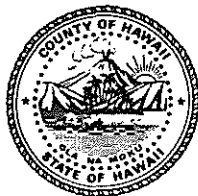


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

November 26, 1993

Mr. Thomas L. H. Yeh
Menezes, Tsukazaki, Yeh & Moore
100 Pauahi Street, Suite 204
Hilo, HI 96720

Dear Mr. Yeh:

Use Permit Application (USE 93-11)
Applicant: Hilo Medical Investors, Ltd.
Request: Long-Term Intermediate Care and Skilled
Nursing Facility

Tax Map Key: 2-3-31:Portion of 1 and 2-3-32:Portion of 1

The Planning Commission at its duly held public hearing on November 18, 1993, voted to approve the above-referenced application. Use Permit No. 117 is hereby issued to establish a Long Term Intermediate Care and Skilled Nursing Facility on approximately 9.173 acres of land situated in the Single Family Residential (RS-10) District. The project will be located on Waianuenue Avenue across from the Hilo Hospital, Piihonua, South Hilo, Hawaii.

Approval of this request is based on the following:

The granting of this request 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 establishment of a long-term intermediate care and skilled nursing facility on a parcel located within the State Land Use Urban District and the County's Single Family Residential-zoned district may be permitted through the granting of a Use Permit. The project site is located within an area designated for Single Family Residential-10,000 square feet (RS-10) by the Hilo Community Development Plan and Low Density Urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of Low Density Urban would allow for uses which are single family residential in character, ancillary

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community and public uses, and convenience-type commercial uses. Therefore, the proposed use would be consistent with the Low Density Urban designation. Mindful of the type of service the applicant will provide to residents of East Hawaii, the proposed use will complement the Land Use Element of the General Plan to "Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County" and to ". . . . encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment." (emphasis added)

The desired use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or surrounding properties. On the contrary, the proposed long-term intermediate care and skilled nursing facility will be a benefit to the general public welfare. According to the applicant's environmental assessment, the need for a such a facility is most critical in East Hawaii. The wait list at the existing Life Care Center in Waiakea was 98 patients according to a survey conducted on August 7, 1992. The environmental assessment also projected an island-wide need for long-term care for 1994 as 703 beds with an existing supply of 521 beds. The proposed 120-bed long-term intermediate care and skilled nursing facility will help alleviate the projected deficit of 182 beds.

While single family residential homesites and vacant lands are located adjacent to or in the immediate vicinity of the project site, the predominant use within the area are the institutional uses established by the Hilo Hospital, Hilo Medical Group complex and other institutional facilities located directly opposite of the project site along Waianuenue Avenue. Therefore, the proposed facility will complement the existing institutional character of the surrounding area. By the very nature of the proposed use, adverse noise impacts to surrounding properties are not anticipated. However, to ensure the surrounding single family residential dwellings and potential single family residential lots located on lands zoned RS-10 are not adversely affected by any potential noise and visual impacts associated with the proposed facility, it is recommended that appropriate landscaping be provided along the northeastern, eastern and western boundaries of the project site.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. As previously mentioned, a shortage of intermediate care beds within the East Hawaii area will be, for

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the most part, alleviated. The effect of establishing such a long-term intermediate care and skilled nursing facility within the East Hawaii region will only stand to benefit its residents while relieving pressures on existing facilities to accommodate the demand for intermediate care beds which has demonstratively out-paced supply.

Finally, the desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure. Water and roads systems are adequate for to accommodate the project. A traffic assessment report of the proposed facility concluded that no adverse impacts to traffic along Waianuenue Avenue is anticipated and that traffic movement-related improvements to Waianuenue Avenue, such as storage lanes, are not recommended. As recommended by the Department of Public Works, a flood study of the project site shall be prepared prior to the construction of any improvements and that pavement widening, curbs, gutters and sidewalk improvement be provided along the project site's Waianuenue Avenue frontage. The County recognizes that curb, gutter and sidewalk improvements are not provided along this portion of Waianuenue Avenue in the vicinity of the project site and fronting the other health care facilities within the area. The provision of such basic infrastructural improvements have been consistently sought by the Planning Commission for similar uses approved through the issuance of a Use Permit. To defer such improvements for an extended period of time would be contrary to the findings of the Commission that the proposed use will not unreasonably burden public agencies to provide roads and street improvements. However, the applicant may seek to establish a Improvement District or the effectuation of an agreement together with the appropriate bond, surety or other security deemed acceptable by the Planning Director or County Council, whichever is applicable, to ensure the provision of these necessary infrastructural improvements to support the proposed development in a timely manner.

The applicant proposes the construction of an open-lined drainage channel to accommodate flows within the existing flood plain which transects the project site. As recommended by the Department of Public Works, a flood study shall be prepared by the applicant for the review and approval of the Department of Public Works. Improvements to the flood plain shall be provided in conformance with the requirements of the Department of Public Works, and the Department of Land and Natural Resources, if applicable, prior to commencing operations. All other utilities and services are available to the subject property.

Approval of this request is 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 indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Plan Approval for the proposed facility shall be secured from the Planning Department. Plans shall identify proposed structures, driveway access and parking stalls associated with the proposed use. Landscaping along the project site's northeastern, eastern and western boundaries shall also be indicated on plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping shall be provided to the extent that a continuous, unbroken, heavy planting screen, no less than 5 feet in height, is established prior to the issuance of a certificate of occupancy. Landscaping need not be established on that portion of the project site located south (to the rear) of the existing drainage/flood channel.
4. Construction of the proposed facility shall be completed (certificate of occupancy) within 4 (four) years from the effective date of this permit.
5. Access to the property from Waiianuenue Avenue shall meet with the approval of the Department of Public Works.
6. The applicant shall provide curb, gutter, sidewalk and pavement widening improvements along the project site's entire frontage with Waiianuenue Avenue, exclusive of access points, in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed facility. In lieu of providing these roadway improvements prior to occupancy, the applicant may seek the effectuation of an agreement together with the appropriate bond, surety or other security deemed acceptable by the Planning Director or County Council, whichever is applicable, to ensure the

provision of these necessary infrastructural improvements to support the proposed development in a timely manner.


7. The applicant shall prepare and submit a flood study for the project site for the review and approval by the Department of Public Works, prior to the commencement of any land alteration activities. Improvements to the flood plain which transects the project site shall be constructed in a manner meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for the proposed facility. The applicant shall also comply with the applicable requirements of the Department of Land and Natural Resources, related to any proposed improvements to the flood plain.
8. Comply with all applicable laws, rules, regulations and requirements of the affected agencies.
9. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and the extent to which the conditions of approval are being complied. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
10. An extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to 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 shall initiate procedures to revoke the permit.

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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 Rodney Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
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xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land and Natural Resources
Plan Approval Section