

CERTIFIED MAIL

July 14, 1988

Mr. Khanh Nguyen
60 Ponahawai Street
Hilo, Hawaii 96720

Dear Mr. Nguyen:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 88-14
Tax Map Key 2-3-09:18

Upon careful review of your SMA Use Permit request, we have found that it complies 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. 88-14 for the establishment of a weekly retailing of produce near and southeast of the corner of Kamehameha Avenue and Mamo Street in Downtown Hilo, Hawaii, Tax Map Key 2-3-09:18.

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. To establish the open produce sales use on Saturdays from a van parked on lot, applicant must submit plans for Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Secure Hawaii Revelopment Agency (HRA) approval.
4. Comply with all other applicable rules, regulations, and requirements.

Picked up by Nguyen

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 33-14

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

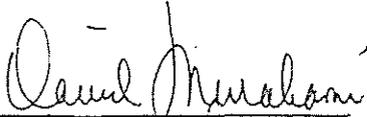
The Planning Director completed on July 13, 1983, an assessment on the application of KHANH NGUYEN for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The establishment of a weekly retailing of produce near and southeast of the corner of Kamehameha Avenue and Mamala Street in Downtown Hilo, Hawaii, TMK: 2-3-09:12.

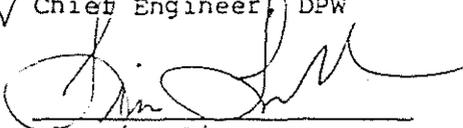
As indicated on the attached report, the Director finds that the proposed development is:

- 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

for 
Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

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5. An extension of time for the performance of conditions within the 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 the permit; and 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). 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.
6. The applicant and his customers shall keep clear of sidewalks and not obstruct pedestrian movement.

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
bcc: Rick

SMA Minor Permit No. 88-14
Applicant: KHANH NGUYEN
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. To establish the open produce sales use on Saturdays from a van parked on lot, applicant must submit plans for Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Secure Hawaii Revelopment Agency (HRA) approval.
4. Comply with all other applicable rules, regulations, and requirements.
5. An extension of time for the performance of conditions within the 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 the permit; and 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). 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.
6. The applicant and his customers shall keep clear of sidewalks and not obstruct pedestrian movement.

BACKGROUND

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Mr. Khanh Nguyen is requesting a Special Management Area (SMA) Use Permit to allow the establishment of a weekly retailing of produce near and southeast of the corner of Kamehameha Avenue and Mamala Street in Downtown Hilo, Hawaii, Tax Map Key 2-3-09:18.

Specifically, the applicant proposes to park a truck on the premises and to sell flowers and produce directly from a parked van. The sales will be limited to Saturdays. No temporary or permanent structures or facilities will be established on the site. As no site improvements are planned, the only costs incurred by the applicant for the operation are the site rental fee and fuel costs driving to the site, both totalling about \$50 for each day of produce sales.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as High Density Urban Development. The State Land Use District classification is Urban and the Hawaii County zoning is General Commercial within a Safety district with a minimum lot size requirement of 7,500 square feet (CG-S-7.5). The Downtown Hilo Redevelopment Plan recommends commercial and multi-family uses for the area.

The subject property is within the Kaiko'o Urban Renewal Project area and is therefore subject to the conditions and restrictions of development placed upon these lands by the Urban Renewal Plan. Therefore, the proposal requires review and appropriate action by the Hawaii Redevelopment Agency.

Surrounding uses are similarly zoned opened commercial.

The subject site once contained a commercial structure that was destroyed by the tsunami of 1960.

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

Since the subject site is in Downtown Hilo and the site has been extensively improved in the past, there are no sites of historic significance on the site nor does the property contain any habitats of endangered species of flora or fauna.

The subject property is situated approximately 158 feet from the shoreline.

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 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.

Since no structures are proposed and due to the limited nature of the project proposal and the subject area has previously been extensively improved, no adverse impacts are anticipated on these management concerns.

The proposed open produce and flower sales is consistent with the General Commercial zoning as well as the High Density Urban General Plan designation.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. To establish the open produce sales use on Saturdays from a van parked on lot, applicant must submit plans for Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Secure Hawaii Revelopment Agency (HRA) approval.
4. Comply with all other applicable rules, regulations, and requirements.
5. An extension of time for the performance of conditions within the 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 the permit; and 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). 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.

5. The applicant and his customers shall keep clear of sidewalks and not obstruct pedestrian movement.