

CERTIFIED MAIL

June 16, 1988

Mrs. April E. Paiva
1675 Leilehua Street
Hilo, HI 96720

Dear Mrs. Paiva:

Special Management Area (SMA) Minor Use Permit No. 88-13
Tax Map Key 2-3-9:14

Upon careful review of your SMA Use Permit request, we have found that it complied with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 88-13 to allow the use of a parcel of land for the establishment of a food sales business utilizing minimum portable structures. The subject property is situated on the mauka side of Kamehameha Avenue, across Mooheau Park, City of Hilo, Hawaii, Tax Map Key 2-3-9:14.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure approval from the Hawaii Redevelopment Agency.
3. Secure Final Plan Approval within one year from the effective date of this permit.
4. Comply with all other applicable laws, rules, regulations, and requirements.

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5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



ALBERT LONO LYMAN
Planning Director

FRW:lv
Enclosures

cc: Chief Engineer w/enc.
HRA

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-13

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

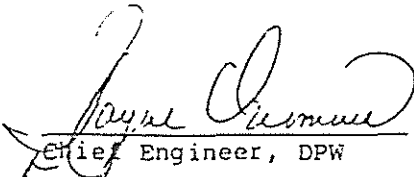
The Planning Director completed on June 15, 1988, an assessment on the application of APRIL E. FAIVA for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The use of a parcel of land for the establishment of a food sales business utilizing minimum portable structures on the mauka side of Kamehameha Avenue, across Mooheau Park, City of Hilo, Hawaii, TME: 2-3-9:14.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

SEE ATTACHED CONDITIONS


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 88-13
APRIL E. PAIVA
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure approval from the Hawaii Redevelopment Agency.
3. Secure Final Plan Approval within one year from the effective date of this permit.
4. Comply with all other applicable laws, rules, regulations, and requirements.
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

BACKGROUND

2284Q 6/16/88

April E. Paiva is requesting a Special Management Area (SMA) Use Permit to allow the use of a parcel of land for the establishment of a food sales business utilizing minimum portable structures. The subject property is situated on the mauka side of Kamehameha Avenue, across Mooheau Park, City of Hilo, Hawaii, Tax Map Key 2-3-9:14.

Specifically, the applicant proposes to locate on a corner of the premises, a cart from which sales of hot dogs will be made. Additionally, in an adjacent 10-foot by 10-foot corner of the lot, will be located a table/umbrella and several chairs to be used by her customers. Both corners are on the makai side of the lot, fronting Kamehameha Avenue.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for High Density Urban use. The State Land Use District classification is Urban. The County zoning designation is General Commercial within a Safety District with a minimum lot size requirement of 7,500 square feet (CG-S-7.5).

The project site is also situated within the jurisdiction of the Hawaii Redevelopment Agency (HRA). As such, review and appropriate action by HRA is required.

The subject area has been extensively improved with the existing commercial facility. As such, there is no rare or endangered species of plant or animal on the subject or surrounding areas, nor are there any sites of historic significance on the property.

Immediate adjacent properties are zoned Commercial and Open. Surrounding land uses including commercial establishments and Mooheau Park.

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, designates the site to be within the coastal high hazard area.

The total cost to establish this use will be \$50.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The project should not create any substantial adverse impacts on the environmental or ecological resources of the Special Management Area. Due to the limited nature of the construction and given the fact that the entire property has been extensively improved to accommodate the existing retail structure, the action should not result in an increase of environmental impact to the subject or surrounding area.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the proposed improvements, it is determined that the granting of this request will not impact on the identified resources.

contrary to the original reasons for the granting of the permit; and 4) 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).

Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.