

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	NO. <u>133</u>
by)	
MAUNA KEA LAND CORPORATION)	
for)	
Improvements at the Mauna Kea)	
Beach Hotel Complex)	
in)	
Ouli, South Kohala, Hawaii)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on May 8, 1980, considered the application of MAUNA KEA LAND CORPORATION 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 certain improvements within the Mauna Kea Beach Hotel Complex, including the construction of a 117-room hotel addition, tennis courts, golf course, parking lot, service building, swimming pool, restaurant, and related improvements at Ouli, South Kohala, Hawaii, Tax Map Key 6-2-02:portions of 2, 4 and 13; and 6-6-02:38.

The Commission has found the following:

Resort developments are created to satisfy the needs and desires of both visitors and residents. Such areas have basic amenities and attributes which attract the development of visitor accommodations and related facilities. Almost every major successful resort area has a harmonious combination of certain characteristics, such as climate, scenery, and/or man-made facilities. In most instances, the natural factors have been the basis for the development of an area and the man-made facilities were designed to enhance the area. A resort area should be large enough to provide a concentration of hotel and recreational facilities which will keep the visitor interested and entertained. It should not be so large, however, as to destroy either the sense of scale, intimacy and leisureliness associated with the area. The Mauna Kea Beach Hotel complex is endowed with these basic assets.

The subject requests conform to the General Plan and its Land Use Pattern Allocation Guide (LUPAG) Map. The LUPAG Map designates the area for resort uses. The General Plan also identifies the area between Kawaihae and Hapuna, which includes the Mauna Kea Beach Hotel complex as a Major Resort Area, which is defined as a self-contained resort distinction area which provides basic and support facilities for the needs of the entire development.

Upon reviewing the petitioner's plans, it is determined that the proposed expansion program incorporates and/or are consistent with stated goals, policies, standards, and courses of action of the various General Plan elements, especially that of the Resort element. It is felt the granting of the requests filed by the petitioner would complement the goal of the Resort element which states "To provide for resort development that maximizes conveniences to its users." The approval of the requests would also fulfill the specific policy of the General Plan which states to "Promote and encourage the rehabilitation and utilization of resort areas which are serviced by basic facilities and utilities."

The subject requests are also consistent with the Economic element of the General Plan in that the proposed improvements will provide additional and expanded employment opportunities for the residents of the area, as well as strengthen the existing visitor industry.

The granting of the proposed improvements also would not violate the spirit and intent of Rule No. 9, "Special Management Area Rules and Regulations of the County of Hawaii." The proposed development is not anticipated to have any substantial adverse or environmental or ecological effects. The purpose of the request is to allow for the expansion of the Mauna Beach Hotel complex which includes the expansion of the recreational facilities and amenities, landscaping, parking and other related improvements.

The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. Further, while the subject property may have contained certain archaeological and historical features, mitigating conditions of approval of the various permits will be imposed for their preservation, etc.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline. According to the plans submitted, the improvements will not encroach into the forty (40) feet shoreline setback. This 40-foot shoreline setback requirement is intended to preserve the integrity of the shoreline area by not allowing undue encroachment to the coastline. Any potential adverse effects on the off-shore water quality will be mitigated through compliance with existing regulations. Such is the case in which the petitioner intends to expand its private sewage treatment plant. The expansion of this system and the manner in which the sewage is to be disposed of will have to meet with the approval of the appropriate State and County agencies. Based on the above, it is determined that the impacts on coastal ecological systems will be negligible and are not anticipated to be significantly adverse.

Further the proposed development will not remove or impose restrictions on existing access routes to the shoreline or similar shoreline recreational areas. In fact, the proposed development will improve the existing situation. Aside from the existing public access to the shoreline, the petitioner will be

required to provide a lateral public access along the shoreline. Besides these public accesses, parking stalls for the public utilizing the public accesses have already been provided on-site. The provision of these accesses to and along the shoreline and the public parking area will assure continued public employment of the coastal area.

Based on the above, it is determined that the approval of the proposed improvements will not result in the loss of valuable natural, cultural, or recreational resources of this shoreline and coastal area.

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 emission are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements as may be required by the County Department of Public Works. Further, 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.

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. The granting of the request to allow the construction of the 117-room hotel addition 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 certain improvements within the Mauna Kea Beach Hotel Complex, including the construction of a 117-room hotel addition, tennis courts, golf course, parking lot, service building, swimming pool, restaurant, and related improvements at Ouli, South Kohala, 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 proposed development shall conform to the requirements made by the petitioner and the plans submitted with the application.
2. That the proposed hotel addition shall be limited to a maximum height of 75 feet above grade. The structure shall also be limited to a maximum height of six (6) stories.
3. That plans for the proposed improvements shall be submitted to the Planning Department and final plan approval secured within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.

4. That construction of the improvements commence within one (1) year from the date of receipt of final plan approval and be completed within three (3) years thereafter.
5. That prior to any work being done, i.e. salvage, etc., of the archaeological sites in the area, clearance be first obtained from the Planning Department.
6. That the requirements of the State Department of Health, County Departments of Public Works and Water Supply be complied with.
7. That a public access program to and along the shoreline of the subject area shall be submitted for the review and approval of the Planning Director no later than the issuance of Final Plan Approval for the proposed 117-unit addition. Said program shall reflect the principles and/or criteria contained in a memorandum of understanding, dated May 1, 1980, between Warren Price III, representing the Mauna Kea Land Corporation, and Messrs. Andrew Levin and Ben Gaddis. (A copy of that memorandum is attached hereto.)

Approved
6/13/80

Further to that, the termination point of the public access at the northern property line shall be determined and improved in conjunction with any development of the adjacent property, identified by TMK: 6-2-02:5.

8. That a housing market study involving the potential housing demand to be directly generated by new employees of the proposed development shall be submitted to the Planning Director prior to the issuance of Final Plan Approval for the proposed 117-unit addition. Based upon that and any other available studies or reports, the Planning Director shall determine and establish the required employee housing for the proposed development. Further, the required employee housing shall be made available prior to the issuance of occupancy permit for the 117-unit addition. A copy of the final employee housing requirement shall be forwarded to the Planning Commission for its information.
9. That all other applicable rules, regulations, and ordinances 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 May 7, 1980.

Dated at Hilo, Hawaii, this 26th day of August, 1980.

William J. Paris Jr.
CHAIRMAN

APPROVED AS TO FORM AND LEGALITY:

Ruben Bullock
DEPUTY CORPORATION COUNSEL

Date: 22 August 80