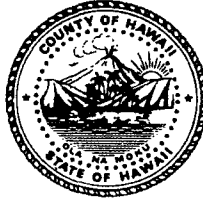


Harry Kim  
Mayor  
  
Wil Okabe  
Managing Director



Joseph Clarkson, Chair  
Thomas Raffiipy, Vice Chair  
Gilbert Aguinaldo  
Dean Au  
Donn Dela Cruz  
John Replogle

## County of Hawai'i

### WINDWARD PLANNING COMMISSION

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

AUG - 8 2019

Mr. Zendo Kern  
Planning Consultant  
194 Wiwoole Street  
Hilo, HI 96720

Dear Mr. Kern:

**SUBJECT: Use Permit No. 42 (Docket No. 86-000003)**  
**Applicant: Kinesis Hawaii, Inc. (formerly Nicholas and Carol Myrianthis)**  
**Request: Amendment to Condition No. 4 (Number of Employees) and to Allow Construction of Approximately 860 Square Feet of Additional Treatment Area and an Office Space**  
**Tax Map Key: 2-3-025:025**

The Windward Planning Commission, at its duly held public hearing on August 1, 2019, voted to approve the above-referenced request to amend Use Permit No. 42 amendment to Condition No. 4 (Number of Employees) and allow the construction of approximately 860 square feet of additional treatment area and an office space. The property is located on the west side of Puuhina Street, approximately 200 feet south of its intersection with Waiānuenue Avenue, Piihonua, South Hilo, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Construction of the proposed addition, as substantially represented by the applicant, shall be completed within three (3) years from the effective date of this amended permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify existing and proposed structures, paved driveway access, interior driveway circulation and paved parking stalls and fire protection measures. Plans shall also include detailed landscaping plans with sufficient landscaping elements along the perimeter of the subject property to provide reasonable visual and noise buffers from the adjacent properties and Puu Hina Street. Parking shall comply with the requirements of Chapter 25 (Zoning Code).

3. Prior to issuance of Final Plan Approval, the applicant shall submit estimated daily water usage calculations for review and approval by the Department of Water Supply (DWS) that include the total estimated daily water usage in gallons per day and the estimated peak flow in gallons per minute, prepared by a professional engineer licensed in the State of Hawai'i. The applicant shall also install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter which must be inspected and approved by the Department of Water Supply.
4. The number of employees for this facility shall be limited to [~~two~~] three full time doctors/therapists and six clerical employees.
5. No parking shall be allowed in the driveway to the south of the property. The driveway (private road) to the south of the property shall be delineated by "No Parking" pavement markings and appropriate signage shall be provided prior to the issuance of Final Plan Approval for the medical facility expansion.
6. The hours of operation for this facility shall be between 8:30 a.m. and 7:00 p.m., Monday to Saturday.
7. Prior to the issuance of Final Plan Approval, the applicant shall secure and finalize a change of use permit from the Department of Public Works – Building Division, in order to meet Zoning Code parking requirements and to allow the use of the second story and basement of the building for residential purposes as represented by the applicant. A variance from Zoning Code parking requirements will not be granted by the Director.
8. Prior to submittal of plans of Final Plan Approval, the applicant shall remove the carport structure situated within the rear yard setback of the subject property. A variance from the Zoning Code minimum yard requirements will not be granted by the Director.
9. The applicant shall comply with all other applicable laws, rules, regulations and requirements of the affected government agencies including, but not limited to, the Department of Health, Department of Public Works-Building Division, the Department of Water Supply and Fire Department.
10. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
  - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successor, 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 granting of the permit.
- C. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- D. The time extension granted does not exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

*[Note: Ramseyer version available upon request.]*

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Christian Kay of the Planning Department at 961-8136.

Sincerely,

Joseph B.  
Clarkson

Digitally signed by Joseph  
B. Clarkson  
Date: 2019.08.08  
11:50:00 -10'00'

Joseph Clarkson, Chairman  
Windward Planning Commission

LKinesishawaii Amend USE42wpc  
Enclosure: PC Findings Report

cc w/enclosures: Kinesis Hawaii, Inc.  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Plan Approval Section  
GIS Section

**COUNTY OF HAWAII PLANNING DEPARTMENT**  
**PLANNING COMMISSION FINDINGS**

**KINESIS HAWAII, INC. (FORMERLY NICHOLAS AND CAROL MYRIANTHIS)**  
**AMENDMENT TO USE PERMIT NO. 42 (USE-86-000003)**

Based on the following considerations, the request to amend to amend Condition No. 4 of Use Permit No. 42 to allow one (1) additional therapist and three (3) additional clerical staff and to expand the facility by constructing an 860 square foot addition to the existing medical facility is approved.

**KINESIS HAWAII, INC. (FORMERLY NICHOLAS AND CAROL MYRIANTHIS)** has submitted an application for an amendment to Condition No. 4 (Number of Employees) of Use Permit No. 42 and to allow construction of approximately 860 square feet of additional treatment area and an office space. Use Permit No. 42 was approved to allow a physical therapist's office (medical facility) within a portion of an existing single-family dwelling situated within the County's Single-Family Residential (RS-7.5) zoning district. The property is located on the west side of Puu Hina Street, approximately 200 feet south of its intersection with Waiānuenu Avenue, Pi'ihonua, South Hilo, Hawai'i, TMK: (3) 2-3-025:025.

The applicant has submitted a request to amend Condition No. 4 of Use Permit No. 42, which currently reads: "*The number of employees for this facility shall be limited to two full time doctors/therapists and three clerical employees.*" The applicant is requesting to amend this condition to allow one additional therapist or doctor to allow a total of three (3), full-time therapists/doctors and to increase the number of clerical employees from three (3) to six (6). The applicant is also requesting to expand the medical facility by constructing an approximately 860 square foot, single-story addition to the westerly (back) side of the existing building, which would include three (3) additional treatment rooms, an office and a hallway. The applicant intends to retain the second story of the building and a basement for residential uses. Upon completion of the expansion, the medical office would occupy about 2,693 square feet and the residential uses would occupy about 2,784 square feet. Finally, the applicant is proposing to increase the number of on-site parking stalls from ten (10) to fourteen (14) to accommodate the increase in patients and staff members.

According to the applicant, there has been an increased demand for physical therapy/medical services in the area, but the clinic can only currently accommodate one (1) medical practitioner working at a time. This is due to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy laws which require that patients be attended to in private, sound insulated rooms so doctor/patient conversations cannot be overheard. These HIPAA requirements were not in place in 1986 when the practice was first opened. At that time there were three (3) treatment cubicles in the main room that were separated by movable room dividers, which did not provide any consultation privacy. The facility has since been upgraded to include three (3) such private treatment rooms, and the requested addition would allow for three (3) additional private treatment rooms, which would help facilitate the expansion of the practice to meet service demand. In order for a smooth patient flow, one (1) medical practitioner requires (2) two clerical staff and the

increased clerical employees are necessary to accommodate the total number of practitioners including the additional therapist/doctor in this request.

**Granting of the amendment request would not be contrary to the original reasons for granting the permit and the request would not be contrary to the General Plan or the Zoning Code.** Use Permit No. 42 was originally approved in 1986 by the Planning Commission to allow the establishment of a physical therapist office (medical facility) in a portion of an existing single-family dwelling within the County's Single-Family Residential (RS-7.5) zoning district. The permit was amended in 1998 to establish medical offices in addition to the approved physical therapy use, to include doctors (and not just physical therapists) as allowed practitioners at the facility to and to allow the use of the entire structure for the medical clinic. The PC further added a new Condition No. 5 prohibiting parking in the driveway to the south of the property and requiring signage and pavement markings indicating such.

When the original permit and amendment was issued, the Planning Commission found that the physical therapist/medical clinic met the criteria for a Use Permit, namely consistency with the General Plan and Zoning Code, limited adverse impact to surrounding properties and the community's character and no unreasonable burden on public agencies to provide additional services.

The subject property is zoned Single-Family Residential (RS-7.5), designated Urban by the State Land Use Commission and Medium Density Urban by the General Plan. The establishment and operation of a medical clinic in the Single-Family Residential zoning district is allowed via a Use Permit. The proposed 860 square foot addition to the facility will be developed in compliance with Zoning Code regulations related to building height, yard setbacks, off-street parking and landscaping through the requirement of Final Plan Approval as a condition of approval of this amendment. Furthermore, the property's General Plan LUPAG Medium Density Urban designation supports neighborhood commercial type uses.

The proposed amendments are intended to ensure compliance with Federal medical privacy laws and to accommodate an increase in demand for physical therapy and medical services in the area and support the continuation of the physical therapy/medical clinic use. Based on the preceding, the proposed amendments are consistent with the original reasons for granting the Use Permit and are consistent with both the Zoning Code and General Plan.

**The proposed amendment will not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.** Adjacent parcels and lands immediately surrounding the subject property are zoned RS-7.5 and in single family residential uses. There is a convenience store (7-11) located less than a block away along Kaūmana Drive and Arc of Hilo, Hilo Medical Center and other medical clinics/facilities are located less than half a mile away along Waiānuenue Avenue.

The physical therapy/medical clinic has been in operation on the subject parcel for over 30 years and as the facility is a former dwelling built in the 1940's, it fits the design aesthetic of other dwellings in the area. Moreover, the proposed addition to the building will match the same design aesthetic and will be located largely to the rear of the existing dwelling, making it difficult to see from Puu Hina Street. Finally, the applicant has installed

landscaping around the perimeter of the property to mitigate visual impacts and will be required to submit an updated landscaping plan as part of the Final Plan Approval required as a condition of this amendment.

The facility currently has a ten (10) stall parking lot in front of the clinic, including one (1) ADA stall. The Zoning Code parking requirement for a medical office is one (1) stall per 300 square feet of gross floor area, therefore based on the applicant's proposed clinic expansion to 2,693 square feet, the total number of required stalls is nine (9). The applicant is proposing to increase the number of parking stalls to fourteen (14) including ten (10) regular stalls, one (1) ADA stall and three (3) compact stalls to accommodate increased staff and patient parking. However, based on the 1986 change of use permit granted by the Department of Public Works – Building Division, which designated the entire building as a medical clinic, the Planning Department would use the 5,417 square feet of building area to determine required parking as part of Final Plan Approval. Based on the preceding, the total number of required parking spaces would be eighteen (18), four (4) more than what the applicant proposes. It does not appear that there is sufficient land area to accommodate those additional stalls and the Director has indicated that he would not grant a parking variance. In order to reduce this required number of parking stalls, the Director is recommending a condition requiring the applicant to secure an additional change of use permit to convert portions of the building back to residential occupancy, as represented on the applicant's site plans which shows the upper floor and basement in residential use. The Zoning Code requires two (2) off-street parking spaces for single-family dwellings, therefore the proposed fourteen (14) stalls should be sufficient to cover the parking requirement for the clinic/residential use (eleven stalls (11) likely to be required for the expanded clinic use plus two (2) stalls for the residential use). The increased parking layout along with an updated drainage study will occur as part of the Plan Approval process.

Due to public concerns in 1998 over blocked access to the properties behind the clinic due to vehicles parked in the driveway (private roadway) along the south side of the subject property, the Planning Commission added Condition No. 5 prohibiting parking in the driveway (private roadway) to the south of the property and requiring signage and pavement markings indicating such. During a site visit, Planning Department staff observed a "No Parking" sign on the side of the driveway, however, there were no pavement markings present. The Director recommends amending Condition No. 5 to require placement of "No Parking" pavement markings prior to issuance of Final Plan Approval.

The applicant is not proposing to change the permitted hours of operation (8:30 a.m. to 7:00 p.m.), so there should not be any nocturnal noise issues and as discussed below, the small increase in traffic anticipated by these improvements should not be significant enough to alter the character of the neighborhood.

A review of aerial imagery and a subsequent site visit found a 260 square foot carport structure with a shed roof, connected to the rear of the clinic that appears to extend into the rear yard setback to the rear property line. A review of County records found no building permit for the addition and it does not appear to be non-conforming (built before Zoning Code setback requirements) based on its absence from plans submitted in 1986 for

Plan Approval. Furthermore, the records indicated no evidence of the issuance of a setback variance; therefore, it appears that the carport structure is a potential setback violation. As the Director has indicated he will not grant a setback variance for this structure, he is recommending a condition requiring the removal of the carport prior to issuance of Final Plan Approval.

Based on the preceding, the granting of the proposed amendments should not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties.

**The granting of the proposed amendment will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure.** Primary ingress access to the subject property is from Puu Hina Street, which is accessed from Waiānuenu Avenue to the north or Kaūmana Drive to the south. Puu Hina Street is a County owned and maintained roadway with an approximately 19-foot wide pavement with grass shoulders within an approximately 40-foot right-of-way. Additionally, the subject property has legal access to the private roadway situated along the southern property boundary which is used as an egress. This private roadway has an approximately 19-foot wide pavement up to the driveway exit.

According to the applicant, the facility currently generates approximately ten (10) daily visitors. The applicant anticipates an increase of approximately five (5) additional daily visitors if the amendment request is approved. Due to the nature of the clinic, all patients have scheduled appointments and walk-in clients are minimal if any, therefore proposed development is not anticipated to generate a significant amount of additional traffic during weekday peak hours of travel.

According to the Department of Water Supply (DWS), County water is available via an existing six (6)-inch waterline within Puu Hina Street fronting the subject parcel and that the property is currently serviced by at 5/8-inch water meter. DWS requested that the applicant provide estimated maximum daily water usage calculations for the all existing and proposed uses. Those calculations will be used to determine if the water system can accommodate the proposed demand. The applicant will also be required to install a reduced pressure type backflow prevention assembly which was inspected and approved by DWS. Finally, DWS indicated that the existing water line within Puu Hina Street does not capable of providing the required 2,000 gallons per minute fire flow requirement for the proposed use and that the applicant should contact the Fire Department to determine fire protection requirements. The preceding will be added as conditions of approval and the applicant will also be required to consult with the Fire Department to ensure compliance with fire protection requirements through the building permit process for the addition.

The structure is connected to the eight (8)-inch County sewer line within Puu Hina Street, however the proposed addition is not expected to generate any additional wastewater. Police, fire and medical services are located nearby in Hilo. All other utilities are available to the site.

As previously stated, the applicant desires to retain the second story of the building and basement for residential uses. However, in 1986 the original applicant sought and was granted a change of use building permit from single-family dwelling occupancy to a clinic

occupancy (B-2) for the entire building. Moreover, while the original Use Permit was granted to convert a portion of the existing dwelling into a clinic use, the 1998 amendment to the subject Use Permit designated the entire structure for medical clinic use. Based on the preceding factors, should the applicant wish to utilize any portion of the structure as a residence, as represented on the floor plans provided in the application, they will be required to obtain a change of use building permit from the Department of Public Works – Building Division for the portion of the building they wish to convert.

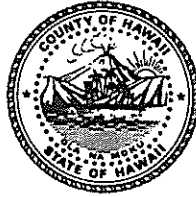
Based on the preceding, the proposed amendments are not expected to unreasonably burden public agencies to provide additional infrastructure or services.

**The request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management.** The property is not located in the Special Management Area and is approximately 1.4 miles from the nearest shoreline; therefore, it will not be impacted by coastal hazards and beach erosion. There is no record of any designated public access to the shoreline or mountain areas that traverses the property. As the property has been developed for residential and clinic uses since the 1940's, the presence of endangered floral or faunal resources is unlikely. Additionally, no valued cultural, historical or natural resources exist on the property and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.



Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL  
Z 095 324 399

DEC 07 1998

Mr. William L. Moore  
159 Halai Street  
Hilo, HI 96720

Dear Mr. Moore:

Amendment to Use Permit No. 42 (USE 42)  
Applicants: Nicholas & Carol Myrianthis  
Request: Amendment to Condition Nos. 2, 3, 4 & 5  
Tax Map Key: 2-3-25:25

The Planning Commission at its duly held public hearing on November 20, 1998, voted to approve the above-referenced request to amend Use Permit No. 42, which allowed the establishment of a physical therapist office (medical facility) within a portion of an existing single family dwelling situated within the County Single Family Residential (RS-7.5) zoned district. The amendment is to also allow the establishment of medical offices. The property is located on the west side of Puuhina Street approximately 205 feet south of its intersection with Waiuanuenue Avenue, Piihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request to amend Condition Nos. 2, 3, 4 & 5 of Use Permit No. 42 will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. The applicants have complied with all the conditions of the Use Permit and secured Final Plan Approval. The applicants are requesting an amendment to Condition Nos. 2, 3, 4 & 5 of Use Permit No. 42 to allow the establishment of medical offices in the existing facility in addition to the approved physical therapy uses and to allow the use of the entire structure for these purposes. According to the applicants, there will be no change in the number of professional or support staff or the total number of patients served. The Use Permit process provides an avenue to review and analyze a proposed project on a case-by-case basis relative to infrastructure and impacts on surrounding properties and existing uses, as well as consistency with the goals and policies of the General Plan. According to the Zoning Code, Single Family Residential districts "provide for lower or low and medium density residential use, for urban and suburban family life." The physical therapist's office has been in operation since 1986, and the applicants wish to establish medical offices in the existing facility in addition to the approved physical

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therapy uses and to allow the use of the entire structure for these purposes. According to the applicants, there will be no change in the number of professional or support staff or the total number of patients served. Adequate utilities and services are available at the site. The General Plan designation for this area is Medium Density Urban Development, which allows for single-family residential uses, ancillary community and public uses and convenience-type commercial uses. As the medical office will be established in an existing structure, the use should not alter the appearance or character of the neighborhood. Due to public concerns that vehicles are parked in the driveway to the south of the subject property and access at times is blocked, a new Condition No. 5 has been included that the driveway be properly delineated and no parking in the driveway shall be allowed.

Based on the above, the proposed amendments are not contrary to the original reasons for granting the Use Permit. Use Permit No. 42 is hereby amended as follows: (Material to be deleted is bracketed and material to be added is underscored):

- "2. Plans for the conversion of the dwelling to the medical [physical therapist's] office, including revised plans for a parking area with a minimum of 10 parking stalls and a detailed landscaping plan, shall be submitted for Plan Approval review within one year from the effective date of approval of the Use Permit."
- "3. The medical [Physical Therapist's] office shall be established within one year from the effective date of final plan approval."
- "4. The number of employees for this facility shall be limited to two full time doctors/therapists and three clerical employees."
- "5. No parking shall be allowed in the driveway to the south of the property. The driveway to the south of the property shall be delineated by pavement markings and appropriate signage shall be provided."

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Phyllis Fujimoto of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman  
Planning Commission

LMyria01.PC

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Nicholas and Carol Myrianthis

CERTIFIED MAIL

August 21, 1986

Mr. Sidney Fuke  
Planning Consultant  
100 Pauahi St., Suite 212  
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application  
Applicant: Kinesis Hawaii, Inc.  
TMK: 2-3-25:25

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The Planning Commission at its duly held public hearing on August 13, 1986, voted to approve the application, Use Permit No. 42, to allow the establishment of a physical therapist office (medical facility) in portion of an existing single family dwelling situated within the Single Family Residential - 7,500 square foot (RS-7.5) zoned district at Piihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of the proposed use will be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code, and the County General Plan.

The subject property is presently zoned RS 7.5. It is situated in an area designated for medium density urban development on the General Plan Land Use Pattern Allocation Guide Map (LUPAG).

The Use Permit provision of the Zoning Code allows facilities in residential zones, subject to meeting with certain criteria. As such, this request is not inherently in conflict with and/or prohibited by the Zoning Code. It could be allowed by the Planning Commission.

Within the medium density area of the General Plan LUPAG map, limited commercial zoning and uses such as a dental or medical office has been allowed. As such, in concept, the proposed physical therapy office would not be incongruous with the land use principles expressed in the General Plan.

While the property is immediately adjacent to single family residences, there is a smaller-scaled commercial use in the general vicinity. This use is the neighborhood convenience store less than a block away along Kaumana Drive. Furthermore,

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the County Building Annex, the hospital and the vocational rehabilitation facility are located less than one-half mile away along Waiianuenu Avenue.

As such, the proposed physical therapy office would not amount to an introduction of completely new commercial and commercially/office-related uses into this area. It would be compatible with the on-going pattern of mixed uses presently in the area.

#### Community and/or Surrounding Properties Impact

Furthermore, the proposed use would not be detrimental to the public welfare, nor would it cause substantial, adverse impact to the community and surrounding properties' character.

The general area is characterized by commercial/office and residential activities. Along Kaumana Drive, there is a neighborhood store less than a block away. There are also the State Hospital, County Building Annex, Hilo Medical Center, and the Hawaii Vocational Rehabilitation Center less than one-half mile away along Waiianuenu Avenue.

There are residential users adjacent to the subject property. The effect of this proposal, however, should not be substantial, particularly in light of the general residential-commercial character of that area as well as the nature of the applicant's use. The applicant will not be making any significant structural changes to the building. The existing dwelling will retain its present residential appearance, and the applicant will be living in the dwelling. As such, the proposed activity will take on more of a quasi-home occupation character. Adequate parking will be provided. Low landscape will also be used to further mitigate any impacts.

It should also be noted that the nature of the physical-therapy office is not nocturnal. It is a diurnal and not nocturnal use, and as such, should not provide any nocturnal disturbances. The parking area will also be away from the residences, and closest to the road, thus further minimizing the noise impact associated with vehicles. On the average, there should be about 3-4 cars entering and/or leaving the premises per hour. Because most, if not all visits will be by appointment, the traffic will be steady, but at a very low level. This is unlike other commercial uses where the traffic (like a restaurant) would have high peaks and valleys.

The majority of the landowners and/or residents living within close proximity of the subject use had no overriding objections to the proposal.

Mr. Sidney Fuke  
August 21, 1986  
Page 3

Furthermore, this request should not adversely affect similar or related existing uses within the surrounding area, community or region. Approval of the request would enable the petitioner to improve its services to the community at large. The new facility, being closer to the hospital, would allow both patients and doctors to help each other out more efficiently. These improvements, including the provision of a handicapped stall, could not have been efficiently and effectively provided at the present site of the applicant.

Finally, there should not be an unreasonable burden to public services associated with this project. For one, the physical therapist office provides a service. As such, it is not inherently or directly a growth generator. It services the existing population. In that regard, there should be minimal, if at all, added burden to the existing community services like schools, parks, hospitals, etc.

The property is already provided with all essential utilities and services. Fire, police, and emergency requirements are already provided that area due to the surrounding residential-commercial uses. Those services are based within two miles from the subject property.

There is adequate water to support the proposed use and provide adequate fire protection. There is no known drainage problem associated with the property, and whatever added runoff generated by the proposed use will be contained through County approved drainage and/or drywell schemes.

Puuhina Street has a 40-foot right-of-way; the pavement is of sufficient width to accommodate 2-way traffic. The road shoulders are fairly stable and traversable by foot. The road is a straight-a-way. Accordingly, there should be minimal sight distance problem. Then, too, low landscaping will be provided along the frontage to assure proper vehicular sight distance and minimize visual interruptions for vehicles in and out of the subject property.

The anticipated level of traffic generation should be quite minimal, given the nature of the operation. The fact that the applicant intends to live in the house minimizes work hour traffic. Furthermore, the scheduled appointments and the ability of the applicant to accommodate a limited amount of patients per hour should not adversely aggravate any of the existing traffic situations. Off-street parking will also be provided, and that would keep traffic flow along Puuhina Street unimpeded.

Mr. Sidney Fuke  
August 21, 1986  
Page 4

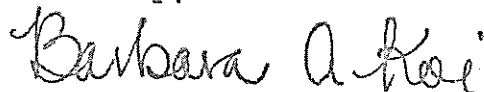
Accordingly, since all essential utilities and services are available to the property, the granting of this request will also implement the land use policy of the General Plan relative to promoting and encouraging the use of urban area which are serviced by basic community facilities and utilities. It should also be noted that none of the cooperating agencies had any objections to the subject request.

Approval of this Use Permit request is subject to the following conditions:

1. The petitioner, successors or its assigns shall comply with all of the stated conditions of approval.
2. Plans for the conversion of the dwelling to the physical therapist's office, including revised plans for a parking area with a minimum of 10 parking stalls and a detailed landscaping plan, shall be submitted for Plan Approval review within one year from the effective date of approval of the Use Permit.
3. The Physical Therapist's office shall be established within one year from the effective date of final Plan Approval.
4. The number of employees for this facility shall be limited to two full time therapists and three clerical employees.
5. The hours of operation for this facility shall be between 8:30 a.m. and 7:00 p.m., Monday to Saturday.
6. All other applicable County and State rules, regulations and requirements shall be complied with.
7. The Planning Director may administratively grant extensions to the foregoing conditions. Further, should the Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Barbara A. Koi  
Chairperson, Planning Commission

cc: Nick Myrianthis  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
bcc: Plan Approval Section