

William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

December 11, 2009

Mr. Wayne China
New Cingular Wireless PCS, LLC dba: AT &T Mobility
c/o Cascadia PM, LLC
1130 N. Nimitz Highway, Suite A-200
Honolulu, HI 96817

Dear Mr. China:

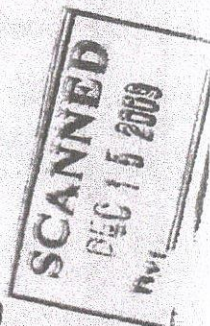
Subject: Special Management Area Use Permit Assessment Application
(SAA 09-000500)
Applicant: New Cingular Wireless PCS, LLC dba: AT &T Mobility
Land Owner: Bayshore Towers AOA
Project: Installation of an Unmanned Wireless Cell Site
TMK: (3) 2-6-001:015; Pu'u'eo, South Hilo, Hawaii

This letter is in response to the Special Management Area Assessment Application we received on November 2, 2009 for the installation of telecommunication antennas and appurtenant equipment on and within the existing Bayshore Towers Condominium complex on the subject parcel. Also acknowledged is your email correspondence dated December 7, 2009, granting a time extension to allow the processing of the subject application.

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 of Hawai'i. 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.

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Mr. Wayne China
New Cingular Wireless PCS, LLC
dba: AT &T Mobility
c/o Cascadia PM, LLC
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For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 09-000134 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.

If you have questions or require further information, please feel free to contact Bethany Morrison of this office at 961-8138.

Sincerely,



BJ LEITHEAD TODD
Planning Director

BJM:cs

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Enclosure: SMM No. 09-000134
Memorandum from Department of Public Works

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

cc ltr only: Mr. Abbey S. Mayer, Director
State of Hawaii, Office of Planning
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804



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Special Management Area Minor Permit No. 09-000134

Project: Installation of Telecommunication Antennas and Appurtenant Equipment
Applicant: New Cingular Wireless PCS, LLC dba: AT &T Mobility Land
Owner: AOA Bayshore Towers
Location: Pu'u'eo, South Hilo, Hawaii
TMK: (3) 2-6-001:015
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 antennas, a microwave antenna, four radio cabinets, utility/power supply cabinet and associated demarcations, conduits and cabling. A permanent emergency propane powered generator will be installed on the rooftop of the building. All visible portions of the proposed installation will be painted to match existing building conditions.

2. Purpose of Project:

The cell site on the Bayshore Towers Condominium complex is a vital site in the Hilo core network design. The main coverage objective includes Downtown Hilo, nearby commercial and residential areas, highway coverage both South and North. The network will also cover parts of Hilo Bay for boaters and the hotel corridor on Banyan Drive.

3. Project Valuation: \$95,000.00

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 visual impacts are largely mitigated by the design of the installation. The antennas will be painted to match existing building conditions, and will be installed a few feet above the level of the rooftop.

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 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 \$95,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated December 4, 2009, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated November 20, 2009 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.

Questions may be referred to Kelly Gomes at ext. 8327."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000134** 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.

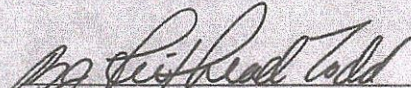
Conditions of Approval

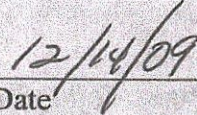
The Planning Director has approved **SMA Minor Permit No. 09-000134** subject to the following conditions:

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:


TODD LEITHEAD
Planning Director


Date

PLANNING DEPARTMENT
COUNTY OF HAWAII

2009 DEC -8 PM 3: 07

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 4, 2009

Memorandum

TO: BJ Leithead Todd, Planning Director

FROM: 
Department of Public Works

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 09-000500)**
Applicant: New Cingular Wireless PCS
Request: Install Ground Equipment and Antennas for a Wireless Cell Site
Tax Map Key: 2-6-01: 015

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated November 20, 2009 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.

Questions may be referred to Kelly Gomes at ext. 8327.

