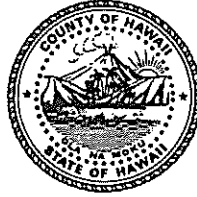


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL

OCT 11 1994

Mr. Youngki Hahn
1180 N. Kumuwaina Place
Hilo, HI 96720

Dear Mr. Hahn:

Use Permit Application (USE 94-9)
Applicant: HPR Partners
Request: Establish a medical office center
Tax Map Key: 2-4-25:39 and 40

The Planning Commission at its duly held public hearing on September 22, 1994, voted to approve the above-referenced application. Use Permit No. 129 is hereby issued to establish a medical office center on approximately 68,108 square feet of land. The site is on the mauka side of Ululani Street between its intersections with Kukuau and Hualalai Streets, Kukuau 1st, 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 office complex on a project site located within the State Land Use Urban District and the County's Multiple Family Residential-zoned district may be permitted through the issuance of a Use Permit by the Planning Commission. The project site is located within an area recommended for a Multiple Family Residential-1,000 square feet per unit (RM-1) zoning designation by the 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 would allow for multiple family residential uses (up to 87 units per acre), commercial and related services. Therefore, the proposed use would be consistent with the designations recommended by the Hilo Community Development Plan and the General Plan. Mindful of the type of service the applicant will

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OCT 11 1994

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."

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-1,000 square feet per unit (RM-1) 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 and includes the project site. Approval of the subject request would be in the direction of fulfilling this 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 office complex would be a benefit to the general public welfare. Surrounding properties include the Hawaii Public Safety Building, the Ululani Professional Center, a preschool, apartment complexes and other intensive commercial and multiple family residential uses. The establishment of a medical office complex on the project site would not be out of character with these uses located within the immediate area nor would noise or visual impacts generated by the proposed complex adversely affect surrounding properties. The nearest single family dwellings are located adjacent to the northwest of the project site in the vicinity of Kukuau Street. Landscaping will be required during Plan Approval review of the proposed complex to mitigate any potential noise and visual impacts to these residential properties. As a medical establishment, the hours of operation generally run from 8:00 a.m. to 5:00 p.m. during the weekdays and a half-day on Saturdays, which will not impose upon the evening hours when most residents within the area are at home. Related uses such as the proposed pharmacy, laboratory and radiology unit (X-ray) 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 public at large and which are located within Commercial-zoned districts, such as the typical drug store. This will ensure that non-medical 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 project site would be the appropriate land use regulatory process.

The granting of the proposed use will not adversely affect similar or related existing uses within the surrounding area, community or region. Use Permits have been granted by the Planning Commission for similar medical office complexes within the general vicinity of the project site. Most of these medical offices have been established along Kinoole Street. Approval of this Use Permit application will not have an adverse impact on other medical office complexes previously approved through the issuance of a Use Permit by the Planning Commission. Throughout the County, the provision of medical facilities to service the needs of our residents have always been a top priority of County government. The on-going demand for such services and facilities are well known. Approval of the subject request would be in a direction of fulfilling this basic need.

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, sewer and roads systems are adequate to accommodate the proposed development, provided that the recommended system improvements as conditioned within this approval recommendation are implemented. Primary access to the project site is provided by Ululani Street, a County-maintained roadway having a pavement width of 28 feet with curbs within a 40-foot wide right-of-way. Secondary access is provided through Kukuau Street, a County-maintained roadway having a pavement width of 18 feet within a 16-foot wide right-of-way. These roadways can adequately support traffic generated by the proposed use, provided that certain improvements as conditioned by this approval recommendation are provided. The Planning Commission, through the issuance of Use Permits, has imposed certain roadway improvements as conditions of approval of similar requests for the establishment of medical office complexes. Similarly, it is recommended that curb, gutter and sidewalk improvements be provided along the project site's Ululani and Kukuau Street frontages. A 19-foot wide future road-widening setback shall be delineated on plans submitted for the consolidation of the parcels within project site and on plans submitted for Plan Approval review.

The County's water system is available to support the proposed medical office complex. Water can be provided through water lines located along Kukuau and Ululani Streets. A County sewer line is located on the project site's Kukuau Street frontage. The applicant will be required, through existing regulations, to hook-up to the Kukuau Street sewer line in a manner meeting with the approval of the Department of Public Works or the Department of Health, whichever agency is applicable. All other essential utilities and services are or will be made available to the project site.

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, successors, or assigns 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, or agents under this permit or relating to or connected with the granting of this permit.
3. Final Consolidation Approval of the subject properties shall be secured from the Planning Director prior to the submittal of plans for Final Plan Approval review. The final plat maps to be submitted shall indicate a 19-foot wide future road-widening setback along the project site's entire Kukuau Street frontage.
4. Final Plan Approval for the proposed medical office complex shall be secured from the Planning Department. Plans shall identify proposed structures, paved driveway access(es) and parking stalls associated with the proposed use. Landscaping shall be indicated on plans and provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. A 19-foot wide future road-widening setback shall be indicated along the project site's entire Kukuau Street frontage.
5. Construction of the proposed medical office complex shall be completed (Certificate of Occupancy) within 5 (five) years from the effective date of this permit.
6. The proposed medical office complex shall be limited to medical and its related uses. Related uses may include the

sale and manufacture of pharmaceuticals and the establishment of a medical laboratory and radiology unit which directly benefit the clients of the practitioners located within the proposed facility. These related uses shall not be established on a scale which would service the general public at large.

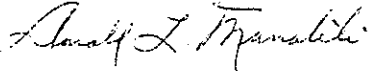
7. Access to the property from Ululani Street shall meet with the approval of the Department of Public Works. Access to Kukuau Street shall be restricted until such time that Kukuau Street is redesigned and widened beyond its existing 18-foot wide pavement within a 16-foot wide right-of-way. Access to Kukuau Street, when permitted by the Department of Public Works, shall meet with the approval of same.
8. The applicant shall provide curb, gutter, sidewalk and related improvements along the project site's entire Ululani Street frontage, exclusive of access point(s), 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 medical office complex.
9. Comply with all applicable laws, rules, regulations and requirements of the affected agencies, including those of the Department of Health.
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.

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.

Mr. Youngki Hahn
Page 6

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

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