

CERTIFIED MAIL

September 4, 1987

Mr. Sidney Fuke
100 Paahi Street, Suite 212
Hilo, Hawaii 96720

Dear Mr. Fuke:

Special Management Area (SMA) Use Permit Application
 Use Permit Application
Petitioner: Otaka, Inc.
TMK: 7-8-12:58-60

The Planning Commission at its duly held public hearing on August 25, 1987, voted to approve the above applications, SMA Use Permit No. 239 and Use Permit No. 52, to allow the construction of a chapel and related improvements at Kona Surf Hotel, Keauhou, North Kona, Hawaii.

Approval of the requests are based on the following:

SPECIAL MANAGEMENT AREA USE PERMIT

The proposed project consists of construction of a small chapel, a pond, gazebo, and related improvements. These improvements are not anticipated to have any substantial adverse environmental or ecological effects.

The project site contains archaeological sites which may be associated with the Kukulaelae Heiau, which physically does not exist. Although the construction will not directly affect the three surface sites, further archaeological work is needed to determine the purpose of the sites and the extent of the subsurface deposits. Due to the close proximity of the sites in relation to the project area, it is also felt that an archaeologist should be on site to monitor initial construction activities.

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Existing public access to and along the shoreline will not be impeded by the proposed improvements. The permits are conditioned upon the retention and formalization of public access through an access plan that would be approved by the Planning Director.

The height limit in the resort-zoned district in Keauhou is 90 feet. The height of the proposed structure coupled with the siting of the chapel into a heavily landscaped backdrop will mitigate any impacts to the viewplane corridor.

The project site is within a flood hazard zone and shall comply with the requirements of the Department of Public Works, who administers the Flood Control Code.

The proposed development is consistent with the objectives, guidelines and policies of the Special Management Area. These were established by Chapter 205-A, HRS, to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational/scenic resources, coastal ecosystems, economic use and coastal hazards. Because of the prior development and heavy use of the subject and surrounding areas, the granting of this request will not impact on these resources.

Based upon the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment; and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to the Special Management Area; the General Plan and Zoning Code of the County of Hawaii.

USE PERMIT

The proposed chapel would be consistent with the general purpose of the resort-zoned district, the intent and purpose of the Zoning Code, and the County General Plan. The establishment of a chapel and related improvements situated in the County's Resort-Hotel and State Land Use Urban District may be allowed through the granting of a Use Permit approved by the County Planning Commission. It should be further noted that a policy of the Land Use Element of the General Plan states to "Promote and encourage the rehabilitation and utilization of resort areas which are service by basic facilities and utilities." The establishment of a non-denominational chapel for the purposes set forth by the applicant would promote the use of the existing Kona Surf Hotel as a resort destination point.

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Based on the above issues, we would have no objections to the establishment of the proposed church use on these properties. The 42 person seating capacity would require a minimum of seven additional parking stalls. The parking requirement will be met by restriping a portion of the existing regular-sized parking stalls to accommodate compact stalls; thereby including seven additional stalls.

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. The surrounding lands contain the Kona Surf Hotel and its amenities. The limited use of the chapel for hotel-related activities will serve to minimize any social, physical or environmental impacts to the area.

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. Since all essential utilities and services are available to the Kona Surf Resort, 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 perspective, the introduction of a new chapel into the Kona Resort Area will not have any major physical impact on the area.

Approval of the requests are subject to the following conditions:

1. The petitioner, its successors or assigns shall comply with all of the stated conditions of approval.
2. Submit consolidation plans within one year from the effective date of the permits.
3. Plans for the proposed chapel and related improvements, including a certified shoreline survey which has been confirmed by the Chairman of the Board of Land and Natural Resources and a revised parking plan, shall be submitted for Plan Approval review within one year from the date of consolidation approval.
4. Construction shall commence within one year from the effective date of Final Plan Approval and be completed within two years thereafter.

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5. Two copies of an intensive survey report addressing the archaeological sites, features or artifacts on the properties shall be submitted for review and approval by the Planning Director with consultation from the Department of Land and Natural Resources prior to any land alterations of the project site. Mitigative work shall be performed as required by the Planning Director with consultation from the Department of Land and Natural Resources-Historic Sites Section. Further, an archaeologist shall be on-site to monitor any land alterations in the immediate vicinity of these sites. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.
6. Public access to and along the shoreline and related improvements shall be provided in a manner meeting with the approval of the Planning Director prior to or simultaneous with Final Plan Approval.
7. The 40-foot shoreline setback line shall be staked by a registered surveyor and a letter confirming the staking shall be submitted to the Planning Director prior to obtaining a grading permit. Construction and construction-related activities shall be prohibited from occurring within the 40-foot setback area unless appropriate approvals have been granted.
8. All applicable county and state rules, regulations and requirements shall be complied with, including those of the Department of Public Works and the State Department of Health.
9. An extension of time for the performance of conditions within the permits 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, 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 permits; and d) the time extension granted shall be for .

Mr. Stanley Fure

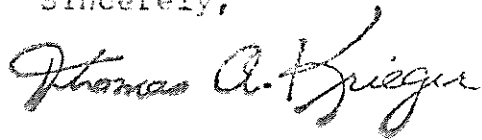
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period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permits.

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

Sincerely,



Thomas A. Krieger
Chairman, Planning Commission

cc: Otava, Inc.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DEED, CEM Program (w/background)

bcc: Plan Approval Section