

County of Hawai'i

PLANNING COMMISSION

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January 24, 2008

Akemi Kurokawa, President
Mauna Kea Beach Hotel Corp.
82-100 Kaunaoa Drive
Kamuela, HI 96743

Dear Mr. Kurokawa:

Special Management Area Use Permit Application (SMA 07-000023)
Use Permit Application (USE 07-000010)
Request: To Allow the Demolition and Reconstruction of the Golf Course Clubhouse
And Related Uses
Applicant: Mauna Kea Beach Resort
Tax Map Key: 6-2-2:portion 4

The Planning Commission at its duly held public hearing on January 11, 2008, voted to approve the above-referenced requests for a Special Management Area Use Permit to allow the demolition and reconstruction of the Mauna Kea Beach Golf Course clubhouse and related improvements and a Use Permit to allow the construction of the golf clubhouse and related improvements on portion on a 3-acre area zoned Resort-Hotel (V-1.25) and Open (O). The area involved is the site of the existing golf course clubhouse at the Mauna Kea Beach Hotel complex, Ouli, South Kohala, Hawaii.

Approval of this request is based on the following:

Special Management Area (SMA) Use Permit

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawaii, is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and

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clearly outweighed by public health, safety, or compelling public interest. The applicant requests a concurrent Use Permit to construct the golf clubhouse and related improvements.

The applicant proposes to replace the existing approximately 20,360 square-foot golf clubhouse with a slightly larger, approximately 22,800 square-foot facility. The renovated clubhouse will be constructed in the same architectural style as the existing hotel and maintain a low profile and character of the existing clubhouse. The new clubhouse will include a golf shop, men's and women's locker rooms, cart barn and bag room area, administrative office area, and restaurant and function space served by a kitchen/bar. The trellised dining area will be relocated from its present location to function better with the new restaurant area. Pedestrian and ADA (Americans with Disabilities Act) circulation will be accommodated by upgraded pathways, and golf course operations including cart paths, cart storage and staging areas will be upgraded. Landscaping, lighting, irrigation and other site features will be implemented to accommodate these upgrades to the clubhouse area.

Ten of the sixty parking spaces on the makai side of the clubhouse are reserved for public access parking under the terms of a shoreline settlement in 1979. Twenty spaces are provided by the applicant for additional public access use, and thirty spaces are available for clubhouse use. The two accessible parking spaces for clubhouse use will be relocated to the main entry area.

The improvements will retain the existing architectural style of the existing clubhouse. The exterior finish and overall architectural design will be similar to the existing structure. According to the applicant, the new clubhouse will be less than 14 feet in height. The existing clubhouse is situated on approximately 3 acres of a 208.19-acre parcel. The improvements are designed to upgrade the existing facilities to better serve residents as well as guests of the hotel.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. The Mauna Kea Beach Hotel is located makai of the clubhouse. Surrounding lands are zoned RM-20, Open, and V-1.25. The nearest residential development is The Villas at Mauna Kea Resort, a 40-unit duplex project located approximately 120 feet to the east of the clubhouse. Residential developments in the area include The Fairways North and South at Mauna Kea Resort and The Villas at Mauna Kea Resort. Given that the clubhouse is currently in existence and the applicant proposes a height limit of approximately 14 feet, the visual impact to the surrounding areas will not be significant.

While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. With the proposed conditions, the development will not substantially affect scenic vistas or viewplanes of nearby residents nor have a significant adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems.

Air quality in the area is predominantly affected by emissions from natural and vehicular sources. Both short-term air and noise quality impacts associated with the construction of the proposed improvements are expected during construction, especially during grubbing and grading activities. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

The existing access to the project site is from the Queen Kaahumanu Highway to Mauna Kea Beach Drive, which will continue to serve as the access to the clubhouse and golf course.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Water is available to the project site, and the clubhouse will continue to use the existing sewer lines that connect with the resort's wastewater treatment plant in the resort service area located mauka of the Queen Kaahumanu Highway. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included to ensure that impacts on coastal resources are minimized.

As the project site is approximately 400 feet from the shoreline, the proposed action will not result in any impact on the biological or economic resources of the coastal ecosystem. The applicant states that "as a replacement building, there should not be a significant increase in building runoff into the coastal waters where possible pollution may occur." There is no public access to the mountains or the shoreline that traverses the project site. However, there is a public access to the shoreline makai of the existing clubhouse. Beach access is provided along the Mauna Kea Resort shoreline. Public

access parking is provided in the existing clubhouse parking lot and connects to the shoreline via a pedestrian pathway. A condition will be included to provide an additional ten (10) parking stalls for public access parking.

As the project site has been fully improved and operating as a golf course, no commissioned archaeological inventory survey and cultural assessment study was conducted for the project site. Due to the existing improvements on the site, the applicant states "subsurface archaeological features are not expected to be encountered." The applicant has requested a letter of "no effect" from the DLNR-HPD on August 14, 2007. Similarly, as the project site and surrounding area has been improved with a hotel, golf course and clubhouse for nearly 40 years, no commissioned flora or faunal studies were conducted. The majority of the flora and fauna species on the site are introduced. According to the applicant, there are no endangered, threatened, or proposed for listing species under the Federal or State registers.

The proposed development is consistent with the County General Plan and the Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The project area is designated Resort Node. This designation includes areas which include "a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single-family and multiple-family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services." Thus, the proposed development is consistent with the LUPAG Map designation. The property is zoned Resort (V-1.25) and Open (O). Golf courses and accessory uses are allowed in the Open district.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be 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 the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. The proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed improvements from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code),

Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

3. Ten (10) additional parking stalls shall be provided for public access to the shoreline, for a total of 40. The additional stalls do not have to be located in the vicinity of the golf clubhouse, but may be located in the vicinity of the Mauna Kea Beach Hotel or other sites providing equivalent shoreline access.
4. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
5. If required by the Department of Public Works, a drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. If required, the drainage improvements shall be constructed, meeting with the approval of the Department of Public Works, prior to the receipt of a Certificate of Occupancy.
6. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
7. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
8. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
9. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.

10. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
11. An initial extension of time for the performance of conditions within this 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, 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 this permit.
 - 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).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

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

Use Permit

The applicant requests a Use Permit to construct the golf clubhouse and related improvements. The applicant proposes to replace the existing approximately 20,360 square-foot golf clubhouse with a slightly larger, approximately 22,800 square-foot facility. The renovated clubhouse will be constructed in the same architectural style as the existing hotel and maintain a low profile and character of the existing clubhouse. The new clubhouse will include a golf shop, men's and women's locker rooms, cart barn and bag room area, administrative office area, and restaurant and function space served by a kitchen/bar. The trellised dining area will be relocated from its present location to function better with the new restaurant area. Pedestrian and ADA (Americans with Disabilities Act) circulation will be accommodated by upgraded pathways, and golf course operations including cart paths, cart storage and staging areas will be upgraded.

Landscaping, lighting, irrigation and other site features will be implemented to accommodate these upgrades to the clubhouse area.

As the project site is located in the Special Management Area, the applicant has also submitted a concurrent application for a Special Management Use Permit.

The approval recommendation is based on the following findings:

Rule 7 (Use Permits) of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit based on the certain criteria. Section 7-6, Criteria for Granting a Use Permit, states:

"The Commission may approve a use permit upon finding that:

- (a) The granting of the proposed use shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan;
- (b) The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties; and
- (c) The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, schools, police and fire protection and other related infrastructure."

The granting of the request 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 demolition and construction of a golf clubhouse in the State Land Use Urban district and V-1.25 and O zoned district may be allowed through the granting of a Use Permit. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses as well as the goals and policies of the General Plan. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of lots that may be occupied, the density of population and land for trade, industry, residence or other purposes.

The proposed project will complement the goals, policies and standards of, among others, the Land Use and Economic Elements of the General Plan. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the property as Resort

Node. This designation includes areas which include "a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single-family and multiple-family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services." Soils within the project area are unclassified by the Land Study Bureau's Detailed Land Classification System.

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. The proposed request, if approved, will allow the demolition and replacement of an existing golf clubhouse at the Mauna Kea Beach Resort. The existing clubhouse is located mauka of the Mauna Kea Beach Hotel, within the 218-acre hotel and golf course parcel. The project site is situated on approximately 3 acres of a 208.19-acre parcel. The Mauna Kea Beach Hotel is located makai of the clubhouse. Surrounding lands are zoned RM-20, Open, and V-1.25. The nearest residential development is The Villas at Mauna Kea Resort, a 40-unit duplex project located approximately 120 feet to the east of the clubhouse. Residential developments in the area include The Fairways North and South at Mauna Kea Resort and The Villas at Mauna Kea Resort.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. The Lalamilo Well System provides water to the project site. Wastewater collection for the clubhouse will be accommodated by existing sewer lines that connect with the resort's wastewater treatment plant in the resort service area located mauka of the Queen Kaahumanu Highway. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing County erosion and sedimentation control regulations as well as standard construction practices and additional conditions proposed in this permit. Existing noise sources that currently impact the project site are minimal. Short-term potential noise impacts are limited to noise associated with construction.

All essential utilities are available to the site. Police and fire stations are in close proximity to the property.

The subject request is not contrary to Chapter 205A, Hawaii Revised Statutes, relating to Coastal Zone Management Area. The project site is located in the Special Management Area; as such, the applicant requests a concurrent SMA Use Permit. As the project site is approximately 400 feet from the shoreline, the proposed action will not result in any impact on the biological or economic resources of the coastal ecosystem. The applicant states that "as a replacement building, there should not be a significant increase in building runoff into the coastal waters where possible pollution may occur."

There is no public access to the mountains or the shoreline that traverses the project site. However, there is a public access to the shoreline makai of the existing clubhouse. Beach access is provided along the Mauna Kea Resort shoreline. Public access parking is provided in the existing clubhouse parking lot and connects to the shoreline via a pedestrian pathway. A condition will be included to provide an additional ten (10) parking stalls for public access parking.

As the project site has been fully improved and operating as a golf course for over 40 years, no commissioned archaeological inventory survey and cultural assessment study was conducted for the area. Due to the existing improvements on the site, the applicant believes that there are no rare or endangered floral resources on the site and states "subsurface archaeological features are not expected to be encountered." The applicant has requested a letter of "no effect" from the DLNR-HPD on August 14, 2007.

According to the Flood Insurance Rate Map (FIRM), the project site is located in Zone "X", area outside of the 500-year flood plain. The new clubhouse will be situated on the site of the existing clubhouse constructed in the 1960's. The applicant is "not aware of any cultural practices associated with the grounds of the golf clubhouse site. None have been observed and there is no documentation of such practices at the site." Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Based on the above, the construction of the golf clubhouse and related improvements at the existing Mauna Kea Beach Hotel would be compatible with the existing land uses and the physical and social environment of the area and would promote the effectiveness and objectives of the Zoning Code and General Plan. Approval of the request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans in

accordance with the Planning Department's Rule No. 17-6(b)(2)(B), Landscaping Requirements for CV zones adjoining a RS zone.

3. Ten (10) additional parking stalls shall be provided for public access to the shoreline, for a total of 40. The additional stalls do not have to be located in the vicinity of the golf clubhouse, but may be located in the vicinity of the Mauna Kea Beach Hotel or other sites providing equivalent shoreline access.
4. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
5. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a 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 Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
7. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
8. An initial 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, 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.

Akemi Kurokawa, President
Mauna Kea Beach Hotel Corp.

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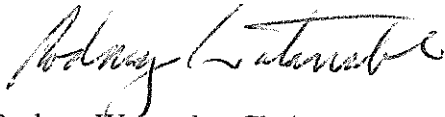
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use Permit.

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

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Rodney Watanabe, Chairman
Planning Commission

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cc: Ms. Anne Mapes/Belt Collins Hawaii, Ltd.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
Department of Land and Natural Resources/HPD
DOT-Highways, Honolulu
Ms. Alice Kawaha
Zoning Inspector
Plan Approval Section