



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

OCT 24 2013

Michael Moore, Esq.
85 W. Lanikāula Street
Hilo, HI 96720

Dear Mr. Moore:

Use Permit Application (USE 13-000042)

Applicant: Michelle A. Mitchell

Request: To Establish a Two-Level Medical Clinic on Property Located Within the County's RM-5.5 Zoned District and the State Land Use Urban District

Tax Map Key: 2-3-037:015

The Windward Planning Commission, at its duly held public hearing on October 3, 2013, voted to approve the above-referenced request to allow the establishment of a medical clinic and accessory uses on 1.278 acres of land situated within the Multiple-Family Residential (RM-5.5) zoning district. The subject property is located on the south side of Ponahawai Street approximately 600 feet east of its intersection with Komohana Street, Ponahawai, South Hilo, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a Use Permit to allow the establishment and operation of a two-level medical clinic and related uses. The medical clinic will consist of a total of approximately 6,989 square feet of clinic space and related support facilities, and will include the following:

Level 1

Level 1 will consist of two (2) separate units, each with a physician's office, a manager's office, waiting room, reception, medical assistant station and three (3) examination rooms.

Level 2

Level 2 will consist of three (3) physician's offices one psychologist's office, a medical assistant work area, two (2) procedure rooms, nine (9) examination rooms, a triage room, waiting, reception and billing rooms, a conference room and an employee break room. Level 2 will be occupied by Hawai'i Family Health, Inc, which is the applicant's medical services company.

The facility will start with two (2) physicians, a psychologist and six (6) or (7) support staff, with the capacity to expand to four (4) physicians, a psychologist and approximately thirteen (13) support staff. It is estimated that each physician will treat approximately 22 patients per day and the psychologist will treat approximately 6-8 patients per day.

Change of Zone Ordinance No. 07-166 was approved on November 2, 2007 to change the district classification of the property from Agricultural -1 acre (A-1a) to Multiple Family Residential – 5,500 square feet (RM-5.5) for the subject property. The original applicant (Malulani, Inc.) intended to construct a 24-unit condominium project. The current applicant is proposing to construct a medical clinic. The ordinance includes a number of conditions that will need to be complied with by the current applicant, including the deadline by which to complete construction (Condition C) and the requirement to construct concrete curb, gutter, and sidewalk improvements along the Pono Hawaii frontage of the subject property (Condition F).

Condition C of Ordinance No. 07-166 stated the following:

- C. Construction of the proposed improvements shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director in accordance with the Zoning Code. Plans shall identify proposed structure(s), fire protection measures, access roadway, driveway and parking stalls. Plans shall also identify the drainage easements ("D-6" and "D-7"), as well as the portion of the property designated Flood Zone "A" by the Flood Insurance Rate Map (0880C September 16, 1988). Landscaping shall be indicated on the plans for the purpose of mitigating any potential adverse noise or visual impacts to adjoining parcels.

Landscaping shall be provided in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements)."

Condition C required that the proposed development be completed within five (5) years from the effective date of the ordinance, which was November 2, 2007. The applicant has received an administrative time extension until November 2, 2017. As a result of the deadline for construction being defined by the ordinance, the Planning Director is recommending that this Use Permit, should it be approved, also include the deadline for construction of the same completion deadline of November 2, 2017. If the applicant does not meet the deadline to complete construction, the applicant will need to submit a time extension to both the ordinance and the Use Permit, both of which will be considered by the Windward Planning Commission.

Condition F of Ordinance No. 07-166 stated the following:

- F. The applicant shall provide full improvements to the project's frontage along Ponahawai Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required utility relocation, meeting with the approval of the Department of Public Works, prior to receipt of a Certificate of Occupancy."

Condition F requires full improvements to the project's frontage along Ponahawai Street. Comments from the Department of Public Works also reflect this requirement. Based on this information, the Planning Director has added this as a condition of approval for the requested Use Permit.

Rule 7 (Use Permits), Section 7-6, of the Planning Commission's Rules of Practice and Procedure states that the Planning Commission may approve a Use Permit upon finding that:

- a) The granting of the proposed use shall be consistent with the general purpose of the zoning 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, sewer, water, drainage, schools, police and fire protection and other related infrastructure.

The proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan. The intent and purpose of the Zoning Code is to promote health, safety, morals or the general welfare of the community through regulations and restrictions relative to the location and use of buildings, off-street parking, the percentage of a lot that may be occupied, and the density of population and land for trade, industry, residence or other purposes. The Zoning Code requires the approval of a Use Permit for hospitals, convalescent, nursing and rest homes, and other similar uses devoted to the care or treatment of the aged, the sick, or the infirm in the Multiple-Family Residential (RM) district. Thus, a Use Permit is required for the proposed medical clinic. Use Permits are permits to allow uses in zoning districts which require special attention to insure that the uses will not unduly burden public agencies to provide public services or cause substantial adverse impacts upon the surrounding community.

The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents. The proposed request is consistent with the following goals and policies of the Land Use and Land Use-Commercial Elements of the General Plan:

LAND USE – GENERAL

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
- Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.
- Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.

LAND USE – COMMERCIAL

- Provide for commercial developments that maximize convenience to users.
- Provide commercial developments that complement the overall pattern of transportation and land usage within the island's regions, communities, and neighborhoods.

Additionally, the proposed medical clinic will increase medical services to the Hilo area, which will directly support a goal of the General Plan to encourage the establishment or expansion of community health centers and rural health clinics. The proposed request is in close proximity of other medical services such as Hilo Hospital, the Ka Waena Lapa'au medical office complex, and the medical facility approved on Punahoa Street.

In order to create an effective land use pattern, zoning districts and their associated uses should closely correspond to the General Plan Land Use Pattern Allocation Guide (LUPAG) map for the area. The LUPAG Map is a graphic representation of the General Plan's goals and policies to guide the coordinated growth and development of the County. The subject property is currently designated Medium Density Urban on the LUPAG Map. The Medium Density Urban designation allows for village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential -- up to 35 units per acre). Thus, the proposed use is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the property.

Based on the above information, the proposed use is consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code, and the County General Plan.

The proposed use will 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 located in Hilo on the south side of Ponahawai Street, near the Komohana Street - Ponahawai Street intersection. Surrounding properties are zoned for commercial, multiple-family residential and agricultural uses. The adjacent properties makai (east) and mauka (west) of the site are zoned A-1a and are vacant. The adjacent property to the south is zoned CN-20 and is vacant. The Ka Waena Lapa'au medical office complex is located at the north eastern corner of the Ponahawai Street - Komohana Street intersection just mauka (west) of the subject property. There are several properties zoned CN-20 located just east of the property. The Church of Jesus Christ of Latter Day Saints, allowed by Use Permit No. 199 in April, 2004 and Homelani Cemetery are located on the north side of Ponahawai Street, makai (east) of the subject property.

A portion of the southern part of the subject property is in an area designated as Flood Zone A on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone A is the Special Flood Hazard Area inundated by the 100-year flow where no base flood elevations are determined. However, Drainage Easement D-6 has been designated that more accurately defines the flood inundation area. There is also another area drainage easement identified on a northern portion of the subject property identified as Drainage Easement D-7. Condition D of Change of Zone Ordinance No. 07-166 states "No structural improvements shall be allowed within the designated drainage easements ("D-6" and "D-7") and areas designated Flood Zone "A" on the Flood Insurance Rate (FIRM) map."

Landscaping should be installed to visually screen the clinic from surrounding properties and reduce the affects of noise associated with the development. With implementation of a condition of approval related to landscaping, the proposed use is not likely to have a substantial adverse impact to the community's character or to surrounding properties and will not be detrimental to the public welfare.

The medical clinic, driveway and parking lot improvements will be made which will create temporary construction impacts such as an increase in noise, dust and truck traffic. These impacts will be temporary in nature and minor in scope and therefore are not anticipated to have a substantial adverse impact on the surrounding properties, particularly since some of the surrounding properties are already developed with commercial and community uses.

Based on the above, the proposed use will not be materially detrimental to the public welfare nor cause substantial adverse impact to the community's character or to surrounding properties.

The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, schools, police and fire protection and other related infrastructure. Access will be from Ponahawai Street, a County roadway with a right-of-way width of 60 feet with a 24-foot wide pavement and 4-foot wide grassed shoulders. The Department of Public Works states that access to the subject parcel is limited through the Road and Utility Easement RU-3 and RU-4, and shall conform to Chapter 22, County Streets, of the Hawaii County Code. County water is available to the property via 6-inch and 8-inch waterlines fronting the property along Ponohawai Street. The property is currently not serviced by the County sewer system. Wastewater will be disposed of by a private septic system unless the County sewer line is extended to serve the property All other essential utilities and services are available to the site. Thus, the proposed use will not unreasonably burden public agencies to provide infrastructure.

In addition to the criteria for granting a Use Permit, the request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area. The subject property is located approximately 1 mile to the nearest shoreline and is not located in the Special Management Area, and therefore will not be impacted by coastal hazards and beach erosion. There are no identified coastal recreational resources, coastal scenic and open space resources, coastal ecosystems, and beach or marine resources in the area. Thus, the proposed request will not adversely impact coastal resources. Additionally, there is no record of a designated public access to the shoreline or mountain areas that traverses the property.

Lastly, this approval is made with the understanding that the Applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above, the request to allow the establishment and operation of a medical clinic and accessory uses is hereby approved by the Windward Planning Commission subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successor(s) or assign(s) shall comply with all conditions of Change of Zone Ordinance No. 07-166.
3. The medical clinic and accessory uses shall be conducted in substantial conformance with representations made in the application.
4. Construction of the medical clinic shall be completed on or before November 2, 2017 as required by Condition C of Change of Zone Ordinance No. 07-166. Prior to commencing construction, the applicant, successor(s) or assign(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all proposed structure(s), paved driveway access and paved parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent

properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai'i County Code. Landscaping shall comply with the landscaping requirements for a CN (Neighborhood Commercial) zone in Rule No. 17.

5. Access to the subject property shall be limited through the Road and Utility Easement RU-3 and RU-4 (shared) and shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
6. The applicant shall provide full improvements to the property's frontage along Pono Hawaii Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required utility relocation prior to receipt of Certificate of Occupancy.
7. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the applicants at no cost to the County.
8. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
9. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
10. Prior to receipt of a Certificate of Occupancy, an individual wastewater system shall be installed meeting with the requirements of the Department of Health.
11. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walks be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources - Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD that sufficient mitigative measures have been taken.
12. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

Michael Moore, Esq.
Page 9

13. If the applicant should require an extension of time for Condition No. 4, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.
14. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use 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 Daryn Arai of the Planning Department at 961-8288.

Sincerely,

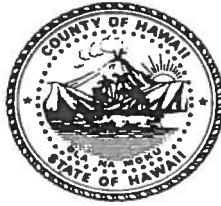


Wallace A. Ishibashi, Jr., Chairman
Windward Planning Commission

Lmitchelluse13-042wpc

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Mr. Gilbert Bailado

Harry Kim
Mayor



Joseph Clarkson, Chair
Donald Ikeda, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Thomas Raffipiy
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
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JUL 26 2018

Merrick F. Patten, Project Manager
Koa Architects, LLC
65-1285 C Kawaihae Road
Kamuela, HI 96743

Dear Mr. Patten:

SUBJECT: Use Permit No. USE 13-000042
Applicant: Michelle Anne Mitchell
Request: Five-Year Time Extension to Condition 4 (Complete Construction)
Tax Map Key: 2-3-037:015

The Windward Planning Commission, at its duly held public hearing on July 5, 2018, voted to approve the above-referenced request to allow a five-year time extension to comply with Condition 4 (Complete Construction) of Use Permit No. 13-000042, issued in 2013 to allow the establishment of a medical clinic and accessory uses on 1.278 acres of land. The project site is located on the south side of Ponahawai Street, approximately 650 feet east of its intersection with Komohana Street, Ponahawai, South Hilo, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successor(s) or assign(s) shall comply with all conditions of Change of Zone Ordinance No. 07-166 and any amendments thereto.
3. The medical clinic and accessory uses shall be conducted in substantial conformance with representations made in this amendment request and the representations made before the Windward Planning Commission.
4. Construction of the medical clinic shall be completed on or before the date as required by Condition C of Change of Zone Ordinance No. 07-166.

5. Access to the subject property shall be limited through the Road and Utility Easement RU-3 and RU-4 (shared) and shall conform to Chapter 22, County Streets, of the Hawai'i County Code.
6. The applicant shall provide full improvements to the property's frontage along Pongahawai Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required utility relocation prior to receipt of Certificate of Occupancy.
7. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the applicants at no cost to the County.
8. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
9. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
10. Prior to receipt of a Certificate of Occupancy, an individual wastewater system shall be installed meeting with the requirements of the Department of Health.
11. In the unlikely event that any surface or subsurface historic properties and/or resources, such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and immediately contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
12. The applicants shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
13. If the applicant should require an extension of time for Condition No. 4, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Merrick F. Patten, Project Manager
Koa Architects, LLC
Page 3

14. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate the revocation of the Use 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.

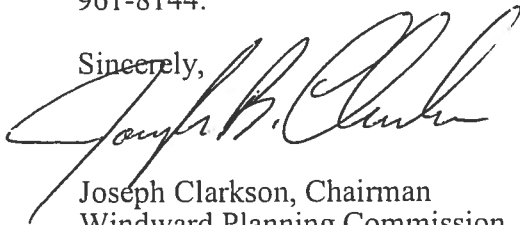
[Note: Ramseyer version available upon request.]

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Shancy Watanabe of the Planning Department at 961-8144.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LMitchellAmendUSE13-042wpc
Enclosure: PC Findings Report

cc w/enclosures: Michelle Anne Mitchell
Thomas L.H. Yeh, Esq.
Department of Public Works
County Real Property Tax Division - Hilo
Department of Land & Natural; Resources-HPD
GIS Section

COUNTY OF HAWAI'I
PLANNING COMMISSION FINDINGS

MICHELLE ANNE MITCHELL (FORMERLY MALULANI, INC.)
AMENDMENT TO USE PERMIT APPLICATION NO. 13-000042 (USE 13-000042)

Based on the following considerations, the Planning Commission hereby approved a 5-year time extension to comply with Condition No. 4 (Construction Completion) of Use Permit No. 13-000042.

MICHELLE ANNE MITCHELL (FORMERLY MALULANI, INC.) has submitted a request for a 5-year time extension to comply with Condition C (Complete Construction) of Change of Zone Ordinance No. 07 166, which reclassified approximately 1.278-acres from the Agricultural-1 acre (A-1a) district to the Multiple-Family Residential-5,500 square feet (RM-5.5) zoning district in 2007, and Condition No. 4 (Complete Construction) of Use Permit No. 13-000042, issued in 2013 to allow the establishment of a medical clinic and accessory uses on the property. The subject property is located on the south side of Ponahawai Street, approximately 650 feet east of its intersection with Komohana Street, Ponahawai, South Hilo, Hawai'i, TMK: (3) 2-3-037:015.

The applicant requested a 5-year time extension to comply with Condition No. 4 of Use Permit No. 13-000042, which requires completion of construction on or before November 2, 2017 as required by Condition C of Change of Zone Ordinance No. 07 166, which is running concurrently with this amendment request. The Windward Planning Commission granted Use Permit No. 13-000042 on October 3, 2013, which allowed the establishment and operation of a medical clinic and accessory uses on 1.278 acres of land situated within the Multiple-Family Residential (RM-5.5) zoning district. Granting this time extension request will allow the completion of construction within five (5) years of the effective date of the amended Change of Zone Ordinance No. 07 166.

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. On November 2, 2007, the Planning Commission granted Change of Zone Ordinance No. 07 166, which reclassified approximately 1.278-acres from the Agricultural-1 acre (A-1a) district to the Multiple-Family Residential-5,500 square feet (RM-5.5) zoning district. The original applicant intended to construct a 10-unit apartment building on the subject property. On November 8, 2011, the current applicant, Dr. Michelle Anne Mitchell, a doctor with Hawai'i Family Health (HFH), purchased the subject property with the intent to construct a medical clinic instead of the apartment building. On October 3, 2013, the Windward Planning Commission granted Use Permit No. 13-000042 to allow the establishment of a medical clinic and accessory uses on the subject property. On December 22, 2014, the Planning Director granted a Final Plan Approval for a medical clinic. In 2015, the applicant and contractor encountered an unforeseen and unanticipated rise in construction costs. On June 6, 2016, the Department of Public Works (DPW) Building Division issued Building Permit No. BH2016-00731 for a 2-story medical office building for Hawaiian Family Health on the subject project. This Building Permit, and the related electrical and plumbing permits are still open. The applicant remains committed to completing this development as evidenced by obtaining other related government

approvals. Condition K required a drainage study, for which the applicant secured approval in 2014 from the Department of Public Works Engineering Division. Condition L required a Solid Waste Management Plan, for which the applicant secured approval in 2014 from the Department of Environmental Management Solid Waste Division. Thus, the applicant has been working towards complying with the conditions of the Use Permit, and the non-performance is the result of conditions that could not have been foreseen and were beyond the control of the applicant. According to the applicant, the mission of HFH is to provide quality health care services to the community. HFH intends to relocate from their existing location in a repurposed residential building into this new and larger facility currently under construction. The new facility includes two (2) additional medical office tenant spaces. Presently, the building is about 80% complete, and the applicant remains committed to completing the construction and related improvements for this project. According to the applicant, construction completion is on track to finish later this year. Dr. Mitchell is looking forward to providing a modern medical services facility to the East Hawai'i community.

Granting of the time extension would not be contrary to the General Plan or the Zoning Code or for the original reasons for granting the permit. The original reasons for the approval of the use permit are still applicable, and the request is not contrary to these reasons. The applicant is currently constructing a two-level medical clinic, which the Windward Planning Commission granted in the Multiple-Family Residential (RM) zoning district with a Use Permit in 2013. The Public Facilities-Health and Sanitation Element of the General Plan encourages the establishment or expansion of community health centers and rural health clinics. The proposed medical clinic will fulfill this need in the community, and therefore is consistent with the General Plan.

In the immediate area are a mix of agricultural and commercial land uses. Located at the northeast corner of the Ponahawai and Komohana Streets intersection is the Ka Waena Lapa'au medical office complex. As such, the use will not substantially alter or change the essential character of the land. The adjacent vacant parcel to the east and south is commercially zoned. The adjacent vacant parcel to the west is agriculturally zoned. To the north is a vacant agricultural property. Approval of the amendment request will not adversely affect existing similar uses and will assist the County in promoting the availability of comprehensive medical care to our residents.

Additionally, the establishment of the medical office on the subject property would not be out of character with these uses located within the immediate area, nor would noise or visual impacts generated by the proposed facility adversely affect surrounding properties.

The proposed request will not unreasonably burden public agencies to provide for infrastructure and utilities to the project site. Roads, electricity, water, wastewater disposal facilities and other essential services are available for the proposed use. Existing conditions of approval address the applicant's responsibilities to provide the essential services to the subject property. The Planning Director recommended updating the existing conditions to reflect the current standard language for conditions of approval, including Condition 10 for historic sites and deleting the language requiring a Plan Approval as the applicant secured Final Plan Approval for the medical facility in 2014.

Lastly, the Planning Commission is aware that they may recommend on the record for this amendment, the adding, modifying or deleting of a portion or all of the language for any of the conditions. Likewise, the Planning Commission is the authority to recommend overall approval or denial of this amendment request. During the review of this application, our office sought comments from other government offices to understand how their rules and regulations will impact the amendment request. To ensure compliance with their regulations, many of the comments received were conditions of the Planning Director's recommendation for approval by the Planning Commission. This recommendation was made with the understanding that the applicant remains responsible for complying with all other applicable County, State and Federal governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), compliance with State Health Department environmental/sanitation/health-related regulations, drainage plan, among many others. Compliance with all applicable governmental requirements is a condition of this approval, and failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding, the request for a 5-year time extension for the applicant to comply with Condition No. 4 of Use Permit No. 13-000042, which allowed the establishment of a medical clinic and accessory uses on the subject property in 2013 is hereby approved.