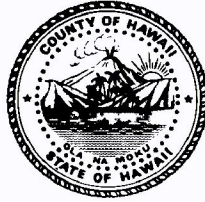


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January 03, 2023

Matthew Cintas
73-1144 Mahilani Drive.
Kailua-Kona, HI 96740
VIA EMAIL

Dear Mr. Cintas:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(PL-SAA-2022-000134)**

Applicant(s): Craig Borsari

Landowner(s): Craig Borsari

Project: Interior Improvements to Single Family Residence

TMK: (3) 6-9-006:005, South Kohala District, Island of Hawai'i

We have reviewed the subject Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2022-000134), received by this office on November 20, 2022. The 0.35-acre subject parcel is zoned single-family residential 10,000 square feet (sf) (RS-10) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as low density urban (ldu) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map.

The parcel is situated entirely within the Special Management Area (SMA); however, based on a certified shoreline of 2001, and more recent certified shoreline surveys of adjacent parcels the project site is not located within the "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS) as the makai property boundary is located approximately 85+ feet from the shoreline.

Proposed Project:

The applicant is proposing to conduct interior improvements only, no exterior work is proposed. In the living room there is an existing drop ceiling framed below the 11-foot-high existing trusses that is to be removed. Instead of the dropped ceiling an interior vaulted ceiling will be framed below the existing and un-changed roof trusses. The existing exterior roof framing will

not be involved. Additional work includes the replacement of interior ceiling beams to accommodate the new interior vaulted ceiling.

There is an existing single-family residence which was constructed in 2002. No other work is proposed at this time and the valuation of the proposed action is approximately \$400,000.

Special Management Area Determination:

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, "*Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.*" According to the application, the following definitions of "Development" can be applied to the proposed use:
 - *Construction, reconstruction, demolition, or alteration of the size of any structure.*
2. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, "Development" does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of "Development":
 - *Repair, maintenance, or interior alterations to existing structures or relating to existing uses.*
3. Pursuant to Planning Commission Rule 9-4(e)(4), "*whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as "Development" for the purposes of this rule.*"
 - Based on the information provided, the Director finds that the proposed renovation to an existing single-family residence will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

Future Special Management Area Determinations:

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

Additionally, pursuant to Planning Commission Rule 9-10(g), “*the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area.*” The Director has added the following conditions for the proposed project:

Director’s 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.
3. Other than the proposed project as described in this determination, no further work is permitted under this approval.
4. The Applicant shall secure building permits for the proposed project within two (2) years from the date of this determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
5. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
6. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. That in issuing this determination, the Department has relied on the information and data that the Applicant has provided in connection with this determination. If, subsequent to this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended, or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this determination or require additional review against the Special Management Area rules and regulations.

Matthew Cintas
January 03, 2023
Page 4

If you have any questions, please contact Alex J. Roy of this office at (808) 961-8140 or via email at Alex.Roy@hawaiicounty.gov.

Sincerely,

Zendo Kern

Zendo Kern (Jan 3, 2023 15:31 HST)

ZENDO KERN
Planning Director

AJR:mads

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Enclosure: Exhibit 1 (Site Plan)

cc via email: Craig Borsari

