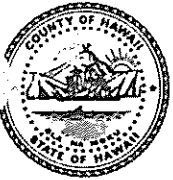


Larry S. Tanimoto  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director



## Planning Department

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

### CERTIFIED MAIL

June 19, 1990

C

Mr. Michael J. Krochina, P.E.  
Krochina Engineering  
P.O. Box 4613  
Kailua-Kona, HI 96745

P

Dear Mr. Krochina:

Y

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 90-11  
Applicant: Kona Magic Sands Condominium Association  
Tax Map Key 7-7-08:22 (PA-79)

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 90-11 to install reinforcing beams and posts to support existing concrete support beams (which are undergoing degradation) and to support first and second floor lanai roof structures, to replace second floor CMU lanai railings, and other minor work. The subject property is located on the makai side of Alii Drive in Kahului 1st, North Kona, Hawaii, TMK: 7-7-08:22.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with Shoreline Setback Variance No. 631 Condition No. 4 which restricts the use of the second story roof to that of providing shelter (to the lanai floor area below).
3. 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 Final Plan Approval must be secured.

Mr. Michael J. Krochina, P.E.

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4. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.
5. All other applicable rules, regulations and requirements shall be complied with.
6. 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.
7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).
8. Should any of the preceding conditions not be met the Planning Director shall initiate procedures to revoke this SMA Permit.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,

  
DUANE KANUHA  
Planning Director

FRW:lm  
Enclosures

cc: Chief Engineer w/encs.  
Kona Planning Dept. w/encs.  
SPA Section w/encs.

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. SMM 90-11

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on June 1, 19 90, an assessment on the application of KONA MAGIC SANDS CONDOMINIUMS ASSOCIATION 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~~: To install reinforcing beams and posts to support existing concrete support beams (which are undergoing degradation) and to support first and second floor lanai roof structures, to replace second floor CMU lanai railings, and other minor work. The subject property is located on the makai side of Alii Drive in Kahului 1st, North Kona, Hawaii, TMK: 7-7-08:22.

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

*Heracilio Hapana*  
Chief Engineer, DPW

*Donna Lane*  
Planning Director

Attachment

SMA Minor Permit No. 90-11  
KONA MAGIC SANDS CONDOMINIUMS ASSOCIATION  
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with Shoreline Setback Variance No. 631 Condition No. 4 which restricts the use of the second story roof to that of providing shelter (to the lanai floor area below).
3. 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 Final Plan Approval must be secured.
4. Construction of the proposed improvements shall commence within one year of the date of Final Plan Approval and shall be completed within one year thereafter.
5. All other applicable rules, regulations and requirements shall be complied with.
6. 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.
7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).
8. Should any of the preceding conditions not be met the Planning Director shall initiate procedures to revoke this SMA Permit.