'25MAR18 PM 2:39 CITY CLERK

DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAI'I 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041 • WEBSITE: honolulu.gov/dpp

RICK BLANGIARDI
MAYOR
MEIA

DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

BRYAN GALLAGHER, P.E.
DEPUTY DIRECTOR
HOPE PO'O

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

March 14, 2025

2025/ELOG-404(CK)
2021/SMA-77

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT:	Request to Extend Deadline Resolution No. 22-061, CD1, and Special Management Area Permit No. 2021/SMA-77
Project:	McEvoy Single-Family Dwellings
Applicant/ Landowner:	ALJ Kahala, LLC
Agent:	G70 (Jeffrey Overton)
Location:	4439 Kāhala Avenue – Kāhala
Tax Map Key:	3-5-003: 007

We recommend approval of this request for a two-year extension to obtain development permits for the subject Project. Enclosed for your consideration are our report and draft resolution, pursuant to Condition G of Resolution No. 22-061, CD1.

Pursuant to Condition G, the City Council has 60 days from receipt of the attached report to take final action on the request, or else the request will be deemed denied; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension. Approval of the request is not automatic and thus, if an extension of time is not requested in a timely manner, the Resolution may be filed due to the City Council's time deadline. If approved, the Council may also impose new conditions.

DEPT. COM. 221

Should you have any questions, please contact me at (808) 768-8000.

Sincerely,

Dawn Takeuchi Apuna
Director

Enclosures: DPP Recommendation
Exhibit A – Applicant Extension Request
Exhibit B – 2024 Minor Mod
Exhibit C – 2022 Resolution
Draft Resolution

APPROVED:

Michael D. Formby, Managing Director
Office of the Managing Director

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAI'I

IN THE MATTER OF THE APPLICATION BY ALJ KAHALA, LLC FOR AN EXTENSION OF DEADLINE SPECIAL MANAGEMENT AREA (SMA) MAJOR PERMIT	FILE NO. 2021/SMA-77

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

PROJECT:	McEvoy Single-Family Dwellings
APPLICANT/ LANDOWNER:	ALJ Kahala, LLC (John and Aedie McEvoy)
AGENT:	G70 (Jeffrey Overton)
LOCATION:	4439 Kāhala Avenue – Kāhala
TAX MAP KEYS:	3-5-003: 007
LOT AREA:	35,428 square feet
STATE LAND USE DISTRICT:	Urban
DEVELOPMENT PLAN AREA:	Primary Urban Center
ZONING:	R-7.5 Residential District
EXISTING USE:	Vacant Lot
SURROUNDING LAND USES:	Low-Density Residential

B. Request: The Applicant is requesting to extend the deadline to obtain development permits for the Project (see Exhibit A), which was originally approved by the City Council on May 4, 2022, under Resolution No. 22-061, CD1

(2022 Resolution) and SMA Use Permit No. 2021/SMA-77 (SMA Major Permit), as modified by Minor Modification No. 2024/MOD-50 (2024 Minor Mod). The original deadline to obtain a development permit per the Resolution was on May 3, 2024; however, the Director of the Department of Planning and Permitting (DPP) approved a one-year extension of that deadline in accordance with Condition G of the Resolution, establishing a new deadline of May 3, 2025. The one-year deadline extension also included acknowledgement of a change in ownership of the Project site. The Applicant is now requesting another two-year extension of that deadline, for a new deadline of May 3, 2027. The extended deadline requires City Council approval, pursuant to Condition G of the 2022 Resolution.

C. Project: As originally approved, the Project consisted of the development of two-single-family detached dwellings with a detached garage on a vacant 35,428-square-foot shoreline lot in Kahala. As modified, Project includes the development of one single-family detached dwelling with detached garage, gym, and package delivery structures.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the DPP has found:

A. 2022 SMA Major Permit: With the May 4, 2022 adoption of the 2022 Resolution, the City Council approved the SMA Major Permit with conditions related to coastal hazards, coastal ecosystems, unknown cultural resources, and sensitive species.

B. Minor Modification No. 2024/MOD-50 (2024 Minor Mod): With approval of the 2024 Minor Mod to the 2022 SMA Major Permit, the Applicant received approval to revise the Project plans, subject to compliance with the conditions in the 2022 Resolution as well as modified and additional conditions relating to coastal hazards and invasive species.

C. Surrounding Area: Since the approval of the Project, the conditions of the surrounding area have remained relatively unchanged. The Project site remains undeveloped, and the area continues to consist of low-density residential uses. However, amendments to the Revised Ordinances of Honolulu (ROH) Chapter 25 (the SMA Ordinance), and ROH Chapter 26 (the Shoreline Setbacks Ordinance) affecting the Project were approved by the City Council in 2023 (Ordinances 23-3 and 23-4).

D. Justification of Request: On February 19, 2025, the Applicant submitted a request for a two-year extension to their current deadline to obtain approval of a development permit by May 3, 2025, as required by the 2022 Resolution (see Exhibit B). According to the Applicant's submittal, since that time, the subject

property has undergone a change in ownership, resulting in revisions to the Project plans to address the needs of the current owner. The plans were also revised to increase the resiliency of the main dwelling to coastal hazards. As the Project plans are subject to additional comments and revisions as part of the building permit review process, the Applicant is concerned that it may not be possible to obtain a development permit by May 3, 2025. This request is discussed further in the Analysis section below.

III. ANALYSIS

The analysis below considers the unique circumstances that affected the Applicant's ability to meet the deadline, the progress demonstrated by the Applicant, and relevant changes in local conditions since the initial review in order to determine if the Applicant has demonstrated good cause for requesting an extension.

A. Unique Circumstances – Change in Ownership and Regulations: As part of the process to obtain building and development permits and move forward with implementation of the Project approved under the SMA Major Permit, Project plans are routed to numerous agencies for review and approval. As noted above, upon the change in ownership of the Project site, the Project plans were revised to address the needs of the new owner (current Applicant). In addition, in the timeframe between the City Council's approval of the 2022 Resolution and the change of ownership, Ordinances 23-3 and 23-4 were adopted wherein the shoreline setback and SMA regulations applicable to the Project site were amended. Therefore, the Project plans were also revised to address this new regulatory framework. Finally, the State Historic Preservation Division (SHPD) accepted the Archaeological Assessment prepared for the Project on March 28, 2024, but required that an Archaeological Monitoring Plan (AMP) also be prepared and submitted to the SHPD for review. The AMP was submitted to the SHPD on January 16, 2025; however, SHPD concurrence on the AMP is still pending.

   Given that changes to the Project plans were driven by the change of ownership, amendments to the shoreline setback and SMA regulations, and design change to increase resiliency to coastal hazards, and considering the uncertainties involved in receiving the required SHPD approvals, the DPP believes a two-year extension is reasonable. There is good cause to extend the deadline to allow the Applicant to obtain a development permit.

B. Demonstrated Progress: The Applicant has demonstrated Project progress to the DPP. As discussed above, although no development has or is yet permitted to occur on the Project site, the Applicant has, at each juncture since approval of the 2022 Resolution, kept the DPP informed of changes in the status of the property and the proposed development. This is evidenced by the Applicant's notification of change in ownership and request for a one-year extension from the

DPP Director, the 2024 Minor Mod approval, and updates to plan sheets submitted for Building Permit Application No. A2022-06-0864.

IV. CONCLUSIONS

Based on the foregoing Findings, the Director of the DPP has concluded that the Applicant has demonstrated good cause for a two-year extension pursuant to Condition G of the 2022 Resolution. The new deadline to obtain a development permit should be extended to May 3, 2027.

V. RECOMMENDATION

Based on the Analysis and Conclusions, the Director of the DPP hereby recommends the City Council approve the requested two-year permit extension request.

Dated at Honolulu, Hawai'i, this 14th day of March, 2025.

Department of Planning and Permitting
City and County of Honolulu
State of Hawai'i

By: _____
Dawn Takeuchi Apuna
Director

Enclosures: Exhibit A – Applicant Extension Request
Exhibit B – 2024 Minor Mod
Exhibit C – 2022 Resolution
Draft Resolution

February 19, 2025

EXHIBIT A

111 S. King Street
Suite 170
Honolulu, HI 96813
808.523.5866
www.g70.design

Ms. Christi Keller
City and County of Honolulu
Zoning Regulations and Permits Branch
Department of Planning & Permitting (DPP)
650 S. King Street, 7th Floor
Honolulu, HI 96813

Subject: Second Extension Request for Special Management Area (SMA) Permit Condition G.2 Extension to Obtain a Development Permit Exceeding One Year

Approved Use SMA Permit 2021/SMA-77 (2024/MOD-50)
4439 Kahala Single-Family Residences Project
Tax Map Key: (1) 3-5-003:007

Dear Christi,

On behalf of our client, ALJ Kahala LLC (John and Aedie McEvoy), we are requesting an extension to the previously approved extension (May 3, 2025) for the 4439 Kahala Single-Family Residences Project (Project).

Since the adoption of Resolution 22-61, CD1 and approval of SMA Use Permit 2021/SMA-77 on May 4, 2022 by the Honolulu City Council, the project has actively tried to move forward but experienced significant delays in government reviews at the State and City levels. Of note, there was also a change in ownership.

- Building Permit Application Review Process. Plans for the Project were submitted to the Department of Planning and Permitting (DPP) on June 17, 2022 under Application Number A2022-06-0864. The application was accepted by DPP on March 14, 2023. We understand that division reviews occurred between March and November 2023. The Project is still currently under plan review.

- Archaeological Study Review Process. The State Historic Preservation Division (SHPD) accepted a revised Archaeological Assessment for the Project on March 28, 2024. SHPD then requested an Archaeological Monitoring Plan (AMP) meeting the requirements of HAR §13-279-4 be submitted prior to project initiation. Once the AMP has been accepted, SHPD will notify DPP and the permit issuance process may continue. The AMP was submitted to SHPD on January 16, 2025. SHPD concurrence with the applicant's AMP is still pending.

- Change in Ownership. On August 15, 2023, the Project site was purchased by ALJ Kahala LLC (John and Aedie McEvoy) from 4439 Kahala LLC (Janice J. Lau).

Due to the above conditions, our client requested a one-year extension on April 15, 2024, in accordance with Condition G of SMA Use Permit 2021/SMA-77, Resolution 22-061, CD1:

> *"…a development permit must be obtained within two years after the effective date of the approved SMA Use Permit. This period may be extended by the DPP Director for a period of one year from the initial deadline if the Applicant demonstrates good cause."*

The DPP Director approved the time extension on April 30, 2024.

Since our clients purchased the parcel in 2023, the home was redesigned to meet the new shoreline regulations of Ordinance 23-3, which went into effect July 1, 2024. All of the planned structures will be located mauka of the regulatory shoreline setback (60 ft inland from the shoreline). The new design employs several sea level rise adaptation strategies, including:

1. Regular inspection and permitted repairs to retain protection by the existing seawall,
2. Horizontal retreat by locating the home a minimum of 81 ft from the shoreline (35% greater than the regulatory 60 ft shoreline setback),
3. Vertical accommodation of elevating the pad by another 1.5 ft above existing grade, and
4. Deep foundation elements added into the design of the makai portion of the residence.

An SMA Minor Modification with the new home design was approved on October 29, 2024. While the client's intent was to submit construction plans shortly thereafter, a serious family illness caused a delay. With approval of construction plans typically more than six months from submittal, obtaining a development permit by the one-year extension date of May 3, 2025 is not possible.

In accordance with Condition G.2 of SMA Use Permit 2021/SMA-77, Resolution 22-061, CD1:

> *"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 report 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."*

Due to the original prolonged City Building Permit review and prolonged SHPD archaeological studies review, change in ownership as well as the re-design to meet current regulations, the owners are respectfully requesting a second extension to the timetable under Condition G.2. With the family hardship, a new development permit application has yet to be completed and submitted for Department review.

We respectfully request that the DPP Director prepare and submit to the Council a proposed extension of two (2) years to May 3, 2027.

Please confirm your receipt of this request and respond as soon as possible.

If you have questions or need more information, please contact me at (808) 351-4200 or jeff@g70.design or Ms. Barbara Natale, AICP, Senior Planner / Project Manager at (808) 441-2117 or barbaran@g70.design.

Sincerely,

GROUP 70 INTERNATIONAL, INC. (dba G70)

Jeffrey H. Overton, AICP, LEED-AP
Principal

cc: John McEvoy, ALJ Kahala LLC

DEPARTMENT OF PLANNING AND PERMITTING
KA ʻOIHANA HOʻOLĀLĀ A ME NĀ PALAPALA ʻAE
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REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

EXHIBIT B

October 29, 2024

2024/MOD-50 (CK)
2021/SMA-77

Mr. Jeffrey Overton
G70
111 South King Street, Suite 170
Honolulu, Hawaii 96813

Dear Mr. Overton:

SUBJECT: Minor Modification
Special Management Area (SMA) Major Permit No. 2021/SMA-77
(Resolution No. 22-061, CD1)
4439 Kahala Avenue - Kahala
Tax Map Key (TMK) 3-5-003: 007

Your request, received September 27, 2024, to remove one single-family dwelling, and redesign and relocate the other single-family detached dwelling, detached garage, and detached recreation room (gym), and add a swimming pool, and other accessory structures at the above-referenced property, is **APPROVED**, as a **MINOR MODIFICATION** to SMA Major Permit No. 2021/SMA-77 (SMA Permit), Resolution No. 22-61, CD1 (Resolution), subject to the following conditions:

A. Except as required by the conditions of approval, development of the subject Project must be in general conformance with Exhibits A-1 through A-8. Any modification to the Project and/or approved plans is subject to the prior review of and approval by the Director of the Department of Planning and Permitting (DPP). Minor Modifications to the SMA Permit will be processed in accordance with Condition A of the Resolution. Major modifications require approval of a new SMA Major Permit.

B. Except as modified herein, all conditions of the Resolution shall remain in force.

C. Condition B of the Resolution is herein revised as follows:

"B. In order to minimize potential for adverse impacts related to sea level rise (SLR), coastal erosion, and development on in the projected SLR exposure area (XA),~~:~~

1. ~~prior~~Prior to the approval of any development permits, the Applicant shall incorporate additional adaptation and design measures into Project plans submitted to the Department of Planning and Permitting (DPP) for review, as follows:

   a. All structures must be set back a minimum of ~~61~~81 feet from the certified shoreline; and

   b. Any structures proposed outside of the ~~61-foot~~81-foot shoreline setback, but within the combined 3.2-ft. SLR ~~exposure area (~~XA~~;~~ (see Exhibit H2, as depicted by the blue shaded area), must incorporate foundation or other adaptation/design measures, shown on building plans that are stamped by a civil engineer licensed by the State of Hawaii, that meet or exceed the engineering design standards utilized by Kai Hawaii, Structural and Forensic Engineers (see Exhibit C6) to address potential erosion within the combined 3.2-foot SLR-XA as mapped on the State SLR Viewer~~; and~~.

2. ~~All building permit plans for the subject property must include a statement that the current and successor owners are aware the property is subject to coastal hazards as a result of SLR, which may result in harm to or loss of life and property.~~ The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:

   a. *'In choosing to undertake the development at TMK 3-5-003: 007, the landowner hereby acknowledges that no claim of hardship due to erosion, SLR, or any other coastal hazard may be asserted in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure;*

   b. *In choosing to implement construction activities at TMK 3-5-003: 007, the Landowner hereby acknowledges that land makai (seaward) 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;

c. *The landowner hereby acknowledges that TMK 3-5-003: 007 is susceptible to coastal hazards, which may result in harm to or loss of life and property; and*

d. *The landowner hereby acknowledges that portions of TMK 3-5-003: 007 are projected to be impacted by 3.2 feet of sea level rise by the year 2100. 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.'*

These statements must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans."

Note: New text is underlined and deleted text is struck-through.

D. 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;

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 Oahu Invasive Species Council (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

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 onsite 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 Hawaii agency charged with the eradication and management of invasive species.

E. Condition D, above, and Conditions E, F and G of the Resolution must be clearly stated under "Environmental Notes" on all Project construction and building permit plans.

Background

On May 4, 2022, the City Council adopted the Resolution to approve the SMA Permit for to allow the construction of two new single-family dwellings and a detached garage at the Project site, subject to conditions of approval. Since that time, no development permits have been obtained, and no development activity has occurred. The former Landowner/Applicant sold the property to the current Landowner (Applicant).

Condition G of the Resolution requires the Applicant to obtain a development permit for the Project within two years, but allows the Director of the DPP to issue a one-year extension if the Applicant demonstrates good cause. Upon request from the Applicant, the DPP issued a one-year extension to the SMA Permit on April 30, 2024. Therefore, the current deadline to obtain a development permit is May 3, 2025. Any further time extension will require approval of the City Council.

Proposal

The Applicant proposes to modify the SMA Permit and Resolution by removing one single-family dwelling, and redesigning and relocating the remaining dwelling unit by moving it farther mauka (landward) on the Project site, changing the orientation of the detached garage, adding a recreation room (gym), package delivery kiosk, and covered

meditation pavilion on the mauka side of the proposed dwelling, and adding a new swimming pool with an expansive pool deck/lanai on the makai side of the dwelling (Project; see Exhibits A-1 through A-8).

According to the Agent, the Project would consist of the following dwelling floor area as defined in Revised Ordinances of Honolulu (ROH) Chapter 25 for SMA purposes:

Component	Floor Area (square feet; sq. ft.)
Main House	7,974
Garage	1,120
Gym	542
Entrance Pergola	528
Meditation Pavilion	164
Delivery Room	95
TOTAL SMA FLOOR AREA	**10,423 sq. ft.**

Evaluation

Condition A of the Resolution specifies that any change to the SMA Permit that does not have a significant effect on coastal resources will be considered a minor modification, and therefore permitted under the Resolution upon the review and approval by the Director of DPP. The attached Appendix provides a summary of the modified Project's consistency, and potential for impacts, relating to these objectives, policies, and guidelines established in ROH Section 25-3.1, as well as the objectives and policies of the Coastal Zone Management regulations found in Hawaii Revised Statutes Sections 205A-2 and 205A-26. The analysis is based on information provided by the Applicant, as well as research conducted by DPP staff, as compared to the Project as previously approved by Resolution of the City Council.

For issue areas where "no impact" or a "less than significant impact" is anticipated, no further analysis is provided. For issue areas where a potential impact could occur, but impacts are anticipated to be "less than significant impact with mitigation," specific analysis is provided below. When there will be a "significant impact" and mitigation cannot be proposed without additional information, an explanation is provided below. Mitigation measures necessary to reduce the potential impacts to less than significant are incorporated as conditions of Project approval.

Historic and Cultural Resources – An Archaeological Assessment (AA) for the original project was accepted by the State Historic Preservation Division (SHPD) on March 28, 2024, after the approval of the Resolution in 2022. The AA was based on a previously

prepared Archaeological Inventory Survey, wherein no historic or archaeological resources were identified on the site, but iwi kupuna were identified on nearby residential lots. The SHPD concurred with the recommendation of the AA that full-time archaeological monitoring be conducted for all ground disturbing activities at the site. The SHPD further requested an archaeological monitoring plan meeting the requirements of Hawaii Administrative Rules Section 13-279-4 be submitted to the SHPD for review and acceptance prior to Project initiation. Archaeological monitoring during ground-disturbing activities in already required under Condition E of the Resolution. Therefore, no new conditions of approval are required. However, in order ensure that the Applicant and all parties involved in Project development are aware of the archaeological monitoring requirement, Condition E of the Resolution should be clearly stated under "Environmental Notes" on all Project construction and building permit plans. This is included as a condition of approval.

Coastal Ecosystems – Conditions F and G of the Resolution address the potential for impacts to protected avian, bat, and nearshore marine species. The Project is not anticipated to result in any additional impact to these resources beyond those evaluated in the SMA Permit Report. However, in order ensure that the Applicant and all parties involved in Project development are aware of the associated requirements, Conditions F and G of the Resolution should be clearly stated under "Environmental Notes" on all Project construction and building permit plans. This is included as a condition of approval.

In addition, since the in the original SMA evaluation was prepared, concern regarding the proliferation and spread of invasive species throughout Oahu has increased. The OISC has prepared Protocols to minimize and/or avoid potential invasive species impacts that should be applied to the Project. This is included as a condition of approval, and must be clearly stated under "Environmental Notes" on all Project construction and building permit plans.

Coastal Hazards – SLR and Erosion – As originally approved, the residential development at the Project site would extend to approximately 61 ft. mauka of the presumed shoreline (existing seawall), and outside of the 40-ft. minimum shoreline setback and 55-ft. minimum shoreline certification waiver line. As originally approved, approximately one-third of the principal dwelling unit would be located in the SLR-XA, and would extend makai almost to the projected 2.0-ft. SLR-XA coastal erosion zone. Under the proposed modification, the swimming pool will extend to approximately 81 ft. mauka of the presumed shoreline (the existing seawall), and the dwelling will extend to approximately 108 ft. mauka of the presumed shoreline. All development will be outside of the current 60-ft. minimum shoreline setback and 75-ft. minimum shoreline certification waiver line, so it will comply with ROH Chapter 26, the Shoreline Setback Ordinance (see Exhibit A-8).

According to the application, the Project will incorporate several SLR adaptation strategies, including the following:

- Regular inspection and permitted repairs to retain protection by the existing seawall;
- Horizontal retreat by locating the dwelling a minimum of 81 ft. from the shoreline (greater than the regulatory minimum 75-ft. shoreline certification waiver line setback);
- Elevating the building pad by an additional 1.5 ft. above the existing grade; and
- Installing deep foundation elements supporting the makai portion of the residence.

The incorporation of these resiliency measures may improve the short-term resiliency of the proposed dwelling itself, but does not take into account the long-term resiliency of public beaches, shoreline access or natural shoreline processes. The relocation of the dwelling, garage, gym, and pavilion farther mauka on the site, is anticipated to reduce the potential for SLR impacts beyond those evaluated in the SMA Permit Report. However, the proposed expansive lanai/pool deck and swimming pool on the makai side of the dwelling will be sited within the SLR-XA and 3.2-ft. SLR coastal erosion zone. As the shoreline retreats farther mauka as a result of SLR, the swimming pool and pool deck will essentially function as a defacto seawall, which will restrict natural beach processes.

Condition B of the Resolution addresses the potential for adverse impacts related to SLR for the originally approved project. In order to address the additional concerns noted above, Condition B of the Resolution has been revised to acknowledge the larger setback. Condition B has also been modified to ensure the Applicant, all parties involved in Project development, and successor owners and interested parties are aware of and acknowledge the risks and liabilities associated with development on a shoreline lot, to acknowledge that land makai of the shoreline becomes State land, and to acknowledge that no future Shoreline Setback Variance for a shoreline hardening structure will be issued. The modified Condition B should be clearly stated under "Landowner Acknowledgements" on all Project construction and building permit plans. This is included as a condition of approval.

Beach and Coastal Dune Protection – The Project proposes the installation of a swimming pool that will extend across a portion of the makai frontage of the dwelling. In the long-term, the shoreline is projected to migrate landward into the property as a

result of SLR and coastal erosion. As discussed above, the makai swimming pool wall will then serve as a defacto shoreline hardening structure, and restrict the natural movement of sand and sediment that creates and maintains the existing sandy public beach. However, as discussed above under "Coastal Hazards," and in the Resolution, the DPP is imposing conditions to address potential for SLR impacts that also address beach and coastal dune protection. Therefore, no new conditions specific to beach and dune protection are required.

Marine and Coastal Resources – SLR and coastal hazard events may result in the loss of all or portions of the proposed structures, which may also result in in household materials, structural components, utility infrastructure, and wastewater entering and polluting the ocean, beach, and coastal dunes as erosion moves the shoreline landward. Impacts and recommended conditions related to SLR are discussed above under "Coastal Hazards." Therefore, no new conditions specific to marine and coastal resources are required. As noted above, it is anticipated that implementation of these conditions will reduce and delay, but not entirely alleviate these impacts.

Conclusion

Upon implementation of the conditions required in the Resolution and in this Minor Modification, impacts relating to SLR are anticipated to be reduced, but not entirely alleviated. Having taken into account potential cumulative effects, we have determined that upon implementation of the conditions required under the Resolution, as modified herein, the Project will not have additional or substantial environmental or ecological effects on SMA or coastal zone resources beyond those authorized by the previous SMA Major Permit. Given the circumstances and conditions of the Project area, the modification request is reasonable. Therefore, it is approved as minor modification, subject to conditions of approval.

Appeal

Any person who is specifically, personally, and adversely affected by the Director's action (on the Minor Modification to the SMA Permit) and wishing to appeal any part or requirement of the action, must submit a written request for a contested case hearing to the DPP within 30 calendar days from the date of mailing, personal service, or publication of the action of the Director. Contested case hearings shall be conducted pursuant to Chapter 31, Subchapter 8 of the DPP Rules Relating to Shoreline Setbacks and the SMA. Essentially, these Rules require that a petitioner show that the Director based his action on an erroneous finding of material fact, and/or that the Director otherwise acted in an arbitrary or capricious manner, or there are extenuating circumstances. The filing fee for a contested case hearing is $400.00 (payable to the City and County of Honolulu).

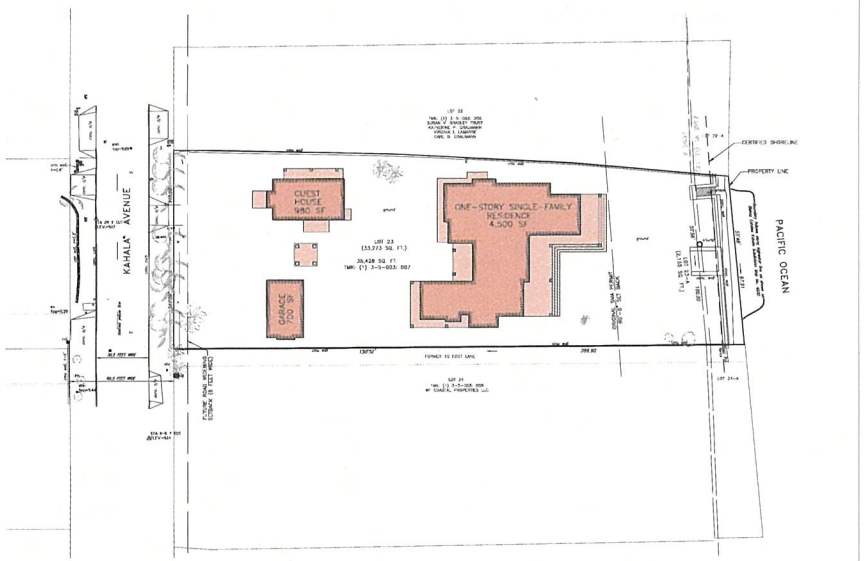
A copy of this approval should accompany your application(s) for construction and building permits. Should you have any questions, please contact Christi Keller, of our Land Use Approval Branch, at (808) 768-8087 or via email c.keller@honolulu.gov.

Very truly yours,

for Dawn Takeuchi Apuna
Director

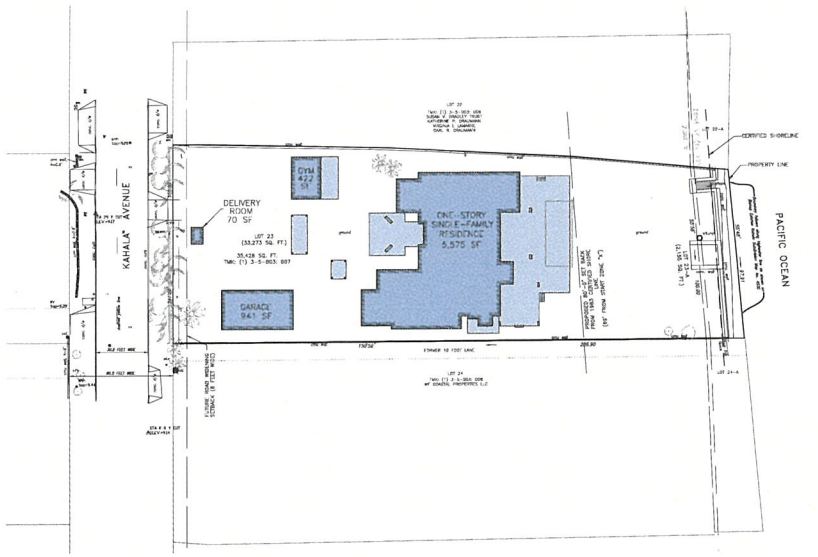
Enclosures: Exhibits A-1 through A-8
Appendix – SMA Checklist
Receipt No. 24-00338

cc: Office of Planning and Sustainable Development,
Shichao Li (via email)
Lisa Webster (via email)
Rachel Beasley (via email)



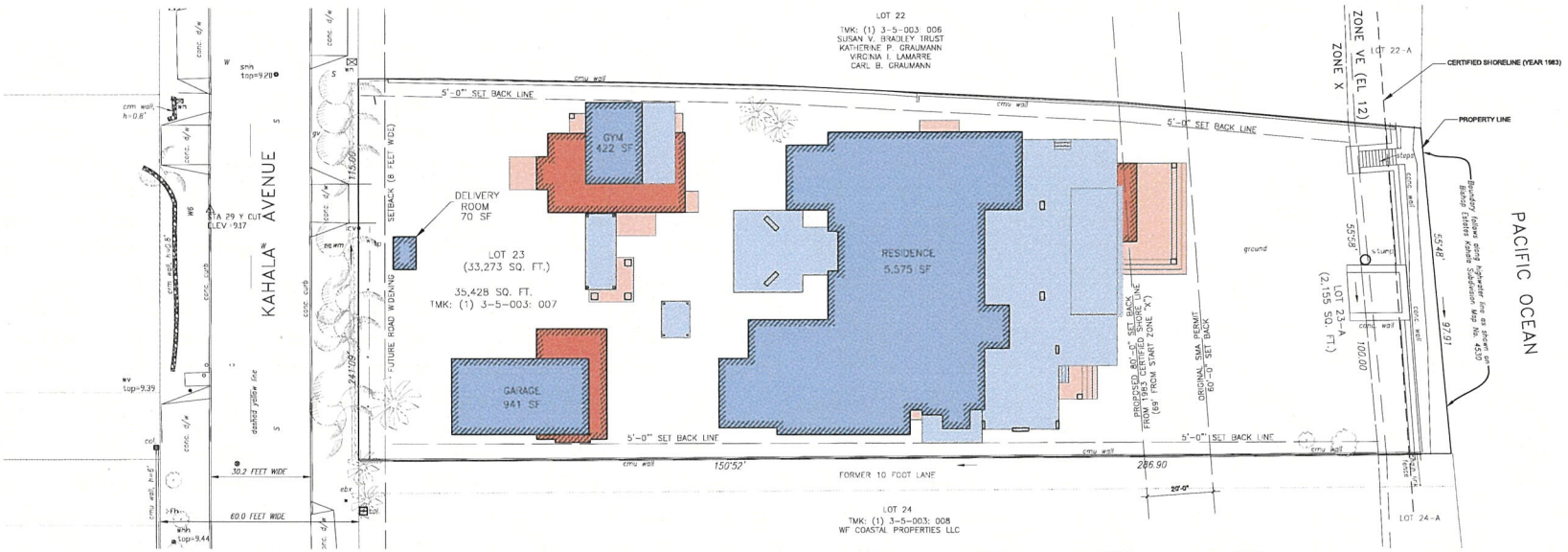
01 ORIGINAL SMA PERMIT - SCHEMATIC SITE PLAN
1/32" = 1'-0"

ORIGINAL SMA PERMIT BUILDING | ORIGINAL SMA PERMIT PATIO



02 PROPOSED MODIFICATION TO ORIGINAL SMA PERMIT SCHEMATIC SITE PLAN
1/32" = 1'-0"

PROPOSED MODIFICATION TO SMA PERMIT - BUILDING | PROPOSED MODIFICATION TO SMA PERMIT - PATIO



03 ORIGINAL SMA PERMIT & PROPOSED MODIFICATION TO SMA PERMIT COMPARISON- SCHEMATIC SITE PLAN
1/16" = 1'-0"

ORIGINAL SMA PERMIT BUILDING | ORIGINAL SMA PERMIT PATIO | PROPOSED MODIFICATION TO SMA PERMIT - BUILDING | PROPOSED MODIFICATION TO SMA PERMIT - PATIO

PROJECT:

KAHALA RESIDENCE

4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212.253.0652
INFO@matei.com

REVISIONS:

N°	DATE	
1	07/14/23	Preliminary Layout
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10	03/05/24	Preliminary Layout
11	05/21/24	Preliminary Layout
12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: AS NOTED

ARCHITECT / ENGINEER OF RECORD:

AKTA LTD. ARCHITECTS
Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

SEAL & SIGNATURE:

DOB :

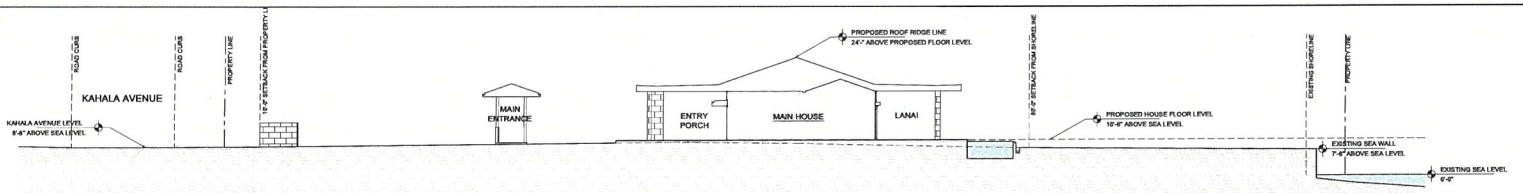
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PROPOSED MODIFICATION TO SMA PERMIT

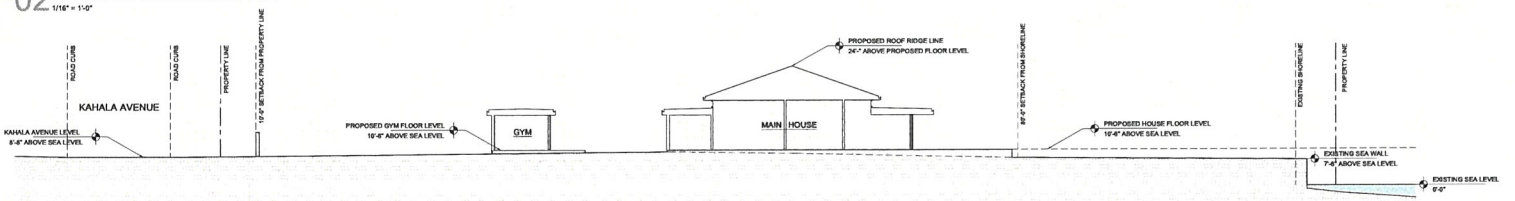
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DATE:	09/24/24
PROJECT N°:	24003
DRAWN BY:	RS
CHECKED BY:	CM
PAGE:	1 OF 8

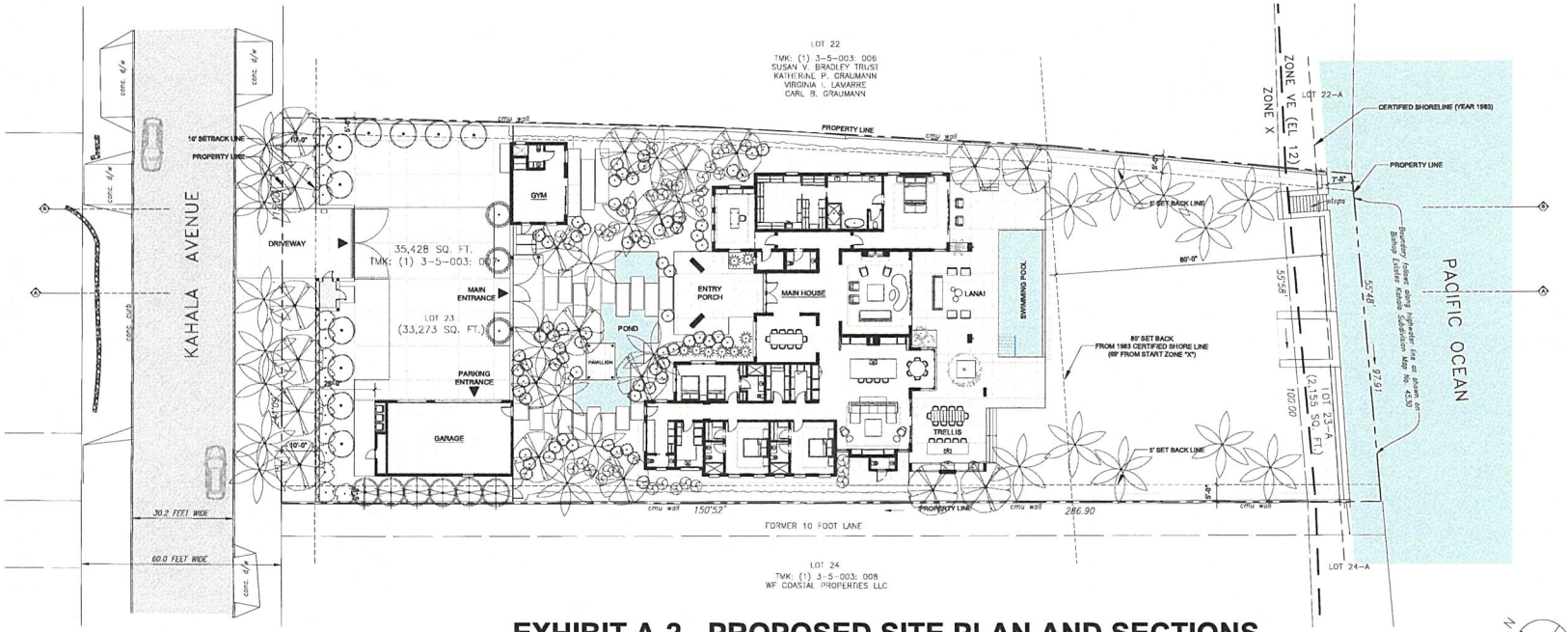
EXHIBIT A-1 - EXISTING VERSUS PROPOSED SITE PLAN - 2024/MOD-50



02 PROPOSED SITE SECTION A-A
1/16" = 1'-0"



03 PROPOSED SITE SECTION B-B
1/16" = 1'-0"



01 PROPOSED SITE PLAN - 80' SETBACK
1/16" = 1'-0"

EXHIBIT A-2 - PROPOSED SITE PLAN AND SECTIONS
2024/MOD-50 TO 2021/SMA-77

PROJECT:
KAHALA RESIDENCE
4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

N°	DATE	
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4	08/28/23	Preliminary Layout
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9	02/26/24	Preliminary Layout
10	03/05/24	Preliminary Layout
11	05/21/24	Preliminary Layout
12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: 1/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:

AKTA LTD. ARCHITECTS
Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

SEAL & SIGNATURE:

DOB :

DRAWING TITLE:
PROPOSED SITE PLAN & SECTIONS

A-101.00

DATE: 09/24/24
PROJECT N°: 24003
DRAWN BY: RS
CHECKED BY: CM

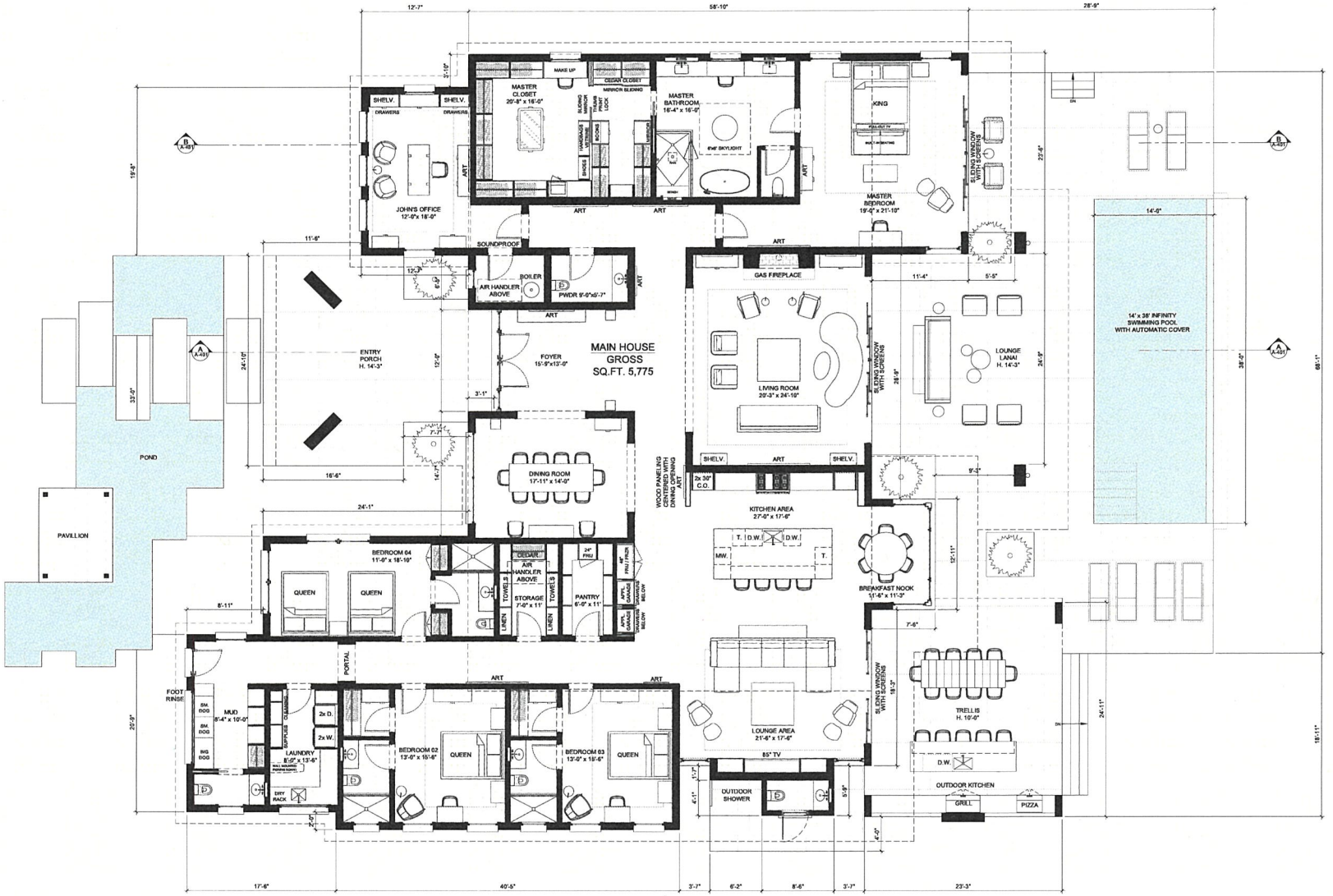


EXHIBIT A-3 - PROPOSED FLOOR PLAN
2024/MOD-50 to 2021/SMA-77

01 MAIN HOUSE - PROPOSED FLOOR PLAN
3/16" = 1'-0"

PROJECT:
KAHALA RESIDENCE
4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DEVELOPER:
MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

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12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: 3/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:
AKTA LTD. ARCHITECTS
Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

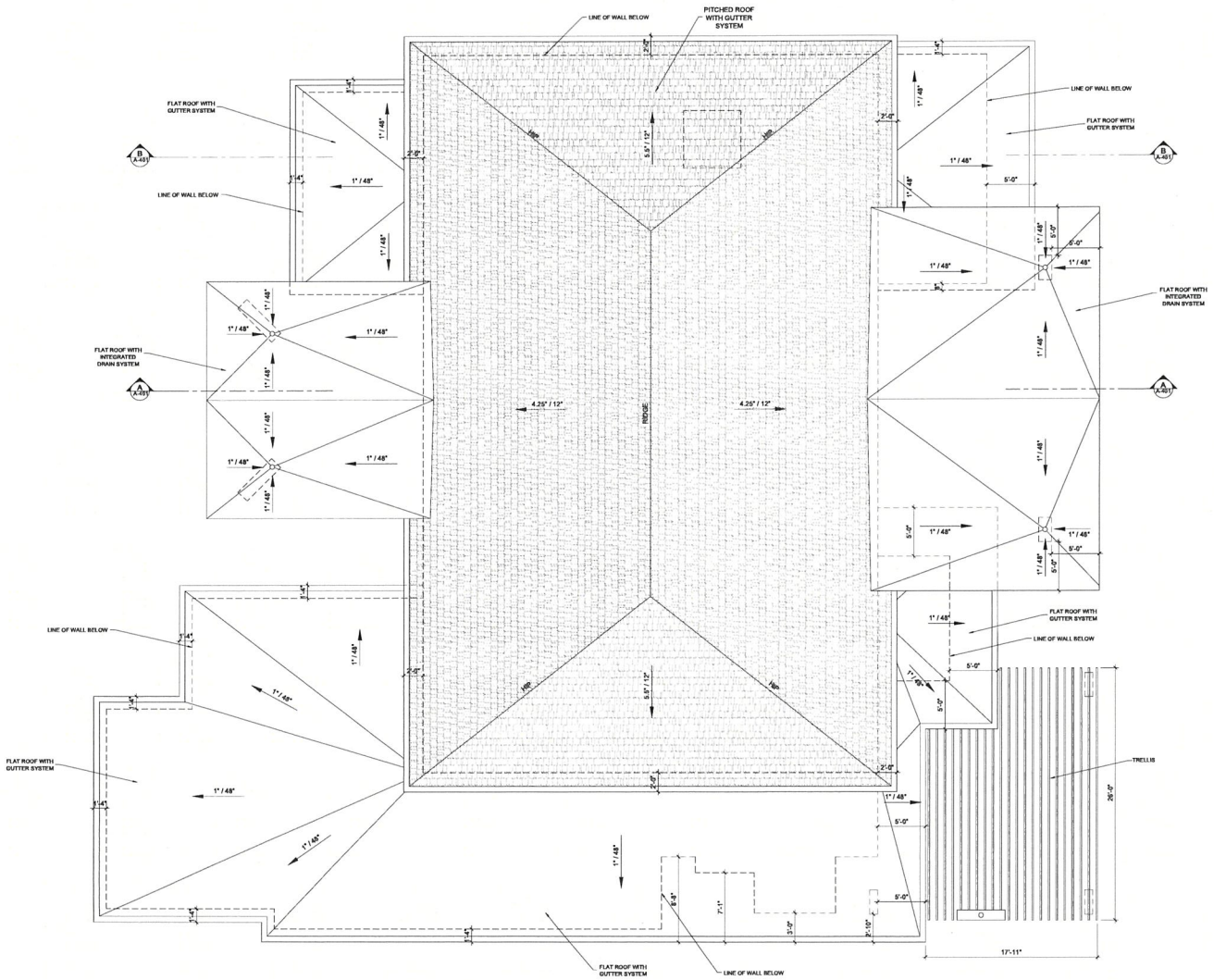
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DOB :

DRAWING TITLE:
MAIN HOUSE PROPOSED FLOOR PLAN

A-101.00

DATE: 09/24/24
PROJECT N°: 24003
DRAWN BY: RS
CHECKED BY: CM
PAGE: 3 OF 8



01 MAIN HOUSE - PROPOSED ROOF PLAN
3/16" = 1'-0"

EXHIBIT A-4 - PROPOSED ROOF PLAN
2024/MOD-50 TO 2021/SMA-77

PROJECT:

KAHALA RESIDENCE

4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

N°	DATE	
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10	03/05/24	Preliminary Layout
11	05/21/24	Preliminary Layout
12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: 3/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:

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Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

SEAL & SIGNATURE:

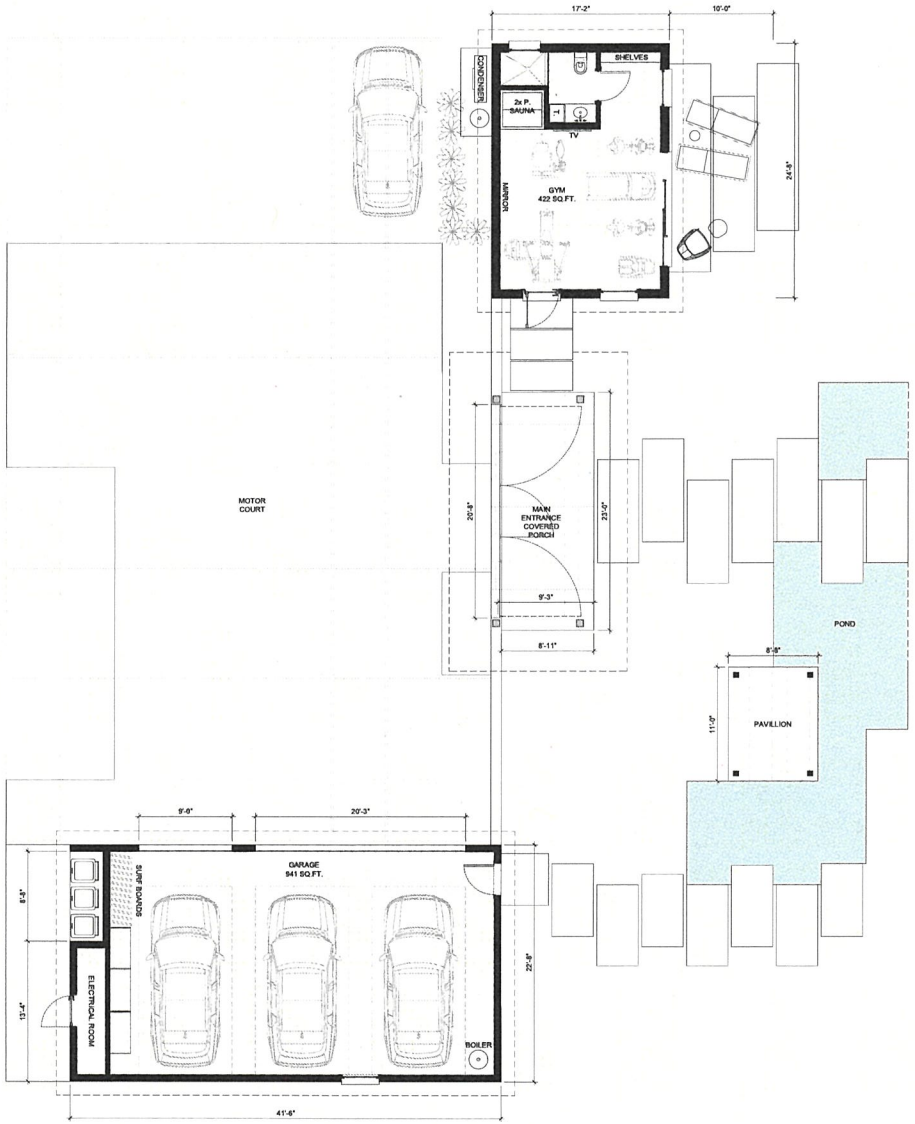
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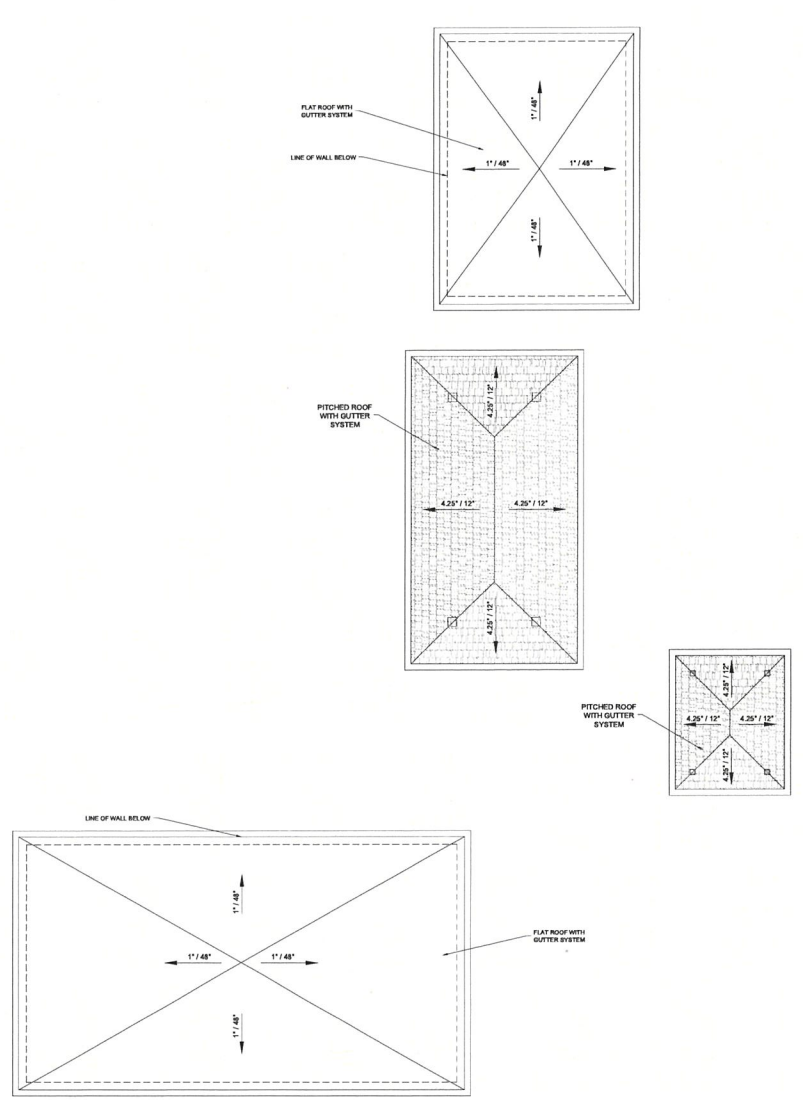
MAIN HOUSE PROPOSED ROOF PLAN

A-102.00

DATE: 09/24/24
PROJECT N°: 24003
DRAWN BY: RS
CHECKED BY: CM



01 MAIN ENTRY PORCH, GARAGE & GYM - PROPOSED FLOOR PLANS
3/16" = 1'-0"



02 MAIN ENTRY PORCH, GARAGE & GYM - PROPOSED ROOF PLANS
3/16" = 1'-0"

PROJECT:

KAHALA RESIDENCE

4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

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11	05/21/24	Preliminary Layout
12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: 3/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:

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Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

SEAL & SIGNATURE:

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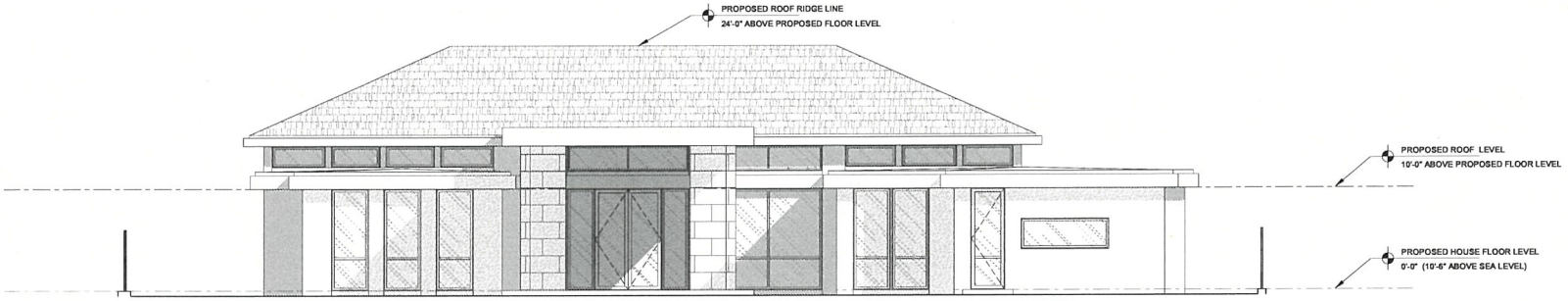
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MAIN HOUSE
PROPOSED
ROOF PLAN

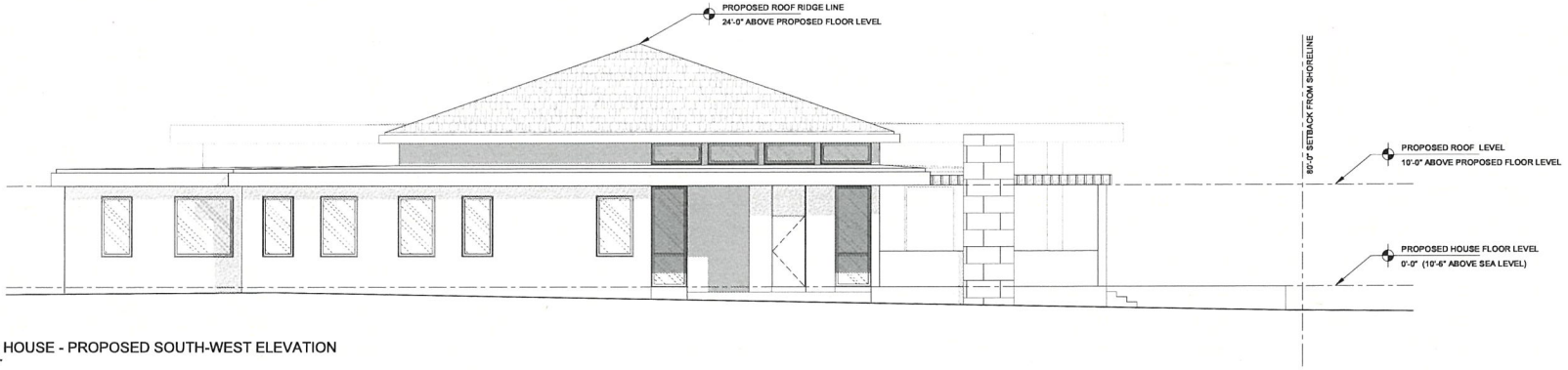
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DATE: 09/24/24
PROJECT N°: 24003
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CHECKED BY: CM
PAGE: 5 OF 8

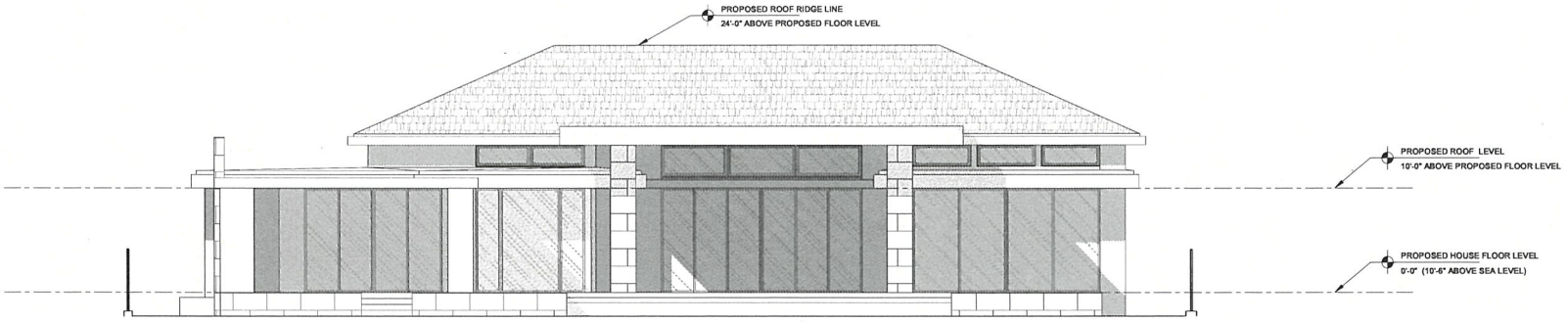
EXHIBIT A-5 - ACCESSORY STRUCTURE PLANS - 2024/MOD-50 TO 2021/SMA-77



01 MAIN HOUSE - PROPOSED NORTH-WEST ELEVATION (STREET SIDE)
3/16" = 1'-0"



02 MAIN HOUSE - PROPOSED SOUTH-WEST ELEVATION
3/16" = 1'-0"



03 MAIN HOUSE - PROPOSED SOUTH-EAST ELEVATION (OCEAN SIDE)
3/16" = 1'-0"

EXHIBIT A-6 - DWELLING ELEVATIONS
2024/MOD-50 TO 2021/SMA-77

PROJECT:

KAHALA RESIDENCE

4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

N°	DATE	
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10	03/05/24	Preliminary Layout
11	05/21/24	Preliminary Layout
12	05/22/24	Preliminary Layout
13	08/19/24	Preliminary Layout
14		
15		

SCALE: 3/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:

AKTA LTD ARCHITECTS
Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd.com

SEAL & SIGNATURE:

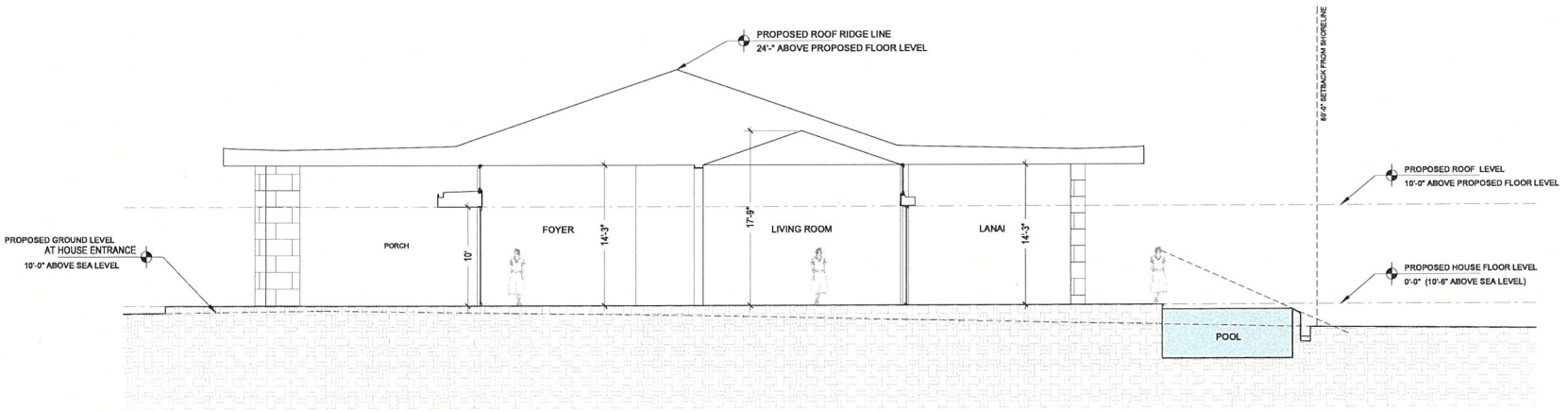
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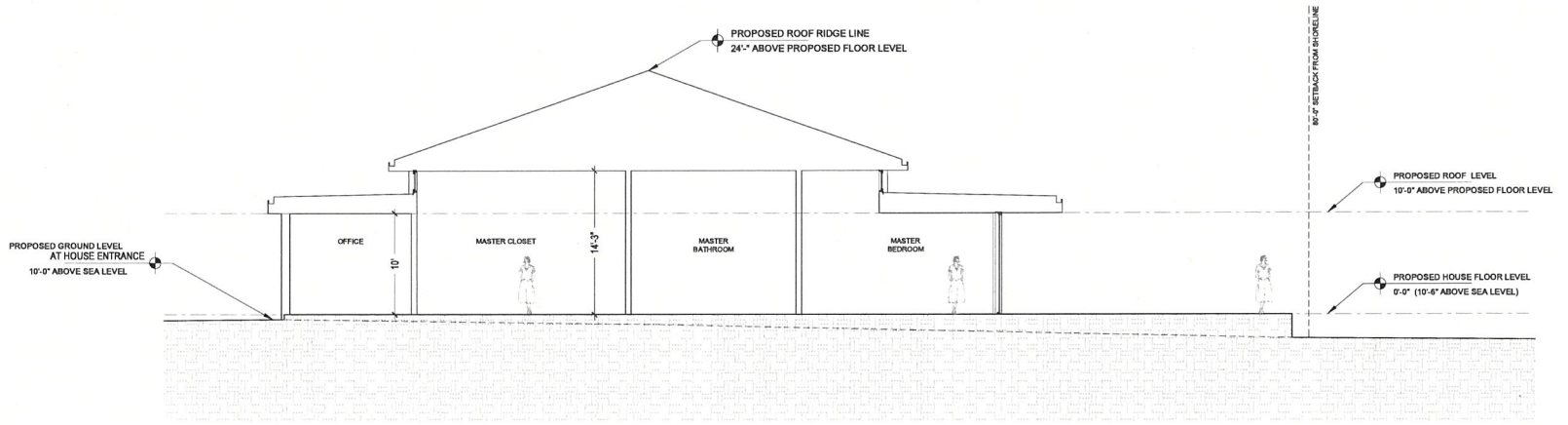
MAIN HOUSE EXTERIOR ELEVATIONS

A-400.00

DATE: 08/24/24
PROJECT N°: 24003
DRAWN BY: RS
CHECKED BY: CM



01 MAIN HOUSE - PROPOSED SECTION A-A
3/16" = 1'-0"



02 MAIN HOUSE - PROPOSED SECTION B-B
3/16" = 1'-0"

EXHIBIT A-7 DWELLING AND POOL SECTIONS
2024/MOD-50 TO 2021/SMA-77

PROJECT:

KAHALA RESIDENCE

4439 KAHALA AVENUE
HONOLULU, HI 96816

LOTS 23
TAX MAP KEY:
(1) 3-5-003: 007

DESIGNER:

MATEI, LLC
225 BROADWAY, SUITE 2920
NEW YORK NY 10007
212 253 0652
INFO@matei.com

REVISIONS:

N°	DATE	
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13	08/19/24	Preliminary Layout
14		
15		

SCALE: 3/16" = 1'-0"

ARCHITECT / ENGINEER OF RECORD:

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Arthur Kimbal Thompson, AIA , AKTA LTD.
46-160 Nahiku Street
Kaneohe, Hawaii 96744
808.779.5267
kimbal@akta-ltd com

SEAL & SIGNATURE:

DOB :

DRAWING TITLE:

MAIN HOUSE SECTIONS

A-401.00

DATE: 09/24/24
PROJECT N°: 24003
DRAWN BY: RS
CHECKED BY: CM

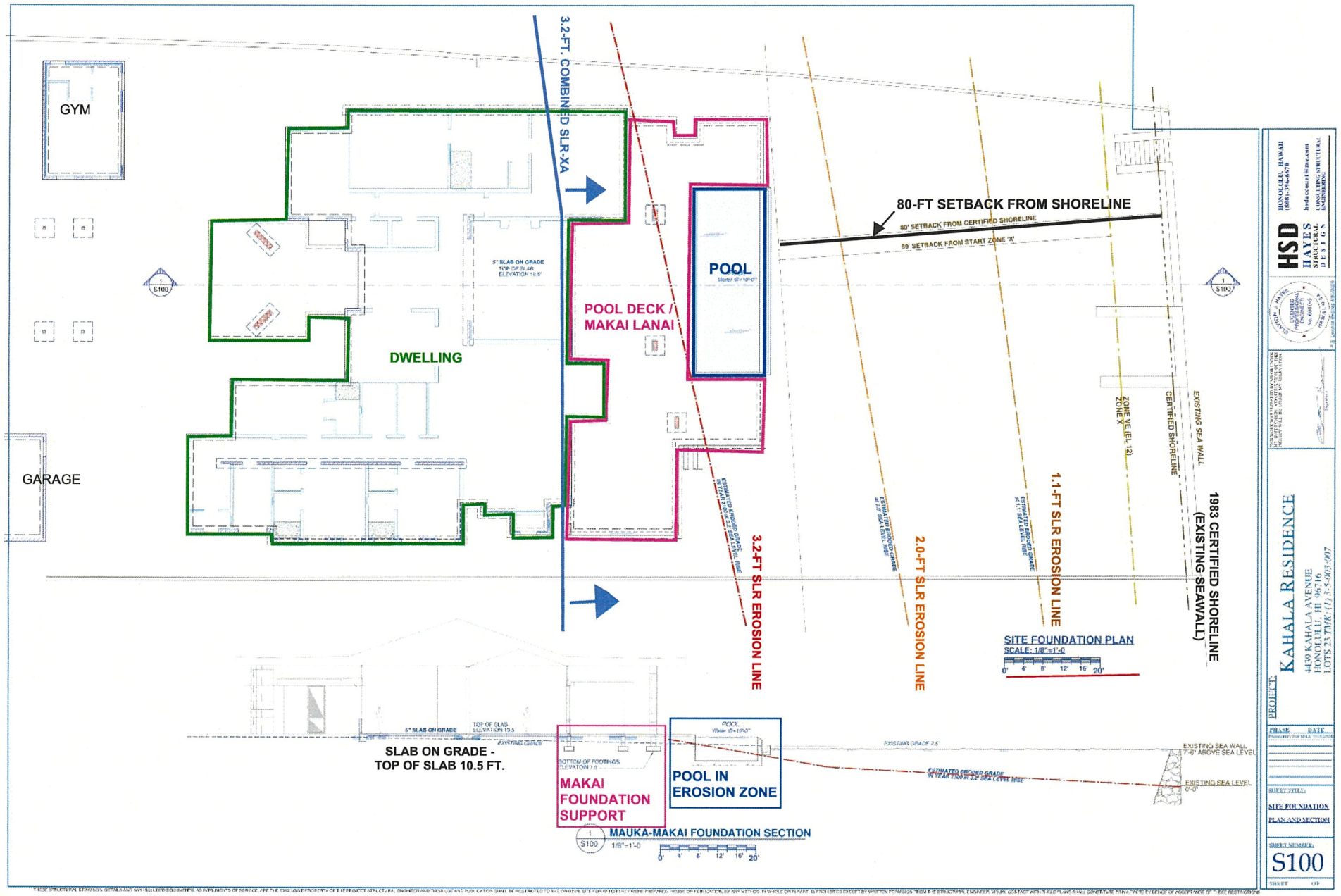


EXHIBIT A-8 - FOUNDATION PLANS WITH SEA LEVEL RISE COASTAL EROSION PROJECTIONS 2024/MOD-50 TO 2021/SMA-77

APPENDIX - SMA Checklist

File No. 2024/MOD-50 to 2021/SMA-77 (Resolution No. 22-061-CD1)

SMA RESOURCE	SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT / NOT APPLICABLE
A. Recreational Resources				
Access to Beaches, Coastal Dunes, Recreational Areas, and Natural Reserves				No Change
Preserves Recreation Areas and Wildlife Preserves				No Change
B. Historic and Cultural Resources				
Archaeological Resources		**See Evaluation**		
Historic Resources		**See Evaluation**		
Cultural Resources				No Change
C. Scenic and Open Space Resources				
Coastal Scenic and Open Space				No Change
Alterations to Landforms / Vegetation				No Change
Scenic or Recreational Amenities				No Change
D. Coastal Ecosystems				
Critical Habitat				No Change
Protected Flora				No Change
Protected Fauna		**See Evaluation**		
Invasive Species		**See Evaluation**		
Solid and Liquid Waste Treatment				No Change
Reefs, Beaches, Coastal Dunes		*See SMA Resource G*		
E. Economic Uses				
Consists of Facilities and Development Important to State's Economy				No Change
Minimizes Exposure to Coastal Hazards		*See SMA Resource F*		
Minimizes Adverse Social, Visual, and Environmental Impacts				No Change

APPENDIX - SMA Checklist

File No. 2024/MOD-50 to 2021/SMA-77 (Resolution No. 22-061-CD1)

SMA RESOURCE	SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT / NOT APPLICABLE
F. Coastal Hazards				
Reduces Risks of Coastal Hazards on Life and Property		**See Evaluation**		
Designed to Minimize Impacts From:				
Landslides				No Change
Erosion		**See Evaluation**		
Sea Level Rise		**See Evaluation**		
Siltation			No Change	
Failure in Event of Earthquake			No Change	
Storm Surge / Tsunami			No Change	
G. Beach and Coastal Dune Protection				
Beaches and Coastal Dunes		**See Evaluation**		
Shoreline Setback Compliance				No Change
Natural Shoreline Processes		**See Evaluation**		
Loss Due to Erosion		**See Evaluation**		
H. Marine and Coastal Resources				
Water Resources (surface or ground)			No Change	
Scenic or Recreational Amenities		*See SMA Resource C*		
Wetlands			No Change	
I. Cumulative Impact or Significant Effect and Compelling Public Interest				
Cumulative Impact or Significant Effect			No Change	
Public Health, Safety, or Compelling Public Interest				No Change

APPENDIX - SMA Checklist

File No. 2024/MOD-50 to 2021/SMA-77 (Resolution No. 22-061-CD1)

SMA RESOURCE	SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT / NOT APPLICABLE
J. Consistency with Plans and Regulations				
State				
Chapter 205A, HRS, Coastal Zone Management		*See SMA Resources A through I*		
Chapter 205, HRS, State Agricultural Lands				No Change
Section 6E, HRS, Historic Preservation		*See SMA Resource B*		
City / County				
Oahu General Plan				No Change
Development Plan / Sustainable Communities Plan				No Change
Land Use Ordinance				No Change
Shoreline Setback Ordinance				No Change
Special Management Area Ordinance		*See SMA Resources A through I*		

Notes:
Not Applicable = No related resources in Project vicinity;
No Impact = The Project will have no impact on related resources in th Project vicinity;
Less Than Significant Impact = There are related resources within the Project vicinity, but any potential impacts is anticipated to be less than significant with no mitigation measures required; and
Less Than Significant with Mitigation = There are related resources within the Project vicinity, and the Project has potential to result in impacts to such resources. Therefore, the Project must implement mitigation measures to reduce potential impacts to less than significant. Potential impacts and related mitigation measures are discussed under the "Evaluation" section of the Minor Modification
Significant Impact = There are related resources within the Project vicinity, and the Project has potential to result in impacts to such resources. Further analysis or Project redesign is required to accurately gauge what mitigation measures may be required, which is discussed under the "Evaluation" section of the Minor Modification.

EXHIBIT C

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI I

No. **22-61, CD1**

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF TWO NEW SINGLE-FAMILY DWELLING UNITS AND A GARAGE AT TAX MAP KEY 3-5-003:007 IN KAHALA, OAHU.

WHEREAS, on December 13, 2021, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2021/SMA-77) from 4439 Kahala, LLC ("Applicant"), for a Special Management Area ("SMA") Use Permit to allow the development of two single-family dwelling units and a garage on a shoreline lot, located in the R-7.5 Residential District at 4439 Kahala Avenue in Kahala, and identified as Tax Map Key 3-5-003:007 (herein referred to as the "Project"); and

WHEREAS, on February 9, 2022, the DPP held a public hearing, which was attended in person by DPP staff and Department of Information Technology support staff, and attended virtually online by the agent for the Applicant; no members of the public were in attendance and no public testimony was offered; and

WHEREAS, on March 3, 2022, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 1990 ("ROH"), and Sections 205A-2 and 205A-26, Hawaii Revised Statues ("HRS"), completed its report and transmitted its findings and recommendation to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on March 8, 2022, by Departmental Communication 185 (2022), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:

A. Except as required by the conditions of approval, construction must be in general conformity with the Project as recommended by the DPP in the DPP findings and recommendation referenced above, and as depicted in Exhibits A through H3, attached hereto and incorporated herein by reference. Any change in the size or nature of the Project that has a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Use 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 of the DPP Director.

B. In order to minimize potential for adverse impacts related to sea level rise ("SLR"), coastal erosion, and development on potential SLR exposure areas, prior to approval of any development permits, the Applicant shall incorporate additional adaptation and design measures into Project plans submitted to the DPP for review, as follows:

1. All structures must be set back a minimum of 61 feet from the certified shoreline;

2. Any structures proposed outside of the 61-foot shoreline setback, but within the combined 3.2-foot SLR exposure area (see Exhibit H2, as depicted by the blue shaded area), must incorporate foundation or other adaptation/design measures, shown on building plans that are stamped by a civil engineer licensed by the State of Hawaii, that meet or exceed the engineering design standards utilized by Kai Hawaii, Structural and Forensic Engineers (see Exhibit C6) to address potential erosion within the combined 3.2-foot SLR exposure area as mapped on the State SLR Viewer; and

3. All building permit plans for the subject property must include a statement indicating that the current and successor owners are aware that the property is subject to coastal hazards and erosion as a result of SLR, which may result in harm to or loss of life and property.

C. In order to preserve coastal ecosystems, the Applicant must comply with the following measures:

1. New landscaping must not artificially fix the shoreline; and

2. Irrigation systems must be designed such that water is not allowed to traverse makai of the shoreline into the State Land Use Conservation District, or otherwise facilitate the growth of vegetation makai of the shoreline.

D. Upon approval of this SMA Use Permit, neither the Applicant nor any future successor owner or interested party may claim hardship due to erosion, SLR, or any other coastal hazard, in order to obtain approval for a future Shoreline Setback Variance for:

1. A new shoreline protection structure;

2. The replacement of the existing seawall; or

3. The repair of the existing seawall greater than 50 percent of the replacement value.

E. In order to ensure that archaeological and cultural resources are identified and treated properly, archeological monitoring must be conducted in consultation with the State Historic Preservation Division ("SHPD") during ground-disturbing construction activities. If, during Project-related activities, any previously unidentified archaeological sites or remains (artifacts, shell, bone or historic charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the Applicant must stop work, protect the find from further disturbance, and contact the SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative measures.

F. In order to address potential impacts to Hawaiian seabirds, migratory seabirds, the Hawaiian hoary bat, and nearshore marine species (e.g., endangered green sea turtles, Hawaiian monk seals) that may frequent, traverse in, or roost in the vicinity of the Project site, the Applicant shall implement the following:

1. Artificial light from exterior light fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes are 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);

2. The Project's building permit plans must show all outdoor lighting fixtures fully shielded, with the light directed downward in compliance with ROH Section 25-6.3(a), to avoid illuminating onsite or nearby tree canopies or the shoreline and waters of the Pacific Ocean;

3. All Project site work and construction activities must be limited to daylight hours; and

4. Take special care when trimming or clearing woody plants greater than 15 feet in height. Such plants must not be disturbed, removed, or trimmed during the hoary bat birthing and pup rearing season from June 1 through September 15.

G. **The Applicant must obtain a development permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a development 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 City 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 report 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.

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

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

No. 22-61, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Jeffrey Overton, G70, 111 South King Street, Suite 170, Honolulu, Hawaii 96813; Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director of the Office of Planning, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804-2359.

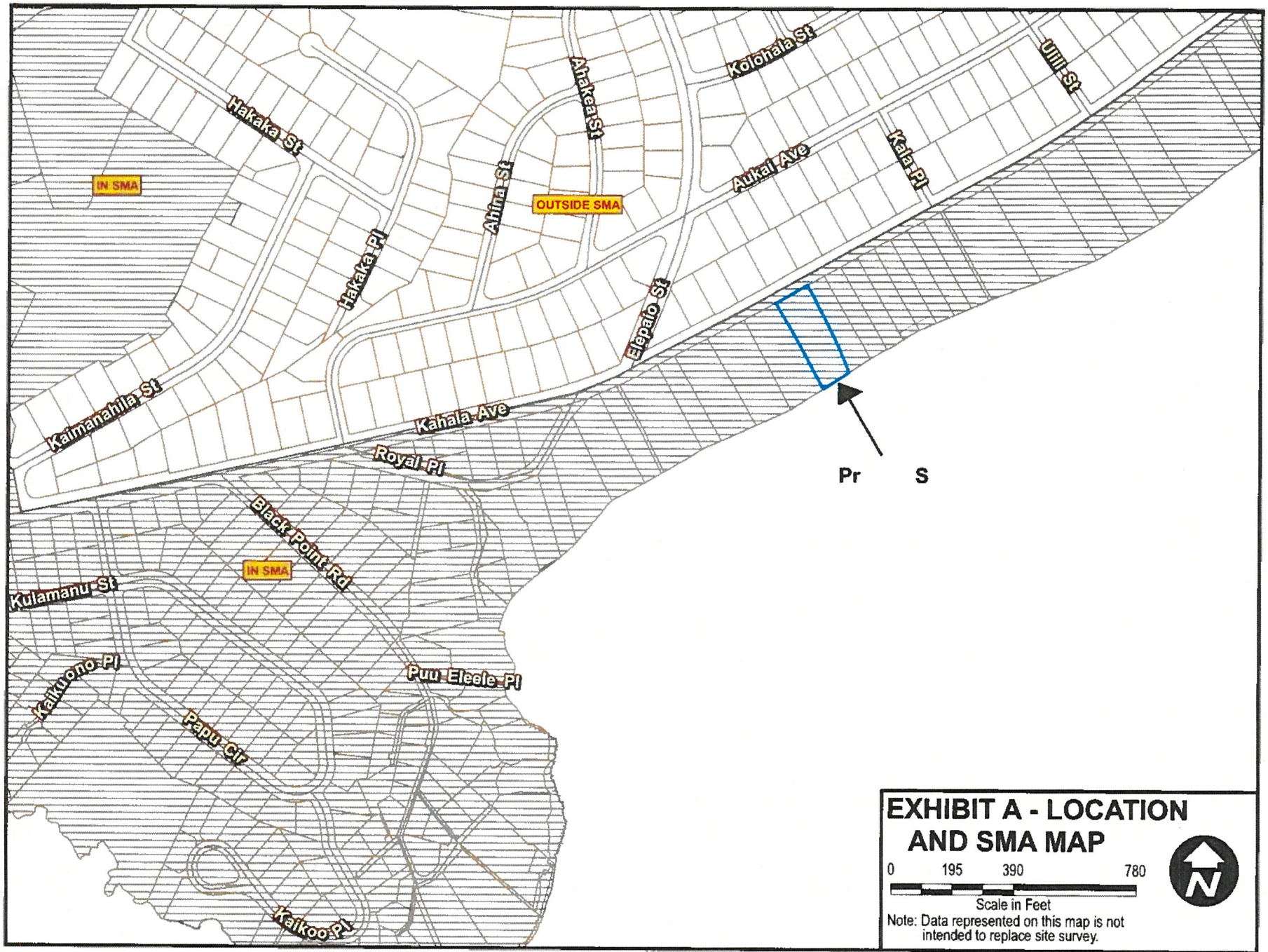
INTRODUCED BY:

Tommy Waters (br)

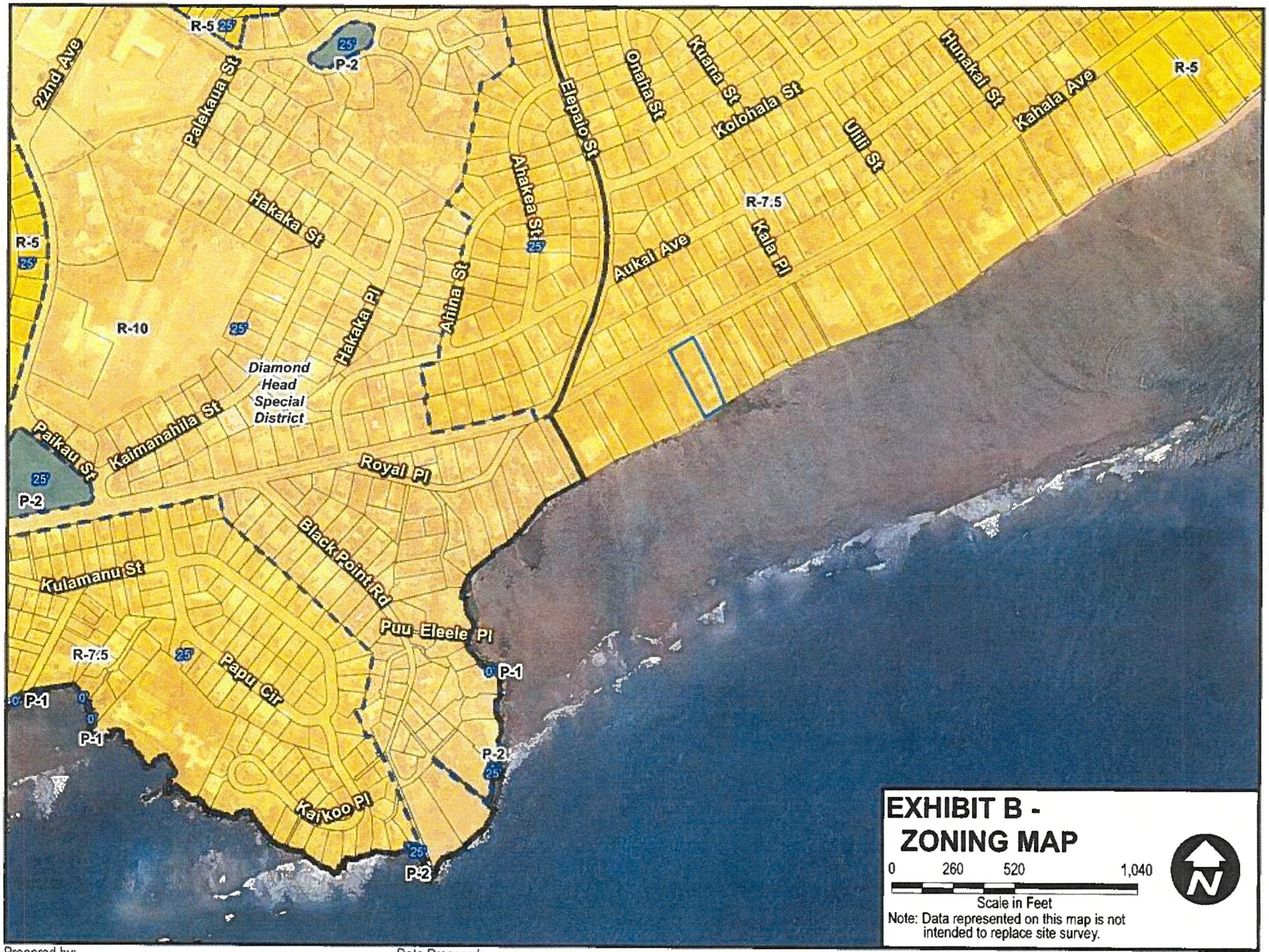
DATE OF INTRODUCTION:

March 16, 2022
Honolulu, Hawai'i

Councilmembers



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Prepared by:

Date Prepared:

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(Source: Design Partners Incorporated)

EXHIBIT C1 - CONCEPTUAL SITE PLAN

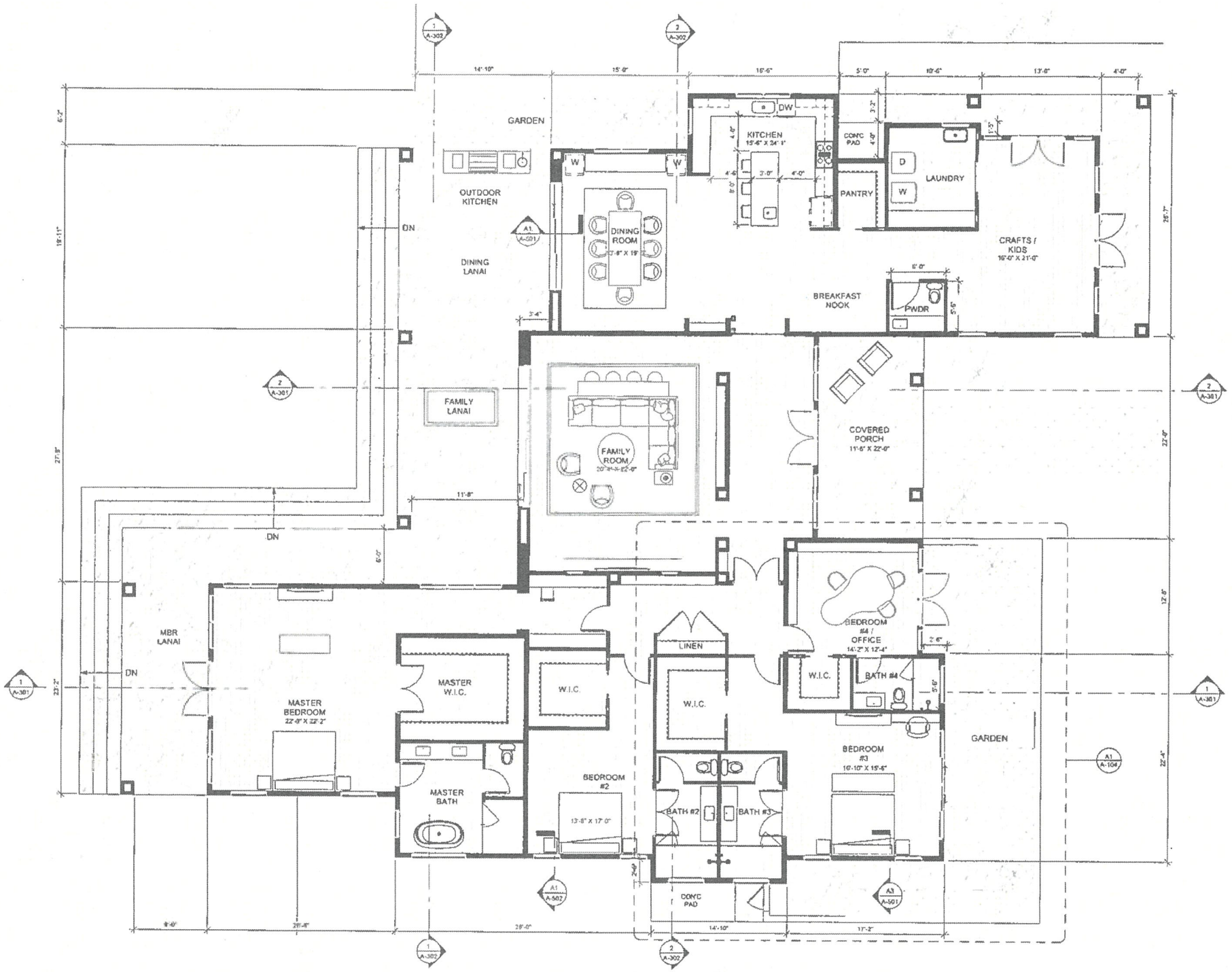


EXHIBIT C2 - PRIMARY RESIDENCE FLOOR PLAN

SCALE: 3/16" = 1'-0"

PLAN NORTH

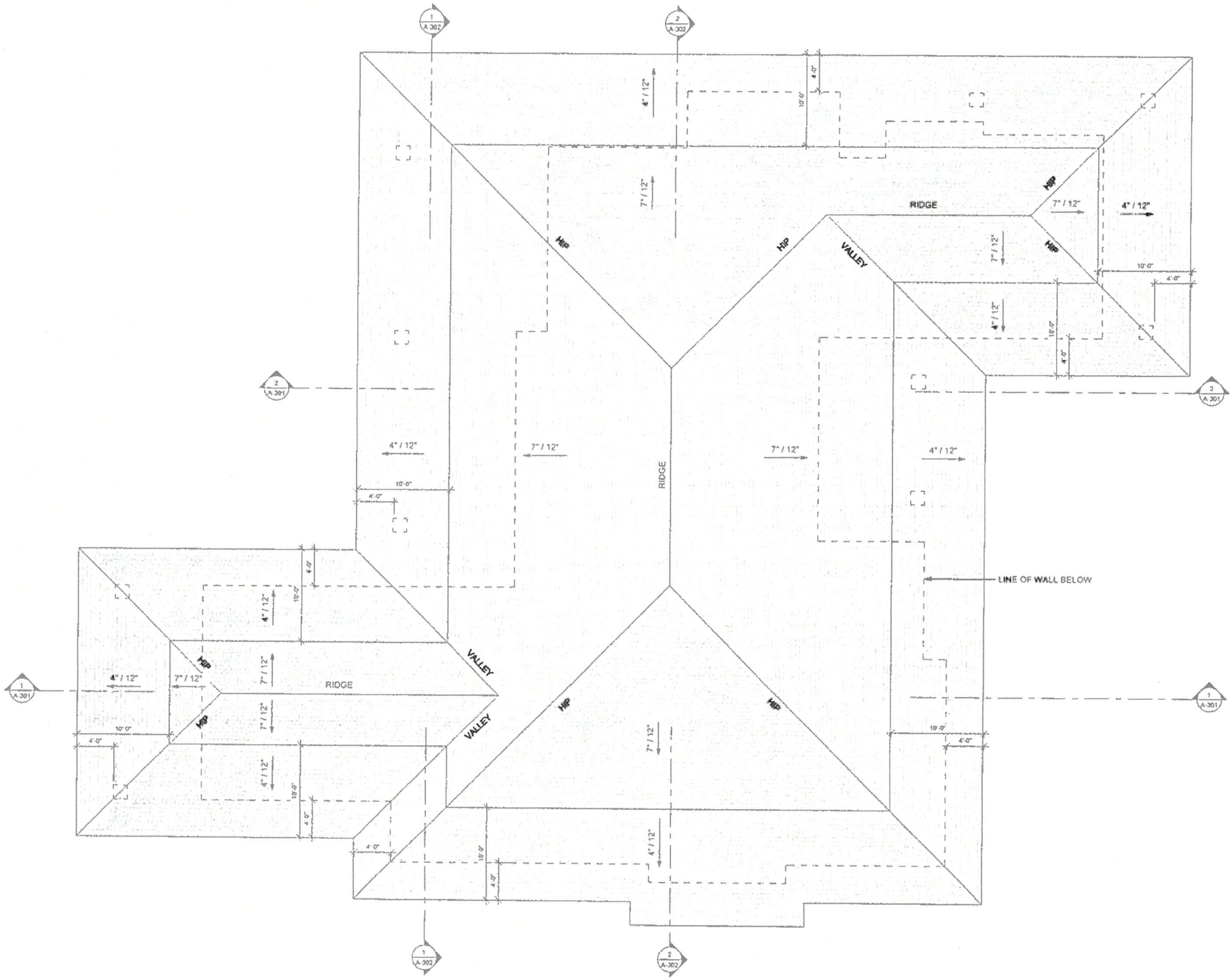


EXHIBIT C3 - PRIMARY RESIDENCE ROOF PLAN

SCALE: 3/16" = 1'-0"

PLAN NORTH

DESIGN PARTNERS INCORPORATED

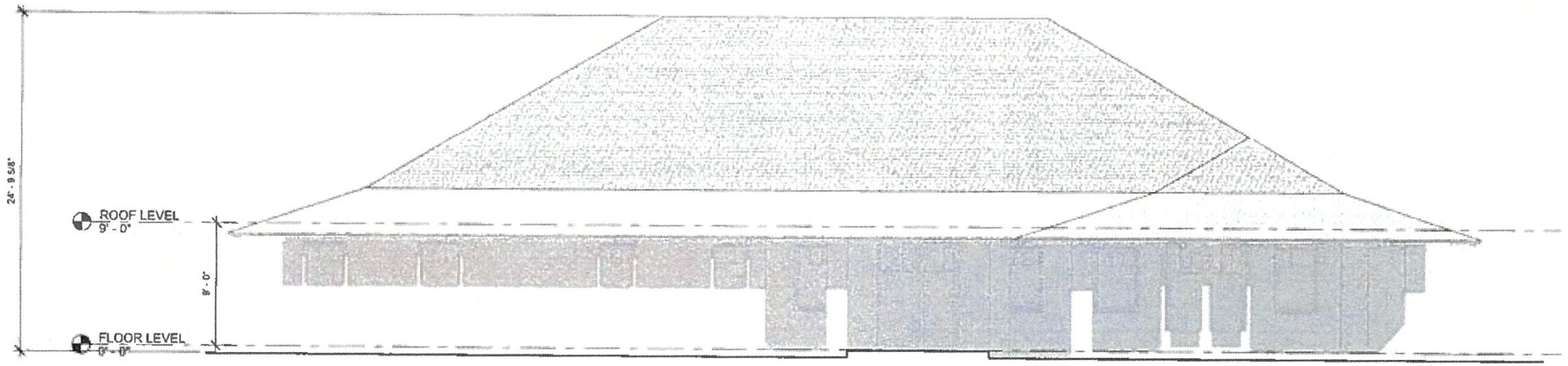


EXHIBIT C4 - PRIMARY RESIDENCE EXTERIOR ELEVATION

DESIGN PARTNERS INCORPORATED

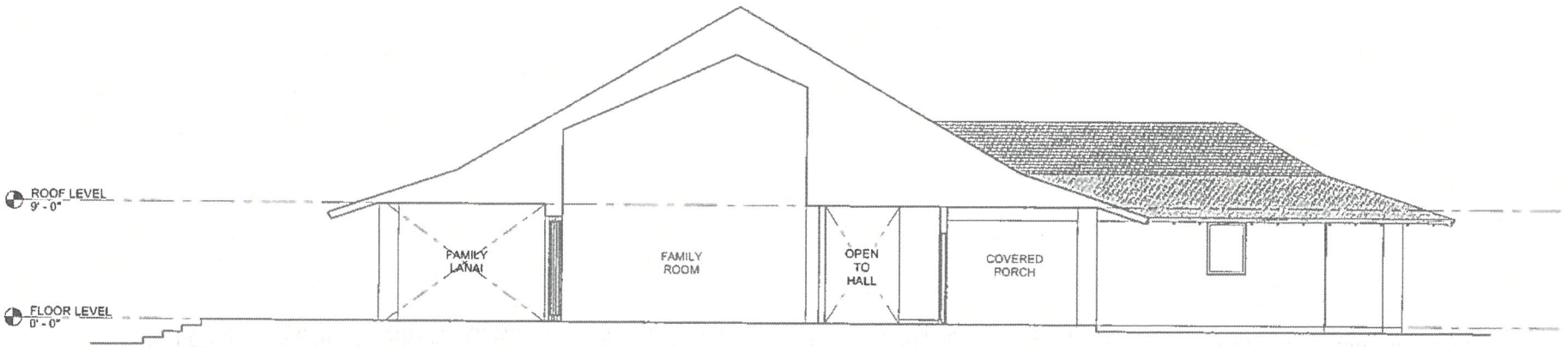
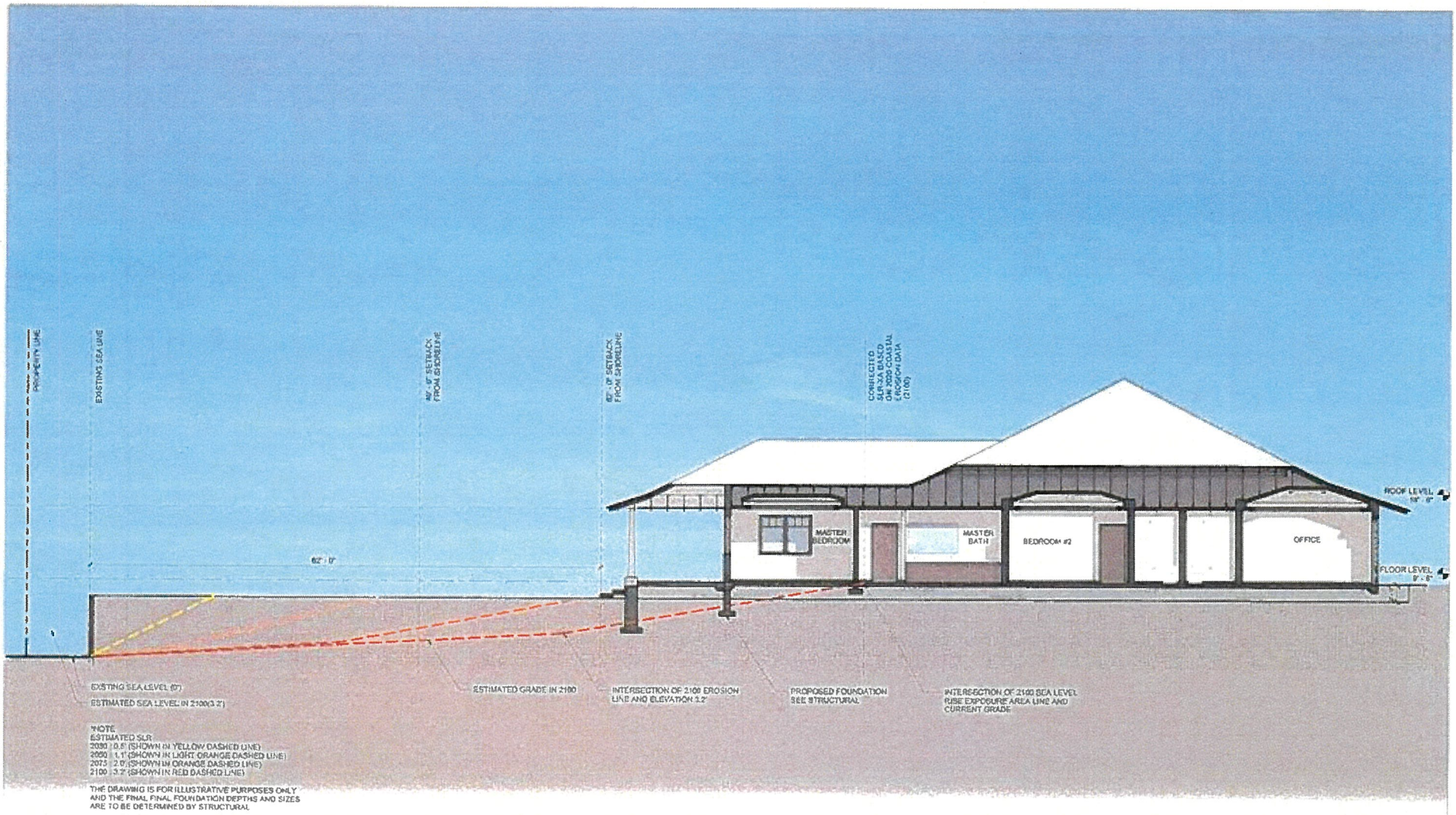


EXHIBIT C5 - PRIMARY RESIDENCE BUILDING SECTIONS

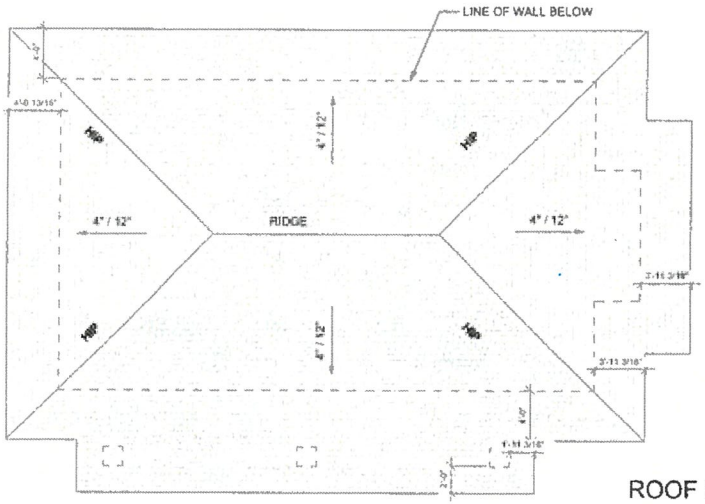


4439 KAHALA LLC RESIDENCE -

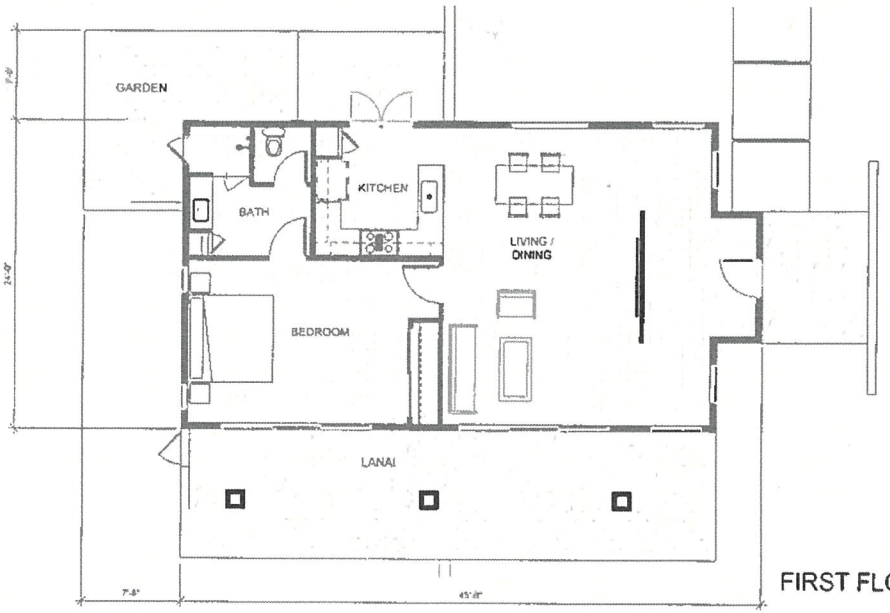
20004

Design Partners Incorporated

EXHIBIT C6 - BUILDING SECTION RENDERING OF PROPOSED COASTAL EROSION ADAPTATION FOUNDATION DESIGN



ROOF PLAN



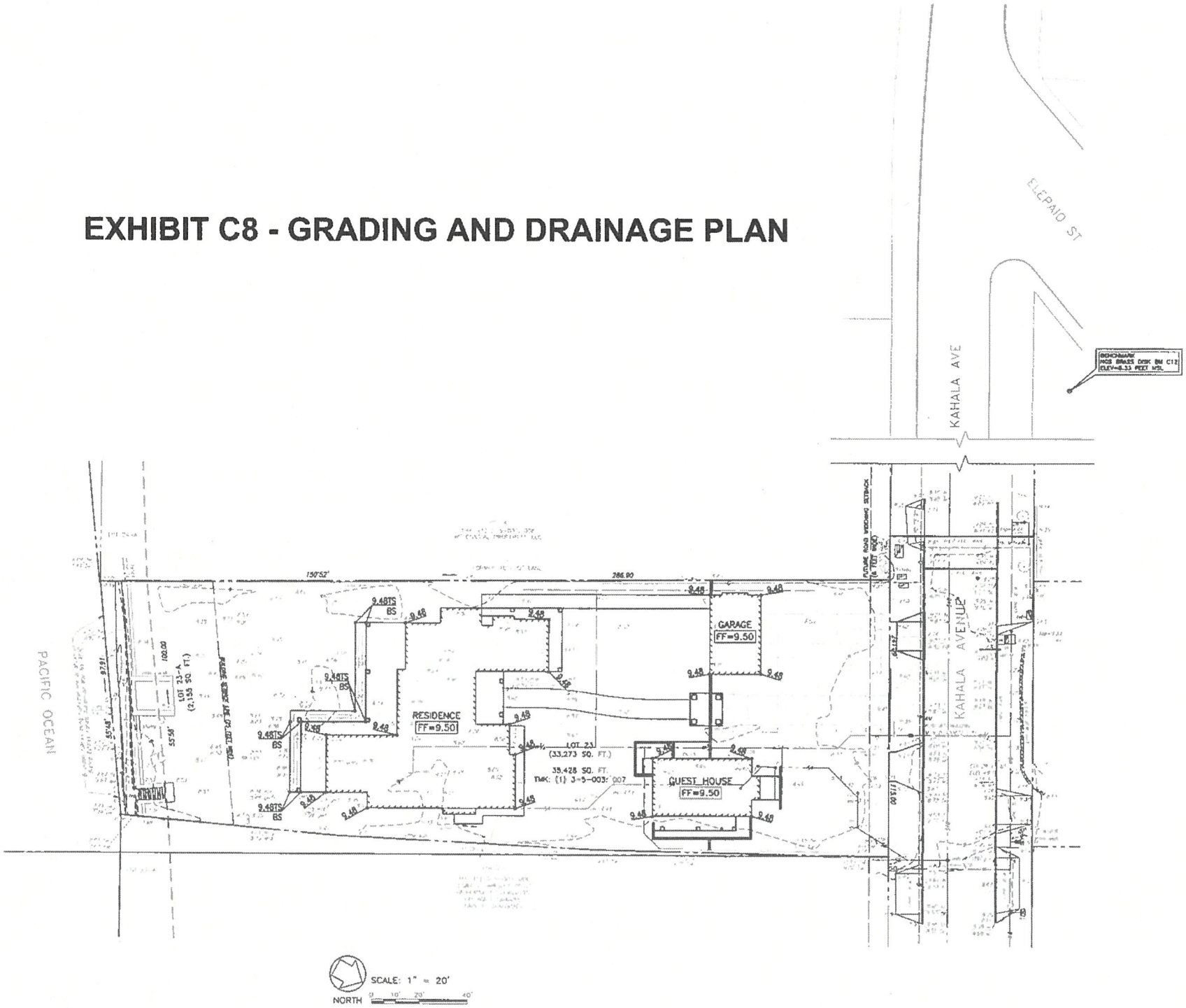
FIRST FLOOR PLAN

EXHIBIT C7 - GUEST RESIDENCE ROOF AND FLOOR PLAN

0 2' 4' 8'
SCALE 3/16" = 1'-0"

PLAN NORTH

EXHIBIT C8 - GRADING AND DRAINAGE PLAN



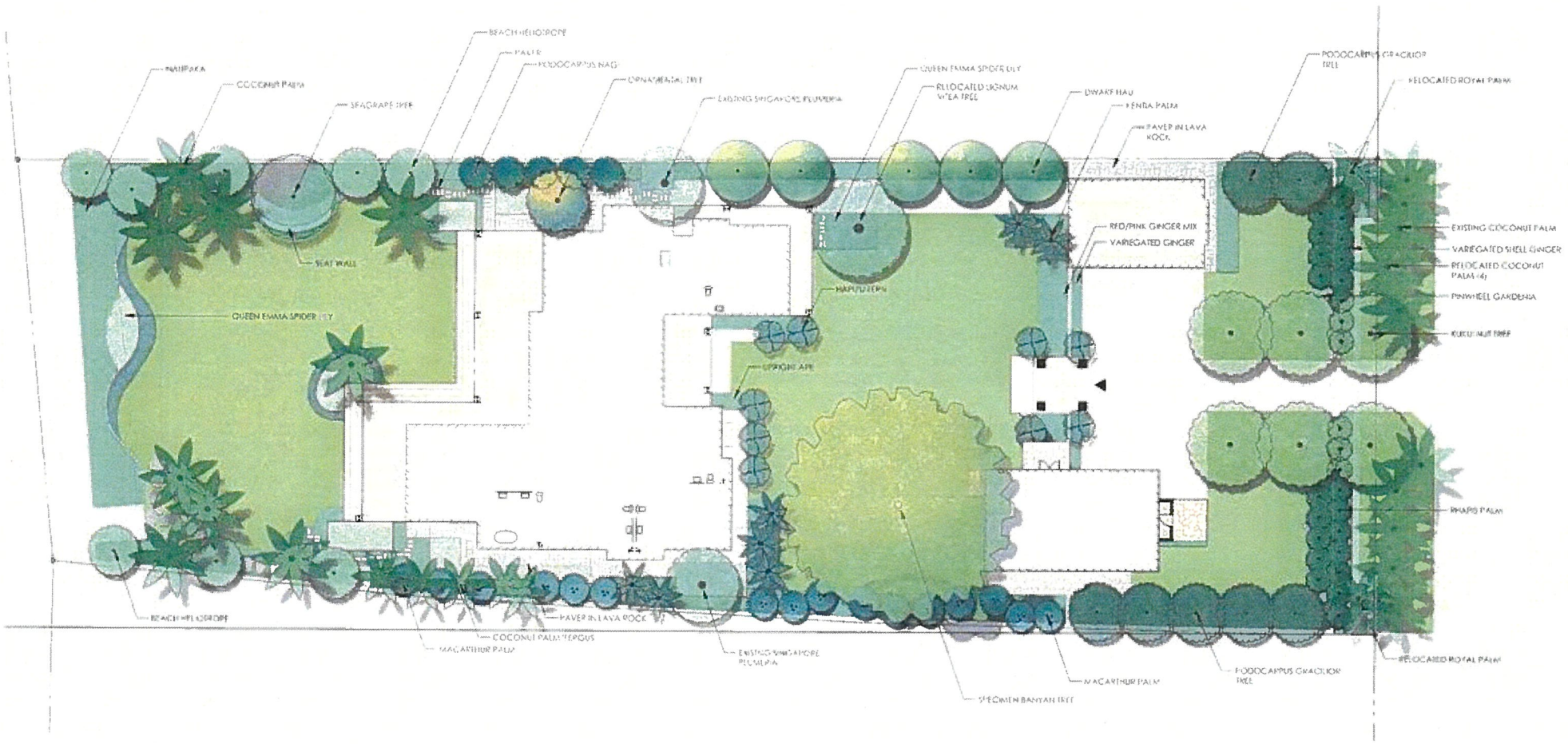


EXHIBIT C9 - LANDSCAPE PLAN

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

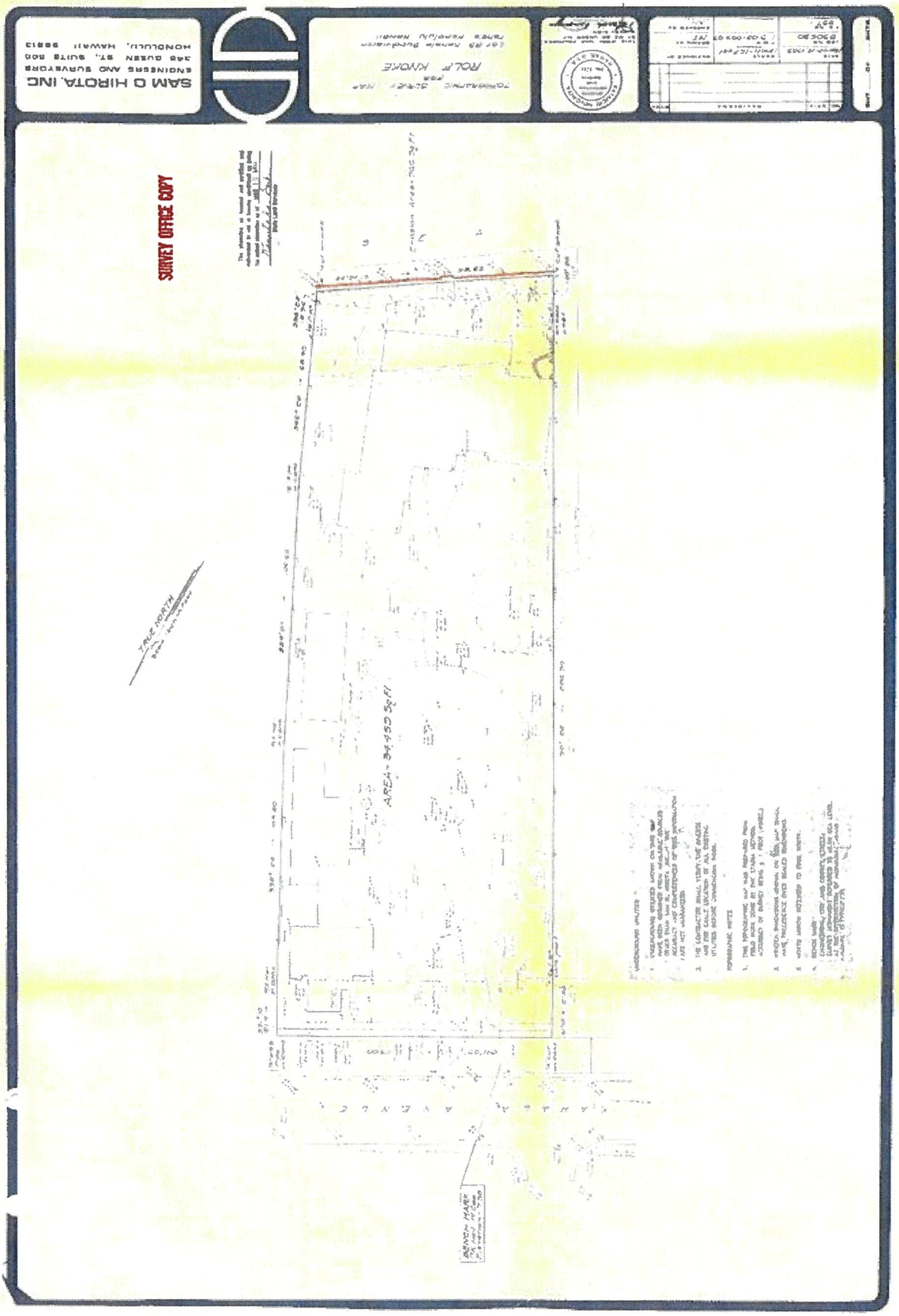
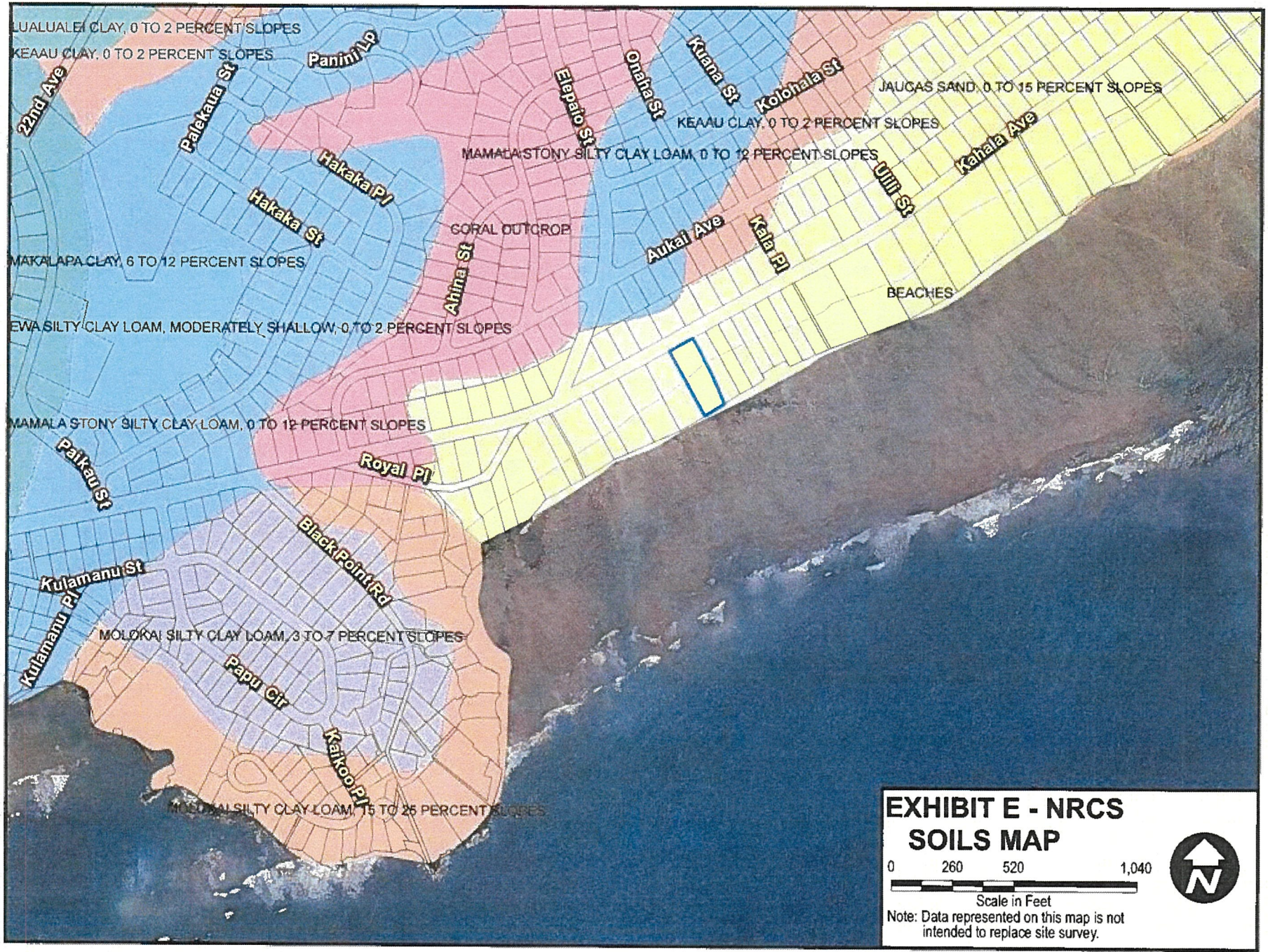
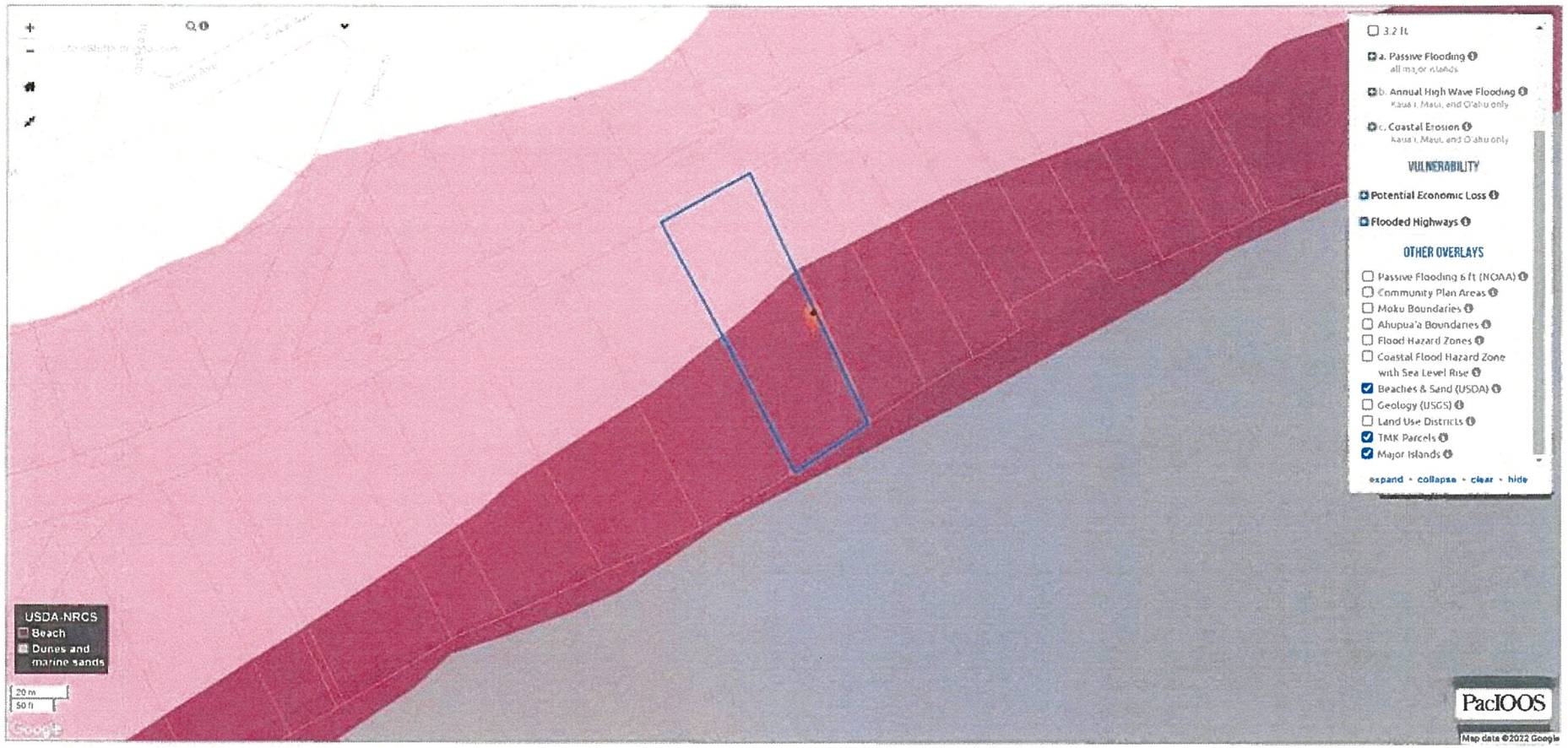


EXHIBIT D - 1983 CERTIFIED SHORELINE SURVEY



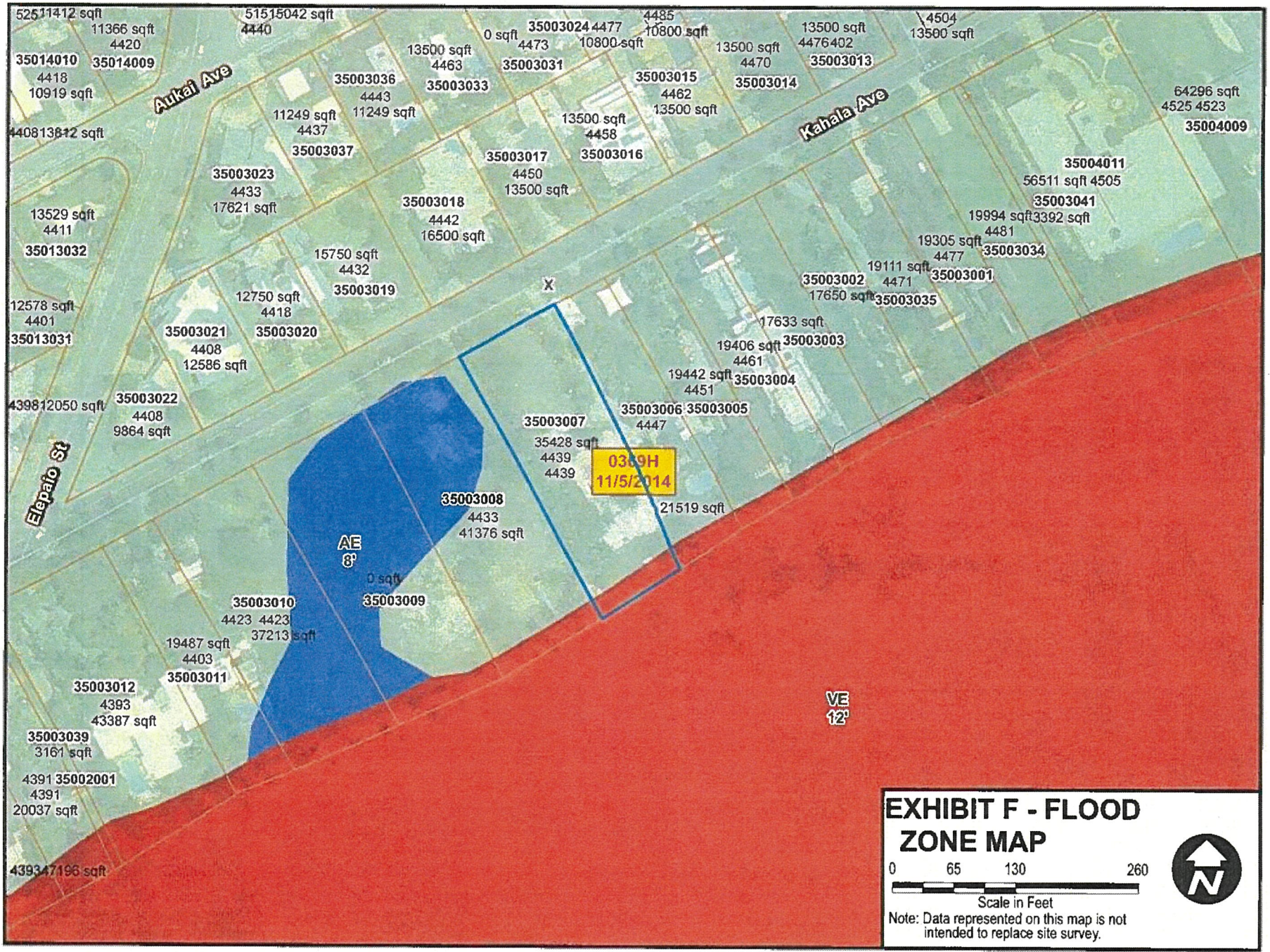
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PacIOOS Sea Level Rise : State of Hawai'i Sea Level Rise Viewer

An Interactive Mapping Tool in Support of the State of Hawai'i Sea Level Rise Vulnerability and Ac

EXHIBIT E2 - BEACH SOILS AND DUNES AND MARINE SANDS



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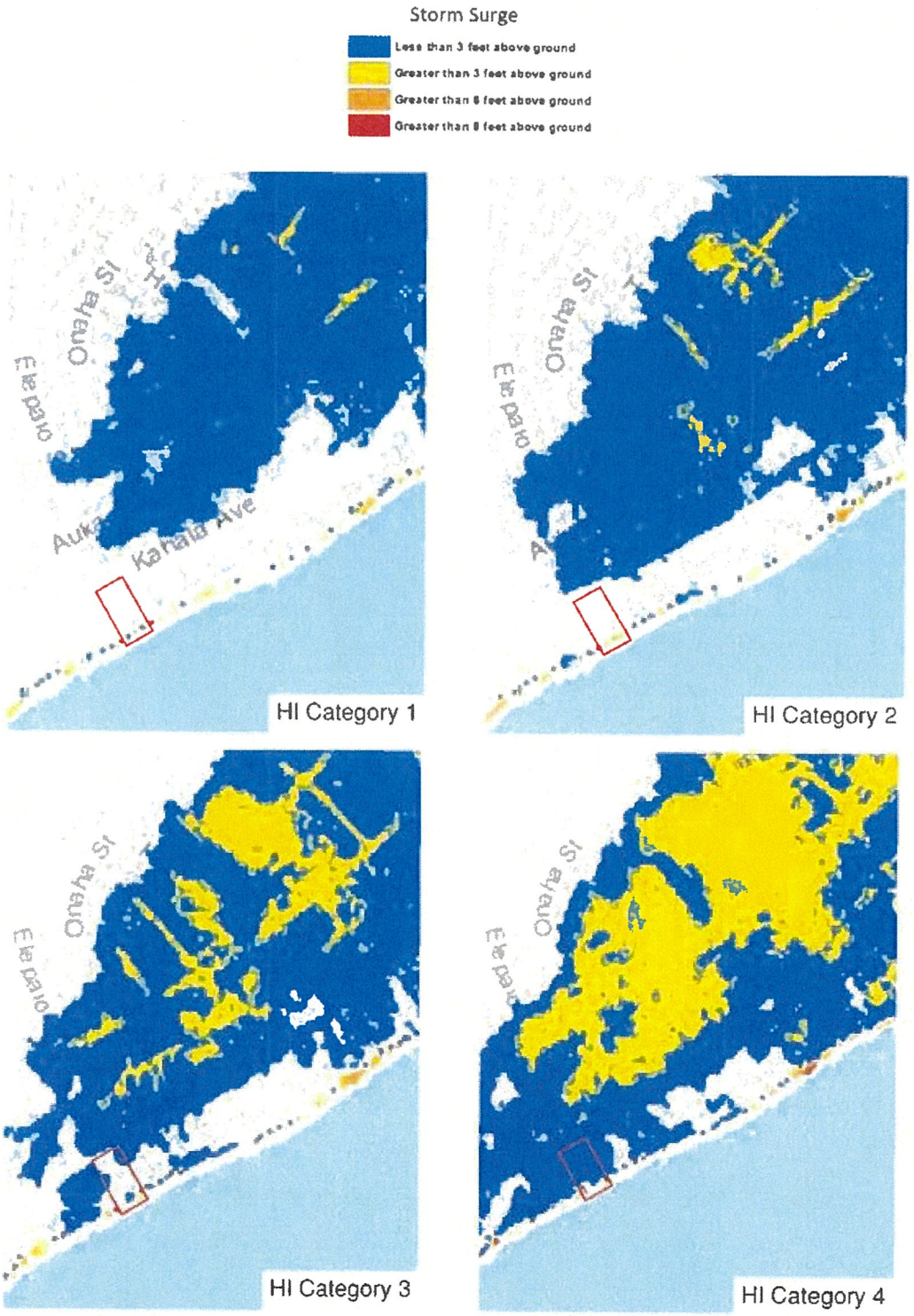
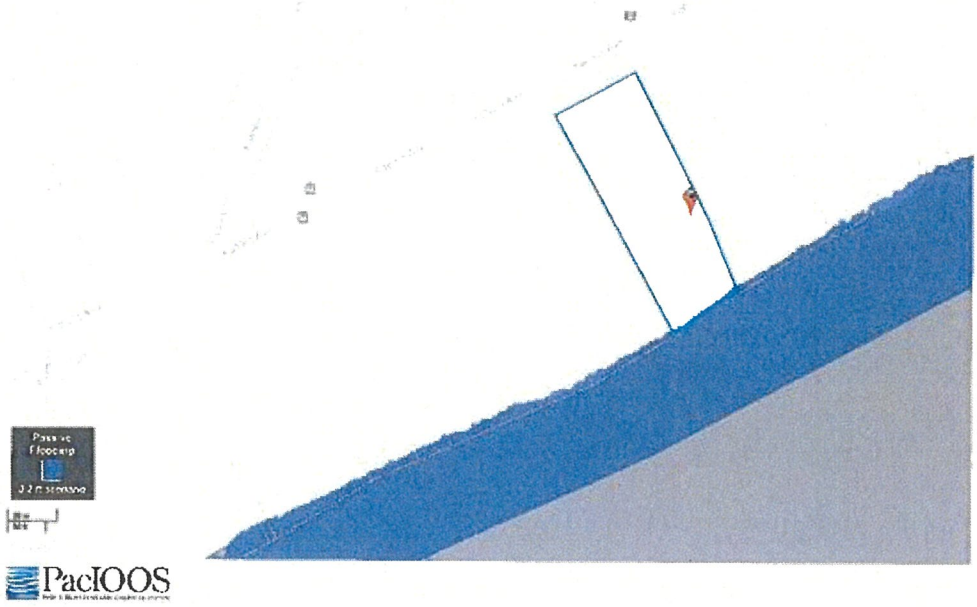
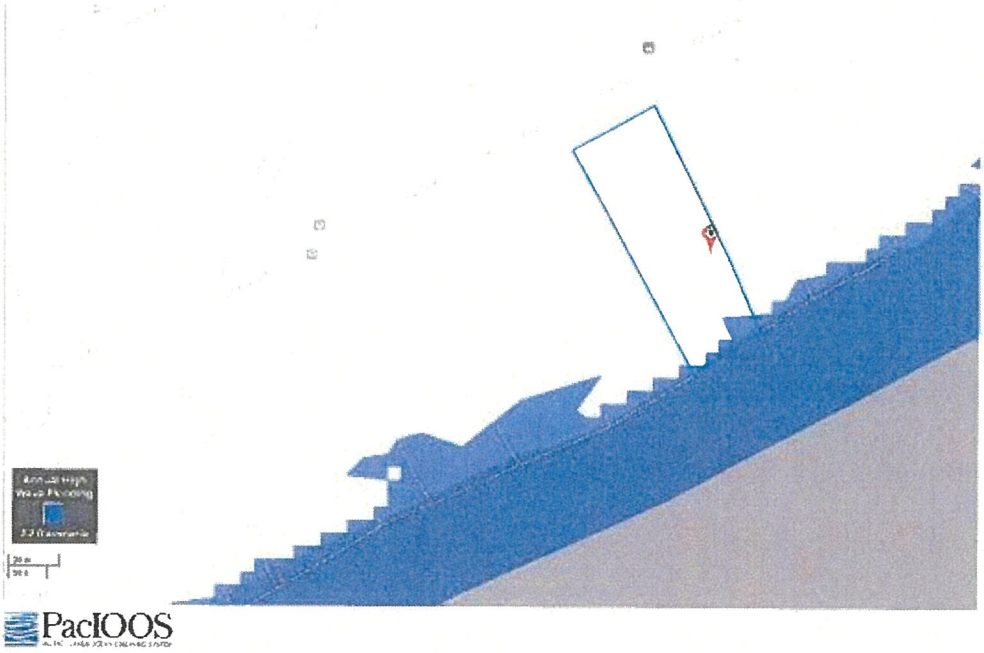


EXHIBIT G - STORM SURGE FORECAST MAPS - CATEGORY 1-4 EVENTS

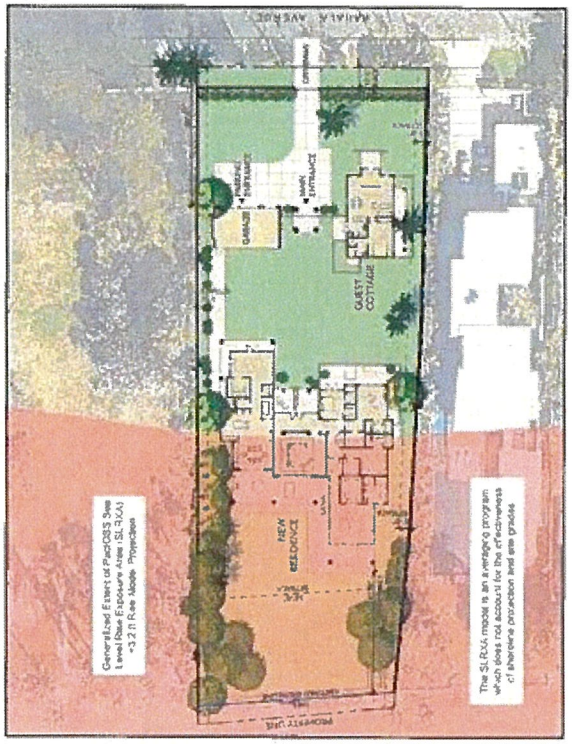


PASSIVE FLOODING AT 3.2 FEET OF SEA LEVEL RISE

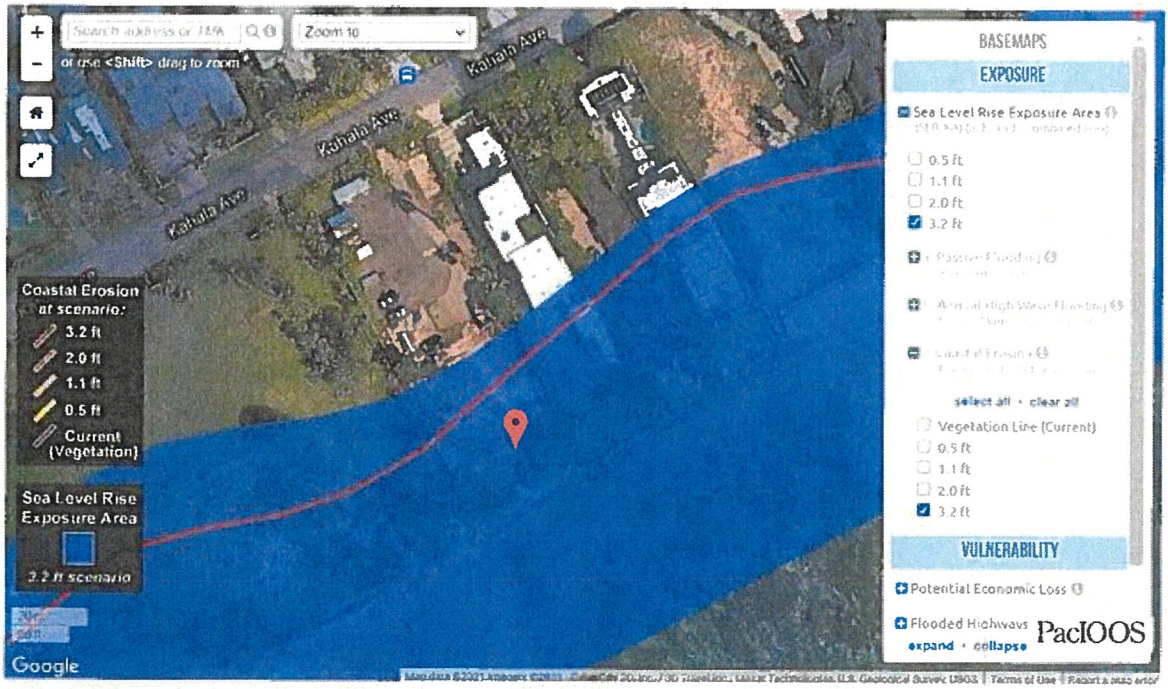


ANNUAL HIGH WAVE FLOODING AT 3.2 FEET OF SEA LEVEL RISE

EXHIBIT H1 – PROJECTED FLOODING AT 3.2 FEET OF SEA LEVEL RISE



Site Plan with Setbacks and 3.2 ft SLR-XA (PacIOOS, 2017)



G70

EXHIBIT H2 - 3.2 FEET SEA LEVEL RISE EXPOSURE AREA - COMBINED EXPOSURE AREA WITH COASTAL EROSION SCENARIO

Coastal Geology Group

in the School of Ocean and Earth Science and Technology (SOEST) at the University of Hawai'i

Hawai'i Shoreline Study web map



EXHIBIT H3 - HISTORIC EROSION RATE TRANSECTS AND FUTURE EROSION POLYGONS

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 22-61, CD1

Introduced: 03/16/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE CONSTRUCTION OF TWO NEW SINGLE-FAMILY DWELLING UNITS AND A GARAGE AT TAX MAP KEY 3-5-003:007 IN KAHALA, OAHU.

Voting Legend: * = Aye w/Reservations

03/16/22	INTRO	Introduced.
04/21/22	ZP	Reported out for adoption as amended in CD1 form. CR-121 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
04/21/22	ZP	Extension of time reported out for adoption. CR-121 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
05/04/22	CCL	Committee report and Resolution as amended were adopted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____

RESOLUTION

AMENDING RESOLUTION 22-061, CD1, TO EXTEND THE DEADLINE TO OBTAIN A DEVELOPMENT PERMIT FOR A SINGLE-FAMILY DWELLING UNIT, A GYM, AND A GARAGE IN KĀHALA, O'AHU.

WHEREAS, on May 4, 2022, the City Council ("Council"), by adoption of Resolution 22-061, CD1, approved a Special Management Area ("SMA") Major Permit proposed by 4439 Kahala, LLC (the "Applicant"), to allow for the development of two single-family dwelling units and a garage on approximately 35,428 square feet of land zoned R-7.5 Residential, located at 4439 Kāhala Avenue in Kāhala, and identified as Tax Map Key 3-5-003: 007 (the "Project"); and

WHEREAS, Condition G of Resolution 22-061, CD1, required that a development permit for the Project be issued within two years after the effective date of the SMA Major Permit, resulting in a deadline of May 3, 2024; Condition G further provided that the Director of Planning and Permitting ("DPP Director") may extend this period if the Applicant demonstrates good cause, but the period may not be extended beyond one year from the initial deadline without the approval of the Council; and;

WHEREAS, On April 30, 2024, pursuant to Condition G, the DPP Director approved a one-year extension of the deadline, resulting in a new deadline of May 3, 2025; and

WHEREAS, the Applicant has requested a further two-year extension of the May 3, 2025 deadline to obtain a development permit for the Project, as described in Departmental Communication ___ (2025), which if approved would result in a new deadline of May 3, 2027; and

WHEREAS, on March 9, 2023, the Mayor of the City and County of Honolulu signed into law Ordinances 23-3 and 23-5, which amended Revised Ordinance of Honolulu Chapters 25 and 26 relating to the SMA and shoreline setbacks; and

WHEREAS, on August 15, 2023, after approval of Resolution 22-061, CD1, with no development activity having occurred, the Project site was purchased by the current owner, ALJ Kahala, LLC ("Applicant"), and the Applicant wished to revise the Project plans; and

WHEREAS, on October 29, 2024, the DPP Director approved a Minor Modification to account for plans revisions that addressed the 2023 SMA and shoreline regulatory changes, and wherein the original conditions remained in effect, as modified, and wherein additional conditions relating to coastal hazards and invasive species were imposed; and

RESOLUTION

WHEREAS; the State Historic Preservation Division ("SHPD") issued a letter requiring that an Archaeological Monitoring Plan ("AMP") be prepared and submitted to the SHPD for concurrence, and on January 16, 2025, the Applicant submitted the AMP to the SHPD, to which no response has been received; and

WHEREAS, on March __, 2025, the DPP completed its report and transmitted to the Council by Departmental Communication ___ (2025) the DPP's findings and recommendation of approval to extend the deadline to obtain a development permit for the deadline; now, therefore,

WHEREAS, the Council, having received the findings and recommendation of the DPP on March __, 2025, and having duly considered the matter, desires to approve the requested two-year extension; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Resolution 22-061, CD1, is amended to extend the deadline to obtain a development permit for the Project to May 3, 2027; and

BE IT FURTHER RESOLVED that all other provisions of Resolution No. 22-061, CD1, are ratified and confirmed, and remain in full force and effect; and

BE IT FURTHER RESOLVED that any further extensions of this deadline will require the approval of the Council pursuant to the procedures set forth in Condition G of Resolution No. 22-061, CD1; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director of the DPP, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; Jeff Overton, G70, 111 South King Street, Suite 170, Honolulu, Hawai'i 96813; and ALJ Kahala, LLC, 610 Harland Street, Milton, Massachusetts 02186.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai'i Councilmembers