



RESOLUTION

URGING THE DEPARTMENT OF PLANNING AND PERMITTING TO ENFORCE STRICT COMPLIANCE WITH ALL APPLICABLE LAWS AND UNILATERAL AGREEMENT AND SPECIAL MANAGEMENT AREA USE PERMIT/SHORELINE SETBACK VARIANCE CONDITIONS PRIOR TO THE ISSUANCE OF ANY PERMITS AND APPROVALS FOR THE TURTLE BAY RESORT EXPANSION PROJECT.

WHEREAS, in 1986, the City Council granted zoning and special management area use permit/shoreline setback variance ("SMP/SV") approvals for the Turtle Bay Resort Expansion Project (the "Project"), described as a "master-planned resort community, including hotels, dwellings, commercial areas, golf courses, parks, roadways, utilities and other facilities"; and

WHEREAS, an Exhibit to the Unilateral Agreement ("U/A") for the zoning approval depicted a Project development schedule with three phases, commencing in 1986 and ending in 1999; and

WHEREAS, notwithstanding these approvals, there was little or no activity on the Project for the past 20 years; and

WHEREAS, recently, however, an application for subdivision approval for the Project was filed with the Department of Planning and Permitting ("DPP") and is now pending; and

WHEREAS, area residents have raised strong concerns about the impacts of such a massive project on the environment, traffic, infrastructure and quality of life, particularly in light of the long passage of time since the 1986 approvals; and

WHEREAS, both the U/A and the SMP/SV for the Project contain numerous conditions designed to mitigate environmental and other adverse impacts of the Project; and

WHEREAS, many of the conditions expressly require fulfillment prior to or at the time of subdivision or building permit approvals, including but not limited to:

- 1) Dedication of park sites and establishment of shoreline and access easements;
- 2) Submission and approval of:

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- a) Plans for phasing the development of the water and wastewater systems for the resort;
- b) A development implementation plan related to roadway modifications;
- c) An overall urban design plan for the resort;
- d) A landscape plan for the resort; and
- e) Architectural and parking plans for major structures;

and

WHEREAS, the U/A (Condition 10) also requires compliance with all of the conditions set forth in the Findings of Fact, Conclusions of Law and Decision and Order of the State Land Use Commission, dated March 27, 1986, in relation to the approval of a district boundary amendment for the Project; and

WHEREAS, the SMP/SV (Condition Q) requires that prior to the implementation of the Project, the permittee must meet the requirements and obtain approval of all governmental agencies required; and

WHEREAS, the DPP is the agency that administers and enforces the U/A and SMP/SV conditions; and

WHEREAS, there have been allegations that some of the U/A and/or SMP/SV conditions have not been complied with; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the DPP is urged to withhold the issuance of any subdivision or building permit approvals for the Project unless the following are met:

- 1) The development of the Project is in compliance with all applicable laws and ordinances, including but not limited to environmental protection laws;
- 2) All applicable U/A conditions required to be fulfilled prior to or at the time of such approvals have been fulfilled; and
- 3) All applicable SMP/SV conditions required to be fulfilled prior to or at the time of such approvals have been fulfilled;



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and

BE IT FURTHER RESOLVED that if the DPP finds that there has been a material violation of law or a material breach of the conditions in connection with the Project, the DPP immediately take all steps necessary to bring the Project into compliance and to protect the environment and public health and safety, including, but not limited to, initiating proceedings to strengthen the U/A and/or revoke or modify the SMP/SV; and

BE IT FURTHER RESOLVED that the DPP report to the Council on the status of the Project's compliance with all applicable laws, ordinances, and conditions prior to the DPP's issuance of any subdivision or building permit approvals for the Project; and

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the Director of Planning and Permitting.

INTRODUCED BY:

DATE OF INTRODUCTION:

FEB 28 2006

Honolulu, Hawaii

Councilmembers

(OCS/022406/ct)

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FEB 28 2007
PURSUANT TO ROH Sec. 1-2.5