



County of Hawai'i

PLANNING COMMISSION

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December 21, 2007

Mr. Gregory R. Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit Application (SMA 07-000022)

Request: To Allow the Installation of Air Conditioning Buildings, Equipment, and
Pipes, Covered Walkway, and Related Miscellaneous Structures

Applicant: County of Hawaii Department of Water Supply

Tax Map Key: 2-2-30:15

The Planning Commission at its duly held public hearing on December 7, 2007, voted to approve the above-referenced application to allow the installation of an air conditioning building, equipment and pipes, covered walkway, and related miscellaneous structures and improvements, including the demolition of an existing cooling tower shed. The area involved is the site of the existing Department of Water Supply office building located along the north side of Kekuanaoa Street, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

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 action will not have any significant adverse environmental or ecological effect. The applicant proposes to upgrade the existing air conditioning system and construct other improvements. An existing cooling tower shed will be demolished and piping capped, and a new 1,920 square-foot mechanical building, cooling towers on a concrete pad surrounded by a chain link fence, with chilled water piping below grade or along retaining walls will be installed. Wastewater from the AC system will be routed to

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the sewer via new lines using a pump station and force main. Miscellaneous improvements include:

- Designated smoking area structure (100 square feet) to be constructed near the parking lot
- A concrete walkway (150 square feet)
- Accessible parking stall
- Covered walkway (1,050 square feet) in the main entryway
- Additional landscaping

The cost of the development is approximately \$1.4 million.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. The project site is located at the offices of the Department of Water Supply in the Waiakea Office Plaza. The 4.678-acre project site is fully developed with offices, accessory facilities, parking and landscaping. Surrounding lands are zoned Limited Industrial (ML-20), General Commercial (CG-7.5), Resort (V-.75) and in office, commercial, industrial and residential uses. Properties across the project site south of Kekuanaoa Street are zoned RD-3.75 and in residential uses.

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. As the project site is fully developed and is not proximate to the shoreline, the proposed action will not 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 vehicular sources. Both short-term air and noise quality impacts associated with the construction of the proposed improvements are expected during construction. 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 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. County water is available to the project site. 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 relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized. The project site is fully developed with office buildings and a parking lot and has been highly disturbed through land clearing and construction. The applicant states that no historic sites appear to be present, and there are no sites listed on the State or National Registers on the project site. By letter dated August 28, 2007, the applicant has requested a letter of "no effect" from the DLNR-HPD. Likewise, no plant or animal species listed as endangered, threatened, or currently proposed for listing under either the federal or state endangered species statutes are identified on the project site.

The project site is located in Zone "X", areas determined to be outside the 500-year flood plain. Any new construction or substantial improvements within that portion of the site will be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code. There is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site or nearby area, nor existence of any known valued cultural, historical or native resources.

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 property is designated High Density Urban and zoned General Commercial - 7,500 square feet (CG-7.5). Thus, the proposed development is consistent with the LUPAG Map designation and the Zoning Code. Access to the project site is from Kekuanaoa Street, a County roadway.

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 shall secure Final Plan Approval 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, driveway access and parking stalls associated with the proposed project. 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) and Chapter 25 (Zoning Code), Hawaii County Code.
3. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
4. 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 in the State of Hawaii.
5. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
6. Comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires a NPDES permit for certain construction activity.
7. 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.
8. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
9. 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.

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- 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.

This approval does not, however, sanction the specific plans submitted with the application 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,



William Graham, Chairman
Planning Commission

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cc: Mr. Milton Pavao
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Department of Land and Natural Resources/HPD
DOT-Highways, Honolulu
Ms. Alice Kawaha
Zoning Inspector
Plan Approval Section