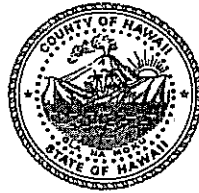


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

September 2, 2003

Mr. Bill DeMent  
MAUNA KEA ASTRONOMY  
EDUCATION CENTER  
27 Waianuenue Avenue, Suite No. 200  
Hilo, HI 96720

Dear Mr. DeMent:

**VARIANCE PERMIT NO. 1388 (VAR 03-039)**  
**Applicant: STATE OF HAWAII-UHHC-MKAEC**  
**Owner: STATE OF HAWAII-(MKAEC)**  
**MAUNA KEA ASTRONOMY**  
**EDUCATION CENTER**  
**Request: Variance from Building Height,**  
**Chapter 25, the Zoning Code**  
**Tax Map Key: 2-4-001:007**

After reviewing your application and The applicant is requesting a variance to allow a proposed education center or planetarium building located at the University of Hawaii at Hilo to be constructed up to 70 feet according to the project's site plan map and detailed building elevation drawings submitted with the variance application. The proposed planetarium building component will be approximately 68 feet +/- according to the elevation drawings. The variance request is from the TMK property's building height limit pursuant to the Hawaii County Code, Chapter 25, Zoning, Article 5, Division 1, Section 25-5-4, Height limit, and/or Article 5, Division 7, Section 25-5-73, Height limit, respectively.

### BACKGROUND AND FINDINGS

1. **Location.** The subject property (TMK) consists of approximately 142.951 acres is mauka of Hilo Campus of the University of Hawaii. The proposed MKAEC project will be sited near the intersection of Nowelo Street and North Aohoku Street located within the TMK property. The project's designated area is within

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the TMK property and consists of approximately 9.15 acres, being part of Waiakea Pasture Land, Waiakea Cane Lots, and situated at Waiakea, South Hilo, Hawaii.

The TMK property, consisting of 142 + acres, is split-zoned Single-Family Residential (RS-10) and Agricultural (A-1a) by the County and designated Urban "U" by the Land Use Commission (LUC).

2. **Variance Application-Site Plan/Building Drawings.** The applicant submitted the variance application, attachments, and filing fee to the Planning Department on June 27, 2003. The variance application's site plan is dated May 2002 and includes other detailed building drawings, drawn to scale, of the proposed MKAEC. According to the elevation drawings, the proposed apex of the proposed "planetarium" (cone shaped) building-68 feet high will exceed the maximum 35'-0" building height limit permitted pursuant to Chapter 25, Zoning.
3. **Agency Comments and Requirements-(VAR 03-039):**
  - a. The Department of Public Works (DPW) memorandum dated August 4, 2003, states:

"We have reviewed the subject application forwarded by your memo dated June 25, 2003 and have no comment or objections to the request."
  - b. The State Department of Health (DOH) memorandum dated August 4, 2003, states:

"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."
4. **Notice to Surrounding Property Owners.** Proof of mailing a first and second notice was submitted to the Planning Department. For the record, it appears that the first and second notice was mailed on June 26, 2003 and July 9, 2003 by the applicant.

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5. **Comments from Surrounding Property Owners or Public.** No further written agency comments or objection letters from surrounding property owners or public were received.

#### **SPECIAL AND UNUSUAL CIRCUMSTANCES**

The University of Hawaii at Hilo (UHHC) is proposing to construct the Mauna Kea Astronomy Education Center (MKAEC), and interpretive facility to be located within the "University Park" within or adjoining the main UHHC campus grounds. According to preliminary design studies and previous background presented to the agencies, the MKAEC complex will consist of a gallery space, planetarium, an object theatre, multi-media/3-D projection facility, and showcase "cutting edge" science and culture exhibitions. Preliminary concept plans originally included a 79+/- feet component (planetarium-theatre) which has been reduced to approximately 70-feet. The remaining building components will meet zoning height limits. (Reference is made to an inquiry letter dated May 10, 2002 from a consultant for the MKAEC and response letter dated May 15, 2002 from the Planning Department in the TMK: 2-4-001:007 Plan Approval file).

The applicant filed the variance request and application to address or resolve building height issues. The site plan map and other detailed building drawings, including building elevation drawings, were previously submitted for consideration by the agencies and preliminary plan review. Portions of the proposed planetarium "cone" complex will exceed 35 feet. The proposed 68 feet building height (Maximum: 70-feet) is necessary to construct the planetarium-theatre component of MKAEC. The proposed planetarium will be housed within a "cone" shaped structure. Two (2) other smaller cone shaped structures are included in the proposed MKAEC building design.

After considering the project's location and background, surrounding property topography, proximity to surrounding buildings dedicated to support of the telescopes and study of astronomy on Mauna Kea, the proposed building's scale, planetarium height, and volume, is appropriate and necessary. The additional building height is necessary to permit the "planetarium" or theatre use, and limiting the "cone" or planetarium height would preclude the intent and purpose of the MKAEC to represent and showcase Astronomy studies in Hawaii and buildings dedicated to the study and support of astronomy within the UHHC campus.

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### **ALTERNATIVES**

Alternatives available to the applicant to address and the building encroachments include the following actions:

1. Reducing the proposed building height to comply with zoning height limits. However, the reduction in building height will hinder the building's design and intended use.
2. Rezone the property to permit the proposed building height.

### **INTENT AND PURPOSE**

The intent and purpose to limit building height and respect other building limits on surrounding property are to assure that adequate air circulation and exposure to light are available between permitted structure(s)/uses and the boundary/property lines. The intent and purpose of assigning building height limits, within specific zoned designations, are to insure that building scale and view planes/public vistas and community or neighborhood character are maintained. The construction of new buildings and juxtaposition of buildings within a residential neighborhood or school campus should be appropriate, harmonious, and complimentary.

The proposed building complex will help define and enhance those buildings on the UHHC campus dedicated to the study of astronomy and is appropriate to the land pattern and existing building development within the UHHC campus. It felt that the additional building height to construct the planetarium will augment the curriculum and buildings dedicated to the support and study of astronomy on the UHHC campus. The proposed building's theme and shape and exterior building vocabulary incorporates local geology and prominent landscape shapes or textures into the project's design. The proposed building's character-cone shape-scale is less imposing and dominating than a conventional "cube" or "box" shaped building. It is felt that the pyramidal or cone shape (building volume) is visually less distracting than the conventional rectangular shaped "cube" or volume exhibited by existing conventional rectangular or "cube" shaped buildings nearby. Portions of the MKAEC are designed to represent "mounds-pu'u or cinder cones" or represent a "mountain peak(s), i.e. Mauna Kea, Mauna Loa, and Hualalai, etc. " and accentuate or complement existing "rectangular" astronomy support and conventional "box" office buildings located within the "UHHC University Park". It is felt that the planetarium's shape and character will diversify and complement the building type(s) or building "vocabulary"

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within the University Park and define the area within the UHHC campus dedicated to the support and study of Astronomy in Hawaii. Required paved parking for buses, staff, and visitors and landscaping improvements will respect existing topography and include necessary drainage improvements. Indigenous planting materials will be incorporated and utilized in the project's required landscaping plan.

The subject variance application was acknowledged by letter dated June 24, 2003. Additional time was required to consider the proposed building's height, character, and relationship with adjoining buildings and other uses dedicated to the study and support of Astronomy located within the UHHC campus. The applicant agreed to extend the decision date to on or before September 5, 2003.

Based on the foregoing findings, this variance request 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 request 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:

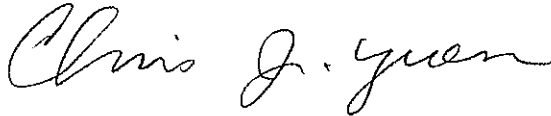
1. The applicant/owner, their assigns or successors shall be responsible for complying with all stated conditions of approval.
2. The applicant/owner(s), successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim, or demand for the property 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.
3. The proposed Mauna Kea Astronomy Educational Center (MKAEC) complex shall apply and secure Final Plan Approval (FPA) from the County of Hawaii Planning Department.

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4. Building improvements and permitted uses on the subject tax map key (TMK) property are subject to State law and County ordinances and regulations pertaining to building construction and building occupancy. The MKAEC shall be constructed in accordance with approved plans and building specifications.

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

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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xc: Real Property Tax - Hilo  
Planning Department – Kona  
Planning Department-Ministerial-Hilo  
Durrant-Media Five - Mr. George Ramiscal, AIA