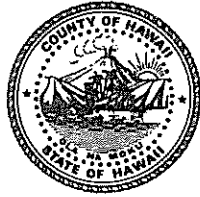


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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7099 3220 0000 4869 6209

JUN 02 2000

Ms. Pualani Kanaka'ole Kanahele
Edith Kanaka'ole Foundation
P.O. Box 5134
Hilo, HI 96720

Dear Ms. Kanahele:

Special Management Area Use Permit Application (SMA 00-008)
Request: To Allow the Establishment of a Cultural Learning Center and Related Uses
Special Permit Application (SPP 00-012) ✓
Request: Establishment of a Cultural Learning Center and Related Uses
Applicant: Edith Kanaka'ole Foundation
Tax Map Key: 2-1-15:6 and 7

The Planning Commission at its duly held public hearing on May 19, 2000, voted to approve the above-referenced applications. Special Management Area (SMA) Use Permit No. 405 and Special Permit No. 1060 are hereby issued to establish a Hawaiian cultural learning center and related uses on approximately 14.524 acres of land within the State Land Use Agricultural District. The project site is located on the mauka (west) side of Kalaniana'ole Avenue, across from Kong's Florist and Kamokuna Road intersection, Honohonohui, Keaukaha, South Hilo, Hawaii.

Approval of this request is based on the following:

Special Management Area Use Permit

The purpose of Chapter 205A, Hawaii Revised Statutes, and Rule 9, 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, and to insure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves by dedication or other means.

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The proposed project will not have any significant adverse environmental or ecological effect. The project site is located approximately 900 feet from the nearest shoreline and is separated from the coastal area by Kalaniana'ole Street. The properties are also located approximately 340 feet from Waiahole Fishpond at its nearest point. The applicant proposes to establish a Hawaiian Cultural Learning Center, including schools and related uses. The center will provide facilities for current foundation programs and allow expansion into new programs consistent with the overall mission of the Edith Kanaka'ole Foundation (EKF) to serve Hawaiians and the community. The project will house existing programs such as the Halau o Kekuhi; Pahana, a waste management project based on Hawaiian principals and practices; Lauhuki, a pre-natal pre-school program based on Hawaiian cultural practices; Ka 'Aha Kula'o Halauaola, a hula conference planned for August 2001; and fishpond restoration projects. The EKF also provides stewardship for ancient burial caves, native forests and other significant cultural properties.

Future programs include a charter middle high school based on Hawaiian cultural practices; a permanent art school, a hula museum and art gallery. The center will also provide administrative operations of the EKF as well as practice and performance facilities for its halau. Areas for Hawaiian crafts and agricultural activities are also proposed. Proposed site improvements include a halau for Halau o Kekuhi, including practice and performance facilities, Lauhuki Pre-school, EKF administrative offices, charter middle high school and related facilities, cafetorium/multi-purpose building and certified kitchen, hula museum and gallery, art school, caretaker's cottage, and other infrastructure and support facilities. Other proposed improvements include gardens, native forest, orchards and open fields around the perimeter of the property. Traditional and culturally important plants will be reestablished, including plants for hula, dyeing, la'au lapa'au (medicinal) and foods.

As the area was previously developed as an orchid farm and construction baseyard, there are no known threatened or endangered species of flora or fauna or their special habitats within the project area. Therefore, impacts to the physical environment within the immediate area will be minimal.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These objectives and policies were established 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. The surrounding area includes vacant parcels and open/agricultural uses. The Hilo Tropical Gardens is situated across the street from the property. No known presence of any significant historic or archaeological feature is situated on the project area. The

project would not interfere with any recreational resources, natural shoreline processes or impact view planes to the coastal area.

The location of the project area from coastal areas coupled with compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters.

There is a natural depression on a portion of the site along Kalaniana'ole Street. The lowest elevations of this depression are subject to tidal flux and are filled with muck. This depression is considered part of the wetlands, and uses within this area must be approved by the Federal U.S. Army Corps of Engineers. The applicant states that the depression will be preserved, and should any fill or other use be proposed, all regulations will be complied with.

According to the Civil Defense Agency, the project area is located in a tsunami inundation area. The entire project is at risk for inundation regardless of the FIRM designation of Zones AE and X. The Civil Defense Agency recommends the development of an emergency plan for evacuation should the project be approved. Civil Defense also notes that although there are no noise related restrictions associated with the project area, the applicant should be aware of the noise problems experienced by Keaukaha residents and Keaukaha School.

The proposed project within the Special Management Area is consistent with the General Plan and Zoning Code. The request does not conform to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Industrial uses. However, under the Zoning Code, which is an implementing tool of the General Plan, the requested uses are consistent with permitted uses allowed under the ML (Light Industrial) and/or MCX (Industrial-Commercial Mixed) districts. The County's Community Development Plan, another implementing tool under the General Plan, designates the parcel as Agricultural. Through the Special Permit process, the proposed uses may be permitted. Thus, the proposed uses may conform to the General Plan. The proposed project would complement the following goals and policies of the General Plan:

Economic

- * Provide residents with opportunities to improve their quality of life.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the county's natural and social environment.

- * The County shall support all levels of educational opportunities and institutions for its residents.

Natural Beauty

- * Protect scenic vistas and view planes from becoming obstructed

Kalaniana'ole Street is a dead end County roadway which serves as the main roadway into and out of the Keaukaha area. There is a proposed 120-foot wide roadway traversing Parcel 6, and identified on the City of Hilo Zone Map, adopted by Ordinance No. 187 on December 26, 1968. Although this proposed roadway is not indicated on the General Plan Facilities Map, it is still valid since it is reflected on the City of Hilo Zone Map adopted by Ordinance No. 187. The applicant states that the likelihood of the construction of this new roadway is remote. Furthermore, the applicant states that setback requirements can be met despite the proposed new roadway through a portion of the property.

Based on the above, the proposed project will not have any substantial adverse impacts to the subject or surrounding area; and therefore will not be contrary to the purpose and intent of Chapter 205A, HRS, relating to Coastal Zone Management, Rule 9 of the Planning Commission relating to the Special Management Area, the General Plan and Zoning Code of the County of Hawaii. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed improvements shall commence within five (5) years from the effective date of the permit. Prior to the start of construction, Final Plan Approval shall be secured from the Planning Director for the initial phase of the development. Plans shall identify proposed structures, fire protection measures, paved driveways and paved parking associated with the proposed uses and landscaping where appropriate. Landscaping shall be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.
3. Any construction or improvements to the project area shall comply with Chapter 27 of the County Code relating to Flood Hazard Control.

4. If applicable, a drainage study shall be prepared, and the drainage system shall be constructed, meeting with the approval of the Department of Public Works.
5. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works.
6. Prior to occupancy, the applicant shall develop an emergency evacuation plan for review and approval by the Hawaii County Civil Defense Agency. The plan shall include alternate access routes and other programmatic recommendations for the evacuation of the children in case of a tsunami warning.
7. The applicant shall comply with all applicable agency requirements, including the Department of Public Works, Department of Water, Fire Department, Civil Defense Agency, and Department of Health.
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 granting of the 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).

Special Permit

The proposed use is an unusual and reasonable use of land situated within the State Land Use Agricultural District and would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes (HRS), as amended. In recognizing that lands within Agricultural districts might not be best suited for agricultural activities and yet classified as such, and in recognition that certain types of uses might not be strictly

agricultural in nature, yet reasonable in such districts, the Legislature has provided for the Special Permit process to allow certain unusual and reasonable uses within the Agricultural District. In addition, the State Land Use Law 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 District, the intent is to preserve or keep lands of high agricultural potential in agricultural use.

The project area is approximately 14.452 acres and not in current agricultural use. The applicant proposes to establish a Hawaiian Cultural Learning Center, including schools and related uses. The center will provide facilities for current foundation programs and allow expansion into new programs consistent with the overall mission of the Edith Kanaka'ole Foundation (EKF) to serve Hawaiians and the community. The project will house existing programs such as the Halau o Kekuhi; Pahana, a waste management project based on Hawaiian principals and practices; Lauhuki, a pre-natal pre-school program based on Hawaiian cultural practices; Ka 'Aha Kula'o Halauaola, a hula conference planned for August 2001; and fishpond restoration projects. The EKF also provides stewardship for ancient burial caves, native forests and other significant cultural properties.

Future programs include a charter middle high school based on Hawaiian cultural practices; a permanent art school, a hula museum and art gallery. The center will also provide administrative operations of the EKF as well as practice and performance facilities for its halau. Areas for Hawaiian crafts and agricultural activities are also proposed. Proposed site improvements include a halau for Halau o Kekuhi, including practice and performance facilities, Lauhuki Pre-school, EKF administrative offices, charter middle high school and related facilities, cafetorium/multi-purpose building and certified kitchen, hula museum and gallery, art school, caretaker's cottage, and other infrastructure and support facilities. Other proposed improvements include gardens, native forest, orchards and open fields around the perimeter of the property. Traditional and culturally important plants will be reestablished, including plants for hula, dyeing, la'au lapa'au (medicinal) and foods.

The majority of the land is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the ALISH Map. Therefore, the nature of the proposed use will not have an adverse effect on the County's agricultural land inventory. It is therefore determined that the proposed use is an unusual and reasonable use within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended.

The proposed request is not contrary to the General Plan. Although the General Plan for the area is designated Industrial and the zoning is Agricultural (A-5a), the subject property is not used for agricultural purposes. The proposed use would not displace any ongoing agricultural activity nor diminish the agricultural potential of the area. Although the establishment of a cultural learning center including school and related uses would not take significant lands out of existing or potential agricultural use, it would allow uses other than agricultural uses on the site. The proposed use is not consistent with the General Plan which designates the properties as Industrial. However, under the Zoning Code, which is an implementing tool of the General Plan, the requested uses are consistent with permitted uses allowed under the Light Industrial (ML) or Industrial-Commercial Mixed (MCX) zoned districts. The County's Community Development Plan, another implementing tool under the General Plan, designates the parcel as Agricultural. Through the Special Permit process, the proposed uses may be permitted. Thus, the proposed uses may conform to the General Plan.

The request is not contrary to the goals, policies and standards of the General Plan. The approval of the subject request would support the following goals of the General Plan:

Economic

- * Provide residents with opportunities to improve their quality of life.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the county's natural and social environment.
- * The County shall support all levels of educational opportunities and institutions for its residents.

Natural Beauty

- * Protect scenic vistas and view planes from becoming obstructed.

Kalaniana'ole Street is a dead end County roadway which serves as the main roadway into and out of the Keaukaha area. There is a proposed 120-foot wide roadway traversing Parcel 6, and identified on the City of Hilo Zone Map, which was adopted by Ordinance No. 187 on December 26, 1968. Although this proposed roadway is not indicated on the General Plan Facilities Map, it is nevertheless still valid since it is reflected on the City of Hilo Zone Map adopted by Ordinance No 187. The applicant has stated that the proposed new roadway would not impact the development, and the

likelihood of the construction of this new roadway is remote. The applicant further states that setback requirements can be met despite the proposed new roadway crossing a portion of the property.

The desired use will not adversely affect surrounding properties. Surrounding lands are predominantly vacant or in agricultural/open uses. The proposed uses will be confined to the subject property. Therefore, the character of the property or its surrounding area will not be significantly altered. Hours of operation will be limited to daytime hours, some evenings and weekends. A planting buffer should mitigate any adverse noise or visual impacts to adjacent properties. The topography of the subject property is relatively level. The property is of sufficient size for adequate setbacks and buffers that will minimize any physical, social, or other impacts. Therefore, the proposed use will not alter or change the essential character of the land and present use nor will it impact the surrounding area.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection. The subject property is located on Kalaniana'ole Street, a County dead-end street serving the Keaukaha area. Access is proposed from Kalaniana'ole Street. It is not anticipated that the proposed use will impact or burden public agencies. While the Department of Water Supply states that the existing 6-inch waterline does not meet the standards for fire safety, the applicant will confer with the Fire Department to mitigate the department's concerns. All other essential utilities and facilities are available to the site.

There is a natural depression on a portion of the site along Kalaniana'ole Street. The lowest elevations of this depression are subject to tidal flux and are filled with muck. This depression is considered part of the wetlands, and uses within this area must be approved by the Federal U.S. Army Corps of Engineers. The applicant states that the depression will be preserved, and should any fill or other use be proposed, all regulations will be complied with.

According to the Civil Defense Agency, the entire project area is located in a tsunami inundation area, and the project is at risk for inundation regardless of the FIRM designations of Zones "AE" and "X." The applicant states that the portion of the property in the Zone "AE" designation will not be utilized, and that the majority of the parcel is located in Zone "X." The Civil Defense Agency recommends the development of an emergency plan if the project is approved. Civil Defense also notes that although there are no noise related restrictions associated with the project area, the applicant should be aware of the noise problems experienced by Keaukaha residents and Keaukaha School.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The proposed use would reestablish a place where traditional Hawaiian practices and teaching will take place and serve the Keaukaha area and others in the community interested in better understanding the Hawaiian culture. The center would serve a need in the community for educational resources and opportunities based on Hawaiian cultural practices and traditions.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The soil within the subject property is classified as "E" or "Very Poor" for agricultural productivity and unclassified by the ALISH Map. Although the property was previously used as an orchid farm, according to the applicant, the soils on the property makes many agricultural pursuits difficult. Therefore, the property is unsuited for intensive agricultural production.

Based on these considerations, the approval of the Special Permit request to establish a Hawaiian Cultural Learning Center and related uses is supportive of the objectives sought to be accomplished by the Land Use Law and Regulations.

Approval of this request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. Construction of the proposed improvements shall commence within five (5) years from the effective date of the permit. Prior to the start of construction, Final Plan Approval shall be secured from the Planning Director for the initial phase of the development. Plans shall identify proposed structures, fire protection measures, paved driveways and paved parking associated with the proposed uses and landscaping where appropriate. Landscaping shall be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.
3. Any construction or improvements to the project area shall comply with Chapter 27 of the County Code relating to Flood Hazard Control.
4. If applicable, a drainage study shall be prepared, and the drainage system shall be constructed, meeting with the approval of the Department of Public Works.

5. A Solid Waste Management Plan shall be submitted for review and approval by the Department of Public Works.
6. Any exterior signs shall meet with the approval of the Department of Public Works.
7. Access shall be from Kalaniana'ole Street, meeting with the approval of the Department of Public Works.
8. Prior to occupancy, the applicant shall develop an emergency evacuation plan for review and approval by the Hawaii County Civil Defense Agency. The plan shall include alternate access routes and other programmatic recommendations for the evacuation of the children in case of a tsunami warning.
9. The applicant shall comply with all applicable laws, rules and regulations of the appropriate State and County agencies for the proposed use.
10. Upon compliance with all conditions of approval and prior to the start of the operation, the applicant shall provide, in writing, a final status report to the Planning Director.
11. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission that the applicant has failed to comply with the conditions of approval or has caused an unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.
12. 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. 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.

Ms. Pualani Kanaka'ole Kanahale

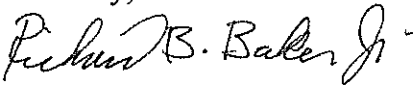
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- C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

These approvals do 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 Phyllis Fujimoto or Alice Kawaha of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman
Planning Commission

Lkanakaole01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Land Use Commission
Civil Defense
Mr. Norman Hayashi
Mr. Jeffrey Darrow
Plan Approval Section
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Steven S. C. Lim, Esq.