

CERTIFIED MAIL

June 4, 1986

Mr. Roy K. Nakamoto
Nakamoto, Yoshioka & Okamoto
Attorneys at Law
187 Kapiolani Street
Hilo, HI 96720

Dear Mr. Nakamoto:

Special Management Area (SMA) Use Permit Application
Petitioner: Clyde and Reba Coatney
Tax Map Key: 7-5-06:28

The Planning Commission at its meeting on May 28, 1986, reconsidered its previous decision on the above-subject matter. After a discussion and a statement from the petitioner that he will limit the activities to office uses, the Commission voted to approve SMA Use Permit No. 237.

Approval of this request is based on the following:

The proposed development consists of constructing a four-story commercial office building with related improvements. This should not create a substantial negative impact on the environmental or ecological resources of the Special Management Area. The project site does not contain any rare species of plant or animal nor any sites of historic value. There will be minimal effects to the coastal ecosystem and existing public accesses because of its considerable distance from the shoreline of Kailua Bay.

Perhaps the greatest resource to be affected by the proposed development will be that of open space. Because the structure proposes encroachment into the front and side yard setback area of the subject parcel, the mass and bulk of the building would be greater than permitted by the Zoning Code. To reduce any negative visual impacts of the structure, it is important that appropriate on- and off-site landscaping proposals be adhered to and made a condition of this permit. This would include a 39 percent landscaping coverage requirement as well as the provision for landscaping on the adjacent county

JUN 4 1986

Mr. Roy K. Nakamoto
June 4, 1986
Page 2

parking lot. A portion of this requirement shall be in the form of a 10-foot wide landscaping easement fronting Kuakini Highway as depicted in the Kailua Village Design Plan. Since the subject parcel is surrounded by roadways on three sides and by a parking lot on the remaining side, the permanent open space character of this area should be retained. With regards to scenic view corridors to the ocean, these are already affected by the existing building profiles of the Hukilau and Seaside Hotels.

The proposed development is consistent with the General Plan Resort designation and the permitted uses of the Zoning Code. However, the petitioner must still comply with setback and parking requirements unless otherwise allowed with the granting of a variance or the latter through a parking agreement with the County.

Another anticipated impact would be the use of the public parking lot by tenants of the building. It is felt that tenants should park in the off-site stalls so as not to overburden the public parking lot and the on-site stalls. Furthermore, because the petitioner will be deriving direct benefits from the adjacent public parking area during business hours, the ten on-site parking stalls should be available to the general public during non-business hours.

The proposed development is consistent with the objectives, guidelines and policies of the Special Management Area. These were established by Chapter 205-A, HRS, to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identified several areas of management concerns including historic, recreational/scenic resources, coastal ecosystems, economic use, and coastal hazards. With landscaping, parking and water conditions in place, these resources should be minimally affected. Development is also being managed so that existing resort, commercial and recreational resources of Kailua Village are utilized to the maximum extent possible.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment; and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the General Plan; the Kona Regional Plan; and the Zoning Code of the County of Hawaii.

Mr. Roy K. Nakamoto
June 4, 1986
Page 3

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

1. The petitioners, its successors or assigns shall be responsible for complying with all of the stated conditions.
2. The effective date of this permit shall be upon execution of a water assignment with the Department of Water Supply and the Water Commission.
3. Secure an administrative variance from the required setbacks within one year from the effective date of this permit.
4. Plans, including landscaping and sidewalks, shall be submitted for plan approval review within one year from the effective date of this permit.
5. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
6. As depicted by the petitioner, plans shall reflect a minimum 39 percent landscaping coverage of the subject parcel, which shall include a 10-foot wide landscaping easement fronting Kuakini Highway, and shall be designed to minimize building mass and bulk. Further, the area immediately adjacent to the county parking lot shall be landscaped and maintained in accordance with the Departments of Public Works, Parks and Recreation, and Planning. Off-site landscaping shall be completed prior to the issuance of the occupancy permit.
7. Through a lease or rental agreement or by other means, on-site parking shall not be used by tenants or employees of the building during business hours. The applicant shall be responsible for the enforcement of this provision. In addition, the use of the on-site parking stalls shall be available to the general public during non-business hours.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.

Mr. Roy K. Nakamoto
June 4, 1986
Page 4

9. Comply with all other applicable rules and regulations.
10. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Permit shall be void.

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

Sincerely,

Barbara A. Koi

Barbara A. Koi
Chairperson, Planning Commission

cc: Mr. & Mrs. Clyde Coatney
John Parazette
DPED, CZM Program w/background and attachments
DLNR
Corporation Counsel
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section