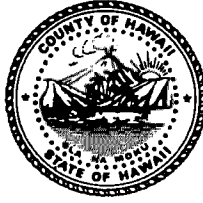


Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
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County of Hawai'i PLANNING DEPARTMENT

Michael Yee
Director

Duane Kanuha
Deputy Director

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

February 11, 2020

Mr. Scott Fleming, AIA
Fleming & Associates, LLC
557 Manono Street
Hilo, HI 96720

Dear Mr. Fleming:

SUBJECT: Application: Variance – VAR-19-000520
Applicant: SCOTT FLEMING, AIA/FLEMING & ASSOCIATES, LLC
Owner: HAWAI'I HEALTH SYSTEMS CORP.
Request: Variance from Chapter 25, Zoning, Article 4 Division 2,
Section 25-5-23 Accessory Structure Height Limitations
(Height Limit)
Tax Map Key: (3) 2-3-031:019

The Planning Director certifies the **approval** of Variance VAR-19-000520, subject to conditions. The variance allows for the proposed Hilo Rural Health and Telehealth Center to be permitted on the subject property with a height of 39' 8", in lieu of the property's maximum 20 feet height limit. The variance is from Chapter 25, Zoning, Article 5, Division 1, Section 25-4-23, Accessory Structure Height Limitations.

BACKGROUND AND FINDINGS

1. **Location.** The subject property contains approximately 33,124 sq. ft. and is situated in Pi'ihonua, South Hilo, Hawai'i. The subject property's street address is 1285 Waiānuenu Avenue.
2. **County Zoning.** Single-Family Residential – 10,000 square feet (RS-10).
Section 25-5-3. Permitted uses. (12)
Public Uses and structures, as permitted under Section 25-4-11.
3. **State Land Use Designation.** Urban.

4. **Height Requirements. Section 15-4-23. Accessory structure height limitations.** An accessory structure shall not exceed twenty feet in height, unless otherwise specified in this chapter.
5. **Variance Application.** The applicant/owner submitted the variance application, attachments, filing fee, and associated materials on May 1, 2019. The variance application's site plan, prepared by Scott Fleming, AIA (Fleming and Associates LLC) denotes the location and elevation of the proposed Hilo Rural Health and Telehealth Center to be constructed onto the subject property. **(See Exhibit A)**
6. **Consolidation:** Consolidation of Lot C and Lot B-1 into Lot D, approved on May 12, 2019, (CON-19-000390). **(See Exhibit B)**
7. **County Building Records.** Hawai'i County Real Property Tax Office records indicate that the Hawai'i Pacific Oncology Center was established on December 22, 1997, (Building permit 971562) and finalized on July 7, 1999.
8. **Agency Comments and Requirements.**
 - a. The State Department of Health (DOH) memorandum dated June 3, 2019, stated: "The Health Department found no environmental health concerns with regulatory implications in the submittals."
 - b. The Department of Public Works - Building Division memorandum dated July 8, 2019, had no objections.
9. **Public Notice.** The applicant filed a transmittal letter with copy of the notices sent to surrounding property owners via USPS. According to USPS certificate of mailing receipts and affixed postal receipts, the first and second notices were mailed on May 20, 2019 and May 28, 2019, respectively. Notice of this application was published in the Hawai'i Tribune Herald and West Hawai'i Today on May 24, 2019.
10. **Comments from Surrounding Property Owners or Public.** None.
11. **Time Extension.** The applicant's variance application was acknowledged by letter dated May 15, 2019, and additional time to review the application was required. The applicant granted the Planning Director an extension of time for decision on the Variance Application to February 28, 2020.

GROUNDS FOR APPROVING VARIANCE

Special and Unusual Circumstances

- (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 the property.

The Variance application meets criterion (a) for the following reasons:

The subject property is zoned single-family residential, 10,000 square feet (RS-10). The current height limit for accessory structures in the residential zoned district is 20 feet.

The elevation plan shows that the proposed State of Hawai'i, Hilo Rural Health and Telehealth Center has a height of 39' 8", which exceeds the required 20-foot height limit for accessory structures by 19' -8".

The State of Hawai'i, Hawai'i Medical Center is proposing to construct a two-story 17,500 square foot building (Hilo Rural Health & Telehealth Center) to accommodate 24 new medical infusion chair treatment spaces on the ground floor and 24 new tele-health exam rooms on the upper floor. Due to the parcel size along with the existing parking and existing building (Hawai'i Pacific Oncology Center) situated on the parcel, limiting the medical center to one-story would interfere with the overall functionality of the proposed medical facility. The limited building area also forces the mechanical equipment to be located on the rooftop along with the necessary screening of the mechanical equipment.

Therefore, based on the information stated above, special and unusual circumstances do exist on the subject property which would interfere with the overall functionality of the proposed Hilo Rural Health & Telehealth Center.

Alternatives

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

The Variance application meets criterion (b) for the following reasons:

The applicant has stated that the proposed medical center is a much-needed facility for the community of Hilo and plays an integral part with the surrounding medical facilities.

If the proposed building is designed to comply with the height limit of 20 feet, it would interfere with the overall functionality of the proposed Hilo Rural Health & Telehealth Center by lessening the type of services to be provided by the proposed medical center.

A no action alternative or denial of this variance would maintain status quo and not provide the Hilo Community with a much-needed medical facility.

Both alternatives are not practical. Therefore, there are no reasonable alternatives to resolve the height issue.

Intent and Purpose

- (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.*

The Variance application meets criterion (c) for the following reasons:

The intent and purpose to limit building height are to assure that there is no adverse impact to the area's character or to adjoining properties.

In summary, the proposed structure is designed to be architecturally compatible with the adjacent built. The height of the building will not obstruct any view planes toward the mountains, nor obstruct any existing views of the ocean. It is felt that the proposed new building design and size requiring additional building height will not be out of character with the other buildings. Also, the subject property is located in a neighborhood consisting of other types of medical facilities (Hilo Medical Center, Kaiser Permanente Hilo Clinic, Hale Ānuenue Life Care Center, Veteran's Administration Clinic, and Hawai'i Pacific Oncology Center); therefore, it will not compromise or have any adverse impact on the neighborhood or adjoining properties.

Based on the foregoing findings and unusual circumstances, the applicant's request 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 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

Based on the variance application's site plan, the proposed Hilo Rural Health and Telehealth Center to be constructed on the subject property will not meet the maximum height requirements pursuant to Hawai'i County Code, Chapter 25, Zoning.

This variance application is **approved** subject to the following variance 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 Hawai'i 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.

Mr. Scott Fleming, AIA
Fleming & Associates, LLC
February 11, 2020
Page 5

3. The applicant/owner(s) shall submit an Application for Plan Approval to the County of Hawai'i Planning Department for review. Plan Approval and other required entitlements shall be secured prior to submitting detailed building plans and specification for a County Building Permit.
4. Future or new building improvements and permitted uses shall be subject to State law and County Ordinances and Regulations pertaining to building construction and building occupancy.

Should any of the foregoing variance conditions not be complied with, the Planning Director may initiate proceedings to null and void Variance-19-000520.

Sincerely,



MICHAEL YEE
Planning Director

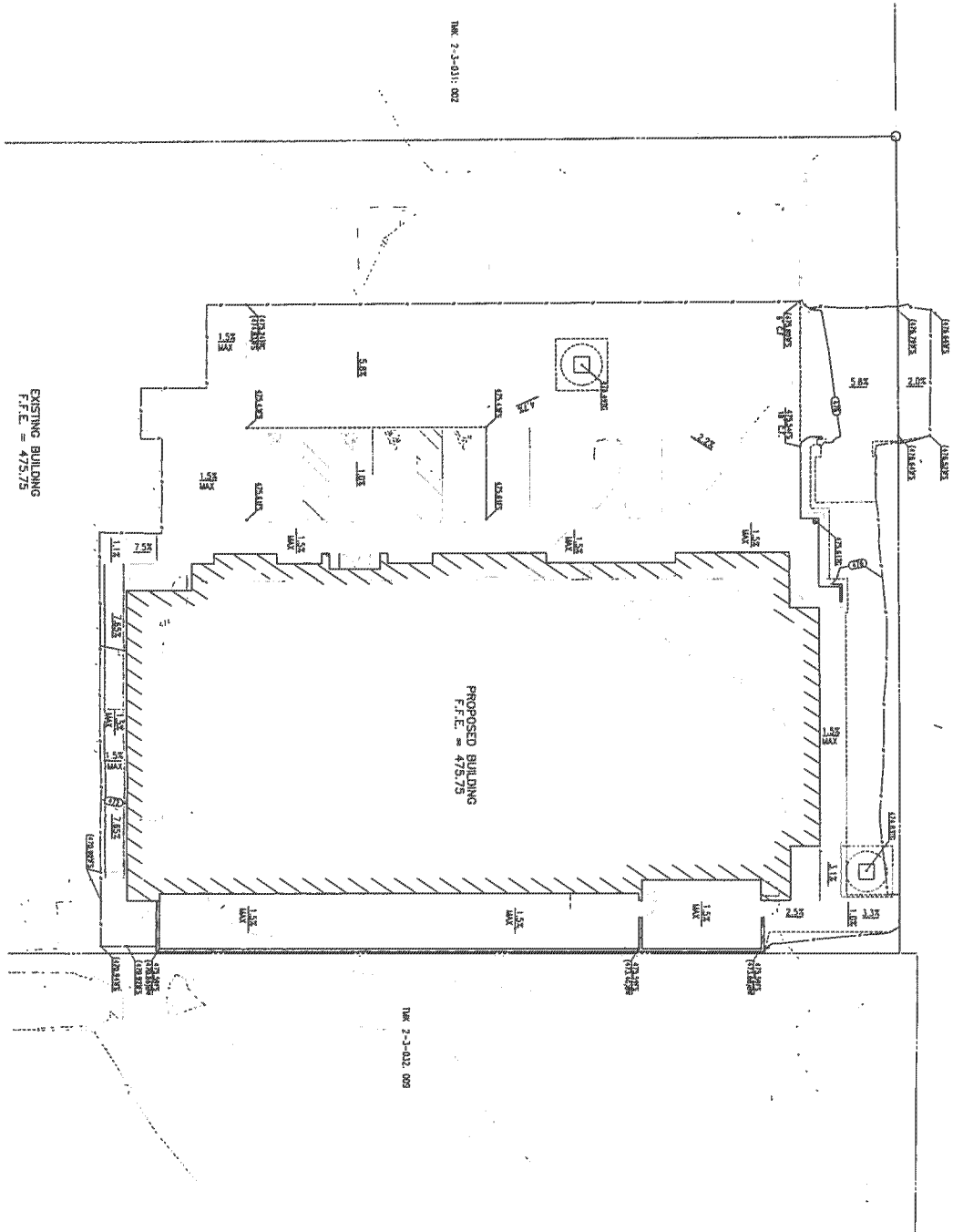
LHN:jaa

P:\Admin Permits Division\Variances From CoH02\Zone2\VAR19-000520 TMK 23031019 Hawaii Health System Corp.doc

xc: Real Property Tax Office (Hilo)
Gilbert Bailado, GIS (via email)

A
GRADING PLAN
SCALE: 1" = 10'

SCALE: 1" = 10'



EXHIBIT

SPOT ELEVATIONS
ABBREVIATION
 DW BOTTOM OF WALL
 FC FINISH SURFACE
 TC TOP OF CURB
 (ELEV), WATCH EXISTING ELEVATION

LEGEND

- NEW PAVEMENT
- NEW CONCRETE
- EXISTING CONTOURS
- NEW FINISH GRADE CONTOURS
- GRADING DIVERTED LINE

HILO MEDICAL CENTER
HILO RURAL HEALTH & TELEHEALTH CENTER
 1285 WAIANUENUE AVE.
 HILO, HAWAII 96720
 (3) 23-031-019

ENGINEERING
FLEMING & ASSOCIATES, LLC
 517 MAUNOALO DRIVE
 HILO, HAWAII 96720

REGISTERED PROFESSIONAL ENGINEER
 STATE OF HAWAII
 LICENSE NO. 1257

FLEMING & ASSOCIATES, LLC
 517 MAUNOALO DRIVE
 HILO, HAWAII 96720

PROJECT NO. 14043-18-20	DATE: 10/16/18
PROJECT NAME: HMC	SHEET: C21.3
PROJECT NUMBER: 14043-18-20	DATE: 10/16/18
PROJECT NAME: HMC	SHEET: C21.3
PROJECT NUMBER: 14043-18-20	DATE: 10/16/18
PROJECT NAME: HMC	SHEET: C21.3

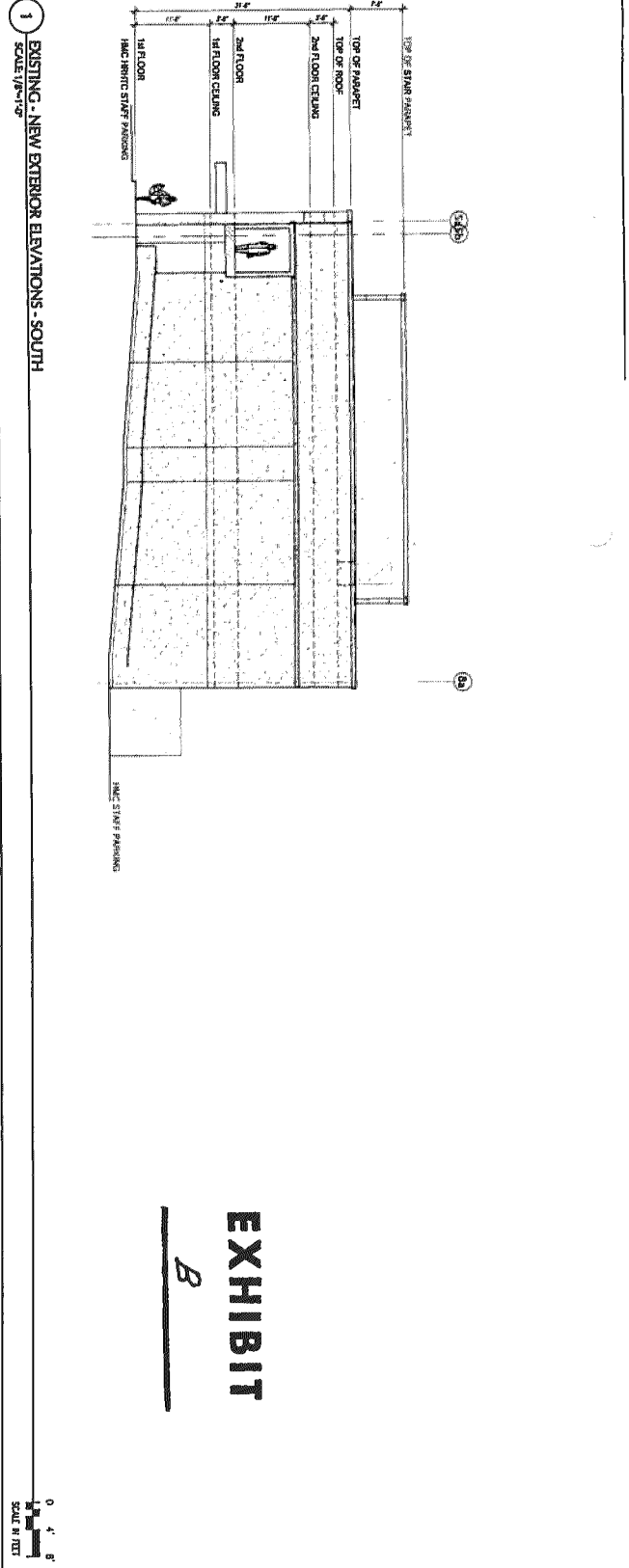
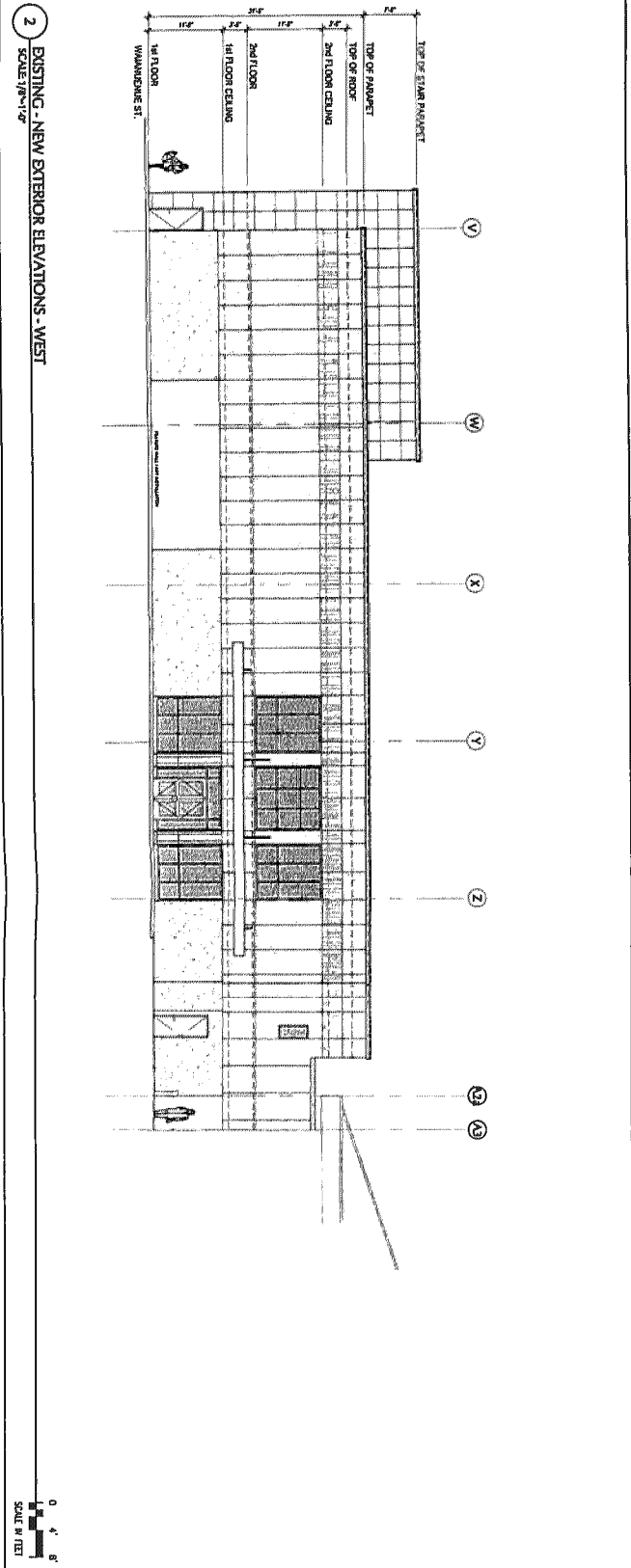


EXHIBIT
B



NOTES:
1. CONFORMANCE TO USGBC ALL EXISTING CONDITIONS

LEGEND:
 (---) EXTERIOR TEXT
 (---) EXTERIOR TEXT
 (---) EXTERIOR TEXT
 (---) EXTERIOR TEXT
 (---) EXTERIOR TEXT

PROJECT NO.: 18031.00
 SHEET NO.: A6.2.2
 EXISTING - NEW EXTERIOR ELEVATIONS

<p>DATE: JANUARY 2019 SHEET: A6.2.2</p>	<p>HILO MEDICAL CENTER HILO RURAL HEALTH & TELEHEALTH CENTER 1285 WAIANUENUE AVE HILO, HAWAII 96720 (31) 2-3-031-015</p>	<p>CONTRACT NO.: PROJECT NO.: SHEET NO.:</p>		<p>FLEMING & ASSOCIATES, LLC 377 WAIANUENUE STREET HAWAII, HI 96703</p>
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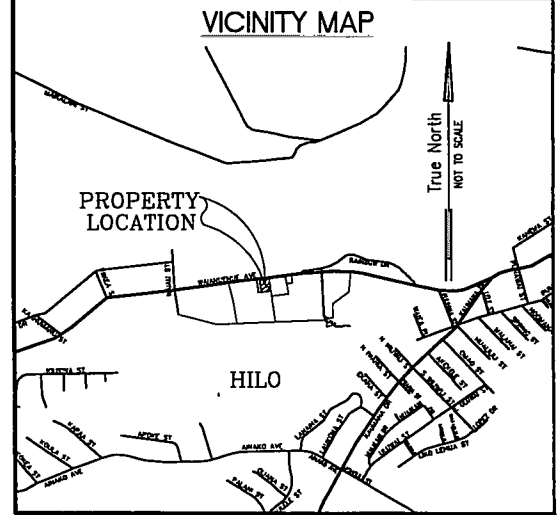
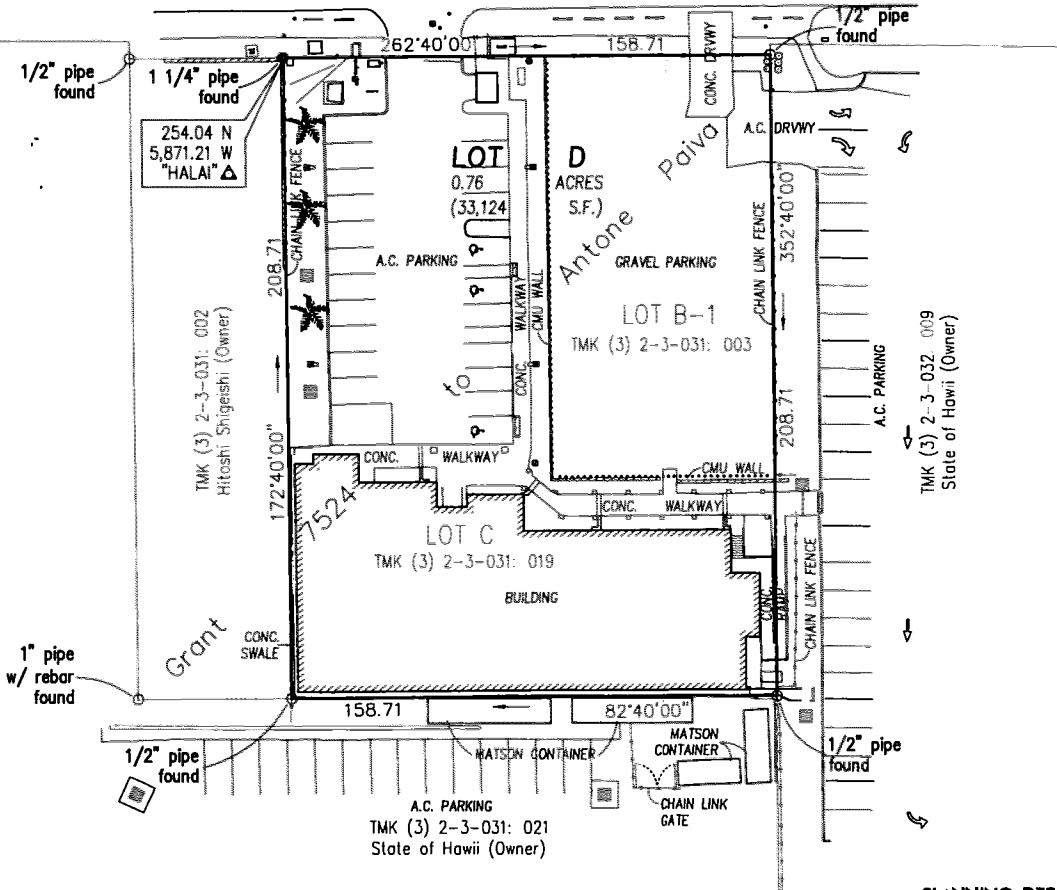
← To Akolea Road

WAIANUENUE AVENUE

(County Road)

To Kamehameha Ave →

TRUE NORTH
SCALE: 1 IN. = 40 FT.



Owner: Hawaii Health Systems Corporation
3675 Kikāuea Ave.
Honolulu, HI 96816

- Notes:**
- 1) Coordinates are referred to Government Survey Triangulation Station "HALAI" Δ
 - 2) Azimuths are measured clockwise from true south.
 - 3) Name(s) and Owner(s) of adjoining parcels were taken from county tax records.



This work was prepared by me or under my direct supervision.

E. Harrell

Eugene R. Harrell, LPLS
Licensed Professional Land Surveyor
LS-13956
Expires April, 30, 2020

PLANNING DEPARTMENT NOVEMBER 9, 2018
COUNTY OF HAWAII

SUB: CON-19-000340
PPM/FFM: 11-9-18 (REV)
RECEIVED: 12-5-18

ENGINEERING PARTNERS
455 E. Lanikaula St. Hilo, Hawaii 96720
Main (808) 933-7900 www.epi@cc.pro
Hawaii Las Vegas

EXHIBIT
C



CONSOLIDATION MAP
CONSOLIDATION OF
LOT C, AND LOT B-1 INTO LOT D
Portion of Grant 7524 to Antone Paiva
Pihonua, South Hilo, Island of Hawaii, Hawaii
TAX MAP KEY: 3rd DIV. 2-3-031: 019 & 003