SUMMARY OF PROPOSED COMMITTEE DRAFT:

RESOLUTION 25-80
GRANTING AN AFTER-THE-FACT SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH AN ATTACHED GARAGE, POOL, AND POOL HOUSE IN LANIKAI, O‘AHU.

The PROPOSED CD1 makes the following amendments:

A. Amends the resolution title to read as follows:

"GRANTING AN AFTER-THE-FACT SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE RETENTION OF A PREVIOUSLY CONSTRUCTED NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE, POOL, POOL CABANA, POND, DRIVEWAY, AND OTHER IMPROVEMENTS IN LANIKAI, O‘AHU."

B. Amends the first WHEREAS clause to clarify the description of the Project.

C. Amends the second WHEREAS clause to delete reference to public testimony offered at the public hearing.

D. Adds a new Condition D.2 to add a standard condition that artificial light from exterior light fixtures on the Project site 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).

E. Amends Condition F to add that prior to the issuance of a building permit for the Project, the Applicant is required to pay to the City the full amount of all accrued and outstanding civil fines to date relating to the Project.

F. Adds a BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving the SMA Major Permit.

G. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-80, CD1**

PROPOSED

RESOLUTION

GRANTING AN AFTER-THE-FACT SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE RETENTION OF A PREVIOUSLY CONSTRUCTED NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE, POOL, POOL CABANA, POND, DRIVEWAY, AND OTHER IMPROVEMENTS IN LANIKAI, O‘AHU.

WHEREAS, on November 18, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2024/SMA-117) of Kimberly M. and Timothy D. Smythe (the "Applicants") for a Special Management Area ("SMA") Major Permit to allow for the after-the-fact retention of a previously constructed new two-story, single-unit dwelling with an attached two-car garage, in-ground swimming pool, pool cabana, pond with waterfall, parking area to accommodate five off-street parking spaces, and paved driveway; removal of invasive koa haole vegetation and planting native plant species on the hillside slope; and connection to existing water, wastewater, and electrical lines on approximately 39,857 square feet of land zoned R-10 Residential District, located at 275 Ka‘elepulu Drive in Lanikai and identified as Tax Map Key 4-3-007:077 (the "Project"); and

WHEREAS, on January 15, 2025, the DPP held a public hearing on the application at the Fasi Municipal Building 6th floor conference room, which was attended in person by the Applicant, the Applicant’s Agent, and DPP staff, and attended remotely by several members of the public; and

WHEREAS, on February 28, 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 §§ 25-3.1 and 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH"), and §§ 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on March 7, 2025, by Departmental Communication 166 (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. Development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A, B, C-1 through C-5, and D through J, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources addressed in ROH Chapter 25 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 the adopted resolution, upon review and approval by the DPP Director.

B. 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 landowner hereby acknowledges the following declaration, which must be clearly stated on all Project building permit plans.

> *"The landowner (and any successor owner or interested party is hereby notified) hereby acknowledges 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 Tax Map Key 4-3-007:077."*

C. To minimize impacts to unknown archaeological, historic, and cultural resources that may be present on the Project site, if, during construction, any previously unidentified archaeological sites or remains (such as artifacts; shell, bone, or charcoal deposits; human burials; rock or coral alignments; pavings; or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact the State Historic Preservation Division ("SHPD") immediately. Work in the immediate area must be stopped until SHPD is able to assess the impact and make further recommendations for mitigative activity. The requirement in this condition must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

D. To minimize impacts to endangered, threatened, or protected 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; and

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).

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

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

1. The DPP Director may extend this period if the Applicant demonstrates good cause; 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. Sixty 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.

F. 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. Prior to the issuance of a building permit for the Project, the Applicant shall pay to the City the full amount of all accrued and outstanding civil fines to date relating to the Project. 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

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving this SMA Major Permit; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-80, CD1**

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Kimberly M. and Timothy D. Smythe, c/o Karl Mench, Concept 2 Completion, 328C Keaniani Street, Kailua, Hawai‘i 96734; Ryan Ishikawa, Masa Fujioka and Associates, 98-021 Kamehameha Highway, Suite 337, ‘Aiea, Hawai‘i 96701; Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai‘i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai‘i 96804-2359.

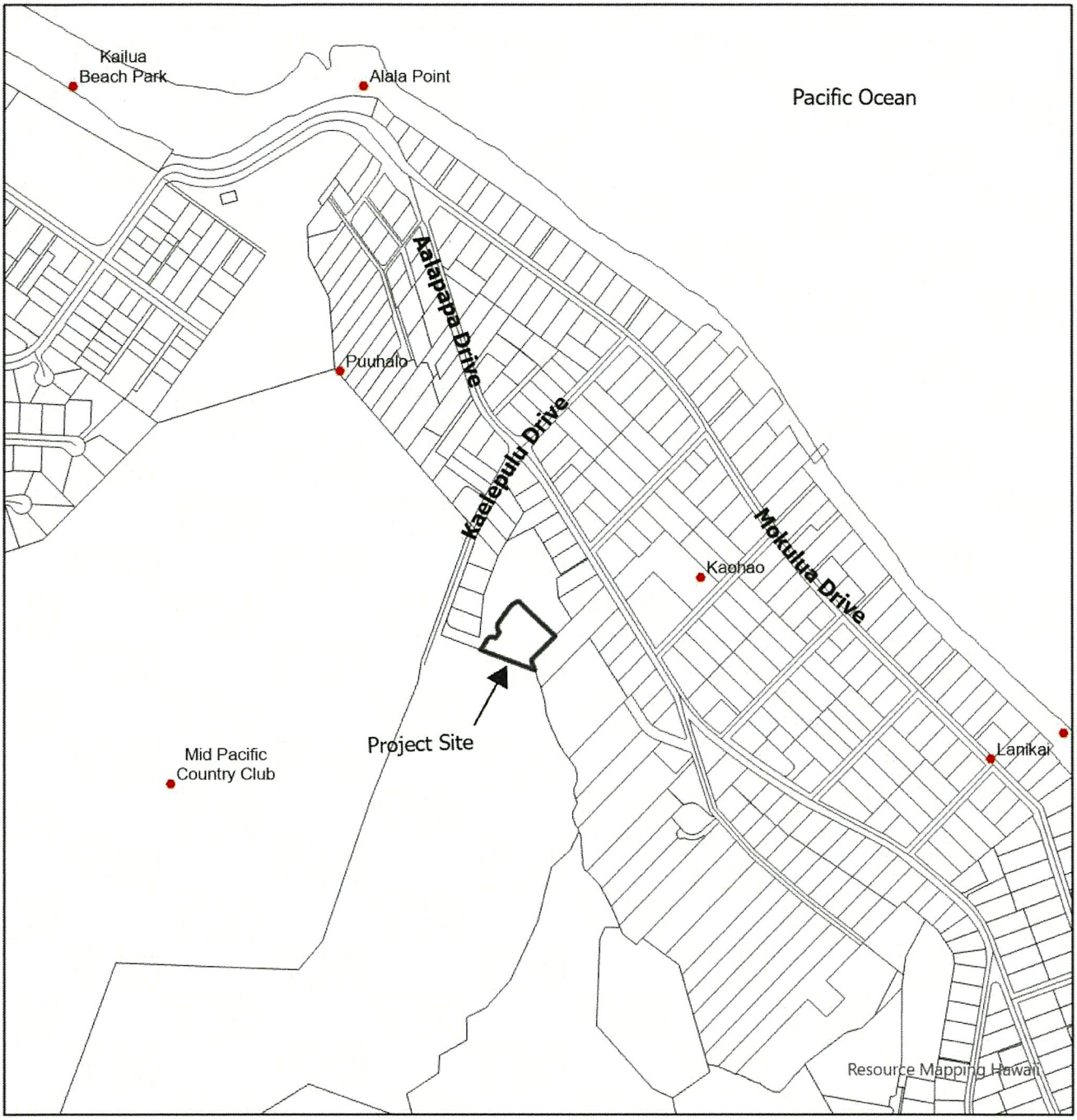
INTRODUCED BY:

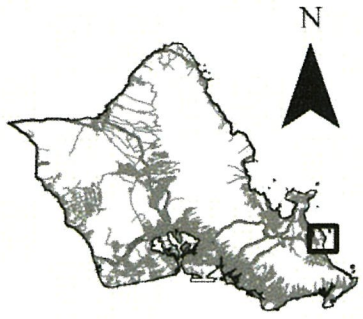
Tommy Waters (br)

DATE OF INTRODUCTION:

March 10, 2025
Honolulu, Hawai‘i

Councilmembers





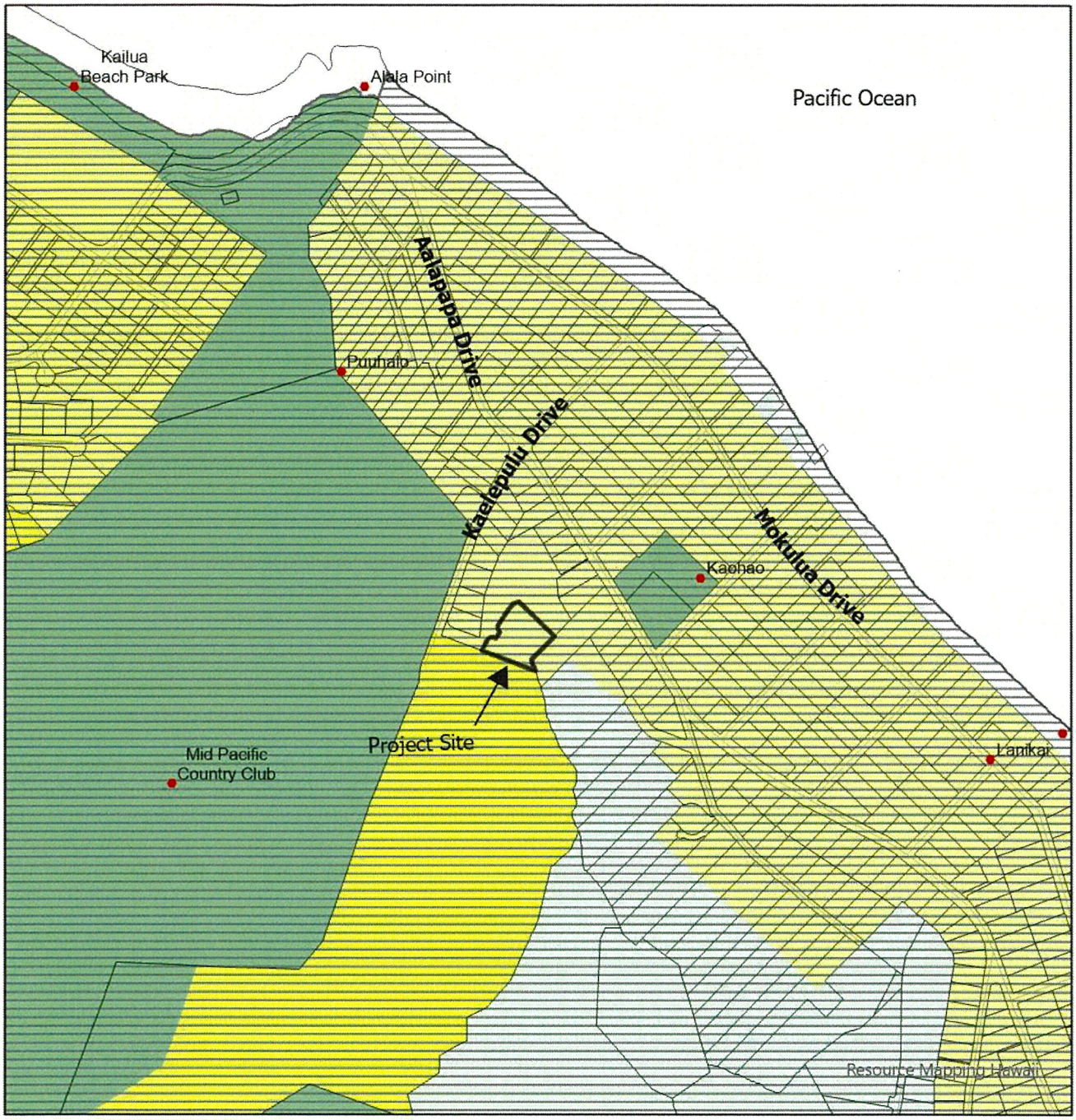
2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT A - PROJECT LOCATION MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

- Within SMA
- Outside SMA
- P-1
- P-2
- R-10
- R-5
- R-7.5

2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT B -
SMA AND ZONING MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024

SMYTHE RESIDENCE

275 KAELEPULU DRIVE
KAILUA, HAWAII 96734
TMK:4-3-007:077

PLOT MAP



GENERAL NOTES:

1. All construction shall be done in accordance with all the latest codes and ordinances applicable to this construciton project.
2. All dimensions taken from/to finish face of stud unless otherwise noted or shown.
3. The contractor shall furnish all labor, materials, equiptment, etc. required to complete all work indicated on the drawings or specified herein.
4. The contractor shall examine the site together with the drawings and other contract documents, and shall verify all conditions and dimensions prior to the start of work. Should the contractor or subcontractor find any discrepancies, interferances or omissions from the drawings and/or specifications, he shall notify the engineer for clarification.
5. All information shown on the drawings relative to existing conditions is given at the best present knowledge but without any guarantee of accuracy. Where actual conditions conflict with the drawings, they shall be reported to the engineer so that the proper revisions can be made. Modifications to details of construction shall not be made without written approval of the engineer.
6. The contractor and subcontractor shall guarantee his material and workmanship for a period of one year from final payment date and upon written notice, he shall remedy and repair any defects in materials or workmanship, and shall pay all expenses for such work, including damage to other work resulting therefrom.
7. It will be the contractor's responsibility to maintain the site in a safe condition and to maintain security during construction.
8. All trades, at all times, keep the premisses free from accumulation of waste material or rubbish caused by their work. At the completion of the work, remove all rubbish, tools, and surplus material and shall leave the job in a broom clean condition.

PROJECT INFORMATION:

OWNER: TIM SMYTHE

PROJECT ADRESS: 275 KAELEPULU DRIVE, KAILUA, HAWAII 96734

TAX MAP KEY: 4-3-007:077

ZONING: R-10

LOT AREA: 0.915 AC

LOT SETBACKS: 10'-0" FRONT YARD, 5'-0" SIDE & REAR YARD

HEIGHT LIMIT: 25'-0"

PARKING: 6 SPACES (1 FOR EVERY 1000 SF OF FLOOR AREA)

FLOOD ZONE: ZONE "X"

PROPOSED WORK: NEW RESIDENCE

VICINITY MAP



SHEET INDEX	
ID	NAME
A001	TITLE SHEET
A001	BASEMENT PLAN
A002	1ST FLOOR PLAN
A003	2ND FLOOR PLAN
A004	ROOF PLAN
A005	ELEVATIONS
A006	INTERIOR ELEVATIONS
A007	DOOR AND WDW SCHED
A008	POOL NOTES AND SITE PLAN
A009	POOL DETAILS
C001	ESCP AND DETAILS
S001	GENERAL NOTES
S002	TYPICAL DETAILS
S003	FOUNDATION PLAN
S004	2ND FLR FRAMING PLAN
S005	ROOF FRAMING PLAN
S006	FOUNDATION DETAILS
S007	FRAMING DETAILS
S008	SECTIONS
S009	SECTIONS
S010	SECTIONS

CHAPTER 32:

CITY AND COUNTY OF HONOLULU
REVISED ORDINANCE CHAPTER 32,
HONOLULU COUNTY CODE 1990, AS AMENDED

To the best of my knowledge, this project's design substantially conforms to the Building Energy Conservation Code for:

___X___ Building Component Systems
_____ Electrical Component Systems
_____ Mechanical Component Systems

Signature:
Date: 10-17-2023 Name: BAHMAN KHERADPEY
Title: ENGINEER
License No.: 7384-S

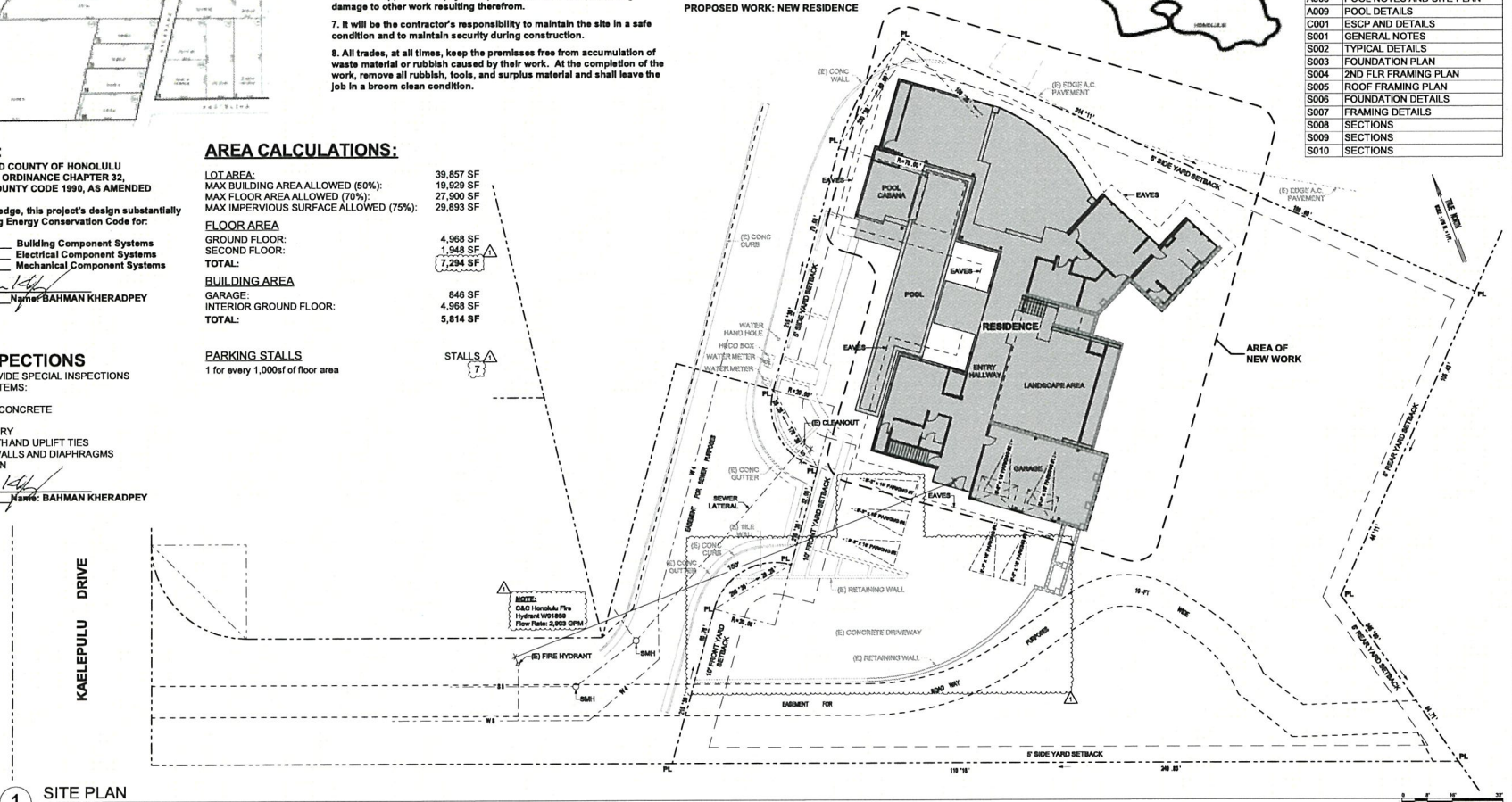
SPECIAL INSPECTIONS

CONTRACTOR TO PROVIDE SPECIAL INSPECTIONS FOR THE FOLLOWING ITEMS:
1- CONCRETE
2-BOLTS INSTALLED IN CONCRETE
3-REINFORCING STEEL
4-STRUCTURAL MASONRY
5-COMPLETE LOAD PATH AND UPLIFT TIES
6-SHEATHING SHEAR WALLS AND DIAPHRAGMS
7-TERMITE PROTECTION

Signature:
Date: 10-17-2023 Name: BAHMAN KHERADPEY
Title: ENGINEER
License No.: 7384-S

AREA CALCULATIONS:

LOT AREA:	39,857 SF
MAX BUILDING AREA ALLOWED (50%):	19,929 SF
MAX FLOOR AREA ALLOWED (70%):	27,900 SF
MAX IMPERVIOUS SURFACE ALLOWED (75%):	29,893 SF
FLOOR AREA	
GROUND FLOOR:	4,968 SF
SECOND FLOOR:	1,948 SF
TOTAL:	7,294 SF
BUILDING AREA	
GARAGE:	846 SF
INTERIOR GROUND FLOOR:	4,968 SF
TOTAL:	5,814 SF
PARKING STALLS	STALLS
1 for every 1,000sf of floor area	7



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

REV #	DESCR.	DATE
1	DPP Comments	09.11.24

Concept 2 Completion
324-C Kaniehi Street
Kailua HI 96734
808.782.5968
karl@c2c-builders.com
www.c2c-builders.com

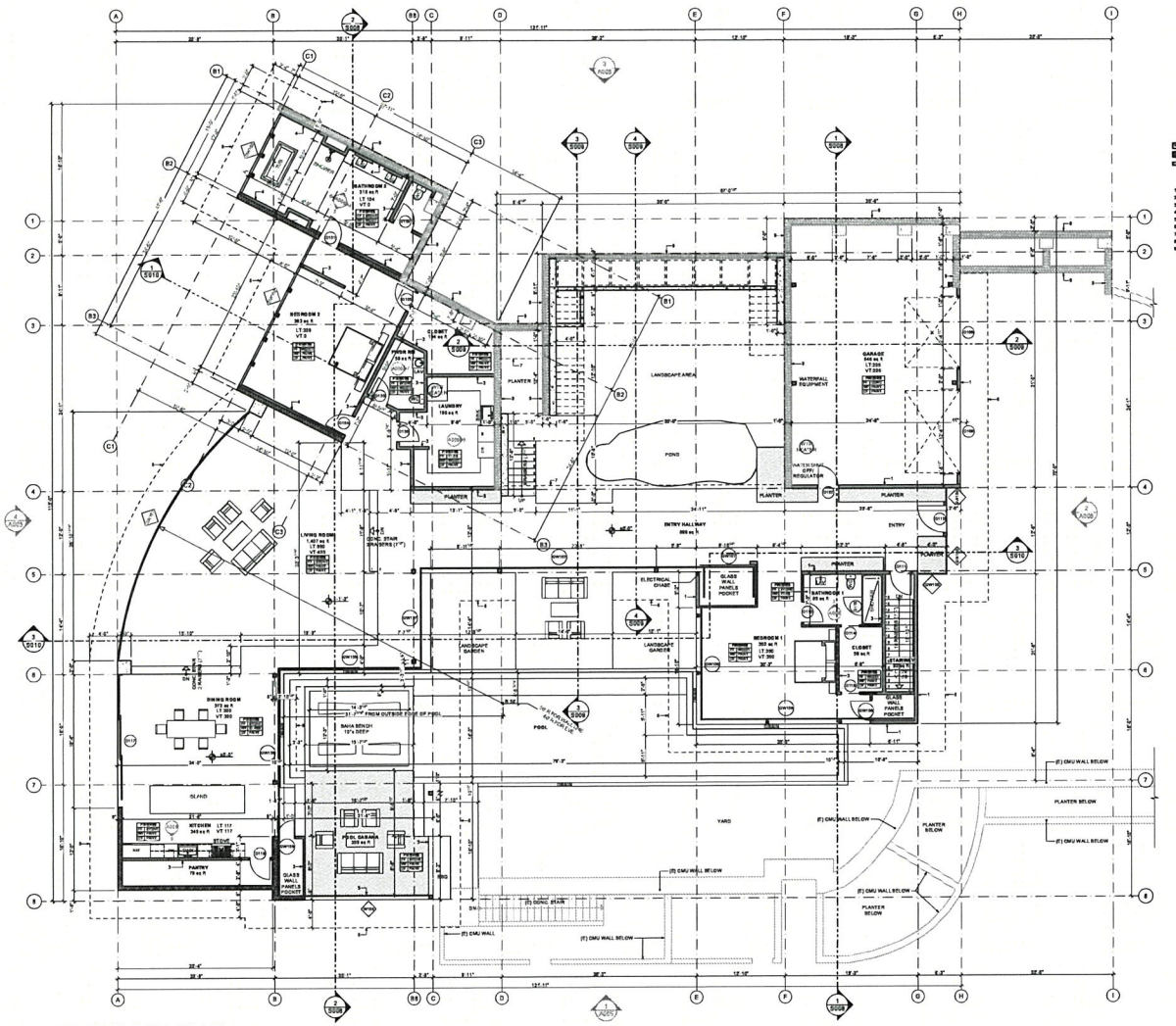
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION FOR THE CONSTRUCTION OF THIS PROJECT AND THE DOCUMENTS WERE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE Department of Commerce & Consumer Affairs Board of Professional Engineers, Architects, Surveyors and Landscape Architects

SMYTHE RESIDENCE
275 Kaelepulu Dr. Lanikai HI, 96734
TMK: 4-3-007:077

TITLE SHEET

Date: 16 JAN 2024
Checked by:
Drawn: YY
Job:
Sheet Number: 001

EXHIBIT C-1 - TITLE PAGE AND SITE PLAN
2024/SMA-117



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

REV #	DESCR.	DATE

Concept 2 Completion
328-C Kaniela Street
Kailua HI 96734
808.782.5968
karl@c2c-builders.com
www.c2c-builders.com

EXPIRATION: 4.30.2025

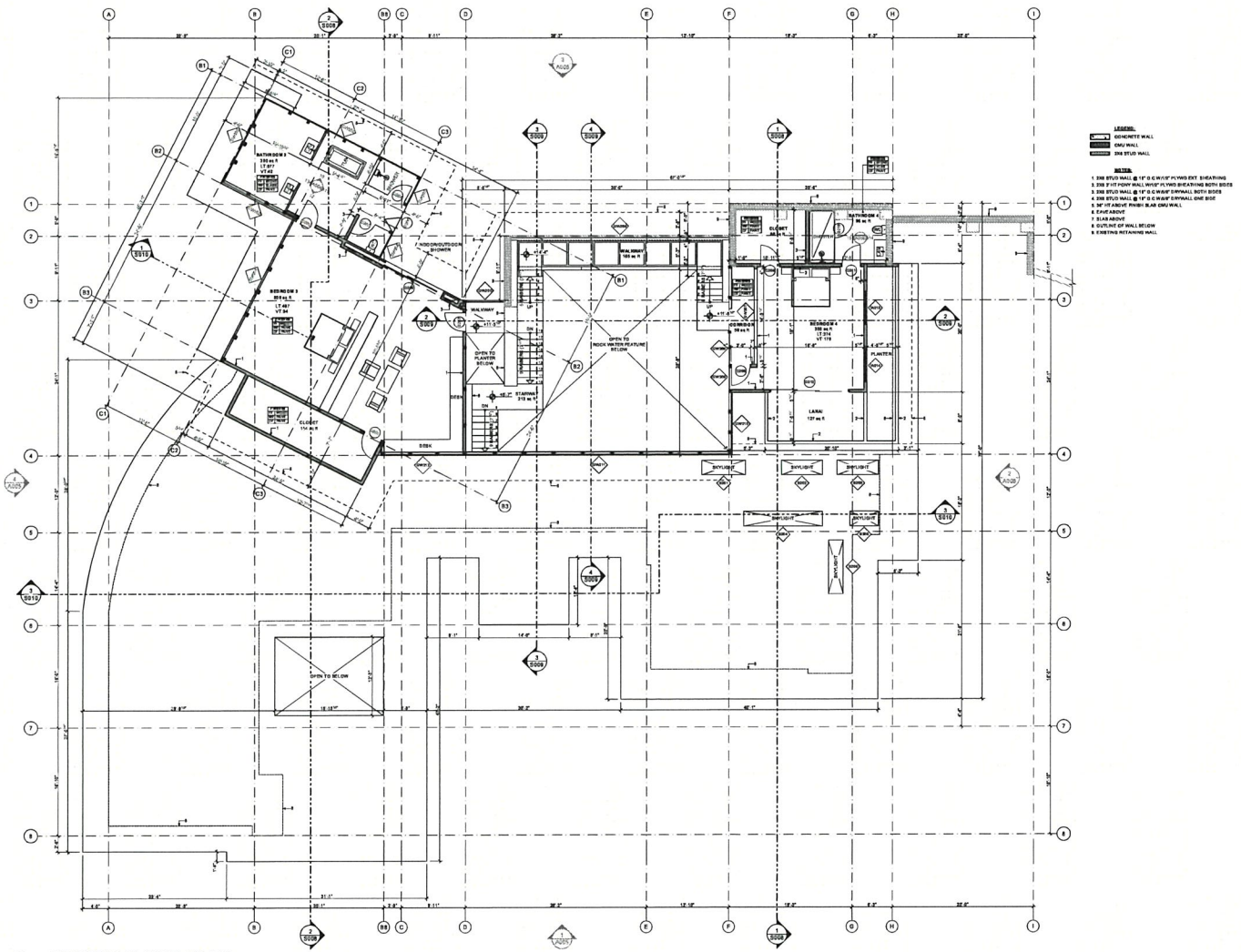
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISORY DIRECTION OF THIS PROJECT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF HAWAII

SMYTHE RESIDENCE
275 Kaelepulu Dr, Lanikai HI, 96734
TMK: 4-3-007:077

1ST FLOOR PLAN

Date: 16 JAN 2024
Checked by:
Drawn: YY
Job:
Sheet Number: A002

EXHIBIT C-2 - FIRST FLOOR PLAN
2024/SMA-117



1 SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

REV #	DESCR.	DATE

Concept 2 Completion
328-C Kaanlani Street
Kailua HI 96734
808.782.5988
karl@c2c-builders.com
www.c2c-builders.com

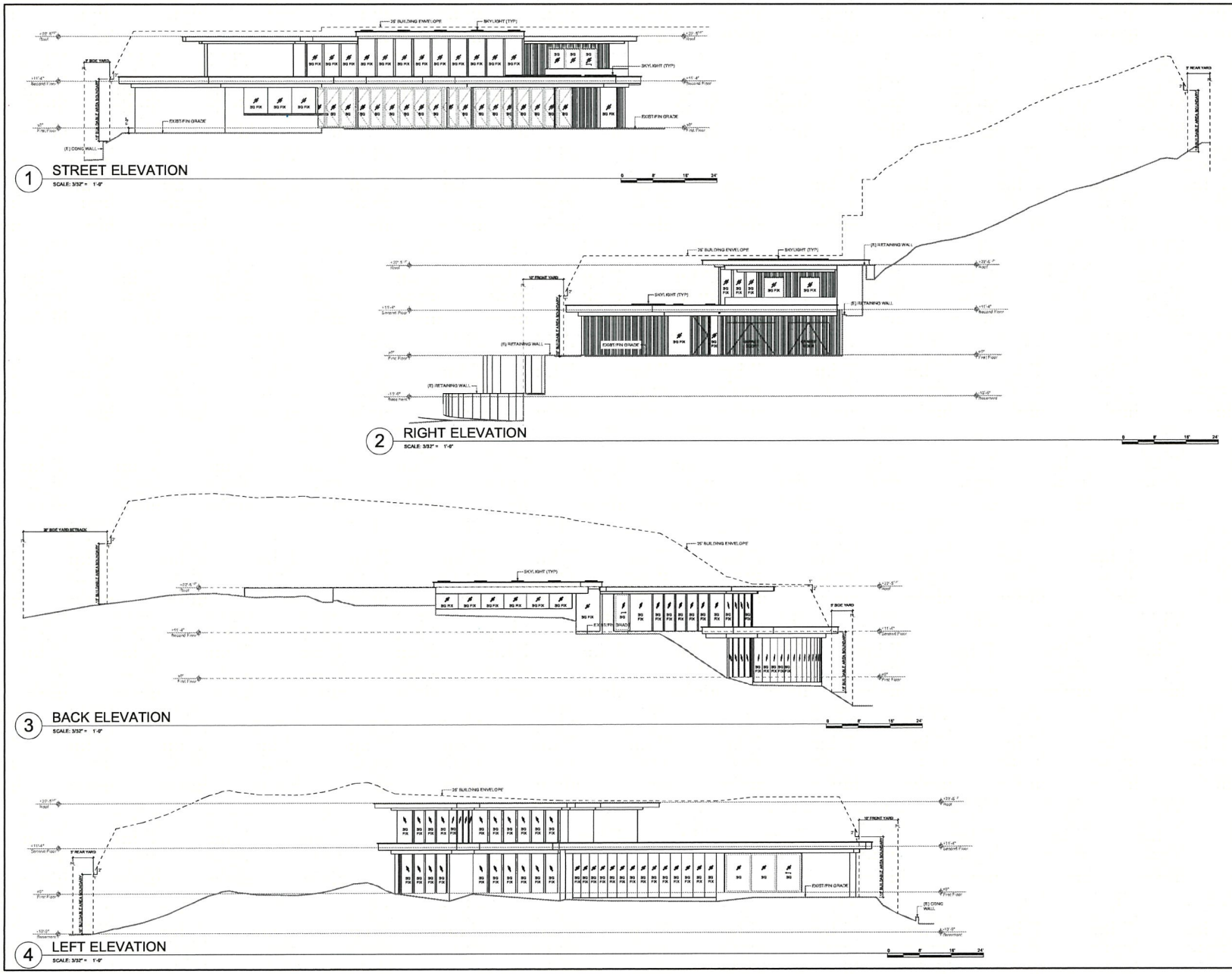
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION FOR CONSTRUCTION OF THIS PROJECT

SMYTHE RESIDENCE
275 Kaelepulu Dr. Lanikai HI, 96734
TMK: 4-3-007:077

2ND FLOOR PLAN

Date: 16 JAN 2024
Checked by:
Drawn: YY
Job:
Sheet Number: A003

EXHIBIT C-3 - SECOND FLOOR PLAN
2024/SMA-117



REV #	DESCR.	DATE

Concept 2 Completion
328-C Kaelani Street
Kailua HI 98734
808.782.5968
kari@c2c-builders.com
www.c2c-builders.com

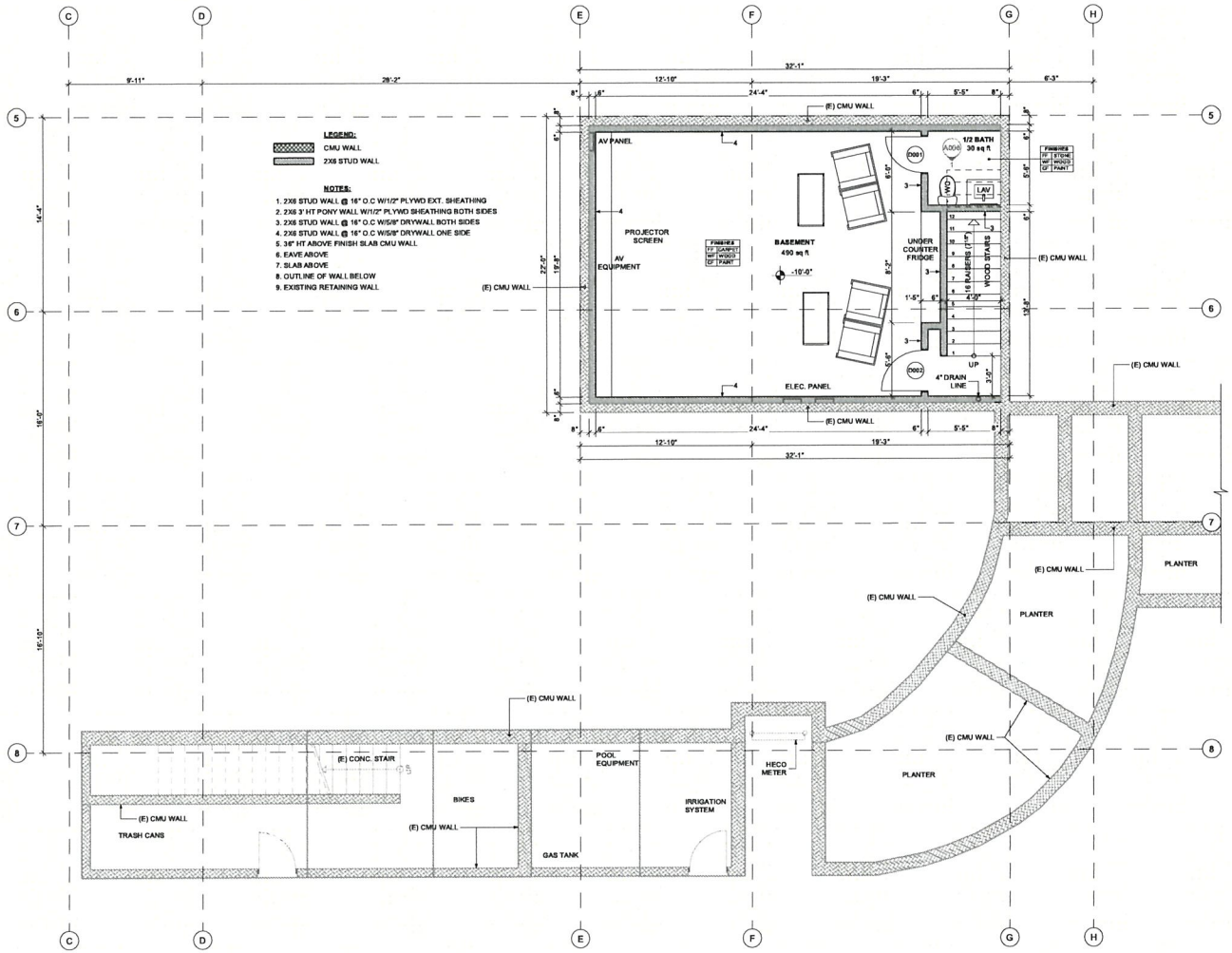
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION FOR THE CONSTRUCTION OF THIS PROJECT. THE DOCUMENTS ARE NOT TO BE USED FOR ANY OTHER PROJECT.
Registered Professional Engineer / Architect
Department of Commerce, & Consumer Affairs
State of Hawaii
My commission expires on

SMYTHE RESIDENCE
275 Kaelepulu Dr. Lanikai HI, 96734
TMK: 4-3-007:077

ELEVATIONS

Date: 16 JAN 2024
Checked by:
Drawn: YY
Job:
Sheet Number: **A005**

EXHIBIT C-4 - ELEVATION DRAWINGS
2024/SMA-117



1 BASEMENT PLAN
SCALE: 1/4" = 1'-0"

REV #	DESCR.	DATE

Concept 2 Completion
328-C Kaaniani Street
Kailua HI 96734
808.782.5968
kari@c2c-builders.com
www.c2c-builders.com

CONSTRUCTION 4-30-2024

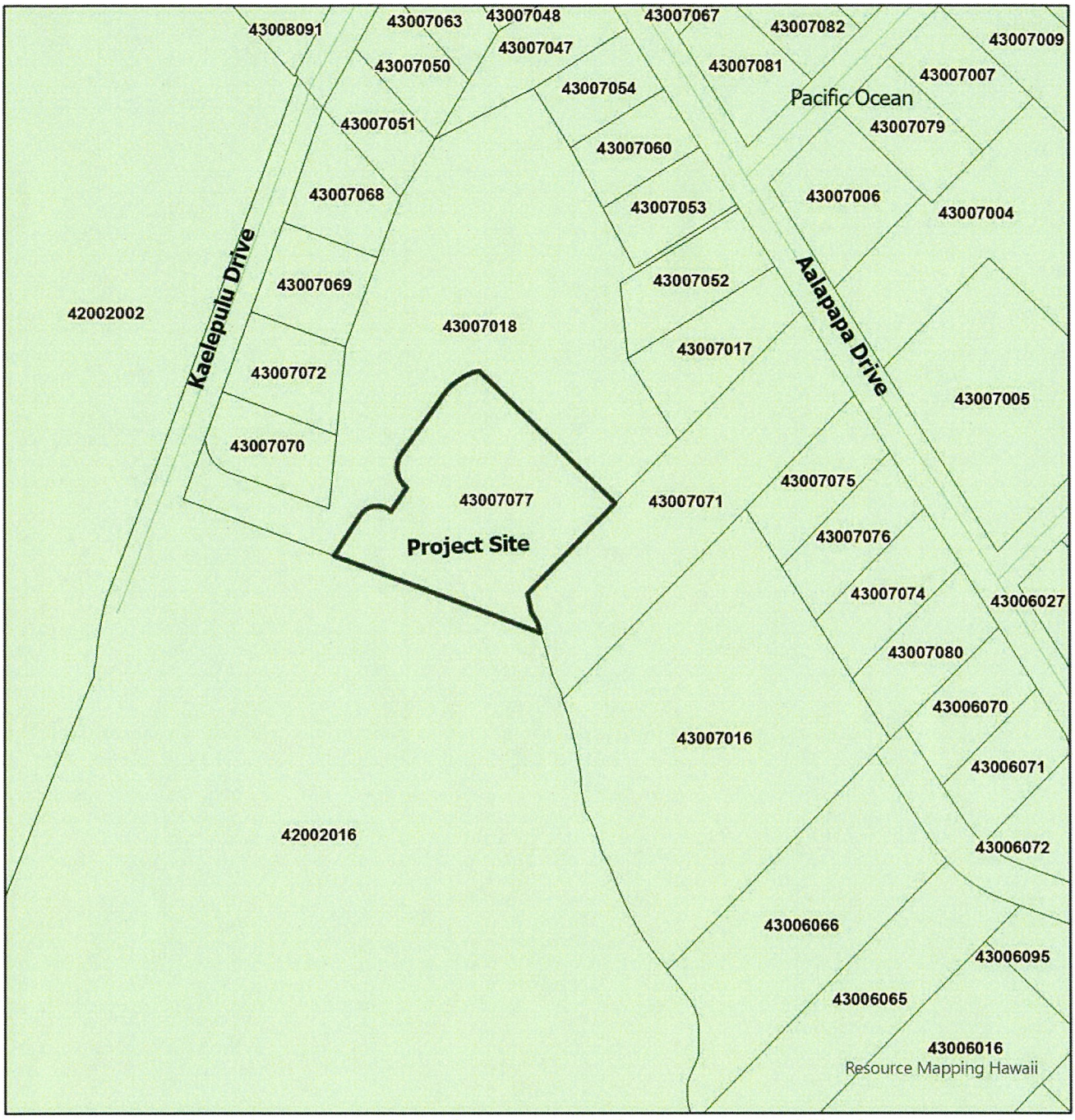
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION FOR CONSTRUCTION OF THE PROJECT SHOWN HEREON. Registered Professional Engineer, or Licensed Professional Architect, as applicable, in the State of Hawaii. Pages or plans bearing this statement must be signed and dated by the author of the plans.

SMYTHE RESIDENCE
275 Kaelepulu Dr. Lanikai HI, 96734
TMK: 4-3-007:077

BASEMENT PLAN

Date: 16 JAN 2024
Checked by:
Drawn: YY
Job:
Sheet Number: A001

EXHIBIT C-5 - BASEMENT / RECREATION ROOM PLAN
2024/SMA-117



Legend

X

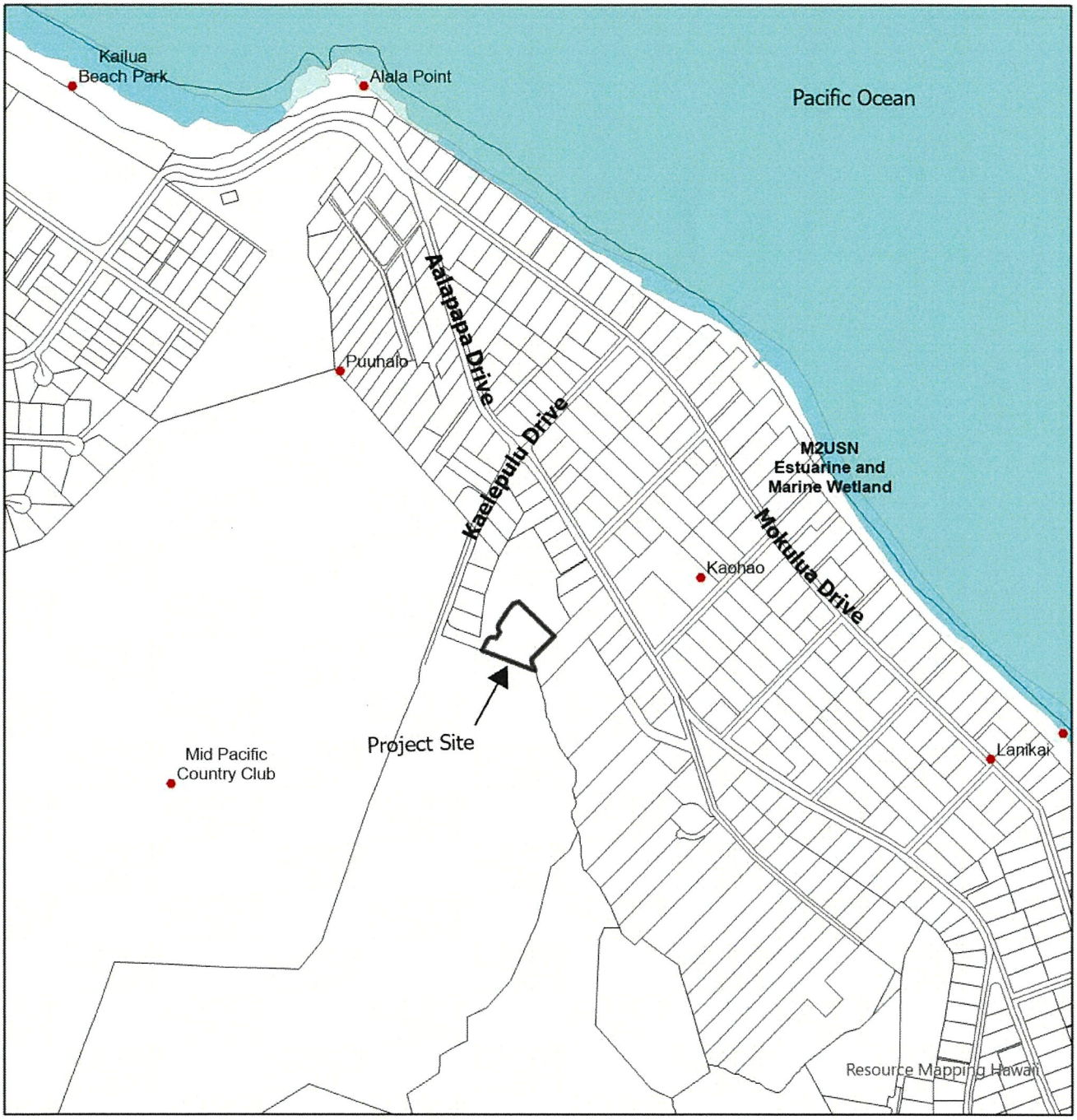
2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT D - FLOOD ZONE MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

Wetland 2023

- M1RF1L
- M2RSN
- M2USN

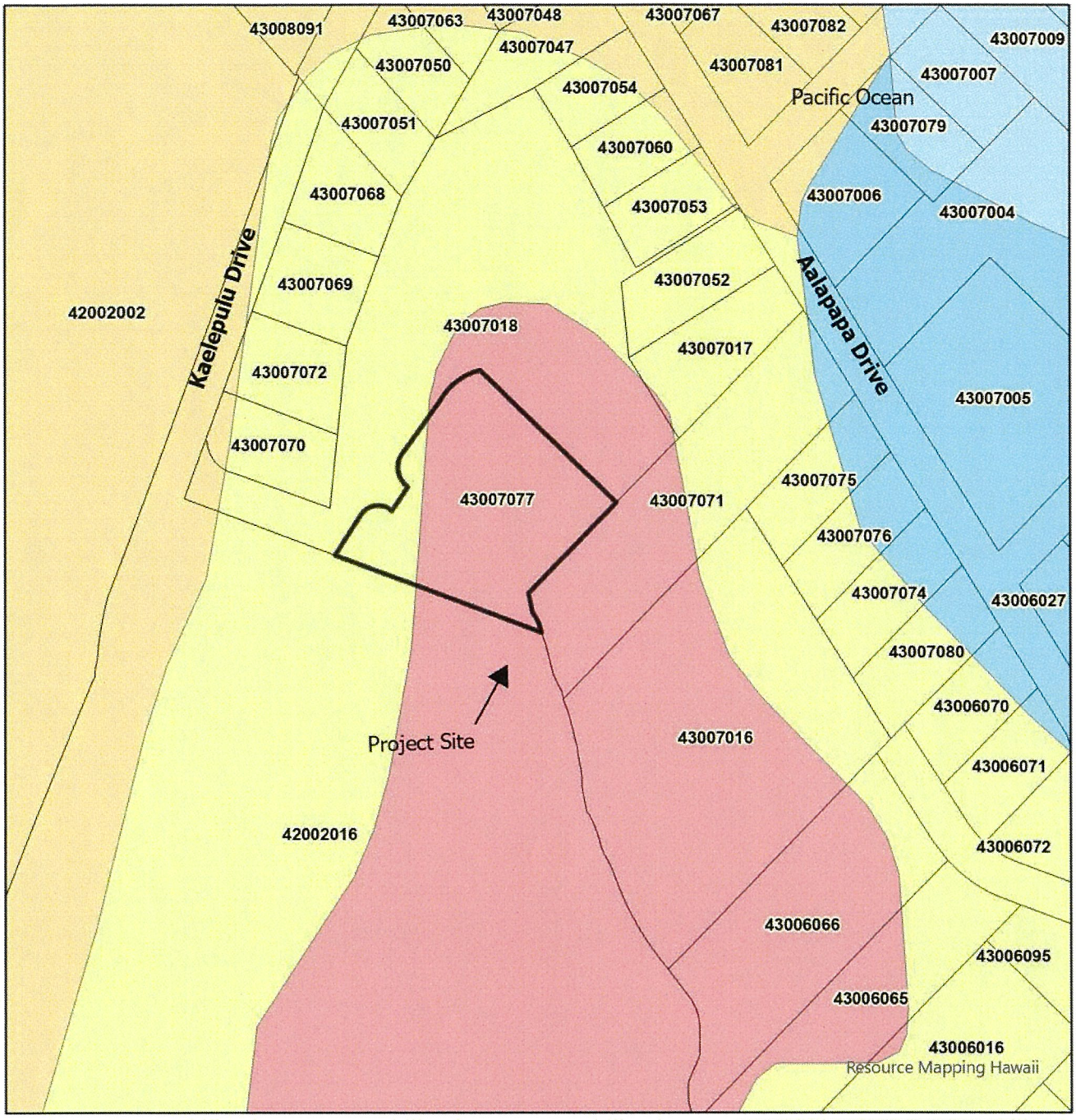
2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT E - WETLANDS MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

- JaC
- KTKE
- KtC
- Ms
- rSY

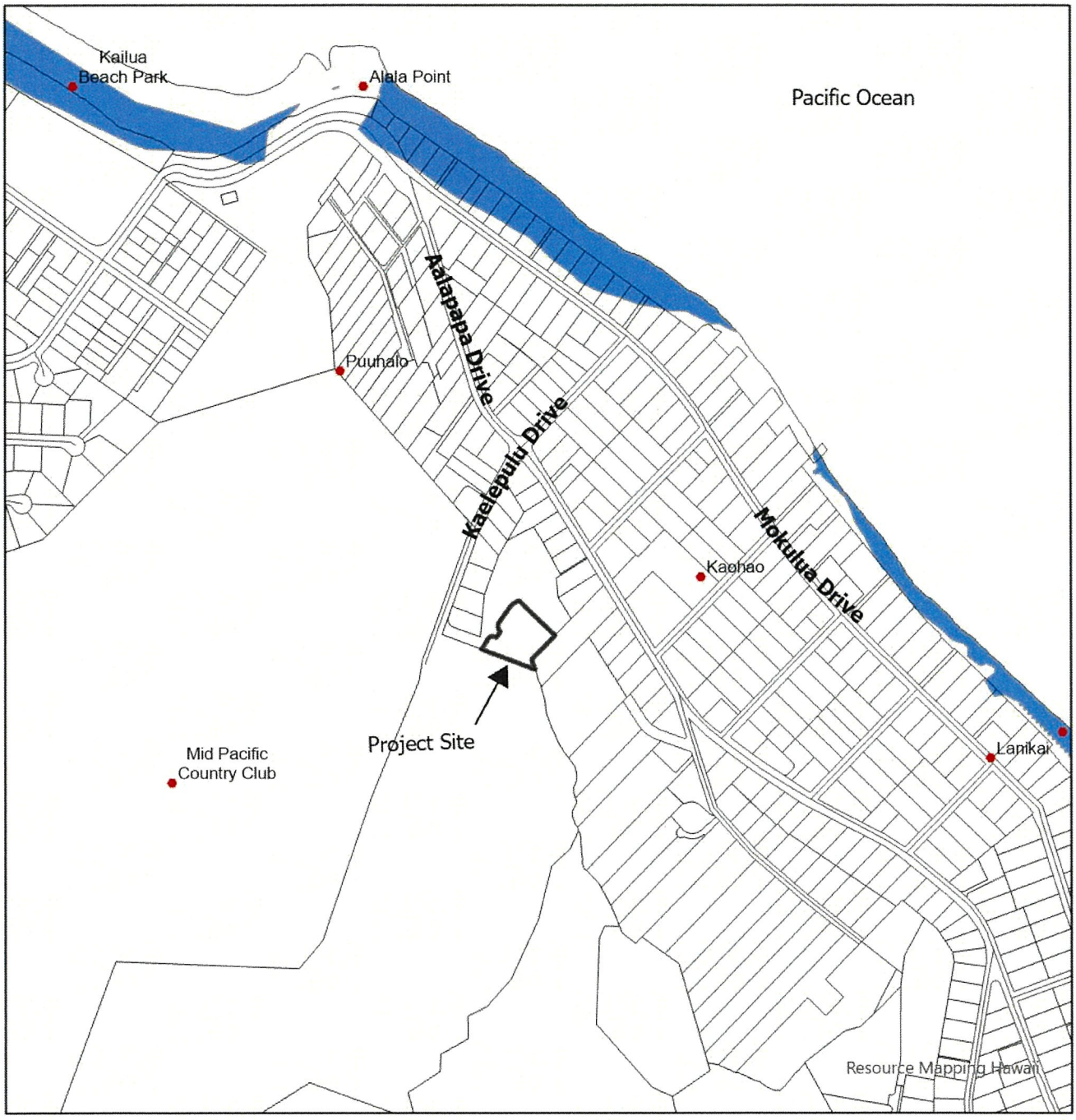
2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT F - NRCS SOILS MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

Sea Level Rise Exposure Area 3.2 ft

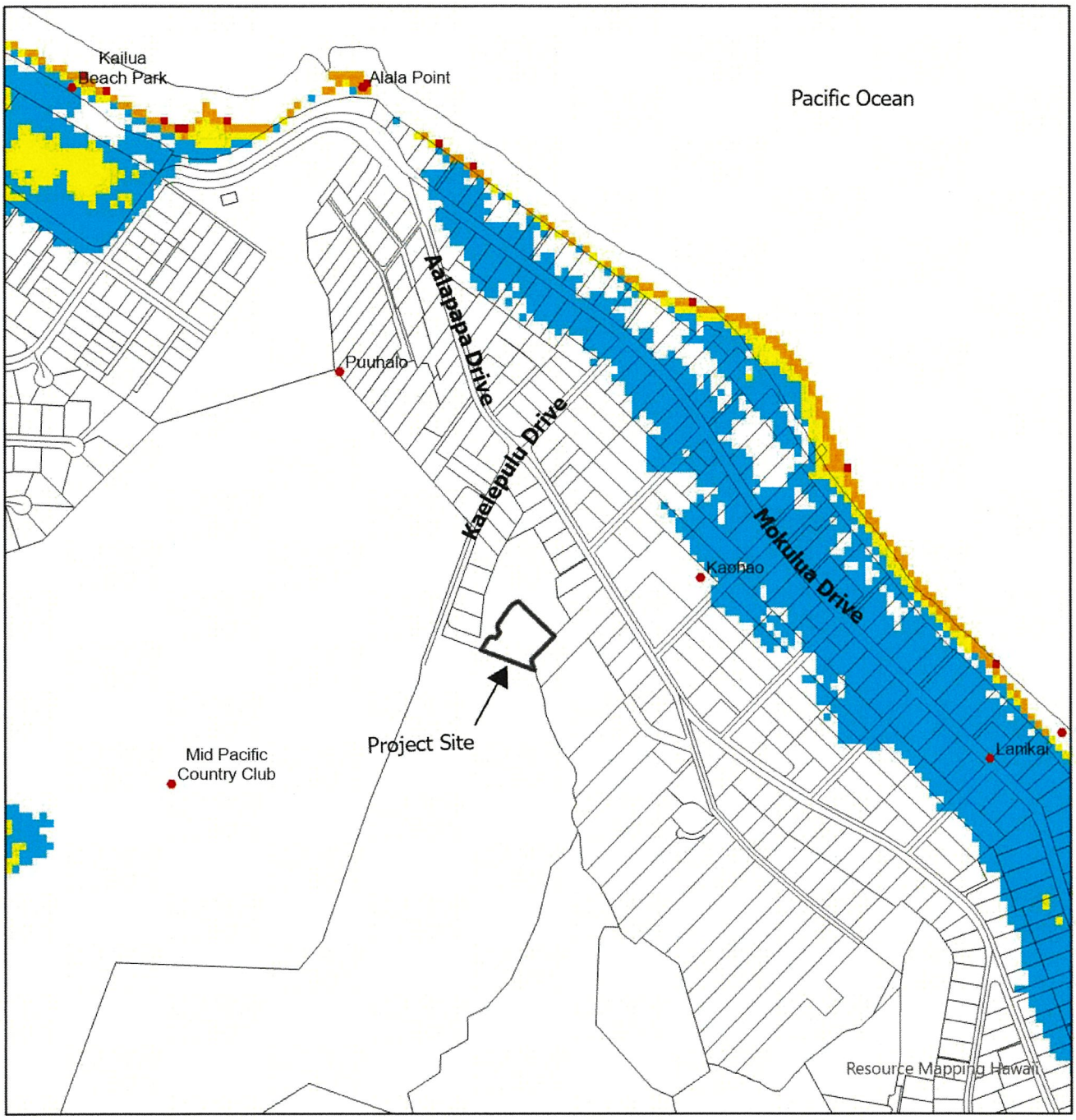
2024/SMA-117

TMK: 4-3-007: 077 EXHIBIT G - 3.2-FOOT SLR-XA MAP

275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

Value

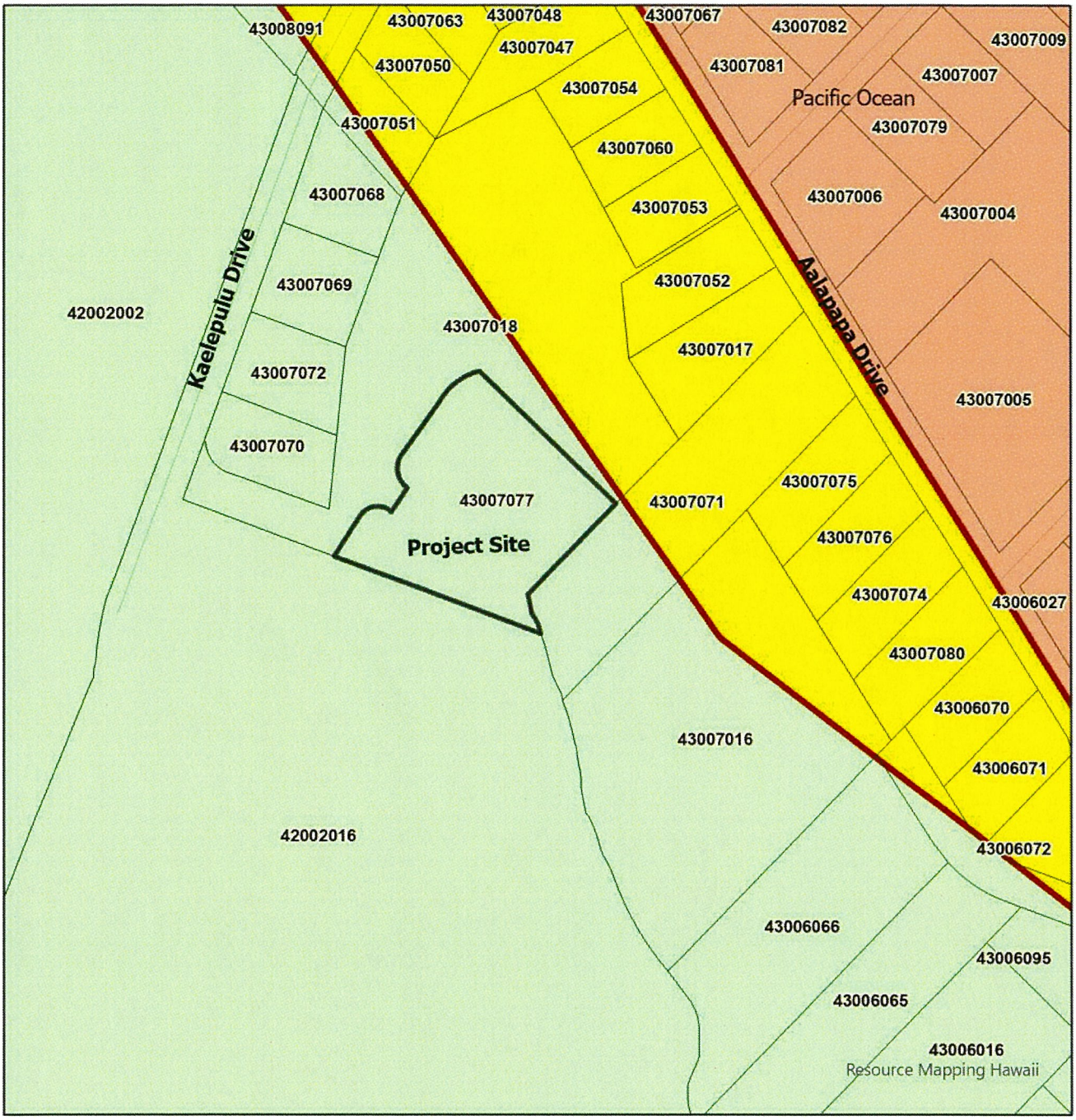
- Inudation under 3ft.
- 6ft of Inudation
- 9ft of Inudation
- up to 21 ft

2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT H - HURRICANE STORM SURGE MAP
275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Legend

- Tsunami Evacuation Boundary Line 2015
- Tsunami Evacuation Zone
- Extreme Tsunami Evacuation Zone
- Safe Zone

2024/SMA-117

TMK: 4-3-007: 077
EXHIBIT I - TSUNAMI EVACUATION MAP
275 Kaelepulu Drive, Lanikai

City and County of Honolulu

November 2024



Source: City and County of Honolulu and PBR Hawai'i

Legend

- Kaiwa Ridge Trail Action Location Boundary
- 500' Cumulative Radius
- Project Site

EXHIBIT J - CUMULATIVE PROJECTS MAP
2024/SMA-117

Report Title:
Special Management Area ("SMA") Major Permit; Land Use Permit; Department of Planning and Permitting ("DPP")

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.