



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

April 14, 2010

Mr. Wayne China
Cascadia PM, LLC
1130 North Nimitz Highway, Suite A-200
Honolulu, HI 96817

Dear Mr. China:

Use Permit Application (USE 10-000020)

Applicant: New Cingular Wireless PCS, LLC dba AT&T Mobility

Request: To Allow the Development of Telecommunication Antennas and Ground
Equipment on an Existing Building in the Single-Family Residential
(RS-10) Zoned District

Tax Map Key: 2-3-27:2

The Windward Planning Commission at its duly held public hearing on April 1, 2010, voted to approve the above-referenced application to allow the construction of a new telecommunication facility on the rooftop of the existing Hilo Medical Center building situated within the Single Family Residential – 10,000 square feet (RS-10) district. The property is the site of the existing Hilo Medical Center complex located at 1190 Waiānuenu Avenue, Piihonua, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the construction of a new telecommunication facility on the rooftop of the existing Hilo Medical Center building within the Single-Family Residential (RS-10) zoned district. The improvements will include a total of nine (9) 7-foot high panel antennas and up to 2 GPS antennas. The 9 panel antennas and the GPS antennas will be attached to the walls of the mechanical room. All transceiver equipment cabinets and ancillary equipment will be located within the rooftop mechanical room.

The property's location will allow AT&T to provide wireless telephone coverage in the west (mauka) area of Hilo town which will be lost when AT&T's Hilo Lagoon

Hawai'i County is an Equal Opportunity Provider and Employer

Centre antenna site is deactivated. The site is also at a higher elevation which will allow for the least amount of coverage obstruction and will be suitable for linkage to other wireless network facilities by line-of-sight, thus permitting wireless carriers such as AT&T to provide increased coverage through its island-wide system. Lastly, the site will also provide public safety E-911 service.

In considering a Use Permit for any proposed use, Rule 7 of the Planning Commission relating to Use Permits, requires that such action conform to the following guidelines:

- A. The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan;
- B. The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties; and
- C. The granting of the proposed use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection and other related infrastructure.

The proposed use meets the guidelines for approval of a Use Permit, for the reasons outlined below:

The granting of the proposed use shall be consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan. 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. It applies to areas having facilities, and to carry out the above stated purpose.” Within the Zoning Code, telecommunication antennas and towers can be permitted within a Single-Family Residential zoned district if a Use Permit is approved for the use by the Planning Commission.

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The General Plan designation for this

property is Low Density Urban, which allows for single-family residential uses, ancillary community and public uses, and neighborhood and convenience-type commercial uses. Allowable uses within these areas, with a Use Permit, may include telecommunication facilities that serve the residents in the area. The request complements and is consistent with the Land Use, Economic, and Public Utilities elements of the General Plan. Based on the above, the request is consistent with the general purpose of the zoned district, the intent and purpose of the Zoning Code and the County General Plan.

The granting of the proposed use shall not be materially detrimental to the public welfare nor cause substantial, adverse impact to the community's character or to surrounding properties. The property is the location of the Hilo Medical Center complex, which is situated along the north side of the Waiānuenue Avenue just west of Rainbow falls. Surrounding properties are zoned RS-10, RS-15, Open and A-20a. The surrounding uses in the immediate area are mainly medical facilities. The Kaiser Permanente facility is located to the west. The Hale Anuenue Restorative Care facility, Veteran Affairs Office and parking area for the hospital are located across Waiānuenue Avenue to the south. The Yukio Okutsu Veterans Home and the Hilo Dialysis facility are located on the same property to the east of Hilo Medical Center. Wailuku River borders the property to the north and further north are larger agricultural properties.

The surrounding properties are mainly used for medical facilities. There are residential properties located further east and west, but the antennas should not have a substantial negative impact to their viewplanes. Additionally, the antennas will be painted the same color to match the existing building to further minimize any visual impact of the antennas to surrounding properties.

The proposed facility will be developed entirely upon an existing structure and there will be no new ground disturbance or displacement of existing vegetation. There is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site, nor existence of any known valued cultural, historical or native resources on the property. The Department of Land and Natural Resources – State Historic Preservation Division has issued a no-effect letter dated January 30, 2009 stating that they concur that there will be no effect to historic properties.

Based on the above, it is not anticipated that the approval of the telecommunication antennas will have a major negative impact in the community.

The granting of the proposed use will not unreasonably burden public agencies to provide roads and streets, sewer, water, drainage, school improvements, police and fire protection and other related infrastructure. Water and sewer are not needed for the antennas. Only electricity is required for the requested use, which is available to the project site. Access to the project site is proposed to be from Waiānuenue

Avenue, which is a County owned and maintained roadway with an approximate 22-foot pavement within a 60-foot wide right-of-way. Therefore, the requested use will not burden public agencies to provide additional services.

Based on the above, the request to allow the construction of a new telecommunication facility on the rooftop of the existing Hilo Medical Center building within the Single-Family Residential (RS-10) zoned district is approved by the Windward Planning Commission subject to the following conditions:

1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. Construction of the proposed development shall be completed within five (5) years from the effective date this 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 25-2-71(c)(3), 25-2-72, 25-2-74 and 25-4-12, Chapter 25 (Zoning Code), Hawai'i County Code. The antenna plans shall be stamped by a structural engineer.
3. Co-location or any expansion of the antennas shall be allowed on the rooftop of the existing Hilo Medical Center.
4. Within 120 days of the permanent abandonment of the antennas, the applicant shall remove the antennas and accessory structures. The applicant shall provide written notification to the Planning Director of such removal.
5. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements, including the Federal Aviation Administration and the Federal Communications Commission.
6. An initial extension of time for the performance of conditions of 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 the Zoning Code.

Mr. Wayne China
Page 5

- C. Granting of the 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).
7. Should any of the conditions not be met or substantially complied with in a timely manner, the Planning Director may initiate the revocation of 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 contact the Planning Department at 961-8288.

Sincerely,



Rell Woodward, Chairman
Windward Planning Commission

Lnewcingularuse10-000020PC

cc: Hawai'i Health Systems Corporation
AT & T Mobility
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Mr. Gilbert Bailado ✓