

June 4, 1985

Mr. Harris Seed
P. O. Box 2578
Santa Barbara, CA 93120

Dear Mr. Seed:

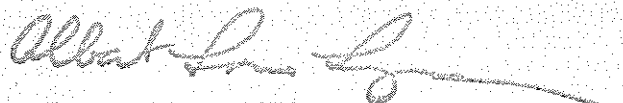
Special Management Area Use Permit No. 134
12-unit condominium building
TMK: 7-7-15:71 & 73 (formerly 71, 72 & 73)

We regret to inform you that the above-described amended permit has been declared void upon a finding that Condition No. 4 has not been complied with.

Condition No. 4 required "That Construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter." Since Final Plan Approval was secured on May 4, 1983, construction was to have begun on or before May 4, 1984. A one-year time extension was subsequently approved until May 4, 1985. A review of our records indicates that a building permit has not been issued for the development; and, according to the Department of Water Supply, the project's water commitment expired on April 30, 1985. Based upon your inability to commence construction by May 4, 1985, the nullification of this permit became effective on May 5, 1985.

Should you have any questions regarding the above action, please do not hesitate to contact our office.

Sincerely,



ALBERT LONO LYMAN
Planning Director

CRK:gs

cc: Mr. Peter Young
Public Works, Chief Engineer
Public Works, Building Division
Dept. of Water Supply

bcc: Plan Approval Section

JUN 5 1985

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	NO. 134
by)	
ROBERT SMELKER)	
for)	
12-unit condominium building,)	
office building, and related)	
improvements)	
in)	
Holualoa 4th, North Kona, Hawaii)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at its duly held public hearings on May 8, and June 12, 1980, considered the application of ROBERT SMELKER 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 construction of a 12-unit condominium building, office building, and related improvements in the Kona Sea View Lots Subdivision, Holualoa 4th, North Kona, Hawaii, Tax Map Key 7-7-15:71, 72 and 73.

The Commission has found the following:

That the proposed development is not anticipated to have any substantial adverse or environmental or ecological effects. The purpose of the requests is to allow the development of a 3-story, 12-unit condominium building and a 2-story office building. The proposed development also includes 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. It also does not contain any archaeological or historical features.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline since the property is quite a distance from the shoreline.

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. Any potential runoff or discharge as a result of

the project can be handled by on-site improvements as may be required by the Department of Public Works. Further, negative impacts 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 disposal of sewage, the petitioner intends to construct a private sewage treatment plant on the central portion of the property meeting with the approval of the appropriate agencies. 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 serviced by existing infrastructures.

Although the proposed development will somewhat alter the existing landscape of the area, the buildings will be constructed in such a manner that is inconspicuous from Kuakini Highway. The proposed office building which will be located along Kuakini Highway will only be two (2) stories in height and will extend higher than the existing road elevation of Kuakini Highway by only about twenty-seven (27) feet. This height of twenty-seven (27) feet is much less than that allowed for a single family dwelling within the Single Family Residential (RS) zoned district, which is, 2-1/2 stories but not higher than 35 feet. Further, the proposed 3-story condominium building will be sited on the lower portion of the area and the highest point of that building will still be seven (7) feet lower than the highest point of the office building. Based on the above, it is determined that although the view plane from Kuakini Highway to the shoreline (mauka-makai) may be obstructed somewhat from the proposed development, it will not be of a substantial nature as to warrant the denial of the requests.

Insofar as the future road widening of Kuakini Highway is concerned, it is undetermined at this time what effects it may have on the proposed development. This concern, however, can be mitigated with the imposition of a condition of approval that prior to submission of plans for construction, approval and clearance must be first obtained from the State Department of Transportation, Highways Division.

Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on 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 12-unit condominium building 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 construction of a 12-unit condominium building, office building, and related improvements in the Kona Sea View Lots Subdivision, Holualoa 4th, 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:

- MP
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- Final P.A.
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1. That prior to submission of the plans for Plan Approval, the petitioner shall submit the plans to the State Department of Transportation, Highways Division and obtain approval and/or clearance of the project in relationship to its proposed Kuakini Highway Improvement Project No. F-011-1(8).
 2. That upon compliance with Condition No. 1, the petitioner/representative shall have six (6) months in which to submit plans for and secure approval for the consolidation of parcels 71 and 72. Further, an access easement to parcel 73 must be delineated on the consolidation map.
 3. That plans for the proposed development shall be submitted to the Planning Department and Final Plan Approval secured within one (1) year from the date of approval of the consolidation plan.
 4. That construction commence within one (1) year from the date of receipt of Final Plan Approval and be completed within two (2) years thereafter.
 5. That no access shall be allowed from Kuakini Highway. Further, the location of the access shall meet with the approval of the Department of Public Works.
 6. That the proposed buildings shall not exceed the heights as noted on the submitted plans. Further, the loft area for the condominium building shall meet the qualifications of a mezzanine; otherwise, it shall be removed.
 7. That the walkway from the office building to Kuakini Highway shall be eliminated.
 8. That all other applicable rules and regulations including those pertaining to drainage, water, sewage, and building 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 June 12, 1980.

Dated at Hilo, Hawaii, this 19th day of September, 1980.


WILLIAM J. PARIS, JR.
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

Date: 12 Sept 80