

Attachment I: DPP
Approval Letter

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

SSFM INTERNATIONAL, INC.
RECEIVED

APR 02 2012

JTC

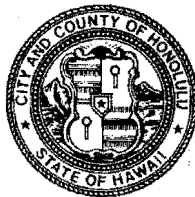
DAVID K. TANOUÉ
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

(AA)

FILE

PETER B. CARLISLE
MAYOR



FILE COPY

MINOR PERMIT:	SPECIAL MANAGEMENT AREA (SMA)
File Number:	2012/SMA-8
Project:	Maipalaoa Bridge Replacement
Valuation:	(\$99,250)
Applicant/Landowner:	State of Hawaii, Department of Transportation, Highways Division
Agent:	SSFM International (Jared Chang)
Location:	At the intersection between Farrington Highway and Maipalaoa Road, encompassing a portion of the Mailli Stream concrete lined drainage channel and part of the north segment of Ulehawa Beach Park
Zoning:	P-2 General Preservation District
Date Received:	March 1, 2012
Date Accepted:	March 15, 2012

We have reviewed your proposal for construction of a temporary pedestrian walkway bridge in association with the Maipalaoa Road Bridge replacement project; and, find that it lies within the Special Management Area (SMA) established in Revised Ordinances of Honolulu (ROH) Chapter 25. We find that the project has a stated valuation of less than \$125,000 and will have no significant effect on the SMA. Therefore, an SMA Minor Permit is hereby **APPROVED**, subject to the conditions listed below.

1. Development shall be in general conformance with application documents received on March 1, 2012, which are now the approved plans for the project on file with the Department of Planning and Permitting (DPP). There shall be no modification to the approved plans for the project without the prior review of and approval by the Director of DPP. Major modifications shall require a new SMA Minor Permit.
2. If the actual valuation of the proposed work ultimately exceeds \$500,000, then the project shall be returned to the DPP for further review under ROH Chapter 25.
3. Prior to and for the duration of the project, the Applicant shall place and maintain stakes and flags at the location of the shoreline and the shoreline setback line, as shown on the approved plans. Stakes and flags shall be placed at intersections with side yard boundaries and at 30-foot intervals, and shall be clearly visible from the public lands seaward of the shoreline.

4. All landscaped areas, landscaping, and irrigation on or for any shoreline lot shall be contained and maintained within the property boundaries of the shoreline lot of origin, and shall under no circumstances extend:
 - a. Seaward of the shoreline as depicted on the current shoreline survey for the shoreline lot; or, in the event there is no current shoreline survey for the lot, seaward of the presumed shoreline; and
 - b. Into any adjoining beach access right-of-way (ROW), public or private.
5. All exterior lighting on a shoreline lot shall be shielded to reduce the possibility that seabirds and other marine life forms may become disoriented and harmed by the lighting. Shielded exterior lighting shall be implemented both during and after any construction work on a shoreline lot. Any wall-mounted exterior lighting on buildings on a shoreline lot shall be shielded by wall directors or other acceptable shielding, and all shielding shall be specified on building permit plans. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes on a shoreline lot shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and/or ocean waters, except as may otherwise be permitted by Hawaii Revised Statutes Section 205A-71(b).
6. At the completion of the operation of the temporary dewatering area and demolition of the temporary pedestrian walkway bridge, the Applicant shall restore the site to its previous (or better) condition.
7. The Director of DPP may modify the conditions of this approval by imposing additional conditions, modifying existing conditions, or deleting conditions deemed satisfied upon a finding that circumstances related to the approved project have significantly changed so as to warrant a modification to the conditions of approval. In the event of the noncompliance with any of the conditions set forth herein, the Director of DPP may terminate all uses approved under this permit or halt their operation until all conditions are met or may declare this permit null and void or seek civil enforcement.

The overall project will involve replacing the four-lane Maipalaoa Bridge on Farrington Highway in Maili, Waianae, as the existing bridge is structurally deficient and nearing the end of its useful life. The existing bridge includes a pedestrian walkway along its mauka side. In order to provide for wider shoulders and sidewalks on both sides, as well as to retain the existing bridge abutments, the new bridge will be slightly wider (78 feet wide versus the existing 64'-4" wide) and longer (112'-4" long versus the existing 100'-8" long). However, the new bridge will be built entirely within the existing ROW, which is an excluded action under the SMA Ordinance pursuant to Section 25-1.3(2)(B), Revised Ordinances of Honolulu (ROH) relating to the repair or maintenance of roads and highways within existing rights-of-way. The other components of the bridge replacement project will entail construction of a temporary pedestrian bridge, the subject of this SMA Minor Permit, as well as dewatering activities within a City-maintained beach park. The temporary walkway bridge will be constructed in order for pedestrians to travel between the two sides of the bridge during construction of the new bridge.

The temporary pedestrian walkway bridge will be located on an 8,000 square-foot area abutting the mauka side of the highway ROW. The walkway will be 8 feet wide and 250 feet long. The bridge footings will be constructed on fast lands behind the channel walls, within the City-owned drainage channel ROW. According to the Applicant, upon demolition and removal of the temporary bridge and associated footings, the affected land areas will be restored to existing or better condition, and this has been made a condition of approval of the SMA Minor Permit.

Although most of the work will occur landward of the shoreline setback line, the dewatering component of the bridge replacement project will take place within the 40-foot shoreline setback area. Dewatering will be required for the removal of 21 existing bridge central piles, and patching the stream channel lining where the piles are removed (the replacement bridge will be a clear span with no central supporting piles), and possibly for the construction of the abutment foundations at each end of the new bridge. Water pumped out of the stream in connection with removal of the existing piles will need to be treated before it can be discharged and ultimately returned to the coastal waters. Waterproof caissons will be installed nearby and within the existing highway ROW to be dewatered, and the water will be pumped to dewatering tanks that will be used for treatment. The dewatering equipment will be installed on a 5,000-square-foot grassed area within Ulehawa Beach Park, within the shoreline setback area as shown on the shoreline survey certified on March 2, 2011. The filter containers are about the size of a Matson container (only lower) and will be wheeled onto the beach park and placed on-grade for the duration of the project; no trenching work is required for their placement. The Applicant emphasizes that no permanent construction, structures, or fencing will be located within the shoreline setback area. The only change to existing conditions will be the relocation of the existing drainage outlets in order to accommodate the widening of the bridge. These outlets will remain within the existing highway ROW. According to the Applicant, the temporary dewatering area which is currently an irrigated grassed area, will be restored to existing or better condition. Technically, the dewatering activities do not trigger the requirement for an SMA Use Permit. Nevertheless, a condition requiring that the dewatering activity area in Ulehawa Beach Park be restored to existing or better condition has been made a condition of the SMA Minor Permit, as the dewatering activity is a component of project activities.

The filter containers proposed within the 40-foot shoreline setback area are similar in size to amenities normally found within public parks. As such, we have determined that the temporary dewatering equipment proposed within the 40-foot shoreline setback area qualifies as minor shoreline structures, pursuant to DPP Part 2 Rules Relating to Shoreline Setbacks and the Special Management Area Section 15-1(b)(7), since it is similar to other "minor amenities within public parks," and which do not require the separate approval of the Director of the DPP.

Provided that the ground work within the shoreline setback area does not require a grading and/or grubbing permit, then the project is not subject to the shoreline setback regulations (i.e., ROH Chapter 23). However, in the event that ground alteration work within the shoreline setback area becomes more extensive, such that a grading and/or grubbing permit is required, then a Shoreline Setback Variance will be required for work within the shoreline setback area. Ordinarily, the SMA permit would be conditioned to require implementation of best management practices (BMPs) if the project does not require a grading and/or grubbing permit. However, since a National Pollutant Discharge Elimination System (NPDES) permit is required for the project, a separate condition requiring implementation of BMPs would be redundant and is not necessary.

Since the bridge replacement project involves State and Federal funds, it is subject to the Environmental Impact Statement (EIS) requirements of Chapter 343, Hawaii Revised Statutes. On September 12, 2011, the State Department of Transportation issued a Finding of No Significant for the project which was published in the September 23, 2011 edition of the Office of Environmental Quality Control's The Environmental Notice.

Subject to appropriate conditions of approval, the proposal should not have any substantial adverse environmental or ecological effect on the SMA.

Any person who is specifically, personally, and adversely affected by the Director's action (in this case) and wants to appeal any part or requirement of the action may submit a written request for a contested case hearing to the DPP within thirty (30) calendar days from the date of mailing, personal service, or publication of the action of the Director. Contested case hearings shall be conducted pursuant to Chapter 12 of the DPP Part 2 Rules Relating to Shoreline Setbacks and the Special Management Area. Essentially, these Rules require that a petitioner show that the Director based his action on an erroneous finding of a material fact, and/or that the Director otherwise acted in an arbitrary or capricious manner, or there are extenuating circumstances. The filing fee for a contested case hearing is \$400 (payable to the City and County of Honolulu).

If you have any questions or need additional information concerning this SMA Minor Permit, please contact Ann Asaumi of our staff at 768-8020.

cc: Office of Planning (Shichao Li)

THIS COPY, WHEN SIGNED BELOW, IS NOTIFICATION OF THE ACTION TAKEN.

		March 30, 2012
SIGNATURE	Director TITLE	DATE

This approval does not constitute approval of any other required permits, such as building or sign permits.

2012/SMA-8
Page 5

bcc: SSV/SMA Interpretation Manuals