

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
)
By)
NORTH PARK INDUSTRIAL) SMA USE PERMIT NO. 100
For)
THE CONSTRUCTION OF A 158-UNIT)
CONDOMINIUM APARTMENT COMPLEX)
AND RELATED IMPROVEMENTS)
In)
Keauhou, North Kona, Hawaii)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on May 31, 1979, considered the application of NORTH PARK INDUSTRIAL 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 158-unit condominium apartment complex and related improvements, including the subdivision of the subject property into three (3) lots. The property involved is located at the western end of Manukai Road, along the eleventh fairway of the Keauhou Golf Course, in the vicinity of He'eia Bay, Keauhou, North Kona, Hawaii, Tax Map Key: 7-8-10:portion of 43.

The Commission has found:

The subject property is situated within the Keauhou resort area which has been designated as a Major Resort in the County of Hawaii General Plan. Major Resort designations are applied to those areas suitable for the development of self-contained resort destination areas of adequate scale to provide a variety of visitor services and attractions. In keeping with this General Plan designation, the 16.359-acre property has been zoned as Multiple Family Residential - 750 square feet (RM-.75). Under this designation the maximum development potential of the subject property is 950 units. The petitioner, however, proposes to develop 158 residential units. This comparatively low density development will reduce many of the potential impacts that may occur with the development of the property including traffic and sewage generation, and the visual impacts.

The petitioner proposes to develop 28 two-story structures with approximate heights of 32 feet and 9 three-story structures with approximate heights of 42 feet. These proposed structures are below the maximum allowable height limit of three stories and 45 feet. Given the generally low rise nature of the development, the potential visual impacts are reduced as compared to the maximum possible under the existing zoning regulations.

The proposed development will be comprised of several small structures. However, due to the proposed building siting the total development will appear as one (1) structure composed of many parts when viewed from long distances. The horizontal plane created by the structure group will be broken by the presence of the 9 three-story structures scattered throughout the development and differing finished floor elevations. In addition, appropriate landscaping can further reduce the apparent bulk of the development. To assure that the design does not result in the appearance of a single plane undivided horizontal development from a distant viewplane, staff is recommending a condition of approval to assure both adequate landscaping and variable rooflines.

The subject property does not contain any known endangered plant or animal species, and thus no impacts are anticipated in this regard.

There are historic sites on the property which have been identified by Dr. Emory of the Bishop Museum as being significant, especially as they relate to a former settlement area at the head of Heeia Bay. These sites include the Kumahaula Heiau, a bluff shelter, and an ancient shoreline stepping stone trail. The petitioner proposes to preserve both the trail and the heiau and to set back structures 20 and 50 feet from these sites, respectively. The Emory report suggests that the area east of the heiau be kept in a natural state to preserve the relationship between the heiau and the settlement area at the head of Heeia Bay. In order to assure this preservation and to retain the integrity of the sites and adjacent landforms, staff is recommending a condition of approval that no work be done in the area surrounding the historic sites until a detailed preservation plan is submitted to and approved by the Planning Director.

Given the petitioner's intent to preserve the most important historic sites and the proposed condition of approval, it is not anticipated that the development would have significantly adverse impacts on the cultural resources of the area.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline. The petitioner proposes to site the structures a minimum of 70 feet from

the shoreline and no development within 40 feet of the shoreline. Such a setback will preserve the integrity of the shoreline area by not allowing undue encroachment on the coastline. Additionally, sewage generated from the development will be disposed of in a manner acceptable to both the State Department of Health and the Department of Public Works. Thus, impacts on coastal ecological systems are not anticipated to be significantly adverse.

The petitioner proposes to provide a public access path along the coast outside of the 40-foot shoreline setback. This will assure lateral movement and access to the shoreline within the confines of the project. In order to assure the continuity of access along the shoreline, non-interference with historic sites, and the provision of facilities related to shoreline access, staff is recommending a condition of approval that a shoreline access plan be submitted to and approved by the Planning Director. This condition of approval together with the petitioner's intent to provide for shoreline access should assure continued public enjoyment of the coastal area.

Based on these considerations, it is determined that the approval of the subject requests would be consistent with the goals, policies, and guidelines established by Chapter 205-A, Hawaii Revised Statutes, relating to Coastal Zone Management, Rule 9 of the Planning Commission, and the requirements of Article 27, Section H of Chapter 8 (Zoning Code).

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a 158-unit condominium apartment complex and related improvements, including the subdivision of the subject property into three (3) lots. The property involved is located at the western end of Manukai Road, along the eleventh fairway of the Keauhou Golf Course, in the vicinity of He'eia Bay, Keauhou, North Kona, Hawaii, Tax Map Key: 7-8-10:portion of 43, 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 its authorized representative, shall secure final plan approval within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
2. That the development of the subject property shall substantially conform to the representations made by the petitioner, particularly those relating to shoreline setback and building heights.
3. That the petitioner, or its authorized representative, shall submit a historic site preservation plan, meeting the approval of the Planning Director, as part of the plan approval submittal. The preservation plan shall include, but not be limited to:

- a. Preservation of the Kumahaula Heiau, and provide a minimum 50-foot building setback from the Heiau. Further, there shall be no grubbing, clearing, grading, construction or landscaping within this area except as approved by the Planning Director. Retention of the existing grade and landforms is desired.
 - b. Preservation of the bluff shelter and provide a minimum 20-foot building setback from the shelter. Further, there shall be no grubbing, clearing, grading, construction or landscaping within this area except as approved by the Planning Director. Preservation of the landform around the bluff shelter is desired.
 - c. In the area between the bluff shelter and the heiau, and within 20 feet of the coastal stepping stone path, no grubbing, clearing, grading, construction, or landscaping except as approved by the Planning Director.
4. That public access to and along the shoreline shall be provided. The petitioner shall submit a shoreline access plan meeting with the approval of the Planning Director as part of the plan approval submittal. The shoreline access plan shall include but not be limited to:
- a. Northern extension of the public shoreline access path to the adjacent improved golf course area.
 - b. Eastern extension of the public shoreline access path to Heeia Bay.
 - c. Alignment of the public shoreline access paths, the grade of the paths in relation to the existing grade, construction materials to be used, and a landscaping plan. The alignment of the public shoreline access path shall be inland of the Kumahaula Heiau.
 - d. Provision of six public parking stalls on-site. Said stalls shall be clearly marked and located near the end of the existing Manukai Road, but before any guard, security and/or information station is reached from Manukai Road.
 - e. All public accesses and parking areas shall be delineated by a 10-foot wide easement or wider as may be appropriate, and shall be improved in a manner meeting with the approval of the Planning Director.
 - f. All public access paths shall be clearly marked with appropriate signage. All public shoreline

access paths, parking areas, and related improvements shall be completed prior to the start of construction of the second increment of the proposed project.

5. That the finished grades of the proposed condominium project shall reflect differing finished first floor elevations to break up the total building mass.
6. Submit landscaping and grading plan as part of the plan approval submittal.
7. Sewage disposal from the proposed development shall be discharged into the Heeia Sewage Treatment Plant. Further, all other requirements of the State Department of Health and the Department of Public Works shall be complied with.
8. That construction of the first increment shall commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter. Construction of the second and third increments, respectively, shall commence within two (2) years from the completion of the previous increment and be completed within two (2) years thereafter. Completion of construction is defined to be building permits issued and roofs up on one-third of the residential units in the increment.
9. That all other applicable rules, regulations and requirements shall be complied with.

Should these 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 May 31, 1979.

Dated at Hilo, Hawaii, this 28th day of June, 1979.

William F. Mielcke
for: WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:

Ann D. Percht
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: JUN 20 1979