

## 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

NOV 19 2015

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

Dear Mr. Fuke:

**SUBJECT: Use Permit Application (USE 15-000054)**  
**Applicant: Hawai'i Vision Specialists**  
**Request: Establish a Medical Office and Clinic**  
**Tax Map Key: 2-4-025:049**

---

The Windward Planning Commission, at its duly held public hearing on November 5, 2015, voted to approve the above-referenced request to establish and operate a medical office, clinic and related facilities on approximately 1.5 acres of land situated within the County's Single-Family Residential – 7,500 square feet (RS-7.5) and Multiple Family Residential – 1,000 square feet (RM-1) zoning districts. The project site is situated at the intersection of Kapi'olani Street and Hualālai Street to the west (mauka) of the Hilo Police Station, Kukua'a 1<sup>st</sup>, South Hilo, Hawai'i.

Approval of this permit 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. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations for the proposed improvements prepared by a professional engineer in the State of Hawai'i, for review and approval, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty days from the effective date of this permit.

NOV 20 2015

3. The applicants shall install a reduced pressure type backflow prevention assembly within five (5) feet of the existing water meter and any additional water meters on private property, which must be inspected and approved by the Department of Water Supply.
4. Construction of Phase I of the proposed development shall be completed within five (5) years from the effective date of this permit. Construction of the remainder of the development shall be completed within ten (10) years from the effective date of 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 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all proposed structures, paved driveway accesses and parking stalls associated with the proposed development. Landscaping shall be included on the plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements). All buffer yard landscaping shall conform to the standards for separation of a Single Family Residential (RS) zoning district from a Commercial (CN) zoning district as provided for in Planning Department Rule No. 17.
5. A drainage study of the subject property shall be prepared and submitted to the Department of Public Works for review and approval, prior to submittal of plans for Plan Approval review. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works prior to the issuance of a Certificate of Occupancy for Phase I of the project.
6. A ten (10)-foot wide future road widening easement shall be delineated along the entire Kapi'olani Street frontage of the subject property and shown on plans submitted to the County for plan approval review and for building permit application(s). Minimum yard setbacks consistent with an RM zoning district shall be measured from this road widening easement. Upon the request of the Department of Public Works, the applicant, it's successors or assigns shall subdivide the land encumbered by the future road widening and shall dedicate it to the County of Hawai'i at no cost.
7. Applicant shall reconstruct the lifted portion of concrete sidewalk area along Kapi'olani Street in accordance with County Code (HCC 22-4.6. Maintenance of sidewalk area) and in a manner meeting with the approval of the Department of Public Works.

8. The proposed medical clinic shall connect to the County sewer system, prior to the issuance of a Certificate of Occupancy for any portion of the proposed clinic. A sewer study shall be prepared by the Applicant and shall meet with the approval of the Department of Environmental Management (DEM). All sewer system improvements recommended by the sewer study and required by the DEM shall be provided by the Applicant.
9. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that sufficient mitigative measures have been taken.
10. The applicant shall comply with all other applicable laws, rules, regulations, and requirements of affected agencies for the proposed project.
11. An initial 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.
  - 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).

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.

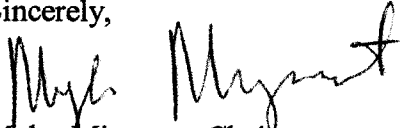
Mr. Sidney M. Fuke  
Planning Consultant  
Page 4

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 Christian Kay of the Planning Department at 961-8136.

Sincerely,



Myles Miyasato, Chairman  
Windward Planning Commission

LHawaiivisionspecialistUSE15-054wpc  
Enclosure: PC Findings Report

cc: Hawai'i Vision Specialists  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Department of Land & Natural Resources - HPD  
Department of Environmental Management  
Mr. Gilbert Bailado

**COUNTY OF HAWAI'I**  
**PLANNING COMMISSION FINDINGS**

**HAWAI'I VISION SPECIALISTS**  
**USE PERMIT APPLICATION (USE 15-000054)**

Based on the following, Use Permit No. 15-000054 is hereby issued to allow the establishment and operation of a medical office, clinic and related facilities on approximately 1.5 acres of land situated within the County's Single-Family Residential-7,500 square foot (RS-7.5) and Multiple Family Residential-1,000 square foot (RM-1) zoning districts.

HAWAI'I VISION SPECIALISTS has submitted an application for a Use Permit to establish and operate a medical office, clinic and related facilities on approximately 1.5 acres of land situated within the County's Single-Family Residential-7,500 square foot (RS-7.5) and Multiple Family Residential-1,000 square foot (RM-1) zoning districts. The project site is located at the intersection of Kapi'olani Street and Hualālai Street to the west (mauka) of the Hilo Police Station, Kukua'u 1<sup>st</sup>, South Hilo, Hawai'i, TMK: 2-4-025:049.

The applicant is requesting a Use Permit to allow the construction of a 10,500 square foot medical office, clinic, and related facilities on approximately 1.5 acres of land. Currently, the applicant has its office at a rented space on Kalaniana'ole Avenue. The new facility on the subject property will offer routine eye care and examinations as well as out-patient surgery. According to the applicant, hours of operation are expected to be Monday through Friday from 8:00am to 5:00pm, however, there may be occasions that the office will be open as early as 7:00am and as late as 6:00pm depending on patient needs. The applicant is proposing to develop the project in 2 phases:

- Phase 1: A single-story, free-standing Ambulatory Surgical Center building consisting of approximately 3,500 square feet and approximately 26 parking stalls square feet. As a single-story structure, the height will be less than 25 feet.
- Phase 2: A 7,000 square foot expansion for an Ophthalmic Physician's Office Space and an additional 38 parking spaces.
- Proposed driveway accesses from Kapi'olani Street and Hualālai Street.

The project is anticipated to be developed in two phases, with the first phase anticipated to be complete and occupied by the end of 2017 at a cost of approximately 1 million dollars. Construction of the second phase would be governed by demand and finance, but the goal is to initiate construction five (5) years after occupancy of the first phase. The second phase is anticipated to cost 2 million dollars.

The reason for the request is that the applicant would now like to provide services in a new, state of the art facility at a more conveniently accessible location where patients can navigate safely in and out of the facility.

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 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.** The establishment of a medical office, clinic, and related facilities on the property is consistent with the purpose of the Zoning Code because these types of facilities can be permitted in the RS and RM zoning districts and the State Land Use Urban district through the issuance of a Use Permit from the Planning Commission.

The Use Permit process provides an avenue to review projects on a case-by-case basis to determine infrastructure needs and identify and address impacts on surrounding properties and existing uses. The medical facility will be developed in compliance with Zoning Code regulations related to building height, yard setbacks, off-street parking and landscaping. Additionally, a proposed medical office, clinic, and related facilities are intended to provide medical services to the community, which is consistent with the intent of RS and RM zoning districts regarding close proximity to services.

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 Element 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.
- Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.
- 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.

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).

The proposed medical office, clinic, and related facilities will be consistent with and supportive of uses allowed within the Medium Density Urban designation. Thus, the proposed use is consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for the property.

Therefore, based on the above 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.

**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.** The project site is a 1.5-acre, irregularly shaped parcel located generally at the intersection of Kapi'olani Street and Hualālai Street to the west (mauka) of the Hilo Police Station. The property is currently vacant of uses and structures. The property was previously used for cattle grazing, but is currently overgrown with invasive vegetation. The proposed request, if approved, will allow the development of a medical office, clinic, and related facilities on the subject property.

The adjacent properties to the north have split zoning designations of RS-7.5 and RM-1 and are currently vacant. There is a triangular shaped parcel directly adjacent to the east at the corner of Kapi'olani and Hualālai Streets which is zoned RM-1 with a dwelling. Further east across Kapi'olani Street is the Hilo Police Station. Kitty corner to the southeast is Saint Joseph's School. To the south across Hualālai Street is zoned RD-3.75 and consists of multiple family apartments. Properties directly adjacent to the west are zoned RS-7.5 with a dwelling and RM-1 which is vacant. This general area is quasi-residential in character, with a K-12 school, County Police and Civil Defense offices, a church along with single and multiple family residential housing within 500 foot radius of the subject property.

The proposed project will meet the more restrictive minimum required yard setbacks of 20 feet from the front and rear property lines and 8 feet from its side property lines required by the RM zoning designation. Additionally, the applicant will be required to put in landscaping through the Plan Approval process to further minimize any adverse noise and visual impacts that may be generated by the proposed request. All buffer yard landscaping shall conform to the standards for separation of a residential (RS) zoning district from a commercial (CN) zoning district as provided for in Planning Department Rule No. 17 to further minimize impacts. Traffic will be staggered to the site based on scheduled appointments, so we anticipate that compliance with minimum zoning code requirements will provide for sufficient on-site parking. Lastly, the Planning Department has not received objections from the surrounding community regarding the proposed request. Based on the above discussion, no significant adverse impact to surrounding properties is expected.

**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.** The applicant is proposing driveway accesses to the project site from Kapi'olani Street and Hualālai Street, which are County owned and maintained rights-of-way with widths of approximately 40 and 60 feet respectively. Kapi'olani Street has a curb, gutter, sidewalk section on both sides of a 20-foot pavement, all within the right-of way and Hualālai Street has a 20-22-foot wide pavement with 4-foot wide grassed or graveled shoulders within the right-of-way.

The Department of Public Works Engineering Division recommended that access to Kapi'olani Street be limited to a right in and/or right out. While the Planning Department usually defers to DPW recommendations relative to access, this recommendation accommodates the applicant's request that they have full movement access along Kapi'olani Street rather than limiting it to right in/right out movements. As previously stated, traffic to the site will be staggered based on scheduled appointments with patients and which should avoid conflict during AM/PM peak hours. In addition, a full movement access will be provided fronting Hualālai Street, which should distribute vehicular movements between the two access points. Finally, other properties in the vicinity of the subject property along Kapi'olani Street have are not limited to right in/right out access.

The City of Hilo Zone Map, which identifies future road right-of-way needs in Hilo, designates Kapi'olani Street as a 60-foot wide right-of-way; therefore, a condition of approval will require the applicant to designate a 10-foot wide future road widening along its Kapi'olani Street frontage on all plans submitted to the County in order to properly site proposed improvements in anticipation of future roadway improvements by the County.

Hualālai Street has substandard pavement width for a secondary arterial. However due to the limited scope of the proposed project and anticipated traffic volumes, the Planning Department will not require further widening and other improvements to Hualālai Street, which in this specific section directly fronting the property, does not function as an arterial since it currently functions more like an extension of Hale Nani Street, a local street.

Finally, DPW requested that the applicant be required to remove and replace the lifted (due to an African Tulip tree) portion of concrete sidewalk area along Kapi'olani Street to comply with County Code (HCC 22-4.6. Maintenance of sidewalk area). This will be required as a condition of this permit.

Municipal water is available for the project from an 8-inch waterline within Kapi'olani Street, however, the subject parcel does not have existing water service. DWS is requesting that the applicant submit estimated maximum daily water usage calculations for review and approval including all irrigation/landscaping use. DWS is requiring the installation of a reduced pressure type backflow assembly within 5 feet of the the existing meter on private property. In addition, DWS stated that the waterline is not adequate to meet fire-flow requirements. These will be required as conditions of this permit.

According to Department of Environmental Management (DEM), the property is currently not serviced by the County sewer system as a lateral line is not provided to the lot. DEM is requiring the applicant to conduct a sewer study prior to approval to connect to the County sewer system. According to the applicant, there is an 8-inch sewer line along Hualālai Street and the project will be connected to that sewer line. Conducting a sewer study and connecting to the County Sewer will be included as conditions of approval.

All other utilities are available to the site. Police and fire stations are in close proximity to the property. Hilo Medical Center is located less than 2.5 miles from the site.

Therefore, based on the above discussion, the proposed request will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection, and other related infrastructure.

**The subject request is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management Area.** The property is not located within the Special Management Area and is approximately 3,800 feet from the nearest shoreline. There is no record of a designated public access to the shoreline or mountain areas traversing the property.



Due to the project site's distance from the shoreline, the property will not impact any coastal recreational resources, scenic and open space or visual resources, ecosystems and marine resources.

According to the Flood Insurance Rate Map (FIRM), the subject property is located in Zone "X", area outside of the 500-year flood plain. There are no valued cultural, historical, or natural resources on the property and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

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 properties. 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.