

Planning Commission

LORRAINE R. INOUE
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

May 6, 1991

Mr. Keola Childs, Executive Vice President
Maryl Development, Inc.
P. O. Box 1928
Kailua-Kona, HI 96745

Dear Mr. Childs:

Revocation of Special Management Area Use Permit No. 258
Applicant: Maryl Development, Inc.
Tax Map Key 7-6-24:29, 37-70, 80-111 (formerly 7-6-24:30)

The Planning Commission at its duly held hearing on April 25, 1991, voted to revoke Special Management Area (SMA) Use Permit No. 258 with the concurrence of Maryl Development, Inc. based on the following:

Special Management Area (SMA) Use Permit No. 258, effective August 25, 1987, was granted to allow the construction of 17 duplex (34 units) structures and related improvements on the subject properties. The applicant has since decided that it no longer wishes to pursue the development as approved through the SMA Use Permit.

Should you have any questions please feel free to contact the Planning Department at 961-8288.

Sincerely,

Mike Luce

Mike Luce, Pro Tem Chairman
Planning Commission

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jdk

cc: Mr. Sidney Fuke
West Hawaii Office

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CERTIFIED MAIL

September 4, 1987

Mr. Sidney Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Special Management Area Use Permit Application
Petitioner: Maryl Development, Inc.
TMK: 7-6-24:29 and 30

The Planning Commission at its duly held public hearing on August 25, 1987, voted to approve the above application, Special Management Area Use Permit No. 258, to allow the construction of 17 duplex structures (34 units) on 17 proposed lots through the ohana zoning process located between Kuakini Highway and Alii Kai Subdivision, approximately 600 feet Kailua side of the Kilohana Subdivision, Holualoa, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed project consists of the proposed construction of 17 duplex (2-units) dwelling structures under the Ohana Dwelling Ordinance procedures. These improvements are not anticipated to have substantial adverse environmental or ecological effects.

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

Since the project site is mauka of the Alii Kai Subdivision and Alii Drive, approximately 2,500 feet from the shoreline, the proposed development is not expected to have any significant adverse effects on coastal resources nor should the viewplane or access to the shoreline be affected by this action.

The area has been the subject of several archaeological reconnaissance surveys. The most recent reconnaissance survey

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recommended that "no further investigation of all site areas (except for 7969, 7967 and 7976) was necessary." Two of those sites (7967 and 7969) are within the project area. The remaining sites are located in the second zoning increment. The field archaeological report contained the artifact and dating analysis of these two sites to the satisfaction of the Planning Department.

With the acceptance of the final archaeological reconnaissance report, the protection and preservation of historic resources within the Coastal Zone Management area will be maintained.

While there may be some adverse effect from noise and other impacts associated with the construction phase of the project, these impacts, however, will be short-term and can be mitigated by existing regulations.

The proposed project is consistent with the objectives, policies and SMA Guidelines. These were established to provide guidance for the preservation, protection and the development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational, open space and scenic resources, coastal ecosystems, economic use, and coastal hazard.

While a portion of the subject property is within a flood prone area, the proposed 17 duplex Ohana structures are not within the flooding area.

The Low Density Urban designation of the General Plan and the existing RS-10 zoning designation allow the proposed development. As such, it is determined that the subject request is consistent with the General Plan, the Zoning Code and other applicable land use regulations.

Based on the foregoing, it is determined that the proposed development will not have any substantial adverse effects 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, or the General Plan or Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all of the stated conditions of approval.

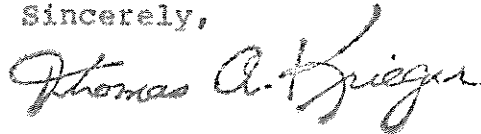
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2. The petitioner, its assigns or successors, shall comply with the conditions of approval of Ordinance No. 531, relating to the Change of Zone for the subject area, as well as SMA Use Permit No. 160 conditions of approval of the original subdivision request.
3. Final Subdivision Approval shall be secured within one (1) year from the effective date of the Special Management Area Use Permit.
4. That Ohana Dwelling applications for all 17-lots be submitted within three (3) months from the date of final subdivision approval.
5. Within one year from the date of receipt of the Ohana Dwelling approvals, building permits for the units shall be secured. Construction of the Ohana Dwellings shall be completed within two years thereafter.
6. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected 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 mitigating measures have been taken.
7. Comply with all other applicable rules, regulations and requirements, including those of the Department of Water Supply, Department of Public Works, State Department of Health and Department of Education.
8. An extension of time for the performance of conditions within the permit may be granted by the planning director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Maryl Development, Inc.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program (w/background)

bcc: Plan Approval Section