

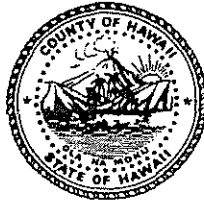
PLANNING COMMISSION APPLICATION INTAKE FORM

File Number: SMA 11-000046
 Received: 3/8/11 Acceptance Date: 3/8/11
 300/500 feet Notification: (1st) (2nd) Sign: _____
 Hearing Date: _____
APPLICANT: University of Hawaii at Hilo
 Address: 200 West Kawili Street
Hilo, HI 96720
 Telephone No. 974-7750 Fax No. _____
 Landowners: DLNR
 Agent: Helber Hastert and Fee, Planners (Thomas A. Fee)
 Agent's Address: 733 Bishop Street, Suite 2590
Honolulu, HI 96813
 Agent's Telephone: 545-2055 Fax No. 545-2050
 Original: UH Copies: Agent
 Request: Kalakana Marine Education Center at Puako

Tax Map Key: 6-6-2:45 (6-9-1:1) former
 Affected Area: 5 (Acres) _____ (Square Feet)
 Tax Clearance: / Archaeological Clearance: EA 3/23/09
 Metes & Bounds: / 2'x3' Site Map: /
 General Plan: LDU/open SLU: U/C ^{Conservation} _{Subarea} Zoning: Open
 CDP: S. Kohala SMA: Yes Chapter 343: 3/23/09

COMMENTS	SENT	RECEIVED	COMMENTS	SENT	RECEIVED
DPW - Hilo	_____	_____	Health	✓	_____
DPW - Kona	✓	_____	DOT - HNL	✓	_____
DWS	✓	_____	LUC	✓	_____
DEM	✓	_____	OP	✓	_____
Civil Defense	✓	_____	DOA	_____	_____
P & R	_____	_____	NRCS	✓	_____
Police	✓	_____	USFWS	✓	_____
Fire	✓	_____	RPT	_____	_____
OHCD	_____	_____	KVDC	_____	_____
DLNR (Honolulu)	✓	_____	DOE	_____	_____
DLNR, SHPD (Kona)	✓	_____	HELCO	_____	_____
Long Range Planning	_____	_____	Ministerial	_____	_____
Kona Traffic Safety	_____	_____	Kona Planning	✓	_____
Community Association	_____	_____			
<u>Puako CA</u>	_____	_____			

REMARKS: Concurrent Processing/Related Files & Permits
 Prepared by: [Signature] Date: 3/10/11 Eden Logged by: _____ Date: _____



County of Hawai'i

LEEWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

JUN 24 2011

Ms. Debra Fitzsimmons
University of Hawai'i at Hilo
200 West Kāwili Street
Hilo, HI 96720

Dear Ms. Fitzsimmons:

Special Management Area Use Permit Application (SMA 11-000046)
Request: Kalākaua Marine Education Center at Puakō
Applicant: University of Hawai'i at Hilo
Tax Map Key: 6-6-002:045

The Leeward Planning Commission at its duly held public hearing on May 19, 2011, voted to approve the above-referenced request to allow the development of the Kalākaua Marine Education Center at Puakō. The property is located on the makai side of Puakō Beach Drive, adjacent to and north of the Puakō Beach Drive, adjacent to and north of the Puakō boat ramp, Lālāmilo, South Kohala, Hawai'i.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, 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 applicant proposes to develop the Kalākaua Marine Education Center, comprised of the following:

- Academic Center: an approximately 14,600-square foot one-story academic building, including classrooms, laboratories, administrative offices and related educational spaces.

Hawai'i County is an Equal Opportunity Provider and Employer

- **Boat Building:** marine support facilities to accommodate small boat repair, maintenance and storage activities, scuba tank filling/storage, and saltwater aquarium tanks. The proposed boat building is a one-story approximately 6,600 square-foot structure.
- **Auditorium:** an approximately 7,000-square foot auditorium, including a certified kitchen for large group meetings that doubles as a dining hall for the on-site population.
- **Dormitory:** a two-story, 16,200-square foot structure to provide temporary housing accommodations for up to 50 students.
- **Faculty Building:** a one-story, 7,600-square foot structure that will provide housing accommodations for up to 12 faculty and an accessory caretaker's unit that provides for continuous, on-site security.
- **Parking, related site and infrastructure improvements.**

The applicant states that the proposed facility will provide educational facilities in West Hawai'i for UHH's undergraduate marine science and outreach program. In addition to establishing a campus that is readily accessible to West Hawai'i's premier marine research sites, the new campus will allow UHH to consolidate related marine science programs at a single site. Current marine science activities are located in various places in East and West Hawai'i.

The applicant intends to design and construct the new campus to meet the Leadership in Energy and Environmental Design (LEED) Silver Certification criteria. Designed with sustainability as its main focus and consistent with the UHH's commitment to environmental stewardship, the campus is planned as a model for sustainable design, sensitive to existing environmental resources and proposed to be developed to promote interaction with the project's natural environment. To that end, the applicant proposes to implement energy and resource conservation measures in the design and construction of the campus to qualify for a Silver rating under the LEED rating system. Energy efficiency measures such as roof insulation and high performance windows are proposed to be incorporated to minimize heat gain. Buildings will be oriented to maximize natural ventilation, lighting and exposure for solar water heating. Landscaping will be designed to minimize water use, and recycling will be promoted to reduce waste. The LEED rating system integrates the principles of smart growth and green building, and the proposed project is consistent with these concepts.

The proposed action will not create significant adverse impacts upon nearby and immediately adjacent properties. The project site is located makai of Puakō Beach Drive, east of (North Kohala side) of the Puakō boat ramp. The property is vacant and undeveloped, and the majority of the site is covered with non-native vegetation or exposed rock. The Ala Kahakai Trail runs along the coastal edge of the parcel. Surrounding lands are zoned Open, with areas zoned V-1.25 (Resort) to the north and southwest of the site. Lands mauka or south of Puakō Beach Drive are vacant State-owned lands zoned Agricultural (A-5a) and Conservation by the State. Parcels to the east (TMK Nos: 6-6-2: 40 and 42) are also vacant and owned by the State. The Puakō Solid Waste Facility is located east of the project site. South of the boat ramp are undeveloped and developed residential lots, including single-family and multiple-family residences.

The Hokuhoa United Church of Christ is located approximately .5 miles west of the site, and the Puakō Beach Condominium complex and the Puakō General Store is located approximately .7 miles west of the project site. Therefore, the proposed project would not be out of character or conflict with the range of uses within the general area of Puakō.

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. The property does not currently have a view corridor from Puakō Beach Drive to the sea because of vegetation. The applicant proposes to mitigate visual impacts by limiting the building height of the structures to one story, except for the student housing building. As there are no height limits in the Open zoned district, a condition of approval will be included to limit the height of any structure on this property to 45 feet, consistent with the 45-foot height limit in the adjoining Resort district.

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. Thus, given the 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 in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. County water is

available to the project site from an existing 5/8-inch waterline within Puakō Beach Drive. However, as additional water is necessary for the proposed project, potable water will be generated on-site utilizing a deep well pumping system and a reverse osmosis water treatment system.

The development will utilize individual wastewater systems (IWS) approved by the Department of Health. 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 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.

An archaeological assessment prepared by Rechtman Consulting, LLC dated March, 2008 did not identify any significant historic or cultural resources on the site. The assessment was accepted by the DLNR-SHPD and letters from the DLNR-SHPD dated September 5, 2008 indicated that no historic properties will be affected by the project. A cultural impact assessment was conducted as part of the environmental review process, and there was no indication of the site being used by native Hawaiians as a site for gathering. No cultural practices customarily or traditionally exercised occur on the site.

A botanical survey of the site was prepared by Geometrician Associates, LLC in 2008. There were no avian or mammalian species currently listed as endangered, threatened or currently proposed for listing under either the Federal or State endangered species statutes. Additionally, there were no floral species listed as endangered, threatened, or currently proposed for listing under either the Federal or State endangered species statutes on the project site.

The project site is located in Zone "X", areas determined to be outside of the 500-year flood plain. Other than the use of the shoreline and ocean waters for fishing and gathering, 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 Puakō Community Association expressed concerns, among others, that the boating activities anticipated to be generated by the proposed center will exacerbate the existing crowded conditions at the Puakō Boat Ramp. Information provided by the applicant indicated that studies have determined the boat ramp to be operating at

capacity. Comments provided by the State Division of Aquatic Resources also expressed concern about the potential for increasing congestion and conflict. The applicant anticipated that usage by the proposed center is anticipated at two (2) launches and two (2) retrievals per day, primarily on weekends. While reference was also made regarding proposed improvements to the Puakō Boat Ramp facilities by DLNR-DOBOR, comments provided by the Division of Aquatic Resources indicated that it is now “. . . unclear and unlikely that such expansion will now be undertaken.” The applicant has noted that “to the extent possible, Center staff would launch and retrieve small craft during non-peak times to minimize congestion at the ramp. UHH and DOBOR are working together to ensure both projects are planned and developed in a coordinated manner.”

While the Puakō Boat Ramp is currently operating at capacity, we do not anticipate that the addition of two boat launches and retrievals per day will significantly exacerbate the congested operational conditions at the boat ramp. Given that the center will be situated directly adjacent to the boat ramp, we expect that, more than others, the center will be able to effectively manage its launches during periods when the boat ramp is not congested. We encourage the center to continue its coordination with DOBOR regarding the development of the center and the proposed expansion of the Puakō Boat Ramp, and fully expect the applicant to work closely with DOBOR to manage its use of the boat ramp in a manner that minimizes its impact.

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 Open and Low Density Urban, and zoned Open by the County. The proposed facility is considered a public use due to its association with the University of Hawai'i and is therefore considered a permitted use within the Open zoned district. As an academic facility, activities at this facility are not anticipated to be detrimental to the single-family residential and resort uses in the area. Thus, the proposed development is consistent with the LUPAG Map designation and the Zoning Code.

The South Kohala CDP (SKCDP) adopted by Ordinance No. 08 159 on November 20, 2008 identifies the proposed project on the Puakō Conceptual Plan (Figure 7.3 in the SKCDP) as the UH Marine Center (Planned Development). The project is consistent with the policy of Environmental Stewardship, which states, “The County Government and the Puakō Community shall work with other State and Federal agencies to protect and manage the rich coastal and near shore marine environment.”

The project site is situated in the Urban and Conservation (Resource Subzone) district. The Conservation district is further divided into five subzones: Protective, Limited, Resource, General and Special, and arranged in a hierarchy of environmental sensitivity ranging from the most environmentally sensitive (Protective) to the least

sensitive (General). The objective of the Resource Subzone is to ensure the sustained use of the natural resources of the area. Thus, this request is consistent with the designation.

Access to the project site is proposed from two driveway connections from Puakō Beach Drive, a County-owned and maintained roadway with an approximately 18 to 20-foot pavement with inconsistent improved and unimproved paved/gravel/grass shoulder, all within a right-of-way of approximately 40 feet.

In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. These rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: An archaeological assessment prepared by Rechtman Consulting, LLC dated March, 2008 did not identify any significant historic or cultural resources on the site. The assessment was accepted by the DLNR-SHPD and letters from the DLNR-SHPD dated September 5, 2008 indicated that no historic properties will be affected by the project.

A botanical survey of the site was prepared by Geometrician Associates, LLC in 2008. There were no avian or mammalian species currently listed as endangered, threatened or currently proposed for listing under either the Federal or State endangered species statutes. Additionally, there were no floral species listed as endangered, threatened, or currently proposed for listing under either the Federal or State endangered species statutes on the project site. A Finding of No Significant Impact (FONSI) was published in the OEQC's Environmental Notice on March 23, 2009. The Final Environmental Assessment is included as Exhibit 1 in the application.

The valuable cultural, historical, and natural resources found in the area: The shoreline and ocean area fronting the project site are used for fishing and gathering, and constitute a valuable natural resource. Both the botanical and archaeological study revealed no endangered species or historical sites on the project site. However, a condition will be included to require the applicant to cease work and notify the DLNR-HPD should any remains be discovered on the site, until given clearance to proceed by the DLNR-HPD. No cultural practices customarily or traditionally exercised occur on the site.

Possible adverse effects or impairment of valued resources: Native vegetation may be destroyed by ground alteration. There is no evidence that the flora in the area are particularly desired or used for cultural practices or considered threatened or endangered.

According to the botanical and archaeological studies submitted by the applicant, the project will not adversely impact resources in the area. The applicant's studies concluded that the project should have minimal impact on water quality from wastewater disposal or fertilization for landscaping.

Feasible actions to protect native Hawaiian rights: The applicant states that no gathering is taking place on the project site. However, there is gathering and fishing along the shoreline. Shoreline gathering rights are protected by existing public accesses in the area.

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.
2. The required water commitment shall be secured from the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within one year from the effective date of this permit.
3. Construction of the proposed development 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 Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures, paved driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).
4. The construction of the Kalākaua Marine Education Center shall be conducted in a manner that is substantially representative of plans and details as contained in the Special Management Area Use Permit application dated March 2011 (Planning Department Exhibit 1).

5. All structures shall be limited to a maximum height of forty-five (45) feet, measured according to Chapter 25, Hawai'i County Code.
6. Access to Puakō Beach Drive shall meet with the approval of the Department of Public Works and conform to Chapter 22 (Streets) of the Hawai'i County Code.
7. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared, and the recommended drainage system shall be constructed, meeting with the approval of the Department of Public Works, prior to the receipt of a Certificate of Occupancy.
8. The applicant shall comply with Chapter 27 - Flood Control, of the Hawai'i County Code.
9. 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 Hawai'i.
10. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawai'i County Code.
11. Individual wastewater systems shall be installed, meeting with the approval of the Department of Health.
12. An All Hazards Emergency Response Plan shall be submitted to the Hawai'i County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.
13. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires a NPDES permit for certain construction activity.
14. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of Final Plan Approval.
15. 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.

16. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
17. 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.

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.

Ms. Debra Fitzsimmons
University of Hawai'i at Hilo
Page 10

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

Sincerely,



Lani L. Bowman, Vice-Chairman
Leeward Planning Commission

LUHPuakoSMA11-000046

cc: Mr. Thomas A. Fee
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. April Suprenant
Zoning Inspector - Kona
Plan Approval Section
Mr. Gilbert Bailado ✓