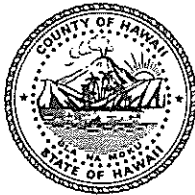


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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CERTIFIED MAIL

August 3, 1994

Mr. Richard M. Rankin
P. O. Box 1481
Hilo, HI 96721

Dear Mr. Rankin:

Special Management Area (SMA) Use Permit Assessment
Application (SMAA 94-49) & Special Management Area Minor
Permit No. 19 (SMM 19)
Applicant: Richard M. Rankin
Proposed Expansion of Hilo Farmer's Market and Construction
of Temporary Awnings over Market Place
Tax Map Key: 2-3-9: 40; Ponahawai, South Hilo, Hawai'i
+ 2-3-8: 20

We have reviewed your proposal to expand the existing farmer's market on TMK 2-3-8: 20 to TMK 2-3-9: 40, and to provide temporary awnings over both parcels to provide protection from the elements. According to Planning Commission Rule 9, Special Management Area Rules, "change in the density or intensity of use of land" and "construction, reconstruction, or alteration of the size of any structure" is considered development which is subject to SMA review. The project is not expected to have any significant effects on the coastal zone, and it does not exceed \$125,000 in value. Therefore, the project requires an SMA Minor Permit.

On December 17, 1987, SMA Minor Permit No. 87-40 was issued to "allow the establishment of an open air farmer's market" on TMK 2-3-8:20. The current request is to expand the market area to include TMK 2-3-9: 40 and to allow the erection of temporary awnings over both sites. We hereby issue Special Management Area Minor Permit No. 19, with conditions, to permit the expansion of the market place to TMK 2-3-9: 40, and to allow for the construction of temporary awnings on both parcels.

PROJECT DESCRIPTION

1. Richard M. Rankin is proposing to expand the Hilo farmer's market to include TMK 2-3-9: 40, a parcel located on the corner of Punahoa and Mamo Streets, directly across from the existing market place on Mamo Street. The new site consists of approximately 6,024 square feet of land area, and it has previously been used for the temporary display and sales of model homes and for various unpermitted retail businesses. The lot is unpaved, and has been leased by the applicant for farmer's market use since January 9, 1988. Approximately 38 separate stalls would be established on this parcel. Ten of these stalls will be removed when not in use. The stalls at this site will be primarily dedicated to the display and sales of craft items. No electricity or County water are available at this site.
2. TMK 2-3-8: 20 is a 7,456 square foot lot, which also accommodates 38 separate stalls. Stalls at this site are reserved for locally grown produce, flowers, and fish. On October 27, 1988, the applicant was granted a conditional permit by the Department of Public Works to construct 2-foot high lava rock walls and associated landscaping within the County right-of-way on Kamehameha Street. Similar walls, ranging from 8 inches to 2 feet in height, were also constructed around portions of the perimeter of the lot to define the market boundaries. On June 20, 1990, the applicant was granted SMA Minor Permit No. 90-12, to allow the installation of electrical service and a metering system at this site. However, the applicant has not yet installed electricity at the site. County water is available from a spigot located in the far northwestern corner of the site.
3. The applicant proposes to construct temporary awnings, which meet with the requirements of the Building Division and Fire Department, on both parcels. The awnings will be made of vinyl, and will be attached with bungee cords to 3/4" and 1" EMT tubing supports. The proposed awnings will be 10 feet high at their highest point, and they will be anchored in concrete with 1/2" rope and anchor bolts. The applicant is required to obtain a temporary building permit for these awnings on a month-to-month basis.
4. The applicant rents available stalls to vendors on weekly or monthly basis. The applicant estimates that between 80 and 130 vendors utilize both sites on a typical market day. The market is open from dawn to dusk on Wednesdays and Saturdays, and on a very limited basis on Sundays.

Unloading of goods generally occurs between 3:45 a.m. and 7:00 a.m.. on market days. Five (5) on-street metered parking spaces are available on Mamo Street, and the applicant is presently leasing an approximately 56,000 square feet of an adjacent lot to provide parking for market customers.

5. All vendors are required to comply with Department of Health rules for open markets. All vendors who sell prepared foods must use a certified kitchen and possess a permit to sell their food at the farmer's market.
6. TMK 2-3-8: 20 is owned by the applicant, and TMK 2-3-9: 40 is owned by the trustees of William Machado. On June 28, 1994, Thelma C. Machado provided the Planning Department with a copy of the owners' authorization for Mr. Rankin to utilize their property for the farmer's market.

STATE AND COUNTY PLANS

7. The State Land Use District classification is Urban, and the General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is High-Density Urban. The County Zoning is Commercial Downtown Hilo (CDH).
8. The draft Downtown Hilo Redevelopment Plan recommends more downtown activities to attract the public: "The revitalization of downtown Hilo is partly dependent on new activities that attract users downtown or new activities that relocate residents and employees downtown and provide potential new customers for downtown retail and service establishments." One proposal to achieve this goal was to "develop a people's open market ... This would be a weekly of monthly event that allows small scale farmers and handicraft artisans to sell directly to the public."

SITE DESCRIPTION

9. The site is located within the downtown commercial core of Hilo. Surrounding property uses include a sporting goods store and Mexican restaurant for TMK 2-3-8: 20, and vacant land for TMK 2-3-9: 40.
10. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency designates both parcels as Zone VE, or within an area which is subject to coastal flooding with tsunami inundation hazards. The base flood elevation of TMK 2-3-8: 20 is 16 feet, and the base flood elevation of TMK 2-3-9: 40 is 18 feet.

11. Both parcels are currently utilized as a farmer's market, and both parcels have been extensively altered in the past. Therefore, the proposed use should not further impact any natural resources or historic sites in the area.

INFRASTRUCTURE

12. Access to both parcels is from Mamo Street, a paved County-maintained roadway. Public vehicular access to the sites is not permitted, and the primary accesses are pedestrian walkways which run between the vendors' stalls.
13. County water is available at TMK 2-3-8: 20, but not at TMK 2-3-9: 40. Electricity is not available at either site. Other essential services are available at both sites.

ASSESSMENT

The purpose of Chapter 205A, HRS, and Planning Commission Rule No. 9, Special Management Area Rules and Regulations of the County of Hawai'i, is to preserve, protect, and where possible, to restore the natural resources of the island's coastal zone areas. Special controls on development in these areas have been enacted, to prevent permanent loss of valuable resources. Upon review of the applicant's request for a Special Management Area Permit, the Planning Director finds that this project is consistent with State and County SMA policies, as outlined below:

- a. **Recreational Resources:** The project will not interfere with recreational uses of the coastal area, since the proposed farmer's market will be located well inland of the shoreline in the Downtown Hilo Commercial District.
- b. **Historic and Natural Resources:** The site has been extensively altered in the past, and the establishment of a farmer's market at this site should have no further impact on historic and natural resources.
- c. **Scenic and Open Space Resources:** The proposed farmer's market should have no appreciable effect on the coastal view plane, since no permanent above-ground structures will be erected at the site. The market place will only be utilized 2 or 3 days a week, and the market should provide a colorful and vibrant attraction for visitors to the downtown area.
- d. **Coastal Ecosystems:** The proposed market should not have any additional adverse effect on the coastal ecosystem, since the site is already extensively utilized for this purpose. No previously undeveloped land will be affected by the

applicant's proposal, and the market place will be located in an existing high-density urban district.

- e. **Economic Uses:** The project is consistent with the State Land Use designation, the County General Plan, the draft Downtown Hilo Redevelopment Plan, and the County Zoning Code. The project will attract the public to the downtown area, and provide a potential source of new customers for surrounding businesses. The market also helps to support local farmers, fishermen, and craftspeople, by making it possible for them to sell their products directly to public with minimal overhead expenses.
- f. **Coastal Hazards:** Since the project site is located in an established flood zone, the proposed use of the property as a covered market place is an appropriate use of the site. No permanent above-ground structures will be constructed, and the building permit for the temporary awnings must be renewed on a monthly basis.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the establishment of a covered market place at this site will not be contrary to State and County policies governing the Special Management Area. The Planning Director hereby approves a Special Management Area Minor Permit, **subject to the following conditions:**

- 1. The applicant, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- 2. Pursuant to the County Zoning Code, the applicant, successors, or assigns shall secure **Final Plan Approval** for the project within **one year** of the date of this permit.
- 3. The proposed construction shall be completed within **two years** from the date of this permit.
- 4. The applicant, successors, or assigns shall continue to comply with all stated conditions of Special Management Area Minor Permit No. 87-40 and No. 90-12.
- 5. The applicant shall comply with all applicable Department of Public Works requirements for temporary structures, and the applicant shall obtain a valid temporary structure permit as required by the Building Division.

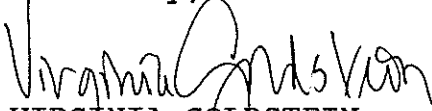
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6. The applicant shall comply with all Fire Department regulations for the proposed use. The applicant shall obtain a Fire Department permit and a waiver from the setback requirement from the property line between TMK 2-3-8: 20 and TMK 2-3-8: 19 (Reuben's Restaurant) from the Fire Board of Appeals.
7. The applicant, successors, or assigns shall comply with all other applicable County, State, and Federal regulations.
8. A progress report shall be submitted to the Planning Director within six months from the date of this permit. This report shall include the status of the project and to what extent the conditions of approval are being complied with. Additional progress reports will be required every six months, until all of the conditions of approval have been complied with and the Planning Director acknowledges that further progress reports are not required.
9. An extension of time for the performance of conditions may be granted by the Planning Director only when 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; and b) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and c) 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).

Should any of these conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this permit.


Please feel free to contact staff members Linda Copman or Alice Kawaha at 961-8288 if you have any questions.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

Mr. Richard M. Rankin
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Chief Engineer

Date

LC:lcm
SMM19

xc: Ms. Thelma Machado
Ms. Donna Kiyosaki, Chief Engineer
Planning Commission
SMA Section *af*