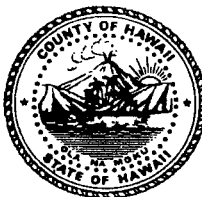


Harry Kim
Mayor



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

December 14, 2018

Mr. William McCowatt
Ko'a Architects, LLC
65-1285C Kawaihae Road
Kamuela, HI 96743

Dear Mr. McCowatt:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 18-001610)**

Special Management Area Minor Permit No. 18-000404 (SMM 18-000404)

Applicants: Hilo Farmers Market, LLC

Land Owners: Hilo Farmers Market, LLC

**Project: "As-built" Temporary Tents with Fire Rated Tarps Followed
by Construction of a Permanent Pavilion and Related
Improvements**

Tax Map Key: (3) 2-3-009:011 & 033, Hilo, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (SAA 18-001610), submitted on June 8, 2018. Proposed is the "as-built" temporary tents with fire rated tarps followed by construction of a permanent pavilion and related improvements on the subject parcel. Also acknowledged is receipt of additional information and revised Site Plans.

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

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), "development" includes "*Construction, reconstruction, demolition, or alteration of the size of any structure.*" Therefore, the "as-built" temporary tents with fire rated

DEC 14 2018

Mr. William McCowatt
Ko'a Architects, LLC
December 14, 2018
Page 2

tarps followed by construction of a permanent pavilion and related improvements is considered to be development and will require a review against the Special Management Area rules and regulations.

In view of the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. 18-000404 is hereby issued for the SMA approval of the "as built" temporary tents with fire rated tarps followed by construction of a permanent pavilion and related improvements. It is the applicants' responsibility to read and comply with the conditions listed in the enclosed permit.

We are also enclosing the receipt for the filing fee of \$50. If you have any questions, please contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



MICHAEL YEE
Planning Director

ETI: ja

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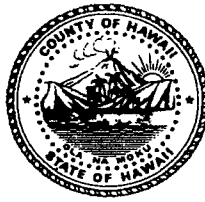
Enclosures: SMM No. 18-000404
Receipt No. 961973 in the amount of \$50
Department of Public Works, Engineering Memo dated November 2, 2018

cc ltr. only: Mr. Leo Asuncion, Director
Office of Planning, DBEDT
State of Hawai'i Department of Business, Economic
Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

Hilo Farmers Market, LLC
Keith De La Cruz, Managing Member
P.O. Box 34
Hilo, HI 96721

Roy Takemoto, Executive Assistant, Mayor's Office
Neil Erickson, Plans Examining Manager, DPW Building Division

Harry Kim
Mayor



Michael Yee
Director

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Special Management Area Minor Permit No. 18-000404

Project: "As-Built" Temporary Tents with Fire Rated Tarps Followed by Construction of a Permanent Pavilion and Related Improvements

Applicant: Hilo Farmers Market, LLC

Landowner: Hilo Farmers Market, LLC

Location: Hilo, Hawai'i

Tax Map Keys: (3) 2-3-009:011 **Land Areas:** 1.1432 acres
(3) 2-3-009:033 0.1428 acre

Applicant's Request

1. Project Description:

The proposed project includes the temporary "as-built" open-air tents with fire rated tarps which will be followed by a permanent greenhouse-style, steel-frame, open-air (no sides) pavilion on the subject parcel.

Also included will be the following:

- a. An option for roof or awnings cantilevered 5'0" over the sidewalks
- b. Landscaping to include removal of Banyan and Tulip trees, and addition of new shrubs, flowers and shade tree areas
- c. Covered dining lānai for the existing restaurant
- d. Park style benches, or seating for open-air dining
- e. Market umbrellas (daily/portable)
- f. Four (4) food trucks, to be removed daily
- g. Installation of code compliant exterior lighting
- h. Installation of code compliant signage
- i. Market booth operations seven days per week
- j. Increase hours of operation to 6am - 8pm daily
- k. Vendor booth counts vary from day to day
- l. Solar PV Array Structure which will provide paved area for vendor booths or parking
- m. Solar PV with 300 square foot battery storage room on roof of existing restaurant
- n. Potential consolidation and resubdivision of the two parcels

The proposed pavilion will be on existing gravel or on new concrete footings and walkways. Grading is minimal. ADA accessible paved areas will be provided.

2. Purpose of Project:

The objective is to continue to provide covered marketing stalls which would then be followed by a permanent covered structure and other related improvements to house part of the open-air locally produced crafts market portion of the Hilo Farmers Market.

3. Project Valuation: \$400,000 consisting of \$25,000 for temporary tents, \$250,000 for the permanent structure and \$125,000 for the solar PV array structure.

4. SMA Minor Permit No. 19:

SMA Minor Permit No. 19 was issued on December 17, 1987. It allowed for the expansion of the open-air farmers market on TMK: (3) 2-3-008:020 by including this subject parcel which is across Mamo Street. It also allowed for the construction of temporary awnings on both parcels. This permit stated that *"The market is open from dawn to dusk on Wednesdays and Saturdays, and on a very limited basis on Sundays."*

5. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e)(1)(E) relating to Special Management Area (SMA), *"Construction, reconstruction, demolition or alteration of the size of any structure"* is defined as "development." Therefore, the "as-built" temporary tents with fire rated tarps followed by construction of a permanent pavilion and related improvements are considered "development" and require a review against the Special Management Area rules and regulations and requires an SMA Minor Permit.

State and County Plans

1. State Land Use District: The parcel is designated Urban by the State Land Use Commission.

2. General Plan: It 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 District (CDH). According to Hawai'i County Code, Chapter 25-7-22(a)(20) permitted uses include *"Farmers markets. When the vending activity in a farmers market involves more than just the sale of local fresh and/or raw produce, plant life, fish and local homegrown and homemade products for more than two days a week, the director, at the time of plan approval, shall restrict the hours of use, maintenance and operations and may require improvements as determined appropriate to ensure its compatibility with the existing character of the surrounding area."*

4. Special Management Area: The subject parcels are located entirely within the Special Management Area (SMA). However, it is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

5. Flood Zone: AE & VE

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 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.

Findings

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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$400,000 is not in excess of \$500,000.
4. The enclosed Department of Public Works, Engineering Division memorandum dated November 2, 2018, states the following:

"We have reviewed the subject request forwarded by your memo dated September 28, 2018, and provide the following:

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawai'i County Code.

The subject parcel is in an area designated as Flood Zone AE & VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood (1% chance of occurring in any given year) where flood elevations have been determined. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). The Base Flood Elevation is approximately 18 feet (computed flood elevation from mean sea level).

All construction shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.

The temporary open-covered tents, permanent steel-frame greenhouse-type pavilions, and other items as described in the application are not a "structure" as defined in Chapter 27. We still recommend that non-structures have their lowest horizontal

structural member elevated to or above the Base Flood Elevation. We also recommend non-structures be designed and adequately anchored to prevent flotation, collapse, or lateral movement, constructed of flood-resistant materials, and constructed using methods and practices that minimize flood damages, in accordance with Chapter 27, Section 27-18(a) & (b).

Fill material is considered an encroachment and/or obstruction which may block, impede, or aggravate flooding and is prohibited unless certified by a civil engineer licensed in the State of Hawai‘i, with supporting data, that the encroachment will not cause any increase in the Base Flood Elevation during the occurrence of the Base Flood.

Other items (i.e. permanent fences) may be considered an “obstruction”, as defined in Chapter 27, and adversely impacting surrounding properties. The applicant shall be responsible for contacting the Engineering Division for obtaining approval for any item that may be considered an “obstruction.”

Questions may be referred to Bryce Harada at 961-8042.”

Pursuant to Planning Commission Rule 9-10(e), the Planning Director hereby approves the “as-built” temporary tents with fire rated tarps followed by construction of a permanent pavilion and related improvements, subject to the applicants’ compliance with the conditions of approval as specified below.

Conditions of Approval

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 necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All construction shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
4. Final Plan Approval for the proposed project from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code, shall be submitted by February 1, 2019.
5. Building permits required by the Department of Public Works – Building Division for the construction of the permanent pavilion with related improvements shall be submitted by February 1, 2019.
6. The disposal of waste material is subject to the requirements of Chapter 20 - Refuse, of the Hawai‘i County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division.
7. Best Management Practices must be followed to ensure the grounds surrounding the project area is kept clear of any rubbish or debris resulting from the landscaping and construction activities at all times.

8. Any further uses, activities or operations proposed for the subject property shall require further review and approval as provided under Chapter 205A of the Hawai'i Revised Statutes, and Rule 9 of Planning Commission Rules of Practice and Procedure. Should the cost of any new activities or operations not included in the subject proposal but related to the subject undertaking move the total valuation of the project over \$500,000, this permit will be deemed void and a Special Management Area "Major" Use Permit will be required for the project.
9. 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 the State Historic Preservation Division (DLNR-SHPD) at (808) 933-7651. The applicant shall also notify the Planning Department immediately after contacting the DLNR-SHPD.
10. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon concurrence with the Department of Public Works, Building Division.
11. 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 any questions, please feel free to contact Esther Imamura at (808) 961-8139.


APPROVED:



MICHAEL YEE
Planning Director



Date

RECEIPT		DATE <u>6-12-2018</u>	No. <u>961973</u>
RECEIVED FROM <u>Hilo Farmers Market, LLC</u>		\$ <u>50.00</u>	
<u>P.O. Box 34 Hilo, HI 96721</u>		DOLLARS	
<input type="radio"/> FOR RENT			
<input checked="" type="radio"/> FOR <u>SMA F/F TRK# 2-3-009:011, 2-3-009:033</u>			
ACCOUNT		<input type="radio"/> CASH	FROM _____ TO _____ BY <u></u>
PAYMENT	<u>50</u> <u>00</u>	<input checked="" type="radio"/> CHECK	
BAL. DUE		<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	

DEPARTMENT OF PUBLIC WORKS

COUNTY OF HAWAII

HILO, HAWAII

NOV 2 PM 4 18
PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: November 2, 2018

Memorandum

TO: Michael Yee, Planning Director

FROM: ~~for~~ Department of Public Works, Engineering Division *BA*

SUBJECT: **SMA USE PERMIT ASSESSMENT APPLICATION (SAA 18-001610)**

Applicant: Keith Dela Cruz
Land Owners: Hilo Farmer's Market LLC
Request: Construction of temporary open-covered tents
consisting of fire-related tarps, permanent steel-frame
greenhouse-style pavilions which will replace the
temporary tents and related improvements.
TMK: (3) 2-3-009:011 & 033

We have reviewed the subject request forwarded by your memo dated September 28, 2018 and provide the following:

All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawaii County Code.

The subject parcel is in an area designated as Flood Zone AE & VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood (1% chance of occurring in any given year) where flood elevations have been determined. Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood (1% chance of occurring in any given year) with velocity hazard (wave action). The Base Flood Elevation is approximately 18 feet (computed flood elevation from mean sea level).

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The temporary open-covered tents, permanent steel-frame greenhouse-style pavilions, and other items as described in the application are not a "structure," as defined in Chapter 27. We still recommend that non-structures have their lowest horizontal structural member elevated to or above the Base Flood Elevation. We also recommend non-structures be designed and adequately anchored to prevent flotation, collapse, or lateral movement, constructed of flood-resistant materials, and constructed using methods and practices that minimize flood damages, in accordance with Chapter 27, Section 27-18(a) & (b).

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