



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

August 23, 1991

Mr. Richard Asbach
West Hawaii Today
75-5629 R Kuakini Highway
Kailua-Kona, HI 96740

Dear Mr. Asbach:

Special Management Area Use Permit Application (SMA91-11)
Applicant: West Hawaii Today
Request: Newspaper Production Building
Tax Map Key: 7-5-5:90

The Planning Commission at its duly held public hearing on August 15, 1991, voted to approve your application, SMA Use Permit No. 317, to allow the construction of a newspaper production building and related improvements. The property is located on the makai side of Kuakini Highway at the southeast corner of the Kuakini Highway-private road (Kaiwi Street extension) intersection, Kailua-Kona, North Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 9, Special Management Area 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 an 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 Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) map which designates this area for Medium Density Urban Development. Further, the Village Commercial zoning designation allows for the proposed use.

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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 substantial adverse ecological effects. The property, which is 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.

The property is located approximately 1,000 feet from the nearest shoreline. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Negative impacts on the local water resulting from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations. Municipal treatment of wastewater will be provided as required to avoid impacts to coastal ecosystems. Therefore, no significant adverse impact to coastal ecosystems is anticipated.

The proposed development is not expected to have adverse impact on public access to or along the shoreline since the development is located approximately 1,000 feet from the nearest shoreline.

Viewplanes will not be significantly affected by the proposed development. The building will be situated approximately 1,000 feet from the nearest shoreline. Further, because of the relatively level topography of the area, mauka and makai views from this area will not be significantly affected.

Since the property has been previously graded, it is unlikely that historical or archaeological resources exist. No further archaeological work is required.

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Traffic generated by the proposed development should not significantly impact the roadways in the area. According to the Traffic Study prepared for the project, intersections and streets analyzed would not require additional mitigation.

Additionally, the Department of Public Works commented that curbs, gutters and sidewalks should be constructed along the properties frontages. This has been made a condition of approval.

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

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply 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 approval of the 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.
3. Construction 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.

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5. Access to the subject property from the private road (Kaiwi Street extension) shall meet with the approval of the Department of Public Works. The Kuakini Highway and private road (Kaiwi Street Extension) frontages shall be improved with curb, gutter and sidewalk improvements in accordance with the requirements of the Department of Public Works prior to issuance of a certificate of occupancy. Preliminary plans for these improvements shall be submitted simultaneously with development plans for plan approval review.
6. Comply with all other applicable laws, rules, regulations and requirements.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date 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 initial 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 petitioner, successors or assigns, and that are not the result of their fault or negligence; (b) the 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

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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,

Mike Luce

Mike Luce, Chairman
Planning Commission

6619d
jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
✓ OSP, CZM Program w/background
Plan Approval Section