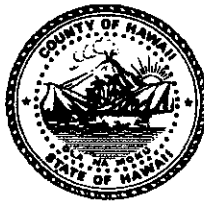


William P. Kenoi  
*Mayor*



BJ Leithead Todd  
*Director*

Margaret K. Masunaga  
*Deputy*

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

October 18, 2011

Mr. Scott Wallace  
New Cingular Wireless PCS, LLC dba AT&T  
500 Kahelu Avenue  
Mililani, HI 96789

Dear Mr. Wallace:

**SUBJECT: Special Management Area Use Permit Assessment Application  
(SAA-11-000714)  
Special Management Area Minor Use Permit (SMM-11-000196)  
Applicant: New Cingular Wireless PCS, LLC dba AT&T  
Land Owner(s): B P Bishop Estate  
Request: Existing Wireless Telecommunications Facility and Proposed  
Improvements  
Tax Map Key: (3) 7-8-010:040; Keauhou, North Kona, Hawai'i**

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This is in response to your Special Management Area Use Permit Assessment Application received on September 15, 2011 for the Special Management Area (SMA) approval of the existing telecommunications facility and proposed improvements. The existing project consists of six (6) panel antennas pipe mounted on the rooftop of the Keauhou Shopping Center. The existing panel antennas are connected by coaxial cable to four equipment cabinets located within an existing 20' x 8' enclosed equipment area in the grounds of the shopping center. The applicant is proposing to install two (2) Purcell equipment cabinets and six (6) Remote Radio Units on a steel platform within a 5'6" x 8' extension of the existing stucco walled enclosed equipment area. The final equipment enclosure dimensions will be 25'6" x 8'.

The subject parcel consists of 21.217 acres and is zoned CV-7.5 (Village Commercial). The parcels are located in the State Land Use Urban District and designated as Low Density Urban and Resort Node by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map. In addition, the subject property is located in the SMA, but it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

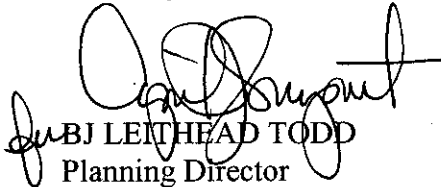
Mr. Scott Wallace  
New Cingular Wireless PCS, LLC dba AT&T  
October 18, 2011  
Page 2

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (E) relating to the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the existing telecommunications facility and proposed improvements require an SMA Minor Permit.

For this reason and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.11-000196 is hereby issued for the SMA approval of the existing telecommunications facility and proposed improvements. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,



BJ LEITHEAD TODD  
Planning Director

BJM:cs

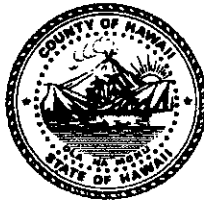
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Enclosure - SMM No. 11-000196  
Department of Public Works Memorandum dated September 13, 2011

xc w/encls: BP Bishop Estate, Kamehameha Schools  
PO Box 3466  
Honolulu, HI 96801

Long Range Planning Division  
Planning Division  
Planning Department- Kona Office

xc ltr only: Mr. Jesse K. Souki, Director



## 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

### Special Management Area Minor Permit No. 11-000196

**Project:** Existing Wireless Telecommunications Facility and Proposed Improvements  
**Applicant:** New Cingular Wireless PCS, LLC dba AT&T  
**Owner:** B P Bishop Estate  
**Location:** Keauhou, North Kona, Hawai'i  
**TMK:** (3) 7-8-010:040 **Land Area:** 21.217 acres

#### Applicant's Request

##### 1. Project Description:

The applicant proposes the approval of the existing telecommunications facility and proposed improvements. The existing project consists of six (6) panel antennas pipe mounted on the rooftop of the Keauhou Shopping Center. The existing panel antennas are connected by coaxial cable to four equipment cabinets located within an existing 20' x 8' enclosed equipment area in the grounds of the shopping center. The applicant is proposing to install two (2) Purcell equipment cabinets and six (6) Remote Radio Units on a steel platform within a 5'6" x 8' extension of the existing stucco walled enclosed equipment area. The final equipment enclosure dimensions will be 25'6" x 8'.

##### 2. Purpose of Project:

It is AT&T's objective to develop and operate facilities which are located to support their wireless coverage needs. By modifying an existing facility, AT&T eliminates the need to build a new facility therefore decreasing the proliferation of telecommunications facilities.

##### 3. Project Valuation: \$27,800

##### 4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e) (1) (E) relating to the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the existing telecommunications facility and proposed improvements require 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 Low Density Urban and Resort Node.
3. **County Zoning:** The subject property is zoned Village Commercial (CV-7.5).
4. **Special Management Area:** The subject property is located in the SMA, but it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X

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

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.

<b>Findings</b>
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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 Hawai'i 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 \$27,800 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated October 10, 2011, states the following:

*"We have reviewed the subject application and have determined the subject project is in compliance with Chapter 27 of the Hawai'i County Code as follows:*

*We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).*

*The above information is based on the most recent FIRM for the County of Hawai'i. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from PDW and a grading permit. A flood study may be required under Chapter 27 of Hawai'i County Code for watercourse alterations."*

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 11-000196** is hereby approved for the approval of the existing telecommunications facility and proposed improvements, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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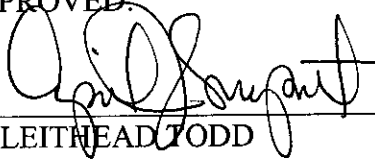
The Planning Director has approved **SMA Minor Permit No. 11-000196**, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. Applicant shall secure Plan Approval for the proposed equipment enclosure extension within one year from the effective date of this SMA Minor Permit.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
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.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:

  
\_\_\_\_\_  
BJ LEITHEAD TODD  
Planning Director

10.18.11  
\_\_\_\_\_  
Date