

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
February 8, 2023

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

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 22-293 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE
PERMIT TO ALLOW RENOVATIONS AND ADDITIONS AT SEA LIFE PARK AT
TAX MAP KEY ("TMK") 4-1-014: 004 IN WAIMĀNALO,"

as transmitted by Departmental Communication 831 (2022) from the Department of
Planning and Permitting ("DPP"), dated December 16, 2022, and introduced on
December 28, 2022, reports as follows:

The purpose of the Resolution is to grant a Special Management Area ("SMA")
Use Permit to Parques Reunidos ("Applicant") to allow renovations and additions at
Sea Life Park, located in the P-1 Restricted Preservation Zoning District at
41-202 Kalaniana'ole Highway Number 7, identified as TMK 4-1-014: 004 herein referred
to as (the "Project").

In Departmental Communication 831 (2022), the DPP reported that the Project will
consist of renovations and additions at Sea Life Park. The Applicant proposes to renovate
or expand 14 exhibits and related facilities with the goal of accommodating up to
1,300 visitors per day (up from an average visitor count of 1,072 in 2017). In total, the
proposed renovations and additions will result in an increase of 47,856 square feet of
floor area.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO.

28

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
February 8, 2023
Page 2

Specifically, the Project consists of the following proposed renovations and/or expansions:

- Entry Feature — new signage and landscaping
- Entry Concierge and Gift Shop — demolishing an existing one-story building and constructing a new approximately 42-foot-high building with a ticket lobby and view deck on the upper floor, and restrooms and a gift shop on the bottom floor, as well as new bridges connecting to the Shark Cave and new rooftop lanai at Beach Boy Lanai. The proposed structure will add approximately 4,535 square feet of floor area.
- Honu Conservation and Education Center — demolishing and adding two new pools with both above and underwater viewing areas, a renovated classroom, and new shaded gathering space with stage and seating area, adding approximately 3,030 square feet of floor area.
- Ocean Oddities Indoor Aquarium — constructing a new climate-controlled facility themed to provide an underwater experience with video and aquariums, with approximately 15,400 square feet of floor area and up to 20 feet high.
- Kaupo Fishing Village and Support Facilities — demolishing two aging facilities and building a new facility with 25-foot-high open hale structures for demonstrations, restrooms, and a new access road, adding approximately 14,620 square feet of floor area.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO. **28**

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
February 8, 2023
Page 3

- Hawaii Ocean Theater — renovating the existing theater with new upper level seating and roof structure for shade, and a new underwater viewing area, adding approximately 1,100 square feet of floor area.
- Penguin Cove — demolishing and relocating the new pool near Hawaii Ocean Theater, adding approximately 500 square feet of floor area.
- Seabird Sanctuary and Rehabilitation Facility — relocating the enclosure and pool, and building a new office/rehab building to provide medical services, as well as a new covered pavilion and walking path adding approximately 2,221 square feet of additional floor area.
- Hale Manu Aviary — relocating the existing aviary and constructing a new screened enclosure and covered pavilion, adding approximately 300 square feet of floor area.
- Menehune Island Splash Play Area — renovating the existing kids' play zone with a new open water play area with a play structure, toddler pool, carousel, 18-foot-high covered pavilion, seating, and renovated retail building, adding approximately 3,350 square feet of floor area.
- Beach Boy Lanai — reconstructing a 10-foot-high roof and add rooftop lanai, green roof features, and possibly solar panels, adding approximately 2,800 square feet of floor area and reaching 18.5 feet in height.

The Project also proposes to increase the existing parking area (which currently consists of 199 visitor spaces, 55 employee spaces [shared with the adjacent Oceanic Institute], and six bus spaces) to accommodate 315 visitor spaces, 85 employee spaces,

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO. **28**

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
February 8, 2023
Page 4

and five bus spaces, plus overflow spaces. Landscaping in each area will be refreshed using drought tolerant native plants and new trees in the parking lot.

Your Committee notes that the DPP, after a public hearing held October 12, 2022, recommends approval of the application, subject to special conditions relating to transportation, visual impacts, landscaping, and seawater pumping and disposal, as well as standard conditions related to historic and cultural resources, wildlife, and deadlines for obtaining development permits, as set forth in the Resolution.

At your Committee's meeting on February 8, 2023, the Applicant's Agent provided a brief presentation of the proposed Project and responded to questions from Councilmembers.

The DPP Director Designate testified in support of the Resolution.

Community Advocacy Research Education Services (CARES) and one individual testified in support of the Resolution.

Your Committee received written testimony in support of the Resolution from Windward Snow Shave Ice Co, E Noa Tours, Fly Shuttle & Tours, So FAT Catering, Malala Na Honu, and one individual.

Your Committee has carefully reviewed the conditions recommended by the DPP for inclusion in this SMA Use Permit. Although your Committee generally finds the DPP's proposed conditions to be appropriate, your Committee recommends that certain conditions be amended or added as discussed below.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO. **28**

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
February 8, 2023
Page 5

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

- A. Revises Condition C.2 to delete the phrase "beach sandalwood and other."
- B. Adds a new Condition C.3 that provides that construction permit plans must show that the new Entry Concierge and Gift Shop roof has an earth-toned, natural brown color.
- C. Adds a new Condition G that provides that if the new Entry Concierge and Gift Shop building is found to have visual impacts to the surrounding area, the Applicant shall mitigate those impacts and reletters subsequent conditions accordingly.
- D. Updates relettered Condition I to the standard language used in Special Management Area Use Permit resolutions.
- E. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to § 205A-26 of the Hawaii Revised Statutes ("HRS") and § 25-3.2 of the Revised Ordinances of Honolulu 2021 ("ROH"), and in agreement with the conclusion of the Department of Planning and Permitting in Departmental Communication 831 (2022), that:

- 1. The development, as conditioned, will not have any substantial adverse environmental or ecological effect, either alone or cumulatively with other projects.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO.

28

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'aina, Matt Weyer

Committee Meeting Held
February 8, 2023
Page 6

2. The development is consistent with the objectives and policies set forth in ROH § 25-3.1 and HRS § 205A-2, and area guidelines contained in ROH § 25-3.2 and HRS § 205A-26.
3. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

Your Committee on Zoning is in accord with the intent and purpose of Resolution 22-293, as amended herein, and recommends its adoption in the form attached hereto as Resolution 22-293, CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'aina, Say, Weyer – 5; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

FEB 22 2023

COMMITTEE REPORT NO. 28



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW
RENOVATIONS AND ADDITIONS AT SEA LIFE PARK AT TAX MAP KEY
4-1-014:004 IN WAIMĀNALO.

WHEREAS, on August 26, 2022, the Department of Planning and Permitting ("DPP") accepted an application (File No. 2022/SMA-57) from Parques Reunidos (the "Applicant") for a Special Management Area ("SMA") Use Permit to allow renovations and additions at Sea Life Park, located in the P-1 Restricted Preservation District at 41-202 Kalaniana'ole Highway Number 7, Waimānalo, and identified as Tax Map Key No. 4-1-014:004 (the "Project"); and

WHEREAS, on October 12, 2022, the DPP held a public hearing which was attended in person by the Applicant's agent, DPP staff members, and several members of the public; and

WHEREAS, on December 16, 2022 (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 established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu 2021 ("ROH"), and Sections 205A-2 and 205A-26 of the Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendations to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on December 20, 2022, by Departmental Communication 831 (2022), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit, subject to the conditions enumerated below; now, therefore,

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. Development must be in general conformity with the Project as described in the DPP's findings and recommendations, referenced above, and as depicted in Exhibits A through Z, attached hereto and incorporated herein by this reference. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapter 25, 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



RESOLUTION

modification and may be permitted under this resolution, upon review and approval of the DPP Director.

- B. Prior to the issuance of building permits, the Applicant must provide documentation to the DPP showing that the traffic-related concerns at both the north and east driveway intersections have been addressed with the State of Hawai'i Department of Transportation, and that a transportation demand management strategy that includes a walking path along the east driveway has been submitted to the Department of Transportation Services.
- C. Construction permit plans must:
 - 1. Note that archaeological monitoring is required during construction;
 - 2. Include existing and proposed landscaping plans showing the use of native, drought resistant plants, and showing that new tree canopy coverage meets or exceeds any lost tree canopy coverage; and
 - 3. Show that the new Entry Concierge and Gift Shop roof has an earth-toned, natural brown color.
- 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 and contact the State Historic Preservation Division ("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.
- E. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and nearshore marine species that may frequent or traverse the vicinity of the Project site:
 - 1. The decorative basket features mounted on the Entry Feature wall must not be illuminated;
 - 2. The Entry Feature sign may be illuminated; provided that the Applicant utilizes full cutoff fixtures or another light source that minimizes light spillage. The lighting details must be shown on the building permit plans and sign permit plans;



RESOLUTION

3. The signage lighting must be turned off after the last guest enters the facility;
 4. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;
 5. Artificial light from exterior lighting 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);
 6. Outdoor light fixtures must be shielded using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture;
 7. Outdoor lighting must be turned off when human activity is not occurring in the illuminated area;
 8. All Project site work and construction activities are limited to daylight hours; and
 9. Woody plants taller than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season from June 1 through September 15.
- F. If tests indicate adverse impacts on coastal waters from seawater pumping or disposal, the Applicant must consider modifying the depth of the dispersion wells or utilizing an alternate method of seawater disposal.
- G. If the new Entry Concierge and Gift Shop building is found to have visual impacts to the surrounding area, the Applicant shall mitigate those impacts.
- H. **The Applicant must obtain a development permit for the Project within four years after the effective date 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:



RESOLUTION

1. The DPP Director may extend this period if the Applicant demonstrates good cause, but the period cannot be extended beyond one year from the initial deadline set by City Council.
2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the City Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed 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 the 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.

- I. Approval of this SMA Use Permit does not constitute compliance with other City ordinances, including but not limited to the Land Use Ordinance ("LUO") and building and construction codes, or other governmental requirements, including but not limited to LUO, building, 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 City ordinances and other governmental provisions and requirements; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 22-293, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Director of Planning and Permitting; Barbara Natale, G70, 111 South King Street, Suite 170, Honolulu, Hawai'i 96813; and Valerie King, Parques Reunidos, 41-202 Kalaniana'ole Highway Number 7, Waimānalo, Hawai'i 96795.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

December 28, 2022
Honolulu, Hawai'i

Councilmembers

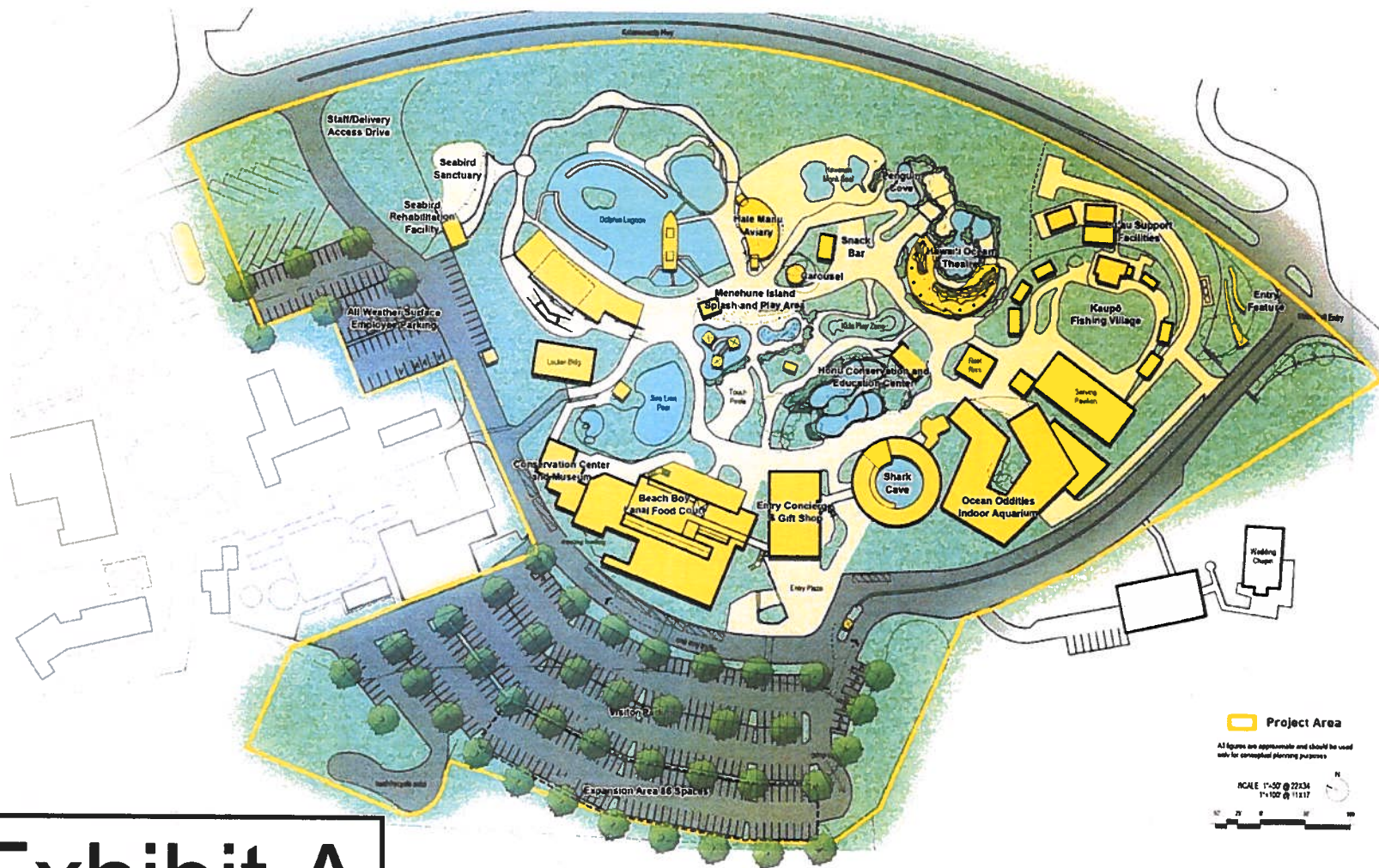


Exhibit A

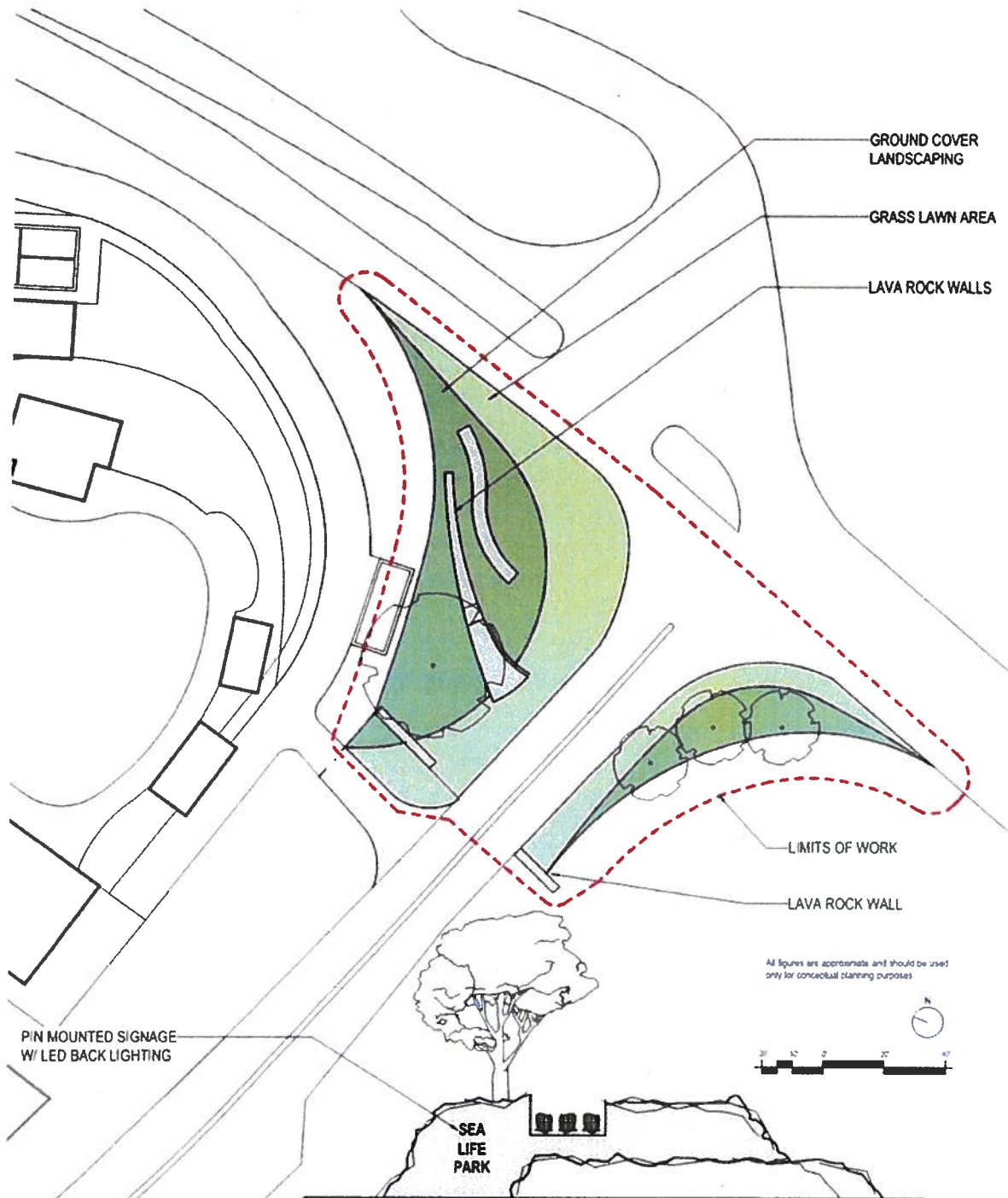
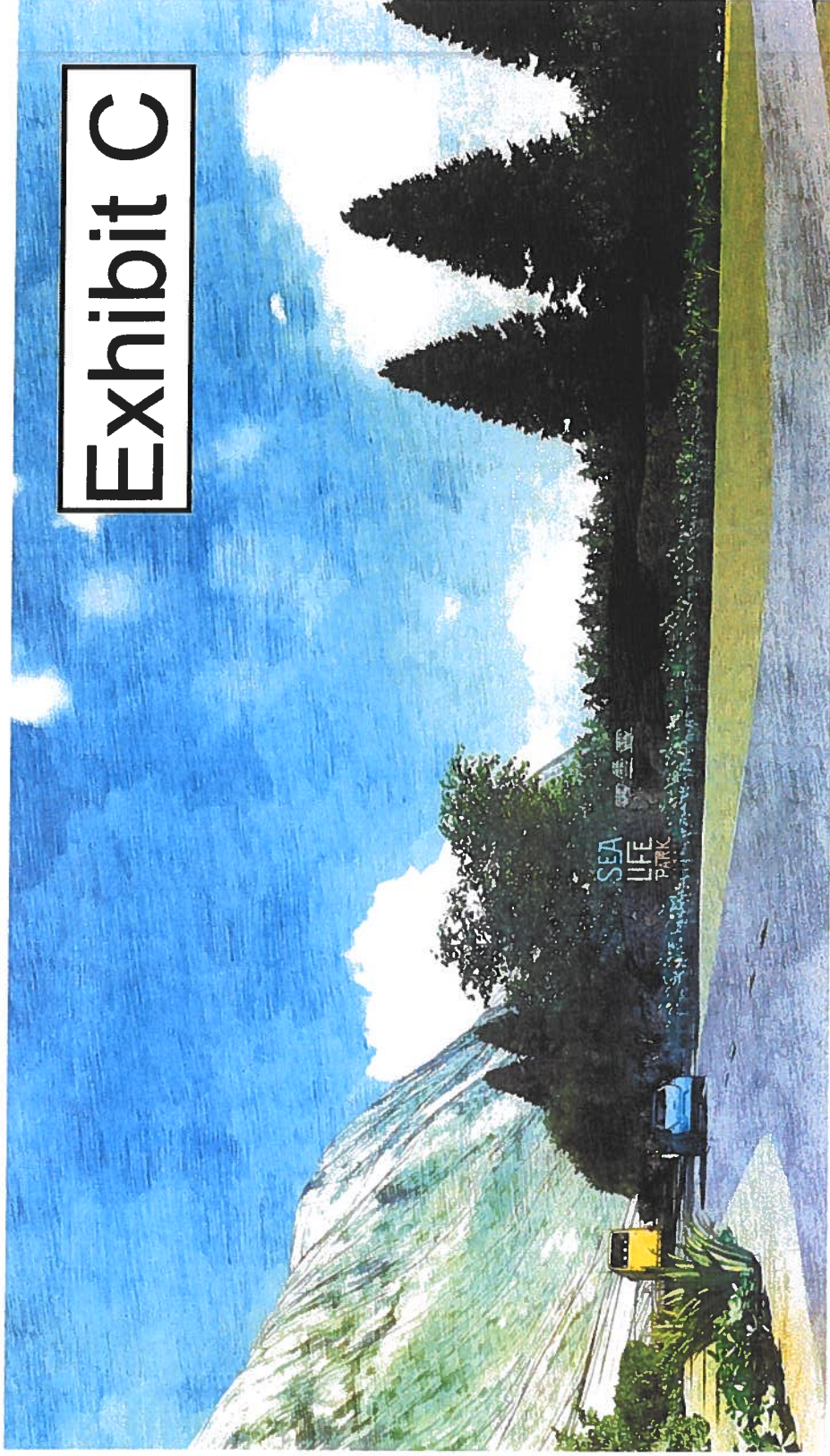


Figure 2.5

Exhibit B

Updated Entry Feature Concept

Exhibit C



View looking towards park entry road from Kalanianaʻole Hwy intersection

Chapter 5

Concepts and Renderings



Figure 5.1

Entry Concierge Rendering

Exhibit D

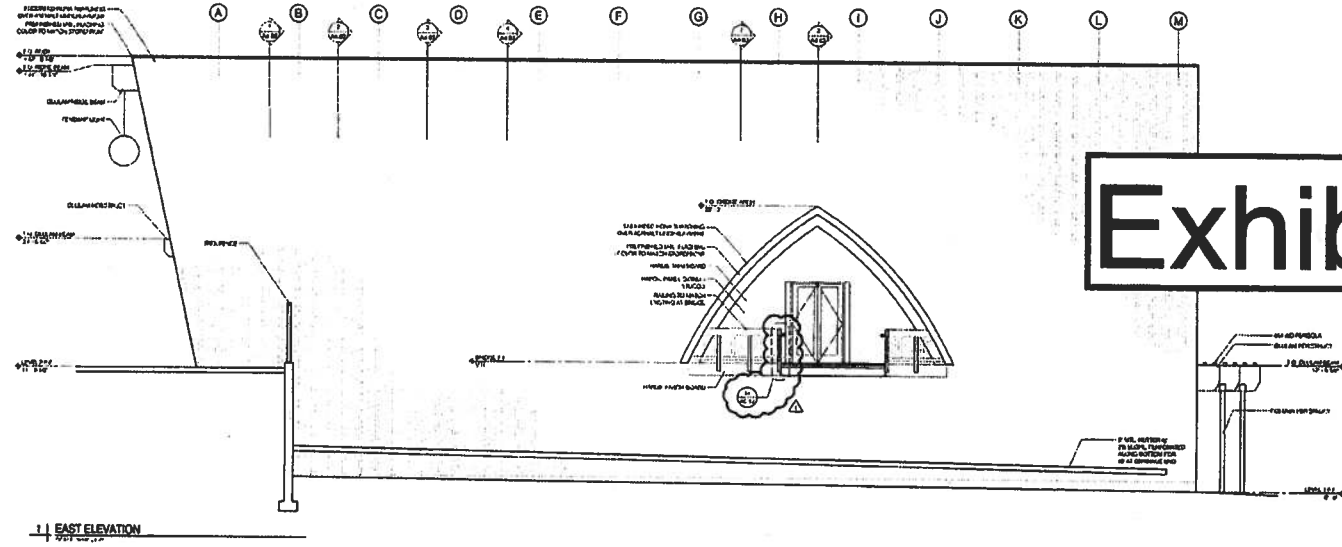
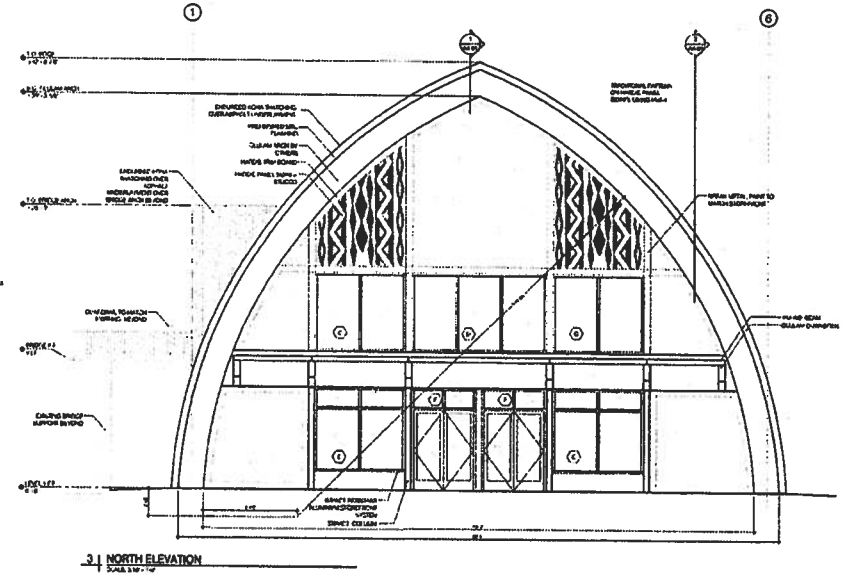
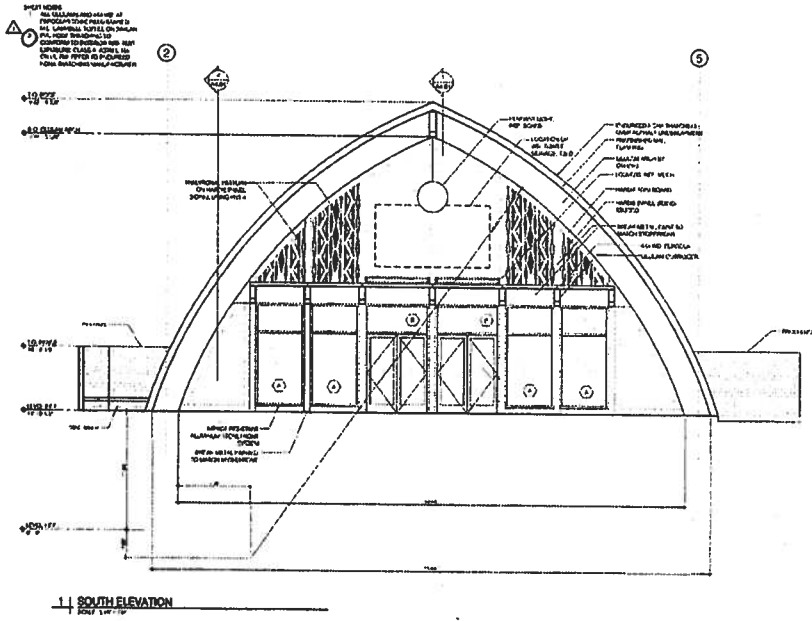


Exhibit E

HG Architecture
228 S. Washington St.
Spokane, WA 99201
509-325-3344
studio@hg.com

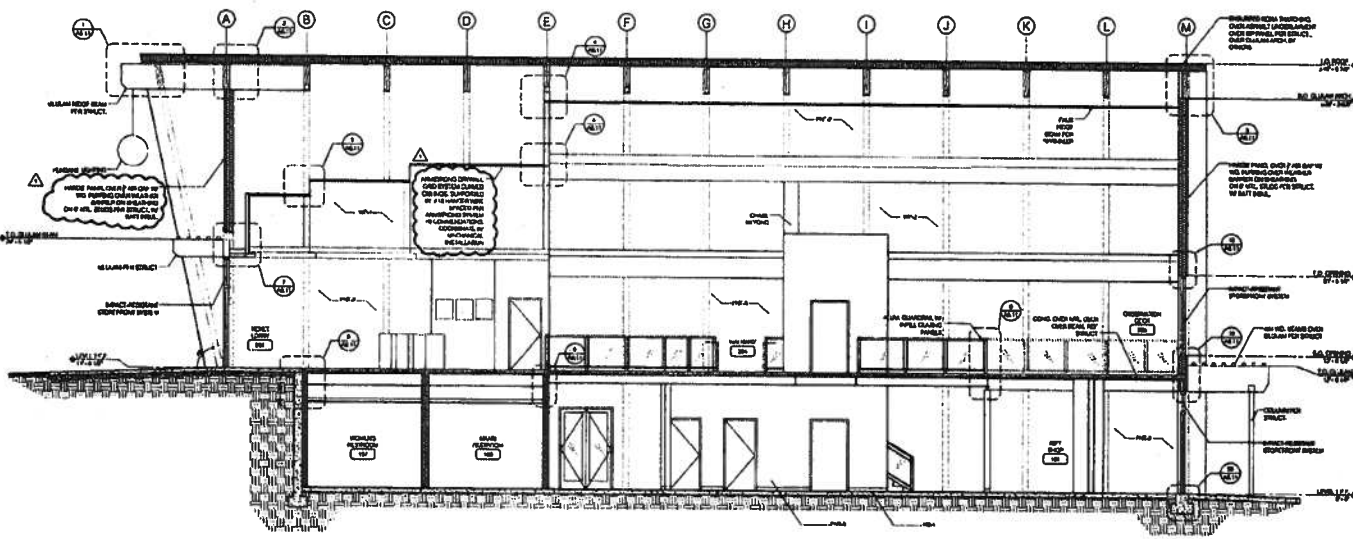


THIS WORK WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF WASHINGTON. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE USE OF THIS DOCUMENT FOR ANY OTHER PROJECT OR PURPOSE.
DATE: 04/18/2018

Empty Condos & Gift Shop
See Life Park Mall
14002 Federal Road Hwy
Wenatchee, WA 98806

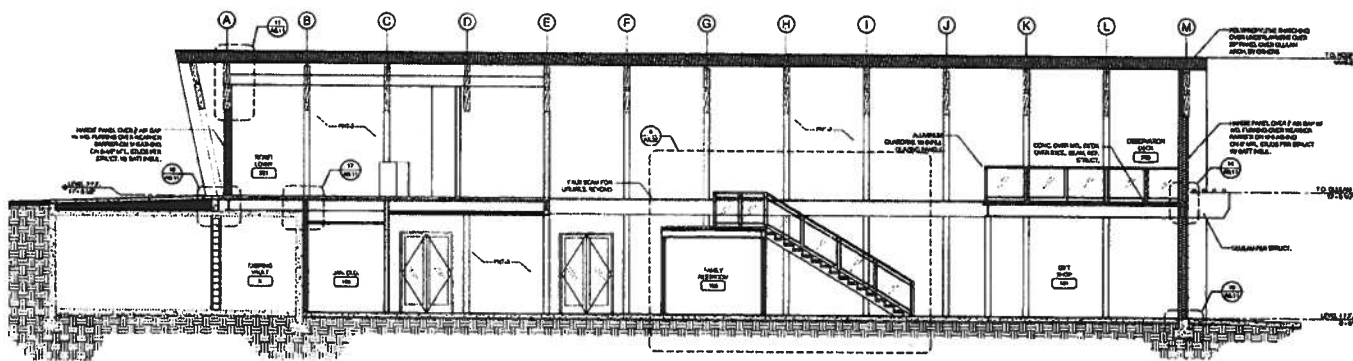
Project by: J.E. Hargrave
Date: 07/17

A3.01
Exterior Elevations
PERMIT SET



1.1 BUILDING SECTION
SECTION 1.1

Exhibit F



2.1 BUILDING SECTION
SECTION 2.1

HDG Architecture
225 S. Main Street
Rochester, NY 14601
585-251-1000
info@hdgarch.com



THIS DRAWING WAS PREPARED
BY ME OR UNDER MY
SUPERVISION AND I AM A
LICENSED PROFESSIONAL ENGINEER
IN THE STATE OF NEW YORK.
DATE OF PREPARATION: APRIL 22, 2018

Entry Condos & Gift Shop
See Site Plan, Hawaii
41-302 Kalaheo Hwy
Kalaheo, HI 96740

Project: 18.02
Client: HDG
Date: 12.1.17

A4.01
Building Sections
PERMIT SET

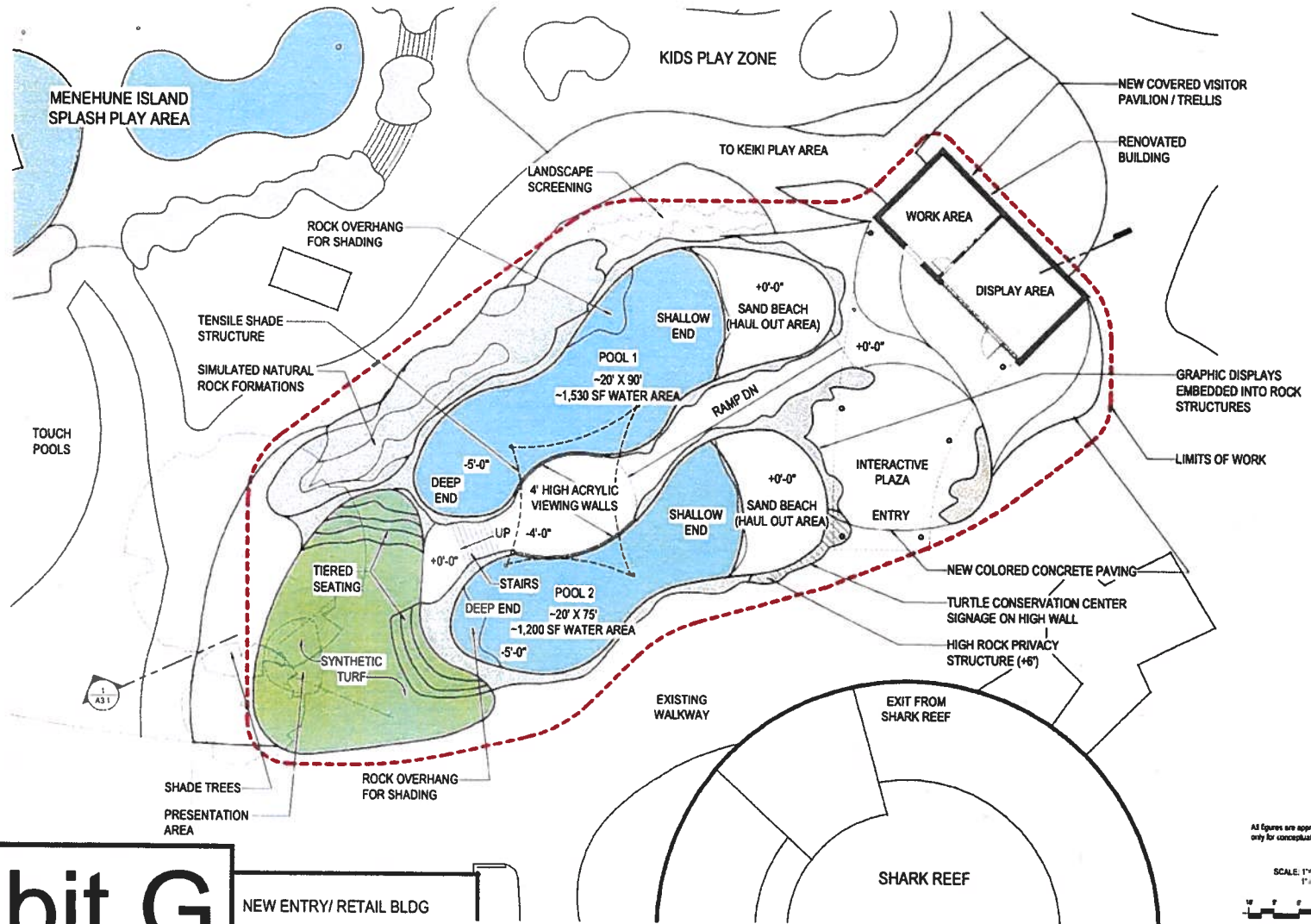
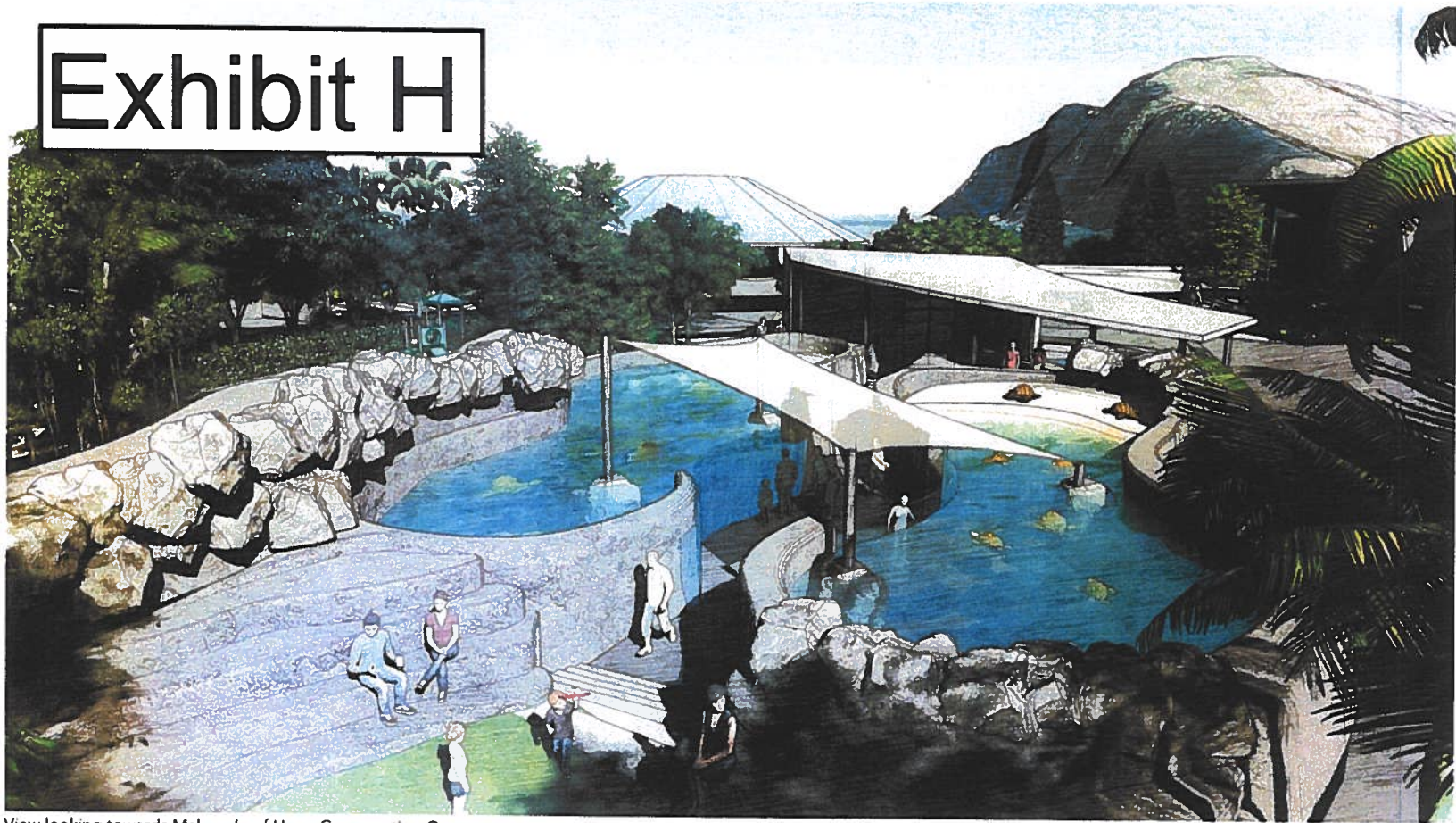


Exhibit G

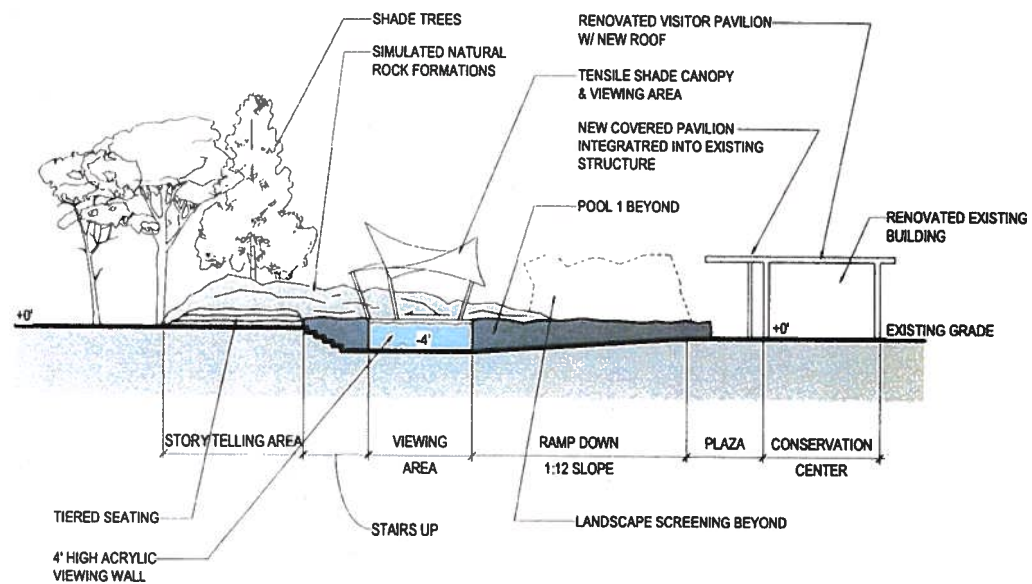
NEW ENTRY/ RETAIL BLDG

Exhibit H



View looking towards Makapu'u of Honu Conservation Center

Exhibit I



All figures are approximate and should be used only for conceptual planning purposes.

SCALE: 1"=10' @ 22X34
1"=20' @ 11X17



Exhibit J

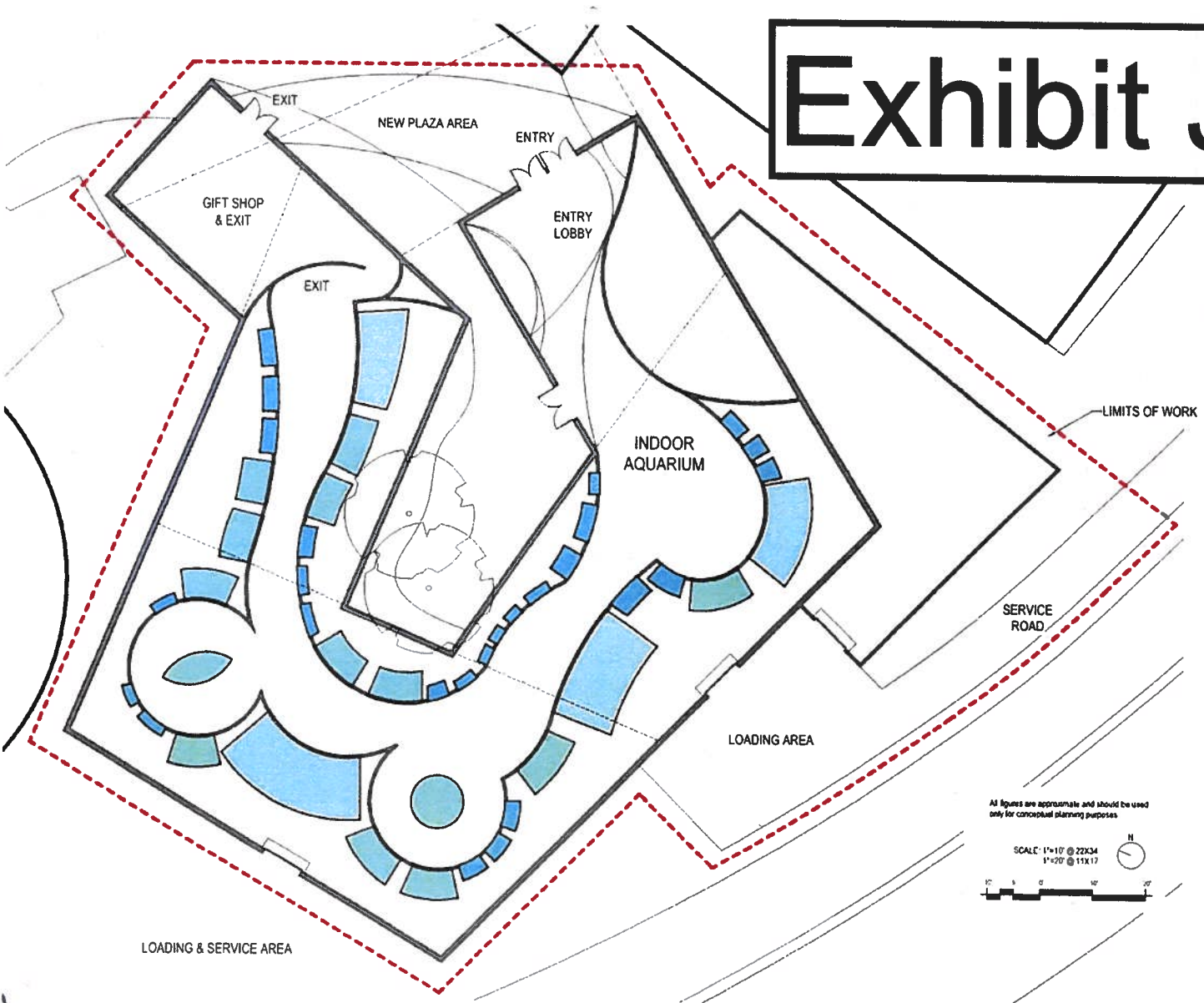


Figure 5.4

Indoor Aquarium Concept

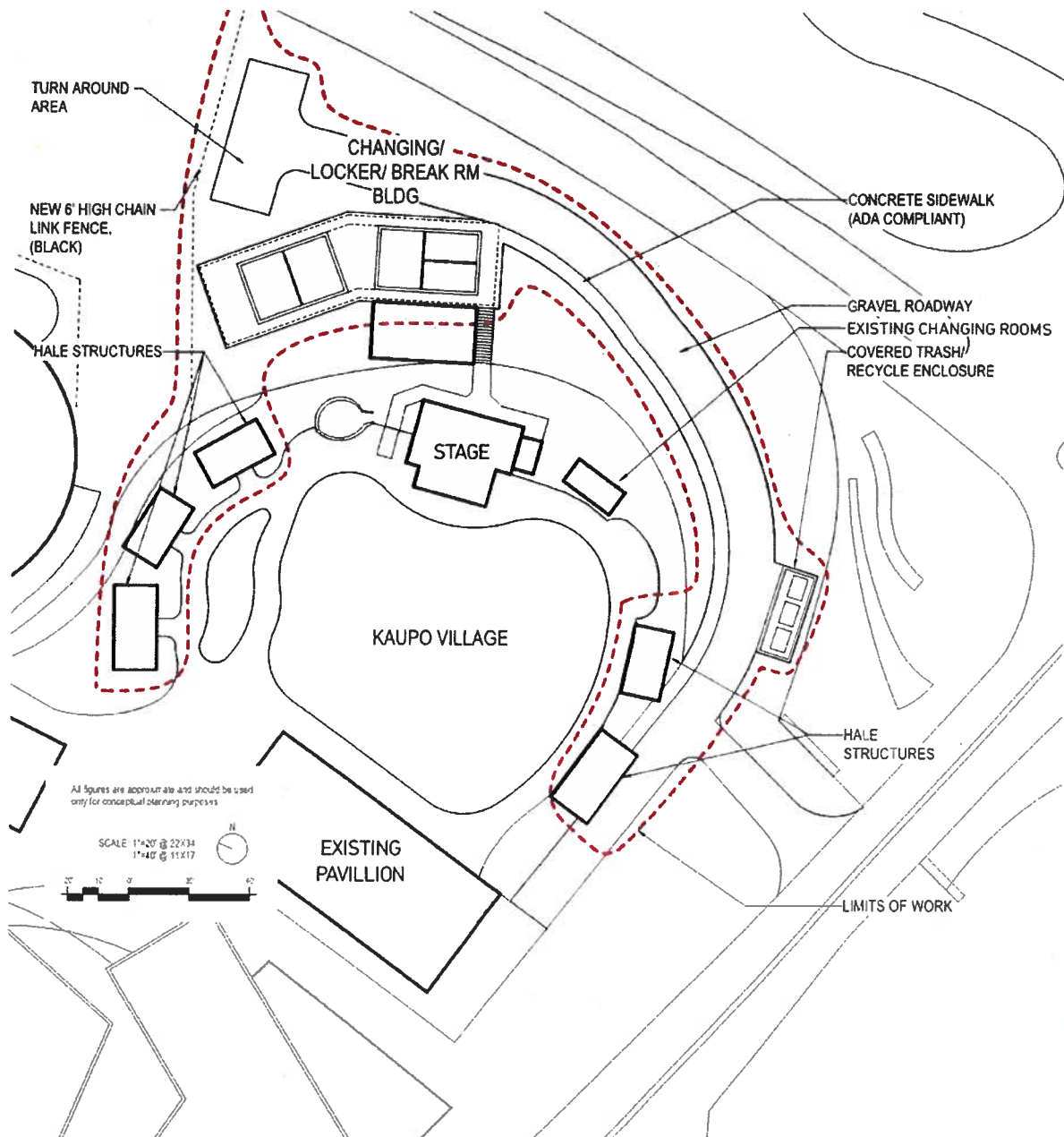


Figure 5.5

Exhibit K

Kaupō Fishing Village Concept

Exhibit L

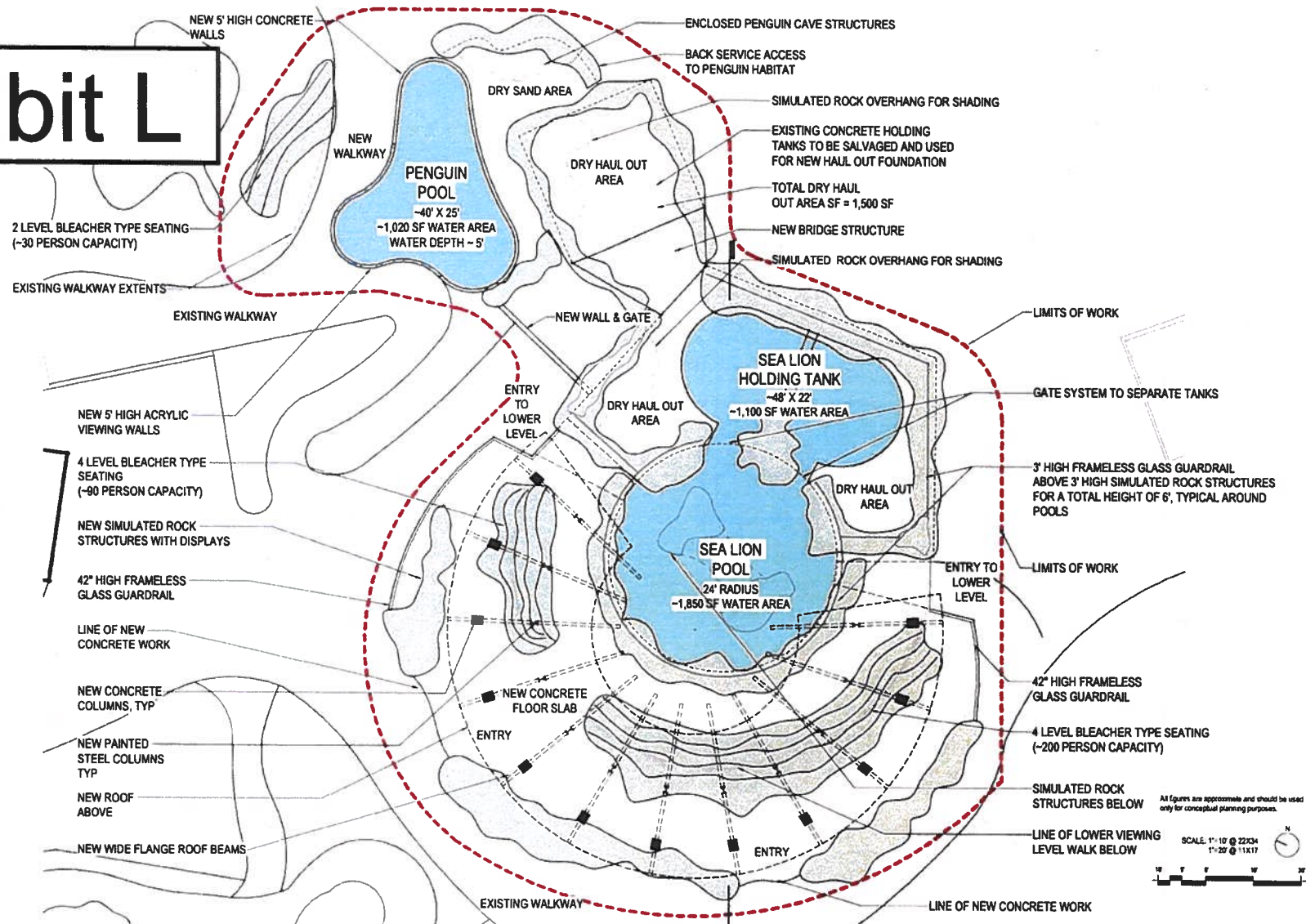
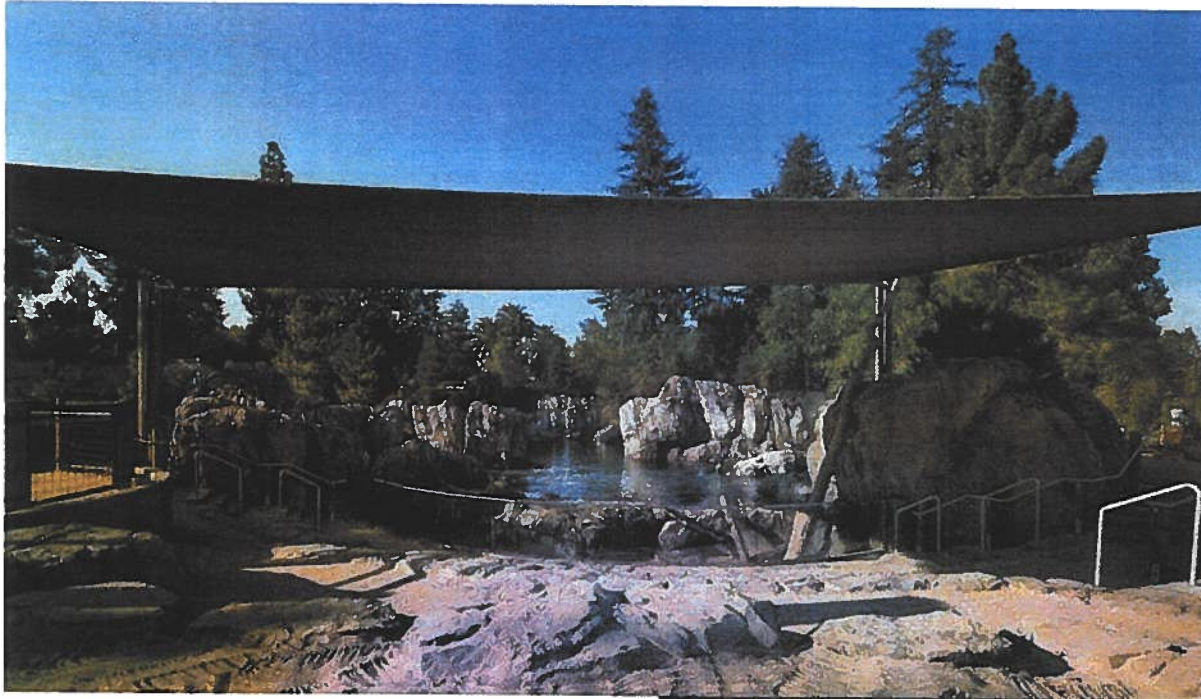


Exhibit M



Fresno Zoo Sea Lion Cove Precedent

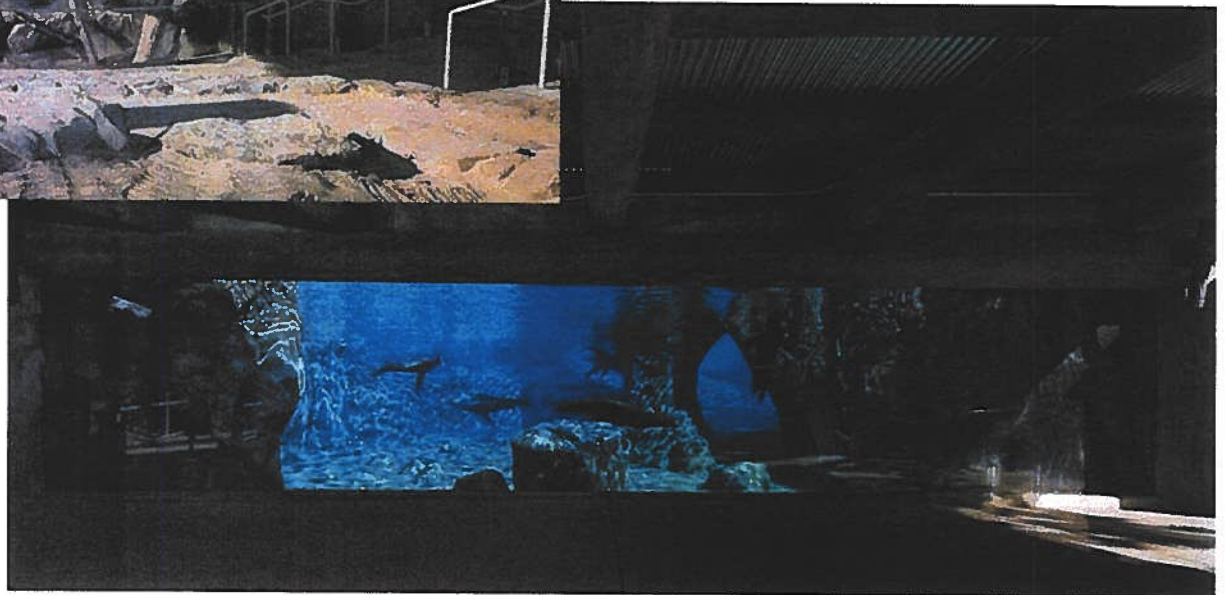
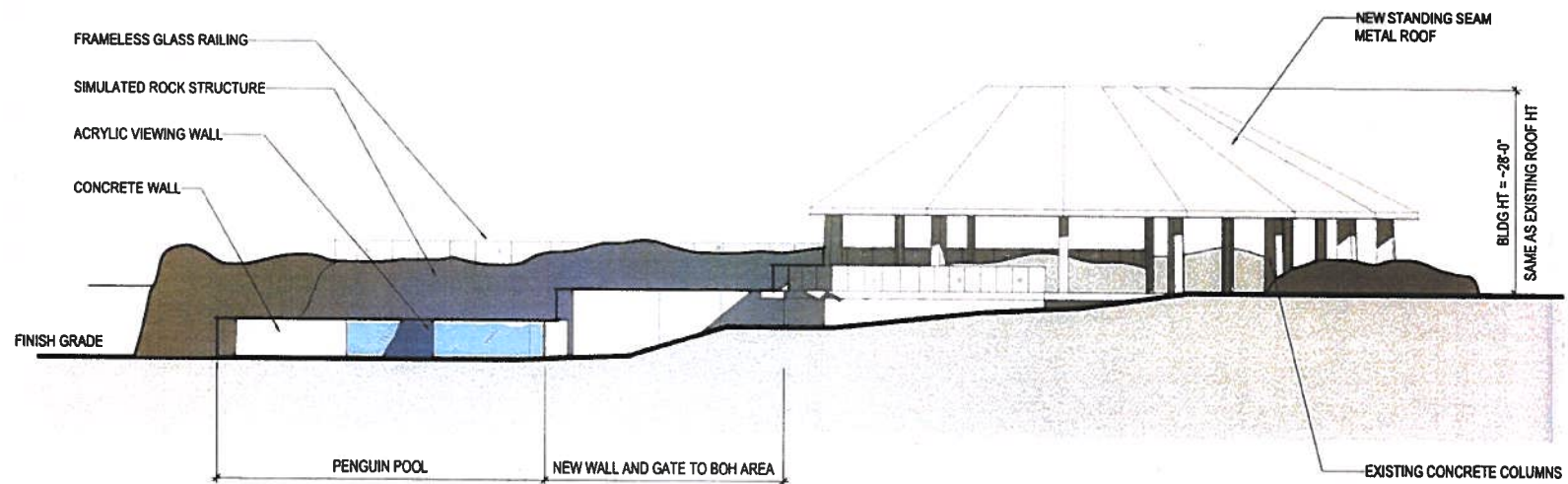




Exhibit N

View looking makai at upper level of Hawaii Ocean Theater

Exhibit O



1 SEA LION COVE NORTH ELEVATION
SCALE 1/8" = 1'-0"

All figures are approximate and should be used only for conceptual planning purposes.

SCALE: 1"=10' @ 22X34
1"=20' @ 11X17



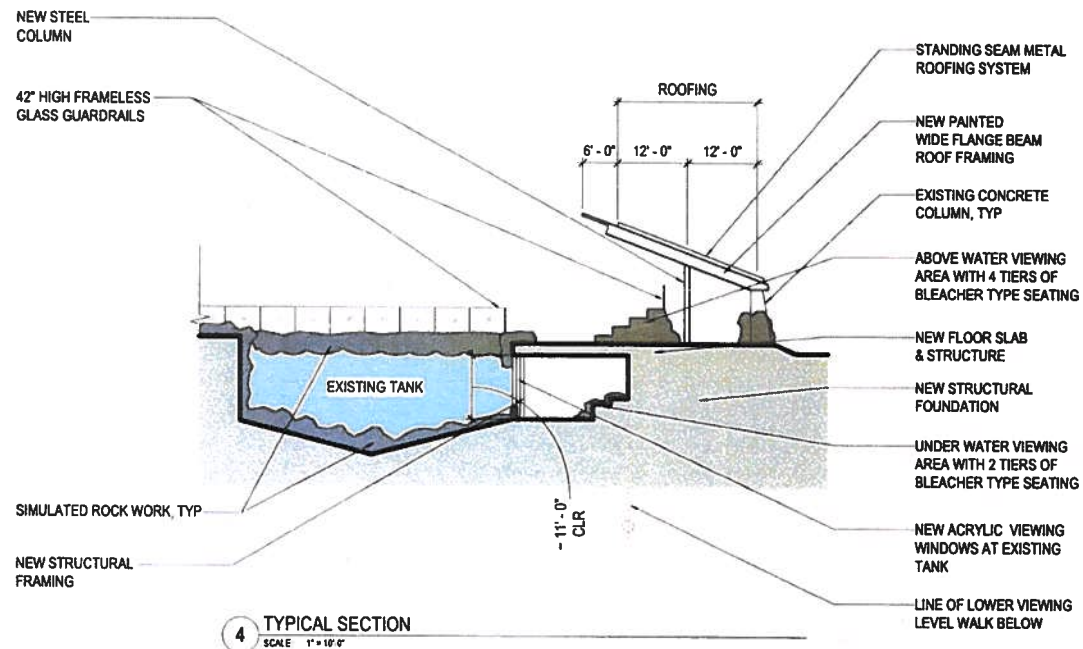


Exhibit P

All figures are approximate and should be used only for conceptual planning purposes.

SCALE: 1"=10' @ 22X34
1"=20' @ 11X17



Exhibit Q

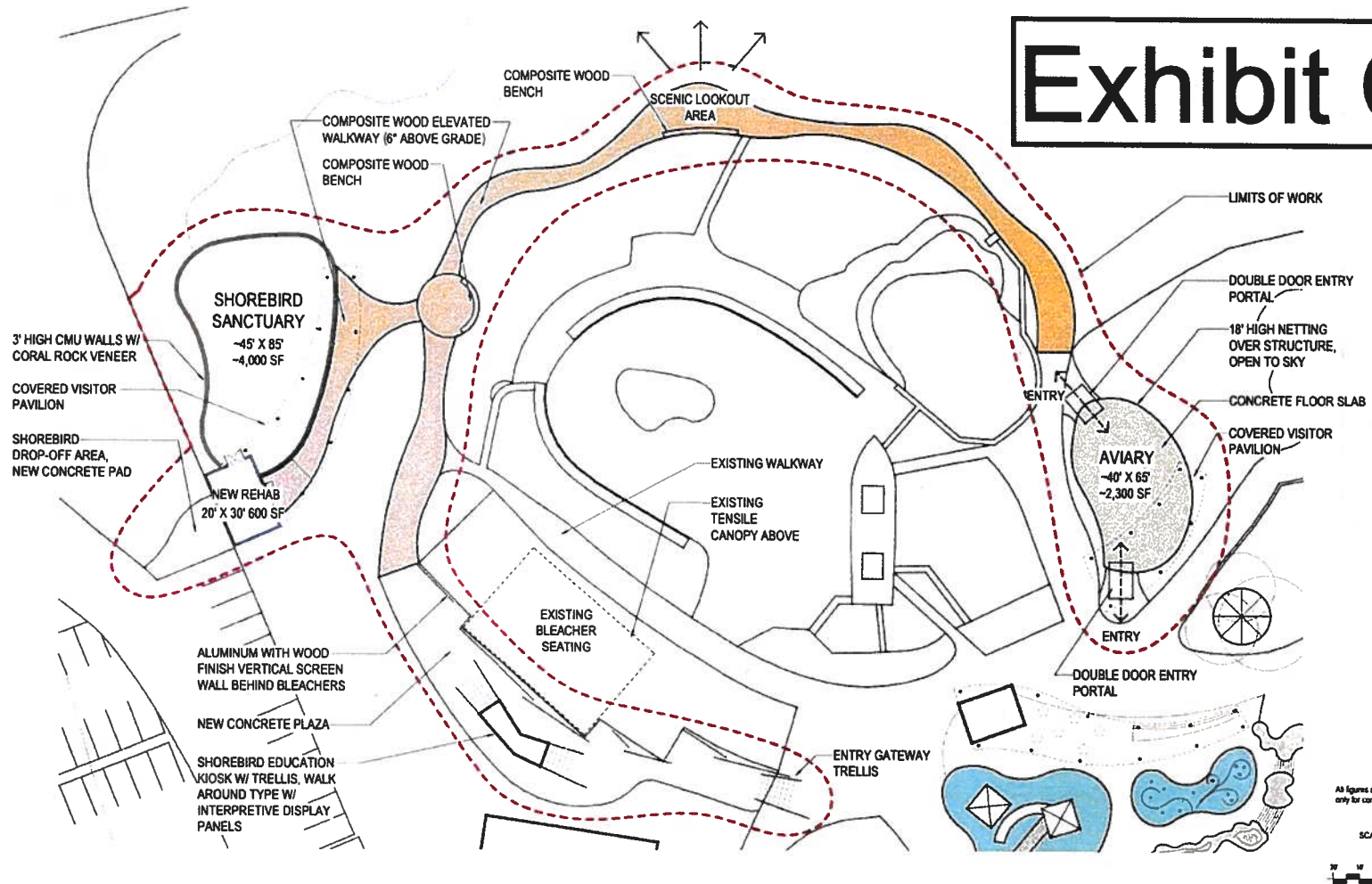
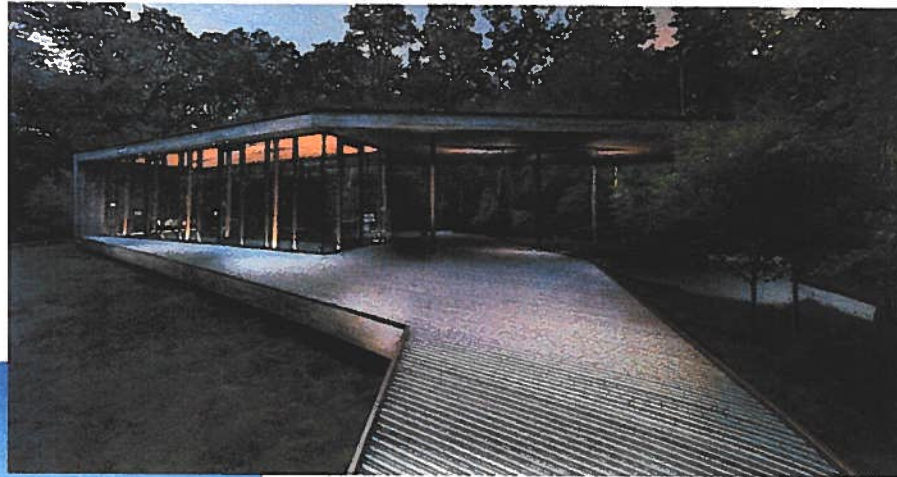


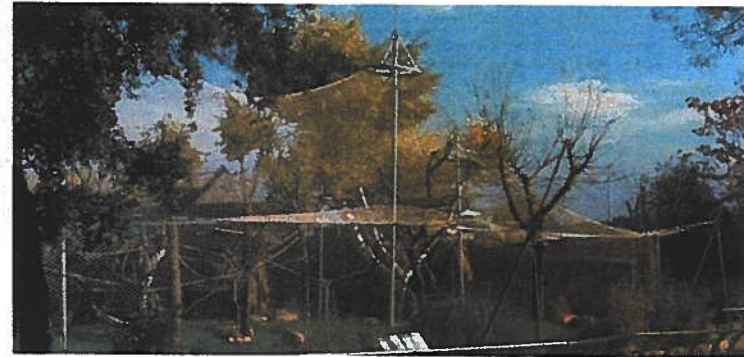
Exhibit R



Pavilion and Boardwalk Precedent



Pavilion Precedent

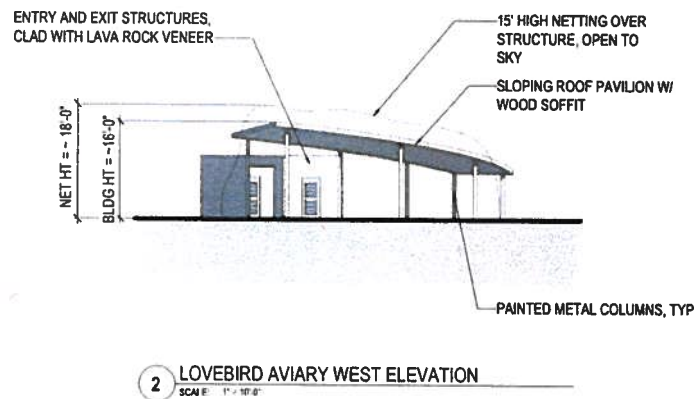
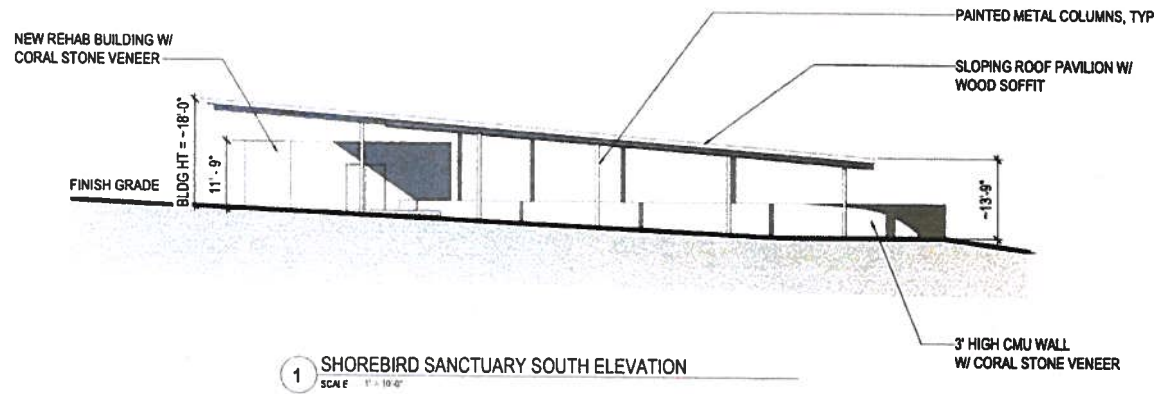


Aviary Precedent

Exhibit S



View looking makai towards new Shorebird Sanctuary



All figures are approximate and should be used only for conceptual planning purposes.

SCALE: 1" = 10' @ 22X34
1" = 20' @ 11X17



Exhibit T

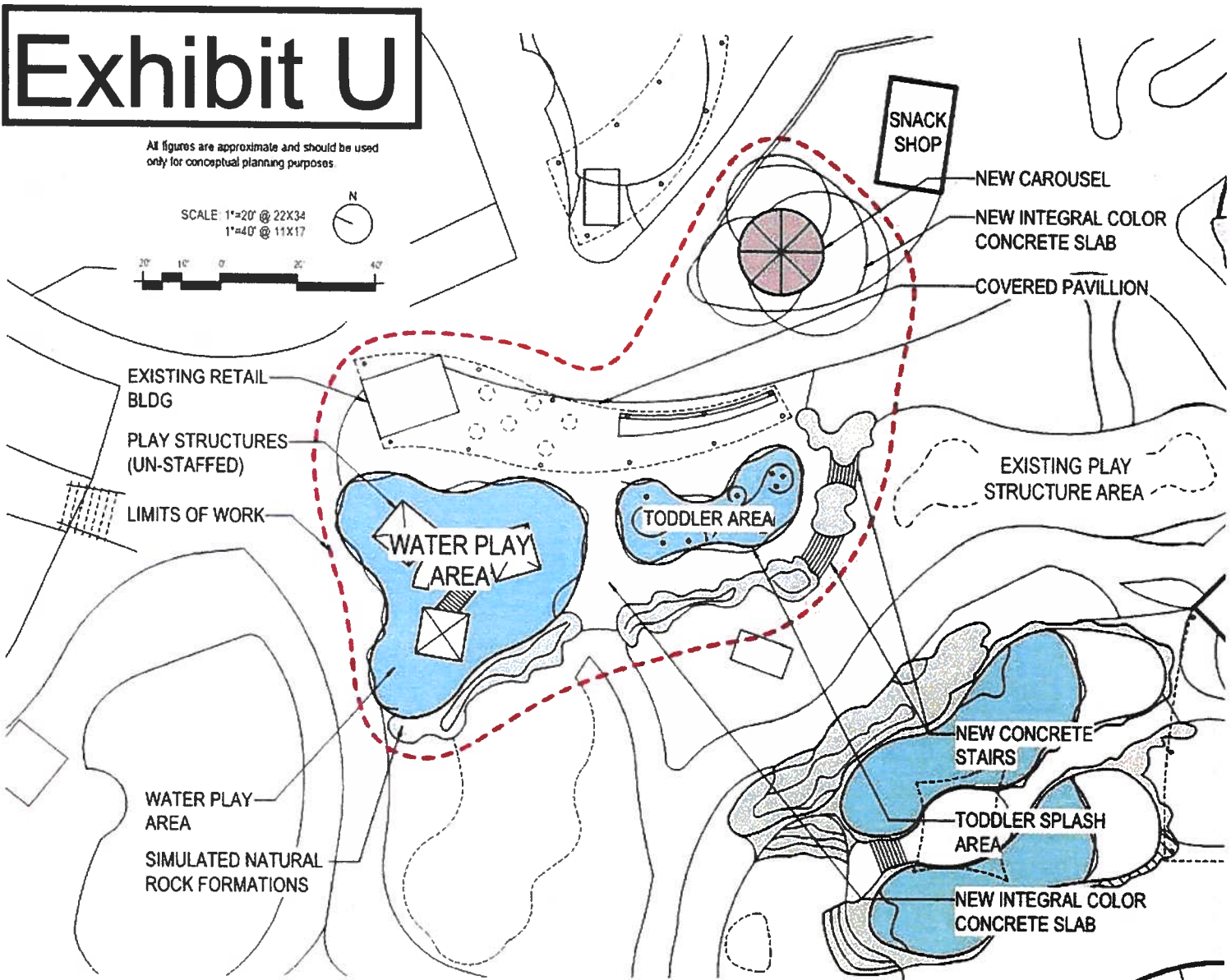


Figure 5.9

Menhune Island Splash Play Area Concept

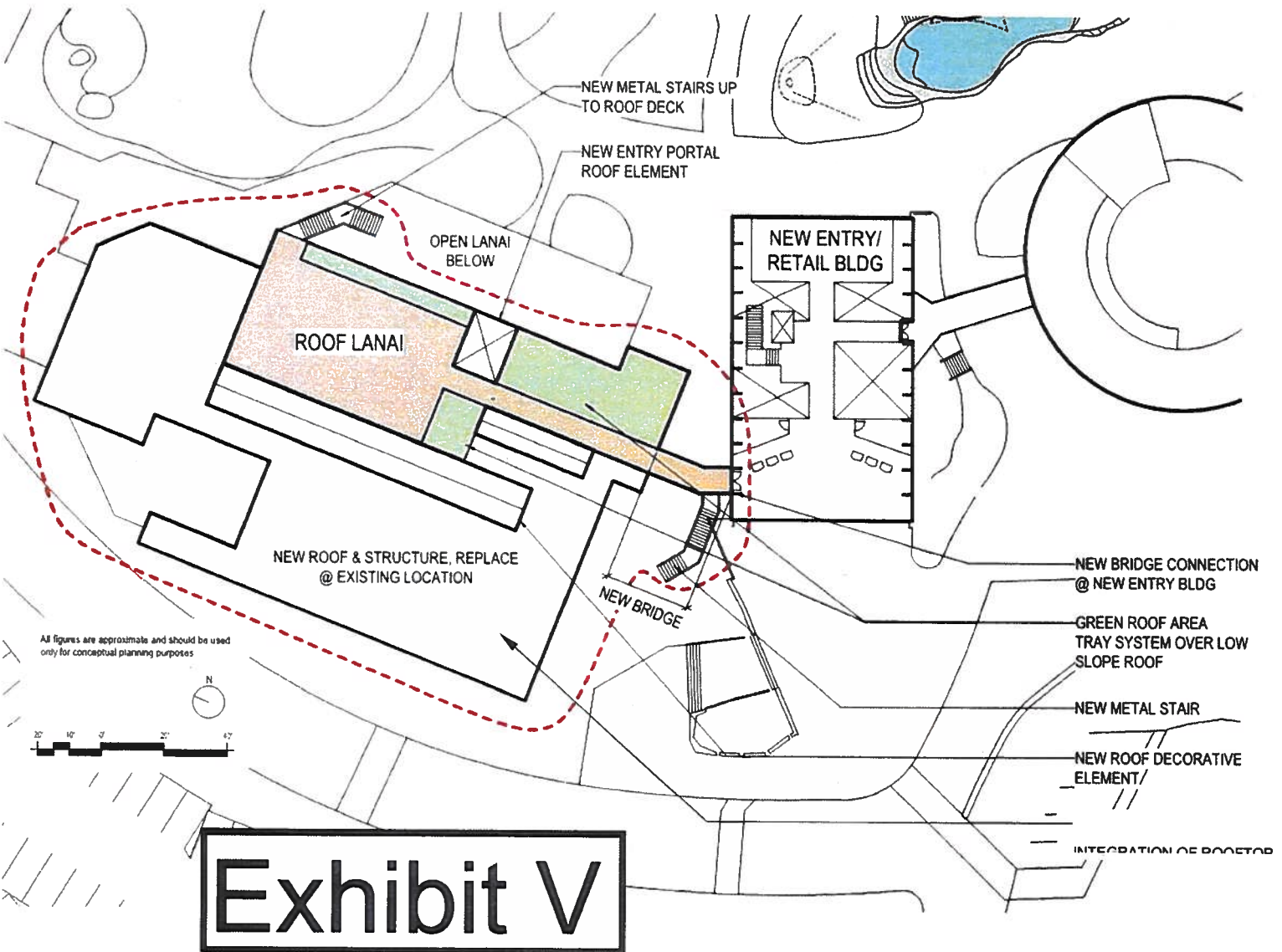
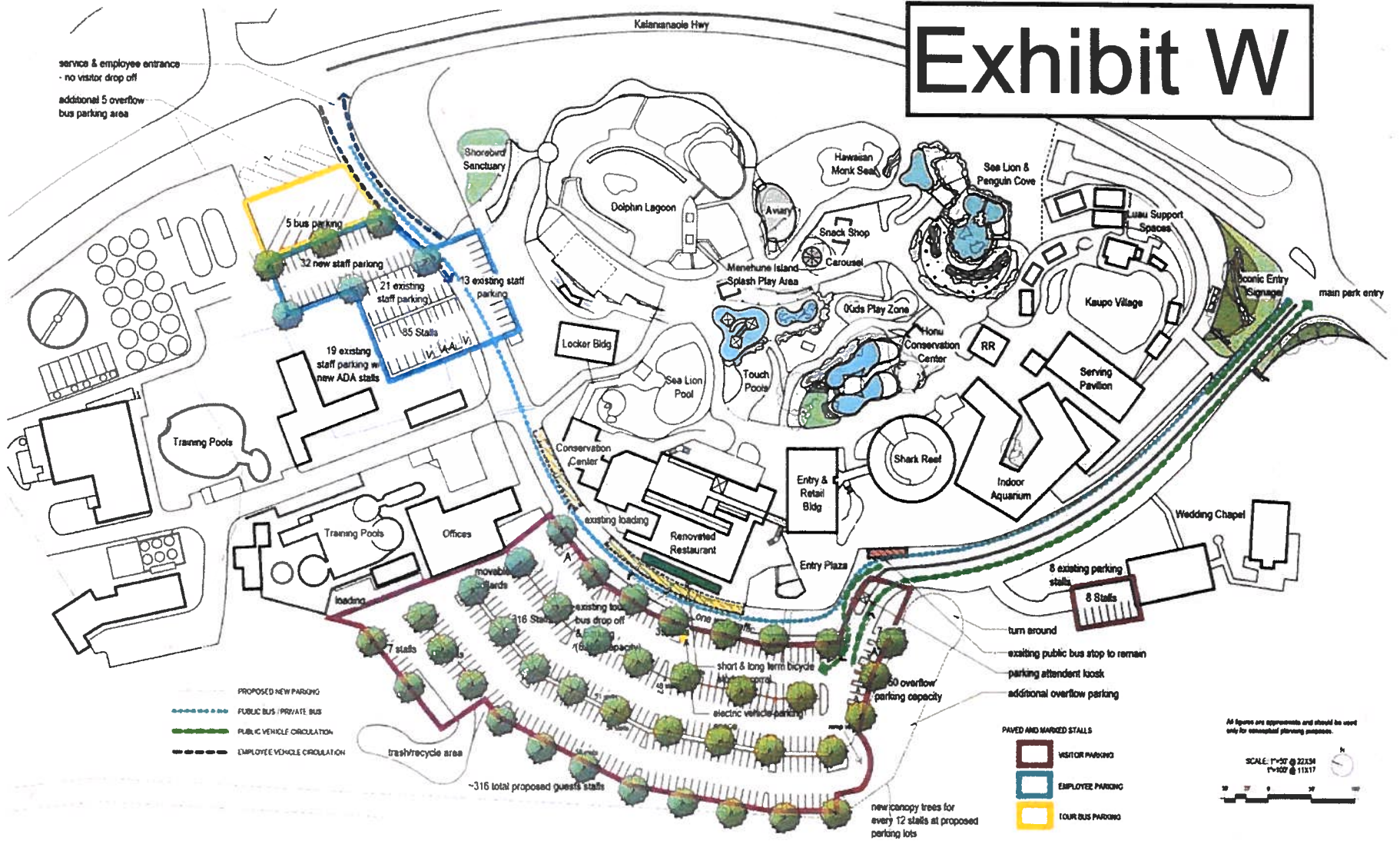


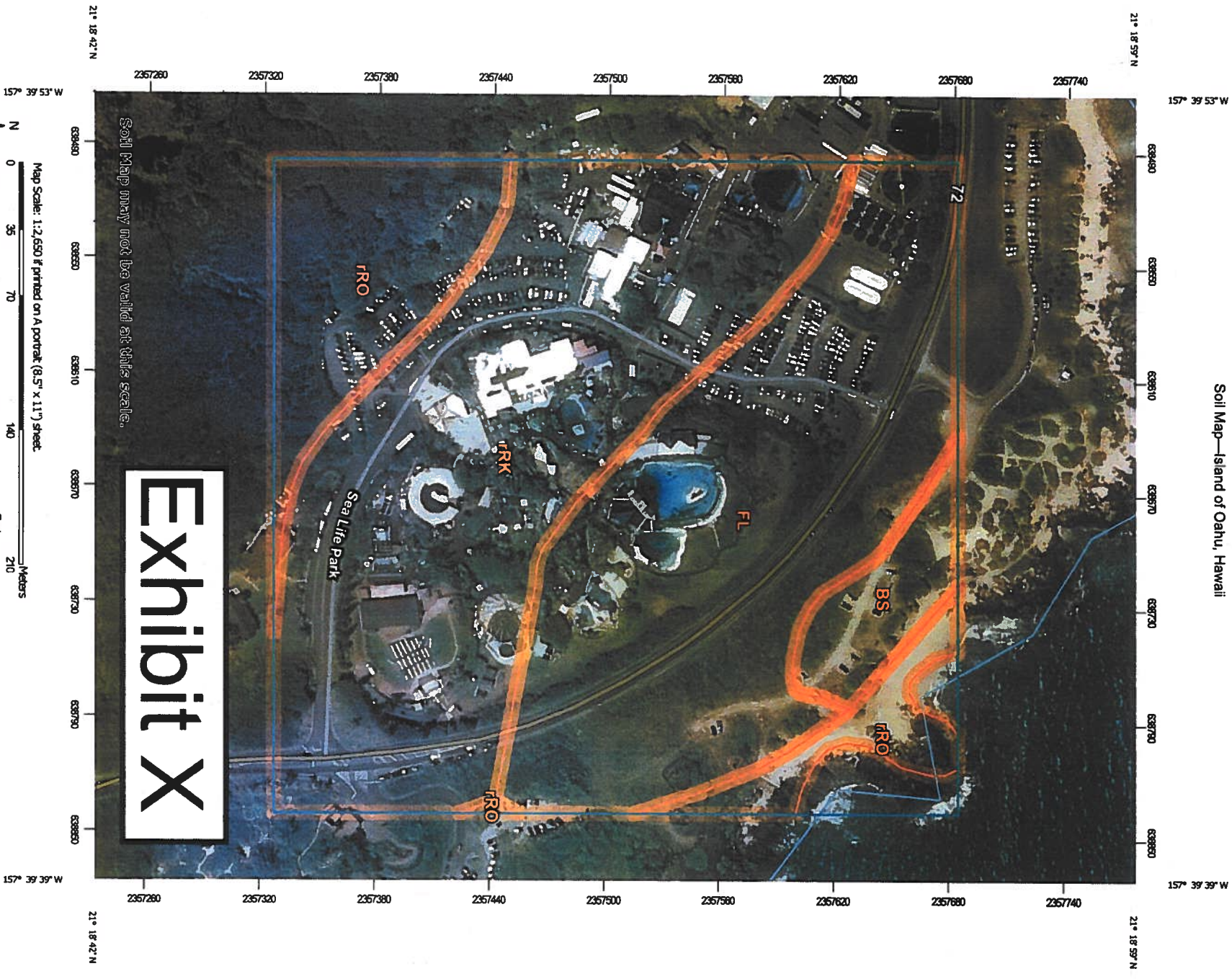
Figure 5.10

Beach Boy Lanai Roof Deck Concept

Exhibit W



Soil Map—Island of Oahu, Hawaii



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BS	Beeches	1.3	4.4%
FL	Fill land, mixed	11.1	36.7%
rRK	Rock land	12.7	42.0%
rRO	Rock outcrop	4.4	14.5%
Totals for Area of Interest		30.3	100.0%

Exhibit X

Waimanalo, Hawaii



Exhibit Y

Building at distance obscured by vegetation



View of Sea Life Park from Kalaniana'ole Hwy Looking South

41202 Kalaniana'ole Hwy

Waimanalo, Hawaii



Exhibit Z



View of Sea Life Park from Kalaniana'ole Hwy Looking East