

CERTIFIED MAIL

August 19, 1982

Mr. Sidney Kaide  
720 Waiianuenu Avenue  
Hilo, Hawaii 96720

Dear Mr. Kaide:

Amendment to SMA Use Permit No. 63  
and Planned Development Permit (PDP) Application  
Tax Map Key 7-8-14:15

At its regular meeting on August 17, 1982, the Planning Commission voted to approve the amendment to Special Management Area Use Permit No. 63 to allow the originally approved eight (8) units and to allow a Planned Development Permit for eight (8) units at Kahaluu Beach Lots, Kahaluu, North Kona, Hawaii.

In addition, the approval includes the deletion of Condition Nos. 1 and 7 of the original SMA Use Permit No. 63 as well as a new section of conditions of approval.

Condition No. 1 is being deleted because of the recommended need for a redesign of the development. As such, the condition as stated could not be complied with.

Condition No. 7 is being deleted as the requested amendment is to construct a condominium building rather than an apartment. The new section of conditions of approval are meant to update these conditions relative to the new issues which have evolved as a result of the proposed amendments.

Approval of the above requests are based on the following findings:

That the proposed development will not have any significant adverse environmental or ecological effects, with the Department

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of Health's and other agencies' rules and regulations being imposed. The purpose of the requests is to allow the development of eight (8) condominium units. It includes recreational facilities, landscaping, parking and other related improvements.

The area under consideration does not contain any known endangered plant or animal species nor does it provide habitat for such species. The proposed development will not interfere with important natural systems or publicly owned or used beaches or other types of recreational areas. Further, an archaeological survey and excavation have revealed no significant historical or archaeological features.

Although the proposed development will change the existing character of the land, aesthetic and pollution concerns can be minimized through the conditions of approval or mitigated through existing rules and regulations.

The proposed condominium structure will not interfere with any major view planes. Any structural development not exceeding the maximum allowable height of forty-five (45) feet would be mauka of Ali'i Drive and thus will not obstruct the makai view plane along Ali'i Drive. View planes from the Kuakini Highway and the Kamehameha III Road will not be substantially affected due to the high elevations of these roads in the area mauka of the subject property as well as the height permitted in this zoned district.

The proposed development is consistent with the General Plan policy which calls for a variety of housing types. The planned condominiums will consist of 8 dwelling units.

Based on the above, it is determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, scenic or recreational resources of this coastal area.

No adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential run-off or discharge which could reach ocean waters can be handled by on-site improvements. The petitioner must meet with any drainage improvements to be imposed by the Department of Public Works. Further, negative impacts on the local water quality resulting from soil erosion

and runoff during site preparation and construction phases are unlikely; but should they occur, they can be adequately mitigated through compliance with existing ordinances and regulations.

In regards to the disposal of sewage, the petitioner will have to comply with the Department of Health's requirements as conditioned. All other essential utilities and services, including water, are or will be made available to the subject property. In this regard, the proposed development will complement the Multiple Residential element of the General Plan which encourages the development of multiple residential units in areas serviced by existing infrastructures.

Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be contrary to the objectives and policies of Chapter 205-A or with the intent of Rule No. 9 of the Planning Commission. The granting of the request to allow the construction of the eight (8) condominium units will not be violative of the purpose and intent of the Planned Development Permit provision of the Zoning Code.

The Commission further approved that the original conditions be voided and the following conditions be imposed:

1. That the petitioner or his authorized representative shall be responsible for complying with all of the stated conditions of approval.
2. That plans for the proposed eight (8) unit condominium development, along with a detailed landscaping plan, shall be submitted to the Planning Department for Final Plan Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, and be secured for the entire development within one (1) year from the effective date of this amended Special Management Area (SMA) Use Permit.
3. That the proposed structure shall be limited to no more than three (3) stories and a maximum of forty-five (45) feet.
4. That construction shall commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter.
5. That the site and architectural design of the development shall be reviewed at the time of Plan Approval, taking into

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consideration the parameters as outlined in Chapter 8 (Zoning Code), Article 22 (Plan Approval), the General Plan Density Standards for Multiple Residential Developments and other applicable elements of the General Plan. This quantitative and qualitative analysis shall require some revisions in the site and architectural design of the development. Consequently, upon completion of the site and design analysis, if the final evaluation of the development requires certain design revisions, they shall be outlined and justified to the petitioner in written form, in accordance with the requirements of the Zoning Code and General Plan.

6. That the method of sewage disposal shall meet with the requirements of the State Department of Health.
7. That the requirements of the Department of Water Supply and the Department of Public Works requirements regarding drainage, driveways, and grading be complied with.
8. Should any unanticipated archaeological or historic sites be found during land preparation activities, work shall immediately cease and the Planning Department shall be notified. Work shall not be resumed until a review and clearance is obtained from the Planning Department.
9. That all other applicable rules, regulations and policies shall be complied with.

Should any of the above conditions not be met, the Special Management Area (SMA) Use Permit No. 63 and the Planned Development Permit (PDP) shall be deemed automatically void.

Should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely,



ALFREDO ORITA  
Chairman, Planning Commission

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cc: Department of Public Works  
Department of Water Supply  
County of Hawaii Kona Office

bcc: Plan Approval Section

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Dennis  
Pugh

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
SPECIAL MANAGEMENT AREA )  
USE PERMIT )  
By )  
SIDNEY KAIDE )  
For )  
AN EIGHT (8) UNIT APARTMENT )  
AND RELATED IMPROVEMENTS )  
In )  
KAHALU'U, NORTH KONA, HAWAII )  
\_\_\_\_\_ )

SMA USE PERMIT NO. 63

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on July 13, 1978, considered the application of SIDNEY KAIDE for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of an eight (8) unit apartment and related improvements at Kahalu'u, North Kona, Hawaii, Tax Map Key: 7-8-14:15.

The Commission has found:

That the proposed development will not have any substantially adverse environmental or ecological effects. The area under consideration does not contain any known endangered plant or animal species nor does it provide habitat for such species. The proposed development will not interfere with important natural systems or publicly owned or used beaches or recreational areas. Further, an archaeological survey and excavation have revealed no significant historical or archaeological features.

Although the proposed development will change the existing character of the land, aesthetic and pollution concerns can be minimized through conditions of approval or mitigated through existing rules and regulations.

That the proposed apartment will not interfere with any major view planes. The three (3) story structure will be mauka of Ali'i Drive and thus will not obstruct the makai view plane along Ali'i Drive. View planes from the Kuakini Highway and the Kamehameha III Road will not be substantially affected due to the high elevations of these roads in the area mauka of the subject property as well as the height of the proposed structure.

That the proposed development is consistent with the General Plan policy which calls for a variety of housing types. The proposed apartments will consist of eight (8) two (2) bedroom units, and will add to the existing housing supply.

It is therefore determined that the proposed development will not incur any substantial adverse impact on the SMA or SMA resources, nor be in conflict with the provisions of Chapter 205A, HRS, and Rule 9 of the Planning Commission's Rules and Regulations relating to Environmental Shoreline Protection.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of an eight (8) unit apartment and related improvements at Kahalu'u, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That the development conforms substantially to the representations made by the petitioner and the plans submitted with the application, including considerations for additional parking stalls.
2. That the proposed structure shall be limited to no more than three (3) stories and a maximum of forty-five (45) feet.
3. That the petitioner submit plans, including a detailed landscaping plan, for plan approval within one (1) year from the effective date of the Special Management Area Use Permit.
4. That construction shall commence within one (1) year from the receipt of final plan approval and be completed within two (2) years thereafter.
5. That if any archaeological features not in the archaeological reports submitted are found during construction or grading, work shall immediately cease until a review and clearance of the affected area has been obtained from the Planning Department and the State Historic Preservation Officer.
6. That the requirements of the State Department of Health and County Department of Water Supply shall be complied with.
7. That should the petitioner or subsequent owners wish to convert the apartment to condominium ownership, a Planned Development Permit shall be secured prior to any such conversion.
8. That all other applicable rules and regulations shall be complied with.

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

The effective date of the permit shall be July 13, 1978.

Dated at Hilo, Hawaii, this 3rd day of August, 1978.



Chairman, Planning Commission

APPROVED as to  
FORM and LEGALITY  
*Paul J. Meyer*  
DEPUTY CORPORATION CLERK  
COUNTY OF HAWAII  
Date JUL 24 1978