



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **22-175, CD1**

RESOLUTION

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:



RESOLUTION

- 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);



RESOLUTION

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

- 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**



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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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, 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:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 1, 2022
Honolulu, Hawaii

Councilmembers

Legend



Site



Special Management Area (SMA)
Boundary



SMA Within SMA Boundary

Pacific Ocean

To Kahuku →

Sunset Beach
Park

PROJECT SITE

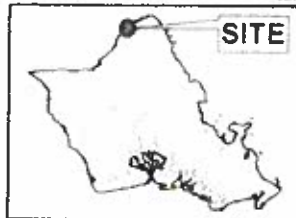
IN SMA

↑ SMA

OUTSIDE SMA

↑ SMA

← To Haleiwa



VICINITY MAP

0 200 400 800
Scale in Feet

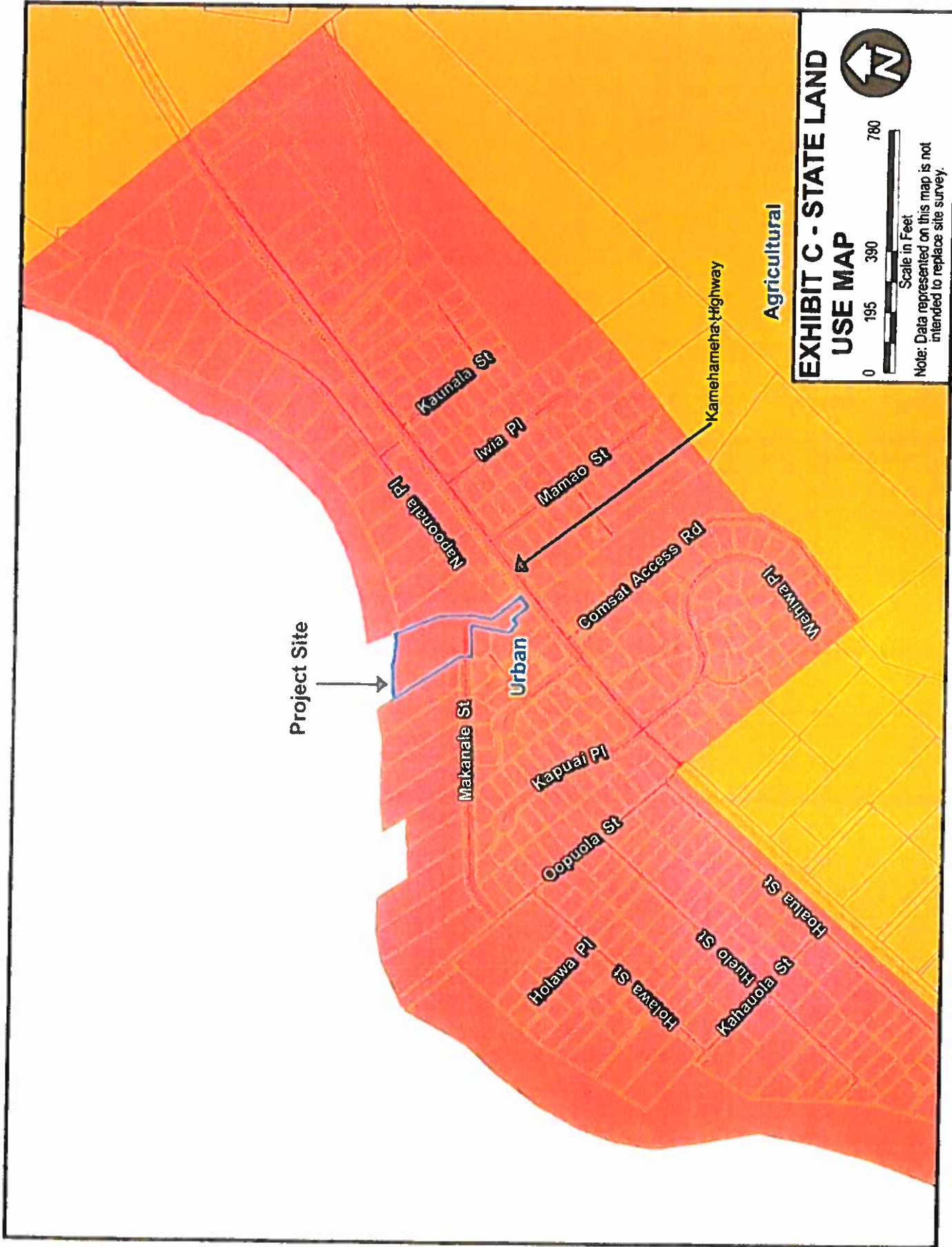


EXHIBIT A - LOCATION MAP WITH SPECIAL MANAGEMENT AREA (SMA)

TAX MAP KEY: 5-8-003:012

FOLDER NO: 2022/SMA-34

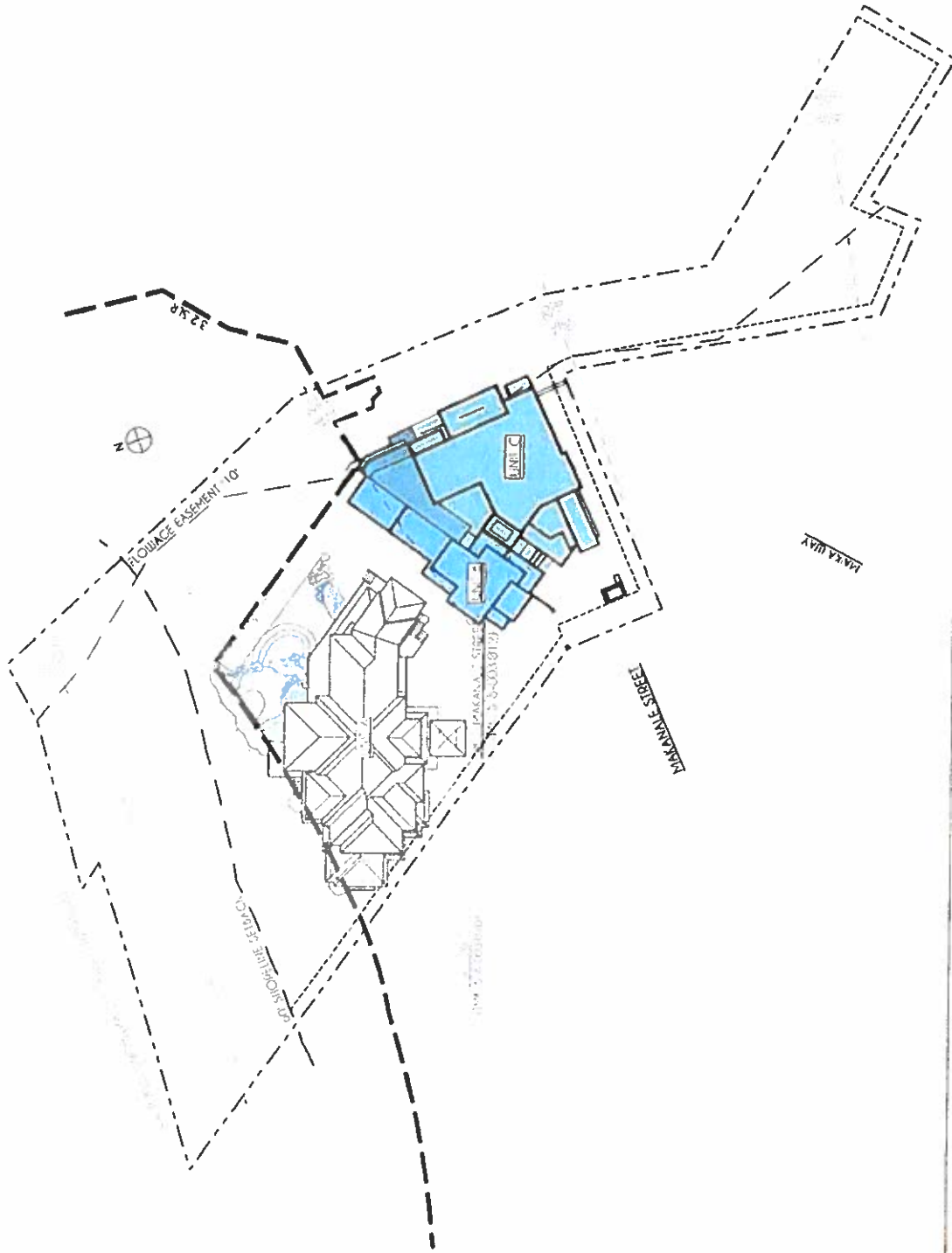




**EXHIBIT C - STATE LAND
USE MAP**



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



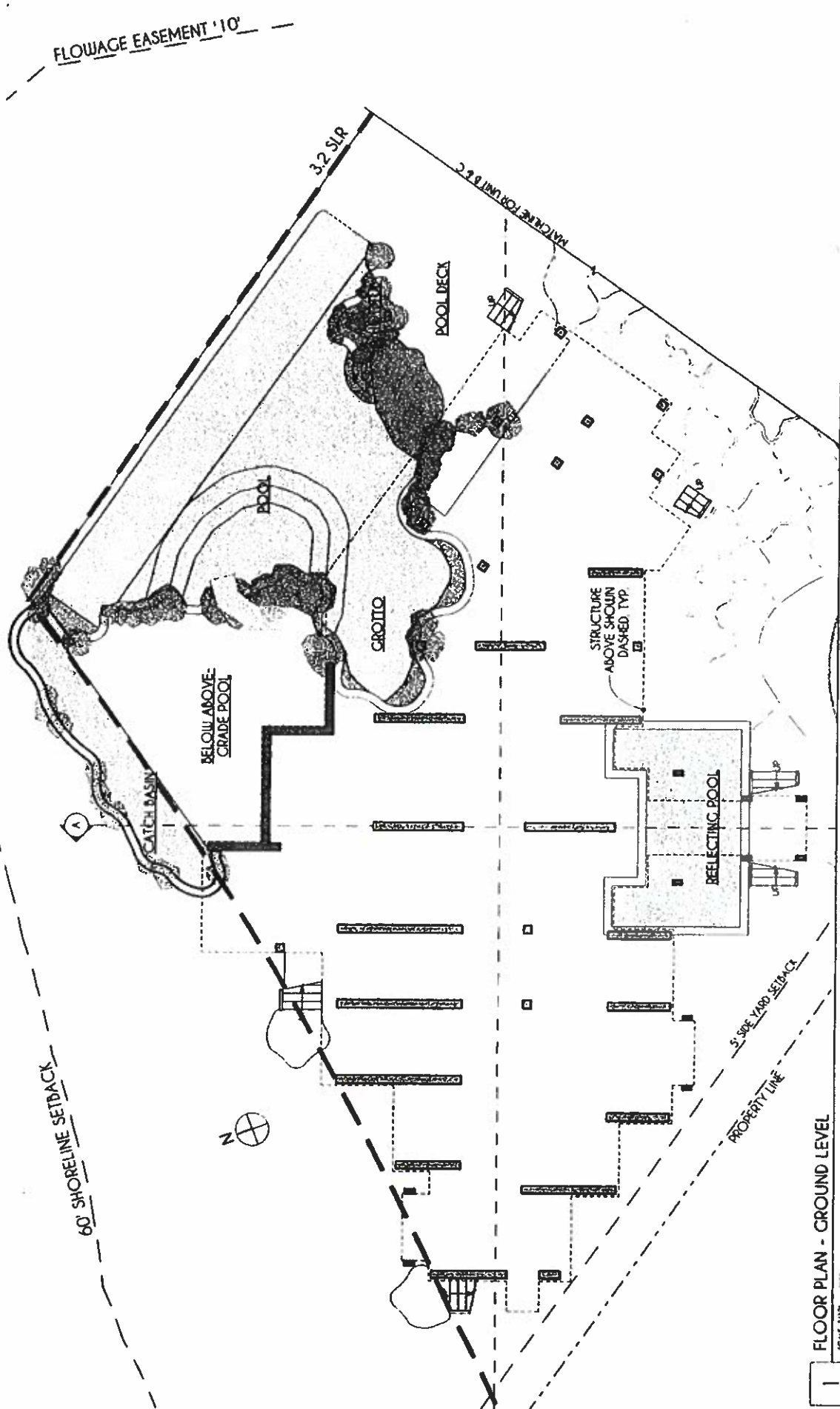
SITE PLAN

WINEBARGER VELZYLAND

* MAYNARD STREET IMPROVEMENT PROJECT 05/27/12

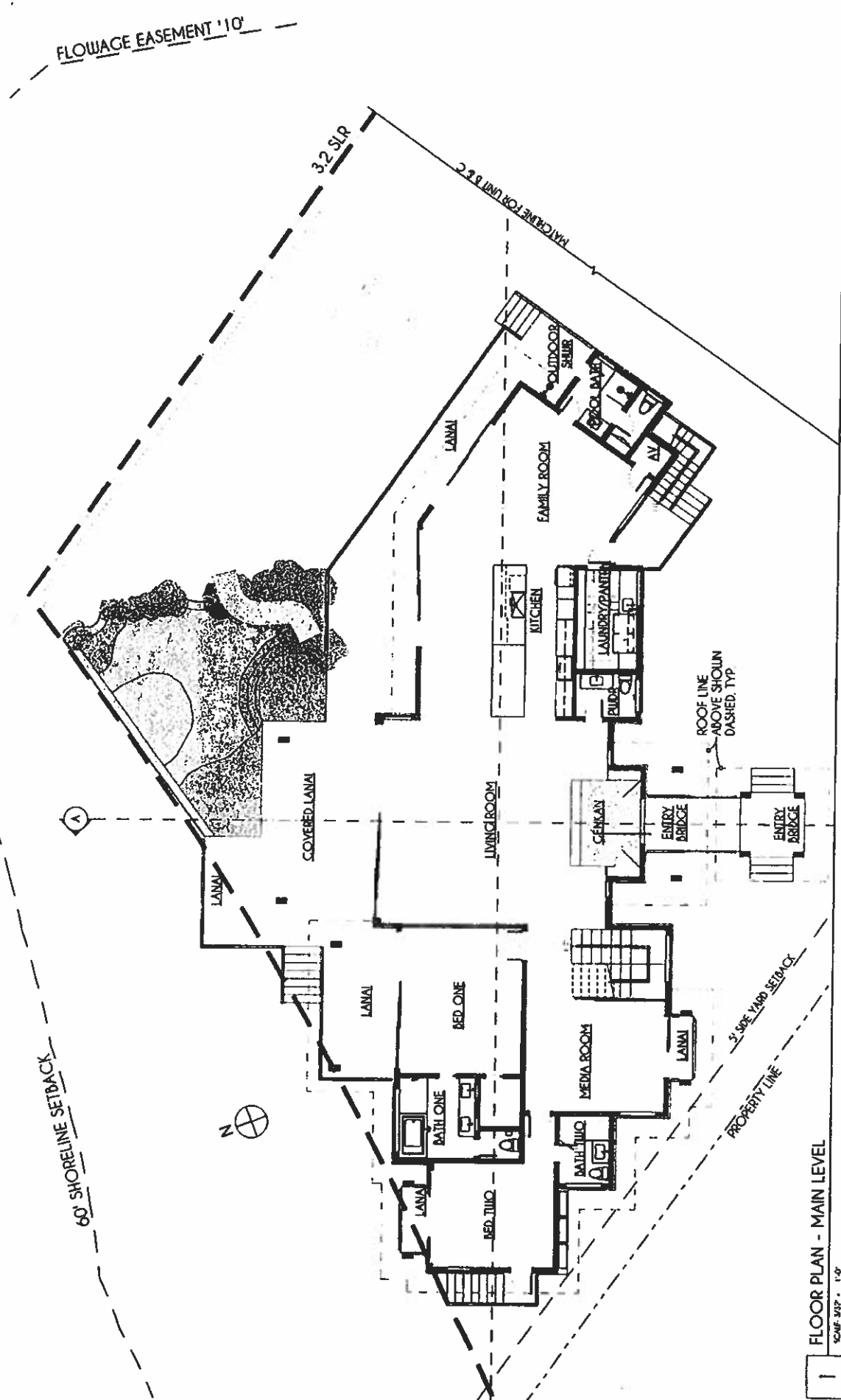
EXHIBIT D-1 - OVERALL SITE PLAN

201202 MORELAND



1 FLOOR PLAN - GROUND LEVEL
 WINEBARGER VELZYLAND
 35-1 MARANALE STREET PULEA HALEUA MAUI HI 96712
 06/27/2022
 MORELAND

EXHIBIT D-2 - UNIT A GROUND FLOOR PLAN



1 FLOOR PLAN - MAIN LEVEL
SCALE: 3/16" = 1'-0"

WINEBARGER VELZYLAND

35-1 MAKANALE STREET PUKAUA MALEKUA HAWAII 96712

EXHIBIT D-3 - UNIT A MAIN LEVEL FLOOR PLAN

6/27/2022

MORELAND

FLOWAGE EASEMENT '10'

3.2 SLP

MATCHLINE FOR UNIT B.C.

ROOF LINE ABOVE SHOWN DASHED, TYP.

LANAI BELOW

STUDY

BATH THREE

LOEI

MEZZANINE

OPEN TO BELOW

MASTER SUITE

LANAI

MASTER SHED

MASTER LAY

WALK-IN

OPEN TO BELOW

BRIDGE

OPEN TO BELOW

LANAI

ROOF BELOW

3.50' YARD SETBACK

PROPERTY LINE

60' SHORELINE SETBACK



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

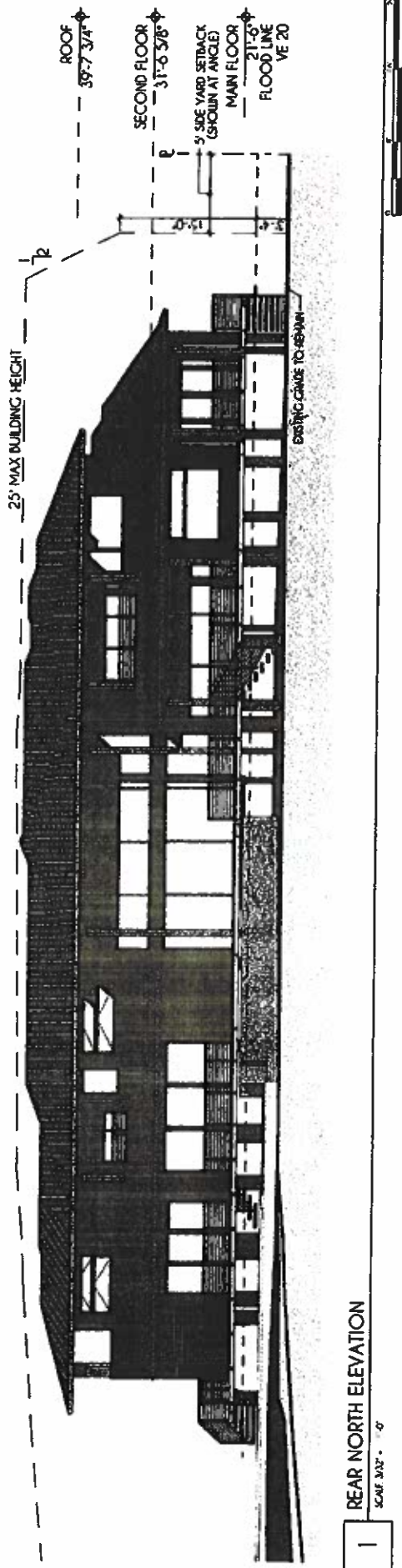
WINEBARGER VELZYLAND

58-1 MAKAHALE STREET PUPUNEA MALEIUA HAWAII 96712

02/27/2022

EXHIBIT D-4 - UNIT A UPPER LEVEL FLOOR PLAN

MORELAND



1 REAR NORTH ELEVATION

SCALE MAX - 1/8"

25' MAX BUILDING HEIGHT

ROOF
39'-7 3/4"

UPPER LEVEL
31'-0 5/8"

MAIN LEVEL
21'-0"

FLOOD LINE VE 20

EXISTING GRADE TO REMAIN

2 LEFT WEST ELEVATION

SCALE WEST - 1/8"

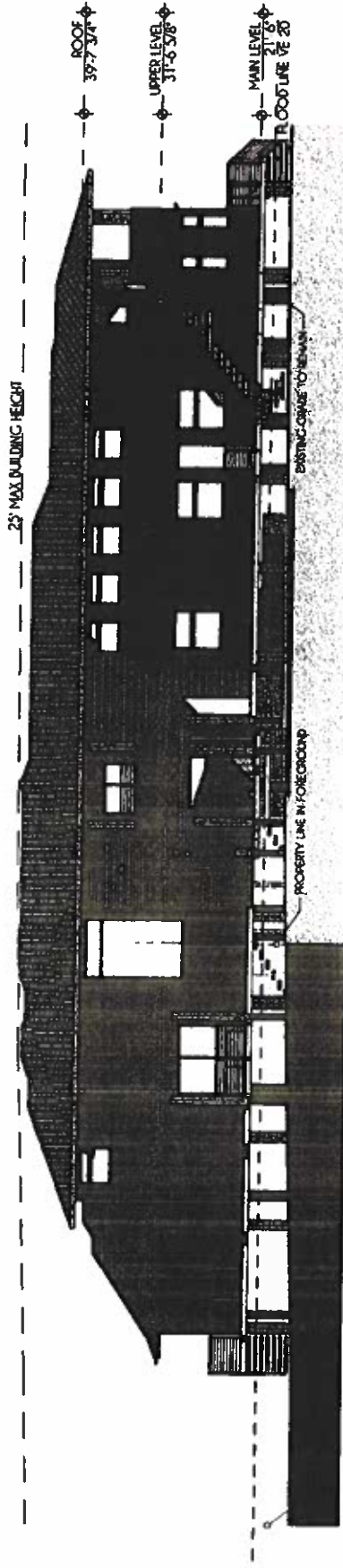
WINEBARGER VELZYLAND

5811 MACANALE STREET PULASKI HALETHIA ILLINOIS 62712

7/1/2022

EXHIBIT D-5 - UNIT A NORTH AND WEST ELEVATIONS

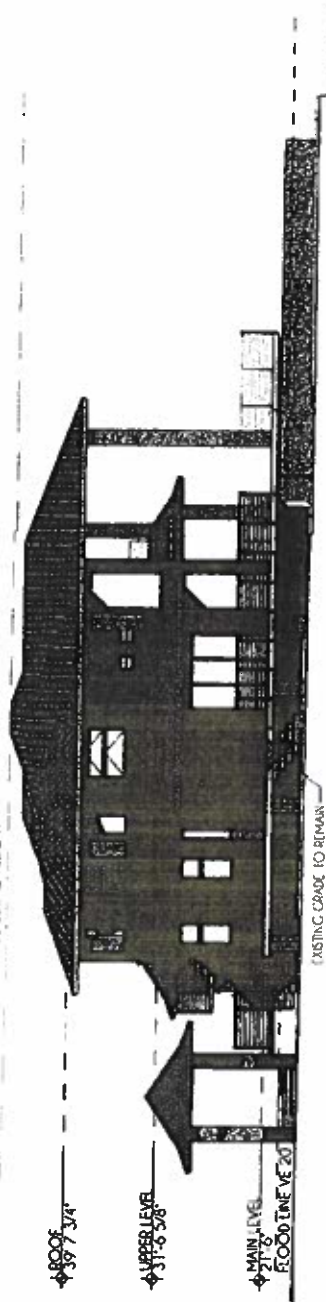
MORELAND



1 FRONT SOUTH ELEVATION

SCALE 3/32" = 1'-0"

25' MAX BUILDING HEIGHT



2 RIGHT EAST ELEVATION

SCALE 3/32" = 1'-0"

WINEBARGER VELZYLAND

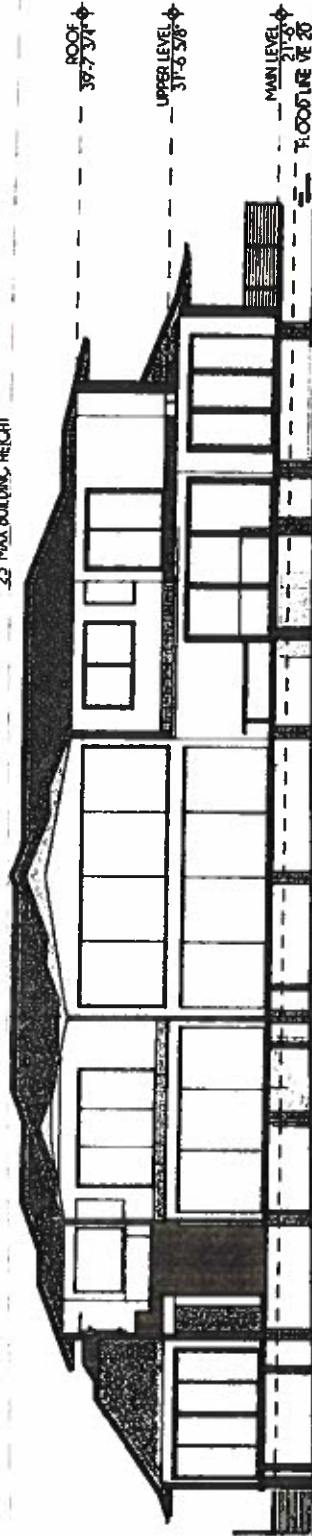
58-1 MAKAWALE STREET RUPUKA WALELUA HAWAII 96812

EXHIBIT D-6 - UNIT A SOUTH AND EAST ELEVATIONS

7/1/2022

MORELAND

25' MAX BUILDING HEIGHT

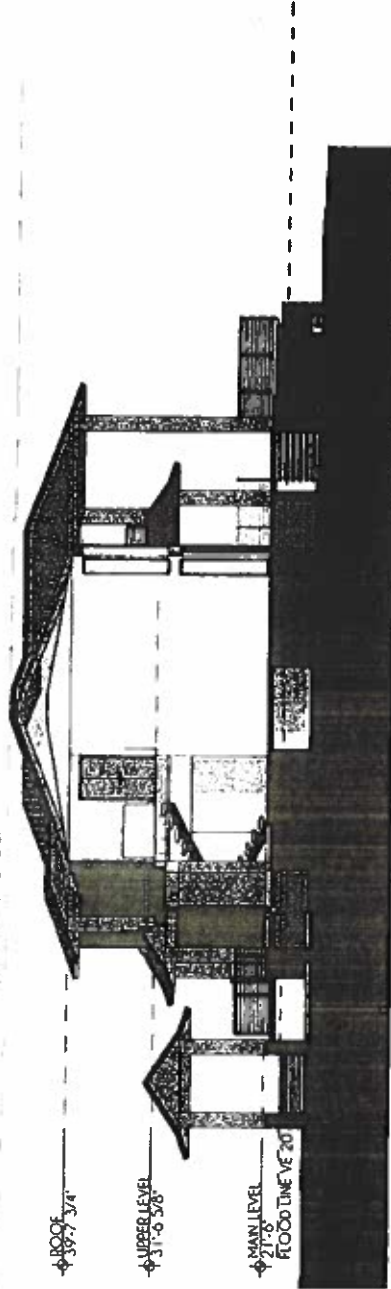


BUILDING SECTION B

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

1

25' MAX BUILDING HEIGHT



BUILDING SECTION A

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

2

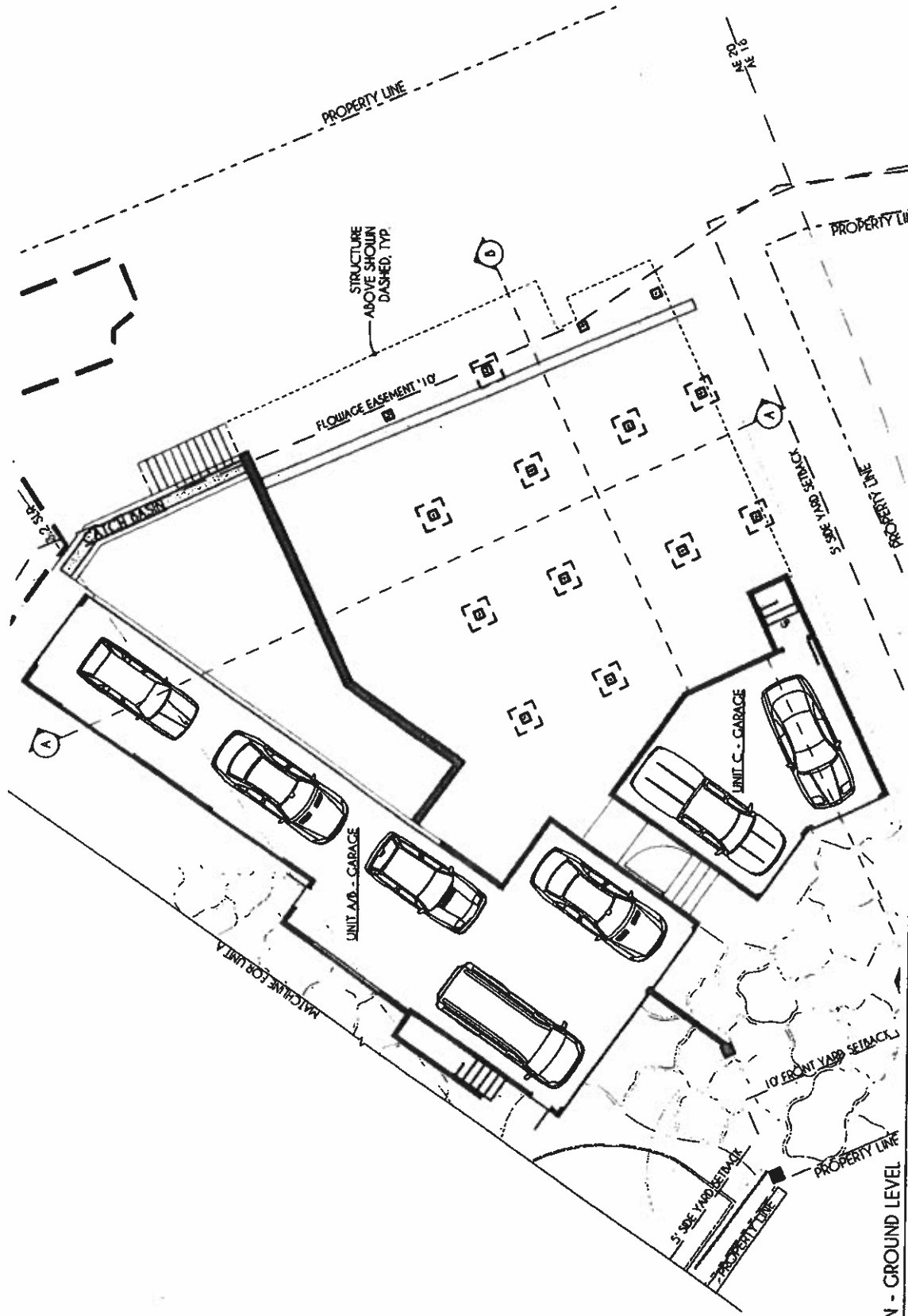
WINEBARGER VELZYLAND

53-1 MAKANALE STREET PUKUEA HALEIUA HAWAII 96712

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

7/1/2022

MORELAND



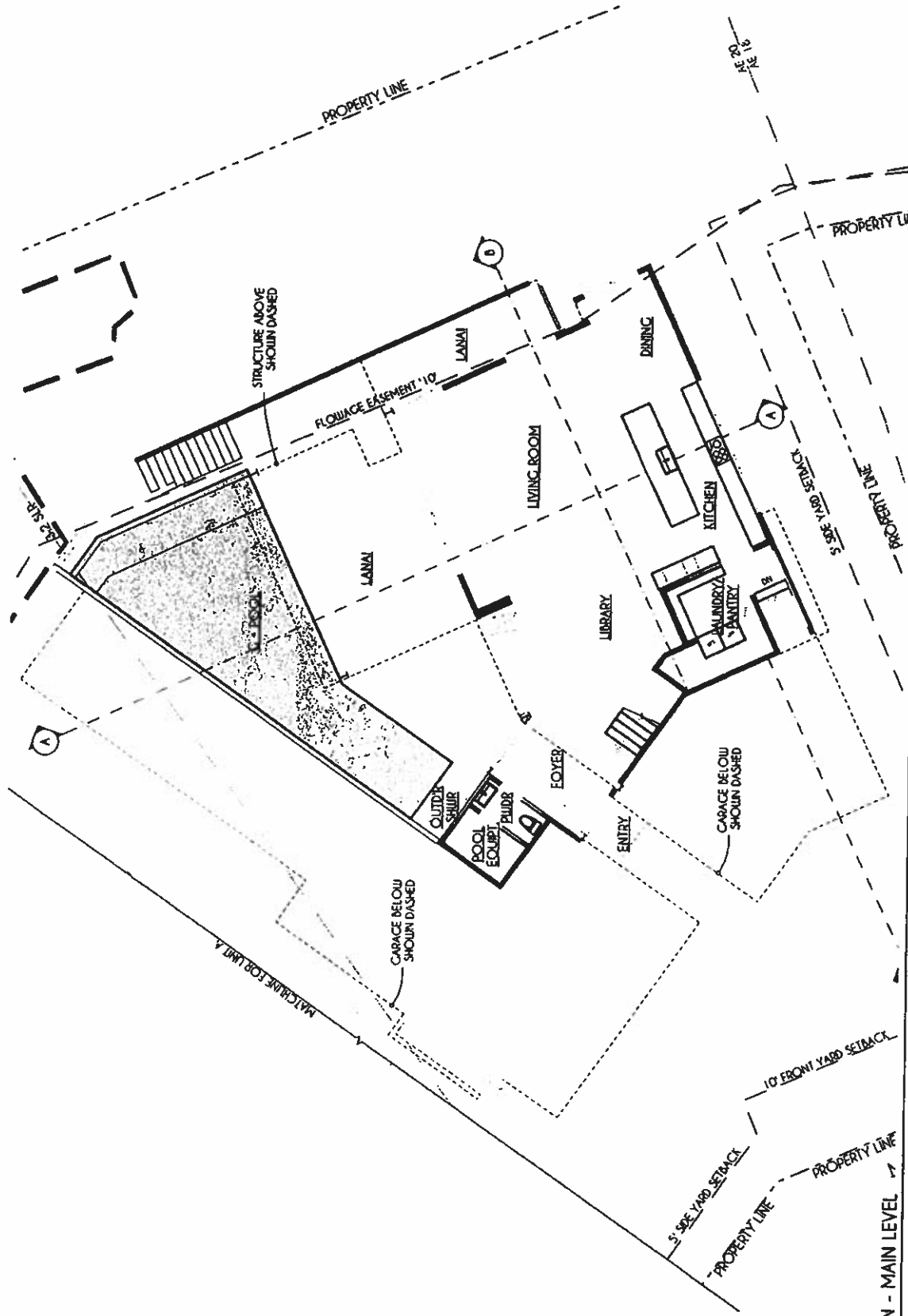
1 B/C FLOOR PLAN - GROUND LEVEL
SCALE: 1/32" = 1' 0"

WINEBARGER VELZYLAND

58-1 MAKANALE STREET PUPUEA HALEIUA HAWAII 96712

7/1/2022
MORELAND

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



1 B/C FLOOR PLAN - MAIN LEVEL

SCALE: 1/8" = 1'-0"

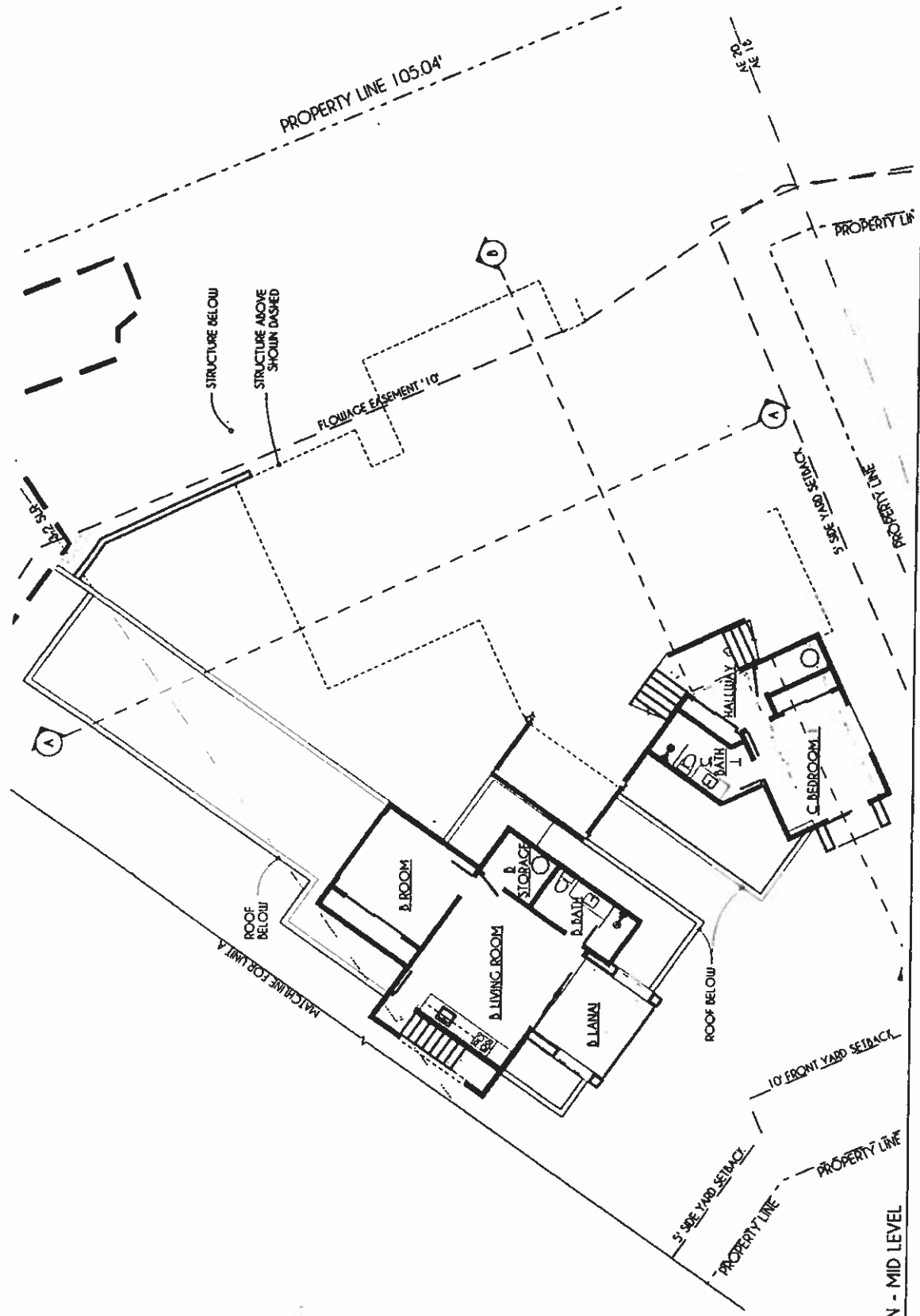
WINEBARGER VELZYLAND

56-1 MACANALE STREET PULEA VALEUA HAWAII 96712

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

7/17/2022

MOORELAND



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

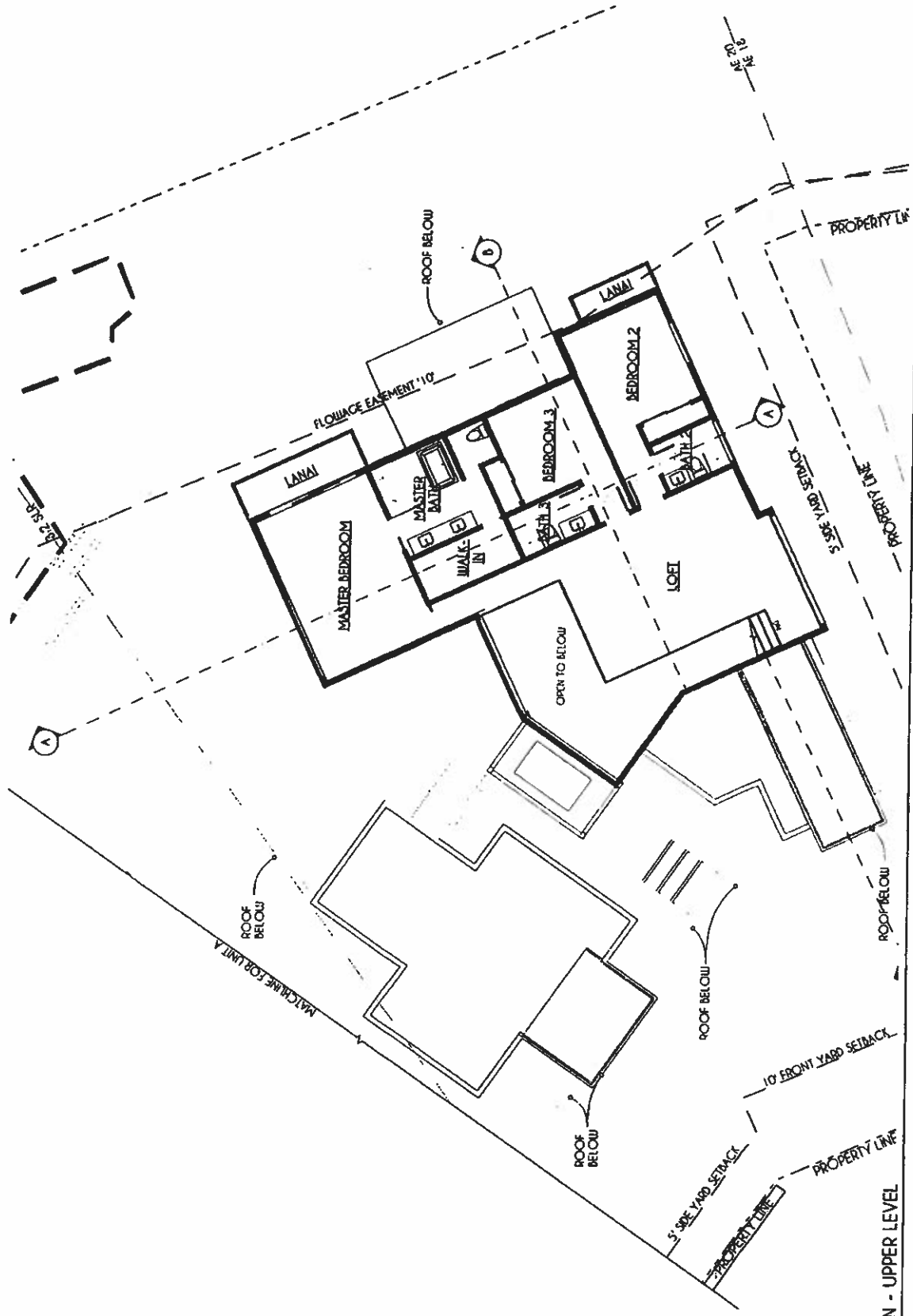
WINEBARGER VELZYLAND

55-1 MAKANALE STREET PUEA VALERIA HAWAII 96712

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

7/1/2022

MORELAND



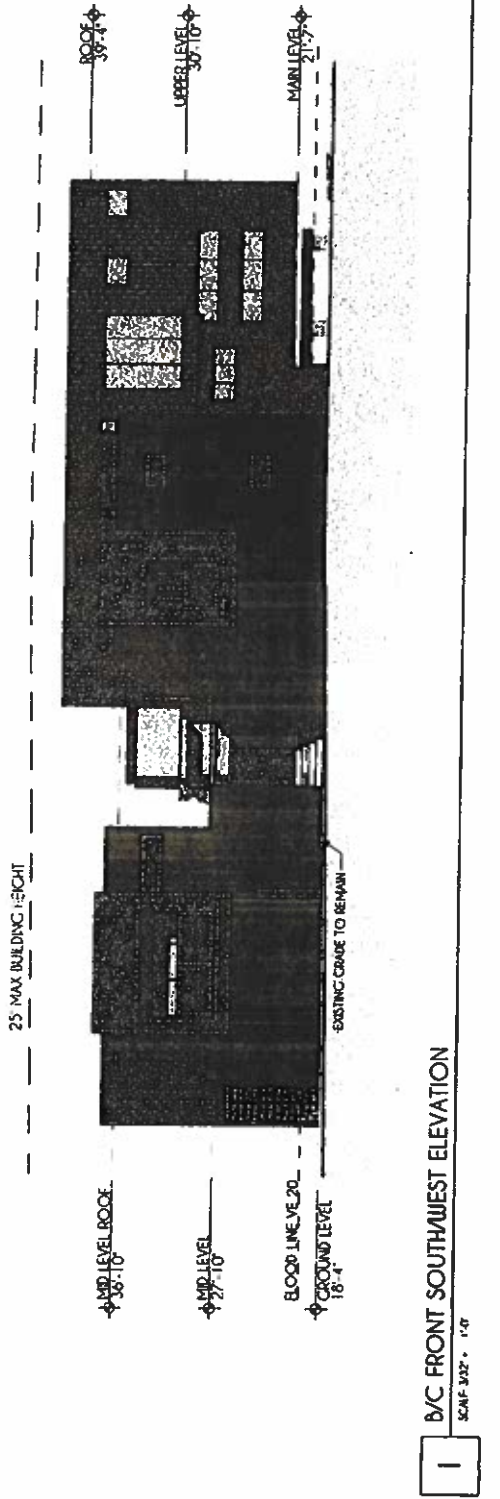
1 B/C FLOOR PLAN - UPPER LEVEL
SCALE: 1/8" = 1'-0"

WINEBARGER VELZYLAND

58-1 MAKANUE STREET PUEHEA HALELEHA HAWAII 96712

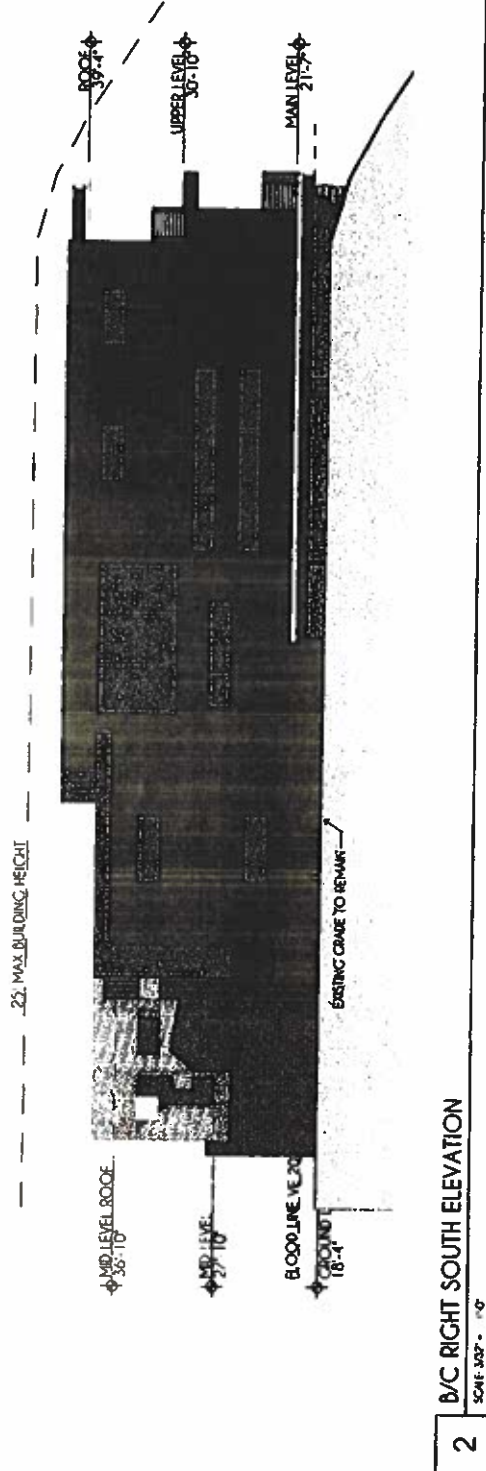
EXHIBIT D-11 - UNITS B AND C - UPPER LEVEL FLOOR PLAN

7/1/2022
MORELAND



1 B/C FRONT SOUTHWEST ELEVATION

SCALE 3/32" = 1'-0"



2 B/C RIGHT SOUTH ELEVATION

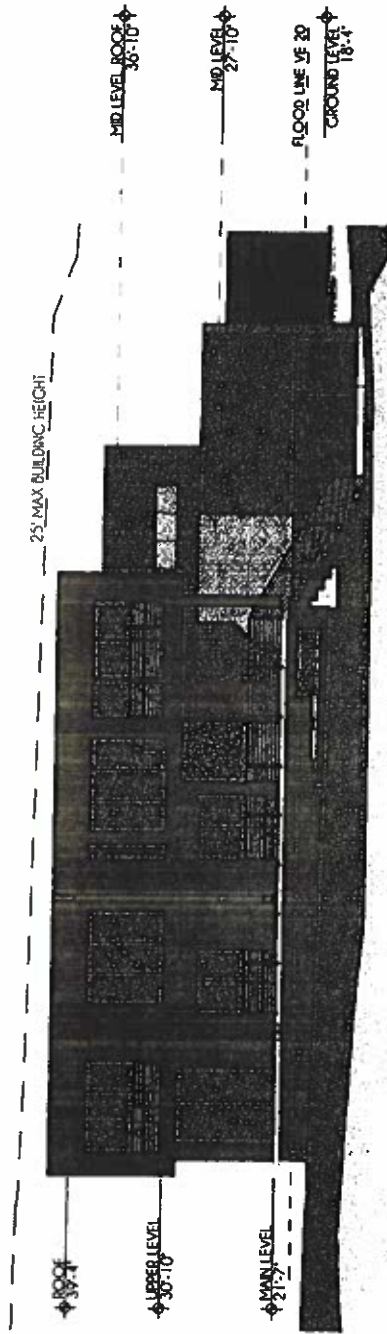
SCALE 3/32" = 1'-0"

WINEBARGER VELZYLAND

58-1 MACANALE STREET PUKUEA HAWAII 96712

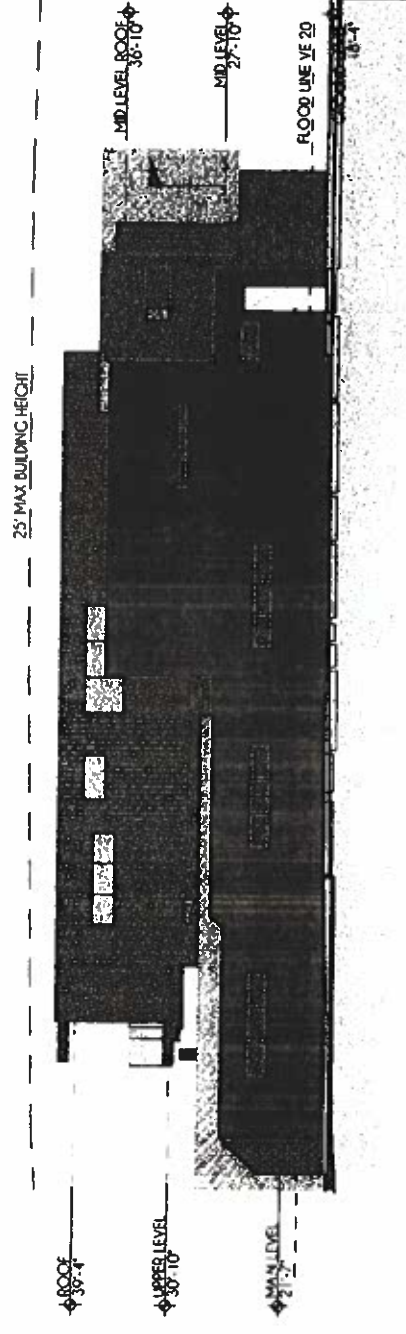
EXHIBIT D-12 - UNITS B AND C - SOUTHWEST AND SOUTH ELEVATIONS

7/1/2022
MORELAND



1 B/C REAR EAST ELEVATION

SCALE 3/32" = 1'-0"



2 B/C LEFT NORTHWEST ELEVATION

SCALE 3/32" = 1'-0"

WINEBARGER VELZYLAND

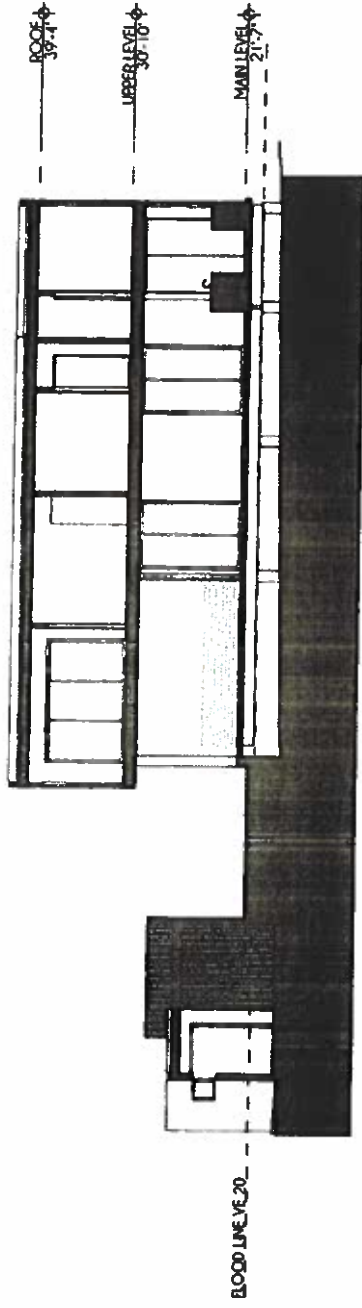
58-1 MAKAHALE STREET PUEHEA HALEKUA HAWAII 96712

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

7/11/2022

MORELAND

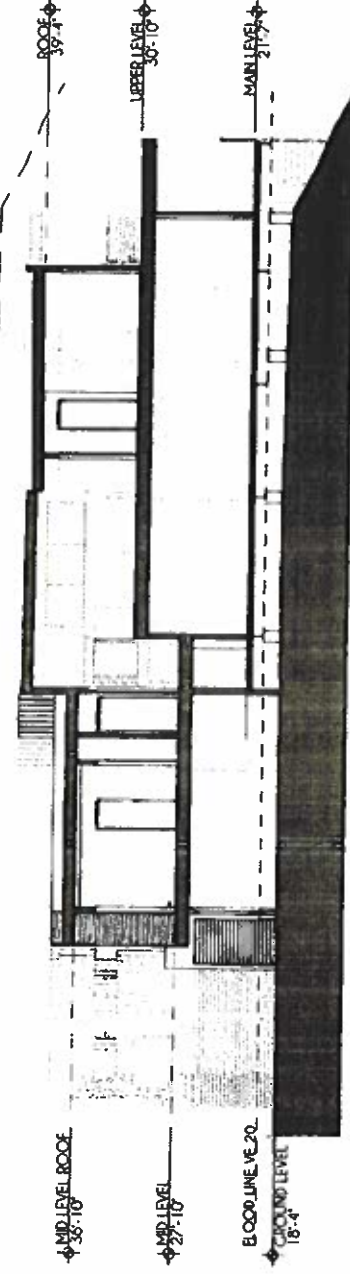
25' MAX BUILDING HEIGHT



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

55-1 MAKAHALE STREET PUKAUA MALEKA HAWAII 96712

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

7/1/2022

MORELAND

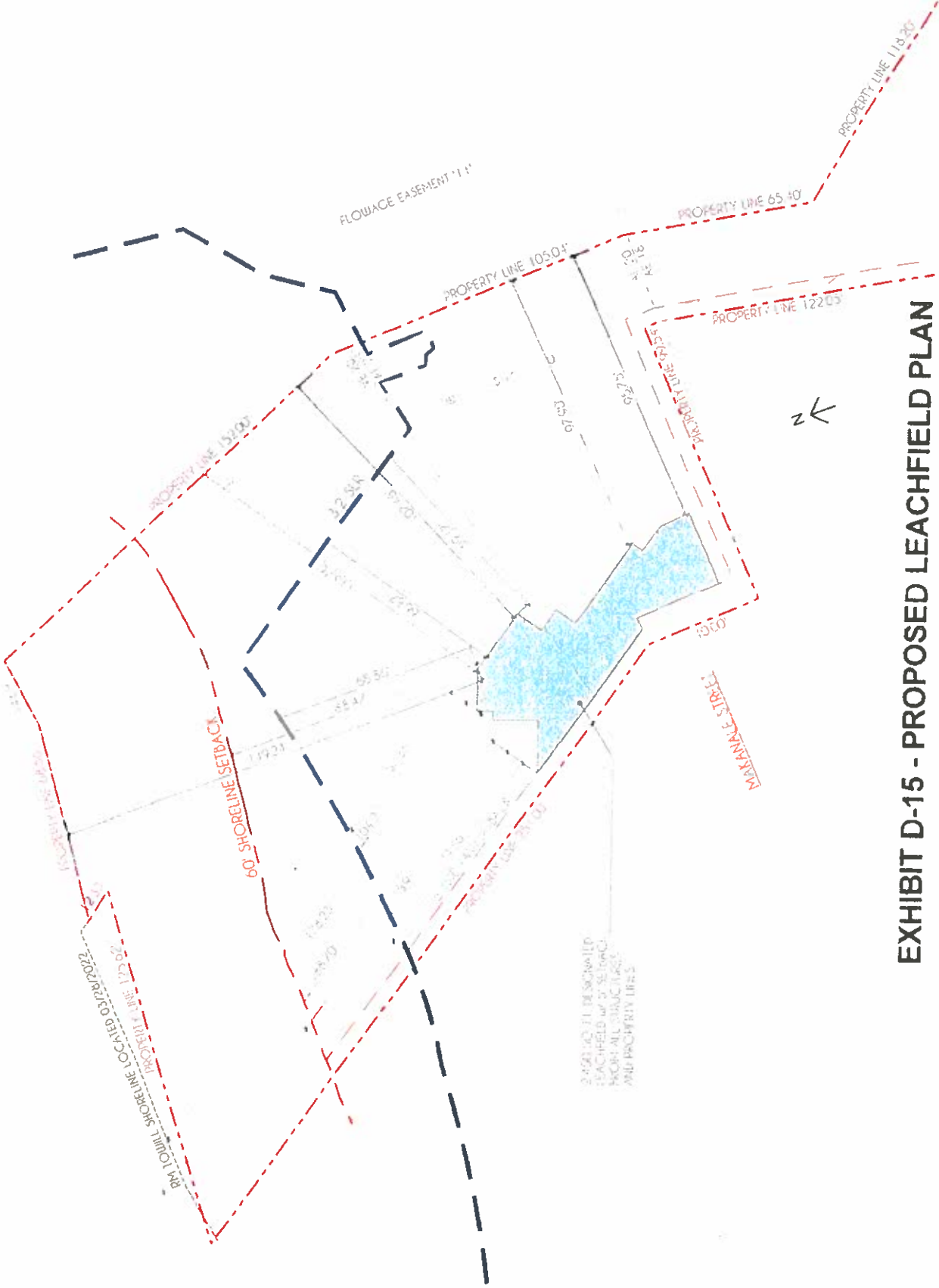


EXHIBIT D-15 - PROPOSED LEACHFIELD PLAN

Shoreline Survey
of Lot 34 (Map 1)
of Land Court Consolidation 211
and Lot 180 (Map 15)
of Land Court Application 1095
At Kaunaloa, Koolauloa, Oahu, Hawaii
Tax Map Key: (1) 5-8-003: 012

This shoreline was determined to meet the
requirements of the Hawaiian Islands
Act, 1960
JUL 2 1960

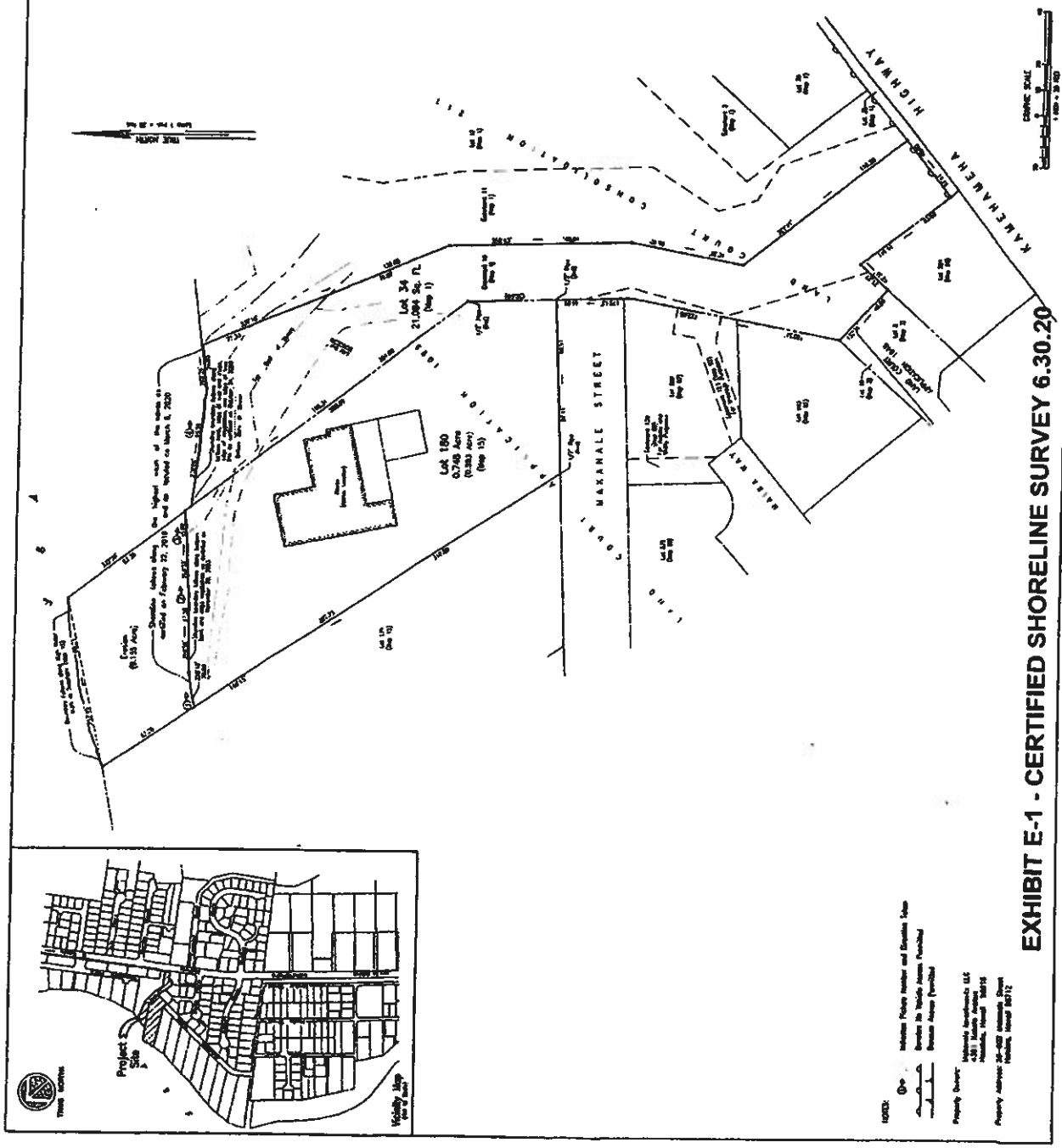
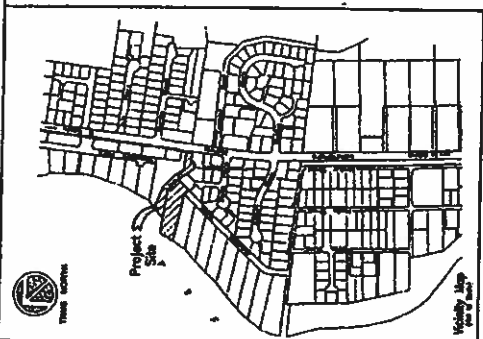
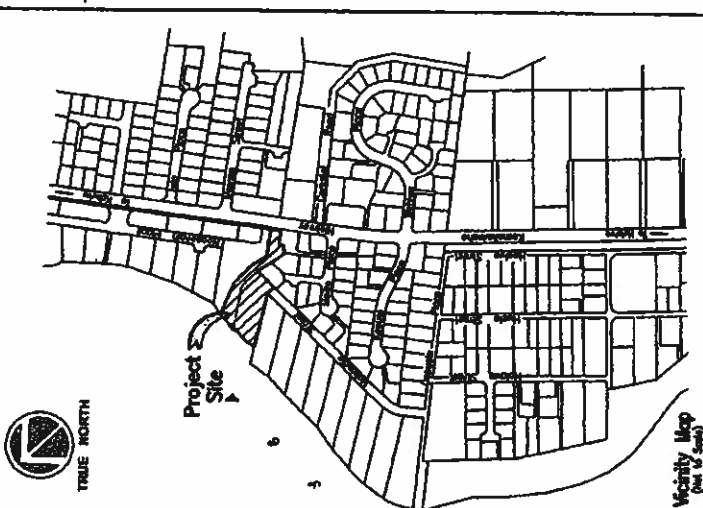
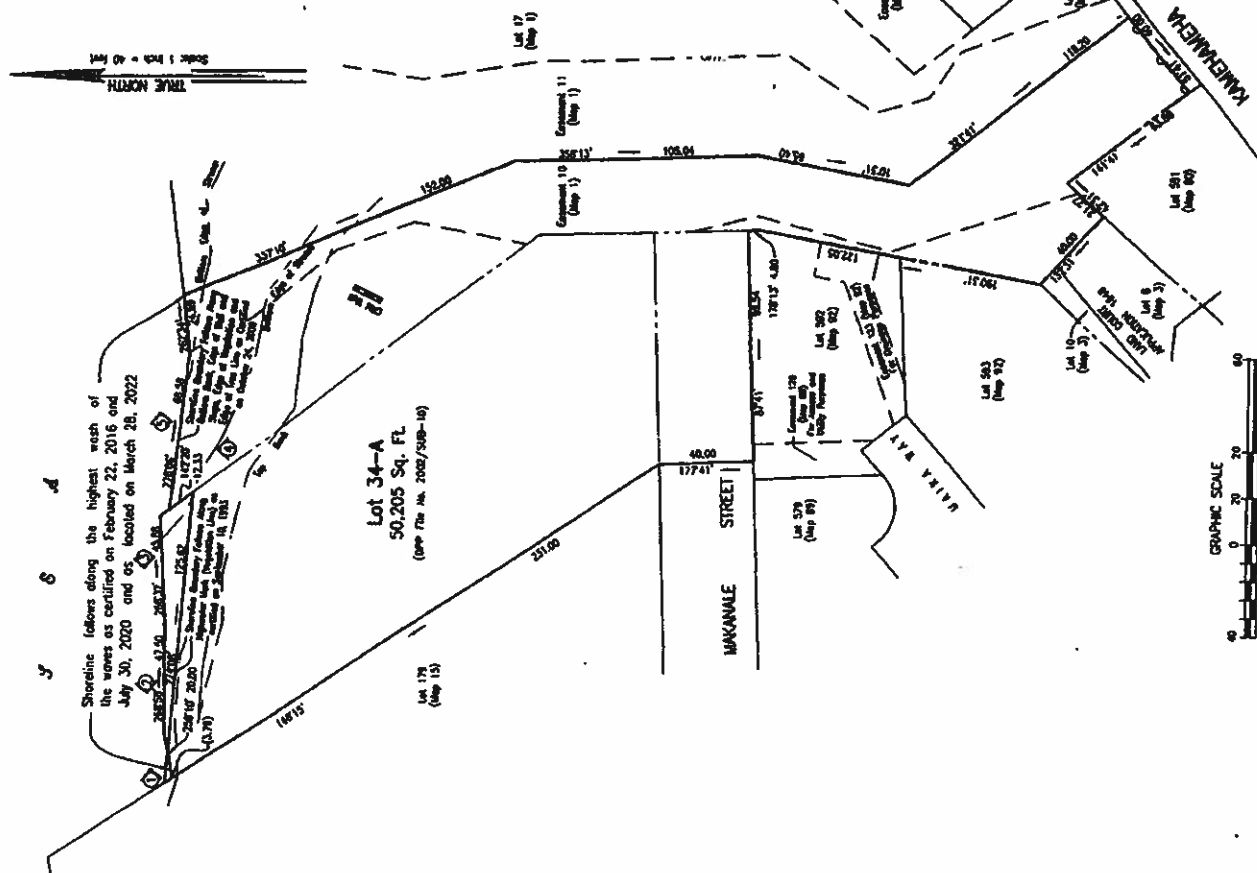


EXHIBIT E-1 - CERTIFIED SHORELINE SURVEY 6.30.20



USGS: Includes Project Number and Elevation Data
Survey to Neighboring Areas (Available)
Survey to Neighboring Areas (Available)
Property Owner:
Hawaiian Development LLC
4331 Kalia Road, Suite 100
Honolulu, Hawaii 96816
Property Address: 24-000 Kalia Road
Honolulu, Hawaii 96816

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
 (2) Denotes No Vehicle Access Permitted
 (3) Denotes Access Permitted
 Property Owners: John R. Winbarger
 Fumie Winbarger
 Property Address: 58-002 Makanaue Street
 Haleiwa, Hawaii 96712



R.M. TOMILL CORPORATION
 This work was prepared by me
 or under my direct supervision
 R.M. Tomill
 Licensed Professional Land Surveyor
 Certificate Number 10089
 State of Hawaii
 Date: April 4, 2022

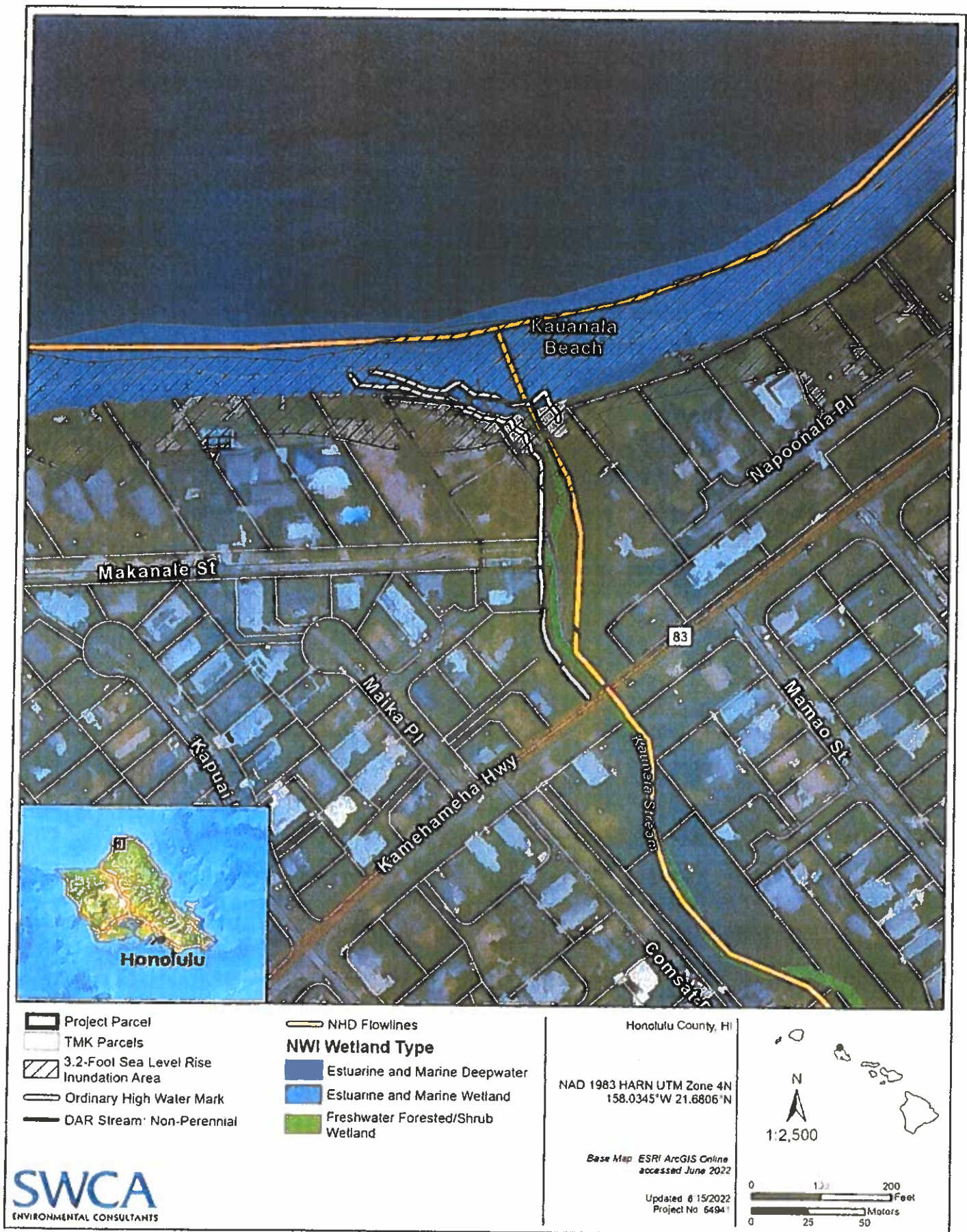


EXHIBIT F - WETLAND DELINEATION MAP

EXHIBIT G - NRCS SOILS MAP



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



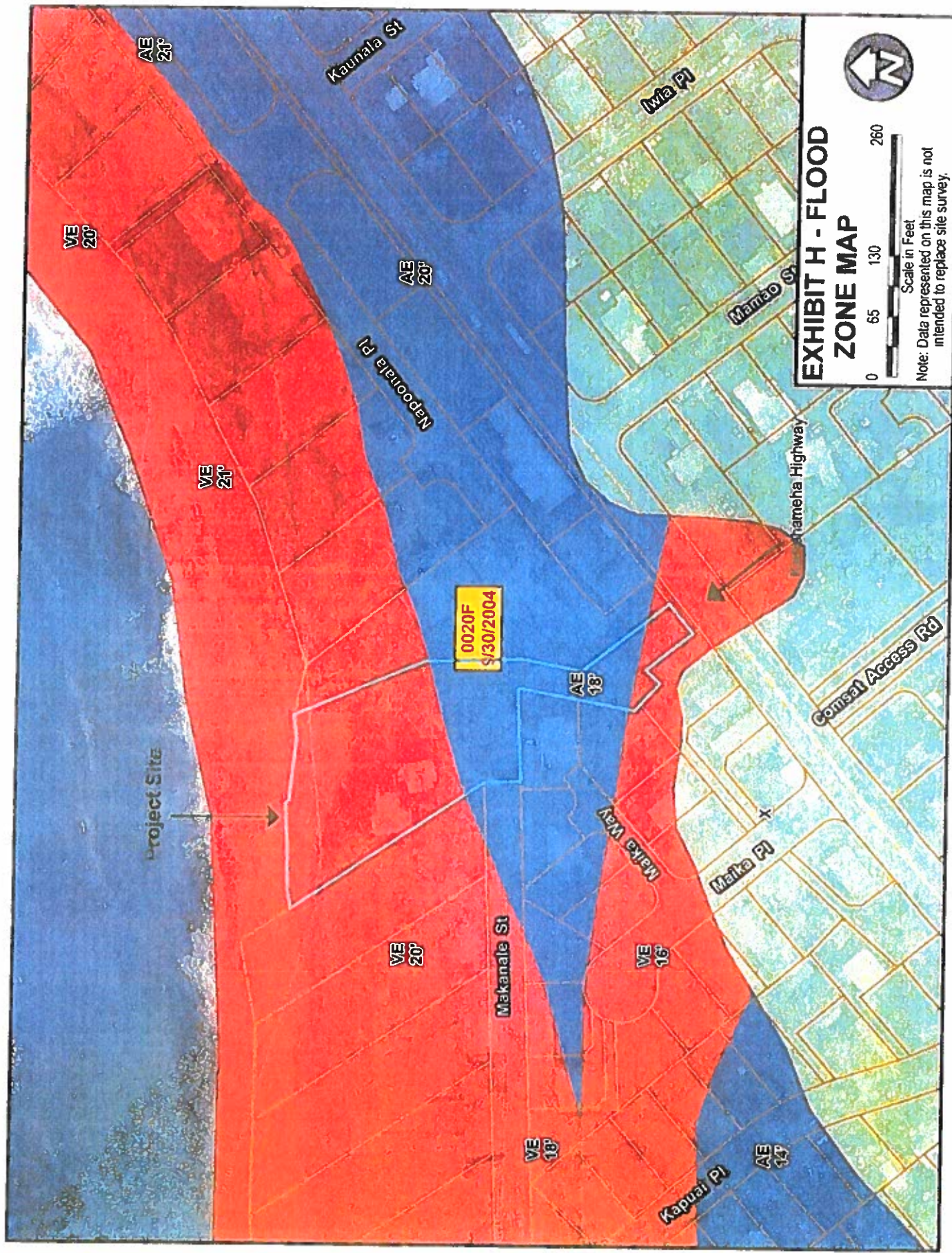


EXHIBIT H - FLOOD ZONE MAP



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



3.2 FEET OF SEA LEVEL RISE BY 2100 - PASSIVE FLOODING

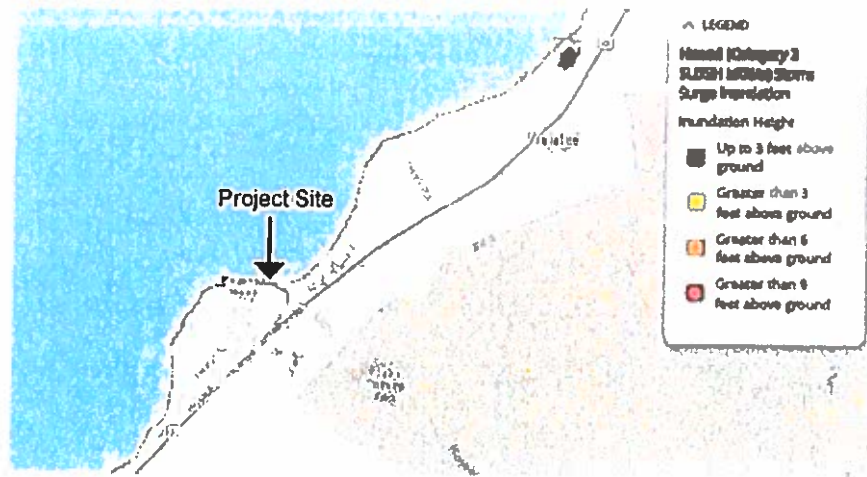


3.2 FEET OF SEA LEVEL RISE BY 2100 - ANNUAL HIGH WAVE FLOODING

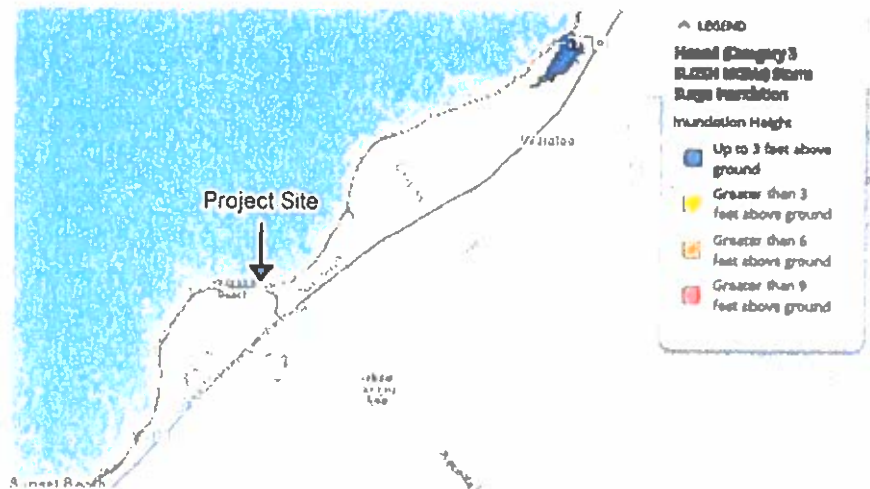


3.2 FEET OF SEA LEVEL RISE BY 2100 - COMBINED WITH COASTAL EROSION LINE

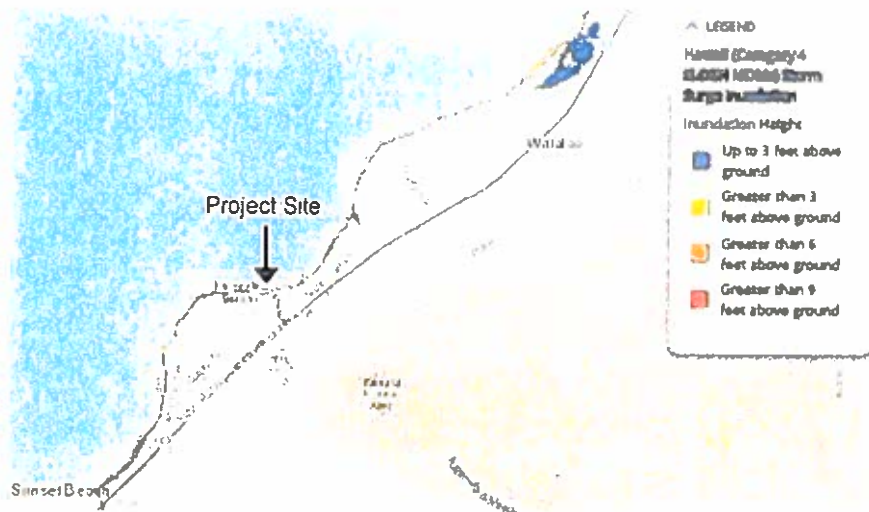
EXHIBIT I - 3.2-FOOT SEA LEVEL RISE EXPOSURE AREA MAPS



Storm Surge Inundation - Category 2 Hurricane



Storm Surge Inundation - Category 3 Hurricane



Storm Surge Inundation - Category 4 Hurricane

EXHIBIT J - HURRICANE STORM SURGE MAPS

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 22-175, CD1

Introduced: 08/01/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: 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.

Voting Legend: * = Aye w/Reservations

| | | |
|----------|-------|--|
| 08/01/22 | INTRO | Introduced. |
| 08/25/22 | ZP | Postponed to a date and time to be determined by the Council Chair. 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY |
| 08/25/22 | ZP | Extension of time reported out for adoption. CR-237 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY |
| 09/07/22 | CCL | Committee report adopted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS |
| 10/20/22 | ZP | Reported out for adoption as amended in CD1 form. CR-288 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY |
| 11/02/22 | CCL | Committee report and Resolution as amended were adopted. 8 AYES: CORDERO*, ELEFANTE, FUKUNAGA*, KIA'ĀINA, SAY, TULBA*, TUPOLA*, WATERS* 1 NO: TSUNEYOSHI |

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER