HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **24-255, CD1**

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE WAIMĀNALO BEACH PARK IN WAIMĀNALO, O'AHU.

WHEREAS, on July 8, 2024, the Department of Planning and Permitting ("DPP") accepted the application (DPP File No. 2024/SMA-72) from the Planning Solutions, Inc. ("Agent"), on behalf of the Department of Design and Construction of the City and County of Honolulu ("Applicant"), for a Special Management Area ("SMA") Major Permit to allow for the construction of improvements at the Waimānalo Beach Park that include: the replacement of two comfort stations, the former pavilion, and utility lines; the restoration of the crafts building; and periodic improvements consisting of the replacement of existing facilities with similar facilities, as necessary, on approximately 29.56 acres of land zoned P-2 General Preservation District, located at 41-741 Kalaniana'ole Highway, and identified as Tax Map Keys ("TMK") 4-1-003:016, 019, 020, and 040 (the "Project"); and

WHEREAS, on September 5, 2024, the DPP held a public hearing on the application at the Fasi Municipal Building 6th Floor Conference Room, which was attended by the Applicant, the Agent, DPP staff, Department of Parks and Recreation staff, and three members of the public; and at which three individuals provided comments; and

WHEREAS, on October 14, 2024, within 45 calendar days after the close of the public hearing, the DPP, having duly considered all evidence and the SMA objectives, policies, and guidelines, as established in §§ 25-3.1 and 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH"), and §§ 205A-2 and 205A-26, 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 October 14, 2024, by Departmental Communication No. 735 (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, 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 be issued to the Applicant for the Project, subject to the following conditions:

RESOLUTION

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 E, F-1 through F-4, and G 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 as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution, upon review and approval by the DPP Director.

B. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District in response to coastal erosion, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

> "*In choosing to implement construction activities at TMKs 4-1-003:016, 019, 020, and 040, the landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner further acknowledges that should any portion of a structure encroach into State public land, the State Board of Land and Natural Resources may require the removal of the structure or a lease for the encroachments extending into the State public land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information and the landowner shall hold harmless and indemnify the City for any responsibility that may result from adverse impacts associated with sea level rise and coastal erosion.*"

This statement must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

C. 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, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

"The landowner hereby acknowledges that Tax Map Keys 4-1-003:016, 019, 020, and 040 are susceptible to coastal hazards, which may result in harm to or loss of life and property. The landowner hereby acknowledges that Tax Map Keys 4-1-003:016, 019, 020, and 040 are shoreline zoning lots and may be adversely impacted by coastal hazards. The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot. 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."

This statement must be clearly stated under "Landowner Acknowledgements" on all Project construction permit plans and building permit plans.

D. Following approval of this SMA Major Permit, neither the current landowner, nor any successor owner or interested party, may claim hardship due to erosion, sea level rise, or any other coastal hazard, in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure. The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

"In choosing to undertake development at TMKs 4-1-003:016, 019, 020, and 040, the landowner hereby acknowledges that no claim of hardship may be asserted in order to obtain approval for a shoreline setback variance for a shoreline protection structure."

This statement must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

E. To preserve underlying beach sands and coastal dunes, all landscaped areas, landscaping, and irrigation must be contained and maintained within the property boundaries of the shoreline lot of origin.

1. Landscaping may not be planted, watered, or maintained so that it acts as a shoreline hardening barrier, such as by planting naupaka, particularly if the landscaping alters or interferes with the natural beach processes;

2. Landscaping may not extend seaward of the shoreline as depicted in the current certified shoreline survey for the shoreline lot, or in the event there is no current certified shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A;

3. Landscaping may not extend into any adjoining beach access right-of-way, public or private;

4. Landscaping in the dune or shoreline area between the structures and shoreline must be limited to vegetation that is naturally hardy or endemic to the dune or shoreline area; and

5. Any irrigation systems must be designed so that water does not traverse seaward of the shoreline as depicted in the current certified shoreline survey for the shoreline lot, or in the event there is no current certified shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A.

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

F. To minimize impacts to 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 archaeological, historic, or cultural properties pursuant to HRS § 6E-42, and has determined whether any mitigative actions and protocols are required.

2. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of an archaeological inventory survey ("AIS") that includes subsurface testing conducted by a qualified archaeologist and that has been reviewed and approved by SHPD. The AIS must identify and document any archaeological, historic, and cultural resources on the Project site, assess their significance, and

determine the potential impacts of the Project on the archaeological, historic, and cultural resources. The Applicant shall implement all mitigation protocols identified in the AIS that are approved or otherwise required by SHPD for all archaeological, historic, and cultural resources (including iwi kūpuna) discovered on the Project site.

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

4. The Applicant shall consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD in its written determination for all archaeological, historic, and cultural resources (including iwi kūpuna) discovered on the Project site. Prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and the applicable subcontractors to ensure that the construction contractor and the applicable subcontractors have been informed of all mitigation protocols required by SHPD.

5. 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, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until SHPD has assessed the impact and has made further recommendations for mitigative activity.

The requirements enumerated in this condition, and all mitigation protocols approved or otherwise required by SHPD, must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

G. 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 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;

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

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

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. All Project-related activities must cease if a Hawaiian monk seal, green sea turtle, or hawksbill turtle is on land within 150 feet of the work area, or as recommended by State or federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal pup is present on land, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

H. To minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the Applicant is responsible for the following:

1. The Applicant shall minimize the importation of fill material to the extent possible. No importation of fill material is proposed for the Project;

2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the then current recommendations from the O'ahu Invasive Species Committee ("OISC");

3. Prior to the commencement of any ground-disturbing or construction activities, and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for Prevention of Invasive Species" ("Protocols") must be distributed to all workers who will be present at the site, or the Protocols must be posted at the Project site in a visible location accessible to all Project workers, including delivery and haul-out contractors, or both the distribution and posting of the Protocols is required. All onsite Project workers must be instructed to review the species photos and all Protocols prior to commencing any ground-disturbing or construction activities; and

4. If, at any time, species on the OISC invasive species target list website at https://www.oahuisc.org/current-targets/, or any successor website or list provided by the OISC, are discovered on the Project site, the Applicant shall immediately contact the OISC to report the discovery. The current email address and phone number for the OISC must be visibly posted at the Project site during pre-construction and construction activities. The Applicant shall implement any measures recommended by the OISC and any responsible federal or State of Hawai'i agency charged with the eradication and management of invasive species.

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

I. Approval of this SMA Major 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-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 comply with all applicable City ordinances and other governmental provisions and requirements; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **24-255, CD1**

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Laura H. Thielen, Director of Parks and Recreation, 1000 Ulu'ōhi'a Street, Suite 309, Kapolei, Hawai'i 96707; Haku Milles, Director of Design and Construction, 650 South King Street, 11th Floor, Honolulu, Hawai'i 96813; James T. Hayes, Planning Solutions, Inc., 711 Kapi'olani Boulevard, Suite 950, 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:

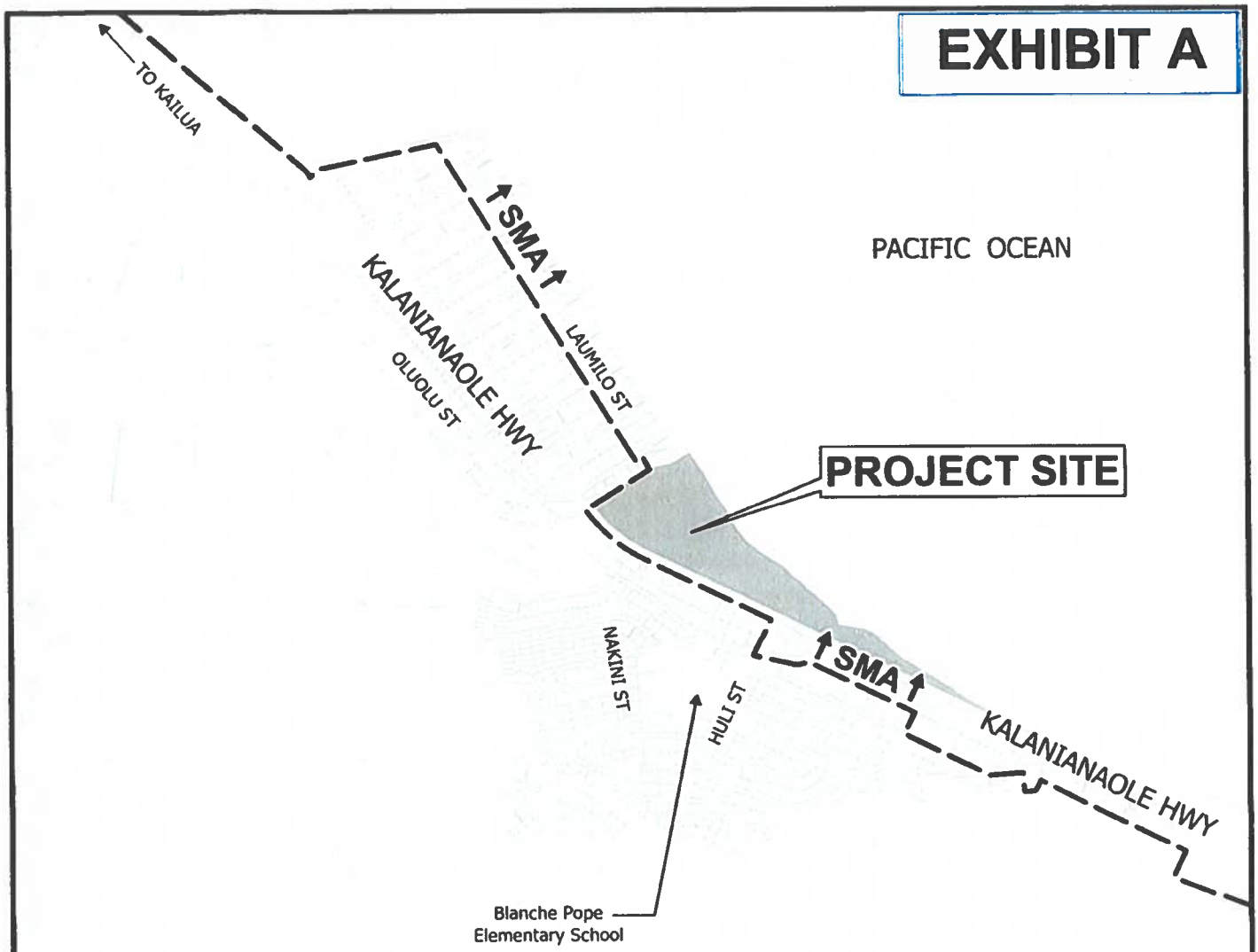
Tommy Waters (br)

DATE OF INTRODUCTION:

October 16, 2024
Honolulu, Hawai'i

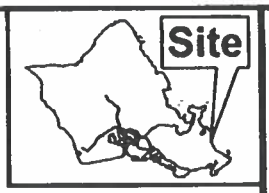
Councilmembers

EXHIBIT A



Legend

- Project Site
- Tax Parcel
- Within SMA



0 1,000 2,000 Feet

LOCATION MAP W/SMA

Waimanalo Beach Park

TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

FOLDER NO.: 2024/SMA-72

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

Date Prepared: 07/2024

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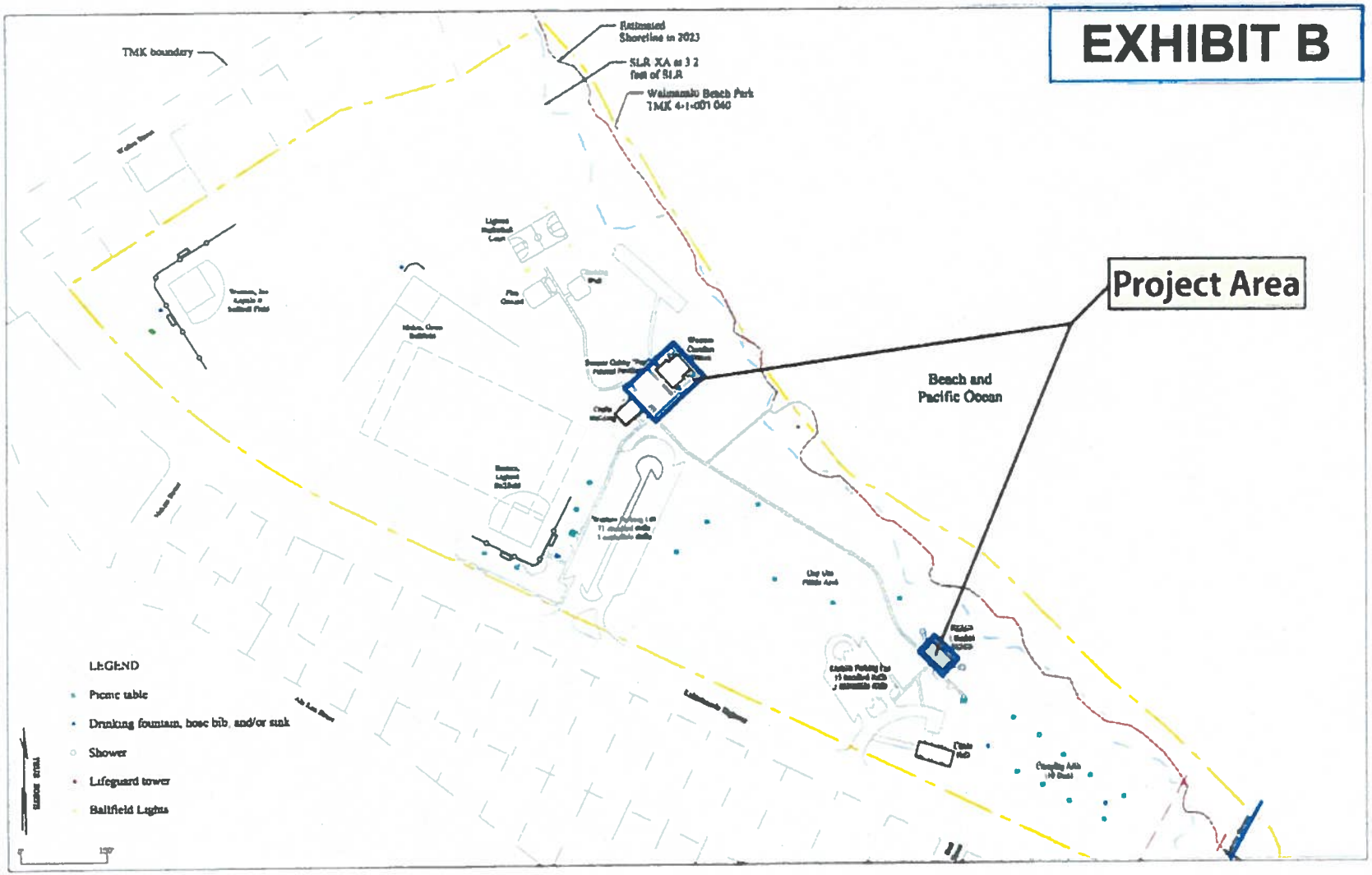
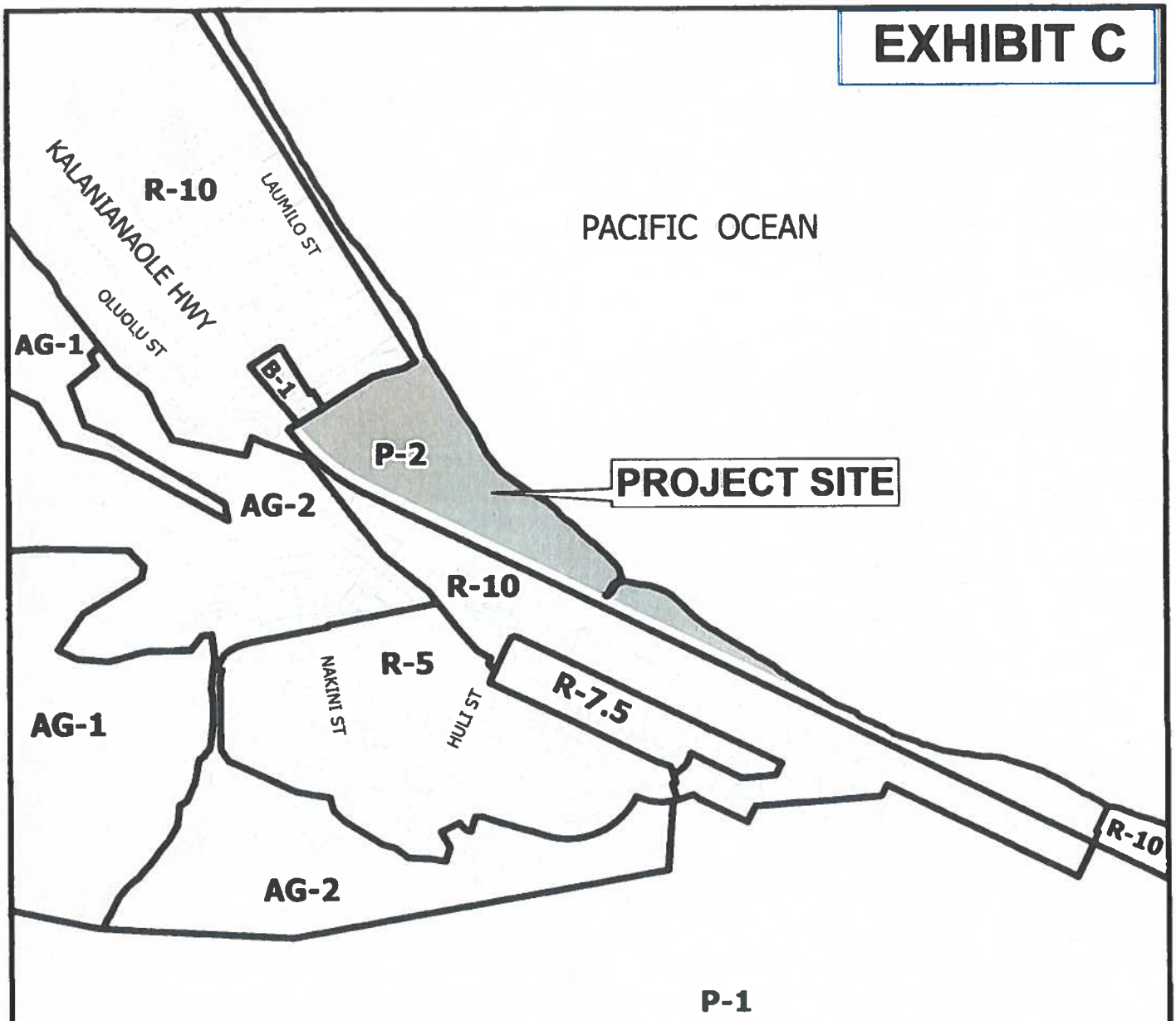


Figure 4. Project-area map showing location of pavilion and western comfort station (blue rectangle to the left) and eastern comfort station (blue rectangle to the right) (base image provided by client)

EXHIBIT C



Legend

- Project Site
- Tax Parcel
- Zoning District Boundary

0 500 1,000 Feet



VICINITY MAP

PORTION OF

ZONING MAP

Waimanalo Beach Park

TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

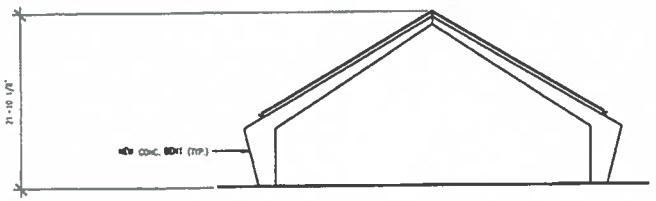
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Prepared by: Honolulu Land Information System (HoLIS) - RP
Department of Planning & Permitting (DPP)
City and County of Honolulu

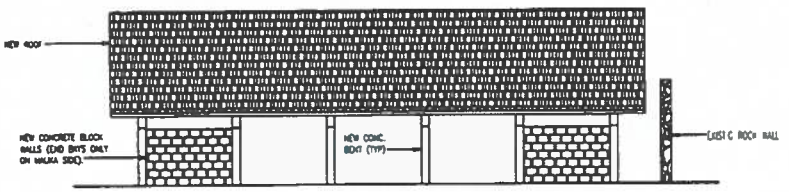
Date Prepared: 07/2024

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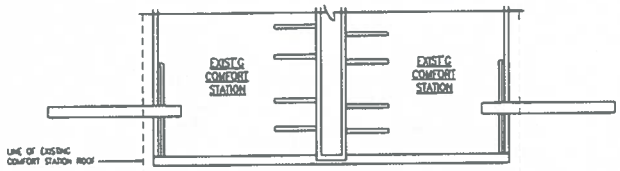
EXHIBIT D

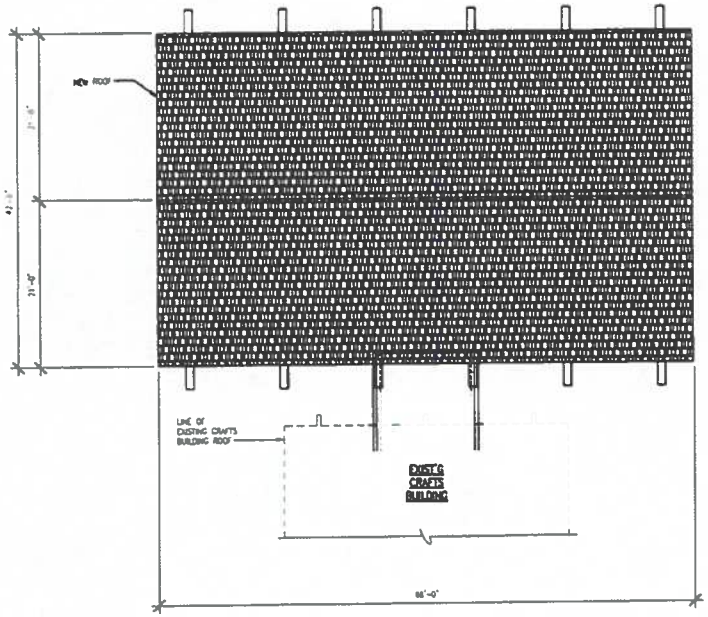


TYPICAL ENDWALL ELEVATION 3/16"=1'-0" 4

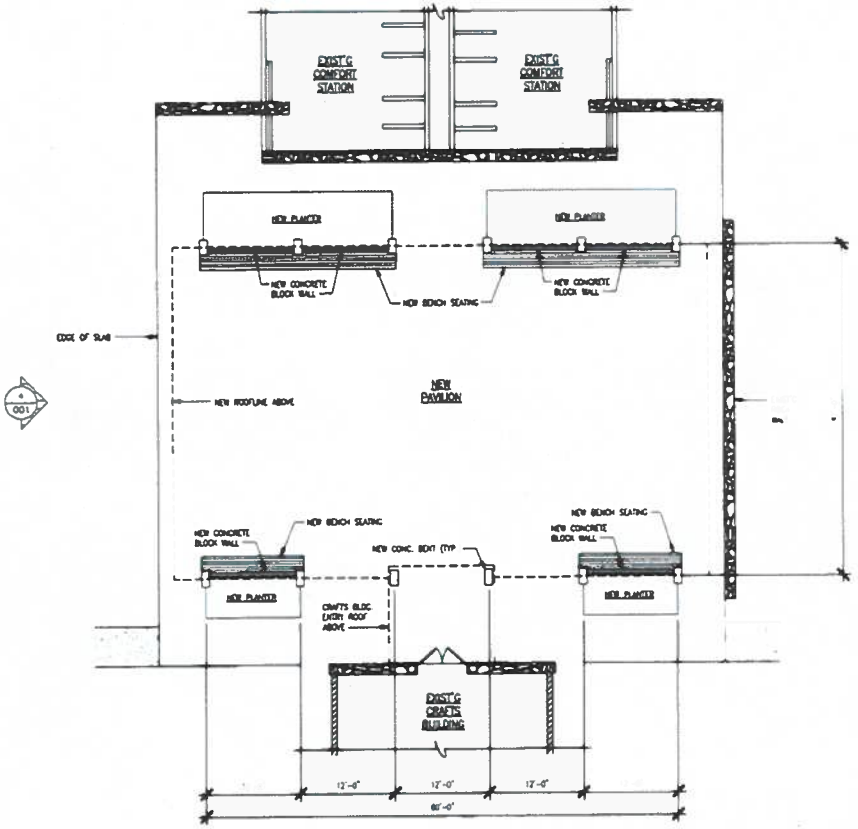


MAUKA SIDEWALL ELEVATION 3/16"=1'-0" 2





PROPOSED ROOF PLAN SCALE: 1/8"=1'-0" 3



PROPOSED FLOOR PLAN SCALE: 1/8"=1'-0" 1

GRAPHIC SCALES: (Scale: 1/8"=1'-0")

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY & COUNTY OF HONOLULU

WAIMANALO BEACH PARK
PROPOSED PAVILION

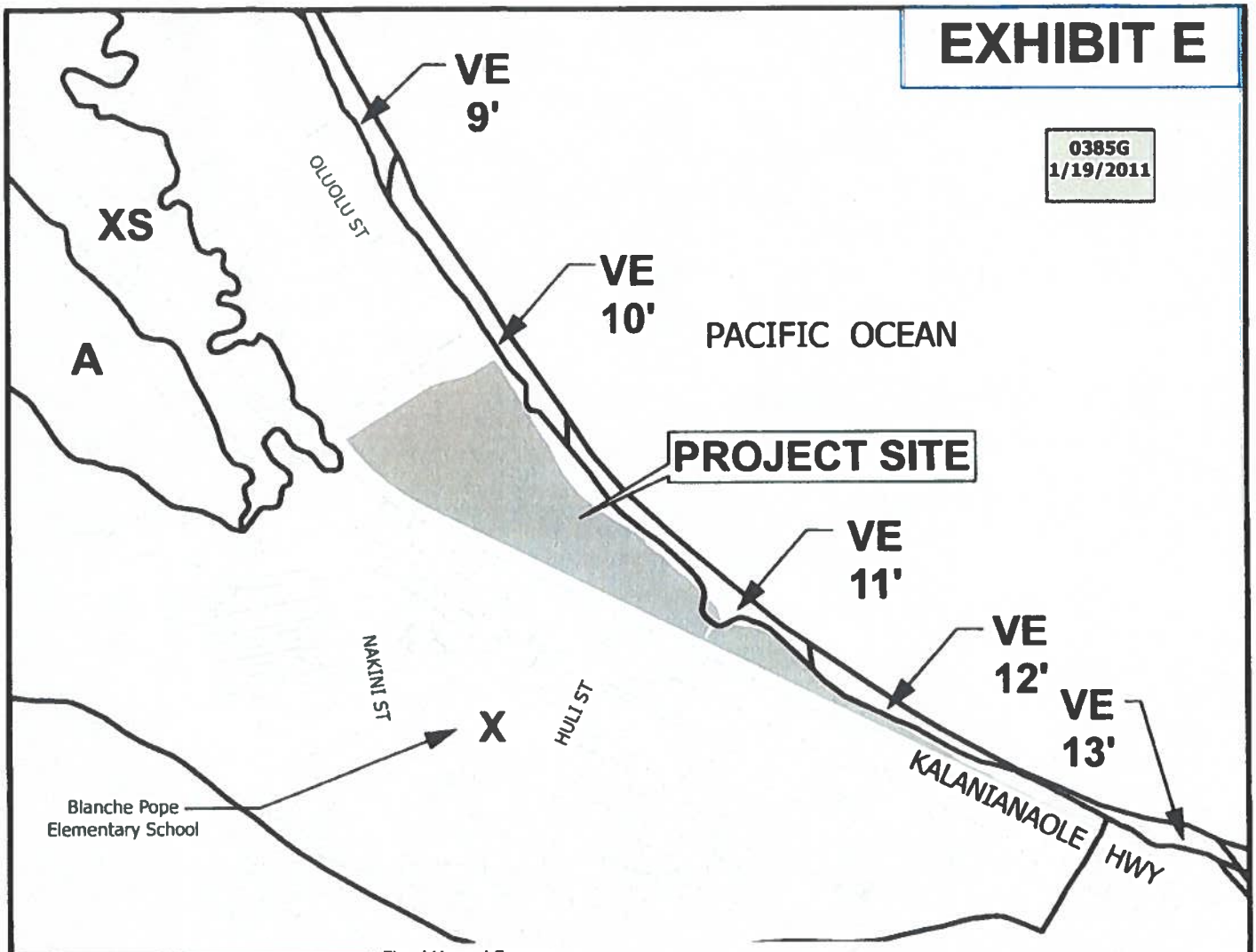
DESIGN JYN REVIEW JYN DRAWN DMH
DATE 03/01/23

JOB NO 18-P-1
DRAWING NO 001
SHEET NO 1 OF 1

Replacement Pavilion

EXHIBIT E

0385G
1/19/2011



Legend

- Project Site
- Tax Parcel
- 12' Base Flood Elevation
- Flood Zones

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 VE = Coastal flood zone with velocity hazard (wave action); BFE determined
Zone A = No BFE determined

OTHER AREAS
Zone X = Areas determined to be outside the 0.2% annual chance floodplain.
Zone D = Areas in which flood hazards are undetermined, but possible.

Zone XS (X shaded) = Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

0 500 1,000
Feet



VICINITY MAP

PORTION OF
FLOOD HAZARD MAP
Waimanalo Beach Park
FIRM PANEL 15003C0385G

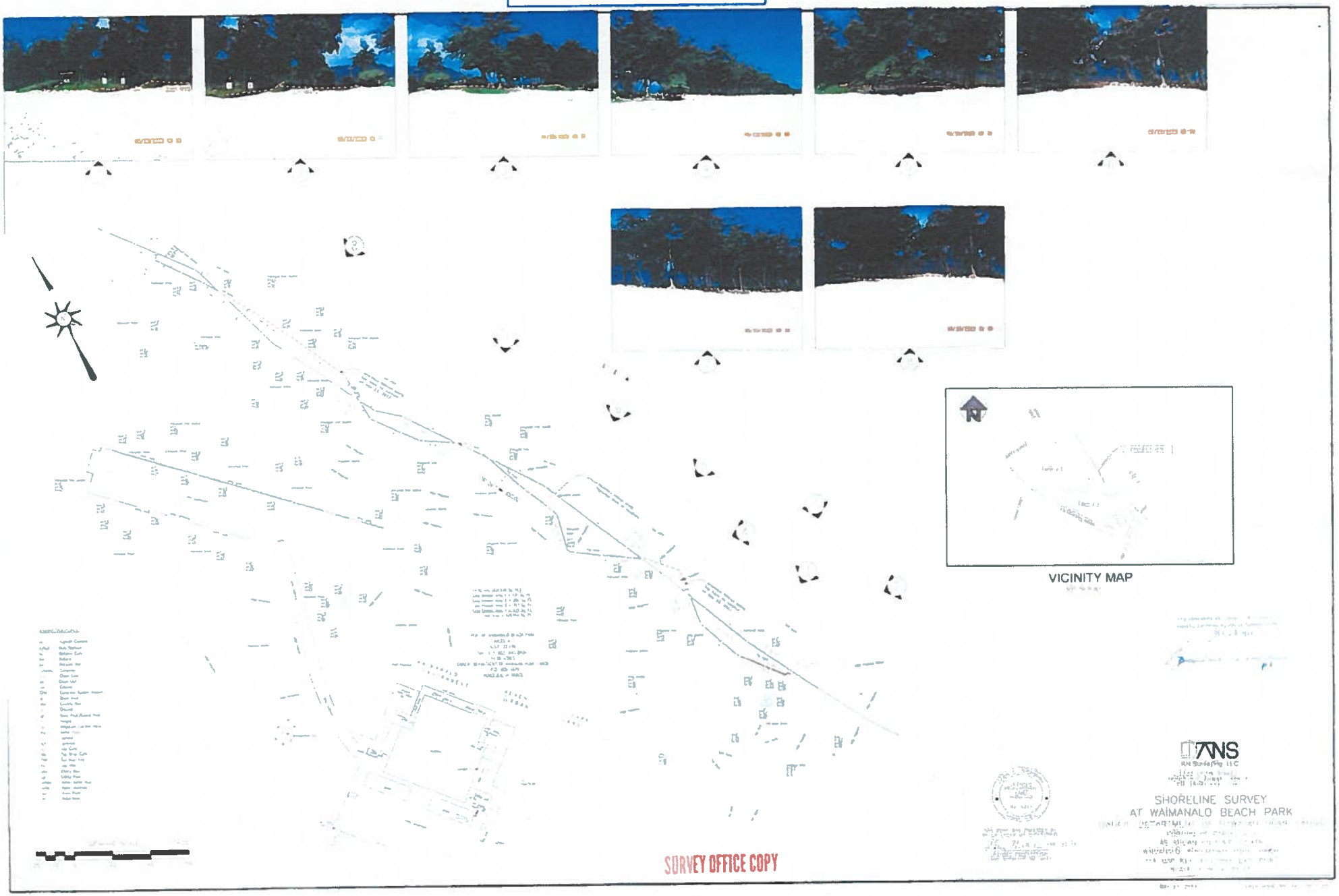
TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040
FOLDER NO.: 2024/SMA-72

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

Date Prepared: 07/2024

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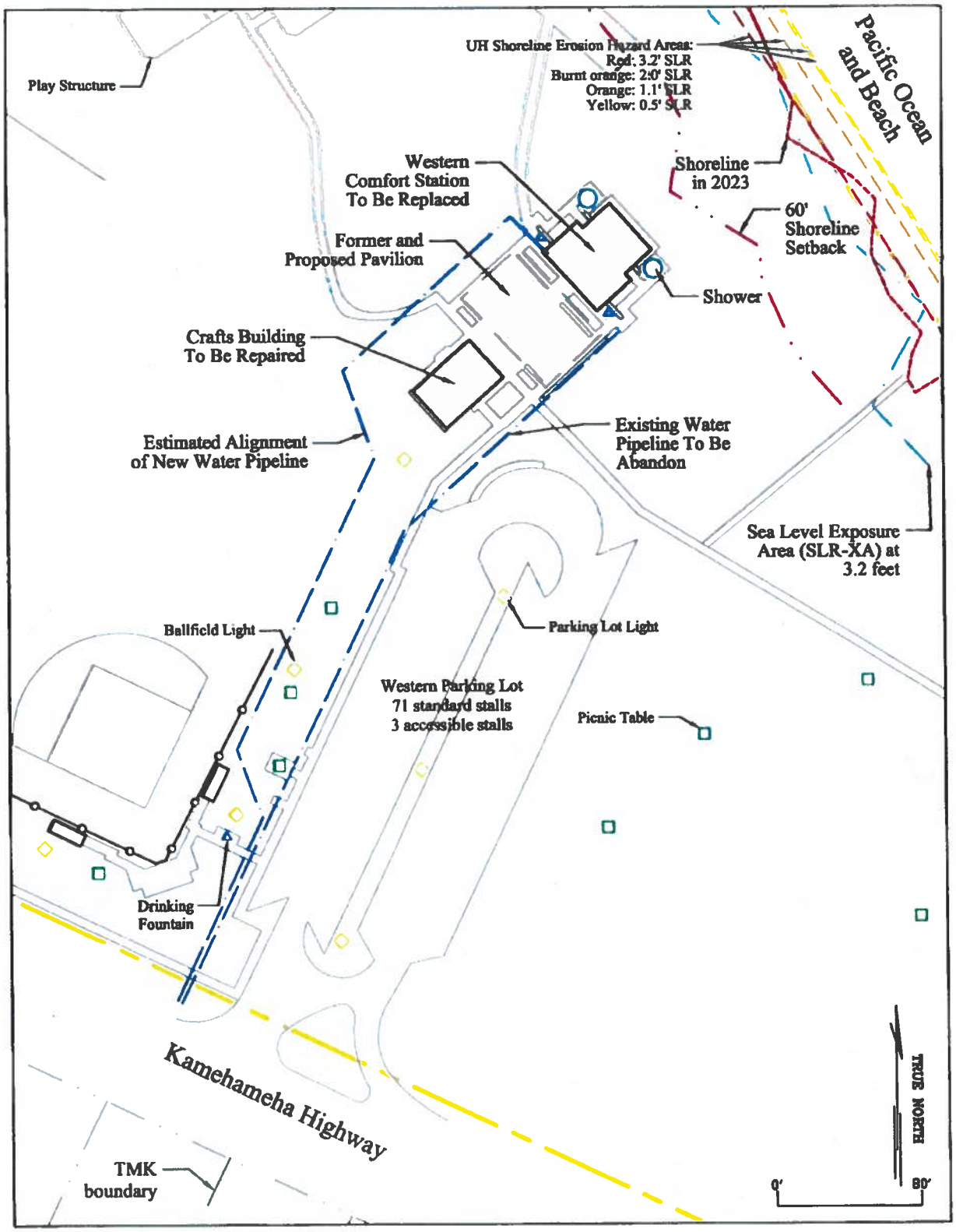
EXHIBIT F-1



Certified Shoreline Survey for Western Portion

EXHIBIT F-2

Figure 2-5: Western Area Site Plan



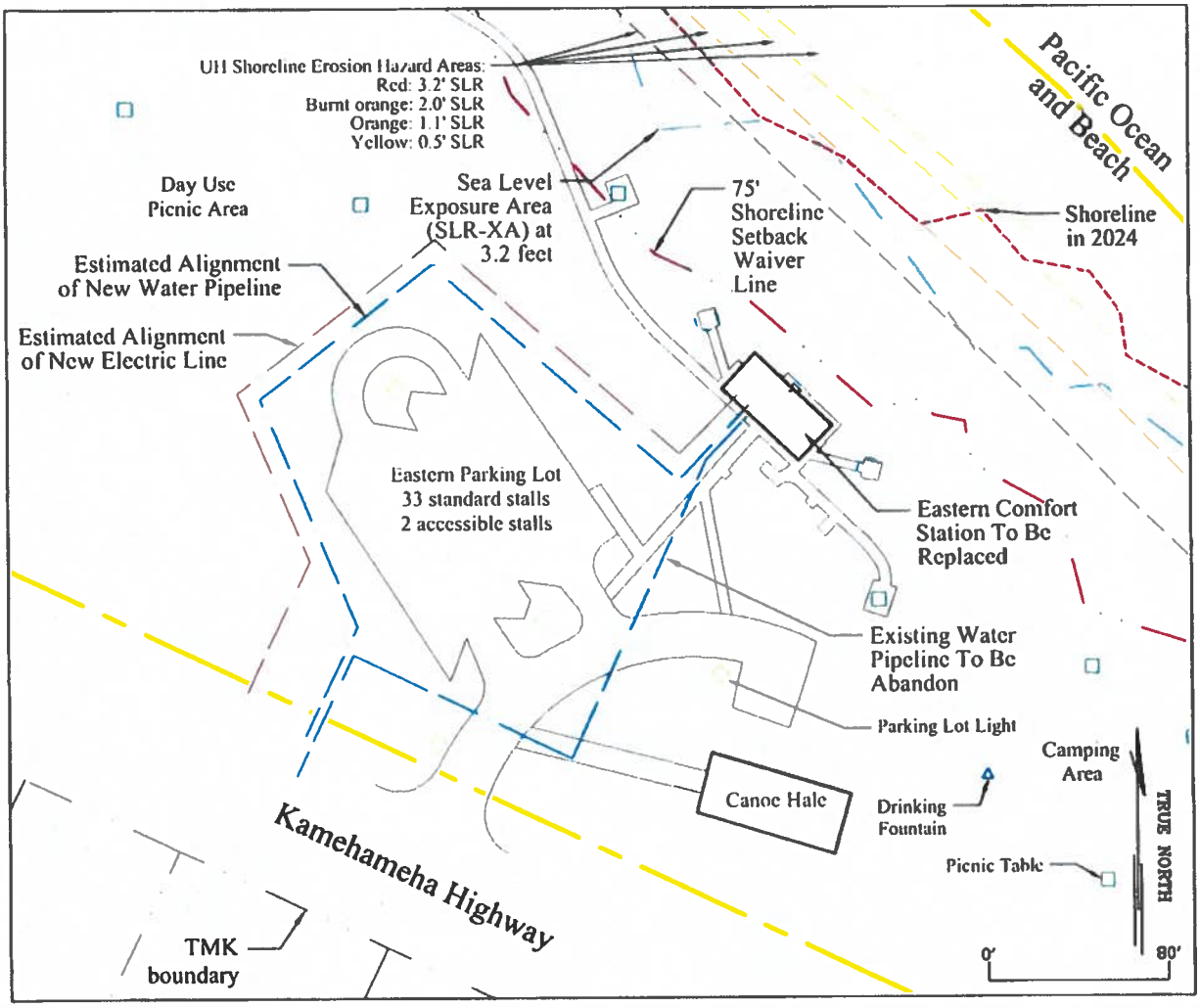
Source: PSI, CCH, and PacIOOS.

EXHIBIT F-3

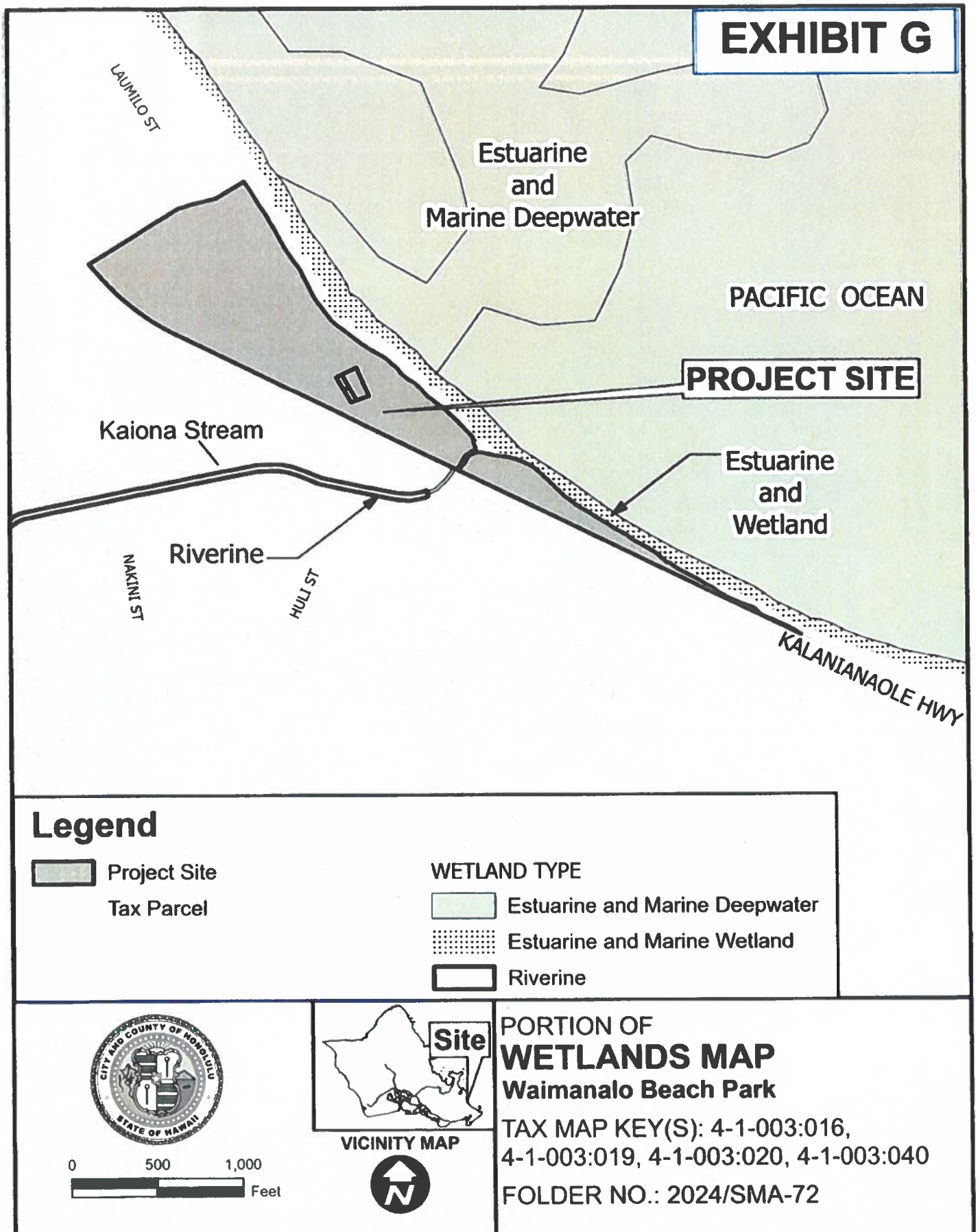


Shoreline Survey for Eastern Portion

EXHIBIT F-4



Eastern Comfort Station Area
Waimanalo Beach Park



PORTION OF

WETLANDS MAP

Waimanalo Beach Park

TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

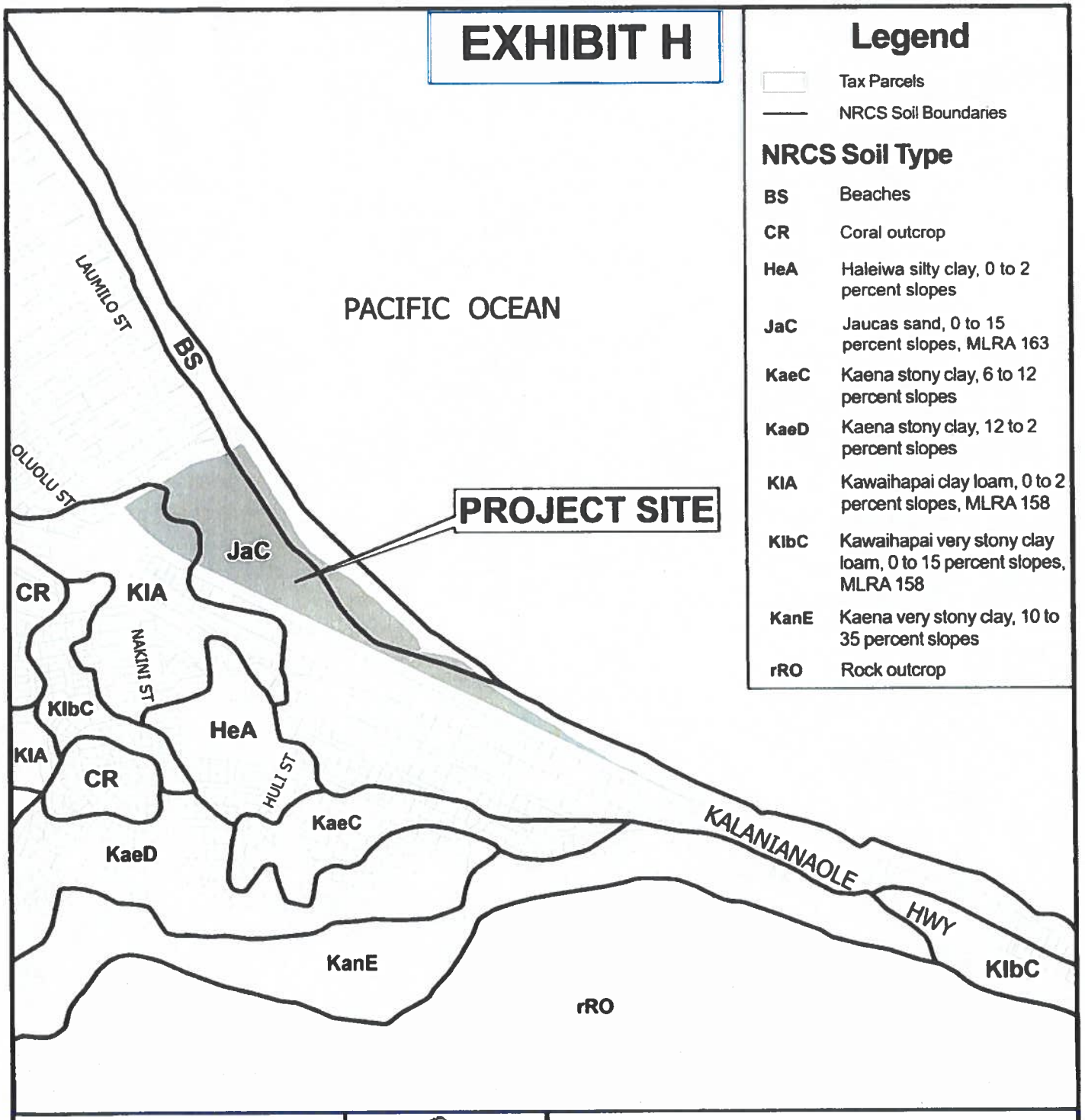
FOLDER NO.: 2024/SMA-72

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EXHIBIT H



Legend

Tax Parcels

NRCS Soil Boundaries

NRCS Soil Type

BS	Beaches
CR	Coral outcrop
HeA	Haleiwa silty clay, 0 to 2 percent slopes
JaC	Jaucas sand, 0 to 15 percent slopes, MLRA 163
KaeC	Kaena stony clay, 6 to 12 percent slopes
KaeD	Kaena stony clay, 12 to 2 percent slopes
KIA	Kawaihapai clay loam, 0 to 2 percent slopes, MLRA 158
KIbC	Kawaihapai very stony clay loam, 0 to 15 percent slopes, MLRA 158
KanE	Kaena very stony clay, 10 to 35 percent slopes
rRO	Rock outcrop

CITY AND COUNTY OF HONOLULU · STATE OF HAWAII

0 500 1,000 Feet



VICINITY MAP

PORTION OF
SOIL MAP
Waimanalo Beach Park

TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

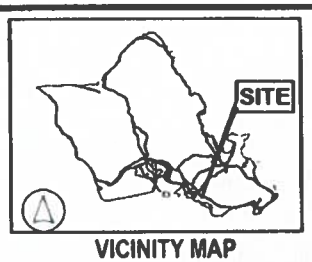
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City and County of Honolulu

Date Prepared: 07/2024

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VICINITY MAP

0 125 250 500

Scale in Feet

EXHIBIT I

Coastal Erosion and Sea Level Rise Exposure Area (3.2 feet)

41-741 Kalaniana'ole Highway - Waimānalo

TAX MAP KEYS: 4-1-003: 016, 019, 020, and 040

FOLDER NO.: 2024/SMA-72

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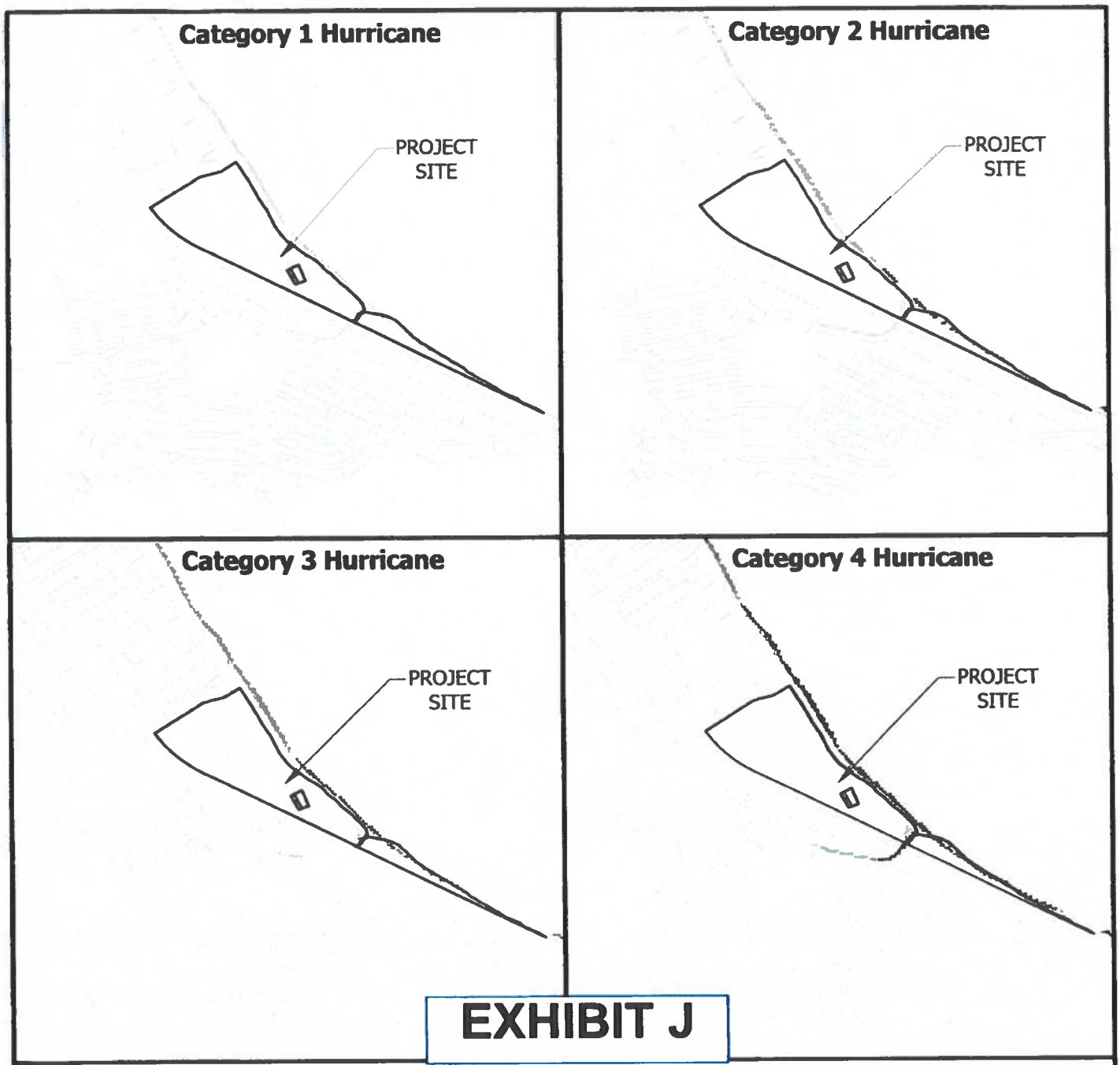


EXHIBIT J

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

0 1,000 2,000 Feet



VICINITY MAP

PORTION OF

STORM SURGE MAP

Waimanalo Beach Park

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(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

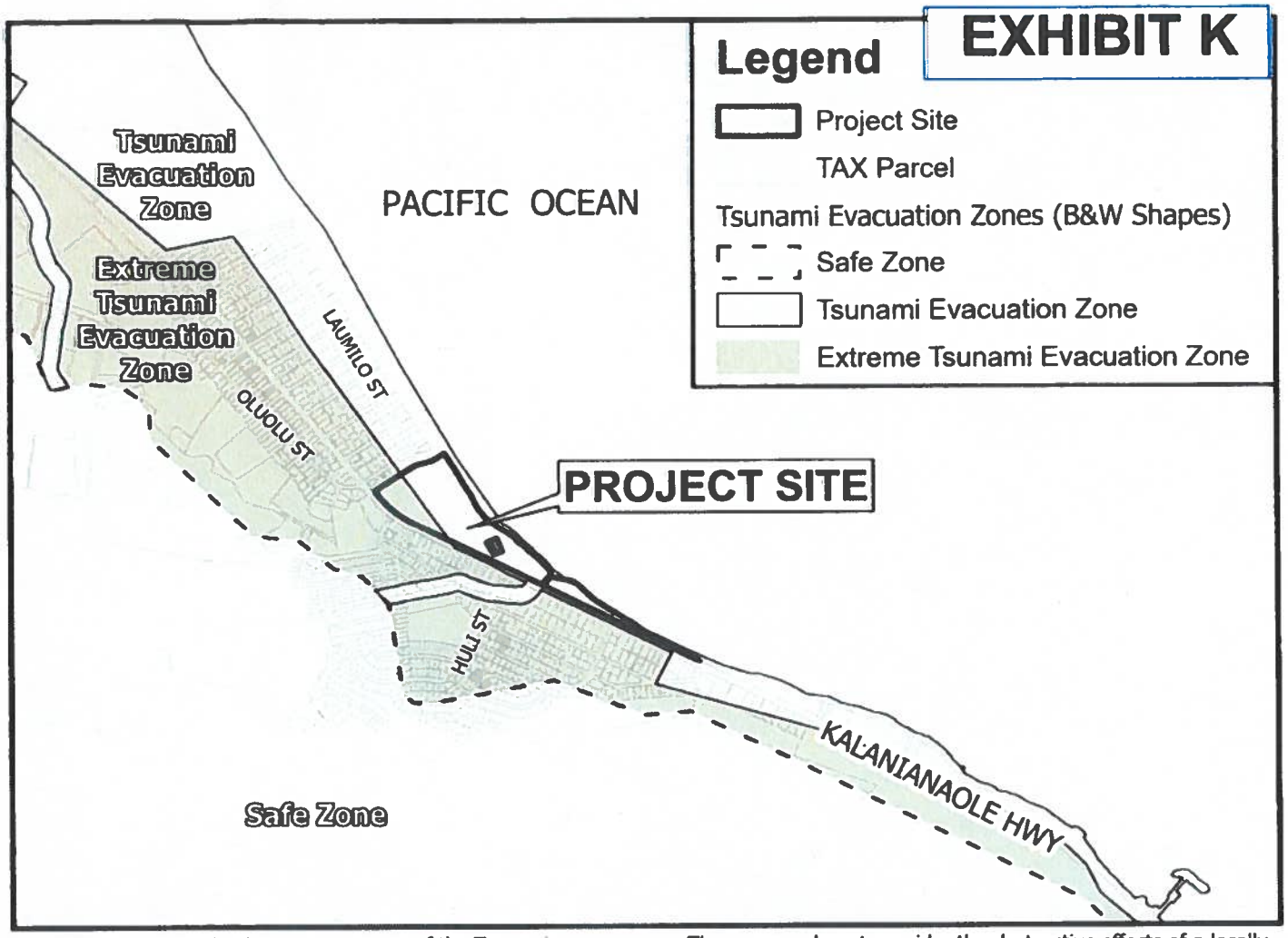
FOLDER NO.: 2024/SMA-72

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Date Prepared: 07/2024

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EXHIBIT K

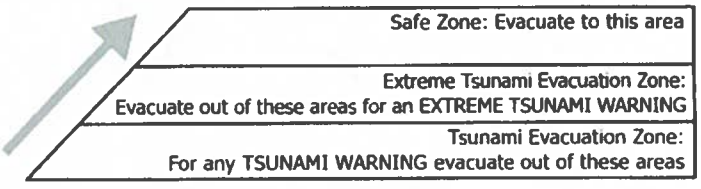


- For most Tsunami Warnings, evacuate out of the Tsunami Evacuation Zone; in the unlikely case of an Extreme Tsunami Warning, evacuate out of the Extreme Tsunami Evacuation Zone
- Remain at least 100 feet away from inland waterways and marinas connected to the ocean due to wave surges and possible flooding
- 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
- The evacuation zone is a guideline and should be considered t minimum safe evacuation distance

- 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

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







VICINITY MAP

PORTION OF

TSUNAMI EVACUATION MAP

Waimanalo Beach Park

TAX MAP KEY(S): 4-1-003:016, 4-1-003:019, 4-1-003:020, 4-1-003:040

FOLDER NO.: 2024/SMA-72

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

Date Prepared: 07/2024

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CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 24-255, CD1

Introduced: 10/16/24 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

Title: GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF IMPROVEMENTS FOR THE WAIMĀNALO BEACH PARK IN WAIMĀNALO, O'AHU.

Voting Legend: * = Aye w/Reservations

10/16/24	INTRO	Introduced.
10/23/24	ZON	Cancelled and not considered.
11/20/24	ZON	Reported out for adoption as amended in CD1 form. CR-340 3 AYES: CORDERO, KIA'ĀINA, SAY 2 ABSENT: DOS SANTOS-TAM, WEYER
12/11/24	CCL	NOTE: Hand-carried FD1 OCS2024-1052/12/3/2024 1:58 PM withdrawn. Committee report and Resolution as amended were adopted. 6 AYES: KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER 3 ABSENT: CORDERO, DOS SANTOS-TAM, TUPOLA

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