



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-90, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE SETBACK VARIANCE TO ALLOW ROADWAY AND PEDESTRIAN SAFETY IMPROVEMENTS ALONG KAMEHAMEHA HIGHWAY 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 (the "Applicant") for a Special Management Area ("SMA") Use Permit and Shoreline Setback Variance ("SV") to address pedestrian safety, shoreline erosion, congestion, and roadway reliability on approximately 3 acres of land comprised 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 Tax Map Keys (1) 6-1-005:023 and 024; (1) 6-1-009:004, 021, and 022; and (1) 6-1-010: 019 and 020 (the "Project"); and

WHEREAS, the Project, a majority of which is within the shoreline setback area, encompasses an approximately 1,000-foot portion of Kamehameha Highway; includes the realignment of a portion of the highway approximately 90 feet mauka; makes drainage improvements; and involves the addition of grass pavers, vehicle guard rails, streetlights, a vehicle control gate at Pohaku Loa Way, a new vehicular bridge over Lauhulu Stream, and the conversion of a portion of the existing roadway into a shared use path; and

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

WHEREAS, at the public hearing held on March 30, 2023, 10 members of the public testified that they support the addition of a parking lot on the makai side of Kamehameha Highway; and

WHEREAS, a parking lot on the makai side of Kamehameha Highway in the expanded shoreline area that would be created by relocating the highway further mauka would improve recreational access, traffic along the highway, and pedestrian safety and protect the area from any further development that may obstruct views of the ocean; and



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WHEREAS, these outcomes are consistent with the policies and objectives for development in the special management area as follows:

- (1) To provide and manage adequate public access to public beaches;
- (2) To support economic uses of the area by ensuring that coastal development is designed to minimize adverse social impacts in the coastal zone management area;
- (3) To protect and preserve the quality of coastal scenic and open space resources; and
- (4) To support development that is consistent with the O'ahu General Plan, which supports the reduction of traffic congestion, and the North Shore Sustainable Communities Plan, which supports establishing access to shoreline areas where justified by public demand, improving and expanding public access to the shoreline with vehicular parking, and improving mobility and connectivity for area residents,

pursuant to Sections 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 Sections 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"); 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 §§ 25-3.1 and 25-3.2, and §§ 26-1.8 and 26-1.9, Revised Ordinances of Honolulu 2021 ("ROH"), as they read prior to the enactment of Ordinance 23-3 and Ordinance 23-4, and §§ 205A-2, 205A-26, and § 205A-46, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on May 3, 2023, by Departmental Communication 302 (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 and SV 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 be issued to the Applicant for the Project, subject to the following conditions:



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- 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, attached hereto and incorporated herein by 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, ROH Chapter 26, or HRS Chapter 205A, or any combination thereof, will require a new application, SMA Use Permit, and SV. Any new application will be processed in accordance with the provisions of ROH Chapter 25, ROH Chapter 26, and HRS Chapter 205A that are in effect at the time the new application is accepted as complete by the DPP. 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 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 Project construction permit plans and building permit plans.
- C. Historical and cultural resources in the vicinity of the Project site, including but not limited to the Lauhulu Stream Bridge and Site T-1 (a modified bedrock outcrop interpreted to be a possible ceremonial site) must be physically avoided and protected during Project 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 § 205A-71(b);



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3. Exterior light fixtures on all Project zoning lots (both during and after Project construction) 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; special care must be taken during the seabird fledgling season from September 15 to December 15;
4. 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; and
5. All Project-related activities must cease if a Hawaiian monk seal, Hawaiian green sea turtle (Honu), or Hawksbill sea turtle is present within 150 ft. of the Project work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a female monk seal and her pup are present, a 300-foot buffer around the monk seals must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and sea turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

- E. The Applicant shall plan and design a parking lot that includes managed ingress and egress on the makai side of Kamehameha Highway in the expanded shoreline area that will be created by relocating the highway further mauka to improve recreational access, traffic along the highway, and pedestrian safety and to protect the area from any further development that may obstruct views of the ocean from the coastal highway.
- F. Approval of this SMA Use Permit and SV does not constitute compliance with the Land Use Ordinance ("LUO") and other governmental requirements, including but not limited to 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 and SV comply with all applicable LUO and other governmental provisions and requirements; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Ken Tatsuguchi, Highways Division, Hawai'i State Department of Transportation, 869 Punchbowl Street, Suite 301, Honolulu, Hawai'i 96813; and Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

May 4, 2023

Honolulu, Hawai'i

Councilmembers

EXHIBIT A

LEGEND



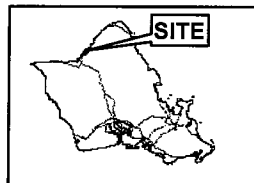
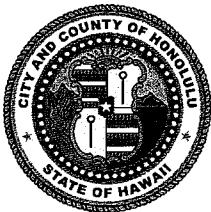
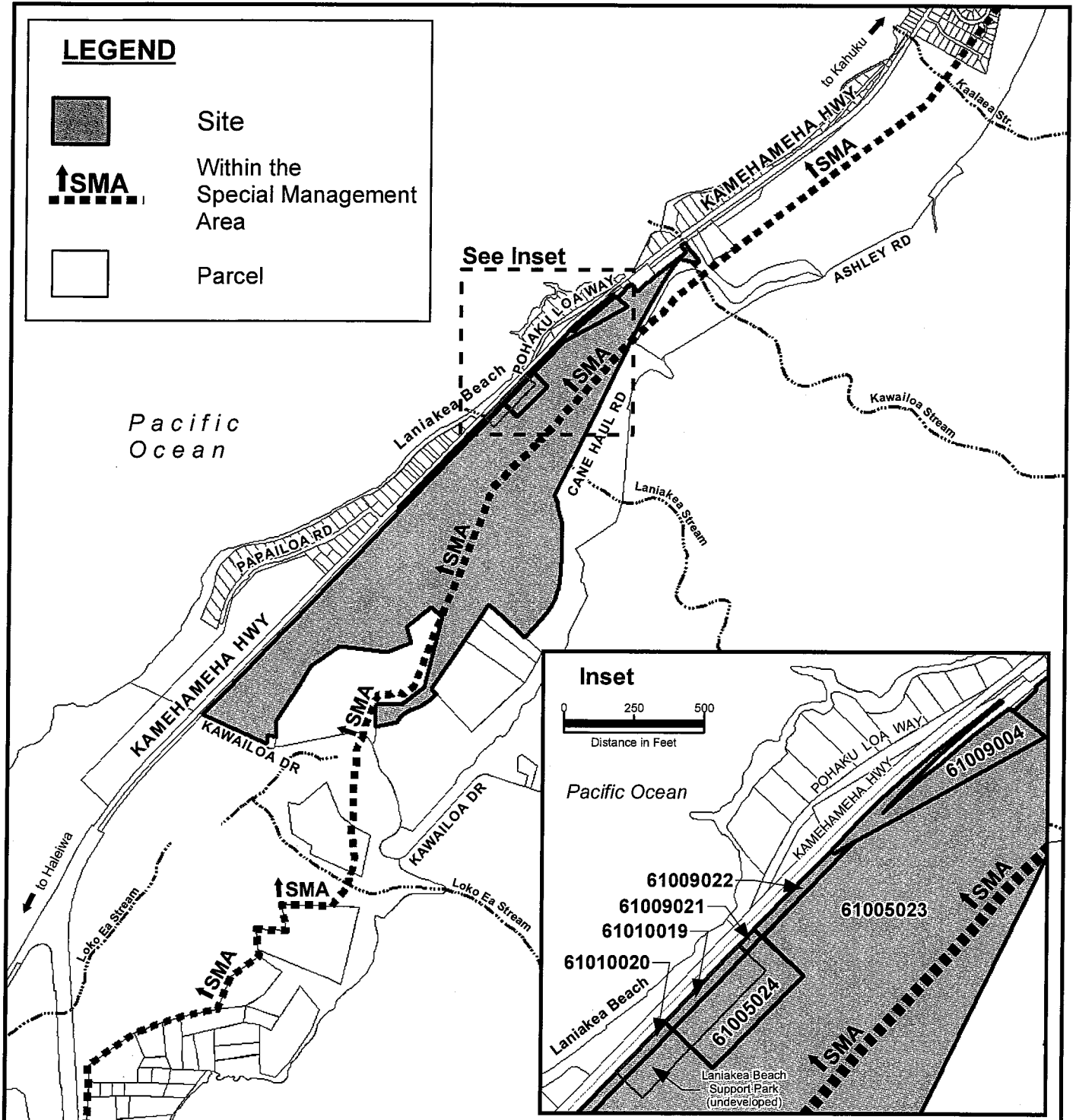
Site



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

Legend



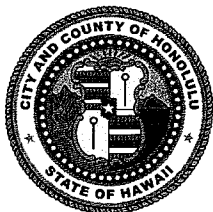
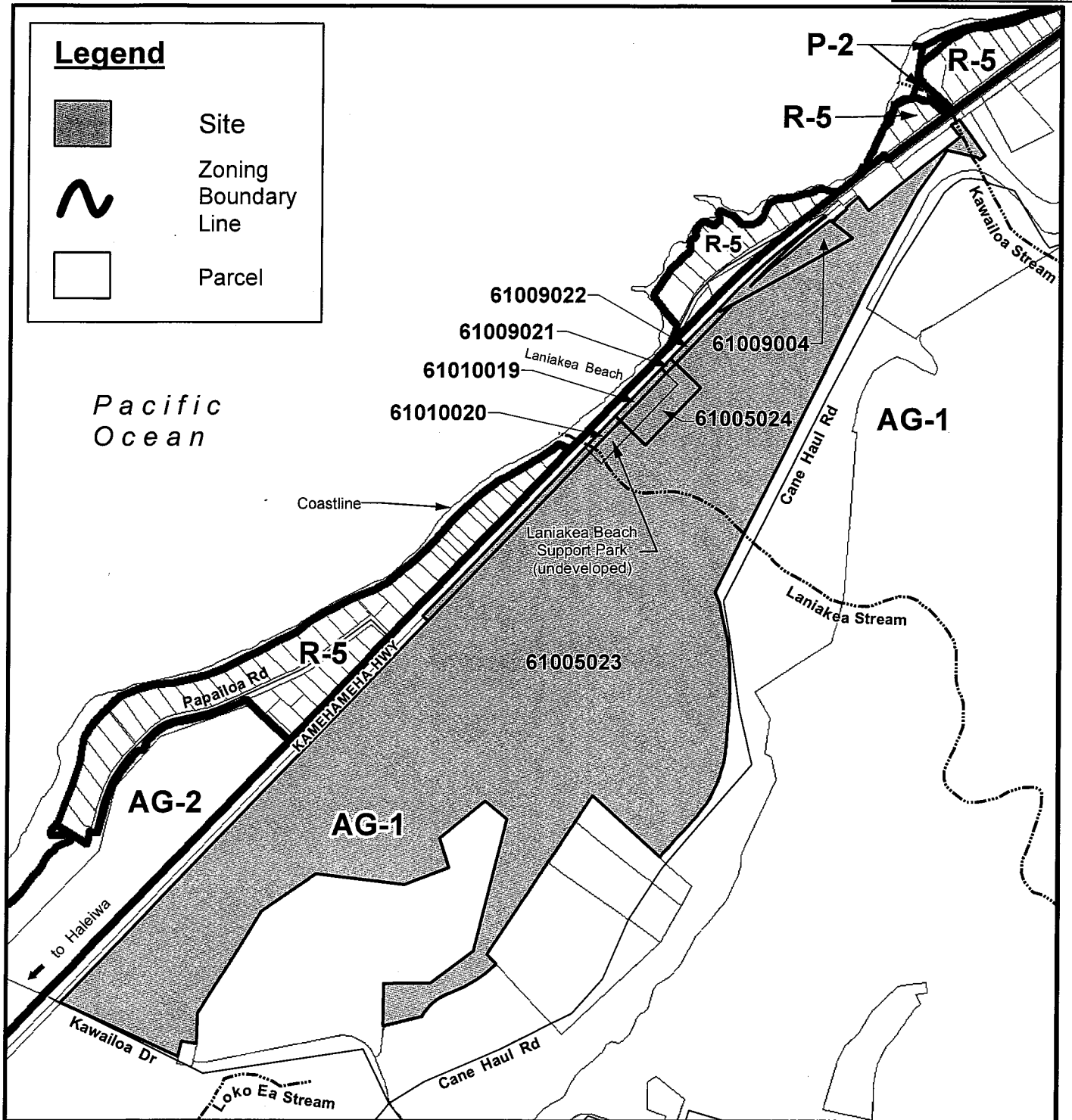
Site



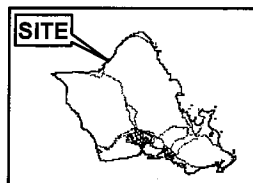
Zoning
Boundary
Line



Parcel



0 400 800 1,600
Distance in feet



VICINITY MAP

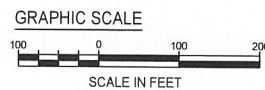
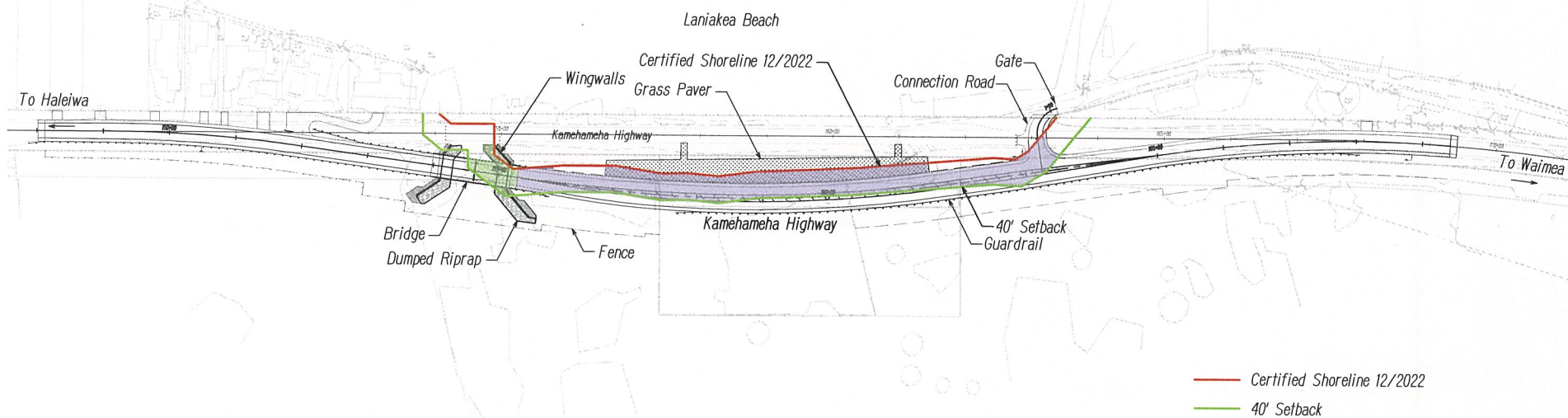
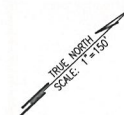


**PORTION OF
EXISTING ZONING MAP
MOKULEIA - WAIALUA - HALEIWA**

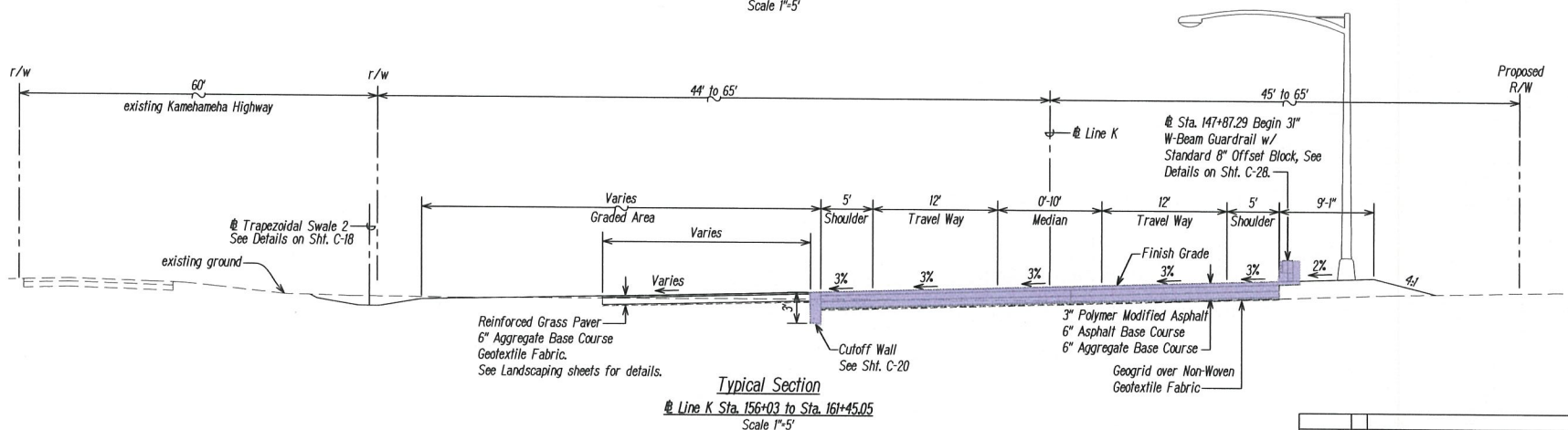
TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

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

EXHIBIT C-1

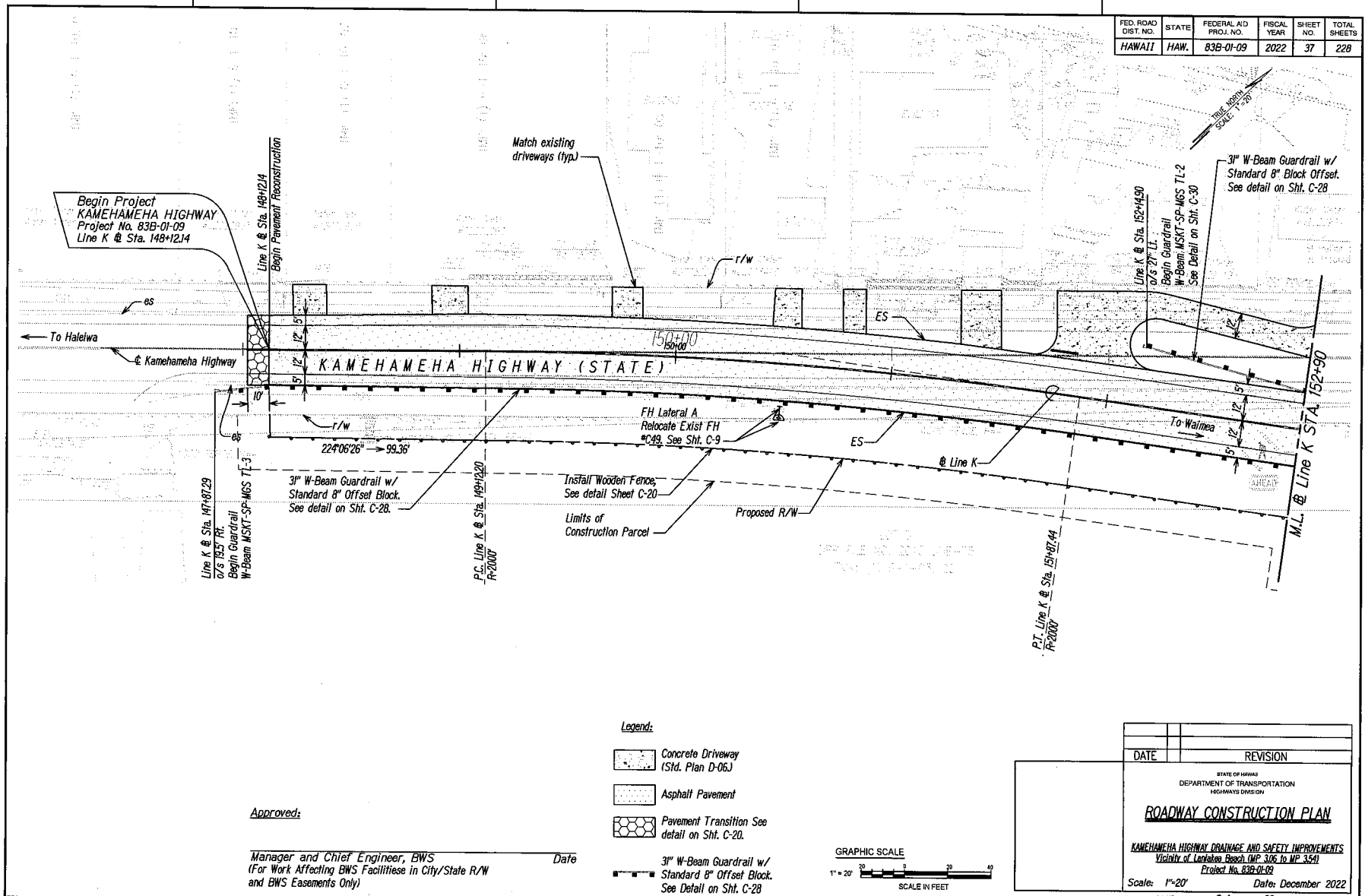


**KAMEHAMEHA HIGHWAY DRAINAGE
AND SAFETY IMPROVEMENTS**
CERTIFIED SHORELINE



DATE	REVISION	
STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAYS DIVISION <u>TYPICAL SECTIONS</u> <u>KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENT</u> <u>Vicinity of Lanikai Beach (MP 3.06 to MP 3.54)</u> <u>Project No. 839-01-02</u> 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	37	228



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

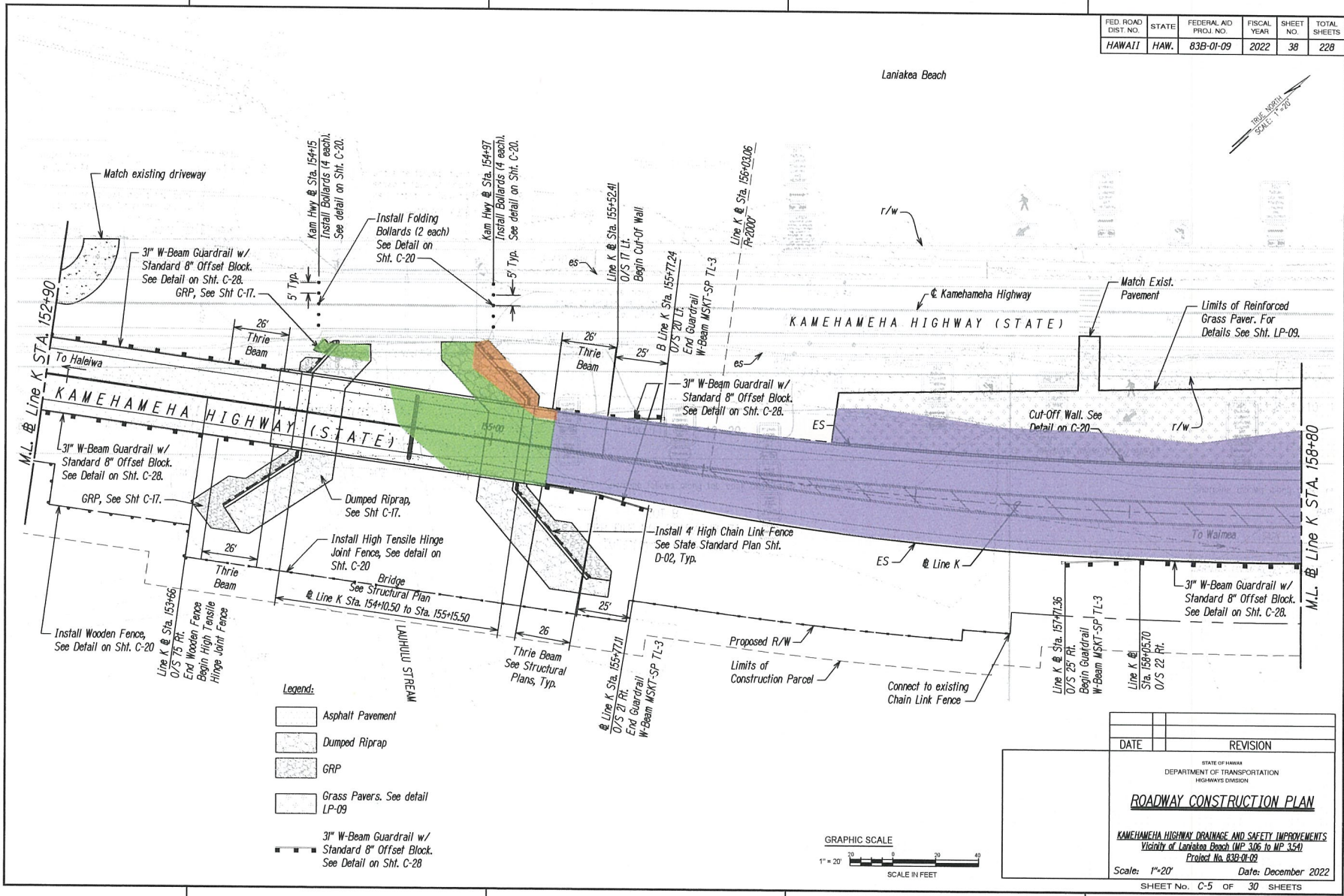




EXHIBIT C-7

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

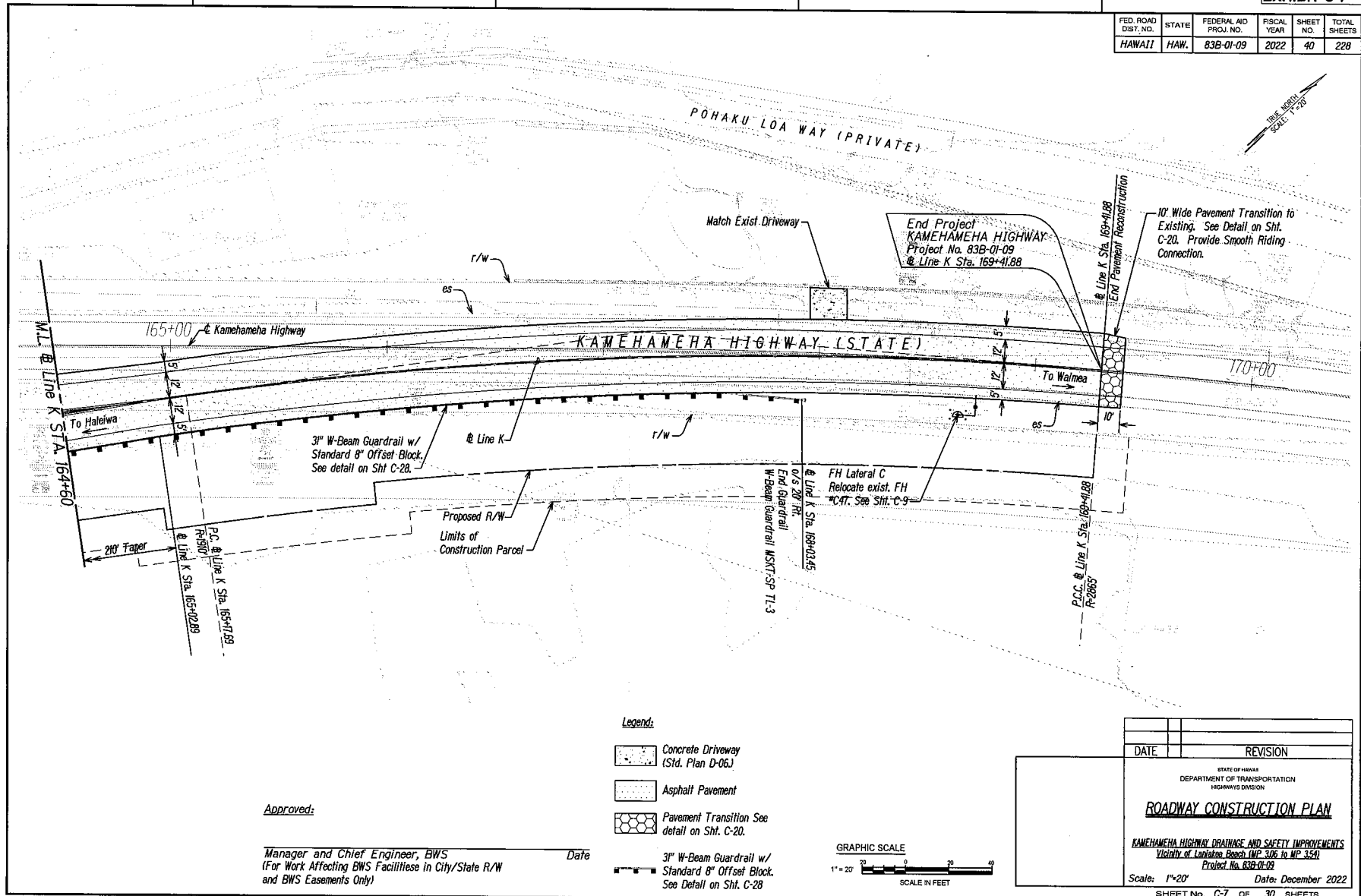
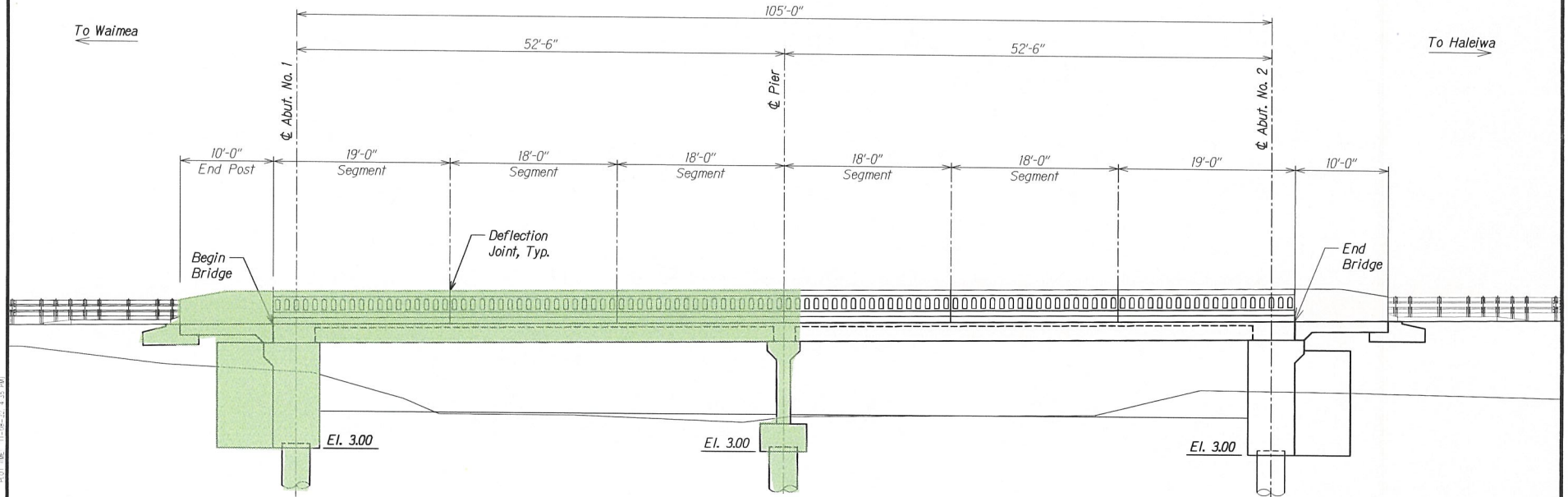


EXHIBIT C-8

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	63B-01-09	2022	173	228



NOTE:
Mauka elevation is similar.

RAILING ELEVATION
Scale: 3/16" = 1'-0"

DESIGNED BY	DATE
DRAWN BY	
CHECKED BY	
IN CHARGE	

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

BRIDGE RAILING ELEVATION

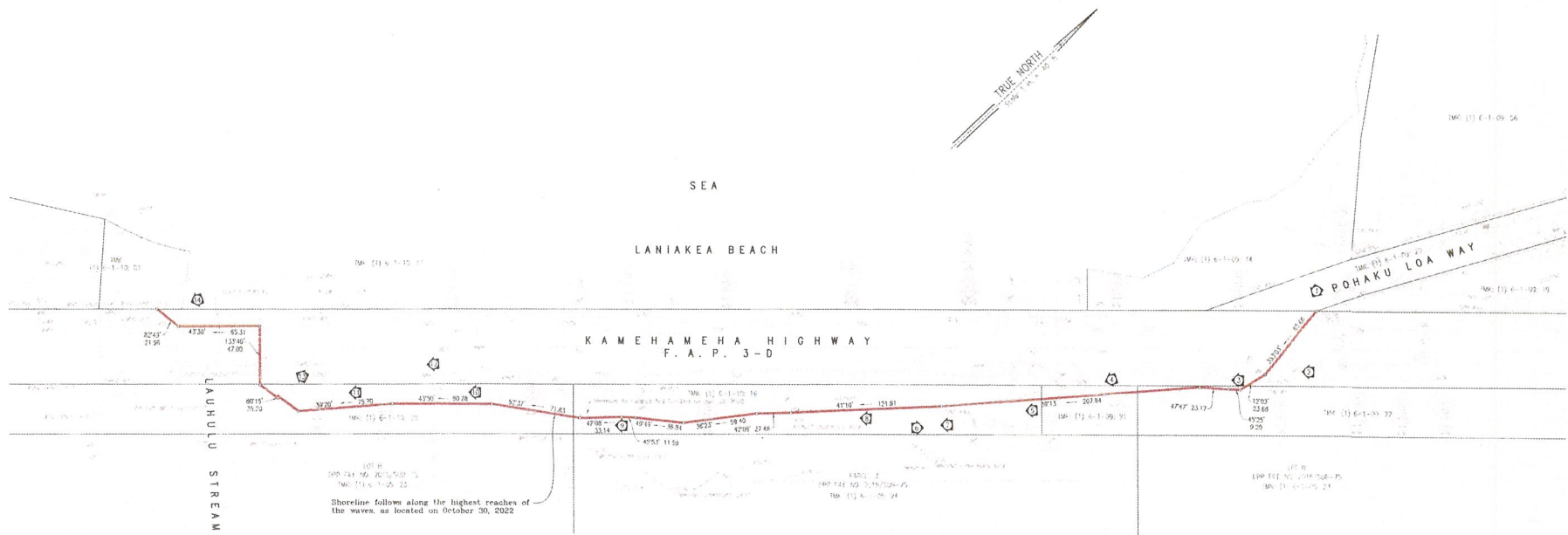
KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Lanikaea Beach (MP 306 to MP 354)
Project No. 63B-01-09

Scale: As Noted Date: December 2022

SHEET No. 591 OF 3 SHEETS



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 Kawaiaola, Waiailua, Oahu, Hawaii

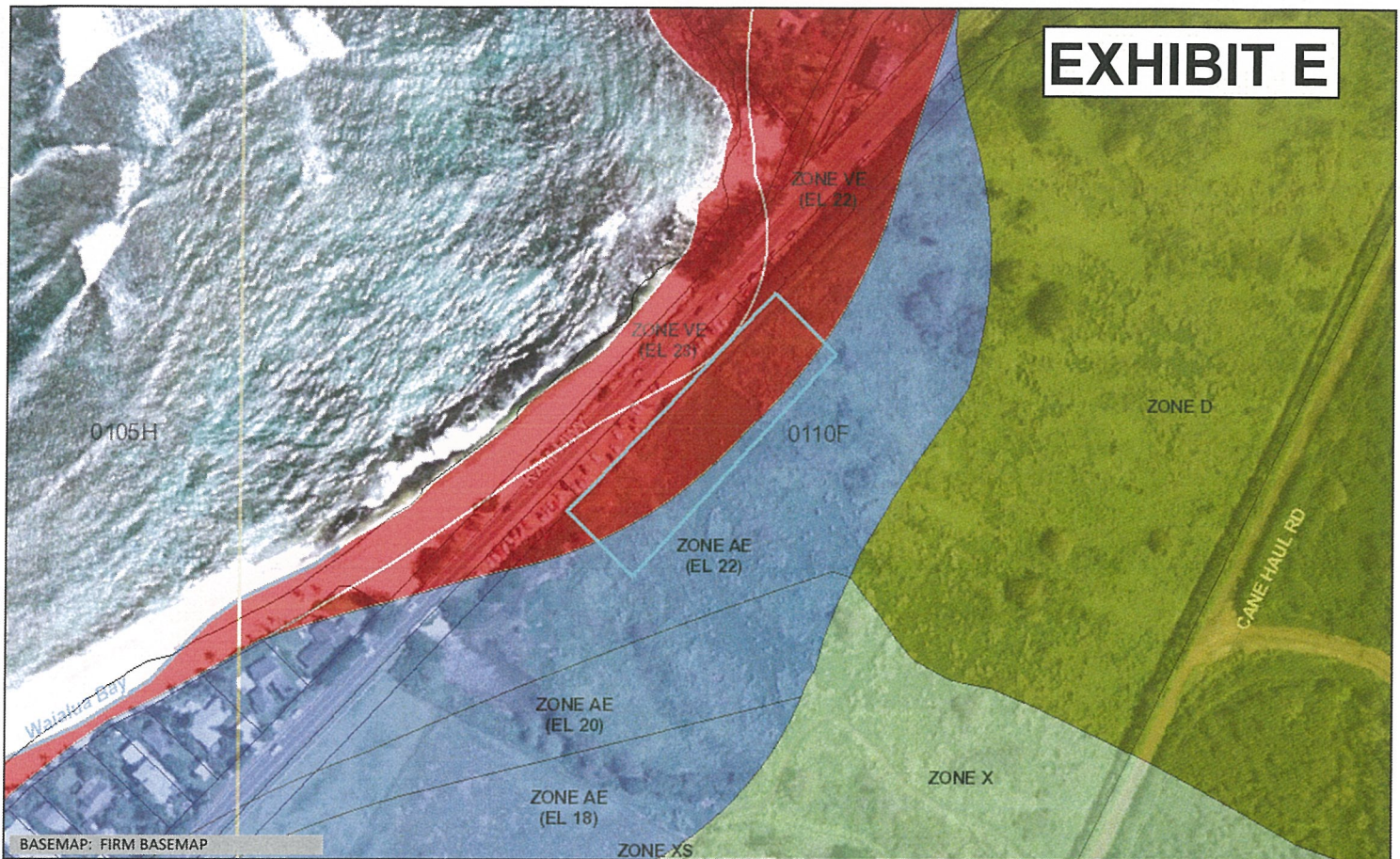


- DELEGATE:
- | | |
|---------------------------|---------------|
| City & County of Honolulu | Edwin L. Loh |
| (1) 6-1-20 21 | (1) 6-1-20 22 |
| (1) 6-1-20 23 | (1) 6-1-20 24 |
| (1) 6-1-20 25 | (1) 6-1-20 26 |
| (1) 6-1-20 27 | (1) 6-1-20 28 |
| (1) 6-1-20 29 | (1) 6-1-20 30 |
- PROTEST:
- | | |
|---------------|-----------------|
| (1) 6-1-20 31 | Michael Lee Bow |
| (1) 6-1-20 32 | Michael Lee Bow |
| (1) 6-1-20 33 | Michael Lee Bow |
| (1) 6-1-20 34 | Michael Lee Bow |
| (1) 6-1-20 35 | Michael Lee Bow |
| (1) 6-1-20 36 | Michael Lee Bow |
| (1) 6-1-20 37 | Michael Lee Bow |
| (1) 6-1-20 38 | Michael Lee Bow |
| (1) 6-1-20 39 | Michael Lee Bow |
| (1) 6-1-20 40 | Michael Lee Bow |



This work was prepared by me or under my direct supervision.
 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: KEAMANEA
 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

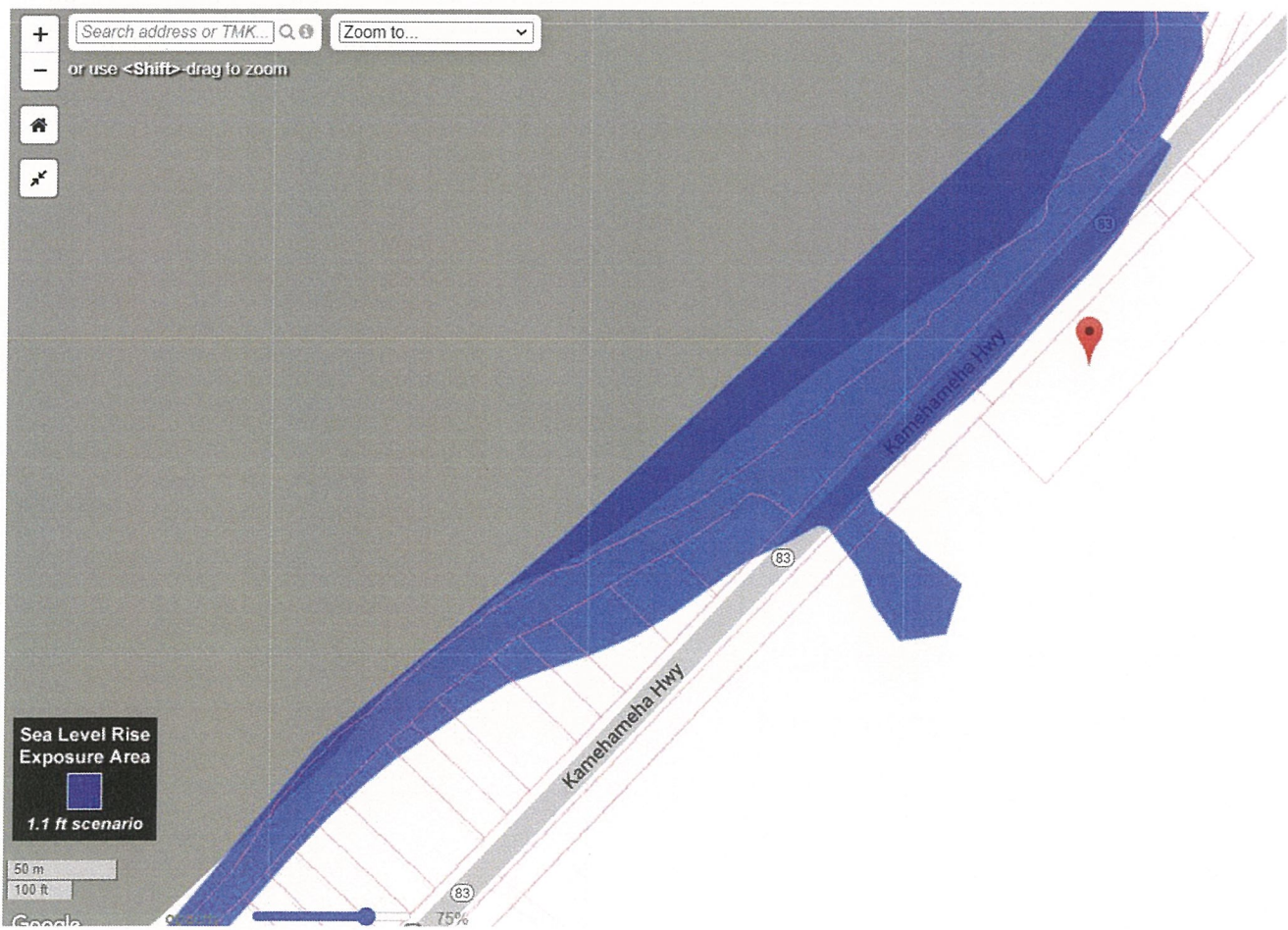
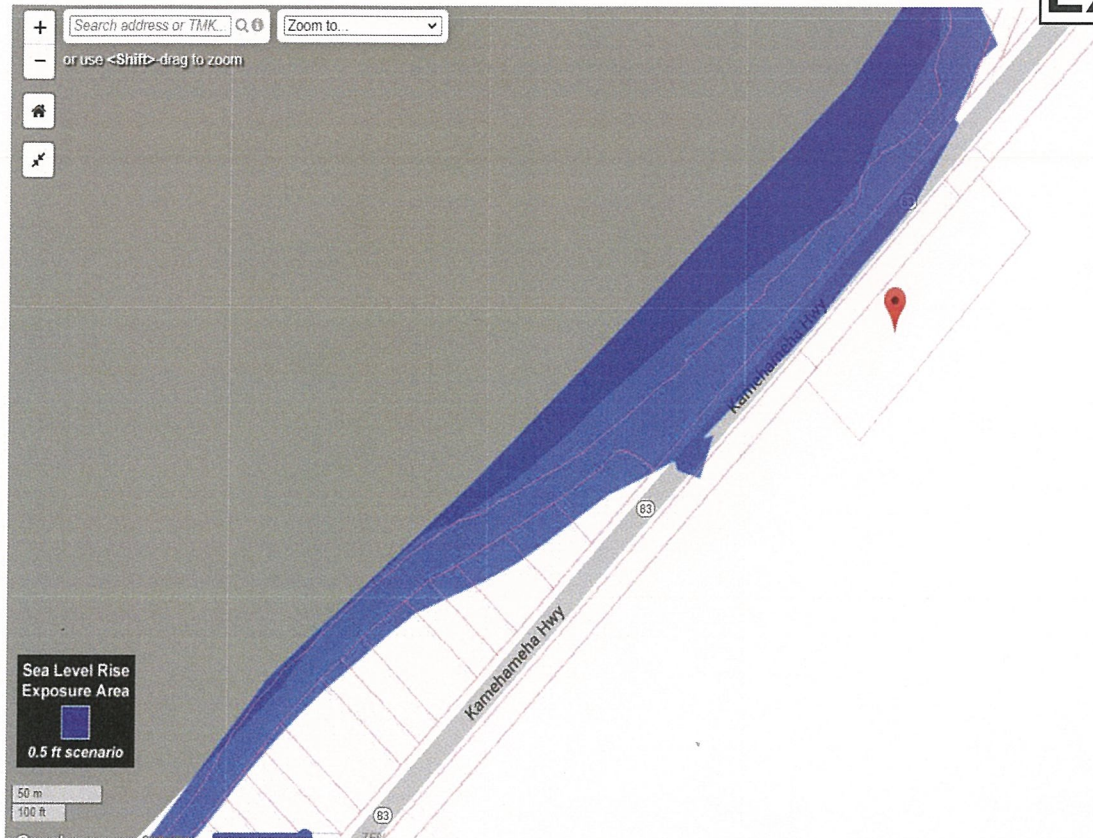


EXHIBIT F-2

