SUMMARY OF PROPOSED FLOOR DRAFT:

Resolution 11-84, CD1 -
SMP for Laie Inn
(2010 SMA-54)

PROPOSED FD1 TO THE PROPOSED CD1:

A. Amends proposed Condition E to read as follows (deletions are bracketed; additions are underscored):

"E. Prior to the issuance of any [Certificate of Occupancy for the project,] <u>partial building permit for any construction of the hotel above grade,</u> or within 18 months of the issuance of this SMP, whichever is first, the Applicant shall submit a Watershed Study and Drainage Master Plan to the Director of the DPP, for review and approval. The Applicant shall incorporate the recommendations in the approved Drainage Master Plan in all redevelopment projects within the master plan area."

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 11-84, CD1, FD1
Proposed

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR DEVELOPMENT OF A HOTEL, RESTAURANT, AND COMMERCIAL BUILDING IN LAIE, OAHU.

WHEREAS, the Department of Planning and Permitting (DPP) on December 23, 2010, accepted the application (File No. 2010/SMA-54) of Hawaii Reserves, Inc., herein referred to as the Applicant, for a Special Management Area Use Permit (SMP) for construction of a four-story, 222-unit hotel ("Laie Inn"), which includes a restaurant and banquet/meeting facilities, a stand-alone McDonald's restaurant, and a new two-story commercial building at 55-370 and 55-400 Kamehameha Highway, Laie, Oahu, and identified as Tax Map Key 5-5-6: 39, 40, and a portion of 28, as shown on Exhibit A; and;

WHEREAS, on February 15, 2011, the DPP held a public hearing which was attended by about 50 members of the public and two representatives of the Applicant; and

WHEREAS, on March 17, 2011 within 20 working days after the close of the public hearing, the DPP having duly considered all evidence and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on _____, and at its meeting of _____, having duly considered all of the findings and reports on the matter, approved the subject application for an SMP with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP be issued to the Applicant under the following conditions:

A. This SMP is only for the development of a hotel, a stand-alone restaurant, and commercial building on the site. Construction of the hotel, restaurant, and commercial building shall be in general conformity with the plans on file with the Department of Planning and Permitting (DPP) and in accordance with the Land Use Ordinance (LUO). Any changes in the size or nature of the project which have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu (ROH), and Chapter 205-A, Hawaii Revised Statutes (HRS), shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification

and therefore permitted under this resolution, upon review and approval of the Director of DPP.

B. Prior to the issuance of the first development permit for the project, the Applicant shall provide the Director of the DPP with written verification from the following entities:

1. Department of Environmental Services (ENV), confirming their review and approval of the Laie Wastewater Pump Station's capacity to accommodate the projected wastewater flows.

2. Polynesian Cultural Center, confirming an agreement with the Applicant allowing the project to connect to the 12-inch sewer line running between the Polynesian Cultural Center and Parcel 39.

C. The Applicant shall submit a Storm Water and Drainage Plan to the DPP Site Development Division for review and approval during the construction plan review process. The Storm Water and Drainage Plan shall include a maintenance plan for the two existing Hawaii Reserves, Inc. (HRI) drain lines, and Best Management Practices for storm water quality. The Applicant shall implement the approved plans and practices.

D. Prior to the approval of the first development permit for the project, the Applicant shall submit revised plans to the Director of the DPP, for review and approval, showing a dedicated public beach access easement from the crosswalk at Naniloa Loop and Kamehameha Highway to the beach. The easement shall be a minimum of 15 feet wide.

E. Prior to the issuance of any partial building permit for any construction of the hotel above grade, or within 18 months of the issuance of this SMP, whichever is first, the Applicant shall submit a Watershed Study and Drainage Master Plan to the Director of the DPP, for review and approval. The Applicant shall incorporate the recommendations in the approved Drainage Master Plan in all redevelopment projects within the master plan area.

F. Prior to the issuance of any Certificate of Occupancy for the project, the Applicant shall:

1. Execute and record all necessary conveyance documents, in form and content acceptable to the DPP and the Corporation Counsel, and designate and construct the necessary improvements for:

a. The community pedestrian and bike path along the Kamehameha Highway frontage of the site as part of the Laie Master Plan;

b. The 15-foot wide public beach access easement described in Condition D above.

The express purpose of the pedestrian and bike path and easement shall be to facilitate safe pedestrian access to/from the beach; and

2. At Applicant's expense, cause the signalized crosswalk at the intersection of Naniloa Loop and Kamehameha Highway to be completed and become operational, contingent upon the State Department of Transportation (SDOT) finding such is warranted.

G. 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 of Hawaii Department of Land and Natural Resources, Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until SHPD is able to assess the impact and make further recommendations for mitigative action.

H. Approval of this SMP does not constitute compliance with other LUO or governmental requirements, including building permit approval. They are subject to separate review and approval. The Applicant will be responsible for ensuring that the final plans for the project approved under this permit will comply with all applicable LUO and other governmental provisions and requirements.

I. **The Applicant shall obtain a development permit for the proposed development within two years of the date of this permit.** Failure to obtain a development permit within this period shall render this permit null and void, provided that this period may be extended as follows:

The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period shall not be extended beyond one year from the initial deadline set by the City Council.

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 shall include the Director's findings and recommendations

RESOLUTION

thereon. The Council may approve the proposed extension or an 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 receipt of the Director's report; or, (b) the Applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be and is directed to transmit copies of this resolution to David K. Tanoue, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, Hawaii 96813.

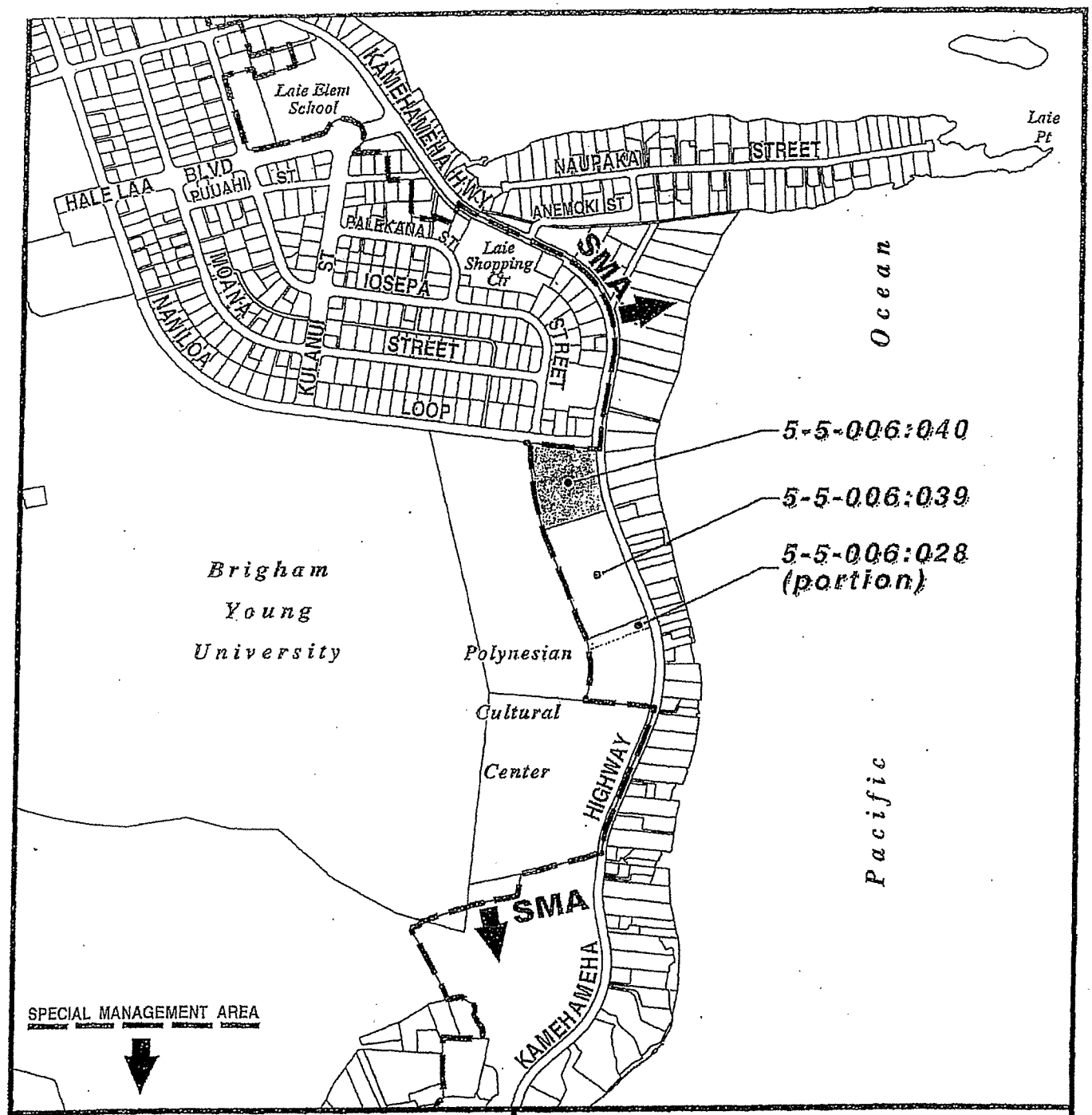
INTRODUCED BY:

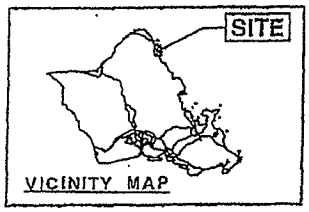
Nestor Garcia (BR)

DATE OF INTRODUCTION:

March 21, 2011
Honolulu, Hawaii

Councilmembers





800 400 0 800
Scale in Feet

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LOCATION MAP

Laie Inn

FOLDER NO: 2010/SMA-54

TAX MAP KEY(S): 5-5-006 : 028(por.), 039 & 040

Date Prepared: March 2011

Prepared by: Department of Planning & Permitting
City & County of Honolulu

EXHIBIT A

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