



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-90

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE PERMIT AND SHORELINE SETBACK VARIANCE ("SV") TO ALLOW ROADWAY AND PEDESTRIAN SAFETY IMPROVEMENTS ALONG KAMEHAMEHA HIGHWAY AT TAX MAP KEYS ("TMKS") 6-1-005: 023, 024, 6-1-009: 004, 021, AND 022, 6-1-010: 019 AND 020 IN HALEIWA, NORTH SHORE.

WHEREAS, on February 3, 2023, the Department of Planning and Permitting ("DPP") accepted the application (File Nos. 2022/SMA-77 and 2022/SV-4) from the State of Hawai'i, Department of Transportation, Highways Division ("Applicant") for an SMA Use Permit and SV Permit to allow roadway and pedestrian safety improvements on approximately 3 acres of various zoning lots, located in the AG-1 Restricted Agricultural District and the right of way on Kamehameha Highway in the vicinity of Laniakea Beach, and identified as TMKs 6-1-005: 023, 024, 6-1-009: 004, 021, and 022, 6-1-010: 019 and 020 (hereinafter referred to as the "Project"); and

WHEREAS, on March 30, 2023, the DPP held a public hearing at the Sunset Beach Recreation Center, which was attended by the Applicant's agent, the Agent, the Applicant, and DPP staff; 29 members of the public were in attendance. Two people testified in support, three people testified in opposition, and 10 people provided comment; and

WHEREAS, on April 28, 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, as established in Sections 25-3.1, 25-3.2, and 26-1.8 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 of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on 04/28/23, by Departmental Communication No. 302, and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit and SV 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 and SV 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, B, C-1 through C-8, D, E, and F-1 through F-2, enclosed hereto and incorporated herein by this reference. Any change in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in ROH Chapter

D-302(23)

ZON



RESOLUTION

25, Chapter 26, or HRS Chapter 205A, will require a new application and 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 by 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 shall 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 construction permit plans and building plans for the proposed Project.
- C. Historical and cultural resources must be physically avoided and protected during construction activity.
- D. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and nearshore 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; and
 - 4. Woody plants greater than 15 feet (ft.) in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).
 - 5. All Project-related activities must cease if a Hawaiian monk seal or green sea turtle is present within 150 ft. of the work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300-foot buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed



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from the work area at the end of each day and at the conclusion of Project-related activities.

- E. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25 and 26, 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 Land Use Ordinance.

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Director of Planning and Permitting and Ken Tatsuguchi, Highways Division, Hawai'i State Department of Transportation; 869 Punchbowl Street, Suite 301, Honolulu, Hawai'i 96813.

INTRODUCED BY:

Tony Watson

(br)

DATE OF INTRODUCTION:

MAY 4 2023

Honolulu, Hawai'i

Councilmembers

EXHIBIT A

LEGEND



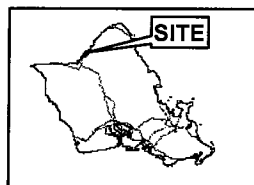
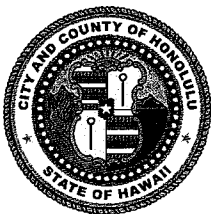
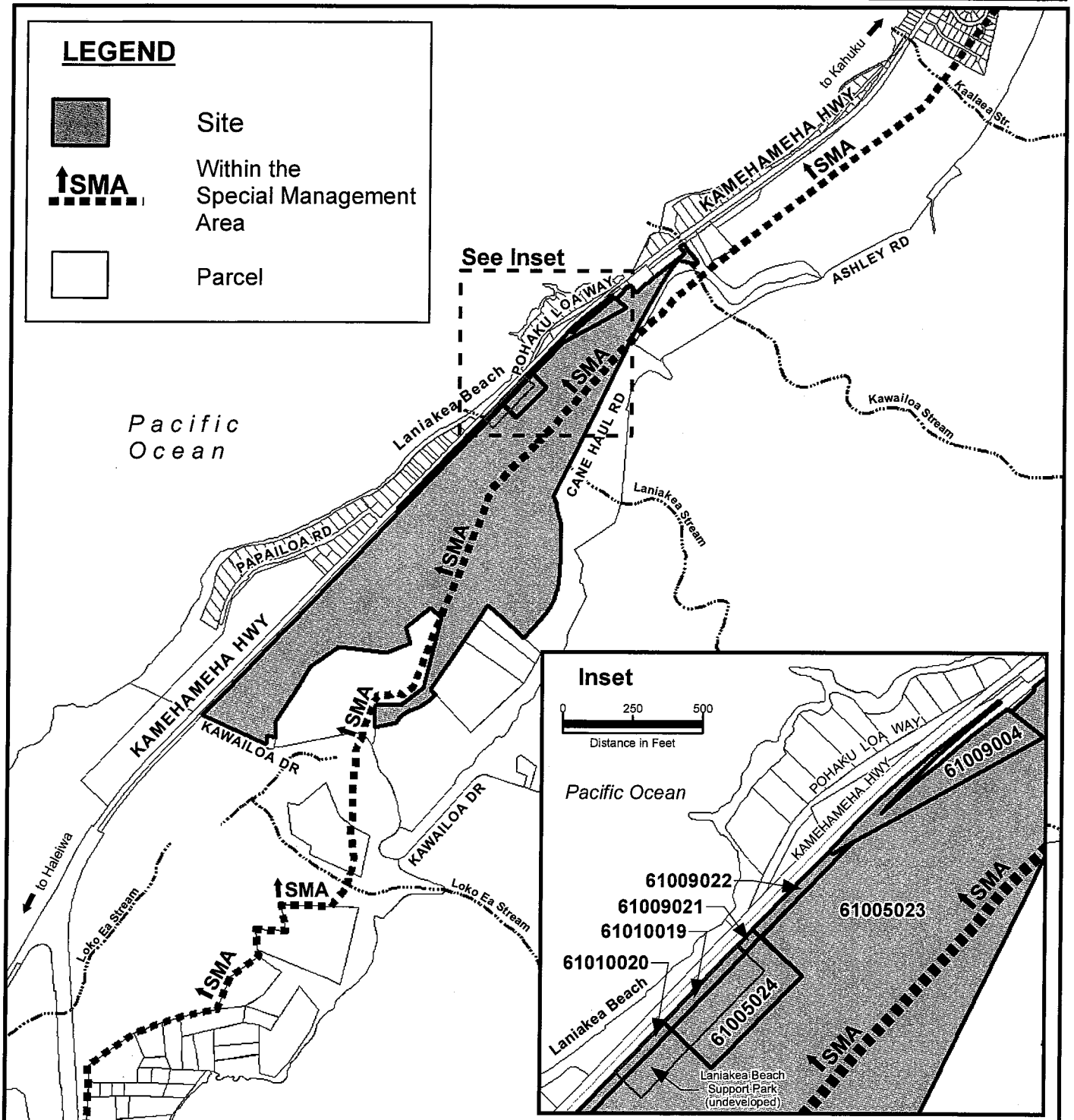
Site



Within the
Special Management
Area



Parcel



VICINITY MAP

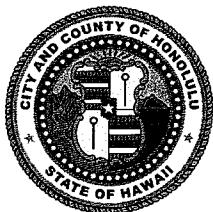
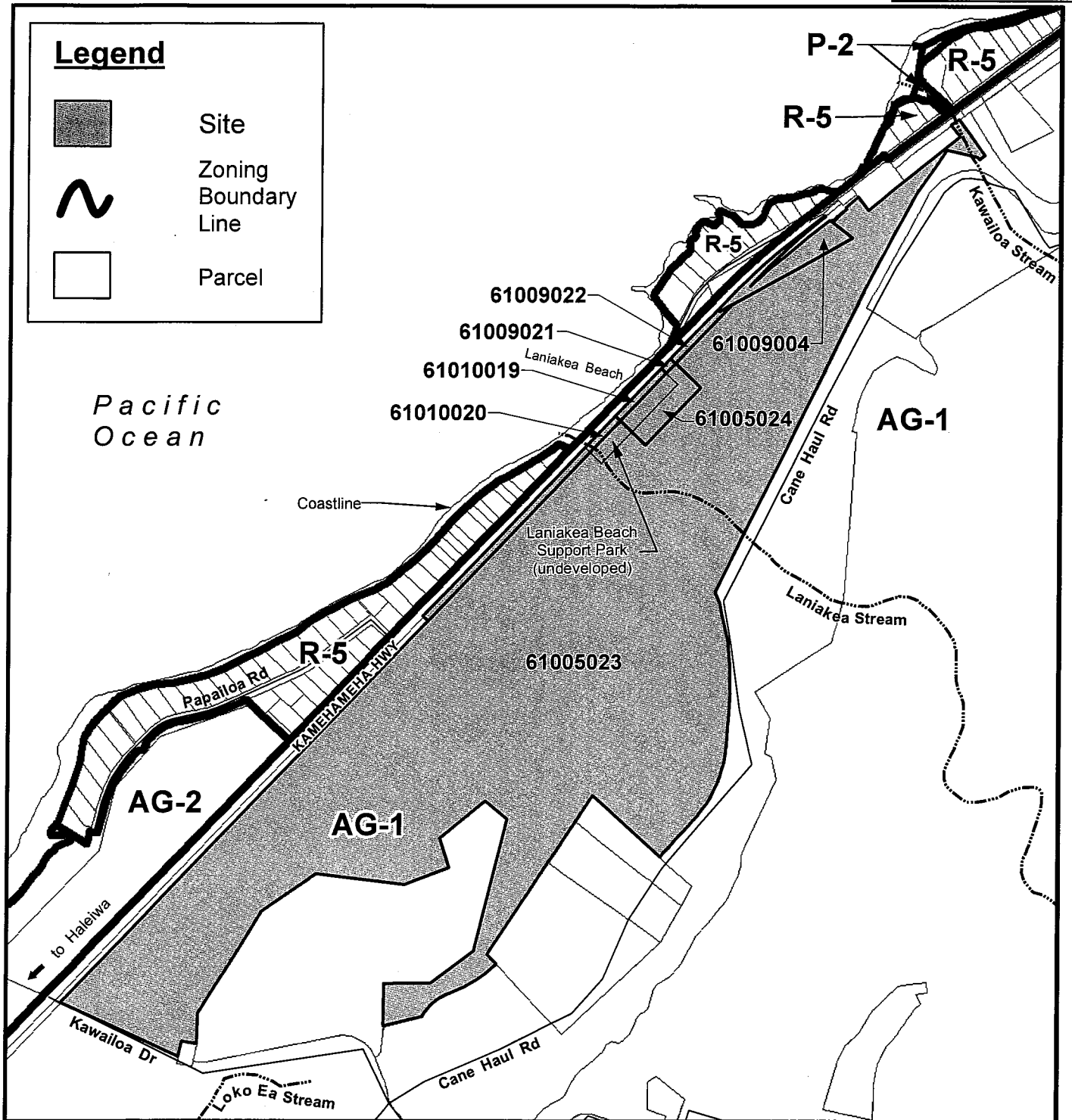
0 750 1,500 3,000
Distance in feet



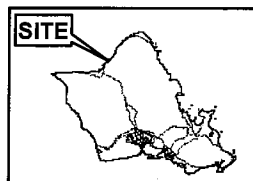
LOCATION MAP WITH SMA HALEIWA

TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4



0 400 800 1,600
Distance in feet



VICINITY MAP

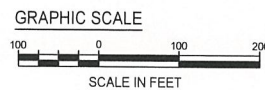
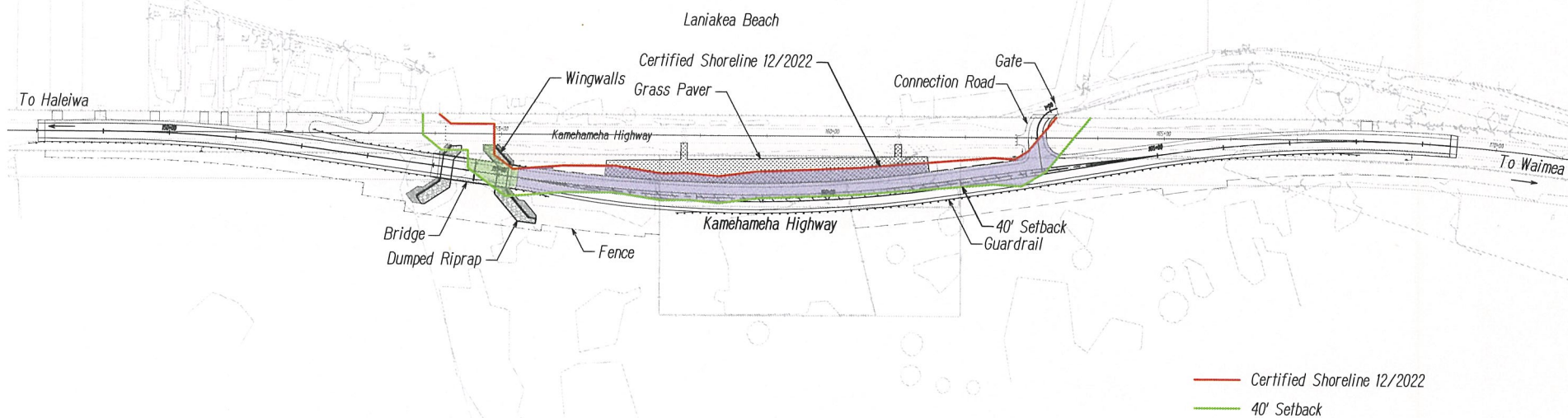


**PORTION OF
EXISTING ZONING MAP
MOKULEIA - WAIALUA - HALEIWA**

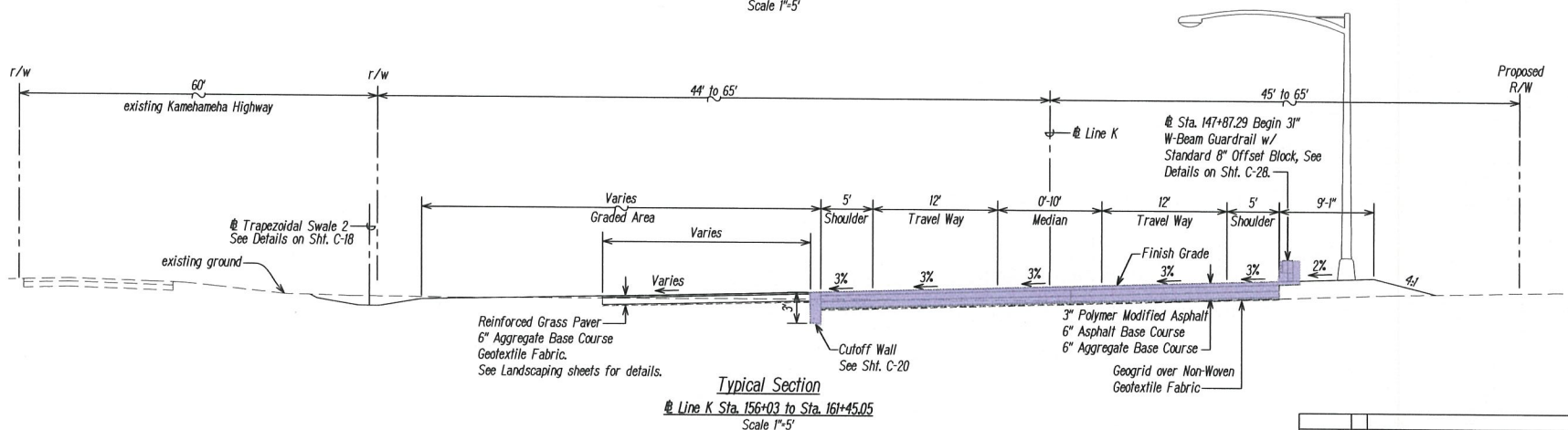
TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4

EXHIBIT C-1



**KAMEHAMEHA HIGHWAY DRAINAGE
AND SAFETY IMPROVEMENTS**
CERTIFIED SHORELINE



DATE		REVISION

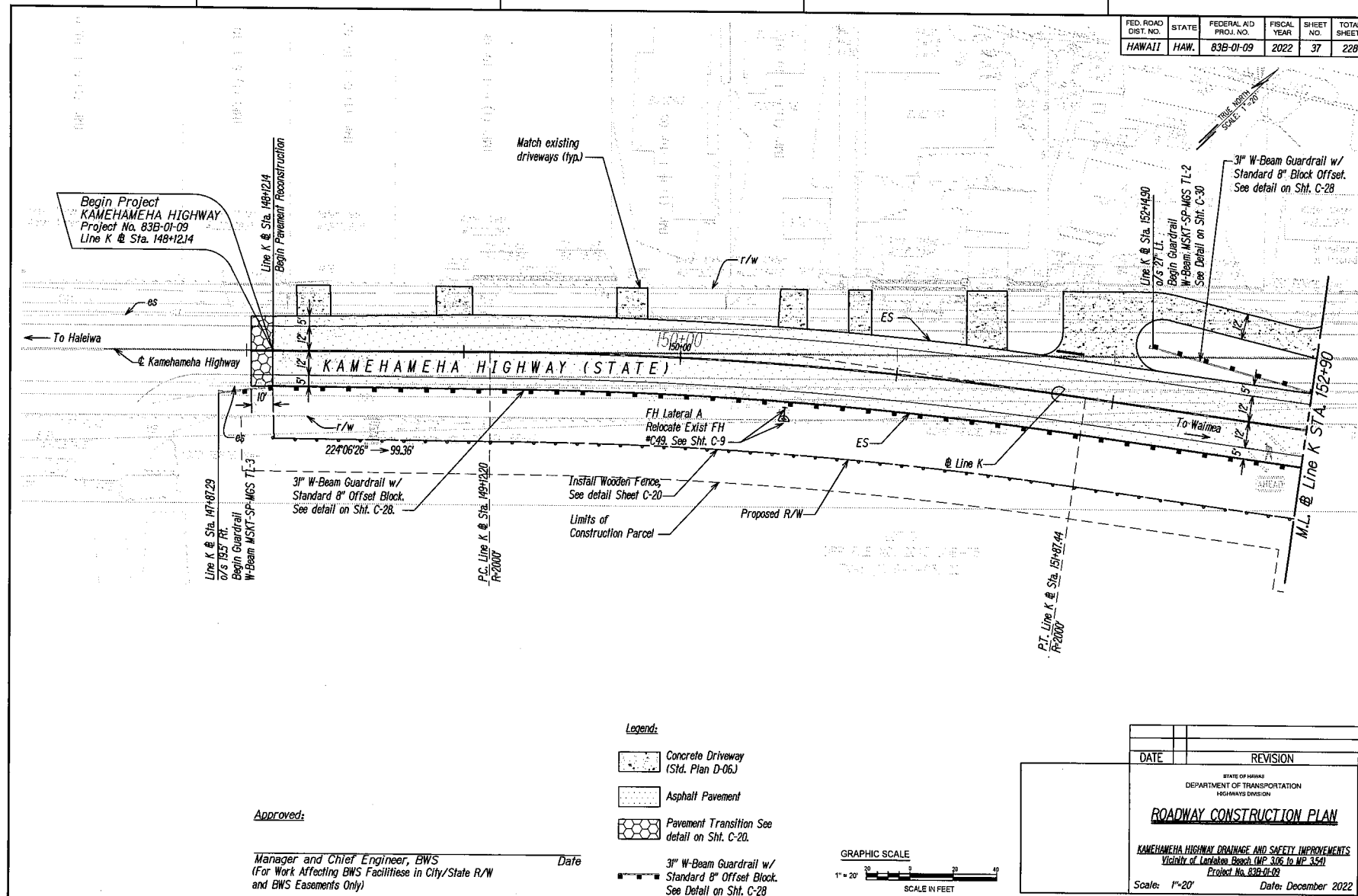
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

TYPICAL SECTIONS

KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Lanikai Beach (HP 306 to MP 354)
Project No. 838-01-09

Scale: 1"=5' Date: December 2002

SHEET No. TS-03 of 4 SHEETS



FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	83B-01-09	2022	38	228

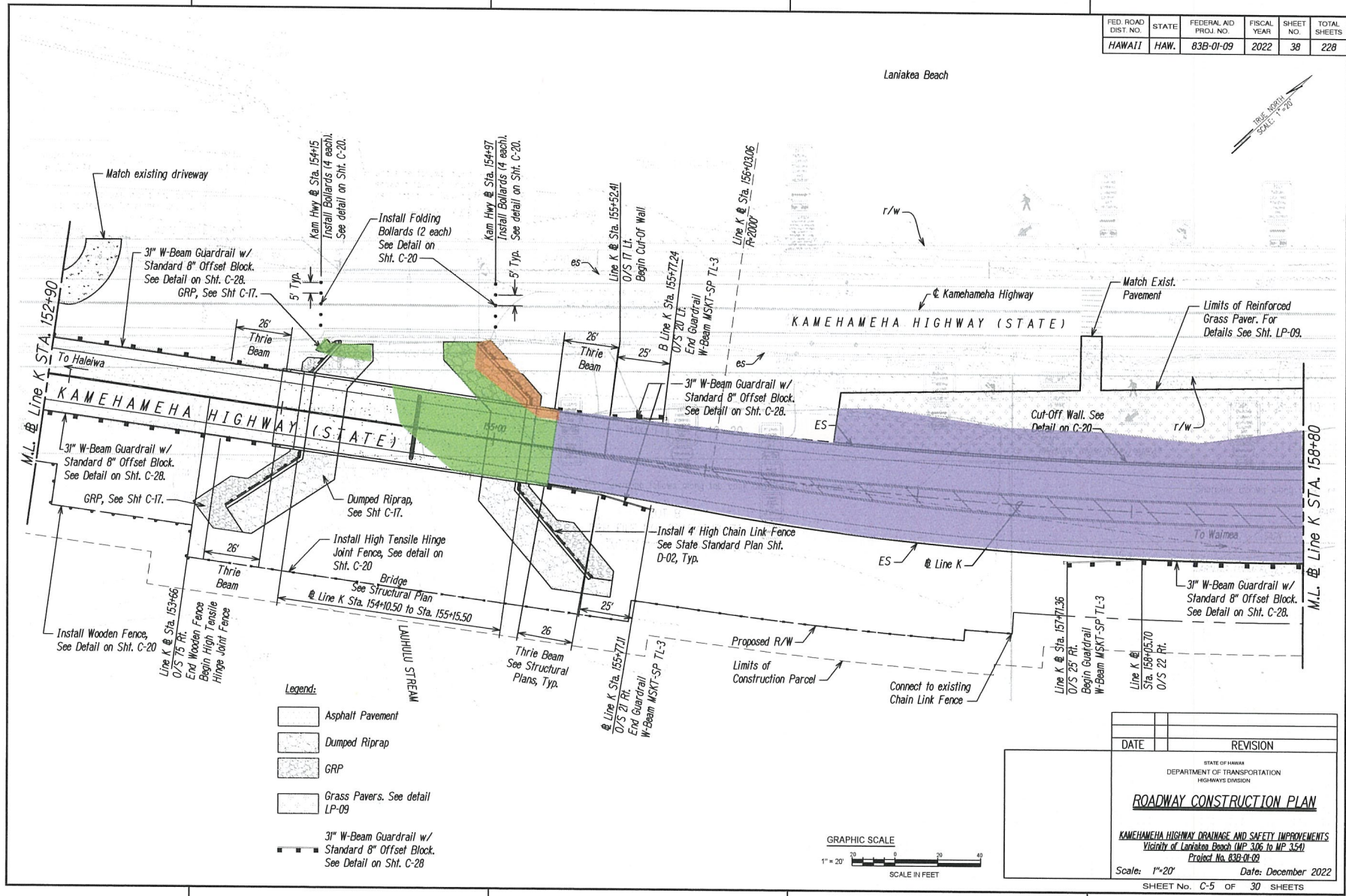


EXHIBIT C-6

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	83B-01-09	2022	39	228

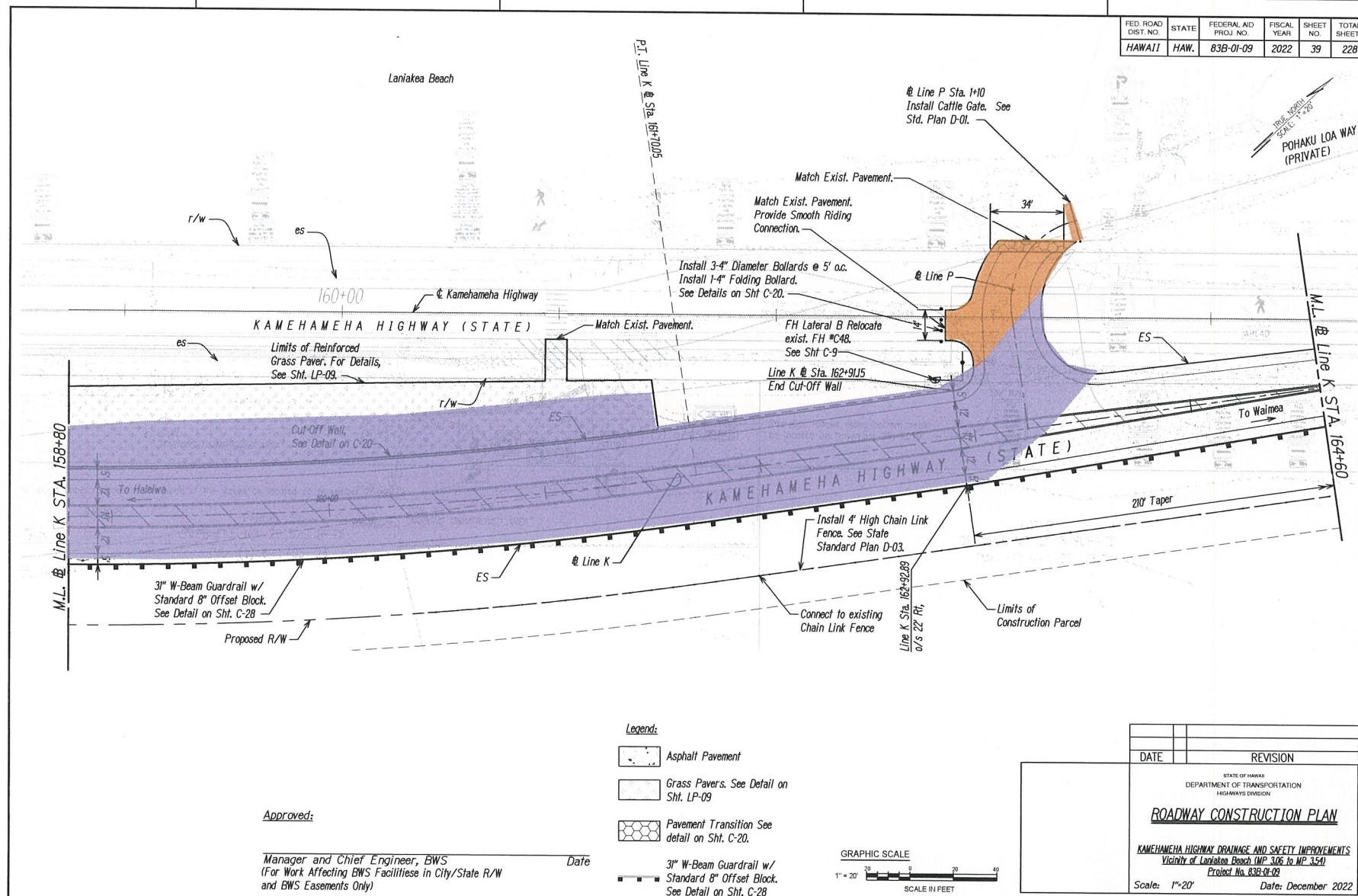
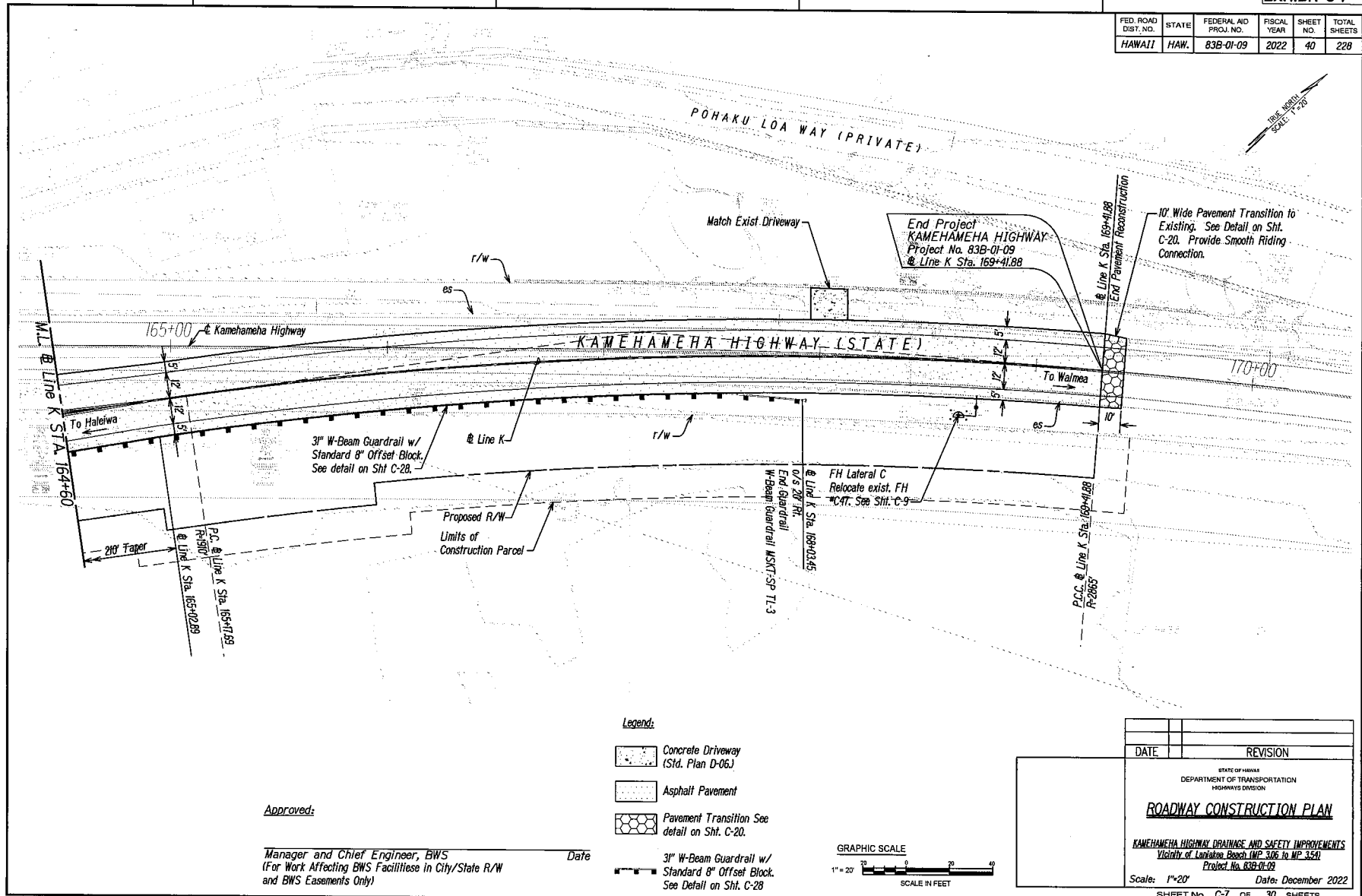
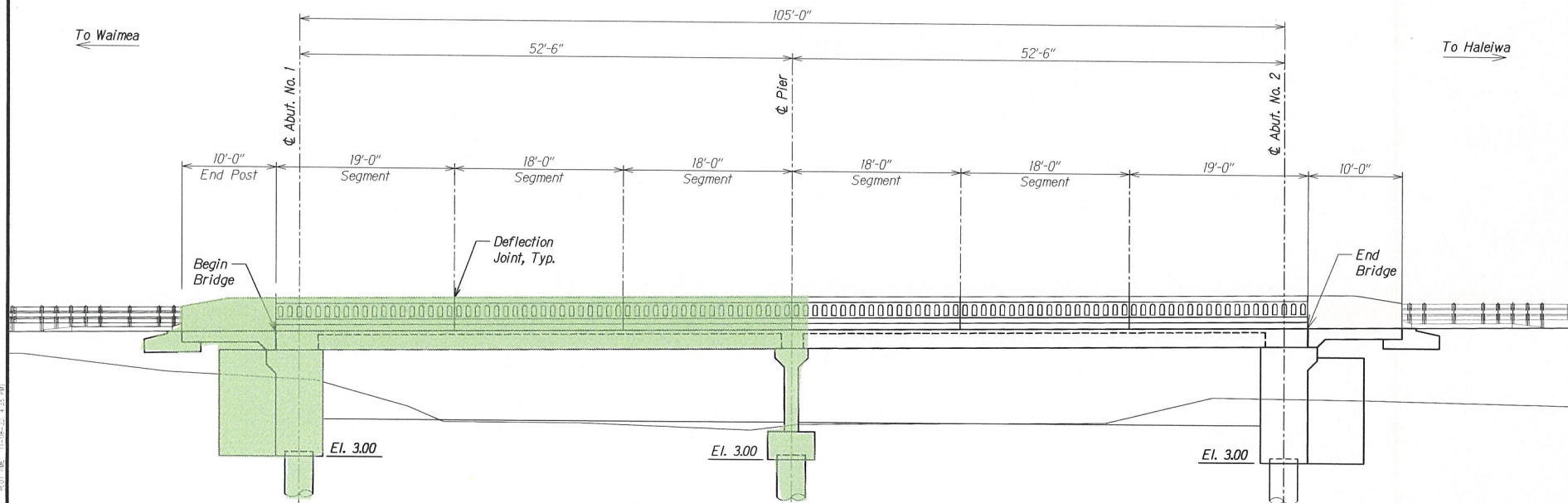


EXHIBIT C-7

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	83B-01-09	2022	40	228





Mauka elevation is similar.

Scale: $3/16'' = 1'-0''$

ORIGINAL PLAN	SURVEY PLOTTED BY _____ DATE _____
NOTE BOOK	DRAWN BY _____
	TRACED BY _____
	DESIGNED BY _____
	QUANTITIES BY _____
	CHECKED BY _____
	By _____

DRAWING NAME: Z:\00 ONCOM\00_F PROJECTS\22-015 1 KAM HWY LANIA+EA\01 CAD\11-09-22 506CTVHP-S0901 RAILG ELEV.DWG PLOT TIME: 11-09-22 4:35 PM

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

BRIDGE RAILING ELEVATION

KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Lanikai Beach (MP 3.06 to MP 3.54)
Project No. 839-01-09

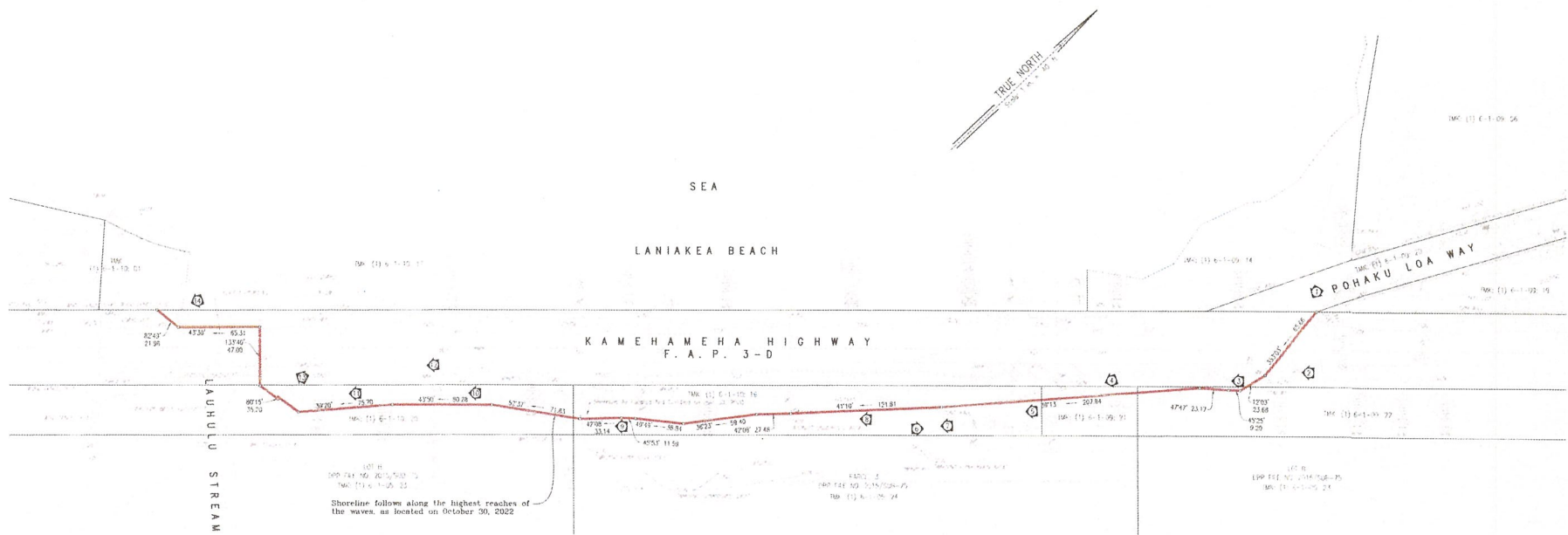
Scale: As Noted Date: December 2002

SHEET No. 59J OF 3 SHEETS

EXHIBIT D



NOTE: Photos taken on October 30, 2022

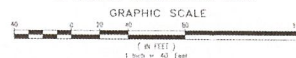


Shoreline follows along the highest reaches of the waves, as located on October 30, 2022

The shoreline as delineated in red is hereby certified as the shoreline as of JAN 18 2023

Honorable Board of Land and Natural Resources

SHORELINE SURVEY MAP
PORTIONS OF KAMEHAMEHA HIGHWAY, F.A.P. 3-D,
FORMER RAILROAD RIGHT-OF-WAY (40-FT. WIDE) AND
PARCEL 3 AND LOT B, OF DPP FILE NO. 2015/SUB-75,
BEING PORTIONS OF R.P. 4475, L.C. AW. 7713, APANA 33 TO V. KAMAMALU
at Kawaioa, Waiailua, Oahu, Hawaii



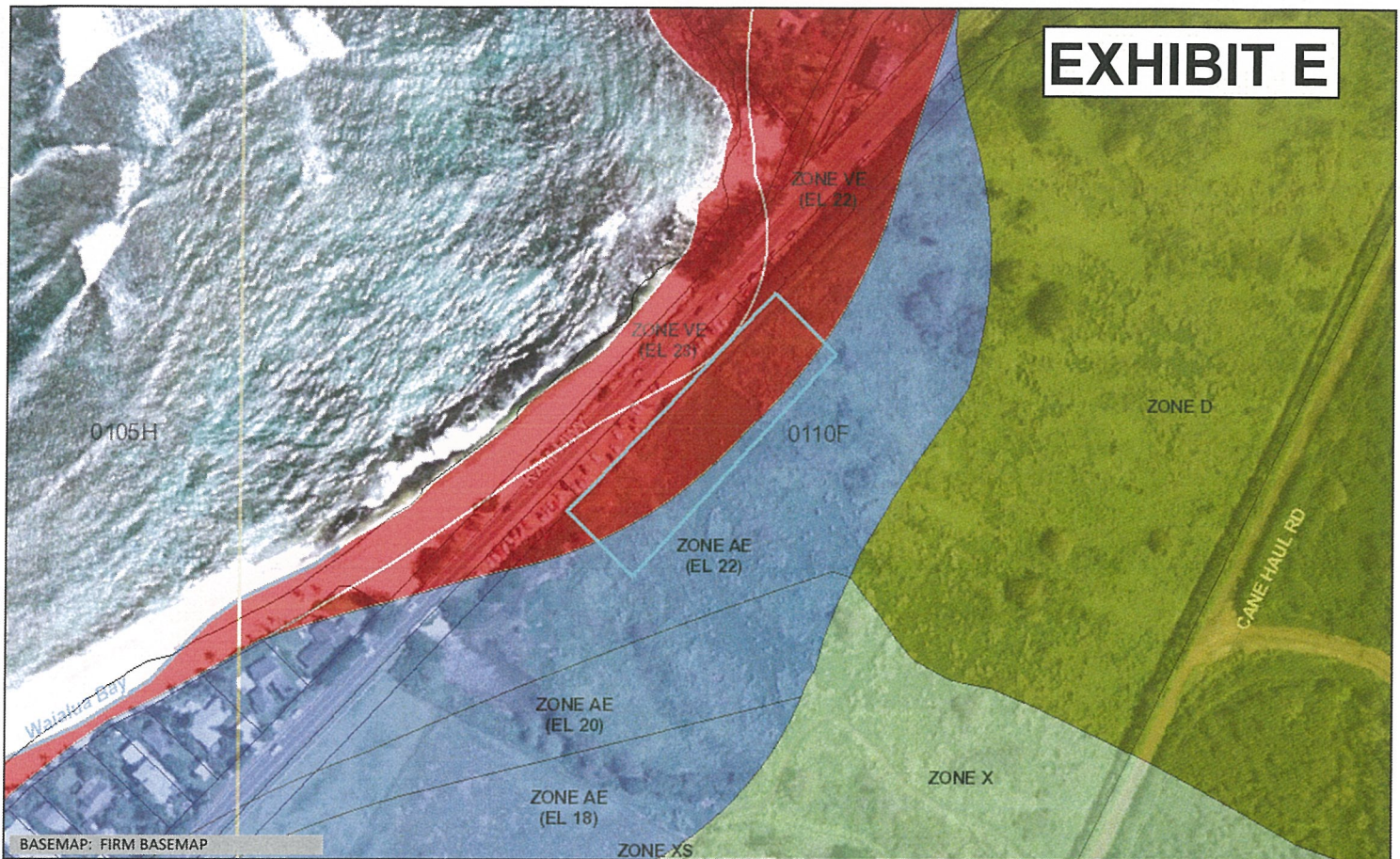
CONTROLPOINT SURVEYING, INC.
115 Pukia Street, Suite 300
Honolulu, Hawaii 96813

Client: City & County of Honolulu
Project: Lanikai Beach
Survey: 11/1/22
Map: 11/1/22
Scale: 1 inch = 40 feet
Date: 11/1/22
By: [Signature]
Checked: [Signature]
Title: Surveyor
License: 11/1/22



This work was prepared by me or under my direct supervision.
[Signature]
John S. Davis
Licensed Professional Land Surveyor
Certificate Number 9373
License Expires April 30, 2024

EXHIBIT E



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HONOLULU
 TMK NO: (1) 6-1-005:024
 WATERSHED: KEAMANE
 PARCEL ADDRESS: 61-6080 KAMEHAMEHA HWY
 HALEIWA, HI 96712

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 15003C0110F
 PANEL EFFECTIVE DATE: SEPTEMBER 30, 2004

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/>



0 200 400 ft

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:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: 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.

	Zone XS (X shaded): 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.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: 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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EXHIBIT F-1

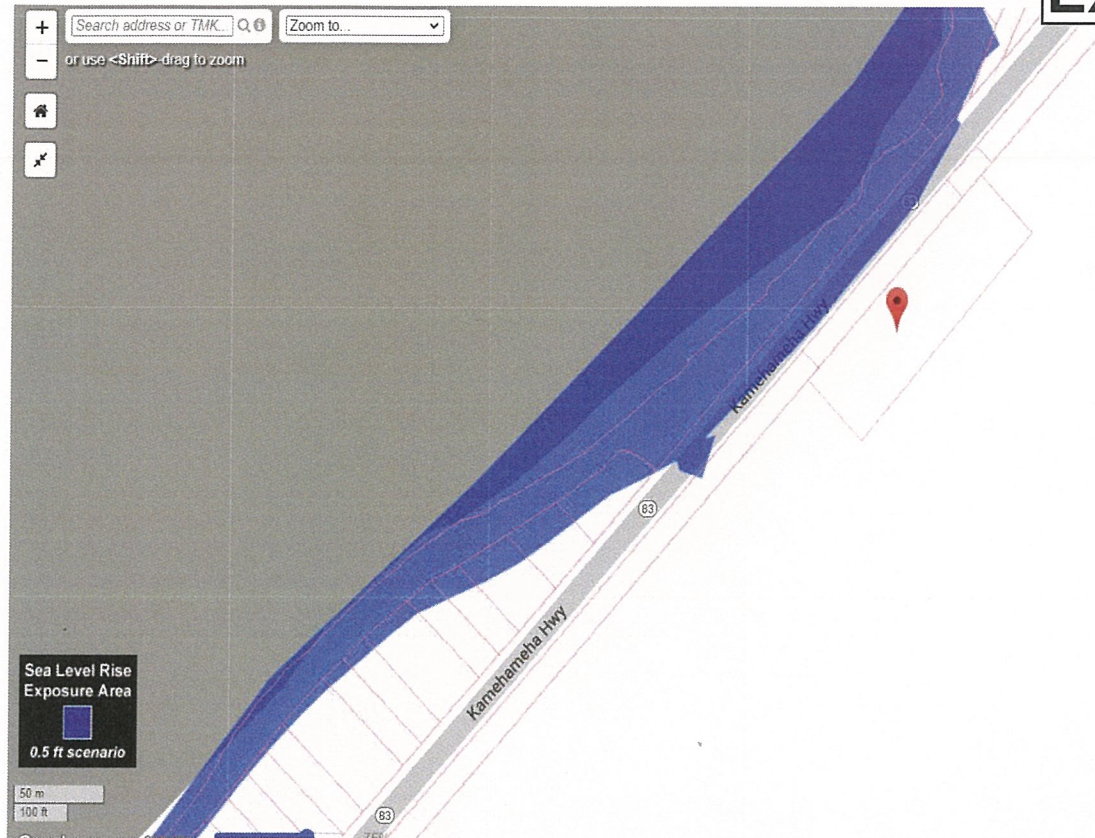


EXHIBIT F-2

