

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	NO. <u>126</u>
by)	
VICTOR YOUNG)	
for)	
36-UNIT RESORT-HOTEL CONDOMINIUM)	
in)	
KAILUA VILLAGE, LANIHAU)	
NORTH KONA, HAWAII)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on February 12, 1980, considered the application of VICTOR YOUNG for a Special Management Area Use Permit in accordance with Rule No. 9 of the Planning Commission, Rules and Regulations Relating to Environmental Shoreline Protection to allow the development of a 36-unit resort-hotel condominium project and related improvements at Kailua Village, Lanihau, North Kona, Hawaii, Tax Map Key 7-6-06:29 and 31.

The Commission has found the following:

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. Consequently, the granting of this request will not result in the loss of valuable natural or cultural resources of the coastal area.

In addition, due to its location of approximately 320 feet from the shoreline and the fact that the intervening area is urban in character and densely built up, the proposed development is not expected to have any significantly adverse environmental or ecological effects on 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 due to its distance from such resources.

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 adequately be mitigated through compliance with existing ordinances and regulations.

In regards to the disposal of sewage, connection will be made to the County's sewerage 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 Resort element of the General Plan which encourages the utilization of resort areas which are serviced by basic facilities and utilities.

The granting of the requests would also complement the General Plan which identifies the subject area, as well as the entire Kailua Village, as part of a Major Resort Destination area. Major Resort areas are self-contained resort destination areas provided with basic and support facilities for the needs of the entire area. These include the necessary and essential infrastructures, residential, commercial and recreational areas, in addition to the resort-hotel uses. Ideally then, Major Resort areas are the integration of these various land uses and improvements in an orderly manner, whereby all the uses complement and reinforce each other. As is quite obvious, condominiums are an important component of a resort destination area. These include the necessary and essential infrastructures, commercial and recreational areas, in addition to the resort-hotel and condominium uses. Ideally then, Major Resort areas are the integration of these various land uses and improvements in an orderly manner, whereby all the uses complement and reinforce each other.

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 9 of the Planning Commission. The granting of the request to allow the construction of the 36-unit resort condominium also will not be violative of the purpose and intent of the Planned Development Permit provision of the Zoning Code.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the development of a 36-unit resort-hotel condominium project and related improvements at Kailua Village, Lanihau, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9 of the Planning Commission.

Approval of the Special Management Area Use Permit is subject to the following conditions:

1. That the permits shall not be in effect until the Water Agreement filed with the County Water Commission is consummated. However, if the Water Agreement is not

accepted within a period of ninety (90) days from the date of approval of the Permits, the permits shall automatically be deemed null and void.

2. That the petitioner or its authorized representative submit plans for the proposed development and receive final plan approval within one (1) year from the effective date of the Water Agreement.
3. 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.
4. That an archaeological reconnaissance survey shall be conducted and the results submitted to the Planning Department at the time of plan approval. Further, should any unanticipated archaeological or historical features be uncovered during land preparation activities, work shall cease immediately and the Planning Department shall be notified. Work shall not resume until clearance has been obtained from the Planning Department.
5. That the method of sewage disposal shall comply with the rules, regulations, and requirements of the State Department of Health and the County Department of Public Works.
6. That the building shall not exceed the height limit as stipulated within the Zoning Code.
7. That the location of the driveway access to the property from Kuakini Highway shall meet with the approval of the Department of Public Works and State Department of Transportation. The applicant shall make or agree to make improvements along that section of the Kuakini Highway right-of-way which abuts the subject property or provide a cash contribution to the County, using the standards of the improvement district ordinance. Said improvements and/or fee shall be made in conjunction with the improvements initiated by the County for the Kuakini Highway corridor.
8. That the design of the building(s) shall be reviewed by and with the Kailua Village Special District and Urban Design Review Commission and Planning Department and shall conform to the design principles expressed in the Kailua Village Design Plan.
9. That all other applicable rules, regulations and requirements, including those as spelled out in the Kailua Village Design Plan, shall be complied with.

Should 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 this Permit shall be February 28, 1980.

Dated at Hilo, Hawaii, this 12th day of June, 1980.

William J. Paris Jr.

CHAIRMAN

APPROVED AS TO FORM AND LEGALITY:

R. Ben Fukazali
DEPUTY CORPORATION COUNSEL

Date: 30 May 80