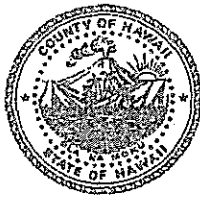


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 20, 2003

Ms. Patricia Englehard
Department of Parks & Recreation
101 Pauahi Street, Suite 6
Hilo, HI 96720

Dear Ms. Englehard:

Special Management Area Use Permit Assessment Application (SMAA 03-13)
Special Management Area (SMA) Minor Use Permit No. 135 (SMM 135)
Applicant: Department of Parks & Recreation
Request: Mobile food vending concession
TMK: 2-2-002: 034 Piopio, Hilo, Hawaii

This is to acknowledge receipt of your Special Management Area Use Permit Assessment Application on March 5, 2003 for a temporary 36-month mobile food vending concession at the Hilo Bayfront canoe area parking lot. According to your application, 36 months covers the period between June 1, 2002 and May 31, 2005. The mobile food vending concession is described as an accessory use at a public recreational area and has been in operation for some time.

According to Section 9-4(10) of Planning Commission Rule No. 9 regarding the Special Management Area, the improvements as detailed above are defined as "development", thereby requiring a Special Management Area Minor Use Permit. Pursuant to Section 9-10(E) of Planning Commission Rule No. 9, Special Management Area Minor Use Permit No. 135 (SMM No. 135) is issued to allow the proposed use, subject to the applicant's compliance with the conditions of approval as specified in the permit. According to the Department of Public Works, if not already secured, a temporary building permit is required for the use.

MAR 20 2003

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SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 135

Approved Development (describe in detail):

Temporary 36-month (June 1, 2002 to May 31, 2005) mobile food vending concession at the Hilo Bayfront canoe area parking lot on Kamehameha Avenue. The concession will utilize 10 parking stalls from 6:00 a.m. to 6:00 p.m. daily. The proposed use is an accessory use at a public recreational area.

Applicant's Name: Department of Parks & Recreation

TMK: 2-2-002: 034
Piopio, Hilo, Hawaii

Land Area: Por. 43,997 sq. ft.

Compliance with Objectives and Policies of Chapter 205-A, Hawaii Revised Statutes regarding the Special Management Area

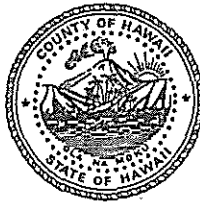
Check all objectives and policies found to be consistent with proposed development.
Issuance of SMA Minor Use Permit requires that activity be consistent with all objectives & policies.

- ☒ 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. 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 the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

Conditions of Approval

1. The applicant(s), its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The effective date of this permit will be the date of approval of the permit, indicated below, until May 31, 2005.
3. The hours of operation shall be limited from 6:00 a.m. to 6:00 p.m.
4. A temporary building permit shall be secured from the Building Division, Department of Public Works.
5. Comply with other affected agencies, including the Department of Health.
6. Request(s) for an extension of time shall be submitted to the Planning Director. Pursuant to SMA Rule 9-11E, written requests shall be filed sixty (60) days before the expiration of this permit. The request shall state the length of time requested and the reasons for the time extension.
7. The Planning Director may grant an extension of time upon the following circumstances:
 - a) non-performance is a result of unforeseen conditions or conditions beyond the control of the applicant, successors, assigns, and are not a 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
 - 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).
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke the permit.

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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(808) 961-8288 • Fax (808) 961-8742

March 18, 2005

Ms. Patricia Englehard
Department of Parks & Recreation
101 Pauahi Street, Suite 6
Hilo, HI 96720

Dear Ms. Englehard:

Special Management Area Use Permit Assessment Application (SMAA 03-13)
Special Management Area (SMA) Minor Use Permit No. 135 (SMM 135)
Applicant: Department of Parks & Recreation
Request: Amendment to extend duration of permit by an additional 22 months
TMK: 2-2-002: 034 Piopio, Hilo, Hawaii

This is to acknowledge receipt of your letter dated February 4, 2005 requesting an amendment to Condition No. 2 of SMM 135. The subject permit was issued with a duration of 36 months covering the period between June 1, 2002 and May 31, 2005. It allowed for a mobile food vending concession as an accessory use at a public recreational area. Your request is to allow for a 22-month extension, from June 1, 2005 to March 31, 2007, for essentially the same use, although possibly by a different vendor.

According to Rule 9-11E1 of the Planning Commission Rules of Practice and Procedure, the applicant may petition to amend a condition of approval not less than 60 days prior to the expiration date of the time conditions.

We understand from your petition that the food concession operation will continue to be mobile and that all tents, chairs, tables, etc. removed from the subject property on a daily basis.

In view of the above, we find that extending the duration of SMM 135 for an additional 22 months, expiring on March 31, 2007, is consistent with the objectives and policies of Chapter 205A, Hawaii Revised Statutes, and that it will not have an adverse impact on the SMA.

Therefore, Condition No. 2 of SMM 135 is hereby amended to read as follows:

Ms. Patricia Englehard
Department of Parks & Recreation
Page 2
March 18, 2005

2. *This permit shall run from March 20, 2003 until March 31, 2007. No further amendments to this condition shall be permitted.*

Please note that the applicant shall ensure that a Temporary Building Permit (TBP) shall be in effect during all periods of operation and provide a copy of each TBP issued to the Planning Department.

If you have any further questions, please contact Larry Brown or Esther Imamura at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

LMB:pak

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cc: ✓ Ms. Susan Gagorik, Long Range Division
Mr. Norman Hayashi, Planning Division
Building Division, Department of Public Works