

**SPECIAL MANAGEMENT AREA USE PERMIT AND
SHORELINE SETBACK VARIANCE APPLICATION
AND FINAL ENVIRONMENTAL ASSESSMENT REPORT
FOR THE PROPOSED RENOVATIONS AND EXPANSION OF
THE TURTLE BAY RESORT AT KUILIMA**

**57-091 KAMEHAMEHA HIGHWAY
TAX MAP KEY 5-7-1: PORTION OF 13**

**KUILIMA RESORT COMPANY
57-091 KAMEHAMEHA HIGHWAY
KAHUKU, HAWAII 96731**

APPLICANT

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Planning and Zoning Consultants
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Honolulu, Hawaii 96822**

Agent

JANUARY 2003

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Application and Final Environmental Assessment for Turtle Bay Resort

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**57-091 KAMEHAMEHA HIGHWAY
TAX MAP KEY 5-7-1: PORTION OF 13**

I. INTRODUCTION

This Special Management Area (SMA) Use Permit and Shoreline Setback Variance (SSV) Application and Final Environmental Assessment (EA) Report are for the planned renovations and expansion of the Turtle Bay Resort development at Kuilima. The Turtle Bay Resort development is a 26-acre site developed with a 410-room hotel with restaurants, retail and other commercial support services, a banquet room, meeting rooms, a wedding chapel, swimming pools, hang ten pool bar, a spa facility, 12 beach cottage units (two buildings with 6 units each), a tennis pro shop with two restrooms, 48 Ocean Villa units (three 2-story buildings with 12 units each and two 1-story buildings with 6 units each), a bar/food service/restroom structure at the Kuilima Bay beach ("Sand Bar", formerly "Beach Cafe"), two cooling towers, one above ground storage tank, five above ground propane tanks, a fuel oil storage tank, a helipad and parking for 543 stalls, which includes 14 handicap stalls.

Located outside of the planned development area and not a part of this application are an additional 30 beach cottage units (five buildings with 6 units each), 10 tennis courts, two multipurpose courts, and a sewage pump station. These developments are within a small portion of an approximately 740-acre site of a master planned resort development which received City Council approval of an SMA Use Permit, Application No. 86/SMA-45, Resolution No. 86-308, on October

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1, 1986. The larger master planned resort development encompassed the area surrounding the existing Turtle Bay Resort Development.

The applicant, Kuilima Resort Company, proposes to develop within the existing main hotel structure a new ballroom, new meeting rooms, new office space for administration, promenades along the exterior of Palm Terrace and Cove Restaurant, new engineering office space, a maintenance shop, and new front entries to the Lobby and Bay View Lounge.

The applicant proposes new outdoor dining areas and new dining areas protected by trellis and windscreen surrounding the existing Sand Bar bar/food service and restroom facility.

The applicant proposes improvements at the Ocean Villas with possible conversion from hotel to time share use, including two new 3-story, 9-unit Ocean Villa buildings (18 new units), two additional floors on an existing 1-story Ocean Villa building to accommodate 6 new units, one additional floor on three existing 3-story buildings to accommodate 9 new units. The net result in Ocean Villa units with the proposed additional 33 units will be an increase in the total number of units from 48 to 57 (9 additional units). The Ocean Villas, upon completion of the additions will consist of six 3-story buildings with 9 units each and one 1-story building with 3 units, for a total of 57 units. The resultant 57 units with the additions planned is due to a renovation of existing units to create larger two-bedroom units out of the existing studio units.

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The applicant plans to renovate the existing hotel swimming pool, and the swimming pool at the Ocean Villas. The applicant proposes to relocate the Cooling Towers, fuel oil storage tank and towel station at the hotel pool.

The applicant also proposes outdoor improvements that will involve grading, adding landscaping and hardscape (tile surfaces), providing tiki torches and other lighting features throughout the resort, and improving pedestrian and vehicle access ways through the resort.

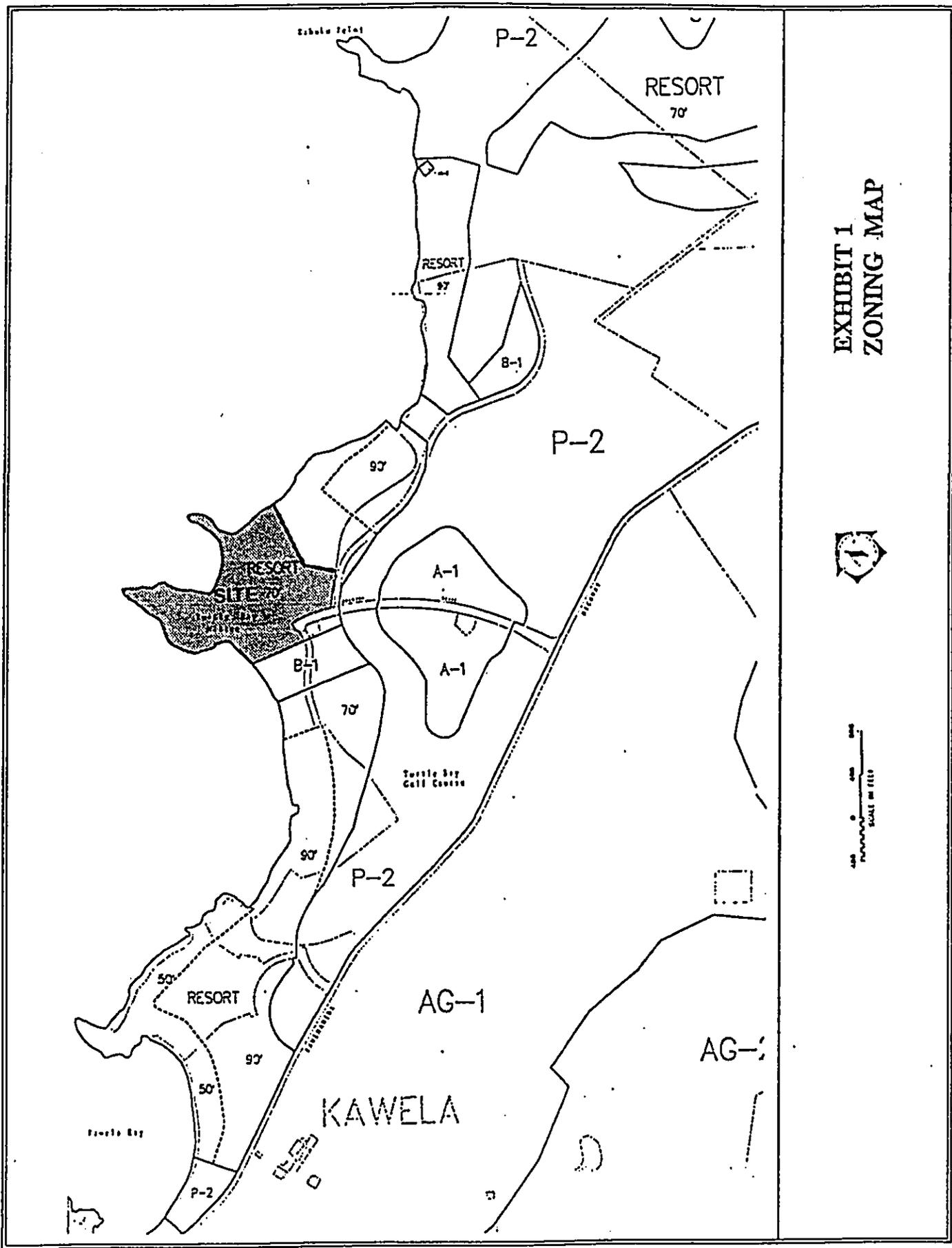
This SMA, SSV and Final EA, for the proposed resort renovation and expansion at Turtle Bay Resort in Kuilima, is prepared pursuant to requirements established within Chapter 25, Revised Ordinances of Honolulu, as amended, and in accordance with Chapter 343, Hawaii Revised Statutes, as amended. It is further prepared in accordance with the Department of Planning and Permitting's "Content Guide for Preparing an Environmental Assessment Required with an Application for a Special Management Area Use Permit, Major, Chapter 25, Revised Ordinances of Honolulu, as amended".

This environmental assessment provides the basis for a Finding of No Significant Impact (FONSI) determination for the proposed project pursuant to Chapter 25, Revised Ordinances of Honolulu, as amended and Sec. 11-200-2 of the Department of Health Environmental Impact Statement Rules.

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II. GENERAL INFORMATION

- A. APPLICANT : Kuilima Resort Company
57-091 Kamehameha Highway
Kahuku, Hawaii 96731
(808) 232-2285
- B. APPROVING AGENCY: Department of Planning and Permitting
City and County of Honolulu
650 So. King Street, 7th Floor
Honolulu, Hawaii 96813
- C. RECORDED FEE OWNER : Kuilima Resort Company
57-091 Kamehameha Highway
Kahuku, Hawaii 96731
(808) 232-2285
- D. AGENT : Kusao & Kurahashi, Inc.
Planning and Zoning Consultants
2752 Woodlawn Drive, #5-202
Honolulu, Hawaii 96822
(808) 988-2231
- E. TAX MAP KEY : 5-7-01: portion of 13
- F. LOCATION : 57-091 Kamehameha Highway;
Kuilima Resort in Kahuku
- G. LOT AREA : 26 acres
- H. STATE LAND USE : Urban
- I. ZONING : Resort District (Exhibit 1)



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J. **KO'OLAU LOA SUSTAINABLE
COMMUNITIES PLAN**

Land Use Map	:	Resort
Public Facilities Map	:	No improvements planned affecting the project site.

K. **SPECIAL MANAGEMENT
AREA**

: Project is within the SMA area (Exhibit 2)

L. **EXISTING USE**

: Turtle Bay Resort Development

M. **AGENCIES CONSULTED
(PRE-DRAFT EA)**

: Department of Planning and Permitting
Board of Water Supply

N. **COMMUNITY GROUPS
CONSULTED**

: Koolauloa Neighborhood Board
Kahuku Community Association

III. DESCRIPTION OF THE PROPOSED ACTION

A. **GENERAL DESCRIPTION**

1. **Proposed Project**

The applicant, Kuilima Resort Company, proposes the following additional improvements, which are depicted in the plans provided in Appendix I:

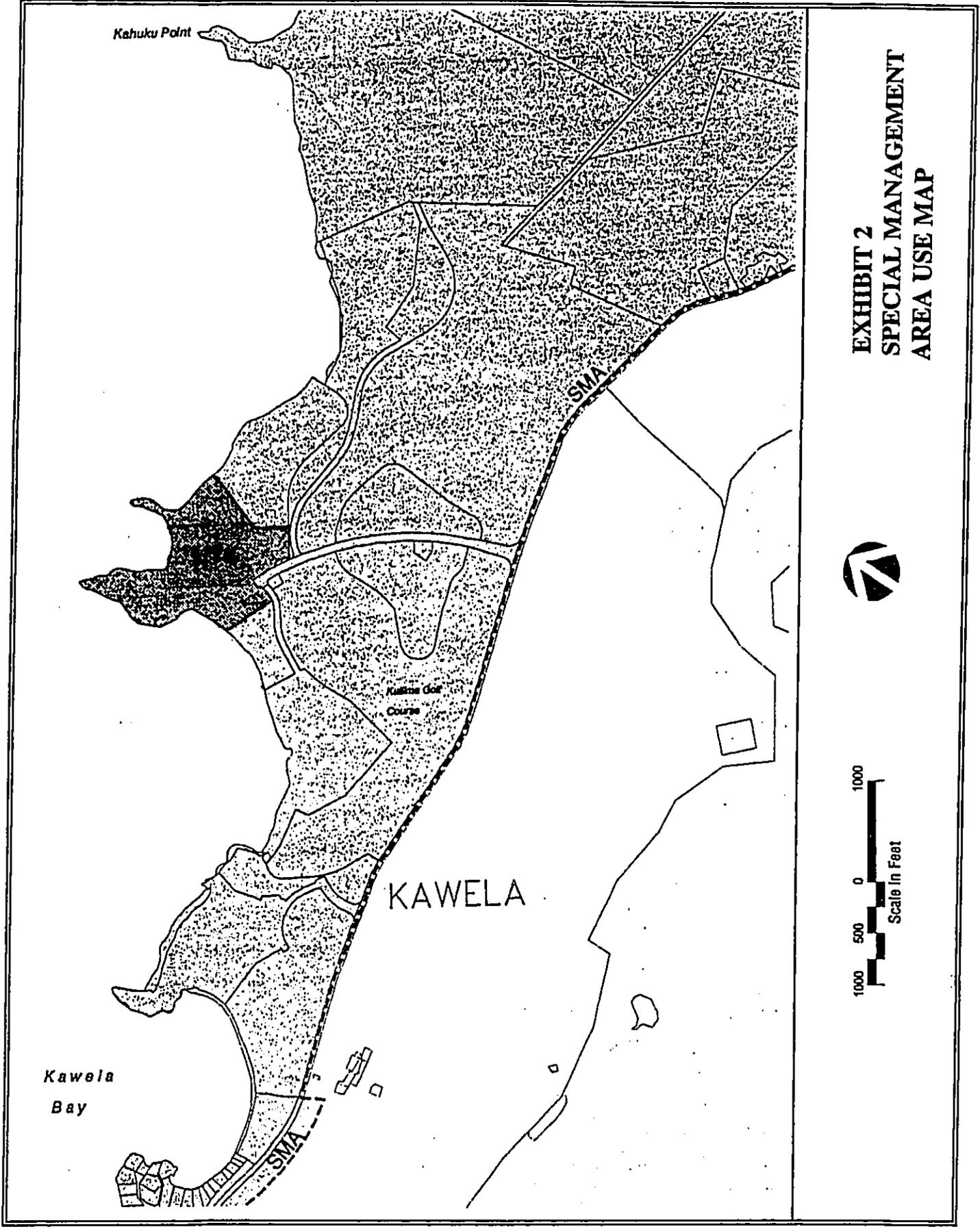


EXHIBIT 2
SPECIAL MANAGEMENT
AREA USE MAP

NEW FLOOR AREA

- a. New Ballroom (12,292 square feet) is to be situated on the Lobby Level (second floor on the ocean side between the North Wing and the West Wing of the hotel) over the existing cooling towers location. This ballroom will be added to the existing 6,420 square foot ballroom providing 18,712 square feet of ballroom space. The roof of the Ballroom will rise 33 feet, 6 inches above the existing grade. This improvement is described as Item 19 under Design Notes and shown on the Site Plan, Sheet A-01.
- b. Two new 3-story, 9-unit Ocean Villa buildings (one located between the existing Ocean Villa complex and the Ocean House and two located east of the existing Ocean Villa complex), two additional floors on an existing 1-story Ocean Villa building to accommodate 6 new units, and one additional floor on three existing 2-story buildings to accommodate 9 new units. The net result in Ocean Villa units with the proposed 33 additional units will be an increase in the total number of units from 48 to 57 (9 additional units). The Ocean Villas, upon completion of the additions will consist of six 3-story buildings with 9 units each and one 1-story building with 3 units, for a total of 57 units. The resultant 57 units with the additions planned is due to a renovation of existing units to create larger two-bedroom units

out of the existing studio units. The 3-story Ocean Villa buildings will be about 37 feet tall. These improvements are described as Items 11 and 17 under Design Notes and shown on the Site Plan. The existing 1-story Ocean Villa building located nearest to the shoreline will remain 1-story (19 feet tall) with no increase in floor area. This improvement is described as Item 20 under Key Notes and shown on the Site Plan.

- c. New meeting rooms with approximately 3,437 square feet located at the Lobby Level of the North Wing will be about 30 feet in height. These meeting rooms are new structures that will be constructed under the existing North Wing hotel tower. A small portion (corner) of the meeting room will encroach into the 40-foot shoreline setback. The corner of the meeting room that encroaches into the shoreline setback line involves enclosure of airspace under the North Wing Hotel Tower. No new hard surface improvements are planned on the ground level within the 40-foot shoreline setback area, except for lowering the existing access road below the meeting room to allow for fire and delivery access. This improvement and its relationship with the 40-foot shoreline setback is shown on the Site Plan, Design Note 25 (Sheet A-1).
- d. New office space (1,799 square feet) for administration at the Lower Level/East Wing at the employee smoking area and the

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adjacent trapezoidal area to the north will be about 16 feet in height. This improvement is described as Item 18 under Design Notes and shown on the Site Plan.

- e. Allow for covered promenades along the exterior of Palm Terrace and Cove Restaurant (3,866 square feet) located along the East and West Wings of the hotel with a height of about 28 feet. This improvement is described as Item 20 under Design Notes and shown on the Site Plan.
- f. New administration and engineering office space and maintenance shop (7,180 square feet) space at Lower Level, North Wing about 16 feet in height. This improvement is described as Item 4 under Design Notes and shown of the Enlarged Floor Plan Service Level, Sheet A-02.
- g. New front entries to the Lobby and Bay View Lounge including canopied roof structure or skylight to guest drop-off area with a height of about 20 feet. These improvements are described as Item 21 under Design Notes and shown on the Site Plan.
- h. New outdoor dining areas and new dining area with trellis and windscreen, with a height of about 10 feet, surrounding the existing Sand Bar which is about 17 feet tall. These improvements are described as Items 30 and 31 under Design Notes and shown on the Site Plan.

RENOVATIONS

- i. The existing hotel swimming pool will be renovated to create a more free form and natural appearance along its edges and there will be no change in the swimming pool itself except to add rock formations to the edges and possibly within the pool to create a natural lagoon appearance to the pool. Portions are within the 40-foot shoreline setback. These improvements and their relationship with the shoreline setback is shown on the Site Plan, Item 22 under Design Notes (Sheet A-1).
- j. Renovation of the existing Ocean Villas to create larger units and possible conversion from hotel to time share use. These improvements are described as Items 17 under Design Notes and shown on the Site Plan.
- k. Renovation of pool at Ocean Villas to create a more natural free form. This improvement is described as Item 22 under Design Notes and shown on the Site Plan.

RELOCATION

1. Relocate Cooling Towers from ocean side of main hotel structure to the roof top of hotel for a height of 106 feet. The main hotel wings rise to about a height of 79 feet with the parapet wall and mechanical and equipment rising above that. These improvements are described as Item 23 under Design Notes and shown on the Site Plan.

- m. Relocate fuel oil storage tank for the emergency generator from its present location on the ocean side of the main hotel structure to a site adjacent to new ballroom. This improvement is described as Item 15 under Design Notes and shown on the Site Plan.
- n. The existing towel station is located within the 40-foot shoreline setback and will be relocated to an area well outside of the 40-foot shoreline setback. The existing free standing towel station will be relocated from its existing location east of the existing swimming pool to an area next to an existing staircase leading from the hotel to the pool area. The new towel station will be between 10 and 12 feet tall. This improvement is described as Item 24 under Design Notes and shown on the Site Plan.

OUTDOOR IMPROVEMENTS

- o. Grading at the Lower Level to allow clearance for emergency vehicles under the North Wing and to enhance (level) an existing grassed area located north and south of the Wedding Chapel for continued use for outdoor functions. These improvements are described as Items 26 and 13 under Design Notes and shown on the Site Plan.
- p. Hardscape (tile surfaces) and double spa outside of the Spa/Health Club interior space. These improvements are

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described as Items 1 and 2 under Design Notes and shown on the Site Plan.

- q. Landscaping and hardscape meandering within and beyond the 40-foot shoreline setback in the area around the indoor spa facility and extending south of the West Wing and near the new free form hotel swimming pool and slide. These improvements are described as Item 2 under Design Notes and shown on the Site Plan.
- r. Two new tiki torches to fill an existing gap in the row of tiki torches located north of the Sand Bar. These tiki torches provide ambient/mood lighting, security in lighting dark areas and are flames fueled by propane from conduits located underground, portions of which are within the shoreline setback. One new light along the walkway from the Port Cochere down to the tennis and golf facility for safety and security, intended to light the pathway and will be directed towards the walkway. These improvements are described as Items 16 and 14 under Design Notes and shown on the Site Plan.
- s. Concrete sidewalks from the Port Cochere down to the tennis and golf facility. These improvements are described as Item 10 under Design Notes and shown on the Site Plan.
- t. Paved vehicle ramp and concrete sidewalks from the loading dock roadway entrance (west side of hotel) to the loading dock

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for employee access and surfer and fisherman access to the beach and beach showers. Portion of surfer and fisherman access will be within the 40-foot shoreline setback and will pass under bridge planned in item "u" below. The existing shower located within the 40-foot shoreline setback is being improved to better service surfers and fishermen. The shower and the proposed surfboard rack that will be located near the shower, also within the 40-foot setback, are necessary beach recreational amenities that by function are best located within the setback. These improvements are described as Items 8, 6, 5 and 7 under Design Notes and shown on the Site Plan.

- u. The bridge which is planned to provide better accessibility (ADA access) between the cottage area and the swimming pool will be located within the 40-foot setback and will extend over a natural depressed area. This improvement located within the 40-foot setback area is an important ADA improvement shown on the Site Plan, Design Note 8 (Sheet A-1).
- v. The proposed pipe mounted standing binocular viewers for ocean viewing provide additional recreational improvements south of the end of the West Wing that by function need to be located within the 40-foot setback and are shown on the Site Plan, Design Note 3 (Sheet A-1).

- w. Expand radius of Port Cochere exit drive including adding a skylight. This improvements is described as Item 21 under Design Notes and shown on the Site Plan.
- x. Reroute walkway from Port Cochere to walkway above new water feature away from existing Bellman Station and storage rooms. This improvement is described as Item 20 under Design Notes and shown on the Site Plan.
- y. New short ramp section (roadway) leading to the existing east access drive, new retaining wall within the 40-foot shoreline setback to prevent undermining of east access drive, and providing a concrete beach access walkway, including steps over an unimproved walkway presently used by guests. The beach access for hotel guests will provide an improved permanent beach access way for guests. These improvements are described as Items 29, 12 and 27 under Design Notes and shown on the Site Plan.
- z. New landscaped median within existing access drive leading to the hotel. These improvements are described as Item 32 under Design Notes and shown on the Site Plan.

These improvements are necessary to upgrade the Turtle Bay Resort and to enhance the visitor experience at the resort. The applicant is hopeful that these improvements will generate greater demand for hotel, resort cottage units, and/or resort timeshare units

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which will help spur development of additional units on neighboring lots, in accordance with an earlier SMA Use Permit approval (Resolution No. 86-308).

2. Location

The Turtle Bay Resort development is located at 57-091 Kamehameha Highway, in the Kuilima Resort in Kahuku. The Turtle Bay Resort development is situated in the Ko'olau Loa Sustainable Communities Plan area. The entire project site is within the Special Management Area (SMA). See attached portion of the SMA Boundary Map (Exhibit 2).

3. Land Use Approvals

a. State Land Use

The project is in the State Land Use Urban District. The proposed improvements are consistent with the site's Urban designation.

b. General Plan

The project meets the following objectives and policies of the General Plan:

Economic Activity

Objective B

To maintain the viability of Oahu's visitor industry.

Policy 6

Permit the development of secondary resort areas in West

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Beach, Kahuku*, Makaha, and Laie.

**Kahuku is the area encompassing Kuilima*

The project site is in the Kuilima area and considered a secondary resort area. The planned expansion of the existing resort facility (Turtle Bay) is consistent with this resort designation.

Policy 7

Manage the development of secondary resort areas in a manner which respects existing lifestyles and the natural environment, and avoids substantial increases in the cost of providing public services in the area.

The proposed improvements will blend in with existing improvements on the property and will not affect existing lifestyles in the community or have a significant impact on the natural environment as documented in this Final Environmental Assessment. The applicant will provide for paying for any increase in the cost of providing public services (primarily water service, since wastewater and refuse will be provided by private providers) by payment of connection fees and by the increase in property tax generated by the cost of improvements.

Policy 9

Encourage the visitor industry to provide a high level of service to visitors.

The applicant is providing the planned improvements to improve the level of service provided to visitors to the Turtle Bay Resort.

Physical Development and Urban Design

Objective A

To coordinate changes in the physical environment of Oahu to ensure that all new developments are timely, well-designed, and appropriate for the areas in which they will be located.

Policy 2

Coordinate the location and timing of new development with the availability of adequate water supply, sewage treatment, drainage, transportation, and public safety facilities.

The proposed development has adequate water, sewage treatment facilities, drainage, and transportation support. The proposed improvements will be designed to provide adequate access for fire protection and a private water system that meets Board of Water Supply standards for fire protection.

b. Sustainable Communities Plan

The Ko'olau Loa Sustainable Communities Plan Land Use Map designates the project site for Resort use. The proposed improvements are consistent with the site's Resort designation.

Chapter 1 of the Ko'olau Loa Sustainable Communities Plan includes the following principle for future land use and development in Ko'olau Loa:

“Limit future resort development to the existing zoned lands in secondary resort areas at Kahuku Point-Kawela Bay area and Laie.”

The proposed resort development is located in the secondary resort area between Kahuku Point and Kawela Bay and is consistent with this principle of the Sustainable Communities Plan.

Section 3.8.1 of the Ko’olau Loa Sustainable Communities Plan provides the following General Policies, Planning Principles and Guidelines:

“3.8.1.1 General Policies

Plans to establish a major resort destination at Kuilima should be maintained. It will provide a major source of jobs for Ko’olau Loa and North Shore residents, and include other amenities that can be enjoyed by residents and visitors alike.”

The Kuilima Resort is seen as a major source of jobs for the region and in order to fulfill this policy, this proposed Special Management Area Use Permit and Shoreline Setback Variance is needed to improve the existing facility and create greater demand for visitor accommodations at this resort. The greater demand will spur the development of new visitor accommodations at Kuilima and will help to establish a major resort destination as envisioned in this policy of the Ko’olau Loa Sustainable Communities Plan. These improvements will provide amenities for residents and visitors alike.

“3.8.1.2 Planning Principles

The following planning principles apply to the Kuilima Resort.”

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- *“Design Character.* Kuilima Resort is conceived as a destination resort relating to and integrated with the rural North Shore of O’ahu. It is envisioned as a resort overlaid with the simplicity and timelessness of a *kama’aina* country estate with characteristic hospitality and elegance.”

The estate character is founded in the hospitality and elegance of the resort and the extensive landscaping and the entry drive. The improvements planned in this Special Management Area Use Permit and Shoreline Setback Variance application will be designed to complement the existing development at Turtle Bay Resort which includes cottages that provide that country estate feel and Ocean Villas planned for three stories and a pitched roof for the low-rise estate feel. The improvements at the hotel are positioned such that the impact to existing views from public view points are minimal as provided in Appendix II, Photographic Simulation of Improvements, that shows the improvements superimposed on photographs of the existing site.

- *Appropriate Scale and Siting.* The master plan reflects the estate-like quality in the low density of buildings, the lush and extensive landscaping on all parcels and common areas, and the gracious entry drive servicing the entire property.

The earlier master plan for the surrounding proposed resort development provides for the scale and siting envisioned in creating an estate-like quality. The proposed improvements at the existing hotel will conform to the design elements of the existing hotel and will complement the hotel operations. The existing cottages

and the proposed improvements (three-story) at the Ocean Villas provide the low-rise estate feel and with their pitched roofs will add a residential look to the buildings. The gracious entry drive and extensive landscaping will remain a part of the proposed Kuilima Resort development and the existing Turtle Bay Resort.

- *Environmental Compatibility.* Kuilima Resort is within a unique environment with several major constraints and guidelines for development, which have been factored into the siting for major facilities. New resort facilities should respect constraints of flooding, wetlands, sand dunes, wildlife, and archaeology.

The location of major facilities in the master planned Kuilima Resort development has taken into account the natural environment and was sensitive to constraints related to flooding, wetlands, sand dunes, wildlife, and archaeology. Similarly this proposed expansion will minimize impacts related to flooding and wildlife and will not affect the wetlands, sand dunes or archaeological sites at Kuilima Resort.

- *Community Integration.* The master plan includes dedicated public parks at Kawela Bay and Kahuku Point, as well as community access and parking for shoreline use at multiple locations within the resort.

The applicant has provided shoreline access in accordance with an SMA Use Permit Application No. 89/SMA-49, Resolution No. 89-491, on November 8, 1989 to allow construction of a Wedding Pavilion (Chapel) just north of the main hotel structure.

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The City Council approved an SMA Use Permit and Shoreline Setback Variance, Application No. 86/SMA-45, Resolution No. 86-308, on October 1, 1986 for the area surrounding the existing Turtle Bay Resort Development to allow development of a master-planned resort community. The area that is the subject of this current SMA Use Permit and Shoreline Setback Variance was not included in Resolution No. 86-308.

The applicant will provide in the future dedicated public parks as well as community access and parking for shoreline use in accordance with the requirements of SMA Use Permit, Application No. 86/SMA-45, Resolution No. 86-308.

c. Zoning, Land Use Ordinance (LUO)

The project is zoned Resort District. The proposed improvements will conform to the requirements of the Resort District zoning and other requirements of the Land Use Ordinance.

d. Special Management Area Use Permit (SMP)

The project site is entirely within the Special Management Area.

1) Earlier SMP Approvals

The Department of Planning and Permitting approved a minor Special Management Area Use Permit, on April 3, 2002, for construction of a new swimming

pool (with two water falls), slide, and spa (jacuzzi), and the relocation of an existing spa.

The City Council approved an SMA Use Permit Application No. 89/SMA-49, Resolution No. 89-491, on November 8, 1989 to allow construction of a Wedding Pavilion (Chapel) just north of the main hotel structure. The applicant's compliance with the conditions of approval of Resolution No. 89-941 is provided in Appendix III.

The City Council approved an SMA Use Permit, Application No. 86/SMA-45, Resolution No. 86-308, on October 1, 1986 for the area surrounding the Turtle Bay Resort Development. The applicant's compliance with the conditions of approval of Resolution No. 86-308 is provided in Appendix III.

2) Current Application

This application is submitted to meet the requirements of Chapter 25 of the Revised Ordinances of Honolulu, since the proposed development is subject to the requirements of the Special Management Area.

e. Other Permits Required

In addition to the Special Management Area Use Permit and Shoreline Setback Variance, the proposed improvements will require a building permit.

B. TECHNICAL CHARACTERISTICS

1. Use Characteristics

The Turtle Bay Resort development is a 26-acre site developed with a 410-room hotel with restaurants, retail and other commercial support services, a banquet room, meeting rooms, a wedding chapel, swimming pools, hang ten pool bar, a spa facility, 12 beach cottage units (two buildings with 6 units each), a tennis pro shop with two restrooms, 48 Ocean Villa units (three 2-story buildings with 12 units each and two 1-story buildings with 6 units each), a bar/food service/restroom structure at the Kuilima Bay beach (Sand Bar), five above ground propane tanks, a helipad and parking.

Located outside of the planned development area and not a part of this application are an additional 30 beach cottage units (five buildings with 6 units each), 10 tennis courts, two multipurpose courts, and a sewage pump station. These developments are within a small portion of an approximately 740-acre site of a master planned resort development which received City Council approval of an SMA Use Permit, Application No. 86/SMA-45, Resolution No. 86-308, on October 1, 1986. The larger master planned resort development

encompassed the area surrounding the existing Turtle Bay Resort Development.

The applicant, Kuilima Resort Company, proposes to develop within the existing main hotel structure a new ballroom, new meeting rooms, additional floor area at the Lower Level, new office space for administration, promenades along the exterior of Palm Terrace and Cove Restaurant, new engineering office space, a maintenance shop, and new front entries to the Lobby and Bay View Lounge.

The applicant proposes new outdoor dining areas and new dining areas protected by trellis and windscreen surrounding the existing Beach House bar/food service and restroom facility.

The applicant also plans improvements at the Ocean Villas, including two new 3-story, 9-unit Ocean Villa building (18 new units), two additional floors on an existing 1-story Ocean Villa building to accommodate 6 new units, one additional floor on three existing 2-story buildings to accommodate 9 new units. The net result in Ocean Villa units with the proposed 33 additional units will be an increase in the total number of units from 48 to 57 (9 additional units). The Ocean Villas, upon completion of the additions will consist of six 3-story buildings with 9 units each and one 1-story building with 3 units, for a total of 57 units. The resultant 57 units with the additions planned is due to a renovation of existing units to create larger two-bedroom units out of the existing studio units.

The applicant plans to renovate the existing hotel swimming pool, the Ocean Villas (with possible conversion from hotel to Time share use), and the swimming pool at the Ocean Villas. The applicant will relocate the Cooling Towers and fuel oil storage tank.

The applicant also plans outdoor improvements that will involve grading, adding landscaping and hardscape (tile surfaces), providing tiki torches and other lighting features throughout the resort, and improving pedestrian and vehicle access ways through the resort.

The applicant plans additions, renovations, relocations and outdoor improvements which will upgrade the Turtle Bay Resort and enhance the visitor experience at the Resort. All improvements focus on enhancing the Resort to better serve the visitors to the resort, including visitors from the east and west and Kamaainas (locals) that enjoy a weekend holiday at the Resort.

2. Physical Characteristics

The proposed Turtle Bay Resort development will include a main Hotel structure (512,000 square feet); a wedding chapel (1,600 square feet); two swimming pools; a pool bar (Hang Ten, 1,000 square feet); two swimming pools with jacuzzi spas; 12 beach cottage units (2 buildings with 6 units each, 13,500 square feet); a tennis pro shop with two restrooms (480 square feet), 57 Ocean Villa two-bedroom lock-out units (six 3-story buildings with 9 units each and one 1-story building with 3 units, a bar/food service/restroom structure at the Kuilima Bay

beach (Sand Bar, 1,500 square feet), two above ground propane tanks, a helipad and parking for 543 vehicles, which includes 14 handicap stalls.

Located outside of the planned development area and not a part of this application are an additional 30 beach cottage units (five buildings with 6 units each), 10 tennis courts, two multipurpose courts, and a sewage pump station. These developments are within a small portion of an approximately 740-acre site of a master planned resort development which received City Council approval of an SMA Use Permit, Application No. 86/SMA-45, Resolution No. 86-308.

3. Construction Characteristics

Grading will be done at the Lower Level to allow clearance for emergency vehicles under the North Wing and to enhance (level) an existing grassed area located north of the Wedding Chapel for continued use for outdoor functions. A limited area under the North Wing of the hotel will be graded with approximately 2,151 yards of cut and 24 yards of fill. This grading is necessary to create adequate clearance for emergency and to accommodate creation of a meeting room space on the floor above the vehicular access way. Based on discussions with staff at the Fire Department, the Kaneohe Fire Station Ladder truck will be responding to fires at the Turtle Bay Resort. The vertical clearance requirement for Fire Department apparatus is 13 feet, 6 inches, however, due to the up slope west of the North Wing, about

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19 feet is being provided to ensure adequate clearance. On occasion delivery vehicles may use the access for special events at the lawn area or Chapel. The existing grassed area located north of the Wedding Chapel will be graded down (cut) an average of 3 feet for 1,500 cubic yards.

A paved ramp is proposed to be constructed west of the Sand Bar from the parking lot to the paved access road East of the South Wing. This ramp and the associated grading is necessary to provide access for emergency vehicles and wedding party vehicles to the areas east of the East Wing and west of the East and West Wings including the Wedding Pavilion. Currently most vehicles must drive on the beach makai of the Sand Bar. This work will result in approximately 128 cubic yards cut and zero cubic yards of fill.

Except for this grading, other excavation will be minimal and limited to footings for proposed structures and for the proposed spas (jacuzzis).

The project will include on-site infrastructure development to provide underground sewer, water, and utility conduits to service the proposed buildings.

The project construction will also include the development of two new buildings (Ocean Villa buildings) and expansion and renovation of the existing Ocean Villa buildings and the existing main Hotel structure; relocation of cooling towers, fuel oil storage and towel

station; various outdoor improvements that are necessary for safety and to upgrade the Turtle Bay Resort to enhance the visitor experience at the resort. These improvements are further described in the plans in Appendix I.

4. Utility Requirements

Utilities including electricity, telephone, gas and cable television are available on-site and adequate to service the proposed improvements. Utility demands will not increase significantly with the additional 9 Ocean Villa units and hotel improvements.

The existing Turtle Bay Resort development is serviced by a Board of Water Supply (BWS) distribution system that includes a 20-inch main from a 2.0 million gallon reservoir to Kamehameha Highway. This 20-inch main connects to a 16-inch main that runs along Kamehameha Highway to Kuilima Drive. The proposed expansion with an increase of only nine resort units and hotel improvements is not expected to have a significant impact on the water requirements for the development.

The applicant has been working with BWS regarding completion of the Opana Wells Production Facility that BWS feels is necessary to improve the water level in their reservoir to provide better storage capability for the area (Kuilima Resort Company letter to BWS dated April 2, 2002, Appendix IV).

5. Liquid Waste Disposal

Sewage flows from the hotel presently flows to the pump station located on the resort property and is pumped to the Kuilima Resort Company Wastewater Treatment Plant (a private system owned by the applicant) located mauka (south) of Kamehameha Highway. Since the number of Ocean Villa units is increasing by only 9 and the net fixture units change within the main hotel will not be significant, the increase in sewage flow is expected to be an additional 3,600 gallons per day (gpd).

The existing Kuilima Resort Company Wastewater Treatment Plant processes on average about 208,000 gpd total. This flow comes from the existing Kuilima Resort Development, the Kuilima Golf Course and the Kuilima Estates, East and West developments. The treatment plant is designed for a capacity of 4 million gallons per day and would be able to accommodate that capacity with the addition of two additional holding ponds (there are two existing holding ponds now which provide a 2 million gallon per day capacity). The existing private system can easily accommodate the planned hotel improvements.

6. Solid Waste Disposal

Solid waste generated by the hotel and its support facilities, including the proposed new areas and renovations will continue to be collected by a private refuse contractor. The operational disposal point

for solid waste will continue to be located at the loading dock located south and below the Porte Cochere entry to the Hotel. During the construction phase, roll-off refuse bins will be temporarily staged near construction sites and removed and replaced as needed.

7. Access to the Site

The project site is accessed by Kuilima Drive, a two lane road off of Kamehameha Highway, that extends to the southeast portion of the Turtle Bay Resort. The two lane roadway is adequate to serve the needs of the Kuilima Estates East and West, the Turtle Bay Condos, and the existing hotel, cottages and Ocean Villa units. The proposed improvements to the Turtle Bay Resort are not expected to have a significant impact on the level of service of this access route or interfere with the surrounding community.

8. Traffic Impact

Julian Ng, of Julian Ng, Incorporated, Transportation Engineering Consultant has prepared a letter, for the applicant, describing the traffic impact of the proposed changes for the Turtle Bay Resort Development (included in Appendix V).

Mr. Ng indicated that the intersection of Kuilima Drive and Kamehameha Highway has sufficient capacity in the PM Peak Hour to accommodate as much as 45% more traffic than existing at acceptable levels of service. He further noted that the additional floor space for much of the various uses are in support of the existing hotel

accommodations and would not be expected to generate additional traffic. Traffic estimates are typically based on the number of rooms in the hotel complex and based on an increase of nine units in the total number of units at the hotel the net effect would be an increase of 2 vehicles per hour in the peak direction during the highest hour.

9. Public Access

a. Resolution No. 89-491 - Wedding Pavilion at Kuilima Resort

In accordance with conditions G and H of Resolution No. 89-491 (89/SMA-49) for construction of a wedding pavilion at the Kuilima Resort, a "Declaration Concerning Location of Pedestrian Easement" has been recorded in Land Court as Document No. 1754787 and recorded in the Bureau of Conveyances as Document No. 90-123616. A copy of the plan showing the pedestrian easement is included as Figure 1 in Appendix VI.

b. Resolution No. 86-308 - To Expand the Turtle Bay (Kuilima) Resort

Although none of the public access easements have been triggered for this Resolution (No. 86-308), the applicant proposes to provide a public pedestrian access on the current project site as shown in Figure 2 in Appendix VI in close proximity to R.O.W. 3 (required under Resolution No. 86-308 upon development of the abutting planned commercial center).

The applicant asks that the public pedestrian access in Figure 2 be approved as a replacement to R.O.W. 3 to benefit the public with the early provision of pedestrian access to the shoreline.

10. Community Comments

Koolauloa Neighborhood Board No. 15

The proposed SMA and Shoreline Setback Variance Permit request for the Turtle Bay Resort was presented to the Koolauloa Neighborhood Board at their regularly scheduled meeting on May 9, 2002. The Board voted to support the proposed development (which at the time proposed additions and renovations resulting in larger units but a reduction in the number of Ocean Villa units from 48 to 31 units, however, our present proposal plans to increase our unit count from 48 to 57 units) subject to the applicant's receipt of support from the Kahuku Community Association for the development.

The Kahuku Community Association Board of Directors at its meeting on May 15, 2002 voted to support the proposed SMA and Shoreline Setback Variance Permit request for the Turtle Bay Resort (which reflected additions and renovations resulting in larger units but maintaining a unit count of 48 units).

The applicant has informed both of these groups about the 9 additional Ocean Villa units.

C. ECONOMIC AND SOCIAL CHARACTERISTICS

1. Estimated Cost and Phasing of the Construction

The construction of these improvements to the Turtle Bay Resort will cost approximately \$10,000,000. Construction will take about five to ten years to complete.

The proposed improvements will upgrade the existing Turtle Bay Resort and will provide improved facilities for use by the hotel guests and other visitors to the hotel. The project will generate temporary construction jobs but is not expected to provide a significant increase in permanent full time jobs. However, improved occupancy at the hotel will ensure future employment for the 350 to 425 employees of the hotel. The improved occupancy could help the hotel maintain the higher level of 425 employees that comes with occupancy levels of 80% and higher.

The applicant, since taking possession of the resort has spent \$18,000,000 to repair spalling at the main hotel, renovate the cottages, improve the golf course, and renovate the golf course clubhouse. The applicant has committed and begun improvements, that will total an additional \$15,200,000, to renovate the tower guest rooms, renovate the Ocean Villas to create larger units, develop a spa facility, improve the hotel lobby, and add a swimming pool.

The applicant is investing or planning to invest with this SMA application a total of \$43,200,000 at this resort. This is an investment

in Kahuku which will help to retain and possibly increase employment opportunities for existing and future employees at the resort, as well as improve opportunities for surrounding communities, such as Laie, Kahuku, and the North Shore to provide services for hotel guests, such as shopping, dining, entertainment, and recreation.

2. Social Characteristics

The hotel has been in operation since the early 1970's and the proposed renovations and expansion of accessory services will not have a significant impact on the surrounding community. The planned improvements are intended to create a feeling of openness, particularly in the lobby area and ballroom. The expansion and renovation will improve all aspects of the resort to enhance the visitor experience. The applicant is hopeful that the improvements will generate greater demand for the hotel, Ocean Villa timeshare units and cottage units. The hotel presently offers employment to many residents of the Kahuku area and other communities on the North Shore.

D. ENVIRONMENTAL CHARACTERISTICS

1. Soils

According to the United States Department of Agriculture, Soil Conservation Service's "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii" the site is classified as Jaucas Sand (JaC), Coral Outcrop (CR), and Beaches (BS).

Jaucas sand (JaC) of the Jaucas Series consists of excessively drained, calcareous soils that occur as narrow strips on coastal plains, adjacent to the ocean. These soils developed in wind and water deposited sand from coral and seashells.

The Jaucas sand ranges from 0 to 15 percent slope. In many places the surface layer is dark brown as a result of accumulation of organic matter and alluvium. The soil is neutral to moderately alkaline throughout the profile. Permeability is rapid, and runoff is very slow to slow. The hazard of water erosion is slight, but wind erosion is a severe hazard where vegetation has been removed. The available water capacity is 0.5 to 1.0 inch per foot of soil. These soils are normally used for urban developments.

Coral outcrop (CR) consists of coral or calcareous sand on the island of Oahu. Small areas of coral outcrop are exposed on the ocean shore, on the coastal plains, and at the foot of the uplands. Elevations range from sea level to approximately 100 feet. Coral outcrop is geographically associated with Jaucas, Keaau, and Mokuleia soils.

Coral outcrop makes up about 80 to 90 percent of the acreage. The remaining 10 to 20 percent consists of a thin layer of friable, red soil material in cracks, crevices, and depressions within coral outcrop.

Beaches (BS) occur as sandy, gravelly, or cobbly areas on all the islands in the survey area. They are washed and rewashed by ocean waves. The beaches consist mainly of light-colored sands derived from

coral and seashells. Where accessible and free of cobblestones and stones, they are highly suitable for recreational uses and resort development.

2. Topography

The project site is relatively flat and developed with the existing Turtle Bay Resort. The site is situated along the shoreline at Turtle Bay and Kuilima Cove. No other major topographic features occur on the property. The site is located about 2,000 feet from the Punhoolapa Marsh and east of the property are a collection of sand dunes.

3. Drainage

A "Hydrological Analysis" (Drainage Study) for the Turtle Bay Resort Renovation and Expansion has been prepared by Engineers Surveyors Hawaii, Inc. and is included in Appendix VII. The drainage study has concluded the following:

"As shown, the new improvements will generate an increase in storm water runoff; however, the improved conditions generate negligible concentrations of added storm water runoff and is small enough that no adverse affect is anticipated from the improvements."

"For all areas of new improvements, the development will provide storm water disposal system to meet the water quality criteria set forth by the current City's 'Rules Relating to Storm Drainage Standards' for any additional discharges to receiving

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waters (ocean, streams, etc.). Storm disposal will be by: (1) discharge into detention basin areas, (2) sheet flow through vegetated areas that will act as filters before reaching open waters, and/or (3) through mechanical discharge filter/separation chambers before discharging to receiving waters. Army Corps of Engineers Permit and State Department of Health Water Quality Certification will accompany any construction of drainage discharge facility to ocean and/or streams.”

As presented in the drainage plan, with the modest expansion plan, storm drainage entering Kuilima Bay will increase by a negligible amount after completion of the planned improvements at Turtle Bay Resort. The existing runoff quantity from areas planned for redevelopment totals 4.873 cubic feet per second (cfs). After redevelopment, the project runoff quantity is estimated to be 5.49 cfs, an increase of only 0.617 cfs.

The majority of the watershed area is and will continue to be agricultural and undeveloped land whose uses will not change or be affected by the planned development. Kuilima Bay experiences strong currents that will tend to move storm discharge out into the Pacific Ocean at a rapid rate.

The applicant is currently collaborating with the City and County of Honolulu, Department of Design and Construction, Koolauloa Vision Team and Oceanit, Inc. and monitoring has been completed at

several near shore stations (Oio Stream, Turtle Bay and Kawela Bay) to develop a baseline of the environmental conditions in this part of the coastline to determine potential impact of flood control improvements that may be considered to reduce flooding in the Kahuku area. Oceanit, Inc. has completed a Draft Report, dated April 2002, "Miscellaneous Flood Control Improvements in Kaaawa/Hauula and Kahuku/Laie - Nearshore Baseline Environmental Monitoring Report for East Main Drain/O'io Stream Outlet for Flood Control Improvements (Contract No. F73360)". The study focused on the East Main Drain/O'io Stream Outlet located east of the Turtle Bay Resort development and included one year of water quality monitoring at six stations off-shore at the East Main Drain and one insitu water-quality monitoring device installed to obtain continuous (30 minute interval) physical water quality data at a site off-shore at the Ocean Villas parking lot located immediately east and adjacent to the Ocean Villas. The Draft Report has concluded that the East Main Drain outlet, with its present water quality and flow rate is not impacting near shore coral, fishery resources, adjacent surfing or other recreational uses of this shoreline. The Report further concludes that some (minor) increase in flood flow would have no adverse effect on the near shore environment because the marine community is already adapted to existing fresh water flows. The Report recommends an assessment of the scale of the changes to the stream bed and its potential impact on storm water

volume, velocity and water quality be done as engineering plans progress. The Report further recommends that should the envisioned magnitude of runoff and entrained pollutants be so large as to threaten the marine environment, then engineering alternatives including retention and the establishment of lowland flood basins should be considered.

4. Flooding

According to the Federal Flood Insurance Rate Maps (FIRM) for the City and County of Honolulu (Appendix VIII), the site is within Zone VE with a base flood elevation of 17 feet extending from the shoreline to just beyond the north wing of the hotel, while the remaining portions of the property have a 100-year base flood elevation of 16 feet (east and west wings of the hotel; ocean front area including the swimming pool and cottage units; and two northern most Ocean Villa buildings-makai) and 14 feet (remaining Ocean Villa units).

Within the Coastal High Hazard District, the Land Use Ordinance (LUO), Section 7.10-7, requires the lowest floor of all improvements to be elevated to or above the regulatory flood elevation and to be securely anchored to piles or columns to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously.

All improvements will be constructed in accordance with the Flood Hazard District requirements.

IV. AFFECTED ENVIRONMENT

A. SUBJECT SITE AND SURROUNDING AREA

The Turtle Bay Resort was built in the early 1970's. The 26-acre subject property is developed with the Turtle Bay Resort and its support facilities. This oceanfront property is bounded on its landward sides by the Kuilima Estates East and West, to the east and south, respectively.

The Kahuku Community has been a relatively stable residential community with little change over the past 30 years and more. This is a typically "country" area where the homes are relatively small with an older look. The Turtle Bay Resort is located at Kuilima Point which is a relatively secluded area from the residential areas of Kahuku. Visitors enjoy the Turtle Bay Resort since it is out of the Waikiki area and in a more relaxing, country setting. Turtle Bay Resort has been part of the Kahuku Community for approximately 30 years, and to a great extent, due to its isolated location, has not had a significant adverse effect on the community.

The Turtle Bay Resort will continue to operate as it has since it opened as a resort complex offering a quality stay in a first class hotel with customary accessory services, uses and amenities. The expansion and renovation is relatively small in relation to the existing hotel complex and will allow the hotel to upgrade and update its facilities with improvements to enhance the visitor experience and provide better service to the local community that also enjoys its facilities.

The State Land Use Plan designates the project site and surrounding area as Urban district and the planned expansion is in conformance with this designation.

The Ko'olauloa Sustainable Communities Plan designates the project site and surrounding area as Resort. This designation is consistent with the proposed expansion of the hotel.

The project site is zoned Resort District and the proposed expansion and renovations of the resort are consistent with this designation.

B. COASTAL OR NATURAL RESOURCES

1. Public Shoreline and Recreation Areas

The proposed project will not adversely impact any public recreation area or shoreline. No significant development is planned within 40 feet of the shoreline. The only improvements planned within 40 feet of the shoreline are pedestrian walkways, lighting, tile surfaces for recreational activity (outdoor aerobics or other recreational use), landscaping, surfer shower and surfboard rack, tiki torches and pipe mounted binocular stand for whale watching. These incidental improvements will enhance ocean recreation, recreation in general and will improve the public and resort guests enjoyment of the shoreline area. The modest expansion will not affect existing access to the shoreline which is presently provided near the Sand Bar at Kuilima Cove, nor will it affect the public's use of Turtle Bay or Kuilima Cove on either side of the hotel. In fact the applicant intends to request that

a public accessway proposed for future development on the adjacent B-1 Neighborhood Business District zoned lot be relocated onto the project site, at the loading dock roadway entrance (west side of hotel) to the loading dock for surfer and fisherman (public) access to Turtle Bay. This will result in the public accessway being provided with improvements planned at this time. This will advance provision of this public accessway by about 10 years or more (based on potential for development of the planned commercial center).

2. Rare, Threatened or Endangered Species and Their Habitat

This developed site does not contain any rare, threatened or endangered flora or fauna.

The "Revised Environmental Impact Statement Volume I Kuilima Resort Expansion" dated 7 October 1985, prepared by Group 70 (Revised EIS) for the earlier SMA Use Permit approved in 1986 indicated that the grounds of the Turtle Bay Resort development included many ornamentals and landscaped species. Their reconnaissance-level vegetation survey noted that some of the more common species included ironwood trees, coconut trees, date palms, oleander, and near the beach, beach naupaka. The herb layer in the resort area includes bermuda grass, welia, and beach morning glory. In addition weedy vegetation occurred on occasional patches scattered throughout the resort area. None of these species are considered rare, threatened or endangered.

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Although not spotted on or near the property in two earlier fauna studies, we understand that the green sea turtle and the wedge tailed shearwater may frequent the off-shore area during certain seasons.

The green sea turtle (*Chelonia mydas*), although not endangered, is listed as a threatened species under the U.S. Endangered Species Act.

Green sea turtles live most of their lives in the ocean, however, females must return to land in order to lay their eggs. Hawaii's green sea turtles, males and females migrate together, usually during the late spring up to 800 miles from their feeding areas on the coasts of the main Hawaiian islands to the French Frigate Shoals which have the most popular nesting beaches. It's estimated that 90% of the Hawaiian population of green sea turtles mate and lay their eggs on the French Frigate Shoals(www.earthtrust.org/wlcurric/turtles.html).

The primary impact to the near shore waters will be drainage. Based on the drainage report by Engineers Surveyors Hawaii, Inc. the proposed improvements will generate small concentrations of storm water and the runoff is small enough that no adverse affect is anticipated from the improvements. The Oceanit Report discussed earlier determined that some (minor) increase in flood flow would have no adverse effect on the near shore environment because the marine community is already adapted to existing fresh water flows. This coupled with the fact that Kuilima Bay experiences strong currents that

will tend to move storm discharge out into the Pacific Ocean at a rapid rate minimizes the impacts to the green sea turtle and the coastal environment in near shore waters.

The wedge tailed shearwater (*Puffinus pacificus chlororhynchus*) is not listed or a candidate species under the U.S. Endangered Species Act. However, a concern was raised about the possible impact on these species with the existing and proposed lighting planned at the resort.

The new lighting at the resort is directed downward toward the ocean waves or resort walkways and pathways, except for ambient low intensity tiki torch lights which should have minimal impact on the shearwaters.

The Sea Life Park provides a community service by providing a recovery and release program for the wedge tailed shearwater. We understand that problem is greatest during the fledgling season here for about three months during the fall, when the greatest number of shearwaters are rehabilitated. We have developed a Plan for Handling Downed Wedge-Tailed Shearwaters (Appendix IX) and if downed shearwaters are found in the same area more than once in a year, lights in those areas will be further shielded or dimmed to eliminate the problem.

Our landscape plan, Appendix I, will include the following species: Trees - coconut, loulu palm, false kamani, monkeypod, african tulip, authograph tree, coral tree/wili wili, hala, ironwood, bech

heliotrope, kou, plumeria, sea grape, and silver buttonwood. Turf - seashore paspalum and zoysia. Shrubs and Ground Covers - bird of paradise, bougainvillea, canna, croton, tiare gardenia, ginger, heliconia, hibiscus, monstera, oleander, philodendron selloum, sanchezia, spider lily, ti, dwarf carrissa, ilima, laua'e, liriopoe, mondo grass, naupaka, pothos, walking iris, wax ficus, and wedelia.

3. Wildlife and Wildlife Preserves

The Revised EIS listed the following indigenous birds and alien (introduced) birds as having been sighted or presumed to inhabit the Kuilima area:

- | | | |
|------------|---|--|
| Indigenous | - | Black-crowned Night Heron, Golden Plover and Osprey. |
| Alien | - | Cattle Egret, Spotted or Laced-necked Dove, Barred Dove or Zebra Dove, Barn Owl, Melodious Laughing-thrush, Red-vented Bulbul, Shama, Japanese Bush Warbler, Japanese White-eye, Common Indian Myna, Spotted munia or Ricebird, Black-headed Munia, House Sparrow, Red-eared Waxbill, Red-crested Cardinal, Cardinal, and House Finch. |

It is expected that these birds are more prevalent in the undeveloped areas and for the most part appear in lesser numbers near

the developed Turtle Bay Resort. None of these birds are considered endangered or threatened.

The following mammals, none of which are considered endangered or threatened, were also sighted in the Kuilima area and like the bird population are more prevalent in undeveloped areas:

Mammals : house mouse, roof rat, Polynesian rat,
Norway rat, small Indian mongoose, feral
cat, and feral dog.

The proposed development site does not contain any wildlife preserves. However, Punahoolapa Marsh, located about 2,000 feet away on land owned by the applicant, is planned by the applicant as a habitat for native Hawaiian waterbirds and other wetland organisms. The applicant will provide long-term protection and management of this habitat in accordance with the "Revised Wetland Development Plans for Punahoolapa Marsh" suggested by the United States Department of the Interior, Fish and Wildlife Service (Appendix X), in conjunction with future development of the area around the Punahoolapa Marsh. The project site is also located about 4,000 feet from the James Campbell National Wildlife Refuge which also serves as a habitat for Hawaiian waterbirds. The project's distance from these two habitats (see Wildlife Preserve Map in Appendix XI) will provide a more than adequate buffer to ensure protection for the native Hawaiian waterbirds. All four of the Hawaiian waterbirds sighted at the

Punahoolapa Marsh, the Hawaiian Stilt or Ae'o, the Hawaiian Duck or Koloa, the Hawaiian Gallinule or "Alae ula, and the Hawaiian Coot or "Alae ke'o ke'o are listed on the State of Hawaii and Federal endangered species list.

C. HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES

The project site is not listed on either the Hawaii or National Registers of Historic Places. In conjunction with the previous Revised EIS, an archaeological survey and study was completed for the entire Kuilima Resort area, including the 26-acre project site. Subsurface archaeological deposits were found at Kawela Bay, Kahuku Point and Punahoolapa Marsh. No subsurface archaeological deposits were found at the 26-acre Turtle Bay Resort site and the proposed expansion and renovation of the resort is not expected to affect historical or archaeological resources.

D. COASTAL VIEWS

The Department of Land Utilization's (now Department of Planning and Permitting) "Coastal View Study" dated 1987 recognized this area, which included the existing and planned Kuilima Resort Development as the Kuilima Viewshed. The study indicated that due to the 2,000 foot distance between the shoreline and the coastal highway (Kamehameha Highway) views of the ocean from the highway are too far to be of significance (the development site is about 3,300 feet from Kamehameha Highway). Roadway views instead focus on the landscape frontage of the project and include deep views of the

golf course which fronts on Kamehameha Highway (see Photo Nos. 21-28 in Appendix XII).

The proposed improvements will have minimal impact on coastal views from prominent public viewing points. The improvements at the main hotel structure are situated within the profile of the existing hotel and are not visible from areas mauka (south) of the hotel. When looking mauka from the shoreline the ballroom expansion is a low-rise development profiled in the silhouette of the existing hotel towers (see Photo No. 2 in Appendix II).

The planned new Ocean Villa buildings and new floor additions will be well screened with landscaping and will appear partially visible as are the existing Ocean Villa units as can be seen in Photo No. 4 in Appendix II.

E. WATER QUALITY

1. Ground Water

The proposed development will not affect ground water resources since it is situated along the shoreline and not over an existing aquifer or potable water source.

2. Receiving Waters

With the modest expansion plan, storm drainage entering Kuilima Bay will increase by a negligible amount after completion of the planned improvements at Turtle Bay Resort. The majority of the watershed area is and will continue to be agricultural and undeveloped land whose uses will not change or be affected by the planned

development. Kuilima Bay experiences strong currents that will tend to move storm discharge out into the Pacific Ocean at a rapid rate.

The applicant is currently collaborating with the City and County of Honolulu, Department of Design and Construction, Ko'olauloa Vision Team and Oceanit, Inc. and monitoring has been completed at several near shore stations (Oio Stream, Turtle Bay and Kawela Bay) to develop a baseline of the environmental conditions in this part of the coastline to determine potential impact of flood control improvements that may be considered to reduce flooding in the Kahuku area. Oceanit, Inc. has completed a Draft Report, dated April 2002, "Miscellaneous Flood Control Improvements in Kaaawa/Hauula and Kahuku/Laie - Nearshore Baseline Environmental Monitoring Report for East Main Drain/O'io Stream Outlet for Flood Control Improvements (Contract No. F73360)". The study focused on the East Main Drain/O'io Stream Outlet located east of the Turtle Bay Resort development and included one year of water quality monitoring at six stations off-shore at the East Main Drain and one insitu water-quality monitoring device installed to obtain continuous (30 minute interval) physical water quality data at a site off-shore at the Ocean Villas parking lot located immediately east and adjacent to the Ocean Villas. The Draft Report has concluded that the East Main Drain outlet, with its present water quality and flow rate is not impacting near shore coral, fishery resources, adjacent surfing or other recreational uses of this

shoreline. The Report further concludes that some (minor) increase in flood flow would have no adverse effect on the near shore environment because the marine community is already adapted to existing fresh water flows. The Report recommends an assessment of the scale of the changes to the stream bed and its potential impact on storm water volume, velocity and water quality be done as engineering plans progress. The Report further recommends that should the envisioned magnitude of runoff and entrained pollutants be so large as to threaten the marine environment, then engineering alternatives including retention and the establishment of lowland flood basins should be considered.

V. CONFORMANCE WITH SPECIAL MANAGEMENT AREA GUIDELINES

The City's Special Management Area (SMA) Guidelines are contained in chapter 25, Revised Ordinance of Honolulu (ROH), as amended, and are the counterparts to the State's Coastal Zone Management Guidelines set forth in Chapter 205A, Hawaii Revised Statutes. The following discussion describes how the proposed project satisfies the City's SMA Guidelines.

A. TERMS AND CONDITIONS OF DEVELOPMENT

- 1. Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles.**

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The proposed project will not adversely impact any public recreation area or shoreline. No significant development is planned within 40 feet of the shoreline. The only improvements planned within 40 feet of the shoreline are pedestrian walkways, lighting, tile surfaces for recreational activity (outdoor aerobics or other recreational use), landscaping, surfer shower and surfboard rack, tiki torches and pipe mounted binocular stand for whale watching. These incidental improvements will enhance ocean recreation, recreation in general and will improve the public and resort guests enjoyment of the shoreline area. The modest expansion will not affect existing access to the shoreline which is presently provided near the Sand Bar at Kuilima Cove, nor will it affect the public's use of Turtle Bay or Kuilima Cove on either side of the hotel. In fact the applicant intends to request that a public accessway proposed for future development on the adjacent B-1 Neighborhood Business District zoned lot be relocated onto the project site so that it can be provided with improvements planned at this time. This will advance provision of this public accessway by about 10 years or more (based on potential for development of planned commercial center).

2. Adequate and properly located public recreation areas and wildlife preserves are reserved.

Turtle Bay and Kuilima Cove are located in a convenient location for Kahuku and North Shore residents and will not be affected by the

proposed hotel improvements. In fact as mentioned earlier, the modest expansion will not affect existing access to the shoreline which is presently provided near the Sand Bar at Kuilima Cove. In fact the applicant intends to request that a public accessway proposed for future development on the adjacent B-1 Neighborhood Business District zoned lot be relocated onto the project site so that it can be provided with improvements planned at this time. This will advance provision of this public accessway by about 10 years or more (based on potential for development of planned commercial center).

As mentioned earlier, the project site is located about 2,000 feet from Punahoolapa Wetland which is planned by the applicant as a habitat for native Hawaiian waterbirds, other wetland organisms and providing long-term protection and management of this habitat. The project site is also located about 4,000 feet from the James Campbell National Wildlife Refuge which also serves as a habitat for Hawaiian waterbirds. The project's distance from these two habitats will provide a more than adequate buffer to ensure protection for the native Hawaiian waterbirds.

- 3. Provisions are made for solid and liquid waste treatment, disposition and management which will minimize adverse effects upon special management area resources.**

Liquid waste flows to the existing pump station located on the westerly side of Kuilima Drive just before the entrance to the Turtle

Bay Resort main parking area. The pump station pumps the wastewater to the Kuilima Resort Company Wastewater Treatment Plant (a private treatment plant owned and operated by the applicant) located on the mauka (south) side of Kamehameha Highway. The pump station, transmission lines and the wastewater treatment plant have adequate capacity to support the proposed expansion and renovations planned for the resort development.

Solid waste will continue to be disposed of by a private contractor and because of the hotel operation and the presence of maintenance workers, solid waste is carefully handled and disposed of. Being in the hotel industry, one of their priorities is proper handling of solid waste and a clean and pristine environment for hotel guests and other visitors to the hotel complex. This will also serve to minimize adverse effects upon resources in the special management area.

4. **Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, situation or failure in the event of earthquake.**

The proposed development is on fairly level land and will not require a significant amount of site work or grading. A small area under the east wing of the hotel will be graded with approximately 2,151 yards of cut and 24 yards of fill. This grading is necessary to create adequate clearance for emergency vehicles and to accommodate

creation of a meeting room space on the floor above the vehicular accessway.

A paved ramp is proposed to be constructed west of the Sand Bar from the parking lot to the paved access road East of the South Wing. This ramp and the associated grading is necessary to provide access for emergency vehicles and wedding party vehicles to the areas east of the East Wing and west of the East and West Wings including the Wedding Pavilion. Currently most vehicles must drive on the beach makai of the Sand Bar. This work will result in approximately 128 cubic yards cut and zero cubic yards of fill.

Except for this grading, other excavation will be minimal and limited to footings for proposed structures and for the proposed spas (jacuzzis).

Minor clearing, grubbing and grading work will be confined to the limits of the building construction as part of the building permit application. There are no significant land forms in this area. As a result, soil erosion and siltation within the site is not anticipated. Due to its current state of development, location at the end of Kuilima Drive and its distance from any scenic or recreational amenities, project construction will not obstruct or eliminate any existing scenic or recreational amenities within the property or the immediate surrounding area.

B. REQUIRED COUNCIL FINDINGS

- 1. The development will not have any substantial adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest.**

As discussed throughout this report, the proposed improvements will have minimal effect on the environment or ecological effect due to its location and the relatively limited amount of development planned. The development is occurring in an existing resort development and care will be taken to mitigate adverse impact to the coastal waters it fronts. Drainage impacts during construction will be mitigated to ensure that no adverse impact to the coastal waters will occur.

- 2. The development is consistent with the objectives and polices set forth in Section 25-3.1 and area guidelines contained in HRS Section 205-A-26.**

As discussed in this section, "Conformance with Special Management Area Guidelines," the development is consistent with the objectives and policies of Section 25-3.1 of the Revised Ordinances of Honolulu and the area guidelines contained in HRS Section 205-A-26.

- 3. The proposed project is consistent with the County General Plan, Development Plan and Zoning.**

The General Plan's Economic Activity, Objective B, Policy 9 indicates that we should "Encourage the visitor industry to provide a high level of service to visitors." This development, in attempting to

upgrade the hotel complex and improve and enhance the visitor experience at the Resort, would implement this policy.

As discussed earlier, the proposed development is consistent with the site's Resort designation on the Sustainable Communities Plan Land Use Map and the site's Resort District zoning.

C. IMPACTS TO BE MINIMIZED

- 1. Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon.**

The proposed development will not dredge, fill or otherwise alter any bay, estuary, salt marsh, river mouth, slough or lagoon.

- 2. Any development which would reduce the size of any beach or other area usable for public recreation.**

The proposed development will not reduce the size of the beach which is located makai (south) of the shoreline, since all significant improvements occur over 40 feet from the shoreline. Improvements situated this far mauka on the lot will not affect lateral access or public use along the shoreline.

The only improvements planned within 40 feet of the shoreline are pedestrian walkways, lighting, tile surfaces for recreational activity (outdoor aerobics or other recreational use), landscaping, surfer shower and surfboard rack, tiki torches, and pipe mounted binocular stand for whale watching. These incidental improvements will enhance ocean recreation, recreation in general and will improve the public and resort

guests enjoyment of the shoreline area. The modest expansion will not affect existing access to the shoreline which is presently provided near the Sand Bar at Kuilima Cove, nor will it affect the public's use of Turtle Bay or Kuilima Cove on either side of the hotel. In fact the applicant intends to request that a public accessway proposed for future development on the adjacent B-1 Neighborhood Business District zoned lot be relocated onto the project site so that it can be provided with improvements planned at this time. This will advance provision of this public accessway by about 10 years or more (based on potential for development of planned commercial center).

3. **Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and the mean high tide line where there is no beach.**

As discussed earlier, the proposed project will not reduce or impose restrictions upon public access within the special management area.

4. **Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.**

As discussed earlier, the proposed improvements will not affect coastal views. The view from Kamehameha Highway (nearest State coastal highway) is situated over 3,300 feet away and the view of the

planned improvements will be totally blocked and screened by landscaping from views from Kamehameha Highway.

5. **Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agriculture uses of land.**

As discussed earlier, the proposed project is on fairly level land and will not require a significant amount of site work or grading. There are no significant land forms in this area that underwent mass grading in the initial development of the site. Minor clearing, grubbing and grading work will be confined to the limits of the building construction as part of the building permit application. As a result, soil erosion and siltation within the site is not anticipated and the proposed development will have minimal impact on any fishing grounds near the site.

There are no existing or potential fisheries, wildlife habitats, or agriculture uses of land in the vicinity of the hotel development (the closest being about 2,000 feet away at Punahoolapa Wetland).

As mentioned earlier, the proposed development will not affect ground water resources since it is situated along the shoreline and not over an existing aquifer or potable water source.

The off-shore coastal waters will also not be adversely affected by the potential negligible increase in surface runoff due to the modest increase in lot coverage.

VI. ALTERNATIVES CONSIDERED

A. NO BUILD ALTERNATIVE

The hotel has been in operation since the early 1970's and until recently (since acquisition by this applicant in December of 2000) the hotel was allowed to deteriorate and required extensive repairs. This applicant has spent and committed about \$33,000,000 to improve the hotel. The hotel, in order to survive, needs to create a new market to entice visitors to enjoy these and future planned improvements. Based on recent occupancy history, this hotel would not be able to continue operating unless occupancy is increased significantly. The existing hotel has no dining or banquet area large enough to comfortably accommodate all hotel guests at one time, thus the need to enlarge the ballroom. The plan to provide 57 two-bedroom lock-out units at the Ocean Villa will allow the applicant to develop a time share operation which generally averages about 85% or better occupancy throughout the year with captive owner visitors (one week ownership interval). Other planned improvements are necessary to provided services expected by hotel guests.

B. GREATER DENSITY

The applicant has decided to develop about 21,720 square feet of floor area on the 26-acre project site, which added to the existing floor area will total about 616,880 square feet. The allowable floor area ratio for this Resort District zoned property would be 1.4 for a total floor area of 1,132,560 square feet. Although greater value and income could be achieved by developing to maximize floor area, this density would have an adverse effect on the present open and recreational feel of the existing country resort. For that reason the lower density and expansion and renovation has been selected as the preferred alternative.

VII. MITIGATION MEASURES

The principal coastal impact from the proposed Turtle Bay Resort improvements is expected to relate to runoff and drainage during construction of the planned improvements. In order to minimize the impact of runoff during construction and retain existing drainage patterns, only minor clearing, grubbing and grading work will occur (other than the two relative small sites discussed earlier) and this work will be confined to the limits of the building construction as part of the building permit application. During construction the applicant expects to utilize erosion control measures to minimize the impact of runoff along the shoreline. These mitigation measures will be in accordance with standards of the City and

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County of Honolulu and may include, temporary berms, swales, and siltation basins, as needed.

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, the use of water wagons, erection of dust barriers and other methods for minimizing dust.

Short term noise impacts at construction sites are a normal result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and the noise levels permitted during those hours. The contractor will be required to apply for a permit from the State Department of Health should noise from construction activities exceed regulatory limits. The contractor will abide by the noise regulations incorporated into the permit.

At the Kahuku Community Association meeting, one of the Board of Directors raised a concern about the potential impact of new outdoor lighting at the resort on Wedge-tailed Shearwater. In order to address this concern, the applicant has prepared a plan for handling downed Wedge-tailed Shearwater (Appendix IX) and will monitor frequency of incidences to determine the need for mitigating through further shielding of outdoor lighting.

X. SIGNIFICANCE CRITERIA

The following review of the significance criteria indicates that the project will not have a significant impact on the environment.

A. No irrevocable commitment to loss or destruction of any natural or cultural resource would result.

The project site is not listed on either the Hawaii or National Registers of Historic Places. In conjunction with the previous Revised EIS, an archaeological survey and study was completed for the entire Kuilima Resort area, including the 26-acre project site. Subsurface archaeological deposits were found at Kawela Bay, Kahuku Point and Punahoolapa Marsh. No subsurface archaeological deposits were found at the 26-acre Turtle Bay Resort site and the proposed expansion and renovation of the resort is not expected to affect historical or archaeological resources.

During the construction of the project, should any previously unidentified archaeological resources such as artifacts, shell, bone, or charcoal deposits, human burial, rock or coral alignments, pavings or walls be encountered, the applicant will stop work and contact the Historic Preservation Office for review and approval of mitigation measures.

B. The action would not curtail the range of beneficial uses of the environment.

The proposed development will not curtail, but will instead enhance the range of beneficial uses of the environment. The proposed improvements will

not have a significant adverse impact on the environment, but will upgrade the existing Turtle Bay Resort and will provide improved facilities for use by the hotel guests and other visitors to the hotel. The project will generate temporary construction jobs but is not expected to provide a significant increase in permanent full time jobs. However, improved occupancy at the hotel will ensure future employment for the 350 to 425 employees of the hotel. The improved occupancy could help the hotel maintain the higher level of 425 employees that comes with occupancy levels of 80% and higher.

The applicant, since taking possession of the resort has spent \$18,000,000 to repair spalling at the main hotel, renovate the cottages, improve the golf course, and renovate the golf course clubhouse. The applicant has committed and begun improvements, that will total an additional \$15,200,000, to renovate the tower guest rooms, renovate the Ocean Villas to create larger units, develop a spa facility, improve the hotel lobby, and add a swimming pool.

The applicant is investing or planning to invest with this SMA application a total of \$43,200,000 at this resort. This is an investment in Kahuku which will help to retain and possibly increase employment opportunities for existing and future employees at the resort, as well as improve opportunities for surrounding communities, such as Laie, Kahuku, and the North Shore to provide services for hotel guests, such as shopping, dining, entertainment, and recreation.

- C. The proposed action does not conflict with the state's long-term environmental policies or goals and guidelines.**

The State's environmental policies and guidelines are set forth in Chapter 344, Hawaii Revised Statutes, "State Environmental Policy". The broad policies set forth include conservation of natural resources and enhancement of the quality of life. As discussed earlier, the project does not adversely affect significant natural resources. The State has designated the property for urban use and the planned resort use is consistent with this urban designation. The project will enhance the quality of life for residents and visitors that enjoy the Turtle Bay Resort.

- D. The economic or social welfare of the community or state would not be substantially affected.**

The project will give a boost to the State's economy with the provision of short-term construction employment and related tax impacts and possible stabilization of long-term jobs at the hotel.

The social welfare of the community would be positively affected by the improvements to the hotel which are expected to improve occupancy at the hotel. Most of the employees of the Turtle Bay Resort come from the surrounding community and depend on the hotel for their livelihood.

- E. The proposed action does not substantially affect public health.**

The proposed action will not affect public health. The proposed land use is compatible with the surrounding existing resort development and low density apartment developments.

F. No substantial secondary impacts, such as population changes or effects on public facilities, are anticipated.

The proposed resort development will not have a substantial secondary impact on population or public facilities.

Since the number of Ocean Villa units is increasing by only 9 and the net fixture units change within the main hotel will not be significant, the increase in sewage flow is expected to be an additional 3,600 gallons per day (gpd). The existing Kuilima Resort Company Wastewater Treatment Plant processes on average about 208,000 gpd total. This flow comes from the existing Kuilima Resort Development, the Kuilima Golf Course and the Kuilima Estates, East and West developments. The treatment plant is designed for a capacity of 4 million gallons per day and would be able to accommodate that capacity with the addition of two additional holding ponds (there are two existing holding ponds now which provide a 2 million gallon per day capacity). The existing private system can easily accommodate the planned hotel improvements.

The proposed expansion with an increase of only nine resort units and hotel improvements is not expected to have a significant impact on the water requirements for the development. The applicant has been working with BWS regarding completion of the Opana Wells Production Facility that BWS feels

is necessary to improve the water level in their reservoir to provide better storage capability for the area (Kuilima Resort Company letter to BWS dated April 2, 2002, Appendix IV).

G. No substantial degradation of environmental quality is anticipated.

The project will not result in a substantial degradation of the environment. The proposed resort development will not have a significant impact on noise (except for short term construction impact), air quality, important public views, historic and archaeological resources, or natural features (including flora and fauna).

H. The proposed action does not involve a commitment to larger actions, nor would cumulative impacts result in considerable effect on the environment.

The proposed project does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. The larger action of a major master planned resort has been reviewed and approved by the City and is an expected future development.

I. No rare, threatened or endangered species or their habitats would be affected.

This developed site does not contain any rare, threatened or endangered flora or fauna.

The "Revised Environmental Impact Statement Volume I Kuilima Resort Expansion" dated 7 October 1985, prepared by Group 70 (Revised EIS) for the earlier SMA Use Permit approved in 1986 indicated that the

grounds of the Turtle Bay Resort development included many ornamentals and landscaped species. Their reconnaissance-level vegetation survey noted that some of the more common species included ironwood trees, coconut trees, date palms, oleander, and near the beach, beach naupaka. The herb layer in the resort area includes bermuda grass, welia, and beach morning glory. In addition weedy vegetation occurred on occasional patches scattered throughout the resort area. None of these species are considered rare, threatened or endangered.

Although not spotted on or near the property in two earlier fauna studies, we understand that the green sea turtle and the wedge tailed shearwater may frequent the off-shore area during certain seasons.

The green sea turtle (*Chelonia mydas*), although not endangered, is listed as a threatened species under the U.S. Endangered Species Act.

Green sea turtles live most of their lives in the ocean, however, females must return to land in order to lay their eggs. Hawaii's green sea turtles, males and females migrate together, usually during the late spring up to 800 miles from their feeding areas on the coasts of the main Hawaiian islands to the French Frigate Shoals which have the most popular nesting beaches. It's estimated that 90% of the Hawaiian population of green sea turtles mate and lay their eggs on the French Frigate Shoals (www.earthtrust.org/wlcurric/turtles.html).

The primary impact to the near shore waters will be drainage. Based on the drainage report by Engineers Surveyors Hawaii, Inc. the proposed

improvements will generate small concentrations of storm water and the runoff is small enough that no adverse affect is anticipated from the improvements. The Oceanit Report discussed earlier determined that some (minor) increase in flood flow would have no adverse effect on the near shore environment because the marine community is already adapted to existing fresh water flows. This coupled with the fact that Kuilima Bay experiences strong currents that will tend to move storm discharge out into the Pacific Ocean at a rapid rate minimizes the impacts to the green sea turtle and the coastal environment in near shore waters.

The wedge tailed shearwater (*Puffinus pacificus chlororhynchus*) is not listed or a candidate species under the U.S. Endangered Species Act. However, a concern was raised about the possible impact on these species with the existing and proposed lighting planned at the resort.

The new lighting at the resort is directed downward toward the ocean waves or resort walkways and pathways, except for ambient low intensity tiki torch lights which should have minimal impact on the shearwaters.

The Sea Life Park provides a community service by providing a recovery and release program for the wedge tailed shearwater. We understand that problem is greatest during the fledgling season here for about three months during the fall, when the greatest number of shearwaters are rehabilitated. We have developed a Plan for Handling Downed Wedge-Tailed Shearwaters (Appendix IX) and if downed shearwaters are found in the same

area more than once in a year, lights in those areas will be further shielded or dimmed to eliminate the problem.

Our landscape plan, Appendix I, will include the following species:
Trees - coconut, loulu palm, false kamani, monkeypod, african tulip, authograph tree, coral tree/wili wili, hala, ironwood, bech heliotrope, kou, plumeria, sea grape, and silver buttonwood. Turf - seashore paspalum and zoysia. Shrubs and Ground Covers - bird of paradise, bougainvillea, canna, croton, tiare gardenia, ginger, heliconia, hibiscus, monstera, oleander, philodendron selloum, sanchezia, spider lily, ti, dwarf carrissa, ilima, laua'e, lirioppe, mondo grass, naupaka, pothos, walking iris, wax ficus, and wedelia.

J. Air quality, water quality or ambient noise levels would not be detrimentally affected.

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, the use of water wagons, erection of dust barriers and other methods for minimizing dust.

The proposed development will not affect ground water resources since it is situated along the shoreline and not over an existing aquifer or potable water source.

Short term noise impacts at construction sites are a normal result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and

the noise levels permitted during those hours. The contractor will be required to apply for a permit from the State Department of Health should noise from construction activities exceed regulatory limits. The contractor will abide by the noise regulations incorporated into the permit.

- K. The project would not affect environmentally sensitive areas, such as flood plains, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters or coastal waters.**

According to the Federal Flood Insurance Rate Maps (FIRM) for the City and County of Honolulu (Appendix VIII), the site is within Zone VE with a base flood elevation of 17 feet extending from the shoreline to just beyond the north wing of the hotel, while the remaining portions of the property have a 100-year base flood elevation of 16 feet (east and west wings of the hotel; ocean front area including the swimming pool and cottage units; and two northern most Ocean Villa buildings-makai) and 14 feet (remaining Ocean Villa units).

Within the Coastal High Hazard District, the Land Use Ordinance (LUO), Section 7.10-7, requires the lowest floor of all improvements to be elevated to or above the regulatory flood elevation and to be securely anchored to piles or columns to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously.

All improvements will be constructed in accordance with the Flood Hazard District requirements.

- L. Substantially affects scenic vistas and view planes identified in county or state plans or studies.**

The Department of Land Utilization's (now Department of Planning and Permitting) "Coastal View Study" dated 1987 recognized this area, which included the existing and planned Kuilima Resort Development as the Kuilima Viewshed. The study indicated that due to the 2,000 foot distance between the shoreline and the coastal highway (Kamehameha Highway) views of the ocean from the highway are too far to be of significance (the development site is about 3,300 feet from Kamehameha Highway). Roadway views instead focus on the landscape frontage of the project and include deep views of the golf course which fronts on Kamehameha Highway (see Photo Nos. 21-28 in Appendix XII).

The proposed improvements will have minimal impact on coastal views from prominent public viewing points. The improvements at the main hotel structure are situated within the profile of the existing hotel and are not visible from areas mauka (south) of the hotel. When looking mauka from the shoreline the ballroom expansion is a low-rise development profiled in the silhouette of the existing hotel towers (see Photo No. 3 in Appendix II).

The planned new Ocean Villa buildings and new floor additions will be well screened with landscaping and will appear partially visible as are the existing Ocean Villa units as can be seen in Photo No. 4 in Appendix II.

M. Requires substantial energy consumption.

In order to minimize energy use, the applicant plans to consider the following concepts of sustainable building design, where appropriate in the development of the resort improvements:

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1. Minimize the disruption of site drainage patterns. Provide erosion and dust controls, positive site drainage, and siltation basins as required to protect the site during and after construction, especially, in the event of a major storm.
2. Install water conserving, low flow fixtures as required by the Uniform Plumbing Code.
3. Recycling of green waste, through composting, from the golf courses and from the hotel property is being practiced.
4. Collect recyclable business waste such as paper, cardboard boxes, and soda cans. The hotel recycles bottles and cans.

XI. LIST OF AGENCIES CONSULTED

The applicant has prepared responses to each of the comments received during the agency and public review period for the Draft Environmental Assessment. Copies of the agency and public comment letters and the applicant's response are included in Appendix XIII.

DRAFT EA DISTRIBUTION LIST:

Federal:

- 1) Corps of Engineer, U.S. Army Engineer District, Honolulu

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- 2) U.S. Fish & Wildlife Services, Department of the Interior

State:

- 3) Public Library
4) Department of Health,
5) Office of Environmental Quality Control
6) Department of Land and Natural Resources
 a) Division of Aquatic Resources
 b) Division of State Parks
 c) Division of Boating and Ocean Recreation
 d) Division of Water Resource Management
 e) Historic Preservation Division
7) UH Environmental Center

City:

- 8) Department of Environmental Services
9) Honolulu Fire Department
10) Honolulu Police Department
11) Department of Design and Construction
12) Board of Water Supply
13) Department of Planning and Permitting
14) Satellite City Hall No. 11

Other

- 15) Koolauloa Neighborhood Board No. 28
16) Life of the Land

VIII. CONCLUSION

Based on the foregoing report, we respectfully request your approval of a Finding of No Significant Impact (FONSI) for this Final Environmental Assessment and subsequently, your approval of our request for a Shoreline Setback Variance and Special Management Area use Permit to allow the renovations and expansion of the Turtle Bay Resort in this report. The project will be developed and constructed in a fashion that will be sensitive to the environment.

APPENDIX I

PLANS

PLANT LEGEND

Single Trunk Palm

- Coconut
- Lulu Palm

Large Canopy Tree

- False Kamani
- Monkeypod

Medium Canopy Tree

- African Tulip
- Autograph Tree
- Coral Tree / Will Will
- Hala
- Ironwood

Small Canopy Tree

- Beach Heliotrope
- Kou
- Plumeria
- Sea Grape
- Silver Buttonwood

Turf

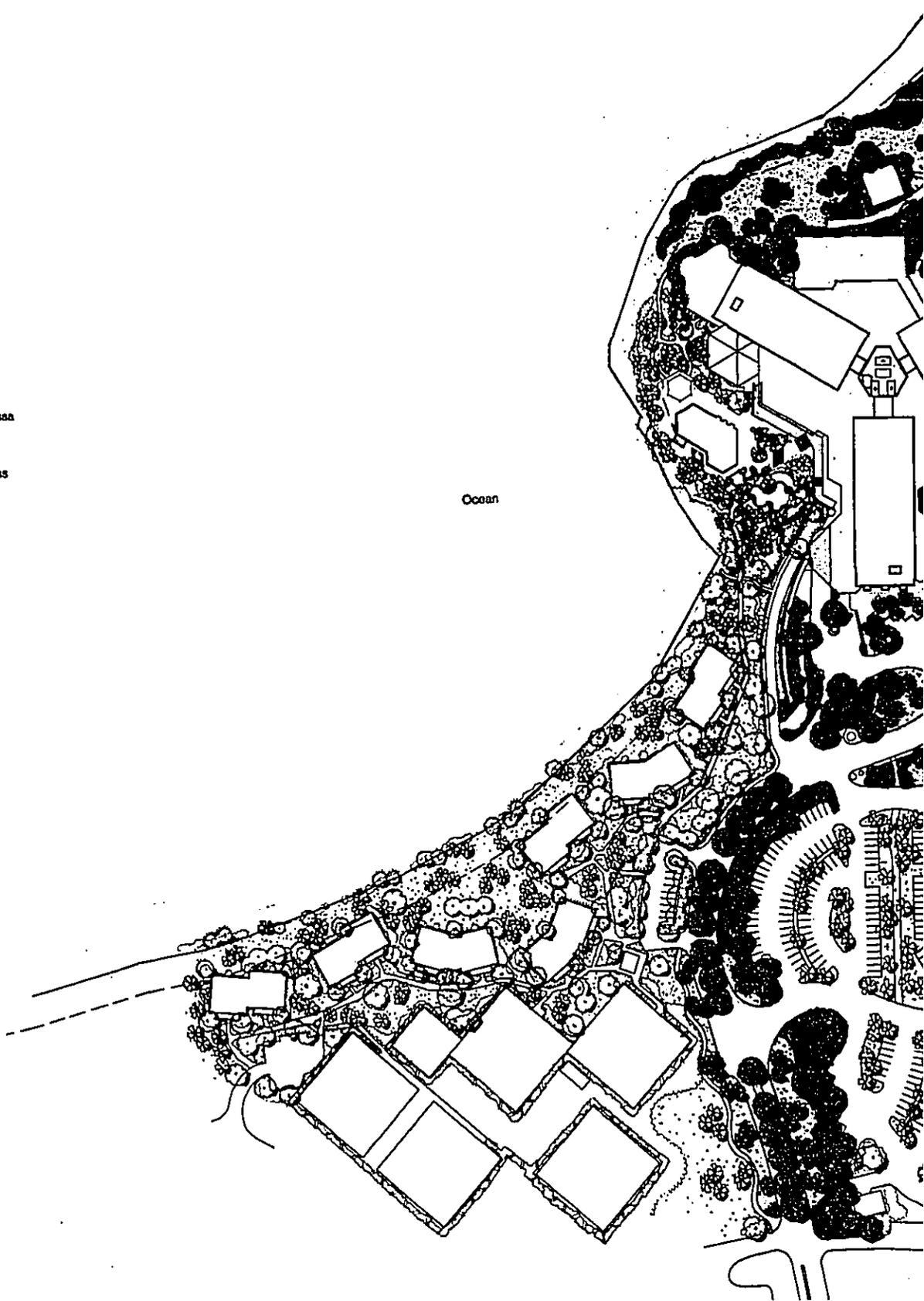
- Seashore Paspalum
- Zoysia

Shrubs and Ground Covers

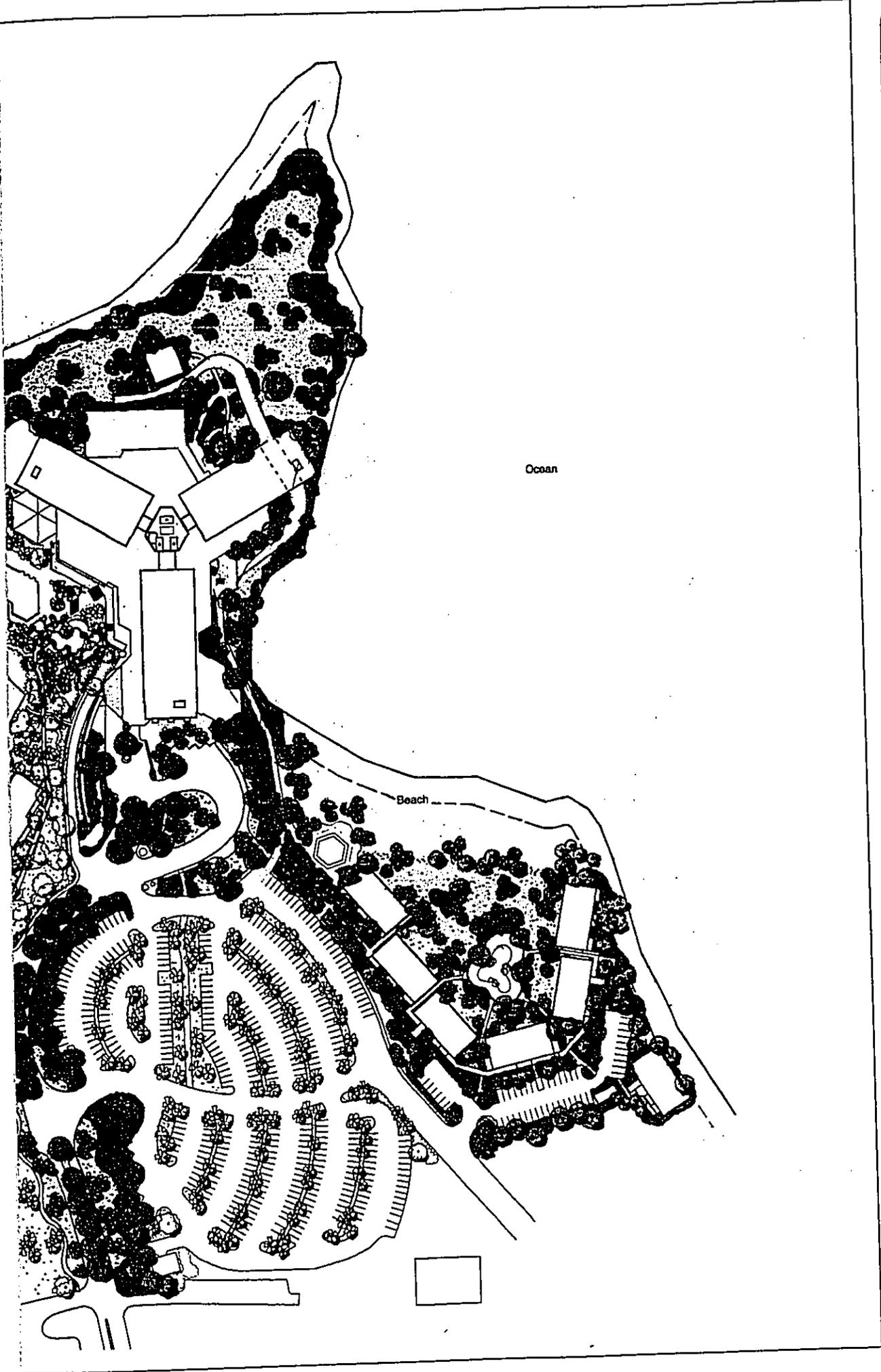
- | | |
|------------------------|-----------------|
| • Bird of Paradise | • Dwarf Carissa |
| • Bougainvillea | • Ilima |
| • Canna | • Laua'o |
| • Croton | • Liriope |
| • Tiare Gardenia | • Mondo Grass |
| • Ginger | • Naupaka |
| • Heliconia | • Pothos |
| • Hibiscus | • Walking Iris |
| • Monstera | • Wax Ficus |
| • Oleander | • Wodella |
| • Philodendron Selloum | |
| • Sanchezia | |
| • Spider Lily | |
| • Ti | |

Notes:

1. Colored areas indicate areas of proposed new landscaping. Non-colored areas indicate existing landscaping to remain.
2. Automated irrigation system to be installed at all new landscaped areas.



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MCCELVEY ASSOCIATES
 ~LANDSCAPE ARCHITECTS~

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 2782 Woodlawn Dr. Suite 6-211 Honolulu, Hawaii 96822

Consultant

Project
TURTLE BAY RESORT

Sheet Title
SMA PERMIT LANDSCAPE PLAN




SCALE 1" = 100'

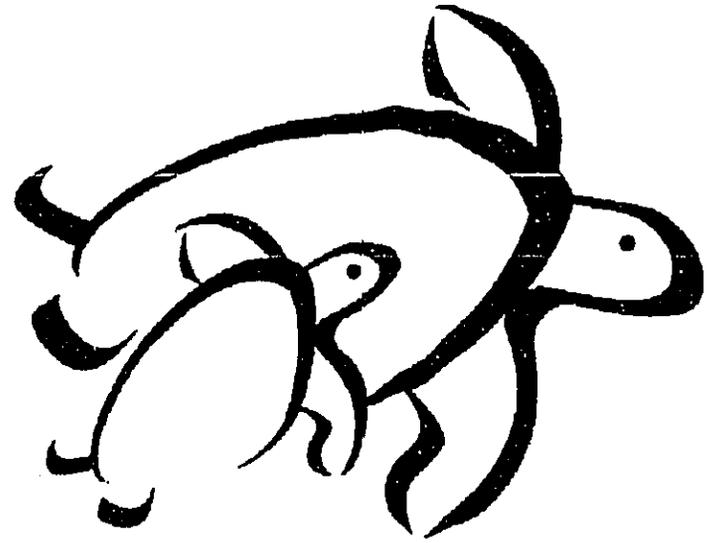
Revisions

▲	_____
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Drawing Date: 31 May 2002
 AutoCad File: L-01-templn

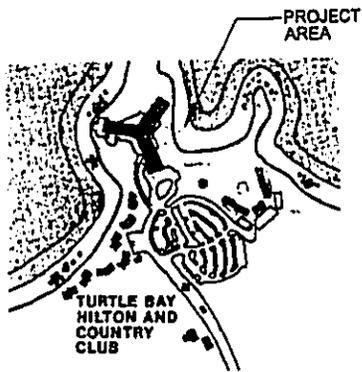
Sheet Number

L-01
 of sheets



Turtle Bay R

SMA PERMIT



LOCATION MAP
NOT TO SCALE

NOTE: THIS PROJECT
COMPLIES WITH TITLE III
AND THE AMERICANS
WITH DISABILITIES ACT

PROJECT INFORMATION & CODE REQUIREMENTS

OWNER	57-091 KAMEHAMEHA HWY.
ADDRESS :	KAHUKU, HAWAII
T.M.K. :	5-7-01:13
ZONING :	RESORT + B1
LOT AREA:	60,724 AC / 2,645,137SF
OCCUPANCY :	B ACCESSORY USE
TYPE OF CONSTRUCTION :	VN
UBC CODE :	1997 EDITION W/ LOCAL AMENDMENTS
SEISMIC ZONE :	2

DESIGN NOTES

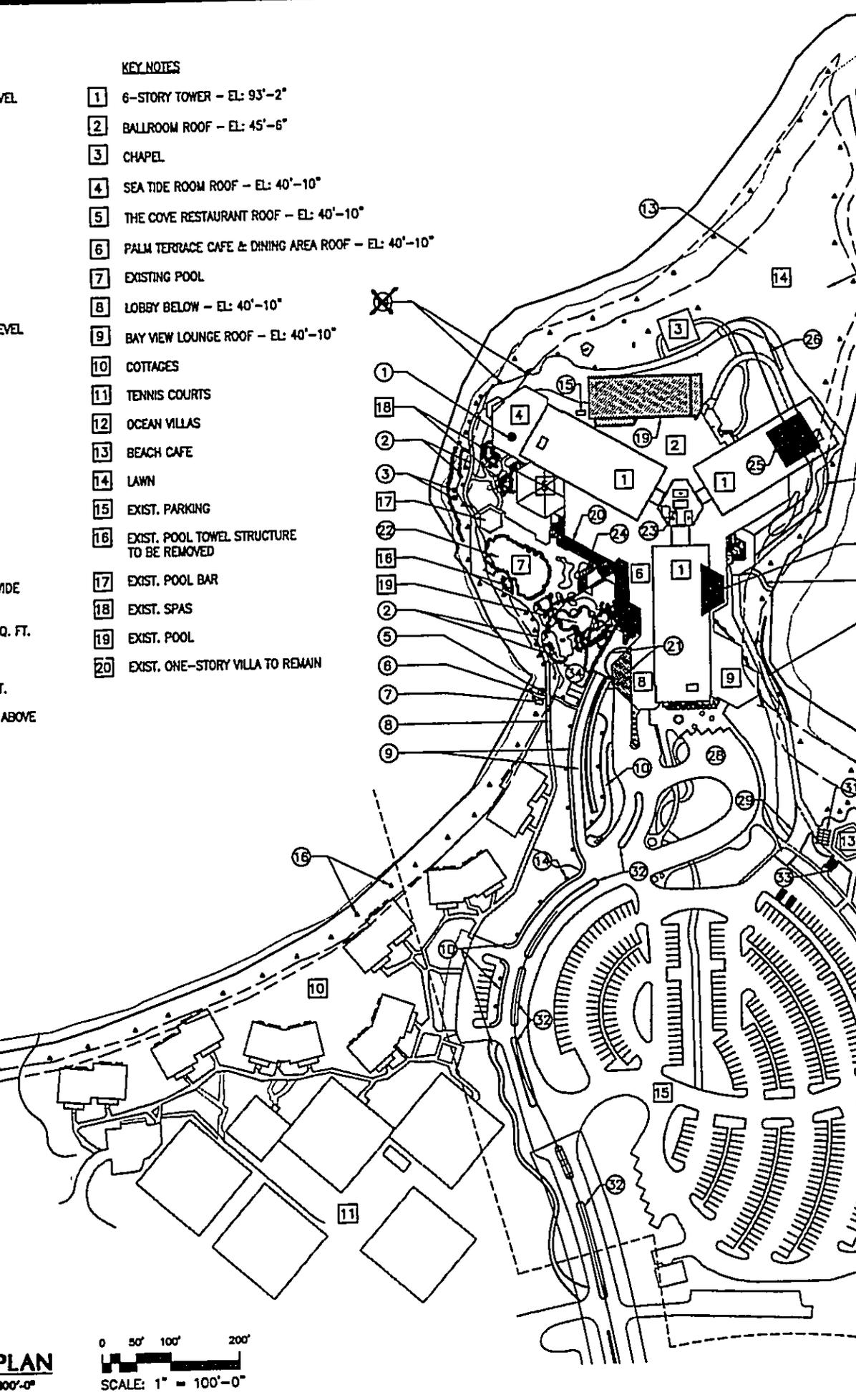
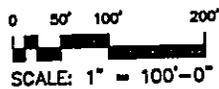
- ① NEW SPA ADJACENT TO HEALTH CLUB & SPA ON SERVICE LEVEL
- ② NEW HARDSCAPE & LANDSCAPE
- ③ NEW PIPE MOUNTED STANDING BINOCULAR VIEWERS
- ④ NOT USED
- ⑤ EXPANDED SURFER SHOWER
- ⑥ NEW SURFER BEACH ACCESS
- ⑦ NEW SURFBOARD RACK
- ⑧ BRIDGE
- ⑨ PAVED VEHICLE RAMP & PEDESTRIAN WALKWAY TO LOWER LEVEL
- ⑩ NEW SIDEWALK FROM PORTE COCHERE TO TENNIS & GOLF
- ⑪ ADDITION OF NEW 3-STORY VILLA
- ⑫ NEW RETAINING WALL
- ⑬ NEW GRADED AREA FOR GRASSED OUTDOOR FUNCTIONS - CUT: 1500 CU. YDS.
- ⑭ NEW LIGHTING
- ⑮ LOCATION OF FUEL OIL STORAGE TANK FOR EMERGENCY GENERATORS - 72 SQ. FT.
- ⑯ TIKI TORCHES
- ⑰ NEW LEVEL(S) & STAIRS ADDED ON EXISTING VILLA TO PROVIDE A 3-STORY OCEAN VILLA
- ⑱ NEW ADMINISTRATION OFFICES AT SERVICE LEVEL - 1789 SQ. FT.
- ⑲ NEW BALLROOM AT LOBBY LEVEL - 13738 SQ. FT.
- ⑳ NEW COVERED PROMENADE AT LOBBY LEVEL - 3866 SQ. FT.
- ㉑ EXPANDED RADIUS OF PORT COCHERE WITH NEW SKYLIGHT ABOVE
- ㉒ RENOVATED POOL
- ㉓ COOLING TOWER ON ROOF
- ㉔ NEW POOL TOWEL KIOSK - 195 SQ. FT.
- ㉕ NEW MEETING ROOMS ON LOBBY LEVEL - 3437 SQ. FT.
- ㉖ NEW ROADWAY - CUT: 2151 CU. YDS.; FILL: 24 CU. YDS. (USING 2:1 SLOPE ASSUMPTION)
- ㉗ NEW BEACH ACCESS
- ㉘ AREA TO BE RECONFIGURED
- ㉙ NEW ROADWAY - CUT: 128 CU. YDS.
- ㉚ NEW DINING AREAS
- ㉛ NEW DINING AREA WITH TRELIS AND WINDSCREEN
- ㉜ NEW LANDSCAPED MEDIAN
- ㉝ NEW ACCESSIBLE LIFT
- ㉞ NEW PARKING STALLS

KEY NOTES

- ① 6-STORY TOWER - EL: 93'-2"
- ② BALLROOM ROOF - EL: 45'-6"
- ③ CHAPEL
- ④ SEA TIDE ROOM ROOF - EL: 40'-10"
- ⑤ THE COVE RESTAURANT ROOF - EL: 40'-10"
- ⑥ PALM TERRACE CAFE & DINING AREA ROOF - EL: 40'-10"
- ⑦ EXISTING POOL
- ⑧ LOBBY BELOW - EL: 40'-10"
- ⑨ BAY VIEW LOUNGE ROOF - EL: 40'-10"
- ⑩ COTTAGES
- ⑪ TENNIS COURTS
- ⑫ OCEAN VILLAS
- ⑬ BEACH CAFE
- ⑭ LAWN
- ⑮ EXIST. PARKING
- ⑯ EXIST. POOL TOWEL STRUCTURE TO BE REMOVED
- ⑰ EXIST. POOL BAR
- ⑱ EXIST. SPAS
- ⑲ EXIST. POOL
- ㉑ EXIST. ONE-STORY VILLA TO REMAIN



① **SITE PLAN**
SCALE: 1" = 100'-0"



EXISTING CHAPEL

RELOCATED ACCESS ROAD (FIRE LANE)

140'-0"

GLASS WALL

GLASS WALL

EXISTING ACCESS ROAD

A
1.5

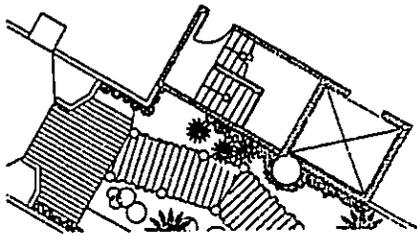
D
3,790 S.F.

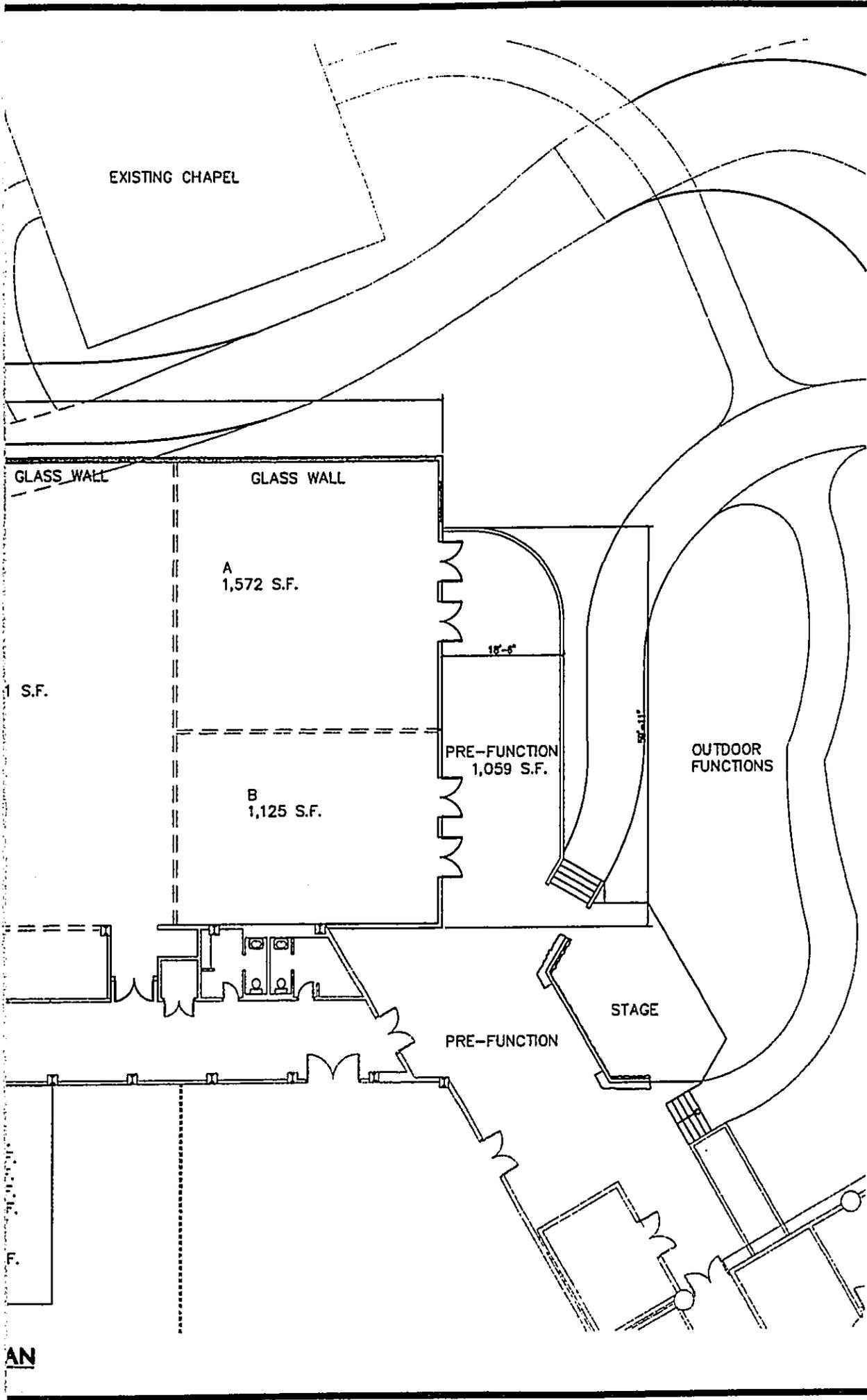
C
3,051 S.F.

70'-0"
SERVICE
695 S.F.

TOTAL S.F.	
PRE-FUNCTION	1,059 S.F.
ROOM A	1,572 S.F.
ROOM B	1,125 S.F.
ROOM C	3,051 S.F.
ROOM D	3,790 S.F.
SERVICE	695 S.F.
TOTAL	12,292 S.F.

1 PARTIAL SITE PLAN
SCALE: 1" = 10'





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PARTIAL SITE PLAN

AS NOTED

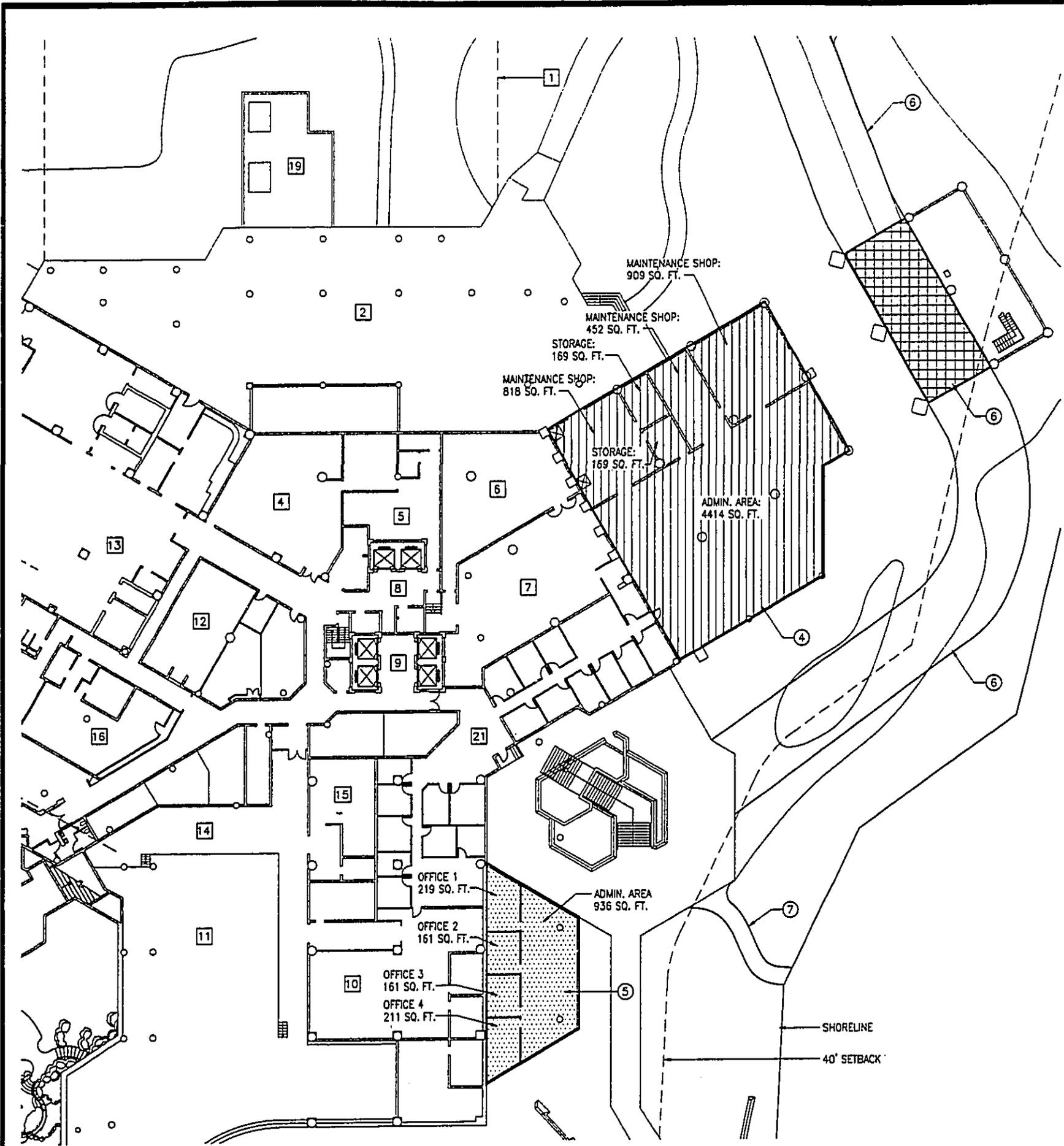
This work was prepared by me or under my supervision and control for the purpose of securing the construction of the project of construction as defined in Chapter 10-118 Subchapter 1, Rules of the Board of Architectural Rules ("Professional Engineers, Architects, Surveyors, and Landscape Architects.")

NOTE: Contractor to check and verify all dimensions at job before proceeding with work.

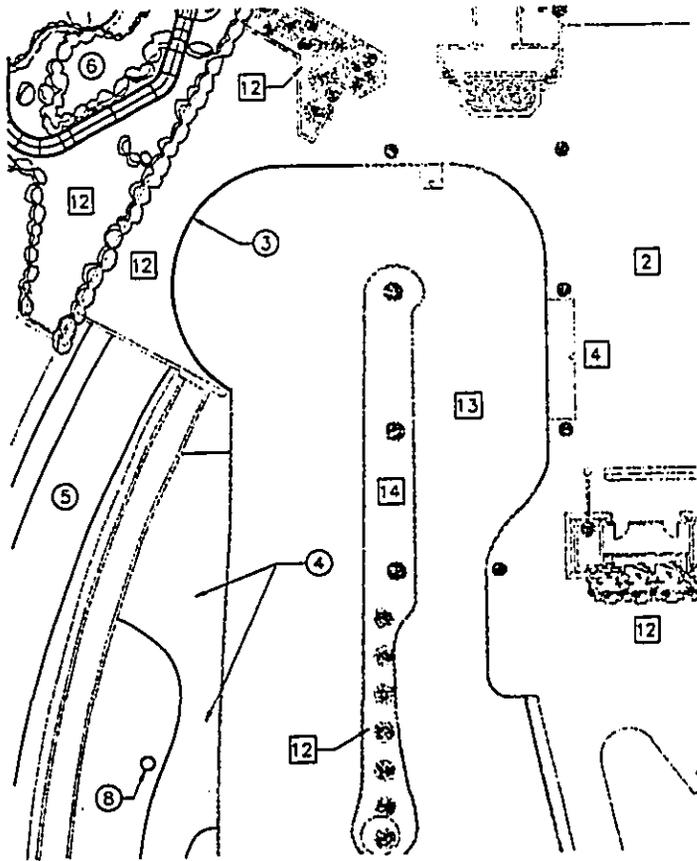
Revision

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 Project No. 4774U
 Date 07-19-02
 Drawing No.

A-01a
 of Sheets
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2 ENLARGED FLOOR PLAN - SERVICE LEVEL
 SCALE: 1"=20'-0"



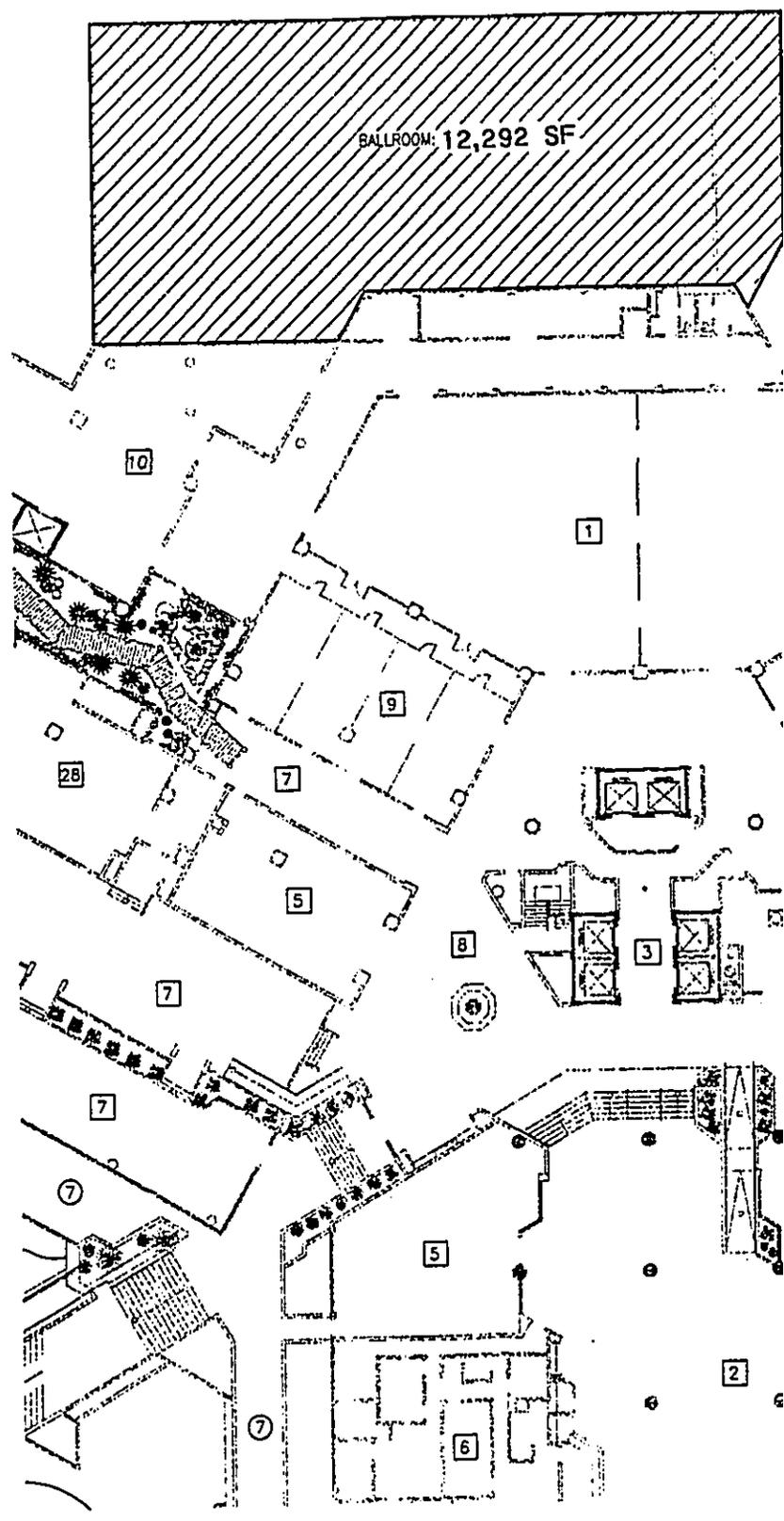
2 PORT COCHERE
SCALE: 1"=20'-0"

DESIGN NOTES

- ① NEW BALLROOM - - EL: 25'-0" 12,292 SF
- ② MEETING ROOM INFILL SPACE - 3437 SQ. FT. - EL: 25'-0"
- ③ EXPANDED RADIUS OF PORT COCHERE - EL: 27'-6"
- ④ NEW SIDEWALK FROM PORT COCHERE TO TENNIS & GOLF
- ⑤ PAVED VEHICLE RAMP & PEDESTRIAN WALK TO LOWER LEVEL
- ⑥ NEW POOL
- ⑦ COVERED PROMENADE
- ⑧ NEW LIGHTING

KEY NOTES

- | | |
|------------------------------------|----------------------------------|
| ① EXISTING BALLROOM - EL: 25'-6" | ⑮ EXIST. GAME ROOM |
| ② LOBBY - EL: 28'-0" | ⑯ EXIST. BARBER/BEAUTY SALON |
| ③ ELEVATOR LOBBY - EL: 25'-6" | ⑰ EXIST. COMPTROLLER |
| ④ EXIST. RAMP | ⑱ EXIST. ACCOUNTING |
| ⑤ RETAIL | ⑲ EXIST. XEROX ROOM |
| ⑥ EXIST. OFFICES | ⑳ EXIST. OFFICE |
| ⑦ PALM TERRACE CAFE & DINING AREA | ㉑ EXIST. CONFERENCE ROOM |
| ⑧ EXIST. LOWER LOBBY - EL: 25'-6" | ㉒ EXIST. COFFEE ROOM |
| ⑨ EXIST. BREAKOUT ROOMS | ㉓ EXIST. COMPUTER ROOM |
| ⑩ EXIST. SERVICE KITCHEN | ㉔ EXIST. SOUND EQUIPMENT |
| ⑪ EXIST. SUNDRY SHOP | ㉕ EXIST. WOMEN'S RESTROOM |
| ⑫ EXIST. HARDSCAPE & LANDSCAPE | ㉖ EXIST. MEN'S RESTROOM |
| ⑬ EXIST. PORT COCHERE - EL: 27'-6" | ㉗ EXIST. ELECTRIC EQUIPMENT ROOM |
| ⑭ EXIST. MEDIAN - EL: 28'-0" | ㉘ EXIST. KITCHEN |



1 LOBBY LEVEL
SCALE: 1"=20'-0"

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Turtle Bay Resort
SMA PERMIT

ENLARGED
FLOOR PLAN
LOBBY LEVEL

AS NOTED

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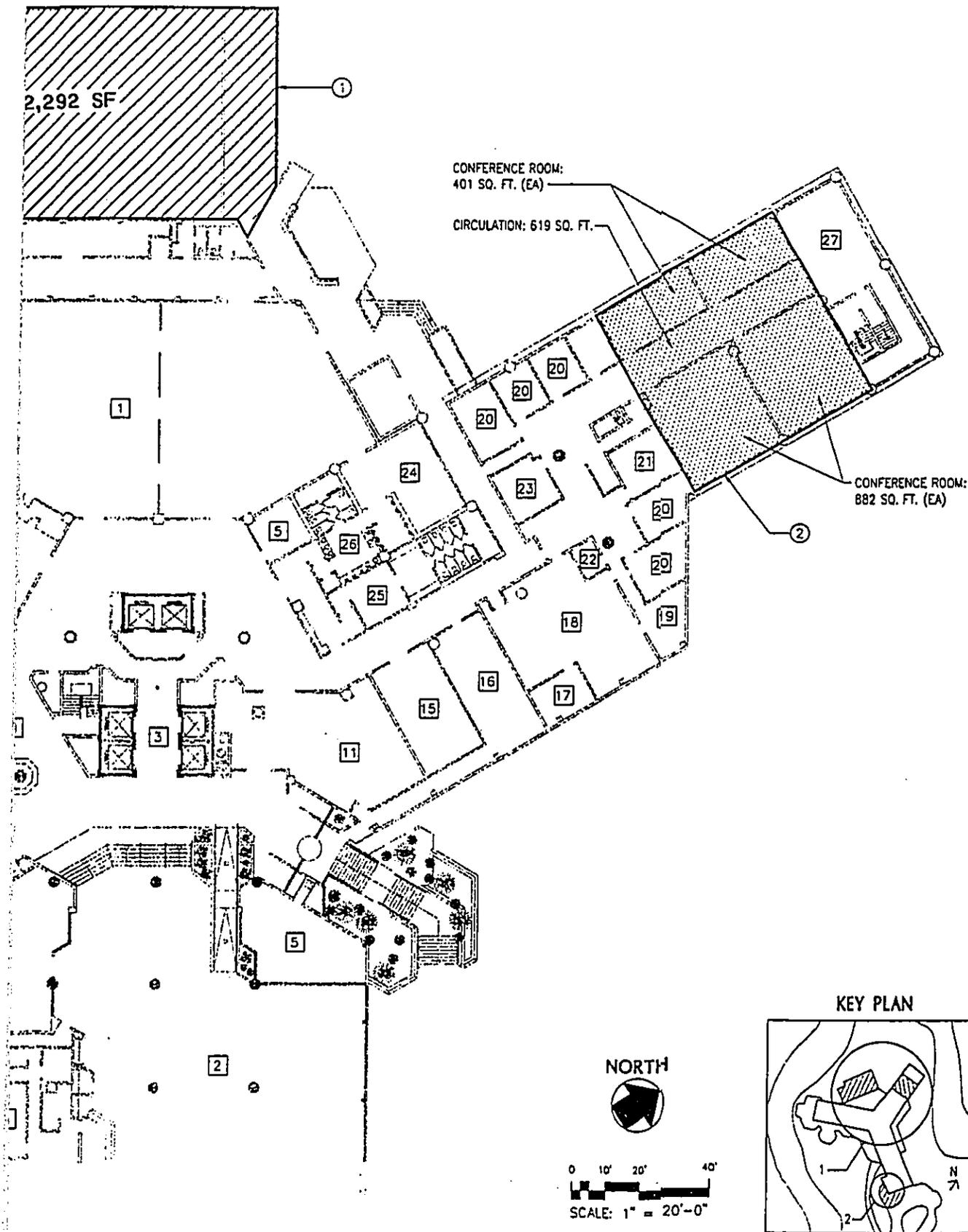
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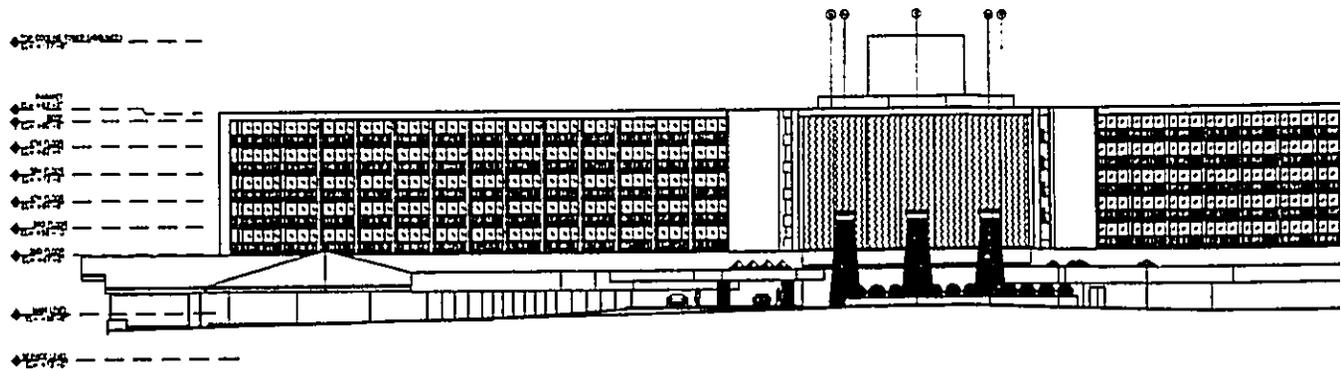
Designed by JF, APO, JLL
Drawn by STAFF
Project No. 4774U
Date 06-05-02
Drawing No.

A-03

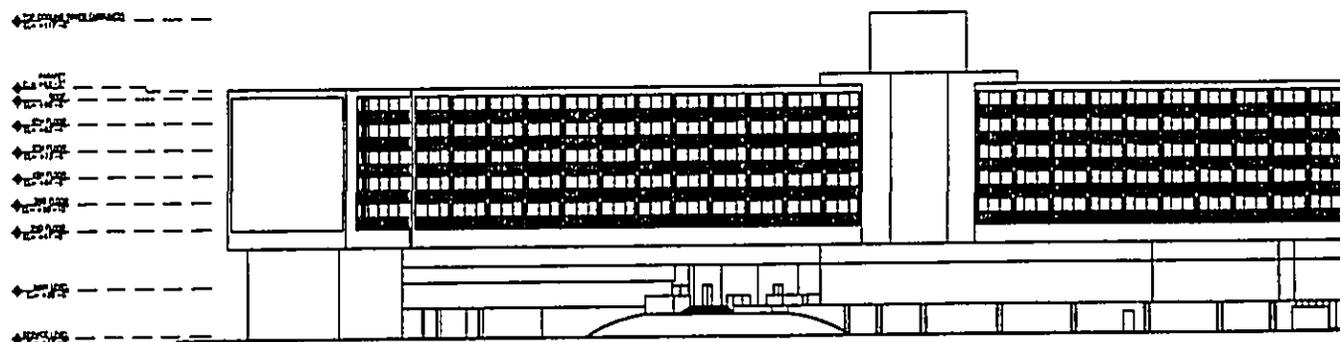
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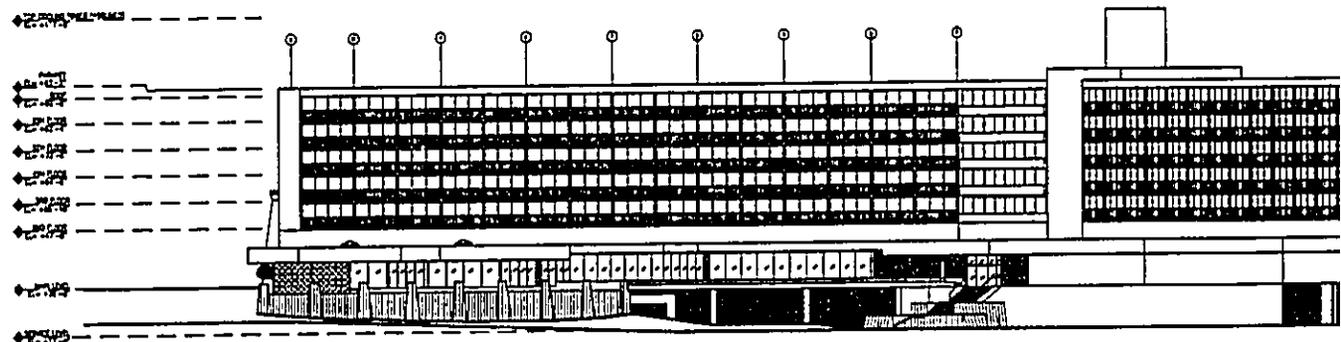




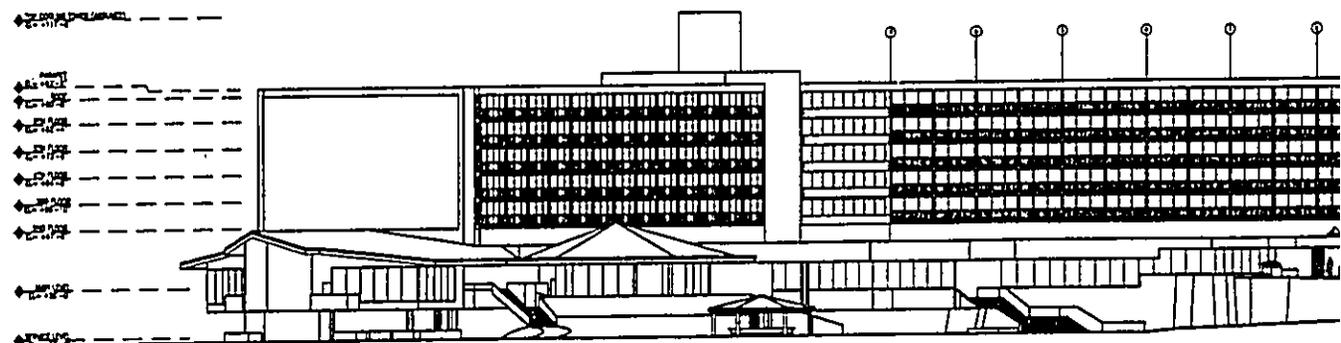
1 FRONT ELEVATION
SCALE: 1/32" = 1'-0"



2 REAR ELEVATION
SCALE: 1/32" = 1'-0"



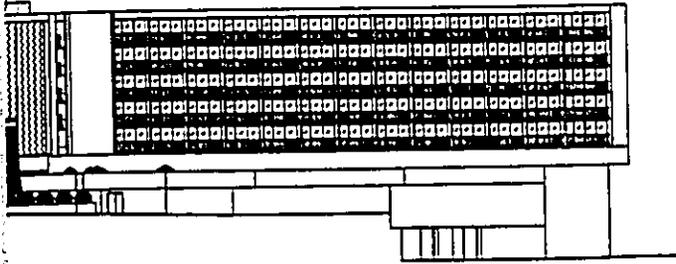
3 RIGHT-SIDE ELEVATION
SCALE: 1/32" = 1'-0"



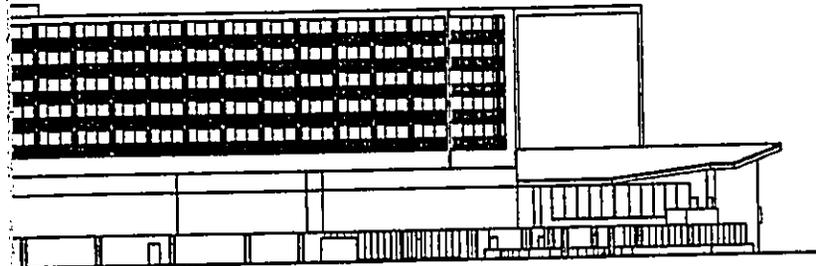
4 LEFT-SIDE ELEVATION
SCALE: 1/32" = 1'-0"

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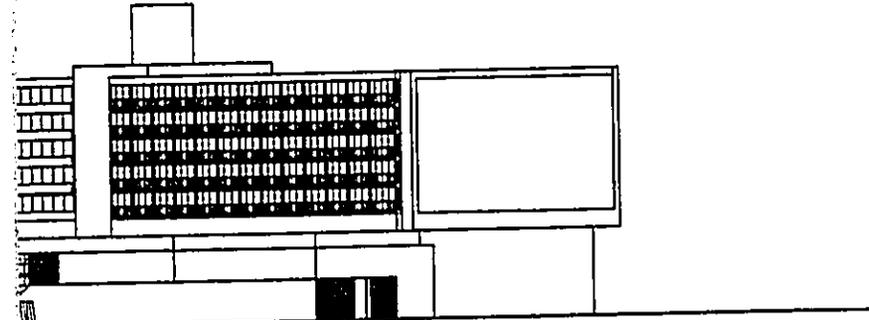
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1001 Bishop Street
Honolulu, Hawaii 96813
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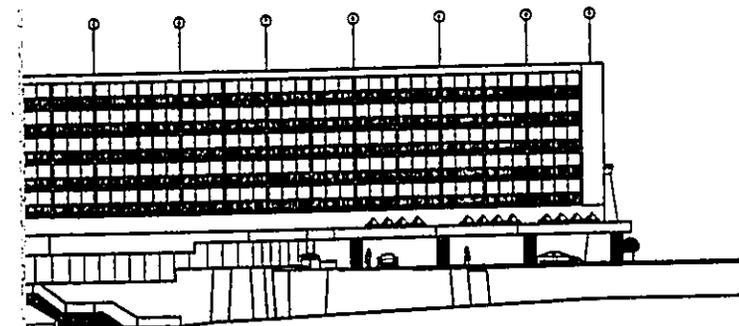
ELEVATION



ELEVATION



ELEVATION



ELEVATION



**HOTEL
ELEVATIONS**

AS NOTED

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Signature

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Drawn by STAFF

Project No. 4774U

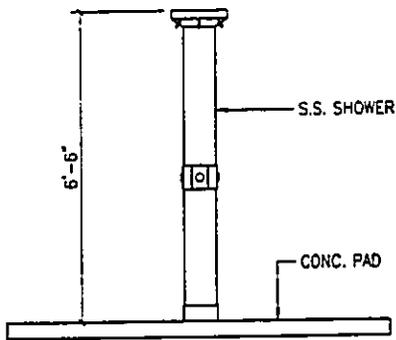
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Drawing No.

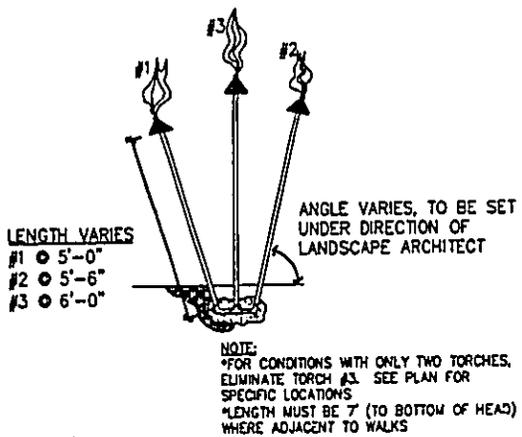
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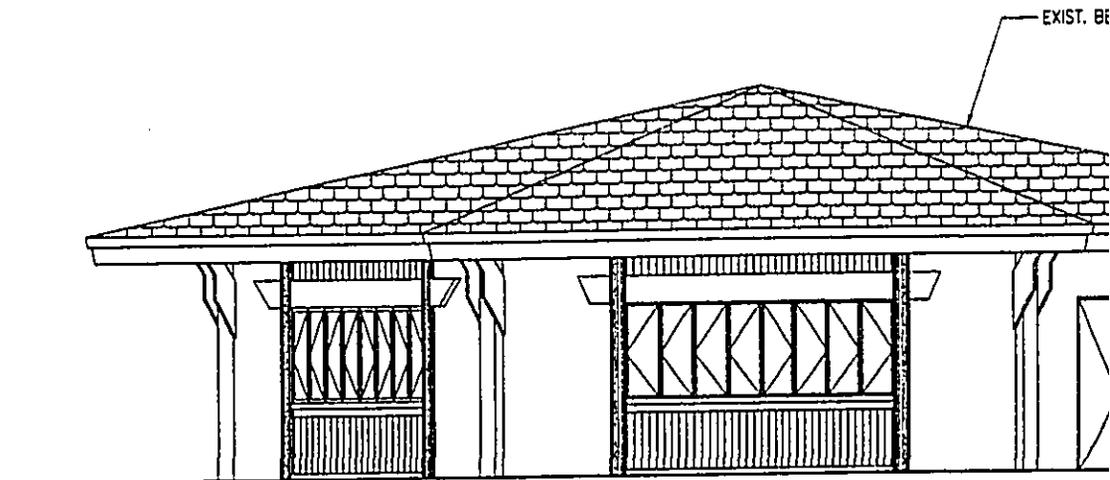
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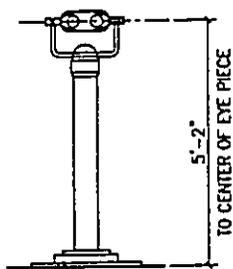
5 OUTDOOR SHOWER
SCALE: 1/2" - 1'-0"



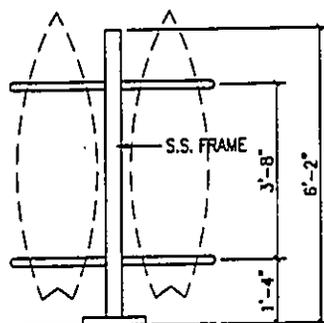
6 GAS TIKI TORCHES
SCALE: NTS



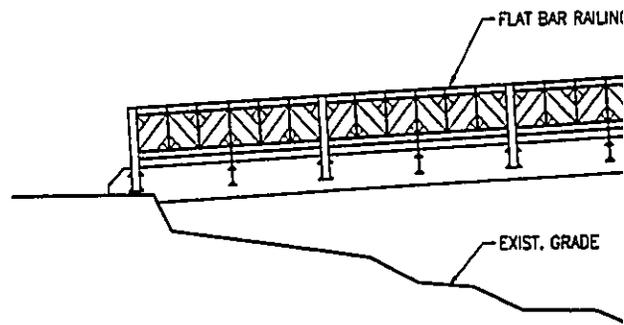
1 TRELLISED DINING AREA AT BEACH CAFE
SCALE: 1/4" - 1'-0"



3 VIEWER
SCALE: 1/2" - 1'-0"



4 SURFBOARD RACK
SCALE: 1/2" - 1'-0"



2 BRIDGE
SCALE: 1/4" - 1'-0"

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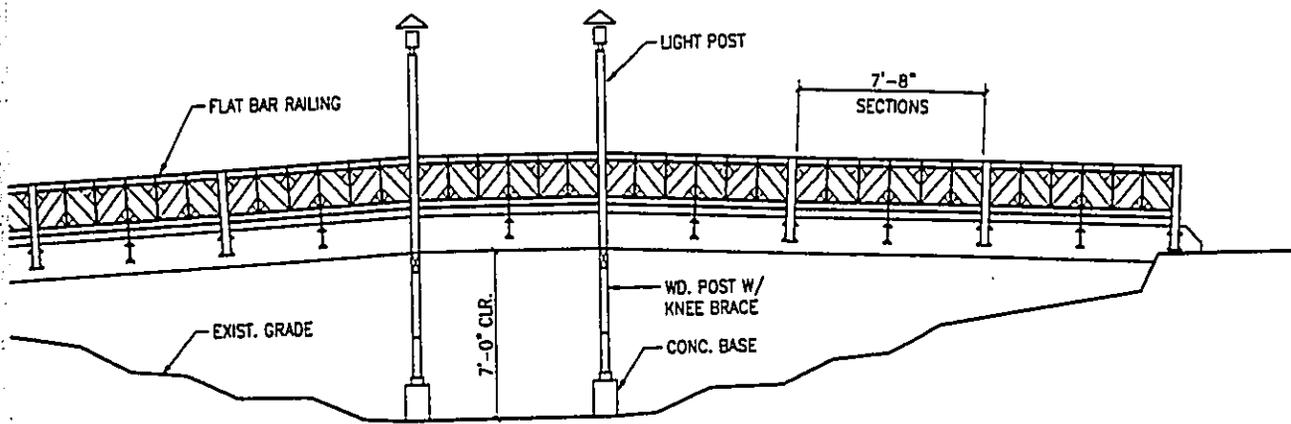
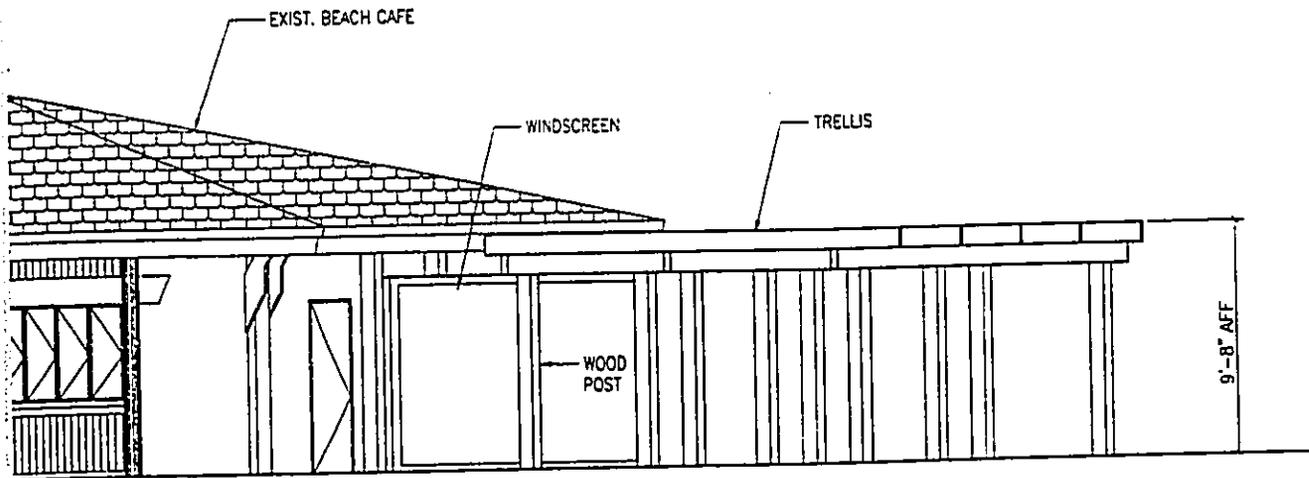


Turtle Bay Resort

SMA PERMIT

**MISCELLANEOUS
ELEVATIONS**

AS NOTED



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signature
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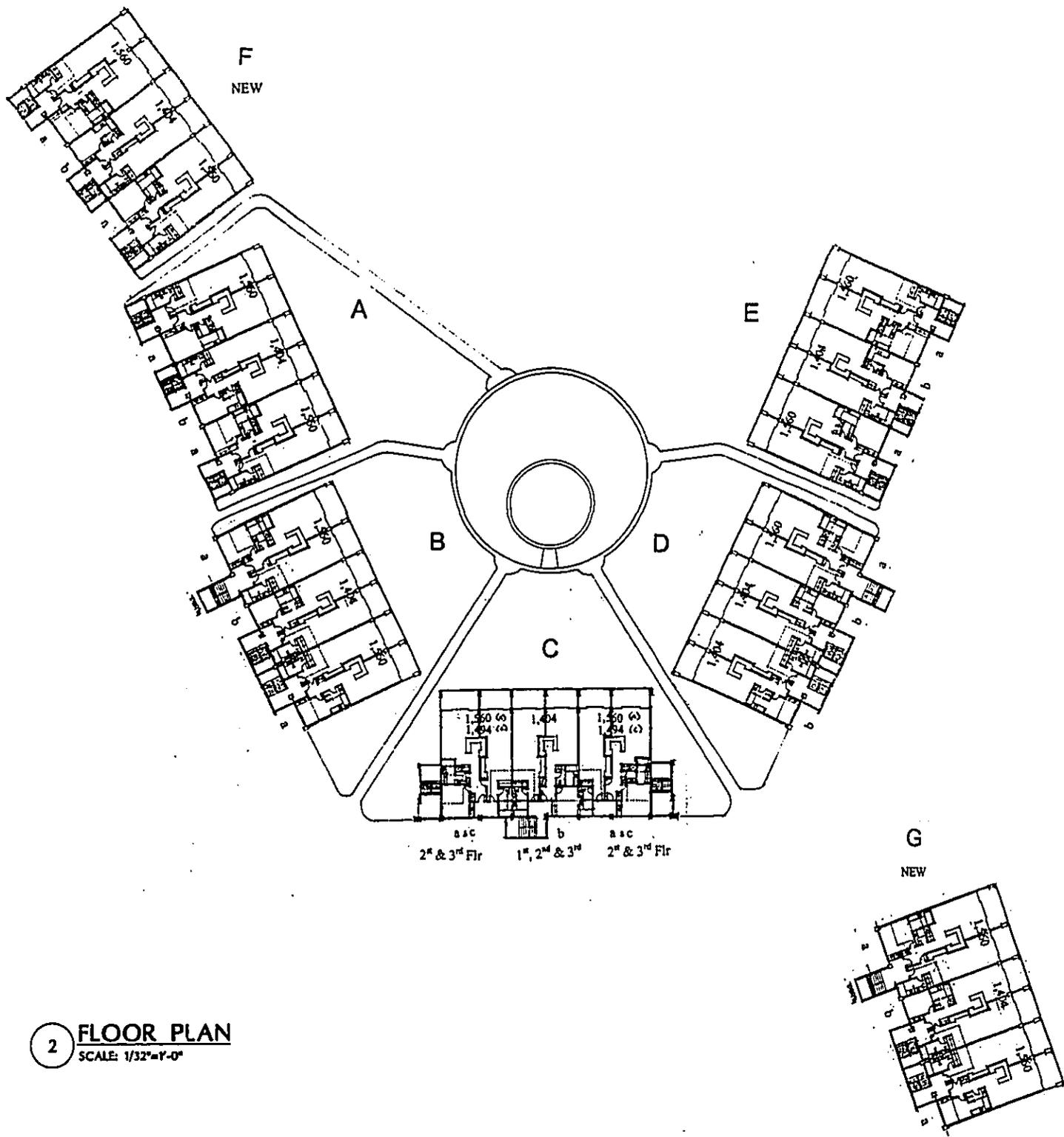
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Drawn by	STAFF
Project No.	4774U
Date	06-05-02
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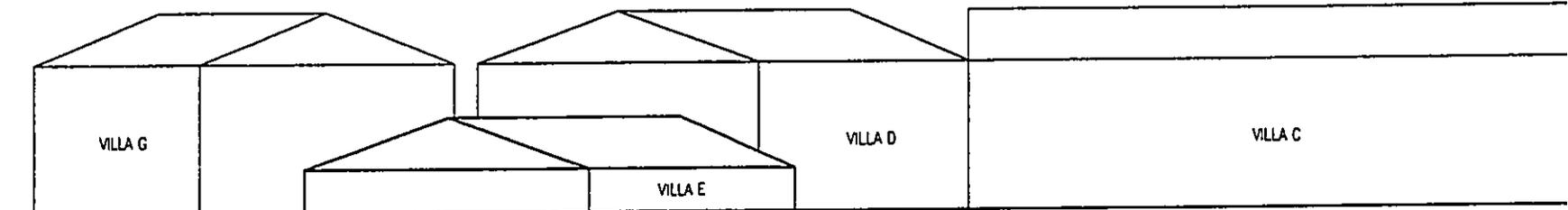
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2 FLOOR PLAN
SCALE: 1/32"=1'-0"



3 OCEAN VILLAS MASSING
SCALE: 1/16"=1'-0"

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Turtle Bay Resort
SMA PERMIT

**OCEAN VILLAS
PLAN**

AS NOTED

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signature
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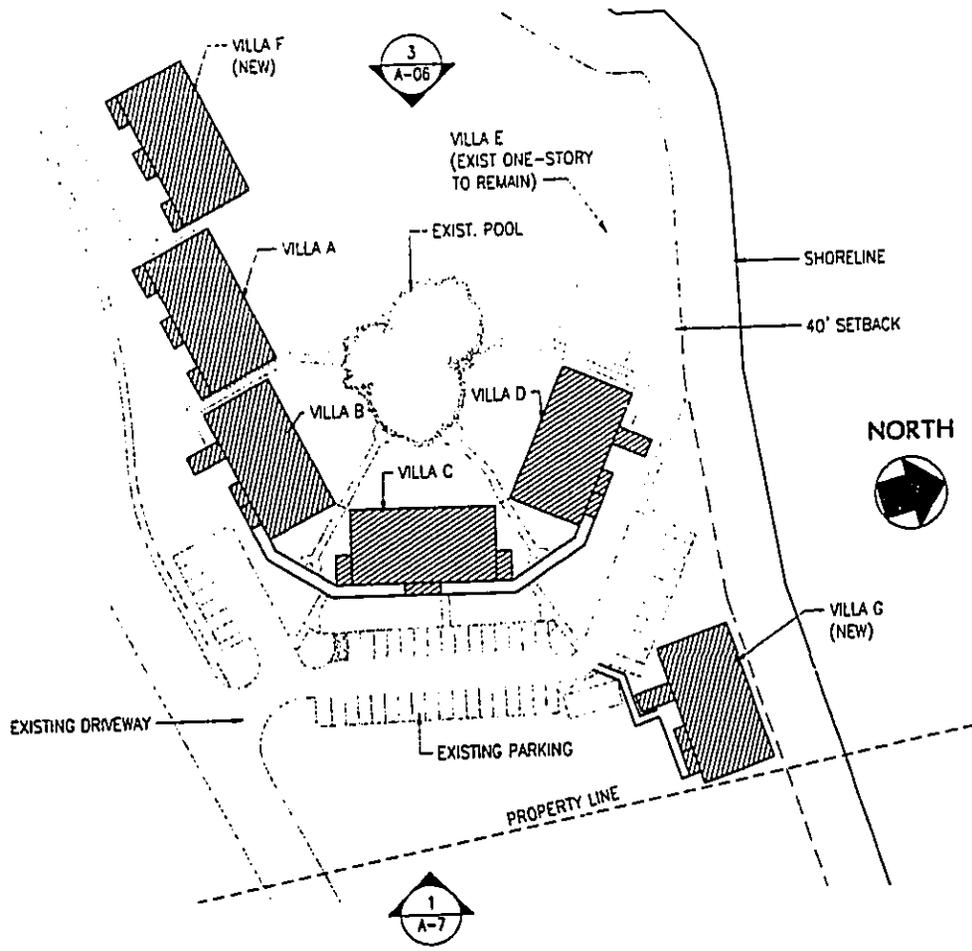
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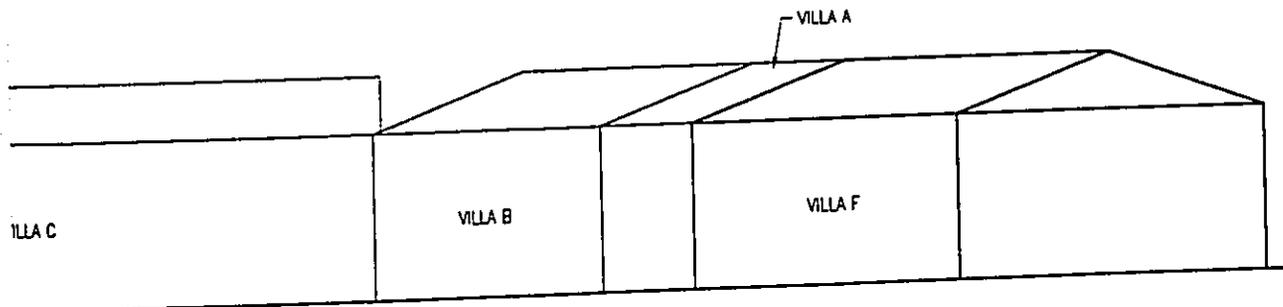
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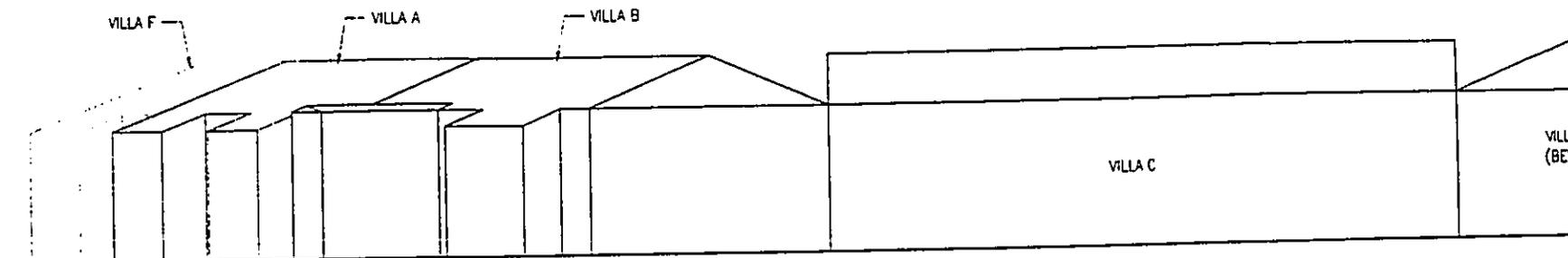


1 SITE PLAN
SCALE: 1/64" = 1'-0"

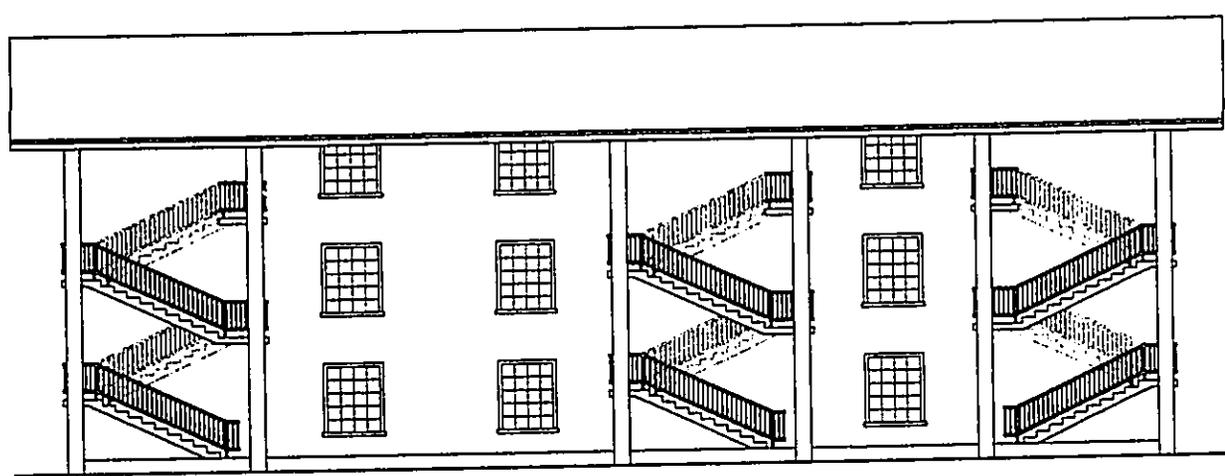
UNIT COUNT AREA:
57 LOCKOUT UNITS.
TOTAL SQUARE FOOT AREA EQUALS 65,087 SF.

- NOTE:**
- AREAS DO NOT INCLUDE LANAIS, WHICH ARE 298 SF. TO 327 SF. PER LOCK OUT.
 - SIX VILLAS ARE 3-STORIES AND ONE VILLA (VILLA 'E') IS ONE STORY.

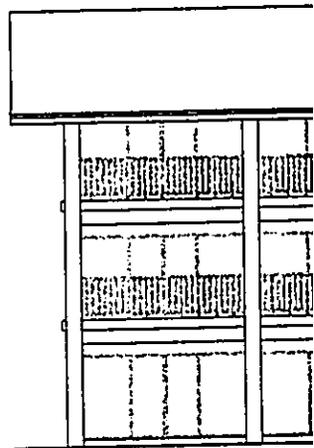




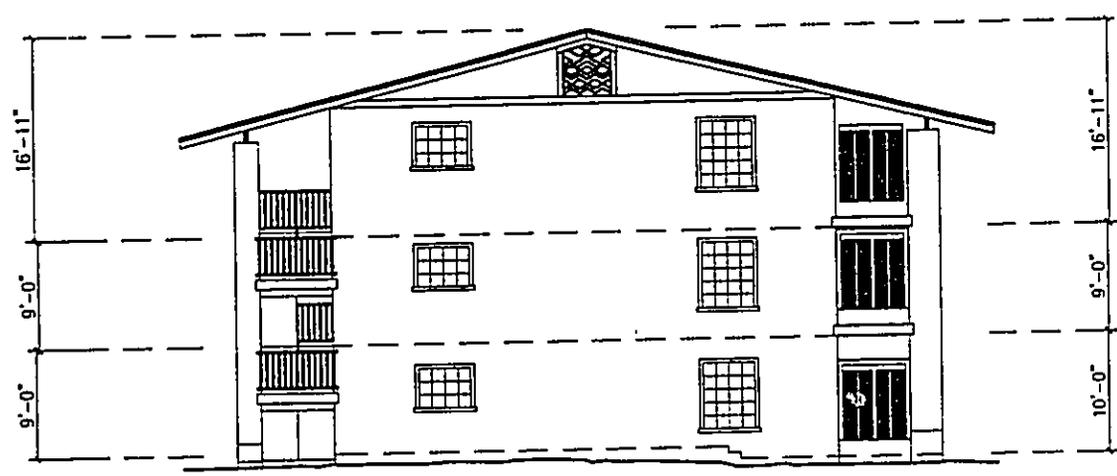
1 **OCEAN VILLAS MASSING**
SCALE: 1/16" = 1'-0"



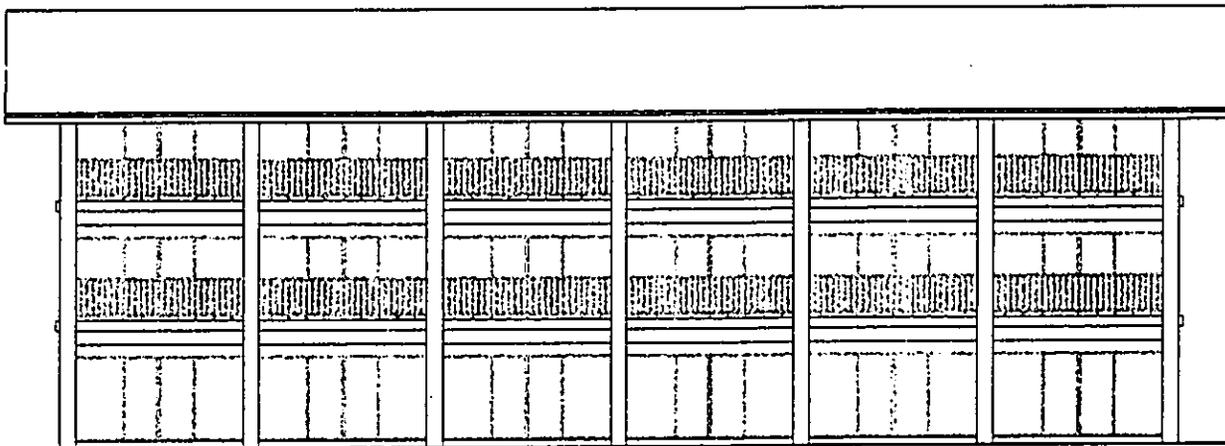
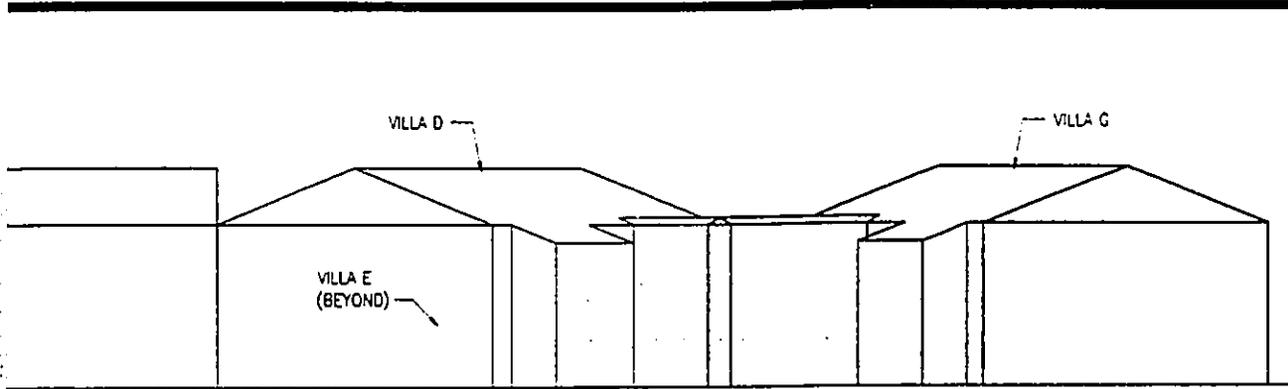
2 **FRONT ELEVATION**
SCALE: 1/8" = 1'-0"



3 **REAR ELEVATION**
SCALE: 1/8" = 1'-0"



4 **SIDE ELEVATION**
SCALE: 1/8" = 1'-0"



3 REAR ELEVATION
SCALE: 1/8" = 1'-0"

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Turtle Bay Resort
SMA PERMIT

**OCEAN VILLAS
ELEVATIONS**

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signature
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Revision

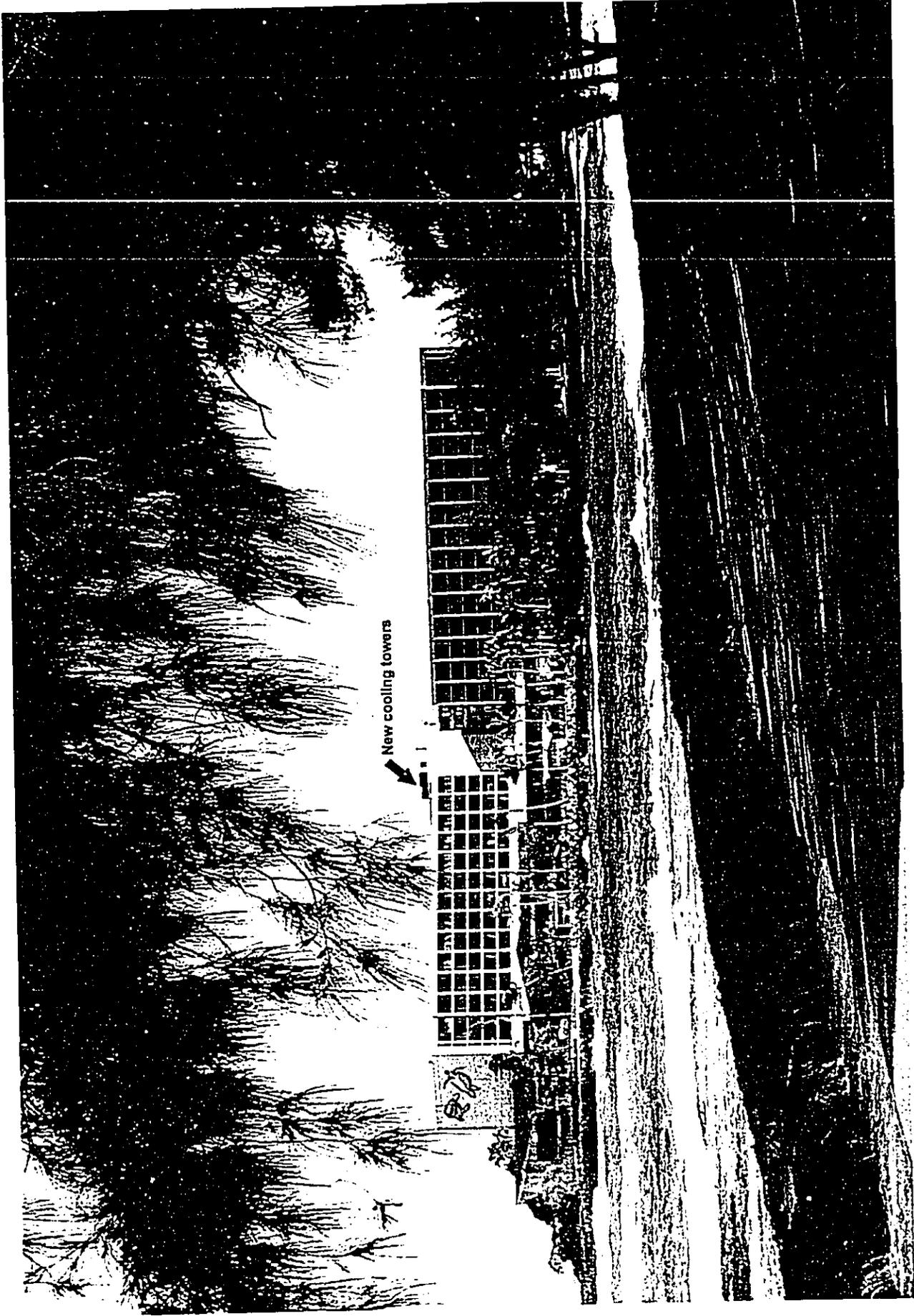
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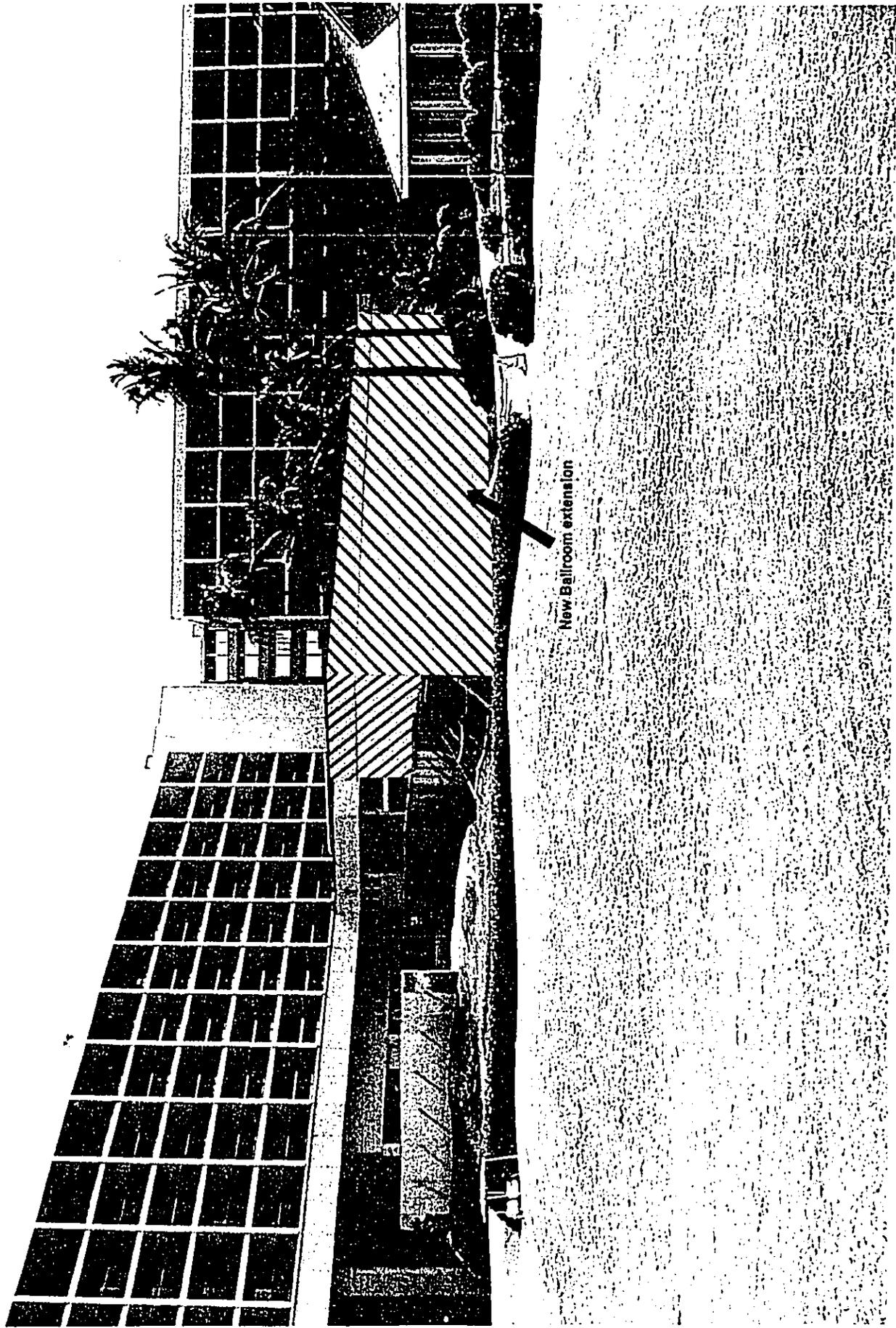
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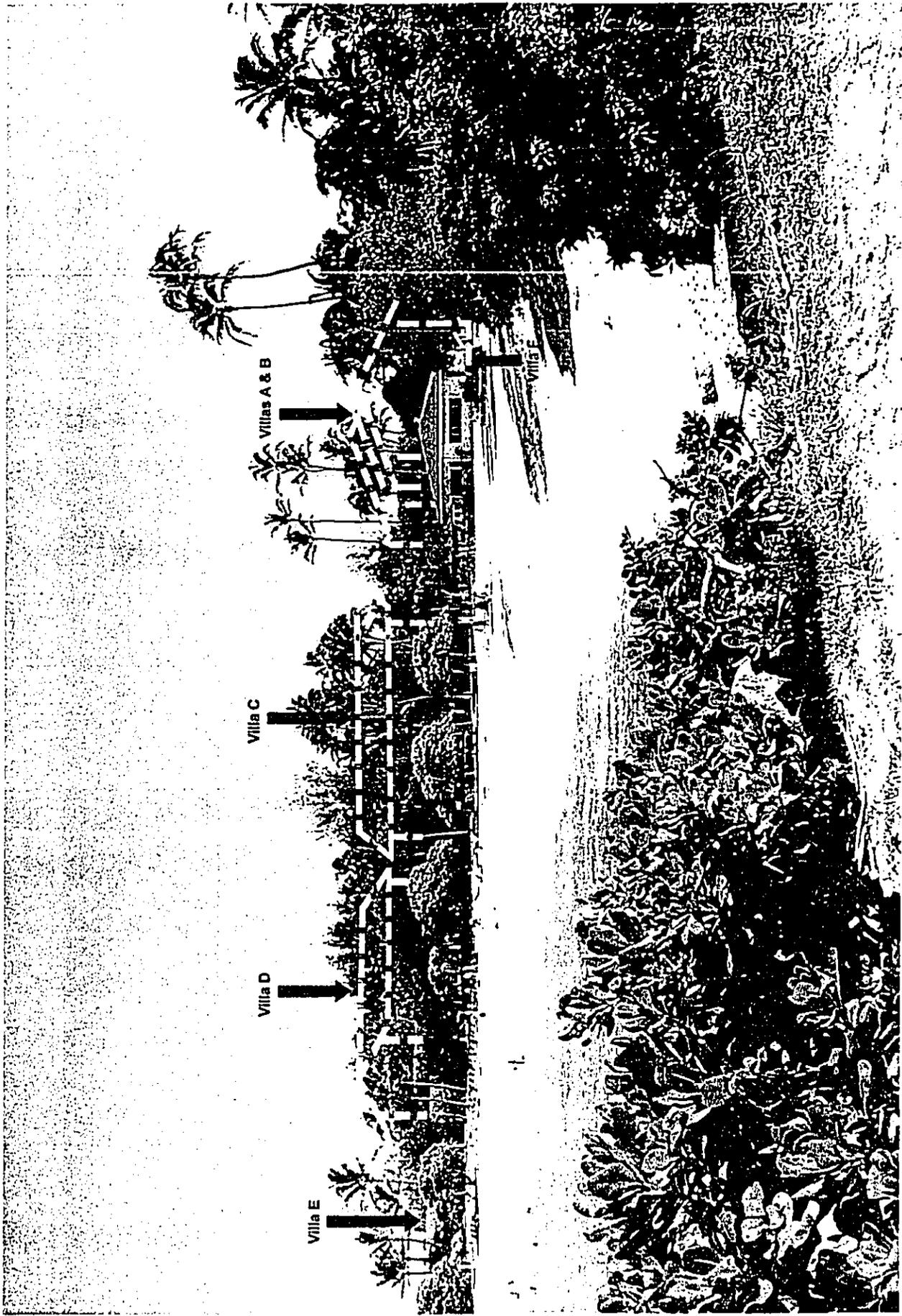
1. View of East & North Wing from Intimate Cove beach



2. View from Turtle Bay shoreline south of Hotel



3. View of Wedding Chapel, North & West Wing of hotel



4. View of Intimate Cove and Ocean Villa units
(New buildings will be behind trees that obscure existing Ocean Villa units)

APPENDIX III
COMPLIANCE WITH RESOLUTION
NOS. 89-941 AND 86-308

RESOLUTION NO. 89-941

The City Council approved an SMA Use Permit Application No. 89/SMA-49, Resolution No. 89-491, on November 8, 1989 to allow construction of a Wedding Pavilion (Chapel) just north of the main hotel structure. The applicant's compliance with the conditions of approval of Resolution No. 89-941 is provided as follows:

- "A. Prior to implementation of the project, the applicant must meet the requirements and obtain approval of all government agencies normally required for such projects."

The applicant met the requirements and approvals for the project, including grading and building permits.

- "B. If, during construction, any previously unidentified 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 DLNR Historic Sites Office at 548-7460 immediately. Work in the immediate area shall be stopped until the office is able to assess the impact and make further recommendations for mitigative activity."

No previously unidentified sites or remains were encountered during construction.

- "C. The project shall be constructed within two years of the date of this permit. Failure to obtain a building permit within this period shall render this permit null and void, provided that the Director of Land Utilization may extend this period if the applicant demonstrates good cause."

The Resolution was approved on November 8, 1989 and the applicant received approval of Building Permit No. 287768 for the wedding pavilion on July 3, 1990.

- "D. Construction permits shall be issued for plans which are substantially consistent with plans on file with the Department of Land Utilization. Any change in the size or nature of the project which has a significant effect on coastal resources addressed in Chapter 33, ROH, shall require a new application. Any change which does 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 Land Utilization.”

“E. Additional landscaping shall be provided as required to form a buffer between the project site and the shoreline. Prior to obtaining a building permit, the applicant shall submit a landscape plan to DLU for approval.”

“F. Roof colors shall be earth tones. Prior to obtaining a building permit, the applicant shall submit color samples to DLU for approval.”

The building permit and construction plans, landscaping and roof colors were all approved by DLU.

“G. The applicant shall provide public pedestrian easements connecting the Turtle Bay Hilton Parking lot, Kuilima Cove (Kalokoiki Beach), the shoreline along Kuilima Pint and the future 100-foot setback/easement. The easements shall be located in the general areas designated on Exhibit C and shall be provided with pathways and signage where appropriate. The applicant shall submit a survey of the easements and a plan of improvements to the DLU for approval.”

“H. Prior to obtaining a building permit, the applicant shall record a document with the State Bureau of Conveyances which provides easements as described in Condition G. Documents establishing this easement shall provide that public use of the easement shall become effective upon completion of construction of the wedding pavilion. Improvements to the easements shall be constructed prior to issuance of a certificate of occupancy.”

The easement document dated August 8, 1990 was recorded on August 10, 1990 in Land Court as Document No. 1754787 and recorded in the Bureau of Conveyances as Document No. 90-123616 and a copy was forwarded to DLU.

Keith K.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 89-491

RESOLUTION

**GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR
A WEDDING PAVILION AT KUILIMA POINT**

WHEREAS, the Department of Land Utilization (DLU) on July 31, 1989, accepted the application of Kuilima Development Company, herein referred to as the APPLICANT, for a Special Management Area Use Permit (SMP) to construct a wedding pavilion at the Kuilima Resort located in Kahuku, Oahu and identified as Tax Map Key 5-7-01: 13; Reference Number 89/SMA-49; and

WHEREAS, on September 27, 1989, the DLU held a public hearing which was attended by 18 people; and

WHEREAS, on October 11, 1989, within ten (10) working days after the close of the public hearing, the DLU, having duly considered all evidence and reports of said public hearing and the review guidelines as established in Sections 33-3.1 and 33-3.2, Revised Ordinances of Honolulu, 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 DLU on October 11, 1989, and at its meeting of November 8, 1989, 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 a SMP be issued to the APPLICANT under the following conditions:

- A. Prior to implementation of the project, the applicant must meet the requirements and obtain approval of all government agencies normally required for such projects.
- B. If, during construction, any previously unidentified 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 DLNR Historic Sites Office at 548-7460 immediately. Work in the immediate area shall be stopped until the office is able to assess the impact and make further recommendations for mitigative activity.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 89-491

RESOLUTION

- C. The project shall be constructed within two years of the date of this permit. Failure to obtain a building permit within this period shall render this permit null and void, provided that the Director of Land Utilization may extend this period if the applicant demonstrates good cause.
- D. Construction permits shall be issued for plans which are substantially consistent with plans on file with the Department of Land Utilization. Any change in the size or nature of the project which has a significant effect on coastal resources addressed in Chapter 33, ROH, shall require a new application. Any change which does 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 Land Utilization.
- E. Additional landscaping shall be provided as required to form a buffer between the project site and the shoreline. Prior to obtaining a building permit, the applicant shall submit a landscape plan to DLU for approval.
- F. Roof colors shall be earth tones. Prior to obtaining a building permit, the applicant shall submit color samples to DLU for approval.
- G. The applicant shall provide public pedestrian easements connecting the Turtle Bay Hilton Parking lot, Kuilima Cove (Kalokoiki Beach), the shoreline along Kuilima Point and the future 100-foot setback/ easement. The easements shall be located in the general areas designated on Exhibit C and shall be provided with pathways and signage where appropriate. The applicant shall submit a survey of the easements and a plan of improvements to the DLU for approval.
- H. Prior to obtaining a building permit, the applicant shall record a document with the State Bureau of Conveyances which provides easements as described in Condition G. Documents establishing this easement shall provide that public use of the easement shall become effective upon completion of construction of the wedding pavilion. Improvements to the easements shall be constructed prior to issuance of a certificate of occupancy.

DOCUMENT CAPTURED AS RECEIVED

.07/25/2002 14:21 FAX

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and he is, hereby directed to transmit copies of this resolution to Mr. John P. Whalen, Director of Land Utilization; Mr. Herbert Muraoka, Director and Building Superintendent, Building Department; Mr. William W. Paty, State Department of Land and Natural Resources, Historic Preservation Office, P. O. Box 621, Honolulu, Hawaii 96809 and Group 70, 924 Bethel Street, Honolulu, Hawaii 96813.

INTRODUCED BY:

Arnold Morgado, Jr. (bes)

DATE OF INTRODUCTION:

OCT 20 1989

Honolulu, Hawaii

Councilmembers

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:

Raymond K. Pua
RAYMOND K. PUA
CITY CLERK

Arnold Morgado, Jr.
ARNOLD MORGADO, JR.
CHAIR AND PRESIDING OFFICER

Dated NOV 8 1989

ADOPTED MEETING HELD		
NOV 8 1989	AYE	NO/AVE
MEMORANDUM		
DEBOTO		
DOO		
FELIX		
GALE		
KAHANU		
KIM		
MANCHO		
MORGADO		

Reference: D. 861

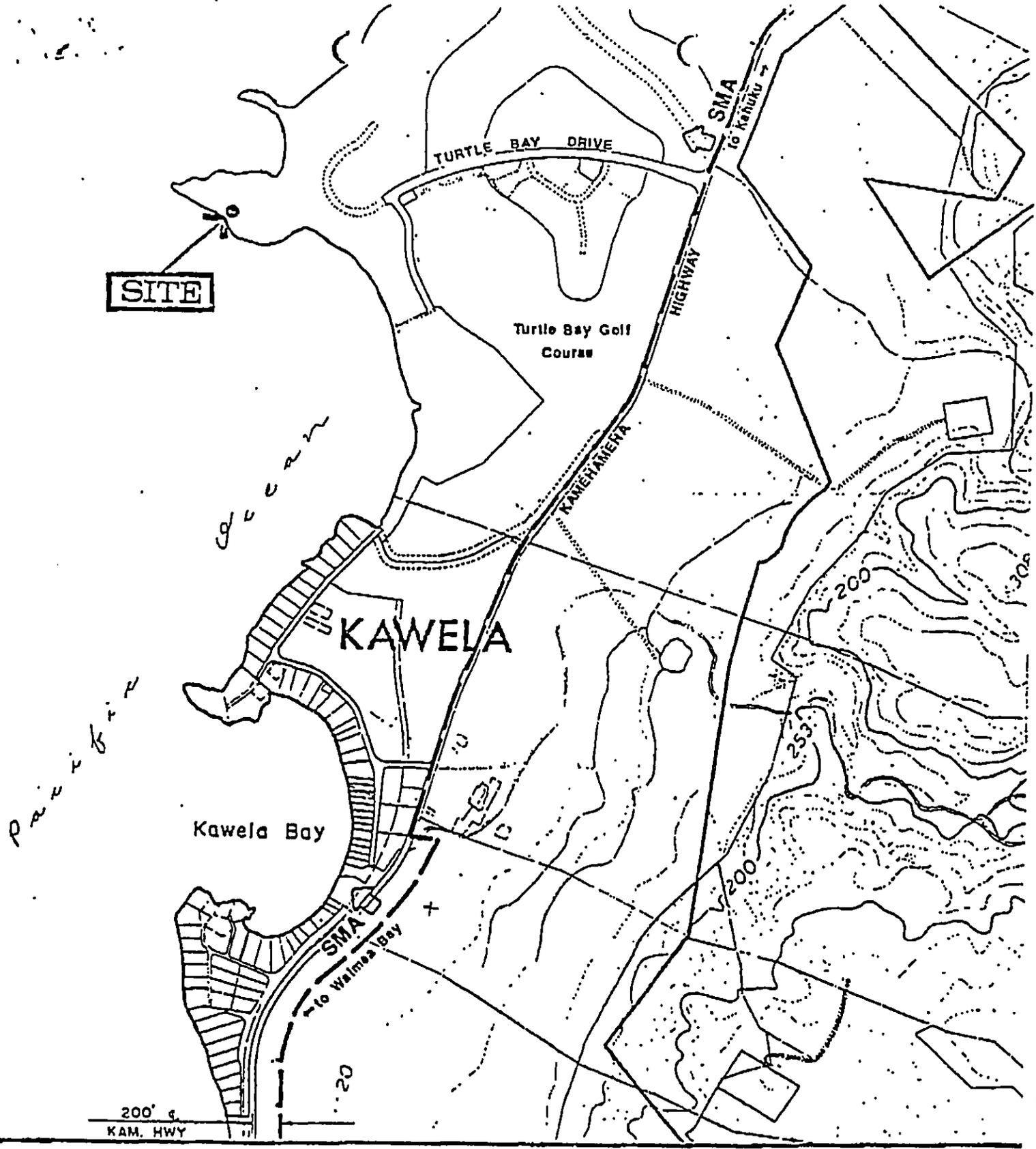
Report No. ZCR-610

Resolution No.
89-491

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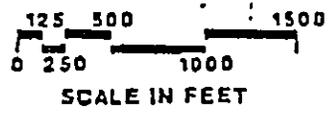
LEGEND

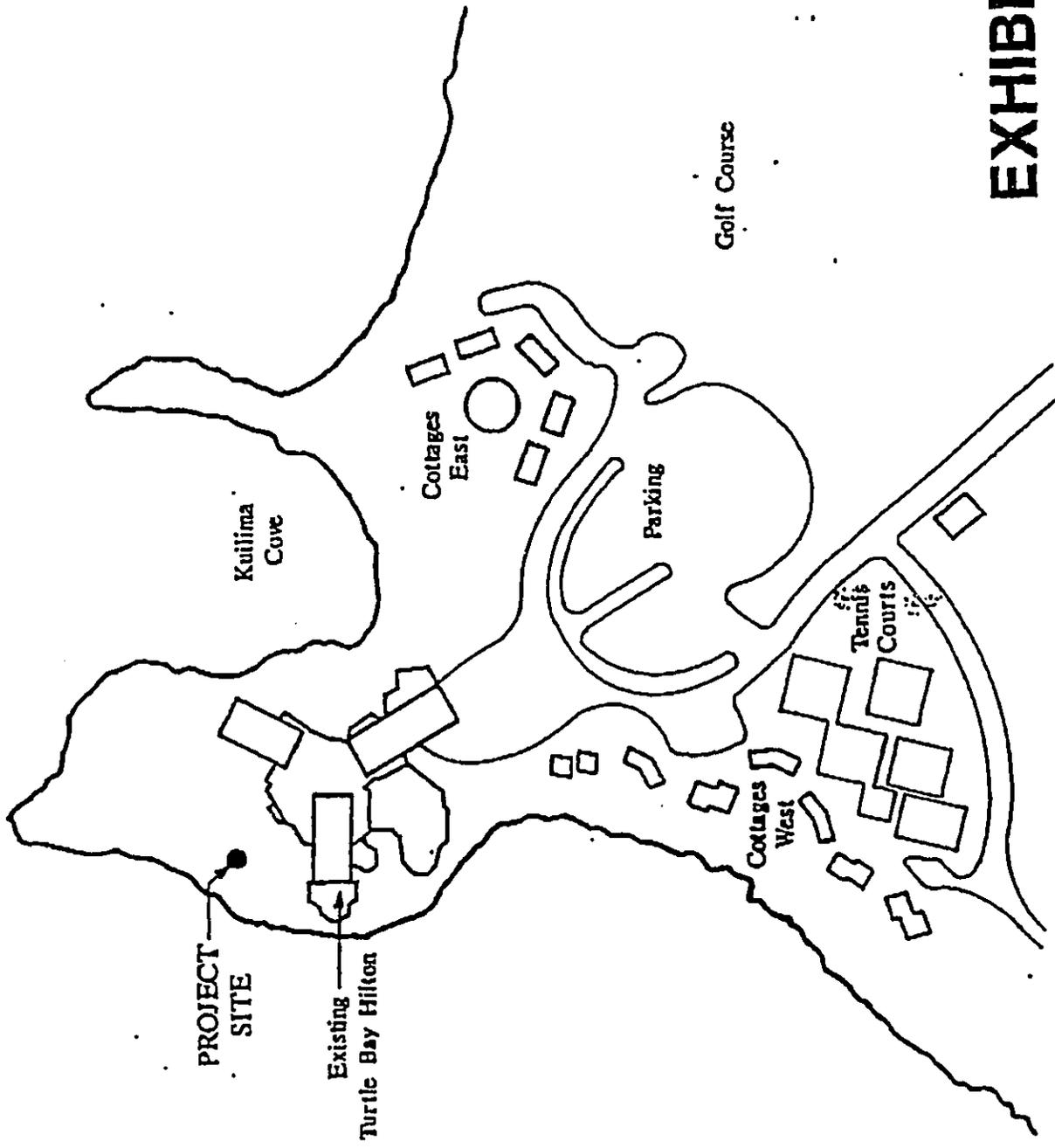
— SMA BOUNDARY LINE
↓

EVIRIT A

LOCATION MAP

TMK: 5-7-1: 13
89/SMA-49





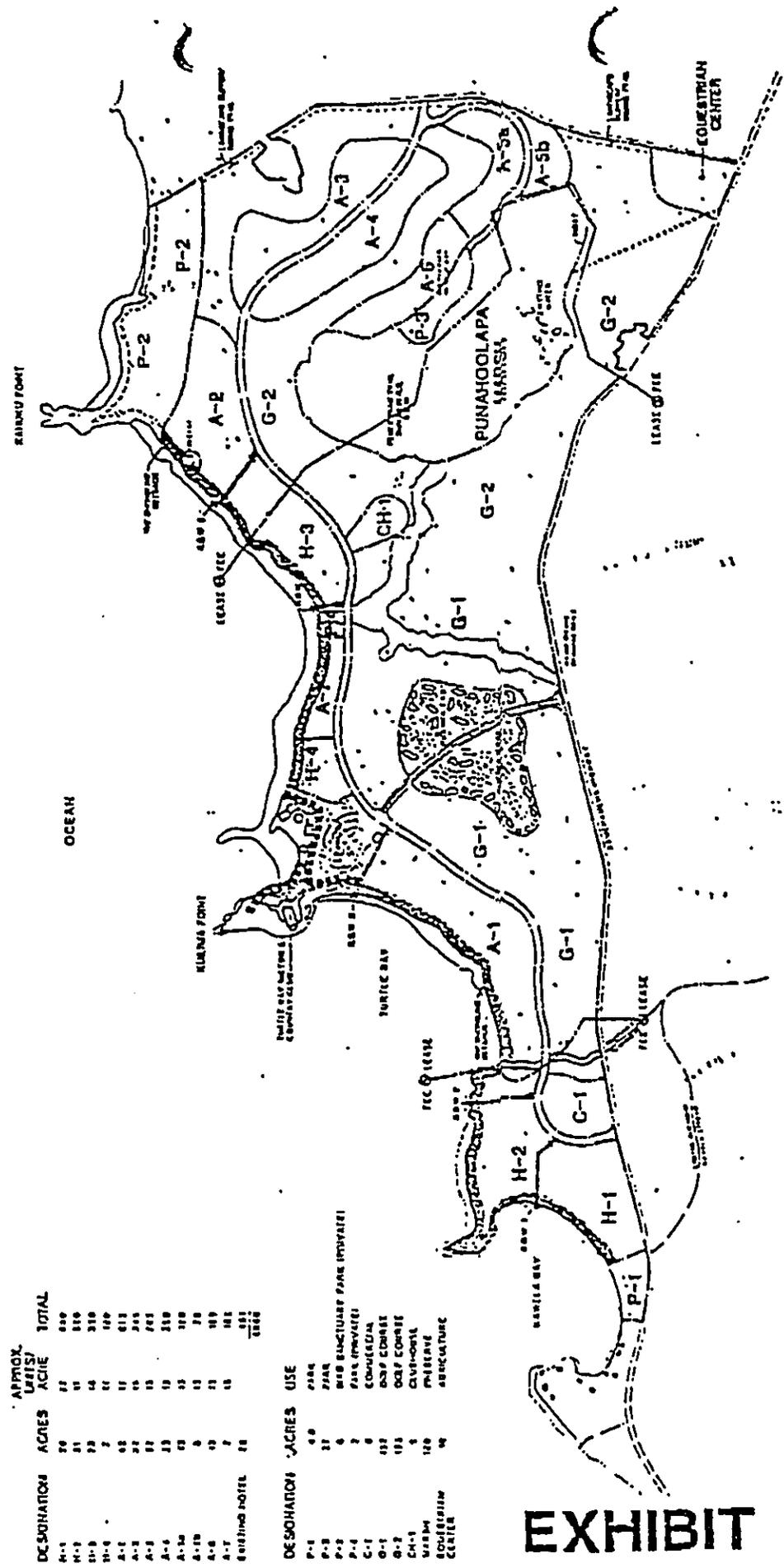
SITE LOCATION
KUILIMA WEDDING PAVILION

EXHIBIT B



250'

FIGURE 1



LEGEND
 100' Shoreline Setback
 Access thru Existing Hotel

GROUP 70
 FACILITIES AND PLANNING

DESIGNATION	ACRES	APPROX. LOTS	TOTAL
H-1	20	22	22
H-2	31	31	31
H-3	23	23	23
H-4	14	14	14
H-5	7	7	7
H-6	11	11	11
H-7	22	22	22
H-8	15	15	15
H-9	22	22	22
H-10	15	15	15
H-11	23	23	23
H-12	15	15	15
H-13	15	15	15
H-14	15	15	15
H-15	15	15	15
H-16	15	15	15
H-17	15	15	15
H-18	15	15	15
H-19	15	15	15
H-20	15	15	15
H-21	15	15	15
H-22	15	15	15
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H-95	15	15	15
H-96	15	15	15
H-97	15	15	15
H-98	15	15	15
H-99	15	15	15
H-100	15	15	15

DESIGNATION	ACRES	USE
P-1	4.0	PARK
P-2	37	PARK
P-3	6	NEW BLINDLY PARK IMPROVEMENTS
P-4	6	PARK IMPROVEMENTS
P-5	2	COMPLETION
P-6	2	COMPLETION
P-7	137	DRAP CORNER
P-8	137	DRAP CORNER
P-9	137	DRAP CORNER
P-10	137	DRAP CORNER
P-11	137	DRAP CORNER
P-12	137	DRAP CORNER
P-13	137	DRAP CORNER
P-14	137	DRAP CORNER
P-15	137	DRAP CORNER
P-16	137	DRAP CORNER
P-17	137	DRAP CORNER
P-18	137	DRAP CORNER
P-19	137	DRAP CORNER
P-20	137	DRAP CORNER
P-21	137	DRAP CORNER
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P-24	137	DRAP CORNER
P-25	137	DRAP CORNER
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P-28	137	DRAP CORNER
P-29	137	DRAP CORNER
P-30	137	DRAP CORNER
P-31	137	DRAP CORNER
P-32	137	DRAP CORNER
P-33	137	DRAP CORNER
P-34	137	DRAP CORNER
P-35	137	DRAP CORNER
P-36	137	DRAP CORNER
P-37	137	DRAP CORNER
P-38	137	DRAP CORNER
P-39	137	DRAP CORNER
P-40	137	DRAP CORNER
P-41	137	DRAP CORNER
P-4		

RESOLUTION NO. 86-308

The City Council approved an SMA Use Permit and Shoreline Setback Variance, Application No. 86/SMA-45, Resolution No. 86-308, on October 1, 1986 for the area surrounding the existing Turtle Bay Resort Development to allow development of a master-planned resort community. The area that is the subject of this current SMA Use Permit and Shoreline Setback Variance was not included in Resolution No. 86-308. The applicant's compliance with the conditions of approval of Resolution No. 86-308 is provided as follows:

- "A. APPLICANT shall provide four parks—a four and eight tenths (4.8) acre park fronting Kawela Bay (Park P-1 on APPLICANT'S master plan); a thirty-seven (37) acre park located from Kahuku Point to the eastern boundary of Hanakailio Beach (Park P-2 on APPLICANT'S master plan); a six (6) acre park abutting Punahoolapa Marsh (Park P-3 on APPLICANT'S master plan); and a two (2) acre park located in the area surrounding the outlet for East Main Drain (Park P-4 on APPLICANT'S master plan). The shoreline park areas shall be linked, with the exception of the shoreline by the existing Turtle Bay Hilton, by a continuous shoreline easement, which will be linked to the five pedestrian way easements and the easement to Kalokoiki Beach (Kuilima Cove), referred to in Condition E herein. A continuous shoreline pathway, set back at least forty feet from the shoreline, shall be provided."
- "B. Public park sites shall be dedicated to the City in compliance with park dedication requirements. The park to be located at Kawela Bay shall be graded, grassed, and provided with a sprinkler system and all related off-site improvements. In addition to the minimum park dedication requirements, APPLICANT, at its cost, shall also provide public parking facilities and a comfort station containing restrooms and showers, at the Kawela Bay park site, in coordination with the Department of Parks and Recreation."

"Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which dedicates the Kawela Bay park site to the City and County of Honolulu. The document dedicating the park site shall provide that

public use of the park area shall become effective, and improvements of the park shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for the first hotel to be constructed at the resort as a result of this zoning action; and shall reserve APPLICANT'S right to manage and control the park site in the time period prior to issuance of the certificate of occupancy."

- "C. Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which dedicates park P-2, said park being located at Kahuku Point as designated on APPLICANT'S master plan, to the City and County of Honolulu. The document dedicating the park site shall provide that: (1) off-site improvements leading to the park will not be improved or provided until final subdivision approval for the condominiums to be built in Phase III is granted; (2) public use of this park site shall become effective upon said subdivision approval; and (3) APPLICANT reserves the right to control and manage the park site prior to said subdivision approval."

"Prior to said subdivision approval, APPLICANT shall also: (1) record a document with the Bureau of Conveyances of the State of Hawaii which provides permanent access for the public to park P-2. APPLICANT shall obtain and provide this access at its own cost; and (2) provide the following improvements for the park site—one full comfort station with shower facilities; full improvements up to the boundary of the park; a coral surface parking lot providing parking for a minimum of thirty automobiles."

The applicant will develop and dedicate the parks "Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort" in accordance with conditions A through C. The property has changed ownership on several occasions due to the change in economic conditions and tourism over the years. The applicant intends to proceed with development of the first hotel when the economy improves and the demand for resort units in the Kuilima area improves.

The current SMA application will provide improvements that the applicant hopes will generate greater demand and occupancy for the existing Turtle Bay Resort development.

- “D. The parks to be located adjacent to Punahoolapa Marsh and the East Main Drain outlet shall be privately owned and maintained. These parks shall be open for use by the general public. APPLICANT will work with the U.S. Fish and Wildlife Service to implement improvements to the marsh that will enhance the marsh ecosystem. APPLICANT shall improve and manage the marsh as a wildlife refuge in substantial compliance with the design and management concepts set forth in the SMP application.”

The applicant will develop the private parks (open for use by the general public) in accordance with this condition upon development of the area around the Puhahoolapa Marsh.

- “E. A series of publicly-owned and privately-maintained easements encompassing a minimum of twenty-six (26) acres of land shall be provided along and to the shoreline and shall be open to use by the general public. These easements shall be established in the public’s favor, in perpetuity, in the following manner:”

- “(1) Upon APPLICANT’S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public’s favor, running with the land, covering: the land area extending one hundred (100) feet inland from the certified shoreline (hereinafter ‘shoreline easement area’), in the general areas designated on the map identified as Exhibit I attached hereto and incorporated herein; the right-of-way connecting a parking lot that will be located adjacent to the existing parking lot at the Turtle Bay Hilton to Kalokoiki Beach (hereinafter ‘Kalokoiki easement’); and the right-of-way connecting Turtle Bay and Kaihalulu Beach through the existing Turtle Bay Hilton site (hereinafter ‘Turtle Bay Hilton easement’);”

- “(2) Upon APPLICANT’S receipt of its first building permit for major building development on a parcel that is adjacent to or that contains the following easements, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public’s favor, running with the land, covering: the five rights-of-way that extend from adjacent parking areas to the shoreline easement area, in the general locations designated on Exhibit I attached hereto, providing one pedestrian way to Kawela Bay, two pedestrian ways to Turtle Bay, and two pedestrian ways to Kaihalulu Beach (Kuilima Bay) (hereinafter ‘pedestrian way easements’);”
- “(3) The document establishing the shoreline easement area shall contain the following provisions—‘The one hundred (100) foot wide shoreline easement area is to maintain open space along the shoreline for the use and enjoyment of the general public, guests at the resort and resort condominium owners. Management of the use of this area will make no distinctions between resort guests and resort condominium owners, and the general public, and shall at a minimum, allow sunbathing, picnicking, swimming and walking in this area, except where not permitted for safety purposes’;”
- “(4) The documents establishing the shoreline easement area and the pedestrian way easements shall provide that public use of each easement shall become effective, and improvement of each easement area shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for a parcel that is adjacent to or that contains one of these easements;”
- “(5) The documents establishing the Kalokoiki easement and the Turtle Bay Hilton easement shall provide that public use of these easement areas shall become effective, and improvement of these easement areas shall be completed, upon development of the portion of the resort’s major internal roadway that fronts the Turtle Bay Hilton area;”

“(6) The documents establishing the easements referred to herein shall also establish a mens for APPLICANT, its successors and assign, and subsequent grantees to maintain the easement areas encumbered herein, with said maintenance to be required at the time that public use of each of the easement areas becomes effective;”

“(7) The five pedestrian way easements shall be at least fifteen feet wide, and shall contain restroom and shower facilities. Each pedestrian way easement shall be located adjacent to a public parking area containing eighteen (18) parking stalls, which shall provide parking free of charge to the public;”

“(8) Improvements in the easement areas shall accommodate public access, and signage shall be installed to facilitate such access.”

“F. Public parking at each of the parking areas for the public pedestrian way easements shall be free of charge. Employees shall be prohibited from parking in these public parking areas. Each of the hotel/condominium areas shall contain parking areas for its employees.”

Conditions E and F, related to easements for public use and parking, will be triggered "Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort" and/or "Upon APPLICANT'S receipt of its first building permit for major building development on a parcel that is adjacent to or that contains the following easements". The applicant intends to provide these easements in accordance with these conditions when the requisite building permits are issued.

“G. The primary sand dunes, in their approximate locations as shown in Exhibit II attached hereto and incorporated herein, shall be retained as natural areas, limited to passive uses. Upon the approval of the Director of the Department of Land Utilization, encroachment of structures on these dune areas may be allowed if there is a finding by the Director that such encroachment is necessary and that the denial of the encroachment would cause undue hardship to APPLICANT. Where allowed, said

encroachment shall be as minimal as is practicable, and structures shall be designed to prevent de-stabilization of the dunes. Vehicular traffic in the primary sand dune areas shall be confined to pathways and shall be limited to necessary maintenance activities.”

The primary sand dunes are being “retained as natural areas, limited to passive land uses” by the current applicant, in accordance with this condition.

- “H. At the proposed park site P-2, no structures of any kind, except for those associated with the public beach park, such as showers and comfort stations, shall be built on the primary sand dune areas. Prior to issuance of grading or building permits for improvements at the park, park plans shall be submitted to and approved by DLU.”

No structures are planned for the proposed park site P-2. In accordance with this condition the applicant will submit park plans for review and approval by the Department of Planning and Permitting (successor agency to the Department of Land Utilization).

- “I. An overall Urban design Plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The Urban design Plan shall establish criteria for review of projects by the DLU as provided in Condition N herein. The Plan shall include the Urban Design Principles and Controls for Kahuku Point - Kawela Bay contained in the Koolauloa Development Plan, and the additional guidelines given below. These guidelines are intended to supplement the Urban Design Principles and to give additional direction for sites outside of the Kawela Bay area.”

“(1) General height limits shall be as provided in Section 2.1.c of the Koolauloa Development Plan, as amended (Ordinance 85-50).”

“(2) All structures shall generally be set back a minimum distance of three hundred (300) feet inland from the certified shoreline. Structures located between one hundred (100) feet and three

hundred (300) feet inland from the certified shoreline will be subject to design review and approval by the Department of Land Utilization.”

- “(3) No structure shall be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline, with the following exceptions: pedestrian bridges, pedestrian walkways, or other access improvements; drainage-related improvements; park benches, showers or other structures that may be required by State or Federal agencies. In no event shall any concession or comfort station be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline.”
- “(4) Structures in the parcels fronting Kawela Bay and Kawela Point fronting Turtle Bay over fifty (50) feet in height shall be set back a minimum distance of three hundred (300) feet inland from the certified shoreline.”
- “(5) For each increment fronting Kawela Bay and Kawela Point fronting Turtle Bay that is located between one hundred (100) feet and three hundred (300) feet from the shoreline, there shall be a maximum building to land coverage ratio of ten percent (10%) of the land area makai of the three hundred (300) feet line to the property line, and buildings shall have (300) foot line to the property line, and buildings shall have staggered heights with a maximum height of fifty (50) feet. The percentage of any given section shall not be clustered.”
- “(6) At a minimum, structures shall be designed and built in compliance with the applicable Land use Ordinance standards and in compliance with the setbacks shown in the Building Envelope Plan attached and incorporated herein as Exhibit III. Parcel configurations reflected on said Building Envelope Plan may be modified from time to time with approval of the Director of the Department of Land Utilization, provided that any modification shall follow the general spirit and intent of the original plan set forth in Exhibit III and that setbacks shall in no event be less than

the setbacks set forth in the APPLICANT'S Unilateral Agreement and in other provisions of this Resolution. Additional setbacks may be required along primary view corridors, as designated in the View Corridor Plan attached and incorporated herein as Exhibit IV."

- "(7) Site plans should concentrate the greatest densities and heights at the center of each site, stepping up from lower and less dense structures at the perimeters. Building scale should be generally compatible with surrounding landforms and trees. In some cases, it may not be appropriate to achieve the maximum building height."
- "(8) Site plans should avoid creating a wall of structures lateral to the shoreline or to the main resort boulevard."
- "(9) Structures that are adjacent to the shoreline easement area, Punahoolapa Marsh and the Kahuku Point-Hanakailio beach park site P-2, with the exception of structures in the parcels fronting Kawela Bay and Kawela Point which are regulated by Sections I (4) and I (5) of this Resolution, shall rise no higher than three tops provided that the maximum height shall be no higher than fifty feet at the setback line fronting the shoreline or the marsh. Any portion of a structure that is located in these areas that is over fifty feet in height shall be set back an additional two feet for each one foot of additional height over fifty feet. Structure heights in these areas shall be limited to the height restrictions provided in Section 2.1.c of the Koolauloa Development Plan, as amended (Ordinance 85-50)."

Prior to tentative subdivision approval or issuance of building permits for the master planned resort area, the applicant will submit an Urban Design Plan developed in accordance with the standards provided in this condition for review and approval by the Department of Planning and Permitting (successor agency to the Department of Land Utilization).

- "J. A landscape plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The landscape plan shall also cover the primary dune areas and the shoreline easement area. Trees and coastal vegetation within the shoreline easement area shall be maintained in substantially the same density as currently exists. The plan shall show existing trees and vegetation as well as proposed landscaping improvements. Plantings shall be selected to stabilize the sand dunes. In areas of expected high pedestrian traffic, turf-forming species resistant to trampling, such as Bermuda grass or seashore paspalum shall be utilized."

Prior to tentative subdivision approval or issuance of building permits for the master planned resort area, the applicant will submit a Landscape Plan developed in accordance with the guidelines provided in this condition for review and approval by the Department of Planning and Permitting (successor agency to the Department of Land Utilization).

- "K. General architectural and design goals that the resort will strive to achieve include the following:"
- "(1) The general architectural character of the resort will be similar to that of a 'kamaaina estate' – displaying hospitality and elegance, overlaid with fundamental simplicity and timelessness."
 - "(2) The resort will strive to implement extensive, lush landscaping to enhance the estate-like quality of the low density buildings, and to provide a sense of visual continuity throughout the resort. Existing ironwood trees, and other existing vegetation will be preserved and incorporated into the landscaping scheme where possible."
 - "(3) The public walkway that provides access throughout the shoreline easement area will be configured in an undulating line throughout the easement area."

“(4) Each of the public pedestrian ways to the shoreline, with the exception of the pedestrian way to Kalokoiki Beach, will be approximately fifteen (15) feet wide, and will contain a slightly undulating walkway to allow for plantings of coconut trees.”

These general architectural and design goals will be included in the Urban Design Plan to be filed with the Department of Planning and Permitting in accordance with Condition I.

“L. Historic and archaeological sites located within the subject property which are identified by the State and/or subsequent archaeological assessment shall be treated in accordance with recommendations made by the State Historic Preservation Officer of the Department of Land and Natural Resources.”

“Prior to the issuance of grading permits, the APPLICANT shall submit a Data Recovery Plan to the State Historic Preservation Officer, and shall obtain approval of the plan. The State Historic Preservation Officer shall also be made aware of sites not yet identified on the property, which may be discovered during grading and construction. The Officer shall determine whether these sites require preservation, relocation, mitigation, or future study.”

“APPLICANT shall submit its completed archaeological findings to the State Historic Preservation Officer for review and comment before commencing with the proposed development of the property. APPLICANT shall comply with the State Historic Preservation Officer’s recommendations in implementing APPLICANT’S archaeological plan.”

“Above-ground archaeological features present within the project area will be relocated by the APPLICANT to site(s) within the resort. Human remains that have been uncovered or that may be uncovered during the course of this project shall be disinterred, relocated to an alternative site(s) within the resort, and reinterred in accordance with the relevant provisions of Chapter 338, Hawaii Revised Statutes, as

amended, and in compliance with requirements of the State Department of Health.”

The previous landowner of the resort area entered into a Memorandum of Agreement in 1988 with the Advisory Council on Historic Preservation, the US Army Corps of Engineers and the State of Hawaii Historic Preservation Office. The current landowner contracted with Paul H. Rosendahl, Ph.D., Inc. in May of 2002 for “Completion of Data Analyses and Final Report Kuilima Resort Archaeological Mitigation Program - Phase III (Data Recovery) and IV (Monitoring)” as agreed to in the Memorandum of Agreement. The Final Report is expected to be completed by February 26, 2003 and will be submitted to the State Historic Preservation Division for their review and approval.

- “M. Outdoor illuminations fixtures at sites fronting Kawela Bay shall be directed in such a manner as to minimize disturbances to Green Sea Turtles which utilize the bay and to minimize interference to residences across the bay. Illumination of beach and ocean areas shall be regulated by the Building Department of the City and County of Honolulu.”

The applicant will direct their consultants to design outdoor illumination at sites fronting on Kawela Bay in such a manner as to minimize disturbances to Green Sea Turtles which utilize the bay and to minimize interference to residences across the bay.

- “N. Prior to building permit approval for any major structure within the project area, architectural and parking plans shall be submitted to the DLU for approval, in order to insure adherence to the Urban design Plan and the public access requirements.”

Prior to building permit approval for any major structure in the project area, architectural and parking plans will be submitted for review and approval by the Department of Planning and Permitting (successor agency to the Department of Land Utilization).

- “O. The APPLICANT shall complete all required archaeological mitigation work for each of the individual park sites to be dedicated to the City in compliance with the recommendations of the State Historic Preservation Officer. Said mitigation work for each park site shall be completed prior to obtaining any grading or building permit to implement improvements to the respective park.”

The applicant will complete all required archaeological mitigation work for each of the individual park sites to be dedicated in compliance with recommendations of the State Historic Preservation Officer prior to obtaining grading or building permits for improvements to the respective park.

- “P. Turbidity and water quality measurements shall be made at least annually as prescribed by the Department of Health and the Army Corps of Engineers before, during development, and for a period of at least three years after completion of the resort. Reports shall be submitted to the Department of Health, the Army Corps of Engineers, the Department of Land Utilization, and shall be made available to the public for examination and inspection.”

The applicant will provide turbidity and water quality measurements at least annually as prescribed by the Department of Health and the Army Corps of Engineers before, during development and for a period of at least three years after completion of the resort. Copies of the report will be distributed as required by the condition and will be made available to the public for examination and inspection.

- “Q. Prior to implementation of the project, the APPLICANT must meet the requirements and obtain approval of all governmental agencies required for such projects.”

Prior to implementation fo the project the applicant will meet the requirements and obtain approval of all governmental agencies required for this project.

"R. The APPLICANT shall use its best efforts to promote the creation of a Marine Life Conservation District at Kawela Bay."

The applicant will use its best efforts to promote creation of a Marine Life Conservation District at Kawela Bay.



OCT 8 1986

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4291

MARILYN BORNHORST
CHAIR & PRESIDING OFFICER
ARNOLD MORGADO, JR.
VICE CHAIR
PATSY T. MINK
MAJORITY FLOOR LEADER
TONY NARVAES
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LEIGH-WAI DOO
WELCOME S. FAWCETT
RANDALL Y. IWASE
DAVID W. KAHANU
DONNA MERCADO KIM

RAYMOND K. PUA
CITY CLERK

October 6, 1986

Mr. Norman Quon
Kuilima Development Company
1001 Bishop Street, Suite 1980
Honolulu, Hawaii 96813

Dear Mr. Quon:

We are transmitting for your information a copy of Council Resolution No. 86-308, approving a SMP and SV application from the Kuilima Development Company to expand the Turtle Bay (Kuilima) resort to develop a master-planned resort community including hotels, dwellings, commercial areas, golf courses, parks, roadways, utilities and other facilities; and to replace two drainage culverts with open channels and to conduct a desilting operation at Kawela Bay at Kahuku.

This Resolution was adopted by the Council of the City and County of Honolulu at its meeting held on October 1.

Sincerely and Aloha,

CITY COUNCIL

By
RAYMOND PUA
City Clerk

rmp

Enclosure

RESOLUTION

WHEREAS, the Department of Land Utilization (DLU) on May 23, 1986 accepted the application of the Kuilima Development Company, herein referred to as the APPLICANT, for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SV) to expand the Turtle Bay (Kuilima) resort to develop a master-planned resort community including hotels, dwellings, commercial areas, golf courses, parks, roadways, utilities and other facilities; and to replace two drainage culverts with open channels and to conduct a desilting operation at Kawela Bay, located at Kahuku, in Koolauloa, Oahu, and identified as Tax Map Keys 5-6-03: 37, Por. 40, Por. 41, Por. 42, 43, Por. 44; 5-7-01: 1, Por. 13, Por. 16, Por. 17, 20, Por. 22, 30, Por. 31, Por. 33; 5-7-03: 1-25, Por. 26, 27-35, 66, Por. 72, 73-75; and 5-7-06: 1-17, 19, 21; Reference Number 86/SMA-45 and 86/SV-3; and

WHEREAS, on July 9, 1986, the DLU held a public hearing, in conjunction with the City Council, which was attended by about 200 people; and

WHEREAS, on July 23, 1986, within ten (10) working days after the close of the public hearing, the DLU, having duly considered all evidence, reports, testimony, and information received on the matter, the guidelines established in Ordinance No. 84-4, as amended, Chapters 205 and 205A of the Hawaii Revised Statutes, as amended, and the Shoreline Setback Rules and Regulations, completed its report and transmitted its findings and recommendations to the Council; and

WHEREAS, the City Council having received the findings and recommendation of DLU on July 23, 1986 and having reviewed APPLICANT'S plans to replace the drainage culverts and to desilt Kawela Bay, as those plans affect the shoreline area, or the area 1,000 feet seaward from the shoreline, or the area in water 30 feet or less in depth in the territorial sea, the City Council finds that:

1. As approved with the conditions for the issuance of this SMP and SV, the proposed development will not have any substantial adverse environmental or ecological effect, or if there is such an adverse effect, that effect is minimized to the extent practicable and is clearly outweighed by public health, safety, or compelling public interests;

2. The proposed development, when implemented pursuant to the conditions of this SMP and SV, is consistent with the objectives, policies and special management area guidelines in Chapter 205A, Hawaii Revised Statutes, as amended;

RESOLUTION

3. The proposed development is consistent with the county general plan and zoning;

4. The proposed structures and activities will be in the public interest, or hardship will be caused to APPLICANT if the proposed structures and activities are not allowed;

5. The proposed project, structures and activities are consistent with the objectives and policies set forth in Chapters 205 and 205A of the Hawaii Revised Statutes, as amended, the guidelines established in Ordinance No. 84-4, as amended, and the Shoreline Setback Rules and Regulations.

WHEREAS, the City Council's Planning and Zoning Committee at its meetings of September 23, 1986, having duly considered all findings, reports, and testimony received on the matter, approved the subject application for an SMP and an SV with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that pursuant to the authority of Chapters 205 and 205A, Hawaii Revised Statutes, as amended, Ordinance 84-4, as amended, and the Shoreline Setback Rules and Regulations of the City and County of Honolulu, an SMP and SV be issued to the APPLICANT with the following conditions:

A. APPLICANT shall provide four parks--a four and eight-tenths (4.8) acre park fronting Kawela Bay (Park P-1 on APPLICANT'S master plan); a thirty-seven (37) acre park located from Kahuku Point to the eastern boundary of Hanakailio Beach (Park P-2 on APPLICANT'S master plan); a six (6) acre park abutting Punahoolapa Marsh (Park P-3 on APPLICANT'S master plan); and a two (2) acre park located in the area surrounding the outlet for East Main Drain (Park P-4 on APPLICANT'S master plan). The shoreline park areas shall be linked, with the exception of the shoreline by the existing Turtle Bay Hilton, by a continuous shoreline easement, which will be linked to the five pedestrianway easements and the easement to Kalokoiki Beach (Kuilima Cove), referred to in Condition E herein. A continuous shoreline pathway, set back at least forty feet from the shoreline, shall be provided.

B. Public park sites shall be dedicated to the City in compliance with park dedication requirements. The park to be located at Kawela Bay shall be graded, grassed, and provided with a sprinkler system and all related off-site improvements. In addition to the minimum park dedication requirements, APPLICANT, at its cost, shall also provide public parking facilities and a comfort station containing restrooms and showers, at the Kawela Bay park site, in coordination with the Department of Parks and Recreation.

RESOLUTION

Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which dedicates the Kawela Bay park site to the City and County of Honolulu. The document dedicating the park site shall provide that public use of the park area shall become effective, and improvement of the park shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for the first hotel to be constructed at the resort as a result of this zoning action; and shall reserve APPLICANT'S right to manage and control the park site in the time period prior to issuance of the certificate of occupancy.

C. Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which dedicates park P-2, said park being located at Kahuku Point as designated on APPLICANT'S master plan, to the City and County of Honolulu. The document dedicating the park site shall provide that: (1) off-site improvements leading to the park will not be improved or provided until final subdivision approval for the condominiums to be built in Phase III is granted; (2) public use of this park site shall become effective upon said subdivision approval; and (3) APPLICANT reserves the right to control and manage the park site prior to said subdivision approval.

Prior to said subdivision approval, APPLICANT shall also: (1) record a document with the Bureau of Conveyances of the State of Hawaii which provides permanent access for the public to park P-2. APPLICANT shall obtain and provide this access at its own cost; and (2) provide the following improvements for the park site--one full comfort station with shower facilities; full improvements up to the boundary of the park; a coral surface parking lot providing parking for a minimum of thirty automobiles.

D. The parks to be located adjacent to Punahoolapa Marsh and the East Main Drain outlet shall be privately owned and maintained. These parks shall be open for use by the general public. APPLICANT will work with the U. S. Fish and Wildlife Service to implement improvements to the marsh that will enhance the marsh ecosystem. APPLICANT shall improve and manage the marsh as a wildlife refuge in substantial compliance with the design and management concepts set forth in the SMP application.

E. A series of publicly-owned and privately-maintained easements encompassing a minimum of twenty-six (26) acres of land shall be provided along and to the shoreline and shall

RESOLUTION

be open to use by the general public. These easements shall be established in the public's favor, in perpetuity, in the following manner:

(1) Upon APPLICANT'S receipt of its first building permit for development of the first hotel to be built at the resort, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public's favor, running with the land, covering: the land area extending one hundred (100) feet inland from the certified shoreline (hereinafter "shoreline easement area"), in the general areas designated on the map identified as Exhibit I attached hereto and incorporated herein; the right-of-way connecting a parking lot that will be located adjacent to the existing parking lot at the Turtle Bay Hilton to Kalokoiki Beach (hereinafter "Kalokoiki easement"); and the right-of-way connecting Turtle Bay and Kaihalulu Beach through the existing Turtle Bay Hilton site (hereinafter "Turtle Bay Hilton easement");

(2) Upon APPLICANT'S receipt of its first building permit for major building development on a parcel that is adjacent to or that contains the following easements, APPLICANT shall record a document with the Bureau of Conveyances of the State of Hawaii which establishes easements in the public's favor, running with the land, covering: the five rights-of-way that extend from adjacent parking areas to the shoreline easement area, in the general locations designated on Exhibit I attached hereto, providing one pedestrianway to Kawela Bay, two pedestrianways to Turtle Bay, and two pedestrianways to Kaihalulu Beach (Kuilima Bay) (hereinafter "pedestrianway easements");

(3) The document establishing the shoreline easement area shall contain the following provision--"The one hundred (100) foot wide shoreline easement area is to maintain open space along the shoreline for the use and enjoyment of the general public, guests at the resort and resort condominium owners. Management of the use of this area will make no distinctions between resort guests and resort condominium owners, and the general public, and shall at a minimum, allow sunbathing, picnicking, swimming and walking in this area, except where not permitted for safety purposes";

(4) The documents establishing the shoreline easement area and the pedestrianway easements shall provide that public use of each easement shall become effective, and improvement of each easement area shall be completed, upon the issuance of a certificate of occupancy by the Building Department of the City and County of Honolulu for a parcel that is adjacent to or that contains one of these easements;

RESOLUTION

(5) The documents establishing the Kalokoiki easement and the Turtle Bay Hilton easement shall provide that public use of these easement areas shall become effective, and improvement of these easement areas shall be completed, upon development of the portion of the resort's major internal roadway that fronts the Turtle Bay Hilton area;

(6) The documents establishing the easements referred to herein shall also establish a means for APPLICANT, its successors and assigns, and subsequent grantees to maintain the easement areas encumbered therein, with said maintenance to be required at the time that public use of each of the easement areas becomes effective;

(7) The five pedestrianway easements shall be at least fifteen feet wide, and shall contain restroom and shower facilities. Each pedestrianway easement shall be located adjacent to a public parking area containing eighteen (18) parking stalls, which shall provide parking free of charge to the public;

(8) Improvements in the easement areas shall accommodate public access, and signage shall be installed to facilitate such access.

F. Public parking at each of the parking areas for the public pedestrianway easements shall be free of charge. Employees shall be prohibited from parking in these public parking areas. Each of the hotel/condominium areas shall contain parking areas for its employees.

G. The primary sand dunes, in their approximate locations as shown in Exhibit II attached hereto and incorporated herein, shall be retained as natural areas, limited to passive uses. Upon the approval of the Director of the Department of Land Utilization, encroachment of structures on these dune areas may be allowed if there is a finding by the Director that such encroachment is necessary and that the denial of the encroachment would cause undue hardship to APPLICANT. Where allowed, said encroachment shall be as minimal as is practicable, and structures shall be designed to prevent destabilization of the dunes. Vehicular traffic in the primary sand dune areas shall be confined to pathways and shall be limited to necessary maintenance activities.

H. At the proposed park site P-2, no structures of any kind, except for those associated with the public beach park, such as showers and comfort stations, shall be built on the primary sand dune areas. Prior to issuance of grading or building permits for improvements at the park, park plans shall be submitted to and approved by DLU.

RESOLUTION

I. An overall Urban Design Plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The Urban Design Plan shall establish criteria for review of projects by the DLU as provided in Condition N herein. The Plan shall include the Urban Design Principles and Controls for Kahuku Point - Kawela Bay contained in the Koolauloa Development Plan, and the additional guidelines given below. These guidelines are intended to supplement the Urban Design Principles and to give additional direction for sites outside of the Kawela Bay area.

(1) General height limits shall be as provided in Section 2.1.c. of the Koolauloa Development Plan, as amended (Ordinance 85-50).

(2) All structures shall generally be set back a minimum distance of three hundred (300) feet inland from the certified shoreline. Structures located between one hundred (100) feet and three hundred (300) feet inland from the certified shoreline will be subject to design review and approval by the Department of Land Utilization.

(3) No structure shall be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline, with the following exceptions: pedestrian bridges, pedestrian walkways, or other access improvements; drainage-related improvements; park benches, showers or other structures that may be required by State or Federal agencies. In no event shall any concession or comfort station be located between the certified shoreline and one hundred (100) feet inland of the certified shoreline.

(4) Structures in the parcels fronting Kawela Bay and Kawela Point fronting Turtle Bay over fifty (50) feet in height shall be set back a minimum distance of three hundred (300) feet inland from the certified shoreline.

(5) For each increment fronting Kawela Bay and Kawela Point fronting Turtle Bay that is located between one hundred (100) feet and three hundred (300) feet from the shoreline, there shall be a maximum building to land coverage ratio of ten percent (10%) of the land area makai of the three hundred (300) foot line to the property line, and buildings shall have staggered heights with a maximum height of fifty (50) feet. The percentage of any given section shall not be clustered.

(6) At a minimum, structures shall be designed and built in compliance with the applicable Land Use Ordinance standards and in compliance with the setbacks shown in the Building Envelope Plan attached and incorporated herein as

RESOLUTION

Exhibit III. Parcel configurations reflected on said Building Envelope Plan may be modified from time to time with the approval of the Director of the Department of Land Utilization, provided that any modification shall follow the general spirit and intent of the original plan set forth in Exhibit III and that setbacks shall in no event be less than the setbacks set forth in the APPLICANT'S Unilateral Agreement and in other provisions of this Resolution. Additional setbacks may be required along primary view corridors, as designated in the View Corridor Plan attached and incorporated herein as Exhibit IV.

(7) Site plans should concentrate the greatest densities and heights at the center of each site, stepping up from lower and less dense structures at the perimeters. Building scale should be generally compatible with surrounding landforms and trees. In some cases, it may not be appropriate to achieve the maximum building height.

(8) Site plans should avoid creating a wall of structures lateral to the shoreline or to the main resort boulevard.

(9) Structures that are adjacent to the shoreline easement area, Punahoolapa Marsh and the Kahuku Point-Hanakailio Beach park site P-2, with the exception of structures in the parcels fronting Kawela Bay and Kawela Point which are regulated by Sections I(4) and I(5) of this Resolution, shall rise no higher than tree tops provided that the maximum height shall be no higher than fifty feet at the setback line fronting the shoreline or the marsh. Any portion of a structure that is located in these areas that is over fifty feet in height shall be set back an additional two feet for each one foot of additional height over fifty feet. Structure heights in these areas shall be limited to the height restrictions provided in Section 2.1.c. of the Koolauloa Development Plan, as amended (Ordinance 85-50).

J. A landscape plan for the resort shall be submitted to and approved by the Department of Land Utilization prior to tentative subdivision approval or issuance of building permits. The landscape plan shall also cover the primary dune areas and the shoreline easement area. Trees and coastal vegetation within the shoreline easement area shall be maintained in substantially the same density as currently exists. The plan shall show existing trees and vegetation as well as proposed landscaping improvements. Plantings shall be selected to stabilize the sand dunes. In areas of expected high pedestrian traffic, turf-forming species resistant to trampling, such as Bermuda grass or seashore paspalum shall be utilized.

RESOLUTION

K. General architectural and design goals that the resort will strive to achieve include the following:

(1) The general architectural character of the resort will be similar to that of a "kamaaina estate"--displaying hospitality and elegance, overlaid with fundamental simplicity and timelessness.

(2) The resort will strive to implement extensive, lush landscaping to enhance the estate-like quality of the low density buildings, and to provide a sense of visual continuity throughout the resort. Existing ironwood trees, and other existing vegetation will be preserved and incorporated into the landscaping scheme where possible.

(3) The public walkway that provides access throughout the shoreline easement area will be configured in an undulating line throughout the easement area.

(4) Each of the public pedestrianways to the shoreline, with the exception of the pedestrianway to Kalokoiki Beach, will be approximately fifteen (15) feet wide, and will contain a slightly undulating walkway to allow for plantings of coconut trees.

L. Historic and archaeological sites located within the subject property which are identified by the State and/or subsequent archaeological assessment shall be treated in accordance with recommendations made by the State Historic Preservation Officer of the Department of Land and Natural Resources.

Prior to the issuance of grading permits, the APPLICANT shall submit a Data Recovery Plan to the State Historic Preservation Officer, and shall obtain approval of the plan. The State Historic Preservation Officer shall also be made aware of sites not yet identified on the property, which may be discovered during grading and construction. The Officer shall determine whether these sites require preservation, relocation, mitigation, or further study.

APPLICANT shall submit its completed archaeological findings to the State Historic Preservation Officer for review and comment before commencing with the proposed development of the property. APPLICANT shall comply with the State Historic Preservation Officer's recommendations in implementing APPLICANT'S archaeological plan.

Above-ground archaeological features present within the project area will be relocated by the APPLICANT to site(s) within the resort. Human remains that have been uncovered or

RESOLUTION

that may be uncovered during the course of this project shall be disinterred, relocated to an alternative site(s) within the resort, and reinterred in accordance with the relevant provisions of Chapter 338, Hawaii Revised Statutes, as amended, and in compliance with requirements of the State Department of Health.

M. Outdoor illumination fixtures at sites fronting Kawela Bay shall be directed in such a manner as to minimize disturbances to Green Sea Turtles which utilize the bay and to minimize interference to residences across the bay. Illumination of beach and ocean areas shall be regulated by the Building Department of the City and County of Honolulu.

N. Prior to building permit approval for any major structure within the project area, architectural and parking plans shall be submitted to the DLU for approval, in order to insure adherence to the Urban Design Plan and the public access requirements.

O. The APPLICANT shall complete all required archaeological mitigation work for each of the individual park sites to be dedicated to the City in compliance with the recommendations of the State Historic Preservation Officer. Said mitigation work for each park site shall be completed prior to obtaining any grading or building permit to implement improvements to the respective park.

P. Turbidity and water quality measurements shall be made at least annually as prescribed by the Department of Health and the Army Corps of Engineers before, during development, and for a period of at least three years after completion of the resort. Reports shall be submitted to the Department of Health, the Army Corps of Engineers, the Department of Land Utilization, and shall be made available to the public for examination and inspection.

Q. Prior to implementation of the project, the APPLICANT must meet the requirements and obtain approval of all governmental agencies required for such projects.

R. The APPLICANT shall use its best efforts to promote the creation of a Marine Life Conservation District at Kawela Bay.

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be, and he is, hereby directed to transmit copies of this Resolution to Mr. John P. Whalen, Director of the Department of Land Utilization; Mr. Herbert K. Muraoka, Director and Building Superintendent, Building Department; Mr. Tom T. Nekota, Director, Department

DOCUMENT CAPTURED AS RECEIVED

RESOLUTION

of Parks and Recreation; Mr. Russell L. Smith, Jr., Director and Chief Engineer, Department of Public Works; Mr. Susumu Ono, Chairperson and State Historic Preservation Officer, Board of Land and Natural Resources, Post Office Box 621, Honolulu, Hawaii 96809; Mr. Leslie S. Matsubara, Director, State Department of Health, Post Office Box 3378, Honolulu, Hawaii 97801; Mr. Ernest Kosaka, U. S. Department of the Interior, Fish and Wildlife Service, Post Office Box 50167, Honolulu, Hawaii 96850; Mr. Everette A. Flanders, Chief, Construction Operations Division, Department of the Army, U. S. Army Engineer District, Honolulu, Fort Shafter, Hawaii 96858-5440; Mr. Norman Quon, Kuilima Development Company, 1001 Bishop Street, Suite 1980, Honolulu, Hawaii 96813; Ms. Jan Sullivan, Takeyama & Sullivan, 1188 Bishop Street, Suite 3404, Honolulu, Hawaii 96813; and Mr. Francis S. Oda, Group 70, 924 Bethel Street, Honolulu, Hawaii 96813.

INTRODUCED BY:

High-Wan Doo

Councilmembers

DATE OF INTRODUCTION:

OCT 1 1986
Honolulu, Hawaii

(092386)

-10-

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

TEST:

Raymond K. Pua
RAYMOND K. PUA
CITY CLERK

Marilyn Bornhorst
MARILYN BORNHORST
CHAIR AND PRESIDING OFFICER

Dated OCT 1 1986

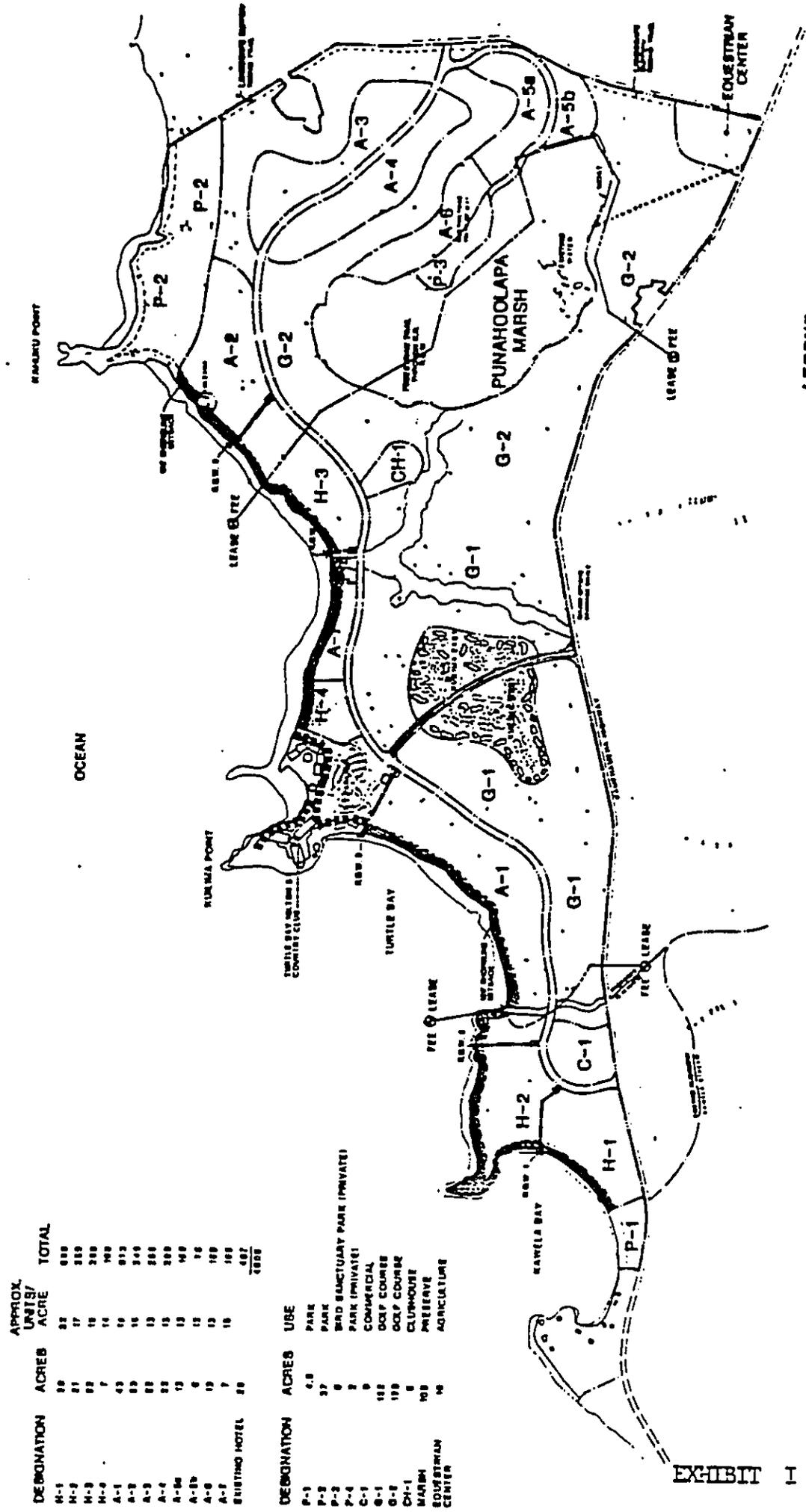
ADOPTED MEETING HELD			
OCT 1 1986			
	AYE	NO	A/E
DOO	X		
FAWCETT	X		
FWASE	X		
KAHANU	X		
KIM	X		
MINK	X		
MORGADO	X		
NARVAES	X		
BORNHORST	X		

Reference: CC 271

Report No. P&ZCR-718

Resolution No.

86-308



DESIGNATION	ACRES	APPROX. UNITS/ACRE	TOTAL
H-1	38	32	1216
H-2	21	37	777
H-3	22	38	836
H-4	7	14	98
A-1	43	10	430
A-2	35	15	525
A-3	22	13	286
A-4	22	13	286
A-5a	13	13	169
A-5b	6	13	78
A-6	12	13	156
A-7	7	13	91
EXISTING HOTEL	28		407
			4892

DESIGNATION	ACRES	USE
P-1	6.8	PARK
P-2	37	PARK
P-3	6	BIRD SANCTUARY PARK (PRIVATE)
P-4	2	PARK (PRIVATE)
G-1	8	COMMERCIAL
G-2	122	GOLF COURSE
G-3	122	GOLF COURSE
CH-1	8	CLUBHOUSE
MARSH	122	MARSH
EQUESTRIAN CENTER	14	ADJUNCTURE

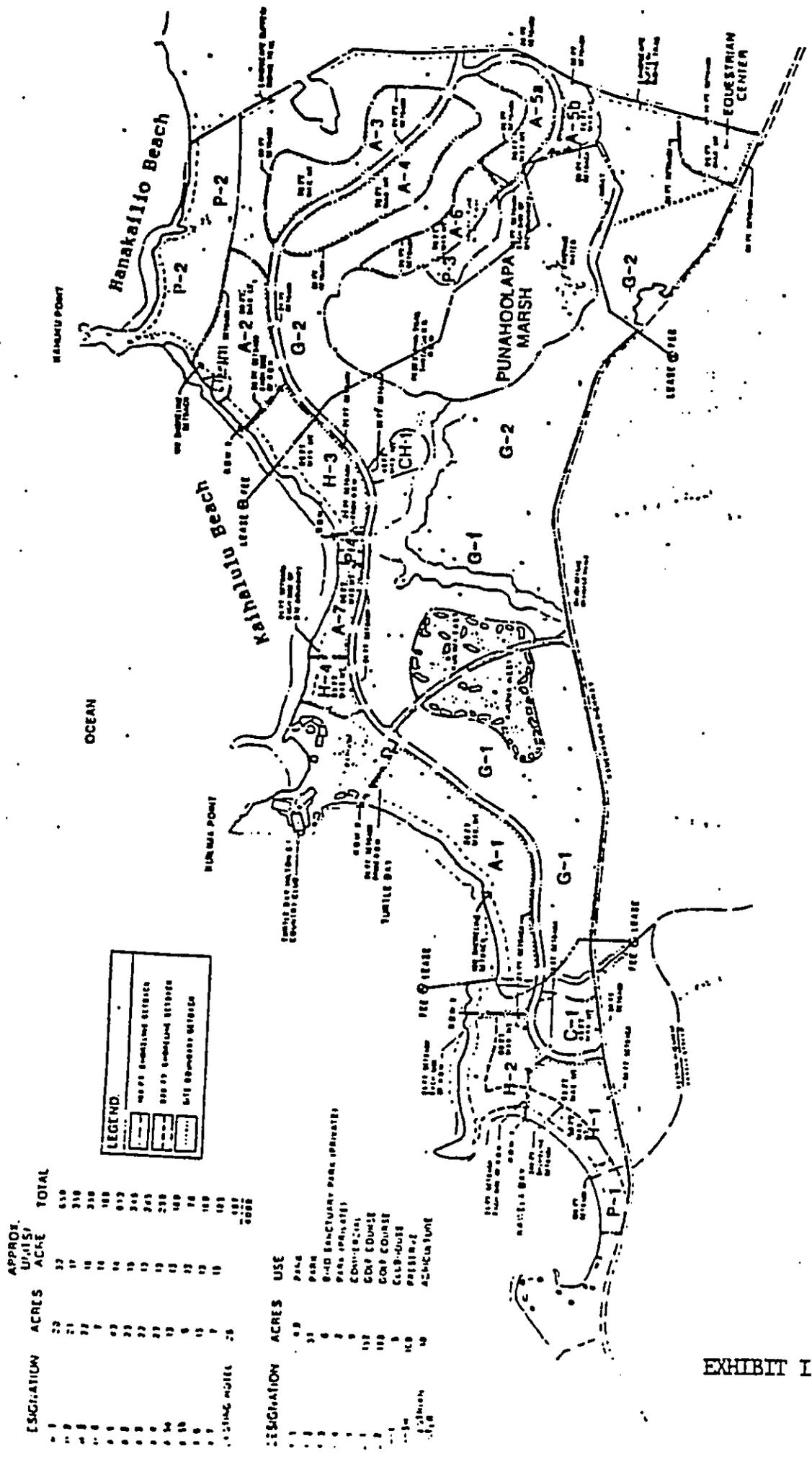
LEGEND

100' Shoreline Setback
Access thru Existing Hotel



TURTLE BAY RESORT
KUILIMA DEVELOPMENT COMPANY

BASE MAP
OWNER PLAN



DESIGNATION	ACRES	APPROX. UNADJUSTED ACRES	TOTAL
1	23	32	550
2	21	17	250
3	27	18	280
4	7	11	100
5	43	11	610
6	23	15	245
7	22	12	265
8	22	13	230
9	12	13	140
10	6	12	74
11	12	12	100
12	7	11	101
13	15	15	100
14	28	28	100
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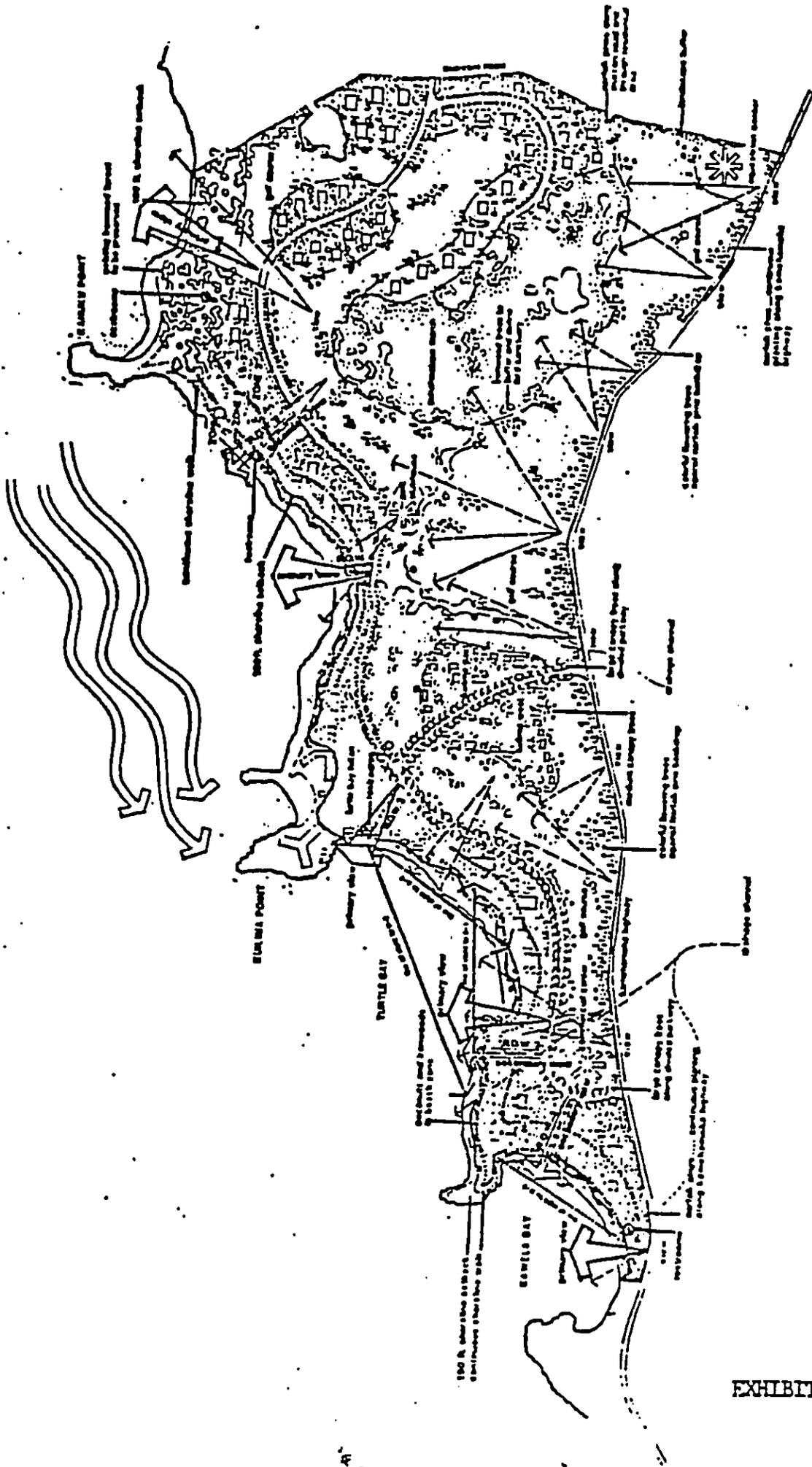
DESIGNATION	ACRES	USE
1	23	PARK
2	21	PARK
3	27	PARK
4	7	PARK
5	43	PARK
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7	22	PARK
8	22	PARK
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100	28	PARK

LEGEND:

- 100 FT. BOUNDARY SETBACK
- 200 FT. BOUNDARY SETBACK
- 300 FT. BOUNDARY SETBACK
- 400 FT. BOUNDARY SETBACK

BUILDING ENVELOPE PLAN

EXHIBIT III



VIEW CORRIDOR PLAN

EXHIBIT IV



APPENDIX IV

LETTER TO BOARD OF WATER SUPPLY

05/28/02 TUE 16:40 FAX

57-091 KUNCHUMEHA RESORT CO.

100010012000

002

RFS

KUILIMA RESORT COMPANY

57-091 Kunchumeha Hwy
Kahuku, Hawaii 96731
Tel: (808) 232-2285
Fax: (808) 232-2396

April 2, 2002

Mr. Barry Usagawa, P.E.
Principal Executive, Water Resources
630 So. Beretania Street
Honolulu, Hawaii 96843

Subject: **TURTLE BAY RESORT**
Opana Wells 1 and 2

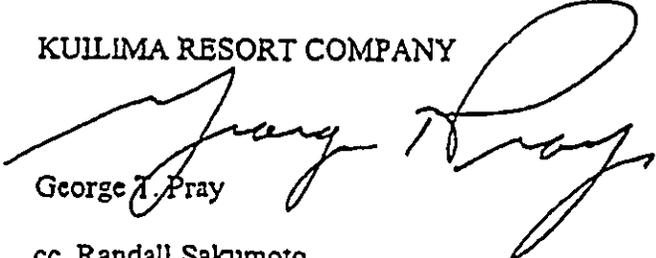
Dear Barry,

Thank you for meeting with Randall Sakumoto and me this morning. As I stated in our meeting, Kuilima Resort Company agrees to resume discussions with you and the Board of Water Supply regarding completion of the Opana Wells Production Facility.

We look forward to reaching a mutually beneficial agreement for the completion. As we move forward with this process, please feel free to contact me with any questions you may have.

Sincerely,

KUILIMA RESORT COMPANY


George T. Pray

cc. Randall Sakumoto

APPENDIX V
TRAFFIC IMPACT LETTER

Julian Ng, Incorporated

Transportation Engineering Consultant

P.O. Box 816 Kaneohe, Hawaii 96744-0816

phone: (808) 236-4325

fax: (808) 235-8869

email: jngpe@lava.net

June 28, 2002

Mr. George Pray
Turtle Bay Resort Development Company
57-091 Kamehameha Highway
Kahuku, Hawaii 96731

Subject: Turtle Bay Resort - Traffic impact of proposed changes
Kahuku, Oahu, Hawaii

Dear Mr. Pray:

Summary: Based on the description of the proposed changes at the Turtle Bay Resort, we expect that there will be minimal impacts to traffic conditions, both during peak hours and at other times of the day. The impact would be much less than the criterion "that a traffic access/impact study be conducted whenever a proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hour." (from Institute of Transportation Engineers, *Traffic Access and Impact Studies for Site Development, A Recommended Practice*, 1991)

Existing Traffic: Existing traffic volumes at the intersection of Kuilima Drive and Kamehameha Highway near the project, from traffic counts taken by the State of Hawaii Department of Transportation Highway Planning Branch in August 2000, are shown below:

	24-hour total 8/28/00 & 8/29/00	AM Peak Hour (7:00am-8:00am)	PM Peak Hour (3:45pm-4:45pm)
Kuilima Drive			
southbound (approach)	1,378	72	117
northbound (departure)	1,410	86	112
Kamehameha Highway			
westbound approach	3,076	174	287
eastbound departure	3,211	249	277
eastbound approach	3,202	254	270
westbound departure	3,089	165	302

The existing traffic using Kuilima Drive is due to the users, employees, deliveries, and others accessing the existing hotel, golf course, and condominiums, and the shoreline. Volumes are highest during the PM Peak Hour. An analysis of the existing unsignalized

Julian Ng, Incorporated

Mr. George Pray
June 28, 2002
Page 2 of 2

intersection, using the procedure described in the *Highway Capacity Manual – Millennium Edition*, showed that the intersection has sufficient capacity in the PM Peak Hour to accommodate as much as 45% more traffic than existing at acceptable levels of service.

Proposed Project: The proposed project is the addition of hotel rooms and retail, ballroom, and meeting room space in the existing hotel. As part of the project, larger units at the Ocean Villa (possible time share units) are planned and the total number of units there would increase from the existing 48 rooms to 57 rooms. Total number of units available for transient use at the resort would increase from 500 rooms (existing) to 509 rooms, an increase of 1.8%. The changes in floor space are understood to be as follows:

	<u>Proposed</u>	<u>Existing</u>	<u>Net addition</u>
Retail Space	6,010 SF	5,722 SF	288 SF
Ballroom Space	15,420 SF	6,420 SF	9,000 SF
Meeting Room Space	5,172 SF	1,952 SF	3,220 SF

The additional floor space for the various uses are in support of the existing and new hotel accommodations and would not be expected to generate additional traffic. Traffic estimates for a resort such as Turtle Bay would be typically based on the number of rooms; if traffic estimates were made for the proposed use and for the existing use, the net effect would be an increase of 1.8% in traffic volumes, or an increase of 2 vehicles per hour in the peak direction during the highest hour, which is less than the 100 vehicles per hour that has been suggested as a guideline for conducting traffic impact studies. This increase is only a small portion of the capacity available (an additional 45% of existing traffic, as described above) at the existing intersection of Kamehameha Highway and Kuilima Drive.

The proposed project, therefore, is not expected to have a significant impact to traffic volumes or conditions in the area. Should there be any questions, please contact me.

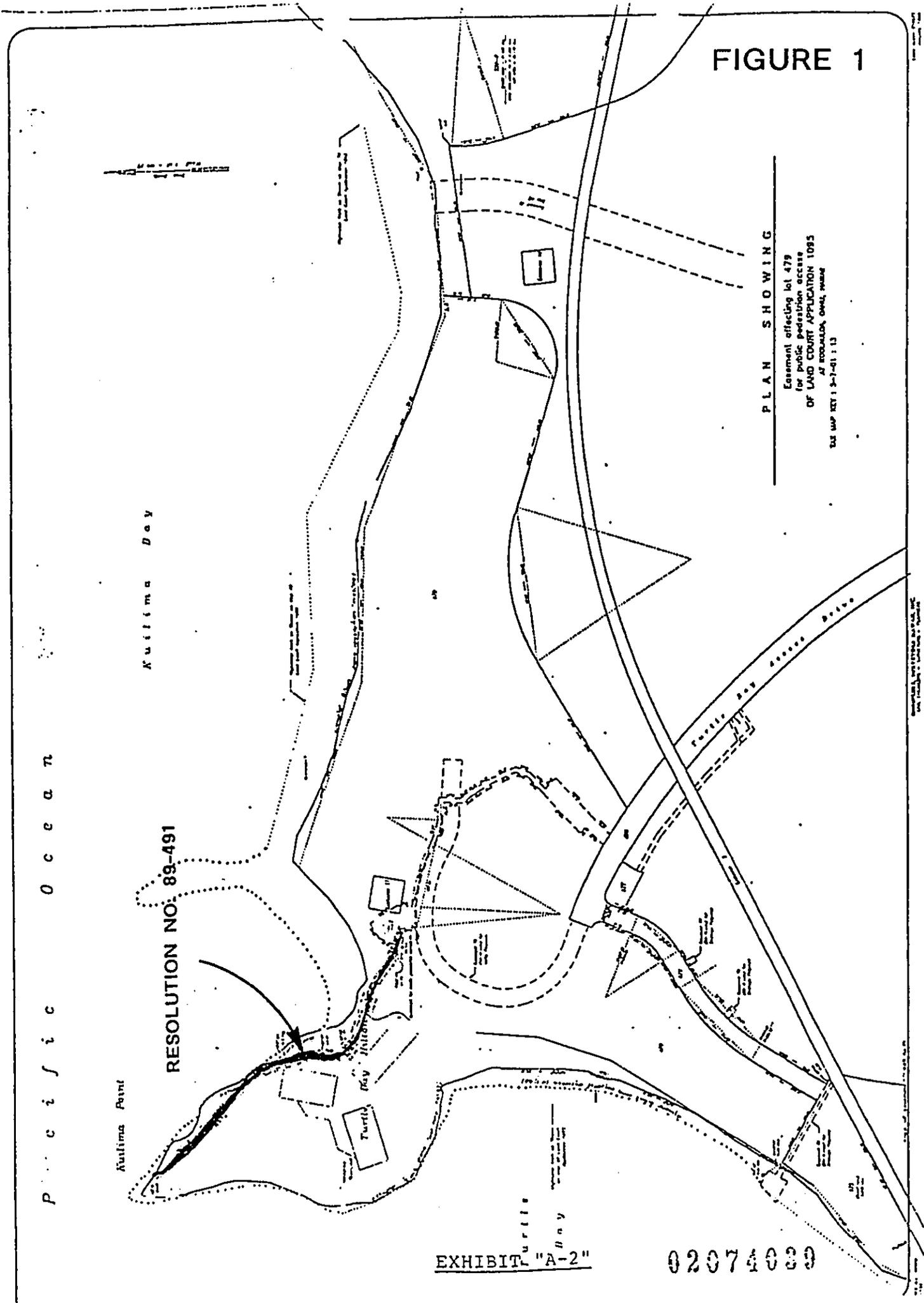
Sincerely,

JULIAN NG, INC.



Julian Ng, P. E., P.T.O.E.
President

APPENDIX VI
PEDESTRIAN ACCESS



02074039

PUBLIC ACCESS

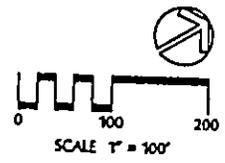
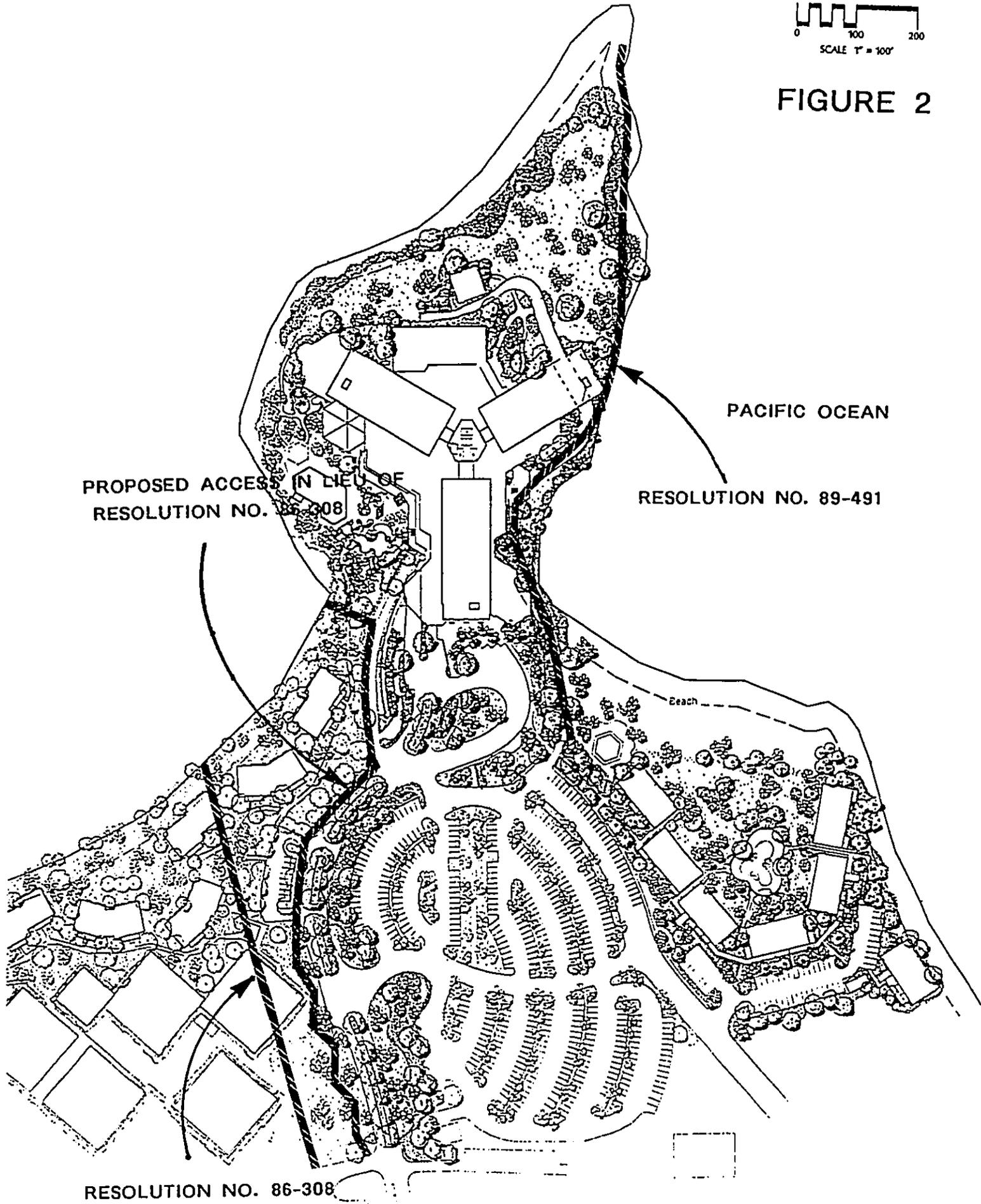


FIGURE 2



APPENDIX VII
HYDROLOGICAL ANALYSIS

Hydrological Analysis

For

Turtle Bay Resort

Renovation and Expansion

Tax May Key: 5-7-1:13

at Pahipahialua-Kahuku, Koolauloa, Oahu, Hawaii



Thomas Takeuchi EXPIRES 4/04

Prepared By

Engineers Surveyors Hawaii, Inc.
900 Halekauwila Street
Honolulu, HI 96814

Purpose:

The purpose of this report is to set forth a basic hydrological criteria to be used to determine increase/decrease in storm water runoff due to proposed improvements.

Project Location:

The project is located at 57-091 Kamehameha Highway in Pahipahialua-Kahuku, Koolauloa, Hawaii and is accessible from Kamehameha Highway. The parcel is identified by tax Map Key: 5-7-1:13 (see Location Map). The parcel is flat with existing grades less than 2% slope.

Project Description:

The project includes renovation and expansion of the existing Turtle Bay Resort. Work consists of demolition of existing walls, clearing and grubbing, grading, grassing, building additions, pedestrian access walkways, and construction of an access road for maintenance vehicles. Building additions includes two new 3-story villas at the Ocean Villas and a new ballroom located at the main resort.

Existing Drainage Conditions:

Existing drainage of the Resort structures (hotel, Ocean Villas, etc.), have roof drains carrying runoff to porous rocks near the ocean and onto surrounding grassed areas. Runoff generated from the existing parking lot and access road is directed into several drain inlets that is eventually conveyed to the golf course below.

Proposed Drainage Conditions Due to Proposed Improvements:

Many proposed improvements such as the pedestrian walkway to lower level (9), new sidewalk from Porte Cochere to Tennis & Golf (10), two new 3-story villas (11), new roadways (26 & 27), and new dining areas (28 & 31) will be built on areas of existing grassed or sandy conditions, where runoff will be filtered through the surrounding grassed and sandy areas.

The new ballroom addition(12) will have roof gutters and downspouts that would carry the runoff through the surrounding vegetation before being conveyed to receiving waters.

Proposed improvements such as the new spa (1), new administration offices (14), new covered promenade (20), and new meeting rooms (25) are to be built under the existing structure which would not generate any additional runoff.

Runoff Increase/Decrease Determination:

To determine any storm runoff increase/decrease, before and after conditions is looked at

for each proposed improvement locations (see Table). This also determines the increase in paved surface areas. The total sum of each location determines the overall increase/decrease of storm runoff.

Calculations:

According to the City and County of Honolulu's Department of Planning and Permitting's "Rules Relating to Storm Drainage Standards", January 2000, the recurrence interval, $T_m = 10$ years for drainage areas of 100 acres or less. The rational method, $Q = CIA$, will be used, where

- Q = flow rate in cubic feet per second;
- C = runoff coefficient;
- I = rainfall intensity in inches per hour for a duration equal to the time of concentration; and
- A = drainage area in acres

A. Runoff Coefficient, C

The runoff coefficient is determined to be 0.70 to 0.90 from Table 2 for built-up areas of the City's "Rules Relating to Storm Drainage Standards". The runoff coefficient has been broken down further to the following:

- C = 0.70, sand
- C = 0.75, grass/gravel
- C = 0.80, shingle/dirt
- C = 0.85, A.C.
- C = 0.90, concrete

B. Correction Factor

From Plate 3, all overland flow for each area appears to be less than 5 minutes. Since the time of concentration is less than 5 minutes for all areas, 5 minutes will be assumed. Using Plate 4, the correction factor for all cases is 2.8.

C. Rainfall Intensity, I

From Plate 1, I = 1.95 inches

Using the correction factor = 2.8,

$$I = 1.95(2.8) = 5.46 \text{ inches}$$

D. The unit flow quantity per acre for each improvement area thus becomes:

Q = CIA

1. ⑤ Pedestrian Walkway to Lower Level
 - a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing grass condition)
 - b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
2. ⑩ Sidewalk from Porte Cochere to Tennis & Golf
 - a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing grass condition)
 - b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
3. ⑪ 3-Story Villa
 - a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing grass condition)
 - b) $Q = 0.80(5.46)A$
 $= 4.368A$ (proposed shingle condition)
4. ⑫ 3-Story Villa
 - a) $Q = 0.70(5.46)A$
 $= 3.822A$ (existing sand condition)
 - b) $Q = 0.80(5.46)A$
 $= 4.368A$ (proposed shingle condition)
5. ⑬ Ballroom at Lobby Level
 - a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing grass condition)
 - b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)

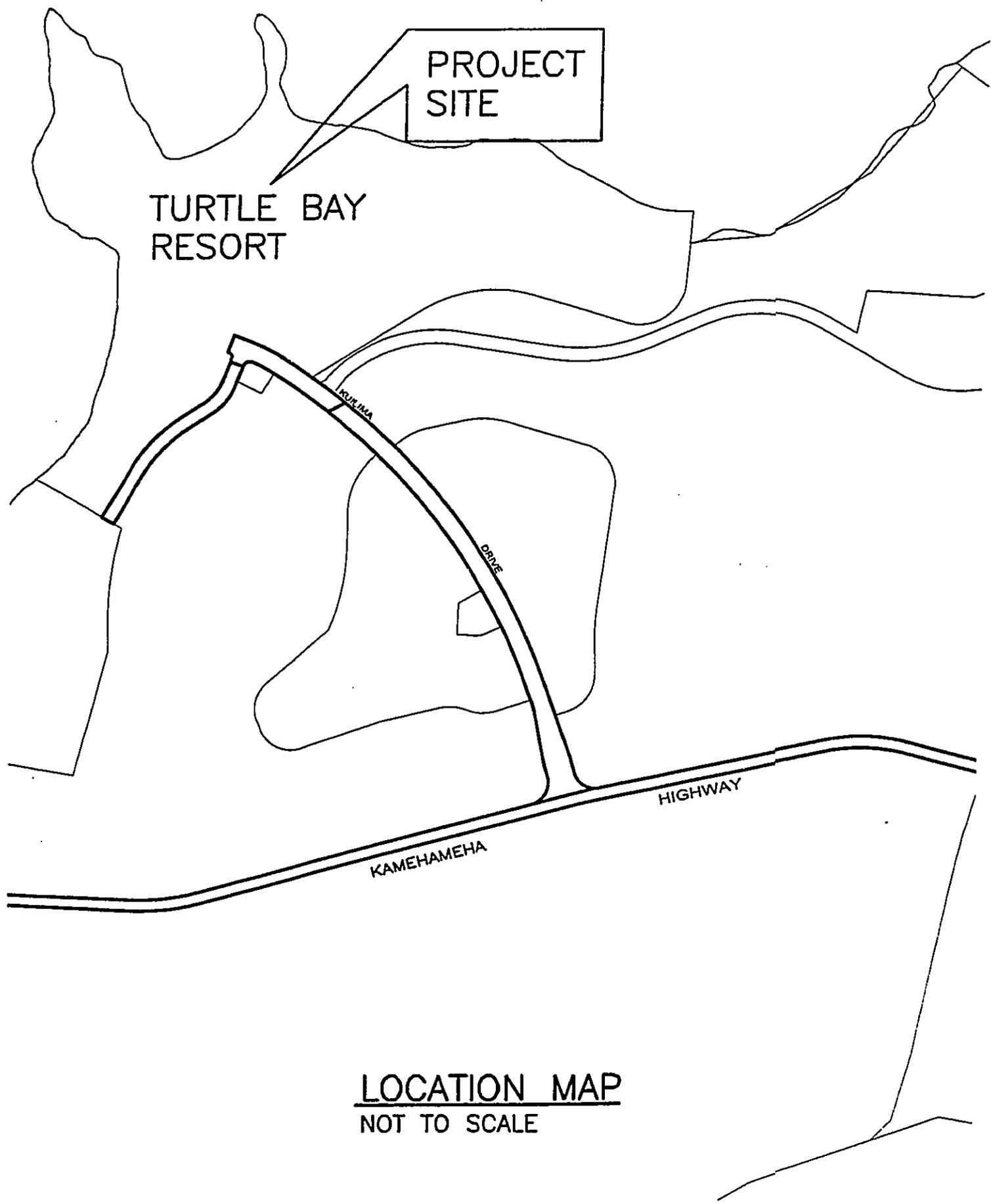
6. ②① Expanded Radius of Port Cochere w/Skylight
- a) $Q = 0.85(5.46)A$
 $= 4.641A$ (existing AC condition)
- b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed AC/concrete condition)
7. ②② Roadway
- a) $Q = 0.80(5.46)A$
 $= 4.368A$ (existing dirt condition)
- b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
8. ②③ Roadway
- a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing gravel condition)
- b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
9. ③① Dining Areas
- a) $Q = 0.70(5.46)A$
 $= 3.822A$ (existing sand condition)
- b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
10. ③② Dining Area w/Trellis and Windscreen
- a) $Q = 0.75(5.46)A$
 $= 4.095A$ (existing grass condition)
- b) $Q = 0.90(5.46)A$
 $= 4.914A$ (proposed concrete condition)
11. ③③ Landscaped Medians
- a) $Q = 0.85(5.46)A$
 $= 4.641A$ (existing AC condition)

b) $Q = 0.75(5.46)A$
 $= 4.095A$ (proposed grass condition)

Conclusion:

As shown, the new improvements will generate an increase in storm water runoff; however, the improved conditions generate negligible concentrations of added storm water runoff and is small enough that no adverse affect is anticipated from the improvements.

For all areas of new improvements, the development will provide storm water disposal system to meet the water quality criteria set forth by the current City's "Rule Relating to Storm Drainage Standards" for any additional discharges to receiving waters (ocean, streams, etc.). Storm disposal will be by: (1) discharge into detention basin areas, (2) sheet flow through vegetated areas that will act as filters before reaching open waters, and/or (3) through mechanical discharge filter/separation chambers before discharging to receiving waters. Army Corps of Engineers Permit and State Department of Health Water Quality Certification will accompany any construction of drainage discharge facility to ocean and/or streams.



TURTLE BAY
RESORT

PROJECT
SITE

KUKUI
DRIVE

KUKUI
DRIVE

KAMEHAMEHA
HIGHWAY

KAMEHAMEHA
HIGHWAY

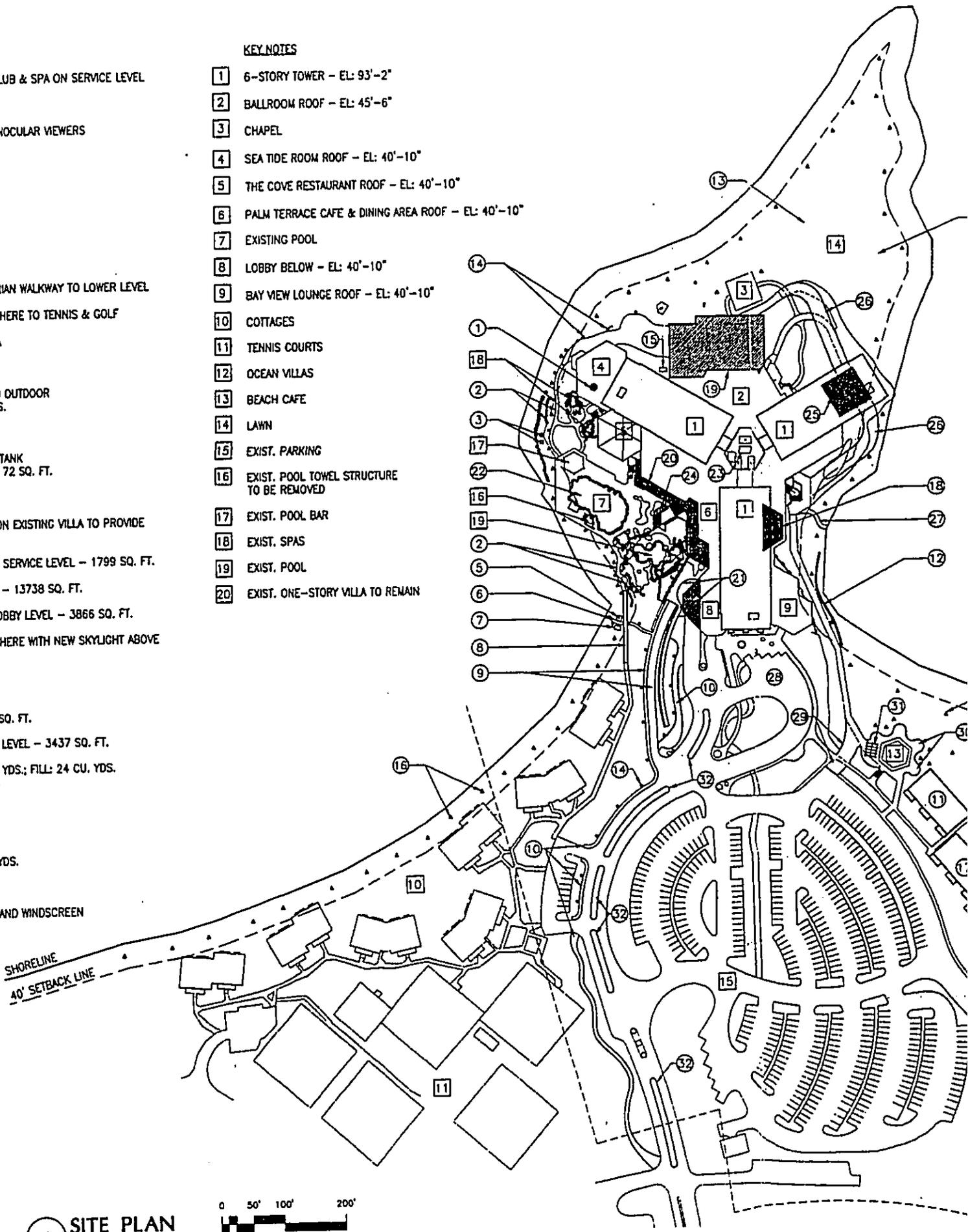
LOCATION MAP
NOT TO SCALE

DESIGN NOTES

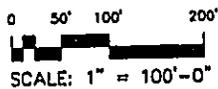
- ① NEW SPA ADJACENT TO HEALTH CLUB & SPA ON SERVICE LEVEL
- ② NEW HARDSCAPE & LANDSCAPE
- ③ NEW PIPE MOUNTED STANDING BINOCULAR VIEWERS
- ④ NOT USED
- ⑤ EXPANDED SURFER SHOWER
- ⑥ NEW SURFER BEACH ACCESS
- ⑦ NEW SURFBOARD RACK
- ⑧ BRIDGE
- ⑨ PAVED VEHICLE RAMP & PEDESTRIAN WALKWAY TO LOWER LEVEL
- ⑩ NEW SIDEWALK FROM PORTE COCHERE TO TENNIS & GOLF
- ⑪ ADDITION OF NEW 3-STORY VILLA
- ⑫ NEW RETAINING WALL
- ⑬ NEW GRADED AREA FOR CRASSED OUTDOOR FUNCTIONS - CUT: 1500 CU. YDS.
- ⑭ NEW LIGHTING
- ⑮ LOCATION OF FUEL OIL STORAGE TANK FOR EMERGENCY GENERATORS - 72 SQ. FT.
- ⑯ TIKI TORCHES
- ⑰ NEW LEVEL(S) & STAIRS ADDED ON EXISTING VILLA TO PROVIDE A 3-STORY OCEAN VILLA
- ⑱ NEW ADMINISTRATION OFFICES AT SERVICE LEVEL - 1799 SQ. FT.
- ⑲ NEW BALLROOM AT LOBBY LEVEL - 13738 SQ. FT.
- ⑳ NEW COVERED PROMENADE AT LOBBY LEVEL - 3866 SQ. FT.
- ㉑ EXPANDED RADIUS OF PORT COCHERE WITH NEW SKYLIGHT ABOVE
- ㉒ RENOVATED POOL
- ㉓ COOLING TOWER ON ROOF
- ㉔ NEW POOL TOWEL KIOSK - 195 SQ. FT.
- ㉕ NEW MEETING ROOMS ON LOBBY LEVEL - 3437 SQ. FT.
- ㉖ NEW ROADWAY - CUT: 2151 CU. YDS.; FILL: 24 CU. YDS. (USING 2:1 SLOPE ASSUMPTION)
- ㉗ NEW BEACH ACCESS
- ㉘ AREA TO BE RECONFIGURED
- ㉙ NEW ROADWAY - CUT: 128 CU. YDS.
- ㉚ NEW DINING AREAS
- ㉛ NEW DINING AREA WITH TRELIS AND WINDSCREEN
- ㉜ NEW LANDSCAPED MEDIAN

KEY NOTES

- ① 6-STORY TOWER - EL: 93'-2"
- ② BALLROOM ROOF - EL: 45'-6"
- ③ CHAPEL
- ④ SEA TIDE ROOM ROOF - EL: 40'-10"
- ⑤ THE COVE RESTAURANT ROOF - EL: 40'-10"
- ⑥ PALM TERRACE CAFE & DINING AREA ROOF - EL: 40'-10"
- ⑦ EXISTING POOL
- ⑧ LOBBY BELOW - EL: 40'-10"
- ⑨ BAY VIEW LOUNGE ROOF - EL: 40'-10"
- ⑩ COTTAGES
- ⑪ TENNIS COURTS
- ⑫ OCEAN VILLAS
- ⑬ BEACH CAFE
- ⑭ LAWN
- ⑮ EXIST. PARKING
- ⑯ EXIST. POOL TOWEL STRUCTURE TO BE REMOVED
- ⑰ EXIST. POOL BAR
- ⑱ EXIST. SPAS
- ⑲ EXIST. POOL
- ㉑ EXIST. ONE-STORY VILLA TO REMAIN



① **SITE PLAN**
SCALE: 1" = 100'-0"



Net Runoff Table

DESIGN NOTES ITEM	DESCRIPTION	EXISTING CONDITIONS		PROPOSED CONDITIONS		NET INCREASE IN PAV'T AREA (S.F.)	EXIST. RUNOFF QUANTITY (CFS)	PROJECT RUNOFF QUANTITY (CFS)	NET RUNOFF QUANTITY (CFS)
		SURFACE TYPE	AREA (S.F.)	SURFACE TYPE	AREA (S.F.)				
16	Tiki torches	-	-	-	-	-	-	-	-
17	Level(s) & stairs added on existing villa to provide a 3-story ocean villa	-	-	-	-	-	-	-	-
18	Administration offices at service level	inside	building	-	-	0	-	-	-
19	Ballroom at lobby level	Grass	13738	Concrete	13738	13738	1.281	1.55	0.259
20	Covered promenade at lobby level	inside	building	-	-	0	-	-	-
21	Expanded radius of Port Cochere with skylight	AC	1800	AC/Cong.	2300	500	0.192	0.259	0.067
22	Renovated pool	-	-	-	-	-	-	-	-
23	Cooling tower on roof	-	-	-	-	-	-	-	-
24	Pool towel kiosk	-	-	-	-	-	-	-	-
25	Meeting rooms on lobby level	inside	building	-	-	0	-	-	-
25	Office space on service level	inside	building	-	-	0	-	-	-
26	Roadway	Dirt	10800	Concrete	10800	10800	1.083	1.218	0.135
27	Beach access	Sand	500	Sand	500	0	-	-	-
28	Reconfigured area	-	-	-	-	-	-	-	-
29	Roadway	Gravel	1900	Concrete	1900	1900	0.179	0.214	0.035
30	Dining areas	Sand	2800	Concrete	2800	2800	0.246	0.316	0.07

Net Runoff Table

DESIGN NOTES ITEM	DESCRIPTION	EXISTING CONDITIONS		PROPOSED CONDITIONS		NET INCREASE IN PAV'T AREA (S.F.)	EXIST. RUNOFF QUANTITY (CFS)	PROJECT RUNOFF QUANTITY (CFS)	NET RUNOFF QUANTITY (CFS)
		SURFACE TYPE	AREA (S.F.)	SURFACE TYPE	AREA (S.F.)				
31	Dining area with trellis and windscreen	Grass	400	Concrete	400	400	0.038	0.045	0.007
32	Landscaped medians	AC	6600	Grass	6600	-6600	0.703	0.62	-0.083
TOTAL RUNOFF QUANTITY							4.873	5.49	0.617
TOTAL NET RUNOFF QUANTITY									

APPENDIX VIII

**FEDERAL FLOOD INSURANCE RATE MAP
(FIRM)**

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP**

**CITY AND COUNTY
OF HONOLULU,
HAWAII**

PANEL 30 OF 395

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX

HONOLULU, CITY AND COUNTY OF 150001 0030 E

**MAP NUMBER
15003C0030 E**

**EFFECTIVE DATE:
NOVEMBER 20, 2000**



Federal Emergency Management Agency

LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

ZONE A No base flood elevations determined.

ZONE AE Base flood elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined; for areas of littoral (in flooding, velocities also determined).

ZONE A99 To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.

ZONE V Coastal flood with velocity hazard (wave action); no base flood elevations determined.

ZONE VE Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

ZONE X Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS

ZONE X Areas determined to be outside 500-year floodplain.

ZONE D Areas in which flood hazards are undetermined.

UNDEVELOPED COASTAL BARRIERS

Identified 1983

Identified 1990

Otherwise Protected Areas

Coastal barrier areas are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain Boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.

Base Flood Elevation Line: Elevation in Feet. See Map Index for Elevation Datum.

Cross Section Line

Base Flood Elevation in Feet Where Uniform Within Zone. See Map Index for Elevation Datum.

Elevation Reference Mark

River Mile

Horizontal Coordinates Based on North American Datum of 1927 (NAD 27) Projection

513

(EL 987)

RM7 X

M2

97°07'30", -32°22'30"

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas. The community map repository should be consulted for more detailed data on BFE's, and for any information on floodway delineations, prior to use of this map for property purchase or construction purposes.

Areas of Special Flood Hazard (100-year flood) include Zones A, AE, AH, AO, AH, AO, A99, V, VE and VI-V30. Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Refer to Floodway Data Table where floodway width is shown at 1/20 inch.

Coastal base flood elevations apply only landward of 0.0 NGVD, and include the effects of wave action; these elevations may also differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Corporate limits shown are current as of the date of this map. The user should contact appropriate community officials to determine if corporate limits have changed subsequent to the issuance of this map.

This map may incorporate approximate boundaries of Coastal Barrier Resource System Units and/or Otherwise Protected Areas established under the Coastal Barrier Improvement Act of 1990 (PL 101-591).

For community map revision history prior to countywide mapping, see Section 6.0 of the Flood Insurance Study Report.

For adjoining map panels and base map source see separately printed Map Index.

MAP REPOSITORY

Refer to Repository Listing on Map Index

EFFECTIVE DATE OF

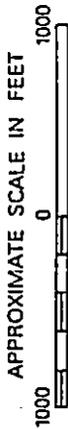
COUNTYWIDE FLOOD INSURANCE RATE MAP:

NOVEMBER 20, 2000

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:

Refer to the FLOOD INSURANCE RATE MAP EFFECTIVE DATE shown on this map to determine when actuarial rates apply to structures in zones where elevations or depths have been established.

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.



APPENDIX IX

**PLAN FOR HANDLING DOWNED
WEDGE-TAILED SHEARWATERS**

**TURTLE BAY RESORT
PLAN FOR HANDLING DOWNED WEDGE-TAILED SHEARWATERS**

Turtle Bay Resort has prepared the following plan and rescue program for downed Wedge-tailed Shearwaters.

The Wedge-tailed Shearwater ('Ua 'u kani) -

The Wedge-tailed Shearwater is a seabird that is an indigenous species but is not endangered. The Shearwater is generally about 17" long with a 38" wingspan. They can be grayish brown above and whitish below or are entirely gray-brown. Their tail is distinctively wedge-shaped. Shearwaters have a slender hooked bill that is slate gray and legs and feet are pale pink. Downy chicks are gray.

Young birds leaving their colonies in late fall (late-November to mid-December) are attracted to and disoriented by urban lights and may fly into the lights and fall to the ground.

Rescue Plan

1. Provide ventilated crates or other carriers marked "Shearwater".
2. During November and December, staff will be attentive and look for possible downed birds on the resort grounds.
3. Staff will collect all downed shearwaters as soon as possible. Staff should wear gloves to avoid getting bitten.
4. Keep a record of all downed birds including date, location, weather conditions, and conditions of bird. Should incidents occur more than once in the same area within a year outdoor lights in area should be shielded or dimmed.
5. Birds will be taken to Sea Life Park - Training Department (Telephone 259-7938/259-7933 between 9:00 AM and 5:30 PM. If birds must be held overnight keep in ventilated crate or other carrier with a secure lid.
6. If no one is available to transport bird to Sea Life Park, call Humane Society at 946-2187.

APPENDIX X

**REVISED WETLAND DEVELOPMENT PLANS
FOR PUNAHOOLAPA MARSH**



United States Department of the Interior

FISH AND WILDLIFE SERVICE

800 ALAMOANA BOULEVARD
P.O. BOX 80187
HONOLULU, HAWAII, 96860

REPLY REFER TO:

ES
Room 6307

SEP 23 1986

SEP 22 1986

Mr. Vincent Shigekuni
Group 70
924 Bethel Street
Honolulu, HI 96813

GROUP 70

Re: Proposed wetland improvements to Punahoolpa Marsh, Oahu

Dear Vincent:

Enclosed for your review is a revised wetland development plan for the Punahoolapa Marsh. This plan incorporates the latest findings of an ongoing research project on managing wetlands in Hawaii for endangered waterbirds.

If you have any questions on the proposal, please contact Mr. John Ford (546-7530). We look forward to working with you on the implementation of this plan.

Sincerely,

Ernest Kobaka
Project Leader
Office of Environmental Services

Enclosure

cc: RWR



Revised Wetland Development Plans for Punahoolapa Marsh

Control of water levels is essential for long-term active management of Hawaiian wetlands. With establishment of exotic vegetation, wetlands can rapidly become choked, especially with heavy silt loads in the watershed. Manipulation of water levels allows control of encroaching vegetation and can provide proper waterbird nesting habitat at critical times. An available source of water allows flooding of vegetation to aid in control, yet regulation of water flow can allow drawdown of impoundments to facilitate nesting of endangered waterbirds such as the Hawaiian stilt.

The existing open water ponds at Punahoolapa Marsh are critical "refuge" habitat for Hawaiian ducks and are also used by Hawaiian coots and moorhen. It is important to preserve the integrity of the "natural" wetland. These openings are becoming choked with vegetation, but they presently provide important habitat. Other areas of Punahoolapa have become choked with an unbroken expanse of vegetation, primarily bulrush interspersed with sawgrass, "neke" fern, California grass, and Pluchea. This dense vegetation provides little habitat for any waterbirds.

The north end of Punahoolapa Marsh has good potential for wetland management if it would be impounded. The existing railroad right-of-way could be used as a dike separating the north end of the marsh from the central portion. During construction, a moat could be dug around the perimeter of the proposed impoundment area (Figure 1) and the spoil could be feathered into the existing edge of the golf course area. The moat would have to be dug adjoining the golf course so the dike would be on upland substrate to prevent filling of any wetland habitat. This moat would restrict encroachment of unwanted vegetation, provide deep water habitat, and exclude predators.

A pumping system designed to pump water both in or out of the impoundment would allow necessary water manipulations. A water control structure would also be constructed in the dike to lessen the amount of pumping. A pond or water supply would be needed outside the water control structure to allow unimpeded flow of water in and out of the impoundment.

After digging the moat and installing the water control structure and two-way pump, the vegetation inside the management pond should have an aerial application of approved herbicide such as Rodeo to kill it. The dead vegetation should be burned a few weeks later, and the impounded area should be flooded. Considerable pumping may be required immediately after burning, but water levels of only a few inches should inhibit sprouting of existing plant rootstock. Ideally, the herbicide should be applied in early August and burning should occur in September when winds are very light and waterbird presence would be unlikely.

Plant species currently existing in the management pond area grow rapidly and are difficult to control when present. Burning would eliminate these plants and they should be replaced with annual grasses and sedges that can be controlled by flooding or other perennial plants that grow more slowly. Annual plants are heavy seed producers and can be established more quickly than perennials if moist soil is exposed for germination after the

initial flooding period. The capability of lowering the water level one or two inches below the substrate surface would allow seed germination, and raising the water level a few inches above the substrate would provide adequate water coverage for bird use and plant control. A wetland with approximately 50% of the area covered by small patches of vegetation providing plant diversity and interspersion with water is ideal. This allows open access to vegetation edges for feeding, nesting, and loafing. Open areas are used for stilt nesting and foraging when the mudflats are exposed above water.

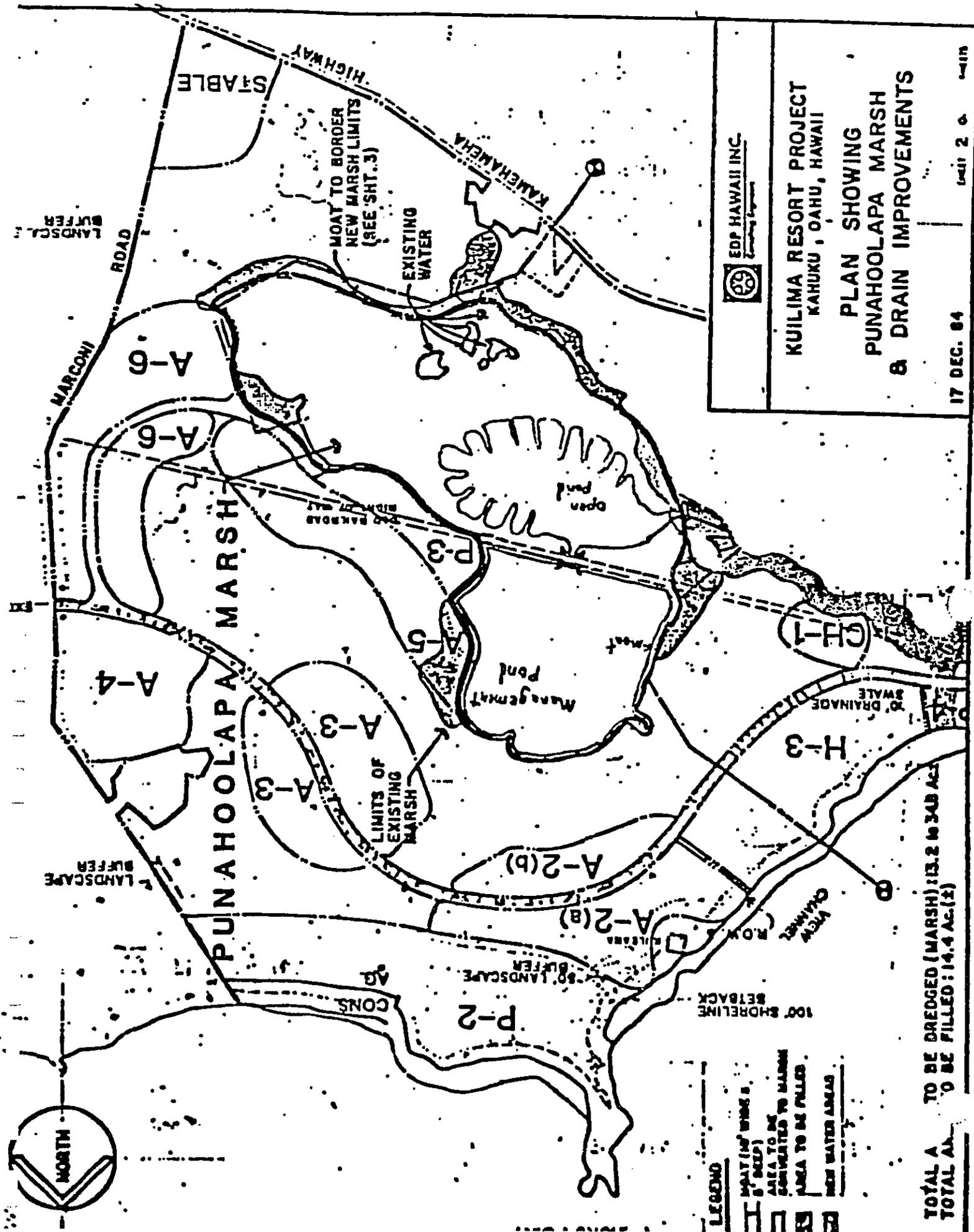
A fence surrounding the management pond would inhibit disturbance by humans and large predators such as dogs. A visual barrier of shrubs and vegetation would also benefit waterbirds. However, this area would be invaluable as an interpretive site and the public should have a short tower to observe birds from, as well as a stretch of railroad right-of-way to walk along. It would be preferable to have a limited distance of public trail along the railroad berm. This would prevent people from walking back and forth across the entire length, and disturbance would be minimized.

The large central area north of the existing open ponds would provide secluded habitat for Hawaiian coots, moorhen, and ducks if it were opened in a fashion so as to maximize edge habitat. The existing bulrush is beneficial to waterbirds if there is substantial vegetation/open water interface. Bulrush growth expands out from the rootstock so "pocket" areas need to be large enough that they would persist for several years. This open pond should be dredged approximately 4 feet deep to inhibit bulrush expansion. A waterway from this pond should connect to the water control structure of the management pond. A water outlet and control structure for extra runoff might be desirable to control water flow out of the open pond. Dredging of this area might be done most efficiently by using a dragline on matting and hauling spoil material out by truck.

Through introduction of exotic plants and vegetative succession, Punahoolapa Marsh has deteriorated as waterbird habitat. Through implementation of a management pond and a central open pond, this area could provide ideal wetland habitat for endangered waterbirds as well as other members of the wetland ecosystem.

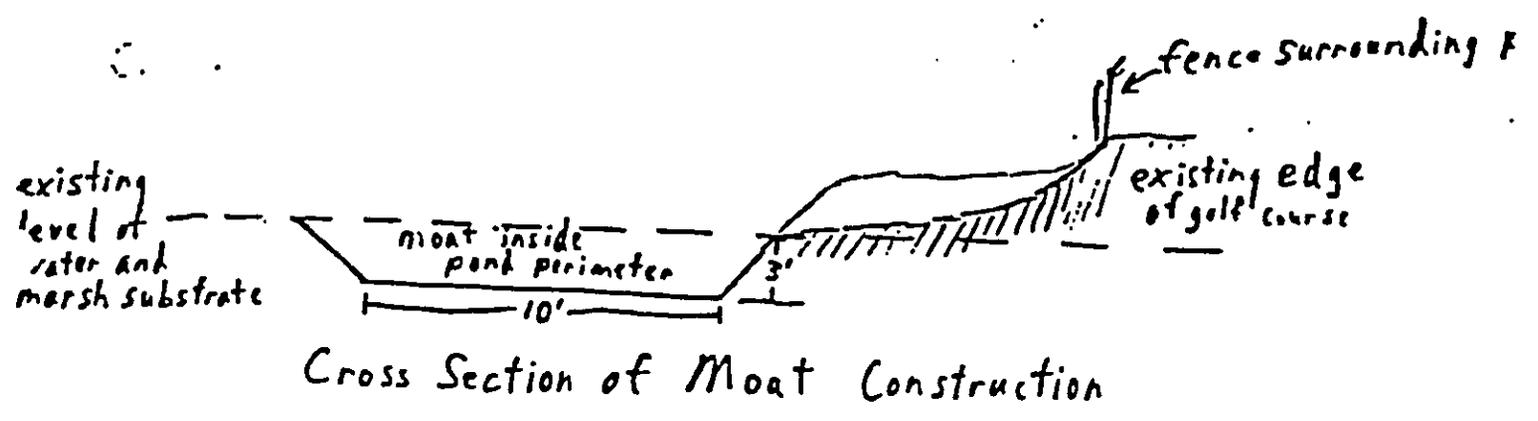
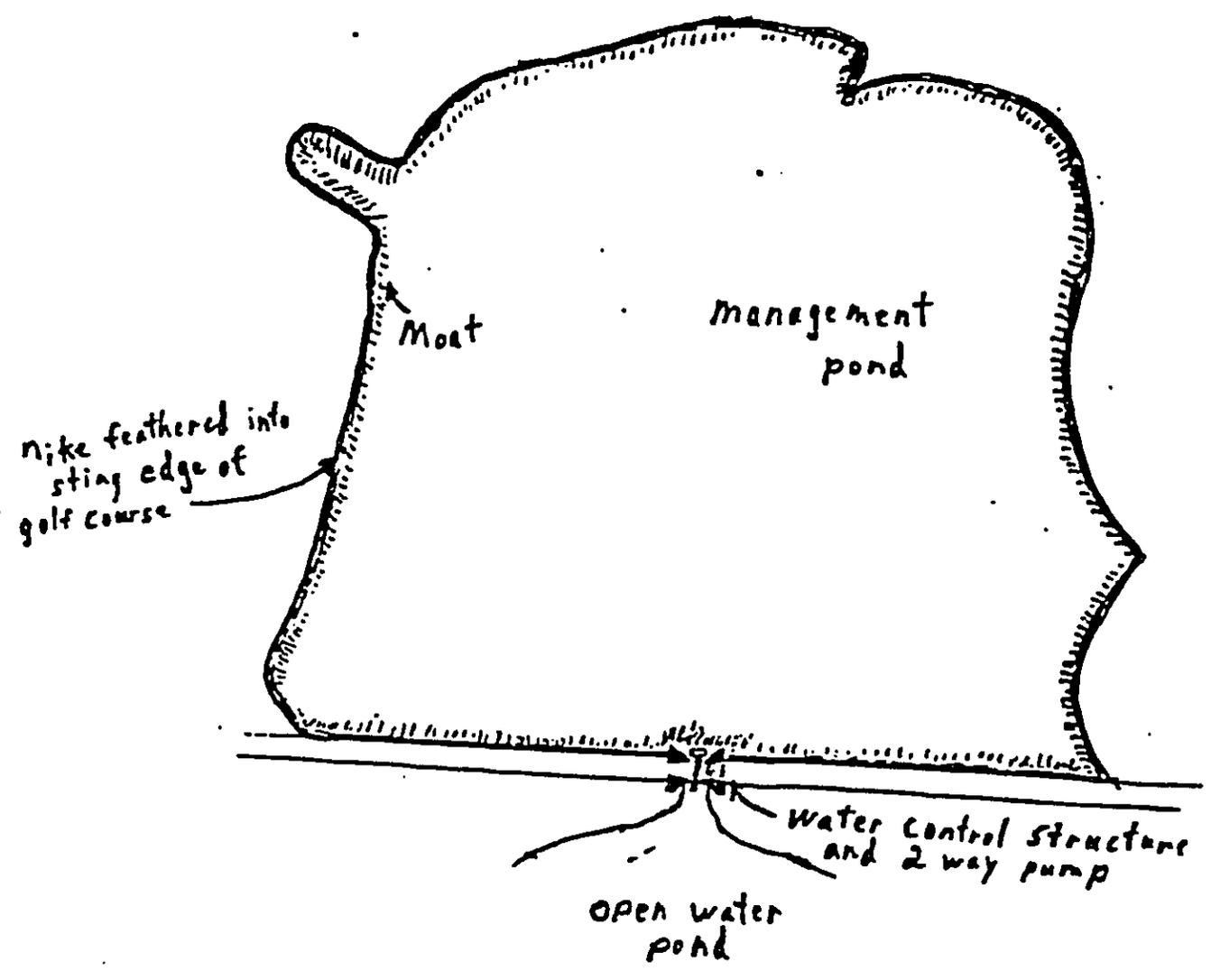
Future management will require biological monitoring as well as active manipulation of water levels and vegetation control. A professional management biologist would be needed to assess water chemistry, plant growth and phenology, invertebrate production, and waterbird production. Water level manipulations and vegetation control will be conducted as required by results of monitoring.

Recent and ongoing studies of endangered waterbirds and Hawaiian wetlands are providing insight into active wetland management. The Fish and Wildlife Service recommends that a management plan should be developed through a joint effort between the Fish and Wildlife Service and Kuilima Development Corporation. We have found that frequent monitoring and minimal maintenance control of vegetation provides good habitat and is least costly and time consuming in the long run.



TOTAL AREA TO BE DREDGED (MARSH): 13.2 AC (348 AC)
 TOTAL AREA TO BE FILLED: 14.4 AC (12)

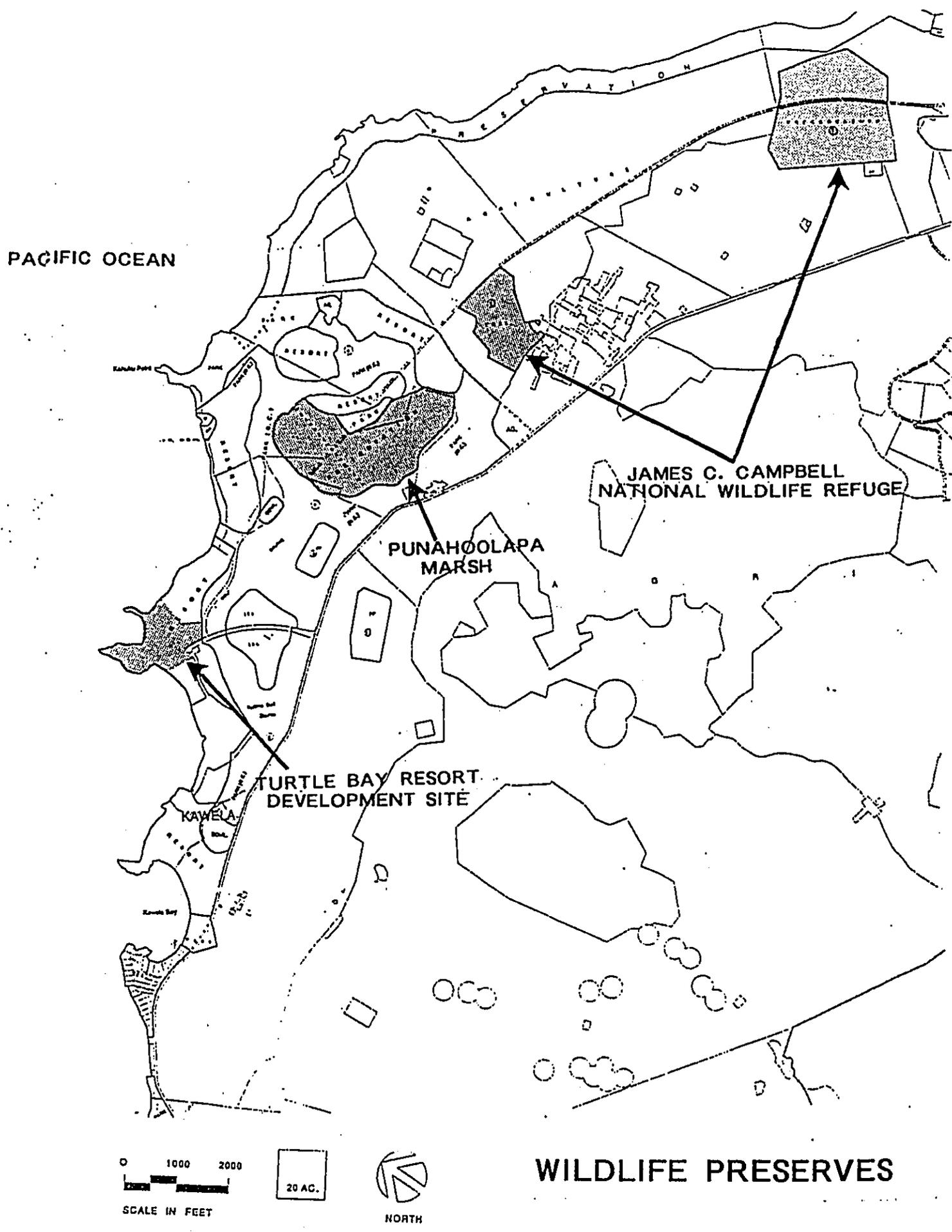
Figure 1. Design of management pond with cross section of moat construction.



APPENDIX XI

WILDLIFE PRESERVE MAP

DOCUMENT CAPTURED AS RECEIVED



WILDLIFE PRESERVES

APPENDIX XII
PHOTOGRAPHS

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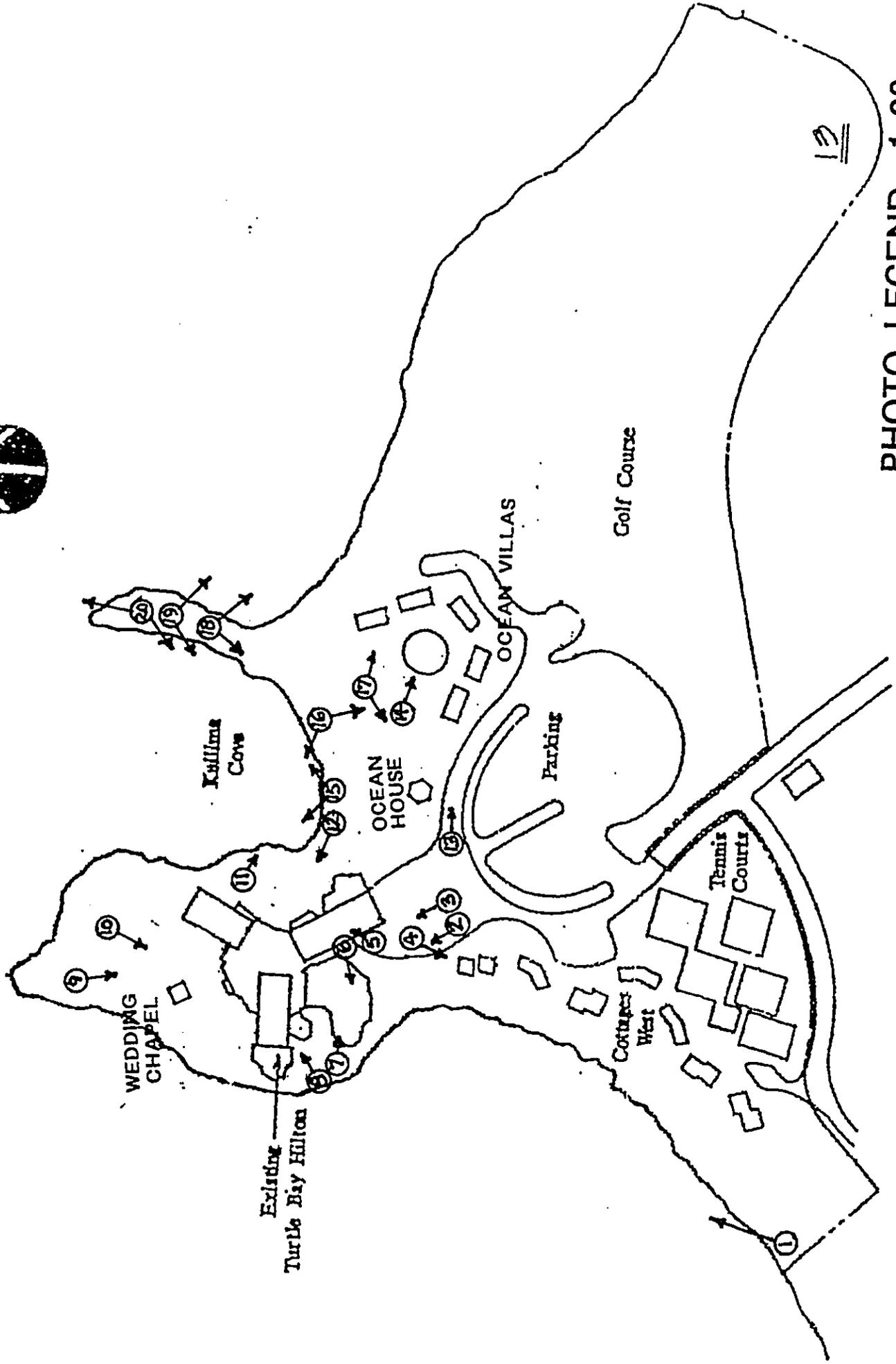
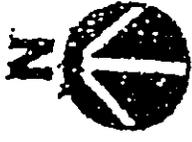
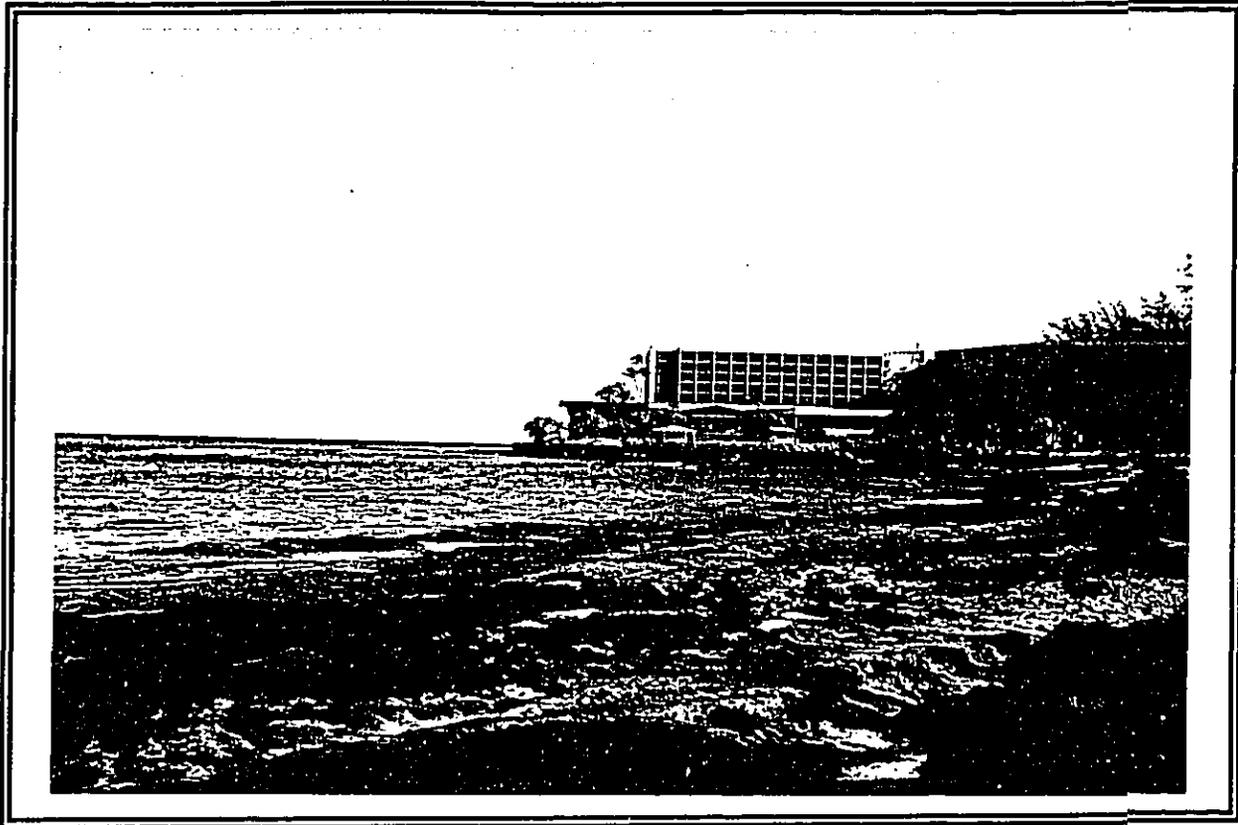
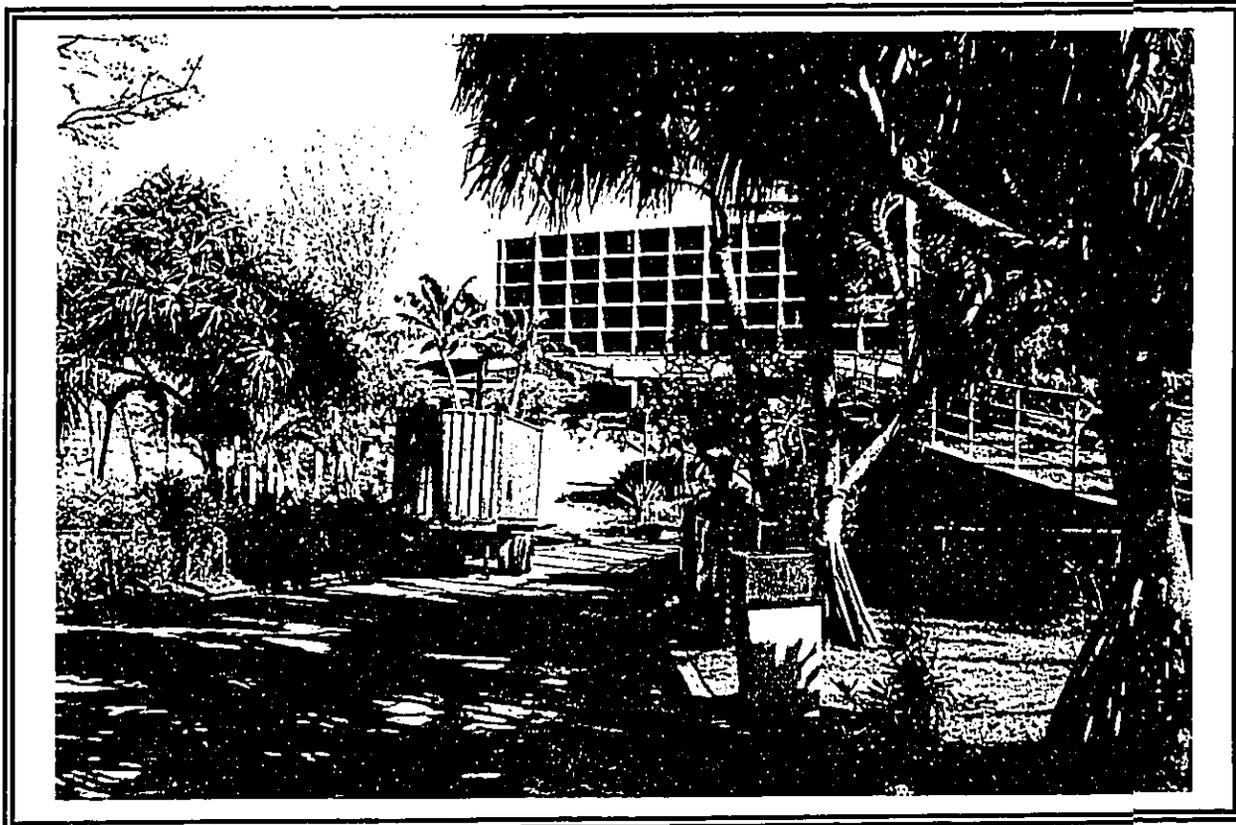


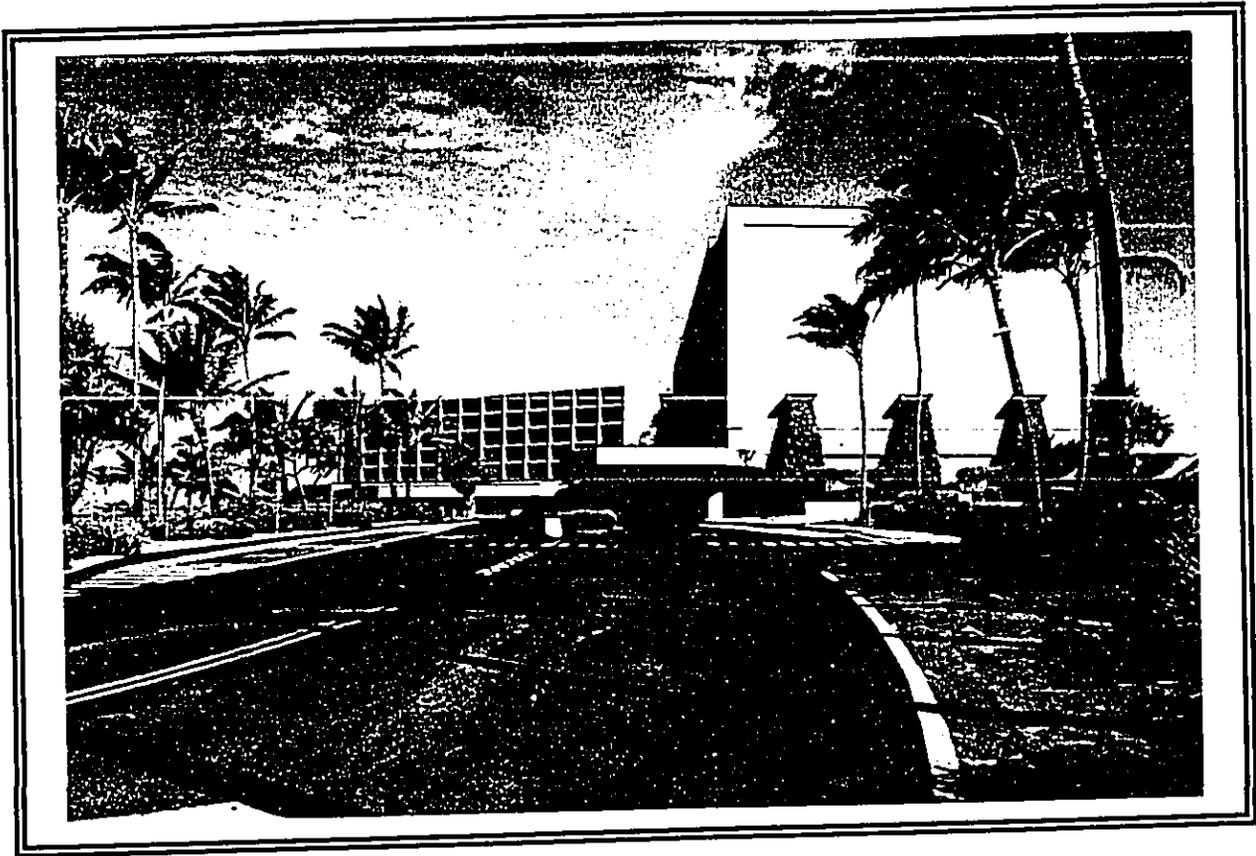
PHOTO LEGEND 1-20



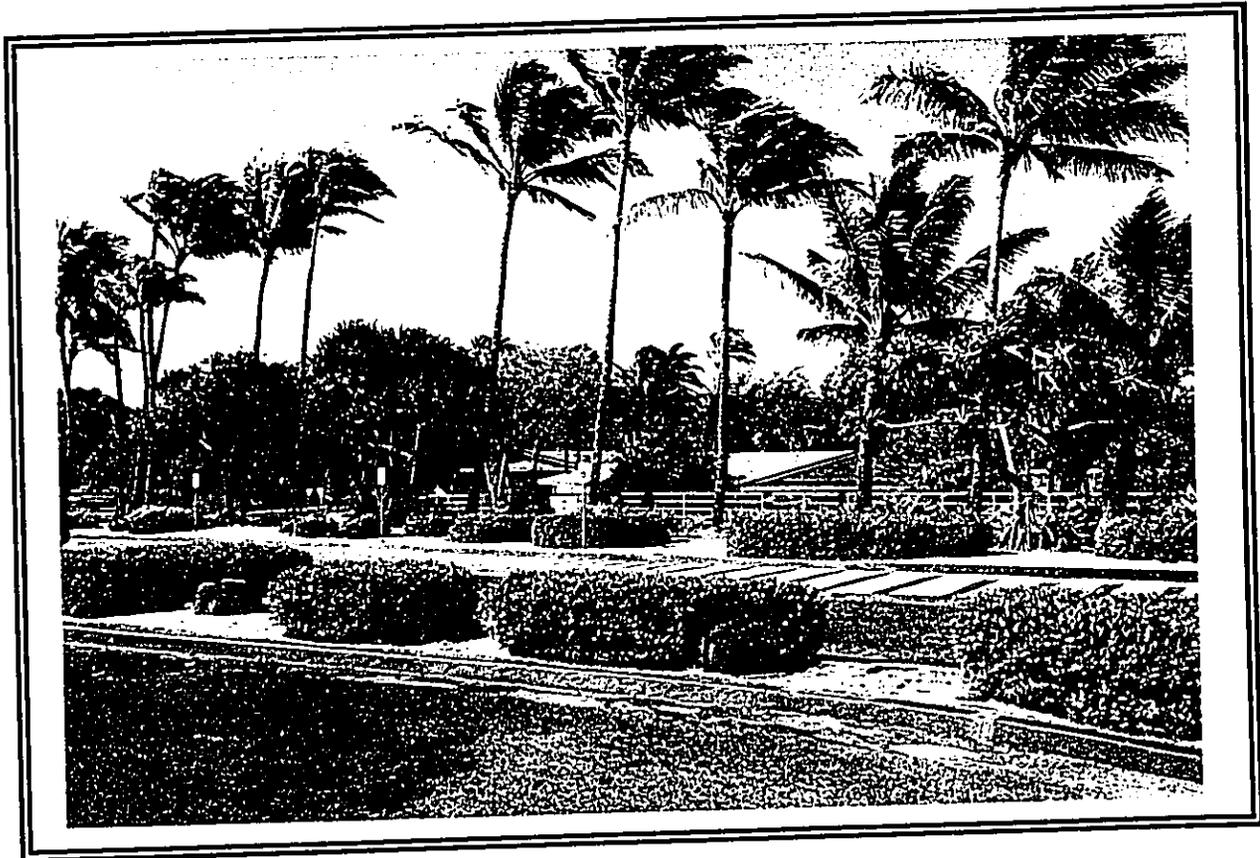
Photograph No. 1 - View from Turtle Bay shoreline south of Hotel



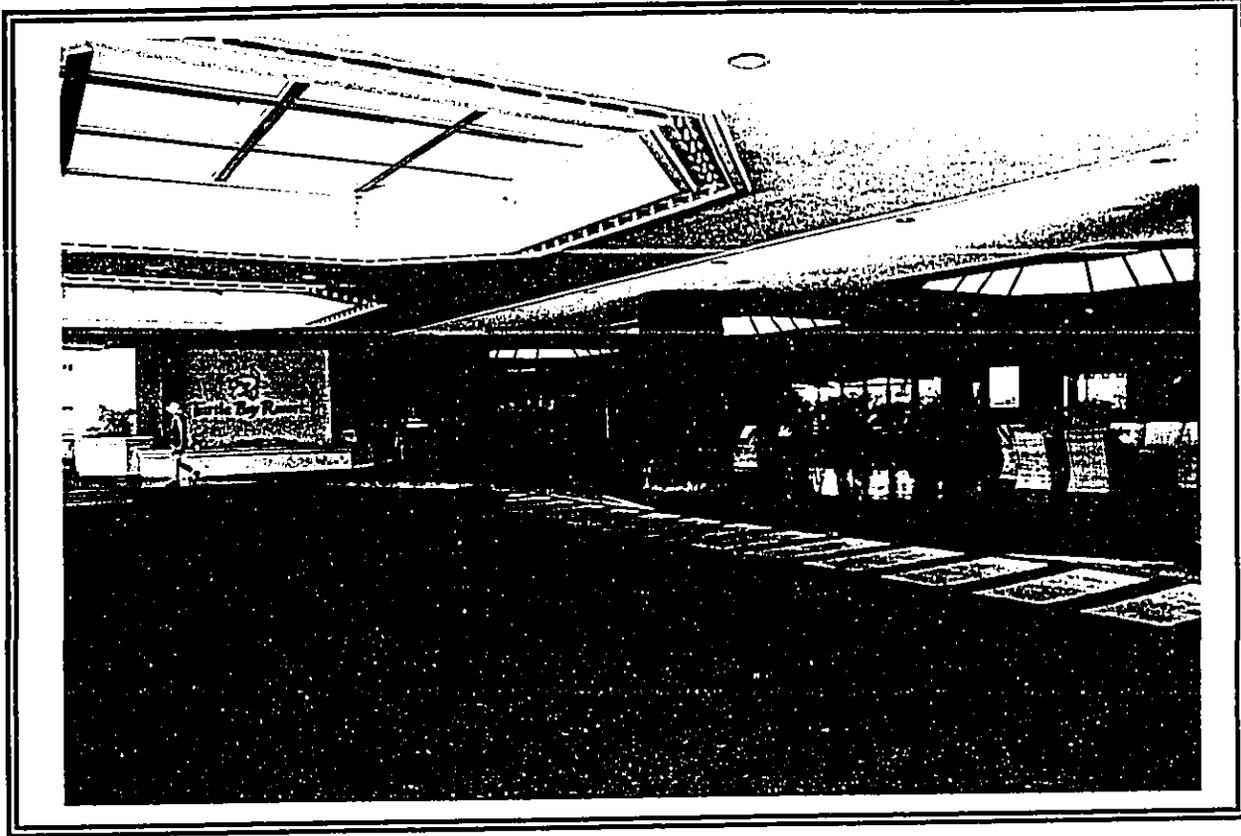
Photograph No. 2 - View of loading dock access drive west of hotel



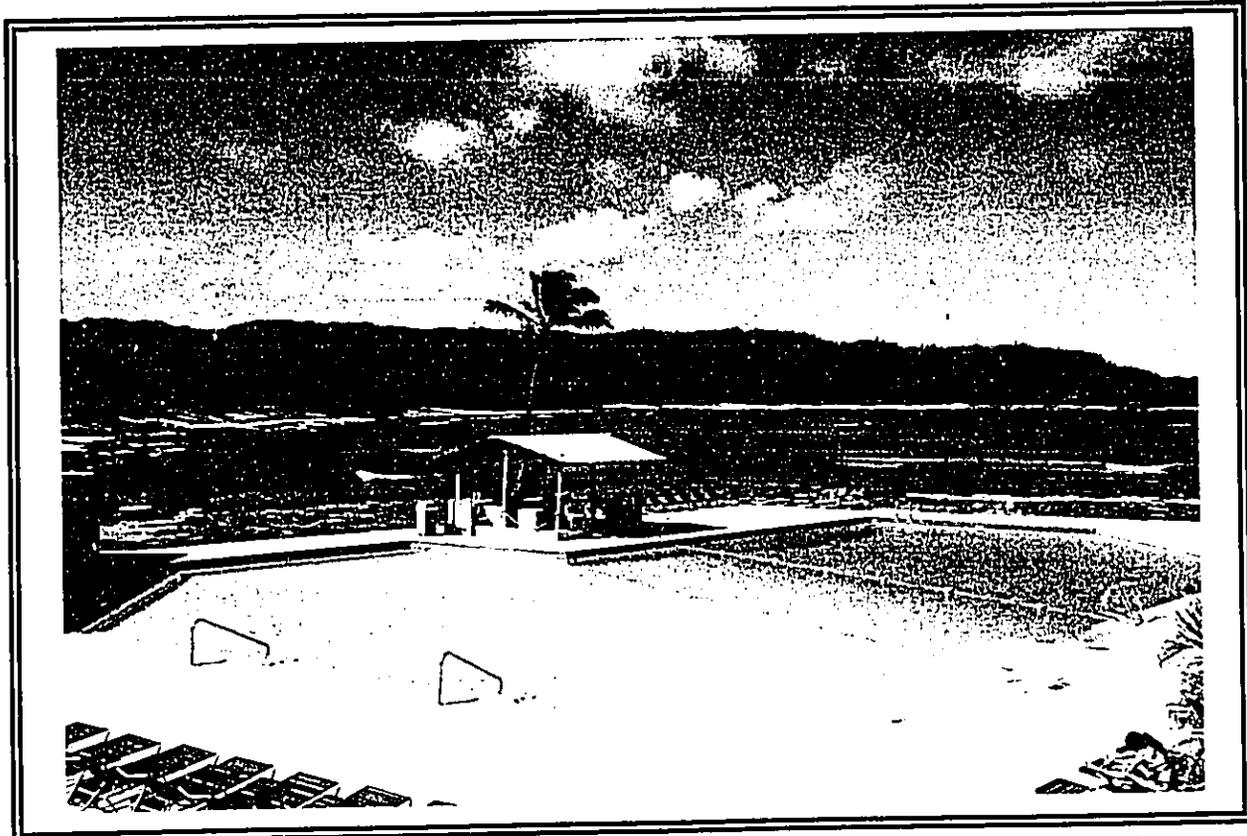
Photograph No. 3 - View of hotel Porte Cochere from entry drive



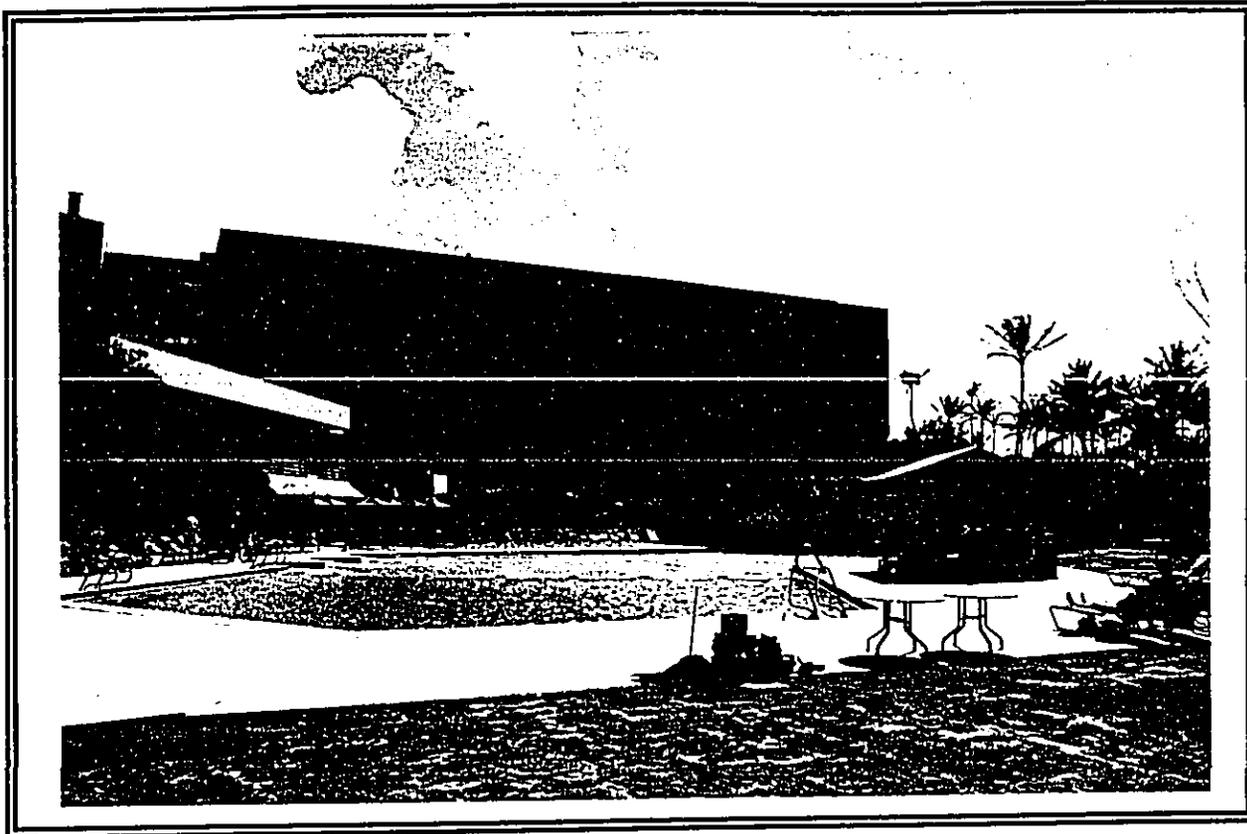
Photograph No. 4 - View of first two cottage buildings from hotel access drive



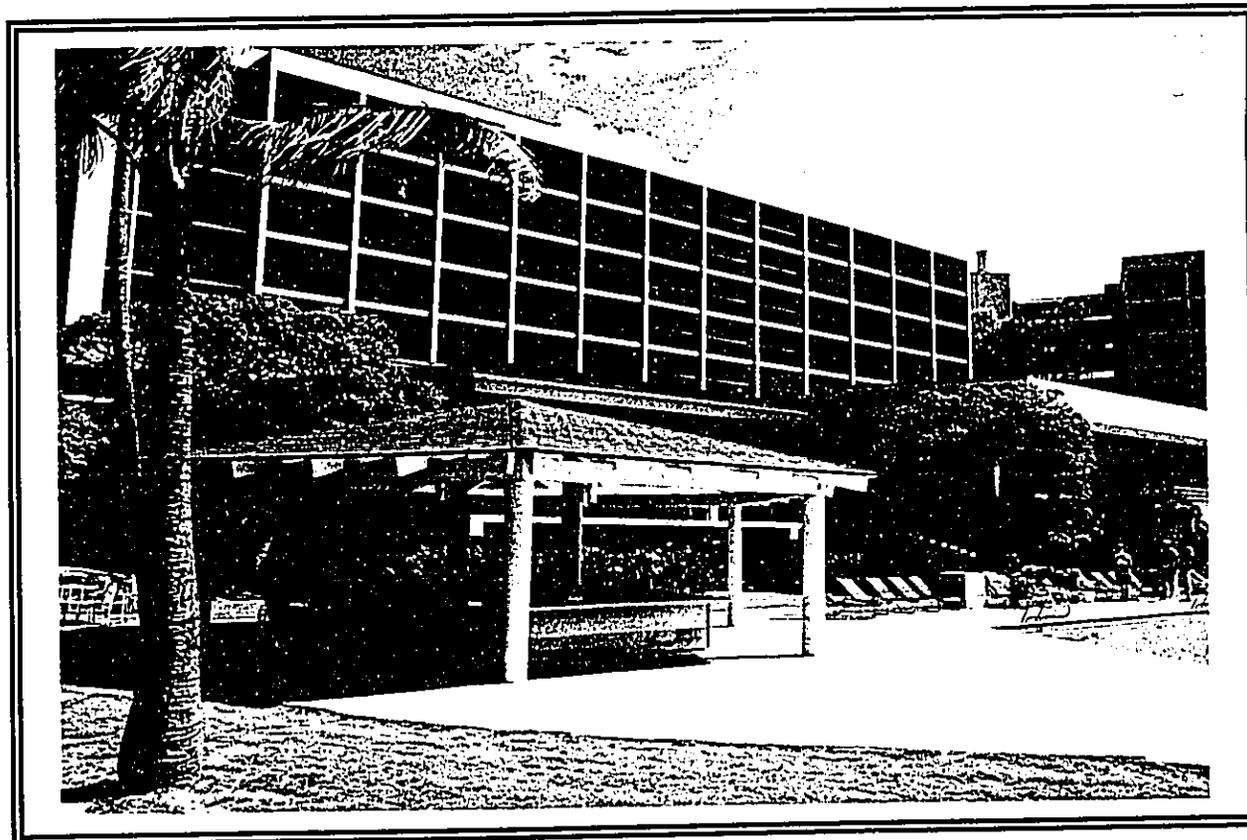
Photograph No. 5 - View of Lobby from Porte Cochere



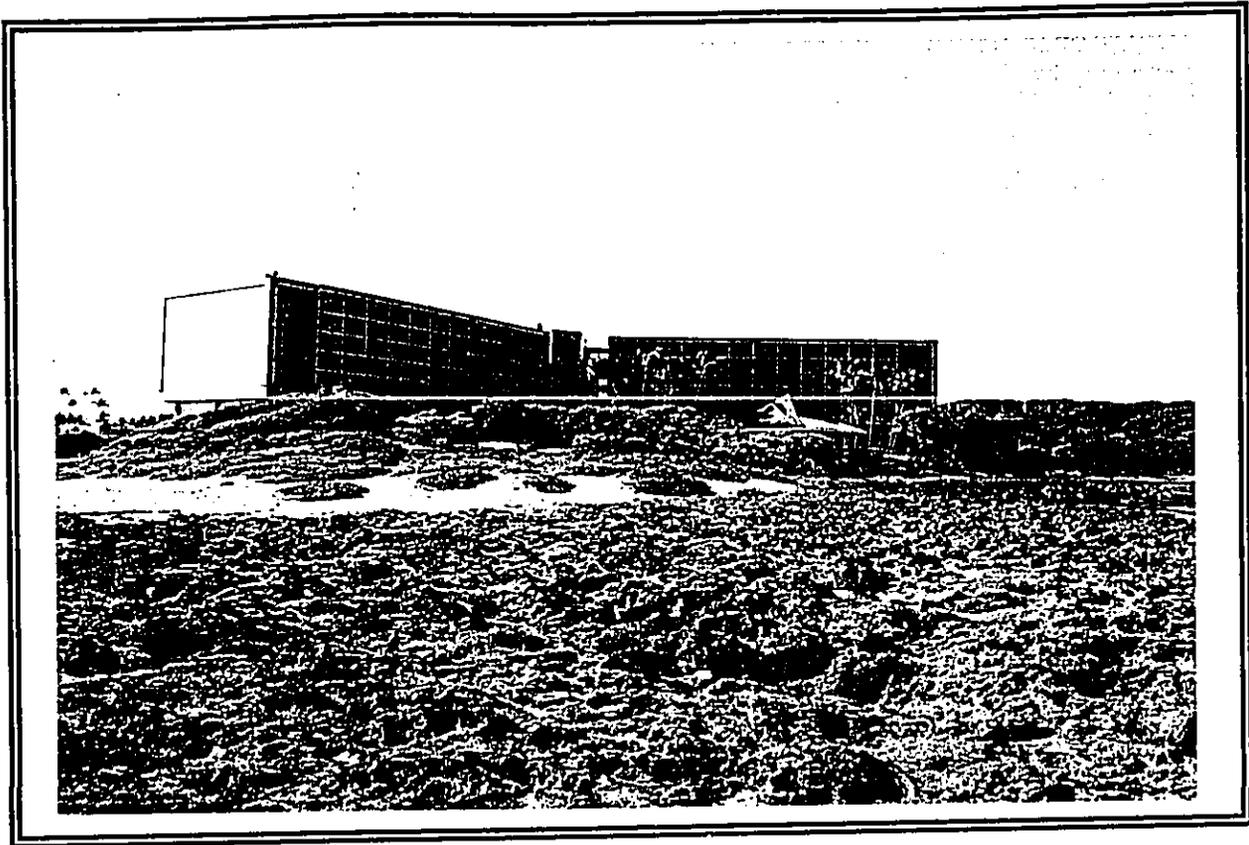
Photograph No. 6 - View of existing hotel swimming pool and pool towel structure (to be relocated)



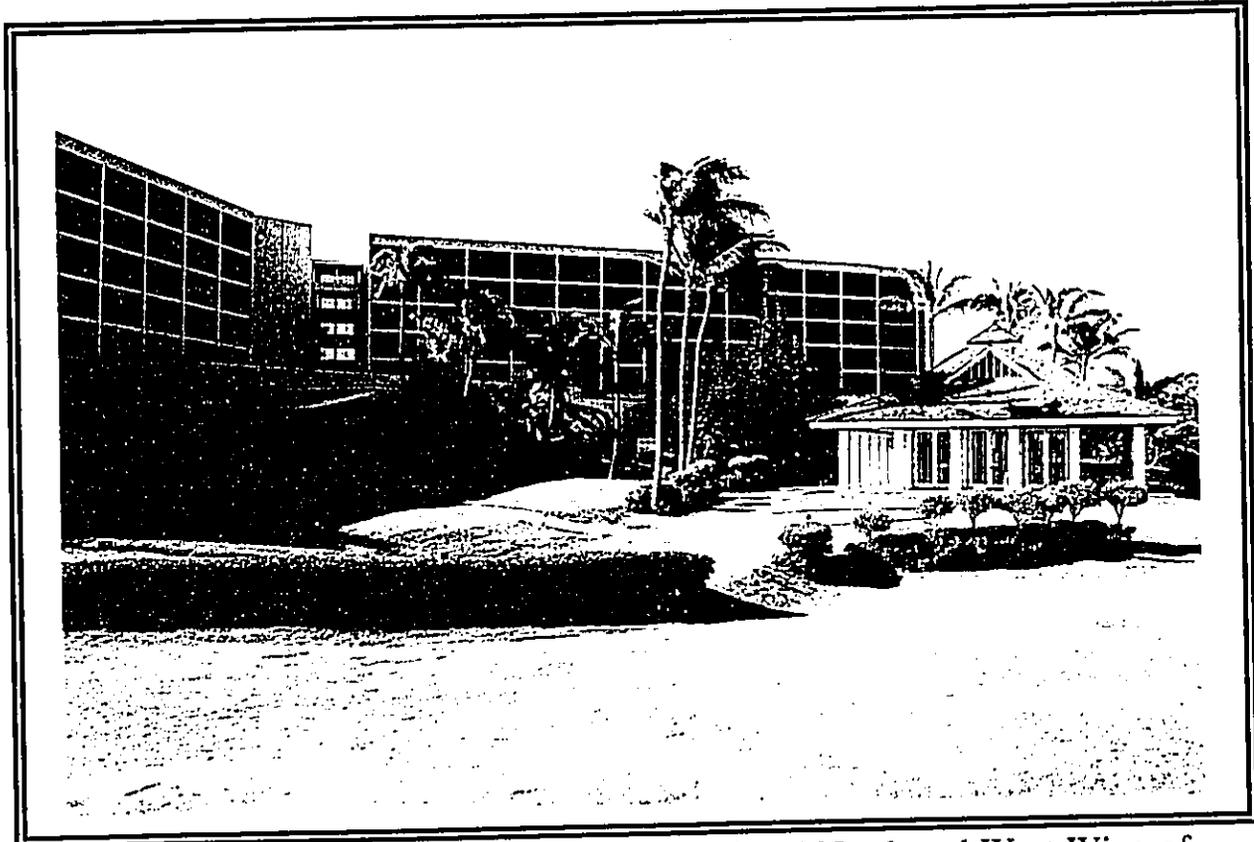
Photograph No. 7 - View of swimming pool and East Wing of hotel



Photograph No. 8 - View of Hang Ten Pool Bar and West Wing of hotel



Photograph No. 9 - View of North and West Wing of hotel from Kuilima Point



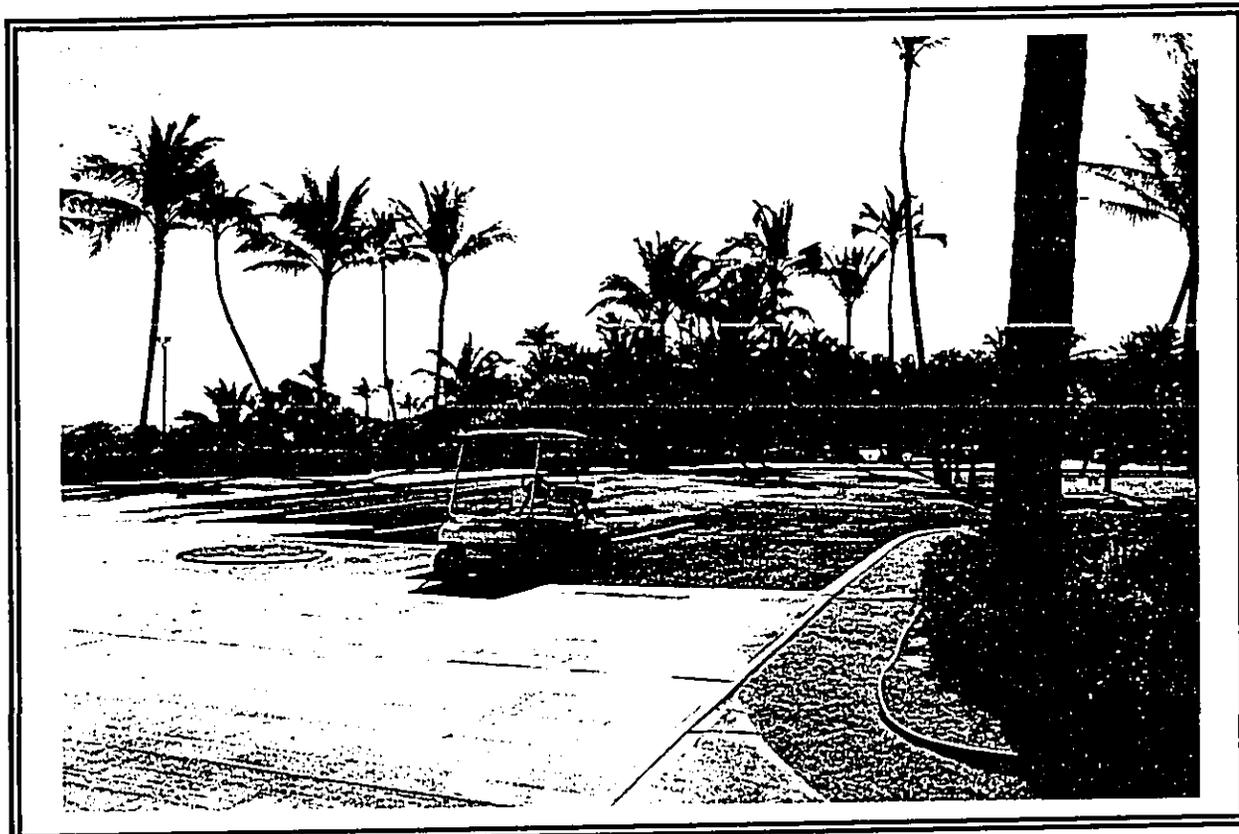
Photograph No. 10 - View of Wedding Chapel and North and West Wing of hotel and location of proposed Ballroom Expansion



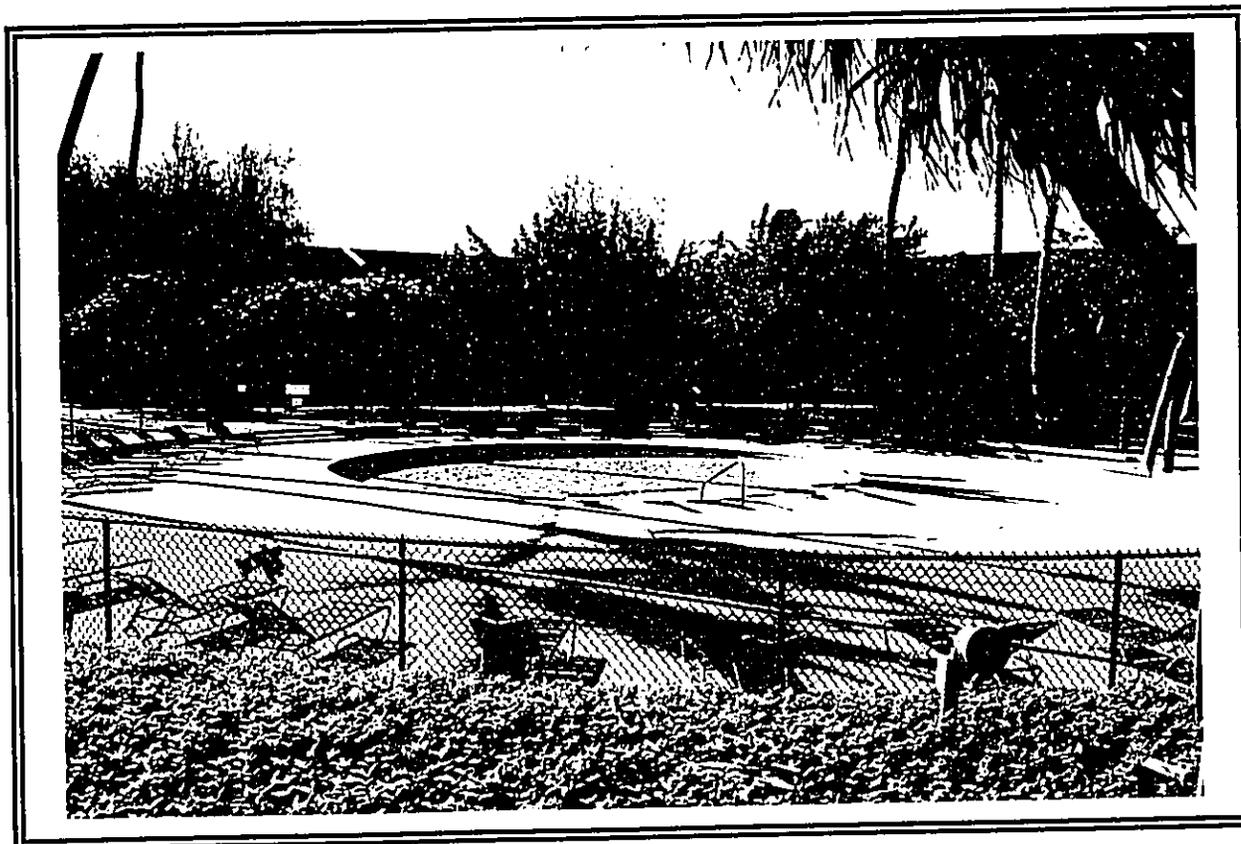
Photograph No. 11 - View of Intimate Cove (Kuilima Cove) and Ocean House



Photograph No. 12 - View of East and North Wing from Intimate Cove beach



Photograph No. 13 - View of Ocean Villa units from walkway south of Ocean House



Photograph No. 14 - View of Ocean Villa swimming pool

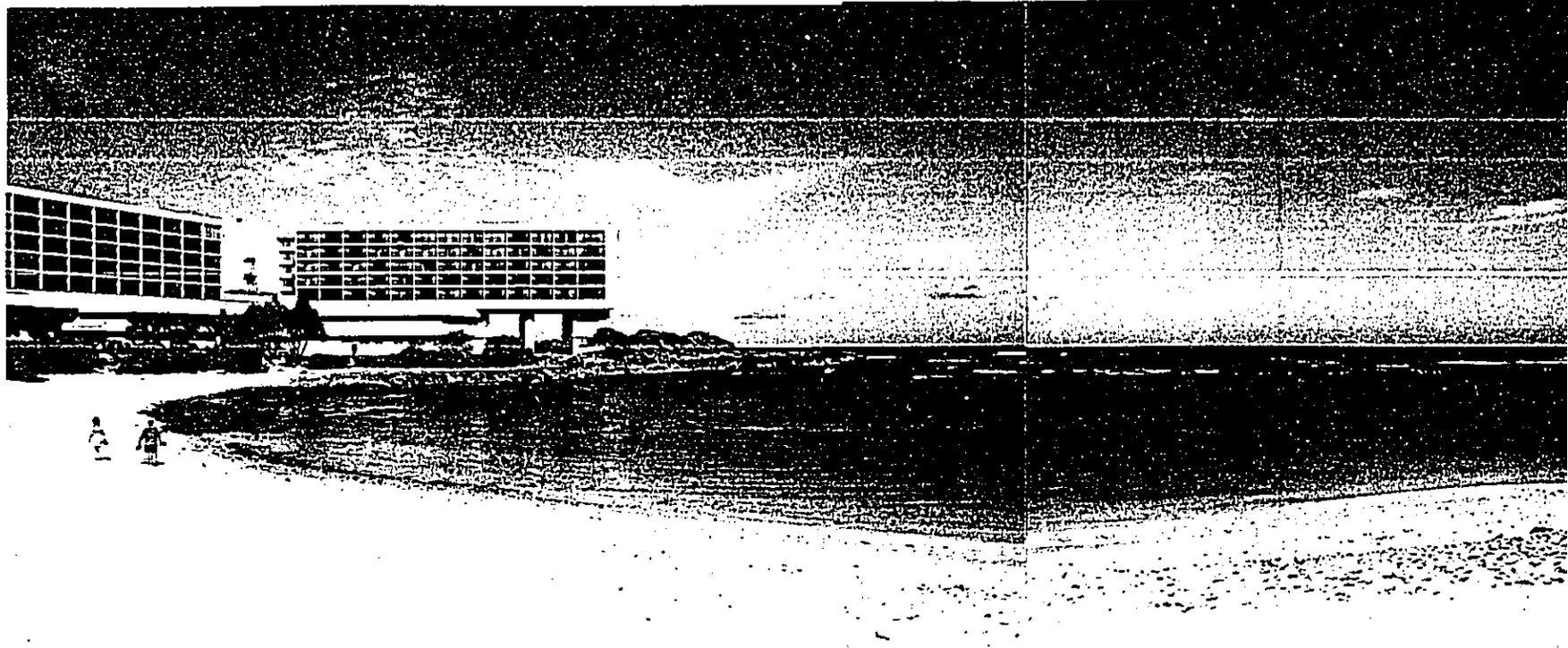
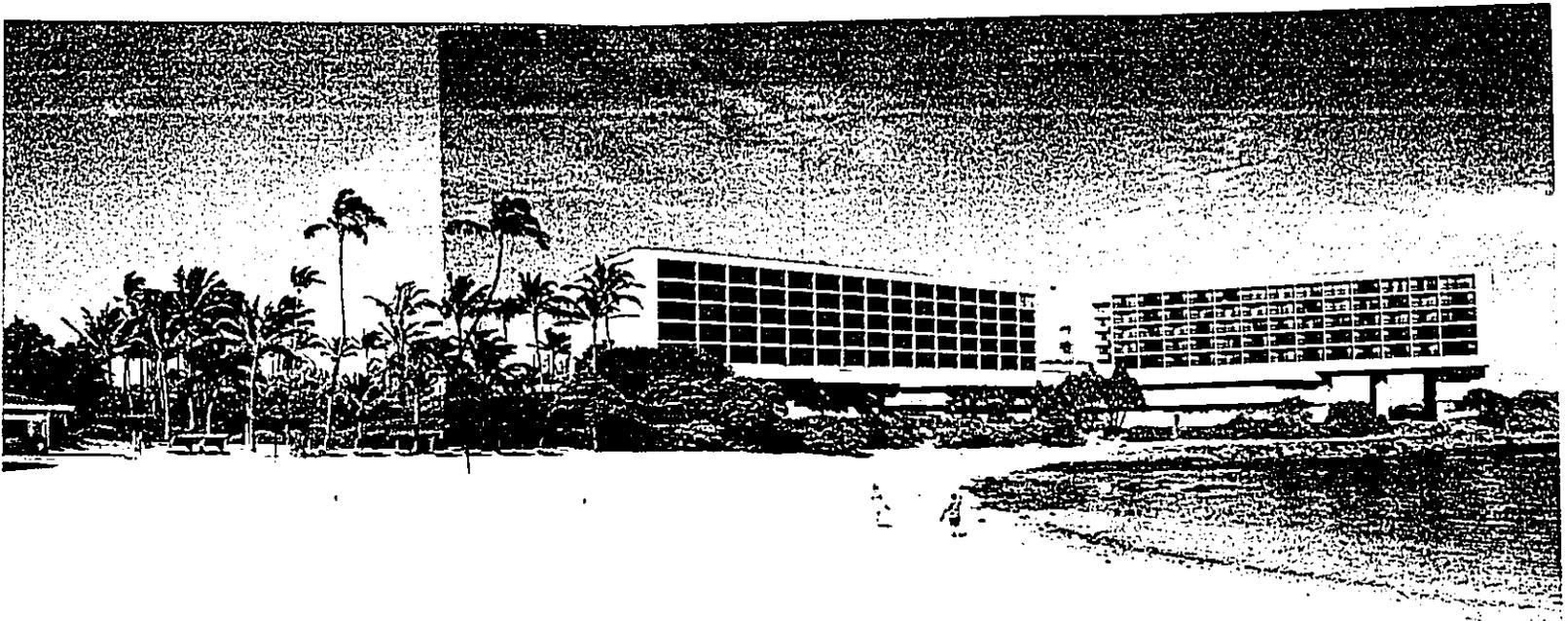


PHOTO 15 - VIEW OF KUILIMA COVE FROM BEACH



PHOTO 16 - VIEW OF WESTERN MOST OCEAN VILLA BUILDING TO



BUILDING TO HOTEL FROM BEACH



PHOTO 17 - CLOSE UP VIEW OF OCEAN VILLAS

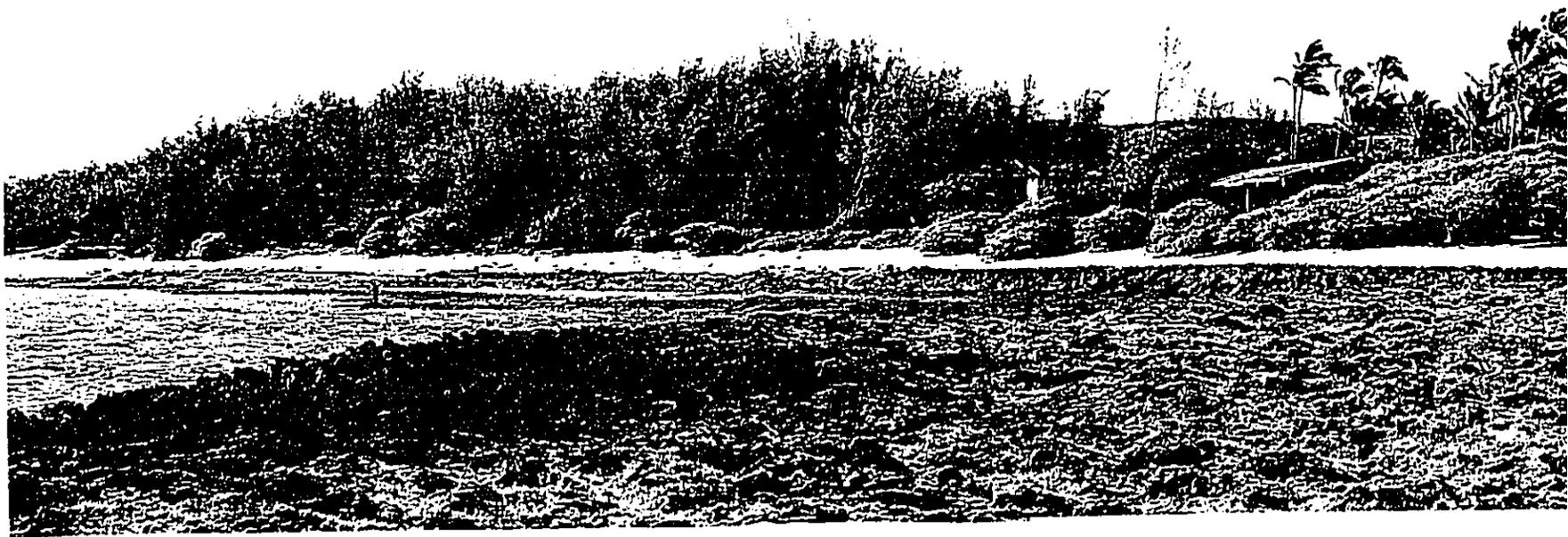
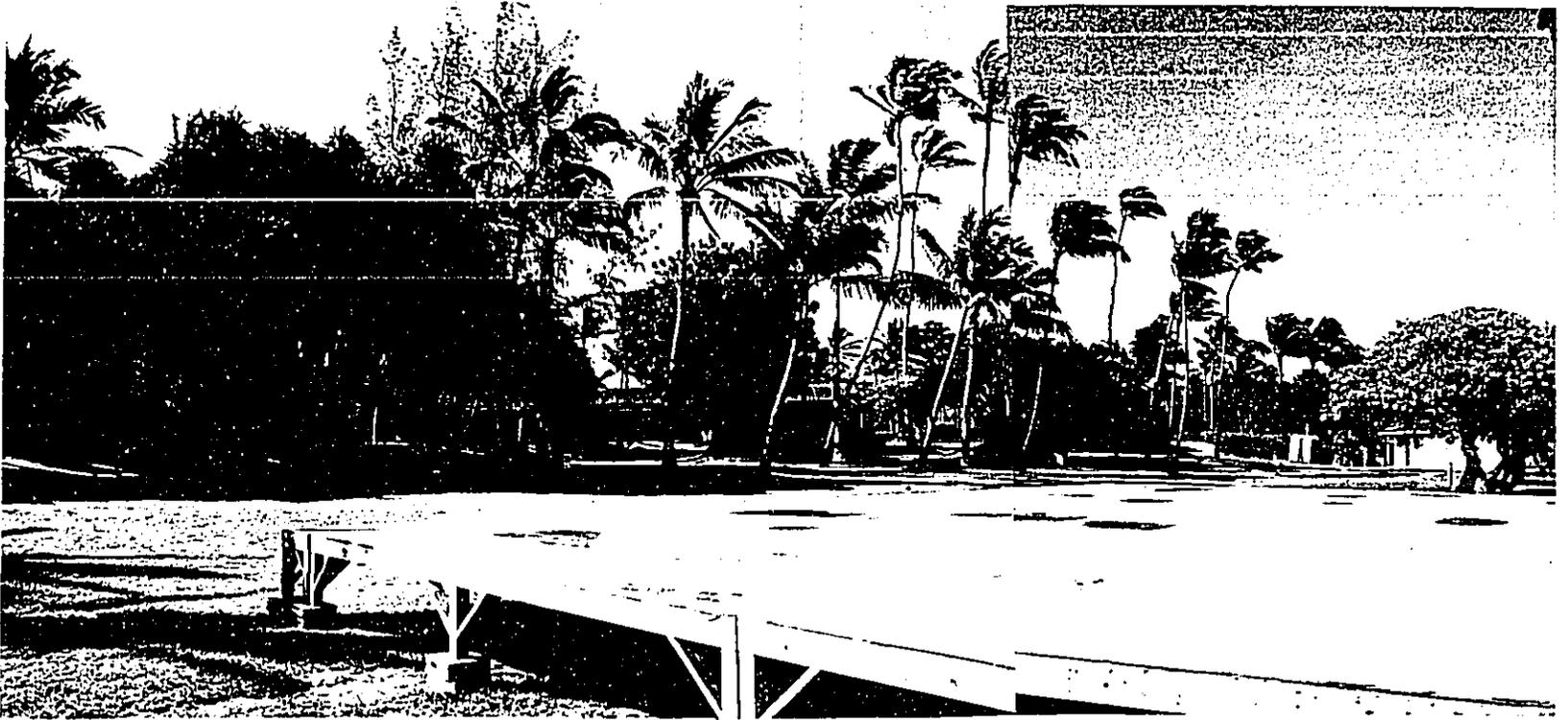


PHOTO 18 - VIEW OF OCEAN VILLAS FROM POINT EAST OF K

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EAST OF KUILIMA COVE

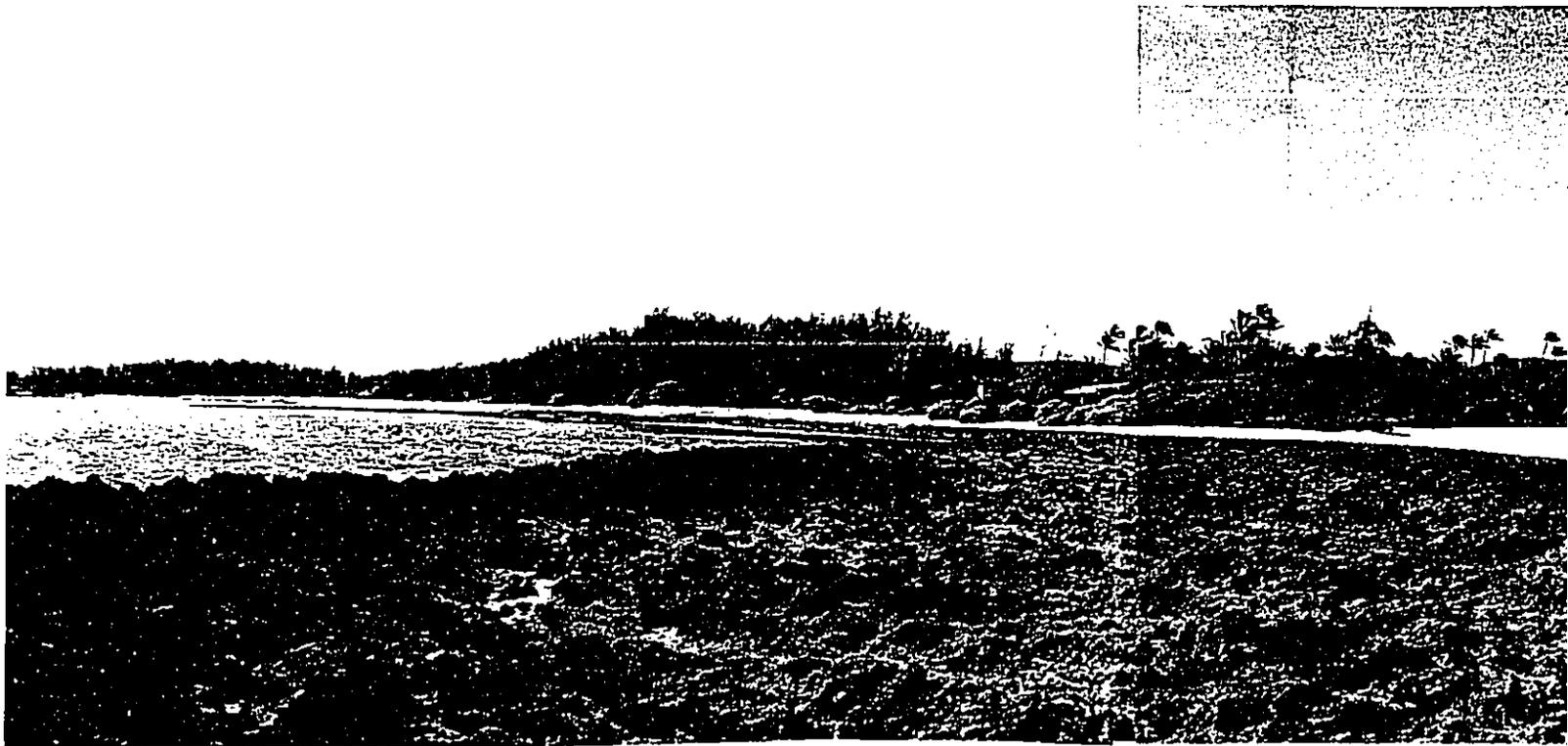


PHOTO 19 - VIEW OF OCEAN VILLAS AND COASTLINE

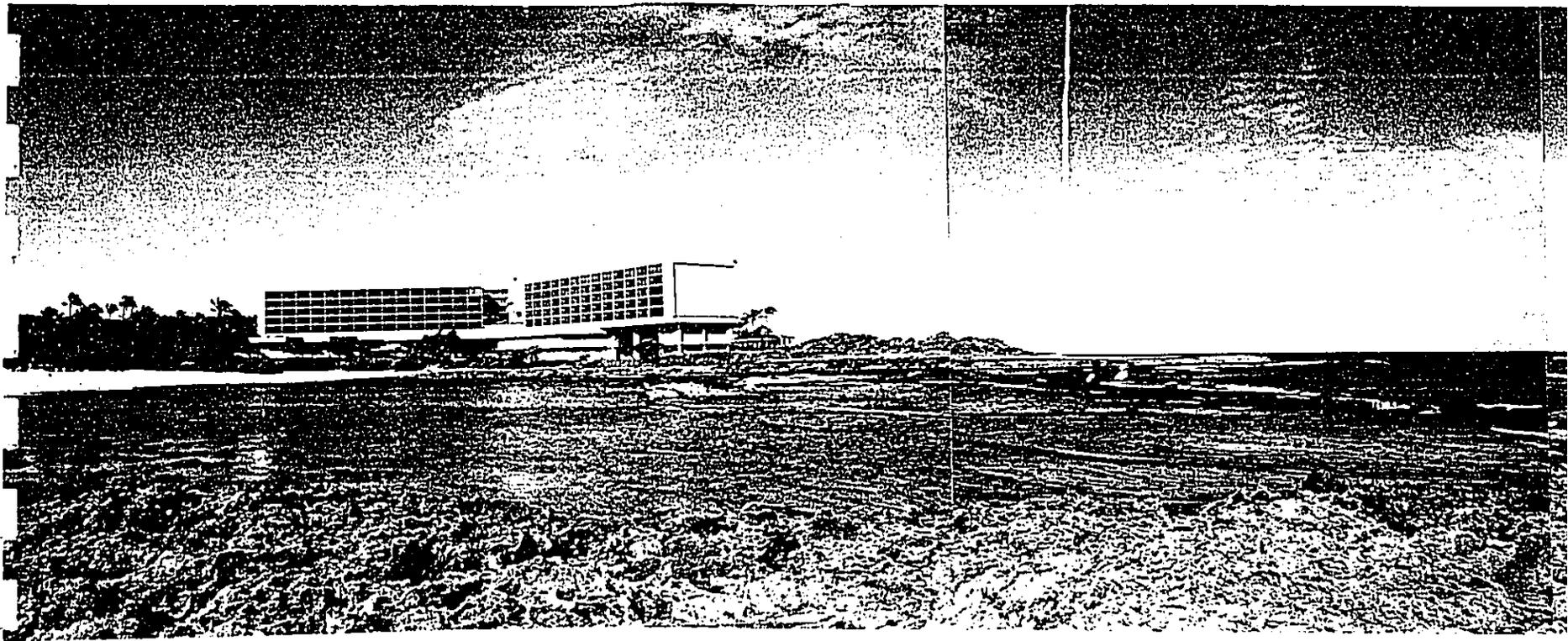
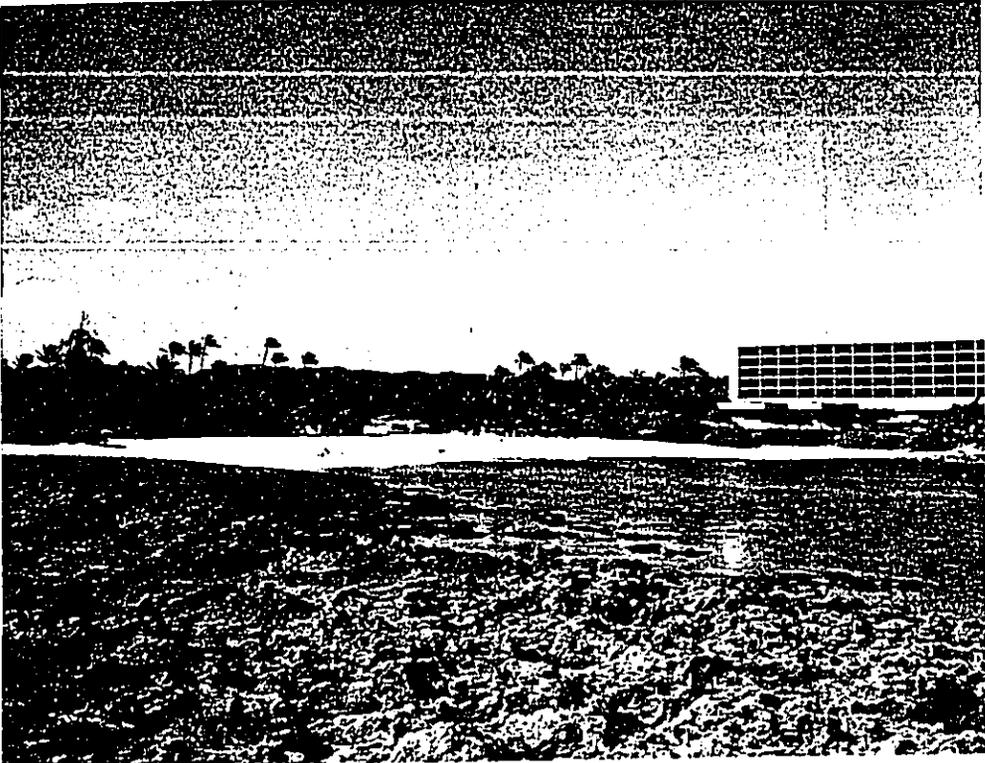
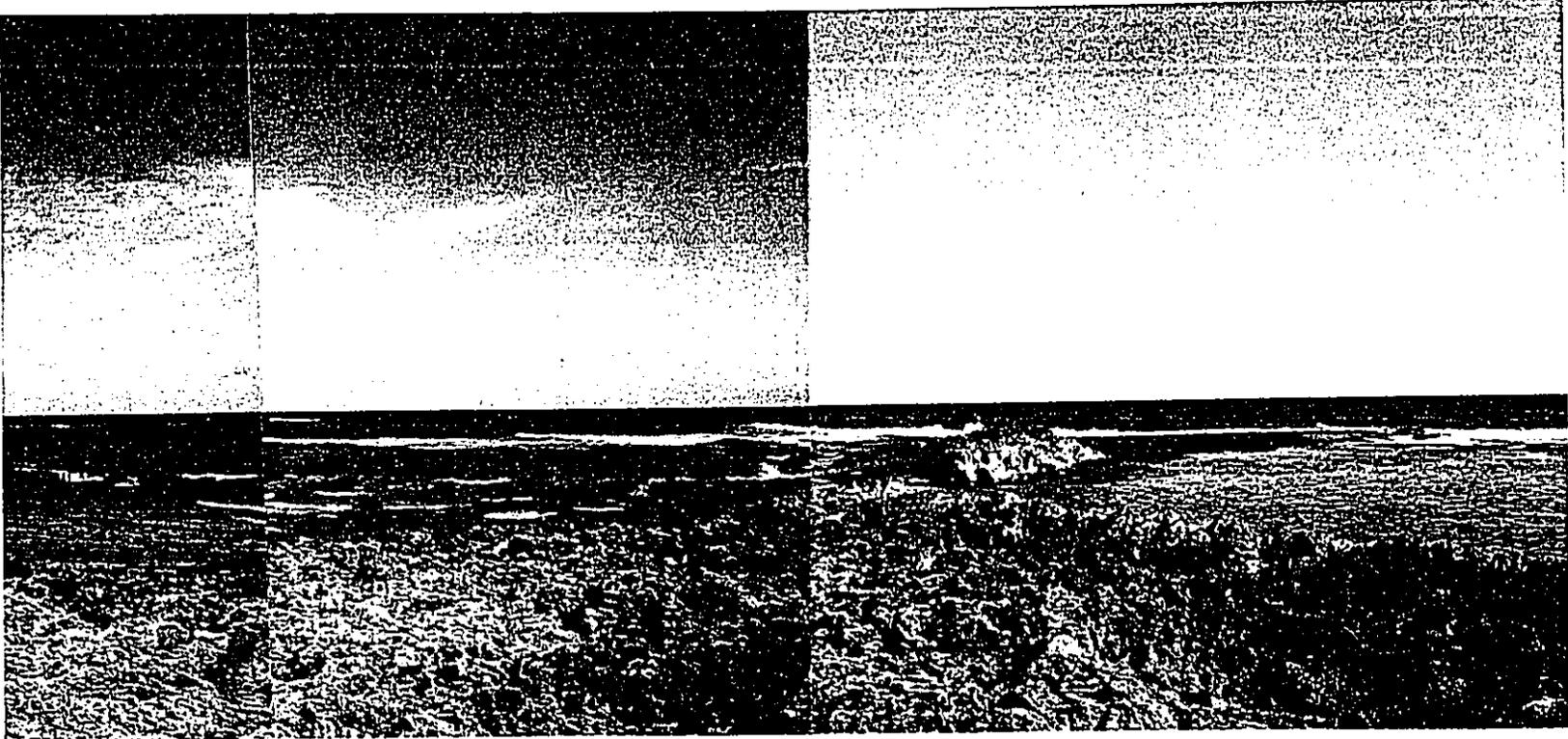


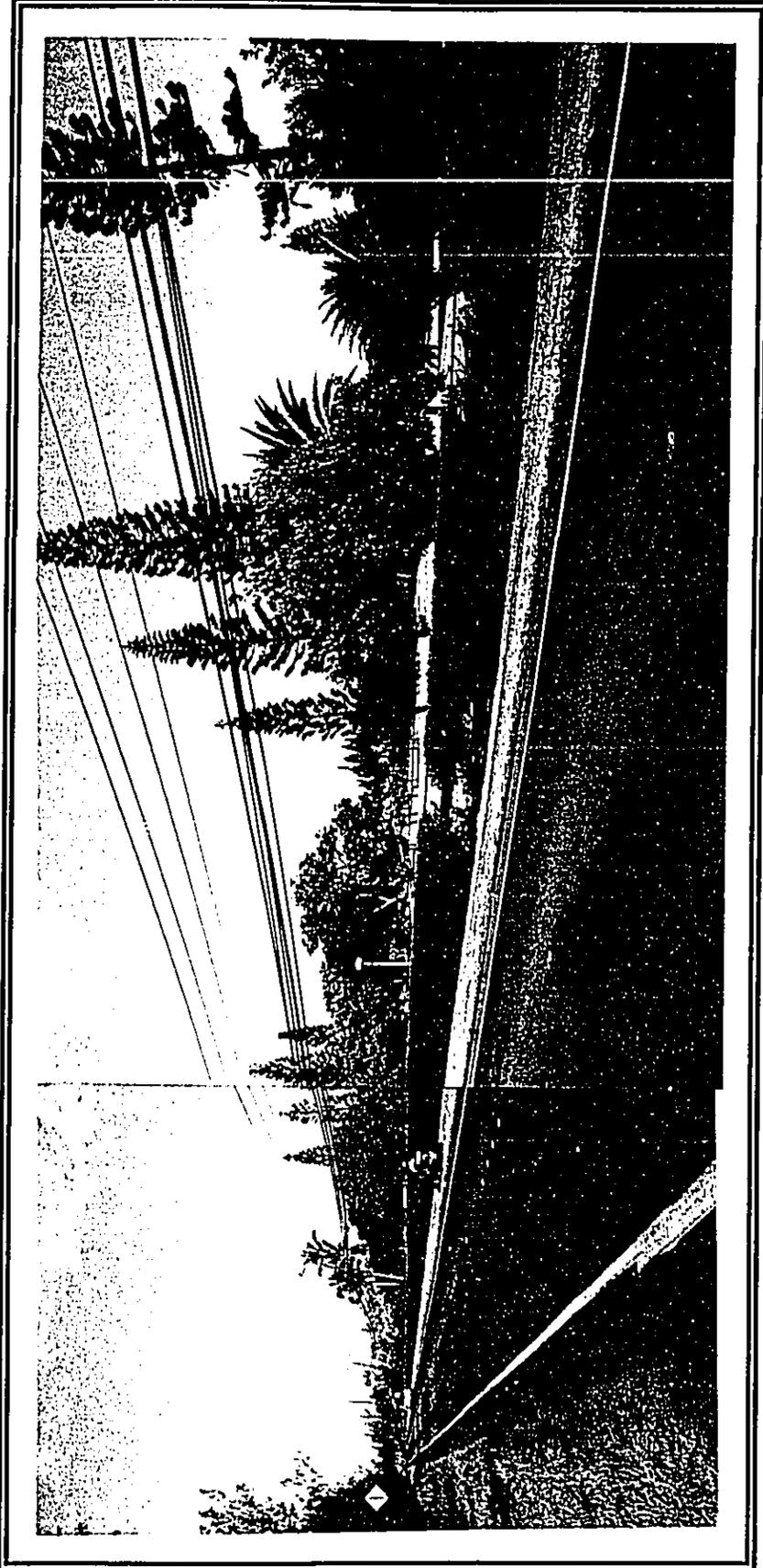
PHOTO 20 - VIEW OF OCEAN FRONTING KUILIMA COVE



LINE



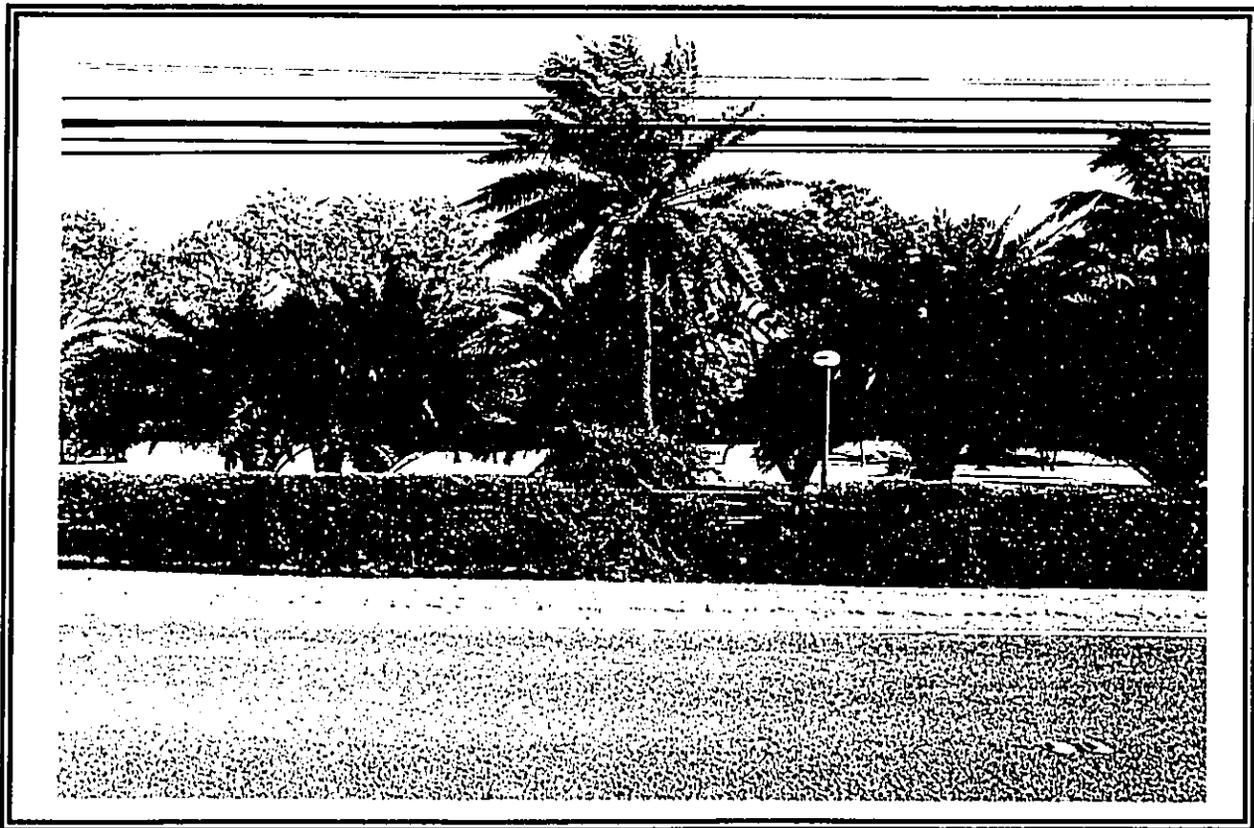
MA COVE



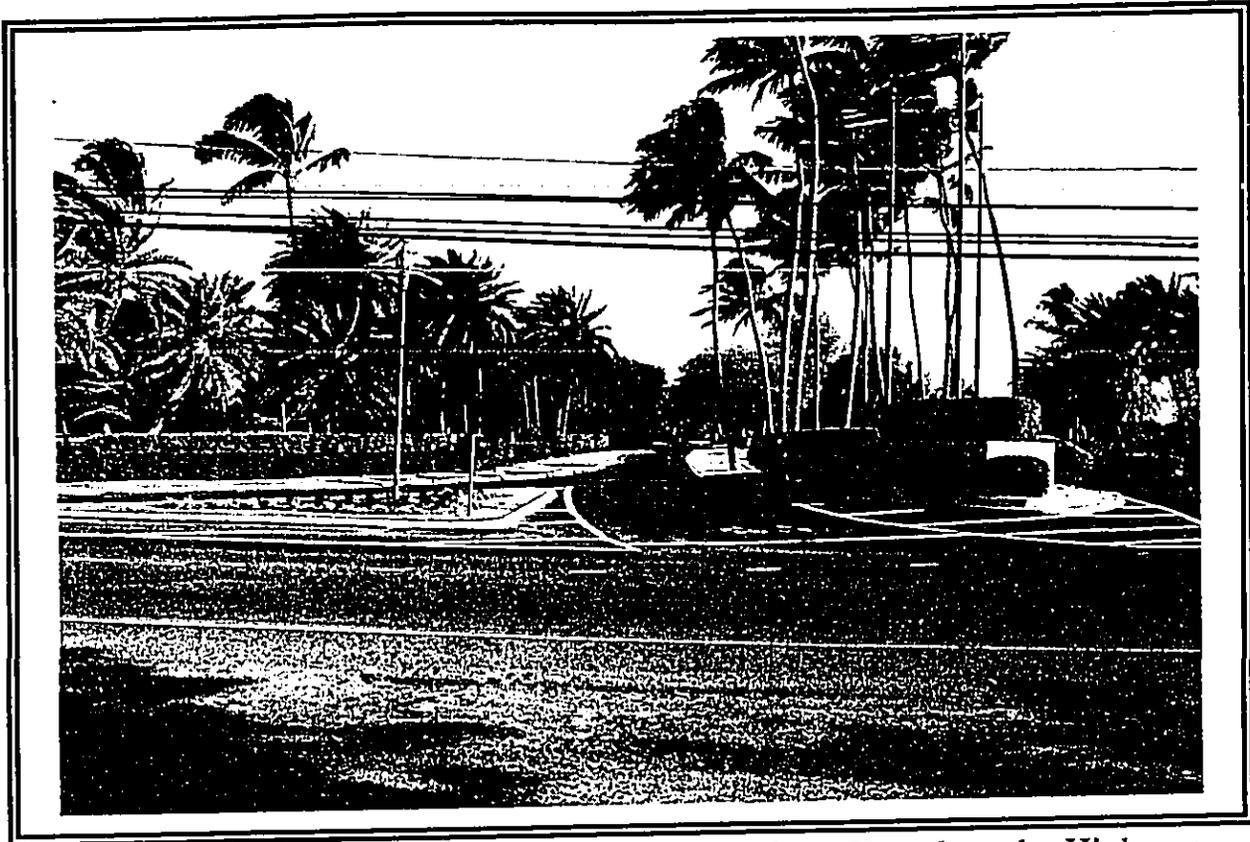
Photograph No. 21 - View looking west along Kamehameha Highway at point 500 feet west of Kuilima Drive



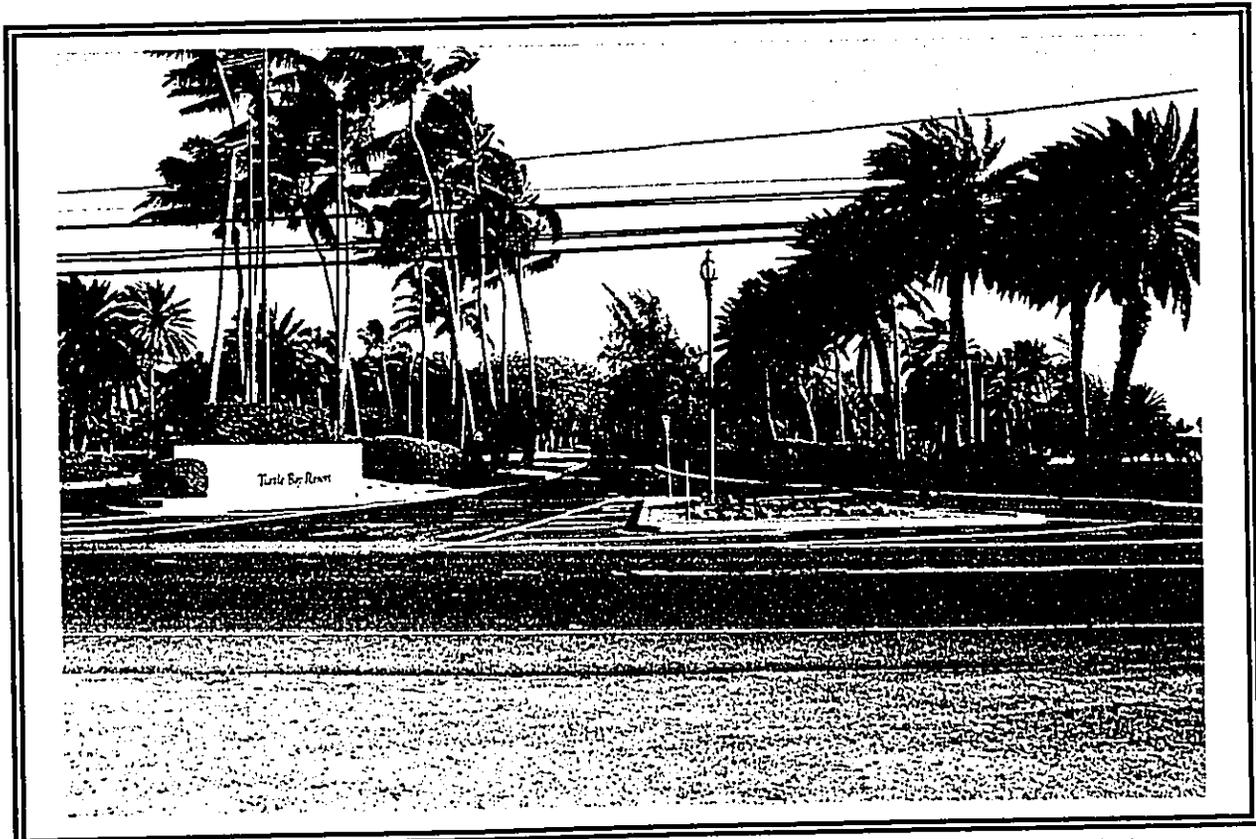
Photograph No. 22 - View looking toward hotel from Kamehameha Highway
400 feet west of Kuilima Drive



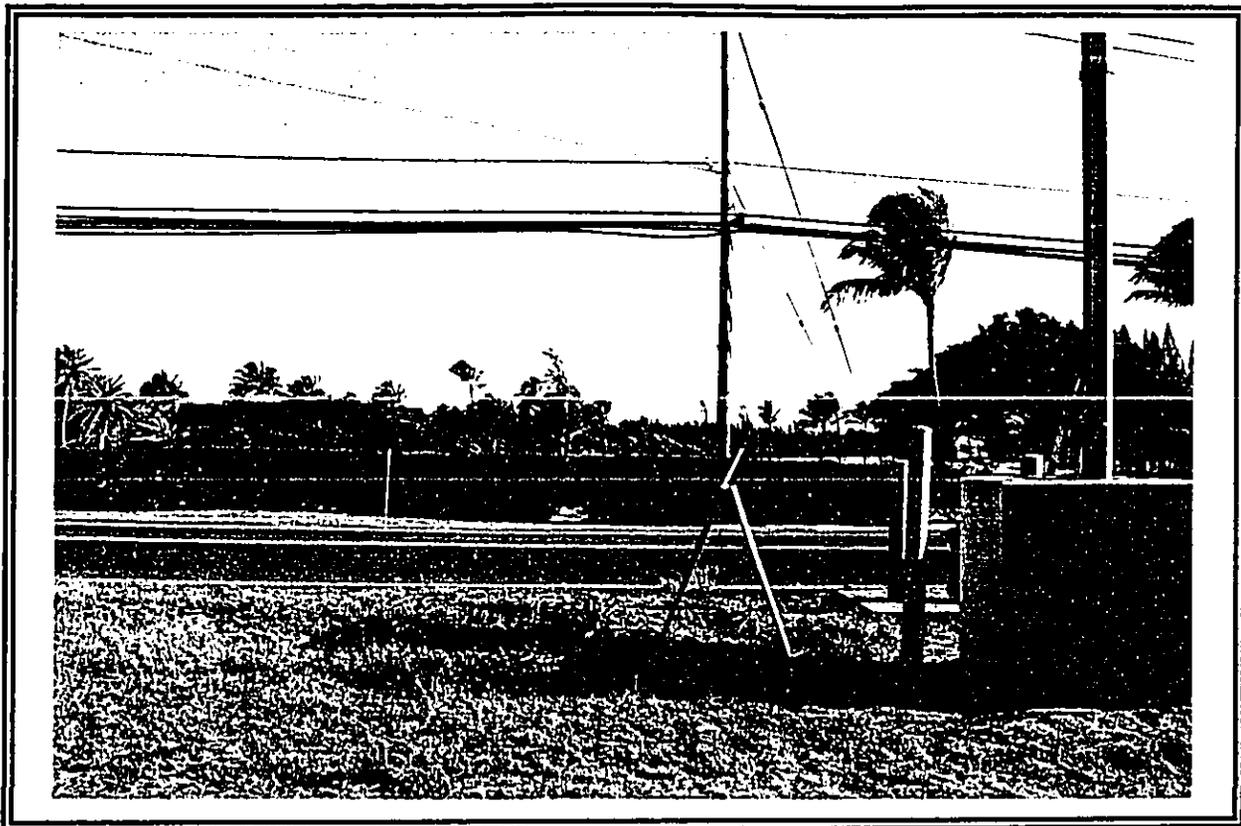
Photograph No. 23 - View looking toward hotel from Kamehameha Highway
200 feet west of Kuilima Drive



Photograph No. 24 - View looking toward hotel from Kamehameha Highway
from western edge of Kuilima Drive



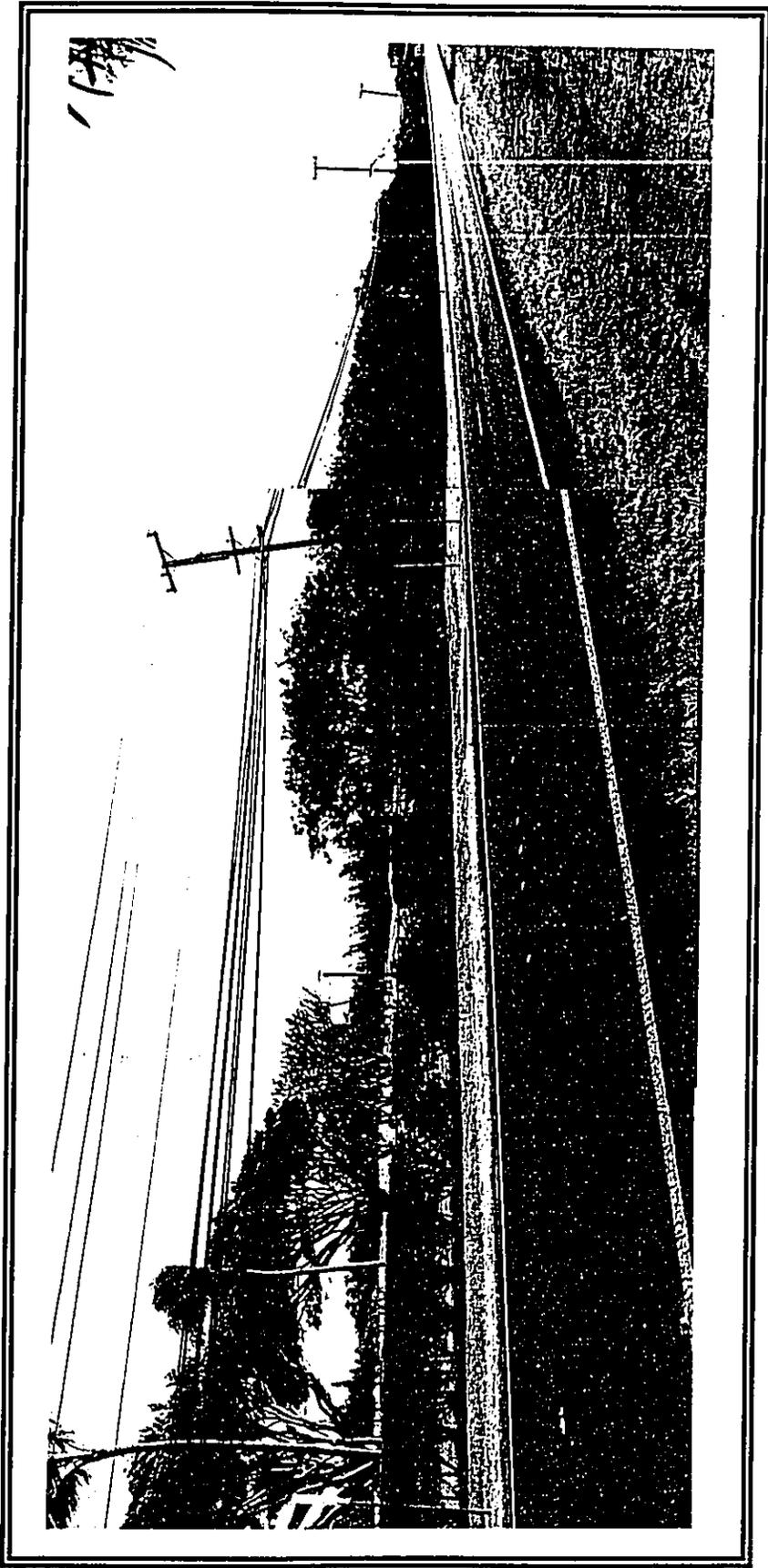
Photograph No. 25 - View looking toward hotel from Kamehameha Highway
from eastern edge of Kuilima Drive



Photograph No. 26 - View looking toward hotel from Kamehameha Highway
200 feet east of Kuilima Drive



Photograph No. 27 - View looking toward hotel from Kamehameha Highway
400 feet east of Kuilima Drive



Photograph No. 28 - View looking east along Kamehameha Highway at point 500 feet east of Kuilima Drive

APPENDIX XIII

**AGENCY AND PUBLIC COMMENTS AND
APPLICANT'S RESPONSE**

BENJAMIN J. CAYETANO
GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENT QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

October 8, 2002

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawai'i 96813

Dear Mr. Fujiki:

Subject: Draft Environmental Assessment for the Falktoft Shoreline Setback Variance, O'ahu

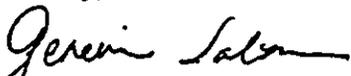
Thank you for the opportunity to review and comment on the subject project. We have the following comments.

1. Please consider moving facilities and hardened structures outside the 40-foot shoreline setback. Please show on a plan the relationship of the various improvements to the shoreline setback line.
2. Please describe the mitigation measures that will be undertaken to minimize oil spill associated with the fuel tank.
3. Please analyze the visual impacts of relocating the cooling towers to the hotel roof. Photos of existing conditions taken from public viewpoints are helpful in evaluating visual impacts. Provide renderings of future structures superimposed on photos of existing views. We recommend constructing and painting the cooling towers with materials and colors that blend with the surroundings.
4. Please list all the permits and approvals that are required for this project.
5. Please describe the impacts of this project on cultural resources. For assistance, please review the attached guidelines on cultural impact assessment.
6. Please provide your findings and reasons for supporting the finding of no significant impact based on the significant criteria listed in section 11-200-12 of Hawaii Administrative Rules. Please see the enclosed example.

Mr. Fujiki
Page 2

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,


Genevieve Salmonson
Director

c: ✓ Kusao & Kurahashi, Inc.

DETERMINATION, FINDINGS AND REASONS FOR SUPPORTING DETERMINATION

SIGNIFICANCE CRITERIA: According to the Department of Health Rules (I 1-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, the Rules establish "Significance Criteria" to be used as a basis for identifying whether significant environmental impact will occur. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria:

- (1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;

The proposed project will not impact scenic views of the ocean or any ridge lines in the area. The visual character of the area will change from the current agricultural land to an improved 4-lane highway which is compatible with the surrounding land use plans and programs being implemented for the region. The highway corridor is comprised of "Prime" agricultural land which is an important resource. Development of drainage systems will follow established design standards to ensure the safe conveyance and discharge of storm runoff. In addition, the subject property is located outside of the County's Special Management Area (SMA).

As previously noted, no significant archaeological or historical sites are known to exist within the corridor. Should any archaeologically significant artifacts, bones, or other indicators of previous onsite activity be uncovered during the construction phases of development, their treatment will be conducted in strict compliance with the requirements of the Department of Land and Natural Resources.

- (2) Curtails the range of beneficial uses of the environment;

Although the subject property is suitable for agricultural uses, the land area adjoining the Mokulele Highway is naturally suited for transportation purposes due to its location proximate to an existing highway system. To return the site to a natural environmental condition is not practical from both an environmental and economic perspective.

- (3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;

The proposed development is consistent with the Environmental Policies established in Chapter 344, HRS, and the National Environmental Policy Act.

- (4) Substantially affects the economic or social welfare of the community or state;

The proposed project will provide a significant contribution to Maui's future population by providing residents with the opportunity to "live and work in hannonny" in a high quality living environment. The proposed project is designed to support surrounding land use patterns, will not negatively or significantly alter existing residential areas, nor will unplanned population growth or its distribution be stimulated. The project's development is responding to projected population growth rather than contributing to new population growth by stimulating in-migration.

- (5) Substantially affects public health

Impacts to public health may be affected by air, noise, and water quality impacts, however, these will be insignificant or not detectable, especially when weighed against the positive economic, social, and quality of life implications associated with the project. Overall, air, noise, and traffic impacts will be significantly positive in terms of public health as compared to the "no action" alternative.

- (6) Involves substantial secondary impacts, such as population changes or effects on public facilities

Existing and planned large-scale housing development projects within Wailuku-Kahului and Kihei will contribute to a future population growth rate that will require expansion of public and private facilities and services. These

improvements will become necessary as the overall population of Maui grows and settlement patterns shift. However, the proposed project will not in itself generate new population growth, but provide needed infrastructure the area's present and future population.

In addition, new employment opportunities will generate new sources of direct and indirect revenue for individuals and the County of Maui by providing both temporary and long-term employment opportunities during the construction period. Indirect employment in a wide range of service related industries will also be created from construction during project development.

(7) Involves a substantial degradation of environmental quality;

The proposed development will utilize existing vacant agricultural land. With development of the proposed project, the addition of urban landscaping will significantly mitigate the visual impact of the development as viewed from outside the site while the overall design will complement background vistas.

Makai views from the subject property are available, however, they are not significant nor generally, available to the public in the property's present restricted condition.

(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

By planning now to address the future needs of the community and the State, improvement of the transportation system is consistent with the long term plans for Maui. No views will be obstructed or be visually incompatible with the surrounding area.

(9) Substantially affects a rare, threatened or endangered species or its habitat;

No endangered plant or animal species are located within the highway corridor.

(10) Detrimentially affects air or water quality or ambient noise levels;

Any possible impact to near-shore ecosystems resulting from surface runoff, will be mitigated by the establishment of on-site retention basins during the construction phases of development. After development, retention areas within the highway right-of-way will serve the same function to encourage recharge of the groundwater.

(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters.

Development of the property is compatible with the above criteria since there are not environmentally sensitive areas associated with the project and the physical character of the corridor has been previously disturbed by agricultural uses. As such, the property no longer reflects a "natural environment". Shoreline, valleys, or ridges will not be impacted by the development.

(12) Substantially affects scenic vistas and view planes identified in county or state plans or studies;

Due to topographical characteristics of the property, views of the area to be developed are generally not significant although they are visible. The majority of the proposed project will not be visible, except from higher elevations by the general public or from persons traveling along the highway.

(13) Requires substantial energy consumption.

The location of the proposed project is between Maui's major growth areas. This relationship will reduce travel times and energy consumption after project build out through efficiencies gained by the increased capacity of the highway. Construction of the proposed project will not require substantial energy consumption relative to other similar projects.

GUIDELINES FOR ASSESSING CULTURAL IMPACTS

Adopted by the Environmental Council, State of Hawaii

November 19, 1997

I. INTRODUCTION

It is the policy of the State of Hawaii under Chapter 343, HRS, to alert decision makers, through the environmental assessment process, about significant environmental effects which may result from the implementation of certain actions. An environmental assessment of cultural impacts gathers information about cultural practices and cultural features that may be affected by actions subject to Chapter 343, and promotes responsible decision making. Articles IX and XII of the State Constitution, other state laws, and the courts of the state require government agencies to promote and preserve cultural beliefs, practices, and resources of native Hawaiians and other ethnic groups. Chapter 343 also requires environmental assessment of cultural resources, in determining the significance of a proposed project.

The Environmental Council encourages preparers of environmental assessments and environmental impact statements to analyze the impact of a proposed action on cultural practices and features associated with the project area. The Council provides the following methodology and content protocol as guidance for any assessment of a project that may significantly affect cultural resources.

II. CULTURAL IMPACT ASSESSMENT METHODOLOGY

Cultural impacts differ from other types of impacts assessed in environmental assessments or environmental impact statements. A cultural impact assessment includes information relating to the practices and beliefs of a particular cultural or ethnic group or groups.

Such information may be obtained through scoping, community meetings, ethnographic interviews and oral histories. Information provided by knowledgeable informants, including traditional cultural practitioners, can be applied to the analysis of cultural impacts in conjunction with information concerning cultural practices and features obtained through consultation and from documentary research.

In scoping the cultural portion of an environmental assessment, the geographical extent of the inquiry should, in most instances, be greater than the area over which the proposed action will take place. This is to ensure that cultural practices which may not occur within the boundaries of the project area, but which may nonetheless be affected, are included in the assessment. Thus, for example, a proposed action that may not physically alter gathering practices, but may affect access to gathering areas would be included in the assessment. An ahupua'a is usually the appropriate geographical unit to begin an assessment of cultural impacts of a proposed action, particularly if it includes all of the types of cultural practices associated with the project area. In some cases, cultural practices are likely to extend beyond the ahupua'a and the geographical extent of the study area should take into account those cultural practices.

The historical period studied in a cultural impact assessment should commence with the initial presence in the area of the particular group whose cultural practices and features are being assessed. The types of cultural practices and beliefs subject to assessment may include subsistence, commercial, residential, agricultural, access-related, recreational, and religious and spiritual customs.

The types of cultural resources subject to assessment may include traditional cultural properties or other types of historic sites, both man made and natural, including submerged cultural resources, which support such cultural practices and beliefs.

The Environmental Council recommends that preparers of assessments analyzing cultural impacts adopt the following protocol:

- (1) identify and consult with individuals and organizations with expertise concerning the types of cultural resources, practices and beliefs found within the broad geographical area, e.g., district or ahupua'a;
- (2) identify and consult with individuals and organizations with knowledge of the area potentially affected by the proposed action;
- (3) receive information from or conduct ethnographic interviews and oral histories with persons having knowledge of the potentially affected area;
- (4) conduct ethnographic, historical, anthropological, sociological, and other culturally related documentary research;
- (5) identify and describe the cultural resources, practices and beliefs located within the potentially affected area; and
- (6) assess the impact of the proposed action, alternatives to the proposed action, and mitigation measures, on the cultural resources, practices and beliefs identified.

Interviews and oral histories with knowledgeable individuals may be recorded, if consent is given, and field visits by preparers accompanied by informants are encouraged. Persons interviewed should be afforded an opportunity to review the record of the interview, and consent to publish the record should be obtained whenever possible. For example, the precise location of human burials are likely to be withheld from a cultural impact assessment, but it is important that the document identify the impact a project would have on the burials. At times an informant may provide information only on the condition that it remain in confidence. The wishes of the informant should be respected.

Primary source materials reviewed and analyzed may include, as appropriate: Mahele, land court, census and tax records, including testimonies; vital statistics records; family histories and genealogies; previously published or recorded ethnographic interviews and oral histories; community studies, old maps and photographs; and other archival documents, including correspondence, newspaper or almanac articles, and visitor journals. Secondary source materials such as historical, sociological, and anthropological texts, manuscripts, and similar materials, published and unpublished, should also be consulted. Other materials which should be examined include prior land use proposals, decisions, and rulings which pertain to the study area.

III. CULTURAL IMPACT ASSESSMENT CONTENTS

In addition to the content requirements for environmental assessments and environmental impact statements, which are set out in HAR §§ 11-200-10 and 16 through 18, the portion of the assessment concerning cultural impacts should address, but not necessarily be limited to, the following matters:

1. A discussion of the methods applied and results of consultation with individuals and organizations identified by the preparer as being familiar with cultural practices and features associated with the project area, including any constraints or limitations which might have affected the quality of the information obtained.
2. A description of methods adopted by the preparer to identify, locate, and select the persons interviewed, including a discussion of the level of effort undertaken.
3. Ethnographic and oral history interview procedures, including the circumstances under which the interviews were conducted, and any constraints or limitations which might have affected the quality of the information obtained.
4. Biographical information concerning the individuals and organizations consulted, their particular expertise, and their historical and genealogical relationship to the project area, as well as information concerning the persons submitting information or interviewed, their particular knowledge and cultural expertise, if any, and their historical and genealogical relationship to the project area.
5. A discussion concerning historical and cultural source materials consulted, the institutions and repositories searched, and the level of effort undertaken. This discussion should include, if appropriate, the particular perspective of the authors, any opposing views, and any other relevant constraints, limitations or biases.

6. A discussion concerning the cultural resources, practices and beliefs identified, and, for resources and practices, their location within the broad geographical area in which the proposed action is located, as well as their direct or indirect significance or connection to the project site.
7. A discussion concerning the nature of the cultural practices and beliefs, and the significance of the cultural resources within the project area, affected directly or indirectly by the proposed project.
8. An explanation of confidential information that has been withheld from public disclosure in the assessment.
9. A discussion concerning any conflicting information in regard to identified cultural resources, practices and beliefs.
10. An analysis of the potential effect of any proposed physical alteration on cultural resources, practices or beliefs; the potential of the proposed action to isolate cultural resources, practices or beliefs from their setting; and the potential of the proposed action to introduce elements which may alter the setting in which cultural practices take place.
11. A bibliography of references, and attached records of interviews which were allowed to be disclosed.

The inclusion of this information will help make environmental assessments and environmental impact statements complete and meet the requirements of Chapter 343, HRS. If you have any questions, please call us at 586-4185.

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

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January 17, 2003

Ms. Genevieve Salmonson, Director
State of Hawaii
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Attention: Jeyan Thirugnanam

**Subject: Special Management Area Use Permit and Shoreline and
Shoreline Setback Variance Application and Draft
Environmental Assessment Report for the Proposed Renovations
And Expansion of the Turtle Bay Resort at Kuilima
Tax Map Key 5-7-1: Portion of 13**

Dear Ms. Salmonson:

Thank you for your letter to the Department of Planning and Permitting, dated October 8, 2002, responding to their request for comments on the Special Management Area Use Permit and Shoreline and Shoreline Setback Variance Application and Draft Environmental Assessment Report for the proposed renovations and expansion of the Turtle Bay.

In response to your comments:

1. The following describes the facilities and hardened structures planned within the 40-foot shoreline setback area, the basis for requesting the encroachment and the plan that shows the improvements relationship with the 40-foot shoreline setback line:
 - a. The corner of the meeting room that encroaches into the shoreline setback line involves enclosure of airspace under the East Wing Hotel Tower. No new hard surface improvements are planned on

the ground level within the 40-foot shoreline setback area. The relationship with the 40-foot shoreline setback is shown on the Site Plan, Design Note 25 (Sheet A-1).

- b. The existing swimming pool is planned for renovation to create a more free form and natural appearance along its edges including the addition of rock formations to the edges and possibly within the pool to create a natural lagoon appearance to the pool. The relationship of the planned improvements with the shoreline setback is shown on the Site Plan, Design Note 22 (Sheet A-1).
- c. The existing towel station is located within the 40-foot shoreline setback and is planned for relocation to an area well outside of the 40-foot shoreline setback as shown on the Site Plan, just south of the existing swimming pool - Key Note 7 and the new towel station - Design Note 24 (Sheet A-1).
- d. We have eliminated plans to add two new lights that were planned west of the West Wing, including one light that was within the 40-foot setback.
- e. The proposed improvements to the existing shower located within the 40-foot shoreline setback would better serve surfers and fishermen. The shower and the proposed surboard rack that will be located near the shower, also within the 40-foot setback, are necessary beach recreational amenities that by function are best located within the setback. These improvements are shown on the Site Plan, Design Notes 5 and 7 (Sheet A-1).
- f. The bridge which is planned to provide better accessibility (ADA access) between the cottage area and the swimming pool will be located within the 40-foot setback and will extend over a natural depressed area. This improvement located within the 40-foot setback area is an important ADA improvement shown on the Site Plan, Design Note 8 (Sheet A-1).

- g. The proposed pipe mounted standing binocular viewers provide additional recreational improvements that by function need to be located within the 40-foot setback and are shown on the Site Plan, Design Note 3 (Sheet A-1).
- h. The final structural improvement planned within the 40-foot shoreline setback is the proposed retaining wall necessary to prevent the undermining of the existing east drive that provides fire vehicle access to the rear of the Hotel. This improvement is shown on the Site Plan, Design Note 12 (Sheet A-1).

These improvements, due to location of existing facilities or function need to be located within the 40-foot setback. We have, however, eliminated two new lights that were planned west of the West Wing, including one light that was within the 40-foot setback and in accordance with our initial plan intend to relocate a towel station structure to an area outside of the 40-foot setback.

2. The fuel tank has been designed with a double wall to ensure containment should the inner wall fail.
3. The cooling towers approved under separate permit have been superimposed on a photograph of the Hotel taken from the beach area at the Kuilima Cove (Kalokoiki Beach). See attached retouched photos showing the cooling tower installation. If necessary, the cooling towers may be painted to match and blend with the existing hotel structure.
4. All permits and approvals required for this development will be described in the Final EA.
5. The proposed improvements will not alter or impact existing access to the beach and shoreline areas (cultural resources). The planned improvements will not hinder or impede access to cultural resources. We are currently providing one shoreline access and 18 parking stalls to the public and plan

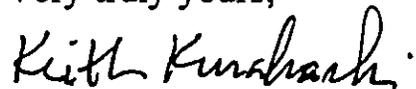
Ms. Genevieve Salmonson
Page 4

to provide an additional beach and shoreline access with showers and a new surfboard rack. Based on existing practices, the Kuilima Cove area has been established as a swimming area and the area next to the Hotel's West Wing has been utilized as a surf spot, while other areas along the shoreline to the west of the Hotel, fronting the cottages and the area north of the Ocean Villas have proven popular with fishermen. These areas will continue to provide beach and ocean enjoyment and will not be adversely affected by the planned improvements.

6. Our findings and reasons for supporting the finding of no significant impact based on the significance criteria listed in Section 11-200-12 of Hawaii Administrative Rules will be included in the Final EA.

Your letter and this response will be included in the Final EA

Very truly yours,



Keith Kurahashi

encl.

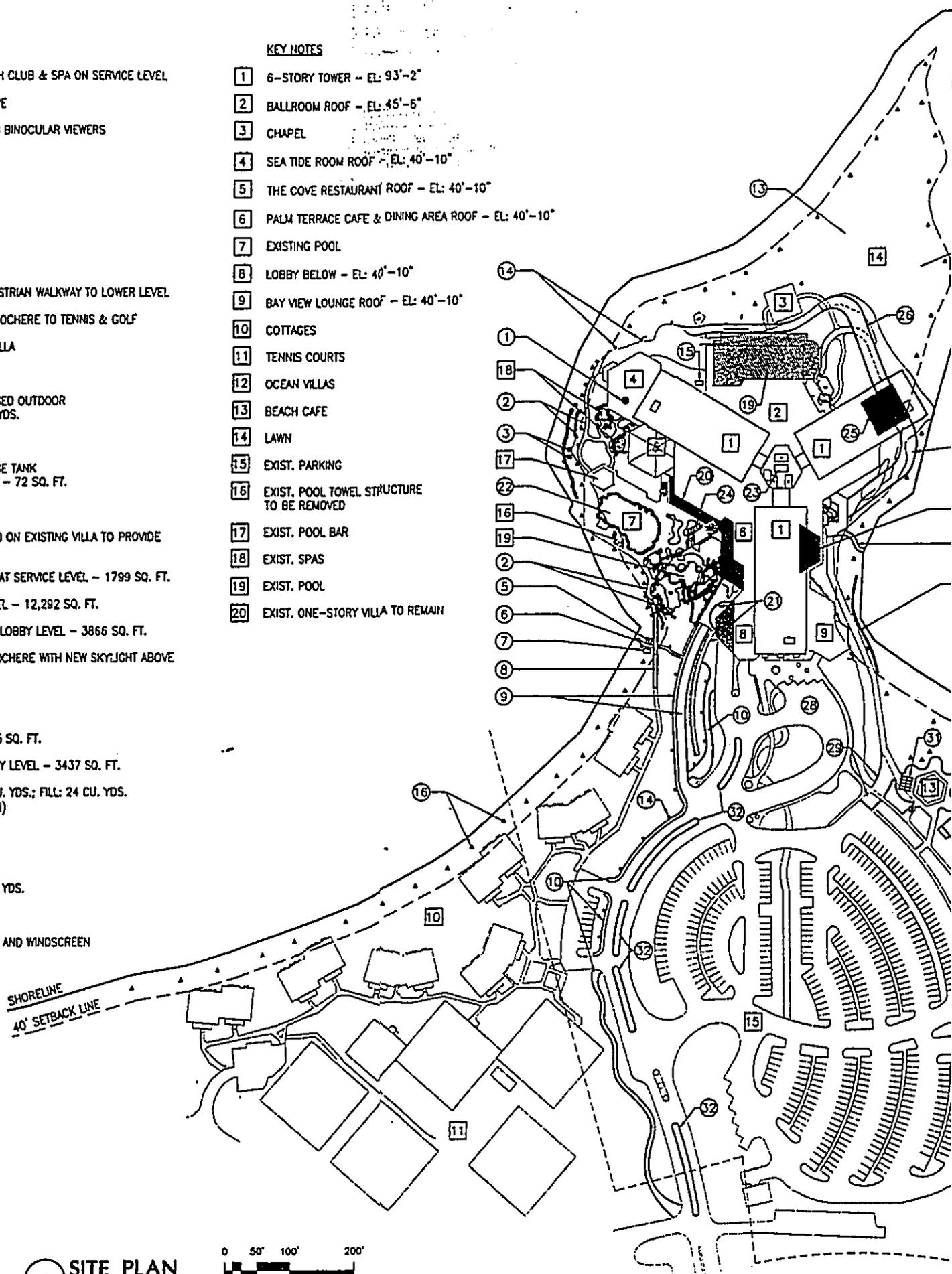
cc: Kuilima Resort Company
Department of Planning and Permitting

DESIGN NOTES

- ① NEW SPA ADJACENT TO HEALTH CLUB & SPA ON SERVICE LEVEL
- ② NEW HARDSCAPE & LANDSCAPE
- ③ NEW PIPE MOUNTED STANDING BINOCULAR VIEWERS
- ④ NOT USED
- ⑤ EXPANDED SURFER SHOWER
- ⑥ NEW SURFER BEACH ACCESS
- ⑦ NEW SURFBOARD RACK
- ⑧ BRIDGE
- ⑨ PAVED VEHICLE RAMP & PEDESTRIAN WALKWAY TO LOWER LEVEL
- ⑩ NEW SIDEWALK FROM PORTE COCHERE TO TENNIS & GOLF
- ⑪ ADDITION OF NEW 3-STORY VILLA
- ⑫ NEW RETAINING WALL
- ⑬ NEW GRADED AREA FOR GRASSED OUTDOOR FUNCTIONS - CUT: 1500 CU. YDS.
- ⑭ NEW LIGHTING
- ⑮ LOCATION OF FUEL OIL STORAGE TANK FOR EMERGENCY GENERATORS - 72 SQ. FT.
- ⑯ TRK TORCHES
- ⑰ NEW LEVEL(S) & STAIRS ADDED ON EXISTING VILLA TO PROVIDE A 3-STORY OCEAN VILLA
- ⑱ NEW ADMINISTRATION OFFICES AT SERVICE LEVEL - 1799 SQ. FT.
- ⑲ NEW BALLROOM AT LOBBY LEVEL - 12,292 SQ. FT.
- ⑳ NEW COVERED PROMENADE AT LOBBY LEVEL - 3866 SQ. FT.
- ㉑ EXPANDED RADIUS OF PORT COCHERE WITH NEW SKYLIGHT ABOVE
- ㉒ RENOVATED POOL
- ㉓ COOLING TOWER ON ROOF
- ㉔ NEW POOL TOWEL KIOSK - 195 SQ. FT.
- ㉕ NEW MEETING ROOMS ON LOBBY LEVEL - 3437 SQ. FT.
- ㉖ NEW ROADWAY - CUT: 2151 CU. YDS.; FILL: 24 CU. YDS. (USING 2:1 SLOPE ASSUMPTION)
- ㉗ NEW BEACH ACCESS
- ㉘ AREA TO BE RECONFIGURED
- ㉙ NEW ROADWAY - CUT: 128 CU. YDS.
- ㉚ NEW DINING AREAS
- ㉛ NEW DINING AREA WITH TRELLIS AND WINDSCREEN
- ㉜ NEW LANDSCAPED MEDIAN

KEY NOTES

- ① 6-STORY TOWER - EL: 93'-2"
- ② BALLROOM ROOF - EL: 45'-6"
- ③ CHAPEL
- ④ SEA TIDE ROOM ROOF - EL: 40'-10"
- ⑤ THE COVE RESTAURANT ROOF - EL: 40'-10"
- ⑥ PALM TERRACE CAFE & DINING AREA ROOF - EL: 40'-10"
- ⑦ EXISTING POOL
- ⑧ LOBBY BELOW - EL: 40'-10"
- ⑨ BAY VIEW LOUNGE ROOF - EL: 40'-10"
- ⑩ COTTAGES
- ⑪ TENNIS COURTS
- ⑫ OCEAN VILLAS
- ⑬ BEACH CAFE
- ⑭ LAWN
- ⑮ EXIST. PARKING
- ⑯ EXIST. POOL TOWEL STRUCTURE TO BE REMOVED
- ⑰ EXIST. POOL BAR
- ⑱ EXIST. SPAS
- ⑲ EXIST. POOL
- ㉑ EXIST. ONE-STORY VILLA TO REMAIN

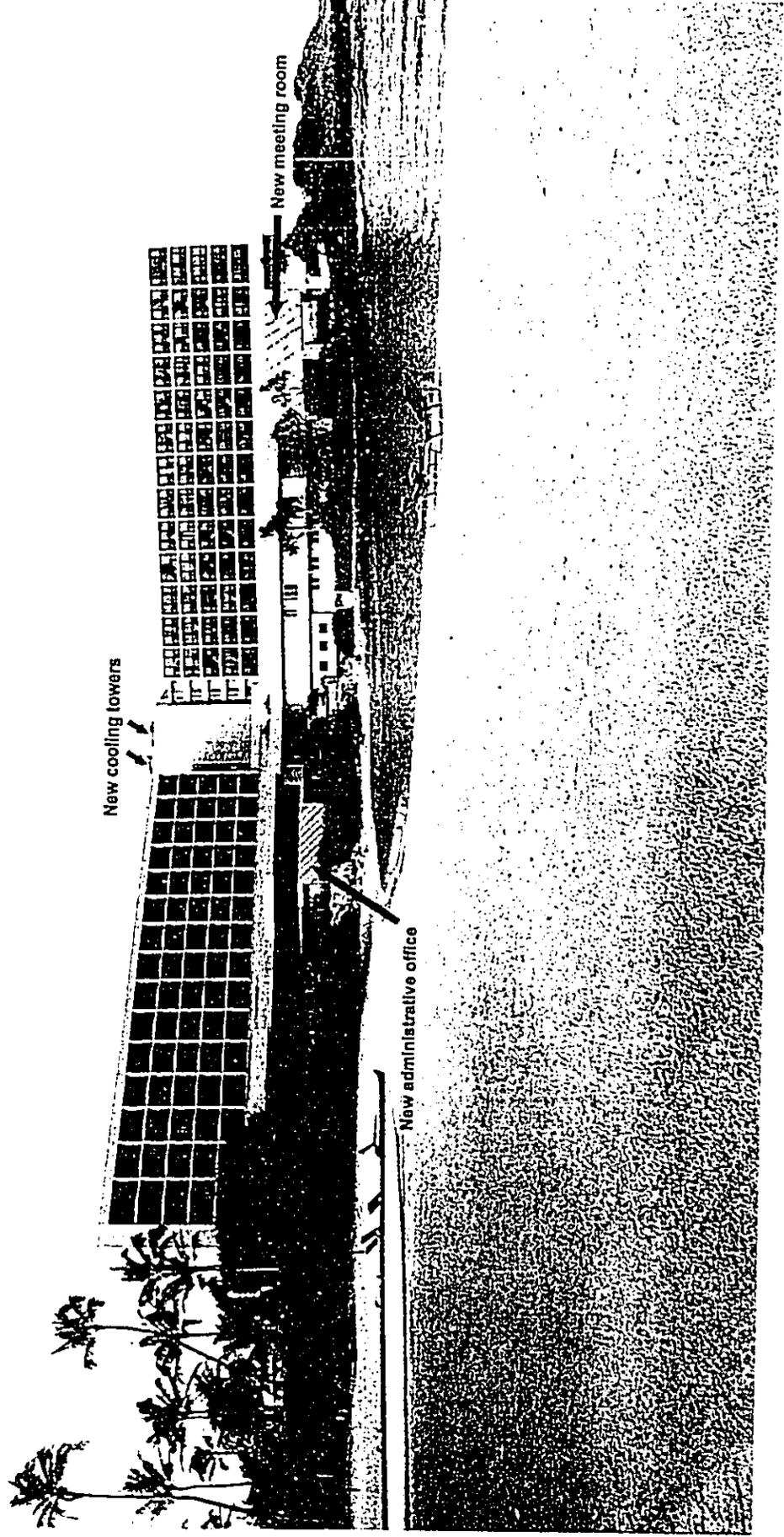


NORTH



1 SITE PLAN
SCALE: 1" = 100'-0"

0 50' 100' 200'
SCALE: 1" = 100'-0"



1. View of East & North Wing from Intimate Cove beach

LIFE OF THE LAND

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October 8, 2002

Kusao & Kurahashi
2752 Woodlawn Drive, Suite 5-202
Honolulu, HI 96822

Kuilima Resort Company
57-091 Kamehameha Highway
Kahuku, HI 96731

City & County of Honolulu
Department of Planning and Permitting
650 S. King St.
Honolulu, HI 96813

re: Turtle Bay Resort at Kuilima Draft EA Report (DEAR).

Aloha,

"This Special Management Area (SMA) Use Permit and Shoreline Setback Variance (SSV) Application and Draft Environmental Assessment (EA) Report are planned reservations and expansion of ..." (page 1)

1. What are the requirements that must be met for a Special Management Area?
2. What are the requirements that must be met for a Shoreline Setback Variance?

"Located outside of the planned development area and not part of this application are an additional 30 beach cottage units" (page 1) "As part of the project, larger units at the Ocean Villa (possible time share units) are planned" (Appendix II, page 3)

3. Is segmentation permitted under Chapter 343, HRS?
4. Is segmentation permitted under Chapter 25, ROH?

"This SMA, SSV and draft EA ... is prepared pursuant to requirements established under Chapter 25 ... and in accordance with Chapter 343" (page 3)

5. What is the difference between "pursuant to requirements established" and "in accordance with"?
6. How is "FONSI" used under state and federal law?
7. What does FONSI mean in this report?

"No significant development is planned within 40 feet of the shoreline. The only improvements planned are ... walkways, lighting, ... surfaces ... landscaping, ..." (page 36)

8. Doesn't "significant" depend on whether one compares it to the developed mauka area (the hotel) or the undeveloped makai area (the beach and the water)?

"In conjunction with the previous Revised EIS" (page 42)

9. How does one combine a county EAR with a chapter 343 EIS.

"No Build Alternative ... This applicant has spent and committed about \$33,000,000 to improve the hotel ... The existing hotel has no dining or banquet area large enough to comfortably accommodate all hotel guests at one time ... Other planned improvements are necessary" (page 54)

10. What does the No-Build Alternative mean?
11. How seriously should a planner look at the No-Build Alternative?

The Build Alternative is a higher density alternative: "The applicant has decided to develop about 21,720 square feet ... the existing floor area will total about 616,880 square feet. The allowable floor area ... [is] 1,132,560 square feet. ... the lower density ... has been selected." (pages 54-55)

12. How serious were alternatives examined? Please elaborate.

13. What is meant by: The hotel was acquired in December 2000 (page 54, line 3) and "would not be able to continue operating unless occupancy is increased significantly". (page 54, lines 7-9)

14. What is meant by: "A multi-million renovation is underway on the hotel, golf courses and grounds that will insure that Turtle Bay Resort REMAINS a world-class resort destination for as long as Hawaii remains paradise on earth." (www.turtlebayresort.com/about/index.html)?

"The existing hotel has no dining or banquet area large enough to comfortably accommodate all hotel guests at one time" (page 54) "For large group functions of all sizes, the Hotel at Turtle Bay Resort provides 12,800 square feet of meeting and convention space. Versatile meeting rooms accommodate up to 900 for receptions and 750 for gourmet banquets or meetings." (www.turtlebayresort.com/about/index.html) "Our experienced banquet and conference services team will attend to every detail to assure the ultimate success of your program." (www.turtlebayresort.com/meetings/index.html)

15. Are the banquet rooms adequate?
16. Are the banquet rooms versatile?
17. Would any restaurant be able to serve every single guest simultaneously?

"The Turtle Bay Resort is located on the North Shore of Oahu. Affectionately called "the country" by local residents" (www.turtlebayresort.com/about/index.html)

18. How will the hotel help keep the country "the country"

"Portion of surfer and fisherman access will ... pass under bridge planned ... from the cottage area walkway to the pool deck" (pages 13-14)

19. Will placing the public access close to the hotel make the beach more or less accessible to the public?
20. Are there any hourly restrictions on public access?
21. Are there restrictions on the type of public access (fishing, crabbing, surfing)
22. Are public parks planned for in the area?
23. How many car spaces are available for the public who wish to utilize the public access?
24. Is there a fee charged for this use?
25. If the number of cars exceed the number of free spots, is there additional space available?
26. At what cost is the overflow public parking?
27. Are the public spaces ever utilized by individuals other than those using the public access?
28. How is the public access monitored?
29. How often is public access restricted?
30. What types of public use are restricted?

31. How are the guards educated on the rights of public access?
32. Will placing the public access below a facility walkway increase or decrease public access?
33. How many free parking spots exist within 1/2 mile of the beach?
34. Where are public accesses to the beach within 1 mile of the resort?

State Law: "The State of Hawaii, with its total dependence for energy on imported fossil fuel, is particularly vulnerable to dislocations in the global energy market. This is an anomalous situation, as there are few places in the world so generously endowed with natural energy: geothermal, solar radiation, ocean temperature differential, wind, waves, and currents--all potential non-polluting power sources. ... There is a real need for comprehensive planning in the effort towards achieving full utilization of Hawaii's energy resource programs and the most effective allocation of energy resources throughout the State." (HRS 196-1)

State Constitution: The people of this state modified the Hawai'i Constitution in 1978 to include energy self-sufficiency. Article XI, Section 1 of the Hawaii State Constitution states: "the State ... shall conserve and protect ... natural resources, including ... energy sources, and shall promote the development and utilization of these resources ... in furtherance of the self-sufficiency of the State."

This section was written by the 1978 Constitutional Convention's Standing Committee on Environment, Agriculture, Conservation and Land. The Committee filed Standing Committee Report No. 77, clarifying the meaning of the amendment: "The consensus of your Committee with regard to self-sufficiency was to constitutionally recognize the growing concern and awareness of Hawaii as being overly dependent on outside sources for ... energy. ... it was concluded that ... the achievement of increased energy self-sufficiency would be adequately covered by the provisions of this section."

Cogeneration: The parent company of the Waikoloa on the Big Island demanded that the hotel decrease energy costs by 5% per year for three years at NO COST to the hotel. The hotel circulated a RFP. Three companies responded. The Waikoloa is now installing a cogeneration (combined heat and power) system which is (a) highly efficient; (b) decreases foreign fuel requirements; (c) frees up land space; (d) and is more environmentally friendly.

Cogeneration (cogen) utilizes the production of both heat and electricity. Cogeneration is designed around the thermal load of the building. Cogeneration maximizes the use of waste heat. The by-product of cogeneration is electricity. Since cogeneration utilizes the heat produced by burning gas, facilities with cogeneration do not need to purchase electricity to generate heat. Thus One MW of cogen sheds two MW from the generation of electricity. There is no transmission losses with cogen.

Christine Whitman, EPA administrator, notes that CHP is more reliable than, cheaper than, and cleaner than conventional electricity generation. Cogeneration has been used in Hawaii for some time. Hale Pauahi Towers in China Town has had cogen since 1982. Fort Shafter, Building 502 is acquiring cogen. Hybrid cogen/photovoltaic system exists at the Orchid at the Mauna Lani. Cogen/photovoltaic systems work well together.

Besides producing useful byproducts, cogeneration facilities (such as the UC Davis Medical Center) are visited by ecotourists.

When fuel cells become available on a widespread basis, cogen units can be easily switched to fuel cells.

35. What is the thermal load of the facility?
36. What is the electric load of the facility?

Transmission Lines/Aesthetics: The Turtle Bay Resort at Kulima is an energy drain located at the end of the utility subtransmission line grid. There are few large loads that are so isolated on the Oahu grid.

- 37. Will this proposal increase or decrease reliance on foreign fossil fuel?
- 38. Is this proposal in compliance with the Hawaii State Constitution?
- 39. Doesn't installing a cogen system make sense?

The Honolulu Advertiser noted: "There was a time when Hawaii was the cutting edge for alternative energy."
(Honolulu Advertiser, June 22, 1999)

- 40. Should the Turtle Bay Resort at Kuilima offer a greener future based on cogeneration and photovoltaics or continued reliance on fossil fuels which create global warming gases, water pollution, air pollution, and utilizes visually unpleasant overhead transmission lines for its delivery?
- 41. What roof space exists (square feet) on each building for the placement of photovoltaic systems?
- 42. A very early version of wind mills were tested mauka of the hotel. Would a single modern wind mill make sense at or near the hotel?
- 43. Does recycling of greenwaste occur at the hotel?
- 44. Does recycling of metal occur at the hotel?
- 45. Does recycling of bottles/cans occur at the hotel?
- 46. Does the hotel use recycled water for landscaping?
- 47. Is the hotel installing or retrofitting with energy efficient or energy saving devices?
- 48. Does the hotel use integrative vegetative management to control pests?
- 49. How is non-point source pollution controlled?
- 50. The Mauna Lani found that rooftop photovoltaic systems reduced air conditioning in the upper floors. Would a similar event occur at Turtle Bay?
- 51. What will be the increase in the expected water load of the facility as a result of the action described in this DEAR?
- 52. What will be the increase in the expected water load of the facility as a result of the complete action of which the DEAR is merely one piece?
- 53. What will be the increase in the expected electrical load of the facility as a result of the action described in this DEAR?
- 54. What will be the increase in the expected electrical load of the facility as a result of the complete action of which the DEAR is merely one piece?
- 55. To what extent has the law dealing with Cultural Impact Analysis been modified and/or strengthened since the hotel last reviewed Cultural Impacts on its property?
- 56. How will the hotel handle the implications stemming from the Hawai'i Supreme Court's PASH decision?
- 57. How often has confrontations occurred on the property between guards and individuals practicing their traditional and cultural gathering rights?
- 58. What permits are needed for this project?
- 59. What is the time frame for developing this project?

Sincerely,



Henry Curtis
Executive Director

KUSAO & KURAHASHI, INC.

Planning and Zoning Consultants

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January 17, 2003

Mr. Henry Curtis
Executive Director
Life of the Land
76 North King Street, Suite 203
Honolulu, Hawaii 96817

**Subject: Special Management Area Use Permit and Shoreline and
Shoreline Setback Variance Application and Draft
Environmental Assessment Report for the Proposed Renovations
And Expansion of the Turtle Bay Resort at Kuilima
Tax Map Key 5-7-1: Portion of 13**

Dear Mr. Curtis:

Thank you for your letter to the Department of Planning and Permitting, dated October 8, 2002, responding to their request for comments on the Special Management Area Use Permit and Shoreline and Shoreline Setback Variance Application and Draft Environmental Assessment Report for the proposed renovations and expansion of the Turtle Bay.

In response to your comments:

1. The requirements that must be met for a Special Management Area Use Permit are provided in the enclosed copy of Chapter 25 (HRS), Shoreline Management.
2. The requirements that must be met for a Shoreline Setback Variance are provided in the enclosed copy of Chapter 17 (HRS), Shoreline Setback Variances.
3. Segmentation is not permitted under Chapter 343, HRS. We have designated the area within which improvements are planned for the existing

Hotel development. There are no plans to improve the cottages which had previously undergone interior renovations that did not trigger environmental review under Chapter 343, HRS.

4. Segmentation is not permitted under Chapter 25, ROH. We have designated the area within which improvements are planned for the existing Hotel development. There are no plans to improve the cottages which had previously undergone interior renovations that are not considered development under Chapter 25, Shoreline Management and are not subject to permits under this Chapter.
5. There is no difference between "pursuant to requirements established" and "in accordance with" they are two ways of saying the same thing.
6. "FONSI" under state law is described in "The Environmental Guidebook" of the Office of Environmental Quality Control as follows:
"If the agency determines that the project will not have a significant environmental impact, it issues a *finding of no significant impact* (FONSI). This determination allows the project to proceed without further study."

"FONSI" under federal law is described in Code of Federal Regulations, Title 40, Chapter 1, Part 6, Sec. 6.105(f) as follows:
"Finding of no significant impact (FNSI). When the environmental review indicates no significant impacts are anticipated or when the project is altered to eliminate any significant adverse impact, a FNSI shall be issued and made available to the public. The environmental assessment shall be included as part of the FNSI. The FNSI shall list any mitigation measures necessary to make the recommended alternative environmentally acceptable."
7. "FONSI" in this report follows the state's definition that "the project will not have a significant environmental impact".
8. "No significant development" in one respect can be relative to other development planned, however, in our use on page 36 of the Draft EA,

Mr. Henry Curtis

Page 3

“no significant development” is used in relation to the improvements being very small structures even in relation to the undeveloped makai area and improvements having no significant adverse impact on activities within the shoreline setback area, including access and visual impacts. Some of the improvements planned, including “pedestrian walkways, lighting, tile surfaces... tiki torches” will actually improve access to the setback area by providing safer walking surfaces and lighting for safer evening access to these areas. Other planned improvements “...landscaping, surfer shower and surfboard rack,...and pipe mounted binocular stand for whale watching” provides incidental improvements which will enhance ocean recreation (surfer shower and surfboard rack), provide pleasant visual amenities (landscaping) and improve public and guest enjoyment and viewing of the whales and other sea creatures off-shore (binoculars).

9. We were not attempting to combine this Draft EA with the previously prepared Revised EIS. If you take the phrase “In conjunction with the previous Revised EIS...” in its entirety its clear to see that we were merely referencing an earlier archaeological study done in conjunction with a previous EIS and citing its findings in our Draft EA. It is not uncommon for studies that are not expected to change significantly over time to be utilized in more than one environmental document. The entire text is provided as follows:

“In conjunction with the previous Revised EIS, an archaeological survey and study was completed for the entire Kuilima Resort area, including the 26-acre site.”

10. Following the No-Build Alternative means no further improvements to the Hotel and should occupancies continue in accordance with past experience, the Hotel would continue to lose money and at some point the owners would have to decide to cut their losses by selling the development or closing the Hotel. In order to maximize profits or minimize losses, the previous owner deferred a lot of necessary maintenance improvements and allowed the hotel to deteriorate into a condition that was shameful. The No-Build Alternative carries with it the cost of deferred maintenance

improvements, completed and planned. In order to eventually recoup some of this investment, the Hotel needs to be made successful and the owner's plan is to improve the Hotel's occupancy by providing improvements to draw meetings and conferences to the Hotel.

11. A planner is required to seriously consider the No-Build Alternative and its impacts to the development. It is also important for the owners to consider this alternative, particularly if the costs of improvements cannot be justified or in certain instances if the site is over developed and further development will result in a crowded resort that will lose its appeal. This particular site is, however, underdeveloped and has a lot of room to grow. Another example of where the No-Build Alternative would be the preferred alternative is a situation where an owner is marketing to an extremely high end user that pays for the privacy and exclusiveness of a Resort and were this type of Resort to be further developed, the Resort may lose its exclusiveness and marketability.
12. The different alternatives were given serious consideration, however, the No-Build Alternative was dismissed fairly early in the review process. The decision on the amount of density was wrestled with and plans for significantly greater development at the Ocean Villas was also dismissed. We hope that in the future additional development can be spread out through the rest of the Resort but it is important to make the existing Resort successful before the owner will be able to justify future developments planned in the earlier master plan for the properties surrounding the existing Hotel development.
13. The Hotel was acquired in December 2000 and the owner has spent a significant amount of money to improve the Resort property. The owner needs to increase occupancy to improve revenues to provide a reasonable return on investment. The owner cannot afford to continue to lose money on this investment and at some point if the owner cannot turn a profit the property will be sold and/or the Hotel will be closed. This action is not unprecedented, as Makaha Valley Resort Hotel closed its operation in the 1990's and was only recently reopened by a new owner.

Mr. Henry Curtis

Page 5

14. The sentence that you referred to from www.turtlebayresort.com is a marketing statement that recognizes the renovations that were underway to improve the Hotel, golf course and grounds and recognized the project site's designation as a world-class resort destination. Although the site with its beautiful and tranquil setting is a world-class resort, the Hotel's occupancy leaves much to be desired and additional improvements are needed, as planned in this Draft EA.
15. We have been informed by our operator that the banquet rooms are not adequate for the conference and meeting market that the operator would like to attract to the Hotel.
16. The existing banquet rooms are versatile, in that they can be partitioned off to handle various size groups, however, are not large enough to handle the larger conference and meetings that we would like to attract.
17. None of the restaurants would be able to serve every single guest simultaneously if the Hotel were fully occupied. All the different restaurants combined would not be able to serve every single guest simultaneously if the Hotel were fully occupied.
18. The North Shore is considered the "country" and adds to the charm of the region. The Resort is recognized on the Koolauloa Sustainable Communities Plan and is intended to provide the economic engine for the Koolauloa area. The Hotel is not expected to be a "country like" development but provides a necessary urban development to provide employment for the residents of the area to allow the population to live and work in Koolauloa, enjoying employment while living in the country area surrounding Kuilima.
19. The public access is a new access and makes the beach more accessible to the public. Its location near the Hotel will not affect accessibility and will be better located in relation to the 18 parking stalls provided for the public.

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20. There are no hourly restrictions on public access at the designated areas for public access such as easements created for that purpose. However, there are restrictions to access of these areas during times of Civil Defense Alerts and High Surf Advisories.
21. The only restrictions to the type of public access are related to safety and separation of certain non-compatible activities. The Kuilima Cove (Kalokoiki Beach) area has been established as a swimming cove and beach. Fishing and crabbing are not permitted there. Neither visitors or guests are permitted to have fishing, crabbing lobstering, and surfing equipment in the privately owned landscaped areas and developed areas including near the pools and spas because of safety and liability concerns. Fishing and crabbing is not restricted in other areas south and north of the Hotel.
22. There are public parks planned at Kawela Bay and at Kahuku Point.
23. There are 18 parking stalls available for the public.
24. There is no fee charged for these 18 parking stalls.
25. The parking lot has additional spaces available to the public on a fee basis when the 18 parking stalls are fully utilized.
26. The public is charged \$1.50 per hour for stalls beyond the 18 parking stalls, however, validation is available at the Hotel if Hotel businesses are patronized.
27. In order to ensure that the 18 "public stalls" are available for the general public, 18 designated stalls have been established near Kalokoiki Beach and are identified as public stalls only. A "Pass" system has been implemented so that passes are issued to incoming vehicles and the recipients of the passes are directed to park in any of the designated stalls and to place the pass on the dashboard of the vehicle.

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28. Public access easements are occasionally monitored by security personnel, however, as mentioned earlier, there are no hourly restrictions on public access at the designated areas for public access such as easements created for that purpose.
29. Public access is restricted as discussed in items 20, 21, 27 and 28.
30. The types of public use that are restricted are discussed in items 21, 27 and 28.
31. The security personnel are instructed to allow public access as described in this response letter and are instructed about safety concerns and areas where fishing and crabbing would not be allowed on Hotel grounds and at the Kuilima Cove swimming area.
32. The public access is a new access and makes the beach more accessible to the public. Its location below a bridge will not increase or decrease public access.
33. There are 18 parking stalls provided in our parking lot for the public. We are not aware of any other free parking stalls within ½ mile of the beach at the Hotel.
34. Other than the two public accesses at the Hotel, we are unaware of any other public accesses within 1 mile of the resort.
35. We understand the reference to "thermal load" to mean the heat rejection to the environment. The following is an estimate from our mechanical engineer:

Cooling Towers: 7,200,000 btuh (assuming 600 ton load rejection)

Boilers: 450,000 btuh (assuming 2-125 boilers at 70%)

Total: 7,650,000 btuh

This would be a balance peak heat rejection per hour for the a/c and boilers. The following is an estimate of the daily rejection:

Day load (7,650,000 x 8 hours) =	61,300,000 btu
Evening load (7,650,000 x 0.7 x 8 hours) =	42,840,000 btu
Night load (7,650,000 x 0.4 x 8 hours) =	24,480,000 btu
Total Daily Heat Load:	128,520,000 but/day.

36. The electric load of the facility has monthly variations due to weather and occupancy but has traditionally held at about 1.2 MW at 12.47 KV. However, recent hotel improvements in lighting efficiency and mechanical systems have tended to offset the additional loads on the new pool and spa facilities installed under a minor SMA permit. The proposed new Ballroom Addition and the Conference Center Addition will add approximately 120 KW and 48 KW respectively to the overall monthly demand load when the hotel achieves normal occupancies.
37. This proposal will increase reliance on foreign fossil fuel, to generate additional electricity for the site.
38. The applicant believes that this proposal is in compliance with the State Constitution.
39. The applicant has thoroughly investigated the use of cogeneration and other forms of energy savings alternatives for the existing hotel structure at Turtle Bay Resort. In fact, in 1997 in cooperation with HECO and under their guidance the two air conditioning chillers were replaced, the refrigerant was changed to non-CFC refrigerant, high efficiency motors were installed in the chillers and in the condenser water circulating system, "side arm" condensers were installed to recapture heat from the chillers, 4,000 gallons of hot water capacity preheated by the chillers was installed and an energy management system (EMS) was installed to control both the hot water and air conditioning systems.

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We are presently in the process of installing variable speed high efficiency motors for the cooling towers.

We are currently in negotiations with HECO for the installation of equipment including a heat pump as a replacement for the hot water boilers to reclaim heat for use in swimming pools, laundry, domestic hot water, kitchens, etc.

Cogeneration, while still maintaining an electrical connection to the HECO grid, appears to be another appealing alternative, however, we have a major concern with the probability that HECO, as HELCO has done on the big Island, will require that a very high use fee for any time that the cogeneration system is down and we must draw power from HECO. We are unwilling at this time to break away completely from HECO due to the need to have a reliable backup electrical source for the property. Moreover, we have contacted other private suppliers in addition to HECO to suggest CHP (Combined Heat and Power) solutions involving cogeneration. One of several sticking points is the need to greatly increase the onsite storage of a fossil fuel source such as propane or diesel fuel and the resulting air pollution and noise issues that would result for this size of plant.

40. Photovoltaics does not as yet make economic sense for this property. See item 39 above for a discussion on cogeneration.
41. The high roof square footage is approximately 50,000 square feet. The square footage available for photovoltaic arrays would be significantly less due to roof fans, stairways, and the layout of the arrays.
42. All of the windmills that were erected in the hills above Kamehameha Highway are inoperative due in part to the high winds generated periodically and the constant salt spray, which caused massive failures from corrosion damage alone. Placing a single windmill near the hotel would be obtrusive visually, perhaps audibly and would be subjected to even more corrosive exposure to salt spray.

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43. Recycling of green waste, through composting, from the golf courses and from the hotel property is being practiced.
44. Recycling of metal occurs at the hotel.
45. Recycling of bottles and cans occurs at the hotel.
46. All of the hotel wastewater is pumped to a wastewater treatment plant owned by the Resort (approximately 200,000 gallons per day (gpd) and all of the discharge from that plant is pumped back on to the resort golf courses or into injection wells on the golf course. None of the recycled effluent is used on the grounds of the hotel.
47. All renovations will incorporate both water saving fixtures, energy saving light bulbs, etc.
48. Sentricon units for underground termites provide pest control for the hotel property. Cottages, Cabanas and other outlying structures have been tented within the past two years. Plant materials such as Georgia Seashore Paspallum grass that have a higher resistance to pests and disease are being used. Chemicals with no residuals are also being used.
49. Non-point source pollution such as runoff from roof drains and driveways are directed to landscaped and non-landscaped open areas and allowed to percolate down through the substrate.
50. Our tower roofs have structural concrete slabs with very thick rigid insulation (2-7+ inches thick) under hot mopped aggregate covered roofing materials. The shade cast from photo voltaic cells should not reduce significantly the heat load to the guestrooms and guest corridors on the floor below.
51. No fixture units are being added; therefore, there should be no increase in water load.

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52. No fixture units are being added; therefore, there should be no increase in water load.
53. The increase in electrical load from the proposed improvements in this Final EA is expected to be 168 KW.
54. The cumulative electrical load from improvements planned in this Final EA and improvements planned in an earlier master plan and Final EIS for the surrounding property will be about 10 megawatts.
55. Act 50, H.B. No. 2895 approved on April 26, 2000, modified Hawaii Revised Statutes Section 343-2 by essentially doing two things: (i) requiring that environmental impact statements include the disclosure of the effects of a proposed action on the cultural practices of the community and the State; and (ii) amending the statutory definition of "significant effect" to include adverse effects on cultural practices.
56. The Turtle Bay Resort is cognizant of the PASH decision as well as the Hawaii Supreme Court's decisions in Ka Pa'akai, Pele Defense Fund, and State v. Hanapi and their teaching with respect to Hawaiian rights and Turtle Bay Resort's rights as a landowner. Turtle Bay Resort seeks to balance the rights of the Hawaiian community with its legitimate rights as a landowner.
57. There has been a single situation where someone entered the property to utilize a dangerous outcropping adjacent to the hotel swimming pool to snare lobster from the ocean. Because of the potential liability to the hotel's owner, this individual was asked to leave and did so.
58. The permits needed for this project include a finding of no significant impact for this Final EA, a Special Management Area Use Permit and Shoreline Setback Variance, and Building permits for the planned improvements.

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59. The project will be developed over a period of five to ten years.

Your letter and this response will be included in the Final EA

Very truly yours,

Keith Kurahashi
Keith Kurahashi

encl.

cc: Kuilima Resort Company
Department of Planning and Permitting

Chapter 25

SHORELINE MANAGEMENT

Articles:

1. General Provisions
2. Special Management Area
3. Objectives and Policies, Review and Procedural Guidelines
4. Significance Criteria and Procedures
5. Permit Processing Procedures
6. Prohibitions
7. Exemptions
8. Penalties
9. Enforcement
10. Appeals
11. Rules
12. Severability

Appendices:

- 25-1 Special Management Area Use Permit and Shoreline Variance Resolutions
 25-2 Special Management Area Maps

Article 1. General Provisions

Sections:

- 25-1.1 Authority.
 25-1.2 Purpose.
 25-1.3 Definitions.

Sec. 25-1.1 Authority.

Pursuant to authority conferred by HRS Chapter 205A, the regulations and procedures hereinafter contained are established and shall apply to all lands within the special management area of the City and County of Honolulu. (Sec. 33-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-1.2 Purpose.

It is the City and County of Honolulu's policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii. Special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means. It is also the policy of the city and county to avoid or minimize damage to natural or historic special management area wetlands wherever prudent or feasible; to require that activities not dependent upon a wetland location be located at upland sites; to allow wetland losses only where all practicable measures have been applied to reduce those losses that are unavoidable and in the public interest. (Sec. 33-1.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-74)

Sec. 25-1.3 Definitions.

Whenever the following words are used in this chapter, they shall have the meaning ascribed to them in this section. These definitions are intended to clarify but not replace or negate the definitions used in HRS Chapter 205A.

"Agency" means the department of land utilization, City and County of Honolulu.

"Applicant" includes any individual, organization, partnership, firm, association, trust, estate or corporation including any utility, and any agency of federal, state and county government.

"City and county" means the City and County of Honolulu.

"Council" means the city council of the City and County of Honolulu, which body shall act as the "authority" under HRS Chapter 205A.

"Crops" means agricultural produce or part(s) of plants or trees cultivated for commercial or personal use.

"Development" means any of the uses, activities or operations on land; in or under water, within the special management area that are included below, but not those uses, activities, or operations excluded in paragraph (2).

(1) "Development" includes but is not limited to the following:

- (A) The placement or erection of any solid material or any gaseous, liquid, solid or thermal waste;
- (B) Grading, removing, dredging, mining or extraction of any materials;
- (C) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
- (D) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
- (E) Construction, reconstruction, demolition or alteration of the size of any structure.

(2) "Development" does not include the following:

- (A) Construction of a single-family residence that is not part of a larger development;
- (B) Repair or maintenance of roads and highways within existing rights-of-way;
- (C) Routine maintenance dredging of existing streams, channels and drainageways;
- (D) The repair and maintenance of underground utility lines, including but not limited to water, sewer, power and telephone and minor appurtenant structures such as pad mounted transformers and sewer pump stations;
- (E) Zoning variances, except for height, density, parking and shoreline setback;
- (F) Repair, maintenance or interior alterations to existing structures;
- (G) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
- (H) The use of any land for the purpose of cultivating, planting, growing and harvesting of plants, crops, trees and other agricultural, horticultural or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes subject to review by the authority in accordance with paragraph (3);
- (I) The transfer of title to land;
- (J) The creation or termination of easements, covenants or other rights in structures or land;
- (K) The subdivision of land into lots greater than 20 acres in size;
- (L) The subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided, that any such land which is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;
- (M) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- (N) Structural and nonstructural improvements to existing single-family residences including additional dwelling units, where otherwise permissible; and
- (O) Nonstructural improvements to existing commercial structures.

(3) Whenever the authority finds that any use, activity or operation excluded in paragraph (2) is or may become part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the special management area, that use, activity or operation shall be defined as "development" for the purpose of this chapter.

(4) Whenever the authority finds that a use, activity or operation excluded in paragraph (2) may have a significant environmental or ecological effect on the special wetlands areas, that use, activity, or operation shall be defined as "development" for the purposes of this chapter.

"Director" means the director of the department of land utilization, City and County of Honolulu, or authorized subordinate.

"EIS" means an informational document prepared in compliance with the environmental quality commission's rules and regulations implementing HRS Chapter 343.

"Emergency permit" means special management area emergency permit as defined in HRS Section 205A-22(5):

"Historic wetlands" are wetlands which have been in existence for 50 years or longer.

"Minor permit" means special management area minor permit as defined in HRS Section 205A-22(6).

"Natural wetlands" are those wetlands not created by a human activity.

"Person" means any individual, organization, partnership, firm, association, trust, estate, public or private corporation, the state or any of its political subdivisions, or any other legal entity.

"Restoration" means a human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions.

"Shoreline" means the upper reaches of the wash of the waves, other than storm and tidal waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edges of vegetation growth or the upper limit of debris left by the wash of the waves.

"Shoreline management permit" shall also mean special management area use permit.

"Shoreline survey" means a survey map showing the shoreline as determined by the state board of land and natural resources in accordance with HRS Section 205A-42 and the rules adopted pursuant thereto.

"Special management area" means the land extending inland from the shoreline, as established in this chapter and delineated on the maps established by the council and filed with the council and agency pursuant to HRS Section 205A-23.

"Special management area minor permit" means an action by the agency authorizing development, the valuation of which is not in excess of \$125,000.00 and which has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

"Special management area use permit" means an action by the authority authorizing development, the valuation of which exceeds \$125,000.00 or which may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.

"Special wetland area" means that area that is both:

- (1) Within the SMA; and
- (2) In or within 300 feet of a natural or historic wetland.

"Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission tower and distribution line.

"Valuation" shall be determined by the agency and means the estimated cost to replace the structure in kind, based on current replacement costs, or in the cases of other development, as defined in this section, the fair market value of the development.

"Wetland" means an area possessing three essential characteristics:

- (1) Hydrophytic vegetation;
- (2) Hydric soils; and
- (3) Wetland hydrology,

as defined in the "Corps of Engineers Wetlands Delineation Manual," January 1987. Wetlands shall also include ponds and mudflats, which while possessing hydric soils and wetland hydrology, may not have the commonly required hydrophytic vegetation. For the purposes of this chapter, only natural or historic wetlands are included within the protected group of wetlands.

(Sec. 33-1.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-74)

Article 2. Special Management Area

Sections:

- 25-2.1 Adoption.
- 25-2.2 Included area.
- 25-2.3 Wetlands.

Sec. 25-2.1 Adoption.

- (a) The special management area, as established by the council in this chapter and shown on the special management area maps, which maps are hereby adopted and made a part of this chapter and filed with the council on the effective date of this chapter, shall be the city and county's official special management area to be administered and enforced by the director under the provisions of this chapter.
 - (b) This chapter shall apply to all development that would affect natural or historic wetlands in the City and County of Honolulu, regardless of the size of the wetland.
- (Sec. 33-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-74)

Sec. 25-2.2 Included area.

The special management area shall include those areas of the island of Oahu so designated on the maps; the islands within three miles offshore of Oahu, including but not limited to those islands shown on the maps; and the northwestern Hawaiian Islands, which include Nihoa, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Atoll and Kure Atoll. (Sec. 33-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-2.3 Wetlands.

- (a) The definition and delineation of wetlands shall be based upon:
 - (1) The "Corps of Engineers Wetlands Delineation Manual," January 1987. The definition shall incorporate the three essential technical criteria of wetlands:
 - (A) Hydrophytic vegetation;
 - (B) Hydric soils; and
 - (C) Wetland hydrology;
 and
 - (2) Also included within the city's definition of wetland areas are ponds and mudflats, which while possessing hydric soils and wetland hydrology may not have the commonly required hydrophytic vegetation.
 - (b) Representatives of the department of land and natural resources, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and/or other applicable agencies will be contacted for assistance in identifying the extent and functional values of wetlands.
 - (c) The publication "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979) and the U.S. Fish and Wildlife Service National Wetlands Inventory Maps (1978), submergent aquatic vegetation inventories, infrared aeriels and property appraiser aeriels shall be utilized for general identification of wetlands within the SMA. It is recognized, however, that such graphic sources do not depict the full extent of wetland delineations and function characteristics. Wetlands shall be identified by survey by the applicant for a special management area permit at the time of the permit application on a site-by-site basis.
- (Added by Ord. 93-74)

Article 3. Objectives and Policies, Review and Procedural Guidelines

Sections:

- 25-3.1 Objectives and policies.
- 25-3.2 Review guidelines.
- 25-3.3 Procedural guidelines.

Sec. 25-3.1 Objectives and policies.

The objectives and policies of this chapter shall be those contained in HRS Section 205A-2. (Sec. 33-3.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-3.2 Review guidelines.

The following guidelines shall be used by the council or its designated agency for the review of developments proposed in the special management area.

- (a) All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that:
 - (1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles;
 - (2) Adequate and properly located public recreation areas and wildlife preserves are reserved;
 - (3) Provisions are made for solid and liquid waste treatment, disposition and management which will minimize adverse effects upon special management area resources; and
 - (4) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquake.
- (b) No development shall be approved unless the council has first found that:
 - (1) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options;
 - (2) The development is consistent with the objectives and policies set forth in Section 25-3.1 and area guidelines contained in HRS Section 205A-26;
 - (3) The development is consistent with the county general plan, development plans and zoning. Such a finding of consistency does not preclude concurrent processing where a development plan amendment or zone change may also be required.
- (c) The council shall seek to minimize, where reasonable:
 - (1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;
 - (2) Any development which would reduce the size of any beach or other area usable for public recreation;
 - (3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and the mean high tide line where there is no beach;
 - (4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and
 - (5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

(Sec. 33-3.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-74)

Sec. 25-3.3 Procedural guidelines.

All development within the special management area shall be subject to assessment by the agency under the provisions of this chapter. Such assessment shall be pursuant to the objectives, policies and guidelines set forth herein.

- (a) Consultation.
 - (1) Any applicant contemplating development within the special management area shall contact the agency for information regarding procedures and general information which may have a direct influence on the applicant's proposed development.

- (2) Any development which has been assessed under the National Environmental Policy Act or under HRS Chapter 343, and for which a negative declaration has been filed or a required EIS has been accepted may apply directly for a special management area use permit pursuant to Section 25-5.1 to waive the assessment procedures in subsection (b) of this section.

(b) Assessment Procedures.

- (1) Filing. Any applicant subject to assessment shall be responsible for filing the following with the agency:
- (A) A completed application form (to be obtained from the agency);
 - (B) A tax map key identification of the property on which the applicant proposes such person's development;
 - (C) A plot plan of the property, drawn to scale;
 - (D) A written description of the proposed development and a statement of objectives, and an estimate of the valuation of the development;
 - (E) A written description of the affected environment which addresses the development's technical and environmental characteristics;
 - (F) A shoreline survey if the parcel abuts the shoreline;
 - (G) Additional information that may be needed for special wetland areas; and
 - (H) Any other relevant plans or information pertinent to the analysis of the development required by the agency.
- (2) Assessment. The director shall assess the proposal upon the applicant's compliance with subdivision (b)(1) based on the following criteria:
- (A) The valuation or fair market value of the development; and
 - (B) The potential effects and the significance of each effect according to the significance criteria established by Section 25-4.1.
- (3) Determination.
- (A) The director shall, within 30 days after receipt of the request for assessment, notify the applicant by mail, with a copy to the council, that the director has determined the proposal to:
 - (i) Be exempt from the requirements of this chapter;
 - (ii) Require a special management area minor permit;
 - (iii) Require a special management area use permit, but not to require an environmental impact statement; or
 - (iv) Require a special management area use permit, and to require an environmental impact statement.
 - (B) The director shall declare a development proposal exempt where the director finds that the proposal is not defined as development under Section 25-1.3.
 - (C) The director shall issue a special management area minor permit where the director finds that the development proposal:
 - (i) Has a valuation or fair market value not in excess of \$125,000.00; and
 - (ii) Will not significantly affect the special management area and/or special wetland area.
 - (D) The director shall declare that a special management area use permit is required, and shall issue a negative declaration which shall be filed with the council and with the environmental quality commission if such is required under the provisions of HRS Chapter 343, where the director finds that the proposal:
 - (i) Has a valuation or fair market value in excess of \$125,000.00; and
 - (ii) Will not significantly affect the special management area; or
 - (iii) Is supported by studies which, in the director's judgment, sufficiently describe the potential environmental effects on the special management area.
 - (E) The director shall declare that a special management area use permit is required, and shall issue an environmental impact statement preparation notice with the council, regardless of the valuation or fair market value of the proposal where the director finds that the proposal may significantly affect the special management area and that sufficient information to evaluate this impact is not available.

- (F) The negative declaration and environmental impact statement preparation notices shall contain all the information required to be presented under the environmental quality commission rules and regulations.
- (G) The director shall assure that the public is informed of the director's determinations on special management area use permits through publication of notices in the EQC Bulletin or another publication.

(Sec. 33-3.3, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 93-74)

Article 4. Significance Criteria and Procedures

Sections:

- 25-4.1 Significance criteria.
- 25-4.2 Procedures.

Sec. 25-4.1 Significance criteria.

In assessing the significance of a development, the director shall confine the director's criteria to the objectives, policies and guidelines in Article 3 of this chapter. (Sec. 33-4.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-4.2 Procedures.

In processing a negative declaration or environmental impact statement, the director shall adhere to the procedures set forth in HRS Chapter 343, and the regulations adopted thereunder by the environmental quality commission. In the event that a development is not subject to the chapter, but the director requires an EIS, filing shall be with the agency. (Sec. 33-4.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Article 5. Permit Processing Procedures

Sections:

- 25-5.1 Required materials.
- 25-5.2 Acceptance.
- 25-5.3 Public hearings.
- 25-5.4 Agency recommendation.
- 25-5.5 Action by council.

Sec. 25-5.1 Required materials.

Any applicant who has received a determination under Section 25-3.3 (b)(3) that this proposal requires a special management area use permit or when such determination has been waived under Section 25-3.3 (a) shall submit the following to the agency:

- (a) A written notification to proceed with the special management area use permit processing.
- (b) A copy of either the negative declaration, or a copy of a completed and accepted EIS.
- (c) Any additional information as to the areas of critical concern as deemed necessary by the agency.
- (d) An application fee according to the following schedule. Application fees are not refundable and shall be waived for public agency projects.
 - (1) Agriculture, aquaculture or outdoor recreation developments \$200.00
 - (2) All other developments \$200.00
plus an additional \$100.00 per acre or major fraction thereof, up to a maximum of \$2,000.00
 - (3) When a special management area application is submitted subsequent to the applicant's being cited for undertaking development without having obtained the necessary permit, the application fee set forth above shall be doubled.

(Sec. 33-5.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-5.2 Acceptance.

Upon compliance with the foregoing procedures, the director shall notify the applicant by certified mail within seven days of receipt that the application has been accepted. The director shall also concurrently provide the council with the date of acceptance of the application and a brief description of the proposal contained in the application. (Sec. 33-5.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-5.3 Public hearings.

- (a) The agency, pursuant to powers of delegation given to the city council under HRS Chapter 205A, shall hold a public hearing at a date set no less than 21 nor more than 60 calendar days after the date on which the application is accepted, unless the 60-day period is waived by the applicant. The agency shall give adequate notice to the pertinent neighborhood boards, the owners of all property within 300 feet of the affected property as well as to all owners of all property described in the application. The agency shall give written notice, once in a newspaper of general circulation in the county and once in a newspaper of general circulation in the state, at least 20 calendar days in advance. The notice shall state the nature of the proposed development for which a permit application is made and of the time and place of public hearings.
- (b) The hearing shall be held in the area in which the development is proposed. Whenever possible, any such hearing shall be held jointly and concurrently with any other hearing required for the same development. (Sec. 33-5.3, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-5.4 Agency recommendation.

Upon conclusion of the public hearing, the agency shall transmit its findings and recommendations thereon, within 10 working days, directly to the city council for its consideration and decision. (Sec. 33-5.4, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-5.5 Action by council.

The council shall grant with conditions, or deny any application for special management area use permit within 60 calendar days after the agency's public hearing, unless an extension has been agreed to by the applicant. (Sec. 33-5.5, R.O. 1978 (1987 Supp. to 1983 Ed.))

Article 6. Prohibition**Sections:**

- 25-6.1 Permit required.
25-6.2 Permit to precede other permits.

Sec. 25-6.1 Permit required.

No development or structure shall be constructed within the special management area without first obtaining a special management area use permit, a minor permit or being exempted pursuant to the provisions of this chapter. (Sec. 33-6.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-6.2 Permit to precede other permits.

No agency authorized to issue permits pertaining to any development within the special management area established by this chapter shall authorize any development unless approval is first received pursuant to the provisions of this chapter. For purposes of this section, county general plans, development plans, state land use district boundary amendments and zoning changes are not permits. (Sec. 33-6.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Article 7. Exemptions

Sections:

25-7.1 Emergency permits.

Sec. 25-7.1 Emergency permits.

- (a) In cases of emergency repairs to existing public utilities including, but not limited to, flood control structures, water, sewer, gas and electric transmission lines and highways, the respective governmental agency or public utility company is exempt from obtaining a permit pursuant to the requirements of this chapter. Two reports on such repair projects, the valuation of which exceeds \$65,000.00, shall be recorded with the agency, one within three days after the start of the project and the other upon its completion.
- (b) In the event an impending disaster or disaster has been declared under Chapter 41, Article 11, ROH 1990, as amended, or under HRS Chapters 127 and 128, the requirements of this chapter shall be waived.
- (Sec. 33-7.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Article 8. Penalties

Sections:

25-8.1 Civil fine.

25-8.2 Additional fines.

25-8.3 Additional penalties for special wetland areas.

Sec. 25-8.1 Civil fine.

Any person who violates any provision of this chapter shall, upon notice issued pursuant to Section 25-9.1, be deemed to have committed a civil violation and shall be subject to a civil fine not to exceed \$10,000.00. (Sec. 33-8.1, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-8.2 Additional fines.

In addition to any other penalties, any person who performs any development in violation of this chapter shall, upon notice issued pursuant to Section 25-9.1, be deemed to have committed a civil violation and shall be subject to a civil fine not to exceed \$500.00 a day for each day in which such violation persists. (Sec. 33-8.2, R.O. 1978 (1987 Supp. to 1983 Ed.))

Sec. 25-8.3 Additional penalties for special wetland areas.

In the event of a violation of the wetlands rules adopted pursuant to this chapter, the director shall, when possible, and in consultation with U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers, order wetland restoration and creation measures for the damaged or destroyed wetland areas. (Added by Ord. 93-74)

Article 9. Enforcement

Sections:

25-9.1 Notice of violation and order.

25-9.2 Effect of order—Right to hearing.

25-9.3 Judicial enforcement of order.

25-9.4 Judicial enforcement of chapter.

25-9.5 Nonexclusiveness of remedies.

25-9.6 Involuntary revocation or modification of permits.

25-9.7 Voluntary revocation or modification of permits.