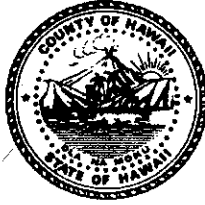


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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

March 2, 2011

Ms. Lori Mikkelson
All Aina Services
P.O. Box 291
Laupāhoehoe, HI 96764

Dear Ms. Mikkelson:

Subject: Special Management Area Use Permit Assessment Application
(SAA 11-000628)
Applicant: Louis and Jolene Nobriga
Land Owner: Louis and Jolene Nobriga
Request: Construction of a Single-Family Dwelling with a Hair Salon
Tax Map Key: 3-5-5:23, North Hilo, Hawaii

This is in response to your Special Management Area Use Permit Assessment Application received on February 10, 2011, for the construction of a single-family dwelling with a hair salon.

This parcel consists of 14,157 square feet. It is designated Urban by the State Land Use Commission and zoned Village Commercial (CV-10) by the County. Although it is in the Special Management Area, it does not have frontage along the coastline and is mauka of the Hawai'i Belt Road.

The hair salon will be under the same roof of the dwelling and operated by the owners' daughter who will also reside in the dwelling.

Chapter 205A-22, Hawaii Revised Statutes and Planning Commission Rule 9-4(e)(2)(A) relating to Special Management Area, states that "development" does not include "*Construction of a single-family residence that is not part of a larger development*". Therefore, we have determined that the proposed construction of a single-family dwelling on the subject parcel is considered exempt from the definition of "development".

However, the addition of a commercial operation under the same roof of the single-family dwelling constitutes a change in the intensity of the use of the land. Hawaii Revised Statutes (HRS) Chapter 205-A-22 and Planning Commission Rule 9-4(e)(1)(C) and (E) state that

Ms. Lori Mikkelsen
All Aina Services
March 2, 2011
Page 2

"development" includes "*Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*", and "*Construction, reconstruction, demolition, or alteration of the size of any structure*", respectively. Therefore, the proposed hair salon is considered "development" and requires either a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit.

Although the cost/fair market value of the hair salon is less than \$125,000, the application must still be reviewed by the Director of the Department of Public Works for compliance with Chapter 27, Floodplain Management, of the Hawaii County Code, to ensure that there will be no substantial adverse effect on the Special Management Area.

After receipt of comments from the Director, a determination will be made as to whether a Special Management Area Minor Permit or a Special Management Area (Major) Use Permit is required.

If you have questions, please feel free to contact Esther Imamura of this office at (808) 961-8139.

Sincerely,



BJ LEITHEAD TODD
Planning Director

ETI: cs

P:\Public\Wpwin60\CZM\SMMA\2011\SAA 11-628 Nobriga.Doc

cc: Long Range Planning