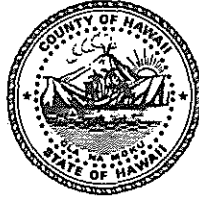


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

Z 095 323 753

SEP 19 1996

Willie K. Tallett, Senior Vice President
C. Brewer and Company, Ltd.
P.O. Box 1826
Honolulu, HI 96805

Dear Mr. Tallett:

Special Management Area Use Permit Application (SMA 96-8)

Applicant: Mauna Kea Agribusiness Company, Inc., a Subsidiary of
C. Brewer and Company, Ltd.

Request: Develop a New Headquarters for C. Brewer and Company, Ltd. By
Restoration, Renovation and Additions to the Existing Warehouse Structure
at Brewer's Hilo Wainaku Mill Site

Tax Map Key: 2-6-15:1 and 2-6-16:2

The Planning Commission at its duly held public hearing on September 12, 1996, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 367 is hereby issued to allow for the development of a new headquarters for C. Brewer and Company, Ltd. by restoration, renovation and additions to the existing warehouse structure at Brewer's Hilo Wainaku Mill Site. The project site is located along the makai side of Mamalahoa Highway and Hau Street at Wainaku-Mokuhonua, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes, and Rule 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 areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options, and to insure that adequate public access is provided to public-owned or used beaches, recreation areas, and natural reserves by dedication or other means.

The proposed project will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health safety or compelling public interest. The project site is

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zoned General Industrial (MG-5a) and was the location of the Wainaku Sugar Mill where sugar processing was conducted. The mill began operations in 1884 and closed down in 1976 after close to 100 years of operation. The applicant, C. Brewer & Company, Ltd. (hereafter known as C. Brewer) proposes to convert the existing warehouse structure into their main office headquarters which would accommodate approximately 30 employees. The subject development would be separated from the Mamalahoa Highway by an approximate 40-foot high embankment that has tree growth on it. The development would not be visible from the Highway nor interfere with the single-family residential (RS-7.5 and RS-10) uses along the Mamalahoa Highway which are not provided direct access on to the Highway. Adjacent parcels have an Open zoning and are not developed. No known threatened or endangered species of flora or fauna or their special habitats are known to exist within the project area. Due to the fact that the parcel is adjacent to the Hilo Bay, all development generated runoff shall be discharged on site. Wastewater disposal shall also comply with the Department of Health requirements. The applicant shall comply with all applicable requirements, including the Army Corp of Engineers, in regards to any discharges into Hilo Bay. In regards to traffic, it is not anticipated that traffic generated from the office building will have a substantial adverse impact on the coastal zone. Therefore, no conditions relating to traffic are included in this approval. As such, no substantial adverse ecological effects to the physical environment within the immediate area is anticipated to be generated by the proposed project.

The proposed project is consistent with the objectives, policies and guidelines of the Special Management Area. These guidelines were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including historic, recreational, scenic resources, coastal ecosystems, economic use and coastal hazards.

The subject property, including the property directly across the Highway (2-6-15:2) were used for the Wainaku Sugar Mill operations. As such, the property has been fully developed and used for major industrial uses. The renovation of the existing warehouse into a new headquarters for C. Brewer is not expected to affect any existing development in the area. A majority of the mill operation structures have been demolished. Remaining on the property are remnants of the building walls and foundation, flumes, train tunnel and concrete and asphalt roads. These aged structures will remain within the landscape to maintain the historical nature of the site. No known presence of any significant historic or archaeological feature is situated on the project area.

Fishermen who fish along the coastline will continue to be provided public access. However, no parking is available on site. A condition is included to require the applicant to submit a shoreline access plan for review and approval by the Planning Director. A 40-foot high seawall forms the east (Hilo Bay) boundary, and the applicant does not propose any improvements within the existing 40-foot shoreline setback area. In addition, although the properties are located on the makai side of the Mamalahoa Highway, the newly renovated building will not be visible due to the high embankment and trees. Scenic views of Hilo Bay and town from the subject properties will be maintained and preserved. The applicant also proposes to design landscaping that would enhance the features of the proposed building and environment. As such, the project would not interfere with any recreational resources, with the natural shoreline processes nor impact viewplanes to the coastal area.

The applicant states that no dredging, filling or other work will be done to alter the bay. Any runoff or discharge generated by the proposed project will be handled by on-site drainage improvements meeting with the approval of the Department of Public Works and other government regulations. Potential adverse impacts to coastal waters from soil erosion and runoff during construction can be adequately mitigated through compliance with existing construction regulations. The existing structure is within Zone X (outside of the 500-year flood plain). Wastewater generated will be disposed of on site with an onsite septic tank and disposal system. On-site drainage improvements and compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters.

In addition, it is not anticipated that the potential economic uses of the nearby coastal areas will be adversely impacted by the proposed development. In fact, the move of the C. Brewer corporate offices will help to boost the Big Island economy.

The proposed project within the Special Management Area is consistent with the General Plan and Zoning Code. The proposed renovation of the existing warehouse structure into a corporate headquarters for C. Brewer consistent with the zoning for the subject area. The approval of the request would conform to the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map which designates the area for Industrial. C. Brewer is an industrial-agribusiness company; the offices would provide support services to their operations. The proposed project would complement the following goals and policies of the General Plan:

Land Use Element:

- * Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural and physical environments of the County.
- * The county shall encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.

Economic Element:

- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the county's natural and social environment.
- * The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

As there is a possibility that the existing structure straddles the property borders of the two parcels and the fact that this is a single proposed development, a condition will be included to require consolidation of the two properties.

Based on the above, the proposed project will not have any substantial adverse impacts to the subject or surrounding area and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management, Rule 9 of the

Planning Commission relating to the Special Management Area, and the General Plan and Zoning Code of the County of Hawaii.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. Final Consolidation Approval of the proposed properties shall be secured from the Planning Director within two (2) years from the effective date of this permit.
4. If applicable, the applicant shall construct the required water system improvements in accordance with the Department of Water Supply prior to securing Final Plan Approval. In lieu of construction, the applicant may execute an agreement meeting with the approval of the Department of Water Supply.
5. The applicant shall submit a public access plan for review and approval by the Planning Director prior to securing Final Plan Approval. The plan shall include information on shoreline accesses, parking areas, signage and restrictions on use (if any) and related improvements.
6. Construction shall be completed within five (5) years from the effective date of this Permit. Prior to the start of construction, Final Plan Approval for the proposed development and related improvements shall also be secured from the Planning Director. Plans shall identify all existing and proposed structures including remnants of the mill, fire protection measures, paved parking stalls and paved driveway, landscaping, future road widening and other improvements associated with the proposed development. Public access trails and parking areas shall also be designated.
7. All grading shall meet with the approval of the Department of Public Works.
8. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works prior to securing Final Plan Approval.
9. Comply with all applicable laws, rules, regulations and requirements of affected agencies for the project development.
10. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:

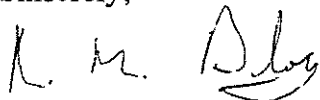
Willie K. Tallett, Senior Vice President
C. Brewer and Company, Ltd.
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- A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
- B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
- C. Granting of the time extension would not be contrary to the original reasons for granting of the permit.
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Office of State Planning, CZM Program (w/Background)
Mr. Evan Cruthers/Media Five