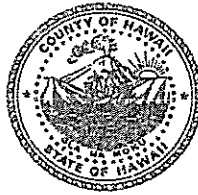


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

February 11, 2004

Ms. Danette Mettler
Agent for Cellco Partnership dba Verizon Wireless
Martin Pacific Property Services
75-5744 Ali'i Drive, Suite 247
Kailua-Kona, HI 96740

Dear Ms. Mettler:

Special Management Area Use Permit Assessment Application (SMAA 04-02)
Special Management Area (SMA) Minor Permit No. 149 (SMM 149)
Applicant: Cellco Partnership dba Verizon Wireless
Landowners: FHR (ML) Hotel Holdings LLC dba The Fairmont Orchid Hawaii
Project: Install two (2) 10-foot whip antennas & a New Equipment Shelter
Tax Map Key: (3) 6-8-022:008

By this letter we are transmitting the referenced SMA Minor Permit No. 149, which is approved, subject to conditions, for the construction of a non-manned telecommunication facility on the subject property.

Our response to your concurrent submittal of an Application for Plan Approval for the proposed project will be forthcoming under separate cover.

Should you have questions, please feel welcome to contact Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Yuen", is written over the printed name.

CHRISTOPHER J. YUEN
Planning Director

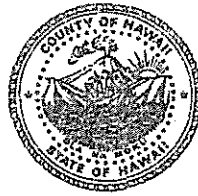
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Ms. Danette Mettler
Agent for Cellco Partnership dba Verizon Wireless
Martin Pacific Property Services
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February 11, 2004

xc: ✓ Ms. Susan Gagorik – Long Range Planning
 Mr. Daryn Arai – Ministerial

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Special Management Area Minor Permit No. 149

Project: Construction of a Non-manned Telecommunication Facility
Applicant: Celco Partnership dba Verizon Wireless
Land Owner: FHR (ML) Hotel Holdings LLC dba The Fairmont Orchid Hawaii
Location: Mauna Lani Resort, Kalahuipaa and Waikola, South Kohala,
Island & County of Hawaii, Hawaii
TMK: (3) 6-8-022:008 **Land Area:** 25.04 acres

Applicant's Request

1. Project Description:

The applicant proposes to construct and operate non-manned telecommunication facility atop the existing Fairmont Orchid Hawaii Hotel at Mauna Lani Resort. The proposed improvements include the installation of two (2) 10-foot tall whip antennas, the construction of a new equipment shelter of approximately 179 square feet, and related improvements on the roof of the south wing of the existing Fairmont Orchid Hawaii Hotel at Mauna Lani Resort.

2. Purpose of Project:

The project is intended to improve the existing wireless communication coverage in the Mauna Lani Resort area.

3. Project Valuation: \$100,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the construction, reconstruction, or alteration of the size of any structure is defined as "development." Therefore, the proposed construction non-manned telecommunication facility requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates various portions of the subject property for Open, Resort, Low Density Urban and Medium Density Urban uses.
3. **County Zoning:** The subject property is primarily zoned Hotel-Resort (V-1.25) by the County. Most of the properties perimeter is zoned Open. Pursuant to §25-4-11(c) of the Zoning Code, a public use, structure or building shall be permitted in any district, provided that the Director has issued Plan Approval for such use.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

The project site is a shoreline property. However, the proposed improvements will not affect the recreational resources available to the public.

The proposed improvements will not increase the height of the existing structure. The new equipment shelter will not be visible from the ground in the immediate vicinity of the hotel. Although the equipment shelter will be visible from slightly more distant makai and/or mauka view points, it will not present a significant impact to existing view planes. The two (2) 10-foot tall whip antennas will project 10 feet above the roof line of the existing elevator penthouse on which they will be mounted and will be painted to match the existing building to minimize any visual impacts.

Check all objectives and policies found to be consistent with proposed development. Issuance of 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 Hawaii 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

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.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$100,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments regarding the subject application.

“A building permit is required for the subject project. The affected building is no located in a Flood Hazard Area on the Flood Insurance Rate Map (FIRM).”

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 149** is hereby approved to allow the installation of two (2) 10-foot tall whip antennas, the construction of a new equipment shelter of approximately 179 square feet, and related improvements on the roof of the south wing of the existing Fairmont Orchid Hawaii Hotel at Mauna Lani Resort., subject to the applicant’s compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 149** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. Applicant shall secure Plan Approval from the Planning Department for the proposed development.
3. All construction activities in connection with this project shall be completed within one (1) year from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. With the exception of the whip antenna masts, none of the proposed improvements shall exceed 70 feet in height above existing grade and 80 feet above mean sea level.
5. The applicant shall comply with all applicable requirements of the State of Hawaii-Department of Health and the Hawaii County-Department of Public Works and applicable requirements of other affected agencies.
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.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

2/11/04

Date