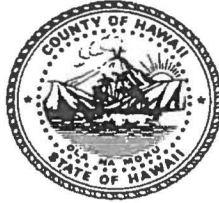


Harry Kim
Mayor



Joseph Clarkson, Chair
Donald Ikeda, Vice Chair
Gilbert Aguinaldo
Donn Dela Cruz
Thomas Raffipiy
John Replogle

County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

OCT - 2 2018

Mr. Sidney M. Fuke
Planning Consultant
100 Pauahi Street, Suite 212
Hilo, HI 96720

Dear Mr. Fuke:

SUBJECT: Special Management Area Use Permit (SMA 06-000011)
Applicant: Suisan Company, Ltd.
Request: Time Extension to Comply with Condition No. 2 (Construction Timeline), Amendment to Condition No. 13 (Administrative Time Extension) and Add Two Additional Parcels to the Permit Area for a Total of Approximately 3.7 Acres
Tax Map Key: 2-1-006:021, 039 and 088

The Leeward Planning Commission, at its duly held public hearing on September 6, 2018, voted to approve the above-referenced request to amend Special Management Area Use Permit (SMA 06-000011) to allow a time extension to comply with Condition No. 2 (Construction Timeline), amendment of Condition No. 13 (Administrative Time Extension) and the addition of two parcels to the permit area identified as TMK 2-1-006:021 and 088. The properties are located between Kalaniana'ole Street and Kamehameha Avenue, Waiākea, South Hilo, Hawai'i.

Approval of this amendment is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. Construction of the project shall commence within five (5) years and be completed within ten (10) years from the effective date of this amended permit. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall

identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use and in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements) including detailed landscaping plans that will mitigate the visual impact of the proposed development from Kalaniana'ole Street.

3. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
4. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. The drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works, prior to receipt of a Certificate of Occupancy.
5. Comply with Chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
6. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects in the State of Hawaii.
7. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
8. The project's existing and proposed structures shall connect to the County sewerline prior to the issuance of a Certificate of Occupancy of any new structure of the project. The applicant shall comply with the requirements of the Department of Environmental Management for sewer connection.
9. Prior to the submittal of Plan Approval, the applicant shall submit updated estimated maximum daily water usage calculations for the proposed uses prepared by a professional engineer licensed in the State of Hawai'i for review and approval by the Department of Water Supply. The water usage calculations should include the estimated peak-flow in gallons per minute and the total estimated maximum daily water usage in gallons per day.

10. In the unlikely event that any surface or subsurface historic properties and/or resources, such as lava tube openings, concentrations of artifacts, structural remains or human skeletal remains are found during construction activities, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and immediately contact the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651 for further guidance. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
11. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
12. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.
13. An initial extension of time for the performance of conditions within this amended permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of this 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).

E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

14. The applicant shall submit a written request to revoke Variance No. 14-000260 within 90 days of the effective date of this amended permit.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

[Note: Ramseyer version available upon request.]

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Jeff Darrow of the Planning Department at 961-8158.

Sincerely,



Joseph Clarkson, Chairman
Windward Planning Commission

LSuisanAmendSMA06-011wpc

Enclosure: PC Findings Report

cc w/enclosures: Suisan Company, Ltd.
Department of Public Works
Department of Water Supply
County Real Property Tax Division - Hilo
Department of Land & Natural Resources-HPD
Department of Environmental Management
~~GIS Section~~

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
PLANNING COMMISSION FINDINGS

SUISAN COMPANY, LTD.

AMENDMENT TO SPECIAL MANAGEMENT AREA USE PERMIT NO. 06-000011

Based on the following considerations, the proposed amendments, consisting of a time extension to comply with Condition No. 2, the allowance of an additional administrative time extension and the inclusion of parcels 021 and 088 to the permit area, is hereby approved.

SUISAN COMPANY, LTD. has submitted an application to amend Special Management Area Use Permit No. 06-000011, which was issued by the Planning Commission in 2006 to allow the replacement of two existing warehouse buildings, an existing office/warehouse building, maintenance storage building and a chill box with two new warehouse buildings, a new office building, parking and related improvements on 1.43 acres of land identified as TMK (3) 2-1-006:039. The proposed amendment includes a time extension to comply with Condition No. 2 (Construction Timeline), amendment of Condition No. 13 (Administrative Time Extension), and the addition of two parcels to the permit area identified as TMK 2-1-006:021 and 088. The properties are located between Kalaniana‘ole Street and Kamehameha Avenue, Waiākea, South Hilo, Hawai‘i, TMKs: (3) 2-1-006:021, 039 and 088.

Condition No. 2 – Time Extension for Construction Timeline: The applicant requested to eliminate phasing of the project because the project will be developed over time and its development will be guided by financing and need. This makes it difficult to determine the timing of phasing for the overall project. The applicant requested that there be no phases assigned and instead have only a commencement and completion date of the overall project. The applicant requested a 5-year time extension to commence construction, with a 10-year completion deadline, with the potential for an administrative extension. The applicant submitted the proposed language changes to Condition No. 2:

2. [Phase-I] Construction of the project shall commence within five (5) years and be completed within [five (5)]ten (10) years from the effective date of this amended permit. [-Construction of Phases II and III shall be completed with ten (10) years from the effective date of this permit.] Prior to [each phase of] construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use and in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements.)

Condition No. 13 – Administrative Time Extension: The applicant also requested to amend Condition No. 13 to allow for an additional administrative time extension. The applicant received an initial administrative time extension on September 23, 2014 but was unable to meet the deadline to complete Phase I by June 2, 2016. As a result, the applicant

was not able to utilize the second part of the administrative time extension for Phases II and III. Now, the applicant requested that this allowance be added to the amendment request.

Addition of two (2) adjoining parcels to permit area (TMKs: 2-1-006:021 and 088):

Lastly, the applicant requested to add the two (2) adjoining parcels (parcels 021 & 088) to the original SMA Permit area, which consisted of parcel 039. This will allow the entire Suisan complex to be covered under the same SMA permit. If an amendment is needed in the future for the Suisan complex, it will just require an amendment to SMA 06-000011.

The applicant intended on developing the project as originally envisioned and reflected in the original SMA Permit. However, on May 15, 2014 a fire destroyed the applicant's office building and some warehouse space, causing the applicant to regroup and revisit its original plan, which was proposed to be done in three (3) phases. Currently, the applicant intends to proceed with the gradual renovation of the overall project site and will not utilize the existing approved variance (Variance No. 14-000260). The following is a summary of the original phasing plan as well as the proposed modified plan:

Original Phasing Plan

The original Phasing Plan consisted of the following on TMK: 2-1-006:039:

- **Phase I** – Warehouse renovation. The existing office and warehouse facilities were to be replaced by a warehouse of approximately 15,000 square feet (Warehouse E) to be constructed on the southern end (Kamehameha Avenue side) of the property. Warehouse E was meant to store an inventory of frozen and chilled products.
- **Phase II** – Warehouse renovation. Another existing warehouse was to be demolished and an approximately 5,600-square foot warehouse (Warehouse F) was to be constructed on the southwestern portion of the property. Warehouse F was used to store an inventory of dry grocery and non-food products.
- **Phase III** – Office building. An approximately 13,360-square foot office building was to be constructed to replace the current office facility. This building, to be constructed on the southeastern portion of the property, would serve as the main office for the business.

New Modified Plan

To accommodate for additional on-site parking, operational demands, financial constraints, and the like, the applicant may have to modify or scale down its original plan. However, the basic components and spatial relationship of structures would be the same and should not be incongruous with the concepts of the original SMA permit. The modified or scaled down concept is reflected in the Applicant's Figure 5 and would consist of the following:

- **Parcel 039:** There would still be a new warehouse structure identified as Building B (formerly Warehouse E of Phase I of the original plan). The revised plan (Applicant's Figure 5) reflects a slightly smaller warehouse structure at 10,375 square feet instead of 15,000 square feet. There will also be a new single-story office structure consisting of 3,600+ square feet, identified as Building E in the Applicant's Figure 5. The original plan called for a much larger, 2-story 13,360-square foot structure.

- **Parcel 088:** An existing 5,255-square foot warehouse would be expanded by an additional 2,500 square feet. These are identified as Buildings D and D-1 in the Applicant's Figure 5. As a result, the proposed 5,600-square foot warehouse for which the variance was issued would be abandoned. However, in the event the lots cannot be consolidated, the applicant would proceed with the new warehouse structure.
- **Parcel 021:** Further, as reflected in the Applicant's Figure 5, the applicant is also proposing some minor improvements to the existing warehouses fronting Kalaniana'ole Street such as a restroom addition, will call office, and similar improvements.

The inability of the applicant to comply with the requirements of Condition No. 2 (time to complete construction) of SMA Permit No. 06-000011 is the result of conditions which could not have been foreseen or are beyond the control of the applicant. Since the SMA was approved, the applicant has taken a number of steps in having the pre-development phase of this property completed in accordance with the terms or conditions of approval. For example, it initially retained an architect to develop construction plans and finalize the site plan. However, during this period, Suisan Company, Ltd. was in a period of management transition due to the declining health of its then president, Mr. Rex Matsuno. The situation was further exacerbated with the May 15, 2014 fire, forcing the office to be temporarily relocated to the Ben Franklin building located at 333 Kīlauea Avenue. As such, much of the major infrastructure projects like this one had to be re-evaluated and decisions were deferred. These circumstances were clearly something that the applicant did not anticipate or foresee, and were beyond their control.

Granting of the time extension request and the addition to the permit area remains consistent to the General Plan and the Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The subject area is designated Industrial. Thus, the proposed development is consistent with the LUPAG Map designation. The properties and surrounding areas to the east and south are zoned General Industrial 1-acre (MG-1a) and Limited Industrial-20,000 square feet (ML-20). To the west and north are properties zoned Resort-Hotel – 750 square feet (V-.75)

The development would continue to complement, among others, the goals, policies and standards of the Land Use and Economic Elements of the General Plan. The project is in harmony with the character of the surrounding area and will result in an intensity of land utilization no higher than as permitted or as otherwise specified for the district in which this development occurs.

Granting of the time extension request and the addition to the permit area would not be contrary to the original reasons for granting the permit. The project will not create significant adverse impacts upon nearby and immediately adjacent properties as the properties are currently in general industrial uses. There are three (3) existing secondary accesses from Kamehameha Avenue. The main access is from Kalaniana'ole Street, which serves as the primary access for employees as well as primary receiving areas.

Water is available to the project site. Wastewater will be disposed of in a County sewer line. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS), and Special Management Area Rules and Regulations of the County of Hawai'i, 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.

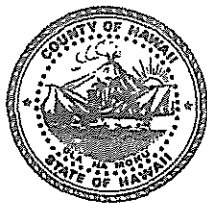
While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. The proposed development will not substantially affect scenic vistas or viewplanes of nearby residents nor have an adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems. The property is located between Kalaniana'ole Street to the north and Kamehameha Avenue to the south and will not restrict access to coastal recreational resources along the shoreline or restrict existing visual viewplanes.

The properties are not located along the shoreline and will not be impacted by coastal hazard and beach erosion. There are no identified recreational resources, historic resources, public access to the shoreline or mountain areas, scenic and open space preserves, coastal ecosystems, marine resources or other natural and environmental resources in the permit area. Although there were no professional surveys conducted of the site, it is not anticipated that endangered or threatened candidate species of flora or fauna are located within the property. The area has not been identified as a significant botanical or biological habitat. There has been extensive prior disturbance and development of the properties. As such, there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site, nor existence of known valued cultural, historical or native resources in the area. Thus, it is not anticipated that the proposed request will have any adverse impact on cultural or historical resources in the area.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject properties. Additional governmental requirements may include the issuance of building permits, compliance with the Fire Code, installation of improvements required by the

American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above findings, it is determined that the proposed amendments, consisting of a time extension to comply with Condition No. 2, the allowance of an additional administrative time extension and the inclusion of parcels 021 and 088 to the permit area, will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.



County of Hawai'i

PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 16, 2006

R. Ben Tsukazaki, Esq.
85 W. Lanikaula Street
Hilo, HI 96720

Dear Mr. Tsukazaki:

Special Management Area Use Permit Application (SMA 06-000011)
Request: To Allow Replacement of Existing Buildings With Two New
Warehouse Buildings and an Office Building
Applicant: Suisan Company, Ltd.
Tax Map Key: 2-1-6:39

The Planning Commission at its duly held public hearing on June 2, 2006, voted to approve the above-referenced application to allow the renovation of the existing Suisan Company Ltd. complex. The renovation project will include the replacement of two existing warehouse buildings, an existing office/warehouse building, maintenance storage building and a chill box with two new warehouse buildings, a new office building, parking and related improvements. The existing Suisan Company Ltd. complex is located between Kamehameha Avenue and Kalaniana'ole Avenue, Waiakea, South Hilo, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and 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.

The proposed development 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 applicant requests a Special Management Area Use Permit to allow the renovation of the existing

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JUN 16 2006

Suisan Company, Ltd. Complex. The project includes the replacement of two existing warehouses, an existing office/warehouse building, a maintenance storage shed and a chill box with two new warehouses, a new office building, parking and related improvements. The site plan shows the following new additions:

- Warehouse "E" - approximately 15,000 square feet in size
- Warehouse "F" - approximately 5,600 square feet in size
- Office - approximately 13,360-square foot two-story structure
- Parking along the Kamehameha Avenue frontage.

The project will be undertaken in three phases:

- Phase I – Warehouse renovation. The existing office and warehouse facilities will be replaced by a warehouse of approximately 15,000 square feet (Warehouse "E") to be constructed on the southern end (Kamehameha Avenue side) of the property. Warehouse "E" will be used to store an inventory of frozen and chilled products.
- Phase II – Warehouse renovation. Another existing warehouse will be demolished and an approximately 5,600-square foot warehouse (Warehouse "F") will be constructed on the southwestern portion of the property. Warehouse "F" will be used to store an inventory of dry grocery and non-food products.
- Phase III – Office building. An approximately 13,360-square foot office building will be constructed to replace the current office facility. This building, to be constructed on the southeastern portion of the property, will serve as the main office for the business.

The existing Suisan Complex operates 24 hours a day. However, the operations at the project site will be from 7:30 a.m. to 5:00 p.m. daily, with one shift of approximately 50 employees.

The proposed project will not create significant adverse impacts upon nearby and immediately adjacent properties as the properties are currently in general industrial uses.

Surrounding properties are zoned Light Industrial (ML-1a), General Industrial (MG-1a) and Resort (V-.75). The Hilo International Airport is located south of the property across Kamehameha Avenue. There are three existing secondary accesses off of Kamehameha Avenue. The access from Kalaniana'ole Avenue serves as the primary access for employees as well as primary receiving areas.

While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area

must also consider the cumulative impacts of such developments upon these resources. The proposed development will not substantially affect scenic vistas or viewplanes of nearby residents nor have an adverse impact on coastal recreational or visual resources to the shoreline and coastal ecosystems. The property is located between Kalaniana'ole Street to the north and Kamehameha Avenue to the south and will not restrict access to coastal recreational resources along the shoreline or restrict existing visual viewplanes.

Air quality in the area is predominantly affected by emissions from natural and vehicular sources. Both short-term air and noise quality impacts associated with the construction of the proposed improvements are expected during construction, especially during grubbing and grading activities. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Water is available to the project site. Wastewater will be disposed of in a County sewerline. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices.

Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment. Conditions of approval will be included relating to wastewater, solid waste and public safety to ensure that impacts on coastal resources are minimized.

The applicant states that due to the extensive prior disturbance and development of the property, the existence of any archaeological remains are extremely unlikely. The existing structures on the site are not historically significant. To the applicant's knowledge, there are no traditional or customary practices occurring on or near the site. A letter dated March 30, 2006 from the Department of Land and Natural Resources Historic Preservation Division states that "no historic properties will be affected" because residential development/urbanization has altered the land; previous grubbing/grading has altered the land; and approximately 1.25-acres of land was entirely paved over and developed in the 1950's.....Historic sites are extremely unlikely below the existing development." As the property is currently used for industrial/commercial uses, no valued cultural, historical or natural resources appear to exist on the property and there is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site.

As the property is currently used for industrial/commercial purposes and entirely paved, no flora study was submitted. The applicant believes that due to the history of extensive and complete disturbance, including the ongoing business, it is highly unlikely that the parcels contain any habitat for any federally or State listed, candidate or proposed threatened or endangered plant species.

The proposed development is consistent with the County General Plan and the Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map establishes the basic urban and non-urban form for areas within the County. The subject area is designated Industrial. Thus, the proposed development would be consistent with the LUPAG Map designation. The property and surrounding areas are zoned General Industrial 1-acre (MG-1a).

This proposed development would complement, among others, the goals, policies and standards of the Land Use and Economic Elements of the General Plan. The proposed project will be in harmony with the character of the surrounding area and result in an intensity of land utilization no higher than as permitted or as otherwise specified for the district in which this proposed development occurs.

Based on the above findings, it is determined that the proposed development and related improvements will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. Phase I of the project shall be completed within five (5) years from the effective date of this permit. Construction of Phases II and III shall be completed with ten (10) years from the effective date of this permit. Prior to each phase of construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Chapter 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, fire protection measures, parking stalls, and other improvements associated with the proposed use in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements).
3. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

4. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to the issuance of a construction permit. The drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works, prior to receipt of a Certificate of Occupancy.
5. Comply with Chapter 11-55, Water Pollution Control, Hawaii Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.
6. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects in the State of Hawaii.
7. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
8. The project shall connect to the County sewerline prior to the issuance of a Certificate of Occupancy of Phase I.
9. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
10. Should any undiscovered remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
11. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
12. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of this permit. The report shall include, but not be limited to, the status of the development and extent to which the conditions of approval are being satisfied. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.

13. An initial extension of time for the performance of conditions within this permit may be granted by the Planning Director upon the following circumstances:
 - A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of their fault or negligence.
 - B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of this 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).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

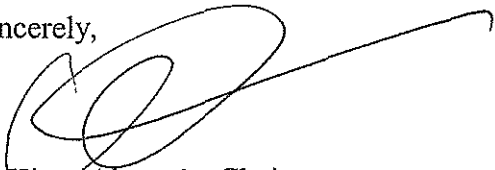
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

R. Ben Tsukazaki, Esq.

Page 7

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Kimio Alameda', written over a horizontal line.

C. Kimio Alameda, Chairman
Planning Commission

Lsuisanrez06-011PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Plan Approval Section
Suisan Company, Ltd.
Long Range Planning