



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 07-118

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE SETBACK VARIANCE FOR PORTIONS OF THE KALO'I GULCH DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Department of Planning and Permitting (DPP) on November 24, 2006, accepted the application of Haseko (Ewa) Inc., herein referred to as the Applicant, for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SV) to construct drainage improvements to the existing Kalo'i Gulch drainage channel at One'ula Beach Park. Improvements include lowering a natural berm along the shoreline, raising the channel banks, constructing an emergency park access road and a portion of a planned relocated park access road, filling of low lying areas, and landscaping.

WHEREAS, on March 23, 2007, the DPP held a public hearing which was attended by representatives and an agent for the Applicant and about six (6) members of the public; and

WHEREAS, on April 10, 2007, within ten (10) working days after the close of the public hearing, the DPP, having duly considered all evidence and reports of said public hearing and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), and Chapter 205-A, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of DPP on April 10, 2007, and at its meeting of _____, having duly considered all of the findings and reports on the matter, approved the subject application for an SMP and SV with conditions enumerated below; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that an SMP and SV be issued to the Applicant under the following conditions:

1. The Applicant shall ensure that public access to and within Oneula Beach Park and along the park's shoreline is not restricted during construction of the approved improvements, except as may be necessary to ensure safety. Further, temporary public access routes for vehicular and pedestrian traffic shall be maintained during construction, and restrictions on the use of any portion of the park shall be kept to a minimum.
2. The Applicant shall be responsible for providing and installing appropriate signage at Oneula Beach park that warns park users of potential flood hazards.



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Prior to construction plan approval for the project, the Applicant shall provide written confirmation to the DPP that coordination of the flood warning signage has been finalized with the City Department of Emergency Management (DEM) and the Department of Parks and Recreation (DPR). Information regarding the content, location(s), and schedule for installation of the signage shall also be provided as part of this confirmation.

3. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the Applicant shall stop work and contact the State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
4. Approval of this Special Management Area Use Permit and Shoreline Setback Variance does not constitute compliance with other Land Use Ordinance (LUO) or governmental requirements. They are subject to separate review and approval. The Applicant shall be responsible for insuring that the final plans for the project approved under this permit comply with all applicable LUO and other governmental agencies' provisions and requirements.
5. The Applicant shall obtain a development permit for the proposed development within two (2) years of the date of this permit. Failure to obtain a development permit within this period shall render this permit null and void, provided that this period may be extended as follows: The Director of Planning and Permitting may extend this period if the Applicant demonstrates good cause, but the period shall not be extended beyond one (1) year from the initial deadline without the approval of the City Council, which may grant or deny the approval in its complete discretion. If the Applicant has demonstrated good cause for the extension, the Director shall prepare and submit to the Council a report on the proposed extension, which report shall include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution. If the Council fails to take final action on the proposed extension within the first to occur of: (a) 60 days after receipt of the Director's report; or (b) the Applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.
6. Construction shall be in general conformity with the plans on file with the DPP and in accordance with the Land Use Ordinance. Any changes in the size or



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nature of the project which have significant effect on coastal resources addressed in Chapters 23 and 25, ROH, and Chapter 205A, Hawaii Revised Statutes, shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval of the Director of the DPP.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be and is directed to transmit copies of this Resolution to Henry Eng, Director of Planning and Permitting, Lester Chang, Director of Parks and Recreation, Laverne Higa, Director of Facilities Maintenance, Peter Hirai, Acting Director of Emergency Management, and Mr. Earl Matsukawa, Wilson Okamoto Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawaii 96826.

INTRODUCED BY:

Brian Marshall

(br)

DATE OF INTRODUCTION:

APR 11 2007
Honolulu, Hawaii

Councilmembers