



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

December 12, 1991

Mr. Thomas Ryan
Construction Plus, Inc.
985 Waimanu Street
Honolulu, HI 96814

Dear Mr. Ryan:

Special Management Area Use Permit Application 91-2
Applicant: Thomas Ryan
Construction of a "64-Unit" Condominium & Related Improvements
Tax Map Key: 7-5-19:46

Please refer to our December 3, 1991, letter in which you were informed that the Planning Commission approved Special Management Area (SMA) Use Permit No. 324. Since the applicant revised his request at the Commission's November 22, 1991 meeting from 66 units to 64 units, the Planning Commission approved the permit for 64 units. Please make the necessary corrections to our December 3rd letter. We regret any inconvenience this may have caused you.

Should you have any questions, please contact the Planning Department at 961-8288.

Sincerely,

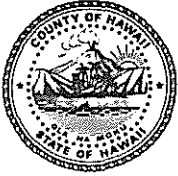
Mike Luce

Mike Luce, Chairman
Planning Commission

6906d (pg. 6)
jdk

xc: Thomas Yeh, Esq.
Pat Boyajian
Paul Kyno
Civil Defense Agency
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
OSP, CZM Program
DLNR
Plan Approval Section
Connie

DEC 12 1991



Planning Commission

Lorraine R. Inouye
Mayor

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

CERTIFIED MAIL

December 3, 1991

Mr. Thomas Ryan
Construction Plus, Inc.
985 Waimanu Street
Honolulu, HI 96814

Dear Mr. Ryan:

Special Management Area Use Permit Application 91-2
Applicant: Thomas Ryan
Construction of a 66-Unit Condominium & Related Improvements
Tax Map Key: 7-5-19:46

The Planning Commission at its duly held public hearing on November 22, 1991, voted to approve your application, Special Management Area (SMA) Use Permit No. 324, to allow the construction of a 66-unit condominium and related improvements. The property is located on the northeast (mauka) side of Alii Drive intersection, Kahului 1st, 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 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 Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide Map, which designates this area for Medium Density Urban development. Further, the Resort-Hotel zoning designation allows for the proposed use.

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,

DEC 4 1991

Mr. Thomas Ryan
December 3, 1991
Page 2

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 across Alii Drive from the shoreline. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Negative impacts on the local water quality 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 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 mauka of Alii Drive.

Viewplanes will not be significantly affected by the proposed project. The buildings will be situated approximately 1,000 feet makai of Kuakini Highway. Because of the sloping terrain, makai views from the highway will not be significantly affected. Although the proposed structures will affect mauka views from Alii Drive, shoreline views will not be significantly impacted.

Any potential impacts to historical or archaeological resources have been satisfactorily mitigated. All necessary field work and testing have been performed, and no further site work is recommended.

According to a Traffic Impact Study for the project, there would be no adverse affect on Alii Drive or the Alii Drive Lunapule Street intersection. Comments from the Department of Public Works focused on driveway access and sight distance. These are regulatory requirements that would be applied at a later time of review. Other consulted agencies, such as the Kona Traffic Safety Committee, had no objections to the

Mr. Thomas Ryan
December 3, 1991
Page 3

request. Additionally, five conditions were proposed to assure that the project would not have significant traffic impacts. With these added conditions there should be minimal disruption in the existing traffic situation.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
- ✓ 2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date 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.
5. Access to the subject property from Alii Drive shall meet with the approval of the Department of Public Works.
6. The applicant shall provide a minimum of 104 on-site parking spaces for resident and guest parking, which spaces shall be required to be indicated on the plans submitted for tentative and final plan approval.
7. The applicant shall extend and stripe the pavement within the right-of-way of that portion of Alii Drive fronting the subject property and that of the adjoining property to the north to Lunapule Street to the front property lines. Such paving and striping shall meet with the approval of the

Department of Public Works and shall be completed prior to the issuance of a certificate of occupancy.

8. The applicant shall, prior to the issuance of plan approval, obtain the Department of Public Works' review and approval of its landscaping plan and plans for the removal of the stone walls fronting the property in order to assure that the available sight distance for traffic exiting the property conforms with engineering standards and the sight distance for traffic exiting Lunapule Street at its intersection with Alii Drive is improved.
9. The driveway access to and from the property shall meet with the approval of the Department of Public Works. The applicant shall also design and construct, in a manner consistent with engineering standards acceptable to the Department of Public Works, the driveway exit from the property so as to allow vehicles to merge with the flow of north-bound traffic on Alii Drive.
10. In the event the County of Hawaii designs improvements to the intersection of Lunapule Street and Alii Drive and obtains cost estimates of the cost of such improvements prior to the issuance of final plan approval, the applicant shall be required to contribute a sum equal to the percentage which traffic volume generated from the project and using said intersection during the highest peak hour bears in relation to then existing overall traffic volume at said intersection during said peak hour, multiplied by the estimated costs.
11. Comply with all other applicable laws, rules, regulations and requirements.
12. 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.

Mr. Thomas Ryan
December 3, 1991
Page 5

13. 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 applicant, 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 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, Chairman
Planning Commission

6906d
jdk

xc: Thomas Yeh, Esq.
Pat Boyajian
Paul Kyno
Civil Defense Agency
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
OSP, CZM Program w/background
DLNR
Plan Approval Section
Connie