

**COUNTY OF KAUAI
PLANNING DEPARTMENT
LIHU'E, KAUAI**

PLANNING DIRECTOR'S REPORT

HEARING DATE: August 13, 2013

PROJECT: Project Development Use Permit PDU-2013-15
Class IV Zoning Permit Z-IV-2013-17
Use Permit U-2013-14

APPLICANT: The Resonance Project Foundation
Jonathan J. Chun, Esq. (Authorized Agent)

FINDINGS

LOCATION: Kilauea. Along Kuawa Road, approximately 850 feet south of its intersection with Kaumuali'i Highway.

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| TAX MAP KEY: <u>5-2-013:001</u> | AREA: <u>13.277 acres</u> |
| ZONING: <u>Residential (R-4)/Agriculture (A)/ Open (O)</u> | SLUD: <u>Urban/Agricultural</u> |
| GEN. PLAN: <u>Open/Agriculture</u> | EXIST. USE: <u>Residential</u> |

I. ACTIONS REQUIRED:

A *PROJECT DEVELOPMENT USE PERMIT* is required to accommodate the various uses within the Residential (R-4) and Agriculture (A) zoning districts and to facilitate an overall master plan for the subject parcel. A *USE PERMIT* is required as the proposed use is not generally permitted within the Agriculture District (A).

A *CLASS IV ZONING PERMIT* is a procedural requirement when applying for a Use Permit.

II. PROJECT DESCRIPTION AND USE:

The Applicant proposed to develop a Research Complex facilitating research in various science practices that would include construction of a research facility containing offices and workshop areas, dormitory buildings, various accessory structures, and provision for off-street parking. As represented, the dormitory facility will provide housing for resident staff members and researchers, visiting scientists, invited researchers, as well as other educational program participants (refer to Page 6 of the Applicant's petition, Section 4 entitled "Proposed New Uses and Structures of the Subject Property").

As represented, there will be various improvements on the project site, however, the

historic Plantation Manager's House and the existing Wash House will remain unchanged from its present use. The new developments on the parcel include construction of: 1) Research Facility, 2) Restrooms, 3) Lecture Facility, 4) PVC/Metal Frame Agriculture Buildings, 5) Well House & Water Storage Tank, 6) Dormitory, 7) Yoga Hale, 8) Storage Containers and 9) Off-Street Parking. In addition to the foregoing, there will be renovations to existing structures that includes the: 1) Garage, 2) Auxiliary Building, and 3) Shade House. The following is a summary of the proposed improvements. Detailed information of the project is contained in the Applicant's Project Description, beginning on Page 6 of the Applicant's petition.

- Research Facility: This structure will be constructed below grade (underground) and will house research activities and offices. It will be approximately 3,611 square feet (s.f.) in size.
- Garage (Existing): This structure will be renovated and house a workshop as well as an office.
- Auxiliary Building (Existing): This structure will be renovated and feature restrooms, offices, and a conference room.
- Restroom Facility (New): A single-story structure, approximately 208 s.f. in size. It will have both Men's & Women's restrooms and be constructed adjacent to the existing garage & auxiliary buildings.
- Shade House (Existing): This structure will be remodeled to include a kitchen/dining area and two bedroom units. It is approximately 971 s.f. feet in size.
- Lecture Facility: This domed structure will be approximately 1,963 s.f. in size and stands 24 feet high. It will serve as a lecture room and meeting place for researchers and volunteers. This is where the public may attend some of the lectures and presentations.
- Storage Containers: There will be a total of four storage containers throughout the project site. Three of these containers are 40 feet in length, while the other one is 20 feet long.
- PVC/Metal Frame Agriculture Building: A total of two (2) structures will be erected and both are single-story buildings. One measures approx. 1,444 s.f., and the other is 488 s.f. They will serve as an accessory to the agricultural activities occurring on the subject parcel.
- Well House and Water Storage Tank: A well house, approx. 120 s.f., will be constructed over the existing well and will contain the pump & related equipment to the operation of the well. A new 5,000 gallon water tank will be constructed on the subject parcel in order to accommodate the proposed development and activities.

- Dormitory: The Applicant is proposing to construct two (2) dormitory housing structures and each will be approximately 4,510 s.f. in size. As represented, each unit would be able to house 8 residents and be utilized by the resident staff members and researchers, as well as visiting researchers and volunteers of the Foundation. This construction work would be done through Phase II of the project, commencing approximately 3-5 years from the permit approval.
- Yoga Hale: A structure measuring 20' X 20' and located on the far southeastern portion of the property, overlooking Kīlauea Stream. It will be utilized for meetings as well as a place for quiet meditation & reflection.
- Off-Street Parking: A parking lot will be constructed during Phase II of the project and it will accommodate 28 off-street parking stalls. The parking area will be constructed of crushed blue rock.

Additionally, there will be interim improvements during the construction phase of the project that includes mobile office buildings to be utilized as construction offices. Each unit is approximately 1,440 s.f. in size and will be located near the site of the proposed dormitories and parking lot.

III. LEGAL REQUIREMENTS:

This report is being transmitted to the Applicant and Planning Commission in order to satisfy the requirements of Section 8-19.6 (c), relating to the provision of the Planning Director's report and recommendation on the subject proposal within 60 days of the filing of a completed application. The application was received on May 16, 2013 and the Applicant, through its authorized agent, was notified accordingly of the Planning Department's intent to commence permit processing.

In accordance with Section 8-19.6 (d), the public hearing for this matter is scheduled on AUGUST 13, 2013. It is noted that the Applicant has assented to moving the public hearing date as scheduled (originally July 9, 2013) and waive the 60 day period as noted above in order to accommodate scheduling conflicts.

IV. APPLICANT'S REASONS/JUSTIFICATION:

Refer to Applicant's Project Description

V. ADDITIONAL FINDINGS

1. Site Information/Characteristics

As noted by the Applicant in their Project Description, the subject parcel is designated as "*Open & Agriculture*" under the Kaua'i General Plan and the project site is situated within the State Land Use Urban & Agricultural Districts. As depicted on the County's zoning maps, the "pole portion" of the parcel is zoned

Agriculture (A) District, the area closest towards Kuawa Road is located within the Residential (R-4) zoning district, and the area closest to Kīlauea Stream is zoned Open District (O).

A natural valley and watercourse (Kīlauea Stream) traverses along its eastern boundary. The Federal Emergency Management Agency (FEMA) Flood Insurance Map indicates the project site being is situated within the flood zone identified as Zone 'X'. FEMA has determined that areas within the Zone "X" (unshaded) means that the area is outside the 500-year flood plan.

2. Existing Land Use Permits

The following information represents land use approvals/permits associated with the subject property:

- Special Permit SP-98-8, Class IV Zoning Permit Z-IV-98-44, and Use Permit U-98-36 – This application received approval by the Planning Commission on August 13, 1998 and it authorized the use of the property for social events and functions (i.e. weddings & parties). A copy of the approval letter is provided in the Applicant's petition, identified as **Exhibit "J"**.

3. Surroundings

Surrounding properties are agricultural in nature with related uses, including farm dwellings and produce sales. The properties that are immediately adjacent to the project site are all within the Agriculture (A) District. Properties further south and west of the parcel also contain Farm Dwelling Units (FDUs) and also within the Agriculture District and further developed through Condominium Property Regime (CPR).

The nearest residentially zoned area is situated approximately 350 feet north of the project site, across Kūhi'ō Highway. These properties are located within the Kīlauea Town Core and are comprised of single-family residences that are within the Residential District (R-4).

4. Access

Access to the proposed facility is through an unimproved driveway coming off of Kuawa Road, which is situated along the western end of the parcel. Kuawa Road is a privately-owned roadway that has a pavement width ranging from 16-20 feet wide.

5. Off-Street Parking

In evaluating the parking standards for the proposed development, it is noted that the CZO does not specify parking standards for a "Dormitory" use. However within the residential zoning district, dormitories, guest and boarding houses are a permissible use.

According to Webster's Dictionary, a Dormitory is typically referred to "as

sleeping quarters or entire buildings primarily providing sleeping and residential quarters for large numbers of people, often for boarding school, college or university students.” Boarding houses are recognized very similarly. “It is a house in which people on vacation or lodger rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months and years. Years ago, the boarders would typically share washing, breakfast and dining facilities; in recent years it has become common for each room to have its own washing and toilet facilities.”

The Land Use Ordinance (LUO) of the City & County of Honolulu defines a “Boarding Facility” as:

- *“An establishment with one kitchen which provides living accommodations for roomers in addition to the resident manager or owner and family, with or without meals, for remuneration or in exchange for services. The term does not include group living facilities, or monasteries and convents.”*

Furthermore, the LUO requires 2 stalls plus 0.75 stall per room. Based on this standard and using the information provided in the Applicant’s Project Description, a total of twenty-one (21) off-street parking stalls would be required for the dormitory facility. As represented, the Applicant will be making provisions for a parking lot containing 28 parking stalls.

VI. AGENCY COMMENTS: Comments from applicable government agencies are being sought and are expected at time of the public hearing scheduled on August 13, 2013.

VII. PRELIMINARY EVALUATION

In considering the Applicant’s proposal, it should be noted that a “Dormitory” is not defined in the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua’i County Code (1987). Nonetheless, the proposed development is to be evaluated pursuant to Section 8-18 of the KCC, relating to the requirements for a Project Development Use Permit; Section 8-20 of the KCC, relating to the requirements for a Use Permit; and Section 8-21 of the KCC, relating to the requirements for a Variance Permit.

Lands that may be included in a Project Development

In accordance with Section 8-18.2(a) of the KCC, any land area designated as Urban District by the State Land Use Commission may be developed in accordance with a use permit provided that the land area is under one (1) ownership or there is an agreement among several owners for the purposes of cooperative or joint development, and the land area is:

- (1) in excess of one (1) acre in a Commercial, Resort, or Industrial Use District; or

- (2) is large enough to qualify for more than ten (10) dwelling units in any Residential District, Open District, or Agriculture District.

It is noted that a portion of the project area is within the State Urban Land Use District and contains approximately 7.11 acres within the Residential (R-4) zoning district.

Use Permit

Pursuant to Article 20 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua'i County Code (1987), the purpose of the Use Permit procedure is to assure the proper integration into the community of uses which may be suitable only in specific location of a district, or only under certain conditions, or only if the uses are designed, arranged or conducted in a particular manner, and to prohibit the uses if proper integration cannot be assured. Section 8-20.5 of the CZO specifies a USE PERMIT may be granted only if the Planning Commission finds that the use meets the following criteria:

- the use must be a compatible use;
- the use must not be detrimental to persons or property in the area;
- the use must not cause substantial environmental consequences; and
- the use must not be inconsistent with the intent of the Comprehensive Zoning Ordinance (CZO) and General Plan.

Additional issues such as but not limited to traffic, access, noise, and visual impact will be assessed in the final evaluation of the proposed development. Furthermore, added consideration may be given to the public hearing process whereby testimony may be received from the Applicant as well as members of the general public.

Development Standards – As proposed, the development meets building height and building setback requirements, pursuant to Sections 8-3 and 10-2 of the KCC, and complies with the off-street parking requirements as prescribed in Section 8-5 of the KCC.

Although the present vehicular access is taken directly from Kuawa Road, it is uncertain as to whether the traffic impacts generated by this development will warrant any off-site improvements at the Kuawa Road /Kūhi'ō Highway intersection since the department has not received comments from the State Department of Transportation (DOT). As such, the department has reservations in regards to this particular matter as well as proposing traffic mitigation efforts.

In order to further ensure that the project is compatible with its surroundings and to minimize the visual impact of the structure, the external color should be of a moderate to dark earth-tone color, and the Applicant should provide substantial landscaping. The proposed color scheme and a landscape plan should be submitted to the Planning Department for review and acceptance prior to building permit application.

It is uncertain as to whether the Applicant has made provisions for night illumination with the project, based on the preliminary plans that have been submitted. If so, night illumination should be designed to minimize adverse impacts on the Federally Listed Threatened Species,

Newell's Shearwater and other seabirds. Night lighting should be shielded from above and directed downwards and shall be approved by the U.S. Dept. of the Interior Fish and Wildlife Service. If external lighting is to be used in connection with the proposed project, all external lighting should be only of the following type: downward-facing shielded lights. Spotlights aimed upward or spotlighting of structures and landscaping is prohibited.

VIII. CONCLUSION

Based on the foregoing, it is concluded that through proper mitigative measures, the proposed development can be considered and it should not have any significant adverse impacts to the environment nor the surrounding neighborhood. Furthermore, the proposal is generally in compliance with the criteria outlined for the granting of a Special Permit, Use Permit, and Class IV Zoning Permit.

IX. RECOMMENDATION

Based on the foregoing conclusion, it is recommended that the proposed research complex could be considered for approval. However, the Planning Commission is advised that this report does not represent the Planning Department's final recommendation in view of the forthcoming public hearing process scheduled on August 13, 2013 whereby the entire record should also be included as part of the decision making process. The entire record should include, but not be limited to:

- a. pending government agency comments;
- b. testimony from the general public and interested others; and
- c. the Applicant's response to staff's report and recommendation as provided herein.

By _____

Dale A. Cua
Planner

Approved and recommended to Commission

By _____

Michael A. Dahilig
Director of Planning

Date: _____