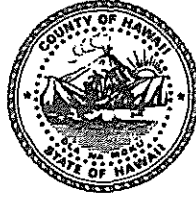


Harry Kim  
Mayor



**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

Long Range

January 3, 2008

Ms. Danette Mettler  
MP Property Services  
76-6357 Kololia Street  
Kailua-Kona, HI 96740

Dear Ms. Mettler:

**Subject: Special Management Area Assessment Application No. 07-289 (SAA 07-289)**  
**Special Management Area Minor Permit No. 07-000071 (SMM 07-71)**  
**Applicant: Celco Partnership dba Verizon Wireless**  
**Land Owner: Hilton Land Investment 1 LLC**  
**Project: Installation of telecommunication facility at Hilton Waikoloa Village**  
**Tax Map Key: 6-9-007:014**

This is to follow up on our November 19, 2007 letter relating to the above-referenced Special Management Area Assessment Application for the installation of telecommunication antennae atop the elevator/mechanical room of the Lagoon Tower at the Hilton Waikoloa Village.

The subject property is designated Urban by the State Land Use Commission. It is also designated Open and Resort Node by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Resort-Hotel District (V-1.25) by the County.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i) and (v) relating to Special Management Area, the proposed project does not qualify as exempt from the definition of "development". Therefore, Special Management Area Minor Permit No. 07-000071 is hereby issued to allow for the installation of telecommunication antennae atop the elevator/mechanical room of the Lagoon Tower on the subject property.

Ms. Danette Mettler  
MP Property Services  
Page 2  
January 3, 2008

If you have questions, please feel free to contact Dana Okano of this department at 961-8288, extension 271.

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

DO:cd  
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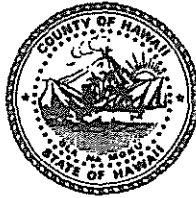
Enclosure: SMM No. 07-000071

xc w/encls: Long Range Planning Division  
Planning Department -- West Hawaii Office  
Mr. Norman Hayashi, Planning Commission

Ms. Mary Lou Kobayashi, Acting Director  
Office of Planning, DBED&T  
P.O. Box 2359  
Honolulu, HI 96804

Cellco Partnership dba Verizon Wireless  
94-413 Ukee Street  
Waipahu, Hawaii 96797

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**Special Management Area Minor Permit No. 07-000071**

**Project:**  
**Applicant:** Cellco Partnership dba Verizon Wireless  
**Land Owners:** Hilton Land Investment 1 LLC  
**Location:** Waikoloa, Hawaii  
**TMK:** (3) 6-9-007:014

**Applicant's Request**

**1. Project Description:**

The applicant intends to install 12 four foot panel antennae, mounted on the roof of the elevator/mechanical room and enclosed by a six foot wall painted to match the existing structure of the Lagoon Tower at the Hilton Waikoloa Village.

**2. Purpose of Project:**

The purpose of the project is to improve wireless communication in and around the Waikoloa Beach Resort.

**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, "development" includes the construction, reconstruction, demolition, or alteration of the size of any structure.

It is not anticipated that the proposed project will have a cumulative impact, or a substantial adverse effect on the Special Management Area.

Therefore, the proposed project 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 (SLU) Commission.
- 2. General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as resort node and indicates open space uses along the shoreline.

3. **County Zoning:** The subject property is zoned Resort-Hotel District (V-1.25) which requires land area of 1,250 square feet for each dwelling unit, or for each separate rentable unit, or other similar rentable units by the County of Hawaii.
4. **Special Management Area:** The subject property is located in the SMA.

<b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</b>
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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 tsunamis, 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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

According to the Planned Unit Development (PUD) Permit No. 29, the hotel buildings have a maximum height limit of 70 feet above the average finished grade, with a maximum elevation not to exceed above 95 feet above mean sea level. The Hawaii County Zoning Code Section 25-4-22(a) allows an exemption to height limits for elevator machinery and antennae "*not to exceed ten feet above the governing height limit*".

The plans submitted indicate the top of the Lagoon Tower to be 51 feet two inches and the top of the elevator/machine room to be 69 feet six inches. The additional six feet of elevation required to install the antennae would total 75 feet six inches. This meets the 70 foot finished grade and ten foot height exemption required by PUD No. 29. The Above Mean Sea Level (AMSL) at the top of the Lagoon Tower is 67.67 feet, and the addition of the wireless antennae and six foot wall atop the elevator/machine room would be 92 feet AMSL. This meets the second height requirement of PUD No. 29.

The estimated project cost of approximately \$100,000.00 is not in excess of \$125,000.

The Department of Public Works – Engineering Division has reviewed the proposed project for compliance with Chapter 27, Flood Control, of the Hawaii County Code and has submitted the following comments, dated November 8, 2007, regarding the subject SMAA.

*"We reviewed the subject application and our comments are as follows:*

*We have determined that the subject building is not located within a Special Flood Hazard Area according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).*

*Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000071** is hereby approved, subject to the conditions stated below, to allow for the installation of 12 four foot panel antennae enclosed by a six foot wall atop the Lagoon Tower elevator/machine room on the subject parcel.

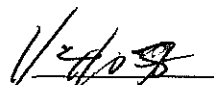
<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 07-000071** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of all State and County of Hawaii and Federal departments and agencies.
3. The applicant/owner shall secure plan approval, a building permit, and complete installation of the telecommunication facility within one (1) year from the date of approval. The applicant/owner shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. 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
5. 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).
6. Should any of the conditions not be met the Planning Director shall initiate procedures to revoke the permit.

APPROVED:

  
CHRISTOPHER J. YUEN  
Planning Director

  
Date