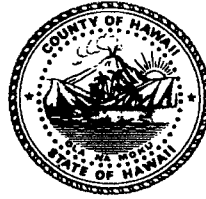


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

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

October 5, 2017

Ms. Olani Lilly, Principal
Ka 'Umeke Kā'eo Charter School
1500 Kalaniana'ole Avenue
Hilo, HI 96720

Dear Ms. Lilly:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 17-001519)**

Special Management Area Minor Permit No. 17-000376

Applicant: Ka 'Umeke Kā'eo Charter School

Land Owner: American Trading Company, Ltd.

**Project: Temporary Ka 'Umeke Kā'eo Charter School Facility
for Grades K-2**

Tax Map Key: (3) 2-2-032:024, Waiākea, Hilo, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001519), submitted on July 13, 2017. Proposed is a temporary Ka 'Umeke Kā'eo Charter School facility for grades K-2 with 100 students, 6 teachers and 4 operations and support staff on the subject parcel.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(C), "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land,*" is not exempt from the definition of "development" and requires a review against the SMA rules and regulations.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.17-000376 is hereby issued for the temporary Ka 'Umeke Kā'eo Charter School facility for grades K-2 on the subject property.

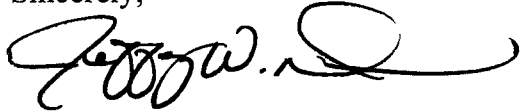
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Ms. Olani Lilly, Principal
Ka 'Umeke Kā'eo Charter School
October 5, 2017
Page 2

It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



FYL

MICHAEL YEE
Planning Director

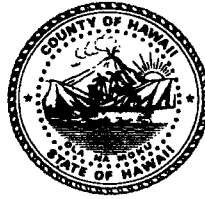
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Enc: SMM No. 17-000376
Department of Public Works Memo dated August 23, 2017

Cc: Mr. Jeff Darrow, Planning Division

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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Special Management Area Minor Permit No. 17-000376

Project: Temporary Ka 'Umeke Kā'eo Charter School Facility for Grades K-2
Applicant: Ka 'Umeke Kā'eo Charter School
Landowner: American Trading Company, Ltd.
TMK: (3) 2-2-032:024 **Land Area:** 1.2042 acres

Applicant's Request

1. Project Description:

Proposed is a temporary Ka 'Umeke Kā'eo Charter School facility for grades K-2 with 100 students, 6 teachers and 4 operations and support staff. School usually begins in July-August and ends May-June. School day begins 8:00 am and ends at 2:05 pm on regular days and 12:30 pm on early release days, which are every Wednesday and every other Tuesday. Ka 'Umeke also holds Family Nights four times a year. The school will be minimizing the increase in traffic by providing bus transportation for 40 of the 100 students accessing this facility.

A 10,500-square foot portion of a 20,000+/- square foot warehouse, previously converted into a church, will be leased for five years. The site has 27 parking spaces and five exits. The only improvement to the facility may be replacement of some air conditioning units.

2. Purpose of Project:

Ka 'Umeke was the first Hawaiian immersion program in the State of Hawai'i in 1987. Currently, students in grades K-2 are located at the Keaukaha Elementary School site. However, as of June, 2017, it is being obligated to move off the campus. Since 2010, Ka 'Umeke has been actively seeking to secure a permanent site for their entire school.

3. Project Valuation: \$1,000

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(C), "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land,*" is not exempt from the definition of "development." Therefore, the temporary Ka 'Umeke Kā'eo Charter School facility for grades K-2 is considered "development" and requires an SMA Minor Permit.

State and County Plans

1. State Land Use District: The parcel is located in the Urban District.

2. **General Plan:** The parcel is designated as Medium Density Urban by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Industrial-Commercial Mixed Use – 20,000 square feet (MCX-20). According to Hawai‘i County Code Chapter 25-5-132(b)(2), “schools” may be permitted provided that a Use Permit is issued. Further Chapter 25-5-132(c) states that *“buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MCX district.”*
4. **Special Management Area:** This parcel is within the Special Management Area (SMA) but not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zone:** X

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area</p>
--

Check all objectives and policies found to be consistent with proposed development. Issuance of a SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai‘i County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State’s economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.

- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, 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 clearly outweighed by public health, safety, or compelling public interest.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$1,000 is not in excess of \$125,000.
5. The enclosed Department of Public Works, Engineering Division memorandum dated August 23, 2017, states the following:

"We have reviewed the subject request forwarded by your memo dated July 27, 2017 and offer the following comments:

Construction plans and drainage calculations have not yet been submitted to comply with items E, F, G, and H of Ordinance No. 09-167.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

The Zoning Map (Ordinance No. 187) classifies Kalanikoa and Kuawa Streets as collectors with existing right-of-way widths of 60 feet. There's an existing 20-ft corner radius "Road Reserve" at the intersection of Kalanikoa and Kuawa Streets. This 86 square feet Road Reserve created by subdivision no. 69-040 should be dedicated to the County."

6. Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the construction of a temporary Ka 'Umeke Kā'eo Charter School facility for grades K-2, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

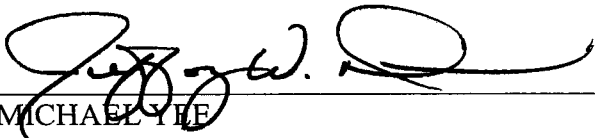
This SMA Minor Permit is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. SMA Minor Permit No. 17-000376 will be effective only upon the granting of a Use Permit from the Planning Commission. The Use Permit shall be secured within one (1) year from the Planning Director's date of approval of this permit.
3. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
4. Any grading, grubbing, filling or other construction activity, including but not limited to the construction of additional structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
5. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
6. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

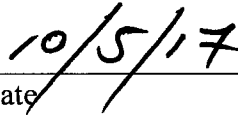
- a) The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence;
 - b) Granting of the time extension would not be contrary to the original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have questions, please contact Esther Imamura of this department at (808) 961-8139.

APPROVED:



MICHAEL YEE
Planning Director



Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


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PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: August 23, 2017

Memorandum

TO: Michael Yee, Planning Director

FROM:  Department of Public Works, Engineering Division

SUBJECT: **USE PERMIT APPLICATION (USE 17-000071)**

Applicant: Ka 'Umeke Ka'eo Public Charter School

Land Owners: American Trading Co. Ltd., East Hawaii Community
Development, and Glad Tidings Church

Request: Establish a Public Charter School

TMK: 2-2-032:024

We have reviewed the subject request forwarded by your memo dated July 27, 2017 and offer the following comments:

Construction plans and drainage calculations have not yet been submitted to comply with items E, F, G, and H of Ordinance No. 09-167.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA), Zone X is an area determined to be outside the 500-year floodplain.

The Zoning Map (Ordinance No. 187) classifies Kalanikoa and Kuawa Streets as collectors with existing right-of-way widths of 60 feet. There's an existing 20-ft corner radius "Road Reserve" at the intersection of Kalanikoa and Kuawa Streets. This 86 square feet Road Reserve created by subdivision no. 69-040 should be dedicated to the County.

Questions may be referred to Robyn Matsumoto at 961-8924.

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