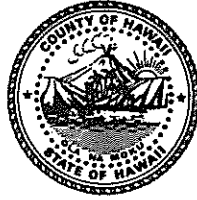


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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

CERTIFIED MAIL
Z 095 323 433

July 25, 1996

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

Use Permit Application (USE 96-5)
Applicant: Hospice of Hilo
Request: Establish a Hospice Facility
Tax Map Key: 2-3-32:Portion of 1

The Planning Commission at its duly held public hearing on July 11, 1996, voted to approve the above-referenced application. Use Permit No. 145 is hereby issued to allow the development of a hospice facility and related improvements on approximately 2.00± acres of land situated within the County's Single Family Residential (RS-10) zoned district. The property is located along the south (Puna) side of Waianuenue Avenue, approximately 1,000 feet west of the Waianuenue Avenue-Kaumana Drive junction at 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 hospice 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 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."

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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 hospice facility will be a benefit to the general public by providing care for terminally ill people and their families. According to the applicants, the number of clients served by Hospice of Hilo has grown from less than 50 to over 100, in the last three years. The existing offices are housed in an old cottage on the grounds of Hilo Hospital. These facilities are inadequate in size and design for Hospice's services.

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 surrounding single family residential dwellings and potential single family residential lots located on lands zoned RS-10 are not adversely affected and that the proposed facility is aesthetical integrated with the existing environment, it is recommended that appropriate landscaping be provided throughout 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 Hospice of Hilo serves East Hawaii, from South Point to Laupahoehoe, thereby, benefitting residents of the East Hawaii region. Their services are unique and reach all ethnic and socioeconomic groups. With a steady growth in the number of clients served, the new facility would provide accommodations to meet the increasing demand.

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 project. A traffic assessment report for a different applicant on the same site addressed traffic conditions. A comparison of the traffic impacts identified in that report indicates negligible impact from the hospice facility. Since most of the traffic for the facility already exists, due to their existing location on the grounds of the Hilo Hospital, no adverse impacts to traffic along Waianuenue Avenue is anticipated. The Department of Public Works recommended that pavement widening and curb, gutter and sidewalk improvements be provided along the project site's Waianuenue Avenue frontage. However, as there are no curb, gutter or sidewalk improvements in the immediate area, a condition will be included to require the applicant to widen the existing pavement and install asphalt-concrete sidewalks and berms fronting the subject property meeting with the approval of the Department of Public Works. Hale Anuenue, approved through Use Permit No. 117 and located approximately 600 feet uphill, has also extended the pavement and installed asphalt-concrete sidewalks and berms fronting their development.

Although portions of the subject property lie within Zone A, the 100-year flood plain, the hospice facility will be located within a section of the property that fronts Waianuenue Avenue, Zone X, or outside the 500-year flood plain. The applicant proposes to construct drainage improvements to minimize any off-site run-offs. As recommended by the

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Department of Public Works, a flood study may be required of the applicant for the review and approval by the Department of Public Works. 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. The portion of the subject property designated for the hospice facility shall be subdivided out from TMK: 2-3-32:01, and Final Subdivision Approval shall be secured within three years from the effective date of the Use Permit.
4. Construction of the proposed facility and related improvements shall be completed in five years. Prior to completing construction, Final Plan Approval for the proposed facility shall be secured from the Planning Department. Plans shall identify proposed structures, driveway access and parking stalls and landscaping associated with the proposed use.
5. Access to the property from Waianuenue Avenue shall meet with the approval of the Department of Public Works.
6. The applicant shall widen the existing pavement and install asphalt-concrete sidewalks with berms along the project frontage 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.
7. A flood study for the project site, if required, shall be prepared for review and approval by the Department of Public Works, prior to submittal of plans for Final Plan Approval.
8. All drainage improvements, if required, 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.
9. Comply with all applicable laws, rules, regulations and requirements of the affected agencies.
10. A final status report shall be submitted to the Planning Director upon compliance with all conditions of approval and prior to the opening of the facility.

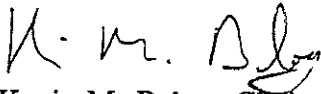
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11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:
 - A. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, 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.
 - 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).

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 Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

LHospi01.PC

cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Ms. Brenda Ho