

CERTIFIED MAIL

April 26, 1990

Mr. Leonard Chow  
P.O. Box 173  
Hilo, HI 96721

Dear Mr. Chun:

Variance Application (V89-30)  
Hilo Chinese Cemetery  
Tax Map Key 2-3-18:23

After reviewing the subject application and the information submitted in behalf of it, the Planning Director by this letter hereby certifies the approval of the subject variance request to allow the reconstruction and addition of an existing pavilion with a front yard setback of 12+ feet in lieu of the minimum 20-foot requirement as required in the Multiple Family (RM-1) zoned district and to waive the parking requirements. The property is located on the west side of Ululani Street approximately 300 feet south of Ululani/Ponahawai Street intersection, South Hilo, Hawaii.

The approval is based on the following:

SPECIAL AND UNUSUAL CIRCUMSTANCES

The property is a soon-to-be-filled cemetery, a historic-social-cultural site where early Chinese immigrants who helped settle and develop the island of Hawaii are buried. Perhaps only a dozen grave sites remain empty. The pavilion, erected in 1900, is only used twice a year, and its expansion can only be northward, as graves and the bordering Ululani Street restrict development in other directions. The pavilion, most of which is 90 years old, underwent a crude 5-foot width expansion and repairs in 1979, and is planned to be rebuilt to the traditional Chinese cemetery style with upward curving roof line and open gateway (rectangular arches) construction. Its previous addition did nothing to enhance its appearance. In accordance with the County General Plan policies, this cultural-historic site would be restored, the display board ("directory") would explain, identify, and locate graves, and public access to the site would be vastly enhanced and improved (Section 4-E, Historic Sites, County of Hawaii General Plan). The cemetery association's purpose is to provide for the burial of its members and their spouses and any poor, aged Chinese persons.

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Over 1,000 graves are found in this cemetery, and its lower lying south boundary contains Alenaio stream which is the focal point of an ongoing Federal-County flood control project, the result of which will likely involve the acquisition of that portion of the cemetery property, precluding the availability of any more grave sites and possibly involving some grave relocations. This government action further constricts the cemetery.

As it was developed and laid out over 100 years ago, no parking spaces were provided since automobiles had not yet been invented; grave sites occupy the only vacant land on the property except that immediately adjacent to the pavilion and the street.

#### ALTERNATIVES

There are limited design alternatives for the pavilion rebuilding due to the existence of the graves and their proximity to the pavilion. The graves themselves have virtually no place to be relocated on site due to the imminent flood control project along the stream. Ululani Street is already only 12 feet away. Limited northward expansion is the only direction available.

Preventing the pavilion's expansion would bring on a gradual degradation of the unique historical and cultural aspect of the cemetery which is a sociological success story where the death of even a destitute Chinese person was carefully and reverently attended to by his or her fellow Chinese and given a final resting place among his own. The present structure is an admittedly poor example of Chinese architecture, and the Chinese community wishes to measurably improve the setting, appearance, and utility of this facility.

#### INTENT AND PURPOSE

The intent and purpose of the setback requirement is to ensure that adequate open space, light, air, circulation, and related spatial considerations in appropriate scale are maintained between buildings, adjacent properties, and any inhabitants of the adjacent structures.

In this case, the 8-foot addition to the existing pavilion would angle away from the nearest boundary (Ululani Street) which is 12 feet distant. The proposed gates, however, would be closer to the front boundary but are on the order of utility poles where their proximity is concerned but much more attractive and shorter (utility poles are on the right-of-way's extreme borders, usually 30 feet or more high and 12 inches or more in diameter) and slimmer.

Also important is the fact that the pavilion would continue to be an open structure with only 6- to 8-inch support columns, roof, and a one-level concrete floor. The gates, likewise, would be of very simple open construction similar to a Japanese torii. The directory board would be perpendicular to Ululani Street and be free standing, similar to a sign designating a park. Since there would be no walls and the tables and benches would be portable, the pavilion would continually be open and empty but for the semi-annual meetings and as shelter during the scarce burial events.

In fact, because of the new sidewalk and gateways and walkway to the pavilion, the vastness of the grassy cemetery lawns will be accented, and the old, plain, unbalanced pavilion with its ungainly concrete rail posts, chain, and rubbish cans will be replaced with aesthetically more pleasing open structures which would have much more cultural and historical significance.

Based on the foregoing findings, the variance request would be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning Code and the County General Plan; will not be materially detrimental to the public's welfare; and will not cause substantial adverse impact to the area's character and adjoining properties.

Therefore, the Planning Director has concluded that this variance request be approved subject to the following conditions:

1. The applicant, its assigns, or successors shall be responsible for complying with all stated conditions of approval.
2. The proposed gate's location shall be moved west (mauka) so that it is at least 12 feet from the existing street curb. The location of the directory shall also be moved mauka so that it is at least 12 feet from the existing street curb. The structures shall be built no larger than as depicted on the drawings accompanying the application.
3. A building permit for the subject structures must be secured within one (1) year of the effective date of this variance and shall be completed within two (2) years thereafter. Submit plans and obtain Plan Approval prior to securing the building permit.
4. The applicant shall submit plans to the Department of Public Works for a minimum 100 linear feet of standard dedicable public sidewalk to be built by the applicant at

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its cost on the mauka side of Ululani Street connecting with the existing sidewalk from the Ponahawai intersection within one (1) year of the effective date of this variance permit and shall complete its construction within two (2) years thereafter.

5. All other applicable State and County rules and regulations shall be complied with.

Should any of the foregoing conditions not be met, the Director may proceed to declare the variance null and void.

If you have any questions on this matter, please feel free to contact us.

Sincerely,



DUANE KANUHA  
Planning Director

DT:lm

cc: Department of Public Works