

## County of Hawai'i

### PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

April 15, 2005

Ms. Denise A. Norman  
106 Elm Street  
San Carlos, CA 94070

Dear Ms. Norman:

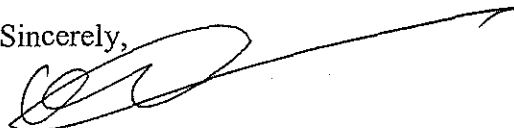
Revocation of Special Management Area Use Permit No. 303  
Tax Map Key: 3-6-1:13

The Planning Commission at its duly held public hearing on April 1, 2005, voted to revoke Special Management Area (SMA) Use Permit No. 303 which was granted on October 25, 1990, for the construction of four single family dwellings and related improvements on 1.6 acres of land. The property is located along the northeast (makai) side of the Mamalahoa Highway, between Kilau Gulch and Laupahoehoe Gulch, Manowaiopae Homesteads, North Hilo, Hawaii.

Since the applicant no longer intends to construct the four single family dwellings, the Planning Commission hereby approves the revocation of SMA No. 303.

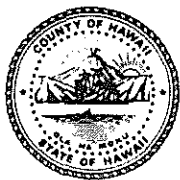
Should you have questions regarding the above, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

*for*  
  
Fred Galdones, Chairman  
Planning Commission

Lnormansma303revoke

cc: Mr. Sidney Fuke  
Ms. Alice Kawaha



# Planning Commission

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

Larry S. Tanimoto  
Mayor

CERTIFIED MAIL

November 5, 1990

Mr. and Mrs. Edward D. Von Geldern  
2592 Makiki Heights Drive  
Honolulu, HI 96822

Dear Mr. and Mrs. Von Geldern:

Special Management Area Use Permit Application  
Tax Map Key 3-6-01:13

The Planning Commission at its duly held public hearing on October 25, 1990, voted to approve your application, Special Management Area Use Permit No. 303, to allow the construction of four single family residential dwellings and related improvements on 1.6 acres of land at Manowaiopae Homesteads, North Hilo, 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 Low Density and RS-15, respectively. A goal of the General Plan is to "Maintain a housing supply which allows a variety of choice" while it is a policy to "Increase rental opportunities and choices in terms of quality, cost, amenity, style and size of housing, ...". A Course of Action for the North Hilo District is to "Aid and encourage the development of a wide variety of housing for this

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Mr. and Mrs. Edward D. Von Geldern  
November 5, 1990  
Page 2

area to achieve a diversity of socio-economic housing mix." The proposed three-story dwellings, of which two will be utilized for rental purposes, are of a unique "pavilion" design which will continue the single family residential character while supplementing the varied style and size of residential units in the area. A profile of housing within the North Hilo District reflects a district with the largest percentage of rental housing in the County. Free home ownership consists of only 40 percent of the total housing available. This district also has a limited supply of vacant parcels and the least amount of subdivision activity. Therefore, the proposed development would be consistent with the intent and purpose of the Zoning Code and the General Plan by providing additional and unique rental opportunities within an area already limited in the availability of residential lots and housing.

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 property, which is located within an area that has been previously utilized for intensive agricultural use, 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. Construction methods, 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. However, should erosion and runoff occur, they can be adequately mitigated through compliance with existing regulations.

The property is located approximately 850 feet from the shoreline at an elevation of 340 to 350 feet above sea level. Thus, coastal hazards such as storm waves and tsunamis are not at issue. The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public

Mr. and Mrs. Edward D. Von Geldern  
November 5, 1990  
Page 4

Sight distance and access off the Mamalahoa Highway at the private road were considered at the time of subdivision approval. The requirements of the Uniform Fire Code will be applied at the time of building permit. It is recommended that drainage ways and flood hazard areas be identified on plans submitted for plan approval and building permit.

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, setbacks, landscaping, drainage ways, special flood hazards, and parking stall(s) associated with the single family residential development. Landscaping shall be provided for the purpose of subduing the vertical and horizontal mass associated with the proposed structures. Such landscaping shall not obstruct any remaining views of the eastern horizon from the Mamalahoa Highway.
3. Construction of the single family residential development 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. Drainage and flood control shall meet with the approval of the Department of Public Works prior to securing Final Plan Approval.

10/25/91 FPA

10/6/92 EP

10/1/94 deadline

Mr. and Mrs. Edward D. Von Geldern  
November 5, 1990  
Page 5

5. 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.
6. Comply with all other applicable laws, rules, regulations, and requirements including those of the Departments of Public Works, Fire, Health and State Department of Transportation, Highways Division.
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 with 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 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.

Mr. and Mrs. Edward D. Von Geldern  
November 5, 1990  
Page 6

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  
DBED, CZM Program w/background  
Fire Department  
Health Department  
Dept. of Transportation, Highways Division