



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-267, CD1

RESOLUTION

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:



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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



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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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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 9th Street, Suite 1200, Sacramento, California 95814; Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th 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:

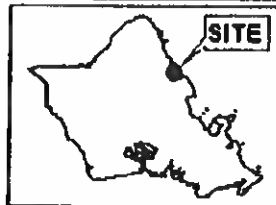
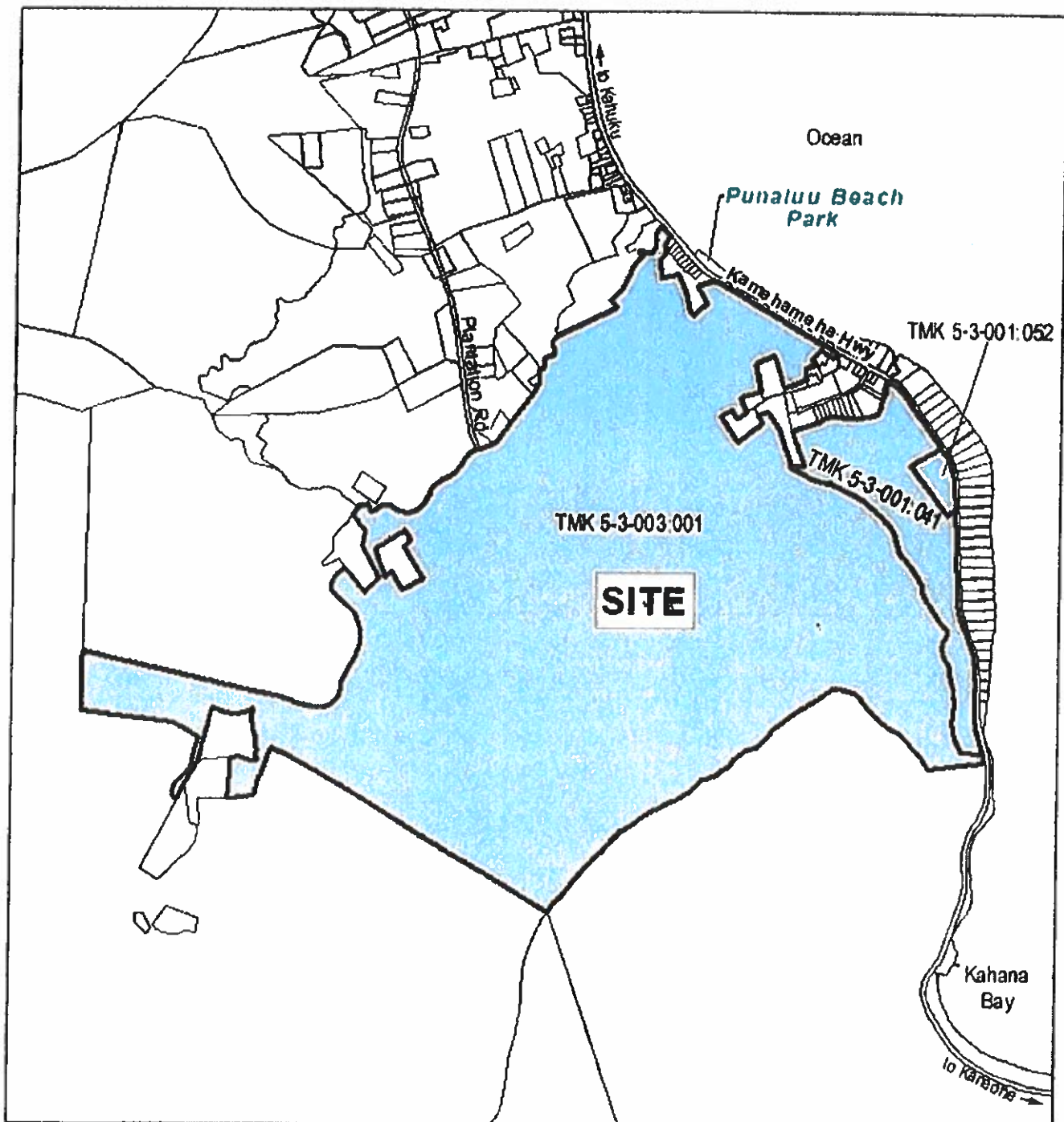
Tommy Waters (br)

DATE OF INTRODUCTION:

November 24, 2021

Honolulu, Hawaii

Councilmembers



VICINITY MAP

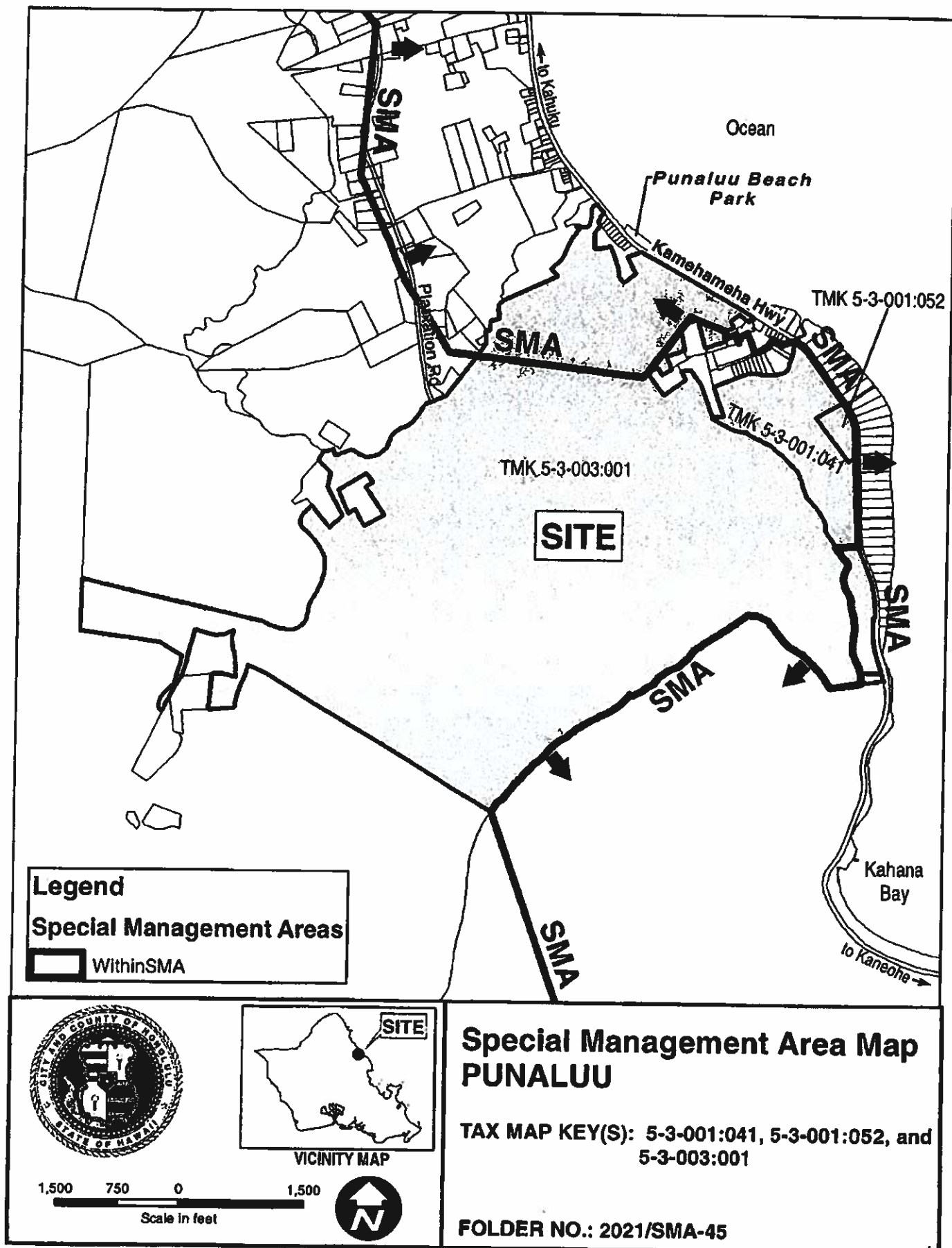
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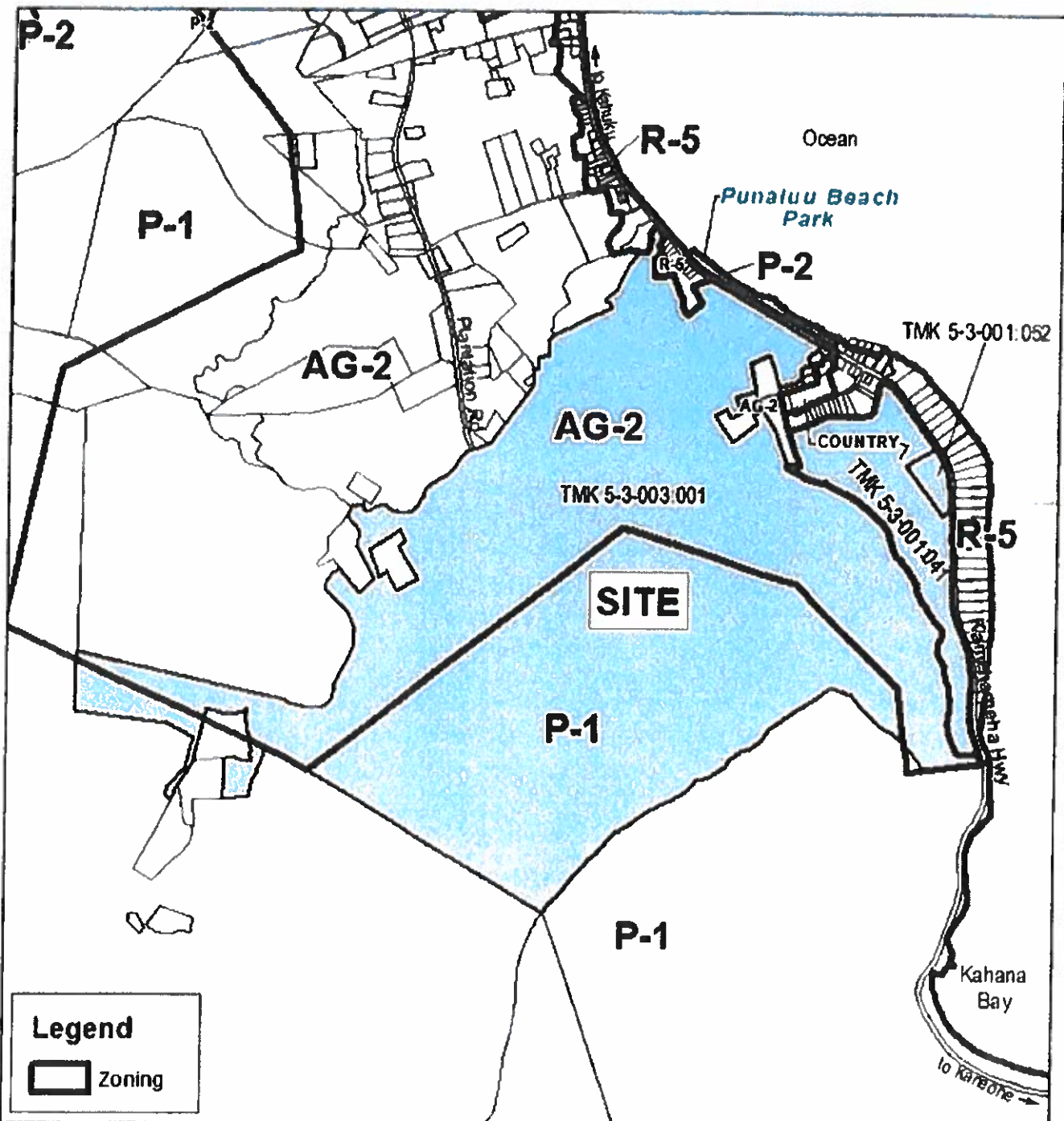


LOCATION MAP PUNALUU

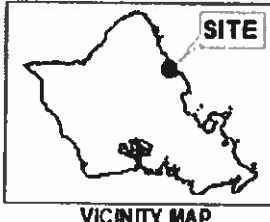
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5-3-003:001

FOLDER NO.: 2021/SMA-45





Legend
 Zoning



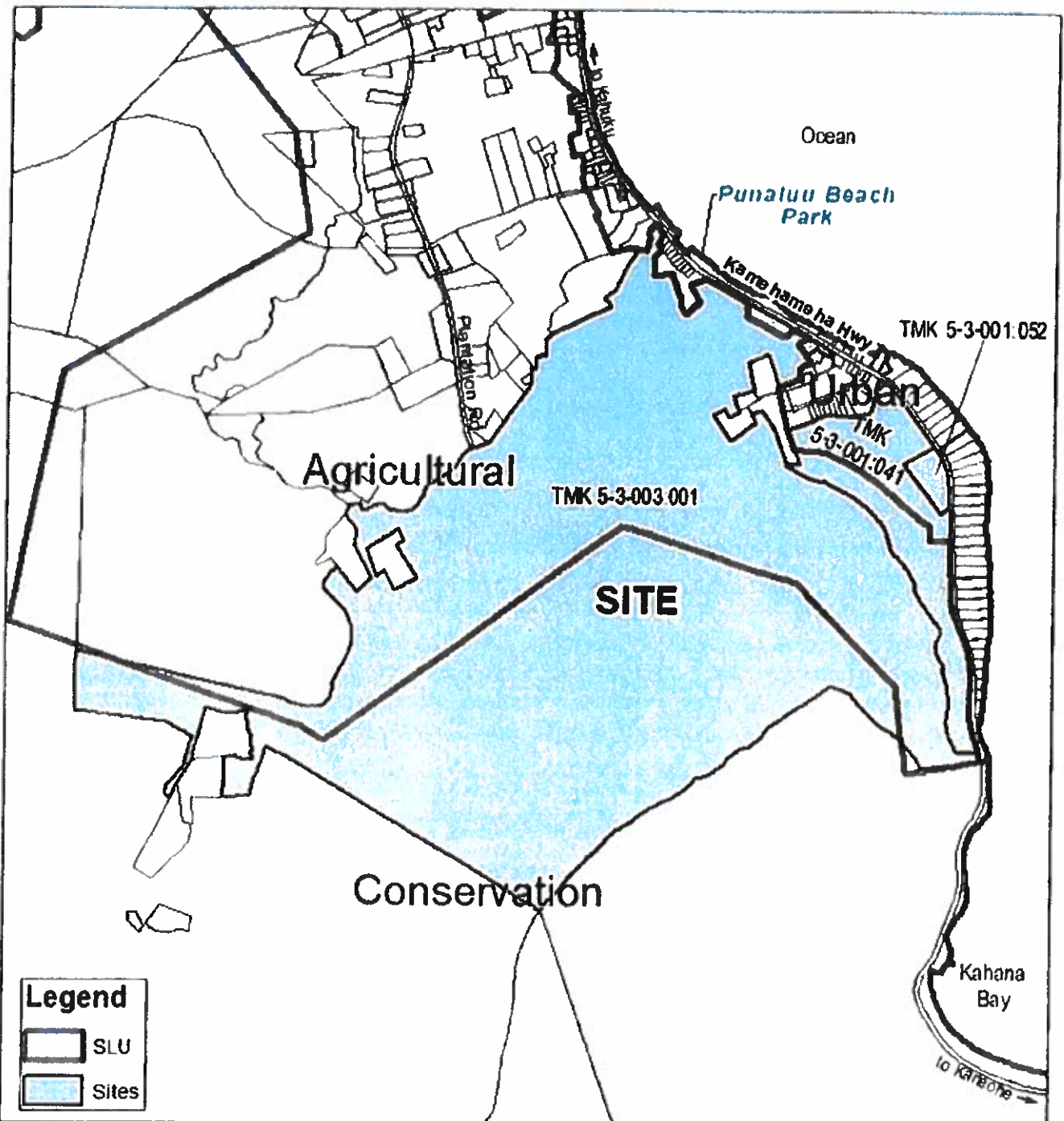
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Portion of
EXISTING ZONING MAP
 Hauula-Punaluu-Kaaawa

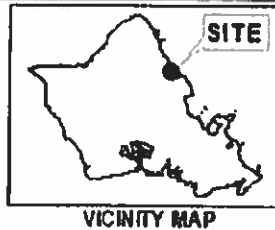
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FOLDER NO.: 2021/SMA-45



Legend

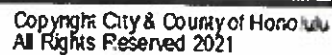
- SLU
- Sites



**PORTION OF
STATE LAND USE
PUNALUU**

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

FOLDER NO.: 2021/SMA-45





PROJECT SITE

EXHIBIT G

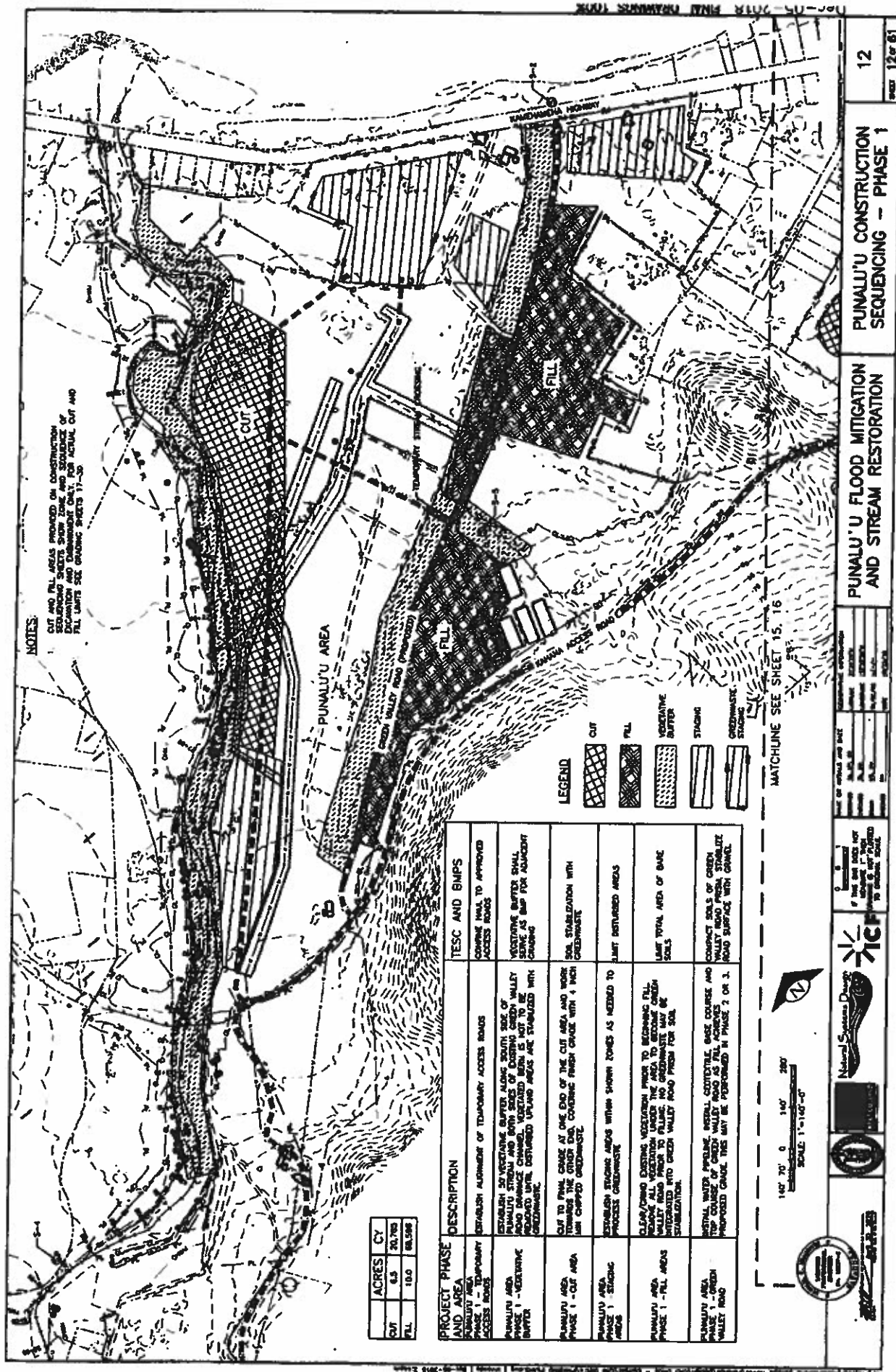




EXHIBIT K

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
↑
L

SECTION
SCALE: 1"

U:\Projects\Kamoharui\Scholar\Hawaii\Design\CAD DWG - Current\CAD DWG's\LEGEND.dwg | Minimize | Dec-05-2018 2:43pm

EXHIBIT L



APPROVED BY: April 30, 2020



Natural Systems Design



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

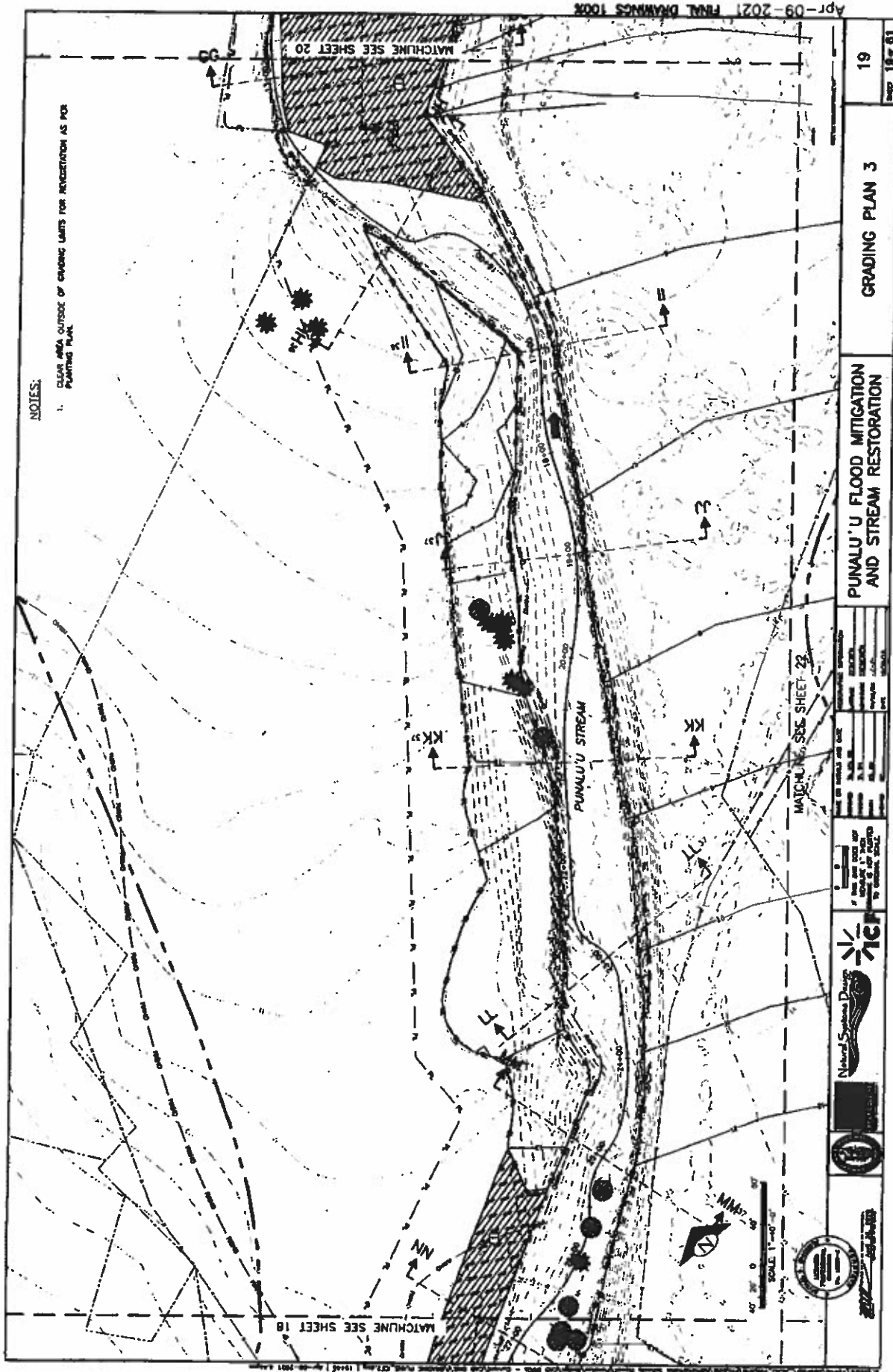


EXHIBIT M

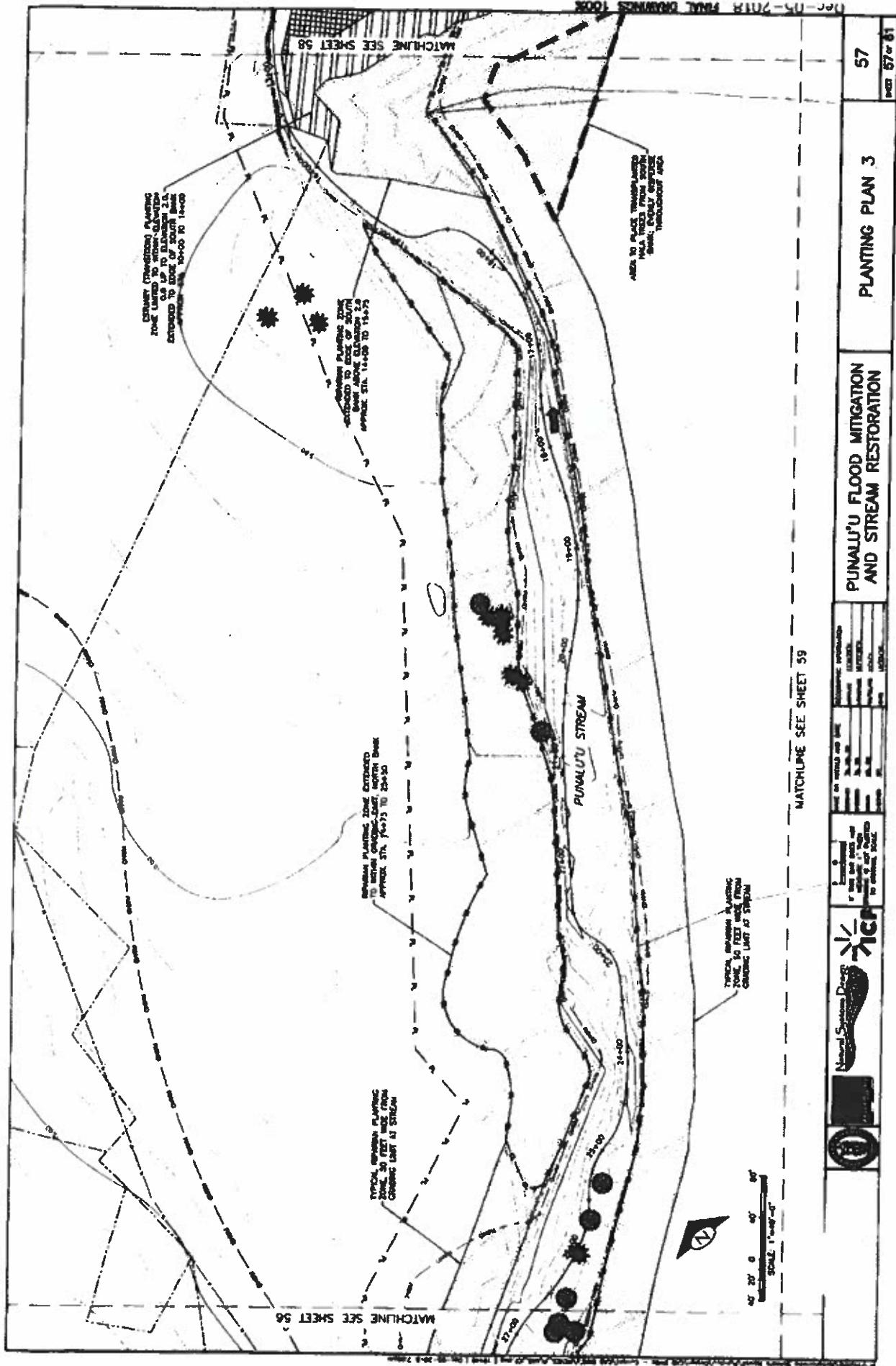


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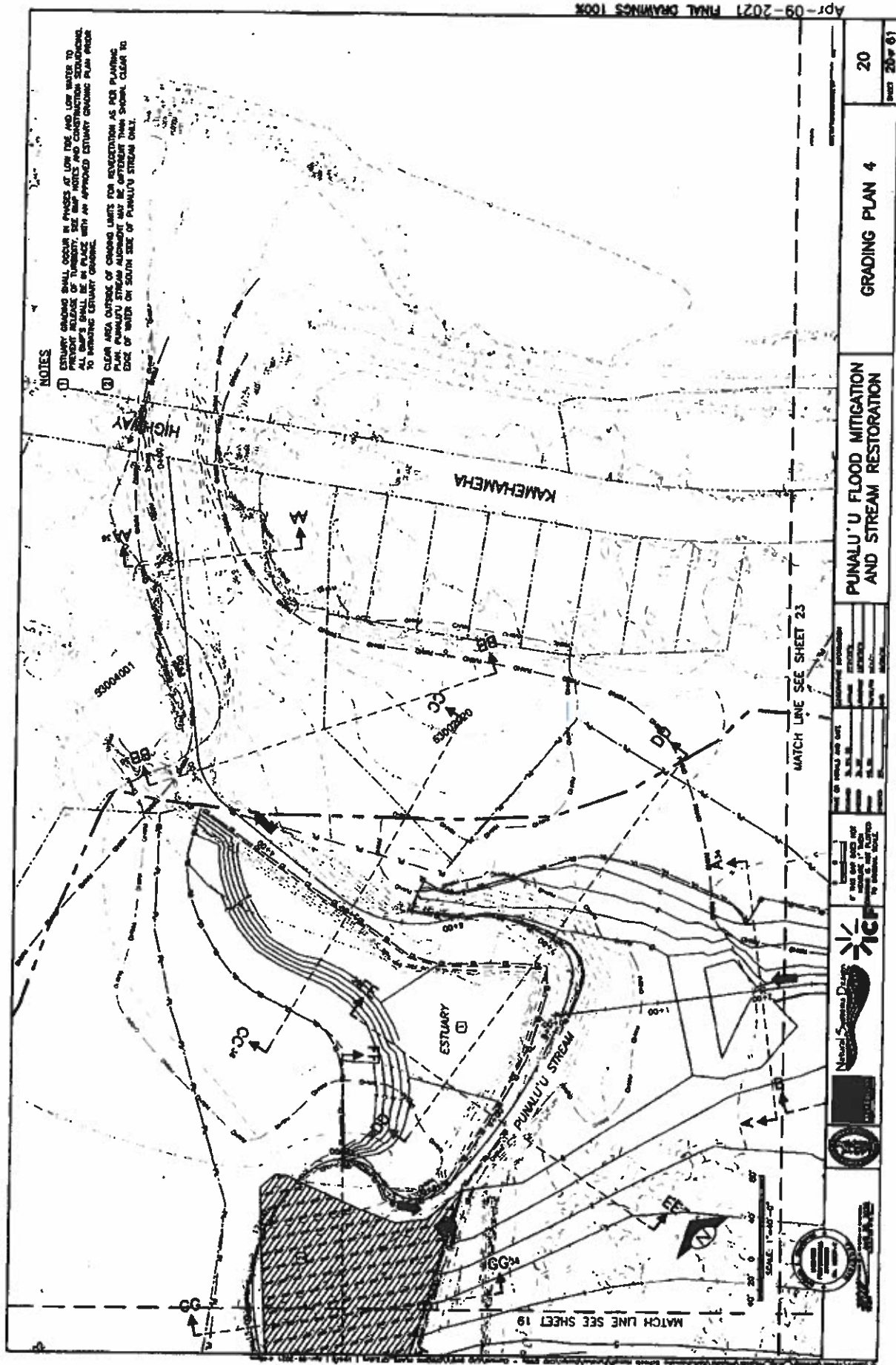


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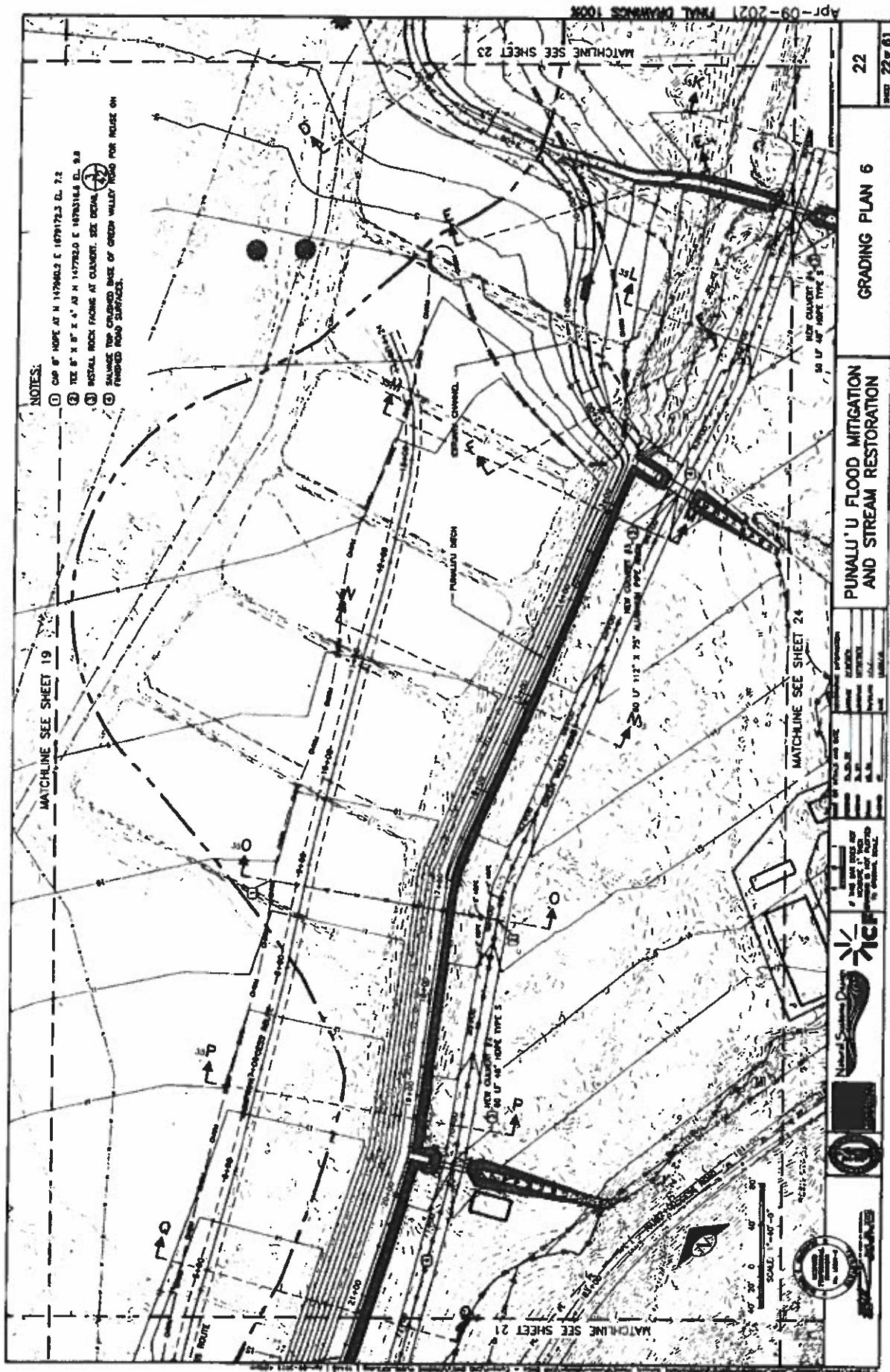


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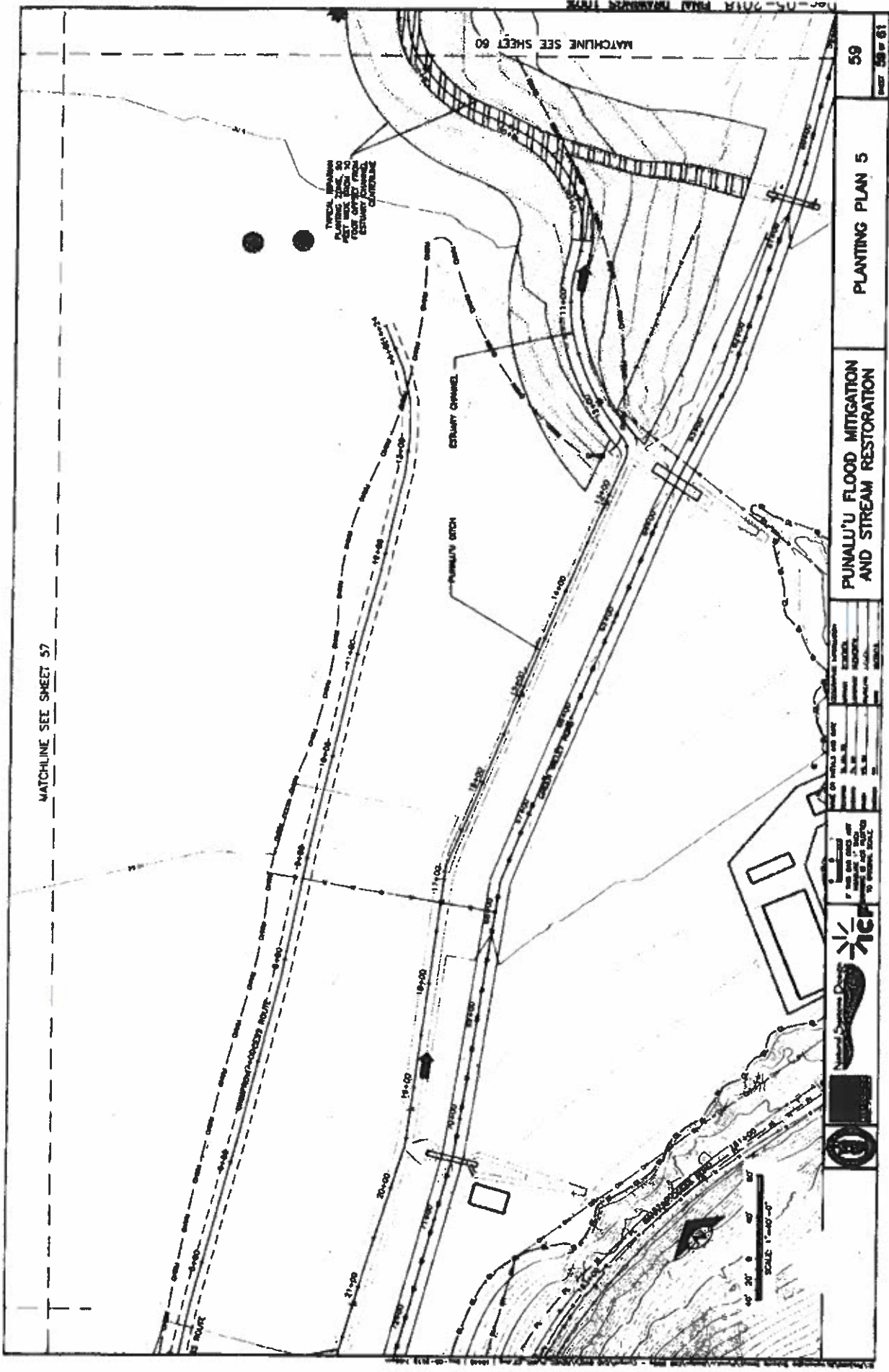


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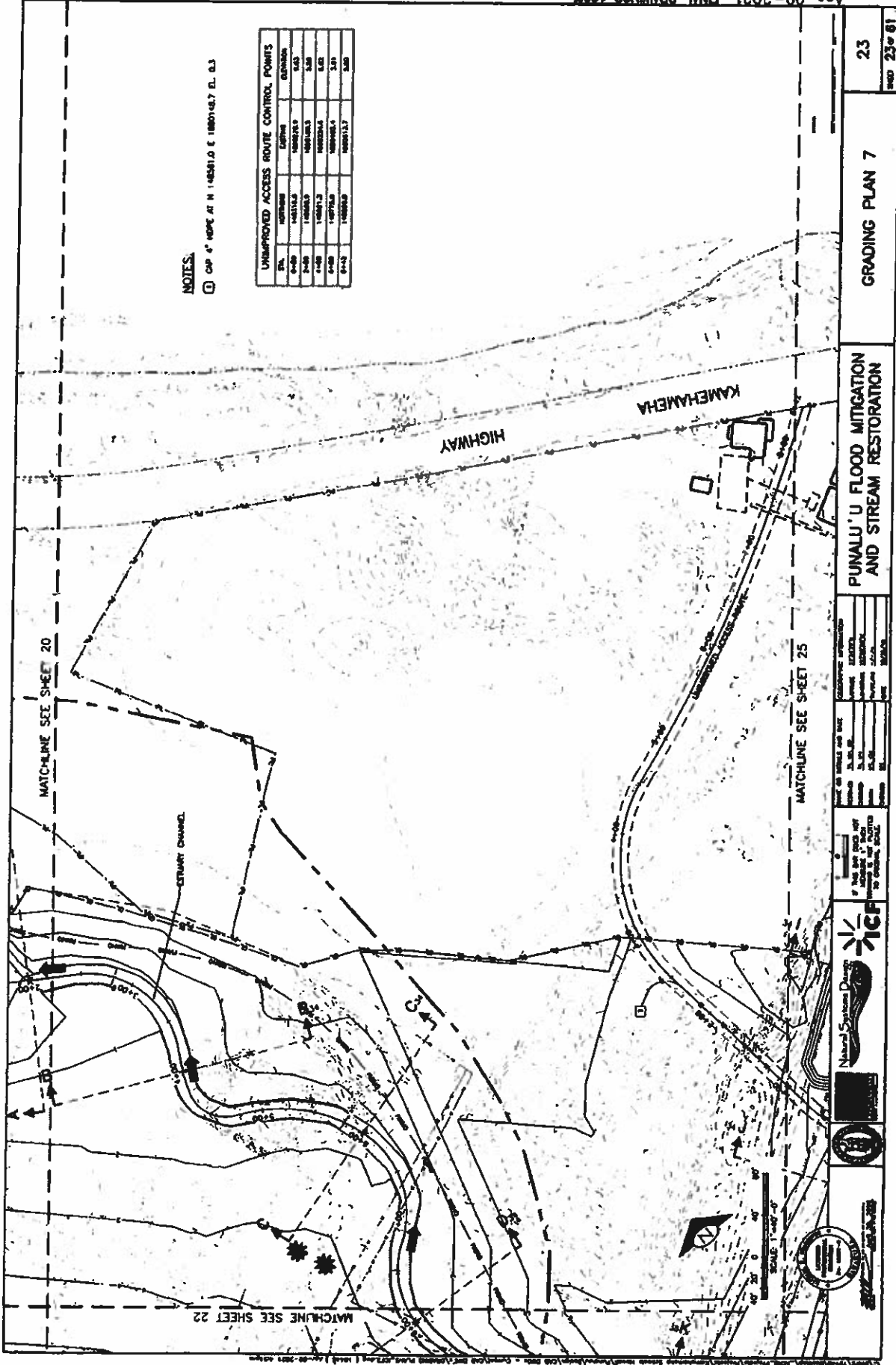


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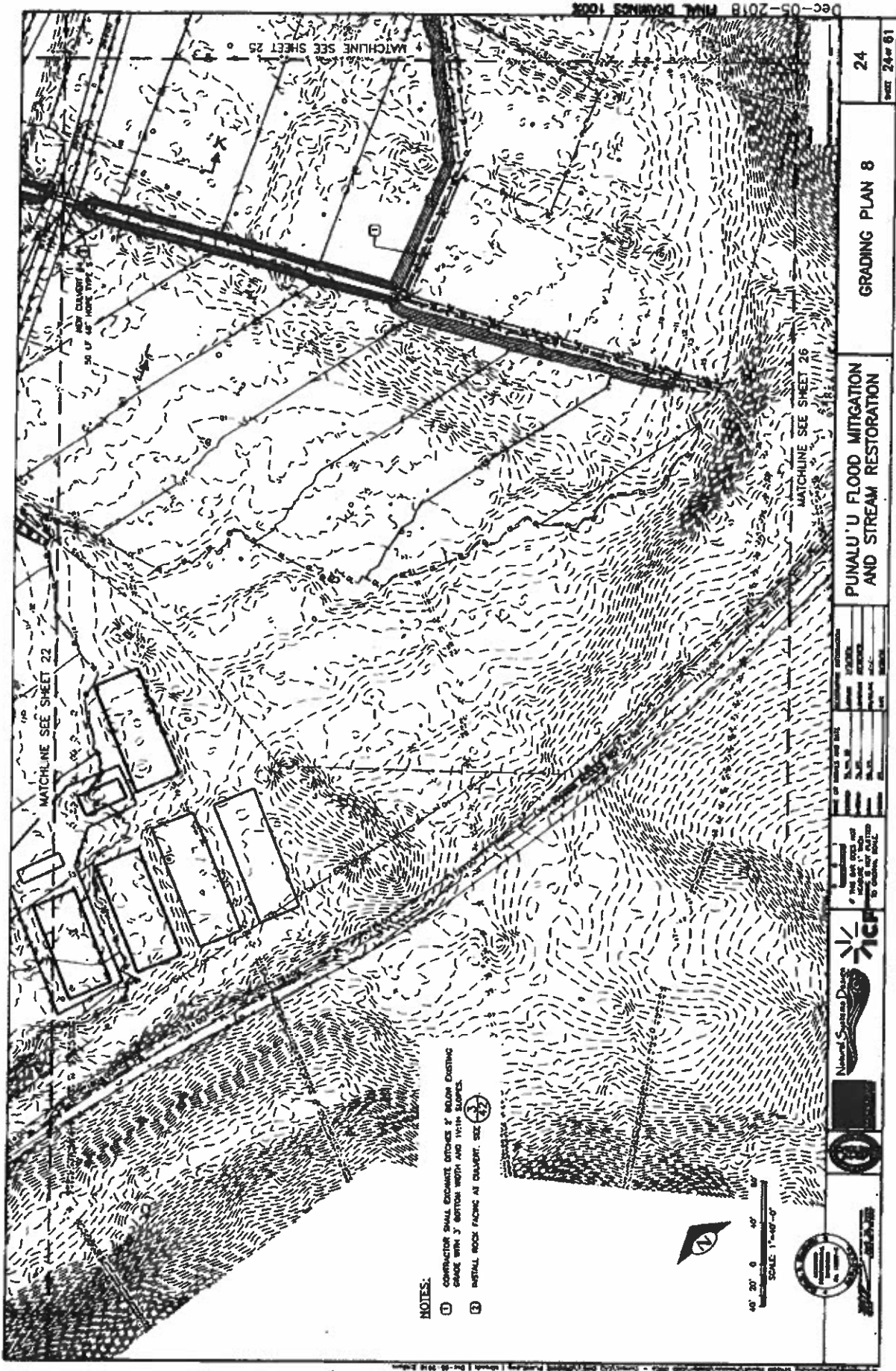


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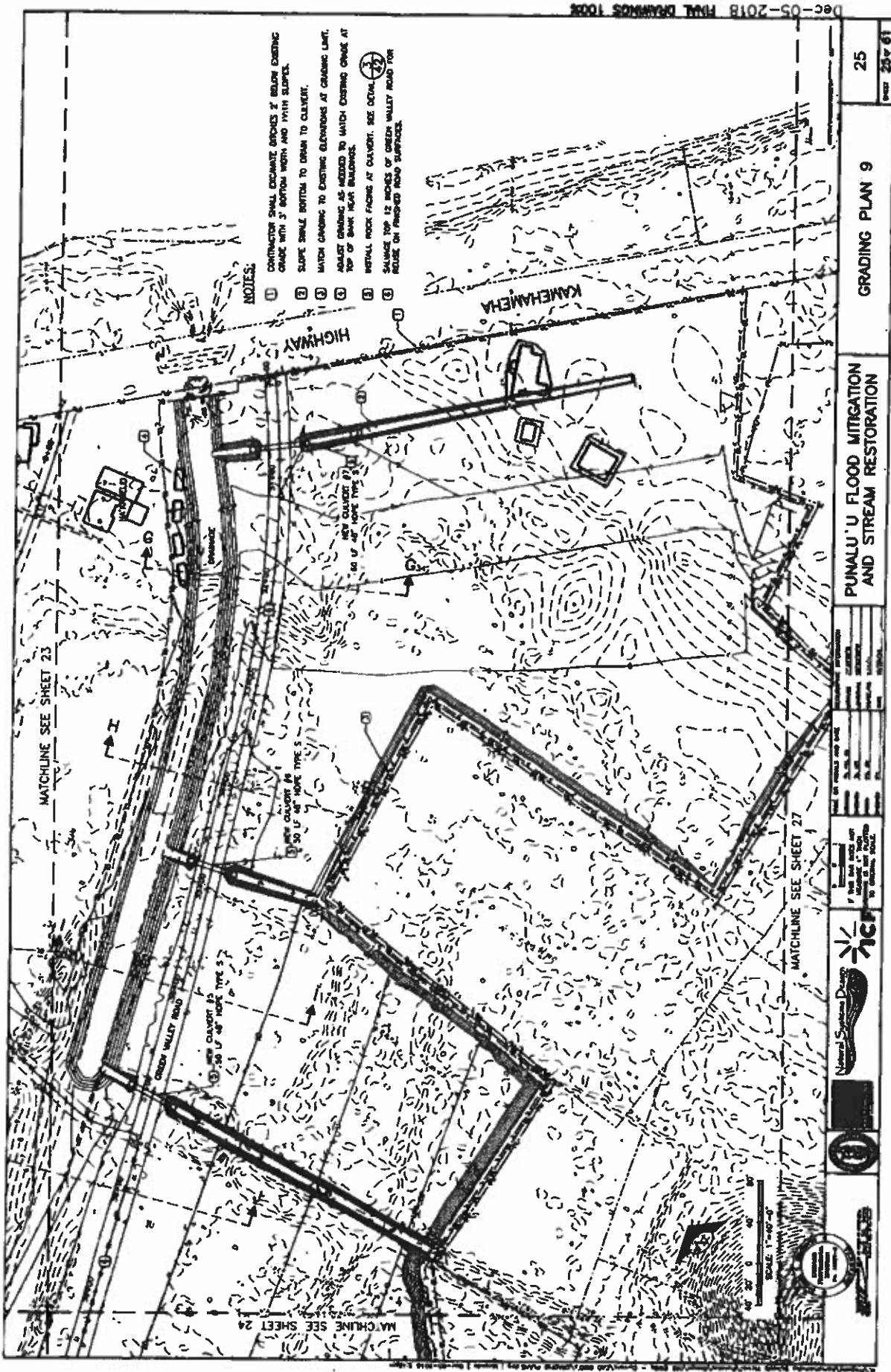


EXHIBIT V

CITY COUNCIL
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CERTIFICATE

RESOLUTION 21-267, CD1

Introduced: 11/24/21 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

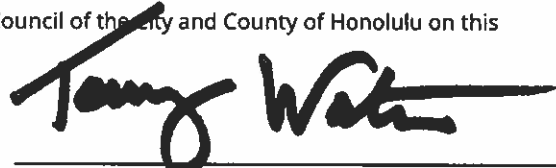
Title: GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE PUNALUU STREAM RESTORATION PROJECT.

Voting Legend: * = Aye w/Reservations

11/24/21	INTRO	Introduced.
12/01/21	CCL	M-601 approved. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
01/13/22	ZP	Reported out for adoption as amended in CD1 form. CR-005 (22) 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
01/26/22	CCL	Committee report and Resolution as amended 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