

January 19, 1982

Mr. Charles Chamberland
850 Dreier Street
Honolulu, HI 96813

Dear Mr. Chamberland:

SMA Use Permit No. 115
PDP Permit No. 26
Shoreline Setback Variance Permit No. 596
Tax Map Key 7-5-09:31

The Planning Commission at its regular meeting on January 14, 1982, voted to nullify SMA Use Permit No. 115, PDP Permit No. 26, and Shoreline Setback Variance No. 596 which allowed the development of a 60-unit condominium project and related improvements, including certain activities within the shoreline setback area at Hienaloli, North Kona, Hawaii.

Sincerely,



ALFREDO ORITA
CHAIRMAN, PLANNING COMMISSION

lgv

cc: Building Division, Public Works
Kona Services Office

JAN 22 1982

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for)
SPECIAL MANAGEMENT AREA)
USE PERMIT)
by)
CHARLES CHAMBERLAND) SMA USE PERMIT NO. 115
for)
THE CONSTRUCTION OF A 60-UNIT)
CONDOMINIUM AND RELATED)
IMPROVEMENTS)
in)
Kailua Village, Hienaloli,)
North Kona, Hawaii)
_____)

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on October 30, 1979, considered the application of CHARLES CHAMBERLAND 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 60-unit condominium development and related improvements at Kailua Village, Hienaloli, North Kona, Hawaii, Tax Map Key 7-5-09:31.

The Commission has found:

That the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of the coastal zone. No rare native or endemic plants and/or animal species are known to inhabit the site. Similarly, no objects or remains of cultural or archaeological significance are known to exist on the subject property. In addition, since the property is located mauka of Alii Drive, and the fact that the intervening area is urban in character and relatively densely built up, the proposed development is not expected to have any significantly adverse environmental or ecological effects on the adjacent properties and the coastal area or nearshore waters. The proposed development is also not expected to obstruct any existing line of sight towards the ocean from Kuakini Highway since in this particular portion of Kuakini Highway, there is no significant viewplane to the ocean. Further, the proposed development will not remove or impose restrictions on existing access routes to beaches or similar shoreline recreation areas.

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. In addition, the subject property is within an area which receives approximately twenty (20) inches of rainfall annually. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. 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 hazards posed by potential tsunami inundation, these can be mitigated through the requirements of the building code.

In regards to the disposal of sewage, connection will be made to the existing system; otherwise, the petitioner would have to provide his own on-site sewerage treatment system.

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 zoned for such use and serviced by existing infrastructures.

In regards to the shoreline setback variance, it is determined that approval of it will not be inconsistent with the purpose and intent of the Shoreline Setback Rules and Regulations or with Chapter 205, Hawaii Revised Statutes. The purpose of the statutory provisions is to prevent structural encroachment upon the shoreline area which might disturb the natural shoreline processes and cause erosion. They are also intended to preserve the shoreline and its open space character as well as to restrict the removal of materials such as sand, coral, and rocks to commercial use.

In this particular case, the subject property is not a shoreline property. It is situated along the mauka side of Alii Drive which abuts the shoreline. At this section, Alii Drive is thirty (30) feet wide; and thus, only ten (10) feet of the subject property along Alii Drive is within the shoreline setback area. Since the property is not immediately adjacent to the shoreline, the granting of this particular variance request will not disturb the natural shoreline processes.

Since the affected area is the only portion of this lot that abuts a roadway, it is felt that special or unusual circumstances exist to a degree which would deprive the petitioner of substantial property rights which would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of the subject property if the variance request is denied.

Furthermore, since the property is not abutting the shoreline, the proposed improvements are not expected to have any significant adverse impacts. The proposed improvements will not be contrary to the goal and policy of the Natural Resources and Shorelines element of "providing opportunities for the public to fulfill recreational and educational needs without despoiling or endangering natural resources" and that "The shoreline of the island of Hawaii should be maintained for recreational, educational, and/or scientific use in a manner that is protective of resources and is of the maximum benefit to the general public." It is felt that the lateral access along the shoreline and the openness of the area will still be retained.

Based on the above, it is determined that approval of the SMA Use Permit will not be in conflict with the stated objectives and policies.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a 60-unit condominium development and related improvements at Kailua Village, Hienaloli, North Kona, Hawaii, Tax Map Key 7-5-09:31, 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 and secure final plan approval within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
2. 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.
3. That only one (1) access shall be provided from Alii Drive meeting with the approval of the Planning Department and the Department of Public Works.
4. That the proposed sidewalk and stonewall shall be constructed within the property.
5. That an archaeological reconnaissance survey be conducted and the report be submitted at the time of plan approval. Furthermore, should any unanticipated

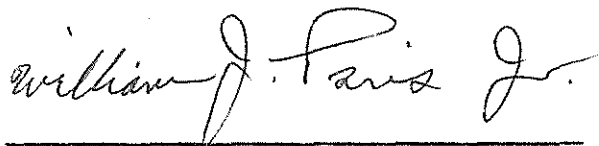
archaeological features be encountered during excavation or construction, work shall immediately cease and the Planning Department notified. Work shall not resume until clearance is given by the Planning Director.

6. That the potential tsunami inundation level shall be indicated on the plans submitted for building permit. Further, the proposed construction shall meet with the requirements of the Building Code administered by the Department of Public Works.
7. That the proposed building along Alii Drive shall be set back a minimum of forty (40) feet from the front property line. The additional twenty (20) feet is being set aside for future road widening of Alii Drive should the right-of-way be required to be increased from its present thirty (30) feet to fifty (50) feet. No structural improvements, except for the stonewall, sidewalk and landscaping, will be allowed within this forty (40) foot setback area.
8. That the ground cover ratio guidelines as established within the General Plan shall be adhered to meeting with the approval of the Planning Department.
9. That all other applicable rules, regulations, and requirements, including those of the State Department of Health, 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 October 30, 1979.

Dated at Hilo, Hawaii, this 10th day of April, 1980.

for 

WILLIAM F. MIELCKE
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 4 April 80