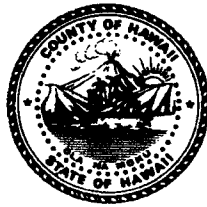


Harry Kim
Mayor



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

March 7, 2017

Nematollah and Tina Marie Najibi
1950 Dorrance Court
San Jose, CA 95125-4611

Dear Mr. & Ms. Najibi:

SUBJECT: Application: Ohana Dwelling Unit Permit Application (OHD-16-000175)
Applicants: NEMATOLLAH AND TINA MARIE NAJIBI
Land Owners: NEMATOLLAH AND TINA MARIE NAJIBI
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 3-2-002:071

Upon review of your application and as applicable, comments from the public and government agencies for an Ohana Dwelling Unit Permit (OHD), you are hereby **granted** approval to construct an attached OHD subject to conditions set forth below in this letter.

REQUEST

The applicant is requesting an OHD Permit to convert the lower level of the existing single-family dwelling into an additional dwelling unit on the subject property.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 15,676 square feet, Lot 2 in Kapena, North Hilo, Island of Hawai'i. The property is zoned Residential and Agricultural (RA-.5a) by the County and is situated within the State Land Use Rural district.

There is an existing single-family dwelling with a semi-improved lower level space which will be converted to an OHD.

AGENCY COMMENTS

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

1. The Department of Water Supply (DWS): See attached memorandum dated January 27, 2017 (**Exhibit A**). The DWS commented further with attached memorandum dated February 9, 2017 (**Exhibit A-1**);
2. The Hawai'i County Fire Department (HFD): See attached memorandum dated January 10, 2017 (**Exhibit B**);
3. The State of Hawai'i Department of Health (DOH): See attached memorandum dated January 27, 2017 (**Exhibit C**); and
4. The Department of Public Works (DPW): The DPW did not comment on this application as of this date. However, per letter dated November 9, 2015 from the Corporation Counsel, the applicants have agreed to the conversion of the lower level of the existing single-family dwelling into a habitable space for the OHD with the stipulation that the space be equipped with fire sprinklers (**Exhibit D**).

In addition, the following documents are associated with this request for an OHD Permit:

Zoning Code Violation, ZCV-2015-012E, Warning Letter, dated February 19, 2015, outlining the possible remedies for an illegal second dwelling unit on the property, and Closure Letter dated April 15, 2015, accepting that the kitchen had been removed, thus removing the violation.

Petition to the Board of Appeals (BOA), BOA-15-000157, for Variance from the Building, Electrical, and Plumbing Codes, Department of Public Works (DPW) filed August 24, 2015 to allow a nonconforming ceiling height for the lower level of the house in order to be occupied as habitable space.

Letter from the Corporation Counsel dated November 9, 2015, advising that the DPW will agree to the variance request in the Petition to the BOA, BOA-15-000157, with stipulation that sprinklers be installed in the nonconforming ceiling area and that the BOA Petition be withdrawn.

Special Management Area (SMA) Minor Permit, SMM-16-000361, dated November 23, 2016, allowing for the as-built construction of Ohana dwelling unit on the subject property.

COMMUNITY COMMENTS

There were no comments received from the public or surrounding property owners.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

The original and notarized affidavit of **Nematollah and Tina Marie Najibi**, dated December 5, 2016, included with the OHD application states:

"This affidavit to confirm that:

- 1- Nematollah and Tina Najibi are the titleholders of the affected property (32-882 Hawaii Belt Road Ninole, HI 96773, TMK 3-2-002-071) and also*
- 2- Provisions of any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit."*

ANALYSIS

The proposed building site for the subject OHD application is a legal lot of record of at least 10,000 square feet located within the RA district and is designated Rural by the State Land Use Commission. Additional dwellings are not normally permitted on this lot, and there is no guest house located on the property. There are no pending subdivision actions affecting the subject TMK property, nor has any variance, Planned Unit Development, Cluster Plan Development, or other preemption from requirements of the Hawai'i County Code been granted. There has not been a previously approved variance from the Subdivision Code (Chapter 23) and the Zoning Code (Chapter 25) on the property, nor are there any conditions within a change of zone ordinance that would prohibit an OHD. The applicant has not submitted any OHD applications in the previous two years. Therefore, the application meets the requirements for an OHD Permit.

Per letter dated November 9, 2015, applicants have agreed to install fire sprinklers for the conversion of the lower level space into habitable use.

The DWS has indicated that the subject parcel has an existing water service and that the installation of a separate water meter would normally be required in accordance with the DWS's Rules and Regulations. However, the parcel is limited to just one unit of water. One unit of water is suitable for one single-family dwelling.

Therefore, the applicant should understand that the DWS cannot provide service to the proposed additional dwelling, and should the application be approved, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

An Ohana dwelling that is not served by an approved public or private water system may use a water catchment system provided that the area receives an annual rainfall of at least eighty inches and the water catchment system meets the requirements of the Department of Health and the Department of Water Supply. The subject area receives from 120" to 160" of annual rainfall and therefore, may utilize a water catchment system.

In addition, the DOH advised that the existing wastewater system is inadequate for the proposed project and that the applicant should have an engineer submit to DOH, plans to upgrade the current cesspool to a septic system.

DECISION AND CONDITIONS

In view of the above, and by this letter, you are hereby **granted** permission to construct an attached single-family OHD subject to the following conditions:

1. The proposed OHD shall comply with Ordinance No. 96-47 and Rule 12, the County of Hawai'i Planning Department's Rules of Practice and Procedure relating to OHD's.
2. **Non-transferability:** The permit for the OHD shall be personal to the applicant until construction of the OHD has been completed. The permit shall not be transferable or assignable to any other person prior to completion of its construction to the satisfaction of the Chief Engineer, DPW.
3. **Prohibition of Advertising, Sales, Transfers:** No person shall advertise or represent to the public that a permit to construct an OHD 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, within one (1) year from the date of this approval for the construction of the OHD on or before **March 7, 2018**. The building permit plans shall include necessary drawings for the installation of a fire sprinkler system as stipulated in the agreement letter from the Corporation Counsel dated November 9, 2015.

Please bring or attach a copy of this Permit to assist the reviewing agencies in understanding and expediting the review and processing of the building construction plans and building permit application for the additional building improvements necessary to establish the OHD on the subject parcel.

- a) 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 OHD permit. The Planning Director shall render a decision on the request for a time extension prior to the expiration date of the permit.
- 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.

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 attached OHD shall be **thirty-five (35'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 15,676 sq. ft., is zoned Residential and Agricultural (RA-.5a) by the County and is situated within the State Land Use Rural 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 Hawai'i County Zoning Code, Section 25-6-35 and 25-4-7.

The respective minimum open space, front, rear, side yard and dwelling unit requirements for the proposed attached OHD to be located on the subject TMK property shall be the minimum yard requirements as follows:

- Front yard - minimum **twenty-(20)** feet required;
- Rear yard - minimum **twenty (20)** feet required; and
- Side yards - minimum **ten (10)** feet required.
- Between dwelling units - not applicable, attached unit.

- d) Off-Street Parking: The OHD 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. A guest house shall not be permitted or constructed where an Ohana dwelling has been permitted or constructed.
7. The existing water meter shall not be shared with the Ohana unit.
8. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD and DOH (submit plans to DOH to upgrade the current cesspool to a septic system) and other reviewing agencies/divisions listed on the Building Permit Application.

Nematollah and Tina Marie Najibi
Page 6 of 6
March 7, 2017

9. OHD's 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, Hawai'i County Code, as amended, shall be granted to permit the construction or placement of an OHD.
 - b) An OHD 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, Hawai'i County Code, as amended.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office.

Sincerely,



MICHAEL YEE
Planning Director

JRH:nci
\\COH33\planning\public\Admin Permits Division\Ohana\2016\OHD-16-000175 Najibi\APVL.docx

Encls: Agency comments – Exhibits A-D

cc: Dept. of Health, Chief Sanitarian
Dept. of Water Supply
Hawai'i Fire Dept.
Dept. of Public Works
Mark Iwamoto, Planning Inspector

cc w/encls: GIS Section (via email)



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

January 27, 2017

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit Application**
(OHD-16-000175)
Applicant – Nematollah and Tina Marie Najibi
Tax Map Key 3-2-002:071

2017 JAN 31 PM 2 19
RECEIVED
PLANNING DEPARTMENT

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 of 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 water meter at this time. Extensive improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed ohana dwelling. Should the application be approved, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

copy – Nematollah and Tina Marie Najibi
DWS Customer Service Sections (Hilo and Waimea)

EXHIBIT
A

109655

... Water, Our Most Precious Resource ... Ka Wai A Kane ...

The Department of Water Supply is an Equal Opportunity provider and employer



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 9, 2017

Nematollah Najibi
1950 Dorrance Street
San Jose, CA 95125

Dear Mr. Najibi:

**Subject: Water Availability Request
Ohana Dwelling Unit Permit Application
(OHD-16-000175)
Applicant – Nematollah and Tina Marie Najibi
Tax Map Key 3-2-002:071**

2017 FEB 10 AM 9 25
PLANNING DEPARTMENT

This is in response to your request.

Please be informed that an existing 5/8-inch meter services this property and is adequate for only one (1) dwelling unit at an average of 400 gallons per day. Pursuant to Section 1-1 of the Department of Water Supply's Rules and Regulations, a "Dwelling Unit" is considered as one or more rooms designed for or containing or used as the complete facilities for the cooking, sleeping and living area of a single-family only and occupied by no more than one family. Therefore, the installation of a separate 5/8-inch meter would be required for the proposed Ohana Dwelling.

Furthermore, the current water availability conditions in this area, which are subject to change without notice, only allow for one (1) unit of water, or one (1) 5/8-inch meter, per existing lot of record. Each unit of water is equal to an average of 400 gallons per day which is suitable for only one single-family dwelling.

Therefore, the Department has no objections to the proposed Ohana dwelling, subject to the applicant understanding and accepting that the Department cannot provide an additional service.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

TS:dfg

copy - Planning Department
DWS Customer Service Sections (Hilo and Waimea)

EXHIBIT
A-1

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

109843

Harry Kim
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

2017 JAN 14 2 37 PM

January 10, 2017

TO: MICHAEL YEE, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: Application: Ohana Dwelling Unit Permit Application– (OHD-16-000175)
Applicants: Nematollah and Tina Marie Najibi
Land Owners: Nematollah and Tina Marie Najibi
Proposal: Construct and Attached Ohana Dwelling Unit
Tax Map Key: (3) 3-2-002:071

In regards to the above-mentioned Ohana Dwelling Unit Permit application, the following shall be in accordance:

NFPA 1, UNIFORM FIRE CODE, 2006 EDITION

Note: Hawai'i State Fire Code, National Fire Protection Association 2006 version, with County of Hawaii amendments. County amendments are identified with a preceding "C~" of the reference code.

Chapter 18 Fire Department Access and Water Supply

18.1 General. Fire department access and water supplies shall comply with this chapter.

For occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, or areas where there is an inadequate fire flow, or inadequate fire hydrant spacing, and the AHJ may require additional safeguards including, but not limited to, additional fire appliance units, more than one type of appliance, or special systems suitable for the protection of the hazard involved.

18.1.1 Plans.

18.1.1.1 Fire Apparatus Access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.

EXHIBIT
B

109353

Hawai'i County is an Equal Opportunity Provider and Employer.



18.1.1.2 Fire Hydrant Systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

C~ 18.1.1.2.1 Fire Hydrant use and Restrictions. No unauthorized person shall use or operate any Fire hydrant unless such person first secures permission or a permit from the owner or representative of the department, or company that owns or governs that water supply or system. Exception: Fire Department personnel conducting firefighting operations, hydrant testing, and/or maintenance, and the flushing and acceptance of hydrants witnessed by Fire Prevention Bureau personnel.

18.2 Fire Department Access.

18.2.1 Fire department access and fire department access roads shall be provided and maintained in accordance with Section 18.2.

18.2.2* Access to Structures or Areas.

18.2.2.1 Access Box(es). The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security.

18.2.2.2 Access to Gated Subdivisions or Developments. The AHJ shall have the authority to require fire department access be provided to gated subdivisions or developments through the use of an approved device or system.

18.2.2.3 Access Maintenance. The owner or occupant of a structure or area, with required fire department access as specified in 18.2.2.1 or 18.2.2.2, shall notify the AHJ when the access is modified in a manner that could prevent fire department access.

18.2.3 Fire Department Access Roads. (*may be referred as FDAR)

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire Department access roads shall consist of roadways, fire lanes, parking lots lanes, or a combination thereof.

18.2.3.1.3* When not more than two one- and two-family dwellings or private garages, carports, sheds, agricultural buildings, and detached buildings or structures 400ft² (37 m²) or less are present, the requirements of 18.2.3.1 through 18.2.3.2.1 shall be permitted to be modified by the AHJ.

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within in 50 ft (15 m) of at least one exterior door that can be opened from the outside that provides access to the interior of the building. Exception: 1 and 2 single-family dwellings.

18.2.3.2.1.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.1 shall be permitted to be increased to 300 feet.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

18.2.3.2.2.1 When buildings are protected throughout with an approved automatic sprinkler system that is installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R, the distance in 18.2.3.2.2 shall be permitted to be increased to 450 ft (137 m).

18.2.3.3 Multiple Access Roads. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.

18.2.3.4 Specifications.

18.2.3.4.1 Dimensions.

C~ 18.2.3.4.1.1 FDAR shall have an unobstructed width of not less than 20ft with an approved turn around area if the FDAR exceeds 150 feet. **Exception:** FDAR for one and two family dwellings shall have an unobstructed width of not less than 15 feet, with an area of not less than 20 feet wide within 150 feet of the structure being protected. An approved turn around area shall be provided if the FDAR exceeds 250 feet.

C~ 18.2.3.4.1.2 FDAR shall have an unobstructed vertical clearance of not less than 13ft 6 in.

C~ 18.2.3.4.1.2.1 Vertical clearances may be increased or reduced by the AHJ, provided such increase or reduction does not impair access by the fire apparatus, and approved signs are installed and maintained indicating such approved changes.

18.2.3.4.1.2.2 Vertical clearances shall be increased when vertical clearances or widths are not adequate to accommodate fire apparatus.

C~ 18.2.3.4.2 Surface. Fire department access roads and bridges shall be designed and maintained to support the imposed loads (25 Tons) of the fire apparatus. Such FDAR and shall be comprised of an all-weather driving surface.

18.2.3.4.3 Turning Radius.

C~ 18.2.3.4.3.1 Fire department access roads shall have a minimum inside turning radius of 30 feet, and a minimum outside turning radius of 60 feet.

18.2.3.4.3.2 Turns in fire department access road shall maintain the minimum road width.

18.2.3.4.4 Dead Ends. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the fire apparatus to turn around.

18.2.3.4.5 Bridges.

18.2.3.4.5.1 When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with county requirements.

18.2.3.4.5.2 The bridge shall be designed for a live load sufficient to carry the imposed loads of fire apparatus.

18.2.3.4.5.3 Vehicle load limits shall be posted at both entrances to bridges where required by the AHJ.

18.2.3.4.6 Grade.

C~ 18.2.3.4.6.1 The maximum gradient of a Fire department access road shall not exceed 12 percent for unpaved surfaces and 15 percent for paved surfaces. In areas of the FDAR where a Fire apparatus would connect to a Fire hydrant or Fire Department Connection, the maximum gradient of such area(s) shall not exceed 10 percent.

18.2.3.4.6.2* The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m) or the design limitations of the fire apparatus of the fire department, and shall be subject to approval by the AHJ.

18.2.3.4.6.3 Fire department access roads connecting to roadways shall be provided with curb cuts extending at least 2 ft (0.61 m) beyond each edge of the fire lane.

18.2.3.4.7 Traffic Calming Devices. The design and use of traffic calming devices shall be approved the AHJ.

18.2.3.5 Marking of Fire Apparatus Access Road.

18.2.3.5.1 Where required by the AHJ, approved signs or other approved notices shall be provided and maintained to identify fire department access roads or to prohibit the obstruction thereof of both.

18.2.3.5.2 A marked fire apparatus access road shall also be known as a fire lane.

18.2.4* Obstruction and Control of Fire Department Access Road.

18.2.4.1 General.

18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

18.2.4.1.2 Minimum required widths and clearances established under 18.2.3.4 shall be maintained at all times.

18.2.4.1.3* Facilities and structures shall be maintained in a manner that does not impair or impede accessibility for fire department operations.

18.2.4.1.4 Entrances to fire departments access roads that have been closed with gates and barriers in accordance with 18.2.4.2.1 shall not be obstructed by parked vehicles.

18.2.4.2 Closure of Accessways.

18.2.4.2.1 The AHJ shall be authorized to require the installation and maintenance of gates or other approved barricades across roads, trails, or other accessways not including public streets, alleys, or highways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

18.2.4.2.3 Roads, trails, and other access ways that have been closed and obstructed in the manner prescribed by 18.2.4.2.1 shall not be trespassed upon or used unless authorized by the owner and the AHJ.

18.2.4.2.4 Public officers acting within their scope of duty shall be permitted to access restricted property identified in 18.2.4.2.1.

18.2.4.2.5 Locks, gates, doors, barricades, chains, enclosures, signs, tags, or seals that have been installed by the fire department or by its order or under its control shall not be removed, unlocked, destroyed, tampered with, or otherwise vandalized in any manner.

18.3 Water Supplies and Fire Hydrants

18.3.1* A water supply approved by the county, capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet (45 720 mm) from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ. For on-site fire hydrant requirements see section 18.3.3.

EXCEPTIONS:

1. When facilities or buildings, or portions thereof, are completely protected with an approved automatic fire sprinkler system the provisions of section 18.3.1 may be modified by the AHJ.
2. When water supply requirements cannot be installed due to topography or other conditions, the AHJ may require additional fire protection as specified in section 18.3.2 as amended in the code.
3. When there are not more than two dwellings, or two private garage, carports, sheds and agricultural. Occupancies, the requirements of section 18.3.1 may be modified by AHJ.

18.3.2* Where no adequate or reliable water distribution system exists, approved reservoirs, pressure tanks, elevated tanks, fire department tanker shuttles, or other approved systems capable of providing the required fire flow shall be permitted.

18.3.3* The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on a fire apparatus access road on the site of the premises or both, in accordance with the appropriate county water requirements.

18.3.4 Fire Hydrants and connections to other approved water supplies shall be accessible to the fire department.

18.3.5 Private water supply systems shall be tested and maintained in accordance with NFPA 25 or county requirements as determined by the AHJ.

18.3.6 Where required by the AHJ, fire hydrants subject to vehicular damage shall be protected unless located within a public right of way.

18.3.7 The AHJ shall be notified whenever any fire hydrant is placed out of service or returned to service. Owners of private property required to have hydrants shall maintain hydrant records of approval, testing, and maintenance, in accordance with the respective county water requirements. Records shall be made available for review by the AHJ upon request.

C~ 18.3.8 Minimum water supply for buildings that do not meet the minimum County water standards:

Buildings up to 2000 square feet, shall have a minimum of 3,000 gallons of water available for Firefighting.

Buildings 2001- 3000 square feet, shall have a minimum of 6,000 gallons of water available for Firefighting.

Buildings, 3001- 6000 square feet, shall have a minimum of 12,000 gallons of water available for Firefighting.

Buildings, greater than 6000 square feet, shall meet the minimum County water and fire flow requirements.

Multiple story buildings shall multiply the square feet by the amount of stories when determining the minimum water supply.

Commercial buildings requiring a minimum fire flow of 2000gpm per the Department of Water standards shall double the minimum water supply reserved for firefighting.

Fire Department Connections (FDC) to alternative water supplies shall comply with 18.3.8 (1)-(6) of *this code*.

NOTE: In that water catchment systems are being used as a means of water supply for firefighting, such systems shall meet the following requirements:

- 1) In that a single water tank is used for both domestic and firefighting water, the water for domestic use shall not be capable of being drawn from the water reserved for firefighting;

- 2) Minimum pipe diameter sizes from the water supply to the Fire Department Connection (FDC) shall be as follows:
 - a) 4" for C900 PVC pipe;
 - b) 4" for C906 PE pipe;
 - c) 3" for ductile Iron;
 - d) 3' for galvanized steel.
- 3) The Fire Department Connection (FDC) shall:
 - a) be made of galvanized steel;
 - b) have a gated valve with 2-1/2 inch, National Standard Thread male fitting and cap;
 - c) be located between 8 ft and 16 ft from the Fire department access. The location shall be approved by the AHJ;
 - d) not be located less than 24 inches, and no higher than 36 inches from finish grade, as measured from the center of the FDC orifice;
 - e) be secure and capable of withstanding drafting operations. Engineered stamped plans may be required;
 - f) not be located more than 150 feet of the most remote part, but not less than 20 feet, of the structure being protected;
 - g) also comply with section 13.1.3 and 18.2.3.4.6.1 of *this code*.
- 4) Commercial buildings requiring a fire flow of 2000gpm shall be provided with a second FDC. Each FDC shall be independent of each other, with each FDC being capable of flowing 500gpm by engineered design standards. The second FDC shall be located in an area approved by the AHJ with the idea of multiple Fire apparatus' conducting drafting operations at once, in mind.
- 5) Inspection and maintenance shall be in accordance to NFPA 25.
- 6) The owner or lessee of the property shall be responsible for maintaining the water level, quality, and appurtenances of the system.

EXCEPTIONS TO SECTION 18.3.8:

- 1) Agricultural buildings, storage sheds, and shade houses with no combustible or equipment storage.
- 2) Buildings less than 800 square feet in size that meets the minimum Fire Department Access Road requirements.

Michael Yee
January 10, 2017
Page 9

- 3) For one and two family dwellings, agricultural buildings, storage sheds, and detached garages 800 to 2000 square feet in size, and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 1000 feet.
- 4) For one and two family dwellings, agricultural buildings, and storage sheds greater than 2000square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection may be increased to 500 feet.
- 5) For buildings with an approved automatic sprinkler system, the minimum water supply required may be modified.

If there are any questions regarding these requirements, please contact the Fire Prevention Bureau at (808) 932-2911.



DARREN J. ROSARIO
Fire Chief

KV:ds



STATE OF HAWAII
DEPARTMENT OF HEALTH
P O BOX 916
HILO, HAWAII 96721-0916

2017 JAN 30 PM 5:59
COUNTY OF HAWAII
NT

MEMORANDUM

DATE: January 27, 2017

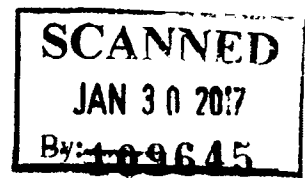
TO: Mr. Michael Yee
Planning Director, County of Hawaii

FROM: Eric Honda *EH*
District Environmental Health Program Chief

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-16-000175)
Applicants: NEMATOLLAH AND TINA MARIE NAJIBI
LandOwners: NEMATOLLAH AND TINA MARIE NAJIBE
Proposal: Construct an Attached Ohana Dwelling Unit
TMK: 3-2-002:071

The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH plans to upgrade current cesspool to a septic system.

EXHIBIT
C



Surprenant, April

From: Neil Najibi <myagentneil@gmail.com>
Sent: Tuesday, November 10, 2015 12:18 PM
To: Surprenant, April
Cc: Ng, Jennifer; Erickson, Neil
Subject: Fwd: agreement to install sprinklers
Attachments: ceiling petition.pdf

Aloha April;

As much as I wanted to be at the meeting to represent myself, I decided to accept Jennifer Ng offer and install sprinklers. So I will not be there on 11-13-2015 ab 10:00 AM.
would this mail be sufficient or you want me to sign something.
I appreciate all the guidance and exceptional service and care from you all.
mahalo and peace

(408) 202-6829
Neil Najibi
Coldwell Banker
1712 Meridian Ave SJ,CA 95125
Selling Silicon Valley/Bay Area
for 24 years full time
Builder's License LIC# 750340
Licensed in Hawaii
Engineering degree from UCF

2015 NOV 10 am 12 46
PLANNING DEPARTMENT
COUNTY OF HAWAII

----- Forwarded message -----
From: <neilnajibi@wdc-zmta1.westrsc.com>
Date: 2015-11-10 14:16 GMT-08:00
Subject: agreement to install sprinklers
To: myagentneil@gmail.com

EXHIBIT
D

William P. Kenoi
Mayor



Molly A. Stebbins
Corporation Counsel

William V. Brillhante, Jr.
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawai'i 96720 • (808) 961-8251 • Fax (808) 961-8622

November 9, 2015

Via email at: myagentneil@gmail.com

Mr. Nematollah Najibi
1950 Dorrance Court
San Jose, CA 95125

**Re: Petition for Variance from Building Code Regarding Ceiling Height
Board of Appeals No. 15-000157
Tax Map Key (3) 3-2-002-071**

Dear Mr. Najibi:

The County of Hawai'i Department of Public Works ("DPW") will agree to your variance request in the above-referenced matter subject to the following:

1. You agree to install fire sprinklers throughout the residence located at TMK (3) 2-002-071. The fire sprinkler system shall be designed by a licensed mechanical engineer and must comply with the NFPA R13D standard. Drawings must be provided as part of the building permit application and approved by the DPW Building Division and the Hawai'i Fire Department, Planning Department, and State of Hawaii Department of Health. A test of the water pressure and volume may be required as part of the permit application.
2. You withdraw the above-referenced Petition for Variance submitted to the Board of Appeals forthwith, and in any event, prior to the November 13, 2015, hearing.

If you agree to the foregoing terms, please confirm by signing on the appropriate signature line below and returning the letter to me.

Sincerely,


Jennifer D. K. Ng
Deputy Corporation Counsel

Hawai'i County is an Equal Opportunity Employer and Provider

Initial [Signature]

Mr. Nematollah Najibi
November 9, 2015
Page 2 of 2

AGREE:



Nematollah Najibi, Petitioner

WARREN H. W. LEE, P.E., Director
County of Hawai'i Department of Public Works

JENNIFER D. K. NG
Deputy Corporation Counsel
Attorney for County of Hawai'i
Department of Public Works