

COUNTY OF HAWAI‘I PLANNING DEPARTMENT **BACKGROUND REPORT**

DR. LOI CHANG-STROMAN

CHANGE OF ZONE APPLICATION NO. PL-REZ-2024-000061

DR. LOI CHANG-STROMAN has submitted an application for a Change of Zone from a Single-Family Residential-10,000 square feet (RS-10) zoning district to a Neighborhood Commercial-10,000 square feet (CN-10) zoning district for 16,161-square feet of land. The subject property is located at 77-311 Sunset Drive, at the northeast corner of its intersection with Kuakini Highway, Hōlualoa 4th, North Kona, Hawai‘i, TMK: (3) 7-7-009:008.

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 a Neighborhood Commercial-10,000 square feet (CN-10) zoning district for 16,161-square feet of land. The CN zoning district, with a minimum area required for each building site of 10,000 square feet, would allow a maximum density of 1 building site. In addition, 12 multiple family residential units could be constructed on the subject property should the change of zone be approved. The CN (neighborhood commercial) 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. Requirements for establishing land uses in the CN zoning district, including a list of the variety of permitted land uses, are shown in Section 25-5-100 to 108 of the Zoning Code. **(Planning Department Exhibit 1 - Zoning Code Requirements for Neighborhood Commercial Districts)**
2. **Objective of the Request:** The applicant is a medical doctor specializing in internal medicine, practicing at the existing Urgent Care of Kona, on the subject property. His wife is a dermatologist practicing at the existing Kona Dermatology medical facility, also

on the subject property. The requested change of zone will allow for expanded services and opportunities at these clinics beyond the restrictions allowed by the subject property's existing Use Permit (Use Permit No. 88-008 or USE 66). Should the change of zone be approved, the applicant intends to request to revoke the existing Use Permit. Additionally, the applicant proposes to convert 500 square feet of the existing building for use as a durable medical equipment retail service.

3. **Construction Timetable and Cost:** Immediately upon approval of the Change of Zone, the applicant expects to adjust operational hours and begin providing additional medical services, with minimal costs anticipated.
4. **Landowner:** JAM Properties, LLC.
5. **Supporting Information:** The applicant has submitted the attached in support of the request. (**Planning Department Exhibit 2 - Change of Zone Application dated January 31, 2024**)

BACKGROUND INFORMATION

6. **Use Permit:** Use Permit No. 88-008, or USE 66, was approved by the Planning Commission on February 22, 1989, to allow the establishment of a medical office on the subject property. On May 4, 1995, the Planning Department issued a memorandum stating that all conditions of the use permit had been complied with.
7. **Building Permit:** On January 26, 1990, building permit no. 905150 was issued for construction of the medical facility and a Certificate of Occupancy was issued on September 9, 1990.

STATE & COUNTY PLANS

8. **State Land Use District:** Urban.
9. **General Plan Land Use Pattern Allocation Guide (LUPAG) MAP:** Medium Density Urban (mdu). These areas include uses such as village and neighborhood commercial and single family and multiple family residential and related functions (multiple family residential - up to 35 units per acre).
10. **County Zoning:** Single-Family Residential-10,000 square feet (RS-10).
11. **Kona Community Development Plan (CDP):** The Kona CDP, was adopted by Ordinance 08-131 on September 25, 2008 by the Hawai'i County Council. The subject

property is situated within the Kona Urban Area (KUA) and is not situated within any Regional Center Transit Oriented Development (TOD) Areas.

12. **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 0.9 miles from the nearest coastline.

DESCRIPTION OF SUBJECT PROPERTY AND SURROUNDING AREA

13. **Subject Property:** The subject, irregularly shaped, 16,161-square foot property is sloped towards Kuakini Highway and located at the 400-foot elevation level. The property has been developed with a medical facility, parking lot and driveway, with some landscaping along the frontage with Kuakini Highway and Sunset Drive.
14. **Surrounding Zoning/Land Uses:** Surrounding lands are zoned Single-Family Residential 10,000-square feet (RS-10), Neighborhood Commercial 10,000-square feet (CN-10), Neighborhood Commercial 7,500-square feet (CN-7.5), Multiple-Family Residential 1,500-square feet (RM-1.5), Agricultural 1-acre (A-1a) and Agricultural 5-acre (A-5a). Existing surrounding land uses include commercial, retail, offices, and medical facilities, as well as multiple-family and single-family residences.
15. **Flood Insurance Rate Map (FIRM):** The subject property is situated within Zone “X” on the Flood Insurance Rate Map (FIRM) by FEMA, an area determined to be an area of minimal flood hazard.
16. **USDA Soil Survey:** Soils in this project area are classified as Kainaliu-Waiaha complex, 10 to 20 percent slopes.
17. **Land Study Bureau’s Detailed Land Classification System:** Unclassified.
18. **Agricultural Lands of Importance to the State of Hawai‘i (ALISH):** Unclassified.
19. **Flora/Fauna Resources:** No formal flora/fauna study was submitted with the application as the subject property has been extensively developed to accommodate a medical facility with a parking lot, driveway and related improvements. Given the urban development of the area, it is unlikely there are endangered species of plants or animals on the subject property.

20. **Archaeological/Cultural/Historical Resources:** No archaeological and cultural study was conducted of the property as the subject property has been extensively developed. 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 customary or Native Hawaiian cultural rights exercised within the subject property.
21. **Public Access:** There is no public access to the mountains or the shoreline that runs through the property.

PUBLIC UTILITIES AND SERVICES

22. **Vehicular Access/Traffic:** The subject property is accessed from Sunset Drive, a County-owned and maintained road with approximately 24-foot-wide pavement within a 44-foot-wide right-of-way that takes access from Kuakini Highway, a State-owned and maintained roadway. The State Department of Transportation (DOT) notes that there would not be a significant increase in the number of trips generated at the site, and no adverse impacts to State highways. The Department of Public Works (DPW), Engineering Division, recommends that the applicant provide improvements to the subject property's Sunset Drive frontage consisting of, but not limited to, pavement widening with a sidewalk, concrete curb and gutter, drainage improvements and any required utility relocation, meeting with the requirements of the Americans with Disabilities Act. The improvements shall be located within a 3-foot road widening setback and dedication of the widening and improvements should be at no cost to the County. Further, DPW notes that streetlights and traffic control devices shall be installed as may be required by DPW, Traffic Division, and that the applicant shall be responsible for design, purchase and installation of such devices. The applicant has requested relief from DPW's recommendations, noting that improvements to the property's Sunset Drive frontage would be excessive and not be proportional to the scope of the applicant's request, given there is no proposal to expand the footprint of the medical facility.
23. **Water:** According to the Department of Water Supply (DWS), the subject parcel is currently served by an existing 1-inch meter which is limited to four (4) units of water at an average of 400 gallons per day, per unit, or a total of 1,600 gallons per day. DWS

notes that should the type of use change from the current use, the new occupants would be required to submit estimated maximum daily water usage calculations. Upon receipt of the water usage calculations, if the existing 1-inch meter cannot accommodate the estimated demand, a larger or additional meter will need to be installed and remittance of the prevailing facilities charge will be required, in addition to installation of a reduced pressure type backflow prevention assembly, meeting with approval of DWS. Finally, DWS notes that the existing 8-inch waterline fronting the parcel is inadequate to provide the required 2,000-gallons per minute of flow for fire protection as per DWS standards and the applicant is advised to consult with the Fire Department for any fire protection requirements or alternatives. A response from the applicant notes that they understand DWS comments and will work with the Fire Department to address fire protection requirements.

- 24. **Wastewater:** There is no municipal sewer system servicing the subject property. The property is served by an existing septic system which the applicant will continue to use.
- 25. **Solid Waste:** The applicant states that solid waste will be handled by a commercial hauler or the landowner and disposed at authorized landfill sites or transfer stations.
- 26. **Essential Utilities and Services:** Police, Fire and medical services are available nearby in Kailua-Kona. Electrical and telephone services are available to the site.

AGENCY COMMENTS

- 27. **Department of Health: (Planning Department Exhibit 3 – June 19, 2024 letter)**
- 28. **Department of Transportation: (Planning Department Exhibit 4 – June 27, 2024 letter)**
- 29. **Department of Environmental Management: (Planning Department Exhibit 5 – July 5, 2024 memo)**
- 30. **Department of Public Works – Engineering Division: (Planning Department Exhibit 6 – July 12, 2024 memo)**
- 31. **Department of Water Supply (Planning Department Exhibit 7 – August 12, 2024 memo)**

AGENCIES – NO COMMENT/CONCERNS

- 32. Police Department.

AGENCIES – NO RESPONSE

33. Department of Land and Natural Resources, Department of Public Works – Building Division, Fire Department, Real Property Tax Office.

APPLICANT'S RESPONSE TO AGENCY COMMENTS

34. **Applicant's Response to Multiple Agency Comments: (Planning Department Exhibit 8 – August 8, 2024 letter)**
35. **Applicant's Response to Department of Water Supply Comments: (Planning Department Exhibit 9 – August 26, 2024 letter)**

PUBLIC COMMENTS

36. As of the date of this writing, the Planning Department has received no public comments on this application.

- (c) Plan approval shall be required for all new structures and additions to existing structures in the V district, except for construction of one single-family dwelling and any accessory buildings per lot.
 - (d) Exceptions to the regulations for the V 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 9; am 2015, ord 15-33, sec 4.)

Division 10. CN, Neighborhood Commercial Districts.

Section 25-5-100. Purpose and applicability.

The CN (neighborhood commercial) 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.

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

Section 25-5-101. Designation of CN districts.

Each CN (neighborhood commercial) district shall be designated by the symbol "CN" 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 25-5-102. Permitted uses.

- (a) The following uses shall be permitted in the CN district:
- (1) Adult day care homes.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Automobile service stations.
 - (4) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (5) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (6) Business services.
 - (7) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.
 - (8) Churches, temples and synagogues.
 - (9) Community buildings, as permitted under section 25-4-11.
 - (10) Convenience stores.
 - (11) Crematoriums, funeral homes, funeral services, and mortuaries.
 - (12) Crop production.
 - (13) Day care centers.
 - (14) Dwellings, double-family or duplex, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.

- (15) Dwellings, multiple-family, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (16) Dwellings, single-family.
 - (17) Family child care homes.
 - (18) Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area.
 - (19) Financial institutions.
 - (20) Group living facilities.
 - (21) Home occupations, as permitted under section 25-4-13.
 - (22) Medical clinics.
 - (23) Meeting facilities.
 - (24) Model homes, as permitted under section 25-4-8.
 - (25) Museums.
 - (26) Neighborhood parks, playgrounds, tennis courts, swimming pools, and similar neighborhood recreational areas and uses.
 - (27) Offices.
 - (28) Personal services.
 - (29) Photography studios.
 - (30) Public uses and structures, as permitted under section 25-4-11.
 - (31) Repair establishments, minor.
 - (32) Restaurants.
 - (33) Retail establishments.
 - (34) Schools.
 - (35) Short-term vacation rentals situated in the general plan resort and resort node areas.
 - (36) Telecommunication antennas, as permitted under section 25-4-12.
 - (37) Theaters.
 - (38) Utility substations as permitted under section 25-4-11.
 - (b) In addition to those uses permitted under subsection (a) above, the following uses may be permitted in the CN district, provided that a use permit is issued for each use:
 - (1) Major outdoor amusement and recreation facilities.
 - (c) Buildings and uses normally considered directly accessory to the uses permitted in this section shall also be permitted in the CN district.
- (1996, ord 96-160, sec 2; ratified April 6, 1999; am 2012, ord 12-28, sec 12; am 2018, ord 18-114, sec 10; am 2019, ord 19-100, sec 6; am 2019, ord 19-100, secs 6 and 7; am 2020, ord 20-3, sec 1.)

Section 25-5-103. Height limit.

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

Section 25-5-104. Minimum building site area.

The minimum building site area in the CN district shall be seven thousand five hundred square feet.

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

Section 25-5-105. Minimum building site average width.

Each building site in the CN district shall have a minimum average width of sixty feet.

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

Section 25-5-106. Minimum yards.

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

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

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

Section 25-5-107. Landscaping of yards.

- (a) All front yards in the CN district shall be landscaped, except for necessary access drives and walkways, and except for the construction of one single-family dwelling and accessory buildings per lot.
- (b) Where any required side or rear yard in the CN district adjoins a building site in an RS, RD, RM or RCX district, the side or rear yard 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, and except for the construction of one single-family dwelling and accessory buildings per lot.

(1996, ord 96-160, sec 2; ratified April 6, 1999; am 2005, ord 05-155, sec 10.)

Section 25-5-108. Other regulations.

- (a) In conjunction with plan approval, the director may require the construction of a continuous eave overhanging the front property line in the CN district. The director may also require that the eave be of similar height and design in any one block of the CN district.
- (b) Plan approval shall be required for all new structures and additions to existing structures in the CN district, except for construction of one single-family dwelling and any accessory buildings per lot.

- (c) Exceptions to the regulations for the CN 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 11; am 2015, ord 15-33, sec 4.)

Division 11. CG, General Commercial Districts.

Section 25-5-110. Purpose and applicability.

- (a) The CG (general commercial) district applies to an area suitable for commercial uses and services on a broad basis to serve as the central shopping or principal downtown area for a city or a region.
- (b) No CG district shall be established until there is a demonstrated need for such action and no two CG districts shall be established in such relationship to each other that they cannot act as one center and yet are too close together to serve two distinct regions.

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

Section 25-5-111. Designation of CG districts.

Each CG (general commercial) district shall be designated by the symbol "CG" 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 25-5-112. Permitted uses.

- (a) The following uses shall be permitted uses in the CG district:
 - (1) Adult day care homes.
 - (2) Amusement and recreation facilities, indoor.
 - (3) Art galleries, museums.
 - (4) Art studios.
 - (5) Automobile service stations.
 - (6) Automobile sales and rentals.
 - (7) Bars, nightclubs and cabarets.
 - (8) Bed and breakfast establishments, as permitted under section 25-4-7.
 - (9) Boarding facilities, rooming, or lodging houses, provided that the maximum density shall be one thousand two hundred fifty square feet of land area per rentable unit or dwelling unit.
 - (10) Broadcasting stations.
 - (11) Business services.
 - (12) Car washing, provided that if it is mechanized, sound attenuated structures or sound attenuated walls shall be erected and maintained on the property lines.
 - (13) Catering establishments.
 - (14) Cemeteries and mausoleums, as permitted under chapter 6, article 1 of this Code.

CHANGE OF ZONE APPLICATION
Applicant: Dr. Loi Chang-Stroman
Request: RS-10 to CN-10

Tax Map Key: (3) 7-7-009:008
Por. Sunset View Terrace Lots, Hōlualoa, North Kona District
Hawai‘i Island

CHANGE OF ZONE APPLICATION

COUNTY OF HAWAII PLANNING DEPARTMENT (Type or legibly print the requested information)

APPLICANT: Dr. Loi Chang-Stroman

APPLICANT'S SIGNATURE: (see authorization letter) DATE: January 31, 2024

ADDRESS: 77-311 Sunset Drive

Kailua-Kona, HI 96740

LIST APPLICANT'S INTEREST IF NOT OWNER: Managing Member of JAM Properties, LLC

LIST PRINCIPAL(S) INCLUDING NAMES OF MAIN OFFICERS: Dr. Loi Chang-Stroman, Member

PHONE:(Bus.) (Res.) (808) 481-8618 (Fax) lcs@whmgmail.com

LANDOWNER(S): JAM Properties, LLC

LANDOWNER SIGNATURE(S): (see authorization letter) DATE: January 31, 2024

LANDOWNER(S) ADDRESS: 77-311 Sunset Drive ^(May be by letter)

Kailua-Kona, HI 96740

REQUEST: Single Family Residential (RS-10) TO Neighborhood Commercial (CN-10)

TAX MAP KEY: (3) 7 - 7 - 009 : 008 ^(Existing zoning) (Proposed Zoning)

STREET ADDRESS OF PROPERTY: 77-311 Sunset Drive

Kailua-Kona, HI 96740

SIZE OF PROPERTY OR AFFECTED AREA(S) TO BE REZONED: 16,161 square feet

AGENT: Daryn Arai

ADDRESS: PO Box 4501

Hilo, Hawaii 96720

email: Daryn.Arai@outlook.com

TELEPHONE:(Bus.) (808) 895-3218 (Res.) (Fax)

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

ORIGINAL: Applicant COPIES: Agent

TO WHOM IT MAY CONCERN:

The undersigned below represents JAM Properties, LLC, the owner of that 16,161 square-foot property identified as TMK: 7-7-009:008 located along the mauka side of Kuakini Highway at its northern intersection with Sunset Drive in the District of North Kona. As the owner of the subject property, JAM Properties, LLC hereby authorizes the filing of a Change of Zone application to rezone said property into the Neighborhood Commercial-10,000 square foot minimum lot size (CN-10) zoning district in order to allow for the expansion of medical-related operations at the existing medical facility. By this letter, we also authorize Daryn Arai, Land Use Planning Consultant, to assist us with the filing and processing of this application before the County of Hawai'i.



Dr. Loi Chang-Stroman, Managing Member
for JAM Properties, LLC

January 31, 2024
Date

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 approve 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 lot 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 lese 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.

Existing medical complex. Purpose of rezoning is to allow for greater flexibility in managing medical and related operations, such as flexible operating times, less restrictions on physicians practicing at facility, and the establishment of a small retail operation.

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

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

Existing medical complex providing both urgent care and dermatological services to the community for almost 30 years. The need for the services that we provide have been demonstrated by our realization that this existing facility can provide additional medical services to our community.

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

Yes

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

Environmental report is included as part of change of zone application, which finds that the proposed request will not result in a significant adverse effect upon the surrounding community, as our almost 30 years of practice has demonstrated.

6. Are there any buildings on the subject area?

Yes

If so, what kind?

2-story medical complex, constructed in 1990, consisting of a gross leasable area of 2,240 square feet on each floor (4,480 square feet gross leasable area).

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

Continued use as a medical facility, with the addition of a small retail space for durable goods on the lower level.

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

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

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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.

No historic study was conducted due to the extensively improved property and its modern construction.

Signature: (see authorization letter)
Address: 77-311 Sunset Drive, Kailua-Kona 96740
Telephone: (808) 481-8618
Date: January 31, 2024

LOT 8
SUNSET VIEW TERRACE LOTS - UNIT 1

Land situated on the Northeasterly side of Kuakini Highway (F.A.S.P. No. S-229(1)) and on the Northerly side of Sunset Drive at Holualoa 4th, North Kona, Island and County of Hawaii, State of Hawaii.

Being the whole of:

Lot 8 of Sunset View Terrace Lots - Unit 1; and

Being a portion of:

Land Patent 8289, Land Commission Award 7228 to Loe.

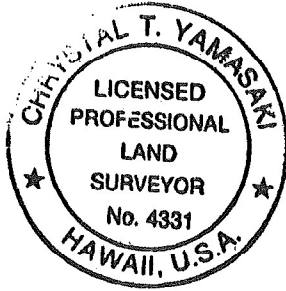
Beginning at a 1/2 inch pipe (found) at the Westernmost corner of this parcel of land, being also the Southwesterly corner of Lot 9 of Sunset View Terrace Lots - Unit 1 and being a point on the Northeasterly side of Kuakini Highway (F.A.S.P. No. S-229(1)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 14,230.14 feet South and 11,122.36 feet East and running by azimuths measured clockwise from True South:

- | | |
|-------------|---|
| 1. 244° 11' | 133.33 feet along Lot 9 of Sunset View Terrace Lots - Unit 1 and along the remainder of Land Patent 8289, Land Commission Award 7228 to Loe to a 3/4 inch pipe (found); |
| 2. 334° 11' | 158.05 feet along Lot 33 and Lot 34 of Sunset View Terrace Lots - Unit 1 and along the remainder of Land Patent 8289, Land Commission Award 7228 to Loe to a 3/4 inch pipe in concrete (found); |

3. 93° 00' 140.35 feet along the Northerly side of Sunset Drive to a nail (found);

Thence, following along the Northerly side of Sunset Drive on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

4. 123° 35' 30" 20.36 feet to a 1/2 inch pipe (found)
5. 154° 11' 72.88 feet along the Northeasterly side of Kuakini Highway (F.A.S.P. No. S-229(1)) to the point of beginning and containing an area of 16,161 Square Feet



WES THOMAS ASSOCIATES

A handwritten signature in cursive script, appearing to read "Chrystal Thomas Yamasaki".

Chrystal Thomas Yamasaki
Licensed Professional Land Surveyor
State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street, Suite 201
Kailua-Kona, Hawaii 96740-1817
TMK: 7-7-009: 008 (3rd Division)
August 30, 2023

MAP SHOWING
EXISTING FEATURES AFFECTING LOT 8
OF SUNSET VIEW TERRACE LOTS - UNIT 1

Being a Portion of L.P. 8289, L.C. Aw. 7228 to Loe

At Holualoa 4th, North Kona
Island and County of Hawaii, State of Hawaii

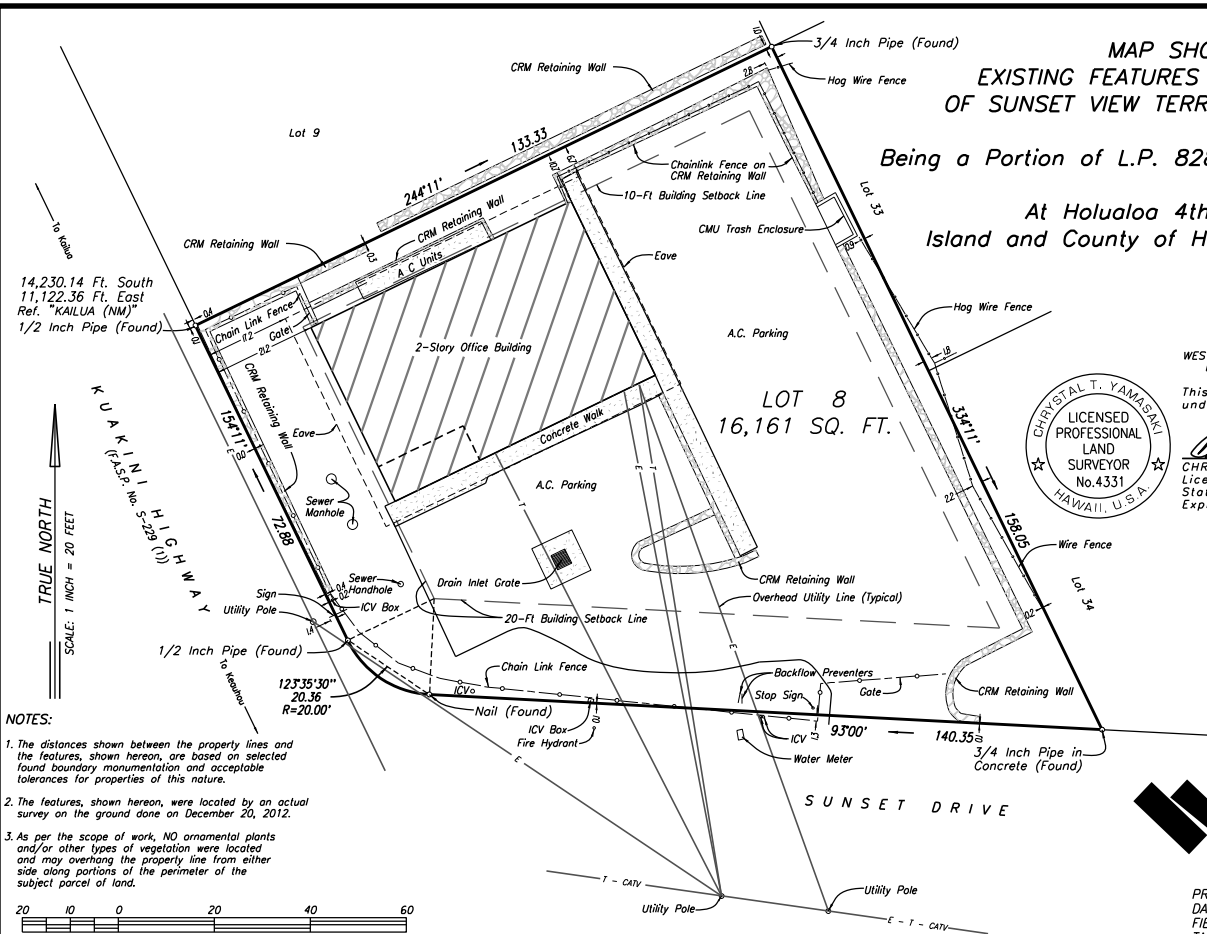
LOT 8
16,161 SQ. FT.

WES THOMAS ASSOCIATES
Land Surveyors

This work was prepared by me or
under my direct supervision.

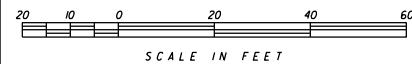


Chrystal Thomas Yamasaki
CHRYSTAL THOMAS YAMASAKI
Licensed Professional Land Surveyor
State of Hawaii Certificate Number LS-4331
Expiration Date: April 2024



NOTES:

1. The distances shown between the property lines and the features, shown hereon, are based on selected found boundary monumentation and acceptable tolerances for properties of this nature.
2. The features, shown hereon, were located by an actual survey on the ground done on December 20, 2012.
3. As per the scope of work, NO ornamental plants and/or other types of vegetation were located and may overhang the property line from either side along portions of the perimeter of the subject parcel of land.



Prepared By:
WES THOMAS ASSOCIATES
-- Land Surveyors --
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PROJECT NO.:10455.5
DATE:DECEMBER 28, 2012
FIELD BOOK NO.: ...1293
TAX MAP KEY: ...7-009:008 (3RD DIVISION)
REVISED: AUGUST 30, 2023 (TECHNICAL CHANGES)

SMITH 00, 11118, 8/1/18

TAX MAP KEY	LANDOWNER	STREET ADDRESS	CITY/STATE/ZIP
770040370000	NEARON ENTERPRISES LLC	101 YGNACIO VALLEY RD STE 450	WALNUT CREEK CA 94596 7018
770040660000	MERRIAM,DIANE D TRST	77-6480 KUAKINI HWY	KAILUA KONA HI 96740 6932
770090020000	CROSBY-DECKER FAMILY TR	1549 VINE ST	BELMONT CA 94002 3741
770090030000	LOPEZ,FREDDIE RAY SR & PENNY SUE	77-326 SUNSET DR	KAILUA KONA HI 96740 9758
770090040000	PAYNE FAMILY TRUST B / C/O PAYNE GRAVES,MARGARET	19720 DRAKE DR	CUPERTINO CA 95014 2434
770090060000	NAKANO,R & S TRST / C/O NAKANO,LANCE TTEE	2011 MAHAOO PL	HONOLULU HI 96819
770090080000	JAM PROPERTIES LLC	77-311 SUNSET DR	KAILUA KONA HI 96740 9754
770090090000	JACOBY,BENNETT TR	77-6447 KUAKINI HWY	KAILUA-KONA HI 96740 2227
770090100000	KA OLAKINO LLC	77-6443 KUAKINI HWY	KAILUA-KONA HI 96740 2227
770090110000	HENRIQUES,DAVID WILLIAM JR & CHRISSEY NOELANI	PO BOX 989	KEALAKEKUA HI 96750 0989
770090120000	HIRAISHI,KALLEN, CHISA & WALTER H.	77-6437 KUAKINI HWY	KAILUA KONA HI 96740 2227
770090290000	BONTECOU,BELLE ESME TR	77-6438 NALANI ST	KAILUA KONA HI 96740
770090300000	CHING 1997 TRST c/o C/O CHING,ROLLIN/ELAINE	732 HERITAGE CLIFF AVE	LAS VEGAS NV 89032 9009
770090310000	JACOBUS,TIFFANY	77-6444 NALANI ST	KAILUA KONA HI 96740 9763
770090330000	BARRY,ROBERT NORMAN & KAREN ELAINE	77-6450 NALANI ST	KAILUA KONA HI 96740 9763
770090340000	NAKAGAWA,JAMES K,MARY M, GUY-MICHAEL	PO BOX 346	HOLUALOA HI 96725 0346
770090350000	OWENS,FREDA C TR	PO BOX 1914	SUSANVILLE CA 96130 1914
770090360000	DANIELS,NOEL A, JENNIFER ANN & PAULA FRANCES	77-331 SUNSET DR	KAILUA KONA HI 96740 8963
770090370000	MARCIL,DANIEL D	PO BOX 2741	OLYMPIC VALLEY CA 96146 2741
770090380000	ROYCE,MARGARET W TRUST	PUU NAPOO DR	KAILUA KONA HI 96740 8309
770090390000	ANDERSON,DEBORAH COLEMAN	1030 BRIARCREEK RD	JACKSONVILLE FL 32225 5310
770090400000	CHINERY,PERCY HARRISON III & DEBORAH HANNUM	77-6447 NALANI ST	KAILUA KONA HI 96740 9763
770090410000	KIMURA,WALTER/AIKO TRST	77-6443 NALANI ST	KAILUA KONA HI 96740 9763
770090420000	MILLER,GRANT ADAIR/JANET HIGA TR	PO BOX 2192	KAILUA KONA HI 96745 2192
770090430000	WILSON,CHARLES P	PO BOX 696	WALDPORT OR 97394 0696
770090730000	BAKER,MICHELE L TR	77-6492 WALUA RD	KAILUA KONA HI 96740 9767
770090740000	PRESTON,WAYNE & ELIZABETH	77-6496 WALUA RD	KAILUA KONA HI 96740 9767
770150740000	BEAR,WILLIAM III/CATHERINE SUBIDO TR	77-6425 SEA VIEW CIR	KAILUA KONA HI 96740 8943
770150790000	MALUHIA KAI	CONDO MASTER	
770150790001	VAN DYCK,CECILIA	75-5776 KUAKINI HWY APT 338	KAILUA KONA HI 96740 1764
770150790002	SORENSEN,WADE RICHARDS / MOORMAN,DAVID FRANK	77-301 NOELANI WAY UNIT 12	KAILUA KONA HI 96740 8976
770150790003	RUBENSTEIN,MARK ALLEN & TRACY MICHELE	77-301 NOELANI WAY #13	KAILUA KONA HI 96745 8976
770150790004	HAOA LLC	140 UWAPO RD 40-102	KIHEI HI 96753 7442
770150790005	ENE,ELIZABETH NOEL / BARRENO,ROBIN DANIEL JR	6501 KESTER AVE APT 5	VAN NUYS CA 91411 1448
770150790006	SIMIYU,TR	4011 TENNYSON RD	HYATTSVILLE MD 20782
770150790007	PAPP,MATTHEW CHARLES & DIANE MARILYN	77-301 NOELANI WAY UNIT 21	KAILUA KONA HI 96740 8977
770150790008	GAURON,SARAH BETH & GREGORY WILLIAM	77-301 NOELANI WAY UNIT 22	KAILUA KONA HI 96740 8977
770150790009	GATEWOOD,SUSAN J	3705 ARCTIC BLVD # 2614	ANCHORAGE AK 99503 5774
770150790010	WATKINS,STEVEN LEE & SENITA MARIE	77-301 NOELANI WAY #24	KAILUA-KONA HI 96740 7913
770150790011	MARTIN,CHRISTIAN W	77-301 NOELANI WAY UNIT 25	KAILUA KONA HI 96740 7913
770150790012	COSGROVE,PAUL BRENDAN	77-301 NOELANI WAY UNIT 26	KAILUA KONA HI 96740 7913
770150790012	CORPORATION	PO BOX 3881	EAGLE CO 81631 3881
770150790013	HAYNES,KEITH ROBERT	8375 FOUNTAIN AVE #400	WEST HOLLYWOOD CA 90069 2965
770150790014	BLUM,DANUTA WONZNIAK	77-301 NOELANI WAY #32	KAILUA KONA HI 96740
770150790015	JEWETT,KATHLEEN ANN TR	77-301 NOELANI WAY UNIT 33	KAILUA KONA HI 96740 8978
770150790016	IVEY,CRYSTAL MAE & CHASE DILLON	77-301 NOELANI WAY #34	KAILUA KONA HI 96740 8978
770150790017	VAN DYCK,CECILIA & TATTI,DENNIS	75-5776 KUAKINI HWY APT 338	KAILUA KONA HI 96740 1764
770150790018	STEVENS,ROBERT E/SHIRLEY J TR	2927 SE VILLAGE LOOP # T314	VANCOUVER WA 98683 1959

770150830000	HALE KALANI I	CONDO MASTER	
770150830001	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD	SAN FRANCISCO CA 94131 3161
770150830002	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD	SAN FRANCISCO CA 94131 3161
770150830003	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD	SAN FRANCISCO CA 94131 3161
770150830004	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD	SAN FRANCISCO CA 94131 3161
770150830005	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD	SAN FRANCISCO CA 94131 3161
770150850000	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD #B	SAN FRANCISCO CA 94131 3161
770150870000	HARTSOUGH,PAUL C / JONES-HARTSOUGH,ANDREA	258 MONTEREY BLVD APT #B	SAN FRANCISCO CA 94131 3162
770150890000	KONA EASTWIND	CONDO MASTER	
770150890001	LAVIGUEURE,CHRISTINE ELAINE / KLEIN,RICHARD LANE	77-305 KALANI WAY UNIT 1	KAILUA-KONA HI 96740 8940
770150890002	JOHNSON,ARTHUR & PATRICIA	2250 BISON RD	CHESTER MT 59522 7726
770150890003	PLANQUE,KENNETH JR & HEIDI	77-305 KALANI WAY UNIT 3	KAILUA-KONA HI 96740 8940
770150890004	PORTER,NICKLAUS	77-305 KALANI WAY #4	KAILUA-KONA HI 96740 8940
770150890005	NICHOLSON,WILLIAM A & ANNE	77-305 KALANI WY UNIT 5	KAILUA KONA HI 96740 8940
770150890006	LTD	74-5620 PALANI RD STE 215	KAILUA KONA HI 96740 3640
770150890007	THOMPSON,GUY JR & JUNE RAQUEL	PO BOX 422	HATCH UT 84735 0422
770150890008	ROSS,FAMILY TR	1766 TENNYSON DR	CONCORD CA 94521 2310
770150890009	BURGESS,ROBERT DEAN & LAURA SUE	19232 22ND AVE SE UNIT A	BOTHELL WA 98012 6940
770150890010	CROTTY,TESS ELAINE	77-305 KALANI WAY UNIT 10	KAILUA KONA HI 96740 8940
770150890011	WELLS,GENE CRAIG TR	460 HOLLY AVE	COTTAGE GROVE OR 97424 1359
770150890012	STUART,THOMAS SETH POPE & TAMMY LYNN	77-305 KALANI WAY UNIT 12	KAILUA-KONA HI 96740 8940
770150890013	MILLER,TIMOTHY G & HOPE,LAURA L	PO BOX 564	LAKE ARROWHEAD CA 92352 0564
770150890014	FOSTER,BARBARA J	1803 SW 152ND ST	SEATTLE WA 98166 1724
770150890015	JOHNSTON,MELANIE LYNN	77-305 KALANI WAY UNIT 15	KAILUA-KONA HI 96740 8940
770150890016	HARBARTH,CRAIG G TR	37758 CHINA CREEK RD	OAKHURST CA 93644 9352
770150890017	RUZICKA,DENNIS R & PATRICIA A TRUST	4212 SW GARDEN HOME RD	PORTLAND OR 97219 3548
770150890018	MCGHIE-STOERMER,LEE ANN/STOERMER,PAUL FREDERICK JR	77-305 KALANI WAY UNIT 18	KAILUA-KONA HI 96740 8941
770150890019	MICHAEL INVESTMENTS	2525 GAMBELL ST STE 307	ANCHORAGE AK 99503
770150890020	RAM INVESTMENTS LLC	2525 GAMBELL ST #307	ANCHORAGE AK 99503 2838
770150930000	KONA WESTWIND	CONDO MASTER	
770150930001	KULCSAR,RHEA	256 E BERGEY ST	WADSWORTH OH 44281 1328
770150930002	HALTINER,NICOLE RENEE & DEAN ROBERT	77-296 KALANI WAY UNIT 2	KAILUA-KONA HI 96740 9772
770150930003	HACMAC,LORELEI LYNN	1125 SE SPOKANE ST APT 1	PORTLAND OR 97202 6576
770150930004	SERVICES 1661	1661 WORTHINGTON RD STE 100	WEST PALM BEACH FL 33409 6493
770150930005	STERN OHANA,TR	77-296 KALANI WAY UNIT 5	KAILUA KONA HI 96740 9772
770150930005	US BANK HOME MORTGAGE / ATTN: TAX DEPARTMENT	4801 FREDERICA ST	OWENSBORO KY 42301 7441
770150930006	WANG,PENGYUAN / ZHANG,HANGHANG	881 RICHARDSON CT	EAST PALO ALTO CA 94303 4153
770150930007	MITTS,FAMILY TR	6097 SKYLINE POINT DR	LAS VEGAS NV 89149 1254
770150930008	PERAZICH,STEFAN WYNN & KATHERINE M	77-296 KALANI WAY UNIT 8	KAILUA KONA HI 96740 9772
770150930009	KENDIG,CARRIE ELIZABETH	77-296 KALANI WAY UNIT 9	KAILUA-KONA HI 96740 9772
770150930010	JACHETTA,RICK DAVID & DARLEEN LILLIE	77-296 KALANI WAY #10	KAILUA KONA HI 96740
770150930011	WALLACE,SANDRA L	68-3527 KUPUNAHINE ST	WAIKOLOA HI 96738 5314
770150930012	LMW CONDO LLC / ATTN: MARY WALSH CPA & ASSOCIATES	921 ZARELDA ST	BUTTE MT 59701
770150930013	LESNESKI,LANCE/DORIS FAMILY TR	77-296 KALANI WAY UNIT 13	KAILUA KONA HI 96740 9772
770150930014	LANE-SMITH,MARTIN G / ZIMMERER,VIRGINIA A	PMB 8567	PAHOA HI 96778 7730
770150930015	SETTLES,JAMES DARRELL & ,LYDIA DUNTON	77-296 KALANI WAY UNIT 15	KAILUA KONA HI 96740 9772



ENVIRONMENTAL REPORT

for

CHANGE OF ZONE APPLICATION

Applicant: Dr. Loi Chang-Stroman
Request: RS-10 to CN-10

Tax Map Key: (3) 7-7-009:008
Por. Sunset View Terrace Lots, Hōlualoa, North Kona District
Hawai‘i Island

Prepared by: Daryn Arai, Planning Consultant
April 2024

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COUNTY ENVIRONMENTAL REPORT
IN SUPPORT OF CHANGE OF ZONE APPLICATION FOR
DR. LOI CHANG-STROMAN
Affecting Tax Map Key: (3) 7-7-009: 008; Hōlualoa, North Kona

A. DETAILS OF PROPOSED USE / DEVELOPMENT

1. Applicant's Request

Dr. Loi Chang-Stroman, hereinafter referred to as "Applicant", is requesting a change of zone for 16,161 square feet of land from a Single-Family Residential-10,000 square feet minimum lot size (RS-10) to a Neighborhood Commercial-10,000 square feet minimum lot size (CN-10) zoning district in order to provide expanded services and opportunities related to the existing medical services (Kona Dermatology/Urgent Care of Kona) currently operating on the subject property.

2. Location of Property

The subject property is located approximately 3.8 miles south of Queen Kaʻahumanu Highway-Palani Road intersection in Kailua-Kona, along the eastern (mauka) side of Kuakini Highway/Route 11 at its intersection with Sunset Drive and identified as TMK: 7-7-009:008 ([Figure 1 - Location Map](#) and [Figure 2 - Tax Map](#) below).

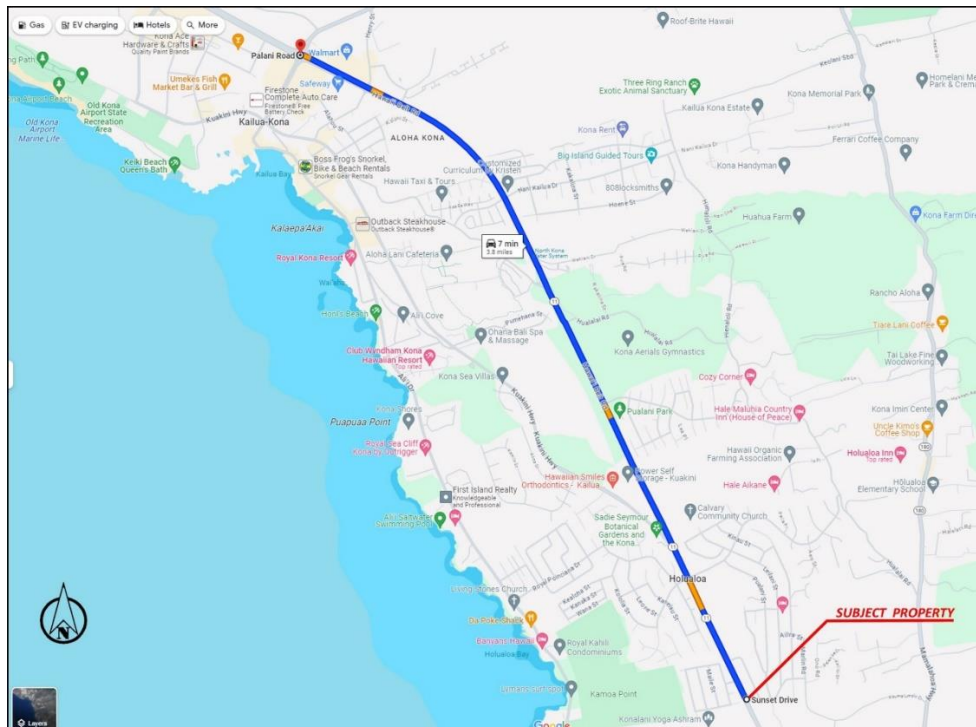
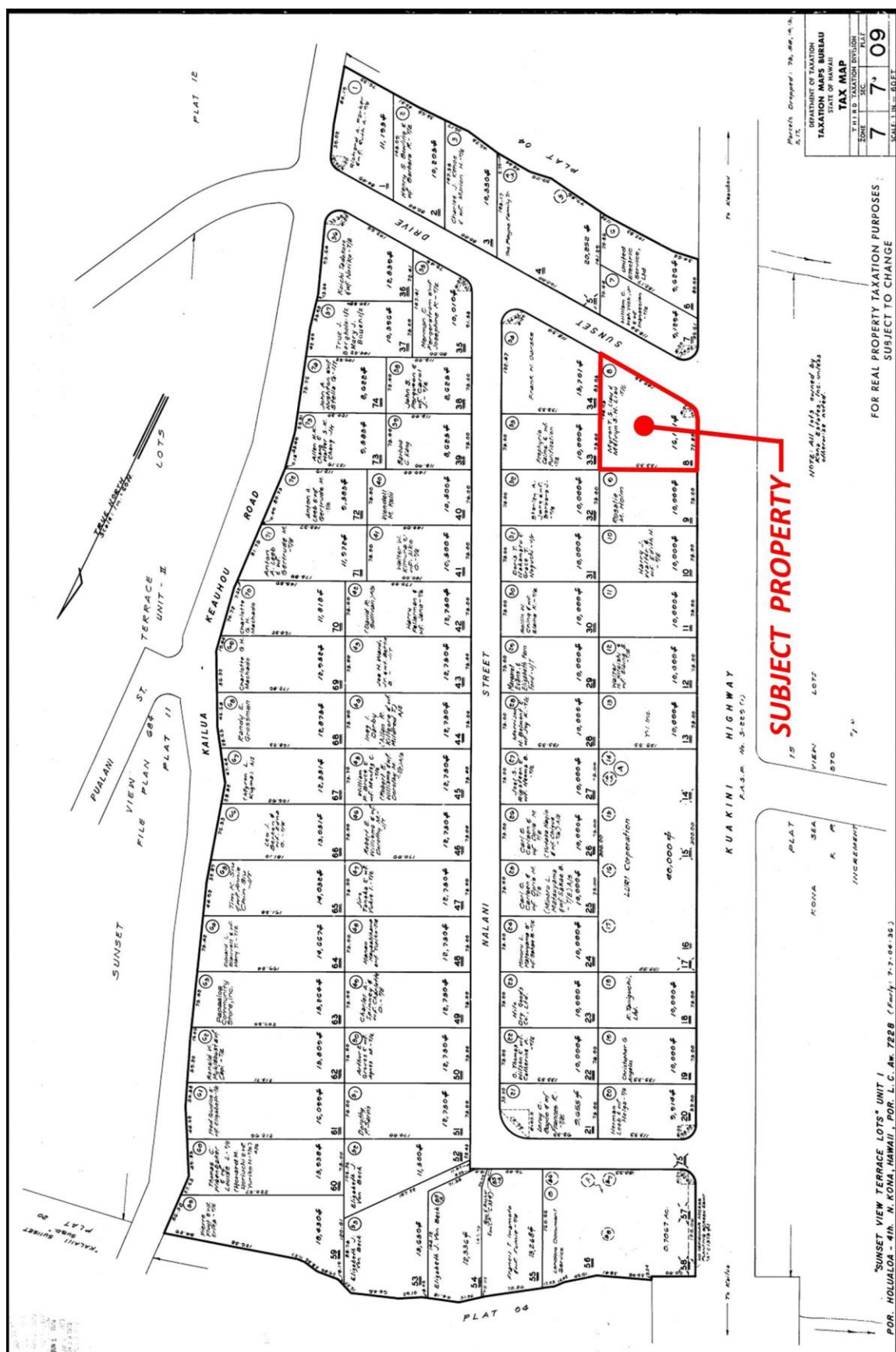


Figure 1 - Location Map



3. Statement of Objectives and reasons for the request

The Applicant is a medical doctor specializing in internal medicine and practicing at the Urgent Care of Kona. His wife is a dermatologist also practicing in the medical facility at Kona Dermatology. Both wish to rezone the subject property to the Neighborhood Commercial (CN-10) zoning district in order to provide for expanded medical services related to the existing Kona Dermatology/Urgent Care of Kona.

The existing Kona Dermatology/Urgent Care of Kona facility was established via the issuance of Use Permit No. 66, approved by the Planning Commission on February 22, 1989. Conditions of its approval limit the number of physicians practicing from this facility to two (2), along with their respective staff. The medical clinic is restricted to the operational hours between 8:00am and 6:00pm, Monday thru Friday, and 8:00am to 1:00pm on Saturday. No medical services are allowed on Sundays.

As a commercial medical facility, Dr. Chang-Stroman wishes for the Kona Dermatology/Urgent Care of Kona complex to be able to freely adjust to the medical needs of the Kona community, without the operational constraints that current limit services provided through their dermatological and urgent care operations, most notably the restriction on number of practicing physicians and operational hours. The past 30-plus years in operation has demonstrated the need for a medical facility in this particular location and its functional relationship with the surrounding residential and commercial community.

Below, in his own words, are the thoughts of Dr. Loi Chang-Stroman that prompted the filing of this change of zone request:

"I am writing to bring your attention to a proposal of great importance to our community's well-being - the rezoning of the property located at 77-311 Sunset Drive, Kailua-Kona to Neighborhood Commercial (CN) zoning with a specific emphasis on medical practice. This proposal seeks to address the pressing issue of healthcare disparities in our underserved area and bring about numerous benefits that cannot be fully achieved under the existing Use Permit for a medical clinic.

The Need to Address Healthcare Disparities:

Our community grapples with considerable hurdles in accessing quality healthcare, resulting in disparities in health outcomes. Limited availability of non-emergency care often leads to unnecessary emergency room visits, straining healthcare resources and inconveniencing patients. By rezoning the property to Neighborhood Commercial (CN) with a focus on medical practices, we aim to extend our operating hours, including Saturdays, to offer additional care options that better suit the community's needs and improve their overall well-being. We do not anticipate operating beyond 6 pm, as we believe that utilizing the emergency room for after-hours care and utilizing facilities like ours to reduce wait times for non-emergency care would strike the best balance in utilizing community medical resources.

Expanding Medical Services:

The existing Use Permit governing a medical clinic imposes constraints on the number of practicing physicians, thereby limiting the scope of services available. To overcome this limitation and enhance healthcare provision, we proposed a rezoning to CN with a focus on medical practices. This adjustment aims to attract a wider range of healthcare professionals and specialists to provide patient care without facing the challenges of establishing practices in the area.

A specific example illustrating this issue is evident in specialist care that currently necessitates patient travel to Hawaii. Due to the prescribed cap on the number of practitioners, our facility cannot accommodate specialists concurrently with our permanent physicians, depriving patients of the opportunity to receive care locally and requiring them to travel to Honolulu or the mainland. It's important to note that this expansion isn't aimed at increasing patient volume, as specialty care demands thorough evaluation. Rather, its sole purpose is to alleviate the need for patients with conditions like skin cancer, lupus, general cancer, and others to travel for care, especially

given the current absence of such specialized services in Kona. This expansion holds particular significance in fields such as dermatology, where timely diagnosis and treatment of skin cancers are crucial for saving lives. This initiative seeks to save our patients valuable time, reduce expenses, and potentially contribute to saving lives.

Introducing a Durable Medical Equipment (DME) Retail Service:

In addition to improving medical services, the rezoning proposal also includes establishing a Durable Medical Equipment retail service within the community. Presently, our residents face significant challenges in accessing essential medical equipment like wheelchairs and bed lifts, which are not readily available locally. This lack of accessibility forces them to endure lengthy trips to neighboring towns to obtain the necessary equipment. By rezoning and establishing a low-volume retail facility as an adjunct to the medical practice, we can provide these critical items locally, alleviating the burden on our community members, especially those with mobility issues or disabilities.

The Positive Impact on the Community:

This rezoning proposal goes beyond simply addressing a specific need; it embodies our commitment to improving the overall health and well-being of our community. Beyond addressing specific needs, this rezoning proposal aims to create a healthcare hub that caters to the unique requirements of our community. By providing a more diverse array of medical services, we can foster a healthier community with improved health outcomes. Additionally, expanding medical services and introducing a Durable Medical Equipment retail service will create job opportunities, stimulate economic growth, and contribute positively to the overall well-being of the community.

In Conclusion:

The rezoning of the property to Neighborhood Commercial (CN) district with a focus on medical practices in an underserved area is a transformative initiative with the potential to greatly enhance the healthcare landscape for our community. By addressing healthcare disparities, expanding medical service offerings, and improving access to essential healthcare resources, our goal is to uplift the well-being of all residents. Currently, many patients endure the burden of traveling to distant locations for specialized care, resulting in significant expenses and hardships. By making visiting specialists available, such as plastic surgeons and oncologists, we can provide crucial treatments locally, saving our patients valuable time, expense, and potentially, lives. We are dedicated to collaborating closely with the community and relevant stakeholders to ensure that this proposal aligns with the community's unique needs and contributes to the advancement of public health.

Your support of this rezoning proposal is invaluable. Together, we can create a healthier, more equitable future for our community.”

4. Current Operational Details (see Figure 3 – Site Plan and Figure 4 – Aerial Site Composite Map and Figure 5 – Floor Plan)

- a. Size of existing Kona Dermatology/Urgent Care of Kona complex: 2-story complex consisting of a gross leasable area of 2,240 square feet on each floor (4,480 square feet gross leasable area).
 1. Ground level (Urgent Care of Kona): patient waiting area, two office rooms and three patient rooms and two restrooms.
 2. Second level (Kona Dermatology): patient waiting area, office room, four patient rooms, employee break room, and three restrooms.
- b. Number of existing parking stalls: 22 stalls (2 accessible stalls)
- c. Year of Construction: 1990 (Building Permit No. 905150)
- d. Interior modifications to ground level: 2007 (Building Permit No. B2007-0627K)
- e. Number of Physicians: maximum of 2 physicians during operational hours.

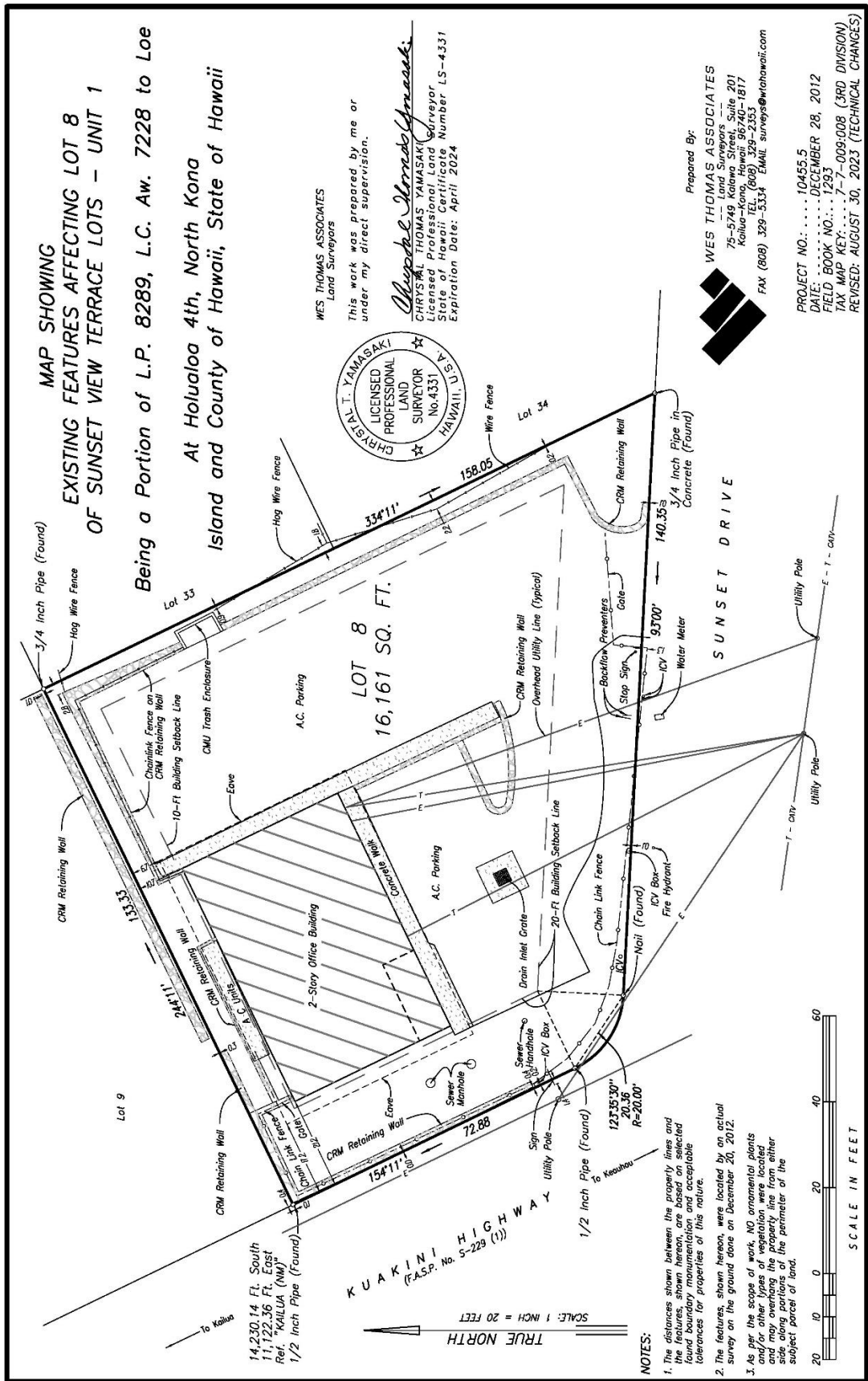


Figure 3 – Existing Site Plan



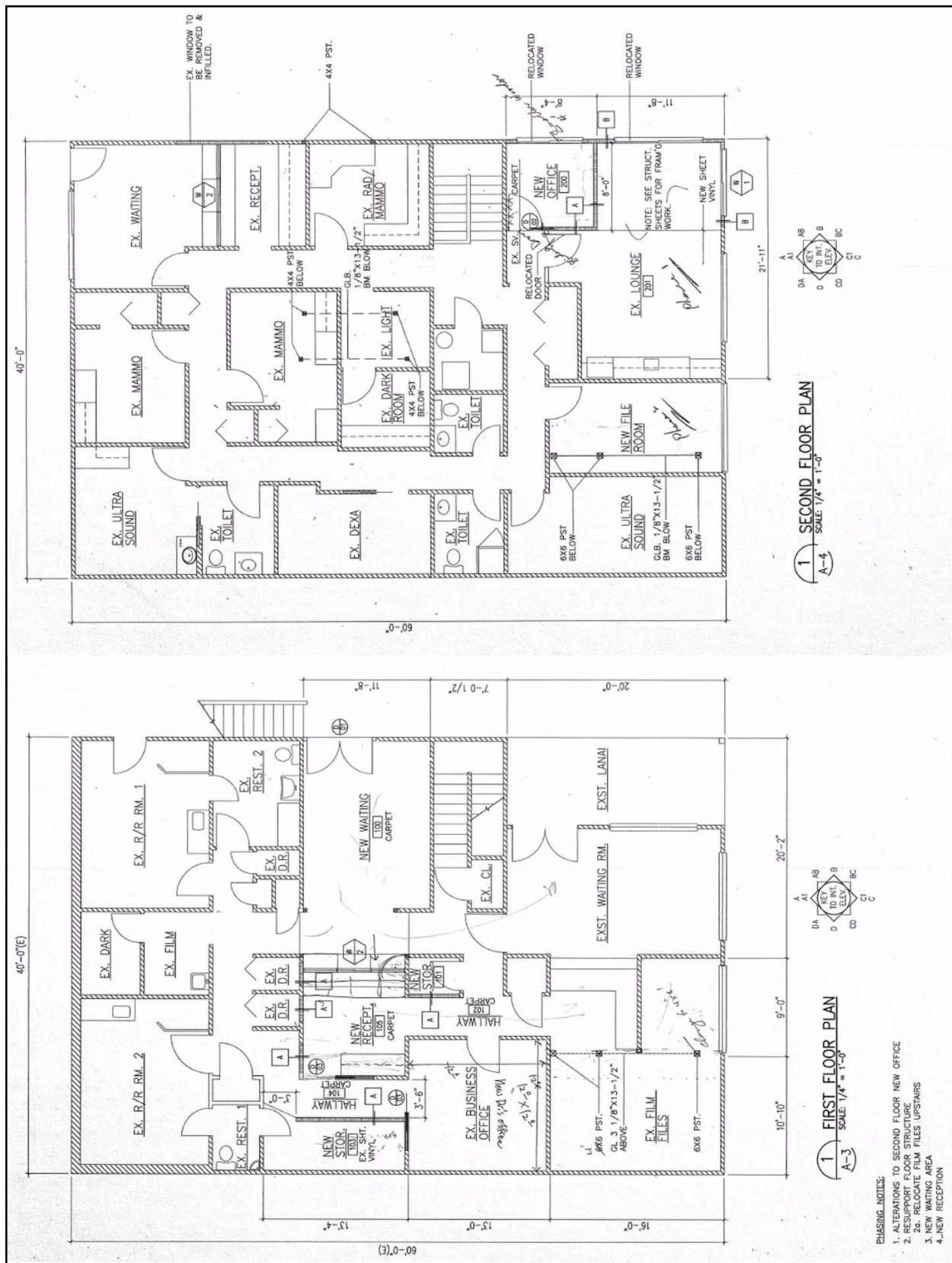


Figure 5 – Floor Plan

f. Services provided:

- Cold or Flu Symptoms
- Eye and Ear Infections
- Respiratory Infections
- Urinary Tract Infections
- Staph and Skin Infections
- General Healthcare
- Strep Throat
- Cuts, Bruises, Burns and Sprains
- Sinus Infections
- Bladder Infections
- Allergy Symptoms
- Fever, Vomiting

g. Testing Services Include:

- Rapid Strep Test
- Urinalysis
- RSV
- Influenza
- Covid 19

5. Timeframe and cost

Immediately upon approval of the change of zone request, the Applicant will adjust its operational hours and work towards providing additional services, such as additional physicians with related specialties to dermatology and urgent care, and the retail of medical devices. The cost associated with implementing the requested uses as allowed under the requested CN-10 zoning district is minimal, with the only anticipated improvements associated with interior space modifications that will accommodate an approximately 500 square-foot retail space for durable medical equipment.

B. HISTORICAL PROPERTY INFORMATION

6. Subdivision No. 1461

The subject property is one of 74 lots that comprised the Sunset View Terrace Lots-Unit 1, approved by the County on March 2, 1960 and as shown on Figure 6 – Sunset View Terrace Lots.

7. Use Permit No. 66

Use Permit No. 66 was issued by the Planning Commission on February 22, 1989 to allow for the establishment of a medical facility on the subject property subject to conditions of approval as reflected in Exhibit A. Should this rezoning be approved, Applicant will promptly request that Use Permit No. 66 be declared null and void.



Figure 6 – Sunset View Terrace Lots

8. Building Permit No. 905150

Building Permit for the construction of the medical facility was issued by the County on January 26, 1990.

9. Certificate of Occupancy

On September 9, 1990, the Department of Public Works issued a Certificate of Occupancy for the completion of the medical facility in accordance with the Uniform Building Code. (refer to Exhibit B)

10. Compliance letter regarding Use Permit No. 66

By letter dated February 14, 1990, the Planning Department issued a letter acknowledging the issuance of the Certificate of Occupancy and confirming that all conditions of approval of Use Permit No. 66 had been satisfied in full. (refer to Exhibit C)

C. LAND USE AND OTHER REGULATORY CONSIDERATIONS

11. State Land Use Designation: Urban

The subject property is situated within an area designated for Urban uses by the State Land Use Commission, as shown on Figure 7 – State Land Use

12. Current County Zoning: Single Family Residential-10,000sf minimum lot size (RS-10)

The Single Family Residential-10,000 square feet minimum lot size (RS-10) zoning district provides for lower or low and medium density residential use, for urban and suburban family life. It applies to areas having facilities, and to carry out the above stated purpose. (see Figure 8 - Current Area Zoning)

The concurrency provision of Section 25-2-46 of the Hawaii County Zoning Code establishes standards for roads, water supply, and civil defense sirens that must be met and/or addressed as part of all rezoning applications. Suffice to say, the request is consistent with these standards and will be discussed in detail relative to the water, traffic, and public safety portions of this report.

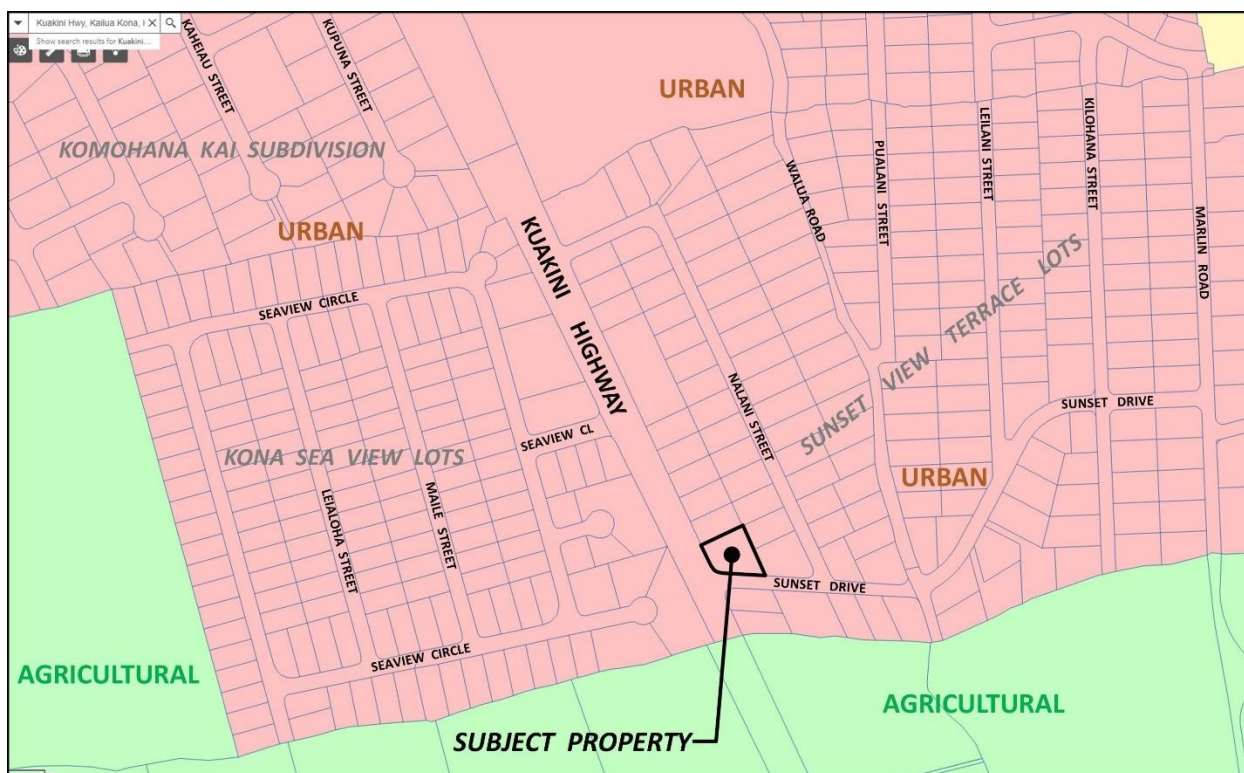


Figure 7 – State Land Use

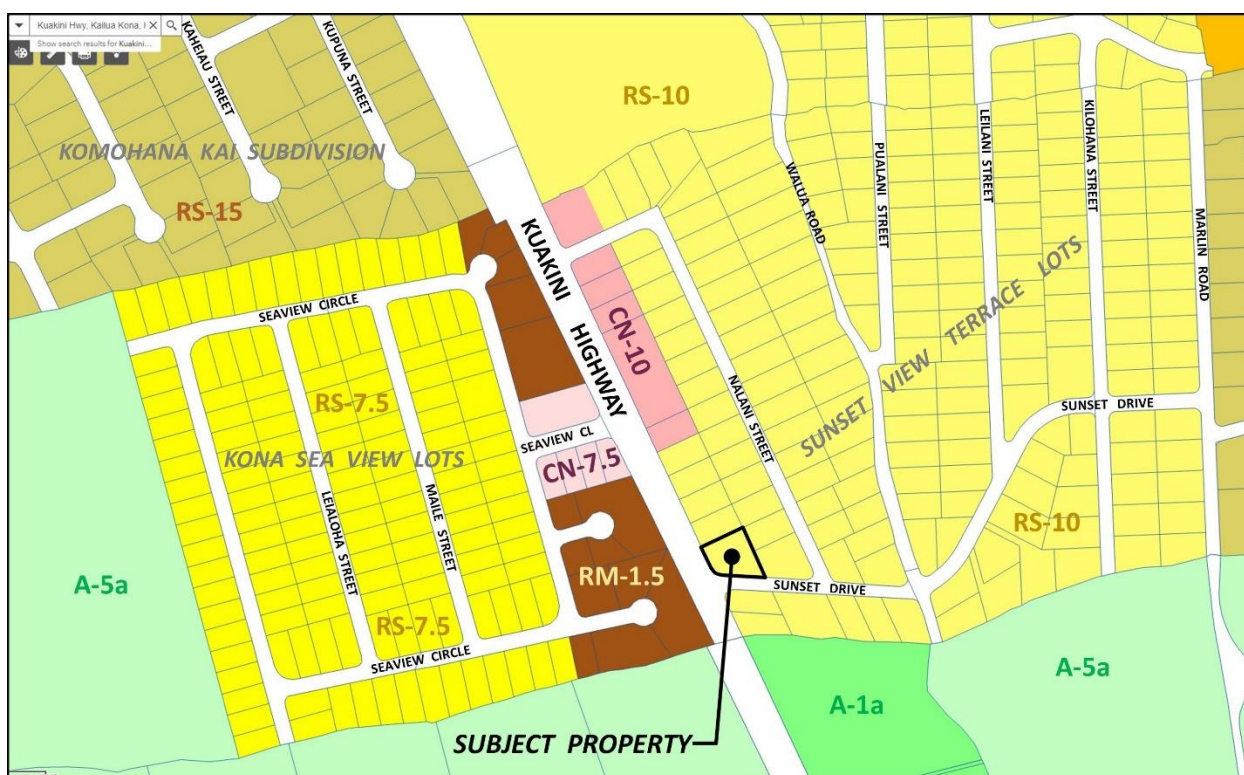


Figure 8 – Current Area Zoning

13. General Plan Land Use Pattern Allocation Guide (LUPAG) Map: Medium Density Urban

The County of Hawai'i General Plan is the policy document for the long-range comprehensive development of the island of Hawai'i. The General Plan Land Use Pattern Allocation Guide (LUPAG) map classifies the subject property and immediately surrounding area for Medium Density Urban uses according to the County's Geographic Information System (GIS), which allows for Village and neighborhood commercial and single family and multiple family residential and related functions, with multiple family residential densities of up to 35 units per acre. (see [Figure 9-General Plan LUPAG Map](#))

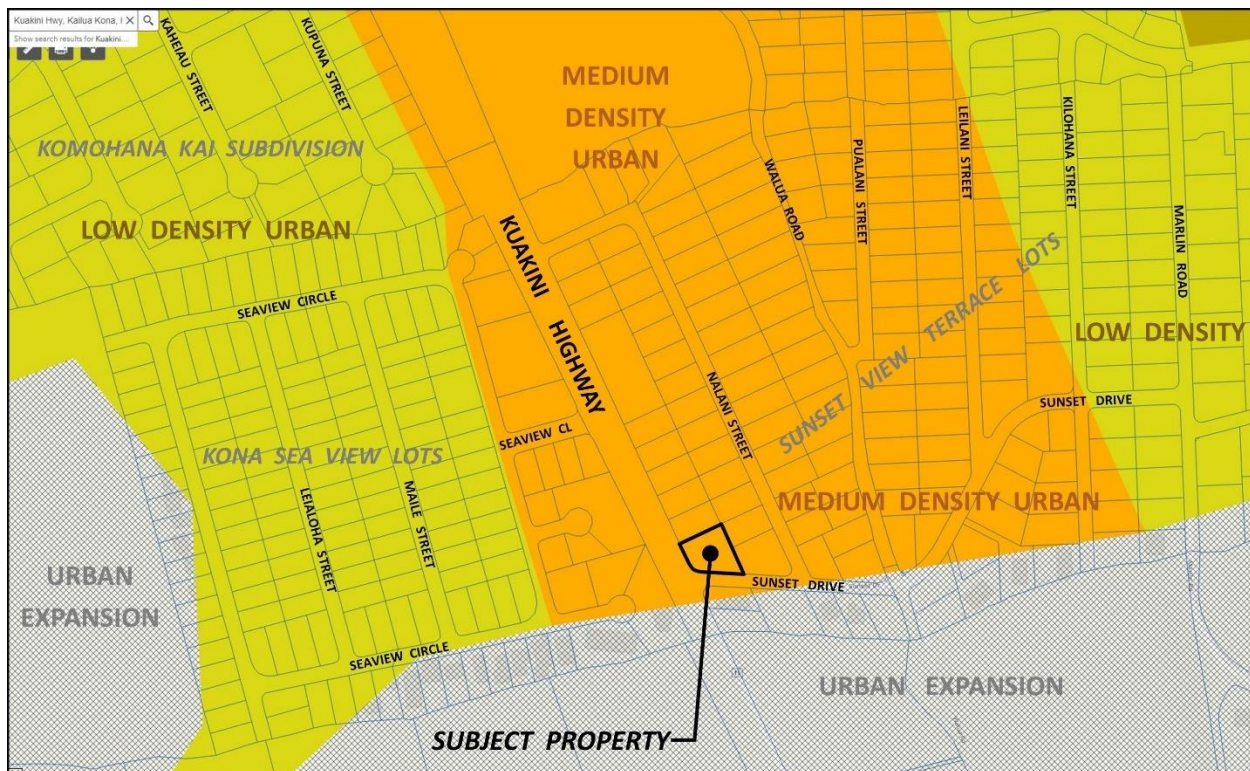
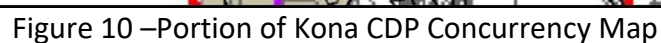


Figure 9 – General Plan LUPAG Map

14. Kona Community Development Plan

The Kona Community Development Plan (“CDP”) became effective on September 10, 2008 (Ordinance No. 08 116). The County Council approved a slate of interim amendments to the CDP on September 18, 2019 that emphasized the CDP as providing a framework of guidance policies towards future development within the North Kona district rather than a series of mandates that actually hindered development in specific locations rather than promoting reasonable approaches to such development

The subject property is situated within the Kona Urban Area (“KUA”) and is not situated within or in close proximity to any Transient Oriented Development (TOD) area. Furthermore, the subject property does not fall within any Concurrency Zone. (refer to Figure 10 – Portion of Kona CDP Concurrency Map)



15. Coastal Zone Management, HRS, Chapter 205A

The entire State of Hawai‘i lies within the Coastal Zone Management area. The intent of the Coastal Zone Management Program is to guide and regulate public and private uses in the coastal zone management area with respect to recreational resources, historic resources, public access to the shoreline, scenic and open space resources, coastal ecosystems, marine resources, economic uses, coastal hazards, managing development, public participation, and beach protection.

16. Special Management Area (SMA)

The Special Management Area (SMA) is a part of the Coastal Zone Management Program that is regulated by the County, established to promote the State’s policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawai‘i. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to ensure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves, by dedication or other means. The subject property is not situated within the SMA and is located at least 3/4-mile from the nearest shoreline. Note that the SMA boundary extends as far inland as the makai boundary of Kuakini Highway. The subject property is situated on the mauka side of Kuakini Highway.

D. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

17. Subject Property

The property is situated at the intersection of Sunset Drive and Kuakini Highway and is therefore a curvilinear polygon in its shape and 16,161 square feet in size. The subject property is fully improved with a two-story medical facility and related facilities and structures, such as a parking lot, drainage systems and boundary walls. (see previous Figure 4 – Aerial Site Composite Map and Section A-4 regarding current operational details)

18. Surrounding Zoning/Land Uses

The subject property is located along the east side of Kuakini Highway, at its intersection with Sunset Drive in the Sunset View Terrace Lots subdivision. As shown on Figure 8 - Current Area Zoning, the subject property is immediately surrounded by parcels maintaining a Single-Family Residential-10,000 square feet minimum lot size (RS-10) zoning that comprises other lots within this subdivision. Located along the same mauka side of Kuakini Highway, and approximately 300 feet to the north is a cluster of existing CN-10 zoned properties that were established in 1967 with the adoption of the North Kona District Zone Map. These CN-zoned properties are host to a variety of office space, personal services and retail activities, such as the Lenders Document Services Building, Kuakini Plaza South and Sunset Shopping Plaza. Located immediately adjacent to the north of the subject property are two properties, each hosting a medical office that were established via the issuance of a Use Permit:

- Use Permit No. 22 on TMK: 7-7-009:009 – issued on May 22, 1985
- Use Permit No. 31 on TMK: 7-7-009:010 – issued on May 22, 1985

Located nearby along the makai side of Kuakini Highway within Sea View Circle are CN-7.5 and Multiple Family Residential (RM-1.5) zone lands that host single family dwellings and several apartment complexes such as Kona Sunset Villas, Ikena Lalo, Maluhia Kai and Kona Villa.

19. FIRM

Zone "X" - determined to be outside the 500-year flood plain. There are no known existing drainageways that traverse through the subject property.

20. Flora/Fauna Resources

No professional flora or faunal surveys were conducted of the subject property due to the extensively improved nature as a medical facility with related support facilities such as a parking lot and drainage improvements.

21. Archaeological Resources

No archaeological features are known to exist on the subject property due to the extensively improved nature of the subject property. While not anticipated as part of this change of zone request, should any grading work be necessary, the State Historic

Preservation Division will be notified and all work shall immediately cease upon inadvertent discovery of any archaeological feature.

22. Cultural or Native Gathering Rights

According to the Applicant, there are no known customary or Native Hawaiian cultural rights exercised within the subject property due to its extensively altered state as a medical facility that has been in operation for the past 33 years.

23. Public Access

There is no record of a designated public access to the shoreline or mountain areas that traverses the subject property.

E. PUBLIC UTILITIES AND SERVICES

24. Access

Access to the subject property is from Sunset Drive, a County-maintained roadway with a roughly 20 to 25-foot wide pavement and unimproved shoulders within an approximately 44-foot wide right-of-way. The shoulders of both Sunset Drive and Kuakini Highway directly fronting the subject property are unimproved. While curb, gutter and sidewalk (CGS) improvements are typical infrastructural improvements associated with commercial-zoned areas, the Applicant is requesting that any support of his rezoning request not be subject to CGS improvements along both the subject property's Kuakini Highway or Sunset Drive frontages. This medical facility has been in operation for approximately 33 years with no known conflicts between traffic and pedestrians attributable to on-site operations. Furthermore, this particular area along both Kuakini Highway and Sunset Drive is void of any sidewalk improvements. Finally, Sunset Drive has a steep gradient, making any proposed sidewalk installation functionally impractical.

25. Traffic

Section 25-2-46(d)(1) of the concurrency provision requires a Traffic Impact Analysis Report (TIAR) as part of any rezoning application in situations where the projected use can generate 50 or more peak hour trips. A TIAR was not performed as the project does not invoke the County's concurrency requirements. According to the

Applicant, the currently generate about 15 vehicle trips per hour and don't anticipate any significant increase in traffic based on the change of zone and the medical equipment retail activity. All medical and retail activities will be conducted via appointments. According to the Institute of Transportation Engineers (ITE) Common Trip Generation Rates for medical facilities, 3.46 vehicle trips per PM peak hour for every 1,000 square feet of gross floor area. This would equate to roughly 15.5 vehicle trips per peak hour, far below the concurrency requirement for a TIAR.

26. Water

The entire medical facility is currently serviced by the County's municipal water system. No further units of water are necessary to support the existing and proposed uses should this change of zone request be approved.

27. Wastewater

There is no municipal sewer system servicing the subject area. The existing medical facility is being serviced by an existing septic system, and will likely continue for any additional commercial-type use introduced into the facility. Regardless, the Applicant will comply with State Department of Health requirements.

28. Solid Waste

Solid waste will be handled through commercial haulers or disposal by the landowner into authorized landfill sites or transfer stations. Any on-site construction-related activities will likely be limited to interior renovations to accommodate the small medical devices retail space on the ground level.

29. Essential Utilities and Services

Other utilities, such as electrical, cable and telephone services, are available to the subject property and currently supporting the operations of the urgent care facility. Being located within the urban core of North Kona within a well-established residential and commercial area, the subject property is adequately serviced by various utilities and services.

30. Public Safety

The subject property, being located within the urban core of North Kona, is adequately serviced by existing public safety facilities, such as the Keauhou Fire Station

on Puuloa Road about 3.3 miles to the south and the Kailua Fire Station located about 4 miles to the north. The Police Department located about 5.7 miles to the north adjacent to the Kealakehe Transfer Station. Kona Community Hospital is located about 6.7 miles to the south in Kealakekua, which emphasizes the value of the medical services provided by the Applicant's Urgent Care of Kona. The County's concurrency requirements regarding civil defense sirens do not apply to the project as it is not proposing commercial or industrial activities equal to or greater than 35,000 square feet of gross floor area or introducing more than 24 residential units [Section 25-2-46(o), Hawai'i County Code].

F. STATEMENT IN SUPPORT OF CHANGE OF ZONE REQUEST

31. HAWAI'I COUNTY GENERAL PLAN

In order to consider an area for any type of zoning designation, the applicable goals, policies and standards of the General Plan must be adequately addressed. It is only through a comprehensive policy analysis approach that evaluations and decisions can be made to better time or stage developments to achieve quality growth. The implications of these evaluations and decisions must also be considered as they may have an impact on other similar areas in the County.

Land use is one of the principal focal points of public concern and policy. The Land Use Element of the General Plan provides the primary basis for direct control and guidance of publicly and privately owned resources. It is also intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture and open space, and to coordinate these uses with the County's service and circulation systems. The overall Land Use goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents.

In addition to its goals, policies and standards, the General Plan also includes the Land Use Pattern Allocation Guide (LUPAG) Map, which is a graphic representation of the document's goals and policies to guide the coordinated growth and development of all sectors of the County by presenting a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County.

The subject property is designated for Medium Density Urban uses which typically allows for Village and neighborhood commercial and single family and multiple family residential and related functions, with multiple family residential densities of up to 35 units per acre. Physically, the net effect of this change of zone request will result in no structural or fundamental change of use of the existing property as an dermatology/urgent care facility. Approval of the change of zone to a CN-10 zoning district will relieve the Applicant of the operational restrictions that confine the Applicant from providing the breadth of medical services that they feel would best serve their community.

Therefore, for the reasons stated above, approval of this change of zone request will conform to the following goals, policies and standards of the Land Use Element of the General Plan:

- Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
 - 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 environment.
 - Zoning requests shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.
 - Zone urban- types of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.
- this request will also conform to the following relevant goals and policy

More specifically, approval of this request will also conform to the following relevant goals and policy regarding the Commercial component of the Land Use Element:

Goals

- 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 areas shall meet the demands of neighborhood, community and regional needs.
- Encourage the concentration of commercial uses within and surrounding a central core area.
- The development of commercial facilities should be designed to fit into the locale with minimal intrusion while providing the desired services. Appropriate infrastructure and design concerns shall be incorporated into the review of such developments.

32. Kona Community Development Plan

The Kona Community Development Plan (KCDP) establishes a regional land use framework, defining as one of its Guiding Principles to direct most of the future growth in Kona to an Urban Area (UA), within which the subject property is located. Within this Kona UA, growth would be directed to compact villages located along a proposed transit routes or to infill areas within, or adjacent to, existing development. The general locations of these villages are within the Growth Opportunity Areas (GOAs) identified during the public meetings that evolved into the Transit-Oriented Developments (TODs) that encourages the "development of compact, mixed- use villages which would integrate housing, employment, shopping, and recreation opportunities. Villages would

be designed around transit stations/ stops which would reduce the need for daily trips and financially support the expanded transit system."

While the subject property is situated within the Kona Urban Area, it is not situated within or in close proximity to any TOD. However, the proposed change of zone would conform to Policy LU-2.8 regarding development outside of TODs, but within the Kona UA:

- a. Consistency with General Plan LUPAG map. The subject property is Medium Density Urban. As such, the proposed commercial rezoning would be consistent with the LUPAG map.
- b. Infill. The subject property is situated in close proximity to commercial-zoned properties that have existed along the Kuakini Highway frontage of Sunset View Terrace Lots since the adoption of the North Kona District Zone Map in 1967, as well as multiple family residential and commercial zoning that supports a number of apartment complexes within Seaview Circle located directly makai of the subject property.
- c. Greenfields Rezoning. This guideline is not applicable to the requested change of zone as it does not apply to "infill" projects.

Another major component of the CDP is the concept of infrastructure concurrency. As previously mentioned in Section C-14 of this report, the subject property is not situated within any concurrency zone, does not generate the level of traffic that would necessitate the preparation of a traffic impact analysis report, or of such size and scope that would warrant the installation of a emergency siren.

33. PUBLIC SERVICES AND UTILITIES

Access to the subject property is provided by Seaview Drive, a County-maintained roadway having a pavement width between 20 and 25 feet within a 44-foot wide right-of-way. Within the subject property is an existing driveway and 22-stall parking lot that supports the existing urgent care facility. As the gross floor area of the existing medical facility is not planned for expansion to accommodate the expanded

offering of medical and related services, no new driveway access or additional parking stalls are proposed.

As previously stated, this medical facility has been in operation for approximately 33 years with no known conflicts between traffic and pedestrians attributable to on-site operations. This particular area along both Kuakini Highway and Sunset Drive is void of any sidewalk improvements. Sunset Drive has a steep gradient, making any proposed sidewalk installation functionally impractical. Therefore, the Applicant is requesting that curb, gutter and sidewalk improvements not be imposed as a conditional requirement of this change of zone request due to the limited increase in medical center operations, no known pedestrian-related issues or conflicts, and the topographical constraints of the property frontages along both Sunset Drive and Kuakini Highway.

County water currently supports all potable water needs at the urgent care facility, and no additional water service is anticipated. Wastewater is currently being accommodated by an existing septic system.

As the property is relatively flat and extensively improved as host of the urgent care facility, there are no severe geological or topographical problems within the subject property that would render the land unusable for its intended purposes. According to the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA), the subject area is within Zone X, an area determined to be outside the 500-year flood plain. The subject property is also located outside of any coastal flooding zone or tsunami evacuation area.

34. COASTAL ZONE MANAGEMENT

This change of zone request is not contrary to Chapter 205A, Hawai‘i Revised Statutes, relating to Coastal Zone Management. The subject property is not situated within the SMA, with its mauka extent being along the makai side of the Kuakini Highway. The subject property is located at least 3/4-mile from the nearest shoreline, that minimizes any potential direct adverse effects upon coastal resources. For these reasons, the subject property is not subject to any coastal hazard nor anticipate to have

any adverse impact upon coastal resources. There is no record of a designated public access that traverses the property. As the site has been previously cleared and completely developed as a medical complex, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

In view of the Hawai'i State Supreme Court's "PASH" and "Ka Pa'akai O Ka'Aina" 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.

As the subject property has been physically altered and extensively improved and landscaped as a medical facility, it is unlikely that there are any valued cultural, historical, and natural resources to be found within the property. For this reason, the Applicant could find no evidence of any possible adverse effects or impairments that will occur to any valued resources should this change of zone request be approved. Should the Applicant inadvertently encounter any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials, the Applicant agree to cease any work in the immediate area and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-HPD), resuming activities only upon securing archaeological clearance from DLNR-HPD when it finds that sufficient mitigation measures have been taken.

G. CONCLUSION

Based on the discussion above, the Applicant find that approval of this Change of Zone request from a Single Family Residential-10,000 square foot minimum lot size (RS-10) to a Neighborhood Commercial-10,000 square foot minimum lot size (CN-10) zoning district will conform to the goals, policies and standards of the General Plan and policy guidelines of the Kona CDP; will not have a significant adverse impact upon coastal resources; and would result in an appropriate land use pattern that will further the public necessity and convenience and the general welfare.

CERTIFIED MAIL

February 27, 1989

Dr. Stuart Spielman
75-5759 Kuakini Highway, #208
Kailua-Kona, HI 96740

Dear Dr. Spielman:

Use Permit Application
Tax Map Key: 7-7-09:8

The Planning Commission at its duly held public hearing on February 22, 1989, voted to approve your application, Use Permit No. 66, to allow the establishment of a medical office on 16,161 square feet of land within the Single Family Residential (RS-10) zoned district at Holualoa, North Kona, Hawaii.

Approval of this request is subject to the following conditions:

1. The applicant shall comply with all of the stated conditions of approval.
2. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify detailed landscaping, driveway, and parking. The landscaping plan shall include landscaping buffers in the form of trees and shrubbery within the perimeter of the property lines. Parking shall comply with the requirements of Chapter 25 (Zoning Code). No parking variance from the Code shall be applied for or granted.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.

EXHIBIT A

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Dr. Stuart Spielman

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Page 2

4. The medical office shall be restricted to a maximum of two physicians and their staff.
5. The hours of operation shall be limited to between 8:00 a.m. to 6:00 p.m. from Monday through Friday and between 8:00 a.m. to 1:00 p.m. on Saturday. This provision shall not prohibit after hours medical service in the case of emergency.
6. The development of the property shall comply with the minimum setback and maximum height requirements of the Single Family Residential-10,000 square feet (RS-10) zoned district.
7. A 10-foot wide, "no vehicle access" planting screen easement within the subject property along Kuakini Highway shall be recorded with the Bureau of Conveyances of the State of Hawaii and shown on plans submitted for plan approval.
8. Driveway access shall be taken from Sunset Drive as far as possible from the Kuakini Highway-Sunset Drive intersection meeting with the approval of the Department of Public Works.
9. Sunset Drive along the entire frontage of the property shall be improved by widening the pavement width to twenty feet with 4-foot wide shoulders, meeting with the approval of the Department of Public Works.
10. Comply with all other applicable laws, rules, regulations and requirements.
11. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning

Dr. Stuart Spielman
February 27, 1989
Page 3

Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona

bcc: Plan Approval Section

County of Hawaii



90-1670

Certificate of Occupancy

BUILDING DIVISION
DEPARTMENT OF PUBLIC WORKS

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF THE UNIFORM BUILDING CODE CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH VARIOUS ORDINANCES OF THE COUNTY REGULATING BUILDING CONSTRUCTION OR USE FOR THE FOLLOWING:

BUILDING PERMIT NO. B-905150
USE CLASSIFICATION Dr's Office
OCCUPANCY GROUP B-2
TYPE OF CONSTRUCTION VN
DATE ISSUED Sept. 9 19 90

BUILDING OWNER & ADDRESS
Stewart Spielman
P.O. Box 227 Kealahou, Hi. 96750
BUILDING ADDRESS OR TAX MAP KEY NO.
TMK; 7-7-9-8-8

Rodney P. Cavan
BUILDING INSPECTOR

Jim Miller
BUILDING OFFICIAL

THIS CERTIFICATE MUST BE POSTED AND PERMANENTLY MAINTAINED IN A CONSPICUOUS PLACE AT OR NEAR THE ENTRANCE OF THE BUILDING OR STRUCTURE REFERRED TO ABOVE.

EXHIBIT B

October 12, 1990

Dr. Stuart Spielman
West Hawaii Imaging Services
77-311 Sunset Drive
Kailua-Kona, HI 96740

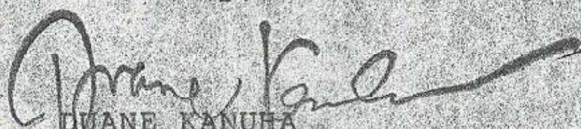
Dear Dr. Spielman:

Use Permit No. 6
Applicant: Dr. Stuart Spielman
TMK: 7-7-9:8

This is to acknowledge receipt of your letter dated September 25, 1990, with attached Certificate of Occupancy No. 90-1670. Construction has been completed and as stated in your letter all conditions of approval have been complied with, therefore further annual reports are not required.

Thank you for your attention to this matter.

Sincerely,


DEANE KANUHA
Planning Director

AS:mra

cc: Planning Commission (w/ltr)

EXHIBIT C

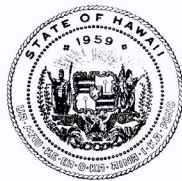
OCT 16 1990

DeVera, Ashley

From: Honda, Eric T. <Eric.Honda@doh.hawaii.gov>
Sent: Wednesday, June 19, 2024 4:16 PM
To: Planning Internet Mail
Subject: PL-REZ-2024-000061
Attachments: PL-REZ-2024-000061 TMK7-7-009--008.pdf

Eric Honda
District Environmental Health Program Chief
Hawai'i State Department of Health | Ka 'Oihana Olakino
1582 Kamehameha Ave., Hilo HI 96720
Office: (808) 933-0917

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

MEMORANDUM

DATE: June 19, 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-2024-000061)
Request: Single-Family Residential-10,000 Square Feet (RS-10) to
Neighborhood Commercial-10,000 Square Feet (CN-10) for
16,161 Square Feet of Land
Applicant: Dr. Loi Chang-Stroman
Tax Map Key: (3) 7-7-009:008, Hōlualoa, North Kona, Hawai'i

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

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.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
CURT T. OTAGURO
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 00521.24
HWY-PL 24-2.35103

June 27, 2024

Mr. Zendo Kern
Planning Director
County of Hawaii
Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Dear Mr. Kern:

Subject: Change of Zone Application (PL-REZ-2024-000061)
Request: Change Single-Family Residential - 10,000 Square Feet (RS-10) to
Neighborhood Commercial - 10,000 Square Feet (CN-10)
Holualoa, North Kona, Hawaii
Tax Map Key No. (3) 7-7-009:008

Thank you for your letter dated June 12, 2024, requesting our comments on the proposed change of zone. The parcel is at the intersection of Kuakini Highway (State Route 11) and Sunset Drive (County Road). The access driveway is located on Sunset Drive. The site would continue to operate as Kona Dermatology and Urgent Care of Kona in the existing two-story office building, with the conversion of 500 square feet of office space into a new medical equipment retail space on the first floor.

We concur there would not be a significant increase in the number of trips generated at the site. We do not anticipate significant adverse impacts to state highways.

If you have any questions, please contact Jeyan Thirugnanam, Land Use Planning Engineer, Planning Branch, at (808) 587-6336 or by email at jeyan.thirugnanam@hawaii.gov. Please reference file review number PL 2024-129.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Sniffen".

EDWIN H. SNIFFEN
Director of Transportation

Oda, Michelle

From: Sur, Peter
Sent: Monday, July 8, 2024 12:18 PM
To: Planning Internet Mail
Subject: DEM responses to requests for comments
Attachments: DEM rsp PL-SMA-2024-000061 (Sandman Properties LLC).pdf; DEM rsp PL-SUB-2023-000162 (Ouli).pdf; DEM rsp PL-SUB-2024-000254 (Kurata).pdf; DEM rsp PL-SUB-2024-000255 (DHHL-Gomes).pdf; DEM rsp PL-SUB-2024-000254 (Mahilani Partners LLC).pdf; DEM rsp PL-SMA-2024-000058 (Wang).pdf; DEM rsp PL-SUB-2024-000249 (Ching).pdf; DEM rsp PL-SPP-2024-000068 (Zhong).pdf; DEM rsp PL-SUB-2024-000256 (DHHL-Calles-Paulo).pdf; DEM rsp PL-USE-2024-000025 (Jensen).pdf; DEM rsp PL-SUB-2024-000258 (Mahilani Partners LLC).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Aloha, please see following for attached:

PL-SUB-2023-000162 (OULI)
PL-SUB-2024-000249 (CHING)
PL-SUB-2024-000254 (KURATA)
PL-SUB-2024-000255 (DHHL-GOMES)
PL-SUB-2024-000256 (DHHL-CALLES-PAULO)
PL-SUB-2024-000258 (MAHILANI PARTNERS LLC)

PL-REZ-2024-000061 (CHANG-STROMAN)

PL-SMA-2024-000058 (WANG)
PL-SMA-2024-000061 (SANDMAN PROPERTIES LLC)

PL-SPP-2024-000068 (ZHONG)

PL-USE-2024-000025 (JENSEN)



Peter Sur
Private Secretary
Department of Environmental Management
(808) 961-8099

Planning Dept.
Exhibit 5

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāʻo Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

MEMORANDUM

TO: Zendo Kern, Director
Planning Department

FROM: Ramzi I. Mansour, Director
Department of Environmental Management

DATE: July 5, 2024

SUBJECT: **Change of Zone Application (PL-REZ-2024-000061)**
Request: Single-Family Residential-10,000 Square Feet (RS-10) to
Neighborhood Commercial-10,000 Square Feet (CN-10) for 16,161 Square
Feet of Land
Applicant: Dr. Loi Chang-Stroman
Tax Map Key: (3) 7-7-009:008, Hōlualoa, North Kona, Hawai'i

The Solid Waste Division has reviewed the subject application and provides the following comments (Contact the Solid Waste Division for details).

- Commercial operations, State and Federal agencies, religious entities and non-profit organizations may not use transfer stations for disposal.
- Ample room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.

The Wastewater Division has reviewed the subject application and provides the following comment:

- No County sewer system in area. Applicant shall follow Hawai'i Department of Health, and all other applicable federal, state, and county regulations.

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

DATE: July 12, 2024

Memorandum

TO: Zendo Kern, Planning Director

FROM: Department of Public Works, Engineering Division



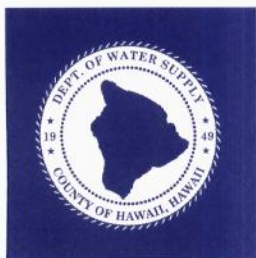
SUBJECT: CHANGE OF ZONE APPLICATION (PL-REZ-2024-000061)

Request: Single-Family Residential-10,000 Square Feet (RS-10) to
Neighborhood Commercial-10,000 Square Feet (CN-10)
for 16,161 Square Feet of Land
Applicant: Dr. Loi Chang-Stroman
TMK: 7-7-009:008

We have reviewed your submittal dated June 12, 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. Based upon the proposed zoning, we recommend that the applicant provide improvements to the subject's Sunset Drive frontage consisting of, but not limited to, pavement widening with a sidewalk, concrete curb and gutter, drainage improvements, and any required utility relocation, meeting the requirements of the Americans with Disabilities Act. The improvements shall be located within any future road widening setback as may be established by the Planning Department. The dedication of the widening and improvements should be at no cost to the County. Sunset View Terrace Lots: Unit-I subdivision map indicates that the road right-of-way is 44-feet wide. Therefore, we recommend a road widening of 3-feet.
4. Install streetlights and traffic control devices as may be required by the Traffic Division, Department of Public Works. The applicant shall be responsible for the design, purchase, and installation of such devices.

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



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

August 12, 2024

REC'D HAND DELIVERED

COH PLANNING DEPT
AUG 12 2024 PM3:01

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Change of Zone Application (PL-REZ-2024-000061)**
Request: RS-10 to CN-10
Applicant: Dr. Loi Chang-Stroman
Tax Map Key 7-7-009:008

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

Please be informed that the subject parcel is currently served by an existing 1-inch meter (Account No. 867-20981), which is limited to four (4) units of water at an average of 400 gallons per day, per unit, or a total of 1,600 gallons per day.

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

1. Should the type of use within any of the existing building units change from the current use, the new occupant(s) would be required to submit estimated maximum daily water usage calculations prepared by a professional engineer licensed in the State of Hawai'i.
2. Upon receipt of the estimated water usage calculations (per Item No. 1 above), if the existing 1-inch meter cannot accommodate the 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. Construction plans for the meter installation will also be required.
3. If a larger or additional meter is required (per Item No. 2 above), a reduced pressure type backflow prevention assembly must also be installed within five (5) feet of the meter(s). The installation of the backflow prevention assembly(s) must be inspected and approved by the Department before water service can be granted.
4. The Department's Water System Standards require that a minimum flow of 2,000 gallons per minute for a 2-hour duration and pipeline velocity less than 10 feet per second be available at the site for fire protection for commercial land use. The existing 8-inch waterline fronting the parcel is inadequate. We recommend that the applicant consult the Fire Department for any fire protection requirements or alternatives.

Mr. Zendo Kern, Director

Page 2

August 12, 2024

5. 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 Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'k Okamoto', with a stylized flourish at the end.

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

RQ/klcm

copy – Dr. Loi Chang-Stroman
Mr. Daryn Arai

Daryn Arai
Land Use Planning Consultant

August 8, 2024

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Kern:

Subject: Response to Agencies' comments regarding
Change of Zone Application PL-REZ-2024-000061
Applicant: Dr. Loi Chang-Stroman
TMK: 7-7-009:008, Hōlualoa, North Kona, Hawai'i

This letter will respond to comments received, to date, from consulting agencies that have reviewed the above-described request. We appreciate these agencies' comments being provided to the Applicant.

Department of Health - memo dated June 19, 2024)

The Applicant acknowledges the comments offered by the Department of Health regarding standards and requirements relating to dust control, water quality, mitigating excessive noise and the effects of hazardous substances, wastewater and solid waste.

The requested change of zone to a CN-10 zoning district is to allow for flexibility in operating the current urgent care and dermatology clinics operating within the existing two-story facility. No expansion of the existing two-story, 4,480 square-foot medical facility is proposed or needed to support the requested CN-10 zoning, aside from some interior work to accommodate a small space for the sale of durable medical equipment, such as wheelchairs and bed lifts.

Since no exterior construction activities is proposed, no impacts upon air and water quality will occur. Similarly, no construction-related noise will be generated. As a currently-operating medical facility, all solid waste is and will be properly disposed of in accordance with all applicable government regulations. Wastewater generated by the existing medical facility is currently disposed of within an approved individual wastewater system (IWS).

The existing medical facility has been in operation for the past 34 years and the Applicant assures the Commission that operation of the medical facility will continue to adhere to all applicable requirements of the Department of Health.

Department of Environmental Management - memo dated July 5, 2024

We note that the Wastewater Division directs the Applicant to comply with State Department of Health requirements since the project site is not serviced by the County's sewer system. As noted earlier, the existing medical facility is currently serviced by an approved individual wastewater system (IWS). No expansion of the existing medical facility is proposed, so expansion or modification of the existing IWS will not be required.

The Applicant currently provides facilities, both inside and outside, for the collection of rubbish and recycling, which are then transported to proper disposal and recycling facilities.

Finally, the Applicant will properly dispose of very limited greenwaste generated by the limited landscaping that exists on the property. What little construction-related waste is generated by any interior renovation will be taken to the West Hawaii Landfill.

Department of Public Works (DPW) – memo dated July 12, 2024

As a medical facility that has been in operation for the past 34 years with no plans for its expansion, approval of this change of zone will not result in additional runoff beyond that being currently accommodated within an existing drywell located within the existing parking lot.

The DPW confirms that the subject property is not subject to a 500-year frequency flood event.

The subject property has an existing access driveway onto Sunset Drive, constructed in 1990 along with the medical facility and meeting with the approval of the DPW.

The Applicant is requesting relief from the recommendation of the DPW that the subject property's Sunset Drive frontage that measures about 150 feet, be improved with pavement widening and curb, gutter and a sidewalk, along with any required utility relocation. The Applicant seeks relief as it feels that this recommendation is excessive and not proportional to the scope of the request that simply seeks to offer expanded hours and additional physicians to service the existing medical facility. The medical facility has operated for the past 34 years with no apparent issues related to pedestrian movement along Sunset Drive, which is quite steep. Note that there are no sidewalks along either side of Sunset Drive in proximity to this property nor along Kuakini Highway.

The Applicant is receptive to a condition recognizing a future road widening of three (3) feet along the subject property's Sunset Drive frontage should the County proceed with the widening of Sunset Drive to a 50-foot wide right-of-way at some point in the future. However, imposing a requirement upon the Applicant to widen the existing Sunset Drive right-of-way by 3 feet, widen the pavement along its entire frontage along with curb, gutter and a sidewalk will also require significant improvements to the property itself, such as

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
Page 3 of 3
August 8, 2024

removal and relocation of perimeter fencing, reconstruction of the existing access driveway, and possible relocation of waterlines and fire hydrant. The Applicant feels that these recommended roadway improvements are excessive and disproportional to the scope of this rezoning request given that other commercially-used properties along this section of Kuakini Highway have all operated for decades without sidewalk improvements.

Given the steep slope of Sunset Drive fronting the subject property, the Applicant feels that installing a sidewalk in this area is functionally impractical given the requirements of the American with Disabilities Act (ADA).

Police Department - memo dated July 8, 2024

The Applicant notes that the Police Department had no comments or objections regarding the requested change of zone.

We hope that we have adequately responded to comments offered by the respective agencies. Please feel free to contact me should there be any questions or need for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', with a stylized flourish at the end.

DARYN ARAI
Land Use Planning Consultant

cc via email: Dr. Loi Chang-Stroman

Daryn Arai
Land Use Planning Consultant

August 26, 2024

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
101 Pauahi Street, Suite 3
Hilo, HI 96720

Dear Director Kern:

Subject: Response to Department of Water Supply comments regarding
Change of Zone Application PL-REZ-2024-000061
Applicant: Dr. Loi Chang-Stroman
TMK: 7-7-009:008, Hōlualoa, North Kona, Hawai'i

This letter will respond to comments received from the Department of Water Supply, dated August 12, 2024, regarding the above-described request.

The Applicant acknowledges the confirmation from the Department of Water Supply (DWS) that the subject property is currently serviced by an existing 1-inch meter (Account No. 867-20981, which is limited to four (4) units of water at an average of 400 gallons per day, per unit, or a total of 1,600 gallons per day. The Applicant also acknowledges that the DWS has no objection to the proposed change of zone application subject to the Applicant's understanding and accepting, which it does, of the following conditions:

1. Should the type of use within any of the existing building units change from the current use, the new occupant(s) would be required to submit estimated maximum daily water usage calculations prepared by a professional engineering licensed in the State of Hawai'i.
2. Upon receipt of the estimated water usage calculations (per Item No. 1 above), if the existing 1-inch meter cannot accommodate the 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. Construction plans for the meter installation will also be required.
3. If a larger or additional meter is required (per Item No. 2 above), a reduced pressure backflow prevention assembly must also be installed within five (5) feet of the meter(s). The installation of the backflow prevention assembly(s) must be inspected and approved by the Department before water service can be granted.

4. The Department's Water System Standards require that a minimum flow of 2,000 gallons per minute for a 2-hour duration and pipeline velocity less than 10 feet per second be available at the site for fire protection for commercial land use. The existing 8-inch waterline fronting the parcel is inadequate. We recommend that the applicant consult the Fire Department for any fire protection requirements or alternatives.
5. 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.

In summary, the purpose of the requested change of zone to a CN-10 zoning district is to allow for operational flexibility for the existing medical facility, such as the number of physicians and the days and hours of medical service provided to the community. The only change of use anticipated is to convert a small portion of the medical facility, approximately 500 square feet or so, into a retail space for durable medical goods such as wheelchairs and bed lifts. This minor interior change is not anticipated to affect the current potable water demands of the existing medical facility nor exceed the current water allocation assigned to the property.

The Applicant has consulted with the Fire Prevention Branch and it is possible that the proposed small, 500 square foot retail space for durable medical goods will require a change of use permit from the Building Division, thereby requiring that the 8-inch water main along Sunset Drive be replaced with a larger diameter waterline that can provide adequate fire flow. This will be an extremely expensive and complicated endeavor as it will require replacement of the 8-inch waterline between the existing fire hydrant and the larger water main within Kuakini Highway. Such waterline replacement will also entail the reconstruction of the shoulder and possible pavement along Sunset Drive and within Kuakini Highway, the replacement of the existing fire hydrant and possible reconstruction of street intersections and utility connections along Sunset Drive.

The other option is for the entire medical complex to be outfitted with a fire sprinkler system, another expensive and complicated endeavor for such a small retail operation. It is unfortunate that this medical complex, which has been in operation for over 30 years with an operational fire hydrant located directly in front of this property within Sunset Drive, is unable to accommodate a small durable medical good retail space to better service their patients. Should this change of zone be approved, the Applicant will continue to work closely with the Fire Department to explore any other possible alternatives. If no such reasonable and practical alternative be available, the Applicant will abandon his efforts to establish an on-site location for the sale of durable medical goods to his patients.

Mr. Zendo Kern, Planning Director
County of Hawai'i Planning Department
Page 3 of 3
August 26, 2024

Thank you for providing this opportunity to respond to comments offered by the reviewing agencies. Please feel free to contact me should there be any questions or need for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryn Arai', with a stylized flourish at the end.

DARYN ARAI
Land Use Planning Consultant

cc via email: Dr. Loi Chang-Stroman