

SUMMARY OF PROPOSED COMMITTEE DRAFT:

RESOLUTION 23-57

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

The PROPOSED CD1 makes the following amendments:

- A. Amends the resolution title to read as follows:

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW ONE-FAMILY DETACHED DWELLING AT 5699 KALANIANA'OLE HIGHWAY.

- B. In the first WHEREAS clause, clarifies the description of the Project.
- C. In the second WHEREAS clause, adds that two members of the public testified at the public hearing.
- D. In the fourth WHEREAS clause, provides that the Council received the DPP's findings and recommendation on April 13, 2023, by Departmental Communication 251 (2023) ("D-251 (2023)").
- E. In Condition A, provides that except as required by the conditions of approval, development must be in general conformity with the Project as described in D-251 (2023) and as depicted in Exhibits A through N.
- F. In Condition B, clarifies that the "stop work" requirement for archaeological finds must be clearly stated on all Project construction permit and building permit plans (instead of any earth-moving development permit plans and building plans).
- G. Combines and amends Conditions C and D to prohibit the importation of fill into Project site areas with designated Jaucas sands; provided that the addition of clean fill on Project site areas with no designated Jaucas sands is allowed to induce anticipated settlement of existing underlying fill, subject to the following:
1. Prior to the issuance of any construction permit or building permit for the Project, requires the Applicant to submit to the DPP for its review and approval modified Project plans that show the relocation, reorientation, or redesign of the Project so that no portion of the Project is located on areas with designated Jaucas sands; provided that the DPP Director must determine that the Project, as modified, has no significant impact on coastal resources. Alternatively, the Applicant may submit to the DPP verified evidence showing that no Jaucas sands, beach sands, or dune and marine sands exist where fill is proposed on the Project site.

2. Prior to the importation of any fill materials, the Applicant shall submit a materials analysis to the State Department of Land and Natural Resources, Division of Forestry and Wildlife ("DLNR DFW") for review and approval. The materials analysis must show that all fill materials are clean and do not contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that may harm native species and ecosystems.
3. Approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to the DLNR DFW for its review and approval a post-construction survey to detect whether the Project site contains any invasive species that have spread from the fill materials and its recommended mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey.

Realphabetizes subsequent conditions.

- H. In realphabetized Condition E, adds that the enumerated conditions relating to minimizing impacts to Hawaiian seabirds, the Hawaiian hoary bat, and other species that may frequent or traverse the vicinity of the Project site must be clearly stated under "Environmental Notes" on all Project construction permit and building permit plans.
- I. Adds a new Condition F to provide that upon approval of the SMA Use Permit, neither the Applicant nor any future successor owner or interested party may claim hardship due to erosion, sea level rise, or any other coastal hazard, in order to obtain approval of a future Shoreline Setback Variance for a new shoreline protection structure. Realphabetizes subsequent conditions.
- J. In realphabetized Condition G, requires the Applicant to obtain a construction permit or building permit (instead of development permit) for the Project within two years after the effective date of the SMA Use Permit.
- K. Conforms realphabetized Condition H, relating to compliance with LUO and other governmental requirements, to the standard language included in SMA Use Permit resolutions.
- L. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, Hawai'i

No. 23-57, CD1

PROPOSED

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW ONE-FAMILY DETACHED DWELLING AT 5699 KALANIANA'OLE HIGHWAY.

WHEREAS, on January 24, 2023, the Department of Planning and Permitting ("DPP") accepted a completed application (File No. 2023/SMA-3) from the Jean Tripier/Jean M. Arnold Trust (the "Applicant") for a Special Management Area ("SMA") Use Permit to allow the construction of a new one-family detached dwelling, including an interior courtyard with a pool, a two-car garage, a motor court with two parking spaces, six additional open parking spaces, and a new hot tub, on a shoreline lot located in the R-10 Residential District at 5699 Kalaniana'ole Highway in Niu, and identified as Tax Map Key 3-7-002:081 (the "Project"); and

WHEREAS, on March 9, 2023, the DPP held a public hearing on the application at the Aina Haina Public Library, which was attended by the Applicant's agent, DPP staff members, and four members of the public; two members of the public testified at the public hearing; 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 as established in §§ 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 2021 ("ROH"), as they read prior to the enactment of Ordinance 23-4, and §§ 205A-2 and 205A-26, Hawaii 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 April 13, 2023, by Departmental Communication 251 (2023), 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. Except as required by the conditions of approval, 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, attached hereto and incorporated herein by reference. Any change in the size or nature of the Project that has a significant effect on coastal resources addressed



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in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution, upon review and approval of the Director of Planning and Permitting ("DPP Director").

- 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, protect the find from further disturbance, and contact the State Historic Preservation Division ("SHPD") immediately. Work in the immediate area must stop until the SHPD is able to assess the impact and make further recommendations for mitigative measures. This requirement must be clearly stated on all Project construction permit and building permit plans.
- C. The importation of fill onto Project site areas with designated Jaucas sands is prohibited; provided that the addition of clean fill on Project site areas with no designated Jaucas sands is allowed to induce anticipated settlement of existing underlying fill, subject to the following:
 - 1. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP for its review and approval modified Project plans that show the relocation, reorientation, or redesign of the Project so that no portion of the Project is located on areas with designated Jaucas sands; provided that the DPP Director must determine that the Project, as modified, has no significant impact on coastal resources. Alternatively, the Applicant may submit to the DPP verified evidence showing that no Jaucas sands, beach sands, or dune and marine sands exist where fill is proposed on the Project site.
 - 2. Prior to the importation of any fill materials, the Applicant shall submit a materials analysis to the State Department of Land and Natural Resources, Division of Forestry and Wildlife ("DLNR DFW") for review and approval. The materials analysis must show that all fill materials are clean and do not contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that may harm native species and ecosystems.
 - 3. Approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to the DLNR DFW for its review and approval a post-construction survey to detect whether the Project site



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contains any invasive species that have spread from the fill materials and its recommended mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey.

D. Construction permit and building permit plans must show:

1. Landscaping along the frontage of Kalaniana'ole Highway to soften the highway "corridor" effect; and
2. That, except for the proposed mat foundation areas, all new paved areas must be paved with cellular grass pavers, pervious pavers, or other pervious pavement in order to allow stormwater infiltration.

E. 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 Project 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 § 205A-71(b);
3. Exterior light fixtures on the Project 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.

The requirements enumerated in this condition must be clearly stated under "Environmental Notes" on all Project construction permit and building permit plans.



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- F. Upon approval of this SMA Use Permit, neither the Applicant nor any future successor owner or interested party may claim hardship due to erosion, sea level rise, or any other coastal hazard, in order to obtain approval of a future Shoreline Setback Variance for a new shoreline protection structure.
- G. **The Applicant must obtain a construction permit or building permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a construction permit or building permit within this period will render this SMA Use Permit null and void; provided that this period may be extended as follows:
1. The DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended by the DPP Director beyond one year from the initial deadline set by the Council.
 2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension, which must include the DPP Director's findings and recommendations thereon, and a proposed resolution approving the extension. 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.
 3. 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 DPP Director's report; or
 - b. The Applicant's then-existing deadline for obtaining a construction permit or building permit,the extension will be deemed to be denied.
- H. Approval of this SMA Use Permit does not constitute compliance with the Land Use Ordinance ("LUO") and with other governmental requirements, including but not limited to those imposed by construction permit and building permit approvals. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements; and



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HONOLULU, Hawai'i

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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director 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.

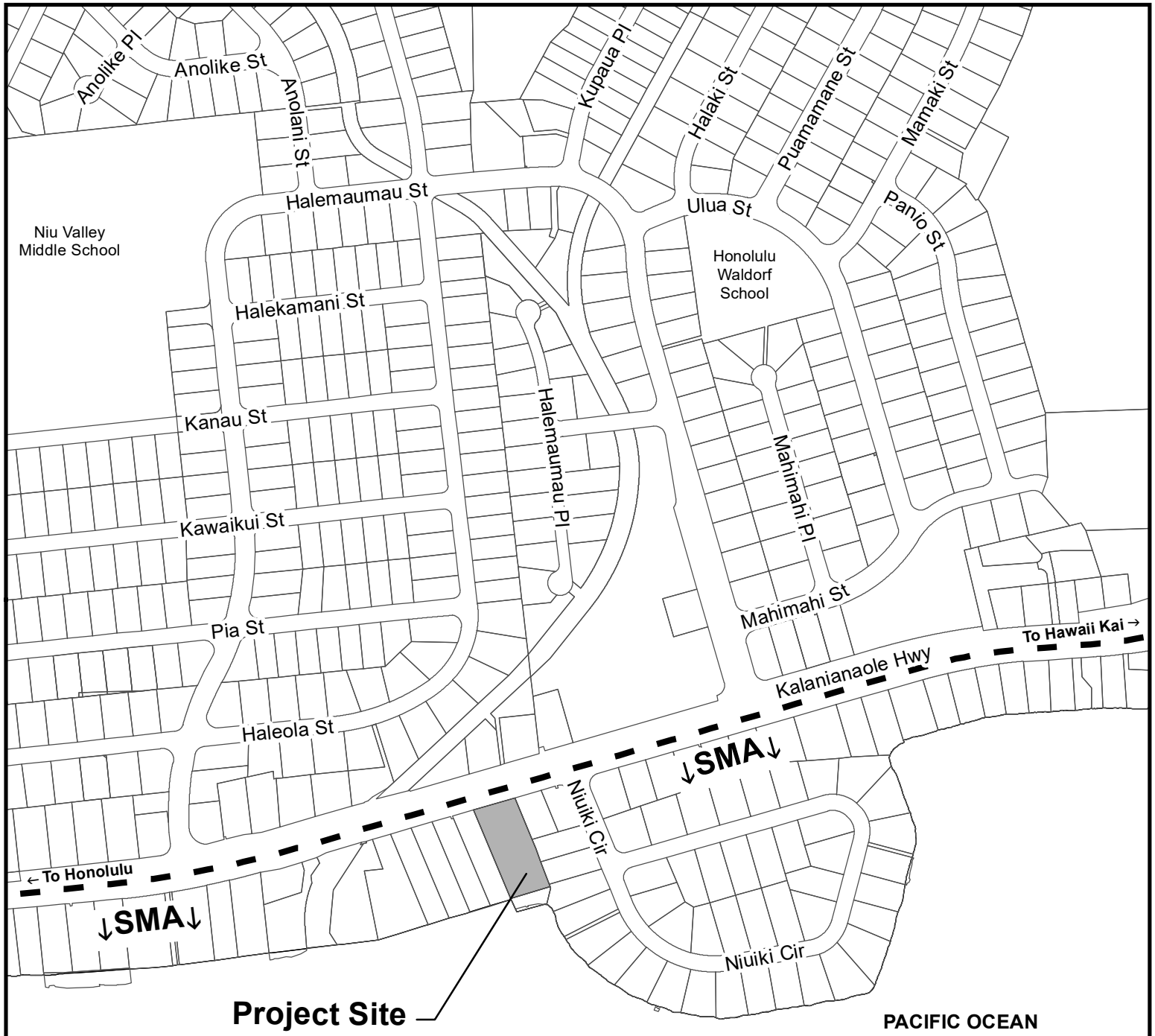
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

April 13, 2023
Honolulu, Hawai'i

Councilmembers



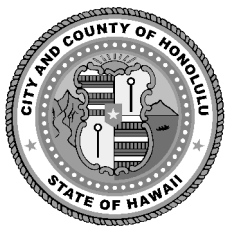
Project Site

PACIFIC OCEAN

Legend

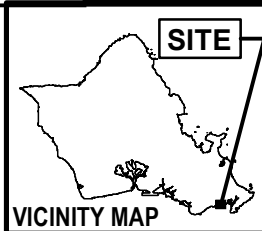
↑SMA↓ Within Special Management Area

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

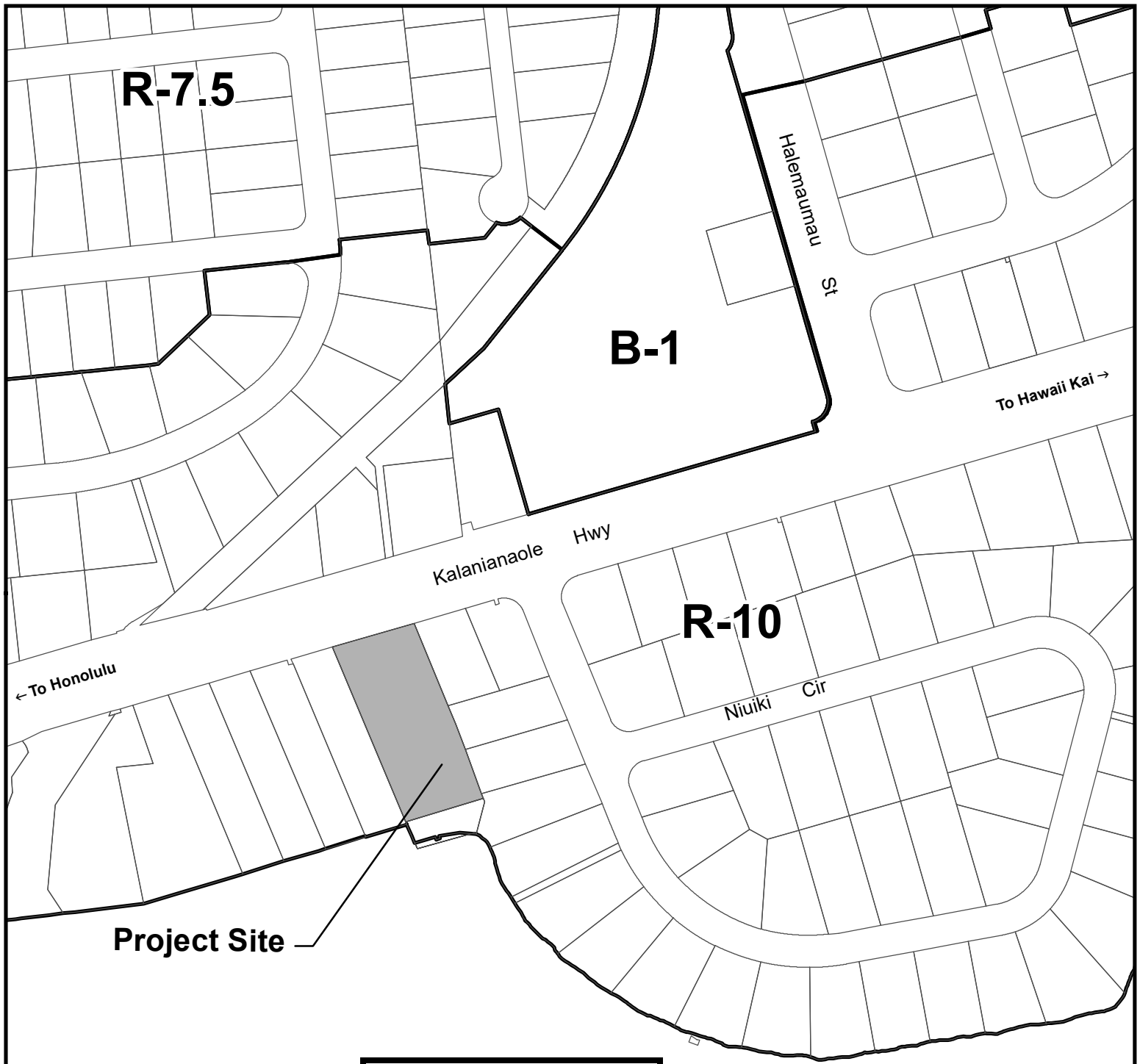
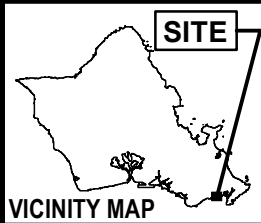
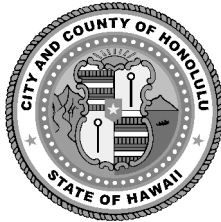


Exhibit B

Legend

 Zoning District Boundary

PACIFIC OCEAN



VICINITY MAP



0 125 250 500

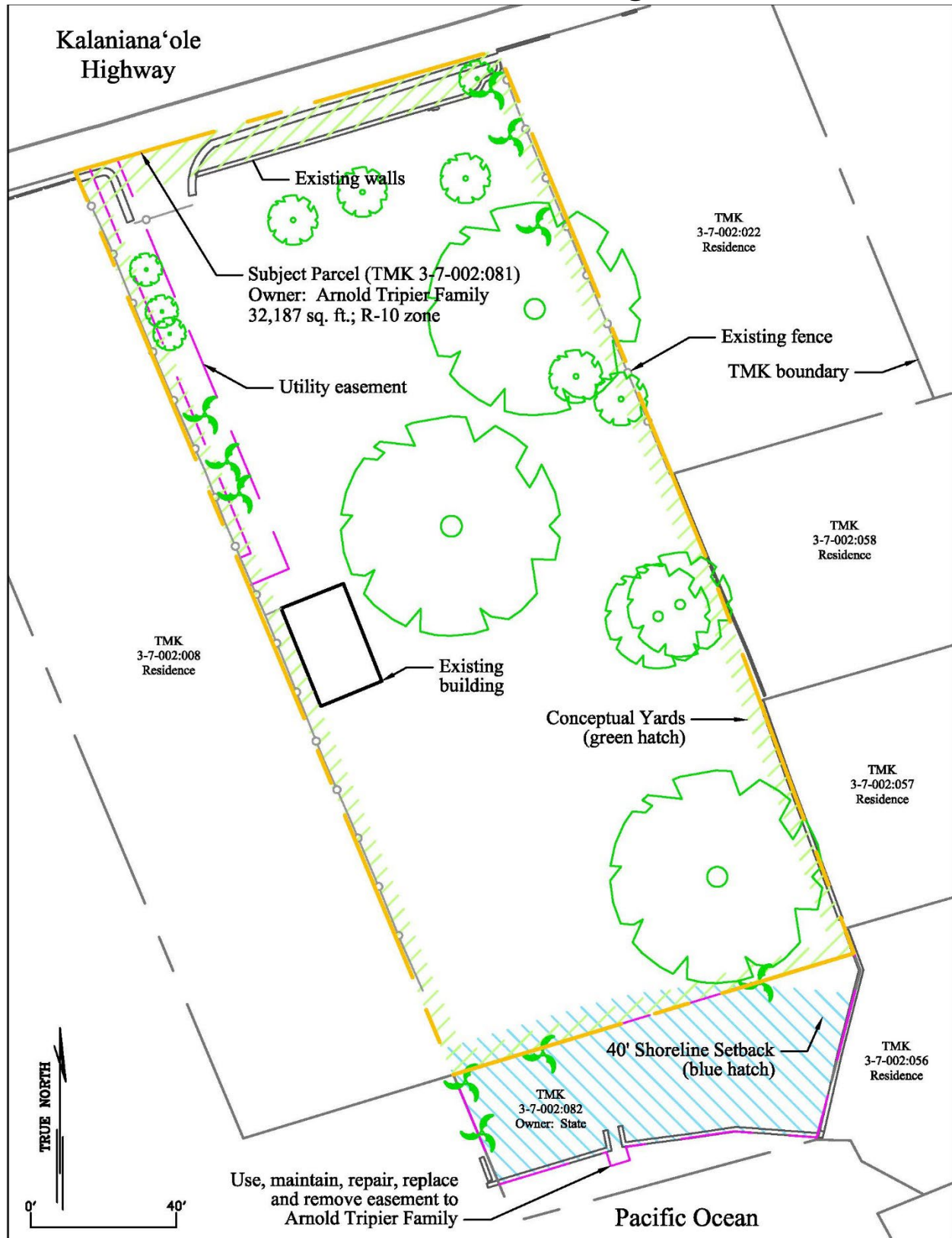
Scale in Feet

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/>



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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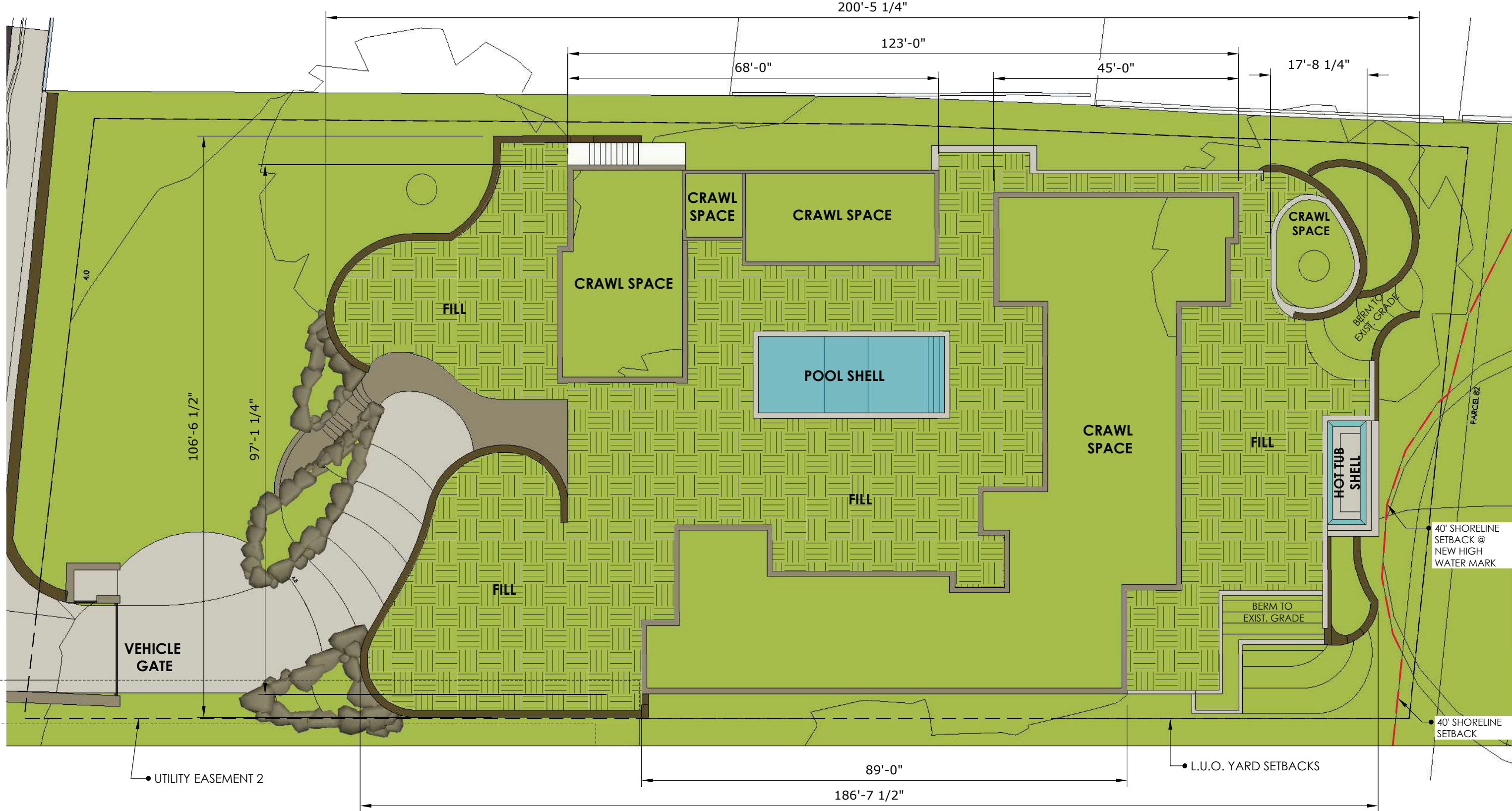


Exhibit F

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

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





Exhibit H

OVERALL MAIN FLOOR PLAN

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

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



Exhibit I

OVERALL UPPER FLOOR PLAN & LOWER ROOF PLAN

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

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



KALANIANAʻOLE HWY (NORTH) ELEVATION



NORTH ELEVATION

Exhibit J

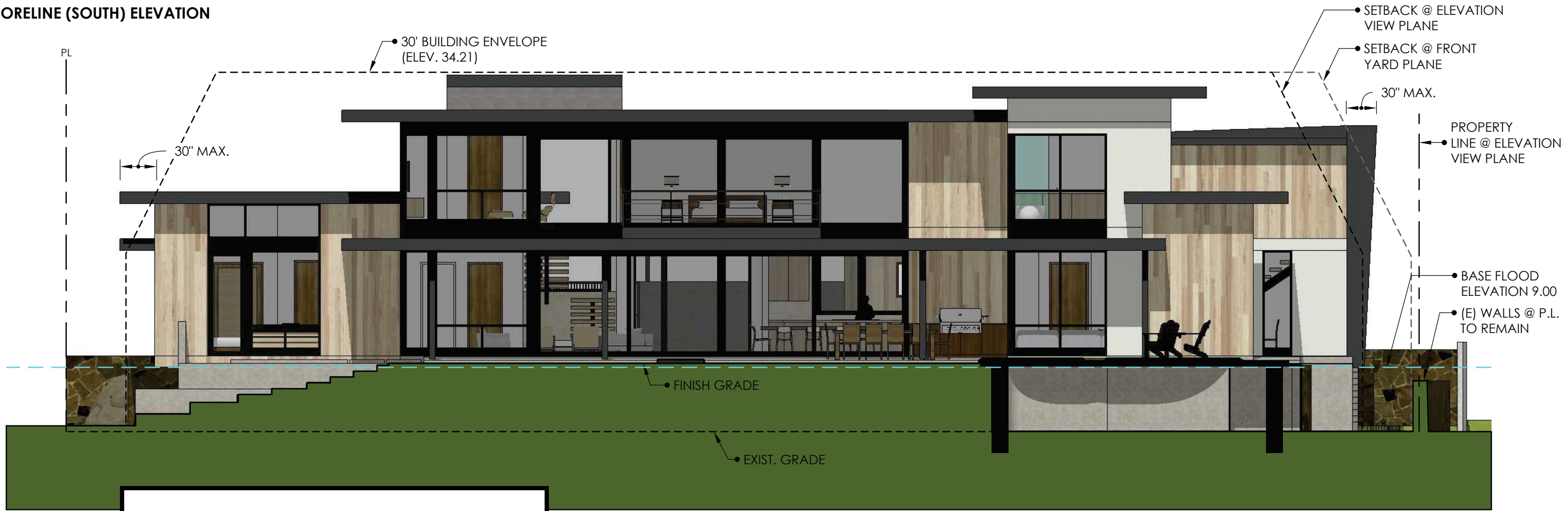
DATE	DECEMBER 13, 2022
SCALE	1/8" = 1'-0"

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





SHORELINE (SOUTH) ELEVATION



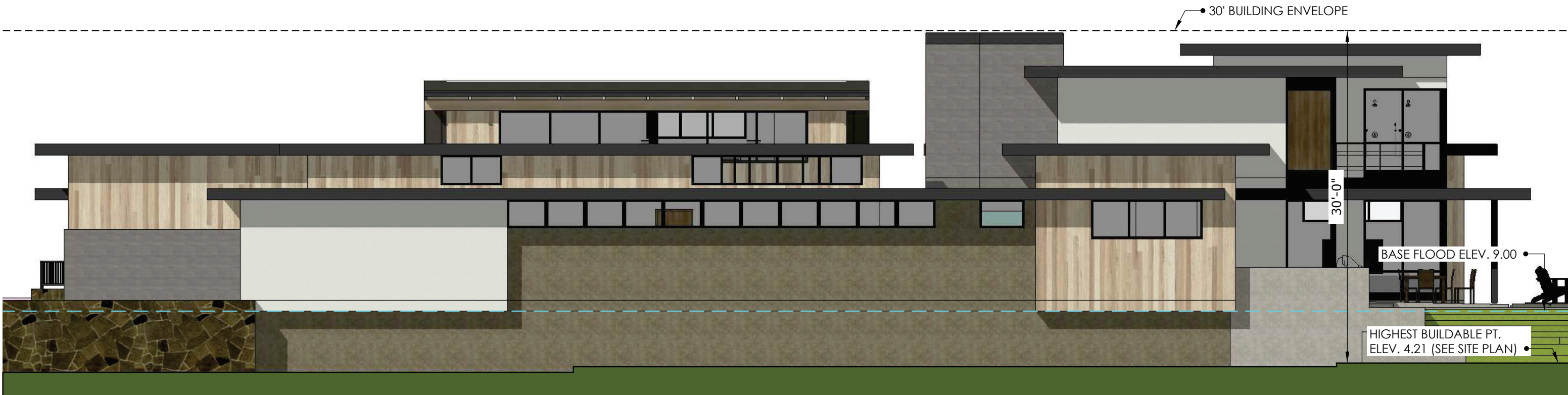
SOUTH ELEVATION

Exhibit K

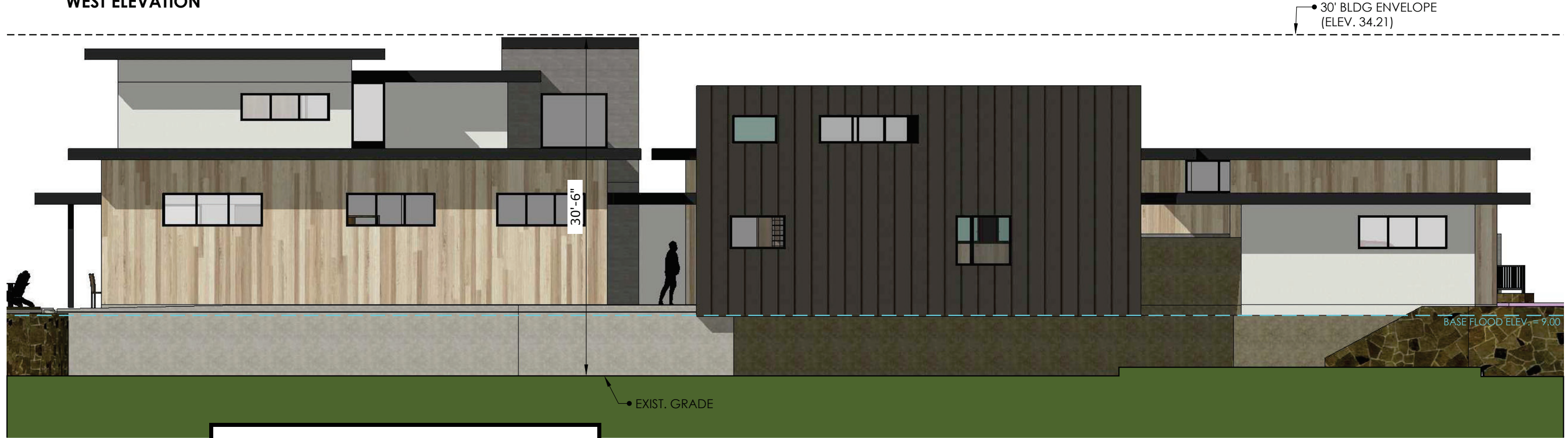
DATE	DECEMBER 13, 2022
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ARNOLD-TRIPPIER RESIDENCE
 5699 KALANIANA'OLE HIGHWAY • HONOLULU, HAWAII 96821
 TMK: 3-7-002:081





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

0"2'4'8'16'

GLAI

Geoffrey Lewis Architect, Inc.

