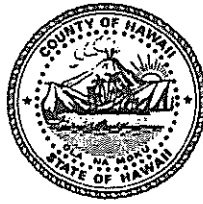


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

February 21, 1997

Mr. Steve Slater
P.O. Box 46
Hilo, HI 96721

Dear Mr. Slater:

Special Management Area Use Permit Assessment Application No. 97-6
Special Management Area Minor Use Permit No. 54 (SMM 54)
Applicant: Hilo Community Players
Request: To Allow the Establishment of a Farmers' Market
Tax Map Key: 2-3-09: 9; Waiakea, South Hilo, Hawaii

We are in receipt of the above-described application on January 23, 1997, to allow the erection of a 60-foot by 120-foot canvas tent to accommodate the establishment of a farmers' market on a portion of the subject property. The proposed improvements would not exceed \$125,000 in valuation. It has been determined that the proposed improvements will not have an significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 54 to allow the establishment of a farmers' market and its related improvements on the subject property for the reasons as discussed below.

APPLICANT'S REQUEST

1. **Request:** The applicant proposes erect a 60-foot by 120-foot (7,200 square foot) canvas tent on the subject property to accommodate a farmers' market capable of maintaining about 60 separate vendor stalls. The 23-foot tall canvas tent will support a farmer's market to be conducted on Wednesdays and Saturdays, similar to the existing farmers' market located at the corner of Kamehameha Avenue and Mamo Street.

2. **Reason for Request:** According to the application, the proposed improvements will *" . . . provide an independent source of revenue for financing the programs of [Hawaii Community Players]. Additionally, the project will provide additional opportunities for local farmers and craftspersons to market their produce and other goods."*
3. **Total Valuation:** The proposed improvements is anticipated to cost \$10,000.

STATE AND COUNTY PLANS

4. **State Land Use District:** The project site is designated Urban by the State Land Use Commission.
5. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the affected area for High Density Urban uses, which includes commercial, multiple family residential and related services.
6. **Hilo Community Development Plan (CDP):** The Hilo CDP and Land Use Concept Map recommends that the affected area maintain a designation of CG7.5 (General Commercial). The Hilo CDP was adopted by Planning Commission Resolution in 1975.
7. **County Zoning:** The project site is designated Commercial Downtown Hilo (CDH) by the County Zoning Code. The proposed establishment of a farmer's market is consistent with uses permitted within the CDH District.
8. **Special Management Area (SMA):** The property is situated within the boundaries of the Special Management Area. Therefore, this Special Management Area Minor Use Permit is being issued in satisfaction of the Rules and Regulations of the Special Management Area.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

9. **Subject Property:** The project site, consisting of approximately 17,235 square feet of land, is a portion of a larger 52,400 square foot parcel bounded by both Mamo Street and Kilauea Avenue. The project site is situated along the southeast (Puna) side of Mamo Street approximately 800 feet from Hilo Bay.

10. **Existing Use:** The project site previously accommodated the Mamo Theater, which recently collapsed due to its dilapidated condition. The rubble has since been removed leaving the project site vacant of any use.
11. **USDA Soil Survey Report:** Keaukaha Series (rKFD) which consists of very dark brown muck about 8 inches thick and underlain by pahoehoe lava bedrock. The soil is strongly acid and rapidly permeable. The pahoehoe lava is very slowly permeable, but water moves rapidly through the cracks. Runoff is medium, and the erosion hazard is slight.
12. **ALISH:** The Agricultural Lands of Importance to the State of Hawaii (ALISH) map designates the affected area as Existing Urban Development.
13. **FIRM:** The Flood Insurance Rate Maps (FIRM) designates the project site as being located within an area outside of the 500-year flood plain (Zone X).
14. **Archaeological/Floral/Fauna Resources:** The project site formerly accommodated the Mamo Theater, which has since been removed. Due to the former developed nature of the project site, the possibility of historical sites or features within the project site or the presence of endangered species of plants or animals are not anticipated.
15. **Surrounding Land Use Designation/Uses:** The project site is situated within an area extensively developed for commercial uses and zoned CDH by the County. Retail stores, a supermarket, a farmer's market, restaurants and other commercial enterprises surround the project site.

UTILITIES AND SERVICES

16. **Access:** Access to the project site is provided by Mamo Street, a County-maintained roadway.
17. **Other Essential Utilities and Services,** such as water, wastewater disposal, fire, police and emergency services are available to the subject property.

ASSESSMENT

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 9, 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 island's coastal zone areas.

Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject request, the Planning Director finds that the proposed erection of a tent and the establishment of a farmer's market are consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed erection of a tent to accommodate a farmer's market on the subject property will not interfere with recreational uses of the coastal area due to its distance from shoreline and established recreational areas. The project site is located along Mamo Street approximately 800 feet from the nearest shoreline.
- b) **Historical and Natural Resources:** The project site, similar to other properties in the immediate area, have been extensively developed for commercial uses. Therefore, adverse impacts to historical or natural resources within the project site or the surrounding area are not anticipated. Nevertheless, a condition will be included to require the notification of the Planning Department should unanticipated archaeological sites be encountered.
- c) **Scenic and Open Space Resources:** The subject property is not located within an area recognized by the General Plan as an example of natural beauty. Furthermore, this portion of Downtown Hilo has been extensively developed for commercial uses and dominated by one and two-story structures which house a variety of commercial uses. The project site is also situated 800 feet from the shoreline on the mauka side of Kamehameha Avenue and the Bayfront Highway, the two major coastal corridors within the City of Hilo. Therefore, the proposed use will not have any effect upon the County's open space and scenic resources.
- d) **Coastal Ecosystems:** As previously mentioned, the distance of the project site from the shoreline areas would preclude any impact on coastal ecosystems. Due to the limited nature of the proposed improvements, concerns regarding runoff, erosion and ambient dust generated by construction activities will be extremely limited. Existing construction practices are sufficient to mitigate any potential impacts.
- e) **Economic Uses:** While the proposed improvements will be limited to the erection of a large tent, the economic benefits to the applicant through the establishment of a farmer's market will support the various ongoing programs of the Hilo Community Players.
- f) **Coastal Hazards:** The project site is located within an area outside of the 500-year flood plain (Zone X) and is not recognized as an area affected by coastal flooding hazards.

DETERMINATION

Based on the preceding assessment, the Planning Director has determined that the erection of a tent and the establishment of a farmers' market on the project site would not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Use Permit No. 54, subject to the following conditions:

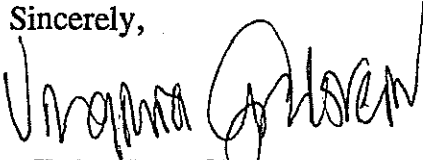
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Plan Approval for the proposed farmers' market operation and improvements, if required, shall be secured from the Planning Director.
4. The farmer's market operation shall be established within two (2) years from the date of this approval.
5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. 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 original reasons for the granting of the permit; and

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- 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).
- 7. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,



VIRGINIA GOLDSTEIN
Planning Director

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cc: Mr. Russell Kokubun, Hawaii Redevelopment Agency
Ms. Donna Kiyosaki, Chief Engineer
SMA Section
Land Use Controls Division