

County of Hawaii
Windward Planning Commission
Remand of SPP 12-000138 Connections New Century Public Charter School

January 14, 2022

To Whom It May Concern:

My name is Ivan Mochida, and I live on Edita Street, less than 200 feet from the proposed school. I testified against the project before and time has not changed my mind in continuing to object to it.

By its own admission, the school will introduce more than 50% of its students from outside of the area. That will definitely introduce more and more traffic to the winding and narrow Kaumana Drive and at a time when there will be lots of morning and afternoon peak hour traffic. Think Waianuenue Avenue or Puainako Street. But at least those roads are straight and not winding like Kaumana Drive.

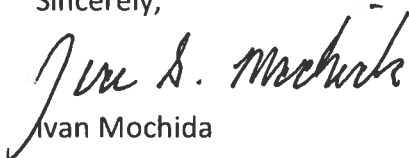
Then, there is issue of more traffic conflicts at the intersection of Kaumana Drive and Edita Street, where sight distance is not the best for traffic leaving Edita Street.

It is clear in my mind and the minds of many of my neighbors that the project will have an adverse impact on the neighborhood. Even the Police Department commented that the impact will be adverse in terms of noise and safety.

While the applicant may not feel that the impacts are negative, we – the ones who are living in the area – say they are. In its decision, the Intermediate Court of Appeals maintained that the burden fell on the applicant – not us, the neighbors - to demonstrate that their project's impact will not be adverse. And that, in my mind, they have not demonstrated.

That alone should be sufficient for the Commission to deny the request. Thank you for this testifying opportunity.

Sincerely,


Ivan Mochida

January 14, 2022

Aloha,

My name is Carolyn Kaichi, and I live on Mele Manu St., near the site of the proposed charter school. I strongly believe this project will have an adverse impact on the surrounding neighborhood.

On the matter of the General Plan, while it could be argued that the school is an ancillary use as part of the Low Density designation, it is still not an automatically allowable use. The General Plan must be viewed against the Zoning Code, which implements the General Plan. The Zoning Code, like the General Plan, are all part of the existing record.

Within the single-family residential zone, a school is not an outrightly permitted use. It is subject to a Use Permit, the same public review and approval process as the Special Permit. Section 25-2-60 states that *"Use permits are permits for certain permitted uses in zoning districts which require special attention to insure that the uses will neither unduly burden public agencies to provide public services nor cause substantial adverse impacts upon the surrounding community.*

The point here is that impact to surrounding community or neighbors is an overarching criteria, whether a Use Permit or Special Permit. Members of the neighborhood are overwhelmingly stating that the project will have an adverse impact to their quality of life in terms of noise, traffic, and privacy. We bought our home in this neighborhood because it was quiet, secluded and not a thoroughfare for high traffic. We have no objections to a school in the area (of which there is already a couple, Kaumana Elementary and E.B.deSilva School) **if there was NO access to and from Kaumana**, since it is only a two-lane road that services a large community already.

As noted by my fellow neighbors and the Court, we request the Commission to exercise its discretion and deny the request.

Mahalo,

Carolyn Kaichi

c.kaichi2001@gmail.com

TESTIMONY OF LESTER SAKAMOTO

RE: SP21-413 CONNECTIONS NEW CENTURY PUBLIC CHARTER SCHOOL / Community Based Education Support Services (CBESS) (SPP 12-000138) (Hawai'i)

HEARING DATE: WEDNESDAY, JANUARY 19, 2022 AT 9:00 A.M.

January 14, 2022

To the Honorable Commissioners of the Land Use Commission, State of Hawaii:

My name is Lester Sakamoto, and I have lived in the Pacific Plantations Subdivision, situated near the location of the Connections New Century Public Charter School's proposed new campus, for nearly 30 years. I am testifying against this project due to the location selected for this development. I must emphasize that I am not against the school itself, its faculty, or its students, but rather, against the site that was chosen for their new complex.

I believe that the Special Permit Application SPP No. 12-000138 of Connections New Century Public Charter School should be denied because the Applicant failed to meet the grounds for a Special Permit as stipulated by Section 6-7 of the County of Hawaii Planning Commission Rules of Practice and Procedure.

Section 6-7 of that document states that one of the requirements that must be met for approval of the Special permit is that the proposed use "Would promote the effectiveness and objectives of Chapter 205, Hawai'i Revised Statutes, as amended" [Section 6-7(b)], and further states that "The Commission **shall also consider the criteria listed under Section 6-3(b)(5)(A) through (G)**" [emphasis added], to wit:

"The following criteria shall also be addressed:

- (A) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations;
- (B) The desired use shall not adversely affect surrounding properties;
- (C) Such use shall not unreasonably burden public agencies to provide road and streets, sewers, water, drainage, school improvements, and police and fire protection;
- (D) Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established;
- (E) The land upon which the proposed use is sought is unsuited for the uses permitted within the district;
- (F) The proposed use will not substantially alter or change the essential character of the land and the present use; and
- (G) The request will not be contrary to the General Plan and official Community Development Plan and other documents such as Design Plans."

I am writing to urge the Land Use Commission members to very carefully address each of the seven above-captioned criteria when considering whether the Special Permit should be granted. Please look beyond the rhetoric and anecdotal representations made by the Applicant that, on the surface, might

appear to satisfy these conditions. With further analysis, and with the benefit of public testimonies, you will find that what the Applicant has provided lacks definitive supportive substance; i.e., they may have *discussed*—but they have not suitably addressed and definitely have NOT *satisfied*—all of these objectives. The burden is upon the Applicant to prove compliance and congruence with these objectives, and I believe their failure to do so is reason to deny the Special Permit.

During prior hearings on this case, there were numerous credible testimonies submitted against the Special Permit Application, and this ultimately led to the Windward Planning Commission's recommendation to initially deny the Applicant's Special Permit, and rightfully so. I believe that the Commission's decision to then reverse its position at its most recent hearing, and instead recommend approval of the Special Permit, was in error. Clearly, the facts, issues and substantive reasons for the initial denial of that permit were—and are—still valid, as they remain unmitigated to this very day. These include the lack of adequate water supply, safe and suitable wastewater treatment and disposal, as well as increased traffic and safety concerns. Others have submitted credible testimony on these outstanding issues, so I will not repeat them here.

Instead, I will focus on just two of the objectives listed under Section 6-3 of the Planning Commission Rules of Practice and Procedure that the Applicant has failed to meet, specifically that “the desired use shall not adversely affect surrounding properties” [Section 6-3(b)(5)(B)] and “the proposed use will not substantially alter or change the essential character of the land and the present use” [Section 6-3(b)(5)(F)].

As mentioned earlier, I have been a resident of the Pacific Plantations subdivision for nearly three decades. As such, I am quite familiar with the past and current character of the subject land and its surroundings. Through the years, I have witnessed our neighborhood grow into a friendly, cohesive, and peaceful community. We have been blessed with great neighbors and friends whose ages span several generations. Having the natural forested area near the entrance of our subdivision (the proposed site of the new school complex) served as an ecological buffer from the main road (Kaumana Drive), adding significantly to our quiet and peaceful existence here; i.e., our intrinsic quality of life.

But now we are faced with the prospect of a large K-12 charter school campus—with potential enrollment of nearly 400 students, plus dormitory facilities, a gymnasium, resource center, caretaker's residence, two parking lots supporting 140 stalls, etc.—literally bulldozing its way into our quiet and peaceful neighborhood. I am here to testify that this WILL DEFINITELY adversely affect not only the surrounding properties, but our entire subdivision, and the negative impact will further extend deep into the entire Kaumana Drive corridor due to increased traffic, noise, and compromised safety, not to mention the adequate availability of water to support the planned development of the school, among myriad other adverse effects. Over 400 people have signed a petition opposing the school's proposed location because the development's adverse impacts on the surrounding community and beyond have not been satisfactorily addressed by the Applicant, nor has the Applicant made commitments to acceptable, definitive mitigation measures as conditions of the Special Permit.

We, who live in the Pacific Plantations subdivision, have only one access/egress route to/from Kaumana Drive, and that is via Edita Street. The location of the proposed new school near the entrance to Edita Street will create congestion that does not currently exist. The Applicant submitted a Traffic Impact Analysis Report (TIAR) which concluded that traffic will not be adversely impacted by the new school. However, that report is questionable, since the study was based on traffic counts taken on May 28, 2009, a date when certain schools and/or classes were not in session. I suspect that could be why, in

spite of the TIAR, the County Department of Public Works still recommended that Connections construct a separate left turn lane to the school AND prepare a comprehensive traffic management plan. Incidentally, the Hawaii County Police Department also recommended that Connections build a paved shoulder along Edita Street extending from Kaumana Drive to the school's entrance for pedestrian safety. But these measures, even if fully implemented, will still not eliminate the congestion at the school's entrance on Edita Street, potentially exacerbating access by medical/fire/police vehicles during emergencies.

In earlier hearings, certain proponents of Connections have testified that communities usually embrace, rather than reject, neighborhood schools and apparently used this argument to label our Pacific Plantations residents as NIMBYs who are against the school for no other reason than "Not In My Back Yard", when we should instead be welcoming new educational institutions. This was despite our repeated efforts to say, with utmost sincerity, that we are not against the school itself, but rather, the chosen location of this new development, and we stated our many legitimate reasons. One realtor even offered his services to assist the school's leaders in exploring alternative sites, but I understand this, too, has fallen on deaf ears.

Thus, supporters of the school continue to claim, without corroborative and demonstrable supporting evidence, that the school will irrefutably benefit—and not adversely affect—the surrounding properties and neighborhood. I wish to point out that for *traditional neighborhood schools*, where the school serves its adjacent communities, and/or the neighborhood gradually evolved around the established school in a symbiotic manner, this might have held true; that is, the school benefited its surrounding community that itself populated the student body. But this is not the case for Connections New Century, a Public Charter School which, unlike traditional neighborhood schools, is not designed to exclusively serve, or even grant admission preferences, to students of its surrounding geographical region. That is an important distinction.

Apparently, the former County of Hawaii Planning Director also made this distinction and indicated concern. The Director had stated,

"From a planning perspective, this request has proven to be difficult in arriving at a position we are comfortable with. The greatest difficulty we encountered was determining whether or not this is an appropriate location for a public charter school whose student body largely consists of students who do not live in this particular section of Hilo. Currently, there are approximately 50 percent of the student body coming from the Puna District and approximately 50 percent coming from different locations in the South Hilo District."

The Director further stated:

"...a K-12 school should be located in close proximity to where people live and near the center of probably student population for the proposed school. This will enhance integration of the school into the community and thus create a better neighborhood and a more livable community. A school should not be located in an area where the students live a far distance from the school and require students to be transported via buses or vehicles."

Residents of our subdivision and of the greater Kaumana community are already adequately served by several well-established schools, including Kaumana Elementary, E.B. DeSilva Elementary School, Hilo Union School, Hilo Intermediate School, and Hilo High School. Thus, the proposed Connections New Century Public Charter School will provide little or no discernible benefit that could possibly outweigh the numerous and very significant adverse effects to the surrounding properties, and to the greater Kaumana community as well.

The subject property—the 70+ acres of peaceful forested lands, untouched vegetation, natural cave systems and chirping birds—has a distinct character precisely because it is undeveloped. It should not be seen as “just vacant land” available for any development—and especially not a large K-12 school campus with a dormitory, gymnasium, library/resource center, roads, parking lots, etc. The proposed use will unquestionably and undeniably alter the essential character of this land and its present use. To conclude otherwise would be absurd.

Besides, given the magnitude of negative impacts by the proposed development upon the character of the land and its significant adverse effects on the surrounding properties, coupled with the sheer scale of this project (as compared to, say, a small pre-school facility or nature study lab), I contend that the proper channel for land use entitlement should be via a State Land Use Boundary Amendment instead of a Special Permit.

For the reasons mentioned above—that is, that the Applicant’s desired use of the subject land WILL adversely affect surrounding properties and it WILL substantially alter or change the essential character of the land and the present use—I humbly ask that you, the members of the State of Hawaii Land Use Commission vote to DENY the Special Permit Application submitted by the Connections Public Charter School. Doing so will not jeopardize the school’s endeavors to build a new campus elsewhere; it will simply—and rightfully—compel the leaders of the Connections New Century Public Charter School to seek a new and appropriate location for such a development.

Unlike the Kaumana property, a site that is appropriately zoned with less inherent restrictions, community dissent, or stringent conditions of approval will allow the project to quickly get off the ground. As Connections’ own consultant Celia Chen previously noted on record, the conceptual drawings for the (Kaumana) campus are still in their very early planning stages, and can be easily modified to accommodate changing conditions. Thus, by moving the development to a more suitable location, the investment in these plans will not be lost, but can be readily used to springboard the project once that new site is secured. Only then will the school be able to advance quickly—and harmoniously—to achieve its stated goals.

Thank you in advance for your favorable consideration and for your vote to deny this Special Permit Application.

Respectfully submitted,

Lester Sakamoto

Lester Sakamoto
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