

William P. Kenoi  
Mayor



Duane Kanuha  
Director

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Deputy Director

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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

September 8, 2014

Ms. Danette Martin  
General Dynamics  
76-6357 Kololia Street  
Kailua-Kona, HI 96740

Dear Ms. Martin,

**Subject: Special Management Area Use Permit Assessment Application (SAA 14-001151)**  
**Special Management Area Minor Permit No. 14-000311**  
**Applicant: Cellco Partnership dba Verizon Wireless**  
**Land Owner: Kamehameha Investment Corp.**  
**Request: Cell on Wheels (COW) and Related Improvements**  
**Tax Map Key: (3) 7-8-010:035, North Kona, Hawai'i**

This is to follow up on our August 18, 2014 letter relating to the above-referenced Special Management Area assessment to place a temporary wireless communication equipment trailer, commonly referred to as a Cell on Wheels (COW), and related improvements on the subject parcel.

The 30.331 acre parcel is designated Urban by the State Land Use Commission. Although it is zoned Resort-Hotel (V-4), Multiple-Family Residential (RM-3) and Open (O) by the County, the project site is in the V-4 district.

The parcel in the Special Management Area but is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Therefore, the requirement to submit a current certified shoreline survey is waived.

**Special Management Area Determination:**

Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(e)(1)(A), state that "Development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*". Therefore, a Special Management Area Minor Permit is required.

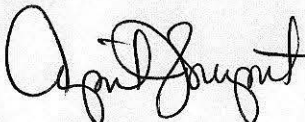
For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 14-000311 is hereby issued to place a temporary wireless communication equipment trailer, commonly referred to as a Cell on Wheels (COW), and related

Ms. Danette Martin  
General Dynamics  
September 8, 2014  
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improvements on the parcel subject to the applicant's compliance with the conditions of approval as specified in the permit.

Should you have questions, please feel free to contact Esther Imamura of this department at (808) 961-8139.

Sincerely,

  
DUANE KANUHA  
Planning Director

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Enclosure - SMM No. 14-000311  
Department of Public Works Memorandum dated August 25, 2014

cc w/Encls: Long Range Planning  
Planning Department – Kona  
Planning Commission via Email

cc ltr only: Mr. Leo Asuncion, Acting Director  
Office of Planning, DBEDT  
P.O. Box 2359  
Honolulu, HI 96804-2359

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### **Special Management Area Minor Permit No. 14-000311**

**Project:** Cell on Wheels (COW) and Related Improvements  
**Applicant:** Cellco Partnership dba Verizon Wireless  
**Land Owner:** Kamehameha Investment Corp.  
**Location:** North Kona, Hawai'i  
**TMK:** (3) 7-8-010:035 **Land Area:** 30.331 acres

#### **Applicant's Request**

##### **1. Project Description:**

A temporary wireless communication equipment trailer commonly referred to as a Cell on Wheels (COW), meter pedestal, transformer pad, HTC Pullbox and HELCO Pullbox will be placed in a landscaped area that is surrounded by asphalt pavement. A 60' telescoping antenna support will be secured by 4 guyed wires to concrete blocks surrounding the facility.

This area was established during the development of the Kona Gardens which was approved as SMA Use Permit No. 61. Therefore, no grading will be required.

##### **2. Purpose of Project:**

Verizon Wireless is currently operating on the rooftop of the Keauhou Beach Hotel and provides wireless services along Ali'i Drive, surrounding homes and businesses. However, they are being displaced and need to have a temporary location to operate from until a new site can be developed in the Keauhou area.

##### **3. Project Valuation:** \$335,000

##### **4. Determination:**

According to Chapter 205A-22, HRS and Planning Commission Rule 9-4(e)(1)(A) relating to the Special Management Area, the placement of a COW and related improvements on the parcel is considered "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste". Therefore, a Special Management Area Minor Permit is required.

#### **State and County Plans**

##### **1. State Land Use District:** The subject property is designated Urban.

2. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property as Resort Node.
3. **County Zoning:** The subject property is zoned Resort-Hotel (V-4), Multiple-Family Residential (RM-3) and Open (O) with the project area in the V-4 district. According to Hawai'i County Code, Section 25-5-92(a)(32), telecommunication antennas are permitted in the Resort-Hotel district upon compliance with Section 25-4-12.
4. **Special Management Area (SMA):** Although it is located in the SMA, it is mauka of Ali'i Drive and not in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** "X"

<p style="text-align: center;"><b>Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area</b></p>
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Since the subject parcel does not have frontage along the coastline, the proposed project will not affect public access to the shoreline or negatively affect shoreline recreational resources available to the public.

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 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 less than \$335,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 25, 2014, states the following:

*"We reviewed the subject application and our comments are 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). 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. 14-000311** is hereby approved to place the Cell on Wheels (COW) and related improvements on the parcel, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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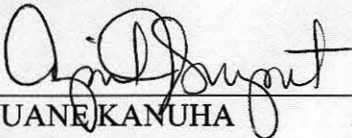
The Planning Director has approved **SMA Minor Permit No. 14-000311** subject to the following conditions:

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. The applicant shall secure Plan Approval for the placement of the COW and related improvements within one (1) year from the effective date of this SMA Minor Permit.
4. The building permit for the placement of the COW and related improvements shall be secured within one (1) year from the date of Final Plan Approval.
5. 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.
6. Any change in the location for the COW and related improvements will require further review and approval as provided under Chapter 205A, HRS and Rule 9, Planning Commission Rules of Practice and Procedure.
7. 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).
8. 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 contact Esther Imamura of this office at 961-8139.

APPROVED:

  
for DUANE KANUHA  
Planning Director

SEP 08 2014

Date

DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HAWAII  
HILO, HAWAII

DATE: August 25, 2014

**Memorandum**

**TO :** Duane Kanuha, Planning Director  
Planning Department

**FROM :** Ben Ishii, Division Chief   
Engineering Division

**SUBJECT :** Special Management Area Use Permit  
Assessment Application (SAA 14-001151)  
Request: Cell on Wheels  
Applicant: Kamehameha Investment  
Location: Keauhou, North Kona, Hawaii  
TMK: 3 / 7-8-010:035

We reviewed the subject application and our comments are 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). Zone X is an area determined to be outside the 500-year floodplain.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division office at 323-4851.

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copy: ENG-HILO/KONA