# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

**Voting Members:**
Brandon J.C. Elefante, Chair; Esther Kiaʻāina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

**ADVANCE COPY**

Committee Meeting Held
January 13, 2022

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 21-281 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING UNIT WITH A GARAGE AND REPAIRS TO AN EXISTING SWIMMING POOL AT TAX MAP KEY (TMK) 4-3-008: 045 IN LANIKAI,"

as transmitted by Departmental Communication No. 821 (2021) from the Department of Planning and Permitting ("DPP"), dated December 21, 2021, reports as follows:

The purpose of Resolution 21-281 is to grant a Special Management Area (“SMA”) Use Permit to Pacific Coast Real Estate Investment Services, LLC ("Applicant") to allow the demolition and removal of an existing, deteriorating single-family dwelling unit, and the construction of a new single-family dwelling unit and garage, and refurbishment of an existing, in-ground swimming pool, located in the R-10 Residential District at 830 Mokulua Drive in Lanikai, and identified as TMK 4-3-008:045 ("Project").

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In Departmental Communication 821 (2021), the DPP reported that the Project will consist of a two-story single family dwelling with approximately 4,700-sq. ft. of floor area, including four bedrooms, five bathrooms, a family room, a kitchen, a wet bar, a laundry room, a swimming pool, and five parking spaces, inclusive of a two-car garage. The new dwelling unit will be constructed on deepened foundation piers supporting a structural concrete slab. Grading and clearing will be required to prepare the Project's site.

Your Committee notes that the DPP, after a public hearing held on November 22, 2021, at which no public testimony was received, recommends approval of the SMA Use Permit subject to the conditions set forth in the Resolution.

At your Committee's meeting on January 13, 2022, the Applicant's agent provided a brief presentation on the Project.

The DPP Director testified in support of the posted CD1 version of the Resolution offered by the Committee Chair.

Your Committee has carefully reviewed the conditions recommended by the DPP for inclusion in this SMP. Although your Committee generally finds the DPP's proposed conditions to be appropriate, your Committee recommends that certain conditions be amended or added as discussed below.

Your Committee has prepared a CD1 version of the Resolution that makes the following amendments:

A. Amends Condition D.2. by correcting the ROH reference.

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B. In Condition F, changes the phrase "registered civil engineer" to "civil engineer licensed in the State of Hawaii."

C. In Condition G, corrects the reference to the zoning district to "R-10" instead of "R-7.5."

D. Changes the second of two conditions designated as Condition "H" to Condition "I."

E. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the Department of Planning and Permitting in Departmental Communication 821 (2021), that:

1. The development, as conditioned, will not have any significant adverse environmental or ecological effect, either alone or cumulatively with other projects.

2. The development is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.

3. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

**Voting Members:**
Brandon J.C. Elefante, Chair; Esther Kiaʻāina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

**ADVANCE COPY**



Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 21-281, as amended herein, and recommends its adoption in the form attached hereto as Resolution 21-281, CD1. (Ayes: Cordero, Elefante, Kiaʻāina, Say – 4; Noes: None.)

Respectfully submitted,

Committee Chair

**CITY COUNCIL**
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____ COMMITTEE REPORT NO. 6

**CITY COUNCIL**
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

No. **21-281, CD1**

# RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING UNIT WITH A GARAGE AND REPAIRS TO AN EXISTING SWIMMING POOL AT TAX MAP KEY ("TMK") 4-3-008: 045 IN LANIKAI.

WHEREAS, on October 1, 2021, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2021/SMA-59) from the Pacific Coast Real Estate Investment Services, LLC (the "Applicant") for a Special Management Area ("SMA") Use Permit to allow the demolition and removal of an existing, deteriorating single-family dwelling unit, and the construction of a new single-family dwelling unit and garage, and refurbishment of an existing, in-ground swimming pool, located in the R-10 Residential District at 830 Mokulua Drive in Lanikai, and identified as TMK 4-3-008:045 (the "Project"); and

WHEREAS, on November 22, 2021, the DPP held a public hearing which was attended in person by DPP staff members and Department of Information Technology support staff, attended virtually online by the agent for the Applicant, and attended by no members of the public; and

WHEREAS, on December 21, 2021, within 20 working days after the close of the Public Hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26, Hawaii Revised Statues ("HRS"), completed its report and transmitted its findings and recommendation to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on December 23, 2021, by Departmental Communication No. 821 (2021), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:

A. Construction must be in general conformity with the Project as recommended by the DPP, in the DPP findings and recommendation referenced-above, and as depicted in Exhibits A through G, attached hereto and incorporated herein by reference. Any change in the size or nature of the Project that has a significant

effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification, and may be permitted under this resolution, upon review and approval of the Director of the DPP.

B. In order to ensure that archaeological resources are identified and treated properly, archaeological monitoring must be conducted in consultation with the State Historic Preservation Division ("SHPD") during ground-disturbing construction activities, as detailed in the Archaeological Assessment Report prepared by Keala Pono for the proposed Project in January 2021. This requirement must be clearly stated on any earth-moving development permit plans and building plans for the proposed Project.

C. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the Applicant must stop work and contact the SHPD immediately. Work in the immediate area must stop until the SHPD is able to assess the impact and make further recommendations for mitigative activity. This requirement must be clearly stated on any earth-moving development permit plans and building plans for the proposed Project.

D. In order to address potential impacts to Hawaiian seabirds, the hoary bat, and nearshore marine species (endangered green sea turtles, monk seals) that may frequent or traverse the vicinity of the Project site, the Applicant must implement the following:

1. Artificial light from exterior light fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes are prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b);

2. The Project's building permit plans must show all outdoor lighting fixtures fully shielded with the light directed downward in compliance with ROH Section 25-6.3(a), to avoid illuminating onsite or nearby tree canopies or the shoreline and waters of the Pacific Ocean; and

3. All Project site work and construction activities are limited to day-time hours.

This requirement must be stated on any development permit plans and building plans for the proposed Project.

E. To minimize potential impacts to the Hawaiian hoary bat habitat and migratory bird roosting area, the Applicant must take special care when trimming or clearing woody plants greater than 15 feet in height, and woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the hoary bat birthing and pup rearing season from June 1 through September 15. This requirement must be stated on any development permit plans and building plans for the proposed Project.

F. To minimize potential for adverse impacts related to sea level rise and coastal erosion, the Applicant must incorporate a structural foundation design sufficient such that the proposed structures will remain sound throughout their operational lifespan. This proposed design must provide equal or greater protection against damage from coastal erosion as the foundation design plans shown in Exhibits D11 and D12. Proposed designs must be accompanied by a statement to such effect stamped by a civil engineer licensed in the State of Hawaii. Compliance with this structural foundation design requirement must also be stated on any earth-moving development permit plans and building plans for the proposed Project.

G. To minimize potential for adverse impacts related to public beach access and recreation, as well as account for the potential shift of R-10 Residential Land to State Conservation Land as a result of coastal erosion, the following statement must be included on the building permit plans for the proposed Project:

*"In choosing to implement construction activities at Tax Map Key 4-3-008:045, the Landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The Landowner further acknowledges that should any portion of a structure encroach into State Land, the State Board of Natural Resources may require removal of the structure or a lease for encroachments extending into State Land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information."*

H. **The Applicant must obtain a development permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a

development permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows:

1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period cannot be extended by the Director beyond one year from the initial deadline set by the City Council.

2. If the Applicant demonstrates good cause for an extension exceeding one year, the Director must prepare and submit to the Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

   If the Council fails to take final action on the proposed extension within the first to occur of:

   a. 60 days after receipt of the Director's report; or

   b. The Applicant's then-existing deadline for obtaining a development permit,

   the extension will be deemed to be denied.

I. Approval of this SMA Use Permit does not constitute compliance with the Land Use Ordinance ("LUO") or other governmental requirements, including but not limited to grading, grubbing, and building permit approvals. They are subject to separate review and approval. The Applicant is responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.

# RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Shae Grimm, Long and Associates Architects Interiors, Inc., 1100 Alakea Street, Third Floor, Honolulu, Hawaii 96813; Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director of the Office of Planning, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804-2359.

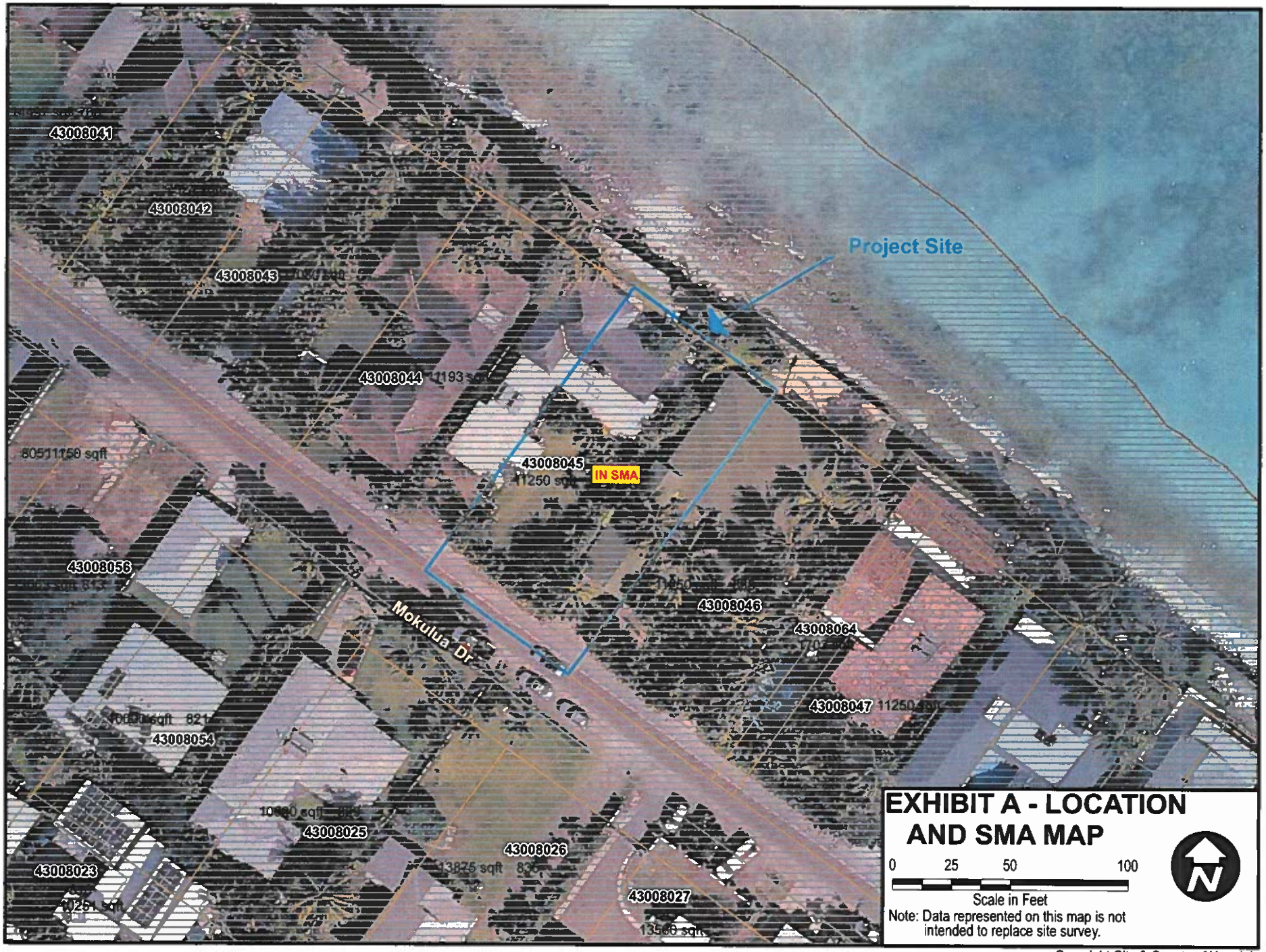
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

December 30, 2021
Honolulu, Hawaiʻi

Councilmembers

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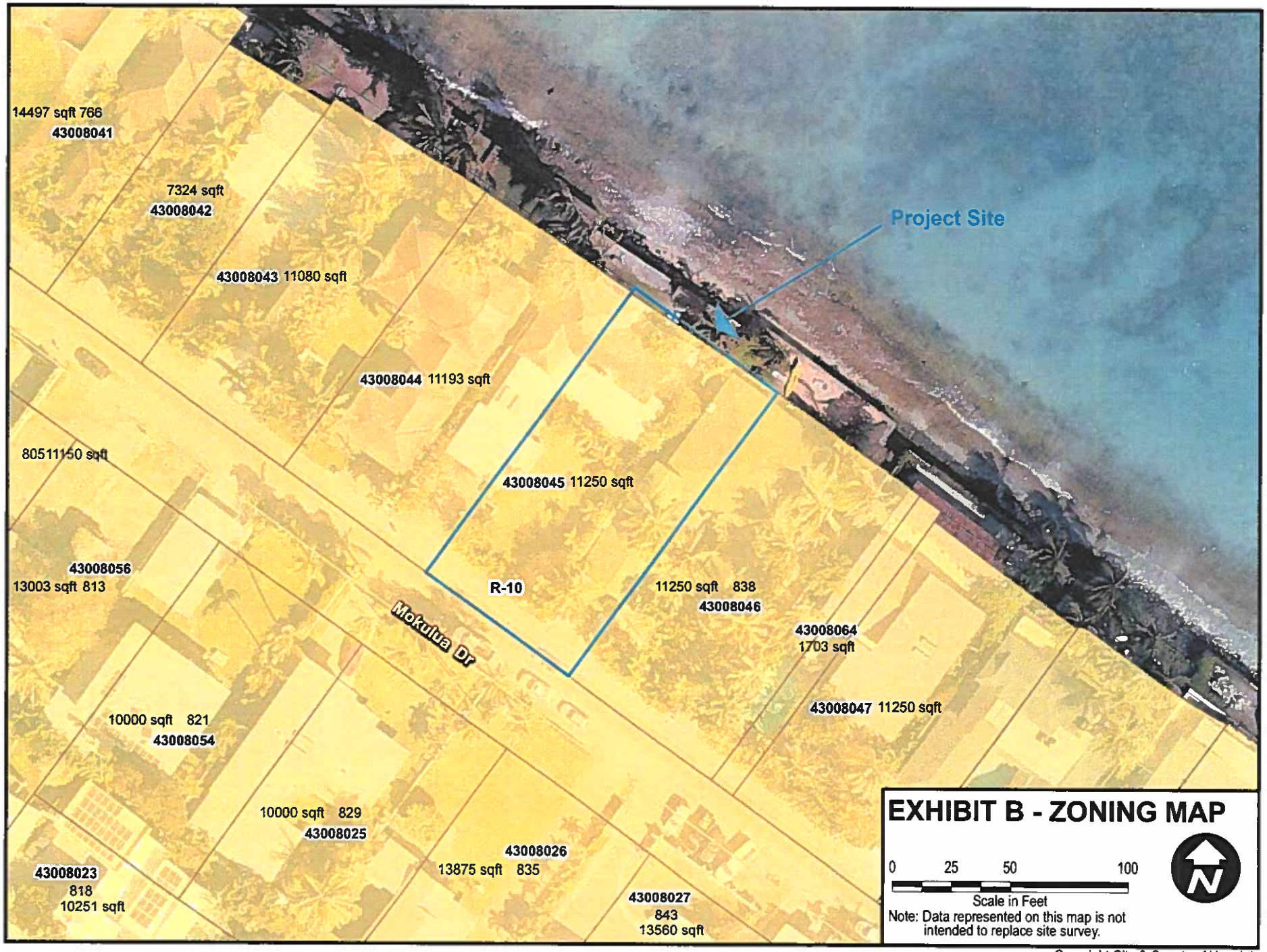


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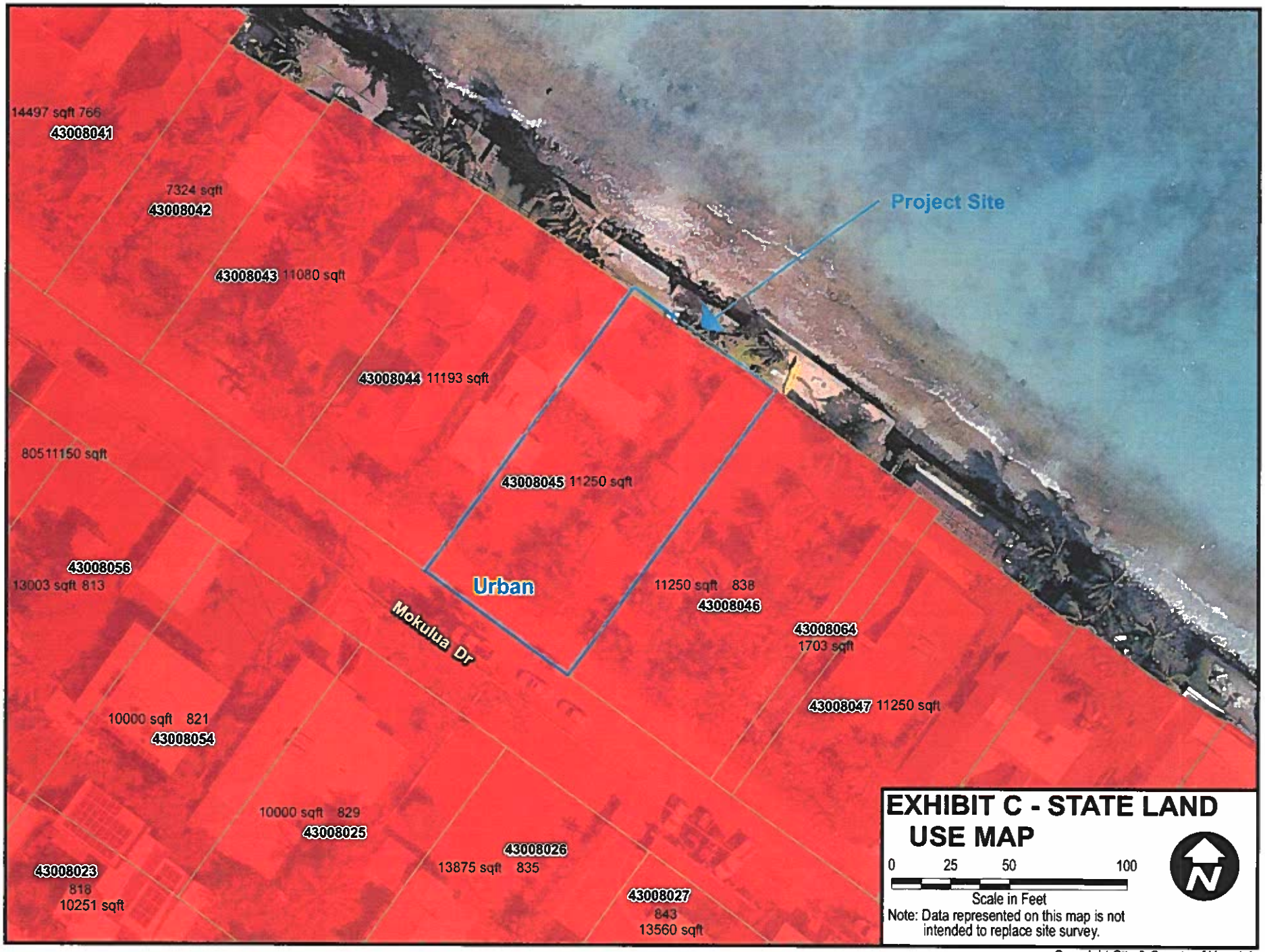


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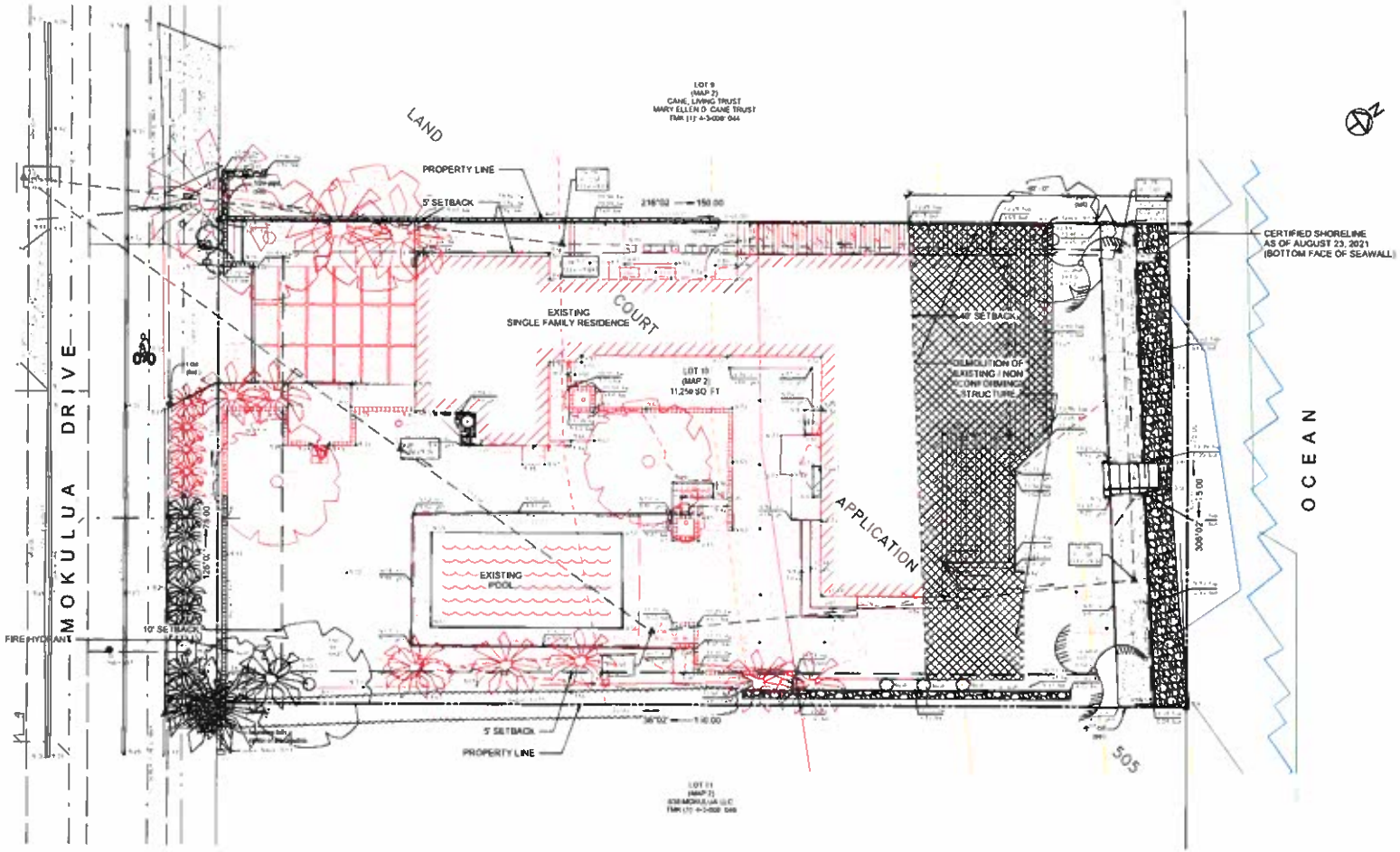


# EXHIBIT D1 - EXISTING SITE PLAN

1 SITE PLAN-EXISTING
1/8" = 1'-0"

Graphic Scale: 1 inch = 8 feet

This work was prepared by me or under my supervision, and construction of the project will be under my observation, as defined by the Department of Commerce And Consumer Affairs, 16-1152

Signature
APRIL 30, 2022
Expiration Date of the License

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830 MOKULUA DR.
KAILUA, HI 96734
OWNER: Pacific Coast Real Estate Investment Services, LLC
TMK: 1-3-008-045
PROJECT NUMBER 20-80

EXISTING SITE PLAN

SHEET
A001
SMA USE PERMIT
10-06-2021

10/6/2021 12:13:39 PM \\li-nas21\Live_Files\clients\830 MOKULUA DRIVE_KEEP EXISTING POOL_line\Revit-hawaii.com.rvt

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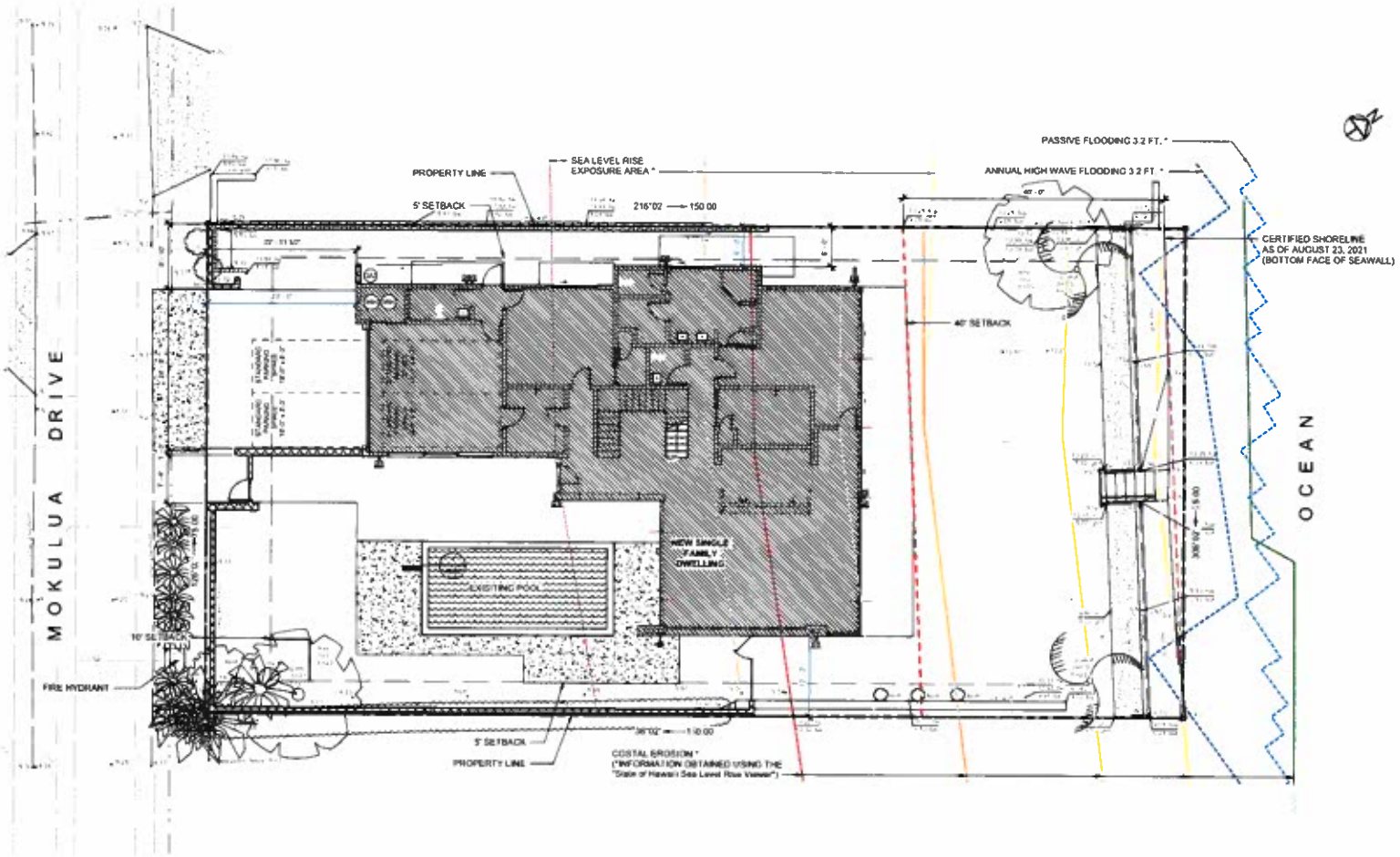


# EXHIBIT D2 - PROPOSED SITE PLAN

1 SITE PLAN

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Signature Date of the Licensee

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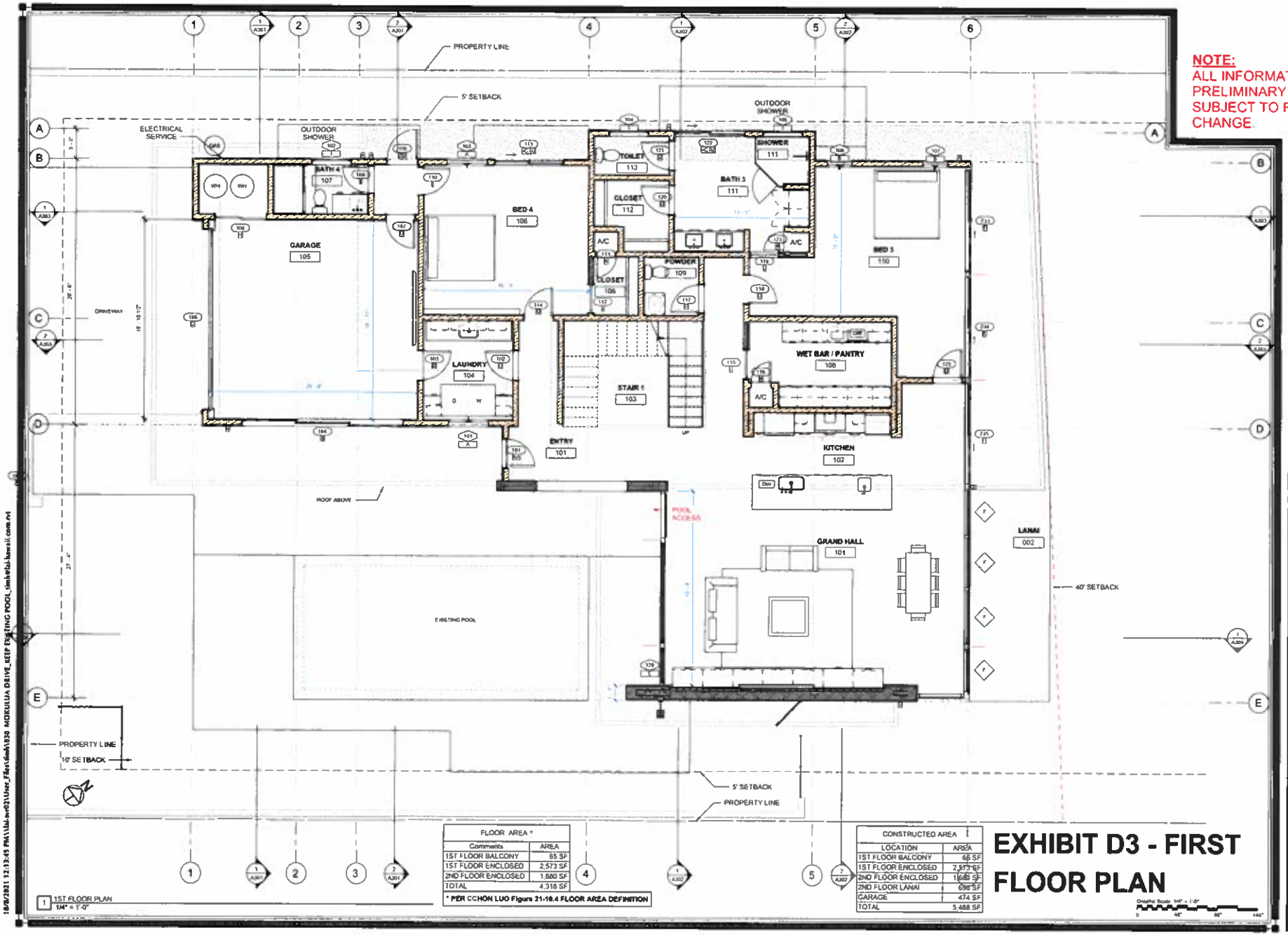
CONTACT: Pacific Coast Real Estate Investment Services, LLC
TMK: 1-3-008-045
PROJECT NUMBER: 20-48

SITE PLAN

SHEET
A002
OF
SMA USE PERMIT
10-08-2021
ISSUE DATE




**NOTE:**
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| FLOOR AREA * | |
|---|---|
| Comments | AREA |
| 1ST FLOOR BALCONY | 65 SF |
| 1ST FLOOR ENCLOSED | 2,573 SF |
| 2ND FLOOR ENCLOSED | 1,680 SF |
| TOTAL | 4,318 SF |

* PER CCHON LUO Figure 21-10.4 FLOOR AREA DEFINITION

| CONSTRUCTED AREA | |
|---|---|
| LOCATION | AREA |
| 1ST FLOOR BALCONY | 65 SF |
| 1ST FLOOR ENCLOSED | 2,573 SF |
| 2ND FLOOR ENCLOSED | 1,680 SF |
| 2ND FLOOR LANAI | 696 SF |
| GARAGE | 474 SF |
| TOTAL | 5,488 SF |

# EXHIBIT D3 - FIRST FLOOR PLAN

Graphic Scale: 1/4" = 1'-0"

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TMK: 1-3-008:045
PROJECT NUMBER 20-06

1ST FLOOR PLAN

SHEET
A101
OF
SMA USE PERMIT
10-08-2021
ISSUE DATE

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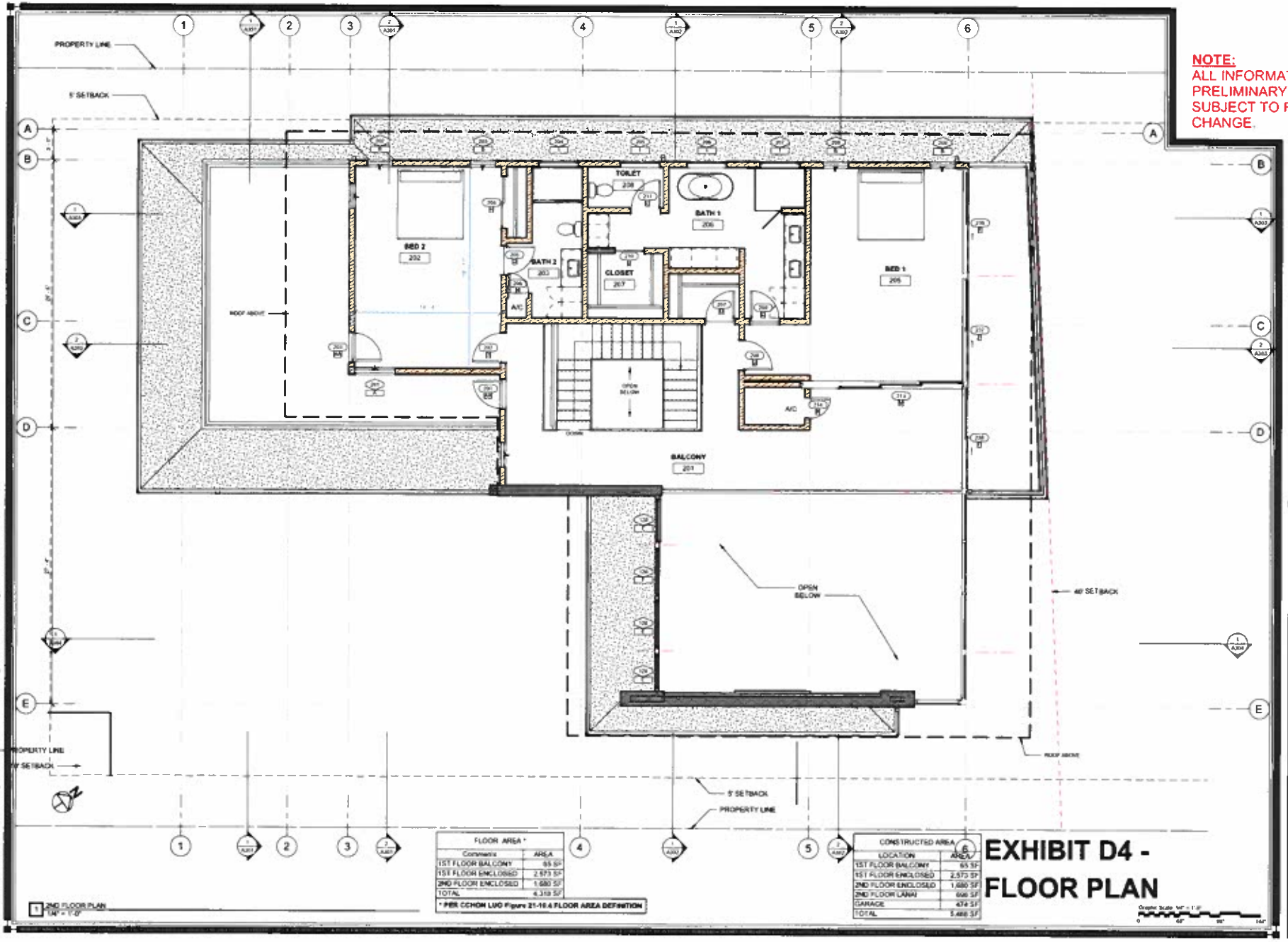


| FLOOR AREA * | |
|---|---|
| Comments | AREA |
| 1ST FLOOR BALCONY | 65 SF |
| 1ST FLOOR ENCLOSED | 2,573 SF |
| 2ND FLOOR ENCLOSED | 1,680 SF |
| TOTAL | 4,318 SF |

* PER CCHON LUO Figure 21-10.4 FLOOR AREA DEFINITION

| CONSTRUCTED AREA | |
|---|---|
| LOCATION | AREA |
| 1ST FLOOR BALCONY | 65 SF |
| 1ST FLOOR ENCLOSED | 2,573 SF |
| 2ND FLOOR ENCLOSED | 1,680 SF |
| 2ND FLOOR LANAI | 646 SF |
| GARAGE | 474 SF |
| TOTAL | 5,438 SF |

# EXHIBIT D4 - FLOOR PLAN

1 2ND FLOOR PLAN
1/4" = 1'-0"

Graphic Scale: 1/4" = 1'-0"

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TMK: 1-3-008:041
PROJECT NUMBER 20-08

2ND FLOOR PLAN

SHEET
A102
OF
SMA USE PERMIT

10-08-2021
ISSUE DATE

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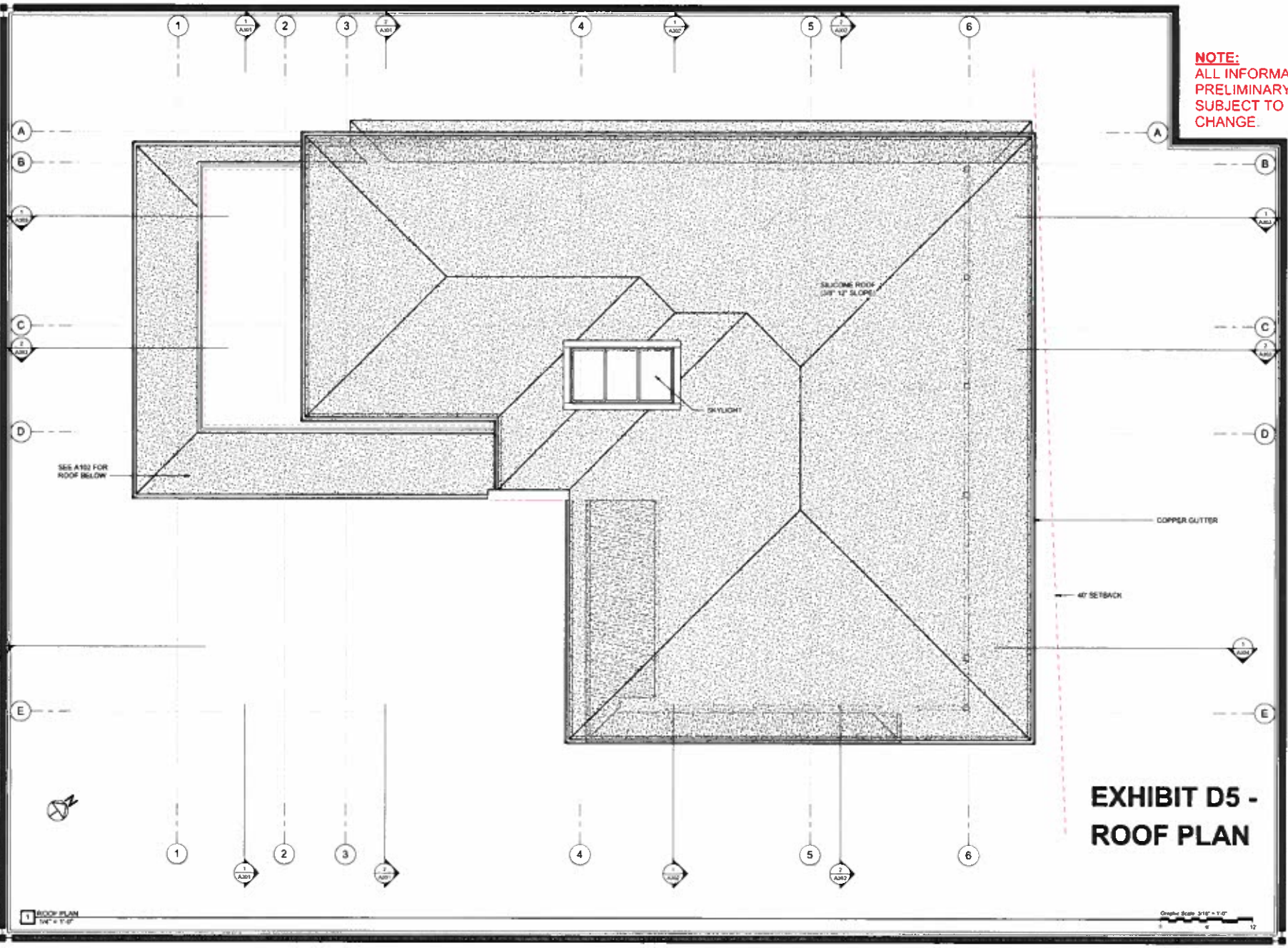


# EXHIBIT D5 - ROOF PLAN

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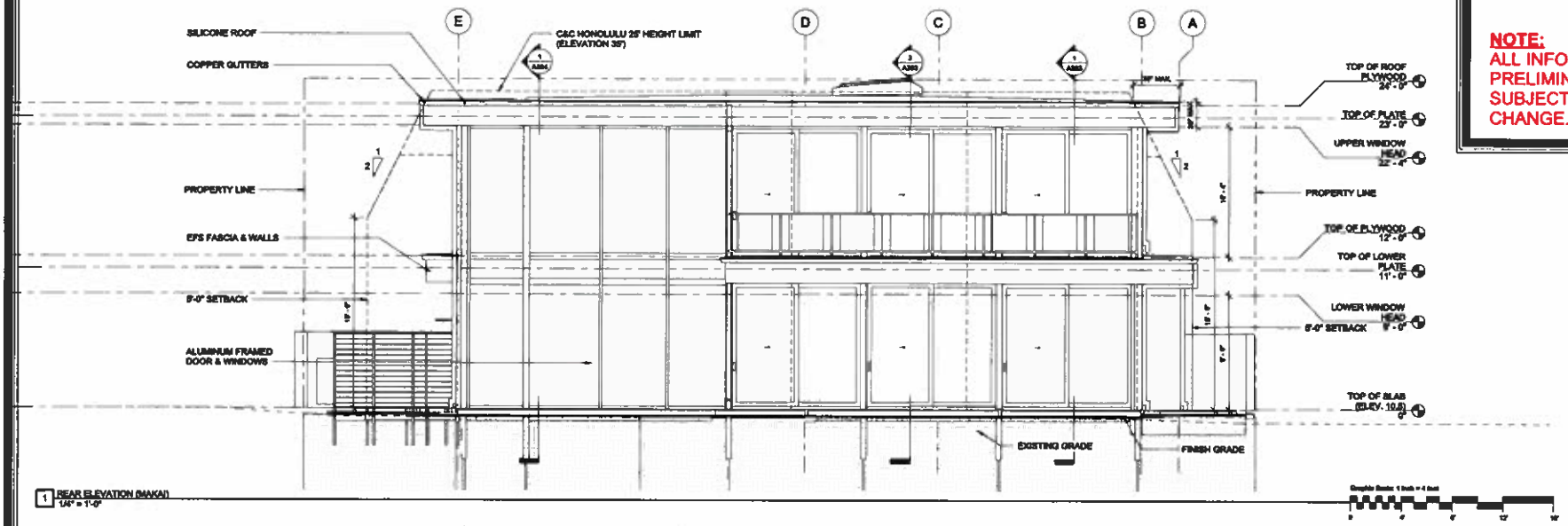
Owner: Pacific Coast Bird Estate Investment Service, LLC
TMK: 1-3-008-041
PROJECT NUMBER: 20-08

ROOF PLAN

SHEET
A105
SMA USE PERMIT
10-06-2021

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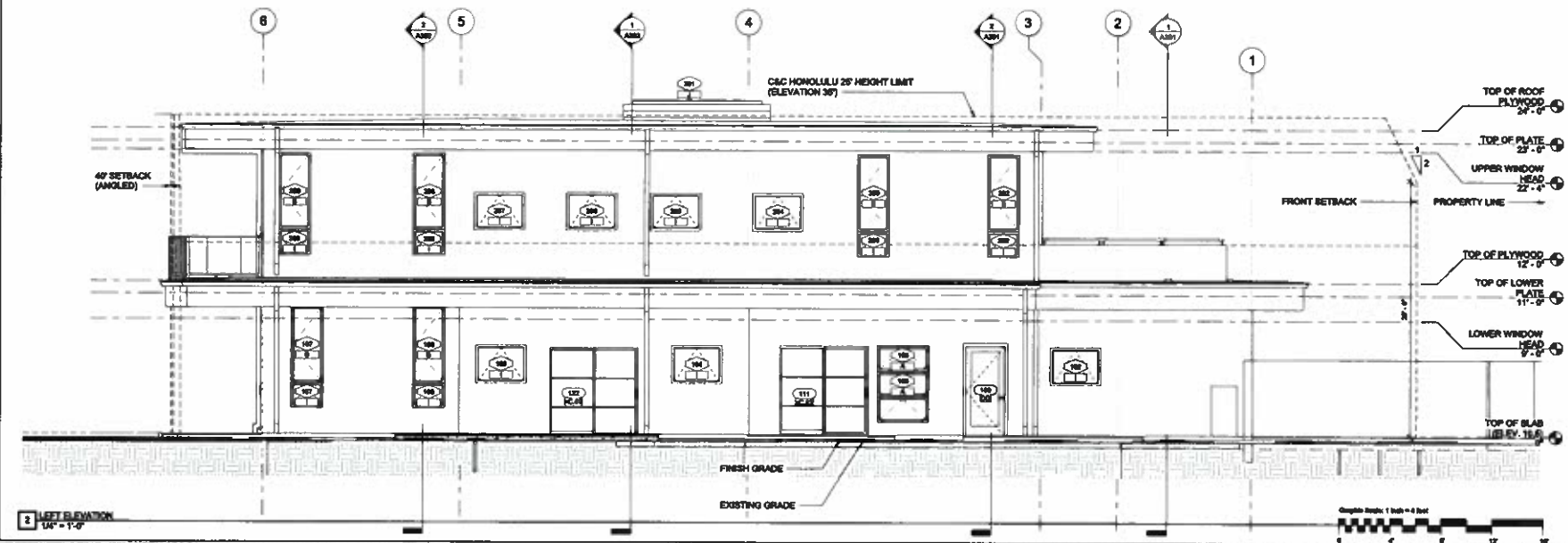
# EXHIBIT D6 - MAKAI AND LEFT ELEVATIONS

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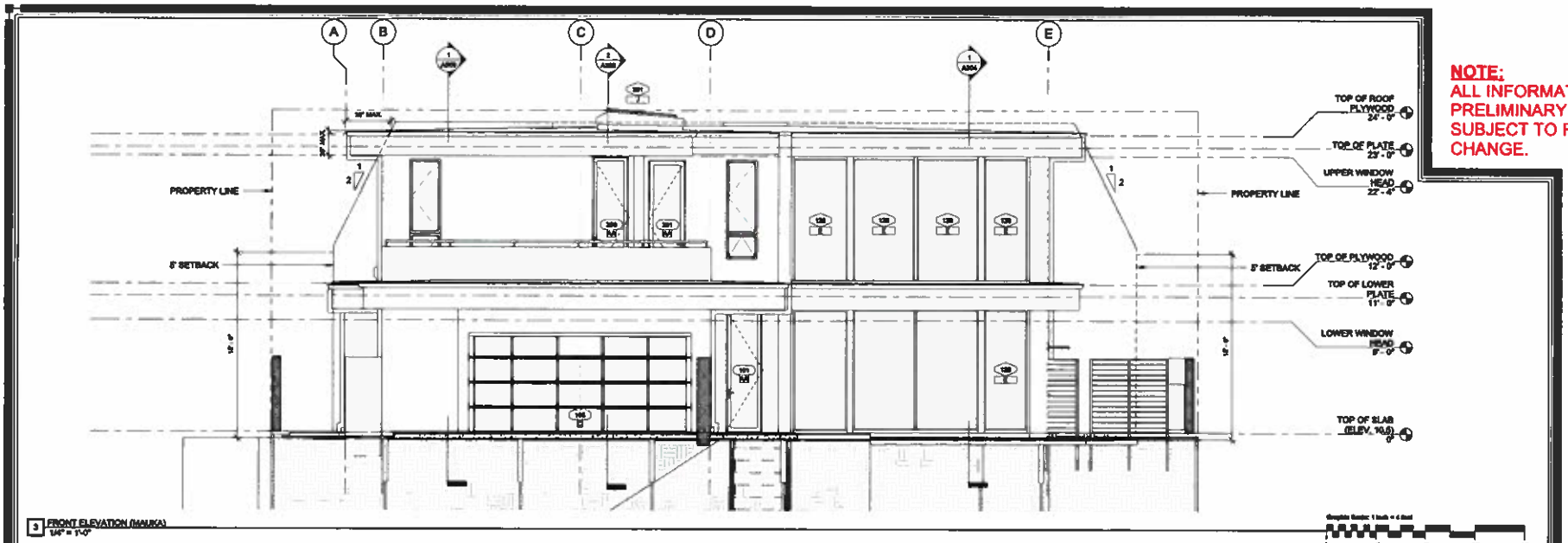
TMK: 1-4-026-043
PROJECT NUMBER: 20-06

EXTERIOR ELEVATIONS

SHEET
A201
OF
SMA USE PERMIT

10-06-2021
ISSUE DATE

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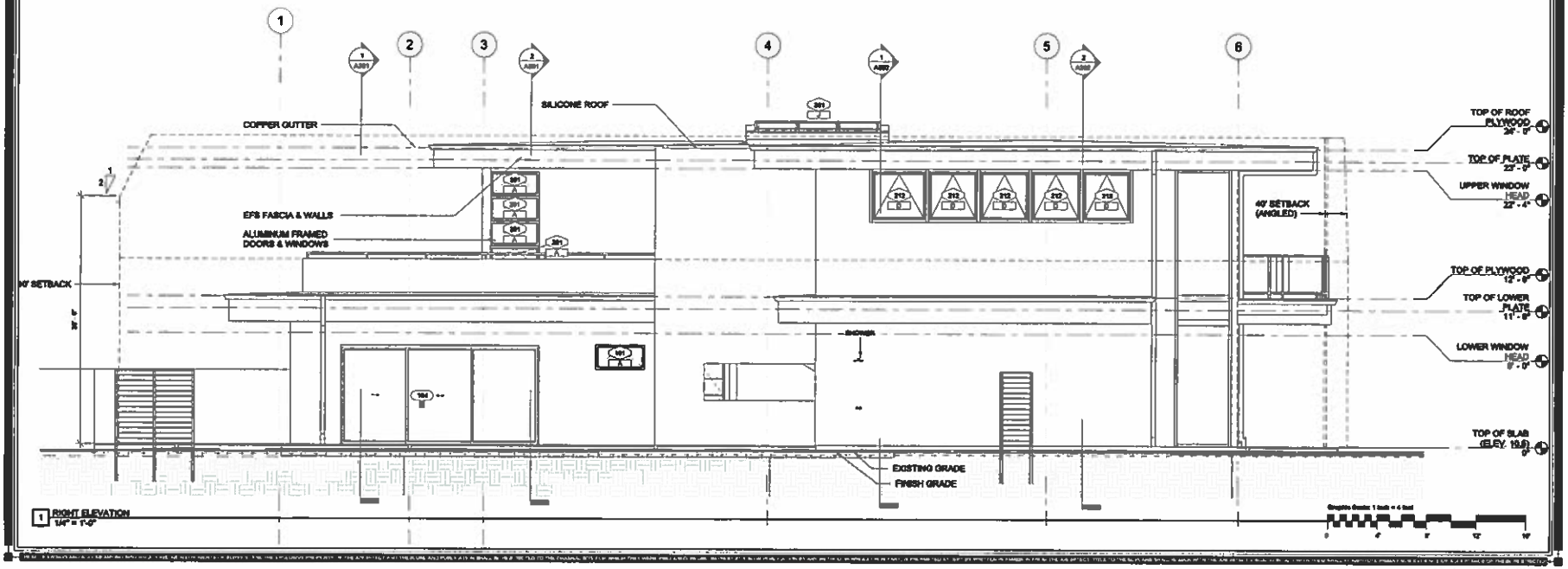
# EXHIBIT D7 - MAUKA AND RIGHT ELEVATIONS

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OWNER: Pacific Coast Real Estate Investment Services, LLC
TMK: 1-4-0806043
PROJECT NUMBER: 20-40

EXTERIOR ELEVATIONS

SHEET
A202
OF
SMA USE PERMIT

10-08-2021
ISSUE DATE

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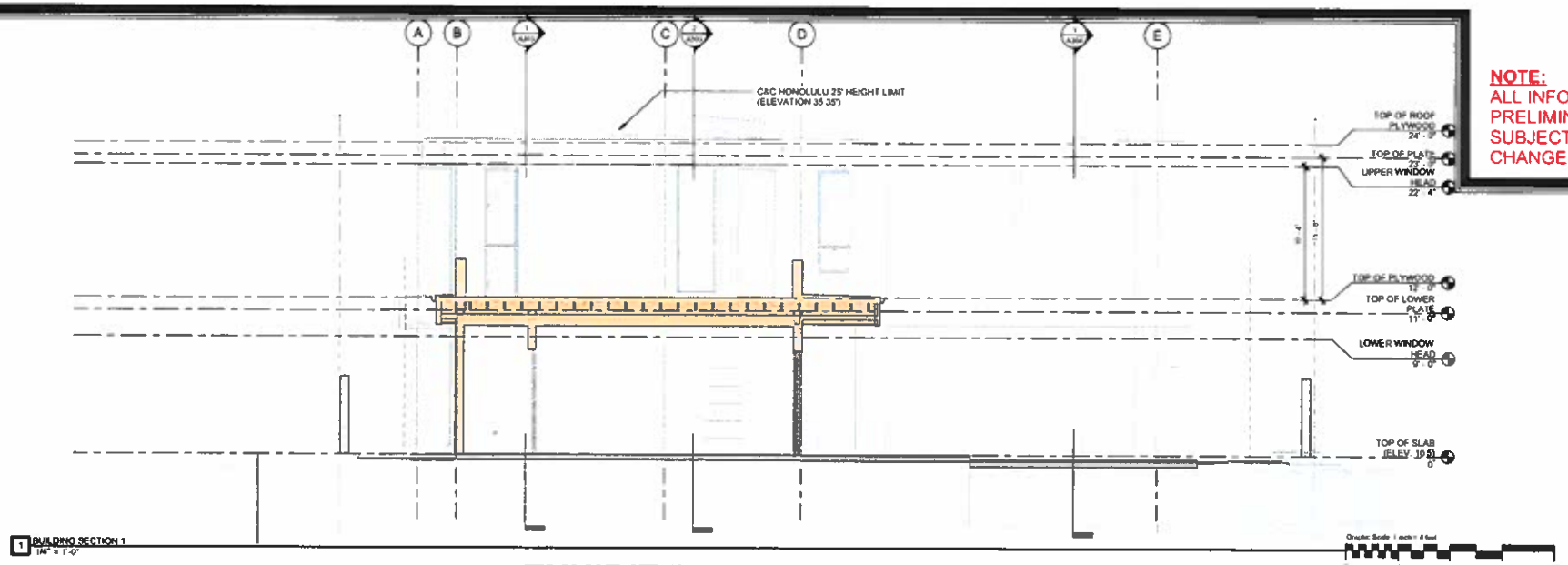
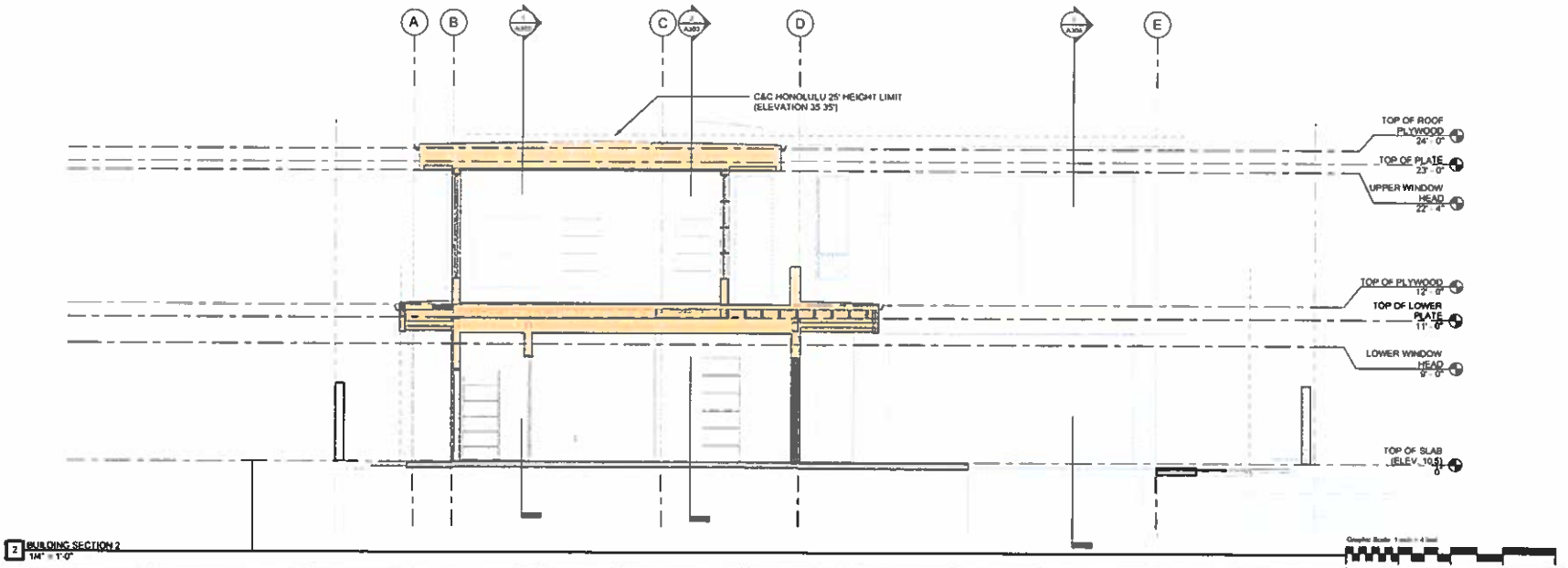



# EXHIBIT D8 - BUILDING SECTIONS

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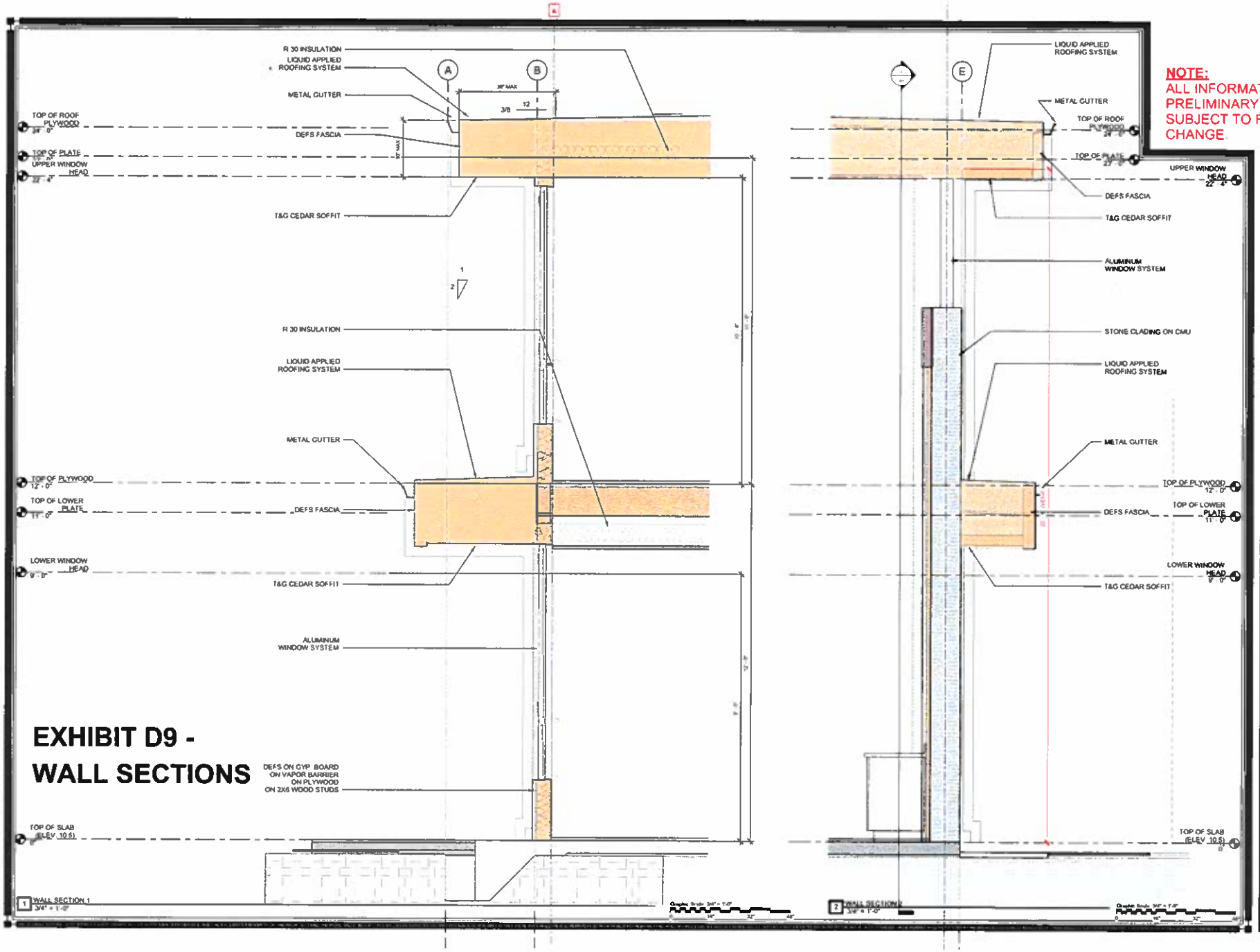
TMK: 4-3-008:045
PROJECT NUMBER 20-09

BUILDING SECTIONS

SHEET
A301
SMA USE PERMIT
10-08-2021

# EXHIBIT D9 - WALL SECTIONS

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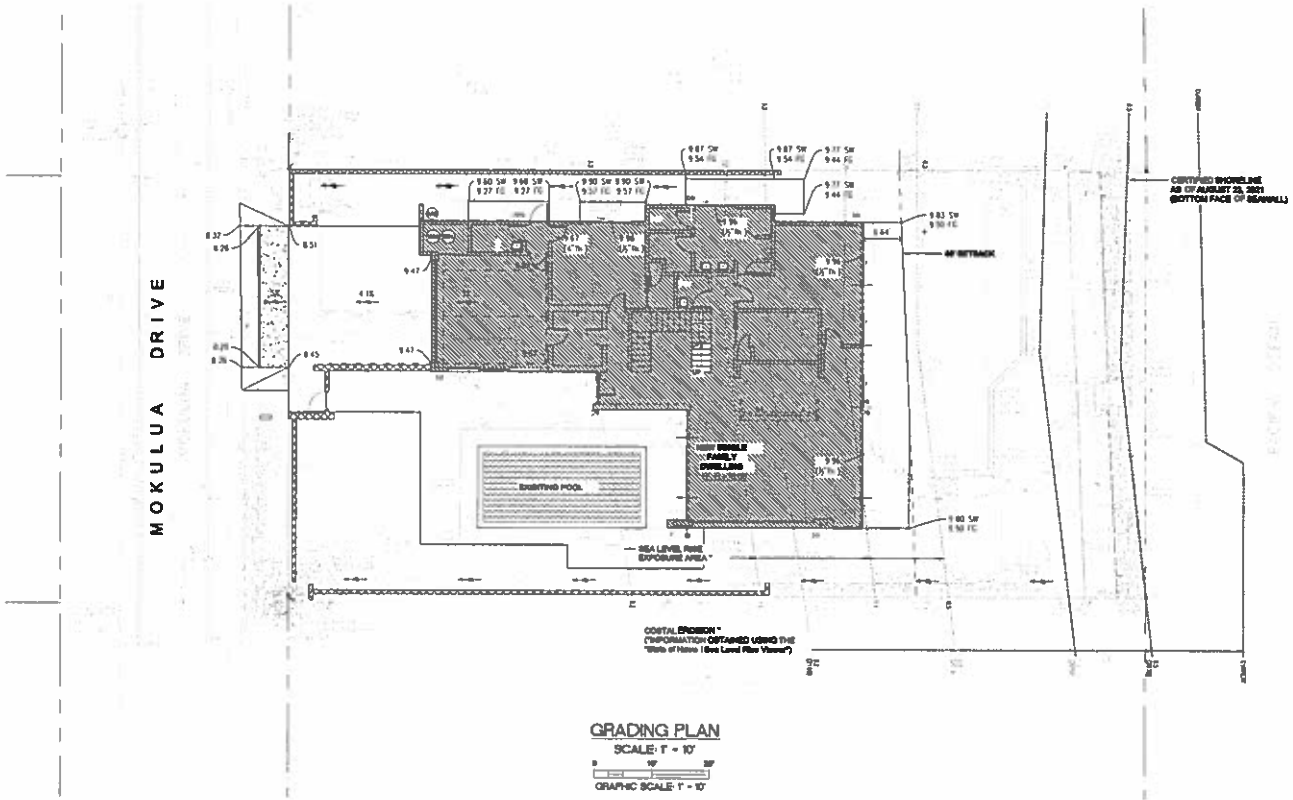
KAILUA, HI 96734
OWNER: Pacific Coast Real Estate Investment Services, LLC
TMK: 1-3-008:045
PROJECT NUMBER 20-08

WALL SECTION

SHEET
A401
SMA USE PERMIT
10-08-2021
ISSUE DATE




# EXHIBIT D10 - GRADING PLAN

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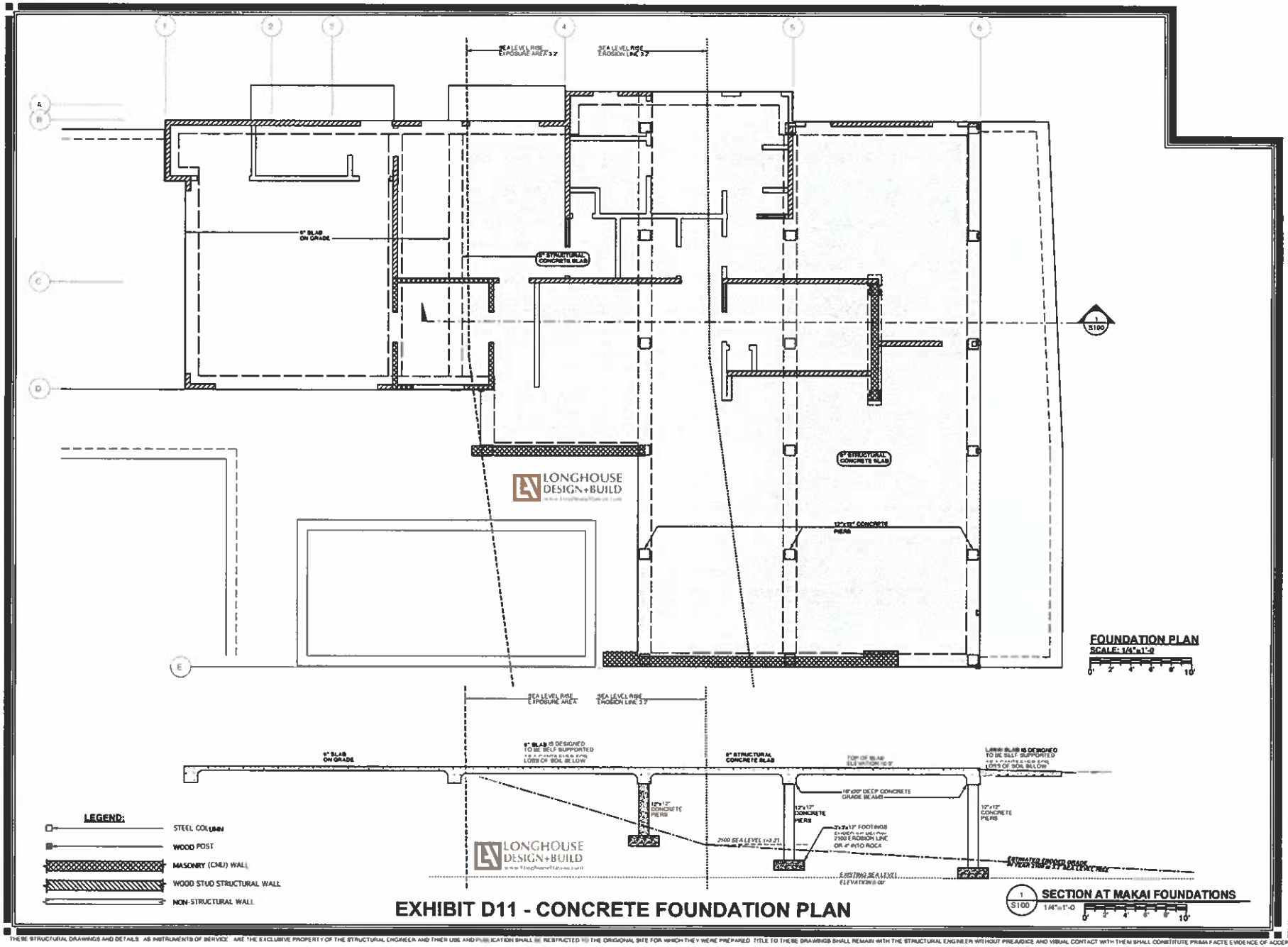
830 MOKULUA DR.
KAILUA, HI 96734
OWNER Pacific Coast Real Estate Investment
TMK: 4-3-008:045
PROJECT NUMBER: 20-08

GRADING PLAN

SHEET
C200

09-28-2021




# EXHIBIT D11 - CONCRETE FOUNDATION PLAN

LICENSED PROFESSIONAL ENGINEER

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KAILUA, HI 96734
OWNER: Pacific Coast Real Estate Investment Services, LLC
TMK: 1-3-008:45
PROJECT NUMBER: 20-48

CONCEPT FOUNDATION PLAN

SHEET
S100

STRUCTURAL DESIGN
12-08-2021
ISSUE DATE

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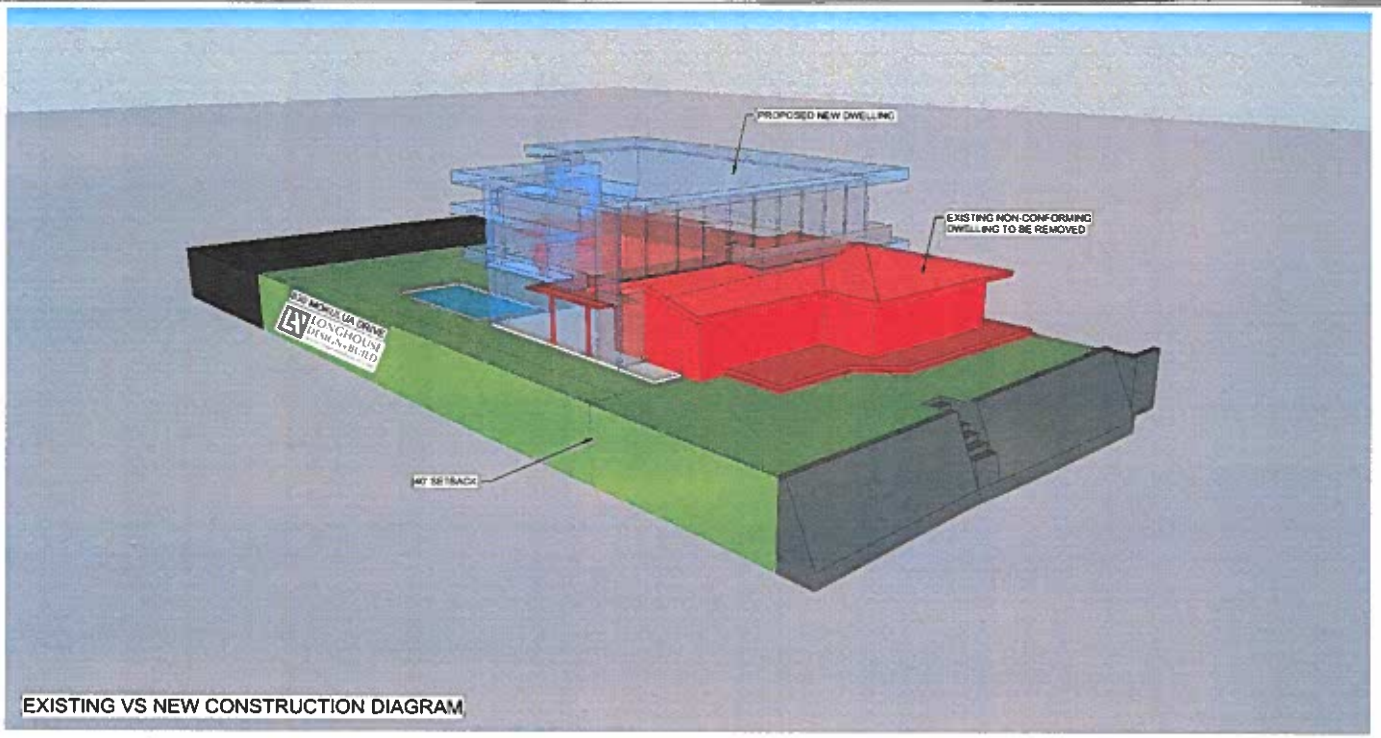
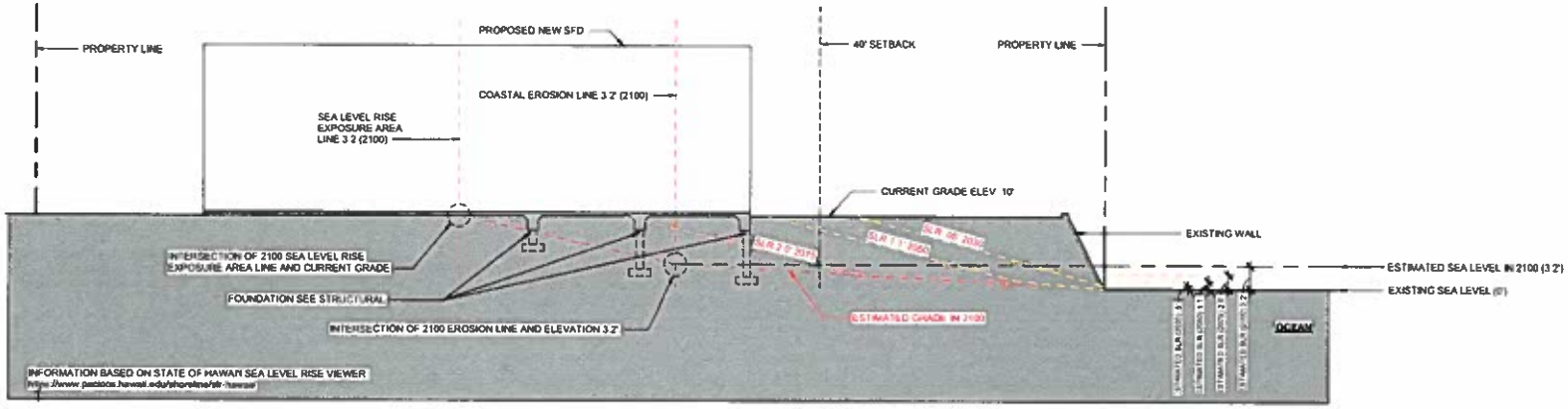



EXISTING VS NEW CONSTRUCTION DIAGRAM

**NOTE:**
ALL INFORMATION IS PRELIMINARY & SUBJECT TO REVIEW & CHANGE.




1 SITE SECTION
1/8" = 1'-0"

## EXHIBIT D12 - SITE SECTION AND BUILDING DIAGRAM

This work was prepared by me or under my supervision, and characteristics of this project will be under my observation, as defined by the Department of Commerce and Consumer Affairs, HI, 1-14.5

Signature
APRIL 30, 2022

Expiration Date of the License

LONGHOUSE DESIGN+BUILD
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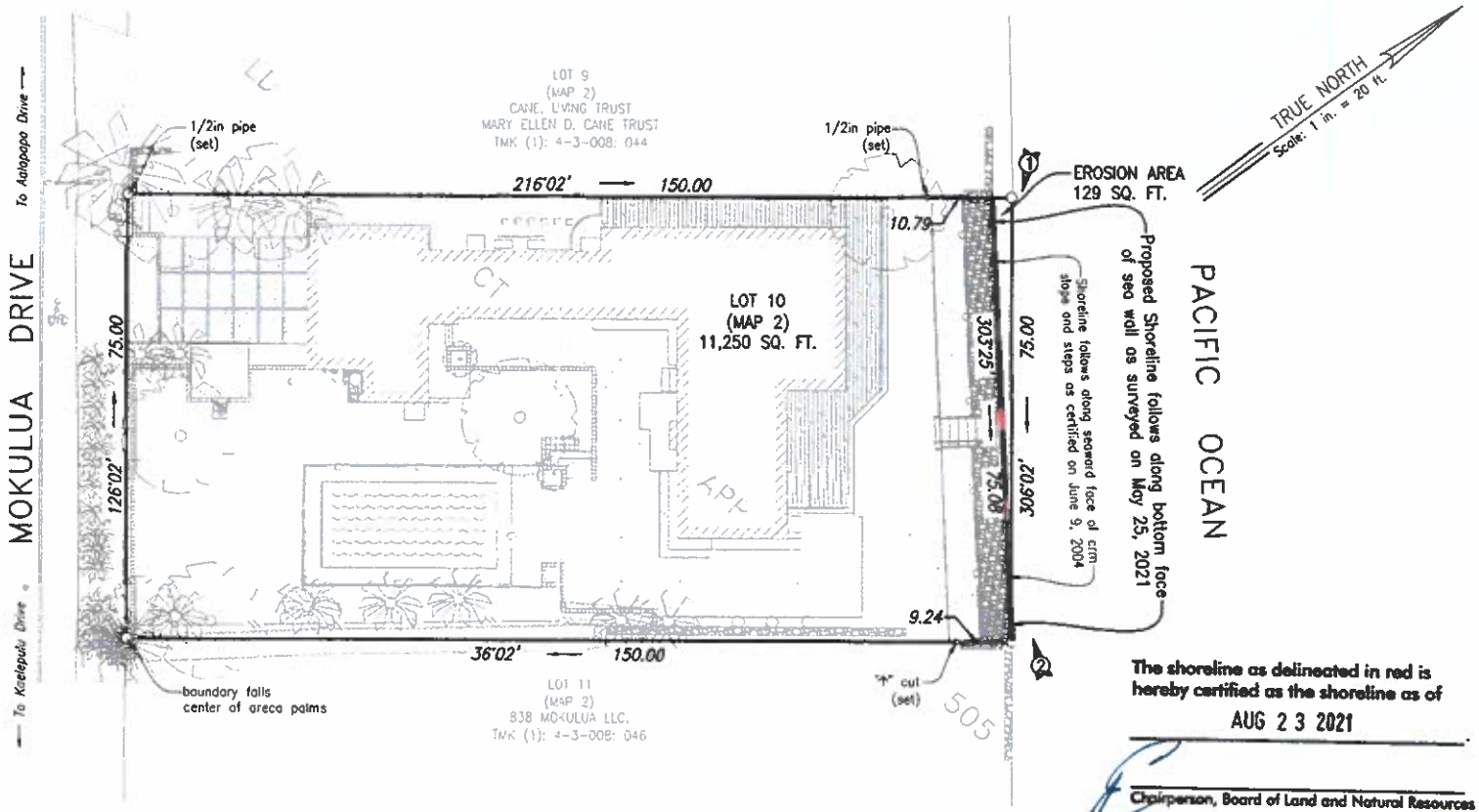
830 MOKULUA DR.
KAILUA, HI 96734
OWNER: Pacific Coast Real Estate Investment Services, LLC
TMK: FOID 1-4-011531 (former TMK: 4-3-008:045)
PROJECT NUMBER 20-08

SITE SECTION & BUILDING DIAGRAM

SHEET
012
DRAFT
12/03/21
ISSUE DATE

12/6/2021 4:27:25 PM \\lbi-nas2\User Files\timh\830 MOKULUA DRIVE_KEEP EXISTING POOL_timh@lbi-hawaii.com.rvt

# EXHIBIT D13 - CERTIFIED SHORELINE SURVEY




The shoreline as delineated in red is hereby certified as the shoreline as of

AUG 2 3 2021

Chairperson, Board of Land and Natural Resources

## SHORELINE CERTIFICATION MAP

### OF LOT 10 (MAP 2)

OF LAND COURT APPLICATION 505 BEING A PORTION OF THE LANIKAI BEACH TRACT SITUATED IN KAILUA, KOOLAUPOKO, OAHU, HAWAII

TAX MAP KEY: (1) 4-3-008: 045

SITE ADDRESS: 830 MOKULUA DRIVE
KAILUA, HAWAII 96734

OWNER: PACIFIC COAST REAL ESTATE INVEST SERVICES

NOTES

1. Azimuths shown on this map are referred to Government Survey Triangulation Station "MOKAPU".
2. Names of adjoining property owners were taken from Real Property Tax Records.
3. Shoreline certification is for building setback purposes.
   ①◄ Denotes photo number and direction.
4. Map is based on a field survey on May 25, 2021.

ERIK S. KANESHIRO
LICENSED PROFESSIONAL LAND SURVEYOR
No. 9826
HAWAII, U.S.A.


AUSTIN, TSUTSUMI, & ASSOCIATES INC.
501 SUMNER STREET, SUITE 521
HONOLULU, HI 96817, (808) 533-3646


THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

ERIK S. KANESHIRO
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 9826

TMK: (1) 4-3-008: 045

MAY 25, 2021

11" X 17" = 1.42 SQ. FT.

AUSTIN, TSUTSUMI & ASSOCIATES, INC.
ENGINEERS, SURVEYORS • HONOLULU, WAILUKU, HAWAII

Y:\2020\20-348 830 Mokulua - Topographic Survey\DWG\20-348 830 MOKULUA DRIVE SHORELINE 2.dwg
JOB NO.: 20-348

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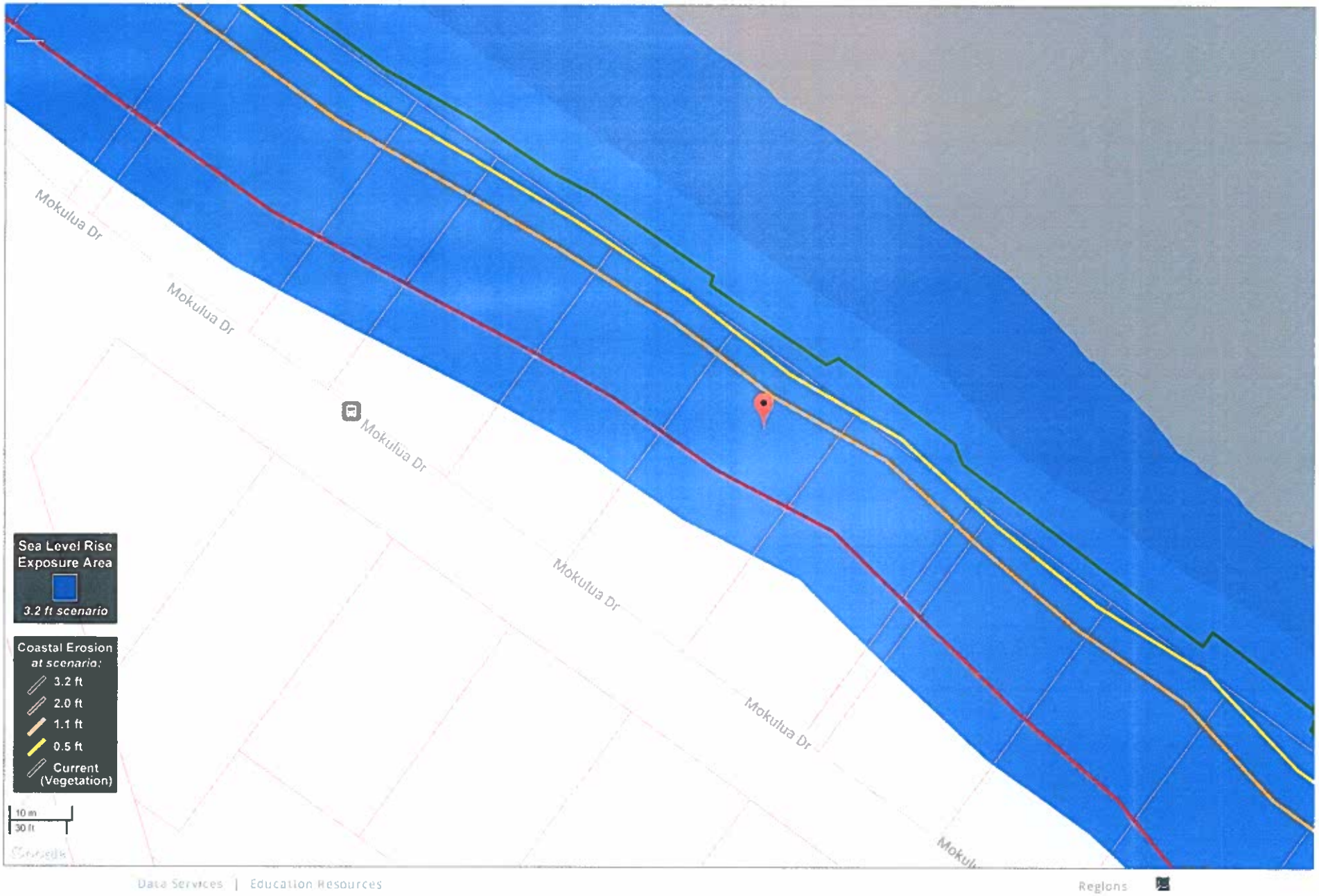


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**EXHIBIT F - 3.2-FOOT SLR-XA - WITH COASTAL EROSION LAYERS**

# Hawaii Storm Surge Inundation SLOSH MOMs

Central Pacific Hurricane Center

Central Pacific Hurricane Center

Hawaii Category 4

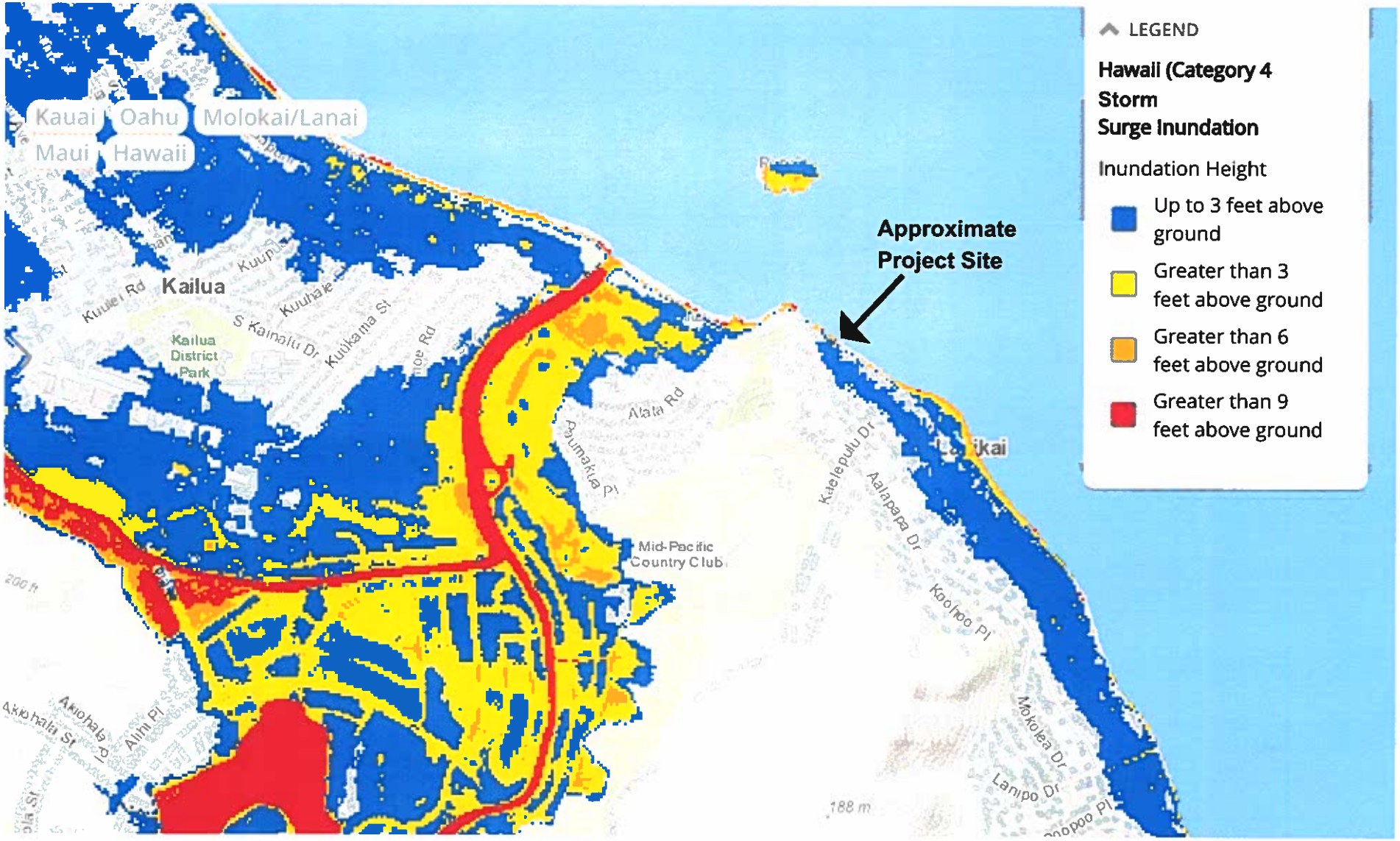


**EXHIBIT G - CATEGORY 4 STORM SURGE INUNDATION MAP**