



HONOLULU CITY COUNCIL

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

COMMITTEE ON ZONING

Voting Members:

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

AGENDA ADDENDUM

REGULAR MEETING
CITY COUNCIL CHAMBER
WEDNESDAY, MAY 1, 2024
9:00 A.M.

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **89705116174** and Passcode **408430**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Persons wishing to testify in-person in the Council Chamber are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Oral testimony will be allowed when each agenda item is taken up, in the following order:

- 1. Remote testimony;**
- 2. In-person in the Council Chamber.**

Written testimony may be uploaded at <https://hnldoc.ehawaii.gov/hnldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3816 or send an email to kiana.pascual@honolulu.gov.

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnldoc.ehawaii.gov/hnldoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to kiana.pascual@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

THIS ADDENDUM PROVIDES A PROPOSED CD1 AMENDMENT TO AGENDA ITEM NO. 6 – RESOLUTION 24-95.

FOR ACTION

6. **RESOLUTION 24-95 – 1318 MOKULUA DRIVE – LANIKAI (2023/SMA-105).**
Granting a Special Management Area (“SMA”) Major Permit to Luamoku Group, LLC (“Applicant”) to allow for the construction of a new single-family, detached dwelling with an attached garage and a swimming pool on approximately 17,171 square feet of land zoned R-10 Residential District, located at 1318 Mokulua Drive in Kailua, and identified as Tax Map Key 4-3-004: 076. (Applicant: Luamoku Group, LLC) (Transmitted by Communication D-247[24]) (Current Deadline for Council action: 6/8/24)

PROPOSED CD1 TO RESOLUTION 24-95 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0442/4/26/2024 1:23 PM) makes the following amendments:

- A. In the first WHEREAS clause, clarifies the description of the Project.
- B. In the BE IT RESOLVED clause:
 - 1. In Condition A, clarifies that except as modified in the resolution, including Project modifications required under Conditions B and E, development must be in general conformity with the Project as described in the DPP's findings and recommendation, and as depicted in the exhibits attached to the resolution.
 - 2. In Condition B, clarifies that in order to accurately portray the Project site boundaries and accurately determine whether the Project complies with LUO development standards, the Project plans, including the attached Exhibits and the calculations required by the LUO, must be updated to remove 3,355 square feet of the Project zoning lot that has been lost to erosion and is now within the State Land Use Conservation District, as shown on the Certified Shoreline Survey dated April 16, 2009.
 - 3. In Condition D, relating to the landowner's acknowledgement that no claim of hardship may be asserted to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure:
 - a. Clarifies that the landowner acknowledges and any successor owner or interested party is notified of that condition; and

- b. Corrects the Tax Map Key number.
- 4. In Condition E, relating to coastal hazards:
 - a. Combines Conditions E.2 and E.3, and sets forth the two coastal hazard acknowledgements in paragraphs E.2.a and E.2.b; and
 - b. Amends the acknowledgement in paragraph E.2.b to read as follows:

"The landowner hereby acknowledges that the makai portions of Tax Map Key 4-3-004:076 are projected to be impacted by 3.2 feet of sea level rise by the year 2100, and that portions of the proposed dwelling and accessory dwelling unit are located within the 3.2-foot sea level rise exposure area ("SLR-XA"). The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the SLR-XA. The landowner further agrees to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site."
- 5. In Condition F, provides that the short-term rental prohibition acknowledgment must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans.
- 6. In Condition H, relating to archaeological, historic, and cultural resources that may be present on the Project site:
 - a. Adds a new Condition H.2 to provide that if an archaeological inventory survey ("AIS") is required by the SHPD, prior to the issuance of any construction permit or building permit for the Project, the Applicant is required to submit to the DPP a copy of an AIS with subsurface testing conducted by a SHPD-approved archaeologist that has been reviewed and approved by SHPD. The AIS must identify and document any archaeological historic and cultural resources on the Project site, assess their significance, and determine the potential impacts of the Project on the historic and cultural resources. The Applicant is required to implement all mitigation protocols identified in the AIS that are approved or otherwise required by SHPD.

- b. Adds a new Condition H.3 to provide that if required by the SHPD upon review of the AIS, the Applicant, in consultation with the SHPD, shall prepare an archaeological monitoring plan ("AMP") that meets the standards of Chapter 13-279, Hawai'i Administrative Rules. The Applicant 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. The archaeological monitoring plan must include the onsite presence of a SHPD-approved archaeologist during excavation work to ensure that any discoveries of iwi kūpuna or other historic resources are appropriately handled.
 - c. Adds a new Condition H.4 to require the Applicant to consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD for all historic and cultural resources (including iwi kūpuna) discovered on the Project site. Prior to the commencement of ground-disturbing activity and Project construction, requires a coordination meeting to 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 all mitigation protocols required by SHPD.
 - d. Amends the last sentence in Condition H to clarify that the requirements enumerated in the 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.
7. In Condition J, relating to the importation of fill material:
- a. In Condition J.1, clarifies that the Applicant proposes to import approximately 30 cubic yards of structural fill and that no importation of soil material is proposed;
 - b. In Condition J.2, provides that prior to the importation of any structural fill material (instead of soil material), the Applicant is required to submit a materials analysis to DOFAW; and
 - c. In Condition J.2.a, deletes the provision requiring the materials analysis to show that all fill materials have similar

characteristics and are of similar quality as the existing soil materials onsite (no soil fill material will be imported, instead structural fill material will be imported).

8. In Condition K, relating to permits for the Project:
 - a. Designates the initial phrase in the first sentence as Condition K.1, and clarifies that pursuant to ROH Chapter 26, to rely on the 40-foot shoreline setback that is in effect through June 30, 2024, the Project's building permit application must be accepted as complete for processing by the DPP no later than June 30, 2024.
 - b. Designates the latter phrase in the first sentence as Condition K.2, and provides that the Applicant is required to obtain a construction permit or building permit for the Project within 36 months (instead of three years) after the effective date of the SMA permit. 4 c. Amends Condition K.2.c to clarify that any extension proposal will be deemed to be denied if the Council fails to take final action within the first to occur of: (i) sixty days after receipt of the DPP Director's report or (ii) the Applicant's then-existing deadline for obtaining a construction permit or building permit (instead of a development permit).
- C. Removes Attachments A, B, and C (letters from Sea Engineering, Inc., the University of Hawai'i Climate Resilience Collaborative, and the City's Office of Climate Change Sustainability and Resiliency, respectively).
- D. Makes miscellaneous technical and nonsubstantive amendments.

Calvin K.Y. Say, Chair
Committee on Zoning