



Planning Commission

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

LARRY S. TANIMOTO
~~Bernard K. Akana~~
Mayor

CERTIFIED MAIL

April 25, 1990

Mr. and Mrs. Wallace Kobayashi
76-6265 Alii Drive
Kailua-Kona, HI 96740

Dear Mr. and Mrs. Kobayashi:

Special Management Area Use Permit Application
TMK: 7-6-15:10 and 32

The Planning Commission at its duly held public hearing on April 11, 1990, voted to approve your application, Special Management Area Use Permit No. 294, to allow the development of a housing project and related improvements consisting of a 1-story duplex structure and two 1-story, 2-bedroom cottages on the mauka side of Alii Drive and across from the Kona Bali Kai Condominium, Holualoa, 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. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and zoning designation which designate the area as Resort and V-1.25, respectively. The Housing Element of the General Plan states as

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a goal to "Seek sufficient production of new affordable rental and fee-simple housing in the County in a variety of sizes to satisfactorily accommodate the needs and desires of families and individuals." A policy of the General Plan is to "Increase rental opportunities and choices in terms of quality, cost, amenity, style and size of housing, especially for low and moderate income households." The applicants intend to construct "moderate priced" rental units in an area the applicants describe as having a high demand for such units. The applicants anticipate the renters will be working-class, middle-income families who cannot afford the higher-priced condominiums or homes in the area. Aside from the numerous hotel and condominium units in the surrounding area, the proposed development will project a single family residential character that will supplement the varied style and size of residential units in the area. Therefore, the proposed development 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." The proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The properties, which are located within an area that has been extensively developed, is not known to contain any unique ecological systems nor provide habitats 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 Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases are unlikely due to the very thin soil cover and the pahoehoe bedrock. However, should erosion and runoff 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 combination of

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landscaping and drainage improvements as may be required by the Department of Public Works will effectively inhibit erosion, water runoff, and potential pollutants from entering into coastal areas.

All development will occur on Parcel 10, which is located in an area of minimal flooding. While Parcel 32 is located within a flood zone, plans submitted indicate that the parcel will be used for access purposes only.

No archaeological resources are known to exist on the subject properties. 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 activities.

There are no major identified scenic resources and viewplanes from or around the subject properties. The one-story structures will not intensify the visual or structural impact of the area due to the project site being located within an extensively developed area with several multi-storied structures on surrounding properties. The proposed landscaping and maintenance of many of the existing trees on the property will further alleviate the visual and structural impacts of the one-story structures. The height of the proposed single family dwellings would be well below the maximum height limit of 45 feet for those properties surrounding the subject property zoned Resort.

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. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within 90 days from the date of approval of the permit.

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3. Consolidation of the subject properties shall be secured within one year from the effective date of this permit.
4. Final Plan Approval shall be secured from the Planning Department within one year from the date of approval of the consolidation. 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, interior driveway circulation, and parking stalls associated with the proposed development.
5. Construction of the duplex and single family structures 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.
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. Access to the subject property from Alii Drive, including improved site distance, shall meet with the approval of the Department of Public Works.
8. An emergency preparedness and response plan shall be filed with the Hawaii County Civil Defense Agency and the Planning Department prior to issuance of a certificate of occupancy for any portion of the development.
9. Comply with all other applicable laws, rules, regulations, and requirements including those of the Departments of Public Works and Health.
10. 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

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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 with and the Planning Director acknowledges that further reports are not required.

11. 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 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: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
DLNR