

November 2, 1987

Mr. Melvin Shapiro
P. O. Box 5377
Kailua-Kona, HI 96745

Dear Mr. Shapiro:

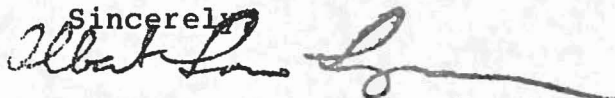
Special Management Area Use Permit Application
TMK: 7-5-09:27

Please refer to the letter dated October 28, 1987, in which you were informed of the Planning Commission's approval action on your special management area use permit application.

This is to inform you that the correct tax map key should be 7-5-09:27 and not 7-6-17:19 and 79. We regret any inconvenience this may have caused you.

Should you have any questions, please feel free to contact the Planning Department.

Sincerely,



Albert Lono Lyman, Director
Planning Department

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DPED, CZM Program
John Parazette

bcc: Plan Approval Section

NOV 3 1987

CERTIFIED MAIL

October 28, 1987

Mr. Melvin Shapiro
P. O. Box 5377
Kailua-Kona, HI 96745

Please see cover
letter for correct TMK

Dear Mr. Shapiro:

Special Management Area Use Permit Application
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 development of a restaurant, retail shops and related improvements at Auhaukese 2nd, North Kona, Hawaii.

265

Approval of this request is based on the following:

The proposed project consists of the construction of a 6,000 square foot commercial structure and related improvements. These improvements are not anticipated to have any substantial adverse environmental or ecological effects.

Since the project site has been extensively altered to accommodate a single-family dwelling for almost 40 years, the project site is not known to contain any unique ecological systems or significant archaeological sites nor provide habitats for any endangered plant or animal species.

In addition, due to the subject site location on the mauka side of Ali'i Drive, the proposed development is not expected to adversely affect the shoreline or the coastal ecosystems.

While there may be some adverse effects from dust, 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.

OCT 28 1987

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 uses are consistent with the Resort designation of the General Plan as well as the Hotel-Resort zoning in Kailua-Kona.

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 purposes 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.

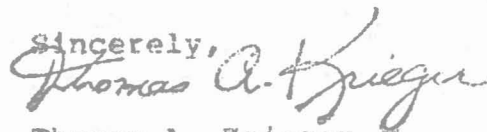
Approval of this request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all of the stated conditions of approval.
2. Plans for the proposed structure and related improvements, including detailed landscaping plans showing reconstruction of all rock walls on the perimeter of the property, shall be submitted for Plan Approval review within one year from the effective date of this SMA Use Permit.
3. Construction shall commence within one year from the effective date of Final Plan Approval and be completed within two years thereafter.
4. 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.

Mr. Melvin Shapiro
Page 3
October 28, 1987

5. The Ali'i Drive frontage of the subject property shall be improved with curbs, gutters, sidewalks, and other related improvements including provisions for the handicapped. These improvements are to be reviewed by the Chief Engineer and approved by the Planning Director prior to the issuance of final Plan Approval.
6. The minimum off-street parking for the project shall comply with the minimum requirements specified by the Zoning Code.
7. All applicable County and State rules, regulations, and requirements, shall be complied with, including those of the Department of Public Works and the State Department of Health.
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-conformance 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 permit.

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
John Parazette
bcc: Plan Approval Section