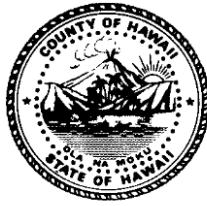


Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i

PLANNING DEPARTMENT

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

May 20, 2022

County of Hawai'i
Department of Parks and Recreation
Attn: Mr. Maurice Messina, Director
101 Pauahi Street, Suite 6
Hilo, HI 96720

Dear Director Messina:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000072)**

**Special Management Area (SMA) Minor Permit
(PL-SMM-2022-000020)**

Applicant: Department of Parks and Recreation (P&R)

Landowner: County of Hawai'i

**Request: Operation of Multiple Mobile Concession Stands in
Mo'ohau Park Parking Lot**

Tax Map Key: (3) 2-2-005:002, South Hilo, Hawai'i

We have reviewed the subject Special Management Area Use Permit Assessment Application (PL-SAA-22-000072) received by this office on April 12, 2022; additional information was submitted to this office on April 26, 2022. The applicant is requesting to operate multiple mobile concession stands in the Mo'ohau Park parking lot. The valuation of the proposed project is \$20,000 to \$50,000 as reported by the applicant.

The 5.1047-acre subject parcel is zoned Open (Ope) by the County and designated as Urban by the State Land Use Commission (LUC). The subject parcel is designated as "Open" (o) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The entire subject parcel is located within the Special Management Area (SMA) however it is not considered a "shoreline parcel" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Existing Land Uses:

SMA Minor Permit No. 76-28 (March 22, 1976), SMA Minor Permit No. 86-37 (December 5, 1986), and SMA Minor Permit No. 10-000155 (August 5, 2010) were previously issued for various improvements on the subject parcel. Additionally, SMA Use Permit No. 11-000045 (April 20, 2011) was issued for the Bayfront Trails Project within the subject property. SMA Minor Permit No. 13-000272 (May 30, 2013) was issued for a temporary lease concession.

Proposed Project:

The applicant is proposing to operate ten (10) mobile concession stands with four (4) portable toilets that will provide the public an opportunity to purchase meals, drinks, and light refreshment/snacks within the Mo'ohau Park parking lot. The concession stands will be mobile and will leave and return daily to the site. No grading or construction will be necessary as the mobile concession stands will be located on the existing paved parking area of the parcel. The mobile concession stands will be metal food trucks that range from 20'-30' long that contain cooking facilities within them.

Purpose of Project:

The Downtown Improvement Association (DIA) along with the County of Hawai'i, Mayor's Office are planning to hold numerous outdoor public events that will be held at various times through the year for an indefinite time in the Downtown Hilo area.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-44 and Planning Commission (PC) Rule No. 9-4(e)(1)(E), "development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*" and "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land.*" Therefore, the proposed mobile concession stands are considered to be development and will require a review against the Special Management Area rules and regulations.

Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

According to HRS Chapter 343-5(1) an environmental assessment shall be required for actions that propose the use of State or County lands or the use of State or County funds. However, the applicant has provided a declaration of exemption from the requirements of HRS Chapter 343, issued by the County of Hawai'i Department of Parks and Recreation dated March 18, 2022 for the subject property. Therefore, the preparation of an Environmental Assessment is not required.

County of Hawai'i
Department of Parks and Recreation
May 20, 2022
Page 3

In view of the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No. PL-SMM-2022-000020 is hereby issued for the SMA approval of these mobile concession stands. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions regarding this document, please contact Tracie-Lee Camero of this office at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiicounty.gov.

Sincerely,

Zendo Kern
Zendo Kern (May 20, 2022 08:00 HST)

ZENDO KERN
Planning Director

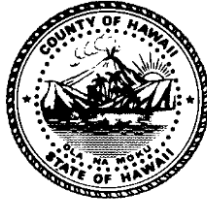
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Enclosure: SMM No. PL-SMM-2022-000020

Mitchell D. Roth
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Managing Director

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Fax (808) 961-8742

Special Management Area Minor Permit No. PL-SMM-2022-000020

Project: Operation of Multiple Mobile Concession Stands in Mo'ohau Park Parking Lot

Applicant(s): Department of Parks and Recreation (P&R)

Landowner(s): County of Hawai'i

TMK(s): (3) 2-2-005:002

Location: South Hilo District, Island of Hawai'i

Land Area: 5.1047 acres

Applicant's Request

1. Project Description: This Special Management Area (SMA) Minor Use Permit is being pursued for the following activities:

- The applicant is proposing to operate ten (10) mobile concession stands with four (4) portable toilets that will provide the public an opportunity to purchase meals, drinks, and light refreshment/snacks within the Mo'ohau Park parking lot.
- No change to existing outdoor lighting, landscaping, or drainage is proposed. The existing parking lot next to the project area will be utilized for the staging of the mobile concession stands.
- The concession stands will be mobile and will leave and return daily to the site. No grading or construction will be necessary as the mobile concession stands will be located on the existing paved parking area of the parcel. The mobile concession stands will be metal food trucks that range from 20'-30' long that contain cooking facilities within them.

2. Purpose of Project: The Downtown Improvement Association (DIA) along with the County of Hawai'i, Mayor's Office are planning to hold numerous outdoor public events that will be held at various times throughout the year for an indefinite time in the Downtown Hilo area

3. Project Valuation: \$20,000-\$50,000

- 4. Determination:** According to Chapter 205A-22, Hawai‘i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(1) relating to Special Management Area (SMA): “*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*” and “*Construction, reconstruction, demolition, or alteration of the size of any structure*” is defined as “development.” Therefore, the proposed the establishment of mobile concession stands is considered “development” and requires a SMA Minor Permit.

State and County Plans

- 5. State Land Use District:** The subject parcel is within The State Land Use Urban, District.
- 6. General Plan:** The parcel is designated as Open (ope) by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 7. County Zoning:** The parcel is currently zoned as both Open (ope).
- 8. Special Management Area:** The project parcel is located within the Special Management Area (SMA), however, no portion of the parcel is located within the “shoreline area” as defined by section 205A-41, Hawai‘i Revised Statutes (HRS).
- 9. Flood Zone:** 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 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 any adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Those adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each of which taken by itself might not have a significant adverse effect and the elimination of planning options.

- ☒ The proposed development is consistent with the Hawai'i County General Plan, community plan, and zoning; provided that a finding of consistency shall not preclude concurrent processing where a general plan, community plan, or zoning amendment may also be required.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS (as amended), 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, including reefs, beaches, and coastal dunes, 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 coastal hazards.
 - ☒ 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 and coastal dunes for: Public use and recreation; The benefit of coastal ecosystems; Use as natural buffers against coastal hazards; and coordinate and fund beach management and protection.
 - ☒ 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 and Coastal Dune Protection
 - ☒ Marine and Coastal Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the conducted activities 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 \$20,000 to \$50,000 is not in excess of \$500,000.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. PL-SMM-2022-000020** is hereby approved to operate numerous mobile concession stands in the Mo'ohau Park parking lot.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. PL-SMM-2022-000020**, **subject to the following conditions:**

1. The applicant(s), its successor(s), or assign(s) (Applicant) 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 including, but not limited to, the State Department of Health.
3. The hours of operation shall be limited to the hours from sunrise to sunset.
4. The mobile concession stands will not be allowed makai of the proposed location as presented on PL-SAA-2022-000072, Exhibit A.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai'i County Code.
6. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
7. Any further development, including but not limited to, the construction of structures or improvements not included in this permit shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
8. That in issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit. If, subsequent to issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
9. The Planning Director shall initiate procedures to revoke this permit should any of the conditions not be met or substantially complied with in a timely fashion.

County of Hawai'i P & R
May 20, 2022
Page 6

If you have any questions, please feel free to contact Tracie-Lee Camero at (808) 961-8166 or via email at Tracie-Lee.Camero@hawaiiicounty.gov.

APPROVED:

Zendo Kern
Zendo Kern (May 20, 2022 08:00 HST)

May 20, 2022

ZENDO KERN
Planning Director

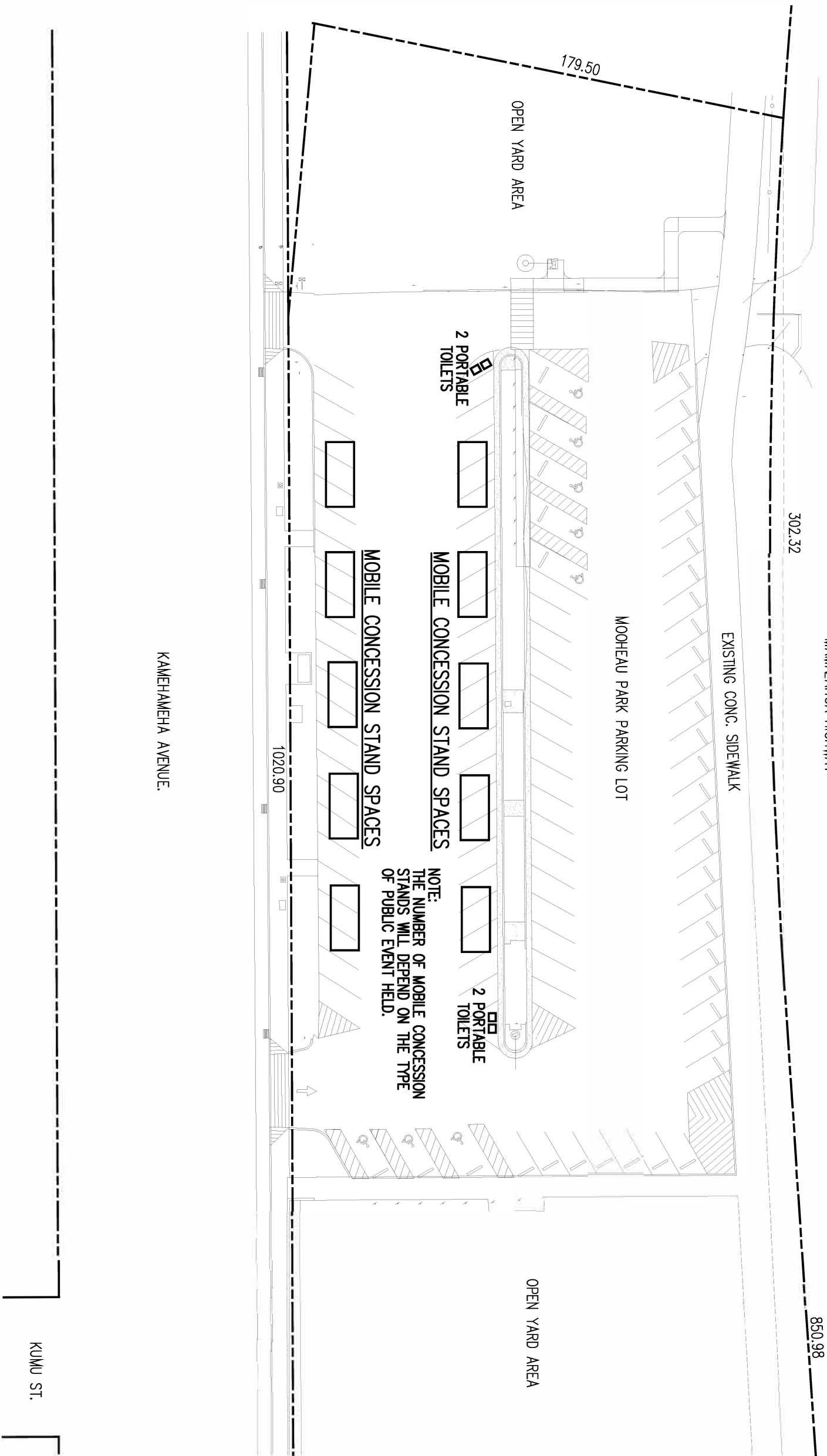
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Enclosure: Exhibit A - Site Plan

cc: GIS Section

A
EXHIBIT "1" – SITE PLAN
SCALE: 1"=40'



MARK	DATE	DESCRIPTION
REVIEWED:		
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DEPARTMENT OF PARKS AND RECREATION		DATE

Planning Dept.
Exhibit A