



Planning Commission

Larry S. Tanimoto
Mayor

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

CERTIFIED MAIL

June 17, 1990

Ms. Dana Ching
Gerry Rott and Associates
75-5737 Kuakini Highway
Kailua-Kona, HI 96740

Dear Ms. Ching:

Request to Repeal Ord. No. 874 and
Request to Revoke Special Management Area Use Permit No. 264
Applicant: Josiah N. Kia, Sr.
Tax Map Key 7-6-17:19 and 79

The Planning Commission at its duly held public hearing on July 5, 1990, reviewed and acted on the above requests to repeal Change of Zone Ordinance No. 874 and revoke Special Management Area (SMA) Use Permit No. 264.

The Commission voted to recommend the repeal of Change of Zone Ordinance No. 874 and revoked Special Management Area Use Permit No. 264 based on the following findings:

CHANGE OF ZONE ORDINANCE NO. 874

Change of Zone Ordinance No. 874 was approved by the County Council with an effective date of April 26, 1983. It has been over 7 years since the change of zone and no development has taken place. In a letter dated April 19, 1990, the current landowner stated that he would like the property to be returned to its original Double Family Residential - 3,750 square foot (RD-3.75) designation. To allow the zoning of the property to revert to its original zoning designation would prevent the increase in density that would result from the RM-2.5 zoning. The RD-3.75 designation would conform to the surrounding properties.

JUL 16 1990

Ms. Dana Ching
July 16, 1990
Page 2

Based on the above, it is determined that the repeal of Change of Zone Ordinance No. 874 for the purpose of reverting to the original Double Family Residential (RD-3.75) zoning designation would result in a more appropriate land use pattern that will further the public necessity and convenience and the general welfare.

SMA USE PERMIT NO. 264

SMA Use Permit No. 264, effective October 20, 1987, was granted to allow the construction of an 8-unit apartment building. A time extension to comply with Condition Nos. 2 and 3 of the permit was granted by the Planning Commission on March 1, 1990. The applicant has since decided that he no longer wishes to pursue the development approved through the SMA Use Permit.

Therefore, it is determined that SMA Use Permit No. 264 shall be revoked.

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

Sincerely,

Mike Luce

for Fred Y. Fujimoto
Chairman, Planning Commission

xc: Mr. Fernand J. Desilets
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program
Corporation Counsel

bcc: Plan Approval Section

CERTIFIED MAIL

October 28, 1987

Mr. William Rierson
P. O. Box 2429
Kailua-Kona, HI 96745

Dear Mr. Rierson:

Special Management Area Use Permit Application
Petitioner: JRM Associates
TMK: 7-6-17:19 and 79

The Planning Commission at its duly held public hearing on October 20, 1987, voted to approve your application, Special Management Area Use Permit No. 264, to allow the construction of an 8-unit apartment building and related improvements at Holualoa, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed project consists of the development of an 8-unit apartment building and related improvements. These improvements are not anticipated to have any 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.

Based on the Archaeological Reconnaissance Report, the subject property does not contain any significant archaeological sites.

In addition, due to its location, approximately 250 feet from the shoreline and the fact that the surrounding areas are developed with single family and multiple family structures, the proposed development is not expected to adversely affect the shoreline or the coastal ecosystems.

OCT 28 1987

Mr. William Rierson
Page 2
October 28, 1987

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 rules and 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 hazards.

The proposed 8-unit apartment building is consistent with the Medium Density Urban designation of the General Plan as well as the Multiple Residential zoning.

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 205A, HRS, Relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area (SMA); 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.
2. Submit 2-lot consolidation plans within one year from the effective date of this permit.
3. The existing dwelling shall be demolished or relocated within one year from the effective date of this permit.
4. Plans for the proposal including detailed landscaping plan, shall be submitted for Plan Approval review within one year from the date of consolidation approval.
5. Construction shall commence within one year from the effective date of Final Plan Approval and be completed within two years thereafter.

Mr. William Rierson
Page 3
October 28, 1987

6. Should any unidentified field 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 archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.
7. All applicable County and State rules, regulations and requirements shall be complied with, including those of the Department of Public Works, Department of Water Supply, and the State Department of Health.
8. An extension of time for the performance of conditions within the permits 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 permits; 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 permits.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: 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