

## Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director

February 22, 1990

Mr. Sidney Fuke  
100 Pauahi Street, Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Special Management Area Use Permit Application (SMA 90-4)  
Applicant: Weiser & Jung Developments, Inc.  
Request: 34-Unit Condominium and Related Improvements  
Tax Map Key: 7-5-20:21

This is to acknowledge receipt of the additional information to complete the above-captioned Special Management Area Use Permit application on February 16, 1990.

According to Planning Commission Rule 9 (Special Management Area), the Commission shall conduct a public hearing on the request within a period of not more than ninety days from the date of receipt of the application. Within a reasonable time, not to exceed thirty days after the close of the hearing, or within a longer period as may be agreed to by the petitioner, the Commission shall render a decision.

We will notify you as to the date of the hearing as soon as it has been determined.

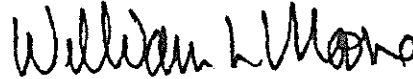
Please be informed that once the hearing date has been set, you are required to notify all owners of property within 300 feet of the perimeter boundary of the affected property of the hearing. The notice, which shall include the date, time, and place of the hearing and the specific request, shall be served at least twenty calendar days prior to the hearing date. Prior to the date of the hearing, the petitioner is required to file with the Commission an affidavit or other similar proof of mailing of said notice.

This is also to confirm that you are requesting the revocation of SMA Use Permit No. 155 to be processed concurrently with the new application.

Mr. Sidney Fuke  
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Should you have any questions, please feel free to contact  
Norman Hayashi of this department.

Sincerely,

A handwritten signature in dark ink, appearing to read "William L. Kanuha".

✓ DUANE KANUHA  
Planning Director

CRK:syw

cc: Weiser & Jung Developments, Inc.  
SMA No. 155

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

APPLICATION FOR	)	
SPECIAL MANAGEMENT AREA	)	SMA USE PERMIT
USE PERMIT	)	NO. 155
by	)	
LAWRENCE EASTMAN	)	
for	)	
DEVELOPMENT OF A 25-UNIT	)	
CONDOMINIUM AND RELATED IMPROVEMENTS	)	
in	)	
PUAPUAA, NORTH KONA, HAWAII	)	
	)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on April 1, 1981, considered the application of LAWRENCE EASTMAN 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 25-unit condominium and related improvements at Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:21.

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 twenty-five (25) condominium units within two (2) and three (3) story buildings at heights not to exceed forty-five (45) feet. The proposed development also includes recreational facilities, 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, there are no known archaeological or historic features on the property.

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)-foot 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 construct a private sewage treatment plant. The construction of this system and the manner in which the sewage is to be disposed of will have to meet with the approval of the State Department of Health and any other

approving agency(ies). 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.

Based on the above, it is determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of this shoreline property 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 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 which could reach ocean waters can be handled by on-site improvements. 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. In regards to the hazards posed by potential tsunami inundation, these can be mitigated through the requirements of the Building Code and Plan Approval process.

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.

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.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the development of a 25-unit condominium and related improvements at Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:21, 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, Lawrence Eastman, shall be responsible for complying with all of the stated conditions of approval.
2. That plans shall be submitted and final plan approval secured from the Planning Department within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
3. That construction commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
4. That no variance from the minimum setback requirements shall be applied for.

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5. That the water from the swimming pool shall be disposed of on-site.
6. That should any unanticipated archaeological features be found during grading or construction, work shall immediately cease and the Planning Director shall be immediately notified. Work shall not resume until the approval of the Planning Director is received.
7. That the potential tsunami inundation elevations shall be noted on the construction plans submitted for building permit and that said plans shall conform to applicable requirements.
8. That a cash contribution, equivalent to the estimated cost of an 8-foot wide pedestrian easement and improvements thereon, running the length of the subject property from Alii Drive to the shoreline, shall be deposited with the County of Hawaii Finance Director prior to issuance of building permit. The amount of said contribution shall be determined by the Planning Director or, at the request of the petitioner, an independent land appraiser prior to the issuance of final plan approval. Should an independent land appraiser be used, the cost of the appraisal shall be borne by the petitioner. Said contribution shall be deposited into a public access fund for the North Kona district and shall be used to acquire, maintain, or improve shoreline accesses in the North Kona district.
9. That the requirements of the Department of Health relating to wastewater disposal shall be complied with.
10. 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 April 1, 1981.

Dated at Hilo, Hawaii, this 7th day of May, 1981.



BERT. H. NAKANO  
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL  
County of Hawaii

Date: 4 May 81