

CERTIFIED MAIL

March 3, 1983

Mr. Harry Jefferson
JYZ Partnership
P. O. Box 4655
Keilua-Kona, HI 96740

Dear Mr. Jefferson:

Special Management Area (SMA) Use Permit No. 127
Planned Development Permit No. 35
"Oneo Bay Villas" Condominium Project
Tax Map Key 7-5-09:21

Reference is made to our previous letter dated December 17, 1982, requesting your compliance with the commence construction requirement as stipulated in Condition No. 2 of the above-described permits.

According to our files, the Planning Commission granted a time extension until February 25, 1983 to comply with said condition. In addition, the final phrase of the permits were amended to read, "Should any of the foregoing conditions not be met, the Special Management Area Use Permit (Planned Development Permit) shall be automatically void."

In checking with the Building Division of the Department of Public Works, as of this date no building permit has been issued for the proposed condominium project. Therefore, due to non-compliance with Condition No. 2 and by a copy of this letter, this is to notify the Planning Commission that SMA Use Permit No. 127 and PDP No. 35 are hereby nullified.

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Should you have any questions, please feel free to contact our office at 961-8288.

Sincerely,



SIDNEY FUKÉ
Planning Director

AK:ds

cc: Planning Commission
Dept. of Water Supply
Building Division, DPW
Kona Services Office

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	
USE PERMIT)	SMA USE PERMIT
by)	NO. <u>127</u>
JYZ PARTNERSHIP)	
for)	
102-UNIT CONDOMINIUM PROJECT)	
in)	
KAILUA VILLAGE, PUA A 1ST,)	
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 JYZ PARTNERSHIP 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 102-unit condominium project and related improvements at Kailua Village, Puaa 1st, North Kona, Hawaii, Tax Map Key 7-5-09:21.

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 300 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 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 element of the General Plan which encourages the utilization of multiple residential 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.

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 102-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 102-unit condominium project and related improvements at Kailua Village, Puaa 1st, 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 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 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.

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3. That accesses to the property shall meet with the approval of the County Department of Public Works and the State Department of Transportation, Highways Division.
4. That the height of the proposed buildings shall be in compliance within the maximum allowable height as established in the Zoning Code.
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 rules, regulations, and requirements of the Department of Water Supply shall be complied with.
7. That a twenty (20) foot wide buffer be observed from any structure from the base of the wall encompassing parcel 22 of tax map key 7-5-09. There also shall be no grading work within a ten (10) foot wide strip from the wall.
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 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 30th day of June, 1980.

William J. Paris Jr.

CHAIRMAN

APPROVED AS TO FORM AND LEGALITY:

Ruben Fukazaki

DEPUTY CORPORATION COUNSEL

Date: 17 June 80