



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

No. 25 - 96

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

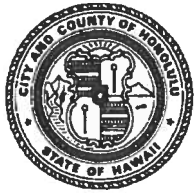
WHEREAS, the Council, having received the findings and recommendation of the DPP on 03/25/2025, by Departmental Communication 231 (2025), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major Permit, subject to the conditions 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:

DPP24SMA129

D-231(25)

ZON



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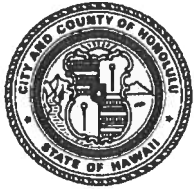
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- A. The development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through C, D-1 through D-5, and E through L, attached hereto and incorporated 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:



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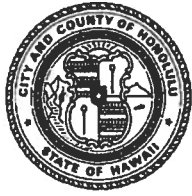
"In choosing to implement construction activities at TMK 5-9-004:015, the landowner hereby acknowledges that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner 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



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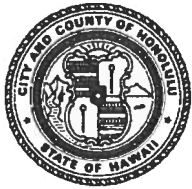
and transient vacation units, as those terms are defined in Revised Ordinances of Honolulu Chapter 21, the Land Use Ordinance, are not allowed on TMK 5-9-004:015."

- 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.



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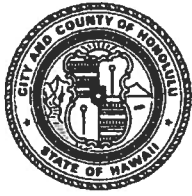
H. To minimize impacts to archaeological, historic, or cultural resources that may be present on the Project site, the Applicant shall comply with the following:

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



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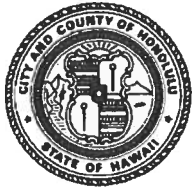
RESOLUTION

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;



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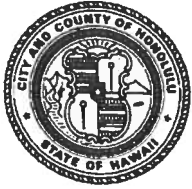
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2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, 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:



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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



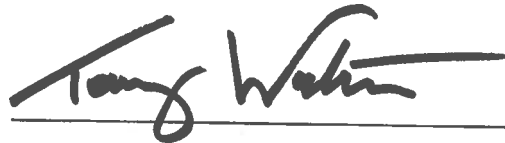
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BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to James T. Hayes, Planning Solutions, Pacific Park Plaza, Suite 950, 711 Kapi'olani Boulevard, Honolulu, Hawai'i 96813-5213; Dawn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

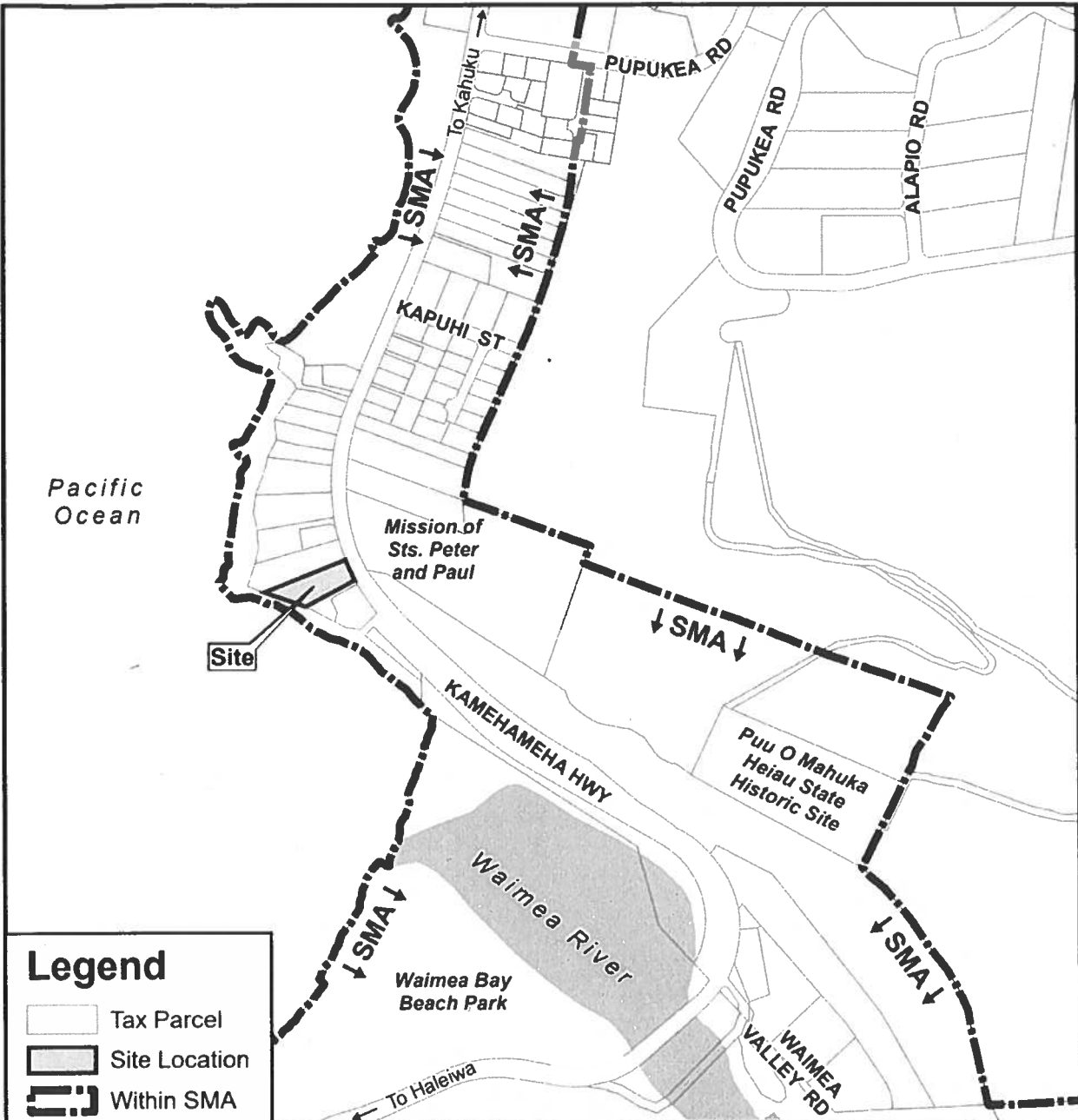
 (br)

DATE OF INTRODUCTION:

MAR 27 2025

Honolulu, Hawai'i

Councilmembers



Legend

- Tax Parcel
- Site Location
- Within SMA



0 250 500 1,000
Distance in Feet



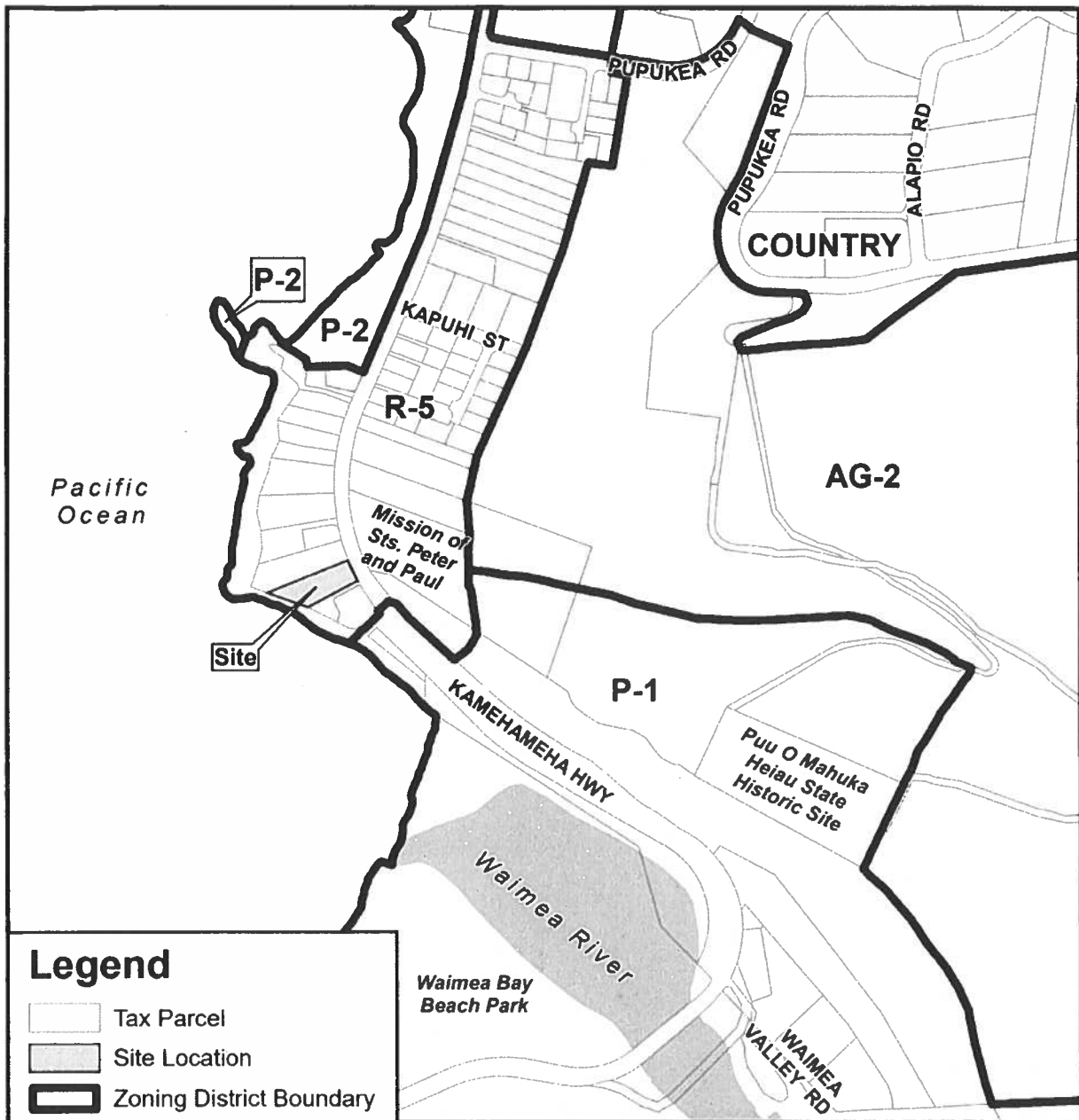
VICINITY MAP



LOCATION MAP w/ SMA PUPUKEA

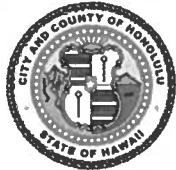
TAX MAP KEY(S): 5-9-004:015
FOLDER NO.: 2024/SMA-129

EXHIBIT A

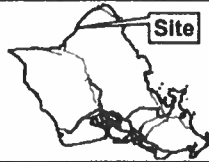


Legend

- Tax Parcel
- Site Location
- Zoning District Boundary



0 250 500 1,000
Distance in Feet



VICINITY MAP



PORTION OF ZONING MAP

KAWAILOA - WAIALEE

TAX MAP KEY: 5-9-004:015

FOLDER NO.: 2024/SMA-129

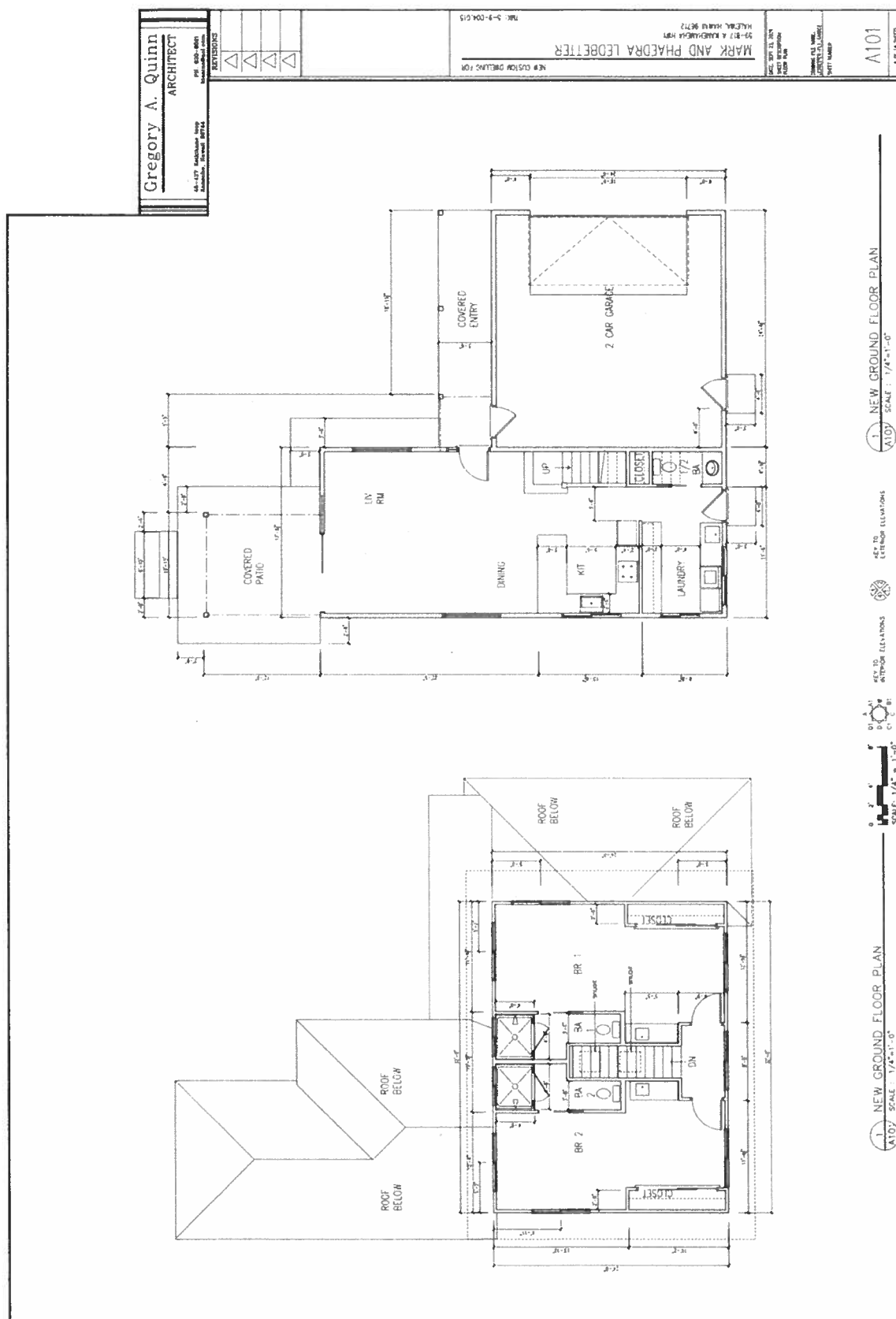
Prepared by: Honolulu Land Information System (HoLIS) - CS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 01/2025

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EXHIBIT C



**EXHIBIT D-3**

FILE NO.: 2024/SMA-129

FILE NO.: 2024/SMA-129

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



EXHIBIT E

FILE NO.: 2024/SMA-129

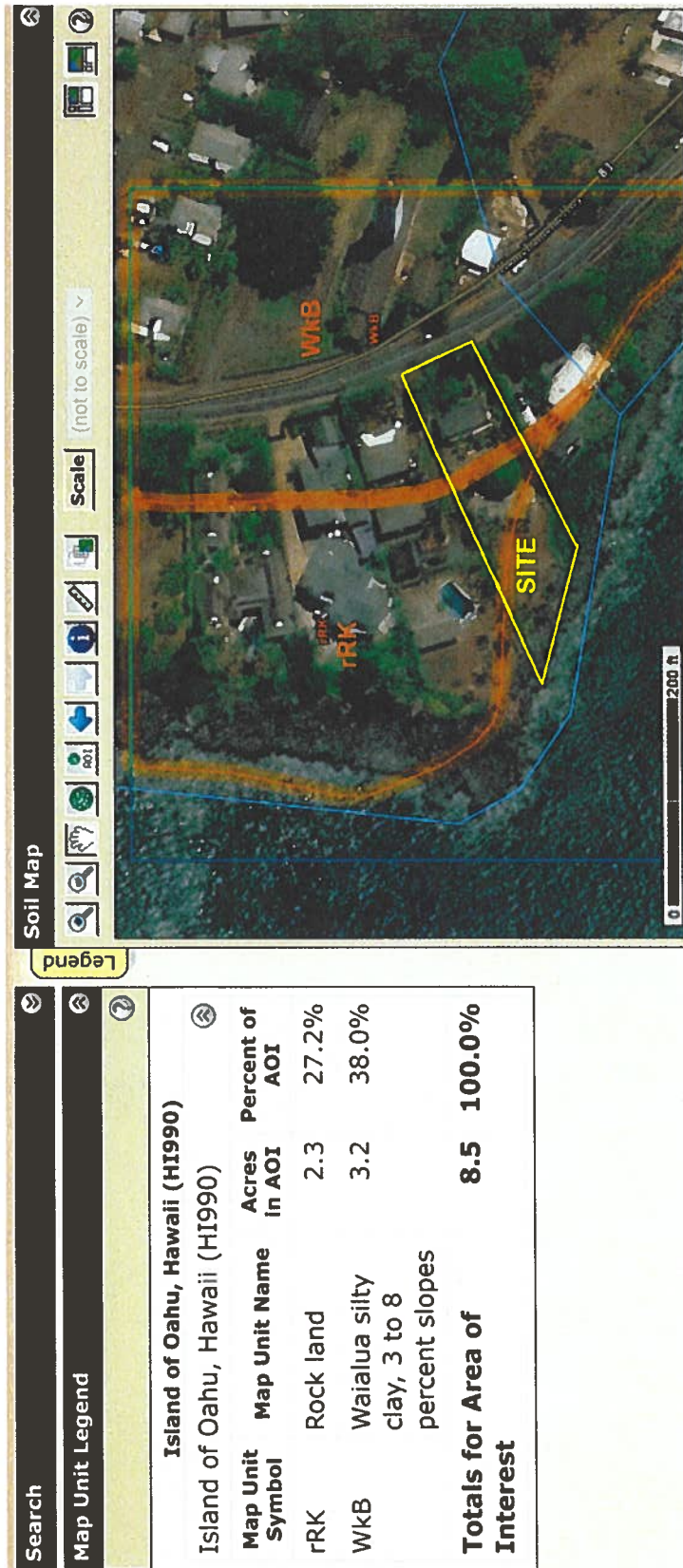


EXHIBIT F

FILE NO.: 2024/SMA-129

Flood Hazard Zones:

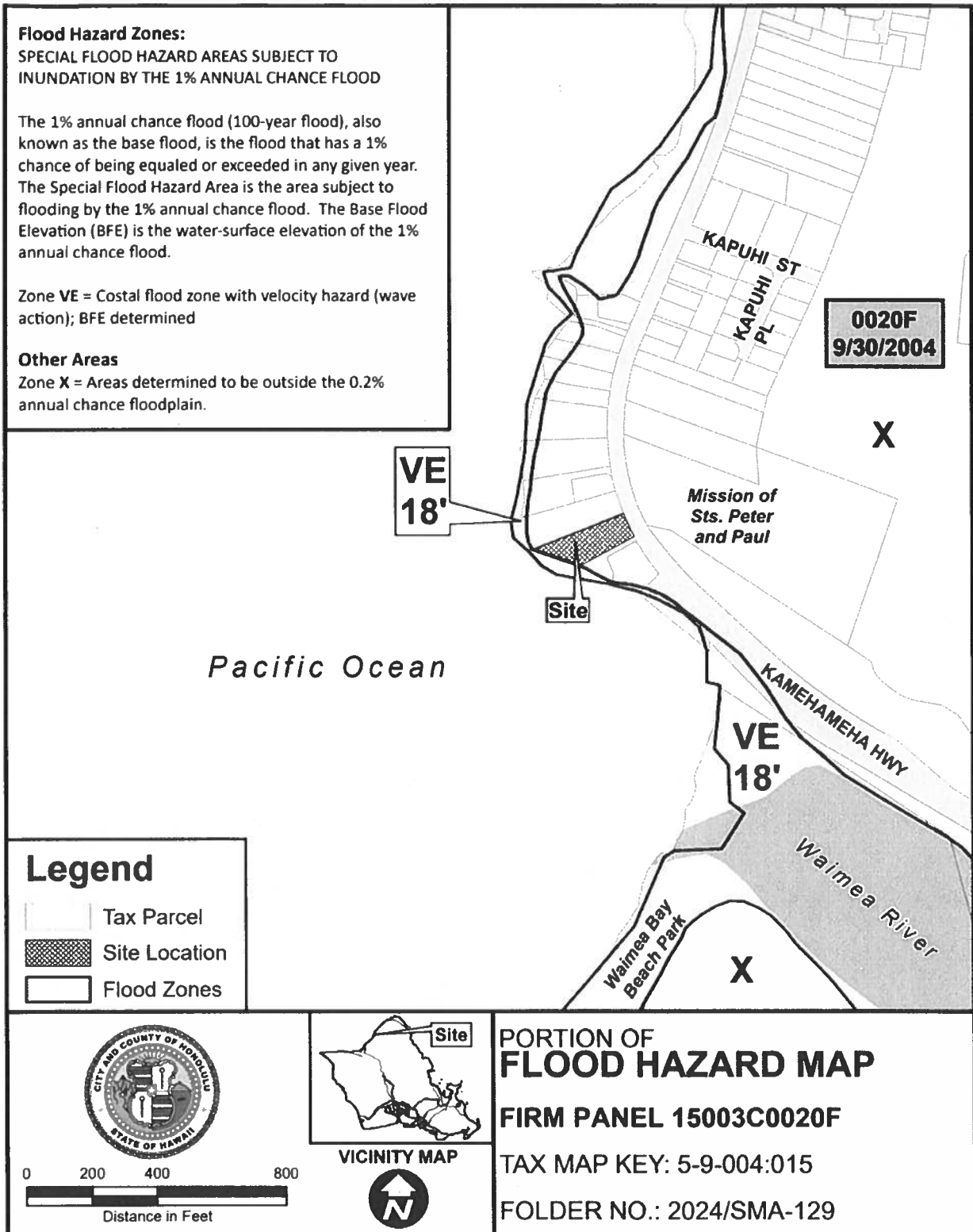
SPECIAL FLOOD HAZARD AREAS SUBJECT TO
INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood.

Zone VE = Coastal flood zone with velocity hazard (wave action); BFE determined

Other Areas

Zone X = Areas determined to be outside the 0.2% annual chance floodplain.



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 G

SEA LEVEL RISE MAP



EXHIBIT H

FILE NO.: 2024/SMA-129

SHORELINE EROSION RATE MAP



EXHIBIT I

FILE NO.: 2024/SMA-129

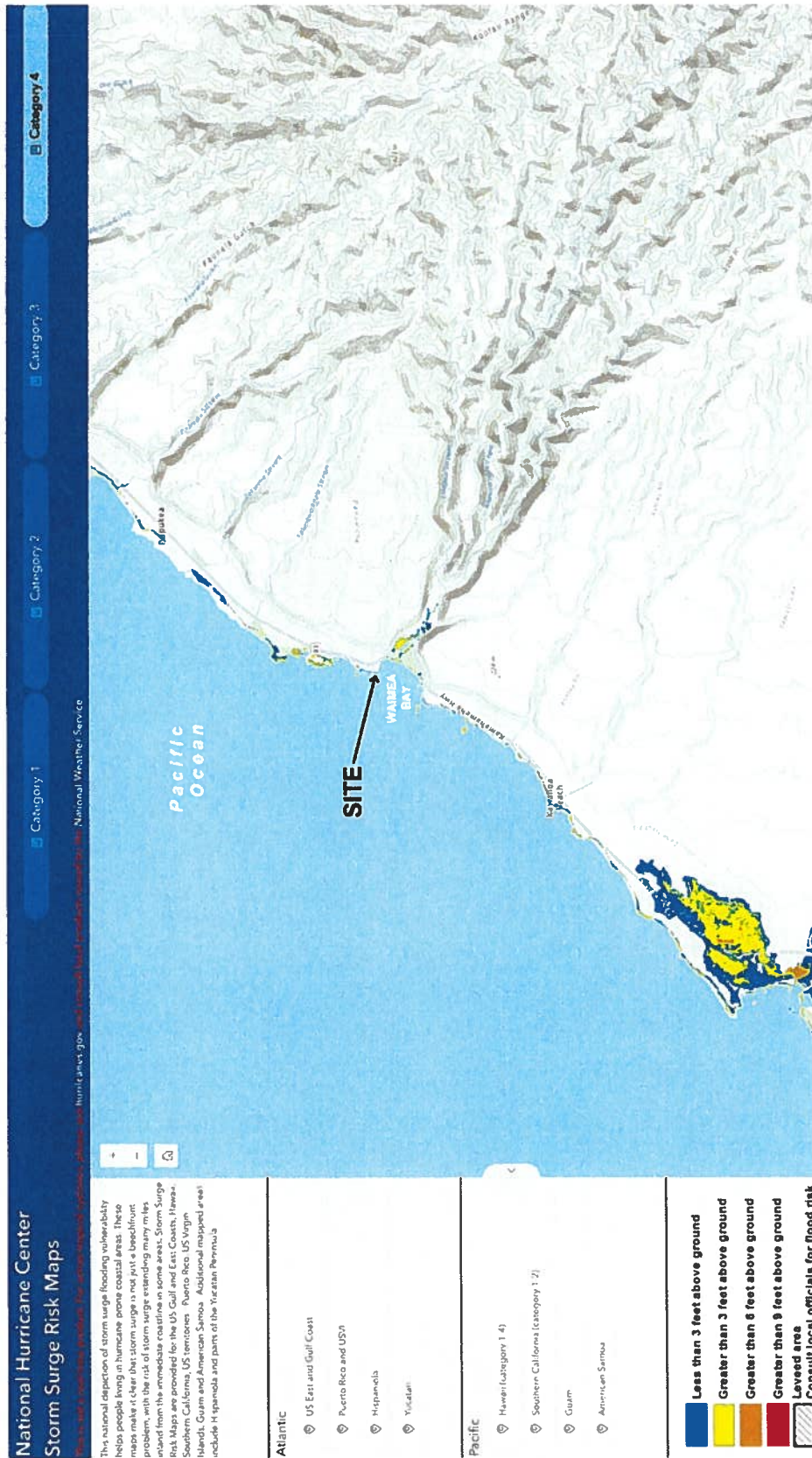


EXHIBIT J FILE NO.: 2024/SMA-129

TSUNAMI EVACUATION MAP

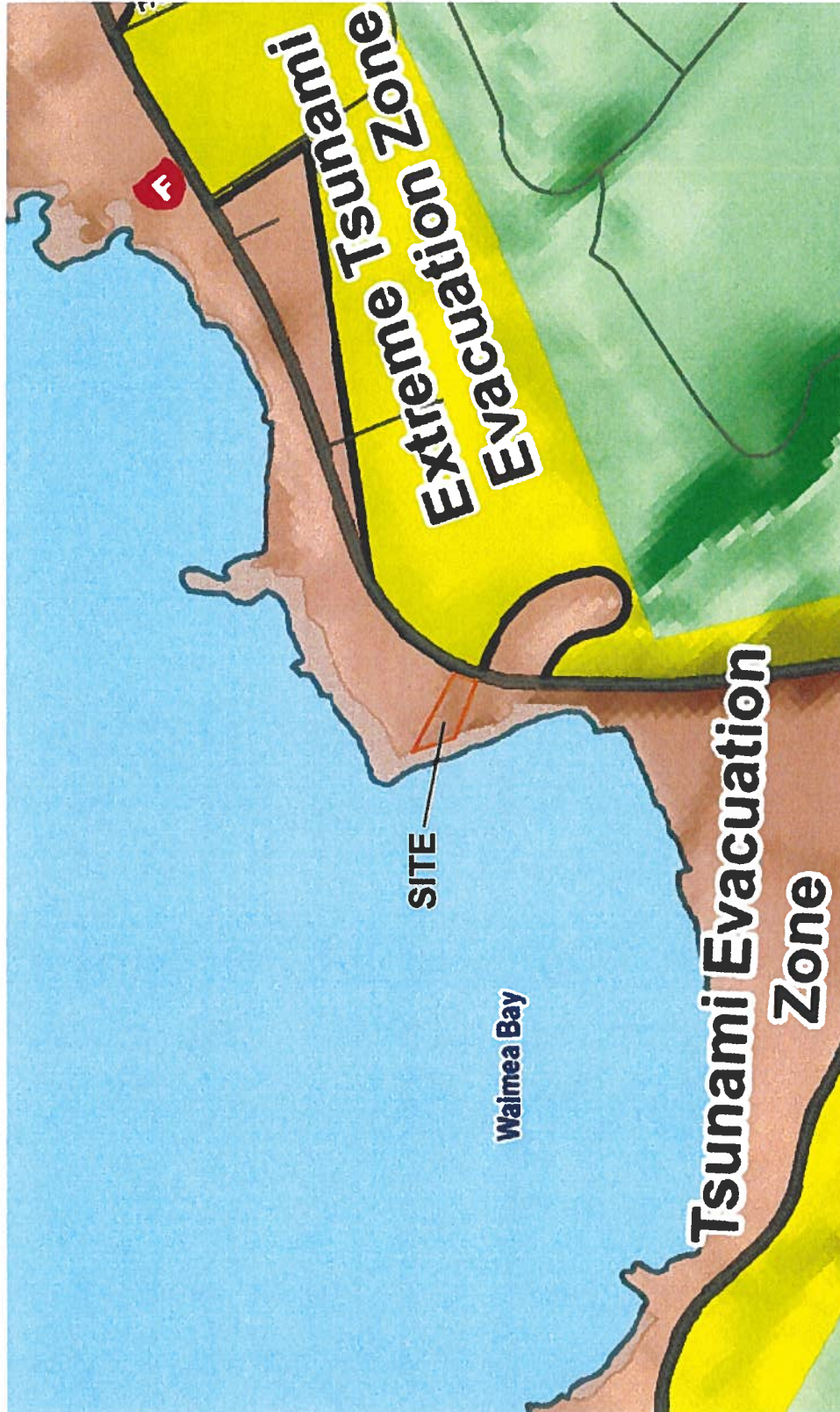


EXHIBIT K

FILE NO.: 2024/SMA-129

500 ft. Radius

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