

CERTIFIED MAIL

January 17, 1989

Mr. Toshio Serizawa, Vice President
Hawaii Nanihoa Hotel
93 Banyan Drive
Hilo, Hawaii 96720

Dear Mr. Serizawa:

Special Management Area Use Permit Application
TMK: 2-1-05:13, 16, 17, 18, 27, 32 & 46

The Planning Commission at its duly held public hearing on January 10, 1989, voted to approve your application, SMA Use Permit No. 279, to allow repair, renovation and refurbishing of the existing hotel complex at Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

1. The requested Special Management Area Use Permit Application conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Resort development. Such a designation may allow Resort and related uses.
2. The purpose of Chapter 205-A, Hawaii Revised Statutes and Rule No. 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect and where possible, to restore the natural resources of the coastal zone area. As a result, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

The proposed development will not result in the loss of valuable natural, cultural or recreational resources of the coastal area since the project site has been extensively improved. As such, the project site does not provide habitat for any endangered plant or animal species nor does the property contain any significant archaeological features or sites.

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3. Further, no adverse impacts on air and water quality are expected to be generated by the proposal. The nature of these additional improvements is such that no unusual air emissions will be produced.

Based on the above, it is determined that approval of this SMA Use Permit Application would result in an appropriate land use pattern that will further the public necessity and convenience and the general welfare.

It is further recommended that this request be given favorable consideration subject to the following conditions:

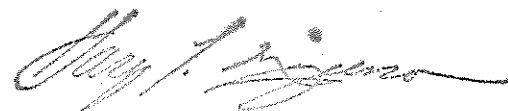
1. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
2. The applicant shall submit plans for Plan Approval within one year from the effective date of this Permit.
3. Public access to and along the shoreline and related improvements shall be provided in a manner meeting with the approval of the Planning Director prior to or simultaneous with Final Plan Approval.
4. The method of disposal of the water from the swimming pool shall meet with the approval of the appropriate governmental agencies.
5. A drainage system shall be installed in accordance with the requirements of the Department of Public Works. All development generated runoff shall be disposed on site and shall not be directed toward any adjacent properties. If drywells are included the State Department of Health's authorization pursuant to Chapter 23, Underground Injection Control (UIC), Administrative Rules, shall be secured.
6. All applicable laws, rules, regulations and requirements shall be complied with, including those of the Department of Water Supply and the Department of Public Works.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

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8. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the SMA Use Permit; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate proceedings to nullify the SMA Use Permit.

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

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Megumi Kon
Department of Public Works
Department of Water Supply
County Real Property Tax Division
DBED, CZM Program w/background

bcc: Plan Approval Section