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July 31, 2015

HAND DELIVERY

Daniel E. Orodener, Executive Officer
Land Use Commission, State of Hawai'i
235 South Beretania Street
4th Floor, Leiopapa A Kamehameha Bldg.
Honolulu, Hawai'i 96813

2015 JUL 31 A 9:55
LAND USE COMMISSION
STATE OF HAWAII

Re: Annual Status Report of LUC Docket No. A99-728(b), The Salvation Army, for years 2010 through 2015

Dear Mr. Orodener:

Pursuant to Condition 20 of the Findings of Fact, Conclusions of Law, and Decision and Order dated November 13, 2009 ("Decision and Order") in the above-referenced docket, The Salvation Army ("Petitioner") hereby submits its annual report for The Salvation Army Ray and Joan Kroc Corps Community Center ("Project" or "Center") for years 2010 through 2014 as follows:

I. General Project Status

Construction for the Project commenced in March of 2010. Substantial completion for buildings 1, 2, 3, 4, 6, 7, 8 and 9 occurred on December 16, 2011, and substantial completion of the Aquatic Center occurred on January 20, 2012. Certificates of Occupancy were issued on January 18, 2012, and Center was officially opened on February 1, 2012.

II. Status of Compliance with Conditions

The Decision and Order contains 23 Conditions. The discussion below includes each Condition quoted in full, followed by a brief status summary of compliance for each Condition.

Condition No. 1:

"1. If applicable, Petitioner, its successors, and assigns shall provide affordable housing opportunities for residents of the State of Hawaii in accordance with applicable housing requirements for the City and County of Honolulu. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner, its successors, and assigns, and the City and County of Honolulu."

Status:

The Project does not include a residential component and this Condition is not applicable at this time.

Condition No. 2:

“2. Petitioner, its successors, and assigns shall coordinate and/or participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the Project. Water transmission facilities and improvements shall be coordinated and approved by appropriate State and County agencies.”

Status:

The Project acquired water service approval from the Board of Water Supply, City and County of Honolulu in 2011.

Condition No. 3:

“3. If applicable, Petitioner, its successors, and assigns shall contribute to the development, funding, and/or construction of public schools as mutually agreed with the Department of Education.”

Status:

The Project does not include a residential component and this Condition is not applicable at this time.

Condition No. 4:

“4. Petitioner, its successors, and assigns shall coordinate and/or fund and construct adequate wastewater transmission and disposal facilities, as determined by the City and County of Honolulu, and the State Department of Health.”

Status:

The Sewer Connection Application for the Project was approved by the Department of Planning and Permitting, City and County of Honolulu on February 10, 2011, and the Industrial Wastewater Discharge Permit was issued for the Project by the Department of Environmental Services, City and County of Honolulu on August 17, 2011.

Condition No. 5:

“5. If applicable, Petitioner, its successors, and assigns shall grant to the State of Hawaii an avigation (right of flight) and noise easement in a form prescribed by the DOT on any portion of the Property subject to noise levels exceeding 55 Ldn.”

Status:

Petitioner will comply with this condition if applicable. The State of Hawai'i has not requested an avigation and noise easement.

Condition No. 6:

“6. Petitioner, its successors, and assigns shall not construct residential components within areas exposed to noise levels of 60 Ldn or greater.”

Status:

The Project does not have a residential component.

Condition No. 7:

“7. Petitioner, its successors, and assigns shall be responsible for implementing sound attenuation measures to bring noise levels from sporting events, vehicular and air traffic in and within the Property down to levels acceptable to the Department Of Health.”

Status:

Petitioner will comply with this Condition.

Condition No. 8:

“8. Petitioner shall attenuate within noise sensitive components of the Property that are exposed to noise levels of 60 Ldn (day-night average sound level) by a minimum of 25 decibels.”

Status:

Petitioner will comply with this Condition.

Condition No. 9:

“9. Petitioner, its successors, and assigns shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the proposed Project in designs and schedules accepted and determined by the DOT and the City and County of Honolulu. Petitioner and/or DOT shall submit construction plans as they relate to drainage issues for the North-South Road to the City and County of Honolulu for review and approval.”

Status:

Petitioner has participated and paid its share of Ewa Highway Impact Fees to satisfy its share of local and regional transportation improvements. Petitioner's Erosion Control Plan and Computations for the Project was approved by the Department of Planning and Permitting on September 17, 2010. The Erosion Control Plan and Computations for the Project was approved by the Department of Planning and Permitting on September 17, 2010.

Condition No. 10:

“10. Petitioner, its successors, and assigns of the affected properties shall fund and construct adequate civil defense measures as determined by the City and County of Honolulu and State Civil Defense agencies.”

Status:

Petitioner's understanding is that area where the Project is located is currently serviced with civil defense sirens.

Condition No. 11:

“11. Should any previously unidentified burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner, its successors, and assigns of the affected properties shall stop work immediately. Subsequent work shall proceed upon an archaeological clearance from the SHPD when it finds that mitigative measures have been implemented to their satisfaction.”

Status:

No archaeological or historic sites were found during construction.

Condition No. 12:

“12. Petitioner, its successors, and assigns shall coordinate the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of Federal, State and County agencies with the goal of executing an agreement on the interim and ultimate regional drainage plan as soon as possible. Petitioner, its successors, and assigns shall participate in the planning and coordination of off-site improvements with all landowners and developers in the Kalo'i drainage basin, the intervenor, and other Federal, State and City and County agencies.”

Status:

On February 25, 2010, the Department of Health, State of Hawai'i issued the Notice of General Permit Coverage (NGPC) and National Pollution Discharge Elimination System (NPDES) permit for the Project. On March 24, 2010, the Department of Planning and Permitting issued the Grading Permit for the Project's mass grading. On September 17, 2010, the Department of Planning and Permitting approved the Erosion Control Plan and Computations for the Project.

Condition No. 13:

“13. Petitioner, its successors, and assigns, agrees to work with the County to implement interim and long-term regional drainage solutions as follows:

- a. Petitioner shall submit a drainage master plan to the County for its review and approval prior to any subdivision approvals other than for minor matters, such as easements.**
- b. Drainage solutions for the Property shall be compatible with the `Ewa Villages Drainage Master Plan and drainage designs for other developments in the Kalo'i Gulch drainage basin.**
- c. Drainage improvements for the Property shall be consistent with the policies and principles in the `Ewa Development Plan.**
- d. Petitioner shall be responsible for implementing interim drainage improvements that will limit channelized runoff to 2,500 cfs at the Property's southern boundary (specifically at the `Ewa Villages Golf Course's Kalo'i Gulch Inlet Structure) for events up to a 100-year storm. Petitioner shall also take reasonable measures to minimize non-channelized flows from the Property by construction of berms, detention basins, or other appropriate methods. All flows and drainage patterns that cross the southern boundary of the Property shall remain as conceptually described in the `Ewa Villages Drainage Master Plan. These requirements shall remain in force until long-range regional drainage improvements are in place in accordance with the approved drainage master plan for the Project.**

e. Should Petitioner sell various residential or commercial components prior to the completion of the construction of the master infrastructure, any such sale shall be conditioned upon the completion of the appropriate master infrastructure improvements for that portion of the residential or commercial component.”

Status:

On August 19, 2008, the Drainage Master Plan for DHHL East Kapolei II Development dated July 2008 (“Drainage Master Plan”) was accepted by the Department of Planning and Permitting, City and County of Honolulu (“DPP”). The Drainage Master Plan is consistent with drainage master plans in the area and the Ewa Development Plan. Petitioner will comply with the requirements of Condition 13.

Condition No. 14:

“14. Petitioner shall comply with City and County zoning requirements. This condition is not intended to delay the construction of public uses or infrastructure to service the Property.”

Status:

Petitioner has and will continue to comply with Condition No. 14.

Condition No. 15:

“15. Petitioner, its successors, and assigns, where feasible, shall use indigenous and water conserving plants and turf and incorporate the same into common area landscape planting.”

Status:

Petitioner has complied with Condition No. 15 by incorporating indigenous trees and plants that are drought tolerant including Kamani trees, Kou trees, Breadfruit trees, `Akia, Ma`o, Kulu`i, Naio, `A`li`i as well as other species in order to preserve and celebrate Hawai`i's native plants and to create a cooler environment requiring less fertilizer.

Condition No. 16:

“16. Petitioner, its successors, and assigns shall facilitate an air quality monitoring program as specified by the State Department of Health. Petitioner, its successors, and assigns shall notify all prospective buyers of the Property of the potential odor, noise, and dust pollution resulting from surrounding agricultural and other uses, said notification to include reference to potential odors emanating from the Honouliuli WWTP.”

Status:

Petitioner will comply with Condition No. 16.

Condition No. 17:

“17. Petitioner shall comply with the approved Habitat Conservation Plan performed by DHHL to facilitate the propagation of the *Abutilon mensiesii*. The Habitat Conservation Plan for the *Abutilon mensiesii* has been performed by the DHHL and Petitioner will comply with plan in the event specimens are found on the Property.”

Status:

Petitioner has complied with Condition No. 17 by entering into that Memorandum of Agreement between the Department of Transportation, State of Hawaii, The Salvation Army, a California Corporation, and the Department of Land and Natural Resources, State of Hawaii, dated May 29, 2009, which provided for Petitioner's compliance with the Habitat Conservation Plan.

Condition No. 18:

“18. Petitioner or landowners shall develop the Property in substantial compliance with the representations made to the Commission. Failure to do so may result in reversion of the Property to its former classification, or a change to a more appropriate classification.”

Status:

Petitioner has complied with Condition No. 18.

Condition No. 19:

“19. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area, prior to the development of the Property.”

Status:

Petitioner will comply with Condition No. 19.

Condition No. 20:

“20. Petitioner shall timely provide without any prior notice, annual reports to the Commission, the State Office of Planning, and the City and County of Honolulu Department of Planning and Permitting in connection with the status of the subject Project and Petitioner’s progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.”

Status:

Petitioner will continue to comply with Condition No. 20.

Condition No. 21:

“21. The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.”

Status:

Petitioner duly notes and will comply with motion requirements of Condition No. 21.

Condition No. 22:

“22. Within 7 days of the issuance of the Commission’s Decision and Order for the subject classification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.”

Daniel E. Orodenker, Executive Officer
Land Use Commission, State of Hawai'i
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Status:

Petitioner has complied with Condition No. 22 and recorded the Notice of Imposition of Conditions at the Bureau of Conveyances on November 23, 2009, at Document No. 2009-17509.

Condition No. 23:

"23. Petitioner or landowners shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92 Hawai'i."


Status:

Petitioner has complied with Condition No. 23 and recorded the Declaration of Conditions at the Bureau of Conveyances on January 11, 2010 at Document No. 2010-004058.

Please do not hesitate to contact the undersigned should there be any questions.

Very truly yours,

MATSUBARA – KOTAKE



Curtis T. Tabata

cc: The Salvation Army
Office of Planning, State of Hawai'i
Department of Planning and Permitting,
City and County of Honolulu