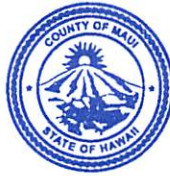


ALAN M. ARAKAWA
Mayor

MICHELE CHOUTEAU MCLEAN
Director

JOSEPH W. ALUETA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED

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OFFICE OF THE MAYOR

August 28, 2018

Honorable Alan Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

 8/28/18
Mayor Date

Dear Chair White and Members:

SUBJECT: APPLICATION FOR A CONDITIONAL PERMIT FOR THE SPRINT WIRELESS TELECOM FACILITY IDENTIFIED AS SITE HI80XC017 SITUATED IN THE A-2 APARTMENT DISTRICT, LOCATED AT 3740 LOWER HONOAPIILANI ROAD, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-3-006:004 (POR.) (CP 2018/0001)

The Department of Planning (Department) is transmitting for your review and action the Conditional Permit application filed by Sprint Wireless. The application is subject to Federal Communications Commission (FCC) regulations.

More specifically, Section 704(a) of the Telecommunications Act of 1996 (TCA) added Section 332(c)(7) to the Communications Act of 1934, as amended. Section 332(c)(7) aims to reduce what was perceived as local zoning impediments to the installation of facilities for wireless communications. The provision is an attempt to facilitate national growth of wireless telephone service and to maintain local control over siting of towers.

Subsequently, the FCC issued the 2009 *Shot Clock Order*, to better define what constitutes a "preemptively reasonable period of time," beyond which inaction on a personal wireless service facility siting application would be deemed a "failure to act." For a new tower, 150 days is deemed reasonable, and for an application for collocation on an existing tower, 90 days would be considered reasonable. The "Shot Clock" begins on the date of application; however, it stops once the Department sends a written notification that the application is incomplete. It begins again when the Applicant submits all requested information, and the Department has ten (10) days to notify the Applicant in writing if the application is still incomplete.

COUNTY COMMUNICATION NO. 18-314

Honorable Alan Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
August 28, 2018
Page 2

Failure to meet the deadlines outlined above ("*failure to act*") provides an Applicant with the opportunity to seek injunctive relief, but it does not grant outright approval of the application.

The subject application was deemed complete on May 11, 2018. The 150-day Shot Clock expires on October 8, 2018. A summary of the application is as follows:

SUMMARY OF APPLICATION	
Application	Conditional Permit No. CP 2018/0001
Applicant	Sprint Wireless
Owner	AOAO of Maui Lani Terraces
Tax Map Key (TMK)	(2) 4-3-006:004
Address	3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii
Area	4.117 acres (440 square foot portion)
Land Use Designations	State Urban District West Maui Community Plan – Multi-Family Residential Title 19, Zoning – A-2 Apartment District Other: Within the Special Management Area
Brief Description	Installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground for a total project area of 420 square feet.
Public Hearing	Held by Maui Planning Commission (Commission) on June 26, 2018
Testimony	Two (2) letters and one (1) testifier at the public hearing, all in opposition
Recommendation	Approval subject to conditions listed below.

The Commission recommended approval to the Maui County Council (Council) subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance, provided that an extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, MCC.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or the Commission.

Honorable Alan Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
August 28, 2018
Page 3

3. That Sprint Wireless and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sprint Wireless and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Sprint Wireless of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming the County of Maui as an additional insured shall be submitted to the Department within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
4. That Sprint Wireless shall develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, MCC.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the Applicant shall submit for the Department's review and approval preliminary compliance report and final compliance report; addressing its compliance with the Conditional Permit's conditions established with the subject Conditional Permit. The Applicant shall not submit a building permit application until the Department has approved the preliminary compliance report and shall not seek final inspection or certificate of occupancy until the Department has approved the final compliance report. Any request for a time extension by the Applicant shall be submitted to the Department with a compliance report.
7. That the Applicant shall develop the property in substantial compliance with plans titled "Sprint Local Ask New Site Build, Site Name: South Kahana Maui Site ID: HI80XC017," prepared by State 48 Development Consulting and dated November 13, 2017, and

Honorable Alan Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
August 28, 2018
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representations made to the Commission in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the permit.

8. That to the satisfaction of the Planning Director, the new wireless telecommunications facility shall be painted to match the surrounding buildings on the parcel on which it will be placed. The fenced compound shall include slats painted to match the facility and surrounding buildings. Evidence of how this condition will be fulfilled shall be submitted with the preliminary compliance report.
9. That the Applicant shall notify the Maui Police Department Communications Coordinator of system expansion, installation of equipment operating in the 700/800MHz band, or shared location with other wireless carriers at this site prior to these changes being made to ensure that there is no potential degradation of the Maui County Safety Radio System.
10. That the Applicant shall obtain a Federal Communications Commission permit, if required. Evidence of meeting this condition shall be submitted with the final compliance report.

Inasmuch as Council approval is required for the Conditional Permit, the Department respectfully transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Application Form;
2. Department's Recommendation to the Commission, dated June 26, 2018;
3. Department's Report and Agency Comments to the Commission, dated June 26, 2018;
4. PowerPoint Presentation to Commission on June 26, 2018;
5. MPC Letter of Recommendation to Council dated July 9, 2018;
6. Adopted Minutes of the June 26, 2018 Commission Meeting; and
7. Proposed Bill entitled "A BILL FOR AN ORDINANCE GRANTING SPRINT WIRELESS A CONDITIONAL PERMIT TO ALLOW THE INSTALLATION OF A WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF A THIRTY-FIVE (35) FOOT MONOPALM TOWER WITH AN ADDITIONAL FIVE (5) FEET OF PALM FRONDS AT THE TOP, AND A 200 SQUARE-FOOT LEASE AREA TO CONTAIN

Honorable Alan Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
August 28, 2018
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EQUIPMENT ON THE GROUND; LOCATED IN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 3740 LOWER HONOAPIILANI ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 4-3-006:004, LAHAINA, MAUI, HAWAII."

Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN
Planning Director

Attachments

xc: Maui Planning Commission Members
Clayton I. Yoshida, AICP, Planning Program Administrator
Livit U. Callentine, AICP, Staff Planner
Sprint Wireless, Applicant (PDF)
Maui Lani Terraces AOA (PDF)

MCM:LUC:rma

Project File

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17/6893



COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205 FAX: (808) 270-7634

CP 2018/0001

APPLICATION TYPE: CONDITIONAL PERMIT

DATE: 12/22/17

PROJECT NAME: Sprint HI80XC017 VALUATION: \$ \$269,400.00

PROPOSED DEVELOPMENT: New wireless telecommunications facility including a 35' stealth monopole with twelve (12) panel antennas and accessory equipment within a lease area on the ground.

TAX MAP KEY NO.: (2) 4-3-006:004 CPR/HPR NO.: _____ LOT SIZE: 179350 Square Feet

PROPERTY ADDRESS: 3740 Lower Honoapiilani Road, Lahaina, HI 96761

OWNER: AOAO of Maui Lani Terraces PHONE: (B) (808) 280-0435 (H) _____

ADDRESS: c/o Robert Kilmer: 256 Papalaua Street

CITY: Lahaina STATE: Hawaii ZIP CODE: 96761

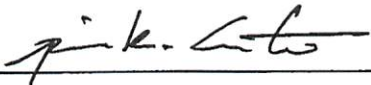
OWNER SIGNATURE: SEE LETTER OF AUTHORIZATION

APPLICANT: Rich Conte, Sprint Wireless

ADDRESS: c/o Wireless Resources, Inc.: 758 Kapahulu Ave., Suite 100 #1062

CITY: Honolulu STATE: Hawaii ZIP CODE: 96816

PHONE (B): (808) 781-8571 (H): _____ FAX: _____

APPLICANT SIGNATURE: 

AGENT NAME: Rich Conte

ADDRESS: 758 Kapahulu Ave., Suite 100 #1062

CITY: Honolulu STATE: Hawaii ZIP CODE: 96816

PHONE (B): (808) 781-8571 (H): _____ FAX: _____

EXISTING USE OF PROPERTY: Maui Lani Terraces apartments

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Urban

COMMUNITY PLAN DESIGNATION: MF ZONING DESIGNATION: A-2

OTHER SPECIAL DESIGNATIONS: SMA

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Application of

Sprint Wireless

To obtain a Conditional Permit to allow the installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, Tax Map Key (TMK) No. (2) 4-3-006:004, Lahaina, Island of Maui, Hawaii

DOCKET NO.: CP 2018/0001

SPRINT WIRELESS
(L. Callentine)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT
TO THE MAUI PLANNING COMMISSION
JUNE 26, 2018, MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI 96793

Conditional Permit

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Application of

Sprint Wireless

To obtain a Conditional Permit to allow the installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, Tax Map Key (TMK) No. (2) 4-3-006:004, Lahaina, Island of Maui, Hawaii

DOCKET NO.: CP 2018/0001

SPRINT WIRELESS
(L. Callentine)

DESCRIPTION OF THE PROJECT

This matter arises from an application for a Conditional Permit (CP) filed on December 27, 2017, by Rich Conte, Wireless Resources, Inc., on behalf of Sprint Wireless ("Applicant"). The Applicant is proposing the installation of a new wireless telecommunications facility. The proposed installation will include: one (1) thirty-five foot (35') stealth mono-palm, twelve (12) panel antennae, one (1) microwave dish, twelve (12) remote radio heads, a 200 square-foot equipment lease area on the ground to contain two (2) Mobile Module Basestation (MMB), power cabinets, one (1) GPS antenna, and one (1) H-frame with ancillary equipment. The installation is to occur in a parking lot at TMK (2) 4-3-006:004 in Lahaina, Hawaii ("Property"). See **Exhibit 1** for location map, **Exhibit 2** for aerial photograph of the project site, and **Exhibit 3** for project plans, including site plan, equipment layout, antenna layout and elevations. See **Exhibit 4** for an aerial photograph of the surrounding area, showing the approximate heights of structures on surrounding parcels. **Exhibit 5** is a representation of Sprint Wireless current coverage and projected future coverage. Photographic simulations of the proposed tower from various vantage points surrounding the project site are shown in **Exhibit 6**. Antennae directions illustrating plan view and photographic representation are shown in **Exhibit 7**. The applicant provided a tree line photograph; this is included as **Exhibit 8**.

The property, within which the proposed equipment lease area is located, is approximately 4.117 acres of land, and is owned by the Maui Lani Terraces Association of Apartment Owners. Sprint Wireless will execute a lease agreement with the owners for the new telecommunications facility upon approval of all necessary permits.

Reason for a Conditional Permit.

Section 19.40.010, Maui County Code (MCC), states:

The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

The Property is zoned A-2, Apartment District. The applicant is seeking to install a new wireless telecommunications facility in an existing parking lot. Telecommunications facilities are neither a permitted use nor an accessory use in this District. Thus, a Conditional Permit is appropriate.

DESCRIPTION OF THE PROPERTY

1. The Property, which is approximately 4.117 acres in size, is located at TMK (2) 4-3-006:004, Napili, Honokowai, Lahaina, Maui, Hawaii. See **Exhibit 1**.
2. Land Use Designations --
 - a. State Land Use District -- Urban
 - b. County Zoning -- A-2 Apartment
 - c. Community Plan - Multi-Family Residential
 - d. Maui Island Plan -- Urban; Outside Protected Areas
 - e. Other -- Within the Special Management Area
 - f. Flood Zone X (minimal flooding)
3. Surrounding Uses --

North --	Multi-Family Residential
East --	Multi-Family Residential, Honoapiilani Highway
South --	Multi-Family Residential
West --	Multi-Family Residential, Lower Honoapiilani Road
4. The Property was developed as the Maui Lani Terraces Condominiums in 1989 and consists of seven (7) residential buildings, parking, and associated site improvements (**Exhibit 2**).

APPLICABLE REGULATIONS

CONDITIONAL PERMIT

Conditional Permits are reviewed pursuant to Chapter 19.40, MCC. The intent of the Conditional Permit is to consider allowing a use not specifically permitted within a given use zone where the proposed use is similar, related, or compatible to permitted uses, and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying the granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience, and welfare, and will be in harmony with the area where it is proposed to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use that is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

PROCEDURAL MATTERS

- On December 27, 2017, the Maui County Planning Department received applications and fee payments from the Applicant for a Conditional Permit.
- On April 23, 2018, the application and plans were sent to appropriate County, state, and federal agencies requesting comments.
- On May 11, 2018, the Maui County Planning Department mailed a notice to the Applicant and appropriate State and County agencies notifying them of the scheduled public hearing on the application for June 26, 2018.
- On May 25, 2018, the Applicant mailed a letter of notification and location map to all owners and recorded lessees located within 500 feet of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners, certified and registered mail receipts are on file at the Maui County Planning Department.
- On May 25, 2018, a notice of hearing on the application was published in the Maui News by the Maui County Planning Department.
- The subject action does not involve an action that triggers compliance with Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.
- The Maui Planning Commission shall transmit findings, conclusions and recommendations for the Conditional Permit to the County Council.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit #
Fire and Public Safety	No Response	N/A
Emergency Management Agency	No Response	N/A
Police Department	No Comment	9

State Agencies:	Comment	Exhibit #
Hawaii Emergency Management Agency	No Response	N/A
State Department of Health-Maui	No Comment	10
State Department of Health-Oahu	No Response	N/A

Federal Agencies:	Comment	Exhibit #
Federal Aviation Administration	No Response	N/A

Other Agencies:	Comment	Exhibit #
Hawaiian Telcom	No Response	N/A
Maui Electric Company	No Response	N/A

ANALYSIS

FEDERAL COMMUNICATIONS COMMISSION (FCC)

Section 704(a) of the Telecommunications Act of 1996 (TCA) added Section 332(c)(7) to the Communications Act of 1934, as amended. Section 332(c)(7) aims to reduce what were perceived as local zoning impediments to the installation of facilities for wireless communications. The provision is an attempt to facilitate national growth of wireless telephone service and to maintain local control over siting of towers.

Subsequently, the FCC issued the *2009 Shot Clock Order*, to better define what constitutes a "preemptively reasonable period of time," beyond which inaction on a personal wireless service facility siting application would be deemed a "failure to act." For a new tower, 150 days is deemed reasonable, and for an application for collocation on an existing tower, 90 days would be considered reasonable. The "Shot Clock" begins on the date of application, however it stops once the department sends a written notification the application is incomplete. It begins again when the applicant submits all requested information, and the department has 10 days to notify the applicant in writing if the application is still incomplete.

Failure to meet the deadlines outlined above ("failure to act") provides an applicant with the opportunity to seek injunctive relief, but it does not grant outright approval of the application.

STATE LAND USE

The proposed project is in conformance with the goals, objectives and policies of Chapter 226, Hawaii Revised Statutes, *Hawaii State Planning Act*. The subject property is in the State Urban District. The Urban District generally includes lands characterized by "city-like" concentrations of people, structures and services.

Jurisdiction of this district lies primarily with the respective counties. Generally, lot sizes and uses permitted in the district area are established by the respective county through ordinances or rules.

The proposed use is consistent with the State Urban designation of the property.

The proposed project is also in conformance with the goals, objectives and policies of the *Hawaii State Planning Act* as follows:

Section 226-10.5, Hawaii Revised Statutes (HRS), Objectives and policies for the economy--information industry. (a) Planning for the State's economy with regard to telecommunications and information technology shall be directed toward recognizing that broadband and wireless communication capability and infrastructure are foundations for an innovative economy and positioning Hawaii as a leader in broadband and wireless communications and applications in the Pacific Region.

(b) To achieve the information industry objective, it shall be the policy of this State to:

(1) Promote efforts to attain the highest speeds of electronic and wireless communication within Hawaii and between Hawaii and the world, and make high speed communication available to all residents and businesses in Hawaii;

(2) Encourage the continued development and expansion of the telecommunications infrastructure serving Hawaii to accommodate future growth and innovation in Hawaii's economy;

(3) Facilitate the development of new or innovative business and service ventures in the information industry which will provide employment opportunities for the people of Hawaii;

(4) Encourage mainland- and foreign-based companies of all sizes, whether information technology-focused or not, to allow their principals, employees, or contractors to live in and work from Hawaii, using technology to communicate with their headquarters, offices, or customers located out-of-state;

(5) Encourage greater cooperation between the public and private sectors in developing and maintaining a well-designed information industry;

(6) Ensure that the development of new businesses and services in the industry are in keeping with the social, economic, and physical needs and aspirations of Hawaii's people;

(7) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the information industry;

(8) Foster a recognition of the contribution of the information industry to Hawaii's economy; and

(9) Assist in the promotion of Hawaii as a broker, creator, and processor of information in the Pacific.

Section 226-18.5, HRS, Objectives and policies for the economy--information industry.

(a) Planning for the State's telecommunications facility systems shall be directed towards the achievement of dependable, efficient, and economical statewide telecommunications systems capable of supporting the needs of the people.

(b) To achieve the telecommunications objective, it shall be the policy of this State to ensure the provision of adequate, reasonably priced, and dependable telecommunications services to accommodate demand.

(c) To further achieve the telecommunications objective, it shall be the policy of this State to:

(1) Facilitate research and development of telecommunications systems and resources;

(2) Encourage public and private sector efforts to develop means for adequate, ongoing telecommunications planning;

(3) Promote efficient management and use of existing telecommunications systems and services; and

(4) Facilitate the development of education and training of telecommunications personnel. [L 1994, c 96, §2]

The proposed project is in conformance with the goals, objectives and policies of the *Hawaii State Planning Act*. The modification of the existing site will not only improve T-Mobile coverage, it will add capacity to the surrounding area. The State Office of Planning did not have any comment on the proposed project.

LAND USE

1. The Revised Charter of the County of Maui, (1983), as amended states:

The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

2. The County of Maui 2030 General Plan Countywide Policy Plan (CPP), adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The CPP includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment
 - B. Preserve Local Cultures and Traditions
 - C. Improve Education
 - D. Strengthen Social and Healthcare Services
 - E. Expand Housing Opportunities for Residents
 - F. Strengthen the Local Economy
 - G. Improve Parks and Public Facilities
 - H. Diversify Transportation Options
 - I. Improve Physical Infrastructure
 - J. Promote Sustainable Land Use and Growth Management

K. Strive for Good Governance

The proposed project is in keeping with the following Countywide Policy Plan goal, objective and policy:

- THEME:** Improve Physical Infrastructure
- GOAL:** Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.
- Objective:** Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.
- Policy:** a. Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.

3. The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012. The MIP provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The MIP looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the MIP also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The MIP is intended by the County Council, Planning Department, and Maui Planning Commission as a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The proposed project is in keeping with the following MIP goals, objective, and policies:

Economic development

- GOAL:** 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.
- OBJECTIVE:** 4.1.3 Improve the island's business climate.
- POLICY:** 4.1.3.a Upgrade, maintain the quality of, and improve access to telecommunication infrastructure.
- GOAL:** 4.4 A diverse array of emerging economic sectors.
- OBJECTIVE:** 4.4.1 Support increased investment and expanded activity in emerging industries.
- POLICY:** 4.4.1.a Support the development of and access to state-of-the-art voice, video and data telecommunications systems and high-speed Internet.
4. According to the West Maui Community Plan, the property is identified as Multi-Family Residential and is consistent with the land use map of the Community Plan.

5. According to current County Zoning maps, the property is zoned as A-2, Apartment. The proposed wireless telecommunications facility does not qualify as a permitted or accessory use, per Chapter 19.12, MCC. Therefore, a Conditional Permit is required.

The intent of the Conditional Permit is to consider allowing a use not specifically permitted within a given use zone where the proposed use is similar, related, or compatible to permitted uses, and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Permitted uses in the A-2 District include numerous housing types including apartments, bungalows, townhouses, transient vacation rentals under certain conditions, bed and breakfast homes, and short-term rental homes. Accessory uses include small-scale energy systems, fences, mailboxes, trash enclosures, garages, and "subordinate uses and structures which are determined by the director of planning to be clearly incidental and customary to the permitted uses herein." Maui County Code, §19.04.040 describes small scale energy systems as "energy production facilities which are incidental and subordinate to a principal use which is established on the property. These systems include but are not limited to solar, wind, hydrologic, and biomass systems."

The proposed tower will be thirty-five feet in height, with an additional five feet at the top comprised of fabricated palm fronds. Maui Lani Terraces, the site of the proposed facility, is three stories, or approximately thirty-five feet high. The West Maui Breakers, directly south of the project site, is four stories, or approximately forty-five feet in height. Further south, there is a small neighborhood of two-story single family dwellings, and the Breakers, a four-story apartment complex. West of the project site, situated along the shoreline, we find Kaleialoha Resort Condominiums (4 stories), Makani Sands (3 stories), Kulakane (3 stories), Nohonani Maui Condominiums (4 stories), Hale Maui Apartments (3 stories), and the Pikake (2 stories). Refer to **Exhibit 4** for an illustrative map showing the number of stories of the surrounding structures.

The proposed project is compatible with permitted and accessory uses in the A-2 Apartment District in that the wireless telecommunications facility will serve all Sprint customers in the vicinity, residents and visitors alike. The proposed facility will improve service to, within and beyond the surrounding area, making it more likely that signals will be available to report emergencies and summon assistance. Moreover, it is common practice in the telecommunications industry to lease space on a tower to other mobile carriers, a practice known as *collocation*, thus improvements in coverage for customers of other carriers can be anticipated. The proposed project can be considered compatible with the permitted and accessory uses in the A-2 Apartment District.

The proposed use would not be significantly detrimental to the public interest, convenience, and welfare, and will be in harmony with the area where it is proposed to be located.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

The proposed project will take place on a parcel fully developed in 1989. This site is the current home of Maui Lani Terraces, and provides seven 3-story buildings with 159 apartment units. The proposed project involves installation of a new wireless telecommunication facility to be located on a portion of the existing parking lot. Thus, there should be no adverse impact to archaeological, historic and cultural resources as a result of the proposed project.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. Water

The proposed telecommunications site modifications will not require a water connection or County service; hence, there should be no adverse impacts as a result of the proposed project.

2. Wastewater

The proposed project does not involve any action that will generate wastewater; therefore, there will be no adverse impact as a result of the proposed modifications.

3. Topography, Flood and Drainage

Flood - The subject property is located in Flood Zone X, an area of minimal flooding, as indicated by the Flood Insurance Rate Map, which defines areas of the 100-year flood with base flood elevations and flood hazard factors. Given the location that the modifications will occur at an existing site atop the building roof, there is no need for the applicant to seek a flood permit.

4. Roadways

Access to the project site is via a driveway on Lower Honoapiilani Road, which is off of Honoapiilani Highway, a two-way, two-lane roadway. While maintenance of the site will be required, if approved, roadway improvements are not currently required.

5. Electrical, Telephone and Cable

Electrical and telephone service is available to the site via Maui Electric Company and Hawaiian Telcom, respectively. No impacts are anticipated as a result of the proposed project.

6. Schools

The West Maui area is served by Kamehameha III Elementary School, Lahaina Intermediate School, and Lahainaluna High School. There should be no impacts to these schools as a result of the proposed use.

7. Solid Waste

Residential solid waste that is collected by County of Maui crews, as well as commercial waste collected by private companies is disposed of at the Central Maui Landfill Refuse and Recycling Center. Construction waste is transported to the Maui Demolition and Construction Landfill or other permitted facility for disposal. The Olowalu Transfer station accepts residential solid waste, as well as recyclable material. No adverse impact to the County solid waste collection is anticipated as a result of the proposed project.

PUBLIC SERVICE IMPACTS

The proposed use involves modifications to an existing site for wireless telecommunications equipment, so there should be no adverse impacts to public services in the area.

Fire - The nearest fire station is the Napili Fire Station next to Napilihau Shopping Center, 2.7 miles away. Also nearby is the Lahaina Fire Station in the Lahaina Civic and Recreation Center, located 4.3 miles away from the property. Because of the close proximity, the response time to the project site is excellent. Given the proposed project scope, there will be no adverse impact to existing service to the area. The County of Maui Department of Fire & Public Safety did not have any comments regarding the proposed project.

Police - The nearest police station is the Lahaina Police Station, approximately 4.4 miles from the property. There should be no adverse impact to police service, as a result of the proposed project. The County of Maui Police Department did not have any comments. Refer to **Exhibit 9**.

Medical - The nearest hospital is the Maui Memorial Medical Center located at 221 Mahalani Street in Wailuku, approximately 27.4 miles from the property. The facility provides acute, general, and emergency care services from its 231 bed facility.

The State of Hawaii Department of Health Maui District Health Office did not have any comments to offer on the proposed project. Refer to **Exhibit 10**.

Library - The nearest public library is the Lahaina Library, located on Front Street next to the Pioneer Inn Hotel, approximately 6.4 miles away from the property.

SOCIO-ECONOMIC IMPACTS

The proposed project will involve installation of a new wireless telecommunication facility, and will generally result in positive socioeconomic impacts to residents and visitors who are Sprint customers in West Maui. The installation will generate construction-related job opportunities. In addition, Sprint coverage will improve, and there will be greater wireless capacity to serve surrounding areas, which could result in increased business. As a result of the proposed project there should be no adverse impact to the community.

ENVIRONMENTAL IMPACTS

The proposed project may have some short-term noise impacts during the equipment installation process; however, the impact will be minimal. Best Management Practices should be incorporated into the project in accordance with federal, State, and County standards.

The Applicant provided information from the Health Physics Society regarding perceived health risks of exposure to RF radiation (See **Exhibit 11**), and statements from the US Federal Communications Commission (FCC), the International Agency for Research on Cancer (IARC) and the Environmental Protection Agency (EPA). According to statements, none of these agencies have classified cell phone towers as to their cancer-causing potential. See **Exhibit 12**.

OTHER GOVERNMENTAL APPROVALS

Conditional Permits are approved by ordinance by the Maui County Council. The applicant also filed a Special Management Area Assessment Application, and a minor SMA permit will be issued by the Department of Planning upon approval of the Conditional Permit.

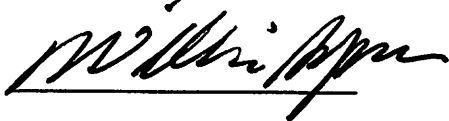
TESTIMONY

As of June 5, 2018, the Planning Department has received two (2) letters of objection regarding the proposed project. See **Exhibit 13**.

ALTERNATIVES

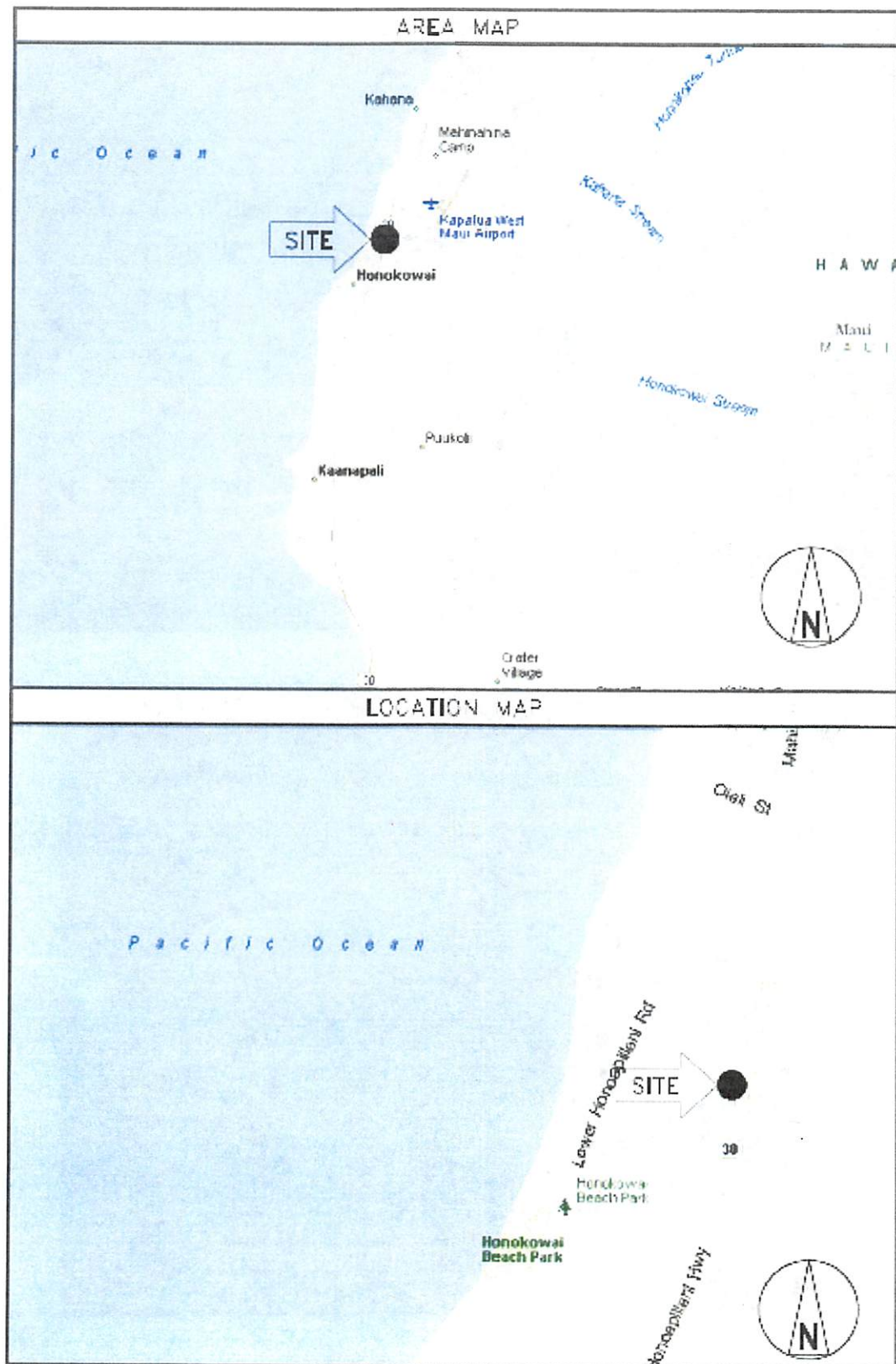
1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the application.
2. Recommendation of approval to the County Council with conditions, pursuant to Section 19.40.020, MCC.
3. Recommendation of denial to the County Council.

APPROVED:

A handwritten signature in black ink, appearing to read "William Spence", written over a horizontal line.

WILLIAM SPENCE
Planning Director
County of Maui

SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001



SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001

Maui Lani Terraces Aerial Photos – Project Site





NOT FOR
CONSTRUCTION

PROJECT: LOCAL ASK NEW SITE BUILD

SITE NAME: SOUTH KAHANA MAUI

SPRINT CASCADE: HI80XC017

SITE ADDRESS: 3740 HONOAPIILANI HWY
LAHAINA, HI 96761

SITE TYPE: 35'-0" MONOPALM

ENGINEERING LICENSE

PLANS PREPARED FOR:

Sprint
6580 Sprint Parkway
Overland Park, Kansas 66251

PLANS PREPARED FOR:

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4730 S.FORT APACHE RD, SUITE 300
LAS VEGAS, NV 89147
PHONE: 800-478-6095

PLANS PREPARED BY



State 48
Development Consulting

WWW.STATE48CONSULTING.COM

SCOTTSDALE, AZ 85260
480-242-2477 602-821-3567

ENGINEER OF RECORD



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REVISIONS				
DESCRIPTION	DATE	BY	REV	
100% ZDs	10/31/17	DM	0	
RELOCATE LEASE AREA	11/13/17	DM	0	

SITE NAME

SOUTH KAHANA MAUI

SITE CASCADE

HI80XC017

SITE ADDRESS

3740 HONOAPIILANI HWY
LAHAINA, HI 96761

SHEET DESCRIPTION

TITLE SHEET

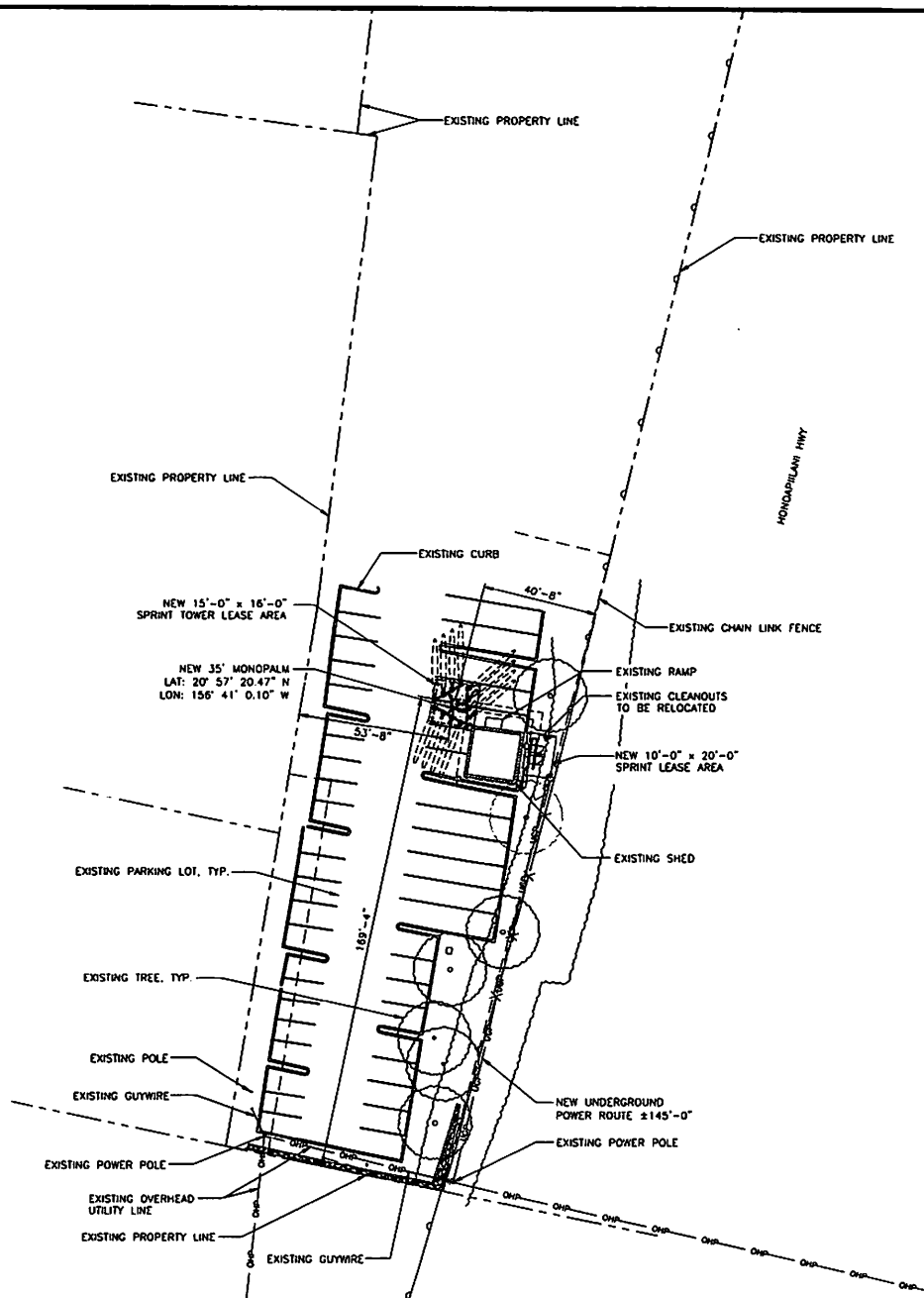
SHEET NUMBER

T-1

STA 35'-0" MONOPALM

[illegible]

EXHIBIT 3



STA 35'-0" MONOPALM

PLANS PREPARED FOR

Sprint

6580 Sprint Parkway
Overland Park, Kansas 66251

PLANS PREPARED FOR

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4780 L'FORT APACHE RD. SUITE 302
LAS VEGAS, NV 89147
PHONE: 433-473-0055

PLANS PREPARED BY

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Development Consulting

WWW.STATE48CONSULTING.COM
8075 E. SMITH BLVD #108
SCOTTSDALE, AZ 85268
480-342-3477 602-821-3547

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REVISIONS	DESCRIPTION	DATE	BY	REV
100% CD		10/31/17	DM	0
	RELOCATE LEASE AREA	11/13/17	DM	0

SITE NAME

SOUTH KAHANA MAUI

SITE CASCADE

HI80XC017

SITE ADDRESS

**3740 HONOAPILANI HWY
LAHAINA, HI 96761**

SHEET DESCRIPTION

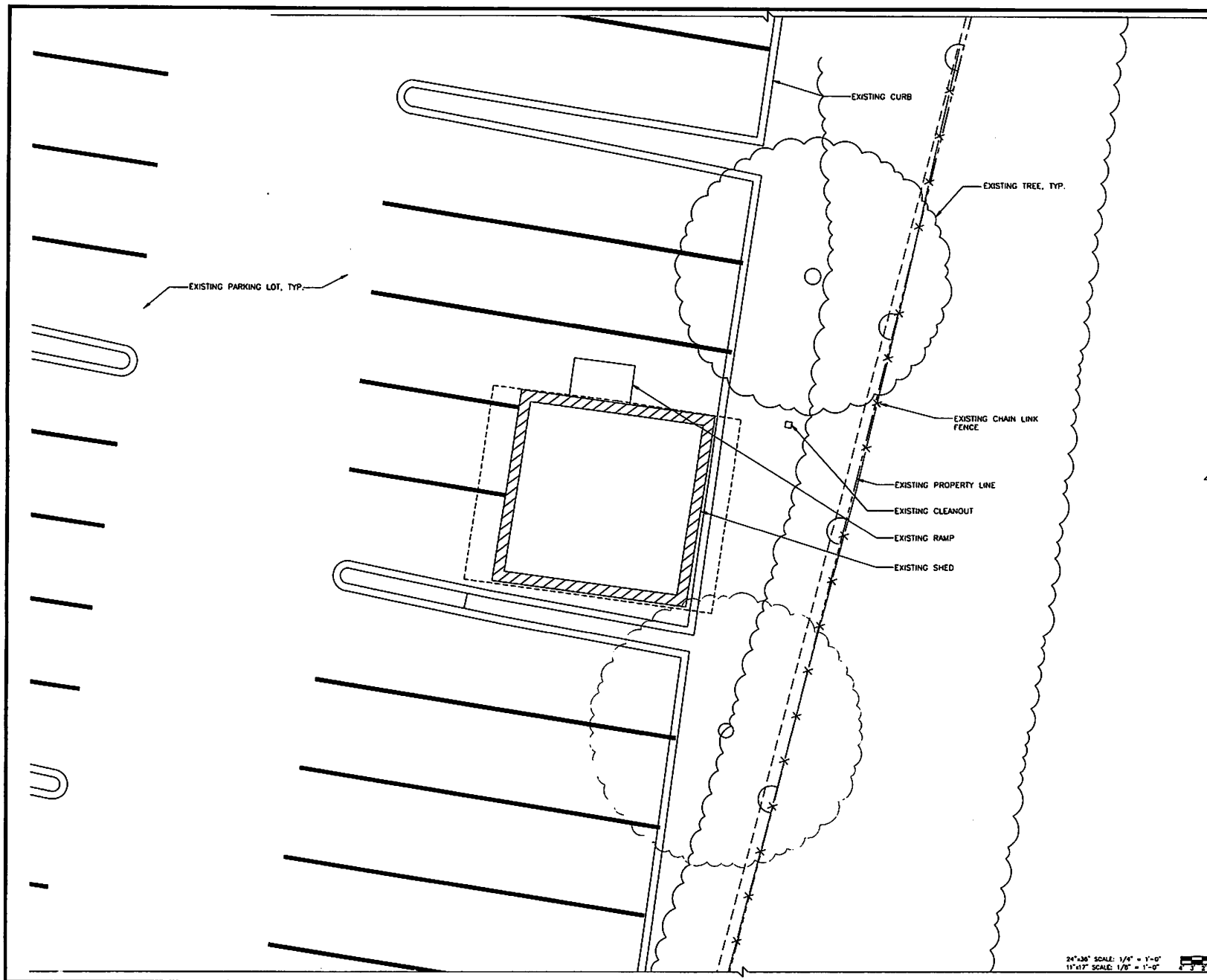
**OVERALL SITE
PLAN**

SHEET NUMBER

A-1

24"x36" SCALE: 1" = 20'-0"
11"x17" SCALE: 1" = 40'-0"





ENGINEERING LICENSE:

STA 35'-0" MONOPALM

PLANS PREPARED FOR:

Sprint
6580 Sprint Parkway
Overland Park, Kansas 66251

PLANS PREPARED FOR:

WIRELESS RESOURCES
WWW.WIRELESSRESOURCES.COM
4730 S FORT APACHE RD, SUITE 303
LAS VEGAS, NV 89147
PHONE: 888-478-8095

PLANS PREPARED BY:

State 48
Development Consulting
WWW.STATE48CONSULTING.COM
1075 E. SHERA BLVD #120
SCOTTSDALE, AZ 85066
480-343-3477 602-821-3547

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REVISIONS:	DESCRIPTION	DATE	BY	REV
100% 20s		10/20/17	DM	0
RELOCATE LEASE AREA		11/13/17	DM	0

SITE NAME:

SOUTH KAHANA MAUI

SITE CASCADE:

HI80XC017

SITE ADDRESS:

**3740 HONOAPIILANI HWY
LAHAINA, HI 96761**

SHEET DESCRIPTION:

**EXISTING
EQUIPMENT PLAN**

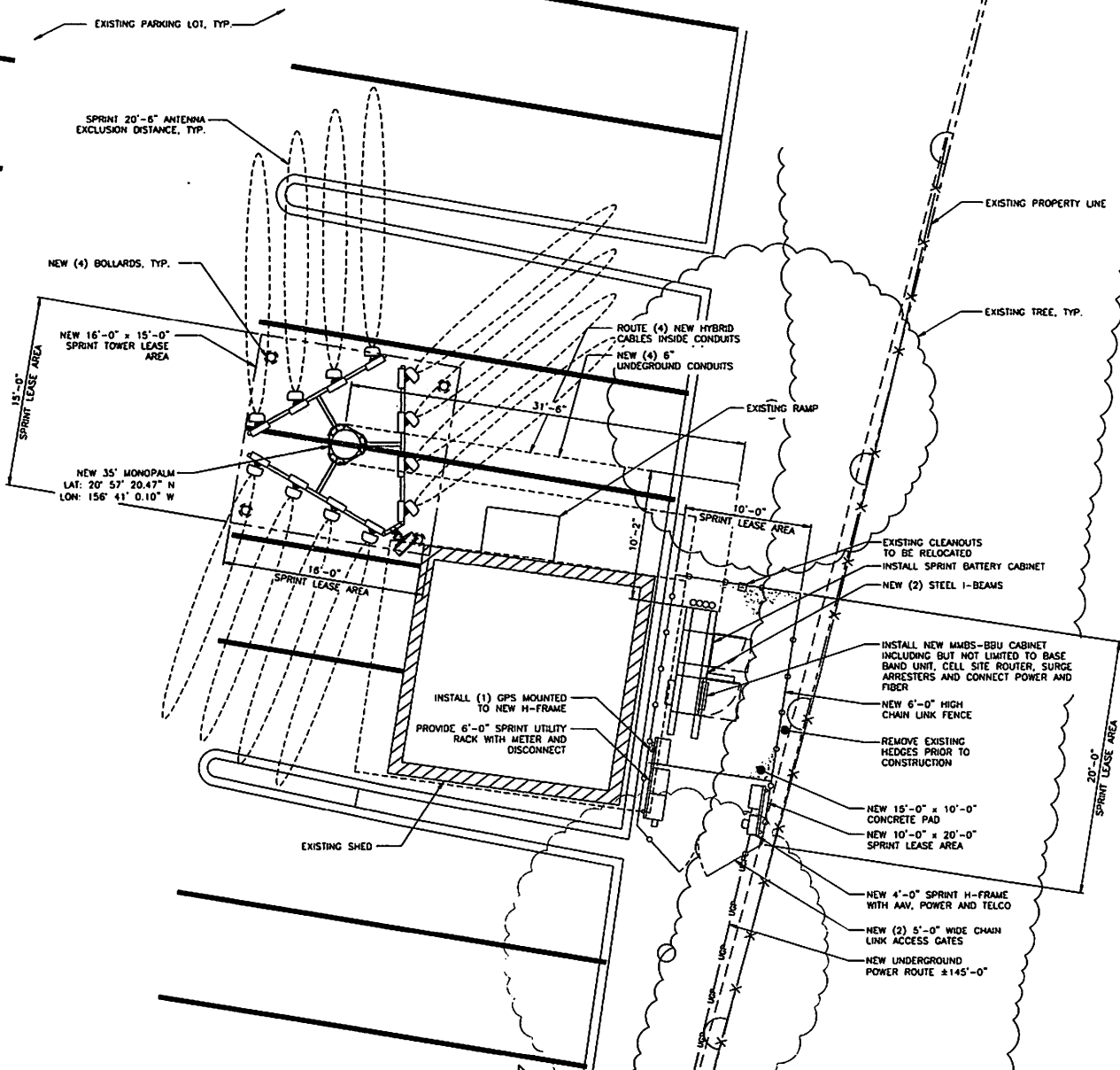
SHEET NUMBER:

A-2

24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"

0 3 6 9 12





24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"



STA 35'-0" MONOPALM

PLANS PREPARED FOR:

Sprint
6580 Sprint Parkway
Overland Park, Kansas 66251

PLANS PREPARED FOR:

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4720 S. FORT APACHE RD., SUITE 300
LAS VEGAS, NV 89147
PHONE: 833-473-0251

PLANS PREPARED BY:

State 48
Development Consulting
WWW.STATE48CONSULTING.COM
SUITE E, BREA BLVD #300
SCOTTSDALE, AZ 85261
480-242-2477 602-821-3567

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ENGINEERS

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REVISIONS	DESCRIPTION	DATE	BY	REV
100% 2D		10/31/11	DN	0
RELOCATE LEASE AREA		11/03/11	DN	0

SITE NAME:

SOUTH KAHANA MAUI

SITE CASCADE:

HI80XC017

SITE ADDRESS:

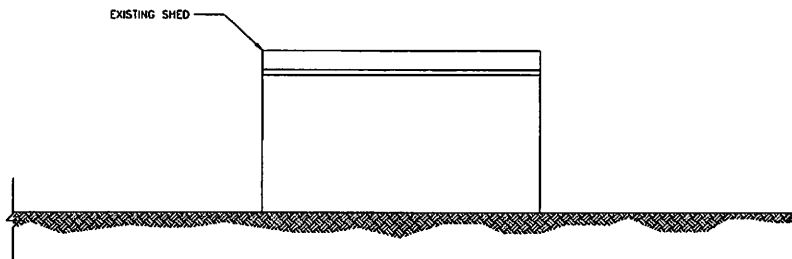
3740 HONOAPIILANI HWY
LAHAINA, HI 96761

SHEET DESCRIPTION:

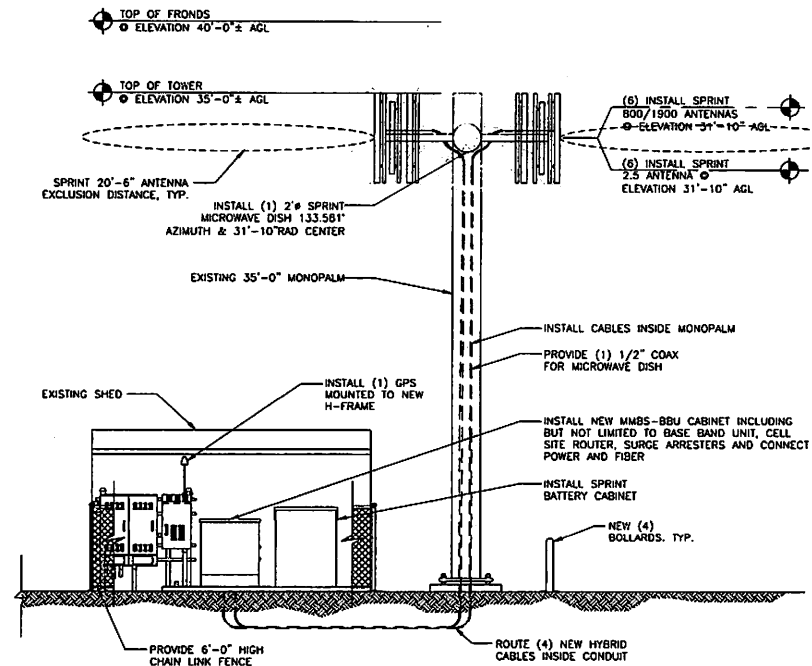
PROPOSED
EQUIPMENT PLAN

SHEET NUMBER:

A-3



24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"



24"x38" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"

Sprint
6580 Sprint Parkway
Overland Park, Kansas 66251

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4730 S.FORT APACHE RD, SUITE 300
LAS VEGAS, NV 89147
PHONE: 858-473-0035



State 48
Development Consulting

WWW.STATE43CONSULTING.COM
1375 E. SHEA BLVD #130
SCOTTSDALE, AZ 85269
482-2477 602-821-3333



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REVISIONS				
DESCRIPTION	DATE	BY	REV	
100R 20s	10/31/17	DM	0	
RELOCATE LEASE AREA	11/13/17	DM	0	

SOUTH KAHANA MAUI

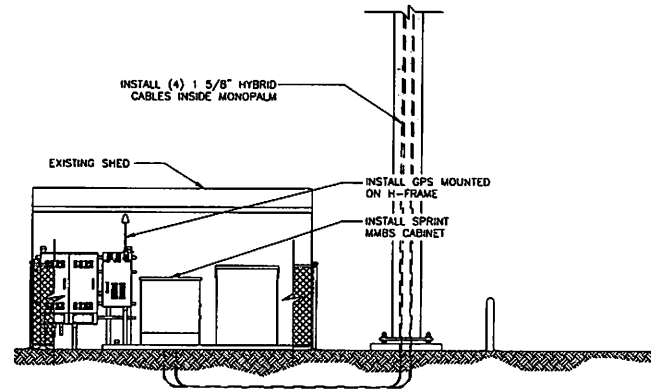
HI80XC017

3740 HONOAPIILANI HWY
LAHAINA, HI 96761

EXISTING & PROPOSED TOWER ELEVATION

A-4

ENGINEERING LICENSE:



STA 35'-0" MONOPALM

PLANS PREPARED FOR:

Sprint
6580 Sprint Parkway
Overland Park, Kansas 66261

PLANS PREPARED FOR:

WIRELESS RESOURCES
WIRELESSRESOURCES.COM
4720 S FORT APACHE RD. SUITE 300
LAS VEGAS, NV 89147
PHONE: 888-474-4255

PLANS PREPARED BY:

State 48
Development Consulting
WIRELESSCONSULTING.COM
8371 E. DEER BLVD. #100
SCOTTSDALE, AZ 85260
480-242-2477 602-421-3567

ENGINEER OF RECORD:

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ENGINEERS

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REVISIONS:	DESCRIPTION	DATE	BY	REV
100% 2D:	RELOCATE LEASE AREA	11/13/17	DM	6

SITE NAME:

SOUTH KAHANA MAUI

SITE CASCADE:

H180XC017

SITE ADDRESS:

**3740 HONOAPILANI HWY
LAHAINA, HI 96761**

SHEET DESCRIPTION:

**ANTENNA PLAN VIEW
& CABLE PLAN**

SHEET NUMBER:

A-5

DETAIL NOT USED

NO SCALE

D

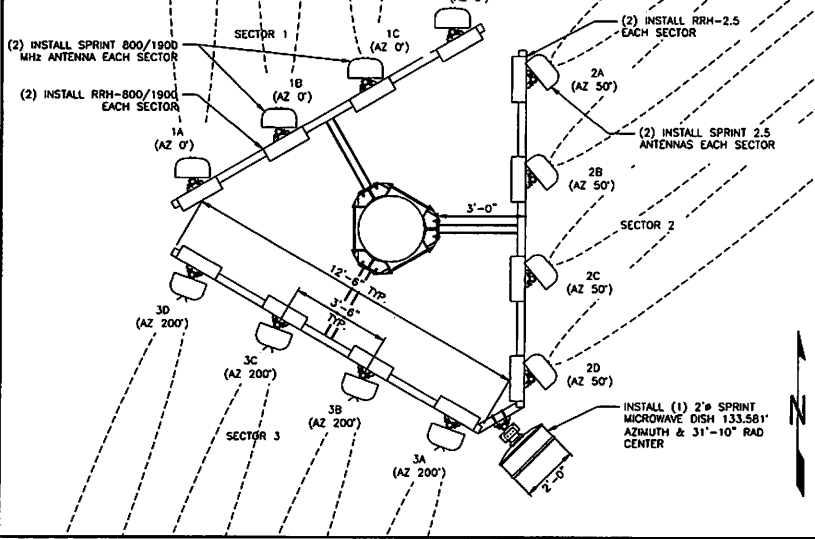
CABLE ROUTE FROM CABINET

24"x36" SCALE: 1/4" = 1'-0"
11"x17" SCALE: 1/8" = 1'-0"



A

NOTE: MONOPALM FRONDS NOT SHOWN FOR CLARITY



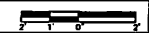
DETAIL NOT USED

NO SCALE

C

PROPOSED ANTENNA LAYOUT @ 31'-10"

24"x36" SCALE: 1/2" = 1'-0"
11"x17" SCALE: 1/4" = 1'-0"



B

SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001

Aerial Photo Surrounding Neighborhood



“#” = # of stories

Current Coverage VS Future Coverage

- Provide continuous coverage along Honoapiilani Hwy.
- Provide high speed data for the Napili-Honokowai community.

 Current Coverage
 Future Coverage
 New Site



SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001

Photographic Reference Map



SPRINT Site Name:
HI80XC017B/South Kahana Maui



Looking East Before



Looking East After

PHOTO-SIMULATIONS
PREPARED FOR:

Sprint

6580 Sprint Parkway
Overland Park, Kansas 66251

PHOTO-SIMULATIONS PREPARED FOR:

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4730 S.FORT APACHE RD. SUITE 300
LAS VEGAS, NV 89147
PHONE: 808-478-0095

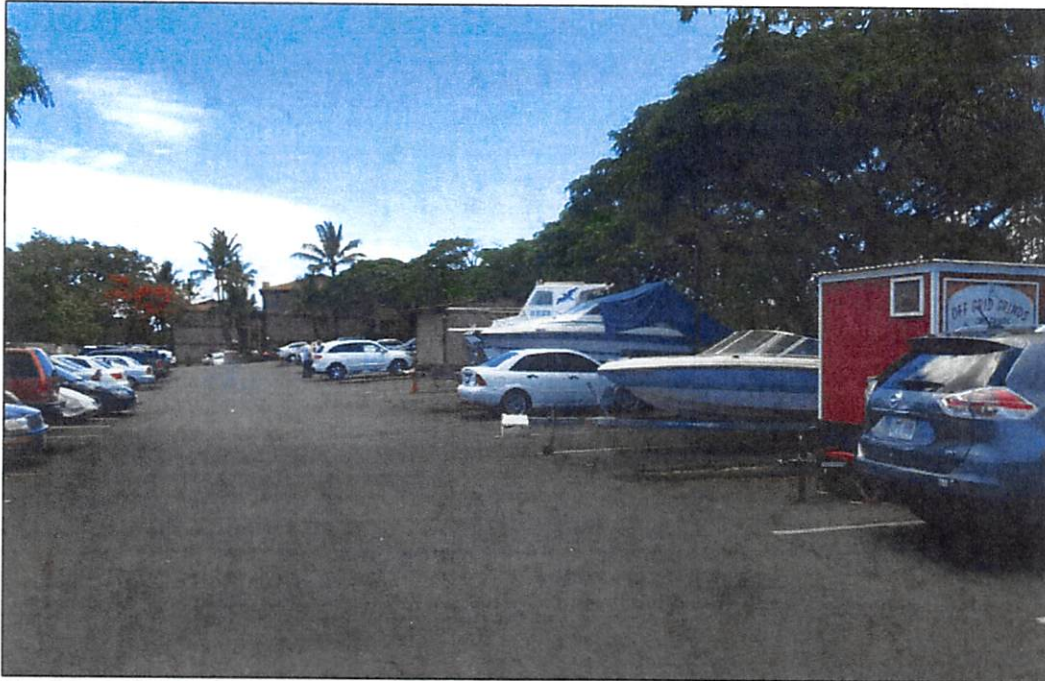
PHOTO-SIMULATIONS PREPARED BY:

State 48
Development Consulting

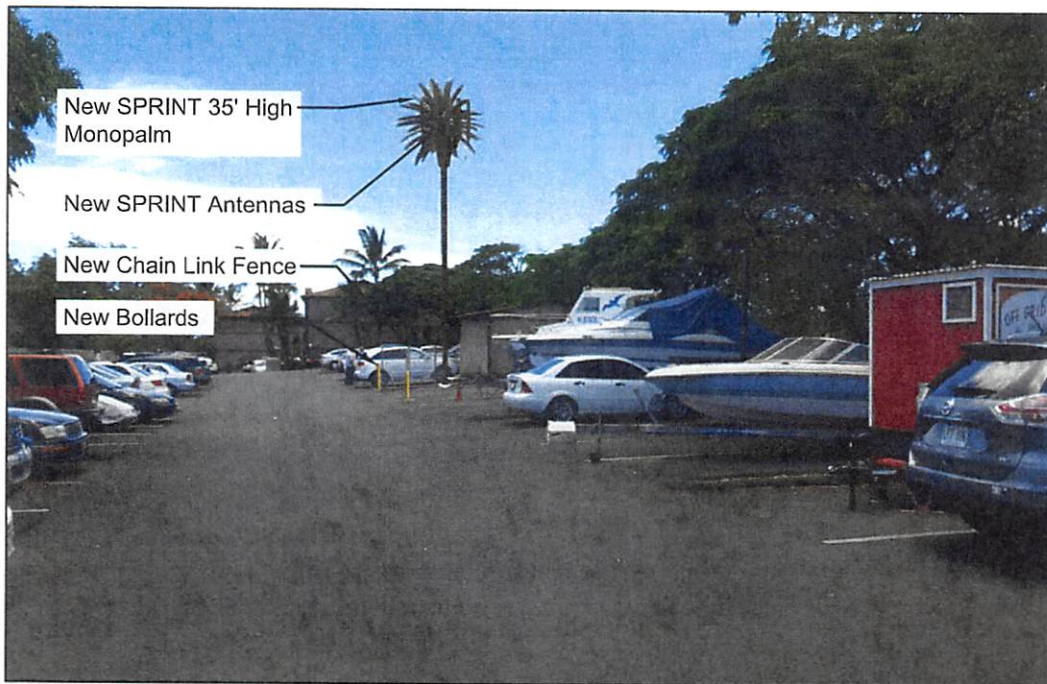
WWW.STATE48CONSULTING.COM
9375 E. SHEA BLVD #100
SCOTTSDALE, AZ 85260
480-242-2477 602-821-3567

(This photo simulation is for illustrative purposes only)

SPRINT Site Name:
HI80XC017B/South Kahana Maui



Looking North Before



Looking North After

PHOTO-SIMULATIONS
PREPARED FOR:

Sprint

6580 Sprint Parkway
Overland Park, Kansas 66251

PHOTO-SIMULATIONS PREPARED FOR:

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4730 S.FORT APACHE RD. SUITE 300
LAS VEGAS, NV 89147
PHONE: 808-478-0095

PHOTO-SIMULATIONS PREPARED BY:

State 48
Development Consulting

WWW.STATE48CONSULTING.COM
9375 E. SHEA BLVD #100
SCOTTSDALE, AZ 85260
480-242-2477 602-821-3567

(This photo simulation is for illustrative purposes only)

SPRINT Site Name:
HI80XC017B/South Kahana Maui



Looking West Before



Looking West After

PHOTO-SIMULATIONS
PREPARED FOR:

Sprint



6580 Sprint Parkway
Overland Park, Kansas 66251

PHOTO-SIMULATIONS PREPARED FOR:

WIRELESS RESOURCES

WWW.WIRELESSRESOURCES.COM
4730 S.FORT APACHE RD. SUITE 300
LAS VEGAS, NV 89147
PHONE: 808-478-0095

PHOTO-SIMULATIONS PREPARED BY:



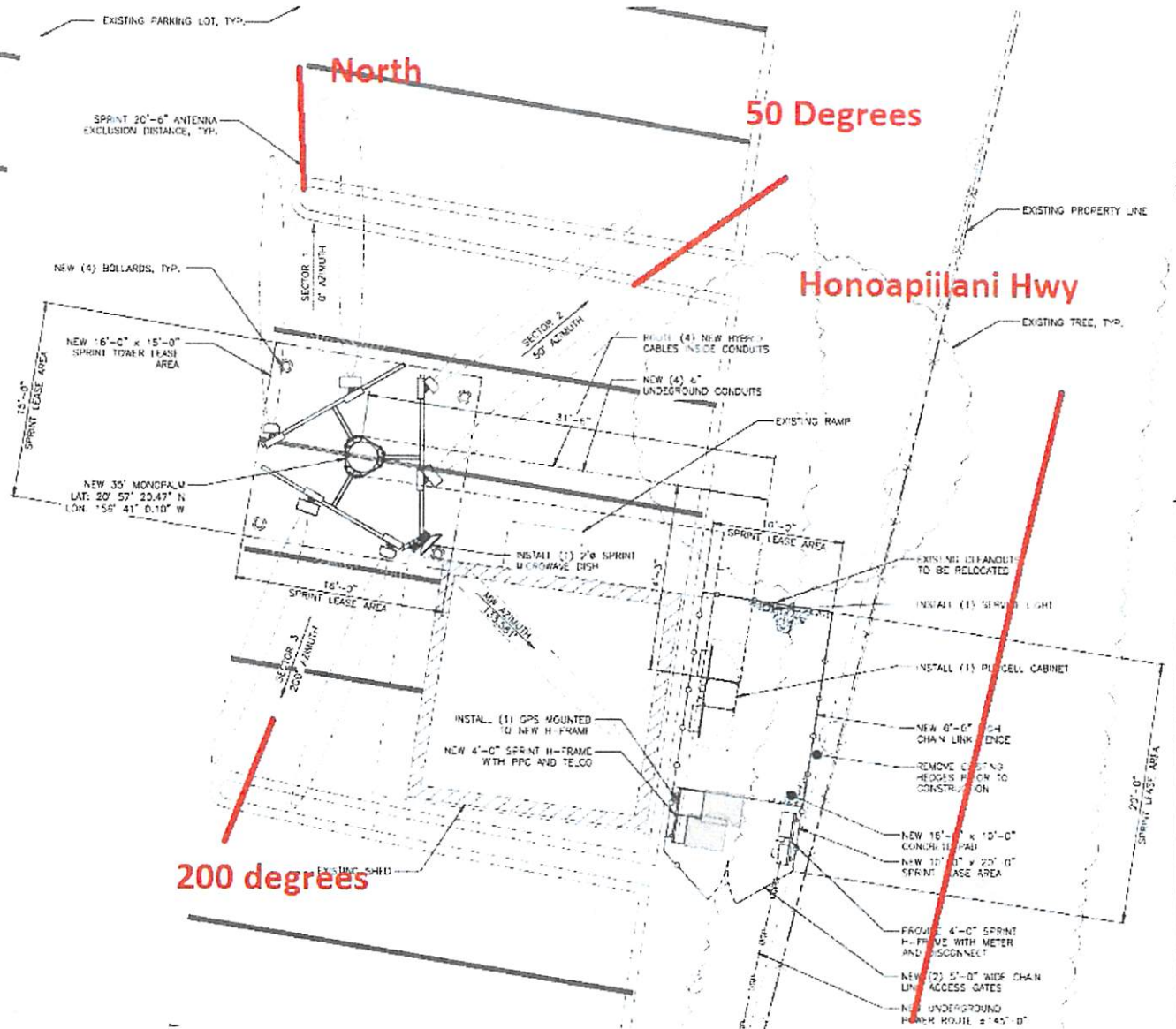
State 48
Development Consulting

WWW.STATE48CONSULTING.COM
9375 E. SHEA BLVD #100
SCOTTSDALE, AZ 85260
480-242-2477 602-821-3567

(This photo simulation is for illustrative purposes only)

SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
 3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
 Conditional Permit Application No. CP 2018/0001

Antennae Directions – Plan View



SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001

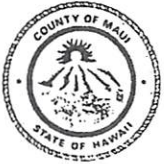
Antennae Directions – Aerial Photograph



SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006:004
Conditional Permit Application No. CP 2018/0001

"Tree Line" Photo Provided by Applicant





ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

18/2300

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

May 1, 2018



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

COUNTY OF MAUI
DEPT. OF PLANNING & PERMIT

MAY 4 2018

RECEIVED

MEMORANDUM

TO : LIVIT U. CALLENTINE, AICP, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CP 2018/0001, SMX 2018/0020
TMK : (2) 4-3-006:004
Project : Sprint Hi80xc017
Applicant : Sprint Wireless

☒ No comments or recommendations to offer at this time.

☐ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.


Acting Assistant Chief David Silva
For: TIVOLI S. FAAUMU
Chief of Police

EXHIBIT 9

18/2627
DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

May 16, 2018

COUNTY OF MAUI
DEPT OF PLANNING - CURRENT

MAY 18 2018
RECEIVED

Mr. William R. Spence
Director
Department of Planning
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

Attn: Livit U. Callentine

Dear Mr. Spence:

Subject: SPRINT Hi80xc017
Applicant: Sprint Wireless
Permit No.: CP 2018/0001; SMX 2018/0020
TMK: (2) 4-3-006:004
Location: 3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii
Description: Proposed 35 ft. high stealth monopalm (designed to look like a palm tree) in an existing parking lot at the Maui Lani Terrace Apartments. Various ancillary equipment and cabinets will be installed within a fenced 10 ft. x 20ft. equipment lease area on the ground.

Thank you for the opportunity to review this project. We have no comments to offer.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program> be reviewed and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski
District Environmental Health Program Chief

EXHIBIT 10



Health Physics Society

Specialists in Radiation Safety • Founded 1956 • <http://hps.org>

Cellular Phone and Base Station

Q Why it is dangerous to have your mobile phone in operation during refueling at a gas station?

A The following is a quote from the chair of the Cellular Telecommunications Industry Association (dated June 28, 1999): "You may have received inquiries about wireless phones causing fires or explosions at gas stations. In an abundance of caution, some manufacturers have included language in the owner's manuals for their products that recommends wireless phone users turn off their phones while at refueling points (gas stations). In addition, we have received information that Exxon will begin issuing warning signs at all domestic gas stations advising drivers to turn off all wireless communications devices when entering Exxon gas stations. While wireless phone owners should always consult their owner's manual for information on the use of the phone, we are not aware of any incident that would justify these concerns."

Q Is there any risk for health with the installation of a cellular tower near a community?

A Radiofrequency (RF) emissions from antennas used for wireless transmissions such as cellular and PCS (personal communication systems) signals result in exposure levels on the ground that are typically thousands of times less than safety limits. These safety limits were adopted by the Federal Communications Commission (FCC) based on the recommendations of expert organizations and endorsed by agencies of the federal government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Other antennas, such as those used for radio and television broadcast transmissions, use power levels that are generally higher than those used for cellular and PCS antennas. Therefore, in some cases there could be a potential for higher levels of exposure on the ground. However, all broadcast stations are required to demonstrate compliance with FCC safety guidelines, and ambient exposures to nearby persons from such stations are typically well below FCC safety limits.

The "Minimum Safe Distance" from a mobile phone base antenna is described by the Food and Drug Administration/FCC as follows: "To be exposed to levels at or near the FCC limits for cellular or PCS frequencies an individual would essentially have to remain in the main transmitted radio signal (at the height of the antenna) and within a few feet from the antenna In addition, for sector-type antennas RF levels to the side and in back are insignificant." Note that the quote about safe distances applies to the actual radiating antenna, not to the tower (or building or structure) the antenna is on. For a mobile phone base station antenna mounted on a tower that is 5+ meters high (about 15 feet), there should be no areas that will come anywhere close to the RF radiation safety guidelines, so the concept of a "minimum safe distance" doesn't really apply to generally occupied areas.

Q Is it safe to live or work on the top floor of a building that has a mobile phone base station antenna on it?

A In general this will not be a problem. The roof of the building will absorb large amounts of the RF energy. Typically a roof would be expected to decrease signal strength by a factor of 5 to 10 (or more for a reinforced concrete or metal roof). In addition, the FCC requires RF radiation evaluations of high-power rooftop transmitters. Even a worst-case calculation predicts that power density on the floor below an antenna will meet all current RF safety guidelines, and actual measurements in top-floor apartments and corridors confirm the power density is far below all current RF safety guidelines.



What's New?

- January Newsletter
- January Journal
- 2013 CHP Salary Survey
- Scholarship and Summer School Deadlines
- EPA Environmental Education Grants
- 3rd Turner Symposium
- IAEA Fukushima Meeting - IEM6
- ACS Summer School Announced
- RPM2014 - RP in Medicine Conference
- Radiation Safety in Medicine PDS

Upcoming Events

- NRC Meeting Webcasts - Live Ongoing
- IAEA Meeting International Experts' Meeting on Radiation Protection after the Fukushima Daiichi Accident 17-21 Feb 2014 Vienna, Austria
- Image Gently ALARA CT Summit How to Use New CT Technologies for Children 21-22 Feb 2014 Orlando, FL
- NCRP Meeting NCRP: Achievements of the Past 50 Years and Addressing the Needs of the Future 10-11 March 2014 Bethesda, MD
- Canadian Radiation Protection Association (CRPA) Annual Conference Managing the Risk - Perceptions and Realities 25-29 May 2014 Vancouver BC, Canada
- RPM2014 Rad Protection in Medicine 30 May - 2 June 2014 Varna, Bulgaria
- AFRIRPA04 4th African Regional IRPA Congress 13-17 Sept 2014 Rabat, Morocco
- Radiation Protection and Shielding Conference 14-18 Sept 2014 Knoxville, TN

07 January 2014

LogoStore



Q Is it true that hands-free cell phone car microphones radiate more than any other instrument used with these phones?

A Hands-free cell phone car microphones have been tested by the manufacturers and meet the current American National Standards Institute (ANSI)/Institute of Electrical and Electronics Engineers (IEEE) standards for R) radiation safety. These are the same standards that the FCC enforces under the Telecommunications Act of 1996, and they place limits on the specific absorption rate of RF energy in the body. There has been no substantiated information that the car microphones emit more RF than any other item used with cell phones.

Q I am in a situation where I would like to be able to wear my hands-free cellular kit all day. Does the radiation only exist when I'm actually making a call or just any time the phone is on?

A Whenever they are turned on, cell phones communicate at infrequent intervals with a nearby base station even when they are not being used for a call. This is necessary to tell the system where the user is in case a call should come in. Thus, even while they are inactive, the phones are a source of (very low) RF energy exposure to the user.

Hands-free kits reduce exposure to a user by removing the phone from the vicinity of the head. There is no identifiable health benefit in using the kits, but there is no detriment either, and using them may increase a user's peace of mind. In your case, the cell phone and hands-free kit are clearly an important link to the outside world and I would not hesitate in using them. There may be comfort issues with having the earpiece in place for a long time, but RF radiation exposure should not be a concern at all. The hands-free kits will reduce exposure below that which you would receive if the phone were kept close to your head.

Q Are there products available to the general public that can be purchased to protect cellular or portable telephone users from radiation?

A There are a number of opportunistic gadgets on the market to allegedly protect the user from hazards of cellular phones. You can search the Internet to find the latest, ranging from antenna shields to whole-body shielding materials. Most experts believe that these devices take advantage of customers' misunderstanding and unfounded fears to sell products with no real value. First of all, cell phones that operate within the guidelines established by national and international safety panels have never been shown to pose a health risk to the user (see answers to other questions on cell phone safety on this page). Secondly, placing any kind of shield over the antenna of a cell phone will in most cases cause it to increase its RF output as it attempts to compensate for signal loss in the shield and maintain a quality phone call.

Q I need help in gathering published information about the risks posed by cell towers placed on school grounds. Is there information that would enable me to gather/calculate or measure radiation on the specific site?

A The best single reference is the Federal Communications Commission Website. Look for:

1. Bulletin 56, "Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields."
2. Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields."
3. "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance."

An excellent technical paper with field measurements of cell-tower emissions was published by R.C. Petersen and P.A. Testagrossa in the journal *Bioelectromagnetics*, volume 13, page 527ff, 1992.

Q Is cell phone use in and around a hospital safe?

A The issue of banning mobile phone use in hospitals is a subject of some controversy. For a snapshot of the controversy it is useful to look at an article that was published in March 2003 in the *British Medical Journal* (BMJ 326:460, March 2003). The authors concluded: "Mobile phones in hospitals are not as hazardous as believed and should be allowed at least in nonclinical areas."

At least as interesting as the article itself are the online responses to the article. This is what we know:

- Mobile phones can interfere with medical equipment.
- The interference is relatively rare and generally goes away when the phone is turned off or moved away.
- There appear to be no confirmed reports of life-threatening interference.
- The two-way radios used by emergency-service personnel and hospital transport aides (porters) are a bigger source of interference than consumer mobile phones.
- Other sources of RF radiation (for example, digital TV broadcasts and other medical equipment) have also caused interference with medical devices.
- Many (most?) hospitals ban mobile phones, but the basis for their bans is generally vague, and the bans are often very poorly enforced on visitors or on staff.

I am unaware of any general governmental bans on the use of mobile phones in hospitals. In the United States, this would fall under the jurisdiction of the Center for Devices and Radiological Health of the Food and Drug Administration and to date the Food and Drug Administration has not taken a position on the subject. The bottom line is that interference with medical equipment by devices that produce RF radiation is an issue for hospitals and medical-equipment makers, but the source of the problem is not limited to mobile phones.

Q Hospitals do not allow cell phone use due to potential interference. Last weekend I was in a hospital where the top of the hospital building was studded with cell tower antennas. Why is it that cell phones would cause interference, but cell tower antennas would not?

A It's a question of signal strength. Interference with medical devices has been observed only very close to transmitting antennas where there is strong signal strength. Interference has been observed in some medical electronics due to hand-held cell phones. Rooftop antennas are some distance away from any susceptible electronics. In addition to proximity, the directionality of the antennas is important. Most rooftop antennas have strong gain in the forward direction towards the horizon and very low gain in the vertical direction. Finally, there are layers of building materials shielding the interior areas from the rooftop antennas. Proximity, directionality, shielding all go towards reducing the signal strength inside a building due to the antennas on the roof so that interference is not generally an issue. This does not mean that you cannot receive the signals from the rooftop antennas inside the building; it simply means that the received signals are not strong enough to cause interference.

Q I would like to inquire about the physics principles regarding the use of mobile phones and the development of brain tumors. I've been through many sites but they can never give an exact answer. Can they really give someone brain tumors or does it have to do with the intensity of the radiation and the distance between the phone and an individual?

A It is not clear that mobile phones do produce brain tumors, or any serious health effects for that matter. A number of epidemiology studies have been almost completely negative on the issue. See the article by Kenneth Foster and John Moulder in *IEEE Spectrum* magazine and also Moulder's FAQ on mobile phones and health. There has been a lot of discussion over the years about the possible

mechanisms by which microwave energy such as emitted by cell phones might produce biological effects. The one proven mechanism is the heating of tissue, but mobile phones operate at power levels that are too low to cause noticeable heating in the user. Scientists have speculated about other mechanisms, but these theories remain unproven and many of them have been challenged on biophysical grounds.

Whatever may be the risks or nonrisks of mobile phone radiation, a hands-free kit is an effective way for the user to reduce his or her exposure to RF energy while using a mobile phone. If you have serious concerns, limited or no use of a cellular phone might be a consideration for you.

The information posted on this web page is intended as general reference information only. Specific facts and circumstances may affect the applicability of concepts, materials, and information described herein. The information provided is not a substitute for professional advice and should not be relied upon in the absence of such professional advice. To the best of our knowledge, answers are correct at the time they are posted. Be advised that over time, requirements could change, new data could be made available, and Internet links could change, affecting the correctness of the answers. Answers are the professional opinions of the expert responding to each question; they do not necessarily represent the position of the Health Physics Society.

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The 3 expert agencies that usually classify cancer-causing exposures (carcinogens) – the **International Agency for Research on Cancer (IARC)**, the **National Toxicology Program (NTP)**, and the **US Environmental Protection Agency (EPA)** – have not classified cell phone towers specifically as to their cancer-causing potential.

The **US Federal Communications Commission (FCC)** has said this about cell phone towers near homes or schools:

“Radiofrequency emissions from antennas used for cellular and PCS [personal communications service] transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.”

About RF radiation

Some of the agencies that classify cancer-causing exposures have, however, made statements about radiofrequency radiation.

The **International Agency for Research on Cancer (IARC)** has classified RF fields as “possibly carcinogenic to humans,” based on limited evidence of a possible increase in risk for brain tumors among cell phone users, and inadequate evidence for other types of cancer. (For more information on the IARC classification system, see *Known and Probable Human Carcinogens*.) IARC also noted that exposure to the brain from RF fields from cell phone base stations (mounted on roofs or towers) is less than 1/100th the exposure to the brain from mobile devices such as cell phones.

The **Environmental Protection Agency (EPA)** states:

“At very high levels, RF energy is dangerous. It can heat the body's tissues rapidly. However, such high levels are found only near certain equipment, such as powerful long-distance transmitters. Cellphones and wireless networks produce RF, but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level, exposure to RF from sources like cellphone towers is usually very low.

Some people are concerned about potential health effects, especially on the developing brains and bodies of children. Some studies suggest that heavy long-term use of cellphones could have health effects. Other studies don't find any health effects from cellphone use. Long-term studies on animals exposed to the RF found in wireless networks (Wi-Fi) have, so far, found no health effects. Scientists continue to study the effects of long-term exposure to low levels of RF.”

Can I limit my exposure?

Cell phone towers are not known to cause any health effects. But if you are concerned about possible exposure from a cell phone tower near your home or office, you can ask a government agency or private firm to measure the RF field strength near the tower (where a person could be exposed) to ensure that it is within the acceptable range.

Livit Callentine - Sprint Wireless Telecommunications Facility, CP 2018/0001

From: David Denara <ddenara@gmail.com>
To: <planning@mauicounty.gov>, Mike Molina <Mike.Molina@co.maui.hi.us>, Mich...
Date: 6/6/2018 3:26 AM
Subject: Sprint Wireless Telecommunications Facility, CP 2018/0001
CC: David Denara <ddenara@millenniumweb.com>, Theresa Denara <theresadenara@...
Attachments: Certified Mail Notice.pdf

Aloha Planning Commission and Executive Planning Board Management,

Thank you Mike and Michele for directing me to the correct email address for sending this testimony. After receiving the attached official notice regarding Sprint Wireless's intention to install a 35' telecommunication facility with 12 panel antennas directly adjacent to my condo located on Lower Honoapillani Road, Lahaina, HI 96761, I am writing to express the following concerns:

- Cell Towers are not "stealth". No matter how you disguise them, they stand out. My concern is that this takes away from the beauty of our neighborhood, resulting in potential lower home values. According to attorneys focused on this industry concern (<http://www.campanellipc.com/practice-areas/cell-tower-opposition-nationwide/>), we have a "federally protected right" to be heard and protected by our local zoning board because towers are known to adversely affect both the aesthetics and the character of your neighborhood. I am hopeful you will consider my concerns without the need to involve any legal counsel.
- Cell Towers health safety is not proven one way or the other. There is conflicting evidence regarding how RF Radiation impacts cancer and/or other health considerations that span many studies. If I have my choice, I would like to limit my exposure to any possibility that this technology is later found to cause health concerns. Don't you feel the same when the healthy facts aren't clear? Furthermore, as I understand it, ground radiation is directly impacted by whether the installation is "base ground antenna installation" verses an antenna attachment to an existing building's roof (higher up from the ground where residents are located).
- Why is this necessary or even being considered within our residential location? Surely, there must be other less obtrusive options that are not directly within proximity to residential homes. Since this is a new application, I am hopeful the zoning/planning can protect our rights and property values. If I would have known this antenna application was even possible, I wouldn't have purchased my home in this location.

Please don't let this happen! Surely, there must be a less obtrusive location where this technology doesn't ruin the beauty of our neighborhood, impact our property values, and/or potentially impact our health over the long-term due to the lack of understanding/studies for long-term RF Radiation exposure. I do not stand alone on these concerns. Below, please find some questions I have for the planning commission and board:

Questions:

EXHIBIT 13

1. How many people do you need to hear from to decide this isn't appropriate or wise as part of our residential zoning?
2. Please help me understand next steps regarding how my feedback, as well as my neighbors, will be considered?
3. Does the planning commission have the right to approve or disapprove this project?
4. If you lived here, would you want this installation to happen in your neighborhood? I doubt any reasonable person would answer "yes".
5. Doesn't Title 19 of the Maui County code forbid enable our commission to deny this zoning because of height and/or other regulations listed in Chapter 92 of the planning board's authority? I think it does. This new antenna is being identified as a "ground facility" -- not being attached to an existing building -- which will certainly tower above our building's roof height.
6. Do you recognize how approving this application has adverse zoning impact upon our municipality rights? I think this should be clear.
7. Do you require any additional details or questions regarding this testimonial and my concerns?

Please help Sprint find a better more suitable commercial location that is also good for our community. I look forward to your response.

Mahalo,
David and Theresa Denara

Mobile Number: 516-526-9534

Date: 5/26/2018

TO: Owner/Lessee

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Conditional Permit at the following parcel(s):

1. Tax Map Key: (2) 4-3-006:004
2. Location: In the vicinity of 3740 Lower Honoapiilani Road, Lahaina, HI 96761
3. Zoning Designation: A-2 Apartment District
4. Proposed Use: New wireless telecommunications facility including a 35' stealth monopole with twelve (12) panel antennas and accessory equipment within a lease area on the ground.

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

PLANNING COMMISSION: Maui
PUBLIC HEARING DATE: June 26, 2018
TIME: 9:00 a.m.
PLACE: Planning Conference Room, First Floor, Kalana Pakui Building
250 South High Street, Wailuku, Hawaii 96793

Attached please find a map identifying the location of the specific parcel(s) being considered in the above-referenced request.

The hearing is held under the authority of Chapter 82, Hawaii Revised Statutes, Title 19 of the Maui County Code and the appropriate Planning Commission Rules.

Testimony relative to this request may be submitted in writing to the appropriate Planning Commission, c/o the Maui Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii, 96793 or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii; Telephone: (808) 270-8205; toll free from Molokai 1-800-272-0117, Extension 8205; and toll free from Lanai 1-800-272-0175, Extension 8205.

Rich Conte, Sprint Wireless

Name of Applicant- Please print

Rich Conte

Signature

c/o Wireless Resources, Inc., 755 Kapiolani Ave., Suite 100 #1002

Honolulu, HI 96816

Address

(808) 751-8571

Telephone

Conte

Mike, Planning

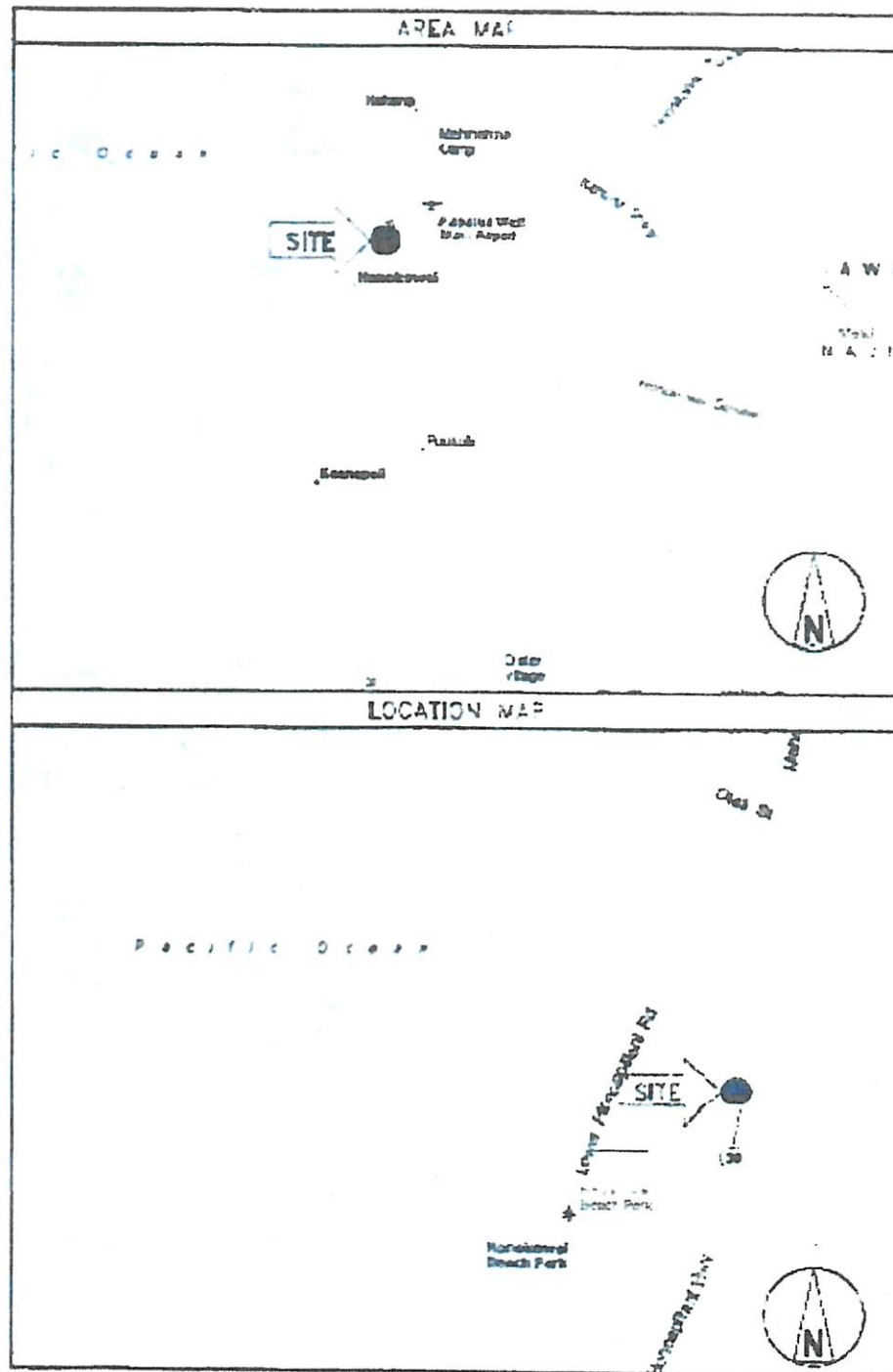
Maui County

Brian Coleman

all Planning

Rich

SPRINT WIRELESS PROPOSED TELECOMMUNICATIONS FACILITY
3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii | TMK: (2) 4-3-006.004
Conditional Permit Application No. CP 2018/0001



1/1/2027

Planning Commission
2200 Main St
Wailuku, Maui 96793

re: Sprint Wireless Tower

I am against the installation
of a Wireless Telecommunication
Tower proposed to be
erected at 3740 Lower
Honopiihuni Rd.

TAX Key Map (2) 4-3-006:004
A-7 Apartment

There is too much high
density housing in this
area that will be
affected by a cellular
tower.

DEI

CURRENT

REC'D

Julia Rader
3660 Lwr Honopiihuni Rd
Lahaina, HI 96761

1. Rackey
660 hwy Hanalei Rd
Hanalei, HI #312
96761

HONOLULU HI 968

31 MAY 2017 PM 5 L



Maui Planning Dept
Planning Commission
2200 Main St.
Wailuku, Maui

96793-189189

96793
|||||

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Application of

Sprint Wireless

To obtain a Conditional Permit to allow the installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, Tax Map Key (TMK) No. (2) 4-3-006:004, Lahaina, Island of Maui, Hawaii

DOCKET NO.: CP 2018/0001

SPRINT WIRELESS
(L. Callentine)

MAUI COUNTY DEPARTMENT PLANNING'S RECOMMENDATION
TO THE MAUI PLANNING COMMISSION
JUNE 26, 2018, MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793

Conditional Permit

K:\WP_DOCS\PLANNING\CP\2018\0001_SprintHi80xc017\Staff Report to Decision\MPC_Recommendation.docx

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter of The Application of

Sprint Wireless

To obtain a Conditional Permit to allow the installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, Tax Map Key (TMK) No. (2) 4-3-006:004, Lahaina, Island of Maui, Hawaii

DOCKET NO.: CP 2018/0001

SPRINT WIRELESS
(L. Callentine)

CONCLUSIONS OF LAW

Conditional Permit

The application complies with the applicable standards for a Conditional Permit as established in the Planning Department's Report to the Maui Planning Commission, June 26, 2018, Docket No. CP 2018/0001 as follows:

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code (MCC). The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the Applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

The Planning Department finds that the proposed use meets the criteria for issuance of a Conditional Permit. The use will be in harmony with the area, where the structure is located. Moreover, the proposed use is not detrimental to the public interest, convenience, and its welfare.

RECOMMENDATION

Conditional Permit

Maui County Planning Department recommends that the Maui Planning Commission recommend approval of the Conditional Permit to the Maui County Council, subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, MCC.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.
3. That Sprint Wireless and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sprint Wireless and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Sprint Wireless of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
4. That Sprint Wireless shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, MCC.
5. That full compliance with all applicable governmental requirements shall be rendered.

PROJECT SPECIFIC CONDITIONS:

6. That the Applicant shall submit for the Department's review and approval a preliminary compliance report and final compliance report; addressing its compliance with the Conditional Use Permit's conditions established with the subject Conditional Use Permit. The applicant shall not submit a building permit application until the Department has approved the preliminary compliance report; and shall not seek final inspection or certificate of occupancy until the Department has approved the final compliance report. Any request for a time extension by the Applicant shall be submitted to the Department with a compliance report.
7. That the applicant shall develop the property in substantial compliance with plans titled "Sprint Local Ask New Site Build, Site Name: South Kahana Maui, Site ID: HI80XC017," prepared by State 48 Development Consulting and dated November 13, 2017, and representations made to the Commission in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the permit.
8. That to the satisfaction of the Director of Planning, the new wireless telecommunications facility shall be painted to match the surrounding buildings on the parcel on which it will be placed. The fenced compound shall include slats painted to match the facility and surrounding buildings. Evidence of how this condition will be fulfilled shall be submitted with the preliminary compliance report.
9. That the Applicant shall notify the MPD Communications Coordinator of system expansion, installation of equipment operating in the 700/800MHz band, or shared location with other wireless carriers at this site prior to these changes being made to insure that there is no potential degradation of the Maui County Safety Radio System.
10. That the applicant shall obtain a Federal Communications Commission permit, if required. Evidence of meeting this condition shall be submitted with the final compliance report.

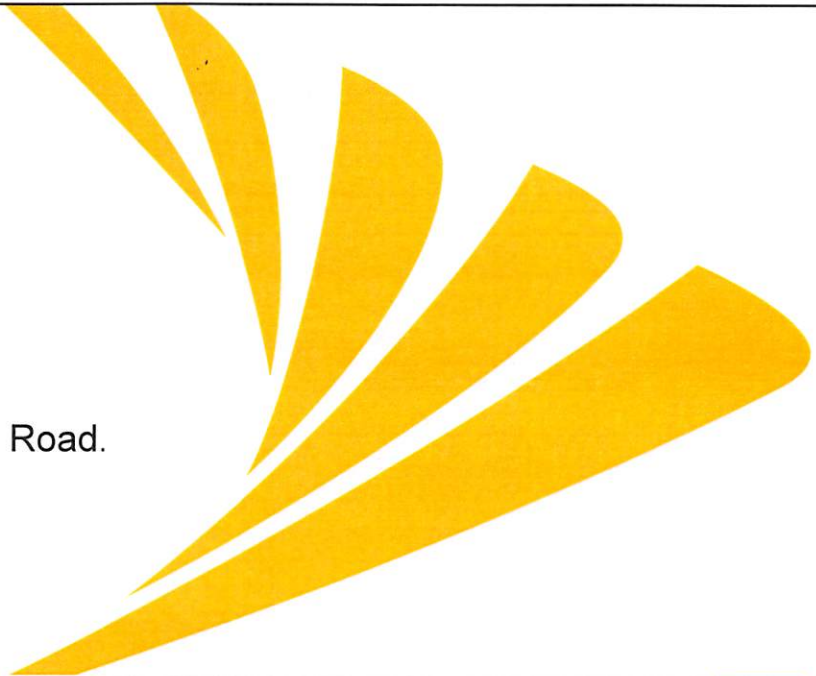
The Conditional Permit conditions will be enforced pursuant to the provisions of Section 19.530.030, MCC; and the *Department of Planning - Rules for Administrative Procedures and Civil Fines for Violations of Chapter 16.13 and Title 19 of the Maui County Code*.

In consideration of the forgoing, the Maui County Planning Department recommends to the Planning Commission that it recommend approval of the Conditional Permit to the Maui County Council. Further, that the Commission authorize the Planning Director to transmit said recommendations and record to the Maui County Council for further action.

APPROVED: ~



WILLIAM SPENCE
Planning Director



Sprint Site_HI80XC017
Maui Lani Terrace
3740 Lower Honoapiilani Road.
Lahaina, Hawaii, 96761

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1

Project Description



- Sprint is seeking a conditional use permit for a wireless telecommunications facility.
- The project will be located at 3740 Lower Honoapiilani Road, Lahaina, Hawaii 96761 (TMK-4-3-006:004).
- The zoning designation for this property is A-2 (Apartment District) with a governing height limit of 60'.

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2

Project Description



- The proposed facility will involve 12 panel antennas with remote radio heads.
- The pole will be a 35' monopalm design with fronds up to 40'.
- There will be MMBS cell site base station equipment in a 10'x20' fenced in a compound with 1-GPS antenna and ancillary equipment.
- This facility will allow Sprint to provide improved voice, data and text messaging coverage in the surrounding community while minimizing visual impact to the surrounding properties.

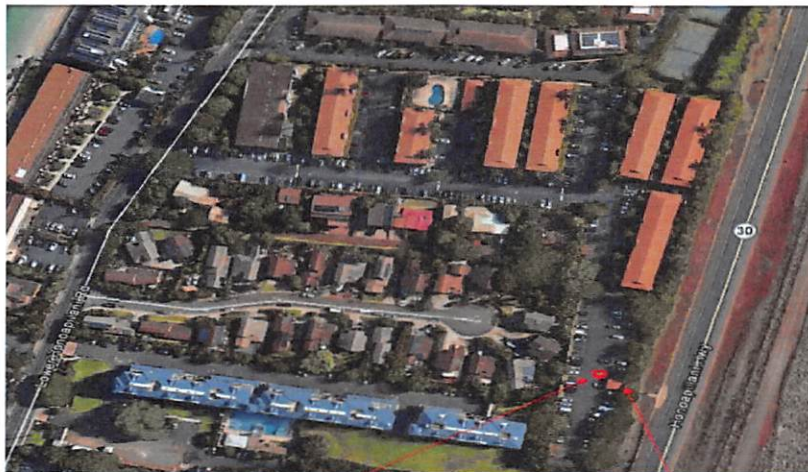
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3

Project Map and Location



Overhead Photograph of the Project Site



Proposed 35' Monopalm Location with 12 Panel Antennas.

Proposed 10' x 20' Equipment Lease Area on the Ground.

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4

Photo Simulation of Site



SPRINT Site Name:
HI80XC017B/South Kahana Ma



Looking North Before



Looking North After

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PHOTO SIMULATIONS PREPARED BY:

5

Photo Simulation of Site



SPRINT Site Name:
HI80XC017B/South Kahana Ma



Looking West Before



Looking West After

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PHOTO SIMULATIONS PREPARED BY:

6

Photo Simulation of Site

SPRINT Site Name:
H180XC017B/South Kahana Maui



Looking East Before



Looking East After

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7

Current Coverage VS Future Coverage

- Provide continuous data coverage along Honoapiilani Hwy.
- Provide high speed data for the Napili-Honokowai community.
- Enhance in-building coverage in vicinity of the site.
- Increase capacity to support users in the vicinity of the site

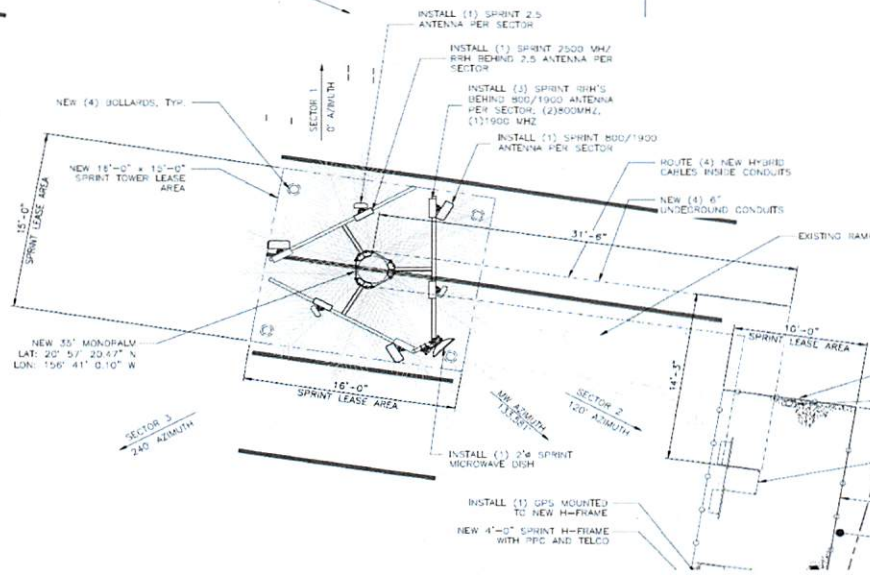
■ Current Coverage
■ Future Coverage
● New Site
● Current Site



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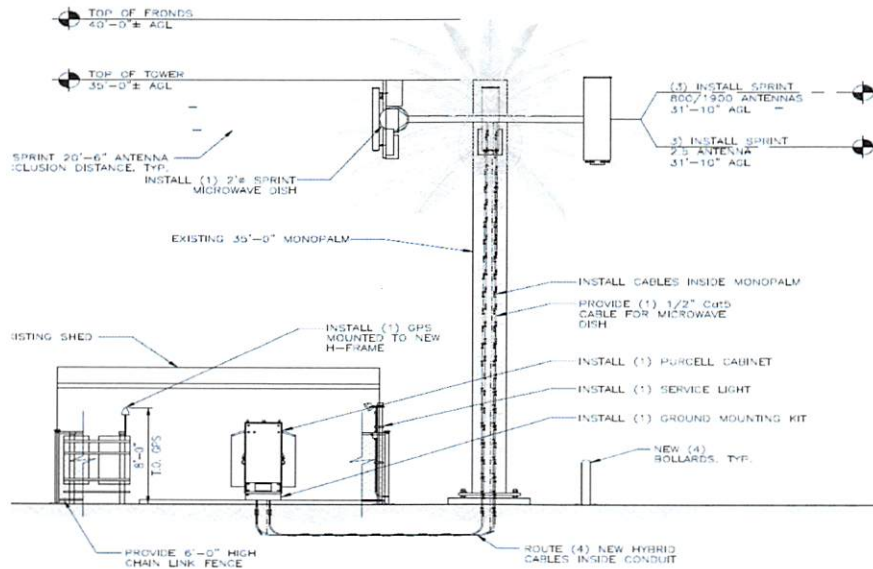
Architectural Drawings (Overhead View)



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Architectural Drawings (Elevation View)



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Radio Emissions Information



- The 3 expert agencies that usually classify cancer-causing exposures (carcinogens) – the International Agency for Research on Cancer (IARC), the National Toxicology Program (NTP), and the US Environmental Protection Agency (EPA) – have not classified cell phone towers specifically as to their cancer-causing potential.

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Radio Emissions Information



- The **US Federal Communications Commission (FCC)** has said this about cell phone towers near homes or schools: "Radiofrequency emissions from antennas used for cellular and PCS [personal communications service] transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students."

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Radio Emissions Information



- The **International Agency for Research on Cancer (IARC)** has classified RF fields as “possibly carcinogenic to humans,” based on limited evidence of a possible increase in risk for brain tumors among cell phone users, and inadequate evidence for other types of cancer. (For more information on the IARC classification system, see [Known and Probable Human Carcinogens](#).) IARC also noted that exposure to the brain from RF fields from cell phone base stations (mounted on roofs or towers) is less than 1/100th the exposure to the brain from mobile devices such as cell phones.

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Radio Emissions Information



- The **Environmental Protection Agency (EPA)** states: “At very high levels, RF energy is dangerous. It can heat the body's tissues rapidly. However, such high levels are found only near certain equipment, such as powerful long-distance transmitters. Cellphones and wireless networks produce RF, but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level, exposure to RF from sources like cellphone towers is usually very low.

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Site Benefits



- Increase enhanced voice, data and text messaging-In building coverage.
- No reduction of view plain.
- Allows parity among all wireless carriers.
- Allow more residents to work remotely with faster data rates in-building.
- Public Safety-Better coverage for 911 or any emergency calls for friends and all family members.
- No Health impact.
- Increase property value through increased services to the area.

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Conclusion



This installation will allow Sprint to provide improved wireless communication coverage to the surrounding community while minimizing visual impact to the surrounding properties. The proposed use will not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located. The facility will not greatly affect the purpose or current use of the existing land and there will be minimal alteration to the landscape.

Sprint Wireless seeks to provide optimum service to its customers while working within the guidelines set by the County. The use of creative design provides the opportunity for improved coverage without changing the character of a community. Therefore, Sprint submits this application and humbly requests your approval of a Conditional Permit.

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ALAN M. ARAKAWA
Mayor

MICHELE CHOUTEAU MCLEAN
Director

JOSEPH W. ALUETA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 9, 2018

Mr. Rich Conte
Wireless Resources Inc. for Sprint Wireless
758 Kapahulu Avenue, Suite 100, #1062
Honolulu, Hawaii 96816

Dear Mr. Conte:

SUBJECT: RECOMMENDATION OF APPROVAL OF A CONDITIONAL PERMIT (CP) APPLICATION TO INSTALL AND OPERATE A SPRINT WIRELESS TELECOMMUNICATIONS FACILITY CONSISTING OF A THIRTY-FIVE (35) FOOT MONOPALM TOWER WITH AN ADDITIONAL FIVE (5) FEET OF PALM FRONDS ON TOP AND A 200 SQUARE FOOT LEASE AREA FOR RELATED EQUIPMENT IN THE A-2 APARTMENT DISTRICT LOCATED AT 3740 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI; TMK: 4-3-006:004 (CP 2018/0001)

At its regular meeting on June 26, 2018, the Maui Planning Commission (Commission) took public testimony and reviewed the above requests and, after due deliberation, the Commission voted to recommend approval of the CP to the Maui County Council (Council) subject to the conditions listed below. The Council has the final review and approval authority for the CP.

Conditional Permit

The County of Maui Department of Planning (Department) recommends that the Commission recommend approval of the Conditional Permit to the Council, subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, MCC.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.
3. That Sprint Wireless and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense,

and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sprint Wireless and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Sprint Wireless of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That Sprint Wireless shall develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, MCC.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the Applicant shall submit for the Department's review and approval a preliminary compliance report and final compliance report; addressing its compliance with the Conditional Use Permit's conditions established with the subject Conditional Use Permit. The applicant shall not submit a building permit application until the Department has approved the preliminary compliance report; and shall not seek final inspection or certificate of occupancy until the Department has approved the final compliance report. Any request for a time extension by the Applicant shall be submitted to the Department with a compliance report.
7. That the applicant shall develop the property in substantial compliance with plans titled; "Sprint Local Ask New Site Build, Site Name: South Kahana Maui, Site ID: HI80XC017," prepared by State 48 Development Consulting and dated November 13, 2017, and representations made to the Commission in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the permit.
8. That to the satisfaction of the Director of Planning, the new wireless telecommunications facility shall be painted to match the surrounding buildings on the parcel on which it will be placed. The fenced compound

Mr. Rich Conte
July 9, 2018
Page 3

shall include slats painted to match the facility and surrounding buildings. Evidence of how this condition will be fulfilled shall be submitted with the preliminary compliance report.

9. That the Applicant shall notify the MPD Communications Coordinator of system expansion, installation of equipment operating in the 700/800MHz band, or shared location with other wireless carriers at this site prior to these changes being made to ensure that there is no potential degradation of the Maui County Safety Radio System.
10. That the applicant shall obtain a Federal Communications Commission permit, if required. Evidence of meeting this condition shall be submitted with the final compliance report.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Livit Callentine by email at livit.callentine@mauicounty.gov or by phone at (808) 270-5537.

Sincerely, .



MICHELE CHOUTEAU MCLEAN
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Livit U. Callentine, AICP, Staff Planner
Department of Finance, Real Property Assessment Division
Maui Police Department
Project File

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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM E.3
JUNE 26, 2018**

Mr. Yoshida: Thank you Mr. Chair. The third public hearing is from Sprint Wireless requesting a Conditional Permit in order to install a new wireless telecommunications facility consisting of a 35-foot stealth mono-palm, twelve panel antennae, one microwave dish, twelve remote radio heads, 200 square foot equipment lease area on the ground to house two MMBS, power cabinets, one GPS antenna, and one H-frame with ancillary equipment located in the A-2 Apartment District at 3740 Lower Honoapiilani Road, TMK: 4-3-006:004, Lahaina, Island of Maui. Staff Planner is Livit Callentine.

E. PUBLIC HEARING

- 3. SPRINT WIRELESS requesting a Conditional Permit in order to install a new wireless telecommunications facility consisting of a thirty-five foot stealth mono-palm, twelve panel antennae, one microwave dish, twelve remote radio heads, 200 square foot equipment lease area on the ground to contain two MMBS, power cabinets, one GPS antenna, and one H-frame with ancillary equipment; located in the A-2 Apartment District, at 3740 Lower Honoapiilani Road, TMK: (2) 4-3-006:004, Lahaina, Island of Maui. (CP 2018/0001) (L. Callentine)**

Ms. Livit Callentine: Good afternoon Commissioners. We've been having a wonderful meeting today I see. For this item additional testimony has been...no I mean, seriously...additional testimony has been received this morning and then some more this afternoon and then there was another agency review comment but it was actually a comment of no comment, but it should have been in the report, we just didn't have it in time. So all of that was laid out on the table for you in one of your breaks. I apologize for the lateness but sometimes that's the way things work.

Let's see, so I am...the applicant is represented here today by John Yager who is with Sprint Wireless and Rich Conte from Wireless Resources, Inc., and Mr. Conte will now provide a project overview and I will be available after that's done and you can ask questions.

Mr. Rich Conte: Aloha Board and Chair and Commission. Appreciate your time and I know it's getting late and I'll try to be as quick as I can, but as thorough as I can.

Mr. Robinson: We have time for you.

Mr. Conte: Okay, no. I got a plane to catch too, so no, no, I'm just kidding. Anyways, my name is Rich Conte and I do the entitlement and real estate portion of the project. And as Ms. Callentine mentioned, I'm here with my colleague Pete Yager who is...will hopefully help me out on any technical questions. So today, Sprint is seeking a Conditional Use Permit for a wireless telecommunications facility. The project will be located at 3740 Lower Honoapiilani Road, Lahaina, 96761. TMK: 4-3-006: 004. The zoning designation for this property is A-2, Apartment District with a governing height limit of 60 feet. The proposed facility will involve 12 panel antennas with remote radio heads. The pole will be a 35-foot mono-palm design with fronds up to 40 feet. There will be MMBS cell site base station equipment and a 10 x 20 fenced in compound with one GPS antenna and auxiliary equipment and I'll explain a little bit more about what those

are later. The facility will also provide improved voice, data and text messaging coverage in the surrounding community while minimizing visual impact to the surrounding properties.

The project map and location. So if you look to the left that Lower Honoapiilani Road and if you look at all the red rooftops that Maui Lani Terrace. That is the property and it's an L-shaped. So as you come down to the right-hand corner there right on Honoapiilani Highway or actually in their parking lot is where we located a site that is right next to their shed and we're going to proposal a 10 x 20 equipment leased area, fenced in leased area and a 35-foot mono-palm right there. Okay.

This is photo simulation of the site. So if you look at the top picture that is looking north in the parking lot. Now I just want to point out that there's existing palm trees on the property line right along the highway there. And if you look at the bottom depiction that's the after where the proposed mono-palm will be located and we're trying to keep it consistent so this would be technically the sixth mono-palm along the property line along the highway. Next.

Next picture is looking west before and then looking west after and that's right along Honoapiilani Highway driving right by it. Okay. Next picture is a...that's the residential area in the fronting the parking lot and the bottom that's looking east you see it's picking up in the background there.

This slide right here is really crux of what we're trying to accomplish and right now I'll set it up. This is called a radio frequency engineers this is what they use to show what our coverage would be before and after and in green is...we'll let me just set this up...up at the upper very top there's a yellow, you can't really see it but it's a yellow circle that's the Royal Kahana. That is the neighboring cell site. And if you look at the very bottom yellow circle that is the Kaanapali Shores cell site and that's...that would be the two neighboring cell sites. The black in the middle is the proposed. Okay, so the green is current coverage and then the red would be the future coverage. So you can see there's a gap right there. So if anybody who has Sprint probably don't if you live on the west side 'cause they know the coverage is in and out and real spotty out there, they know that this whole area is bad coverage and so that is our objectives to get that coverage there.

So in addition to that we're providing continuous data coverage along Honoapiilani Highway to provide high speed data for the Napili Honokowai. It's actually...(inaudible)...engineer say Napili but we are doing other sites in Napili but for this picture it's mainly for the Honokowai community. And enhanced in-building coverage in the vicinity of the site. Now with the advent of upcoming technology called 5G essentially what that's gonna do is gonna be...they're telling us, but until we actually get it installed we don't know for sure but what they're saying right now is that when 5G roles out that's gonna be 10 times the speed as cable. Now if you can get this type of...what they're trying to do, the wireless community is trying to offer competition just like they did with voice, and you used to have hard line and eventually everybody got wireless phones and they got rid of their hard line phone that's what's the trend gonna be with data meaning that now they can get high speed data and reliable via wireless they'll offer that service as well. And then of course, increase capacity to support users in the vicinity of the site. So as you can right now we just have these two sites, Royal Kahana and Kaanapali Shores and in between there's a lot of dead spots so what this site is also gonna do as you get more and more users these cell sites can only

accommodate certain amount of calls, but as you load the system, load the system this site will then be justifiable just on picking up some of the offloading off the other neighboring sites.

This picture is an architect drawing a bird's eye view or an overhead looking down. So if you look to the right that will be Honoapiilani Highway and you can see right there to the right there's a box right there that will be our 10 x 20 compound, fenced in compound. We'll trench underground to the tower to the left. As you can see we have three sectors and two sectors and on each...two antennas on each sector. As you can see there's three sectors that gives you 360 degree coverage and as you're pointing, one's pointing up north towards Napili, the other one pretty much south towards Lahaina, and then the other mauka right towards the mountains.

Just want to point out in this drawing that the...this facility is an unmanned facility. So it doesn't require anybody there. Doesn't require any...not any impact on traffic. Doesn't affect any services. When I say services, sewer or anything like that. And this type of pole is built with the same integrity as any other building out here, we go through the same process. We go through the building department. We have licensed engineers do the structural. We do a geotech for the foundation. The poles are rated structurally. And yeah, and that's it for this one. Okay, next one.

The architects...these architectural drawings is the elevation view. This is once again, this is a mono-palm. Actually do you have the...I'm sorry you want to grab...actually I should have this out during the photo simulation. We can pass it around. We've come a long way with the stealth type towers now and they have the bark. They actually have bark on the poles so it looks like a tree now. You know, it's definitely it's a tower but it's for people who've been around a lot of these, a lot of times you drive right by, you probably won't even see it, but well at least that's the intention. I know fronds look a little...they look like plastic 'cause they are plastic but what we do is these...the purpose is to hide the antennas so the antennas are painted, painted to match and I don't know if you've seen any of them around in other states or on Oahu but there actually are a couple here on Maui that have been approved in the past. But we've come a long way as far as the design.

...(inaudible)...to the left, that is the actual shed that's already there but we see a picture of the fence, the fence line is actually open and those are the two cabinets. The term MMBS means multi-media base station. That is the brain of the compound or the site. Essentially what happens is, is a call goes through the antenna, it goes down through fiber optics through the pole into this cabinet and then the cabinet then is interfaced into the phone network switch and that's how calls are generated. To the left is the auxiliary equipment. On that auxiliary equipment you'll have the meter, power distribution panel and a fiber cabinet.

I attached this information only because this seems to always come up in every meeting and it's just basic information, it's out there and I'll just go ahead and just read it. Three expert agencies that usually classify cancer causing exposure carcinogens are the International Agency for Research on Cancer that's IARC, the National Toxicology Program (NTP), and the U.S. Environmental Protection Agency (EPA) and these are all official statements have not classified cellphone towers specifically as their cancer causing potential. Once again, this information's out there. This next agency is the U.S. Federal Communications Commissions. Now our whole

industry the wireless industry is regulated heavy by the FCC and it's been around for over, over 40 years as far as cell towers and things like that. And right now at this point there has not been any documented incidents regarding hazard concerns, health hazards or concerns at all. And what they say, FCC has said that this about cellphone towers near homes or schools, radio frequency emissions from antennas used for cellular and PCS, personal communication service transmission result in exposure levels on the ground that are typically thousands times below safety limits, therefore there's no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

And I'm just going to read the yellow highlights and this is the International Agency for Research on Cancer, IARC also noted that exposure to the brain from RF fields from cellphone base stations mounted on roofs or towers is less than 1/100 exposure to the brain from mobile devices such as cellphones.

Then last the EPA, cellphones and wireless networks produce RF but not at levels that cause significant heating. In addition, RF energy decreases quickly over distance. At ground level exposure to RF from sources like cellphone towers is usually very low.

Just to sum up, once again our intentions for that Honokowai area because it's very limited in our coverage is to increase, enhance voice data and text messaging in building coverage. That's the big push is to get a strong signal for your smart phones to not just get voice but to get data at a high speed quality level. There's no reduction in the view plain. Now once again, yes there is a tower there, but technically it could be another tree or a 60-foot structure there and it's not affecting any ocean view or any type of view and we try to stay consistent with the landscaping, the current landscaping. Allows parody among other wireless carriers. As we know competition, good...good healthy competition always seems to work out, good for the end user. Allows more residents to work remotely with faster data rates in building. Once again, we're just trying to get faster data speed in building coverage. Allows locals and tourists alike to have that ability. Of course, public safety better coverage for 911 or any emergency calls for friends and family members. As we all know we all use phones. There's nothing worse than trying to make a call. It can either be an emergency call or not and it either drops or we can't get any service. No health impact.

And this last one I do have to make a disclaimer, increase property value through increased service to the area. So I'm just going to change that saying, increased...increased perceived property value and the reason why I say that is that I don't have any documentation that it increases property value, and I don't have any documentation that it decreases property value for those some people are concerned. But I can say this as someone who's been in real estate for a long period of time, when you do look at property in assessing your value and how it affects you a lot of times listings other than price you do look at services. You know what's there. Is it electric? I've got water there. I've got cable service, phone service and various phone services are listed. As far as appraisals go, if you follow the appraisal standards as far as price per square foot usually a couple things come into play is if there's a structure or an asset on the property or if you got income producing tenants on your property that increases the value. So that...the tower checks off both those boxes. So once again I'm just, just from my experiences I can say that that could hold true.

So in conclusion this installation will allow Sprint to provide improved wireless communications coverage to the surrounding community while minimizing visual impact to the surrounding properties. The proposed use will not significantly detrimental to the public's interest, convenience and welfare and will be in harmony with the area in which it is located. The facility will not greatly affect the purpose of the current use or of the existing land and therefore will be minimal alteration to the landscape. Sprint Wireless seeks to provide optimum service to its customers while working within the guidelines set by the County. The use of creative design provides opportunity for improved coverage without changing the character of the community. Therefore, Sprint submits this application and humbly requests the approval of a Conditional Use Permit. Thank you and any questions.

Mr. Robinson: Thank you. At this time, we'll take public testimony. Is there anyone here that would like to testify on this item please...aloha, please state your name and you have three minutes. You don't have to sign in, you can just come straight to the podium.

a) Public Hearing

Mr. Carnicelli: You get an award for being here all day.

Ms. Shelley Snyder: I feel like I know all of you. I don't really love public speaking but this will be, this will be easier because I've spent the day with you. So my name is Shelley, and I—

Mr. Robinson: And your last name please.

Ms. Snyder: Snyder. I live at 3788 Lower Honoapiilani Road which is...pardon me, I'm a little worked up at the moment.

Mr. Robinson: Just take your time. Take your time.

Ms. Snyder: Right next door to the proposed property where this will go and I have so many feelings on this. I cannot...I don't know where to begin. First you know, you've noted off these different—

Mr. Robinson: And I apologize you have to address the Commission not the applicant, but he can hear you.

Ms. Snyder: Okay. So you know it was noted these different organizations like the Cancer Institute and things like that had said there's no health implications. Well, you know the World Health Organization says there are. There's not enough research been done. There's very limited data that's been collected and on developing children it's proven this is not healthy. This is a very highly populated area. There are over 7,000 people living in Honokowai, most of them families with young children all over. There's a park across the street where they're proposing to put this. And it's just not the right place. This is not a good area. All up and down lower road you have condominiums where we all live. This is where we've decided to raise our families. This is not a

place to put this pole. I ask all of you to think back to when you bought your place, your home, your piece of land, your condo, think about that fondly. That's your sanctuary. That's where you go to unwind. Now think about that with a pole in your backyard. Think about it with a cellphone tower right in your backyard where you can look out your back window and that's what you see and that's what you get day in, day out every minute of every day all of these emissions going right through your neighborhood. You can choose to be on your phone an hour a day, two hours a day, three hours a day that is your choice. If they put this up I don't get a choice anymore. It's going to be in my backyard every day, every minute of every day and I don't like that at all. And my property value is gonna go down. I don't know where they think they're coming from thinking it's gonna go up or people are happy about this. I went to every single property and talked to dozens of people, maybe even a hundred people not one person has a concern of making a call. We all get our calls. We all can use data. There's no absolutely no reason we need higher coverage. And 911 calls, we all can make a 911 call. You've gotta be kidding me that we need Sprint to put up a tower to make a 911 call that's asinine. So I am absolutely opposed to this. I'm here on...I'm on the board for Hale Royale. I had some of my board members here this morning as well. They had to leave unfortunately. We have a couple of letters they wrote. Also there was a board member—

Ms. Takayama-Corden: Three minutes.

Ms. Snyder: --for the property across the street from us who was here this morning. He was absolutely opposed to this. I've talked to all the residents up and down lower road. I didn't talk to a single person that said yay let's do it, not one out of all the people I spoke to. There needs to be more research. There's needs to be breaks put on this. This does not need to go where 7,000 people call home. It's ridiculous. Thank you.

Mr. Robinson: Thank you. Commissioners we have any questions for the testifier? Commissioner La Costa.

Ms. La Costa: Mahalo Chair. We did receive some written testimony and previously it was read into the record. Would that be possible at that time?

Mr. Robinson: I made the exception because it was a Senator—

Ms. La Costa: Oh okay.

Mr. Robinson: -- and because we never get representatives.

Ms. La Costa: Okay.

Mr. Robinson: But if nobody did not receive that I think that's...yeah, 'cause we didn't have a testifier on the other side. All we had was testifiers pro, we didn't have it against, that's why I gave Kahu Hill at least to have somebody on the opposite site and I think she's...and like I said, she's representing, you know she's talked to the people representing an association so, I feel that you know, one and one I think is fine. That's all. But if you'd like to comment on the...on any of

the information you're free to.

Mr. Galazin: ...(inaudible)...

Mr. Robinson: Yeah.

Mr. Galazin: And just so you know any written testimony that is received and distributed is part of the record. When I talked about earlier the record on appeal. That is part of the evidence that's considered so there's no need to read it out loud. But as the Chair pointed out you can certainly point to it and give comments or ask questions based on other testimony.

Ms. La Costa: Thank you.

Mr. Robinson: Commissioner Kahu Hill. Either way.

Ms. La Costa: Okay, I do have a question, thank you.

Mr. Robinson: Sure, Commissioner La Costa.

Ms. La Costa: But it's actually for the presenter, so—

Mr. Robinson: So the questions is for the testifier. Do you have a question for the testifier?

Kahu Hill: I do. Aloha Shelley.

Ms. Snyder: Hello.

Kahu Hill: Do you...you said you had researched and found...they did present some information about that it wouldn't cause cancer and people are concerned about that and health concerns. Do you have any information, any organizations, anything about young children that are being developed, their brains, anything you could share with us on that at all?

Ms. Snyder: Absolutely. You know the World Health Organization has done many studies and like I said there's limited research and data collected but it says, it says, the World Health Organization recommends that we address the general health effects including cancers in children who use mobile phones or live near base stations of radios, T.V. and cell towers. This is of high priority. So I mean, the research goes on and on, there are pages of this, but what it basically says is here, yes in the U.S. we haven't done as much research as we should. We need to slow down. We need to really collect some data. In Europe they've already...they don't put these cellphone towers near schools or near communities where they're highly populated because they don't feel that it's safe. Here we're a little behind the times and we're kind of steamrolling ahead without the data and research. And unfortunately I don't have any like data to pass along to you, but what I don't want to have happen is in five, ten, fifteen, twenty years and say oh yeah, that was really bad. Why don't we stop, do more research, collect that data and then move forward. There's no reason that we have to have this particular thing happen right

now this week, this year, this five years. Why not wait until we get that data and then we can go forward.

Kahu Hill: And Shelley one more thing on that, did you see any research as far as like what Europe is doing or other countries are doing as far as how far that they make them 200 feet or how many yards or meters between residences or anything or schools or...

Ms. Snyder: Well, I don't know the limitations exactly I apology.

Kahu Hill: I know I'm kind of asking questions ...(inaudible)...

Ms. Snyder: I know I wish that I was a little bit more...I knew the limits and things, but I don't, I don't know those offhand but they do...if more research was done we could find that they have definite restrictions and you cannot put it within a certain limit of school zone or within communities that are populated to X amount. So there are restrictions and limitations.

Kahu Hill: Can I ask one more Chair? Thank you, mahalo. So what you're saying is that United States or us has not done enough research. So even if we were to defer this to get paperwork and documentation to give any other research on the matter it doesn't exist at this point in time?

Ms. Snyder: Well, and that is something that maybe, you know, you all need to do your due diligence and see if there is some research. I personally couldn't find anything that was just like this is the guidelines, this is where we can put them or we can't put them. I think it's all just being kind of developed as we go along. I couldn't find anything that gave like limitations of restrictions, but it's possible it's out there and maybe you have more access to that.

Kahu Hill: Mahalo.

Mr. Robinson: Thank you for your testimony. You have a question for our testifier? I apologize we have another question for you. I'm sorry. Commissioner Tackett.

Mr. Tackett: The closest building that I saw to the cell tower seemed to be makai of it. Is that where you live?

Ms. Snyder: We actually live north of the proposed zone. So we are on mountain side of the Lower Honoapiilani Road and we're on ocean side of the highway and it's proposed to go on ocean side of the highway right behind the property where I live.

Mr. Tackett: How far do you think your building line is from the tower that they're proposing?

Mr. Robinson: Commissioner, can you please the Exhibit 4 on top of the screen please. Thank you.

Ms. Callentine: We don't have that on. ...(inaudible-not speaking in to a mic)...you're talking about Exhibit 4 from the report?

Mr. Robinson: From the report.

Ms. Callentine: No, the report is not there. This is their presentation.

Mr. Robinson: Oh, I apologize.

Ms. Callentine: But I did pull up Exhibit 4 myself.

Mr. Robinson: So Commissioner Tackett if you can look at Exhibit 4 on your page?

Ms. Snyder: It's two stories. We're just north of where the proposed site is.

Mr. Robinson: Yeah, right there, right there.

Ms. Snyder: And it's only a few hundred feet I would say from where the proposed site is.

Mr. Robinson: So you live in Hale Royale?

Ms. Snyder: Yes, sir.

Mr. Robinson: So that's No. 2 Commissioner Tackett. And you see...and can you find out where the Maui Lani Terrace and where the parking lot is on there?

Mr. Tackett: Okay, I see that.

Mr. Robinson: And you see where the L is and see where the parking lot is and where the proposed shed is on the bottom right? There's a little shed there.

Mr. Carnicelli: Little brown dot.

Mr. Tackett: Down here?

Mr. Robinson: Yes. I got your bearings. Oh yeah it's up there too.

Mr. Tackett: Okay.

Mr. Robinson: Okay, thank you. I'm sorry continue.

Mr. Tackett: That was my question.

Mr. Robinson: Thank you so much. Any other questions?

Kahu Hill: I just have a question—

Mr. Robinson: Well, if it's not for the testifier I'm going to close public testimony and then we can have discussion. Do you have testifier or you're good? Is there anybody else that would like to testify on this item? Seeing none, public testimony is closed. Commissioners, any questions for the applicant? Commissioner La Costa.

Ms. La Costa: Mahalo Chair. Thank you very much for your presentation. So I have a few questions. I actually used to live within about 35 feet of where that tower is going up. Why did you happen to pick that specific area of Honoapiilani and Honokowai because is it very densely populated?

Mr. Conte: Well, there's in a selection process there's four criteria. One is and probably the overriding one is coverage. The radio frequency engineers tell us where they need coverage. They circle it on a map and say if you find something in this, in this circle that's constructible, zoneable and leasable that should accommodate our coverage. So that property I was able to obtain a lease, it's zoneable, it's constructible and it meets the RF objective. So the key is that we have two neighboring sites. So there's RF there already and let me just point out for the record that, you know, I respect her. I can understand the emotions involved because people hear things, but she uses a phone so she's fully aware that there's RF and she uses RF. So all we're asking is that we have the same opportunity to offer some competition in the area.

Ms. La Costa: So you mentioned that leased, so you are leasing the area where it is.

Mr. Conte: That's correct.

Ms. La Costa: And was that a determining factor of the position of that? That that was the only place that would lease it.

Mr. Conte: Yes, absolutely. Ideally we look for existing structures first. That's why we looked at the...once again, it's right up the street from her and everybody there's Kahana, the Royal Kahana and then also the Kaanapali. So the way the network works is, once you drive out of the range of one tower, you driving to the range of another. So on this island alone there may be 30 sites. So we have to...so in order to get the coverage and either which carrier you're with the whole island's blanketed with RF. It's everywhere. So that is...there's going to be no way around that. And so in talking about density that's where we go. We go...that's the intention is go where the population is because that's our customer base, that's everybody's customer base.

Ms. La Costa: The other two sites that you mentioned Kaanapali Shores and Royal Kahana, those are for the most part vacation rentals so people are coming and going and they don't have continuous exposure as all of that residential area does where you're proposing to erect the site.

Mr. Conte: Not necessarily. I wouldn't say that. I mean there's locals that live all in that area. That coverage...once again, there's coverage around the whole island. There's more than just two...so there's 30, pretty much almost 30 sites on every island.

Ms. La Costa: Yeah I was thinking of the density in that area not only living there but also being

familiar with the real estate there, so...and my last question if I might please Chair is at 35 feet with planes coming in and out of Kapalua Airport what kind of...and also birds, there's a fella who lives on Haku Hale that has homing pigeons. What kind of impact is that going to have on the birds with the continues...(inaudible)...or on the planes?

Mr. Peter Yager: We do studies related to—

Mr. Robinson: I apologize can you please introduce yourself?

Mr. Yager: Certainly. I was introduced as John Yager, I actually go by Peter, my middle name. Thank you Commissioner for your question. As far as the Kapalua Airport goes we follow the FAA guidelines on that and we'll do a study checking to make sure that we don't have any interference with the flights coming and out of that airport.

Ms. La Costa: What about the birds?

Mr. Yager: We an NEPA study on that and that would be addressed in the NEPA study.

Ms. La Costa: Thank you. As far as the NEPA study is a huge flock of homing pigeons in that neighborhood and so as far as numbers go I understand that there are specific criteria you must adhere to if there is livestock that could be impacted or birds or anything like that. What does your studies say?(inaudible)...that there was one...(inaudible)...

Mr. Yager: Our study is in progress. It will be completed at the end of July.

Ms. La Costa: Thank you.

Mr. Robinson: Commissioner Kahu Hill.

Kahu Hill: My question is for Peter not John. Peter just looking at phone technology and telecommunications I'm thinking about the environmental impacts of the telecommunications sites and wondering about the EMF, the electromagnetic fields and including the radiation and microwave radiation of frequency levels that radiate from those cell towers and everywhere, antennas, dishes. And I know with the technology it's saying that with FCC that you guys gotta stay on frequencies so I get that. I'm wondering with looking at this and you're talking about 5G and about, you know, we just keeping going, our cellphones keep evolving, our pads, our tablets, our computers, we keep evolving and I'm sure the technology will keep evolving and there's things to look at with health concerns. I'm just wondering does the environmental impacts here include monitoring, like monitoring the safety levels of radiation or things like that, the telecommunications site or sites.

Mr. Yager: Well, we design the site under the OET 65 Regulations of the Federal Communications Commission and we operate the transmitters within the specified power levels using that study as our guidance. And then they're monitored continuously because the power is set and if there's any deviation in the power that would be brought out as an alarm in the system.

Kahu Hill: And where would that happen 'cause you said that it was unmanned and so where would you...how do you monitor something like this?

Mr. Yager: We have multiple network operation centers throughout the country that monitors these sites.

Kahu Hill: And would your intention be if you come to this 5G that as technology advances being able to use what you're wanting to put in place on this pole to add higher technologies to this platform, this area?

Mr. Yager: Yes we would. Yes.

Kahu Hill: Mahalo.

Mr. Robinson: Any other Commissioners have a question, comment? Commissioner Carnicelli.

Mr. Carnicelli: So I don't know which one of you can answer this one, but did you make contact with the County Communications Coordinator Walter Pacheco at the Police Department for his input?

Mr. Yager: We know Walter quite well and we will make contact with him, but we have not yet.

Mr. Carnicelli: Okay, so you know him quite well, but you haven't contacted him about this yet.

Mr. Yager: That is correct.

Mr. Carnicelli: Okay. If I could continue?

Mr. Robinson: Please.

Mr. Carnicelli: So we've got reaching out to Walter and the bird study that haven't been done. What else has not been done yet or not completed yet?

Mr. Yager: We're in the zoning phase right now so that's the NEPA and communication with the County, Walter. That's normally with...as part of the stipulation on the zoning approvals that you reach out to the County...(inaudible)...and talk about it at that point.

Mr. Carnicelli: Okay. If I can continue? So when we've gotten these in the past you know I guess, and I'm gonna use real layman's term for someone that knows all the technical words, you got the tower and then you got your, you know, the signals going out and there's a band width with which it physically goes and that's why we put them up and yet the most hazardous part is that piece that goes like that. I don't see any elevations or something like that to where...I mean, I get that this area is on a grade, so you know, you're gonna be at the top by the upper road and I don't know if those...that shoots over the top of the houses or not, that main say beam of—

Mr. Yager: It is a beam width.

Mr. Carnicelli: Oh beam, there we go. All right, I know the technical term then. So can you...do you have a slide or something like that where you show the beam?

Mr. Conte: No, I'm sorry the next, the one right before that one. Might not be able to see it. Actually it's on this one too. It's called an exclusionary. It's on this one.

Mr. Robinson: The right side.

Mr. Carnicelli: Right, but that doesn't show relative to anything else. I mean, it just shows a parking lot with a tree. You know it doesn't show where the houses are below that. It doesn't show where the Maui Lani Terrace is next to it.

Mr. Conte: Well, it's 35 feet up in the air, 20 feet going straight out there's absolutely...

Mr. Carnicelli: Okay, I'm just...I'm trying to—

Mr. Conte: I'm not...(inaudible)...I just want to explain a little bit more on the exclusionary just so everybody understands. That is a calculation done by the antenna and then also the ERP, the Effective Radiating Power and then they determine this exclusionary. In other words, anything in this exclusion that crosses this exclusionary zone, you just need to have some type of notification that you can't be there too long on it. But anything after the exclusionary zone or so long you're not in it, you're...and everything past that you're pretty much fine. You are fine.

Mr. Carnicelli: One more question.

Mr. Conte: And this is yeah, 35 feet up in the air.

Mr. Carnicelli: So my next, my last question is around say Kaanapali, North Kaanapali to Kahana, how many cell towers are in that area now, not just Sprint. I got where you guys are on Royal Kahana and Kaanapali Shores, but if I take AT&T and everybody else, how many towers are there. How much, how much is the neighborhood getting blasted now?

Mr. Yager: I would...this is would be an estimate 'cause the other companies don't always share their locations with us, but I would guess it to be anywhere from five to seven towers per company.

Kahu Hill: Per what?

Mr. Carnicelli: Per company. Five to seven per company in the same area that you want to put...that you now have two and you want to put a third.

Mr. Yager: Well, you went from Kaanapali—

Mr. Carnicelli: Yeah, I'm saying North Kaanapali...Kaanapali Shores which is you know, say the north end of Kaanapali to Kahana. So you guys have two, everybody else has four or five. Okay.

Mr. Robinson: I don't want you guys to take this personal. I think you know, it's always...no I'm serious. The last person always seem to you get more questions and we're a thorough commission than it was a few years ago. We ask a lot more questions and some guys might have been able to slide in more. There's more research. There's more out speak and lot of us we just want to understand you know, what's going on and so I want to, you know, it's, it's just a process and try to...try not to take it personal, and we'll keep on going. Commissioner Kahu Hill.

Kahu Hill: I just wanted to understand 'cause I heard before also that sometimes when it was T-Mobile or Sprint or AT&T or Verizon that sometimes they would use others towers or use Verizon towers or something does that exist within Sprint?

Mr. Yager: Yes, we do co-locate on other companies facilities.

Kahu Hill: And is there nothing on the west side that you could do that with?

Mr. Yager: We could not find it in this particular RF search range.

Kahu Hill: One last question. If you advance your technology from what you're looking at today and believing that it wouldn't create cancer or health concerns with what you know what about future technology looking to be in this housing and not knowing those stats but of course wanting to keep up with telecommunications and technology and always staying up with that being so close to residents and life.

Mr. Yager: I think that the future for wireless telecommunications is you have multiple facilities much closer to the residents, many more facilities as we enter into the 5G phase where you'll see them on light posts, electrical tower facilities. They're gonna be much more prolific.

Kahu Hill: Are you saying that because of the density of people or overpopulation in areas? Would that be the main reason that they would be closer?

Mr. Yager: The demand I think. Like these particular cell sites that we're proposing and there's a total of eight on Maui by the way, we have received feedback from our customers and these are directly in relationship to our customers telling us that they need coverage in this area to continue to work with us.

Mr. Robinson: We only got today guys. Is let me ask a question and so we can try to move this along so we can get a motion. Can you quantify the exposure of no matter what you call it 'cause is heard that you have...at 30 feet high we have a beam right. We do have two stories in that neighborhood. Quantify the distance, quantify the radiation and what I'm asking is, is we have cell phones everywhere right? I mean, I actually rather live at some place I have a better reception than I don't have one in my room. That's me, everybody's different. But I also have Bluetooth, I

also have modem that's all remote so I don't have anything wired. So I'm a wireless. So is our modems in our home just like a cell phone. I mean, you know can we quantify everything instead of just cell phones and just focus on cell phones because is our internet and what's going on in the internet is that the same, you know. And then to further the question does 5G give out any more, any less compared to 2G or 3G?

Mr. Yager: I'll start with 5G first.

Mr. Robinson: Okay.

Mr. Yager: And that, the answer to that is no. They operate on...5G is a type of signaling format that is used in order to enhance the data bit stream to allow more data in a particular time frame. So whether you're operating at 800 megahertz or 600 megahertz or 1,900 megahertz, or 2,500 megahertz or 700 megahertz which the cell phone companies are using. They all would support 5G. Generally they're going towards the higher frequencies to allow better penetration into...in buildings. And as far as the rest of the—

Mr. Robinson: Modem to a cell phone and a tower. What's a modem tower, cell phone tower is that compatible or are we talking apples and oranges?

Mr. Yager: Well, they're different, sort of...well, I don't know, apples and oranges I guess because they're different frequency ranges. So you're talking about a much different frequency that you're using for your Wi-Fi than we are for the—

Mr. Robinson: Is there a difference in exposure regardless if it's noncancerous or cancerous?

Mr. Yager: It's a lower, lower power output on those—

Mr. Robinson: On the modems.

Mr. Yager: Yes, but they're right in your house.

Mr. Robinson: Okay.

Mr. Galazin: Chair?

Mr. Robinson: Corp. Counsel.

Mr. Galazin: Thank you Chair for allowing me just to chime in real quickly. Just to make sure that all the members understand that this is for a Conditional Permit and you guys are making a recommendation to the County Council so whether or not to approve it. It's gonna be up to them to do it. A fun fact, in the Middle Class Tax Relief and Job Creation Act of 2012, they slipped in a provision related to colocation of similar type units where powers, municipalities with zoning powers are pretty limited in what they can do as far as regulating colocation. So standalone entities like this you have a little bit more...in the report you'll note that there is reference to Shot

Clock, that 2012 Tax Relief Act that somehow also relates to cellphone towers and zoning approvals has an even shorter shot clock. So you can make your recommendation. You are not going to prohibit these things from being proliferated around the island. These are very good questions to ask but I would say this is one way in which conditions can be put on it through conditional permit by the County Council. If it's colocation then there's less control over it. So a standalone tower actually provides a little bit more...(inaudible)...of control. And as I mentioned that was something that's(inaudible)...put on as a condition when Council makes a final determination, but it's just something to throw out there for everybody.

Mr. Robinson: Do we have a motion?

Mr. Castro: I move to adopt the Department's recommendation.

Mr. Robinson: And do I have a second?

Mr. Carnicelli: Second.

Mr. Robinson: Seconded by Commissioner Carnicelli. Discussion Commissioners? Is you know, is I'm just going to put my two cents in this. I come from communication equals mobility for economic. It's proven, internet is proven, phone access is proven that people that are able to communicate can help their economic stability. Reducing people's ability to communication affects them economically and I'm not sure about all the medical or legal...medical aspects of it. You know, I'm gonna claim I'm ignorant on that, but I do know that communications help people's economic upward mobility. Any other comments? Commissioner Carnicelli.

Mr. Carnicelli: Yeah, Chair you know I appreciate the testifiers concerns and I'll be perfectly honest with you I've had similar concerns and my wife and I have talked about moving to the middle of Montana or something like that you know. But I was actually yesterday in Honolulu staying in Waikiki and from my room I looked at every single hotel and every single hotel I looked at had a tower looking at this. You know I do have the concerns about how much is too much, when's enough enough, and yet, at the same time you know there is competitive balance if we've let one company do it but we don't let another company do it where do we fall in that. So yeah, I'm gonna go ahead and support the motion to approve to the Council.

Mr. Robinson: Commissioner La Costa.

Ms. La Costa: Thank you Chair. I am against this motion for two reasons. Number one, these studies are not complete. There were two very important, one of them is communications with the police and you talk about 911. The airport is close by as well. That's probably a concern. And also, what you're doing about the NAPA, WEPA, whatever survey...NEPA see I'm not a bird person, but what you're doing about that and when's that going to be concluded. So I cannot support this without all the information.

Mr. Robinson: Okay, we'll take this to a vote. All those in favor of recommending to Council please raise your right hand? All those opposed? I will pass this. Motion is approved.

It was moved by Mr. Castro, seconded by Mr. Carnicelli, then

VOTED: To Recommend Approval of the Conditional Permit to the County Council.

(Assenting – S. Castro, L. Carnicelli, A. Hall, C. Tackett,
K. Robinson)

(Dissenting – P. D. La Costa)

(Excused – T. Gomes, L. Hudson)

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE GRANTING SPRINT WIRELESS A CONDITIONAL PERMIT TO ALLOW THE INSTALLATION OF A WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF A THIRTY-FIVE (35) FOOT MONOPALM TOWER WITH AN ADDITIONAL FIVE (5) FEET OF PALM FRONDS AT THE TOP, AND A 200 SQUARE-FOOT LEASE AREA TO CONTAIN EQUIPMENT ON THE GROUND; LOCATED IN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 3740 LOWER HONOAPIILANI ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 4-3-006:004, LAHAINA, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Sprint Wireless, to allow the installation of a wireless telecommunication facility consisting of a thirty-five (35) foot monopalm tower with an additional five (5) feet of palm fronds at the top, and a 200 square-foot lease area to contain equipment on the ground within the A-2 Apartment District. The site is identified for real property tax purposes as tax map key number (2) 4-3-006:004, comprising approximately 440 square feet of the 4.117 acre parcel of land situated at 3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an

extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, MCC.

2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.

3. That Sprint Wireless and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Sprint Wireless and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Sprint Wireless of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That Sprint Wireless shall develop the property in substantial compliance with the representations made to the Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, MCC.

5. That full compliance with all applicable governmental requirements shall be rendered.

6. That the Applicant shall submit for the Department's review and approval a preliminary compliance report and final compliance report; addressing its compliance with the Conditional Use Permit's conditions established with the subject Conditional Use Permit. The applicant shall not submit a building permit application until the Department has approved the preliminary compliance report; and

shall not seek final inspection or certificate of occupancy until the Department has approved the final compliance report. Any request for a time extension by the Applicant shall be submitted to the Department with a compliance report.

7. That the Applicant shall develop the property in substantial compliance with plans titled; "Sprint Local Ask New Site Build, Site Name: South Kahana Maui, Site ID: HI80XC017", prepared by State 48 Development Consulting and dated November 13, 2017, and representations made to the Commission in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the permit.

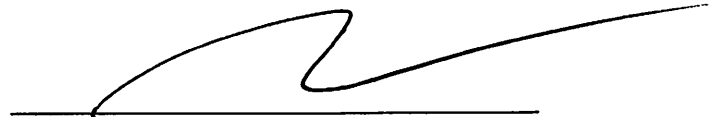
8. That to the satisfaction of the Director of Planning, the new wireless telecommunications facility shall be painted to match the surrounding buildings on the parcel on which it will be placed. The fenced compound shall include slats painted to match the facility and surrounding buildings. Evidence of how this condition will be fulfilled shall be submitted with the preliminary compliance report.

9. That the Applicant shall notify the MPD Communications Coordinator of system expansion, installation of equipment operating in the 700/800MHz band, or shared location with other wireless carriers at this site prior to these changes being made to ensure that there is no potential degradation of the Maui County Safety Radio System.

10. That the applicant shall obtain a Federal Communications Commission permit, if required. Evidence of meeting this condition shall be submitted with the final compliance report.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

LF 2018-1010
2018-08-15 Ordinance