HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-93

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 221 (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

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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 18, 2025, the DPP completed its report and transmitted to the Council by Departmental Communication 221 (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 18, 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

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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:

(br)

DATE OF INTRODUCTION:

MAR 24 2025

Honolulu, Hawai'i

Councilmembers