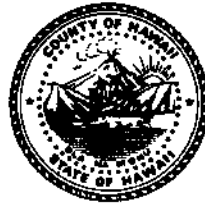


Harry Kim  
Mayor

Roy Takemoto  
Managing Director

West Hawai'i Office  
74-5044 Ane Keohokālole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563



**County of Hawai'i**  
PLANNING DEPARTMENT

Michael Yee  
Director

April Surprenant  
Acting Deputy Director

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

July 23, 2020

Clifford Arkangel-Kawaha  
855 Ainako Avenue  
Hilo, HI 96720

Dear Applicant:

**SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-20-000201)**  
**Applicants: Clifford Arkangel-Kawaha**  
**Landowners: Clifford Arkangel-Kawaha**  
**Proposal: Construct a Detached 'Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-5-023:011 (Lot 2)**

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

**REQUEST**

The applicant is requesting an OHD Permit to construct an additional dwelling unit on the subject property.

**PROPERTY DESCRIPTION**

The subject TMK parcel, comprises of 16,023 square feet, Lot 2, and is situated within Ainako Subdivision (Series 2), South Hilo, Hawai'i. The property is zoned Single-Family Residential – 15,000 square feet (RS-15) by the County and is situated within the State Land Use Urban district. The subject parcel was created in 1947.

**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 memo dated June 17, 2020. **(Exhibit A)**;
2. The State of Hawai'i Department of Health (DOH): See attached memorandum dated June 22, 2020. **(Exhibit B)**;
3. The Hawai'i County Fire Department (HFD): See attached memorandum dated June 16, 2020. **(Exhibit C)**.

### COMMUNITY COMMENTS

There was one comment in support of the application received from surrounding property owners or the public.

### ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

Included with the OHD application is a notarized Warranty Deed of **Clifford Arkangel-Kawaha**, recorded with the State of Hawai'i, Bureau of Conveyances on February 28, 2020.

### 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 RS district, and is designated Urban by the State Land Use Commission. Although the current lot size and zoning would not currently allow multiple dwellings on the property, the proposal would be to build a new 'ohana dwelling behind the current single-family dwelling. 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.

The DWS has indicated that there is one (1) existing 5/8-inch meter assigned to the subject parcel and is adequate for only one dwelling at an average daily usage of 400 gallons. The proposed 'ohana dwelling shall not share the existing water meter. Inasmuch as this

application is proposing an additional dwelling, the installation of a separate 5/8-inch meter will be required. Water can be made available from the Department's existing 8-inch waterline within Ainako Avenue, fronting the subject parcel.

The DOH states that the subject project is within proximity to a public sewer system (within Ainako Avenue). All wastewater generated shall be disposed into the County sewer system.

### DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a 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:** Hawai'i County Real Property Tax Office records indicate that Building Permit 4091 was issued in 1948 to the subject property for a single-family dwelling.
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 **twenty-five (25'-0")** feet.
  - b) **Zoning and Minimum Building Site Area (Lot Size):** The subject TMK parcel, containing 15,000 sq. ft., is zoned Single-Family Residential (RS-15) 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 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-five feet (25')** feet required;
- Rear yard – minimum **twenty-five feet (25')** feet required;
- Side yards – minimum **fifteen (15')** feet required;
- Between dwelling units – minimum **fifteen (15')** feet required.

- 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 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 'ohana dwelling is not approved for use as a non-residential short-term vacation rental (STVR).**
8. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD, DOH, DWS and any other reviewing agencies/divisions listed on the Building Permit Application.
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.

Clifford Arkangel-Kawaha  
July 23, 2020  
Page 5

Should you have any questions regarding the above, please contact Hans Santiago of this office at [Hans.Santiago@hawaiicounty.gov](mailto:Hans.Santiago@hawaiicounty.gov).

Sincerely,



MICHAEL YEE  
Planning Director

HS:jaa

\\cohs3\planning\public\Admin Permits Division\Ohana\2020\OHD-20-000201 ArkangelKawaha\OHD-20-00020 ArkangelKawaha  
APVL 07-23-20.doc.doc

Encl: Agency Comments - Exhibit A-C  
Receipt # 675964

cc: Dept. of Health, Chief Sanitarian  
Dept. of Water Supply  
Hawai'i Fire Dept.  
Dept. of Public Works  
GIS Section (via email) w/enclosures

**RECEIPT**

DATE 5/26/20

No. 675964

RECEIVED FROM Julianne & Clifford Arkangel - Kawaha \$ 25<sup>00</sup>

855 Aihako Ave Hilo, HI 96720 DOLLARS

FOR RENT OHD App TMK# 2-5-023:011  
 FOR

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

CASH | \$ 1427  
 CHECK | FROM \_\_\_\_\_ TO \_\_\_\_\_  
 MONEY ORDER |  
 CREDIT CARD | BY - JMS



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

June 17, 2020

TO: Mr. Michael Yee, Director  
 Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit Application (OHD 20-000201)**  
**Applicant – Clifford Arkangel-Kawaha**  
**Tax Map Key 2-5-023:011**

2020 JUN 17 10:00 AM  
 COUNTY OF HAWAII  
 DEPARTMENT OF WATER SUPPLY

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

Please be informed that the subject parcel is currently served by a 5/8-inch meter (Account No. 340-64000), which is adequate for only one (1) dwelling at an average daily usage of 400 gallons. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter will be required. Water can be made available from the Department's existing 8-inch waterline within Ainako Avenue, fronting the subject parcel.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting 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):  
 2<sup>nd</sup> service to the parcel \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE:  
Install one (1) meter on Ainako Avenue, a County road \$4,000.00  
 Total (Subject to Change) \$9,500.00

**EXHIBIT**  
**A**

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

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

**133883**



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


2020 JUN 25 10:02 AM  
HAWAII

NEW YORK 01 00 00

MEMORANDUM

DATE: June 22, 2020

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

FROM: Eric Honda   
District Environmental Health Program Chief

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-20-000201)  
Applicants: Clifford Arkangel-Kawaha  
Landowners: Clifford Arkangel-Kawaha  
Proposal: Construct a Detached Ohana Dwelling Unit  
TMK: 2-5-023:011 (Lot 2)

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.

Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control."

1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

**EXHIBIT**

**B**

133994



Harry Kim  
Mayor



Darren J. Rosario  
Fire Chief

Lance S. Uchida  
Deputy Fire Chief

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

June 16, 2020

**TO:** MICHAEL YEE, PLANNING DIRECTOR

**FROM:** DARREN J. ROSARIO, FIRE CHIEF

**SUBJECT:** Application: Ohana Dwelling Unit Permit (OHD-20-000201)  
Applicant: Clifford Arkangel-Kawaha  
Landowners: Clifford Arkangel-Kawaha  
Proposal: Construct a Detached Ohana Dwelling Unit  
Telecommunication Tower and related Improvements  
Tax Map Key: (3) 2-5-023:011 (Lot 2)

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In regards to the above-mentioned Ohana Dwelling Unit 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, Section 18.2.

**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.



**EXHIBIT**  
**C**

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

**133797**

**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.

Michael Yee  
June 16, 2020  
Page 5

**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.

If there are any questions regarding these requirements, please contact the Assistant Fire Chief Robert Perreira at (808) 932-2907.



DARREN J. ROSARIO  
Fire Chief

RP:nac