



Planning Commission

Bernard K. Akana
Mayor

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

CERTIFIED MAIL

January 31, 1990

Teuane Tominaga, State Public Works Engineer
Department of Accounting and
General Services
P.O. Box 119
Honolulu, HI 96810

Dear Mr. Tominaga:

Special Management Area (SMA) Use Permit Application
TMK: 7-5-08:13

The Planning Commission at its duly held public hearing on January 18, 1990, voted to approve your application, Special Management Area (SMA) Use Permit No. 291, to allow the construction of a new library facility and related improvements along the south side of Hualalai Road, between the Kona Inn parking lot and the Union 76 Service Station, Kailua-Kona, Hienaloli, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, 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. While the proposed development does not conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the area as Open, the General Plan does

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designate Kailua-Kona as a Major Resort Area, where such an activity may be permitted. A Major Resort Area is defined as a self-contained resort destination area providing basic support facilities for the needs of the entire development. Such facilities include sewer, roads, water, employee housing, and recreational facilities. The Public Lands element of the General Plan states as a goal to, "Utilize publicly owned lands in the best public interest and to the extent possible, to the maximum benefit for the greatest number of people." The General Plan states as a policy, to "Encourage uses of public lands which will satisfy specific public needs, such as housing, recreation, open space and education." The Public Facilities element of the General Plan states as a goal to, "Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community." Further, Section 25-51(c), Division 7 of the County Zoning Code, does allow public service buildings in any zoned district provided it conforms to the General Plan. The establishment of a new public library in Kailua would be supportive of the above-mentioned goals and policies for this area. Therefore, the proposed use would be consistent with the intent and purpose of the Zoning Code and the General Plan.

Another criteria in reviewing an SMA Use Permit application is that, "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The property, which has been extensively developed, is not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing regulations. 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

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Public Works. 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.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline due to the project's considerable distance from the coastal waters. The property is located approximately 520 feet from the shoreline and should have minimal impacts to the coastal ecosystem. The combination of on-site storm drains, landscaping, and County sewage disposal will effectively inhibit erosion, water runoff, and potential pollutants into the coastal areas.

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

There are no major identified scenic resources and viewplanes from or around the subject property. The one-story structure will not intensify the visual or structural impact of the area due to it replacing an existing structure. The proposed landscaping will further alleviate the visual and structural impacts of this low-profile building. The height of the proposed library will be well below the maximum height limit of 30 to 45 feet for those properties surrounding the subject property zoned Resort or Village Commercial.

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, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

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. 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 proposed development. Parking shall comply with the requirements of Chapter 25 (Zoning Code).
3. Construction of the public library facility and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall 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, 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.
5. Driveway access(es) to the subject property from Hualalai Road shall meet with the approval of the Department of Public Works.
6. 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.
7. 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.
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

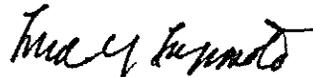
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foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time 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 shall 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: Mr. George Iwasaki
Mr. Bart Kane
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