

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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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

March 25, 2014

Paul Bleck, AIA Ltd.
P.O. Box 4771
Kailua-Kona, Hawaii 96745

Dear Mr. Bleck:

SUBJECT: Ohana Dwelling Permit Application (OHD-13-000148)
Applicant: Boldspace LLC
Land Owners: Boldspace LLC
Proposal: Construct a New Detached Ohana Dwelling Unit
Tax Map Key: (3) 7-6-018:094 (COR-14-090732)

We are in receipt of your request in letter dated March 19, 2014 for a time extension for the above Ohana Dwelling Permit Application (OHD-13-000148) that was approved on April 22, 2013. The OHD-13-000148 required a building permit be secured from the Department of Public Works, Building Division, on or before April 22, 2014, for the construction of the ohana dwelling unit. A one time 30-day time extension to obtain the building permit may be granted by the Planning Director, pursuant to Planning Department Rules of Practice and Procedure, Rule 12, Ohana Permits, Section 12-16(a). Therefore, a one time 30-day time extension to obtain a building permit is granted to May 22, 2014.

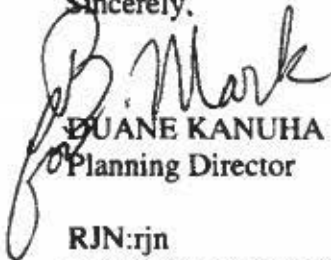
In addition, pursuant to, per Rule 12, Ohana Permits, Section 12-16 (b); "the applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement."

The construction of the Ohana dwelling is also subject to a Special Management Area Minor Permit (SMM-12-000235), that was approved on August 31, 2012. According to condition number 3 of SMM-12-000235: "The applicant shall secure an Ohana Dwelling Permit and complete construction of the Ohana dwelling and related improvements within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon completion of the construction activities."

Mr. Paul Bleck
March 25, 2014
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If you have any questions, please call Rosalind Newlon of our West Hawaii Office at 323-4770.

Sincerely,



DUANE KANUHA
Planning Director

RJN:rjn

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cc: West Hawaii Office
Bob M. Bolds, Manager, Boldspace, LLC, P.O. Box 4771, Kailua-Kona, Hawaii 96745

| CONTACT US | HELP



County | State | State Bureau of Conveyances

Home Property Search

Search for: Tax Year: ANY

Results 1 - 1 of 1

Parcel ID
760180940000

Owner Name (Alphabetical Order)
BOLDSPACE L.C.

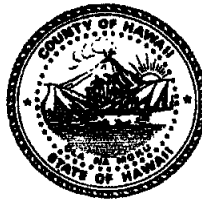
Situs Address
76-6201 PAKALANA ROAD

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William P. Kenoi
Mayor



BJ Leithead Todd
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April 22, 2013

Bob M. Bolds, Manager
Boldspace, LLC
P.O. Box 4771
Kailua-Kona, Hawaii 96740

Dear Mr. Bolds:

SUBJECT: Ohana Dwelling Permit Application (OHD-13-000148)
Applicant: Boldspace LLC
Land Owners: Boldspace LLC
Proposal: Construct a New Detached Ohana Dwelling Unit
Tax Map Key: (3) 7-6-018:094 (COR-13-083867)

Based on our review of your application and comments from the public and other government agencies, you are hereby **granted** permission to construct a detached single family Ohana Dwelling Unit subject to the conditions set forth below in this letter.

REVIEW, PUBLIC AND AGENCY COMMENTS

The subject Application for an Ohana Dwelling Unit Permit was reviewed by the required agencies and their respective comments are as follows:

- 1. The Department of Public Works (DPW):**
As of this date, no comments have been received by DPW.
- 2. The Department of Water Supply (DWS) (Memorandum dated April 9, 2013):**
(Note that this memorandum is superseded by DWS Memorandum dated April 15, 2013 noted in No. 3 below.)

"We have reviewed the subject application and have the following comments and conditions.

An existing 5/8-inch meter services this property and is adequate for only one (1) dwelling unit at an average 400 gallons per day. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's regulations. However, the

Department's existing water system facilities cannot support an additional meter at this time. Extensive improvements and additions, including source, storage, booster pumps, transmission, and distribution facilities, must be constructed. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set. Further, should the application be approved, both dwellings shall not share the existing meter.

Should there be any questions, please contact Mr. Lawrence Beck of our Water Resource and Planning Branch at 961-8070, extension 260."

3. The Department of Water Supply (DWS) (Memorandum dated April 15, 2013):

"This is a follow up to our letter of April 9, 2013. After receiving a copy of our April 9, 2013, letter to the Planning Department, the applicant for the subject Ohana Dwelling Unit Permit Application contacted us and was able to show that DWS previously (May 2012) indicated that water was available for the proposed Ohana dwelling. Please note that our more recent review of the Ali'i Kai Subdivision shows that all water units that are available for development of residential lots within the Ali'i Kai Subdivision have been utilized or allocated. However, due to the applicant's reliance on information provided by DWS to the applicant, DWS will honor its previous statement to the applicant that one unit of water is available for construction of an Ohana Dwelling.

As this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter will be required. Water will be made available from a 6-inch waterline within Pakalana Road fronting the subject parcel.

We have no objection to the proposed application, subject to the following conditions:

1. Installation, by the Department of Water Supply, of a 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 400 gallons.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC): \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE \$3,000.00

Install one (1) meter on Pakalana Road

Total (Subject to Change) \$8,500.00

Should there be any questions, please contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260."

4. The State of Hawaii Department of Health (DOH) (memorandum dated April 5, 2013):

"The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH.

- a. Plans to upgrade current cesspool to a septic system.

"We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawai'i State Department of Health. The BEWG recommends that state and county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on healthy community design."

5. The Hawaii County Fire Department (HFD) (Memorandum dated November 3, 2010:

As of this date, no comments have been received by HFD.

6. Comment from a surrounding property owner(s):

- a. From Josephine Keliipio

"Regarding: Notice to Property Owner/Ohana Dwelling Unit Permit Vortex Trust, TMK (3) 7-5-018-094, 76-6201 Pakalana Road, Kailua-Kona, HI 96740

My Comments: 1) Please keep all construction traffic and construction vehicle parking on the construction property. I would like to see some revised plans as to where the carpenters, and all other construction workers will park their vehicles during the time of construction. 2) I don't see anything on the drawing that will accommodate parking for the Ohana unit. I want to see some revised plans showing where the extra cars will park on that property. The parking plans should provide for maximum parking of more than 2 cars w/ absolutely no overflow parking along the roadway. And don't give me any BS that only 2 car stalls need to be provided when

my neighbor across the street from me can get 8 cars parked on their property which is smaller. Mahalo, Josephine Keliipio"

AFFIDAVITS PROVIDED BY APPLICANT AND OWNERS

We note the following documents that accompanied your application. The original and notarized affidavits of **Applicant and Owners** of the subject property dated December 3, 2012 included with the Ohana Dwelling application states:

"The Titleholder of the property located at 76-6201 Pakalana, Kailua-Kona, Hawai'i, TMK: (3) 7-6-018-094, is Boldspace LLC.

In addition, there are not provisions of any restrictions, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provisions that prohibit the construction or placement of an ohana dwelling unit or second dwelling unit. Bob M. Bolds, Manager of Boldspace LLC."

APPROVAL

In view of the above, by this letter, you are hereby **granted** permission to construct a detached single family Ohana Dwelling Unit subject to the following conditions:

1. The proposed Ohana Dwelling unit shall comply with Ordinance No. 96-47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.
2. Non-transferability: The permit for the Ohana Dwelling unit shall be personal to the applicant until construction of the Ohana Dwelling unit has been completed. The permit shall not be transferable or assignable to any other person prior to its completion.
3. Prohibition of Advertising, Sales, Transfers: No person shall advertise or represent to the public that a permit to construct an Ohana Dwelling unit is transferable with the sale of the property on which the permit has been granted.
4. Building Permit: **The applicant is required to secure a building permit from the Department of Public Works, Building Division, for the construction of the ohana dwelling unit on or before April 22, 2014.**

Please bring a copy of this Permit to the Building Division, Department of Public Works, when submitting your Building Permit Application to them in order to assist the reviewing agencies in reviewing and processing the building permit application and construction plans for the Ohana Dwelling on the subject parcel.

Prior to submitting your Building Permit Application:

- a) The applicant shall consult with the DPW to ensure that the construction plans conform to DPW driveway requirements.
- b) The applicant shall apply to the DWS and (1) obtain their written commitment for a second water meter, (2) pay any required facilities

charge and service lateral installation charges to the DWS, and (3) submit proof of payment of such charges with the submittal of a building permit application.

- c) The applicant shall submit plans to DOH to upgrade current cesspool to a septic system.
- d) The applicant shall consult with the HFD to verify the accessibility of the premises for emergency/fire fighting purposes.
- e) The applicant shall ensure that its architect is advised of the special Height limitation, Yard (Setback) and Open Space requirements applicable as set forth below.

A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written request for a time extension shall be filed with the Planning Director not less than forty-five (45) days prior to the expiration date of the ohana dwelling unit permit. The Planning Director shall render a decision on the request for a time extension prior to the expiration date of the permit.

The applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement.

5. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

- a) Height limit: The height limit for the proposed detached ohana dwelling unit shall be twenty-five (25'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,352 square feet is zoned Single-Family Residential (RS-7.5) by the County and is situated within the State Land Use Urban district.
- c) Minimum Yards (Setbacks) and Open Space: The proposed dwelling unit is required to comply with the yards and open space requirements of the Hawaii County Zoning Code. The respective minimum open space, front, rear, and side yard requirements for the proposed detached ohana dwelling unit to be located on the subject TMK property shall be as follows:
 - Front yard –minimum **twenty** (20) feet required;
 - Rear yard –minimum **twenty** (20) feet required;
 - Side yard(s) – minimum **thirteen** (13) feet required;
 - Open space from other main structure(s) – minimum **fifteen** (15) feet required.

Mr. Bob M. Bolds

April 22, 2013

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- d) Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.
7. Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.
- a) No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an Ohana Dwelling unit.
- b) An Ohana Dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

If you have any questions, please call Rosalind Newlon of our West Hawaii Office at 323-4770.

Sincerely,


for BJ LEITHEAD TODD
Planning Director

RJN:rjn

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xc: Dept of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply
West Hawaii Office