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

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March 17, 2025

2024/SMA-129 (ST)

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: Special Management Area (SMA) Major Permit
Hale Mana Kai LLC
Reconstruction of Single-Family Dwelling
59-817 Kamehameha Highway – Pūpūkea
Tax Map Key 5-9-004: 015

Enclosed for your consideration are the Department of Planning and Permitting's (DPP) Report and Recommendation and Draft Resolution for an SMA Major Permit for the construction of a single-family dwelling to replace the second dwelling on a 19,826-square-foot shoreline property, including an integrated garage, new driveway, and concrete rubble masonry fence walls and gate.

The DPP recommends that the Project be approved, subject to compliance with recommended conditions, including standard conditions relating to coastal hazards, prohibition of short-term rentals and shoreline landscaping, archaeological resources, and invasive and protected species.

Pursuant to Revised Ordinances of Honolulu Chapter 25, the City Council must act within 60 calendar days after receipt of our Report and Recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension.

DEPT. COM. 231

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

Very truly yours,

Dawn Takeuchi Apuna
Director

Enclosures: DPP Report and Recommendation
Draft Resolution
Exhibits A, B, C, D-1 through D-5, E through L

APPROVED BY:

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

HALE MANA KAI LLC

FOR A

SPECIAL MANAGEMENT AREA
(SMA) MAJOR PERMIT

File No. 2024/SMA-129 (ST)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

PROJECT NAME:	Hale Mana Kai Single-Family Dwelling
APPLICANT/ LANDOWNER:	Hale Mana Kai LLC
AGENT:	Planning Solutions, Inc. (James T. Hayes)
LOCATION:	59-817 Kamehameha Highway – Pūpūkea (Exhibit A)
TAX MAP KEY:	5-9-004: 015 (Exhibit B)
ZONING:	R-5 Residential District (Exhibit C)
STATE LAND USE:	Urban District
DEVELOPMENT PLAN:	North Shore Sustainable Communities Plan (NSSCP)

B. Proposal: The Applicant proposes to construct a new 1,758-square (sq.)-foot (ft.) single-family dwelling to replace a second single-family dwelling on the 19,826-sq.-ft. shoreline lot that was previously demolished (Project). The new single-family dwelling will be two-story with an integrated garage and include construction of an all-weather driveway, six-foot-high concrete rubble masonry (CRM) fence walls, and a ten-foot-high CRM front fence wall and electric gate.

The replacement dwelling will be located in a similar location to the original one-story dwelling nearest the highway (mauka dwelling), about 46 ft. from the front (mauka) property line (see Exhibits D-2, F and H). The new mauka dwelling will feature two bedrooms, two baths, a two-car garage, a 132-sq.-ft. covered entry and a 130-sq.-ft. covered patio, with a building area (lot coverage) of 768 sq. ft.

Other project improvements include:

- Construction of six-ft.-high CRM perimeter fence walls along the north (Sunset Beach) and south (Waimea Bay) property lines. The new fence walls will be approximately 160 ft. and 136 ft. long, respectively;

- Construction of a 10-ft.-high CRM front fence wall and six-ft.-high electric gate on six-ft.-high CRM columns;

- Construction of approximately 3,900 sq. ft. of all-weather surface paver driveway;

- Installation of an individual wastewater system (IWS) between the existing makai dwelling and proposed mauka dwelling for wastewater treatment;

Water and electricity for the Project are provided by the existing municipal system and private utilities serving the site and surrounding neighborhood.

Approximately 50 cubic yards of engineered fill will be imported for use in the foundation of the proposed dwelling. The Project cost is estimated at approximately $1 million, and will take approximately one year and three months to complete once all required permits are obtained.

Background: The site is a developed shoreline lot in Pūpūkea-Paumalū district which contained two dwellings originally constructed in 1962. The mauka (landward) dwelling was an 880 sq. ft. single-story wood structure and the makai (seaward) dwelling was a 1,150 sq. ft. single-story wood structure. The mauka dwelling was demolished under building permit ([BP] No. 913392) issued on September 25, 2024.

The makai dwelling is currently under construction pursuant to a BP No. 892392 for its renovation, alteration, and expansion. This BP was initiated before the SMA permits were required for all residences on shoreline lots, pursuant to Act 16 of the 2020 Sessions Laws of Hawai'i. Therefore, it was not subject to an SMA permit requirement. The renovated and expanded makai dwelling will have approximately 2,440 sq. ft. of floor area, including two bedrooms, two and half baths, a kitchen, study, a laundry room, a new swimming pool with hot tub, and a fire pit on an open lanai. The makai dwelling is sited at the 40 ft. shoreline setback line. The Hawai'i (State) Department of Health (DOH) has already approved the IWS for the expanded makai dwelling.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the Department of Planning and Permitting has found:

Lot Area	19,826 sq. ft. (19,933 less 107 sq. ft. erosion) (see Exhibit D-1).
Lot Shape	Trapezoidal
Topography	Mildly sloping downward from the highway – The elevation of the site ranges from approximately 36 ft. above mean sea level (MSL) at the highway to approximately 22 ft. above MSL near the shoreline, and then descends steeply at the shoreline.
Current Development	The makai dwelling is currently undergoing alterations and expansion pursuant to a BP initiated in April, 2020 (No. 892392) (see Exhibits D-1 to D-5, and H).
Surrounding Uses	To the west – Pacific Ocean To the north – low density residential; to the east and south the Pūpūkea hillside and Waimea Bay and Waimea Valley (see Exhibits A and E).
Shoreline Survey	The Certified Shoreline Survey (CSS) is dated March 29, 2024. The CSS shows that the shoreline follows along the highest wash of the waves along the rock bank located on December 14, 2023 (see Exhibit D-1). The Project is setback over 80 ft. from the 2024 certified shoreline.
Flood Zone	*Flood Zone VE* – Approximately 10 percent of the site along the shoreline is mapped as Flood Zone VE, areas within the Special Flood Hazards Area that are subject to high velocity wave action, with a base flood elevation of 18 ft. above MSL; (see Exhibit G) and *Flood Zone X* – The remaining 90 percent of the site is mapped as Flood Zone X, areas determined to be outside the 500-year Flood Zone. (Federal Emergency Management Agency [FEMA] Flood Insurance Rate Map Panel No. 15003C0020F, September 30, 2004).
Nearest Body of Water	*Pacific Ocean* – The near-shore waters are part of the State of Hawai'i's Pūpūkea Marine Life Conservation District (MLCD), which extends from the Wananapaoa Islets on the south side to Kulalua Point, beyond Shark's Cove to the north, about a 1.2 miles. The ocean waters are also

	categorized as Marine Wetland and Marine Deepwater (see Exhibit E).
Soil Classifications	*Waialua silty clay* – The mauka portion of the site is mapped as Waialua silty clay, with three to eight percent slopes, where runoff is slow and the erosion hazard is slight. Rock land – The makai area of the site is mapped as Rock Land adjacent to the ocean. In many areas, these soils are sticky and very plastic with high shrink-swell potential (see Exhibit F; United States Department of Agriculture [USDA] Natural Resources Conservation Service [NRCS]).
Vegetation	The majority of the site consists of grass and ornamental vegetation.
Sea Level Rise (SLR) – Exposure Area (XA)	The makai-most portion of the site is projected to be within areas subject to inundation by annual high wave flooding under a scenario envisioning 3.2 ft. of SLR. However, the Project area is not anticipated to be inundated as a result of SLR-related annual high wave action by 2100. Portions of the makai dwelling amenities are projected to be within the 3.2 ft. SLR-XA by 2100 (see Exhibit H; O'ahu SLR Viewer).
Shoreline Erosion Rate	There are no erosion rates established for the Project area (see Exhibit I; O'ahu Shoreline Change Viewer). Therefore, the shoreline setback for the site is 60 ft.
Hurricane Storm Surge	The makai portion of the Project site is projected to be subject to three ft. or greater of flooding during hurricane events up to Category 4 (see Exhibit J; National Hurricane Center, *Storm Surge Risk Maps*).
Tsunami	The subject property and surrounding neighborhood are located within the tsunami evacuation zone (see Exhibit K).
Environmental Compliance	The proposed Project does not meet any of the triggers under Hawai'i Revised Statutes (HRS) Chapter 343. Therefore, no environmental assessment or review under HRS Chapter 343 is required.
Other City Permits and Approvals	City- Construction and BPs. State – IWS permit
Agency Comments	The SMA Major Application was available for review by Federal, State, and City agencies. Any letters and comments received have been included in the Project file and incorporated into the Analysis Section, as appropriate.

Neighborhood Board/ Community Association Presentation	The Project was presented to the North Shore Neighborhood Board (NSNB) No. 27 on October 22, 2024. The NSNB did not take a position on the development; however, various concerns were raised regarding dwelling size, SMA restrictions, and the potential for vacation rentals. The NSNB meeting is discussed further in Section G.
Public Hearing	The DPP conducted a Public Hearing at 10:30 a.m. on January 31, 2025, at the Fasi Municipal Building, 6th Floor Conference Room. No members of the public attended in person, by phone, or on the internet. The public hearing was attended by the Agent and DPP staff. No written testimony was received by DPP.

III. ANALYSIS

The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in Revised Ordinances of Honolulu (ROH) § 25-3.1, as well as HRS §§ 205A-2 and 205A-26(1).

A. Recreational Resources

Development within the SMA should provide coastal recreational opportunities to the public. Adequate access, by dedication or other means, to beaches, coastal dunes, recreation areas, and natural reserves must be provided to the extent consistent with sound conservation principles. Adequate and properly located public recreation areas and wildlife preserves must be preserved.

The closest recreational areas to the Project site are Waimea Bay Beach Park and the Pacific Ocean, located just south of the site. The "Three Tables" Beach Park is located about 500 ft. north of the site. The Pu'u O Mahuka Heiau State Historic Site located about 1,300 ft. east of Kamehameha Highway, on the Pūpūkea Hillside. The shoreline fronting the site is rocky and does not provide convenient lateral public shoreline access (see Exhibit D-1). The development is proposed at least 80 ft. mauka of the rocky shoreline, and will not impact lateral access opportunities along this portion of the shoreline. Therefore, the redevelopment of the second single-family dwelling on this residential site will have no direct public impact to nearby coastal recreational opportunities, including the use of beach park open spaces, or surfing, fishing, or cultural practices along this shoreline, and no related conditions of approval are recommended.

B. **Historic and Cultural Resources**

Development within the SMA should protect, preserve, and restore natural or human-made historical and cultural resources.

According to the literature review conducted for the Project by the Agent, no evidence of cultural artifacts were identified during either a field investigation or during review of historical databases and photographs. Previous sites have been uncovered in properties more than 1,800 ft. from the site, and up on the hillside caves of the Pupukea Hills, including the Pu'u o Mahuka Heiau about 1,300 ft. from the site. Additionally, the site is not part of a coastal dune and does not have beach sand or Jaucas sands. Given this, and because the Project site was also previously graded and altered, archaeological and cultural features are not anticipated to be significantly impacted by Project implementation.

However, as with any action that includes earth-moving activities, there is potential for encountering previously unknown iwi kūpuna, historic resources, or archaeological resources. Therefore, the Project should be subject to the standard stop work condition of approval. This would ensure that 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 must stop work and contact the State Historic Preservation Division (SHPD). Work in the immediate area would have to be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.

The DPP assessed the extent to which Native Hawaiian rights are customarily and traditionally exercised within the Project site, and the extent to which these rights may be affected or impaired by Project implementation. The site is an existing residentially-zoned shoreline lot in a low-density rural residential neighborhood. According to the existing archaeological literature, the Project site and its surrounding vicinity are known for Native Hawaiian surfing and fishing activity, but not for habitation. During a site visit by DPP staff, no customarily and traditionally exercised Native Hawaiian practices were observed on the Project site. The Project does not propose any change to existing established public access to the beach or Pacific Ocean for the practice of Hawaiian cultural activities, nor will Project implementation preclude the practice of Hawaiian cultural activities. As such, no adverse impacts to Native Hawaiian rights are anticipated; therefore, no conditions are recommended to preserve access or opportunities for Hawaiian cultural activities.

C. **Scenic and Open Space Resources**

Development within the SMA should protect, preserve, and whenever desirable, restore or improve the quality of coastal scenic and open space resources. Alterations to existing land forms and vegetation, other than for the cultivation of coastal dependent crops, must be limited so they result in minimum adverse impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities. Development that is not dependent on the coast is encouraged to locate mauka of the SMA.

The Project will not impact scenic and open space resources because the Project proposes the development of a single-family dwelling in a community that is zoned for residential use. The City's 1987 Coastal View Study does not identify any scenic view sheds or landmarks from the Project site. This segment of Kamehameha Highway is identified in the study as a coastal roadway, with intermittent roadway views, but the ocean views are obstructed by existing landscaping and vegetation in the vicinity of the Project site so the Project will not diminish views from the coastal highway. The Project will be consistent with the ROH Chapter 21 development standards for the R-5 Residential District, which will be confirmed during the BP review process. The Project will not be of a scale to intrude significant stationary views, which are just south (Waimea Bay) or north (Sunset Beach) of the Project site along Kamehameha Highway. Therefore, no adverse impacts to scenic and open space resources are anticipated, and no related conditions of approval are recommended.

D. **Coastal Ecosystems**

Development within the SMA should protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes from disruption, and minimize adverse impacts on all coastal ecosystems. Solid and liquid waste treatment and disposition must be managed to minimize adverse impacts on SMA resources.

The Project proposes a residential use on a residentially-zoned lot, and will be designed to avoid impacts to coastal ecosystems. Nonetheless, there is potential for temporary impacts to avian, mammalian, and reptile species during Project construction, as discussed below.

1. Sensitive Coastal Habitats and Species:

   a. Near-shore and Aquatic Habitats: The near-shore waters of the site are part of the State of Hawai'i's Pūpūkea MLCD extending from the Wānanapaoa Islets to just beyond Shark's Cove, which restricts limu picking, limits pole fishing, specifies restrictions on throw-net sizes, and times of the year for 'opelu (August-September) and akule (November and December). The MLCD

prohibits fishing, killing, injuring, or removing all marine life (including eggs), or altering geologic features, or baiting of marine life. The Project will not impact the MLCD or the recreational uses along the shoreline.

b. Wetlands and Streams: The Project site does not contain any areas designated as wetlands or streams. The Pacific Ocean is identified as Marine Wetland and Marine Deepwater (see Exhibit E). The Project is not anticipated to result in adverse impacts to the Pacific Ocean, as the proposed dwelling will be constructed outside of the shoreline setback area, outside the SLR-XA, and is required to comply with the City's *Rules Relating to Water Quality, Rules Relating to Storm Drainage Standards* (Storm Water Rules) which prohibit uncontrolled runoff.

c. Flora: The existing vegetation at the site consists of non-native grasses and ornamental landscaping plants along the perimeter boundaries with neighboring properties. No species of special concern, special native plant habitats, or plantings not found elsewhere in this region of O'ahu are present. As no rare, threatened, or endangered floral species are known to be present on the site, no impacts to these species are anticipated. Therefore, no conditions related to the protection of threatened or endangered flora species are recommended.

d. Fauna: A review of the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC) database revealed there are several threatened and endangered fauna species that may visit the site for foraging or breeding purposes. Sensitive terrestrial mammal species which may be present include the Hawaiian Hoary Bat. Hawaiian Hoary Bats may roost in trees or tall vegetation in the Project area. Therefore, to avoid impacting this species, woody plants greater than 15 ft. in height should not be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). Further, barbless fencing should be used for all fence construction to avoid entanglement of Hawaiian Hoary Bats. These standard measures should be conditions of approval.

Sensitive avian species which may be present include Hawaiian seabirds and water birds (Band-rumped Storm-petrel, Hawaiian Common Gallinule (moorhen), Hawaiian Coot, Hawaiian Duck, Hawaiian Petrel, Hawaiian Stilt, and Newell's Shearwater), and migratory birds (Black Noddy, Bristle-thighed Curlew, Laysan Albatross, O'ahu 'amakihi, Red-tailed Tropicbird, and Wandering Tattler). These species may be impacted by Project

implementation, particularly during construction activities. Therefore, standard conditions relating to the protection of these avian species are recommended.

The IPaC database also identifies the Green Sea Turtle and the Hawksbill Sea Turtle as protected reptile species. However, the rocky coastline along the site makes it unlikely that those turtles would make their presence in the Project area. According to National Oceanic and Atmospheric Administration Fisheries, marine critical habitat for Hawaiian monk seals includes the ocean waters near the Project site. However, the rocky shoreline fronting the Project site makes it unlikely to serve as an area for seals to haul out and breed, and for turtles to nest. Nonetheless, standard conditions relating to the protection of marine fauna species are recommended.

Artificial lighting can be disruptive to avifauna and marine life in their navigation, nesting, and reproductive cycles. Therefore, all outdoor lighting should be fully shielded, and nighttime work (from sunset to sunrise) must be avoided during the seabird fledgling season from September 15 through December 15. To further mitigate potential lighting impacts, the Applicant should use full cutoff light fixtures for exterior lighting. The International Dark Sky Association has established lighting standards to mitigate ecological impacts. Their Fixture Seal of Approval program requires that lighting have a correlated color temperature of 3,000 degrees kelvin or lower. These standard measures should be conditions of approval.

e. Invasive Species: According to the O'ahu Invasive Species Committee (OISC) website, there are several invasive flora and fauna species being targeted for eradication on O'ahu. Flora species include cane tibouchina, cape ivy, devil weed, fireweed, glory bush, himalayan blackberry, miconia, naio thrips, pampas grass, and the fungi that cause rapid 'ōhi'a death. Fauna species include coconut rhinoceros beetles, coquí frogs, and little fire ants. The Applicant proposes the importation of approximately 50 cubic yards of engineered fill. The OISC provides protocols for decontamination in the event these species are encountered, as well as protocols to prevent the spread of these species. These measures should be conditions of approval.

2. Reefs, Beaches, and Coastal Dunes: The Project site is not designated as containing beaches, or coastal dunes.

3. Solid and Liquid Waste Treatment and Disposition: The City Refuse Division of the Department of Environmental Services provides curbside solid and green waste and recycling services to the site. The Project will be required to comply with existing regulations and implement best management practices (BMP), including the use of dust fences, siltation barriers, and socks, and should minimize potential air and water quality impacts associated with soil disturbance and storm water or irrigation runoff. Potable water and fire suppression water for the Project will be provided by the existing municipal systems along Kamehameha Highway. Wastewater disposal will be provided by an on-site IWS that is subject to State DOH requirements. Therefore, no conditions related to solid and liquid waste treatment and disposition are recommended.

Upon implementation of the recommended conditions, along with standard water quality and erosion BMPs, potential impacts to coastal ecosystems will be mitigated.

E. **Economic Uses**

Development within the SMA should consist of facilities and improvements important to the State's economy, and ensure that coastal-dependent development and coastal-related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts within the SMA.

Implementation of the Project will result in a temporary increase in jobs and economic activity during construction through the rental and purchase of equipment, materials, and supplies. Otherwise, the proposed replacement of the second single-family dwelling is anticipated to result in minimal changes to the State's economy. Therefore, no SMA condition is recommended at this time.

F. **Coastal Hazards**

Development within the SMA should reduce impacts of coastal hazards on life and property, and must be designed to minimize impacts from landslides, erosion, SLR, siltation, or failure in the event of earthquake.

1. Flooding: The Project area is in Flood Zone X, which corresponds with areas designated to be outside the 500-year flood, and is therefore, not subject to compliance with ROH §21A, the Flood Hazard Areas Ordinance. Therefore, no conditions specific to flooding are recommended.

2. SLR: Based on a review of the University of Hawaii (UH) Pacific Island Ocean Observing System Hawai'i SLR Viewer, the makai edge, or about 20 percent of the total 19,826 sq. ft., is projected to be subject to annual

wave action under a scenario envisioning 3.2 ft. of SLR by 2100 (see Exhibit H). However, the mauka dwelling is outside the projected impact area, is not located in a special Flood Hazard Zone, and is not sited on soils comprised of Jaucus or beach sand. Therefore, special foundation designs (i.e., elevation, micro-piles, etc.) are not required. In the long-term, the mauka dwelling is not anticipated to affect public beaches, shoreline access, or natural shoreline processes as the Applicant has aptly located it away from the potential hazards.

Nevertheless, future inundation of the makai edge of the site could result in impacts to the dwellings and could cause materials to enter into the ocean and Pupukea MLCD. The Applicant and all owners of the site, including successor owners, should be notified of the potential for coastal hazards of the subject property, and that as SLR occurs, inundated land area makai of the shoreline becomes part of the State's Land Use Conservation District. Additionally, they should also be made aware that SLR mitigation, clean-up, or restoration is their responsibility. Therefore, the acknowledgement of such restrictions and responsibility is recommended as a condition of approval.

3. Storm Surge: The National Hurricane Storm Surge Hazard Maps indicate that the makai portion of Project site is projected to be subject to three ft. or greater of flooding during hurricane events up to Category 4 (see Exhibit J). As currently proposed, development will be located mauka of the 60 ft. shoreline setback line. Construction is required to conform with relevant building codes to mitigate the risk of flood and wind damage, and comply with local ordinances in conjunction with FEMA guidance. When a hurricane is approaching a coastal location, early evacuation is usually standard mitigation to address the possibility of accompanying storm surge with high winds. Therefore, in the short-term, human safety impacts related to hurricane storm surge inundation are not anticipated, but structural damage may still occur. In the long-term, the potential for storm-surge-related damage is anticipated to increase as rising sea levels result in water inundating the site. Therefore, SLR-related conditions are recommended in Section F.2, above. No additional conditions specific to hurricane storm surge are recommended.

4. Tsunami: The entirety of the Project site is located within the tsunami evacuation zone (see Exhibit K). During a tsunami warning, evacuation requirements will be enforced based on guidelines issued by the Department of Emergency Management. As such, no conditions specific to tsunami events are recommended.

G. **Managed Development and Public Participation**

The development review process should stimulate public awareness, education, and participation in coastal management.

The public was made aware of the Project and was given the opportunity to review the proposed Project prior to and during processing of the SMA Major Permit application. The application materials were also posted on the DPP website upon acceptance of the application for processing.

During the SMA review process, the application was available for review by members of the public and Federal, State, and City agencies. Any letters and comments received have been included in the Project File and incorporated into the Analysis Section, as appropriate. Prior to submittal of the SMA application to the DPP, the Agent presented the Project to NSNB No. 27. The NSNB did not take a position on the development, but expressed several concerns about the Project, including the increase in the dwelling size, the on-going renovation/expansion of the existing dwelling, traffic safety, and the potential for short-term rental use of the new dwellings. Their concerns were addressed by the Agent, who clarified that the R-5 Residential District standards allow for even greater development (i.e., up to three single-family or four dwelling units in two two-family detached dwellings). The Agent also pointed out that the Applicant is required to exit the driveway in a forward-facing manner. The Agent also clarified that the design allows operation of the entry gate without obstruction of the highway, which is prohibited.

The DPP conducted a Public Hearing on the SMA Major Permit application at 10:30 a.m. on Friday, January 31, 2025, at the Fasi Municipal Building, 6th Floor Conference Room. Notices of the application and public hearing were published in the January 10, 2025, Honolulu Star-Advertiser and sent to neighbors within 300 ft. of the subject property, various public agencies, elected officials for the area, and other interested parties. The hearing was attended by the Agent and DPP staff. No members of the public attended in-person, online, or by phone. The DPP did not receive any written or email testimony. A recording of the public hearing is available upon request.

H. **Beach and Coastal Dune Protection**

Development within the SMA should facilitate beach management and protection by safeguarding beaches and coastal dunes for public use and recreation, the benefit of ecosystems, and use as natural buffers against coastal hazards. New structures should be located mauka of the shoreline setback line to conserve open space, minimize interference with natural shoreline processes, and minimize the loss of improvements due to erosion.

The site does not contain either a dry or wet sand beach or coastal dune. According to mapping by the USDA NRCS, the Project site is underlain by basalt rock soils and the shoreline is rocky (see Exhibit F). The rocky shoreline does not afford lateral public access, nor does it contribute to the natural movement of sand and sediment that creates and maintains the nearby Waimea Bay sandy public beach (See Exhibit I). As such, the Project will not adversely impact beaches or coastal dunes, and the dwelling will be located mauka of the shoreline setback line to minimize interference with any natural processes. However, landscaping should not be used to artificially affect the shoreline in such a way to advance it seaward, effectively increasing private developable areas. Therefore, the standard condition prohibiting seaward landscaping is recommended as a condition of approval.

Nevertheless, the Applicant and successor owners should be aware that pursuant to ROH § 26-1.8(b)(3)(E), a determination of hardship as a result of any discretionary land use permit granted after June 16, 1989, is not a basis for requesting a Shoreline Setback Variance (SSV). This means that where a discretionary land use permit is used to authorize development, the Applicant cannot later claim hardship as the basis for an SSV in order to protect that development. This SMA Major Permit is a discretionary land use permit. Therefore, upon approval of this SMA Major Permit, the Applicant is precluded from obtaining a SSV to protect the subject property from erosion or other coastal hazards with new shoreline hardening structures. This is recommended as a condition of approval to ensure that the Applicant and successor owners or interests are fully aware of this regulatory standard.

I. **Marine and Coastal Resources**

Development within the SMA should promote the protection, use, and development of marine and coastal resources to ensure that these resources are ecologically and environmentally sound and economically beneficial. Impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities resulting from the construction of structures must be minimized. Development within wetland areas should be limited to activities that are dependent on or enhance wetlands, or are otherwise approved by appropriate State and federal agencies.

The Project is on a shoreline lot which is located along the State Pūpūkea MLCD. These near-shore areas have extra State protection due to their importance and susceptibility to over fishing and/or overuse. The MLCD prescribes the restrictions on the use and/or management of marine resources. The Project is not anticipated to result in adverse impacts to these marine waters, as the Project is subject to the City "Rules Relating to Water Quality, Storm Water BMP Guide for New and Redevelopment" (Storm Water Rules) and other applicable regulations, such as the Clean Water regulations of Hawai'i Administrative Rules (HAR) Chapter 11-54. These will be confirmed during the BP review process.

No drainage improvements are shown on current plans. The Storm Water Rules require the incorporation of natural swales to filter contaminants and facilitate percolation of runoff into the ground on the site, such that runoff is not directed off-site or towards the shoreline or marine environment, thereby reducing the potential for impacts to the marine life and coastal resources. Any proposed paving should be required to utilize permeable materials, such as grasscrete to the extent practicable, to further reduce off-site runoff. The Project increases impervious surface areas due to the additional building area and completion of the all-weather surface driveway improvement, which totals approximately 10,154 sq. ft. (approximately 51 percent of the site). The overall site complies with Land Use Ordinance (LUO) standard of 75 percent. The use of impervious surface material for the driveway and open parking area would facilitate drainage within the site, and decrease the storm water runoff volume and velocity towards the ocean and the MLCD. Although the Applicant proposes a paver driveway, the use of other pervious surface materials, such as grasscrete and grass block pavers, is recommended as an SMA condition of approval.

As discussed above, in the long-term, SLR and coastal hazard events may threaten losses of the improvements of the existing makai dwelling, which may also result in household materials, structural components, utility infrastructure, and swimming pool waters entering and polluting the ocean and MLCD waters as SLRs. Impacts and recommended conditions related to SLR are discussed above under Section F.2. Therefore, no additional conditions specific to marine and coastal resources are recommended.

J. **Cumulative Impact or Significant Effect and Compelling Public Interest**

Development within the SMA should not have any cumulative impact or significant effect, unless minimized to the extent practicable and clearly outweighed by public health, safety, or other compelling public interest.

Substantial or cumulative negative environmental impacts associated with the implementation of the Project along with other past, present, and reasonably foreseeable projects in the Project vicinity are not anticipated, so long as the recommended conditions of approval are implemented. The Project site and other lots within 500 ft. of the Project site perimeter are zoned for residential use and are limited based on the residential development standards of ROH Chapter 21. The subject property along with those to the southwest, east, and northeast are also located within the SMA, which requires any activity meeting the definition of development to undergo review for impacts to the sensitive coastal resources previously described in this report. The Project site is within a previously-established residential area to which existing access, electricity, water, and municipal fire suppression water are already available. Wastewater services will be provided by a new IWS.

No reasonable foreseeable (relatively concurrent) development projects were identified over a five-year span and within a 500-ft. radius of the Project site (see Exhibit L). The potential for site-specific or cumulatively considerable impacts associated with the Project have been evaluated herein, and where necessary, conditions of approval are recommended. Therefore, upon implementation of the recommended conditions of approval and compliance with applicable regulatory requirements, it is not anticipated that the Project will contribute to a significant cumulative impact to SMA resources. Given this, no conditions of approval specific to cumulative impacts are recommended.

K. Consistency with Plans and Regulations

Development within the SMA must be consistent with the general plan, development plans, sustainable communities plans, and zoning ordinances; provided that a finding of inconsistency does not preclude concurrent processing of amendments to applicable plans or a zone change.

The proposal is generally consistent with the applicable plans and regulations, as detailed below.

1. O'ahu General Plan (GP): The Project will be generally consistent with the O'ahu GP. The O'ahu GP identifies the Project area as a rural area. The most applicable O'ahu GP policies for Natural Environment and Resource Stewardship (i.e. SMA resources) are as follows:

    - Objective A, Policy 1 requires the protection of O'ahu's natural environment, especially the shoreline, valleys, ridges, watershed areas, and wetlands from incompatible development;

    - Objective A, Policy 4 requires development projects to give due consideration to natural features and hazards such as slope, inland and coastal erosion, flood hazards, water-recharge areas, and existing vegetation, as well as to plan for coastal hazards that threaten life and property; and

    - Objective A, Policy 5 requires sufficient setbacks from O'ahu's shorelines to protect life and property, preserve natural shoreline areas and sandy beaches, and minimize the future need for protective structures or relocation of structures.

    Each of these resource areas is discussed above, and where necessary, conditions of approval are recommended. Provided these conditions of approval are implemented, the proposed construction of the replacement single-family dwelling on this residentially-zoned lot is generally consistent with the O'ahu GP. Therefore, no conditions of approval related to O'ahu GP compliance are recommended.

2. NSSCP: The NSSCP Land Use Map identifies the Project area as "rural communities" within the Community Growth Boundary. The most applicable NSSCP policies for the preservation of open space, coastal lands, and historical and cultural resources (i.e. SMA resources) are as follows:

- Protect and enhance significant natural features and ecologically sensitive lands, including mountain areas, shoreline areas, wetlands, fishponds, natural gulches, streams, and drainage ways. Provide protective buffer zones and setbacks around biologically sensitive areas to minimize habitat disturbance;

- Protect recreational areas that contribute to the North Shore's open space quality, including the ocean and its resources, the shoreline and mountain areas, park spaces, and other quasi-public recreational facilities;

- Protect and preserve views of scenic resources, including the Wai'anae and Ko'olau Mountain Ranges, coastal Pali, the coastline, and the Pacific Ocean; and

- Establish adequate shoreline setbacks that consider shoreline changes resulting from erosion hazards and rising sea levels using data such as the annual average erosion rate from the UH shoreline erosion studies.

The Project site is not within any identified open-space, recreational area, wetland, or historic site on the NSSCP resource maps. The beach area nearest the Project site is the world-famous Waimea Bay Beach Park. The site is located just north of the famous beach park. Although Kamehameha Highway is recognized as having intermittent views toward the Pacific Ocean, this segment of the highway does not afford such views due to existing rural residential development and associated landscaping and vegetation. The NSSCP does not identify any natural resources, forest reserves, critical habitat, or cultural or archaeological resources at the Project site. As discussed above, the Project will not interfere with recreational activities, cultural practices, or natural beach processes on the nearby public beach area or Pacific Ocean in the short-term.

The Project, which is the replacement of the second dwelling on the site, is outside the 3.2-ft. SLR area. About 40 ft. of the makai portion of the site is anticipated to be impacted by high wave action with 3.2 ft. of SLR, but the Project site is outside of that area and conditions relating to landowner acknowledgments have already been proposed. Therefore, no additional conditions of approval specific to NSSCP compliance are recommended.

ROH Chapter 21, LUO: The Project complies with the development standards of the LUO. The 19,826-sq.-ft. site in the R-5 Residential District allows two single-family detached dwellings. The proposed replacement of the second dwelling complies with all required yard, height, and height setbacks, density, and building area (lot coverage) standards (see Exhibits D-1 through D-5). Compliance with all development standards of the Residential District and other LUO requirements will be confirmed or required during the BP review process.

Pursuant to LUO Table 21-3, short-term rentals, including both bed and breakfast establishments and transient vacation units, are not allowed in residential districts. To ensure the Applicant and all successors are aware of this limitation, the acknowledgement of this prohibition in the residential district is recommended as a condition of approval. Provided that the above-mentioned conditions are complied with, the Project will be consistent with the LUO.

3. ROH Chapter 26, Shoreline Setback Ordinance: The Applicant proposes to construct the replacement second dwelling outside of the 60-ft. setback. Since the O'ahu Shoreline Change Mapper does not identify a historical erosion rate along this portion of the coastline (see Exhibit I), no additional erosion-rate based setback requirement applies. Therefore, the Project complies with ROH Chapter 26, and no condition of approval is recommended.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of ROH §§ 25-3.1 and 25-4.1, and HRS §§ 205A-2 and 205A-26(1), and was found to be consistent with established SMA objectives, policies, and guidelines, provided the appropriate conditions of approval are imposed. Based on the analysis, the proposed Project will not adversely impact SMA resources, provided that appropriate mitigative conditions are implemented as recommended.

V. RECOMMENDATION

Based on the preceding Analysis and Conclusions of Law, it is recommended that this application for a SMA Major Permit be **APPROVED**, subject to the following conditions:

A. The 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 through C, D-1 through D-5, and E 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, as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and

SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution, upon review and approval by the DPP Director.

B. By proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

> *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:*
>
> 1. *Tax Map Key (TMK) 5-9-004: 015 is susceptible to coastal hazards, which may result in harm to or loss of life and property.*
>
> 2. *TMK 5-9-004: 015 is projected to be impacted by 3.2 feet of Sea Level Rise (SLR) 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-Exposure Area. 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."*

C. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District due to anticipated SLR, by proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

> *"In choosing to implement construction activities at TMK 5-9-004: 015, the landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner further acknowledges that should any portion of a structure encroach into State public land, the State Board of Land and Natural Resources may require the removal of the structure or a lease for the encroachments extending into the State public land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information and the landowner*

shall hold harmless and indemnify the City for any responsibility that may result from adverse impacts associated with SLR and coastal erosion."

D. Following approval of this SMA Major Permit, neither the current landowner, nor any successor owner or interested party, may claim hardship due to erosion, SLR, or any other coastal hazard, in order to obtain approval for a SSV for a new shoreline protection structure. By proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

"In choosing to undertake the development at TMK 5-9-004: 015, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified) 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."

E. To ensure the Applicant is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, by proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that bed and breakfast homes and transient vacation units, as those terms are defined in Revised Ordinances of Honolulu Chapter 21, the Land Use Ordinance, are not allowed on TMK 5-9-004: 015."

F. To preserve the natural shoreline, 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 hardening 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 CSS for the shoreline lot, or in the event there is no current CSS for the lot, seaward of the shoreline as defined in HRS Chapter 205A;

3. Landscaping in the shoreline area between the dwelling and the shoreline must be limited to vegetation that is naturally hardy or endemic to the shoreline area; and.

4. The Project's irrigation system must be designed so that water does not traverse seaward of the shoreline as depicted in the current CSS for the shoreline lot, or in the event there is no current CSS 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 BP plans.

G. To minimize impacts to marine and coastal resources, the Applicant must use, to the extent possible, pervious surface materials, such as but not limited to grasscrete or grass block pavers, for the driveway and open parking areas.

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

H. To minimize impacts to archaeological, historic, or cultural resources that may be present on the Project site, the Applicant shall comply with the following:

1. Prior to commencing any ground disturbing or construction activity for the Project, the Applicant shall submit to the DPP a copy of the written determination from the SHPD 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. The Applicant shall consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD for all historic and cultural resources (including iwi kūpuna) discovered on the Project site; 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 SHPD immediately. Work in the immediate area must be stopped until SHPD has assessed the impact and has made further recommendations for mitigative activity.

The requirements enumerated in this condition must be clearly stated under

"Environmental Notes" on all Project construction permit plans and BP plans.

I. 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 lamps must not exceed a color temperature of 3,000 degrees kelvin;

2. Artificial light from exterior light fixtures on the Project site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates, or is directed across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS §205A-71(b);

3. Exterior light fixtures on the Project site must be fully shielded using full cutoff fixtures with the light directed downward so that the light bulb is only visible from below the light fixture;

4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset);

5. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian Hoary Bats;

6. Woody plants greater than 15 ft. in height must 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, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

J. 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 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 Protocols must be distributed to all workers who will be present at the site; posted at the Project site in a visible location accessible to all Project workers, including delivery and haul-out contractors; or both if directed to do so by the DPP. 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 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 BP plans.

K. Permits.

The Applicant must obtain a construction permit or BP for the Project within 36 months after the effective date of this SMA Major Permit. Failure to obtain a construction permit or BP within this period will render this SMA Major Permit null and void, provided that this period may be extended as follows:

1. The DPP Director may extend this period if the Applicant demonstrates good cause; provided that the DPP Director may not extend the period beyond one year from the initial deadline set by the Council.

2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension that includes the DPP Director's findings and recommendations thereon. The Council may approve the proposed extension, approve 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 construction permit or BP;

   the extension will be deemed to be denied.

L. Approval of this SMA Major Permit does not constitute compliance with other City ordinances, including but not limited to the 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.

Dated at Honolulu, Hawai'i, this 17th day of March 2025.

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

By _____
Dawn Takeuchi Apuna
Director

Enclosures: Exhibits A through C, D-1 through D-5, E through L

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING TO REPLACE THE SECOND SINGLE-FAMILY DWELLING, INCLUDING A GARAGE, NEW PAVED DRIVEWAY, PERIMETER FENCE WALLS AND GATE IN PŪPŪKEA, O'AHU.

WHEREAS, on December 6, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2024/SMA-129) of Hale Mana Kai LLC ("Applicant") for a Special Management Area ("SMA") Major Permit to allow for the construction of a new single-family detached dwelling to replace a second dwelling, with an all-weather surface paved driveway, concrete rubble masonry ("CRM") side fence walls, and CRM front wall with gate on approximately 19,826 square feet of land zoned R-5 Residential District, located at 59-817 Kamehameha Highway, in Pūpūkea, and identified as Tax Map Key 5-9-004: 015 (the "Project"); and

WHEREAS, on January 31, 2025, the DPP held a public hearing at the Fasi Municipal Building 6th Floor Conference Room, which was attended by the Applicant's Agent and DPP staff, with no members of the public attending either in-person or by phone, and no written testimony submitted; and

WHEREAS, on March 17, 2025, 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 Revised Ordinances of Honolulu 2021 ("ROH") §§ 25-3.1 and 25-4.1 and Hawai'i Revised Statutes ("HRS") §§ 205A-2 and 205A-26 completed its report and transmitted its findings and recommendation of approval to the City and County of Honolulu Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on _____, by Departmental Communication _____ (2025), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major Permit, subject to the conditions enumerated below; now, therefore,

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

RESOLUTION

A. The 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 through C, D-1 through D-5, and E 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, as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution, upon review and approval by the DPP Director.

B. By proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project building permit ("BP") plans:

> *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) the following:*
>
> 1. *Tax Map Key (TMK) 5-9-004: 015 is susceptible to coastal hazards, which may result in harm to or loss of life and property.*
>
> 2. *TMK 5-9-004:015 is projected to be impacted by 3.2 feet of Sea Level Rise (SLR) 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-Exposure Area. 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."*

C. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District due to anticipated sea level rise ("SLR"), by proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

"In choosing to implement construction activities at TMK 5-9-004:015, the landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner further acknowledges that should any portion of a structure encroach into State public land, the State Board of Land and Natural Resources may require the removal of the structure or a lease for the encroachments extending into the State public land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information and the landowner shall hold harmless and indemnify the City for any responsibility that may result from adverse impacts associated with SLR and coastal erosion."

D. Following approval of this SMA Major Permit, neither the current landowner, nor any successor owner or interested party, may claim hardship due to erosion, SLR, or any other coastal hazard, in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure. By proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans:

"In choosing to undertake the development at TMK 5-9-004: 015, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified) 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."

E. To ensure the Applicant is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, by proceeding with the Project, the Applicant acknowledges the following statement, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that bed and breakfast homes

and transient vacation units, as those terms are defined in Revised Ordinances of Honolulu Chapter 21, the Land Use Ordinance, are not allowed on TMK 5-9-004:015."

F. To preserve the natural shoreline, 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 hardening 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 ("CSS") for the shoreline lot, or in the event there is no current CSS for the lot, seaward of the shoreline as defined in HRS Chapter 205A;

3. Landscaping in the shoreline area between the dwelling and the shoreline must be limited to vegetation that is naturally hardy or endemic to the shoreline area; and.

4. The Project's irrigation system must be designed so that water does not traverse seaward of the shoreline as depicted in the current CSS for the shoreline lot, or in the event there is no current CSS 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 marine and coastal resources, the Applicant must use, to the extent possible, pervious surface materials, such as but not limited to grasscrete or grass block pavers, for the driveway and open parking areas.

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

H. To minimize impacts to archaeological, historic, or cultural resources that may be present on the Project site, the Applicant shall comply with the following:

1. Prior to commencing any ground disturbing or construction activity for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") 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. The Applicant shall consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD for all historic and cultural resources (including iwi kūpuna) discovered on the Project site; 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 SHPD immediately. Work in the immediate area must be stopped until SHPD has assessed the impact and has made further recommendations for mitigative activity.

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

I. To minimize 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 lamps must not exceed a color temperature of 3,000 degrees kelvin;

2. Artificial light from exterior light fixtures on the Project site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates, or is

directed across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b);

3. Exterior light fixtures on the Project site must be fully shielded using full cutoff fixtures with the light directed downward so that the light bulb is only visible from below the light fixture;

4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset);

5. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian Hoary Bats;

6. Woody plants greater than 15 feet in height must 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 feet 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, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

J. 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 O'ahu 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 Protocols must be distributed to all workers who will be present at the site; posted at the Project site in a visible location accessible to all Project workers, including delivery and haul-out contractors; or both if directed to do so by the DPP. 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 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 BP plans.

K. Permits.

The Applicant must obtain a construction permit or BP for the Project within 36 months after the effective date of this SMA Major Permit. Failure to obtain a construction permit or BP within this period will render this SMA Major Permit null and void, provided that this period may be extended as follows:

1. The DPP Director may extend this period if the Applicant demonstrates good cause; provided that the DPP Director may not extend the period beyond one year from the initial deadline set by the Council.

2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension that includes the DPP Director's findings and recommendations thereon. The Council may approve the proposed extension, approve 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 construction permit or building permit;

    the extension will be deemed to be denied.

L. 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

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to James T. Hayes, Planning Solutions, Pacific Park Plaza, Suite 950, 711 Kapi'olani Boulevard, Honolulu, Hawai'i 96813-5213; 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:

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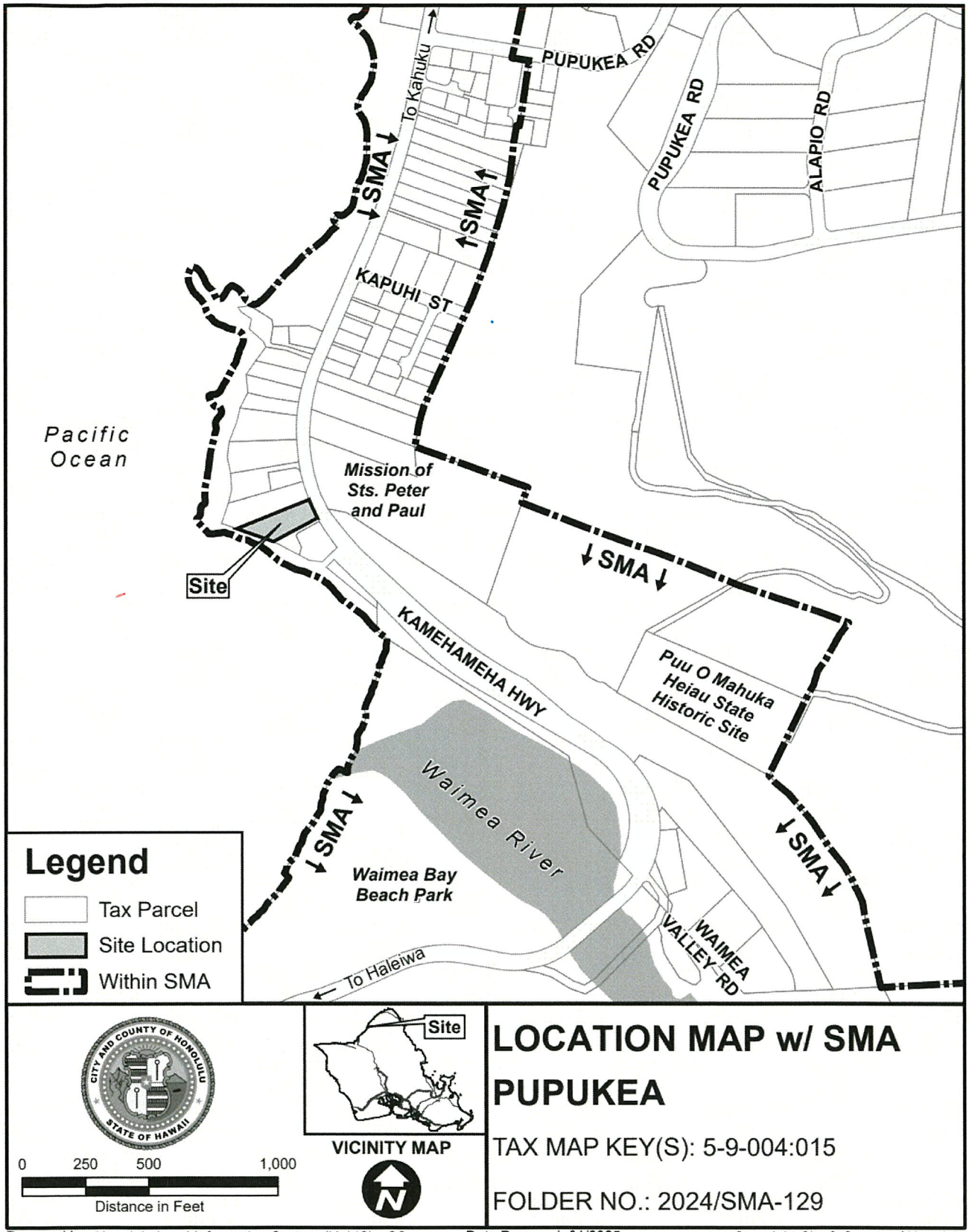
DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai'i Councilmembers

DPP24SMA129



LOCATION MAP w/ SMA
PUPUKEA

TAX MAP KEY(S): 5-9-004:015

FOLDER NO.: 2024/SMA-129

Prepared by: Honolulu Land Information System (HoLIS) - CS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 01/2025

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EXHIBIT A

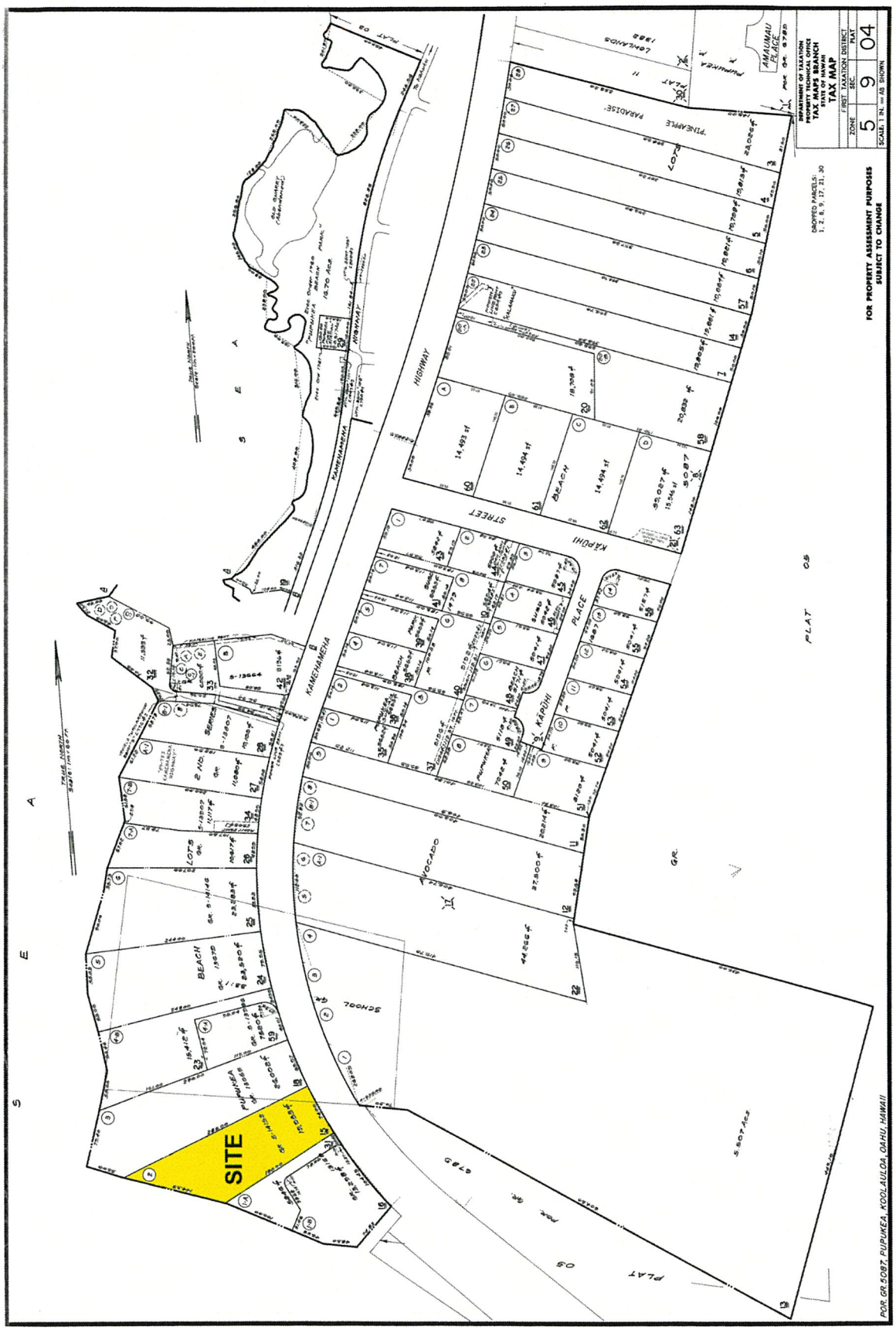
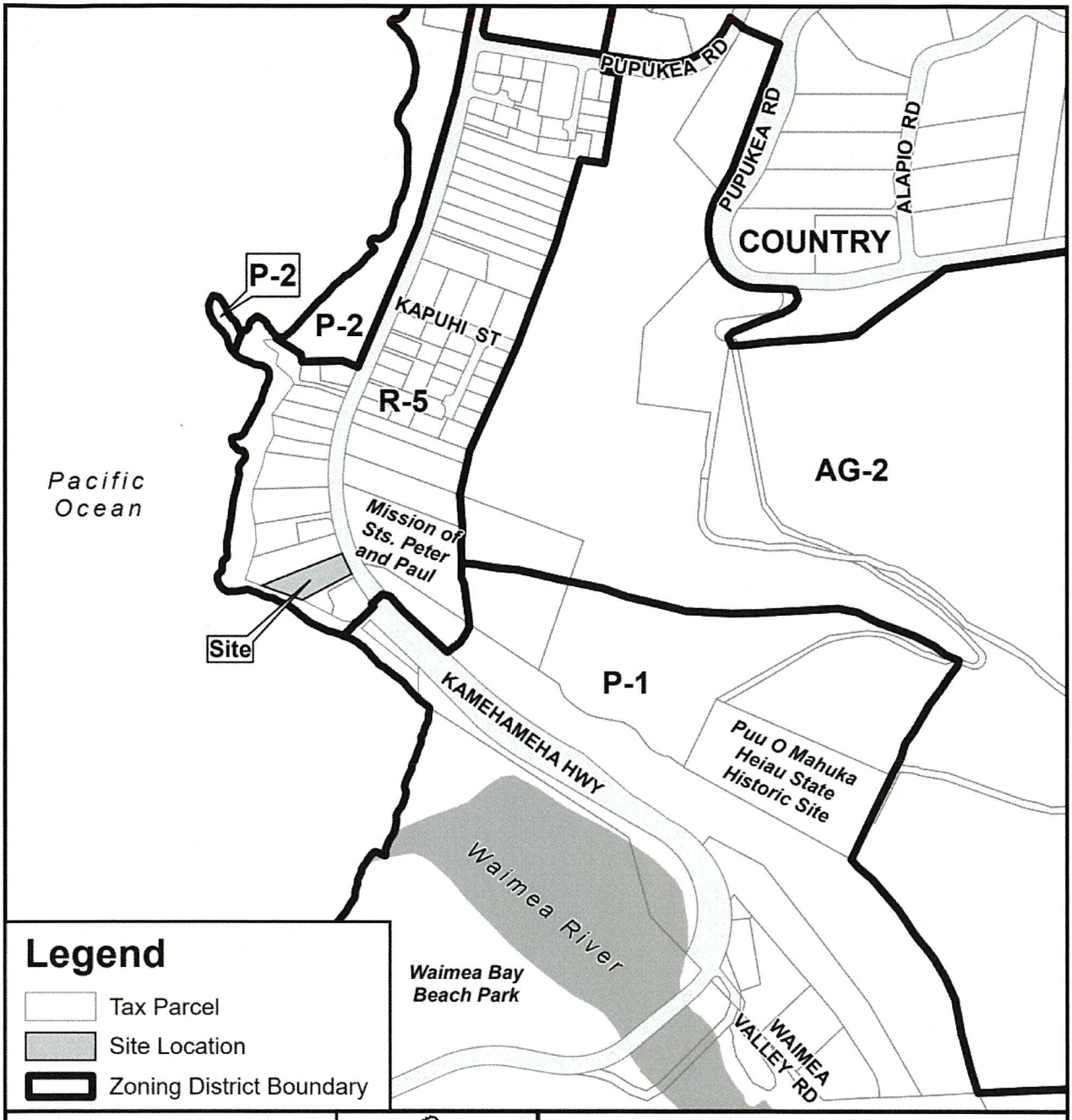


EXHIBIT B

FILE NO.: 2024/SMA-129



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Department of Planning & Permitting (DPP)
City and County of Honolulu

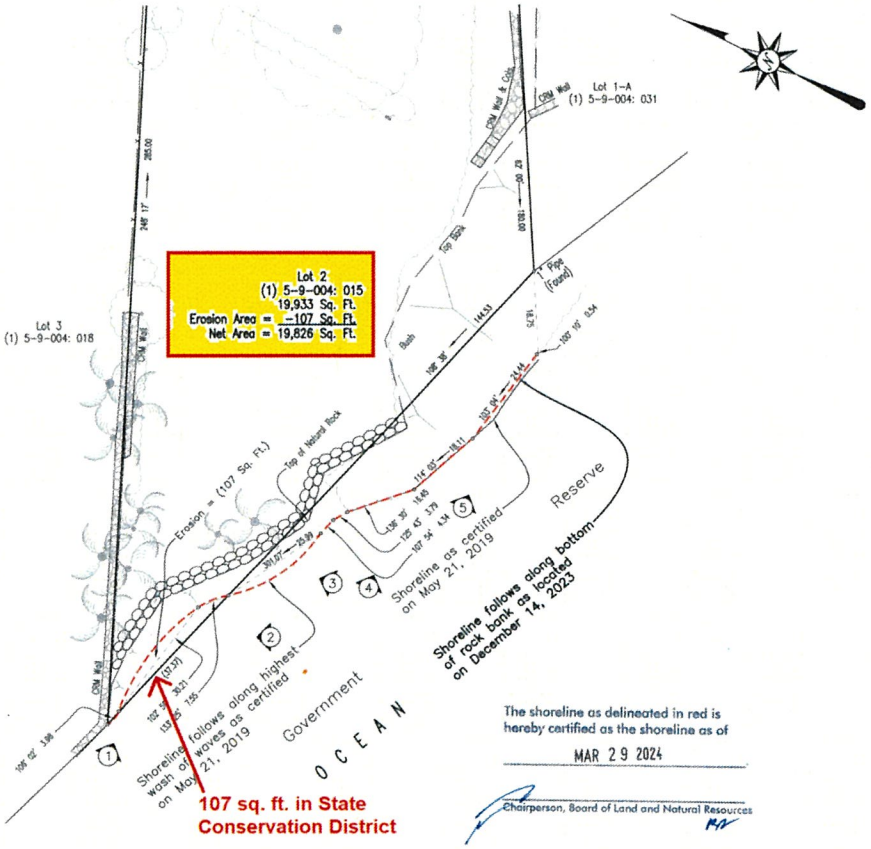
Date Prepared: 01/2025

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EXHIBIT C

EXHIBIT D-1

FILE NO.: 2024/SMA-129





The shoreline as delineated in red is hereby certified as the shoreline as of

MAR 29 2024

Chairperson, Board of Land and Natural Resources

Site Address: 59-817 Kamehameha Highway, Haleiwa, HI 96712

Owners: Hale Mana Kai LLC
195 S Grand Avenue, Pasadena, CA 91105

Notes:
Azimuths referred to Government Triangulation Station "WAIMEA".

Shoreline Photo ID & Direction
Photos taken on December 14, 2023 around 3:30 p.m.

GRAPHIC SCALE 1"=20'

20 10 0 20 40 60

KENN S. NISHIHIRA
LICENSED PROFESSIONAL LAND SURVEYOR
No. 9043
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

Exp. 04/24

LICENSED PROFESSIONAL LAND SURVEYOR No. 9043

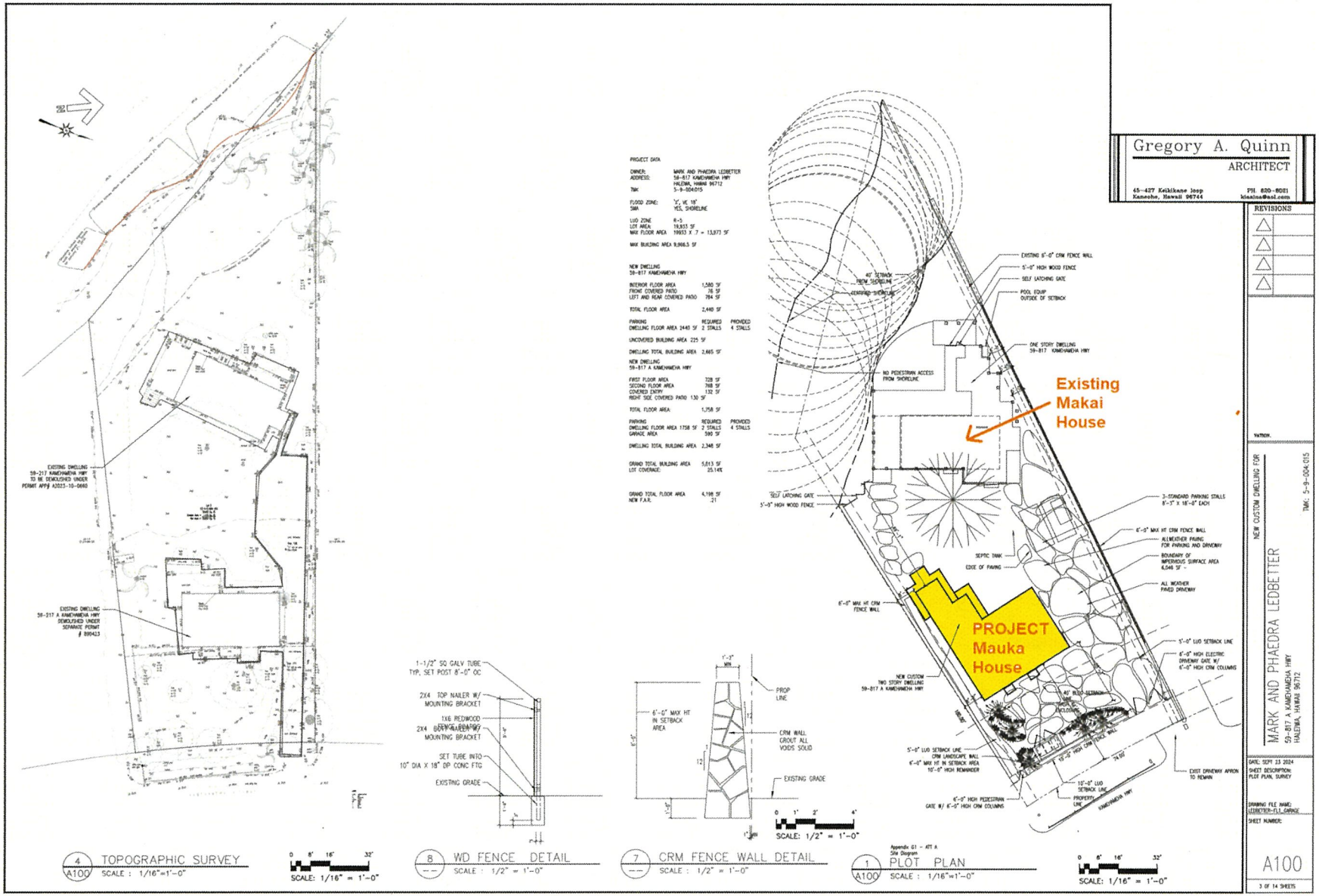
KN Surveying, LLC
1733 ULIHA STREET
HONOLULU, HAWAII 96817
PH. 524-7100

SHORELINE SURVEY MAP
LOT 2 OF PUPUKEA BEACH LOTS, SECOND SERIES
ALSO BEING LAND PATENT GRANT S-14152
TO EVANITA S. MIDKIFF,
PORTION OF GOVERNMENT LAND OF PUPUKEA, AND PORTION OF SCHOOL GRANT 33,
APANA 1, OF THE BOARD OF EDUCATION
PUPUKEA, KOOLAULOA, OAHU, HAWAII
SCALE: 1 IN. = 20 FT.

SURVEY OFFICE COPY

EXHIBIT D-2

FILE NO.: 2024/SMA-129



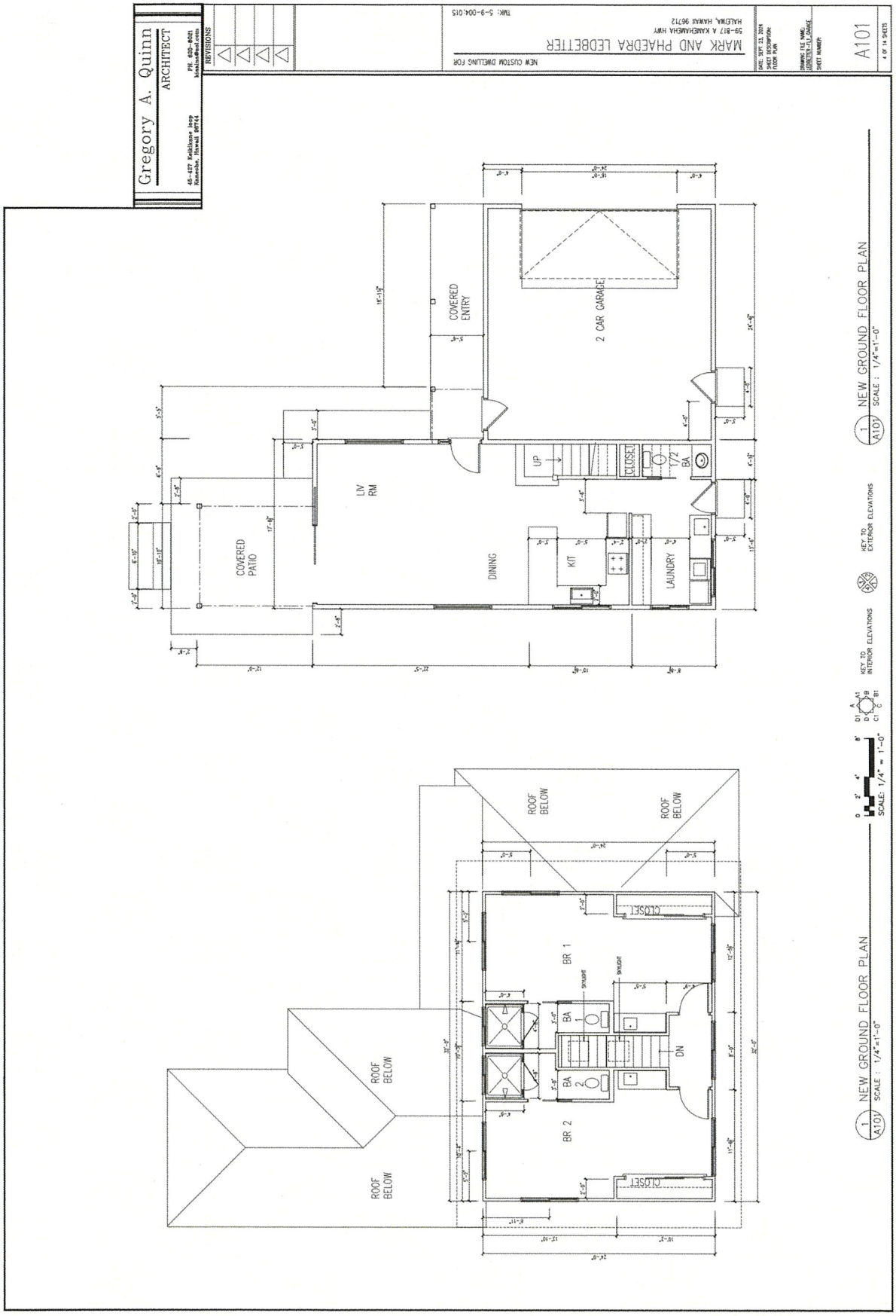


EXHIBIT D-3 **FILE NO.: 2024/SMA-129**

2 A201 RIGHT SIDE EXTERIOR ELVATION AT DWELLING
SCALE : 1/4"=1'-0"

1 A201 FRONT EXTERIOR ELVATION AT DWELLING
SCALE : 1/4"=1'-0"

KEY TO EXTERIOR ELEVATIONS

0 2' 4' 8'
SCALE: 1/4" = 1'-0"

Gregory A. Quinn
ARCHITECT
45-427 Keikikane loop
Kaneohe, Hawaii 96744
PH. 630-8021
kinaina@aol.com

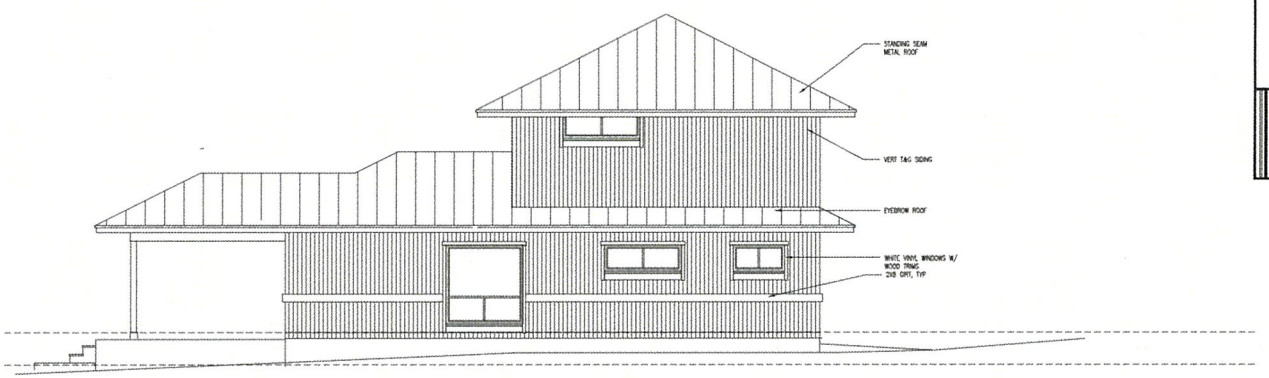
REVISIONS

NEW CUSTOM DWELLING FOR
MARK AND PHAEDRA LEDBETTER
59-817 A KAMEHAMEHA HWY
HALEIWA, HAWAII 96712
TMK: 5-9-004:015

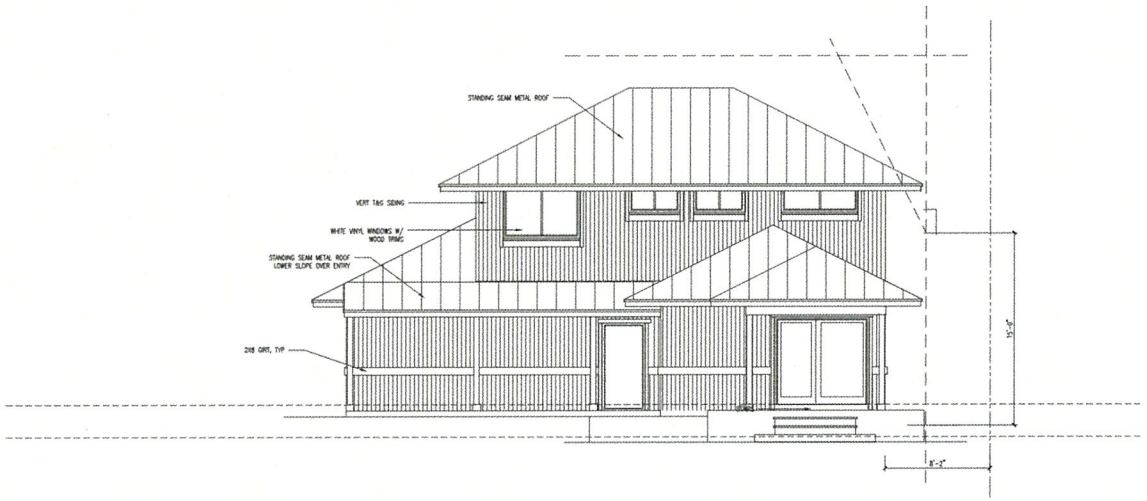
DATE: SEPT 23 2024
SHEET DESCRIPTION: EXTERIOR ELEVATIONS
DRAWING FILE NAME: LEDBETTER-FLT_GARAGE
SHEET NUMBER: A201
7 OF 14 SHEETS

EXHIBIT D-4

FILE NO.: 2024/SMA-129



4 A202 LEFT SIDE EXTERIOR ELVATION AT DWELLING
SCALE : 1/4"=1'-0"



3 A202 REAR EXTERIOR ELVATION AT DWELLING
SCALE : 1/4"=1'-0"


KEY TO EXTERIOR ELEVATIONS

0 2' 4' 8'
SCALE: 1/4" = 1'-0"

Gregory A. Quinn
ARCHITECT
45-427 Keikikane loop
Kaneohe, Hawaii 96744
PH. 680-8021
kisaina@aol.com

REVISIONS
NOV 10 2023
12/15/2023
12/29/2023
01/08/2024

NEW CUSTOM DWELLING FOR
MARK AND PHAEDRA LEDBETTER
59-817 A KAMEHAMEHA HWY
HALEIWA, HAWAII 96712
TMK: 5-9-004:015

DATE: SEPT 23, 2024
SHEET DESCRIPTION:
EXTERIOR ELEVATIONS

DRAWING FILE NAME:
LEDBETTER-FLI_GARAGE

SHEET NUMBER:
A202

8 OF 14 SHEETS

EXHIBIT D-5

FILE NO.: 2024/SMA-129

WETLAND MAP (U.S. Fish and Wildlife Service)



EXHIBIT E **FILE NO.: 2024/SMA-129**

Search

Map Unit Legend

Island of Oahu, Hawaii (HI990)

Island of Oahu, Hawaii (HI990)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
rRK	Rock land	2.3	27.2%
WkB	Waialua silty clay, 3 to 8 percent slopes	3.2	38.0%
Totals for Area of Interest		**8.5**	**100.0%**

Legend

Soil Map

Scale (not to scale)

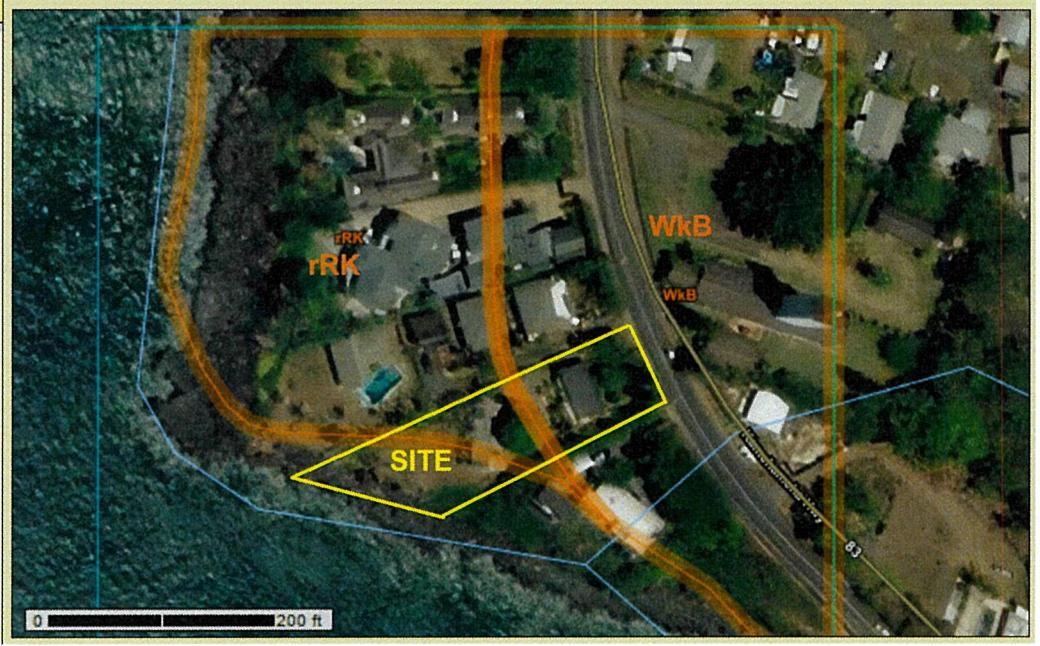
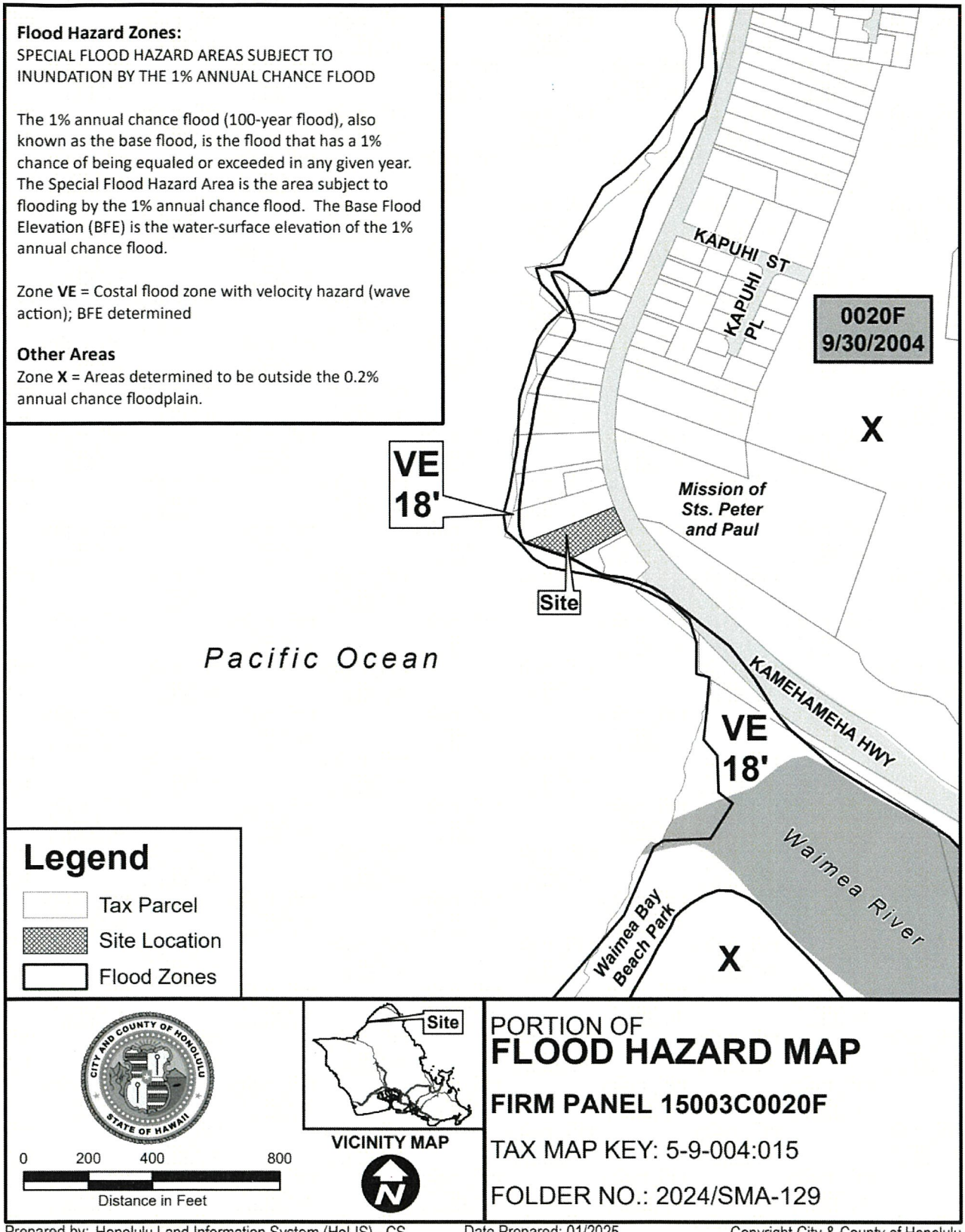


EXHIBIT F

FILE NO.: 2024/SMA-129



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City and County of Honolulu

Date Prepared: 01/2025

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EXHIBIT G

SEA LEVEL RISE MAP

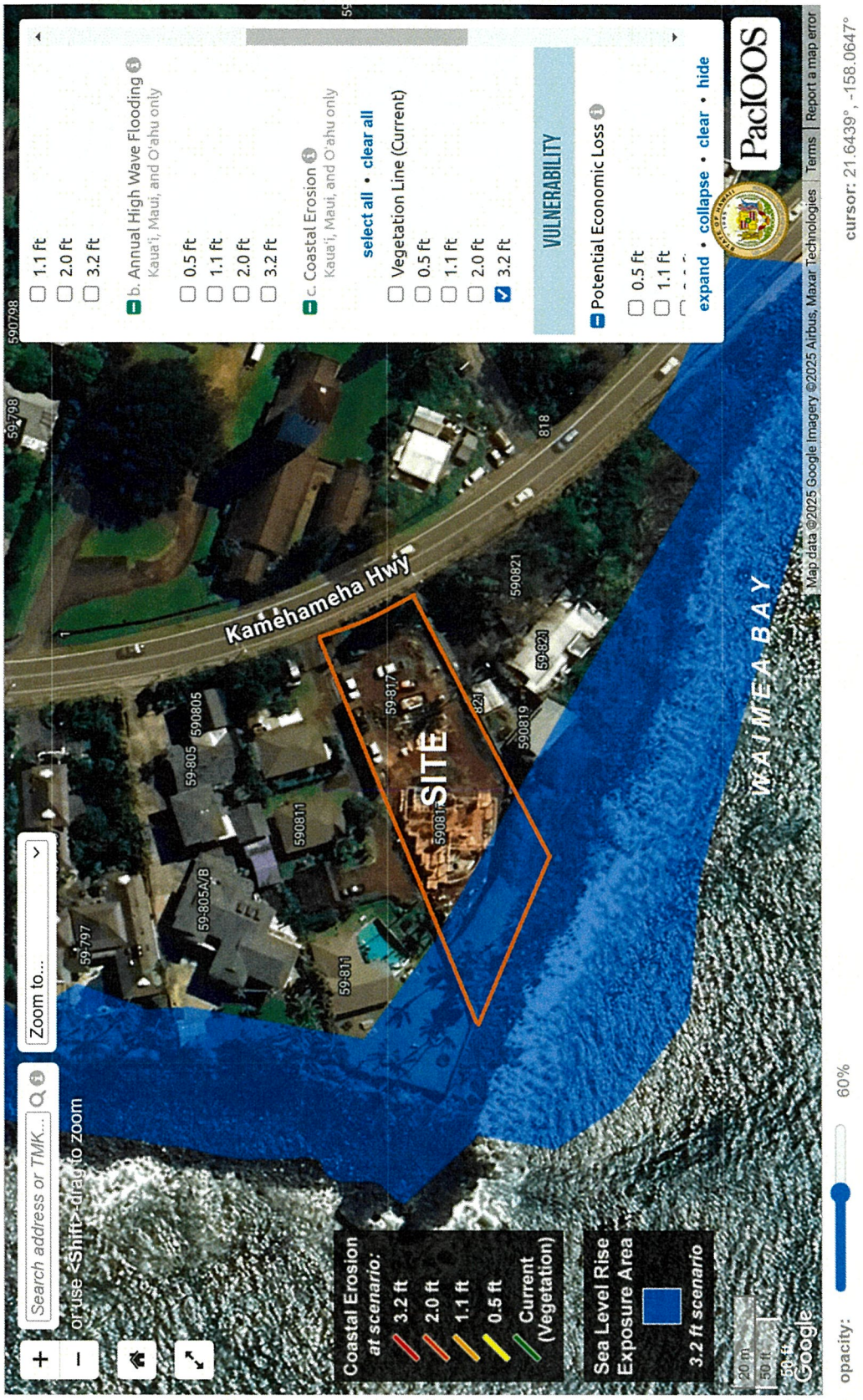


EXHIBIT H **FILE NO.: 2024/SMA-129**

SHORELINE EROSION RATE MAP



EXHIBIT I **FILE NO.: 2024/SMA-129**

EXHIBIT J

FILE NO.: 2024/SMA-129

National Hurricane Center
Storm Surge Risk Maps

Category 1 | Category 2 | Category 3 | Category 4

This is not a real-time product. For active tropical cyclones, please see hurricanes.gov and consult local products issued by the National Weather Service

This national depiction of storm surge flooding vulnerability helps people living in hurricane-prone coastal areas. These maps make it clear that storm surge is not just a beachfront problem, with the risk of storm surge extending many miles inland from the immediate coastline in some areas. Storm Surge Risk Maps are provided for the US Gulf and East Coasts, Hawaii, Southern California, US territories - Puerto Rico, US Virgin Islands, Guam and American Samoa. Additional mapped areas include Hispaniola and parts of the Yucatan Peninsula.

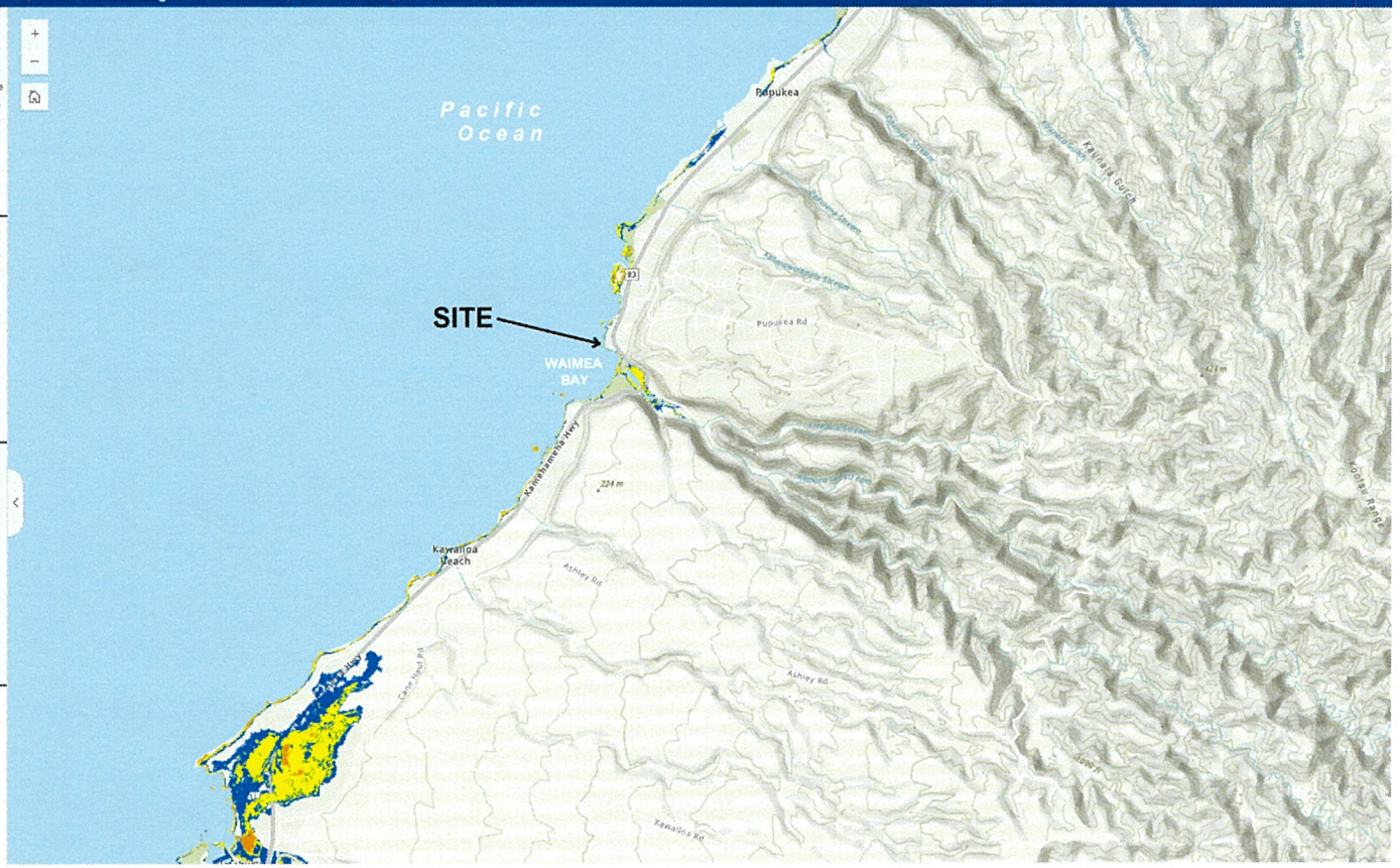
Atlantic

- US East and Gulf Coast
- Puerto Rico and USVI
- Hispaniola
- Yucatan

Pacific

- Hawaii (category 1-4)
- Southern California (category 1-2)
- Guam
- American Samoa

- Less than 3 feet above ground
- Greater than 3 feet above ground
- Greater than 6 feet above ground
- Greater than 9 feet above ground
- Leveed area
  Consult local officials for flood risk



TSUNAMI EVACUATION MAP

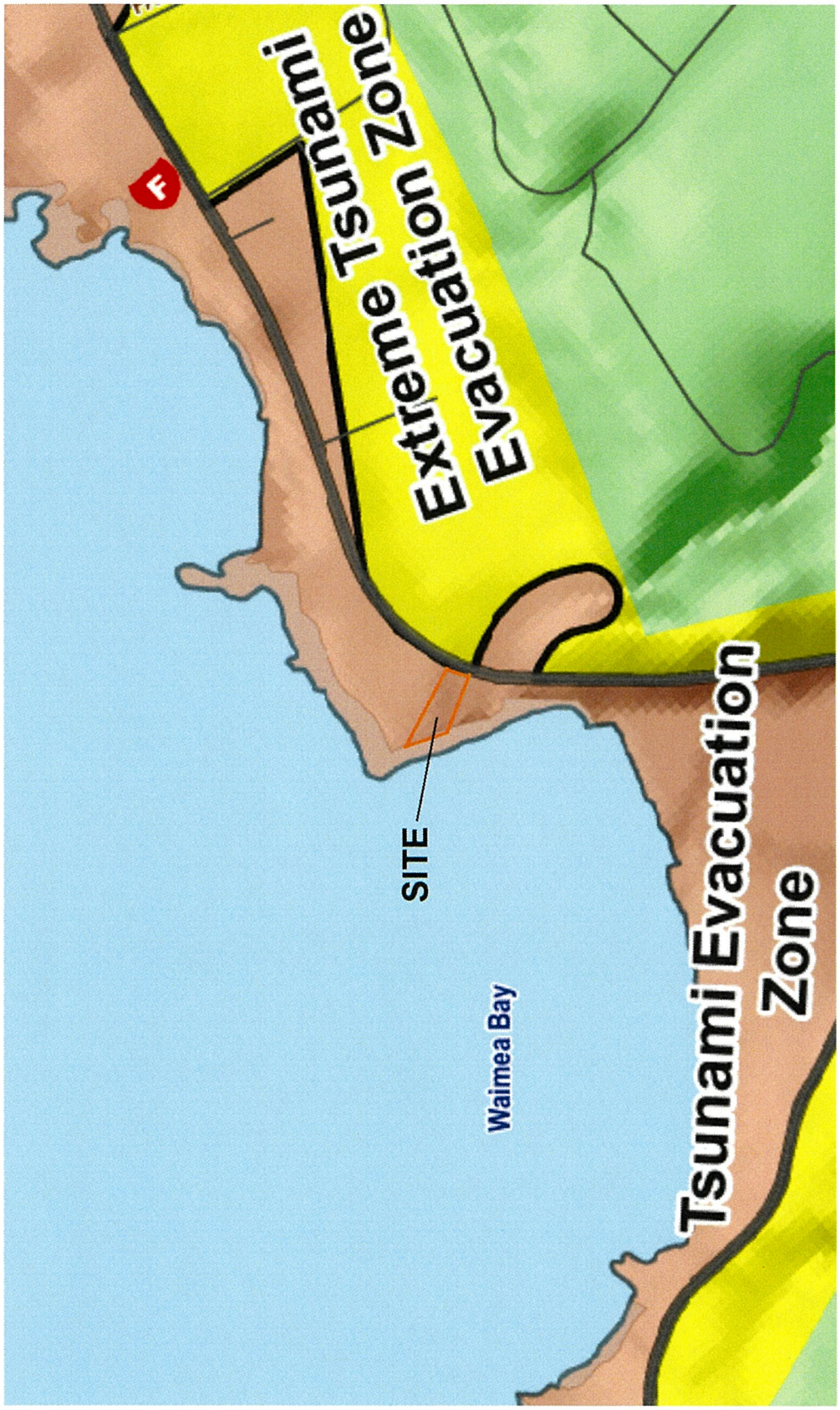


EXHIBIT K **FILE NO.: 2024/SMA-129**

CUMULATIVE PROJECTS RADIUS MAP

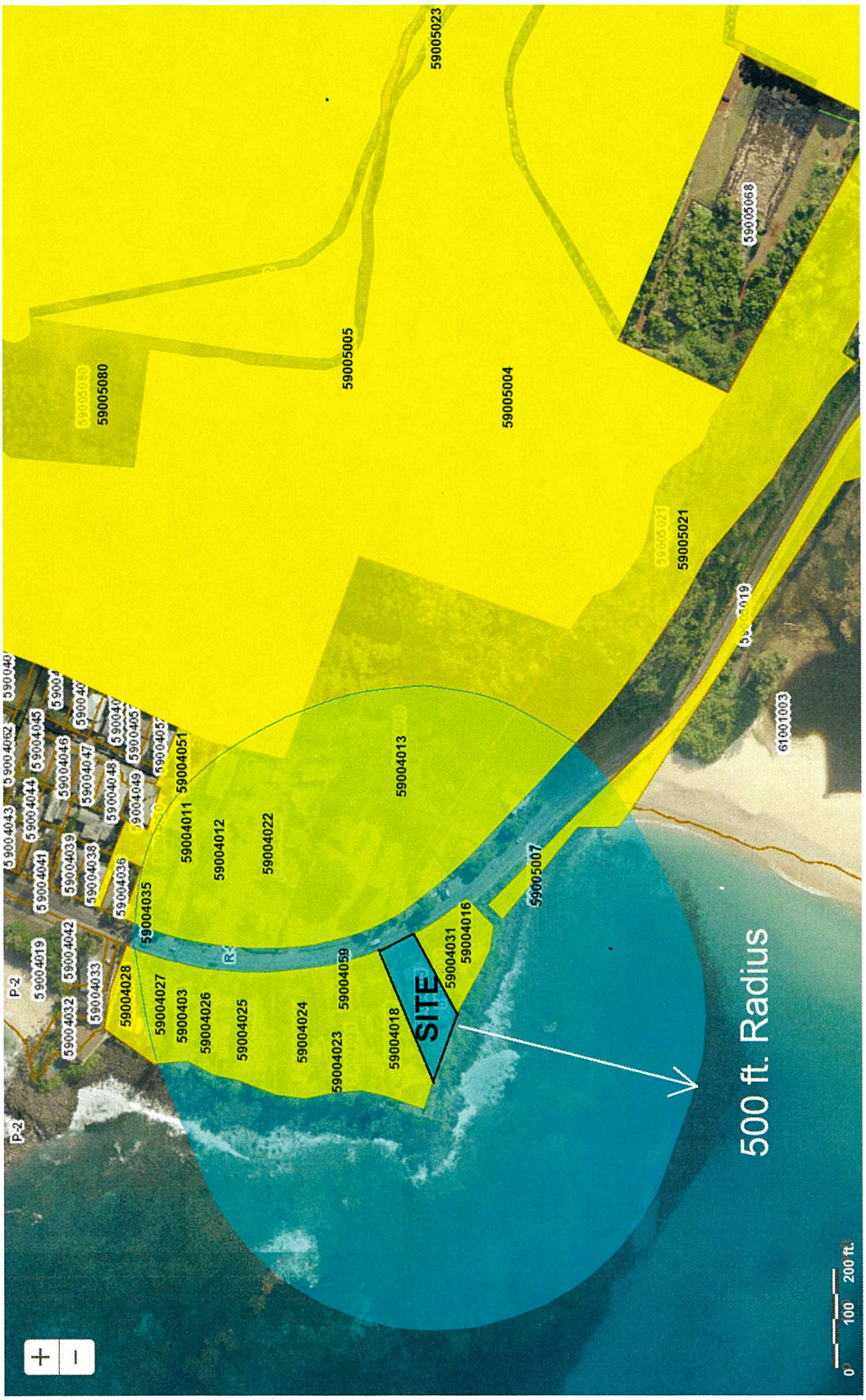


EXHIBIT L **FILE NO.: 2024/SMA-129**