

CERTIFIED MAIL

September 6, 1988

Mr. Lloyd Sueda
Wong, Sueda & Associates, Inc.
905 Makahiki Way, Mauka Suite
Honolulu, HI 96826

Dear Mr. Sueda:

K. Taniguchi, Ltd./Lloyd T. Sueda
Special Management Area Use Permit Application
Tax Map Key 7-5-07:48-56

The Planning Commission at its duly held public hearing on August 30, 1988, voted to approve your application, Special Management Area Use Permit No. 275, to allow the development of a commercial complex consisting of a fast food restaurant building, fast gas outlet, a commercial building for a bank, offices, retail spaces, and convenience store, and related improvements at Kailua-Kona, Keopu 3rd, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, HRS, (Coastal Zone Management) and the Planning Commission's Rule No. 9 (Special Management Area) is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed uses are permitted by the Zoning Code.

The Kailua Village Design Plan which was adopted as Ordinance No. 217 in 1976 is based on goals, policies, standards, and courses of action which have been set forth in the General Plan. The purpose of this Design Plan is to further clarify the General Plan policies and to establish a more

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detailed program for implementing the General Plan within the Kailua Village area. However, one section of the Design Plan recommends that heavily car-oriented activities such as "a) automobile service stations, tire changing or pickup stations; b) drive-in facilities for retail sales and services; c) automobile service, repair and upkeep uses; and d) used car lots" permitted by the Village Commercial zoning be excluded from the Village area, and the implementation section of the same Plan fails to include this recommendation. Therefore, the provisions of the Zoning Code prevail. Further, the update of this Kailua Village Design Plan, which is presently being completed, does not include this exclusion.

The Kailua Village Design Commission has expressed concerns relating to impacts generated especially by the fast food and fast gas operations, however, they have recommended conditional approval of the project.

Based on the above, it is determined that the proposed development is consistent with the objectives and policies as provided by Chapter 205A, Hawaii Revised Statutes, relating to Coastal Zone Management, and the Planning Commission's Rule 9 relating to the Special Management Area (SMA). Furthermore, if any adverse environmental or ecological effects exist, such effects are clearly outweighed by public health, safety, or compelling public interest.

Approval of this request is subject to the following conditions:

1. The petitioner, successors or its assigns shall be responsible for complying with all of the stated conditions of approval.
2. Plans shall be submitted for Final Plan Approval within one year from the effective date of this SMA Permit. Such plans shall include parking, landscaping and signage which reflect compliance with the minimum requirements specified by the Zoning Code and compliance with the Kailua Village Sign Ordinance.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. All access to the property shall meet the requirements of the Department of Public Works. Access from and onto

Kuakini Highway shall be limited to right turns only. At grade driveways shall be permitted with wheel chair ramps at sides.

5. Proposed sidewalk improvements shall be approved by the Department of Public Works and coordinated with existing improvements and shall include appropriate pavement widening, transitions and drainage improvements.
6. All drainage improvements shall be approved by the Department of Public Works. All development generated storm run-off shall be disposed of on-site and not allowed onto adjacent properties and roadways.
7. All plans for driveway, sidewalk and drainage improvements shall be submitted in conjunction with plans for Final Plan Approval. Construction of these improvements shall be completed prior to the issuance of a Certificate of Occupancy by the Department of Public Works.
8. Should any unanticipated archaeological or historic features be uncovered during the construction activities, all work at that particular area shall cease immediately and the Planning Department notified. Work shall not resume until clearance has been obtained from the Planning Department.
9. Comply with all other applicable rules, regulations, and requirements.
10. The Planning Director may administratively grant extensions to the foregoing conditions subject to any of the following circumstances occurring: A) the need for an extension is the result of either unforeseen conditions or are circumstances beyond the control of the applicant, successors or assigns; 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).
11. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion after the

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Planning Director has given the permittee notice, this permit may be voided by the Planning Commission.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

xc: Mr. Barry Taniguchi
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
DLNR
bcc: Plan Approval Section