

# 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

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Committee Meeting Held  
January 13, 2022

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

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 21-267 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE PERMIT FOR THE PUNALUU STREAM RESTORATION PROJECT,"

as transmitted by Departmental Communication No. 767 (2021) from the Department of Planning and Permitting ("DPP"), dated November 17, 2021, reports as follows:

The purpose of Resolution 21-267 is to grant a Special Management Area ("SMA") Use Permit to the Kamehameha Schools ("Applicant") to allow restoration of the Punaluu Stream on an approximately 599-acre site zoned AG-2 General Agricultural District, Country District, and P-1 Restricted Preservation District, located in the Punaluu watershed, Punaluu, Oahu, and identified by Tax Map Keys 5-3-001:041 and 052, and 5-3-003:001 ("Project").

In Departmental Communication 767 (2021) the DPP indicated that the Project proposes work within the Punaluu watershed to provide flood mitigation measures, restore Punaluu Stream, and enhance the surrounding ecosystem. The Project work includes cutting, grading, and fill operations to lower elevations on the floodplain and create new setback berms that will allow the Punaluu Stream to naturally meander and allow high flows to spill out of the Punaluu Stream channel and spread out into a designated floodway. All Project work will contribute to a larger floodplain and stream

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**JAN 26 2022**

COMMITTEE REPORT NO. **5**

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corridor than currently exists to temporarily store floodwaters. The Project is designed to trap sediment on the floodplain and estuary before it reaches Kamehameha Highway and nearshore environments, improve flood conveyance, and restore geomorphic and ecologic processes. Additionally, chronically flooded agricultural lands will be relocated to the floodplain margins on elevated terraces, and Green Valley Road will be relocated.

The Project area encompasses 121 acres; about 53.1 acres are located within the SMA. The 121 acres include approximately 76-acres where earthwork would occur to recontour the topography, as well as acreage on the site designated for construction access, equipment staging, and land that would be revegetated without cutting or filling the ground surface.

The construction components of the Project include the following: creating a new estuary channel and improving Kahana sub-basin drainage; removing artificial stream bank berms; excavating historic floodplain fill and creating a floodplain corridor; raising ground to create areas for agricultural uses; relocating Green Valley Road; creating a Punaluu Stream estuary; creating an ancillary agricultural use area; modifying wetlands; and replanting with native vegetation.

Your Committee notes that the DPP, after a public hearing held on October 15, 2021, at which no public testimony was presented, recommends approval of the SMA Use Permit subject to the conditions set forth in the Resolution.

At your Committee's meeting on January 13, 2022, the Applicant provided a brief presentation of the proposed Project.

The DPP Director testified in support of the posted CD1 version of the Resolution offered by the Committee Chair.

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CITY AND COUNTY OF HONOLULU  
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Your Committee received written testimony in support of the Resolution from one individual and one individual submitted comments on the Resolution.

Your Committee has prepared a CD1 version of the Resolution that makes the following amendments:

- A. Amends the title by deleting ("SMA")."
- B. Clarifies that the "Project" is specified in the 1st WHEREAS clause and the "Project site" is specified in the 2nd WHEREAS clause.
- C. Specifies the date of receipt and the communication number of the communication from the DPP that transmitted the Resolution to the Council.
- D. Amends Condition A by clarifying that construction on the Project must be in general conformity with the Project as described in the DPP's findings and recommendations and as depicted in Exhibits F through V.
- E. Amends Condition D as follows:
  - 1. Removes the condition relating to surveying the Project site for potential nesting Oahu Elepaio and the prohibition of potentially disruptive activities during the breeding season of the Oahu Elepaio;
  - 2. Groups certain conditions into two categories:
    - a. Prior to the commencement of work on the Project site; and
    - b. During work on the Project site;

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## **CITY COUNCIL**

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HONOLULU, HAWAII

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3. Clarifies that prior to the commencement of work on the Project site, a qualified biological monitor must conduct Hawaiian waterbird and Hawaiian waterbird nest surveys of the Project site; and
4. Clarifies that:
  - a. Revised Condition D.2.a and D.2.b relates to Hawaiian waterbirds; and
  - b. Revised Condition D.2.c and D.2.d relates to Hawaiian waterbirds and the Oahu Elepaio.

F. 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 DPP in Departmental Communication 767 (2021) that:

1. The development, as conditioned, will not have any significant 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 is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

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**JAN 26 2022**

COMMITTEE REPORT NO.

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Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 21-267, as amended herein, and recommends its adoption in the form attached hereto as Resolution 21-267, CD1. (Ayes: Cordero, Elefante, Kia'āina, Say – 4; Noes: None.)

Respectfully submitted,

  
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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON \_\_\_\_\_

**JAN 26 2022**

COMMITTEE REPORT NO. 5



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## RESOLUTION

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### GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE PUNALUU STREAM RESTORATION PROJECT.

WHEREAS, on August 26, 2021, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2021/SMA-45) from the Kamehameha Schools (the "Applicant") for a Special Management Area ("SMA") Use Permit to allow for the restoration of the Punaluu Stream on an approximately 599-acre site zoned AG-2 General Agricultural District, Country District, and P-1 Restricted Preservation District, located in the Punaluu watershed on Oahu, and identified by Tax Map Keys 5-3-001:041 and 052, and 5-3-003:001, as depicted in Exhibits A through E attached hereto (the "Project"); and

WHEREAS, the restoration activity will occur on a 121-acre portion (the "Project site") of the 599-acre site, and 53.1 acres of the Project site are located within the SMA; and

WHEREAS, on October 15, 2021, the DPP held a public hearing that was attended by a representative of the Applicant (attending remotely), the Applicant's Agent, DPP staff members, and Department of Information Technology support staff. No member of the general public was in attendance in person, virtually over the phone, or online; therefore, no one provided oral testimony in person or virtually at the hearing; and

WHEREAS, on November 15, 2021, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation for approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on November 18, 2021, by Departmental Communication 767 (2021), 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,

BE IT RESOLVED by the City 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:



## RESOLUTION

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- A. Construction must be in general conformity with the Project described in the DPP's findings and recommendations referenced above, and as depicted in Exhibits F through V attached hereto and incorporated herein by this reference. Any changes in the size or nature of the Project, which have 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, therefore, permitted under this resolution, upon review and approval of the DPP Director.
- B. 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 and contact the Department of Land and Natural Resources, 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.
- C. Artificial light from exterior light fixtures, including but not necessarily 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).
- D. The Applicant shall coordinate with the U. S. Fish and Wildlife Service ("USFWS") to comply with all of the following conditions relating to flora and fauna mitigation measures:
  - 1. Prior to the commencement of work on the Project site, a qualified biological monitor must conduct Hawaiian waterbird and Hawaiian waterbird nest surveys of the Project site. The USFWS must be notified of, and provided with the results of the preconstruction Hawaiian waterbird and Hawaiian waterbird nest surveys immediately prior to Project initiation.
  - 2. During work on the Project site:
    - a. Any observed or documented Hawaiian waterbird nests or broods within the Project site must be reported to the USFWS within 48 hours of discovery;



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- b. A 100-foot buffer must be established and maintained around all active Hawaiian waterbird nests and broods until the chicks/ducklings have fledged. No potentially disruptive activities or habitat alternation may occur within this buffer;
  - c. If an endangered Hawaiian waterbird or Oahu Elepaio is observed within the Project site, or flies into the site while activities are occurring (within 100 feet), all potentially disruptive activities (including human activity, mechanical or construction disturbance) must be stopped until the observed bird voluntarily leaves the area;
  - d. A biological monitor must be present on the Project site during all construction or earth moving activities to ensure that Hawaiian waterbirds, Hawaiian waterbird nests, and the Oahu Elepaio are not adversely impacted; and
  - e. To minimize impacts to the Hawaiian hoary bat's habitat, woody plants greater than 15 feet in height shall not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15).
- E. Approval of this SMA Use Permit does not constitute compliance with any other Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to grading and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall 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.
- F. The Applicant shall obtain a development permit for the Project within two years after the effective date of this SMA Use Permit. Failure to obtain a development permit within this period will render this permit null and void; provided that this period may be extended as follows:
- 1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period may not be extended beyond one year from the initial deadline set by the City Council.
  - 2. 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 report must include the Director's findings and recommendations thereon. The Council may approve the proposed





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 21-267, CD1

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## RESOLUTION

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extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

3. 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 development permit, the extension will be deemed to be denied.



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No. 21-267, CD1

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## RESOLUTION

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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Joey Char, Land Asset Manager, Community Engagement and Resources Group, Kamehameha Schools, 567 South King Street, Suite 200, Honolulu, Hawaii 96813; Brendan Belby, ICF Project Manager, ICF, 980 9<sup>th</sup> Street, Suite 1200, Sacramento, California 95814; Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director of the Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:

Tommy Waters (br)

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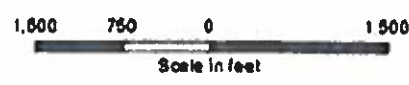
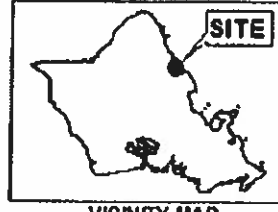
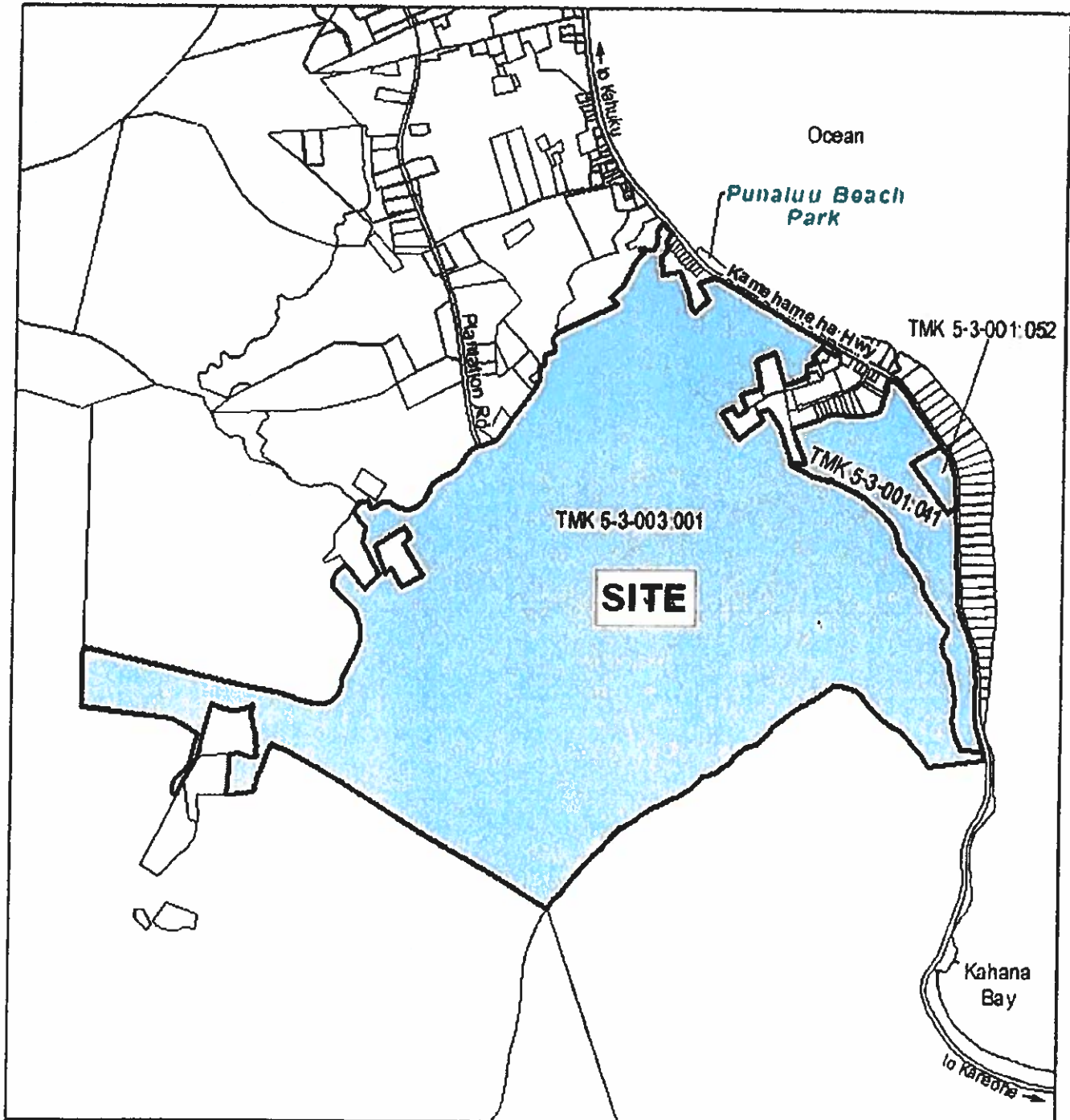
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DATE OF INTRODUCTION:

November 24, 2021  
Honolulu, Hawai'i

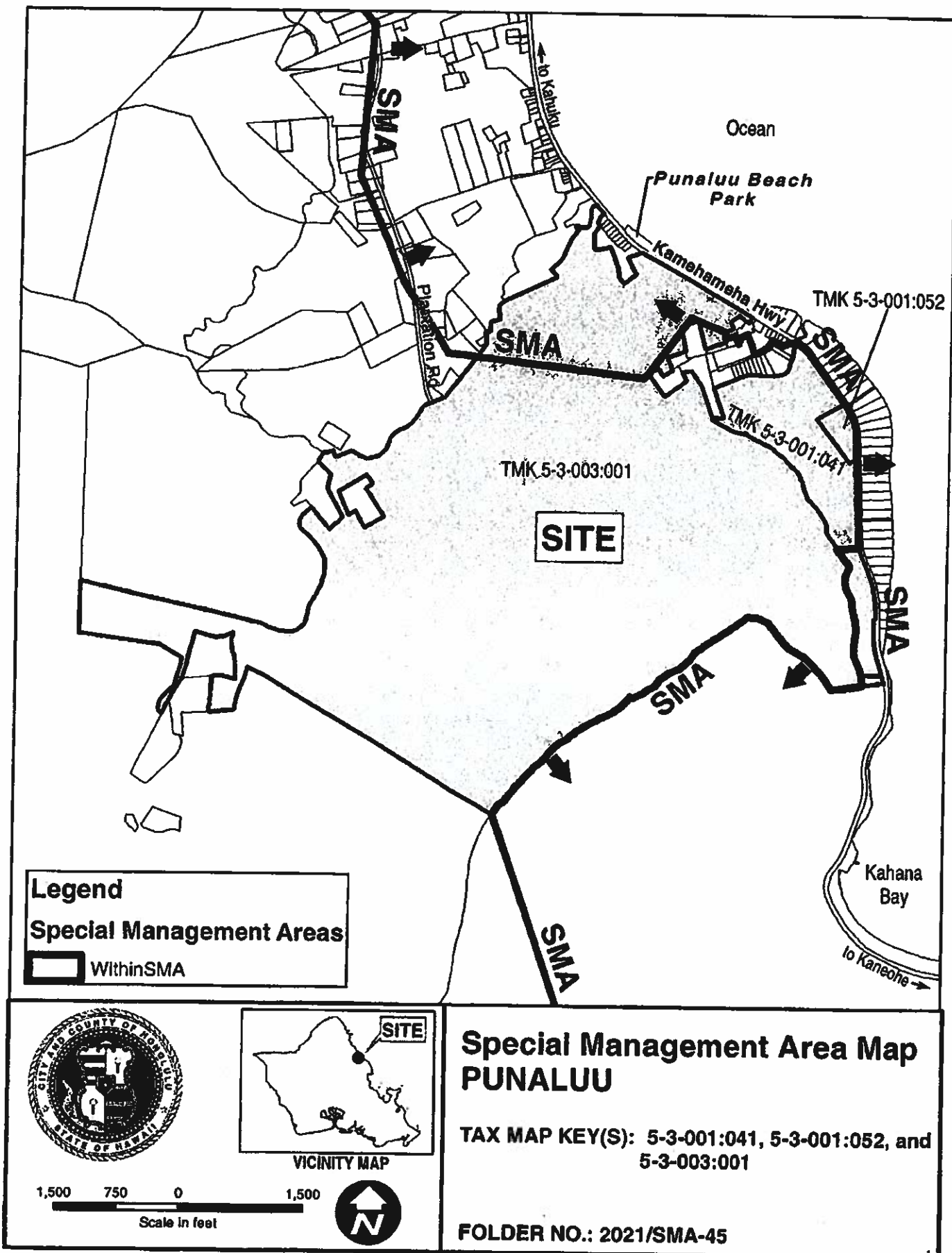
Councilmembers

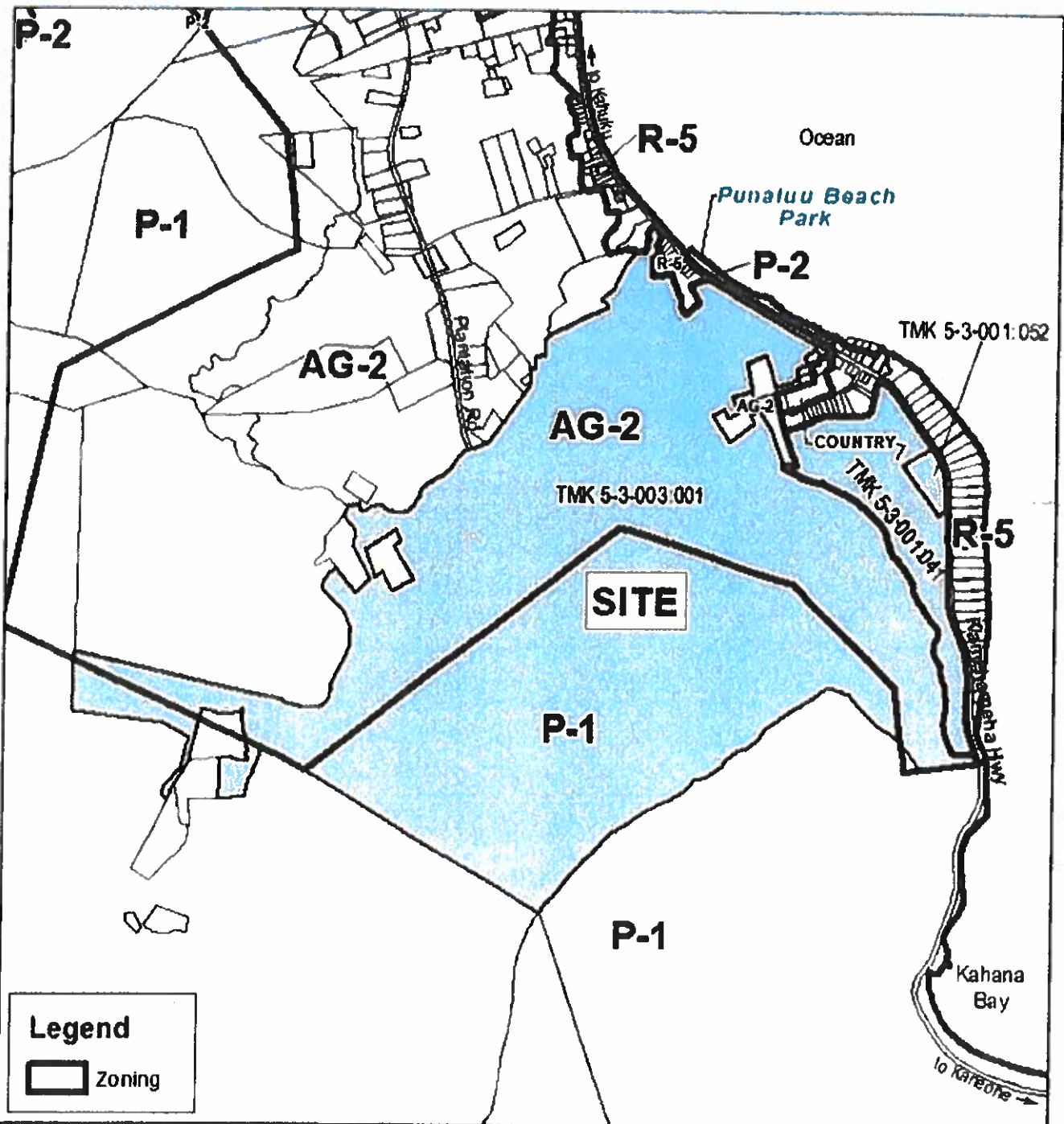


## LOCATION MAP PUNALUU

TAX MAP KEY(S): 5-3-001:041, 5-3-001:052, and  
5-3-003:001

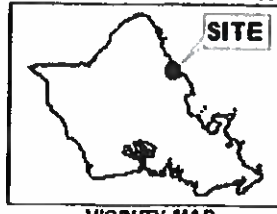
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**Legend**

 Zoning



1,600 750 0 1,500  
Scale in feet

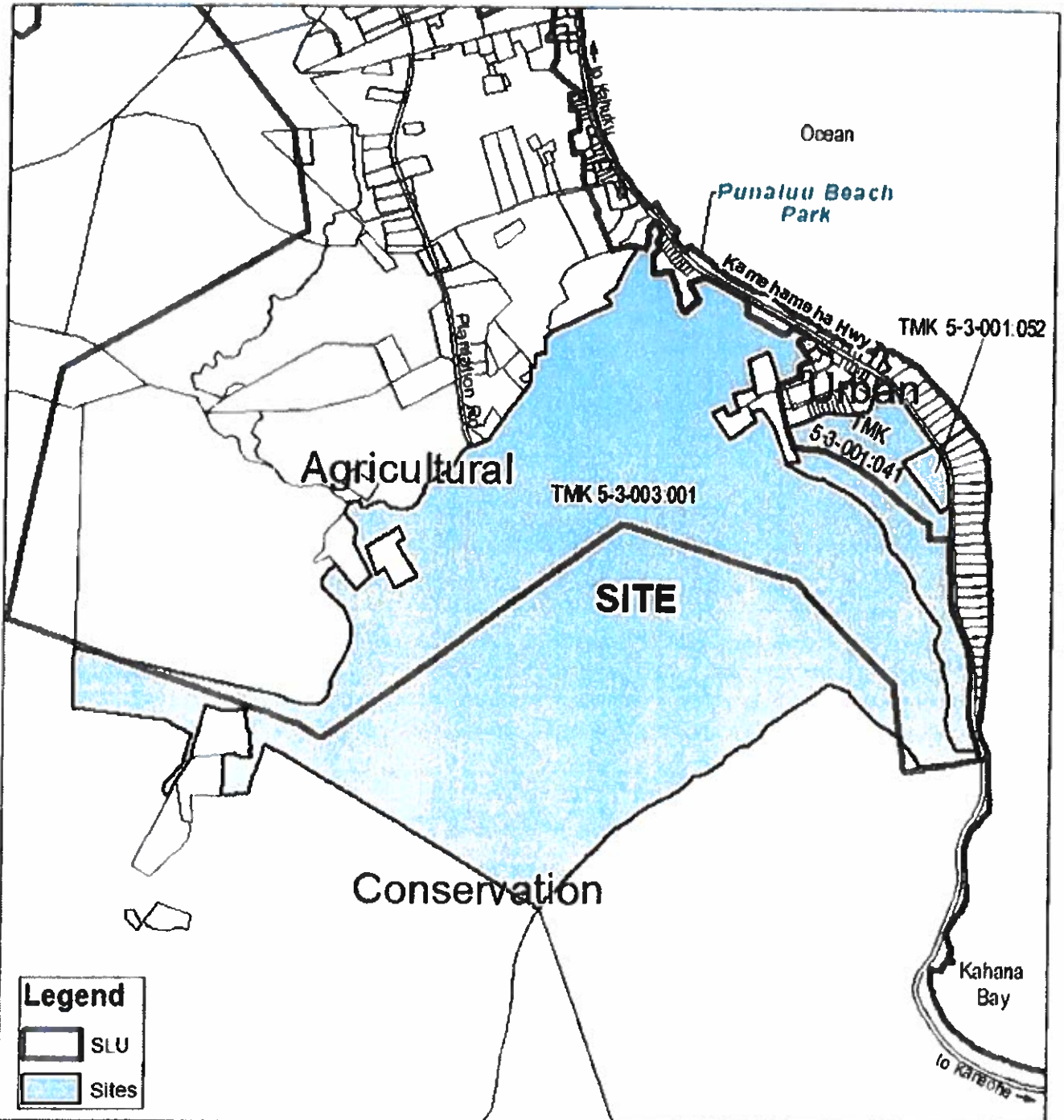


Portion of  
**EXISTING ZONING MAP**  
Hauula-Punaluu-Kaaawa

TAX MAP KEY(S): 5-3-001:041, 5-3-001:052, and  
5-3-003:001

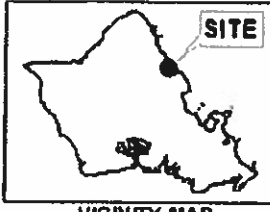
FOLDER NO.: 2021/SMA-45





**Legend**

- SLU
- Sites



**PORTION OF  
STATE LAND USE  
PUNALUU**

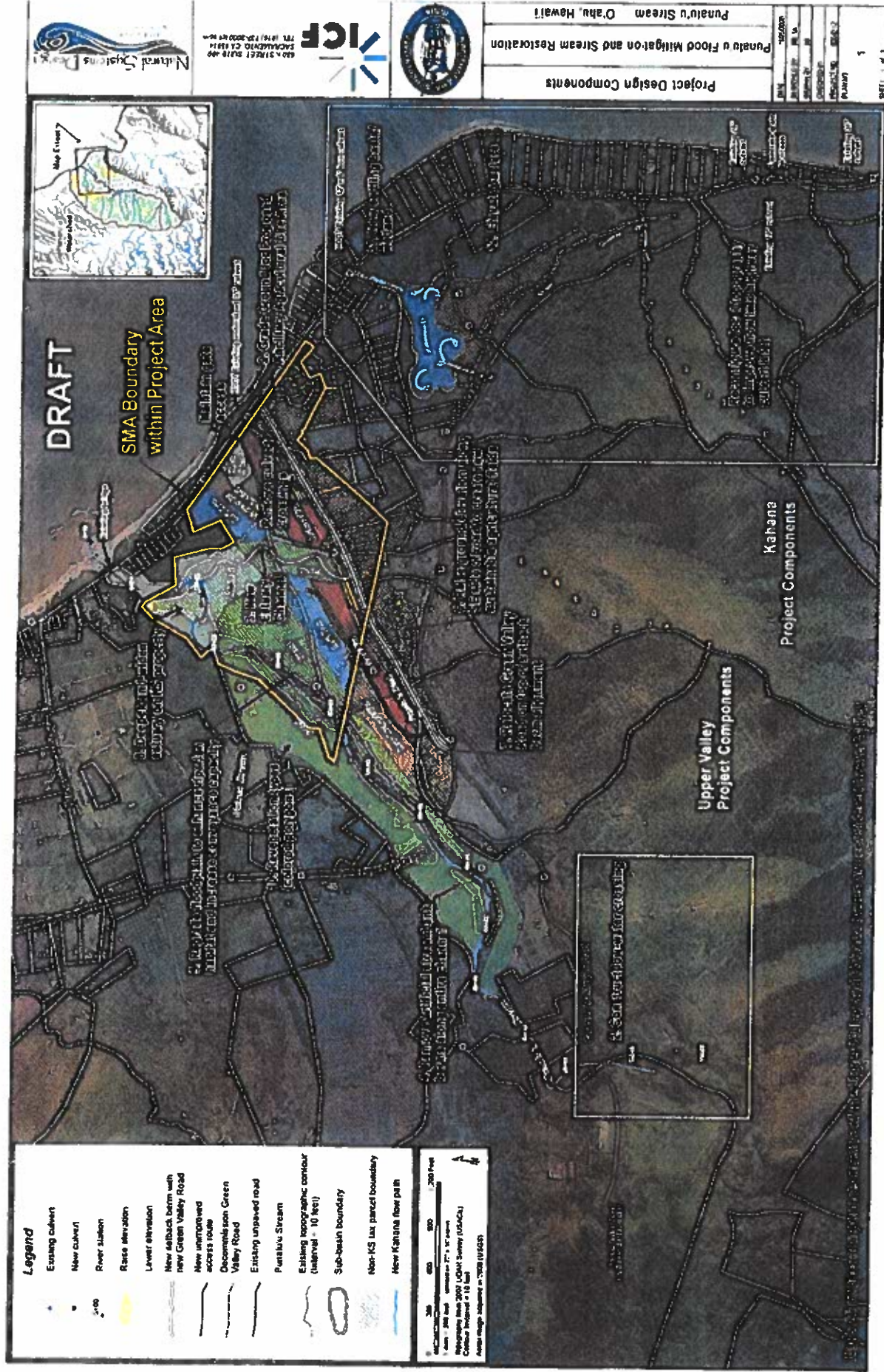
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**FOLDER NO.: 2021/SMA-45**

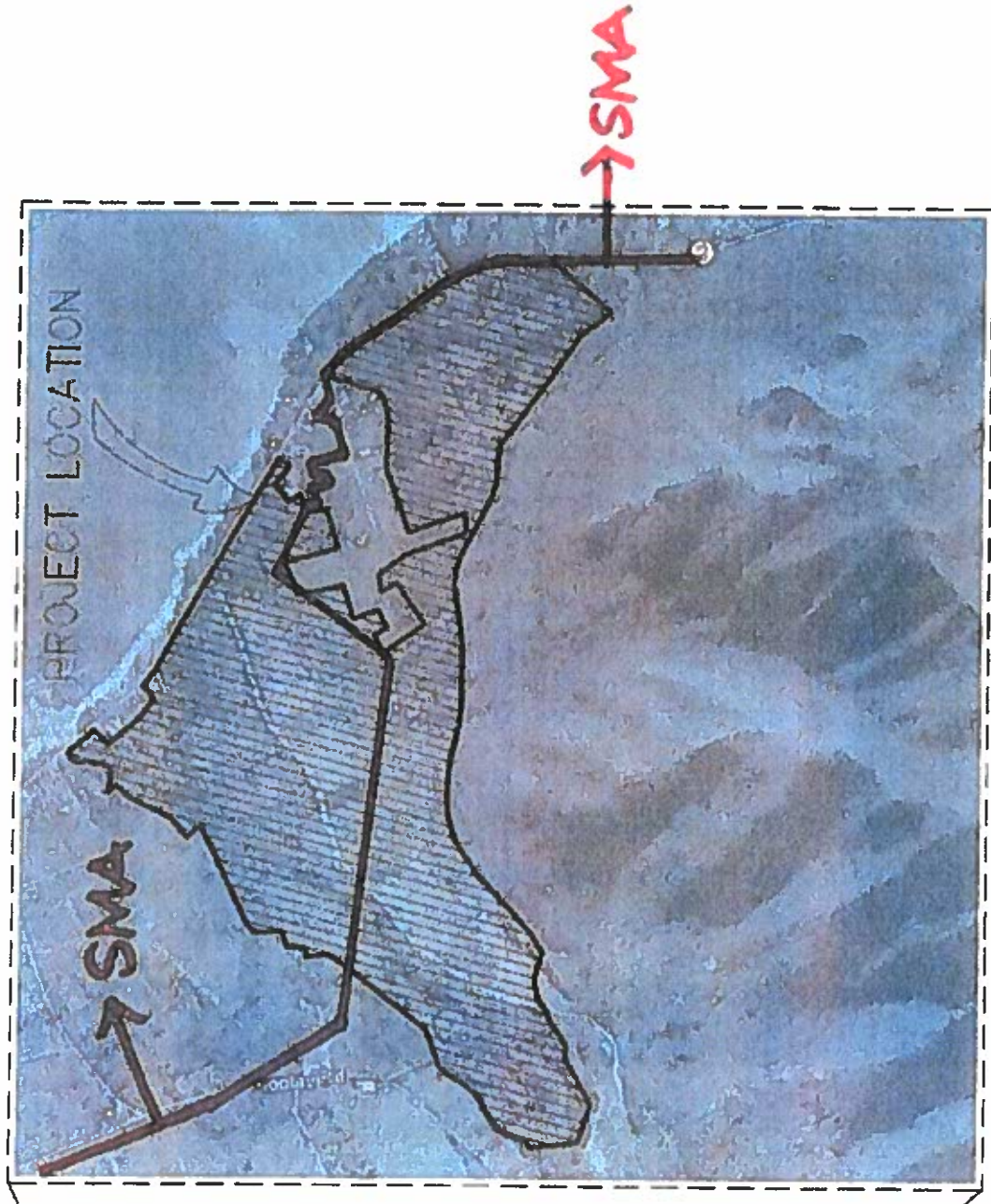




Exhibit 2-2. Punalu'u Flood Mitigation and Stream Restoration Project Elements





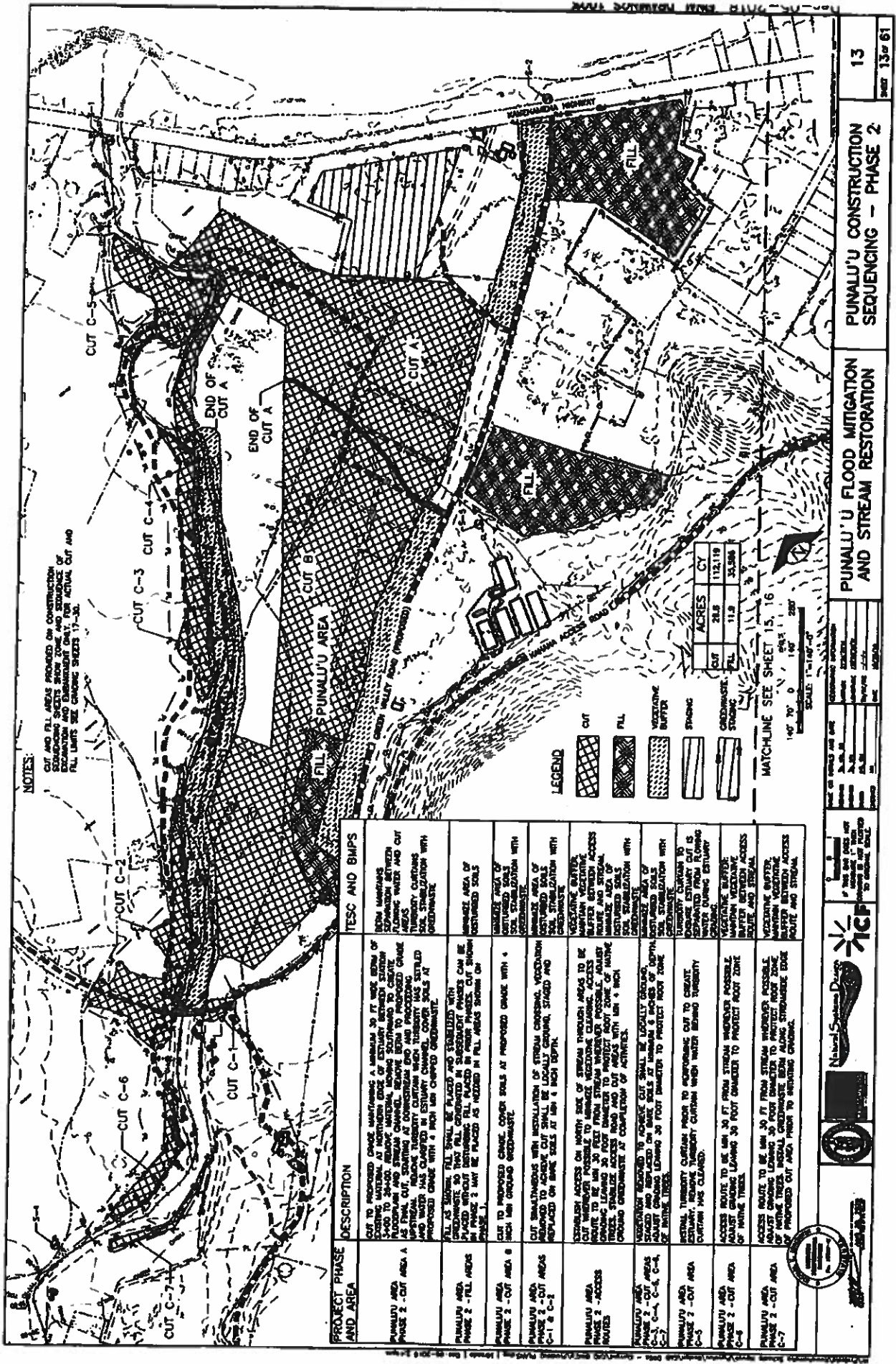


**PROJECT SITE**

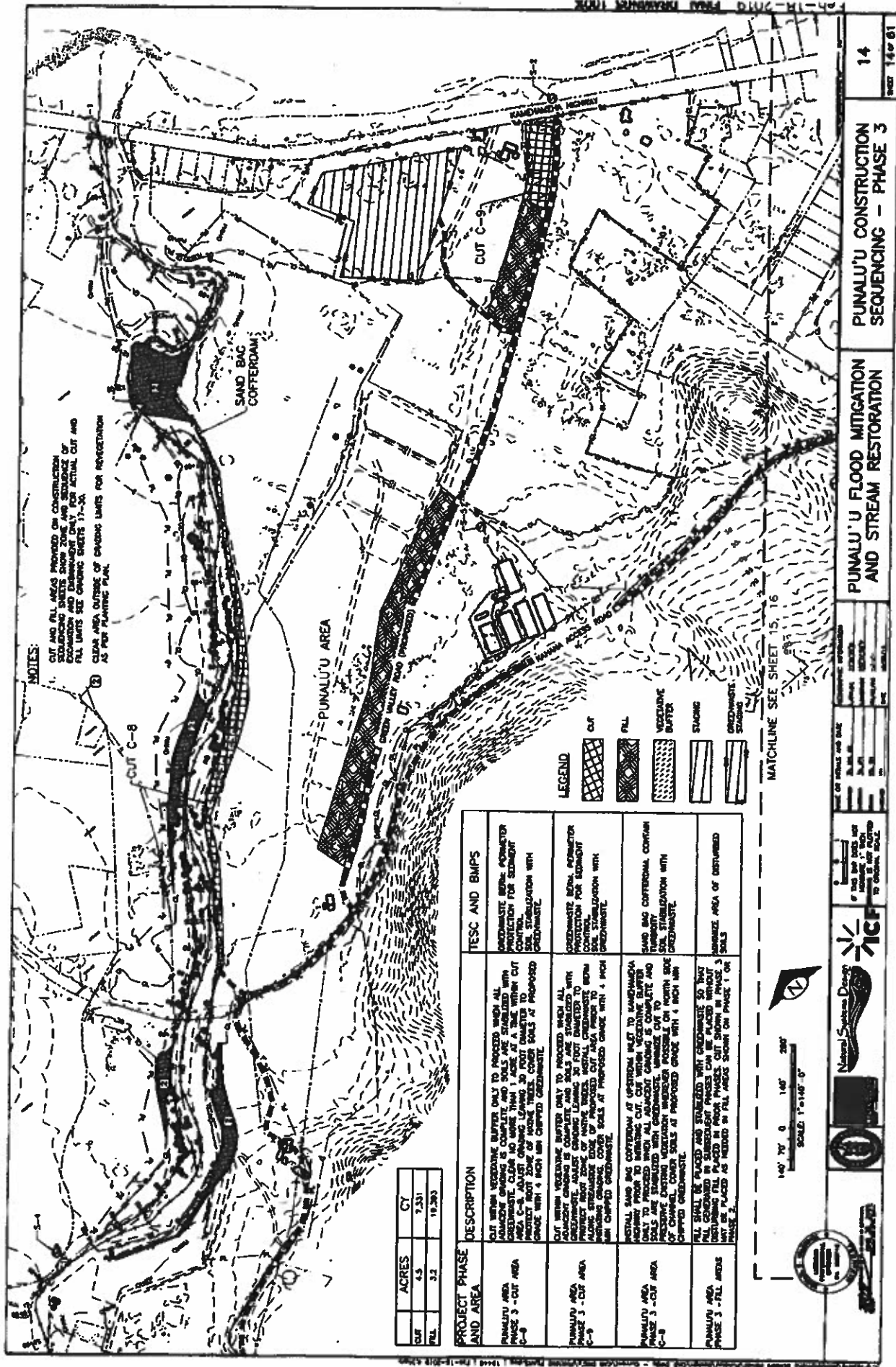
**EXHIBIT G**







# EXHIBIT I



# EXHIBIT J





**EXHIBIT K**

## GENERAL LEGEND

	PROPERTY/PARCEL LINE
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	PROPOSED MINOR CONTOUR
	EXISTING ACCESS ROAD
	TEMPORARY ACCESS ROAD
	EXISTING ORDINARY HIGH WATER MARK
	PROPOSED ORDINARY HIGH WATER MARK
	EXISTING WATER LINE
	PROPOSED WATER LINE
	PROJECT LIMIT
	GRADING LIMIT
	GREEN WASTE STAGING AREA
	SILT FENCE OR GREENWASTE BERM
	TURBIDITY CURTAIN
	EXISTING OVERHEAD POWER LINE
	PROPOSED DITCH CENTERLINE
	PROPOSED STREAM BYPASS
	TEMPORARY STREAM CROSSING
	DEMOLITION/REMOVAL AREA
	STAGING AREA/GREENWASTE PROCESSING AREA
	REVEGETATION AREA TO BE CLEARED OUTSIDE OF GRADING LIMIT
	PROPOSED CULVERT
	EXISTING STRUCTURE
	EXISTING CULTURAL AREA
	NATIVE TREE TO PROTECT
	NATIVE TREE TO RELOCATE
	TURBIDITY MONITORING STATION AND NUMBER

DETAIL A

A  
↑  
**SECTION**  
SCALE: 1"

M:\Projects\Kamoharua Schools\Huahele\Projects\Design\CAD DWGs - Current\CAD DWGs\LEGEND.dwg | Miranda | Dec-05-2018 2:43pm

## EXHIBIT L



APPROVED BY ME OR UNDER MY SUPERVISION  
April 30, 2020  
Miranda



Natural Systems Design

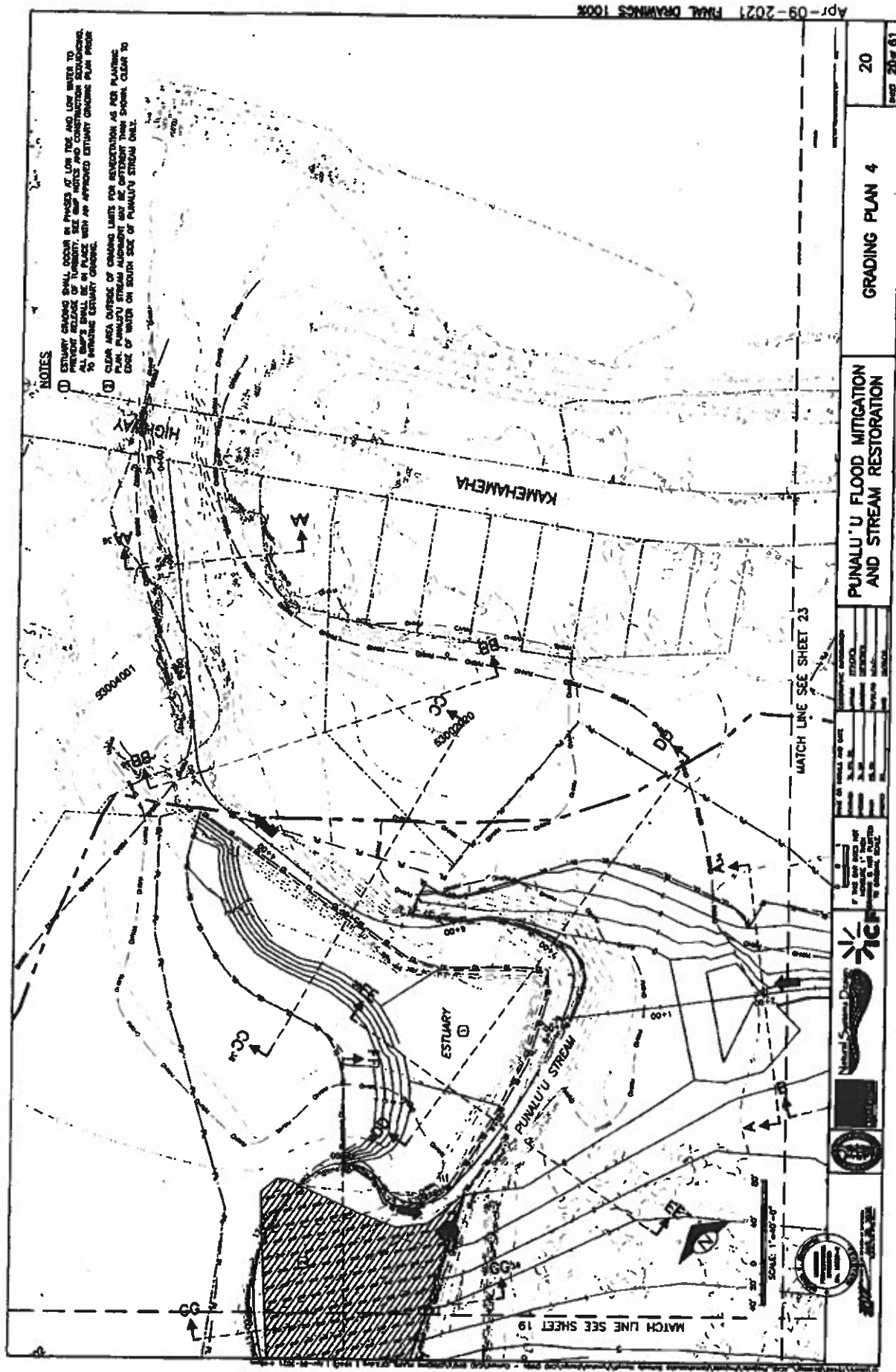


IF THIS BAR DOES NOT  
MEASURE 1" THEN  
DRAWING IS NOT PLOTTED  
TO ORIGINAL SCALE









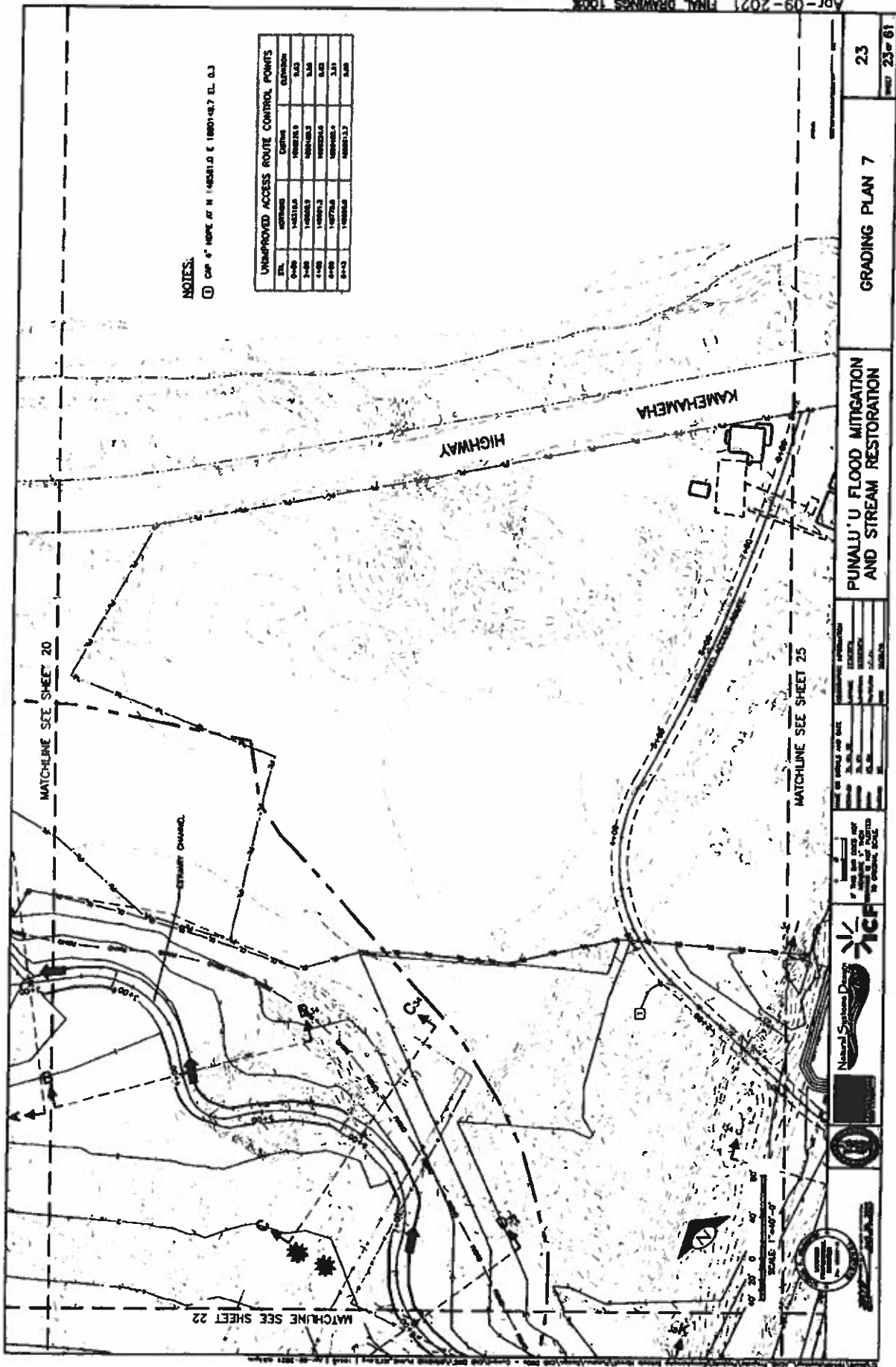




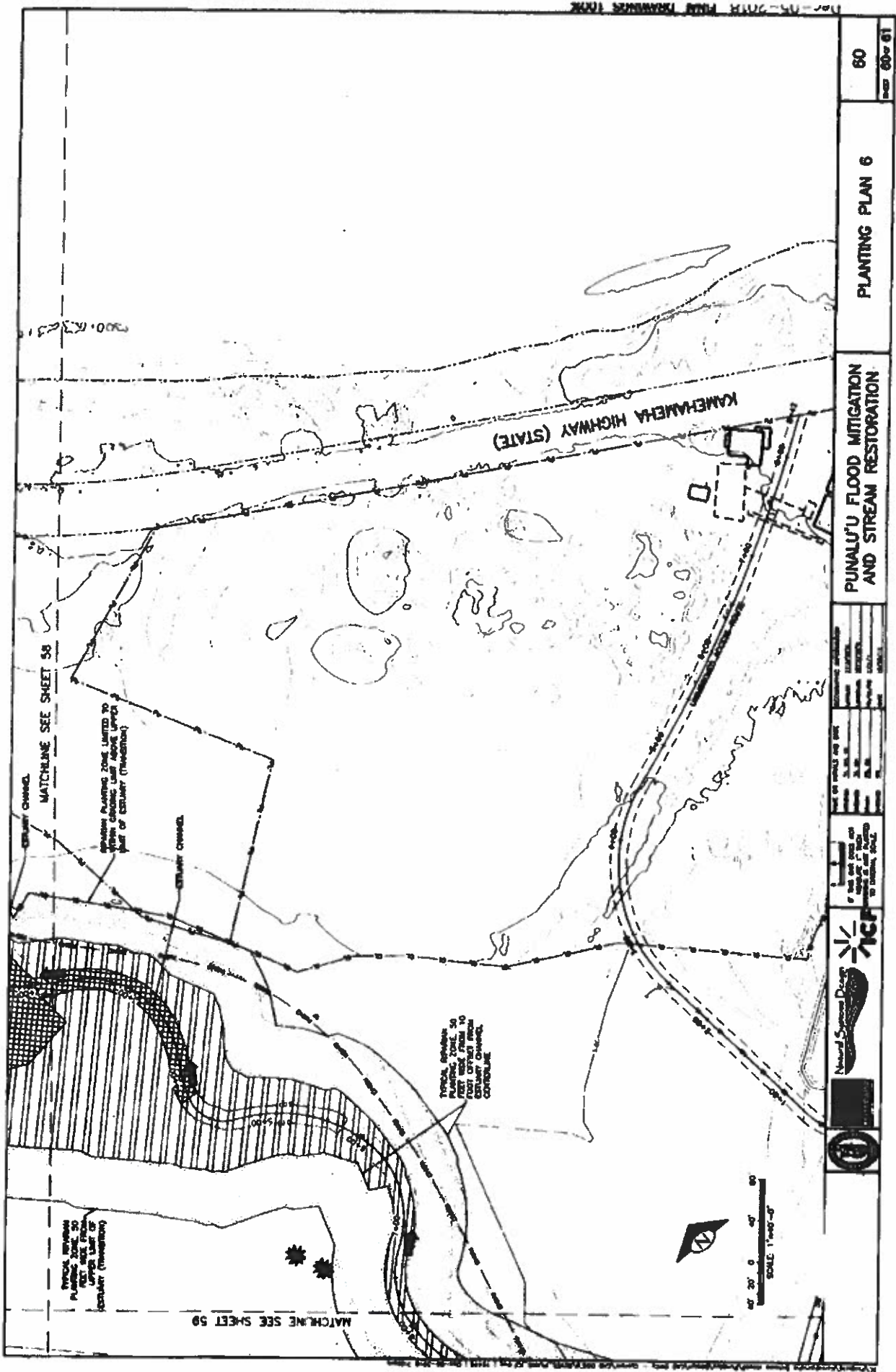








# EXHIBIT S



# EXHIBIT T





