

CERTIFIED MAIL

December 5, 1984

Mr. Ted Hardie, General Manager
Kanaloa at Keauhou
78-261 Manukai Street
Kailua-Kona, HI 96740

Dear Mr. Hardie:

Shoreline Setback Variance Application
Petitioners: The Association of Apartment Owners
of Kanaloa at Keauhou and Kamehameha Investment Corp.
TMK: 7-8-20:13 and 28

The Planning Commission at its duly held public hearing on November 28, 1984, voted to approve your application, Shoreline Setback Variance Permit No. 84-5, to legitimize certain landscaping and sand placement activities within the 40-foot shoreline setback area at Heeia Bay, Keauhou, North Kona, Hawaii.

Approval of this request is based on the following:

In accordance with Chapter 205, Section 205-36(b) of the Hawaii Revised Statutes and Section 8.9 of the Planning Commission's Rule 8, the Planning Commission may grant variances for certain improvements within the shoreline setback areas if it is found that:

1. Such structures, activity, or facility is in the best public interest; or
2. 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 petitioners seeks to legitimize the coconut tree plantings and sand placement activities which have already been conducted to create a white sand beach. The beach improvements are to provide new and accessible shoreline recreational opportunities at Heeia Bay for the general public as well as for the condominium owners and guests. Further, said improvements will not remove or impose restrictions on existing public pedestrian access routes to and along the shoreline area.

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Therefore, in looking at the project, it is determined that the approval of the subject request will be in the public interest.

The improvements will not interfere with natural shoreline processes since no structural activity is involved. The limited landscaping improvements will beautify and enhance the quality of coastal and scenic open space in the area.

At this point, it should be noted that in accordance with the Planning Department's existing penalty settlement guidelines for Shoreline Setback violations, in lieu of a fine, the petitioner shall pay the County of Hawaii a sum of \$200 for administrative costs and expenses.

Based on the foregoing, it is determined that the proposed improvements will be consistent with the Shoreline Setback Law pursuant to Chapter 205-31, HRS, and the criteria established in Rule No. 8 of the Planning Commission's Rules and Regulations.

Approval of this Shoreline Setback Variance request is subject to the following conditions:

1. The petitioner, its assigns or successors, shall be responsible for complying with all of the stated conditions of approval.
2. The petitioner, its assigns or successors, shall pay a sum of \$200 to the County of Hawaii, through its Planning Department, as penalty settlement for the Shoreline Setback violation. The Shoreline Setback Variance Permit will not take effect until the settlement payment has been paid in full. *Rec'd 12/7/84*
3. Comply with the conditions of Special Management Area Minor Use Permit No. 84-52.
4. Public access to and use of the white sand beach area shall not be restricted.
5. Comply with all other rules, regulations, and requirements.
6. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Shoreline Setback Variance Permit shall be void.

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

Sincerely,



Roy Kagawa
Chairman, Planning Commission

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office
Mr. Guido Giacometti

bcc: Plan Approval Section