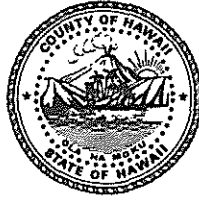


Stephen K. Yamashiro
Mayor



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 17, 1996

Mr. Gregory R. Mooers, President
Mooers Enterprises
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area (SMA) Use Permit Assessment
Application (SMAA 96-22)
Special Management Area Minor Use Permit No. 48 (SMM 48)
Applicant: Gregory R. Mooers, As Agent for Landowner,
Royal Kona Resort Hotel
Request: Installation of Parking Booth, Gates, Landscaping
Barriers and Chains within an Existing Parking Lot for
Traffic Control
TMK: 7-5-09: 08, 11, & 20; Puaa, North Kona, Hawaii

We are in receipt of the above-described application on April 9, 1996, to allow the installation of a parking booth, gates, landscaping barriers, chains and other related improvements (hereinafter referred to as "improvements") to regulate traffic flow within an existing parking lot. 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. 48 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. December 12, 1979 - Planning Commission approves Special Management Area (SMA) Use Permit No. 120 to allow the Kona Hilton (now Royal Kona Resort) to construct an additional 64 parking stalls within Parcel 20 to supplement its existing 257 parking stalls.

Mr. Gregory R. Mooers, President
Page 2
July 17, 1996

APPLICANT'S REQUEST

2. **Project Description:** The applicant proposes the installation of an approximately 42 square foot parking booth, entry and exit gates, parking ticket dispenser, card reader, landscape barriers, planters, and chains within the existing Royal Kona Resort parking lot. The project specifications include:
 - a. **Parking Booth:** The 42 square foot parking booth will be constructed on a concrete slab with an overall height of less than 10 feet. The parking booth will be painted and a custom roof installed to blend it with other resort structures in the area. The booth will be erected in one lane leading to the northern half of the parking lot.
 - b. **Card reader:** A card reader will be installed to control parking within the southern half of the parking lot.
 - c. **Landscape planters and chains** will be used throughout the parking lot at certain access points.
3. **Purpose:** The purpose of the proposed improvements are twofold: to control the access, parking, and regulate the flow of traffic within the lot; and secondly, to improve security for the parking lot, the resort, and the immediately surrounding area. According to the applicant, the existing parking stalls and landscaping will be left in their present configuration with present traffic patterns to the hotel not to be altered. The applicant wants to control its parking lot to provide parking for the employees, guests and visitors of the Royal Kona Resort. The parking lot will also remain available for use by the general public.
4. **Project's Total Cost/Fair Market Value:** \$40,000.

STATE & COUNTY PLANS

5. **State Land Use:** The project site is designated Urban by the State Land Use Commission.
6. **Hawaii County General Plan:** The General Plan's Land Use Pattern Allocation Guide (LUPAG) Map designates the project

area for Resort uses. Such a designation includes uses such as hotels, condominiums-hotels and its supporting services.

7. **County Zoning:** The project site is zoned Resort-Hotel-750 square feet per unit (V-.75).
8. **Special Management Area:** The project site 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.
9. **Kailua Village Special District:** The project site is 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.

DESCRIPTION OF THE PROPERTIES AND SURROUNDING AREA

10. **Project Site description:** The existing parking lot is fully developed, paved, and landscaped and provides off-street parking for the Royal Kona Resort. This parking lot is comprised of three individual parcels consisting of 57,458 s.f. (Parcel 8); 44,714 s.f. (Parcel 11); and 24,911 s.f. (Parcel 20). The project site is located approximately 180 feet from the shoreline.
11. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
12. **Archaeological/Floral/Fauna Resources:** An archaeological inventory survey of the project site was not conducted by the applicant. An existing burial site is centrally located within the existing parking lot. This site is being preserved by the applicant and protected by curbing and landscaping. No improvements are being proposed to alter or affect this burial site. The remainder of the project site has been extensively improved as a parking lot, which has serviced the Royal Kona Resort (formerly Kona Hilton) for the past thirty years. Therefore, the likelihood of significant archaeological features being located within the remainder of the project site is remote.

Mr. Gregory R. Mooers, President
Page 4
July 17, 1996

13. **Surrounding Land Use Designation/Uses:** The project site is bounded on the east (makai) side by Alii Drive and on the west (mauka) side by Kahakai Road and the Royal Kona Resort's main buildings. On the north side is the Huggo's restaurant parking lot and on the south side is the Royal Kona Resort's tennis complex. All of these properties are zoned Resort-Hotel by the county.
14. **Kahakai Street** is subject to a "no parking at anytime" traffic schedule restriction on both sides, except for the 640 feet section on the mauka side fronting the (former) Royal Kona Resort parking lot. A similar restriction is enforced along the makai side of Alii Drive from a point approximately 400 feet south of Hualalai Road to the junction of Alii Drive with the Kailua-Keauhou Middle Road (Walua Road).

UTILITIES & SERVICES

15. **Access:** Access to the project site is provided by both Alii Drive and Kahakai Road. Both Kahakai Road and Alii Drive are maintained by the county.
16. **Other Essential Utilities & Services:** Water, electricity, wastewater disposal, police, fire, and emergency services are available to the project site.

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 installation of various parking control features within an existing parking area 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 will be located approximately 180 feet from the subject properties along the mauka side of Kahakai Street. The project site 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. The applicant will continue to provide for general public parking within its parking lot to supplement existing public parking areas along Kahakai Street.

- b) **Historical and Natural Resources:** An existing burial site is located within the central portion of the existing parking lot. The burial site is currently protected by curbing and landscaping. No improvements or alteration to this burial site are proposed. A condition of approval will be included within this permit requiring the applicant to cease all work and to notify the Planning Department should they encounter previously unidentified archaeological features or sites. The remainder of the project site has been extensively developed and utilized as a parking lot over the past 30 years. Therefore, it is not anticipated that the proposed improvements will have an impact to historical resources. For these same reasons, the project site does not offer an essential habitat for endangered species of plants or animals.
- c) **Scenic and Open Space Resources:** The project site is 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 installation of a parking booth, planters, chains and other traffic control devices will have little visual impact due to its location within a well-developed portion of Kailua-Kona. 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 traffic control 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 limited to properties which have already been extensively developed as a parking lot. The addition of traffic control measures will not increase the intensity or change the nature of the existing use of the project site.
- e) **Economic Uses:** Approval of the proposed improvements will provide the applicant with the ability to better manage its own parking spaces to ensure that adequate parking is

Mr. Gregory R. Mooers, President
Page 6
July 17, 1996

available to its employees, guests and visitors while also providing parking to the general public. The availability of guest and visitor parking is crucial to any commercial establishment. While general public parking is encouraged, it is understandable that the provision of general public parking is not made at the expense of parking for the guests and visitors of the hotel. Approval of the subject request, therefore, is in support of the applicant's proposal to seek a balance between the parking needs of the hotel and parking accommodations for the general public.

- 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.

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. 48, **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

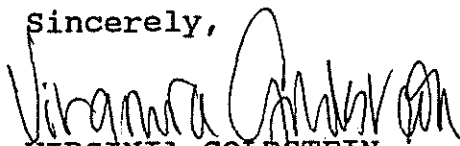
Mr. Gregory R. Mooers, President
Page 7
July 17, 1996

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:
 - 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:pak
F:\WP60\CZM\SMM\SMM48.DSA

xc: Ms. Donna Kiyosaki, Chief Engineer
West Hawaii Office
Land Use Controls Division
SMA Section
SMA 120