

CERTIFIED MAIL

April 18, 1985

Mr. David Levenson  
P. O. Box 591  
Kamuela, HI 96743

Dear Mr. Levenson:

Special Management Area Use Permit Application  
Tax Map Key: 6-1-03:9

219

The Planning Commission at its duly held public hearing on April 9, 1985, voted to approve your application, Special Management Area Use Permit No. 85-3, to allow the development of a shopping center complex and related improvements at Kawaihae, South Kohala, Hawaii.

Approval of this request is based on the following:

The proposed development will not create any significant adverse impact on the environment or ecological resources of the Special Management Area (SMA). The applicant proposes the construction of a 13,650 square foot commercial building.

The subject property and surrounding areas have been extensively improved and intensively used for various purposes. As such, no rare or endangered flora or fauna are present on the site.

A portion of the proposed development also is not anticipated to have any significant adverse impacts on the coastal ecosystems since the proposed building construction will occur approximately 200 feet from the shoreline.

A portion of the subject land is situated within the potential coastal high hazard area. As such, the petitioner shall comply with the construction requirements of the Department of Public Works for developments within these districts.

APR 19 1985

Mr. David Levenson  
Page 2  
April 18, 1985

No adverse impacts on air quality are expected to be generated by the proposed development. Air pollution generated during the construction phase can be mitigated by existing regulation. Erosion and drainage patterns shall not be adversely affected as a result of the construction since on-site drainage improvements will be provided.

The proposed development is consistent with the Objectives, policies and Special Management Area Guidelines as established by Chapter 205-A, Hawaii Revised Statutes. These objectives and policies provide guidance for the preservation, protection and development of coastal resources of the State and County. Because of the prior development of the subject and the surrounding areas, the granting of this request will not impact on the historic, recreational and scenic resources. In addition, as previously discussed, coastal ecosystems and hazardous concerns should not be affected.

Furthermore, the proposed development is consistent with the economic element by increasing the commercial use of the property which is important to the State's economy in suitable locations.

That the proposed development is consistent with the Zoning Code and other applicable ordinances. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map identifies the area for Medium Density Urban uses and the existing zoning designation is for Village Commercial activities.

Based on the foregoing, it is therefore determined that the proposed development will not have any substantial adverse environmental or ecological impacts on the surrounding area. Furthermore, its approval will be consistent with the objectives and policies of Chapter 205-A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area or the General Plan and the Zoning Code of the County of Hawaii.

Approval of this Special Management Area Use Permit request is subject to the following conditions:

1. The petitioner, its assigns or successors shall be responsible for complying with the stated conditions of approval.
2. Plans shall be submitted to the Planning Department for Plan Approval review within one year from the effective date of the Special Management Area Use Permit.

Mr. David Levenson  
Page 3  
April 18, 1985

3. Construction of the improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. All access connections shall comply with the requirements of the State Department of Transportation.
5. Should any subsurface features be unearthed, work shall cease and professional archaeologists summoned to inspect the finds. The County of Hawaii Planning Department and the Historic Sites Section, Department of Land and Natural Resources shall be notified of subsurface finds.
6. Comply with the Department of Public Works regarding the Flood Ordinance.
7. Comply with all other applicable rules, regulations and requirements.
8. Review sewage disposal alternatives, including cesspool and sewage treatment facilities, with the State Department of Health and report the conclusion of the review to the Planning Department.
9. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Special Management Area Use Permit shall be void.

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

Sincerely,



Donald Thompson  
Chairman, Planning Commission

cc: Robert Smelker  
DPED, CZM Program w/background  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
County of Hawaii, Kona Office

bcc: Plan Approval Section