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PLANNING COMMISSION
KOMIKINA HOʻOLĀLĀ
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STEET, 7TH FLOOR • HONOLULU, HAWAIʻI 96813
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RICK BLANGIARDI
MAYOR
MEIA

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ELENA BRYANT
JASON WOO

March 19, 2025

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

Dear Chair Waters and Councilmembers:

SUBJECT: Request for State Land Use District Boundary Amendment (SLUDBA) for Haleʻiwa Backyards Mixed-Use Development Portion of Tax Map Key 6-2-005: 002

The Planning Commission (PC) held a public hearing on January 22, 2025 on the above subject matter. One public testimony and four written testimonies were received. The public hearing was closed on January 22, 2025.

The Planning Commission voted, 5:1 to accept the recommendations and conditions of the Director of the Department of Planning and Permitting (DPP), with the following amendment:

1) Condition 6, Wastewater. In light of the State's growing population, limited potable water resources, and wastewater disposal issues, and consistent with Department of Health (DOH) policy supporting the use of recycled water provided that public health and water resources are not compromised, the Applicant shall implement wastewater reuse measures for the proposed project to the maximum extent possible, consistent with DOH wasewater reuse guidelines.

In addition, the PC would like to add the following condition:

1) Community engagement. The Commission finds that a more bona fide communitiy engagement needs to be conducted with neighboring property

owners, community organizations, community members, and other interested parties. The Applicant should submit semi-annual written reports to the Planning Commission detailing the Applicant's further community engagement efforts.

Commissioners raised various concerns regarding the Applicant's request for SLUDBA, which were stated on the record.

Attached is the report of the Director of the DPP, the PC Findings of Fact pertaining to the State Land Use District Boundary Amendment, the Application, the copy of the draft Bill, and written testimonies.

Should you have any questions, please contact me at (808) 768-8007.

Sincerely,

Pane Meatoga III, Chair
Planning Commission

Enclosures

ACKNOWLEDGED:

Rick Blangiardi, Mayor
Office of the Mayor

ACKNOWLEDGED:

Dawn Takeuchi Apuna, Director
Department of Planning and Permitting

FW

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

Authorization Dawn Takeuchi Apuna Director
Advertisement Jan. 10, 2025
Public Hearing Jan. 22, 2025

RECEIVED
January 9, 2025
8:00 AM
DEPT. OF PLANNING AND PERMITTING

DEPARTMENT OF PLANNING AND PERMITTING
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CITY AND COUNTY OF HONOLULU

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2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

January 9, 2025

2024/GEN-11
2714214

MEMORANDUM

TO: Pane Meatoga III, Chair
and Members of the Planning Commission

FROM: Dawn Takeuchi Apuna, Director Designate
Department of Planning and Permitting

SUBJECT: State Land Use District Boundary Amendment (SLUDBA)
Haleʻiwa Backyards Mixed-Use Development
Portion of Tax Map Key 6-2-005: 002

Transmitted for appropriate action is our report and recommendation for the conditional approval of a SLUDBA application of 7.292 acres from the Agricultural District to the Urban District proposed by Haleʻiwa Backyards, LLC.

The proposed SLUDBA conforms to the policies and guidelines of the Hawaiʻi State Plan and the Oʻahu General Plan of the City and County of Honolulu. It also conforms to the policies and guidelines of the North Shore Sustainable Communities Plan (NSSCP). The Petition Area is within the Community Growth Boundary and is designated as "Country Town" in the NSSCP, and is also within the Haleʻiwa Special District. The proposal is to allow for the development of approximately 150 residential units and 30,000 square feet commercial space for retail and offices.

Based on the conclusions in this report, the Department of Planning and Permitting (DPP) recommends approval of the SLUDBA with the following conditions:

- Protect nearby agricultural uses pursuant to Hawaiʻi Revised Statutes, Section 205-3.5;
- Record an affordable housing agreement;
- Update the existing Traffic Impact Assessment Report;
- Ensure adequate access from Kamehameha Highway;

- Develop a wastewater collection and treatment system;
- Protect endangered species; and,
- File an annual status report to the DPP.

It is anticipated that the SLUDBA will assist in meeting housing demand needs for the North Shore and create commercial space for supportive services. Beyond the potential impacts addressed with the DPP's proposed conditions of approvals, identified above, the proposed development is not anticipated to result in any significant impact on public facilities.

If the SLUDBA is approved by the City Council, the proposed project will require a zone change and a special district major permit, both processed by the DPP.

cc: Hale'iwa Backyards, LLC
Planning Solutions
State Land Use Commission

Attachment

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAIʻI

IN THE MATTER OF THE APPLICATION

OF

HALEʻIWA BACKYARDS, LLC
MIXED-USE DEVELOPMENT

FOR A

STATE LAND USE DISTRICT BOUNDARY
AMENDMENT OF 7.292 ACRES FROM
THE STATE AGRICULTURAL DISTRICT
TO THE URBAN DISTRICT

File No. 2024/GEN-11

FINDINGS OF FACT, CONCLUSIONS,
AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

APPLICANT:	Haleʻiwa Backyards LLC
LANDOWNER:	Basin Project Inc.
AGENT:	James T. Hayes, Planning Solutions, Inc.
LOCATION:	Between Joseph P. Leong Highway and Kamehameha Highway, Haleʻiwa, North Shore, Oʻahu (Attachment 1, Exhibit 1)
TAX MAP KEY (TMK):	6-2-005: 002 portion
PETITION AREA:	7.292 acres of the 7.525-acre parcel
STATE LAND USE DISTRICT:	Agricultural District (Exhibit 2)
EXISTING ZONING:	AG-1 Restricted Agricultural District (Exhibit 3)
SPECIAL DISTRICT:	Haleʻiwa Special District (Exhibit 4)
SHORELINE SETBACK AREA: and/or SPECIAL MANAGEMENT AREA (SMA)	Outside of Shoreline Setback and SMA (Exhibit 5)
SUSTAINABLE COMMUNITIES : PLAN AREA	Country Town land use designation within the Community Growth Boundary of the North Shore Sustainable Communities Plan (NSSCP) (Exhibit 6)

NORTH SHORE PUBLIC INFRASTRUCTURE MAP (NS PIM)	Symbol 21 – Hale‘iwa Public Parking Facility, Symbol 5 – Kamehameha Highway Widening and Sidewalk Improvements through Hale‘iwa (Exhibit 7)
FLOOD HAZARD AREAS:	Flood Zone X – Outside of the 0.2 percent annual chance floodplain (Exhibit 8)
EXISTING USES:	Vacant, undeveloped
SURROUNDING LAND USES:	Shops in the Hale‘iwa Special District to the west; undeveloped to the north and south; Joseph P. Leong Highway to the east; active agriculture further east

B. Proposal: The proposed State Land Use District Boundary Amendment (SLUDBA) application is to redesignate the Petition Area from the Agricultural District and add it to the Urban District. Upon completion of the SLUDBA, the Applicant would seek a zone change consistent with the Urban District. According to the application, the SLUDBA and the forthcoming zone change are being undertaken to construct a mixed-use development comprised of apartment units, commercial space, parking, and a wastewater management system. See Exhibit 9 for the Proposed Master Plan.

C. Background: The project site for the proposed Hale‘iwa Backyards, henceforth referred to as the Petition Area, is on approximately 7.292 acres of a 7.525 acre parcel of land within the Hale‘iwa Special District of the North Shore of O‘ahu, identified as a portion of TMK 6-2-005: 002. The remaining 0.233 acres of the property are already in the Urban District and are part of the ‘Ōpae‘ula Road, which provide access to the Petition Area. Upon completion of the SLUDBA, the entirety of the project will be within the Urban District.

In 2013, the Honolulu City Council created a NS PIM symbol on the subject property with the intent to construct a public parking facility. That plan was later abandoned by the City Council and the Department of Design and Construction though the NS PIM Symbol still remains on the site.

The landowner purchased the subject property in 2014. On September 23, 2015 and November 23, 2016, the Applicant proposed the Hale‘iwa mixed-use project in the Draft Environmental Assessment (DEA) and Final Environmental Assessment (FEA) – Finding of No Significant Impact (FONSI), respectively. According to the SLUDBA application, a major change from the FEA-FONSI to the current proposal is the elimination of 100 parking spaces and the location of the wastewater treatment system on-site.

The Petition Area runs north to south, parallel to Joseph P. Leong Highway to the east and one block from Kamehameha Highway to the west. The Petition Area currently features undeveloped open space, agricultural roads, and a stockpiling site for sand.

There are two access points to the Petition Area from Kamehameha Highway in Hale‘iwa Town: (1) The northern access point to the site is from, and includes, ‘Ōpae‘ula Road, just north of the Ace Hardware store; and (2) The southern access point to the site is from Cane Haul Road, approximately 550 feet east of its intersection with Kamehameha Highway. Currently, a dirt road forks off of Cane Haul Road traversing the site in a north to south orientation. Since the southern end of the Petition Area is

traversed by Cane Haul Road and the segment of Cane Haul Road from Kamehameha Highway is on land owned by Kamehameha Schools, the Applicant is currently seeking an access easement from Kamehameha Schools.

D. Authority for a SLUDBA: In accordance with the Hawai'i Revised Statutes (HRS), Section 205-3.1(c), the County has decision-making authority for SLUDBAs of 15 acres or less (except lands in the State Land Use [SLU] Conservation District or designated as Important Agricultural Lands [IAL]). The project is 7.292 acres, which is less than 15 acres.

E. Description of the Proposed Project: According to the application, upon completion of all regulatory entitlements the planned development includes:

- Approximately 150-156 low-rise apartment units (duplex and townhomes)
- Approximately 30,000 square feet of commercial space (retail and office)
- Parking
- Wastewater management system

See Exhibit 9 for a rendering of the proposed development. Upon completion of the proposed SLUDBA and prior to seeking building permits, the Applicant would need to seek a zone change appropriate for the development being sought.

Recommended conditions of approval for the proposed SLUDBA, or any forthcoming zone change, may affect the scope or scale of the proposal. Market conditions may also warrant changes to the project design given the length of time that elapses during the regulatory approval process.

F. Timeline and Approximate Costs: A summary of project milestones and conceptual development is as follows:

- 2014: Applicant purchases property
- September 23, 2015: Publication of the DEA
- November 23, 2016: Publication of the FEA-FONSI
- Summer 2024 – Summer 2025: Obtain discretionary approvals
- Summer 2025 – Summer 2026: Obtain civil and building permits
- Fall 2026 – Fall 2028: Construction

Project costs were not calculated for the SLUDBA application and will be evaluated based on the conditions presented during the discretionary approval process.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the Department of Planning and Permitting (DPP) hereby finds that:

A. Description of the Site and/or Surrounding Land Uses:

1. Location and Current Use. The Petition Area is located on a portion of a 7.525-acre property, TMK 6-2-005: 002, approximately 0.25 miles inland and

south from the Anahulu Stream Bridge. The Petition Area is sandwiched between Joseph P. Leong Highway to the east and Haleʻiwa Town to the west. The commercial uses that comprise Haleʻiwa Town are located along Kamehameha Highway, further west.

The property is narrow, measuring approximately 250 feet near its widest point, and approximately 1,700 feet long. The northern portion of the property is occupied by ʻŌpaeʻula Road, which is already within the Urban District. While the proposed project will utilize this area, it is excluded from the Petition Area as it is already within the Urban District. The entirety of the property is zoned AG-1, Restricted Agricultural District, and will be included in the forthcoming zone change application.

The Petition Area is bisected by two agricultural roads. One road traverses the site from north to south. The second road, Cane Haul Road, is a dirt road that provides access to farms on the mauka side of Joseph P. Leong Highway from Kamehameha Highway. Other than the roads, the remainder of the Petition Area is vacant and vegetated open space.

2. Historic Use. While the Petition Area currently is vacant, during the plantation era, the Petition Area was contiguous with the farms located mauka of the highway that are still being actively cultivated. The Petition Area was operated by the Waialua Sugar Company and utilized for agricultural roads, sugar cane fields, and the Oʻahu Railway and Land Company (OR&L) narrow-gauge railway. According to the application, it is not known precisely when sugar cultivation began on the Petition Area. Prior to the plantation era, little is known about the use of the Petition Area.

   In 1991, a large property was subdivided to facilitate the development of the Haleʻiwa Bypass, now known as the Joseph P. Leong Highway. The subdivision (90/SUB-250) created the highway right-of-way and severed TMK 6-2-005: 002 from the mauka properties. During the construction of the highway, the Petition Area was used as a staging area. According to the Archaeological Assessment, construction of the highway also destroyed any remnants of the OR&L railroad on the site. The highway opened in 1993.

   Since the termination of sugar cane cultivation, there has been no permanent use of the Petition Area. The SLUDBA application notes the use of the Petition Area for the Haleʻiwa Farmer's Market on Sundays for a period of time in 2015, and for stockpiling sand, which is still on the site.

3. Topography. The Petition Area generally slopes from east to west, away from Joseph P. Leong Highway toward Kamehameha Highway, and more slightly from north to south. Heights range from approximately 50 feet above mean sea level near the eastern-most point, to 25 feet above mean sea level at the southwest entrance to the site along Cane Haul Road. See Exhibit 10.

4. Soils. Soils in the Petition Area are typical to soils found on the Waialua plain. According to the U.S. Department of Agriculture's 1972 Soil Survey, the soils within the Petition Area and vicinity are classified as follows (see Exhibit 11):

- ‘Ewa Silty Clay Loam, zero to two percent slopes (EmA): consists of deep, well drained soils located on alluvial fans and terraces on O‘ahu. EmA soils are well drained, runoff is slow to medium, and saturated hydraulic conductivity is moderately high.

- Kawaihāpai Clay Loam, two to six percent slopes (KlB): consists of well drained soils in drainage ways and on alluvial fans on the coastal plains of Waialua. KlB soils are well drained, have slow to medium runoff based on slope, and have moderate permeability.

a. Agricultural Lands of Importance to the State of Hawai‘i (ALISH). In 1977 the ALISH classification system identified three classes of agriculturally important lands: Prime Agricultural Lands, Unique Agricultural Lands, and Other Important Lands. The majority of the Petition Area is classified as Prime Lands. See Exhibit 12. Prime Lands are classified by ALISH as:

> “Land is best suited for the production of food, feed, forage and fiber crops. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods.”

The northern portion of the Petition Area and lands along the western property boundary has no ALISH classification.

b. Land Study Bureau of Hawai‘i Classification (LSB). The LSB classification system evaluates the quality of State land in terms of agricultural productivity based on environmental conditions, physical characteristics, and soil properties. The LSB assigns a productivity rating of “A” through “E”, with “A” having “very good” productivity and “E” having “very poor” productivity. The study was completed between 1965 and 1972. A majority of the Petition Area is classified by the LSB as having “A” productivity, the highest productivity rating. See Exhibit 13. A small portion of land in the north has “B” productivity rating. Some lands near the center of the site, to the east near Joseph P. Leong Highway, are classified as “E”, or having very poor productivity.

c. IAL. The identification of IAL is a state mandate (HRS, Chapter 205) to create long-term protection for Hawai‘i’s high-quality farm land and preserve productive agricultural land from future development. HRS, Section 205-41, states:

> “It is declared that the people of Hawai‘i have a substantial interest in the health and sustainability of agriculture as an industry in the State. There is a compelling state interest in conserving the State’s agricultural land resource base and assuring the long-term availability of agricultural lands for agricultural use to achieve the purposes of:

(1) Conserving and protecting agricultural lands;
(2) Promoting diversified agriculture;
(3) Increasing agricultural self-sufficiency; and
(4) Assuring the availability of agriculturally suitable lands, pursuant to Article XI, Section 3, of the Hawai‘i State Constitution."

In 2022, the DPP completed its study to designate IAL on O‘ahu based on three priority criteria: 1) lands currently in agricultural production; 2) suitable soil; and 3) adequate water supply, selected from eight IAL standards and criteria specified in HRS, Section 205-44.

HRS, Section 205-44(c)(6), stipulates that the designation of IAL land must be consistent with general, development, and community plans of the county. According to the NSSCP, the Petition Area is inside of the Community Growth Boundary (CGB) and is designated as Country Town. The DPP did not include areas designated for infill development, including the Petition Area, to be added to the proposed IAL map. As such, neither the DPP nor the Land Use Commission considered agricultural use within the Petition Area necessary to achieve the purposes of HRS, Chapter 205.

5. Surrounding Uses. The Petition Area is located between two main transportation corridors: Kamehameha Highway, which is approximately 300 feet to the west, and Joseph P. Leong Highway, which comprises the eastern boundary.

Between the Petition Area and Kamehameha Highway is a mix of retail and residential uses that define the Hale‘iwa Special District. These areas are zoned either R-5 Residential or B-1 Neighborhood Business with a height limit of 30 feet. See Exhibit 3. To the northwest is the Lili‘uokalani Protestant Church and cemetery. The church, and the lawn north of the church, is zoned R-5 Residential. The cemetery and road that provides access to the Petition Area are zoned P-2 General Preservation. Southwest of the Petition Area is the North Shore Marketplace, which is split-zoned B-1 Neighborhood Business, I-1 Limited Industrial, and AG-1 Restricted Agricultural.

North and south of the Petition Area are vacant or overgrown agricultural lands, zoned AG-1 Restricted Agricultural, and serve primarily as open space. These lands are not as overgrown as the Petition Area, with vegetation limited to tall grass.

Lands opposite Joseph P. Leong Highway are large agricultural lots that are in active cultivation. These lands were previously contiguous with the Petition Area prior to the highway‘s construction. According to the SLUDBA application, the Joseph P. Leong Highway has also severed access to the irrigation system of the mauka farms.

The mauka farms require access from Kamehameha Highway via Cane Haul Road, through the southern portion of the Petition Area. Access to these agricultural lands should not be disturbed during or after construction of the proposed project.

B. Other Permits and/or Approvals Required:

Upon completion of the proposed SLUDBA, the Applicant has indicated that they will seek a zone change from AG-1 Restricted Agricultural to B-1 Neighborhood Business and A-1 Low-Density Apartment. The northern portion of the property is excluded from this SLUDBA application as it is already in the Urban District. However, this small portion is currently zoned P-2 General Preservation and will be included in the zone change.

Other needed permits and approvals include, but may not be limited to: a Special District Major Permit, grading and grubbing permits, building permits, and permits to connect to potable water, storm/drainage, and wastewater treatment facilities. While most permits will be processed by the DPP, approval of the private individual wastewater treatment system falls under the jurisdiction of the State Department of Health (DOH).

C. Public Agency Notification and/or Comments:

On September 11, 2024, a request for comment was sent out to public agencies, community organizations, adjoining property owners, and other interested parties. The request for comment letter and mailing labels for the parties that received a public notice are included in Attachment 2. The following public agencies were requested to evaluate the impact of the proposed SLUDBA. Agencies that submitted written comments, even to state "no comment," are identified with an asterisk (*). Agencies that provided significant comments are identified with a plus sign (+). Those comments are summarized in Section III of this report, along with responses from the DPP.

All written agency comments received prior to the signing of this report are included in their entirety in Attachment 3. Comments received after the signing of this report will be transmitted separately to the Planning Commission or to the City Council for their consideration.

City Agencies:
Board of Water Supply (BWS)
Department of Design and Construction (DDC)*
Department of Emergency Management (DEM)
Department of Environmental Services (ENV)
Department of Facility Maintenance (DFM)
Department of Parks and Recreation (DPR)
Department of Transportation Services (DTS)
Honolulu Emergency Services Department (HESD)
Honolulu Fire Department (HFD)
Honolulu Police Department (HPD)*
Neighborhood Commission Office (NCO)
Office of Climate Change, Sustainability, and Resiliency (OCCSR)

State Agencies:
Department of Agriculture (HDOA)
Department of Business, Economic Development, and Tourism (DBEDT)
Hawai'i Housing Finance Development Corporation (HHFDC)
Department of Education (DOE)

Department of Health (DOH)
Department of Land and Natural Resources (DLNR)
State Historic Preservation Division (SHPD)
Department of Transportation (HDOT)
Land Use Commission (LUC)
O'ahu Metropolitan Planning Organization (OMPO)
Office of Hawaiian Affairs (OHA)
Office of Planning and Sustainable Development (OPSD)+
Environmental Review Program (ERP)

Federal Agencies:
U.S. Army Corps of Engineers (USACE)
U.S. Department of the Interior+
U.S. Fish and Wildlife Service (USFWS)+
Geological Survey
Natural Resources Conservation Services (NRCS)
Housing and Urban Development (HUD)

D. Community and Adjoining Property Owner' Notification and/or Comments:

On September 11, 2024, adjacent property owners and lessees and the North Shore Neighborhood Board No. 27 (NB27) were requested to comment on the potential impact of the proposed SLUDBA. The Chair of NB27 informed the DPP that the Applicant presented the proposed project over a year ago and that another presentation was made on October 22, 2024 specifically for this SLUDBA.

At the October 22, 2024 meeting, the NB27 took no position on the proposed SLUDBA but at their November 26, 2024 meeting, the NB27 passed a motion opposing the proposed project. They felt it posed a threat to: 1) cultural integrity, 2) community character, 3) environmental concerns, and 4) lack of meaningful community engagement.

Written comments were received by individuals and community organizations in opposition to the SLUDBA application and development. All written comments from community organizations or concerned citizens that have been received prior to the signing of this report are included in their entirety in Attachment 4. Comments received after the signing of this report will be transmitted separately to the Planning Commission or to the City Council for their consideration.

III. ANALYSIS

A. Agency Comments:

To view the comments received by the DPP in full, see Attachment 3. Below is a summary of the comments with the DPP's response.

1. The OPSD, in their response to the Request for Comments (RFC), found that "the Applicant's request appropriate given the constraints on agricultural use of the site, consistency with the City's O'ahu General Plan and the NSSCP, the

availability of public services to the site, and the need for rental housing in the Haleʻiwa community."

The OPSD also expressed five areas of concern that they were seeking clarification on. Their concerns are: 1) Stormwater containment on-site; 2) Relevance of Kamehameha School's Project Cultural Impact Assessment (CIA); 3) Impact on School Facilities; 4) Pedestrian access to the project site, and 5) a vehicular and pedestrian circulation plan.

Discussion: 1) Storm water retention is a requirement under the following plans and rules updated in 2021: the City's Storm Water Management Program Plan, Post-Construction Storm Water Management in New Development and Redevelopment Program, and Rules Relating to Water Quality. The maps included in the SLUDBA application are conceptual. The Rules Relating to Water Quality will be enforced when the Applicant seeks a building permit. While the DPP is not requesting a condition of approval relating to storm water, the Applicant can elaborate on storm water treatment and handling in the zone change application.

2) The FEA-FONSI for the proposed project references a CIA published with another October 8, 2011 FEA-FONSI for the Haleʻiwa Commercial Redevelopment, now known as the Haleʻiwa Store Lots. The CIA covered the property located across Kamehameha Highway, north of ʻŌpaeʻula Road. While the CIA does not specifically include the Petition Area, the Applicant has implied that the outreach performed as part of the CIA would have identified cultural practices on the subject parcel, if any were to exist. While the 2011 CIA for an adjacent property is not sufficient alone to prove that there are no cultural impacts from the proposed project, the Applicant's continued outreach, the Ka Paʻakai analysis, and the timeline of how long this project has been proposed without identifying any cultural practitioners on the site is sufficient in determining that there are no known cultural impacts.

3) The DOE has been consulted at various stages of development. It is difficult to determine the impacts to schools at the current conceptual level, as the Applicant is still considering senior housing. The Applicant will be required to provide a more detailed proposal in the zone change application. According to the DOE, Haleʻiwa is not a School Impact Fee District.

4) and 5) The DPP is recommending a condition of approval that an updated Traffic Impact Assessment Report (TIAR) be submitted and approved by the DPP prior to seeking a zone change. The TIAR shall include information on pedestrian access and circulation. Additionally, a condition of approval is recommended that a long-term access easement for use of the privately-owned Cane Haul Road be recorded prior to the Applicant applying for a zone change.

2. The USFWS provided a form letter to input the geographic information for the project into their website to "obtain official species lists, including threatened and endangered species and designated critical habitat in your project area." A search of the USFWS' Information for Planning and Consultation portal conducted on November 18, 2024 revealed the potential for 19 endangered species and three migratory birds to be present on the Petition Area.

The generated list of potential endangered animal species that could inhabit or traverse the site include: the Hawaiian Hoary Bat, Band-rumped Storm-petrel, Hawaiian Common Gallinule, Hawaiian Coot (ʻAlae Keʻokeʻo), Hawaiian Duck, Hawaiian Petrel, Hawaiian Stilt, Newell's Shearwater (endangered), and the Hawksbill Sea Turtle. Additionally the site could contain the following endangered plants and ferns: ʻAkoko, ʻEnaʻena, ʻĀwiwi, Carter's Panicgrass, ʻIhi, ʻOhai, Pōpolo, Puʻukaʻa, Vigna o-wahuensis, and ʻIhiʻihi. The site Petition Area does not contain any critical habitats. The three migratory birds that may traverse or be found at the Petition Area include the Bristle-thighed Curlew, Laysan Albatross, and the Wandering Tattler.

Discussion: The application did not list any endangered species that might be present in the Petition Area, or identify any mitigative measures. While the FEA-FONSI report identified that the Hawaiian Hoary Bat has been reported in the area, the USFWS' comments to the DEA, included in the FEA appendix, included a more extensive list similar to those identified above.

The DPP recommends conditions of approval that adhere to the USFWS' Avoidance and Minimization Measures (May 2023) to mitigate the potential impacts of the proposed development on the Hawaiian Hoary Bat, the two Petrels, and the Newell's Shearwater.

There is no standing water on the Petition Area, or the adjacent properties. Therefore, a condition of approval relating to endangered waterbirds is not recommended at this time.

B. Compliance with State Land Use Legislation:

1. HRS, Chapter 205, State Land Use Commission. The proposed Petition Area, comprised of 7.292 acres, is within the SLU Agricultural District. The remaining 0.233 acres of the property is already within the SLU Urban District and therefore not included as part of the Petition Area. Thus, a SLUDBA of less than 15 acres is needed for the proposed Haleʻiwa Backyards project. Pursuant to HRS, Section 205-4.5, the proposed housing, commercial space, parking lot, and the wastewater system for non-agricultural uses are not allowed uses within the SLU Agricultural District. Therefore, a boundary amendment is required to expand the SLU Urban District boundary to include the Petition Area in order to be compliant with HRS, Chapter 205.

   In accordance with HRS, Section 205-2(a)(1), the purpose and intent of establishing the boundaries of the Urban District is to include lands that are currently in urban use and to include a sufficient reserve for foreseeable urban growth. The proposed housing and commercial spaces are consistent with the purpose and intent of the SLU Urban District. Pursuit of a Special Use Permit (SUP), on the other hand, would be insufficient to accommodate the proposal as the proposed project is seen as a more permanent change than what a SUP allows. A SUP is more appropriate for single, isolated, and often-limited-term uses that are unusual but need to be located in an agricultural district without the need to reclassify it as urban.

In accordance with HRS, Section 205-2(a)(3), the purpose and intent of the SLU Agricultural District is to provide the greatest possible protection to those lands with a high capacity for intensive cultivation. However, the Petition Area has undergone great disturbance from plantation-era agricultural use. While much of the Petition Area is rated by the LSB as having the highest productivity in 1956-1972 and designated as ALISH Prime Agricultural Land in 1977, these studies were conducted prior to the Petition Area being used as a staging area for the construction of the adjacent Joseph P. Leong Highway in the early 1990s. The Joseph P. Leong Highway has also severed access to the irrigation system of the large productive farms on the mauka side of the highway.

The Petition Area is within the CGB of the NSSCP. Such designation delineates land planned for development. Therefore, these soils, despite their productivity rating, are unlikely to be used for agriculture again.

HRS, Section 205-3.5, stipulates the inclusion of mandatory conditions when reclassifying land contiguous to an agricultural district. It states:

a. Any decision approving a petition for a boundary amendment pursuant to HRS, Chapter 205, where lands in the petition area are contiguous or adjacent to lands in the agricultural district, must include the following conditions by the decision granting approval:

    (1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district; and

    (2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under HRS, Chapter 165, the Hawai‘i Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

b. For purposes of this section, “farming operation” shall have the same meaning as provided in HRS, Section 165-2.

Discussion: These statutory conditions are included in the proposed recommendations of this report.

As discussed throughout this report, in accordance with HRS, Sections 205-16 and 205-17, this SLUDBA is found to be in conformance with the Hawai‘i State Plan, the O‘ahu General Plan, and the NSSCP and meets the standards of the Hawai‘i Administrative Rules (HAR), Section 15-15-18, for determining SLU Urban District boundaries. In accordance with HRS, Section 205-17(3), the proposed reclassification with this SLUDBA is not expected to impact these areas of state concern: a) important natural systems or habitats, b) valued

cultural, historical, or natural resources, c) natural resources relevant to Hawai'i's economy, including agricultural resources, and d) commitment of state funds or resources. In conformance with HRS, Section 205-17(3), the Ka Pa'akai Analysis found that there are no access rights present at the Petition Area.

The proposed SLUDBA will provide housing opportunities for lower income groups. Since the proposed reclassification of lands to the SLU Urban District does not include IAL, compliance with HRS, Section 205-17(4), is not applicable.

The proposed SLUDBA, with the proposed recommendations, addresses HRS, Section 205-17, where applicable.

2. HRS, Chapter 205A, Coastal Zone Management Zone (CZM). HRS, Chapter 205A, establishes the CZM program for all lands of the State and the area extending seaward of the shoreline to the seaward limits of the State's jurisdiction.

The proposed SLUDBA is consistent with the applicable CZM objectives and policies as follows:

(b) Objectives.
(2) Historic Resources:

(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policy (c)(2)(A): Identify and analyze significant archaeological resources.

Discussion: The Petition Area has been highly disturbed by plantation-era agricultural activities and the construction of the adjacent Joseph P. Leong Highway. Therefore, it is unlikely that previously undiscovered archaeological or historic resources will be found.

An Archaeological Assessment with subsurface testing was conducted on the Petition Area on November 10 and 11, 2014, accepted by the SHPD on February 19, 2015, and included in the FEA-FONSI published on November 3, 2016. As of the publication of this report, the SHPD provided no response to the RFC and has provided no written update to their previous acceptance of the Applicant's Archaeological Assessment.

(3) Scenic and Open Space Resources:

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policy (c)(3)(D): Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion: The Petition Area is located 0.25 miles from Anahulu Bridge and nearby beaches. The Petition Area is located outside of projected sea level rise areas. There is no anticipated impact to coastal scenic and open space resources.

(5) Economic Uses:

(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

Discussion: The Petition Area is located adjacent to Haleʻiwa Town and will provide similar and complimentary services to the existing businesses that are within the Haleʻiwa Special District. The proposed project is in conformance and fulfills the policies and objectives of the CZM.

3. HRS, Chapter 226, Hawaiʻi State Plan (HSP). The HSP (1986) serves as a guide for the future long-range development of the State. The HSP establishes a statewide planning system to coordinate and guide all major state and county activities and to implement the overall theme, goals, objectives, policies, and priority guidelines. This system implements the HSP through the development of functional plans and county general plans. See Section C, below, for further discussion of county level planning. Sections of the HSP's goals, objectives, and policies that are relevant to the proposed action and support the HSP, are discussed below.

HRS, Section 226-6, Objectives and policies for the economy - in general.

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaiʻi's people.
(2) A steadily growing and diversified economic base that is not overly dependent on a few industries.

Discussion: The primary purpose of the proposed SLUDBA is to develop housing opportunities and commercial space. According to the Applicant, the proposed commercial spaces will be marketed as health care offices, such as chiropractor, dentist, and/or doctor; and a farmers' market. These services are particularly lacking in this region due to a lack of similar spaces. These proposed uses comply with the objectives for greater diversification by meeting the needs of the area's population for healthcare and access to agricultural crops, which could also compliment the nearby agricultural uses.

HRS, Section 226-7, Objectives and policies for the economy--agriculture.

(a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:

(1) Viability of Hawaiʻi's sugar and pineapple industries.

(2) Growth and development of diversified agriculture throughout the State.
(3) An agriculture industry that continues to constitute a dynamic and essential component of Hawai‘i’s strategic, economic, and social well-being.

Discussion: The HSP was last adopted in 1986. Sugar has not been a viable commercial crop in the state since Maui’s last sugar harvest in 2016 and pineapple production has not been viable at the Petition Area since the construction of the Joseph P. Leong Highway.

(b) To achieve the agriculture objectives, it shall be the policy of this State to:

(1) Establish a clear direction for Hawai‘i's agriculture through stakeholder commitment and advocacy.
(10) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.
(18) Increase and develop small-scale farms.

Discussion: As stated previously, the State was not committed to the long-term use of the Petition Area for agriculture when it severed the site from the mauka lands and irrigation system with the construction of Joseph P. Leong Highway. While the DPP supports the development of small-scale farms, the Petition Area is better suited for infill development similar to what is proposed in this SLUDBA application and as evidenced by the designation in the NSSCP as Country Town and within the CGB.

HRS, Section 226-10, Objective and policies for the economy - potential growth activities.

(a) Planning for the State’s economy with regard to potential growth activities shall be directed towards achievement of the objective of development and expansion of potential growth activities that serve to increase and diversify Hawai‘i's economic base.

Discussion: The Applicant asserts that the 7.292 acres of the Petition Area will create new office spaces for healthcare fields, which will cater to nearby residents and are much needed in the region.

HRS, Section 226-15, Objectives and policies for facility systems – solid and liquid wastes.

(a) Planning for the State's facility systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives:

(2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.

Discussion: There is no municipal sewer system that services the Petition Area. The integration of the proposed individual wastewater system, currently proposed to be located within the southern portion of the Petition Area, is supportive of this goal, while recognizing community concerns with not wanting to create a regional wastewater system. The FEA-FONSI previously proposed that the wastewater management system be constructed off-site. The current proposal to construct it on-site would result in less environmental impacts as less wastewater infrastructure would be required.

According to the SLUDBA application, the proposed on-site treatment is not opposed by the BWS or the DOH-Wastewater Branch. As the proposed on-site development is a departure from the FEA-FONSI, a condition of approval relating to wastewater collection and treatment is recommended to ensure adequate service and capacity for the project is developed.

HRS, Section 226-19, Objectives and policies for socio-cultural advancement-housing.

(a) Planning for the State's socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:

    (1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals.
    (2) The orderly development of residential areas sensitive to community needs and other land uses.

Discussion: While there is a lack of affordable housing island-wide, the North Shore is the district with perhaps the least affordable housing for its residents. The North Shore has the highest percentage of homeowners, who are severely burdened (50 percent or more of income) by the cost of housing, 26 percent for the North Shore compared to 15 percent island-wide (DPP, Annual Report on the Status of Land Use on O'ahu, Fiscal Year 2022, Table II-10). For renters, a higher percentage of households (31 percent) on the North Shore compared to the rest of O'ahu (28 percent) faced a severe housing cost burden, where more than 50 percent of their incomes were spent on housing (DPP, Annual Report on the Status of Land Use on O'ahu, Fiscal Year 2022, Table II-11).

The SLUDBA for the proposed 150 to 156 apartment units, would alleviate some of these supply issues by creating different housing options than are currently available in much of the region. The location of the Petition Area is appropriate for the proposed development based on its location within the CGB, its designation as Country Town on the NSSCP Land Use Map, and its proximity to adjacent residential and commercial uses in Hale'iwa Town. A condition of approval relating to affordable housing is recommended to ensure these units are reasonably priced.

HRS, Section 226-103, Economic priority guidelines.

(a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawai‘i’s people and achieve a stable and diversified economy:

Discussion: Approval of the SLUDBA, and the forthcoming zone change, would lead to both new short- and long-term employment opportunities for the North Shore. Short-term employment opportunities will be generated through design and construction services and material procurement during project development and construction. New long-term employment opportunities will be created by the addition of new commercial office spaces. Additionally, residents living in Hale‘iwa will likely increase spending at local stores and reduce reliance on tourism. No condition of approval is recommended as the proposed SLUDBA fulfills very modest progress towards fulfilling this guideline.

4. Ka Pa‘akai Analysis. The Hawai‘i Supreme Court ruling in Ka Pa‘akai Ka ‘Āina v. Land Use Commission outlined a three-part inquiry to operationalize constitutional protections for Native Hawaiian rights:

a. The identity and scope of valued cultural, historical, or natural resources in the Petition Area including the extent to which traditional and customary native Hawaiian rights are exercised in the Petition Area;

b. The extent to which those resources, including traditional and customary native Hawaiian rights will be affected or impaired by the proposed action; and

c. The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

Discussion: Reclassification of lands through the SLUDBA does not, in itself, impair access to traditional or customary Native Hawaiian practices. The Applicant completed an Archeological Assessment that includes review of mo‘olelo, early land use, post-contact history, and other archaeological investigations in the area. Publicly available reports concerning traditional and customary practices in the area were also reviewed. This included a FEA-FONSI, CIA, and Archaeological Inventory Survey (AIS) prepared for Kamehameha School’s Hale‘iwa Commercial Redevelopment project.

The findings from the FEA-FONSI for the Hale‘iwa Backyards project, accepted by the SHPD, found that “no historic properties will be affected.” Additional outreach to Native Hawaiian organizations by both the Applicant and the DPP is included in Attachment 2 and Attachment 4 of this report. As of the publication of this report, no additional information or customary practices were reported in the Petition Area. The SHPD provided no additional comments on this SLUDBA application (SHPD Job No. 2024PR01108).

As there has been no identification of valued cultural, historical, or natural resources by the CIA, Archaeological Assessment, or outreach associated with the FEA-FONSI and this application, no rights will be affected or impaired, and

no action is necessary to protect rights which are not present at the Petition Area. Therefore, a condition of approval relating to traditional or customary rights is not recommended at this time.

C. Compliance with City Land Use Plans and Zoning Requirements:

1. Oʻahu General Plan (January 14, 2022 by Resolution 21-23, CD1). The proposed SLUDBA supports the following General Plan objectives and policies.

I. Population, Objective B.
To establish a pattern of population distribution that will allow the people of Oʻahu to live, work and play in harmony.

Policy 3: Manage land use and development in the urban-fringe and rural areas so that:

a. Development is contained within growth boundaries; and
b. Population densities in all areas remain consistent with the character, culture, and environmental qualities desired for each community.

Discussion: The 7.292 acres of the Petition Area are located within an area designated by the City and County of Honolulu land use plans and policies for infill growth. All proposed improvements are shown to be within the CGB and areas designated for Country Town use on the NSSCP Land Use Map. The planned housing, commercial spaces, and overall site are planned to be designed and constructed to be consistent with the visual character of the existing Haleʻiwa Town. Conformance with this objective will be evaluated during the Special District Major Permit approval process, prior to building permits.

II. Balanced Economy, Objective A
To promote diversified economic opportunities that enable all the people of Oʻahu to attain meaningful employment and a decent standard of living.

Policy 2. Encourage the viability of businesses and industries, including support for small businesses, which contribute to the economic and social well-being of Oʻahu residents.

Discussion: The SLUDBA application identifies some of the potential uses of the proposed commercial space as health care offices, such as chiropractor, dentist, and/or doctor; and a farmers market. These uses, and the commercial space proposed, are supportive of the Oʻahu General Plan.

III. Balanced Economy, Objective G
To bring about orderly economic growth on Oʻahu.

Policy 3. Maintain sufficient land in appropriately located commercial and industrial areas to support a favorable business climate on Oʻahu.

Discussion: The Petition Area is located within the Haleʻiwa Special District, and is proposed to develop a mix of residential and commercial uses.

IV. Housing and Communities, Objective A.
To ensure a balanced mix of housing opportunities and choices for all residents at prices they can afford.

Policy 3. Encourage innovative residential developments that result in lower costs, sustainable use of resources, more efficient use of land and infrastructure, greater convenience and privacy, and a district community identity.

Policy 13. Encourage the production and maintenance of affordable rental housing.

Discussion: The proposed residential development is supportive of the policies by providing greater choice and affordability than what is currently found in most of the North Shore. The new residential units will make the area more walkable by creating housing opportunities within close proximity to the main commercial area of Haleʻiwa Town.

The project is subject to the Amendment of the Affordable Housing Rules for Unilateral Agreements adopted on February 12, 2010, (2010 AH Rules). The forthcoming zone change application shall include a discussion on how the project proposes to comply with the 2010 AH Rules, including but not limited to the following:

- Section 2-3(1) requiring minimum 30 percent of the total dwelling units be affordable housing units for households earning 120 percent Area Median Income (AMI) or less, including at least 10 percent of the total dwelling units for households at 80 percent AMI or less;

- Section 2-3(3) requiring that affordable housing units be "similar to or larger than" the market units, in terms of the number of bedrooms; and

- Section 2-3(4) stating that, to the maximum extent possible, affordable housing units must be delivered simultaneously with market units.

An affordable housing agreement with the DPP will be required to ensure enough affordable units are produced at a corresponding income level. The income level and what percentage of units are affordable will be determined prior to final approval of the zone change by City Council. The terms of the affordable housing agreement will be detailed in a Unilateral Agreement, which will be recorded during the zone change approval. A condition of approval relating to affordable housing is recommended to ensure compliance with applicable affordable housing requirements.

IV. Housing and Communities, Objective C.
To provide residents with a choice of living environments that are reasonably close to employment, schools, recreation, and commercial centers, and that are adequately served by transportation networks and public utilities.

Policy 2. Encourage the fair distribution of low- and moderate-income housing throughout the island.

Policy 3. Encourage the co-location of residential development and employment centers with commercial, educational, social, and recreational amenities in the development of desirable communities.

Policy 7. Encourage public and private investments in older communities as needed to keep the communities vibrant and livable.

Discussion: As previously mentioned, a greater percentage of North Shore residents are cost-burdened by housing in comparison to other districts. Faced with a shortage of rental housing units, many residents who depend on rental housing are no longer able to afford to live on the North Shore or are moving to other parts of the island. Increasing the supply, through infill development within the CGB, would be a way to alleviate this burden.

The proposed development is located near the commercial center of Haleʻiwa Town, approximately one mile from Haleʻiwa Elementary School, and less than one-half mile from beach parks. Kamehameha Highway is serviced by TheBus routes 52, 60, 83, 88A, and 521, and has overhead utility lines. The development of mixed-use residential and commercial uses within the Petition Area is consistent with these policies.

The SLUDBA application has sufficiently presented the relevant objectives of the Oʻahu General Plan with thorough discussions on how the project complies with the Oʻahu General Plan.

2. Revised Ordinances of Honolulu (ROH), Chapter 24, Article 8, NSSCP.
ROH, Section 24-8.6, provides that development approvals within the NSSCP area shall be reviewed for the project's support of the policies and guidelines of the NSSCP. The NSSCP was last updated in May 2011 with a review of the NSSCP currently underway. However, because the version being updated has not been adopted by the City Council, the following review will be of how the SLUDBA is consistent with the vision, policies, and guidelines of the 2011 NSSCP.

The role of the NSSCP is "to maintain the rural character, agricultural lands, open space, natural environment, recreational resources and scenic beauty of Oʻahu's northern coast. In line with the General Plan's policies to preserve the open space and country atmosphere of the rural areas, growth is limited to "infill" areas within or adjacent to built-up areas to accommodate existing and future housing and employment needs."

The Petition Area is considered as infill development. It is located within the CGB, on lands designated as Country Town, and immediately adjacent to the main commercial and residential Haleʻiwa Town. Below is a discussion of each of the applicable key vision elements and policies and guidelines in the NSSCP:

2.2.6 Direct New Housing to Areas Contiguous to Hale‘iwa and Waialua Towns and Use Rural Design Guidelines for Rural Residential Development.

> New residential development is located within designated areas adjoining Hale‘iwa and Waialua Towns, with additional “infill” on or contiguous to existing lots in previously developed residential areas. New housing consists of a range of housing types and prices, including affordable housing that is allowing local residents to stay in the area. Attached and multi-family housing forms which were not traditionally associated with the rural setting have been developed, and the higher densities have supported the development of affordable housing.

Discussion: The proposed project would develop multi-family housing similar in character, and in a location described, as expressed in the NSSCP. The Petition Area is also located within the Hale‘iwa Special District, which will require a Special District Major Permit, which enforces rural character design standards.

3.1.1 Policies for the preservation of open space and natural environment:

- Ensure the long-range protection and continuation of agricultural uses on agricultural lands. As the Petition Area is dominated on its mauka edge by the adjacent Joseph P. Leong Highway, mauka views in this direction have diminished its quality as an open space resource.

Discussion: The Petition Area has not been used for agriculture since it was used for a staging area for the construction of the Joseph P. Leong Highway. The construction of the highway severed the irrigation system from the mauka farms to the relatively small site and has been abandoned for future agricultural use.

- Maintain open space around existing communities by locating new developments within or next to existing developments within the CGB. Encourage compact development patterns and balance the development of desired or necessary land uses such as affordable housing and public facilities such as schools with the need to preserve open space.

Discussion: The CGB was established to both limit development within its boundaries, and also to provide adequate development capacity within the boundaries to support the O‘ahu General Plan’s population distribution of two percent for the North Shore in 2040. The current use of the Petition Area as open space is not the most efficient or practical use of the land.

Located within the CGB, the Petition Area is designated as Country Town, a pattern of development to denote a more rural, small town character and that promotes more compact town development. In addition, the NSSCP intends that new development be concentrated near built-up areas, emphasizing redevelopment and infill development along Kamehameha Highway, makai of the Hale‘iwa Bypass Road (Joseph P. Leong Highway). Due to the shortage of

rental housing units on the North Shore, the proposed use of the site to develop affordable rental housing through mixed-use development is consistent with these guidelines and policies.

3.2.1 Policies applicable to agricultural lands:

- Protect all productive, high-value agricultural lands, regardless of current crop production capabilities, from uses that would undermine or otherwise irreversibly compromise their agricultural potential and crop production capabilities.

Discussion: The granting of the proposed SLUDBA would mark a potentially irreversible removal of agricultural lands. However, as expressed elsewhere in the document, the location of the highway cutting off this parcel from the main agricultural fields and irrigation, and the act of staging and construction for the highway has already irreversibly compromised the agricultural potential of the Petition Area.

- Maintain the current agricultural land use and zoning designation of agricultural lands within the CGB that are in the State Agricultural District and zoned for agriculture, except for limited "infill" areas contiguous to Haleʻiwa and Waialua Towns that are designated for future residential.

Discussion: The Petition Area has been identified for infill development as it is located within the CGB, is designated as Country Town, and is contiguous to Haleʻiwa Town. This is the only SLUDBA and zone change proposal that has been accepted since the NSSCP was adopted in 2011.

3.2.2.1 Guidelines to carry out the policies for agriculture:

- Maintain adequate physical buffers between agricultural land uses and surrounding land uses.

Discussion: If the SLUDBA is granted, the Joseph P. Leong Highway would serve as a physical buffer between Haleʻiwa Town and the farmlands located mauka of the highway.

3.5 Residential Communities

Attached, multi-family housing development concentrated around Haleʻiwa and Waialua Town centers is desired to ensure affordable and appropriately priced housing for existing residents, including low- and moderate-income groups and the "gap group" (e.g., those that make too much to qualify for affordable housing but cannot afford to purchase a home at the current market rate). Although single-family homes are the dominant housing type on the North Shore, multi-family building forms are necessary to provide housing options that allow existing families to stay on the North Shore without altering the integrity and density of existing neighborhoods.

Discussion: The SLUDBA is consistent with the NSSCP and would lead to the development of affordable rentals via multi-family apartments in an area adjacent to Hale'iwa Town. The proposal will also be subject to the 2010 AH Rules.

3.5.1 Policies intended primarily for existing and new residential development:

- Maintain sufficient inventory of land within the CGB to accommodate existing and future housing needs.
- Direct future residential development to Hale'iwa and Waialua within the CGB, including new apartment districts adjacent to Hale'iwa and Waialua Towns where increased densities that address affordability may be desired, subject to community and agency review.
- Provide a mix of housing types and prices to meet the needs of existing residents, including accommodations which are affordable to low- and moderate-income, gap group, and elderly households, and other special needs populations.

Discussion: As previously stated, the Petition Area is located within the CGB, in an area identified as Country Town, is adjacent to the center of commercial activity in Hale'iwa Town. The proposed project is supportive of these residential policies.

3.5.2 Table 3-8 in this section of the NSSCP gives an overview of density and height guidelines for planned and existing residential developments.

Table 3-8, Density and Height Guidelines by Residential Category

Residential Category	Density (Housing Units)	Building Height
Rural	1 unit/acre	Not over two stories/ 25 feet
Rural Residential	5-8 units/acre	Not over two stories/ 25 feet
Low-Density Apartment	10-20 units/acre	Not over three stories/ 40 feet

Discussion: The SLU Urban District will allow for the development of densities found in the table above. Following the SLUDBA, the Applicant will pursue a zone change to A-1 Low-Density Apartment and B-1 Neighborhood Business. According to the Land Use Ordinance (LUO), 2021 ROH, Chapter 21, as may be amended, the maximum building height, for A-1, is 30 feet. While there are no density regulations in the LUO similar to Table 3-8, above, the lower height limit and allowable Floor Area Ratio (FAR) in the LUO would limit the development of units in a similar manner to what is expressed in the NSSCP.

3.6.2.2 Guidelines – Hale'iwa Country Town

- Limit building heights to two stories, and employ building design elements which reflect the architectural characteristics of the early

1900-period architecture identified in the Hale‘iwa Special District Design Guidelines.

- Encourage commercial and related activities that are conducive to the pedestrian character to locate at the sidewalk level along Kamehameha Highway. Encourage less pedestrian-dependent and conducive activities (such as manufacturing areas for products and compatible light industrial uses, residences, services, etc.) to locate behind or above commercial activities so as not to detract from the commercial retail character of Kamehameha Highway.
- Concentrate new development near existing built areas emphasizing redevelopment and infill along Kamehameha Highway, *makai* of the Hale‘iwa Bypass Road (Joseph P. Leong Highway). Provide adequate landscaped buffer adjacent to the bypass.

Discussion: The Petition Area is located within the Hale‘iwa Special District which will require a Special District Major Permit and will enforce rural character design standards A discussion of the Hale‘iwa Special District can be found below. Locating residences behind existing commercial activities and makai of Joseph P. Leong Highway is consistent with these guidelines. The LUO requires that the intended A-1 apartment zoning has a 10-foot rear setback which must be landscaped. Therefore the proposed SLUDBA is consistent with the above NSSCP policies and guidelines.

3. ROH, Chapter 4, Article 8, Public Infrastructure Map (PIM). The North Shore PIM (Exhibit 7) shows one PIM symbol on the Petition Area and another PIM symbol close by. The NS PIM Symbol No. PKG021, Hale‘iwa Public Parking Facility, specifically identifies the project site as the location for the proposed parking facility. NS PIM Symbol No. R005, Kamehameha Highway Widening & Sidewalk Improvements Through Hale‘iwa, is located along the thoroughfare in proximity to the Petition Area.

   a. NS PIM Symbol No. PKG021. The revision to the PIM to add the North Shore PIM Symbol No. 021 was adopted by the City Council as Resolution 13-61. The purpose for a centrally-located City-owned parking facility was to replace the existing parking stalls that might be lost due to planned sidewalk construction from PIM Symbol No. R005. In addition, it would benefit the commercial uses on both sides of Kamehameha Highway. The DDC, the City agency responsible for the development of the public parking facility identified as NS PIM Symbol No. PKG021, provided no objection or comment on this SLUDBA application.

      Since the adoption of Resolution 13-61, the Hale‘iwa Store Lots were redeveloped creating a more walkable streetscape and creating large parking improvements behind the commercial areas that relieved some of the demand for parking. This development subsequently reduced the need for a public parking facility. Since the completion of construction of the Hale‘iwa Store Lots improvements, the Applicant acquired the subject property.

There have been a number of concerns from community members about the traffic in Haleʻiwa Town. Further development of public parking facilities could induce demand for automobile use exacerbating traffic. Conversely, the development of pedestrian facilities, and pedestrian-oriented, mixed use development, will reduce the need for automobile parking.

Recently, the OMPO issued a memorandum assessing the Petition Area as one of three potential sites for a Haleʻiwa Mobility Hub. The Haleʻiwa Mobility Hub is envisioned as a bus transfer facility for public buses and vans servicing local tourist-oriented attractions. It will also feature a Park-and-Ride lot to accommodate residents and those from the North Shore to use public transit service into central Honolulu and serve as an interceptor parking facility for visitors driving rental cars to the North Shore. The mobility hub will provide charging stations for the future all-electric public bus fleet as well as for electric vehicle charging stations catering to local and rental electric cars. If the Petition Area were selected as the site for the Haleʻiwa Mobility Hub, the parking facility aspects would be consistent with the PIM, however, a new PIM symbol may be needed to reflect the complete range of proposed improvements.

b. NS PIM Symbol No. R005. This PIM symbol identifies roadway improvements along Kamehameha Highway, located 300 feet west along the length of the Petition Area. Improvements are needed to improve safety and vehicular circulation through Haleʻiwa Town by creating turn lanes to reduce congestion. The existing right-of-way may have to be widened to add sidewalks, curbs and gutters. While pedestrian improvements have been completed on the Haleʻiwa Store Lots site, an area directly west of the northern site entrance, no turn lanes have been added in the project vicinity.

The DDC held its first public meeting on December 11, 2024 with many supportive of the proposed changes. The proposed project would likely benefit from the improvements contemplated by the NS PIM Symbol No. R005.

A condition of approval relating to the two PIM symbols is not recommended at this time. However, a condition of approval requesting an updated traffic study that reflects changes to the streetscape, complete streets policies, and land uses is already being recommended, prior to seeking a zone change. Based on the findings of the traffic study, more conditions could be requested during the zone change approval process.

4. ROH, Chapter 21, LUO. The reclassification of 7.292 acres from SLU Agricultural District to SLU Urban District would allow the Applicant to commence with the subsequent zone change which would ultimately allow for housing and commercial spaces, along with support facilities, as stated in this SLUDBA application.

The proposed development is not expected to have major adverse impacts on the surrounding land uses. The impact on the local housing supply should be

positive by relieving some demand pressure on the limited housing supply in North Shore while providing a greater diversity of housing options, all within a walkable distance of employment and shopping opportunities. Therefore, a condition of approval relating to the LUO is not recommended.

5. ROH, Chapter 21, Article 9, Special District Regulations, LUO. The Petition Area is located within the Haleʻiwa Special District, governed by ROH, Section 21-9.90. The proposed project would need to comply with the nine objectives outlined in the Haleʻiwa Special District Design Guidelines, outlined below:

   a. Preserve and enhance Haleʻiwa's existing rural low-rise, human-scaled form and character, especially along Kamehameha Highway and Haleʻiwa Road.

   b. Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural, and/or architectural significance, and encourage new development which is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features, and subdued materials.

   c. As entry points to Haleʻiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.

   d. Encourage new development which will complement the significant physical features, waterways, open space, mature trees, and sites in Haleʻiwa.

   e. Retain a distinctive pedestrian-oriented commercial area for residents and visitors.

   f. Provide for safe and pleasant pedestrian and vehicular circulation, while avoiding parking areas along the streetscape.

   g. Enhance the attractiveness and general landscaped open space character of the area.

   h. Preserve and enhance significant views in Haleʻiwa, especially those within the highly developed and heavily traveled areas.

   i. Provide public improvements such as roadways, street lights, street furniture, and signage compatible with the rural character of the community, rather than at conventional urban standards.

   The Haleʻiwa Special District Design Guidelines also identify elements of site planning, height, architectural character, mechanical equipment, lighting, signage, exterior furniture, landscaping, parking, and public improvements that the design of the proposed project shall abide by.

Since the publication of the FEA-FONSI, the Applicant has demonstrated a concerted effort to maintain the rural low-rise character of Hale'iwa Town in consistency with the Hale'iwa Special District Design Guidelines. Adherence to the specific guidelines of the Hale'iwa Special District will be confirmed with the Special District Permit review.

A Special District Major Permit will be sought prior to seeking building permits, but after undergoing the zone change process. Therefore, a condition of approval relating to Special District regulations is not recommended.

6. ROH, Chapter 23, Shoreline Setback Ordinance, and ROH, Chapter 25, SMA Ordinance. The Petition Area is not within the Shoreline Setback area or within the SMA.

D. Compliance with Environmental Legislation:

1. HRS, Chapter 343, and Title 11, HAR, Chapter 200, Environmental Impact Statements. A FEA-FONSI was required in accordance with ROH Sections 24-8.1 and 24-8.7(b), as the forthcoming zone change is considered a "significant zone change." The NSSCP determines a zone change to be significant if it is larger than five acres and involves a change to a commercial zoning district.

   On November 3, 2016, the DPP accepted the FEA-FONSI in accordance with HRS, Chapter 343, and Title 11, HAR, Chapter 20.

2. HRS, Chapter 6E-42, Historic Preservation. The lands that comprise the proposed 7.292-acre Petition Area have historically been used for agricultural cultivation, primarily sugar cane production. In 1990, the subject parcel was subdivided, along with the adjacent highway parcel (90/SUB-250). During the construction of the bypass highway, the Petition Area was used as a staging area. Upon completion of the highway, the Petition Area was separated from the mauka parcels and its irrigation system.

   Plantation-era cultivation and construction of the adjacent highway has resulted in significant ground disturbance that would have led to a discovery of historical artifacts, or their destruction.

   The Applicant completed a CIA and an Archaeological Assessment which were included in the 2016 FEA-FONSI. One intact historic property is identified in the Archaeological Assessment, Cane Haul Road (SIHP 50-80-04-7604). Another historic property, the OR&L rail line, was determined to be destroyed during the construction of the Joseph P. Leong Highway. The SHPD accepted the Archaeological Assessment and its finding that "no historic properties will be affected."

   In the event that unknown or unexpected archeological, historic, or cultural features, deposits, or burials are discovered, all work in the immediate area of the find will be suspended and the SHPD will be notified immediately to evaluate the significance of the findings and determine the appropriate course of action as required by HRS Chapter 6E-42.

During pre-consultation for the SLUDBA, the DPP recommended to the Applicant to contact Native Hawaiian organizations who might have knowledge about historic use of the site as part of the Ka Pa‘akai Analysis. The DPP also sent notices to agencies and organizations, including Native Hawaiian organizations, on September 11, 2024, but received no response. The DPP also reached out to the Waialua Hawaiian Civic Club on November 20, 2024 specifically about the three-part inquiry from the Ka Pa‘akai Analysis. While the Waialua Hawaiian Civic Club provided a general letter of concern for additional development, they have also reached out to potential individuals who might have knowledge of traditional and customary practices. These comments are included in Attachment 4. As of publication, we have not received comments regarding known traditional or customary practices that may occur on the Petition Area.

As no traditional and customary practices are believed to occur on the Petition Area, no impacts to such practices are anticipated. Any comments or input received after the publication of this report will be forwarded to the applicable reviewing body, either the Planning Commission or the City Council.

3. ROH, Chapter 21A, Flood Hazard Areas. The following Flood Insurance Rate Map (FIRM), Panel Number 15003C0105H revised January 19, 2011, covers the Petition Area. The FIRM shows the Petition Areas is located entirely within Flood Zone X (Exhibit 8). Flood Zone X is comprised of areas with minimal flood hazard that is outside of the 500-year flood level (0.2 percent annual chance of flood). Therefore, a condition of approval relating to flood hazards is not recommended.

4. Impact of Potential Sea Level Rise. The July 29, 2022 City and County of Honolulu Climate Change Commission Sea Level Guidance and Climate Change Brief recommends the City use the 5.8 feet by 2100 sea level rise scenario as a planning and policy benchmark for all planning and design of public infrastructure projects and other projects with a low tolerance for risk. Critical infrastructure with long expected lifespans and low-risk tolerance include roads and highways, water and wastewater treatment plants, and electricity generating and transmission facilities. The City should also continue to utilize the six feet passive sea level rise flooding map layer from the National Oceanic and Atmospheric Administration until updated map data is available.

   According to the Sea Level Rise Viewer that projects coastal inundation from sea level rise, the Petition Area will not be affected by either 3.2 feet or six feet of sea level rise. Therefore, a condition of approval relating to sea level rise is not recommended.

IV. CONCLUSIONS OF LAW

The Director hereby makes the following Conclusions of Law:

1. The proposed SLUDBA to reclassify 7.292 acres of land from the SLU Agricultural District to the SLU Urban District complies with the state review requirements to reclassify to the SLU Urban District.

2. In accordance with HRS, Section 205-3.1(c), the City Council is the authorized decision-maker of SLUDBA of 15 acres or less (except when reclassifying lands in the SLU Conservation District or designated as IAL). A Draft Bill for an Ordinance is included as Attachment 5.

3. In accordance with HRS, Section 205-2(a)(1), the development of housing, commercial space, parking, and a wastewater system is consistent with the purpose and intent of the SLU Urban District.

4. In accordance with HRS, Section 205-17(3), the proposed reclassification is not expected to impact these following areas of state concern: a) important natural systems or habitats; b) valued cultural, historical, or natural resources; c) natural resources relevant to Hawai‘i’s economy; including agricultural resources; d) commitment of state funds or resources; e) provision for employment opportunities and economic development; and f) provision of housing opportunities for all income groups, particularly the low, low-moderate, and gap groups.

5. The SLUDBA will contribute to the general welfare and prosperity of the people of O‘ahu by developing much needed housing, particularly in an area that is walkable to the Hale‘iwa Special District. The SLUDBA will provide lower-cost housing options for people who work in the shopping areas of Hale‘iwa.

6. The SLUDBA will allow for more low- to moderate-income housing and thereby assist in relieving the housing demand in Hale‘iwa. With more families living in close proximity to the Hale‘iwa Special District and the employment opportunities the shops create, changes in traffic patterns will need to be reviewed.

7. The proposed project complies with the objectives of the State Land Use Law; and is consistent with applicable policies and objectives of the HSP and the O‘ahu General Plan; and is consistent with applicable CZM objectives and policies.

8. The proposed SLUDBA is consistent with the vision, policies, and guidelines of the 2011 NSSCP which identifies the Petition Area as appropriate land for development. According to the Land Use Map of the plan, the Petition Area is entirely within the CGB, and is designated as Country Town.

9. The Ka Pa‘akai Analysis found that the three-part inquiry was satisfied by identifying no impacts to traditional and customary Native Hawaiian rights on the Petition Area. As there has been no identification of valued cultural, historical, or natural resources, no rights will be affected or impaired, and no mitigative action is necessary.

10. The proposed SLUDBA meets the requirements of reclassifying to the Urban District, addresses the impacts of the proposed reclassification on the areas of State concern in HRS, Section 205-17(3), and the reclassification does not include IAL.

V. RECOMMENDATION

Pursuant to the foregoing Findings of Fact, Analysis, and Conclusions of Law, the DPP recommends that a SLUDBA of 7.292 acres of TMK 6-2-005: 002 from the SLU Agricultural District to the SLU Urban District be **APPROVED** subject to the following conditions:

1. Compliance with HRS, Section 205-3.5(a)(1), Reclassification of land contiguous to an agricultural district. There shall be a prohibition on any action that would interfere with or restrain farming operations on lands in the SLU Agricultural District that are contiguous or adjacent to the Petition Area; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the SLU Agricultural District.

2. Compliance with HRS, Section 205-3.5(a)(2), Reclassification of land contiguous to an agricultural district. The Applicant shall notify all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous lands in the SLU Agricultural District are protected under HRS, Chapter 165, the Hawai'i Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

3. Affordable Housing. The Applicant shall provide affordable housing opportunities for residents of the State of Hawai'i in accordance with the applicable affordable housing requirements of the City and County of Honolulu (City). The location and distribution of affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Applicant and the City.

4. Traffic Impact. Prior to applying for a zone change, the Applicant shall submit to the DPP and HDOT an updated TIAR. The TIAR shall include a pedestrian and vehicular circulation plan and information on how pedestrians will access the Petition Area from Kamehameha Highway. The DPP will not accept a zone change application for processing until the TIAR is approved by the HDOT and DPP.

5. Access. Prior to applying for a zone change, the Applicant shall execute and record the access easement for Cane Haul Road at the Bureau of Conveyances of the State of Hawai'i, or in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i, as applicable and provide a copy of the recorded document to the DPP. The access easement should be long-term or in perpetuity.

6. Wastewater. The Applicant shall develop an on-site wastewater collection and treatment system in the Petition Area as represented in the application or as approved by the DOH and the City.

7. Endangered Species. The design, construction, and operation of the Petition Area shall abide by the following Avoidance and Minimization Measures from the USFWS:

a. Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).

b. Do not use barbed wire for fencing.

c. Fully shield all outdoor lights so the bulb can only be seen from below.

d. Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.

e. Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

f. Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.

g. For power lines, guy-wires, and other cables, minimize exposure above vegetation height and vertical profile.

8. Annual Reports. On an annual basis, the Applicant shall submit a written status report to the DPP documenting satisfaction of and/or describing its progress toward complying with each condition of approval for this SLUDBA. The status report shall be submitted to the DPP on or before December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.

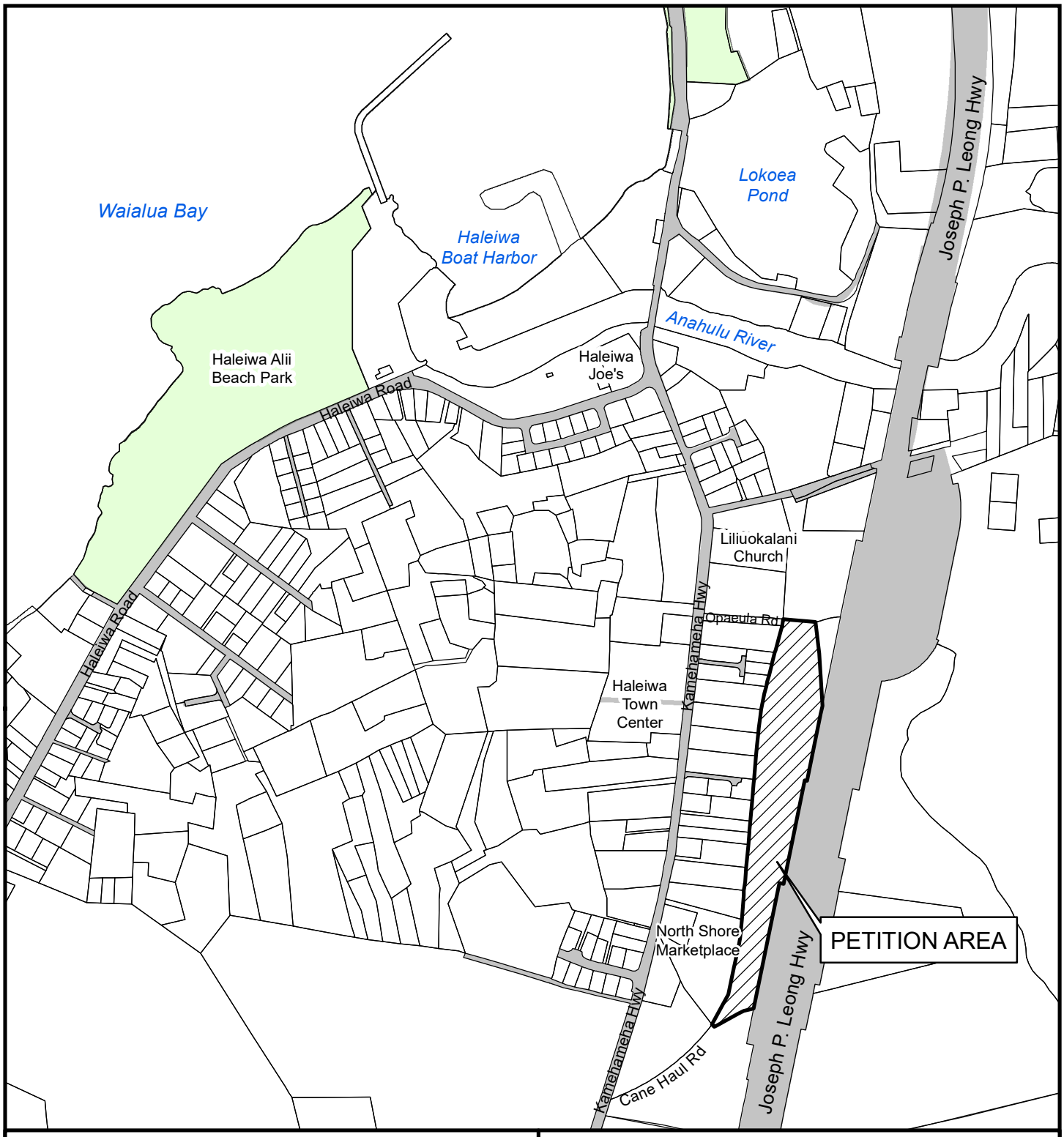
Dated at Honolulu, Hawai'i this 9th day of January, 2025.

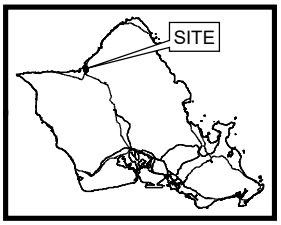
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAI'I

By _____
DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

Attachments

ATTACHMENT 1
EXHIBITS





VICINITY MAP

0 300 600 1,200

Scale in Feet

N

EXHIBIT 1:
LOCATION MAP
HALEIWA

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

Note: Data represented on this map is not intended to replace site survey.

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: August 2024

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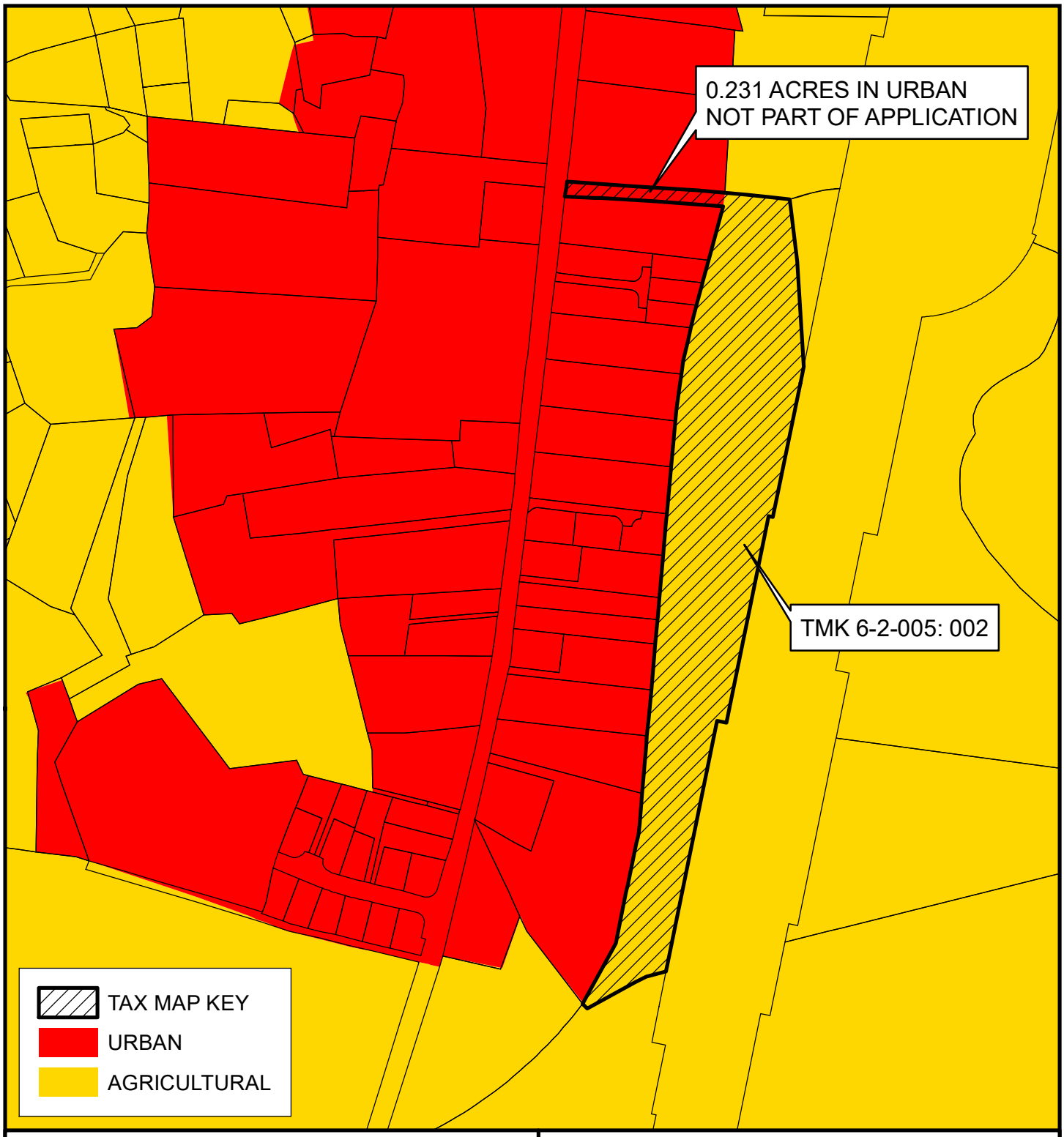

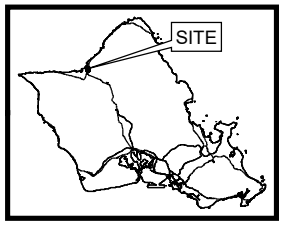

VICINITY MAP

0 150 300 600

Scale in Feet

N

EXHIBIT 2:
STATE LAND USE DISTRICTS
NORTH SHORE

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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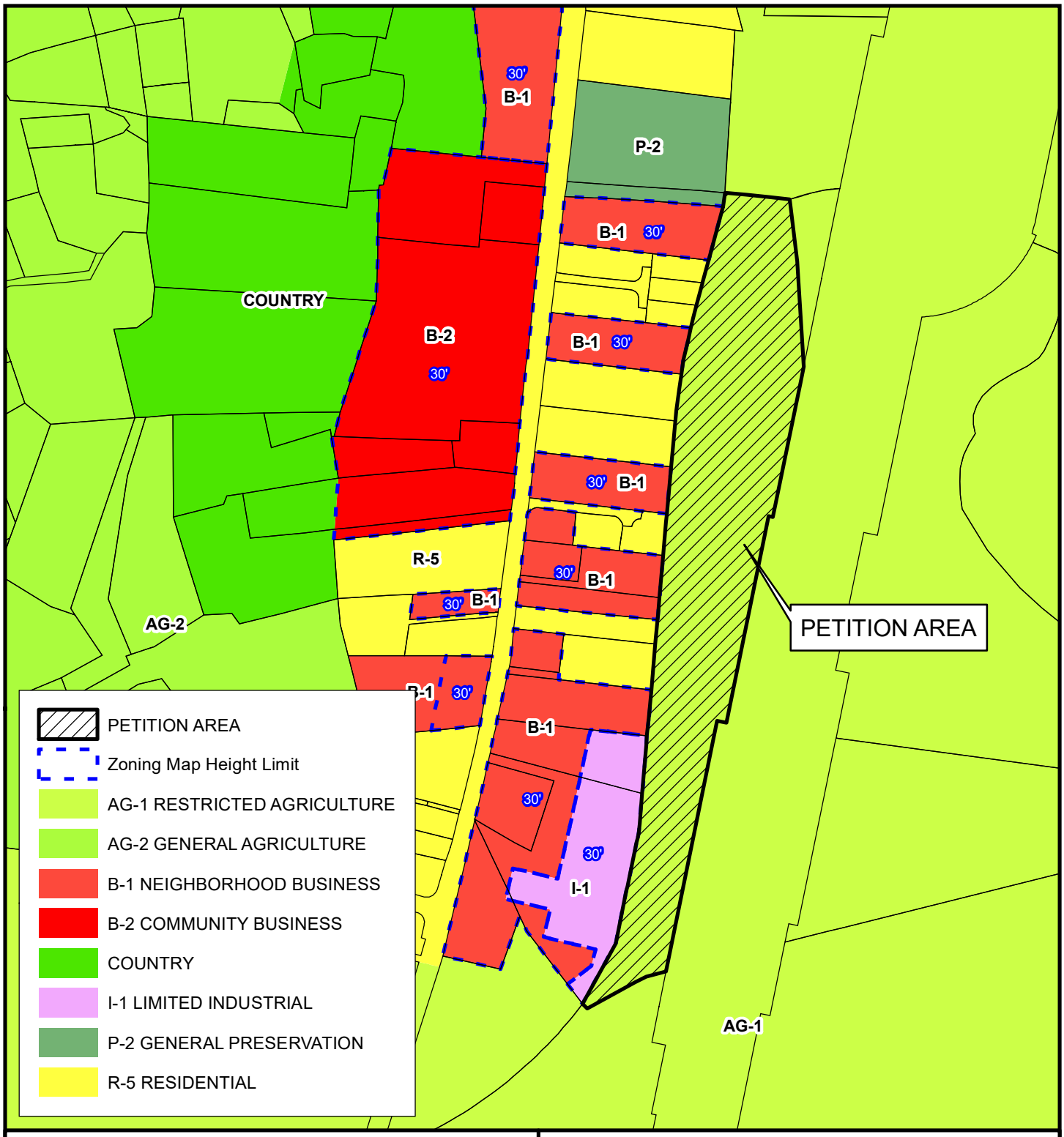

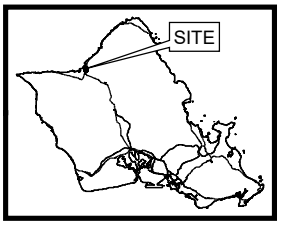

VICINITY MAP

0 150 300 600

Scale in Feet

N

EXHIBIT 3:
EXISTING ZONING
PORTION OF HALEIWA

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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Date Prepared: August 2024

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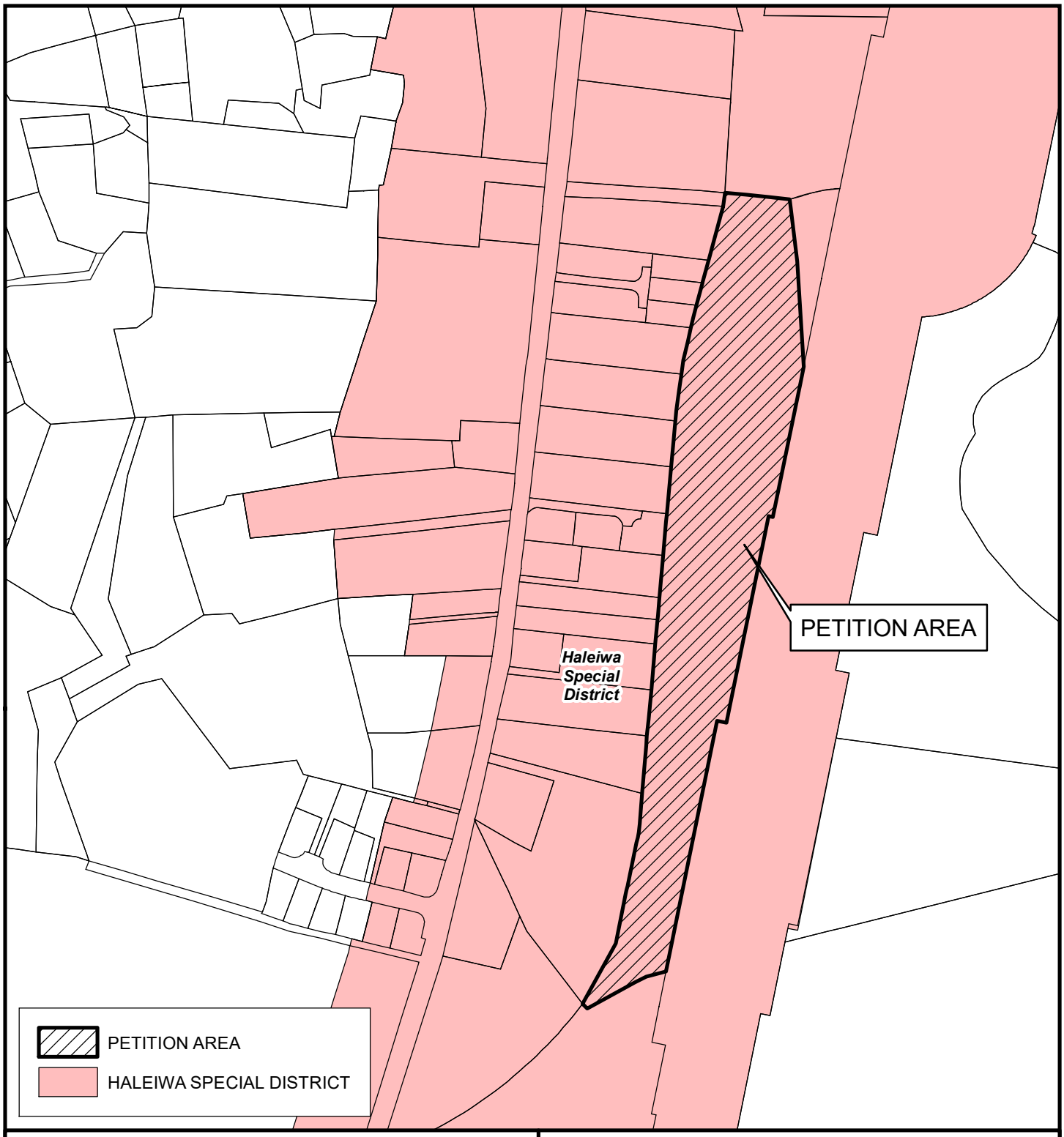

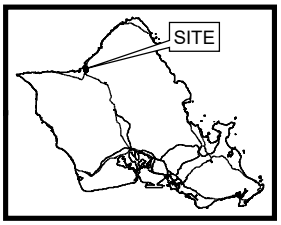

VICINITY MAP

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Scale in Feet

N

EXHIBIT 4:
SPECIAL DISTRICT
PORTION OF HALEIWA

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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Date Prepared: August 2024

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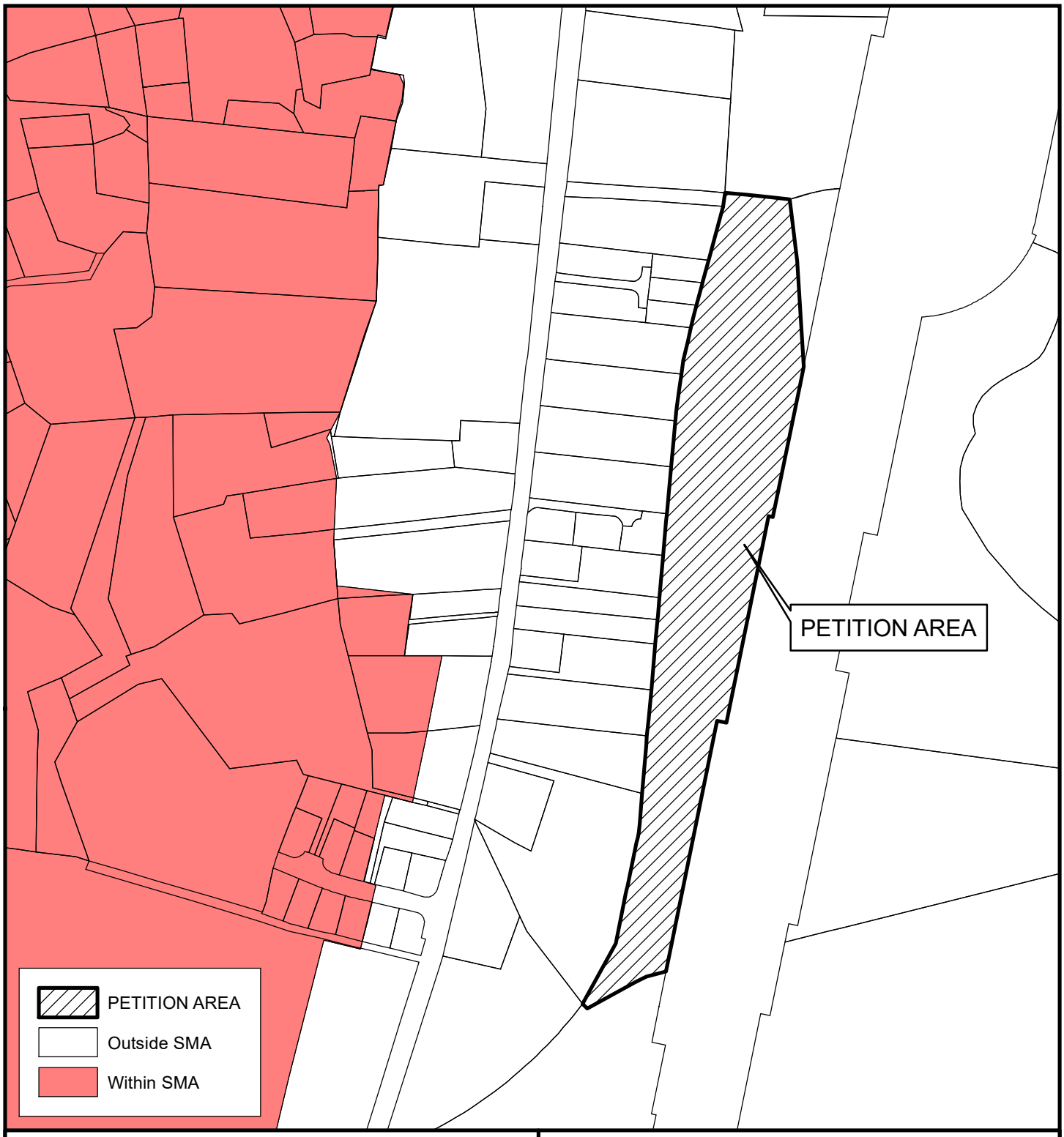

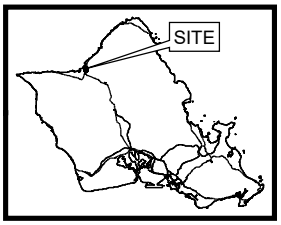

VICINITY MAP

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Scale in Feet

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EXHIBIT 5:

SHORELINE SETBACK AREA / SPECIAL MANAGEMENT AREA

NORTH SHORE

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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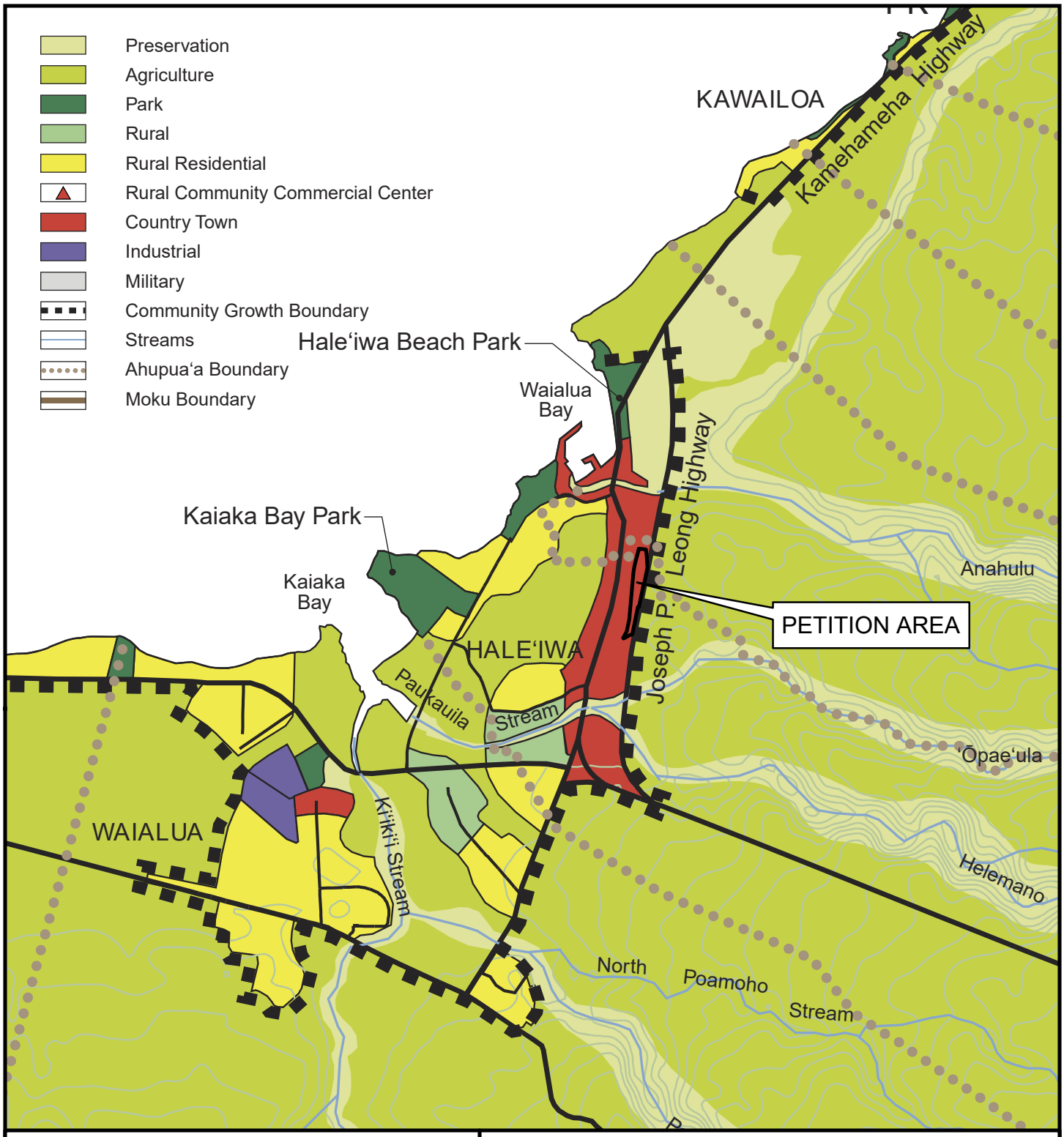

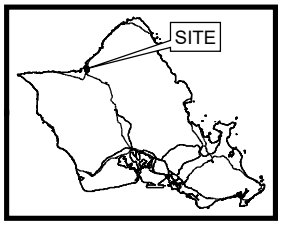

VICINITY MAP

0 1/4 1/2 1

Scale in Miles

N

EXHIBIT 6:

PORTION OF THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN: LAND USE MAP

TAX MAP KEY: 6-2-005: POR. 002
FOLDER NO.: 2024/GEN-11

Note: Data represented on this map is not intended to replace site survey.

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: December 2024

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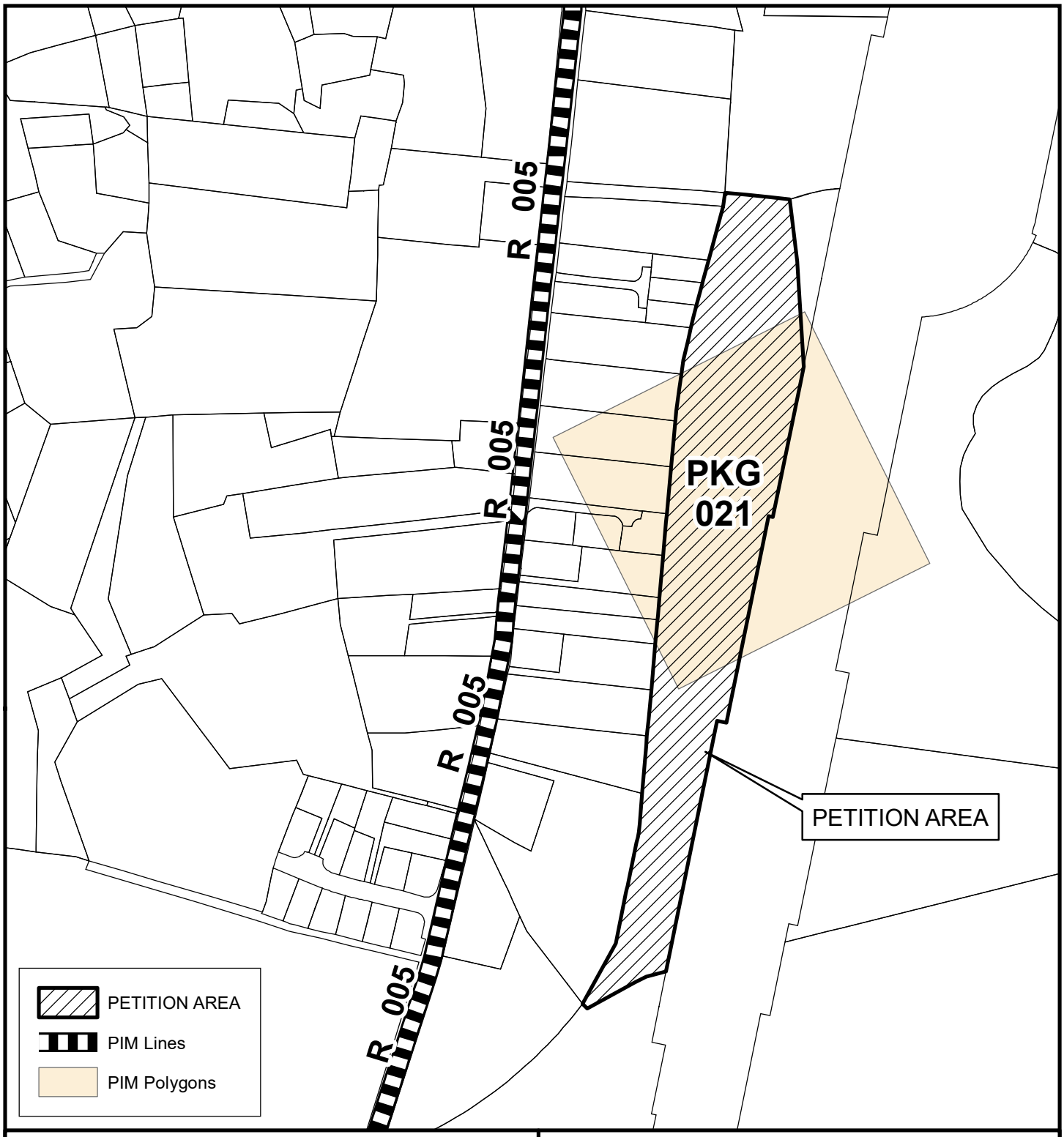

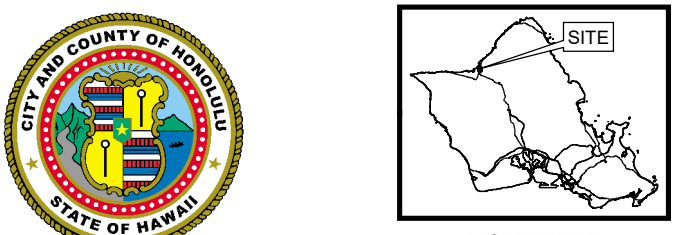

VICINITY MAP

0 150 300 600

Scale in Feet

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EXHIBIT 7:
PUBLIC INFRASTRUCTURE MAP

PORTION OF NORTH SHORE PIM

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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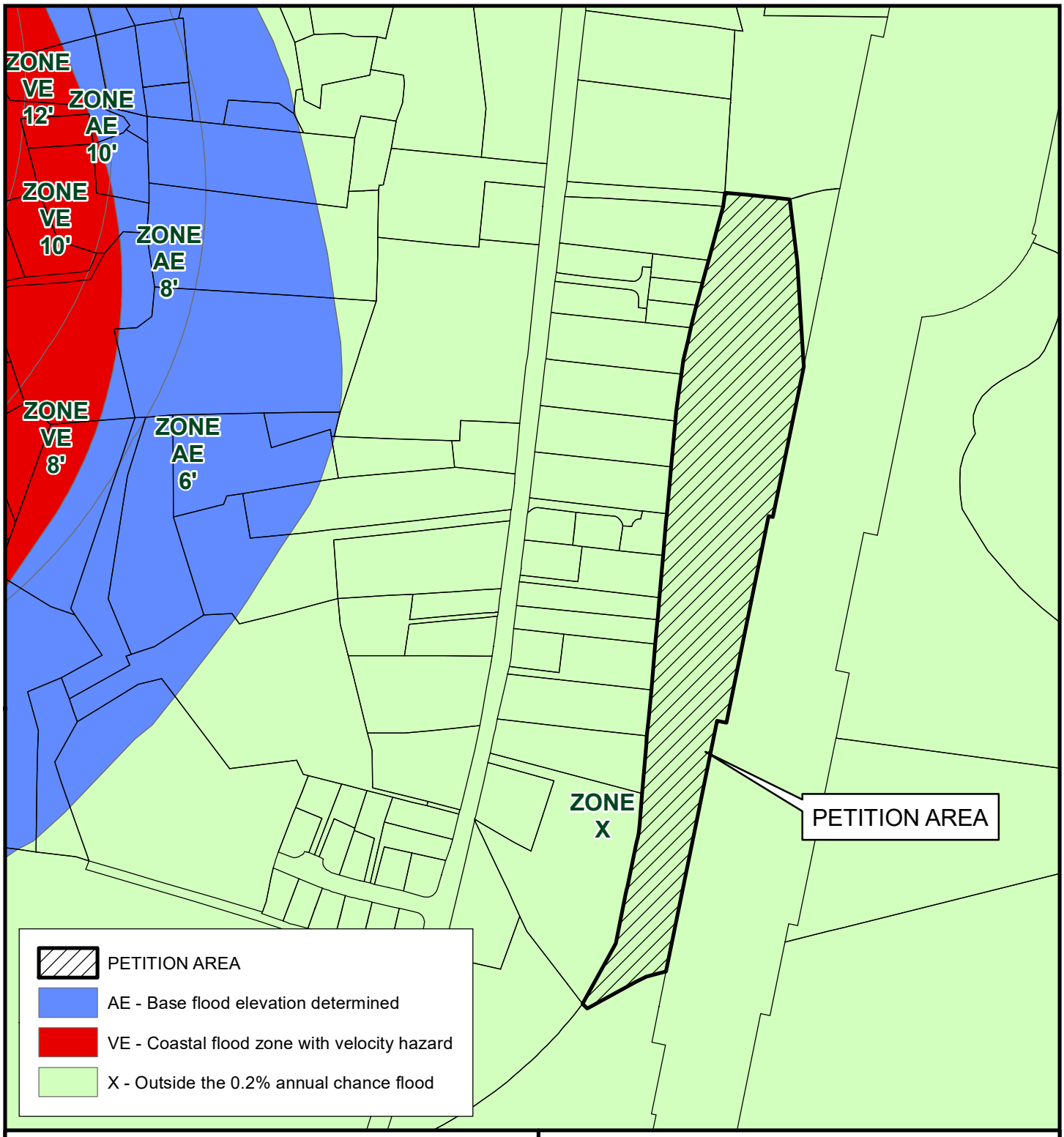

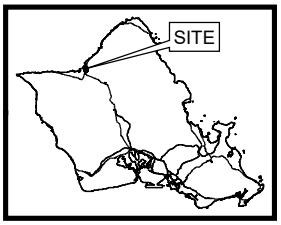

VICINITY MAP

0 150 300 600

Scale in Feet

N

EXHIBIT 8:

FLOOD HAZARD MAP

PORTION OF HALEIWA
FLOOD DATA SOURCE: FIRM PANEL 0105H
DATE: 1/19/2011
TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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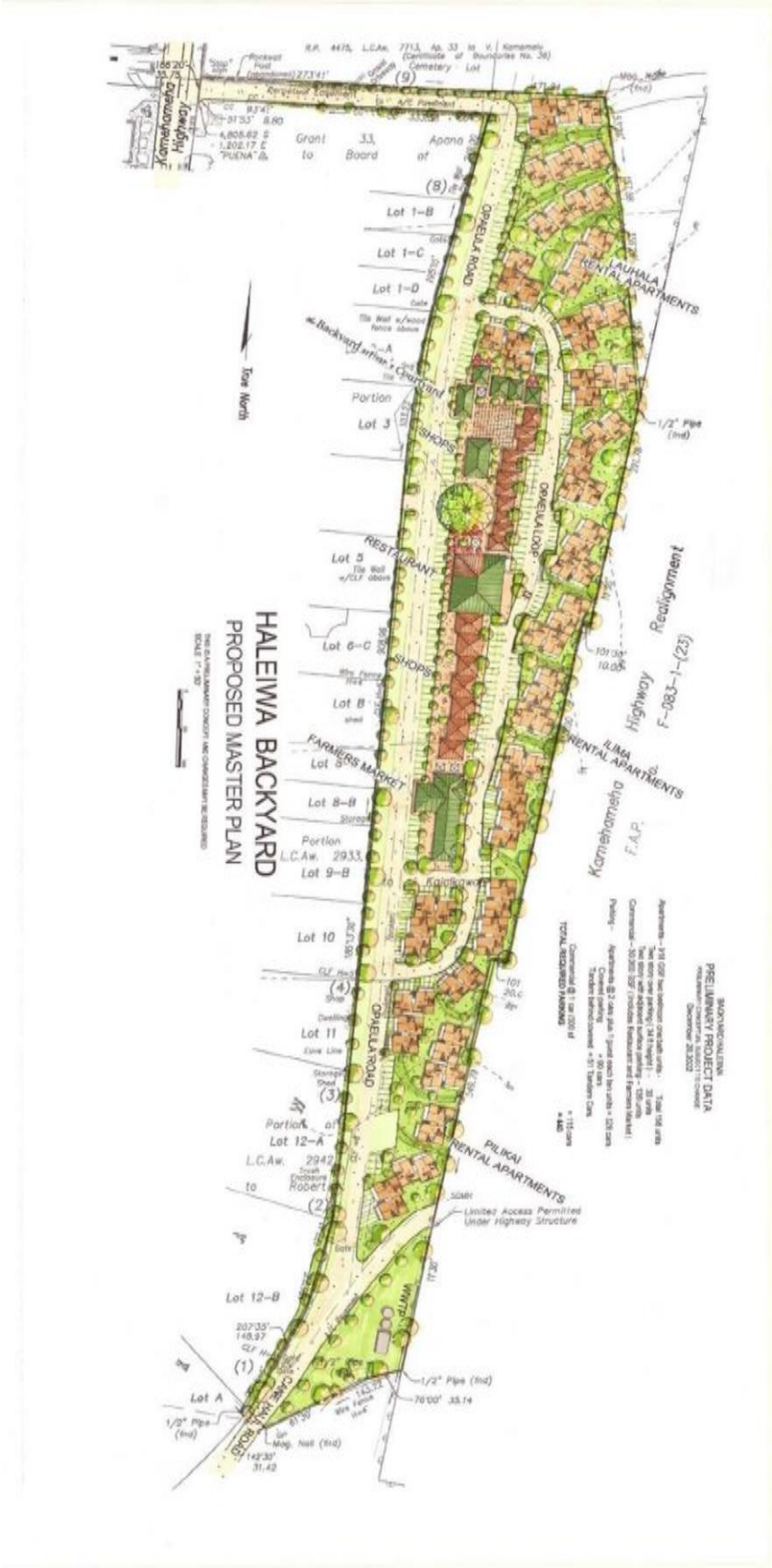
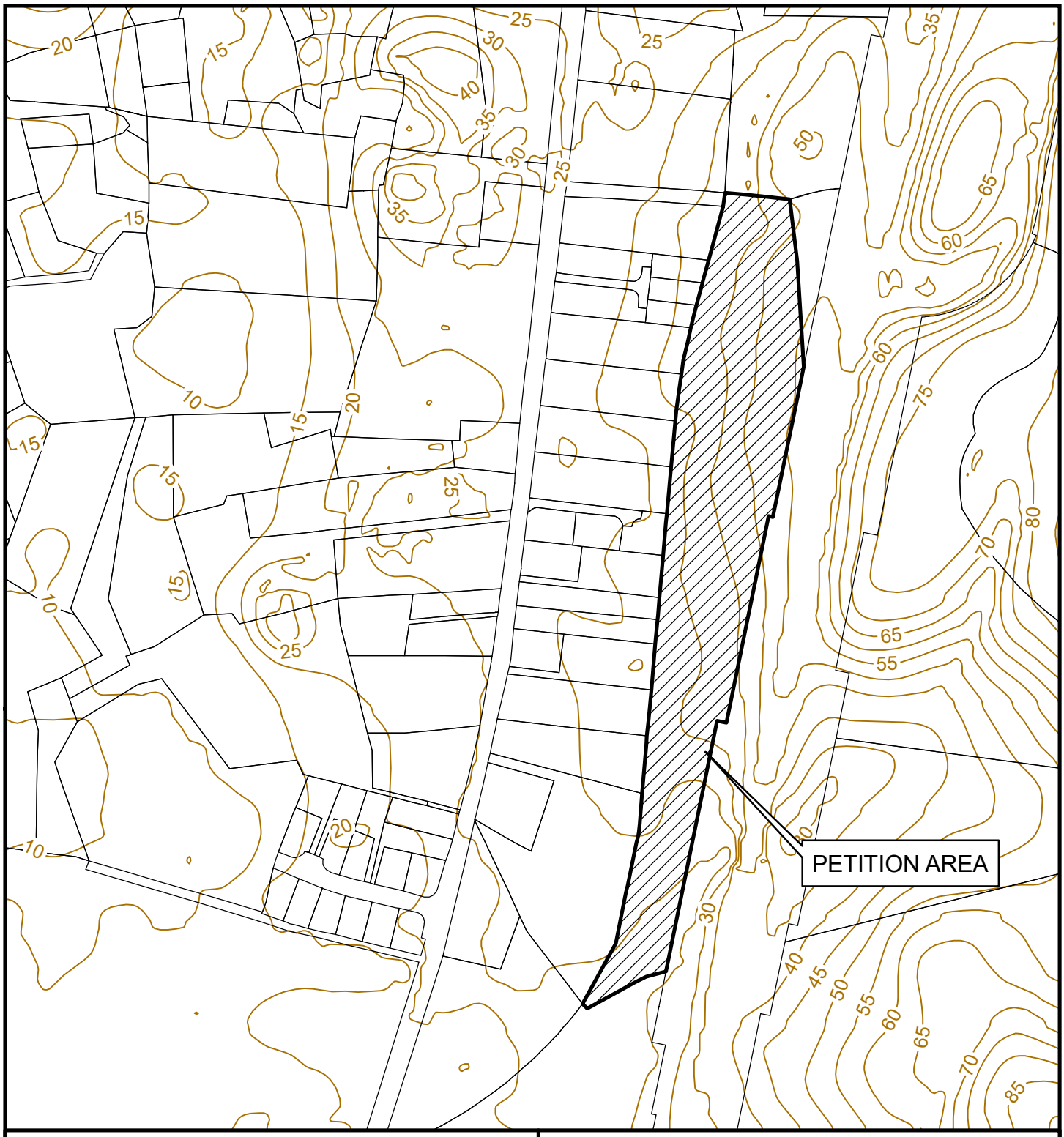
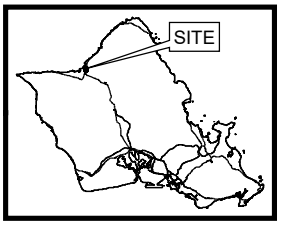
EXHIBIT 9: PROPOSED MASTER PLAN







VICINITY MAP

0 150 300 600

Scale in Feet

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EXHIBIT 10:
TOPOGRAPHIC MAP
HALEIWA

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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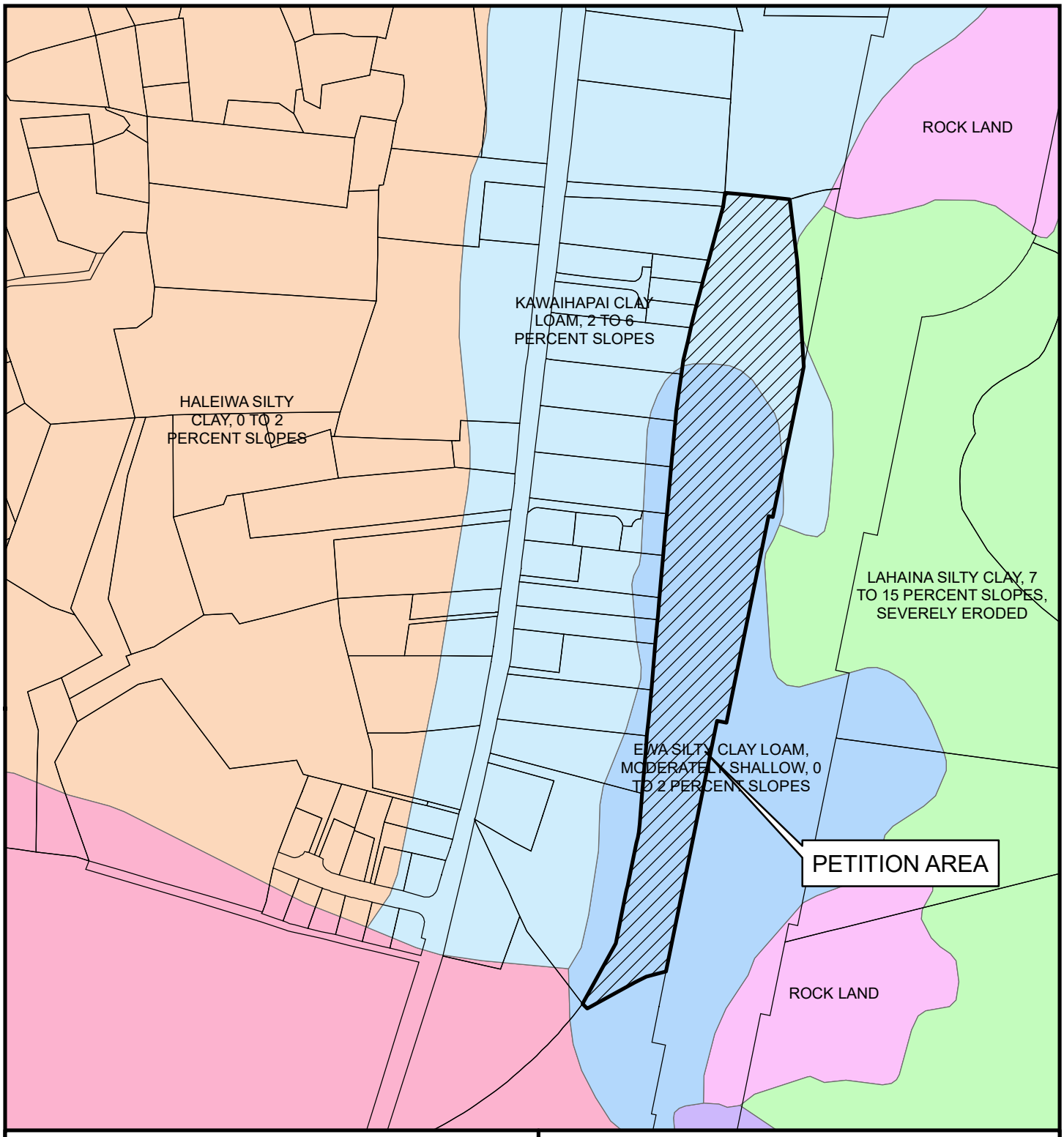

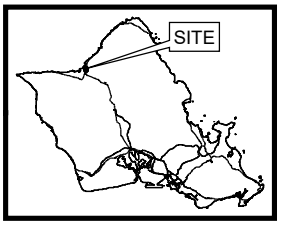

VICINITY MAP

0 150 300 600

Scale in Feet

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EXHIBIT 11:

NATURAL RESOURCES CONSERVATION SERVICE SOILS MAP

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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City and County of Honolulu

Date Prepared: August 2024

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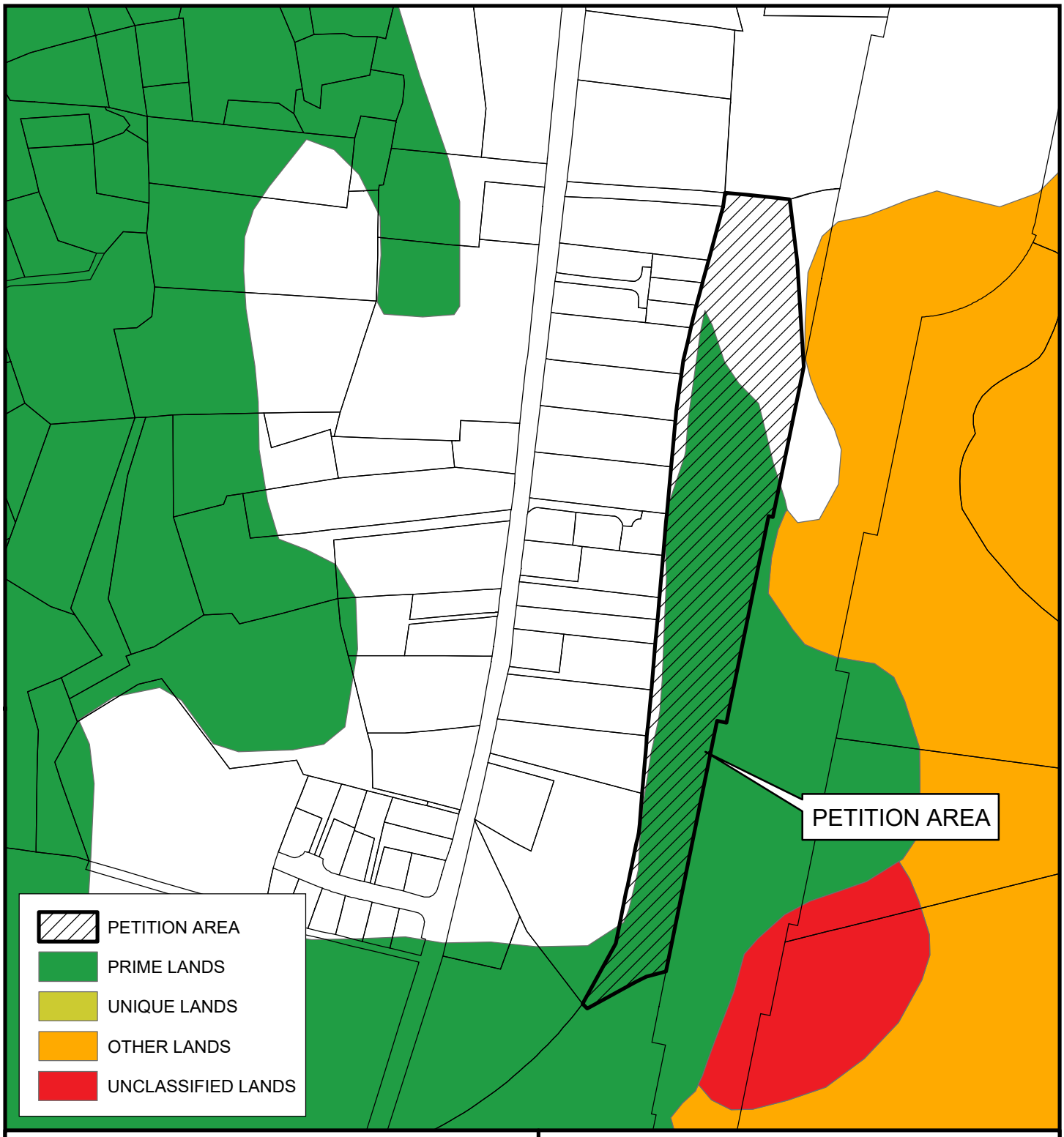

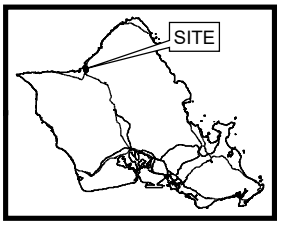

VICINITY MAP

0 150 300 600

Scale in Feet

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EXHIBIT 12:

AGRICULTURAL LANDS OF IMPORTANCE TO THE STATE OF HAWAI'I

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

Note: Data represented on this map is not intended to replace site survey.

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: October 2024

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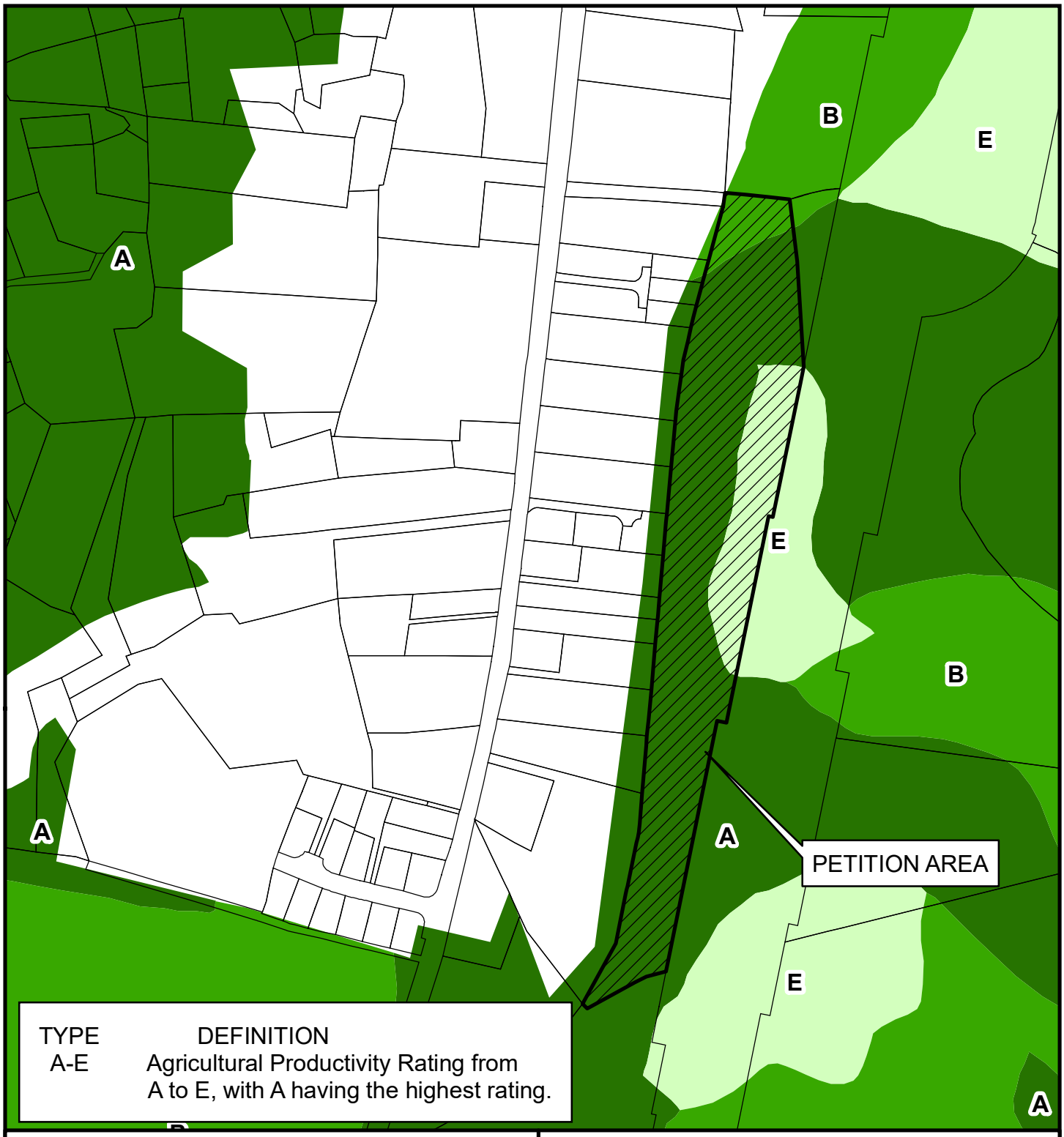
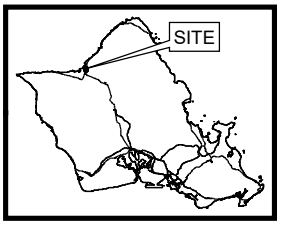


TYPE	DEFINITION
A-E	Agricultural Productivity Rating from A to E, with A having the highest rating.



VICINITY MAP

0 150 300 600

Scale in Feet

N

EXHIBIT 13:

LAND STUDY BUREAU AGRICULTURAL PRODUCTIVITY RATING MAP

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

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Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: August 2024

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ATTACHMENT 2
REQUEST FOR COMMENT LETTER, MAILING LABELS, AND E-MAIL ADDRESSES

DEPARTMENT OF PLANNING AND PERMITTING
KA ʻOIHANA HOʻOLĀLĀ A ME NĀ PALAPALA ʻAE
CITY AND COUNTY OF HONOLULU

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

RICK BLANGIARDI
MAYOR
MEIA

DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

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

REGINA MALEPEAI
2ND DEPUTY DIRECTOR
HOPE PO'O KUALUA

September 11, 2024

2024/GEN-11
2649498

MEMORANDUM

TO: City, State, and Federal Agencies, Community Organizations, and Other Interested Parties

FROM: Franz Kraintz, Branch Chief
Community Planning Branch, Planning Division
Department of Planning and Permitting

SUBJECT: Application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Haleʻiwa Backyards LLC, Mixed-Use Development, Haleʻiwa, Oʻahu, Hawaiʻi
Tax Map Key 6-2-005: 002 portion

The Department of Planning and Permitting has accepted for processing an application by Haleʻiwa Backyards LLC to reclassify approximately 7.292 acres from the SLU Agricultural District to the SLU Urban District. Upon completion of the proposed SLUDBA, the applicant will then need to seek a County zone change consistent with the proposed use.

A summary project description with a conceptual master plan is enclosed for your information. Additional information on the application is available on the City's website at the following link: https://www.honolulu.gov/dpp/public-input.html. We would appreciate your review and comments on the application by **October 25, 2024**. Please refer to our file number **2024/GEN-11** in your response.

Should you have any questions, please contact Thomas Blair, of our staff, at (808) 768-8030 or thomas.blair@honolulu.gov.

File No.: 2024/GEN-11 (tb)
2649496

DEPARTMENT OF PLANNING AND PERMITTING
SUMMARY PROJECT DESCRIPTION

APPLICANT/LANDOWNER	:	Haleʻiwa Backyards LLC / Basin Project Inc.
AGENT	:	James T. Hayes, Planning Solutions, Inc.
APPLICANT'S PROPOSAL & BASIS FOR REQUEST	:	The Applicant is proposing a State Land Use District Boundary Amendment (SLUDBA), to reclassify a 7.292-acre portion of Tax Map Key 6-2-005:002 from the State Land Use (SLU) Agricultural District to the SLU Urban District. Upon completion of the proposed SLUDBA, the applicant would seek a County zone change consistent with the proposed uses. According to the application, the SLUDBA and the forthcoming zone change are being undertaken to develop approximately 150-156 low-rise apartment units (duplex and townhomes), approximately 30,000 square feet of commercial space (retail and office space), parking, and a wastewater management system. See attachment for the Applicant's Proposed Master Plan.
LOCATION	:	Between Joseph P. Leong Highway and the Haleʻiwa Special District, Haleʻiwa, North Shore, Oʻahu
TAX MAP KEY	:	6-2-005: 002 portion
LAND AREA	:	7.292 acres
STATE LAND USE DISTRICT	:	Agricultural District
SUSTAINABLE COMMUNITIES PLAN AREA	:	North Shore, within the Community Growth Boundary
EXISTING ZONING	:	AG-1 Restricted Agriculture District
SPECIAL DISTRICT	:	Haleʻiwa Special District
SHORELINE SETBACK/ SPECIAL MANAGEMENT AREAS	:	The project site is outside the Shoreline Setback and outside of the Special Management Area
EXISTING USE	:	Vacant, undeveloped
SURROUNDING LAND USES	:	Shops in the Haleʻiwa Special District to the west; undeveloped to the north and south; Joseph P. Leong Highway to the east; active agriculture further east

HALEIWA BACKYARD
PROPOSED MASTER PLAN
Kamehameha Highway
F-083-1-(23)
OPAEULA ROAD
FAUHALA RENTAL APARTMENTS
ILIMA RENTAL APARTMENTS
PILIKAI RENTAL APARTMENTS
SHOPS
RESTAURANT
FARMERS MARKET
Lot 1-B
Lot 1-C
Lot 1-D
Lot 3
Lot 5
Lot 6-C
Lot 8
Lot 8-B
Lot 9-B
Lot 10
Lot 11
Lot 12-A
Lot 12-B
Lot A
Grant 33, Apana 10 to Board of
L.C.Aw. 7933
L.C.Aw. 2942
True North
PRELIMINARY PROJECT DATA

REVISED 9/10/24
P:\DivFunction\SLU\2024 Haleiwa Backyards SLUDBA\RFC\Mailout Labels & Checklists\LABELS FOR AGENCIES REVIEW with email addresses.doc

CITY AND COUNTY

Hirokazu Toiya, Director
Dept. of Emergency Management (DEM)
htoiya@honolulu.gov or dem@honolulu.gov

Gene C. Albano, P.E.,
Director & Chief Engineer
Department of Facility Maintenance (DFM)
gene.albano@honolulu.gov

Arthur J. Logan, Chief of Police
Honolulu Police Department (HPD)
801 South Beretania Street
Honolulu, Hawaii 96813
hpdchiefsoffice@honolulu.gov

J. Roger Morton, Director
Dept of Transportation Services (DTS)
711 Kapiolani Boulevard, Suite 1600
Honolulu, Hawaii 96813
roger.morton@honolulu.gov

Dominic "Haku" Milles, P.E., Director
Dept of Design and Construction (DDC)
dominic.milles@honolulu.gov or ddc@honolulu.gov

James H. E. Ireland, M.D., Director
Honolulu Emergency Services Dept. (HESD)
james.ireland@honolulu.gov

Michael D. Formby
Managing Director (MDO)
Mayor's Office
mformby@honolulu.gov

Ben Sullivan, Executive for Cliimate Change, Sustainability and Resiliency
Office of Climate Change, Sustainability & Resiliency (CCSR)
b.sullivan@honolulu.gov

Ernest Y.W. Lau, P.E.
Manager and Chief Engineer
Board of Water Supply (BWS)
contactus@hbws

Roger Babcock, Jr. Ph.D. P.E.,
Director
Dept of Environmental Services (ENV)
roger.babcock@honolulu.gov

Sheldon Kalani Hao, Fire Chief
Honolulu Fire Department (HFD)
636 South Street
Honolulu, Hawaii 96813-5007
shao@honolulu.gov

Laura H. Thielen, Director
Department of Parks & Recreation (DPR)
laura.thielen@honolulu.gov

Neighborhood Commission
Kapalama Hale
925 Dillingham Boulevard, Suite 160
Honolulu, Hawaii 96817
nco@honolulu.gov

STATE AGENCIES

Dawn N.S. Chang, Chairperson
Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813
dlnr@hawaii.gov

Sylvia Hussey, Ed. D., CEO
Office of Hawaiian Affairs
Attn: Compliance Enforcement
560 North Nimitz Highway, Suite 200
Honolulu, Hawaii 96817
ohacompliance@oha.org

Kenneth S. Fink, MD., MGA, MPH, Director
Department of Health, State of Hawaii
Kinau Hale, 1250 Punchbowl Street
Honolulu, Hawaii 96813
webmail@doh.hawaii.gov

Sharon Hurd, Chairperson
Board of Agriculture
Dept. of Agriculture
1428 South King Street
Honolulu, Hawaii 96814
earl.j.yamamoto@hawaii.gov

Keith Hayashi, Superintendent
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804
doeinfo@k12.hi.us or doe_info@hotes.k12.hi.us

Kali Watson, Director
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805
DHHL.contactcenter@hawaii.gov

Daniel E. Orodenker, Executive Officer
State Land Use Commission
State Office Tower
235 South Beretania St., Room 406
Honolulu, Hawaii 96813
dbedt.luc.staff@hawaii.gov

James Kunane Tokioka, Director
Dept of Business, Economic Dev't &Tourism
250 South Hotel Street, 5th Floor
Honolulu, Hawaii 96813
director@dbedt.hawaii.gov

Major General Kenneth Hara
Director of Emergency Management
State Civil Defense/Hawaii Emergency Management Agency
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

Dean Minakami, Executive Director
Hawaii Housing Finance & Dev't Corp.
DBED&T
677 Queen Street, Suite 300
Honolulu, Hawaii 96813

Mark Garrity, Executive Director
Oahu Metropolitan Planning Organization
707 Richards Street, Suite 200
Honolulu, Hawaii 96813-4623
mark.garrity@oahumpo.org or OahuMPO@OahuMPO.org

Tom Eisen, Administrator
Environmental Review Program (ERP)
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
dbedt.opsd.erp@hawaii.gov

Edwin Sniffen, Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813
dotpao@hawaii.gov

FEDERAL

Director
U. S. Department of Housing and Urban Development, Honolulu Office
1132 Bishop Street, Suite 1400
Honolulu, Hawaii 96813-2879

Mary Alice Evans, Director
State Office of Planning and Sustainable Development
P.O. Box 2359
Honolulu, Hawaii 96804-2359
dbedt.stateplanning@hawaii.gov

Hawaii Documents Center
Hawaii State Library
Hawaii & Pacific Section
478 South King Street
Honolulu, Hawaii 96813
ohsdoc@librarieshawaii.org

US Army Corps of Engineers
Honolulu District Public Affairs
Bldg. 230, Room 302
Fort Shafter, Hawaii 96858-5440
CEPOH-PA@usace.army.mil

Department of the Interior
Geological Survey
Water Resources Division
Inouye Regional Center
1845 Wasp Blvd. B176
Honolulu, Hawaii 96813
jphoffma@usgs.gov

CITY MESSENGER

Natural Resources Conservation Service
300 Ala Moana Boulevard, Suite 4-118
Honolulu, Hawaii 96850-4118
Gavin.Jennings@usda.gov

Interior, Dept. of the Fish & Wildlife Service
Field Supervisor
U. S. Pacific Islands Region
Fish and Wildlife Service
300 Ala Moana Boulevard, Rm 3-122
Honolulu, Hawaii 96850
pifwo_admin@fws.gov

NORTH SHORE COMMUNITY ORGANIZATIONS

Association of Hawaiian Civic Clubs
P.O. Box 1135
Honolulu, Hawaii 96807
kokua@aohcc.org

Mokuleia Community Association
c/o Mr. Michael K. Dailey
68-411 Farrington Highway
Waialua, Hawaii 96791
(no email contact found)

Sunset Hills Community Association
c/o Mrs. Karen Hoffman
59-520 Makana Road
Haleiwa, Hawaii 96712
(no email contact found)

Chair Kathleen Pahinui
North Shore NB No. 27
c/o Neighborhood Commission
925 Dillingham Blvd, Suite 160
Honolulu, Hawaii 96817

Haleiwa Community Association
Attn: Ms. Sally Amantiad
61-168 Punalau Place
Haleiwa, Hawaii 96712

Surfrider Foundation Oahu Chapter
1917 Kuapapa Place
Honolulu, Hawaii 96819
dshin@oahu.surfrider.org/
lblickley@surfrider.org

Waialua Community Association
President
66-434 Kamehameha Highway
Haleiwa, Hawaii 96712
(wca96712@hawaii.rr.com)

Waialua Public Library
67-068 Kealohanui St,
Waialua, Hawaii 96791

Hawaii Wildlife Center
P.O. Box 551752
Kapaau , Hawaii 96755
info@hawaiiwildlifecenter.org

Sunset Beach Community Association
c/o Mrs. Andrea Woods
58-034 Kapuai Place
Haleiwa, Hawaii 96712
(no email contact found)

North Shore News
66-437 Kamehameha Highway
Haleiwa, HI 96712

OTHERS

Hawaii Gas
745 Fort St., Suite 1800
Honolulu, Hawaii 96813
(no email contact found)

Mr. Kerstan Wong, P.E.
Manager, Engineering Department
Hawaiian Electric Company, Inc.
P.O. Box 2750
Honolulu, Hawaii 96840
rouen.liu@hawaiianelectric.com

CITY MESSENGER
Councilmember Matt Weyer, District 2
Honolulu Hale

STATE MESSSENGER
Senator Brenton Awa, Senate District 23
State Capitol, Room 203

STATE MESSSENGER
Representative Sean Quinlan, District 47
State Capitol, Room 433

STATE MESSSENGER
Representative Amy A. Perruso, District 46
State Capitol, Room 435

CITY MESSENGER
Wahiawa Satellite City Hall
330 North Cane Street
c/o Customer Services Department (CSD)
550 S. King Street, 1st floor

STATE MESSENGER
James Nakatani, Executive Director
Agribusiness Development Corporation
Leiopapa A Kamehameha Bldg., Room 205
235 South Beretania Street
Honolulu, Hawaii 96813
hdoa.adc.titlevi@hawaii.gov

ISLANDWIDE ORGANIZATIONS

(updated 10/5/2021)

Hawaii Farm Bureau Federation
P.O. Box 253
92-1770 Kunia Road
Kunia, Hawaii 96759
info@hfbf.org

Ulupono Initiative
c/o Murray Clay
999 Bishop Street, Suite #1202
Honolulu, Hawaii 96813
communications@ulupono.com

Hawaii Agriculture Research Center
P.O. Box 100
Kunia, Hawaii 96759
(no email contact found)

Hawaii Building & Construction Trade Council
735 Bishop Street, Suite 412
Honolulu, Hawaii 96813
(no email contact found)

Historic Hawaii Foundation
P.O. Box 1658
Honolulu, Hawaii 96806
member@historichawaii.org

ILWU
451 Atkinson Drive
Honolulu, Hawaii 96814
(no email contact found)

Laborers-Employers Cooperation & Education Trust
650 Iwilei Road, Suite 285
Honolulu, Hawaii 96817
info@hawaiilecet.org

Oahu Economic Development Board
735 Bishop Street, Suite 424
Honolulu, Hawaii 96813
info@oedb.biz

Department of Urban and Regional Planning, UH
2424 Maile Way
Saunders Hall 107
Honolulu, Hawai'i 96822
priyam@hawaii.edu

Land Use Research Foundation
1100 Alakea Street, Suite 408
Honolulu, Hawaii 96813
(no email contact found)

Hawaii's Thousand Friends
335 Hahani Street # 342132
Kailua, Hawaii 96734
htf3000@gmail.com

Life of the Land
P.O. Box 37158
Honolulu, Hawaii 96837-8158
(no email contact found)

The Outdoor Circle
1314 South King Street, Suite 306
Honolulu, Hawaii 96814
mail@outdoorcircle.org

Queen Emma Land Company
1301 Punchbowl Street
Honolulu, Hawaii 96813
(no email contact found)

Sierra Club of Hawaii Chapter
P.O. Box 2577
Honolulu, Hawaii 96803
hawaii.chapter@sierraclub.org

OWNER LIST FROM POSSE

BP Bishop Trust Estate
PO BOX 3466
Honolulu, Hawaii 96801

Floyd W and Christine K Barty
230 Kaiulani St
Hilo, Hawaii, 96720

Basin Project Inc
419 South St, Unit 174
Honolulu, Hawaii 96813

Black Pearl Source Corp.
66-218 Kamehameha Hwy
Haleiwa, Hawaii 96712

Lila C Chrystal Trust
2442 Kuhio Ave, Apt. 403
Honolulu, Hawaii 96815

Michael Chun Trust
1356 Komo Mai Dr
Pearl City, Hawaii 96782

Dole Food Co. Inc.
1116 Whitmore Ave.
Wahiawa, Hawaii 96786

Current Occupant
45-075 Auloa Rd
Kaneohe, Hawaii 96744

Francis Fujioka Trust
PO BOX 280
Haleiwa, Hawaii 96712

Francis Fujioka Trust
66-236 Haleiwa Rd
Haleiwa, Hawaii 96712

Evelyn Honda Trust
66-140 B Kamehameha Hwy
Haleiwa, Hawaii 96712

Sharon M Jeter
66-218 Kamehameha Hwy
Apt. C
Haleiwa, Hawaii 96712

Ronald G Kawamura Trust
PO BOX 145
Haleiwa, Hawaii 96712

Liliuokalani Church
PO BOX 187
Haleiwa, Hawaii 96712

North Shore Marketplace LLC
PO BOX 3467
Honolulu, Hawaii 96801

NS Haleiwa LLC
PO BOX 270
Haleiwa, Hawaii 96712

Pioneer Contracting Co. Ltd.
930 Kilani Ave
Wahiawa, Hawaii 96786

Rebecca L Ribe
414 Sanders
Baltimore, MD 21230

S. Abe Development Corp.
63 Centerville Commons Way
Centerville, UT 84014

Senn Diversified LP
66-160 Kamehameha Hwy
Haleiwa, Hawaii 96712

Derrick M Watanuki
PO BOX 183
Haleiwa, Hawaii 96712

Douglas and Pearl Wong and Yee Tr
2112 Lake St
San Francisco, CA 94121

Pauline Y Yoshida Tr
95-736 Hinalii St
Mililani, Hawaii 96789

Evelyn H Yuruki Tr
66-150C Kamehameha Hwy
Haleiwa, Hawaii 96712

ATTACHMENT 3
COMMENTS FROM GOVERNMENT AGENCIES

Blair, Thomas G

From: Dang, Charmian I <charmian_dang@fws.gov>
Sent: Friday, September 13, 2024 9:11 AM
To: Blair, Thomas G
Subject: Haleiwa Backyard LLC Mixed-Use Development Project
Attachments: IPaC Info Letter_Species List Instructions_PIFWO_20Apr2022_Final.pdf; outgoing 2015-TA-0450 Haleiwa Mixed Use Parcel, Oahu.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Dear Mr. Blair,

Our office received the City and County of Honolulu Department of Planning and Permitting letter requesting the U.S. Fish and Wildlife Service's input on the application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Haleʻiwa Backyards LLC, Mixed-Use Development Project on Oahu. Below are instructions for the IPAC online portal to obtain a list of species that may be affected in the project location and conservation measures which should be included in your review.

The Pacific Island Fish and Wildlife Office (PIFWO) is transitioning to the use of the Information for Planning and Consultation (IPaC) online portal, https://ipac.ecosphere.fws.gov/, for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species and designated critical habitat in your project area. Using IPaC expedites the process for species list distribution and takes minimal time. Therefore, the IPaC list would fulfill your request for a species list. Please find step by step instructions attached to use IPaC for future projects, and feel free to share with additional project partners.

For recommended avoidance and minimization measures, you can visit the following webpage https://www.fws.gov/office/pacific-islands-fish-and-wildlife/library

Haleiwa Backyard LLC contacted the Service in 2015. Our response letter is in the 2016 Final EA and is attached for your reference.
Species in the vicinity may be different from the 2015 letter as our database has been updated.

Aloha,
Charmian Dang

~~~~~~

Charmian Dang
U. S. Fish and Wildlife Biologist
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850
808-792-9400
~~~~~~

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai‘i 96850

Subject: IPaC generated official species list for the Pacific Islands Fish and Wildlife Office

Dear Action Agency or Applicant:

The Pacific Islands Fish and Wildlife Office (PIFWO) is transitioning to the Information for Planning and Consultation (IPaC) online portal, https://ipac.ecosphere.fws.gov/ for federal action agencies and non-federal agencies or individuals to obtain official species lists, including threatened and endangered species, designated critical habitat, and avoidance and minimization measures to consider in your general project design. IPaC has been used by continental USFWS offices to provide official species lists and avoidance and minimization guidance since 2017. Using IPaC expedites the process for species list distribution. Obtaining a species list in IPaC is relatively straightforward and takes minimal time to complete. Step by step instructions are included below.

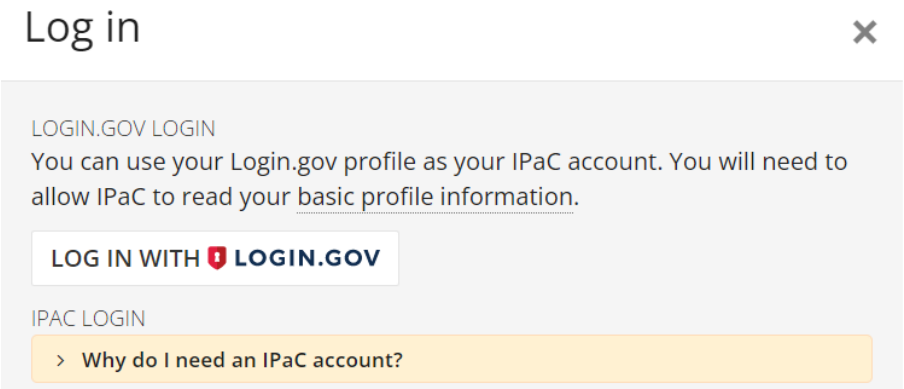
Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of your species list should be verified after 90 days. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change the species list. Verification can be completed by visiting the IPaC website at regular intervals during project planning and implementation. An updated list may be requested through the IPaC system by completing the same process used to obtain the initial species list.

We hope this process provides efficiencies to our partners in obtaining a species list. For federal action agencies, it also opens additional IPaC functionality that the PIFWO office is still working on, such as the use of Determination Keys for informal section 7 programmatic consultations. We will let our agency partners know when that functionality becomes available.

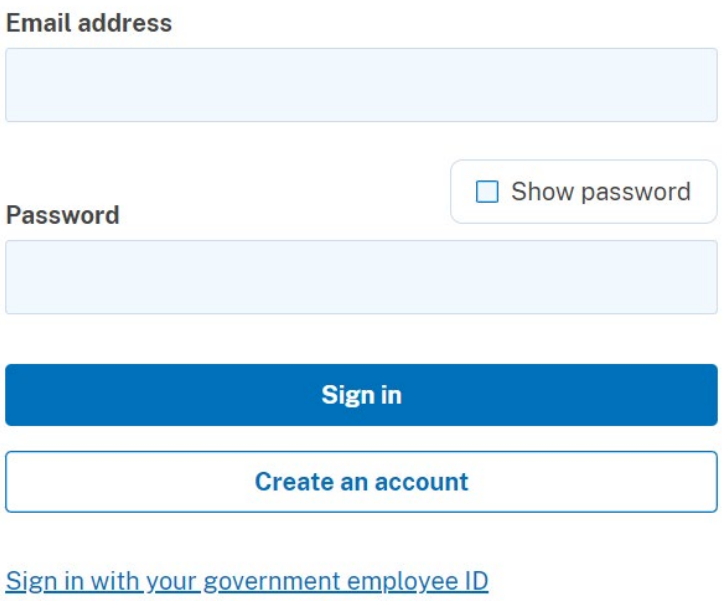
If you have questions about a species list obtained through the IPaC system or need assistance in completing an IPaC species list request, please contact the Service at 808-792-9400 or via email at pifwo_admin@fws.gov. We appreciate your efforts to conserve listed species across the Pacific Islands.

Instructions for Action Agencies and partners to obtain an official species list in IPaC

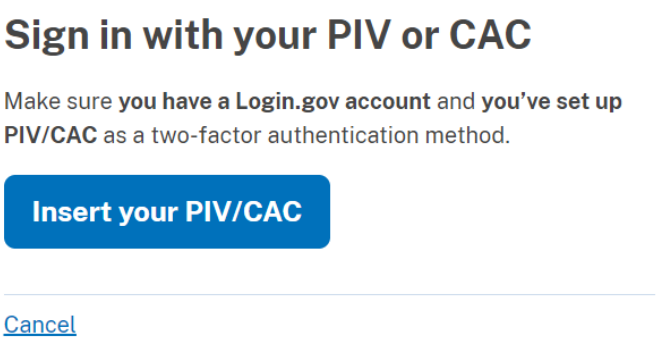
- Navigate to https://ipac.ecosphere.fws.gov/
- You can get an unofficial species list without logging in. However, if you want an official species list you will need to log in first using your Login.gov account. If you don't have an IPaC account, they are easy to create.



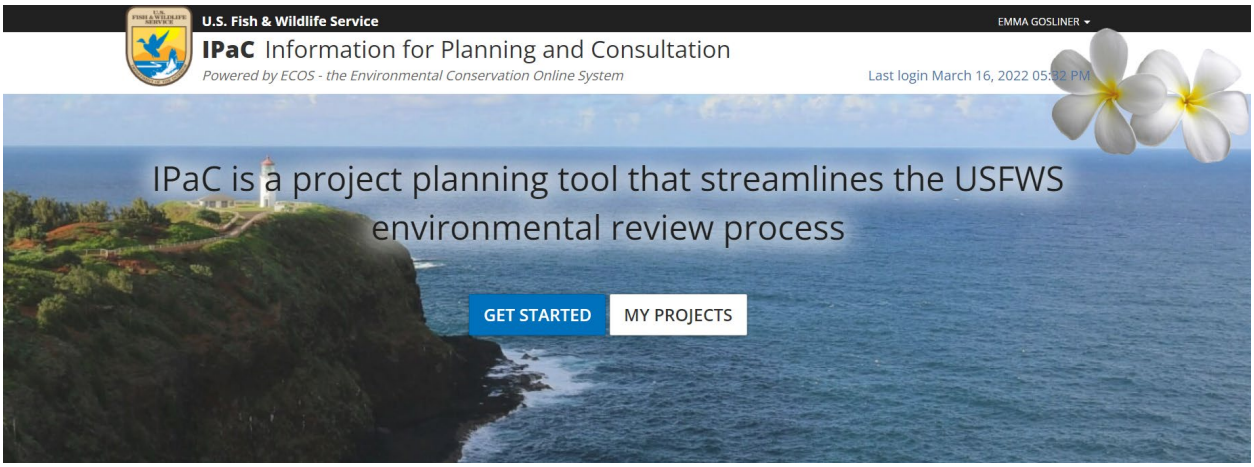
Select Log in with Login.gov and sign in using your email and password.



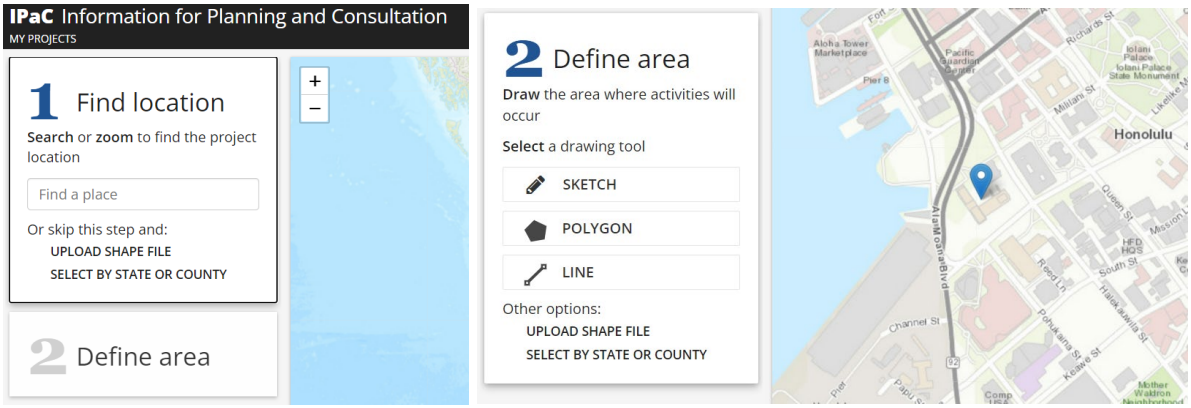
If you have a PIV or CAC card, you can sign in using that method as well.

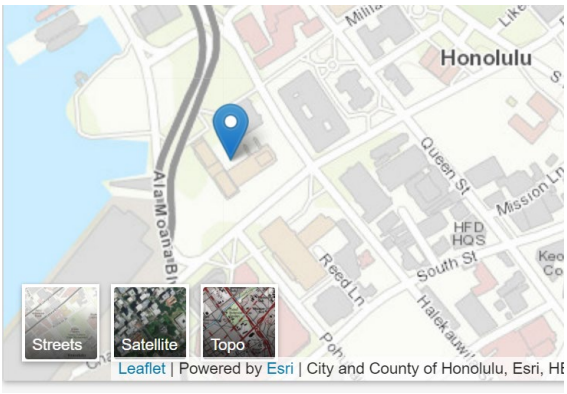


- Once you log in, select "Get Started".

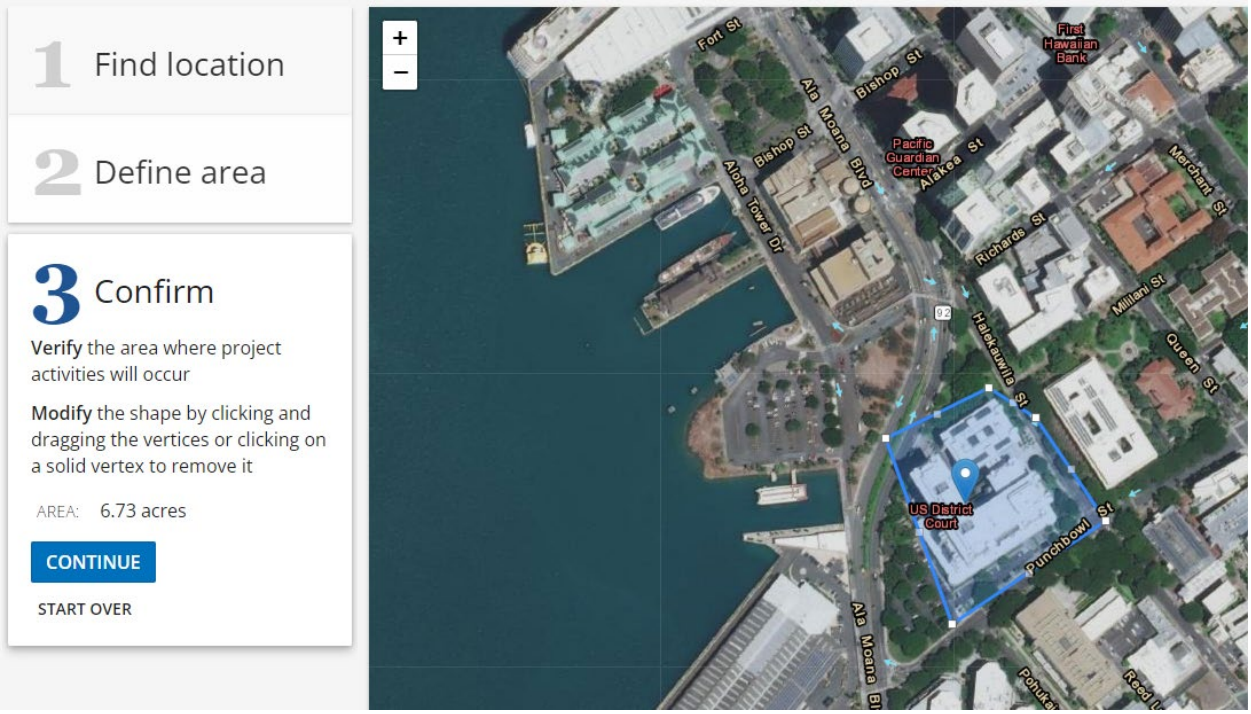


- Define the action area: Identify the location of the proposed action by uploading an existing shapefile or by entering an address or coordinates of the action area. Once identified on the map, you can manually draw the action area using the drawing tools.



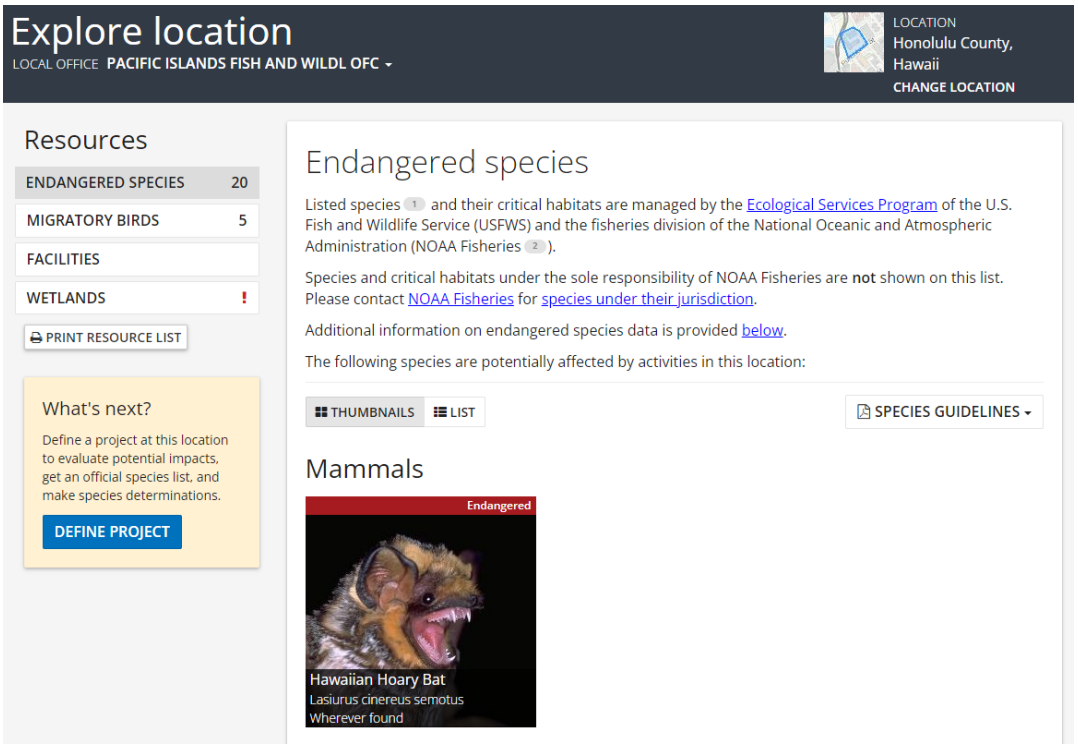


To help identify your action area you can choose between multiple base maps available.

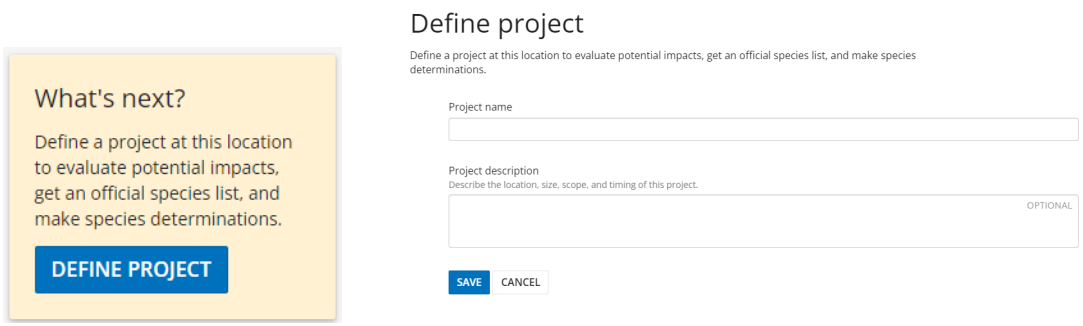


Press continue when you have finished drawing or uploading the action area location.

- The species information on the page that follows is not official. However, it identifies the project County, local Fish and Wildlife Field Office, species covered under NOAA Fisheries as well as Migratory Bird Treaty Act species. The list can be viewed in Thumbnail or List format.
- Once the species list populates you will see images of the species that may occur on, near, or transgress across your project. Click on SPECIES GUIDELINES on your top right to see Avoidance and Minimization measures to incorporate into your General Project Design Guidelines.

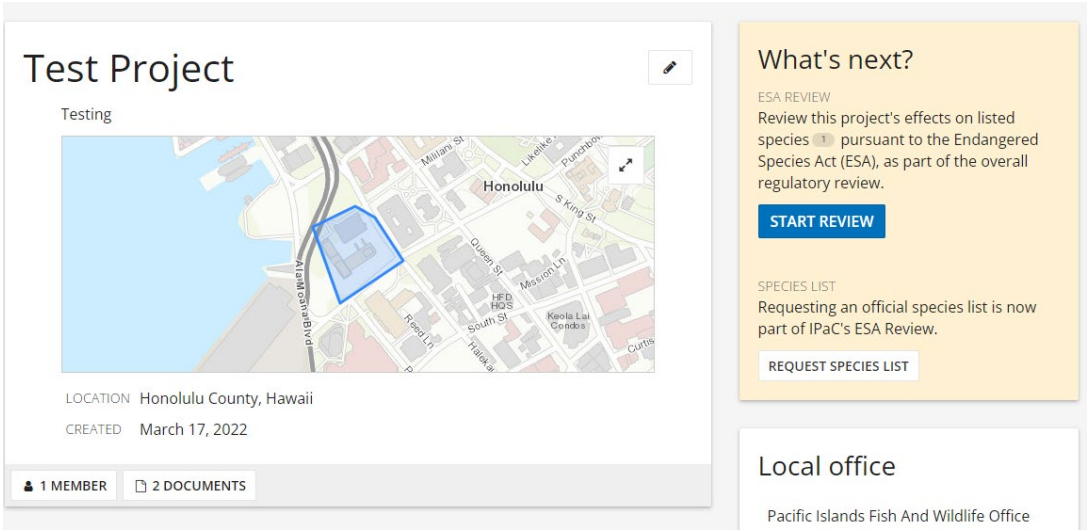


- Continue with the following steps to comply with the requirements of ESA section 7 to obtain an **official species list**.
- Select Define Project

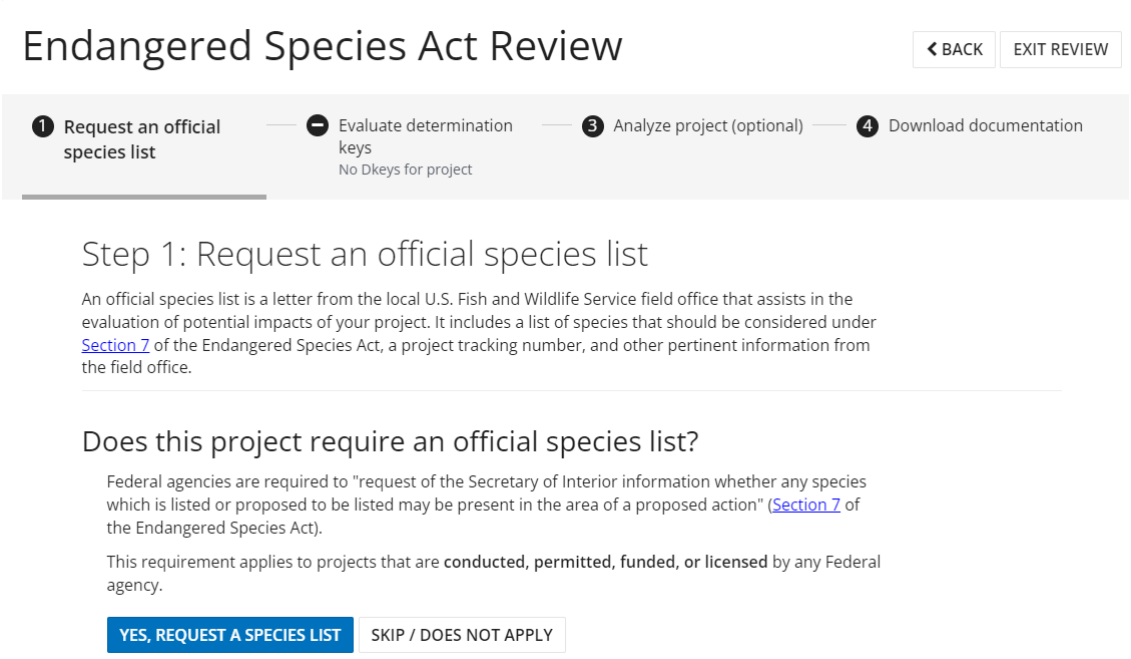


Enter the Project Name and a brief description of the project (a description is not mandatory, but recommended for future coordination with the Service). Click SAVE at bottom of page.

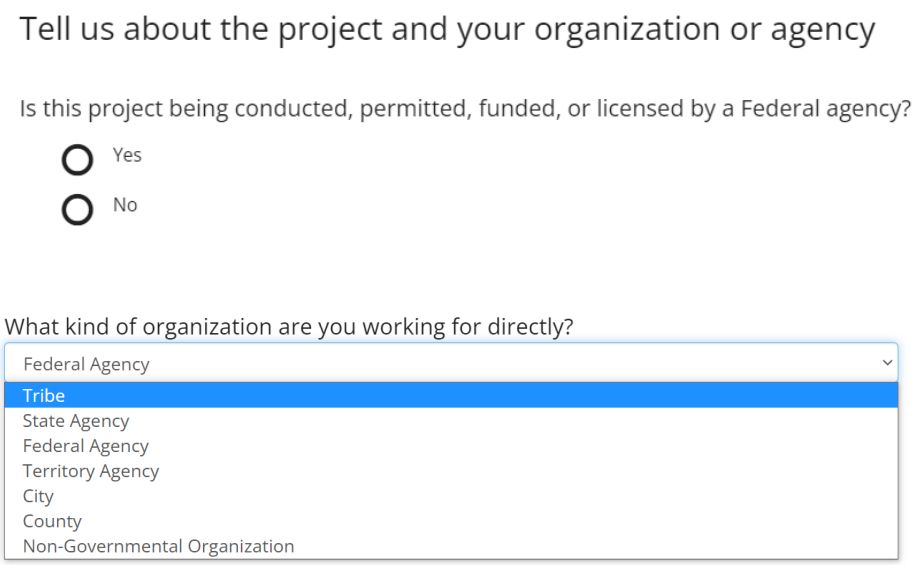
- At the bottom of the What's next box on the right, click Request Species List



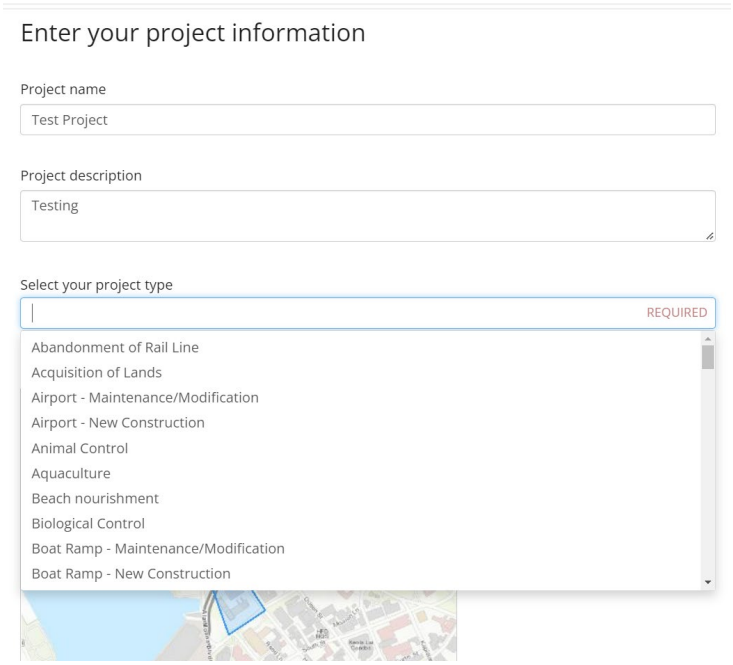
- on the following screen, click Yes, Request Species List



- Fill out the contact information for yourself or your agency. Contractors, state partners, and any other project proponents may request a species list and should be covered using the dropdown menus.



- From the pull-down menu for Classify Type of Project, select the project type that best fits the proposed action.

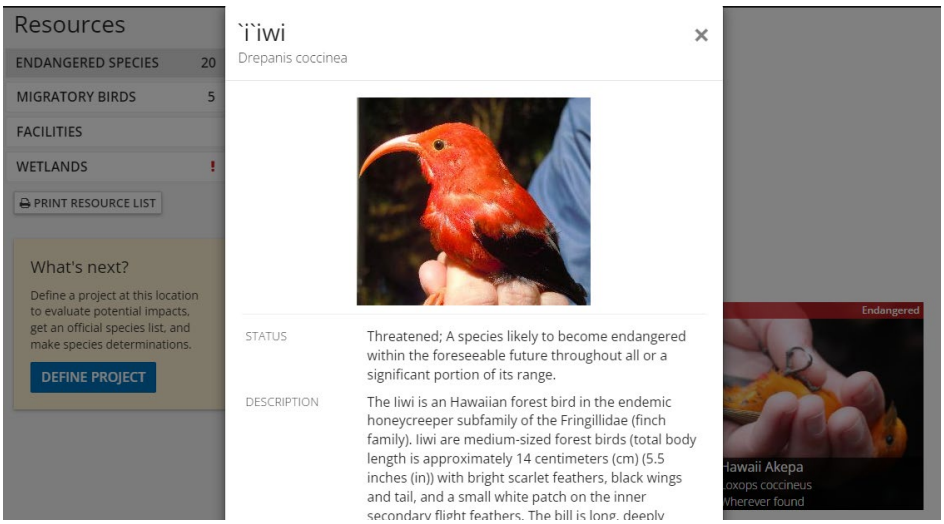


- Once all required sections are filled out, press SUBMIT OFFICIAL SPECIES LIST REQUEST



- An Official Species List should be generated and available for download in a couple of seconds.

- If you need additional information on a species, click on their name that is hot-linked to their species information page. A brief overview of the species' status, description and critical habitat will appear as well as a link to their ECOS species profile.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

OCT 23 2015

In Reply Refer To:
2015-TA-0450

Mr. Jared Chang
SSFM International, Inc.
501 Sumner Street, Suite 620
Honolulu, HI 96817

Subject: Technical Assistance for the Draft Environmental Assessment Haleiwa Mixed Use Parcel Project, Haleiwa, O'ahu

Dear Mr. Chang:

The U.S. Fish and Wildlife Service (Service) received your letter on September 23, 2015, requesting our comments on the Draft Environmental Assessment (EA) for the proposed Haleiwa Mixed Use Parcel Project, Haleiwa, O'ahu [TMK: (1) 6-2-005:002]. We understand SSFM International, Inc. on behalf of Backyard Haleiwa, LLC has prepared the Draft EA in accordance with Chapter 343, Hawai'i Revised Statutes. The proposed project involves the following: construction of 156 two-bedroom apartment units with 328 parking stalls, 30,000 feet of commercial development that includes 215 public parking stalls, studios, shops, galleries, a restaurant, and a farmer's market, and an on-site wastewater treatment and disposal facility. The following comments have been prepared pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (ESA); Migratory Bird Treaty Act (16 U.S.C. 703-712] (MBTA); and the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*; 83 Stat. 401] as amended (NEPA). Based on these authorities, we offer the following comments for your consideration.

We have reviewed the information you provided and pertinent information in our files, including data compiled by the Hawai'i Biodiversity and Mapping Program as it pertains to listed species and designated critical habitat. There is no federally designated critical habitat within the immediate vicinity of the proposed project. Our data indicate that the following federally listed species could be impacted by components of the project: the endangered Hawaiian stilt or ae'o (*Himantopus mexicanus knudseni*), the endangered Hawaiian common moorhen or 'alae 'ula (*Gallinula chloropus sandvicensis*), the endangered Hawaiian coot or 'alae ke'oke'o (*Fulica alai*), the endangered Hawaiian duck or koloa maoli (*Anas wyvilliana*), and the endangered Hawaiian goose or nene (*Branta sandvicensis*). Also species protected under the MBTA such as, the wedge-tailed shearwater or 'ua'u kani (*Puffinus pacificus*), the Pacific golden plover or kolea (*Pluvialis fulva*), and ruddy turnstone or 'akekeke (*Arenaria interpres*) may occur within the project vicinity. The Draft EA indicates that the federally endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) is known to occur within the vicinity of the project area, however, it

is unlikely to be adversely affected by the proposed project because there are no woody plants greater than 15 feet (4.6 meters) tall within the project area. Based upon this information, the Service agrees with this determination for the Hawaiian hoary bat.

Hawaiian waterbirds, Hawaiian geese, and shorebirds

Hawaiian waterbirds and shorebirds are known to occur at various sites within the vicinity of the project area (*e.g.*, Uko'a Wetland, Haleiwa Harbor). Hawaiian geese have been documented at various sites on O'ahu and have been seen regularly traversing between Kapolei, Mililani at the Agriculture Park and at a local golf courses and to the North shore of O'ahu at James Campbell National Wildlife Refuge and Turtle Bay Resort.

Based on the project details provided, it is unknown if the wastewater treatment facility will result in standing water or creation of open water, which has a high likelihood of attracting Hawaiian waterbirds, Hawaiian geese, and shorebirds to the site. In particular, the Hawaiian stilt is known to nest in sub-optimal locations (*e.g.*, any ponding water) if water is present. Hawaiian waterbirds and Hawaiian geese attracted to sub-optimal habitat may suffer adverse impacts, such as predation, reduced reproductive success due to disturbance within the vicinity of a nest, injury or death from being hit by a bike or vehicle or exposure to contaminated material and thus the project may create an attractive nuisance. Therefore, we recommend you design the wastewater treatment facility in a manner that minimizes the amount of time standing water is present, eliminates open water or prevents waterbirds from accessing open water (*e.g.*, netting off treatment ponds), thereby, reducing the potential to attract waterbirds and shorebirds.

Seabirds

Wedge-tailed shearwaters nest along the coastline in burrows, among littoral vegetation. Nesting adults, eggs, and chicks are particularly susceptible to impacts from human disturbance and predators. Surveys should be conducted throughout the project area during the species' peak breeding season (August through October) to determine the presence and location of nesting areas. If it is found that wedge-tailed shearwaters nest within the proposed project area, project construction should be timed outside of the breeding season.

Outdoor lighting, such as street lights, can adversely impact migratory seabird species (*e.g.*, wedge-tailed shearwater) found in the vicinity of the proposed project. Seabirds fly at night and are attracted to artificially lighted areas which can result in disorientation and subsequent fallout due to exhaustion or collision with objects such as utility lines, guy wires, and towers that protrude above the vegetation layer. Once grounded, they are vulnerable to predators or often struck by vehicles along roadways. Wedge-tailed shearwater nesting colonies are located on offshore islets and several locations on Oahu and every year many young shearwaters are downed and struck along Oahu roadways. Any increase in the use of night-time lighting, particularly during each year's peak fallout period (September 15 through December 15), could result in additional seabird injury or mortality.

If outdoor lighting is proposed for the project, the Service recommends a comprehensive lighting plan be developed and incorporated into the Final EA to minimize and avoid artificial lighting impacts to seabirds. If lights cannot be eliminated due to safety or security concerns then they should be positioned low to the ground, be motion-triggered and be shielded and/or full cut-off. Effective light shields should be completely opaque, sufficiently large, and positioned so that the

bulb is only visible from below. We recommend avoiding night-time construction activities from September 15 through December 15 and providing all project staff with information about seabird fallout. Where appropriate, we recommend adding signage or a kiosk to educate residents regarding the seabird fallout issue and to let people know that downed birds can be taken to Sea Life Park for rehabilitation. We appreciate your efforts to minimize and avoid artificial lighting impacts to seabirds.

If, after further development of your project plans, it is determined that the proposed project may affect federally listed species, we recommend you contact our office early in the planning process so that we may further assist you with ESA compliance.

General Comments

Hawai'i's native ecosystems are heavily impacted by exotic invasive plants. Whenever possible we recommend using native plants for landscaping purposes. If native plants do not meet the landscaping objectives, we recommend choosing species that are thought to have a low risk of becoming invasive. The following websites are good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (http://www.hear.org/Pier/), Weed Risk Assessment for Hawai'i and Pacific Islands (http://www.botany.hawaii.edu/faculty/daehler/wra/) and Global Compendium of Weeds (http://www.hear.org/gcw/).

Because the proposed project will involve earthwork, we are attaching the Service's recommended Best Management Practices regarding sedimentation and erosion control. We encourage you to incorporate the relevant practices into your project design.

We appreciate your efforts to conserve endangered species. If you have questions regarding these comments, please contact Leila Gibson, Fish and Wildlife Biologist (phone: 808-792-9400, email: leila_gibson@fws.gov).

Sincerely,

Aaron Nadig
Island Team Manager
O'ahu, Kaua'i, North Western Hawaiian Islands, and American Samoa

Enclosure: Service BMPs for erosion and sediment control

cc: Mr. George I. Atta

U.S. Fish and Wildlife Service
Recommended Standard Best Management Practices

The U.S. Fish and Wildlife Service (USFWS) recommend the following measures to be incorporated into project planning to avoid or minimize impacts to fish and wildlife resources. Best Management Practices (BMPs) include the incorporation of procedures or materials that may be used to reduce either direct or indirect negative impacts to aquatic habitats that result from project construction-related activities. These BMPs are recommended in addition to, and do not over-ride any terms, conditions, or other recommendations prepared by the USFWS, other federal, state or local agencies. If you have questions concerning these BMPs, please contact the USFWS Aquatic Ecosystems Conservation Program at 808-792-9400.

1. Authorized dredging and filling-related activities that may result in the temporary or permanent loss of aquatic habitats should be designed to avoid indirect, negative impacts to aquatic habitats beyond the planned project area.

2. Dredging/filling in the marine environment should be scheduled to avoid coral spawning and recruitment periods, and sea turtle nesting and hatching periods. Because these periods are variable throughout the Pacific islands, we recommend contacting the relevant local, state, or federal fish and wildlife resource agency for site specific guidance.

3. Turbidity and siltation from project-related work should be minimized and contained within the project area by silt containment devices and curtailing work during flooding or adverse tidal and weather conditions. BMPs should be maintained for the life of the construction period until turbidity and siltation within the project area is stabilized. All project construction-related debris and sediment containment devices should be removed and disposed of at an approved site.

4. All project construction-related materials and equipment (dredges, vessels, backhoes, silt curtains, etc.) to be placed in an aquatic environment should be inspected for pollutants including, but not limited to; marine fouling organisms, grease, oil, etc., and cleaned to remove pollutants prior to use. Project related activities should not result in any debris disposal, non-native species introductions, or attraction of non-native pests to the affected or adjacent aquatic or terrestrial habitats. Implementing both a litter-control plan and a Hazard Analysis and Critical Control Point plan (HACCP – see *http://www.haccp-nrm.org/Wizard/default.asp*) can help to prevent attraction and introduction of non-native species.

5. Project construction-related materials (fill, revetment rock, pipe, etc.) should not be stockpiled in, or in close proximity to aquatic habitats and should be protected from erosion (*e.g.*, with filter fabric, etc.), to prevent materials from being carried into waters by wind, rain, or high surf.

6. Fueling of project-related vehicles and equipment should take place away from the aquatic environment and a contingency plan to control petroleum products accidentally spilled during the project should be developed. The plan should be retained on site with the person responsible for compliance with the plan. Absorbent pads and containment booms should be stored on-site to facilitate the clean-up of accidental petroleum releases.

7. All deliberately exposed soil or under-layer materials used in the project near water should be protected from erosion and stabilized as soon as possible with geotextile, filter fabric or native or non-invasive vegetation matting, hydro-seeding, etc.

DEPARTMENT OF DESIGN AND CONSTRUCTION
KA 'OIHANA HAKULAU A ME KE KĀPILI
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR • HONOLULU, HAWAI'I 96813
PHONE: (808) 768-8480 • FAX: (808) 768-4567 • WEBSITE: honolulu.gov

2024 OCT -3 PM 2:2
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

RICK BLANGIARDI
MAYOR
MEIA

HAKU MILLES, P.E.
DIRECTOR
PO'O

MARK YONAMINE, P.E.
DEPUTY DIRECTOR
HOPE PO'O

September 25, 2024

MEMORANDUM

TO: Franz Kraintz, Branch Chief
Community Planning Branch, Planning Division
Department of Planning and Permitting

FROM: Haku Milles, P.E., LEED AP, Director
Department of Design and Construction

SUBJECT: Application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Hale'iwa Backyards LLC, Mixed-Use Development, Hale'iwa, O'ahu, Hawai'i
Tax Map Key 6-2-005: 002 portion

This is in response to your inquiry dated September 11, 2024 regarding the Proposed Hale'iwa Backyards LLC, Mixed-Use Development.

Thank you for the opportunity to review and comment. The Department of Design and Construction has no comments to offer at this time.

Should you have any questions, please contact me at x88480.

HM:krn (927972)

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET • HONOLULU, HAWAI'I 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulupd.org

RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE EO-SH

September 27, 2024

2024 SEP 27 AM 10:23
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

MEMORANDUM

TO: Franz Kraintz, Branch Chief
Department of Planning and Permitting

FROM: Glenn Hayashi, Assistant Chief of Police, Support Services Bureau

SUBJECT: Application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Hale'iwa Backyards LLC, Mixed-Use Development, Hale'iwa, O'ahu, Hawai'i Tax Map Key 6-2-005: 002 portion

Thank you for the opportunity to review the subject application.

The Honolulu Police Department does not have any concerns at this time.

If there are any questions, please call Acting Major Joel Gonsalves of our District 2 (Wahiawā) at (808) 723-8700.

Glenn Hayashi
Assistant Chief of Police
Support Services Bureau

STATE OF HAWAIʻI
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT

235 South Beretania Street, 6th Floor, Honolulu, Hawaiʻi 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaiʻi 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: https://planning.hawaii.gov/

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

Coastal Zone Management Program

Environmental Review Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented Development

Statewide Geographic Information System

Statewide Sustainability Branch

DTS 202409161216NA

October 25, 2024

Ms. Dawn Takeuchi Apuna, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King St, 7th Floor
Honolulu, Hawaii 96813

Attention: Mr. Thomas Blair

Dear Director Takeuchi Apuna:

Subject: State Land Use District Boundary Amendment (less than 15 acres)
Haleiwa Backyards, LLC Mixed-Use Development
Haleiwa, Oahu, Hawaii
TMK (1) 6-2-005:002

Thank you for the opportunity to comment on the subject State Land Use District Boundary Amendment (DBA) Application (less than 15 acres).

Haleiwa Backyards, LLC (Applicant) is seeking a reclassification of 7.292 acres (DBA Area) from the State Agricultural District to the Urban District. The DBA Area is part of a 7.525-acre parcel (Project Site) that the Applicant plans to develop for the Haleiwa Backyards mixed-use project. The remaining 0.233 acres of the Project Site, containing Opaeula Road, are already in the Urban District.

DBA Area and Surrounding Lands
The DBA Area is currently vacant and undeveloped. The DBA Area is bordered on the east by the State-owned Joseph P. Leong Highway; shops on parcels zoned I-1, B-1, and/or R-5 to the west; and undeveloped, unused AG-1 zoned parcels to the north and south. The DBA Area and Project Site are outside the Special Management Area.

Soils within the DBA Area are mainly rated "A" under the Land Study Bureau's classification system (LSB), with portions of the DBA Area in the north rated "B" and "E" in the central/eastern portions. A portion of the DBA Area is classified as "Prime" on the Agricultural Lands of Importance to the State of

Hawaii (ALISH) map, with the remainder not classified. Certain areas east of Joseph P. Leong Highway are designated State Important Agricultural Land.

Constraints on Agricultural Use

The DBA Area is currently zoned AG-1 Restricted Agriculture District. However, agricultural use of the Area is constrained by several factors. When the State Department of Transportation (DOT) obtained the right-of-way for Joseph P. Leong Highway, the parcel was subdivided and isolated from larger, mauka agricultural parcels, reducing the capacity to accommodate large-scale farm operations. The highway also severed the DBA Area's connection to the plantation-era agricultural irrigation system. With its proximity to urban development, there is no buffer between agricultural uses in the DBA Area and the residential uses and retail in Haleiwa Town Center.

If the DBA is approved, the State highway will provide an appropriate buffer between the Haleiwa Town area's uses on the west side and the agricultural lands on the east side of the highway. In addition, the State Department of Agriculture (DOA) stated in an August 16, 2017 letter it "does not object to the proposed change in zone or State land use district reclassification." Given that the conditions of the area have not significantly changed since 2017, the Office of Planning and Sustainable Development (OPSD) assumes the DOA's position has not changed.

Consistent with City and County Plans

The Project Site is within the North Shore Sustainable Communities Plan's (NSSCP) Community Growth Boundary and "Country Town" area, adjacent to the Haleiwa Town center. The site is also within the Haleiwa Special District. Upon approval of the DBA application, the Applicant will seek rezoning of the Project Site to A-1 Low-Density Apartment and B-1 Neighborhood Business. The Oahu General Plan encourages a mix of housing options close to employment and commercial areas, and the NSSCP encourages "multifamily housing (low-density apartment districts)" in proximity to Haleiwa Town Center.

Haleiwa Backyards Mixed-Use Project

Subsequent to approval of the DBA, the Applicant will seek a zone change to allow development of the Project Site. The Applicant's current conceptual plan is to provide approximately 150-156 low-rise apartment units (duplex and townhomes), approximately 30,000 square feet of commercial space (retail and office), including a permanent farmers market, parking, and a wastewater management system on the Project Site (Application, Proposed Master Plan). The Applicant intends to provide market-rate rental units with a percentage reserved as affordable to increase the rental supply and provide options for local workforce housing in Haleiwa. The number of market-rate and affordable units to be provided and the target income rents for the affordable units will be determined later in the permitting process. Senior housing is also being considered.

Vehicular access to the Project Site will be through Opaeula Road at the north end of the site and Cane Haul Road at the south end. Opaeula Road is the Project Site's existing paved driveway off Kamehameha Highway. Opaeula Road will be extended as a two-lane, two-way road owned by the Applicant and function as the main spine road within the Project Site. Cane Haul Road is currently a privately-owned agricultural road that intersects Kamehameha Highway, south of the main driveway for the North Shore Marketplace; the intersection is a four-way signalized intersection. Portions of the Road mauka of Kamehameha Highway are owned by Kamehameha Schools (KS). The Applicant and KS are working on an agreement that would allow the use of the Road by multiple parties and ensure continued access to the agricultural lands mauka of Joseph P. Leong Highway. Cane Haul Road crosses the Joseph P. Leong Highway via an underpass.

To increase pedestrian connectivity between the Project Site and Haleiwa Town Center, dedicated pedestrian access to the site is planned next to Malama Market. Malama Market is located on a parcel (Tax Map Key (1) 6-2-005:011) adjacent to the western border of the Project Site and near the middle of the site.

A Final Environmental Assessment – Finding Of No Significant Impact for the Project Site was approved by the City Department of Planning and Permitting (DPP) on November 23, 2016. Subsequently, in a June 27, 2023 letter, DPP "determined that a new EA is not required at this time." The current project timetable anticipates obtaining discretionary approvals through the Spring of 2025, civil and building permit approvals during the Summer of 2025 through the Summer of 2026, and construction starting in the Fall of 2026 and continuing through the Fall of 2028.

Impacts on Public Resources

Water and Wastewater

Potable water for the Project Site will be provided by the Honolulu Board of Water Supply (BWS) via two water distribution mains located along Kamehameha Highway. BWS's October 23, 2015 letter commenting on the Draft Environmental Assessment noted that the existing water system is adequate to accommodate the proposed development. When the water is made available, the Applicant will be required to pay BWS Water System Facilities Charges for resource development, transmission, and daily storage.

The Project Site is in the critical wastewater disposal area determined by the Oahu Wastewater Advisory Committee and within the BWS No Pass Zone. The site is also inland of the State Underground Injection Control (UIC) line. No municipal sewer system serves the site, and no collection and treatment system for the project is planned within the current development schedule.

After consultation with the State Department of Health Wastewater Branch (DOHWWB) and the BWS, the Applicant proposes an on-site Wastewater Reclamation Facility (WWRF) that treats wastewater to the R-1 or R-2 level, then uses the reclaimed water for irrigation and includes a backup effluent leach field. The proposed facility would be built in the southern portion of the site and consistent with the recommendations of the North Shore Regional Wastewater Alternatives Plan. The nearest BWS drinking water sources are located 0.8 miles up/cross gradient from the site. A January 12, 2023 BWS letter stated that those sources "will not be impacted by ground disposal of wastewater at the site." The letter also stated that "BWS does not oppose the proposed WWRF with R-2 reuse and a backup leach field on the subject parcel." A January 25, 2023 DOHWWB letter stated it "has no objection if a wastewater treatment plant with R-1 or R-2 irrigation and a backup effluent leach field is constructed on the subject property."

Drainage

There is no drainage infrastructure on the Project Site. The site terrain generally slopes from east to west with elevations varying from 22 to 35 feet. Stormwater runoff exits the site along the south, west, and north perimeters, either as sheet flow or shallow concentrated flows. Stormwater from upgradient off-site properties is relatively minor because the highway embankment and a grassed swale intercepts stormwater along the eastern boundary of the site, and there are DOT stormwater inlets and drain lines to intercept runoff flowing under the Cane Haul Road underpass at the south perimeter. Runoff from small areas to the northeast of the Project Site does flow onto the site.

The Applicant suggests that appropriate low-impact development measures and Best Management Practices will be incorporated into the site plans to avoid increases in site runoff, such as on-site stormwater drain inlets with sedimentation or filtration pretreatment, retention basins with controlled release rates, and detention/infiltration facilities. In addition, water quality enhancement measures will be implemented, such as grass-lined filter strips, bioswales, infiltration chambers, rain gardens, cisterns, and permeable pavers.

Archaeological and Cultural Resources

A 2015 Archaeological Assessment (AA) of the Project Site with subsurface testing was prepared. The land on the site was disturbed by plantation-era agriculture and used during the construction of the adjacent State highway in the 1990s for gravel and fill storage; therefore, no structures or artifacts were found on the surface and no significant resources were found in the trenches. The AA was accepted by the State Historic Preservation Division (SHPD) and a May 26, 2015 SHPD letter found "no historic properties will be affected by the proposed zone change". A subsequent November 13, 2015 letter stated "SHPD's determination is no historic properties affected for the proposed development project."

Kamehameha Schools prepared a Cultural Impact Assessment (CIA) for its Haleiwa Commercial Redevelopment project located across Kamehameha Highway from the Opaeula Road – Kamehameha Highway intersection. The CIA found that the redevelopment project would not have an adverse effect on customary and traditional Native Hawaiian cultural practices. The Applicant solicited comments on Native Hawaiian cultural practices in the area of the Project Site from four Native Hawaiian organizations, the Office of Hawaiian Affairs, the Aha Moku Council, the Waialua Hawaiian Civic Club, and Kamehameha Schools; no substantive responses were received. Based on the findings of the 2015 AA for the Project Site, the Haleiwa Commercial Redevelopment Project CIA, and the Applicant's outreach to select Native Hawaiian organizations, the Applicant concluded that because no traditional and customary practices believed to occur on the Project Site, no impacts to such practices are anticipated, and the requirements of the Hawaii Supreme Court's Ka Paakai decision are satisfied.

Fauna and Flora

A Biological Survey of the Project Site was prepared in 2014. The survey found no evidence of threatened or endangered species or critical habitats on the Project Site. In its comments on the Draft Environmental Assessment (DEA), the United States Fish and Wildlife Service agreed with the Survey's findings but did recommend mitigation measures to protect seabirds overflying the Project Site by installing shielded outdoor lighting and avoiding construction at night during the nesting season from September 15 through December 15.

Traffic

A Traffic Impact Analysis Report (TIAR) was prepared for the Project Site in May 2015. The TIAR studied traffic impacts at three intersections: Opaeula Road/Kamehameha Highway, North Shore Marketplace driveway/Kamehameha Highway, and Cane Haul Road/Kamehameha Highway. The TIAR found that with the project, traffic conditions at the three intersections will operate at Level-Of-Service "D" or better. Consequently, the only improvement recommended is that sidewalks along Opaeula Road have a minimum width of 8 feet with landscaping and utilities located in buffer zones along all driveway access roads to the Project Site.

The TIAR also recommended that with future development in the area, a roundabout or mini-circle should be considered at the Opaeula Road/Kamehameha Highway intersection. At the Cane Haul Road/Kamehameha Highway intersection, the TIAR recommended a single-lane roundabout, and should the intersection remain signalized, pedestrian crossings and signals should also be provided. The TIAR is being updated in conjunction with the Applicant's subsequent zone change application.

Schools, Police, Fire, and Parks

Haleiwa Elementary, Waialua Elementary, and Waialua High and Intermediate Schools are the nearest public schools to the Project Site. According to the Applicant, during the 2022-2023 school year, Haleiwa Elementary had 224 students, Waialua High and Intermediate Schools had 621 students, and Waialua Elementary had 439 students with a design capacity of 600. The Applicant estimates that the maximum number of school-age children the project may be expected to generate is 66 students and represents that the schools in the area have sufficient capacity to accommodate the additional students. However, the State Department of Education (DOE) commented during the DEA Pre-Consultation period that the DOE will be looking for the number of residential units, their configuration, and whether transient accommodation or senior housing will be provided to determine the project's impact on school facilities.

Police and fire services are available at the Project Site. Fire access roads will be built to fire department requirements and fire hydrants will be provided. The Applicant proposes to pay a fee-in-lieu of City park and playground purposes.

OPSD Comments

OPSD has the following comments on the DBA Application:

1. Stormwater Containment On-Site. The Applicant should confirm that all stormwater runoff generated by the project will be managed on-site or conform to current City regulations.

2. Relevance of Kamehameha School's Project CIA. The Applicant should provide the date of the CIA for the Haleiwa Commercial Redevelopment project and confirm that the scope of that assessment included the DBA Area.

3. Impact On School Facilities. The Applicant should consult with the DOE to determine the project's impact on public school facilities in the area.

4. Pedestrian Access to The Project Site. The Applicant states that dedicated pedestrian access to the Project Site will be provided next to Malama Market on parcel TMK No. (1) 6-2-005:011. The Applicant should consider securing a second dedicated pedestrian access closer to the southern end of the Project Site to increase pedestrian connectivity to Haleiwa Town Center.

5. Vehicular and Pedestrian Circulation Plan. At some point during the subsequent permitting process, the Applicant should provide a vehicular

and pedestrian circulation plan with wayfinding and crosswalks for pedestrian and bicycle safety.

6. Appropriateness of Reclassification. OPSD finds the Applicant's request appropriate given the constraints on agricultural use of the site, consistency with the City's General Plan and the NSSCP, the availability of public services to the site, and the need for rental housing in the Haleiwa community.

Thank you for the opportunity to comment on the proposed DBA application. If you have any questions, please contact Aaron Setogawa at aaron.h.setogawa@hawii.gov or (808) 587-2883.

Mahalo,

Mary Alice Evans

Mary Alice Evans
Director

ATTACHMENT 4
COMMENTS FROM COMMUNITY ORGANIZATIONS AND INDIVIDUALS

Blair, Thomas G

From: Liu, Rouen <rouen.liu@hawaiianelectric.com>
Sent: Wednesday, September 18, 2024 3:12 PM
To: Kraintz, Franz
Cc: Blair, Thomas G
Subject: RE: RFC Haleiwa Backyards SLUDBA - 2024/GEN-11

RICK BLANGIARDI
MAYOR
MERA

DAWN TAKEUCHI APUNA
DIRECTOR
PO'O

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

REGINA MALEPEAI
2ND DEPUTY DIRECTOR

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Dear Mr. Franz,
Thank you for the opportunity to comment on the subject project. Hawaiian Electric Company has no objection to the project or the SLUBA. Should Hawaiian Electric have existing easements and facilities on the subject property, we will need continued access for maintenance of our facilities. We appreciate your efforts to keep us apprised of the subject project in the planning process. As the proposed project comes to fruition, please continue to keep us informed.

Please contact me at 808-772-2135 should there be any questions.

Rouen Liu (WA3 – PTA)
Permits Engineer
Hawaiian Electric Company
PO Box 2750
Honolulu Hawaii 96840-0001

From: Blair, Thomas G <thomas.blair@honolulu.gov>
Sent: Thursday, September 12, 2024 9:52 AM
To: Kraintz, Franz <fkraintz@honolulu.gov>
Cc: Hipolito, Ailene <ailene.hipolito@honolulu.gov>
Subject: RFC Haleiwa Backyards SLUDBA

[This email is coming from an EXTERNAL source. Please use caution when opening attachments or links in suspicious email.]

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

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

September 19, 2024

Sunset Beach Community Association
P.O, Box 471
Haleiwa, Hawaii 96712

Franz Kraintz, Branch Chief
Community Planning Branch, Planning Division
Department of Planning andPermitting
City and County of Honolulu
850 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Dear Mr. Frainz,

Thank you for sharing the letter regarding the Application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Backyards LLC Mixed-Use Development, Haleiwa, O'ahu, Hawai'i (Tax Map Key 6-2-002 portion.

Please be advised, by vote, that the Sunset Beach Community Association (SBCA) is unanimously opposed to changing any agricultural land to or for urban use. Additionally, the SBCA is very familiar with this developer. The SBCA also cited the following reasons for not wanting any part of this development in Haleiwa:

1. The traffic in Haleiwa Town is already truly horrendous and this will further clog the roads with more cars and plague us with more people on top of the tourists. The town and country are being destroyed.
2. Haleiwa is a historic town, must keep it's identity as historic, and does not need or want another "shopping center."
3. No property representative was/is available to present this project to the Sunset Community Association.
4. The North Shore Neighborhood (NSNB) had an abysmal presentation with misinformation by the agent.
5. The proposal was presented in 2016 with an environmental assessment that was absent in the NSNB presentation.
6. The wastewater system is off-site. Our experience with this developer and wastewater has not been positive.
7. The plan for low rise apartments and townhomes is unacceptable especially in a historic town in the country.

Thank you for sharing our objections with whomever will make this decision.

Sincerely,

Lea E. Albert

Lea E. Albert
Corresponding Secretary
Sunset Beach Community Association

CC: Mayor Rick Blangiardi
Honolulu Council Member Matt Weyer
Katherine Pahinui, Chair North Shore Neighborhood Board
Dawn Takeuchi Apuna, Director
The North Shore Chamber of Commerce

Blair, Thomas G

From: pahinuik001@hawaii.rr.com
Sent: Friday, October 25, 2024 10:19 AM
To: Takeuchi Apuna, Dawn; Gallagher, Bryan
Cc: 'Jim Hayes'; Racquel Hill-Achiu
Subject: Haleiwa Backyards Presentation North Shore NB

Aloha –

I wanted to give a short update on the presentation on the Haleiwa Backyards project that Jim Hayes did on Tuesday, October 22 at our North Shore NB #27 meeting and have a request regarding the project.

- Jim did a good job with the presentation and spent over an hour and a half fielding questions and comments.
- There was some confusion afterward about whether or not the ag rezoning was made clear as part of the presentation. Many felt we were only talking about the land use boundary change.
- We had about 30-40 community members mostly from Haleiwa in attendance and they overwhelmingly opposed the project.
- The board was down 6 members but most in attendence opposed the project.
- The board did make a motion regarding the State Land Use Boundary change from Ag to Urban and it failed as we only had 9 members present and we need 8 to pass. 1 member said no to the motion and another abstained.

Since Tuesday, I have been talking to community members and they have asked that the board take a position on the project as a whole. I checked with the NCO and this would be allowable as the motion is different from the one we made at our meeting. Per their advice, I will be adding this to our November agenda for a quick up or down motion on the project as a whole. Jim – you are welcome to attend and give a quick presentation.

I ask DPP to hold off on any decision on this project until our board can take this action up at our November 26 meeting.

Mahalo for your time!

Kathleen

Blair, Thomas G

From: pahinuik001@hawaii.rr.com
Sent: Wednesday, November 27, 2024 8:55 AM
To: Blair, Thomas G
Cc: Kraintz, Franz; rhachiu@gmail.com
Subject: RE: Re: RFC Haleiwa Backyards SLUDBA
Attachments: MotionToOpposeBackyardProject_26Nov24.pdf

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Aloha Thomas –

The board passed the attached motion last night against this project. It is truly an inappropriate project and will forever change the character of Haleiwa and not in a good way. It is too big a project for the space given. Better for the city to purchase it and look at parking options for the community which was the original intent for this parcel and Mr. Anderson had indicated such very early on when he purchased the property.

Please keep us informed of the next steps.

Mahalo,

Kathleen

From: Blair, Thomas G <thomas.blair@honolulu.gov>
Sent: Wednesday, November 6, 2024 8:12 AM
To: 'pahinuik001@hawaii.rr.com' <pahinuik001@hawaii.rr.com>
Cc: Kraintz, Franz <fkraintz@honolulu.gov>; rhachiu@gmail.com
Subject: RE: Re: RFC Haleiwa Backyards SLUDBA

Thank you Kathleen,

Both sets of comments will be noted. Keep me updated on if the board takes a position at the November meeting.

Do you know which owner was not contacted? The DPP sent notices to all of the adjacent property owners, though one was returned to sender.

Thomas Blair
Planner
Dept. of Planning and Permitting
(808) 768-8030

From: pahinuik001@hawaii.rr.com <pahinuik001@hawaii.rr.com>
Sent: Tuesday, November 5, 2024 1:38 PM
To: Blair, Thomas G <thomas.blair@honolulu.gov>
Cc: Kraintz, Franz <fkraintz@honolulu.gov>; rhachiu@gmail.com
Subject: RE: Re: RFC Haleiwa Backyards SLUDBA

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Aloha Thomas –

Attached is an email I sent Dawn and Bryan after our October meeting. We will be taking a position on the project as a whole at the November meeting. Please note that it came up throughout the presentation that our North Shore Sustainable Community Plan is being updated and any project of this size should conform to the new plan.

Here is a summary of some of the comments made by the board and community made at the October meeting (during and after):

- Traffic will be negatively impacted – only access is through Haleiwa via Kamehameha Hwy. Adding 30,000 sq ft of new retail and over 150 units – this will permanently clog up Haleiwa. A new traffic study should be done.
- Do we really need that much more retail in Haleiwa? The current stores are not all doing well. This much retail is not needed – how many more surf shops can we support? And being off the main road means they will want a lot of signage along Kamehameha Hwy which is against the special design district. Restaurants are already too expensive to eat at for locals.
- Units will not be affordable to our community at the current rental rate – who will actually rent? Not the cashier at a Haleiwa store – can‘t afford it. Therefore, these may become surf flop houses or cater to the military.
- Who will manage the housing? This has the potential to become a not well-kept area if the property management is not solid. And our prediction of a ghetto will come to reality. What is the developer‘s property management track record?
- At least one owner in front of the project had not been contacted.
- We had a number of farmers in the audience that night, and they were appalled that the Dept of Ag and others said the land was no good for farming. Everyone of them, said we can make it grow. So, looking at an ag component is important. By ag component, we mean growing food.
- Jim mentioned a farmers market – we already have 2 in the community and the last one that was in this space in conjunction with the Farm Bureau failed miserably,

Those are some of the highlights – as I mentioned in the email to Dawn and Bryan – the residents and most of the board did not support the project. I fully believe that if we had a full board that night, our motion against the boundary change would have passed.

This project is too large for the small narrow space. They are trying to cram as much in to maximize profit at the expense of the community. We just don‘t need a project this size in the area. Too much going on.

Please call or email me if you have any questions.

Mahalo,

Kathleen

From: Blair, Thomas G <thomas.blair@honolulu.gov>
Sent: Monday, November 4, 2024 3:49 PM
To: 'Kpahinui' <pahinuik001@hawaii.rr.com>
Cc: Kraintz, Franz <fkraintz@honolulu.gov>; rhachiu@gmail.com
Subject: RE: Re: RFC Haleiwa Backyards SLUDBA

Dear Chair Pahinui,

I wanted to follow up on the neighborhood board meeting on October 22, 2024. I know it takes a few months for minutes to be available but I wanted to reach out to hear about the discussion on the presentation on the proposed State Land Use Boundary Amendment.

Our request for comment period ended on October 25, 2024 and want to see if the neighborhood board had anything to add or comment on before we finish our Department's recommendations.

Thomas Blair
Planner
Dept. of Planning and Permitting
(808) 768-8030

From: Kpahinui <pahinuik001@hawaii.rr.com>
Sent: Friday, September 13, 2024 3:22 PM
To: thomas.blair@honolulu.gov
Cc: rhachiu@gmail.com; ailene.hipolito@honolulu.gov; fkraintz@honolulu.gov; antolinid@gmail.com
Subject: Re: RFC Haleiwa Backyards SLUDBA

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Mahalo Thomas. I know Jim well and will contact him.

Sent from my iPad

On Sep 13, 2024, at 8:55 PM, Blair, Thomas G <thomas.blair@honolulu.gov> wrote:

Dear Chair Pahinui,

While it is not a requirement of a Boundary Amendment to present to the neighborhood board, the DPP would always encourage welcome greater dialog between consultants and the community. If you wish to reach out, the consultant is Jim Hayes of Planning Solutions. I have informed him of your interest, though he might wait for you to reach out since it is not required of him. His e-mail is jim@psi-hi.com.

Thomas Blair
Planner
Dept. of Planning and Permitting
(808) 768-8030

From: Kathleen Pahinui <pahinuik001@hawaii.rr.com>
Sent: Friday, September 13, 2024 4:51 AM
To: Blair, Thomas G <thomas.blair@honolulu.gov>
Cc: rhachiu@gmail.com; Hipolito, Ailene <ailene.hipolito@honolulu.gov>; Kraintz, Franz <fkraintz@honolulu.gov>; Denise Antolini <antolinid@gmail.com>
Subject: Re: RFC Haleiwa Backyards SLUDBA

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Aloha Franz -

Pls note that other than a brief, very low on detail presentation abt a year ago, we have not had any contact with the developer. We plan on asking for a more formal presentation at our October board meeting.

Mahalo,

Kathleen

Sent from my iPhone

On Sep 12, 2024, at 4:13 PM, Blair, Thomas G <thomas.blair@honolulu.gov> wrote:

MEMORANDUM

TO: North Shore Neighborhood Board Chair and Vice Chair

FROM: Franz Kraintz, Branch Chief
Community Planning Branch, Planning Division
Department of Planning and Permitting

SUBJECT: Application for a State Land Use District Boundary Amendment (SLUDBA) of less than 15 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District for the Proposed Haleʻiwa Backyards LLC,
Mixed-Use Development, Haleʻiwa, Oʻahu, Hawaiʻi
Tax Map Key 6-2-005: 002 portion

The Department of Planning and Permitting has accepted for processing an application by Haleʻiwa Backyards LLC to reclassify approximately 7.292 acres from the SLU Agricultural District to the SLU Urban District. Upon completion of the proposed SLUDBA, the applicant will then need to seek a County zone change consistent with the proposed use.

A summary project description with a conceptual master plan is enclosed for your information. Additional information on the application is available on the City's website at the following link: https://www.honolulu.gov/dpp/public-input.html. We would appreciate your review and comments on the application by **November 10, 2024**. Please refer to our file number **2024/GEN-11** in your response.

Should you have any questions, please contact Thomas Blair, of our staff, at (808) 768-8030 or thomas.blair@honolulu.gov.

The North Shore Neighborhood Board (NSNB) opposes the Haleʻiwa Backyards project and the steps needed to execute the proect as presented during the October 22, 2024, meeting. The board believes that the proposed development poses significant threats to the cultural integrity, environmental sustainability, and community character of Haleiwa and the broader North Shore region.

Specifically:

1. **Cultural Impact**: The project undermines the historic and cultural fabric of Haleʻiwa by promoting large-scale development incompatible with the area's identity as a culturally rich and community-oriented town.
2. **Community Displacement and Overdevelopment**: The project prioritizes commercial interests over local needs, exacerbating housing challenges and potentially driving long-time residents out of their community.
3. **Environmental Concerns**: The project relies on outdated environmental assessments and disregards current concerns about climate change, sea level rise, and sustainable land use practices. The potential harm to sensitive ecosystems, including the wetlands and nearby marine environments, is unacceptable.
4. **Lack of Meaningful Community Engagement**: Although the developers have held some public meetings, the project does not reflect genuine community input. The overwhelming opposition voiced by residents highlights a disconnect between the developers' vision and the community's desires.

For these reasons, the NSNB firmly opposes the Haleiwa Backyards project and urges the Honolulu Department of Planning and Permitting (DPP) and other relevant agencies to halt its approval process until the concerns of the North Shore community are addressed through updated environmental assessments, genuine community consultation, and adherence to sustainable development principles.

Passed Unanimously at the Tuesday, November 26, 2024 North Shore NB #27 Meeting

Kathleen Pahinui, Chair

2024 SEP 27 PM 1:30

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

SEPTEMBER 24, 2024

TO WHOM IT MAY CONCERN:

FILE NUMER 2024/GEN-11

PLEASE NOTE THAT I AM ONE WHO OPPOSES THE ABOVE PROPOSAL TO CONVERT AGRICULTURAL LAND INTO URBAN USE.

I WAS BORN IN HALEIWA AND HAVE LIVED IN THE MIDST OF A RURAL COMMUNITY BUT NOW LIVING IN ONE THAT IS CONGESTED WITH BUILDINGS, TRAFFIC, NOISE, PEOPLE AND AN EVER INCREASING TENSION AMONGST THE VARIOUS DEMOGRAPHICS LIVING AND DOING BUSINESS IN AND VISITING HALEIWA.

PLEASE HEAR THE VOICE OF THE COMMUNITY AND ITS STRONG RESENTMENT AGAINST ANY FURTHER DEVELOPMENT.

"KEEP THE COUNTRY COUNTRY" AND DIRECT ANY GROWTH TOWARDS THE EWA PLAINS.

MAHALO NUI!

RONALD KAWAMURA

DEREK WATANUKI

Blair, Thomas G

From: Mary Chun <duhchun@gmail.com>
Sent: Wednesday, November 20, 2024 6:34 AM
To: Blair, Thomas G
Subject: Haleiwa Backyards

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I just learned about this plan. What a horrible idea. I have lived close by this location for a long time and am appalled at this idea. I don't think the people of Haleiwa know about this. Why was there a due date of Oct 25th to respond to your letter in the Northshore News?

I hope you can give me more information.

Sincerely, Mary Chun

Blair, Thomas G

From: Waialua HCC <waialua.hcc@gmail.com>
Sent: Friday, November 22, 2024 7:08 AM
To: Julia Ham Tashima
Cc: Jim Hayes; Blair, Thomas G; Kraintz, Franz
Subject: Re: Request for Input Regarding Cultural Practices

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PSI -

Mahalo for this follow-up and opportunity to provide comments.

We've reached out to our membership for their mana'o especially since the information/plans initially provided to community was very different than that which was recently shared at the NS neighborhood board.

There is much concerns about the 'āina, culturally significant to agriculture, the wahi pana, unmarked iwi, hale pule and the kupapa'u (final resting place of many kūpuna) adjacent to the proposed project.

As we've just received this follow-up and a similar request from Mr. Blair (cc'd here), we've instructed our club members to provide their additional mana'o no later than next Friday.

We will update, compile and send to you posthaste. It is without a doubt that this Waialua Hawaiian Civic Club is not in favor of further development in our community, this project is certainly no different and therefore we will continue to share our comments and appreciate the ongoing consultation.

Mālama,
Waialua Hawaiian Civic Club

> On Nov 21, 2024, at 4:46 PM, Julia Ham Tashima <julia@psi-hi.com> wrote:
>
> Aloha,
>
> Planning Solutions, Inc. (PSI) previously reached out to the Waialua Hawaiian Civic Club on June 21, 2024, by mail with a letter requesting input regarding our assessment of the Hale'iwa Backyards project's impacts on traditional cultural practices. A copy of that letter is attached. The proposed project is moving through the City and County of Honolulu, Department of Planning and Permitting (DPP) land use permitting process. Specifically, a State Land Use District Boundary Amendment is currently being considered and a Zone Change will be sought next.
>
> We did not hear from your organization last summer. We are following up now to see if you have any comments to provide on the project.
>
> Mahalo,
> Julia
>
> _____

Julia Ham Tashima
Planner
Planning Solutions, Inc.
Pacific Park Plaza, Suite 950
711 Kapi`olani Boulevard
Honolulu, HI 96813
Tel: 310-210-5444
www.psi-hi.com

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<PSItoWaialuaHwnCivicClub-HaleiwaBackyardsLtr.pdf>

ATTACHMENT 5
DRAFT BILL FOR AN ORDINANCE

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

TO AMEND PORTIONS (7.292 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (HALE‘IWA QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT FOR CERTAIN LANDS SITUATED IN THE HALE‘IWA SPECIAL DISTRICT, HALE‘IWA, OAHU, HAWAI‘I.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Lands within the State Land Use District Boundary Map (Hale‘iwa Quadrangle) are hereby amended by reclassifying certain lands in Hale‘iwa from the Agricultural District to the Urban District, as shown on the map attached hereto, marked “Exhibit A” and by reference made a part hereof. The purpose of this amendment is to place 7.292 acres of land (identified as a portion of Tax Map Key 6-2-005: 002) in the Urban District.

SECTION 2. The reclassification of lands in SECTION 1 is subject to the following conditions:

a. Compliance with Hawai‘i Revised Statutes (HRS), Section 205-3.5(a)(1), Reclassification of land contiguous to an agricultural district. There shall be a prohibition on any action that would interfere with or restrain farming operations on lands in the State Land Use (SLU) Agricultural District that are contiguous or adjacent to the Petition Area; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the SLU Agricultural District.

b. Compliance with HRS, Section 205-3.5(a)(2), Reclassification of land contiguous to an agricultural district. The Applicant shall notify all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous lands in the SLU Agricultural District are protected under HRS, Chapter 165, the Hawai‘i Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

c. Affordable Housing. The Applicant shall provide affordable housing opportunities for residents of the State of Hawai‘i in accordance with the applicable affordable housing requirements of the City and County of Honolulu (City). The location and distribution of affordable housing or

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other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Applicant and the City.

d. Traffic Impact. The Applicant shall submit to the Department of Planning and Permitting (DPP) and the State of Hawai‘i Department of Transportation (HDOT) an updated Traffic Impact Analysis Report (TIAR). The TIAR shall include a pedestrian and vehicular circulation plan and information on how pedestrians will access the Petition Area from Kamehameha Highway. The updated TIAR shall be approved by the HDOT and the DPP prior to the submittal of a zone change application.

e. Access. Prior to the submittal of a zone change application, the Applicant shall execute and record an access easement upon Cane Haul Road to demonstrate that the Petition Area will have access to Kamehameha Highway via the Cane Haul Road at the Bureau of Conveyances of the State of Hawai‘i, or in the Office of the Assistant Registrar of the Land Court of the State of Hawai‘i, as applicable, and provide a copy of the recorded document to the DPP.

f. Wastewater. The Applicant shall develop an on-site wastewater collection and treatment system in the Petition Area as represented in the application or as approved by the State of Hawai‘i Department of Health and the City.

g. Endangered Species. The design, construction, and operation of the Petition Area shall abide by the following Avoidance and Minimization Measures from the U.S. Fish and Wildlife Service:

1. Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).

2. Do not use barbed wire for fencing.

3. Fully shield all outdoor lights so the bulb can only be seen from below.

4. Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.

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5. Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

6. Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.

7. For power lines, guy-wires and other cables, minimize exposure above vegetation height and vertical profile.

h. Annual Reports. On an annual basis, the Applicant shall submit a written status report to the DPP documenting satisfaction of and/or describing its progress toward complying with each condition of approval for this State Land Use District Boundary Amendment. The status report shall be submitted to the DPP on or before December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai‘i Councilmembers

DRAFT

A BILL FOR AN ORDINANCE

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

_____
RICK BLANGIARDI, Mayor
City and County of Honolulu

DRAFT

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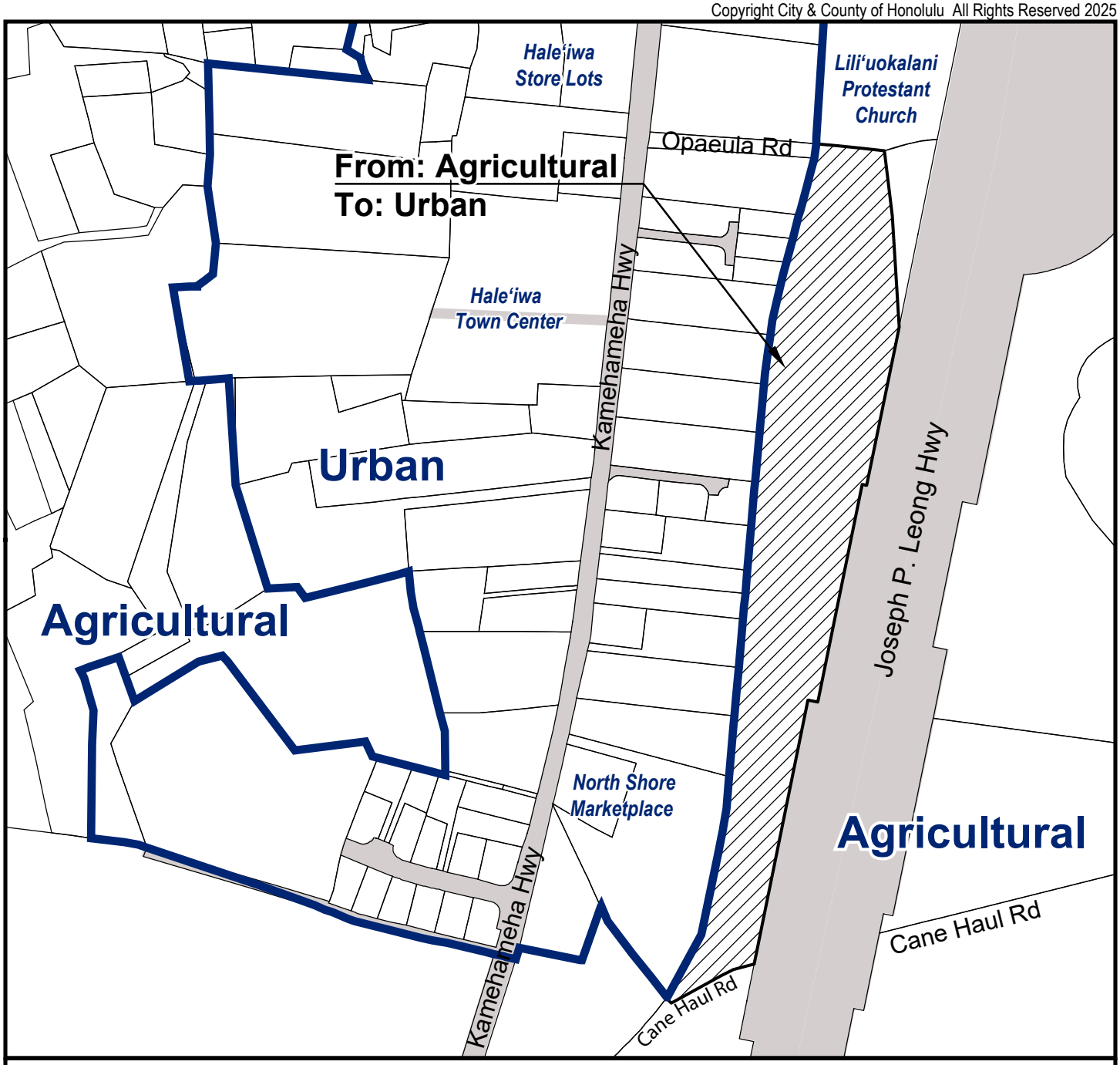


AMENDMENT TO

STATE LAND USE DISTRICT MAP

Haleiwa

N

0 150 300

Scale in Feet

APPLICANT: HALE'IWA BACKYARDS LLC

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

LAND AREA: APPROXIMATELY 7.292 ACRES

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU

PUBLIC HEARING **PLANNING COMMISSION** **CITY COUNCIL**

ORD. NO.

EFF. DATE: **EXHIBIT A** **BILL**

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAI'I

IN THE MATTER OF THE APPLICATION

FOR A

STATE LAND USE DISTRICT BOUNDARY AMENDMENT OF 7.292 ACRES FROM THE STATE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT

BY

HALE'IWA BACKYARDS, LLC

File No. 2024/GEN-11

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

I. PROPOSAL

In accordance with Rule 8.4, Action by the Planning Commission, Procedures for the Amendment of State Land Use District Boundaries (for parcels of fifteen [15] acres or less), the Planning Commission, at its public hearing on January 22, 2025, considered the application submitted by Hale'iwa Backyards LLC for a State Land Use District Boundary Amendment (SLUDBA). The SLUDBA is to reclassify 7.292 acres of land from the State Land Use (SLU) Agricultural District to the SLU Urban District. The proposed SLUDBA is necessary for the planned rezoning of the property and the forthcoming development of a mixed-use development comprised of apartment units, commercial space, parking, and a wastewater treatment unit (Project). The Director of the Department of Planning and Permitting (DPP), City and County of Honolulu (City), recommended approval, subject to conditions.

A public hearing was held in accordance with Section 2-85, Rules of the Planning Commission, City and County of Honolulu Administrative Rules, Part 1, effective January 16, 1995. Based on the record in this matter, the Planning Commission hereby makes the following Findings of Fact, Conclusions, and Recommendation.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Planning Commission hereby finds that:

1. The property in question is identified by a portion of Tax Map Key 6-2-005: 002, henceforth referred to as the Petition Area. The property owner is Basin Project Inc.; the applicant is Hale'iwa Backyards LLC (Applicant).

2. The proposed SLUDBA is to reclassify the approximately 7.292-acre Petition Area from the SLU Agricultural District to the SLU Urban District. The remaining 0.233 acres of the 7.525-acre parcel that is not included in the proposed SLUDBA is already in the SLU Urban District. The property is located between Joseph P. Leong Highway and Kamehameha Highway in Hale'iwa Town, just south of the Lili'uokalani Protestant Church and cemetery.

3. The proposed apartment housing and commercial uses are not permitted uses within the SLU Agricultural District. The SLUDBA to reclassify the Petition Area to the SLU Urban District is required in order to accommodate the Project.

4. On November 3, 2016, the DPP accepted the Final Environmental Assessment-Finding of No Significant Impact in accordance with Hawai'i Revised Statutes (HRS), Chapter 343, and Title 11, Hawai'i Administrative Rules (HAR), Chapter 200 (Chapter 200 was repealed in 2019 when HAR, Chapter 200.1 went into effect). As the Project has not changed substantively in size, scope, intensity, use, or location since 2016, in a June 27, 2023 letter to the Applicant, the DPP determined that a new environmental assessment was not required.

5. Although the proposed SLUDBA will result in the reduction of 7.292 acres from the SLU Agricultural District, there will be no loss of agricultural productivity due to the extensive modification the site underwent during its use as a staging area for the construction of the adjacent Joseph P. Leong Highway in the early 1990s. Thus, the Petition Area has not been in productive agriculture since that time. Moreoever, it has been disconnected from the irrigation systems on the mauka side of the highway.

6. Pursuant to the HRS, Section 205-17(4), the proposed reclassification of lands to the SLU Urban District does not include Important Agricultural Lands.

7. The proposed reclassification to the SLU Urban District is consistent with both the Hawai'i State Plan and the City's O'ahu General Plan. Specifically, it is consistent with the objectives and policies for population, the economy, and housing set forth in the Hawai'i State Plan and the Population, and Housing and Communities chapters of the O'ahu General Plan by, providing decent, reasonably-priced housing with access to schools, services, amenities, and job opportunities.

8. The Petition Area is located within the Community Growth Boundary of the 2011 North Shore Sustainable Communities Plan (NSSCP). The Petition Area is designated as Country Town on the NSSCP Land Use Map. The Applicant's proposal to develop infill housing in the area designated as Country Town, contiguous to Hale'iwa's built-up environment with attached, multi-family housing

including affordable units, is consistent with the vision, policies, and guidelines of the NSSCP.

9. The Petition Area is within the County's AG-1 Restricted Agricultural District. Upon completion of the proposed SLUDBA, the Applicant has indicated the intent to apply for a zone change from the AG-1 Restricted Agricultural District to the B-1 Neighborhood Business and A-1 Low-Density Apartment Districts. The new zoning is necessary to allow the Applicant's proposed uses.

10. The Planning Commission received the Director's Report on January 9, 2025 from the Director of the DPP, which provided an analysis of the proposal with recommended conditions for the reclassification from the SLU Agricultural District to the SLU Urban District. A public hearing notice was published in the Honolulu Star-Advertiser on January 10, 2025.

11. The Planning Commission held a public hearing on January 22, 2025 to hear testimony and deliberate on the proposed Application. One speaker, Racquel Achiu, Vice Chair of the North Shore Neighborhood Board, spoke in opposition to the proposed SLUDBA. Written testimony stating their opposition to the Project was sent in by three individuals, including the Chair of the North Shore Neighborhood Board as well as from two community organizations, the Sunset Beach Community Association and the Waialua Hawaiian Civic Club.

12. Public agencies who sent written comments in response to the SLUDBA application, including the Office of Planning and Sustainable Development and United States (US) Fish and Wildlife Service, did not oppose the request.

III. CONCLUSIONS

The Planning Commission hereby concludes:

1. In accordance with HRS, Sections 205-3.1(c) and 205-4, the City Council is the authorized decision-maker of SLUDBA of 15 acres or less (except when reclassifying lands in the SLU Conservation District or designated as Important Agricultural Lands).

2. In accordance with HRS, Section 205-2(a)(1), in the Petition Area, the forthcoming zone change and planned construction of a mixed-use development comprised of apartment units, commercial space, parking, and a wastewater management system, is consistent with the purpose and intent of the SLU Urban District.

3. In accordance with HRS, Section 205-17(3), the proposed reclassification is not expected to significantly or negatively impact these following areas of state concern: a) important natural systems or habitats; b) valued cultural, historical, or natural resources; c) natural resources relevant to Hawai'i's economy; including agricultural resources; d) commitment of state funds or resources; e) provision for employment opportunities and economic development; and f) provision of housing opportunities for all income groups, particularly the low, low-moderate, and gap groups.

4. The Rules of Planning Commission (Rule 2-86) lists decision making criteria that the Planning Commission is to consider. The proposed reclassification is consistent with each of the four guidelines:

   a) The SLUDBA will contribute to the general welfare and prosperity of the people of O'ahu by allowing the construction of affordable housing on the North Shore;

   b) The SLUDBA Application discusses the shortage of housing, the cost of housing, and overcrowding within existing housing on O'ahu and in Hale'iwa. These are the issues the Project intends to address;

   c) The Project complies with the objectives of the State Land Use Law; meets all applicable guidelines and policies of the Hawai'i State Plan, the O'ahu General Plan, the NSSCP; and is consistent with applicable Coastal Zone Management objectives and policies; and

   d) Providing infill housing within walking distance of Hale'iwa Town Center, located outside a flood hazard area, and posing no significant adverse environmental impact makes this a suitable site to address the need for housing, with some commercial uses, on the North Shore.

IV. RECOMMENDATION

Pursuant to the foregoing Findings of Fact and Conclusions, the Planning Commission hereby recommends **APPROVAL** of the Application for a SLUDBA of 7.292 acres, from the SLU Agricultural District to the SLU Urban District, as shown on Exhibit 1, attached hereto, subject to the DPP's recommended conditions as well as two additional conditions, as follows:

1. Compliance with HRS, Section 205-3.5(a)(1), Reclassification of land contiguous to an agricultural district. There shall be a prohibition on any action that would interfere with or restrain farming operations on lands in the SLU Agricultural District that are contiguous or adjacent to the Petition Area; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the SLU Agricultural District.

2. Compliance with HRS, Section 205-3.5(a)(2), Reclassification of land contiguous to an agricultural district. The Applicant shall notify all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous lands in the SLU Agricultural District are protected under HRS, Chapter 165, the Hawai'i Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

3. Affordable Housing. The Applicant shall provide affordable housing opportunities for residents of the State of Hawai'i in accordance with the applicable affordable housing requirements of the City. The location and distribution of affordable

housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Applicant and the City.

4. Traffic Impact. Prior to applying for a zone change, the Applicant shall submit to the DPP and the Hawai'i Department of Transportation (HDOT) an updated Traffic Impact Analysis Report (TIAR). The TIAR shall include a pedestrian and vehicular circulation plan and information on how pedestrians will access the Petition Area from Kamehameha Highway. The DPP will not accept a zone change application for processing until the TIAR is approved by the HDOT and the DPP.

5. Access. Prior to applying for a zone change, the Applicant shall execute and record the access easement for Cane Haul Road at the Bureau of Conveyances of the State of Hawai'i, or in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i, as applicable and provide a copy of the recorded document to the DPP. The access easement should be long-term or in perpetuity.

6. Wastewater. In light of the State's growing population, limited potable water resources, and wastewater disposal issues, and consistent with Department of Health (DOH) policy supporting the use of recycled water provided that public health and water resources are not compromised, the Applicant shall implement wastewater reuse measures for the proposed Project to the maximum extent possible, consistent with the DOH wastewater reuse guidelines.

7. Endangered Species. The design, construction, and operation of the Petition Area shall abide by the following Avoidance and Minimization Measures from the US Fish and Wildlife Service:

    a. Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).

    b. Do not use barbed wire for fencing.

    c. Fully shield all outdoor lights so the bulb can only be seen from below.

    d. Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.

    e. Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

    f. Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.

    g. For power lines, guy-wires, and other cables, minimize exposure above vegetation height and vertical profile.

8. Annual Reports. On an annual basis, the Applicant shall submit a written status report to the DPP documenting satisfaction of and/or describing its progress toward complying with each condition of approval for this SLUDBA. The status report shall be submitted to the DPP on or before December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.

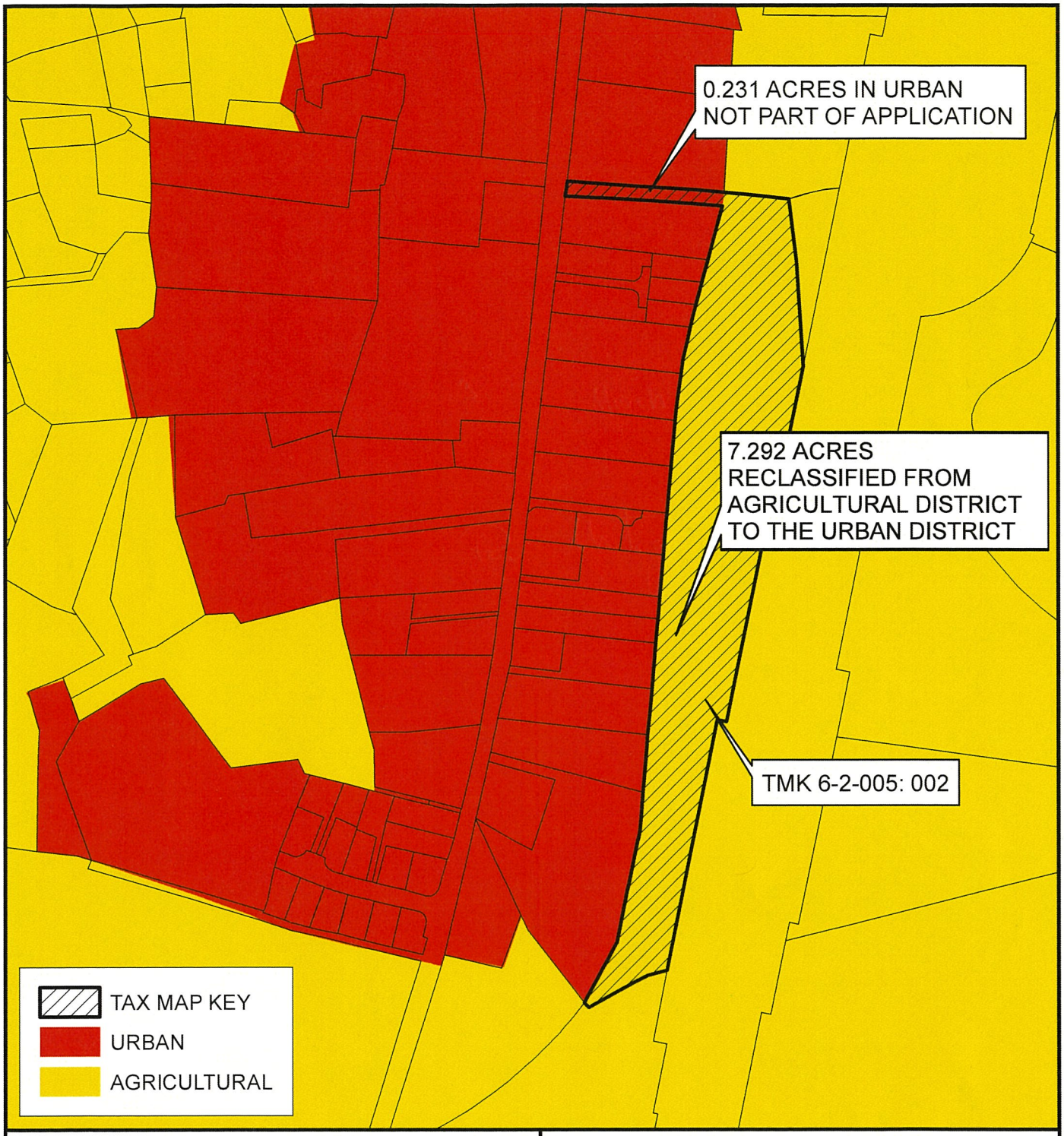
9. Community Engagement. The Planning Commission finds that a more bonafide community engagement needs to be conducted with neighboring property owners, community organizations, community members, and other interested parties. The Applicant should submit semi-annual written reports to the Planning Commission detailing the Applicant's further community engagement efforts.

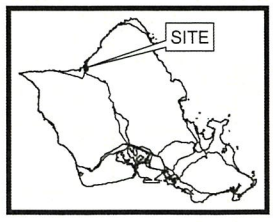
Dated at Honolulu, Hawai'i this 19 day of March, 2025.

PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

By _____
Pane Meatoga III, Chair

Attachment





VICINITY MAP

0 150 300 600

Scale in Feet

N

EXHIBIT 1:
HALE'IWA BACKYARDS LLC
STATE LAND USE DISTRICT BOUNDARY AMENDMENT

TAX MAP KEY: 6-2-005: POR. 002

FOLDER NO.: 2024/GEN-11

Note: Data represented on this map is not intended to replace site survey.

Prepared by: Department of Planning & Permitting
City and County of Honolulu

Date Prepared: February 2025

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PLANNING SOLUTIONS

August 26, 2024

Dawn Takeuchi Apuna, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai‘i 96813

Subject: **State Land Use District Boundary Amendment (less than 15 acres) Application**
Hale‘iwa Backyards, LLC Mixed-Use Development
Hale‘iwa, O‘ahu, Hawai‘i
TMK (1) 6-2-005:002

Dear Ms. Takeuchi Apuna:

On behalf of Hale‘iwa Backyards LLC, Planning Solutions, Inc. (PSI) is submitting the enclosed application related to the proposed Hale‘iwa Backyards mixed-use development on TMK No. 6-2-005:002. The subject parcel is 7.525 acres; the recorded owner of the parcel is Basin Project Inc. A small portion of the parcel, ‘Ōpae‘ula Road off Kamehameha Highway that is roughly 0.233 acres, is in the Urban State Land Use District. This application is to amend the State Land Use District Boundary so that the entire subject parcel is in the Urban State Land Use District.

The purpose of this letter is to transmit to your department a complete State Land Use District Boundary Amendment (less than 15 acres) application. This application addresses Department of Planning and Permitting (DPP) input on a previous application.

Please call me at (808) 550-4559 or contact me via email at jim@psi-hi.com, if you have any questions or require any additional information.

Sincerely,

James T. Hayes
Principal Environmental Planner

Enclosure

Pacific Park Plaza, Suite 950 • 711 Kapi‘olani Boulevard • Honolulu, Hawai‘i 96813-5213
Phone: 808-550-4483 • www.psi-hi.com

STATE LAND USE DISTRICT BOUNDARY AMENDMENT (LESS THAN 15 ACRES) APPLICATION

1.0 DPP MASTER APPLICATION

The Department of Planning and Permitting (DPP) Master Application is provided as Attachment 1.

2.0 WRITTEN STATEMENT

2.1 Basic Information

APPLICANT	Haleʻiwa Backyards LLC
OWNER	Basin Project Inc.
PROJECT NAME	Haleʻiwa Backyards
LOCATION	Between development fronting Kamehameha Highway and Joseph P. Leong Highway in Haleʻiwa (Exhibit 1)
TAX MAP KEY	(1) 6-2-005: 002
AREA OF PROPOSED BOUNDARY AMENDMENT	7.292 acres (Exhibit 2)
STATE LAND USE CLASSIFICATION	Existing: 7.292 acres in Agricultural and 0.233 acre in Urban (Exhibit 2) Proposed: 7.525 acres in Urban
NORTH SHORE SUSTAINABLE COMMUNITIES PLAN	Within the Community Growth Boundary and "Country Town" area (Exhibit 3 and Exhibit 4)
COUNTY ZONING	Existing: AG-1 Restricted Agriculture District and P-2 General Preservation District (Exhibit 5) Proposed: A-1 Low-Density Apartment and B-1 Neighborhood Business
LAND STUDY BUREAU RATING	Overall Master Productivity Rating of Class "A", "B", and "E" (Exhibit 6)
EXISTING USE	Undeveloped, open space (except for ʻŌpaeʻula Road)
SURROUNDING LAND USES	Joseph P. Leong Highway to the east; several parcels that front Kamehameha Highway zoned I-1, B-1, and/or R-5 to the west; and undeveloped and unused AG-1 zoned parcels to the north and south.

2.2 Proposal

2.2.1 Amendment Request

The amendment request is to revise the State Land Use (SLU) district boundaries so that the entirety of TMK (1) 6-2-005:002 is in the SLU Urban District. A roughly 0.233-acre portion is currently in the SLU Urban District; that is the portion known as ʻŌpaeʻula Road between TMKs (1) 6-2-005:004 and 008. The amendment request is that remaining 7.292 acre portion of TMK (1) 6-2-005:002 that is in the SLU Agricultural District be moved to the SLU Urban District.

2.2.2 Basis for the Request

In summary, the SLU District Boundary Amendment is requested on the basis of the following:

- As detailed in Section 4.3, island and community plans identify the project area as an appropriate location for infill urban development. The proposed project is a mirror of the community plan's guidance for the area. Important factors include:
  - The project site is within the North Shore Sustainable Community Plan's (NSSCP) Community Growth Boundary and adjacent to the Haleʻiwa town center. The Community Growth Boundary extends to the Joseph P. Leong Highway right-of-way on the east side of the subject site. The highway forms the boundary of planned urban growth.
  - The Oʻahu General Plan (OGP) encourages a mix of housing options close to employment and commercial areas, such as Haleʻiwa town center.
  - The NSSCP (Section 3.6.2.1) encourages "multifamily housing (low-density apartment districts)" in proximity to Haleʻiwa town center. The project site is adjacent to Haleʻiwa town center.
  - Amending the SLU district to Urban would be consistent with policy in the NSSCP.
- As detailed in Sections 3.2 and 3.4, the site is no longer attractive for agricultural activity due to:
  - Its proximity to concentrated urban development and activity, including residential uses and retail businesses in Haleʻiwa town center. There would be no buffer between agricultural use of the subject site and the neighboring residential, commercial, and industrial land uses. With the subject site developed as proposed, Joseph P. Leong Highway would provide a buffer between residential and commercial land uses and agricultural uses.
  - When the State of Hawaiʻi Department of Transportation (HDOT) obtained the right-of-way for the Joseph P. Leong Highway the subject parcel was subdivided and isolated from larger, mauka agricultural parcels, thereby reducing the attractiveness of the subject site to large-scale farm operations. The highway also severed the site's connection to the plantation-era agricultural irrigation system.
  - The Final Environmental Impact Statement (FEIS) for the Haleʻiwa Bypass, which became to be known as Joseph P. Leong Highway, states (Page IV-3)

that, "Construction of the bypass road … will create remnant parcels of sugar cane land on which cultivation will not be practical. … Though the remnant parcels are classified by the State and County as agricultural lands, the cessation of sugar cane production on these parcels could lead to their eventual conversion to urban use. The long-term result could be the urbanization of all the lands between Haleiwa Town and the bypass."

- When the Joseph P. Leong Highway was being built in the early 1990s, the subject site was utilized as a staging area and, as detailed in Section 3.2.5, fill was placed on the site and the native, natural soil, which had been used for sugar cane production, is no longer present.
- In a letter dated August 16, 2017 (Attachment 2), the State of Hawaiʻi Department of Agriculture stated that it "does not object to the proposed change in zone or State land use district reclassification."

2.2.3 Proposed Use of the Property

The proposed use of the property is urban development. The proposed project is known as Haleʻiwa Backyards. Should this SLU amendment be approved, the applicant will seek a County zone change. As outlined in the project's 2016 Final Environmental Assessment (FEA), the proposal would be to rezone the site from P-2 general preservation (which is the zoning over ʻŌpaeʻula Road off Kamehameha Highway) and AG-1 (which is the zoning over the bulk of the site) to B-1 Neighborhood Business and A-1 Low-Density Apartment. The proposed project remains conceptual in nature and may be adjusted during the permitting process to address comments and conditions imposed and in response to market needs. The current project concept involves the following:

- Low-rise rental apartment units with associated parking throughout the site as shown in Exhibit 7. The concept is for 150 to 156 units in duplex and townhome styles; elevation drawings of the concepts are shown in Exhibit 8.
- Commercial space with associated parking in the central portion of the site as shown in Exhibit 7. The concept is for roughly 30,000 square feet of commercial space that would accommodate (*i*) a permanent farmers market, (*ii*) community retail outlets, and/or (*iii*) office space. The goal is to have the commercial space utilized by businesses that cater to and serve local community needs. An elevation drawing of the concept is shown in Exhibit 9.

All aspects of the proposed development would comply with applicable provisions of the Land Use Ordinance (LUO) and be consistent with applicable policies in the NSSCP. This concept is substantially similar to the concept presented in the 2016 FEA. The primary modifications to the concept since the 2016 FEA are (*i*) the 100 public parking stalls over and above what the proposed development requires per the LUO have been removed, and (*ii*) the wastewater management system will now be located on-site, this is discussed in Section 3.6.4, which means a Conditional Use Permit (CUP) will no longer be required.

The intents of the Haleiwa Backyards development include:

1. Provide market rate[1] rental units, with a percentage of the units reserved as affordable,[2] that will increase rental supply and provide options for the local workforce near (i.e., biking and walking distance) employment and services within Hale'iwa town center. Senior housing is also being evaluated.
2. Comply with applicable land use plans, policies, and controls as detailed in Section 4.3.

2.2.4 Development Timetable

The Applicant purchased the property in 2014 and began the development planning and approval process. A Draft Environmental Assessment (DEA) regarding the proposed project appeared in *The Environmental Notice* on September 23, 2015 (https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2015-09-23-OA-DEA-Haleiwa-Mixed-Use-Parcel.pdf). A Final Environmental Assessment (FEA) about the project appeared in *The Environmental Notice* on November 23, 2016 (https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf). The City and County of Honolulu, Department of Planning and Permitting (DPP) was the Approving Agency for the FEA. The FEA is made part of this application by reference; please utilize the link provided to access it.

Planning continued following the FEA but was suspended during the COVID-19 pandemic. The planning and permitting process resumed after the pandemic. The conceptual development timetable, at this time, is as follows:

- Obtaining discretionary approvals: Summer 2024 through Spring 2025.
- Obtaining civil and building permits: Summer 2025 through Summer 2026.
- Construction: Fall 2026 through Fall 2028.

2.2.5 Approximate Cost

Project construction costs are being evaluated. A cost estimate will be developed after the Applicant evaluates the conditions of the entitlements and adjusts the project accordingly.

[1] FEA/FONSI for the project indicated that the units would be affordable. In the general open market, "affordable housing," as it was used in the FEA/FONSI, refers to housing that is reasonably priced such that the average household in the area can afford to purchase a home. As explained in this application, the low-density apartment units are not being developed for the local/gap market, not the upper or luxury market.

[2] In government terminology, "affordable housing" is defined more specifically in terms of price. It is often determined by a formula that considers the household income levels within a particular district or area. Typically, housing is deemed affordable if the cost does not exceed a certain percentage (usually 30%) of the household's gross income. This ensures that housing remains within reach for those earning at or below the median income of the area.
Many in a community do not quality for government-mandated affordable housing as they are determined to being overly compensated.

3.0 PROJECT INFORMATION

3.1 Petition Area

The petition area is the roughly 7.292 acre portion of TMK 6-2-005:002 that is currently in the SLU Agriculture District (Exhibit 2). A survey of the petition area is provided in Exhibit 10.

3.2 Soil Classification

The driveway from Kamehameha Highway is not discussed in detail in this section. It is a paved roadway and will remain a paved roadway whether the proposed project proceeds or not. The soil underlying the roadway was not classified as Agricultural Lands of Importance to the State of Hawai'i (ALISH) and was not classified by the Land Study Bureau (LBS).

3.2.1 U.S. Department of Agriculture, Soil Conservation Service Classification

The Soil Conservation Service of the U.S. Department of Agriculture (USDA) classified soils into Classes 1 through 8, with Class 1 having the fewest limitations and Class 8 having the most limitations for commercial plant production. According to the USDA website (https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx), the soils listed in Table 1 are present in the petition area. Their location is illustrated in Exhibit 11.

Table 1: USDA Soil Conservation Service Soils on the Project Site

Soil Name	Location	Drainage and Runoff Class	Classification (irrigated)	Classification (nonirrigated)
'Ewa silty clay loam, 0 to 2 percent slopes (EmA)	Central and southern portion of the site	Well drained, low runoff	2s, moderate limitation (associated with stoniness, unfavorable texture, shallowness, or low water-holding capacity) that reduce the choice of plants or that require moderate conservation practices	4s, very severe limitation (associated with stoniness, shallowness, unfavorable texture, or low water-holding capacity) that reduce the choice of plants, require very careful management, or both
Kawaihapai clay loam, 2 to 6 percent slopes (KlB)	Northern portion of the site	Well drained, very low runoff	2e, moderate limitation (associated with erosion if cultivated and not protected) that reduce the choice of plants or that require moderate conservation practices	2e, moderate limitation (associated with erosion if cultivated and not protected) that reduce the choice of plants or that require moderate conservation practices

The 'Ewa silty clay loam (EmA) generally has an "A" horizon that is roughly a foot thick and then "B" horizons to a depth of roughly 4 to 5 feet, with coral limestone beneath. The Kawaihapai clay loam (KlB) generally has two "A" horizons, the first a foot thick and the second 10-inches thick, and then two "C" horizons to a depth of roughly 4.5 feet.

3.2.2 Agricultural Lands of Importance to the State of Hawaiʻi

Agricultural Lands of Importance to the State of Hawaiʻi (ALISH) are mapped by the State of Hawaiʻi Department of Agriculture. The portion of the site nearly identical to the extent of the ʻEwa Silty Clay Loam, 0 to 2 percent slopes (EmA) is classified as ALISH "Prime Lands" (Exhibit 12). The remainder of the site is not classified.

3.2.3 Land Study Bureau Classification

The University of Hawaiʻi's Land Study Bureau (LSB) agricultural productivity rating system groups lands into five classes, with "A" representing the most productive lands and "E" the least productive, based on soil properties including texture, slope, salinity, erodibility, and rainfall. The LSB map is provided in Exhibit 6. The bulk of the site is classified as "A," while a small portion in the north of the site is classified "B" and a central-eastern portion of the site is classified "E."

3.2.4 Important Agricultural Lands

Important Agricultural Lands (IAL) are governed by HRS Chapter 205. None of the lands makai of Joseph P. Leong Highway in the project area have been designated as IAL. Certain areas of the former sugarcane lands mauka of the highway have been designated IAL (Exhibit 13).

3.2.5 Discussion of Soil Classification and Site Soils

The USDA, ALISH, and LSB classifications generally suggest that the project site is good, but not unusual, agricultural land. None of the land has been designated IAL. The various classifications show some inconsistency; they do not consistently overlap. Cumulatively, the classifications suggest that the southern portion of the project site is better suited for agriculture than the northern and central-eastern portions of the site.

The USDA soil type and the ALISH and LSB classifications are presumably predicated on the native, natural soil being present on the project site. During the Archaeological Assessment of the site in 2015, six trenches were dug across the site to assess if historic or cultural materials were present in the subsurface. The soil stratigraphy exposed in the trenches was also recorded. The trenches consistently found the following:

- A thin layer, roughly 2 to 4 inches deep, of naturally deposited topsoil and humic material.
- Fill material to a depth of roughly 2 to 4 feet. The fill material was believed to be excess material deposited during construction of the nearby Joseph P. Leong Highway. The project site was reportedly used as a staging area during highway construction. The fill material is gravelly and compacted due to heavy equipment being driven across it. In some instances, this fill material appeared to be a blend of fill material and "A" horizon soils and in one trench it included modern refuse.[3]
- "B" and "C" horizon soils below the fill material to the maximum depth explored, roughly 6.5 feet.

[3] The modern refuse encountered included a radio, glass bottles, aluminum cans, plastic bottles, a hubcap, metal debris, plastic sheeting, plastic slippers, and rags. The refuse appeared to primarily be from the 1960s through 1980s.

The trenches illustrate that the native, natural soil is no longer present at the site's surface. There is no evidence of an intact "A" horizon as described by the USDA at any depth. Instead, the top 2 to 4 feet of soil is fill material, deposited on the site during highway construction in the early 1990s, which often contains a substantial precent of gravel or cobbles. There has been no attempt to estimate what the LSB classification of the fill material soils would be. Generally, due to a lack of organic matter and the presence of gravel, the fill material soils are not considered good agricultural soils.

3.3 Topography

The landforms in the project area are the result of lava flows from the Koʻolau volcano. The site is on the lowest slopes of the volcano, where it meets the coastal plain. The project site has a gentle slope from the northeast toward the southwest. The highest point is roughly 50 feet above sea level, in the northeast near the Joseph P. Leong Highway. The lowest points are (*i*) in the northwest where the road/driveway meets Kamehameha Highway, with an elevation of roughly 15 feet; and (*ii*) in the southwest where the Cane Haul Road enters the site, with an elevation of roughly 18 feet.

3.4 Historic Use and Permitting History of the Petition Area

Prior to the construction of Joseph P. Leong Highway, the project site was used by Waialua Sugar Company as Cane Haul Roads, sugar cane plantation fields, or left fallow. Aerial photographs from the 1940s and 1950s (Exhibit 14) show two primary Cane Haul Roads on the project site, one along the western side of the site and the other nearby in the central and eastern portion of the site. During this period certain portions of the project site were fallow. By the 1970s the Waialua Sugar Company had modified the Cane Haul Road network (Exhibit 15); a single Cane Haul Road was present on the western side of the site and connected to both ʻŌpaeʻula Road and Emerson Road and was used to access all the sugar cane fields north of ʻŌpaeʻula Stream. It is not known when Waialua Sugar Company use of the site began, but it was likely used by the company in a similar manner for nearly 100 years, until roughly 1990.

Due to the construction of the Haleʻiwa Bypass, now known as the Joseph P. Leong Highway, in the early 1990s, the Cane Haul Road along the western side of the site became a dead end and sugar cane farming on the site ceased. The Cane Haul Roads in the area were realigned; a new Cane Haul Road in the southern portion of the site was built and used to access the remaining sugar cane fields mauka of the new highway. During highway construction it appears that the northern and central portion of the project site was used as a staging area by the highway contractor. The project site, beyond the remaining Cane Haul Road, has been unused, fallow land since the completion of the highway construction project. The Joseph P. Leong Highway opened in 1995.

With the closure of Waialua Sugar Mill in 1996, use of the remaining Cane Haul Road in the southern portion of the project site was substantially reduced. The Cane Haul Road is still used to access the mauka agricultural lands, which have been sporadically used for diversified agriculture. The recent sale of Condominium Property Regime (CPR) lots along Twin Bridge Road mauka of the site may affect the nature and intensity of traffic on the Cane Haul Road. Exhibit 16 provides a recent aerial photograph of the subject site.

The City and County of Honolulu (CCH) records indicate that no building or sign permits have been issued for the project site. The records show the following other types of permits and notices are associated with the project site:

- August 8, 1991, the property was subdivided (90/SUB-250) for “Kamehameha Hwy realignment (Helemano/Waialua Junction to Haleiwa).” This action created the subject TMK parcel and the Joseph P. Leong Highway right-of-way.
- May 1, 2015, a grading permit (GP2015-05-0210) was issued for a gravel area to be used for “Hale‘iwa Farmer’s Market.” This was implemented by the Applicant. The graded area was used as a farmers market on Sundays for a period of time.
- November 23, 2016, a notice of violation (2016/NOV-11-010) was issued for “Stockpiling sand without a permit.” The source of this sand was a nearby parcel also owned by the Applicant. The violation was resolved, and the sand remains on the site.
- January 5, 2021, a subdivision approval letter (2019/SUB-154) was mailed, it is described as “EASE / Waialua – Joseph P. Leong Hwy. / TMK: 6-2-005: 001, 002, 035; 6-2-006: 002, 004, 007; 6-2-007: 003 & 032.” The Applicant is not aware of how or if this subdivision approval affects the subject site.

3.5 Surrounding Uses

Surrounding uses currently consist of the following:

- To the east: Joseph P. Leong Highway. Beyond the highway are large parcels zoned Restricted Agriculture (AG-1) that are either fallow or used for diversified agriculture.
- To the south and north: Other remnant agricultural parcels that are fallow and unused except for a residence to the north on Emerson Road. The Lili‘uokalani Protestant Church and cemetery are present to the north of the project site’s driveway off Kamehameha Highway.
- To the west: 25 parcels between the project site and Kamehameha Highway that are zoned Limited Industrial (I-1), Neighborhood Business (B-1), and/or Residential (R-5). These parcels are part of Hale‘iwa town center. Businesses on these parcels include a hardware store, a grocery store, surf shops, art galleries, restaurants and bakeries, and other retail establishments. It is estimated that there are 14 single-family residences among these 25 parcels. Further to the west, on the other side of Kamehameha Highway, there are similar land uses, except that some of the parcels are zoned Community Business (B-2).

Over the years, the area has become more commercial in nature. Agricultural activity in the vicinity of the project site declined significantly with bypass construction in the early 1990s and Waialua Sugar Mill closure in 1996. Residential uses have gradually been replaced by commercial uses along Kamehameha Highway as Hale‘iwa town center has become a destination.

3.6 Infrastructure and Public Services

3.6.1 Schools

The Hawaiʻi Department of Education (DOE) oversees public schools throughout the state. The project site is in the Waialua Complex of the Leilehua-Mililani-Waialua Complex Area (also called the Central District). There are three schools in the Waialua Complex: Haleʻiwa Elementary, Waialua Elementary, and Waialua High & Intermediate. Private schools are also present in this area, including St. Michael's School (Preschool through 8). The children of future Haleʻiwa Backyards residents would attend Haleʻiwa Elementary School (K through 6) and then Waialua High & Intermediate (7 through 12). Haleʻiwa Elementary School is located at 66-505 Haleʻiwa Road, roughly 4,000 feet (0.75 mile) from the site as the crow flies and 1.25 miles by established roadways.

In the 2022-2023 school year, Haleʻiwa Elementary School had 224 students (design capacity unknown), Waialua Elementary had 439 students (design capacity is 600 students), and Waialua High & Intermediate had 621 students. These schools are all under capacity. In 2010, when enrollment was slightly higher than it is today, the DOE considered consolidating the schools, which would have resulted in the closure of Haleʻiwa Elementary School among other actions. Encountering community opposition to the consolidation, DOE chose to leave all three of the schools open.

The standard planning ratio for the number of public-school children per household is 0.44. Haleʻiwa Backyards, with roughly 150 units, would be expected to be home to up to 66 school age children. Given the size of the units and the demographics of Haleʻiwa residents, it is unlikely that the proposed development would be home to that many children because only 16.2 percent of the area's population is aged 5 through 19. Furthermore, some of the children that move into the Haleʻiwa Backyards apartments may have lived elsewhere in Haleʻiwa previously. Nevertheless, the Haleʻiwa Elementary School and the Waialua High & Intermediate School have ample capacity for an additional 66 students spread over 13 grade levels (K through 12). An inflex of students may stave off future considerations to consolidate the area's schools.

3.6.2 Parks

The City and County of Honolulu, Department of Parks and Recreation (DPR) manages and maintains a system of parks on the island of Oʻahu. Haleʻiwa is located within DPR's District 4-Windard. The closest public parks are Haleʻiwa Aliʻi Beach Park and Haleʻiwa Regional Park located along the coast about a third of a mile away. Other public parks in the vicinity include Haleʻiwa Beach Park, Kaiaka Bay Beach Park, Waialua District Park, and Kamananui Neighborhood Park. The nearest public swimming pool is located at Waialua District Park.

The City and County of Honolulu's Park Dedication Ordinance requires new residential projects to either dedicate land in perpetuity for park and playground purposes or to pay a fee in-lieu of dedication. The Haleʻiwa Backyards development will pay a fee in-lieu of the land dedication.

3.6.3 Police and Fire Services

The Honolulu Police Department (HPD) District 2 covers central Oʻahu and includes Mililani, Wahiawā, Whitmore Village, Waialua, Haleʻiwa, Pūpūkea, Sunset Beach, and Mokuleia. Within

the district are several military installations: Wheeler Army Air Field, Kunia Communications Center, Schofield Barracks, U.S. Navy Communications Center, and U.S. Army at Helemano. Hale‘iwa is located within Sector 3 including Waialua and the North Shore. In an EA comment letter (dated October 2, 2015) the Honolulu Chief of Police indicated that the proposed project is not anticipated to have a significant impact on the services or operations of the Honolulu Police Department.

The Honolulu Fire Department (HFD) Waialua Fire Station (Station 14) is located at 66-420 Hale‘iwa Road in Hale‘iwa, about 0.65 miles west of the project site. The final project design will be in compliance with National Fire Protection Association (NFPA), Uniform Fire Code regulations, and provide Fire Department access roads such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. The fire department access roads will extend to within 50 feet of at least one exterior door that can be opened from the outside and provides access to the interior of the building. Fire apparatus access roads will meet City and County of Honolulu requirements for unobstructed width and unobstructed vertical clearance. Fire hydrants will be provided and will have a maximum spacing of 250 feet. Fire department connection pedestals will be located in open areas along the interior roadway. All civil drawings for the project will be submitted to the Honolulu Fire Department for review and approval at the appropriate time.

3.6.4 Wastewater

The project site is located in the critical wastewater disposal area as determined by the O‘ahu Wastewater Advisory Committee and within the No Pass Zone as defined by the Honolulu Board of Water Supply (BWS). The project site is also located inland of the State Underground Injection Control (UIC) line. There is no municipal sewer system that services the subject property and there are no plans to construct a collection and treatment system that serves the project site within the current proposed schedule.

The North Shore Regional Wastewater Alternatives Plan (NSRWWAP; see: https://www.honolulu.gov/rep/site/env/wwm_docs/wwm_NSRWWAPFinalReport.20120103.pdf) recommended that the majority of Hale‘iwa town be outfitted with a single or multiple small wastewater treatment facilities (WWTFs) that provide for treatment and reuse. The Applicant is not aware of any WWTFs being developed in the area that allow for treatment and reuse. There are no WWTFs existing or planned by others that could accept the proposed development’s wastewater.

When the FEA was completed in 2016, it was proposed that the wastewater generated by the proposed development would be conveyance to a property that is located seaward of the UIC line and in the Pass Zone where a wastewater treatment and disposal system would be built.

Since that time, the Applicant has been coordinating with the Department of Health, Wastewater Branch (HDOH-WW) and the BWS regarding alternative wastewater management approaches. The Applicant proposed an on-site Wastewater Reclamation Facility (WWRF) that treats wastewater to the R-1 or R-2 level[4] and then uses the reclaimed water for irrigation and includes a

[4] R-1 and R-2 levels of treatment are defined in the WB’s *Reuse Guidelines, Volume 1: Recycled Water Facilities* (January 2016; https://health.hawaii.gov/wastewater/files/2021/10/V1_RWFacilities1.pdf).

backup effluent leachfield. The proposed WWRF would be built in the southern portion of the project site and be consistent with the recommendations in the NSRWWAP. The nearest BWS drinking water sources are located along Twin Bridges Road mauka of Hale‘iwa Town at the 200-foot elevation, roughly 4,400 feet (0.8 mile) up/cross gradient from the project site. In a letter dated January 12, 2023 (Attachment 2), BWS stated that those sources, “will not be impacted by ground disposal of wastewater at the site.” Furthermore, the letter states that “BWS does not oppose the proposed WWRF with R-2 reuse and a backup leach field on the subject parcel.” Subsequently, in a letter dated January 25, 2023 (Attachment 2), the HDOH-WW stated that it, “has no objection if a wastewater treatment plant with R-1 or R-2 irrigation and a backup effluent leachfield is constructed on the subject property.” The on-site WWRF will be designed, built, and operated to comply with applicable provisions of Hawai‘i Administrative Rules (HAR) Chapter 11-62.

3.6.5 Potable Water

Potable water supply for Hale‘iwa and the project property is provided by BWS. Currently there are two (2) 8-inch-diameter water distribution mains located along Kamehameha Highway (Exhibit 17).

An estimate of water demands resulting from the proposed development was calculated using the Honolulu BWS’ *Water System Standards* (2002) and included in FEA Section 3.11. Table 2 below shows the approximate water demands of the proposed project based upon the project concept plan. By letter dated October 23, 2015 (Attachment 2), the BWS commented on the DEA by noting that the existing water system is adequate to accommodate the proposed development; however, final approval will be confirmed when the building permit is submitted for approval. When water is made available, the Applicant will be required to pay BWS Water System Facilities Charges for resource development, transmission, and daily storage.

Table 2: Projected Water Demand

Type of Use	Apartments	Commercial
Units	Up to 156 dwelling units	Up to 30,000 square feet
BWS Consumption Rates	400 gallons/unit	--
Domestic Average Daily Demand	62,400 gallons	--
Domestic Max. Daily Demand (1.5x)	93,600 gallons	--
Domestic Peak Hour Demand (3.0x)	187,200 gallons	--
Com/Res Mix (120 gallons/1000 square feet)	--	3,600 gallons
Fire Demand	1,500 gallons/1 hour /250 ft. hydrant spacing	2,000 gallons/1 hour /250 ft. hydrant spacing

Source: Haleiwa Mixed Use Parcel FEA (2016)

The proposed potable water system to provide service and fire protection to the proposed development involves (Exhibit 18):

- An 8-inch diameter main from one of the existing BWS mains in Kamehameha Highway, up the project site’s driveway, and then extending under site roadways throughout the proposed development. The on-site water main will be roughly 3,200 feet long.
- A water meter in the driveway near Kamehameha Highway.

- Service connections from the 8-inch main to the on-site uses.
- Fire hydrants throughout the project site, including access roads, to provide adequate fire protection. Fire hydrants will have a maximum spacing of 250 feet.

3.6.6 Drainage and Flood Zones

There is currently no drainage infrastructure on the project site and the project site is in Flood Zone X (Exhibit 19), which is an area that has been determined to be outside the 0.2% annual chance floodplain and outside of the 500-year floodplain. When a storm of sufficient intensity to generate runoff occurs, storm water runoff exits the project site along the south, west and north perimeters, either as sheet flow or shallow concentrated flows. Storm water from upgradient, off-site properties is relatively minor because (*i*) the Joseph P. Leong Highway embankment and a grassed swale intercepts storm water along the eastern boundary of the site, and (*ii*) there are HDOT storm water inlets and drain lines to intercept runoff flowing under the Cane Haul Road underpass. Runoff from small areas to the northeast of the project site do flow onto the project site.

The existing peak flow storm water runoff analysis for the project site was calculated in the mid-2010's based upon the CCH's *Rules Relating to Storm Drainage* (January 2000). CCH's *Storm Drainage Standards* (2017) update the applicable rules, but the discharge calculations are not anticipated to change. Since the drainage area within the proposed development is less than 100 acres, the recurrence interval of 10 years was selected as the design basis for the storm water management plan and the Rational Method was used to calculate runoff (Table 3). The total peak discharge distributed along the site's perimeter is about 10.8 cubic feet per second (cfs). Flow lengths are typically 230 feet in the east to west direction. Consistent with the City's standards, the storm drainage system will be designed to capture and detain the 10-year storm increased runoff from impervious surfaces to ensure that there are no detrimental impacts on the downgradient areas. The post-development discharge, using the same methods to generate the pre-development discharge discussed above, will be 20.2 cfs and roughly 142,000 cubic feet. Therefore, storm water best management practices will be used to reduce the post-development peak runoff by at least 9.4 cfs and 20,000 cubic feet (Table 3).

Table 3: Summary of Pre- and Post-Development Storm Water

	Acres	Design Storm	10-Year Design Peak Flow (cfs)	10-Year Runoff Volume for 24-Hour Duration (cubic feet)
Pre-Development	7.5	2.57 for 1-hour duration 8.02 inches for 24-hour duration	10.8	122,000
Post-Development	7.5	2.57 for 1-hour duration 8.02 inches for 24-hour duration	20.2	142,000
Estimated Increase to be Avoided by Best Management Practices	-	-	9.4	20,000

Source: Haleiwa Mixed Use Parcel FEA (2016)

The project will incorporate appropriate low-impact development (LID) measures and best management practices (BMPs) to avoid increases in site runoff. The measures (*i*) will address the estimated storm water increase discussed above (Table 3); (*ii*) will incorporate measures from applicable CCH's guidelines and other sources; and (*iii*) are likely to involve on-site storm water drain inlets with sedimentation or filtration pretreatment, retention basins with controlled release rates, and detention/infiltration facilities where soil conditions are conducive. In addition, a suite of water quality enhancement measures will be implemented, such as grass-lined filter strips, bioswales, infiltration chambers, rain gardens, cisterns, and permeable pavers.

3.6.7 Streets and Transportation

To better understand the potential interactions of the proposed land reclassification and subsequent development, a Traffic Impact Analysis Report (TIAR) was prepared in May 2015 for the proposed project (FEA Appendix B). The traffic study analyzed existing conditions and impacts in the surrounding area as a result of the full build-out of the proposed development. The TIAR is being updated by The Traffic Management Consultant; the update will be available prior to decisions being made on the CCH zone change.

The original TIAR's traffic counts, ridership numbers, and similar data are somewhat dated at this point; however, with a planning horizon of 2025, it remains informative and there have not been significant changes in the region's population, residential and employment distribution, or transportation infrastructure that would significantly alter the conclusions presented. This will be confirmed and/or corrected when the updated TIAR becomes available in the near future.

The remainder of this section discusses the findings of the original TIAR. The original TIAR considered the proposed project as outlined in the 2016 FEA. The primary traffic-related difference between the 2016 proposal and the current proposal is that 100 public parking spots have been eliminated. The elimination of those parking stalls substantially reduces the number of vehicles accessing the project site each day. Therefore, the original TIAR represents a greater impact than the currently proposed project would cause.

Vehicular Access

Vehicular access to the project property will be provided by Cane Haul Road from the south and ʻŌpaeʻula Road (the project site driveway off Kamehameha Highway) from the north with additional dedicated pedestrian access next to Malama Market (TMK 6-2-005:011). Both Cane Haul Road and ʻŌpaeʻula Road connect to Kamehameha Highway which is a CCH-owned road with the functional classification of urban minor arterial. Kamehameha Highway has two-lanes, one in each direction, provides access to the various commercial and residential properties within Haleʻiwa Town, has a posted speed limit of 25 mph, a 50-foot-wide right-of-way, and generally lacks pedestrian and bicycle facilities.

Cane Haul Road is currently a privately-owned agriculture road that intersects Kamehameha Highway approximately 650-feet south of the main driveway for North Shore Marketplace; the juncture is a four-leg signalized intersection. Portions of Cane Haul Road mauka of Kamehameha Highway are owned by Kamehameha Schools (KS) and the Applicant. KS and the Applicant are working on and will finalize an agreement regarding Cane Haul Road that allows use by multiple

parties and ensures continued access to agricultural lands mauka of Joseph P. Leong Highway. Evidence of progress toward this agreement is provided in Attachment 3.

ʻŌpaeʻula Road is currently a private (owned by the Applicant) two-lane, two-way roadway on the east side of Kamehameha Highway, located between Liliʻuokalani Protestant Church Cemetery and ACE Hardware. ACE Hardware has an access easement over a portion of the road. ʻŌpaeʻula Road was bisected during construction of Joseph P. Leong Highway in the 1990s and is no longer a through road connecting Kamehameha Highway to the upland agricultural areas. ʻŌpaeʻula Road is controlled by a 1-way stop sign at the intersection with Kamehameha Highway.

Transit Access

The CCH transit system (TheBus) has five bus routes traveling along Kamehameha Highway through Haleʻiwa. Haleʻiwa is connected by bus to Honolulu via Mililani by Routes 52 and 88A. Bus service to windward Oʻahu communities and Honolulu is provided by Route 60. Route 521 provides service between Waialua and Haleiwa, and Route 83 provides service between Haleʻiwa and Wahiawā. These routes can be accessed from bus stops within 350' to 0.1 mile from the subject site.

Existing (2013) Roadway Volumes

In 2013, average daily traffic (ADT) along Kamehameha Highway in the project area was 8,600-11,300 vehicles. This data is based on weekday counts taken by the Hawaiʻi Department of Transportation (HDOT) and included in Historical Traffic Station Maps. There were no distinct AM or PM peak hours at either the north or south approaches to Haleʻiwa along Kamehameha Highway as would normally be expected along a road primarily used for commercial and retail access. The hourly volumes along Kamehameha Highway at the south end of Haleʻiwa between Paʻalaʻa Road and Achiu Lane stayed near or above 900 vehicles from 11:30 AM to 4:00 PM. The peak hour volume along this section occurred at 3:15-4:15 PM with a total of 950 vehicles. Of the 950 vehicles, approximately 450 vehicles were traveling in the northbound direction and 500 vehicles in the southbound direction. The hourly volume along Kamehameha Highway at the north end of Haleʻiwa between Kahalewai Place and Joseph P. Leong Highway stayed above 700 vehicles from 11:00 AM to 4:30 PM. The peak hour volume along this section of Kamehameha Highway occurred at 2:00-3:00 PM. Of the approximately 800 vehicles traveling along this section of Kamehameha Highway during the peak hour, the northbound and southbound splits were equal with 400 vehicles traveling in each direction.

Intersection Peak Hour Volumes (2014)

Intersection turning movement traffic counts were performed in August, 2014, as part of the Haleʻiwa Improvement District Project. The counts were performed at the intersections of Kamehameha Highway with Cane Haul Road, the primary driveway for the North Shore Marketplace, and ʻŌpaeʻula Road. The results of those turning movement counts are included in Figure 6 of the *Traffic Impact Analysis Report* in Appendix B of the FEA.

Heavy Vehicle, Bicycle, and Pedestrian Volumes (2015)

Heavy vehicle, bicycle, and pedestrian were counted at the three Kamehameha Highway intersections for two-hour periods in March 2015. The counts were performed during the weekday

AM peak period (7:30-9:30 AM), PM peak period (2:15-4:15 PM), and/or on Saturday during the midday peak period (12:30-2:30 PM). Table 4 summarizes the volumes observed at the intersection of Kamehameha Highway at Cane Haul Road, Table 5 summarizes the volumes observed at the intersection of Kamehameha Highway and the primary driveway for the North Shore Marketplace, and Table 6 summarizes the volumes observed at intersection of Kamehameha Highway and ʻŌpaeʻula Road.

Table 4: Volumes at Kamehameha Highway-Cane Haul Road Intersection During Peak Periods in 2015

Time Period	Heavy Vehicle Volume	Heavy Vehicle %	Bicycle Volume	Pedestrian Volume
Weekday 7:30-9:30 AM	54	4.6	18	12
Weekday 2:15-4:15 PM	44	2.3	19	87
Saturday 12:30-2:30 PM	48	2.2	27	114

Source: SSFM (2015)

Table 5: Volumes at Kamehameha Highway-North Shore Marketplace Primary Driveway Intersection During Peak Periods in 2015

Time Period	Heavy Vehicle Volume	Heavy Vehicle %	Bicycle Volume	Pedestrian Volume
Weekday 7:30-9:30 AM	50	4.2	14	15
Weekday 2:15-4:15 PM	45	2.3	15	130
Saturday 12:30-2:30 PM	39	1.9	22	208

Source: SSFM (2015)

Table 6: Volumes at Kamehameha Highway-ʻŌpaeʻula Road Intersection During Peak Periods in 2015

Time Period	Heavy Vehicle Volume	Heavy Vehicle %	Bicycle Volume	Pedestrian Volume
Weekday 7:30-9:30 AM	39	3.9	3	29
Weekday 2:15-4:15 PM	Not counted	Not counted	Not counted	Not counted
Saturday 12:30-2:30 PM	Not counted	Not counted	Not counted	Not counted

Source: SSFM (2015)

Transit Bus Volumes (2015)

TheBus operates several routes on Kamehameha Highway. When the counts were collected in 2015, the routes used different designations than they do today; however, the service provided is similar. The number of riders on these routes in 2015 is provided in Table 7.

Table 7: Average Transit Ridership

Route (2015)	Route (2024)	Average No. Passengers Daily (2015)
52	52	5,000
55	60	3,900
76	521	400
83	83	700
88A	88A	175

Source: SSFM (2015)

Methods to Evaluate Highway Conditions

Level of Service (LOS) is a term used to describe the conditions of a roadway based on factors that determine the rate of movement of vehicles along the roadway or through an intersection. LOS are ranked from A (free flow along the roadway, the optimum condition) to F (forced or breakdown flow along the roadway, the worst condition). The LOS method can be used as a tool to determine whether modification of a roadway is needed to prevent congestion. *A Policy on Geometric Design of Highways and Streets* (AASHTO, 2011) states that an "appropriate" LOS for an urban arterial, which is the classification of Kamehameha Highway through the study area, is LOS C or D. This assumes that appropriate LOS for study intersections and turning movements should be LOS D or better.

Another measure of intersection operation is the volume to capacity (v/c) ratio, which is the ratio of the volume of traffic utilizing the intersection compared to the maximum volume of vehicles that can be accommodated by the intersection during a specific period of time. A v/c ratio under 0.85 means the intersection is operating under capacity and excessive delays are not experienced. An intersection operates near its capacity when v/c ratios range from 0.85 to 0.95. Unstable flows are expected when the v/c ratio is between 0.95 and 1.0. Any v/c ratio greater than or equal to 1.0 indicates that the intersection is operating at or above capacity which results in a LOS F per the Highway Capacity Manual (TRB, 2010).

Existing (2015) Intersection Conditions (LOS)

Existing (2015) LOS for the unsignalized and signalized intersection and traffic movements were LOS D or better during the AM, PM and Saturday midday peak hours (Table 8, Table 9, and Table 10). All movement v/c ratios were calculated to be under capacity. However, field observations indicated that actual vehicle demand is not being met which results in long queues along Kamehameha Highway at times. This is not reflected in the intersection LOS calculations because of the inability of these vehicles to be counted traveling through this intersection.

Existing (2015) conditions reflect heavy traffic volumes in the middle of the day, not following typical peak commute hours. High pedestrian volumes also exist in the area, especially during weekends. Even though intersection operations reflect an acceptable LOS, it is likely that current capacity constraints along the corridor restrict flow.

Table 8: Existing (2015) Unsignalized Intersection Level of Service, Kamehameha Highway at ‘Ōpae‘ula Road

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
WB	LR	11.6	0.06	B	17.7	0.13	C	20.0	0.13	C
SB	L	7.8	0.02	A	8.7	0.01	A	9.2	0.02	A

Table 9: Existing (2015) Unsignalized Intersection Level of Service, Kamehameha Highway at North Shore Marketplace Driveway

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
WB	L	14.9	0.09	B	26.8	0.19	D	30.3	0.19	D
WB	R	10.2	0.04	B	13.5	0.11	B	14.1	0.09	B
SB	L	8.0	0.03	A	8.8	0.05	A	9.1	0.06	A

Table 10: Existing (2015) Signalized Intersection Level of Service, Kamehameha Highway at Cane Haul Road

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
Intersection	Intersection	1.8	--	A	1.9	--	A	3.0	--	A
EB	LTR	--	--	--	--	--	--	3.77	0.22	D
WB	LTR	35.9	0.09	D	36.6	0.11	D	37.0	0.20	D
NB	LTR	1.3	0.22	A	1.7	0.33	A	2.2	0.39	A
SB	LTR	1.3	0.20	A	1.60	0.32	A	1.9	0.32	A

Notes: App = approach; Mvmt = movement; v/c = volume to capacity; LOS = level of service; WB = west bound; SB = south bound; EB = east bound; NB = north bound.
Source: SSFM (2015)

Future (2025) Volumes

The *O‘ahu Regional Transportation Plan 2035* (OMPO, 2011) showed that over a 28-year period, the population of North Shore of O‘ahu would increase by 13 percent. This results in an annual growth of 0.5 percent. Although population growth is not directly related to traffic growth, a compounded annual increase of 0.5 percent was assumed for all traffic movements along Kamehameha Highway. The increase was applied to the existing traffic along Kamehameha Highway to obtain the forecasted volumes for future (2025) without project conditions. Resulting LOS remain acceptable for future (2025) without project conditions.

Trips generated from the proposed project (as defined in 2015) were calculated using nationally accepted land use rates as provided in the Institute of Traffic Engineers' (ITE) *Trip Generation, 8th Edition* (ITE, 2008). An additional 100 parking stalls were assessed within the proposed property; these 100 parking stalls are no longer a component of the proposed project. To determine the number of trips generated from the additional 100 parking stalls, an equivalent ratio of square-footage of commercial area to number of parking stalls was calculated. This calculation resulted in an approximately 27,100 square-foot commercial development. The land use that best represents the existing commercial area in Hale‘iwa is "Specialty Retail" and therefore this was used for calculating trip rates. Table 11 provides the total project related trips generated by the proposed development.

Table 11: Total Project Related Trip Generation (2015 Proposal)

Land Use	Quantity	AM Peak Hour, Total	AM Peak Hour, In	AM Peak Hour, Out	PM Peak Hour, Total	PM Peak Hour, In	PM Peak Hour, Out	Sat. Peak Hour, Total	Sat. Peak Hour, In	Sat. Peak Hour, Out
Low-Rise Apartment	156 Units	72	15	57	90	59	31	90	49	41
Quality Restaurant	5,600 square feet	02	02	02	62	37	25	61	32	29
Specialty Retail	19,200 square feet	0	0	0	52	23	29	52	23	29
Farmer's Market	5,200 square feet	104	52	52	104	52	52	104	52	52
Additional Parking	100 stalls (27,100 square feet)	0	0	0	71	31	40	71	31	40
TOTAL		176	67	109	379	202	177	378	187	191

Note: Sat. = Saturday.
The "Additional Parking, 100 stalls (27,100 square feet)" is no longer part of the proposed project. It was part of the 2015 proposal for which this trip generation and traffic assessment was performed.
Source: SSFM (2015)

With the trips resulting from the proposed project, operations at the three study intersections remain acceptable (LOS D or better) (Table 12, Table 13, and Table 14).

Table 12: Future (2025) Unsignalized Intersection Level of Service with Project, Kamehameha Highway at ʻŌpaeʻula Road

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
WB	LR	11.6	0.08	B	21.7	0.28	C	26.5	0.32	**D**
SB	L	7.9	0.02	A	8.9	0.05	A	9.5	0.06	A

Table 13: Future (2025) Unsignalized Intersection Level of Service with Project, Kamehameha Highway at North Shore Marketplace Driveway

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
WB	L	15.5	0.10	**C**	29.1	0.21	D	33.5	0.22	D
WB	R	10.3	0.04	B	13.8	0.12	B	14.5	0.10	B
SB	L	8.1	0.03	A	8.8	0.05	A	9.2	0.06	A

Table 14: Future (2025) Signalized Intersection Level of Service with Project, Kamehameha Highway at Cane Haul Road

App	Mvmt	AM Peak Hour Delay	AM Peak Hour v/c	AM Peak Hour LOS	PM Peak Hour Delay	PM Peak Hour v/c	PM Peak Hour LOS	Saturday Peak Hour Delay	Saturday Peak Hour v/c	Saturday Peak Hour LOS
Intersection	Intersection	2.8	--	A	4.0	--	A	4.8	--	A
EB	LTR	--	--	--	--	--	--	20.4	0.10	*C*
WB	LTR	21.1	0.12	*C*	21.6	0.24	*C*	22.0	0.30	*C*
NB	LTR	2.3	0.26	A	3.4	0.43	A	4.2	0.49	A
SB	LTR	2.2	0.23	A	3.1	0.39	A	3.4	0.38	A

Notes: **Bold** letter indicates LOS lower than existing (Table 8, Table 9, and Table 10); *italic* letter indicates LOS higher than existing (Table 8, Table 9, and Table 10); App = approach; Mvmt = movement; v/c = volume to capacity; LOS = level of service; WB = west bound; SB = south bound; EB = east bound; NB = north bound.

Source: SSFM (2015Source: SSFM (2015)

On-Site Street Design

The proposed project will utilize Complete Streets principles on-site by incorporating design elements that focus on safety, flexible design, accessibility for all modes of travel, and green infrastructure. The design will be consistent with the Honolulu Complete Streets Design Manual (https://www.honolulu.gov/rep/site/dpptod/dpptod_docs2/Honolulu_Complete_Streets_Design_Manual.pdf). For example:

- ‘Ōpae‘ula Road will be designed to be consistent with the “Minor Street” conceptual cross section in Figure 3-59 of the Honolulu Complete Streets Design Manual to the extent possible. There will be distinct portions of the road:
  - From Kamehameha Highway to the main portion of the project site. In this area the width of the Hale‘iwa Backyards parcel, and therefore the roadway width, is only 29.85 feet. Given this constraint, the current concept is that the travel lanes will be 10 feet wide with sharrows and there will be a sidewalk on each side that is roughly 4.9 feet wide; see Exhibit 20.
  - Parallel with the western boundary of the main portion of the project site. In this area, the current roadway concept is shown on Exhibit 21 and includes 12-foot-wide travel lanes with sharrows, 2-foot-wide shoulder/curb areas, and 8-foot-wide sidewalk zones that will include some plantings. The travel lanes will be at least 20 feet from the neighboring properties to the west and landscaping will be present to provide a buffer between the neighboring properties and the roadway. Parking will be provided along portions of this road, which is not illustrated in the exhibit; the parking design will depend on the parking angle and other factors.
- ‘Ōpae‘ula Loop will be the road from which many of the residential units are accessed to the east of ‘Ōpae‘ula Road. This road will be designed to be consistent with the “Access Road” conceptual cross section in Figure 3-62 of the Honolulu Complete Streets Design Manual. As shown in Exhibit 22, the current concept is that it will include a 20-foot-wide vehicle zone with sharrows and a 10-foot-wide sidewalk zone with landscaping on both sides of the loop road. Parking will be provided along most of this road, which is not illustrated in the exhibit; the parking design will depend on the parking angle and other factors.
- Cane Haul Road between ‘Ōpae‘ula Road and the southern project boundary will be designed to be consistent with the “Minor Street” conceptual cross section in Figure 3-59 of the Honolulu Complete Streets Design Manual to the extent possible. Like the portion of ‘Ōpae‘ula Road at Kamehameha Highway, there are property boundary constraints that may require narrower travel way and sidewalk widths. The design of the Cane Haul Road east of ‘Ōpae‘ula Road and west of the project boundary will depend on agreements with Kamehameha Schools. Hale‘iwa Backyards will advocate for a consistent complete streets roadway cross section to Kamehameha Highway similar to Exhibit 21.

3.7 Photographs

The project site is currently vacant; there are no buildings. The only development on the project site consists of roadways. Photographs of existing site conditions that are keyed to a general site map are provided in Attachment 5.

3.8 Environmental Review Compliance

Hale‘iwa Backyards, LLC is proposing to develop a 7.5-acre parcel, identified as Tax Map Key (1) 6-2-005:002 located in Hale‘iwa on the North Shore of O‘ahu. The proposed action requires a change in CCH zoning from P-2 General Preservation and AG-1 Restricted Agricultural to neighborhood business (B-1) and low-density apartment (A-1), and a State Land Use District Boundary Amendment from Agricultural to Urban. Pursuant to HRS, Chapter 343-5(a)(6) to, "*Propose any amendments to existing county general plans where such amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county*;" triggers the requirement for an EA meeting the process and content requirements of its implementing regulations, contained in HAR, 11-200.1.

To comply with this requirement, Backyard Haleiwa, LLC prepared an EA, which culminated in a FEA-FONSI being approved by DPP and published in the November 23, 2016, edition of *The Environmental Notice*, the bi-monthly bulletin of the State Office of Planning and Sustainable Development, Environmental Review Program. The FEA-FONSI may be downloaded from the ERP library here: http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Oahu/2010s/2016-11-23-OA-5E-FEA-Haleiwa-Mixed-Use-Parcel.pdf.[5] The FEA is made part of this application by reference; please utilize the link provided to access it.

As the concept for the proposed project was refined and modified after the completion of the 2016 FEA, the Applicant coordinated with DPP regarding whether the EA needed to be updated. DPP stated that they "determined that a new EA is not required at this time" in a letter dated June 27, 2023, to the Applicant (Attachment 2). The complexion of the proposed project has not changed since that time.

Compliance with land use rules and regulations is discussed in Section 4.3

3.9 Other Permits and Approvals Required

Should Hale‘iwa Backyards, LLC's land use district boundary amendment request be approved, the proposed project will require the following additional permits and approvals identified in Table 15.

Table 15: Other Permits and Approvals Required

Agency	Permit or Approval
HDOH Clean Water Branch (CWB)	National Pollutant Discharge Elimination System,

[5] The name of the Applicant is Hale‘iwa Backyards, LLC. When the FEA-FONSI was completed in 2016, the developer was known as Backyard Haleiwa, LLC and project was called the Haleiwa Mixed Use Parcel. Although the name has changed, the proposed development has not substantially changed.

Agency	Permit or Approval
	Notice of Intent – Storm Water Associated with Construction Activity
HDOH Clean Water Branch	Wastewater System Approval
HDOH Indoor and Radiological Health Branch	Construction Noise Permit
DPP	Change in Zone
DPP	Subdivision Approval
DPP	Hale‘iwa Special Design District Permit (Major)
DPP	Civil permits for Construction, including: (*i*) Building Permit, (*ii*) Grading, Grubbing and Stockpiling Permit, (*iii*) Demolition Permit, (*iv*) Water System approval, (*v*) Street Usage Permit, and (*vi*) Trenching Permit.
BWS	Plan Review
Honolulu Fire Department, Fire Prevention Bureau	Plan Review

Source: PSI

In addition, pursuant to HRS Chapter 201H-38 the project may require a “Housing development; exemption from statutes, ordinances, charter provision, and rules,” if determined necessary.

3.10 Project Layout

The conceptual project plan is provided in Exhibit 7.

4.0 EVALUATION

The Rules of Planning Commission (Rules 2-86) lists decision-making criteria that the Planning Commission is to consider during the processing of this application. The following sections address those criteria.

4.1 Contribution to the General Welfare and Prosperity of the People of O‘ahu

This is the first Planning Commission criteria. The proposed development, and the land use district change which supports it, will contribute the general welfare and prosperity of the people of O‘ahu by providing a mix of: (*i*) rental apartments in an area where such units are rare, thereby diversifying housing options; (*ii*) commercial units targeting businesses that cater to and serve local community needs; and (*iii*) a farmers market. The needs addressed by the proposed development are identified in Section 4.2. The proposed development’s consistency with applicable State and County land use plans, policies, and controls are discussed in detail in Section 4.3.

4.2 Issue, Need, or Problem that the Proposed Project will Address

This is the second Planning Commission criteria. The gradual transition from residential uses to commercial uses along Kamehameha Highway has reduced the stock of residential units and increased the number of jobs in Hale‘iwa town center. The NSSCP states that an additional 1,504 housing units will be needed in the area by the year 2035. The *Hawai‘i Housing Demand: 2025-2035* report prepared by the DBEDT Research and Economic Analysis Division (READ) (https://files.hawaii.gov/dbedt/economic/reports/hawaii_housing_demand_2024_final.pdf) outlines that:

- There are two possible statewide population growth perspectives for the 2025-2035 period: (*i*) that population will continue its historic growth of 0.57 percent annually; or (*ii*) that population will grow at a lower rate, 0.35 percent annually, based on a “cohort-component” method.
- Statewide, nearly 13 percent of housing units are vacant, primarily held as second/vacation homes for owners that live elsewhere.
- Statewide, over the 2025-2035 period, between roughly 25,000 and 40,000 additional housing units will be needed to meet demand.[6] The lower number is associated with the lower population growth rate and the higher number is associated with the continued historic population growth rate.

Beyond the shortage of housing, the cost of housing and overcrowding within occupied housing is an issue throughout Hawai‘i, including Hale‘iwa. Examples of this include:

- The U.S. Bureau of Labor Statistics reported a 29 percent increase in rents for primary residences in Honolulu in the past five years.
- According to Zillow, the median rent for a 2-bedroom housing unit in Honolulu is $3,200/month, which is more than 10 percent higher than it was last year. During a recent search of Zillow, four units with two or more bedrooms were available for rent in the immediate Hale‘iwa and Waialua areas. Those units ranged in price from $2,800 (500 square feet) to $6,900 (1,000 square feet) per month. This indicates a shortage of units within the gap-group price range in the Hale‘iwa Town area.
- A DBEDT READ report regarding overcrowding (https://files.hawaii.gov/dbedt/economic/reports/Overcrowding_in_Hawaii_Housing.pdf) indicates that 38.2 percent of the occupried housing units in Hawai‘i are occupied by renters, which is among the highest in the country and indicates the importance of rental stock in Hawai‘i. The same report indicates that 11.9 percent of rental units are considered crowded or very crowded, further indicating a need for rental housing.

The fact that housing in Hale‘iwa does not meet the needs of people employed there is evident in a DBEDT READ report (https://files.hawaii.gov/dbedt/economic/data_reports/Commuter%20adjusted%20population%20in%20Hawaii_May2024.pdf) that indicates a substantial number of people commute into Hale‘iwa for work. With 1,303 in-commuters and a population of 4,708, Hale‘iwa is among O‘ahu’s census designated places with the highest ratio of in-commuting per resident. This illustrates that Hale‘iwa is not just a bedroom community, it is also a job center.

While there have been some infill residential developments elsewhere in the Hale‘iwa region, most of those developments have (*i*) not been within walking distance of Hale‘iwa town center, and (*ii*) have not targeted the gap or affordable rental market that is appropriate to many of the employment opportunities in Hale‘iwa town center.

[6] This is in additional to the housing needed to meet the current demand. The current demand is substantial (24,000 housing units statewide, according to the City and County of Honolulu affordable housing program) because residential construction slowed considerably after the post-statehood construction boom that transformed Hawai‘i.

The result of the development trends has been that many of the Hale‘iwa town center employees live at distances from town that require long commutes. Those commutes result in more traffic on area roadways and the need for employee parking. The proposed project would provide alternatives for those employees and existing members of the Hale‘iwa community. The Applicant is also considering how the proposed development could address identified needs for senior housing in the region.

The bulk of the proposed apartment units would be rented at market rates; they would be targeted toward the “gap” income demographic. The units would not be designed for the luxury rental market. The project will comply with affordable housing requirements so that a portion of them are rented at affordable rates. The proportion of affordable units, the income groups those units would be reserved for, and other elements of the affordable housing requirements will be established as the project moves through the permitting processes. It is anticipated that the affordable housing elements will be established in a Unilateral Agreement at the conclusion of the Zone Change process.

4.3 Consistency with Land Use Plans and Policies

The third Planning Commission criteria is the project’s consistency with the Hawai‘i State Plan and the O‘ahu General Plan. These and other land use plans and policies are discussed in the following sections.

4.3.1 Hawai‘i State Plan (HRS Chapter 226)

Adopted in 1978 and last revised in 1991, the *Hawai‘i State Plan* is intended to guide the long-range development of the State by:

- Identifying goals, objectives, and policies for the State and its residents;
- Establishing a basis for determining priorities and allocating resources; and
- Providing a unifying vision to enable coordination between the various counties’ plans, programs, policies, projects and regulatory activities to assist them in developing their county plans, programs, and projects and the State’s long-range development objectives.

The *Hawai‘i State Plan* is a policy document. It depends on implementing laws and regulations to achieve its goals. While not all sections of the *Hawai‘i State Plan* are directly applicable to the proposed action, the proposed project is consistent with the applicable portions of the plan. The most relevant are identified and discussed below.

> *§226-19: Objectives and policies for socio-cultural advancement—housing: (a) Planning for the State’s socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:*
>
> > *(1) Greater opportunities for Hawaii’s people to secure reasonably priced, safe, sanitary, livable homes situated in environments that satisfactorily accommodate the needs and desires of families and individuals.*

(2) The orderly development of residential areas sensitive to community needs and other land uses.

(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawaii's people.

Discussion: The proposed action is intended to develop a mix of: (*i*) two-bedroom rental apartments, (*ii*) commercial units, (*iii*) a farmers market, and (*iv*) LUO-required off-street parking related to those uses. As such, the project will provide greater access to appropriately located, livable homes developed with careful attention given to the community's needs and adjacent land uses. The proposed development will result in the orderly development of needed residences and has been planned in consultation with adjacent landowners and in a manner sensitive to the community.

§226-19(b): To achieve the housing objectives, it shall be the policy of the State to:

(1) Effectively accommodate the housing needs of Hawaii's people.

(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.

(4) Promote appropriate improvement, rehabilitation, and maintenance of existing housing units and residential areas.

(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

(6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.

(7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the cultures and values of the community.

Discussion: The proposed action is intended to allow for the development of rental apartments on lands formerly used for, but no longer suitable as, agricultural land. If approved, it will address the demand for rental housing in an underserved portion of the island and provide for the needs of the existing community there. The development will effectively rehabilitate the subject parcel on the margin of Hale‘iwa, which is currently vacant, developable, and underutilized. Furthermore, the design of the proposed structures will maintain a low profile and a Hawaiian sense of scale and place, in tune with the character of the surrounding Hale‘iwa community. In doing so, it is consistent with the policy of siting and design of housing which is in harmony with its physical setting, easily accommodated by the public facilities and services in the area, and which is in harmony with the neighborhood. The use of the subject property for commercial and residential development would be consistent with these and other applicable provisions of HRS Chapter 226.

4.3.2 O‘ahu General Plan

The *O‘ahu General Plan* (OGP) was adopted by the City Council on December 1, 2021. The OGP is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of O‘ahu's residents and the strategies of actions to achieve them. It is the focal point of a comprehensive planning process that addresses physical, social, economic and environmental

concerns affecting the CCH. This planning process serves as the coordinative means by which the CCH government provides for the future growth of the metropolitan area of Honolulu.

OGP Section I – Population

The OGP poses several objectives related to population and housing. Section I, Population, Objective A, proposes: “To plan for anticipated population in a manner that acknowledges the limits of O‘ahu’s natural resources, protects the environment, and minimizes social, cultural, and economic disruptions.” The fourth policy under that objective states: “Establish geographic grown boundaries to accommodate future population growth while at the same time protecting valuable agricultural lands, environmental resources, and open space.”

Objective B, proposes: “To establish a pattern of population distribution that will allow the people of Oahu to live, work and play in harmony.” Further developing this theme, Section I, Objective B, Policy 3 states:

> *Policy 3*
>
> *Manage land use and development in the urban-fringe and rural areas so that:*
>
> *a. Development is contained within growth boundaries; and*
>
> *b. Population densities in all areas remain consistent with the character, culture, and environmental qualities desired for each community.*

Discussion: The subject parcel is located on the fringe of Hale‘iwa where urban uses transition to agricultural uses. The proposed development will be within the Community Growth Boundary, as designated by the NSSCP (Section 4.3.3) that was generated per Objective A to protect agricultural lands, environmental resources, and open space beyond. Being within the Community Growth Boundary means the project will avoid an undesirable spread of development or “sprawl.” In addition, the proposed structures will be, to the extent practicable, consistent with the character of development and environmental qualities of the surrounding Hale‘iwa town center community in both nature and scope.

OGP Section II – Balanced Economy

In Section II, the OGP addresses the island’s economy, including Objective A: “To promote diversified economic opportunities that enable all the people of O‘ahu to attain meaningful employment and a decent standard of living.” Policy 2 under that objective encourages support for a wide range of business, including small businesses, that contribute to the economic and social well-being of the island’s residents. Further, Policy 6 encourages local markets for O‘ahu-based products. Relatedly, Objective C, Policy 3 seeks to increase market opportunities for local agricultural products.

Discussion: The subject project includes some commercial space, mainly targeting small businesses (potentially including health care offices such as chiropractor, dentist, and/or doctor), and a farmers market that would focus bringing local farm products to both the local community and visitors that frequent Hale‘iwa.

OGP Section III – Natural Environment and Resources Stewardship

In Section III, the OGP delves into "Natural Environment and Resources Stewardship," including Objective A that reads "To protect and preserve the natural environment." Specific policies follow from that, including:

> *Policy 4*
>
> *Require 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.*
>
> *Policy 9*
>
> *Increase tree canopy and ensure its integration into new developments, and protect significant trees on public and private lands.*

Discussion: Overall, the proposal is consistent with these policies because it is within the Community Growth Boundary, which was established giving natural features and hazards due consideration. It also incorporates design features to address natural features and hazards by, among other things, having an on-site wastewater management system that generates reusable water to irrigate canopy trees and other landscaping and is not sited near the shoreline.

OGP Section IV – Housing and Communities

The OGP devotes an entire chapter to the subject of housing. Section IV, "Housing and Communities," Objective A states it is CCH's policy "To ensure a balanced mix of housing opportunities and choices for all residents at prices they can afford." Specific policies follow from that, including:

> *Policy 3*
>
> *Encourage innovative residential developments that result in lower costs, sustainable use of resources, more efficient use of land and infrastructure, greater convenience and privacy, and a district community identity.*
>
> *Policy 11*
>
> *Encourage the construction of affordable homes within established low-density and rural communities by such means as 'ohana units, duplex dwellings, and cluster development that embraces the 'ohana concept by maintaining multi-generational proximity for local families.*
>
> *Policy 12*
>
> *Promote higher-density, mixed-use development where appropriate, including rail transit-oriented development, to increase the supply of affordable and market housing in convenient proximity to jobs, schools, shops, and public transit.*
>
> *Policy 13*
>
> *Encourage the production and maintenance of affordable rental housing.*

Objective C builds further on diversity of housing and states it is CCH’s policy “To provide residents with a choice of living environments that are reasonably close to employment, schools, recreation, and commercial centers, and that are adequately served by transportation networks and public utilities.” Several policies under Objective C further refine the policy to orient affordable, rental, and/or higher-density housing in proximity to employment centers with commercial, social, and recreational amenities in a manner that reduces the need to expand public infrastructure such as roads and utilities.

Discussion: Hale‘iwa is an established, rural, low-density community. By making a substantial contribution to the inventory of available rental apartments in close proximity to Hale‘iwa town center, the proposed project would be consistent with the policies of the OGP that encourage mixed-use, affordable housing at greater density near the employment and commercial opportunities in adjacent Hale‘iwa town center. The bulk of the rental units would be targeted to the gap income group, and a proportion of the units would be designed as affordable.[7] By providing rental units near the commercial hub of Hale‘iwa, the proposed project represents sustainable development by providing higher density housing in a way that minimizes vehicle trips. Thus, the project addresses the OGP’s housing objectives and policies.

OGP Section V – Transportation and Utilities

Much of this section of the OGP addresses government function and does not apply to private development projects. However, Objective B and its policies encourage the wise use of water, including responsible management and reuse of wastewater and storm water.

Discussion: The proposed development will include on-site measures to treat and reuse wastewater and retain storm water, allowing it to infiltrate rather than runoff. These measures directly address the OGP’s objectives and policies.

OGP Section VII – Physical Development and Urban Design

Section VII of the OGP addresses “Physical Development and Urban Design.” Object E seeks to maintain the characteristics of urban-fringe and rural areas (Hale‘iwa is considered a rural area) while encouraging, per Policy 5, “the development of a variety of housing choices including affordable housing in rural communities, to give people the choice to continue to live in the community that they were raised in,” and, per Policy 6, “infill development and modest increases in heights and densities around existing rural town areas where feasible to maintain an adequate supply of housing for future generations.”

Objective G in that section states “To promote and enhance the social and physical character of O‘ahu’s older towns and neighborhoods.” Policy 1 under that objective reads “Encourage new construction in established areas to be compatible with the character and cultural values of the surrounding community.”

Discussion: The proposed development will develop infill rental apartment housing in Hale‘iwa town center, where that type of development is rare. It will be designed to be compatible with the character and cultural values of the surrounding Haleiwa community, which it is intended to serve.

[7] The proportion of affordable units and the income class that they are reserved for will be established as the project advances through the permitting process.

4.3.3 North Shore Sustainable Communities Plan

The North Shore Sustainable Communities Plan (NSSCP; 2011) establishes the role of the North Shore in O'ahu's development pattern, which is to maintain the rural character, agricultural lands, open space, natural environment, and recreational resources and scenic beauty of the island's northern coast. The NSSCP proposed land use policies are intended to outline policies for future actions and agency decision-making. General policies are broad statements of intent that express the CCH's overall philosophy toward particular land uses and their effective management. Planning principles and guidelines provide more specific guidance in terms of planning, design, and implementation of projects and programs. The overarching theme of the NSSCP is that the North Shore region should remain relatively stable, and oriented toward maintaining and enhancing the region's ability to sustain its suburban and rural character and the relaxed lifestyle that flows from it. The following subsections discuss the proposed development's consistency with the policies and guidelines of the NSSCP.

Maintaining the Growth Boundary and Protecting Agriculture

NSSCP Section 2.2.1, titled "Maintain the Community Growth Boundary to Protect Agricultural, Open Space, and Natural Resources," states:

> *The North Shore is characterized by vast tracts of agricultural lands, open spaces, and natural and cultural resources. To protect these resources from development, the Community Growth Boundary was established to guide development and preserve open space and agricultural areas. It has remained fixed since it was first established in 2000, and no new development has occurred outside the Community Growth Boundary. The Community Growth Boundary has served as a valuable tool to guide resource management, future development or redevelopment within existing zoning designations or future zoning designations, and other standards or guidelines that have been developed in response to plan provisions, other established entitlements, or in accordance with pertinent policy and character described in this plan.*
>
> *The Community Growth Boundary defines, protects, and contains communities in areas which the General Plan designates "rural" and which exhibit the physical characteristics of rural lifestyles. The boundary provides adequate lands for facilities needed to support established communities, and protects such communities from more intense land uses and patterns of development associated with more urban areas. The Community Growth Boundary also preserves areas outside the boundary for agriculture or other resource or open space values. Where appropriate, the area within this boundary also contains open space elements considered essential to the character of the rural community being defined. Open space elements within the Community Growth Boundary may include lands designated "Park," "Agriculture," "Preservation," or areas with development-related hazards such as steep slopes or unstable soils.*

Discussion: As depicted in NSSCP maps (Exhibit 3), the proposed project site is within the Community Growth Boundary, the limits of which are described by the Joseph P. Leong Highway. Development on the project site would contribute towards preservation of active agricultural areas, maintain scenic open space features, and uphold the region's rural character.

While Section 2.2.1 of the NSSCP acknowledges that open space elements within the Community Growth Boundary may be designated for agriculture, there are several factors that make the subject parcel unsuitable for that use. First, the site’s proximity to concentrated urban development and activity, including residential uses and retail businesses in Hale‘iwa town center tends to inhibit the potential for intensive agricultural uses because there is no buffer between it and those urban uses. Second, when HDOT obtained the right-of-way for the Joseph P. Leong Highway the subject parcel was subdivided and isolated from larger, mauka agricultural parcels, thereby reducing the attractiveness of the subject site to large-scale farm operations. Third, the highway severed the site’s connection to the plantation-era agricultural irrigation system, further limiting the potential for agriculture on the subject parcel. The FEIS for the Hale‘iwa Bypass, which became to be known as Joseph P. Leong Highway, anticipated (Page IV-3) that:

> *“Construction of the bypass road … will create remnant parcels of sugar cane land on which cultivation will not be practical. … Though the remnant parcels are classified by the State and County as agricultural lands, the cessation of sugar cane production on these parcels could lead to their eventual conversion to urban use. The long-term result could be the urbanization of all the lands between Haleiwa Town and the bypass.”*

Finally, when the Joseph P. Leong Highway was being built in the early 1990s, the subject site was utilized as a staging area and, as detailed in Section 3.2.5, fill was placed on the site and the native, natural soil, which had been used for sugar cane production, is no longer present.

Promoting Hale‘iwa as a Country Town

NSSCP Section 2.2.4 titled “Promote Hale‘iwa and Waialua Towns as “Country Towns’,” states:

> *Hale‘iwa and Waialua Towns are the main commercial districts on the North Shore, each with different functions and distinct characteristics. The historic Hale‘iwa Town with its “main street” ambience is the region’s main commercial attraction for residents and visitors, while Waialua Town is a plantation town that primarily services the residents of Waialua and Mokulē‘ia.*
>
> *To maintain their rural “small town” character and to promote compact town development, the cores of both towns are designated as “country towns.” While the built environment within each town’s core reflects the town’s distinct historic character and the region’s rural landscape, both towns are celebrated for the unique mix of commercial, residential, and compatible industrial uses (such as small product or clothing manufacturing and assembly).*
>
> ***Hale‘iwa**. Hale‘iwa Town features a diverse mix of shops and restaurants, professional and service businesses, enterprises with art and recreational themes, and specialty outlets featuring regional products. Entry features into the town, landscaping, pedestrian walkways, and off- street parking behind buildings have spawned the town’s revitalization, and new developments are concentrated along Kamehameha Highway. The Hale‘iwa Special District Design Guidelines remain in force to ensure that all new development is compatible with existing built areas and the rural character of the region.*

Discussion: Within the Community Growth Boundary, the Haleʻiwa Country Town District is designated for a compatible mix of "commercial, service industrial and residential uses" which must also enhance and preserve the rural town context, while also allowing for a "diverse range of civic, retail, office, and light industrial uses that meet the needs of residents and visitors." The proposed project will add a mix of commercial and residential uses that complement the rural town context, including new multifamily housing (i.e., low-density apartment) in proximity to Haleʻiwa town centers.

Rezoning of the property, which is adjacent the North Shore Marketplace, from agricultural use to urban uses, is consistent with the Haleʻiwa Country Town guideline to concentrate new development near existing built areas emphasizing infill along Kamehameha Highway, makai of the Joseph P. Leong Highway. The proposed project is also consistent with Haleʻiwa Country Town guidelines; to consolidate off-street parking to areas behind buildings and encourage less pedestrian-dependent and conducive activities to locate behind or above commercial activities so as not to detract from the commercial retail character of Kamehameha Highway.

Directing New Housing

NSSCP Section 2.2.6, titled "Direct New Housing to Areas Contiguous to Haleʻiwa and Waialua Towns and Use Rural Design Guidelines for Rural Residential Development," states:

> *New residential development is located within designated areas adjoining Haleʻiwa and Waialua Towns, with additional "infill" on or contiguous to existing lots in previously developed residential areas. New housing consists of a range of housing types and prices, including affordable housing that is allowing local residents to stay in the area. Attached and multifamily housing forms which were not traditionally associated with the rural setting have been developed, and the higher densities have supported the development of affordable housing. In Waialua, new housing has replaced the former mill camp once located between the Mill and Puʻuiki Road, and expanded into the area mauka of the mill camp between Puʻuiki Road and Goodale Avenue. In Haleʻiwa, infill residential expansion has occurred north of Paʻalaʻa Road on lands outside the flood plain.*
>
> *Rural design guidelines and development standards have been adopted to ensure compatibility with the region's rural character and surrounding open space. Rural models such as the plantation community at Poamoho Camp, which is characterized by clusters of single-story dwellings with landscaping, narrow streets, and common parks and open spaces within the neighborhood, were used as examples to follow.*
>
> *In addition to guidelines to limit building heights and lot coverage in order to maximize open space and landscaping, low-impact development principles that promote sustainable building design and alternative development options that allow for site design flexibility, creative site utilization, and open space preservation were adopted. Rural streetscape design that minimizes pavement surfaces and allows for grassed swales in place of sidewalks with curbs and gutters, as opposed to more urban and suburban models, is considered appropriate. Where feasible and appropriate, existing plantation homes were rehabilitated in a manner which allows them to be affordable to existing residents.*

NSSCP Section 3.5 addresses residential communities. It reinforces the need for different types of housing by stating:

> *Faced with a shortage of rental housing units, many residents who depend on rental housing are no longer able to afford to live on the North Shore and are moving to other parts of O‘ahu.*
>
> *Attached, multifamily housing development concentrated around Hale‘iwa and Waialua Town centers is desired to ensure affordable and appropriately priced housing for existing residents, including low- and moderate-income groups and the “gap group.”*
>
> *Housing forecasts prepared by the Department of Planning and Permitting indicate the need for an additional 1,504 housing units by the year 2035 to support the projected population growth.*

The NSSCP residential communities policies that are applicable to the proposed project are:

- Direct future residential development to Hale‘iwa and Waialua within the Community Growth Boundary, including new apartment districts adjacent to Hale‘iwa and Waialua Towns where increased densities that address affordability may be desired, subject to community and agency review.
- Preserve and protect the rural character and natural features and setting of the North Shore by establishing appropriate development and subdivision standards for buildings, roadways and infrastructure systems, in contrast to existing urban standards. Incorporate rural standards that require development to be sensitive to and have minimal impact on the area’s rural character.
- Provide a mix of housing types and prices to meet the needs of existing residents, including accommodations which are affordable to low- and moderate-income, gap group, and elderly households, and other special needs populations.
- Ensure safe and efficient circulation networks that provide bicycle and pedestrian travel between residential areas and neighborhood destinations such as schools, parks and neighborhood commercial facilities.
- Support the development of sustainable communities through the use of low-impact development principles and technologies.

The NSSCP guidelines indicate that “low-density apartment” uses would have 10-20 units/acre with the buildings not over 3 stories/40 feet tall. It also states that new apartment districts may be allowed adjacent to Waialua and Hale‘iwa town centers subject to review for compatibility with surrounding uses. Furthermore, it encourages the following that are considered applicable to the proposed project:

- Smaller building footprints, less lot coverage, and greater open space than encountered in more urbanized areas.
- In low-density apartment developments, employ building form, orientation, location of entries and landscape screening that reflects single-family residential character and provides greater privacy and individual identity for housing units.

- Alternative development patterns such as clustering and traditional compact layouts to preserve open space and minimize infrastructure demands.
- Plantation style architecture.
- Relatively narrow roadway widths and minimal amount of paved driveway surfaces.
- Rural-oriented landscaping and fencing.

Discussion: The proposed project is consistent with these policies and guidelines which emphasize the importance of maintaining the Community Growth Boundary and directing the development of new housing units, including new apartment districts, to areas in and around Hale‘iwa where increased densities, including rental units, may be desired. The project will provide rental housing to meet the needs of existing residents who desire additional housing options. The development will provide bicycle and pedestrian travel options for residents and use LID.

The proposed design of the apartment structures is consistent with NSSCP guidelines since structures do not exceed three stories and are intended to be low-rise, plantation style architecture with building heights below 40 feet. The proposed development unit density, currently at approximately 20 to 20.7 units per acre, is at or slightly higher than the upper range suggested in the NSSCP low-density apartment guideline. Given the size of the project parcel (7.525 acres) and the floor area ratio (FAR) allowed on a site of this size in the A-1 low-density apartment zoning district per the LUO (FAR = 0.9), the higher end of the NSSCP range is appropriate.

The unit density represents a compact development that preserves open space and minimizes infrastructure demands. The applicant also intends to implement low-impact development (LID) principles and technologies and believes that the density and compact development is itself a LID principle and allows for the integration of other LID technologies, such as water reuse.

Although the proposed project will primarily consist of market priced rental units, it is the applicant’s intent to target the moderate-income, gap group. The residential units will not be luxury units. The applicant is also considering a portion of the project being for elderly households.

Future Hale‘iwa Backyards residents will have relatively easy access to neighborhood destinations such as schools, parks and commercial facilities. All of these facilities, except for middle and high schools, are less than a mile from the project site. The project site itself will include some neighborhood commercial facilities. The proposed project is situated nearer to these facilities than many residential uses in this rural area. As such, it is envisioned that the proposed project will provide benefits by reducing the number and length of vehicle trips to access these facilities.

Commercial Areas

Section 3.6 of the NSSCP addresses commercial areas. The policies that are applicable to the proposed project are:

- Ensure that commercial uses are appropriately scaled to be compatible with the region’s rural character and surrounding land uses, with an emphasis on locally-owned small businesses. Maintain Hale‘iwa as the region’s primary commercial center and visitor attraction, with Waialua Town serving the local community.

- Promote pedestrian, bicycle, and transit access.
- Promote compatibility between the building mass of a commercial area and its rural and natural setting. The architectural character and scale of commercial areas should respect the surrounding rural and natural features, particularly when located adjacent to a residential area or significant natural or historic feature.
- Emphasize environmental compatibility in the development and operation of commercial areas. Direct commercial enterprises to locate within existing commercial districts, and utilize sustainable building design and resource conservation measures as much as possible, including the use of solar panels, passive solar design strategies, landscaping features, and water constrictors, as well as on-site collection/storage areas to encourage individual property owners to recycle.

The project site is within the Hale‘iwa Country Town area, which is the largest commercial area in the NSSCP area and is meant to serve both area residents and visitors. The country town, unlike larger urban areas elsewhere on O‘ahu, is expected to be compact, small scale, and be in close proximity to other land uses. Specific policies and guidelines associated with the Hale‘iwa Country Town that are applicable to the project include:

- Preserve and enhance the historic rural “small town” character and allow for a compatible mix of commercial, service industrial and residential uses that complement the rural town context. Encourage multifamily housing (low-density apartment districts) and housing for resident senior citizens in close proximity to both Hale‘iwa and Waialua town centers.
- Ensure that architectural and landscaping features are compatible with the rural character.
- Limit building heights to two stories, and employ building design elements which reflect the architectural characteristics of the early 1900-period architecture identified in the Hale‘iwa Special District Design Guidelines.
- Concentrate new development near existing built areas emphasizing redevelopment and infill along Kamehameha Highway, makai of the Hale‘iwa Bypass Road (Joseph P. Leong Highway). Provide adequate landscaped buffer adjacent to the bypass.
- Ensure that commercial uses adjoining the Kamehameha Highway corridor include support facilities such as parking lots and rest rooms that can adequately accommodate the planned commercial activities.

Discussion. Within the Community Growth Boundary, the proposed project will add a mix of commercial and residential uses that complement the rural town context, including new multifamily housing (low-density apartments) in close proximity to Hale‘iwa town center. Rezoning of the property, which is adjacent the North Shore Marketplace, from agricultural use to urban uses, is consistent with the Hale‘iwa Country Town guideline to concentrate new development near existing built areas emphasizing redevelopment and infill along Kamehameha Highway, makai of the Joseph P. Leong Highway. The proposed project is also consistent with Hale‘iwa Country Town guidelines; to consolidate off-street parking to areas behind buildings and encourage less pedestrian-dependent and conducive activities to locate behind or above

commercial activities so as not to detract from the commercial retail character of Kamehameha Highway.

The commercial building components of the proposed project will comply with the design guidelines in the plan. They will not exceed two levels and will employ architectural characteristics consistent with development in the area. The design also provides a landscaped buffer from existing development along Kamehameha Highway and Joseph P. Leong Highway. The landscaped buffer will include grass, shrubs, and canopy trees. A fence will be erected along the boundary of the site with Joseph P. Leong Highway.

Transportation Policies and Guidelines

The NSSCP includes the following policies and guidelines associated with transportation systems:

> *The following are policies for transportation systems on the North Shore.*
>
> > *Retain both Kamehameha Highway and Farrington Highway as two-lane thoroughfares, to maintain the North Shore's rural character.*
> >
> > *Improve mobility and connectivity between residences, jobs, shopping, and recreation areas on the North Shore.*
> >
> > *Ensure that existing regional roadways are adequate to accommodate proposed development proposals, prior to the construction of such developments.*
>
> *The following guidelines relate to transportation systems for the North Shore.*
>
> > *Provide pedestrian-friendly walkways, off-street parking, bus pull-outs, tour bus maneuvering areas, and drainage improvements in Hale‘iwa Town.*

Discussion: Kamehameha Highway can remain as a two-lane thoroughfare after the proposed project is developed. This is discussed in detail in Section 3.6.7. The proposed development addresses the policies and guidelines by being sited within walking and biking distance of commercial and recreational areas and providing off-street parking in compliance with the LUO.

4.3.4 Hale‘iwa Special District

The proposed development is located entirely within the Hale‘iwa Special District. The Special District guidelines are provided to guide aesthetic and architectural aspects of project development. The project design and architecture will comply with the Hale‘iwa Special District guidelines and will be covered in a future Hale‘iwa Special Design District Permit (Major) application.

Design controls for the Hale‘iwa Special District, set forth in Section 21-9.90-4, ROH, deal primarily with the development of buildings, structures, landscaping, parking and architectural design requirements. The objectives of the Hale‘iwa Special District are set forth in Section 21-9.90-1, ROH. A brief discussion on how the Project meets the objectives of the Hale‘iwa Special District is provided below.

A. *Preserve and enhance Haleiwa's existing rural low-rise, human–scaled form and character, especially along Kamehameha Highway and Haleiwa Road.*

Although it will not be substantially visible from Kamehameha Highway or Hale‘iwa Road, all buildings, structures, landscaping, parking and architectural design elements of the development will be in conformance with the Hale‘iwa Special District design controls intended to maintain Hale‘iwa’s existing rural low-rise, human-scaled form and character.

B. *Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural and/or architectural significance, and encourage new development that is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features and subdued materials and plantation color schemes.*

The project parcel does not contain any scenic resources, historic or archaeological resources. The proposed project would be considered “new development.” It is considered compatible and complementary with the community because it is within the Community Growth Boundary and Hale‘iwa Country Town area where infill development is encouraged. The development will consist of one-story and two-story buildings with appropriate architectural elements intended to maintain Hale‘iwa’s rural low-rise, human-scaled form and character. It will also utilize color schemes that are consistent with the area’s plantation history.

C. *As entry points to Haleiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.*

The project will not impact entry points to Hale‘iwa.

D. *Encourage new development which will complement the significant physical features, waterways, open space, mature trees and sites in Haleiwa.*

The design will be in conformance with the Hale‘iwa Special District design controls that were established to provide a baseline for complying with this objective. The project site does not have any significant physical features, waterways, mature trees, or historic sites. The project will not adversely affect open space as it is within the Community Growth Boundary where infill is encouraged,

E. *Retain a distinctive pedestrian-oriented commercial area for residents and visitors.*

The proposed project is in close proximity (i.e., walking distance) to employment within Hale‘iwa Town Center and recognizes that being in such close proximity to Hale‘iwa’s Town Center, renters will be able to walk to work, and/or ride their bikes to work. Similarly, schools and parks are within walking or biking distance of the project. The apartment buildings are designed with interior pedestrian sidewalks and bike sharing of streets for residents.

F. *Provide for safe and pleasant pedestrian and vehicular circulation.*

The development will have complete streets with pedestrian facilities to connect residents to new commercial areas and to Hale‘iwa Town. Sufficient and well-regulated vehicular circulation will be provided by having access from Kamehameha Highway to the development on both the south and north ends.

G. *Enhance the attractiveness and general landscaped open space character of the area.*

Landscaping design elements will be designed in conformance with the Hale‘iwa Special District design controls intended to maintain Hale‘iwa’s existing rural low-rise, human-scaled form and character. Landscaping will consist of grass, shrubs, and canopy trees.

H. Preserve and enhance significant views in Haleiwa, especially those of the Waianae Range and of the ocean from Haleiwa Beach Park, within the highly developed and heavily traveled areas.

Views from Hale‘iwa Beach Park will not be affected by the project. Views within highly developed and heavily traveled areas in Hale‘iwa Town will not be impacted by the Project. As such, significant views will be preserved and enhanced.

I. Provide public improvements such as roadways, street lights, street furniture and signage compatible with the rural character of the community, rather than at conventional urban standards.

All roadway, streetlight, street furniture and signage improvements will be developed in conformance with the Hale‘iwa Special District design controls intended to maintain Hale‘iwa’s existing rural low-rise, human-scaled form and character. The roadways will be designed to comply with complete street guidelines applicable to the minor rural streets that they will be.

Should this SLUDBA be approved, the applicant will seek a Zone Change and a Hale‘iwa Special District permit. At that time the project design will be further developed to provide greater specificity and drawings that illustrate compliance with the special district objectives.

4.3.5 HRS Chapter 205A, the Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) of 1972 (16 USC 1451 et seq.) encourages coastal states to protect coastal resources consistent with the state’s coastal zone management program. The objectives of the Coastal Zone Management (CZM) Program are to provide the public with recreational opportunities, protect historic resources, protect scenic and open space resources, protect coastal ecosystems, provide facilities for economic development, reduce hazards and manage development.

Within Hawai‘i, the CZM program was authorized by HRS Chapter 205A, and is administered by the Office of Planning within the State of Hawai‘i Department of Business, Economic Development, and Tourism (DBEDT). Actions anywhere within the State of Hawai‘i must comply with the CZM program. The proposed development is not anticipated to have adverse impacts on the area’s recreational opportunities, historic resources, scenic and open space resources, or coastal ecosystems. CZM program objectives (HRS 205A) and applicability to the proposed improvements to Kahekili Highway are discussed below:

Recreational Resources

Objective:

Provide coastal recreational opportunities accessible to the public.

Policies:

A) Improve coordination and funding of coastal recreational planning and management; and

B) Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:

i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;

iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;

iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;

v) Ensuring public recreational use of county, state and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;

vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;

vii)Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and

viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of Section 46-6.

Discussion:

The proposed project will not affect any parks or areas utilized for recreational activities. The proposed project will comply with applicable rules and regulations designed to control or reduce pollution, including point and non-point source water pollution, to conserve both the natural resources and the recreational value of the coastline.

Historic Resources

Objective:

Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

A) Identify and analyze significant archaeological resources;

B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

C) Support state goals for protection, restoration, interpretation, and display of historic resources.

Discussion:

The proposed project will be constructed in keeping with the guidelines and objectives of the aforementioned objective and policies. An Archaeological Assessment (AA) with surbsurface testing was conducted on the project parcel on November 10 and 11, 2014. Because the property has been disturbed by plantation-era agricultural activities and used during the construction of the adjacent Joseph P. Leong Highway in the 1990s, there are no structures or artifacts on the surface of the property and no significant resources were encountered in the subsurface.

The State Historic Preservation Division (SHPD) reviewed the AA in accordance with HRS Chapter 6E-42. The AA report (Sims et al. 2015) was reviewed and accepted by SHPD on February 19, 2015. Based on the information contained within the AA, SHPD concurred with a determination that no historic properties will be affected by the proposed project (Attachment 2).

Scenic and Open Space Resources

Objective:

Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

A) Identify valued scenic resources in the coastal zone management area;

B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

D) Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion:

The project is not anticipated to have a significant negative impact on scenic viewplanes or scenic resources in the vicinity of Hale‘iwa Town. The development’s apartment structures will be partially visible when traveling in either direction along Joseph P. Leong Highway and through gaps in structures when traveling along Kamehameha Highway through Hale‘iwa town. Structures in the north section of the site, which has a higher elevation, will be more visible. These intermittent views will be buffered by landscaping. Furthermore, all structures will be designed in accordance with design guidelines for the Hale‘iwa Special District, making them compatible with the rural character of Hale‘iwa.

Coastal Ecosystems

Objective:

Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

B) Improve the technical basis for natural resource management;

C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Discussion:

The proposed project will be consistent with these policies. To minimize degradation to the water quality of near-shore waters, BMPs would be implemented during the construction phase of the project. Such measures will comply with the City’s Erosion and Sedimentation Control regulations. Drainage will be designed to maintain acceptable drainage patterns.

Although the project area does not include stream or wetland habitats, it is close to several wetland areas (within 0.5 miles). These wetlands support several species of endangered waterbirds. There is a remote possibility that construction activities could impact the water quality of the nearby Hale‘iwa Marsh and coastal waters. BMPs will be implemented to minimize risk of siltation and pollution through stormwater runoff during construction.

Economic Uses

Objective:

Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

A) Concentrate coastal dependent development in appropriate areas;

B) 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 in the coastal zone management area; and

C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

i) Use of designated locations is not feasible;

ii) Adverse environmental effects and risks from coastal hazards are minimized; and

iii) The development is important to the State's economy.

Discussion:

The proposed project will be consistent with these policies. Economic and fiscal impacts associated with the project will include the creation of temporary construction, real estate, legal, engineering, insurance, retail, and other long-term employment opportunities. New employment opportunities will be created by the additional 30,000 gross square feet of commercial space proposed. New retail establishments will need employees. Local artisans and farmers will be able to sell products in the farmers market proposed. The proposed development will increase property tax revenue to the City and County and general excise tax revenue to the State.

Coastal Hazards

Objective:

Reduce hazard to life and property from coastal hazards.

Policies:

A) Develop and communicate adequate information about the risks of coastal hazards;

B) Control development, including planning and zoning control, in areas subject to coastal hazards;

C) Ensure that developments comply with requirements of the National Flood Insurance Program; and

D) Prevent coastal flooding from inland projects.

Discussion:

The project site is roughly 0.3 miles from the nearest shoreline and its lowest elevation is roughly 15 feet. It is not within the Sea Level Rise Exposure Area (SLR-XA); at 3.2 feet of sea level rise the nearest extent of the SLR-XA is roughly 900 feet to the north. The project site is in Flood Zone X (Exhibit 19), which is an area that has been determined to be outside the 0.2% annual chance floodplain and outside of the 500-year floodplain. Based on modeling conducted by the National Hurricane Center, the project site is not expected to be affected by storm surge during a category 4 hurricane. According to the State Civil Defense Tsunami Evacuation Zone maps, the subject property is not within a Tsunami Evacuation Zone but is within the Extreme Tsunami Evacuation Zone.[8] Based on these factors, it is unlikely that the project will be directly impacted by coastal hazards.

The design of the proposed project will conform to all regulatory requirements to ensure adequate and proper storm drainage and erosion control. BMPs will be implemented during construction and, as discussed in Section 3.6.6, storm water will be managed on site so that surrounding properties are not adversely affected by runoff.

Managing Development

Objective:

Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Discussion:

The proposed project will be consistent with these policies. The property is entirely located within the NSSCP's "Community Growth Boundary" and "Country Town District" designations, which were developed with amply community input during the preparation of the NSSCP. The potential impacts of the proposed project, both short and long term, were disclosed to the public during the EA process discussed in Section 3.8. The applicant will continue to seek the required approvals, which will involve a lengthy review process and several opportunities for public participation.

[8] An "extreme tsunami" is a tsunami that could result from a new class of seismic event that has been modeled but not observed historically.

Public Participation

Objective:

Stimulate public awareness, education, and participation in coastal management.

Policies:

A) Promote public involvement in coastal zone management processes;

B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Discussion:

The project will comply with the guidelines in the NSSCP, which was developed with amply community input. The public was made aware of the project during the EA process discussed in Section 3.8. The applicant will continue to seek the required approvals, which will involve a lengthy review process and several opportunities for public participation.

During the EA process, the proposed project was presented to the North Shore Neighborhood Board No. 27, at their February 2015 meeting. At least one additional presentation will be made to the neighborhood board prior to submitting the Zone Change application for the proposed project.

Beach and Coastal Dune Protection

Objective:

(A) Protect beaches and coastal dunes for: (i) Public use and recreation; (ii) The benefit of coastal ecosystems; and (iii) Use as natural buffers against coastal hazards; and

(B) Coordinate and fund beach management and protection.

Policies:

A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

D) Minimize grading of and damage to coastal dunes;

E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

Discussion:

The project site is roughly 1,600 feet (0.3 mile) from the nearest shoreline and its lowest elevation is roughly 15 feet. There are no beaches or coastal dunes on or near the project site. The project will not result in any shoreline hardening, restrict access to the shoreline, or create a public nuisance.

Marine and Coastal Resources

Objective:

Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Policies:

A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Discussion:

The project will be consistent with these policies. The project will avoid any negative effects to marine and coastal resources and will incorporate appropriate low-impact development measures (Section 3.6.6) to minimize impacts to streams and near-shore waters.

4.3.6 HRS Chapter 205-3.5

This section of the HRS provides approval conditions for the reclassification of land contiguous to an agricultural district. The proposal is to reclassify lands from agricultural district to urban district. As shown on Exhibit 2, lands to the north, east, and south of the project site are within the agricultural district; this includes Joseph P. Leong Highway to the east. Currently these lands are fallow and undeveloped or occupied by roadways. The Applicant understands that the conditions outlined in HRS Chapter 205-3.5 will apply should the proposed reclassification be approved. The proposed development will not prevent or infringe on the continuation of farming operations on the neighboring parcels within the Agricultural District.

4.3.7 ROH Chapter 21, Land Use Ordinance

Should this SLU amendment be approved, the applicant will seek a Zone Change via the DPP-managed approval process. As outlined in the EA, the proposal would be to rezone the site from P-2 General Preservation (which is the zoning over the driveway (‘Ōpae‘ula Road) off Kamehameha Highway) and AG-1 (which is the zoning over the bulk of the site) to B-1 Neighborhood Business and A-1 Low-Density Apartment. The proposed project remains conceptual in nature and may be adjusted during the permitting process to address comments and conditions imposed and in response to market needs; therefore, detailed figures regarding compliance with the LUO are not provided at this time.

The applicant is confident that the proposed development can comply with applicable provisions of the LUO, including setbacks, lot coverage, floor area ratio, parking, and others. The concept, as shown in Exhibit 7, does comply with the LUO. Specific LUO development standards are summarized in Table 16.

Table 16: LUO Development Stardards

Development Standard	A-1 District	B-1 District
Minimum lot area (square feet)	7,500	5,000
Front yard (feet)	10	10
Side and rear yards (feet)	10	0
Maximum building area (% of zoning lot)	40%	No standard
Maximum height (feet)	30	40
Maximum floor area ratio (FAR) density (% of zoning lot)	90%	100%
Off-street parking	1/1,000 square feet of floor area	1,1,000 square feet
Bicycle parking	Required	Required

4.3.8 ROH Chapter 21A, Flood Hazard Areas

The project site is in Flood Zone X (Exhibit 19), which is an area that has been determined to be outside the 0.2% annual chance floodplain and outside of the 500-year floodplain. Therefore, no provisions of ROH Chapter 21A apply to the project.

4.3.9 ROH Chapter 25, Special Management Areas

The project site is not in the Special Management Area (SMA). The site is roughly 400 feet from the SMA (Exhibit 23). Therefore, the provisions of ROH Chapter 25 do not apply to the project site.

4.3.10 ROH Chapter 26, Shoreline Setback

The project site is not a shoreline lot. The project site is roughly 1,600 feet from the shoreline. Therefore, the site is well beyond any shoreline setback and ROH Chapter 26 does not apply.

4.3.11 Public Infrastructure Map

The North Shore Public Infrastructure Map (PIM) is available at https://www.honolulu.gov/rep/site/dpp/pd/pd_docs/PIM_NS.pdf. The PIM and Resolution 13-61 (http://www4.honolulu.gov/docushare/dsweb/Get/Document-136009/7q7gg0tx.pdf) indicate that a public parking facility may be developed on the project site. The resolution indicates that the addition of the public parking facility to the PIM was necessary for the City Council to appropriate land acquisition or construction funds for such a public parking facility. The addition of the public parking facility symbol to the PIM does not require that such a facility be developed. The City Council has not made any appropriations since the resolution was approved over 11 years ago. The Applicant has reached out to city representatives to assess the likelihood of a public parking facility on the project site being funded. The responses suggest that it is unlikely that such funds will be appropriated. Therefore, the 100 public parking stalls that had been included in previous project plans, including the project as presented in the Environmental Assessment (Section 3.8), have been removed.

4.3.12 HRS Chapter 6E, Historic Preservation

An Archaeological Assessment (AA) with subsurface testing was conducted at the project site. The subsurface testing consisted of six test trenches across the project parcel on November 10 and 11, 2014. Because the property has been disturbed by plantation-era agricultural activities and used during the construction of the adjacent Joseph P. Leong Highway in the 1990s, there are no structures or artifacts on the surface of the property and no significant resources were encountered in the trenches.

The State Historic Preservation Division (SHPD) reviewed the AA in accordance with HRS Chapter 6E-42. The AA report (Sims et al. 2015) was accepted by SHPD on February 19, 2015. SHPD stated in a letter dated May 26, 2015 (Attachment 2) that "no historic properties will be affected by the proposed zone change." SHPD then wrote a letter dated November 13, 2015 (Attachment 2), stating that "SHPD's determination is no historic properties affected for the proposed development project."

Once this application has been accepted by DPP, the applicant will send it to SHPD with a request for review and confirmation that its previous findings remain valid.

4.3.13 Climate Change/Sea Level Rise

There are several guidance documents associated with the impacts of climate change/sea level rise that make recommendations concerning the planning and design of projects, especially public infrastructure projects and other projects with low tolerance for risk. The potential risks to the project posed by sea level rise are addressed in the Coastal Hazards subsection of Section 4.3.5, which addresses consistency with CZM objectives and policies.

In a letter dated January 17, 2023, to the Mayor and City Council, the City and County of Honolulu’s Climate Change Commission updated their sea level rise guidance to say that (*i*) the minimum planning and policy benchmark should be 3.8 feet of sea level rise by 2100, which can be approximated using the 3.2 foot SLR-XA currently available; and (*ii*) the planning and design of public infrastructure projects and other projects with low tolerance for risk planning and policy benchmark should be 5.8 feet of sea level rise by 2100. As the project site is roughly 0.3 miles from the nearest shoreline, its lowest elevation is roughly 15 feet, and it is outside of the 3.2 foot SLR-XA, it is not anticipated that the project will be threatened by sea level rise over its design life.

4.4 Suitability of the Subject Property to Address the Need

This is the fourth, and last, Planning Commission criteria. Hale‘iwa Backyards believes that the subject property is unique in its suitability to satisfy the demand for low-density apartment units and commercial space in Hale‘iwa Town, and the North Shore more broadly. The following factors demonstrate its suitability:

- It is within the NSSCP’s Community Growth Boundary and Hale‘iwa Town area (Section 4.3.3 and Exhibit 3) and is consistent with applicable land use plans, policies, and controls.
- It is a large parcel, which is no longer suitable for agricultural use (Section 3.2.5), that is:
    - Adjacent along its long-axis to business, residential, and industrial zoned parcels in Hale‘iwa Town.
    - Due to its proximity to Hale‘iwa Town, future residents will not be vehicle dependent for all their trips. Commercial areas, services, parks/beaches, and some schools are within walking and/or bicycling distance.
    - Has vehicular access at both the north and south ends of the parcel. The north access is directly to Kamehameha Highway and the south access is a well-established private road that provides access to Kamehameha Highway without impacting existing land uses.
- It is not in a hazard zone, including flood hazard zone and SLR-XA.
- As documented in the FEA, the proposed project would not result in a significant adverse environmental impact.

This combination of factors is unusual, and nearly unique, in the region. Most other undeveloped parcels within the Hale‘iwa town area remain suitable for agricultural use or are in flood hazard zones. Given site conditions and consistency with plans, this project is highly suitable to addressing the need for housing, with some commercial use, on the North Shore.

4.5 Public Outreach Efforts

4.5.1 North Shore Neighborhood Board No. 27

The proposed project was presented to the North Shore Neighborhood Board No. 27, at their February 2015 meeting. At the meeting, the Board voiced support for proposed infill and zone changes that retain the country character of Hale‘iwa Town. The Board took action to oppose zone changes that would not be consistent with the country character of Hale‘iwa Town, including but not limited to BMX-3 zoning.

On February 2, 2024, the Applicant updated the North Shore Neighborhood Board and agreed that the Applicant would return to the board prior to submitting the zone change application. At that time, the Applicant will notify the community in advance of the board meeting and provide a presentation concerning the project.

4.5.2 Pre-Assessment Consultation

As part of the HRS, Chapter 343 environmental review process, pre-assessment consultations comments were solicited from government agencies and organizations. Comments received are included in Appendix A of the FEA-FONSI.

More recently, the Applicant met with DPP staff on September 26, 2023.

4.5.3 Draft EA Consultation

As part of its public outreach for the proposed project, Hale‘iwa Backyards, LLC provided the DEA to the agencies, organizations, and individuals listed in Table 17 with a request for review and comment. Comments received on the DEA, along with the responses provided by the Applicant, are included in Appendix A of the FEA-FONSI.

Table 17: Parties That Were Sent the DEA for Review

Agency, Organization, or Individual
U.S. Department of Agriculture
U.S. Army Corps of Engineers
U.S. Department of Agriculture, Natural Resources Conservation Service
U.S. Fish and Wildlife Service
U.S. Environmental Protection Agency
Office of Hawaiian Affairs
State Department of Accounting and General Services
State Department of Agriculture
Department of Business, Economic Development & Tourism
Office of Planning and Sustainable Development
State Department of Defense
State Department of Education

Agency, Organization, or Individual
State Department of Health
Department of Land and Natural Resources (DLNR)
DLNR State Historic Preservation Division
State Department of Transportation
Board of Water Supply
City and County Department of Community Services
City and County Department of Design and Construction
City and County Department of Environmental Services
City and County Department of Facility Maintenance
City and County Department of Planning and Permitting
City and County Department of Parks and Recreation
City and County Department of Transportation Services
Honolulu Fire Department
Honolulu Police Department
North Shore Neighborhood Board No. 27
Honolulu City Council
Hawaiian Electric Company, Inc.
U.H. Water Resources Research Center
Hawai‘i State Library
The Honorable Gil Riviere
The Honorable Feki Pouha
The Honorable Ernest Y. Martin
Hale‘iwa Community Association
North Shore Chamber of Commerce
Adjacent Landowners

Source: SSFM (2016)

5.0 KA PA‘AKAI ANALYSIS

Measures undertaken to inform the Ka Pa‘akai analysis have included the following:

- An Archaeological Assessment (AA) was prepared for the proposed project and is provided in Appendix C of the FEA-FONSI. That document provides a review of mo‘olelo, early land use, post-contact history, and other archaeological investigations in the area.
- Publicly available reports concerning traditional and customary practices in the area were reviewed. This included a FEA-FONSI, Cultural Impact Assessment (CIA), and Archaeological Inventory Survey (AIS) prepared for Kamehameha School’s Hale‘iwa Commercial Redevelopment project. That project is on the west side of Kamehameha Highway, north of the ‘Ōpae‘ula Road intersection, essentially kitty-corner from the Hale‘iwa Backyards project. That project’s conclusion was that it would not adversely affect Native Hawaiian or other ethnic groups’ cultural practices customarily and traditionally exercised for subsistence, cultural, or religious purposes.
- Outreach to Native Hawaiian organizations (NHOs) was conducted. This effort began with a letter being sent to four NHOs on June 21, 2024. The four NHOs were selected because it was believed that they may have knowledge regarding cultural practices in

the project area. The letter requested a response by July 19, 2024. This effort included the following (copies of correspondence is provided in Attachment 6):

- Office of Hawaiian Affairs (OHA). A letter seeking input was emailed to OHA on June 21, 2024. No response has been received.
- Aha Moku Council. A letter seeking input was emailed to David (Kawika) Au, the Waialua Moku representative on the council, on June 21, 2024. Mr. Au responded, requesting more information, on June 21, 2024, and Mr. Hayes provided the requested information later that day via email. No further response has been received.
- Waialua Hawaiian Civic Club. A letter seeking input was mailed to the civic club on June 21, 2024. No response has been received.
- Kamehameha Schools. A letter seeking input was emailed on June 21, 2024, to Ms. Hilarie Alomar, Kamehameha Schools' Planning & Development Director, who is associated with projects in Haleʻiwa. Ms Alomar responded, requesting more information, on June 21, 2024, and Mr. Hayes provided the requested information on June 22, 2024, via email. No further response has been received.

5.1 Identification of Traditional and Customary Practices in Project Area

This first step in the assessment is to ascertain what, if any, traditional and customary practices occur in the project area. The AA discusses that the project site was likely too far inland to have been used for loʻi agriculture or fishponds, which were prevalent in the coastal areas of Paʻalaʻa and Kawailoa Ahupuaʻa, or support a substantial traditional population. The AA did not identify any historic properties at the project site that could have been associated with traditional and customary practices; the only historic site was the Cane Haul Road, which is associated with past plantation agriculture by the Waialua Sugar Company. The historic uses of the site, discussed in Section 3.4, do not suggest the presence of any traditional and customary practices at the project site. The State Historic Preservation Division (SHPD) reviewed project information and in a letter dated May 26, 2015 (Attachment 2) and stated that "no historic properties will be affected by the proposed zone change." SHPD then wrote a letter dated November 13, 2015 (Attachment 2), stating that "SHPD's determination is no historic properties affected for the proposed development project."

The studies prepared for the Kamehameha Schools' Haleʻiwa Commercial Redevelopment project identified two historic properties and eight historic structures, over fifty years old, that were still in use:

- Loʻi (irrigated pond-field) agricultural sediments in the subsurface of the western half of their project area.
- A group of five historic concrete foundations in the southern half of their project area. The function of the foundations is unknown, and it is believed that they date to the early 19th century.
- The eight historic buildings included the M. Yoshida Store-North Building, M. Yoshida Store-South Building, Matsumoto Store, Matsumoto Storage Room, Matsumoto

House, House of Restoration Church, Aoki Store, and Iwa Gallery. These buildings represent some of Haleʻiwa's original commercial center during the plantation era.

The CIA prepared for the Haleʻiwa Commercial Redevelopment project identified the Liliuokalani Protestant Church as a community resource. The church is immediately north of ʻŌpaeʻula Road, which is part of the proposed Haleʻiwa Backyards project area, and across the highway from the Haleʻiwa Commercial Redevelopment project. Queen Liliuokalani had a residence in the area and attended the church when she was in the area. The Queen gifted a clock to the church that she was given in 1892 at the Queens' Jubilee in England. The church site was reportedly the former location of the Kepūwai haiau. The haiau was completely destroyed in the distant past. The use of the former haiau grounds for the church and cemetery represent a "noteworthy transformation of ritual use." Current protestant religious practices are not considered traditional and customary practices.

The Applicant has owned the proposed Haleʻiwa Backyards project site for over 10 years and has never (*i*) observed individual or groups visiting the site as part of their traditional and customary practices, (*ii*) been told that the site was previously used for traditional and customary practice, or (*iii*) been asked for access to the site by a member of the community to engage in a traditional and customary practice.

None of the NHOs contacted during the preparation of this application identified any traditional and customary practices that may be occurring at the project site.

5.2 Identification of Impacts to Traditional and Customary Native Hawaiian Rights

The second step of the Ka Paʻakai process is to assess the extent to which traditional and customary practices and native Hawaiian rights will be affected or impaired by the proposed project. Because no traditional and customary practices are believed to occur on the project site, no impacts to such practices are anticipated. Similarly, the project is not anticipated to have an impact on native Hawaiian rights.

The CIA prepared for the Haleʻiwa Commercial Redevelopment project came to a similar conclusion. That CIA indicated that while the Waialua region was rich in legends, stories, proverbs, myths, and cultural features, the Haleʻiwa Commercial Redevelopment project would not have an adverse effect on the cultural practices customarily and traditionally exercised for subsistence, cultural, or religious purposes. The two projects, Haleʻiwa Backyards and Haleʻiwa Commercial Redevelopment, are similar in nature and location.

5.3 Feasible Action to Reasonably Protect Native Hawaiian Rights

The third step of the Ka Paʻakai framework aims to identify "[t]he feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist." Because no traditional and customary practices and native Hawaiian rights will be affected or impaired by the proposed project, no actions are deemed necessary to project native Hawaiian rights. Nevertheless, in light of the region's rich history, the following measures will be employed:

- Should cultural materials, including burial sites, artifacts, and subsurface cultural layers, be identified during ground disturbance, all work in the immediate area would

cease and the appropriate agencies notified, as required by HRS Chapter 6E-43.6 and other applicable law.

- It is understood that members of the community appreciate the rural scale and character of the area and believe it should be preserved. Therefore, the proposed project will comply with applicable design guidelines and obtain a Hale‘iwa Special District permit.

6.0 APPLICATION FEE

DPP retained the check provided with the previous application. We request that DPP utilize that check to cover the fees for this revised application. The fee was calculated as $700 plus $300 per acre of the project site, or fraction thereof (0.5 acre or greater), for a total fee of $2,800.

Attachment 1. Land Use Permits Division Master Application Form

City and County of Honolulu
DEPARTMENT OF PLANNING AND PERMITTING
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

PLANNING DIVISION MASTER APPLICATION FORM

Additional data, drawings/plans, and fee requirements are listed on a separate sheet title "Instructions for Filing". ***PLEASE ASK FOR THESE INSTRUCTIONS.***

All specified materials described in the "Instructions for Filing" and required fees must accompany this form; incomplete applications will delay processing. You are encouraged to consult with Planning Division staff in completing the application. Please call appropriate phone number given in the "Instructions for Filing".

Please print legibly or type the required information.

SUBMITTED FEE: $~~2,950~~ $2,800

PERMIT/APPROVAL REQUESTED (Check one or more as appropriate):

☐ GENERAL PLAN AMENDMENT	☐ SPECIAL USE PERMIT ___ New ___ Modify Existing
☒ STATE LAND USE BOUNDARY AMENDMENT (<15 acres) From Agriculture (District) To Urban (District)	☐ ZONING DISTRICT BOUNDARY ADJUSTMENT, ADMINISTRATIVE
☐ DEVELOPMENT PLAN (DP)/SUSTAINABLE COMMUNITIES PLAN (SCP) AMENDMENT Indicate DP/SCP area ___	☐ ZONE CHANGE From ___ (District) To ___ (District) ☐ AMENDMENT UNILATERAL AGREEMENT TO ORDINANCE NO. ___

☐ PUBLIC INFRASTRUCTURE MAP REVISION (Indicate Map Symbol Request): ☐CY (Corporation Yard) ☐DSP (Desalination Plant)
☐D (Drainage Way (Open Channel) ☐TS (Transit Station) ☐FS (Fire Station) ☐GB (Government Building) ☐GC (Golf Course)
☐P (Parks) ☐PS (Police Station) ☐PKG (Parking Facility/Transit Center) ☐RES (Water Reservoir) ☐SPS (Sewage Pump Station)
☐STP (Sewage Treatment Plant) ☐SW (Solid Waste Facility) ☐RTC (Rapid Transit Corridor) ☐R (Arterial & Collector Roadway) ☐W (Potable Well)

(Project/Parcel specific information should be provided for General Plan and Development Plan amendments only if appropriate.)

TAX MAP KEY(S): 6-2-005:002
STREET ADDRESS/LOCATION OF PROPERTY: 66-100 Kamehameha Highway (in Haleiwa town between Kamehameha Highway and Joseph P. Leong Highway)
APPLICATION/SUBJECT AREA ***(Acres/sq.ft.):*** 7.5252 acres
THE PROPOSED PROJECT IS LOCATED ☒ INSIDE ☐ OUTSIDE THE:

☐Urban Growth Boundary ☒Community Growth Boundary
☐Urban Community Boundary ☐Rural Community Boundary

OF THE North Shore **DEVELOPMENT PLAN/SUSTAINABLE COMMUNITY PLAN**
ZONING DISTRICT(S): AG-1 and P-2 **STATE LAND USE DISTRICT:** Agricultu

RECORDED FEE OWNER:
Name (& title, if any) D. G. Anderson
Organization Basin Project Inc.
Mailing Address 119 South Street, Suite 133
Honolulu, HI 96813
Phone Number 808 284-7755
Signature ___

APPLICANT:
Name D. G. Anderson and Jonathan Grobe
Organization Haleiwa Backyards LLC
Mailing Address 119 South Street, Suite 133
Honolulu, HI 96813
Phone Number 808-284-7755
Signature ___

PRESENT USE(S) OF PROPERTY/BUILDING:
No use, vacant.

PROJECT NAME (if any): Haleiwa Backyards

AUTHORIZED AGENT/CONTACT PERSON:
Name James T. Hayes, President
Mailing Address Planning Solutions, Inc.
711 Kapiolani Blvd., Suite 950, Honolulu, HI 96813
Phone Number 808-551-4559
Signature ___

REQUEST/PROPOSAL (Briefly describe the nature of the request, proposed activity or project):
Develop the project site with a combination of low-rise apartments and commercial space in a manner consistent with the North Shore Sustainable Communities Plan. The boundary amendment was first contemplated in the Environmental Assessment for the Haleiwa Mixed Use Parcel, the Final EA was published in The Environmental Notice on November 23, 2016.

DPP/ELOG NO. ___ **DPP/POSSE NO.** ___

Attachment 2. Correspondence with Government Agencies

The following letters are included in this attachment:

- SHPD letter dated May 26, 2015
- SHPD letter dated November 13, 2015
- DA letter dated August 16, 2017
- BWS letter dated January 12, 2023
- HDOH Wastewater Branch letter dated January 25, 2023
- DPP letter dated June 27, 2023

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

May 26, 2015

Mr. Russell Y. Tsuji, Land Administrator
Department of Land and Natural Resources, Land Division
P.O. Box 621
Honolulu, HI 96809

LOG NO: 2015.00630
DOC NO: 1505GC13
Archaeology

Dear Mr. Tsuji:

SUBJECT: **Chapter 6E-42 Historic Preservation Review –**
Request for Comments – Haleiwa Parcel Zone Change, Pre-Draft EA
Pa'ala'a Ahupua'a, Waialua District, Island of O'ahu
TMK: (1) 6-2-005:002

Thank you for the opportunity to review and comment on the proposed zone change. We received this submittal on February 18, 2015, and we apologize for the delayed review. Basin Project, Inc. (landowner and applicant) seeks rezoning of a 7.5-acre portion of an 8-acre parcel from agricultural lands to mixed community businesses. In addition, Basin Project, Inc. proposes to develop the subject property for residential and commercial uses after rezoning in accordance with the North Shore Sustainable Communities Plan.

Our records indicate an archaeological inventory survey (AIS) was completed on the subject 7.5-acre portion, and that the AIS report (Sims et al. 2015) was reviewed and accepted by SHPD on February 19, 2015 (Log No. 2015.00189, Doc. No. 1502SL19). A single historic property, identified as a Cane Haul Road (SIHP 50-80-04-7604), was documented as extending through the southern tip of the project area. McElroy and Duhaylonsod (2014) previously assessed SIHP 7604 as significant per Hawaii Administrative Rules (HAR) §13-284-6 under Criterion "d" (has yielded, or may yield information important to prehistory and/or history) and potentially under Criterion "a" (associated with events that made an important contribution to the broad patterns of history). Sims et al. (2015) stated that SIHP 7604 had been sufficiently documented and would not be impacted during the planned development, and thus no further archaeological recordation was needed; SHPD concurred (Log No. 2015.00189, Doc. No. 1502SL19). Sims et al. (2015) also indicated that in 1898, the OR&L narrow-gauge railway was constructed across the length of the project area, but that the railroad section was destroyed during the construction of Joseph P. Leong Highway in 1995. No archaeological evidence of the former OR&L railroad was found during the AIS.

Based on the information above, SHPD believes that **no historic properties will be affected** by the proposed zone change. Please contact me at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov if you have questions or concerns regarding this letter.
Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
O'ahu Lead Archaeologist
Acting Archaeology Branch Chief

cc: Jared Chang, Planner, SSFM International (jchang@ssfm.com)
Steve Molmen, DLNR-Land Division (Steve.Molmen@hawaii.gov)

DAVID Y. IGE
GOVERNOR OF HAWAII

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON
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AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

November 13, 2015

Russell Y. Tsuji, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Log No. 2015.03532
Doc. No. 1510GC10
Archaeology

Mr. Mike Watkins
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, HI 96813

Dear Sirs:

SUBJECT: **Chapter 6E-42 Historic Preservation Review –**
Draft Environmental Assessment (DEA) – Hale'iwa Mixed Use Parcel Project
Pa'ala'a Ahupua'a, Wailua District, Island of O'ahu
TMK: (1) 6-2-005:002

Thank you for the opportunity to review and comment on the document titled *Hale'iwa Mixed Use Parcel* (SSFM International, Inc., August 2015), which we received on September 29, 2015. The DEA indicates that Hale'iwa Backyard, LLC, is proposing a Zoning Change from general preservation and agricultural to mixed community businesses. The vision of the development is for a mix of residential and commercial retail land uses. Hale'iwa Backyard, LLC proposes to develop rental apartments and commercial units with appurtenances, public parking, a farmers market, and a 30,000 square-feet commercial development which will include studios, shops, galleries, and a restaurant.

Our records indicate that SHPD previously commented on *Haleiwa Parcel Zone Change, Pre-Draft EA,* on May 26, 2015 (Log No. 2015. 00630, Doc. No. 1505GC13). The McElroy and Duhaylonsod (2014) archaeological inventory survey (AIS) of the 7.5-acre parcel documented a Cane Haul Road (SIHP 50-80-04-7604) as extending through the southern tip of the project area. No other historic properties were identified. The AIS report was reviewed and accepted by the SHPD on February 19, 2015 (Log No. 2015.00189, Doc. No. 1502SL19). The SHPD concurred that SIHP 7604 had been sufficiently documented and would not be impacted during the planned development, and thus no further archaeological recordation was needed.

Based on the above, SHFD's determination is **no historic properties affected** for the proposed development project.

In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

Please contact me at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 if you have any questions regarding this letter.

Aloha,

Susan A. Lebo

Susan A. Lebo, PhD
Archaeology Branch Chief

cc: Jared Chang SSFM International (jchang@ssfm.com)

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

August 16, 2017

Ms Kathy K. Sokugawa
Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th floor
Honolulu, Hawaii 96813

Dear Ms. Sokugawa:

Subject: Haleiwa Mixed Use Parcel
Backyard Haleiwa, LLC
Change in Zone (General Preservation and Restricted Agricultural to Low Density Apartment), and
State Land Use District Boundary Amendment from Agricultural to Urban
Rental apartment units, commercial area, and parking
TMK: 6-2-05: 2 Haleiwa, Oahu
Area: 7.525 acres

The Department of Agriculture (DOA) has reviewed the Final Environmental Assessment/Finding of No Significant Impact for the subject project and offers the following comments and recommendations for your consideration.

The project site is situated between the Joseph P. Leong Highway and existing business and residential lots that abut Kamehameha Highway. The proposed development consists of 156 affordable rental apartment units, a 30,000 square-foot commercial area, an indoor farmers' market, and over 500 parking stalls for the apartment dwellers and the customers and employees of the commercial development.

The project site is fully within the North Shore Sustainable Communities Plan "Country Town District" and the Community Growth Boundary. (Figure 16, page 72) It is entirely within the State Agricultural District but isolated from the large Agricultural District area to the east by the Leong Highway. (Figure 3, page 4)

The project site is zoned as largely Restricted Agricultural (AG-1) and is classified as "Prime" agricultural land by the "Agricultural Lands of Importance to the State of Hawaii" system. It is mostly rated "A" according to the Land Study Bureau's Overall Productivity Rating (Detailed Land Classification – Island of Oahu", December 1972, Map 26). The project site is currently vacant and this appears to be verified up through 2015 by the Statewide Agricultural Land Use Baseline Report, Oahu Crop Summary (2015) (page 55).

Based on the information in the Final Environment Assessment, in particular its conformance with the North Shore Sustainable Communities Plan, the Department of Agriculture does not object to the proposed change in zone or State land use district reclassification.

Sincerely,

Scott E. Enright
Chairperson, Board of Agriculture

c: Mr. D.G. Anderson

Mr. Jonathan Grobe

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843
www.boardofwatersupply.com

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ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

ERWIN M. KAWATA
Deputy Manager

January 12, 2023

Mr. Andy Anderson
Haleiwa Backyard LLC
419 South Street, Suite 174
Honolulu, Hawaii 96813

Dear Mr. Anderson:

Subject: Your Letter Dated October 25, 2022 Regarding Development of Parcel Tax Map Key: 6-2-005: 002 and the Individual Wastewater System "No Pass" Zone

Thank you for your letter regarding your proposed 154-unit Backyard Haleiwa development. The Board of Water Supply (BWS) understands this is a follow-up to your initial letter dated March 22, 2021.

As stated in our previous response letter dated July 16, 2021, we confirm the 7.5 acre parcel is within the BWS No-Pass Zone where ground disposal of wastewater could infiltrate into the underlying basal aquifer. While BWS drinking water sources are located mauka of Haleiwa Town at the 200-foot elevation and will not be impacted by ground disposal of wastewater at the site, there are low-lying areas makai of Haleiwa town that are within the flood zone and in the sea level rise exposure area. We reviewed the State Department of Health (DOH) Wastewater Branch letter of November 13, 2015 and agree with their findings and recommendations. DOH has the regulatory authority for individual wastewater systems.

In your follow-up letter of October 25, 2022, you noted:

> *"In our conversations with Ms. Pruder at DOH WWB, she has indicated that if the BWS is agreeable to a system that will not impact groundwater, she would require a letter from BWS stipulating the BWS does not oppose the WWRF with R-2 reuse and a backup leach field above the NPZ line."*

Accordingly, BWS does not oppose the proposed WWRF with R-2 reuse and a backup leach field on the subject parcel. We defer to DOH WWB on the effectiveness of the proposed WWRF in preventing impacts to underlying groundwater.

If you have any questions, please contact Barry Usagawa, Water Resources Program Administrator at (808) 748-5900.

Very truly yours,

ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer

JOSH GREEN, M.D.
GOVERNOR OF HAWAI'I
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAI'I

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

January 25, 2023

Mr. Andy Anderson
Haleiwa Backyard LLC
419 South Street, Suite 174
Honolulu, Hawaii 96813

Dear Mr. Anderson:

Subject: Proposed Development on Tax Map Key (1) 6-2-005:002
Haleiwa Mixed Use Parcel Project Draft Environmental Assessment (EA)

The Department of Health (Department) provided a response for the subject draft EA on November 13, 2015 stating that wastewater effluent from the proposed development would not be allowed on the subject property. We also mentioned that wastewater effluent from the project would be required to be conveyed and disposed of on a property that is located below the Underground Injection Control line and in the Pass Zone. The Department provided these comments because the property is located in the No Pass Zone and we were concerned that drinking water sources would be impacted by the discharge of wastewater from the subject property.

The Department received the enclosed letter dated January 12, 2023 written by the Honolulu Board of Water Supply (HBWS) that stated their drinking water sources are located mauka of Haleiwa Town at the 200-foot elevation and will not be impacted by ground water disposal of wastewater from the subject property. Based on the comment from HBWS, the Department has no objection if a wastewater treatment plant with R-1 or R-2 irrigation and a backup effluent leachfield is constructed on the subject project. The wastewater treatment plant with R-1 or R-2 irrigation and leachfield would need to comply with applicable provisions of Chapter 11-62, Hawaii Administrative Rules.

Should you have any questions, please contact me at (808) 586-4294.

Sincerely,

SINA PRUDER, P.E., CHIEF
Wastewater Branch

Enclosure

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov/dpp

RICK BLANGIARDI
MAYOR

DAWN TAKEUCHI APUNA
DIRECTOR

JIRO A. SUMADA
DEPUTY DIRECTOR

June 27, 2023

2023/ELOG-354(lli)
2382458

Mr. D. G. Andy Anderson
Haleiwa Backyards LLC
419 South Street, Suite 174
Honolulu, Hawaii 96813

Dear Mr. Anderson:

SUBJECT: Request for Determination on the Environmental Assessment (EA) Requirement for the Proposed Haleiwa Backyards (Project), Tax Map Key 6-2-005: 002, Haleiwa, Oahu, Hawaii

This is in response to your letter dated February 20, 2023, which requests the Department of Planning and Permitting (DPP)'s determination on whether a new EA is required for the proposed Project. We have determined that a **new EA is not required at this time**. Our rationale for this determination is based on several factors as discussed below.

Since clear technical details were not given in your letter on how the current Project differs from the project as proposed in 2016, except for the general concept of discharging effluent off-site to on-site and the re-designation of 100 parking stalls from public to private, we had to conduct research which took time.

Based on the materials you provided and our findings, it appears that your design is reverting back to what was presented in your draft EA, which differs from your final EA in that the entire proposed wastewater treatment system (both treatment facility and discharge area) will be on-site with the treatment facility located in the southeast corner of the parcel and the discharge to be used for on-site landscape irrigation. Another difference is that the capacity of the system has increased from 50,000 gallons per day (gpd) to 72,000 gpd, which according to the Department of Health (DOH) may be the result of their requirements.

We assume that all other components, including, but not limited to land uses, site layout, number of dwelling units, building heights, vehicular circulation, commercial square footage, and drainage are identical to the 2016 final EA version of the project. Please let us know as soon as possible if this is incorrect.

As such, we have determined that the Project has already been reviewed during the draft EA public process and does not involve a substantive change in size, scope, intensity, use, or location. The Project also does not involve significant effects in light of the more recent statement by the Honolulu Board of Water Supply in their letter of January 12, 2023 stating that they "[do] not oppose the proposed [wastewater facility] with R-2 reuse and a backup leach field on the subject parcel," as well as the statement from the DOH Wastewater Branch in their letter of January 25, 2023 that they have "no objection if a wastewater treatment plant with R-1 or R-2 irrigation and a [backup effluent] leach field is constructed on the subject project." Any substantive changes to the above, as determined by the DPP based on new or additional information DPP receives at a later date, may require a new EA.

The proposed Project does, however, require a State Land Use District Boundary Amendment (SLUDBA) to the Urban District, as well as a zone change. A SLUDBA to the Urban District is necessary to allow the range of uses contemplated in your proposal. Based on differing process times and uncertain outcomes of the SLUDBA process, the SLUDBA must occur and conclude prior to the change of zoning request.

Please be advised that for the application for a zone change, we will require at minimum: 1) a new formal presentation to the North Shore Neighborhood Board (i.e. must be an agenda item unless the Board prefers otherwise, and adjacent landowners must be notified of the meeting in advance), 2) an updated traffic assessment, and 3) discussion on sea level rise and impacts to the Project. Other studies will be required per our application instructions.

Should you have any further questions, please contact Lisa Leonillo Imata, of our staff, at lisa.imata@honolulu.gov or Lin Wong, of our staff, at lwong@honolulu.gov.

Very truly yours,



Dawn Takeuchi Apuna
Director

DTA:ky

Attachment 3. Correspondence with Kamehameha Schools

KAMEHAMEHA SCHOOLS®

Hale`iwa Backyards LLC
419 South Street
Suite 133
Honolulu, Hawaii
96813

Cc
D. G. Anderson
96 Kamole Place
Honolulu, Hawaii
96821

Aloha e Andy,

Per your request, this letter is to confirm that we have met and agreed to move forward with discussions on a reciprocal access agreement on Cane Haul Road via Kamehameha Schools easement process.

I look forward to our future discussions regarding this project. Please let me know if you have any questions.

Mahalo,

Keith K.A. Chang
Land Asset Manager
Haleiwa Kawailoa| Waiawa Kalauao Kaʻōnohi
ʻĀina Pauahi Group| Kamehameha Schools
(808) 523-6346

Attachment 4. Exhibits

Exhibit 1. Project Location

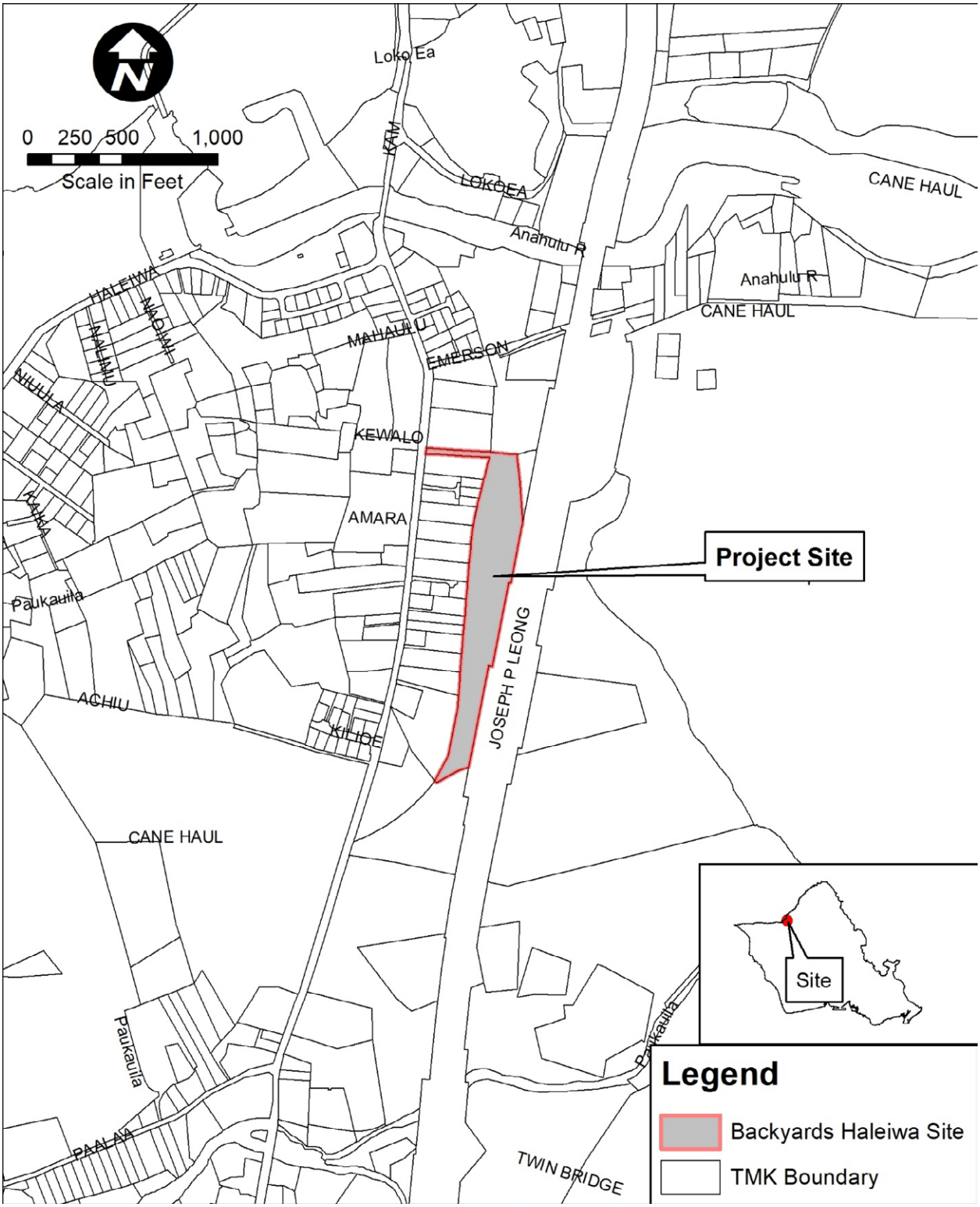
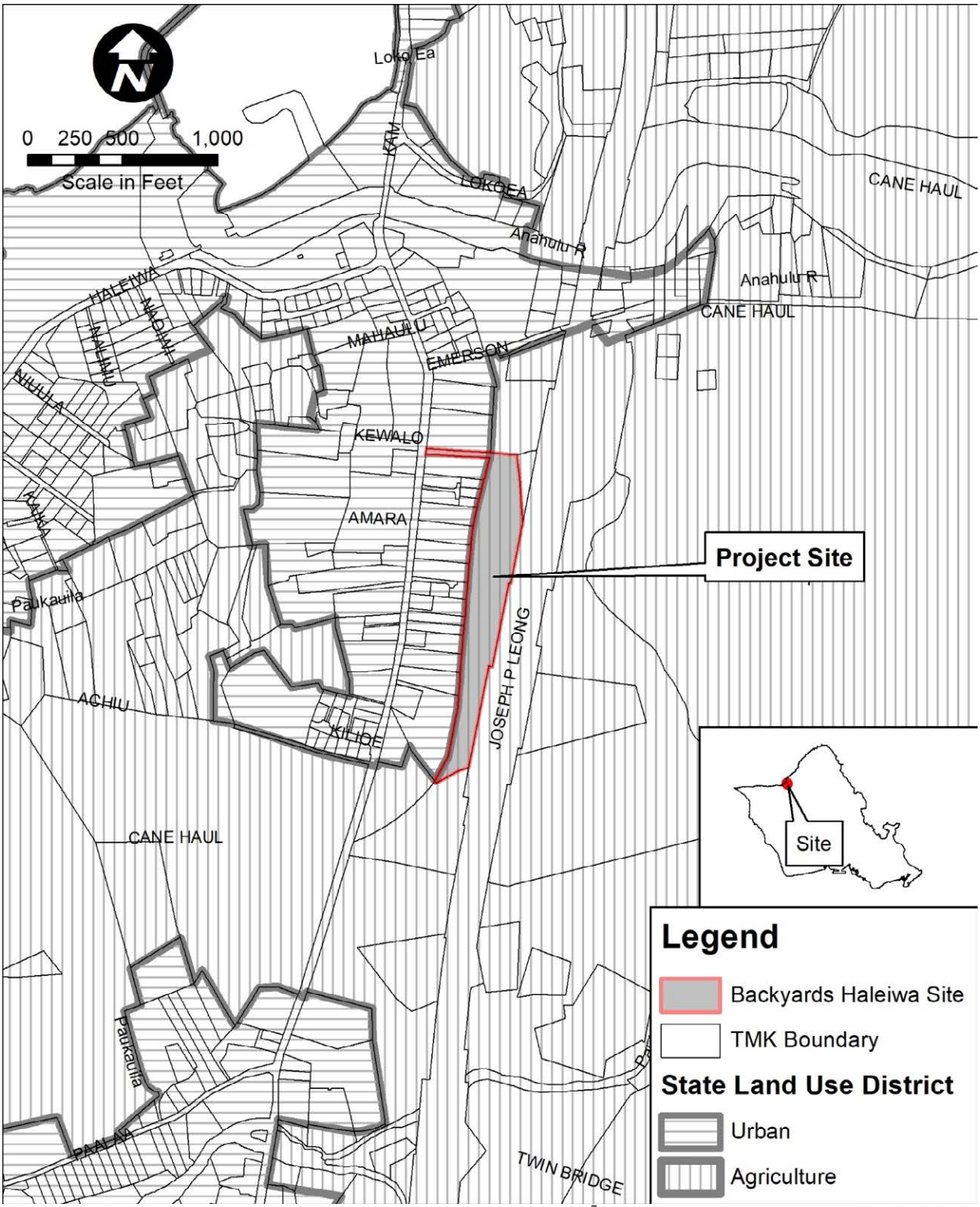


Exhibit 2. Area of Proposed Boundary Amendment, showing Existing State Land Use Districts



Note, the thin portion of the project site extending to Kamehameha Highway, which is ‘Ōpae‘ula Road, is in the SLU Urban District; the remainder of the project site is in the SLU Agriculture District.

Exhibit 3. Project Location on North Shore Sustainable Communities Plan Land Use Map

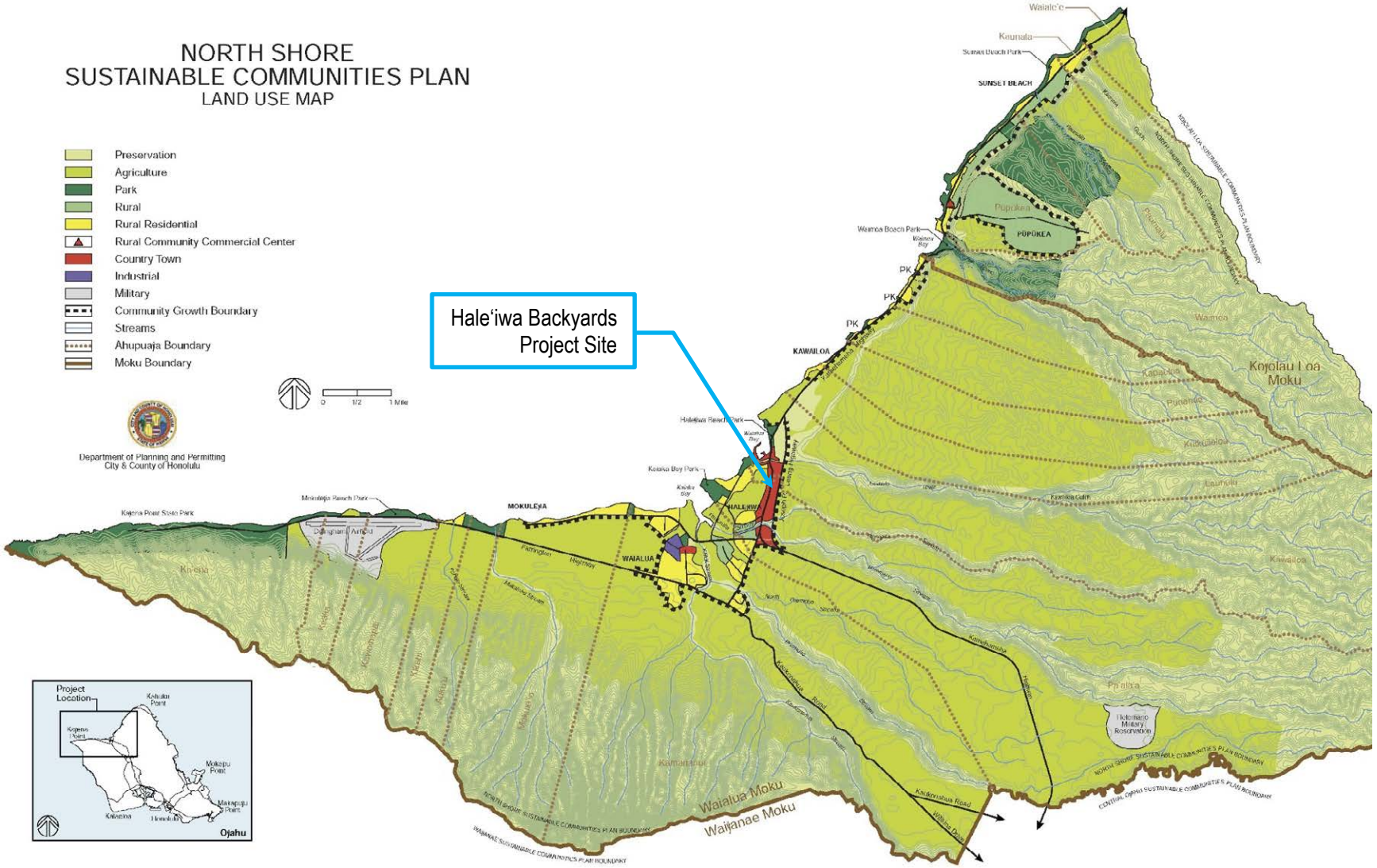


Exhibit 4. Project Location on North Shore Sustainable Communities Plan map of Hale‘iwa and Waialua Country Town Districts

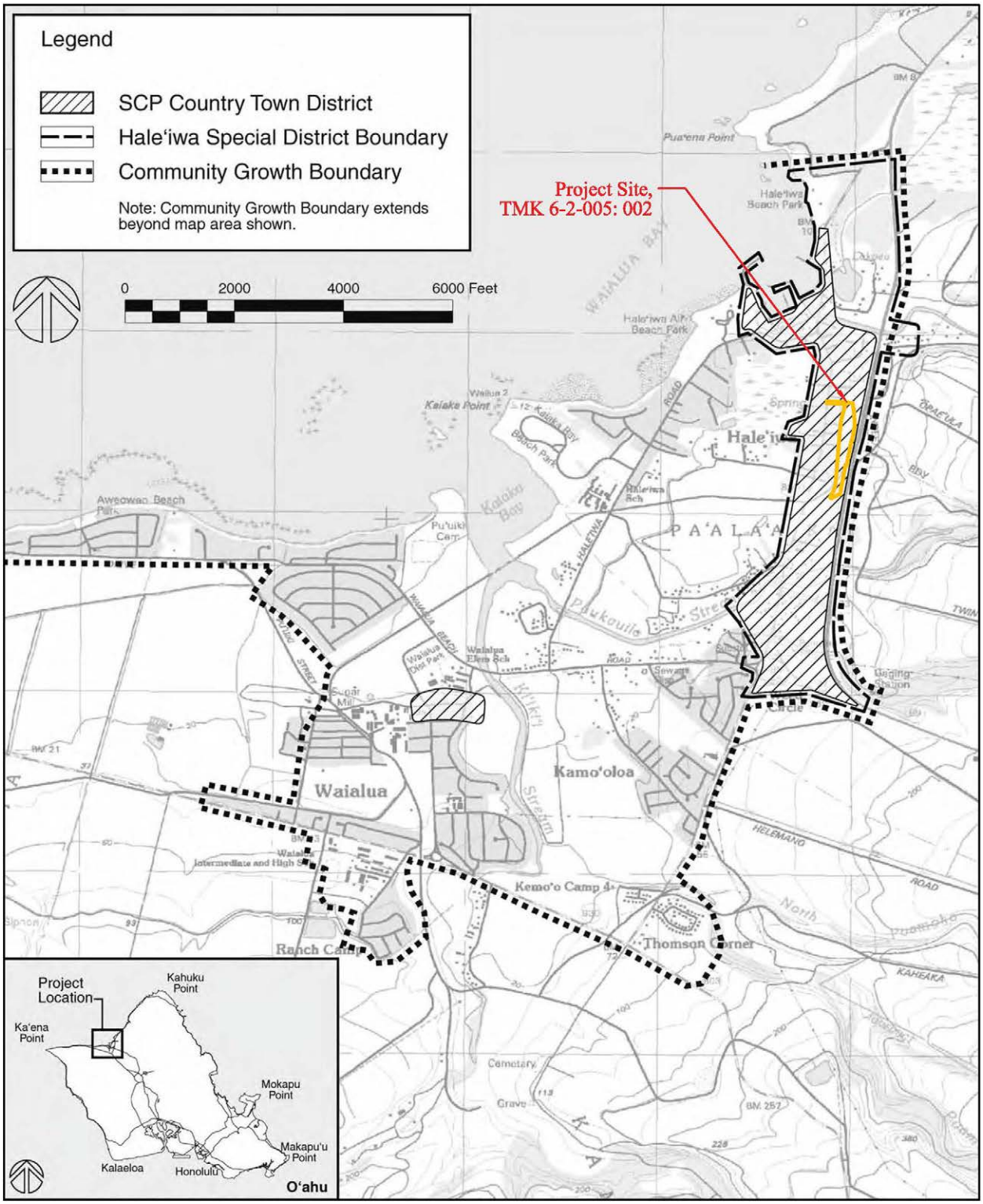


Exhibit 5. Existing County Zoning

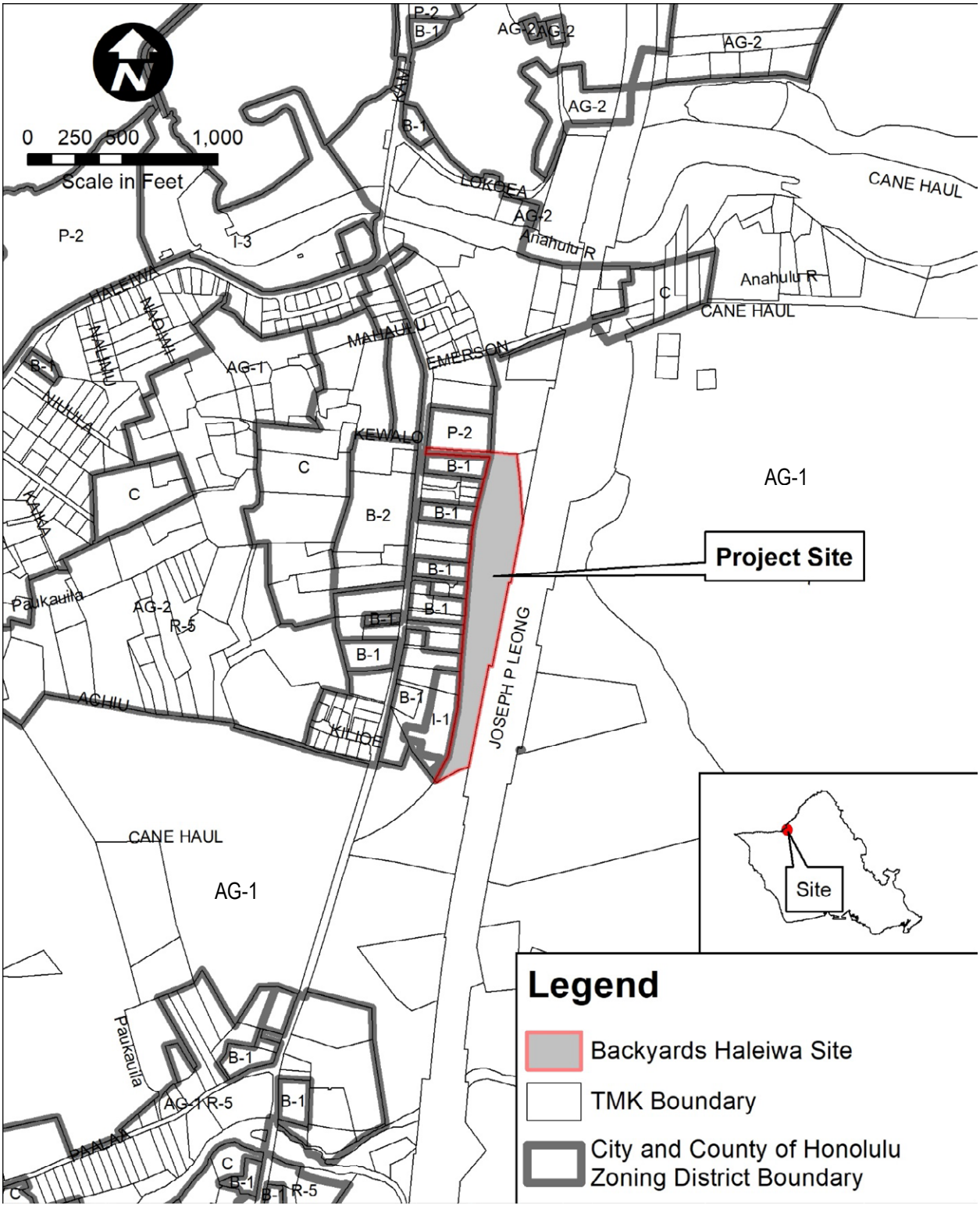


Exhibit 6. Land Study Bureau Rating

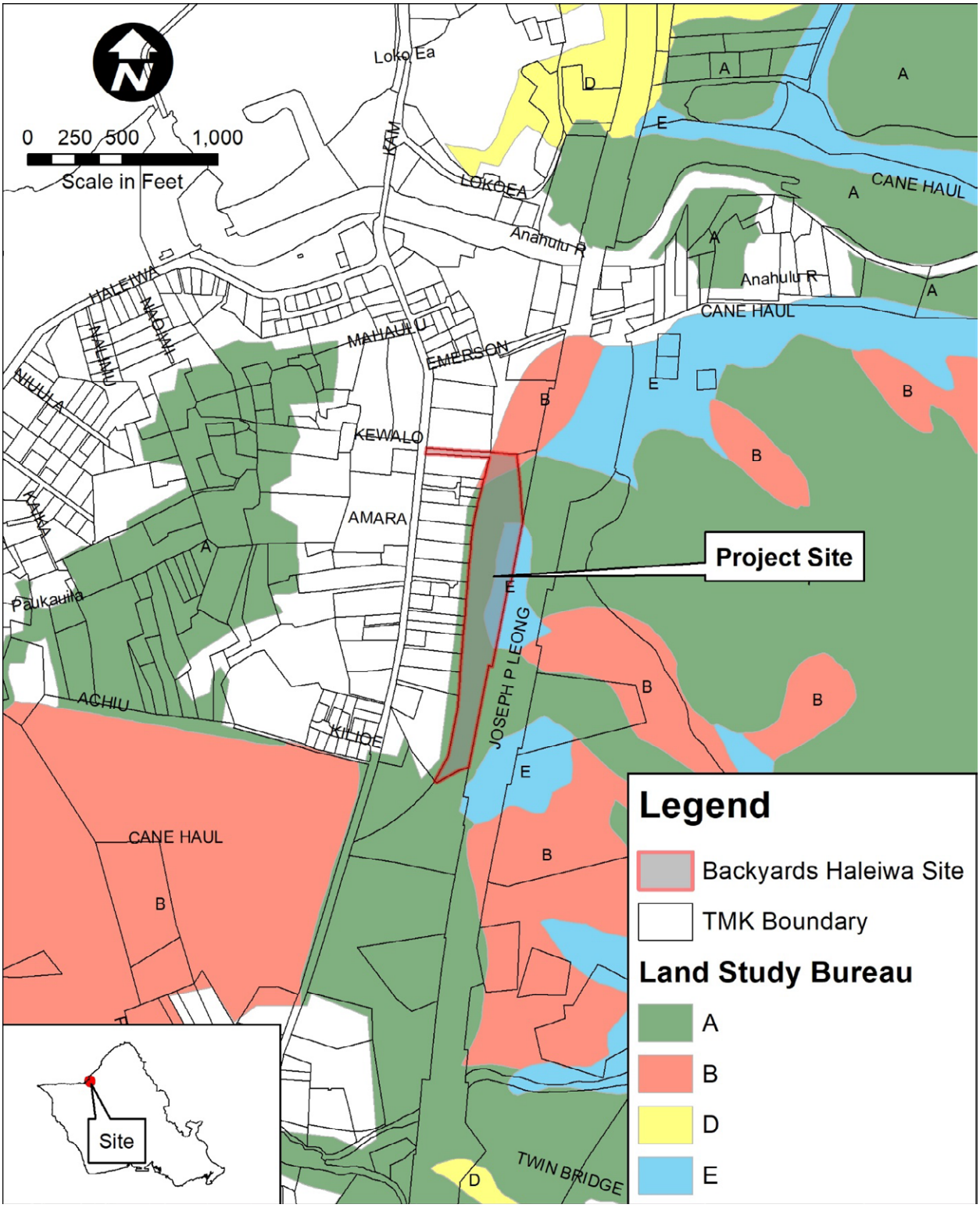


Exhibit 7. Conceptual Project Layout

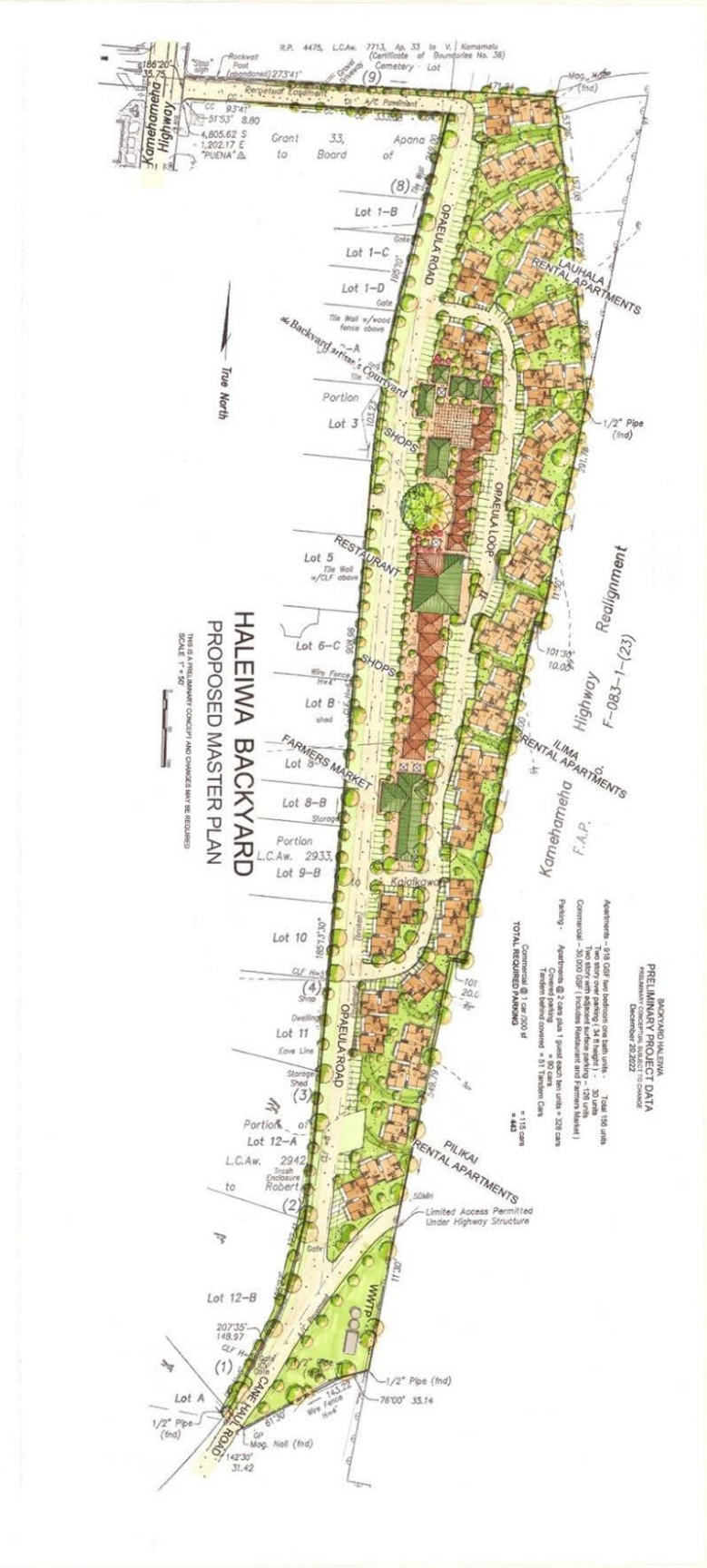


Exhibit 8. Typical Rental Apartments



Exhibit 9. Typical Farmers Market and Shops



Exhibit 10. Survey of Petition Area

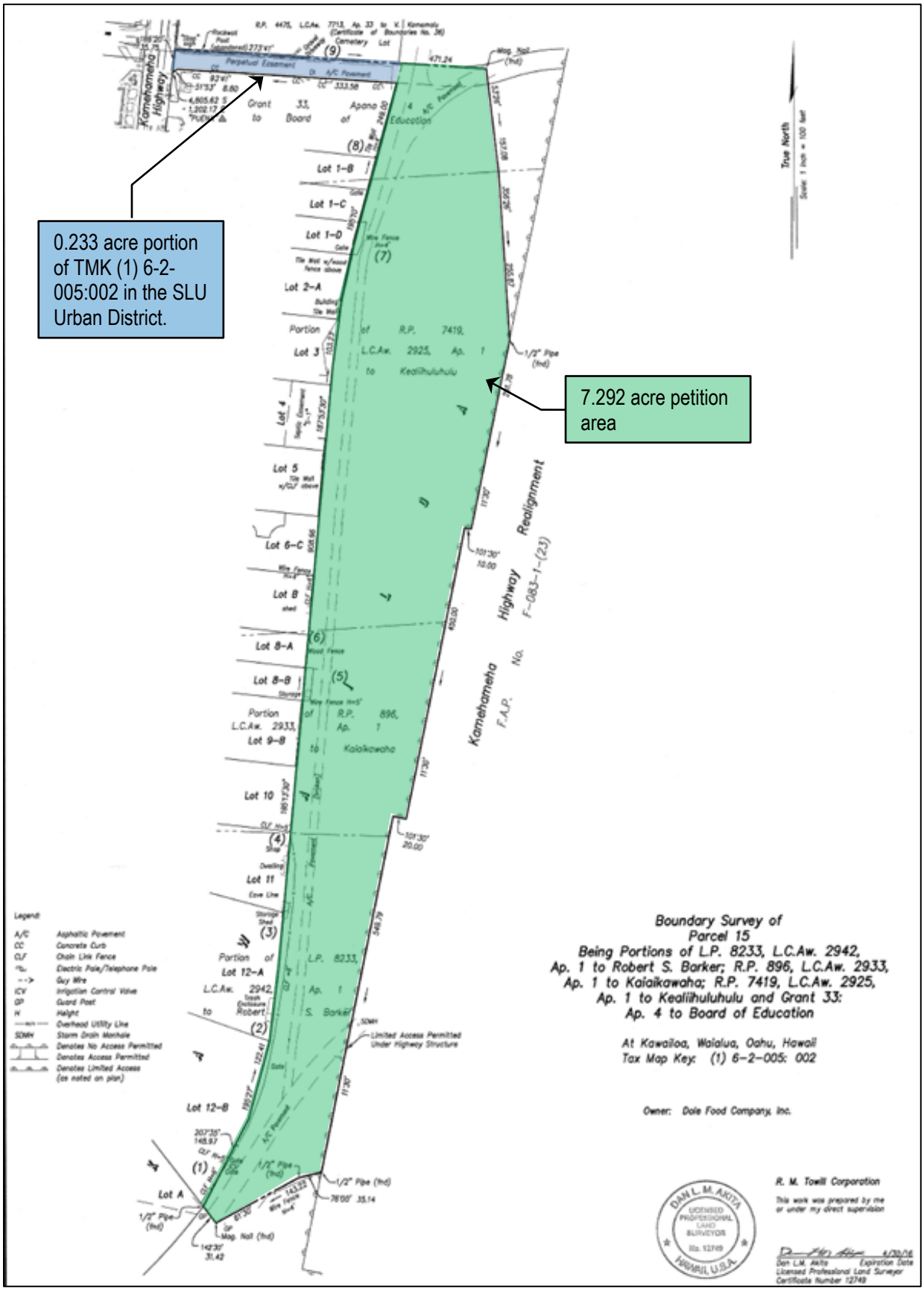


Exhibit 11. U.S. Department of Agriculture, Soil Conservation Service, Soil Type

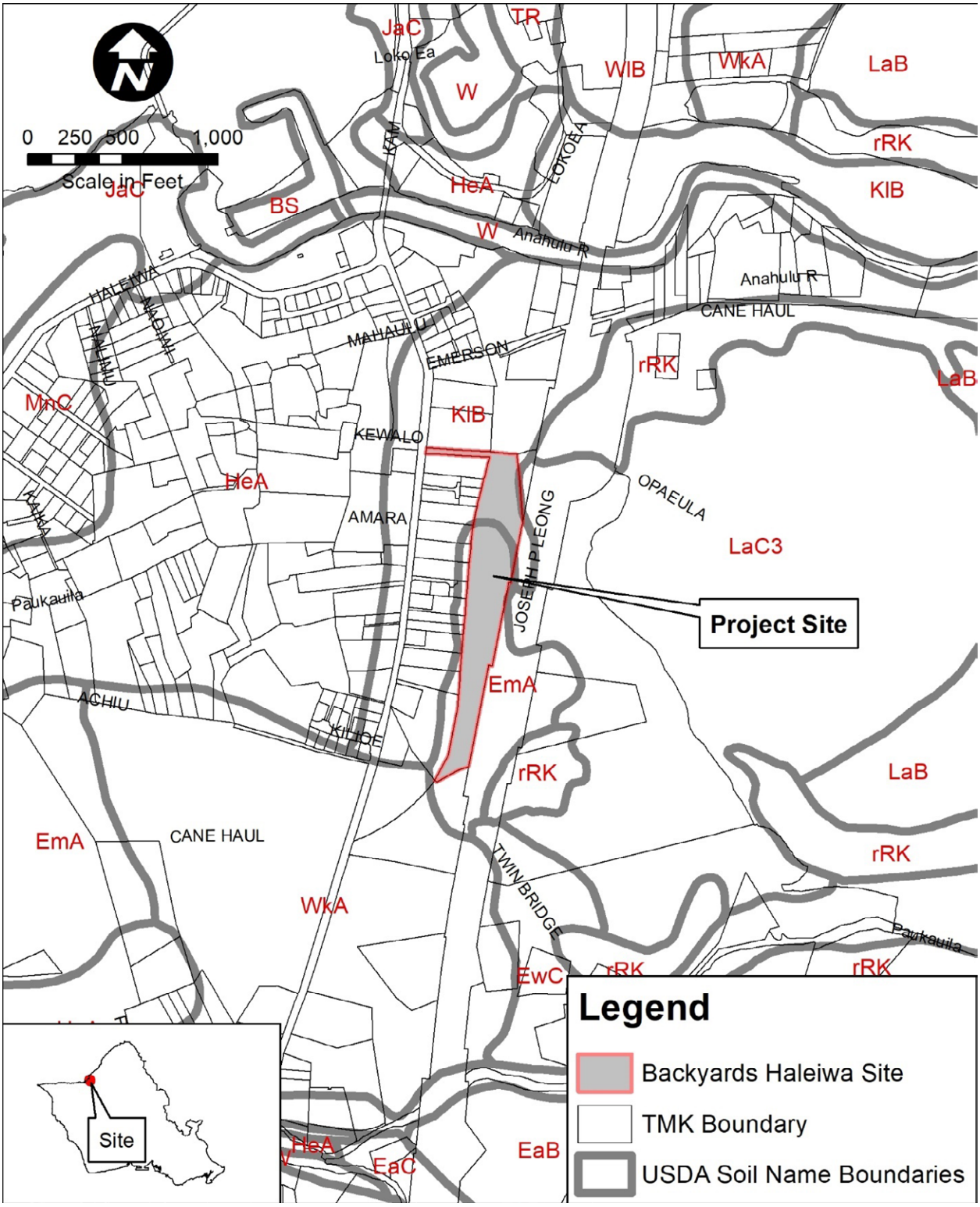


Exhibit 12. Agricultural Lands of Importance to the State of Hawai‘i

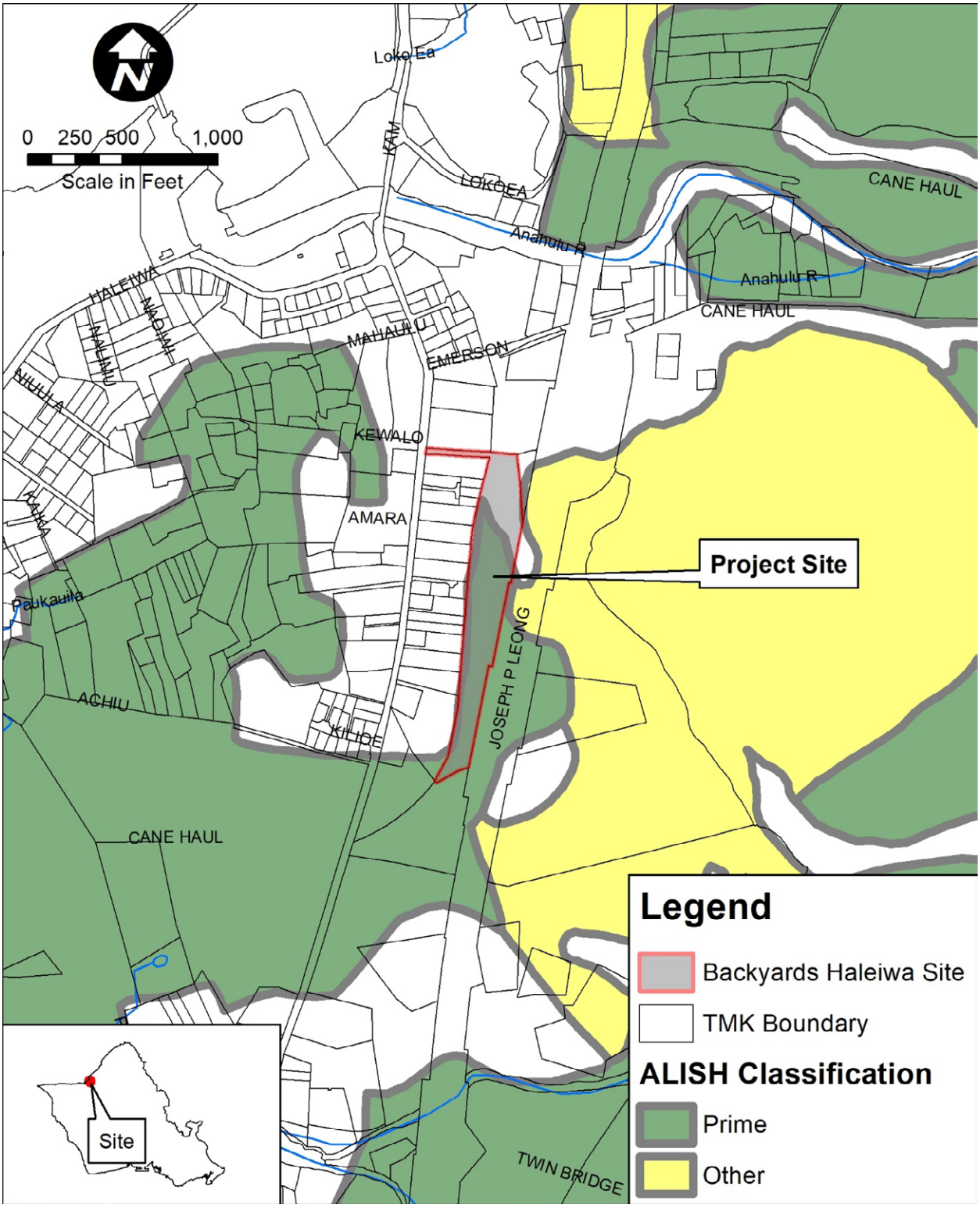


Exhibit 13. Important Agricultural Lands (HRS Chapter 205)

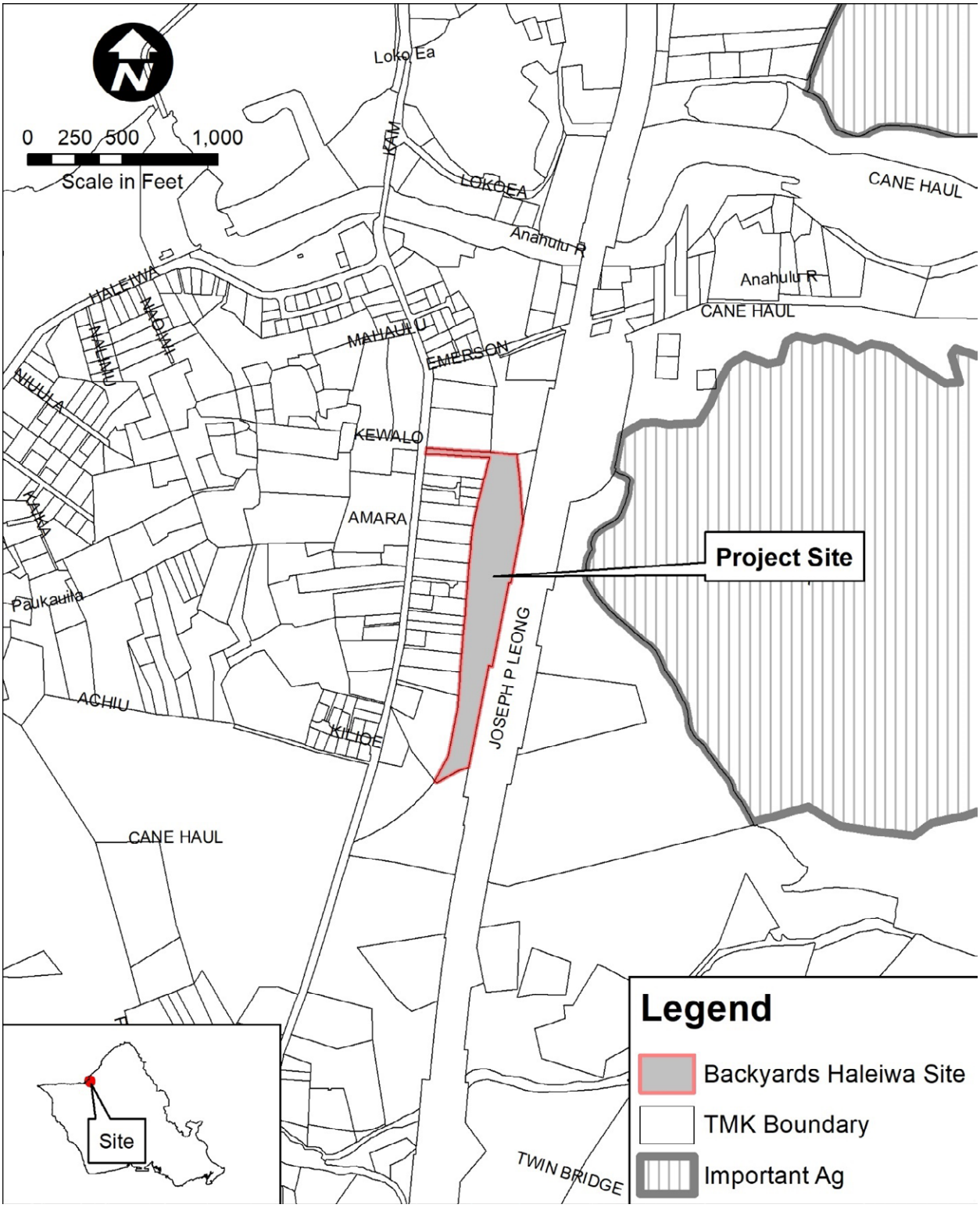


Exhibit 14. 1949 Aerial Photograph of Project Site

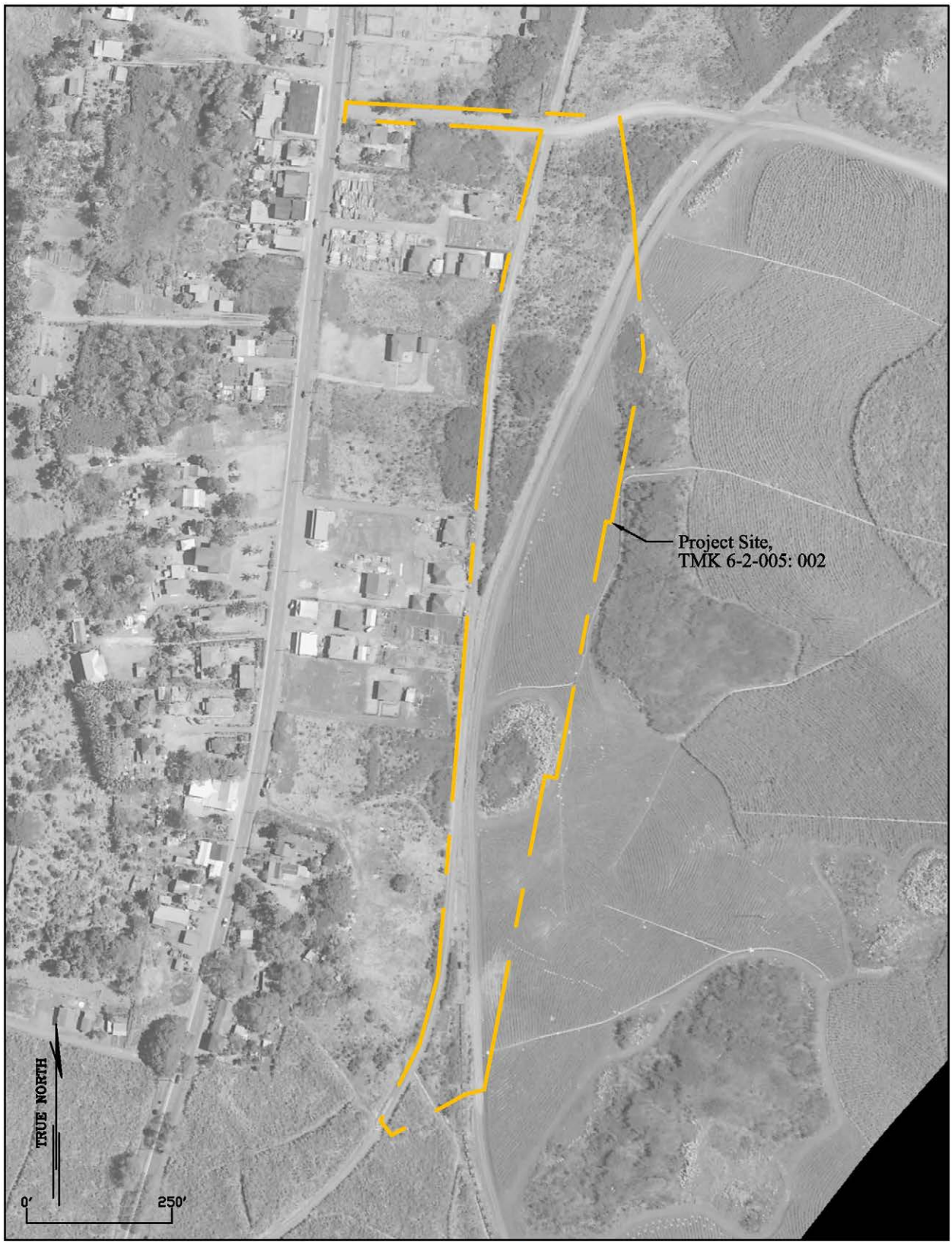


Exhibit 15. 1971 Aerial Photograph of Project Site

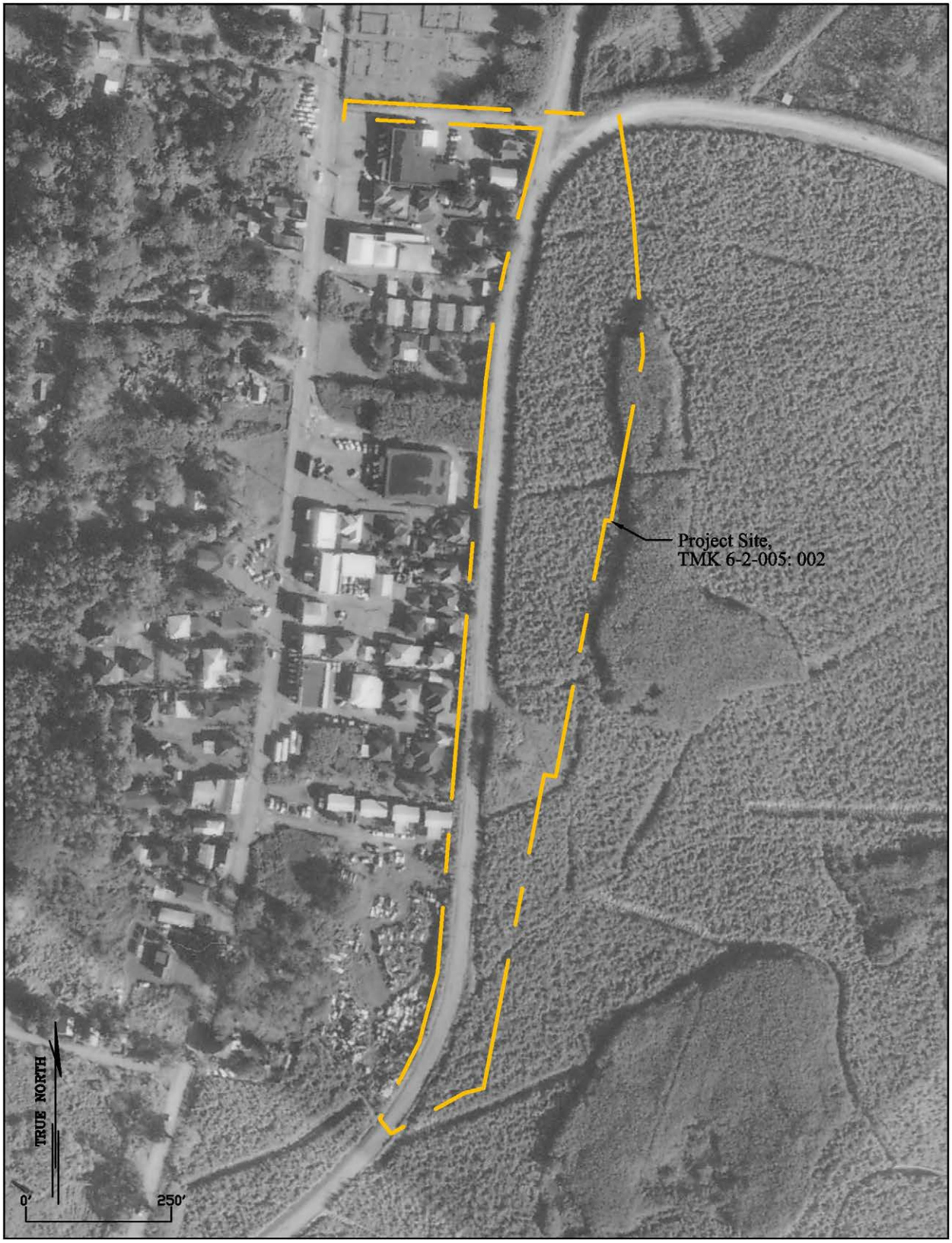


Exhibit 16. 2021 Aerial Photograph of Project Site

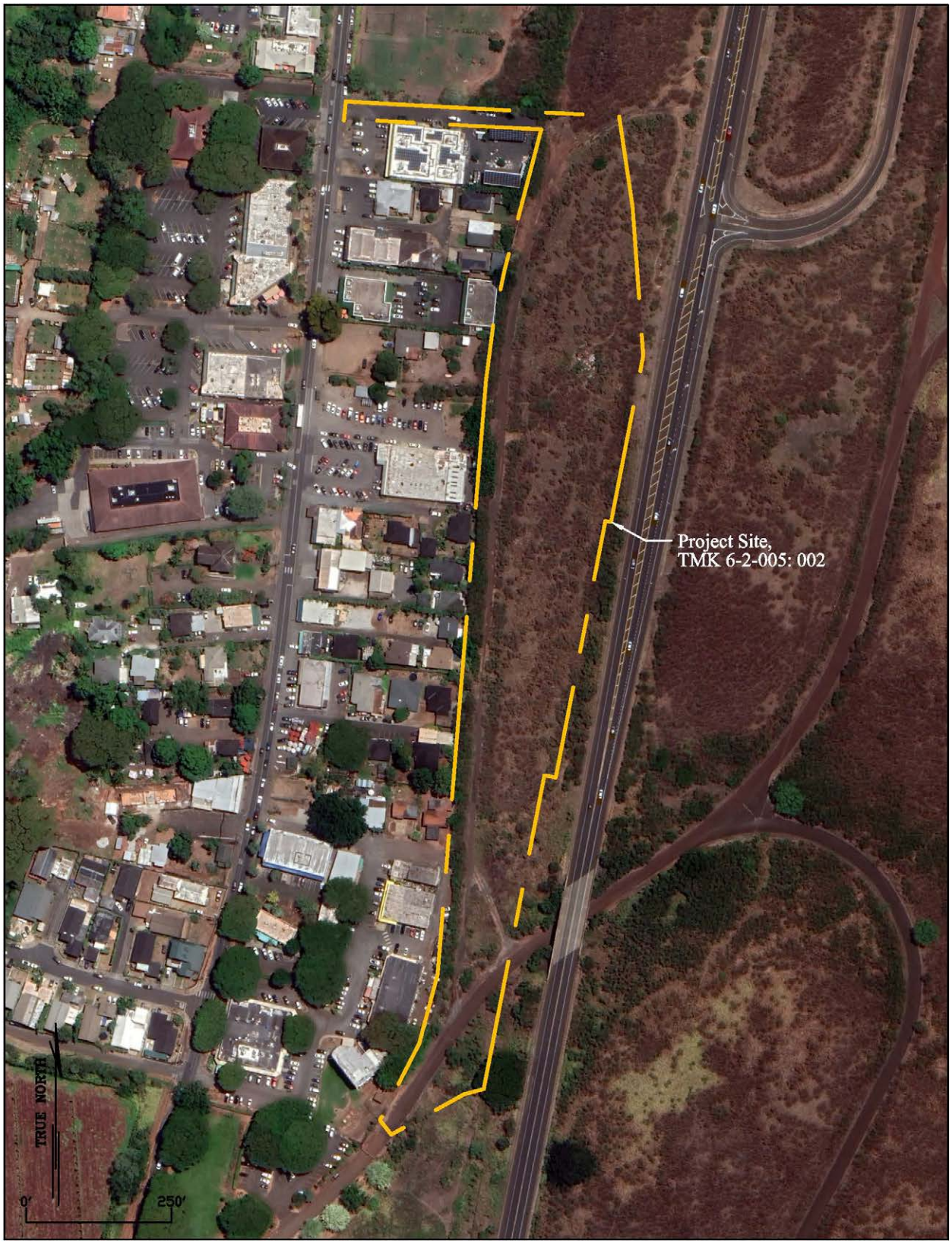
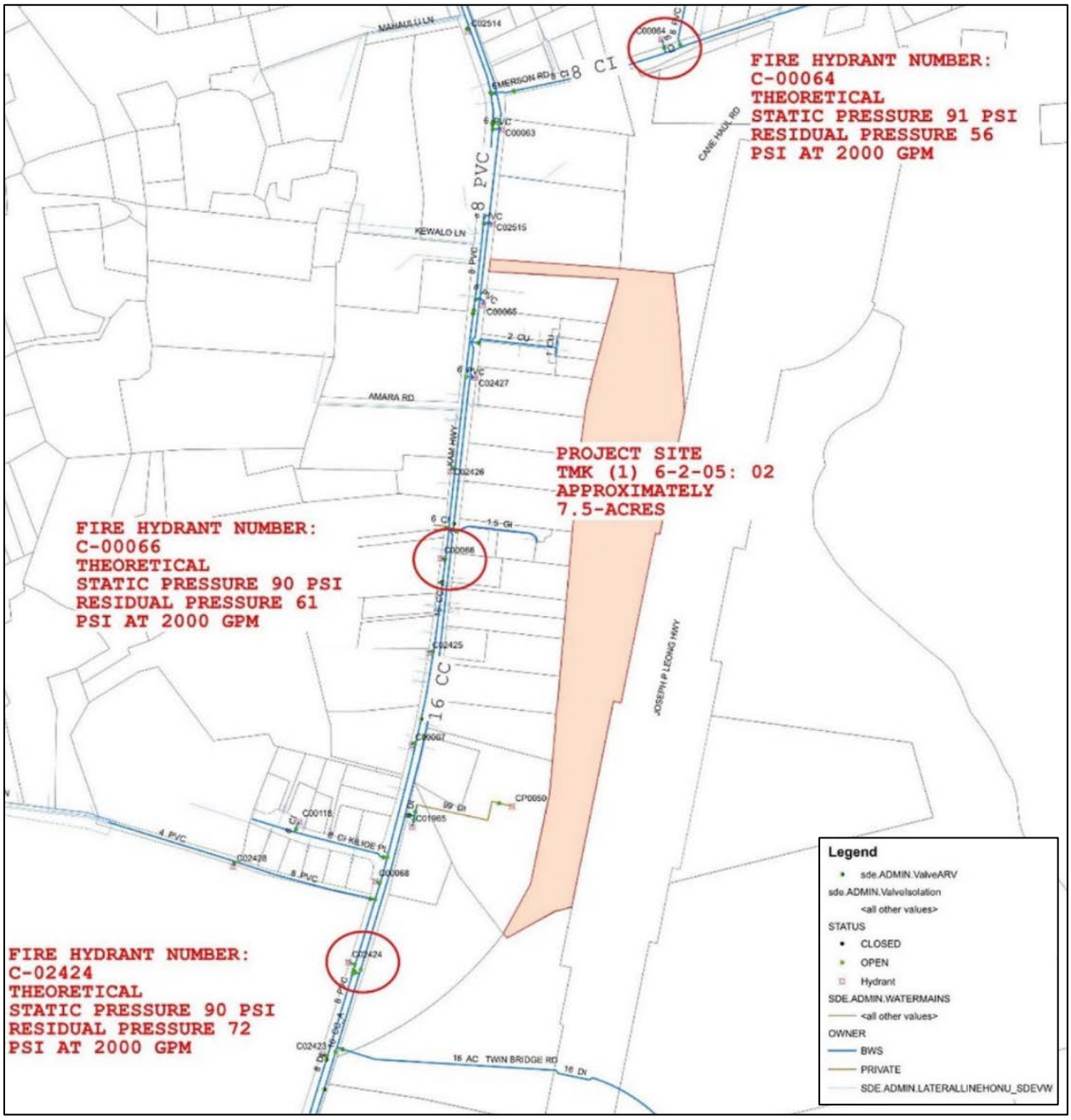


Exhibit 17. BWS Water Supply Distribution Map



Source: BWS letter dated May 11, 2015.

Exhibit 18. Conceptual Layout of Water System

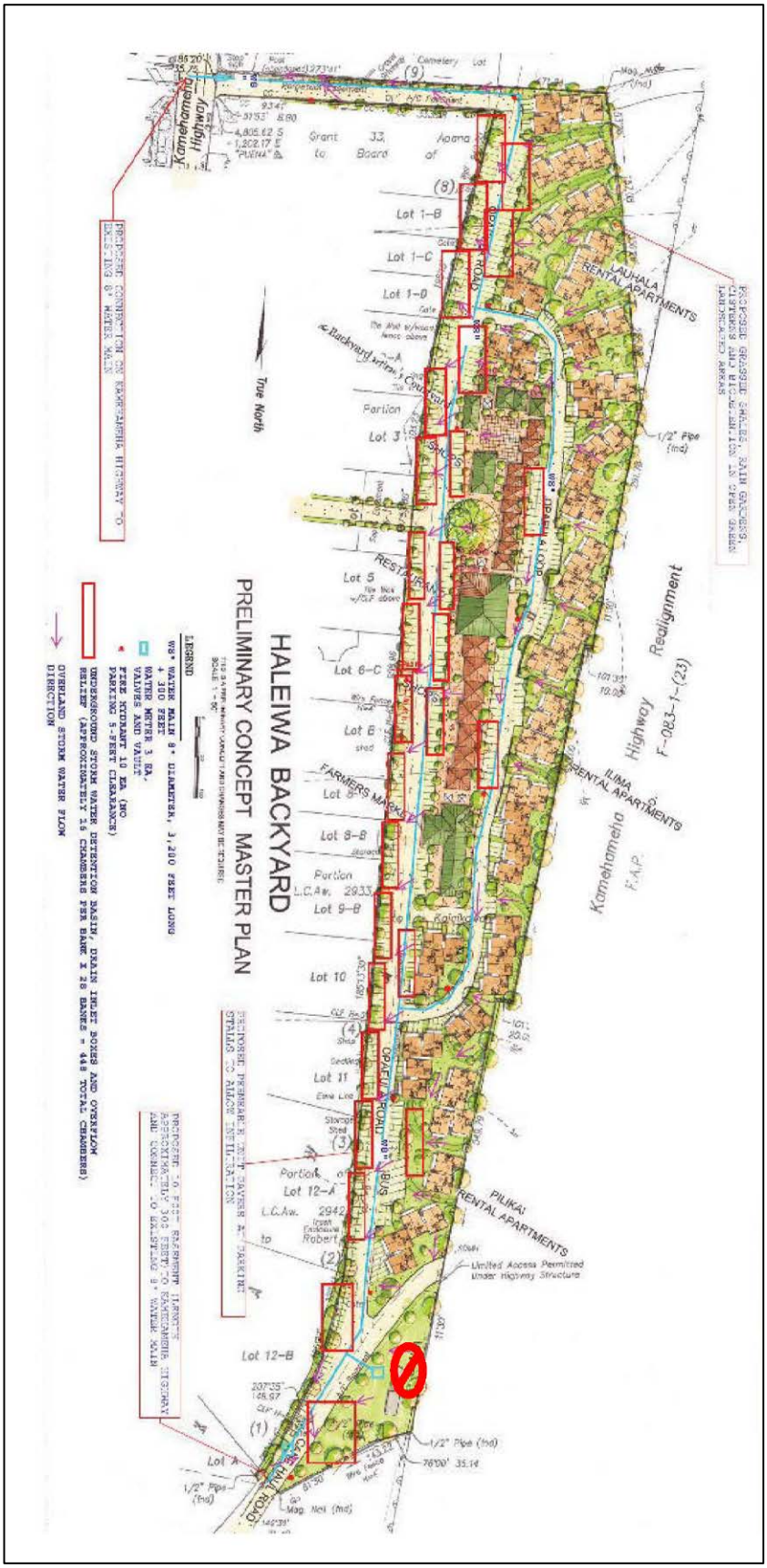


Exhibit 19. Flood Zone

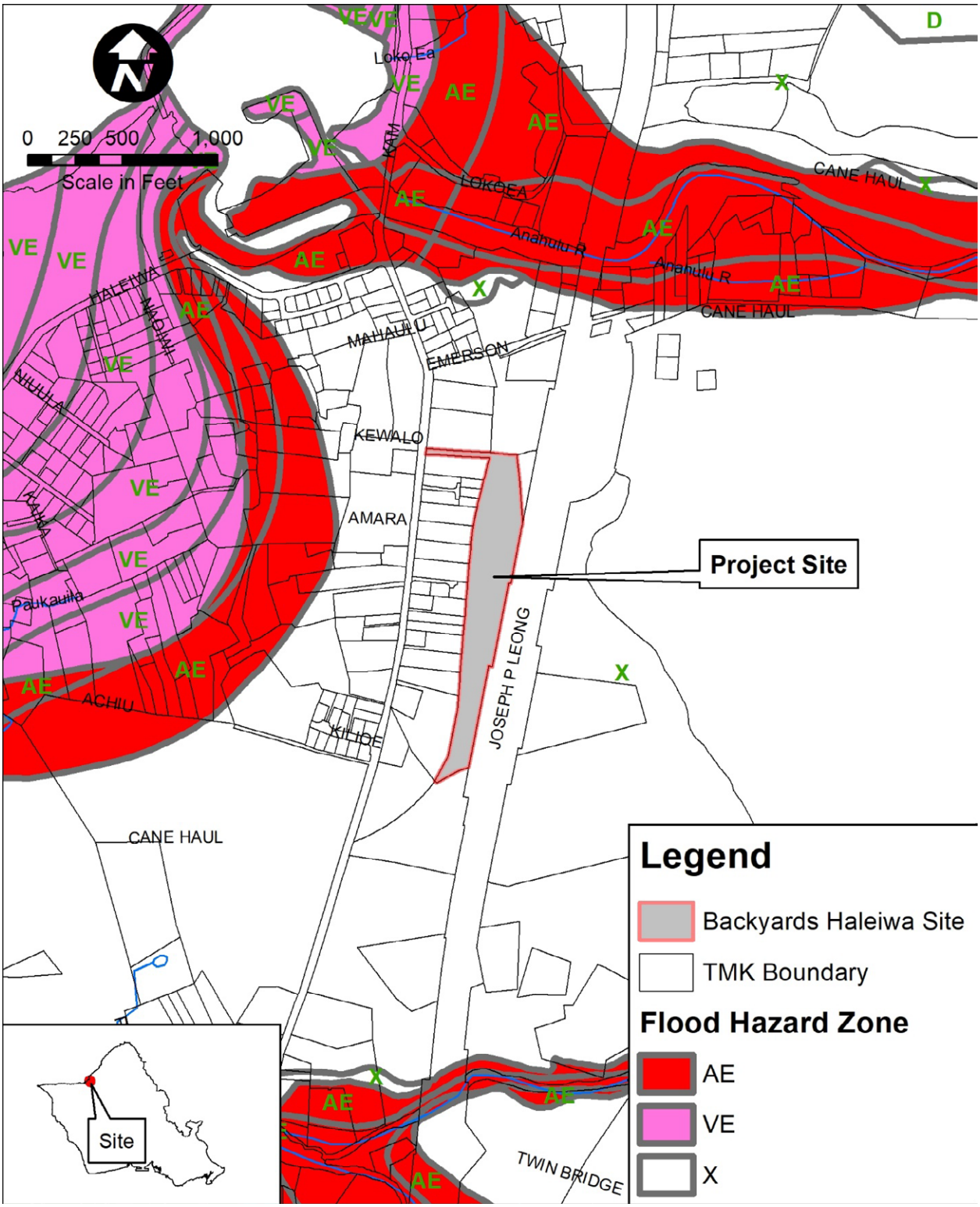


Exhibit 20. Conceptual ‘Ōpae‘ula Road Complete Streets Cross Section for Portion of Road Between Kamehameha Highway and Main Portion of Hale‘iwa Backyards Project Site

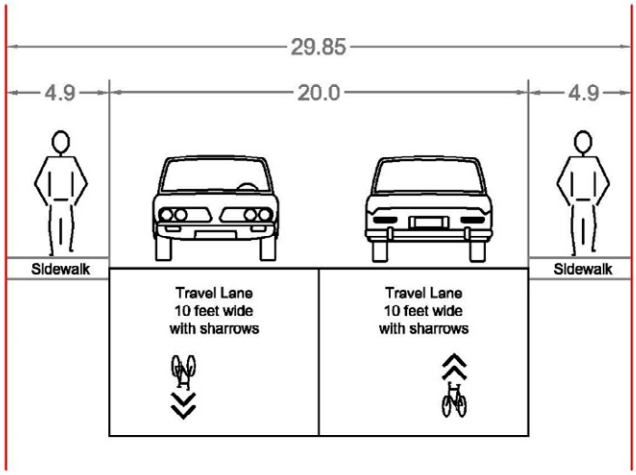


Exhibit 21. Conceptual ‘Ōpae‘ula Road Complete Streets Cross Section for Portion of Road Parallel to the Western Boundary of Hale‘iwa Backyards Project Site (without parking)

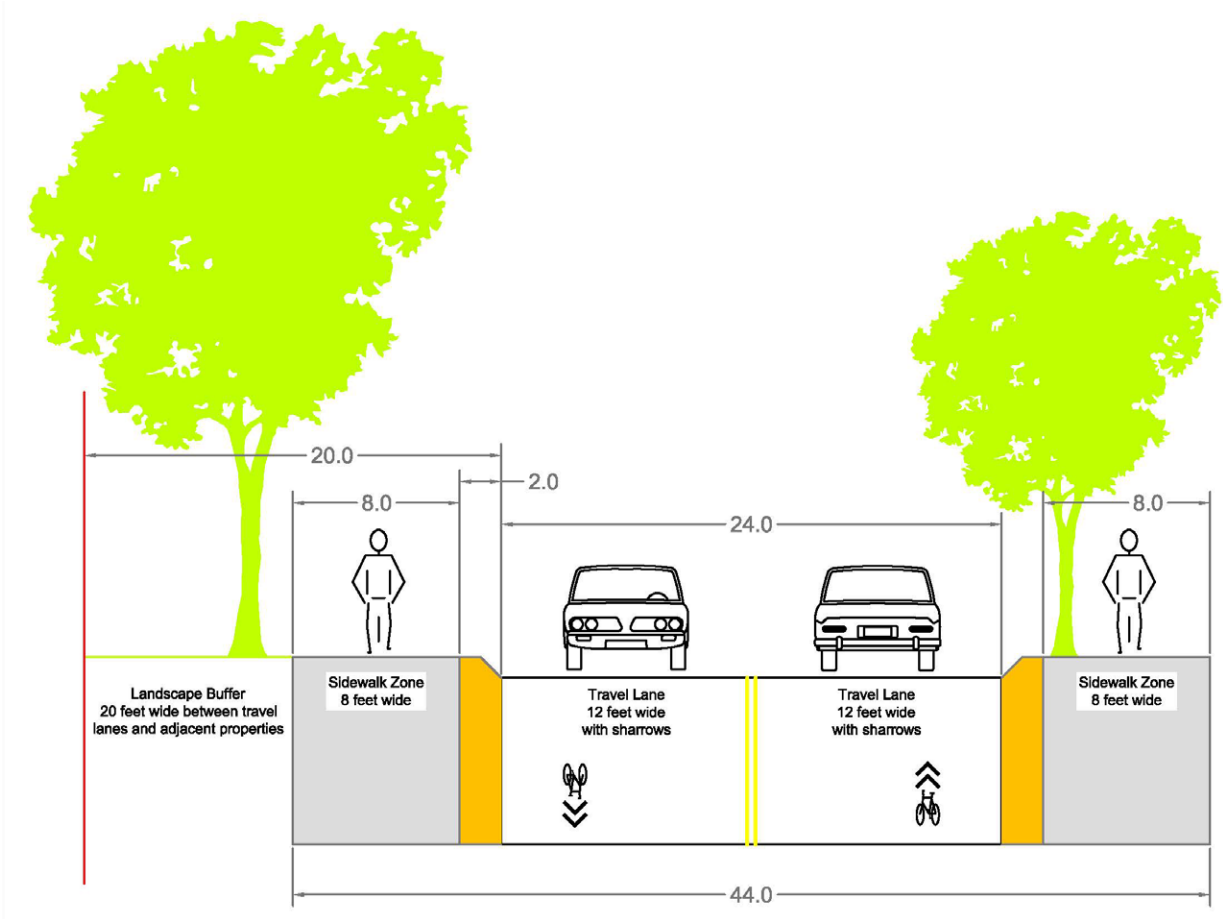


Exhibit 22. Conceptual ʻŌpaeʻula Loop Complete Streets Cross Section (without parking)

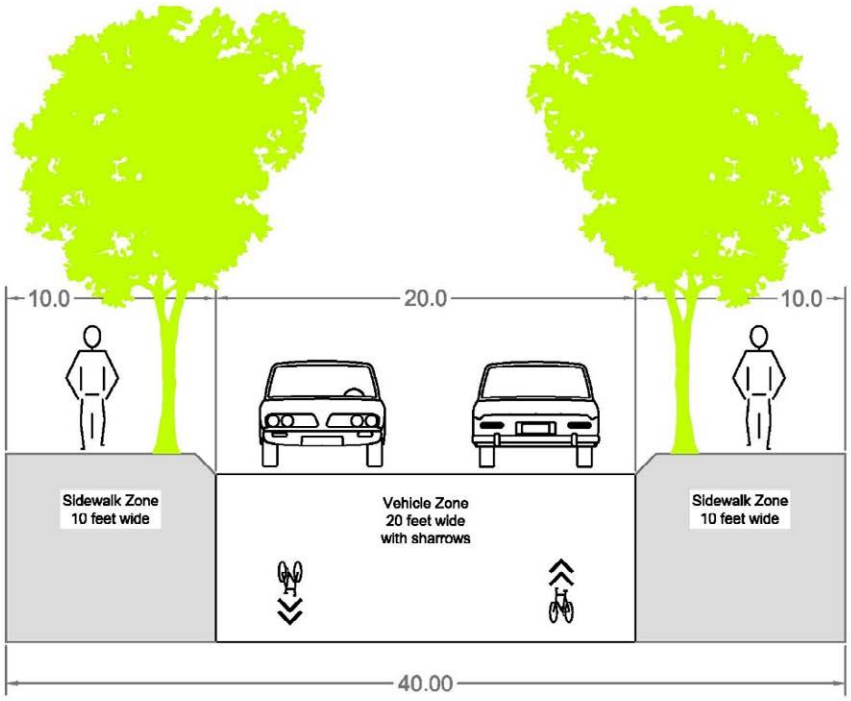
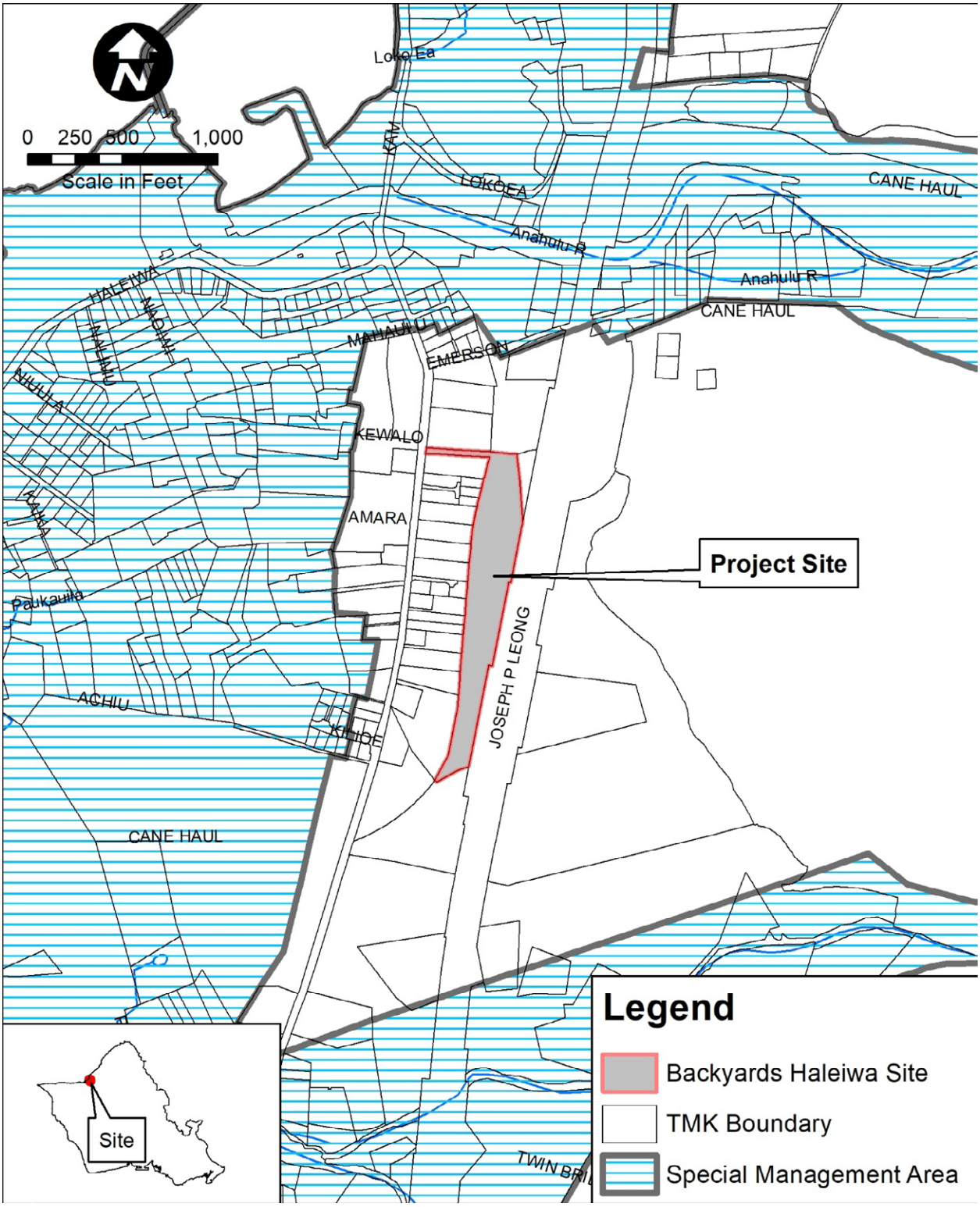
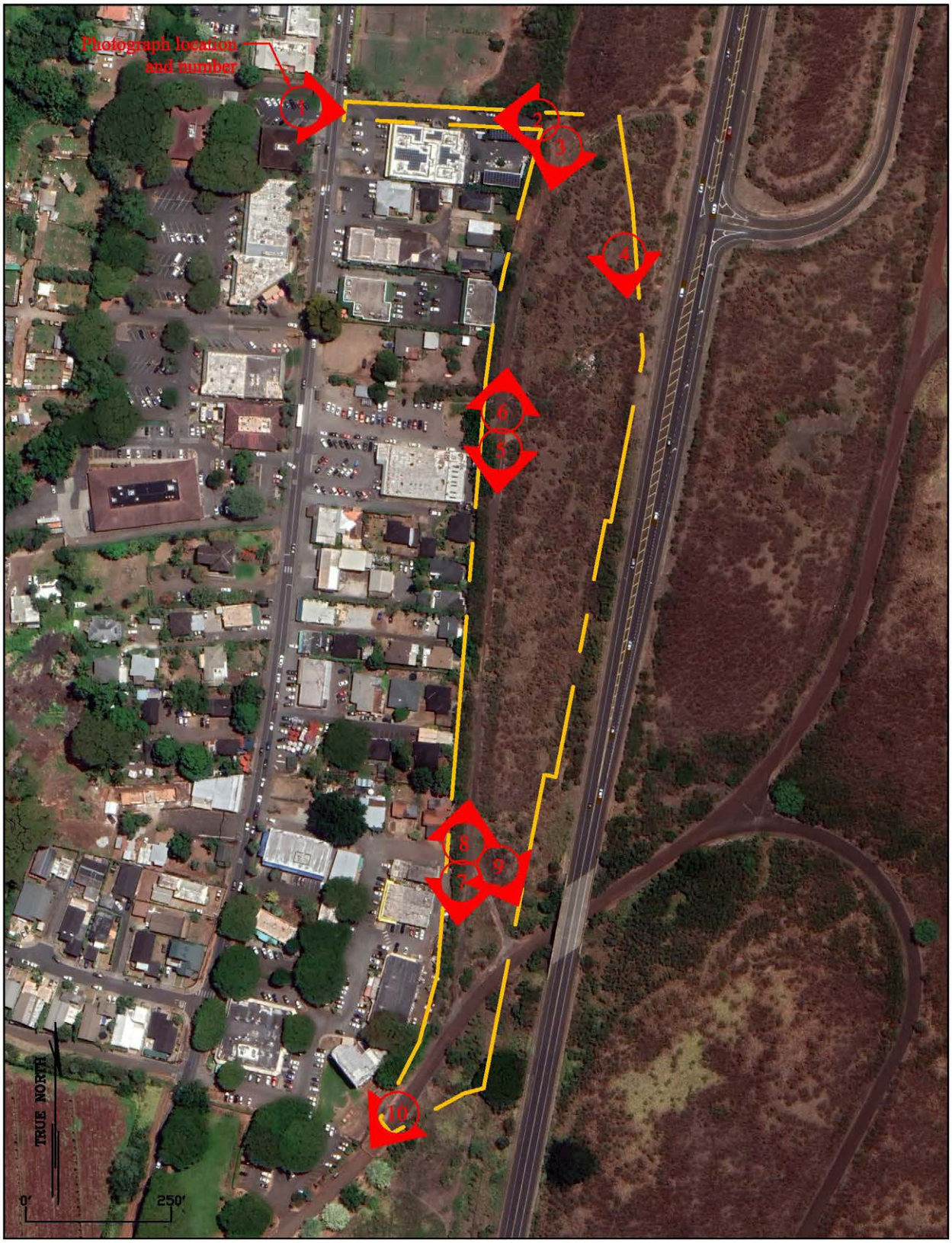


Exhibit 23. Special Management Area (SMA)



Attachment 5. Photographs



Photograph 1. View from Kamehameha Highway to Project Site, showing paved roadway with ACE Hardware on the right and church cemetery on the left



Note, the roadway is in the SLU Urban District.

Photograph 2. View from end of Access Road to Kamehameha Highway, showing ACE Hardware on the left



Note, the roadway is in the SLU Urban District.

Photograph 3. View of Cane Haul Road from Central-North portion of the Project Site to the South



Photograph 4. View from Northeast portion of the Project Site to the South



Photograph 5. View of Cane Haul Road from Central portion of the Project Site (near Malama Market) to the South



Photograph 6. View of Cane Haul Road from Central portion of the Project Site (near Malama Market) to the North



Photograph 7. View of Cane Haul Road from Southern-Central portion of the Project Site to the South



Photograph 8. View of Cane Haul Road from Southern-Central portion of the Project Site to the North



Photograph 9. View of Cane Haul Road from Southern-Central portion of the Project Site to the South, showing Cane Haul Road Underpass on the left



Photograph 10. View of Cane Haul Road from Southern Extent of the Project Site to the South



Attachment 6. NHO Outreach Documentation

PLANNING SOLUTIONS

June 21, 2024

Waialua Hawaiian Civic Club
PO Box 102
Waialua, HI 96791

Subject: **Request for Input Regarding Cultural Practices**
Land Use Permits and Approvals
Haleʻiwa Backyards, LLC Mixed-Use Development
Haleʻiwa, Oʻahu, Hawaiʻi

Dear Sir/Madam,

Haleʻiwa Backyards, LLC is proposing a mixed-use development within the Community Growth Boundary between Kamehameha Highway and Joseph P. Leong Highway in Haleʻiwa. The proposed development will be consistent with the North Shore Sustainable Communities Plan and other policies and guidelines; it will include roughly 150 low-density apartments and 30,000 square feet of neighborhood business space. On November 23, 2016, a Final Environmental Assessment (FEA) was completed; it can be downloaded at https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf. Haleʻiwa Backyards is now seeking, with the assistance of Planning Solutions, Inc. (PSI), land use permits and approvals for the project.

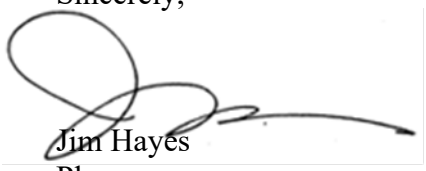
As discussed in the FEA, an archaeological study was conducted that included subsurface investigations; no historic resources were encountered on the site. Subsequently, the State Historic Preservation Division (SHPD) issued its determination that no historic properties will be affected by the proposed project. That work documented that the Waialua region (Kamananui, Paʻalaʻa, and Kawailoa Ahupuaʻa) is home to several resources that are important to Native Hawaiian cultural practices, including loʻi (taro fields), loko iʻa (fishponds), and the nearshore marine environment. Studies indicate that the project site is too far inland to harbor these resources or to have supported a substantial pre-contact traditional population. The site is not near any of the area's streams. Furthermore, long use of the site by the sugar plantation followed by intense use during highway construction has heavily modified the site so that it is now only home to introduced weedy species such as koa haole and guinea grass. Thus, no potential impact on Native Hawaiian or other ethnic groups' cultural practices customarily and traditionally exercised for subsistence, cultural, or religious purposes are anticipated.

PSI is seeking input from the Native Hawaiian community regarding this assessment of the project's potential impacts on customary and traditional cultural practices. If you feel we should contact other community members regarding Native Hawaiian cultural practices in the project area, please provide their contact information. We would appreciate your response by Friday, July 19, 2024.

Pacific Park Plaza, Suite 950 • 711 Kapiʻolani Boulevard • Honolulu, Hawaiʻi 96813-5213
Phone: 808-550-4483 • www.psi-hi.com

Please respond either by regular mail to 711 Kapiolani Boulevard, Suite 950, Honolulu, HI 96813 or by email at jim@psi-hi.com. If you have any questions or concerns, please contact me at (808) 550-4559.

Sincerely,



Jim Hayes
Planner

PLANNING SOLUTIONS

June 21, 2024

Kawika Au, Moku Representative
Aha Moku, Waialua, Oʻahu
Via E-mail: auohana@yahoo.com

Subject: **Request for Input Regarding Cultural Practices**
Land Use Permits and Approvals
Haleʻiwa Backyards, LLC Mixed-Use Development
Haleʻiwa, Oʻahu, Hawaiʻi

Dear Mr. Au,

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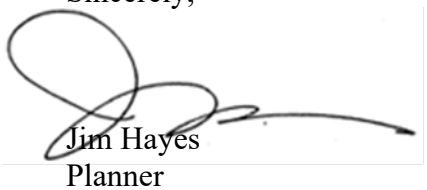

Jim Hayes
Planner

cc: Aha Moku Advisory Committee

PLANNING SOLUTIONS

June 21, 2024

Ms. Hilarie Alomar
Planning & Development Director
Kamehameha Schools
Via E-mail: hialomar@ksbe.edu

Subject: **Request for Input Regarding Cultural Practices**
Land Use Permits and Approvals
Haleʻiwa Backyards, LLC Mixed-Use Development
Haleʻiwa, Oʻahu, Hawaiʻi

Dear Ms. Alomar,

Haleʻiwa Backyards, LLC is proposing a mixed-use development within the Community Growth Boundary between Kamehameha Highway and Joseph P. Leong Highway in Haleʻiwa. The proposed development will be consistent with the North Shore Sustainable Communities Plan and other policies and guidelines; it will include roughly 150 low-density apartments and 30,000 square feet of neighborhood business space. On November 23, 2016, a Final Environmental Assessment (FEA) was completed; it can be downloaded at https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf. Haleʻiwa Backyards is now seeking, with the assistance of Planning Solutions, Inc. (PSI), land use permits and approvals for the project.

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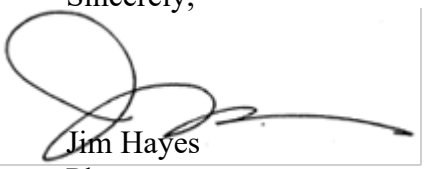

Jim Hayes
Planner

PLANNING SOLUTIONS

June 21, 2024

Ms. Stacy Kealohalani Ferreira, CEO
Office of Hawaiian Affairs
Via E-mail: info@oha.org

Subject: Request for Input Regarding Cultural Practices
Land Use Permits and Approvals
Haleʻiwa Backyards, LLC Mixed-Use Development
Haleʻiwa, Oʻahu, Hawaiʻi

Dear Ms. Ferreira,

Haleʻiwa Backyards, LLC is proposing a mixed-use development within the Community Growth Boundary between Kamehameha Highway and Joseph P. Leong Highway in Haleʻiwa. The proposed development will be consistent with the North Shore Sustainable Communities Plan and other policies and guidelines; it will include roughly 150 low-density apartments and 30,000 square feet of neighborhood business space. On November 23, 2016, a Final Environmental Assessment (FEA) was completed; it can be downloaded at https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf. Haleʻiwa Backyards is now seeking, with the assistance of Planning Solutions, Inc. (PSI), land use permits and approvals for the project.

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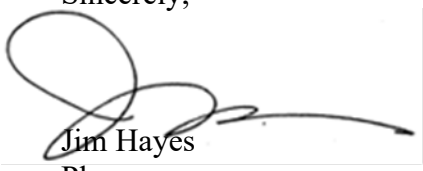

Jim Hayes
Planner

From: Jim Hayes
Sent: Friday, June 21, 2024 11:13 AM
To: David Au <auohana@yahoo.com>
Cc: Julia Ham Tashima <julia@psi-hi.com>
Subject: RE: Request for Input Regarding Cultural Practices

David,
We hope that you and yours are doing well too.
The letter provides a link to the project's Environmental Assessment (EA):
https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf
The EA was widely circulated and there was a lot of talk about the project in the community at that time. Local Hawaiians were informed and did participate to the extent that they deemed appropriate. After the EA, the project, like many things, went on hiatus during COVID. As our letter mentions, the project is now starting to seek the land use permits that are listed in the EA.
The bulk of the roughly 150 proposed apartment units would be rented at market rates; they would be targeted toward the "gap" income demographic. The units would not be designed for the luxury rental market and could not be used as short-term rentals. They would be for local people. A portion of the units would be rented at affordable rates per applicable regulations.
The roughly 30,000 square feet of commercial space would be for neighborhood businesses. There is a hope that a portion of the space would be home to a farmers market.
Hope this helps. Let me know if you have other questions.
Have a great weekend,

Jim Hayes
Planning Solutions, Inc.
O: 550-4559; C: 354-4553

From: David Au <auohana@yahoo.com>
Sent: Friday, June 21, 2024 10:25 AM
To: Julia Ham Tashima <julia@psi-hi.com>
Cc: Jim Hayes <jim@psi-hi.com>
Subject: Re: Request for Input Regarding Cultural Practices

Aloha e Julia
I hope all is well and you and your ohana are happy and healthy.
Mahalo for reaching out. Where exactly is this proposal located? Where can i fin more information on the project; who are the apartments for? What is the retail space?
Did local Hawaiians participate in the FEA?

From: Jim Hayes
Sent: Saturday, June 22, 2024 2:46 PM
To: Hilarie Alomar <hialomar@ksbe.edu>; Julia Ham Tashima <julia@psi-hi.com>
Subject: RE: [EXTERNAL] Request for Input Regarding Cultural Practices, Haleiwa Backyards

Hilarie,
Thanks for your response. The following land use permits are likely necessary (listed in the order they will likely be processed):

- State Land Use District Boundary Amendment (less than 15 acres)
- Zone Change
- Hale'iwa Special District Permit, major

The project was presented to the neighborhood board during the EA process. We are seeking input from Native Hawaiian organizations currently. Next, during the state land use boundary amendment process, the project will have a hearing at the Planning Commission. Prior to the zone change, the project will be presented to the neighborhood board again and then there will be additional hearings. I could go on; suffice it to say that there will be several opportunities for community input during the permitting process. As the project's Environmental Assessment (https://files.hawaii.gov/dbedt/erp/EA_EIS_Library/2016-11-23-OA-FEA-Haleiwa-Mixed-Use-Parcel.pdf) summarizes, other permits and approvals may be necessary.
I hope this helps with you review.
Have a good day,

Jim Hayes
Planning Solutions, Inc.
O: 550-4559; C: 354-4553

From: Hilarie Alomar <hialomar@ksbe.edu>
Sent: Friday, June 21, 2024 9:51 PM
To: Julia Ham Tashima <julia@psi-hi.com>
Cc: Jim Hayes <jim@psi-hi.com>
Subject: Re: [EXTERNAL] Request for Input Regarding Cultural Practices

Aloha e Julia,
Mahalo for reaching out. Responses to a few follow-up questions would help our review:

- Specifically please share what land use permits and approvals are being sought for the project by Hale'iwa Backyards, LLC.
- What outreach or public comment is planned/required during the land use permitting and approvals above?

Me ka ha'aha'a,
Hilarie Alomar

O ke kahua mamua, mahope ke kūkulu.
The site first, and then the building.
Learn all you can, then practice.

Hilarie R. Kamailelauli'i Alomar
Director, Planning & Development
'Āina Pauahi
KAMEHAMEHA SCHOOLS
567 South King Street, Suite 200
Honolulu, HI 96813

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

TO AMEND PORTIONS (7.292 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (HALE‘IWA QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT FOR CERTAIN LANDS SITUATED IN THE HALE‘IWA SPECIAL DISTRICT, HALE‘IWA, OAHU, HAWAI‘I.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Lands within the State Land Use District Boundary Map (Hale‘iwa Quadrangle) are hereby amended by reclassifying certain lands in Hale‘iwa from the Agricultural District to the Urban District, as shown on the map attached hereto, marked “Exhibit A” and by reference made a part hereof. The purpose of this amendment is to place 7.292 acres of land (identified as a portion of Tax Map Key 6-2-005: 002) in the Urban District.

SECTION 2. The reclassification of lands in SECTION 1 is subject to the following conditions:

a. Compliance with Hawai‘i Revised Statutes (HRS), Section 205-3.5(a)(1), Reclassification of land contiguous to an agricultural district. There shall be a prohibition on any action that would interfere with or restrain farming operations on lands in the State Land Use (SLU) Agricultural District that are contiguous or adjacent to the Petition Area; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the SLU Agricultural District.

b. Compliance with HRS, Section 205-3.5(a)(2), Reclassification of land contiguous to an agricultural district. The Applicant shall notify all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous lands in the SLU Agricultural District are protected under HRS, Chapter 165, the Hawai‘i Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

c. Affordable Housing. The Applicant shall provide affordable housing opportunities for residents of the State of Hawai‘i in accordance with the applicable affordable housing requirements of the City and County of Honolulu (City). The location and distribution of affordable housing or

other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Applicant and the City.

d. Traffic Impact. The Applicant shall submit to the Department of Planning and Permitting (DPP) and the State of Hawai‘i Department of Transportation (HDOT) an updated Traffic Impact Analysis Report (TIAR). The TIAR shall include a pedestrian and vehicular circulation plan and information on how pedestrians will access the Petition Area from Kamehameha Highway. The updated TIAR shall be approved by the HDOT and the DPP prior to the submittal of a zone change application.

e. Access. Prior to the submittal of a zone change application, the Applicant shall execute and record an access easement upon Cane Haul Road to demonstrate that the Petition Area will have access to Kamehameha Highway via the Cane Haul Road at the Bureau of Conveyances of the State of Hawai‘i, or in the Office of the Assistant Registrar of the Land Court of the State of Hawai‘i, as applicable, and provide a copy of the recorded document to the DPP.

f. Wastewater. The Applicant shall develop an on-site wastewater collection and treatment system in the Petition Area as represented in the application or as approved by the State of Hawai‘i Department of Health and the City.

g. Endangered Species. The design, construction, and operation of the Petition Area shall abide by the following Avoidance and Minimization Measures from the U.S. Fish and Wildlife Service:

1. Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).

2. Do not use barbed wire for fencing.

3. Fully shield all outdoor lights so the bulb can only be seen from below.

4. Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.

5. Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

6. Where fences extend above vegetation, integrate three strands of polytape into the fence to increase visibility.

7. For power lines, guy-wires and other cables, minimize exposure above vegetation height and vertical profile.

h. Annual Reports. On an annual basis, the Applicant shall submit a written status report to the DPP documenting satisfaction of and/or describing its progress toward complying with each condition of approval for this State Land Use District Boundary Amendment. The status report shall be submitted to the DPP on or before December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

_____

_____

_____

_____

_____

_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai‘i Councilmembers

A BILL FOR AN ORDINANCE

APPROVED AS TO FORM AND LEGALITY:

_____
Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___ .

_____
RICK BLANGIARDI, Mayor
City and County of Honolulu

NORTH SHORE NEIGHBORHOOD BOARD NO. 27

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BOULEVARD SUITE 160 • HONOLULU, HAWAII 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: http://www1.honolulu.gov

RECEIVED
Jan. 19, 2025
4:49 PM
Via Email
DEPT. OF PLANNING AND PERMITTING

January 19, 2025

Pane Meatoga III
Chair
Planning Commission c/o Department of Planning and Permitting
650 S King St
Honolulu, HI 96791

Aloha Chair Meatoga and Commission Members:

The North Shore Neighborhood Board (NSNB) opposes the Haleʻiwa Backyards project and the steps needed to execute the proect as presented during the October 22, 2024, meeting. The board believes that the proposed development poses significant threats to the cultural integrity, environmental sustainability, and community character of Haleiwa and the broader North Shore region.

Specifically:

Cultural Impact: The project undermines the historic and cultural fabric of Haleʻiwa by promoting large-scale development incompatible with the area's identity as a culturally rich and community-oriented town.

Community Displacement and Overdevelopment: The project prioritizes commercial interests over local needs, exacerbating housing challenges and potentially driving long-time residents out of their community.

Environmental Concerns: The project relies on outdated environmental assessments and disregards current concerns about climate change, sea level rise, and sustainable land use practices. The potential harm to sensitive ecosystems, including the wetlands and nearby marine environments, is unacceptable.

Lack of Meaningful Community Engagement: Although the developers have held some public meetings, the project does not reflect genuine community input. The overwhelming opposition voiced by residents highlights a disconnect between the developers' vision and the community's desires.

For these reasons, the NSNB firmly opposes the Haleiwa Backyards project and urges the Honolulu Department of Planning and Permitting (DPP) and other relevant agencies to halt its approval process until the concerns of the North Shore community are addressed through updated environmental assessments, genuine community consultation, and adherence to sustainable development principles.

Passed Unanimously at the Tuesday, November 26, 2024 North Shore NB #27 Meeting

Mālama ´āina,
Kathleen M. Pahinui
Kathleen M. Pahinui, Chair

RECEIVED
Jan. 20, 2025
2:09 PM
Via Email
DEPT. OF PLANNING AND PERMITTING

Kathleen M. Pahinui
pahinuik001@hawaii.rr.com

January 20, 2025

Pane Meatoga III, Chair
Planning Commission c/o Department of Planning and Permitting
650 S King St
Honolulu, HI 96791

Aloha Chair Meatoga and Commission Members:

I am writing this testimony in my individual capacity and opinions expressed in this email are my own.

I strongly oppose this project for the following reasons:

- The development area is exceedingly small for the project they have planned. 30,000 sq ft of commercial and 150 apartments with parking. **TOO MUCH** density.

- Who will manage the apartments? What is their history? If a property is not well-managed, it can turn into a community eyesore and a nightmare for the neighbors.

- Who will rent – **NOT** the store clerk who works in the surf shop. Many of our businesses have not fully recovered from COVID and are still short-staffed.

- Based on current North Shore rents, you can spend about $2,000 per month on a small 1-2 bedroom. As these will be brand new, one would expect the rents to be higher. Will these end up as vacation rentals or just renting to military? Again, the surf shop employee will not be able to afford these units.

- One way in and out of the development will add to the traffic chaos in Haleiwa. Their traffic study is flawed in my estimation and anyone who comes to Haleiwa, even midday, will see traffic. It is worse during high visitor season. This will add another choke point to our already densely travelled town.

- I have not spoken to one resident that thinks this is a promising idea for the above reasons and many others. This will change the character of our town irrevocably and forever. It will cease being the town people like to stop by for Cholos and Matsumoto's but will be avoided due to congestion and overcrowding.

I adamantly oppose the Haleiwa Backyards project and urge the Honolulu Department of Planning and Permitting (DPP) and other relevant agencies to halt its approval process until the concerns of the North Shore community are addressed through updated environmental assessments, genuine community consultation, and adherence to sustainable development principles.

At bare minimum, this project should be held until our North Shore Sustainable Community Development Plan has been approved and signed into ordinance by the mayor. It is wrong to base a project with this much impact on a plan that is fourteen years old. Community sentiment has changed in the past fourteen years and the current plan does not adequately reflect these changes.

I propose that the City and County of Honolulu purchase the property as a parking hub for residents, businesses, and visitors. This idea has been floating around our community for many years and has traction as we are now working with the Dept of Transportation Services to establish a mobility hub and parking. This spot has been identified multiple times as an excellent location for parking as it is off the main road.

With the walkways soon starting construction and the planning for the mobility hub, using this space for a parking lot makes far more sense and will add value to our community and be a benefit to our residents.

Please help us save Haleiwa from rampant over-development and over-crowding.

Mālama ʻāina,

Kathleen M. Pahinui

Kathleen M. Pahinui
Waialua Resident and Community Activist

From: leinaur001@hawaii.rr.com <leinaur001@hawaii.rr.com>
Sent: Tuesday, January 21, 2025 1:47 PM
To: Department of Planning and Permitting <dpp@honolulu.gov>
Subject: Planning Commission meeting

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

The proposed change in the Land use District Boundary for the Haleiwa Backyards,LLC is not in keeping with the current land use and housing that is in Haleiwa. It is not supported by many of the residents. The density and waste stream are excessive for this area.
Please do not approve the request for this project.
Mahalo, Bob Leinau

From: pahinuik001@hawaii.rr.com <pahinuik001@hawaii.rr.com>
Sent: Wednesday, January 22, 2025 11:57 AM
To: Department of Planning and Permitting <dpp@honolulu.gov>
Cc: Pane Meatoga III <meatoga21@gmail.com>
Subject: URGENT: Haleiwa Backyards - PLANNING COMMISSION TESTIMONY

CAUTION: Email received from an EXTERNAL sender. Please confirm the content is safe prior to opening attachments or links.

Aloha –

Here are some additional comments sent to me by a concerned community member for today's Planning Commission meeting.

Mahalo!

Kathleen

Kathleen:
These are my concerns about Andy's project:

1. NSMP has six restaurants with outdoor seating which are directly down wind of the location planned for Andy's sewage treatment plant. If it only smells bad once a week, It could destroy our business.
2.. The SSFM Traffic Study says that you need 4 parking stalls per 1000 sq. ft of retail space and 17 parking stalls per 1000 sq. ft. of restaurant or fast food space. If 30% of the space is restaurant (NSMP is 40%) for 30,000 sq. ft that would require 393 parking stalls (120 stalls per acre (so three plus acres just for the commercial parking spaces. Store lots has about 100 spaces for the same sq. area as required by code, but can't even accommodate their own employee parking. It's caused a lot of congestion creating on street parking.
3. Kam Highway is already at capacity. At noon last Sunday the backup was aready from Anahulu Bridge to Weed junction. Frther, he proposes access along the Cane Haul Road behind NSMP. KS has gated that off so NSMP can't use it. I doubt they will let Andy use it.

Thus, by far a big access problem.