

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

December 18, 2006

Mr. Gregory R. Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit (SMA 06-000015)
Request: Commercial Parking Lot
Applicant: Holualoa Likana, LLC
Tax Map Key: 7-5-6:1

The Planning Commission at its duly held public hearing on December 6, 2006, voted to approve the above-referenced application to allow the construction of a 128-stall commercial parking lot and associated landscaping on a 1.23 acre lot. The property is located on the southwest side of Kuakini Highway, adjacent to and north of the County's Hanama Place complex, Kailua-Kona, North Kona, Hawaii.

Approval of this request is based on the following:

The applicant is proposing to develop a commercial parking lot on 1.23 acres of land within the Special Management Area, which will include:

- 128 stalls
- associated landscape features
- a card activated gate system
- a power house constructed as part of the parking lot.

Access will be limited to a right-in, right-out from Kuakini Highway. The development will cost approximately one million dollars and will take approximately 6 months to complete.

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

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clearly outweighed by public health, safety, or compelling public interest. In considering the significance of potential environmental effects, the Director shall consider the sum of those effects that adversely affect the quality of the environment and shall evaluate the overall and cumulative effects of the action. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options.

A "substantial adverse effect" is determined by the specific circumstances of the proposed use, activity or operation. In determining whether a proposal may have a substantial adverse effect on the environment, the Director shall consider every phase of a proposed action and expected consequences, either primary or secondary, or the cumulative as well as short or long-term effect of the proposal. In reviewing the proposed development against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1 through 10), it has been determined that the proposed development of a commercial parking lot in this area will not have any significant adverse environmental or ecological effect to the Special Management Area.

Additionally, the property is located within the Kailua Village Special District. At its July 11, 2006 meeting, the Kailua Village Design Commission voted to recommend approval with a request for additional canopy trees in the parking lot.

The proposed project will not create significant adverse impacts upon nearby and adjacent properties as the immediate area has been developed with condominiums and commercial uses. Surrounding properties are zoned Village Commercial (CV-7.5), General Commercial (CG-20) and Resort-Hotel (V-.75 and V-1.25). To the north is the Kona West Condominiums. To the west and south are commercial properties including the Hanama Place Building and the Kailua Trade Center, and to the east across Kuakini Highway is Henry Street.

Although the proposed project add to the cumulative traffic impact on Kuakini Highway, the project will relieve parking problems by providing 128 additional parking stalls for patrons who visit the shoreline, and the commercial and residential uses in the area. Furthermore, the applicant has chosen not construct a condominium or commercial structure, which would create increased traffic on the roadways versus the parking lot.

The property is located within an area adequately served with essential services and facilities such as water, sewer, transportation systems and other utilities. Access will be limited to a right-in, right-out movement from Kuakini Highway, which has an approximate 20-foot pavement within an 80-foot wide right-of-way. County water is available to the site. Although the County sewer is available in the area, the proposed parking lot will not have any habitable structures.

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, 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. In reviewing the proposed development, it has been determined that it is consistent with the objectives and policies listed under Chapter 205A, HRS, which includes protecting and preserving recreational resources, historic resources, scenic and open space resources, coastal ecosystems, economic uses, coastal hazards, beach protection, and marine 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. Given the fact that the proposed development is a commercial parking lot with extensive landscaping proposed, viewplanes to the shoreline and mountains will not be obstructed. The property is located on the makai side of Kuakini Highway near the Henry Street junction and will not restrict access to coastal recreational resources along the shoreline. The proposed parking will enhance public access to the shoreline by providing much needed additional parking for the public in close proximity to the shoreline.

There is no evidence of any traditional and customary Native Hawaiian rights being practiced on the site, nor existence of any known valued cultural, historical or native resources in the area. 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 area. The property does not front the shoreline and will not be impacted by coastal hazard and beach erosion. No scenic or open space resources to the shoreline

or coastal view plane or coastal ecosystem will be negatively impacted by the proposed action.

The site is currently vacant of uses and structures. There were no listed, candidate or proposed threatened or endangered plant species that found or would be expected in the area, and no rare plant species or ecosystems are present or nearby. The site was surveyed by Archaeological Consultants of the Pacific, Inc. The work was reviewed and approved by the Department of Land and Natural Resources-State Historic Preservation Division. Additionally, by letter dated September 13, 2006, the Department of Land and Natural Resources-State Historic Preservation Division stated that DLNR-SHPD believes that no historic properties will be affected by this undertaking because this project has gone through the historic review process and mitigation has been completed, and archaeological sites were recorded in an approved archaeological inventory survey (Ellison & Kennedy 2004; Log No. 2005.0136 Doc No. 0501MM26, Log No. 2006.2389 Doc. No. 0607JT40) and SHPD agreed that no further work was necessary.

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 Resort Node by the LUPAG map. The Resort Node designation includes a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single family and multiple family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services. Only Major Resort Areas are identified as Resort Nodes on the LUPAG Map. Thus, the proposed development would be consistent with the LUPAG Map designation. The proposed development would complement, among others, the goals, policies and standards of the Land Use and Economic Elements of the General Plan by providing much needed parking in an area of North Kona that is inadequately served by the existing parking facilities.

Increased commercial activity in Kailua has paralleled the growth of the tourist industry in the area and resident population growth. Commercial facilities, consisting of office and shopping complexes, professional and financial service buildings, retail shops, and restaurants, are located on Alii Drive and Kuakini Highway, mainly between Palani and Hualalai Roads. Kailua-Kona provides services for both residents as well as visitors. Vehicular and pedestrian systems within Kailua village are poor and there is a lack of adequate parking facilities. The proposed development would add to the amount of parking facilities available and help alleviate parking problems in Kailua-Kona.

The property is presently zoned Village Commercial-7,500 square feet (CV-7.5) and Resort-Hotel 750-square feet (V-.75). Commercial parking lots and garages are listed as a permitted use in the CV and V zoned districts. The Master Plan for Kailua-Kona,

adopted by Resolution No. 371 98 effective September 6, 1996, identifies this area for Resort/Commercial Mixed Use.

The development will to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist. In view of the recent Hawaii State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Aina*" decisions, the issue relative to native Hawaiian rights, such as gathering and fishing rights, must be addressed. These rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: The site was surveyed by Archaeological Consultants of the Pacific, Inc. The work was reviewed and approved by the Department of Land and Natural Resources-State Historic Preservation Division. No formal flora or fauna study was submitted with the application.

The valuable cultural, historical, and natural resources found in the area: The property is vacant of structures and uses. By letter dated September 13, 2006, the Department of Land and Natural Resources-State Historic Preservation Division stated that DLNR-SHPD believes that no historic properties will be affected by this undertaking because this project has gone through the historic review process and mitigation has been completed, and archaeological sites were recorded in an approved archaeological inventory survey (Ellison & Kennedy 2004; Log No. 2005.0136 Doc No. 0501MM26, Log No. 2006.2389 Doc. No. 0607JT40) and SHPD agreed that no further work was necessary.

Possible adverse effects or impairment of valued resources: The property has already gone through the historic preservation review process and mitigation has been completed. Thus, no historic properties will be affected by this undertaking.

Feasible actions to protect native Hawaiian rights: To the extent that traditional and customary native Hawaiian rights are exercised, the proposed action will not affect traditional Hawaiian rights. The proposed project will not restrict the use of natural resources along the shoreline, as the property is not in close proximity to the shoreline. A condition of approval will protect any unidentified cultural, historical, and natural resource in the event any are encountered during construction.

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. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within six months from the effective date of this permit. The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor within five feet of the meter on the applicant's property, meeting with the approval of the Department of Water Supply.
3. Construction of the proposed improvements shall be completed within two (2) years from the effective date of this 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), Hawaii County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures, paved driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping shall comply with the bufferyard standard for separation of a CV (Village Commercial) zone adjoining a RS (Single-Family Residential) zone in Rule No. 17. The landscaping fronting Kuakini Highway shall conform to the front yard landscaping requirements for a CV (Village Commercial) zone in Rule No. 17. Plans shall also comply with the request by the Kailua Village Design Commission to include additional canopy trees in the parking lot.
4. Access to Kuakini Highway shall be limited to right-in, right-out movements only.
5. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
6. 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. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works, prior to receipt of a commencement of operations.

7. If required by the Department of Public Works, the applicant shall submit a flood study prepared by a licensed professional civil engineer and submit to the Federal Emergency Management Agency (FEMA) for a Letter of Map Change (LOMC).
8. 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 of the State of Hawaii.
9. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
10. 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.
11. 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.
12. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
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.

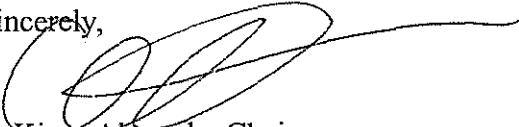
- D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

Should any of the foregoing 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.

Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288, ext. 205.

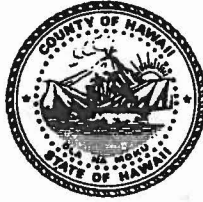
Sincerely,



C. Kimio Alameda, Chairman
Planning Commission

Lholualoalikana01PC

cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
Department of Land and Natural Resources/HPD-Kona
Rodney Haraga, Director/DOT-Highways, Honolulu
Ms. Alice Kawaha
Zoning Inspector – Kona
Plan Approval Section
Holualoa Likana, LLC



County of Hawai'i

LEEWARD PLANNING COMMISSION

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Phone (808) 961-8288 • Fax (808) 961-8742

*DEC 13 2011

Mr. Gregory R. Mooers
P.O. Box 1101
Kamuela, HI 96743

Dear Mr. Mooers:

Special Management Area Use Permit (SMA 06-000015)
Request: Five-Year Time Extension to Condition No. 3 Regarding
The Completion of Construction
Applicant: Holualoa Likana, LLC
Tax Map Key: 7-5-006:001

The Leeward Planning Commission at its duly held public hearing on November 17, 2011, voted to approve the above-referenced request for an amendment to allow for a 5-year time extension to Condition No. 3 (complete construction) of Special Management Area Use Permit No. 06-000015, which allowed the development of a commercial parking lot with 128 stalls and landscaping improvements on approximately 1.23 acres situated within the County's Special Management Area (SMA). The property is located on the makai side of Kuakini Highway at the junction of Kuakini Highway and Henry Street, Kailua-Kona, North Kona, Hawai'i.

Approval of this request is based on the following:

The applicant is requesting a 5-year time extension to comply with Condition No. 3 (complete construction) of Special Management Area (SMA) Use Permit No. 06-000015. SMA 06-000015 was originally approved to allow the development of a commercial parking lot on 1.23 acres of land within the Special Management Area, which included 128 stalls, associated landscape features, a card activated gate system, and a power house constructed as part of the parking lot. Access will be limited to a right-in, right-out from Kuakini Highway.

The amendment request 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. The reason for the time extension request is due to the current economic conditions, which are beyond the control of the applicant.

The granting of the amendment request would not be contrary to the original reasons for the granting of the permit. 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.

Additionally, the proposed project will not create significant adverse impacts upon nearby and adjacent properties as the immediate area has been developed with condominiums and commercial uses. The property is located within an area adequately served with essential services and facilities such as water, sewer, transportation systems and other utilities.

There is a wastewater Force Main from the Keopu Sewage Pump Station that runs through the property. The Department of Environmental Management-Wastewater Division (DEM-WWD) requires that they be contacted prior to work in the area and that extreme caution be utilized when working in the vicinity of the Force Main to prevent damage to the Force Main and resultant sewage spill. A condition of approval has been added reflecting this request.

At the time the original permit was granted, the property was mainly within Flood Zone "X" and only approximately one acre on the makai portion of the property was within Flood Zone "AE", which is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined. Since the approval, a Letter of Map Revision (LOMR) for the Henry Street improvements was approved, which changed the property to be mainly within Flood Zone "AE". Condition No. 7 continues to address this issue requiring the applicant to submit a flood study prepared by a licensed professional civil engineer and submit to the Federal Emergency Management Agency (FEMA) for a Letter of Map Change (LOMC) if required by the Department of Public Works.

The Department of Water Supply has requested that the applicant execute an Irrigation Agreement with the department, which has been added as a condition of approval.

Lastly, the proposed development continues to be 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 proposed parking will enhance public accesses to the shoreline by providing much needed additional parking for the public in close proximity to the shoreline. Therefore, approval of the amendment request is not contrary to the original reasons for granting the Special Management Area Use Permit.

The granting of the amendment request would not be contrary to the General Plan or Zoning Code. The request continues to be consistent with the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Resort Node by the LUPAG map. The Resort Node designation includes a mix of visitor-related uses such as hotels, condominium-hotels (condominiums developed and/or operated as hotels), single family and multiple family residential units, golf courses and other typical resort recreational facilities, resort commercial complexes and other support services. Thus, the proposed development would be consistent with the LUPAG Map designation. The proposed development would complement, among others, the goals, policies and standards of the Land Use and Economic Elements of the General Plan by providing much needed parking in an area of North Kona that is inadequately served by the existing parking facilities.

The property is presently zoned Village Commercial-7,500 square feet (CV-7.5) and Resort-Hotel 750-square feet (V-.75), which lists commercial parking lots and garages as permitted uses in the these zoned districts.

The property is also located within the Kailua Village Special District. At its July 11, 2006 meeting, the Kailua Village Design Commission voted to recommend approval with a request for additional canopy trees in the parking lot.

Since the approval of this SMA Use Permit, the Kona Community Development Plan (KCDP) was adopted, which identifies the property as located within Kona Urban Area (KUA) and the Kailua Village Redevelopment Regional Center TOD. The proposed development is consistent with the KCDP, which recognizes the importance of Kailua Village as the cultural, retail and visitor core of the Kona District, and has put the redevelopment of the area as a high priority. The plan encourages infill of the Redevelopment area and promotes centralized public parking to be strategically located in relation to shuttle routes, and village design guidelines.

The applicant has chosen not construct a condominium or commercial structure, which would create increased traffic on the roadways. Instead, the applicant has proposed to develop a commercial parking lot, which will add to the amount of parking facilities available and help alleviate parking problems in Kailua-Kona.

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 property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, 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, the 5-year time extension request to Condition No. 3 of Special Management Area Use Permit No. 06-000015 is approved. Approval of this amendment request is subject to the following conditions (new material is underscored and deleted material is bracketed and struck through):

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval of this permit.
2. [~~Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within six months from the effective date of this permit.~~] The applicant shall install a backflow preventer (reduced pressure type) by a licensed contractor within five feet of the meter on the applicant's property and execute an Irrigation Agreement, meeting with the approval of the Department of Water Supply.
3. Construction of the proposed improvements shall be completed within [~~two (2)~~]five (5) years from the effective date of this [~~permit~~]amendment. 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), Hawaii County Code. Plans shall identify, if applicable, all proposed structures, fire protection measures, paved driveway access and parking stalls, and other improvements associated with the proposed use. Landscaping shall be included in the development plans to mitigate any potential adverse noise or visual impacts to adjacent properties in accordance with the Planning Department's Rule No. 17 (Landscaping Requirements). Landscaping shall comply with the bufferyard standard for separation of a CV (Village Commercial) zone adjoining a RS (Single-Family Residential) zone in Rule No. 17. The landscaping fronting Kuakini Highway shall conform to the front yard landscaping requirements for a CV (Village Commercial) zone in Rule No. 17. Plans

- shall also comply with the request by the Kailua Village Design Commission to include additional canopy trees in the parking lot.
4. Access to Kuakini Highway shall be limited to right-in, right-out movements only.
 5. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
 6. 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. Drainage improvements, if required, shall be constructed, meeting with the approval of the Department of Public Works, prior to receipt of a commencement of operations.
 7. If required by the Department of Public Works, the applicant shall submit a flood study prepared by a licensed professional civil engineer and submit to the Federal Emergency Management Agency (FEMA) for a Letter of Map Change (LOMC).
 8. 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 of the State of Hawaii.
 9. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control of the Hawaii County Code.
 10. 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.
 11. 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.
 12. The applicant shall contact the Department of Environmental Management-Wastewater Division (DEM-WWD) prior to any work in the area and utilize extreme caution when working in the vicinity of the Force Main to prevent damage to the Force Main and resultant sewage spill.
- [12-]13. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

[13.]14. 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 foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the permit.

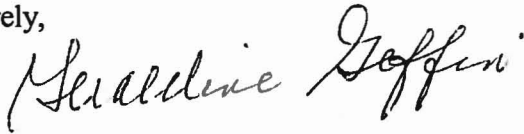
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Gregory R. Mooers

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

Sincerely,



Geraldine Giffin, Chairman
Leeward Planning Commission

Lholualoalikanasma06-000015

cc: Ms. Lynn Taube/Holualoa Likana, LLC
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department - Kona
Department of Land and Natural Resources/HPD
Ms. April Surprenant
Zoning Inspector
Plan Approval Section
Mr. Gilbert Bailado ✓

