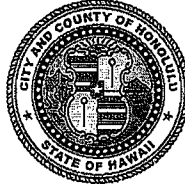


DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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MAYOR



DAWN TAKEUCHI APUNA  
DIRECTOR

JIRO A. SUMADA  
DEPUTY DIRECTOR

April 10, 2023

2023/SMA-3(ZS)

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  
New Single-Family Dwelling  
5699 Kalanianaʻole Highway - Niu  
Tax Map Key 3-7-002: 081

Enclosed for your consideration are the Department of Planning and Permitting's (DPP's) findings and recommendation, draft resolution, and public hearing transcript for the application for a new single-family dwelling.

The DPP recommends approval of the application, subject to the submittal of landscape plans, an increase in pervious paved areas, and standard conditions related to historic and cultural resources, wildlife, and deadlines for obtaining development permits.

Pursuant to Revised Ordinances of Honolulu Chapter 25, as it read prior to the enactment of Ordinance 23-4, 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 Honorable Tommy Waters  
Chair and Presiding Officer  
and Members  
April 10, 2023  
Page 2

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

Very truly yours,



Dawn Takeuchi Apuna  
Director

Enclosures

cc: Planning Solutions, Inc. (James Hayes)

APPROVED:

  
\_\_\_\_\_  
Michael D. Formby  
Managing Director

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

STATE OF Hawai'i

IN THE MATTER OF THE APPLICATION  
OF  
JEAN TRIPIER/JEAN M. ARNOLD TRUST  
FOR A  
SPECIAL MANAGEMENT AREA (SMA)  
USE PERMIT

FILE NO. 2023/SMA-3(ZS)

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND RECOMMENDATION

I. GENERAL INFORMATION

A. Basic Information:

APPLICANT/LANDOWNER:	Jean Tripier/Jean M. Arnold Trust
AGENT:	Planning Solutions, Inc. (James Hayes)
LOCATION:	5699 Kalaniana'ole Highway - Niu (Exhibit A)
TAX MAP KEY:	3-7-002: 081
LOT AREA:	31,728 square feet
ZONING:	R-10 Residential District (Exhibit B)
STATE LAND USE:	Urban District
SUSTAINABLE COMMUNITIES PLAN:	East Honolulu
SURROUNDING LAND USES:	Detached dwellings

- B. Proposal: The Applicant is proposing to demolish an existing 468-square-foot single-family dwelling and construct a new 8,759-square-foot single family dwelling, including a new cabana and/or recreation room (Project) (see Exhibits C through L). The lot is a shoreline lot and the proposed dwelling exceeds 7,500 square feet in floor area, so the Project is considered "development" for purposes of the SMA.

The proposed dwelling will include an interior courtyard with a pool, a two-car garage, a motor court with two parking spaces, six additional open parking spaces along the front property line, and a new hot tub behind the dwelling, about 41 or 42 feet from the regulatory shoreline (see Exhibits F through I). The dwelling will be set back approximately 113 feet from the front property line, five feet from the side property lines, and 30 feet from the rear property line. [Note: The regulatory shoreline is makai of the rear property line.] The proposed dwelling will reach approximately 30 feet in height because the first floor living area must be elevated above the base flood elevation. The height is measured from existing grade and the Applicant proposes a crawl space and five feet of fill over much of the property. Therefore, although the dwelling is proposed to be 30 feet tall, it is designed to have the appearance of a two-story dwelling (see Exhibits J through L). Along with the fill, the Applicant proposes a series of tiered retaining walls.

There is a small shoreline lot immediately makai of the subject property that is owned by the State of Hawai'i. The Applicant holds a 55-year easement over the State parcel, which is developed with a seawall. The regulatory shoreline is located on the State parcel and the shoreline setback extends into the Project site. The rear of the dwelling is approximately 60 feet mauka of the regulatory shoreline (see Exhibits G and M).

## 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	31,728 square feet
Lot Shape	Rectangular
Topography	Flat, with no unique topographical features. The grade of the site is approximately four feet above mean sea level (MSL).
Current Development	A 468-square-foot single-family dwelling on the west portion of the lot (see Exhibit C).
Surrounding Uses	Detached dwellings
Nearest Body of Water	The Pacific Ocean (Maunalua Bay) is 32 feet to the south.
Shoreline	The shoreline follows along the seaward face of the existing seawall and concrete steps, as certified by the Board of Land and Natural Resources on December 22, 2022 (see Exhibit M).



Erosion Rate	According to the Hawai'i Shoreline Study Web Map, there is no determined shoreline erosion rate for the property.
Soils	The site soils are primarily fill land and Jaucas sand in the southwest (makai/'Ewa) corner of the site (see Exhibit D).
Vegetation	Existing vegetation includes palms, a mature Monkeypod tree near the middle of the lot, mature banyan trees in the northeast and southeast corners of the lot, two mature mango trees between the two banyan trees, and a variety of smaller trees and shrubs, as shown on Exhibit C.
Flood Zones	AE (an area subject to inundation by a one percent annual chance flood) with a base flood elevation of nine feet above MSL, and VE (the Coastal High Hazard Area, an area subject to inundation by a one percent annual chance flood due to coastal processes, with additional hazards associated with storm waves), with a base flood elevation of 12 feet above MSL (see Exhibit E).
Sea Level Rise	Based on the State of Hawai'i Sea Level Rise Viewer, the entire property would be inundated by annual high wave flooding under a scenario that envisions 3.2 feet of sea level rise by 2100 or sooner (see Exhibit N).
Tsunami	The property is entirely within the tsunami evacuation zone
Environmental Compliance	An Environmental Assessment and Finding of No Significant Impact was published in <u>The Environmental Notice</u> on November 23, 2022
Other Permits and Approvals	Building and Grading Permits
Agency Comments	Various agencies provided comments on the Environmental Assessment. Comments from the State Historic Preservation Division (SHPD), the United States Fish and Wildlife Service (USFWS), and the State Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) are discussed in this report. On February 14, 2023, the SHPD issued a determination of "no historic properties affected" for the Project.
Neighborhood Board Presentation	The Project was presented to the Kuli'ou'ou-Kalani Iki Neighborhood Board on September 1, 2022.

Public Hearing	A public hearing was held at 10:30 a.m. on Thursday, March 9, 2023 at the 'Āina Haina Public Library. Four members of the public attended, and two provided testimony, neither for nor against the Project.
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### III. ANALYSIS

The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in Revised Ordinances of Honolulu (ROH) Sections 25-3.1 and 25-3.2, as they read prior to the enactment of Ordinance 23-4, as well as Hawai'i Revised Statutes (HRS) Sections 205A-2 and 205A-26.

A.

#### **Recreational Resources**

*Development within the SMA should provide coastal recreational opportunities to the public. Adequate access, by dedication or other means, to beaches, coastal dunes, recreation areas, and natural reserves must be provided to the extent consistent with sound conservation principles. Adequate and properly located public recreation areas and wildlife preserves must be preserved.*

The Project will not impact existing shoreline access, open space, or recreational opportunities for hiking, fishing, or cultural practices. There is no public beach access point in the immediate vicinity, and none of the proposed development will be within the shoreline area or affect lateral access along the shoreline.

B.

#### **Historic and Cultural Resources**

*Development within the SMA should protect, preserve, and restore natural or human-made historical and cultural resources.*

The Project site is in the vicinity of a former fishpond - Niuiki Fishpond - which was filled in for agriculture by 1933 and developed for residential use in 1953. Fill was also placed on the Project site during these redevelopment phases. The Applicant sought HRS Chapter 6E-42 Historic Preservation Review from the SHPD as part of the planning process for the proposed development. On February 14, 2023, the SHPD issued a determination of "no historic properties affected" for the Project. Therefore, no significant impacts to historic resources are anticipated for the overall Project.

Soil types at the Project site are primarily mapped as "fill" with a small area mapped as Jaucas sands. Archaeological resources, including iwi kūpuna, are known to occur in Jaucas sands on O'ahu. Implementation of the Project may reveal previously unknown archaeological or historical resources. Therefore, the

standard "stop work" measure, which specifies that the Applicant must stop work and contact the SHPD immediately if any previously unidentified archaeological sites or remains are encountered, is recommended as a condition of approval.

The Applicant also proposes to alter the site by covering about 60 percent of it with fill. The alterations to the land forms along with appropriate mitigation measures are discussed below.

According to the Environmental Assessment prepared for the Project, cultural practices and resources are not known to occur on the Project site, which has been in private residential use for many decades. The shoreline area in the vicinity of the Project site, but not the site itself, is periodically traversed to access surfing, paddling, and fishing areas. Therefore, upon implementation of the standard "stop work" condition, no significant impacts to cultural resources are anticipated as a result of Project implementation.

C.

#### **Scenic and Open Space Resources**

*Development within the SMA should protect, preserve, and whenever desirable, restore or improve the quality of coastal scenic and open space resources. Alterations to existing land forms and vegetation, other than for the cultivation of coastal dependent crops, must be limited so they result in minimum adverse impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities. Development that is not dependent on the coast is encouraged to locate mauka of the SMA.*

The Project site is flat and does not contain any significant natural land forms but the Applicant is seeking to alter the grade and vegetation of the site with the introduction of about five feet of fill. The majority of Project site soils already consist of fill land based on the 20<sup>th</sup> Century usage of the site for agriculture and residential development. However, the southwest corner consists of Jaucas sand, a soil type that may contain archaeological resources and is associated with coastal dune systems and beach sands.

An engineering report conducted for the Project found that there are underlying fill and lagoonal deposits to a depth of 70 feet; which are susceptible to liquefaction during an earthquake and could result in settlement of four to seven inches. Therefore, the Applicant determined post-and-pier construction is not feasible. Instead, the proposed engineering solution is to place approximately 2,400 cubic yards of additional fill on the site in the general area of the proposed dwelling in order to induce the anticipated settlement. Once the engineers determine sufficient settlement has occurred, the excess fill would be spread around the proposed dwelling area to create an elevated driveway, elevated yards, and associated embankments. A mat foundation will be then proposed to connect structural elements and avoid problems from differential settling.

According to the Applicant's engineering report, this method of construction may minimize the amount of excavation required, which reduces the likelihood that historic or cultural resources will be encountered during construction (see Exhibit F).

The existing grade is approximately four feet above MSL, and all living spaces must be elevated above the base flood elevation of nine feet for the AE Flood Zone. Therefore, the Applicant's proposal will result in the addition of about five feet of fill over approximately 60 percent of the lot, including the corner of the lot with Jaucas sand (see Exhibit D). According to the Applicant's submittal, placement of fill over the mapped Jaucas sand areas is proposed to elevate the back yard and to support a corner of the new dwelling.

The placement of significant quantities of fill onto shoreline lots is strongly discouraged due to the potential for impacts to sensitive coastal zone resources. HRS Section 205A-26(D) specifies that alterations to landforms must have minimum adverse effects to beaches and coastal dunes. Further, as discussed below under Coastal Ecosystems, placement of fill onto shoreline lots poses potential risks to native species and ecosystems. In some cases, the addition of minimum quantities of fill to avoid failure in the event of an earthquake may be reasonable where practicable alternatives do not exist. In the case of the subject property, because of the size, scale, and siting of the proposed development, reasonable and practicable alternatives are available to minimize the potential adverse effects associated with the placement of large quantities of fill on a shoreline lot and on areas underlain by Jaucas sands. This could be accomplished by siting the dwelling further mauka on the lot to avoid the Jaucas sand areas; reducing the size of the proposed development to avoid Jaucas sands areas; or by reconfiguring the design of the proposed development to avoid the need to place fill over Jaucas sands. Implementation of these measures would continue to allow the Applicant to develop a large, detached, single-family dwelling with accessory structures on the subject property, while reducing the potential for adverse impacts to sensitive SMA resources. Therefore, this should be required as a condition of approval.

The 1987 Coastal View Study (Study) designates Kalaniana'ole Highway as a coastal roadway but does not identify continuous or intermittent views along that stretch of roadway. The Study states that, "Due to the heavy traffic along Kalaniana'ole Highway, walls at front property lines are a common theme, creating a 'corridor' effect along the highway." The subject lot is developed with a rock wall fronting the highway, and views of the shoreline are further obstructed by the existing mature trees on the Project site. The proposed fill will similarly be obstructed from view by the rock wall, but some of the existing mature trees will be removed.

The Study states that landscape plantings can help soften the “corridor” effect. Therefore, building and/or construction permit plans should show landscaping along the highway frontage to help soften the highway corridor effect and mitigate adverse impacts on coastal views. This is recommended as a condition of approval.

D.

<b>Coastal Ecosystems</b>
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<i>Development within the SMA should protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes from disruption, and minimize adverse impacts on all coastal ecosystems. Solid and liquid waste treatment and disposition must be managed to minimize adverse impacts on SMA resources.</i>
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The DOFAW provided comments that fill may contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that could harm native species and ecosystems. Further, storm water could carry undesirable contents from the fill into the surrounding ecosystem. As previously discussed, the engineering report provided by the Applicant indicated that, based on its proposed siting and configuration, the addition of fill is necessary for the stability of the dwelling. The majority of the site’s underlying soils have been significantly altered with the addition of up to 70 feet of fill during the 20<sup>th</sup> Century. Therefore, for the purpose of the current proposal, the addition of clean fill should be allowed to increase resiliency against coastal hazards, as discussed further below. However, to mitigate potential impacts to coastal ecosystems, no fill should be allowed in the corner of the lot with Jaucas sands, unless the Applicant can prove that no Jaucas sands, beach sands, or dune and marine sands occur on the site. Further, the Applicant should be required to provide a materials analysis that ensures the use of clean fill prior to importation. These should be required as conditions of approval.

As with all new development, the Applicant must comply with City requirements to manage storm water and contain runoff. The use of best management practices (BMPs), including temporary erosion control measures such as containment berms and barriers, dust screens, and restricted hours, are required. These measures will mitigate impacts to marine and coastal resources. The Applicant is already restricted from placement of any fill within the shoreline setback area without first obtaining approval of a Shoreline Variance. No such application was submitted to the DPP for consideration. Compliance with storm water, erosion, and BMP requirements will be confirmed during the building permit process, so no separate condition of approval is required.

Flora and fauna within the vicinity of the Project site may be impacted, particularly during construction activities. Therefore, conditions of approval

related to flora and fauna must be imposed in order to protect valuable coastal ecosystems, as explained below.

1. Flora: Existing vegetation includes palms, a mature Monkeypod tree near the middle of the lot, mature banyan trees in the northeast and southeast corners of the lot, two mature mango trees between the two banyan trees, and a variety of smaller trees and shrubs, as shown on Exhibit C. Plans for the Project show that both existing banyan trees will remain, but it appears the mango and Monkeypod trees will be removed (see Exhibit G). As discussed below, removal of these trees should occur outside of the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15). Also, as previously discussed, landscaping should be added toward the front of the lot to mitigate impacts of the corridor effect and the impacts related to the loss of mature trees on the property.
2. Fauna: According to USFWS comments on the Environmental Assessment, the following species may occur in the Project area: the Hawaiian hoary bat (endangered), the Hawaiian petrel (endangered), the Newell's shearwater (threatened), the band-rumped storm-petrel (endangered), the Hawaiian stilt (endangered), the Hawaiian coot, the Hawaiian gallinule, and the Hawaiian duck. It is also possible that marine protected Hawaiian monk seals or green sea turtles may be present in the Pacific Ocean waters makai of the site.

Lighting can disorient and harm these animals. To mitigate potential lighting impacts, the Applicant should use full cutoff light fixtures for exterior lighting. The International Dark Sky Association has established lighting standards to mitigate ecological impacts. Their Fixture Seal of Approval program requires that lighting have a correlated color temperature of 3,000 degrees kelvin or lower. These standards should be applied to the Project site.

In summary, to minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and other species that may frequent or traverse the vicinity of the Project site:

- All new and replacement outdoor light fixtures should not exceed a color temperature of 3,000 degrees kelvin;
- Artificial light from exterior light fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, should be 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 light fixtures on the zoning lot should be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture;
- All Project site work and construction activities are limited to daylight hours; and
- Woody plants greater than 15 feet in height should not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season from June 1 through September 15.

These are recommended as conditions of approval, and should be clearly stated under "Environmental Notes" on any development permit plans and building plans for the proposed Project.

Impacts relating to solid and liquid waste are not anticipated. Solid waste collection will continue to be provided by the City and County's Department of Environmental Services. The dwelling will be connected to the municipal sewer system to handle liquid waste. Management of waste related to the demolition of the existing structure on the site will be handled through the demolition permit. Therefore, no further conditions of approval related to solid and liquid waste are recommended.

E.

<b>Economic Uses</b>
<p><i>Development within the SMA should consist of facilities and improvements important to the State's economy, and ensure that coastal-dependent development and coastal-related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts within the SMA.</i></p>

The Project is unlikely to measurably impact the local economy, in that it consists of the construction of a single-family dwelling on a lot zoned for residential use. Therefore, the Project is not anticipated to result in a change to the State's economy. Nevertheless, the State of Hawai'i Sea Level Rise Viewer indicates there is potential economic loss related to as little as half a foot of sea level rise in this area. As such, it is particularly important that the dwelling is being designed and constructed to minimize coastal hazard exposure, as discussed further under Scenic and Open Space Resources and Coastal Hazards.

F.

<b>Coastal Hazards</b>
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<i>Development within the SMA should reduce impacts of coastal hazards on life and property, and must be designed to minimize impacts from landslides, erosion, sea level rise, siltation, or failure in the event of earthquake.</i>
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1. Flooding: The majority of the Project site is within Flood Zone AE (an area subject to inundation by a one percent annual chance flood) with a base flood elevation of nine feet above MSL, and the makai portion appears to be within Flood Zone VE (the Coastal High Hazard Area, an area subject to inundation by a one percent annual chance flood due to coastal processes, with additional hazards associated with storm waves), with a base flood elevation of 12 feet above MSL (see Exhibit E). The Project will be reviewed for compliance with the flood hazard area requirements of ROH Chapter 21A during the construction plan and building permit processes. The Applicant is responsible for ensuring the proposed fill, retaining walls, and hot tub at the rear of the property fully comply with flood hazard requirements, and that no fill is proposed or located within Flood Zone VE or within the shoreline setback area.

The amount of impervious surface on the site will increase due to the new structures and paved areas on the lot (see Exhibits G and H). Driveways and parking spaces must be maintained with an all-weather surface. An increase of roofed areas and impervious surfaces on site may diminish the effectiveness of the site's natural storm water infiltration. Therefore, to mitigate and minimize flood hazards, the building and construction permit plans should show that any new paved area, apart from the proposed mat foundation areas, will be paved with cellular grass pavers, pervious pavers, or other pervious pavement in order to allow storm water infiltration. This is recommended as a condition of approval.

2. Sea Level Rise (SRL): According to the State of Hawai'i SRL Viewer, much of the lot will be affected by annual high wave flooding under a scenario envisioning two feet of SLR and the entire lot will be inundated with 3.2 feet of SLR. In addition, most of the site will be impacted by passive flooding with 3.2 feet of SLR. Given this, there is no area where the dwelling could be placed or relocated outside of the SLR exposure area. Mitigation measures and conditions to ensure long term resiliency of the dwelling have been discussed throughout this report. Therefore, no further conditions of approval are recommended.
3. Tsunami: The Project site is within the tsunami evacuation zone, and could be affected by a tsunami. In such an event, early warning systems are in place to encourage evacuation to the safe zone.



4. Earthquake: As discussed in Section B above, the underlying fill and lagoonal deposits are susceptible to liquefaction during an earthquake event, which could result in settlement of four to seven inches. An engineering analysis recommends the proposed construction method of inducing settlement with fill, then using a mat foundation to avoid problems from differential settling.

G.

<b>Managed Development and Public Participation</b>
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<i>The development review process should stimulate public awareness, education, and participation in coastal management.</i>
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The public was made aware of the Project and was given the opportunity to review and comment during the Environmental Assessment phase and during the processing of the SMA Permit.

The Applicant presented the Project to the Kuli'ou'ou-Kalani Iki Neighborhood Board on September 1, 2022. The meeting minutes show that the only inquiry had to do with the number of proposed structures, and whether commercial structures were being proposed.

A public hearing was held at 10:30 a.m. on Thursday, March 9, 2023 at the 'Āina Haina Public Library. Notices of the application and public hearing were published in the Honolulu Star-Advertiser and sent to neighbors within 300 feet of the subject property, various public agencies, elected officials for the area, and other interested parties. Four members of the public attended, and two provided testimony, including one neighbor. Neither testimony was in support of or opposition to the proposed Project. A transcript of the public hearing has been transmitted with this report and recommendation.

Additional opportunities for public input will be available during City Council hearings. No related conditions of approval are recommended.

H.

<b>Beach and Coastal Dune Protection</b>
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<i>Development within the SMA should facilitate beach management and protection by safeguarding beaches and coastal dunes for public use and recreation, the benefit of ecosystems, and use as natural buffers against coastal hazards. New structures should be located mauka of the shoreline setback line to conserve open space, minimize interference with natural shoreline processes, and minimize the loss of improvements due to erosion.</i>
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As previously discussed, the Project site has already been significantly modified with fill during multiple phases of historical development. The portion of the site that consists of Jaucas sand is identified as an area with dunes and marine

sands by the US Department of Agriculture Natural Resources Conservation Service, and the entire property consists of surface beach deposits according to the US Geological Survey Geologic Map of the State of Hawai'i. As previously recommended, the proposed fill should be eliminated from this area for the benefit of the ecosystem.

The proposed work will be just outside of the shoreline setback area with the proposed hot tub about 41 or 42 feet from the regulatory shoreline and the rear of the dwelling about 60 feet from the shoreline. Provided the proposed fill over Jaucas sands is removed and the other recommended conditions of approval are complied with, the construction of a new dwelling unit in a largely developed residential neighborhood is unlikely to have substantial adverse impacts on the beach or coastal dunes.

I.

<b>Marine and Coastal Resources</b>
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<i>Development within the SMA should promote the protection, use, and development of marine and coastal resources to ensure that these resources are ecologically and environmentally sound and economically beneficial. Impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities resulting from the construction of structures must be minimized. Development within wetland areas should be limited to activities that are dependent on or enhance wetlands, or are otherwise approved by appropriate State and federal agencies.</i>
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The Pacific Ocean (Maunalua Bay) is 32 feet to the south of the Project site. The Project does not involve the dredging, filling, or alteration of any body of water, or development within a wetland. There is a small shoreline lot immediately makai of the subject property that is owned by the State of Hawai'i. The Applicant holds a 55-year easement over the State parcel, which is developed with a seawall. None of the proposed development will occur within 40 feet of the shoreline. Impacts to nearshore waters will be mitigated through the recommended conditions of approval and City storm water and BMP requirements, described above.

J.

<b>Cumulative Impact or Significant Effect and Compelling Public Interest</b>
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<i>Development within the SMA should not have any cumulative impact or significant effect, unless minimized to the extent practicable and clearly outweighed by public health, safety, or other compelling public interest.</i>
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Based on the whole of the above analysis, the Project, subject to the recommended conditions of approval, will not have substantial adverse cumulative impacts, resulting from incremental impacts of the proposed

development when added to other past, present, and reasonably foreseeable future actions or developments.

K.

<b>Consistency with Plans and Regulations</b>
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<i>Development within the SMA must be consistent with the general plan, development plans, sustainable communities plans, and zoning ordinances; provided that a finding of inconsistency does not preclude concurrent processing of amendments to applicable plans or a zone change.</i>
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The proposal is generally consistent with the applicable plans and regulations, as detailed below.

1. O'ahu General Plan: Objective E of Subject Area VII (Physical Development and Urban Design) is to maintain those development characteristics in the urban-fringe and rural areas which make them desirable places to live. This Project is consistent with the residential characteristic of the area, and therefore supports this objective.
2. East Honolulu Sustainable Communities Plan (SCP): The East Honolulu SCP Land Use Map designates the Project area for residential and low-density apartment development. The residential planning guidelines of Section 3.5.3 include enhancing the boundaries of existing neighborhoods through the use of landscaping, and also include employing low-impact development, such as permeable driveways. As discussed earlier, any new paved area, apart from the proposed mat foundation areas, should be paved with cellular grass pavers, pervious pavers, or other pervious pavement in order to allow storm water infiltration. Building and/or construction permit plans should include landscaping along the highway frontage to help soften the highway "corridor" effect, and should show that native and drought resistant plants are used to the extent practicable. With these conditions, the proposal is consistent with the East Honolulu SCP.

Section 3.5.3.1 states that residential dwellings generally do not exceed two stories. The proposed dwelling is two stories and is able to reach 30 feet in height because its lowest habitable floor is required to be elevated to or above the base flood elevation (see Exhibits F through L). Therefore, the design is generally consistent with the East Honolulu SCP.

3. Land Use Ordinance (LUO): The Project is subject to the development standards of the R-10 Residential District. As previously mentioned, the height of the structure is designed to comply with the LUO. Pursuant to LUO Section 21-9.10(b), the dwelling is allowed to exceed the Residential District 25-foot height limit by a maximum of five feet to allow the lowest

floor to be elevated up to, or above the base flood elevation. Therefore, the 30-foot-high structure complies with the LUO standard. The proposed cabana and/or recreation room constitutes a lodging unit (an independent living unit which does not contain a kitchen), and is not permitted within the R-10 Residential District. The Applicant has indicated that the room be for recreation, not lodging. Compliance with this and all other LUO provisions will be verified during the building permit process.

#### IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of ROH Sections 25-3.1 and 25-3.2, as they read prior to the enactment of Ordinance 23-4, and HRS Sections 205A-2 and 205A-26, and was found to be consistent with established SMA objectives, policies, and guidelines, subject to the conditions below. The proposed Project, subject to the conditions below, will not have any significant adverse environmental or ecological effect, except for situations in which the adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or a compelling public interest.

#### 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 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 N, enclosed hereto and incorporated herein by this reference. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapter 25, HRS Chapter 205A, or both, and will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution, upon review and approval of the Director of the DPP.
- B. 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 must stop work and contact the SHPD immediately. Work in the immediate area must stop until the SHPD assesses the impact and makes further recommendations for mitigative activity. This requirement must be clearly stated under "Environmental Notes" on any development permit plans and building plans involving earth-moving for the proposed Project.

- C. The Applicant may not import or otherwise place offsite fill into areas with designated Jaucas sands or the shoreline setback area. Minor changes to the site plan required to remove the fill and reorient or redesign that portion of the dwelling unit are allowed provided the changes do not have a significant impact on coastal zone resources. Building and/or construction permit plans must show areas consisting of Jaucas sands and the shoreline setback line.
- D. The Applicant must provide a materials analysis for review and approval by the DPP prior to the issuance of construction plans and building permits. The analysis must show that the materials involve clean fill and will not adversely impact SMA resources. The analysis must also provide a timeline for a post-construction survey to detect invasive species that may spread from the fill material.
- E. Building and/or construction permit plans must show:
  - 1. Landscaping along the highway frontage to help soften the highway "corridor" effect; and
  - 2. That any new paved area, apart from the proposed mat foundation areas, will be paved with cellular grass pavers, pervious pavers, or other pervious pavement in order to allow storm water infiltration.
- F. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and other species that may frequent or traverse the vicinity of the Project site:
  - 1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;
  - 2. Artificial light from exterior light fixtures on the zoning lot, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is 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);
  - 3. Exterior light fixtures on the zoning lot must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture;
  - 4. All Project site work and construction activities are limited to daylight hours; and

5. Woody plants greater than 15 feet in height may not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season from June 1 through September 15.

These requirements must be clearly stated under "Environmental Notes" on any development permit plans and building plans for the proposed Project.

- G. **The Applicant must obtain a development permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a development permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows:

1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period cannot be extended by the Director beyond one year from the initial deadline set by City Council.
2. If the Applicant demonstrates good cause for an extension exceeding one year, the Director must prepare and submit to the Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

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

- a. Sixty days after the receipt of the Director's report; or
- b. The Applicant's then-existing deadline for obtaining a development permit,

The extension will be deemed to be denied.

- H. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25, and its approval does not constitute compliance with other governmental requirements. The Applicant is responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable governmental provisions and requirements, including the provisions of the LUO.

Dated at Honolulu, Hawai'i, on this 10th day of April, 2023.

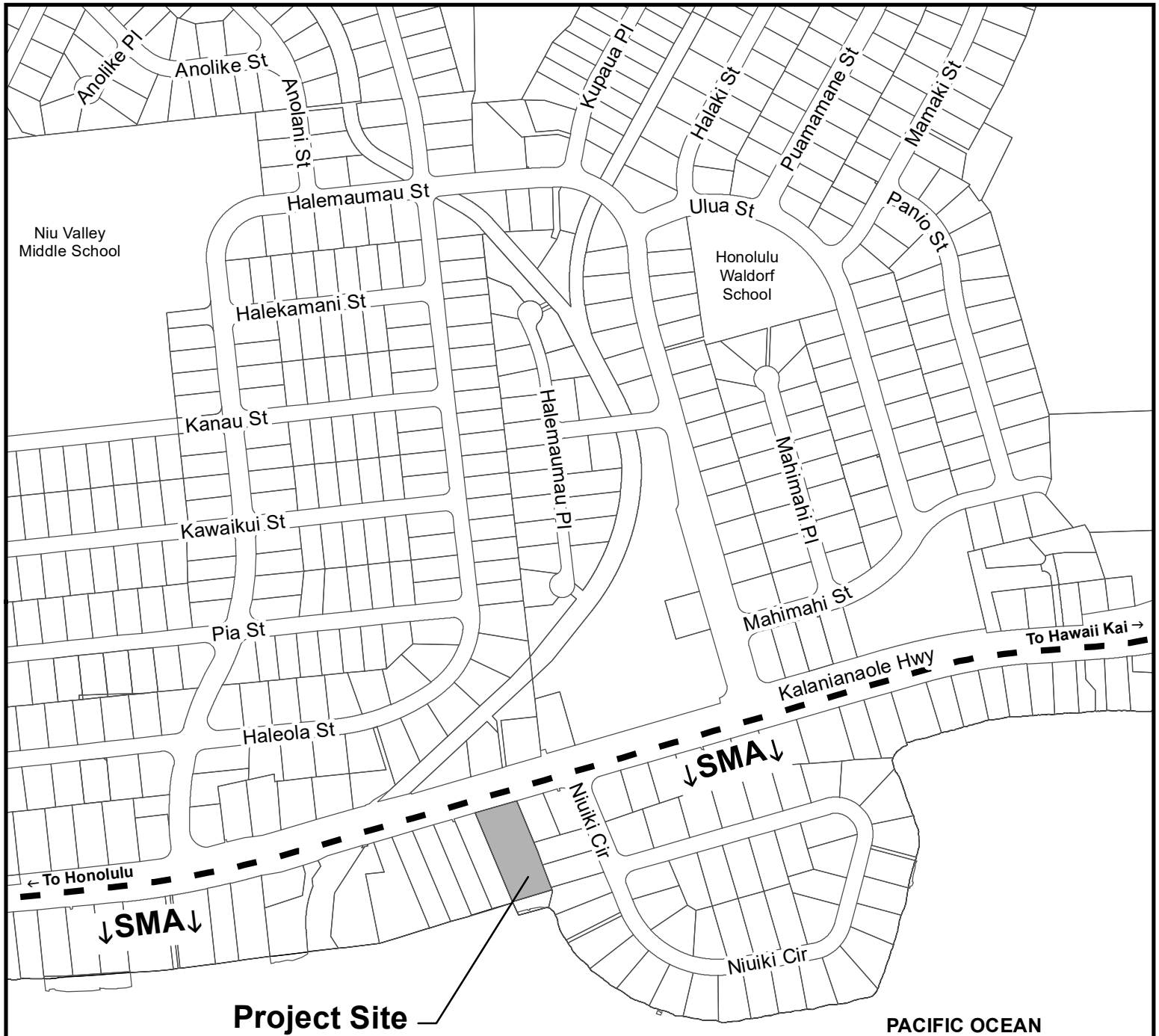
Department of Planning and Permitting  
City and County of Honolulu  
State of Hawai'i

By



Dawn Takeuchi Apuna  
Director

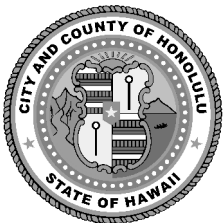
Enclosures: Exhibits A through N



## Legend

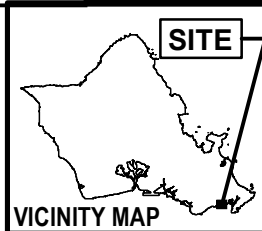
↑SMA↑ Within Special Management Area

# Exhibit A



0 200 400 800

Scale in Feet

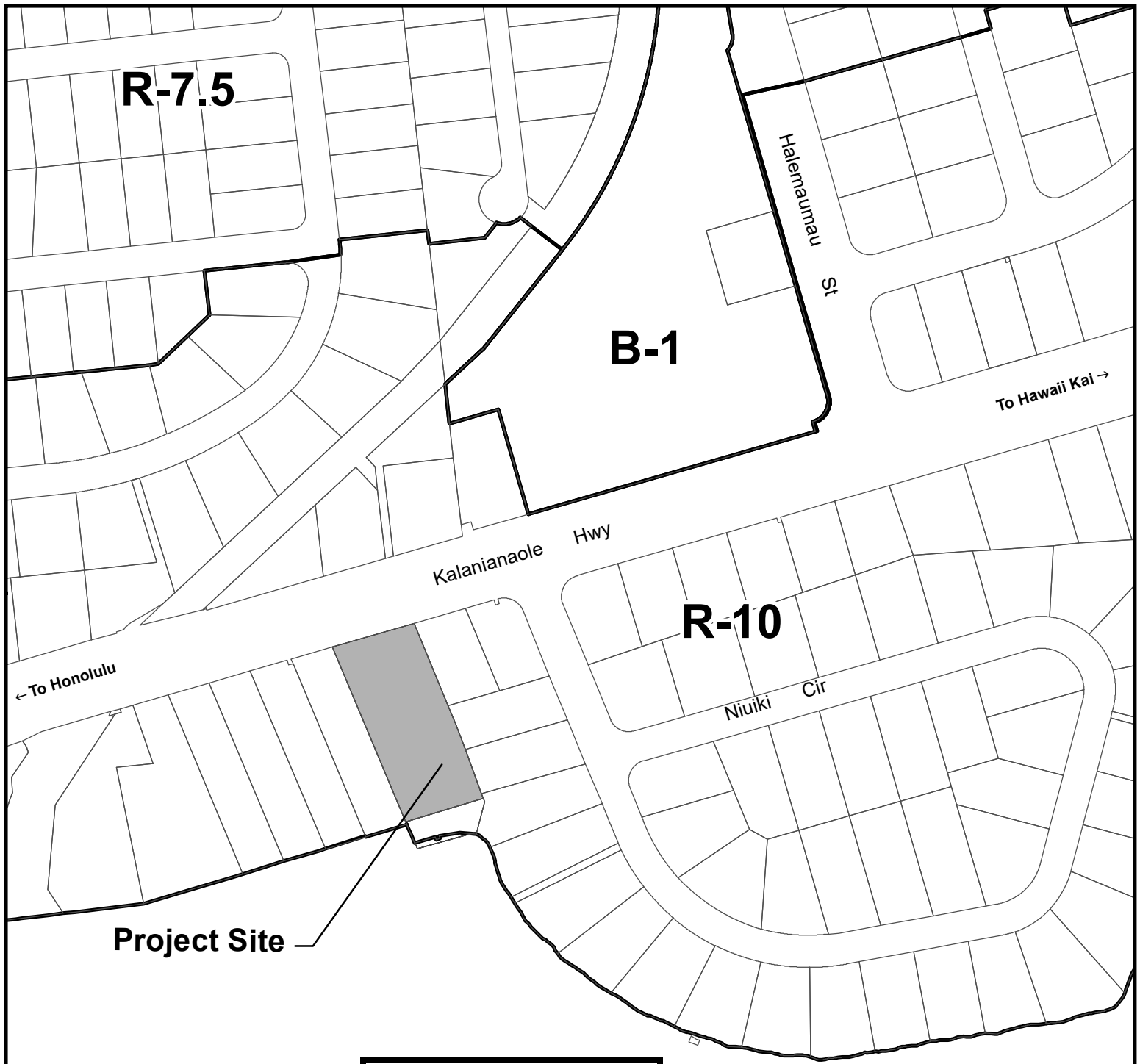


## LOCATION MAP WITH SMA NIU VALLEY

TAX MAP KEY: 3-7-002:081

FOLDER NO.: 2023/SMA-3



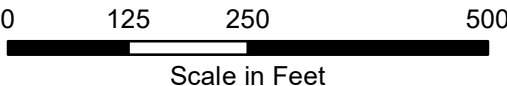
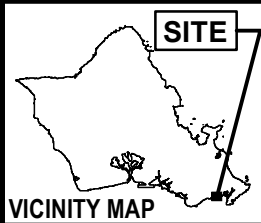
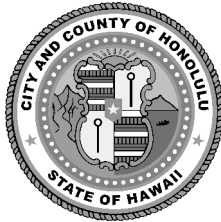


# Exhibit B

## Legend

 Zoning District Boundary

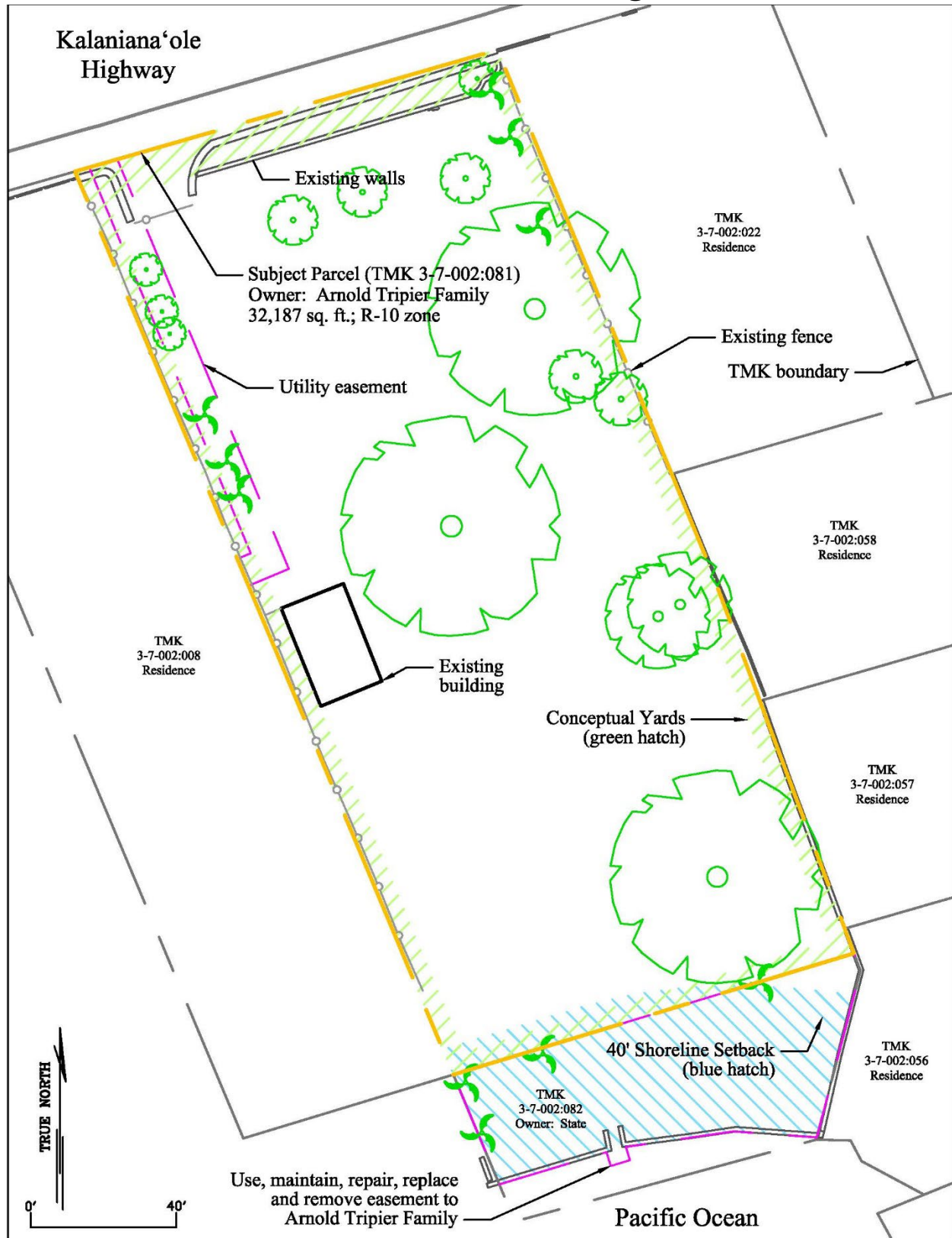
PACIFIC OCEAN



## PORTION OF EXISTING ZONING MAP KAHALA - KULIOUOU

TAX MAP KEY: 3-7-002:081  
FOLDER NO.: 2023/SMA-3

## Attachment 4. Site Plan – Existing Conditions



Source: PSI

# Exhibit C



SOIL TYPE LINE WITH PROPOSED DEVELOPMENT  
Arnold-Tripier Residence

# Exhibit E



## Flood Hazard Assessment Report

www.hawaiiinfip.org

### Property Information

COUNTY: HONOLULU  
 TMK NO: (1) 3-7-002:081  
 WATERSHED: NIU  
 PARCEL ADDRESS: 5699 KALANIANA'OLE HWY  
 HONOLULU, HI 96821

### Notes:

### Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL: 15003C0389G  
 PANEL EFFECTIVE DATE: JANUARY 19, 2011

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES  
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO  
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



*Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.*

*If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.*

### FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	<b>Zone A:</b> No BFE determined.
	<b>Zone AE:</b> BFE determined.
	<b>Zone AH:</b> Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	<b>Zone AO:</b> Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	<b>Zone V:</b> Coastal flood zone with velocity hazard (wave action); no BFE determined.
	<b>Zone VE:</b> Coastal flood zone with velocity hazard (wave action); BFE determined.
	<b>Zone AEF:</b> Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

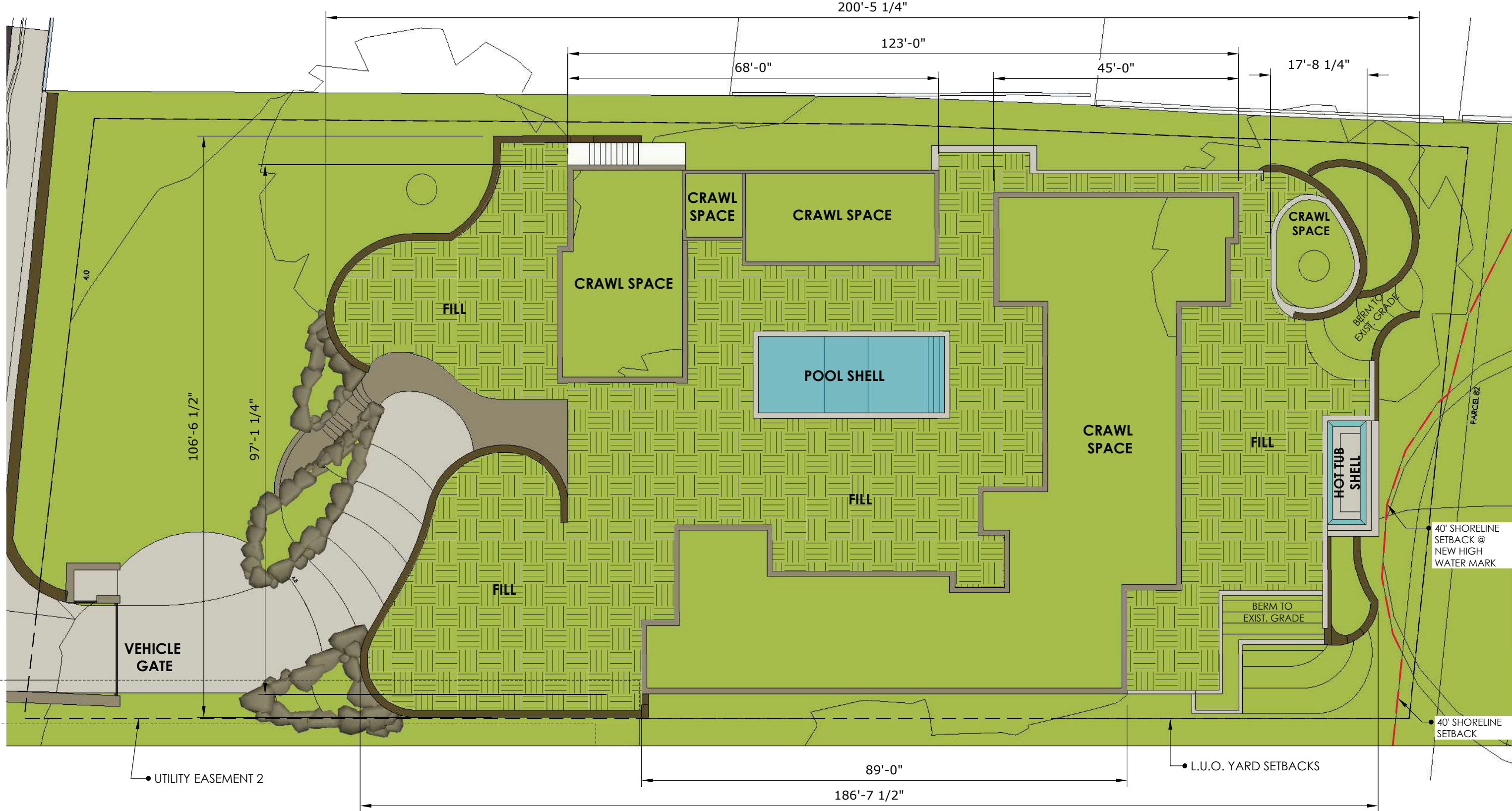
**NON-SPECIAL FLOOD HAZARD AREA** - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	<b>Zone XS (X shaded):</b> Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	<b>Zone X:</b> Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

	<b>Zone D:</b> Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
--	---





# Exhibit F

## FOUNDATION PLAN - OVERALL

**ARNOLD-TRIPPIER RESIDENCE**  
5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081



DATE	DECEMBER 13, 2022
SCALE	1/16" = 1'-0"



FLOOR AREA CALCULATIONS

<b>MAIN HOUSE</b>		<b>POOL CABANA</b>		UNCOVERED EXTERIOR	
MAIN FLOOR INT. LIVING	4,504 SF	MAIN FLOOR INT. LIVING	792 SF	WOOD DECK	412 SF
UPPER FLOOR INT. LIVING	1,626 SF	LOFT INT. LIVING	402 SF	UPPER DECK	122 SF
TOTAL MAIN HOUSE INT.	6,130 SF	TOTAL CABANA INT.	1,194 SF		
COVERED EXTERIOR		COVERED EXTERIOR		GARAGE	
COURTYARD ENTRY GATE	122 SF	CABANA LANAI	302 SF	POOL	915 SF
POOL EQUIPMENT AREA	105 SF	<b>TOTAL CABANA INT. &amp; EXT.</b>		HOT TUB	576 SF
MUDROOM PORCH	135 SF				230 SF
COVERED LANAI	771 SF				
<b>TOTAL MAIN HOUSE INT. &amp; EXT.</b>	<b>7,263 SF</b>	<b>TOTAL MAIN HOUSE</b>			
		<b>&amp; CABANA FLOOR AREA</b>	<b>8,759 SF</b>		

Exhibit G



OVERALL SITE & ROOF PLAN

DATE	DECEMBER 13, 2022
SCALE	1" = 20'

ARNOLD-TRIPPIER RESIDENCE  
5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081







# Exhibit H

## OVERALL MAIN FLOOR PLAN

**ARNOLD-TRIPRIER RESIDENCE**  
5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081

DATE	DECEMBER 13, 2022
SCALE	3/32" = 1'-0"

0' 5' 10' 20'

**GLAI**  
Geoffrey Lewis Architect, Inc.



# Exhibit I

## OVERALL UPPER FLOOR PLAN & LOWER ROOF PLAN

**ARNOLD-TRIPPIER RESIDENCE**  
5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081

0' 5' 10' 20'

**GLAI**  
Geoffrey Lewis Architect, Inc.

DATE	DECEMBER 13, 2022
SCALE	3/32" = 1'-0"





KALANIANAʻOLE HWY (NORTH) ELEVATION



NORTH ELEVATION

# Exhibit J

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

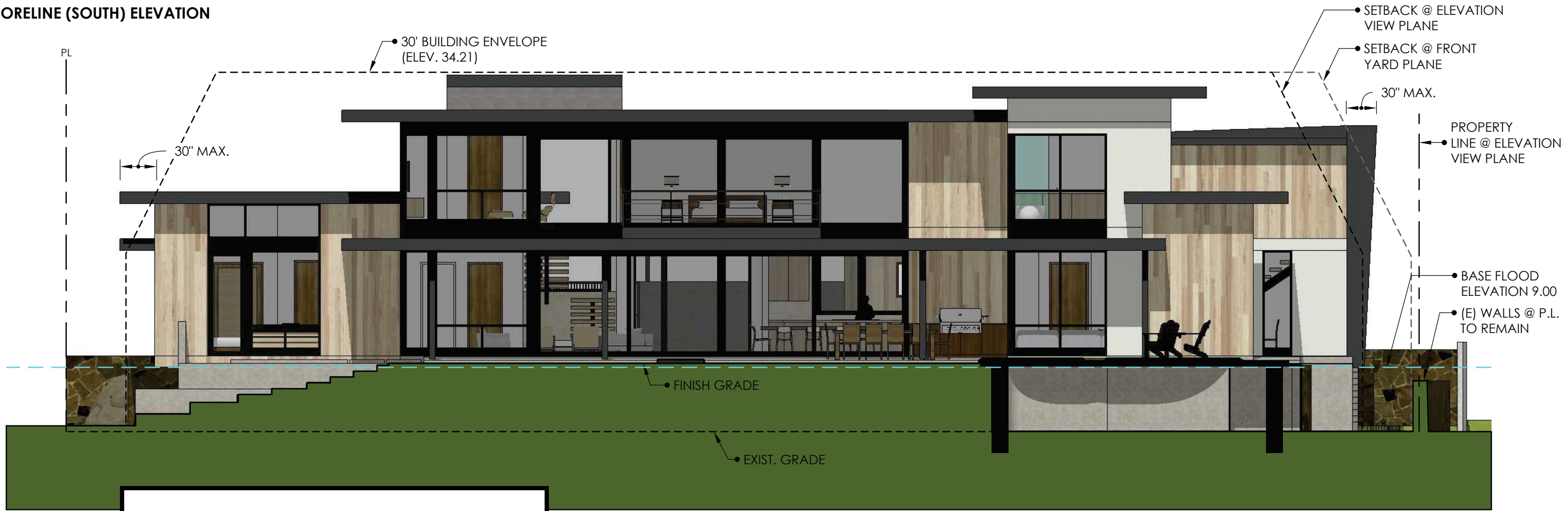
**ARNOLD-TRIPPIER RESIDENCE**  
5699 KALANIANAʻOLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081







SHORELINE (SOUTH) ELEVATION



SOUTH ELEVATION

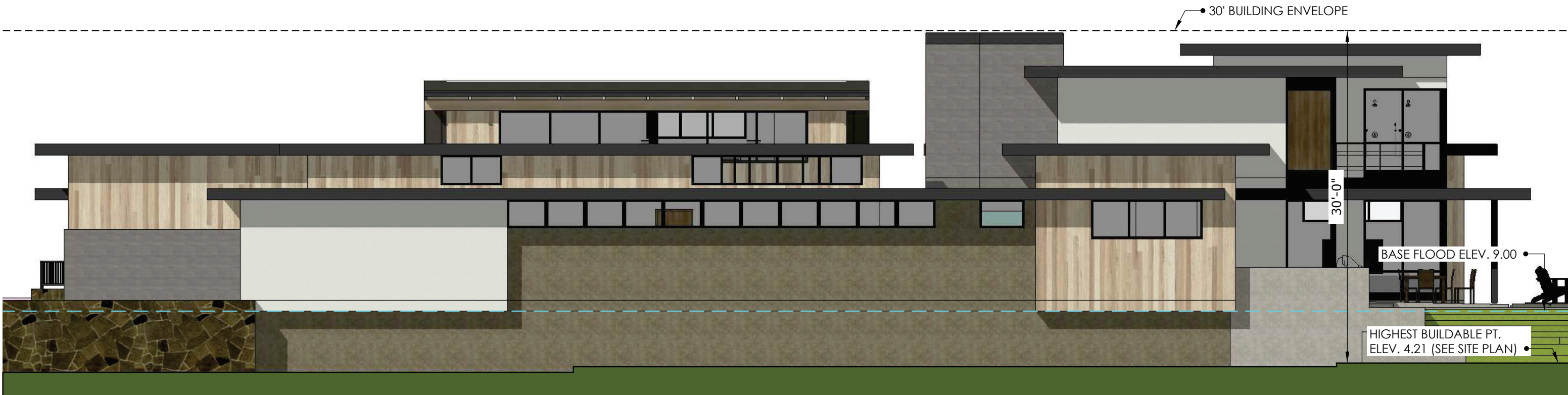
# Exhibit K

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

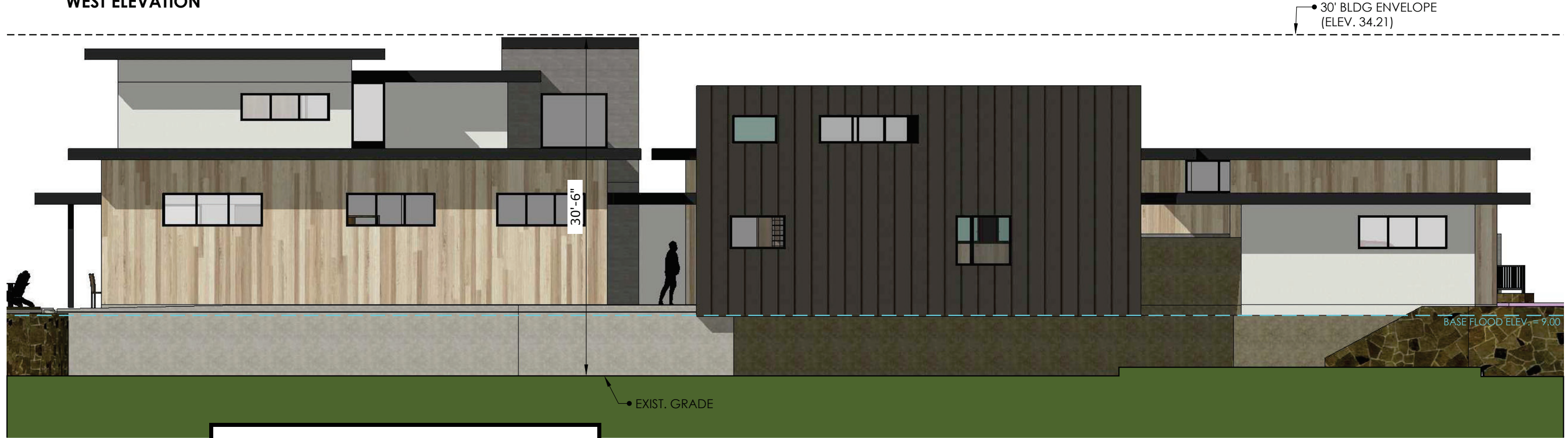
**ARNOLD-TRIPPIER RESIDENCE**  
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
 TMK: 3-7-002:081







WEST ELEVATION



EAST ELEVATION

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

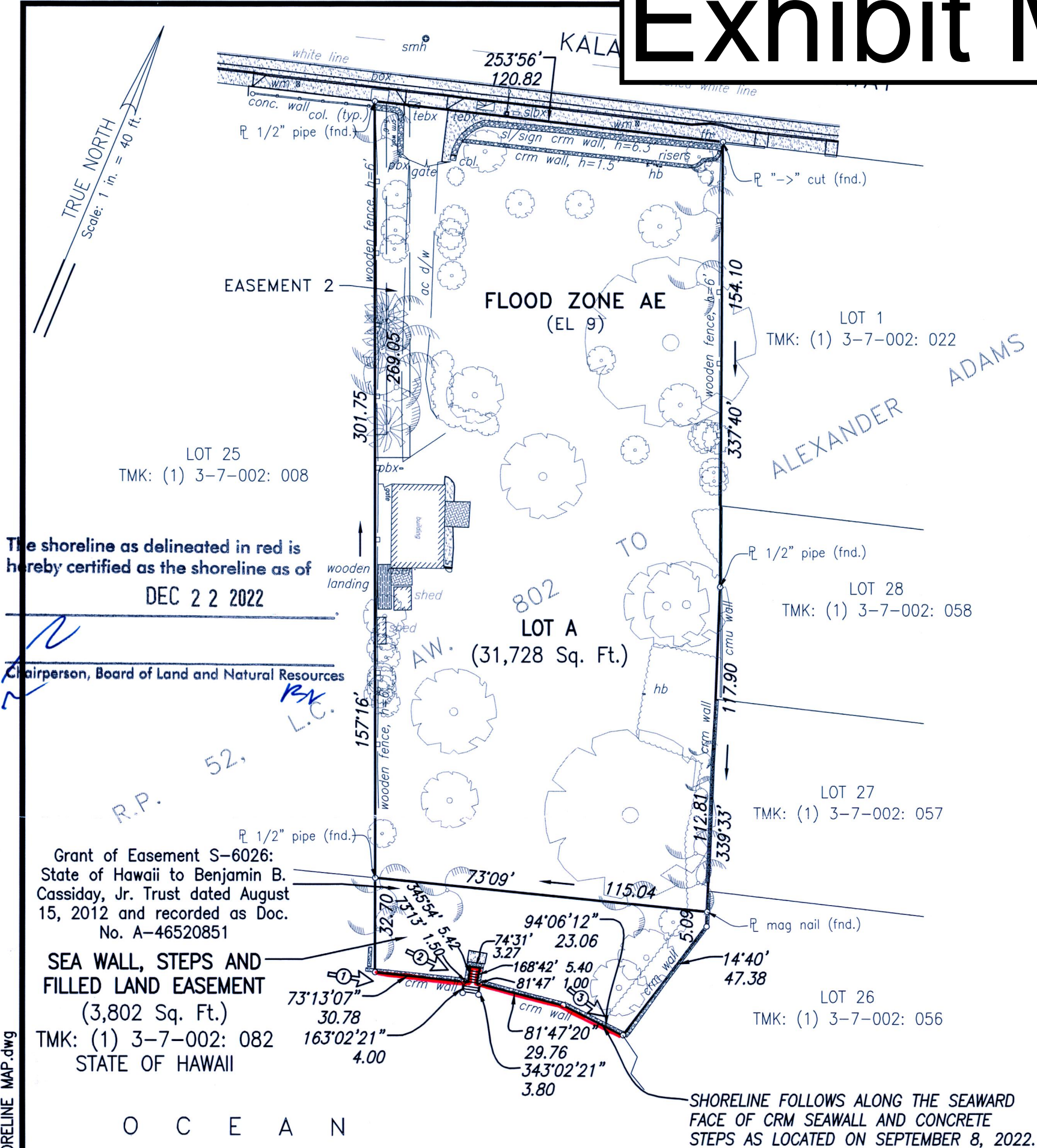
# Exhibit L

**ARNOLD-TRIPPIER RESIDENCE**  
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
 TMK: 3-7-002:081





Exhibit M



SHORELINE CERTIFICATION

FRONTING LOT A, BEING PORTION OF R.P. 52,  
L.C. AW. 802, TO ALEXANDER ADAMS

AT NIU, HONOLULU, OAHU, HAWAII  
TAX MAP KEY: (1) 3-7-002: 081

OWNERS: Jean Tripier  
ADDRESS: 5699 Kalanianaʻole Highway  
Honolulu, Hawaii 96821



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION.

*Erik S. Kaneshiro*

LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE No. 9826  
EXP. 04/24

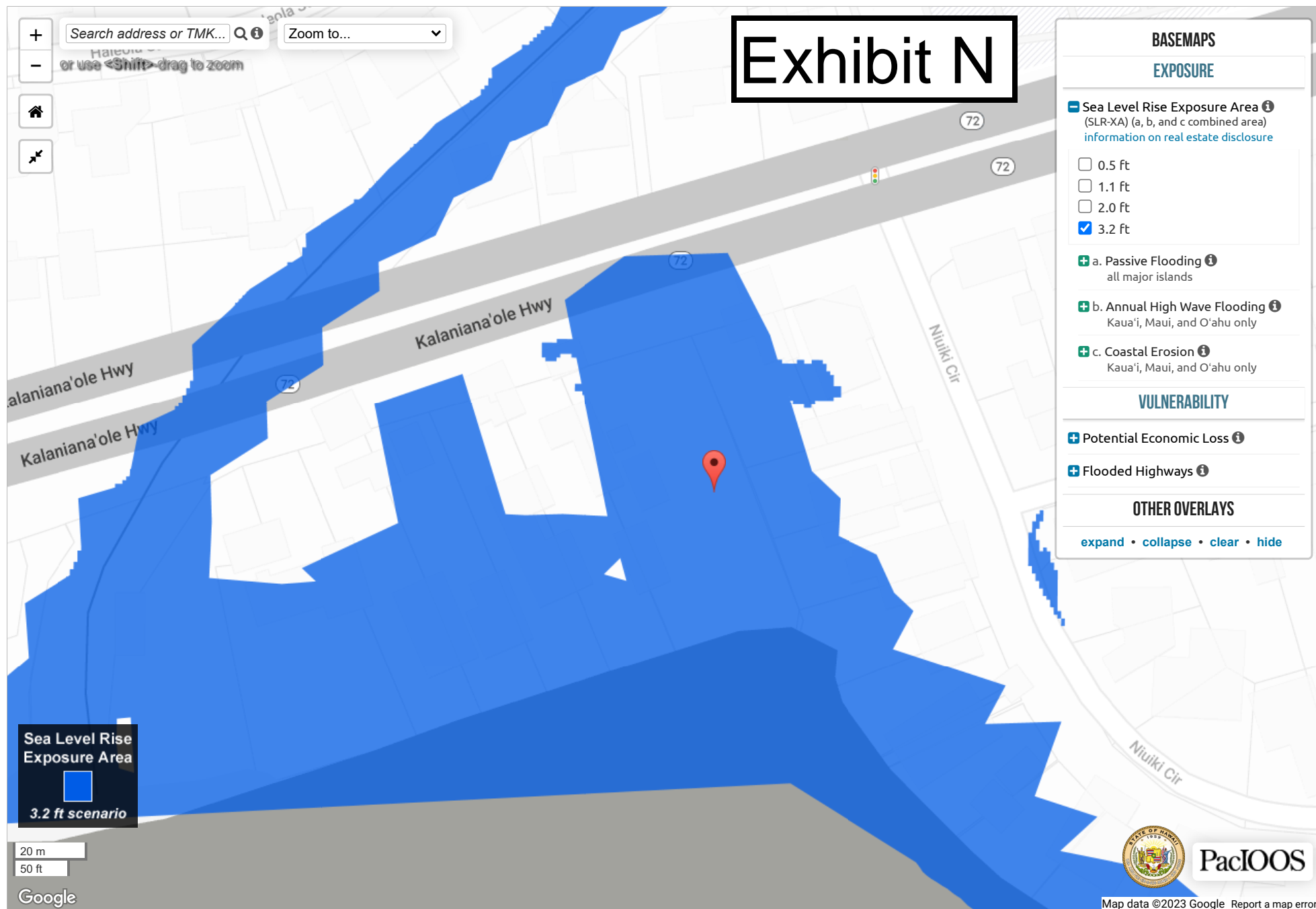
November 17, 2022

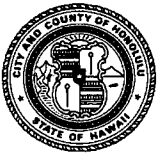
LEGEND:  
fnd found  
TMK tax map key

- NOTES:
- Azimuths and Coordinates are referred to Government Survey Triangulation Station "KOKO HEAD"  $\Delta$ .
  - $\Rightarrow$  Denotes approximate position and direction of Shoreline Photographs.

JOB NO.: 21-349  
FB. NO.:  
10" X 15"

Y:\2021\21-349 Kalanianaʻole Hwy Topo\DWG\21-349 SHORELINE MAP.dwg





# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, Hawai'i

No. \_\_\_\_\_

## RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE PERMIT TO ALLOW A NEW SINGLE-FAMILY DWELLING AT 5699 KALANIANA'OLE HIGHWAY.

WHEREAS, on January 24, 2023, the Department of Planning and Permitting ("DPP") accepted an application (File No. 2023/SMA-3) from the Jean Tripier/Jean M. Arnold Trust (herein referred to as the "Applicant") for an SMA Use Permit to allow a new single-family dwelling located in the R-10 Residential District at 5699 Kalaniana'ole Highway in Niu, identified as Tax Map Key 3-7-002: 081 (herein referred to as the "Project"); and

WHEREAS, on March 9, 2023, the DPP held a public hearing at Aina Haina Public Library which was attended by the agent for the Applicant, DPP staff members, and four members of the public; and

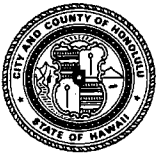
WHEREAS, on April 10, 2023, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines for development in the SMA as established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu 2021 ("ROH"), as they read prior to the enactment of Ordinance 23-4, and Sections 205A-2 and 205A-26 of the Hawai'i Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on \_\_\_\_\_, by Departmental Communication No. \_\_\_\_\_, 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 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 N, enclosed hereto and incorporated herein by this reference. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapter 25, HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution, upon review and approval of the Director of the DPP.





# CITY COUNCIL

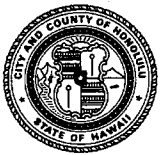
CITY AND COUNTY OF HONOLULU  
HONOLULU, Hawai'i

No. \_\_\_\_\_

## RESOLUTION

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- B. 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 must stop work and contact the State Historic Preservation Division ("SHPD") immediately. Work in the immediate area must stop until the SHPD assesses the impact and makes further recommendations for mitigative activity. This requirement must be clearly stated on any earth-moving development permit plans and building plans for the proposed Project.
- C. The Applicant may not import fill into areas with designated Jaucas sands. Minor changes to the site plan required to remove the fill and reorient or redesign that portion of the dwelling unit are allowed provided the changes do not have a significant impact on coastal zone resources.
- D. The Applicant must provide a materials analysis for review and approval prior to the issuance of construction plans and building permits. The analysis must show that the materials involve clean fill and will not adversely impact SMA resources. The analysis must also provide a timeline for a post-construction survey to detect invasive species that may spread from the fill material.
- E. Building and/or construction permit plans must include:
  - 1. Landscaping along the highway frontage to help soften the highway "corridor" effect; and
  - 2. That any new paved area, apart from the proposed mat foundation areas, will be paved with cellular grass pavers, pervious pavers, or other pervious pavement in order to allow storm water infiltration.
- F. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and other species that may frequent or traverse the vicinity of the Project site:
  - 1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;
  - 2. Artificial light from exterior light fixtures on the zoning lot, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is 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);



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, Hawaii

No. \_\_\_\_\_

## RESOLUTION

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3. Exterior light fixtures on the zoning lot must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture;
4. All Project site work and construction activities are limited to daylight hours; and
5. 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 from June 1 through September 15.

G. **The Applicant must obtain a development permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a development permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows:

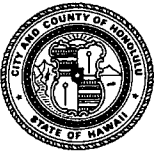
1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period cannot be extended by the Director beyond one year from the initial deadline set by Council.
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If the Council fails to take final action on the proposed extension within the first to occur of:

- a. Sixty days after the receipt of the Director's report; or
- b. The Applicant's then-existing deadline for obtaining a development permit,

The extension will be deemed to be denied.

H. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25, and its approval does not constitute compliance with other governmental requirements. The Applicant is responsible for ensuring that the



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, Hawai'i

No. \_\_\_\_\_

## RESOLUTION

---

final plans for the Project approved under this permit comply with all applicable governmental provisions and requirements, including the provisions of the Land Use Ordinance.

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; James Hayes, Planning Solutions, Inc., 711 Kapi'olani Boulevard, Suite 950, Honolulu, Hawai'i 96813; and the Jean Tripier/Jean M. Arnold Trust, 5699 Kalaniana'ole Highway, Honolulu, Hawai'i 96821.

INTRODUCED BY:

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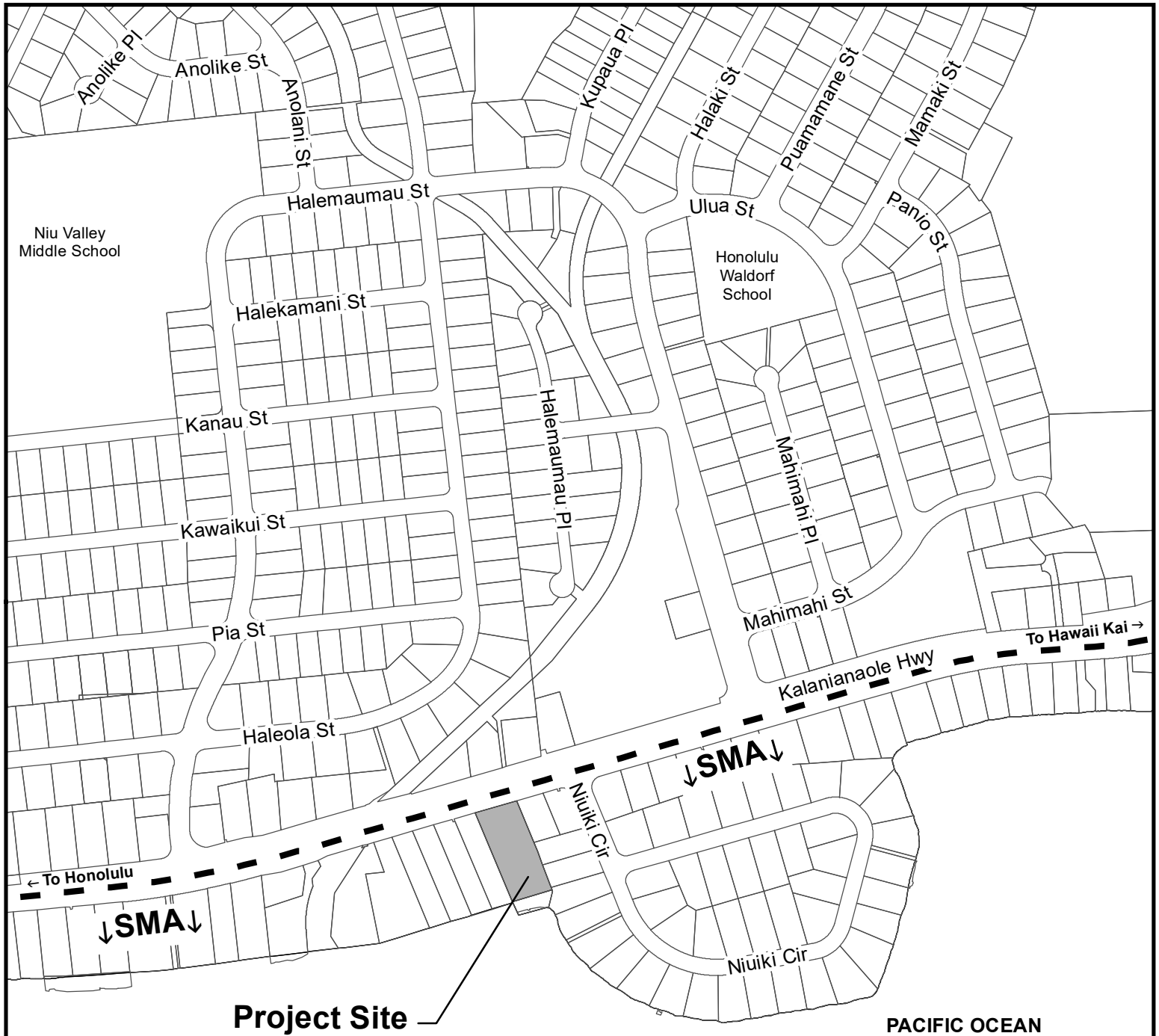
DATE OF INTRODUCTION:

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\_\_\_\_\_  
Honolulu, Hawai'i

\_\_\_\_\_  
Councilmembers



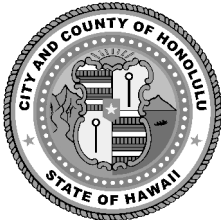
**Project Site**

**PACIFIC OCEAN**

**Legend**

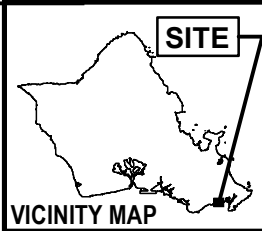
↑SMA↑ Within Special Management Area

**Exhibit A**



0 200 400 800

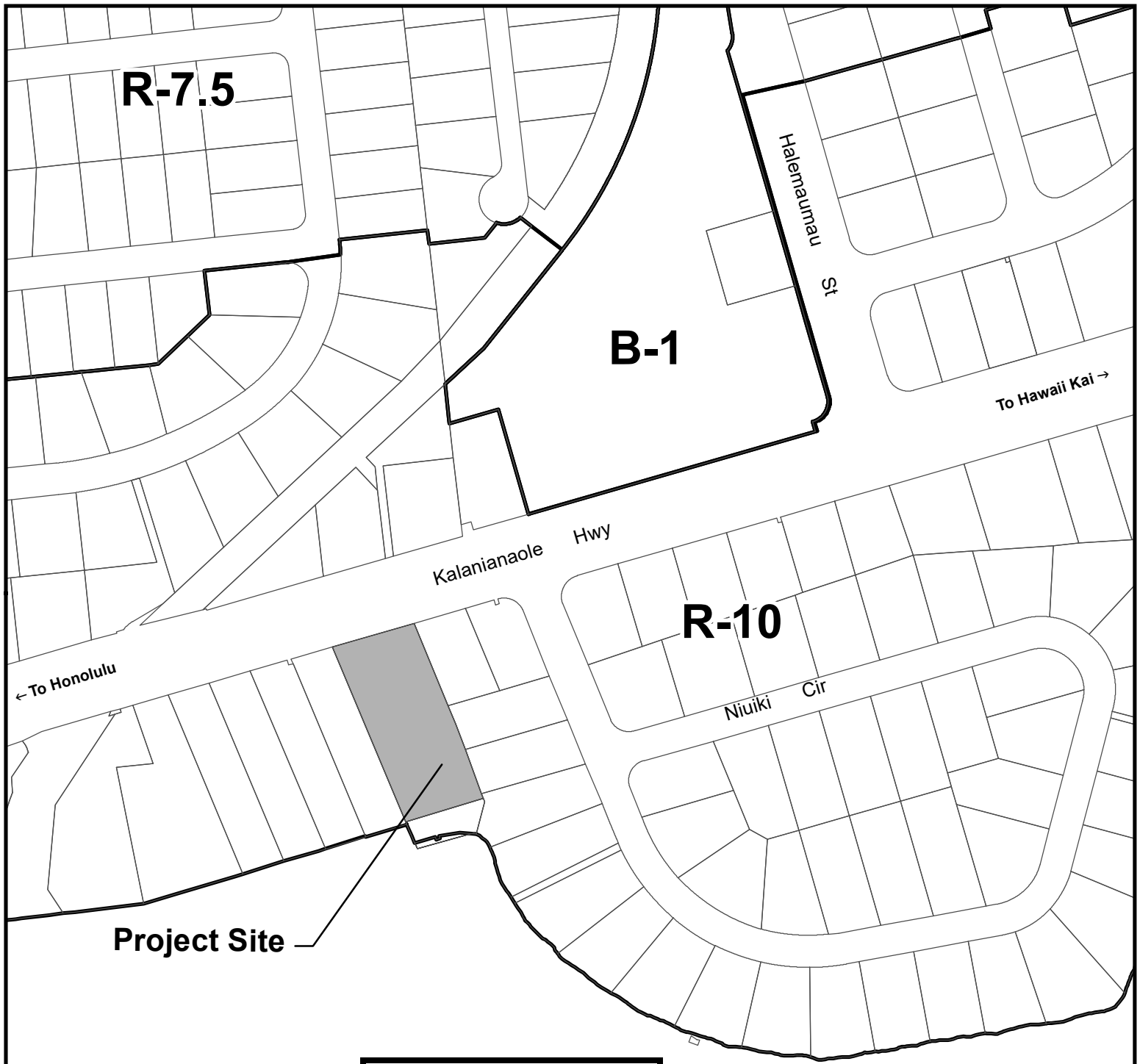
Scale in Feet



**LOCATION MAP WITH  
SMA  
NIU VALLEY**

**TAX MAP KEY: 3-7-002:081**

**FOLDER NO.: 2023/SMA-3**

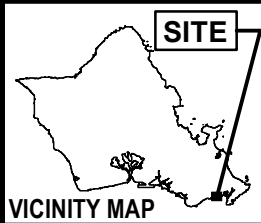
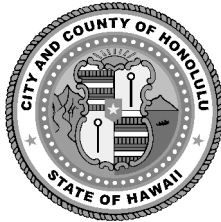


# Exhibit B

## Legend

 Zoning District Boundary

PACIFIC OCEAN



VICINITY MAP



0 125 250 500

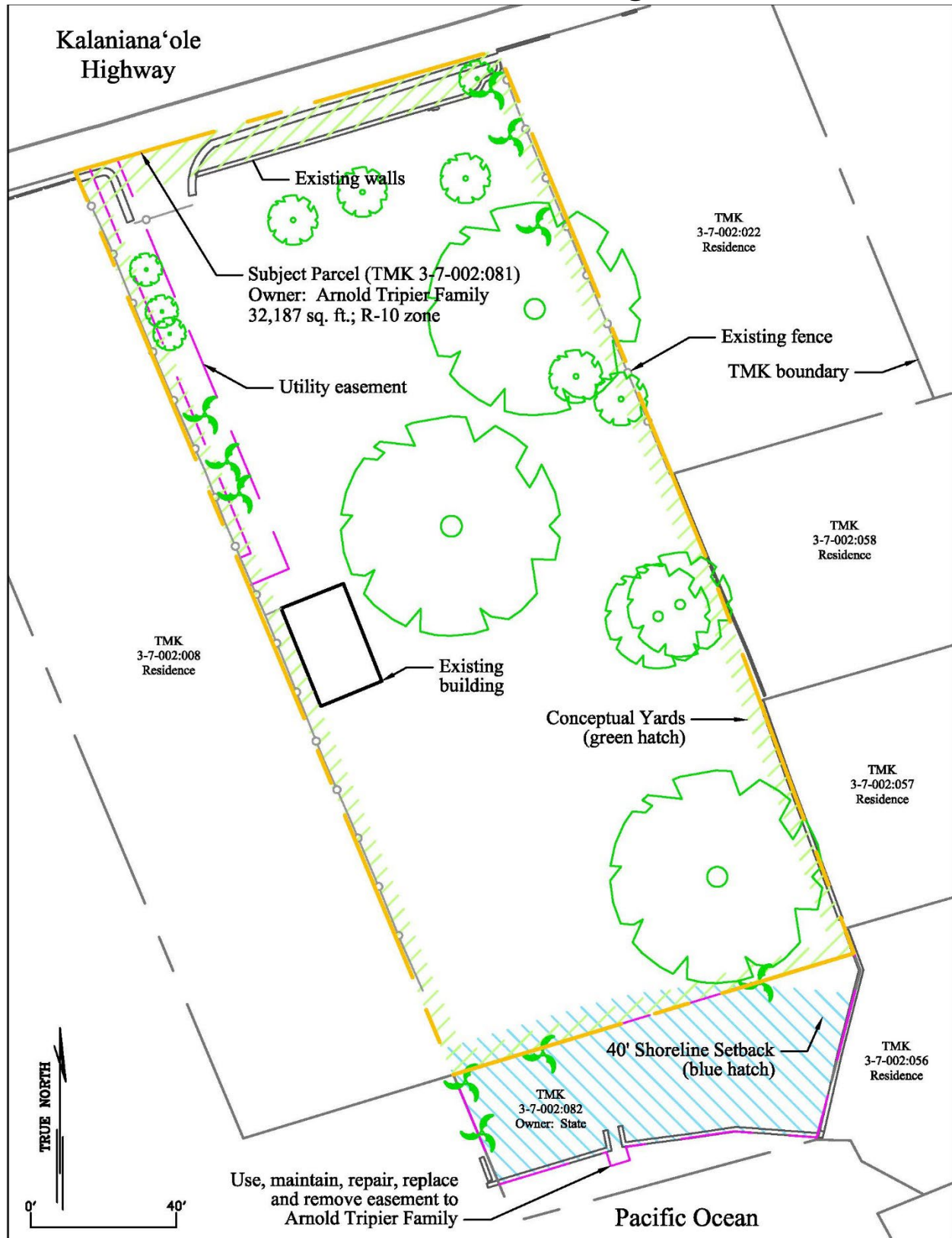
Scale in Feet

## PORTION OF EXISTING ZONING MAP KAHALA - KULIOUOU

TAX MAP KEY: 3-7-002:081

FOLDER NO.: 2023/SMA-3

## Attachment 4. Site Plan – Existing Conditions



Source: PSI

# Exhibit C





SOIL TYPE LINE WITH PROPOSED DEVELOPMENT  
Arnold-Tripier Residence

# Exhibit E



## Flood Hazard Assessment Report

www.hawaiiinfip.org

### Property Information

COUNTY: HONOLULU  
 TMK NO: (1) 3-7-002:081  
 WATERSHED: NIU  
 PARCEL ADDRESS: 5699 KALANIANA'OLE HWY  
 HONOLULU, HI 96821

### Notes:

### Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL: 15003C0389G  
 PANEL EFFECTIVE DATE: JANUARY 19, 2011

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES  
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO  
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



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(Note: legend does not correspond with NFHL)

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	<b>Zone A:</b> No BFE determined.
	<b>Zone AE:</b> BFE determined.
	<b>Zone AH:</b> Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	<b>Zone AO:</b> Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	<b>Zone V:</b> Coastal flood zone with velocity hazard (wave action); no BFE determined.
	<b>Zone VE:</b> Coastal flood zone with velocity hazard (wave action); BFE determined.
	<b>Zone AEF:</b> Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

**NON-SPECIAL FLOOD HAZARD AREA** - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	<b>Zone XS (X shaded):</b> Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	<b>Zone X:</b> Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

	<b>Zone D:</b> Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
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FLOOR AREA CALCULATIONS

MAIN HOUSE

MAIN FLOOR INT. LIVING	4,504 SF
UPPER FLOOR INT. LIVING	1,626 SF
TOTAL MAIN HOUSE INT.	6,130 SF

COVERED EXTERIOR	
COURTYARD ENTRY GATE	122 SF
POOL EQUIPMENT AREA	105 SF
MUDROOM PORCH	135 SF
COVERED LANAI	771 SF
TOTAL MAIN HOUSE INT. & EXT.	7,263 SF

POOL CABANA

MAIN FLOOR INT. LIVING	792 SF
LOFT INT. LIVING	402 SF
TOTAL CABANA INT.	1,194 SF

COVERED EXTERIOR	
CABANA LANAI	302 SF
TOTAL CABANA INT. & EXT.	1,496 SF

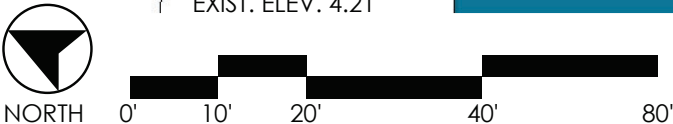
TOTAL MAIN HOUSE & CABANA FLOOR AREA	8,759 SF
--------------------------------------	----------

UNCOVERED EXTERIOR	
WOOD DECK	412 SF
UPPER DECK	122 SF
GARAGE	915 SF
POOL	576 SF
HOT TUB	230 SF

Exhibit G



OVERALL SITE & ROOF PLAN



DATE	DECEMBER 13, 2022
SCALE	1" = 20'

ARNOLD-TRIPPIER RESIDENCE  
5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081







# Exhibit H

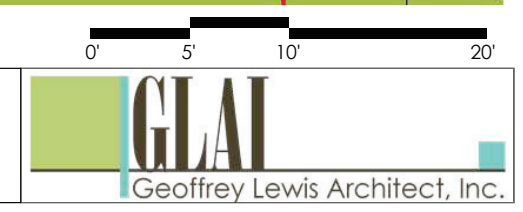
DATE	DECEMBER 13, 2022
SCALE	3/32" = 1'-0"

**OVERALL MAIN FLOOR PLAN**

**ARNOLD-TRIPPIER RESIDENCE**

5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821

TMK: 3-7-002:081





# Exhibit I

## OVERALL UPPER FLOOR PLAN & LOWER ROOF PLAN

**ARNOLD-TRIPPIER RESIDENCE**  
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
 TMK: 3-7-002:081

0' 5' 10' 20'

**GLAI**  
 Geoffrey Lewis Architect, Inc.

DATE	DECEMBER 13, 2022
SCALE	3/32" = 1'-0"





KALANIANAʻOLE HWY (NORTH) ELEVATION



NORTH ELEVATION

# Exhibit J

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

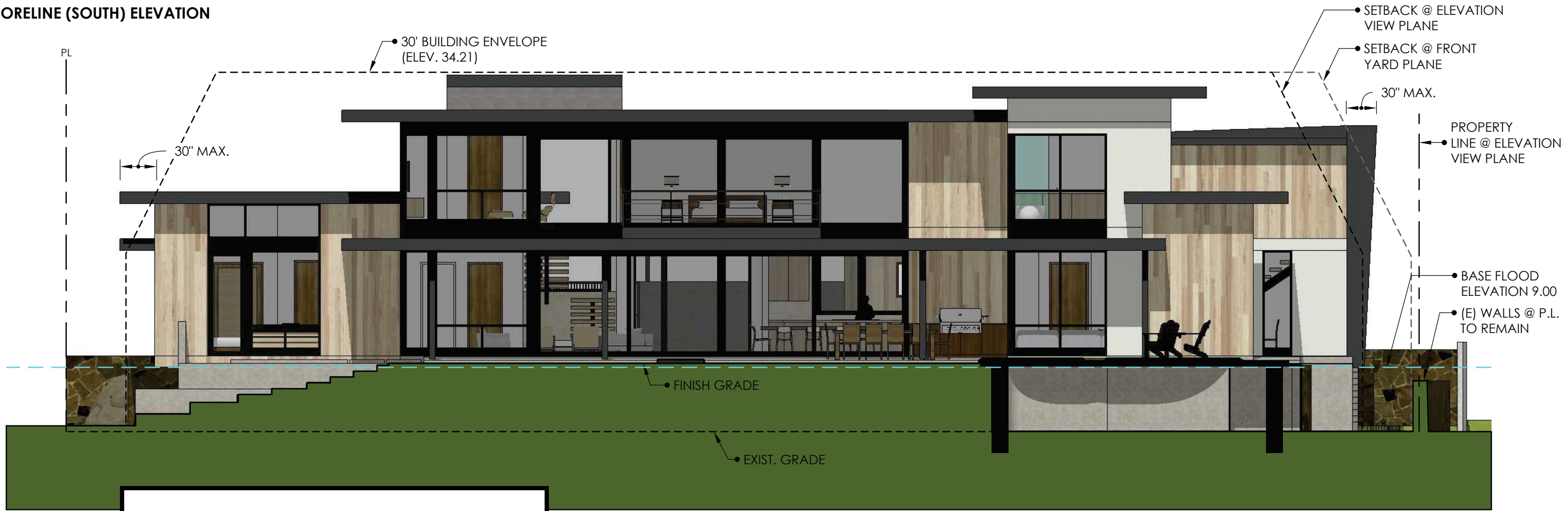
**ARNOLD-TRIPPIER RESIDENCE**  
5699 KALANIANAʻOLE HIGHWAY • HONOLULU, HAWAII 96821  
TMK: 3-7-002:081







SHORELINE (SOUTH) ELEVATION



SOUTH ELEVATION

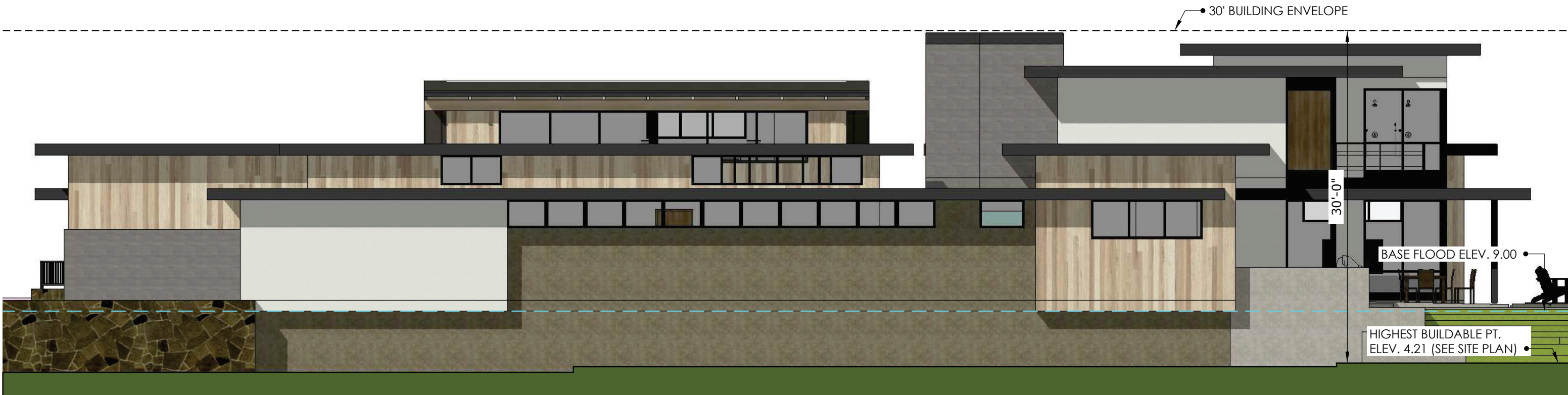
# Exhibit K

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

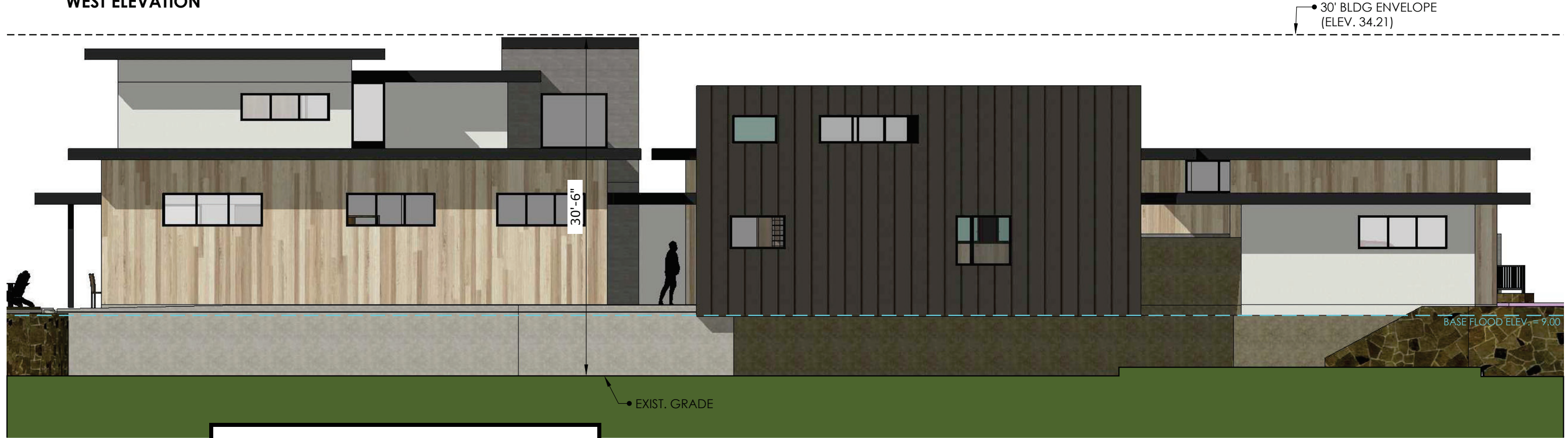
**ARNOLD-TRIPPIER RESIDENCE**  
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
 TMK: 3-7-002:081







WEST ELEVATION



EAST ELEVATION

DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

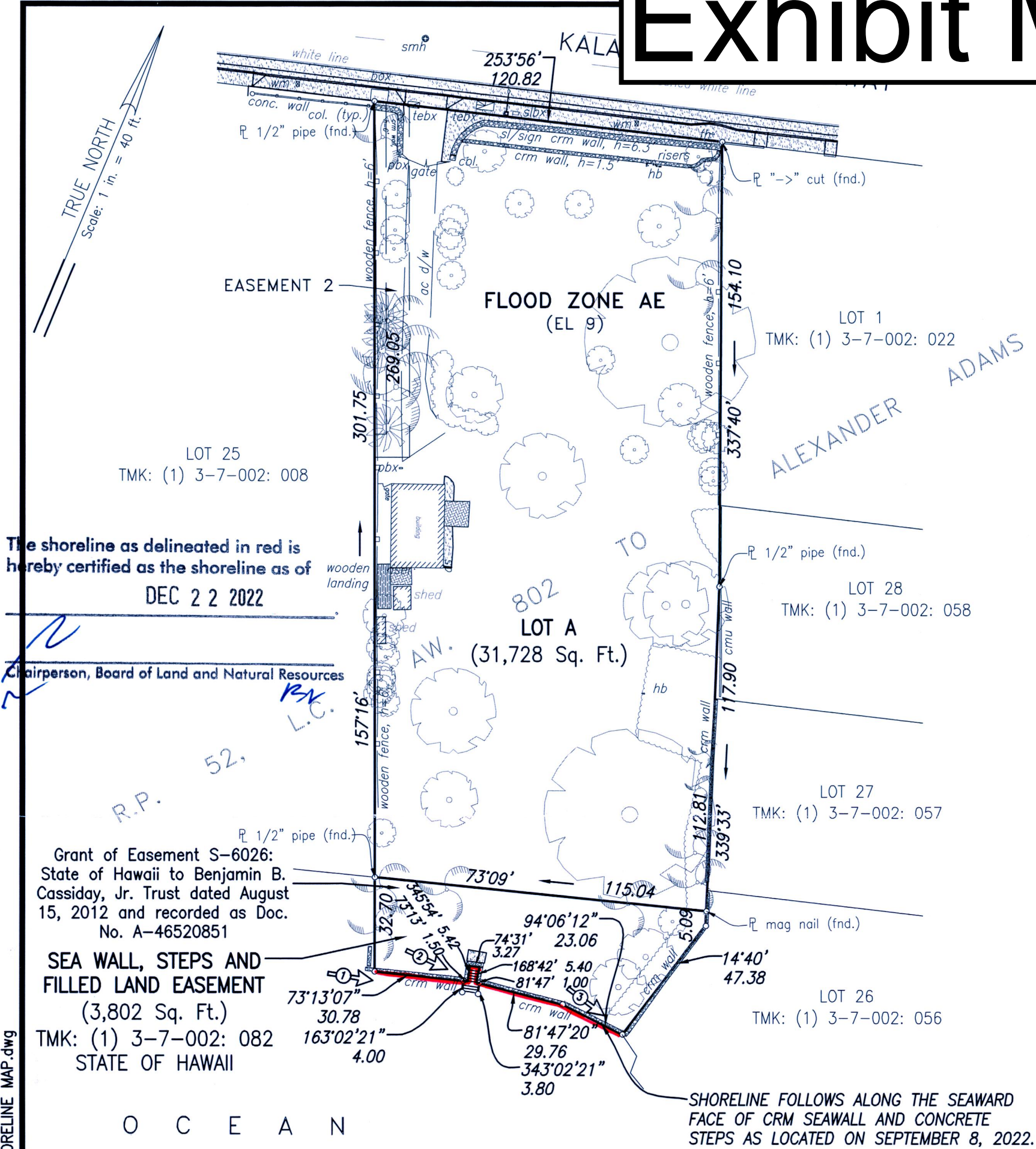
# Exhibit L

**ARNOLD-TRIPPIER RESIDENCE**  
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821  
 TMK: 3-7-002:081





Exhibit M



SHORELINE CERTIFICATION

FRONTING LOT A, BEING PORTION OF R.P. 52,  
L.C. AW. 802, TO ALEXANDER ADAMS

AT NIU, HONOLULU, OAHU, HAWAII  
TAX MAP KEY: (1) 3-7-002: 081

OWNERS: Jean Tripier  
ADDRESS: 5699 Kalanianaʻole Highway  
Honolulu, Hawaii 96821



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION.

*Erik S. Kaneshiro*  
LICENSED PROFESSIONAL LAND SURVEYOR  
CERTIFICATE No. 9826  
EXP. 04/24

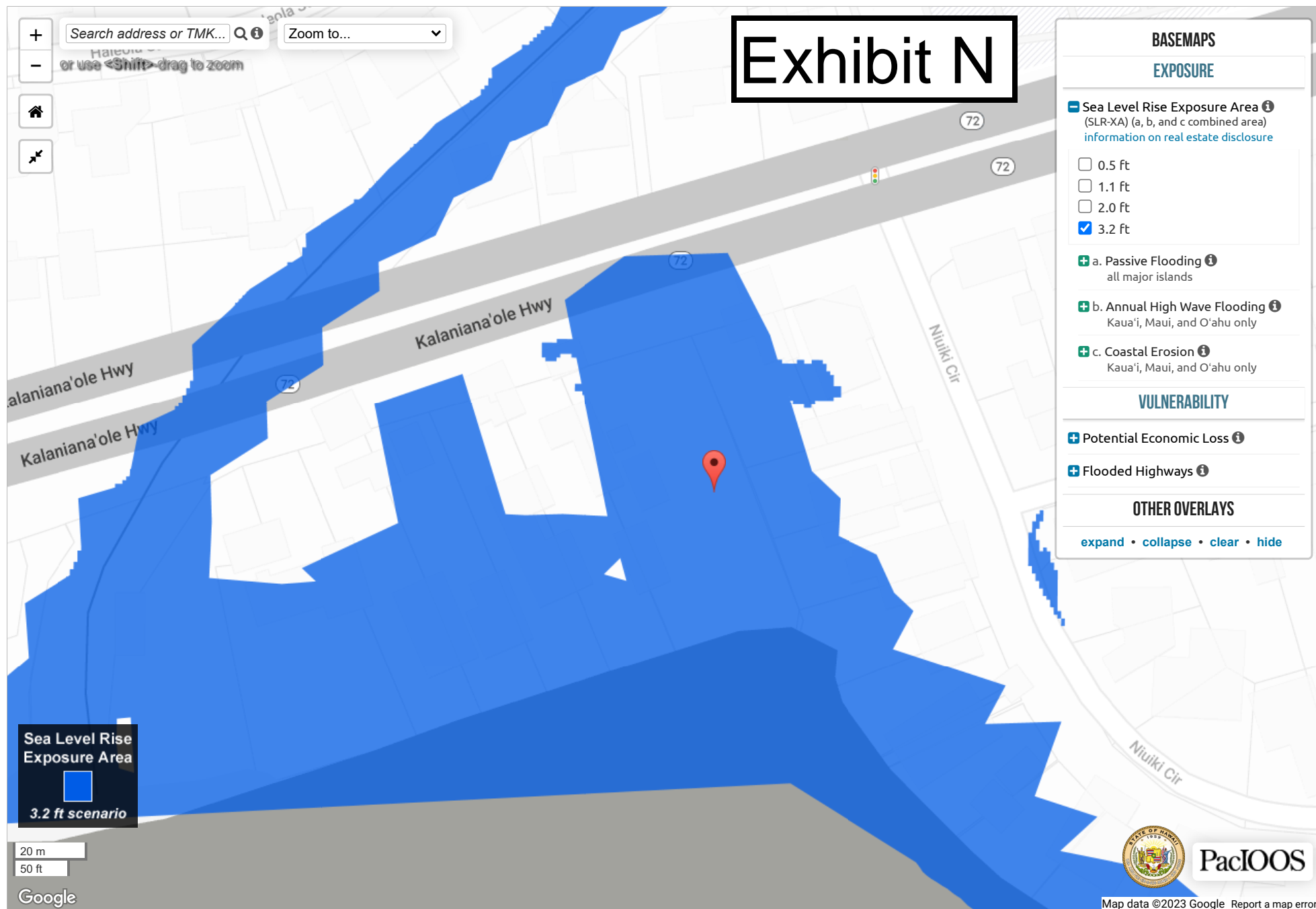
November 17, 2022

LEGEND:  
fnd found  
TMK tax map key

- NOTES:
- Azimuths and Coordinates are referred to Government Survey Triangulation Station "KOKO HEAD"  $\Delta$ .
  - $\Rightarrow$  Denotes approximate position and direction of Shoreline Photographs.

JOB NO.: 21-349  
FB. NO.:  
10" X 15"

Y:\2021\21-349 Kalanianaʻole Hwy Topo\DWG\21-349 SHORELINE MAP.dwg



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DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII

IN THE MATTER OF ) FILE NO. 2023/SMA-3 (ZS)  
 )  
JEAN TRIPIER/JEAN M. )  
 )  
ARNOLD TRUST )  
 )  
5699 KALANIANAOLE HIGHWAY - NIU )  
 )

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TRANSCRIPT OF PROCEEDING

In the above-entitled matter came on for public  
hearing at Aina Haina Public Library, Meeting Room, 5246  
Kalanianaole Highway, Honolulu, Hawaii, Thursday, March 9,  
2023, commencing at 10:30 a.m, pursuant to Notice.

BEFORE: JOYCE SHOJI, Hearings Officer  
ZACHARY STODDARD, Staff Planner



## P R O C E E D I N G

**HEARINGS OFFICER SHOJI:** My name is Joyce Shoji, and I'm today's hearings officer. Today we are conducting a public hearing in accordance with Revised Ordinances of Honolulu, Chapter 25 related to the Special Management Area, and Hawaii's Revised Statutes Chapter 205A, related to Coastal Zone Management. The purpose of today's public hearing is to hear testimony on an application for a SMA major permit File No 2023/SMA-3. The request is to construct a new single family dwelling on a shoreline lot.

Pursuant to Chapter 25 of the ROH, all development in the SMA shall be subject to be reasonable terms and conditions to ensure that 1) adequate access is provided and properly located to publicly owned or used beaches, recreation areas, and natural reserves; 2) that provisions are made for solid and liquid waste treatment, disposition and management, and 3) that alterations to land forms and vegetation and construction of structures minimizes adverse impacts to SMA resources and cause minimal potential danger relevant to natural disasters.

Secondly, no development in the SMA shall be approved unless it is found that it will not have a substantial adverse, environmental or ecological effect. Development must be consistent with the coastal zone

1 management objectives, the General Plan, Development Plans  
2 and zoning.

3 Lastly, the City Council shall seek to minimize  
4 where reasonable altering any shoreline, any development  
5 which would reduce the size of any beach or public  
6 recreation area, any development which would reduce or risk  
7 public access shoreline resources and any development which  
8 would substantially interfere the line of sight towards the  
9 sea from the State highway.

10 Lastly, any development which would adversely  
11 affect water quality, fishing grounds, wildlife habitats or  
12 agricultural uses.

13 No decision will be made here today.

14 The purpose of this public hearing is to take testimony  
15 from the public for the Director's report and recommendation  
16 as well as the City Council's decision-making when they  
17 receive it. You will have an opportunity to continue  
18 provide testimony when the application goes to City Council  
19 for the actual decision-making. Once we close this public  
20 hearing, the Department will have 20 working days to transit  
21 its report and recommendation to the City Council. All  
22 testimony here today is going to be part of the record. It  
23 will be reflected in our report and our recommendation and a  
24 transcript of this hearing will be attached to our  
25 transmittal. If you have further comments following the

1 close of the hearing, you may submit them directly to the  
2 City Council. If you'd like to submit your written comments  
3 to the Department of Planning and Permitting, please submit  
4 them by Thursday, March 16, 2023 which is one week from  
5 today.

6 This is the procedure for today's hearing.

7 Zach Stoddard will present the basic facts behind the  
8 request, then the agent will be allowed to describe the  
9 project in greater detail. Then we will take public  
10 testimony. At the end of the public testimony period, staff  
11 will have an opportunity to ask questions about the proposal  
12 of the agent. With that, Zach will present the basic facts  
13 of the project.

14 **STAFF PLANNER STODDARD:** Thank you, Joyce.

15 The application was received on January 9th, 2023, and we  
16 accepted the application as complete on January 24th, 2023.  
17 Some basic facts about the property. The location is at  
18 5699 Kalaniana'ole Highway in Niu. The City and County  
19 zoning district is the R-10 Residential District. A portion  
20 of the lot near the shoreline is within flood zone VE, which  
21 indicates an area subject to inundation by 1% annual chance  
22 flood due to coastal processes with additional hazards  
23 associated with storm waves. The base flood elevation there  
24 is 12 feet. The rest of the lot is within flood zone AE and  
25 is subject to inundation by 1% annual chance flood and the

1 base flood elevation there is 9 feet.

2 The lot size is 31,728 square feet, and the  
3 Applicant is proposing to demolish the existing 468-square  
4 foot single family dwelling and construct a new 6,130 square  
5 foot single family dwelling with a two-car garage and  
6 workshop as well as a pool house with a loft.

7 There is a small shoreline lot immediately makai  
8 of the subject property that is owned by the State of  
9 Hawaii. The owners hold a 55-year easement over the state  
10 parcel which is developed with a seawall. That's all I  
11 have.

12 **HEARINGS OFFICER SHOJI:** Would the agent like to  
13 provide a greater detail of the project. If you could  
14 introduce yourself?

15 **MR. HAYES:** Hello. My name is Jim Hayes, agent,  
16 for the Applicant, the Arnold Triper family. As Zach has  
17 described the parcel is just down the road here. It's  
18 3-quarters of an acre roughly. There's a very small house  
19 on it currently. There was previously a much larger house  
20 on it that was demolished by a prior owner. Arnold Triper  
21 family purchased the property recently and developed the  
22 plan that's now before the Department of Planning and  
23 Permitting. I work for Planning Solutions, an environmental  
24 consultant that prepares environmental assessments and  
25 permit applications for a variety projects, both for private

1 residents and county and state agencies among others. We  
2 did a thorough analysis of the conditions at the property,  
3 prepared an environmental assessment obtained and  
4 noticed--Finding of No Significant Impact, and then  
5 submitted the application for this SMA permit.

6 As Zach mentioned, like all the parcels along the  
7 shoreline in this area and really across the entire island,  
8 the shoreline parcel is subject flood risk. The plan calls  
9 for the elevation of the living area above the base flood  
10 elevation. That's a general requirement of building these  
11 days, and incorporates other elements to address natural  
12 resources such as managing development and if there are  
13 species that enter the area during construction, stopping  
14 work, managing the lighting such that it doesn't interfere  
15 with natural resources, things of that nature.

16 And I have a presentation but I don't have a  
17 projector, so if people have questions we can look at things  
18 on my computer here. But that's the quick overview, and  
19 happy to hear people's thoughts.

20 **HEARINGS OFFICER SHOJI:** Thank you. So, we can  
21 start with public testimony. We have William Tregor  
22 followed by Pat Yim.

23 **MR. TREGOR:** Like Jim I'm also involved in the  
24 industry and clients are constantly asking many, many, many  
25 questions about the new SMA requirements, etc., forms and



1 applications, etc. So, the function I have is--Jim just so  
2 you know, I actually looked at all your documents.  
3 Congratulations! Nice work. Extensive. The question I  
4 have and probably for Zach since you're a planner. You  
5 probably work with or know Geoffry Spangler. Yes. I have  
6 great interview with Geoffrey. So, out of all that was the  
7 process of SMA minor or major, 2-1/2 years ago was a  
8 significantly process then it is now. I would like to make  
9 sure I have that confirmed. Because from what I saw from  
10 Jim's paperwork, it wasn't like that 2-1/2 years ago.

11 **HEARINGS OFFICER SHOJI:** Okay. It's not a question  
12 and answer. We're just taking your comments. We can  
13 address that at the end. Right now we're just taking  
14 testimony.

15 **MR. TREGOR:** Very good. Thank you.

16 **HEARINGS OFFICER SHOJI:** Thank you. So, Pat Yim.

17 **MR. YIM:** Good morning. My name is Pat Yim, and I  
18 don't have any expertise. I'm a lay person, however, I am  
19 possibly and probably directly affected by the construction  
20 because I live on the east side. We have a common boarder,  
21 boundary between the instant property that's subject to this  
22 permit and also my mine. My backyard backs onto this  
23 property. I'm at 24 Niu Circle on the east side.

24 I indicated on the form that I filled out that I'm  
25 questionable about whether I support or am against the

1 application because I have questions that I'd like answered.  
2 Generally, I'm in favor--I look at the plans that were  
3 posted and it's beautiful, as a lay person. Some of my  
4 neighbors were concerned about it being a monster house, and  
5 my comment to them, my opinion was not.

6 It was not something that over burdened the land. As ar as  
7 I'm concerned, my questions are answered adequately. I will  
8 probably support. The general proposition that landowners  
9 are allowed to develop best as they possibly can within the  
10 constraints of the law. So that's my general reaction to the  
11 permit and to these proceedings.

12 But certainly there's more questions because we  
13 are impacted by the building envelope and the height of the  
14 building envelope. There are things that are mentioned in  
15 the plans like existing grade and finished grade. Terms  
16 like 9.3 feet above MSL is something that is foreign to me  
17 so somebody will have to explain that to me. I know that it  
18 will impact my view plane, west. But again, you know, if  
19 they are allowed to do that and they do so within the  
20 building envelope, I have no problem with that frankly, and  
21 my wife doesn't have either.

22 Thank you very much.

23 **HEARINGS OFFICER SHOJI:** Thank you very much.  
24 That's all of the registered speakers. Is there anyone else  
25 wishing to testify? [no response] Seeing none, public

1 testimony is closed.

2 Zach, do you have any questions for the agent?

3 **STAFF PLANNER STODDARD:** Yes. The one area of  
4 concern that, I think I brought up during the site visit was  
5 the amount of fill that's going to be brought onto the site.  
6 Generally speaking in the Special Management Area we  
7 discourage excessive amounts of fill or excavation as it  
8 could have impacts in the coastal zone according to the  
9 Department of Land and Natural Resources. Some imported  
10 soils could contain pathigens or pests, plants that could  
11 potentially harm native species and eco-systems and that  
12 material could be transported during erosion events,  
13 rainfall, hurricanes and things like that. So, I just  
14 wanted to ask--Well, it indicates in your application that  
15 about 2,400 cubic yards of fill material is going to be  
16 imported for the sloped driveway, the walkway, the yards,  
17 interior court yard area and associated embankments and that  
18 about 42% of the parcel would include fill land. Some of  
19 the fill could reach about 5 feet above the existing grade.

20 And you indicated that the purpose is to create a seamless  
21 transmission between basically the indoor and outdoor

22 So my question is whether you folks considered other ways  
23 to kind of achieve what the applicant is hoping to do.

24 **MR. HAYES:** Yes. Thanks Zach. So the plan does  
25 include importation of fill material. The site itself mapped

1 as being fill material from when former fishpond was filled  
2 to create residential space. We did consider and we are  
3 incorporated into this plan are portions of the area being  
4 not filled but just being like a deck so that it reduces the  
5 amount of fill. And then the fill areas will primarily be  
6 bound by retaining walls that will reduce the potential for  
7 erosion. The primary reason, like Zach mentioned for the  
8 fill is to provide that seamless transition from indoor,  
9 outdoor living because the living area is required to be  
10 elevated above the base flood elevation. And we've had many  
11 clients among this one, one of many that doesn't really like  
12 that requirement, but is trying to find a way to live with  
13 it and create that transition from indoor and outdoor living  
14 and landscape the areas that are filled in an appropriate  
15 manner to reduce the potential for erosion and create the  
16 fill areas such that it maintains ability for water to pass  
17 from mauka to makai, and it would pass by retaining walls  
18 that would reduce the erosion potential in those areas.

19 That's the explanation I have at this point in  
20 time. But if there are more specific questions about that I  
21 can try to address them.

22 **STAFF PLANNER STODDARD:** Thank you.

23 **HEARINGS OFFICER SHOJI:** Zach doesn't have anymore  
24 questions, but regarding the question about the new SMA  
25 Ordinance, that is anticipated to be signed by the Mayor

1 today. If not, it does go into effect without a signature.  
2 Today is the day, it should be the day.

3 Well, with no further questions or comments, this  
4 public hearing is closed. Thank you.

5 [Adjourned approximately 10:55 a.m.]

6  
7 I certify that the foregoing is a  
8 true and correct transcript of  
9 the proceeding, prepared to the  
10 best of my ability of the meeting  
11 held on Thursday, March 9, 2023.

12   
13 \_\_\_\_\_

14 Gloria Takara

15 Secretary-Reporter

16  
17 March 24, 2023

18 Date

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