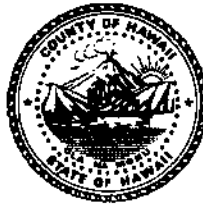


Harry Kim
Mayor

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

September 15, 2020

Jay Dee Penn
Lam Hawai'i, LLC
145 Keawe Street
Hilo, HI 96720

Dear Mr. Penn:

SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-20-000204)
Applicant: Lam Hawai'i, LLC
Land Owners: Mitsuyo Shinmoto, Jodi Penn & Jay Dee Penn
Proposal: Construct a Detached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-3-046:049 (Lot 19)

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 13,123 square feet, Lot 19, and is situated within Kaūmana Gardens Subdivision, Punahoa 1st, South Hilo, Hawai'i. The property is zoned Single-Family Residential – 10,000 square feet (RS-10) by the County and is situated within the State Land Use Urban district. The subject parcel was created by Subdivision-1843 on July 26, 1962.

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 July 16, 2020. **(Exhibit A)**;

2. The Hawai'i County Fire Department (HFD): See attached memo dated August 10, 2020. **(Exhibit B)**;
3. The Department of Environmental Management – Wastewater Division (DEM-Wastewater): See attached memorandum dated August 12, 2020. **(Exhibit C)**;
4. The State of Hawai'i Department of Health (DOH): See attached memorandum dated August 19, 2020. **(Exhibit D)**;
5. The Department of Public Works – Building Division: No comments received; and
6. The Department of Public Works – Engineering Division: No comments received.

COMMUNITY COMMENTS

There was one comment requesting that the proposed dwelling not be used as a business venture.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

Included with the OHD application is a notarized Warranty Deed for Jay Dee Penn and Jodi Penn, recorded with the State of Hawai'i, Bureau of Conveyances on April 25, 2018.

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 Kaūmana Drive, fronting the subject parcel.

The Department of Environmental Management is requiring the connection of the existing and/or proposed structures to the public sewer system in accordance with Section 21-5 of the Hawai'i County Code.

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 840826 was issued in 1984 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 10,000 sq. ft., is zoned Single-Family Residential (RS-10) 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')** required;
 - Rear yard – minimum **twenty-five feet (25')** required;

- Side yards – minimum **fifteen feet (15')** required;
 - Between dwelling units – minimum **fifteen (15')** 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.

Should you have any questions regarding the above, please contact Hans Santiago of this office.

Sincerely,



MICHAEL YEE
Planning Director

HS:jaa

Jay Dee Penn
Lam Hawai'i, LLC
September 15, 2020
Page 5

Encl: Agency Comments - Exhibits A to D

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



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

July 16, 2020

COH PLANNING DEPT
JUL 17 2020 PM 2:17
REC'D HAND DELIVERED

TO: Mr. Michael Yee, Director
 Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Ohana Dwelling Unit Permit Application (OHD 20-000204)
 Applicant – Lam Hawaii, LLC
 Tax Map Key 2-3-046:049

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 Number 330-45400), 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 Kaumana Drive, 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:

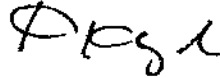
FACILITIES CHARGE (FC):	
2 nd service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install one (1) meter on Kaumana Drive, a County road</u>	<u>\$4,000.00</u>
Total (Subject to Change)	\$9,500.00

Exhibit A

Mr. Michael Yee, Director
Page 2
July 16, 2020

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

Sincerely yours,



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

TS:dg

copy – Lam Hawaii, LLC
DWS Customer Service (Hilo)

Harry Kim
Mayor

Roy Takemoto
Managing Director



Darren J. Rosario
Fire Chief

Robert R.K. Ferreira
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

COMMUNICATIONS DEPT
AUG 11 2020 10:10Z

REC'D HAND DELIVERED

August 10, 2020

TO: MICHAEL YEE, PLANNING DIRECTOR
FROM: DARREN J. ROSARIO, FIRE CHIEF
SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-20-000204)
Applicant: Lam Hawai'i, LLC
Landowners: Mitsuyo Shinmoto, Jodi Penn & Jay Dee Penn
Proposal: Construct a Detached Ohana Dwelling Unit
Telecommunication Tower and related Improvements
Tax Map Key: (3) 2-2-046:049 (Lot 19)

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 B

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

135105

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.

If there are any questions regarding these requirements, please contact the Deputy Fire Chief Robert Perreira at (808) 932-2902.



DARREN J. ROSARIO
Fire Chief

RP:nac

Harry Kim
Mayor



William A. Kucharski
Director

Roy Takemoto
Managing Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT


345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720
Ph: (808) 961-8083 • Fax: (808) 961-8086
Email: cohdem@hawaiicounty.gov

COH PLANNING DEPT
AUG 12 2020 PM 1:53

REC'D HAND DELIVERED

MEMORANDUM

TO: Michael Yee, Director
Planning Department

FROM: William A. Kucharski, Director
Environmental Management Department 

DATE: August 12, 2020

SUBJECT: 'Ohana Dwelling Unit Permit (OHD-20-000204)
Applicant: Lam Hawai'i, LLC
Land Owners: Mitsuyo Shinmoto, Jodi Penn and Jay Dee Penn
Proposal: Construct a Detached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-3-046:049 (Lot 19)

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Solid Waste Division for details):

- No comments.
- Commercial operations, State and Federal agencies, religious entities and non-profit organization may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample and equal room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.
- Submit Solid Waste Management Plan in accordance with attached guidelines.
- Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- Other: _____

Mr. Michael Yee, Director

August 12, 2020

Page 2

The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details):

- No comments.
- Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.**
- Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- Check or line out as applicable:* If required by the Director of the Department of Environmental Management ("Director of DEM"), applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- Other: _____

WK:mef



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

APPROVED FOR SIGNATURE
BY: [Signature]
DATE: 8/19/2020

MEMORANDUM

DATE: August 19, 2020

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

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

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-20-000204)
Applicants: Lam Hawaii, LLC
Landowners: Mitsuyo Shinmoto, Jodi Penn & Jay Dee Penn
Proposal: Construct a Detached Ohana Dwelling Unit
TMK: 2-3-046:049 (Lot 19)

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.

'NK'

Michael Yee
August 19, 2020
Page 2 of 2

We recommend that you review all of the Standard Comments on our website: [http://www.hawaii.gov/development/standard-comments/](#). 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 Hawaii 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.