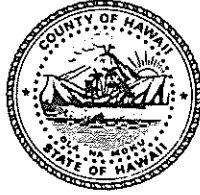


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

May 25, 1994

Mr. Steven S. C. Lim, Esq.
Carlsmith Ball Wichman Murray
Case & Ichiki
P. O. Box 686
Hilo, Hawaii 96720

Dear Mr. Lim:

Use Permit Application (USE 94-3)
Applicant: Dr. Douglas T. Shiro, Dr. Alvin T. Yoshida &
Dr. Charles Sugiyama
Request: Establishment of Medical/Dental Facilities & related
uses
TMK: 2-2-28:31

The Planning Commission at its duly held public hearing on May 19, 1994, voted to approve the above application. Use Permit No. 124 is hereby issued to establish medical/dental facilities and related uses in the Single Family Residential District (RS-10). The site is approximately 33,806 square feet and is located on the makai (Hamakua) corner of the intersection of Lanikaula Street and Kilauea Avenue, Waiakea, 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 medical/dental 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 Multiple Family Residential-4,000 square feet per unit (RM-4) by the

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Hilo Community Development Plan and High Density Urban by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. The General Plan LUPAG Map designation of High Density Urban may include uses such as commercial, multiple family residential and related services (general and office commercial; multiple family residential up to 87 units per acre), provided the goals, policies and standards of the General Plan are met. Therefore, the proposed use would be consistent with the High 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 Hilo Community Development Plan (CDP), adopted by Resolution in 1975, is intended to provide short and middle range implementation strategies for the goals, policies and land use pattern presented in the General Plan. While the Hilo CDP and its Zone Guide Map, adopted over 15 years ago, suggests a Multiple Residential-4,000 square feet per unit (RM-4) designation for the project site, it recognizes the need for future commercial development to reinforce existing commercial areas by encouraging it to fill in to be a unified City Center rather than further disassemble to other parts of Hilo. This City Center is defined as the area of High Density Urban Development as outlined by the General Plan, which extends southward from the Wailuku River to the general vicinity of the University of Hawaii at Hilo. The expansion of the High Density Urban designation during the 1989 General Plan update to include areas in the immediate vicinity of the University of Hawaii and recent Commercial rezonings within the immediate area has solidified the project area as part of the primary commercial core for this portion of Hilo. Approval of the subject request would be in the direction of fulfilling the policy direction established by the General Plan.

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 medical/dental facility will be a benefit to the general public welfare. While single family residential homesites are located adjacent to the project site, the predominant use along Kilauea Avenue consist of commercial uses. Therefore, the proposed facility will

complement the existing commercial character of this particular section of Hilo. However, to ensure that surrounding single family residential dwellings are not adversely affected by any potential noise and visual impacts associated with the proposed facility, it is recommended that appropriate landscaping be provided, at a minimum, along the northeastern and eastern 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. The Planning Commission has previously approved Use Permits for the establishment of medical facilities within the City of Hilo limits, most notably within the Waiakea Houselots area and along Kinoole Street. While a study was not prepared by the applicants to demonstrate that the proposed use will not have an adverse impact on similar uses within the region, the on-going need for medical/dental facilities to service the populace is commonly known. The proposed facility will be located in close proximity to the large, well-established residential community of Waiakea Houselots and similar areas along Kilauea and Kinoole Avenues. A condition of approval is recommended to limit uses within the proposed facility to medical, dental and their related uses. Related uses such as the sale and manufacture of pharmaceutical and medical/dental supplies will be limited to a scale which benefits the clients of the practitioners located within the facility and not compete with other similar uses which service the general public and which are located within Commercial-zoned districts, such as the typical drug store. This will ensure that non-medical/dental uses are not established through the approval of this Use Permit. Should other types of commercial uses be contemplated, a change of zone of the subject property would be the appropriate land use regulatory process.

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 to accommodate the proposed development. As with similar commercial-type uses approved through the issuance of a Use Permit, commercial-standard infrastructural improvements will be required. Curb, gutter and sidewalk improvements are already provided along the project site's Lanikaula Street and Kilauea Avenue frontage. However, these improvements are based on residential standards. It is recommended that the existing curb, gutter and sidewalk be upgraded to commercial standards consistent

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with the proposed use. Similarly, pavement, street lighting and other attendant improvements to be limited to sections along these roadway frontages will be required, if necessary. Access to Lanikaula Street shall meet with the approval of the Department of Public Works. The applicants shall also dedicate to the County a 10-foot wide section of land along the project site's entire Kilauea Avenue frontage to allow for the eventual widening of Kilauea Avenue. Wastewater will be disposed of in a manner meeting with the approval of the Department of Public Works or Health, whichever is applicable.

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. Final Plan Approval for the proposed facility shall be secured from the Planning Department in accordance with Section 25-243 of the Zoning Code. Plans shall identify proposed structures, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping along the project site's northern and eastern boundaries 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.
3. Construction of the proposed medical/dental facility shall be completed (certificate of occupancy) within three (3) years from the effective date of this permit.
4. The proposed facility shall be limited to medical, dental and their related uses. Related uses may include the sale and manufacture of pharmaceutical, medical and dental supplies and other similar incidental uses which directly benefit the clients of the practitioners located within the proposed facility. These incidental uses shall not be established on a scale which would service the general public at large.
5. Access to the property from Lanikaula Street shall meet with the approval of the Department of Public Works.
6. The applicant shall upgrade the existing curb, gutter and sidewalk improvements along the project site's

entire Lanikaula Street and Kilauea Avenue frontages to commercial-standards; exclusive of access points. Attendant roadway improvements, such as traffic control devices, pavement widening, improved corner radius and street lighting, shall be provided by the applicants if required by the Department of Public Works for that portion of the affected roadways fronting the project site. These roadway improvements 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 any portion of the proposed development.

7. A 10-foot wide road widening strip along the subject property's entire Kilauea Avenue frontage and a 5-foot wide road widening strip along its Lanikaula Street frontage, including all improvements required by Condition No. 6, shall be dedicated to the County prior to the issuance of a certificate of occupancy for any portion of the proposed development.
8. Drainage improvements, if required, shall be installed in a manner meeting with the approval of the Department of Public Works prior to the issuance of a certificate of occupancy for any portion of the proposed development.
9. Wastewater generated by the proposed development shall be disposed of in a manner meeting with the approval of the Departments of Health or Public Works, whichever is applicable.
10. Comply with all applicable laws, rules, regulations and requirements of the affected agencies.
11. 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.
12. 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

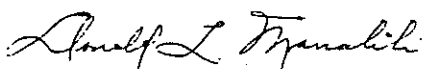
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applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original 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.

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

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:smn

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
State Department of Health
Plan Approval Section