

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
April 3, 2024

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

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 24-58 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT
TO ALLOW THE CONSTRUCTION OF TWO NEW SINGLE-FAMILY
DWELLINGS WITH ACCESSORY PAVILIONS, A SWIMMING POOL, AND A
GARAGE IN KAILUA, O'AHU,"

as transmitted by Departmental Communication 126 (2024) ("D-126 (2024)") from the
Department of Planning and Permitting ("DPP"), dated February 27, 2024, reports as
follows:

The purpose of Resolution 24-58 is to grant a Special Management Area ("SMA")
Major Permit to Ohana Makai, LLC (the "Applicant") to allow for the construction of two
new single-family detached dwellings, each with a pavilion structure; a swimming pool
and spa with an adjacent accessory equipment structure; and a detached four-car garage
with motor court, storage structure, and rooftop solar array on an approximately
37,180 square-foot shoreline lot zoned R-10 Residential District, located at 126 South
Kalāheo Avenue in Kailua, and identified as Tax Map Key 4-3-012:030 (the "Project").

In D-126 (2024), the DPP reported that as proposed, the Project is inconsistent
with several requirements in the Land Use Ordinance ("LUO"). The Project lacks a
kitchen in Dwelling 2 (currently a multifamily dwelling with three lodging units), exceeds
the maximum number of bathrooms permitted on a zoning lot, and the parking design
does not show all vehicles to entering and exiting the street in a forward-facing manner.
The DPP noted that short-term rentals are not permitted on the Project site. The DPP

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON **APR 17 2024**

COMMITTEE REPORT NO. **115**

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

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

Committee Meeting Held
April 3, 2024
Page 2

also noted that the Project site is located in the area known as the Kailua accretion berm ("Kailua Berm"), where at least 100 individual human burials have been documented, at least 89 of which were discovered within 500 meters of the shore. The entire Kailua Berm is considered an area of high probability of encountering human skeletal remains. The CD1 version of the Resolution includes conditions to address these issues.

Your Committee notes that the DPP, after holding a public hearing on January 16, 2024, recommends approval of the SMA Major Permit subject to the conditions set forth in the Resolution.

At your Committee's meeting on April 3, 2024, the Applicant's Agent provided a brief presentation on the proposed Project and responded to questions from the Councilmembers.

The DPP Director testified that the DPP has no objections to the Resolution.

CARES testified in support of the Resolution.

Your Committee has prepared a CD1 version of the Resolution that makes the following amendments:

- A. In the first WHEREAS clause, clarifies that the SMA Major Permit is for the construction of two new single-family detached dwellings, each with a pavilion structure; a swimming pool and spa with an adjacent accessory equipment structure; and a detached four-car garage and storage structure with a rooftop solar array.
- B. In the BE IT RESOLVED clause:
 - 1. In Condition G, relating to archaeological, historic, and cultural resources that may be present on the Project site:

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON APR 17 2024

COMMITTEE REPORT NO. 115

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
April 3, 2024
Page 3

- a. Adds a new Condition G.2 to provide that the Project's archaeological monitoring plan must include:
 - i. The onsite presence of a licensed archaeologist, consultation as required by State law if iwi kūpuna are discovered;
 - ii. Consideration of Project redesign or relocation to allow any discovered iwi kūpuna to be buried-in-place;
 - iii. Establishment of a temporary curation unit on the Project site if iwi kūpuna are disinterred;
 - iv. Identification of potential reinterment sites on the Project site if burial-in-place is not recommended and onsite reinterment is recommended; and
 - v. Consultation with the licensed archaeologist to determine whether excavation work should be conducted with a specially fitted, flat blade.
- b. Amends Condition G.3 to clarify that the Applicant shall consult with SHPD regarding mitigation protocols and shall implement all mitigation protocols approved or otherwise required by SHPD for all historic properties and cultural resources (including iwi kūpuna) discovered on the Project site.
- c. Amends the last sentence of Condition G, to clarify that the requirements enumerated in the condition, and all mitigation protocols approved or otherwise required by SHPD must be clearly

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON APR 17 2024

COMMITTEE REPORT NO. 115

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
April 3, 2024
Page 4

stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

2. In Condition H.8, relating to minimizing impacts to endangered, protected, or threatened avian fauna that may frequent or traverse the vicinity of the Project site:
 - a. Clarifies that pre-construction nesting surveys are required prior to and during all Project construction activities scheduled between March through December as further specified in the condition (rather than just construction activities scheduled to begin between March through December);
 - b. Provides that the qualified biologist must be familiar with the biology of the Manu-o-Kū (white tern) in addition to the wedge-tailed shearwaters and Hawaiian seabirds;
 - c. Clarifies that a minimum of three days prior to the initiation of any clearing (including tree trimming or removal), grubbing, grading, excavation, or trenching activities, the qualified biologist must conduct preconstruction surveys for the presence of Hawaiian seabird and migratory bird nests, eggs, or fledglings;
 - d. Provides that if no nests, eggs, or fledglings are discovered, work may proceed.
 - e. Provides that if any nests, eggs, or fledglings are discovered, written evidence of the survey must be submitted to the DPP Land Use Permits Division; and

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON APR 17 2024

COMMITTEE REPORT NO. 115

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

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

Committee Meeting Held
April 3, 2024
Page 5

- f. Clarifies that no preconstruction nesting surveys are required for construction activities occurring in January or February.
 - 3. In Condition I, clarifies that a materials analysis is required prior to the importation of any fill material (rather than only for the importation of soil material).
 - 4. In Condition J.3, clarifies that any extension proposal will be deemed to be denied if the Council fails to take final action within the first to occur of: (1) sixty days after receipt of the DPP Director's report or (2) the Applicant's then-existing deadline for obtaining a construction permit or building permit (rather than a development permit).
 - 5. In Condition K, relating to compliance with other City ordinances and other governmental requirements that are subject to review and approval separate from the SMA Major Permit, adds that the Project's building permit application must address the lack of a kitchen in Dwelling 2 (currently a multifamily dwelling with three lodging units), exceeding the maximum number of bathrooms permitted on a zoning lot, and parking design provisions that require all vehicles to enter and exit the street in a forward-facing manner.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the DPP in D-126 (2024), that:

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

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON APR 17 2024

COMMITTEE REPORT NO. 115

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
April 3, 2024
Page 6

2. The development, as conditioned, is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.
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 24-58, as amended herein, and recommends its adoption in the form attached hereto as Resolution 24-58, CD1. (Ayes: Dos Santos-Tam, Kia'āina, Say – 3; Noes: None; Absent: Cordero, Weyer – 2.)

Respectfully submitted,

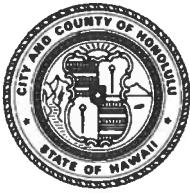


Committee Chair

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON APR 17 2024

COMMITTEE REPORT NO. 115



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF TWO NEW SINGLE-FAMILY DWELLINGS WITH ACCESSORY PAVILIONS, A SWIMMING POOL, AND A GARAGE IN KAILUA, O'AHU.

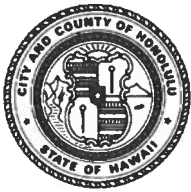
WHEREAS, on November 27, 2023, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2023/SMA-99) of Ohana Makai, LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit to allow for the construction of two new single-family detached dwellings, each with a pavilion structure; a swimming pool and spa with an adjacent accessory equipment structure; and a detached four-car garage and storage structure with a rooftop solar array on approximately 37,180-square-foot shoreline lot zoned R-10 Residential District, located at 126 South Kalāheo Avenue in Kailua, and identified as Tax Map Key 4-3-012:030 (the "Project"); and

WHEREAS, on January 16, 2024, the DPP held a public hearing on the application at the Fasi Municipal Building 6th Floor Conference Room, which was attended by the Applicant's Agent, DPP staff, and two members of the public, and at which one individual testified expressing concerns with the Project; and

WHEREAS, on February 29, 2024, within 45 calendar 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 25-4.1, Revised Ordinances of Honolulu 2021("ROH"), and §§ 205A-2 and 205A-26, 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 February 29, 2024, by Departmental Communication 126 (2024), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major 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 Major Permit be issued to the Applicant for the Project, subject to the following conditions:



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

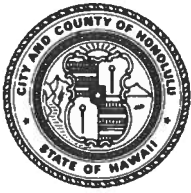
RESOLUTION

- A. Except as modified herein, 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-7, D, E-1 through E-2, and F through M, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major 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 DPP Director.
- B. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District in response to anticipated coastal erosion, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

"In choosing to implement construction activities at Tax Map Key 4-3-012:030, the landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner further acknowledges that should any portion of a structure encroach into State public land, the State Board of Land and Natural Resources may require the removal of the structure or a lease for the encroachments extending into the State public land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information and the landowner shall hold harmless and indemnify the City of any responsibility that may result from adverse impacts associated with sea level rise and coastal erosion."

This statement must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

- C. Following approval of this SMA Major Permit, neither the current landowner, nor any 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 ("SSV") for a new shoreline protection structure. All Project



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

building permit plans must include the following statement under "Landowner Acknowledgements":

"In choosing to undertake the development at Tax Map Key 4-3-012:030, the landowner hereby acknowledges that no claim of hardship due to erosion, sea level rise, or any other coastal hazard may be asserted in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure."

- D. To minimize the potential for adverse impacts related to coastal hazards, including but not limited to sea level rise, coastal erosion, flooding, wave action, and storm surge, prior to the issuance of any construction permit or building permit for the Project, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

"The landowner hereby acknowledges that Tax Map Key 4-3-012:030 is susceptible to coastal hazards, which may result in harm to or loss of life and property."

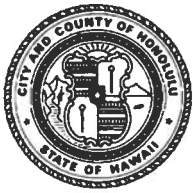
This statement must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

- E. In order to ensure the Applicant is aware that short-term rentals are not allowed on the Project site, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

"The landowner hereby acknowledges that short-term rentals, as defined in ROH Chapter 21, the Land Use Ordinance, are not allowed on Tax Map Key 4-3-012:030."

This statement must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.

- F. In order to preserve underlying beach sands and coastal dunes, all landscaped areas, landscaping, and irrigation must be contained and maintained within the property boundaries of the shoreline lot of origin.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

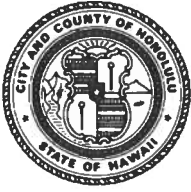
No. 24-58, CD1

RESOLUTION

1. Landscaping may not be planted, watered, or maintained so that it acts as a shoreline barrier, such as by planting naupaka, particularly if the landscaping alters or interferes with the natural beach processes;
2. Landscaping may not extend seaward of the shoreline as depicted in the current certified shoreline survey for the shoreline lot, or in the event there is no current certified shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A;
3. Landscaping may not extend into any adjoining beach access right-of-way, public or private;
4. Landscaping between the makai dwelling and the shoreline must be limited to vegetation that is naturally hardy or endemic in the dune or shoreline area; and
5. Any irrigation systems must be designed so that water does not traverse makai of the shoreline into the State Land Use Conservation District, or otherwise facilitate the growth of vegetation makai of the shoreline as defined in HRS Chapter 205A.

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

- G. In order to minimize impacts to known and unknown archaeological, historic, and cultural resources that may be present at the Project site, the Applicant shall comply with the following measures:
1. The Applicant, in consultation with the State Historic Preservation Division ("SHPD"), shall prepare an archaeological monitoring plan that meets the standards of Hawai'i Administrative Rules Chapter 13-279, and shall implement the archaeological monitoring plan during ground-disturbing activity and Project construction to ensure that archaeological and cultural resources are properly identified and treated;
 2. The archaeological monitoring plan must include:

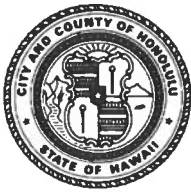


HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

- a. The onsite presence of a licensed archaeologist during excavation work to ensure that iwi kūpuna and other historic resources are properly handled;
 - b. If iwi kūpuna are discovered, consultation must take place as required by State law on the treatment of iwi kūpuna;
 - c. Consideration of Project redesign or relocation to allow any discovered iwi kūpuna to be buried-in-place;
 - d. Establishment of a temporary curation unit on the Project site if iwi kūpuna are disinterred;
 - e. Identification of potential reinterment sites on the Project site in the event that iwi kūpuna are discovered and it is determined that burial-in-place is not recommended and onsite reinterment is recommended; and
 - f. Consultation with the licensed archaeologist to determine whether it is recommended that excavation work be conducted with a specially fitted, flat blade (not the standard toothed blade) on the excavator bucket, which must be operated in a series of shallow scrapes (instead of deep scoops).
3. The Applicant shall consult with SHPD regarding mitigation protocols, and shall implement all mitigation protocols approved or otherwise required by SHPD for all historic properties and cultural resources (including iwi kūpuna) discovered on the Project site. Prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and applicable subcontractors to ensure that the construction contractor and applicable subcontractors have been informed of the required mitigation protocols; and
 4. 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



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

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.

The requirements enumerated in this condition and all mitigation protocols approved or otherwise required by SHPD must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

- H. In order to minimize impacts to endangered, protected, or threatened avian, marine, and terrestrial fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following.
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 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 site 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 (sunrise to sunset).
 5. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
 6. 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 (June 1 through September 15).
 7. All Project-related activities must cease if a Hawaiian monk seal, green sea turtle, or Hawksbill sea turtle is within 150 feet of the work area, or as



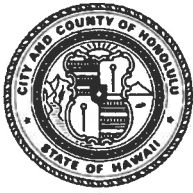
HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

recommended by State 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.

8. If Project construction activities are scheduled during the breeding and nesting period from March through December, preconstruction nesting surveys must be conducted by a qualified biologist familiar with the biology of wedge-tailed shearwaters, Hawaiian seabirds, and the Manu-o-Kū (white tern) prior to and during Project construction as follows:
 - a. A minimum of three days prior to the initiation of any clearing (including tree trimming or removal), grubbing, grading, excavation, or trenching activities, the qualified biologist must conduct preconstruction surveys for the presence of Hawaiian seabird and migratory bird nests, eggs, or fledglings;
 - b. If no nests, eggs, or fledglings are discovered, work may proceed;
 - c. If any nests, eggs, or fledglings are discovered, work may not proceed, and:
 - (i) The U.S. Fish and Wildlife Service ("USFWS") and the Department of Land and Natural Resources Department of Fish and Wildlife ("DOFAW") must be contacted immediately;
 - (ii) Work may only resume upon implementation of any avoidance and mitigation measures recommended by the USFWS and/or DLNR DOFAW; and
 - (iii) Written evidence of the survey must be submitted to the DPP Land Use Permits Division.
 - d. If there is a delay of three or more workdays during the active construction period, the qualified biologist must conduct a



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

subsequent preconstruction nest surveys for any new nests that Hawaiian seabirds or protected migratory birds may have attempted to establish.

Pre-construction nesting surveys are not required for construction activities occurring in January or February (outside of the breeding and nesting period of March through December).

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

- I. To minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the importation of soil material must be minimized to the extent possible. If the importation of fill material is necessary, prior to the importation of any fill material, the Applicant shall submit a materials analysis to the DLNR DOFAW, for review and approval. The materials analysis must show that:
 1. All fill materials have similar characteristics and are of similar quality as the existing soil materials on site, and will not adversely impact SMA resources; and
 2. 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.

Approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to DOFAW 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 recommended mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey.

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

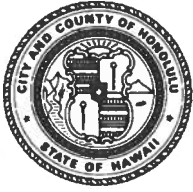


HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

- J. **The Applicant shall obtain a construction permit or building permit for the Project within 36 months after the effective date of this SMA Major Permit.** Failure to obtain a construction permit or building permit within this period will render this SMA Major 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, provided that the DPP Director may not extend the period 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. The Council may approve the proposed extension or an 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 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.
- K. Approval of this SMA Major 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-related approvals, and building, grading, and grubbing permit approvals, which are subject to separate review and approval. The Project's building permit application must address the lack of a kitchen in Dwelling 2 (currently a multifamily dwelling with three lodging units), exceeding the maximum number of bathrooms permitted on a zoning lot, and parking design provisions that require all vehicles to enter and exit the street in a forward-facing manner. The Applicant is responsible for ensuring that the final plans for

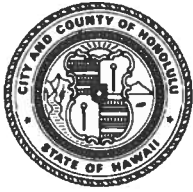


HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

the Project approved under this SMA Major Permit comply with all applicable City ordinances and other governmental provisions and requirements; and



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-58, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Ohana Makai, LLC, c/o David Banks, Esq., 1000 Bishop Street, Suite 1500, Honolulu, Hawai'i 96813; Mireille Turin, Peter Vincent Architects, 55 Merchant Street, Suite 1430, Honolulu, Hawai'i 96813; Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

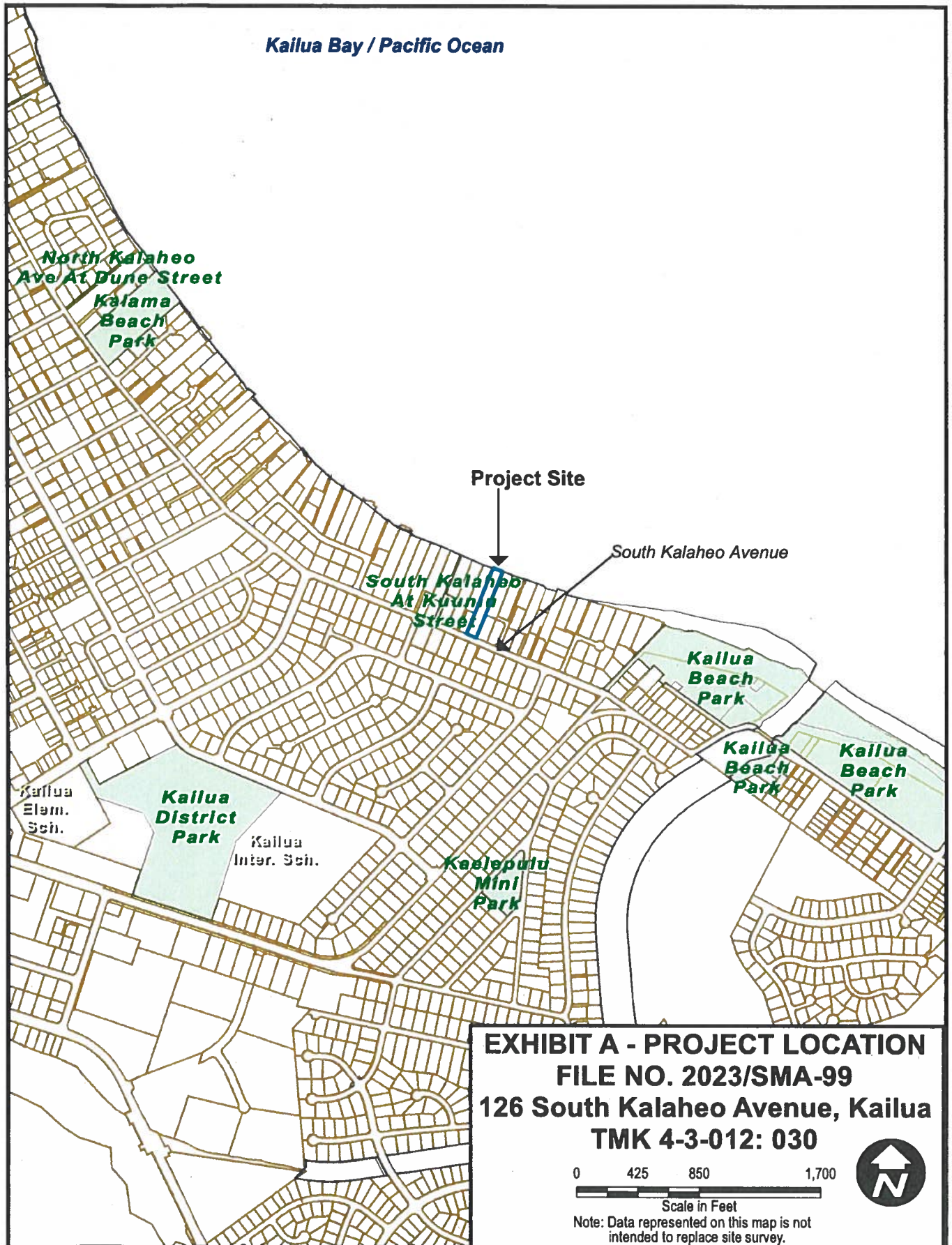
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

February 29, 2024
Honolulu, Hawai'i

Councilmembers



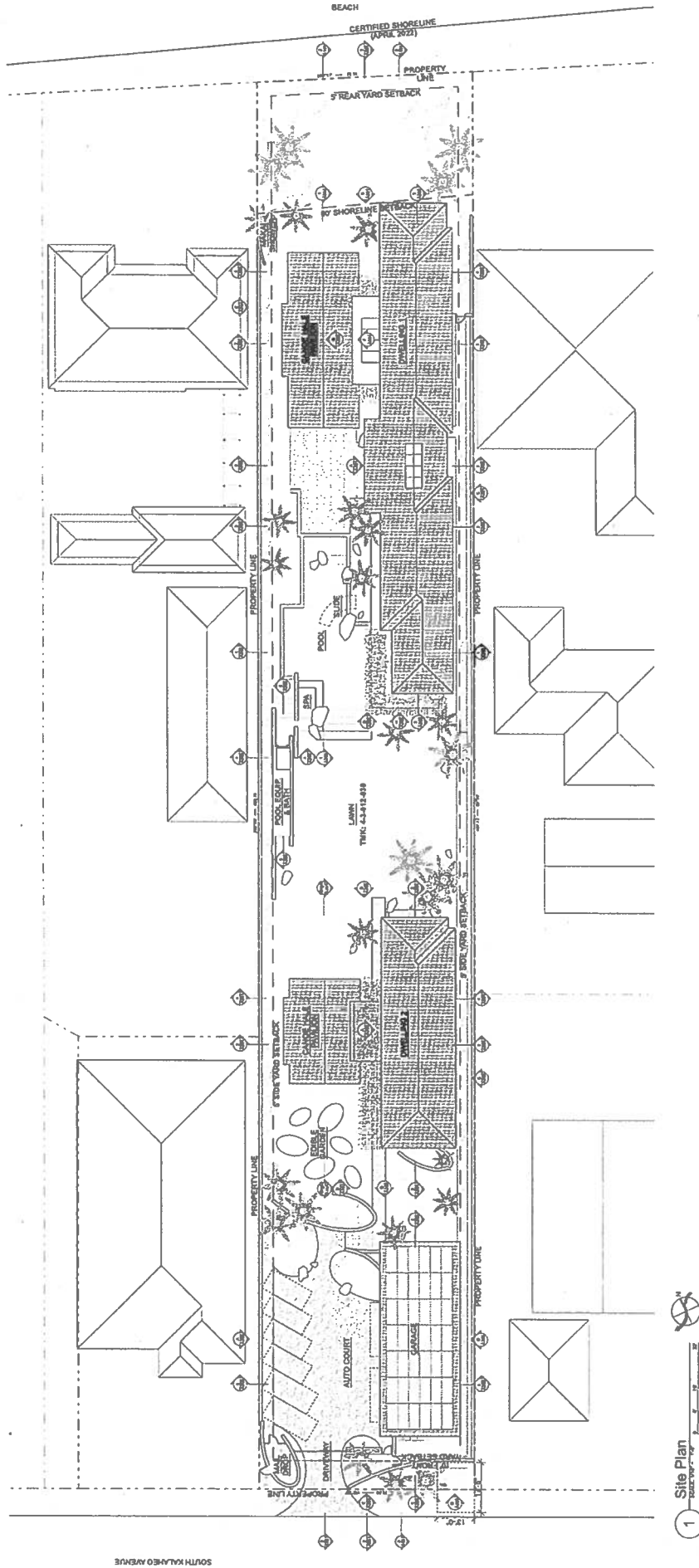


EXHIBIT C-1 - SITE PLAN

A100

Site Plan

IIVA
petervincentsarchitects

Honor Court
86 Merchant Street Suite 1400 Honolulu, Hawaii 96813
808.524.0255 info@iiva.com

OHANA MAKAI LLC
128 S. KALAEBO AVENUE, KAILUA, HAWAII 96734
October 31, 2023

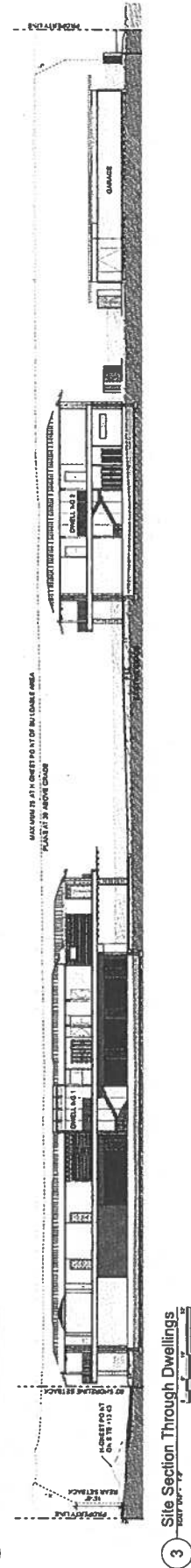
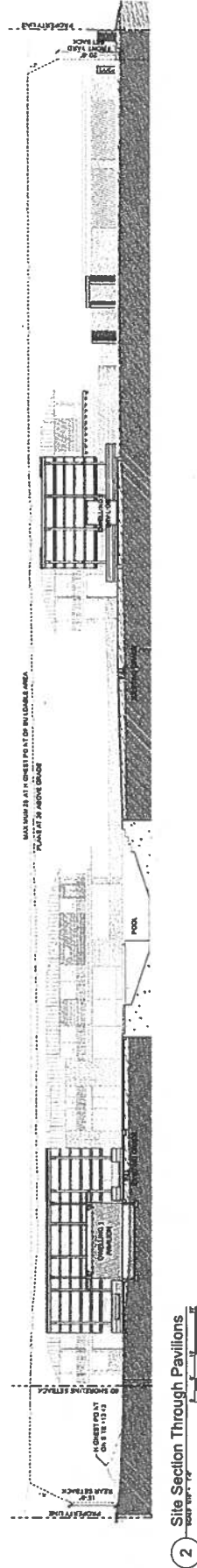
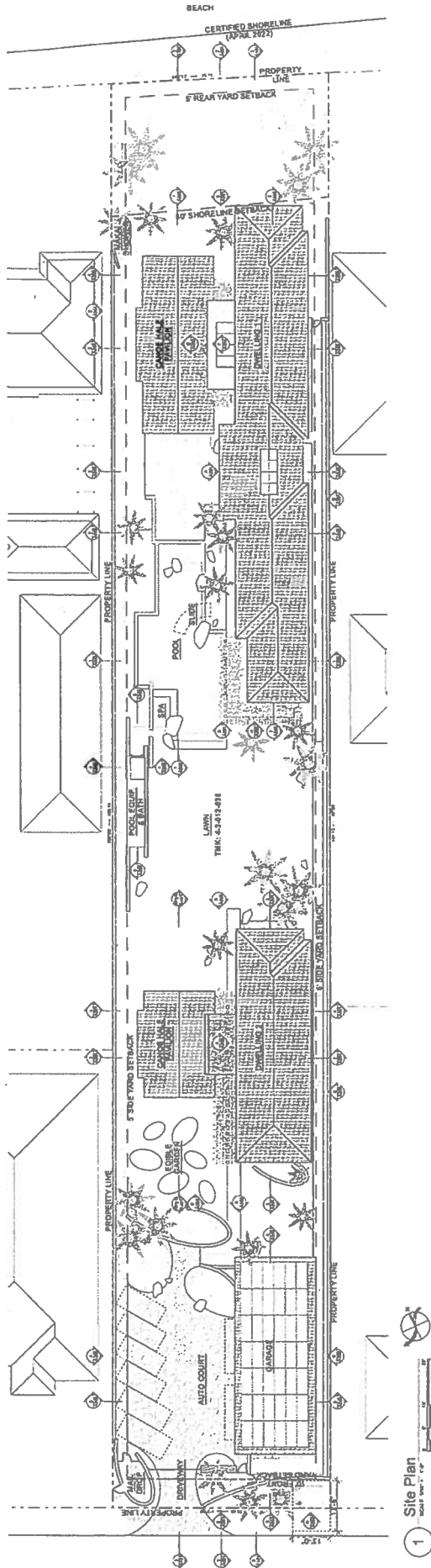


EXHIBIT C-2 - SECTION DRAWINGS

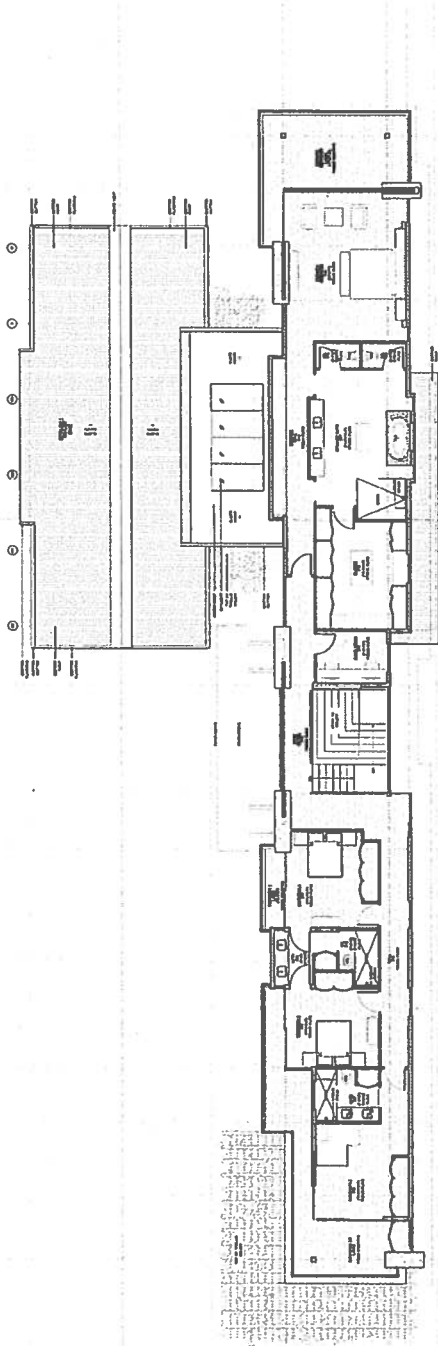
OHANA MAKAI LLC
128 S. KALAHOE AVENUE, KAILUA, HAWAII 96734
October 31, 2023

A101

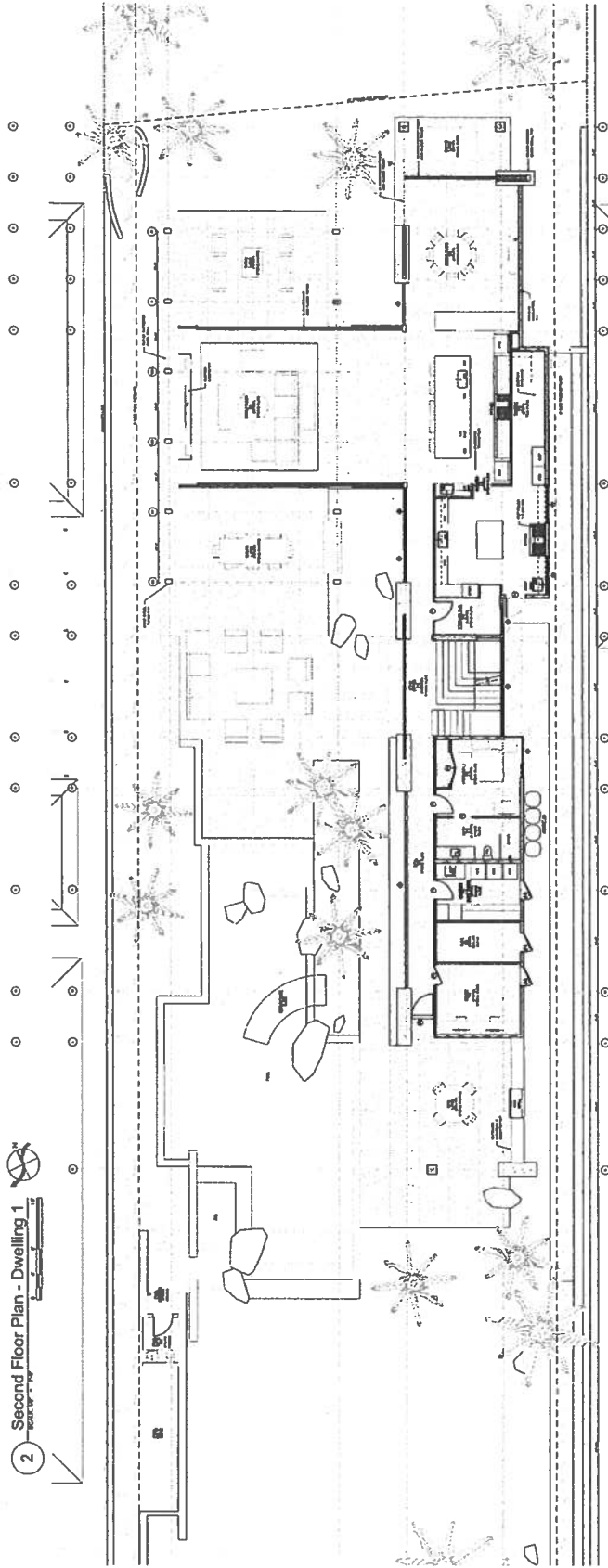
Site Plan + Sections

Herbert Court
55 Merchant Street Suite 1430 Honolulu, Hawaii 96813
808.624.8255 info@pva.com

PVA
petervincinarchitects

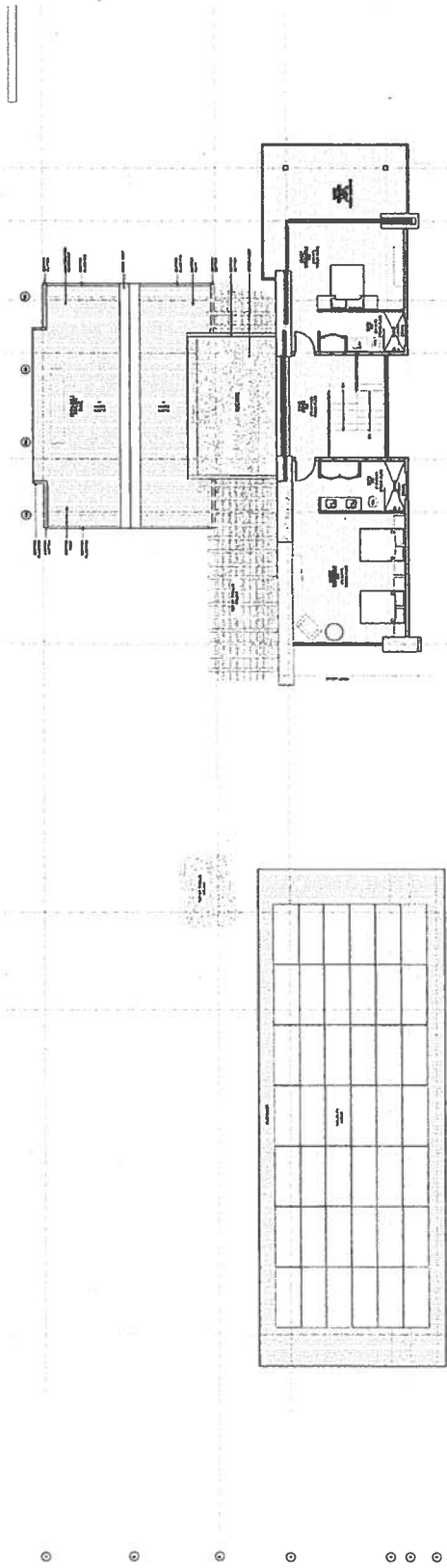


2 Second Floor Plan - Dwelling 1

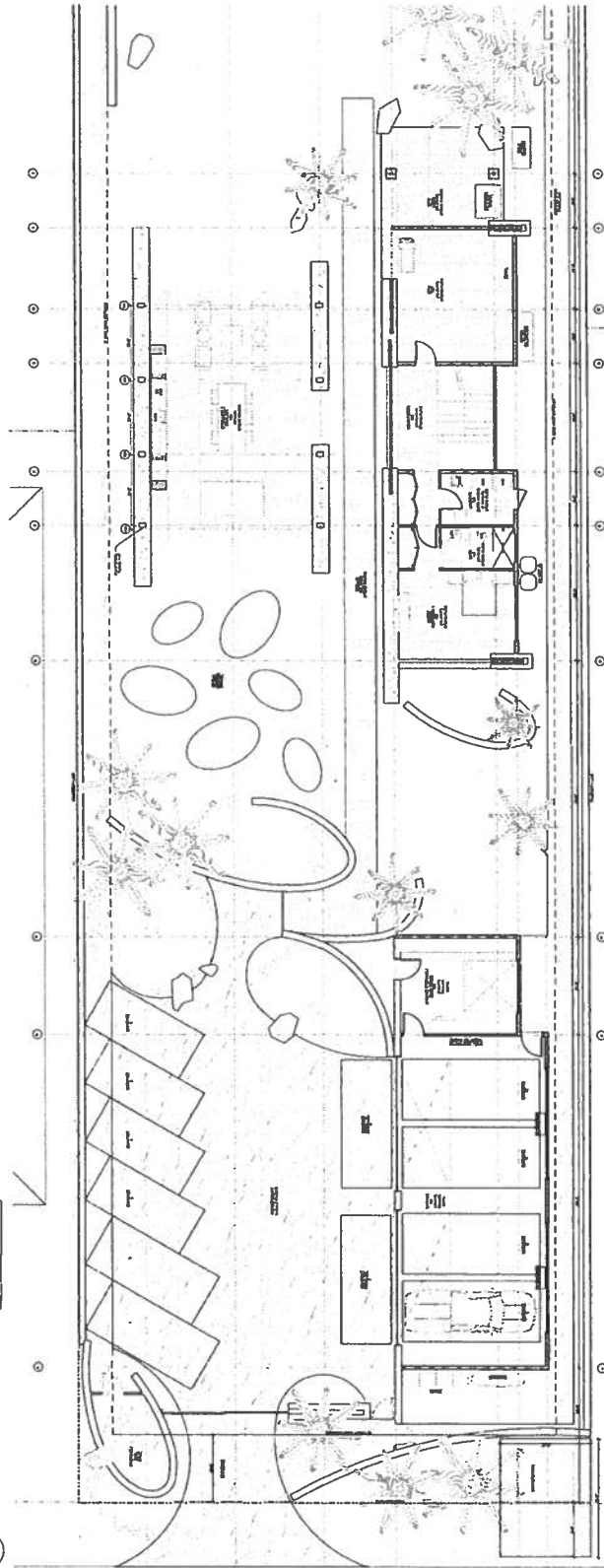


1 Ground Floor Plan - Dwelling 2

EXHIBIT C-3 - FLOOR PLANS - DWELLING 1

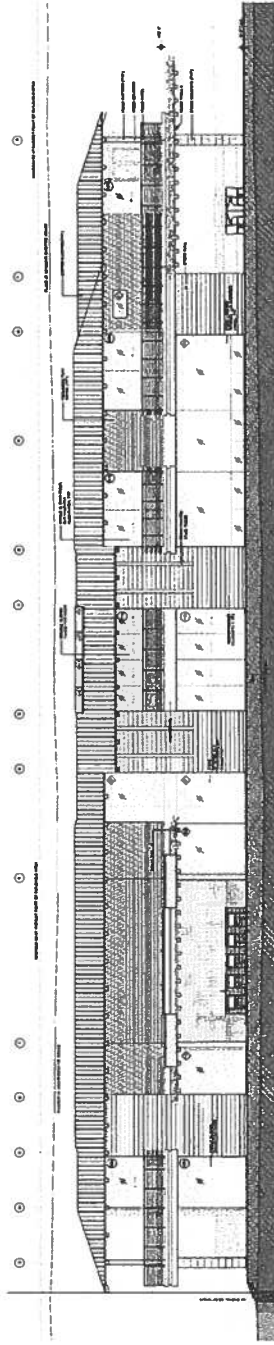


2 Second Floor Plan - Garage + Dwelling 2

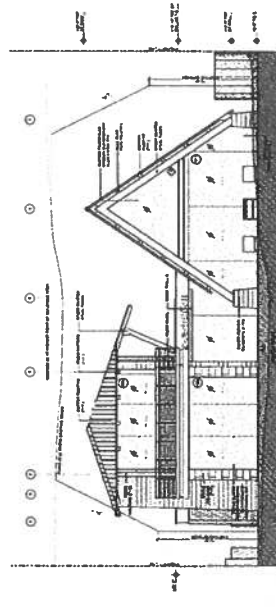


1 Ground Floor Plan - Garage + Dwelling 2

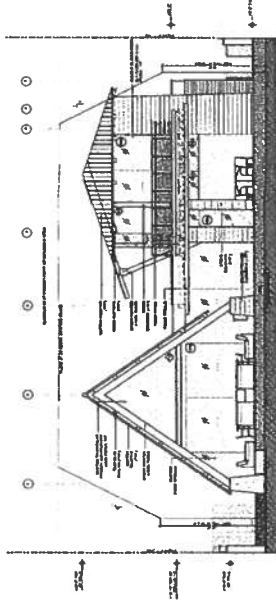
EXHIBIT C-4 - FLOOR PLANS - DWELLING 2



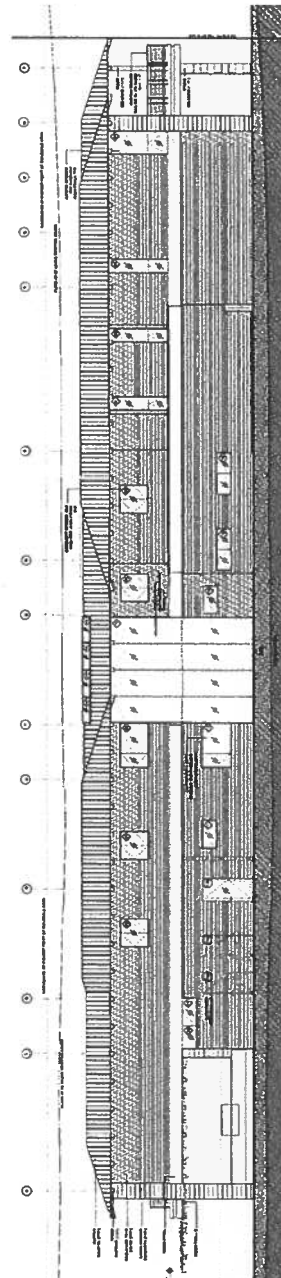
A Dwelling 1 Kaneohe Elevation
Scale: 1/8" = 1'-0"



B Dwelling 1 Makai Elevation
Scale: 1/8" = 1'-0"



D Dwelling 1 Mauka Elevation
Scale: 1/8" = 1'-0"



C Dwelling 1 Waimanalo Elevation
Scale: 1/8" = 1'-0"

EXHIBIT C-5 - DWELLING 1 ELEVATIONS

OHANA MAKAI LLC
128 S. KALAHED AVENUE, KAILUA, HAWAII 96734

Dwelling 1 Elevations

A201

Harbor Court
55 Merchant Street Suite 1430 Honolulu Hawaii 96813
808.624.8255 | info@pva.com

PVA
petervincentarchitects

October 31, 2023

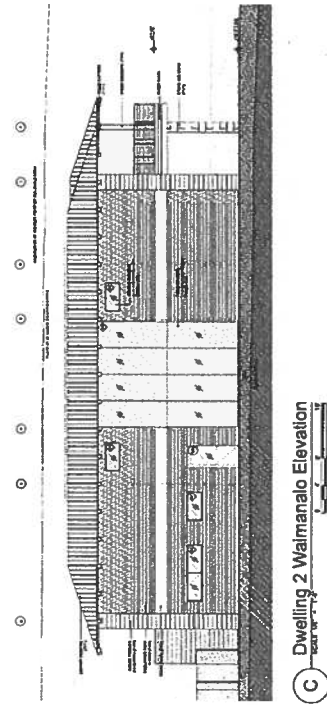
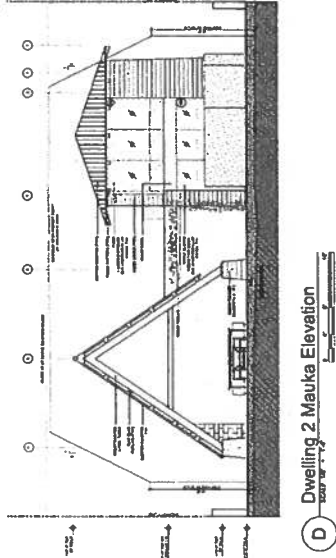
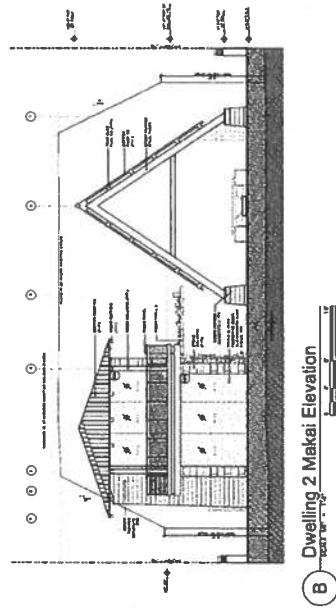
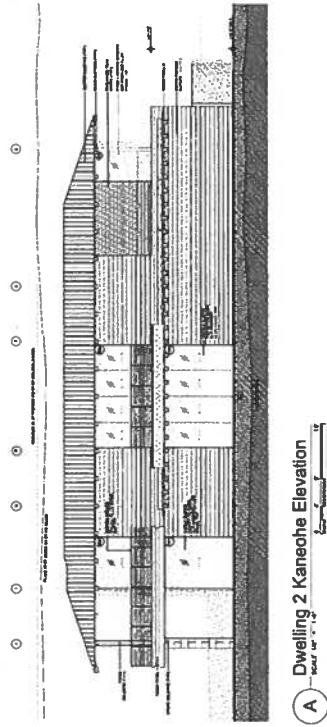


EXHIBIT C-6 - DWELLING 2 ELEVATIONS

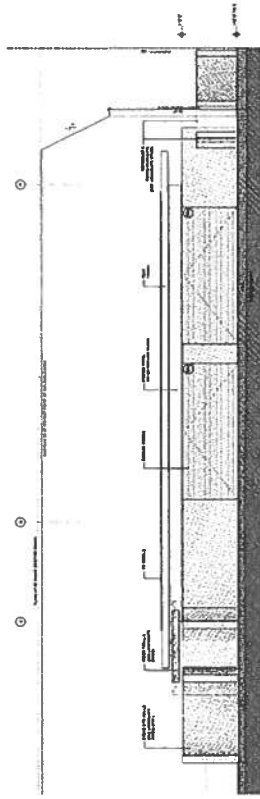
CHANA MANALLO
128 S. KALANEO AVENUE, KAILUA, HAWAII 96734
October 31, 2023

Dwelling 2 Elevations

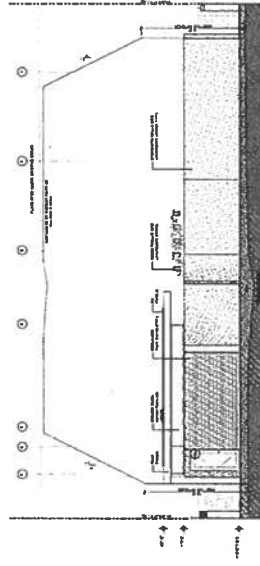
A202

IIVA
patervincenarchitects

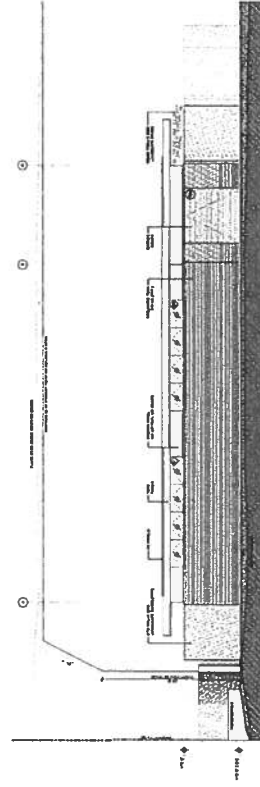
Water Court
551 Meridian Street Suite 1400 Honolulu, Hawaii 96813
808.524.8255 info@iiva.com



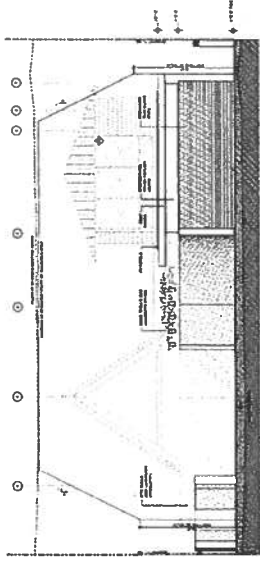
A Garage Kaneohe Elevation
SCALE: 1/8" = 1'-0"



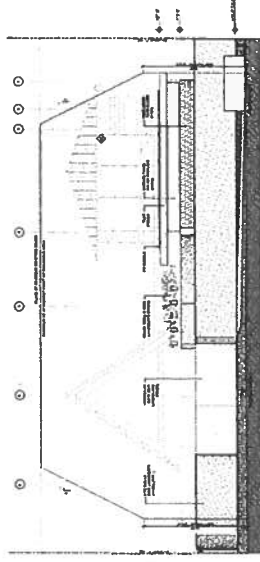
B Garage Makai Elevation
SCALE: 1/8" = 1'-0"



C Garage Waimanalo Elevation
SCALE: 1/8" = 1'-0"



D Garage Mauka Elevation
SCALE: 1/8" = 1'-0"



E Garage Kalaheo St. Elevation
SCALE: 1/8" = 1'-0"

EXHIBIT C-7 - GARAGE ELEVATIONS

OHANA MAKAI LLC
128 S. KALAHOE AVENUE, KAILUA, HAWAII 96734
October 31, 2023

Garage Elevations

A203

Heber Court
55 Merchant Street Suite 1400 Honolulu, Hawaii 96813
808.524.8255 info@pva.com

PVA
petervincenarchitects

Kailua Bay / Pacific Ocean

Project Site



0290H
1/15/2014

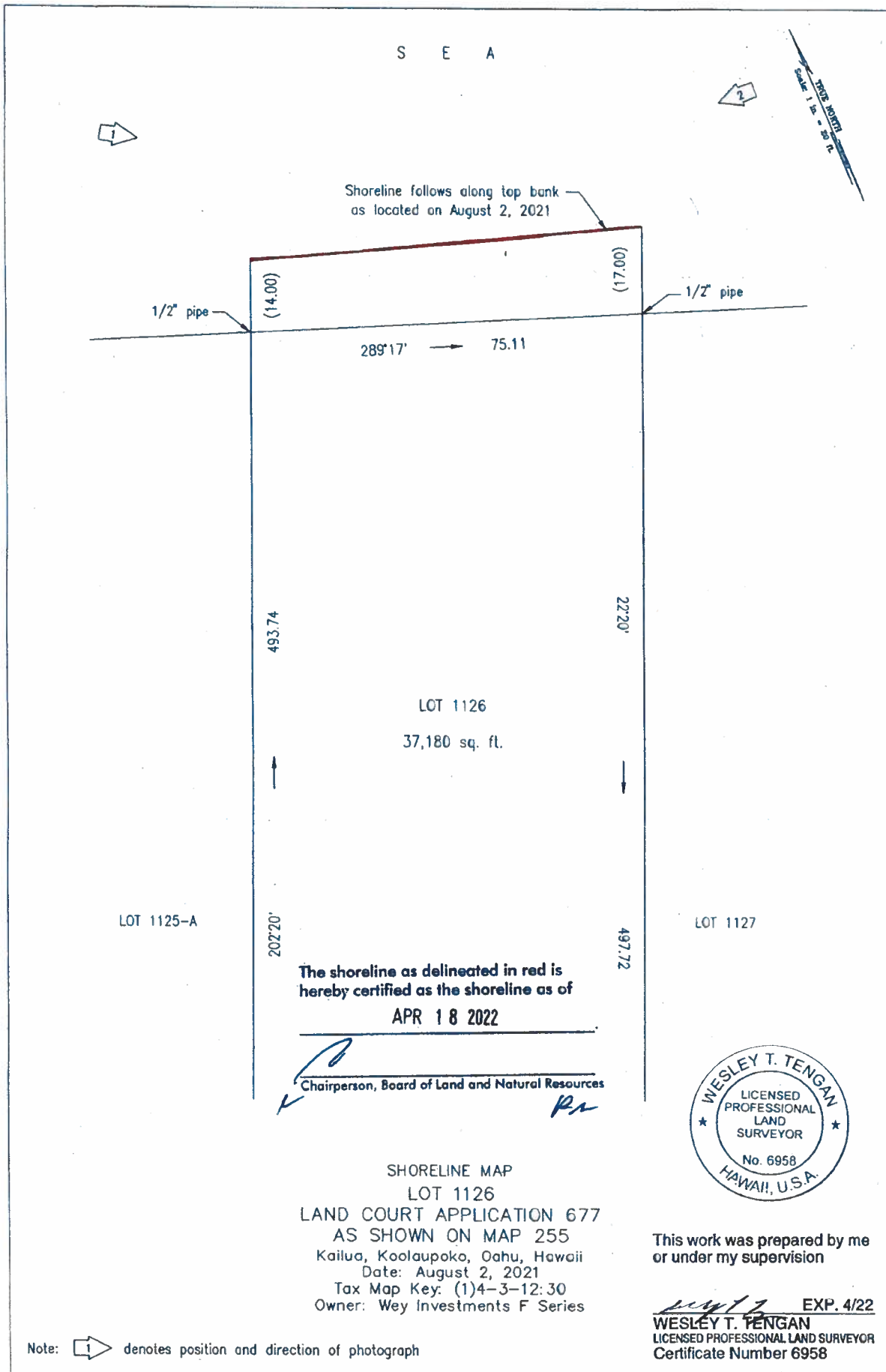
x

EXH D - FLOOD ZONE X
FILE NO. 2023/SMA-99



0 90 180 360
Scale in Feet

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



SHORELINE PHOTOGRAPHS



PHOTO: 1



PHOTO: 2

126 S. KALAHEO AVENUE

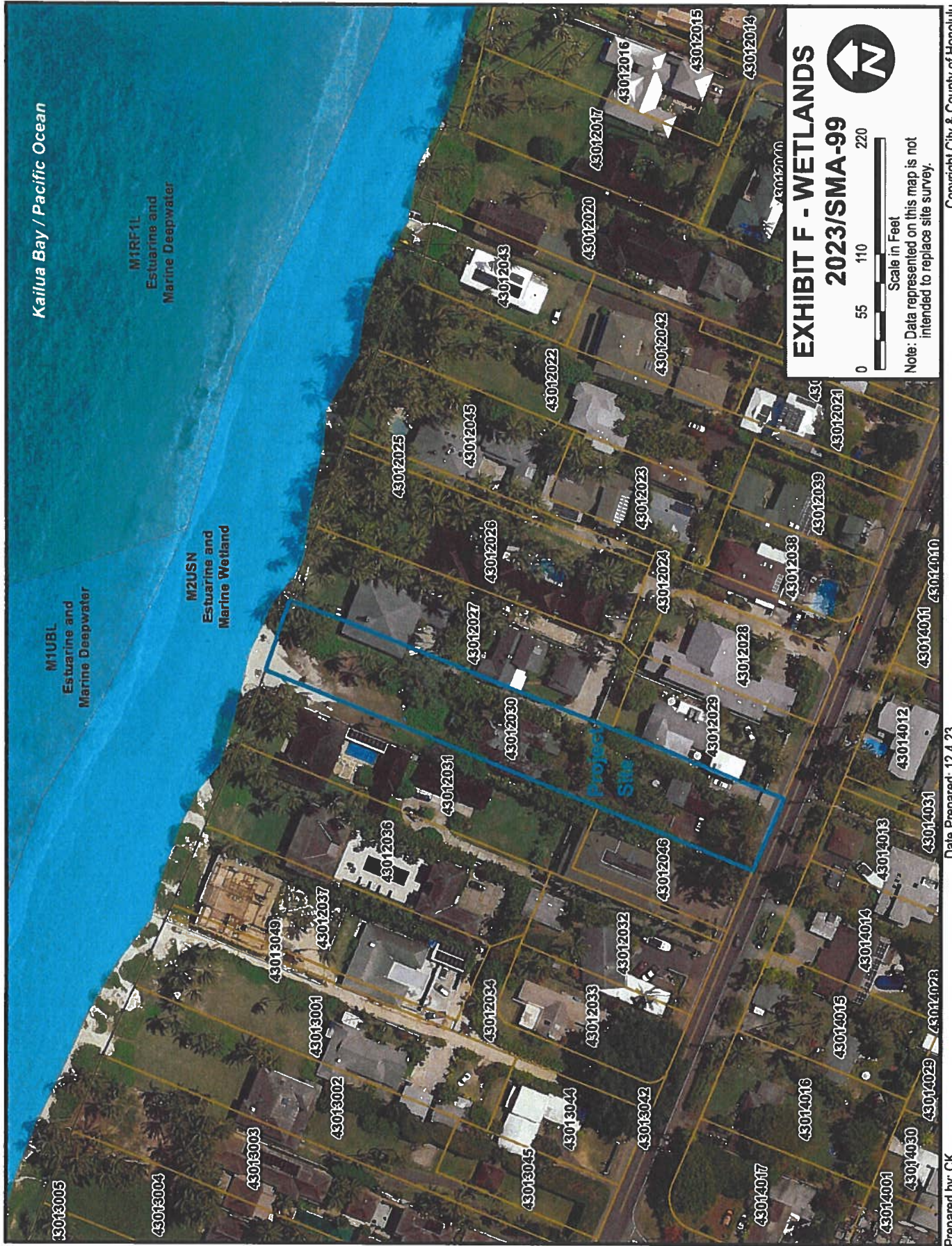
4-3-12:30

8/2/2021

1:00 P.M.

PARTY CHIEF: GRANT FUJISHIGE

EXHIBIT E-2 - 2022 SHORELINE SURVEY PHOTOS



Kailua Bay / Pacific Ocean

Project Site



BEACHES

LAUCAS SAND: 0 TO
15 PERCENT SLORES

**EXHIBIT G - NRCS SOILS
2023/SMA-99**



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



EXHIBIT H - BEACHES / DUNES AND MARINE SANDS



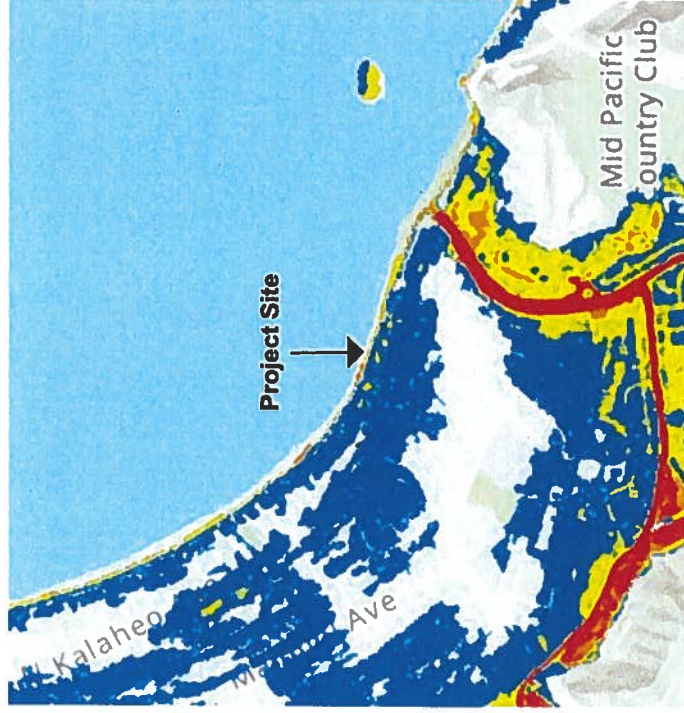
EXHIBIT I - 3.2-FOOT SEA LEVEL RISE EXPOSURE AREA



EXHIBIT J - HISTORIC SHORELINE CHANGE RATES
Kailua Transect 159



Category 3 Hurricane



Category 4 Hurricane

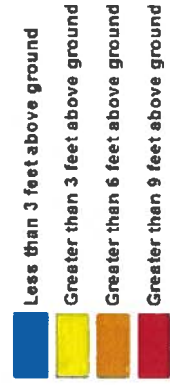


EXHIBIT K - NATIONAL HURRICANE CENTER STORM SURGE RISK MAPS

Kailua Bay / Pacific Ocean

Project Site

Kaapuni Dr

Kuini St

Kurpua St

Kuula St

Kuhale St

Puukani Pl

EXHIBIT L - TSUNAMI EVACUATION ZONE
FILE NO. 2023/SMA-99



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

Prepared by: CK

Date Prepared: 1.8.24

Copyright City & County of Honolulu
All Rights Reserved 2008

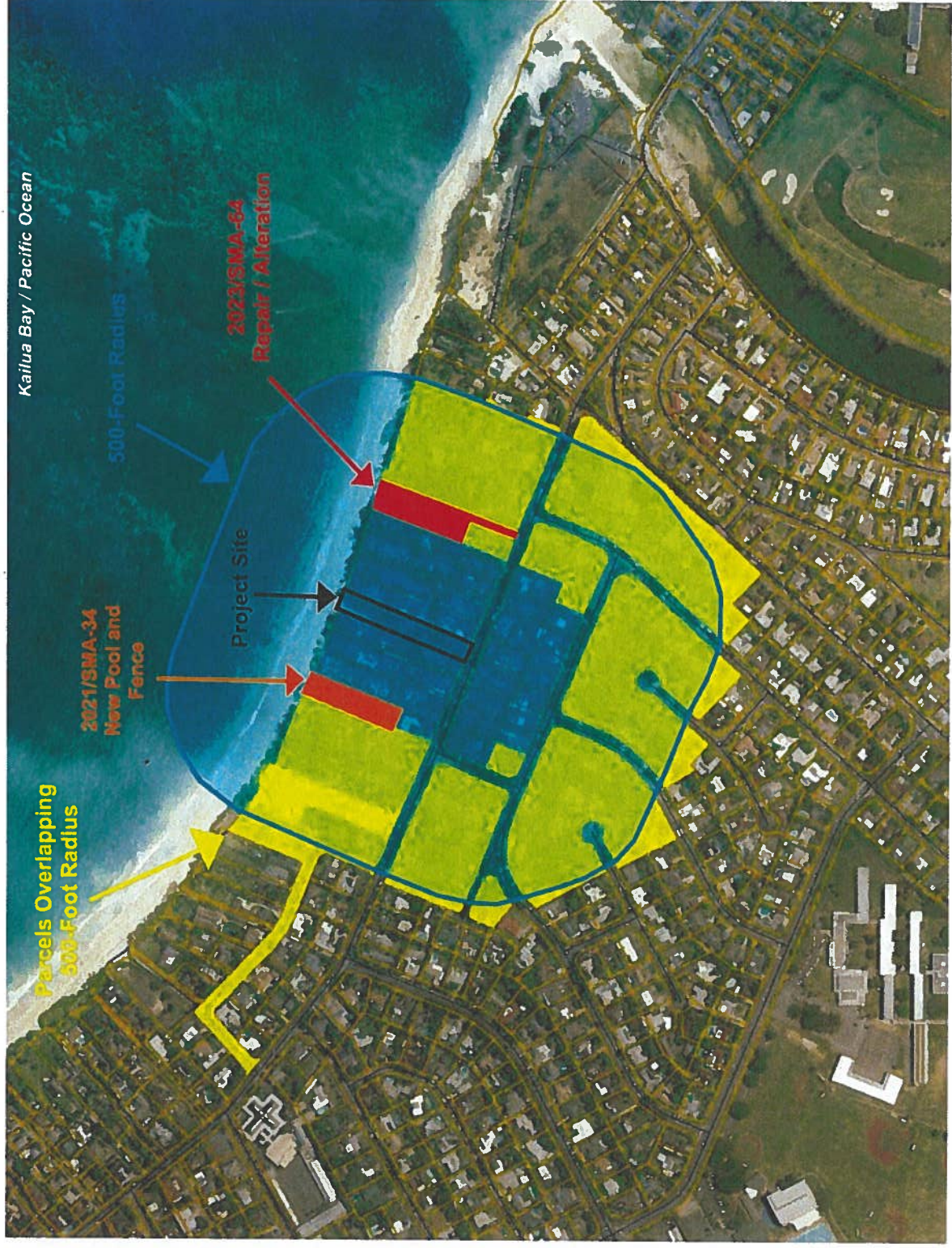


EXHIBIT M - 500-FOOT CUMULATIVE PROJECT RADIUS MAP

Report Title:

Special Management Area ("SMA") Major Permit; Land Use Permit; Department of Planning and Permitting ("DPP")

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.