

COUNTY OF HAWAI‘I PLANNING DEPARTMENT

BACKGROUND REPORT

NIMR Y. TAMIMI

CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000067

NIMR Y. TAMIMI has applied for a Change of Zone from a Single Family Residential-10,000 square feet (RS-10) zoning district to an Industrial-Commercial Mixed-20,000 square feet (MCX-20) zoning district for 22,900 square feet of land. The subject property is located at 781 Laukapu Street, at the northeast corner of its intersection with East Lanikaula Street, Waiākea House Lots 1st Series, South Hilo, Hawai‘i, TMK: (3) 2-2-036:065.

PROPOSED ACTION

1. **Applicant’s Request:** The applicant is requesting a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to an Industrial-Commercial Mixed-20,000 square feet (MCX-20) zoning district for a 22,900-square-foot parcel of land. The MCX zoning district, with a minimum area required for each building site of 20,000 square feet, would allow a maximum density of 1 building site. The purpose of the MCX district is to allow mixing of some industrial uses with commercial uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. This district is intended to promote and maintain a viable mix of light industrial and commercial uses. Requirements for establishing land uses in the MCX zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-130 to 138 of the Zoning Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for Industrial-Commercial Mixed Districts)**
2. **Objective of the Request:** The applicant, who owns an engineering consulting firm on the adjacent property to the east, proposes to expand their office space by converting an existing, 2,716 square foot dwelling on the subject property into an office building to house up to 10 employees (half of which will be relocated from the existing business next door). The applicant will secure a change of use building permit from the Department of

Public Works to comply with requirements for a change in occupancy from residential to commercial and Final Plan Approval from the Planning Department to comply with on-site parking and landscaping requirements.

3. **Construction Timetable and Cost:** The applicant anticipates to immediately apply for a change of use building permit with the Department of Public Works as soon as the Change of Zone is approved. This process will determine what improvements to the building/property may be necessary to meet the requirements of the proposed new building occupancy, which will in turn determine the additional cost and timeframe necessary to complete the conversion of the structure from a dwelling to an office building.
4. **Landowner:** Nimr Y. Tamimi Trust and Shannon K.O. Tamimi Trust.
5. **Supporting Information:** The applicant has submitted the attached in support of the request. **(Planning Department Exhibit 2 - Change of Zone Application dated July 19, 2024)**

STATE & COUNTY PLANS

6. **State Land Use District:** Urban.
7. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Industrial (ind.). These areas include uses such as manufacturing and processing, wholesaling, large storage and transportation facilities, light-industrial and industrial-commercial uses.
8. **County Zoning:** Single-Family Residential-10,000 square feet (RS-10).
9. **Hilo Community Development Plan (CDP):** The Hilo CDP, adopted by Resolution No. 1 on May 21, 1975, identifies the area as Multiple-Family Residential (RM-) zoning designation.
10. **Special Management Area (SMA):** The Special Management Area is a part of the Coastal Zone Management Program and regulated by the County. The subject property is not located within the Special Management Area and is situated approximately 1.3 miles from the nearest shoreline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

11. **Subject Property:** The subject, 22,900-square foot property is rectangularly shaped, level, and located at the 75-foot elevation level. The property is improved with an

existing, 2-story, 2,716 square foot residence built in 1935 and a 324 square foot, detached garage built in 1948.

12. **Surrounding Zoning/Land Uses:** Surrounding lands are zoned Single-Family Residential 10,000-square feet (RS-10), Industrial-Commercial Mixed-20,000 square feet (MCX-20), Limited Industrial-20,000 square feet (ML-20), and Neighborhood Commercial 10,000-square feet (CN-10). Existing surrounding land uses include residential, commercial, retail, office, and light industrial uses. The adjacent property to the east was rezoned to MCX-20 in 2006 with Ordinance No. 06-146 and is the site of the applicant's engineering consulting firm, which is planned to expand should this change of zone request be approved. Several other properties in the surrounding area have similarly been rezoned to MCX-20 in the last 20 years, including a concentration of four MCX-20 zoned properties to the south, across East Lanikaula Street.
13. **Flood Insurance Rate Map (FIRM):** The subject property is situated within Zone "X" on the Flood Insurance Rate Map (FIRM) by FEMA, an area of minimal flood hazard.
14. **Flora/Fauna Resources:** No formal flora/fauna study was submitted with the application. The subject property has been cleared and developed for residential uses since 1935. The site's vegetation consists of a grass lawn and some ornamental and fruit trees. Animal species present are common birds such as dove, Japanese White-eye, house finch and myna, domestic cats and dogs, and feral species such as rats and mongoose.
15. **Archaeological/Cultural/Historical Resources:** No archaeological and cultural study was conducted of the property as it was completely cleared, graded, and developed for residential use in 1935. The subject site is not adjacent and/or proximate to the shoreline, therefore gathering of marine life and coastal access for Native Hawaiian gathering and fishing rights is not an issue. The applicant states that there are no known traditional or customary native Hawaiian rights being exercised in the area and there is no public access to the ocean or mountains that traverses the subject property. A request for comment was sent to the State Historic Preservation Division (SHPD), but no response has been received as of the date of this writing.
16. **Public Access:** There is no public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

17. **Vehicular Access/Traffic:** As the subject property is located at the corner of Laukapu Street and East Lanikaula Street, the applicant is proposing to retain driveway access from Laukapu Street but is interested in possibly adding an access driveway from East Lanikaula Street in the future. Laukapu Street is a County-owned and maintained road with approximately 20-foot-wide pavement and 10-foot-wide grassed shoulders within a 40-foot-wide right-of-way and has no sidewalk fronting the subject parcel. East Lanikaula Street is also a County-owned and maintained road with approximately 32-foot-wide pavement and an 18-foot-wide grassed shoulder and no sidewalk fronting the subject property, within a 55-foot-wide right-of-way. According to the Department of Public Works (DPW), Engineering Division, all driveway connections and construction shall conform to Hawai'i County Code, Chapter 22, County Streets, and that the applicant shall include the provision of adequate sight distances, meeting with the approval of DPW. Additionally, DPW notes that since East Lanikaula Street is an existing collector road, only one driveway access is recommended, with limited right-in and right-out access. Based on subsequent staff conversation with DPW, a full turn movement access from Laukapu Street would also be allowed. Finally, based on their memo and further staff discussion, DPW recommends that the applicant provide improvements to the subject property's Laukapu and East Lanikaula Street frontages consisting of, but not limited to, pavement widening with concrete sidewalk, drainage improvements and any required utility relocation, meeting with the requirements of the Americans with Disabilities Act. The improvements shall be located within a 5-foot-wide road widening setback on Laukapu Street and East Lanikaula Street and dedication of the widening and improvements should be at no cost to the County. Finally, DPW recommends that the applicant provide a 20-foot corner radius incorporating the preceding road widening setbacks. There was no Traffic Impact Analysis Report (TIAR) included with the application as the proposed conversion of a 2,716 square foot dwelling to an office structure does not meet the 50 peak-hour trip threshold to trigger the need for a TIAR.
18. **Water:** According to the Department of Water Supply (DWS), the subject parcel is currently served by an existing 5/8-inch meter, which is limited to an average daily usage

of 400 gallons per day. DWS requests that the applicant submit estimated maximum daily water usage calculations for the proposed use including the total estimated daily water usage in gallons per day and the estimated peak flow in gallons per minute, including irrigation use. Upon receipt of the water usage calculations, if the existing 5/8-inch meter is cannot accommodate the additional estimated demand, a larger or additional meter will need to be installed and remittance of the prevailing facilities charge will be required. Additionally, DWS notes that the proposed zoning requires the installation of a reduced pressure type backflow prevention assembly, within 5 feet of the meter on private property, meeting with the approval of DWS before water service can be granted. Finally, DWS notes that subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

19. **Wastewater:** The existing dwelling is currently connected to the municipal sewer line within Laukapu Street and the applicant does not anticipate any additional wastewater work to be necessary to convert the existing dwelling into an office building.
20. **Solid Waste:** The applicant states that solid waste will be handled by a commercial hauler and disposed of at authorized landfill sites or transfer stations.
21. **Essential Utilities and Services:** Police, Fire and medical services are available nearby in Hilo. Electrical and telephone services are available to the site.

AGENCY COMMENTS

22. **Department of Public Works – Engineering Division: (Planning Department Exhibit 3 – September 9, 2024 memo)**
23. **Department of Public Works – Building Division: (Planning Department Exhibit 4 – September 4, 2024 memo)**
24. **Department of Water Supply: (Planning Department Exhibit 5 – September 20, 2024 memo)**
25. **State Department of Health: (Planning Department Exhibit 6 -August 9, 2024 memo)**

AGENCIES – NO COMMENT/CONCERNS

26. Police Department and Fire Department.

AGENCIES – NO RESPONSE

27. Department of Environmental Management, Real Property Tax Office, Department of Land and Natural Resources and the State Historic Preservation Division.

PUBLIC COMMENTS

28. No public comments have been received by the Planning Department as of the date of this writing.

Section 25-5-128. Other regulations.

- (a) Plan approval shall be required for all new structures and additions to existing structures in the CV district, except for construction of one single-family dwelling and any accessory buildings per lot.
 - (b) Exceptions to the regulations for the CV district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 15; am 2015, ord 15-33, sec 4.)

Division 13. MCX, Industrial-Commercial Mixed Districts.**Section 25-5-130. Purpose and applicability.**

The purpose of the MCX (industrial-commercial mixed use) district is to allow mixing of some industrial uses with commercial uses. The intent of this district is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing nonindustrial uses to unsafe and unhealthy environments. This district is intended to promote and maintain a viable mix of light industrial and commercial uses.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-131. Designation of MCX districts.

Each MCX (industrial-commercial mixed use) district shall be designated by the symbol "MCX" followed by a number which indicates the minimum land area, in number of thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-132. Permitted uses.

- (a) The following uses shall be permitted in the MCX district:
 - (1) Agricultural products processing, minor.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Art galleries, museums.
 - (4) Art studios.
 - (5) Automobile sales and rentals.
 - (6) Automobile service stations.
 - (7) Bars, nightclubs and cabarets.
 - (8) Broadcasting stations.
 - (9) Business services.
 - (10) Car washing.
 - (11) Catering establishments.
 - (12) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (13) Churches, temples and synagogues.

- (14) Cleaning plants using only nonflammable hydrocarbons in a sealed unit as the cleaning agent.
- (15) Commercial parking lots and garages.
- (16) Community buildings, as permitted under section 25-4-11.
- (17) Convenience stores.
- (18) Crematoriums, funeral homes, funeral services, and mortuaries.
- (19) Data processing facilities.
- (20) Display rooms for products sold elsewhere.
- (21) Equipment sales and rental yards.
- (22) Farmers markets.
- (23) Financial institutions.
- (24) Food manufacturing and processing.
- (25) Home improvement centers.
- (26) Ice storage and dispensing facilities.
- (27) Kennels in sound-attenuated buildings.
- (28) Laboratories, medical and research.
- (29) Laundries.
- (30) Manufacturing, processing and packaging establishments, light.
- (31) Medical clinics.
- (32) Meeting facilities.
- (33) Model homes.
- (34) Motion picture and television production studios.
- (35) Offices.
- (36) Personal services.
- (37) Photographic processing.
- (38) Photography studios.
- (39) Plant nurseries.
- (40) Public uses and structures, as permitted under section 25-4-11.
- (41) Publishing plants for newspapers, books and magazines, printing shops, cartographing, and duplicating processes such as blueprinting or photostating shops.
- (42) Repair establishments, minor.
- (43) Restaurants.
- (44) Retail establishments.
- (45) Sales and service of machinery used in agricultural production.
- (46) Schools, business.
- (47) Schools, photography, art, music and dance.
- (48) Schools, vocational.
- (49) Self-storage facilities.
- (50) Telecommunications antennas, as permitted under section 25-4-12.
- (51) Temporary real estate offices, as permitted under section 25-4-8.
- (52) Theaters.
- (53) Utility substations, as permitted under section 25-4-11.
- (54) Veterinary establishments in sound-attenuated buildings.

- (55) Warehousing.
 - (56) Wholesaling and distribution operations.
 - (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the MCX district, provided that a use permit is issued for each use:
 - (1) Major outdoor amusement and recreation facilities.
 - (2) Schools.
 - (3) Yacht harbors and boating facilities.
 - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the MCX district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2003, ord 03-113, sec 1; am 2011, ord 11-26, sec 3; am 2012, ord 12-28, sec 15.)

Section 25-5-133. Height limit.

The height limit in the MCX district shall be forty-five feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-134. Minimum building site area.

The minimum building site area in the MCX district shall be twenty thousand square feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-135. Minimum building site average width.

Each building site in the MCX district shall have a minimum building site average width of ninety feet.
(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-136. Minimum yards.

The minimum yards in the MCX district shall be as follows:

- (1) Front yards, twenty feet; and
- (2) Side and rear yards, none, except where the adjoining building site is in an RS, RD, RM or RCX district. Where the side or rear property line adjoins the side or rear yard of a building site in an RS, RD, RM or RCX zoned district, there shall be a side or rear yard which conforms to the side or rear yard requirements for dwelling use of the adjoining district.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-137. Landscaping of yards.

- (a) All front yards in the MCX district shall be landscaped, except for necessary access drives and walkways.
 - (b) Any required side or rear yard in the MCX district adjoining a building site in an RS, RD, RM or RCX district, shall be landscaped with a screening hedge not less than forty-two inches in height, within five feet of the property line, except for necessary drives and walkways.
- (1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-138. Other regulations.

- (a) Plan approval shall be required for all new structures and additions to existing structures in the MCX district.
- (b) Exceptions to the regulations for the MCX district regarding heights, building site areas, building site average widths and yards, may be approved by the commission within a planned unit development.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2015, ord 15-33, sec 4.)

Division 14. ML, Limited Industrial Districts.**Section 25-5-140. Purpose and applicability.**

The ML (limited industrial) district applies to areas for business and industrial uses which are generally in support of but not necessarily compatible with those permissible activities and uses in other commercial districts.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-141. Designation of ML districts.

Each ML (limited industrial) district shall be designated by the symbol "ML" followed by a number which indicates the minimum land area, in thousands of square feet, required for each building site.

(1996, ord 96-160, sec 2; ratified April 6, 1999.)

Section 25-5-142. Permitted uses.

- (a) The following uses shall be permitted in the ML district:
 - (1) Agricultural products processing, minor.
 - (2) Airfields, heliports and private landing strips.
 - (3) Amusement and recreation facilities, indoor.
 - (4) Animal hospitals.
 - (5) Animal quarantine stations.
 - (6) Aquaculture activities.
 - (7) Automobile and truck storage facilities.
 - (8) Automobile and truck sales and rentals.
 - (9) Automobile service stations.
 - (10) Bakeries.
 - (11) Bars.
 - (12) Broadcasting stations.
 - (13) Car washing.
 - (14) Carpentry, hardwood products and furniture manufacturing and storage establishments.
 - (15) Catering establishments.
 - (16) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (17) Churches, temples and synagogues.
 - (18) Cleaning and dyeing plants.

CHANGE OF ZONE APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Nimr Tamimi

APPLICANT'S SIGNATURE:  DATE: July 19, 2024

ADDRESS: P.O. Box 4159, Hilo, HI 96720

LIST APPLICANT'S INTEREST (if not owner): Owner

PHONE: (Bus.) 808 936-1779 (Res.) _____ (Email) nimr.tamimi@epinc.pro

REQUEST: RS-10 TO MCX-20
(Existing Zoning) (Proposed Zoning)

TAX MAP KEY(S): 3/2-2-036:065

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 22,900 sf

LANDOWNER(S): Nimr Y Tamimi & Shannon Y. Tamimi

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

Owner is the applicant DATE: _____

DATE: _____

AGENT: _____

AGENT ADDRESS: _____

PHONE: (Bus.) _____ (Res.) _____ (Email) _____

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Nimr Tamimi COPIES: n/a

**Background and County Environmental Report
(Attachment to Change of Zone, Project District, and
Agricultural Project District Applications)**

A. Subject Request:

The proposed project is located at 781 Laukapu Street, South Hilo, Hawaii. T.M.K. (3) 2-2-36:065. The existing property is 22,900 square feet. The current zoning of the property is RS-10. The owner is requesting a change in zoning from RS-10 to MCX-20. The property currently consists of 22,900 square feet of improved residential area. The existing residence consists of 2716 square feet of living area, 1302 square feet at the lower level and 1414 square feet at the second level and a 324 square feet detached garage.

The existing residence was constructed in 1935 with the garage addition in 1948.

We would like to apply for a change of use so that the existing building can be used as office space for a local consulting engineering firm. The existing building is adjacent to an existing consulting engineering firm that needs additional space. The proximity of this building to the existing business will allow for easy access by team members working together, allowing them to stay in close contact and maintain efficiency.

It is anticipated that once the re-zoning is approved, we would immediately apply for a change of use with the Department of Public Works. This process will determine what improvements to the building/property that may be necessary to meet the requirements of the proposed new building occupancy. We are not sure what the anticipated cost of these improvements will be, we will have a better idea once the process is started.

We anticipate that the building will house up to 10 team members. About ½ of which will be relocated from the existing business next door.

Parking will be provided on site as there is ample land area for onsite parking. The parking will be provided per the County of Hawai'i Planning Department guidelines at a rate of 1 per 300 sf of gross building area per Section 25-4-51 of the Hawai'i County Code. Accessible parking shall also be in accordance with Section 25-4-55 of the Hawai'i County Code.

We don't anticipate any traffic impact due to this rezoning request. About ½ of the team members that will occupy the space are already commuting to work to the adjacent office. The work hours are typically 8a to 5p and most people arrive at work for the day and some leave for lunch so there is very little in and out traffic. There typically is little to no daily visitor traffic, any visitor traffic would be associated with the adjacent office building, which has little to no daily visitors, and we don't anticipate an increase in that number. We also have a few team members that are currently commuting to work by bike.

The existing building is served by HELCO for electricity, Gas Company for propane, water is provided by the Department of Water Supply and the building is connected to the County Sewer system. We don't anticipate the need for any additional infrastructure. The existing water meter is a 5/8" water meter, given that the building will be used as an office, the maximum water demand should not exceed the typical 400 gpd allocated to 5/8" meters per the DWS standards. The water usage for office space is usually a lot less than residential occupancy. We anticipate that the existing County Standard roads will be adequate as there should be little to no impact on the existing traffic in the area.

B. Conformance with State/County Plans

The subject site is designated Urban by the State Land Use Commission. No State Land Use Permitting action is required.

The subject site is currently zoned as RS-10. The proposed rezoning to MCX-20 is consistent with the General Plan which designates the area along East Lanikaula Street as Industrial.

The proposed re-zoning of this site does comply with the current County General Plan Land Use Pattern Allocation Guide Map. The area in which the site is located is designated as Industrial. Within this designation, mixed use industrial and commercial uses are allowed. There are several properties in this vicinity that have the same General Plan Designation and are zoned MCX, CG, ML and CN, which is similar to our request. There will be no need for a General Plan amendment to accommodate this requested zoning amendment.

The Hilo Community Development Plan (CDP) was adopted by the Planning Commission and by Council Resolution in 1975. It was intended to further define the General Plan and provide some sort of middle range implementation strategies of the General Plan. The Hilo CDP and its Zone Guide Map suggests a RM-4 designation for this area, with the balance being retained in its existing RS-10 Zoning.

It should be noted that the plan is nearly 50 years old and that there have been several revisions to the General Plan since. During this period there has also been significant land use developments in the City of Hilo, such as the shopping area in and around the Puainako/Kanoiehua Intersection, expanded commercial uses near the education complexes, and expanded commercial/industrial uses along the southern portion of the Waiakea House Lots and also within the Waiakea House Lots area. These developments may render many of the land use concepts exposed in the CDP somewhat obsolete.

The site of the proposed change in zoning application is not in the Special Management Area.

The subject site is not in a Coastal Zone Management area; therefore, Chapter 205 A does not apply to this proposed Change in Zone Application.

C. Physical Characteristics and Environmental Setting of the Property and Surrounding Area

The subject property is located at 781 Laukapu Street, further designated as T.M.K. 3/2-2-036:065. The subject property consists of 22,900 square feet of land area. The property currently consists of an existing 2716 square foot two story residential single wall building along with a 324 square foot single wall detached garage.

The elevation of the site is approximately fifty feet above mean sea level. The mean annual rainfall is about 136 inches per year. The wetter months tend to occur between October and April. The mean annual temperature is about 73° F. Wind patterns are generally trade winds (northeasterly) during the day and westerly during the evenings.

The property is generally flat with a slight slope down from east to west (towards Laukapu Street)

The US Department of Agriculture Soil Survey Report classifies the soil as Keaukaha Series (rKFD), which is extremely rocky muck, well drained, thin organic soils overlying pahoe-hoe lava bedrock. Runoff is medium, and the erosion hazard is slight.

The site is part of a built up urban area, therefore, the Land Study Bureau provides no soil classification of the site and surrounding area.

The USGS map of Lava Hazard Zone for the Island of Hawaii classifies this area as a Lava Hazard Zone 3, as is the case for all the City of Hilo.

The subject property is located about 2 miles from the coast line.

The US Corps of Engineers Flood Insurance Rate Map (FIRM) designates the site in Zone X, areas outside of the 500 year flood plain.

There is no existing drainage ways on the site, and there is no anticipation that any new drainage ways will be required.

The property is along East Lanikaula Street which serves as a major thoroughfare in this area. It connects two major roadways, Kilauea Avenue and Kanoelehua Avenue. Since the subject site is along East Lanikaula Street, the ambient noise level from traffic is quite high. The site is also near the Hilo International Airport and is subject to the noise associated with the incoming and outgoing flights.

Given these factors the proposed zone designation change should have no additional noise impact to the surrounding properties.

The proposed change in zone designation will not have an impact on the air quality of the area. The proposed project will not be industrial in nature, therefore, there will not be any additional air pollution generated by any activities at this site.

There will not be any additional dust impact to the surrounding properties as a result of this development. Between the improved areas and the landscaped areas, there will be no unimproved areas of the property that could create or increase the dust that may already be generated in the surrounding area.

The subject property does not have any archaeological, cultural, or historic sites on the National Register or Hawaii Register.

The subject property is cleared of any floral/faunal resources; therefore, there will be no impact on any native or exotic plants.

The property is located about 2 miles from the coastline and is in a developed industrial designated area, therefore the proposed change in zone designation and potential development will have no scenic or coastal resource impact.

There are no traditional or customary native Hawaiian rights that are exercised in the area of the proposed change of zone designation.

There are no existing public access to or along the shoreline or the mountain areas and no knowledge of current or past public access being used through the subject property.

The social settlement pattern for the area is a mixture of industrial/commercial and residential properties; the change of zone designation is consistent with the current social settlement pattern of the area.

The proposed project is located within the City of Hilo and is afforded all the economic resources available to the Hilo area. These include access to an International Airport, the Port of Hilo, shopping, police, fire protection, a workforce, roads, public utilities, etc. There is no anticipation that this project will be limited by or limit the existing economic resources of the area.

The proposed project will be office space for an existing, local consulting engineering firm, it will provide for more and diverse employment in Hilo. Adding to its economic strength.

The proposed project should not have an effect on the current land values in the area, many properties are zoned Industrial/Commercial and the County Master Plan allows for this type of development in this area. Any increase in property values in the area has already been realized and any increase in land values will be associated with how strong the real estate market is in Hilo, and not due to this change in zoning request.

The surrounding land use consists of a significant amount of commercial properties, few duplexes, few ohana lots, single family residence, industrial and churches. The commercial properties include churches, offices, restaurants, convenient stores, etc. The industrial properties include iron works, automotive repair, electronics, contractors,

manufacturing, etc. The proposed rezoning is consistent with the current surrounding land uses.

The surrounding zoning includes MCX, R, CG, CN, ML and RM, therefore our request is consistent with the surrounding zoning.

D. Public Facilities and Services

The site is located on the corner of East Laniakula Street and Laukapu Street. The current entry to the property is on Laukapu Street approximately 80 feet north of the intersection of East Lanikaula Street and Laukapu Street. East Lanikaula Street has a right of way of 55 feet, with pavement width of approximately 32' feet and a grass shoulder, approximately 18 feet wide. There are no sidewalks fronting the property, however there is one across the street. Laukapu Street has a right of way of 40 feet, with pavement width of approximately 22 feet and grass shoulder approximately 10 feet wide. There are no sidewalks on either side of Laukapu Street. We do not anticipate vehicular movements to and from the site to be substantial. Generally, they will be associated with team member movement commuting to and from work between the hours of 8 am and 5 pm.

The County water line fronts the subject site. The site is serviced by a 5/8" water meter. There is no anticipation for any additional water use, however, if the need arises, there is adequate water supply on Laukapu Street and any meter upgrades required by the Department of Water Supply will be complied with.

There is an existing sewer main fronting the property. The existing building is currently connected to the County sewer system along East Lanikaula Street, there is no anticipated change to the connection or any additional/proposed wastewater work required as part of this re-zoning request.

There will be no additional solid waste generated by the rezoning of the property. The existing building is being retained and repurposed. All other solid waste associated with office activities on the property will be handled through a commercial hauler and disposed of into an authorized landfill. We anticipate little to no impact to our landfill.

There is no anticipation that additional fire or police protection will be required for this development. There are two fire stations located within 5 minutes of the site and the police station is located less than 2 miles from the site.

There is no anticipation that additional schools or parks will be required as part of this change in zone request. The intent of this request is to allow for a change of use of the building to an office with a small number of team members. There will be no impact on the existing school or parks that support this area.

Telephone, electric, gas and cable are available along Laukapu and East Lanikaula Street. The existing building already utilizes these utilities and is not expected to require additional utilities as part of this zoning request.

E. Environmental Assessment and Analysis

The proposed change of use/occupancy of the existing building has triggered the requirement to re-zone the property. There is no plan to make any changes to the existing property and building other than what will be required by the county to comply with the requirements of the change of use/occupancy. We don't expect this to be significant in nature so don't believe there should be much of any short-term or long-term impact on the environment.

The existing building will allow for more work space to allow for more comfortable accommodation for our existing team members and to allow for additional team members in the future. This will help us with future hires, resulting in more jobs in the science and technology sector.

There will be no impact associated with this change of zone request other than what the county will require for the proposed change of use/occupancy. We will not need to implement any mitigative measures to avoid, minimize, rectify or reduce impact.

Other options to this proposed change of use include selling the property to another developer and have them develop the property or to leave the property as is. The local engineering firm will still need to find a place for their team members and to accommodate growth, so they will need to look elsewhere for the space. The convenience of being next door can help reduce the flow of traffic to a different location.

There are no irreversible and irretrievable commitments of natural resources that would be involved if the proposed action is implemented. The land is currently developed and all other resources that may have been attributed to the property no longer exist and have not existed since 1935 when the property was first developed.

F. General Discussions

- The LUPAG map designates the site as Industrial, a designation that allows for the proposed zone change to MCX. There are several other properties within close proximity to this site that currently have similar zoning as is being requested.
- The requested zoning would be consistent with the goals, policies, and standards of the Economic and Land Use Elements of the General Plan. Specifically, the more pertinent ones:
 - Provide residents with opportunities to improve their quality of life.
 - Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii

- The County of Hawaii will strive for diversity and stability in its economic systems.
 - The County shall provide an economic environment which allow new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
 - The County shall strive for an economic climate which provides its residents with opportunity for choice of occupation.
 - The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.
- This request will allow for an existing local business to flourish, this will help with the diversification of the local economy. Minimal to no impact to the County's natural and social environment is expected as a result of this development.
- Land use elements:
 - Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.
 - Zone urban and rural type of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.
 - Promote and encourage the rehabilitation and use of urban and rural areas which are serviced by basic community facilities and utilities.
 - Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.
 - Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environments.
- Land Use – Commercial Development
 - 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.
- Policies:
 - Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewers and transportation systems.
 - Distribution of commercial area shall be such as to best meet the demands of neighborhood, community and regional needs.
 - Development of commercial facilities should be designed to fit into the local community with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.
- Standards:
 - Commercial development shall be located in areas adequately served by transportation, utilities, and other amenities.
 - Off street parking and loading facilities shall be provided.

- Commercial development shall maintain or improve the quality of the present environment through the consideration of visual, access, landscaping, and other design elements in their development.
- Preference shall be given to commercial lands with reasonable level topography.
- Courses of Action (South Hilo)
 - Appropriately located commercial lands shall be allocated as the need arises
- As the City of Hilo continues to grow, there is a need for more commercially zoned lands. This is evident by some of the recent commercial re-zonings and their development on the outskirts of traditional central business core of Hilo, This request also reflects this demand.

The subject site, in addition to attempting to meet this need, also fulfills other policies and standards articulated in the General Plan.

The site is already serviced by adequate infrastructure. County water and sewer lines are already available. Police and fire protective services are available within two miles of the site. This re-zoning request should not require additional public services to be provided.

The site does not have any on-site constraints. The land is relatively level, and there are no flood or other hazardous conditions that would render the site a problem and pose a burden to the public agencies.

Being that the site has developed since 1935, the prospects of the site serving as a habitat for rare or endangered plant or animal life is non-existent. Likewise, surface and subsurface archaeological remains do not appear to be likely on this site.

The use is also compatible with the surrounding area. There are churches, several commercial complexes, industrial buildings, apartments, restaurants, office buildings and a manufacturing plant all within 500 feet of the site.

ATTACHMENT

Commercial, RM, Resort, & Industrial

PLANNING DEPARTMENT
COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

1. if your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone?

No

If yes, please answer the rest of question 1 and then to question 3.

- a. How many acres of the requested area do you intend to subdivide? _____
- b. Into what lots sizes? _____
- c. if your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? _____

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to:

- a. Sell or lease the land to someone who has firm plans? _____
- b. Sell or lease the land to someone who has tentative plans? _____
- c. Sell or lease the land to someone who has no plans? _____
- d. Keep it? _____
- e. other (please state) _____

No

No

No

Yes

- f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

n/a

-
3. What specific building plans do you have for the subject land? Include in your answer the following: type of building (apartment, office, laundrette, etc.); financing arrangement; timetable for construction; and any other information which you feel might help us in evaluating your request.

No building plans other than what may be required by the county for the change of use of the existing building.

-
4. Have you performed any study which would demonstrate a need for your proposed building and/or development?

No

If so, please elaborate on your findings in the space provided below.

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County?

No

If so, please elaborate on your findings in the space provided below.

6. Are there any buildings on the subject area?

Yes

If so, what kind?

An existing 2 story single wall building that was used as a residence at one time.

What do you intend to do with those buildings if your request is approved?

Keep it

7. Is the subject land currently being used for any agricultural activity?

No

If so, please list the kinds of products grown on and how many square feet or acres of land per product?

8. To your knowledge, has there been any flooding and/or drainage problem on the subject area?

No

If so, please describe the problem.

9. Do you think that the roads leading to the subject area needs improvement?

No

If so, what kind?

Is the road adequate for the proposed traffic volume or bad?

Yes

10. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>yes</u>	<u>NO</u>
a. Schools		X
b. Roads		X
c. Sewer		X
d. Drainage		X
e. Police Protection		X
f. Fire Protection		X
g. Recreational Facilities		X
h. Recreational Facilities		X
i. Other		

For those checked "yes," please elaborate what type or kinds of improvements and/or assistance are needed.

11. Have you performed any historic sites study and/or survey of the subject area? If so, what were the results? Please, also, submit a copy of the study together with this change of zone supplement.

None as performed, the land area is small and has been improved over the years

Signature:



Address:

P.O. Box 4159 Hilo, HI 96720

Telephone:

808 936-1779

Date:

July 19, 2024



ADVANCE SHEET
SUBJECT TO CHANGE

PLOT PLAN - 781 LAUKAPU STREET

LOT 13, BLOCK 37

WAIAKEA HOUSE LOTS, GRANT 9935 to Mrs.E.N.Ellis

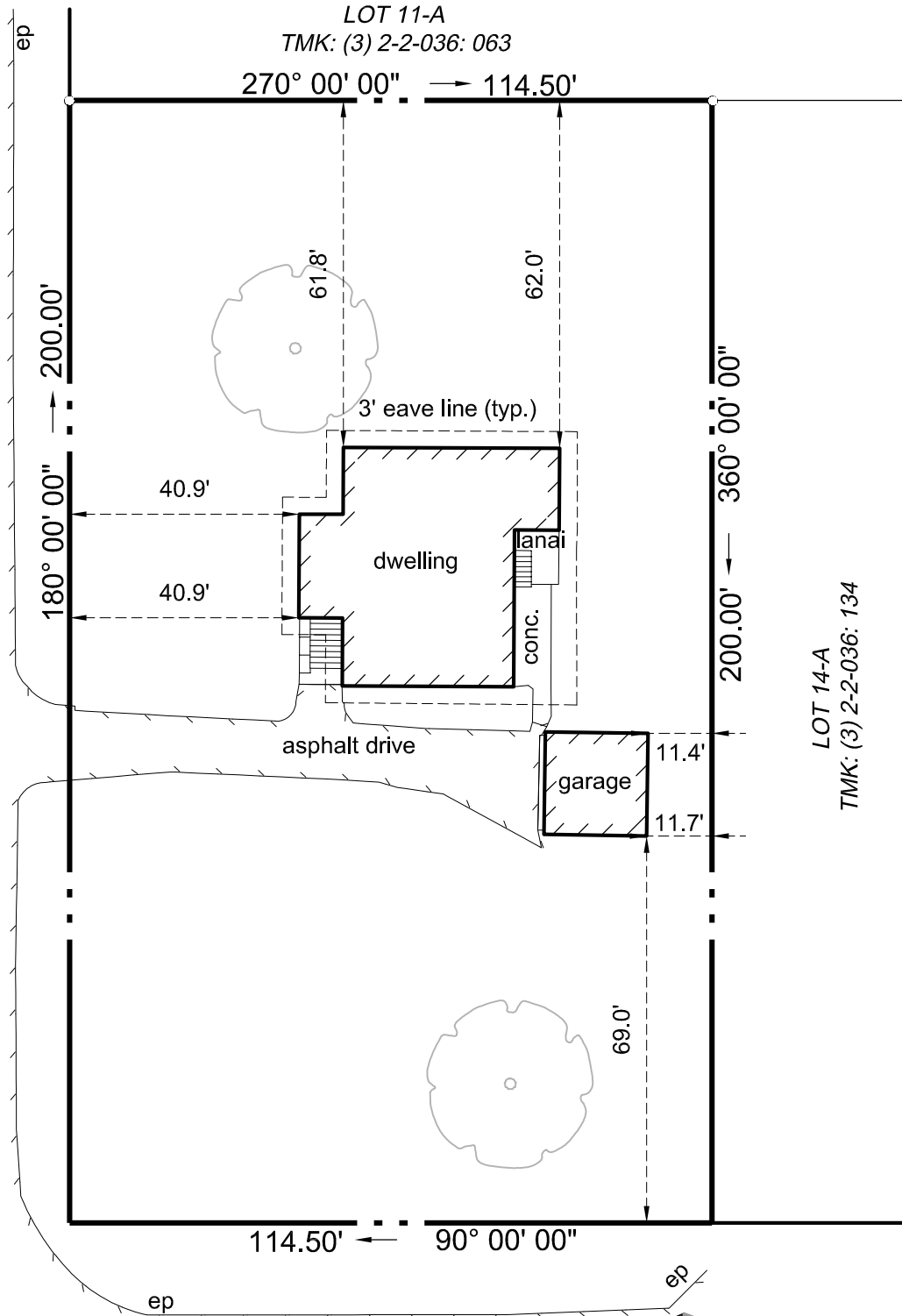
WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII

TMK: (3RD Div.) 2-2-036: 065, 22,900 Sq. Ft., HI. CO. ZONE, RS-10

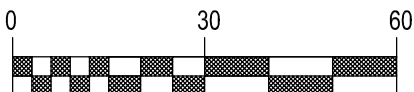


LAUKAPU STREET

LOT 14-A
TMK: (3) 2-2-036: 134



EAST LANIKAULA STREET



SCALE: 1" = 30' PLOT: 8 - 1/2" X 11"



455 E. Lanikaula St. | Hilo, Hawaii 96720
Main (808) 933-7900 | www.epinc.pro
Hawaii | Las Vegas

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: September 9, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division 

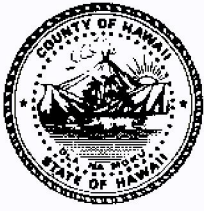
SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000067)
Request: Change of Zone from Single-Family Residential-
10,000 Square Feet (RS-10) District to Industrial-
Commercial Mixed-20,000 Square Feet (MCX-20) for
22,900 Square Feet of Land
Applicant: Nimr Tamimi
TMK: 2-2-036:065

Sorry for the delay. We have reviewed your submittal dated August 7, 2024 and offer the following comments for your consideration:

1. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage study shall be prepared and the recommended drainage system shall be constructed meeting the approval of the Department of Public Works, Engineering Division.
2. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
3. All activities shall comply with the requirements of Hawaii County Code (HCC), Chapter 10, Erosion and Sedimentary Control.
4. Since East Lanikaula Street is an existing collector road, we recommend only one driveway access with limited right-in and right-out access for any future development. All driveway connections and construction shall conform to Chapter 22, County Streets, of the Hawaii County Code and include the provision of adequate sight distances that shall meet with the approval of the Department of Public Works, Engineering Division.
5. Based upon the proposed zoning and that Laukapu Street has an existing right-of-way width of 40 feet and East Lanikaula Street has an existing right-of-way width of 55 feet, we recommend that the applicant provide improvements to the subject's frontage consisting of, but not limited to, pavement widening with concrete sidewalk, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act. The improvements shall be located within the road widening setback as established by the Planning Department. The dedication of the widening and improvements should be at no cost to the County.

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit <u>3</u>



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 101 Pauahi Street, Suite 7 – Hilo, Hawai'i 96720

Hilo Office (808) 961-8331 • Fax (808) 961-8410

Kona Office (808) 323-4720 • Fax (808) 327-3509

September 9, 2024

TO:

Jessica Andrews - County of Hawaii – Planning Dept.
County Of Hawaii Planning Department
101 Pauahi St. Ste. #3
Hilo, HI. 96720

SUBJECT:

Change of Zone Application PL-REZ- 2024-000067
Applicant: Nimr Y Tamimi & Shannon Y Tamimi
Owner: Applicant is the owner
Request: Change of zone from RS-10 to MCX-20
TMK: (3) 2-2-036:065

This is to inform you that our records on file, relative to the status of the subject discloses that:

- ☐ No Building permit was issued for work done on the premises.
- ☒ No building permit was issued for the change of occupancy.

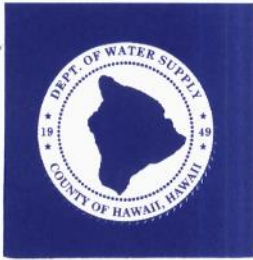
Upon approval of the application for the change of zoning, owner shall apply for a change of use permit for the existing structures, residential use not listed as a permitted use under section 25-5-132, or a demolition permit for the removal of the structures from the premises per HCC 5-3-1(a)(1).

- ☒ At the time of completion, the subject complied with all Building Code regulations that were in effect.
- ☐ Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- ☐ The following violations(s) still outstanding:
 - ☐ Building
 - ☐ Electrical
 - ☐ Plumbing
 - ☐ Sign
- ☒ Others:

PW.B2024-001207 Residential Electrical Only permit status "issued".

This status report reflects Building Division records only and does not include information from other agencies.

Should you have any questions regarding matters contained herein, please feel free to contact Nathan Osorio at phone no. (808) 961-8466.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

September 20, 2024

REC'D HAND DELIVERED

COH PLANNING DEPT
SEP 24 2024 AM 9:03

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2024-000067)**
Request: RS-10 to MCX-20
Applicant - Nimr Tamimi
Tax Map Key 2-2-036:065

We have reviewed the subject application and have the following comments and conditions.

Please be informed that there is an existing an existing 5/8-inch meter, which is limited to an average daily usage of 400 gallons.

The Department has no objection to the proposed change of zone application subject to the applicant understanding and accepting the following conditions:

1. The Department requests that the applicant submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawai'i, for review and approval. The water usage calculations should include the estimated peak flow in gallons per minute and the total estimated maximum daily water usage in gallons per day, including all irrigation use.

Based on the water usage calculations provided above, if the new 5/8-inch meter cannot accommodate the additional estimated demand, a larger or additional meter will need to be installed and remittance of the prevailing facilities charge, which is subject to change, will be required.

2. The proposed zoning will require the installation of a reduced pressure type backflow prevention assembly, within five (5) feet of the meter on private property, for each meter installed to the subject parcels, including the existing meter. The installation of the backflow prevention assembly(s) must be inspected and approved by the Department before water service can be granted.

Mr. Zendo Kern, Director

Page 2

September 20, 2024

3. Subject to other agencies' requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Should there be any questions, please contact Mr. Ryan Quitariano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

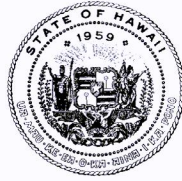
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith K. Okamoto', with a small 'D' written to the left of the signature.

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Mr. Nimr Tamimi



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: August 9, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Change of Zone Application (PL-REZ-2024-000067)
Request: Change of Zone from Single-Family Residential (RS-10) District
to Industrial-Commercial Mixed (MCX-20) for 22,900 Square Feet
of Land
Applicant: Nimr Tamimi
TMK: 2-2-036:065; South Hilo, Hawaii

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

Planning Dept.
Exhibit 6

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.
2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.