

DRAFT

January 17, 2019

Kaneohe Neighborhood Board No. 30

RESOLUTION

OPPOSING THE PROPOSED REZONING FROM P-2 GENERAL PRESERVATION DISTRICT TO R-7.5 RESIDENTIAL DISTRICT THE SERENITY RESIDENTIAL DEVELOPMENT, TAX MAP KEYS: 4-5-18: PORTION OF 49 AND 4-5-30: PORTION OF 49

WHEREAS, within the rezoning application report, the DPP has advised that since Kaneohe Stream runs through both properties, there is potential for flooding especially during severe storm events and in anticipation of sea level rise.

WHEREAS, within the application, the DPP has expressed concern that the proposal would create split zoning for the two lots with less than the minimum lot size for the P-2 District, which would be difficult to support without compelling justifications.

WHEREAS, within the application, the DPP advised that a stream study and a drainage report would be required for a full evaluation of the project's impact on the stream and surrounding area. That although a preliminary stream study and a drainage report were done in 2011, the City's drainage standards have since changed. And that storm runoff estimates would need to be recalculated and the potential impact to the surroundings, if any, along with mitigative measures, would need to be disclosed in the proposed application.

WHEREAS, within the application, a biological survey reported that there are especially dense trees along the Kaneohe stream at these properties that are potential roost-trees for the Hawaiian hoary bat that is on the Endangered Species Act-listed terrestrial mammal in Hawaii.

WHEREAS, within the application, it is noted that within the project area, Kaneohe stream is clearly perennial and flows into the Pacific Ocean at Kaneohe Bay approximately ½ mile downstream. And that water also flows within an old meander that cuts through the middle of the project and could be considered now tributary to the stream. These waters are protected by the federal Clean Water Act. Any following physical alterations done within the Original High Water Mark (OHWM) would require a permit from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. A final jurisdictional determination by the U.S. Army Corps of Engineers would be needed to determine the location of the OHWM in the project area.

WHEREAS, the Biological Survey Report describes the old meander that cuts through the middle of the project as: "The outside bank and parts of the inside bank of this meander are steep and covered in a dense growth of elephant grass (*Cenchrus purpureus*). Although minimally participating in stream flow, this bend does contain flowing water ..." And the project plans for two bridges to travers over the meander. This situation could easily become a hazard for people to fall into the meander.

WHEREAS, the CITY AND COUNTY OF HONOLULU GENERAL PLAN is also designed to discourage private developers from acquiring and assembling land outside of areas planned for urban use such as in this proposal to rezone designated preservation wetlands into a residential development.

WHEREAS, the CITY AND COUNTY OF HONOLULU GENERAL PLAN says, "Open space preservation is a key element of the vision for Koolau Poko's future. Long term protection and preservation of scenic resources, agricultural areas, natural areas and recreational areas are important to maintaining the character and attractiveness of Koolau Poko for both residents and visitors."

WHEREAS, within the application, the Applicant has made no definite plans on how the Open Space Preservation policies would be met but has said that, "The Applicant plans a private open space area along Kāneʻohe Stream at the Project Site at the end of Puohala Street. If liability and maintenance concerns can be addressed, the Applicant will consider opening the open space to the general public during daylight hours. This open space area will be fenced, gated and secured at night."

WHEREAS, within the application, there is of evidence that residents of Puohala Village strongly oppose this proposal to rezone this project area from Preservation to Residential. And, there is no support for this proposal by the residences of Puohala Village.

WHEREAS, this project proposes to create a gated community as a Condominium Property Regime (CPR) with the Association of Apartment Owners (AOAO) that "will be made responsible for the maintenance of the portion of Kāneʻohe Stream that is within the two parcels that make up the Project Site. The AOAO will also be responsible for maintaining the former Kāneʻohe Stream alignment to keep it clear to handle the drainage that flows from the Puohala Street to Kāneʻohe Stream." This would be in addition to maintaining many very large trees for the endangered Hawaiian Hoary Bats. And, maintaining a private open space area along Kaneohe stream that may be open to the public during the day.

WHEREAS, it is not likely that 8 residences of an AOAO would be able to meet the tasks described; tasks which are aimed to preserve the nature in and about the properties.

BE IT RESOLVED by the Kaneohe Neighborhood Board that, the proposed rezoning from Preservation to Residential Districts of the properties discussed herein, be denied.

BE IT FURTHER RESOLVED that this resolution be delivered on or before January 31, 2019 as testimony to the Department of Planning and Permitting to the attention of Lisa Imata, Staff Planner and Kathy Sokugawa, Acting Director, the Honolulu Planning Commission, all members of the Council of the City and County of Honolulu and to the R.M. Towill Corporation to the attention of Keith Kurahashi, at 2024 North King Street, Suite 200, Honolulu, Hawaii 96818-3494.