



Planning Commission

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

Bernard K. Akana
Mayor

CERTIFIED MAIL

January 31, 1990

Mr. Larry Smith
P.O. Box 390789
Kailua-Kona, HI 96739

Dear Mr. Smith:

Special Management Area (SMA) Use Permit Application
TMK: 7-7-15:63

The Planning Commission at its duly held public hearing on January 18, 1990, voted to approve your application, Special Management Area Use Permit No. 290, to allow the construction of a 3-story, 4-unit apartment building and related improvements between Kuakini Highway and Sea View Circle, approximately 630 feet north of the Kuakini Highway-Sea View Circle intersection, Holualoa 4th, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area Rules and Regulations of the County of Hawaii, which is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. The permit is being requested to allow the construction of a 4-unit apartment building within a developed area located approximately 3,600 feet from the shoreline.

The proposed development is not anticipated to have substantial adverse ecological effects. The property is not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species.

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The proposed development is not anticipated to have significant adverse impacts on coastal ecosystems or public access along the shoreline. The property is located approximately 3,600 feet away from the shoreline at an elevation of 300+ feet above sea level. Thus, coastal hazards such as storm wave, tsunami, and subsidence hazard are not at issue. Flood hazard due to drainage across the property may be mitigated by proper measures as determined by the Department of Public Works.

No archaeological resources are known to exist on the property. It is recommended, however, that approval be conditioned upon notification of the Planning Department and appropriate mitigative action should any unidentified sites or remains be found before or during construction.

The proposed development will somewhat alter the existing landscape and view planes to the coast, as the property is located on the makai side of the Kuakini Highway. The height of the proposed structure is 33 feet, which is well below the maximum allowable height of 45 feet. The proposed building will be constructed to a height of 6+ feet above the elevation of the Kuakini Highway roadway. At this height, the view of the coastline from the highway would be minimally impacted. The scale of the development would be consistent with neighboring condominium buildings along Sea View Circle, which have been constructed at heights similar to or higher than that of the proposed structure.

No adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the project is such that no unusual emissions are likely. Air emissions generated during the construction phase can be mitigated by existing regulations. Based on concerns for drainage by the Department of Public Works, it is recommended that a drainage study be completed prior to granting of Final Plan Approval. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works based on the drainage study. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur, they can be adequately mitigated through compliance with existing regulations.

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The proposed development is consistent with the Zoning Code, the General Plan and the Kona Regional Plan. A 4-unit apartment is consistent with the County's RM-1.5 zoning, which would allow a maximum of 5 units on the subject property. This density is also consistent with the Land Use Concept Map of the Kona Regional Plan. All essential utilities and services are or will be made available to the subject property. The Department of Water Supply states that water is available to the property, subject to an assignment of water rights to the applicant and payment of a facilities charge. In this regard, the proposed development will complement the Multiple Residential element of the General Plan which encourages the development of multiple residential units in areas serviced by existing infrastructure.

The Police Department has expressed concerns about the adequacy of the roadway at the Kuakini Highway-Sea View Circle intersection. As previously mentioned, the property is currently zoned for Multiple Family Residential use with a maximum allowable density of 5-units. It is determined that the construction of a 4-unit apartment building would not generate sufficient impact to require a traffic study or construction of traffic improvements.

Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure the required water commitment from the Department of Water Supply in accordance with its "Water Commitment Policy" within ninety days from the date of approval of this permit.
3. A drainage study shall be submitted to the Department of Public Works for review and approval prior to submission of plans for Plan Approval review.

4. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify structures, landscaping, and parking stalls associated with the apartment building. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
5. Construction of the apartment building and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
7. Comply with all other applicable laws, rules, regulations, and requirements of the Department of Health, Department of Public Works, and other relevant State and County agencies.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied, and the Planning Director acknowledges that further reports are not required.
9. 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

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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 revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,



Fred Y. Fujimoto
Chairman, Planning Commission

xc: 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