

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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July 14, 2022

2022/SMA-34(CK)

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Special Management Area (SMA) Use Permit Application
File No. 2022/SMA-34
58-2 Mekanale Street Single-Family Residences
58-2 Mekanale Street - Kaunala
Tax Map Key 5-8-003: 012

Enclosed is the Department of Planning and Permitting's (DPP) report to the City Council, and Draft Resolution, recommending conditional approval of the SMA application to allow for the construction of one single-family detached dwelling and one two-family detached dwelling unit (three dwelling units total), two swimming pools, two garages, and supporting infrastructure on a 50,205-square-foot shoreline lot within the R-5 Residential District on the North Shore of Oahu.

The DPP accepted a Final Environmental Assessment (EA) and issued a Finding of No Significant Impact on March 4, 2022. During the EA process, the Applicant evaluated three alternatives to implementing the Project as proposed. The Applicant's EA analysis concluded that the Proposed Action is the preferred alternative because it proposes to construct the structures completely outside of sensitive riparian areas and the projected 3.2-foot sea level rise exposure area, and would therefore be the least environmentally impactful alternative outside of the no action alternative.

The DPP recommends that the Project be approved, as proposed, subject to compliance with recommended conditions, which primarily consist of standard conditions relating to archaeological resources, protected species, and public beach and shoreline preservation.

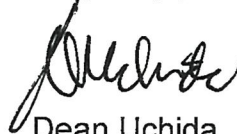
DEPT. COM. 542

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Pursuant to Chapter 25, Revised Ordinances of Honolulu, the City Council must act within 60 calendar days after receipt of our Findings and Recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension. The extension is not automatic and thus, if an extension of time is not requested in a timely manner, the application may be denied due to the Council's time deadline.

Should you have any questions, please contact me at (808) 768-8000.

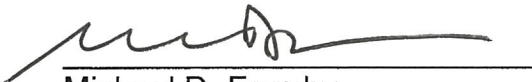
Very truly yours,



Dean Uchida
Director

Enclosures: Exhibits A through J

APPROVED BY:



Michael D. Formby
Managing Director

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION

BY

JOHN AND FUMIE WINEBARGER

FOR A

SPECIAL MANAGEMENT AREA (SMA)
USE PERMIT

File No. 2022/SMA-34(CK)

I. APPLICATION

A. Basic Information:

LANDOWNER/
APPLICANT:

John and Fumie Winebarger

AGENT:

SWCA (Stephanie Nagai)

LOCATION:

58-2 Makanale Street - Kaunala (Exhibit A)

TAX MAP KEY (TMK):

5-8-003: 012

ZONING:

R-5 Residential District (Exhibit B)

STATE LAND USE:

Urban (Exhibit C)

SURROUNDING LAND USES: Single-family dwellings

DEVELOPMENT PLAN:

North Shore Sustainable Communities Plan

- B. Proposal: The Applicant seeks a SMA Use Permit to allow the construction of one single-family detached dwelling and one two-family detached dwelling unit (three dwelling units total), two swimming pools, two garages, and supporting infrastructure on a 50,205-square-foot (sq. ft.) shoreline lot within the

R-5 Residential District on the North Shore of Oahu (Project; see Exhibits D-1 through D-15). Unit A will consist of an approximately 5,500 sq. ft. single-family detached dwelling unit. The two-family detached dwelling will consist of Unit B, an approximately 650 sq. ft. dwelling unit, and Unit C, an approximately 4,000 sq. ft. dwelling with a garage. The maximum height of proposed structures will be approximately 28.33 ft.

The structures are proposed to be sited on the property so that they are:

- Approximately 91 to 116 ft. from the certified shoreline;
- Outside of the 60 ft. shoreline setback area;
- Outside of Flowage Easement F-1 associated with Kaunala Stream;
- Beyond the Kaunala Stream building setback line and Ordinary High Water Mark (OHWM); and
- Outside of the 3.2 ft. sea level rise exposure area (SLR-XA).

In order to minimize required excavation, the structural foundations are proposed to be stabilized using a system of micropiles ranging from six to 16 inches in diameter, and extending 12 to 20 ft. below grade to tie into the underlying coral substrate.

The Applicant also proposes to install a two or three aerobic wastewater systems in the southwestern-most corner of the site to meet the regulatory requirements for system sizing and to ensure the systems are outside the Kaunala Stream building setback (see Exhibit D-15). Other utilities will be tied in through existing connections on and around the property boundary. The pools, which are proposed to be partially in-ground, will require minor excavation for installation. The split-level pool and hot-tub at Unit A is proposed to cover approximately 2,100 sq. ft. with varying depths up to five ft. The excavated area will average three ft. in depth, and require approximately 200 cubic yards of excavation. The pool for Units B and C is proposed to cover approximately 550 sq. ft., with the excavated area averaging three ft. in depth, and requiring approximately 80 cubic yards of excavation.

No grubbing or filling would occur, and no seawalls or shoreline hardening activities are proposed to be implemented. Landscaping is conceptually proposed to consist of a grassy yard area makai of the dwellings with coconut trees, native ornamental trees and scrubs, and a naupaka privacy hedge along the top of the shoreline embankment. A 30-inch-tall decorative fence is also proposed to be installed mauka of the 60 ft. shoreline setback within the landscaped lawn area. All outdoor lighting is proposed to be shielded to minimize impacts to seabirds and marine mammals that may be present in the vicinity.

The Project is expected to be completed within 18 to 20 months from receipt of all applicable permits and will cost an estimated \$5 million dollars.

- C. Project Background: The subject property was subdivided into its current configuration under Subdivision No. 2002/SUB-10. Under the Subdivision, parcel boundaries were adjusted to remove eroded land and to add a segment of Makanale Street into the zoning lot. *[Note: Some of the property lines on exhibits used during the preparation and circulation of the Draft and Final Environmental Assessment (EA) incorrectly identified the lot lines. This was corrected in the plans and exhibits provided in support of the SMA Use Permit.]*

The subject property was later divided under a Condominium Property Regime (CPR) into three CPR parcels. While the CPR allows for separate ownership of the parcels, the property, as approved under Subdivision No. 2002/SUB-10, is still considered one lot for zoning and development purposes. The Applicant originally purchased two of the three CPR parcels and began designing three proposed dwelling units. Subsequently, the Applicant acquired ownership of the third CPR parcel, which allowed for a minor reconfiguration of proposed structures, although they are approximately the same size and scale as the previous proposal evaluated in the Draft and Final EA.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the Department of Planning and Permitting (DPP) has found:

Lot Area	50,205 sq. ft. (12,321 sq. ft. of which is dedicated to Flowage Easement F-1).
Lot Shape	Irregular.
Topography	Relatively flat buildable area, with steep sand berms sloping down towards the beach and Kaulana Stream. The site is located along the southern end of Kaunala (Velzyland) Beach.
Current Development	Undeveloped residential lot; former dwelling unit demolished in 2016.
Distance to nearest body of water	<i>Pacific Ocean</i> - Adjacent to the lot (see Exhibits E-1 and E-2); and <i>Kaunala Stream</i> - Partially within lot along eastern property line (see Exhibit F). A 12,321 sq. ft. flowage easement (Easement F-1) is dedicated to the portion of Kaunala Stream within the subject property, and the approved subdivision map identifies a building setback along Kaunala Stream.
Soils	<i>Beaches</i> - Zero to five percent slope with very slow runoff rates and extremely fast permeability; <i>Jaucas Sand</i> - Zero to 15 percent slopes with rapid permeability and very slow to slow runoff rates; and

	<i>Waialua Silty Clay</i> - Three to eight percent slopes with moderate runoff rates (see Exhibit G).
Vegetation	Consists of four vegetation types: Ruderal, non-native grassland, riparian, and coastal vegetation. The Project site is largely disturbed from previous land use and is dominated by plant species that are not native to Hawaii. No federally or state-listed threatened, endangered, or candidate plant species or rare native Hawaiian plant species were observed during a field survey of the area. Exhibit F shows the wetland delineation along Kaunala Stream as mapped for the biological study prepared for the Project EA.
Flood Zone	<p><i>Flood Zone VE</i> - The coastal high hazard area, and areas subject to velocity wave action from storm-induced waves, with a base flood elevation of 20 ft. above mean sea level (MSL); and</p> <p><i>Flood Zone AE</i> - Areas subject to inundation by the one-percent-annual-chance flood event, with a base flood elevation of 18 ft. above MSL, per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. 15003C0020F, revised 2014 (see Exhibit H).</p>
Surrounding Uses	Single-family dwellings to the east, west, and south (Kamehameha Highway also to the south beyond Makaanale Street); and the Pacific Ocean to the north.
Tsunami	Tsunami evacuation zone.
Environmental Compliance	<p>An EA was prepared in accordance with the requirements of Chapter 25, Revised Ordinance of Honolulu (ROH), and the procedural steps of Chapter 343, Hawaii Revised Statutes (HRS).</p> <p>During the EA process, the Applicant evaluated three alternatives to implementing the Project as proposed. The Applicant's EA analysis concluded that the Proposed Action is the preferred alternative because it proposes to construct the structures completely outside of sensitive riparian areas and the projected 3.2 ft. (SLR-XA), and would therefore be the least environmentally impactful alternative outside of the no action alternative.</p> <p>The DPP issued a Finding of No Significant Impact (FONSI) on March 4, 2022, and the Final EA - FONSI was published in the April 8, 2022, issue of <i>The Environmental Notice</i>.</p>

Other Permits and Approvals	<p><i>State Department of Health (DOH):</i> Individual Wastewater System Permit</p> <p><i>City and County of Honolulu:</i> Building Permit (BP), Grading Permit</p>
Agency Comments	During the EA and SMA process, comments were solicited and received from Federal, State, and City agencies. All letters and comments received have been included in the Project file and incorporated into the analysis, as appropriate.
Neighborhood Board (NB) Presentation	On September 30, 2021, the Applicant emailed the Chair of the North Shore Neighborhood Board (NSNB), requesting to present the NSNB on the Project. The Chair of the NSNB replied via email and recommended that the Applicant meet with the Sunset Beach Community Association (SBCA). The Applicant presented Project plans and answered public comments and questions during the SBCA monthly meeting on November 17, 2021. Pursuant to Section 25-5.1(b)(1)(B), the NB presentation requirement may be deemed satisfied if the NB provides the Applicant with a written notice that it has no objection to the Project or that no presentation of the Project is necessary.
Public Hearing	The DPP conducted a Public Hearing at 11:00 a.m. on June 17, 2022, at the Sunset Beach Recreation Center. In addition to two representatives of the Applicant and three DPP staff members, four members of the public attended and offered verbal testimony. The testimony primarily related to public beach access in the immediate neighborhood, and the proposal for three dwelling units at the site. The testimony has been considered in this recommendation, and are incorporated into the analysis, as appropriate. The Public Hearing transcript is included in this transmittal.

III. ANALYSIS

The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in Sections 25-3.1 and 25-3.2, ROH, as well as Sections 205A-2 and 205A-26, HRS.

A.

Recreational Resources

Development in the SMA should provide coastal recreational opportunities accessible to the public.

All development in the SMA is subject to reasonable terms and conditions to ensure that adequate access to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles, and adequate and properly located public recreation areas and wildlife preserves are reserved.

The Council shall seek to minimize, where reasonable: 1) Any development which would reduce the size of any beach or other area usable for public recreation; and 2) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the SMA and the mean high tide line where there is no beach.

The Project will be located on a privately-owned site and will not result in any change to coastal recreational activity over the existing condition. The site is located along the southern end of Kaunala (Velzyland) Beach. Public access to the beach is available approximately 800 ft. west of the Project site through the undeveloped City-owned Sunset Point Beach Park TMK 5-8-003: 039) at the intersection of Oopuola and Makaanale Streets (see Exhibit A).

According to testimony received during the Public Hearing, the occupants of the former dwelling allowed longstanding, informal beach access through the site to their immediate neighbors. According to the Applicant's contractor, since the previous dwelling was removed in 2016, a number of transient beach-goers have frequented the site, leaving behind trash and drug paraphernalia that pose potential environmental and safety hazards to the public and SMA resources. Such hazards would be removed as a result of Project implementation.

The Cultural Impact Assessment (CIA) prepared in support of the Project EA noted that the beach areas adjacent to the site are known for a number of Hawaiian cultural activities particularly due to the presence of Kaunala Stream. However, the Project does not propose any change to existing established public access points, and would not change or preclude lateral access along the beach or Hawaiian cultural activities. Cultural resources are discussed further below. The Project does not propose any development or activity that would reduce or restrict access to ocean areas, tidal areas, or lands makai of the regulatory shoreline within the State Land Use Conservation District (SLUCD). Therefore, no conditions related to recreational resources are recommended.

B. Historic and Cultural Resources

Development in the SMA should protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

According to an archaeological inventory survey conducted in support of the Final Environmental Impact Statement (FEIS) for the adjacent Sunset Beach Colony (SBC) subdivision (2001), no historic properties were identified within the Project vicinity, with the exception of remnants of a historic railway bridge, which ended east of Kaunala Stream, outside of the Project site. In addition, because the Project site was previously developed with a single-family dwelling, the EA for the proposed Project found that it is likely that any surface historic properties have been destroyed by previous construction activities. Nonetheless, in order to both minimize potential impacts to unknown subsurface resources and comply with flood zone requirements, the Applicant's design proposes the placement of all structures on micropiles with minimal ground surface disruption. As discussed in the Project description, the Applicant also proposes that the proposed swimming pools be shallow with minimal earth moving activities, and excavation to depths of approximately three feet.

The majority of the soil on the site in the vicinity of the proposed structures consists of Jaucas Sand, which could be part of a dune system and is a soil type within which archaeological and cultural resources are often present. Therefore, there is potential for the discovery of previously unknown historical or archaeological resources to be uncovered during construction. During the EA process, the Applicant consulted with the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD), and the Office of Hawaiian Affairs (OHA) regarding the potential for impacts to archaeological and cultural resources on the site. The SHPD indicated that they would likely not accept the Archaeological Monitoring Program (AMP) prepared for the SBC FEIS, as it does not meet current protocols. The OHA indicated that updated research should be conducted to identify more recent information than that provided in the CIA for the SBC FEIS. The Applicant's Agents provided an updated literature research summary describing three additional CIAs prepared for recent projects in the general vicinity. These CIAs reiterated a high level of Hawaiian cultural activity known to occur within in the general vicinity, but did not offer specific recommendations for the mitigation of potential impacts.

As indicated by the SHPD, preparation and implementation of an appropriately updated AMP will be required. In addition, because there is potential for previously-unknown subsurface archaeological or cultural resources to be present within the Project soils, should such cultural or human remains be discovered during construction, the Applicant must comply with standard stop work requirements until appropriate mitigation actions are determined by the SHPD. These are recommended as conditions of approval.

C. Scenic and Open Space Resources

Development in the SMA should protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

The Council shall seek to minimize, where reasonable any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.

The Project is unlikely to affect scenic and open space resources. According to the North Shore Sustainable Communities Plan (NSSCP) open space map, the Project site is located in an area with intermittent panoramic makai views. This area stretches from Waimea Bay to Waialeale Beach Park, and is designed to help preserve views towards the ocean from Kamehameha Highway. Although the Project site is makai of Kamehameha Highway, there are a number of other residences as well as landscaping and riparian vegetation obscuring makai views between Kamehameha Highway and the ocean. Further, the new structures will comply with applicable height regulations and be constructed similarly to the existing single-family dwellings in the area. Therefore, the Project is not anticipated to result in adverse impacts to scenic or open space resources, and no related conditions are recommended.

D. Coastal Ecosystems

Development in the SMA should protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes from disruption and minimize adverse impacts on all coastal ecosystems.

No significant impacts to coastal ecosystems are expected as a result of the Project because the site was previously developed with a single-family dwelling that was located much closer to the shoreline. Further, the new work will be located outside of the 60 ft. shoreline setback area, outside of the 3.2 ft. SLR-XA, outside of the Kaunala Stream building setback, and outside of the Kaunala Stream OHWM and riparian vegetation areas. Erosion and spill control Best Management Practices (BMPs) would be implemented during construction to avoid and minimize potential indirect impacts to coastal ecosystems. All disturbed soils would be stabilized and landscaping would be installed around the proposed units to prevent erosion over the long term.

1. Flora: Existing vegetation consists of four types: Ruderal, non-native grassland, riparian, and coastal vegetation. The portion of the Project site proposed for development is largely disturbed from previous development and is dominated by plant species that are not native to Hawaii. No federally or state-listed threatened, endangered, or candidate plant species or rare native Hawaiian plant species were observed during a field survey of the area conducted in support of the EA. Further, the U.S. Fish

and Wildlife Service (USFWS) indicated that there are no known Federal or State endangered flora species located on or near the site.

Construction of the proposed Project would require vegetation removal within ruderal and non-native grassland habitat types within the area proposed for development and landscaping. According to the EA prepared for the Project, removal of these vegetation types would reduce the overall coverage of non-native and invasive plant species at the Project area, thereby reducing the potential for them to spread into adjacent areas. Therefore, no conditions of approval regarding potential impacts to protected flora are recommended.

2. Fauna: During the development of the EA a biological survey was conducted. No land-based wildlife were observed on the site and no rare or endangered species of avifauna were identified. A letter from the USFWS indicated that there are also no federally designated critical habitats within the immediate vicinity of the proposed Project. However, they noted that some special-status species have the potential to occur in and/or transit through the Project area. These include the Hawaiian hoary bat, the Hawaiian monk seal, hawksbill and green sea turtles, Hawaiian seabirds, and birds protected by the Federal Migratory Bird Treaty Act.

Artificial lighting can be disruptive to avifauna and marine life in their navigation, nesting, and reproductive cycles. Therefore, as a condition of approval, all outdoor lighting should be fully shielded, and nighttime work (from sunset to sunrise) must be avoided during the seabird fledgling season from September 15 through December 15. Additionally, because the Hawaiian Hoary Bat may transit through the vicinity of the Project area, woody plants greater than 15 ft. in height should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Further, barbless fencing should be used for all fence construction to avoid entanglement of Hawaiian hoary bats. These are recommended as conditions of approval.

The Project EA also noted that Hawaiian monk seals and sea turtles may visit the beach area makai of the Project site and be impacted by construction activities. Nesting sea turtles and monk seal mother-pup pairs are particularly vulnerable to human disturbance, such as construction noise, which may cause them to avoid or leave the area, thereby negatively affecting their reproductive success. In addition, monk seals and sea turtles could be harmed if any construction debris poses a threat of entanglement. To prevent impacts to monk seals and sea turtles, the Applicant should be required to comply with standard stop work and BMPs if these species are present in or adjacent to the Project site. These are recommended as conditions of approval. Upon implementation of the recommended conditions, along with standard water quality and erosion BMPs, no negative impact to coastal ecosystems are anticipated.

E.

Economic Uses

Development in the SMA should provide public or private facilities and improvements important to the State's economy in suitable locations.

The Project consists of the development of a single-family detached dwelling and a two-family detached dwelling on a lot zoned for residential use, and outside of providing temporary employment opportunities during construction, is intended for use by the Applicants and their extended family. Therefore, the Project is not anticipated to result in a measurable impact to the local economy, and no related conditions of approval are recommended.

F.

Coastal Hazards

Development in the SMA should reduce hazard to life and property from coastal hazards.

1. SLR: The EA process, along with the SMA Use Permit process, have created an opportunity to review the proposal in light of SLR Guidance and Hawaii SLR Vulnerability and Adaptation Report, which is consistent with the Mayor's Directive 18-2 regarding SLR. The Hawaii SLR Viewer shows the makai portion of the subject property and area along Kaunala Stream are projected to be impacted by the combined 3.2 ft. SLR-XA scenario by 2100 or sooner (see Exhibit I). The combined SLR-XA layer includes projected passive flooding, annual high wave flooding, and coastal erosion areas. According to the Applicant's submittal, the proposed Project has been designed to avoid development within the projected 3.2 ft. SLR-XA. The proposed structures would be sited to avoid placement within the coastal erosion exposure zone, passive flooding zone, and annual high wave flooding zones, as modeled under the 3.2 ft. SLR scenario. As such, no impacts related to SLR are anticipated during the operational lifespan of the proposed structures, and no conditions of approval relating to SLR are recommended.
2. Flood District: The Project site is located within Flood Zones VE and AE with base flood elevations of 20 and 18 ft. above MSL, respectively (see Exhibit H). According to the Applicant's submittal, the Project has a flood elevation certification, and the proposed units would be above the base flood elevations for the VE and AE flood zones. Further, the units' foundations have been designed to conform to the requirements of the FEMA and FIRM, Chapter 21A, ROH, (the Flood Hazard Areas Ordinance), and the all applicable standards in Chapter 16, ROH, (the Building Code), to ensure the health, safety, and welfare of the residents and public. This will be verified during the BP review process.

The amount of impervious surface on the site will increase with the new dwellings, pool, garages, and driveway. However, the site primarily

consists of beaches and Jaucas sand soils with high permeability and fast drainage. In order to further mitigate impacts of flooding, the Applicant should incorporate a pervious driveway material, such as grasscrete or grass block pavers, and no paving should be allowed below the elevated structures. This is recommended as a conditional approval.

3. Storm Surge: The National Storm Surge Hazards Maps indicate that the site is outside the projected Storm Surge Hazard Area for a Category 1 Hurricane, but Kaunala Stream is anticipated to be inundated by less than three feet above ground level during Category 2 and Category 3 hurricanes, and greater than three ft. during a Category 4 hurricane (see Exhibit J). The Project proposes to place the new structures outside of the Kaunala Stream building setback line, and to elevate the structures to conform to flood hazard requirements. As such, no conditions specific to storm surge are recommended.
4. Tsunami: The site is located within the tsunami evacuation zone. During a tsunami warning, evacuation requirements will be enforced based on guidelines issued by the Department of Emergency Management. As such, no conditions specific to tsunami events are recommended.

G. Managed Development and Public Participation

Development in the SMA should improve the development review process, communication, and public participation in the management of coastal resources and hazards. Stimulate public awareness, education, and participation in coastal management.

The public was made aware of the Project and were given the opportunity to review the proposed Project during the EA phase and during the processing of the SMA Use Permit Application. Additionally, a Public Hearing was held during the processing of the SMA Use Permit application. Notices of the application and Public Hearing were published in the Honolulu Star-Advertiser and sent to neighbors within 300 ft. of the subject property various public agencies, elected officials for the area, and other interested parties. Furthermore, additional opportunities for public input will be available during the City Council Committee hearing.

H. Beach and Coastal Dune Protection

Development in the SMA should protect beaches and coastal dunes for public use and recreation, for the benefit of coastal ecosystems, and to enhance their use as natural buffers against coastal hazards.

The Project does not propose any activities that would restrict or preclude access to, or use of, public beaches or recreational opportunities. While proposed

Project development would be located primarily on Jaucus Sand, which could contribute to a dune system, the new dwellings will be located in the mauka-most area of the Project site, away from the beach and shoreline. According to the Applicant, the use of micropile foundations, as proposed, will minimize soil disturbance on the site. No new development is proposed within the 60 ft. shoreline setback area, or on lands makai of the certified shoreline within the SLUCD.

New landscaping on the site is proposed to consist of a grassy lawn with coconut palms, native ornamental trees and shrubs, and a naupaka hedge. The Applicant's proposal to plant a naupaka hedge may disturb the natural shoreline if it is maintained so that the plant and its root system act as a shoreline hardening mechanism. In such a case, the natural replenishment of sand cannot occur and the naupaka will exacerbate erosion. In order to prevent disruption of natural beach processes and minimize potential impacts to the shoreline, new landscaping between the dwellings and shoreline should be limited to vegetation that is naturally hardy or endemic in the dune or shoreline area, and the vegetation near the shoreline should not be maintained in such a way that it effectively hardens the shoreline. Irrigation systems should be designed such that water is not allowed to traverse makai of the shoreline into the SLUCD, or otherwise facilitate the growth of vegetation makai of the shoreline. These are recommended as conditions of approval. Upon implementation of these conditions, no impacts specific to beaches or coastal dunes are anticipated.

I. Marine and Coastal Resources

Development in the SMA should promote the protection, use, and development of marine and coastal resources to assure their sustainability.

The Council shall seek to minimize, where reasonable, dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon, and 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.

Kaunala Stream, an ephemeral stream, runs along and within the eastern property line at the Project site, and is classified as a Freshwater Forested/Scrub Wetland. The Pacific Ocean is classified as Estuarine and Marine Wetland and Estuarine and Marine Deepwater. The highest wash of the waves of the Pacific Ocean (the certified shoreline) is located greater than 60 ft. makai of the portion of the Project site proposed for development. Project development activities are proposed to occur mauka of the 60 ft. shoreline setback, mauka of the 3.2 ft. combined SLR-XA, and outside of the Kaunala Stream building setback and OHWM (see Exhibits F-1 and F-2). As discussed above, the Project proposes limited excavation for the development of the proposed swimming pools, and

does not propose to import any fill soil or materials. The Project proposes to implement temporary and permanent water quality and erosion BMPs. Additionally, the Project is required to comply with the DPP's "Rules Relating to Water Quality," which will be verified during the BP review process. Upon compliance with the "Rules Relating to Water Quality" and implementation of the proposed temporary and permanent water quality and erosion BMPs, no impacts to bays, estuaries, or nearby water features are anticipated. Therefore, no additional conditions specific to protection of marine resources are recommended.

J. Liquid and Solid Waste Provisions

All development in the SMA must be subject to reasonable terms and conditions to ensure that provisions are made for solid and liquid waste treatment, disposition and management which will minimize adverse effects upon SMA resources.

The Project proposes the construction of two or three aerobic wastewater systems with an on-site leach field to support the wastewater needs of the proposed development. According to the Applicant's submittal, the specifics of the design capacity and required permits are actively being coordinated with the approving agency, the State DOH. While the wastewater generation would increase with the development of the site, the proposed new wastewater systems are subject to capacity design review and approval by the State DOH. Further, the proposed aerobic systems are anticipated to provide improved wastewater treatment on the site, as compared to the existing septic and cesspool systems located throughout much of the rural North Shore community. As such, implementation of the Project is not anticipated to result in adverse impacts related to wastewater disposal, and no conditions specific to wastewater collection or disposal are recommended.

Solid waste collection will be provided by the City's Department of Environmental Services. Short-term construction waste will be collected and disposed off-site at an appropriate facility. As such, implementation of the Project is not anticipated to result in changes to solid waste generation or adverse impacts related to their disposal, and no related conditions are recommended.

K. Alterations to Existing Landforms

All development in the SMA is subject to reasonable terms and conditions to ensure that alterations to existing land forms and vegetation; except crops, and construction of structures cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquake.

Alterations to existing landforms is discouraged in the coastal zone because changes to the natural grade and topography may have unintended consequences that do not support the natural beach processes. Overall, the Applicant proposes to maintain the site's existing topography and implementation of the Project will not alter existing landforms. As discussed above, the Project proposes the use of micropiles for the foundational support of the structures to limit ground disturbance and for compliance with Chapter 21, ROH, the Flood Hazard Areas Ordinance. The use of micropiles will also reduce the likelihood of encountering unknown subsurface archaeological resources. Construction of the proposed swimming pools will require limited excavation, as discussed above, for which the Applicant proposes to obtain a Grading Permit. As such, implementation of the Project is not anticipated to result in alterations to existing landforms.

According to the DLNR Department of Forestry and Wildlife and Office of Conservation and Coastal Lands, importation of fill materials produces the potential for contamination of coastal environments as material is transported during erosion events, and may also affect drainage across a site through a reduction in infiltration and an increase in sheet flow. The Project does not propose importation of fill soils. However, because the site is located partially within the VE Coastal Flood Hazard Zone, and includes a segment of Kaunala Stream, a condition is recommended to ensure the Applicant and successor owners or interests are made aware that placement of fill material is not allowed on the site.

L. Consistency with Plans and Regulations

No development shall be approved unless the Council has first found that the development is consistent with the county general plan, development plans and zoning.

Provided the recommended conditions of approval are imposed and implemented, the proposal is generally consistent with the applicable plans and regulations, as detailed below.

1. Oahu General Plan (GP): Public Safety Objective B, Policy 2 requires all development in areas subject to floods and tsunamis to be located and constructed in a manner that will not create any health or safety hazard. The proposed development Project will be constructed outside of the 3.2 ft. SLR-XA, and is required to comply with all regulations applicable to the coastal high hazard area. This will be confirmed during the BP review process. Therefore, the health and safety impacts related to development within Flood Zone VE and tsunami evacuation zone will be mitigated to the extent required by Chapter 21A, ROH.

The Project also meets Physical Development and Urban Design Objective E, Policy 5, which requires new developments in stable established communities and rural areas to be compatible with the existing communities and areas. The Project has been designed to be compatible with the surrounding area, which primarily consists of two-story single-family dwellings, and compliance with all applicable development standards will be confirmed during the BP process. Therefore, no conditions relating to the GP compliance are recommended.

2. North Shore Sustainable Communities Plan (NSSCP): The Project is generally consistent with the NSSCP, which identifies the property as part of a rural community, inside of the community growth boundary. The NSSCP also identifies the property in an area with intermittent panoramic makai views designed to help preserve views towards the ocean from Kamehameha Highway. However, the makai view of the Project site from Kamehameha Highway is currently obscured by a number of existing residences and vegetation that are anticipated to remain in place. Further, the new structures are required to comply with applicable height regulations and consist of a residential use in an area designated as a rural residential community. Compliance with the applicable height regulations will be confirmed during the BP review process. Therefore, the Project is anticipated to be consistent with the NSSCP, and no related conditions are recommended.
3. Land Use Ordinance (LUO): The Project has been designed to comply with the development standards of the LUO. The 50,205 sq. ft. site is located within the R-5 Residential District which allows for the three proposed dwellings based on the size of the lot. Additionally, the dwellings will comply with the height limit as allowed within a flood hazard area pursuant to LUO Section 21-9.10. The structures also may not be used for short-term rentals. Although this is a requirement of both the LUO and the NSSCP, it is reiterated here and recommended as a condition of approval to ensure the Applicant and successor owners or interests are aware that short-term rentals such as transient vacation units and bed and breakfast units will not be tolerated at the subject property. Compliance with the LUO will be confirmed during the BP process. We anticipate that some design changes will be required to conform to some specific LUO requirements, such as parking configuration, but these revisions are not anticipated to result in changes that would adversely impact SMA resources as evaluated herein. Therefore, no LUO compliance related conditions are recommended.
4. Shoreline Setback Ordinance: No new development is proposed to occur within the applicable 60 ft. shoreline setback area. Compliance with the Shoreline Setback Ordinance will be confirmed during the BP process.

Pursuant to Section 23-1.8(b)(3)(D), ROH, hardship [for a Shoreline Setback Variance (SSV)] shall not be determined as a result of any discretionary land use permit granted after June 16, 1989. This means that where a discretionary land use permit is used to authorize development, the Applicant cannot later claim hardship as the basis for a SSV to protect that development. This SMA Permit is a discretionary land use permit. Therefore, the Applicant should be aware that the Shoreline Setback Ordinance prevents the future use of an SSV to protect this Project with shoreline hardening. This is recommended as a condition of approval to ensure that the Applicant and successor owners or interests are fully aware of this regulatory standard.

M. Impact Analysis

No development shall be approved unless the Council has first found that the 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 and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.

Substantial or cumulative negative environmental impacts associated with the construction of a single-family detached dwelling, a two-family detached dwelling, two garages, two swimming pools, landscaping, and supporting infrastructure are not anticipated. The proposed structures will be constructed outside of the 60 ft. shoreline setback, outside of the 3.2 ft. SLR-XA, outside of the Kaunala Stream Building setback, outside of the OHWM, and will be elevated above the 18 ft. and 21 ft. base flood elevations. The proposed use of micropiles to support the structure is designed to provide increased protection against inundation during flood or other coastal hazards events, while also minimizing disturbance to the site soils. Locating the dwellings outside of these coastal hazard areas not only increases the longevity of the homes, but also reduces potential environmental and ecological impacts to the SMA. Further, the installation of two or three new aerobic wastewater systems with an onsite leach field contributes to the health and safety of the surrounding area including the marine and coastal environment. Therefore, no additional conditions of approval, beyond those discussed above, are recommended to minimize potential environmental or ecological effects.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of ROH Sections 25-3.1 and 25-3.2 and HRS Sections 205A-2 and 205A-26, and found to be consistent with established SMA objectives, policies, and guidelines, subject to the conditions below.

Based on the analysis, the proposed Project is not anticipated to result in significant adverse individual or cumulative impacts to SMA resources, provided that appropriate mitigative conditions are implemented as recommended.

V. RECOMMENDATION

Based on the preceding Analysis and Conclusion, it is recommended that the application for an SMA Use Permit be **APPROVED**, subject to the following conditions:

- A. Development of the Project must be in general conformity with the Project as described in the DPP's findings and recommendation, as referenced above, and as depicted in Exhibits A through J, enclosed hereto and incorporated herein by this 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 minor modification and therefore permitted under this resolution, upon review and approval by the DPP Director.
- B. Upon approval of this SMA Use Permit, neither the Applicant nor any future successor, owner, or interested party may claim hardship due to erosion, SLR, or any other coastal hazard, in order to obtain approval for a new shoreline protection structure.
- C. Short-term rentals are not allowed on the site.
- D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact the DLNR SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- E. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and nearshore species that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for 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). Exterior lighting fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from

below the light fixture. Exterior lighting must be turned off when human activity is not occurring in the illuminated area;

2. Nighttime work (from sunset to sunrise) must be avoided during the seabird fledging season (September 15 through December 15);
 3. Woody plants greater than 15 ft. in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15). Barbless fencing must be used for all fence construction to avoid entanglement of Hawaiian hoary bats; and
 4. All Project-related activities must cease if a Hawaiian monk seal or green sea turtle is present within 150 ft. of the work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300 ft. buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.
- F. To minimize impacts of flooding, the Applicant must use pervious surface materials for the driveway such as, but not limited to, grasscrete or grass block pavers. Similarly, the area under the elevated structures may not be paved. The pervious material used for the driveway may be used under the structures.
- G. The addition of fill material to the Project site is not allowed, except as minimally required for site preparation around the base of the dwellings.
- H. In order to preserve underlying beach sands and coastal dunes, the Applicant must comply with the following measures:
1. New landscaping and vegetation may not artificially fix the shoreline or be maintained in such a way that it effectively hardens the shoreline;
 2. Landscaping between the dwellings and shoreline must be limited to vegetation that is naturally hardy or endemic in the dune or shoreline area; and
 3. Irrigation systems must be designed such that water is not allowed to traverse makai of the shoreline into the SLUCD, or otherwise facilitate the growth of vegetation makai of the shoreline.
- I. **The Applicant shall 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 DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended by the DPP 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 DPP Director shall prepare and submit to the Council a report on the proposed extension, which must include the DPP 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.
3. If the Council fails to take final action on the proposed extension within the first to occur of:
 - 60 days after receipt of the Director's report; or
 - The Applicant's then-existing deadline for obtaining a BP;

the extension will be deemed to be denied.

- J. Approval of this SMA Use Permit does not constitute compliance with other City ordinances, including but not limited to the LUO and building and construction codes, or other governmental requirements, including but not limited to LUO, building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable City ordinances and other governmental provisions and requirements.
- K. **Conditions A through J must be printed on all development permit plans associated with implementation of the proposed development.**

Dated at Honolulu, Hawaii, this day of July 14, 2022.

Department of Planning and Permitting
City and County of Honolulu
State of Hawaii

By 

Dean Uchida
Director

Enclosures: Exhibits A through J

Legend



Site



Special Management Area (SMA)
Boundary



SMA Within SMA Boundary

Pacific Ocean

Sunset Beach
Park

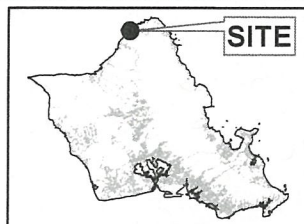
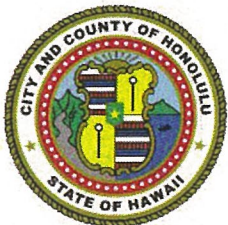
PROJECT SITE

IN SMA

SMA

OUTSIDE SMA

SMA



VICINITY MAP

0 200 400 800
Scale in Feet



EXHIBIT A - LOCATION MAP WITH SPECIAL MANAGEMENT AREA (SMA)

TAX MAP KEY: 5-8-003:012

FOLDER NO: 2022/SMA-34

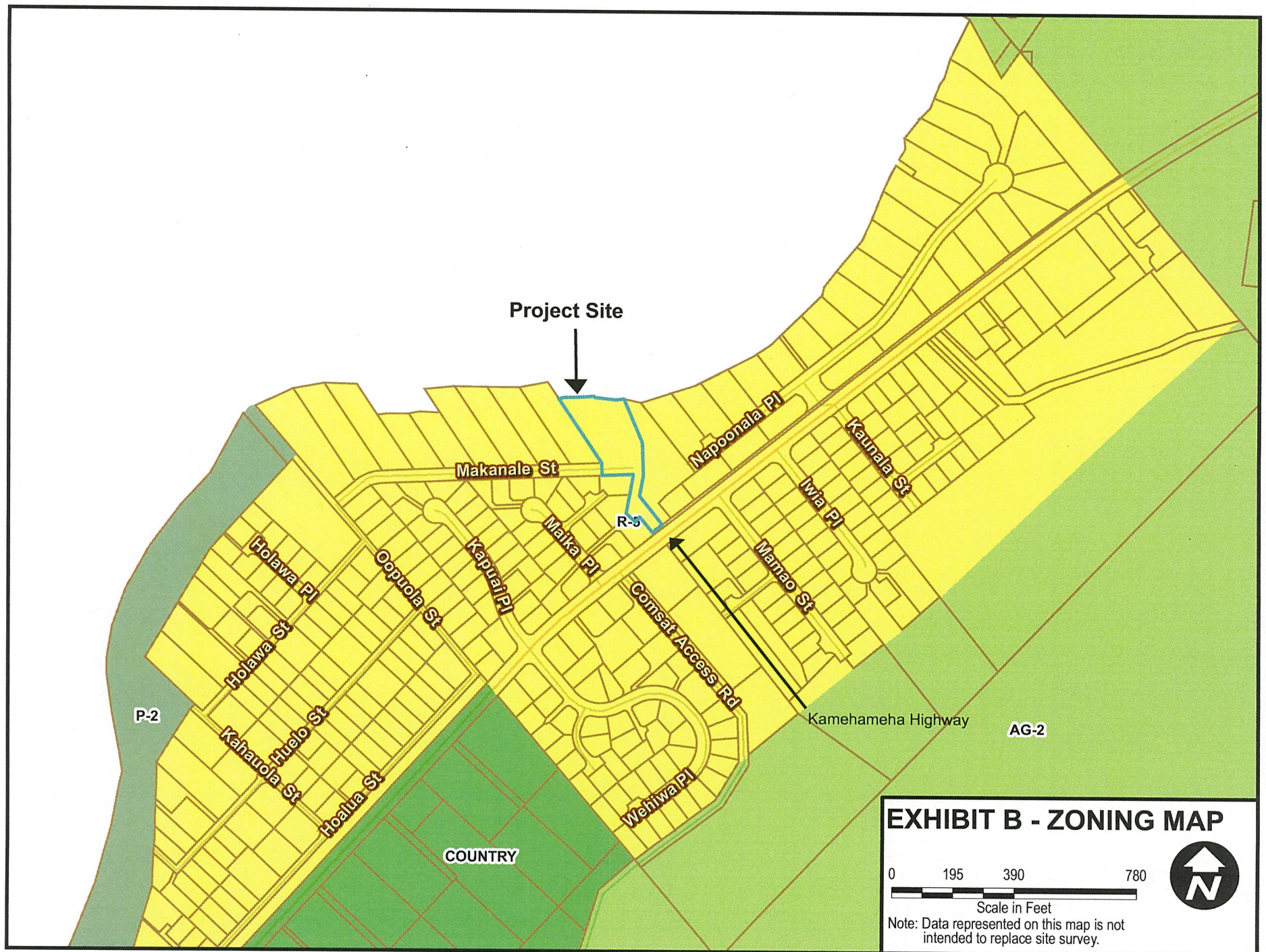


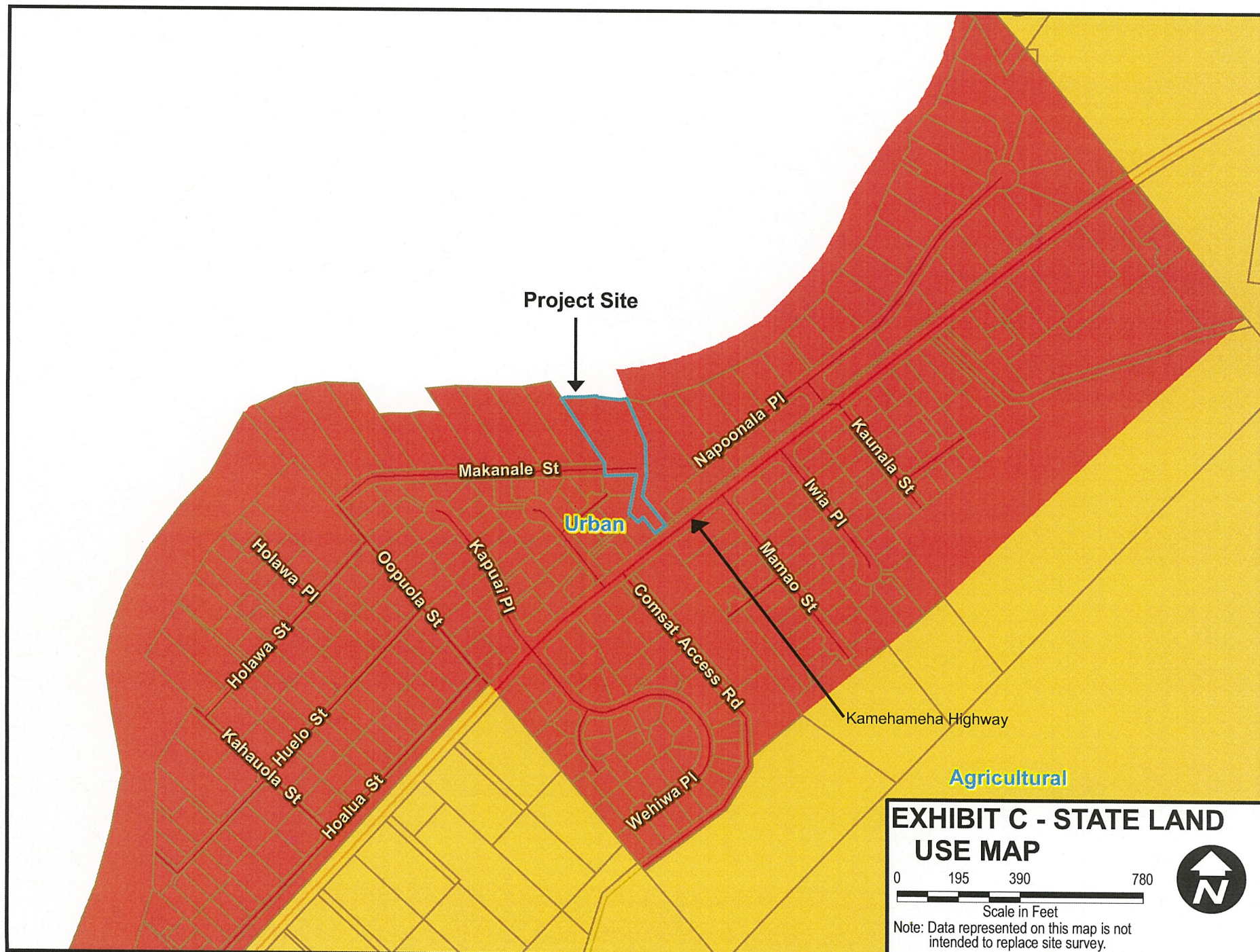
EXHIBIT B - ZONING MAP

0 195 390 780

Scale in Feet

Note: Data represented on this map is not intended to replace site survey.





**EXHIBIT C - STATE LAND
USE MAP**

0 195 390 780

Scale in Feet

Note: Data represented on this map is not intended to replace site survey.



1 SITE PLAN
SCALE: 1" = 40'

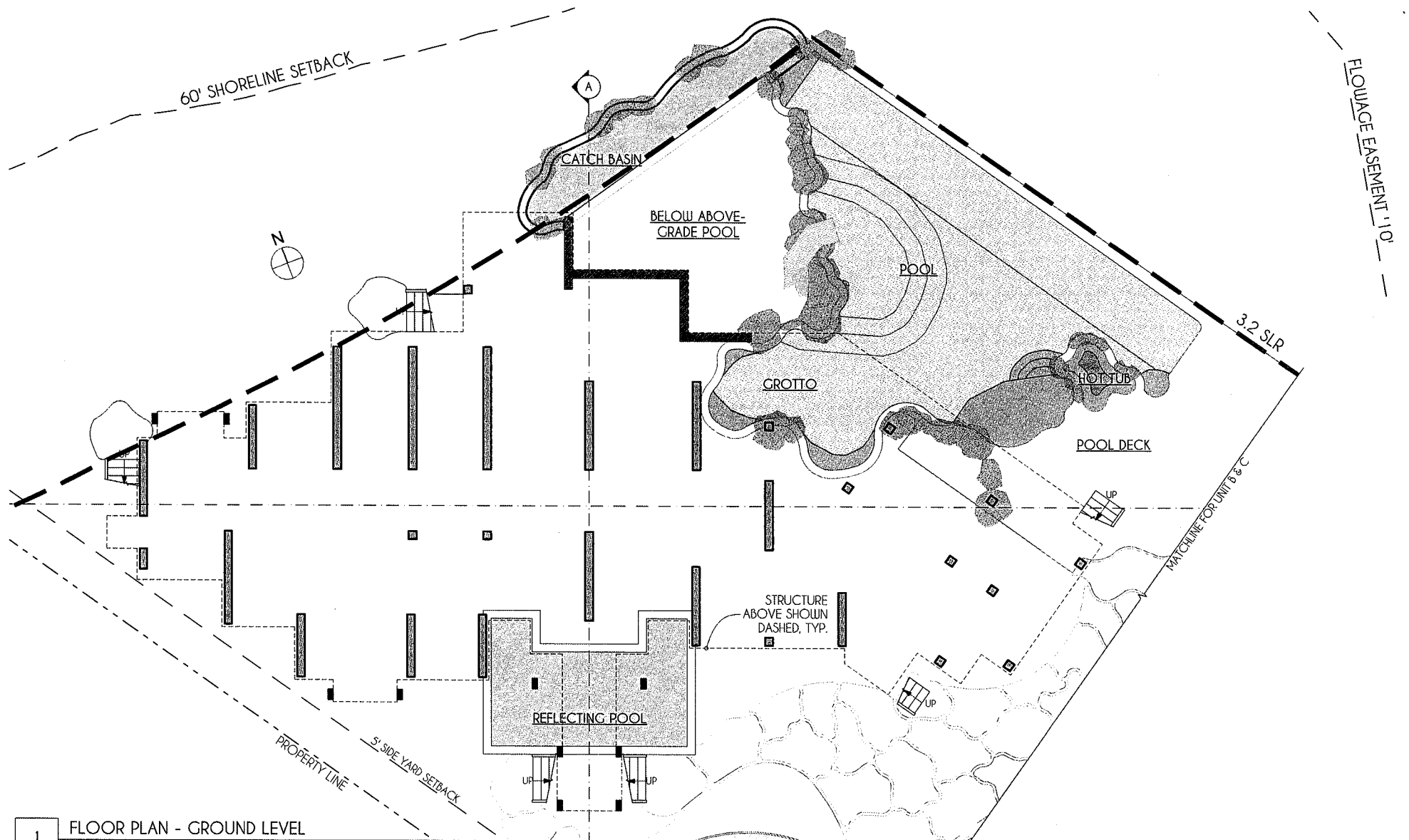
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-1 - OVERALL SITE PLAN

6/27/2022

MORELAND
DESIGN



1 FLOOR PLAN - GROUND LEVEL
SCALE: 3/32" = 1'-0"

WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-2 - UNIT A GROUND FLOOR PLAN

6/27/2022

MORELAND
EST. 1988



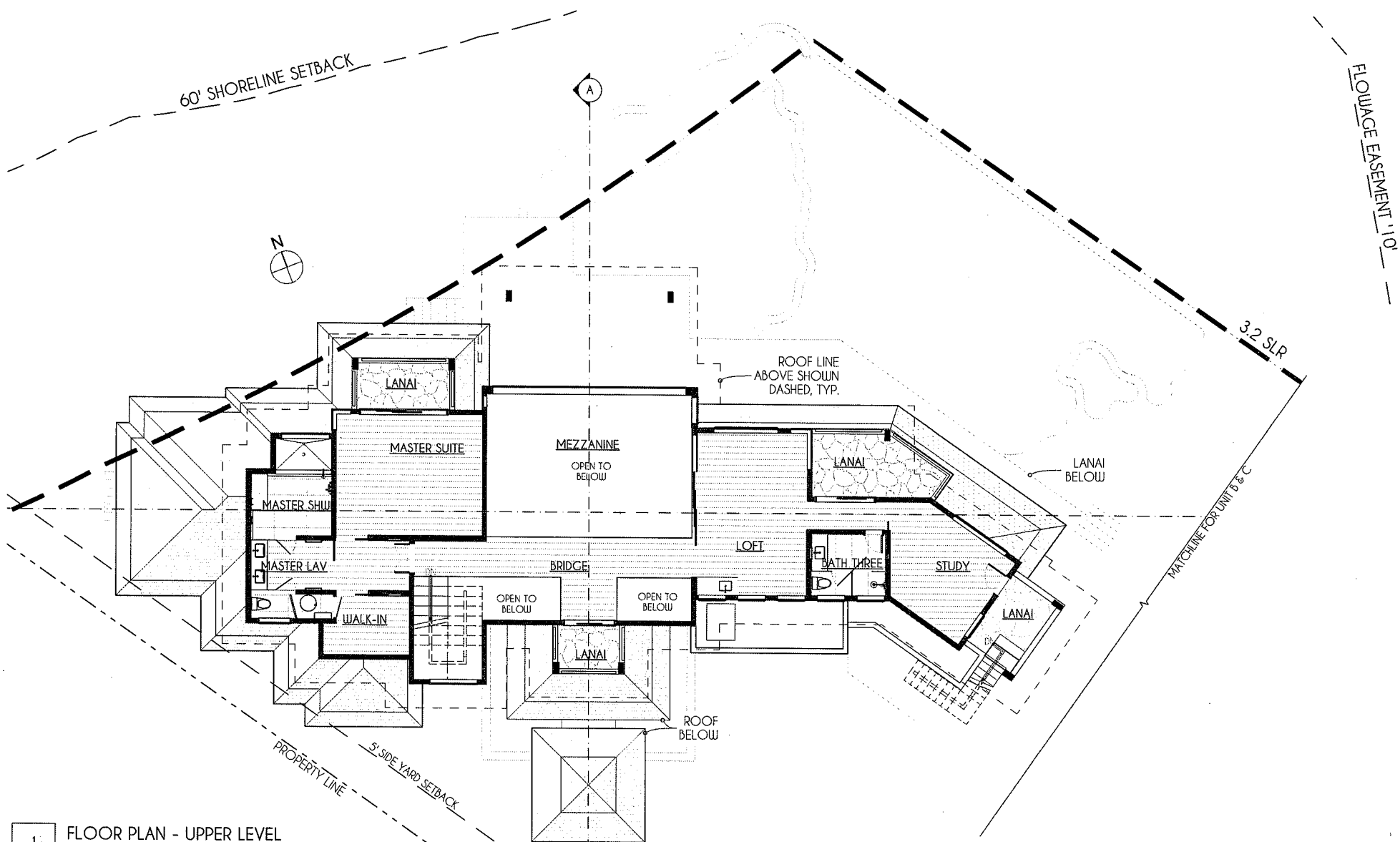
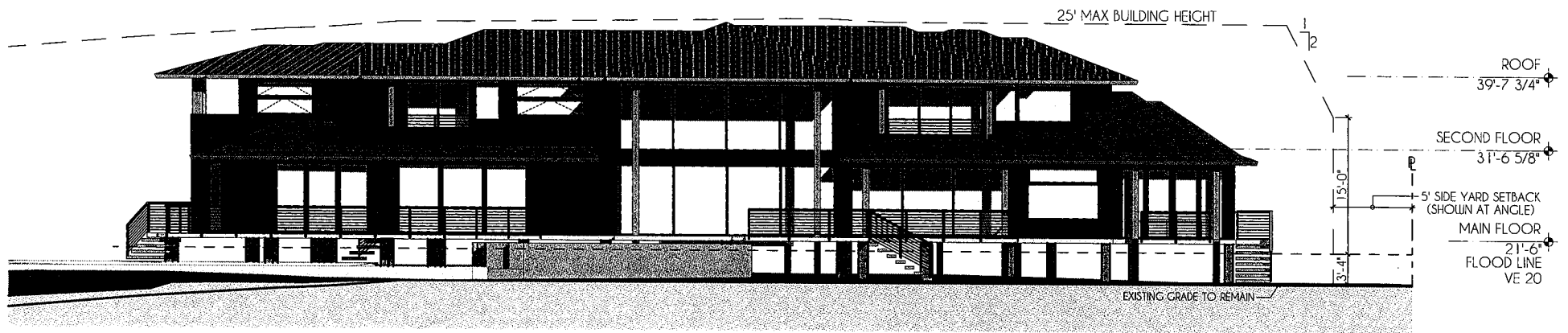
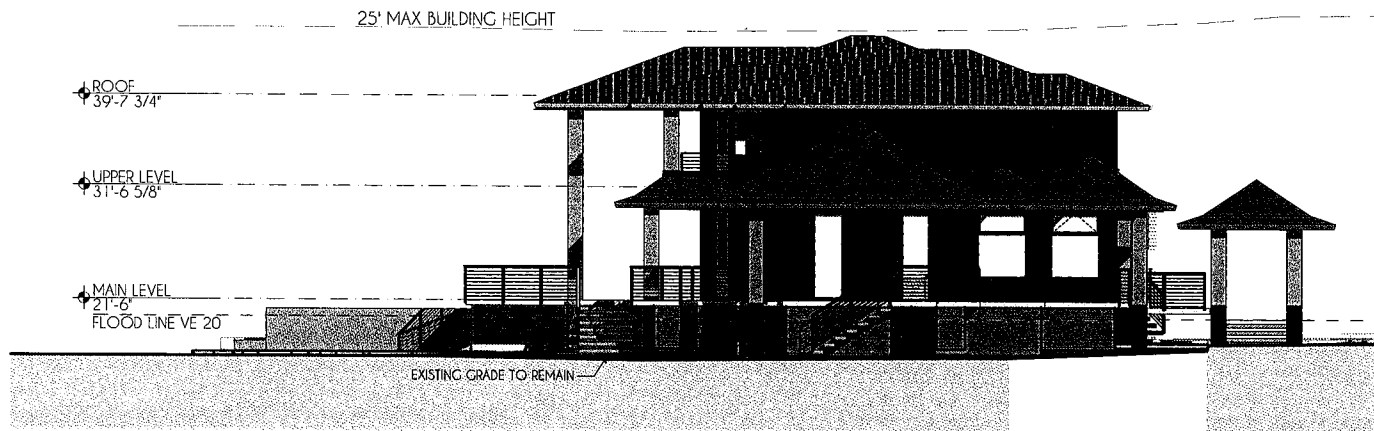


EXHIBIT D-4 - UNIT A UPPER LEVEL FLOOR PLAN



1 REAR NORTH ELEVATION

SCALE: 3/32" = 1'-0"



2 LEFT WEST ELEVATION

SCALE: 3/32" = 1'-0"



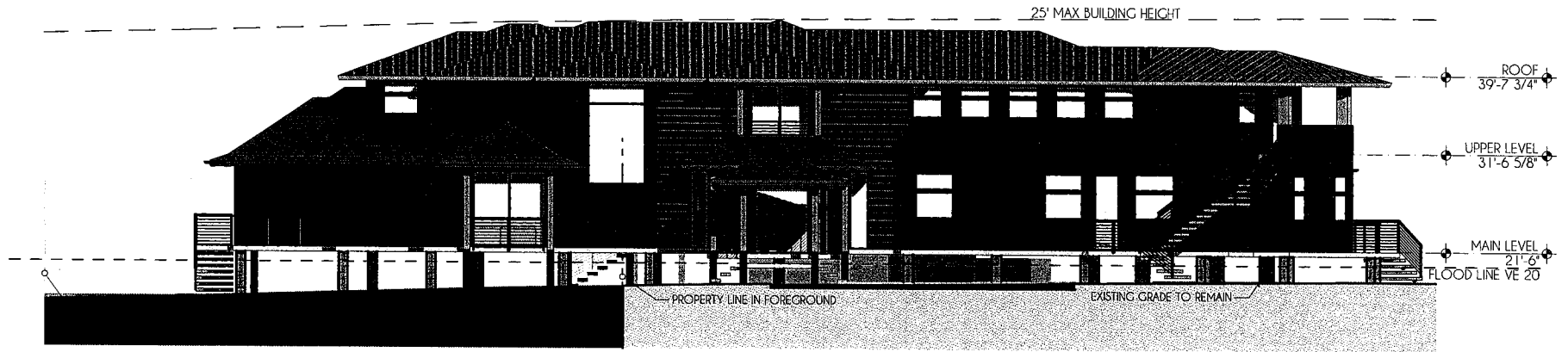
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKA HALEIWA HAWAII 96712

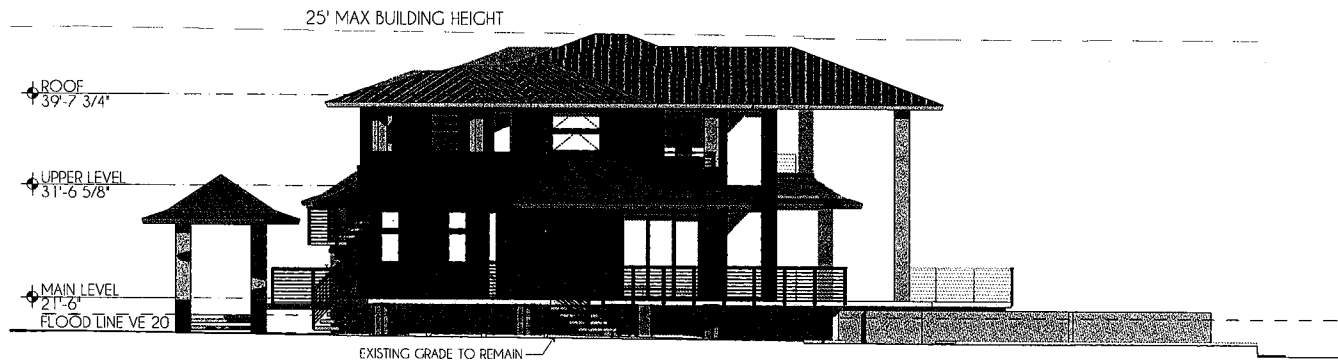
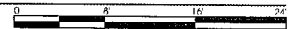
EXHIBIT D-5 - UNIT A NORTH AND WEST ELEVATIONS

7/1/2022

MORELAND
DESIGNS



1 FRONT SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 RIGHT EAST ELEVATION
SCALE: 3/32" = 1'-0"



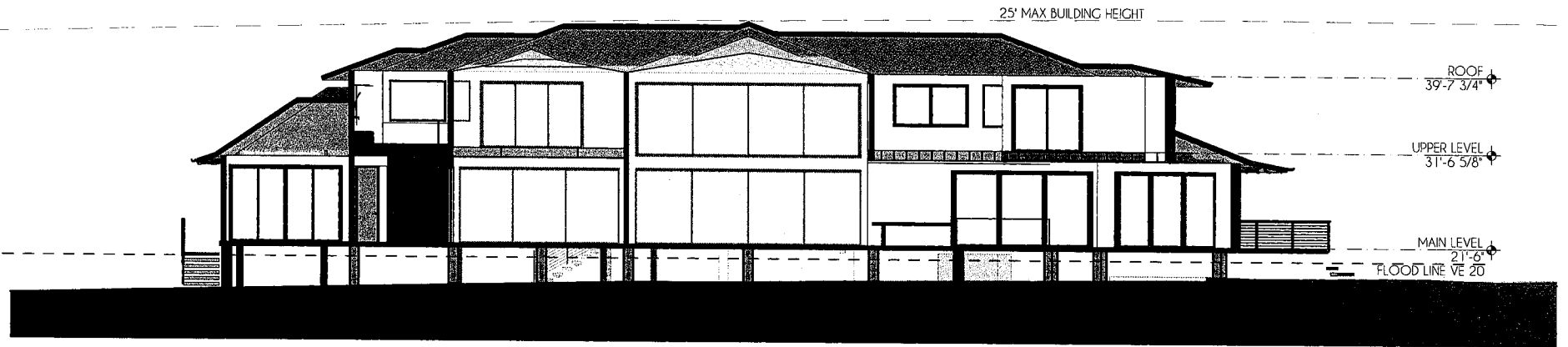
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-6 - UNIT A SOUTH AND EAST ELEVATIONS

7/1/2022

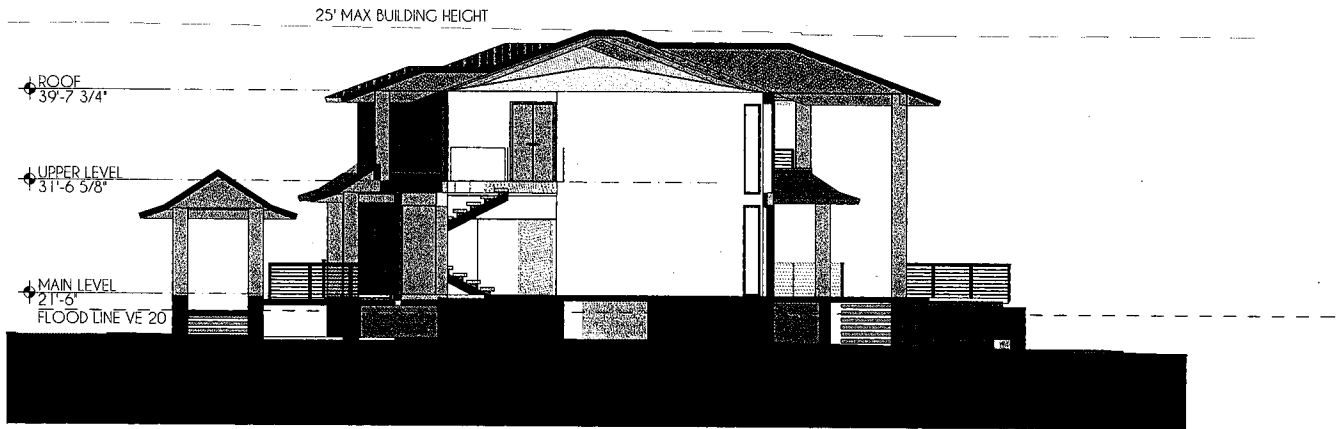
MORELAND
DESIGNS



1

BUILDING SECTION B

SCALE: 3/32" = 1'-0"



2

BUILDING SECTION A

SCALE: 3/32" = 1'-0"



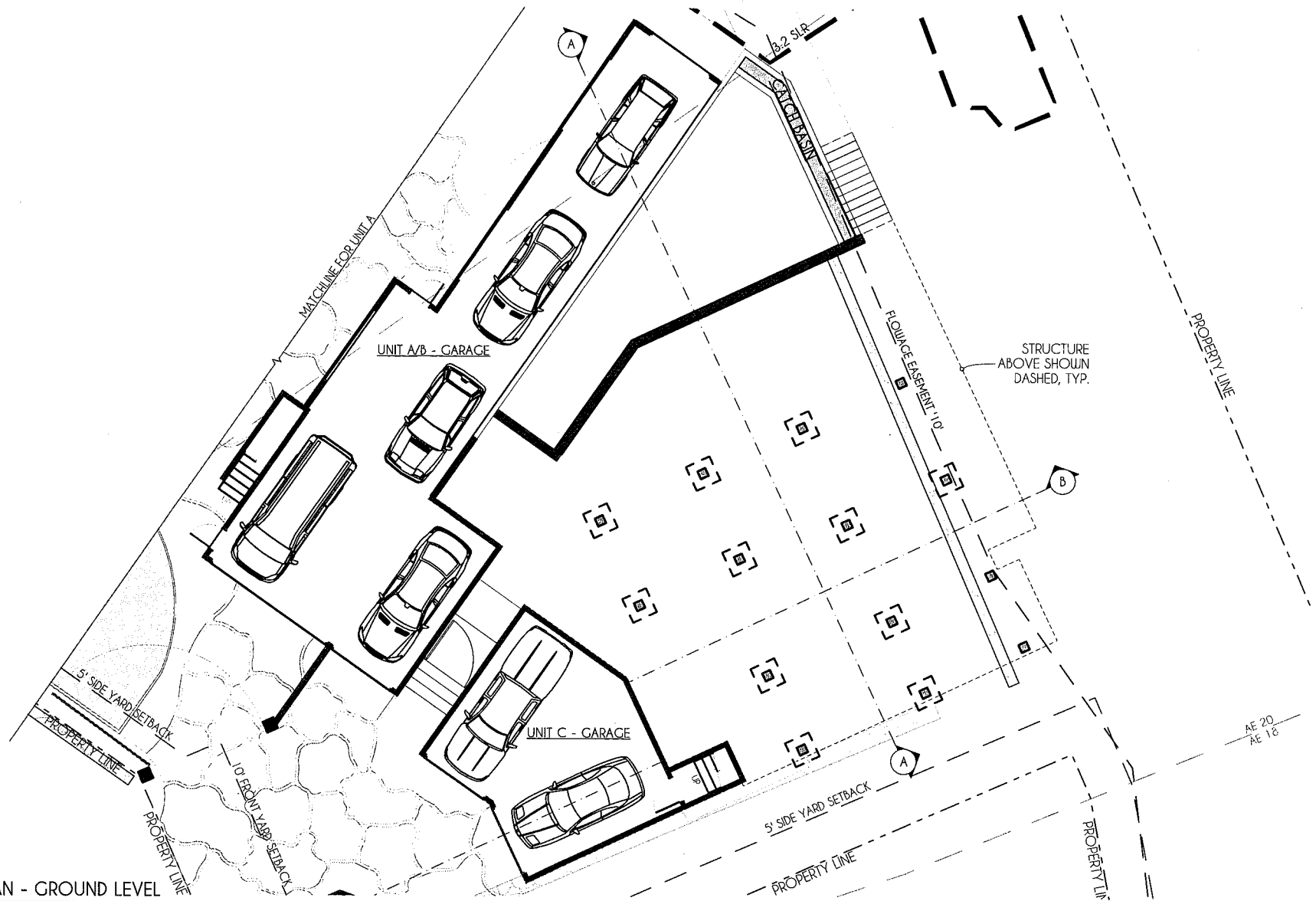
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-7 - UNIT A BUILDING SECTIONS A AND B

7/1/2022

MORELAND
DESIGNS



1 B/C FLOOR PLAN - GROUND LEVEL
SCALE: 3/32" = 1'-0"

WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-8 - UNITS B AND C GROUND LEVEL FLOOR PLAN

7/1/2022

MORELAND
DESIGN



1 B/C FLOOR PLAN - MID LEVEL
SCALE: 3/32" = 1'-0"

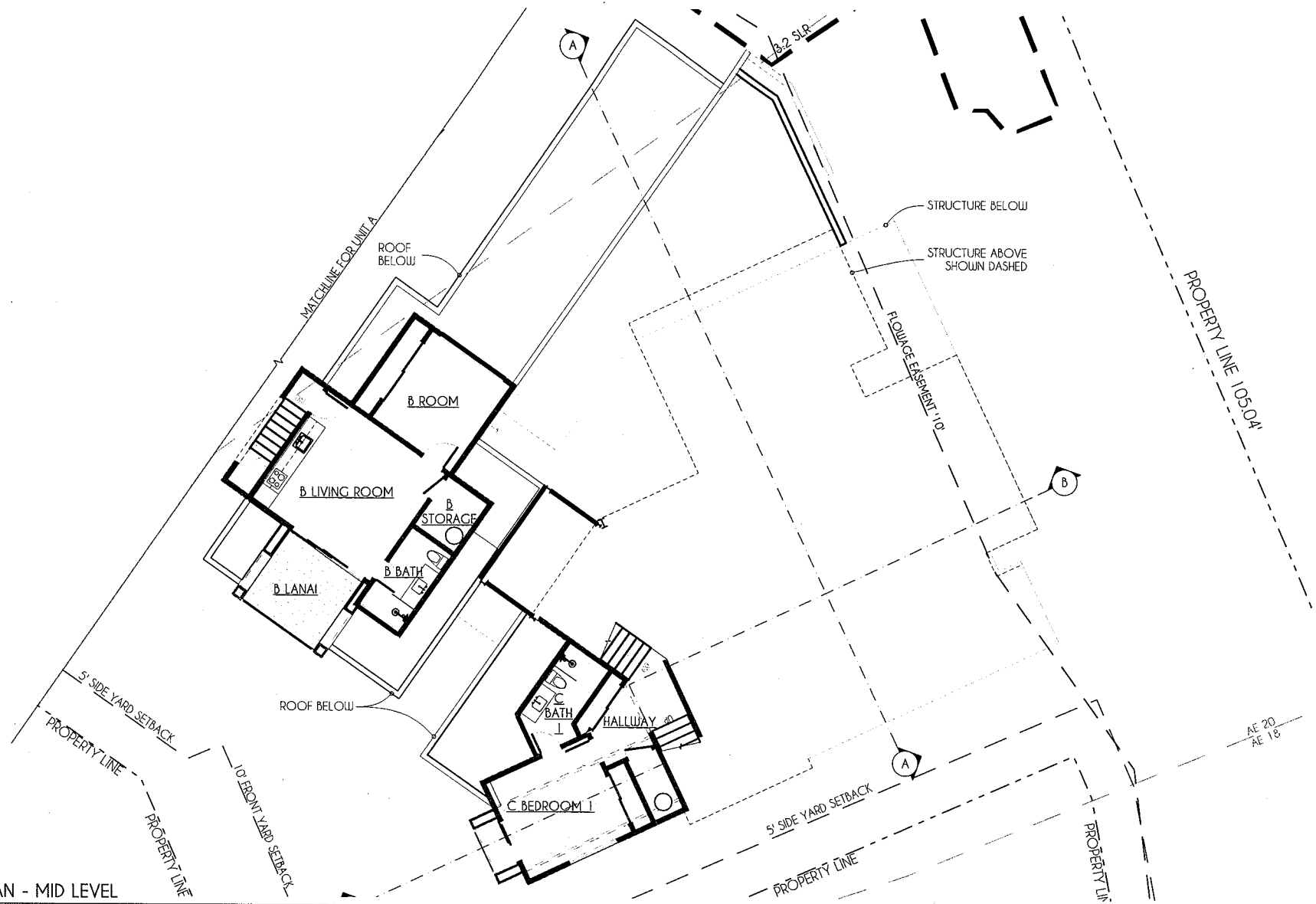
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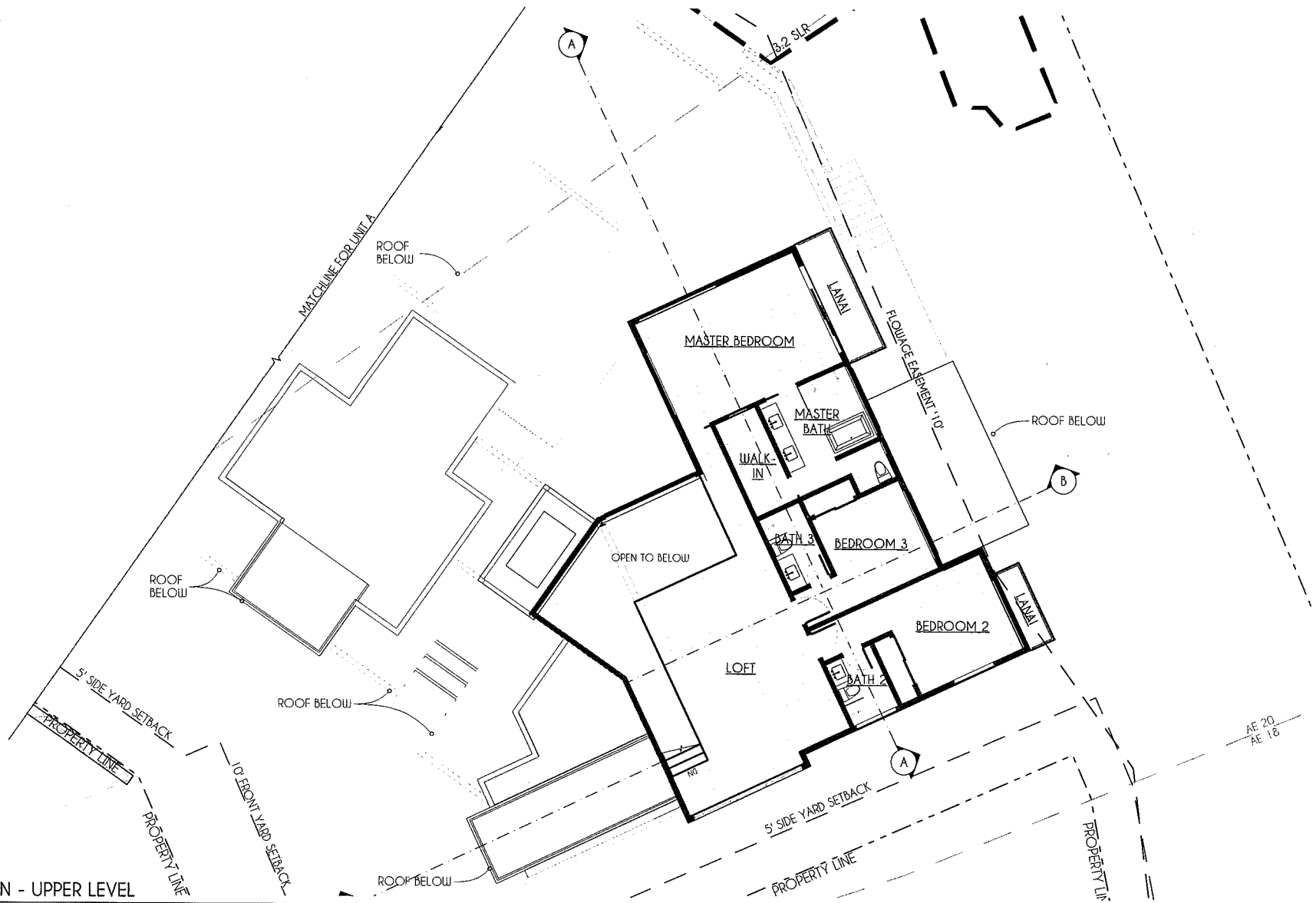
58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-10 - UNITS B AND C - MID-LEVEL FLOOR PLAN

7/1/2022

MORELAND
DESIGN





1 B/C FLOOR PLAN - UPPER LEVEL
SCALE: 3/32" = 1'-0"

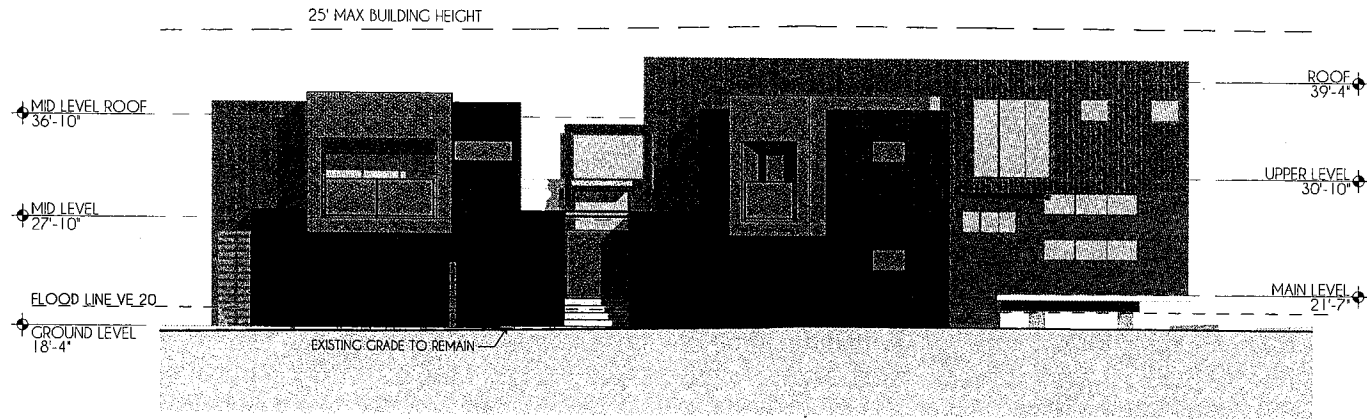
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-11 - UNITS B AND C - UPPER LEVEL FLOOR PLAN

7/1/2022

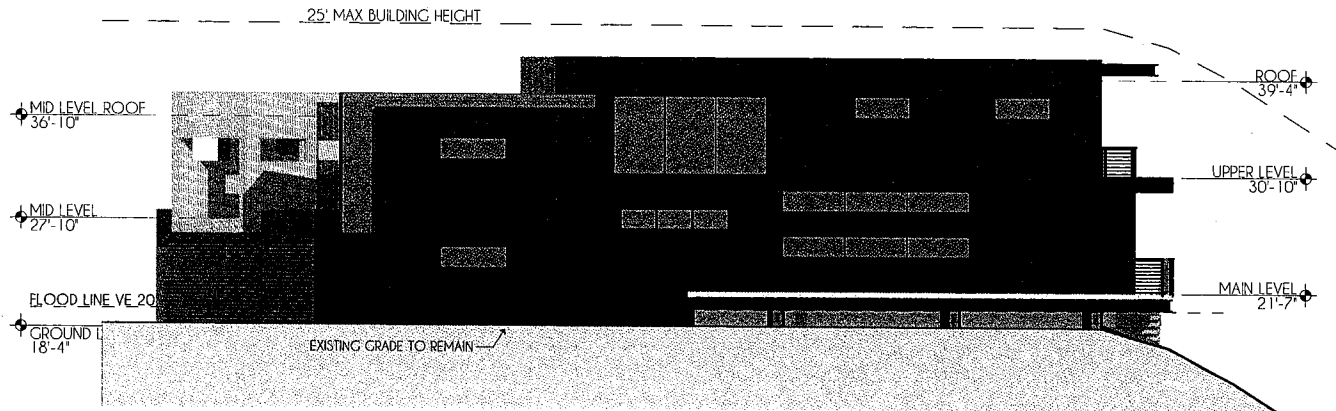
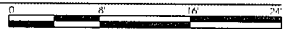
MORELAND
DESIGNS



1

B/C FRONT SOUTH/WEST ELEVATION

SCALE: 3/32" = 1'-0"



2

B/C RIGHT SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



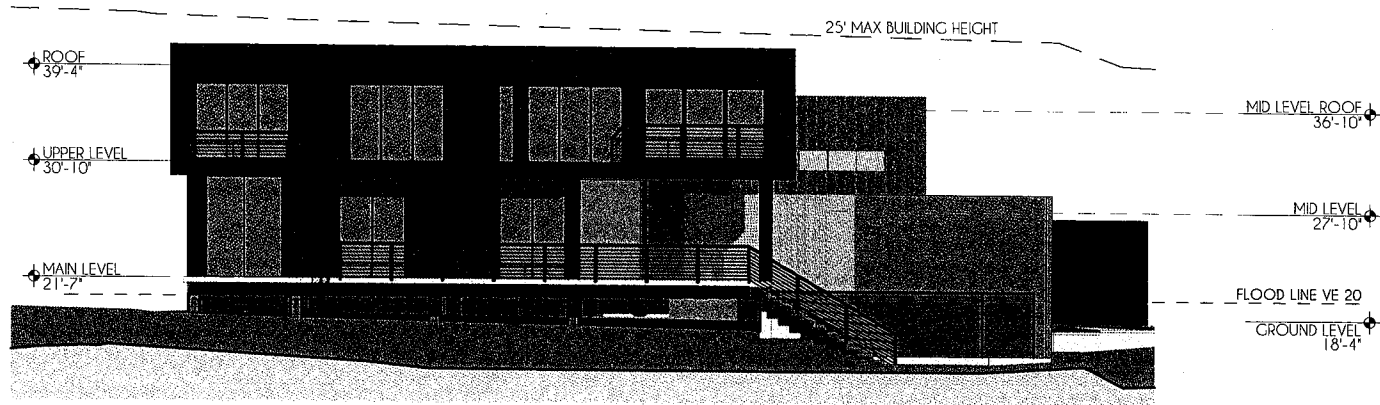
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKA HALEIWA HAWAII 96712

EXHIBIT D-12 - UNITS B AND C - SOUTHWEST AND SOUTH ELEVATIONS

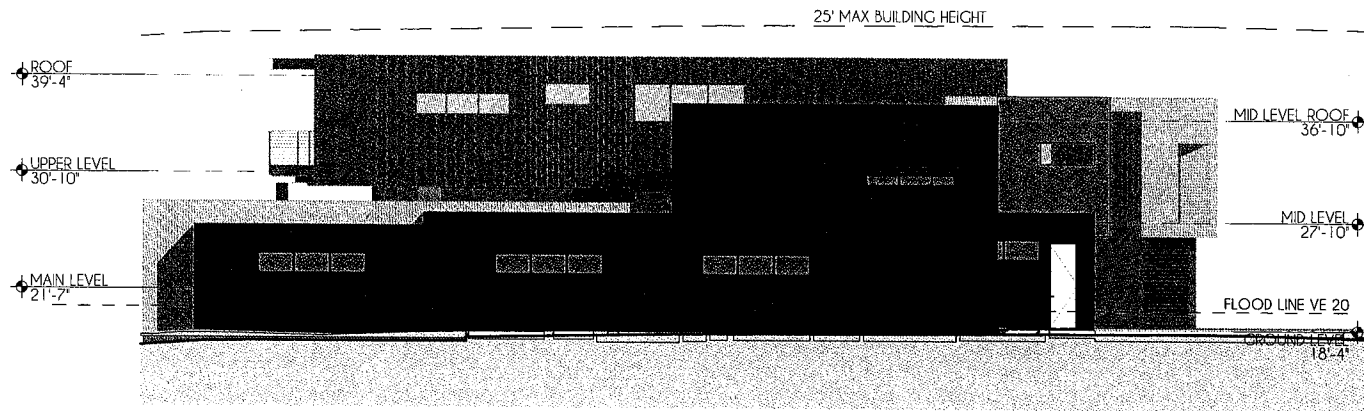
7/1/2022

MORELAND
EST.



1 B/C REAR EAST ELEVATION

SCALE: 3/32" = 1'-0"



2 B/C LEFT NORTH/WEST ELEVATION

SCALE: 3/32" = 1'-0"



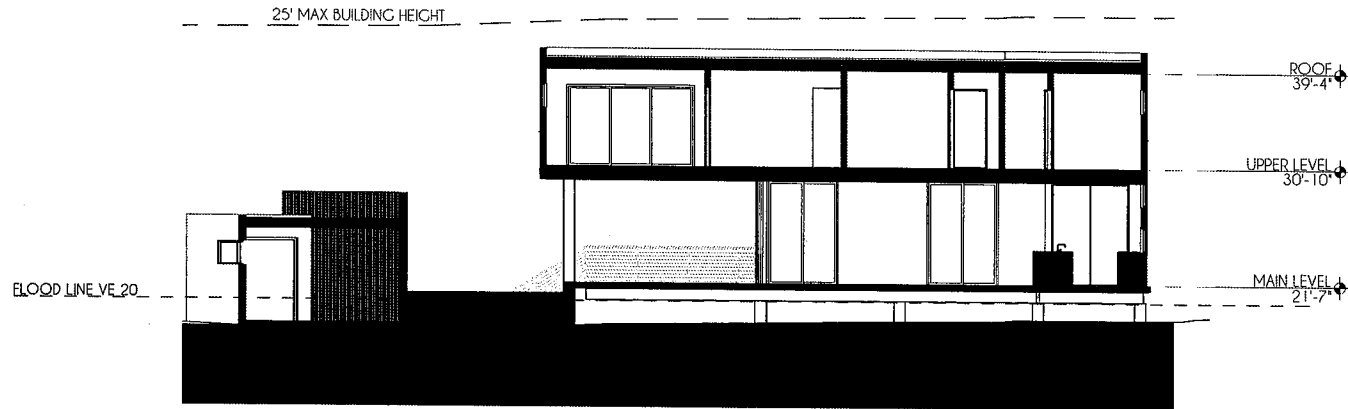
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIUIA HAWAII 96712

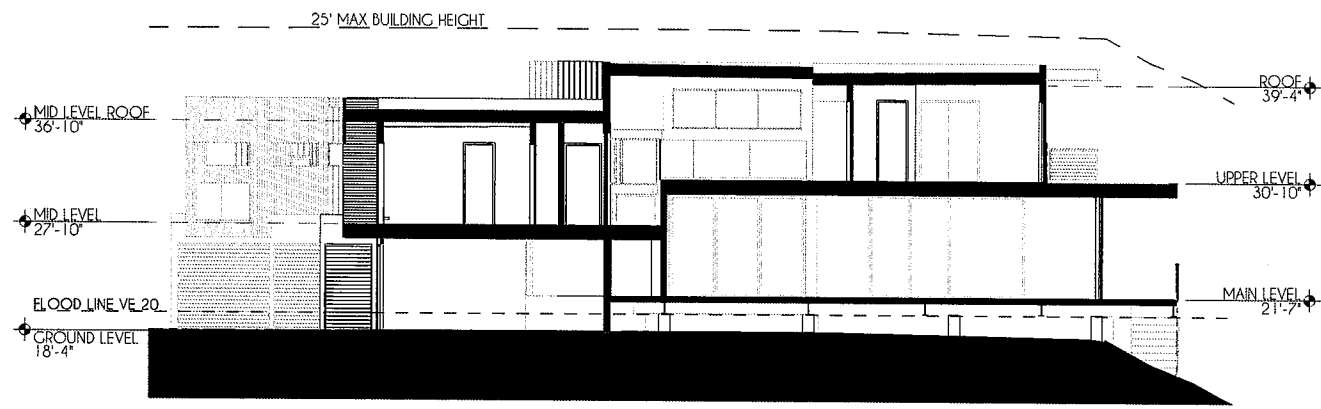
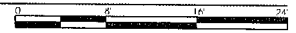
EXHIBIT D-13 - UNITS B AND C - EAST AND NORTHEAST ELEVATIONS

7/1/2022

MORELAND
DESIGN



1 B/C BUILDING SECTION B
SCALE: 3/32" = 1'-0"



2 B/C BUILDING SECTION A
SCALE: 3/32" = 1'-0"



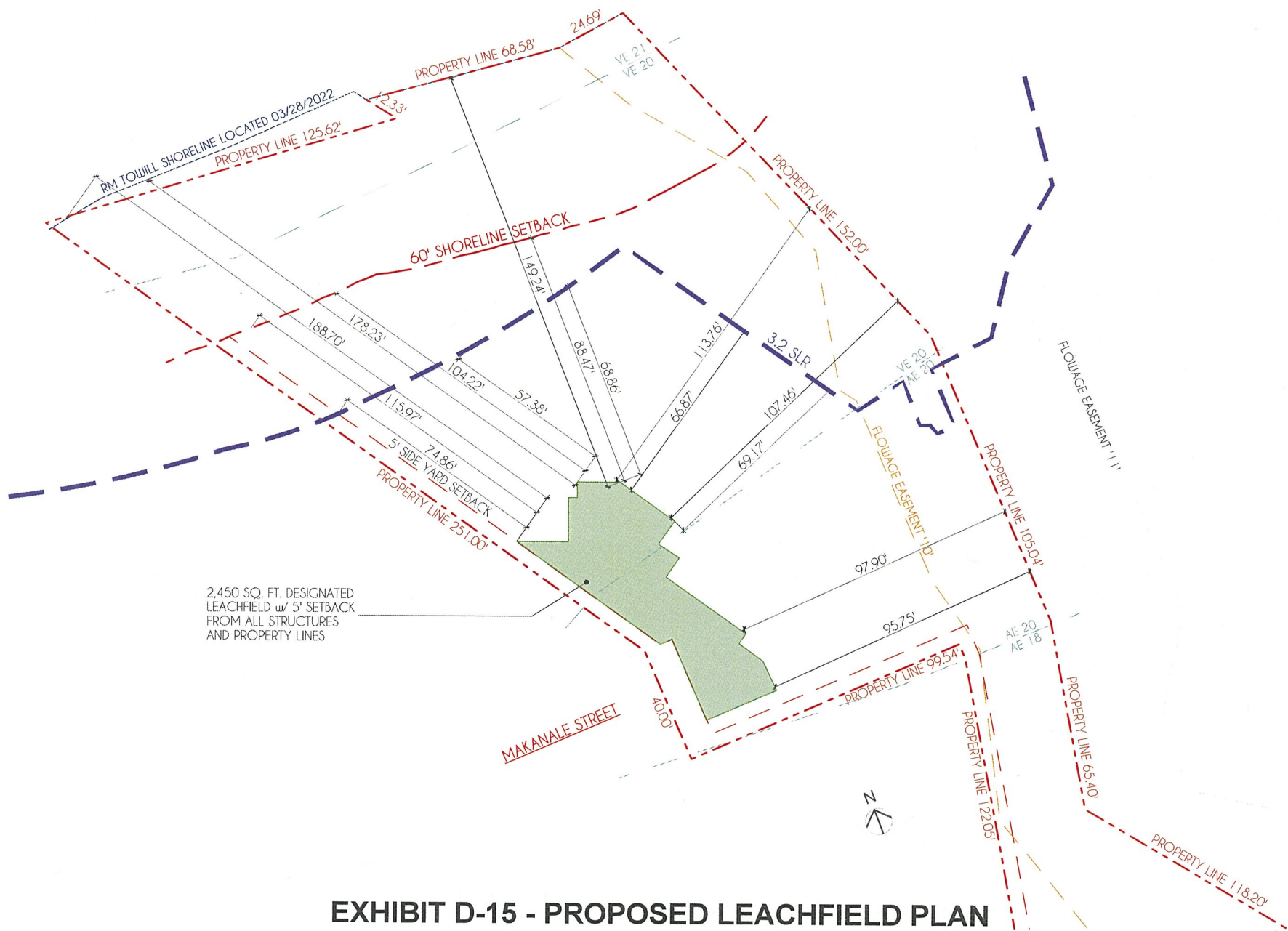
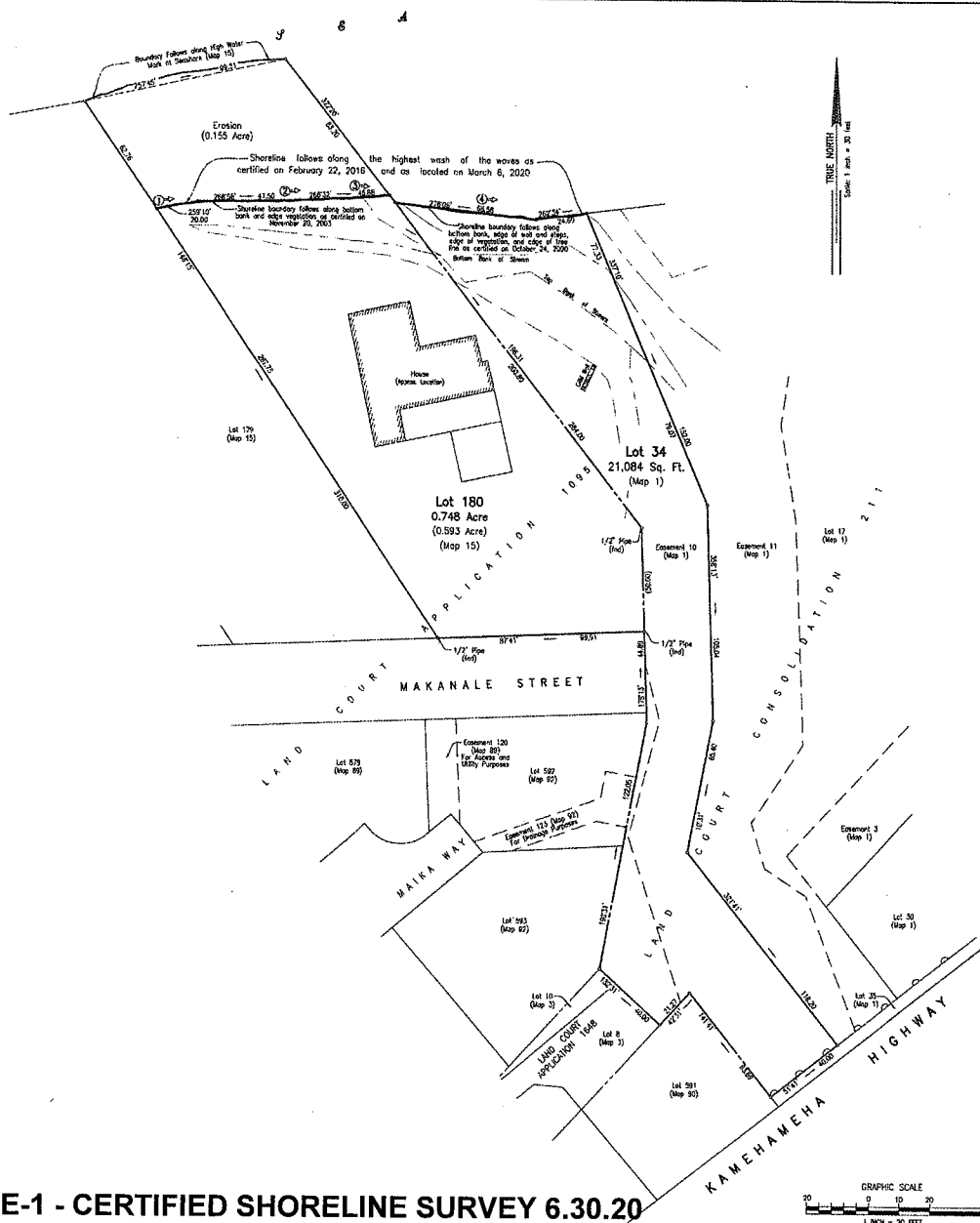
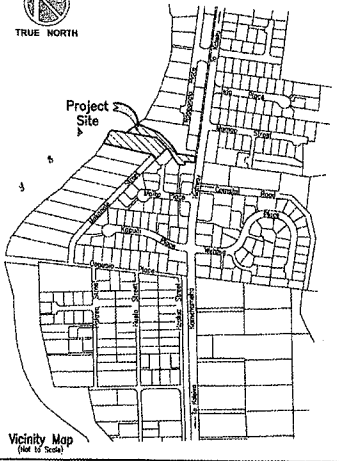


EXHIBIT D-15 - PROPOSED LEACHFIELD PLAN



Shoreline Survey
of Lot 34 (Map 1)
of Land Court Consolidation 211
and Lot 180 (Map 15)
of Land Court Application 1095

At Kaunala, Koolauloa, Oahu, Hawaii
Tax Map Key: (1) 5-8-003: 012

The shoreline as delineated in red is
hereby certified as the shoreline as of
JUL 30 2020

Christopher A. Shaw, of Land and Natural Resources
CS

NOTES:
①-⑩ Indicates Picture Number and Direction Taken
Denotes No Vehicle Access Permitted
Denotes Access Permitted

Property Owners:
Makanale Investments LLC
4391 Kahalo Avenue
Honolulu, Hawaii 96819
Property Address: 58-002 Makanale Street
Haleiwa, Hawaii 96712

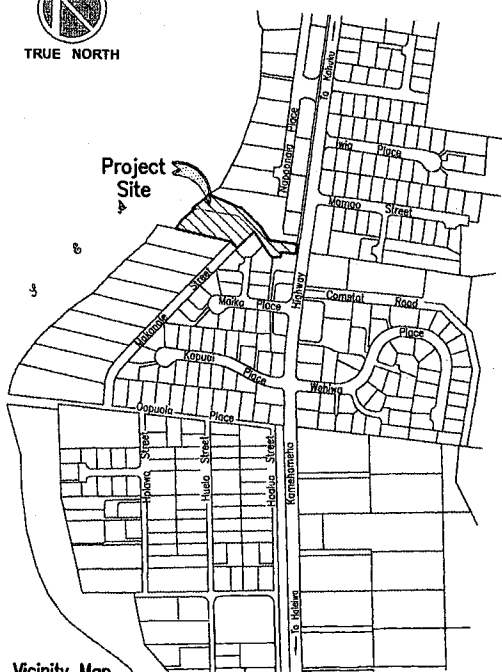
EXHIBIT E-1 - CERTIFIED SHORELINE SURVEY 6.30.20



R. M. TOWILL CORPORATION
This work was prepared by me or under my
direct supervision
Ryan M. Towill 6/30/22
Ryan M. Towill Registered Professional Land Surveyor
Certificate Number 10069



Project Site



Vicinity Map
(Not to Scale)

NOTES:



Indicates Picture Number and Direction Taken



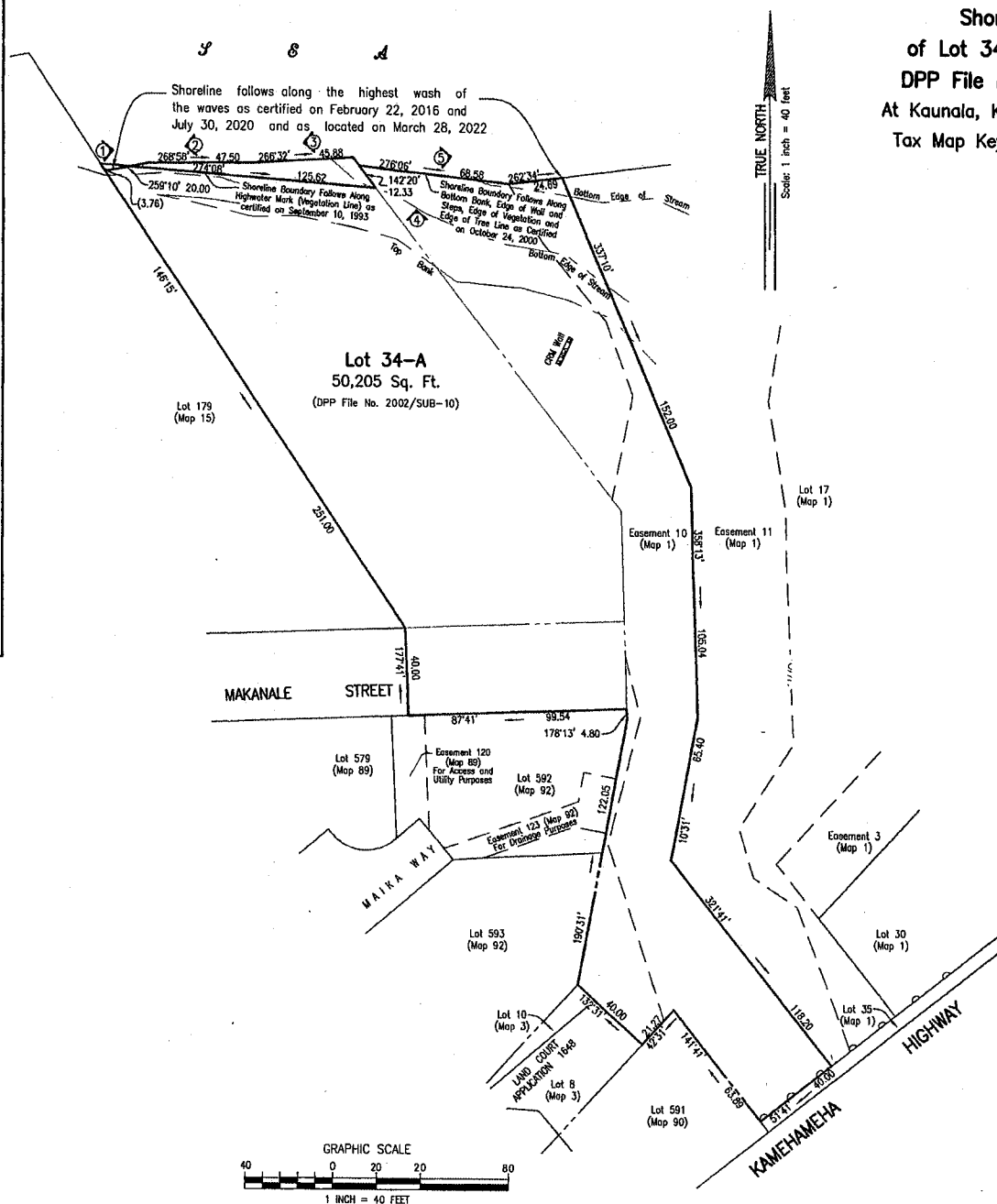
Denotes No Vehicle Access Permitted



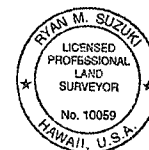
Denotes Access Permitted

Property Owners: John R. Winebarger
Furnie Winebarger

Property Address: 58-002 Makaanale Street
Haleiwa, Hawaii 96712



Shoreline Survey
of Lot 34-A as Shown on
DPP File No. 2002/SUB-10
At Kaunala, Koolauloa, Oahu, Hawaii
Tax Map Key: (1) 5-8-003: 012



R.M. TOWILL CORPORATION

This work was prepared by me
or under my direct supervision

Ryan M. Suzuki 4/30/22
Ryan M. Suzuki Expiration Date
Licensed Professional Land Surveyor
Certificate Number 10059

2024 North King Street, Suite 200
Honolulu, Hawaii 96819
April 4, 2022

RMTC Ref. No.: 1-23832-0-S
F.N.: Makanole Shoreline 2020.Dwg
F.B. No.: 8923



R. M. TOWILL CORPORATION
SINCE 1922

EXHIBIT E-2 - PENDING UPDATED SHORELINE SURVEY (LOT AREA / LINE CORRECTIONS) 3.28.22

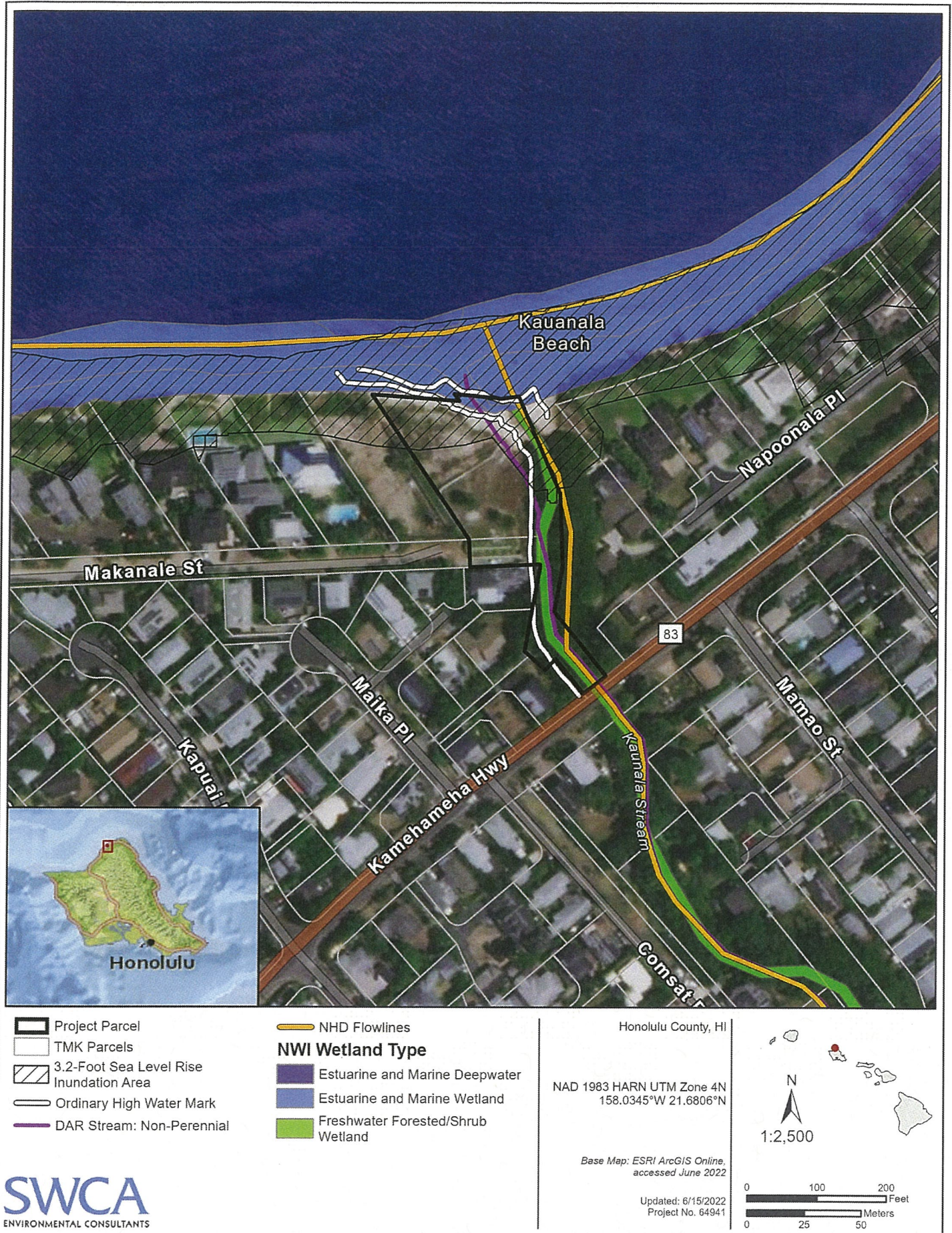
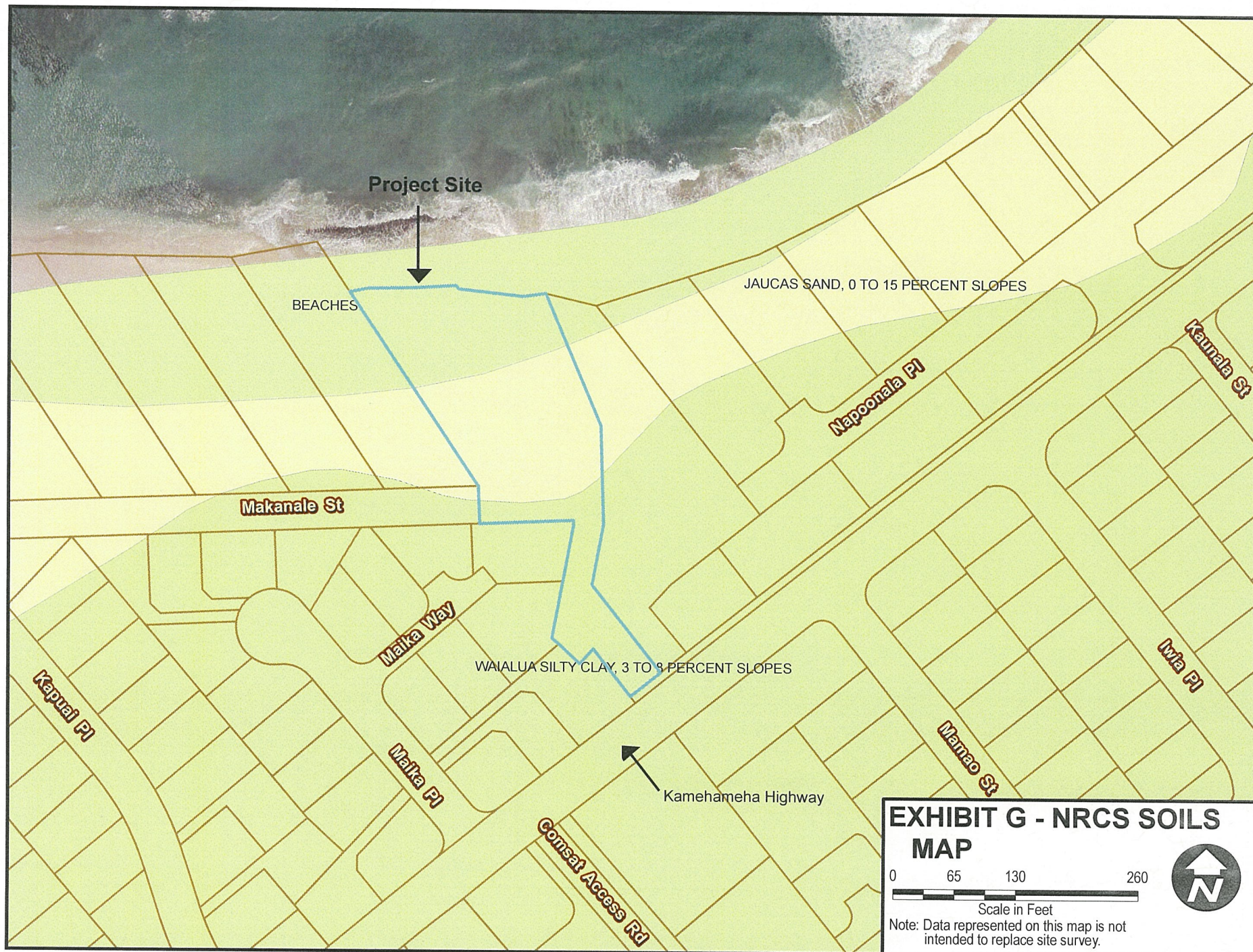


EXHIBIT F - WETLAND DELINEATION MAP



**EXHIBIT G - NRCS SOILS
MAP**

0 65 130 260
Scale in Feet

Note: Data represented on this map is not
intended to replace site survey.



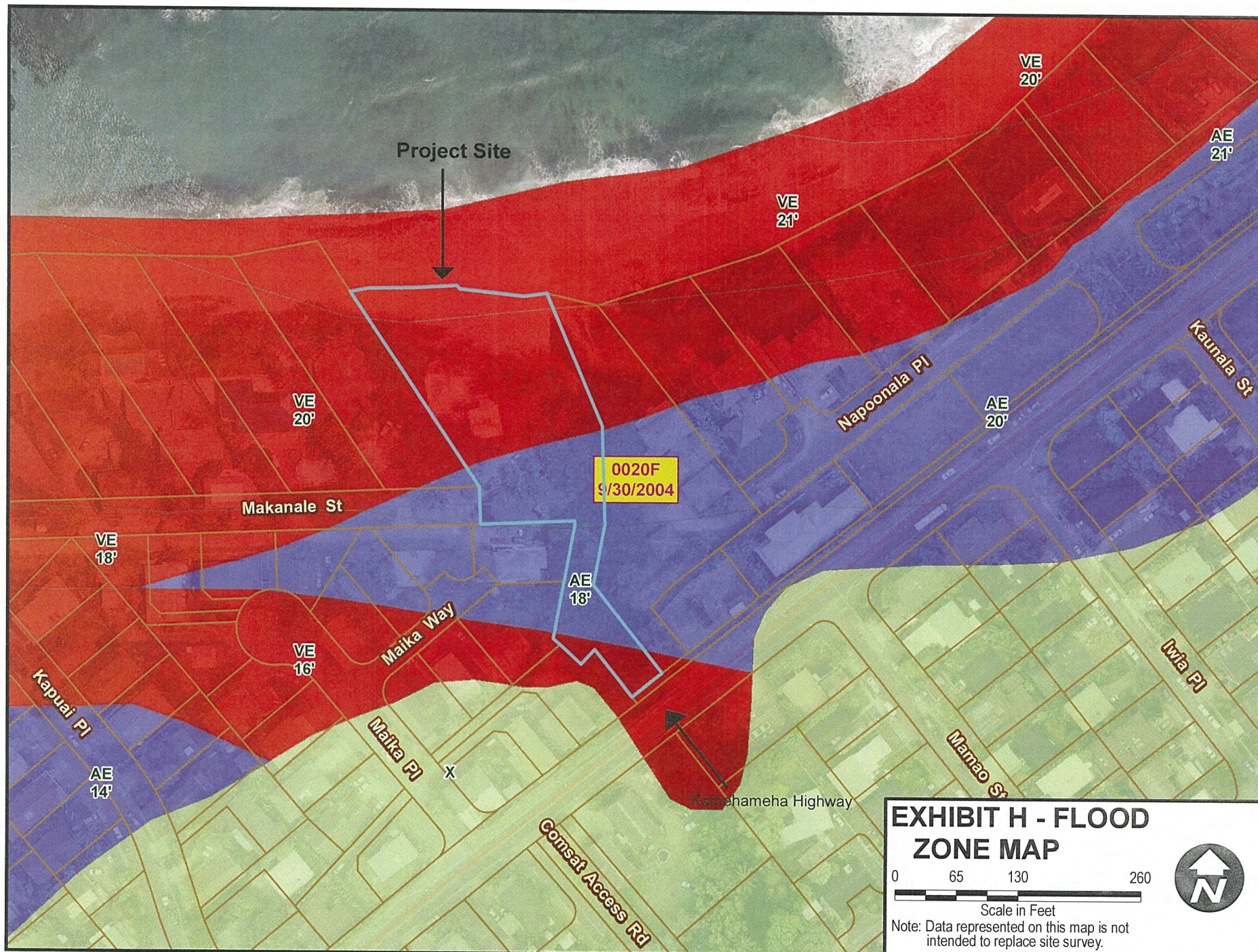


EXHIBIT H - FLOOD ZONE MAP

0 65 130 260
Scale in Feet

Note: Data represented on this map is not
intended to replace site survey.





3.2 FEET OF SEA LEVEL RISE BY 2100 - PASSIVE FLOODING



3.2 FEET OF SEA LEVEL RISE BY 2100 - ANNUAL HIGH WAVE FLOODING



3.2 FEET OF SEA LEVEL RISE BY 2100 - COMBINED WITH COASTAL EROSION LINE

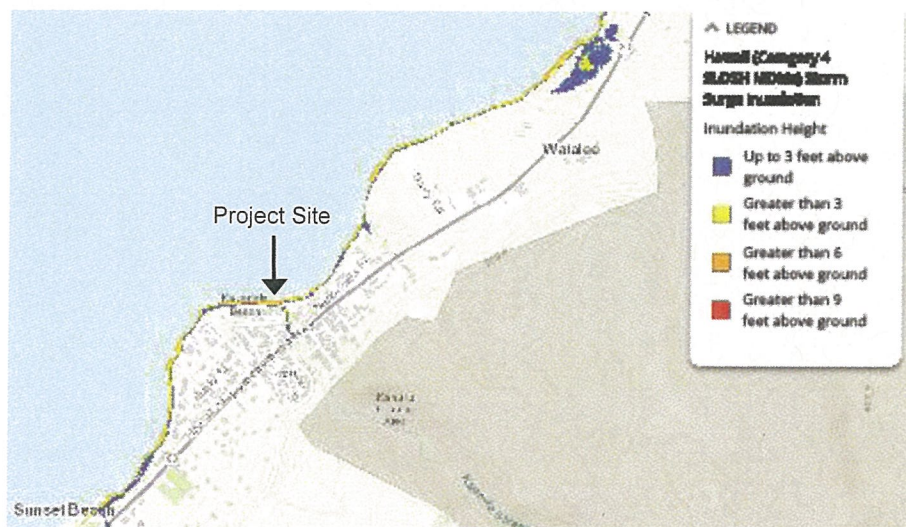
EXHIBIT I - 3.2-FOOT SEA LEVEL RISE EXPOSURE AREA MAPS



Storm Surge Inundation - Category 2 Hurricane



Storm Surge Inundation - Category 3 Hurricane



Storm Surge Inundation - Category 4 Hurricane

EXHIBIT J - HURRICANE STORM SURGE MAPS



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO ALLOW THE CONSTRUCTION OF THREE SINGLE-FAMILY DETACHED DWELLING UNITS, TWO SHALLOW SWIMMING POOLS, TWO GARAGES, LANDSCAPING ELEMENTS, AND SUPPORTING INFRASTRUCTURE AT TAX MAP KEY (TMK) 5-8-003: 012 IN KAUNALA, NORTH SHORE.

WHEREAS, on March 10, 2022, the Department of Planning and Permitting (DPP) accepted the application (DPP Reference Number 2022/SMA-34) of John and Fumie Winebarger (Applicant) for a SMA Use Permit to allow for the construction of three single-family detached dwelling units, two shallow swimming pools, two garages, landscaping elements, and supporting infrastructure on approximately 50,205 square feet (1.15 acres) of land zoned R-5 Residential District, located at 58-2 Makaanale Street in Kaunala, and identified as TMK 5-8-003: 012 (the Project); and

WHEREAS, on June 17, 2022, the DPP held a public hearing which was attended by three members of DPP staff, two representatives of the Applicant, and four members of the public; testimony was offered by four members of the public and one representative of the Applicant at the hearing; and

WHEREAS, on July 18, 2022, 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 Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on 07/19/22, by Departmental Communication 542, 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. Development of the Project must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through J, enclosed hereto and incorporated herein by this 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,



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

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 minor modification and therefore permitted under this resolution, upon review and approval by the DPP Director.

- B. Upon approval of this SMA Use Permit, neither the Applicant nor any future successor, owner, or interested party may claim hardship due to erosion, sea level rise, or any other coastal hazard, in order to obtain approval for a new shoreline protection structure.
- C. Short-term rentals are not allowed on the site.
- D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- E. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and nearshore species that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for 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). Exterior lighting fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture. Exterior lighting must be turned off when human activity is not occurring in the illuminated area;
 - 2. Nighttime work (from sunset to sunrise) must be avoided during the seabird fledging season (September 15 through December 15);
 - 3. Woody plants greater than 15 ft. in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15). Barbless fencing must be used for all fence construction to avoid entanglement of Hawaiian hoary bats; and



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

4. All Project-related activities must cease if a Hawaiian monk seal or green sea turtle is present within 150 feet (ft.) of the work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300 ft. buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.
- F. To minimize impacts of flooding, the Applicant must use pervious surface materials for the driveway such as, but not limited to, grasscrete or grass block pavers. Similarly, the area under the elevated structures may not be paved. The pervious material used for the driveway may be used under the structures.
- G. The addition of fill material to the Project site is not allowed, except as minimally required for site preparation around the base of the dwellings.
- H. In order to preserve underlying beach sands and coastal dunes, the Applicant must comply with the following measures:
 1. New landscaping may not artificially fix the shoreline; or be maintained in such a way that it effectively hardens the shoreline;
 2. Landscaping between the dwellings and shoreline must be limited to vegetation that is naturally hardy or endemic in the dune or shoreline area; and
 3. Irrigation systems must be designed such that water is not allowed to traverse makai of the shoreline into the State Land Use Conservation District, or otherwise facilitate the growth of vegetation makai of the shoreline.
- I. **The Applicant shall 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 DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended by the DPP Director beyond one year from the initial deadline set by the City Council.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension, which must include the DPP 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.
3. If the Council fails to take final action on the proposed extension within the first to occur of:
 - 60 days after receipt of the Director's report; or
 - The Applicant's then-existing deadline for obtaining a building permit;

the extension will be deemed to be denied.

- J. Approval of this SMA Use Permit does not constitute compliance with other City ordinances, including but not limited to the Land Use Ordinance (LUO) and building and construction codes, or other governmental requirements, including but not limited to LUO, building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable City ordinances and other governmental provisions and requirements.
- K. **Conditions A through J must be printed on all development permit plans associated with implementation of the proposed development; and**



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Stephanie Nagai, SWCA, 1200 Ala Moana Boulevard, Suite 380, Honolulu, Hawaii 96814; Suzanne Case, Chair, Department of Land and Natural Resources, 1151 Punchbowl Street, Suite 220, Honolulu, Hawaii; and Mary Alice Evans, Director of the Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804-2359.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

Legend



Site



Special Management Area (SMA)
Boundary



SMA Within SMA Boundary

Pacific Ocean

Sunset Beach
Park

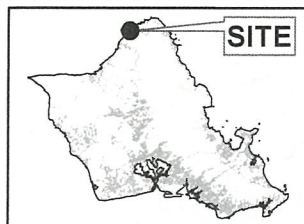
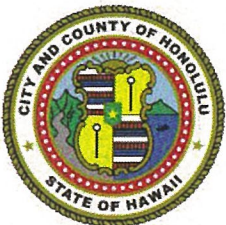
PROJECT SITE

IN SMA

↑ SMA

OUTSIDE SMA

↑ SMA



VICINITY MAP

0 200 400 800
Scale in Feet



EXHIBIT A - LOCATION MAP WITH SPECIAL MANAGEMENT AREA (SMA)

TAX MAP KEY: 5-8-003:012

FOLDER NO: 2022/SMA-34

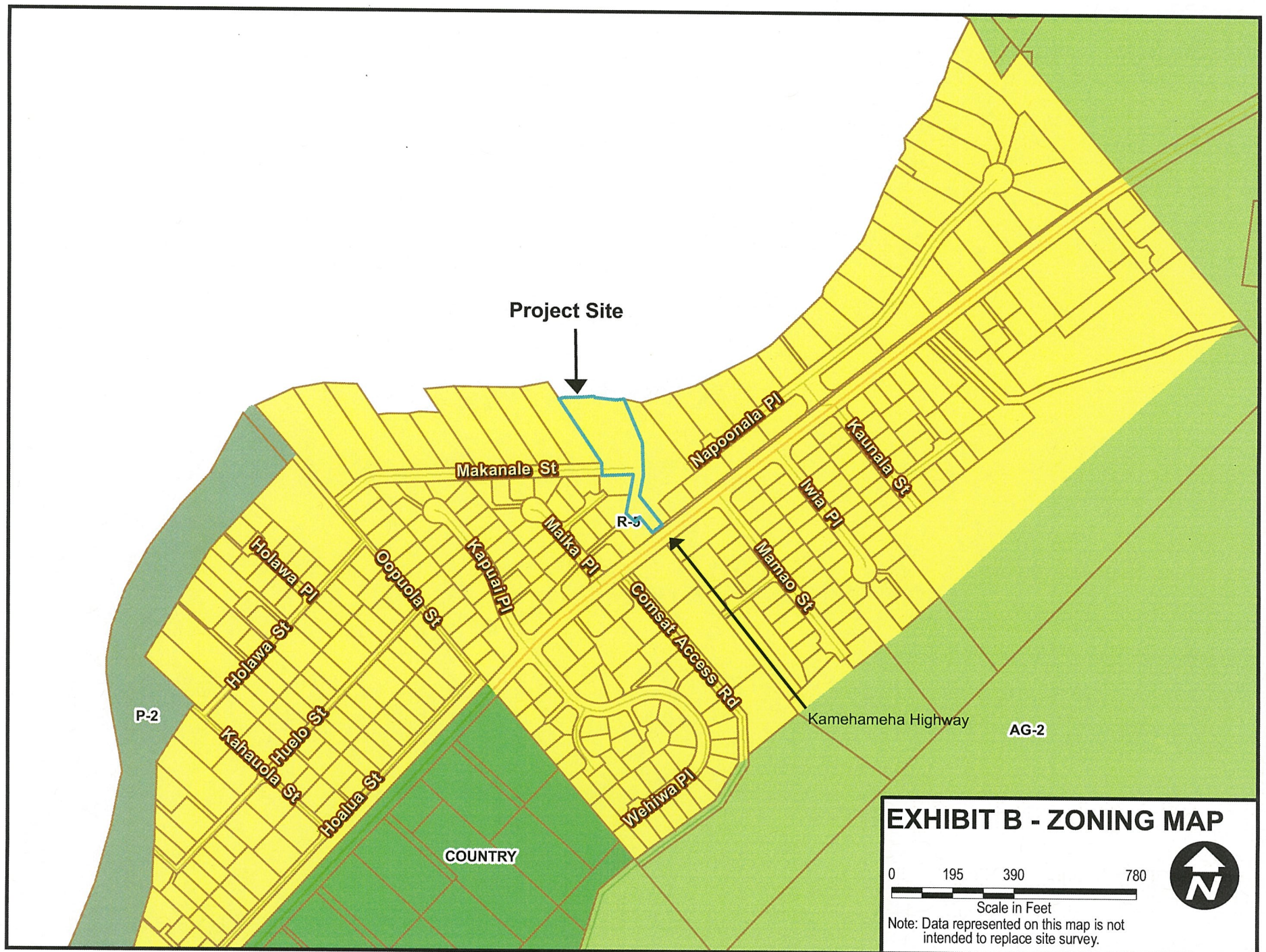


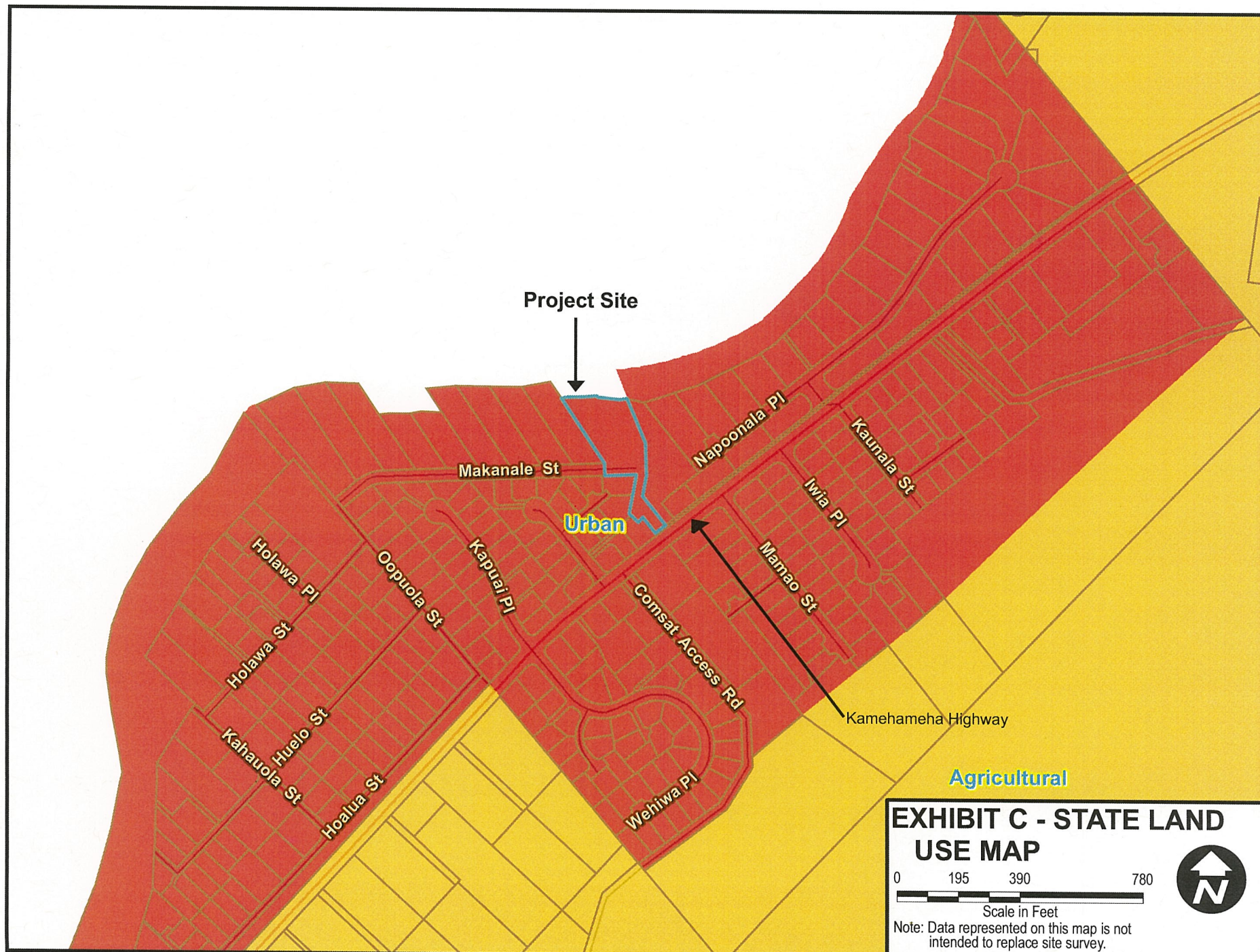
EXHIBIT B - ZONING MAP

0 195 390 780

Scale in Feet

Note: Data represented on this map is not intended to replace site survey.





**EXHIBIT C - STATE LAND
USE MAP**

0 195 390 780

Scale in Feet

Note: Data represented on this map is not
intended to replace site survey.



1 SITE PLAN
SCALE: 1" = 40'

WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-1 - OVERALL SITE PLAN

6/27/2022

MORELAND
DESIGN

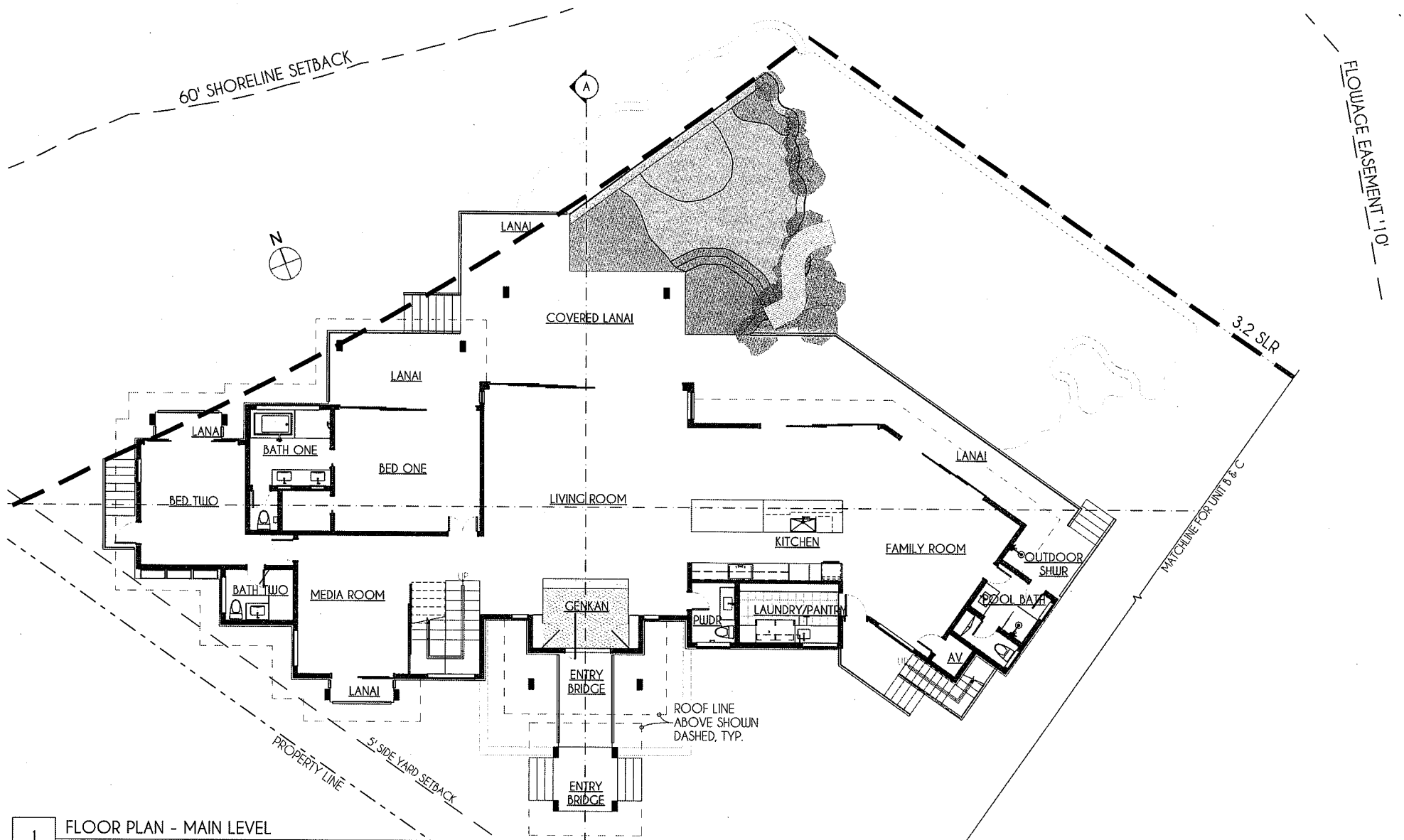


EXHIBIT D-3 - UNIT A MAIN LEVEL FLOOR PLAN

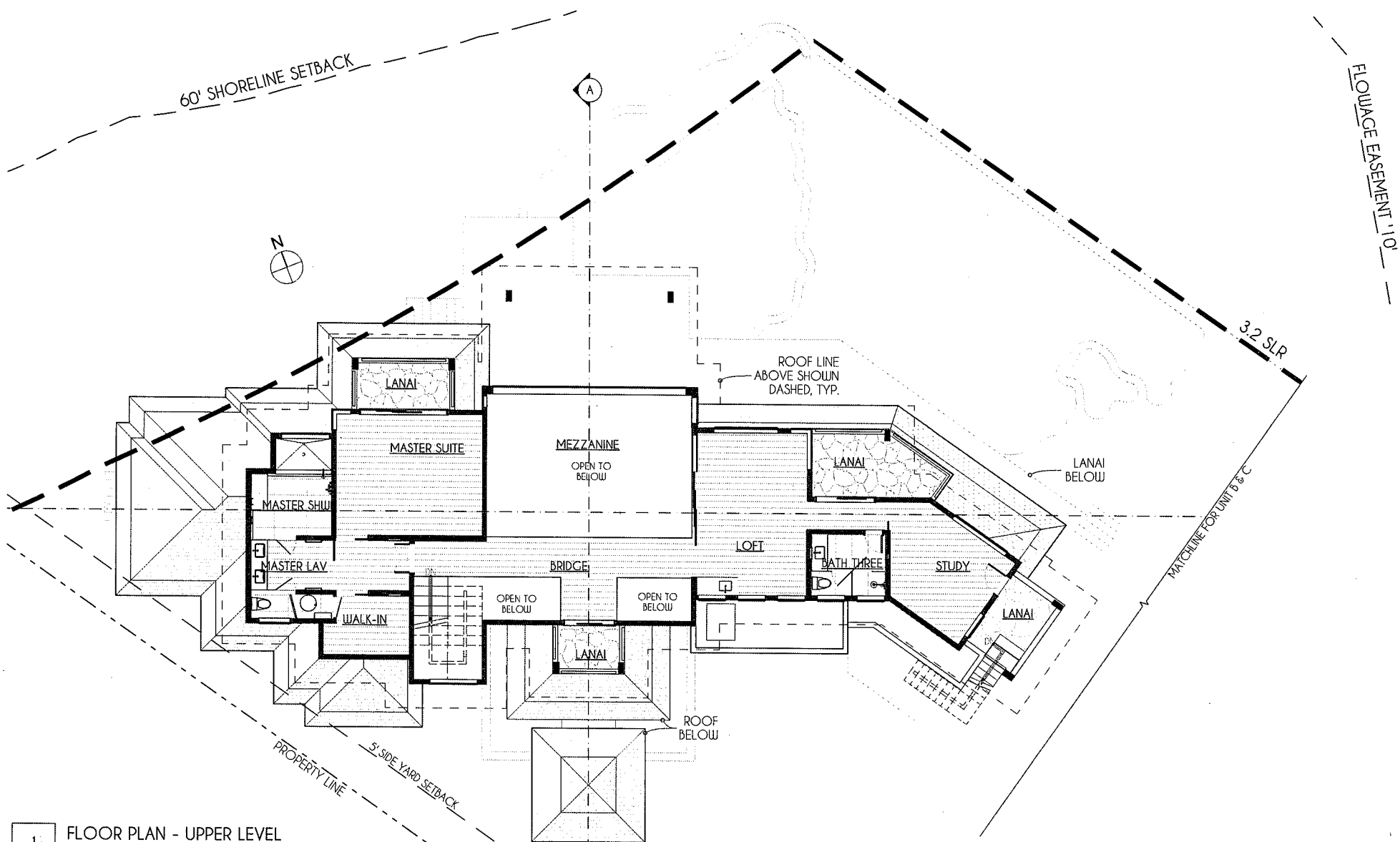
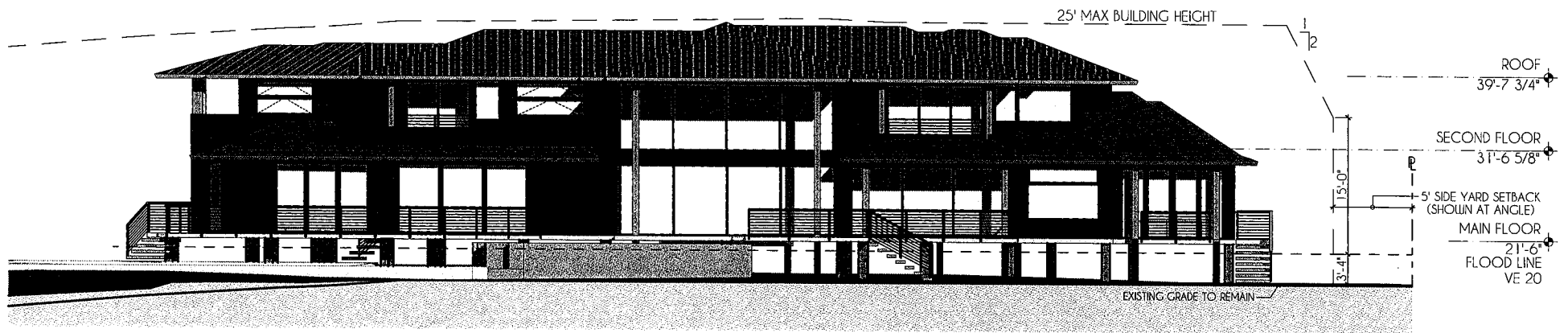
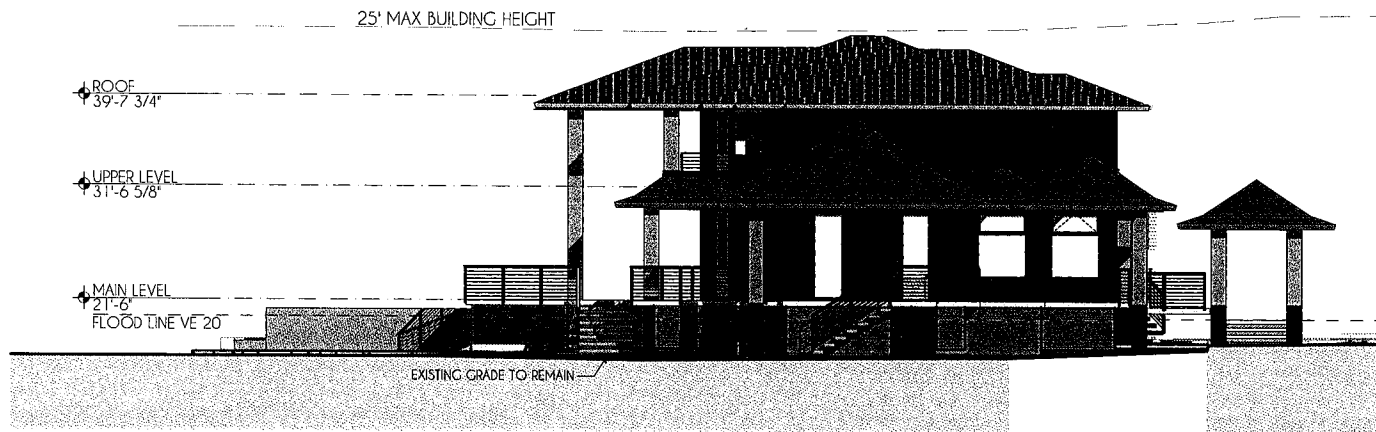


EXHIBIT D-4 - UNIT A UPPER LEVEL FLOOR PLAN



1 REAR NORTH ELEVATION
SCALE: 3/32" = 1'-0"



2 LEFT WEST ELEVATION
SCALE: 3/32" = 1'-0"

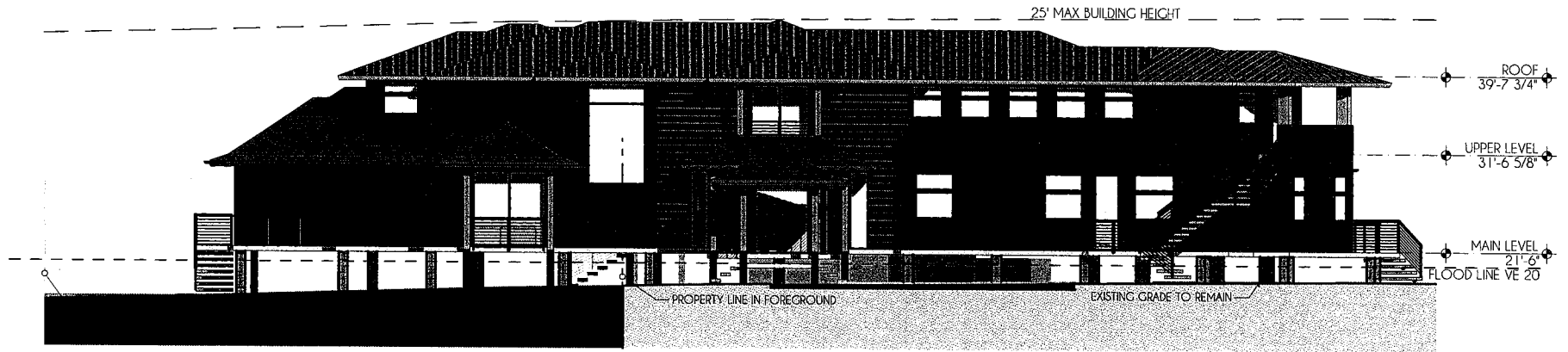
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-5 - UNIT A NORTH AND WEST ELEVATIONS

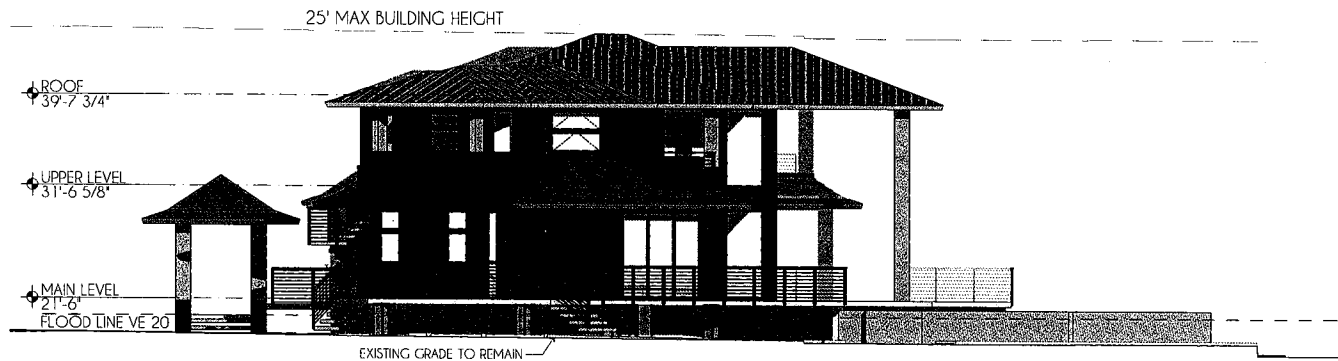
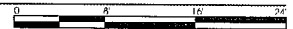
7/1/2022

MORELAND
DESIGNS



1 FRONT SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



2 RIGHT EAST ELEVATION

SCALE: 3/32" = 1'-0"



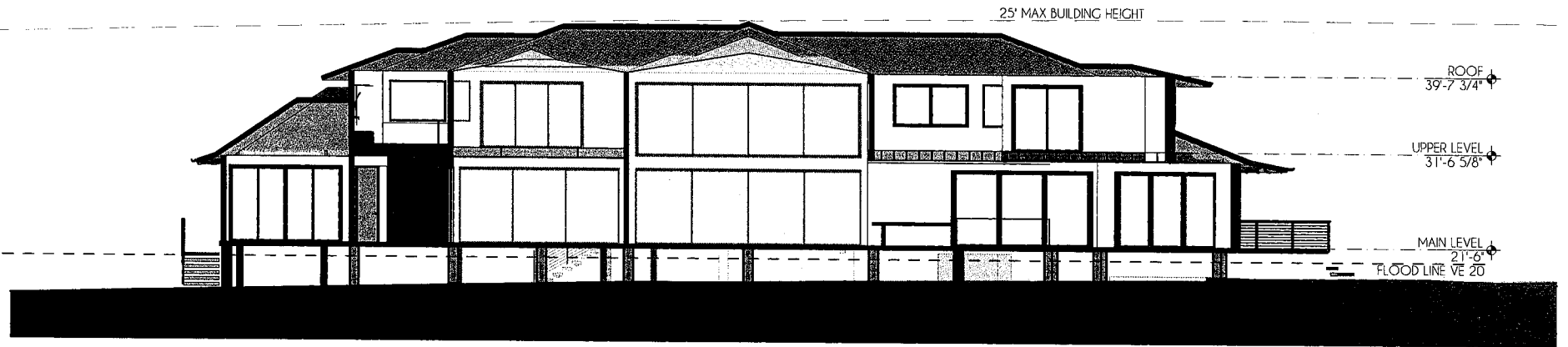
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-6 - UNIT A SOUTH AND EAST ELEVATIONS

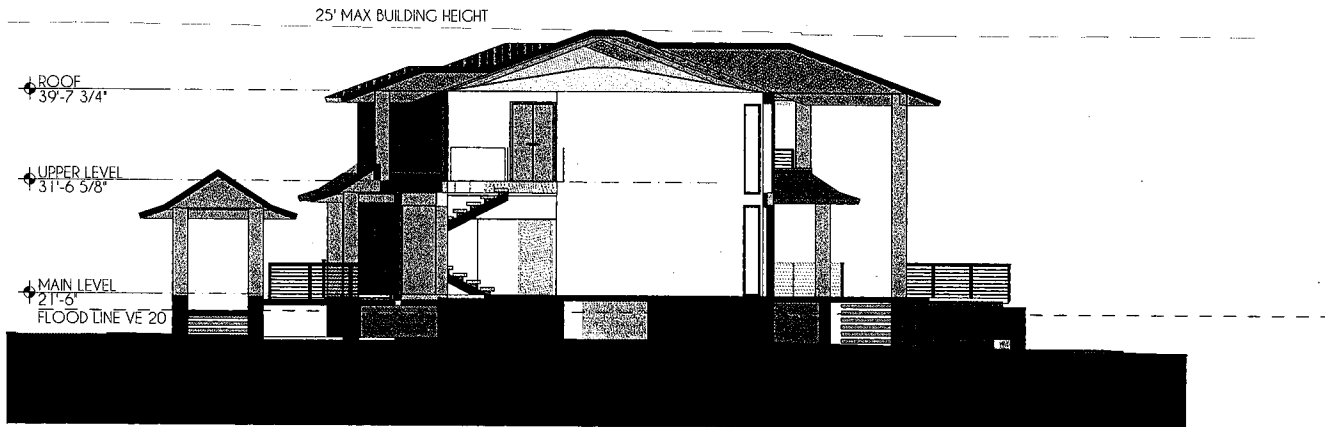
7/1/2022

MORELAND
DESIGNS



BUILDING SECTION B

SCALE: 3/32" = 1'-0"



BUILDING SECTION A

SCALE: 3/32" = 1'-0"



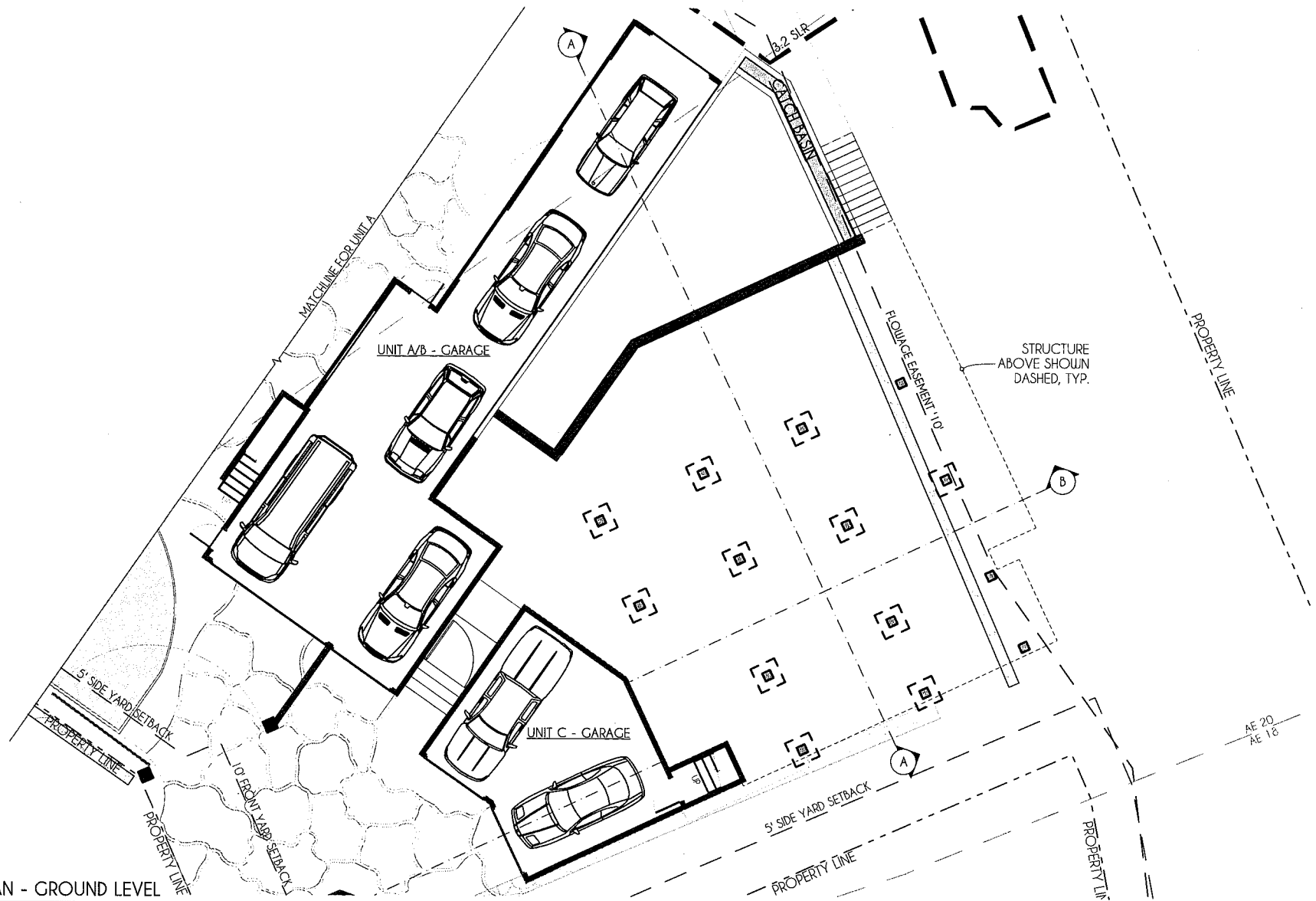
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-7 - UNIT A BUILDING SECTIONS A AND B

7/1/2022

MORELAND
DESIGNS



1 B/C FLOOR PLAN - GROUND LEVEL
SCALE: 3/32" = 1'-0"

WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-8 - UNITS B AND C GROUND LEVEL FLOOR PLAN

7/1/2022

MORELAND
DESIGN



1 B/C FLOOR PLAN - MAIN LEVEL
SCALE: 3/32" = 1'-0"

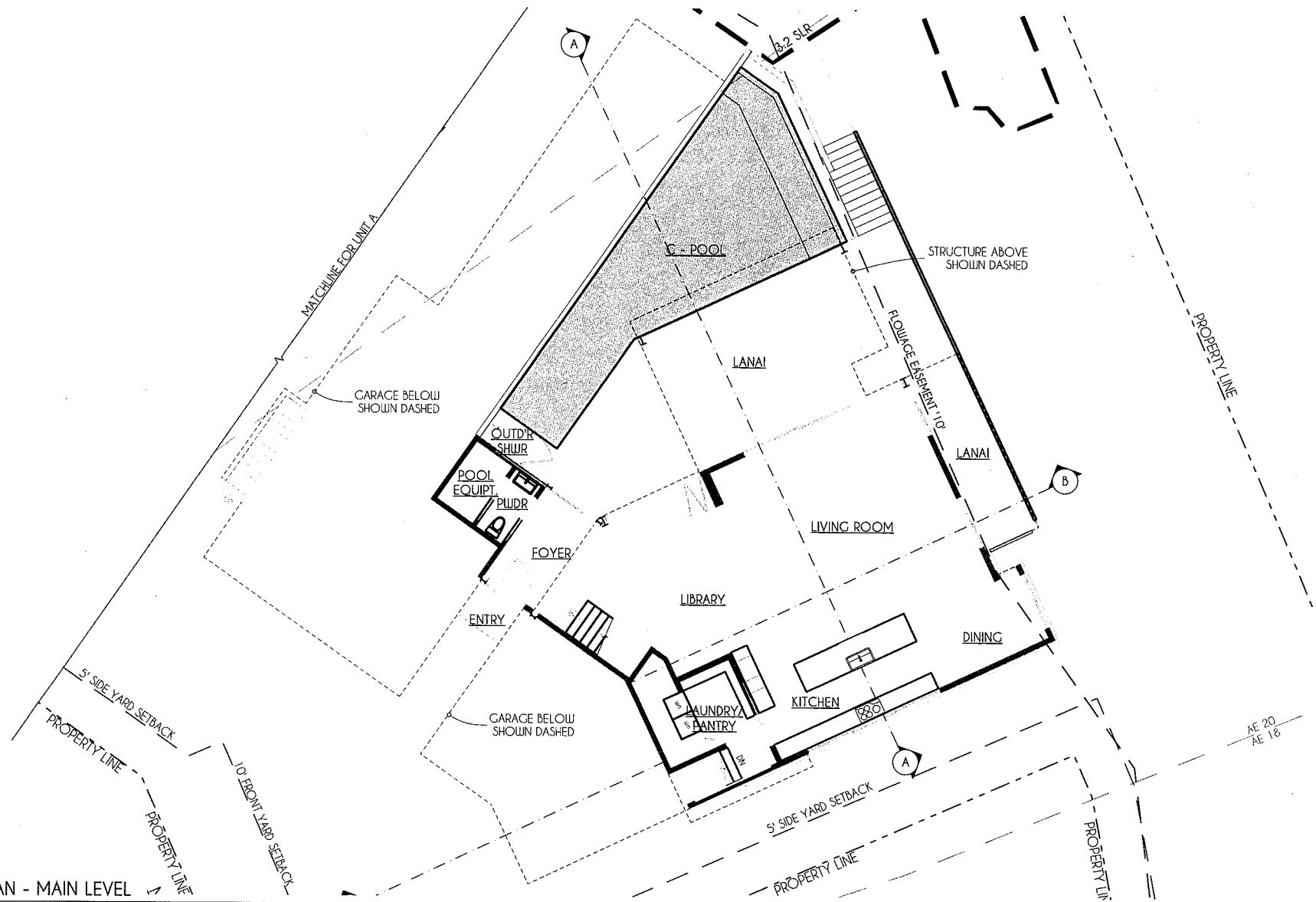
WINEBARGER VELZYLAND

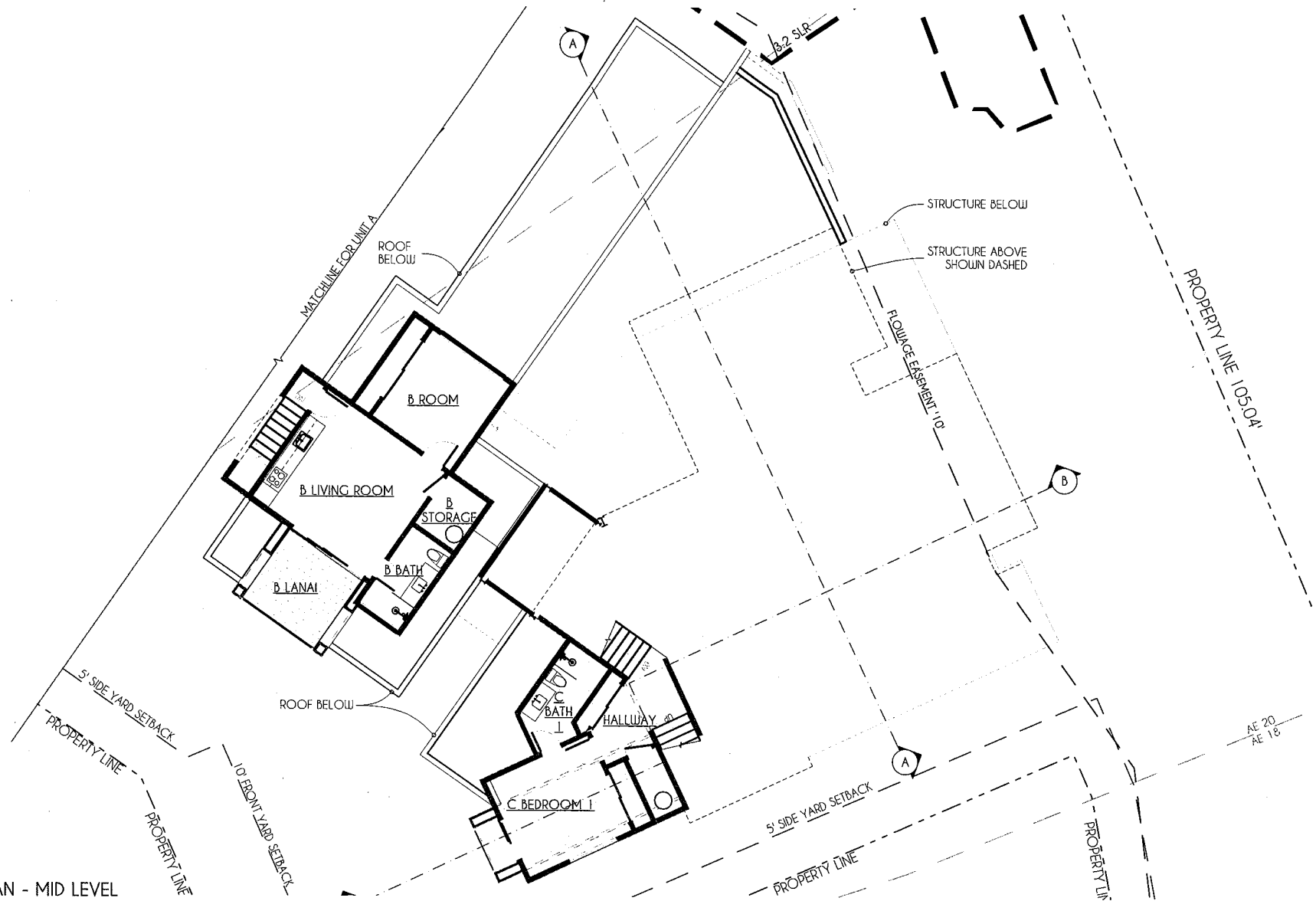
58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-9 - UNITS B AND C MAIN LEVEL FLOOR PLAN

7/1/2022

MORELAND
DESIGN





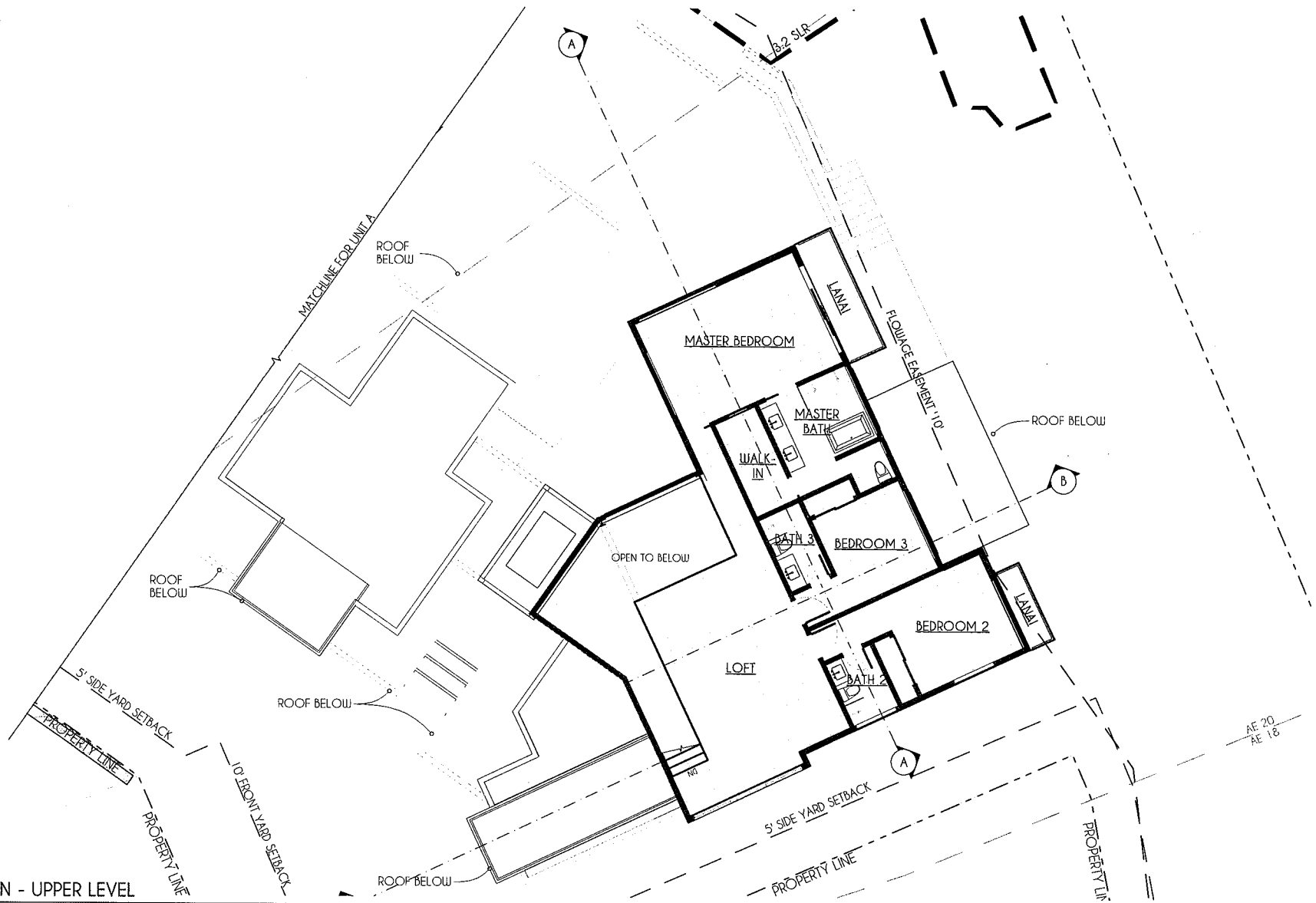
1 B/C FLOOR PLAN - MID LEVEL
SCALE: 3/32" = 1'-0"

WINEBARGER VELZYLAND
58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-10 - UNITS B AND C - MID-LEVEL FLOOR PLAN

7/1/2022

MORELAND
DESIGN



1 B/C FLOOR PLAN - UPPER LEVEL
SCALE: 3/32" = 1'-0"

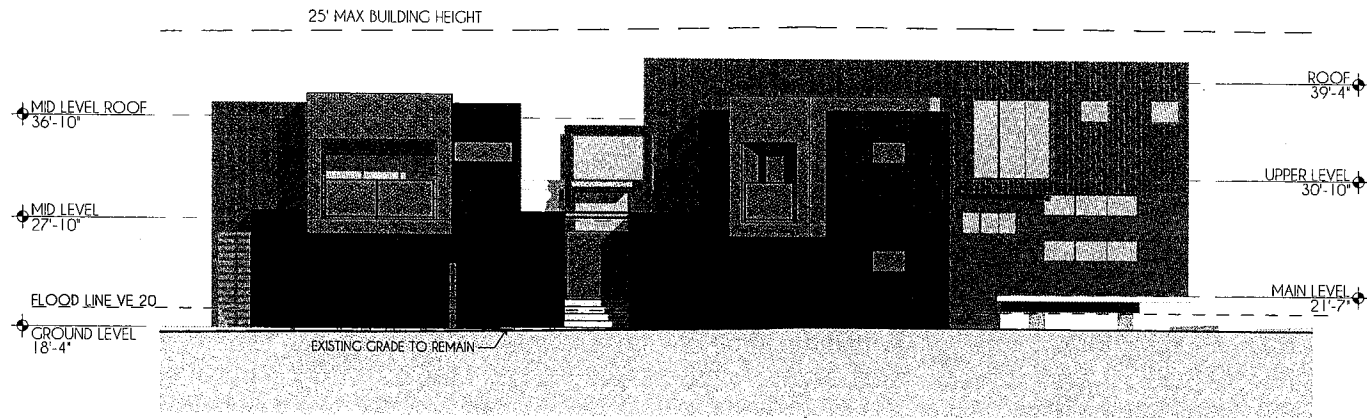
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

EXHIBIT D-11 - UNITS B AND C - UPPER LEVEL FLOOR PLAN

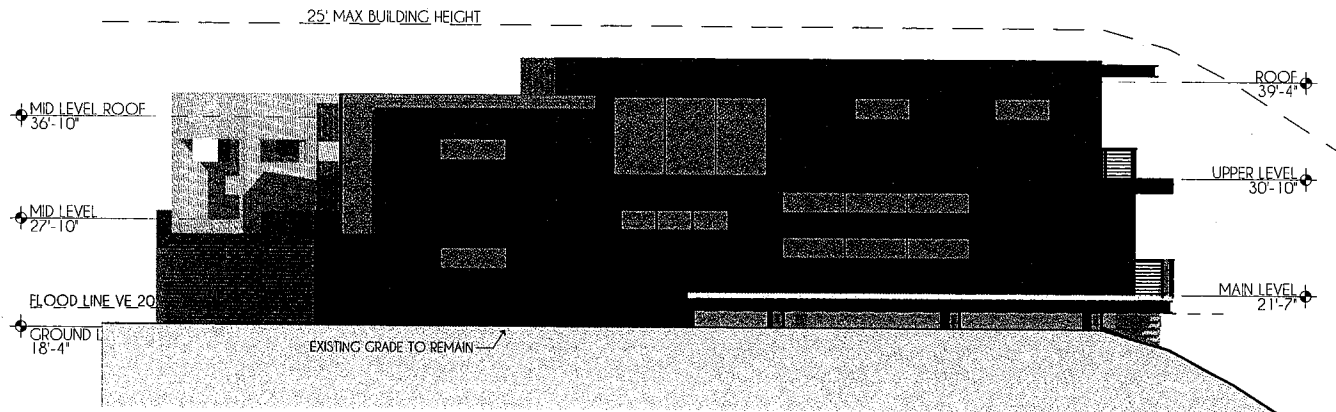
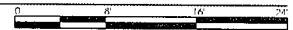
7/1/2022

MORELAND
DESIGNS



1 B/C FRONT SOUTH/WEST ELEVATION

SCALE: 3/32" = 1'-0"



2 B/C RIGHT SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



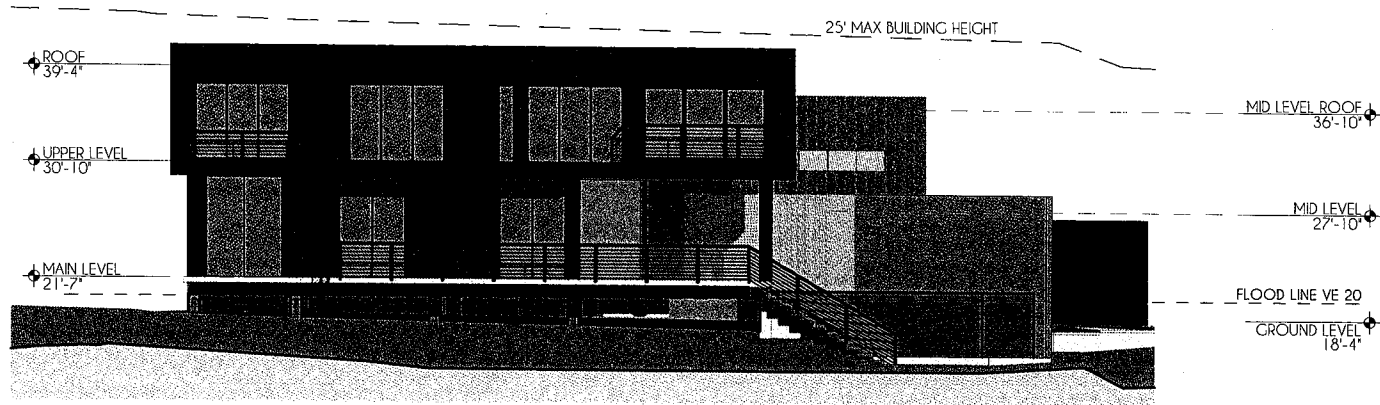
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKA HALEIWA HAWAII 96712

EXHIBIT D-12 - UNITS B AND C - SOUTHWEST AND SOUTH ELEVATIONS

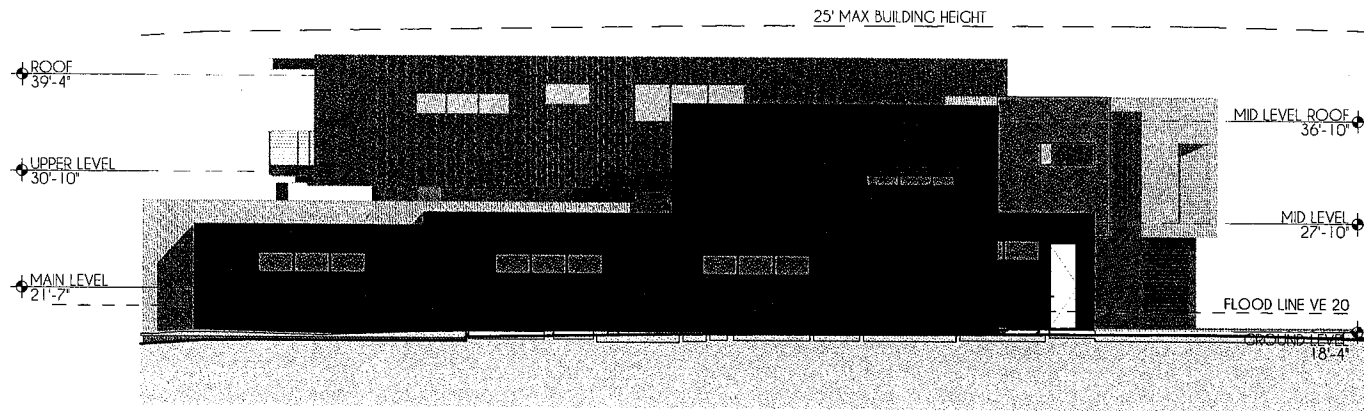
7/1/2022

MORELAND
DESIGN



1 B/C REAR EAST ELEVATION

SCALE: 3/32" = 1'-0"



2 B/C LEFT NORTH/WEST ELEVATION

SCALE: 3/32" = 1'-0"



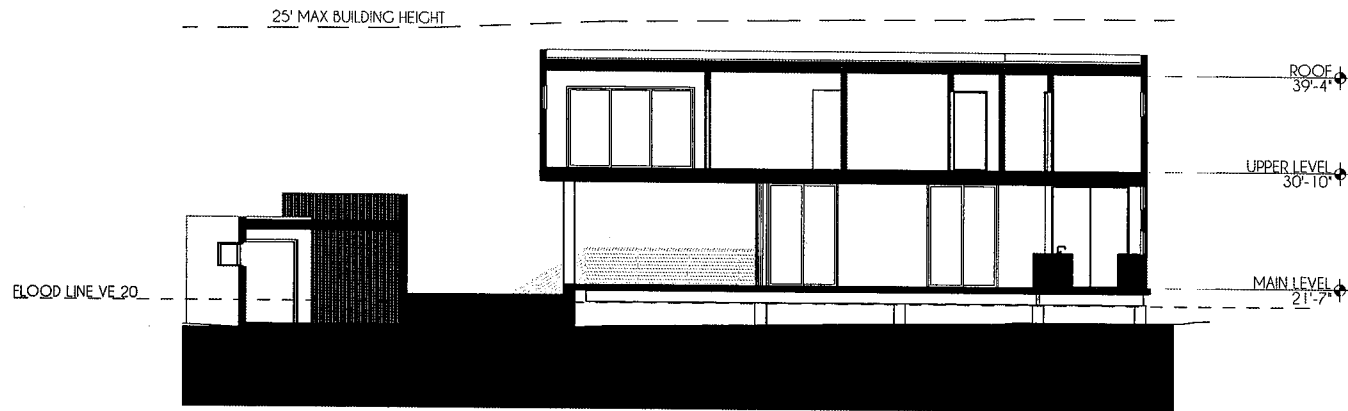
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIUIA HAWAII 96712

EXHIBIT D-13 - UNITS B AND C - EAST AND NORTHEAST ELEVATIONS

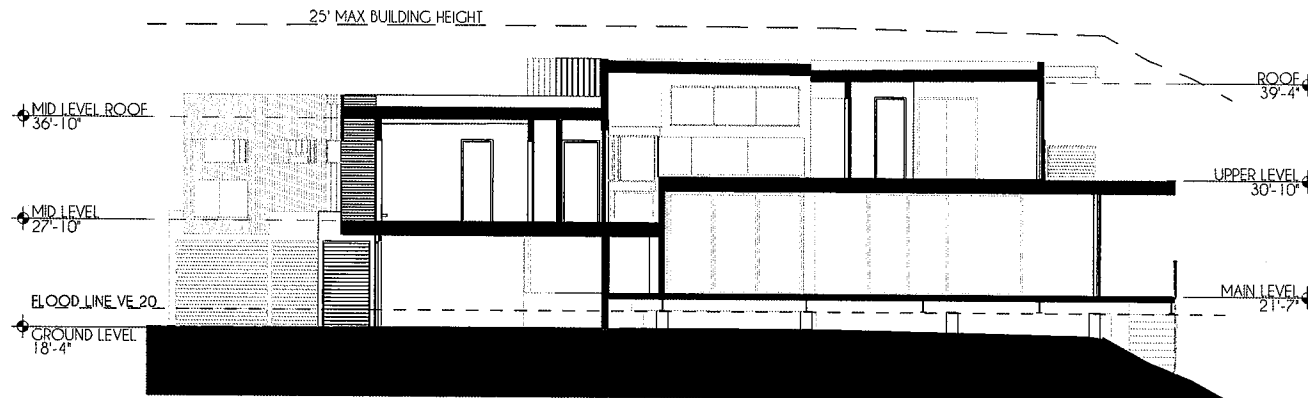
7/1/2022

MORELAND
DESIGN



1 B/C BUILDING SECTION B

SCALE: 3/32" = 1'-0"



2 B/C BUILDING SECTION A

SCALE: 3/32" = 1'-0"



WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKA HALEIWA HAWAII 96712

EXHIBIT D-14 - UNITS B AND C - BUILDING SECTIONS

7/1/2022

MORELAND
DESIGN

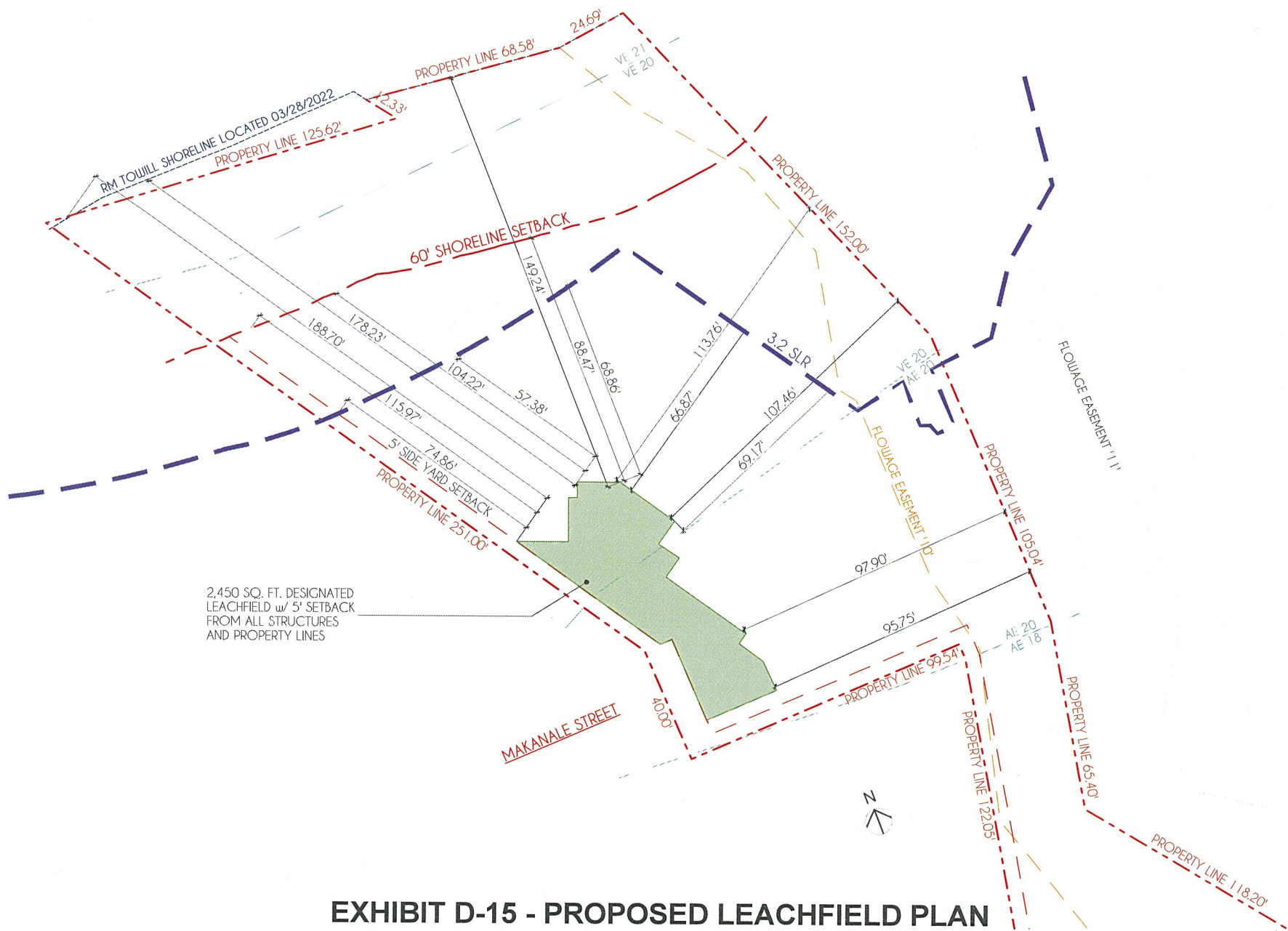
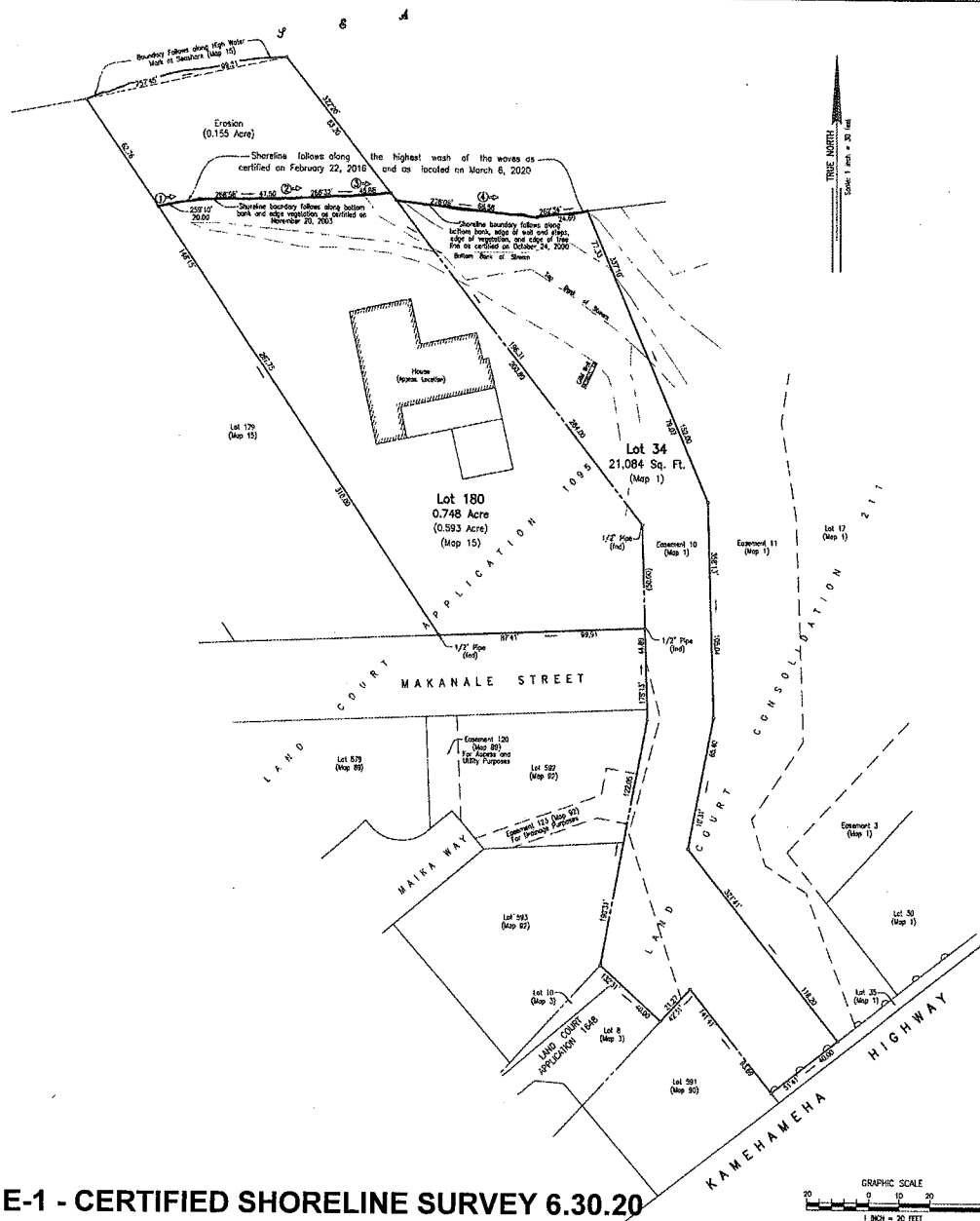


EXHIBIT D-15 - PROPOSED LEACHFIELD PLAN



At Kaunala, Koolauloa, Oahu, Hawaii
Tax Map Key: (1) 5-8-003: 012

the shoreline on lineaments in red is
heretofore certified as the shoreline as of
JUL 30 2020


[Handwritten signature]


Chapman, Don't fund and Natural Resources

[Handwritten initials]

NOTES:

① → Indicates Picture Number and Direction Taken

 Denotes No Vehicle Access Permitted

 Denotes Access Permitted

Property Owners: Makana Investments LLC
4391 Kahala Avenue
Honolulu, Hawaii 96816

Property Address: 58-002 Makanae Street
Haleiwa, Hawaii 96712

R. M. TOWILL CORPORATION

This work was prepared by me or under my direct supervision

Ryan M. Towill 6/30/22
Ryan M. Towill Registration Date
Licensed Professional Land Surveyor
Certificate Number 10055

EXHIBIT E-1 - CERTIFIED SHORELINE SURVEY 6.30.20



TRUE NORTH

Project Site

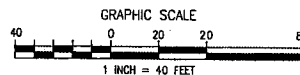
Vicinity Map
(Not to Scale)

NOTES:

- ①➔ Indicates Picture Number and Direction Taken
- Denotes No Vehicle Access Permitted
- - - Denotes Access Permitted

Property Owners: John R. Winebarger
Fumie Winebarger

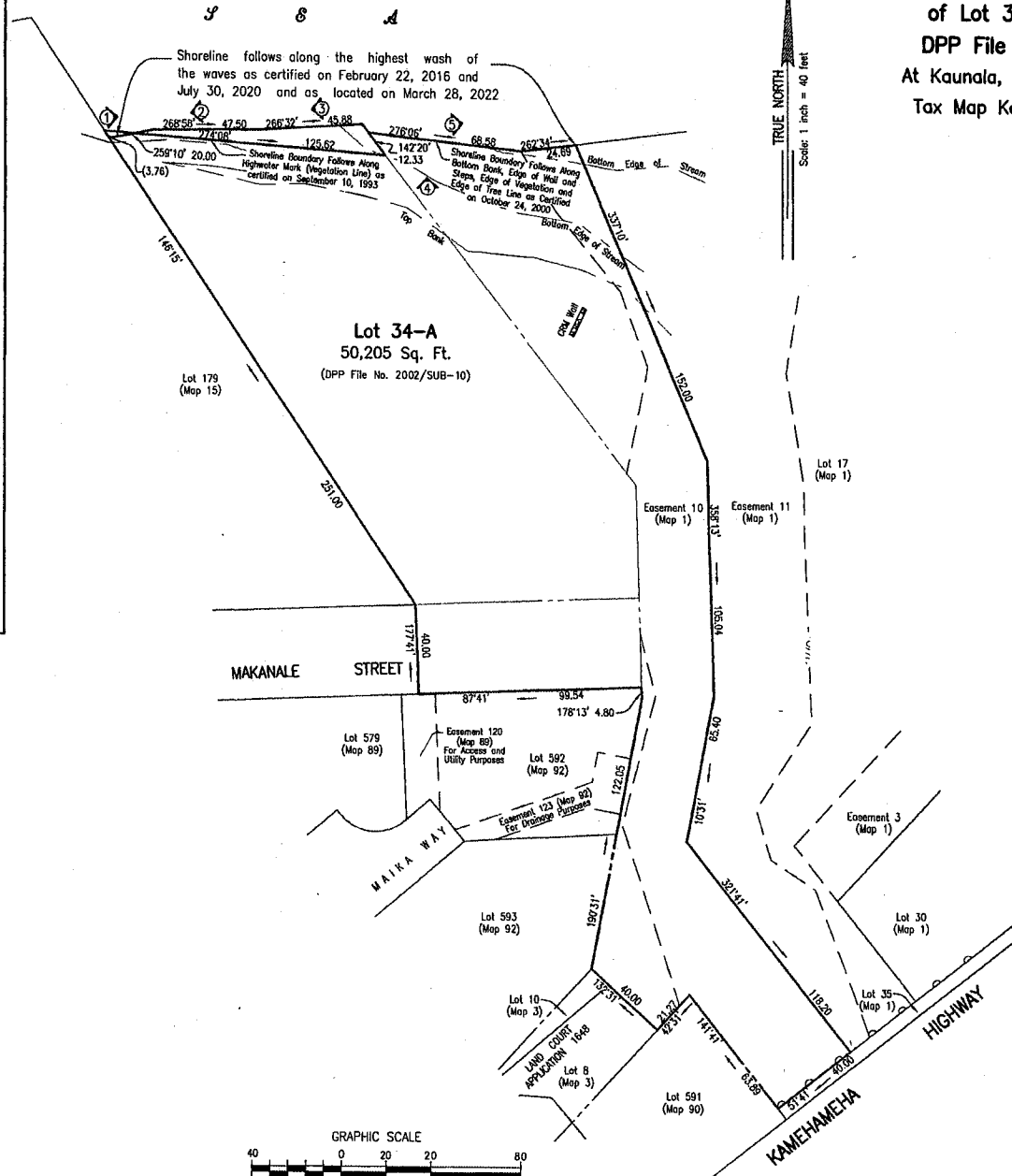
Property Address: 58-002 Makanale Street
Haleiwa, Hawaii 96712



R. M. TOWILL CORPORATION
SINCE 1940

Shoreline Survey
of Lot 34-A as Shown on
DPP File No. 2002/SUB-10
At Kaunala, Koolauloa, Oahu, Hawaii
Tax Map Key: (1) 5-8-003: 012

TRUE NORTH
Scale: 1 inch = 40 feet



R.M. TOWILL CORPORATION
This work was prepared by me
or under my direct supervision

Ryan M. Suzuki 4/30/22
Ryan M. Suzuki, Licensed Professional Land Surveyor
Certificate Number 10059

2024 North King Street, Suite 200
Honolulu, Hawaii 96819
April 4, 2022

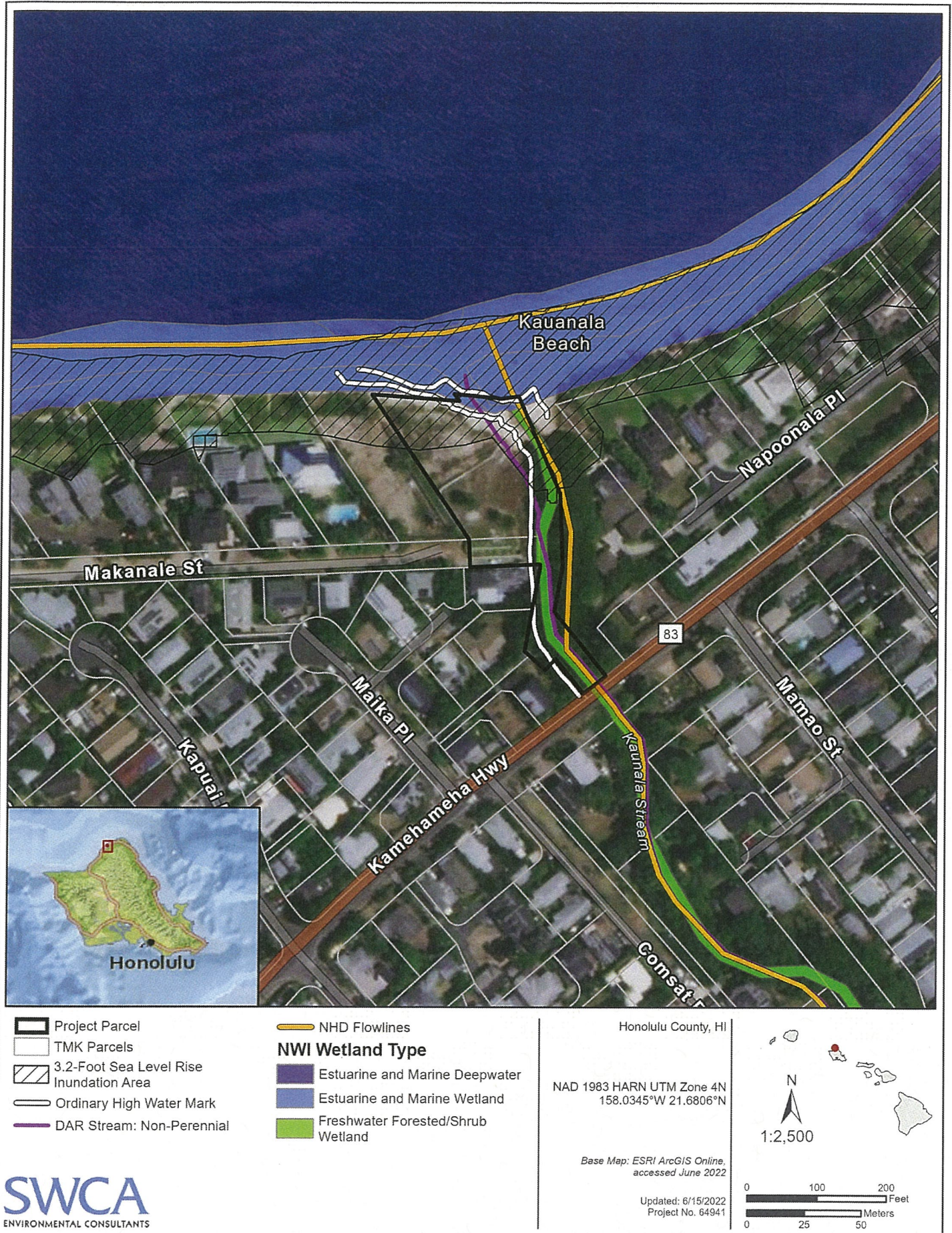


EXHIBIT F - WETLAND DELINEATION MAP

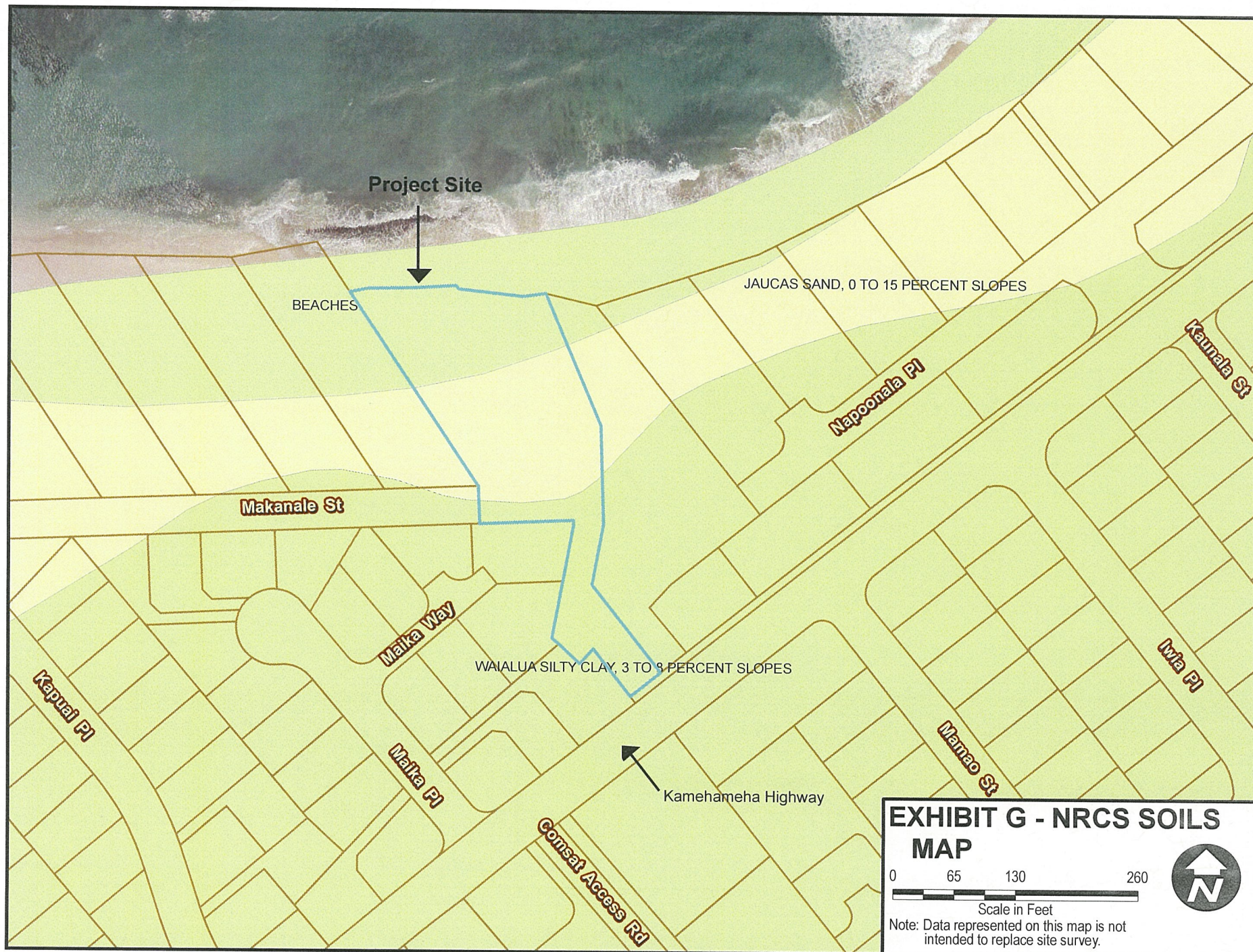


EXHIBIT G - NRCS SOILS MAP

0 65 130 260
Scale in Feet

Note: Data represented on this map is not
intended to replace site survey.



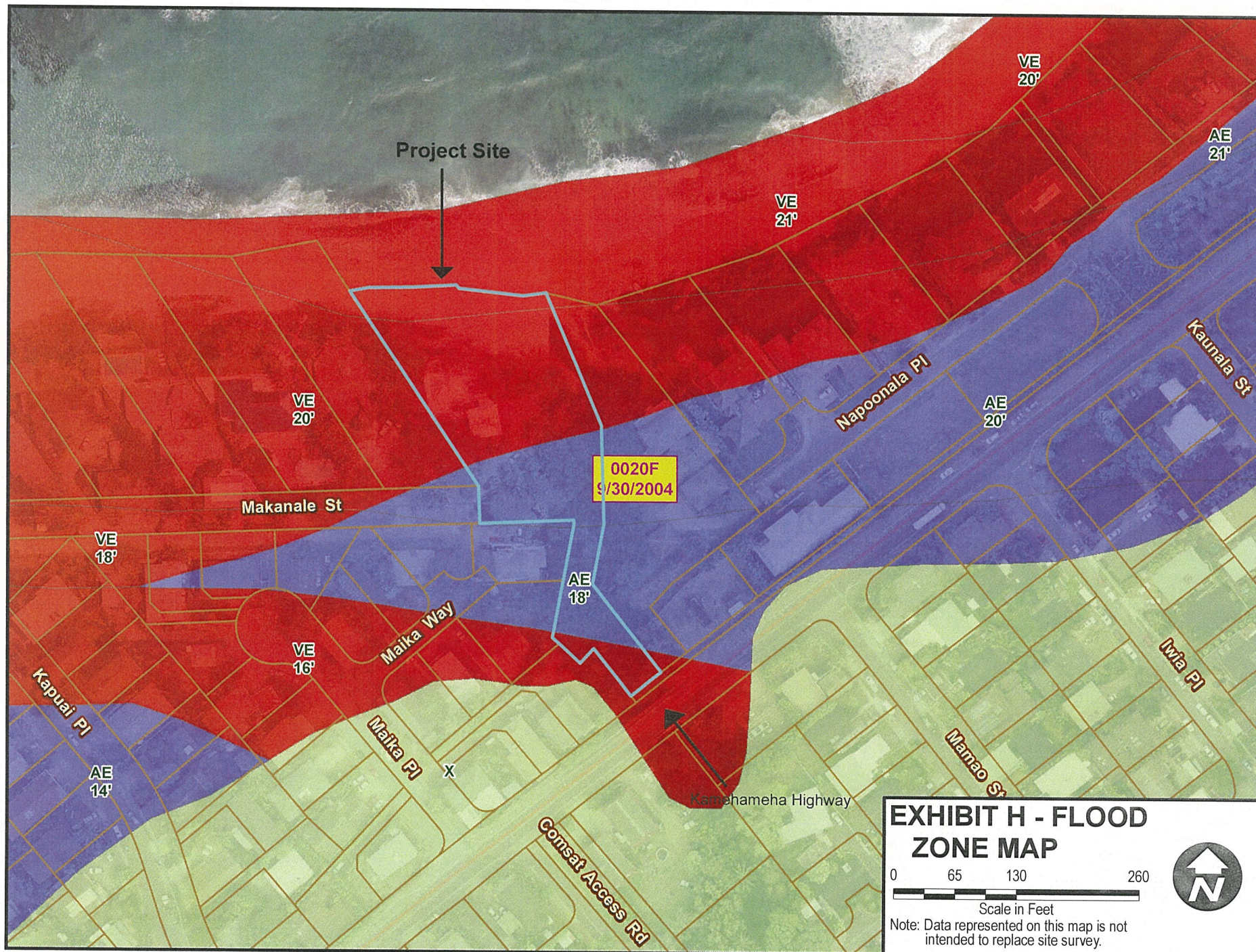


EXHIBIT H - FLOOD ZONE MAP

0 65 130 260
Scale in Feet

Note: Data represented on this map is not
intended to replace site survey.





3.2 FEET OF SEA LEVEL RISE BY 2100 - PASSIVE FLOODING



3.2 FEET OF SEA LEVEL RISE BY 2100 - ANNUAL HIGH WAVE FLOODING



3.2 FEET OF SEA LEVEL RISE BY 2100 - COMBINED WITH COASTAL EROSION LINE

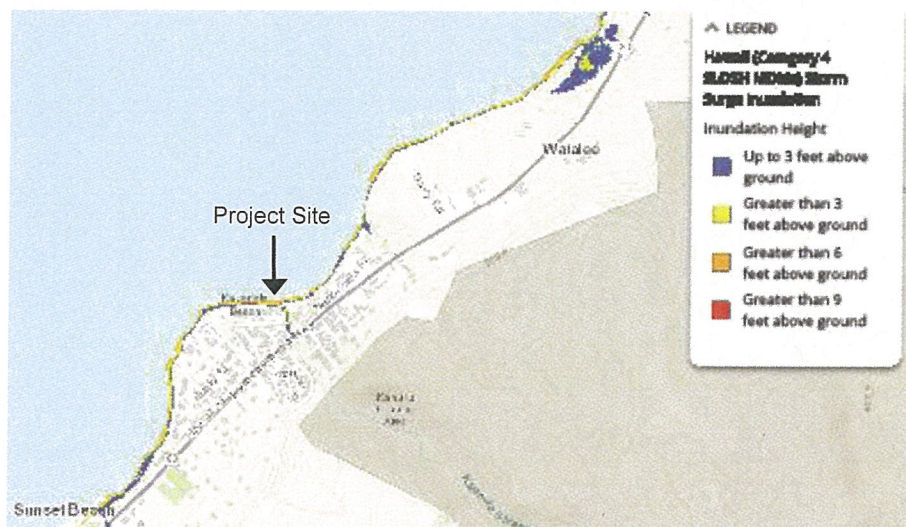
EXHIBIT I - 3.2-FOOT SEA LEVEL RISE EXPOSURE AREA MAPS



Storm Surge Inundation - Category 2 Hurricane



Storm Surge Inundation - Category 3 Hurricane



Storm Surge Inundation - Category 4 Hurricane

EXHIBIT J - HURRICANE STORM SURGE MAPS

DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF) FILE NO. 2022/SMA-34 (CK)
)
JOHN AND FUMIE WINEBARGER,)
)
58-2 MAKANALE STREET -)
)
KAUNALA)
)

P R O C E E D I N G

1
2
3 **HEARINGS OFFICER KRUEGER:** All right. Good
4 morning everybody. My name is Elizabeth Krueger, and I'm
5 the hearings officer for today's matter. It is 11:02 a.m.,
6 and we are at the Sunset Beach Recreation Center. And today
7 we're conducting a public hearing in accordance with Revised
8 Ordinances of Honolulu, Chapter 25 related to the Special
9 Management Area as well as Hawaii Revised Statutes, Chapter
10 205A. The purpose of today's public hearing is to hear
11 testimony on the application for a Special Management Area
12 use permit which is File No. 2022/SMA-34. The request is to
13 allow the construction of three residences, two garages and
14 two swimming pools on a single shoreline zoning lot located
15 in the R-5 Residential District on the North Shore of Oahu
16 within the Special Management Area. Pursuant to Chapter 25
17 of the Revised Ordinances of Honolulu, all development in
18 the SMA is subject to reasonable terms and conditions to
19 ensure that adequate access is provided to publicly owned or
20 used beaches, recreation areas and natural reserves that
21 provisions are made for solid and liquid waste treatment,
22 disposition and management, and that alterations to land
23 forms and vegetation and construction of structures minimize
24 adverse impacts to the SMA and cause minimal potential
25 danger relevant to natural disasters. No development within

1 the SMA may be approved unless it is found that it will not
2 have a substantial adverse, environmental or ecological
3 effect. Development must be consistent with the Coastal
4 Zoned Management objectives, the General Plan, the
5 Sustainable Communities Plan and zoning.

6 Lastly, the City Council must seek to minimize
7 where reasonable the alteration of any natural shoreline,
8 any development which would reduce the size of any beach or
9 any public recreation area, any development which would
10 reduce or risk public access to shoreline resources, any
11 development which would substantially interfere with the
12 line of sight toward the sea from the state highway and any
13 development which would adversely effect water quality,
14 fishing grounds, wildlife habitats or agricultural uses.

15 So those are all of the things that the City
16 Council will be evaluating the project for when we transmit
17 our report and recommendation to them. No decision is being
18 made here today. The purpose of this public hearing is to
19 take testimony from the public so that you have input in the
20 Director's report and recommendation as well as the City
21 Council's decision-making when they receive that report. You
22 will have an opportunity to continue to provide testimony
23 when the application goes to the City Council for the actual
24 decision-making.

25 Once we close the public hearing, the Department

1 will have 20 working days to transmit its report and
2 recommendation to the City Council. All testimony received
3 today is going to be part of the record. It will be
4 reflected in our report and attached to our report and
5 recommendation as a full written transcript so the City
6 Council can consider what was heard today. You're
7 encouraged to contact the City Clerk if you would like to
8 attend the hearings held by the City Council. And as I said
9 before, I believe they still--I know that they are still
10 doing remote testimony so that would also be available on
11 the City's--that information would be available on the City
12 Council's website.

13 This is the procedure for today's hearing.
14 Christi Keller will present the basic facts behind the
15 request. Then the applicant's agent will present the
16 project in greater detail and after that we will take public
17 testimony and each person will have one opportunity to
18 speak. And at the end of the testimony, DPP staff have the
19 opportunity to ask questions about the proposal and the
20 Applicant will have an opportunity to address any comments
21 or concerns they may have heard. There will be not be a
22 discussion period or question and answer period because by
23 that point the public testimony portion of the public
24 hearing will have concluded. However, the agent indicates
25 to me that they're willing to stay and answer questions

1 after the hearing has closed so that you have, you can ask
2 direct questions at that point. Again, we are collecting
3 public testimony that you want heard from the Director and
4 the City Council. I have one registered testifier. If
5 anyone else would like to testify, please fill out this pint
6 sheet, and now Christi will you please give a presentation.

7 **STAFF PLANNER KELLER:** Yes. Okay. Good morning.

8 My name is Christi Keller, and I'm staff planner assigned
9 to process the SMA permit request, and this Applicant is
10 seeking, as Liz said, a Special Management Area use permit
11 which is a considered a major permit to allow for the
12 construction of two single-family detached dwelling and
13 a--I'm sorry a two-story single family detached dwelling and
14 two-story, two-family detached dwelling. So a total of
15 three dwelling units with two garages, two swimming pools on
16 a single 50,205 square foot zoning lot located at 58-2
17 Makanale Street located at 58-2 Makanale Street and in
18 Kaunala, and currently the site is vacant. It was
19 previously occupied by a single-family dwelling that was
20 demolished in 2016. Because the project is a shoreline lot
21 and because the cost of development exceeds \$500,000 this
22 SMA use permit is required.

23 A Final Environmental Assessment and Finding of No
24 Significant Impact was published in the April 8th, 2022
25 edition of the Environmental Monitor. An outreach and

1 public agency comments was also conducted to various
2 community members as well as agencies that may have, I
3 guess, commentary to provide during the environmental review
4 process. Outreach was also given to the North Shore
5 Neighborhood Board as well as the Sunset Beach Community
6 Association which is Sunset Beach is located directly east
7 of this site on the other side of the stream. And if this
8 SMA use permit is approved by Resolution of City Council,
9 then the Applicant may apply for the necessary and building
10 and development permits for the project. That concludes my
11 presentation. Thank you.

12 **HEARINGS OFFICER KRUEGER:** Thank you. I see we
13 have another member of the public that entered. Just to let
14 you know we're collecting public testimony today, and if
15 you'd like to testify you can fill out one of these pink
16 sheets. You're also welcome to listen and you can decide at
17 any point that you'd like to testify.

18 **UNKNOWN MALE IN AUDIENCE:** [inaudible]

19 **HEARINGS OFFICER KRUEGER:** No. We're not doing
20 questions. So now we move on to the next portion which is
21 where the Applicant does a presentation. So, could you
22 please come up and state your name for the record?

23 **MR. EIJZENGA:** Okay. My name is Jaap Eijzenga,
24 spelled J-A-A-P, last name E-I-J-Z-E-N-G-A. I am with SWCA
25 Environmental Consultants, and our involvement in the

1 project is specific to the SMA permit application. So,
2 thanks for the introduction to the project and the overview
3 what the project is. I just wanted to focus a little bit on
4 the environmental considerations related to the SMA
5 permitting process. And we also have Jacob Johnson here
6 from L.A. Partners who is part of the design and
7 construction side of the project. And so as mentioned the
8 project is a shoreline, the project area parcel is a
9 shoreline lot which means that part of it extends beyond the
10 certified shoreline and that triggers the need for SMA
11 permit. It is a relatively new trigger for the SMA
12 permitting, and so the project predates that part of the
13 statutes. And as a result of the some changes in
14 legislation related to the SMA, the project has undergone
15 some changes over time. And all have been to the benefit, I
16 think, of the environment and making concessions and adding
17 additional environmental considerations and, you know
18 minimizing impacts.

19 So, I do have some figures. They're printed out
20 so perhaps after we're done talking if you're interested you
21 can take a closer look at the printouts. You're more than
22 welcome to kind of follow-up on what we're presenting here.
23 But I think most of you are familiar with the project site
24 on Makaanale Street.

25 So the project, there are, the main environmental

1 considerations related to the SMA permit are impacts to
2 wetlands, estuary and ocean resources. So, there's a stream
3 that runs along the western border of the property. Kaunala
4 Stream is labeled and then since it's a shoreline lot the
5 property, northern boundary is basically the beach and the
6 Pacific Ocean. So, to address the potential issues related
7 to impacts there, coastal resources and aquatic resources.
8 The project has been designed so that no construction will
9 take place within a 3.2 foot sea level rise boundary. I
10 have a map here that shows that as well. That is basically
11 a projection of sea level rise of 3.2 feet by the end of
12 this century. And so all of the construction is setback to
13 be outside of that zone.

14 In addition, we delineated the stream that runs
15 along the western boundary of the parcel and all of the
16 project design components are outside of that delineated
17 stream as it's delineated by the ordinary high watermark.
18 And, I have a map here that shows that as well.

19 **UNKNOWN MALE IN AUDIENCE:** [inaudible]

20 **MR. EIJZENGA:** East side, I said west. Please
21 correct--It's along the eastern boundary of the property.
22 For those with really good eyes, here's a map of those
23 aquatic resources along the property.

24 So, in addition the project is also designed to
25 avoid any coastal erosion, exposure zones, any passive

1 flooding zones and annual highway flooding zones as modeled
2 by FEMA and the National Flood Insurance programs.

3 Let's see, an additional consideration includes
4 best management practices that Jacob and his team will
5 implement to avoid any runoff or dust or anything going
6 outside of the property including those natural resources
7 surrounding it by using socks, dust screens, silt fences
8 those kinds of BMPs.

9 UNKNOWN MALE IN AUDIENCE: [inaudible]

10 HEARINGS OFFICER KRUEGER: We don't do questions
11 and answers. Sorry. We don't do questions and answers. We
12 collect testimony today. He's doing a presentation, then we
13 collect testimony. Thank you.

14 MR. EIJZENGA: And we also looked at the
15 archeological resources. So there was an archeological
16 study done in 2001. That was revisited last year and no
17 resources were found. It's likely that if any archeological
18 resources were present in the area that would've been
19 damaged or destroyed by previous grading by previous
20 development. I mean, it was previously occupied and
21 developed and it's within a developed area. But there are
22 considerations in the design that will minimize impacts to
23 any potential resources that are subsurface. So, for
24 example, the project will be placed on micropiles rather
25 than grading and grubbing and a poured foundation that will

1 minimize impacts to the subsurface. And the other proposed
2 measures include archeological monitoring during any ground
3 disturbance. There's been so far in the process, there's
4 been public outreach including publication of a draft
5 environmental assessment as was previously mentioned. There
6 was a public comment, a 30-day public comment associated
7 with that during which public comments were collected. We
8 also reached out to the Neighborhood Board and did a
9 presentation at the Sunset Beach Community Association on
10 November 17th last year to collect feedback as well. As was
11 mentioned, there will be--today we'll be collecting, the
12 Department will be collecting public testimony, and then
13 there will further opportunities associated with the
14 approval of the SMA permit.

15 I think that's all I wanted to share. And, again,
16 feel free to approach me after. I can show you some of the
17 maps we brought. And Jacob I don't know if you have
18 anything to add?

19 MR. JOHNSON (in the audience): I'll be available
20 after.

21 HEARINGS OFFICER KRUEGER: Thank you for your
22 presentation. So now we will move on into the public
23 testimony time. I have three registered testifiers. If
24 you'd like to testify as well you're welcome to pick up a
25 pink sheet. We will be going in the order that I receive

1 them. If you have questions you can ask those questions
2 during your testimony, and then at the end they will have an
3 opportunity to respond to the testimony. So, that's how the
4 system for this works.

5 So, each person has one opportunity to testify and
6 our first registered testifier is Joy McDougall followed by
7 Kent Chrisman. And please state your name for the record?

8 **MS. McDOUGALL:** My name is Joy McDougall, and I
9 own a house on Maika Place. The environmental concerns, No.
10 1, is if this is a precedent for a single lot, can all the
11 other beach front lots then bring up this precedent and
12 subdivide into three residences. That's No. 1. The walk-in
13 access, I'm not sure what utility accesses are that have
14 been moved and changed over the years. Currently is Maika
15 Way. I was told by the owner before and then the new
16 developer that there would be blocking that. Not through
17 the property access but the Mekanale walk-in access, biking
18 access for Maika Way and properties across the street. On
19 Maika Place, this would impact at least 20 children that
20 would be on the highway. We've had a recent accident on the
21 corner of Kam and O'opuola where a horse trailer came
22 detached and almost killed a group of kids. I don't believe
23 that these millionaires that are part-time usually should
24 impact our community that way, No. 1. But more than
25 anything it's the precedent. Can each beach front from here

1 more change to three residences or is it two lots.
2 Like if I can't ask questions environmentally like how do I
3 even know how to testify. Like I haven't understood, always
4 knew the old man there that grew plumerias. I understand
5 that's gone. Two pools and three garages and three big
6 houses is a lot. And I hate to speak against Jake or
7 whoever's project it is that would many millions of dollars.
8 But if they are able to do this, pedestrian access should be
9 protected and the big development, the sense that beach
10 colony just that amount of people changed environmentally
11 the seepage that clouds the whole water of the backyards of
12 neighborhood. Often through the sand their trip is doing
13 that. So I think that's important. How many people we have
14 using how much water we have. I think it's hard to say that
15 one resident doesn't change the environmental impact or this
16 hasn't been brought up before. Is it one, is it two, is it
17 three, I'm not sure. Is it just ohana in a normal house
18 like everybody else. But it's the precedent that worries me
19 If one residence can change to three. That's a really big
20 change. And this room should be packed. I don't think
21 people understand. If that is what it is, I still do not
22 understand exactly what it is.

23 I think our beach accesses should be looked at
24 least for walk-in, not driving pass people houses, but
25 children and families that walk that way that are going to

1 go out in the highway, like this family right here that's
2 three houses from the development. That's all I have to
3 say. Thank you.

4 **HEARINGS OFFICER KRUEGER:** Thank you for your
5 testimony. Our next registered testifier is Kent Chrisman.
6 I'm going to ask to again repeat your last name and that's
7 followed by Ivonne Alexander.

8 **MR. CHRISMAN:** Yes. My name is Kent Chrisman, and
9 I live on the corner of Maika Way in the white house. We
10 bought the house two years ago, basically gutted it,
11 remodeled it. And one of the reasons we love the house so
12 much is the beach access, and so I'm here today to talk more
13 about the beach access than anything else. My son was
14 actually born with bilateral club feet and according to the
15 osteo one of the best things for him is to walk in the sand.
16 And so from our house to the sand, the way we used to go,
17 it'll take about 90 seconds. And, so now to have to go down
18 Kam Highway. And actually on the way here there was a mom
19 on the street riding, I think she's 5, along Kam Highway.
20 There's no street, there's no shoulder, there's nothing, and
21 the little girl was weaving like this and there's cars going
22 60, 50, 45-miles an hour. I just don't feel comfortable
23 having to do that with my kids. And the reason we live in
24 Hawaii is to go to the beach. So, I'm just kind of
25 respectfully asking for some kind of beach access. It

1 doesn't have to be for everyone. I mean, if do some kind of
2 gate code for the street for the people that live there.
3 And, yeah, just give everyone the right to go to the beach
4 and be safe in doing so with your family. And, so that's
5 all I'm asking. Thanks.

6 **HEARINGS OFFICER KRUEGER:** Thank your testimony.
7 Our next registered testifier is Ivonne Alexander followed
8 by Rush Randle. And please state your name for the record?

9 **MS. ALEXANDER:** Hello. I apologize for being late
10 first of all. I have lived in the Sunset Beach area for
11 over 55 years, and I have seen this development come in with
12 their lies and all of their things that they present to the
13 community and then the plans changed. I was present at the
14 Sunset Beach Community Association when they first presented
15 this project, and this project was presented as two homes,
16 one swimming pool. Everything has changed since then. I
17 don't understand that. I don't understand how they can go
18 before the Board now and introduce new paperwork for a
19 project that was lie what seems like it's a totally
20 different project. So, they haven't presented their
21 presentation, we'll say, about the true facts. It was
22 presented as a two house, one swimming pool. Now we're up
23 to three houses, two swimming pools. And is this supposed
24 to--This is a whole new project in my eyes. He's brought a
25 painter to tell us what the property is going to happen at

1 the--Where's the contractor that is going to present all of
2 this?

3 The other thing that--Let me look at my note here.
4 I think us, the property owners in Sunset Beach have pretty
5 much been just overlooked because we live so far away.
6 DLNR and DPP never come out to look at these projects once
7 they're started. This project is just overwhelming.
8 And I say to the Board that they should present again this
9 new one. When they presented to the Sunset Beach Community
10 Association and also to the North Shore Neighborhood Board,
11 they had all kinds of documentation on tables so that we
12 could see what they were talking about. This gentleman here
13 has held up a piece of paper, one piece of paper and he said
14 we're welcome to look at it. I think this whole thing is
15 pretty much fraudulent. I'm hoping he can answer some of
16 these questions. I think the beach right-of-ways have been
17 horribly overlooked out here on the North Shore. The bike
18 path does not continue down that way, so it's very dangerous
19 for anyone trying to get to the beach. There is beach
20 access in the Colony but there doesn't seem to be much beach
21 access on this property. Of course, I knew the Rathburn's
22 when they lived out there. It's a beautiful piece of
23 property. If these people are so wealthy that they can
24 continue to build a nice house there, why can't they just
25 have one nice house and one swimming pool. To put three

1 houses on a lot that was once occupied by one family is very
2 detrimental to our community. Thank you.

3 **HEARINGS OFFICER KRUEGER:** Thank you for your
4 testimony. Our next registered testifier is Rush Randle
5 followed by Jacob Johnson.

6 **MR. RANDLE:** All right. How you guys doing? My
7 name is Rush Randle, and I live on the corner house which is
8 50 feet from this property. My grandparents bought it in
9 the early 80s. We grew up with the Rathburn. Basically
10 them letting us access the beach through their property. In
11 return when they got older I was basically a caretaker for
12 their property where their sons had moved away. The family
13 had moved all over the world. Philippines, Africa. They
14 left in their 80s and 90s until he passed away a few years
15 ago. Andy Anderson came in, purchased the property up in
16 which Andy Anderson has been part of a lot of these
17 developments on the North Shore. This property was three
18 separate TMKs. So, everybody here that's saying, oh they
19 can build three houses, two houses. They could've built six
20 houses on it. Andy was going to build two. They sold three
21 separate TMKs, which these new owners then consolidated, did
22 a lot line adjustment. There's never been beach access. If
23 everybody looks at their original deeds to their property,
24 there's two accesses. One is the backyards and the other is
25 through the colonies which Andy Anderson made. Mekanale is

1 a private road. It's not even supposed to have trash
2 service. The easement in question here to get to the beach
3 through Makanale and Maika Way is a utility easement for the
4 Rathburns property, which is only x-amount feet wide. I
5 want to say 15. It might be 12. It's not even big enough
6 for the fire department to use their trucks to come through.
7 So, all in all, the argument of building three houses, two
8 pools is actually less then if Andy Anderson was to sell it
9 to three separate individuals, build six houses, three
10 As far as the environmental aspect goes, I witnessed this
11 property being raised by Andy Anderson numerous loads of
12 rocks, asphalts, cement over the edge, into the river. So,
13 if anybody wants to address the environmental aspect impact
14 on the river, then they actually need to pull some of that
15 stuff away, which I guess there was some sort of fine or
16 lien placed against the property at some point for the
17 impact that he had done. There's a lot of asphalt over the
18 edge that needs to be removed. Cement, iron, and when it
19 flooded a few years ago, all of that stuff went out into the
20 ocean.

21 I'm for the development or the project as long
22 it's done proper. As far as having a new plan that comes to
23 light after the original plan, it should be re-addressed by
24 whoever at City Council. But we had opportunity to look at
25 this. It's a private road. It's a private access. It's a

1 utility access. The Rossen's [phonetic] who own the access
2 should be here because the amount of traffic we've witnessed
3 over the last six years has been unbelievable. I mean, my
4 grandma is 94. I take care of her. We have lived there
5 since the beginning of the Maika Way subdivision. And to
6 see this come to modern, I guess, basically say we're
7 turning into Malibu. You know the house in front of us is
8 astronomical. It's a giant structure. I don't know why it
9 didn't go through an SMA? This house going through an SMA.
10 Yes, it's understandable. There's a river, there's
11 setbacks. It could've been a lot closer, drop demolished
12 the house on the edge. But this property is one of a kind.
13 It should be done right. And if these guys are going to
14 build it, they're going to do it right. They're going to
15 have the houses. There's going to be less houses than there
16 could've been. As far as the access goes, it's a huge
17 impact on our residents, our subdivision, the people, our
18 community. But in reality there was never beach access
19 except for Backyards and through the Colony. So, if anybody
20 wants to argue the fact, go for it. But it's a utility
21 easement. It's a private road. Mekanale is a private road.
22 It will get shut down. It's inevitable. All these people
23 with money are just raising the property taxes for us so
24 that we can't live here anymore. It's ridiculous. So, I
25 support this subdivision, I mean the development. Our

1 subdivision is, you know, going back in time. Thanks.

2 **HEARINGS OFFICER KRUEGER:** Thank you for your
3 testimony. And our last testifier is Jacob Johnson. So,
4 please state your name and also your relationship to the
5 project?

6 **MR. JOHNSON:** Yes. My name is Jacob Johnson
7 My relationship to the project so far has been director of
8 design and just overseeing project management based on SWCA
9 and others like them. So, obviously I'm in support of this
10 project, but as somebody who's participated in the design
11 aspect of this project, you know, things that I have taken
12 into consideration have been, we are going to be installing
13 solar panels and batteries, powering our project off grid.
14 So, I currently have that all in the works and
15 that's going to take place next week. We're going to start
16 on gearing up that process. When I got on board to this
17 project it was sort of already in mid-stream, and as I have
18 gotten to know several of you in the community, I've always
19 been vocal. I've also been approachable. Always try to
20 problem solve, and I can honestly tell you that will
21 continue. I do have designs with me that you can pull me on
22 the side after here and you can take a look. I'll explain
23 as much as I can. But we have retreated not 60 feet, but
24 some portions of this house are like 90 feet back. We have
25 two IWS wastewater systems which is probably better than

1 anything that's gone on in the Sunset Colonies. Our IWS
2 systems are actually over 100 feet back from the stream and
3 the minimum is 50. So, in almost in every aspect we have
4 retreated, and we have tried to preserve. This is going to
5 be only one of the houses there that has actually a front
6 yard. Some may say the design is ambiguous but as somebody
7 who has done the design, we have been thoughtful as we
8 possibly could be. I mean, even to the point of (inaudible)
9 tree house. I was taking that into consideration trying to
10 see if I could give him some sort of peek-a-boo corridor.

11 I mean, just because it might not feel like you have been
12 reflected or heard doesn't mean that I have not heard you,
13 and tried to apply some of these things. So, you know,
14 again after this is all over, I'll be out here and you guys
15 can approach me with any other follow-up questions.

16 Thanks.

17 **HEARINGS OFFICER KRUEGER:** Thank you for you
18 testimony. So, now we don't anyone else here. Everybody
19 who's here has testified. So, I'm just going to make a look
20 around. We only have one opportunity to testify. There's
21 no question and answer time, but now we move into the
22 section when Christi can ask clarifying questions to the
23 Applicant about anything she heard, and the Applicant has an
24 opportunity to respond to all of the testimony they heard.
25 So, Christi, do you have any questions for the Applicant?

1 **MS. KELLER:** Yes. There seems to be a lot of
2 concern about public access through these street. I
3 understand that Makanale Street is a street. This is a
4 private property. Any agreements to access through the
5 property previously were through, I guess through personal
6 relationships. Does the Applicant have any statements or
7 has the Applicant indicated anything about in regard to
8 public access through the area?

9 **MR. EIJZENGA:** This is Jaap Eijzena with SWCA.
10 This is definitely a point of discussion and has previously
11 mentioned there was never officially public access. Any
12 access through either Makanale Street or even the property
13 was through either trespassing or through individual
14 agreements potentially. So, the project itself is not
15 changing anything with regard to any public access. So as
16 part of the SMA permit process there are no changes to
17 public access that's caused by the project. Now, I do know
18 that the, unfortunately, the owner of the property, the
19 Applicant, John Winebarger is not able to be here. He has
20 things going on in Japan at the moment that prevents him
21 from being here. But I know that he is as part of the
22 project not planning to further restrict public access in
23 any kind of way for what that's worth. And, I know what
24 conversation is happening with regards to access concerns to
25 make sure that those are discussed and addressed. But

1 that's not going through this process.

2 **HEARINGS OFFICER KRUEGER:** Christi, do you have
3 any other questions?

4 **STAFF PLANNER KELLER:** No. Than you.

5 **HEARINGS OFFICER KRUEGER:** All right. And then do
6 you have any other comments that you'd like to make in
7 response to any of the things that you've heard today?

8 **MR. EIJZENGA:** We're also taking note of some of
9 the concerns that we've heard and that we're hearing now.
10 And as Jacob mentioned, he's taken notes into consideration
11 even in the design of the property with some great examples.

12 With regard to setting precedence for building
13 what appear to be more units on single lot. So, this
14 project, and I'm hoping all other projects that are being
15 built in the area, are in accordance with zoning
16 restrictions. And there are other restrictions that will
17 limit how much you can build on the property. So, the
18 proposed design here on this lot does conform with all of
19 zoning and other restrictions. So, there's no precedent
20 being said for bigger houses that changes anything in terms
21 of zoning or other constraints. Just wanted to make that
22 clear.

23 And then with regard to wastewater the project
24 does include the two in ground systems that Jacob mentioned
25 earlier and those are setback as far away from both the

1 coastline and from the stream as can be managed. And as
2 Jacob mentioned it's situated twice as far at least from the
3 stream as the minimum requirement. So, the project design
4 isn't based on the minimum requirements. They're really
5 trying to go above and beyond with those considerations.
6 And just wanted to put that on the record, too. I think
7 that's all I have. Thanks.

8 **HEARINGS OFFICER KRUEGER:** Great. Thank you.
9 I'll also address a couple of things regarding the
10 regulatory environment because it is different and it has
11 changed. The legislature in 2020 passed a new act.

12 It was Act 16. That created a new requirement for this
13 type of permit for a shoreline lots. So residential
14 properties on shoreline lots were previously granted
15 exemptions from this permit unless the dwelling was over
16 7,500 square feet or unless there were three or more
17 dwellings on that property. So, the other dwelling on
18 Makaanale Street as I understand it was permitted before that
19 2020 Act, which is why that one did not go through this
20 process.

21 I thought there was one other regulatory question
22 we were going to answer. The zoning, I think was answered a
23 little bit that this not a subdivision action. This is
24 based ont he zoning code which says how many dwelling units
25 are allowed on a lot of a certain size based on the

1 underlying zoning. So, that element they're not asking more
2 houses then would ordinarily be allowed on a lot that size.

3 And then I thought there was one other thing.

4 Well--

5 UNKNOWN FEMALE IN AUDIENCE: (inaudible)

6 HEARINGS OFFICER KRUEGER: Yes. So, the question
7 about what was presented to the community association. For
8 our purposes, we're evaluating the project that was
9 presented first in the draft environmental assessment and
10 then in the final environmental assessment and then in the
11 Special Management Area use permit application. So, that's
12 the project under review at the moment. And the draft and
13 final environmental assessments are both available on the
14 state's environmental review program website. They publish
15 the environmental notice twice every month. So, those are
16 available there. And also the Special Management Area use
17 permit application is available on the DPP's webpage. So,
18 you can go and look at everything that we initially received
19 as part of this application. So, that should help you get
20 an opportunity to look at that. Again, you have an
21 opportunity to present testimony, written or verbal to the
22 City Council. Once we transmit, we'll transmit in 20 working
23 days which is usually about one month from today, and then
24 they will put it on their agenda. So, that's why we
25 recommend that you check the City Council's calendar, call

1 the City Clerk to ask questions about when it might be
2 available. Also, I expect that this Applicant team is
3 probably willing to let people know when things are being
4 presented.

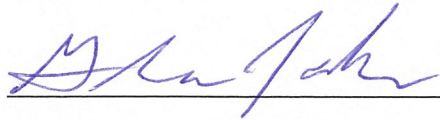
5 So, the Zoning and Planning Committee meetings are
6 usually held on the third Thursday of the month. But again
7 we don't control their agendas. We never know quite when
8 anything is going to be on the agenda. So, we strongly
9 recommend that you check in with them once our report and
10 recommendation is transmitted.

11 So, thank you everybody for taking your time out
12 of your day today. It was fun having some kids around to
13 learning early to participate in community development, and
14 I hope you all have a wonderful day. With that, this public
15 hearing is closed. Thank you.

16 [Meeting adjourned approximately 11:58 a.m.]

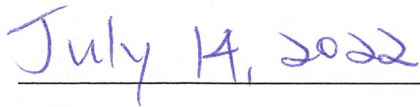
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1 I certify that the foregoing is
2 a true and correct transcript of
3 the proceeding, prepared to the
4 best of my ability of the meeting
5 held on Friday, June 17, 2022.

6
7 

8 Gloria Takara

9 Secretary-Hearings Reporter

10
11 

12 Date