

Nani Mau, Inc.
421 Makalika Street * Hilo, Hawaii 96720
Phone: (808) 959-3500 * Fax: (808) 959-3501

March 22, 2011

Orlando Davidson, Executive Officer
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: **Annual Report Requirement - LUC Docket**
No. SP73-159 Nani Mau Inc. dba Nani Mau Gardens

This report is comprised of a verbatim statement of all conditions imposed by the Land Use Commission upon the subject special permit and a brief report of the efforts Nani Mau Inc. has made to comply with each condition of the Tenth Amendment Order.

It is our understanding that all existing conditions for the Ninth Amendment had been completed as of 2005 and Annual Reports after 2004 were stopped per Condition Number 9. The Tenth Amendment added Conditions Number 5 and 11, which have been completed and we request acknowledgement that further reports are not necessary.

Sincerely yours,
Nani Mau, Inc.



Kenneth Fujiyama,
CEO

cc: County of Hawaii Planning Commission
County of Planning Director

LAND USE COMMISSION
STATE OF HAWAII
2011 MAR 30 A 8 40

Report on Tenth Amendment Conditions

Condition Number 1: Petitioner, successors or assigns shall be responsible for complying with all of the conditions of approval.

All items are completed.

Condition Number 2: Final Plan Approval for the expanded development, as approved under the fourth amendment by the State Land Use Commission - Decision and Order effective July 24, 1991, and exclusive of the 5-acre addition to the Special Permit area (portion of Parcel 11), shall be secured by petitioner from the Planning Department within one year from the date of the amendment. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall include a landscaping buffer along the property adjacent to Parcels 12, 14, 91, 92, and 97. Parking shall comply with the requirements of Chapter 25, Zoning Code and no parking variances from the Code shall be applied for. Additional parking for buses, vans and cars may be imposed at the time of plan approval. Parking for all functions shall be maintained on the subject properties.

All items are completed.

Condition Number 3: The regular hours of operation for the arboretum shall be limited between 8 a.m. and 7 p.m., provided, however, that the arboretum may remain open until 11 p.m. for special events. The secondary uses (i.e. restaurant, retail gift shop, exhibits) shall operate only during arboretum hours.

All items are completed.

Condition Number 4: Retail commercial activities shall be confined to: a) a 25,000-square foot area, including the existing main structure and outdoor dining area; and b) coin operated dispensing machines and mobile vendors. For the purposes of this condition, retail commercial activities do not include the aviary/animal exhibits.

All items are completed.

Condition Number 5: The hours of the operation for the charter school shall be limited to 7:00 a.m. to 4:00 p.m. Mondays through Fridays provided that the school may remain open until 10:00 p.m. and on weekends for special events such as parent teacher conference, PTA meetings, and other meetings and events for student activities.

All items are completed. The charter school hours of operation follows the hours set in Condition Number 5.

Condition Number 6: Main access to the development from Makalika Street shall be restricted to three entrance/exit driveways as approved by the Department of Public Works. Additional access from Awa and Makalika Streets may be permitted as service driveways which shall meet the requirements of the Department of Public Works. No access shall be allowed from Railroad Avenue unless and until it has been improved to County dedicable standards.

All items are completed.

Condition Number 7: A drainage system in accordance with the requirements of the County Department of Public Works shall be installed.

All items are completed.

Condition Number 8: All other applicable laws, rules, regulations, and requirements, including those of the State Department of Health, shall be complied with.

All items are completed.

Condition Number 9: An annual progress report shall be submitted to the State Land Use Commission, County Planning Commission, and County Planning Director prior to the anniversary date of the approval of this amendment. The report shall address the status of the development and the compliance with conditions of approval. This condition shall remain in effect until all of the conditions of the approval have been complied with and the Planning Director acknowledges that further reports are not required.

All items are completed.

Condition Number 10: Should any of the conditions not be met or substantially complied within a timely fashion, the Planning Director of the County of Maui may initiate procedures to nullify the permit.

All items are completed.

Condition Number 11: That the Applicant and charter school operated shall periodically remind parents and staff to use Railroad Avenue rather than State Route 11 (Hawaii Belt Highway) for access to Makalika Street.

All items are completed. See attached letter which was sent to Connections New Century Public Charter School.

Nani Mau, Inc.
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November 8, 2010

Mr. John Thatcher
Connections New Century Public Charter School
174 Kamehameha Avenue
Hilo, Hawaii 96720

Subject: Makalika Street Access

Dear Mr. Thatcher;

As part of the Decision and Order Approving the Tenth Amendment to the Land Use Commission Special Use Permit which allowed operation of Connections New Century Public Charter School at Nani Mau, we are required to remind you periodically to ask parents and staff to access Makalika Street through Railroad Avenue rather than State Route 11 (Hawaii Belt Road).

We will send you reminders at the start of each semester. Please forward these reminders to staff and any parents that enter the Nani Mau property in connection with school business.

Sincerely yours



Jon Hayashi
Nani Mau, Inc.