the street.
22. **Cul-de-sacs** (HCC §23-48). Cul-de-sacs shall be as short as possible and not more than six hundred feet in length and serve no more than eighteen lots; in addition, have required turn-around. Exceptions to this requirement will provide for increased flexibility in developing a more creative master plan and pedestrian oriented environment than would be possible through the use of a typical subdivision layout and standards. The design of the street and cul-de-sacs is critical to achieving this goal and flexibility is required in the county standards. In the proposed project, where a cul-de-sac is provided, the street right-of-way is planned to be squarer in configuration and designated as a drivecourt. These size and shape of the drivecourt will provide a paving area that is more in scale with the character of the neighborhood versus a large expanse of pavement surface.



23. **Grades and Curves.** (HCC §23-50). The request is for exceptions to the required minimum standards for grades of a street, including, waiving vertical and horizontal curves for the purpose to have increased design flexibility in developing a more creative master plan and community environment than wouldn't be possible through the use of a typical subdivision layout and standards. Street design is critical to achieving this goal, and as such, design flexibility is required. The street layout is critical to achieving this goal, and as such, design flexibility is required.
24. **Sidewalks.** (HCC §23-89). The requirement is that sidewalks be constructed in accordance with the specifications of the Department of Public Works. The project proposes sidewalks on one or both sides of the street but design flexibility may vary from the specifications of the County of Hawai'i Department of Public Works in order to create the desired neighborhood character.
25. **Curb and Gutters.** (HCC §23-91). Curb and gutters are required to be constructed in accordance to specification of the Department of Public Works. The request for flexibility in the standard details for curb and gutters increases design flexibility in developing a more creative master plan and community environment. This curbing profile is more in character with a traditional neighborhood setting than the typical curb and gutter details typically found in our modern subdivision. Curb and gutters and/or rolled curbs shall be used if required by the civil engineer of this project.
26. **Street Lights.** (HCC §23-93). Street lights are required to conform to standard specification of the Department of Public Works and construction be made a part of the contract and installed as part of the required subdivision improvements. The applicant requests that custom street light fixtures be allowed to provide design flexibility to choose a different housing color and decorative style that what is permitted by the county standards.
27. **Street Name and Traffic Signs.** (HCC §23-94). Street names and traffic signs are required to be erected at each street intersection and shall be approved and the type and location of signs be subject to standard specifications of the Dept. of Public Works. This request is to allow for customizing the street name and traffic sign fixtures to reinforce the desired character of the neighborhood and to achieve design goals. The applicant proposes to meet AASHTO specifications.
28. **Right-of-Way Improvement.** (HCC §23-95). The request is to waive the requirement to improve entire street right-of-way in conformance with standard specifications of Department of Public Works. The proposed project design requires flexibility in how the right-of-way areas are treated, such as pavers, street trees and landscaping, which will be used to develop the



desired character of the neighborhood. Design flexibility is required to develop an intimate, human scaled pedestrian friendly environment.

#### **DESCRIPTION OF PROPERTY**

29. **Subject Property.** The subject property (TMK: 7-7-008:0121), hereinafter, referred to as "Project area", consists of a total of 11.415 acres and is currently vacant. The property is situated within the District of North Kona, Hawai'i approximately 4.5 miles south of Kailua-Kona town and 11 miles south of the Kona International Airport. It is also located on the east (mauka) side of Ali'i Drive. Elevations within the Project area range from approximately 68 feet at the lowest point to 140 feet at the highest point providing an elevation range of 72 feet. The Project area is in a lava field in its natural state, overgrown with a variety of grasses and trees with various archaeological remnants.
30. **USDA Soil Type.** The property is listed as type 373 – Punalu'u extremely rocky peat, which consists of thin organic soils over pahoehoe lava bedrock.
31. **Land Study Bureau (LSB) Soil Rating.** The property is rated 'E' or "Very Poor".
32. **ALISH.** The property is not rated as Agricultural Lands of Importance to the State of Hawai'i.
33. **FIRM/Drainage.** The property is located in Zone "X", which is an area determined by FEMA to be located outside of the 500-year floodplain. The proposed roadway design incorporates curb, gutters, and sidewalks to reduce surface water and sediment runoff. Drainage will be controlled through swales, drywells, and natural drainage ways that promote infiltration over runoff.
34. **Flora and Fauna.** Vegetation at the site is characterized by koa haole scrub land. There are no species of flora or fauna currently listed as endangered, threatened or proposed for listing under either the State or Federal endangered species programs.
35. **Archaeological/Cultural/Historic Resources.** An archaeological inventory survey of the project area (TMK; 7-7-008:121), Land of Kapala'alaea 2, North Kona, District, Island of Hawai'i is dated January 2006, and revised on September 2006. The Archaeological Survey was conducted by Alan E Haun, Ph.D. and Dave Henry, B.S., Haun & Associates.

The archaeological inventory survey (AIS) identified 14 archaeological sites comprised of 172 component features. Three of the historic properties that were identified (SIHP 50-10-37-6366, 6368, and 6369) have been recommended for no further work. One ceremonial/habitation site complex (SIHP 24534) has been recommended for preservation, one burial site



(SIHP 24842) has been recommended for preservation, one remaining sites have been prepared for the sites recommended for data recovery. Our records indicate that a data recovery plan (Huan and Henry 2010) has been prepared for the sites recommended for data recovery, and accepted by SHPD via correspondence LOG NO 2010.034, DOC NO 1005MD37. However, SHPD has no record that the data recovery field work has been verified as completed.

The Petitioner shall complete all the remaining archaeological plans and shall comply with all the requirements and preservation measures recommended and approved by the State Historic Preservation Division (SHPD). The Petitioner will also follow all applicable laws and regulations should any archeological features or remains are found during site work or construction.

36. **View Plane/Coastal Resources.** The subject property is located mauka of Ali'i Drive with an approximate slope of 6%. All structures, including dwellings, will be constructed in conformance with the applicant's stated 35' height limit.
37. **Surrounding Zoning and Land Uses.** The property is situated within an area primarily designated for resort and residential uses within the State Land Use Urban District. Immediate surrounding areas are zoned RS-7.5 and RM-3, A-5a. The White Sands Beach Subdivision and the Keauhou View Estates lie to the north and northwest. The property immediate to the south where a construction right-of-way was secured is zoned A-5a. The Property essentially resides within the urban area as defined in the Kona CDP. The Project will establish residential lots that are consistent with permitted density allowable by zoning, and will remain consistent with residential uses that prevail within the surrounding area.

#### STATE AND COUNTY PLANS

38. **State Land Use District.** Urban.
39. **County Zoning.** Single-Family Residential – 7,500 sq. ft. (RS-7.5). Minimum building site average width is 60' and minimum yards are 15' for front and rear and 8' on sides. The subject property was rezoned from A-5a to RS 7.5, effective February 9, 2009 by Ordinance 09-8 and is subject to conditions of approval. (See **EXHIBIT C – Ordinance 09-8**).
40. **General Plan Designation.** The area is designated Low Density Urban by the Land Use Pattern Allocation Guide (LUPAG) Map. This request would be consistent with the General Plan LUPAG Map designation and will complement the goals, policies, and courses of action of the Economic-North Kona, Natural Beauty, and Land Use - Single-Family Residential and Resort Elements of the General Plan.



41. **Kona Community Development Plan.** The Kona Community Development Plan (KCDP) was adopted by the County Council on September 25, 2008 (Ordinance 08-131). The proposed development is located within the KCDP Planning Area and the "Kona Urban Area" or the Urban Core of Kailua-Kona. The Project conforms to the following Kona Community Development Plan (KCDP) "Guiding Principles":

A. **Guiding Policy 1. Project Kona Natural Resources & Culture.**

The petition Area, in an already urbanized area, has less impact on our natural resources versus a development in outlying rural areas requiring rezoning and the consumption of more agricultural land and natural landscape. By developing in already urbanized area, suburban sprawl is mitigated in our undeveloped areas and more of the natural environment can be preserved by this approach.

B. **Guiding Policy 2. Provide Connectivity & Transportation Choices.**

The Project provides a number of connection to existing and future streets that will provide alternative transportation routes that will disperse automobile trips and reduce their length, while not compromising the through functions of arterials and major collectors with excessive intersections.

C. **Guiding Policy 3. Provide Housing Choices.**

The master plan concept provides a higher quality, residential environment than is normally found in our standard subdivision communities. Through the use of a Planned Unit Development, common area landscaped spaces, and streets designed for pedestrians, a more livable community can be provided than what would be possible if the Project were designed utilizing a typical subdivision layout and County decidable roadway standards.

42. **Special Management Area (SMA).** The Property is located approximately 800 feet mauka of the shoreline and has an approved SMA 07-000024 effective June 30, 2008 by the Planning Commission. (See EXHIBIT D – SMA)

43. **Density.** Based on applying the required 6,000 square feet minimum land area per dwelling unit or each separate rentable unit against the total land area of 11.415 acres, a total of 62 dwelling units would be the maximum density that is allowable by zoning. Should the parcel be subdivided into the minimum lot size of 7,500 square feet approximately 66 lots would be allowable.

#### **PUBLIC FACILITIES AND SERVICES**

44. **Access.** Access to the Project area will be provided by one of two roadways as stipulated in Change of Zone Ordinance 09-8. Alternate 1 is to construct a new alternate access road from



Ali'i Drive thru TMK: 7-8-008:001, the vacant property to the west and to include a left turning lane on Ali'i Drive. Alternate 2 would be improving Queen Kalama Street and Naniloa Street along the lower northern boundary of the property. According to Ordinance 09-8, should this alternate be chosen - curb, gutter, and sidewalk improvements shall be constructed along the mauka side of Naniloa Street and along the south side of Queen Kalama Street to Alii Drive. A dedicated left turn lane shall also be constructed at the Alii Drive intersection. In addition to Alternate 1 or 2, plans shall also depict a connection to Naniloa Street and future road stub out midway along the south property boundary. The property is subject to Change of Zone Ordinance 09-8 Condition F, G, H & I regarding access improvements. The Project's internal roadway system is considered a minor street and in accordance with Ordinance 09-0, shall be constructed to County dedicable standards and dedicated to the County.

The applicant has secured a temporary, non-exclusive construction right of entry from the adjacent property to the west and may pursue making this temporary access a permanent roadway once they decide whether they will commit to the Naniloa Drive access or the Ali'i Drive access as stipulated in the Change of Zone Ordinance.

In the PUD request, the applicant proposes both County dedicated and private streets. Streets that provide interconnectivity to adjacent parcels would be designed and built to Kona CDP Village Guidelines street types ST-52-34 or ST-50-32 and dedicated. Dedicable streets would have an approximate right-of-way of 50-52 feet with varying drive lanes of 18-19 feet, and with parking, planters and sidewalks on both sides of the street.

The applicant also proposes that streets that do not provide interconnectivity would remain private and built to the guidelines included in the Kona CDP as street types ST-52-34 or ST-50-32. These are described in the Master Plan as Drivecourts which would also be incorporated with a right-of-way of 34 feet with 20 foot drive lanes, planters, and sidewalks.

Cul-de-sacs with turn-around areas within the internal roadway system shall be designed to accommodate emergency vehicles and will be coordinated with the Hawai'i County Fire Department (HFD) through HFD review of the subdivision construction drawings.

The applicant proposes that the county maintain all dedicable roadways, curb, gutters and sidewalks street signs and streetlights while the Home Owners Association (HOA) shall maintain the street landscaping, street signs and street lighting fixtures within the private roadways.

It should be noted that Kona CDP Village Guideline street types are currently not designed to County dedicable standards.

45. **Water.** According to Department of Water Supply, 50 units of water were allotted to the entire subdivision providing adequate water from a potable water system. The development will be



subject to covenants to include conservation measures for water usage. The applicant has submitted data and water usage calculations prepared by a registered professional engineer licensed in the State of Hawai'i to support LEED design criteria.

46. **Sewer.** The County of Hawai'i Department of Environmental Management-Wastewater Branch, Kealakehe Sewage Treatment Plant is the treatment plant that will serve the Project.
47. **Electricity, Telephone and Cable TV.** Power, communication and cable services are accessible to the Property from Ali'i Drive vial the proposed road connection to the project site or from Naniloa Drive. Power service is provided by Hawai'i Electric Light Company, a subsidiary of Hawaiian Electric Company. Telephone service is provided by Hawaiian Telcom.
48. **Parks.** To comply with the park requirements in Ordinance 09-8, the applicants are required to provide 5,000 sq. feet of recreational area on the Naniloa Street end of the development as depicted on the master plan. Additional requirements will be met by constructing a minimum three-acre public neighborhood park on TMK: 7-7-008:030. (See **EXHIBIT E – Memo from Dept. of Park and Recreation dated November 9, 2015**)
49. **Other Services.** Fire protection is provided by the County from its Kailua-Kona Fire Station on Palani Road approximately 4 miles from the project site. Police protection is provided by the Hawai'i County Police Department operating from Kealakehe located approximately 7 miles north of the project site. Refuse (solid waste) will be collected by private contractors and hauled to the West Hawai'i landfill for disposal. Security gate will be installed and a central mailbox kiosk will be located at the entry.

#### **AGENCY COMMENTS**

50. **Police Department (HPD):** See attached memorandum dated September 25, 2014. (**EXHIBIT F**)
51. **Fire Department (HFD):** See attached memorandum dated March 16, 2015. (**EXHIBIT G**)
52. **Department of Public Works (DPW) Engineering Division.** See attached memoranda dated April 7, 2015. (**EXHIBIT H1**)
53. **Department of Public Works (DPW) Traffic Division:** See attached memorandum dated March 18, 2015. (**EXHIBIT H2**)
54. **Department of Environmental Management (DEM) – Waste Water Division.** See attached memoranda dated March 20, 2015. (**EXHIBIT I1**)



55. **Department of Environmental Management (DEM)** –Solid Waste Division. See attached memoranda dated March 27, 2015. **(EXHIBIT I2)**
56. **Department of Water Supply (DWS)**: See attached memorandum dated March 31, 2015. **(EXHIBIT J)**
57. **DLNR – Historic Preservation Division SHPD)**: See letter dated April 10, 2015. **(EXHIBIT K)**
58. **NA ALA HELE**: See attached letter dated May 13, 2016. **(EXHIBIT L)**

#### **PUBLIC COMMENTS**

59. **Meredith Bolton**: Letter dated March 24, 2015 objecting to the PUD citing traffic concerns. **(EXHIBIT M)**
60. **Ronald and Patricia Worrell**: E-mails (2) dated March 19, 2015 and April 14, 2015 objecting to the PUD citing concerns regarding the usage of Naniloa Drive for ingress and egress purposes. **(Exhibit N)**
61. **Henry and Gale Hagemeyer**: E-mail sent on March 27, 2015 objecting to the approval of PUD citing traffic. **(EXHIBIT O)**
62. **Applicant's Response to Public Comments**: Two letters dated April 10, 2015 and letter dated April 20, 2015. **(EXHIBIT P)**

#### **FINDINGS - CRITERIA FOR APPROVAL OF PUD 15-000032**

This PUD is granted in part in accordance with the following criteria and findings:

1. **The construction of the Project shall begin within a reasonable period of time, from the date of full approval and shall be completed within a reasonable period of time.**

Once the PUD is approved, the applicant will submit subdivision application. Once Final Subdivision is approved, the applicant anticipates moving forward with, total site work and infrastructural improvements. Dwelling construction would follow with completion of sales for the 62 lots to be within 4 years from issuance of Final Subdivision Approval.

2. **The proposed development substantially conforms to the General Plan and any applicable Community Development Plan.**

The proposed residential units are consistent with the General Plan LUPAG Map designation



for the Property of Low Density Urban (LDU). The Low Density Urban designation allows for residential and related functions (residential up to 35 units per acre). The proposed development will consist of 62 single family residential lots ranging in size from 3,082 sq. ft. to 6,501 sq. ft. The Project, with the approval of this PUD, will be developed at a density less than the allowable density of 66 lots and will not exceed the overall maximum density permitted by the zoning designation.

The Low Density Urban designation allows "residential, with ancillary community and public uses, and neighborhood and convenience-type of commercial uses." The proposed residential development would be consistent with the General Plan land use designation. The project area is located within the Kona Urban Area in the KCDP and is consistent with the Guiding Principles of the KCDP.

Therefore, the proposed development is consistent with the requirements of the Zoning Code, the land use policies of the General Plan, and the KCDP.

- 3. The proposed development shall constitute an environment of sustained desirability and stability, shall be in harmony with the character of the surrounding neighborhood, and shall result in an intensity of land utilization no higher than and standards of open space at least as high as permitted or as otherwise specified for the district in which this development occurs.**

The proposed 62-lot residential subdivision will provide a density that will not exceed the maximum density permitted by zoning, which is calculated at 62 lots for 11.415 acre Project Site. With the approval of this PUD, the Applicant will be able to configure its proposed lots and selected roadways to realize the type of residential use that is generally consistent with uses within this particular area of North Kona. Approval of the requested exceptions would enable the applicant to create a smaller-scaled, neighborhood-friendly residential development with landscaped common open spaces primarily along the northern property boundary, and a streetscape that is pedestrian-oriented and walkable. Some of the characteristics that promote this feeling of a neighborhood-friendly community and create a sense of place require exceptions from County standards and will not compromise existing and potential land uses within the surrounding area being approved.

There are three written objections (Ronald and Patricia Worrell, Meredith Bolton and Henry and Gale Hagemeyer); all three cite additional traffic within their subdivision (White Sand Beach Subdivision) as their main concern. It should be noted that both Queen Kalama Street and Naniloa Street are county-maintained roadways which are allowable accesses for the proposed development in accordance with Ordinance. 09-8. Should Queen Kalama and Naniloa Streets be used, the owner is required to construct significant roadway improvements that



include curb, gutter, and sidewalk improvements along the east (mauka) side of Naniloa Street and along the west side of Queen Kalama Street to Ali'i Drive. Other improvements include: pavement widening, signs, traffic markings, street lights, drainage improvements, and relocation of utilities meeting with approval of Department of Public Works. Further, as an option, the applicant would develop an alternate access road through the adjacent property to the west (TMK: 7-7-:008:011) from Ali'i Drive to the project site. A construction agreement has been secured and consideration is being given to making this a primary access should an agreement be reached. If determined to be a permanent access, this roadway shall meet with the approval of the County of Hawai'i – Department of Public Works and built to County dedicable standards. Also, one of the conditions of this PUD, is that the mail kiosk (receptacle) be located off the new access road from Ali'i Drive.

**Certain exceptions not consistent with this criteria are DENIED and are listed in the below EXCEPTIONS DENIED section.** These exceptions would affect setback standards for accessory structures along the south property boundary and impact the wellbeing of adjacent property owners, who are not a part of this subdivision and are therefore, denied. Minimum Yards or setbacks are required to protect the health, safety, morals, or general welfare of the County. Further, standard setback requirements for those properties along the south property boundary shall meet the minimum 15-foot rear yard (setback) requirements consistent with the RS-7.5 zoned district as depicted in the applicant's Master Plan.

- 4. The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of the Zoning and Subdivision Codes, and that the contemplated arrangements or use, make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.**

The project is designed to address the needs and lifestyle of those residents who want to live in a residential community that promotes social interaction, encourages outdoor activities, and is pedestrian oriented. The project consists of 62 single-family residential lots with a streetscape designed to create a sense of place. Emphasis is placed on the design of the streets to provide a safe setting for pedestrians and to mitigate the speed of the automobile.

The granting of this PUD will allow for greater flexibility by implementing design guidelines established to enhance lot design and maximize the property's features to be complementary to existing surrounding land uses. The property is located in Zone "X", which is an area determined by FEMA to be located outside of the 500-year floodplain. Alternative roadway design standards will be implemented to encourage lower traffic speeds.

Drainage will be contained on site as required the County of Hawai'i Standards. A system of drywells and other mitigated measures will be utilized to contain the increased runoff as required by Hawai'i County.



The granting of this PUD will allow for greater flexibility in addressing design and aesthetic issues to allow some of the roadways to be constructed to promote a combination of casual pedestrian movements with traffic using alternate standard requirements.

**Roadway design exceptions that would be inconsistent with this criteria are DENIED and listed in the EXCEPTIONS DENIED section below.** Incorporating reduced and alternate design standards, although desirable, are currently only acceptable for nondedicable roads. Unfortunately, alternate roadway standards as proposed, are not acceptable as a County dedicable roadways. Therefore, until amendments are made to Ordinance 09-8, only the proposed drivecourts and access and utility easements are allowable to be constructed with exceptions. The request for exceptions to construct improvements to Naniloa Street and its extension, the primary spine roads running east to west within the property, and stub outs would not be in conformance with Change of Zone Ordinance 09-8 and County dedicable standards, and are therefore denied. The ordinance requires that roads be constructed to county dedicable standards meeting with requirements of the Department of Public Works. Although the applicant proposes to construct streets to be dedicated in accordance with the Kona CDP Village Design Guidelines ST-50-32 and ST-52-34, these standards are currently not accepted by Dept. of Public Works as dedicable roadway standards.

Based on the above criteria and findings, the exceptions are listed below as approved and denied, accordingly:

**EXCEPTIONS APPROVED – CHAPTER 25 (ZONING)**

**Based on the above findings, the following exceptions are APPROVED:**

1. **Minimum Street Frontage.** (Hawai'i County Code §25-4-30). The request is approved to allow the street frontage of a lot to be less than the required 50% of building site average width for lots other than flag lots and those at the ends of cul-de-sac.
2. **Minimum Building Site Area; Minimum Average Width.** (Hawai'i County Code §25-4-31). This request to allow different shaped lots, their sizes and widths is approved. In reviewing the exhibits of the lot layout, we find that sufficient buildable area and lot shape is being provided.
3. **Reduction of Building Site below Minimum Area.** (Hawai'i County Code §25-4-32). This request is approved to allow for lot sizes ranging from 3,100 square feet to 6,501 square feet in lieu of the minimum 7,500 square feet lot sizes required by its RS-7.5 zoning designation. In reviewing the exhibits of the lot layout, we find that sufficient buildable area is being provided.



4. **General Requirements for Yards and Open Space.** (Hawai'i County Code §25-4-40). This request is approved in part. Approval is limited to the configurations shown on Exhibits 1 to 9. The request for alternate minimum yards within the zoned district due to smaller lot sizes is approved, however, the renaming or relabeling of yards (front, rear, sides) is denied. Confusion will result if yards are named other than the standard front, rear, side for every lot. This project shall also comply with Building code requirements for yard and setbacks from common property lines which is not a part of this approval. The project incorporates the use of landscaped open spaces and other unique street arrangements to provide a "sense of place" for the residents and to create spatial diversity.
5. **Corner Building Sites.** (Hawai'i County Code §25-4-42). The request to allow alternate yard/setbacks is approved as they are inter-developmental in nature and do not infringe on surrounding properties.
6. **Fences and Accessory Structures.** (Hawai'i County Code §25-4-43). The request is twofold and APPROVED for 6A and DENIED for part 6B.
  - A. Allow for retaining walls that exceed 6 feet in height when used to retain the grade be permitted to be on the boundary line and without any front, side, or rear yard requirements is approved. Due to the prevalent slopes on the Island of Hawai'i, retaining walls are often required at the property line to manipulate the grade to provide buildable lot pads. These retaining walls should be permitted at the property lines without any front, side or rear yard requirements in order to develop a more useable site area. This aspect of the request is approved as a safety issue. The applicant shall comply with applicable requirements of the Dept. of Public Works for walls and Hawaii County Code Section 22-2.2 Intersection Sight Distance.
  - B. This request is also to allow any accessory structure, architectural feature, wall, fence, or any other free standing architectural feature over six feet in height to extend into any required front, side or rear yard is approved in part. These features may be in the form of walls, gates, arbors and trellises which in some cases may be over six feet in height. Freedom in location of these items is critical to developing an intimate neighborhood character. The locations of these items will be pre-determined and the CCR's will control any abuse of this exception by the residents of the neighborhood.

This exception is **APPROVED** for lots that do not abut the adjacent TMK: 7-8-010:004 to the south and also approved for those lots that abut TMK: 7-8-010:004 which construct retaining walls over 6 feet in height.

This exception is **DENIED** for those lots abutting adjacent TMK: 7-8-010:004 that do not construct retaining walls over 6' in height. We agree that a variety of free-standing



architectural features may be used to create the desired character and ambiance of the neighborhood however, it should not negatively impact adjacent property owners who are not covered by this exception.

This exception shall be detailed on a master plan submitted to the Planning Department prior to submission of any individual building permit applications. The master plan shall identify the locations and heights of all "architectural features" proposed to extend into required open space areas.

7. **Permitted Projections into Yards and Open Spaces. (Hawai'i County Code §25-4-44).** The applicant requests that Section 25-4-44(a)(1) for additional exception to allow trellises to project into the required yard. This exception would cover and allow for trellises, attached or detached to the house to exceed 6 feet in height, be permitted any distance into the required side yards. These trellises open projections and see through design. Other requests are covered under Fences and Accessory Structures above.
8. **Minimum Building Site Average Width. (Hawai'i County Code §25-5-6).** This request is approved to allow minimum building site average width to be waived in order to create smaller lots and a more human-scaled community.
9. **Minimum Yards. (Hawai'i County Code §25-5-7)** This request is approved to allow for varying side yards where one is smaller than the other; while maintaining sufficient distance between the buildings. Applicant shall comply with Building Code requirements for setbacks from common property lines. This section is approved as shown in Applicant's Exhibits 1-9.
10. **Other Regulations. (Hawai'i County Code §25-5-8).** The dimensions of the lots are developed to provide the spatial characteristics of the neighborhood, especially in defining the landscaped open spaces. The requirement of building site areas, building site average widths and yards is arbitrary in lieu of the Project's desired goal to create a human scaled and pedestrian friendly environment with a "sense of place". The request is approved to support the smaller lot sizes that are proposed.

#### **EXCEPTIONS APPROVED – CHAPTER 23**

**Based on the above findings, the following exceptions are APPROVED:**

**Note that Items #3-13, are only approved for what are specifically described in the Master Plan as drivecourts and access and utility easements, which will be non-dedicable roadways in private ownership.**



1. **Block Sizes.** (HCC §23-29). This request to allow block sizes to be less than 400 feet in length, to encourage pedestrians to walk versus drive to a destination is approved. Studies have shown that pedestrians will walk versus drive when a destination is within a five minute walking distance or 1,350 feet. Therefore, blocks less than 400 feet in length may encourage residents to walk to visit neighbors versus driving. This is approved for non-dedicable roadways.
2. **Lot Sizes, Shape, and Setback Line.** (HCC §23-32). As part of the application for a PUD, exceptions are requested herein concerning the standards for lot size, width, shape, orientation and building setback lines which are different from the standards detailed in the Zoning Code. In reviewing the exhibits of the lot layout, we find that buildable areas are consistent with the requested design elements, and therefore, this exception is approved for non-dedicable roadways.
3. **Access to Lot from Street.** (HCC §23-34). An access and utility easement is used in some areas, in lieu of a public street or private street, to provide both vehicular access and utility service to some of the lots. In reviewing the exhibits of the lot layout this is approved for the non-dedicable roadways.
4. **Lot Side Lines.** (HCC §23-35). The side lines of the lots that front the curved interior roadway are designed to be parallel to each other to create a sense of consistency with the placement of the homes versus the side lines running at right angles to the curved street. In reviewing the exhibits of the lot layout, this exception is approved for the non-dedicable roadways.
5. **Cul-de-sacs.** (HCC §23-48). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and pedestrian oriented environment than would be possible through the use of a typical subdivision layout and standards. The design of the street and cul-de-sacs is critical to achieving this goal and flexibility. Also, where a cul-de-sac is provided, the street right-of-way is squarer in configuration and shall be designated as a drivecourt. These size and shape of the drivecourt is used to provide a paving area that is more in scale with the character of the neighborhood versus a large expanse of pavement surface. Turnarounds shall be designed to accommodate emergency vehicles as recommended by the Hawaii County Fire Department as well as delivery activities. This is approved for the drivecourts and access and utility easements as described in the Master Plan.
6. **Minimum Right-of-Way and Pavement Widths.** (HCC §23-41). The Project's internal roadway system will incorporate both County dedicable and non-dedicable streets in order to make for a more neighborhood and pedestrian friendly environment. This is approved for non-dedicable streets.



7. **Intersection Angles; Corner Radius.** (HCC §23-45). One of the major impediments to safe pedestrian movement in a residential community is the large turning radius at street intersections. The large radius increase the walking distance from curb to curb, requiring the pedestrian to spend more time in the intersection. With this increased distance, the pedestrian must calculate, far in advance, an oncoming vehicle, to determine if they are able to safely cross the street. Intersections shall meet with HCC Section 22-2-2 intersection sight Distance. Sight distance easements shall be provided on the final plat map. Curb radii shall also be designed to accommodate emergency vehicles as recommended by the Hawaii County Fire Department as well as delivery activities. This is approved for non-dedicable streets.
8. **Grades and Curves.** (HCC §23-50). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment than would typically be possible through the use of a typical subdivision layout and standards. Street design is critical to achieving this goal, and as such, design flexibility is required. The street layout is critical to achieving this goal, and as such, design flexibility is required. This is approved for non-dedicable streets.
9. **Sidewalks.** (HCC §23-89). The project shall have sidewalks on one or both sides of the street but design flexibility is requested which may vary from the specifications of the County of Hawai'i Department of Public Works in order to create the desired neighborhood character. This is approved for non-dedicable streets.
10. **Curb and Gutters.** (HCC §23-91). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment. This curbing profile is more in character with a traditional neighborhood setting than the typical curb and gutter details typically found in our modern subdivision. Curb and gutters and/or rolled curbs shall be used if required by the civil engineer of this project. This is approved for non-dedicable streets.
11. **Street Lights.** (HCC §23-93). The use of a custom street light fixture will provide design flexibility to choose a different housing color and decorative style that what is permitted by the county standards. This is approved for non-dedicable streets.
12. **Street Name and Traffic Signs.** (HCC §23-94). This request is to allow for customizing the street name and traffic signage to reinforce the desired character of the neighborhood and to achieve design goals. The applicant proposes to meet AASHTO specifications. This is approved for non-dedicable streets.
13. **Right-of-Way Improvement.** (HCC §23-95). The right-of-ways may have a variety of treatments such as pavers, street and landscaping, which will be used to develop the desired character of the neighborhood. Design flexibility is require in this area to be able to develop



an intimate, human scaled pedestrian friendly environment. This is approved for non-dedicable streets.

**EXCEPTIONS DENIED – CHAPTER 25 (ZONING)**

**Based on the above findings, the following exceptions are DENIED:**

1. **General Requirements for Yards and Open Space.** (Hawai'i County Code §25-4-40). Approval is limited to the configurations shown on Exhibits 1 to 9. The request to rename yards other than what is standard practice (front, rear, sides) is DENIED. Confusion will result if yards are named other than the standard front, rear, side for every lot. The reduced yards can be accomplished without renaming the yards. This project shall also comply with Building code requirements for yard and setbacks from common property lines which are not a part of this approval.
2. **Fences and Accessory Structures.** (Hawai'i County Code §25-4-43). As stated in the above section on Exceptions Approved for Chapter 25 6A, and restated here for consistency. The request is twofold and **APPROVED for 6A** and **DENIED for part 6B** below.
  - A. Allow for retaining walls that exceed 6 feet in height when used to retain the grade be permitted to be on the boundary line and without any front, side, or rear yard requirements is approved. Due to the prevalent slopes on the Island of Hawai'i, retaining walls are often required at the property line to manipulate the grade to provide buildable lot pads. These retaining walls should be permitted at the property lines without any front, side or rear yard requirements in order to develop a more useable site area. This aspect of the request is **APPROVED** as a safety issue. The applicant shall comply with applicable requirements of the Dept. of Public Works for walls and Hawaii County Code Section 22-2.2 Intersection Sight Distance.
  - B. This request is also to allow any accessory structure, architectural feature, wall, fence, or any other free standing architectural feature over six feet in height to extend into any required front, side or rear yard is approved in part. These features may be in the form of walls, gates, arbors and trellises which in some cases may be over six feet in height. Freedom in location of these items is critical to developing an intimate neighborhood character. The locations of these items will be pre-determined and the CCR's will control any abuse of this exception by the residents of the neighborhood.

This exception is **APPROVED** in part for lots that do not abut the adjacent TMK: 7-8-010:004 to the south and also approved for those lots that abut TMK: 7-8-010:004 which construct retaining walls over 6 feet in height.



This exception is DENIED for those lots abutting adjacent TMK: 7-8-010:004 that do not construct retaining walls over 6' in height. A variety of free-standing architectural features may be used to create the desired character and ambiance of the neighborhood however, it should not negatively impact adjacent property owners who are not covered by this exception.

This exception shall be detailed on a master plan submitted to the Planning Department prior to submission of any individual building permit applications. The master plan shall identify the locations and heights of all "architectural features" proposed to extend into required open space areas.

#### **EXCEPTIONS DENIED – CHAPTER 23 (SUBDIVISIONS)**

**The following exceptions are DENIED as related to streets described in Ordinance 09-8, which shall be constructed to County dedicable standards. This denial affects the entire main spine road running east-west within the development, the Naniloa Street extension within the subject property, improvements along Naniloa Street and Queen Kalama Street, the stub out along the southern property boundary, and a proposed roadway (if constructed) through TMK: 7-7-008:001, connecting the subject parcel to Ali'i Drive.**

1. **Through Lots; Planting Screen Easement.** (HCC §23-36). There are no proposed through lots in the Master Plan and they shall not be permitted. This is not approved for County dedicable roadways.
2. **Minimum Right-of-Way and Pavement Widths.** (HCC §23-41). The Project's internal roadway system will incorporate both County dedicable and private streets in order to make for a more neighborhood and pedestrian friendly environment. New dedicable streets shall meet the maximum grade allowed under the current design guidelines for compliance to the American with Disabilities Act to the maximum extent practicable. Pavers and stamped concrete are not approved for those streets to be dedicated to the County of Hawaii. This exception is not approved for County dedicable roadways.
3. **Intersection Angles; Corner Radius.** (HCC §23-45). One of the major impediments to safe pedestrian movement in a residential community, is the large turning radius at street intersections. The large radius increase the walking distance from curb to curb, requiring the pedestrian to spend more time in the intersection. With this increased distance, the pedestrian must calculate, far in advance, an oncoming vehicle, to determine if they are able to safely cross the street. Intersections shall meet with HCC Section 22-2-2 intersection sight Distance. Sight distance easements shall be provided on the final plat map. Curb radii shall also be designed to accommodate emergency vehicles as recommended by the Hawaii County Fire



Department as well as delivery activities. This exception is not approved for County dedicable roadways.

4. **Grades and Curves.** (HCC §23-50). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment than would typically be possible through the use of a typical subdivision layout and standards. Street design is critical to achieving this goal and design flexibility is required. The applicant shall be required to design the streets meeting with AASHTO Policy on Geometric Design of Highways and Streets for an appropriate design speed and with maximum grades in accordance with DPW policy. New dedicable streets shall meet the maximum grade allowed under the current design guidelines for compliance to the American with Disabilities Act to the maximum extent practicable. Construction plans shall undergo review by the Disability and Communications Access Board (DCAB) in accordance with HRS 103-50. This exception is not approved for County dedicable roadways.
5. **Sidewalks.** (HCC §23-89). The project shall have sidewalks on one or both sides of the street but design flexibility is request which may vary from the specifications of the County of Hawai'i Department of Public Works in order to create the desired neighborhood character. This exception is not approved for County dedicable roadways.
6. **Curb and Gutters.** (HCC §23-91). The purpose of requesting a PUD designation for the project is to have increased design flexibility in developing a more creative master plan and community environment. This curbing profile is more in character with a traditional neighborhood setting than the typical curb and gutter details typically found in our modern subdivision. Curb and gutters and/or rolled curbs shall be used if required by the civil engineer of this project. This exception is not approved for County dedicable roadways.
7. **Street Lights.** (HCC §23-93). The use of a custom street light fixture will provide design flexibility to choose a different housing color and decorative style that what is permitted by the county standards. Streetlights for dedicable streets shall meet with approval of Department of Public Works – Traffic Division and Hawaii County Code Article 9 Outdoor Lighting. This exception is not approved for County dedicable roadways.
8. **Street Name and Traffic Signs.** (HCC §23-94). This request is to allow for customizing the street name and traffic signage to reinforce the desired character of the neighborhood and to achieve design goals. The applicant proposes to meet AASHTO specifications. New dedicable streets shall meet the maximum grade allowed under the current design guidelines for compliance to the American with Disabilities Act to the maximum extent practicable. The Department of Public Works – Traffic Division opposes any variances from signs and marking requirements on County Street. The engineer of record shall be required to specify signs and



markings in accordance with the Manual on Uniform traffic control Devices, meeting with the approval of DPW Traffic Division, for uniformity. This exception is not approved for County dedicable roadways.

9. **Right-of-Way Improvement.** (HCC §23-95). The right-of-ways may have a variety of treatments such as pavers, street and landscaping, which will be used to develop the desired character of the neighborhood. Design flexibility is require in this area to be able to develop an intimate, human scaled pedestrian friendly environment. New dedicable streets shall meet the maximum grade allowed under the current design guidelines for compliance to the American with Disabilities Act to the maximum extent practicable. Pavers and stamped concrete are not approved for those streets to be dedicated to the County of Hawaii. This exception is not approved for County dedicable roadways.

### **CONDITIONS OF APPROVAL**

The Planning Director approves the exceptions specified above for Hawai'il Investors, LLC Planned Unit Development (PUD 15-000032) subject to the following conditions:

1. **Permit Runs with the Land.** The applicant, its successors, or assigns, shall be responsible for complying with all of the stated conditions of approval.
2. **Master Plan and Street Layout.** The proposed Planned Unit Development shall be developed in a manner, substantially, as represented by the applicant within the application for this Planned Unit Development.
3. **Historical and Archaeological Considerations.** The Archaeological Inventory Survey reviewed by the DLNR-SHPD has determined that no historic properties will be affected by this project. In the event any historic properties are encountered, the project shall be subject to further review by DLNR-SHPD. The Petitioner will complete all the archaeological plans and will comply with all the requirements and preservation measures recommended and approved by the State Historic Preservation Division (SHPD). The Petitioner shall follow all applicable laws and regulations should any archaeological features or remains be found during any site work or construction.

The applicant shall provide SHPD with a preservation plan for SIHP 24534, a burial treatment plan for SIHP 24842. These mitigation plans shall be submitted to SHPD for their review and approval. A copy of the approved mitigation plans shall submitted to the Planning Director prior to the issuance of any land alteration permits.

4. **Potable Water System.** Potable water shall be provided and extended to all of the buildable lots.



5. **Roadway Design Guidelines.** The exceptions approved from Chapter 23 (Subdivisions) only applies to non-dedicable roadways within the subject property that are identified as drivecourts and access utility easements in the Master Plan Concept. All other streets including the proposed roadway connection to Naniloa Drive, proposed roadway connection to Alii Drive (through TMK: 7-7-008:001), the entire interior spine minor street running east to west within the subject property, stub outs, and crosswalks; shall be improved to County standards and dedicated to the County.

All dedicable roadways shall be constructed to follow the guidelines incorporated in the Hawai'i Statewide Uniform Design Manual for Streets and Highways or the applicable AASHTO design guide for the appropriate design speed or approved as alternate dedicable standards by the Department of Public Works. The geometric design of the interior subdivision roads should be based on the AASHTO Guidelines for Geometric Design of Low Volume Roads (average daily traffic volume of less than 400 vehicle trips per day) or approved as alternate dedicable standards.

6. **Utilities.** All utilities shall be made available to all buildable lots.
7. **Construction Plan Review by Fire Department.** The Applicant shall consult with the HFD to ensure conformance of roads, water, and placement of LP Gas tanks for emergency and firefighting purposes within the Project Site to meet the minimum requirements of the Fire Code. Besides the DPW and DWS, construction plans shall also be submitted to the HFD for review.
8. **No Additional Dwellings.** The Applicant shall record a declaration affecting all proposed units within the Planned Unit Development which shall give notice that the terms of this Planned Unit Development approval shall prohibit the construction of a second dwelling unit on each lot. The proposed declaration is to be recorded with the Bureau of Conveyances by the applicant at their cost and expense. A copy of the recorded document shall be forwarded to the Planning Department.
9. **Compliance with Other Rules and Conditions.** The applicant shall comply with all other applicable rules, regulations and requirements. Other applicable conditions set forth under the "Approved Exceptions" section of this letter as well as the requirements of the affected agencies as contained in the "Agencies' Review" section are incorporated herein as conditions of approval. The applicant shall also comply with the requirements of Change of Zone Ordinance No. 09-07, (REZ 07-000075), State Land Use Boundary Amendment Ordinance No. 09-08 (SLU 07-000018) and Special Management Area Use Permit (SMA 07-000024).
10. **Mail Kiosk.** The Mail Kiosk shall be located off of the new access road from Ali'i Drive

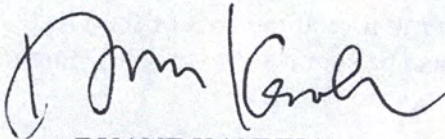


and shall not be placed within any county right-of-way to be conveyed to the County of Hawai'i.

11. **Annual Report.** An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the Planned Unit Development (PUD) permit. The report shall include, but not limited to, the status of the development and to what extent the conditions of approval are being complied with and/or the planning Director acknowledges that further reports are not required.
12. **Time Extension.** Pursuant to Section 25-2-7 of the Zoning Code, and in accordance with the terms and approvals granted by this PUD approval, compliance with the conditions of this PUD shall commence within two (2) years from the date of this approval. If the applicant should require an extension of time, the applicant may request a time extension pursuant to Section 25-6-14 (Time extensions and amendments).

Should any of the conditions fail to be met or substantially complied with in a timely fashion, the Director shall initiate the nullification of the Planned Unit Development approval.

Sincerely,



DUANE KANUHA  
Planning Director

LHN/SG:nci

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Encls: Exhibits

xc: Department of Public Works, Engineering (Hilo and Kona)  
Department of Public Works, Building Division  
Department of Water Supply  
Department of Environmental Management  
Hawaii Fire Department  
West Hawaii Planning Office