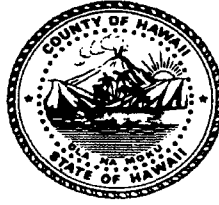


Harry Kim  
Mayor



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

APR 22 2019

Mr. Keith De La Cruz  
Hilo Farmers Market  
P. O. Box 34  
Hilo, HI 96721

Dear Mr. De La Cruz:

**SUBJECT: Special Management Area Use Permit No. 07-000026**  
**Applicant: Hilo Farmers Market, LLC**  
**Request: Revocation of SMA Permit No. 07-000026, Which Allowed the**  
**Construction of a 3-Story Commercial Building**  
**Tax Map Key: 2-3-008:020**

---

The Windward Planning Commission, at its duly held continued public hearing on April 7, 2019, considered the above-referenced request for the revocation of SMA Permit No. SMA-07-000026. SMA-07-00026, was originally approved on March 6, 2008, to allow the construction of a 3-story commercial building at the current Hilo Farmers Market site at the corner of Kamehamhea Avenue and Mamo Street, Downtown, Hilo, South Hilo, Hawai'i.

The Commission voted to officially revoke SMA Permit No. SMA 07-000026 as requested by the applicant.

Should you have any questions, please contact Jeff Darrow of the Planning Department at (808) 961-8158.

Sincerely,

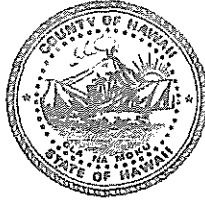
Joseph Clarkson, Chairman  
Windward Planning Commission

LHilofarmersmarkerrevokeSMA07-026wpc

APR 22 2019

Mr. Keith De La Cruz  
Hilo Farmers Market  
Page 2

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
County Civil Defense  
Department of Land and Natural Resources-HPD  
DOT-Highways-Honolulu  
GIS Section



## 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

March 17, 2008

Mr. Keith De La Cruz  
Hilo Farmers Market LLC  
P.O. Box 34  
Hilo, HI 96721-0034

Dear Mr. De La Cruz:

Special Management Area Use Permit Application (SMA 07-000026)  
Request: 3-Story Commercial Building  
Applicant: Hilo Farmers Market LLC  
Tax Map Key: 2-3-8:20

The Planning Commission at its duly held public hearing on March 6, 2008, voted to approve the above-referenced request for the construction of a 3-story commercial building at the current Farmers Market site at the corner of Kamehameha Avenue and Mamo Street, Downtown Hilo, South Hilo, Hawaii.

Approval of this request is based on the following:

The applicant is requesting a Special Management Area Use Permit to construct a three-story building and related improvements on 7,456 square feet of land within the Special Management Area. The new structure will be up to three stories in height (45-foot maximum) and will cover the entire property. The building will be constructed with concrete and steel with wood and stucco finishes to carry design elements that are consistent with the surrounding architecture of downtown Hilo.

The ground floor will be used to operate as a farmers market with enhanced conditions to serve customers and vendors. There will be a concrete floor to replace the existing gravel surface, multiple stairways and an elevator to access the upper floors. The Hilo Farmers Market currently operates primarily on Wednesdays and Saturdays. There are approximately 100 vendors on market days with an estimated 1,500 to 2,500 shoppers during a 10-hour period. The proposed project will enable some expansion in use on non-

market days, which could result in an increase of 10-15 new vendors and several hundred new customers to the area on a daily basis.

The applicant will use the upper floors for uses consistent with the CDH zoning. The mix of uses on the upper floors will depend on market conditions and construction costs. The second floor would include restrooms for customers and vendors. The applicant is also proposing food service and some retail space for this floor. The food service may be a traditional restaurant or a series of food vendors. The third floor may include offices and overnight accommodations or residential units. The overnight accommodations may include a hostel operation with up to 10 individual units and support services.

The project will be constructed in approximately 12 to 18 months and cost approximately 5 million dollars. The owner may elect to construct the building in several phases with the third floor added or finished at a later date, which will be subject to finances, market conditions, and construction costs.

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. 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 3-story building and related improvements in this area will not have a significant adverse environmental or ecological effect to the Special Management Area. It should be noted that under Planning Commission Rule 9-10 (H) (9), a proposed use, activity or operation may constitute a substantial adverse if it affects an environmentally sensitive areas, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water. Although this use is located within a Special Flood Hazard Area and the Tsunami Evacuation Zone, the proposed development must meet the standards that require the first elevated floor be above the

Mr. Keith De La Cruz

Page 3

base flood elevation (17 feet) and flood proofing for any structures or uses below this elevation. As such, the proposed development will not create a substantial adverse effect on these environmentally sensitive areas.

The proposed development will not create significant adverse impacts upon nearby and adjacent properties as the immediate area has been developed with similar uses. Surrounding properties to the west and south are zoned Downtown Hilo Commercial (CDH) and properties to the north and east across Kamehameha Avenue are zoned Open. Surrounding land uses include the S. Hata building with Reuben's Mexican Restaurant adjoining the property to the northeast. Across Mamo Street (southeast) are other farmers market establishments. Mooheau Park is located across Kamehameha Avenue (north).

The property is located within an area adequately served with essential services and facilities such as water, sewer, transportation systems and other utilities. Access to the project site is from Kamehameha Avenue, Mamo Street and Punahoa Street, which are County roadways. County water is available to the site. As a condition of approval, the applicant will be required to hook up to the County's sewer line fronting the property along Kamehameha Avenue or Mamo Street.

Off-site parking is not required for this area in Downtown Hilo. Patrons of the proposed project will utilize on-street parking in the area and the parking areas located across Kamehameha Avenue at Mooheau Park. Additionally, the applicant owns and operates a private parking lot with space for over 80 vehicles for vendors and customers on a parcel located across Mamo Street.

A major concern for this area is pedestrian safety. Pedestrian activity is greatly increased in the area on market days (Wednesdays and Saturdays). With the increase of services on non-market days (other than Wednesdays and Saturdays), there will be an increase of pedestrian traffic to the area on non-market days. Currently, there is a pedestrian-initiated yellow blinking light for assistance for pedestrians crossing Kamehameha Avenue. The Police Department has raised concerns of safety with the increased number of pedestrians crossing Kamehameha Avenue at the Mamo Street intersection. They are recommending that the speed limit be changed to 25 miles per hour on Kamehameha Avenue from the Pauahi Street intersection to the Ponahawai Street intersection, to reduce the speed of vehicles traveling in the Hamakua direction on Kamehameha Avenue, approaching the busy Mamo Street intersection.

The Mayor's Office is in support of the proposed project and has assured the applicant that the County will address those things that are complementary to the project, referring to streets and sidewalk improvements. Possible improvements to the area proposed by the Department of Public Works-Traffic Division may include the

construction of a stop light at the intersection Kamehameha Avenue and Mamo Street. To increase pedestrian safety, a full access intersection crosswalk is proposed, which would allow pedestrians to cross through the middle of the intersection as traffic is halted at all sides. Additionally, there is a proposal to close Mamo Street between Kamehameha Avenue and Punahoa Street on Wednesdays and Saturdays for increased pedestrian safety in this area.

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 development is consistent with the County General Plan and Zoning Code and other applicable ordinances. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for this area is High Density Urban, which allows for general commercial, multiple family residential and related services (multiple family residential -- up to 87 units per acre). The proposed development will complement the goals, policies and standards of the Land Use, Economic and Housing Elements of the General Plan. The proposed request implements a policy of the Economic element by "encouraging the establishment of open farmers markets to allow local agricultural producers to market their products and strengthening existing industries and attracting new endeavors." The project will be 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 proposed development occurs.

The subject property is zoned Downtown Hilo Commercial (CDH) by the County. Farmers markets, restaurants, bars, offices, hotels, boarding facilities, single-family, double-family and multiple-family dwellings are listed as permitted uses within the Downtown Hilo Commercial zoning in the Zoning Code. The applicant is proposing to construct a 3-story building with a farmers market, restaurant and bar, food services, offices and transient lodging accommodations on the property. Therefore, the proposed development is consistent with the County General Plan and with County zoning.

The proposed request is also consistent with the Envision Downtown Hilo 2025: Community-Based Vision and Living Action Plan, which was adopted by the Hawaii

County Council by Resolution No. 192-05 on November 22, 2005. The proposed request will implement Strategy 1.71 of the Living Action Plan, which states to "Establish a permanent Farmers Market in Downtown."

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.

There are identified recreational resources along the Hilo Coast. These include surfing, fishing, boating, and other similar types of activities. There are identified public access areas to the shoreline near the subject property. The proposed development will not substantially affect public shoreline accesses to the mountains or the shoreline.

The proposed development will not substantially affect scenic vistas or viewplanes. The applicant is proposing to construct a 3-story building no higher than 45 feet in height, which is much less than the height limit of 120 feet in Downtown Hilo. The project will not have an adverse impact on coastal recreational resources to the shoreline and coastal ecosystems. The project will not restrict access to coastal recreational resources along 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 on the property. The project site has been extensively disturbed, filled or paved with a long history of intensive commercial uses. The last building on the site was destroyed in 1960 by a tsunami that impacted much of the Hilo shoreline. An Archaeological Assessment was prepared by Thomas R. Wolforth, M.S. for the project. The assessment concluded that based on current models of pre-Contact settlement patterns, historical documentation of the changing buildings within this urban context, two tsunami impacts during the 20<sup>th</sup> century, and close inspection of the project area, it is the opinion of Wolforth that no historic properties will be affected by the proposed project.

Based on the above findings, it is determined that the proposed development and related improvements 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.

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 ninety days from the effective date of this ordinance. 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 development shall be completed within five (5) 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, and other improvements associated with the proposed use.
4. The project shall connect to the County's sewer line fronting the property prior to the issuance of a Certificate of Occupancy.
5. All development-generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
6. The applicant shall comply with Chapter 27 - Flood Control, of the Hawaii County Code.
7. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended 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.



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. An Emergency Evacuation Plan shall be submitted to the Hawaii County Civil Defense Agency for review and approval prior to the issuance of a Certificate of Occupancy.
10. Should any undiscovered remains of historic sites, such as 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 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.

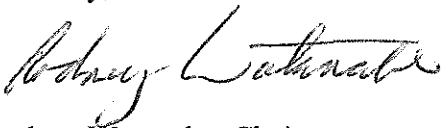
Mr. Keith De La Cruz

Page 8

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.

Sincerely,



Rodney Watanabe, Chairman  
Planning Commission

Lhilofarmersmarket01PC

cc: Mr. Jeff Melrose/Island Planning  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Civil Defense Agency  
Department of Land and Natural Resources/HPD  
DOT-Highways, Honolulu  
Ms. Alice Kawaha  
Mr. Robert Usagawa, Zoning Inspector  
Plan Approval Section