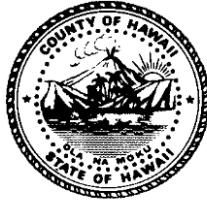


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

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



County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

May 25, 2023

Danette Martin
MP Property Services
76-6357 Kololia St.
Kailua-Kona, HI 96740

Dear Ms. Martin:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000160)
Applicant: Cellco Partnership d/b/a Verizon Wireless
Landowners: Hilton Land Investment 1 LLC/ Global Resort Partners
Project: Existing Telecommunications Facility Improvement Project
TMK: (3) 6-9-007:014; South Kohala District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2023-000160), submitted to this office on April 26, 2023.

The 42.27-acre parcel is zoned Resort-Hotel-1,250 square feet (V-1.25) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Resort Node (ren) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The project parcel is located within the Special Management Area (SMA) and is considered a shoreline parcel as defined by section 205A-41, Hawai'i Revised Statutes (HRS). However, since the location of the proposed project is on top of an existing structure which is a significant distance from the shoreline the Director has waived the shoreline certification for this project. The applicant has stated that the valuation of the proposed telecommunication improvement project is \$25,000.

Proposed Project:

A review of our files indicates that the subject property contains the existing Hilton Waikoloa Village resort and related development such as landscaping, pools, trails, etc. On January 3,

2008, Special Management Area Minor Permit No. 07-000071 (SMM-17-071) was approved for the installation of a telecommunications facility at the Hilton Waikoloa Village. Currently, the applicant is proposing the following activities on top of the existing Lagoon Tower building:

- Replacement of eight (8) of the existing twelve (12) telecommunication antennas.
- Addition of one (1) Overvoltage Protector (OVP) to the existing one (1) OVP.
- Addition of one (1) hybrid cable to the existing one (1) hybrid cable.

All new equipment will be mounted behind the existing antenna enclosure and will not be visible to the public. All work will be conducted on the roof of the building and no ground disturbance is proposed (**Exhibit 1**).

Special Management Area Determination:

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(1), relating to the Special Management Area, "*Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.*" According to the application, the following definitions of "Development" can be applied to the proposed use:
 - *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
 - *Construction, reconstruction, or alteration of the size of any structure.*
2. Pursuant to Planning Commission Rule 9-4(e)(3), "*any proposed use, activity, or operation listed in Section 9-4(e)(2) shall be deemed to be "Development" until the Director has determined it to be exempted from the definition of "development."*" According to 9-4(e)(2), "Development" does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of "Development."
 - *Non-structural improvements to existing commercial structure.*
3. Pursuant to Planning Commission Rule 9-4(e)(4), "*whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity or operation shall be defined as "development" for the purposes of this rule.*"

Based on the information provided, the Director finds that the proposed telecommunication improvement project located on an existing building roof is exempt from the definition of "development" and will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

However, please note that any substantive changes to the improvements listed in the current application may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied. Additionally, pursuant to Planning Commission Rule 9-10(g), *“the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity or operation does not have a substantial adverse effect on the Special Management Area.”*

The Director has added the following conditions for the proposed project:

Director’s Conditions:

1. The applicant(s), its successor(s), or assign(s) (Applicant) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure building permits for the proposed project within two (2) years from the date of this determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
3. Any substantive changes or further development, including but not limited to, the design and size of the improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
4. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to issuance of this determination such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
5. The Planning Director shall initiate procedures to revoke this determination should any of the conditions not be met or substantially complied with in a timely fashion.

Danette Martin
May 25, 2023
Page 4

If you have questions regarding this document, please feel free to contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Jeffrey W. Darrow

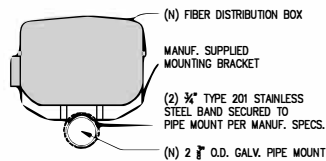
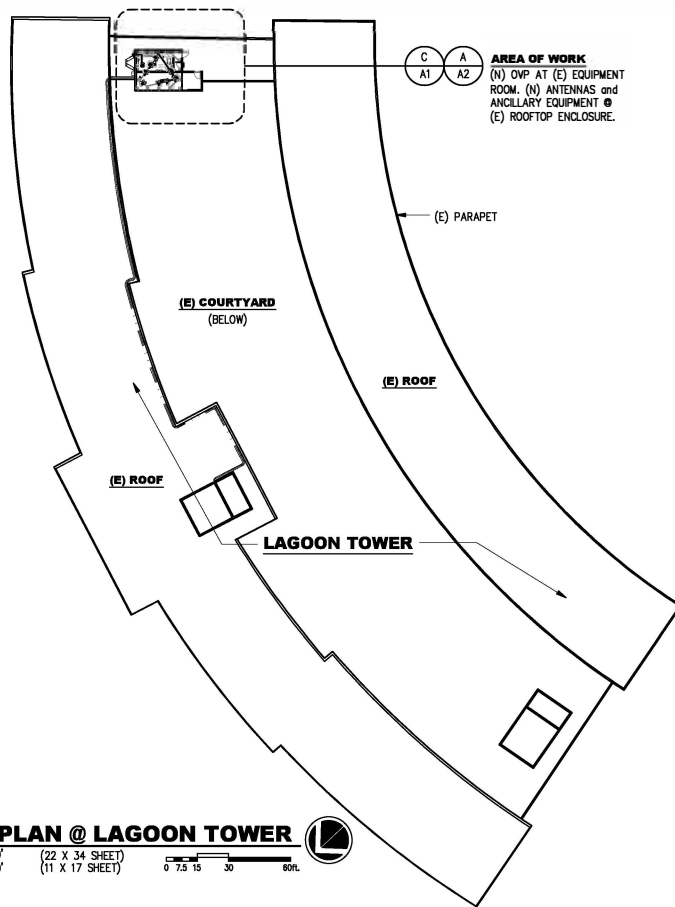
ZENDO KERN
Planning Director

AJR:mads

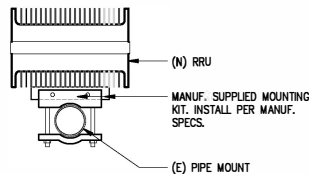
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Attached: Exhibit 1 – Site Plan

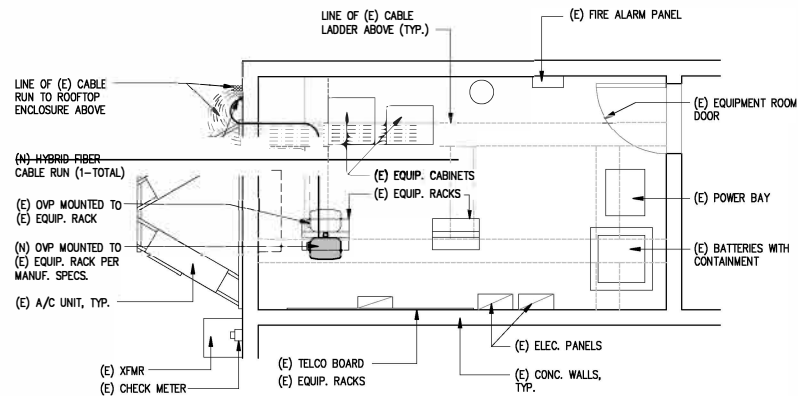
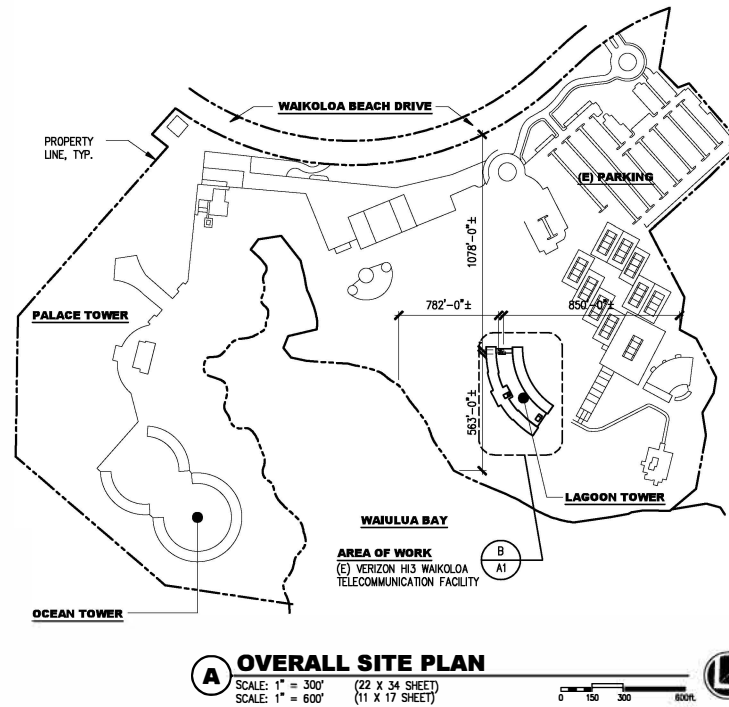
cc w/att via email: GIS Section



2 OVP MOUNT DETAIL
 SCALE: 1 1/2"=1'-0" (22 X 34 SHEET)
 SCALE: 3/4"=1'-0" (11 X 17 SHEET)



1 RRU MOUNT DETAIL
 SCALE: 1 1/2"=1'-0" (22 X 34 SHEET)
 SCALE: 3/4"=1'-0" (11 X 17 SHEET)



MA McPEAK ARCHITECTS
 ALA MOANA PACIFIC CENTER
 1585 KAPOLANI BOULEVARD,
 SUITE 1050
 HONOLULU, HAWAII 96814 (808) 524-3446

CONSULTANT

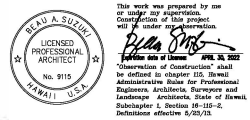
Planning Dept.
 Exhibit **1**

ISSUE

001

JOB NO.

LICENSURE:



PROJECT INFORMATION

verizon

EXISTING TELECOM. FACILITY

H13 WAIKOLOA
 850 LTE ADD RET 4WAY TxRx

HILTON WAIKOLOA VILLAGE
 69-425 WAIKOLOA BEACH DRIVE
 WAIKOLOA, HAWAII 96738
 TMK: (3) 6-9-007:014

SHEET TITLE

**OVERALL SITE PLAN,
 ROOF PLAN @ LAGOON TOWER,
 EQUIP. ROOM PLAN, DETAILS**

CURRENT ISSUE DATE/ISSUED FOR
6/6/2020 - PERMIT

REV. DATE DESCRIPTION

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

SHEET NUMBER

A1

3

OF

4

SHEETS