

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR USE PERMIT)
by) USE PERMIT NO. 19
HASEGAWA KOMUTEN (USA), INC.)
from)
MAXIMUM ALLOWABLE HEIGHT)
LIMITS REQUIREMENTS)
in)
PUAPUAA, NORTH KONA, HAWAII)

USE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on March 13, 1980, considered the application of HASEGAWA KOMUTEN (USA), INC. for a Use Permit in accordance with Article 5, Section 4 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, to allow the construction of two (2) 4-story condominium structures in lieu of the maximum allowable height limit of three (3) stories as stipulated within the Multiple Residential (RM) zoned district at Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:16 and 59

The Commission has found:

That the proposed development is not anticipated to have any substantial adverse or environmental or ecological effects. The purpose of the requests is to allow the development of 87-condominium units within two (2), four (4) story buildings at heights not to exceed forty-five (45) feet. The proposed development also includes recreational facilities, landscaping, parking and other related improvements.

The property is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. Further, while the subject property may have contained certain archaeological and historical features, most physical evidences and artifacts have previously been obliterated by grading activities in the past.

The proposed development is not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline. According to the plans submitted, the improvements will not encroach into the forty (40) feet shoreline setback. This 40-foot shoreline setback requirement is intended to preserve the integrity of the shoreline area by not allowing undue encroachment to the coastline. Any potential adverse effects on the off-shore water quality will be mitigated through compliance with existing regulations. Such is the case in which the petitioner intends to construct a private sewage treatment plant. The construction of this system and the manner in which the sewage is to be disposed of will have to meet with

the approval of the State Department of Health and any other approving agency(ies). Based on the above, it is determined that the impacts on coastal ecological systems will be negligible and are not anticipated to be significantly adverse.

Further the proposed development will not remove or impose restrictions on existing access routes to the shoreline or similar shoreline recreational areas. In fact, the proposed development will improve the existing situation as the petitioner intends to provide a public access to the shoreline along the north property line. Besides this public access, parking stalls for the public utilizing the public access will also be provided on-site. The provision of this access to the shoreline and the public parking area will assure continued public enjoyment of the coastal area.

The petitioner also intends to preserve and retain the large masses of trees along the front portion of the property (Ali'i Drive), as well as the existing trees along the shoreline. The siting of the proposed buildings was done around these trees.

Based on the above, it is determined that the approval of the proposed project will not result in the loss of valuable natural, cultural, or recreational resources of this shoreline property and coastal area.

No adverse impacts on air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. The petitioner does intend to meet with any drainage improvements, to be imposed by the Department of Public Works. Further, negative impacts on the local water quality resulting from soil erosion and runoff during site preparation and construction phases are unlikely, but should they occur they can be adequately mitigated through compliance with existing ordinances and regulations. In regards to the hazards posed by potential tsunami inundation, these can be mitigated through the requirements of the Building Code and Plan Approval process.

In regards to the disposal of sewage, the petitioner intends to construct a private sewage treatment plant on the central portion of the property along Ali'i Drive meeting with the approval of the appropriate agencies. All other essential utilities and services, including water, are or will be made available to the subject property. In this regard, the proposed development will complement the Multiple Residential element of the General Plan which encourages the development of multiple residential units in areas serviced by existing infrastructures.

Based on the above, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area nor will its approval be contrary to the objectives and policies of Chapter 205-A or with the intent of Rule 9 of the Planning Commission. The granting of the request to allow the construction of the 87-unit condominium units also will not be violative of the purpose and intent of the Planned Development Permit provision of the Zoning Code.

In regards to the Use Permit request for the additional story, it is determined that the condominium buildings proposed to be constructed at heights of four (4) stories but less than the maximum allowable of forty-five (45) feet do meet the criteria established for an additional story as stipulated within the Multiple Residential (RM) zoned district. The primary criteria used is determining whether a Use Permit should be granted for an additional story and height is if "...the taller building will not dominate the landscape."

Although a Use Permit is being requested for the additional story, only portions of the buildings will be affected. Further, those portions of the buildings which will be four (4) stories in height will not exceed the maximum allowable height limit in terms of feet.

As presented earlier, the petitioner intends to preserve the large masses of trees along Ali'i Drive. According to the plans submitted, some of the existing trees are taller than the proposed buildings. In fact, the tallest tree (banyan) is about fifty-five (55) feet high; thus will extend about 16 to 17 feet above the buildings. With the retention of the existing trees, the buildings will not be extremely noticeable from Ali'i Drive as only portions of the buildings will extend beyond the height of the existing trees. The retention of the large masses of trees will tend to hide or camouflage the proposed buildings. Further, portions of the property is about six (6) feet lower than Ali'i Drive.

Based on the above, it is determined that the effect and impact of the buildings will be softened by the existing and proposed landscaping of the area. Therefore, with the proposed design and layout of the buildings and the proposed improvements, including landscaping, it is felt that the buildings will not detract nor have any adverse impact on the surrounding buildings and landscape. In fact, the adjacent 3-story Kona Isle Condominium project to the north which has three (3) story buildings, are taller than the proposed buildings. As such, it is determined that the subject request for an additional story does conform to the criteria for granting of a Use Permit as it will not significantly dominate the landscape of the immediate area.

Therefore, the Commission hereby grants to the applicant a Use Permit to allow the construction of two (2) 4-story condominium structures in lieu of the maximum allowable height limit of three (3) stories as stipulated within the Multiple Residential (RM) zoned district at Puapuaa, North Kona, Hawaii, Tax Map Key 7-5-20:16 and 59 pursuant to the authority vested in it by Article 1, Section 8 of Chapter 8 (Zoning Code) of the Hawaii County Code, as amended, subject to the following conditions:

1. That the petitioner, or its authorized representative shall submit plans and receive final plan approval within one (1) year from the effective date of the Special Management Area (SMA) Use Permit.
2. That construction shall commence within one (1) year after the date of receipt of final plan approval and shall be completed within two (2) years thereafter.


3. That prior to the receipt of final plan approval parcels 16 and 59 of TMK: 7-5-20 shall be consolidated.
4. That should any unanticipated archaeological features be found during grading or construction, work shall immediately cease and the Planning Director shall be immediately notified. Work shall not resume until the approval of the Planning Director is received.
5. That the plan approval submittal shall include a public shoreline access plan meeting with the approval of the Planning Director. Said plan shall include:
 - a. Delineated pedestrian access along the north property line at least ten (10) feet wide.
 - b. On-site public parking with at least four (4) stalls.
 - c. Construction details including signage, materials used, and final grades.
6. That the construction of the public access and parking area shall be completed prior to the receipt of the occupancy permit.
7. That the proposed structures shall be consistent with the following guidelines:
 - a. That selected tree masses as shown on Exhibit 1 along the Ali'i Drive right-of-way be retained. Further, there shall be no removal of the existing trees within the shoreline setback area.
 - b. Applicable General Plan Multiple Family Residential ground cover ratios.
 - c. That the design shall reflect the appropriate bulk relationships, height, and colors to minimize the apparent mass of the structure.
 - d. That the buildings shall not exceed forty-five (45) feet in height.
 - e. That the buildings shall be setback at least twenty (20) feet from the north and south side property lines.
8. That off-site drainage entering the subject property shall be carried through the property in a manner meeting with the approval of the Chief Engineer.
9. That the potential tsunami inundation elevations shall be noted on the construction plans submitted for building permit and that said plans shall conform to applicable requirements.
10. That the requirements of the Department of Health relating to wastewater disposal and dust control shall be complied with. Further, the sewage treatment plant shall be located in the central portion of the property away from the side property lines.

11. That all other applicable rules, regulations, and requirements shall be complied with.

Should any of the foregoing conditions not be met, the Use Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from March 13, 1980.

Dated at Hilo, Hawaii, this 12th day of June, 1980.


WILLIAM J. PARIS, JR.
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:


DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 3 June 80