

CERTIFIED MAIL

November 2, 1981

Mr. Richard Clark
P. O. Box 958
Kailua-Kona, HI 96740

Dear Mr. Clark:

Special Management Area Use Permit Application ✓ - 169
Planned Development Permit Application
TMK: 7-8-10:Portion of 4

The Planning Commission at its duly held public hearing on October 29, 1981, voted to approve your application, Special Management Area (SMA) Use Permit No. 169, to allow the development of a 36-unit condominium project and related improvements at Kahaluu, North Kona, Hawaii.

Approval of this request is based on the following:

That the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the subject request is to allow the development of a thirty-six (36)-unit condominium project and related improvements.

The subject 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 and artifacts were found on the property, certain mitigating conditions of approval will be imposed for their protection, preservation, etc.

Since the property is located mauka of Ali'i 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 Ali'i Drive, nor adversely affect any existing or proposed accesses to the shoreline.

NOV 4 1981

Mr. Richard Clark
Page 2
November 2, 1981

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 install a new 8-inch gravity sewer main to the Kahalu'u Park Pump Station. The construction of this sewer system will have to meet with the approval of the State Department of Health and the other approving 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.

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 will be handled by on and off site drainage 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 elements of the General Plan which encourages the development of multiple family units in areas zoned for such use and service.

Furthermore, the proposed development will complement and will be in the direction of implementing the General Plan which identified the Kahalu'u-Keauhou area as a self-contained major 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 No. 9.

Mr. Richard Clark
Page 3
November 2, 1981

Approval of this SMA Use Permit request is subject to the following conditions:

1. That the petitioner, Richard Clark, shall be responsible for complying with all of the stated conditions of approval. Until such time that the proposed improvements have been completed by the petitioner, the Special Management Area (SMA) Use Permit shall be non-transferable. Non-compliance with this condition shall result in the automatic nullification of the Permit.
2. That the structures shall not exceed three (3) stories and forty-five (45) feet in height, in accordance with the requirements of Chapter 8 (Zoning Code), Hawaii County Code.
3. That plans shall be submitted to the Planning Department and Final Plan Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, secured for the entire development within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
4. 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.
5. That during the construction phase care must be taken to protect the Great Wall of Kuakini. This Wall may be restored and realigned to the property line with the prior coordination and approval of the State Department of Land and Natural Resources Historic Sites Section, and the Planning Department.
6. That the proposed structures shall be setback a minimum of fifteen (15) feet from the closest portion of the Great Wall of Kuakini.
7. That a berm shall be provided along the frontage of Makolea Street extending from the driveway to the makai property line.
8. That the proposed structures shall be setback a minimum of twenty-five (25) feet from the front property line, along Makolea Street.
9. That an intensive archaeological survey and salvage archaeology shall be conducted prior to any grading or grubbing. A report documenting the findings shall be

Mr. Richard Clark
Page 4
November 2, 1981

submitted to the State Historic Sites Section and the Planning Department prior to the submittal of plans for Plan Approval.


10. That should any archaeological remains or historical sites be found during land preparation activities, work shall immediately cease and the Planning Department shall be immediately notified. Work shall not be resumed until a review and clearance is obtained from the Planning Department.
11. That the method of sewage disposal shall meet with the requirements and approval of the State Department of Health and the County Department of Public Works.
12. That all other applicable rules, regulations and requirements, including those of the Department of Water Supply, and Department of Public Works regarding the disposal of surface water runoff, shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area (SMA) Use Permit may be nullified by the Planning Commission.

The Planning Commission voted to close the public hearing on your Planned Development Permit (PDP) application. The PDP application cannot be acted on by the Commission earlier than fifteen (15) days after the close of the hearing. You will be notified as to when the Commission will render its decision on your request.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



BERT H. NAKANO
Chairman, Planning Commission

lgv

cc: Department of Public Works
Department of Water Supply
Department of Health
Kona Services Office

bcc: Plan Approval Section