DRAFT ENVIRONMENTAL ASSESSMENT

DEVELOPMENT OF COMMERCIAL PROPERTY AT 514 KANOELEHUA AVENUE, HILO

TMK: (3rd) 2-2-035:047
South Hilo District, Hawai‘i Island, State of Hawai‘i

February 2008

Prepared for:
County of Hawai‘i
Planning Department
101 Pauahi Street, Suite 3
Hilo HI 96720

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CLASS OF ACTION:

Use of State Land
Use of County Land

This document is prepared pursuant to:

The Hawai‘i Environmental Policy Act,
Chapter 343, Hawai‘i Revised Statutes (HRS), and
Title 11, Chapter 200, Hawai‘i Department of Health Administrative Rules (HAR).

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SUMMARY OF THE PROPOSED ACTION, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Evansday, LLC (Evansday) plans to purchase a 21,050-square foot property located at 514 Kanoelehua Avenue in Hilo (State Highway 11), which is zoned for mixed industrial-commercial use, in order to develop a commercial building. Evansday was informed by the Hawai‘i State Department of Transportation that due to the location of the HELCO pole, water service and potential sewer line for this property within the right-of-way of a State Highway, these connections and any associated development would be subject to Chapter 343, HRS, Hawai‘i’s Environmental Impact Statement law. Evansday plans to build a commercial building, but the exact purpose, design and configuration on the lot have not yet been determined. It is expected that the one-story building would be roughly 5,200 square feet and have about 22 parking spaces. Landscaping buffers would be provided on residential property margins and in other locations of the property to provide an attractive appearance and reduce scenic impacts to neighboring residences. The lot had a residence for many years and no biological, cultural, or archaeological resources are present. The property underwent analysis in 2006 related to a change of zone application; commercial use was found to be consistent with the General Plan and the change of zone guidelines and the Planning Commission and County Council approved the change of zone. The proposed use is completely conformant with zoning and issues of public facilities, services and utilities were evaluated and addressed as part of the change of zone process. Given adherence to conditions related to landscape buffers and coordination with agencies during the Plan Approval process and construction, no adverse impacts are foreseen.

PART 1: PROJECT DESCRIPTION, PURPOSE AND NEED AND ENVIRONMENTAL ASSESSMENT PROCESS

1.1 Project Description, Location and Property Ownership

Evansday, LLC (Evansday) plans to purchase a 21,050-square foot property located at 514 Kanoelehua Avenue in Hilo (State Highway 11), which is zoned for mixed industrial-commercial use, in order to develop a commercial building (see Figures 1-4). Evansday was informed by the Hawai‘i State Department of Transportation (DOT) that due to the location of the HELCO pole, water service and potential sewer line for this property within the right-of-way of a State Highway, these connections and any associated development would be subject to Chapter 343, HRS, Hawai‘i's Environmental Impact Statement law. As the development of commercial property with a total occupant load of more than 20 persons is not an exempt action, an Environmental Assessment (EA) is required. It should be noted that prior to DOT's institution of this policy in June 2007 in response to a revised interpretation of Chapter 343, a commercial building with appropriate zoning in the State of Hawai‘i generally needed only Plan Approval and appropriate building permits to be developed.

The property was sold to the current owner, Clark Realty Corp., in September, 2004 (see Appendix 1 for authorization from Clark Realty to prepare this EA). In 2006 the property was rezoned from ML-20 (industrial zoning) to MCX-20 (mixed industrial-commercial) for the purpose of building a real estate office. The change of zone involved an Environmental Report and scrutiny by the public and agencies through a public hearing before the Planning Commission and three readings with the County Council before its final approval. No opposition was noted. During the process, agencies responded with their concerns, which the Planning Director considered before he determined that the project was consistent with the General Plan and the change of zone guidelines. The Director issued a favorable recommendation to the Planning Commission subject to conditions of approval that addressed infrastructure and other concerns. The County Council subsequently approved the change of zone ordinance. The applicant will comply with all requirements of ordinance to ensure that proper mitigation requirements are implemented.

Evansday plans to build a commercial building, but the exact purpose, design and configuration on the lot of the commercial building have not yet been determined. In order to provide sufficient information for an analysis of general environmental impacts, a *typical site plan* has been shown in some detail in Figure 4. The one-story building would be roughly 5,200 square feet and have 22 parking spaces. Landscaping buffers would be provided on residential property margins and in other locations of the property to provide an attractive appearance and reduce scenic impacts to neighboring residences. The property is expected to be developed to this general layout, housing activities permissible in the MCX-20 zone. It should be recognized that the final building may be somewhat different. Most of the relevant features for environmental analysis, including general appearance, access, utilities, parking area size, and landscape buffers, will probably not vary much regardless of the building eventually constructed.

Figure 1
General Location Map

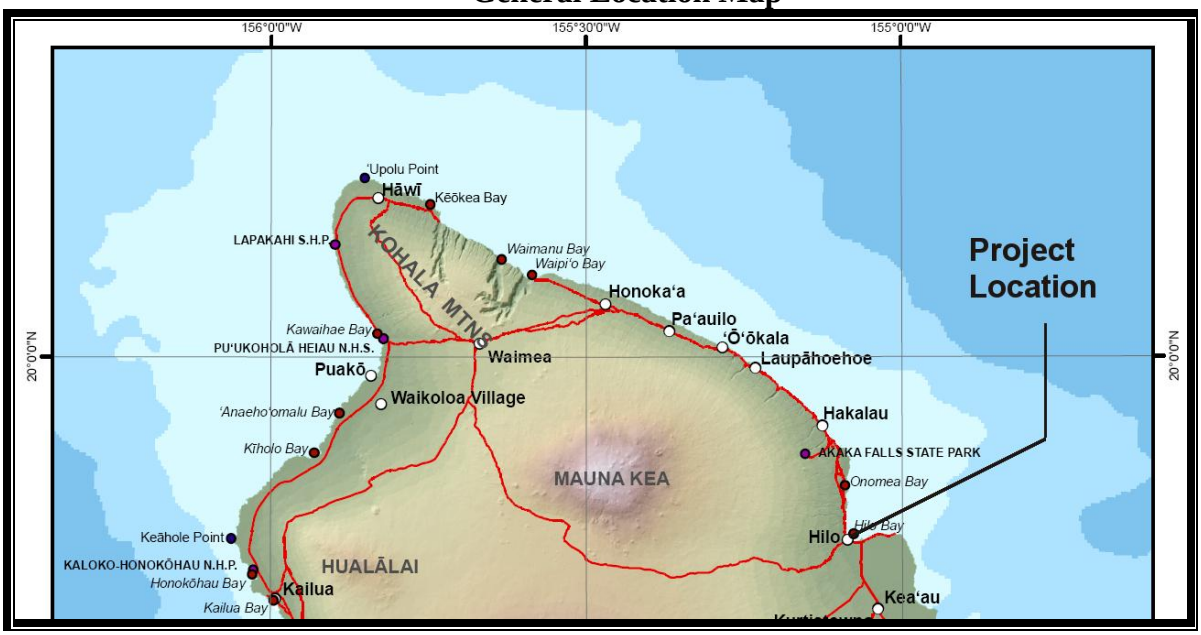


Figure 2
TMK Map

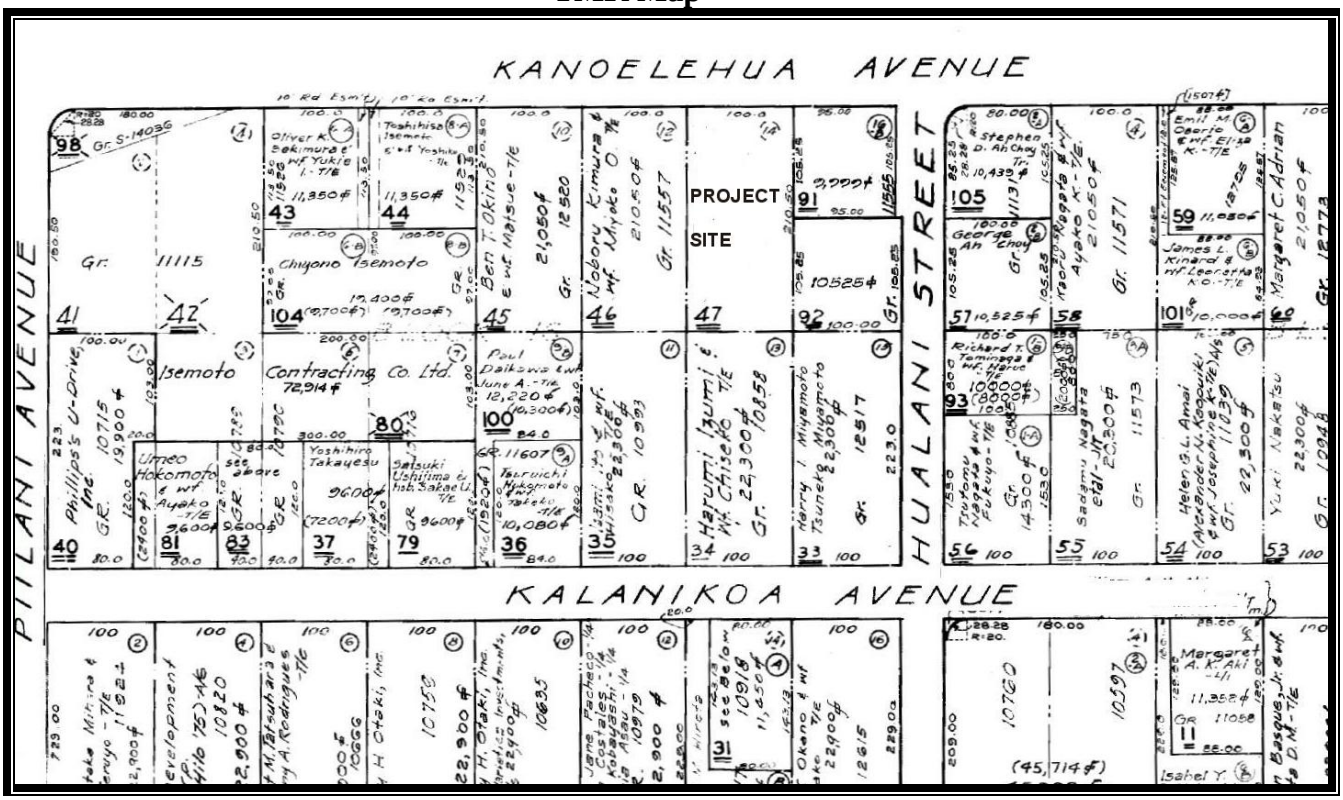
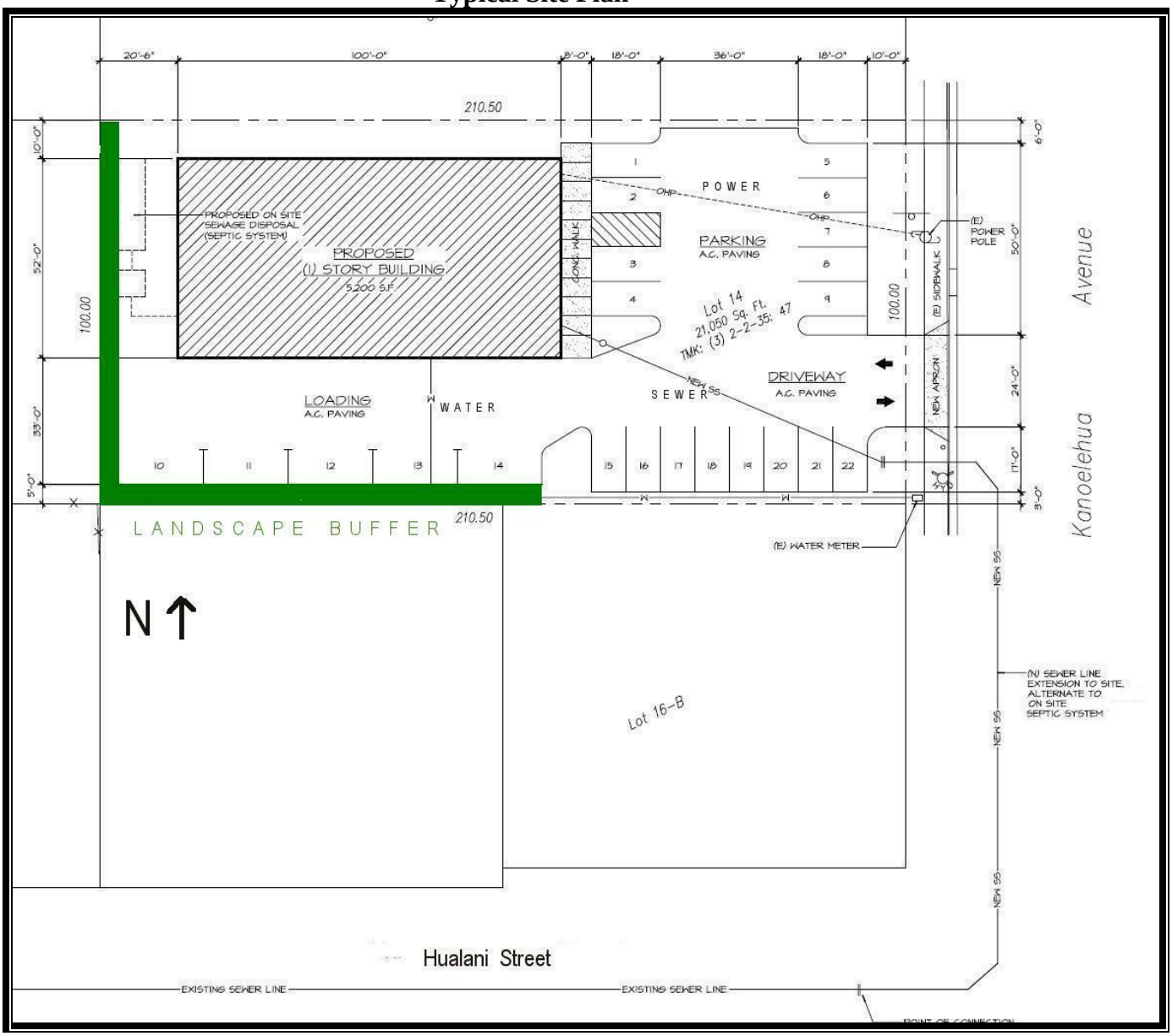


Figure 3
Project Site Photo

1.2 Environmental Assessment Process

This Environmental Assessment (EA) process is being conducted in accordance with Chapter 343 of the Hawai‘i Revised Statutes (HRS). This law, along with its implementing regulations, Title 11, Chapter 200, of the Hawai‘i Administrative Rules (HAR), is the basis for the environmental impact process in the State of Hawai‘i. According to Chapter 343, an EA is prepared to determine impacts associated with an action, to develop mitigation measures for adverse impacts, and to determine whether any of the impacts are significant according to thirteen specific criteria. Part 4 of this document states the anticipated finding that no significant impacts are expected to occur; Part 5 lists each criterion and presents the preliminary findings for each made by the County of Hawai‘i Planning Department, the approving agency. If, after

Figure 4
Typical Site Plan



considering comments to the Draft EA, the approving agency concludes that, as anticipated, no significant impacts would be expected to occur, then the agency will issue a Finding of No Significant Impact (FONSI), and the action will be permitted to occur. If the agency concludes that significant impacts are expected to occur as a result of the Proposed Action, then an Environmental Impact Statement (EIS) will be prepared.

1.3 Public Involvement and Agency Coordination

The following agencies and organizations were consulted in development of the environmental assessment:

State:

- Department of Land and Natural Resources
- Department of Health
- Department of Transportation
- Office of Hawaiian Affairs

County:

- Planning Department
- Department of Public Works
- Department of Environmental Management
- Department of Water Supply
- Police Department
- County Council

Private:

- Hawai‘i Island Chamber of Commerce
- Sierra Club
- Neighboring residents

Copies of communications received during early consultation are contained in Appendix 1.

PART 2: ALTERNATIVES

2.1 Action Alternatives

The action under consideration is development of a commercial building connecting to HELCO lines, water service and potentially a sewer line within the State Highway 11 (Kanoelehua Avenue) right-of-way, which will be called the *Proposed Action* in this document.

2.2 No Action

Under the No Action Alternative, the approval for work in the State Highway right-of-way would not occur and the applicant would be denied access to utilities for its commercial property. Alternate power arrangements probably involving a combination of onsite generators and solar power could be utilized for power, while telephone service could be exclusively from cellular providers and TV service could be via satellite. Internet service, which is provided by telephone or cable, could be provided through satellite or cellular service. Water service could occur through a water tank, and wastewater could be permanently treated through an individual wastewater system. This would be an inconvenience and expense to a commercial enterprise and would provide no benefit to any public or private party. The applicant considers the No Action Alternative undesirable and inequitable.

PART 3: ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Basic Geographic Setting

The property being purchased is referred to throughout this EA as the *project site*. The term *project area* is used to describe the general environs in this part of Hilo.

The project site is a 21,050-square-foot parcel located at 514 Kanoelehua Avenue in Hilo. The vegetation of the project area has been previously disturbed by residential activities, including a house that was moved to another property in 2005.

Adjacent land use consists of a paint store, two vacant lots, and a residence. The Hilo International Airport is located to the east across Kanoelehua Avenue.

3.1 Physical Environment

3.1.1 Climate, Geology, Soils and Geologic Hazards

Environmental Setting

The climate in the area is mild and moist, with an average annual rainfall of about 130 inches (UH Hilo-Geography 1998:57). Geologically, the project site is located on the flanks of Mauna Loa Volcano, and the surface consists of basalt lava flows from 750 to 1,500 years before the present (Wolfe and Morris 1996). The project site soil is classified by the U.S. Natural Resources Conservation Service (formerly Soil Conservation Service) as Keaukaha extremely rocky muck (rKFD). This organic and strongly acid soil is typically found up to 8 inches thick with roughly 30 percent rock outcroppings on slopes of 6-20 percent. Permeability is rapid, runoff is slow, and erosion hazard slight. Its capability subclass is VIIs, which means that this soil has very severe limitations that make it very unsuited for cultivation and restrict its use to mainly pasture and woodland or wildlife (U.S. Soil Conservation Service 1973).

The entire Big Island is subject to geologic hazards, especially lava flows and earthquakes. Volcanic hazard as assessed by the United States Geological Survey in this area of Hilo is zone 3, on a scale of ascending risk from 9 to 1 (Heliker 1990:23). The high hazard risk is based on the fact Mauna Loa is presently an active volcano. Volcanic hazard zone 3 areas have had 1-5% of their land area covered by lava or ash flows since the year 1800, but are at lower risk than zone 2 areas because of their greater distances from recently active vents and/or because the local topography makes it less likely that flows will cover these areas.

In terms of seismic risk, the entire Island of Hawai‘i is rated Zone 4 Seismic Hazard (*Uniform Building Code, 1997 Edition*, Figure 16-2). Zone 4 areas are at risk from major earthquake damage, especially to structures that are poorly designed or built, as the 6.7-magnitude (Richter) quake of October 15, 2006, demonstrated. The project site does not appear to be subject to subsidence, landslides or other forms of mass wasting.

Impacts and Mitigation Measures

In general, geologic conditions impose no constraints on the Proposed Action, and the Proposed Action is not imprudent to construct. Appropriate seismic standards would be followed during any building construction, per building codes.

3.1.2 Drainage, Water Features and Water Quality

Existing Environment

The project area has no perennial surface water bodies. No known areas of local (non-stream related) flooding are present in the project area. The Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) 1551660880C (9/16/1988) shows that the project site is in Flood Zone X, outside of the 500-year flood plain. Maps printed by the Pacific Tsunami Warning Center and the Hawai‘i County Civil Defense Agency locate the parcel just inside the area that should be evacuated during a tsunami warning (Hualani Street is the mauka boundary) (http://www5.hawaii.gov/tsunami/maps.asp). Large extents of Hilo have been struck by several highly destructive tsunami in historic times. The May 23, 1960 tsunami had a runup of 35 feet at Hilo Bay, killing 61 people and destroying about 540 homes and businesses while the April 1, 1946 tsunami had a runup at Hilo Bay of 25 feet (*Atlas of Hawai‘i*, 3rd edition).

Impacts and Mitigation Measures

Because the property is not within a FIRM flood zone and no sensitive water resources are located nearby, additional risks for flooding or impacts to water quality associated with the Proposed Action are negligible. The commercial building that would be facilitated by the approvals to connect to the HELCO poles and water and sewer lines would be required to follow County regulations and policies related to drainage, which require the difference between pre-development and post-development runoff to be contained onsite, limiting impacts.

The proposed improvements represent continued commitment to occupation and use of an area that must be evacuated during a tsunami (there is no evidence that a tsunami has ever come on or near this property). Although the return interval of high-damage tsunami cannot be calculated with the sparse data currently available, it is reasonable to expect one every twenty to thirty years. All facilities built in this area may be subject to ultimate damage and even destruction, but until such time as this occurs, they may provide significant benefit as well. In the case of this

area, which is distant enough from the ocean to have received no known damage during either the 1946 and 1960 tsunami, the County of Hawai‘i has determined that the benefits of continuing to allow urban uses outweigh the risks of damage to property, especially considering the effective warning service provided by the Pacific Tsunami Warning Center (PTWC).

3.1.3 Flora, Fauna and Ecosystems

Existing Environment

The natural vegetation of this part of Hilo was most likely lowland rain forest dominated by ‘ohi‘a (*Metrosideros polymorpha*) and hala (*Pandanus tectorius)* (Gagne and Cuddihy 1990). These original communities, however, have been destroyed or heavily degraded by clearing for residential activities. No trace of the original vegetation remains in the project area. The project site was cleared of trees sometime in the recent past. An inspection in December 2007 found the lot dominated by alien weedy herbs, grasses, vines and the occasional shrub. Guinea grass (*Panicum maximum*), *Hyptis pectinata*, *Desmodium* spp., honohono (*Commelina diffusa*), and maile pilau (*Paederia scandens*) are currently dominant. Other weeds and ornamentals including *Crotalaria* sp., molasses grass (*Melinis minutiflora*), sensitive plant (*Mimosa pudica*), *Draceana* sp., and *Macaranga mappa* are also present. No native plant species were observed. The overgrown urban lot does not serve as habitat for native animals.

Impacts and Mitigation Measures

Because of the lack of native ecosystems, or threatened or endangered species, the Proposed Action would have no adverse impacts to biological resources.

3.1.4 Air Quality, Noise, and Scenic Resources

Environmental Setting

Air pollution in East Hawai‘i is minimal, and is mainly derived from volcanic emissions of sulfur dioxide, which convert into particulate sulfate and produce a volcanic haze (vog) that occasionally blankets the district. The persistent tradewinds keep the project area relatively free of vog for most of the year.

Noise on the project site is moderate and derived mainly from motor vehicles and aircraft, with occasional noise from residential, commercial and road maintenance activities.

The project area does not contain any sites that are considered significant for their scenic character in the Hawai‘i County General Plan.

Impacts and Mitigation Measures

The Proposed Action would not measurably affect air quality, noise levels, or scenic sites recognized in the Hawai‘i County General Plan. Landscaping will be installed throughout the property and buffers would be provided on the property margins that are adjacent to residential properties (see Figure 3 for buffer locations).

3.1.5 Hazardous Substances, Toxic Waste and Hazardous Conditions

Environmental Setting, Impacts and Mitigation Measures

A Phase I Environmental Site Assessment (ESA) was performed for the project site by Walker Consultants Ltd. (WCL) in November 2004. A Phase I Environmental Site Assessment aims to identify *recognized environmental conditions* that exist on the project site and existing *recognized environmental conditions* in the project area that have the potential to impact the subject property. The term *recognized environmental conditions* means the presence or likely presence of any hazardous substances or petroleum products on the property under conditions that indicate an existing release, a past release, or a material threat of a release into structures on the property or into the ground, groundwater, or surface water of the property. Although WCL observed suspected asbestos-containing materials in a house on the property including vinyl flooring and linoleum, the house has since been moved to another property. There has likely never been any use or storage of regulated or hazardous chemicals onsite other than possibly homeowner-sized amounts of yard and garden chemicals, paints and lubricants. WCL observed no Underground or Aboveground Storage Tanks, and no offsite contamination source was detected. In summary, based on the WCL Phase I ESA, there do not appear to be any *recognized environmental conditions* in connection with the property and no source of concern to the public regarding such conditions should the property be developed.

3.2 Socioeconomic and Cultural

3.2.1 Socioeconomic Characteristics

The project would affect and benefit the district of South Hilo and more specifically the town of Hilo. Table 1 provides information on the socioeconomic characteristics of Hilo along with those of Hawai‘i County as a whole for comparison, from the United States 2000 Census of Population.

Impacts

The Proposed Action would facilitate development of the property in conformance with its designated commercial zoning and provide some level of public benefit through the orderly development of private commercial facilities providing jobs and tax revenues, in keeping with State and County plans.

Table 1: Selected Socioeconomic Characteristics

CHARACTERISTIC	ISLAND OF HAWAI`I	HILO
Total Population	148,677	40,759
Percent Caucasian	31.5	17.1
Percent Asian	26.7	38.3
Percent Hawaiian	9.7	13.1
Percent Two or More Races	28.4	29.7
Median Age (Years)	38.6	38.6
Percent Under 18 Years	26.1	24.7
Percent Over 65 Years	13.5	16.7
Percent Households with Children	21.3	36.1
Average Household Size	2.75	2.7
Median Family Income	$39,805	$35,506
Percentage of Population Below 100% of Federal Poverty Level	15.7	11.7
Percent Housing Vacant	15.5	9.0

Source: U.S. Bureau of the Census. May 2001. *Profiles of General Demographic Characteristics, 2000 Census of Population and Housing, Hawai'i.* (U.S. Census Bureau Web Page).

3.2.2 Historic and Cultural Resources

Existing Environment

The 21,050-square foot urban property contains no historic or cultural resources. According to County tax records, the property was owned by Elizabeth Molina until 1948, when it was sold to Alfred and Julia Tavares. A house was constructed in 1949, with an anthurium shed added in 1955. A garage constructed in 1955 suffered wind damage and was replaced by another garage in 1963. The property was sold in 1996 to Gerald Kodama, who sold it to DSD, Inc. in 2003. The property sold again in June, 2004 to David Bobadilla and was acquired by the current owner, Clark Realty Corp., in September, 2004. The parcel contains remnants of a concrete foundation and steps from an abandoned single-family house that was moved to another location in 2005.

On January 3, 2006, on behalf of owner Clark Realty, Carlsmith Ball requested the State Historic Preservation Division (SHPD) to provide a determination of no-effect to historic sites during initial agency consultation for a change of zone application for the property. SHPD did not respond to this request, nor did they respond to the change of zone application circulated during the agency response period. Based on the fact that the urban lot has recently been cleared of all

structures, the potential for historic resources appears very low. SHPD will again be given an opportunity to comment through review of the Draft EA.

The project site is in the ahupuaʻa of Waiākea, a very large land division that includes most of the land in what is now Hilo. As part of an archaeological assessment study, Maly (1996a) conducted historical research for the lands of Wainaku, Pōnohawai, Waiākea, and Piʻihonua. He discussed the significance of the use of the Hawaiian word *wai* in the place names: Waiākea, Pōnohawai, Wainaku, and Wailuku (River). According to Maly, the word *wai* (water) has strong metaphorical associations with the Hawaiian concept of wealth (*waiwai*), stressing its cultural importance (Maly 1996:A-2). No sites or features discussed in this or other works on the cultural importance of Waiākea were identified on or near lot, which is not near any ponds or streams. No gathering or other cultural activities occur on this urban lot.

Impacts and Mitigation Measures

As it currently appears that there are no historic resources, no resources of a potential traditional cultural nature (i.e., landform, vegetation, etc.), and no evidence of any traditional gathering uses or other cultural practices on this small urban lot, the proposed construction of the commercial building would not likely impact any historic sites or culturally valued resources or cultural practices. OHA and the Hilo Hawaiian Civic Club will be consulted as part of the Draft EA process to confirm this finding.

In the unlikely event that archaeological resources or human remains are encountered during future development activities within either the proposed easement or applicant's property, work in the immediate area of the discovery will be halted and DLNR-SHPD contacted as outlined in Hawaiʻi Administrative Rules 13§13-275-12.

3.3 Infrastructure

3.3.1 Utilities and Public Services

Existing Facilities and Services, Impacts and Mitigation Measures

Electrical power to the commercial parcel would be supplied to the project area by Hawaiʻi Electric Light Company (HELCO), a privately owned utility company regulated by the State Public Utilities Commission, via a pole on Kanoelehua Avenue that provided power to the residence on the property prior to the home's removal to another location. Telephone service is available from Hawaiian Telcom. The Proposed Action would not have any substantial impact on existing utilities.

Water would be provided via a new meter at the 12-inch waterline located along Kanoelehua Avenue, which is part of the Hawaiʻi County Department of Water Supply (DWS) system (see DWS letter of December 17, 2007, in Appendix 1). When an actual development is proposed,

the design process will include water usage calculations by a professional engineer to show the estimated maximum daily water needed; if more than 600 gallons per day, an additional or larger meter may be required. The applicant currently expects usage to be much less than this level.

Fire, police and emergency management services are readily available in Hilo. Solid waste will be disposed of by a commercial hauler; per rezoning conditions, a Solid Waste Management Plan will be prepared by the developer and submitted to the Department of Environmental Management.

The change of zone application specified that the property would connect to the County sewer line that runs along Kanoelehua Avenue. In fact, there is no sewer line in front of Kanoelehua Avenue; the nearest sewer line is on Hualani Street. Evansday has repeatedly attempted to obtain an easement through neighboring properties to Hualani Street without success. Because of the expense of extending a sewer main out Hualani Street and along Kanoelehua Avenue, and the difficulties in obtaining permission to extend an existing County sewer line over a neighbor's property, the applicant is exploring the possibility of utilizing instead an individual wastewater system in conformance with Department of Health regulations until such time as a sewer line is available adjacent to the property. Concurrent with this EA, a request to amend the change of zone condition requiring hook-up to the municipal wastewater system is being processed through the Planning Commission and County Council. The Department of Environmental Management has preliminarily approved the waiver to allow the use of an individual wastewater system in lieu of connecting to the County's sewer system. Regardless of the outcome, no substantial effect on the County sewer system and no adverse impact in terms of wastewater would occur. Figure 4 provides the conceptual locations of both the individual wastewater system and the sewer line.

3.3.2 Transportation

Existing Facilities

State Highway 11, also called Kanoelehua Avenue, is a primary arterial highway that has five lanes in this area. The property has an existing 24 to 26-foot wide curb-cut to provide access to the development (see Figure 4). The property has adequate space to provide parking.

The property is located across Kanoelehua Avenue from Hilo International Airport and within about 500 feet of a runway (see Figure 1).

Impacts and Mitigation Measures

The Proposed Action will increase traffic along Kanoelehua Avenue, but likely within the capacity of this highway to absorb such traffic. According to DOT (see their *corrected* letter of December 18, 2007, in Appendix 1), the development may still require an improved driveway, depending on the actual project design. This issue will be addressed during the Plan Approval process.

Employees and patrons of the business will park on the commercial property in a lot that meets County parking requirements (see Figure 4 for typical parking lot). The Hawai‘i State Department of Transportation (DOT) replied in response to the 2006 change of zone application that no stormwater runoff to the highway would be permitted, and that all parking must be confined to the property, with no parking would be allowed on the highway (see letter of December 11, 2006, Appendix 1). Furthermore, DOT required the applicant to consult the Hawai‘i District Office and the Right-of-Way Branch of DOT concerning requirements for sidewalk and driveway construction, access designation, utility connections, construction plans, etc. Again, such issues will be addressed during Plan Approval or final design.

The Federal Aviation Administration reviewed proposed plans for the building and determined that based on a structure height of 30 feet above ground level, the proposed building would not constitute a hazard to air navigation (see letter of August 3, 2007, Appendix 1).

3.4 Secondary and Cumulative Impacts

The Proposed Action is minor and does not appear to have the potential to involve any secondary impacts, such as population changes or effects on public facilities. Cumulative impacts result when implementation of several projects that individually have limited impacts combine to produce more severe impacts or conflicts in mitigation measures.

Several developments are occurring in the general area, including a plan by the Department of Hawaiian Home Lands and the Department of Natural Resources to develop land on the opposite side of Kanoelehua Avenue for commercial and industrial uses within the next five years. More gradual is the steady change of land use from residential to commercial-industrial that is occurring as individual owners, such as those for the subject property, rezone their properties in accordance with the General Plan designation for the area, which was instituted to take advantage of the location and infrastructure of the Waiākea Houselots area.

The adverse effects of the project are very limited in severity, nature and geographic scale. At the current time there do not appear to be any roadway, utility or development projects being undertaken in the area that would combine in such a way as to produce adverse cumulative effects or involve a commitment for larger actions. Commercial use of the property was subject to a thorough and holistic examination of the direct, secondary and cumulative effects on the neighborhood as part of the application for a change of zone, which was approved.

3.5 Required Permits and Approvals

The Proposed Action requires granting the following permits and approvals:

- County of Hawai‘i, Department of Public Works, Building Division Approval and Building Permit
- County of Hawai‘i, Department of Public Works, Engineering Division, Grading Permit
- County of Hawai‘i, Planning Department Plan Approval
- Approval for Work Within State Highway Right-of-Way

3.6 Consistency With Government Plans and Policies

3.6.1 Hawai‘i State Plan

Adopted in 1978 and last revised in 1991 (Hawai‘i Revised Statutes, Chapter 226, as amended), the Plan establishes a set of themes, goals, objectives and policies that are meant to guide the State's long-run growth and development activities. The three themes that express the basic purpose of the *Hawai‘i State Plan* are individual and family self-sufficiency, social and economic mobility and community or social well-being. The Proposed Action would promote these goals by adding commercial activity to the South Hilo district, thereby enhancing quality-of-life and economic and social well-being.

3.6.2 Hawai‘i County General Plan

The *General Plan* for the County of Hawai‘i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai‘i. The plan was adopted by ordinance in 1989 and revised in 2005 (Hawai‘i County Department of Planning). The *General Plan* itself is organized into thirteen functional elements. The Proposed Action would be consistent with the goals, policies and objectives, standards, and principles for several functional areas.

<u>Land Use Element – In General:</u>

Policies:

- Zone urban–types of uses in areas with ease of access to community services and employment centers and with adequate public utilities and facilities.
- Promote and encourage the rehabilitation and use of urban areas that are serviced by basic community facilities and utilities.
- Allocate appropriate requested zoning in accordance with the existing or projected needs of neighborhood, community, region and County.

Standard:

- 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.

Discussion: The Proposed Action supports the Land Use element policies and standard by allowing for diversity and stability by promoting and encouraging the rehabilitation land uses of urban areas, and allocating appropriate zoning in accordance with the existing needs of a community.

The commercial building complements expected similar uses at adjacent rezoning amendments to the MCX designation at: (1) TMK: (3rd) 2-2-035:046 from limited Industrial (ML) to the Industrial-Commercial Mixed (MCX) designation in 2003, and (2) TMK: (3) 2-2-35:63 in 2006 from Single-Family Residential (RS-10) to MCX-20 designation. The Proposed Action thus would reinforce the mixed industrial-commercial character along Kanoelehua Avenue, thereby promoting the County's economic goals in harmony with its social and physical environments.

Land Use Element – Industrial:

Policies:

- Achieve a broader diversification of local industries by providing opportunities for new industries and strengthening existing industries.
- Locate industrial areas convenient to transportation facilities, and provide a variety of industrial zoned districts and lot sizes, depending on the needs of the industries and the communities.
- Improve the aesthetic quality of industrial sites and protect amenities of adjacent areas by requiring landscaping, open spaces, buffer zones, and design guidelines.
- Industrial development shall be located in areas adequately served by transportation, utilities and other essential infrastructure.
- Provide flexibility within the Zoning Code to accommodate emerging new industries.
- Industrial-commercial mixed use districts shall be provided in appropriate locations.
- Require developers to provide basic infrastructure necessary for development.

Standards:

- Industrial development shall maintain or improve the quality of the present environment.
- Topography of industrial land shall be reasonably level.
- Industrial development shall be conveniently located to its labor resource.
- Buffer Zones shall be established between industrial and adjacent incompatible uses of land.

Land Use Element – Commercial:

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:

- Urban renewal, rehabilitation, and/or redevelopment programs shall be undertaken in cooperation with communities, businesses, and governmental agencies.
- Commercial facilities shall be developed in areas adequately served by necessary services, such as water, utilities, sewer, and transportation systems. Should such services not be available, the development of more intensive uses would be in concert with a localized program of public and private capital improvements to meet the expected increased needs.
- Distribution of commercial areas shall meet the demands of neighborhood, community and regional needs.
- 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 development.

Discussion: The main industrial development areas in the South Hilo district are the Kanoelehua area, Hilo Harbor and the Hilo International Airport. Industrial development includes numerous other service-oriented activities. The major advantages of Hilo include the availability of labor, a full range of community facilities and the availability of utilities and land. Industrial activities in both service and non-service categories are expected to expand in Hilo.

The proposed use would be compatible with the above-cited standards, as the topography of the property is level and the proposed commercial building would be conveniently located to public services and utilities, government centers, commercial complexes and employment centers.

The *Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) and Facilities Map*. These components of the *General Plan* are graphic representations of the Plan's goals, policies, and standards as well as of the physical relationship between land uses. They also establish the basic urban and non-urban form for areas and the planned public and cultural facilities, public utilities and safety features, and transportation corridors.

The project site is classified as Industrial in the LUPAG. The Proposed Action is consistent with this designation. The commercial use would allocate land uses in keeping with the Property's LUPAG designation for "Industrial" and the General Plan goal "for land uses in appropriate proportions and mix" by expanding the availability of a mix of commercial and industrial uses. The existence of the non-conforming residential use which is incompatible with industry creates an undesirable land use pattern.

3.6.3 Hawai‘i County Zoning

Hawai‘i County Zoning. The project site is zoned MCX-20, for Industrial-Commercial Mixed District 20,000 square feet. As discussed in Section 1.1., the property underwent analysis in 2006 related to a change of zone application; commercial use was found to be consistent with the General Plan and the change of zone guidelines and the Planning Commission and County Council approved the change of zone. The Proposed Action is a permitted and intended use within this designation. Zonings for adjacent parcels are MCX-20 for the lot to the north and ML-20 for the lot to the south. Parcels behind the project site are all zoned RS-10. The property is not situated within the County's Special Management Area (SMA). The MCX zoning designation was created when the Zoning Code was amended in 1996. Recent rezonings to the MCX district were approved by the Planning Commission for properties at TMKs: (3) 2-2-35:46 and (3) 2-2-35:63. The land uses in the immediate area are a mix of commercial and industrial uses. Commercial and/or industrial uses nearby include warehousing, aviation-related uses, and office buildings. Under Section 25-5-130, Hawai‘i County Code, the Industrial-Commercial Mix (MCX) district is to allow mixing of some industrial uses with commercial uses. The intent is to provide for areas of diversified businesses and employment opportunities by permitting a broad range of uses, without exposing non-industrial uses to unsafe and unhealthy environments. This designation is intended to promote and maintain a viable mix of light industrial and commercial uses.

3.6.4 Hawai‘i State Land Use Law

All land in the State of Hawai‘i is classified into one of four land use categories – Urban, Rural, Agricultural, or Conservation – by the State Land Use Commission, pursuant to Chapter 205, HRS. The property is in the State Land Use Urban District. The proposed use is consistent with intended uses for this land use district.

PART 4: DETERMINATION

The applicant expects that the Hawai‘i County Planning Department will determine that the Proposed Action will not significantly alter the environment, as impacts will be minimal, and that this agency will accordingly issue a Finding of No Significant Impact (FONSI). This determination will be reviewed based on comments to the Draft EA, and the Final EA will present the final determination.

PART 5: FINDINGS AND REASONS

Chapter 11-200-12, Hawai‘i Administrative Rules, outlines those factors agencies must consider when determining whether an Action has significant effects:

1. *The proposed project will not involve an irrevocable commitment or loss or destruction of any natural or cultural resources.* No valuable natural or cultural resources would be committed or lost. The project site is a small vacant lot formerly in residential use. The surrounding area supports commercial, residential and transportation uses and will not be affected by the commercial building.
2. *The proposed project will not curtail the range of beneficial uses of the environment.* The proposed project expands and in no way curtails beneficial uses of the environment.
3. *The proposed project will not conflict with the State's long-term environmental policies*. The State’s long-term environmental policies are set forth in Chapter 344, HRS. The broad goals of this policy are to conserve natural resources and enhance the quality of life. The project is minor and fulfills aspects of these policies calling for an improved economic environment. It is thus consistent with all elements of the State’s long-term environmental policies.
4. *The proposed project will not substantially affect the economic or social welfare of the community or State.* The project will not adversely affect the social welfare of the community and will contribute to the economy.
5. *The proposed project does not substantially affect public health in any detrimental way.* The Proposed Action will not affect public health in any way; wastewater and stormwater will be appropriately treated.
6. *The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities*. No adverse secondary effects are expected to result from the Proposed Action.
7. *The proposed project will not involve a substantial degradation of environmental quality*. The project is minor and environmentally benign, and would thus not contribute to environmental degradation.
8. *The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat.* The project site supports alien weedy vegetation. Impacts to rare, threatened or endangered species of flora or fauna will not occur.
9. *The proposed project is not one which is individually limited but cumulatively may have considerable effect upon the environment or involves a commitment for larger actions.* The project is not related to other activities in the region in such a way as to produce adverse cumulative effects or involve a commitment for larger actions.
10. *The proposed project will not detrimentally affect air or water quality or ambient noise levels.* No adverse effects on these resources would occur; the commercial building matches the mixed industrial-commercial zoning.

11. *The project does not affect nor would it likely to be damaged as a result of being located in environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal area.* Although the property is located in an area with volcanic and seismic risk, the entire Island of Hawaiʻi shares this risk, and the project is not imprudent to construct.
12. *The project will not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.* No scenic vistas and viewplanes identified in the Hawaiʻi County General Plan will be adversely affected by the project.
13. *The project will not require substantial energy consumption*. The Proposed Action involves only minor energy use and no adverse effects are expected.

For the reasons above, the Proposed Action will not have any significant effect in the context of Chapter 343, Hawaiʻi Revised Statues and section 11-200-12 of the State Administrative Rules.

REFERENCES

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Hawai'i County Planning Department. 2005. *The General Plan, County of Hawai'i*. Hilo.

Heliker, C. 1990. *Volcanic and Seismic Hazards on the Island of Hawai'i.* Washington: U.S. GPO.

Maly, K. 1996. *Historical Documentary Research and Oral History Interviews*, Waiākea *Cane Lots (12, 13, 17, 18, 19, 20 & 20A).* Hilo: Kumu Pono Associates.

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University of Hawai'i at Hilo, Dept. of Geography. 1998. *Atlas of Hawai'i.* 3rd ed. Honolulu: University of Hawai'i Press.

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Wolfe, E.W., and J. Morris. 1996. *Geologic Map of the Island of Hawai'i.* USGS Misc. Investigations Series Map i-2524-A. Washington, D.C.: U.S. Geological Survey.

ENVIRONMENTAL ASSESSMENT

DEVELOPMENT OF COMMERCIAL PROPERTY
514 KANOELEHUA AVENUE, HILO

APPENDIX 1

COMMENTS IN RESPONSE TO PRE-CONSULTATION AND SELECTED PRE-E.A. CORRESPONDENCE

LINDA LINGLE
GOVERNOR

BRENNON T. MORIOKA
ACTING DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

HAWAII DISTRICT
50 MAKAALA STREET
HILO, HAWAII 96720
TELEPHONE: (808) 933-8866 • FAX: (808) 933-8869

IN REPLY REFER TO:

HWY-H 07-2.1114

December 5, 2007

Mr. Ron Terry
Principal
Geometrician Associates
P.O. Box 396
Hilo, Hawai'i 96721

Dear Mr. Terry:

SUBJECT: Early Consultation for Environmental Assessment for Use of State and/or County Land by A Commercial Development (Evansday, LLC)
T.M.K. 3rd Div. 2-2-035:047
Project No. S-18(1) OBL
Route 11, Kanoelehua Avenue
Waiakea House Lots, South Hilo, Island of Hawai'i, Hawai'i

The subject property is adjacent to the state highway route 11 Kanoelehua Avenue. According to our records there is an existing twelve (12) foot wide reinforced concrete driveway on Kanoelehua Avenue for this property. The development will require an improved driveway to accommodate the anticipated design traffic. Please include a discussion on this issue in the environmental assessment.

Please send copies of the Environmental Assessment to our Department for review and comment.

Our Department will then further distribute the copies to the appropriate divisions and branches at which time we will review and provide comments. After all comments are received and coordinated, a response from the director will be sent to the County Department approving agency.

Please note that at this time we will not be able to provide comments without pre-empting the departmental response.

If you have any questions please call Mr. Clinton Yamada at 933-1951.

Very truly yours,

STANLEY M. TAMURA
Hawai'i District Engineer

LINDA LINGLE
GOVERNOR

BRENNON T. MORIOKA
ACTING DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
HAWAII DISTRICT
50 MAKAALA STREET
HILO, HAWAII 96720
TELEPHONE: (808) 933-8866 • FAX: (808) 933-8869

IN REPLY REFER TO:
HWY-H 07-2.1158

December 18, 2007

Mr. Ron Terry
Principal
Geometrician Associates
P.O. Box 396
Hilo, Hawai'i 96721

Dear Mr. Terry:

SUBJECT: Early Consultation for Environmental Assessment for Use of State and/or County Land by A Commercial Development (Evansday, LLC)
T.M.K. 3rd Div. 2-2-035:047
Project No. S-18(1) OBL
Route 11, Kanoelehua Avenue
Waiakea House Lots, South Hilo, Island of Hawai'i, Hawai'i

It was brought to our attention that the width and location of the existing driveway was relocated during the construction process. The construction engineer responsible for the project has confirmed the driveway is located at 79+82± Lt. with a 24 foot width on Kanoelehua Avenue. The development may still require an improved driveway to accommodate the anticipated design traffic. Please include a discussion on this issue in the environmental assessment.

If you have any questions please call Mr. Clinton Yamada at 933-1951.

Very truly yours,

STANLEY M. TAMURA
Hawai'i District Engineer

Harry Kim
Mayor

Lawrence K. Mahuna
Police Chief

Harry S. Kubojiri
Deputy Police Chief

County of Hawaii
POLICE DEPARTMENT
349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-8869

December 4, 2007

Mr. Ron Terry
Geometrician Associates
P.O. Box 396
Hilo, Hawaii, 96721

Dear Mr. Terry:

Re: Advance Consultation of Environmental Assessment for Commercial Development, TMK 2-2-035:047

Staff, upon reviewing the provided documents and visiting the proposed site, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

Sincerely,

James M. Day
JAMES M. DAY
ASSISTANT POLICE CHIEF
AREA I OPERATIONS

KV:lli

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD07/3388

December 12, 2007

Ron Terry
Geometrician Associates, LLC
P.O. Box 396
Hilo, Hawai'i 96721

RE: Early Consultation for Environmental Assessment for Use of State and/or County Land by a Commercial Development, Hilo, Island of Hawai'i, TMK 2-2-035:047

Aloha nō Mr. Terry,

The Office of Hawaiian Affairs (OHA) is in receipt of your November 21, 2007 request for early consultation on a proposed Commercial Development at the address of 514 Kanoelehua Avenue, Hilo, Hawai'i, and offers the following comments:

The Environmental Assessment (EA), in accordance with Chapter 343 of the Hawaii Revised Statues (HRS), should include a Cultural Impact Assessment (CIA). In accordance with the requirement of Act 50, Session Laws of Hawaii 2000, a CIA shall include information relating to the practices and beliefs of the Native Hawaiians who once inhabited this area, and it is recommended that community involvement be included in this assessment.

OHA asks that, in accordance with Section 6E-46.6, HRS, and Chapter 13-300, Hawaii Administrative Rules, if the project moves forward, and if any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division (SHPD) shall be contacted. OHA would also like to be notified.

OHA also accepts your offer of receiving notice when the EA is completed, and we would appreciate and hereby request obtaining a hardcopy of the EA document, if feasible, addressed to my attention.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jerome Yasuhara, Policy Advocate in the Native Rights, Land and Culture hale, at (808) 594-0239 or jeromey@oha.org.

'O wau iho nō, me ka ha'aha'a,

Clyde W. Nāmu'o
Administrator

C: Lukela Ruddle
OHA Community Affairs Coordinator (Hilo)
162 A Baker Avenue
Hilo, Hawai'i 96720-4869

Stanton Enomoto, Co-Chair, Transition Committee
State Historic Preservation Division
601 Kamokila Blvd., Suite 555
Kapolei, Hawai'i 96707

DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I
345 KEKUANAO'A STREET SUITE 20 • HILO HAWAI'I 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

December 17, 2007

Mr. Ron Terry
Geometrician Associates, LLC
P. O. Box 396
Hilo, HI 96721

PRE-ENVIRONMENTAL ASSESSMENT CONSULTATION
TAX MAP KEY 2-2-035:047

This is in response to your Pre-Environmental Assessment consultation letter, November 21, 2007.

Please be informed that there is an existing 12-inch waterline within Kanoelehua Avenue fronting the subject parcel. There is an existing 1-inch service lateral installed to the subject parcel capable of accommodating a 5/8-inch meter, which is limited to a maximum daily usage of 600 gallons per day.

Due to the proposed commercial development of the subject parcel, the Department would request that water usage calculations, prepared by a professional engineer licensed in the State of Hawai'i, be submitted to show the estimated maximum daily water usage for the development. Should the estimated maximum daily water needed be more than 600 gallons per day, the applicant may be required to install an additional or larger meter.

In addition, a reduced pressure type backflow prevention assembly must be installed on private property within five (5) feet of each meter serving the property. The installation must be inspected and approved by the Department before activation of water service.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Milton D. Pavao, P.E.
Manager

FM:dfg

... Water brings progress...

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W Whitten Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 720-5964 (voice and TDD)

Clark Realty CORPORATION

KONA SALES OFFICE

75-5722 Kuakini Hwy
Kuakini Tower, Suite 103
Kailua-Kona, HI 96740

(808) 329-5255
(808) 329-3336 (fax)
kona@clarkhawaii.com
www.clarkhawaii.com

Clark Realty Islandwide

November 9, 2007

Mr. Ron Terry
Geometrician Associates, LLC
P. O. Box 396
Hilo, Hawaii 96720

Re: 514 Kanoelehua Street

Dear Mr. Terry:

This letter authorizes your company to prepare an environmental assessment for a commercial development on the above referenced property.

Please contact Barry Francis at 808-329-5255 for any further information regarding this matter. Thank you.

Sincerely,

Putman D. Clark
President

PDC:ch

cc: Barry Francis
Matt McWhirter

Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2007-AWP-4087-OE

Issued Date: 08/03/2007

Matt McWhirter
McWhirter Realty Partners
109 Manulele Street
Hilo, HI 96720

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building MRP
Location:	Hilo, HI
Latitude:	19-42-51.80 N NAD 83
Longitude:	155-3-51.80 W
Heights:	30 feet above ground level (AGL)
	59 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 02/03/2009 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will

void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

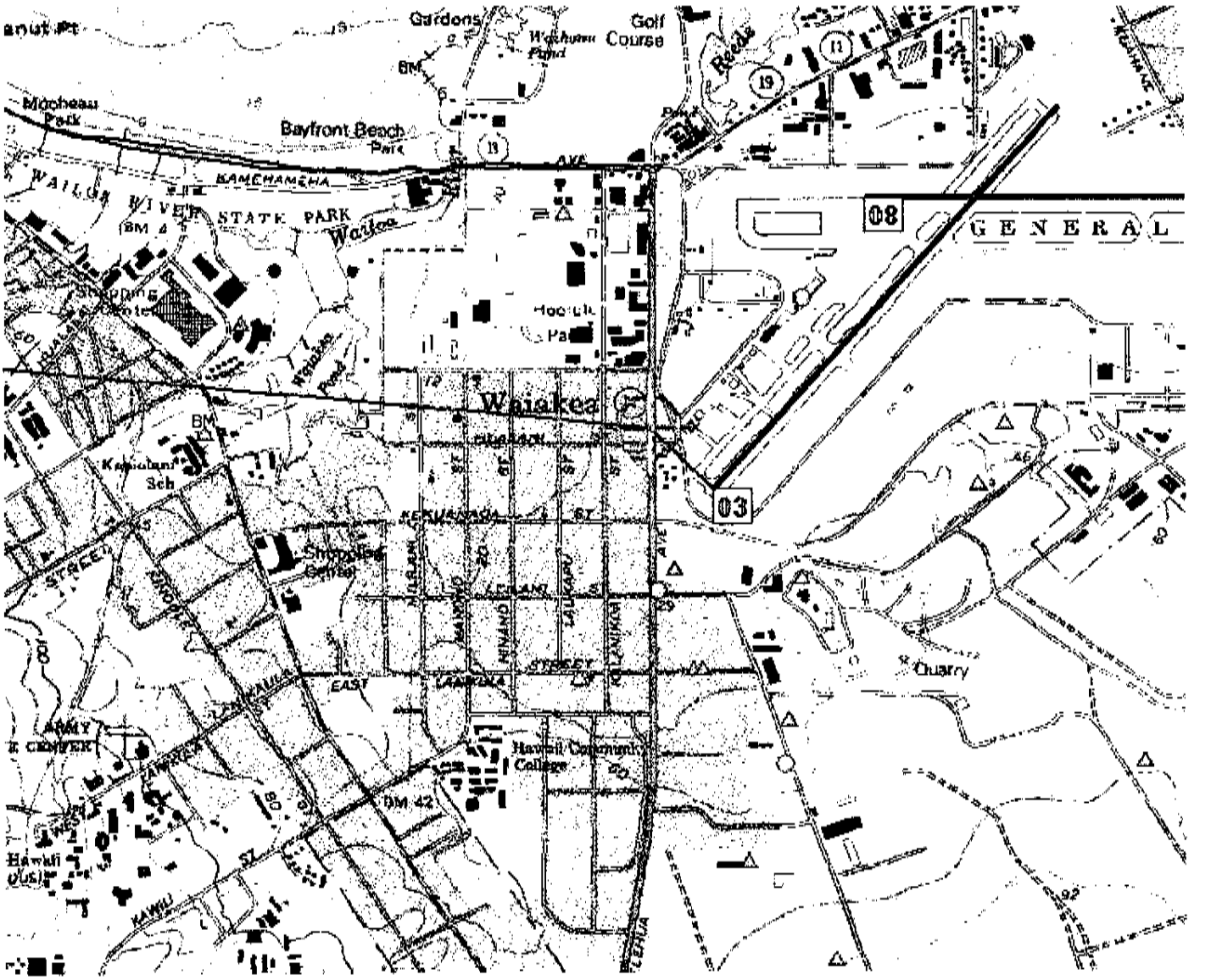
A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2007-AWP-4087-OE.

Signature Control No: 527978-100598447 (DNE)
Karen McDonald
Specialist

Attachment(s)
Map(s)

Verified Map for ASN 2007-AWP-4087-OE



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO

STP 8.2351

December 11, 2006

Mr. Christopher J. Yuen
Director
Planning Department
County of Hawaii
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720-3043

Dear Mr. Yuen:

Subject: Clark Realty Corporation
Change of Zone Application (REZ 06-0053)
TMK: 2-2-35: 47

We have the following comments on the subject application covering the proposed development project along a State highway (Kanoelehua Avenue) near Hilo International Airport (ITO):

1. We recommend that the applicant submit a completed Federal Aviation Administration (FAA) Form 7460-1 (Notice of Proposed Construction or Alternation) to the FAA Hawaii Airport District Office for review because of the project's close proximity to ITO Airport. The FAA's review will determine if any construction work or materials, or improvements at the site can cause interference, e.g. light reflection, with aircraft flight in or out of the airport.

2. Changes to and/or improvement of the permitted access to our highway by the applicant require a review and approval by the Hawaii District Office and Right-of-Way Branch of our Highways Division. The Hawaii District Office will need to be consulted on the requirements for sidewalk and driveway construction. Access designation, utility connections, property/easement map, including any appraised valuation associated with the highway right-of-way, should be coordinated with the Right-of-Way Branch.

3. All employee, customer and visitor parking should be accommodated on the subject project site. No parking will be allowed on the highway.

4. No additional storm water discharge will be allowed onto the highway right-of-way.

022954

5. Construction plans for any work within, adjoining or affecting the highway right-of-way must be in accordance with Hawaii State highway and AASHTO standards, including ADA requirements, and be submitted to our Highways Division, through the Highways Hawaii District Office, for review and approval. This shall include all appropriate construction and environmental permits, e.g. NPDES, including any applicable permits from our Highways Division.

We appreciate the opportunity to provide our comments.

Very truly yours,

for RODNEY K. HARAGA
Director of Transportation

County of Hawaii
POLICE DEPARTMENT
349 Kapiolani Street • Hilo, Hawaii 96720-3998
(808) 935-3311 • Fax (808) 961-8869

Henry G. Kubojiri
Deputy Police Chief

October 17, 2006

TO : CHRISTOPHER J. YUEN, PLANNING DIRECTOR

FROM : James M. Day
JAMES M. DAY, ASSISTANT POLICE CHIEF, AREA I OPERATIONS

SUBJECT: CHANGE OF ZONE APPLICATION (REZ 06-000053)
APPLICANT: CLARK REALTY CORPORATION
REQUEST: ML-20 TO MCX-20
TAX MAP KEY: 2-2-35:47

Staff, upon reviewing the provided documents and visiting the proposed site, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

KV/lli

EXHIBIT