

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

Committee Meeting Held
April 22, 2021

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred
Resolution 20-226, entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO
REPLACE THE HANOHANO HALE APARTMENT BUILDING'S EXISTING
WASTEWATER TREATMENT SYSTEM,"

transmitted by Departmental Communication 594 (2020), dated August 20, 2020, from
the Department of Planning and Permitting ("DPP"), reports as follows:

The purpose of Resolution 20-226 is to grant a Special Management Area Use
Permit ("SMP") to Hanohano Hale Association of Apartment Owners (the "Applicant") to
replace an existing underground wastewater treatment system with a primarily
aboveground system at Hanohano Hale, a 132-unit apartment building in Hauula (the
"Project").

The proposed Project will include sewer piping; underground preloader system;
secondary treatment unit; oxygen blowers; 480-volt transformer; diesel backup
generator; four underground injection wells; and chain-link fences and screening walls or
fences.

Your Committee notes that the DPP, after a public hearing held on July 13, 2020,
recommends approval of the SMP subject to the conditions set forth in the Resolution.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **MAY 5 2021**

COMMITTEE REPORT NO. **141**

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At your Committee's meeting on January 14, 2021, the Applicant's agent provided a brief presentation of the Project. Your Committee considered and approved a CD1 version of the Resolution, then postponed action on the Resolution to provide more time for the Applicant and the DPP to explore alternative sites for the Project.

At your Committee's meeting on April 22, 2021, the Applicant's agent provided a brief update on the Project status. The DPP Land Use Permits Division Chief testified in support of the CD1 version of the Resolution proposed by the Committee Chair.

At your Committee's meeting on April 22, 2021, three individuals testified in support of the CD1 proposed by Councilmember Tsueyoshi.

Your Committee received written testimony in support of the Resolution from the Hanohana Hale Board of Directors and two individuals. Two individuals submitted comments on the Resolution.

Your Committee has carefully reviewed the conditions recommended by the DPP and the conditions requested by the Applicant for inclusion in this SMP. Your Committee has prepared a CD1 version of the Resolution that makes the following amendments:

- A. Revises the first WHEREAS clause and adds a second WHEREAS clause to clarify the description of the proposed Project.
- B. In the fifth WHEREAS clause, adds September 1, 2020, as the date the Council received the DPP's findings and recommendation by Departmental Communication 594 (2020).

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- C. In Condition A, deletes the requirement that the Project consist of an underground wastewater system (instead of an aboveground system), and provides that construction must be in general conformity with the Project, as recommended by the DPP in the DPP's findings and recommendation, and as depicted in Exhibits A through F, except as required to comply with Condition B.
- D. Adds a new Condition B to require the aboveground components of the Project to be relocated to one of the following alternative sites:
1. Between the Hanohano Hale apartment building and Kamehameha Highway, which will necessitate the removal or relocation of the access driveway currently existing on this site; provided that the southeastern edge of the Project's footprint must not extend beyond the southeastern face of the Hanohano Hale apartment building; or
 2. Within one of the existing Hanohano Hale parking lots, and oriented so that the long axis of the Project is perpendicular to Kamehameha Highway.

Realphabetizes subsequent conditions.

- E. In realphabetized Condition E, requires the Applicant to implement any remedial measures recommended by the State Division of Aquatic Resources (in response to any leaks or spills of wastewater during Project construction).
- F. Adds a new realphabetized Condition F.4 to include a standard condition regarding protection of the Hawaiian hoary bat's habitat.

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- G. Adds a new Condition G to provide that prior to submittal of any development permit application for the Project, the Applicant is required to submit to the DPP for review and approval a landscape plan that mitigates visual impacts of the aboveground components of the Project.
- H. Adds a new Condition H to provide that prior to submittal of any development permit application for the Project, the Applicant is required to submit to the DPP for review and approval revised Project plans showing compliance with Condition B, on whichever alternative site is selected by the Applicant. Realphabetizes the subsequent condition.
- I. Adds a new Condition J to include a standard condition requiring that the Applicant obtain a development permit within two years after SMP approval, and the process for extending this deadline.
- J. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the Department of Planning and Permitting in D-594 (2020), D-17 (2021), and D-104 (2021) that:

- 1. The development, as conditioned, will not have any substantial adverse environmental or ecological effect, either alone or cumulatively with other projects.
- 2. The development is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.
- 3. The development, as conditioned, is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

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Your Committee finds that the time needed for further consideration of Resolution 20-226 may exceed the time limit provided for that consideration. Your Committee therefore recommends that Resolution 20-226 be granted a 90-day extension of time, subject to receipt of a written request from the Applicant. (Ayes: Cordero, Elefante, Kia'aina, Say – 4; Noes: None.)

Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 20-226, as amended herein, and recommends its adoption in the form attached hereto as Resolution 20-226, CD1. (Ayes: Cordero, Elefante, Kia'aina, Say – 4; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **MAY 5 2021**

COMMITTEE REPORT NO. **141**



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO REPLACE THE HANOHANO HALE APARTMENT BUILDING'S EXISTING WASTEWATER TREATMENT SYSTEM.

WHEREAS, on May 22, 2020, the Department of Planning and Permitting ("DPP") accepted an application (DPP Reference Number 2020/SMA-19) from the Hanohano Hale Association of Apartment Owners (the "Applicant") for a Special Management Area ("SMA") Use Permit to replace the existing wastewater treatment system at Hanohano Hale, a 132-unit apartment building in Hauula, on approximately 0.5 acres of land zoned A-2 Medium Density Apartment District, located at 53-549 Kamehameha Highway, and identified as a portion of Tax Map Key 5-3-008:001 (the "Project"); and

WHEREAS, as proposed, the Project is a primarily aboveground wastewater treatment system that will include sewer piping, a secondary treatment unit, two blowers with a blower control panel, a 480-volt transformer, a diesel backup generator, fencing or screening walls, an underground preloader system, and four underground injection wells; and

WHEREAS, on July 13, 2020, the DPP held a public hearing, which was attended by the Applicant's agent, DPP and Department of Information Technology staff members, and nine members of the public (one attending in person and eight attending virtually by telephone or videoconference); no members of the public testified at the hearing; and

WHEREAS, on August 20, 2020, within 35 working days after the close of the public hearing (the Applicant having agreed to an extension of the 20-working day administrative deadline), the DPP, having duly considered all evidence and the objectives, policies, and guidelines as established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26 of the 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 the DPP on September 1, 2020, by Departmental Communication 594 (2020), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:

- A. Construction must be in general conformity with the Project as recommended by the DPP in the DPP's findings and recommendation referenced above, and as depicted in Exhibits A through F, attached hereto and incorporated herein by this reference, except as required to comply with Condition B. Any change in the size or nature of the Project that has a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and is therefore permitted under this resolution, upon review and approval by the DPP Director.
- B. To reduce the obstruction of ocean views from Kamehameha Highway, the aboveground components of the Project must be relocated to one of the following alternative sites:
 - 1. Between the Hanohano Hale apartment building and Kamehameha Highway, which will necessitate the removal or relocation of the access driveway currently existing on this site; provided that the southeastern edge of the Project's footprint must not extend beyond the southeastern face of the Hanohano Hale apartment building; or
 - 2. Within one of the existing Hanohano Hale parking lots and oriented so that the long axis of the Project is perpendicular to Kamehameha Highway.
- C. Prior to any ground disturbance, the Applicant shall provide the DPP with written confirmation of the Department of Land and Natural Resources, State Historic Preservation Division's ("SHPD") acceptance and approval of an archaeological inventory survey for the Project site.
- D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.



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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

- E. Any leaks or spills of wastewater during Project construction must be immediately reported to the State Division of Aquatic Resources ("DAR") for DAR's assessment of the impact of the leak or spill to the freshwater and marine habitats. The Applicant shall implement any remedial measures recommended by the DAR.
- F. To minimize impacts to threatened, endangered, or protected fauna known to frequent or transit through the Project site, the Applicant shall be responsible for the following:
1. Artificial light from exterior light fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).

Exterior light fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture. Outdoor lighting must be turned off when human activity is not occurring in the illuminated area.
 2. Nighttime work (from sunset to sunrise) must be avoided during the seabird fledgling season from September 15 through December 15.
 3. The DPP and all private contractors must be notified of any observations of threatened, endangered, or protected fauna on the Project site during preparation and construction. If any threatened, endangered, or protected fauna are observed, the Applicant shall implement applicable mitigative measures.
 4. To protect the Hawaiian hoary bat's habitat, the Applicant shall take special care when trimming, relocating, or removing trees on the Project site. Woody plants greater than 15 feet in height must not be disturbed, trimmed, or removed during the Hawaiian hoary bat birthing and pup rearing season from June 1 through September 15.
- G. Prior to submitting any development permit application for the Project, the Applicant shall submit to the DPP for review and approval a landscape plan that mitigates visual impacts of the aboveground components of the Project.



RESOLUTION

- H. Prior to submitting any development permit application for the Project, the Applicant shall submit to the DPP for review and approval revised Project plans showing compliance with Condition B, whichever alternative site is selected by the Applicant.
- I. Approval of this SMA Use Permit does not constitute compliance with Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant will be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.
- J. The Applicant shall obtain a development permit for the Project within two years after approval of this SMA Use Permit. Failure to obtain a development permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows: the DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended beyond one year from the initial deadline set by the City Council.

If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which must include the Director's findings and recommendation 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: (1) 60 days after receipt of the Director's report; or (2) the Applicant's then-existing deadline for obtaining a development permit, the extension will be deemed denied.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 20-226, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Hanohano Hale AOA, 650 Iwilei Road, Suite 777, Honolulu, Hawaii 96817; and Stephanie Davis, Environmental Science International, 354 Uluniu Street, Suite 304, Kailua, Hawaii 96734.

INTRODUCED BY:

Ikaika Anderson (br)

DATE OF INTRODUCTION:

September 1, 2020
Honolulu, Hawaii

Councilmembers

Exhibit A

Pacific
Ocean

LEGEND



SITE

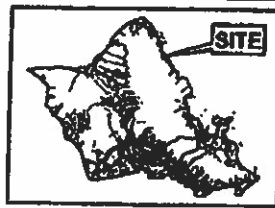
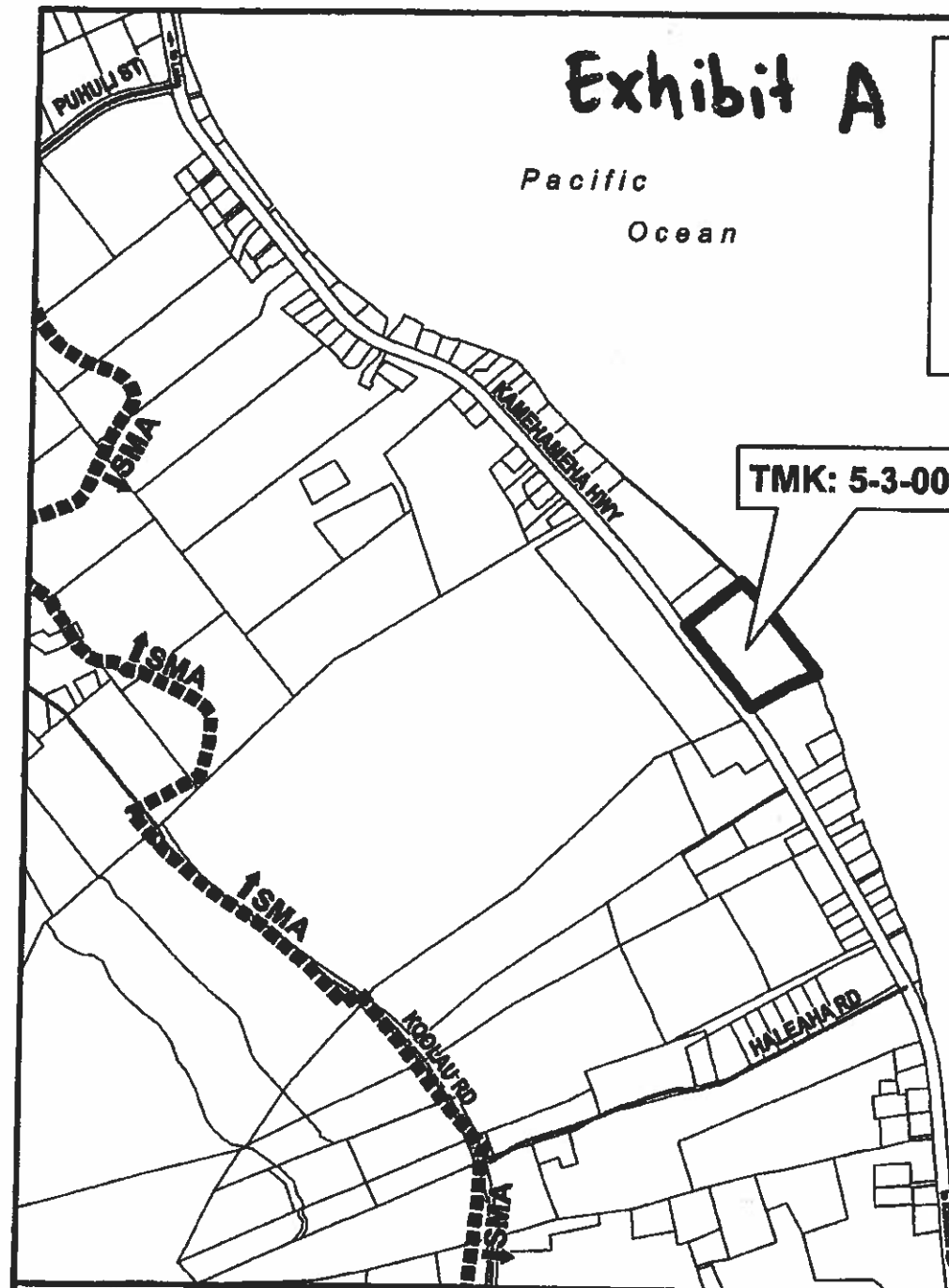


Within Special
Management
Area Boundary



Special
Management
Area Boundary

TMK: 5-3-008:001



VICINITY MAP

0 300 600 1,200
one inch = 600 feet



LOCATION MAP WITH SMA HAUULA, KOOLAU LOA

TAX MAP KEY: 5-3-008:001

FOLDER NO.: 2020/SMA-19

Exhibit B

Pacific
Ocean

LEGEND



SITE



Zoning
Height
Limit (ft.)



Zoning
District
Boundary
Line

AG-2

R-5

40'

A-2

TMK: 5-3-008:001

B-1

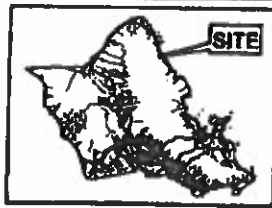
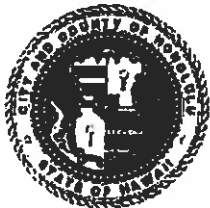
R-5

AG-2

KOOLAU RD

HALEHAHA RD

AG-2



VICINITY MAP

PORTION OF EXISTING ZONING MAP HAUULA-PUNALUU-KAAWA

TAX MAP KEY: 5-3-008:001

FOLDER NO.: 2020/SMA-19

0 300 600 1,200
one inch = 600 feet



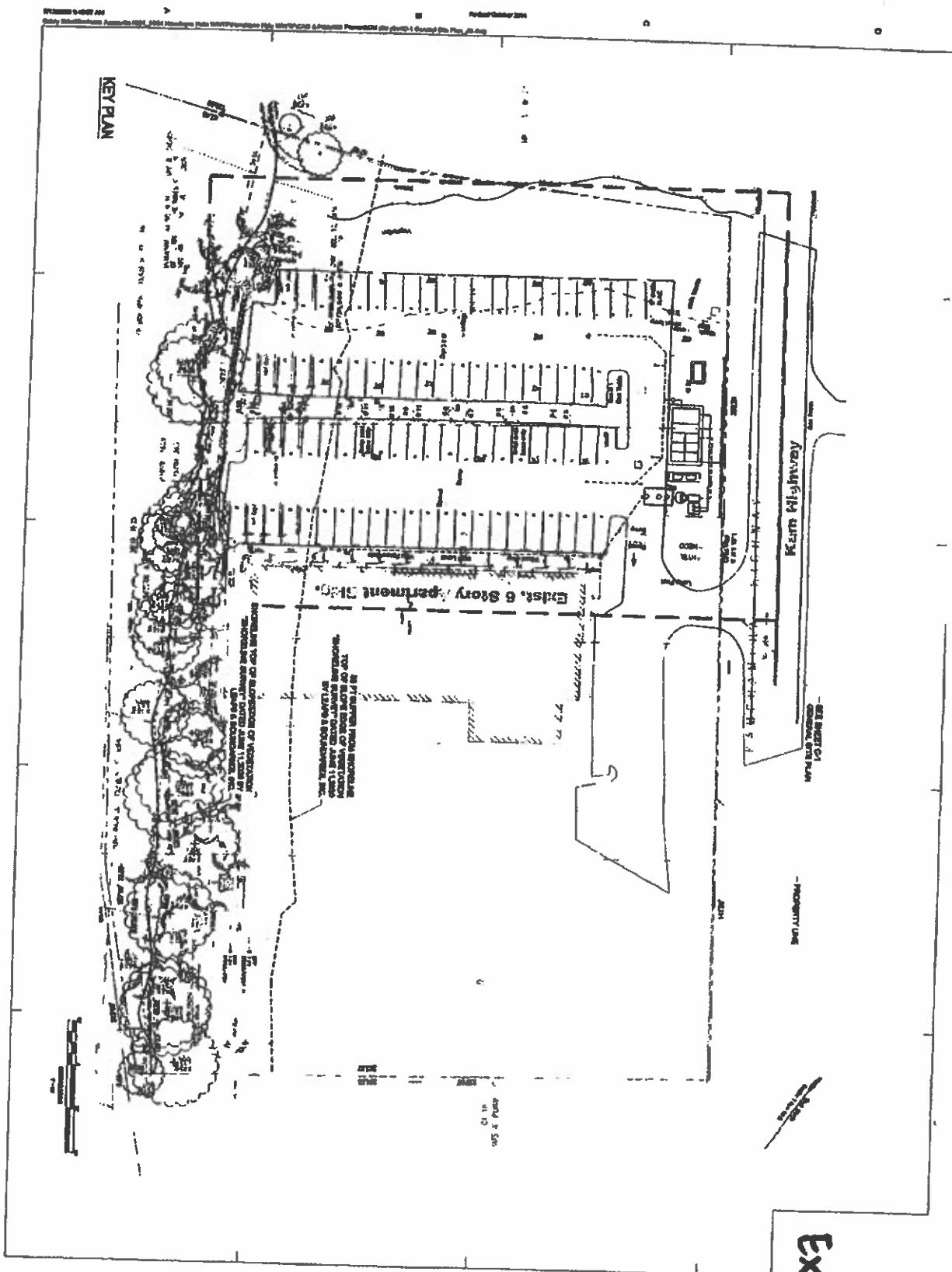


Exhibit C

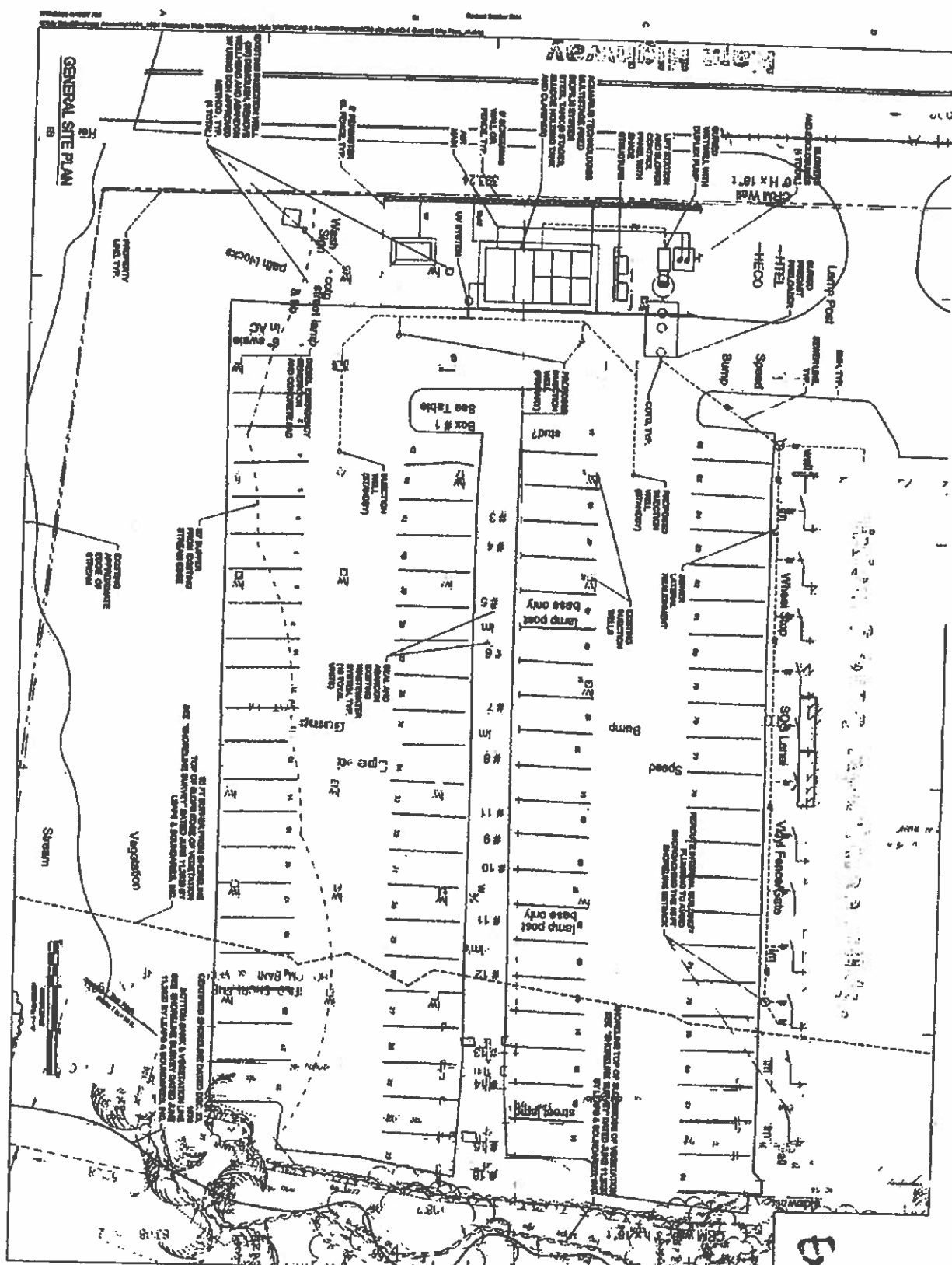
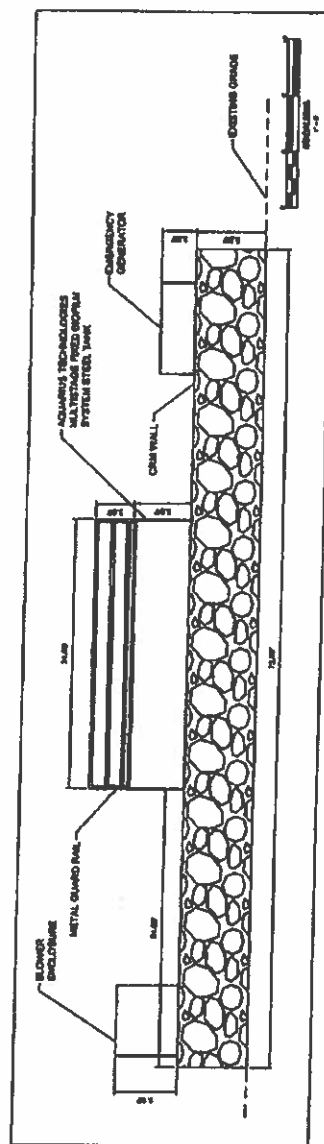


Exhibit D

LAULEA ENGINEERING, LLC		HANO HANO HALE CONDOMINIUM WWTP REPLACEMENT 83-648 KAMEHAMEHA HIGHWAY HAILULA HI 96717 TWC: 5-3-008: 001	
Project Name Hanohano Hale Condominium WWTP Replacement		Revision Number Description 1. Initial Design 2. Final Design 3. Construction Documents	
Date 11/17/2011		Drawing Number C-1	

Exhibit E

WWTP ELEVATION VIEW FROM KAMEHAMEHA HWY



WYTP ELEVATION VIEW FROM KAMEHAMEHA HWY

[illegible]

Exhibit F

Pacific Ocean

LEGEND



SITE



Flood Zone Boundaries

Special Flood Hazard Area, 1% Annual Chance Flood (100-yr. flood), Mandatory Flood Insurance Purchase

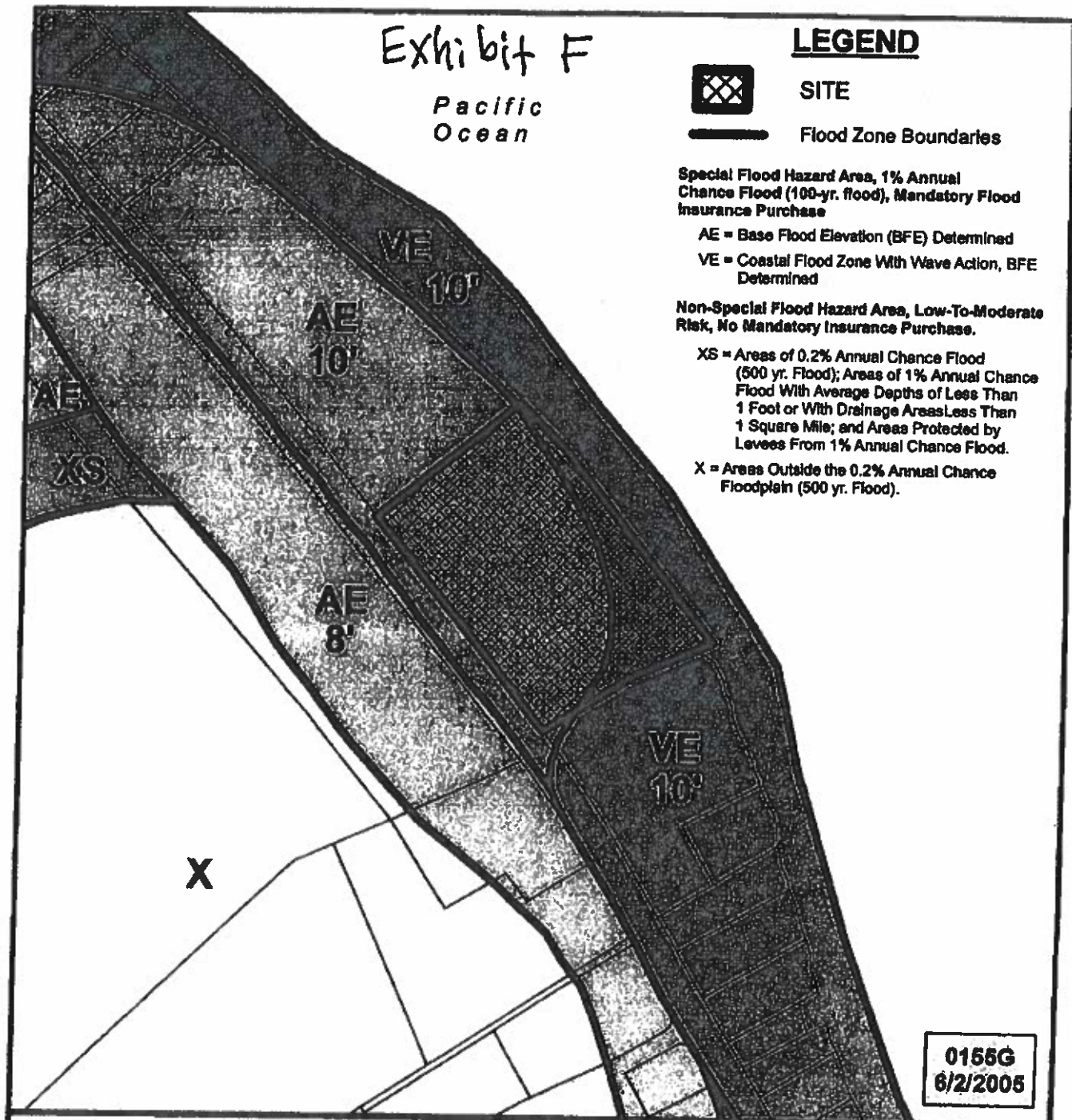
AE = Base Flood Elevation (BFE) Determined

VE = Coastal Flood Zone With Wave Action, BFE Determined

Non-Special Flood Hazard Area, Low-To-Moderate Risk, No Mandatory Insurance Purchase.

XS = Areas of 0.2% Annual Chance Flood (500 yr. Flood); Areas of 1% Annual Chance Flood With Average Depths of Less Than 1 Foot or With Drainage Areas Less Than 1 Square Mile; and Areas Protected by Levees From 1% Annual Chance Flood.

X = Areas Outside the 0.2% Annual Chance Floodplain (500 yr. Flood).



0155G
6/2/2005



VICINITY MAP

0 100 200 400
one inch = 200 feet



PORTION OF FLOOD HAZARD MAP HAUULA, KOOLAU LOA

FIRM PANEL: 15003C0155G(6/2/2005)

TAX MAP KEY: 5-3-008:001

FOLDER NO.: 2020/SMA-19