

CERTIFIED MAIL

November 5, 1986

Dr. Robert Laird
75-5909 Alii Drive
Kailua-Kona, HI 96740

Dear Dr. Laird:

Special Management Area (SMA) Use Permit
and Use Permit Applications
Tax Map Key: 7-5-18:40

The Planning Commission at its meeting on October 28, 1986, voted to approve your application, SMA Use Permit No. 246 and Use Permit No. 43, to allow the construction of a medical office building and related improvements at Waiaha 2nd, North Kona, Hawaii.

Approval of these requests are based on the following:

SMA Use Permit

The approval of the proposed medical office development with parking and landscaping improvements will not be violative of the objectives and policies stated in Chapter 205-A, HRS, nor with the intent of Rule No. 9 of the Planning Commission relating to Special Management Area.

The purpose of Chapter 205-A, HRS and Rule No. 9 is to preserve, protect and, where possible, to restore the natural resources of the coastal zone areas. As a result, special controls on development may be necessary to avoid irretrievable loss of the valuable resources and the foreclosure of management options. No known rare or endangered species of plant or animal have been identified in this vicinity. Also, the project is located over 1,200 feet from the shoreline and should have minimal impacts to the coastal ecosystem. The combination of on-site drywells, landscaping, and proposed cesspool for sewage disposal will effectively inhibit erosion, water runoff and potential pollutants into the offshore waters of Kailua.

Any impacts to the historical or archaeological resources of the area have been satisfactorily considered. Although no survey of the

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property has been done, the extent of the existing commercial and residential development and the lack of any known or recorded historical or archaeological resources have satisfied these concerns for this parcel. However, with the possibility that historical or archaeological remains may be uncovered during construction, the applicant will be required to cease work and notify the Planning Department, should any sites or remains be uncovered. Further, work shall begin only after mitigating measures have been taken. A condition of approval concerning this matter shall be imposed.

There are no major identified scenic resources and viewplanes from or around the subject property. The two-story structure will not exceed the maximum allowable height of 35 feet. Moreover, the generally level topography with the perimeter landscaping of the proposed structure will alleviate the visual and structural impact of this low-profile building.

The limited open space resources will be retained by the extensive landscaping of the subject property. The landscaping requirement shall be made as a condition of approval.

Public accesses along the shoreline will not be affected because of the project's considerable distance from the coastal waters. Nor will the development interfere with any publicly-owned or used recreational areas.

No adverse impacts on the air and water quality are expected to be generated by the proposed medical office development. Air emissions generated during the construction phases can be mitigated through the application of existing construction practice regulations.

The two story, approximately 25-foot high medical office with related amenities is consistent with the Zoning Code and the General Plan, both of which permit such uses. However, the proposed parking design will need to comply with the Zoning Code's minimum parking requirements. This can also be handled through a condition of approval.

Based on the above, it has been determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be inconsistent with the General Plan and Zoning Code or contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

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Use Permit

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a medical office situated in the County's Double-Family Residential zone district may be permitted through the granting of a Use Permit. It should be further noted that the goals of the Land Use element of the General Plan states to "Designate and allocate land uses in appropriate proportions and in keeping with the social, cultural, and physical environments of the County." It is felt that the granting of the request at its particular location will still maintain the present residential/commercial environment of this area of Kailua. The property is bounded on the east by a commercial office complex and on the west and south by the existing double-family residential development.

All essential utilities and services are available to the property, so the granting of this request will also be in the direction of fulfilling the land use policy of the General Plan which states to promote and encourage the utilization of urban areas which are serviced by basic community facilities and utilities. As such, from an impact standpoint, the introduction of this new medical office will not have any major physical, cultural or social impacts on this area.

The proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties. As stated previously, the establishment of the new medical office will consist of a two-story, 25-foot high building with adequate setbacks and perimeter landscaping. The office hours will only be during daylight hours. While the establishment of the new medical office may have some impact on the adjacent lands, the impacts should be minimal or none at all. The subject property, which consists of 10,525 square feet of land area, and the location of the proposed structure on the east side of the property provides adequate buffers between the adjacent properties. Also as a condition of approval, a new parking area shall be required to be provided for the new use.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure. The property is provided with all essential utilities and services. The traffic in the area is expected to increase. However, Lunapule Road which serves as access to the subject property is a two-lane roadway with a right-of-way width of

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40 feet and a 20-foot wide pavement. This roadway will be able to handle the increase of traffic in this area. As such, while traffic in the area may increase, it is expected to be quite negligible in terms of the overall traffic flow. Additionally, the petitioner will be improving the frontage of the property with curb/gutter and sidewalk improvements in accordance with the requirements of the Department of Public Works.

Approval of the SMA Use Permit and Use Permit requests are subject to the following conditions:

1. The petitioner, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Plans for final plan approval, including landscaping and a parking plan, shall be submitted within one year from the effective date of approval of the SMA Use Permit and Use Permit. The landscaping plan shall include heavy landscaping around the perimeter of the property. The parking plan shall comply with the Zoning Code's requirements relative to minimum dimension and compact requirements. No variances from the parking requirements shall be considered for this development.
3. Construction shall commence within one year from the date of receipt of final plan approval and be completed within two years thereafter.
4. The medical facility will be restricted to two doctors and the necessary staff. The hours of operation shall be limited to be between 8:00 A.M. to 7:00 P.M., from Monday to Saturday, with the exception of after hours emergency service.
5. Plans for the curb, gutter, and sidewalk improvements shall be submitted to the Department of Public Works for review and approval. Final plan approval of the proposed facility shall not be granted until these plans have been approved by the Department of Public Works and a copy submitted to the Planning Director. These improvements shall be installed and completed prior to any issuance of the certificate of occupancy.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon

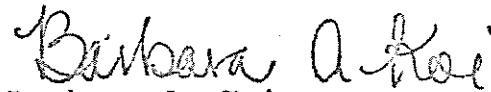
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an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.

7. Comply with all other applicable state and county rules, regulations and requirements.
8. The Planning Director may administratively grant extensions to the foregoing time conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permits.

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

Sincerely,



Barbara A. Koi
Chairperson, Planning Commission

cc: DPED, CZM Program w/background
DLNR
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Hawaii County Services, Deputy Managing Director's Office

bcc: Plan Approval Section