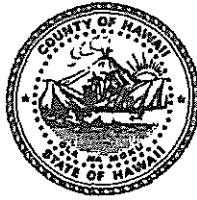


Harry Kim
Mayor



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

January 15, 2008

Mr. Kevin Turner
Site Development Consultant
Coral Wireless, LLC d/b/a Mobi PCS
Pacific Guardian Center – Makai Tower
733 Bishop Street, Suite 1200
Honolulu HI 96813

Dear Mr. Turner:

Subject: Special Management Area Use Permit Assessment Application (SAA 08-000308)
Special Management Area Minor Permit No. 08-000073
Applicant: Coral Wireless, LLC, d/b/a Mobi PCS
Land Owner: AOAO Bayshore Towers
Request: Installation of Telecommunication Antennas and Appurtenant Equipment
Tax Map Key: 2-6-1:15, Puueo, South Hilo, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on January 3, 2008 for the installation of telecommunication antennas and appurtenant equipment on and within the Bayshore Towers Condominium complex on the subject parcel.

This property is designated Urban by the State Land Use Commission. It is also designated Medium Density Urban and Open by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and zoned Resort-Hotel (V-.75) by the County. The property is located entirely within the Special Management Area (SMA).

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the proposed project does not qualify as exempt from the definition of "development". Therefore, a Special Management Area Minor Permit is required.

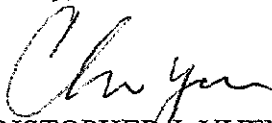
Mr. Kevin Turner
Coral Wireless, LLC d/b/a Mobi PCS
Page 2
January 15, 2008

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 08-000073 is hereby issued for the installation of telecommunication antennas and appurtenant equipment on and within the existing Bayshore Towers Condominium complex on the parcel, subject to compliance with the conditions of approval as specified in the permit.

In addition, all other applicable Zoning and Building Code requirements must also be satisfied. Specifically, Section 25-4-12(a) of the County Zoning Code requires that plan approval be obtained from the Planning Director for any telecommunication antennas in the Resort-Hotel district.

Should you have questions, please feel free to contact Maija Cottle of this department at 961-8288, extension 253.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

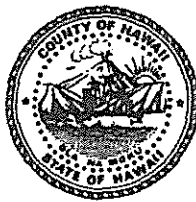
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Enclosure - SMM No. 08-000073

xc w/encls: Long Range Planning Division
Mr. Norman Hayashi, Planning Commission

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T
(SMM 08-000073 will be emailed with the semi-monthly report)

Harry Kim
Mayor



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Special Management Area Minor Permit No. 08-000073

Project: Installation of Telecommunication Antennas and Appurtenant Equipment
Applicant: Coral Wireless, LLC, d/b/a Mobi PCS
Land Owner: AOA Bayshore Towers
Location: Puueo, South Hilo, Hawaii
TMK: 2-6-1:15 **Land Area:** 35,714 square feet

Applicant's Request

1. Project Description:

The applicant proposes to install telecommunication antennas and appurtenant equipment on the subject parcel. This unmanned wireless cell site will be on and within the existing Bayshore Towers Condominium complex. The equipment will include 9 panel-style antennas, each measuring 6' high, mounted flush to the top of the existing mechanical room walls, a small radio cabinet, GPS antenna, and associated utility demarcations, conduits, and cabling. All equipment will be mounted to the existing walls on the roof of the building. The antennas, equipment, and all other visible parts of the installation will be painted to match existing building conditions.

2. Purpose of Project:

This cell site is a vital site in their Hilo core network design. Its main coverage objectives are Hilo Bay, the hotel corridor on Banyan Drive, highways north and south of the site, and nearby commercial and residential areas.

3. Project Valuation: \$75,000.00

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, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the proposed unmanned wireless cell site requires an 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 the subject property for Medium Density Urban and Open use.
3. **County Zoning:** The subject property is zoned Resort-Hotel (V-.75).
4. **Land Use Permit:** Hawaii County Zoning Code Section 25-4-12(a) states that "...A telecommunication antenna or tower may be permitted in all districts; provided that the antenna, tower, and its use are not hazardous or dangerous to the surrounding area and the director has issued plan approval for such use."
5. **Special Management Area:** The subject property is located in the SMA.
6. **Flood Zone:** X

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

The project site is on and within the existing Bayshore Towers Condominium complex. Therefore 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. There will be minimal visual impacts as the antennas will be placed below the rooftop of the building. The antennas, equipment and all other visible parts of the installation will be painted to match the existing décor.

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 \$75,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 11, 2008, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated January 7, 2008 and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 08-000073** is hereby approved for the installation of telecommunication antennas and appurtenant equipment, subject to the applicant's compliance with the conditions of approval as specified below.

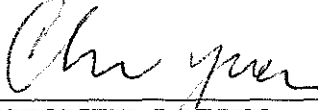
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 08-000073** 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 secure Plan Approval from the Planning Director for the proposed development within one (1) year from the date of approval of this permit.
3. All construction activities in connection with this project shall be completed within one (1) year from the date of Final Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
5. 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).
6. 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

1/15/08
Date