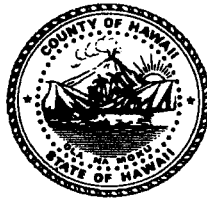


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

January 22, 2018

Ms. Dianthe K. Castillo  
1731 Hale O Kea Street  
Hilo, HI 96720

Dear Ms. Castillo:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application  
(SAA 17-001562)**

**Special Management Area Minor Permit No. 18-000382  
(SMM-18-000382)**

**Applicant: Dianthe K. Castillo**

**Land Owner: Chock Properties, Theone C. Smith, Kyle Chock,  
Lorrin Chock, Laura Chock, Terrill S.W. Chock**

**Project: The Placement of Temporary Canopy and Tarpaulin  
Tent Structures During Special Events**

**Tax Map Key: (3) 2-3-003:033, por., Hilo Town, South Hilo, Hawai'i**

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 17-001562), submitted on November 13, 2017. The proposed development is the placement of temporary canopy and tarpaulin structures within the subject parcel during special events such as Downtown Hilo First Friday's, Craft Fairs, Farmers Market, Street Market and Trade shows.

The 18,724 square-foot parcel is designated Urban by the State Land Use Commission and is zoned Downtown Hilo Commercial District (CDH) by the County. In addition, the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as High Density Urban. It is located in the Special Management Area (SMA); however, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

**Special Management Area Determination:**

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E), "*Construction, reconstruction, demolition, or alteration of the size of any structure,*" is not exempt from the definition of "development" and requires a review against the SMA rules and regulations.

**JAN 22 2018**

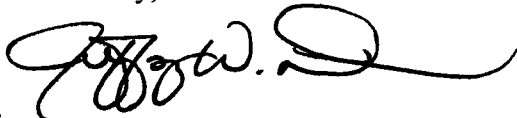
Ms. Dianthe K. Castillo  
January 22, 2018  
Page 2

Based on the above and pursuant to Planning Commission Rule Section 9-10 (e), Special Management Area Minor Permit No.18-000382 is hereby issued for the placement of temporary canopy and tarpaulin structures on the subject property during special events.

It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please contact Christian Kay of this office at (808) 961-8136.

Sincerely,

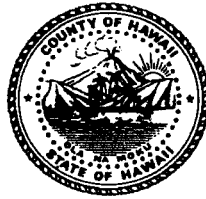
A handwritten signature in black ink, appearing to read "Michael Yee", with a stylized flourish at the end.

*For* MICHAEL YEE  
Planning Director

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Enclosure: SMM No. 18-000382

Harry Kim  
Mayor



Michael Yee  
Director

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Deputy Director

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## County of Hawai'i

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Phone (808) 961-8288  
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### **Special Management Area Minor Permit No. 18-000382**

**Project:** The Placement of Temporary Canopy and Tarpaulin Tent Structures During Special Events  
**Applicant:** Dianthe K. Castillo  
**Landowner:** Chock Properties, Theone C. Smith, Kyle Chock, Lorrin Chock, Laura Chock, Terrill S.W. Chock  
**TMK:** (3) 2-3-003:033 (por.) **Land Area:** 18,724 square feet

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

- 1. Project Description:** The proposed use is the placement of temporary canopy and tarpaulin tent structures on the subject property during special events such as Downtown Hilo First Friday's, Craft Fairs, Farmers Market, Street Market and Trade shows. The subject parcel is currently being used as a private, graveled parking lot Monday thru Friday, 6:00 a.m. to 6:00 p.m. It is the intention to continue this parking lot operation during these times. All special events will not begin operation prior to 6:00 a.m. and will conclude no later than 10:00 p.m. on any given day. All Farmer's Market and Street Market operations will not operate more than two (2) days per week. All special events will utilize these temporary canopy and tarpaulin tent structures only and the square footage of each tent structure will not exceed 750 square feet. Finally, these temporary tent structures will be removed upon the close of each specific event.
- 2. Purpose of Project:** The objective is to permit a transitional space for special events. Specifically, an open-air area to operate certain special events which are organized for the purpose of facilitating connections that create mutual benefits for local farmers, business owners, consumers and the community.
- 3. Project Valuation:** \$2,000
- 4. Determination:** According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule No. 9-4(e)(1)(E), "Construction, reconstruction, demolition, or alteration of the size of any structure," is not exempt from the definition of "development" and requires a review against the SMA rules and regulations. Therefore, the placement of temporary canopy and tarpaulin tent structures during special events is considered "development" and requires an SMA Minor Permit.

### State and County Plans

1. **State Land Use District:** The parcel is located in the Urban District.
2. **General Plan:** The parcel is designated as 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 District (CDH). According to Hawai'i County Code Chapter 25-7-22(a)(20), "Farmers Markets" are permitted. As there are not permanent structures and operation as a farmer's market will be restricted to two days a week, no Plan Approval would be required. Additionally, according to Hawai'i County Code Chapter 25-1-5. Definitions, "Farmers Market" may also be referred to as an "open or open-air market." Based on the preceding, the other types of proposed market uses would be allowed in the CDH zoning district.
4. **Special Management Area:** This parcel is within the Special Management Area (SMA) but not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X

### Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area

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

<b>Findings</b>
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1. 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.
2. The proposed development is consistent with the Hawai'i County General Plan and Zoning Code.
3. The proposed development is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
4. The estimated project cost of \$2,000 is not in excess of \$500,000.

5. Pursuant to Planning Commission Rule Section 9-10(e), the Planning Director hereby approves the placement of temporary canopy and tarpaulin tent structures on the subject property during special events, subject to the applicant's compliance with the conditions of approval as specified below.

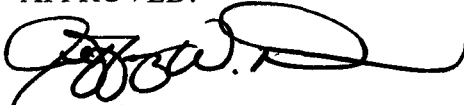
<b>Conditions of Approval</b>
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**This SMA Minor Permit is subject to the following conditions:**

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. As represented by the applicant, hours of operation for special events shall be limited to 6:00 a.m. to 10:00 p.m.
4. As represented by the applicant, Farmer's Market and Street Market events shall be limited to no more than two (2) days per week.
5. As represented by the applicant, all temporary canopy and tarpaulin tent structures shall be removed upon the close of each special event.
6. Any grading, grubbing, filling or other construction activity, including but not limited to the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact State Historic Preservation Division at (808) 933-7651.

If you have questions, please contact Christian Kay of this department at (808) 961-8136.

APPROVED:



*Fr* MICHAEL YEE  
Planning Director

*1/22/18*

\_\_\_\_\_  
Date