

September 28, 1981

Mr. William Kimi, General Partner
Kailua-Kona Village Development Group
75-5744 Alii Drive
Kailua-Kona, HI 96740

Dear Mr. Kimi:

Special Management Area Use Permit Application
Shoreline Setback Variance Application
Tax Map Key 7-5-07:21

The Planning Commission at its duly held public hearing on September 24, 1981, considered your application for a Special Management Area (SMA) Use Permit to allow the construction of a new restaurant; demolition of the existing restaurant and swimming pool; repair to the existing seawall; landscaping; paving; and related improvements. Also requested is a Shoreline Setback Variance to allow some of the above-mentioned activities within the 40-foot shoreline setback area. The area involved is within the Kona Inn Shopping Village Complex, Kailua Village, North Kona, Hawaii.

The Commission voted to approve your Special Management Area Use Permit and Shoreline Setback Variance applications effective September 24, 1981, subject to the following conditions:

1. That the petitioner, Kailua Village Development Group, shall be responsible for complying with the stated conditions of approval. These permits shall be non-transferable until such time that the proposed improvements have been completed by the petitioner. Non-compliance with this condition shall result in the automatic nullification of the Permits.

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2. That plans shall be submitted and Final Plan Approval, in accordance with Chapter 8 (Zoning Code), Hawaii County Code, shall be secured from the Planning Department within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
3. That construction shall commence within one (1) year from the date of receipt of Final Plan Approval and completed within two (2) years thereafter.
4. That the potential tsunami inundation elevations shall be noted on the construction plans submitted for building permit and that said plans shall conform to applicable requirements.
5. That during the repair of the seawall, every precaution shall be taken to ensure that the areas seaward of the shoreline are not affected by the construction activities.
- 6A. That public access to and along the shoreline areas of the subject parcel be maintained.
- 6B. That a public shoreline access plan meeting with the approval of the Planning Director be submitted at the time of Plan Approval review. Said access plan shall include the following which shall be implemented prior to issuance of occupancy permit:
 1. The maintenance of existing public access to the seaward portions of the subject area;
 2. Provisions for lateral public easement along the shoreline portion of the subject area (entire Kona Inn Shopping Village Complex) at least 10 feet wide; and
 3. Construction details including signage, material used, and final grade if necessary.
7. That all other applicable rules, regulations and requirements, including those of the Department of Public Works, the Department of Water Supply, and the State Department of Health, shall be complied with.

Should any of the foregoing conditions not be met, the Special Management Area Use Permit and Shoreline Setback Variance Permit may be nullified by the Planning Commission.

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We will be forwarding the official SMA Use Permit and Shoreline Setback Variance Permit as soon as the documents are prepared. In the meantime, should you have any questions, please feel free to contact the Planning Department at 961-8288.

Sincerely



BERT H. NAKANO
CHAIRMAN, PLANNING COMMISSION

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cc: Department of Public Works
Department of Water Supply
Department of Health
Kona Services Office

bcc: Plan Approval Section