REPORT OF THE COMMITTEE ON ZONING

Voting Members:
Esther Kia'āina, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Matt Weyer

Committee Meeting Held
April 3, 2025

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, which considered Resolution 25-93 entitled:

"RESOLUTION AMENDING RESOLUTION 22-061, CD1, TO EXTEND THE DEADLINE TO OBTAIN A DEVELOPMENT PERMIT FOR A SINGLE-FAMILY DWELLING UNIT, A GYM, AND A GARAGE IN KĀHALA, O'AHU,"

transmitted by Departmental Communication 221 (2025), dated March 14, 2025, from the Department of Planning and Permitting ("DPP"), reports as follows:

The purpose of Resolution 25-93 is to amend Resolution 22-61, CD1, as amended by Minor Modification 2024/MOD-50, to extend the deadline to obtain a development permit for a single-unit dwelling, detached garage, gym, swimming pool, and other improvements in Kāhala.

On May 4, 2022, the Council adopted Resolution 22-61, CD1, which approved a Special Management Area Major Permit proposed by 4439 Kahala, LLC, to allow for the development of two single-family dwellings and a detached garage on an approximately 35,428 square-foot shoreline lot zoned R-7.5 Residential District, located at 4439 Kāhala Avenue in Kāhala, and identified as Tax Map Key 3-5-003:007 (the "Project").

Condition G of Resolution 22-61, CD1, required that a development permit for the Project be obtained by May 3, 2024. As allowed under Condition G, the DPP Director subsequently approved a one-year extension of the deadline, resulting in a new deadline of May 3, 2025.

ADOPTED ON APR 16 2025

COMMITTEE REPORT NO. 134

On October 29, 2024, the DPP Director approved Minor Modification 2024/MOD-50, which modified the Project and revised certain conditions of approval.

The Applicant now seeks a two-year extension of the deadline to obtain a development permit for the Project, and is requesting a new deadline of May 3, 2027.

The DPP Director's report indicates that the two-year extension of the deadline is reasonable due to a change in ownership of the Project site, the resulting Project revisions to address the needs of the current owner, Project revisions to increase the resiliency of the dwelling to coastal hazards, and the required preparation of an archaeological monitoring plan. The DPP Director's report also indicates that the Applicant has demonstrated progress in moving forward with the Project, and has informed the DPP of changes in Project status.

At your Committee's meeting on April 3, 2025, the Applicant's Agent provided a brief presentation of the Project modifications and the reasons for the request to extend the deadline to obtain a development permit, and responded to questions from Councilmembers.

The DPP Director testified that the DPP has no objections to the Resolution.

Your Committee received no verbal or written public testimony on the Resolution.

Your Committee prepared a CD1 version of the Resolution that makes the following amendments:

A. Amends the resolution title to read as follows:

"AMENDING RESOLUTION 22-61, CD1, AS AMENDED BY MINOR MODIFICATION 2024/MOD-50, TO EXTEND THE DEADLINE TO OBTAIN A DEVELOPMENT PERMIT FOR A SINGLE-FAMILY DWELLING, DETACHED GARAGE, GYM, SWIMMING POOL, AND OTHER IMPROVEMENTS IN KĀHALA, O'AHU."

B. Amends the fifth WHEREAS clause, to refer to Ordinances 23-3 and 23-4 (instead of Ordinances 23-3 and 23-5).

C. Replaces the seventh WHEREAS clause, relating to the DPP's approval of a Minor Modification of the Project, with a new WHEREAS clause to read as follows:

WHEREAS, on October 29, 2024, the DPP Director approved Minor Modification 2024/MOD-50, which amended the Project and certain conditions of approval as set forth in Resolution 22-61, CD1, to:

1. Account for plan revisions to remove one single-family dwelling; changing the orientation of the detached garage; and adding a recreation room (gym), package delivery kiosk, covered meditation pavilion, and in-ground swimming pool with expansive deck and lanai;

2. Address the 2023 regulatory changes under Ordinances 23-3 and 23-4 by moving the dwelling farther mauka to 81 feet (instead of 61 feet) from the certified shoreline, and including resiliency and adaptation elements into the Project design (elevating the building pad by an additional 1.5 feet above existing grade, and installing deep foundation elements to support the makai portion of the residence); and

3. Retain the conditions in Resolution 22-61, which remained in full force and effect, and impose additional conditions of approval relating to landowner acknowledgements of coastal hazards and minimizing the spread of invasive pathogens, pests, or plants.

D. Amends the eighth WHEREAS clause to add that on March 28, 2024, the State Historic Preservation Division ("SHPD") accepted an Archaeological Assessment for the Project site, which was based on a previously prepared Archaeological Inventory Survey; upon review of the Archaeological Assessment, SHPD issued a letter requiring that the Applicant prepare and submit to SHPD an Archaeological Monitoring Plan ("AMP"); on January 16, 2025, the Applicant submitted the AMP to SHPD, and SHPD concurrence of the AMP is currently pending.

E. Adds a new 10th WHEREAS clause to provide that the DPP's report indicates a two-year extension of the deadline to obtain a development permit for the Project is reasonable due to the change in ownership of the Project site and resulting Project revisions to address the needs of the current owner, Project revisions to increase the resiliency of the dwelling to coastal hazards, and archaeological requirements to prepare an AMP; the DPP's report also indicates that the Applicant has demonstrated progress in moving forward with the Project, and has informed the DPP of changes in the status of the Project.

F. Amends the BE IT RESOLVED clause to provide that Resolution 22-61, CD1, as amended by Minor Modification 2024/MOD-50, is further amended to extend the deadline to obtain a development permit for the Project from May 3, 2025 to May 3, 2027.

G. Amends the first BE IT FURTHER RESOLVED clause to provide that all other provisions of Resolution 22-61, CD1, as modified by Minor Modification 2024/MOD-50, are ratified and confirmed, and remain in full force and effect.

H. Makes miscellaneous technical and nonsubstantive amendments.

REPORT OF THE COMMITTEE ON ZONING

Voting Members:
Esther Kia'āina, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Matt Weyer

Your Committee on Zoning is in accord with the intent and purpose of Resolution 25-93, as amended herein, and recommends its adoption in the form attached hereto as Resolution 25-93, CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'āina, Okimoto, Weyer – 5; Noes: None.)

Respectfully submitted,

Committee Chair

ADOPTED ON APR 16 2025

COMMITTEE REPORT NO. 134

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-93, CD1**

RESOLUTION

AMENDING RESOLUTION 22-61, CD1, AS AMENDED BY MINOR MODIFICATION 2024/MOD-50, TO EXTEND THE DEADLINE TO OBTAIN A DEVELOPMENT PERMIT FOR A SINGLE-FAMILY DWELLING, DETACHED GARAGE, GYM, SWIMMING POOL, AND OTHER IMPROVEMENTS IN KĀHALA, O'AHU.

WHEREAS, on May 4, 2022, the City Council ("Council"), by adoption of Resolution 22-61, CD1, approved a Special Management Area ("SMA") Major Permit proposed by 4439 Kahala, LLC, to allow for the development of two single-family dwellings and a detached garage on an approximately 35,428 square-foot shoreline lot zoned R-7.5 Residential District, located at 4439 Kāhala Avenue in Kāhala, and identified as Tax Map Key 3-5-003:007 (the "Project"); and

WHEREAS, Condition G of Resolution 22-61, CD1, required that a development permit for the Project be obtained within two years after the effective date of the SMA Major Permit, resulting in a deadline of May 3, 2024; Condition G further provided that the Director of Planning and Permitting ("DPP Director") may extend this period if the applicant demonstrates good cause, but the period may not be extended beyond one year from the initial deadline without the approval of the Council; and

WHEREAS, On April 30, 2024, pursuant to Condition G, the DPP Director approved a one-year extension of the deadline, resulting in a new deadline of May 3, 2025; and

WHEREAS, the current owner (as detailed below) has requested a further two-year extension of the May 3, 2025, deadline to obtain a development permit for the Project, as described in Departmental Communication 221 (2025), which if approved would result in a new deadline of May 3, 2027; and

WHEREAS, on March 9, 2023, the Mayor of the City and County of Honolulu signed into law Ordinances 23-3 and 23-4, which amended Chapters 25 and 26, Revised Ordinances of Honolulu 2021 ("ROH") relating to the Special Management Area and Shoreline Setbacks, respectively; and

WHEREAS, on August 15, 2023, after approval of Resolution 22-61, CD1, with no development activity having occurred, 4439 Kahala, LLC sold the Project site to the current owner, ALJ Kahala, LLC ("Applicant"), and the Applicant sought to revise the Project plans; and

RESOLUTION

WHEREAS, on October 29, 2024, the DPP Director approved Minor Modification 2024/MOD-50, which amended the Project and conditions of approval as set forth in Resolution 22-61, CD1, to:

1. Account for plan revisions to remove one single-family dwelling; change the orientation of the detached garage; and add a recreation room (gym), package delivery kiosk, covered meditation pavilion, and in-ground swimming pool with expansive deck and lanai;

2. Address the 2023 regulatory changes under Ordinances 23-3 and 23-4 by moving the dwelling farther mauka to 81 feet (instead of 61 feet) from the certified shoreline, and including resiliency and adaptation elements into the Project design (elevating the building pad by an additional 1.5 feet above existing grade, and installing deep foundation elements to support the makai portion of the residence); and

3. Retain the conditions in Resolution 22-61, which remained in full force and effect, and impose additional conditions of approval relating to landowner acknowledgements of coastal hazards and minimizing the spread of invasive pathogens, pests, or plants; and

WHEREAS, on March 28, 2024, the State Historic Preservation Division ("SHPD") accepted an Archaeological Assessment for the Project site, which was based on a previously prepared Archaeological Inventory Survey; upon review of the Archaeological Assessment, SHPD issued a letter requiring that the Applicant prepare and submit to SHPD an Archaeological Monitoring Plan ("AMP"); on January 16, 2025, the Applicant submitted the AMP to SHPD, and SHPD concurrence of the AMP is currently pending; and

WHEREAS, on March 14, 2025, the DPP completed its report and transmitted to the Council by Departmental Communication 221 (2025) the DPP's findings and recommendation of approval to extend the deadline to obtain a development permit for the Project for a two-year period; and

WHEREAS, the DPP's report indicates a two-year extension of the deadline to obtain a development permit for the Project is reasonable due to the change in ownership of the Project site and resulting Project revisions to address the needs of the current owner, Project revisions to increase the resiliency of the dwelling to coastal hazards, and archaeological requirements to prepare an AMP; the DPP's report also

indicates that the Applicant has demonstrated progress in moving forward with the Project, and has informed the DPP of changes in the status of the Project; and

WHEREAS, the Council, having received the findings and recommendation of the DPP on March 18, 2025, and having duly considered the matter, desires to approve the requested two-year extension of the deadline; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Resolution 22-61, CD1, as amended by Minor Modification 2024/MOD-50, is further amended to extend the deadline to obtain a development permit for the Project from May 3, 2025 to May 3, 2027; and

BE IT FURTHER RESOLVED that all other provisions of Resolution 22-61, CD1, as modified by Minor Modification 2024/MOD-50, are ratified and confirmed, and remain in full force and effect; and

BE IT FURTHER RESOLVED that any further extensions of this deadline will require the approval of the Council pursuant to the procedures set forth in Condition G of Resolution 22-61, CD1; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-93, CD1**

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; Jeff Overton, G70, 111 South King Street, Suite 170, Honolulu, Hawai'i 96813; and ALJ Kahala, LLC, 610 Harland Street, Milton, Massachusetts 02186.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

March 24, 2025
Honolulu, Hawai'i

Councilmembers

Report Title:
Special Management Area ("SMA") Major Permit; Extension of Deadline to Obtain Development Permit; Department of Planning and Permitting ("DPP"); Kāhala, Oʻahu; Kahala, Oahu

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