

RESOLUTION

REQUESTING THE CITY ADMINISTRATION TO POSTPONE THE ENCUMBERANCE OR EXPENDITURE OF ANY MONIES FOR THE CONSTRUCTION OF THE WAIKIKI WAR MEMORIAL AND NATATORIUM.

WHEREAS, on December 2, 1998, the Council approved the Special Management Area Use Permit (SMP) and a Shoreline Setback Variance (SSV) for the restoration of the Waikiki War Memorial and Natatorium (Natatorium) by adoption of Resolution 98-265 entitled “Resolution Granting a Special Management Area Use Permit and Shoreline Setback Variance for Proposed Restoration of the Waikiki War Memorial and Natatorium”; and

WHEREAS, the plans for restoration of the Natatorium as approved by the SMP would have permitted restoration of the memorial arch; a number of driveway, parking, landscaping and other improvements mauka of the arch; replacement of the bleachers; construction of bathrooms beneath the bleachers; full restoration of the Natatorium swimming pool, but with a depth and circulation scheme modified from the original pool; and construction of new groins and excavation of coral from new circulation channels; and

WHEREAS, as provided in Resolution 98-265, the approval of the SMP and SSV was made subject to a number of conditions, including Condition A, which states “prior to implementation of the project, the [a]pplicant must meet the requirements and obtain approval of all government agencies normally required for such projects”; and

WHEREAS, on June 21, 1999, the Circuit Court of the First Circuit ruled in agreement with a citizens’ group known as the Kaimana Beach Coalition that the restored Natatorium would be a “swimming pool” subject to Hawaii Department of Health rules; and

WHEREAS, on July 3, 2002, the Hawaii Department of Health (DOH) adopted new rules for public swimming pools, among which is a requirement that “[a]ll plans and specification for public saltwater specialty swimming pools must incorporate a mechanical pumping system” (Title 11, Chapter 10, Hawaii Administrative Rules); and

WHEREAS, the new DOH rules further require that all plans and specification of open system saltwater specialty swimming pools must demonstrate to the satisfaction of the director of the DOH that a pool water exchange rate of at least once every six hours will be achieved; and

WHEREAS, the new DOH rules mean that instead of constructing a new pool flushing system that would have replaced the eight inoperative 2-foot diameter

circulation pipes with three exterior openings on the Ewa wall and three openings on the Diamond Head wall with fiberglass reinforced polymer bars, as the plans for restoration of the Natatorium as approved by the SMP provided, the pool flushing system proposed in the SMP would need to be further revised to incorporate a mechanical pumping system; and

WHEREAS, the approval of the SMP was made subject to Condition G, which states in part that “[a]ny change in the size or nature of the project which has a significant effect on coastal resources addressed in chapters 23 and 25, ROH, shall require a new application”; and

WHEREAS, under Section 25-3.2(b), ROH, one finding required to be made by the Council in approving the SMP is that the permitted 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, safety or compelling public interest; and

WHEREAS, under Section 25-3.2(c)(5), ROH, in approving the SMP, the Council is required to minimize, where reasonable, 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; and

WHEREAS, the incorporation of mechanical pumps in the pool’s flushing system to comply with the new DOH rules for public swimming pools changes the project in a way that could potentially have a substantial adverse environmental or ecological effect on the coastal resources surrounding the Natatorium; and

WHEREAS, similar structures constructed in Santa Cruz, Los Angeles, Seattle and San Francisco have been closed for at least 25 years due to health concerns over the safe water quality of the pools; and

WHEREAS, the existing Natatorium pool does not comply with the Hawaii State Department of Health requirements; and

WHEREAS, Section 25-9.7, ROH, permits an SMP permittee to apply for the modification of an SMP; and

WHEREAS, such application is processed in the same manner as an application for the granting of an SMP; and

WHEREAS, the City Administration has stated that it would encumber or expend \$6.1 million to repair the Waikiki War Memorial and Natatorium; and

WHEREAS, on August 10, 2004, the Council requested an updated plan, estimated expenditure, and maintenance cost for the structure including the restoration of the pool and maintenance of the Natatorium project; and

WHEREAS, as of this date the Administration has not provided the information requested by the Council; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the City Administration to postpone the encumbrance or expenditure of any monies for construction of the Waikiki War Memorial and Natatorium until the Administration completes final plans for the Waikiki War Memorial and Natatorium which includes final plans for the swimming pool that are in compliance with the State Department of Health (DOH) rules; and

BE IT FURTHER RESOLVED that the City Administration provide the Council with final plans for the Waikiki War Memorial and Natatorium and a cost analysis of the construction and yearly maintenance; and

BE IT FURTHER RESOLVED that the City Administration is requested to initiate the process for the modification of the Special Management Area Use Permit for the restoration of the Waikiki War Memorial and Natatorium if a modification of the permit is necessitated by the final plans; and

BE IT FURTHER RESOLVED that the City Administration notify the State of Hawaii Department of Land and Natural Resources (DLNR) of any changes which would impact the Natatorium's designation as a historic place; and

BE IT FURTHER RESOLVED that the City Administration follow the necessary procedures to initiate an adaptive re-use of the Waikiki War Memorial and Natatorium with DLNR; and

BE IT FURTHER RESOLVED that the City Administration request that the DOH and other appropriate state and federal agencies review the final plans of the Natatorium to determine whether the plans would pose a substantial threat to the public health or safety; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Director of Design and Construction, the Director of Planning and Permitting, the Managing Director, the Mayor, the Director of the State Department of Land and Natural Resources, and the Director of the State Department of Health.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

(OCS/090204/mg)