

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-5

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on February 1, 1988, an assessment on the application of JAMES K. TSUGAWA AIA & ASSOCIATES for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: A change of use and "cosmetic" renovations to the existing old "Foodland Village Market" located along the south side of Hanama Place and the makai side of Kuakini Highway in Kailua Village, Keopu 3rd, North Kona, TMK: 7-5-7:33.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

SEE ATTACHED CONDITIONS

for *Ernest Hayman*
Chief Engineer, DPW

A.D. O.
Planning Director

Attachment

6257A-5/84

Val = \$50,000
PT = 6 days

SMA Minor No. 88-5
JAMES K. TSUGAWA AIA AND ASSOCIATES
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Plans for the proposed renovations shall be submitted to the Planning Department and secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Comply with all other applicable rules, regulations, and requirements.
5. 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 may initiate procedures to nullify the permit.

BACKGROUND

2159Q 2/3/88

James K. Tsugawa AIA and Associates, on behalf of Gerell + Associates, Ltd., is requesting a Special Management Area (SMA) Use Permit to allow a change of use and "cosmetic" renovations to the existing old "Foodland Village Market" located along the south side of Hanama Place and the makai side of Kuakini Highway in Kailua Village, Keopu 3rd, North Kona, Tax Map Key 7-5-07:33.

Specifically the applicant proposes to renovate the existing market structure by adding a roof structure, walkways, new glass store fronts, restripe parking stalls, and landscaping. The renovated structure would then be used for retail shops and athletic club.

The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Resort uses. The State Land Use District classification is Urban and the County zoning designation is Resort-Hotel with a density of 750 square feet per unit (V-.75).

The property is also situated within the jurisdiction of the Kailua Village Design Commission which recommended approval subject to conditions to be addressed during the Plan Approval process.

The subject property has been extensively developed to facilitate the existing Foodland Village Market structure. Adjacent properties are zoned for and contain resort uses.

According to the Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, the area is situated outside the coastal high hazard area.

Since the existing area has been extensively improved, there are no rare or endangered plant or animal species present nor will any sites of historic significance as listed by the State or National Register of Historic Places be affected by the proposed project.

The subject site is located approximately 650 feet from the shoreline.

The total cost of the project is \$50,000.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

Since the subject property has been extensively improved and given the limited nature of the exterior renovations to the structure and area, no management concerns will be adversely impacted by this proposal.

The proposed retail uses and athletic club use is consistent with the existing Resort zoned district as well as the Resort designation of the General Plan.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and

intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Plans for the proposed renovations shall be submitted to the Planning Department and secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Comply with all other applicable rules, regulations, and requirements.
5. 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 may initiate procedures to nullify the permit.