



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

No. 24-219

**RESOLUTION**

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH AN ATTACHED CARPORT IN KAHUKU, O'AHU.

WHEREAS, on May 9, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2024/SMA-49) of Modern Development, LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit to allow for the construction of a new single-family detached dwelling with an attached garage on approximately 19,340 square feet (ft.) of land zoned R-5 Residential District, located at 57-320 Punaulua Place in Kahuku, and identified as Tax Map Key 5-7-003: 049 (the "Project"); and

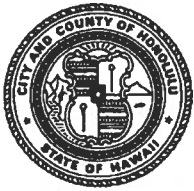
WHEREAS, on July 8, 2024, the DPP held a public hearing at the Fasi Municipal Building 6<sup>th</sup> Floor Conference Room, which was attended by the Applicant, the Applicant's Agents, DPP staff, and a few members of the public, and at which no one testified with concerns; and

WHEREAS, on August 23, 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 the Revised Ordinances of Honolulu 2021 ("ROH") §§ 25-3.1 and 25-4.1 and the Hawai'i Revised Statutes ("HRS") §§ 205A-2 and 205A-26, 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 08/28/24, by Departmental Communication 632 (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 ("City") that an SMA Major 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, B, C-1 through C-5, and D through L, 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, HRS Chapter 205A, or both, will require a new application and



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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 the adopted resolution, upon review and approval by the Director of the DPP.

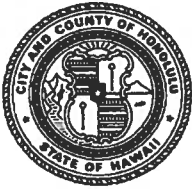
- B. To account for the potential future shift of land from the State Land Use Urban District to the State Land Use Conservation District in response to coastal erosion, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

*"In choosing to implement construction activities at Tax Map Key 5-7-003: 049, 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 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 land owner 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 for a new shoreline protection structure. The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

*"In choosing to undertake the development at Tax Map Key 5-7-003: 049, 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."*



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

- 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, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

*"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:*

- a. The landowner hereby acknowledges that Tax Map Key 5-7-003: 049 is susceptible to coastal hazards, which may result in harm to or loss of life and property.*
- b. The landowner hereby acknowledges that Tax Map Key 5-7-003: 049 is a shoreline zoning lot and may be adversely impacted by coastal hazards. The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot. 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."*

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

- E. To ensure the Applicant is aware that bed and breakfast homes and transient vacation units 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 bed and breakfast homes and transient vacation units, as those terms are defined in ROH Chapter 21, the Land Use Ordinance, are not allowed on Tax Map Key 5-7-003: 049."*



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

- F. 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.
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 dwelling and the shoreline must be limited to vegetation that is naturally hardy or endemic in the dune or shoreline area; and
  5. The Project's irrigation system must be designed so that water does not traverse 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.

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

- G. 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. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD")



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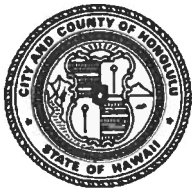
stating that SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42, and has determined whether any mitigative actions and protocols are required.

2. If applicable, the Applicant shall implement all mitigative actions and protocols required or recommended by SHPD in its written determination; and
3. 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 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. 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 and/or lamps must not exceed a color temperature of 3,000 degrees kelvin;
  2. Artificial light from exterior lighting 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 lighting 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);





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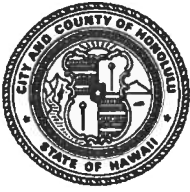
**RESOLUTION**

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5. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats;
6. Woody plants greater than 15 ft. in height may not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15); and
7. All Project-related activities must cease if a Hawaiian monk seal, Green Sea Turtle, or Hawksbill Turtle is on land within 150 ft. of the work area, or as 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 on land, a 300-ft. 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.

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

- I. In order to minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the Applicant is responsible for the following:
  1. The Applicant shall minimize the importation of fill material to the extent possible. The Applicant proposes to import approximately 30 cubic yards of nonstructural fill material. The Applicant also proposes on-site disturbance of approximately 445 cubic yards of existing coral outcrop and soil that will be redistributed onsite as backfill;
  2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the current recommendations from the O'ahu Invasive Species Committee ("OISC").
  3. Prior to the commencement of any ground-disturbing or construction activities, and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for Prevention of Invasive Species" ("Protocols") must be distributed to all



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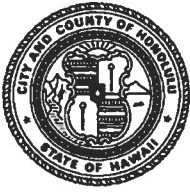
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workers who will be present at the site, or the Protocols must be posted at the Project site in a visible location accessible to all Project workers, including delivery and haul-out contractors, or both the distribution and posting of the Protocols is required. All on-site Project workers must be instructed to review the species photos and all Protocols prior to commencing any ground-disturbing or construction activities; and

4. If, at any time, species on the OISC invasive species target list website at <https://www.oahuisc.org/current-targets/>, or any successor website or list provided by the OISC, are discovered on the Project site, the Applicant shall immediately contact the OISC to report the discovery. The current email address and phone number for the OISC must be visibly posted at the Project site during pre-construction and construction activities. The Applicant shall implement any measures recommended by the OISC and any responsible federal or State of Hawai'i agency charged with the eradication and management of invasive species.

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

- J. The shoreline setback for the Project shall be 40 ft. provided the building permit for Building Permit Application No. A2024-06-0662 is issued no later than June 30, 2025. If the building permit is not issued by June 30, 2025, all development must comply with the minimum 60-ft. shoreline setback required under ROH Chapter 26 effective as of July 1, 2024. The new shoreline setback must be shown on the building permit plans.
- K. Prior to the issuance of construction or building permits, the Applicant must obtain approval of a Minor Shoreline Structure Permit for fencing, eaves, and other development activities proposed to occur within the shoreline setback area.



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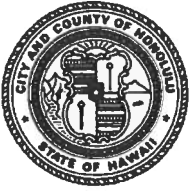
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**RESOLUTION**

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- L. The Applicant must 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, but the period cannot be extended by the DPP Director beyond one year from the initial deadline set by the Council.
  2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension, which must include the DPP Director's findings and recommendations thereon. 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. 60 days after receipt of the DPP Director's report; or
    - b. The Applicant's then-existing deadline for obtaining a development permit,the extension will be deemed to be denied.
- M. 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 Applicant is responsible for ensuring that the final plans for the Project approved under this SMA Major Permit comply with all applicable City ordinances and other governmental provisions and requirements; and





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BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Scott Blum, c/o Case Lombardi – A Law Corporation, 737 Bishop Street, Suite 2600, Mauka Tower, Pacific Guardian Center, Honolulu, Hawai'i 96813; Jeffrey Overton, G70, 111 South King Street, Suite 170, Honolulu, Hawai'i 96813; Dawn Takeuchi Apuna, Director of the Department of 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:

Tang Wah (br)

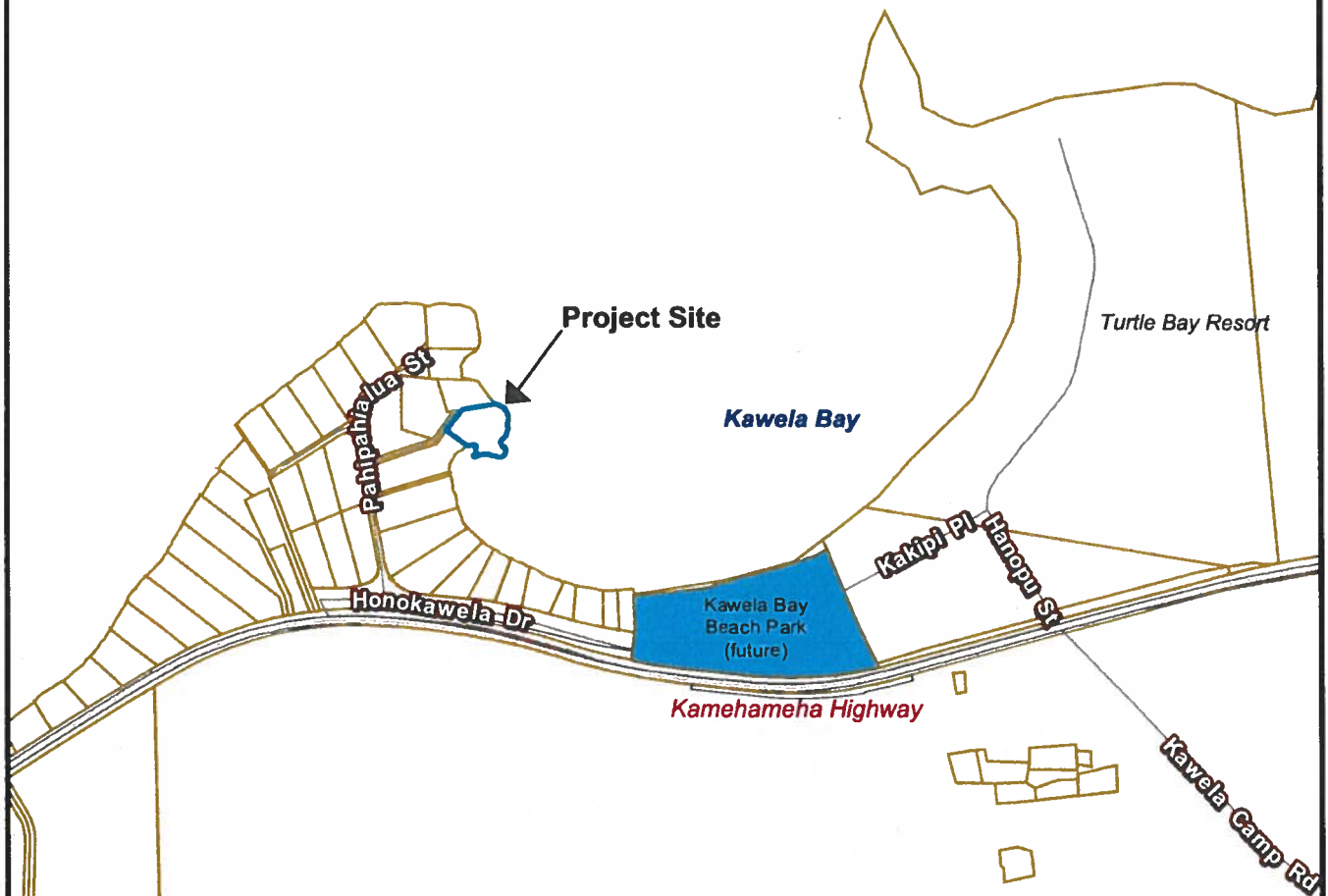
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DATE OF INTRODUCTION:

AUG 28 2024  
Honolulu, Hawai'i

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Councilmembers

**Pacific Ocean**



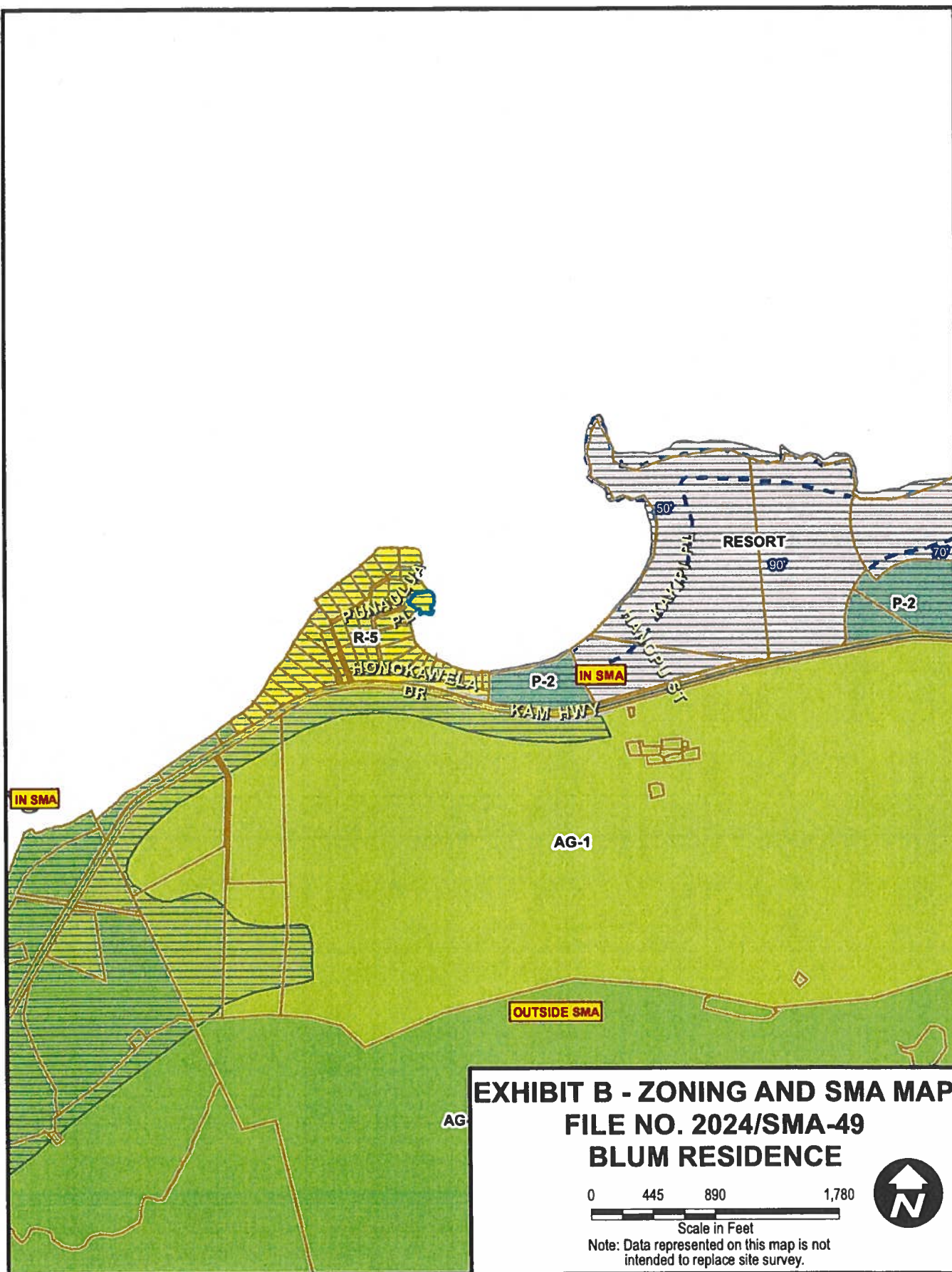
**EXHIBIT A - PROJECT LOCATION MAP**  
**FILE NO 2024/SMA-49**  
**BLUM RESIDENCE**  
**TMK 5-7-003: 049**

0 265 530 1,060

Scale in Feet

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





**EXHIBIT B - ZONING AND SMA MAP**  
**FILE NO. 2024/SMA-49**  
**BLUM RESIDENCE**

0 445 890 1,780

Scale in Feet

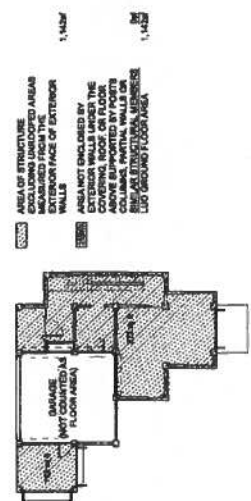
Note: Data represented on this map is not intended to replace site survey.



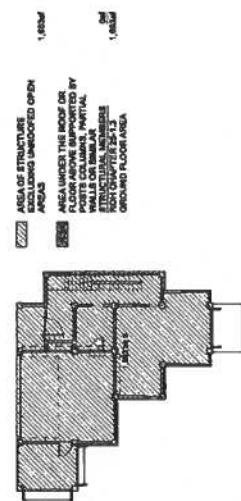
Prepared by:

Date Prepared:

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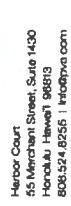
5 Ground Floor LUO Floor Area Diagram  
SCALE: 1/8" = 1'-0"



2 ROH Chap. 25-1.3 Ground Floor Area Diagram





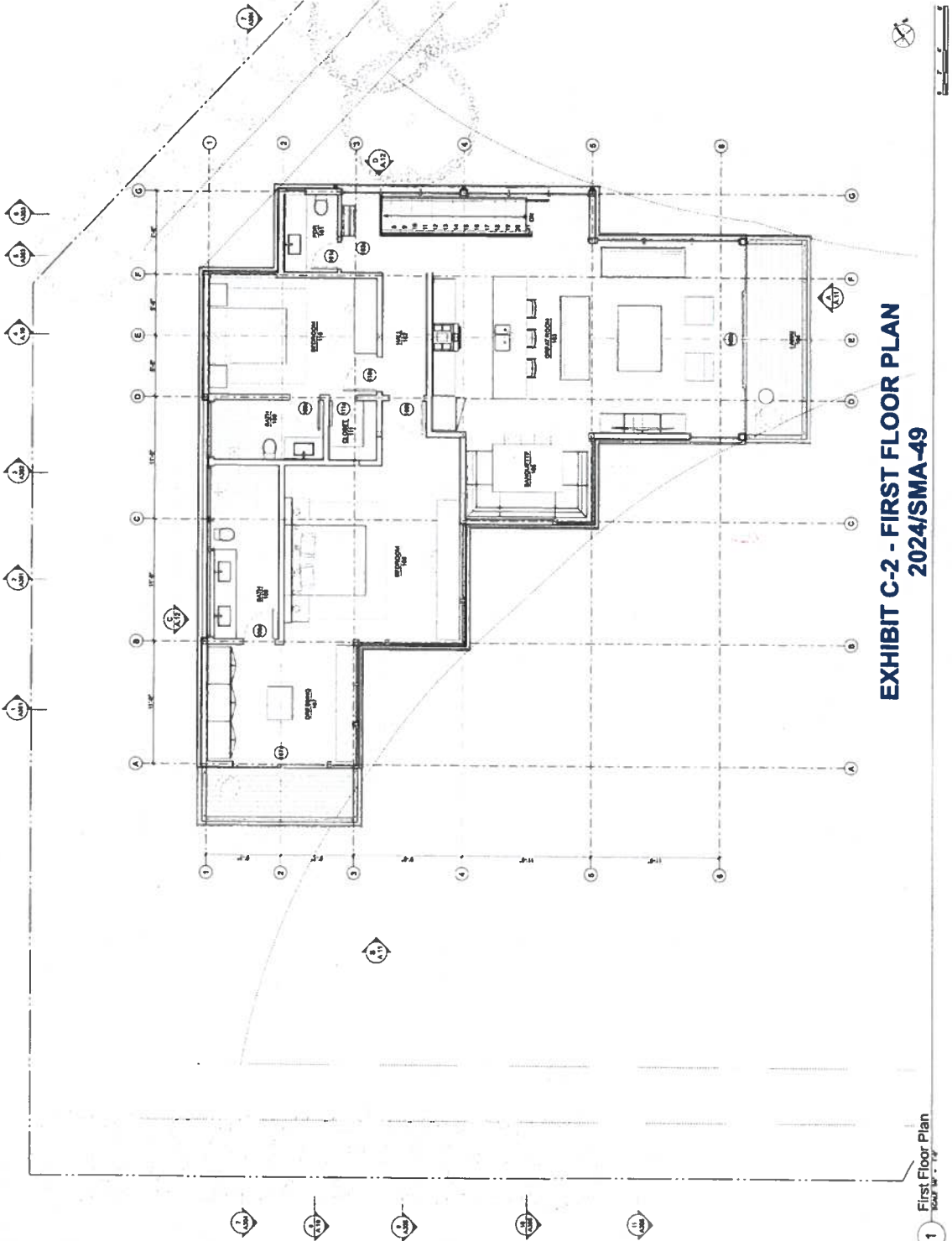


TOLL 8-7-000 040  
 57-500 Puntilla Plaza, Kalamazoo, MI 49001

the following information:

- The name and address of the person or organization that is the subject of the request.
- The name and address of the person or organization that is making the request.
- The date of the request.
- The date of the response.
- The date of the request.
- The date of the response.
- The date of the request.
- The date of the response.

A105



**EXHIBIT C-2 - FIRST FLOOR PLAN  
2024/SMA-49**

1 First Floor Plan



**57-320 Punaulua**  
New Single-Family Dwelling

Tel: 87-622-048  
57-320 Punaulua Place, Honolulu, Hawaii 96871

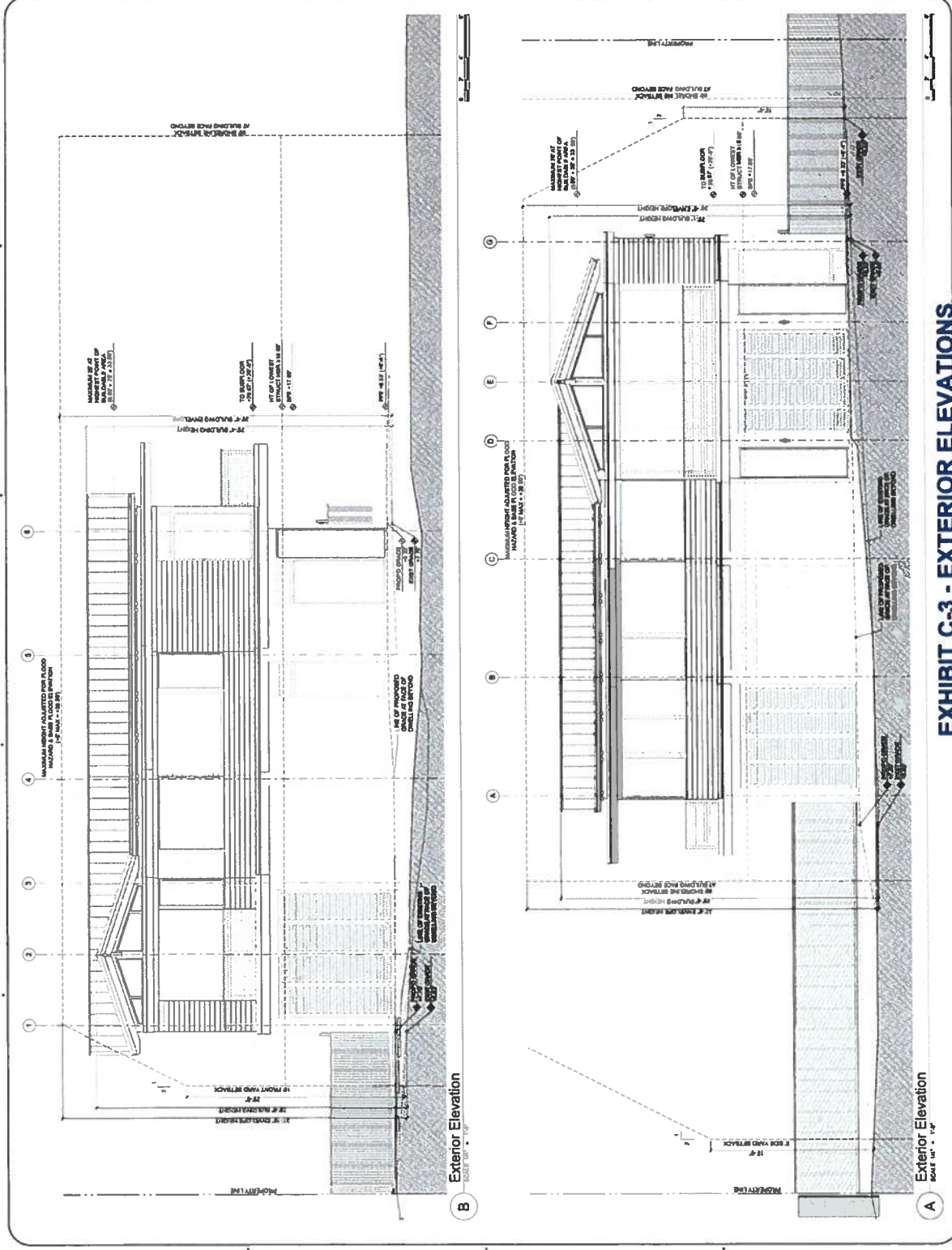
Project: 23-022-02  
Date: April 20, 2024  
Drawing: Exterior Elevations  
Scale: As Noted  
Drawn By: RL

SMA Permit Drawings



This work was prepared by me or under my supervision and approval. I am a duly licensed Professional Engineer in the State of Hawaii. I am not providing any services in any other state. I am not providing any services in any other state. I am not providing any services in any other state.

**A201**



**EXHIBIT C-3 - EXTERIOR ELEVATIONS**  
2024/SMA-49



Harbor Court  
55 Merchant Street, Suite 1430  
Honolulu, Hawaii 96813  
808.524.8265 | info@pva.com

# 57-320 Punaulua New Single-Family Dwelling

TAK: 5-7-002-049  
57-320 Punaulua Place, Kalaheo, Hawaii 96721

Project: 22-023-02  
Date: April 20, 2024  
Drawing: Exterior Elevations  
Scale: As Noted  
Drawn by: ML

Revisions:  
1  
2  
3  
4  
5  
6  
7

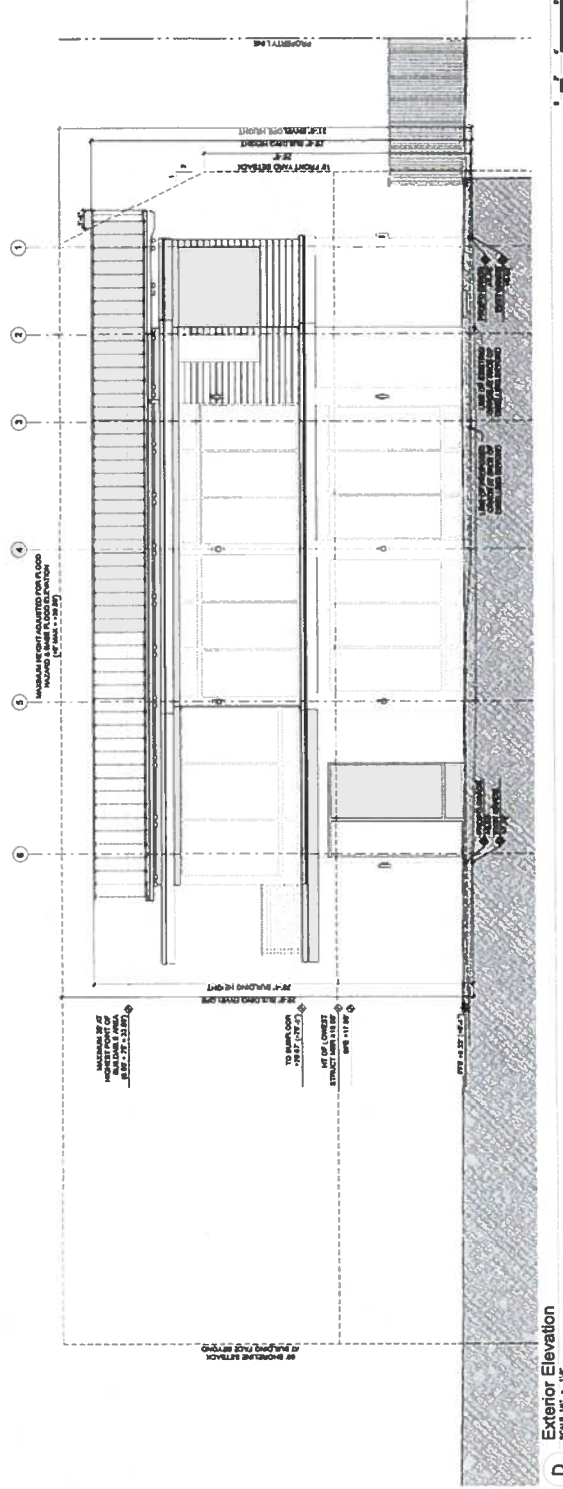
SMA Permit Drawings



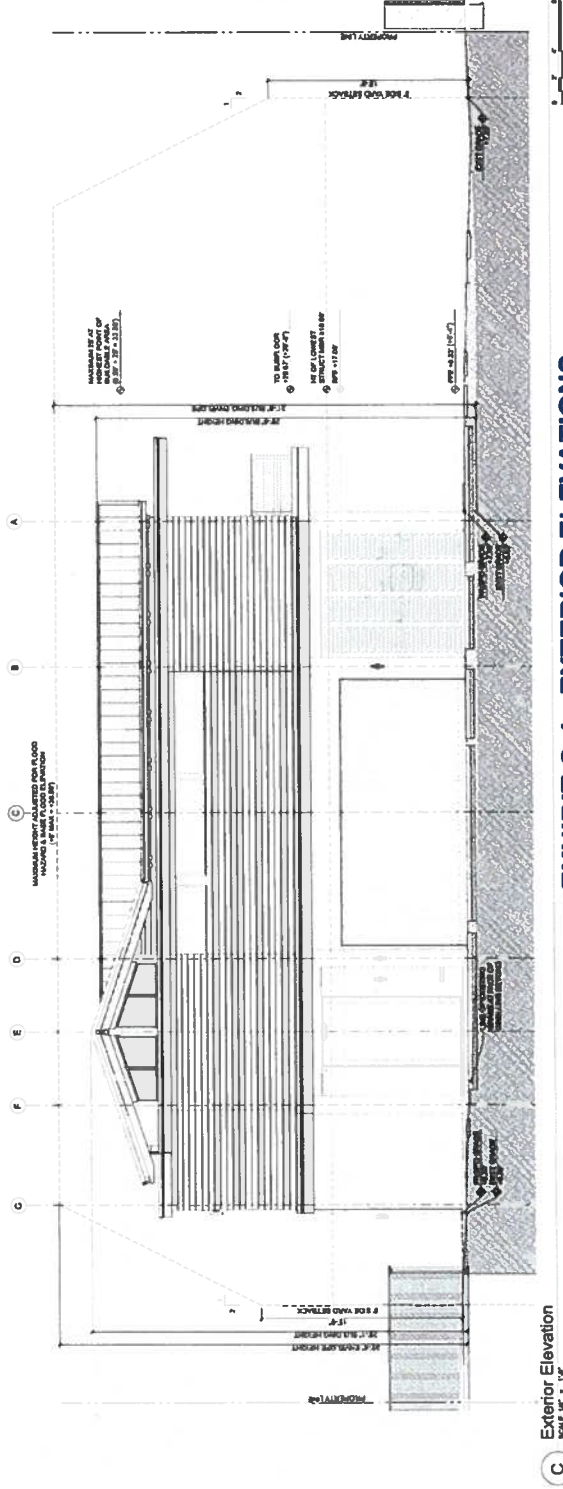
We warrant that the design and construction of this project will be in accordance with the applicable laws, rules, and regulations of the State of Hawaii and the local government, and that the design and construction of this project will be in accordance with the applicable laws, rules, and regulations of the State of Hawaii and the local government.

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A202



D Exterior Elevation  
SCALE: 1/4" = 1'-0"



C Exterior Elevation  
SCALE: 1/4" = 1'-0"

## EXHIBIT C-4 - EXTERIOR ELEVATIONS 2024/SMA-49



Harbor Court  
55 Merchant Street, Suite 1430  
Honolulu, Hawaii 96813  
808.524.9255 | info@pva.com



HHF PLANNERS  
733 Bishop Street, Suite 2090  
Honolulu, Hawaii 96813  
PHONE: (808) 445-5065

LANDSCAPE ARCHITECTS

57-320 Punaulua  
New Single-Family Dwelling

TMC: 57-7-003-048

57-320 Punaulua Place, Kapahulu, Honolulu 96731

Project: 23-003.02

Date: APRIL 30, 2024

Drawing: 6-Layout Name

Scale: As Noted

Drawn By: BL

Reviewed:

Check:

Approved:

Stamp:

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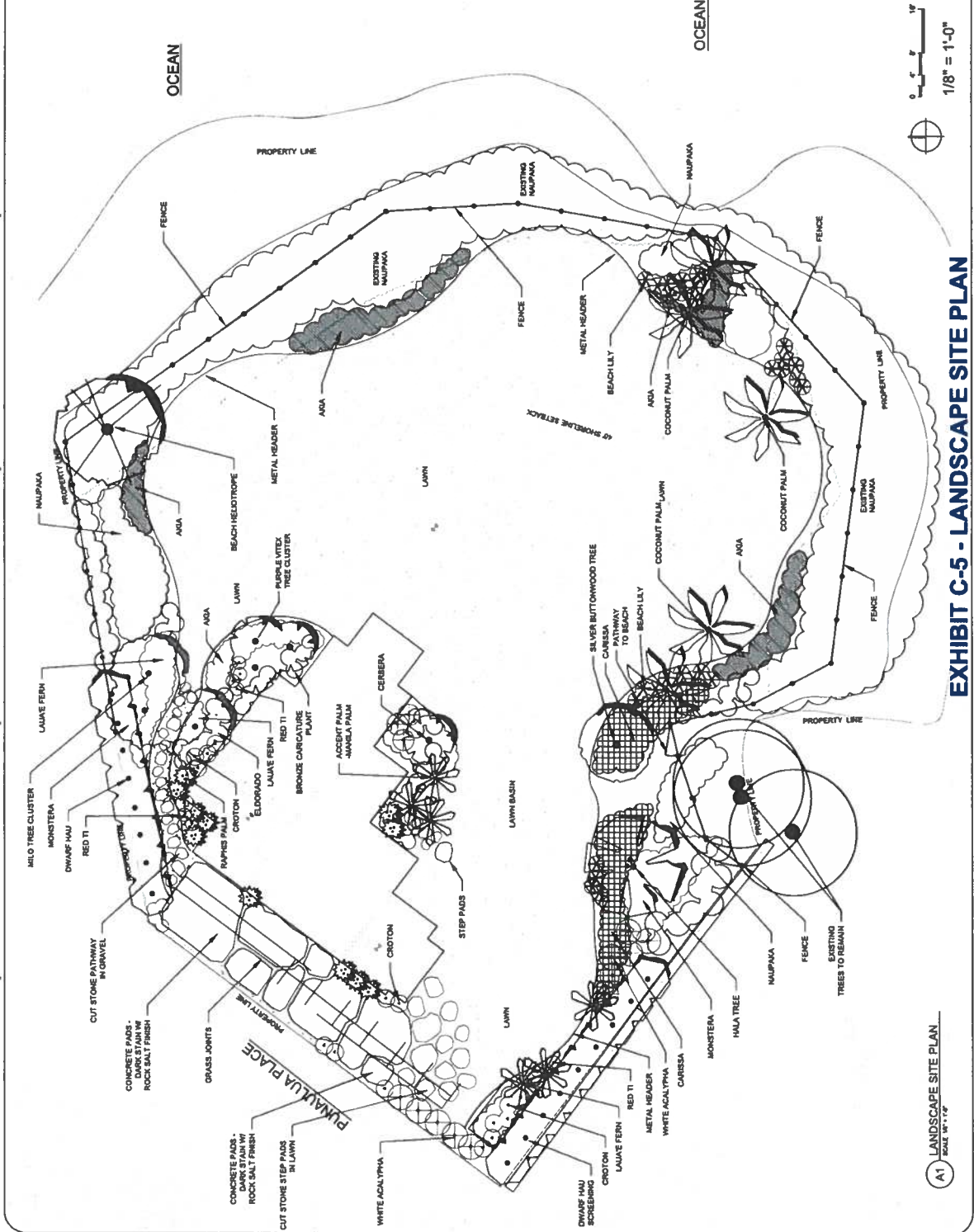


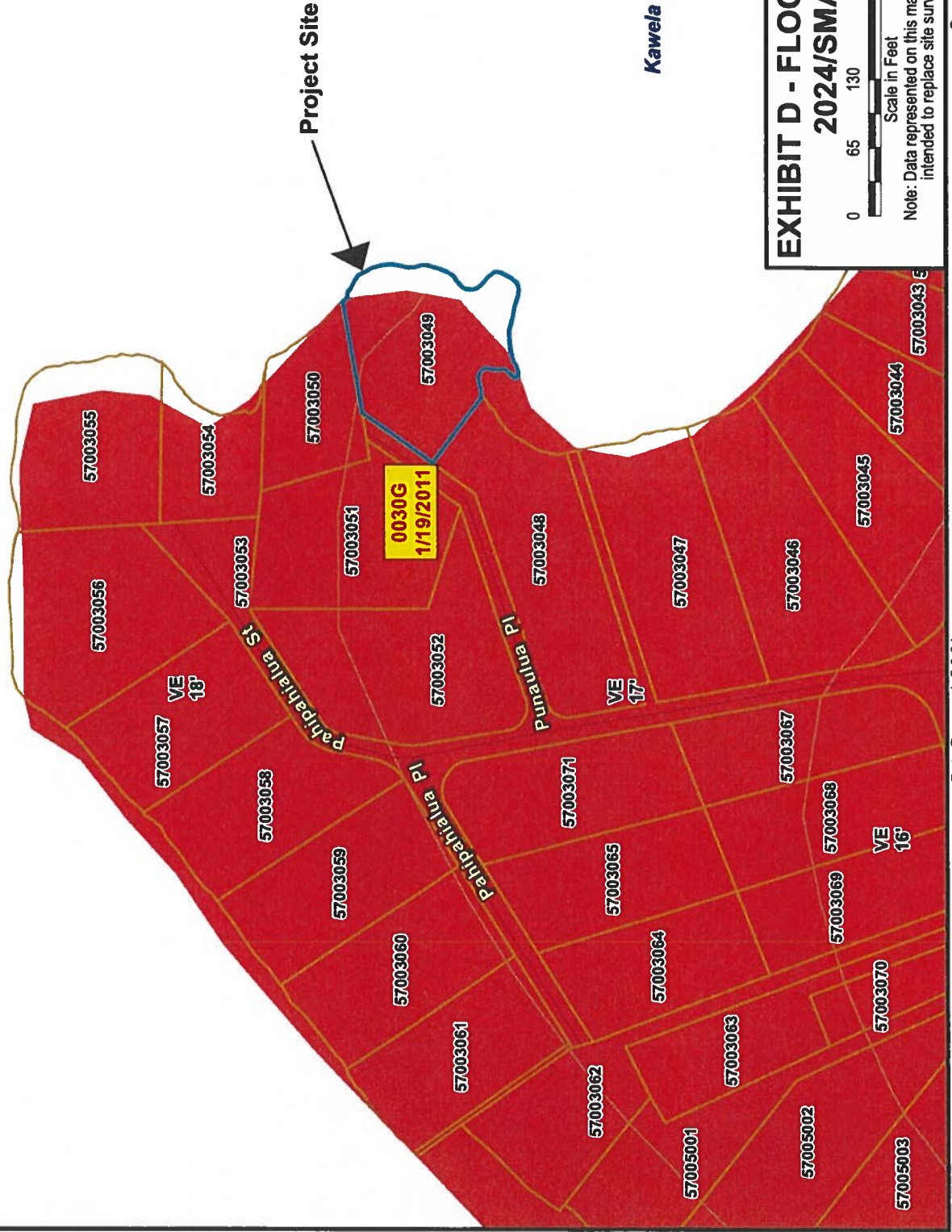
EXHIBIT C-5 - LANDSCAPE SITE PLAN  
2024/SMA-49

A1 LANDSCAPE SITE PLAN  
SCALE: 1/8" = 1'-0"

L101



Pacific Ocean



Project Site

Kawela Bay

# EXHIBIT D - FLOOD ZONE VE

2024/SMA-49

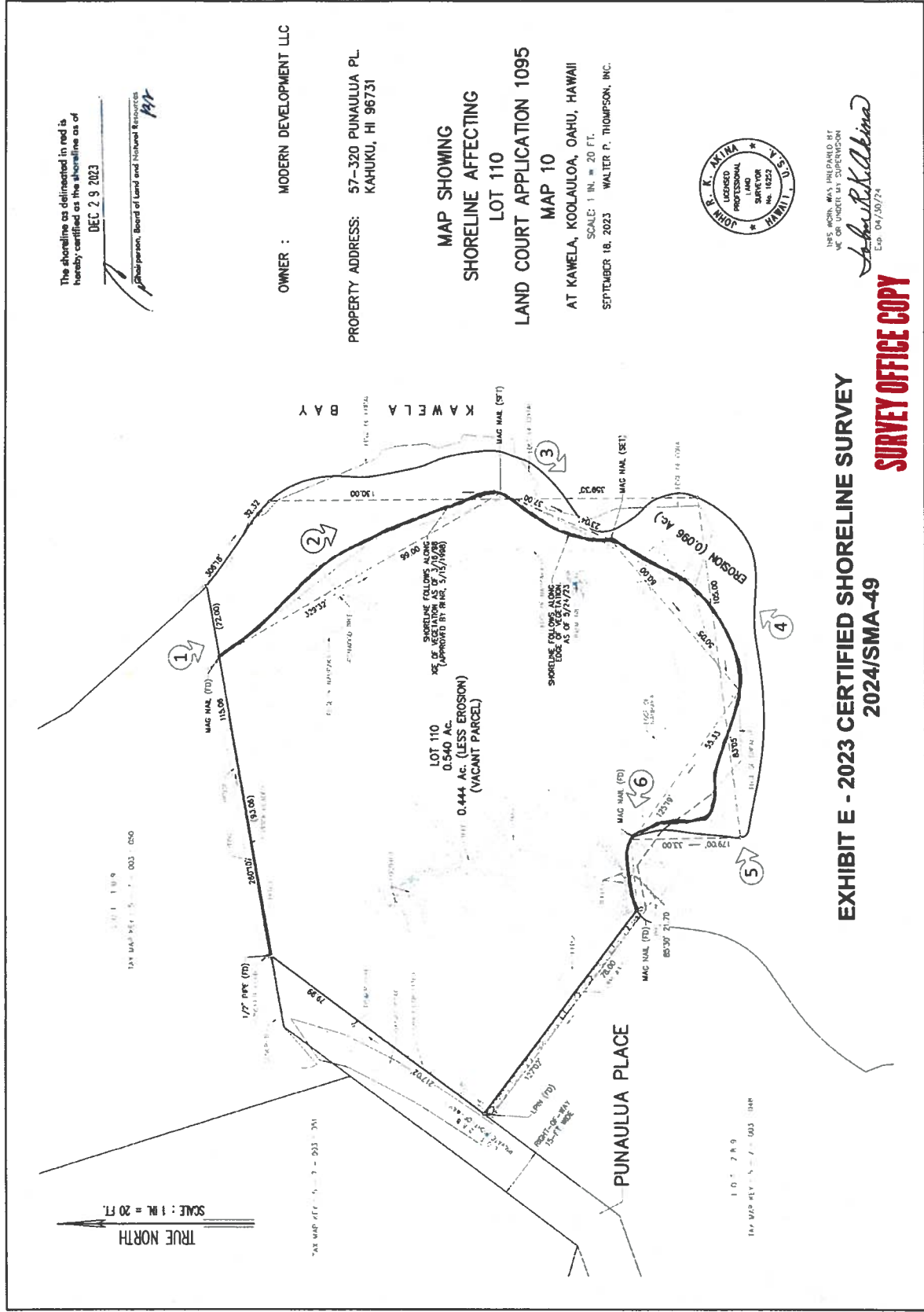


Note: Data represented on this map is not intended to replace site survey.

Prepared by: CK

Date Prepared: 5.8.24

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**EXHIBIT F - WETLANDS**  
**FILE NO. 2024/SMA-49**



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





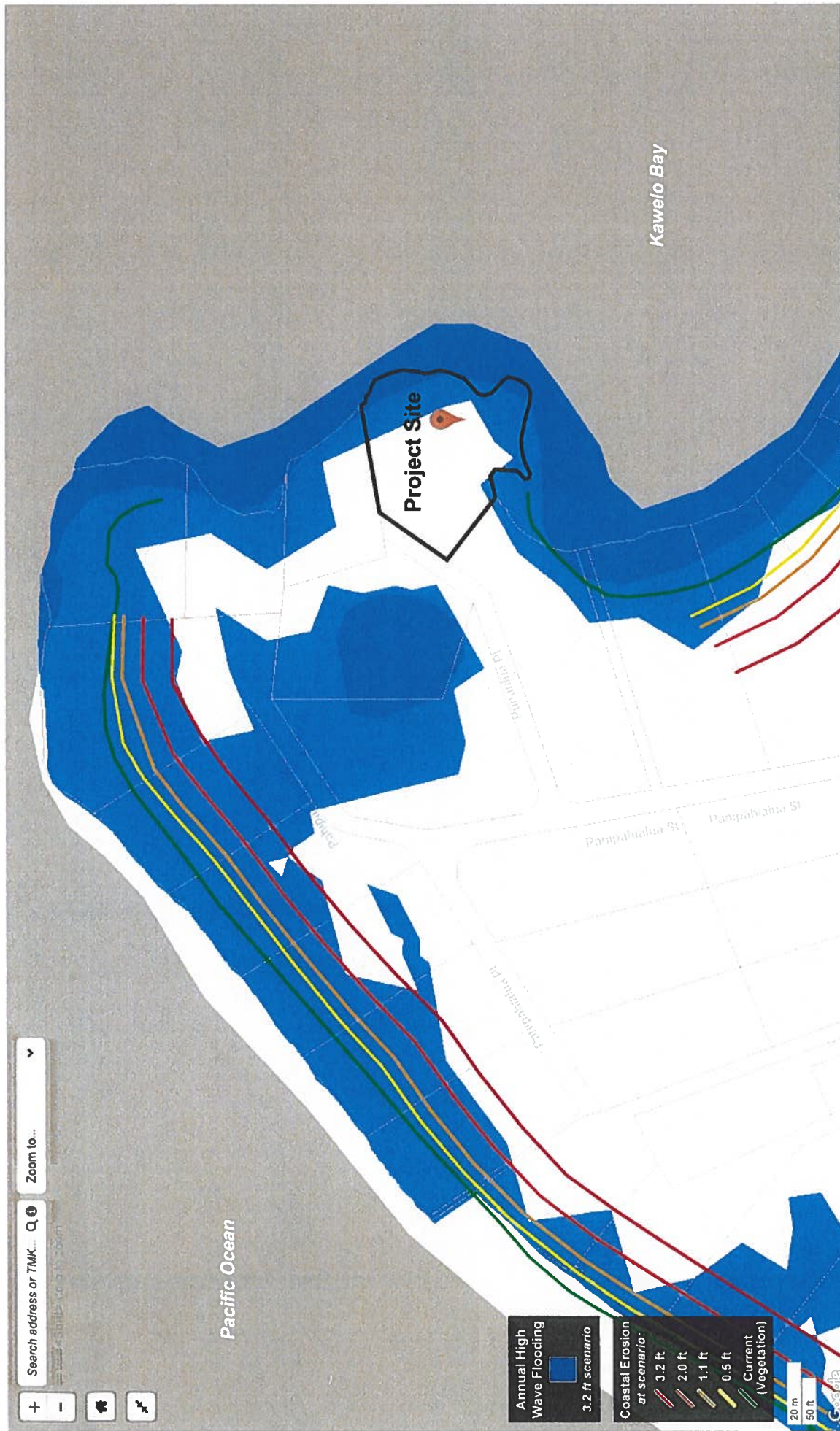




Hawai'i SLR Viewer, Accessed 5.8.24

## EXHIBIT H - BEACH SANDS AND DUNES AND MARINE SANDS 2024/SMA-49





Hawaii SLR Viewer, Accessed 5.8.24

# EXHIBIT I - 3.2-FOOT SEA LEVEL RISE ANNUAL HIGH WAVE PROJECTIONS BY 2100 2024/SMA-49

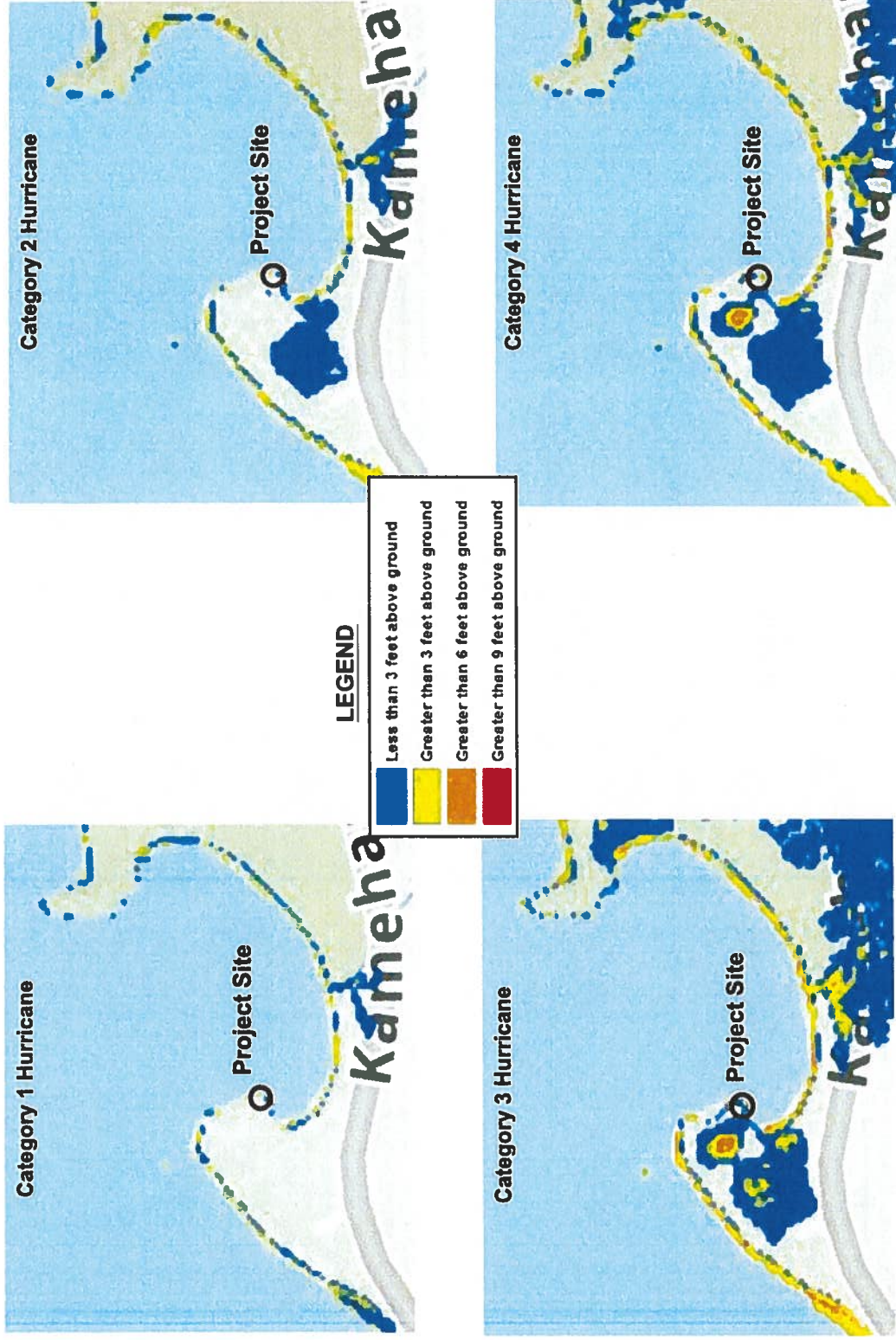
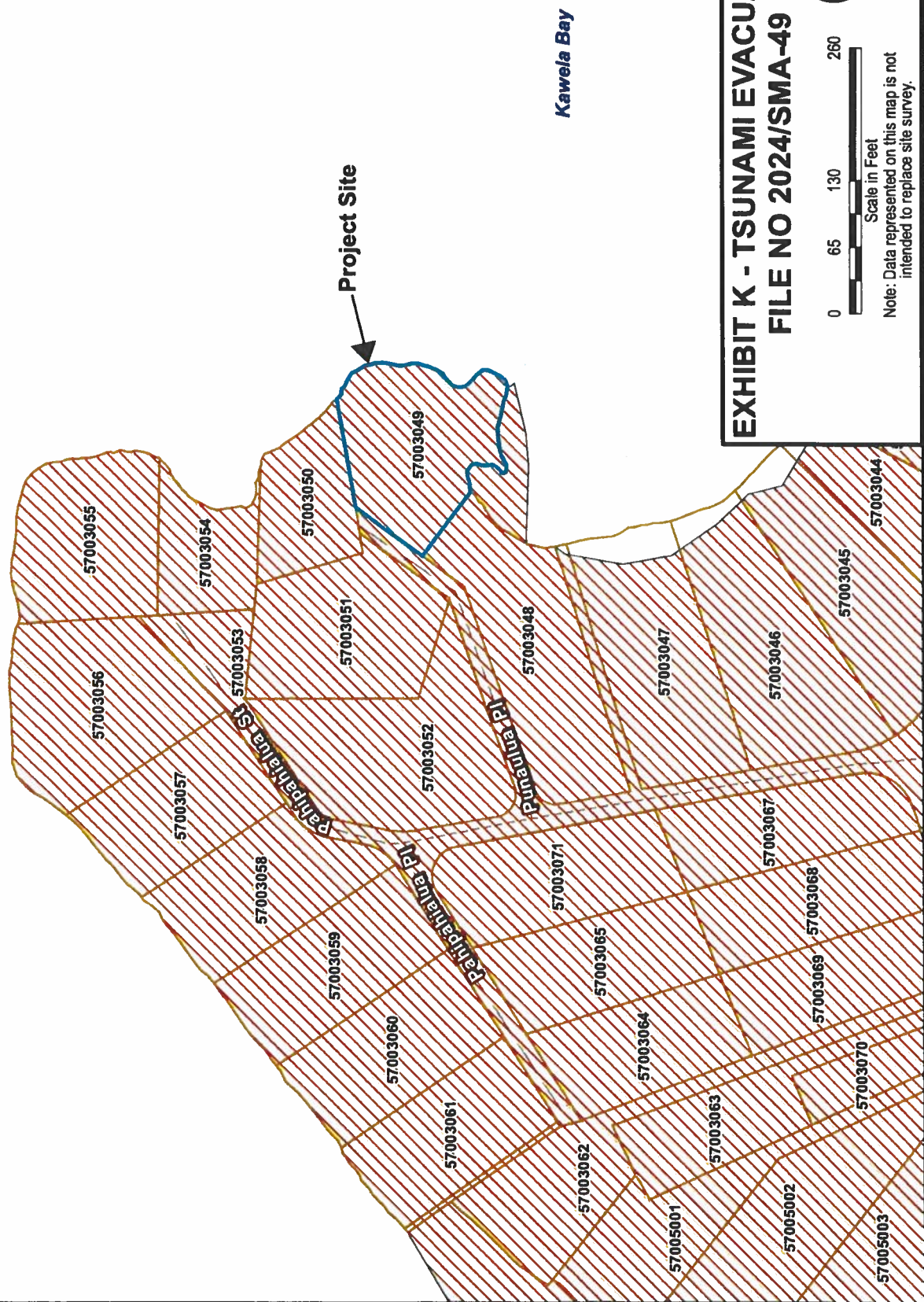


EXHIBIT J - HURRICANE STORM SURGE MAP  
2024/SMA-49



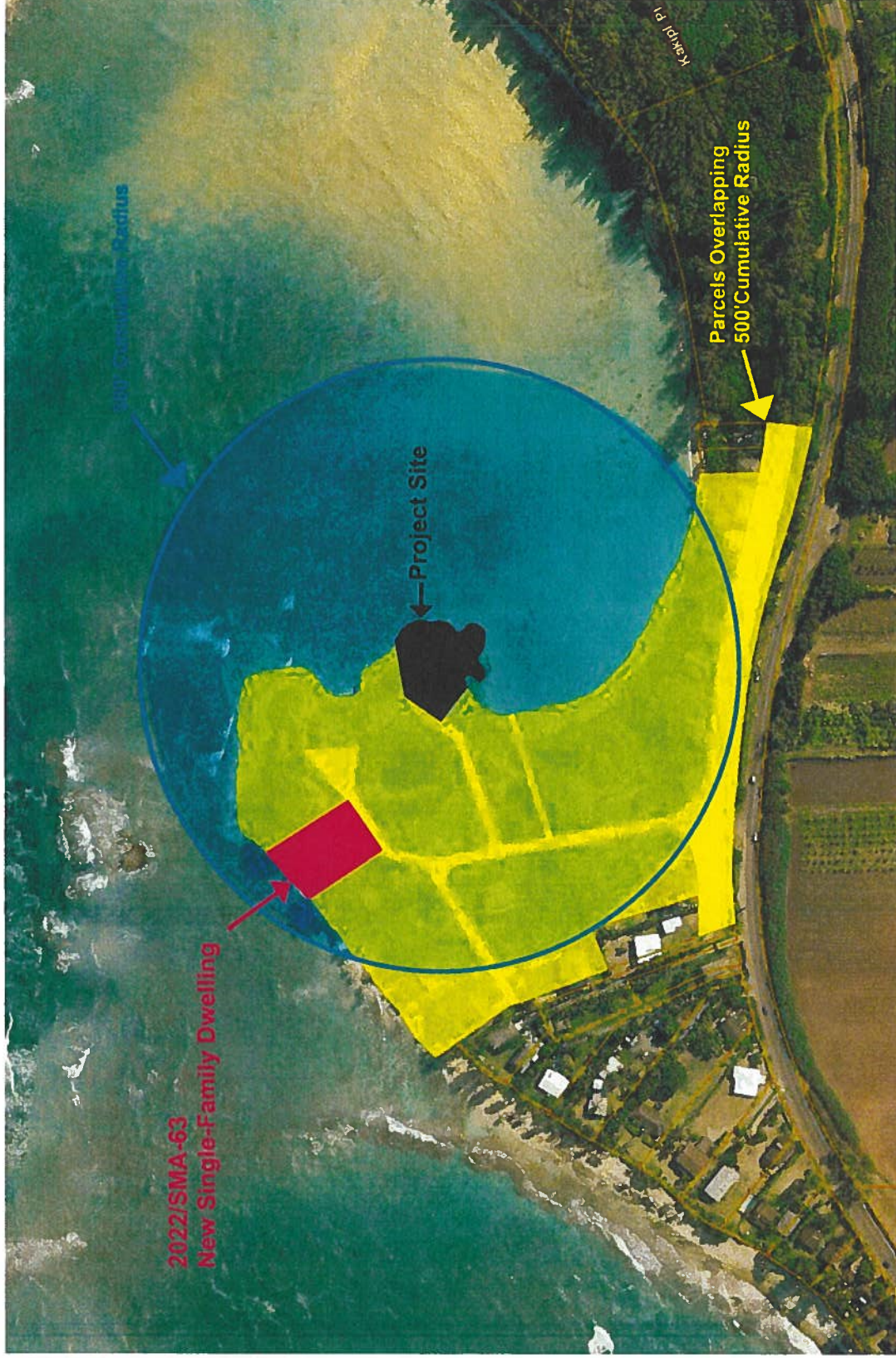


**EXHIBIT K - TSUNAMI EVACUATION**  
**FILE NO 2024/SMA-49**



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





**EXHIBIT L - 500-FOOT CUMULATIVE PROJECTS RADIUS MAP**  
**2024/SMA-49**