



# Planning Commission

Lorraine R. Inouye  
Mayor

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

July 15, 1991

Betsy Webb, D.V.M.  
73-4183 D. Hawaii Belt Road  
Kailua-Kona, HI 96740

Dear Dr. Webb:

Special Permit Application (SP 91-6)  
Applicant: Betsy Webb, D.V.M.  
Request: Office/Clinic for Veterinary Service  
Tax Map Key: 7-3-8:01

The Planning Commission at its duly held public hearing on July 2, 1991, voted to approve your application, Special Permit No. 780, to allow an office/outpatient clinic to support a mobile veterinary service on 1.64 acres of land within the State Land Use Agricultural District. The property is situated adjacent and to the north of the Mamalahoa Highway-Onaona Drive-North Kona Belt Road (old Mamalahoa Highway) intersection, Kaloko, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of the permit to allow the establishment of an office/outpatient clinic to support a mobile veterinary service will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

In the case of the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use. The land on which the proposed development is located is classified as "C" or "Fair" by the Land Study Bureau for agricultural productivity and "Unclassified" by the ALISH Map. No agricultural activity is presently being conducted on the property. While a portion of the parcel will be taken out of potential agricultural use to accommodate the proposed

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office/outpatient clinic and single family dwelling, the limited nature of the proposed clinic will have a negligible effect on the County's agricultural land inventory. The proposed use will be in conjunction with single family residential use, which is a permitted use within the district. Therefore, it can be determined that the proposed use will not affect important agricultural lands within the district or region.

The request is not contrary to the General Plan. The proposed use is consistent with the following goals, policies, and standards of the General Plan:

Land Use

"Designate and allocate land uses in appropriate proportions and mix in keeping with the social, cultural, and physical environments of the County.

"The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment."

The granting of the request will also complement the General Plan policy of supporting and encouraging agricultural activities. The proposed facility will provide support services for the applicant's mobile veterinary service as well as a central location where clients may obtain medication or medical assistance. Although the granting of the proposed use will allow the establishment of a non-agricultural use on the property, it is determined that this use will supplement the services offered by the applicant's mobile veterinary service in supporting the existing livestock industry in the region. Thus, the proposed facility would also promote the objectives of the State Land Use Law Rules and Regulations by helping to preserve, protect, and encourage the development of agricultural lands.

The proposed use will not have any significant adverse effects on the surrounding properties. As previously mentioned, this request involves the construction of the office/outpatient clinic as an addition to a proposed single family dwelling. The proposed facility will be located a minimum of 43 feet from all property boundaries and in excess of 70 feet from the nearest dwelling. The boarding or kennelling of animals will not be permitted, with overnight accommodations limited to indoor cages to be kept within the proposed clinic. A paddock(s)

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encompassing an area not to exceed 1/4 acre will be provided to accommodate larger animals for observation and treatment. The applicant states that such animals are normally held within the paddock(s) for less than 24 hours. The limiting of the size of the office/outpatient clinic, the number of employees, and hours of operation would further ensure that surrounding properties are not adversely impacted by the proposed use. Due to the limited nature of the proposed use, it can also be determined that granting of the proposed use will not result in a significant increase in noise, odors, visual impact or traffic. To further mitigate any adverse visual and noise impacts associated with the proposed development, it is recommended that extensive landscaping be provided along the perimeter boundaries of the subject property. To further reduce any traffic impacts associated with the proposed development, it is recommended that the applicant increase the pavement width of North Kona Belt Road to 16 feet from the intersection of North Kona Belt Road-Onaona Drive intersection to and including the subject property's driveway access.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Water is available to the property. Consulted agencies had no objection to the request.

Approval of this request is subject to the following conditions:

1. The applicant(s), its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. Plans shall identify structures, landscaping and paved driveway and parking area associated with the clinic. Landscaping shall be provided along the property's perimeter boundaries for the purpose of mitigating any adverse visual and noise impacts associated with the proposed use. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.

3. Construction of the office/outpatient clinic and single family dwelling and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed (Certificate of Occupancy) within two years thereafter.
4. The office/outpatient clinic shall be limited to the hours of 8:00 a.m. to 5:00 p.m. daily. The clinic shall be staffed by no more than two people, excluding the applicant.
5. The office/outpatient clinic shall not exceed 900 square feet of gross floor area.
6. No boarding or kennelling of animals will be permitted on the subject property.
7. The applicant shall provide a minimum 16-foot wide pavement within that portion of the North Kona Belt Road (Old Mamalahoa Highway) from the North Kona Belt Road-Onaona Drive intersection to and including the driveway access to the proposed development
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease, and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
9. Comply with applicable laws, rules, regulations, and requirements including those of the Departments of Public Works and Health.
10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.

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11. 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(s), 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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). Further, 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.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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

Sincerely,



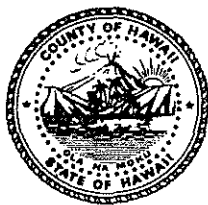
Mike Luce, Chairman  
Planning Commission

6503d  
jdk

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
State Land Use Commission  
DLNR  
Dept. of Commerce & Regulatory Affairs

bcc: Plan Approval Section





## County of Hawai'i

### PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

August 14, 2009

Robert Jordan, DVM & Jenny Chartier, DVM  
73-4730 Māmalahoa Highway  
Kailua-Kona, HI 96740

Dear Dr. Jordan and Dr. Chartier:

**Special Permit (SPP No. 780, Docket No. 91-000006)**

**Applicant: Robert Jordan, DVM & Jenny Chartier, DVM**

**Request: Amendment to Condition Nos. 4 and 5 of Special Permit No. 780**

**Tax Map Key: 7-3-8:1**

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The Leeward Planning Commission at its duly held public hearing on July 24, 2009, voted to approve the above-referenced request for an amendment to conditions relating to extension of time limit, increase in square footage of the building, and related conditions of Special Permit No. 780, which allowed a veterinary office and clinic on 1.64 acres of land within the State Land Use Agricultural District. The property is located adjacent to and north of the Māmalahoa Highway-Onaona Drive-North Kona Belt Road intersection, Kaloko, North Kona, Hawai'i.

Approval of this request is based on the following:

Special Permit No. 780 was approved by the Planning Commission on July 2, 1991 for the establishment of an office/outpatient clinic to support a mobile veterinary service on 1.64 acres of land. Condition 4 of the permit limited the number of clinic staff to three and Condition 5 limited the size of the clinic to 900 square feet of gross floor area. The applicant is requesting to amend these conditions to allow a total of eight (8) clinic staff (two doctors and six support staff) and increase the square footage of the clinic by converting 800 square feet of the attached single-family dwelling to clinic space, thus creating a total of 1,700 square feet of gross floor area for the office/outpatient clinic. The applicant's are requesting the proposed amendments because demand for veterinary services has grown since the permit was originally granted.

**Approval of this request would not be contrary to the General Plan or the Zoning Code.** The project site will continue to be used as an office/outpatient clinic for the applicants' mobile veterinary service as proposed in the original request. The property is located on lands designated Agricultural by the State Land Use Commission and zoned Agricultural-1 acre (A-1a) by the County. Since the permit was originally granted, the General Plan LUPAG Map designation for the property has changed from Extensive Agriculture to Low Density Urban, which allows for residential uses with ancillary community and public uses and neighborhood and convenience-type commercial uses. Soils on the property are unclassified by the ALISH map, and the Land Study Bureau's Soil Rating for the property is "C" or "Fair" for agricultural activity. The proposed amendments would not diminish the agriculture use of the land as expansion of the clinic would occur by converting 800 square feet of the attached single-family dwelling into clinic space. The County Zoning Code considers veterinary establishments a permitted use on agriculturally zoned lands; however, State Land Use Law continues to not allow veterinary establishments on lands designated Agricultural by the State Land Use Commission without securing a special permit. The minimum number of parking stalls for the expanded clinic has been provided by the applicant.

**Approval of this request would not be contrary to the original reasons for granting the Special Permit.** The permit was originally granted to provide outpatient veterinary services to the surrounding residential and agricultural community. Demand for these services has grown since the permit was originally granted. To avoid adverse noise impacts to surrounding neighbors, a condition of the permit will continue to prohibit boarding or kenneling of animals on the property. Additionally, the Department of Environmental Management has requested a Solid Waste Management Plan for the expanded clinic. This will be included as a condition of approval.

Based on the above, the request to amend Special Permit No. 780 to increase the office/outpatient clinic staff size and gross floor area is an unusual and reasonable use of land within the State Land Use Agricultural District, and would not be contrary to the objectives sought to be accomplished by the State Land Use Law Rules and Regulations or the original reasons for approving this permit. Approval of this request is subject to the following conditions. Material to be added is underscored; material to be deleted is bracketed and struck through.

1. The applicant(s), its successors, or assigns shall be responsible for complying with all stated conditions of approval.
- ~~2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. Plans shall identify structures, landscaping and paved driveway and parking area associated with the clinic.~~



~~Landscaping shall be provided along the property's perimeter boundaries for the purpose of mitigating any adverse visual and noise impacts associated with the proposed use. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.]~~

2. The applicant shall install a reduced pressure type backflow prevention assembly within five feet of the water meter on private property, which must be inspected and approved by the Department of Water Supply.
- ~~3. Construction of the office/outpatient clinic and single family dwelling and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed (Certificate of Occupancy) within two years thereafter.]~~
3. The applicant shall secure and finalize any required permits from the Building Division for the change of use and complete construction related to the expansion of the office/outpatient clinic within five (5) years from the effective date of this amended permit.
4. The office/outpatient clinic shall be limited to the hours of 8:00 a.m. to 5:00 p.m. daily. The clinic shall be staffed by no more than ~~[two]~~eight people, ~~[excluding the applicant]~~to include two doctors and six support staff.
5. The office/outpatient clinic shall not exceed ~~[900]~~1,700 square feet of gross floor area.
6. No boarding or kenneling of animals will be permitted on the subject property.
7. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval within ninety (90) days from the effective date of this amended permit.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
9. Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.

- ~~7. The applicant shall provide a minimum 16-foot wide pavement within that portion of the North Kona Belt Road (Old Mamalahoa Highway) from the North Kona Belt Road-Onaona Drive intersection to and including the driveway access to the proposed development.~~
- ~~8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease, and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.~~
- ~~9. Comply with applicable laws, rules, regulations, and requirements including those of the Department of Public Works and Health.~~
- ~~10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval area being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.~~
- ~~11. 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 area beyond the control of the applicant(s), 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) 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). Further, 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.]~~

This approval does not, however, sanction the specific plans submitted with the request as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Robert Jordan, DVM & Jenny Chartier, DVM  
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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

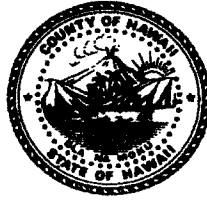
A handwritten signature in cursive script that reads "Rodney Watanabe".

Rodney Watanabe, Chairman  
Leeward Planning Commission

Ljordan01PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division-Kona  
Planning Department - Kona  
State Land Use Commission  
DOT-Highways, Honolulu  
Mr. Gilbert Bailado ✓





## County of Hawai'i

### LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

JUN - 8 2016

Michael Matsukawa, Esq.  
Attorney at Law  
75-5751 Kuakini Highway, Suite 201  
Kailua-Kona, HI 96740

Dear Mr. Matsukawa:

**SUBJECT: Special Permit No. 780 (Docket No. SPP 91-000006)**  
**Applicant: Kona Veterinary Service (formerly Robert Jordan DVM & Jenny Chartier DVM)**  
**Request: Amendment to Increase the Size of the Veterinary Clinic and Increase the Number of Employees from 8 to 12**  
**Tax Map Key: 7-3-008:001**

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The Leeward Planning Commission, at its duly held public hearing on May 19, 2016, voted to approve the above-referenced request to amend Special Permit No. 780 to increase the number of staff from 8 to 12 and increase the square footage of the clinic from 1,700 square feet to approximately 3,100 square feet. SPP No. 780 allowed the establishment of a veterinary office and clinic on 1.64 acres of land within the State Land Use Agricultural District. The project site is situated adjacent to and north of the Māmalahoa Highway-Onaona Drive-North Kona Belt Road intersection, Kaloko, North Kona, Hawai'i.

Approval of this amendment is subject to the following amended conditions:

1. The applicant(s), its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one (1) year from the effective date of this permit. Plans shall identify structures, landscaping and paved driveway and parking area associated with the clinic. Landscaping shall be provided along the property's perimeter boundaries for the purpose of mitigating any adverse visual and noise impacts associated with the proposed use. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.

3. The applicant shall secure and finalize any required permits from the Building Division for the change of use to accommodate the office and clinic expansion within one (1) year from the date of issuance of Final Plan Approval.
4. The office/outpatient clinic shall be limited to the hours of 8:00 a.m. to 5:00 p.m. daily. The clinic shall be staffed by no more than twelve full and part time staff.
5. The office/outpatient clinic shall not exceed 3,177 square feet of gross floor area.
6. No boarding or kenneling of animals will be permitted on the subject property.
7. The applicant shall verify compliance with and comply with applicable Environmental Protection Agency (EPA) rules regarding large capacity cesspools prior to issuance of Certificate of Occupancy.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations, and requirements, including those of the Department of Water Supply and the State Department of Health.
9. **An initial extension of time for the performance of conditions within the ordinance may be granted by the Director upon the following circumstances:**
  1. 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.
  2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
  3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
  4. The time extension 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).

Michael Matsukawa, Esq.  
Attorney at Law  
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5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate procedures to revoke this permit.


*[Note: Ramseyer version available upon request.]*

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,

  
Keith Unger, Chairman  
Leeward Planning Commission

LKonaveterinaryamendSPP780ipc  
Enclosure: PC Findings Report

cc: Kona Veterinary Service  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
State Department of Health  
State Land Use Commission  
Mr. Gilbert Bailado  
West Hawaii Division, Planning Department

**COUNTY OF HAWAI'I**  
**PLANNING COMMISSION FINDINGS**

**KONA VETERINARY SERVICE**  
**AMENDMENT TO SPECIAL PERMIT NO. 780**

Based on the following considerations, amendments to condition No. 4 and 5 of Special Permit No. 780 to increase the number of staff from 8 to 12 and to increase the square footage of the clinic from 1,700 square feet to approximately 3,100 square feet is approved.

**KONA VETERINARY SERVICE** has submitted a request to amend Special Permit No. 780, which allowed the establishment of a veterinary office and clinic on 1.64 acres of land within the State Land Use Agricultural District. The amendment request seeks to increase the number of staff from 8 to 12 and increase the square footage of the clinic from 1,700 square feet to approximately 3,100 square feet. The property is located adjacent to and north of the Māmalahoa Highway-Onaona Drive-North Kona Belt Road intersection, Kaloko, North Kona, Hawai'i, TMK: 7-3-008:001.

Special Permit No. 780 was approved by the Planning Commission on July 2, 1991 for the establishment of an office/outpatient clinic to support a mobile veterinary service on 1.64 acres of land. Condition 4 of the permit limited the number of clinic staff to three and Condition 5 limited the size of the clinic to 900 square feet of gross floor area.

On August 14, 2009, the Planning Commission approved an amendment to Special Permit No. 780 to allow a total of eight (8) clinic staff (two doctors and six support staff) and increase the square footage of the clinic by converting 800 square feet of the attached single-family dwelling to clinic space, thus creating a total of 1,700 square feet of gross floor area for the office/outpatient clinic (hereinafter First Amendment).

The applicant is currently requesting to further amend Condition 4 to allow a total of twelve (12) staff (part time and/or full time). The hours of operation as articulated in Condition 4 will remain the same. The applicant is also requesting to further amend Condition 5 by increasing the size of the clinic and administrative offices to 3,177 square feet of gross floor area by converting an existing 1,446 square foot, 3-bedroom dwelling located on the subject property for additional clinic and office space.

The conversion will accommodate increased office/ desk space, a functional break room for staff, storage (files and documents that are now currently stored off- site) and a consultation room to discuss test results with clients.

The applicant is requesting the proposed amendments to improve administrative efficiency and to meet the growing demand for veterinarian services in the Kona region which has increased since the Special Permit and First Amendment were granted.

Approval of this request would not be contrary to the General Plan or the Zoning Code. The project site will continue to be used as an office/outpatient clinic for the applicants' mobile veterinary service as proposed in the original request and First Amendment. The property is located on lands designated Agricultural by the State Land Use Commission and zoned Agricultural-1 acre (A-1a) by the County. Since the permit was originally granted, the General Plan LUPAG Map



designation for the property has changed from Extensive Agriculture to Low Density Urban, which allows for residential uses with ancillary community and public uses and neighborhood and convenience-type commercial uses. Soils on the property are unclassified by the ALISH map, and the Land Study Bureau's Soil Rating for the property is "C" or "Fair" for agricultural activity. The proposed amendments would not diminish the agriculture use of the land as expansion of the clinic would occur by converting an existing 1,446 square foot, 3-bedroom dwelling on the parcel clinic and office space. The County Zoning Code considers veterinary establishments a permitted use on agriculturally zoned lands; however, State Land Use Law continues to not allow veterinary establishments on lands designated Agricultural by the State Land Use Commission without securing a special permit. Based on the submitted site plan, a total of 11 parking stalls (5 additional stalls) would be required. This required increase will be managed through the Plan Approval process which will be included as a condition of approval.

**Approval of this request would not be contrary to the original reasons for granting the Special Permit.** The permit was originally granted to provide outpatient veterinary services to the surrounding residential and agricultural community. Demand for these services has continued to grow since the permit was originally granted and amended. To avoid adverse noise impacts to surrounding neighbors, a condition of the permit will continue to prohibit boarding or kenneling of animals on the property. Additionally, the Department of Water Supply (DWS) has requested the applicant submit estimated maximum daily water usage calculations for the proposed uses. Based on the results of those calculations, the DWS will determine the need for additional meters and/or other water system improvements. Finally, the State Department of Health (DOH) has required that the applicant verify compliance with the Environmental Protection Agency (EPA) large capacity cesspool rules. According to DOH, if a non-residential facility is using an existing cesspool which serves 20 or more persons per day, the cesspool is considered a large capacity cesspool (LCC). Should the existing cesspool be determined to be an LCC, the applicant may be required to upgrade to a septic system. The DWS and DOH requirements will be included as conditions of approval.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.