

BACKGROUND: SPECIAL MANAGEMENT AREA USE PERMIT
KAMEHAMEHA SCHOOLS/BISHOP ESTATE

The applicant, Kamehameha Schools/Bishop Estate, is requesting a Special Management Area (SMA) Use Permit to allow the construction of a multi-purpose educational facility to supplement the existing alternate learning center known as Hale O Ho'oponopono. The subject property, consisting of .47 acre, overlooks Kapuwai Cove and is situated approximately 100 feet southeast of the boat ramp at Honaunau, South Kona, Hawaii, Tax Map Key No. 8-4-13:18.

GENERAL INFORMATION

1. Kamehameha Schools/Bishop Estate (KS/B.E.) currently operates an alternate learning center (ALC) for alienated youths from Konawaena High School called Hale O Ho'oponopono. Hale O Ho'oponopono was established in the early 1970's under an active agreement with the State Department of Education. This relationship, expressed in a Statement of Understanding, "is intended to enhance mutual efforts to assist a greater number of Hawaiian/part-Hawaiian students to receive the benefits of education." The location of the school allows the program to emphasize marine studies and ancient Hawaiian culture in their learning program by utilizing the nearby cultural and ocean resources.

DESCRIPTION OF THE PROJECT

2. The applicant proposes to build a 1,950 square foot multi-purpose building consisting of the following:

- | | | |
|----|--------------------|-----------------|
| a. | Multi-purpose room | 750 square feet |
| b. | Kitchen | 300 square feet |

c. Restroom/shower facilities 450 square feet

d. Pavilion 450 square feet

3. The structure will contain vertical wood siding and a corrugated metal roof over wood decking.

4. Although the site plan submittal indicates a 10'-0" sideyard setback on the southern boundary, the applicant will be complying with the required 15'-0" sideyard setback in the Zoning Code. Besides the minimum 20'-0" shoreline setback, no additional setbacks are applicable to the project.

5. At the time of this writing, the applicant was in the process of negotiating a parking agreement with the National Park Service for the use of eleven parking stalls in its parking lot. The parking lot is approximately 200 feet southeast of the subject property. The stalls will be used by nine staff members and two transportation vans.

6. It should be mentioned that the applicant proposes to remodel the interior of the existing buildings located on the subject property to improve their safety and usefulness. These interior improvements, however, have been determined to be exempt from the requirements of Rule 9 of the Planning Commission relating to Special Management Area.

7. In support of the petition, the applicant stated the following:

"The new building will complement the existing complex of two buildings on the same parcel and a craftshop on an adjacent mauka parcel. The two buildings now on site are an existing administration building and a classroom building. The new

building will provide sanitary facilities for the program. Currently toilet facilities are offsite rented facilities located on a nearby parcel.

"The proposed building will increase the viability of the Hale O Ho'oponopono site as an educational facility. It is not expected to substantially increase staff requirements or student enrollment. It will allow the facility to increase the attractiveness and use of the facility for summer educational programs in cooperation with the Department of Education.

"Current traffic levels are confined to commuting traffic from the nine staff members and two vans which transport the students from Konawaena High School. The proposed project should have no impact upon the current level of traffic generated by the alternative learning center. Additional parking is available at the Pu'uhonua O Honaunau National Historic Park's parking area through an agreement between the National Historic Park and KS/B.E.

"The proposed multi-purpose building is part of an effort to upgrade the Hale O Ho'oponopono education program. The expansion of the learning center complex with the construction of the multi-purpose building will resolve the concerns of the Department of Health over the lack of onsite sanitation facilities.

"No extensive impact on public utilities is expected due to the small demands from the proposed building. The subject parcel has existing electrical and water connections adequate to service the proposed building. The applicant [sic] will ensure

that the new building will be connected to water and power lines. A sewage line will be hooked up to the Pu'uhonua O Honaunau National Historic Park's sewage treatment system. Permission has been received from the Park to use their currently underutilized system for the disposal of sewerage from the Multi-purpose building. See Appendix C. The Park's sewer pump and feed lines lie adjacent to the subject parcel and provide easy access for lines from the proposed building."

7. The estimated valuation of the project is \$250,000.

DEVELOPMENT PLANS

8. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Open.

9. Since the State Land Use District classification is Conservation, a Conservation District Use Application has been submitted to the Board of Land and Natural Resources.

10. The Hawaii County Zoning is Open. While the establishment of a school in the Open zoned district is not permitted, county zoning is superseded by the authority of the Board of Land and Natural Resources.

11. Because the proposal involves the use of land within the Conservation District, the requirements of Chapter 343, HRS, (Environmental Impact Statements) had to be met. An environmental assessment/negative declaration was prepared by the Department of Land and Natural Resources and published in the Office of Environmental Quality Control bulletin on September 23, 1986.

12. The subject parcel is situated within the Special Management Area and, thus, requires a Special Management Area Use

Permit pursuant to Chapter 205A, HRS, and Rule 9 of the Planning Commission.

13. A certified shoreline survey was confirmed by the Chairman of the Board of Land and Natural Resources on June 3, 1986. The shoreline is depicted at the base of the low rockwall which runs approximately one to two feet makai of the western boundary of the property. Thus, the new shoreline has reduced the area of the original parcel by almost 200 square feet. For the Commissioner's information, the parcel qualifies for a 20-foot shoreline setback area according to Chapter 205, HRS, and the Zoning Code. No improvements are proposed within the minimum 20-foot shoreline setback area.

DESCRIPTION OF THE SUBJECT PARCEL AND SURROUNDING AREA

14. The subject lot contains two existing main buildings and several small accessory structures. One main building is used as an administration building and the other as a classroom building. The area proposed for the construction of the multi-purpose building is a slightly sloped area containing an ice house, which is in a state of disrepair. There are low lava rock walls along most of the subject property's boundaries and also within the property. A paved access drive lies on the southern side of the property.

15. Across this drive are two parcels with single-family dwellings, including the home of the center's caretaker. The Honaunau National Park is situated beyond these dwellings to the south. The parcel to the north of the subject parcel is owned by KS/B.E. and is currently used as an outdoor classroom. The adjacent parcel to the east contains the center's craftshop.

16. All surrounding lots have similar land use designations of Open and Conservation.

17. The .47 acre site gently slopes towards the ocean with a five to ten foot change in elevation over the approximately 100 to 130 foot length of the property. The proposed building footprint has a slight slope and is roughly ten feet above mean sea level. As previously mentioned in this background report, a three foot wide retaining wall separates the building site from the shoreline. The ground level drops about three feet makai of the wall and a rocky beach slopes to the ocean over a distance of about five to twenty feet depending upon the tide.

18. Elevations throughout the site range from five to seventeen feet above mean sea level.

19. The Flood Insurance Rate Map (FIRM), prepared by the U.S. Department of Army Corps Engineers, is partially within the flood Zone A4. Thus, construction of the building must comply with Chapter 27 of the Hawaii County Code relating to Flood Control.

20. The soil of the area is classified Lava Flows, Pahoehoe (rLW) by the Soil Survey of the Island of Hawaii, U.S. Department of Agriculture, Soil Conservation Service. This miscellaneous land type has no soil covering and is typically bare of vegetation except for mosses and lichens.

21. The vegetation found on the subject parcel have been introduced landscaping species and local common species such as coconut palms, monkeypod, plumeria, kiawe, hala and opiuma trees.

22. Common fauna, such as rodents and the cat, have been seen on the project site.

23. An archaeological reconnaissance survey of the parcel was conducted on April 21, 1984 and revealed no archaeological sites or features of significance.

PUBLIC UTILITIES AND FACILITIES

24. Access is available from Pu'uhonua Road and a 9-12 foot wide paved "trail".

25. Fire and police protective services are located about eight miles away in Captain Cook.

26. All essential utilities are available to the project site. Sewage will be disposed of via an adjacent feedline and sewage lift station, which is 60 feet southwest of the proposed building.

AGENCY COMMENTS

27. Fire Department:

^{↑ Recommend fire}
~~Board of Appeals~~ sprinkler protection for all buildings constructed beyond five (5) miles from the nearest manned 24-hour fire station."

28. Department of Parks and Recreation:

"The removal of an area presently used for parking may cause a problem along the beach road, unless suitable parking is provided elsewhere."

29. Department of Water Supply:

"It is not expected that the proposed use will result in a significant increase in water usage. Therefore, we have no objections to the request.

"However, should the proposed use require water service, such service request shall be subject to prevailing water availability policies in the area and

prevailing rules and regulations [sic] of the Department. Further, should construction of the project affect any of our existing water system facilities in the area, the developers shall be responsible for all damages or relocations."

30. Department of Health "[F]ound no Environmental Health concerns with regulatory implications in the submittals."

31. Department of Land and Natural Resources-Historic Sites Section:

"We agree with the consulting archaeologist's report (Dunham 1986) and the applicant's Environmental Assessment (EA pp. 3, 7-8) that no significant historic sites are present in the project area and that the project will, thus, have "no effect" on significant sites. We would like to suggest two minor conditions to this assessment, however.

"1. The applicant have the 3 pieces of volcanic glass sent to MOHLAB for hydration dating -- if the pieces are large enough to be dated. This cost will be low. While we agree that the remains in the site found are of limited significance (boundary walls highly disturbed and subsurface deposits highly mixed and most recent), the report indicates that a few artifacts were found indicating prehistoric use of the site (p. 9). Thus, one item of information that is significant and that is important to document for inventory purposes is site age. We believe the dating of these volcanic glass pieces will provide this information.

"2. As the report and EA (p. 8) say, there is always the possibility some significant finds might be uncovered during construction. Archaeological consultation will be necessary in such a case. We agree with this plan. However, we believe that it should be clarified that before any action is taken, your office must be contacted to recommend or to review and approve needed archaeological tasks."

32. Kona Soil and Water Conservation District, Police Department, Department of Public Works, Hawaii Electric Industries Company and the Department of Education had no comments or objections to the application.

33. The Real Property Tax Office did not respond to the application.

34. Public Comments :

Judith DeMello 10/4/86

M/M Jerry Benson 10/7/86

Bella Carvalho 9/ /86

35. U.S. Dept. of Interior 10/16/86
w/ Parking Permit

RECOMMENDATION: KAMEHAMEHA SCHOOLS/BISHOP ESTATE

Upon review of the subject request, the Planning Department is recommending that the request be approved. However, the Department reserves the right to modify and/or alter its position based upon additional information presented during the public hearing.

The proposal to construct a 1,950 square foot multi-purpose building to be utilized by Hale O Ho'oponopono is not anticipated to create a significant adverse effect on the environmental or ecological resources of the Special Management Area.

Air, visual, and noise quality levels will be temporarily affected by the construction activities. However, these will be mitigated through the use of acceptable construction rules and practices. Further, the applicant does not propose to use large machinery or heavy equipment during construction and minimal site preparation is expected.

The project area has been extensively used as a parking area for the existing school program and contains a storage shed and reefer, which will be demolished to accommodate the proposed multi-purpose building. As such, it is unlikely that any rare or endangered species of plant or animal will be affected by the project. Similarly, an archaeological survey and report revealed no sites or features of significant value. While three volcanic glasses pieces were excavated from the site, extensive mixing of midden deposit by both natural beach erosion and

cultural use processes have made site dating contextually irrelevant. In the event that some significant finds might be unearthed during construction, this permit contains the standard stop-work condition relating to archaeological features.

The coastal ecosystem should not be influenced by the construction due to the buffer created by the 20-foot shoreline setback and the existing rockwall boundary. The 20-foot shoreline setback line should be staked out prior to construction so as to assure compliance with Rule 8 relating to Shoreline Setback, which prohibits construction activity within said area. Since sewage will be disposed into the Pu'uhonua O Honaunau National Park's sewage treatment system, coastal waters will not be adversely impacted.

The open space and scenic viewplanes will be altered to a degree. However, these impacts will be mitigated through the low-profile of the proposed one-story structure and its complementary architectural design with existing buildings and the character of the surrounding area.

Existing public access to and along the shoreline should not be affected by the proposed development. The public presently traverses laterally makai of the rockwall fronting the property. When lateral access is not safe due to high surf, the public has been permitted to use the protected shoreline setback area mauka of the rockwall. These areas will not be impacted by any part of the proposed development.

The proposed development is consistent with the objectives, policies and guidelines of the Special Management Area established under Chapter 205-A, Hawaii Revised Statutes, which provide guidance for the preservation, protection and development of coastal resources of the state and county. While the project site is partially situated within the flood zone, construction must comply with the requirements of the Department of Public Works who administers Chapter 27 of the Hawaii County Code relating to Flood Control. Parking requirements will be complied with through a parking agreement with the National Park Service for eleven parking stalls.

The proposal is consistent with the General Plan Land Use Element, which states the following:

"Three basic functions are served by open space. Positive human needs, such as active and passive recreation amenities, can be met. The natural resource base, such as air, water, soil and plants, can be protected and enhanced. Economic development decisions, e.g., tourism, real estate values, and development patterns can be affected."

The expansion of the Hale O Ho'oponopono program would directly and indirectly serve the community's human needs. The multi-purpose building construction would not affect the existing resource base nor any economic development patterns, especially given the existing built-up area which surrounds the site. Also, the presence of the nearby National Park will ensure the preservation of open space and passive recreational and educational amenities.

Based on the foregoing, it is determined that the granting of this permit will be consistent with Chapter 205-A, HRS, Relating to Coastal Zone Management; Rule 9 of the Planning Commission Relating to the Special Management Area; and the Hawaii County General Plan.

This SMA Permit is approved subject to the following conditions:

1. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Obtain a Conservation District Use Permit from the Board of Land and Natural Resources.
3. Submit plans for plan approval within one year from the effective date of the Conservation District Use Permit.
4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. A 15'-0" sideyard setback from the southern property line shall be met. Furthermore, the 20-foot shoreline setback line shall be staked out prior to any land alterations or on-site construction. No construction activities shall be permitted within the 20-foot shoreline setback area adjacent to the proposed project.
6. Provision for eleven parking stalls shall be met in a manner meeting the approval of the Planning Director prior to issuance of an occupancy permit for the proposed project.

7. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the affected area shall cease and the Planning Department immediately notified. Work in the affected area shall not proceed until an assessment and further mitigative recommendations are made.
8. Comply with all applicable rules, regulations, and requirements, including those of the Department of Public Works.
9. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.