

subject property into 31 lots and two (2) Road Lots. Further action on the subdivision application has been deferred pursuant to variance application acknowledgement letter dated January 23, 2014 in the variance file.

6. **Subdivision Code: Section 23-48, Cul-de-sacs.** "A cul-de-sac shall ... no[t] serve more than eighteen lots."
7. **Variance Application.** The variance request from subdivision code allowance for maximum number of lots served by a cul-de-sac was acknowledged by Planning Department letter dated January 23, 2014. An approximately 1,050 foot long cul-de-sac is proposed to provide access to 30 of the 31 lots in lieu of the maximum 600 foot length and maximum 18 lots served. The applicant states that this is an affordable, self-help housing project. In order to provide a through street for the subdivision, besides the internal roadway, an additional approximately 550 feet of off-site roadway would need to be improved adding substantially to the cost of providing the lots to prospective owners.
8. **Variance Application (VAR-13-000186) Agency Comments and Requirements.**
 - a. Hawai'i County Fire Department (HFD): see attached memorandum dated February 4, 2014.
 - b. DPW: see attached memorandum dated February 6, 2014 in response to the subdivision application.
 - c. No other agency comments were solicited and none were received.
9. **Notice to Surrounding Owners/Posted Sign.** The applicant submitted evidence, dated January 30, 2014, regarding the posting of a public notification sign on the subject property pursuant to Section 23-17(c) of the HCC. A picture of the posted sign was also submitted. Further, verification was submitted that a notice of the application was sent on January 30, 2014 to the surrounding property owners as required by Section 23-17(a).
10. **Comments from Surrounding Property Owners or Public.** There were comments submitted by Mr. & Ms. Alderson, surrounding property owners. (See attached February 7, 2014 letter.) The objections were related to the use of a single access for the subdivision when a second access point is readily available thereby splitting the traffic load via a through street.

ANALYSIS OF GROUNDS FOR VARIANCE

No variance will be granted unless it is found that:

- (a) *There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that*

would otherwise be available or to a degree which obviously interferes with the best use or manner of development of that property.

The Variance Application meets criterion (a) for the following reason(s):

Considering that the properties could support 44± lots, the proposal for 31 lots, due to the topographical and gulch conditions, is a reasonable density. Having all but one of the lots accessing on the proposed cul-de-sac eliminates the many driveways that would otherwise utilize the Onomea Street extension, Laimi Street and Kaakepa Street. The tendency to park additional vehicles in "front" of one's property would be exacerbated by forcing the driveways to the main roads instead of the cul-de-sac. The Road Lot (TMK 2-8-007:095, Kaakepa Street extension) is presently unimproved. It would be putting excessive demands on the applicant to expect them to improve the off-site right-of-way to provide for a through street within the proposed subdivision when a more reasonable alternative is available by allowing the applicant to exceed the 18 lot limitation with the granting of this variance.

The proposed Project roadway will serve only 30 lots and as a cul-de-sac, will not be a major thoroughfare, secondary arterial or serve as a through road for future development in the area as it will not abut any other developable property.

Considering the project is for affordable housing for very low, low and moderate income residents, there are special and unusual circumstances applying to the Property which exist to a degree that interferes with the best and proposed uses or manner of development within the Property should the additional monies be required to improve the off-site roadway.

(b) *There are no other reasonable alternatives that would resolve the difficulty.*

The Variance Application meets criterion (b) for the following reason(s):

The alternative to fully comply with the subdivision code requirements for cul-de-sacs would require the construction of a second access road (Kaakepa Street Extension) which would add approximately \$500,000.00 to the subdivision construction cost. This would add over \$16,000.00 to the cost of producing each parcel and create such a financial burden that many low income families could not overcome thereby negating the purpose of the development.

The construction of the roadway as a through street to an intersection with the Kaakepa Street Extension right-of-way would not be of any benefit to any future development. Requiring the additional expenditures to improve the off-site roadway would be contrary to the affordable nature of the project.

The applicant considered creating alternate access points however, due to the steep embankment on Laimi Street, the deep gulch and other topographical constraints, making additional roadway connection improvements would be excessive and unfeasible.

Further, if Road Lot A were extended to the Kaakepa Street Extension right-of-way without the off site improvements, it would effectively be a dead end street without a proper turn around.

Therefore, the proposed cul-de-sac is a reasonable alternative for roadway access to this low cost, self-help housing development.

- (c) ***The variance will be consistent with the general purpose of the district, the intent and purpose of this chapter, and the County general plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.***

The Variance Application meets criterion (c) for the following reason(s):

The proposed lots within the Property are located within the County's Residential Single-Family (RS -10) zoned district. The Applicant is proposing a 31-lot subdivision, with all lots being 10,000 sq. ft. or more each, and is thus consistent with the Zoning and Subdivision Codes.

This project will address the existing demand for affordable housing units in the County of Hawai'i and in the East Hawai'i district in particular. The HICDC has an existing waiting list of over 200 families interested in self-help housing projects in East Hawai'i. The majority of the families on the wait list have expressed a strong interest for a project in the Pepekeo district.

The intent and purpose of limiting the number of lots accessing subdivision cul-de-sacs is to assure that an adequate access system is available to the residents of the proposed subdivision, and to provide adequate emergency access in the event of a fire or emergency. This single access to more than 18 lots is consistent with the site constraints and with the affordable nature of the development. The proposed Project is consistent with the public health, safety and welfare.

The Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Low Density Urban, which allows for residential with ancillary community and public uses, and neighborhood and convenience-type commercial uses and an overall residential density of up to 6 units per acre. The proposed Project is consistent with these General Plan principles and uses. The project is also consistent with the adjacent Kula'imano Heights Subdivision in density and lot sizes.

Therefore, the granting of this variance request will be: (1) consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Control Codes, and the County General Plan, specifically the Housing Element; (2) will not cause substantial adverse impact to the area's character and to adjoining properties; and (3) will not otherwise be detrimental to the public's welfare.

Utilizing this cul-de-sac as opposed to a through street will also act as a vehicle speed reducer thereby making the neighborhood safer.

To help allay the concerns of Mr. and Ms. Alderson, this variance will prohibit the construction of any second or Ohana dwellings on any of the proposed lots.

Also, Road Lot A, will be improved to County dedicable standards as well as the portion of Onomea Street Extension from the project access to the already improved intersection with Laimi Street. This will benefit the adjacent properties as well as the proposed development.

DETERMINATION-VARIANCE CONDITIONS

The variance to allow 30 of the 31 lots in the subdivision to have access on a cul-de-sac, exceeding the code maximum of 18 lots, is hereby **approved**.

This approval is subject to the following variance conditions:

1. The applicant, owners, their assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. The owners, their assigns, or successors shall record with the Bureau of Conveyances written deed language, being covenants, conditions, and restrictions affecting the lots created by the proposed subdivision which prohibit the construction of a second dwelling or an Ohana dwelling on any of the lots.

The recorded agreement shall be incorporated as an exhibit and made part of each agreement of sale, deed, lease, or similar documents affecting the title of the approved subdivided lots. A copy of the recorded document shall be forwarded to the Planning Department.

3. The cul-de-sac shall be constructed to County dedicable standards with minimum 20-foot wide pavement and paved shoulders and swales within a minimum 50-foot wide Road Lot A right-of-way. This shall also apply to the Onomea Street Extension from the access to the already improved intersection with Laimi Street. Road Lot B shall have minimum 16 foot wide nondedicable pavement within a minimum 20 foot right-of-way conforming to Department of Public Works (DPW) Standard Detail (Std. Det.) R-39.
4. The pending subdivision application's (SUB-12-001165) final plat map shall meet all the requirements of the Hawai'i County Zoning Code and the Subdivision Code not covered by this variance.
5. The subdivider, owner(s), their assigns or successors shall pay any outstanding real property taxes and comply with all other applicable State statutes and County ordinances pertaining to building improvements and land use.

Should any of the foregoing stated conditions not be complied with, the Planning Director may proceed to declare this Variance Permit null and void.

Brian T. Nishimura, Planning Consultant
Page 6
March 18, 2014

Any questions may be directed to Jonathan Holmes at (808) 961-8146, or jholmes@hawaiicounty.gov

Sincerely,



DUANE KANUHA
Planning Director

JRH:nci

P:\Admin Permits Division\Variance\2014\VAR-14-000186HICDC NoOfLotsCul-de-sac\APVL.doc

Encls: Agency Comments

xc: DPW-Engineering Branch
SUB-12-001165

xc via email: Richard and Virginia Alderson realderson@aol.com

xc w/encls: Hawai'i Island Development Corporation
100 Pauahi Street, Suite 204
Hilo, HI 96720

Gilbert Bailado, GIS Section (via email)
C. Kay, HCDP Planner (via e-mail)

Duane Kanuha
February 4, 2014
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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. (*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.

WILKINSON DEPARTMENT
COUNTY OF HAWAII

2014 FEB 13 AM 9:56



County of Hawai'i
HAWAII FIRE DEPARTMENT
25 August Street • Room 2501 • Hilo, Hawaii 96720
(808) 932-2900 • Fax (808) 932-2929

Darren J. Rosario
Fire Chief
Renwick J. Victorino
Deputy Fire Chief

February 4, 2014

TO: DUANE KANUHA, PLANNING DIRECTOR

FROM: DARREN J. ROSARIO, FIRE CHIEF

SUBJECT: VARIANCE APPLICATION (VAR 14-000186)
AGENT: BRIAN T. NISHIMURA, PLANNING CONSULTANT
OWNER: HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION
REQUEST: VARIANCE FROM CHAPTER 23, SUBDIVISIONS, ARTICLE 3,
DESIGN STANDARDS, DIVISION 4, STREET DESIGN, SECTION 23-48,
CUL-DE-SACS
TAX MAP KEY: 2-8-007:092 & 093 (SUB 12-001165)

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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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 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.

18.2.3.1.4 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 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.

18.2.4.2.3 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.

18.2.3.4.6.3 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.

- (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

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;

DATE: February 6, 2014

Memorandum

TO: Planning Department

FROM: ^{CLR}
Department of Public Works

SUBJECT: SUBDIVISION: SUB 12-001165
Subdivider: Hawaii Island Community Development Corporation (HICDC)
Location: Makahanaioa & Pepe'ekeo, South Hilo, Hawaii
TMK: 2-8-007:092 & 093
Folder No.: 2829-A3A

We have reviewed the December 2013 revised preliminary plat map and have the following comments:

1. §23-30. Identify all watercourses and drainageways and encumber with drainage easements.
2. §23-86. For Road Lot A, construct minimum 32-ft wide dedicable pavement with concrete curbs, gutters and sidewalks within a minimum 50-ft wide right-of-way conforming to Standard Detail R-32. Streets shall be designed to support axle and wheel loads permitted under Section 291-35, Hawaii Revised Statutes.
3. §23-50. Subdivision roadway design, including allowable street grades and minimum sight distance requirements, shall conform to standards of the code.
4. §23-79. Submit construction plans and drainage report for review and comment.
 - a. §23-92. Additional storm runoff due to development shall be disposed within the subdivision and shall not be discharged onto adjacent properties or streets.
 - b. §23-93. Install streetlights/signs/pavement markings as required by the Traffic Division.

Questions may be referred to Carter Romero at 961-8943.

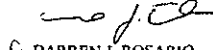
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Duane Kanuha
February 4, 2014
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greater than 2000square feet, but less than 3000 square feet and meets the minimum Fire Department Access Road requirements, the distance to the Fire Department Connection 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) 932-2911.


DARREN J. ROSARIO
Fire Chief

RP/lc

PLANNING DEPARTMENT
COUNTY OF HAWAII
2014 FEB 10 PM 3:43

February 7, 2014

Mr. Duane Kanuha, Planning Director
Hawaii County Planning Department
101 Pauahi Street, Ste 3
Hilo, HI 96720

Re: Comments on Subdivision Variance Application VAR 14-000186, TMK (3) 2-8-007: 92&93

Dear Mr. Kanuha,

We are in receipt of Notice of Application (received via USPS on February 4, 2014; giving us just 6 days to respond in writing by the February 10, 2014 deadline) for the above-referenced Variance Application which requests Variance from the Subdivision Code, Article 3, Division 4, Section 23-48. Applicant requests increasing the allowed number of lots served by a dead-end roadway from the maximum 18, to the proposed 32.

We own property adjacent to the proposed subdivision (TMK (3) 2-8-007: 96 & 97) approximately 5 acres each, zoned AG20(R)10. The proposed 32 lot development would have a significant impact on our property and on our access road (Onomea Street and Onomea Street Extension); we oppose the variance.

The Subdivision Code is meant to regulate good planning. We are very concerned that over-developing the property by building too many homes with only one, dead-end access road will cause parking problems, congestion and excessive noise for the surrounding neighbors, as well as creating an unsafe environment in the event of fire or other emergency within the subdivision.

The existing Kuaialmano subdivision has 2 major, paved roads serving the subject property (Kaakepa Street and Onomea Street). The applicant proposes using only one existing access road (Onomea Street), which will place the entire burden of the traffic generated by 31 new homes on that road alone. Making use of both streets would ease traffic impacts on the adjoining neighborhood and its roadways as well as within the new subdivision, alleviate the safety issues associated with dead-end roads and more fairly disperse traffic impacts. It is simply better planning to conform to the Code.

Internally, the proposed subdivision has several roadway problems:
The main ingress/egress is a dead-end road, and does not terminate in a cul-de-sac turnaround; it is a 50 foot wide road lot (Road Lot A), with two intermediate turnarounds; Road Lot A ends at and then joins a 30 foot wide road lot (Road Lot B), which dead-ends into Lot 17, with no turn-around. This does not meet the definition of a "cul-de-sac".

The proposed subdivision also has 5 "Flag Lots"; Lot 4, Lot 5, Lot 8, Lot 9 and Lot 29. Flag Lots tend to cost more for driveway development, cause more conflicts between neighbors because of the close proximity of ingress/egress to an encumbered adjacent lot and make emergency access more difficult due to having no direct street access.

Applicant has not demonstrated the criteria required for variance approval. Applicant's reasoning for approval relies heavily on its good intentions to provide low-cost housing. No corporation or organization should be given special consideration above the ordinary property owner. All 3 of the criteria (quoted below) must be proven to gain approval. Applicant has not proven it meets all 3 of the variance criteria:

Applicant claims the "...small gulch and some topographic constraints..." present "special or unusual circumstances which deprive the owner of property rights" (1. (a), below). The natural features of the land are a factor in the land's value and the land's use (which should have been considered when he purchased the property for development). That the applicant has to work with the land's natural features is not, in itself justification to ignore the rules (of the subdivision code).

Reasonable alternative: Per code, the applicant can design either: the required maximum of 18 lots (with single ingress/egress, dead-end road terminating in a turnaround); or 31 new lots with the required two ingress/egress roads, utilizing existing Road Lot A-2-A-5 (extension of Kaakepa Street) plus Onomea Street. Either choice is a reasonable plan, and affords the applicant the "best use or manner of development" of his property within the zoning and subdivision codes (1. (a), below). And either plan is a reasonable alternative to the current proposal. Applicant claims excessive costs make it unfeasible to develop the property within the limits of the subdivision code. Perhaps the property is not well suited to applicant's purpose? Additional construction cost is a poor defense for disregarding codes to create higher density development with substandard roads (1. (b), below).

The parking, congestion, noise and safety problems generated by too high a density of homes with only one, dead-end ingress/egress is "...materially detrimental to the public welfare..." and will "...cause substantial, adverse impact to an area's character or to adjoining properties." (1. (c), below).

" Appendix Hawaii 13

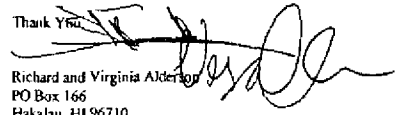
1. Applicant discusses the ground for variance with the Planning Department. A variance may only be granted if the following is found:

- (a) There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of that property; and
- (b) There are no other reasonable alternatives that would resolve the difficulty; and
- (c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties. "

We ask that you please give careful consideration to the issues raised in this comment letter, and deny the applicant's variance request.

We are available for further discussion at the contacts given below.

Thank You



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cc: Valerie Poindexter, County Council District I
Encl: photos of existing neighborhood street adjacent to proposed subdivision show existing parking problems

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