REPORT OF THE COMMITTEE ON ZONING

Voting Members:
Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
June 21, 2023

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 23-118 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING UNIT AND OTHER IMPROVEMENTS AT TAX MAP KEY 3-5-058:011 IN WAI'ALAE, O'AHU,"

as transmitted by Departmental Communication 351 (2023) ("D-351 (2023)") from the Department of Planning and Permitting ("DPP"), dated May 26, 2023, and introduced on June 2, 2023, reports as follows:

The purpose of Resolution 23-118 is to grant a Special Management Area ("SMA") Use Permit to David Kim ("Applicant") to allow for the demolition of an existing single-family dwelling and the construction of a new single-family dwelling that includes a driveway, three-car garage, and swimming pool, on an approximately 27,546-square-foot shoreline lot, located in the R-7.5 Residential District at 1001 Kaimoku Place in the Kai Nani neighborhood of Wai'alae, and identified as Tax Map Key 3-5-058:011 (the "Project").

In D-351 (2023), the DPP reported that the proposed project includes the demolition of an existing 15,838-square-foot dwelling and the construction of a new two-story, 17,038-square-foot single-family dwelling, including a driveway, three-car garage, swimming pool, and landscaping. The Project also includes the decommissioning of the existing swimming pool that falls within the shoreline setback

area. Except for the decommissioning of the existing pool, no work is proposed to any of the features within the shoreline setback area. There are no proposed changes to the existing seawall and boulder revetment.

Your Committee notes that the DPP, after a public hearing held on April 28, 2023, recommends approval of the SMA Use Permit subject to the conditions set forth in the resolution.

At your Committee's meeting on June 21, 2023, the Applicant's Agent provided a brief presentation of the proposed Project and responded to questions from the Councilmembers.

The DPP Director and DPP staff members testified in support of the resolution and responded to questions from the Councilmembers.

Your Committee received no oral or written public testimony on the resolution.

Your Committee has carefully reviewed the conditions recommended by the DPP for inclusion in this SMA Use Permit. Although your Committee generally finds the DPP's proposed conditions to be appropriate, your Committee has considered and adopted a CD1 version of the resolution (OCS2023-0553/6/14/2023 10:16 AM) that 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 SINGLE FAMILY DWELLING UNIT AND OTHER IMPROVEMENTS AT TAX MAP KEY 3-5-058:011 IN WAI'ALAE, O'AHU.

B. In the second WHEREAS clause, corrects the date of the public hearing to April 28, 2023 (instead of May 20, 2022) and the public hearing attendees.

C. In the third WHEREAS clause, corrects the reference to the Revised Ordinances of Honolulu 2021 ("ROH") (instead of ROH 1990) and clarifies that the references to ROH §§ 25-3.1 and 25-3.2 are referring to the versions of those sections as they read prior to the enactment of Ordinance 23-4 ("Relating to the Special Management Area"), which took effect on March 9, 2023, because Ordinance 23-4 applies only to permit applications submitted on or after the effective date of the ordinance.

D. In the fourth WHEREAS clause, corrects the date that the City Council received the findings and recommendation of the Department of Planning and Permitting ("DPP") to May 30, 2023.

E. In the BE IT RESOLVED clause:

1. In Condition A, adds that any new application for an SMA Use Permit for the Project will be processed in accordance with the ordinance and statute in effect at the time the new application is accepted by the DPP.

2. In Condition D, clarifies that the "stop work" requirement must be clearly stated on all Project construction permit and building permit plans (instead of "any earth-moving development permit plans and building plans").

3. In Condition C, clarifies that the archaeological monitoring requirement must be noted on the Construction permit plans and building plans (instead of "development" permit plans).

4. In Condition E, (1) revises list item 6 to add that a 300-foot buffer must be observed if a monk seal pup is present; otherwise a 150-foot buffer is sufficient, and (2) clarifies that the enumerated conditions relating to minimizing impacts to species that may traverse the vicinity of the Project site must be clearly stated under "Environmental Notes" on all Project construction permit and building permit plans (instead of "any development permit plans and building plans").

5. In Condition F, replaces all references to a "development permit" with references to a "construction permit or building permit."

6. In Condition G, conforms the language relating to compliance with City ordinances and other governmental requirements to the standard language included in SMA Use Permit resolutions.

F. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS § 205A-26 and ROH § 25-3.2, as it read prior to the enactment of Ordinance 23-4, and in agreement with the conclusion of the DPP, as stated in D-351 (2023), that:

1. The development, as conditioned, will not have any substantial adverse environmental or ecological effect, either alone or cumulatively with other projects;

2. The development, as conditioned, is consistent with the objectives and policies set forth in HRS § 205A-2 and ROH § 25-3.1, as it read prior to the

enactment of Ordinance 23-4, and the area guidelines contained in HRS § 205A-26 and ROH § 25-3.2, as it read prior to the enactment of Ordinance 23-4; and

3. The development, as conditioned, is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

Your Committee on Zoning is in accord with the intent and purpose of Resolution 23-118, as amended herein, and recommends its adoption in the form attached hereto as Resolution 23-118, CD1. Ayes: Cordero, Dos Santos-Tam, Kia'āina, Say, Weyer – 5; Noes: None.)

Respectfully submitted,

Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

No. **23-118, CD1**

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING UNIT AND OTHER IMPROVEMENTS AT TAX MAP KEY 3-5-058:011 IN WAI'ALAE, O'AHU.

WHEREAS, on March 1, 2023, the Department of Planning and Permitting ("DPP") accepted a completed application (File No. 2023/SMA-7) from David Kim ("Applicant") for a Special Management Area ("SMA") Use Permit to allow the demolition of an existing single-family dwelling and the construction of a new single-family dwelling that includes a new driveway, three-car garage, and swimming pool on an approximately 27,546-square-foot shoreline lot located in the R-7.5 Residential District at 1001 Kaimoku Place in the Kai Nani neighborhood of Wai'alae, and identified as Tax Map Key ("TMK") 3-5-058:011 (the "Project"); and

WHEREAS, on April 28, 2023, the DPP held a public hearing at the 'Āina Haina Public Library, which was attended by the Applicant's agent, one member of the public, and DPP staff members; and at which no public oral testimony was offered; and

WHEREAS, on May 26, 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, 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 Statues ("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 30, 2023, by Departmental Communication 351 (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, subject to 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 I, 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, as addressed in ROH Chapter 25, HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any new application

will be processed in accordance with the provisions of ROH Chapter 25, ROH Chapter 26, and HRS Chapter 205A, or their successor provisions, 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 may be considered a minor modification and may be permitted under this resolution, upon review and approval by the Director of Planning and Permitting ("DPP Director").

B. Upon approval of this SMA Use Permit, neither the Applicant nor any future successor, owner, or interested party may claim hardship due to erosion, sea level rise, or any other coastal hazard, in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure.

C. Prior to the issuance of any construction permits or building permits, the Applicant shall submit to the DPP an archaeological monitoring plan that has been reviewed and approved by the State Historic Preservation Division ("SHPD"). The archaeological monitoring plan should cover any ground-disturbing work for the proposed Project. Construction permit plans and building plans should note that archaeological monitoring is required during construction.

D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact SHPD immediately. Work in the immediate area must be stopped until SHPD is able to assess the impact and make further recommendations for mitigative activity. This requirement must be clearly stated on all Project construction permit and building permit plans.

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 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 lighting 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 must be limited to daylight hours;

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; and

6. All Project-related activities must cease if a Hawaiian monk seal or green sea turtle is within 150 feet of the work area, or as recommended by State of Hawai'i or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal pup is present, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

These requirements must be clearly stated under "Environmental Notes" on all Project construction permit and building permit plans.

F. **The Applicant shall 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 must prepare and submit to the Council a report on the proposed extension, which must include the DPP Director's findings and recommendations thereon. The Council may approve the proposed extension 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.

G. Approval of this SMA Use Permit does not constitute compliance with other City ordinances, including but not limited to the Land Use Ordinance ("LUO") and building and construction codes, or other governmental requirements, including but not limited to LUO, building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable City ordinances and other governmental provisions and requirements; and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

No. **23-118, CD1**

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this resolution be transmitted to David Kim, 1288 Ala Moana Boulevard APT 36K, Honolulu, Hawai'i 96814; Dawn Takeuchi Apuna, Director Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

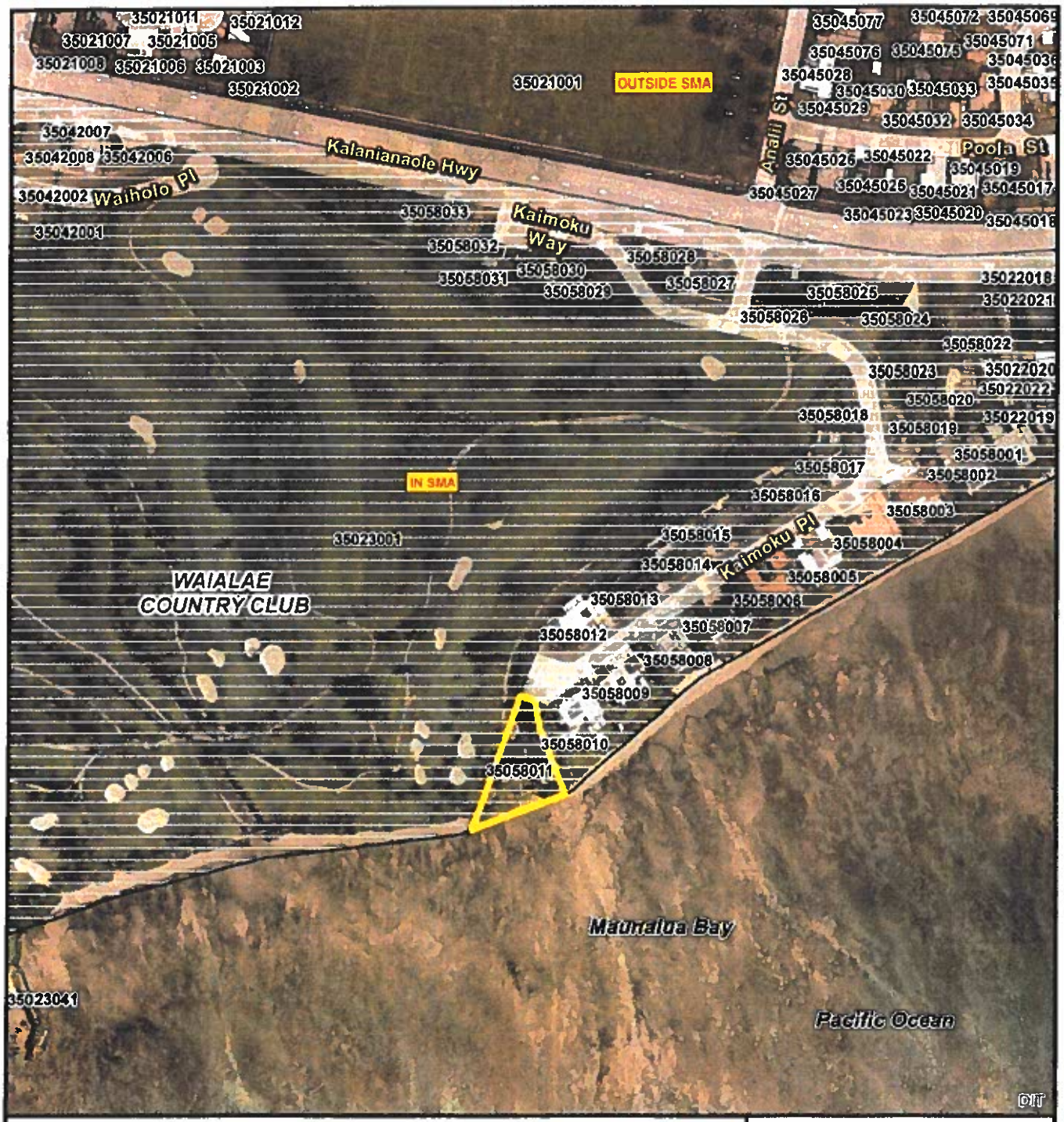
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 2, 2023
Honolulu, Hawai'i

Councilmembers



Project Site

VICINITY MAP

0 150 300 600

Scale in Feet

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

Legend

- Project Site
- Outside SMA
- Within SMA

EXHIBIT A

LOCATION MAP

FILE NO.: 2023/SMA-7

PROJECT: KIM RESIDENCE

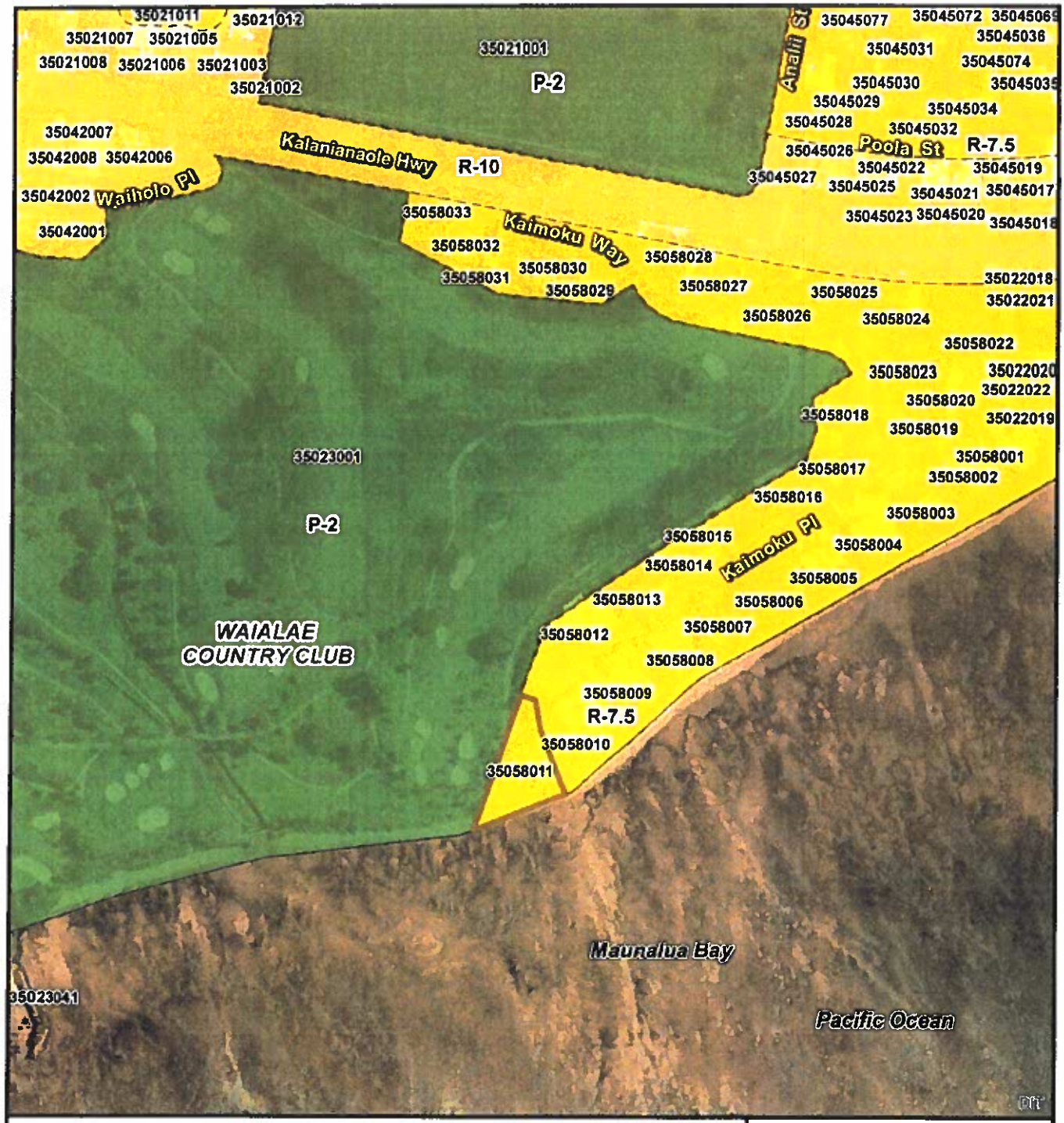
LOCATION: 1001 KAIMOKU PLACE - WAIALAE

TAX MAP KEY: 3-5-058: 011

Prepared by: Department of Planning and Permitting

Date Prepared: April 19, 2023

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Project Site

0 150 300 600

Scale in Feet

VICINITY MAP

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

Legend

- Project Site
- P-2 District
- R-10 District
- R-7.5 District

EXHIBIT B

ZONING MAP

FILE NO.: 2023/SMA-7

PROJECT: KIM RESIDENCE

LOCATION: 1001 KAIMOKU PLACE - WAIALAE

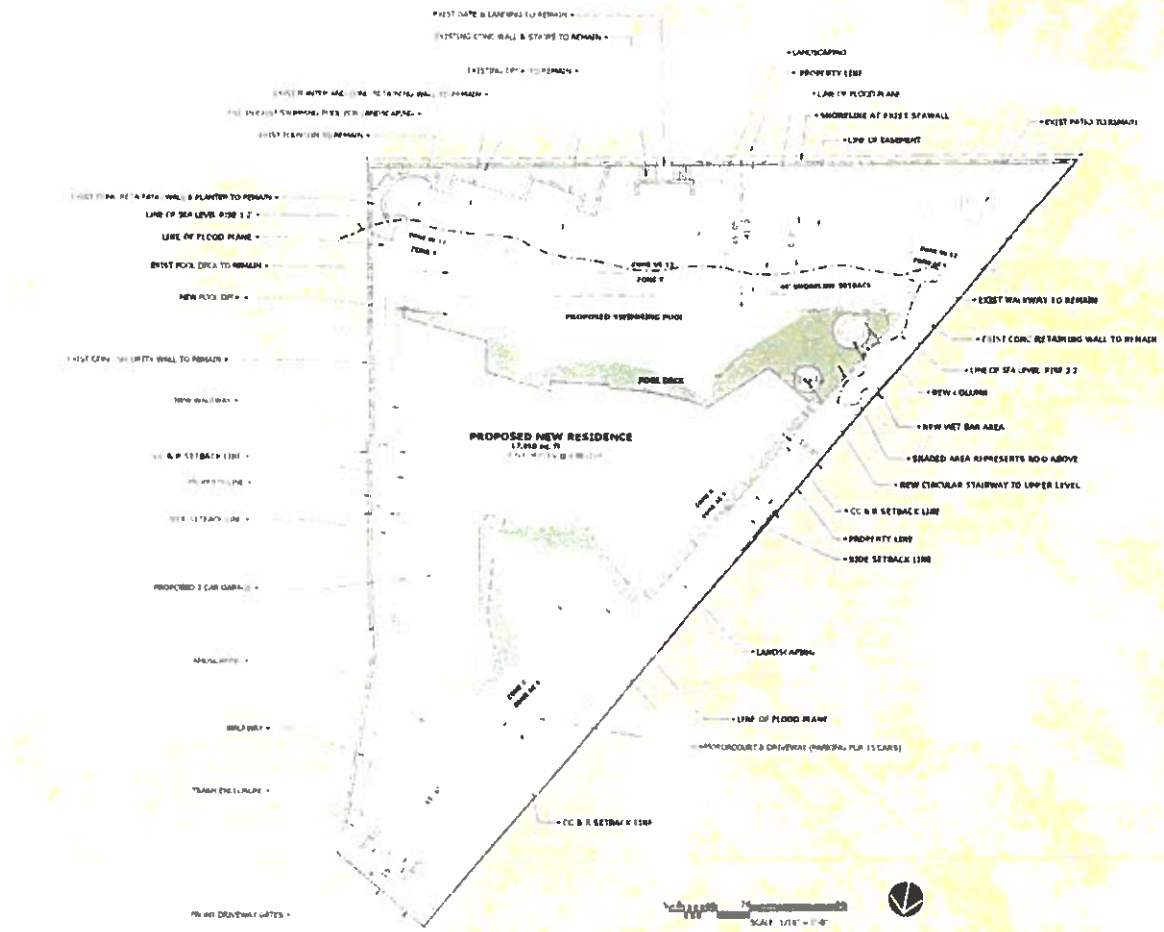
TAX MAP KEY: 3-5-058: 011

Prepared by: Department of Planning and Permitting

Date Prepared: April 19, 2023

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EXHIBIT C-1



SITE PLAN

EISERLOH ARCHITECTS
820 W HIND DRIVE #240139 HONOLULU, HAWAII 96821
www.eiserlocharchitects.com Tel: (808) 777-9968

KIM RESIDENCE
1001 KAIMOKU PLACE
HONOLULU HAWAII 96821 TMK # 3-5-28-11

PROPOSED DEVELOPMENT PLAN C 1

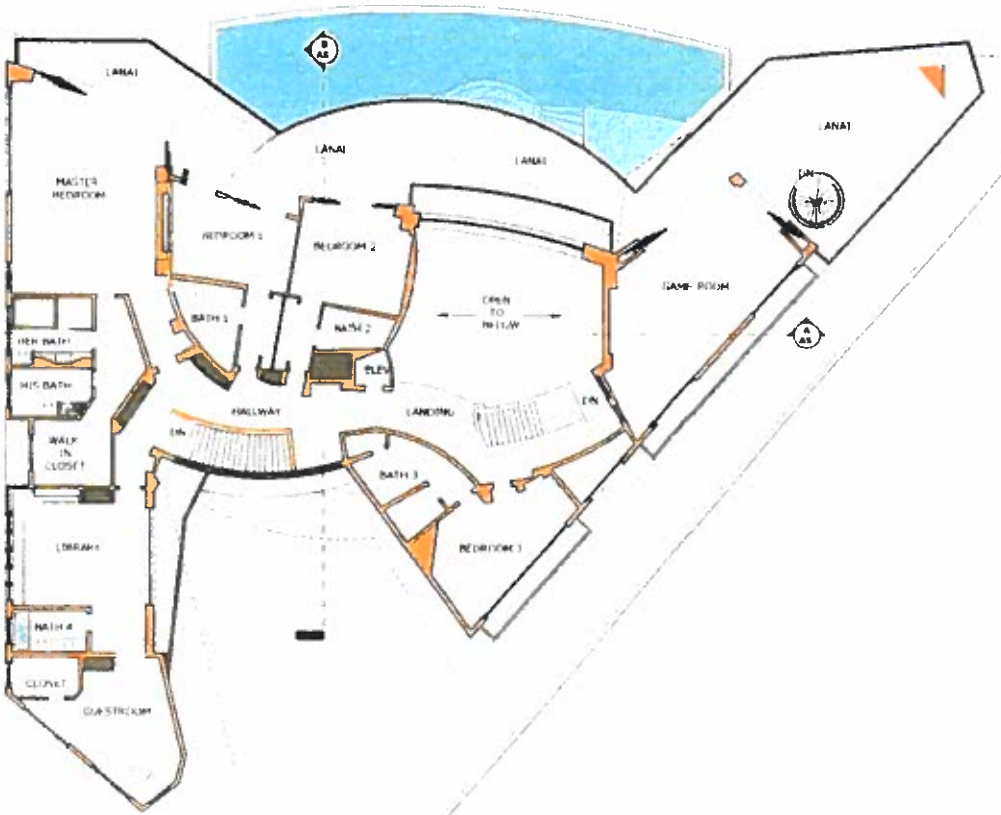
EXHIBIT C-2



LOWER LEVEL FLOOR PLAN

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

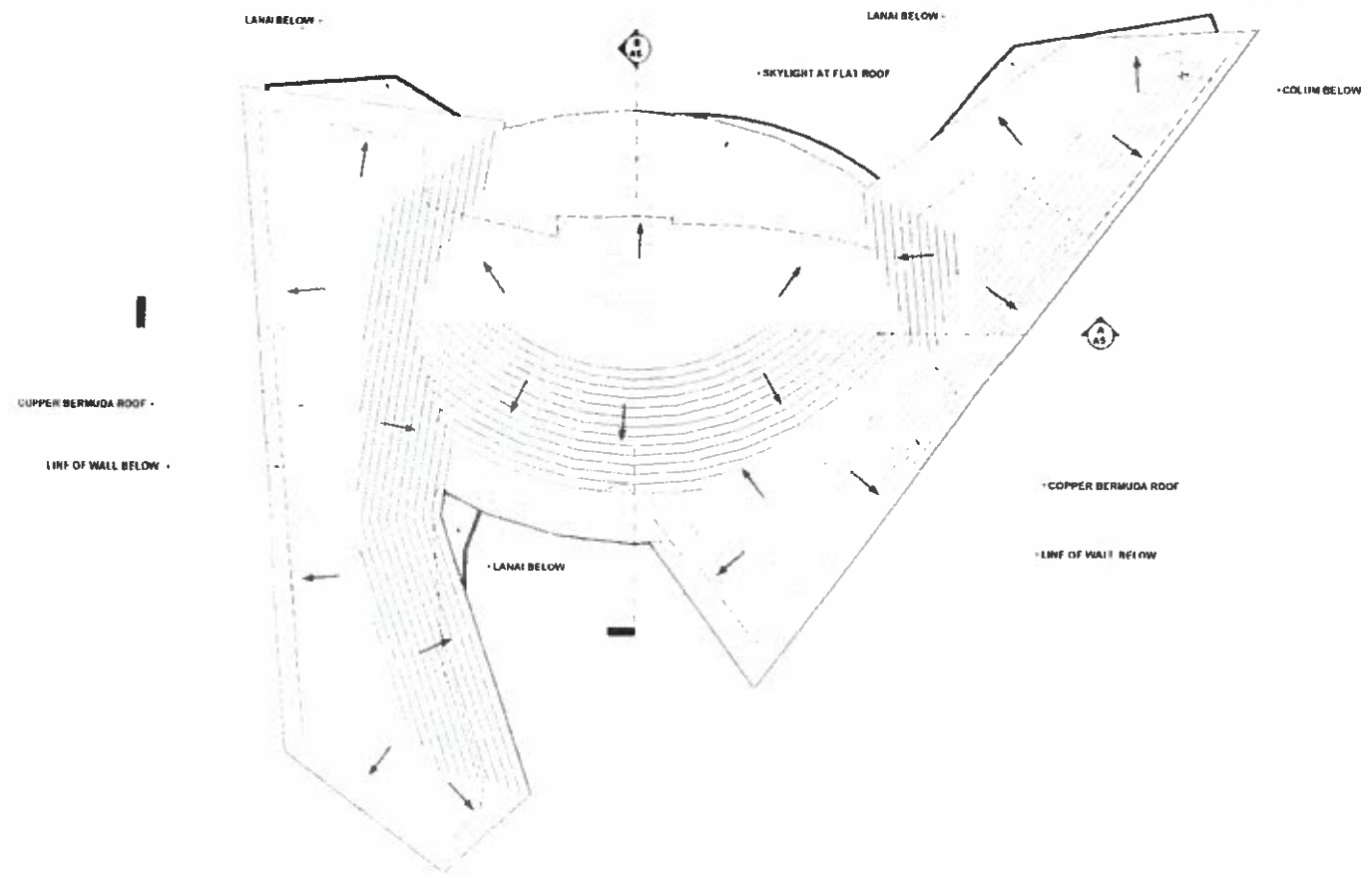
EXHIBIT C-3



UPPER LEVEL FLOOR PLAN

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

EXHIBIT C-4



ROOF PLAN

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

EISERLOH ARCHITECTS
820 W MIND DRIVE #240139 HONOLULU HAWAII 96821
www.eiserlocharchitects.com Tel: (808) 777-9968

KIM RESIDENCE
1001 KAIMOKU PLACE
HONOLULU HAWAII 96821 TMK # 3-5-38-31

PROPOSED DEVELOPMENT PLAN

A 3

EXHIBIT C-5



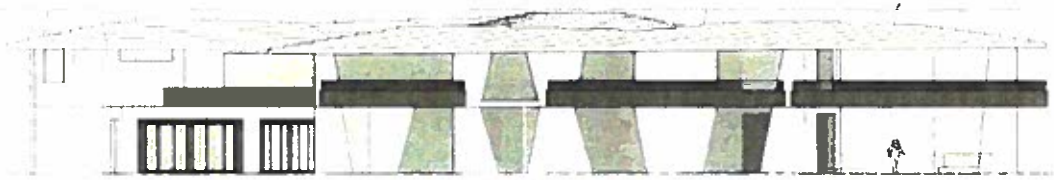
FRONT ELEVATION



KOKO HEAD SIDE ELEVATION



MAKAI SIDE ELEVATION



DIAMOND HEAD SIDE ELEVATION

EXTERIOR ELEVATIONS

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

EISERLOH ARCHITECTS
820 W HIND DRIVE #240139 HONOLULU, HAWAII 96821
www.eiserlocharchitects.com Tel: (808) 777-9968

KIM RESIDENCE
1001 KAIMOKU PLACE
HONOLULU HAWAII 96821 T.M.K. # 3-5-18:31

PROPOSED DEVELOPMENT PLAN

EXHIBIT C-6



BUILDING SECTION A



BUILDING SECTION B

BUILDING SECTIONS

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

EXHIBIT C-7

EISERLOH ARCHITECTS

April 26, 2023

PROPOSED AND EXISTING SIZE/HEIGHT COMPARISSON

1001 KAIMOKU PLACE

LOT SIZE: 27,546 sq. ft.

EXISTING RESIDENCE:

Sq Ftge Calcs:

Lower Level Int:	6,588
Upper Level Int:	6,838
Sub total	13,426
Lower Supported Balcony	804
Sub-total	**14,230**
Upper Lanai	648
Garage:	960
Total	**15,838**

- Floor Area Ratio 14,230 (Floor area) ÷ 27,546 (lot size) = .52
- Lot Coverage: 7,642 (6,838 + 804) ÷ 27,546 = .28
- Stories: 2 stories
- Height: 24'- 10" high

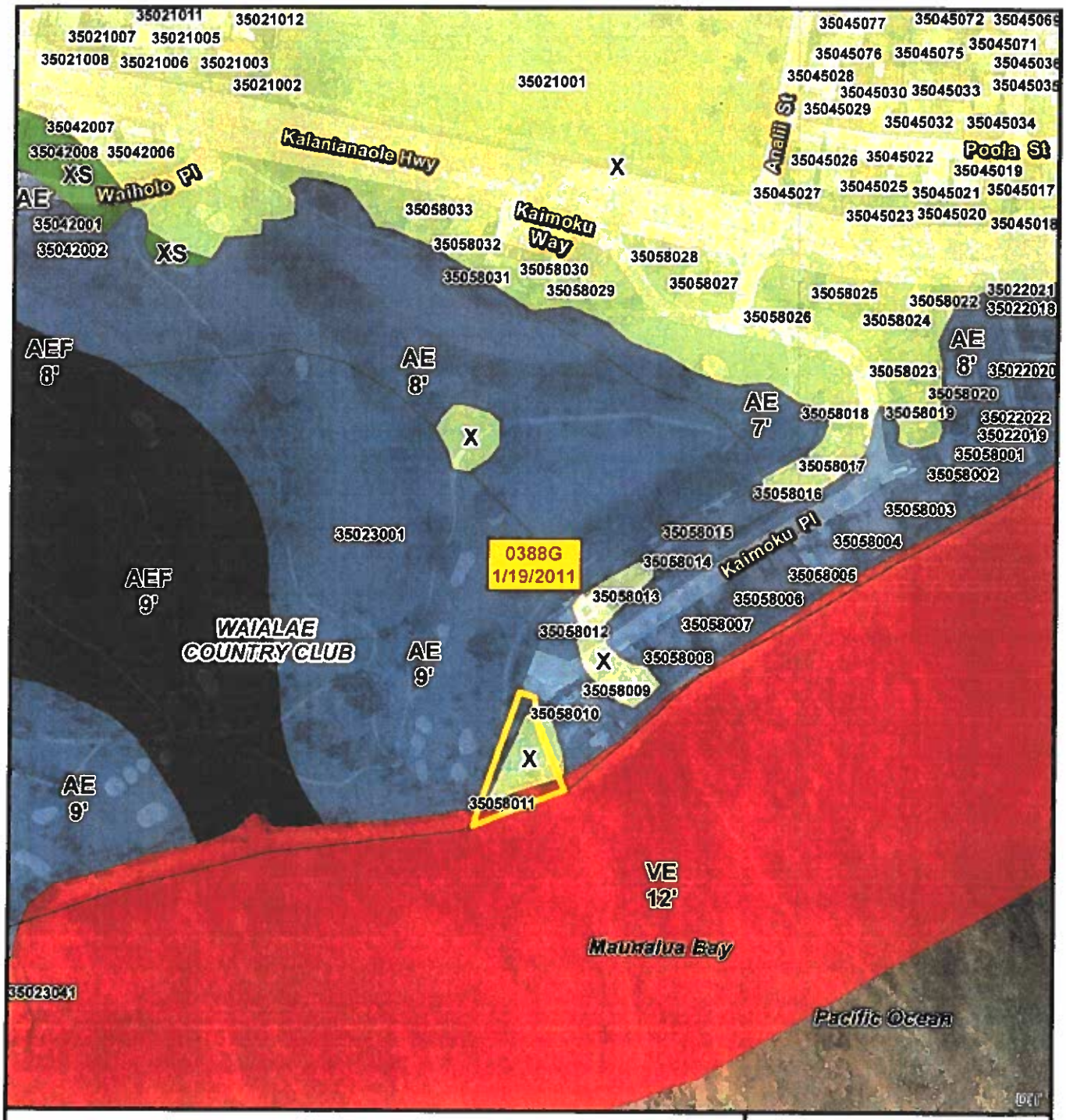
PROPOSED RESIDENCE:

Sq Ftge Calcs:

Lower Level Int:	5,922
Upper Level Int:	6,760
Sub total	**12,682**
Lower Level Lanai:	1,588
Upper level Lanai:	1,931
Garage:	837
Total	**17,038**

- Floor Area Ratio 12,682 (Floor area) ÷ 27,546 (lot size) = **46%**
- Lot Coverage: 8,032 (6,760 + 1,931) ÷ 27,546 (lot size) = **32%**
- Stories: 2 Stories
- Height: 25'-0" high
- Parking Requirements: 12,682 sq. ft. = **13 stalls**
- Permeable Area: 17,169 ÷ 27,546 = **62%**

820 W. Hind Drive #240139 Honolulu, Hawaii 96824 Tel: (808) 777-9968
email: kris@eiserloharchitects.com website: EiserlohArchitects.com



Project Site

0 150 300 600

Scale in Feet

VICINITY MAP

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

Legend

- Project Site
- Flood Zone AE
- Flood Zone AEF
- Flood Zone VE
- Flood Zone X
- Flood Zone XS

EXHIBIT D

FLOOD HAZARD MAP

FILE NO.: 2023/SMA-7

PROJECT: KIM RESIDENCE

LOCATION: 1001 KAIMOKU PLACE - WAIALAE

TAX MAP KEY: 3-5-058: 011

Prepared by: Department of Planning and Permitting

Date Prepared: April 19, 2023

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EXHIBIT E

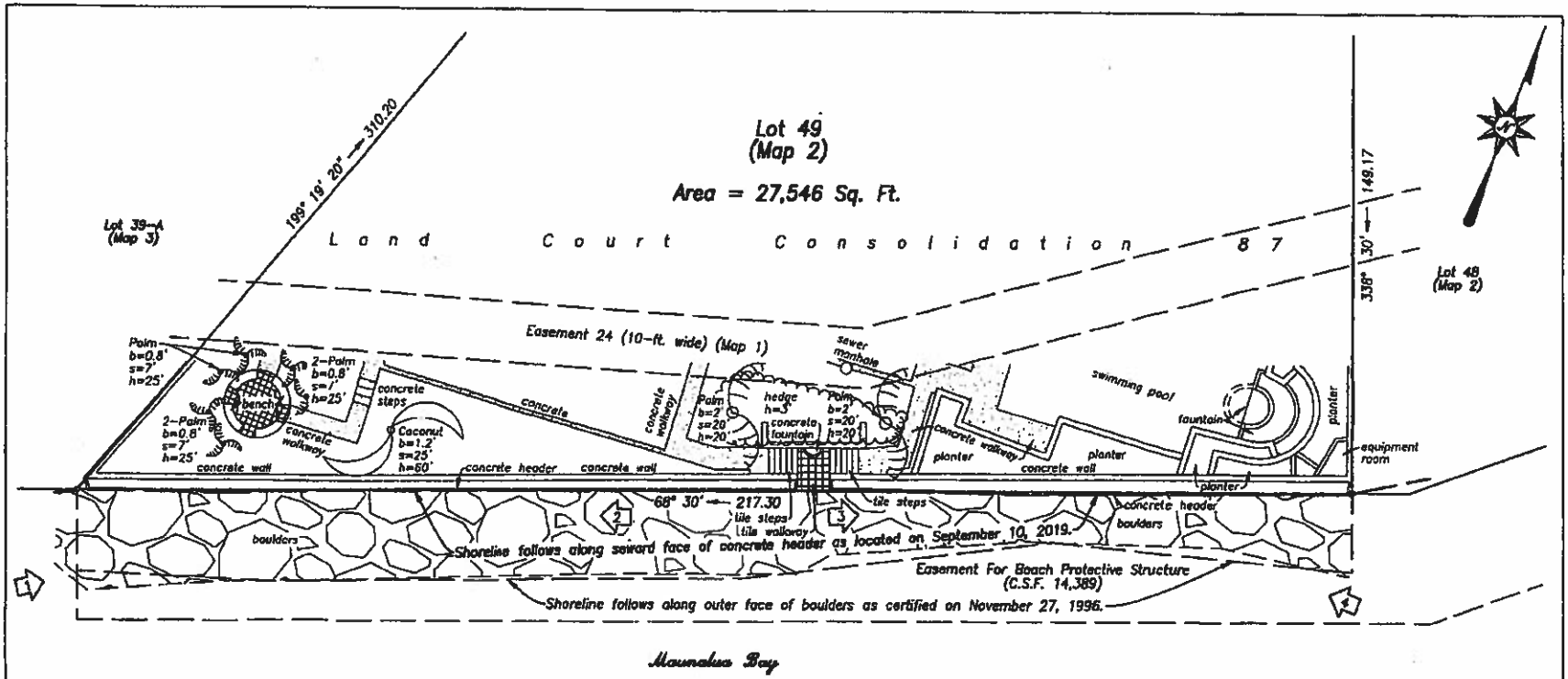
Residence at 1001 Kaimoku Place Photos



Photo 1: View from the southwest



Photo 2: View from the south with pool view



Note:
Denotes photo number and direction

PROPERTY ADDRESS: 1001 KAIMOKU PLACE
Honolulu, HI 96821

OWNER: DAVID D. KIM
4 ROBERT S DRIVE
Menlo Park, CA 94025

SHORELINE SURVEY
AT LOT 49 (MAP 2) OF
LAND COURT CONSOLIDATION 87
WAIALAE-IKI, HONOLULU, OAHU, HAWAII

TAX MAP KEY: 3-5-058: 011

SCALE: 1 IN. = 20 FT.

ROSS K. TANAKA
LICENSED PROFESSIONAL LAND SURVEYOR
No. 10744
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

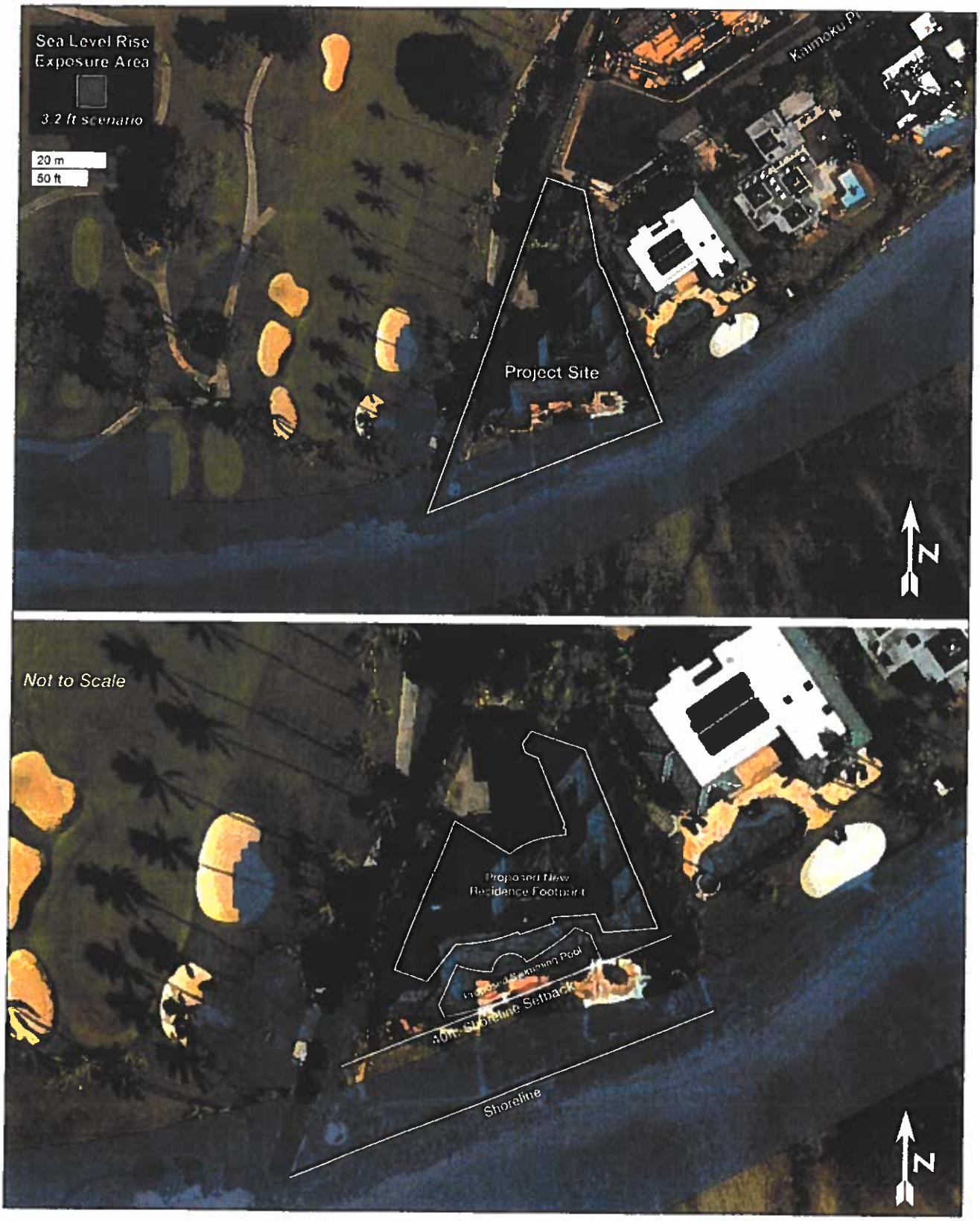
LICENSED PROFESSIONAL LAND SURVEYOR No. 10744

SOURCE: KN Surveying, LLC. 2019

Residence at 1001 Kaimoku Place

EXHIBIT F

Draft Shoreline Survey



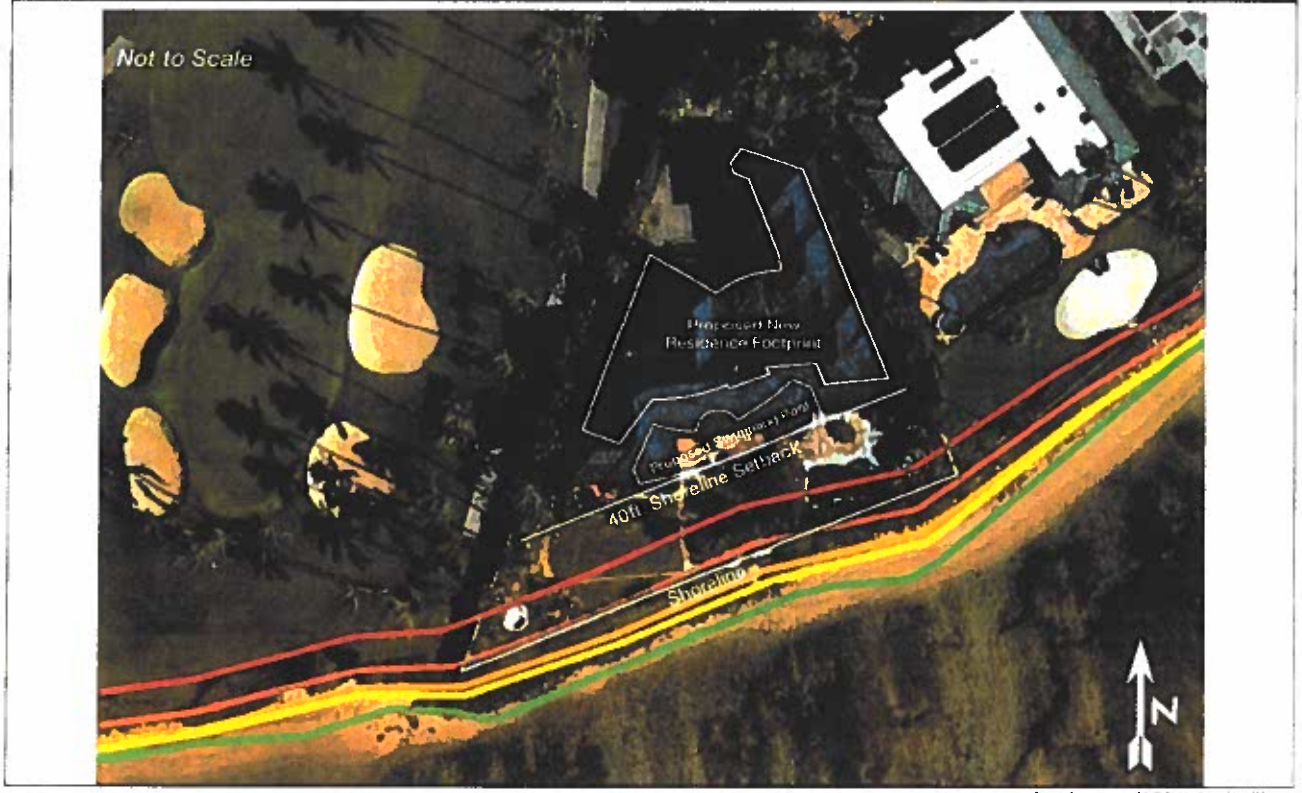
Residence at 1001 Kaumoku Place

SOURCE: Pacific Islands Ocean Observing System (PacIOOS), 2022

EXHIBIT G

Sea Level Rise Exposure Area (SLR-XA 3.2) Feet Scenario and Site Plan Overlay

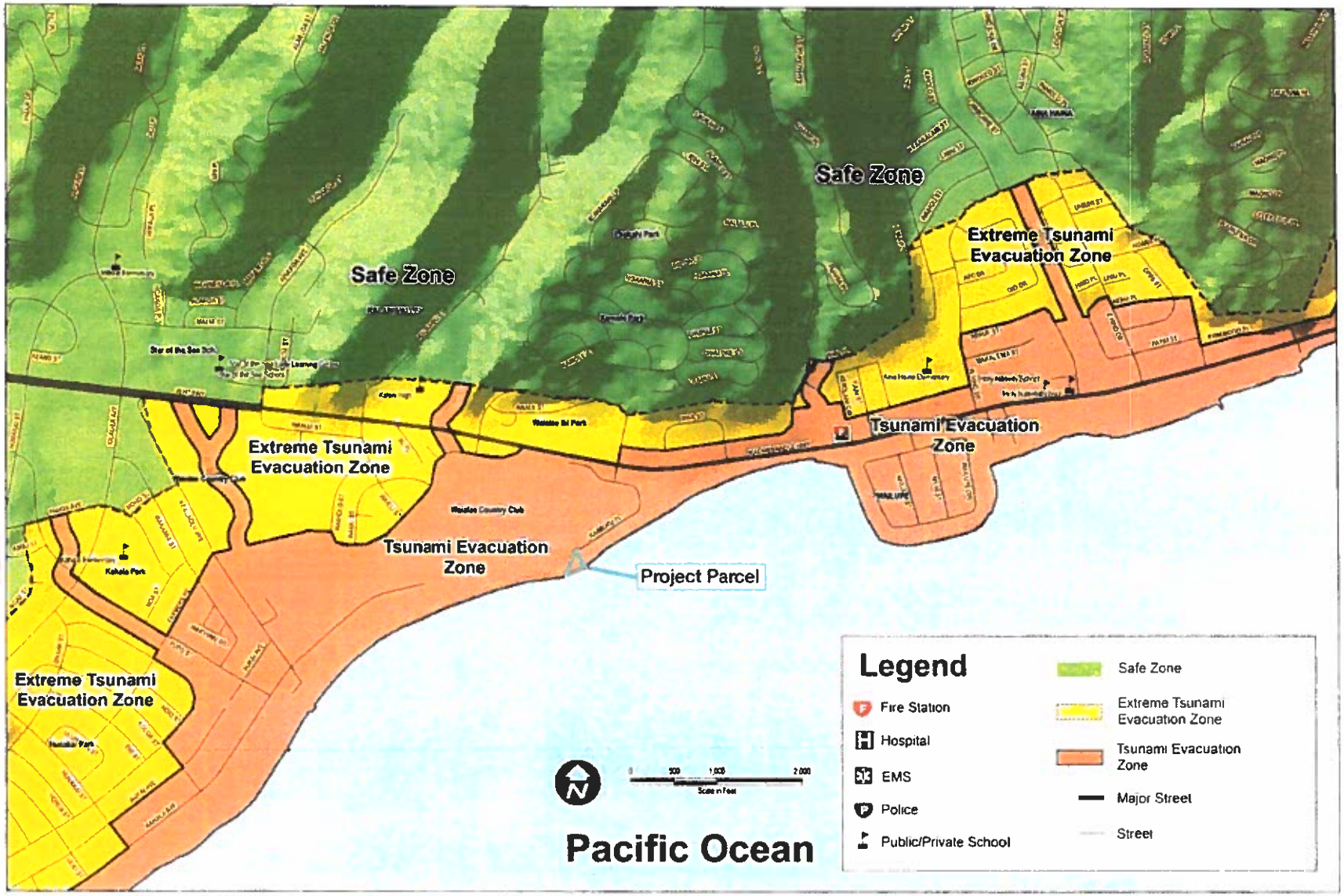




Residence at 1001 Kaunoku Place

SOURCE: Pacific Islands Ocean Observing System (PacIOOS), 2022

EXHIBIT H
Coastal Erosion Modeling



SOURCE: City and County of Honolulu April 2015

Residence at 1001 Kaumoku Place

EXHIBIT I

Tsunami Evacuation Zone