

CERTIFIED MAIL

August 2, 1982

Mr. Joseph Long
Grounds & Ornamentals
76-6256 Plumeria Road
Kailua-Kona, HI 96740

Dear Mr. Long:

Shoreline Setback Variance Application
TMK: 7-8-14:77

The Planning Commission at its duly held public hearing on July 29, 1982, voted to approve your application, Shoreline Setback Variance Permit No. 615, to allow certain landscaping improvements, including the installation of an irrigation system, within the 20-foot shoreline setback area at Kahaluu Beach Lots Subdivision, Kahaluu, North Kona, Hawaii.

Approval of this request is based on the following:

In considering shoreline setback variances, Rules 8 of the Planning Commission's Rules and Regulations states that the Commission shall approve the request provided it finds either: "(1) that such structure, activity, or facility is in the public interest; or (2) that hardship will be caused to the applicant if the proposed structure, activity, or facility is not allowed on that portion of the land within the shoreline setback."

The subject property is situated within the Kahaluu Beach Lots which runs approximately 1 mile along the shoreline. While these lots have been long established no provisions exists for legal public access to the shoreline from Alii Drive. Currently, persons wishing to utilize this portion of the Kona coast have been crossing over vacant lots or traversing along the shoreline from public parks situated along Alii Drive. The property in question has also been used as an illegal accessway from time to time. While this has been the practice, it is not likely to be a satisfactory long-term situation. With the further development of the oceanfront lots, the opportunities

AUG 4 1982

Mr. Joseph Long
Page 2
August 2, 1982

for public access will diminish creating more difficult access conditions. The nearest public access to the subject property is at the Kuemanu Heiau site approximately 900 feet away to the south while the nearest public access to the north is about 1 mile away at the Magic Sands Beach Park.

While the subject request itself is for landscaping of a portion of the property the petitioner has noted that there is an existing 14-foot wide area along the north side of the property where public access to the shoreline has been occurring. The petitioner also stated that this access will remain clear. As part of the approval recommendation staff is also recommending a condition that would clearly establish this public accessway together with any improvements deemed necessary. Thus in looking at the project as a whole considering both the proposed landscaping and the required access which would supplement existing access points along Alii Drive, it is determined that the approval of the subject request will be in the public interest.

It should be noted that the subject landscaping request does not include the construction of any seawalls and thus public access along the shoreline will not be impeded. There is, however, the possibility that the landscaping improvements will be subject to seasonal high surf or tsunami inundation. While the landscaping may be firmly established, it is not known whether it can withstand the wave action without periodic restoration. With this in mind, staff is also proposing a condition that would require a re-evaluation of the landscape improvements should significant damage occur.

The area in question has approximately 100 feet of frontage along Alii Drive, although it is only 40-50 feet wide. Presently, it is characterized by pahoehoe lava strewn with rocks and boulders with scattered pockets of sand and crushed coral.

In the existing configuration, use of the subject area for structural purposes is highly unfeasible due to periodic storm wave action and building setback constraints. The applicant has thus proposed to basically landscape the area and utilize it for passive recreational use in conjunction with the existing single family dwelling. Since the project is designed to minimally affect natural shoreline processes which allow the owners reasonable use of their property, it is further concluded that a

Mr. Joseph Long
Page 3
August 2, 1982

reasonable degree of hardship will be caused to the applicant if the proposed landscaping activity is not allowed within the shoreline setback.

Based on the above findings, it is determined that the approval of the subject request will be consistent with the criteria established in Rule 8 of the Planning Commission's Rules and Regulations.

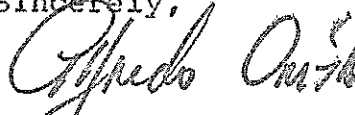
Approval of this shoreline setback variance permit request is subject to the following conditions:

1. That the petitioner shall establish public access along and within the north boundary of the subject property, with the necessary improvements, meeting with the approval of the Planning Director within one (1) year from the effective date of the shoreline setback variance.
2. Should significant erosion of the landscaped area occur, as determined by the Planning Director, other alternatives to retain the landscaping shall be considered by the petitioner and approved by the Planning Director prior to doing any restoration work within the shoreline setback area; provided that in no event shall a retaining wall be constructed and the same manner of landscaping approach and material be used.
3. That all other applicable rules, regulations, and requirements shall be complied with.

Should any of the foregoing conditions not be met the variance permit shall be automatically void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



ALFREDO ORITA
CHAIRMAN, PLANNING COMMISSION

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

bcc: Plan Approval Section