

CERTIFIED MAIL

February 3, 1983

MJM Development Corporation
76-6241 Alii Drive, Suite 102
Kailua-Kona, HI 96740

Gentlemen:

Special Management Area Use Permit Application (SMA82-20)
Tax Map Key 7-6-15:15

The Planning Commission at its duly held public hearing on January 25, 1983, voted to approve your application for a Special Management Area (SMA) Use Permit to allow the construction of a two-story office building and related improvements at North Kona, Hawaii.

Approval of this request is based on the following:

The Planning Department has determined that approval of the request for a Special Management Area Use Permit to allow an office building on the subject property will not be violative of the objectives and policies stated in Chapter 205A nor with the intent of Rule No. 9 of the Planning Commission.

The purpose of Chapter 205A, HRS and Rule No. 9 is to preserve, protect and where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving developments within the Special Management Area is that the development is consistent with the General Plan, Zoning Code, and other applicable ordinances. The General Plan designates the subject area for "Resort" uses. These areas must be provided with basic and

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support facilities and services such as recreational facilities, water, and roads. All of these essential services are available to the development site. In this regard, the proposed development will complement the objectives of Rule No. 9 and the General Plan which encourages development of urban uses in areas serviced by existing infrastructure. The subject property is situated within the urban form established for this area as depicted on the LUFAG map.

Moreover, the County Zoning Map for this area reflects that the proposed use is permitted.

Another criteria in the review of developments in the Special Management Area is that "The development will not have any significant adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interest".

In reviewing the subject request, we have concluded that the proposed development is not anticipated to have any substantial adverse environmental or ecological effects, other than what is normally associated with land use intensification by grading and construction activities. Although the proposed development will change the existing character of the land, aesthetic and pollution concerns can be minimized through conditions of approval or mitigated through existing rules and regulations. Land improvements may alter surface runoff patterns within the development, however, any potential concern will be handled through the imposition of drainage systems in accordance with the requirements of the Department of Public Works. Any potential run-off which could reach ocean waters is not likely, but if any occur, they could be handled by the required on-site improvements. Further negative impacts on local water quality are not expected to occur from any soil erosion and run-off during site preparation and construction phases, because of the distance of the development site to the shoreline.

In addition, the proposed development will contain a minimum of two (2) convenience restrooms, each with 1 water closet and 1 lavatory. This disposal of this amount of sewage can be adequately handled by "Cesspool" means according to the standards of the State Department of Health. As a result, the environmental and ecological impacts will be minimized or mitigated to a point where it is anticipated that there should be no significant adverse impact on the coastal environment or ecosystem.

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The subject development will not have a significant adverse visual or structural impact in this area. Any building will not interfere with any major view planes. View planes from Kuakini Highway will not be substantially affected due to the high elevation and distance from the subject property. In addition, the subject property is surrounded by existing 3 story condominium developments and a lower profile wooden structure would compatibilize its scale with these developments. This does not automatically mean there will be a favorable determination on the setback variance that has been submitted. The evaluation and determination of the setback variance will be tested against the criteria as established in the Zoning Code. High quality landscaping will constitute a major element of the development.

During construction, the visual character of the development site will undergo various alterations. These alterations include removal of existing vegetation, grading of the site, construction of the building, driveway and landscaping. Because of the surrounding urban development, it is determined that major view planes and corridors would not be obstructed or diminished.

The proposed development will not interfere with important natural systems or publicly owned or used beaches or recreational areas.

The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species.

Based on the above considerations, it has been determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, scenic or recreational resources of this coastal area. No adverse impacts on the air and water quality are expected to be generated by the proposed development. The nature and small scale of the development is such that no unusual air emissions are likely to be produced from the proposed construction activity. Air emissions generated during the construction phase can be mitigated by existing regulations.

Based on the above, the Commission has determined that the proposed development will not have any substantial adverse impact on the surrounding area nor will its approval be inconsistent with the General Plan, Zoning and Subdivision Codes or contrary to the objectives and policies of Chapter 205A and the intent of Rule No. 9 of the Planning Commission.

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Approval of this request is subject to the following conditions:

1. That the petitioner or their authorized representative shall be responsible for complying with all of the stated conditions of approval.
2. That plans for the proposed office building, including a detailed landscaping plan, shall be submitted within one (1) year from the effective date of approval of the Special Management Area Use Permit.
3. That the plans submitted for "Plan Approval" shall show the retention and improvements of the existing rock walls on the perimeter of the property and shall be incorporated into the final design of the development.
4. That construction of the proposed development shall commence within one (1) year after receipt of "Final Plan Approval" and be completed within three (3) years thereafter.
5. That the requirements of the Department of Water Supply and the Department of Public Works shall be complied with.
6. That the requirements of the State Department of Health shall be complied with.
7. That all other applicable Federal, State and County Rules, Regulations and Requirements shall be complied with.

Should any of the above conditions not be met, the Special Management Area (SMA) Use Permit shall be declared automatically void.

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

Sincerely,

/s/ CLYDE IMADA



CLYDE IMADA
Chairman, Planning Commission

cc: Chief Engineer, Public Works Department
Department of Water Supply
Kona Services Office

bcc: Plan Approval Section