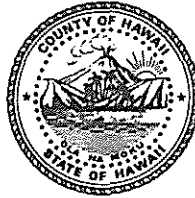


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

July 3, 1996

Mr. Ted Baldau, Project Engineer
Reid & Associates, Inc.
75-166 Kalani Street, Suite 201
Kailua-Kona, HI 96740

Dear Mr. Baldau:

Special Management Area Use Permit Assessment
Application (SMAA 96-16)
Special Management Area Minor Use Permit No. 46
Applicant: Eric Von Platen Luder
Request: Expansion of Existing Parking Area
Tax Map Key: 7-5-09:15, 17, 18; Puua, North Kona, Hawaii

We are in receipt of the above-described application on March 8, 1996, to allow the expansion of an existing parking lot to accommodate a total of 50 parking stalls (hereinafter referred to as "improvements"). The proposed improvements will not exceed \$125,000 in valuation and will not have a significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 46 to allow the proposed improvements, for the reasons as detailed below. We would like to take this opportunity to apologize for the delay in responding to your submittal.

BACKGROUND INFORMATION

1. **Land Ownership:** The subject property is owned by Olu Kai, Ltd; a business entity under the applicant.
2. **Amended Request:** By facsimile dated July 1, 1996, the applicant modified its original request to exclude Parcel 35 from consideration and to confirm the total number of parking stalls to be provided.

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APPLICANT'S REQUEST

3. **Request:** The applicant wishes to expand the existing parking lot currently confined to Parcel 18 to include Parcels 15, 17 and 18. The proposed expansion would provide an additional 20 or so parking stalls for a total of approximately 50 parking stalls. Associated curb and drywell improvements will also be provided.
4. **Total Valuation:** According to the application, the proposed improvements are anticipated to cost about \$50,000.

STATE AND COUNTY PLANS

5. **State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.
6. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area as Resort, which includes uses such as hotels, condominium-hotels and supporting services.
7. **Kona Regional Plan:** The Kona Regional Plan recommends a Resort-22 units per acre (V-22) designation for the subject properties, which is roughly equivalent to a unit density of 2,000 square feet per unit.
8. **County Zoning:** The subject properties is designated Resort-Hotel-750 square feet per unit (V-.75) by the County Zoning Code.
9. **Special Management Area (SMA):** The subject properties is located within the County's Special Management Area. Therefore, this Special Management Area Minor Use Permit is being issued in satisfaction of Rule No. 9 of the Planning Commission regarding the Special Management Area.
10. **Kailua Village Special District:** The subject properties are situated within an area designed as the Kailua Village Special District. Therefore, the architectural and design concepts of all buildings and structures proposed on the subject property will be subject to the review of the Kailua Village Design Commission.

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DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

11. **Subject Properties:** Real Property Tax Division records indicate the subject properties as having a total combined land area of approximately 20,545 square feet [Parcel 15-1,089 s.f.; Parcel 17-4,473 s.f.; Parcel 18-14,983 s.f.]. The properties are situated between Alii Drive on the mauka side and Kahakai Street on the makai side. The shoreline is located approximately 70 feet from the subject properties.
12. **Existing Uses:** Parcel 18 is improved as a 30-stall paved parking area which services the applicant's Huggo's restaurant located makai of the subject properties on the opposite side of Kahakai Street. Also located on this property is a two-story commercial structure which houses Snorkel Bob's, a recreational water equipment rental company. Parcels 15 and 17 are currently vacant of any use and are occupied by kiawe and plumeria trees.
13. **USDA Soil Survey Report:** Soils within the subject properties consist of Punalu'u extremely rocky peat, which consists of well-drained, thin organic soils over pahoehoe lava bedrock. The peat is rapidly permeable. The lava is very slowly permeable, although water moves rapidly through the cracks. Runoff is slow and the erosion hazard is slight.
14. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates all of the subject properties as being located within an area outside of the 500-year flood plain (Zone X).
15. **Archaeological/Floral/Fauna Resources:** An archaeological inventory survey of the subject properties was not conducted by the applicant. The subject properties are not identified as containing features listed on the Hawaii and National Registers of Historic Places. According to the applicant, the subject property had been previously graded. Therefore, the likelihood of significant archaeological features being located on the subject property is remote.
16. **Surrounding Land Use Designation/Uses:** As previously mentioned, the subject properties are located between Alii Drive to the east and Kahakai Street to the west. Parcels adjacent to the south are developed as a parking lot for the Royal Kona Resort (formerly the Kona Hilton).

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UTILITIES AND SERVICES

17. **Access:** Access to the proposed parking area will be taken off of Kahakai Street, a County-maintained roadway. The plans indicated that access will not be permitted directly from Alii Drive.
18. **Other Essential Utilities and Services** are or can be made available to support the subject property and its proposed uses.

ASSESSMENT

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 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 island's coastal zone areas. Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject request, the Planning Director finds that the proposed expansion of an existing 30-stall parking area to accommodate a total of approximately 50 parking stalls is consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements will not interfere with recreational uses of the coastal area, which is located approximately 70 feet from the subject properties along the mauka side of Kahakai Street. The subject properties themselves are not recognized as coastal recreational resources. Therefore, approval of the proposed improvements, which will be confined to lands bordered by Alii Drive and Kahakai Street, will have no effect on existing or potential recreational resources within the nearby coastal area.
- b) **Historical and Natural Resources:** The subject properties are not known to contain any archaeological feature which have been included on the Hawaii or National Registers of Historic Places. A condition of approval will be included within this permit requiring the applicant to cease all grubbing work and to notify the Planning Department should they encounter archaeological features or sites. The subject properties, which have been previously graded and

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partially developed as a parking lot, does not offer an essential habitat for endangered species of plants or animals. The proposed improvements, by itself, should not have an adverse impact to historical or natural resources within the area.

- c) **Scenic and Open Space Resources:** The subject properties are not located within an area recognized by the General Plan as an example of natural beauty. The proposed improvements will not have any effect upon the County's open space and scenic resources. The proposed parking lot expansion is, by its very nature, a low-profile type of improvement limited to a paved surface, curbing and drywell improvements. Immediately makai of the subject properties is the applicant's existing Huggo's restaurant complex. Lands located to the north along the makai side of Alii Drive are zoned Open and currently provides for extensive and unobstructed makai views from Alii Drive. Therefore, the proposed parking lot expansion improvements will not, by itself, impose a severe impact on the overall coastal viewplane within this area of Kailua-Kona.
- d) **Coastal Ecosystems:** The proposed improvements will not adversely impact the nearby coastal ecosystem. The proposed improvements will be primarily limited to the expansion of a paved parking area with associated curbing, landscaping and drywell improvements. All runoff generated by the proposed expanded parking lot will be contained on-site through drainage improvements required by the Department of Public Works.
- e) **Economic Uses:** Approval of the proposed improvements will provide for additional parking stalls to accommodate a larger clientele anticipated for the applicant's Huggo's restaurant. The additional parking area is needed to accommodate proposed expanded dining facilities at the restaurant.
- f) **Coastal Hazards:** The subject properties are not located within a flood area. Therefore, coastal flooding hazards are not a concern, especially when the improvements proposed will be limited to vehicular parking.

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DETERMINATION

Based on the preceding assessment, the Planning Director has determined that approval of the proposed improvements would not be contrary to the State and County policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. 46, **subject to the following conditions:**

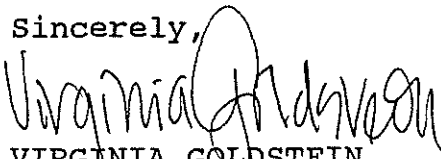
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Plan Approval of the proposed improvements shall be secured from the Planning Director prior to commencing construction.
4. The proposed improvements shall be completed within two years from the date of approval of this permit. The applicant shall notify this office, in writing, upon completion of all proposed improvements.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:

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- 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 original reasons for the granting of the permit; and
 - c) 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).
7. 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.

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

DSA:mjs
F:\WP60\CZM\SMM\SMM46.DSA

xc: Ms. Donna Kiyosaki, Chief Engineer
West Hawaii Office
Land Use Controls Division
SMA Section