



RESOLUTION

STRONGLY URGING THE DEPARTMENT OF PLANNING AND PERMITTING TO IMMEDIATELY ADDRESS OUTSTANDING VIOLATIONS RELATED TO THE PROPERTY AT 54-406 KAMEHAMEHA HIGHWAY IN HAU'ULA (TAX MAP KEY 5-4-004:021).

WHEREAS, 54-406 Kamehameha Highway in Hau'ula (Tax Map Key 5-4-004:021)("the property"), is almost 13 acres of unsubdivided land along the mauka side of Kamehameha Highway ("the highway") that is currently being used as a construction base yard; and

WHEREAS, construction base yard operations are ongoing despite the property: 1) being zoned by the City and County of Honolulu ("City") as an AG-2 General Agricultural District ("AG-2 District"), a zoning district in which base yard operations are not permitted, and 2) being located in a protected wetland; and

WHEREAS, residents living across the highway from the property have complained for years about alleged illegal dumping and grading on the property; and

WHEREAS, since 2017, the City Department of Planning and Permitting ("DPP") has issued ten Notices of Violation ("NOVs") for multiple violations on the property, including: 1) grubbing and grading without a permit, 2) constructing a structure, fence, and utility pole without a permit, 3) storing metal containers without a permit, and 4) operating a base yard for construction vehicles and equipment in an AG-2 District; and

WHEREAS, these NOVs have resulted in the assessment of two double fee penalties and four triple fee penalties on the property owner by the DPP; and

WHEREAS, it appears that the significant and accruing penalties are being treated by the property owner as negligible costs of doing business, and are not true deterrents; and

WHEREAS, the DPP has also initiated communications with the Department of the Corporation Counsel, the Department of the Prosecuting Attorney, the State of Hawaii Department of the Attorney General, and the State of Hawaii Department of Commerce and Consumer Affairs, seeking legal action to stop the ongoing violations; and

WHEREAS, in 2020, the State Department of Health investigated and fined the property owner \$17,000 for dumping roughly 100 cubic yards of construction materials



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into a protected wetland without a special permit from the U.S. Army Corps of Engineers, which regulates wetlands under Section 404 of the Federal Clean Water Act; and

WHEREAS, in March of 2021, torrential rains and severe flooding caused severe damage to dozens of homes near the property, which may have been exacerbated by stockpiles of asphalt and other construction materials that elevated and changed the contours of the property, potentially causing storm water to flow over the highway and onto neighboring properties; and

WHEREAS, the City Council finds that, because the previous steps taken by the City to encourage the property owner to bring the property into compliance with the law have failed, and ongoing construction base yard operations at the property pose a continuing risk to the community and the environment, the City Administration must take accelerated and decisive steps to resolve this matter; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Department of Planning and Permitting is strongly urged to immediately address outstanding violations related to the property at 54-406 Kamehameha Highway in Hau'ula (Tax Map Key 5-4-004:021); and

BE IT FURTHER RESOLVED that the Department of Planning and Permitting report to the Council, within 45 days of the adoption of this resolution, on the steps taken to immediately address these violations; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Director of Planning and Permitting, the Corporation Counsel, the Prosecuting Attorney, the State of Hawaii Attorney General, and the State of Hawaii Director of the Department of Commerce and Consumer Affairs.

INTRODUCED BY:

Hilda Tsunogaki

DATE OF INTRODUCTION:

JAN 7 2022

Honolulu, Hawaii

Councilmembers

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CERTIFICATE

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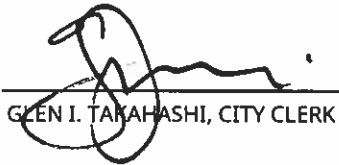
Introduced: 01/07/22 By: HEIDI TSUNEYOSHI Committee: ZONING AND PLANNING (ZP)

Title: STRONGLY URGING THE DEPARTMENT OF PLANNING AND PERMITTING TO IMMEDIATELY ADDRESS
OUTSTANDING VIOLATIONS RELATED TO THE PROPERTY AT 54-406 KAMEHAMEHA HIGHWAY IN HAU'ULA (TAX
MAP KEY 5-4-004:021).

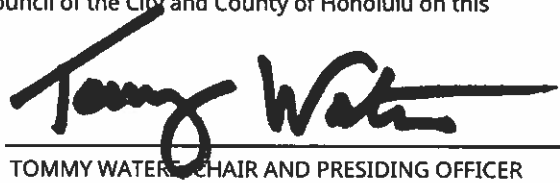
Voting Legend: * = Aye w/Reservations

01/07/22	INTRO	Introduced.
01/13/22	ZP	Reported out for adoption. CR-007 (22) 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
01/26/22	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER