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## County of Hawai'i PLANNING DEPARTMENT

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### **Special Management Area Minor Permit No. 14-000317**

**Project:** Addition of a Wooden Trellis with Retractable Canvas Awning  
**Applicant:** Chi Ha Sung (Happ Cats Café)  
**Landowner:** Hilo Farmer's Market, LLC  
**Location:** Ponahawai, South Hilo, Hawai'i  
**TMKs:** (3) 2-3-009:011 **Land Area:** 1.1432 acres

#### **Applicant's Request**

**1. Project Description:**

Proposed is the addition of a wooden trellis with retractable canvas awning to the front (Mamo Street) side of the existing 1,553.36 sq. ft. structure in which Happ Cats Café is located covering 531 sq. ft. of the existing paved outdoor dining area.

**2. Purpose of Project:**

To provide dining patrons with protection from the sun and inclement weather.

**3. Project Valuation:** \$5,000

#### **State and County Plans**

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated High Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Downtown Hilo Commercial (CDH) by the County of Hawai'i.
- 4. Special Management Area:** The entire subject property is located within the SMA, however, it is not in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
- 5. Flood Zone:** VE

#### **Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes**

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and 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 Hawai'i County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
  - ☒ Provide coastal recreational opportunities accessible to the public.
  - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
  - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
  - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
  - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
  - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
  - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
  - ☒ Stimulate public awareness, education, and participation in coastal management.
  - ☒ Protect beaches for public use and recreation.
  - ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
  - ☒ Recreational Resources
  - ☒ Historic Resources
  - ☒ Scenic and Open Space Resources
  - ☒ Coastal Ecosystems
  - ☒ Economic Uses
  - ☒ Coastal Hazards



- ☒ Managing Development
- ☒ Public Participation
- ☒ Beach Protection
- ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

#### Findings

As discussed above, the proposed 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.

The addition of a trellis and retractable awning is consistent with the Hawai'i County General Plan and Zoning Code.

The proposed is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$5,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated October 22, 2014, states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated September 12, 2014 and offer the following comments for your consideration.*

*The subject parcel is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) where flood elevations have been determined.*

*The Engineering Division has reviewed the building permit application for the subject proposed addition and has approved its construction."*

#### Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000317** is hereby approved for the addition of a wooden trellis with retractable awning covering approximately 531 sq. ft. of the paved outdoor dining area at the front of the existing commercial structure, as presented in SAA 14-1199 subject to the applicant's compliance with the conditions of approval as specified below.

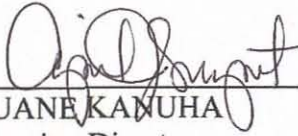
#### Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 14-000317**, 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 secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. This permit does not authorize any other uses, activities or operations, including but not limited to, grading, grubbing, landscaping, or the placement or construction of any structures on the subject property without further review of any such additional uses, activities or operations against the SMA guidelines.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have questions, please feel free to contact Larry Brown of this department at (808) 961-8135.

APPROVED:

  
DUANE KANUHA  
Planning Director

OCT 23 2014

Date