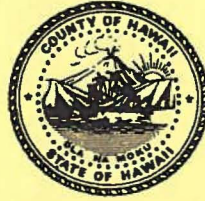


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
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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

June 5, 2012

Mr. David Yamamoto
County of Hawai'i – Dept. of Public Works
101 Pauahi Street
Hilo, Hawai'i 96720-4224

Dear Mr. Kawakami:

SUBJECT: VARIANCE APPLICATION -VAR-12-000059
Applicant: DAVID YAMAMOTO - DPW
Owner: STATE OF HAWAII,
DEPARTMENT OF EDUCATION
Request: Variance from Chapter 25, Zoning
Standards and Improvements to Off
Street Parking Spaces and Height Limit
Tax Map Key: 9-6-005:008 and 039

After reviewing your submitted variance application and information, the Planning Director certifies the **approval** of VARIANCE-VAR 12-000059 subject to variance conditions. The variance allows the proposed Gymnasium and Shelter to be permitted on the subject property at the campus of Pahala Elementary and Ka'u High School at 96-3150 Pikake Street. The variance is to allow for grass parking in lieu of paved parking and having a building height of 47.5 feet in lieu of the property's maximum 35 feet height limit. The variance is from Chapter 25, Zoning, Article 5, Division 1, Section 25-5-4, Height Limit and Article 4, Division 5, Section 25-4-54, Standards and improvements to off-street parking spaces.

BACKGROUND AND FINDINGS

1. **Location.** The subject property (TMK: 9-6-005:008 & 039) contains approximately 33.368 acres and is located on the school grounds of Pahala Elementary and Ka'u High School. The subject property street address is 96-3150 Pikake Street. The property is zoned Single Family Residential-15,000 square feet (RS-15) by the County and designated Urban or "U" by the Land Use Commission (LUC).



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2. **Variance Application-Site Plan.** The applicant submitted the variance application, attachments and filing fee on March 27, 2012. The variance application's site plan map and other drawings are drawn to scale and prepared by the Mitsunaga & Associates, Inc. According to the site plan and exterior elevation drawings, the proposed Gymnasium and Shelter will be constructed to a 47.5 feet building height and provide for 75 grass parking stalls.
3. **Agency Comments and Requirements (VAR 12-000059):**
 - a. The State of Hawaii-Department of Health (DOH) memorandum dated April 20, 2012: *"The Health Department found no environmental health concerns with regulatory implications in the submittals."*
 - b. County of Hawai'i - Hawai'i Fire Department: See attached memorandum dated April 30, 2012.
 - c. No comments from the Department of Public Works – Building Division have been received as of this date.
4. **Notice to Surrounding Property Owners.** The applicant submitted an affidavit stating notices were sent or mailed to surrounding property owners by USPO or U.S.P.S. Notice of this application was published in the Hawaii Tribune Herald and West Hawaii Today on April 20, 2012.
5. **Comments from Surrounding Property Owners or Public.** No written comments or objections from surrounding property owners or the general public were received.

PROJECT DESCRIPTION

The Ka'ū District Gym and Shelter will be situated on the Ka'ū High and Pahala Elementary School in the town of Pahala, which is centrally located within the District of Ka'ū between Nā'ālehu and Volcano. The proposed project will include a new gymnasium and a new separate multi-purpose building that would also serve as an emergency shelter that meets "Section 423 State and County owned High Occupancy Building Design Criteria for Enhanced Hurricane Protection Area Shelter criteria". The proposed single story structure will house one NCAA regulation basketball court, three cross courts, HHSAA volleyball courts, offices, certified kitchen, conference room, locker rooms, restrooms, recreation room, Red Cross storage room and multi-purpose room.

The gym is designed to have spectator seating for approximately 1,020 people. The size and proposed gym will allow for simultaneous play and also large gatherings.

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The Multi-Purpose Building is a separate ancillary building designed to be hurricane resistant and will also serve as a vog shelter. The building will allow for large gatherings or the room will be adjustable to allow for smaller gatherings by moveable wall partition panels. The multi-purpose building will also house wrestling part of the school year.

SPECIAL AND UNUSUAL CIRCUMSTANCES

The subject property is zoned single Family Residential – 15,000 square feet (RS-15). The current maximum height limit for the subject property is 35 feet. The RS-15 zoning was established prior to the development of the Ka'u High and Pahala Elementary School in 1930. While the height limit is appropriate for residential development, design and requirements for public facilities (such as schools, universities, etc.) differ significantly from single family residential requirements. Public school structures are more typical of urban settings where lots and the size of the structures are much larger to accommodate educational institution needs.

The proposed new gymnasium building requires an indoor ceiling height to be high enough for basketball shots or volleyball volleys, therefore, requiring a building height much higher than the maximum height limit of 35 feet allowed for residential-zoned properties.

The County and Project architect will strive to meet the equivalent Leadership in Energy and Environmental Design (LEED) Silver Certification for this project. LEED promotes a whole building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

It is felt that the proposed new gymnasium, requiring additional building height will not be out of character with other existing structures of two-story or similar height throughout the school campus.

The plantation style roofline, resulting in a taller structure, allows for higher ceiling spaces which will enhance natural ventilation and introduction and distribution of natural light to interior spaces.

There are presently 122 paved stalls on the school grounds. The proposed development will provide an additional 163 stalls with 88 stalls within a paved parking area and 75 stalls on grassed areas. The grassed parking area was created to accommodate the community's desire to leave a large amount of open grass parking area as possible.

The project site is entirely grassed and has been used for overflow grass parking when school or community functions occur at the school. Therefore, the proposed project will not create any adverse conditions and is consistent with the present campus grounds.

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ALTERNATIVES

The new proposed Gymnasium and Shelter will improve the capacity and quality of athletic facilities for the school and community; 2) provide a more adequate and larger meeting and gathering place for the school and community; and 3) provide adequate emergency shelter especially for hurricane and vog to serve the district.

A no action alternative would maintain the status quo by not meeting the district needs for community and emergency facilities with adequate capacity and emergency shelter capabilities.

INTENT AND PURPOSE

The intent and purpose of building height limits are to assure that adequate air circulation and exposure to light is available between buildings and boundary/property lines.

The proposed gymnasium and shelter is visually compatible with the adjacent historic buildings with the proposed plantation-style roofline and paint color. The placement and height of the building will not obstruct any view planes toward mauka (mountain) nor obstruct any existing views of the ocean. It is felt that the proposed new gymnasium building design and size requiring additional building height will not be out of character with other core campus buildings. Therefore, it will not compromise the overall open space, air, and light flow between the structures and property lines sought by the zoning height regulations.

Based on the foregoing findings, the approval of this application for variance would be consistent with the general purpose of the zoning district and the intents and purposes of the Zoning Code, Subdivision Code and the County General Plan. Furthermore, the variance will not be materially detrimental to the public's welfare and will not cause substantial adverse impact to the area's character and to adjoining properties.

PLANNING DIRECTOR'S DECISION AND VARIANCE CONDITIONS

This variance request is approved subject to the following conditions:

1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property damage, personal injury, or death arising out of any act or omission of the applicants/owners, their successors or assigns, officers, employees, contractors, or agents under this variance or relating to or connected with the granting of this variance.

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3. The State of Hawai'i Department of Education shall submit an Application for Plan Approval and required submittals to the County of Hawaii Planning Department for review and secure Final Plan Approval before submitting detailed building plans and specification for a County Building Permit.
4. The applicant/owner shall comply with all stated conditions and recommendations set forth in the County of Hawai'i, Hawai'i Fire Department memo dated April 30, 2012.
5. Building improvements on the subject property are subject to State law and County ordinances and regulation pertaining to building construction and building occupancy. The proposed Gym and Shelter shall be constructed in accordance with approved building plans and building specifications.

Should any of the foregoing conditions not be complied with, the Planning Director may proceed to declare Variance-VAR 12-000059 null and void.

Sincerely,



BJ LETIHEAD TODD
Planning Director

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PLANNING DEPARTMENT
William F. Kenoi
Mayor

2012 MAY 15 AM 9:29



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

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

April 30, 2012

TO: BJ LEITHEAD TODD, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: VARIANCE APPLICATION-VAR 12-000059
APPLICANT: COUNTY OF HAWAII - DPW/ DAVID YAMAMOTO
OWNER: STATE OF HAWAII
REQUEST: VARIANCE FROM CHAPTER 25, ZONING, ARTICLE 4,
DIVISION 5, SECTION 25-4-54, STANDARDS AND IMPROVEMENTS TO
OFF-STREET PARKING SPACES AND CHAPTER 25, ZONING, ARTICLE 5,
DIVISION 1, SECTION 25-4-4, HEIGHT LIMIT
TAX MAP KEY: 9-6-005:008 AND 039

In regards to the above-mentioned Variance application, the following shall be in accordance:

NFPA 1, UNIFORM FIRE CODE, 2006 EDITION

Note: NFPA 1, Hawai'i State Fire Code with County 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.

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.



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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.

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 and that provided access to the interior of the building.

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 18.2.3.2.2 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.

BJ Leithead Todd
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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.

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18.2.4.2.3 Roads, trails, and other accessways 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.
- (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

BJ Leithead Todd
April 30, 2012
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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) 932-2912.



DARREN J. ROSARIO
Fire Chief

CB/lc