Hawai'i County Clerk 11/10/2026 02:14:49 PM

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COUNTY COUNCIL

County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

COMMITTEE ON LEGISLATIVE APPROVALS AND ACQUISITIONS

34th Session

West Hawai'i Civic Center
74-5044 Ane Keohokālole Highway, Building A
Kailua-Kona, Hawai'i

November 17, 2026
9:45 a.m.

The Hilo Council Chambers at the Hawai'i County Building, 25 Aupuni Street, will be closed.

Public attendance via Courtesy Site is available at the following locations:

- **Ocean View Community Association, 92-8924 Leilani Circle;**
- **Pāhoa Council Office, 15-2879 Pāhoa Village Road; and**
- **Waimea Council Office, Parker Square, 65-1279 Kawaihae Road, Suite 109.**

If a Courtesy Site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Oral Public Testimony via Zoom: To provide oral testimony via Zoom, email *councilremotetestimony@hawaiicounty.gov* or call (808) 961-8255 to complete the registration process and obtain meeting login information. Please contact our office to register by 12:00 noon, **Monday, November 16, 2026**.

Submitting Written Testimony: To ensure timely delivery to Council Members prior to the meeting, written testimony must be submitted no later than 12:00 noon on **Monday, November 16, 2026**, by: (1) email to *councilteestimony@hawaiicounty.gov*; (2) facsimile to (808) 961-8912; or (3) mail to the County Clerk's Office in Hilo at 25 Aupuni Street, Hilo, Hawai'i, 96720. All written testimony, regardless of time of receipt, will be made part of the permanent record. Please submit separate testimony for each item.

Hawai'i County Clerk 11/10/2026 02:14:49 PM

ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Pursuant to HRS § 92-3, oral testimony may be provided entirely at the beginning of the meeting, or immediately preceding the agenda item being opened for deliberation by the committee.

BILLS FOR ORDINANCES

Bill 217: AMENDS ORDINANCE NO. 10-45, WHICH AMENDED SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – ONE ACRE ($A\text{-}1_A$) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT PONAHAWAI, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-3-037:006
(Applicants: KBXtreme Hilo, LLC) (formerly Gillie and Jane Silva)
(Area: 5.075 acres)

The Windward Planning Commission forwards its favorable recommendation for this requested change of zone amendment, which deletes the 180-day timeframe for Condition B (Water Commitment), allows a 10-year time extension to Condition E (Complete Construction), deletes Conditions G (Access Easement), H (Limitations to Komohana Street Access), J (Full Improvements to Komohana Street), K (Streetlights and Traffic Control Devices), and adds two new conditions relating to vehicular safety, to allow for the development of a 36,000 square foot family entertainment center. The property is located at 279 Komohana Street.

Reference: Comm. 1182
Intr. by: Council Member Kimball (B/R)

; *and*

Comm. 1182.1: From Planning Director Jeffrey W. Darrow, dated October 30, 2026, transmitting a PowerPoint presentation for Bill 217.

ADJOURNMENT

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

Live Stream of County Council Committee Meetings: To view the live stream of this meeting, at the scheduled meeting start time, type the following into the address bar of the browser: https://www.youtube.com/channel/UCJNalwg4OoK7a_7nGnEtGPA.

If you need an auxiliary aid/service or other accommodation due to a disability, call (808) 961-8255 as soon as possible, preferably by ***November 13, 2026***. If a response is received after this date, every effort will be made to obtain the auxiliary aid/service or accommodation, but there is no guarantee the request can be filled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Agenda items are available on the County website at www.hawaiicounty.gov. Click on Council Records to navigate to current agendas. For any questions, please contact Council Services at (808) 961-8255.

COUNTY OF HAWAI'I STATE OF HAWAI'I

BILL NO. 217

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 10-45, WHICH AMENDED SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – ONE ACRE (A-1a) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT PONAHAWAI, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY NO. 2-3-037:006.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 2 of Ordinance No. 10-45 is amended to read as follows:

"SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 ([~~2005~~] 2016 Edition, as amended), the County Council finds the following conditions are:

(1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or

[~~(1)~~] (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:

(A) Protection of the public from the potentially deleterious effects of the proposed use, or

(B) Fulfillment of the need for public service demands created by the proposed use.

A. The applicant(s), successors or assigns ("Applicant") shall be responsible for complying with all of the stated conditions of approval.

B. Prior to the issuance of a water commitment by the Department of Water Supply, the [~~applicants~~] Applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within 180 days from the effective date of this amended ordinance.

C. The [~~applicants~~] Applicant 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 prior to issuance of a Certificate of Occupancy.

D. The [~~applicants~~] Applicant shall relocate and adjust the Department of Water Supply's water system facilities that are affected by construction of improvements within the Ponahawai Street right-of-way fronting the subject property that are required by this permit.

E. Construction of the proposed improvements shall be completed within [~~five (5)~~] ten (10) years from the effective date of this amended ordinance. This time period shall include securing Final Plan Approval from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. The time during which required plans, reports, studies, or relevant permit applications are under review for approvals by government agencies shall not count towards the deadline established in this ordinance. To justify this tolling, the applicant shall provide evidence of the excluded time period to the Planning Department for its review and approval, which shall consist of dates obtained from a government agency website, permitting program, or office indicating when the required plans, reports, studies, or permit applications were submitted, approved, denied, or returned by the government agency.

F. Development of the property shall be designed and constructed in a way to minimize obstruction of the scenic views of Hilo Bay from Komohana Street.

G. [~~Prior to issuance of Final Plan Approval, the applicants shall grant a minimum 30-foot wide access easement on the subject property, in favor of the adjacent landowner(s) (TMK: 2-3-37:14), in order to connect the access at Ponahawai Street on TMK 2-3-37:14 to the access at Ponahawai Street on the subject property for the purpose of providing internal traffic circulation between the two properties.~~] The Applicant shall coordinate with the Department of Public Works and any other necessary County agencies to evaluate the posted speed limit along Komohana Street fronting the subject property and consider a reduction of the posted speed limit from forty-five (45) miles per hour to thirty-five (35) miles per hour. Nothing in this condition shall require a reduction in the posted speed limit as a prerequisite to Final Plan Approval, building permit issuance, or occupancy.

H. [~~Access at Komohana Street shall be through road and utility easement "RU-9"and shall be limited to right-turn in and right-turn out movements only. This access shall be shared with the adjacent parcel (TMK: 2-3-37:22). Prior to the issuance of a Certificate of Occupancy, the applicants shall install "no left-turn" sign(s) and a physical barrier at the property access to prevent left-turns into and out of the access driveway. All improvements shall meet with the approval of the Department of Public Works.~~] Access from Komohana Street, including any necessary modification of the existing No Vehicular Access Planting Screen Easement, shall be located and constructed in accordance with Chapter 22, Hawai'i County Code. Additionally, the Applicant shall incorporate applicable recommendations of the Traffic Impact Analysis Report, dated July 21, 2025, and shall include any additional access, auxiliary-lane, traffic-control, or roadway improvements required by the Department of Public Works. All such improvements shall be completed prior to issuance of a Certificate of Occupancy unless otherwise approved by the Department of Public Works.

I. Access connections to Ponahawai Street and Komohana Street shall conform to Chapter 22 (County Streets) of the Hawai'i County Code.

J. Prior to the issuance of a Certificate of Occupancy, the [~~applicants~~] Applicant shall provide full improvements to the property's frontage along Komohana Street consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk, drainage improvements, and any required utility relocation[~~,~~]. Flexibility in scope and design of required improvements shall be subject to review and meeting with the approval of the Department of Public Works.

K. Streetlights and traffic control devices, as may be required by the Traffic Division, Department of Public Works, shall be installed by the [~~applicants~~] Applicant at no cost to the County. Flexibility in scope and design of required improvements shall be subject to review and meeting with the approval of the Department of Public Works.

L. Should the [~~applicants~~] Applicant submit plans to develop a land use beyond what is proposed in the application, which the Planning Department in consultation with the Department of Public Works determines will generate over 50 peak hour trips, a Traffic Impact Analysis Report (TIAR) shall be submitted for review and approval by the Department of Public Works prior to Final Plan Approval. The [~~applicants~~] Applicant shall implement when required by the Department of Public Works, at no cost to the County, any transportation improvements deemed necessary by the Department of Public Works.

M. Any construction within the designated FEMA flood zone shall comply with the requirements of Chapter 27, Floodplain Management, of the Hawai'i County Code.

N. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties. A drainage study shall be prepared and submitted to the Department of Public Works prior to the issuance of Final Plan Approval. Any 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.

O. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai'i.

P. All earthwork activity, including grading and grubbing, shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.

Q. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires a NPDES permit for certain construction activity.

R. Construction activities must comply with the provisions of Hawai'i Administrative Rules, Chapter 11-46, "Community Noise Control."

S. The [~~applicants~~] Applicant shall install a septic system(s) meeting with the requirements of the Department of Health prior to the issuance of a Certificate of Occupancy. In the future, should a public sewer system be installed in Ponahawai Street or Komohana Street fronting the subject property, the [~~applicants~~] Applicant shall connect to the sewer system.

T. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to Final Plan Approval.

U. [~~Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials 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 mitigation measures have been taken.~~] In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g. rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

V. [~~To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicants shall comply with the requirements of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to final plan approval or final subdivision approval for any new residential structures.~~] To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the Applicant shall comply with the requirements of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development as evidenced by an executed and recorded affordable housing agreement which shall be provided to the Planning Department by the Applicant prior to Final Plan Approval or Final Subdivision Approval. Fair share requirements under Condition W shall be conditionally waived for affordable housing units or lots, if the Applicant executes an affordable housing agreement to provide fifty (50) to one hundred (100) percent of the development as affordable housing units or lots. If

the affordable housing units or lots are not produced and sold or rented in accordance with the affordable housing agreement, any fair share requirements under Condition W that were waived will become due and payable.

W. [~~If the applicants, successors, or assigns develops residential units on the subject property, the applicants shall make their fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair share contribution for each lot shall be based on the actual number of residential units developed. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **$7,698.11** per multiple family residential unit (**$11,996.63** per single family residential unit). The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition. The fair share contribution per multiple family residential unit (single family residential unit) shall be allocated as follows:~~]Should the Applicant develop residential units on the subject property, the Applicant shall make its fair share contribution to mitigate the potential regional impacts of the development with respect to parks and recreation, fire, police, solid waste disposal facilities and roads for the additional residential units to be created. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval and shall be based on the actual number of additional residential units created. The fair share contribution in the form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of **$19,184.66** per single family

residential unit and **$12,310.59** per multiple family residential unit. The total amount shall be determined with the actual number of residential units according to the calculation and payment provisions set forth in this condition. The fair share contribution shall be allocated as follows:

1. [~~**$3,797.26** per multiple family residential unit (**$5,784.99** per single family residential unit) to the County to support park and recreational improvements and facilities;~~] **$9,251.18** per single family residential unit and **$6,072.47** per multiple family residential unit to the County to support park and recreational improvements and facilities;

2. [~~**$120.01** per multiple family residential unit (**$279.07** per single family residential unit) to the County to support police facilities;~~] **$446.28** per single family residential unit and **$191.92** per multiple family residential unit to the County to support police facilities;

3. [~~**$369.17** per multiple family residential unit (**$551.20** per single family residential unit) to the County to support fire facilities;~~] **$881.46** per single family residential unit and **$590.37** per multiple family residential unit to the County to support fire facilities;

4. [~~**$164.54** per multiple family residential unit (**$241.32** per single family residential unit) to the County to support solid waste facilities;~~] **$385.91** per single family residential unit and **$263.13** per multiple family residential unit to the County to support solid waste facilities; and

5. [~~**$3,247.12** per multiple family residential unit (**$5,140.06** per single family residential unit) to the County to support road and traffic improvements.~~] **$8,219.83** per single family residential unit and **$5,192.70** per multiple family residential unit to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the [~~applicants~~] Applicant may contribute land [~~and/or~~] or construct improvements/facilities, or both, related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council[~~.~~] pursuant to Section 2-162.1(a) of Hawai'i County Code.

X. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.

Y. The [~~applicants~~] Applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

Z. [~~An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:~~

~~1. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence.~~

~~2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.~~

~~3. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.~~

~~4. 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).~~

~~5. If the applicants should require an additional extension of time, the Planning Director shall submit the applicant's request to the County~~

~~Council for appropriate action.~~] An initial extension of time for the performance of conditions within this ordinance may be requested in accordance with Section 25-2-44, subsections (c) and (d), of the Hawai'i County Code.

AA. [~~Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the subject area to its original or more appropriate designation.~~]If any conditions have not been completed by the deadline, or if a time extension request has not been submitted in accordance with section 25-2-44(c), the Planning Department shall inform the Applicant that this ordinance is null and void without further action by the County. In that event, the zoning designation of the property(s) affected by this ordinance shall automatically revert to its immediate prior zoning designation.

SECTION 2. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

HEATHER KIMBALL
Council Member

BY REQUEST OF THE:
Planning Director

_____, Hawai'i
Date of Introduction:
Date of 1st Reading:
Date of 2nd Reading:
Effective Date:

REFERENCE Comm. 1182

LRB 26-018 PLD

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

Merrick Nishimoto
Deputy Managing Director

County of Hawai'i ~ Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • Phone (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
Phone (808) 323-4444 • Fax (808) 323-4440

October 26, 2026

COUNTY CLERK
COUNTY OF HAWAII
2026 OCT 28 AM 10: 27

The Honorable Dr. Holeka Goro Inaba
and Members of the County Council
County of Hawai'i
25 Aupuni Street
Hilo, HI 96720

Dear Chair Dr. Holeka Goro Inaba and Council Members:

SUBJECT: **Change of Zone Amendment Application (PL-REZ-2024-000074)**
Amendment to Change of Zone Ordinance No. 10-45 (REZ-09-000113)
Request: Delete the 180-Day Timeframe for Condition B (Water Commitment), Allow a 10-Year Time Extension to Condition E (Complete Construction), Delete Condition G (Access Easement), Delete Condition H (Limitations to Komohana Street Access), Delete Condition J (Full Improvements to Komohana Street), Delete Condition K (Streetlights and Traffic Control Devices) and to Add Two New Conditions
Applicant: KBXtreme Hilo, LLC (formerly Gillie and Jane Silva)
Tax Map Key: (3) 2-3-037:006, Ponahawai, South Hilo, Hawai'i

As required by Chapter 7, Sec. 6-7.5 (a)(3), Hawai'i County Charter, transmitted herewith for the County Council's consideration and action is the Windward Planning Commission letter regarding the above-referenced request.

Sincerely,

C. KIMO ALAMEDA, PH.D.
Mayor

TCouncilKBXtremeHiloPL-REZ-2024-074
Enclosures

cc: Planning Department

<Bill 217>

County of Hawai'i is an Equal Opportunity Provider and Employer.

Comm. No. 1182
Ref. To: LAAC
Ref. Date NOV 10 2026

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

Louis Daniele III, Chair
Chantel Perrin, Vice Chair
Lauren Balog
Thomas E. Fratinardo
JoNelle Fukushima
Paul Montz
Kanoe Wilson

Ke Komikina Hoʻolālā Hikina, Kalana ʻo Hawaiʻi
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

October 23, 2026

The Honorable Dr. Holeka Goro Inaba
and Members of the County Council
County of Hawai'i
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chair Dr. Holeka Goro Inaba and Council Members:

SUBJECT: Change of Zone Amendment Application (PL-REZ-2024-000074)
Amendment to Change of Zone Ordinance No. 10-45 (REZ-09-000113)
Request: Delete the 180-Day Timeframe for Condition B (Water Commitment), Allow a 10-Year Time Extension to Condition E (Complete Construction), Delete Condition G (Access Easement), Delete Condition H (Limitations to Komohana Street Access), Delete Condition J (Full Improvements to Komohana Street), Delete Condition K (Streetlights and Traffic Control Devices) and to Add Two New Conditions
Applicant: KBXtreme Hilo, LLC (formerly Gillie and Jane Silva)
Tax Map Key: (3) 2-3-037:006, Ponahawai, South Hilo, Hawai'i

The Windward Planning Commission (Commission), at its duly held public hearing on October 1, 2026, considered the above-referenced application for a Change of Zone Amendment to Ordinance No. 10-45. The subject property is located at 279 Komohana Street, approximately 150 feet from its intersection with Ponahawai Street, Hilo, South Hilo, Hawai'i.

The applicant requested the following changes to Ordinance No. 10-45:

- Amend Condition B (water commitment) to delete the 180-day timeframe for payment.

- Amend Condition E (complete construction) to allow a 10-year time extension from the effective date of this amendment.
- Delete Condition G (access easement).
- Delete Condition H (limitations to Komohana Street access).
- Delete Condition J (full improvements to Komohana Street).
- Delete Condition K (streetlights & traffic control devices).
- Add a new condition to allow partial relief from the easement along Komohana Street to provide for driveway access.
- Add a new condition to recommend that the Department of Public Works (DPW) consider reducing the posted speed limit along Komohana Street fronting the subject property.

The Planning Director supported the applicant's request to amend Condition E, delete Condition G and delete Condition H. Additionally the Director supported the applicant's request to add two new conditions related to access on Komohana Street (new Condition G) and related to the speed limit on Komohana Street (new Condition H). However, upon consultation with the Department of Public Works, the Director did not support the applicant's request to delete Condition J and Condition K related to traffic improvements and street lighting at Komohana Street.

The Commission voted to forward a favorable recommendation to the County Council based on the Planning Director's recommendation on all conditions, including retaining Conditions J and K but to add language to allow for flexibility in scope and design of required improvements subject to review and approval of the Department of Public Works.

The Commission concurred with the Planning Director's following reasons for a favorable consideration of the request. Criteria for granting the favorable recommendation are shown below in bold print.

The applicant, KBXtreme Hilo, LLC, has submitted an application to amend numerous conditions of Change of Zone Ordinance No. 10-45, which was originally approved to allow a change of zoning district classification from Agricultural-One (1) Acre (A-1a) to Neighborhood Commercial-20,000 square feet (CN-20) for a 5.075-acre parcel. The applicant acquired the property in March 2017, after the original deadline of May 20, 2015, to complete construction, as established by Condition E of Ordinance No. 10-45. The previous landowner had proposed to

construct a 30,000-square foot office building, with plans to potentially construct an additional office building. The current applicant intends to construct a 36,000-square foot family entertainment center on the subject property, to include bowling, an arcade, laser tag, miniature glow golf, a restaurant, karaoke rooms and a lounge. In 2019, the zoning code was amended to add indoor amusement and recreation facilities to the list of permitted uses for the CN zoning district, which would include the proposed use. However, given that an administrative time extension for Condition E expired on May 20, 2020, the 10-year time extension is requested to allow adequate time to complete construction. The applicant is requesting to amend or delete various conditions that they believe are no longer relevant to the current proposal or that would impede the feasible completion of the project. Additionally, the applicant proposes to add two new conditions to allow driveway access and provide for safe vehicular movement with a reduction of the speed limit along the subject property's Komohana Street frontage. Specifically, the applicant is requesting the following amendments to Change of Zone Ordinance No. 10-45:

- Amend Condition B (water commitment) to delete the 180-day timeframe for payment.
- Amend Condition E (complete construction) to allow a 10-year time extension from the effective date of this amendment.
- Delete Condition G (access easement).
- Delete Condition H (limitations to Komohana Street access).
- Delete Condition J (full improvements to Komohana Street).
- Delete Condition K (streetlights & traffic control devices).
- Add a new condition to allow partial relief from the easement along Komohana Street to provide for driveway access.
- Add a new condition to recommend that the Department of Public Works (DPW) consider reducing the posted speed limit along Komohana Street fronting the subject property.

The applicant's amendment requests, along with reasons, are stated below. Each condition will be addressed specifically by stating the applicant's request and reasons for the request as well as the Planning Director's recommendation and reasons for the recommendation for each requested condition amendment. The Director supports amendments to Conditions B, C, G and H because the recommended amendments meet the following criteria:

1. Granting the amendment would not be contrary to the original reasons for granting the change of zone; 2. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence. Language proposed to be deleted is in brackets, language proposed to be added is underlined.

Applicant's Requested Amendment of Condition B:
Condition B: *Prior to the issuance of a water commitment by the Department of Water Supply, the applicants shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply [~~within 180 days from the effective date of this ordinance~~]prior to the issuance of a building permit.*

Applicant's Reasons for Amending Condition B
The applicant requests to amend Condition B by removing the requirement to submit a water commitment deposit within 180 days by moving the due date to prior to issuance of a building permit. The applicant states that while they understand DWS' request that a water commitment be established as soon as possible since water availability may change, they prefer to defer certain project costs until later in the permit review process.

Planning Director's Recommendation for Amending Condition B
The Planning Director is not supportive of removing the 180-day time frame since DWS comments emphasize the importance of submitting water calculations and establishing a water commitment as soon as possible rather than waiting until prior to issuance of a building permit. DWS notes that unless a water commitment is officially issued, water availability is subject to change without notice, depending on the water situation. The applicant responded to note they understand the DWS requirements and though the application proposes to defer certain project costs until later in the permit review process, they will work with appropriate design professionals to determine what is needed to prepare the required water usage calculations for DWS review. In an updated response letter, dated September 8, 2026, the applicant states that they have submitted preliminary water use calculations to DWS for review and are in discussion with DWS to submit the

required water commitment deposit. The Planning Director recommends resetting the compliance deadline for the applicant to submit the water commitment deposit within 180 days from the effective date of the amended ordinance. This modified amendment to Condition B is recommended since the non-performance was the result of conditions that could not have been foreseen, beyond the control of the applicant, and not due to negligence. Additionally, the amendment will support the original reasons for granting the change of zone as water infrastructure will be provided, meeting the intent of the original change of zone.

Applicant's Requested Amendment of Condition E

Condition E: *Construction of the proposed improvements shall be completed within ~~[five (5)]~~ten (10) years from the effective date of this amended ordinance. This time period shall include securing Final Plan Approval from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code.*

Applicant's Reasons for Amending Condition E

The applicant requests to amend Condition E to provide a ten-year time extension to complete construction, due to the scope and size of the proposed project. The applicant notes that soon after the zoning code was amended to add indoor amusement and recreation facilities to the list of permitted uses for the CN zoning district, an administrative time extension for Condition E expired. Following that, the Covid-19 pandemic halted all progress on the project. The applicant notes that economic conditions have stabilized and they are actively resuming development efforts but are seeking relief from the lapse of the prior extension and an additional ten-year time extension from the effective date of the amended ordinance.

Planning Director's Recommendation for Amending Condition E

The Planning Director is supportive of amending Condition E to allow a ten-year time extension to complete construction as the non-performance was the result of conditions that could not have been foreseen, beyond the control of the applicant, and not due to negligence. Additionally, the amendment will support the original reasons for granting the change of zone as infrastructure will be provided, meeting the intent of the original change of zone.

Applicant's Request to Delete Condition G

Condition G: ~~*[Prior to issuance of Final Plan Approval, the applicants shall grant a minimum 30-foot wide access easement on the subject property, in favor of the adjacent landowner(s) (TMK: 2-3-37:14), in order to connect the access at Ponahawai Street on TMK 2-3-37:14 to the access at Ponahawai Street on the subject property for the purpose of providing internal traffic circulation between the two properties.]*~~

Applicant's Reasons for Deletion of Condition G

The applicant requests to delete Condition G because this requirement was established when both the subject property and the adjacent property (TMK 2-3-037:014 were under single ownership and internal circulation was desirable to serve the proposed office building. Since the parcels are now under different owners, each with their own dedicated access to Ponahawai Street, the condition is no longer relevant.

Planning Director's Recommendation for Deleting Condition G

The Planning Director is supportive of deleting Condition G since the subject property is proposing its primary access to be from Komohana Street and parcel 14 has its own dedicated access to Ponahawai Street. The amendment will support the original reasons for granting the change of zone as infrastructure will be provided and conditions of approval will require implementation of roadway improvements as recommended by the TIAR, subject to review and approval of the Department of Public Works.

Applicant's Request to Delete Condition H

Condition H: ~~*[Access at Komohana Street shall be through road and utility easement "RU-9"and shall be limited to right turn in and right turn out movements only. This access shall be shared with the adjacent parcel (TMK: 2-3-37:22). Prior to the issuance of a Certificate of Occupancy, the applicants shall install "no left-turn" sign(s) and a physical barrier at the property access to prevent left-turns into and out of the access driveway. All improvements shall meet with the approval of the Department of Public Works.]*~~

Applicant's Reasons for Deletion of Condition H

The applicant requests to delete Condition H as they do not believe the road and utility easement "RU-9" is viable for a commercial driveway access. Additionally, the neighboring residential property that uses this easement may experience

unwanted traffic on their driveway if required to share the access easement. The applicant has developed plans for a new entrance from Komohana Street that is located a sufficient distance from the traffic control device at the intersection of Komohana Street and Ponahawai Street. Additionally, the applicant proposes to widen the pavement to accommodate a left turn-in channel lane and a left turn-out merge lane.

Planning Director's Recommendation for Deleting Condition H

The Planning Director is supportive of deleting the language of Condition H, but recommends replacing it with new language to require access improvements at the proposed Komohana Street driveway. DPW noted in their comments that they are agreeable to removing the right-turn in/right-turn out only restriction for the Komohana Street but that access improvements shall be as required by the TIAR and by DPW. The amendment will support the original reasons for granting the change of zone as infrastructure will be provided and conditions of approval will require implementation of roadway improvements as recommended by the TIAR, subject to review and approval of the Department of Public Works.

Applicant's Request to Delete Condition J

Condition J: *~~[Prior to the issuance of a Certificate of Occupancy, the applicants shall provide full improvements to the property's frontage along Komohana 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.]~~*

Applicant's Reasons for Deletion of Condition J

The applicant requests to delete Condition J based on the rationale that curb, gutters, sidewalk and drainage improvements are absent on neighboring parcels along Komohana Street and installation at the subject property would create a disconnected section of sidewalk. The applicant also feels that requiring full improvements creates an undue burden and impacts the feasibility of the proposed project. The applicant states they are agreeable to specific frontage improvements to be determined by DPW during construction plan review, with consideration given to an alternative of maintaining a safe paved shoulder or other bicycle and pedestrian-compatible improvements. Additionally, the applicant intends to complete pavement widening as necessary in conjunction with their proposed sign and striping plan for the access at Komohana Street.

Planning Director's Recommendation for Deleting Condition J

The Planning Director is not supportive of deleting Condition J based on comments from DPW that oppose complete relief from the requirement of completing frontage improvements. DPW notes that the subject property is in proximity to an existing bus route, the DOE Hilo Complex campuses, the University of Hawaii Hilo campus and existing sidewalks on Ponahawai Street. Additionally, the applicant proposes extended night-time operating hours, making installation of curb, gutter and sidewalk improvements necessary for safe pedestrian access to the proposed facility. The Planning Director supports DPW's recommendation to retain Condition J, with the understanding that DPW may engage in further discussion on the extent of required frontage improvements at the time of construction plan review.

Applicant's Request to Delete Condition K

Condition K: *[~~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.~~]*

Applicant's Reasons for Deletion of Condition K

The applicant requests to delete Condition K and proposes to address the need for lighting through installation of sufficient lighting in the parking lot and driveway entrance on the subject property. The applicant additionally stated that they are requesting flexibility in how the lighting requirement is satisfied, to be determined by DPW, Traffic Division, rather than relief from providing adequate lighting.

Planning Director's Recommendation for Deleting Condition K

The Planning Director is not supportive of deleting Condition K and notes that the existing condition already defers to DPW, Traffic Division, to determine what is required regarding streetlights and traffic control devices. Based on comments from Traffic Division, they concur with DPW, Engineering Division, in opposing deletion of Condition K. Traffic Division notes that the requirement for installation of roadway lighting along the project area as deemed necessary by DPW is reasonable, particularly due to added pedestrian and bike traffic and for safer ingress and egress to the proposed development.

Applicant's Request to Add New Condition
Proposed Condition: *Partial relief from "NO VEHICULAR ACCESS" PLANTING SCREEN EASEMENT in an area of the property fronting Komohana Street to provide for commercial driveway access that will not interfere with neighboring residential property access. Relief is requested for a length of approximately 45 feet at a location reviewed in coordination with the Department of Public Works (DPW) Engineering Division and DPW Traffic Division to ensure appropriate driveway placement and two-way left turn lane (TWLTL) spacing from the Ponahawai/Komohana intersection, consistent with Chapter 22 (County Streets) of the Hawai'i County Code and the completed TIAR.*

Applicant's Reasons for Adding New Condition
The applicant requests to add a new condition that allows modification of the existing no vehicular access planting screen easement at Komohana Street to install an approximately 45-foot wide driveway. The applicant notes that the driveway is intended to provide two-way left turn lane spacing from the intersection of Komohana Street and Ponahawai Street, meeting with the approval of DPW and incorporating recommendations from the TIAR. Based on DPW comments, and staff conversations to follow up, DPW is not opposed to limited modification of the Komohana Street easement to allow for driveway access, subject to review by DPW.

Planning Director's Recommendation for Adding New Condition
The Planning Director is supportive of the intent of the proposed new condition, and notes that driveway access and roadway improvements will be as required by DPW and in concurrence with the TIAR. Language that addresses modification of the no vehicular planting easement at Komohana Street will be included in the recommended conditions.

Applicant's Request to Add New Condition
Proposed Condition: *As a matter of public safety, the Planning Commission and County Council recommend that the Department of Public Works (DPW) evaluate the posted speed limit along Komohana Street fronting the subject property and consider a reduction of the posted speed limit from forty-five (45) miles per hour to thirty-five (35) miles per hour. This recommendation is intended to support safe ingress and egress to the site and to improve overall traffic safety in light of the*

proposed commercial driveway access and turning movements. Nothing in this condition shall be construed to alter or supersede the independent authority of DPW with respect to speed limit determinations or traffic control measures.

Applicant's Reasons for Adding New Condition
The applicant requests that the Planning Commission and County Council include a recommendation that DPW evaluate and possibly reduce the posted speed limit from 45 mph to 35 mph along Komohana Street fronting the subject property. The applicant believes the request is warranted due to existing precedents and the potential for enhanced public safety.

Planning Director's Recommendation for Adding New Condition
The Planning Director is supportive of the intent of the proposed new condition, but notes that it would be up to DPW, Traffic Division, and other relevant county agencies to make the requested change to the posted speed limit. The recommended language will be included either as a new condition, or to replace a deleted condition.

Granting the amendments as recommended by the Planning Director would not be contrary to the General Plan, Community Development Plan or Zoning Code. According to the Zoning Code, the CN district applies to strategically located centers suitable for commercial activities which shall be of such size and shape as will accommodate a compact shopping center which supplies goods and services to a residential or working population on a frequent need or convenience basis. This district is distinguished from a central commercial district which provides general business and broad services to a city or region. The proposed development is consistent with providing services to a residential or working population; thus, the request is consistent with the surrounding land use pattern and the intent of the zoning designation.

It should be noted that since the site was rezoned, there has not been any significant land use regulatory change in this area. The Hilo Community Development Plan has not been updated since its adoption; however, the majority of the proposed amendments are consistent with the 2045 General Plan's Land Use Map that defines the subject property and its immediately surrounding area as Medium Density Urban. The Medium Density Urban designation allows for village and neighborhood commercial, single-family and multiple-family residential uses (up to 35 units per acre) and related functions.

Although several of the applicant's requested condition amendments are consistent with the purpose and intent of the General Plan Designation and the CN zoning, the applicant's request to amend or delete Conditions B, J, and K are contrary to the intent of providing adequate infrastructure and roadway improvements for the proposed use.

Granting the amendments as recommended by the Planning Director is not contrary to Chapter 205A, Hawai'i Revised Statutes, relating to Coastal Zone Management. The subject property is located approximately 1.0 miles from the nearest shoreline and is not situated within the SMA. Thus, the property will not be affected by coastal hazards and beach erosion. There are no identified recreational resources, historic resources, public access to the shoreline or mountain areas, scenic and open space preserves, coastal ecosystems, or marine resources on the subject property.

In view of the Hawai'i State Supreme Court's PASH and "*Ka Pa'akai O Ka 'Āina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: As the subject property has been grubbed and impacted by ground-disturbing activities associated with previous sugar cane cultivation, no formal archaeological reconnaissance survey, oral history of kama'āina accounts of the area, historical survey of documentary records, or floral/faunal studies were included in the application.

The valued cultural, historical, and natural resources found in the rezoning area: By letter dated January 8, 2010, the Department of Land and Natural Resources – State Historic Preservation Division (SHPD) provided comments stating that no historic properties would be affected by the proposed development, citing previous grading and grubbing.

The record does not identify traditional or customary Native Hawaiian practices occurring on the subject property. The property was previously intensively cultivated in sugar cane and has been subject to grading and grubbing, and SHPD previously determined that no historic properties would be affected. No public access to shoreline or mountain areas or other culturally significant resources has been identified on the property. Based on the information presently in the record, the proposed amendments are not anticipated to adversely affect identified traditional and customary practices. The inadvertent-discovery condition will remain applicable should previously unidentified cultural or historic resources be encountered.

Possible adverse effect or impairment of valued resources: There is no evidence that any possible adverse effects or impairments will occur to any valued resources.

Feasible actions to protect native Hawaiian rights: To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

Lastly, this recommendation is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the proposed use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the Americans 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.

In addition to the amendments discussed above, the proposed conditions of approval have been updated, where appropriate, to reflect current County Code requirements and standard condition language. These updates are administrative in nature and are separate from the applicant-requested amendments evaluated in this report.

Based on the above findings, the Planning Director recommends that **a favorable recommendation for applicants' amendments to Conditions E, G and H, and Planning Director's amendments to two new conditions proposed by applicant, and an unfavorable recommendation for applicants' amendments to Conditions B, J and K of Ordinance No. 10-45 be forwarded to the County Council.** The accompanying draft bill to amend Ordinance No. 10-45 is provided for your favorable consideration. Please note the proposed conditions of approval attached to the draft bill. Material to be deleted is bracketed and struck-through; new material is underscored.

This recommendation 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.

The Planning Department's background report, recommendation report, PowerPoint presentation, and public testimony are available for review at the following Laserfiche Weblink address:
https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=158157

The Commission hearing minutes of October 1, 2026, meeting can be found at the following link once it is available:
https://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=158011

Should there be any questions, please feel free to contact Planning Program Manager, Maija Jackson at (808) 961-8159.

Sincerely,

Louis Daniele III
Louis Daniele III (Oct 23, 2026 20:50:59 HST)

Louis Daniele III, Chairman
Windward Planning Commission

P\wp60\PC\PCC2026-4\-REZ-2024-074wpc

Enclosure: Draft Bill

cc w/enclosure via email: Calvin C.M. Higa, Jr., WLW Development Methods, Inc.
William Wong
Windward Planning Commission
Deputy Corporation Counsel for Windward Planning Commission
Jeffrey W. Darrow, Planning Director
Deputy Corporation Counsel for Planning Department

C. Kimo Alameda, Ph.D.
Mayor

William V. Brilhante, Jr.
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

Jeffrey W. Darrow
Director

Michelle S. Ahn
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

October 30, 2026

MEMORANDUM

TO: Heather L. Kimball, Chairperson of
The Legislative Approvals and Acquisitions Committee
and Members of the Hawai'i County Council

Maija Jackson for
Maija Jackson for (Oct 30, 2026 12:38:03 HST)

FROM: Jeffrey W. Darrow, Planning Director

2026 OCT 30 PM 1:18
COUNTY CLERK
COUNTY OF HAWAII

SUBJECT: Planning Director Presentation Material

Attached please find the presentation material from the Planning Department in relation to the following measure to be heard by the Committee of Legislative Approvals and Acquisitions:

Change of Zone Amendment Application (PL-REZ-2024-000074)
Amendment to Change of Zone Ordinance No. 10-45 (REZ-09-000113)
Request: Delete the 180-Day Timeframe for Condition B (Water Commitment), Allow a 10-Year Time Extension to Condition E (Complete Construction), Delete Condition G (Access Easement), Delete Condition H (Limitations to Komohana Street Access), Delete Condition J (Full Improvements to Komohana Street), Delete Condition K (Streetlights and Traffic Control Devices) and to Add Two New Conditions
Applicant: KBXtreme Hilo, LLC (formerly Gillie and Jane Silva)
Tax Map Key: (3) 2-3-037:006, Ponahawai, South Hilo, Hawai'i

Should you have any questions, please contact Maija Jackson of this department at (808) 961-8159 or by email at Maija.Jackson@hawaiicounty.gov.

Thank you very much.

MDS
MPresentationMaterialforJPAutomotivePL-REZ-2026-103

Enclosure

cc (via email): Dorthi Botelho-Kaili, Council Legislative Assistant
Maija Jackson, Program Planning Manager
Rachelle Ley, Secretary to Planning Director

Comm. No. 1182.1
Ref. To: LAAC
Ref. Date NOV 10 2026

AMENDMENT TO REZONE
ORDINANCE NO. 10-45
KBXTREME HILO, LLC

PL-REZ-2024-000074

LOCATION MAP



APPLICANT'S REQUEST

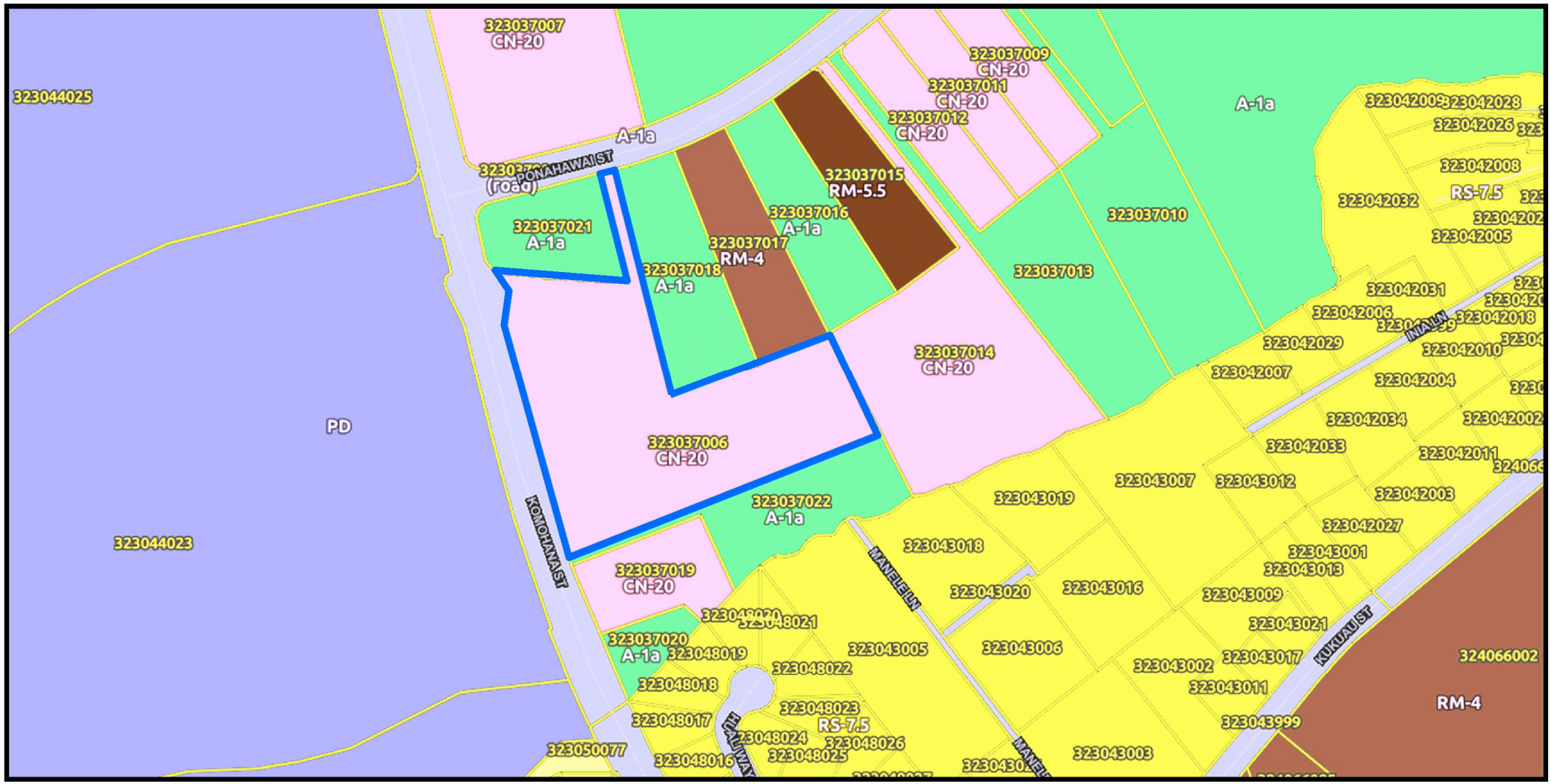
- THE APPLICANT IS REQUESTING THE FOLLOWING AMENDMENTS TO THE CHANGE OF ZONE ORDINANCE, WHICH REZONED THE PROPERTY FROM A-1A TO CN-20:
  - AMEND CONDITION B (WATER COMMITMENT) TO DELETE 180-DAY TIMEFRAME.
  - AMEND CONDITION E (COMPLETE CONSTRUCTION) TO ALLOW A 10-YEAR TIME EXTENSION FROM EFFECTIVE DATE OF THIS AMENDMENT.
  - DELETE CONDITION G (ACCESS EASEMENT).
  - DELETE CONDITION H (LIMITATIONS TO KOMOHANA STREET ACCESS).
  - DELETE CONDITION J (FULL IMPROVEMENTS TO KOMOHANA STREET).
  - DELETE CONDITION K (STREETLIGHTS & TRAFFIC CONTROL DEVICES).
  - ADD NEW CONDITION TO ALLOW PARTIAL RELIEF FROM EASEMENT ALONG KOMOHANA STREET FOR DRIVEWAY ACCESS.
  - ADD NEW CONDITION TO RECOMMEND THAT DPW REDUCE THE SPEED LIMIT ALONG KOMOHANA STREET FRONTING SUBJECT PROPERTY.

APPLICANT'S REASONS FOR REQUEST

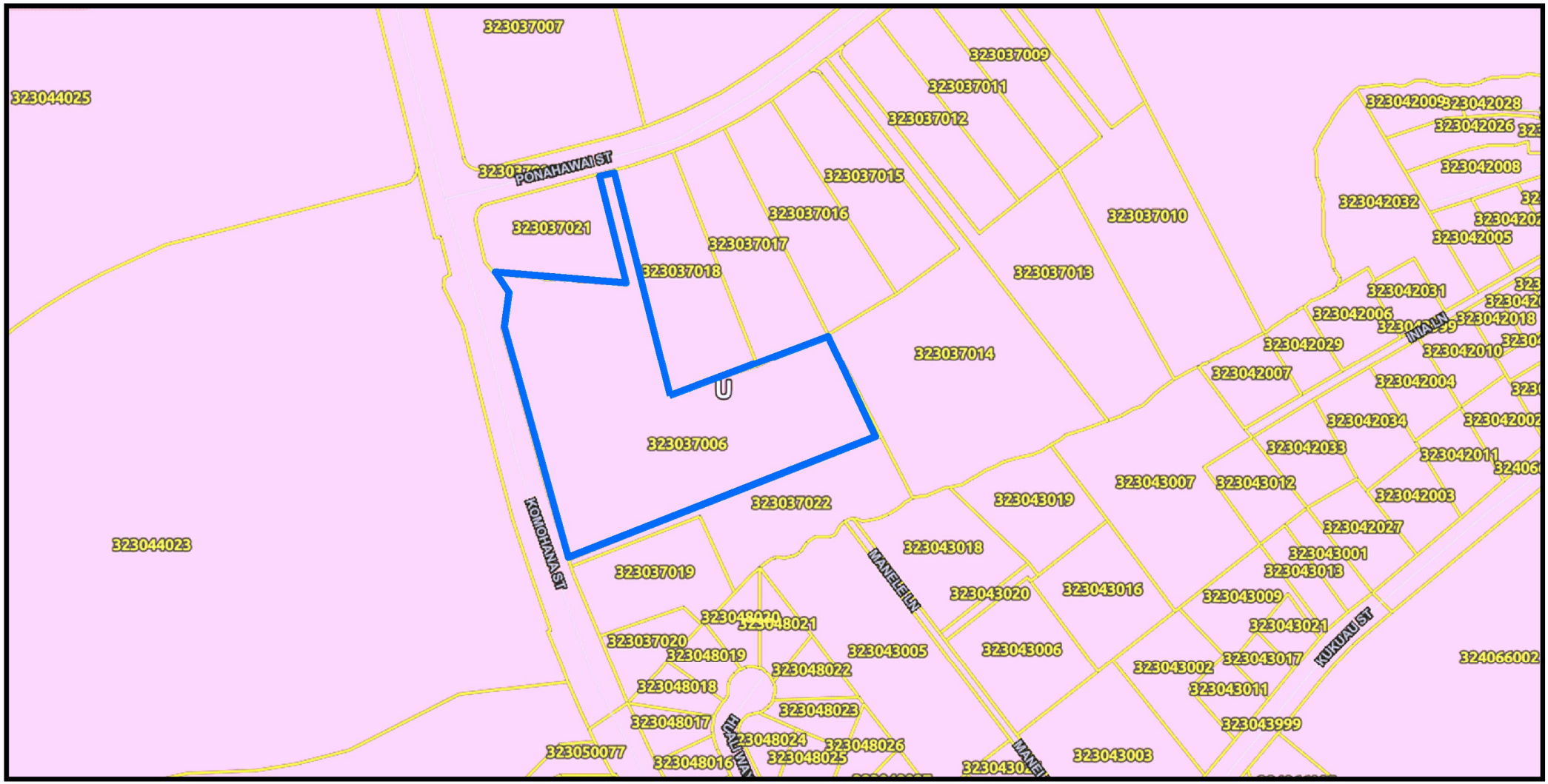
- THE APPLICANT ACQUIRED THE PROPERTY IN MARCH 2017, AFTER THE ORIGINAL DEADLINE OF MAY 20, 2015, TO COMPLETE CONSTRUCTION.
- THE TIME EXTENSION WILL ALLOW THE APPLICANT TO COMPLETE CONSTRUCTION OF A 36,000-SF FAMILY ENTERTAINMENT CENTER.*
- THE APPLICANT IS REQUESTING TO AMEND OR DELETE VARIOUS CONDITIONS THAT THEY BELIEVE ARE NO LONGER RELEVANT TO THE CURRENT PROPOSAL OR THAT WOULD IMPEDE THE FEASIBLE COMPLETION OF THE PROJECT.
- ADDITIONALLY, THE APPLICANT PROPOSES TO ADD TWO NEW CONDITIONS TO ALLOW DRIVEWAY ACCESS AND PROVIDE FOR SAFE VEHICULAR MOVEMENT WITH A REDUCTION OF THE SPEED LIMIT ALONG THE SUBJECT PROPERTY'S KOMOHANA STREET FRONTAGE.

* NOTE THAT APPROVAL OF THE REZONE AMENDMENT DOES NOT EQUATE TO FINAL APPROVAL OF THE APPLICANT'S PROJECT PROPOSAL. OTHER USES PERMITTED IN CN ZONING COULD BE PROPOSED.

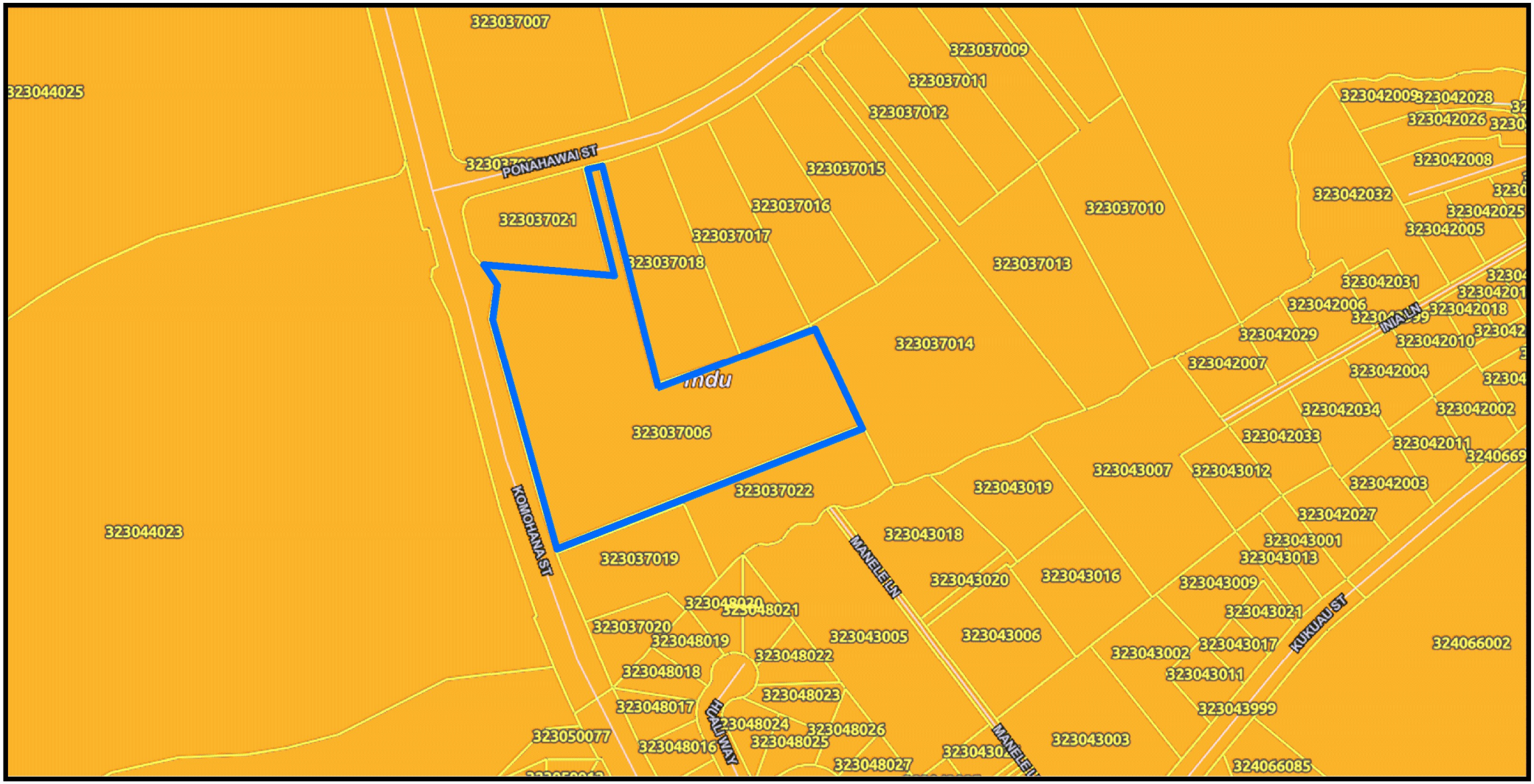
COUNTY ZONING MAP



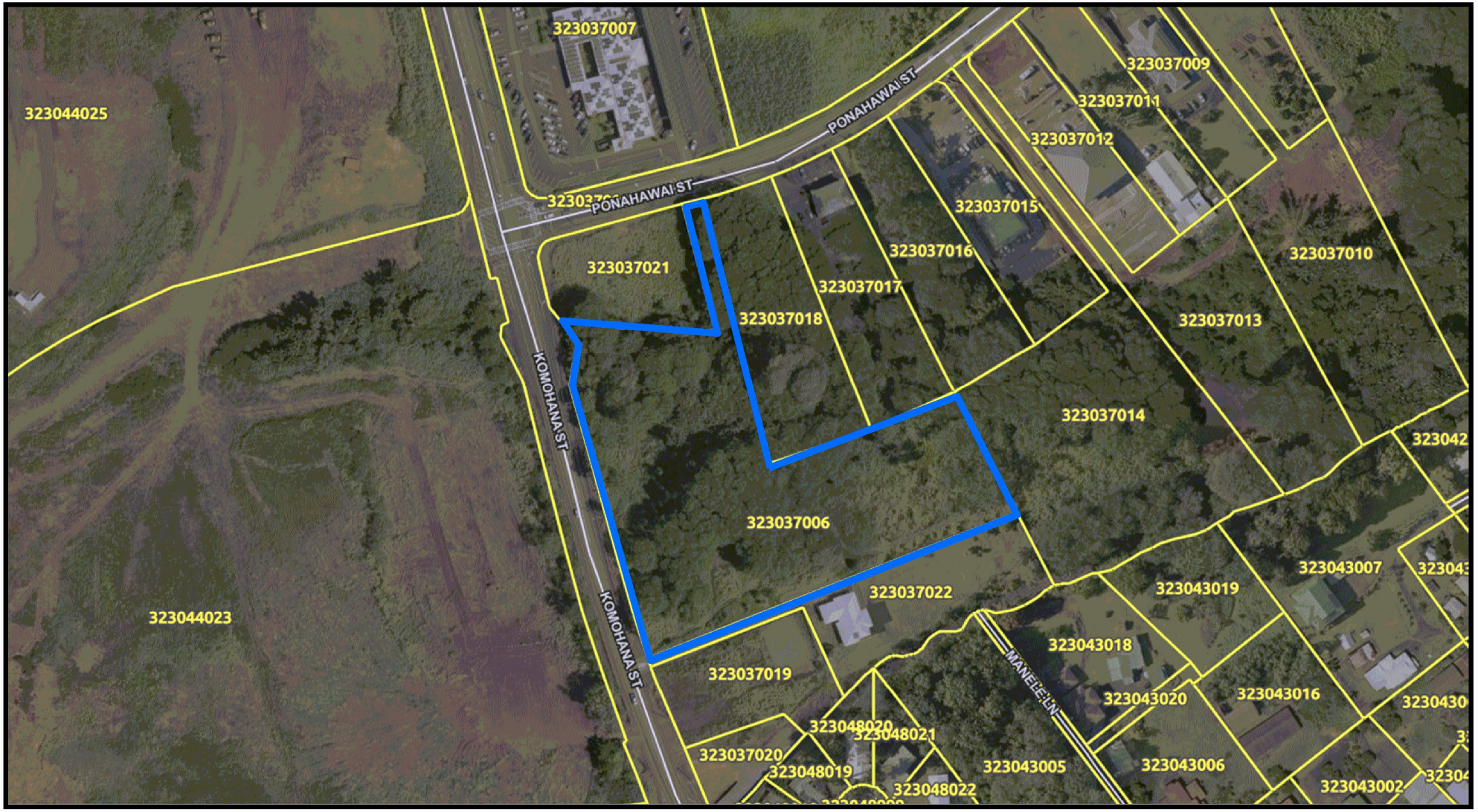
STATE LAND USE BOUNDARY MAP

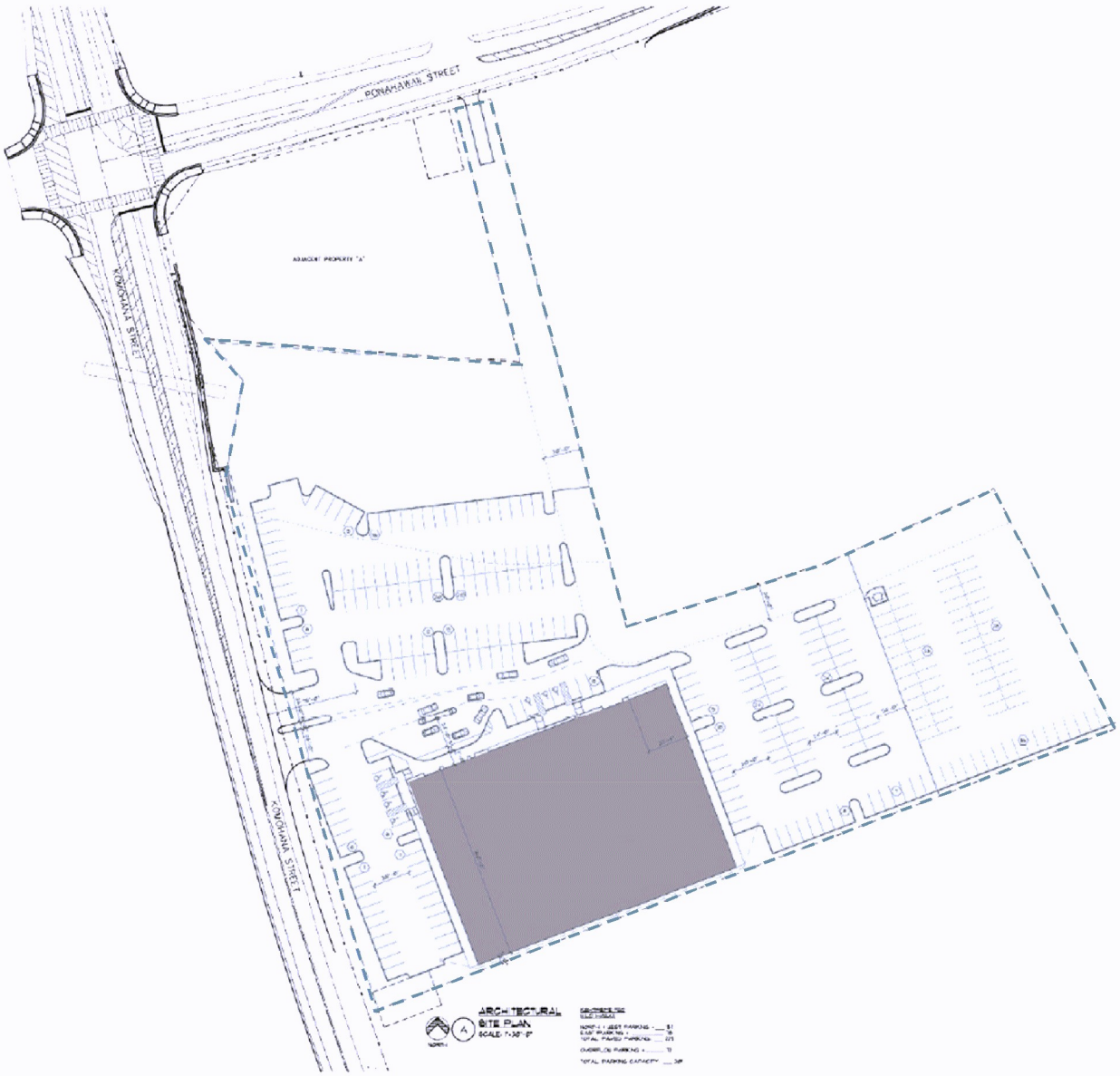


GENERAL PLAN LUPAG MAP



AERIAL PHOTO



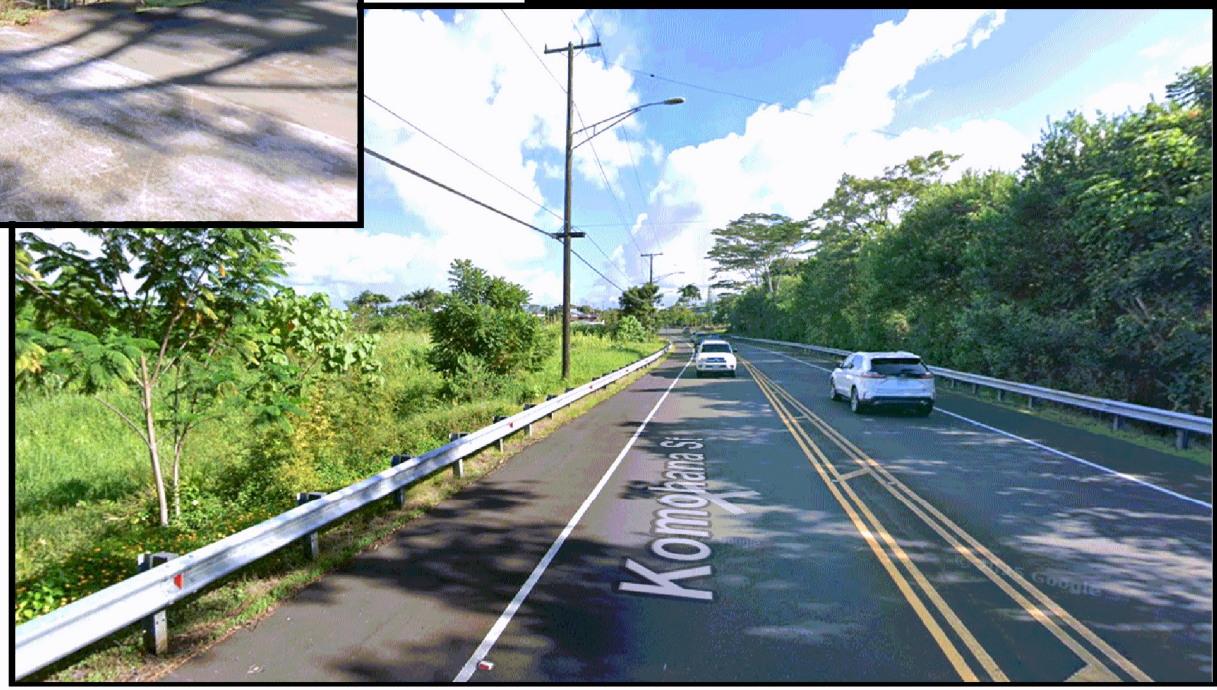


PROPOSED SITE PLAN



KOMOHANA STREET LOOKING NORTH

KOMOHANA STREET LOOKING SOUTH





PONAHAWAI STREET LOOKING EAST

PONAHAWAI STREET LOOKING WEST



PLANNING DIRECTOR'S RECOMMENDATION

A FAVORABLE RECOMMENDATION BE FORWARDED TO THE COUNTY COUNCIL FOR THE APPLICANT'S AMENDMENTS TO CONDITIONS E, G AND H, AND THE PLANNING DIRECTOR'S AMENDMENTS TO TWO NEW CONDITIONS PROPOSED BY THE APPLICANT.

AN UNFAVORABLE RECOMMENDATION BE FORWARDED TO THE COUNTY COUNCIL FOR THE APPLICANT'S AMENDMENTS TO CONDITIONS B, J AND K.

PLANNING DIRECTOR RECOMMENDATIONS

Applicant's Requested Amendment of Condition B:

Condition B: *Prior to the issuance of a water commitment by the Department of Water Supply, the applicants shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply [~~within 180 days from the effective date of this ordinance~~]prior to the issuance of a building permit*.

Planning Director's Recommendation & Reasons:

- The Director is not supportive of removing the180-day time frame.
- DWS recommends establishing a water commitment as soon as possible rather than waiting until prior to issuance of a building permit since water availability is subject to change without notice, depending on the water situation.
- The Director recommends resetting the compliance deadline for the applicant to submit the water commitment deposit within 180 days from the effective date of the amended ordinance in order to meet the concurrency requirements for water in the Zoning Code.

PLANNING DIRECTOR RECOMMENDATIONS

Applicant's Request to Delete Condition J

Condition J: *[~~Prior to the issuance of a Certificate of Occupancy, the applicants shall provide full improvements to the property's frontage along Komohana 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.~~]*

Planning Director's Recommendation & Reasons:

- The Director is not supportive of deleting Condition J based on comments from DPW that oppose complete relief from the requirement of completing frontage improvements.
- DPW notes that the subject property is in proximity to an existing bus route, the DOE Hilo Complex campuses, the University of Hawaii Hilo campus and existing sidewalks on Ponahawai Street.
- Installation of curb, gutter and sidewalk improvements are necessary for safe pedestrian access to the proposed facility.

PLANNING DIRECTOR RECOMMENDATIONS

Applicant's Request to Delete Condition K

Condition K: *[~~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.~~]*

Planning Director's Recommendation & Reasons:

- The Director is not supportive of deleting Condition K and notes that the existing condition already defers to DPW Traffic Division to determine what is required regarding streetlights and traffic control devices.
- DPW Engineering Division and Traffic Division oppose deletion of Condition K. Traffic Division notes that the requirement for installation of roadway lighting along the project area as deemed necessary by DPW is reasonable, particularly due to added pedestrian and bike traffic and for safer ingress and egress to the proposed development.

PLANNING COMMISSION RECOMMENDATION

AT ITS OCTOBER 1, 2026, MEETING, THE WINDWARD PLANNING COMMISSION VOTED TO FORWARD A FAVORABLE RECOMMENDATION TO THE COUNTY COUNCIL BASED ON THE PLANNING DIRECTOR'S RECOMMENDATION ON ALL CONDITIONS, INCLUDING TO RETAIN CONDITIONS J AND K BUT TO ADD LANGUAGE TO ALLOW FOR FLEXIBILITY IN SCOPE AND DESIGN OF REQUIRED IMPROVEMENTS SUBJECT TO REVIEW AND APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS.