

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

## Voting Members:

Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;  
Radiant Cordero, Calvin K.Y. Say

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Committee Meeting Held  
October 20, 2022

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

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 22-175 entitled:

"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,"

as transmitted by Departmental Communication 542 (2022) from the Department of Planning and Permitting ("DPP"), dated July 14, 2022, reports as follows:

The purpose of Resolution 22-175 is to grant a Special Management Area ("SMA") Use Permit to John and Fumie Winebarger ("Applicant") 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 Zoning District, located at 58-2 Makaanale Street in Kaunala, and identified as TMK 5-8-003:012 (the "Project").

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**NOV 02 2022**

COMMITTEE REPORT NO. **288**

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

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Page 2

In Departmental Communication 542 (2022), the DPP reports that the Project consists of the construction of one single-family detached dwelling and one two-family detached dwelling unit (three dwelling units total), two swimming pools, two garages, new individual aerobic wastewater systems and supporting infrastructure on a 50,205-square-foot shoreline lot within the R-5 Residential District on the North Shore of Oahu. The maximum height of the proposed structures is approximately 28.33 feet and they are proposed to be sited on the property so that they are approximately 91 to 116 feet from the certified shoreline, outside of Flowage Easement F-1 associated with Kaunala Stream, and outside of the 3.2 sea level rise exposure area ("SLR-XA").

Your Committee notes that the DPP, after a public hearing held on June 17, 2022, recommends approval of the SMA Use Permit subject to the conditions set forth in the Resolution.

At your Committee's meeting on August 25, 2022, no oral testimony was received on the Resolution. Written testimony in opposition to the Resolution was received from four individuals.

At your Committee's meeting on August 25, 2022, the Applicant's agent provided a brief presentation of the proposed Project and, along with the Applicant, responded to questions from the Councilmembers. Your Committee postponed action on the Resolution to allow more time to for the Applicant to present updates on the project to the Sunset Beach Community Association and the North Shore Neighborhood Board No. 27.

At your Committee's meeting on October 20, 2022, the Applicant's agent provided a brief updated presentation on the proposed Project. The Applicant, the Applicant's agent, and the Applicant's attorney responded to questions from the Councilmembers.

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Committee Meeting Held  
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At your Committee's meeting on October 20, 2022, the Acting DPP Director testified in support of the CD1 version of the Resolution.

At your Committee's meeting on October 20, 2022, the North Shore Neighborhood Board No. 27 testified in opposition to the Resolution.

Your Committee received written testimony in opposition to the Resolution from the North Shore Neighborhood Board No. 27 and four individuals. Your Committee received written comments on the Resolution from the Sunset Beach Community Association.

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

- A. Amends the title and 1<sup>st</sup> WHEREAS clause by replacing "three single-family detached dwelling units" with "one single-family detached dwelling unit and one two-family detached dwelling unit (three dwelling units total)."
- B. Amends the final RESOLVED clause by replacing "Dean Uchida, Director of Planning and Permitting" with "Dawn Takeuchi Apuna, Acting Director of Planning and Permitting."
- C. Makes miscellaneous technical and nonsubstantive amendments.

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

ADOPTED ON **NOV 02 2022**

COMMITTEE REPORT NO. **288**

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

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October 20, 2022  
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Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the Department of Planning and Permitting in Departmental Communication 542 (2022), that:

- A. The development, as conditioned, will not have any significant adverse environmental or ecological effect, either alone or cumulatively with other projects.
- B. The development is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.
- C. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 22-175, as amended herein, and recommends its adoption in the form attached hereto as Resolution 22-175, CD1. (Ayes: Cordero, Elefante, Kia'āina, Say – 4; Noes: None.)

Respectfully submitted,

  
Committee Chair

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

ADOPTED ON

**NOV 02 2022**

COMMITTEE REPORT NO. **288**





# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. **22-175, CD1**

## RESOLUTION

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GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF ONE SINGLE-FAMILY DETACHED DWELLING UNIT AND ONE TWO-FAMILY DETACHED DWELLING UNIT (THREE DWELLING UNITS TOTAL), 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 Special Management Area ("SMA") Use Permit to allow for the construction of one single-family detached dwelling unit and one two-family detached dwelling unit (three dwelling units total), 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 Makanale 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 July 19, 2022, by Departmental Communication 542 (2022), 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:



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. **22-175, CD1**

## RESOLUTION

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- 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, attached 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 a 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);



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 22-175, CD1

## RESOLUTION

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3. Woody plants greater than 15 feet 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 feet 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-foot 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.



## **RESOLUTION**

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- 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 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**





## RESOLUTION

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

INTRODUCED BY:

Tommy Waters (br)

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

August 1, 2022  
Honolulu, Hawai'i

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Councilmembers

## Legend



Site



Special Management Area (SMA)  
Boundary



SMA Within SMA Boundary

Pacific Ocean

Sunset Beach  
Park

PROJECT SITE

To Kahuku →

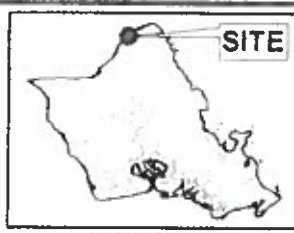
↑ SMA

IN SMA

OUTSIDE SMA

↑ SMA

← To Haleiwa



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

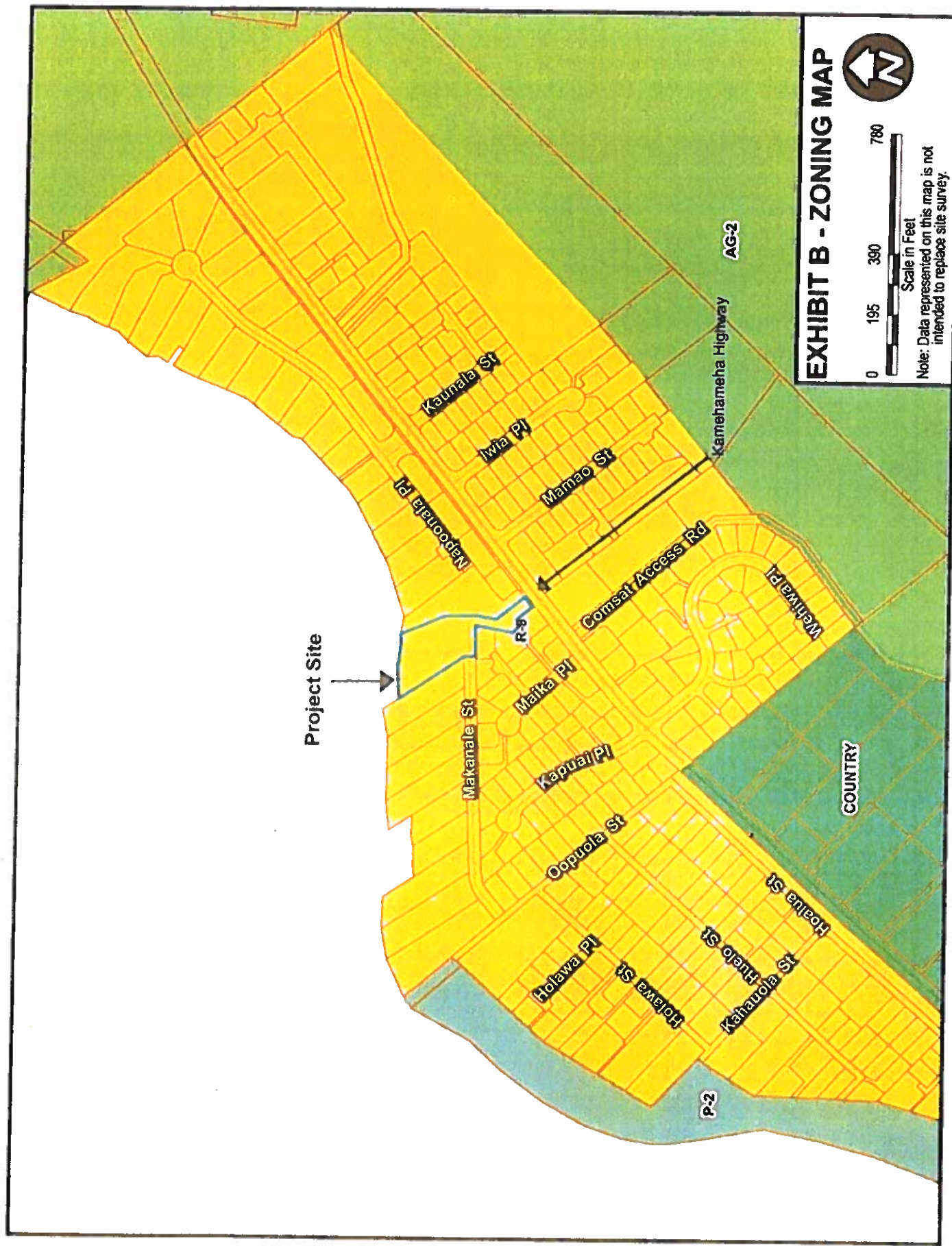
FOLDER NO: 2022/SMA-34

# EXHIBIT B - ZONING MAP



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

Project Site





# EXHIBIT C - STATE LAND USE MAP



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

Agricultural

Project Site

Kaunala St

Iwila Pl

Mamao St

Kamehameha Highway

Naponele Pl

Comsat Access Rd

Wetiva Pl

Urban

Makanale St

Kapual Pl

Oopuola St

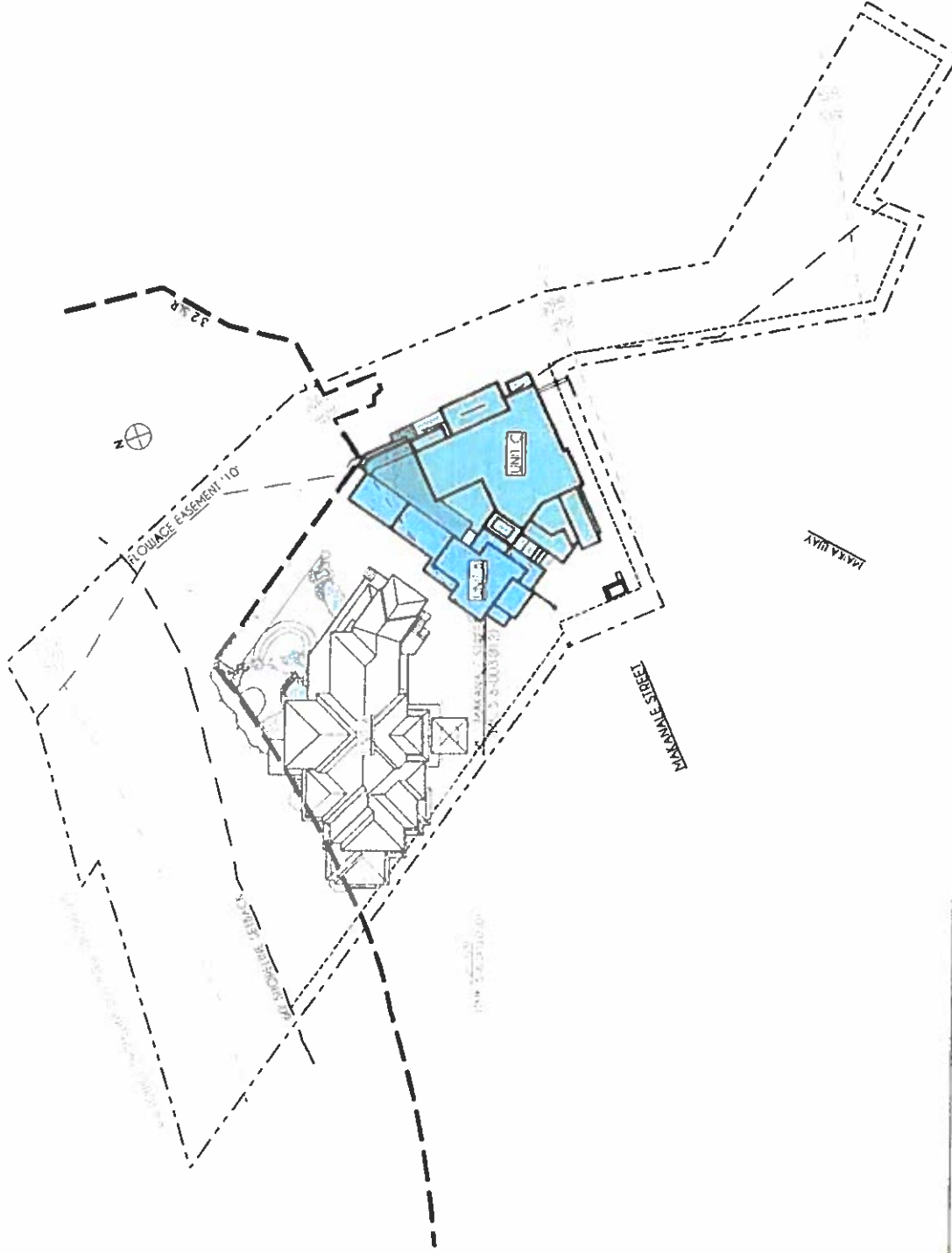
Holawa Pl

Holawa St

Huele St

Kahauola St

Hoalua St



SITE PLAN

WINEBARGER VELZYLAND

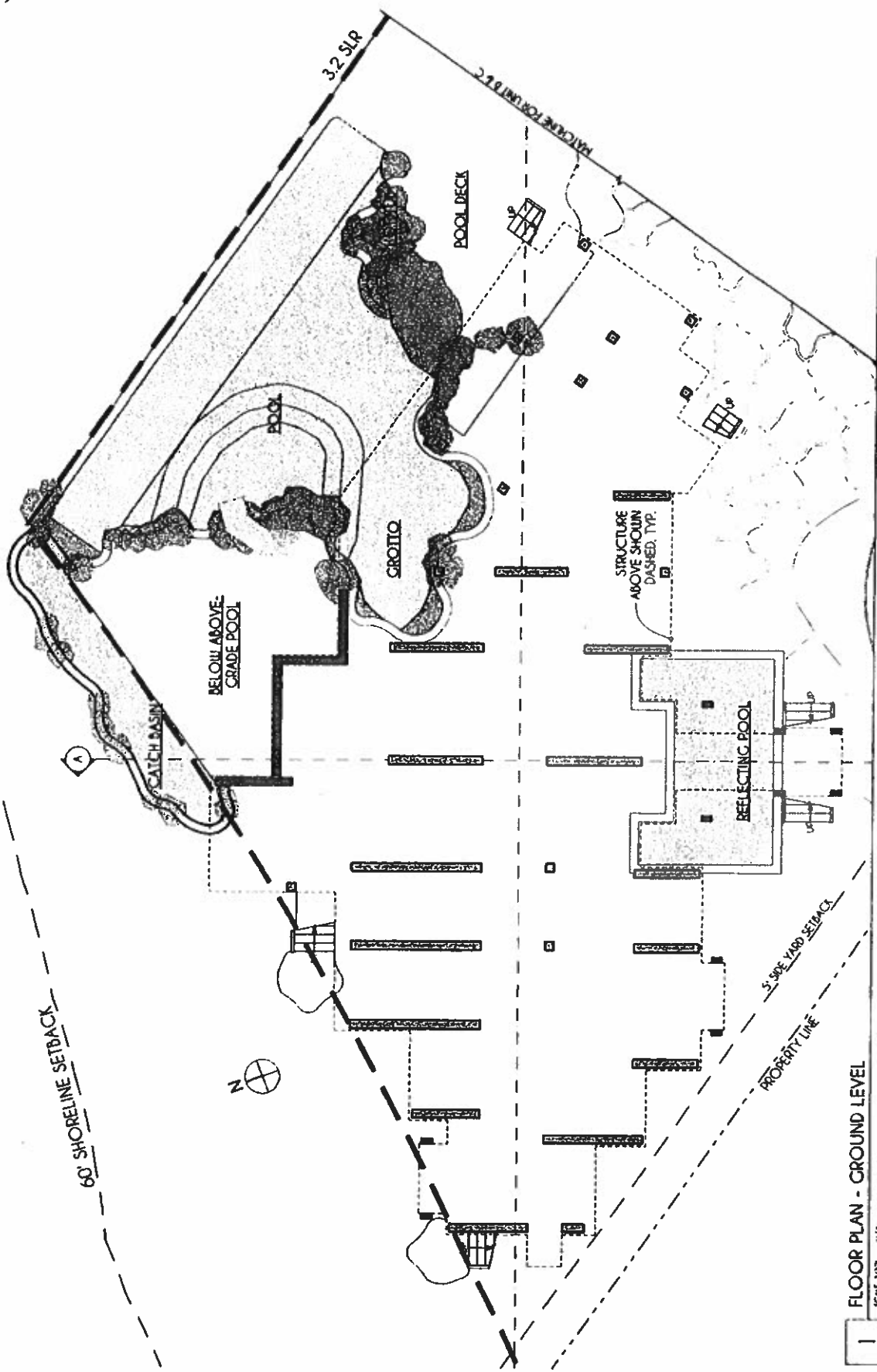
100 KARMALE STREET, BUREAU OF THE CITY OF HALE, ALA 35894

# EXHIBIT D-1 - OVERALL SITE PLAN

09/27/2002

09/27/2002

FLOWAGE EASEMENT '10'



1 FLOOR PLAN - GROUND LEVEL  
SCALE: 1/8" = 1'-0"

WINEBARGER VELZYLAND

50-1 MANAHE STREET PUPUKA HALEUUA HAWAII 96712

02/27/2022

MORELAND

# EXHIBIT D-2 - UNIT A GROUND FLOOR PLAN

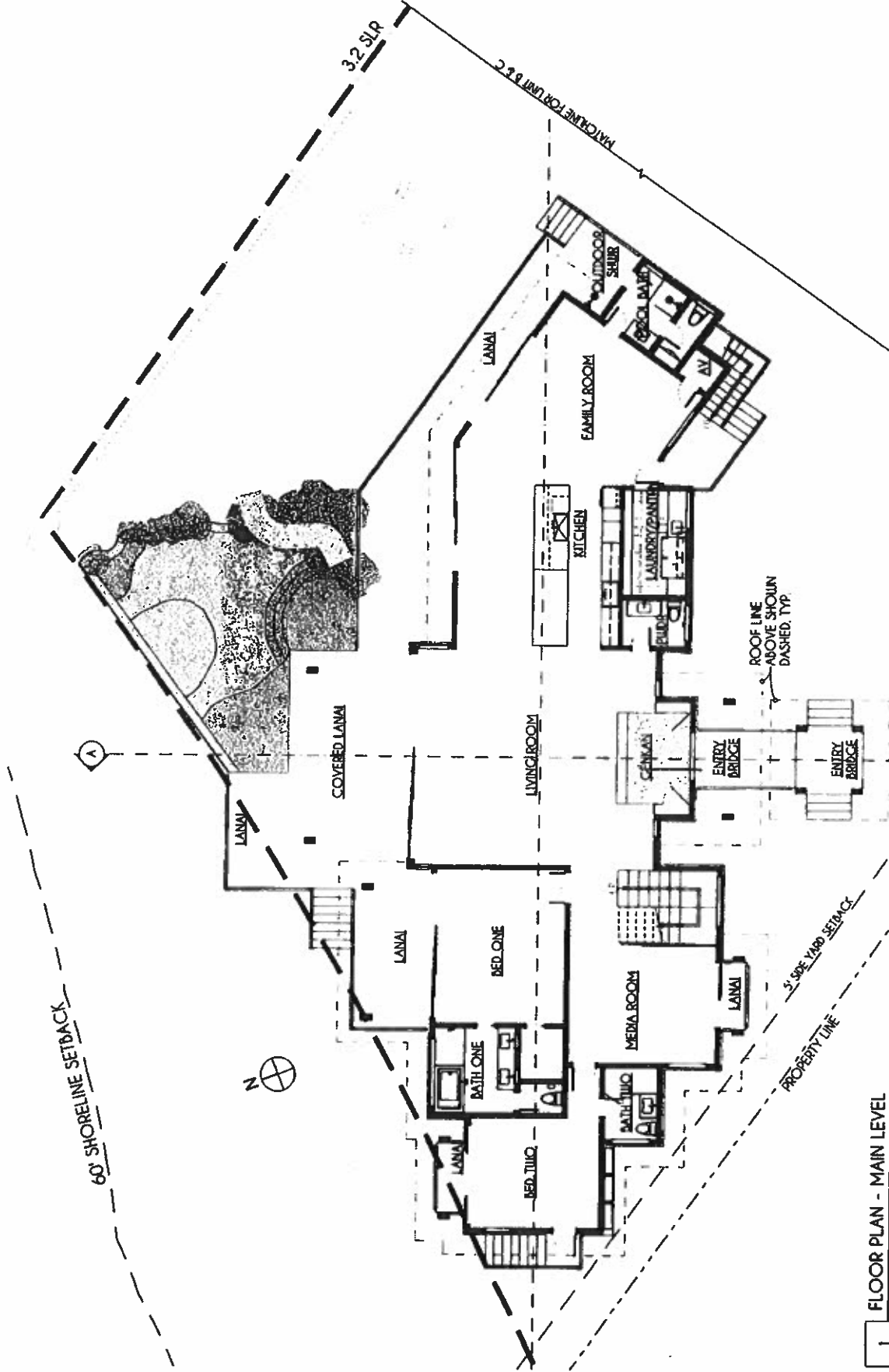


FLOWAGE EASEMENT '10'

3.2 SLR

MATCHLINE FOR UNIT B & C

60' SHORELINE SETBACK



1 FLOOR PLAN - MAIN LEVEL

SCALE: 3/16" = 1'-0"

WINEBARGER VELZYLAND

55-1 MAKANALE STREET PUPUKA HAWAII 96712

# EXHIBIT D-3 - UNIT A MAIN LEVEL FLOOR PLAN

02/27/2022

MORELAND

FLOWAGE EASEMENT '10'

3.2 SLR

MATCHLINE FOR UNIT D-3

LANAI BELOW

LANAI

STUDY

BATH THREE

LOFT

ROOF LINE ABOVE SHOWN DASHED, TYP

MEZZANINE OPEN TO BELOW

BRIDGE

OPEN TO BELOW

LANAI

ROOF BELOW

5' SIDE YARD SETBACK

PROPERTY LINE

60' SHORELINE SETBACK



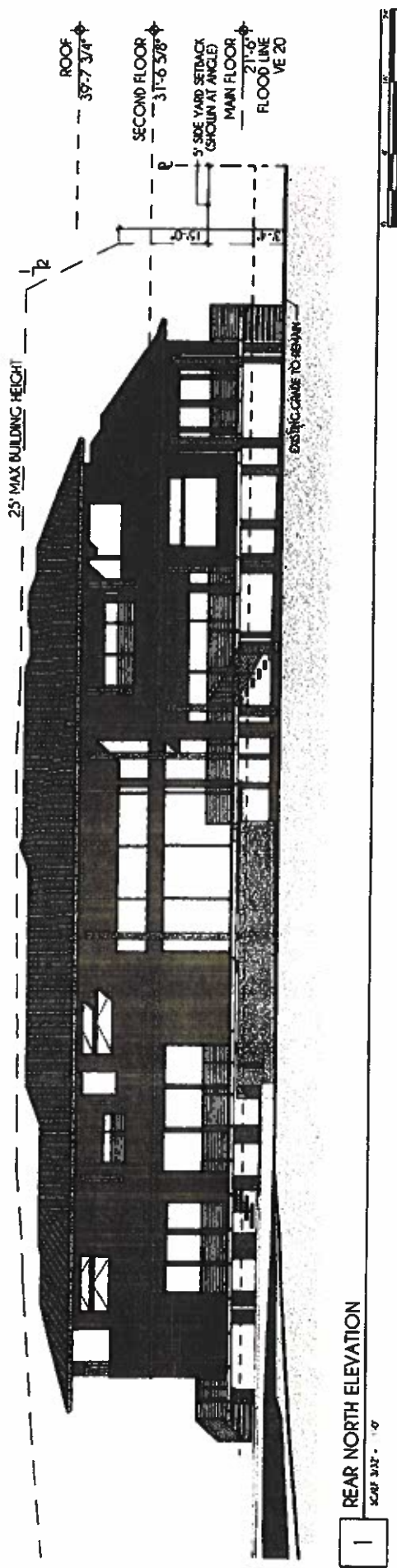
1 FLOOR PLAN - UPPER LEVEL  
SCALE: 3/32" = 1'-0"

WINEBARGER VELZYLAND  
50-1 MAKAHALE STREET PUPUKA HALEHUA HAWAII 96712

6/27/2022

# EXHIBIT D-4 - UNIT A UPPER LEVEL FLOOR PLAN

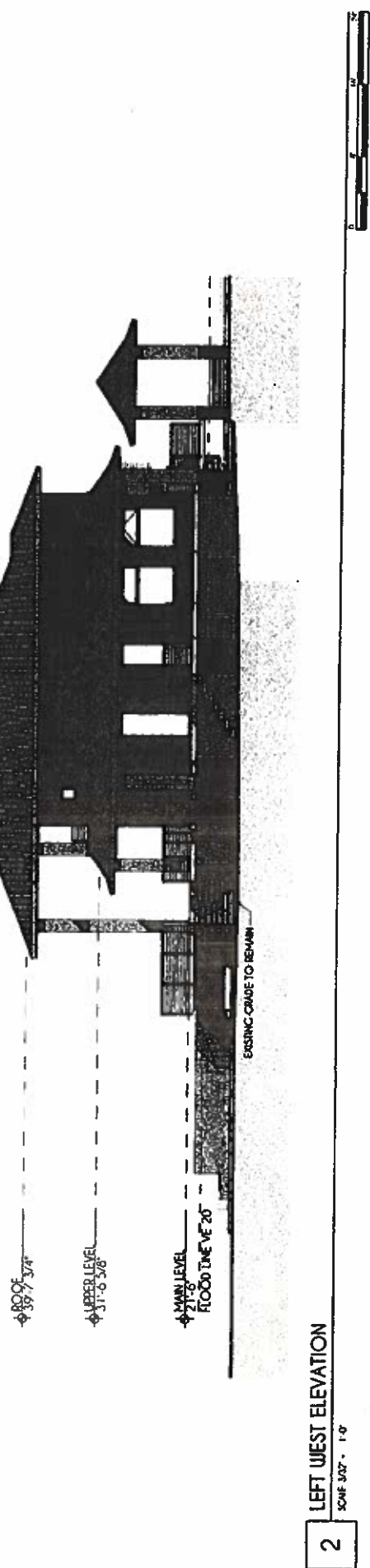
MORELAND



1 REAR NORTH ELEVATION

SCALE 3/32" = 1'-0"

25' MAX BUILDING HEIGHT



2 LEFT WEST ELEVATION

SCALE 3/32" = 1'-0"

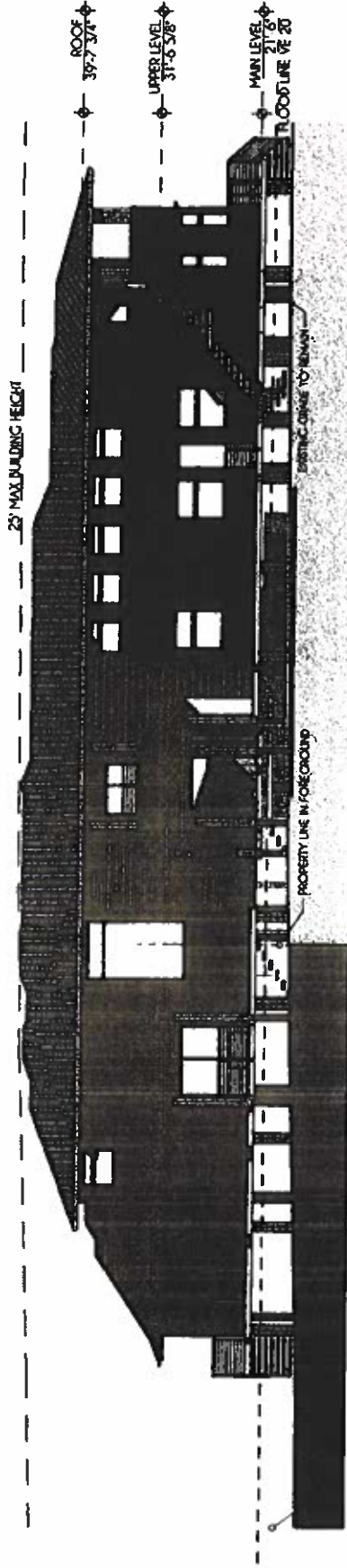
WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUKEA HALEIWA HAWAII 96712

7/17/2022

# EXHIBIT D-5 - UNIT A NORTH AND WEST ELEVATIONS

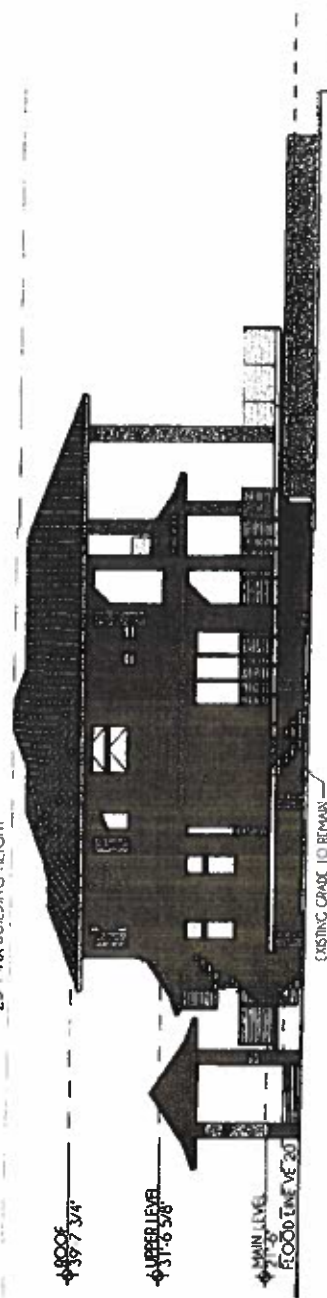
MORELAND



1 FRONT SOUTH ELEVATION

SCALE 3/32" = 1'-0"

25' MAX BUILDING HEIGHT



2 RIGHT EAST ELEVATION

SCALE 3/32" = 1'-0"

WINEBARGER VELZYLAND

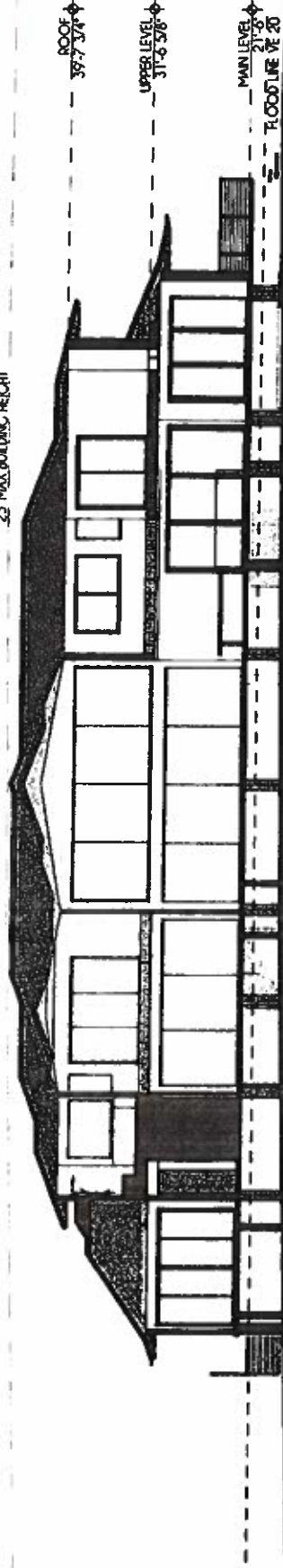
58-1 MACANALE STREET PUKAHEA HAWAII 96712

7/1/2022

# EXHIBIT D-6 - UNIT A SOUTH AND EAST ELEVATIONS

MORELAND

25' MAX BUILDING HEIGHT



ROOF  
39'-7 3/4"

UPPER LEVEL  
31'-0 5/8"

MAIN LEVEL  
21'-0"

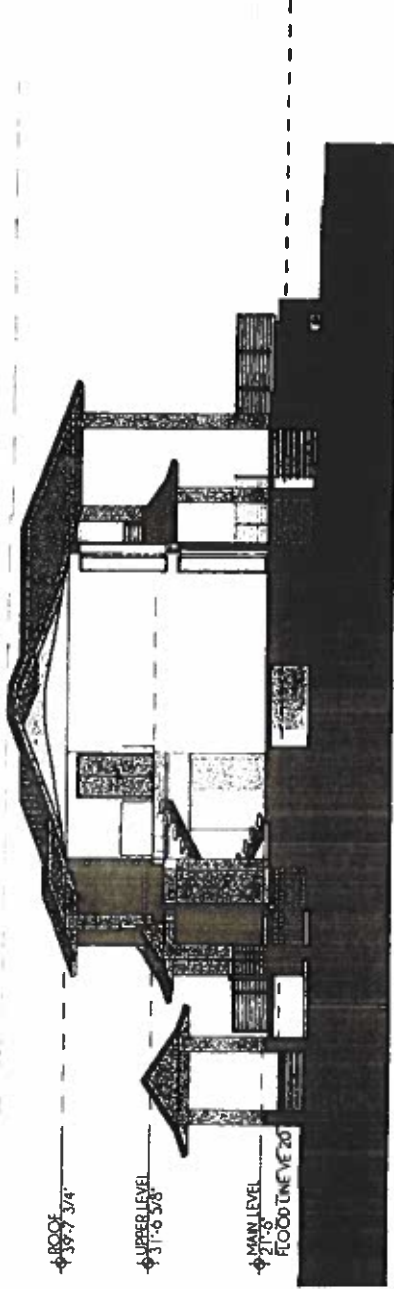
FLOOD LINE VE 20

BUILDING SECTION B

SCALE 3/32" = 1'-0"

1

25' MAX BUILDING HEIGHT



ROOF  
39'-7 3/4"

UPPER LEVEL  
31'-0 5/8"

MAIN LEVEL  
21'-0"

FLOOD LINE VE 20

BUILDING SECTION A

SCALE 3/32" = 1'-0"

2

WINEBARGER VELZYLAND

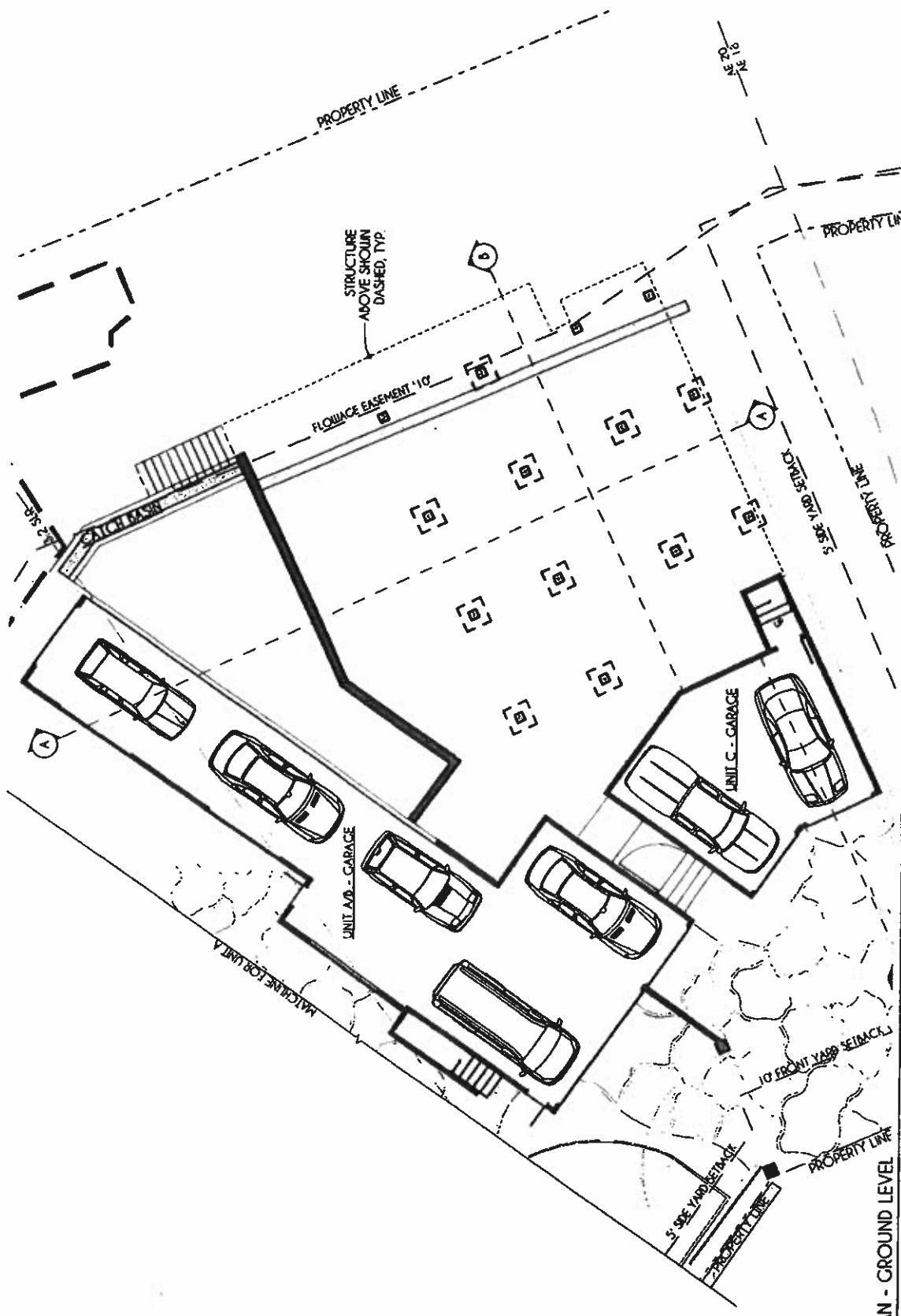
58-1 MARCANALE STREET PUPUNEA, HAWAII 96712

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

7/1/2022

MORELAND





1 B/C FLOOR PLAN - GROUND LEVEL  
 SCALE: 1/8" = 1'-0"  
 WINEBARGER VELZYLAND  
 58-1 MANANALE STREET PUPUKA HALAHEUA HAWAII 96712  
 7/1/2022  
 MORELAND  
 EXHIBIT D-8 - UNITS B AND C GROUND LEVEL FLOOR PLAN



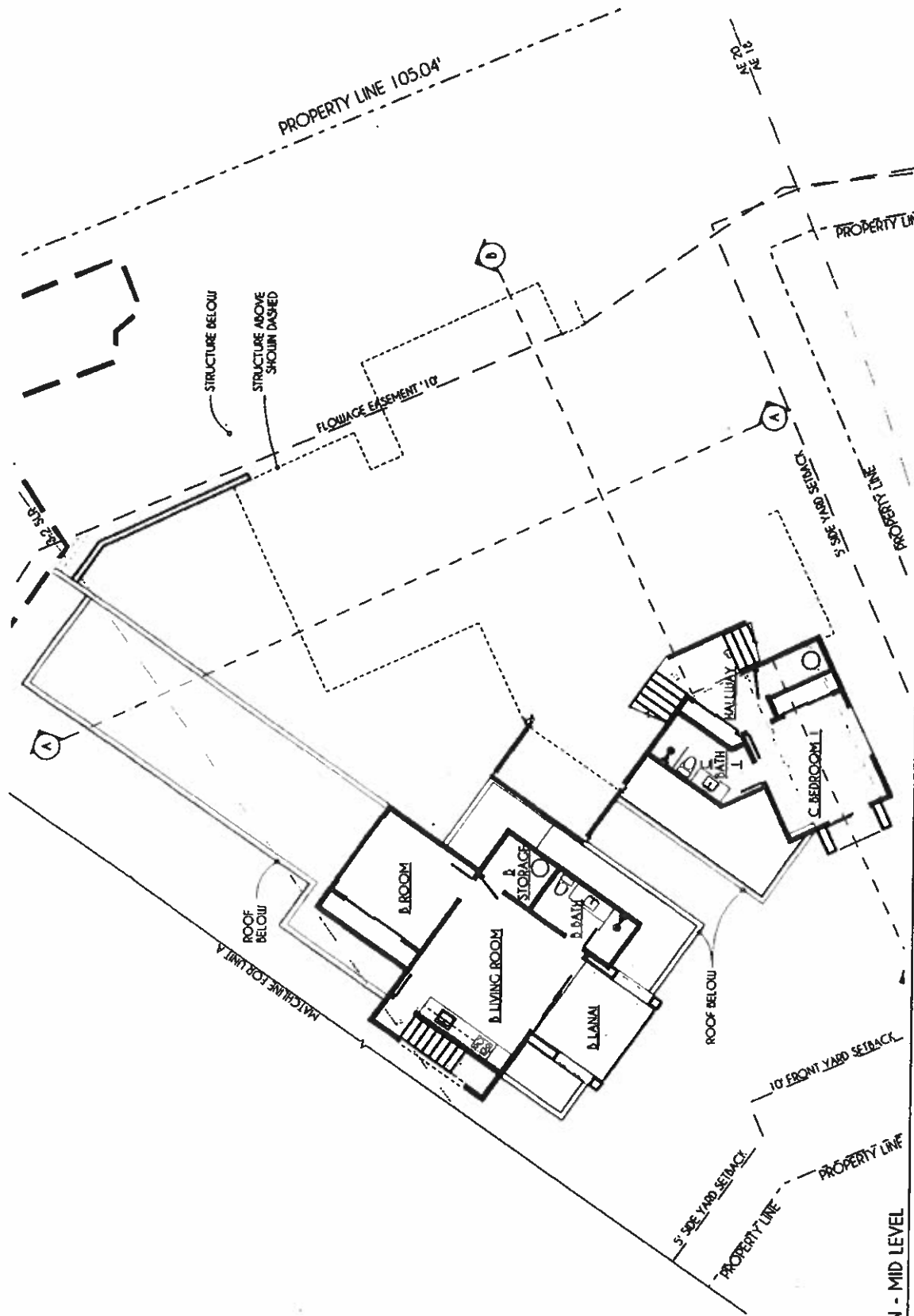


2007 12

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

WINEBARGER VELZLAND

58-1 MAKANALE STREET PUPOKEA HALEIWA HAWAII 96712



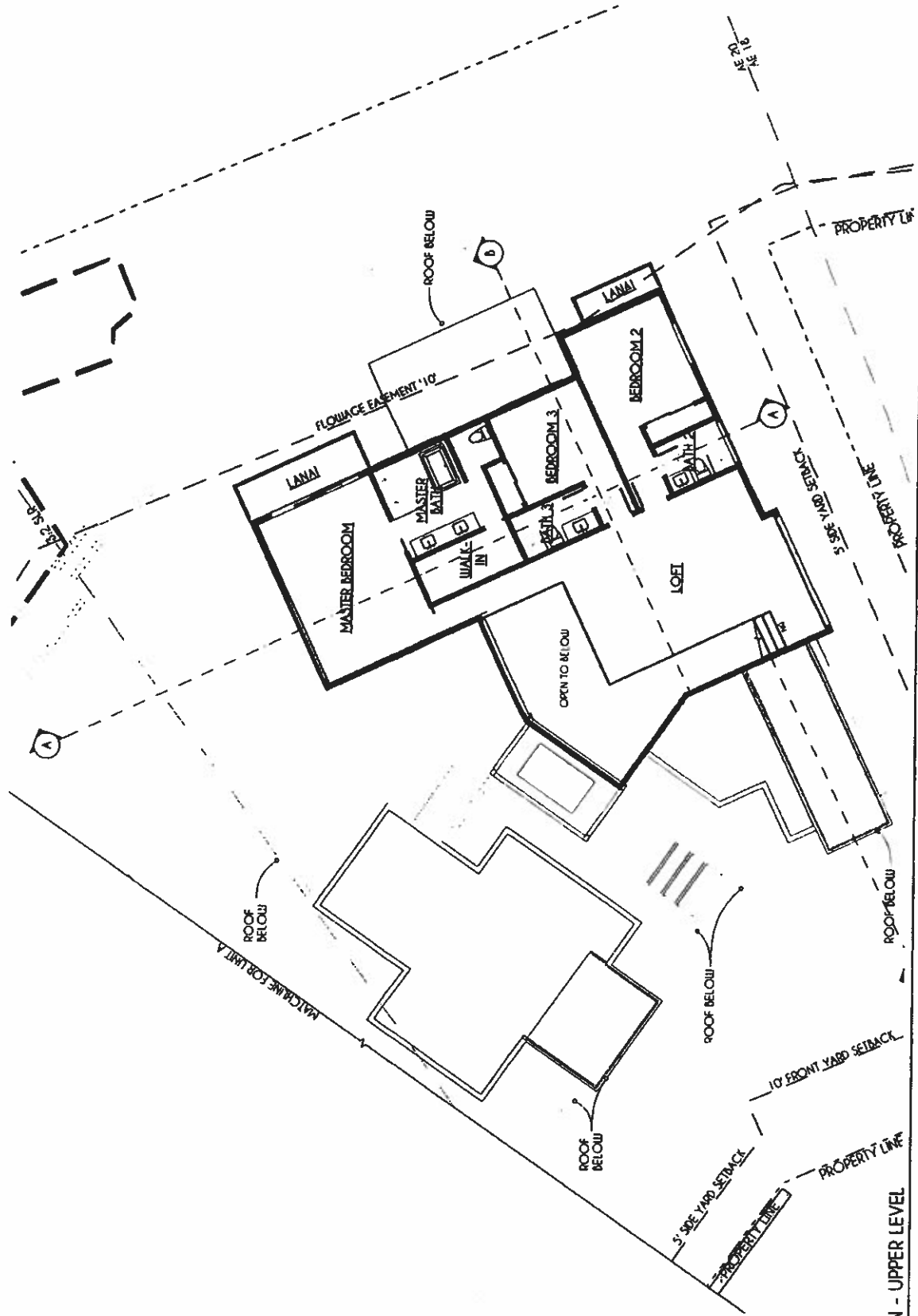
1 B/C FLOOR PLAN - MID LEVEL  
 SCALE: 1/8" = 1'-0"

WINEBARGER VELZYLAND  
 58-1 MAKANALE STREET PUPUKA HALEIUA HAWAII 96712

7/1/2022

MOORELAND

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



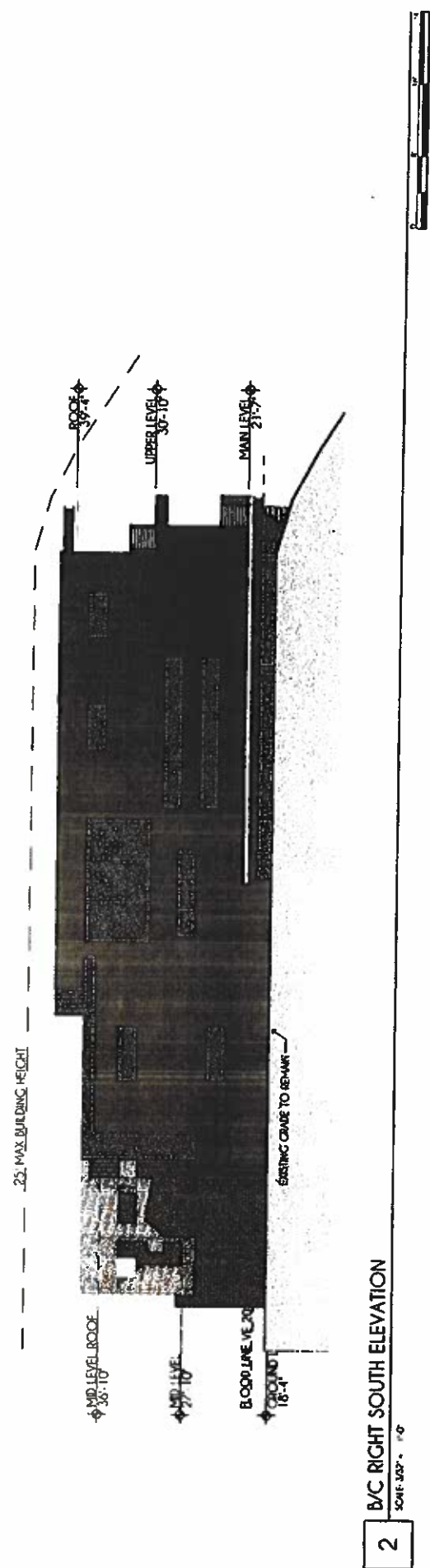
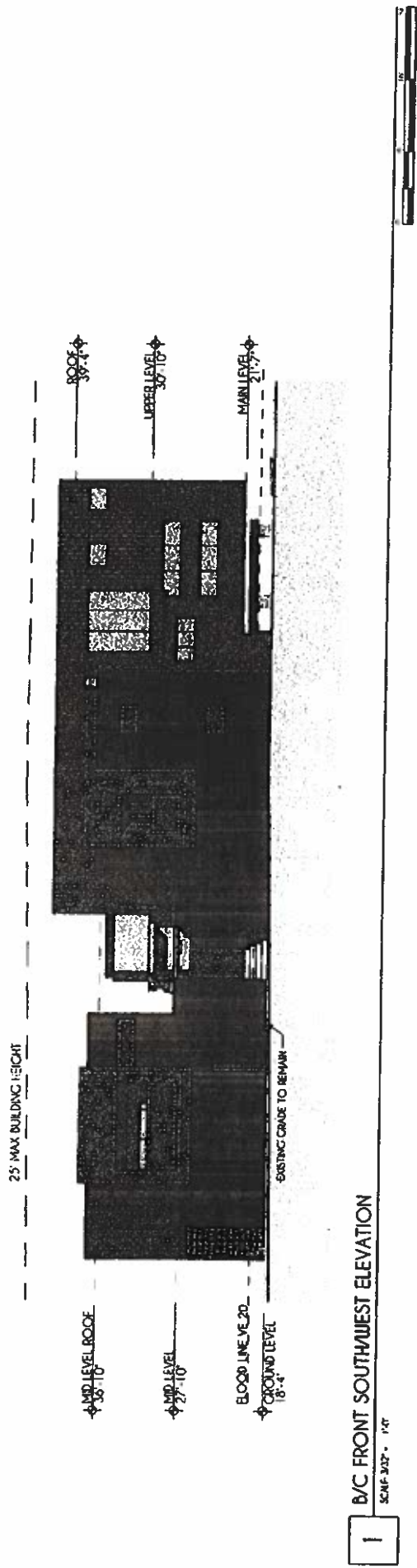
1 B/C FLOOR PLAN - UPPER LEVEL  
SCALE: 3/8" = 1' - 0"

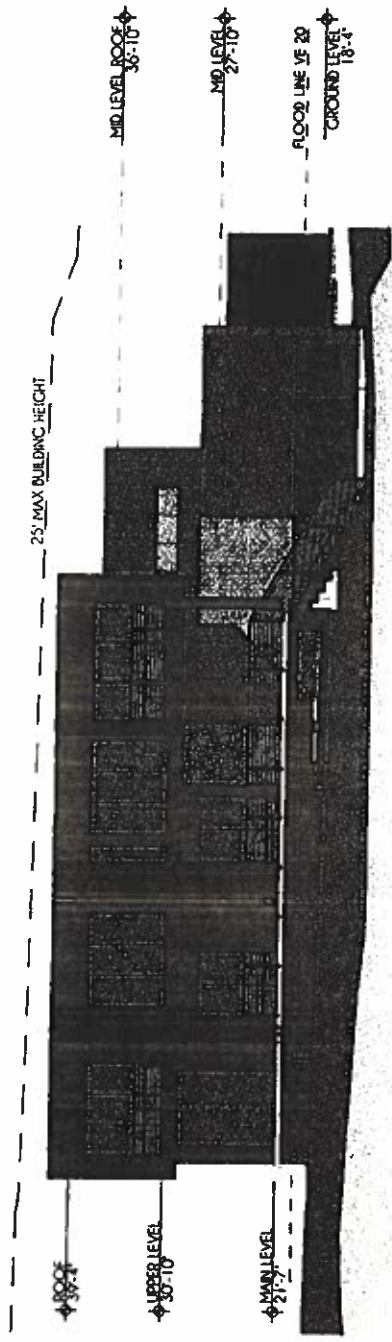
WINEBARGER VELZYLAND

58-1 MAKAHALE STREET PUPUKA HALEIUA HAWAII 96712

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

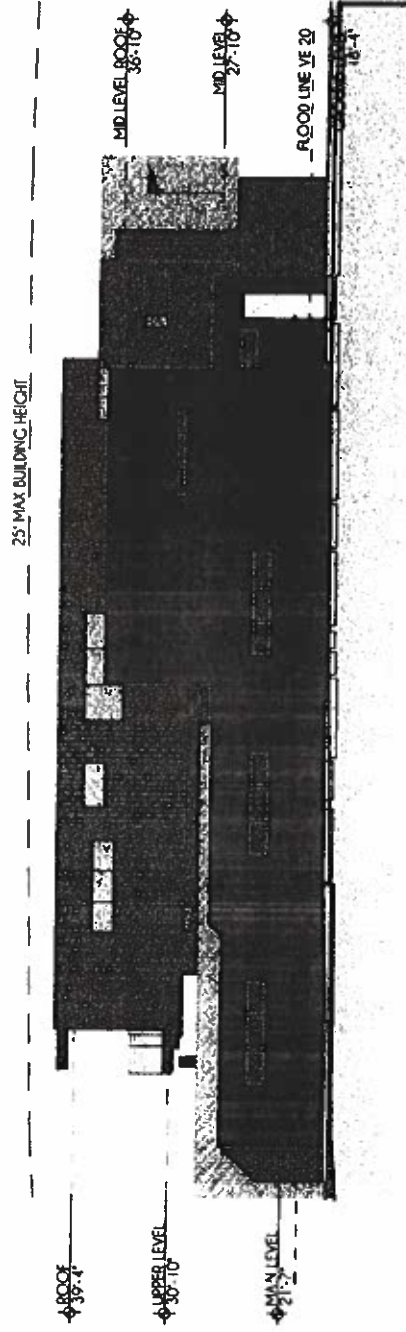
7/1/2022  
MORELAND





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

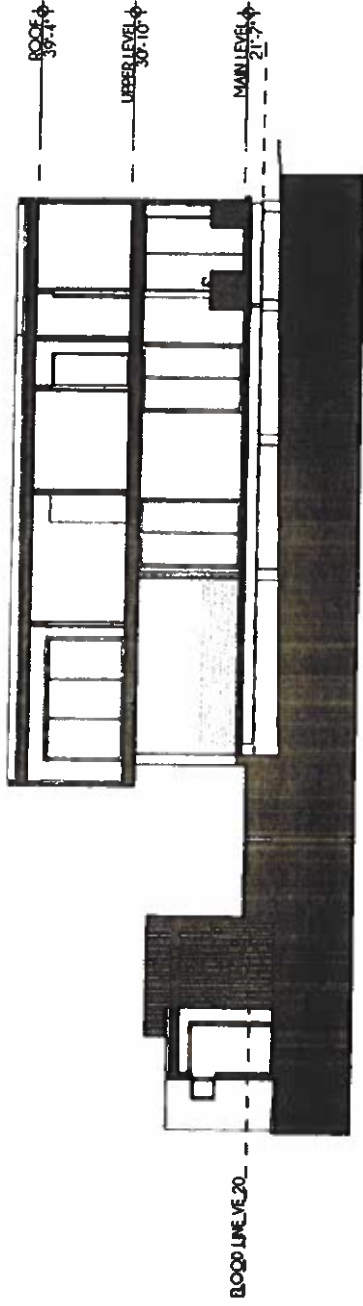
55-1 MANANALE STREET PUPUKA WALEUA HAWAII 96712

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

MORELAND

7/17/2022

25' MAX BUILDING HEIGHT

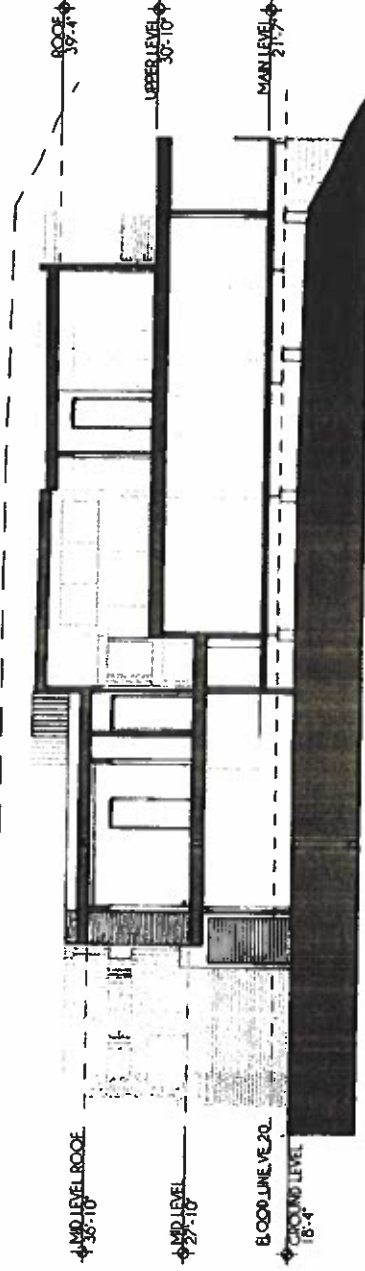


1 B/C BUILDING SECTION B

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



25' MAX BUILDING HEIGHT



2 B/C BUILDING SECTION A

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



WINEBARGER VELZYLAND

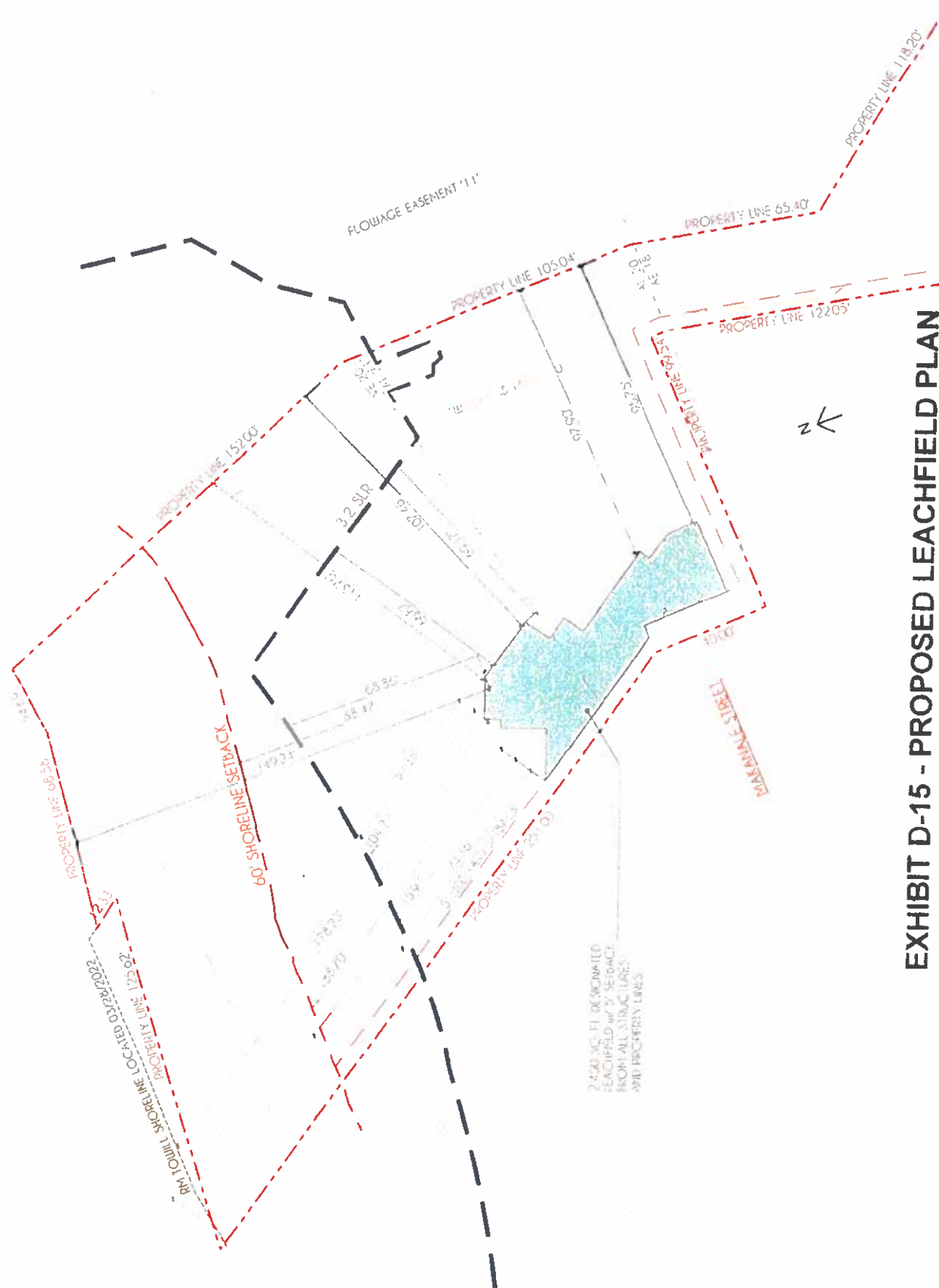
50-1 MAKAHALE STREET PUPUKA HALEHUA HAWAII 96712

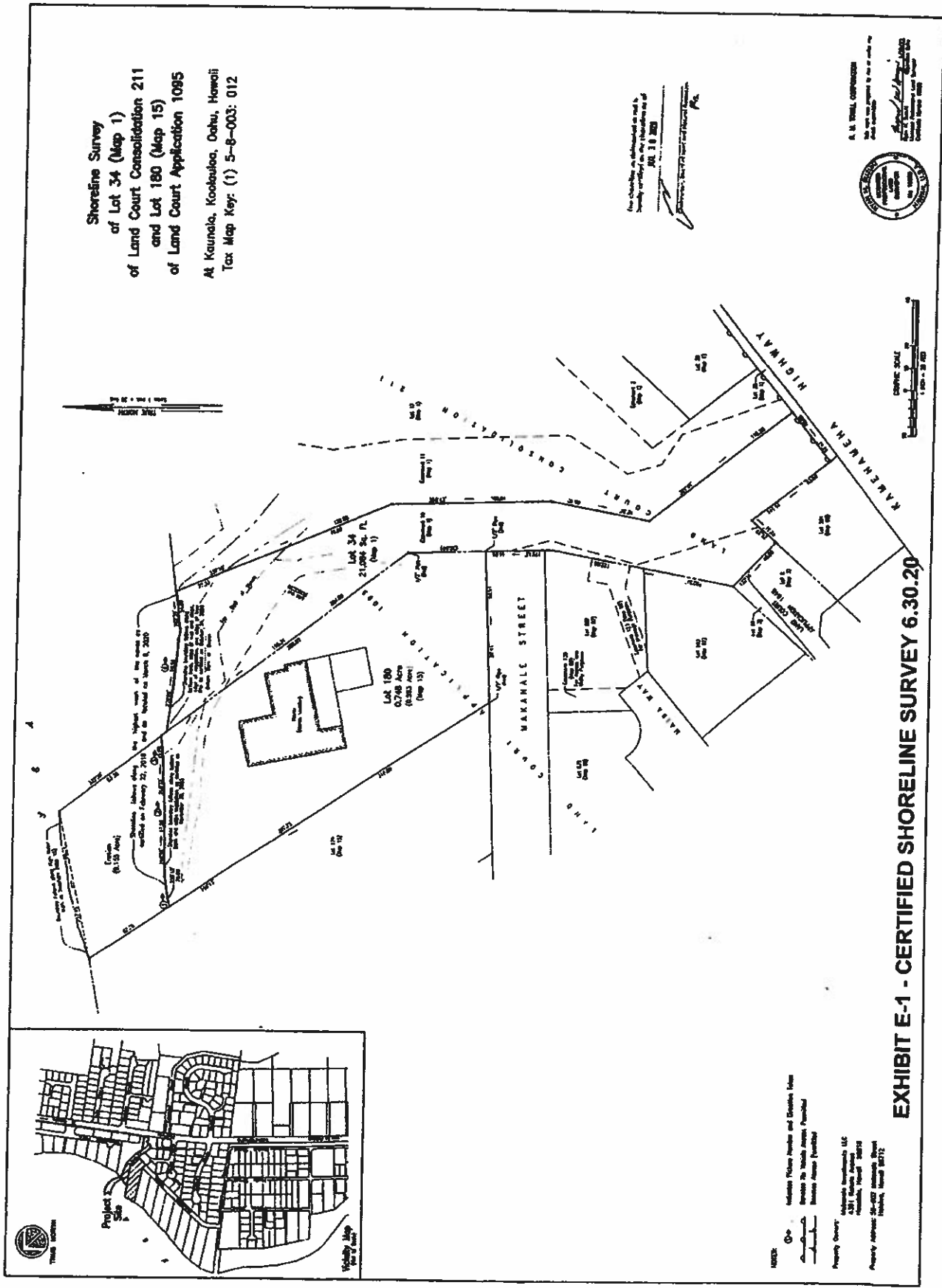
EXHIBIT D-14 - UNITS B AND C - BUILDING SECTIONS

7/1/2022

MORELAND







Shoreline Survey  
of Lot 34 (Map 1)  
and Lot 180 (Map 15)  
of Land Court Application 1095  
At Kaunaloa, Koolauloa, Oahu, Hawaii  
Tax Map Key: (1) 5-8-003: 012

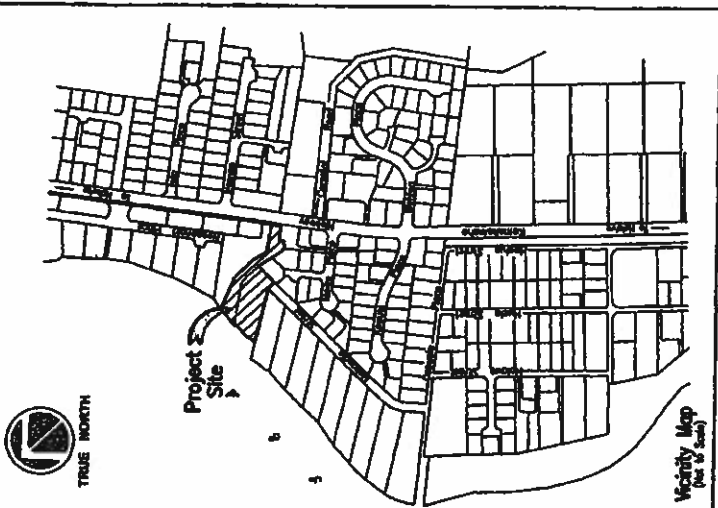
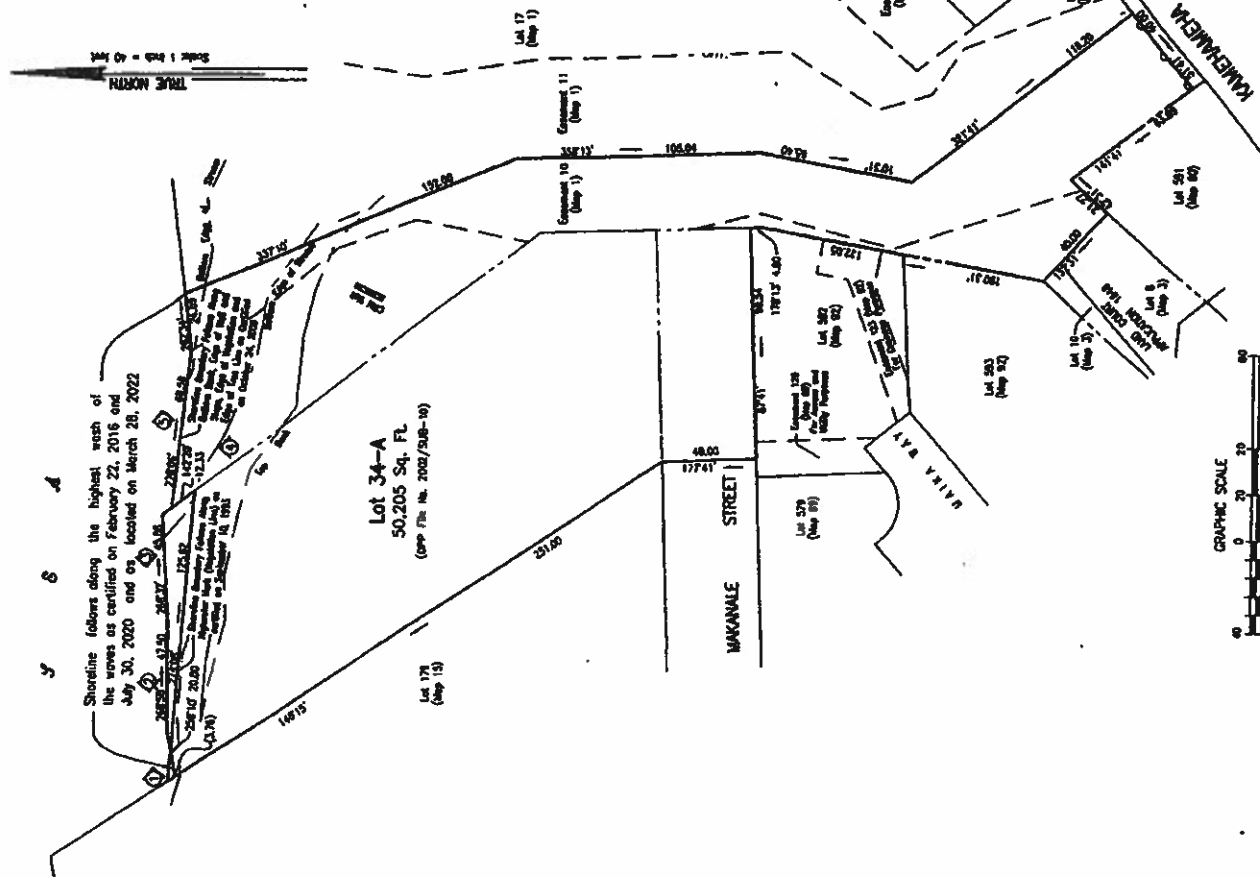
For Change in shoreline as shown in  
this survey, the following is the  
total area of the shoreline as of  
10/1/80

A. H. TITEL, COMMISSIONER  
I, A. H. TITEL, COMMISSIONER, do hereby certify that the foregoing is a true and correct copy of the original as filed in the Office of the Registrar of Land Records, State of Hawaii, on this 10th day of May, 1992.



EXHIBIT E-1 - CERTIFIED SHORELINE SURVEY 6.30.20

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



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

Property Owners: John R. Winbarger  
Furnie Winbarger

Property Address: 56-002 Makaloa Street  
Holeiaua, Hawaii 96712

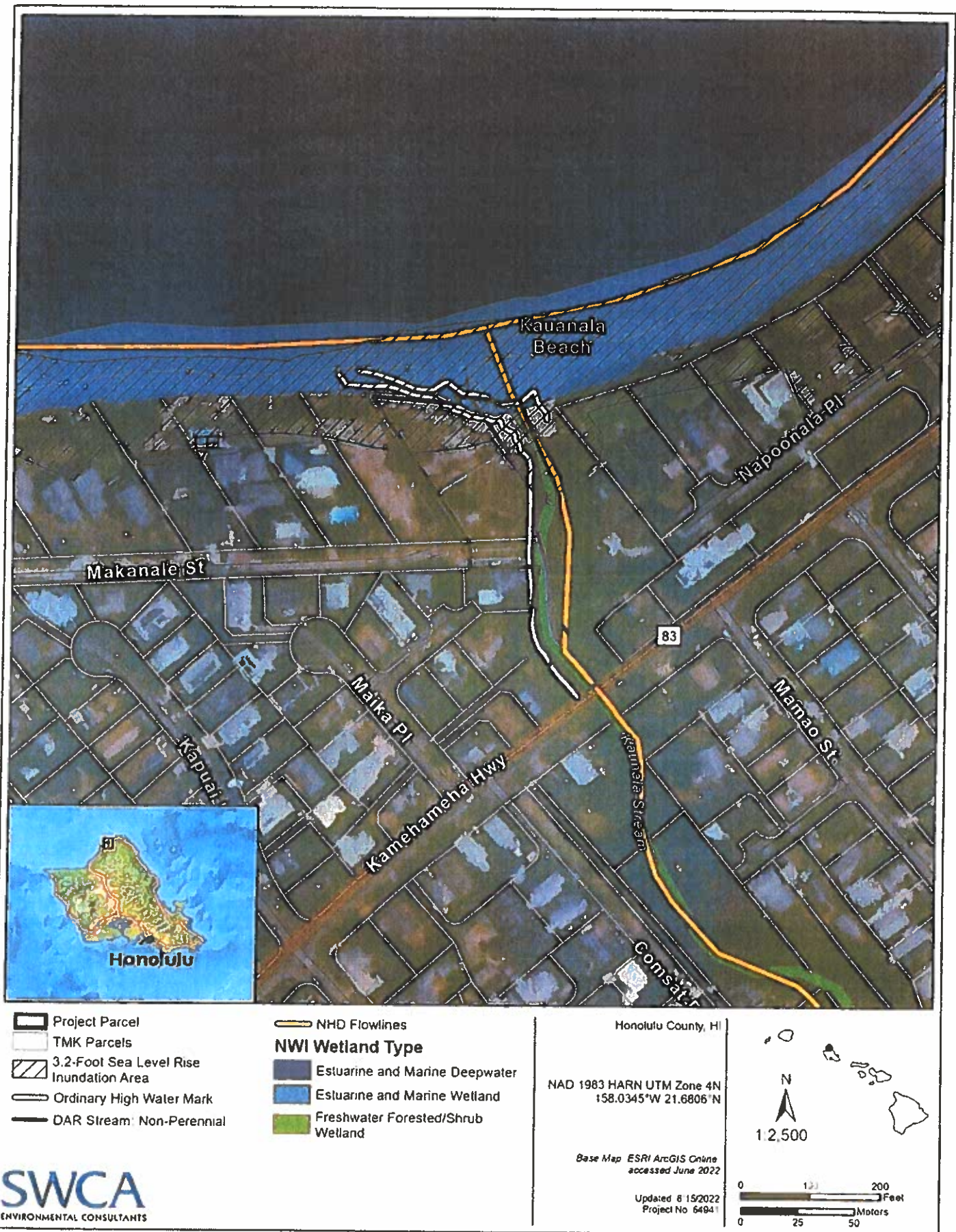


R.M. TOWILL CORPORATION  
This work was prepared by me  
or under my direct supervision

John R. Winbarger  
Professional Land Surveyor  
Certificate Number 10089

2021 North 5th Street, Suite 202  
Honolulu, Hawaii 96817  
April 4, 2022

R.M. TOWILL CORPORATION  
HONOLULU, HAWAII

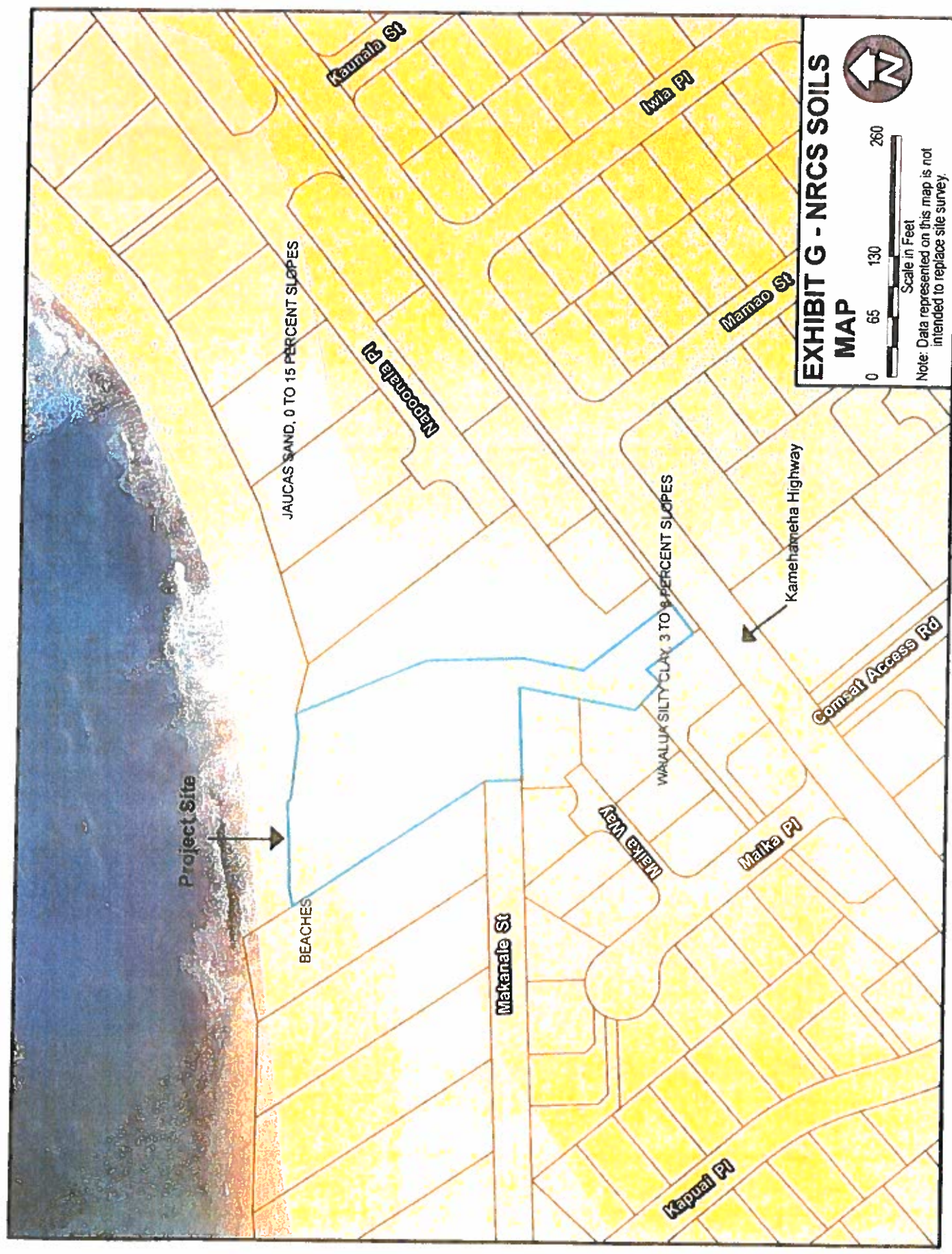




**EXHIBIT G - NRCS SOILS  
MAP**



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**

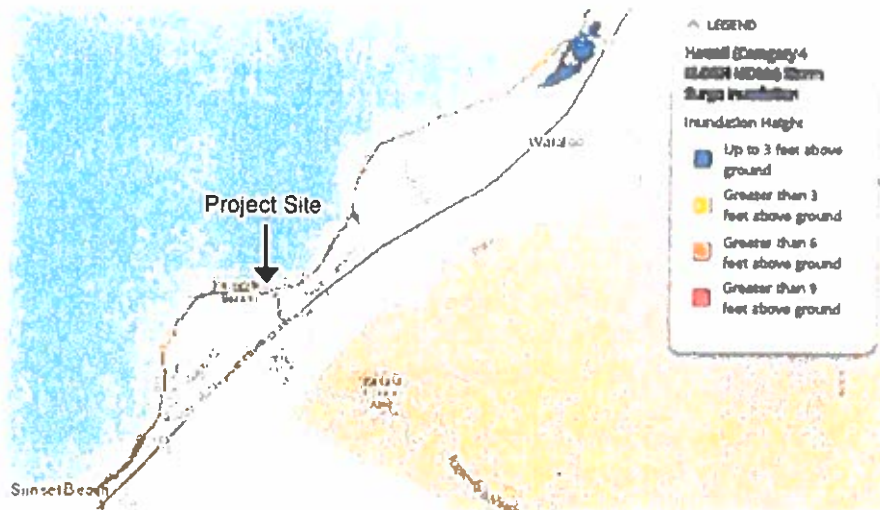
**EXHIBIT I - 3.2-FOOT SEA LEVEL RISE EXPOSURE AREA MAPS**



**Storm Surge Inundation - Category 2 Hurricane**



**Storm Surge Inundation - Category 3 Hurricane**



**Storm Surge Inundation - Category 4 Hurricane**

## EXHIBIT J - HURRICANE STORM SURGE MAPS