HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **24-124, CD1**

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT AND SHORELINE SETBACK VARIANCE TO ALLOW FOR IMPROVEMENTS TO THE WAIKĪKĪ AQUARIUM WASTEWATER SYSTEM AT 2777 KALĀKAUA AVENUE, WAIKĪKĪ, O'AHU.

WHEREAS, on February 6, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File Nos. 2023/SMA-23 and 2023/SV-1) from Oceanit on behalf of the University of Hawai'i ("Applicant") for a Special Management Area ("SMA") Major Permit and a Shoreline Setback Variance ("SSV") to allow for the installation of a wastewater sump, two onsite injection wells, equipment for the disposal of Waikīkī Aquarium ("WA") exhibit wastewater, and associated appurtenances; construction of a filter housing building; upgrades to existing piping in the existing buildings and on the property; and associated earthwork on an approximately 2.35-acre shoreline lot zoned P-2 General Preservation Zoning District, within the Core Area of the Diamond Head Special District, located at 2777 Kalākaua Avenue, and identified as Tax Map Key 3-1-031:006 ("Project"); and

WHEREAS, upon completion of the Project, effluent from all WA exhibit tanks will be filtered then discharged into onsite injection wells, eliminating the need to discharge wastewater from native saltwater exhibit tanks into the nearshore ocean outfall, and minimizing or eliminating the need to discharge wastewater from non-native freshwater exhibit tanks into the City's wastewater collection system; and

WHEREAS, on March 21, 2024, the DPP held a public hearing at the Fasi Municipal Building, which was attended in-person by the UH Project manager, the Project engineer, the Applicant's agent, and DPP staff, and attended virtually by one member of the public; no public oral testimony was offered and no written testimony was submitted; and

WHEREAS, on April 26, 2024, within 45 calendar days after the close of the public hearing, the DPP, having duly considered all the evidence and the objectives, policies, and guidelines as established in §§ 25-3.1, 25-4.1, 26-1.8, and 26-1.9, Revised Ordinances of Honolulu 2021 ("ROH"), and §§ 205A-2, 205A-26, and 205A-46, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on April 26, 2024, by Departmental Communication 297 (2024), and having duly considered all of the findings and reports on the matter, desires to approve the

subject application for an SMA Major Permit and SSV subject to the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Major Permit and an SSV 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 recommendation, referenced above, and as depicted in Exhibits A through D, E-1, E-2, and F through K, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapters 25 and 26, HRS Chapter 205A, or both, and will require a new application for an SMA Major Permit and SSV. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution upon review and approval by the DPP Director.

B. In order to minimize impacts to known and unknown archaeological historic and cultural resources that may be present on the Project site, the Applicant shall comply with the following:

1. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42, and has determined whether any mitigative actions and protocols are required.

2. The Applicant, in consultation with SHPD, shall implement an archaeological monitoring plan ("AMP") that meets the standards of Chapter 13-279, Hawai'i Administrative Rules. The Applicant shall implement the AMP during ground-disturbing activity and Project construction to ensure that archaeological historic and cultural resources are properly identified and treated. The archaeological monitoring plan must include the onsite presence of a SHPD-approved archaeologist during excavation work to ensure that any discoveries of iwi kūpuna or other historic or cultural resources are appropriately handled.

b. All fill materials are clean and do not contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that may harm native species and ecosystems.

3. If soil material is imported, approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to DOFAW for its review and approval a post-construction survey to detect whether the Project site contains any invasive species that have spread from the fill materials and its recommended mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

D. To minimize impacts to coastal ecosystems:

1. For any modification to the landscaping on the Project site:

a. The Applicant shall consult the Plant Pono website (or any successor website or other website recommended by DOFAW) to determine the potential invasiveness of plants proposed for use within the Project site. The planting of low-risk plants as designated on the Plant Pono website at https://plantpono.org/pono-plants/ is acceptable, but the planting of high-risk plants as designated on the Plant Pono website at https://plantpono.org/high-risk-plants/ is unacceptable; and

b. No planting of any high-risk invasive species identified on the Oahu Invasive Species Committee website (or any successor website or any other website recommended by DOWFAW) at https://www.oahuisc.org/current-targets/ is allowed on the Project site; and

2. The Applicant shall minimize movement of plant or soil material on the Project site to minimize the risk of spreading invasive species, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

E. To minimize impacts to threatened, endangered, or protected avian, marine, and terrestrial fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following:

1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;

2. Artificial light from exterior light fixtures on the Project site, 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 across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b);

3. Exterior lighting that is not necessary for security purposes must be turned off when human activity is not occurring in the illuminated area;

4. Exterior light fixtures on the Project site must be fully shielded using full cutoff fixtures with the light directed downward so that the light bulb is only visible from below the light fixture;

5. All Project site work and construction activities are limited to daylight hours (sunrise to sunset);

6. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15); and

7. Barbless fencing must be used for all fence construction to avoid entanglement of Hawaiian hoary bats.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on any Project construction permit plans and building permit plans.

F. To minimize the potential for adverse impacts related to coastal hazards, including but not limited to sea level rise, coastal erosion, flooding, wave action, and storm surge, prior to the issuance of any construction permit or building permit for the Project, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

1. "*The landowner hereby acknowledges that Tax Map Key 3-1-031:006 is susceptible to coastal hazards, which may result in harm to or loss of life and property.*"

2. "*The landowner hereby acknowledges that a majority of Tax Map Key 3-1-031:006 is projected to be impacted by 3.2 feet of sea level rise by the year 2100, and that a majority of the proposed Project is located within the 3.2-foot sea level rise exposure area ("SLR-XA"). The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the SLR-XA. The landowner further agrees to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site.*"

The statements enumerated in this condition must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

G. Approval of this SMA Major Permit and SSV 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-related approvals and building, grading, and grubbing permit approvals, which are subject to separate review and approval. The Applicant is responsible for ensuring that the final plans for the Project approved under this SMA Major Permit and SSV comply with all applicable City ordinances and other governmental provisions and requirements.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **24-124, CD1**

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Ross Richards, Director of the UH Office of Project Delivery, 2002 East-West Road, Honolulu, Hawai'i 96822; Berna Senelly, Oceanit, 828 Fort Street Mall, Suite 600, Honolulu Hawai'i 96813; Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

INTRODUCED BY:

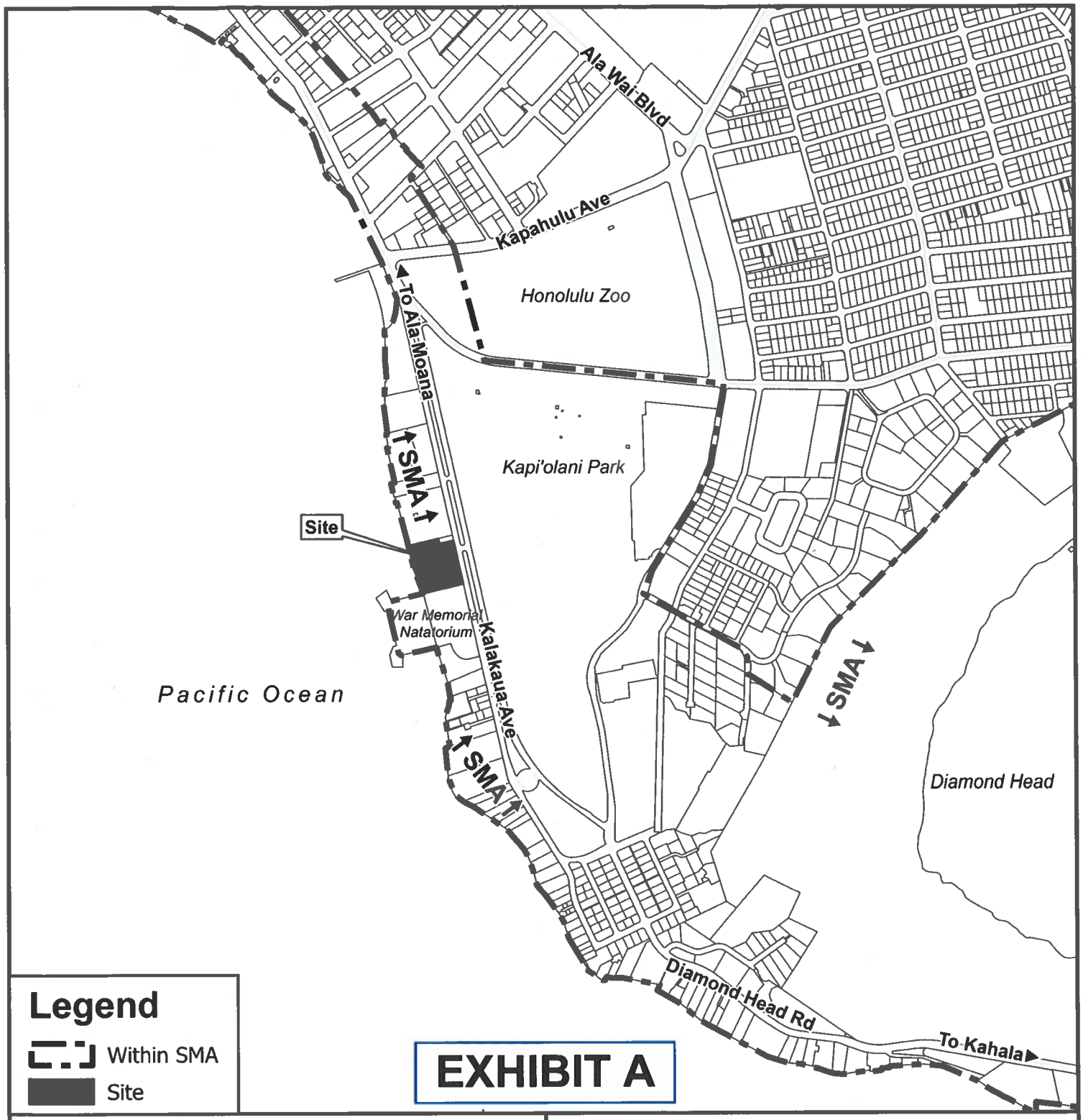
Tommy Waters (br)

DATE OF INTRODUCTION:

April 30, 2024
Honolulu, Hawai'i

Councilmembers

OCS2024-0508/5/15/2024 2:53 PM



LOCATION MAP

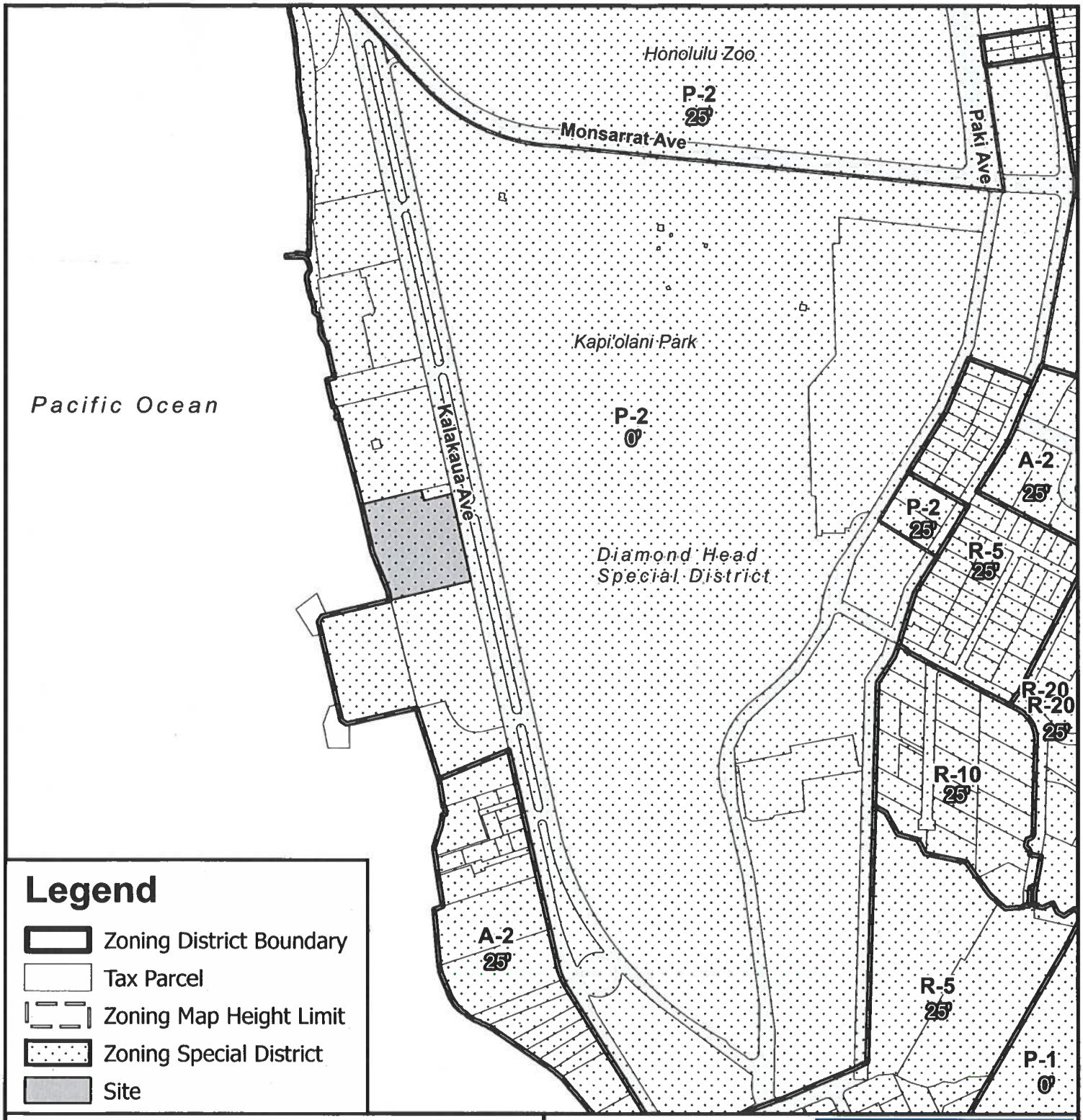
WAIKIKI, HONOLULU

TAX MAP KEY(S): 3-1-031:006
FOLDER NO.: 2023/SMA-23

Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 02/2024

Copyright City & County of Honolulu
All Rights Reserved 2024



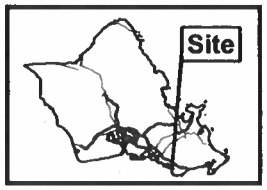
Legend

- Zoning District Boundary
- Tax Parcel
- Zoning Map Height Limit
- Zoning Special District
- Site

CITY AND COUNTY OF HONOLULU · STATE OF HAWAII

0 500 1,000

Distance in Feet



VICINITY MAP

PORTION OF ZONING MAP

EXHIBIT B

(MOILIILI - KAIMUKI)

TAX MAP KEY(S): 3-1-031:006
FOLDER NO.: 2023/SMA-23

Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 02/2024

Copyright City & County of Honolulu
All Rights Reserved 2024

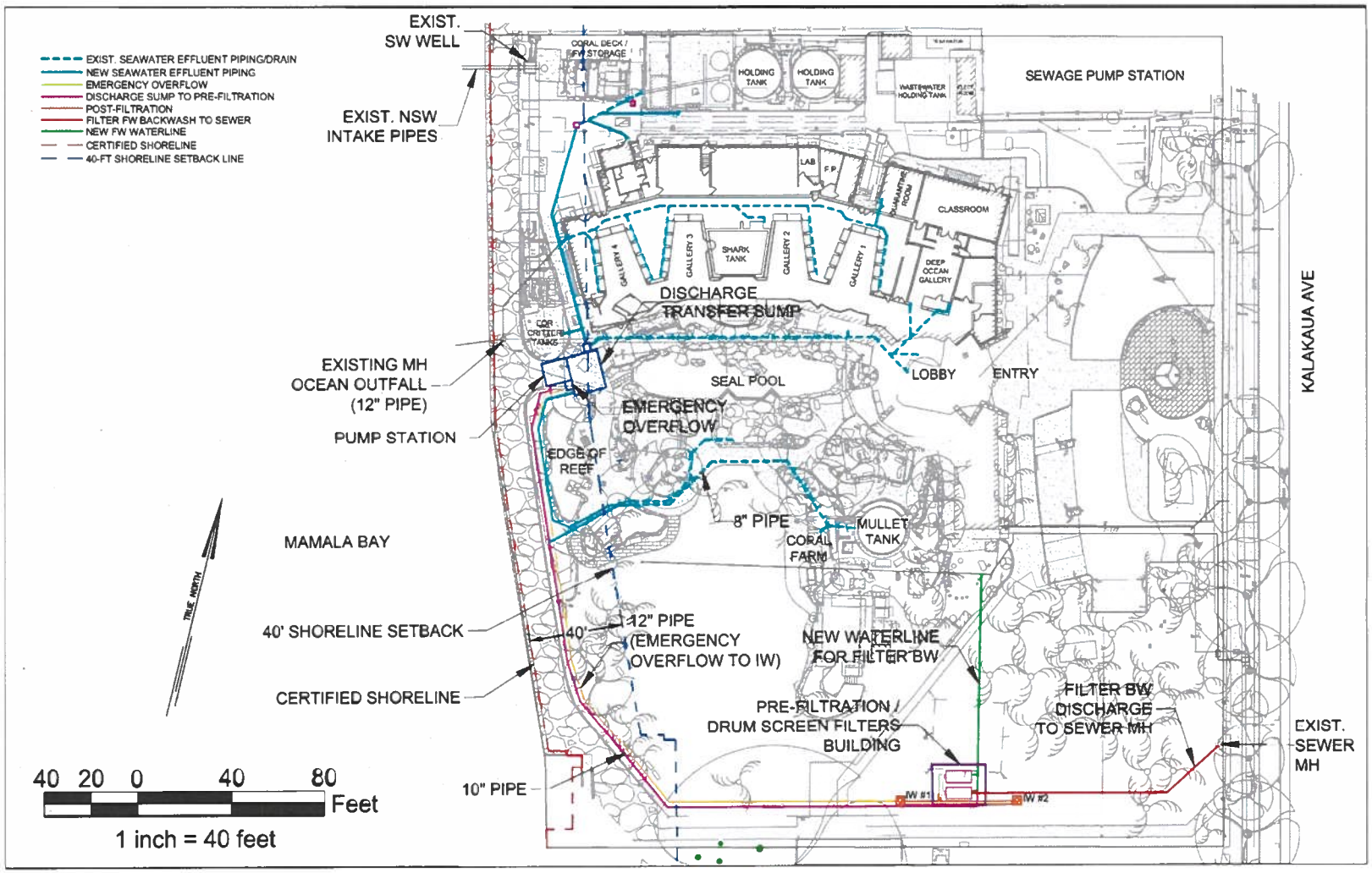


Figure 4. Proposed layout for the Proposed Action, with all effluent discharge through two (2) injection wells

EXHIBIT C

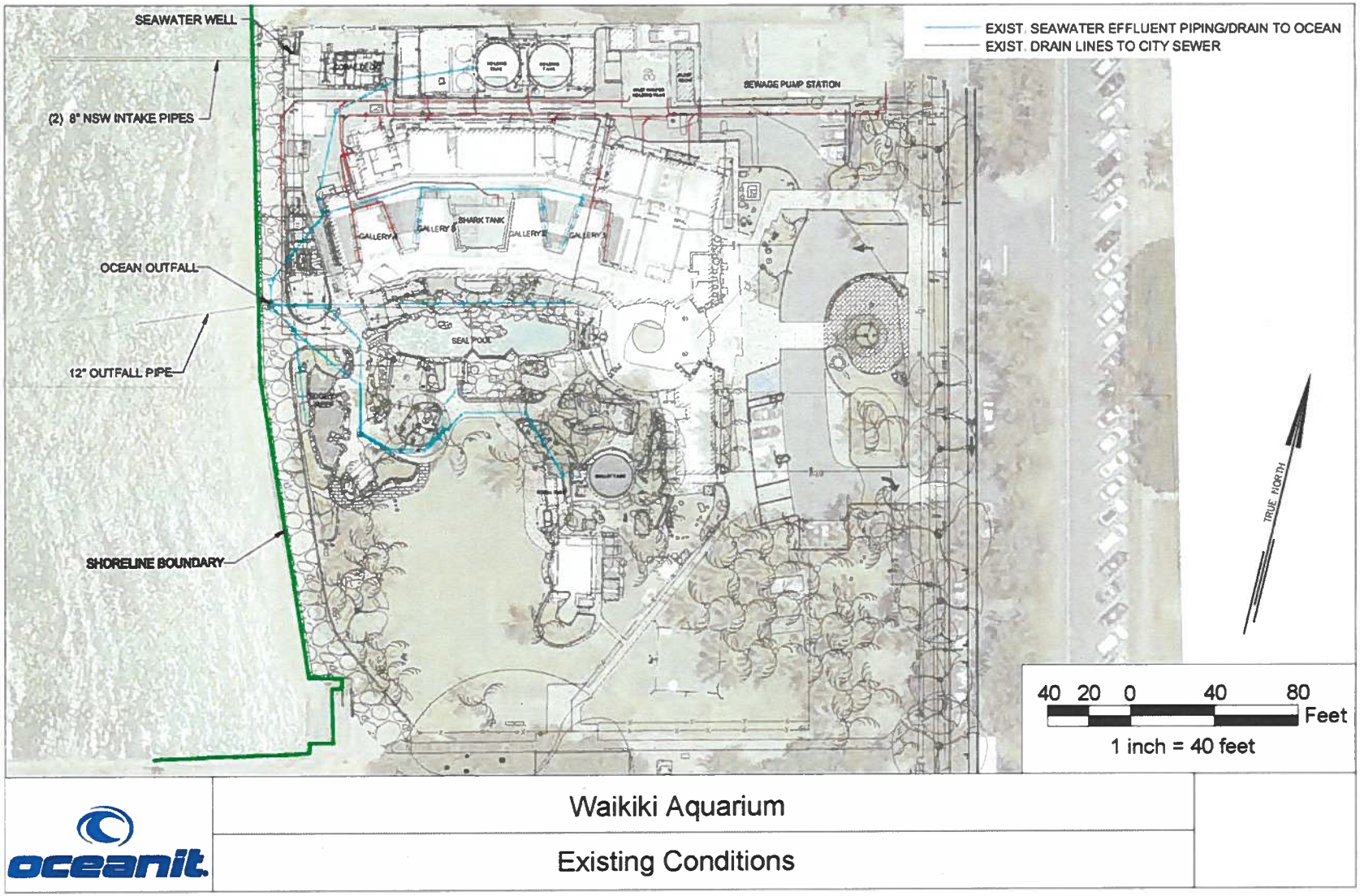
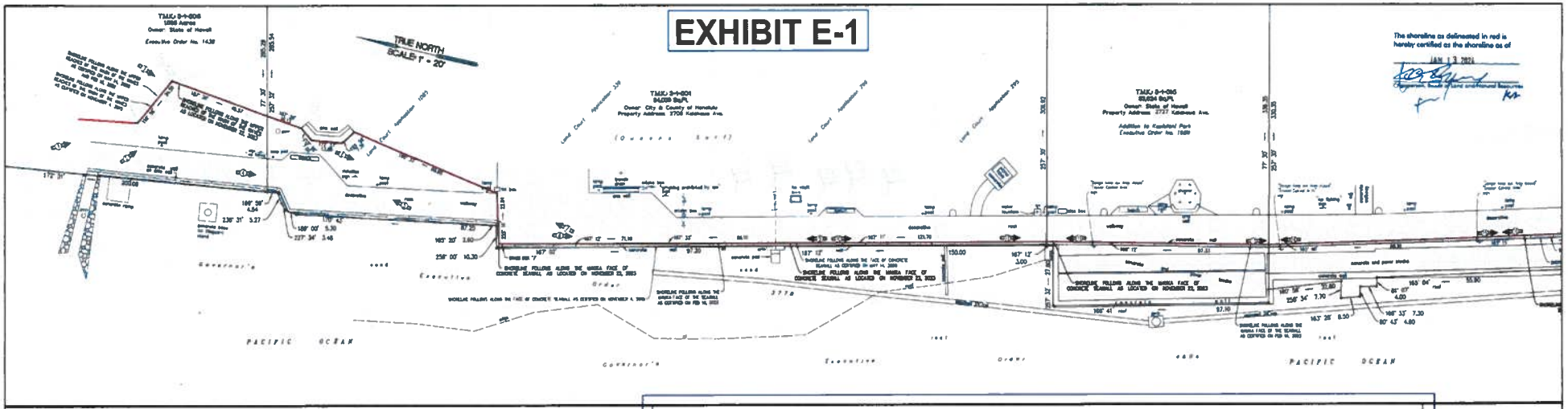
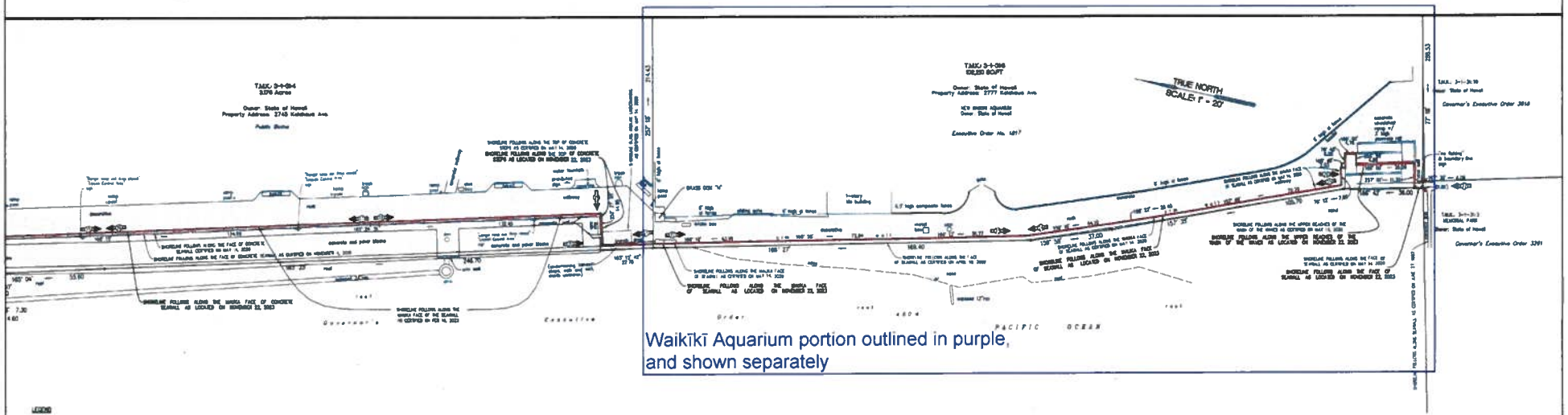


Figure 2-1: Existing Site Conditions

EXHIBIT D

EXHIBIT E-1





Waikīkī Aquarium portion outlined in purple, and shown separately

LEGEND

cl	chain link
coco	coconut tree
conc	concrete
crm	concrete rubble masonry
elec	electric
d	diameter
dmh	drain manhole
h	height
he	horesian electric
rcp	reinforced concrete pipe
s	spread
smh	sewer manhole
Sq.Ft.	Square Feet
w/	with
wv	water valve

NOTE:

INDICATES PICTURE NUMBER AND DIRECTION TAKEN.

DECEMBER 13, 2023
NOVEMBER 29, 2023
DATE: AUGUST 23, 2023
FIELD BOOK NO. 2739, 2933, 3168

TAX MAP KEY: 3-1-30:1,Por.3 AND 3-1-31:4,5,6

MAP SHOWING SHORELINE

FRONTING A PORTION OF KAPIOLANI REGIONAL PARK

AT WAIKIKI, HONOLULU, OAHU, HAWAII

OWNER: CITY AND COUNTY OF HONOLULU – DEPARTMENT OF PARKS AND RECREATION
ADDRESS: 1000 ULUOHIA STREET, SUITE 309
KAPOLEI, HAWAII 96707

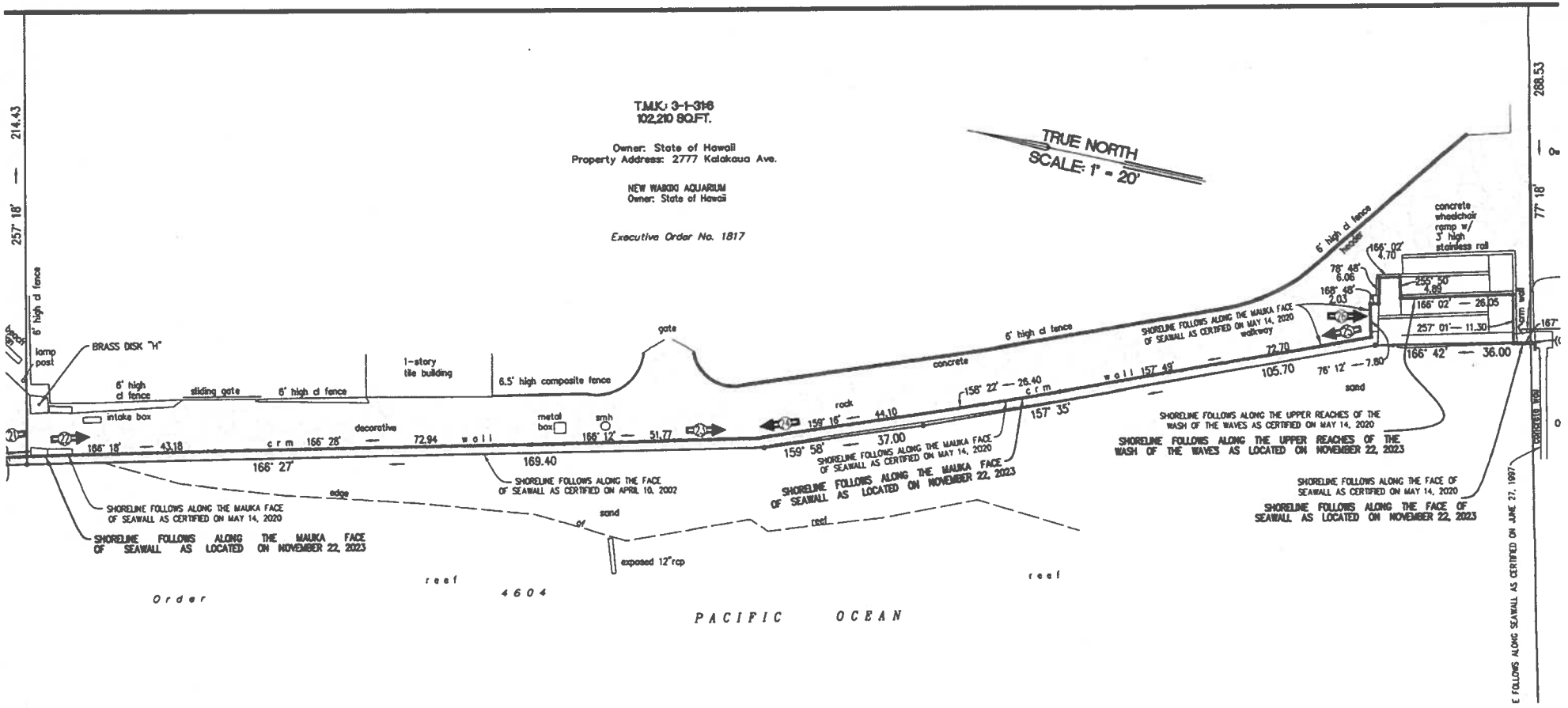
GRAPHIC SCALE : 1"=20'

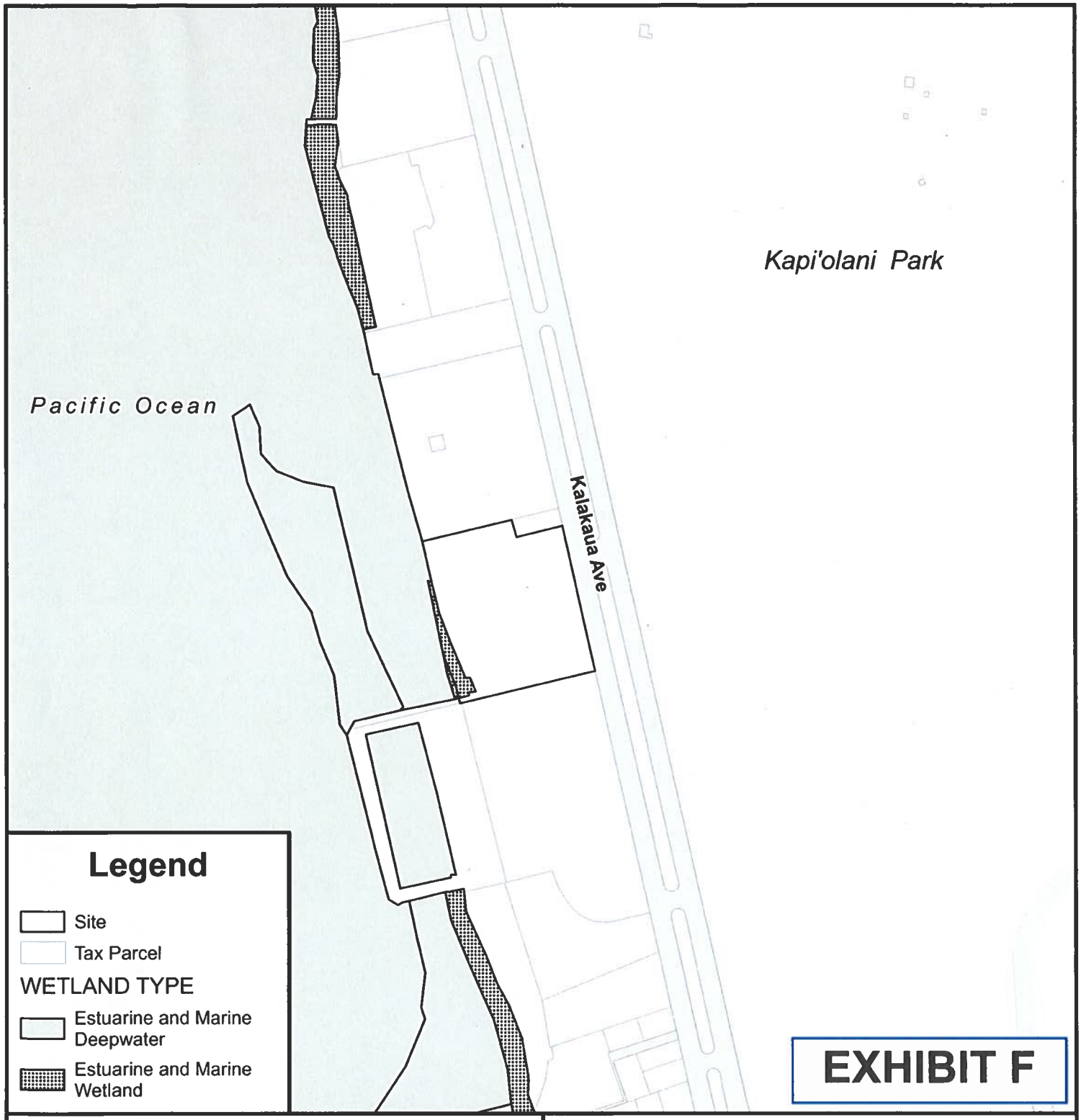
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

SURVEY OFFICE COPY

24"X36"=6.0 sq ft

EXHIBIT E-2

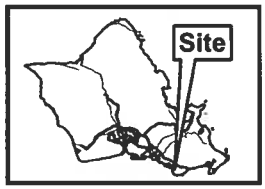

T.M.K: 3-1-316
102,210 SQ.FT.
Owner: State of Hawaii
Property Address: 2777 Kalakaua Ave.
NEW WABOO AQUARIUM
Owner: State of Hawaii
Executive Order No. 1817
TRUE NORTH
SCALE: 1" = 20'
214.43
257° 18'
6' high ci fence
lamp post
BRASS DISK "H"
6' high ci fence
sliding gate
6' high ci fence
intake box
1-story tile building
6.5' high composite fence
gate
6' high ci fence
concrete
SHORELINE FOLLOWS ALONG THE MAUKA FACE OF SEAWALL AS CERTIFIED ON MAY 14, 2020
walkway
6' high ci fence
header
concrete wheelchair ramp w/ 3' high stainless rail
166° 02' 4.70
78° 48' 6.06
255° 50' 4.69
168° 48' 2.03
166° 02' — 26.05
257° 01' — 11.30
retaining wall
288.53
77° 18'
167'
166° 42' — 36.00
186° 18' — 43.18
c r m
166° 28' — 72.94
w a l l
decorative
metal box
smh
166° 12' — 51.77
rock
159° 15' — 44.10
158° 22' — 26.40
c r m
w a l l 157° 49'
72.70
105.70
76° 12' — 7.80
sand
157° 35'
159° 58' — 37.00
166° 27'
169.40
edge
of
reef
sand
reef
exposed 12"rcp
reef
4604
Order
PACIFIC OCEAN
SHORELINE FOLLOWS ALONG THE MAUKA FACE OF SEAWALL AS CERTIFIED ON MAY 14, 2020
SHORELINE FOLLOWS ALONG THE MAUKA FACE OF SEAWALL AS LOCATED ON NOVEMBER 22, 2023
SHORELINE FOLLOWS ALONG THE FACE OF SEAWALL AS CERTIFIED ON APRIL 10, 2002
SHORELINE FOLLOWS ALONG THE MAUKA FACE OF SEAWALL AS CERTIFIED ON MAY 14, 2020
SHORELINE FOLLOWS ALONG THE MAUKA FACE OF SEAWALL AS LOCATED ON NOVEMBER 22, 2023
SHORELINE FOLLOWS ALONG THE UPPER REACHES OF THE WASH OF THE WAVES AS CERTIFIED ON MAY 14, 2020
SHORELINE FOLLOWS ALONG THE UPPER REACHES OF THE WASH OF THE WAVES AS LOCATED ON NOVEMBER 22, 2023
SHORELINE FOLLOWS ALONG THE FACE OF SEAWALL AS CERTIFIED ON MAY 14, 2020
SHORELINE FOLLOWS ALONG THE FACE OF SEAWALL AS LOCATED ON NOVEMBER 22, 2023
E FOLLOWS ALONG SEAWALL AS CERTIFIED ON JUNE 27, 1997





0 300 600

Distance in Feet



VICINITY MAP

PORTION OF
WETLANDS MAP
WAIKIKI, HONOLULU

TAX MAP KEY(S): 3-1-031:006
FOLDER NO.: 2023/SMA-23

Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 02/2024

Copyright City & County of Honolulu
All Rights Reserved 2024

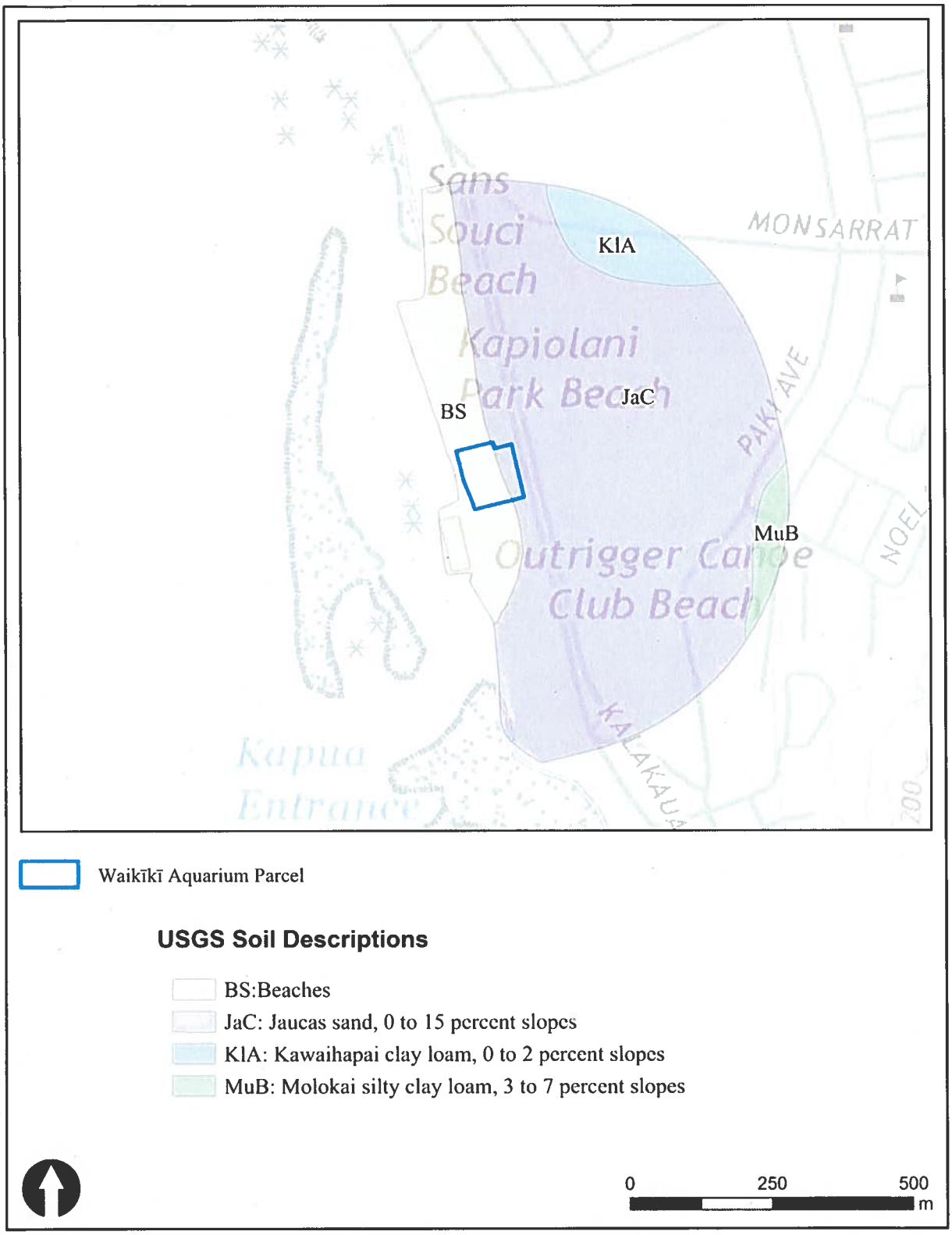
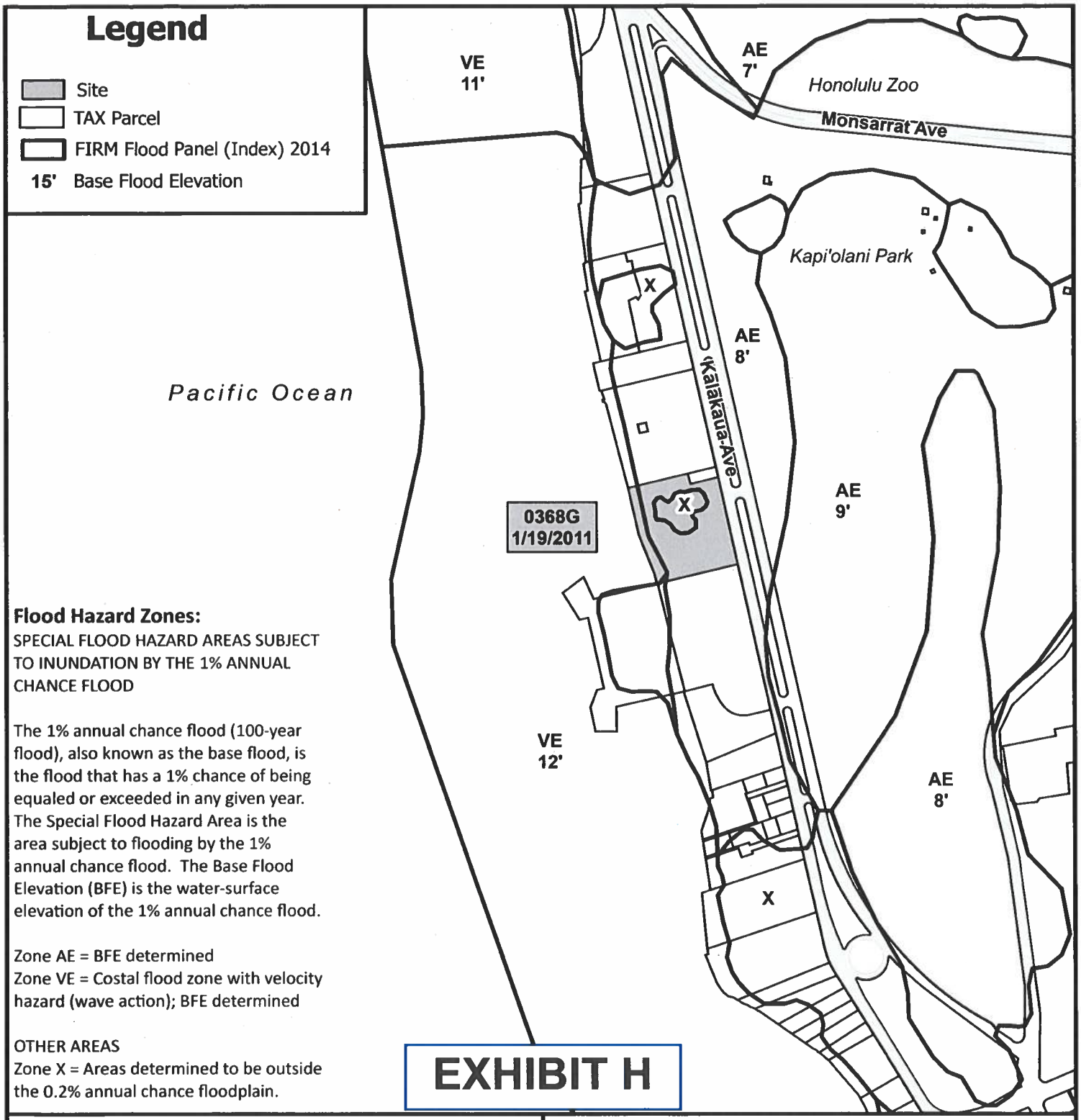


Figure 4. Soil Units in the Vicinity of the Waikīkī Aquarium Parcel (Soil Survey Staff, NRCS, USDA 2022).

EXHIBIT G



Flood Hazard Zones:
SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

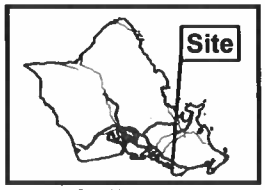
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood.

Zone AE = BFE determined
Zone VE = Costal flood zone with velocity hazard (wave action); BFE determined

OTHER AREAS
Zone X = Areas determined to be outside the 0.2% annual chance floodplain.

EXHIBIT H

0 250 500
Distance in Feet



VICINITY MAP

PORTION OF
FLOOD HAZARD MAP
FIRM PANEL 15003C0368G

TAX MAP KEY(S): 3-1-031:006
FOLDER NO.: 2023/SMA-23

Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 02/2024

Copyright City & County of Honolulu
All Rights Reserved 2024

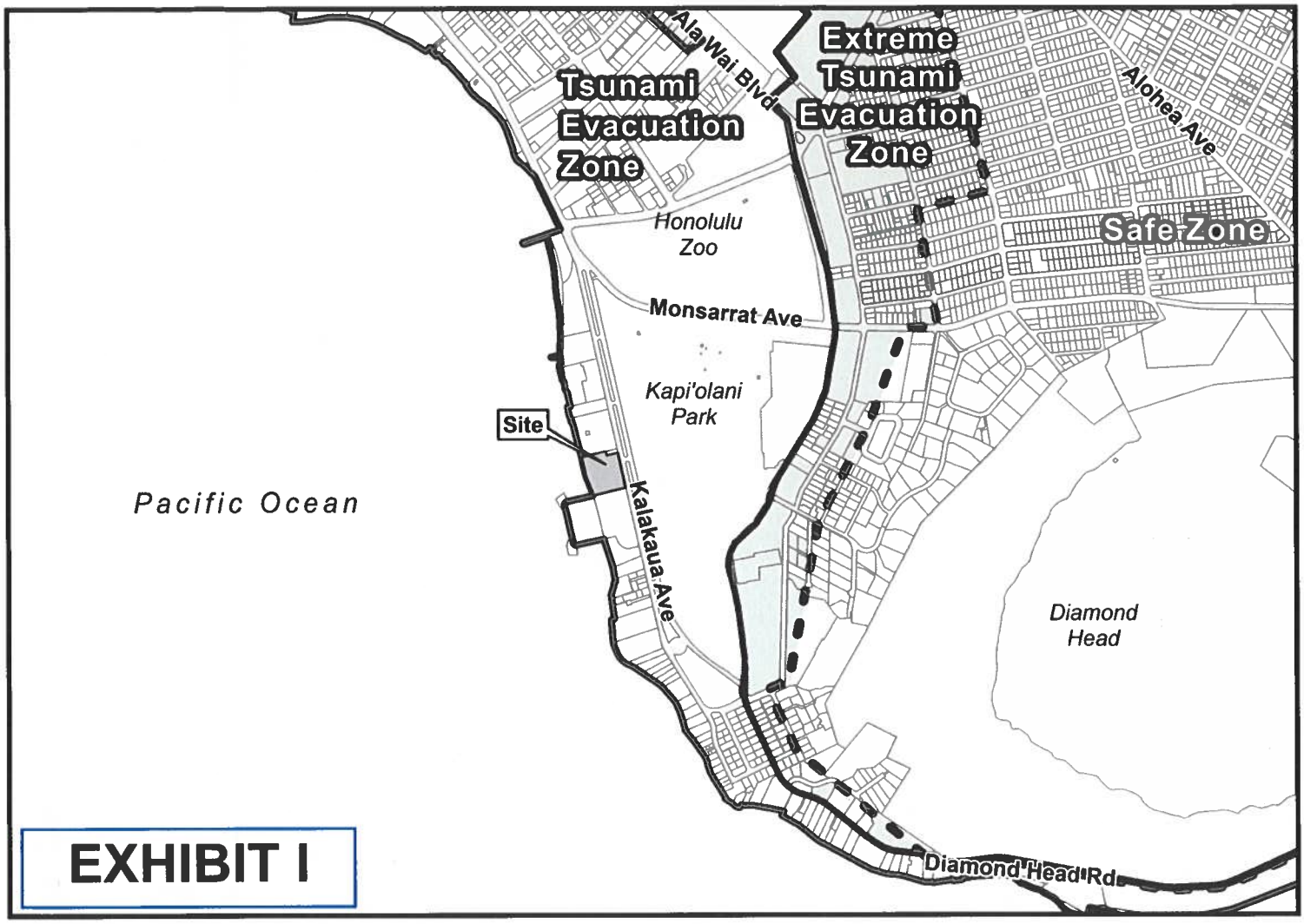


EXHIBIT I

* For most Tsunami Warnings, evacuate out of the Tsunami Evacuation Zone; in the unlikely case of an Extreme Tsunami Warning, evacuate out of the Extreme Tsunami Evacuation Zone

* Remain at least 100 feet away from inland waterways and marinas connected to the ocean due to wave surges and possible flooding

* Boaters should move vessels to at least 50 fathoms (300 ft) deep and 2 miles away from harbor entrances; follow all directions from the Captain of the Port

*Structural steel or reinforced concrete buildings of ten or more stories provide increased protection on or above the fourth floor; if you are caught near the shoreline consider using vertical evacuation

*These maps do not consider the destructive effects of a locally generated tsunami. If you feel shaking, move inland immediately, well inland from the red tsunami evacuation zone

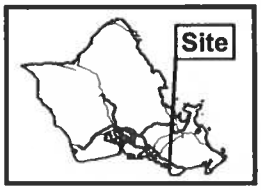
* The evacuation zone is a guideline and should be considered the minimum safe evacuation distance

1. TSUNAMI WARNING: Destructive waves from a tsunami may inundate all coastline. Evacuate Tsunami Evacuation Zone

2. EXTREME TSUNAMI WARNING: In the unlikely event of an extreme tsunami waves may move significantly inland; evacuate Tsunami Evacuation Zone and Extreme Tsunami Evacuation Zone

Safe Zone: Evacuate to this area
Extreme Tsunami Evacuation Zone: Evacuate out of these areas for an EXTREME TSUNAMI WARNING
Tsunami Evacuation Zone: For any TSUNAMI WARNING evacuate out of these areas

0 750 1,500
Distance in Feet



VICINITY MAP

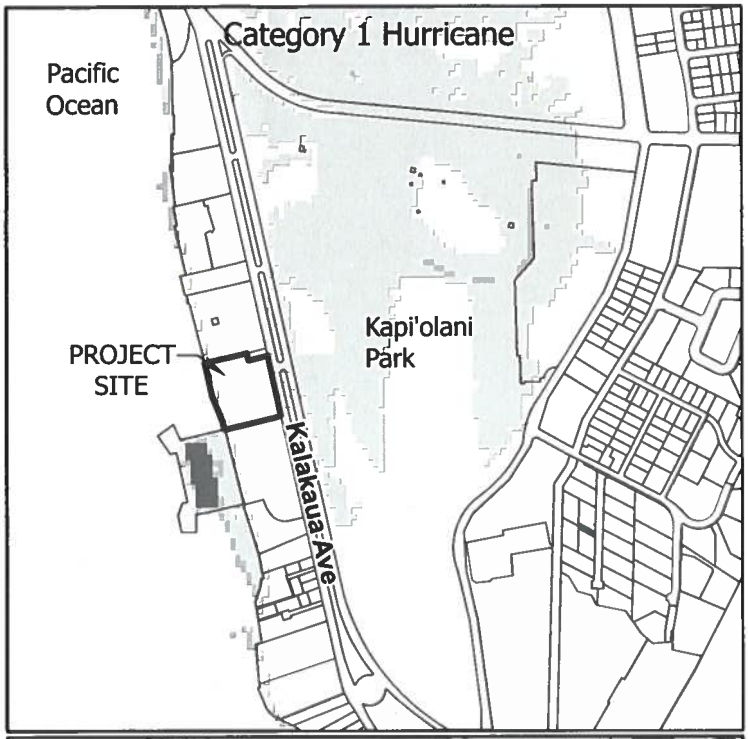
PORTION OF
TSUNAMI EVACUATION MAP
Waikiki
Map 1

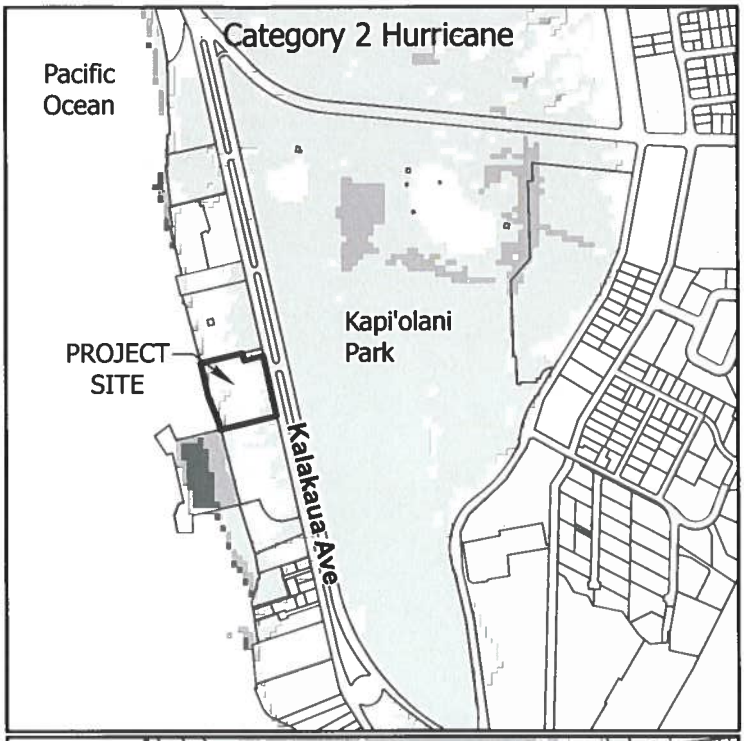
TAX MAP KEY(S): 3-1-031:006
FOLDER NO.: 2023/SMA-23

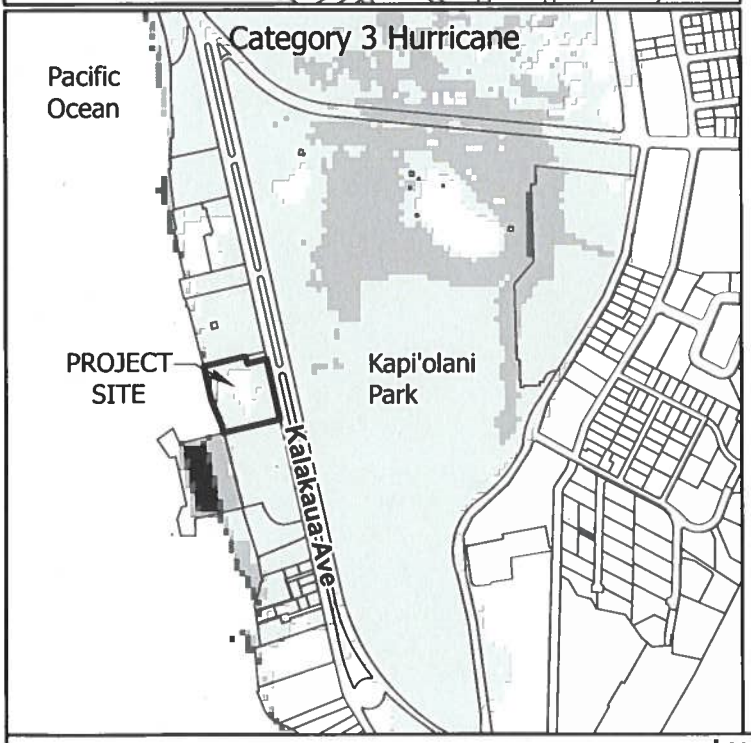
Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

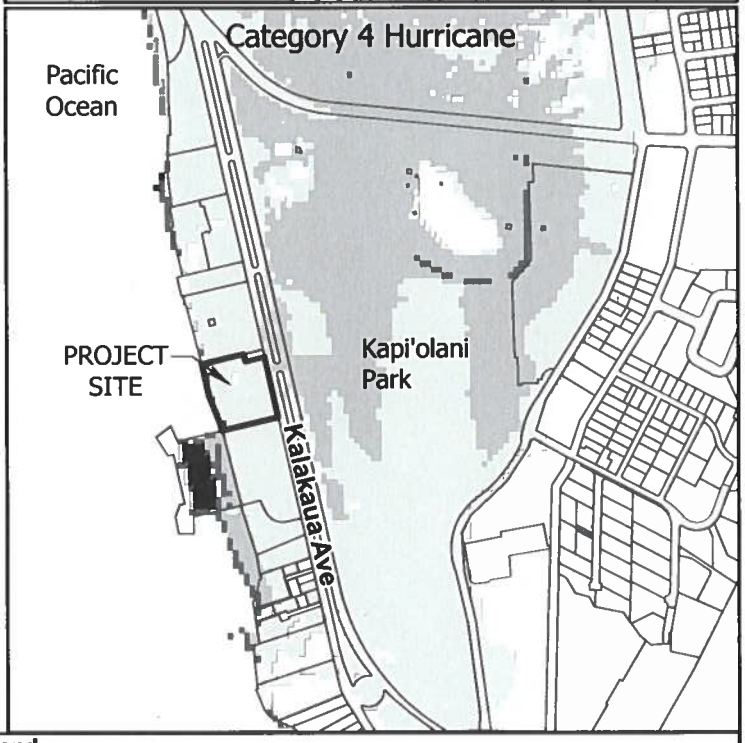
Date Prepared: 02/2024

Copyright City & County of Honolulu
All Rights Reserved 2024









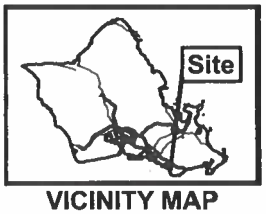
Legend

Less than 3 feet above ground

Greater than 3 feet above ground

Greater than 6 feet above ground

Greater than 9 feet above ground



VICINITY MAP

0 1,000 2,000

Distance in Feet

PORTION OF

STORM SURGE MAP

Data from National Hurricane Center Storm Surge Risk Maps

Data Source: National Weather Service (NWS) SLOSH model; Maximum of MEOWs (MOMs) for various category storms at a high tide.

TAX MAP KEY: 3-1-031:006

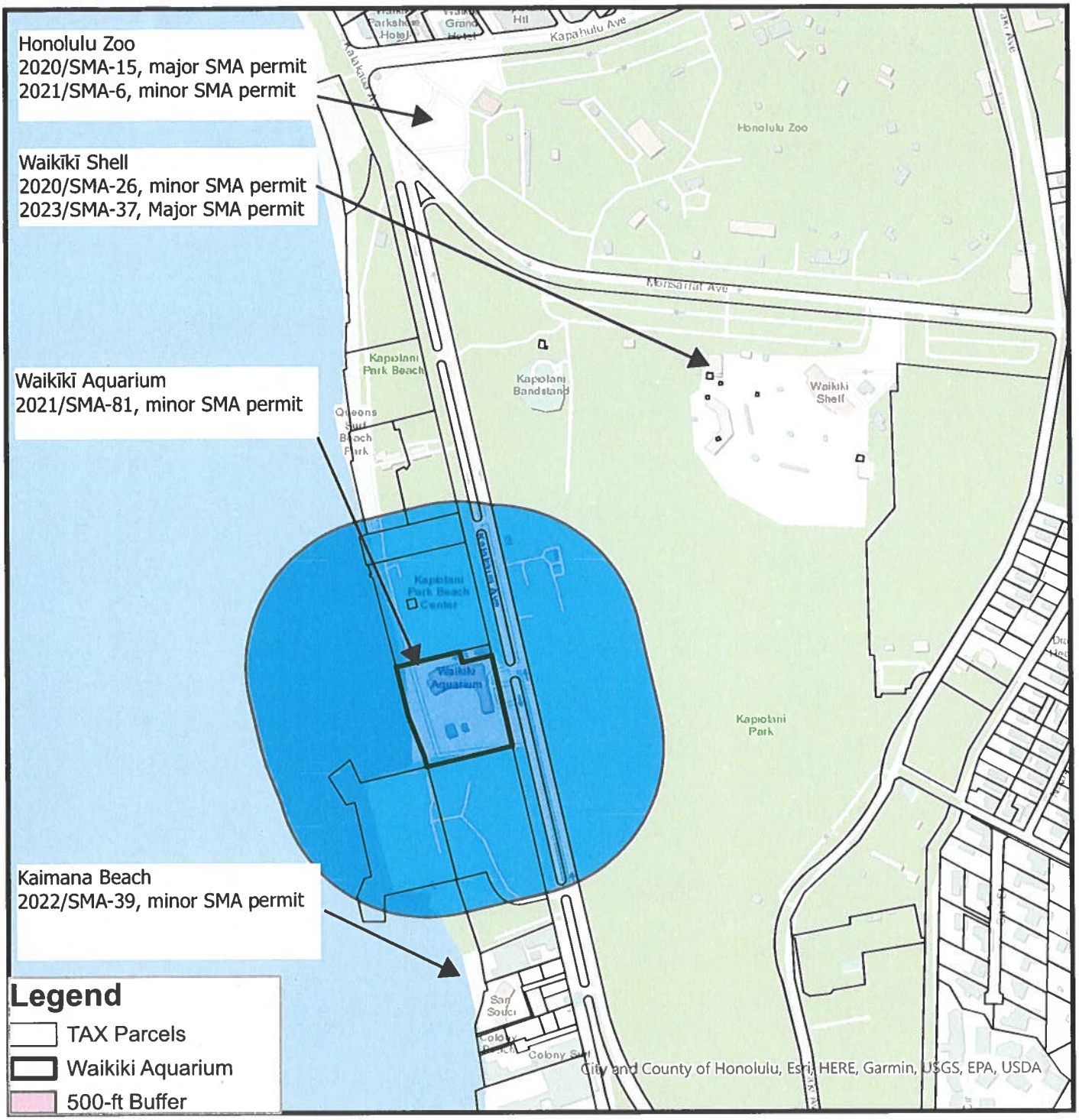
FOLDER NO.: 2023/SMA-23

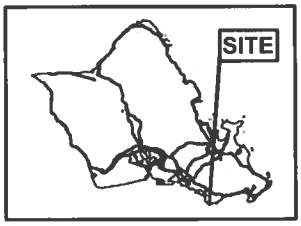
Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 02/2024

EXHIBIT J

Copyright City & County of Honolulu
All Rights Reserved 2024





VICINITY MAP

0 235 470 940

Scale in Feet

EXHIBIT K

500-Ft Buffer Area

2777 Kalākaua Avenue

TAX MAP KEY: 3-1-031: 006

FOLDER NO.: 2024/SMA-5

Copyright City & County of Honolulu

All Rights Reserved 2024

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 24-124, CD1

Introduced: 04/30/24 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)
COUNCIL (CCL)

Title: GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT AND SHORELINE SETBACK VARIANCE TO ALLOW FOR IMPROVEMENTS TO THE WAIKĪKĪ AQUARIUM WASTEWATER SYSTEM AT 2777 KALĀKAUA AVENUE, WAIKĪKĪ, O'AHU.

Voting Legend: * = Aye w/Reservations

04/30/24	INTRO	Introduced.
05/22/24	ZON	Reported out for adoption as amended in CD1 form. CR-177 5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
06/05/24	CCL	Committee report and Resolution as amended were adopted. 7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, TUPOLA, WATERS, WEYER 2 ABSENT: OKIMOTO, TULBA

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