

November 23, 1981

Mr. Wallace Y. Kobayashi
76-6265 Alii Drive
Kailua-Kona, HI 96740

Dear Mr. Kobayashi:

Nullification of SMA Use Permit No. 74
Construction of a 4-Unit Apartment and Related Improvements
Tax Map Key 7-6-14:24

The Planning Commission at its regular meeting on November 18, 1981, voted to nullify SMA Use Permit No. 74 as a result of non-compliance with performance time condition. The permit allowed the construction of a 4-unit apartment and related improvements at Holualoa, North Kona, Hawaii.

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

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgv

cc: Department of Public Works
Department of Water Supply
Kona Services Office

bcc: PA No. 1407

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PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
WALLACE Y. KOBAYASHI)
for)
4-unit Apartment and)
Related Improvements)
in)
Holualoa 1st and 2nd,)
North Kona, Hawaii)
_____)

SMA USE PERMIT NO. 74

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on October 12, 1978, considered the application of WALLACE Y. KOBAYASHI, 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 a 4-unit apartment and related improvements. The property involved is situated approximately 100 feet off of Alii Drive on the mauka side of the Banyan Surf Apartments in Holualoa 1st and 2nd, North Kona, Hawaii, TMK: 7-6-14:24.

The Commission has found:

That the proposed development will not have any significantly adverse environmental or ecological effects. The purpose of the subject request is to allow a two-story building containing four apartment units to be constructed. The proposed development also includes parking, landscaping and a sewage treatment unit. Grading is expected to be minimal. The parcel upon which the development is proposed is located approximately 100 feet mauka of Ali'i Drive and about 250 feet from the shoreline. Between the shoreline and the subject property are two buildings as well as the roadway. The distance of the subject area from the shoreline as well as the intervening development is of such a scale that any impacts arising from its realization are expected to be minimal.

The proposed development will not interfere with publicly owned or used recreational areas, with any natural areas or with public access to the shoreline. There are no known rare or endangered species of plants or animals on the subject property nor does it contain any known archaeological or historical sites.

Effluent from the proposed development will be handled by an on-site treatment system in accordance with Department of Health standards. Although some adverse impacts can be expected during the construction stage, these will be mitigated and controlled through existing regulations.

In addition, the purpose of the proposed development is to provide moderate income rental units. This is in keeping with the General Plan which encourages the development of moderate income housing in areas served by existing utilities and other infrastructure. The apartment units which the petitioner intends to provide are in keeping with this General Plan policy.

Based on the above, it is determined that approval of the subject request is not contrary to the Environmental Shoreline Protection Act, the Hawaii Coastal Zone Management (HCZM) Program as contained within Section 205-A of the Hawaii Revised Statutes, or with the Planning Commission's Rules (Rule No. 9) Relating to Environmental Shoreline Protection.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a 4-unit apartment and related improvements 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 petitioner or his authorized representative shall submit plans for plan approval within one (1) year from the effective date of approval of the Special Management Area Use Permit.
2. That construction of the proposed development shall commence within one (1) year from the receipt of final plan approval and be completed within two (2) years thereafter.
3. That the proposed development shall conform to the representations made by the petitioner and substantially to the plans submitted with the application.
4. That should any archaeological sites or remains be found during land preparation activities the petitioner or his authorized representative shall immediately notify the Planning Department. Said sites or remains shall not be disturbed until a review and clearance has been obtained from the Planning Department.
5. That all runoff generated on this parcel shall be drained to an on-site drywell sump.
6. That all other applicable rules, regulations and requirements, including those of the Department of Health and the Department of Water Supply, shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit shall be deemed null and void.

The effective date of the permit shall be October 12, 1978

Dated at Hilo, Hawaii, this 9th day of November, 1978.



WILLIAM F. MIELCKE, CHAIRMAN
PLANNING COMMISSION

