

January 2, 1985

Mr. Cal Edmonds
2610 Crow Canyon Road
San Ramon, California 94583

Dear Mr. Edmonds:

Special Management Area (SMA) Use Permit No. 162 ✓
Planned Development Permit (PDP) No. 60
Tax Map Key 7-7-8:102

A review of our files shows that the above SMA and PDP permits were granted by the Planning Commission effective July 30, 1981 to allow the construction of a six-unit condominium on the subject property.

Condition No. 2 of both permits were fulfilled since Final Plan Approval (PA-1664) had been secured on February 19, 1982.

Condition No. 3 stated that construction was to commence within one year from the date of Final Plan Approval (February 19, 1982). A one-year time extension to this particular condition was granted by the Planning Commission on March 2, 1983. Accordingly, construction was to have begun by February 19, 1984.

In addition, the permits were amended to read: "Should any of these conditions not be met, the Special Management Area [and Planned Development] Permit[s] shall be automatically void."

To date, construction of the condominium has not begun within the allotted time frame. Thus, due to non-conformance with Condition No. 3, this is to inform you and the Planning Commission that SMA Use Permit No. 162 and PDP No. 60 are hereby nullified.

A new SMA Use Permit must be obtained for any plans to construct the same or different development in the future. A planned development permit, however, is no longer required through the county zoning code.

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Should you have any questions, please do not hesitate to contact Ed Cheplic or Connie Kiriu of this office.

Sincerely,



ALBERT LONO LYMAN
Planning Director

CRK

cc: Planning Commission
Department of Water Supply

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	
USE PERMIT)	SMA USE PERMIT
by)	NO. 162
CAL EDMONDS)	
for)	
6-UNIT CONDOMINIUM PROJECT)	
AND RELATED IMPROVEMENTS)	
in)	
PAHOEHOE, NORTH KONA, HAWAII)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on June 25, 1981 and at its regular meeting on July 30, 1981, considered the application of CAL EDMONDS 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 6-unit condominium project and related improvements at Pahoehe, North Kona, Hawaii, Tax Map Key 7-7-08:102.

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 construction of a six-unit condominium building at a height of three (3) stories and forty (40) feet. 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. Further, while certain archaeological features were found on the property, they were determined to be of no significant value.

Since the property is located mauka of Alii Drive, the proposed development is not expected to have any significant adverse effects on coastal resources, detract from lines of sight toward the ocean from Alii Drive, nor adversely affect any existing or proposed accesses to the shoreline.

Further, 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 underground 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.

It is therefore determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of this 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, HRS, Relating to Coastal Zone Management or Rule 9 of the Planning Commission Relating to the Special Management Area Rules and Regulations of the County of Hawaii.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a 6-unit condominium project and related improvements at Pahoehe, North Kona, Hawaii, Tax Map Key 7-7-08:102, 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, Cal Edmonds, shall be responsible for complying with all of the stated conditions of approval.
2. That plans shall be submitted and Final Plan Approval in accordance with Chapter 8 (Zoning Code), Hawaii County Code, shall be secured from the Planning Department within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
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 the building shall be designed at a maximum height and also have an exterior appearance of three (3) stories.
5. That the potential inundation elevations shall be noted on the construction plans submitted for Building Permit and that said plans shall conform to applicable Building Code requirements.
6. That the method of sewage disposal shall meet with the approval of the appropriate governmental agencies.
7. That access to the property shall meet with the approval of the Department of Public Works.
8. That should any unanticipated archaeological features be found during the land preparation activity, work shall immediately cease and the Planning Department shall be notified. Work shall not resume until approval is received from the Planning Department.
9. That all other applicable rules, regulations and requirements, including those of the Department of Water Supply and Fire Department, 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 July 30, 1981.

Dated at Hilo, Hawaii, this 17th day of September, 1981.



BERT. H. NAKANO
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
County of Hawaii
Date: 10 Sept 81