RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE-UNIT DWELLING, INCLUDING A NEW ATTACHED GARAGE, FRONT GATE, AND SHADE STRUCTURE; REPLACEMENT OF AN EXISTING DRIVEWAY; RELOCATION OF AN EXISTING SWIMMING POOL; DECOMMISSION OF AN EXISTING SAND VOLLEYBALL COURT; AND LANDSCAPING IMPROVEMENTS IN KAILUA, O'AHU.

WHEREAS, on January 8, 2025, the Department of Planning and Permitting ("DPP") accepted the application ("File Number 2024/SMA-137") from Beachside LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit for alterations and modifications to an existing two-story single-unit dwelling, including the addition of a new two-car attached garage, front gate, and shade structure (eaves); replacement of an existing driveway; relocation of an existing swimming pool; decommission of an existing sand volleyball court; and landscaping improvements on an approximately 31,228-square-foot shoreline lot in the R-10 Residential District, located at 111 Kailuana Loop, and identified as Tax Map Key 4-3-083:008 (the "Project"); and

WHEREAS, on March 3, 2025, the DPP held a public hearing on the application at the Frank F. Fasi Municipal Building, Sixth Floor Conference Room, which was attended by the Applicant's agent and DPP staff members; and

WHEREAS, on April 17, 2025, within 45 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in §§ 25-3.1 and 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH"), and §§ 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on April 21, 2025 by Departmental Communication 292 (2025), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major Permit subject to the conditions enumerated below; now, therefore,

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

RESOLUTION

- A. Development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A, B, C-1 through C-8, and D through L, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources, as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution upon review and approval by the DPP Director.
- B. To minimize impacts to archaeological, historic, and cultural resources that may be present on the Project site, if, during construction, any previously unidentified archaeological sites or remains (such as artifacts; shell, bone or charcoal deposits; human burials; rock or coral alignments; pavings; or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance and contact the State Historic Preservation Division ("SHPD") immediately. Work in the immediate area must be stopped until SHPD is able to assess the impact and has made further recommendations for mitigative activity.

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

- C. To minimize impacts to endangered, threatened, or protected avian, marine, and terrestrial fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following:
 - 1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin.
 - 2. Artificial light from exterior light fixtures on the Project Site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates, or is directed across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b).
 - 3. Exterior light fixtures on the Project site must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture.

RESOLUTION

- 4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset).
- 5. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).
- 6. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
- 7. All Project-related activities must cease if a Hawaiian monk seal, green sea turtle, or hawksbill sea turtle is present on land within 150 feet of the work area, or as recommended by State or federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal pup is present on land, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

- D. To minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the Applicant is responsible for the following:
 - 1. The Applicant shall minimize the importation of fill material to the extent possible. If there is not enough excavated soil to use as fill material, the Applicant may need to import a minimal amount of top soil for landscaping purposes. No importation of structural fill is proposed.
 - 2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the current recommendations from the O'ahu Invasive Species Committee ("OISC").
 - 3. Prior to the commencement of any ground-disturbing or construction activities, and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for

RESOLUTION

Prevention of Invasive Species" ("Protocols") must be distributed to all workers who will be present at the Project site, or the Protocols must be posted at the Project site in a visible location accessible to all Project workers (including delivery and haul-out contractors), or both the distribution and posting of the Protocols is required. All onsite Project workers must be instructed to review the species photos and all Protocols prior to commencing any ground-disturbing or construction activities.

4. If, at any time, species on the OISC invasive species target list website at https://www.oahuisc.org/current-targets/, or any successor website or list provided by the OISC, are discovered on the Project site, the Applicant shall immediately contact the OISC to report the discovery. The current email address and phone number for the OISC must be visibly posted at the Project site during pre-construction and construction activities. The Applicant shall implement any measures recommended by the OISC and any responsible federal or State of Hawai'i agency charged with the eradication and management of invasive species.

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

- To recognize the potential for adverse impacts related to coastal hazards, including but not limited to sea level rise, coastal erosion, flooding, wave action, and storm surge, the landowner acknowledges the following declarations, which must be clearly stated under "Landowner Acknowledgments" on all Project building permit plans:
 - 1. "The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that Tax Map Key 4-3-083:008 is susceptible to coastal hazards, which may result in harm to or loss of life and property."
 - 2. "The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that Tax Map Key 4-3-083:008 is a shoreline zoning lot, a portion of which is projected to be impacted by 3.2 feet of sea level rise by the year 2100, and may be adversely impacted by coastal hazards. The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot. The

RESOLUTION

landowner further agrees to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site."

F. To ensure the landowner is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, by proceeding with the Project, the landowner acknowledges the following declaration, which must be clearly stated on all Project building permit plans:

"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that bed and breakfast homes and transient vacation units, as those terms are defined in Revised Ordinances of Honolulu Chapter 21, the Land Use Ordinance, are not allowed on Tax Map Key 4-3-083:008."

G. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District due to anticipated coastal erosion, the landowner acknowledges the following declaration, which must be clearly stated under "Landowner Acknowledgements" on all Project building permit plans:

"In choosing to implement construction activities at Tax Map Key 4-3-083:008, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that land makai of the regulatory shoreline is State public land, falls within the State Land Use Conservation District, and must remain available for public use and recreational activities. The landowner further acknowledges that should any portion of a structure encroach into State public land, the State Board of Land and Natural Resources may require the removal of the structure or a lease for the encroachments extending into the State public land. As a result of this acknowledgement, successor owners and interested parties are hereby notified of this same information and the landowner shall hold harmless and indemnify the City for any responsibility that may result from adverse impacts associated with sea level rise and coastal erosion."

RESOLUTION

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

"In choosing to undertake the development at Tax Map Key 4-3-083:008, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that no claim of hardship due to erosion, sea level rise, or any other coastal hazard may be asserted in order to obtain approval for a Shoreline Setback Variance for a shoreline protection structure."

- I. To preserve underlying beach sands and coastal dunes, all landscaped areas, landscaping, and irrigation must be contained and maintained within the property boundaries of the shoreline lot of origin.
 - 1. Landscaping may not be planted, watered, or maintained so that it acts as a shoreline hardening barrier, such as by planting naupaka, particularly if the landscaping alters or interferes with the natural beach processes.
 - Landscaping may not extend seaward of the shoreline as depicted in the current certified shoreline survey for the shoreline lot, or in the event there is no current certified shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A.
 - 3. Landscaping may not extend into any adjoining beach access right-of-way, public or private.
 - 4. Landscaping in the dune or shoreline area between the dwelling and the shoreline must be limited to vegetation that is naturally hardy or endemic to the dune or shoreline area.
 - 5. Any irrigation system must be designed so that water does not traverse seaward of the shoreline as depicted in the current certified shoreline survey for the shoreline lot, or in the event there is no current certified

No. <u>25-120, CD1</u>

RESOLUTION

shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A.

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

- J. The Applicant shall obtain a construction permit or building permit for the Project within 36 months after the effective date of this SMA Major Permit. Failure to obtain a construction permit or building permit within this period will render this SMA Major Permit null and void; provided that this period may be extended as follows:
 - 1. The DPP Director may extend this period if the Applicant demonstrates good cause; provided that the DPP Director may not extend the period beyond one year from the initial deadline set by the Council.
 - 2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director shall prepare and submit to the Council a report on the proposed extension that includes the DPP Director's findings and recommendations thereon. The Council may approve the proposed extension, or approve an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.
 - 3. If the Council fails to take final action on the proposed extension within the first to occur of:
 - a. Sixty days after receipt of the DPP Director's report; or
 - b. The Applicant's then-existing deadline for obtaining a construction permit or building permit;

the extension will be deemed to be denied.

K. Approval of this SMA Major Permit does not constitute compliance with other City ordinances, including but not limited to the Land Use Ordinance ("LUO") and building and construction codes, or other governmental requirements, including but not limited to LUO-related approvals, and building, grading, and grubbing permit approvals, which are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project

No. <u>25-120, CD1</u>

RESOLUTION

approved under this SMA Major Permit comply with all applicable City ordinances and other governmental provisions and requirements.

INTRODUCED BY:

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Beachside LLC, 4404 Pu'u Panini Avenue, Honolulu, Hawai'i 96816; Keola Chang, Wilson Okamato Corporation, 1907 South Beretania Street, Suite 400, Honolulu, Hawai'i 96826; Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

	Tommy Waters (br)
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DATE OF INTRODUCTION:	
A	
April 22, 2025 Honolulu, Hawai'i	Councilmembers



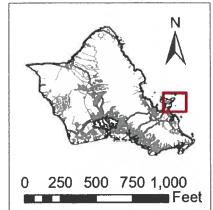


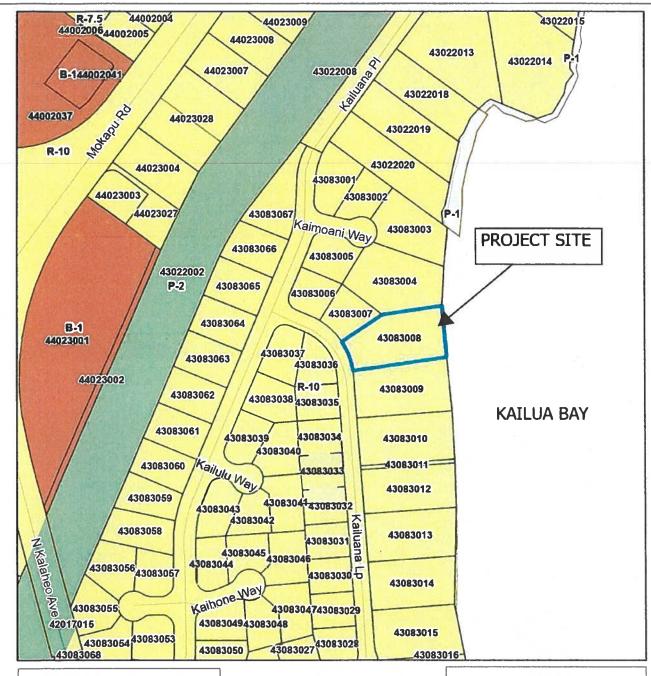
EXHIBIT A LOCATION MAP

FILE NO. 2024/SMA-137
TAX MAP KEY 4-3-083: 008

111 KAILUANA LOOP - KAILUA

January 2025





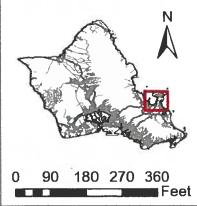


EXHIBIT B ZONING MAP

FILE NO. 2024/SMA-137

TAX MAP KEY 4-3-083: 008

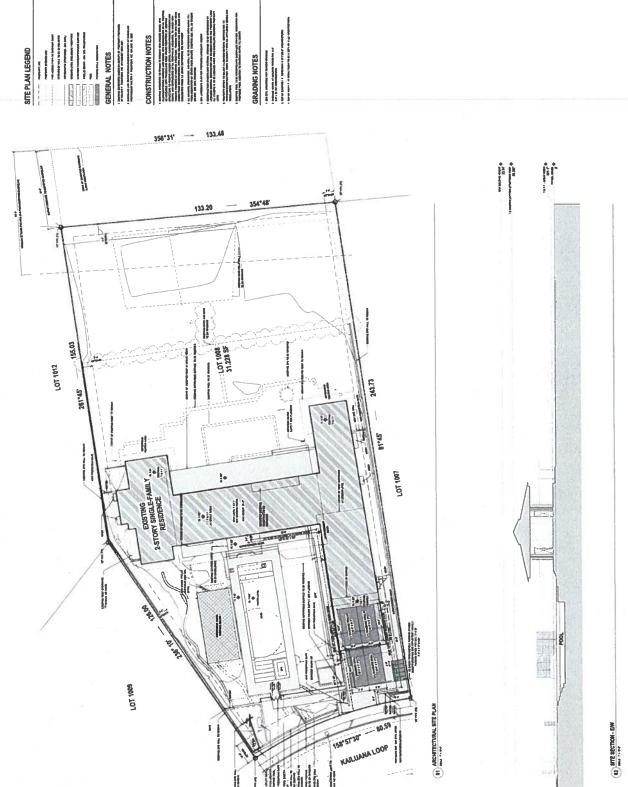
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February 2025

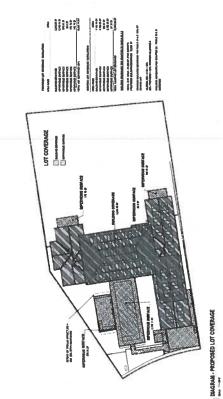


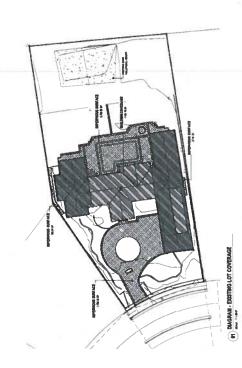
Department of Planning and Permitting Land Use Permits Division City and County of Honolulu

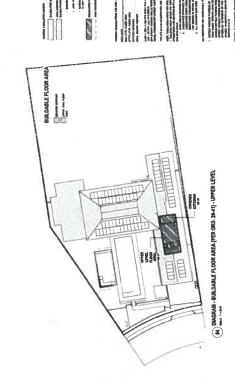
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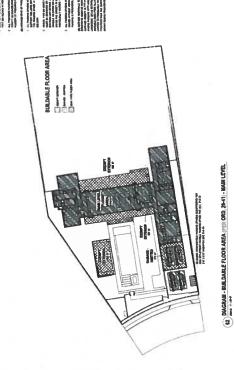


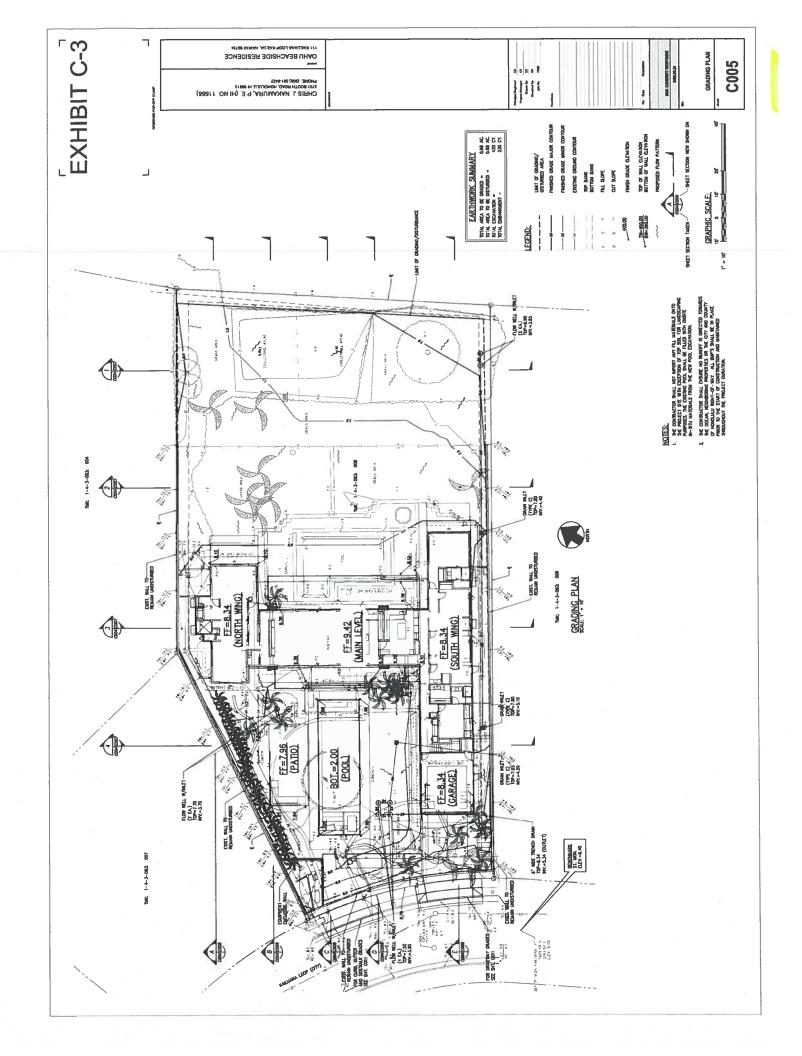


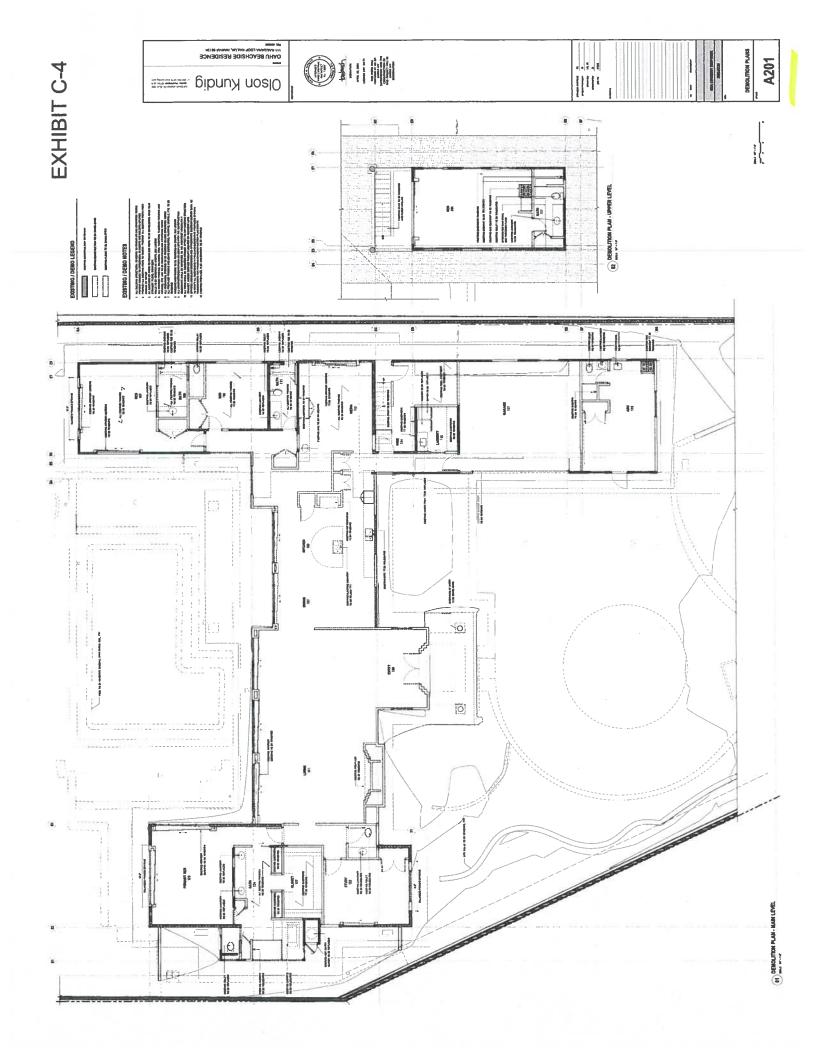


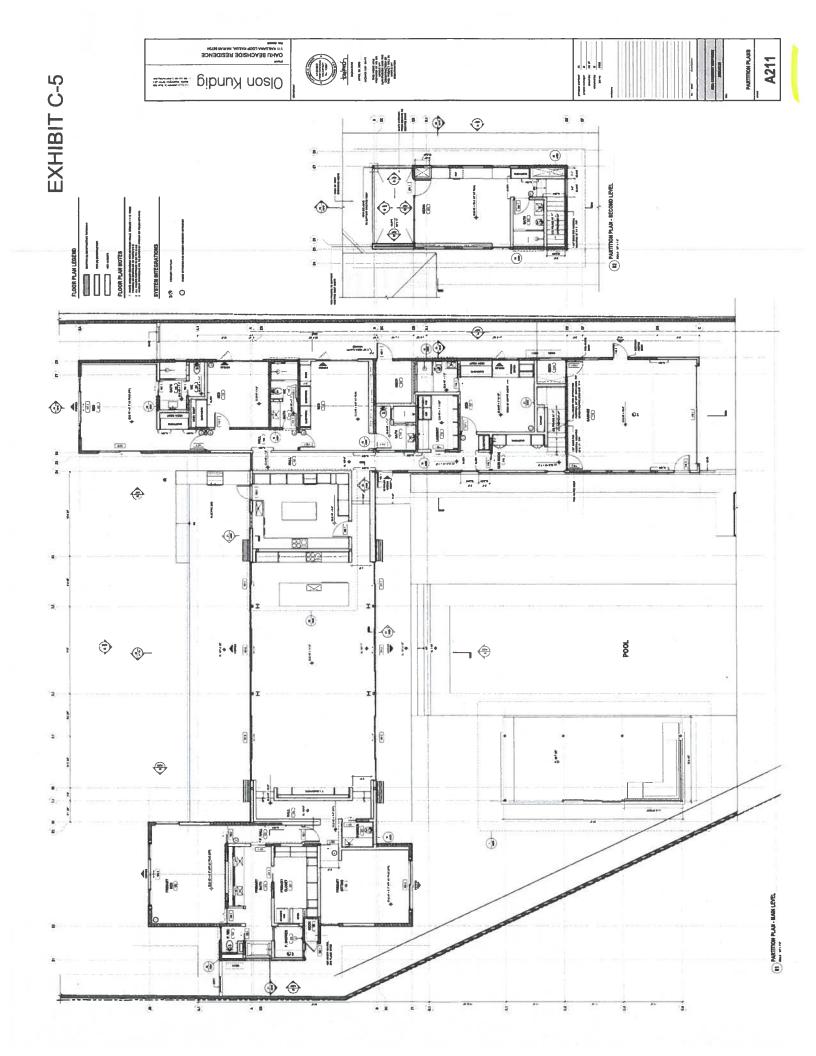








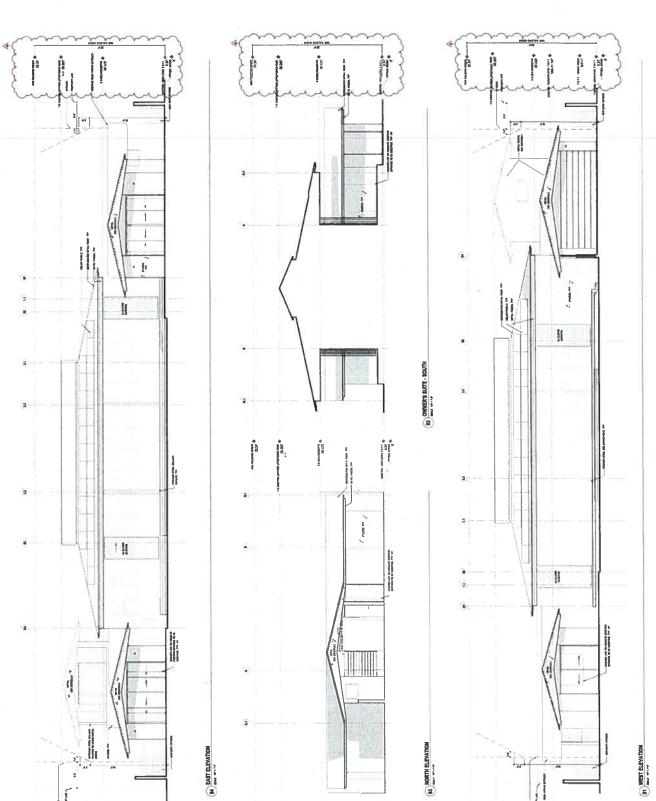




THE CHARM LOOP CALLS, HOWAN BITSH OAHU BEACHSIDE RESIDENCE

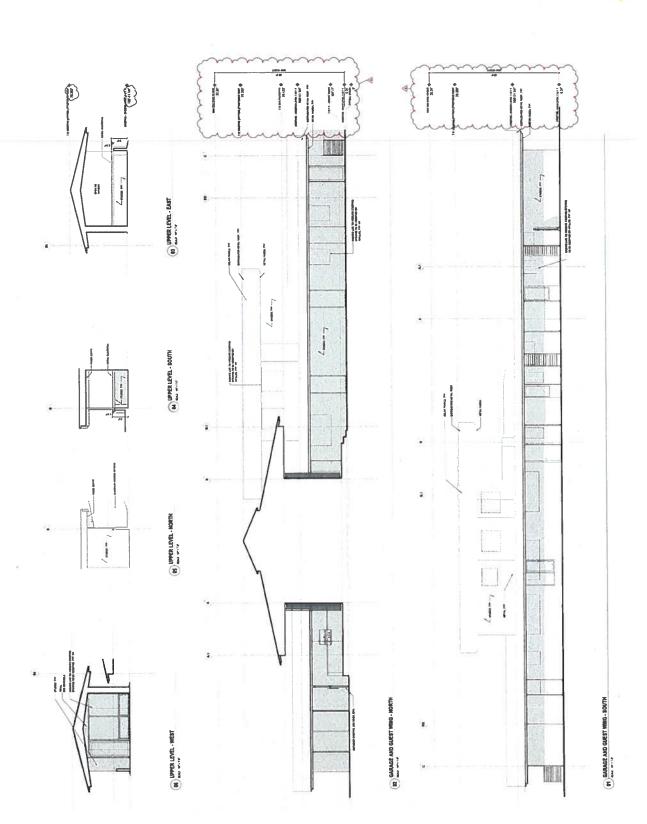


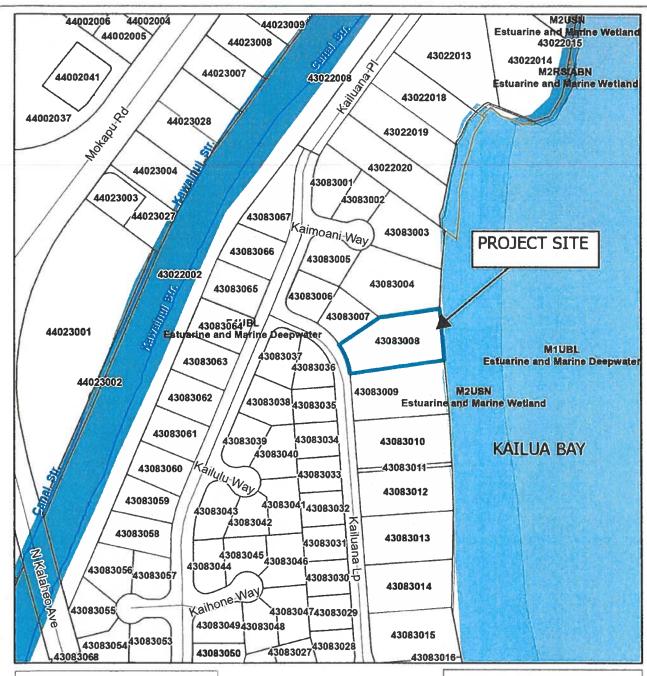




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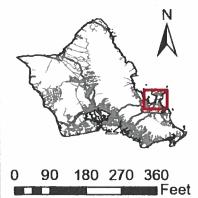


EXHIBIT D WETLAND MAP

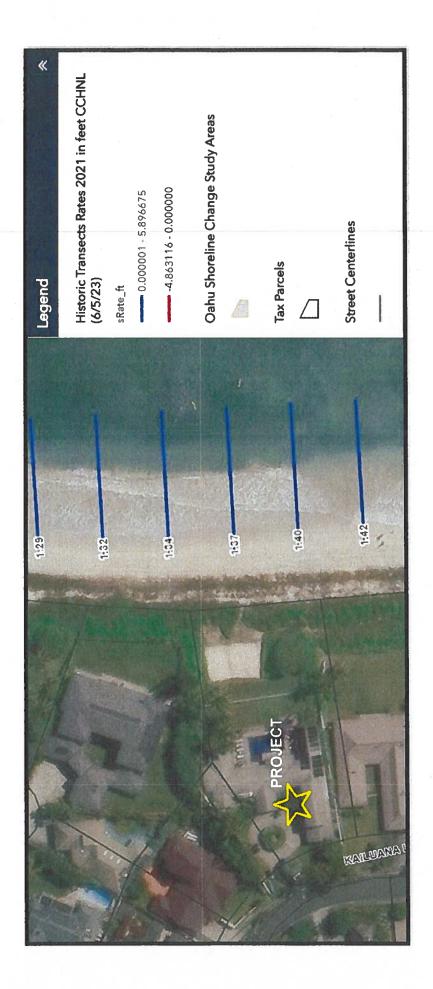
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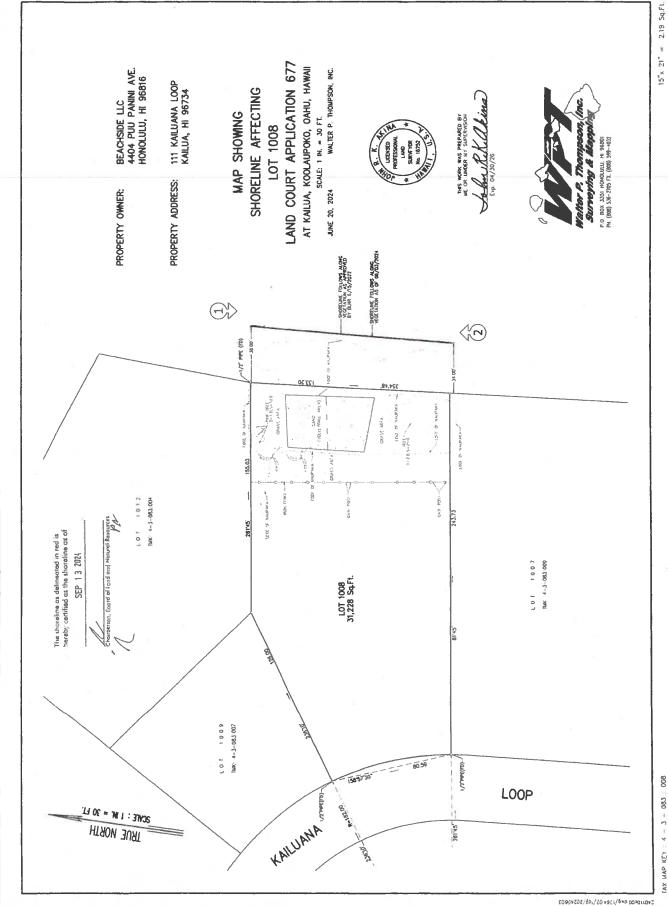
TAX MAP KEY 4-3-083: 008

111 KAILUANA LOOP - KAILUA

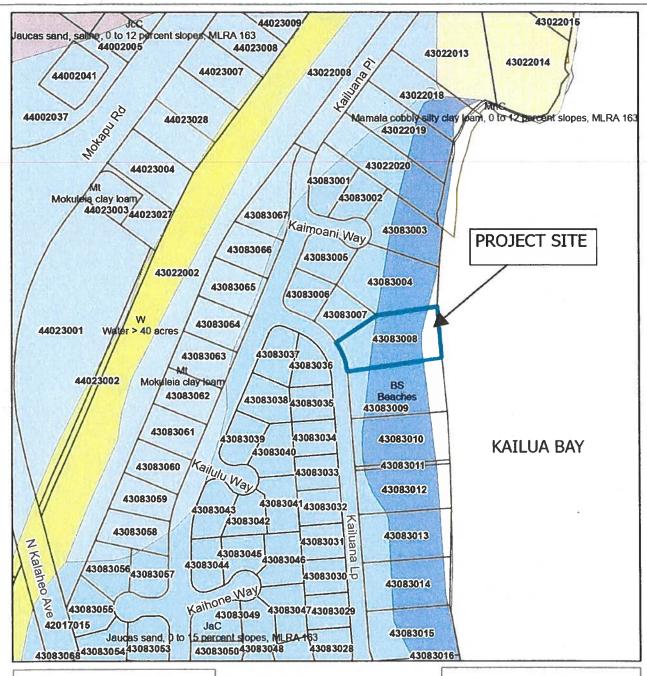


EXHIBIT E





TAX MAP KEY = 4 - 3 - 063 - 008



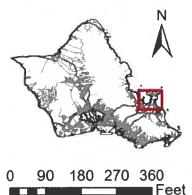


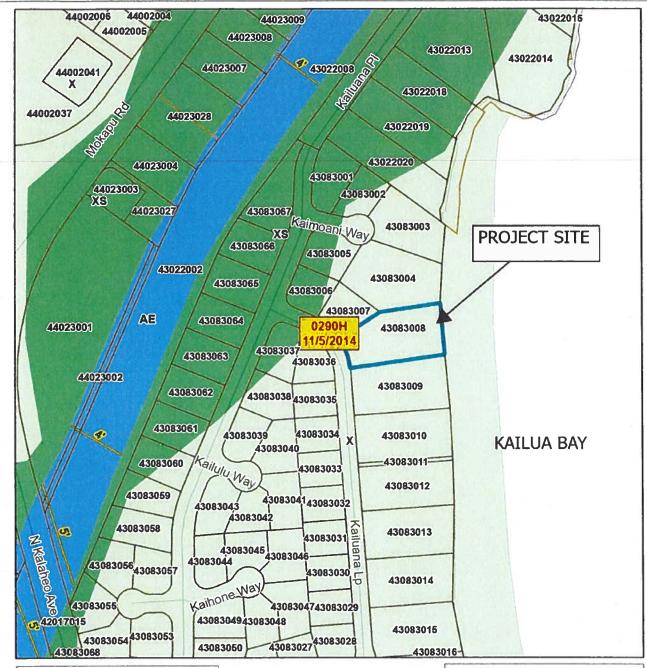
EXHIBIT G SOILS MAP

FILE NO. 2024/SMA-137

TAX MAP KEY 4-3-083: 008

111 KAIULUANA LOOP - KAILUA





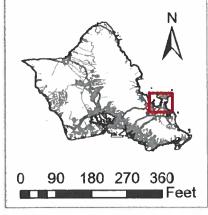


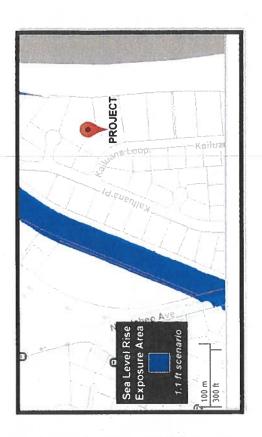
EXHIBIT H FLOOD MAP

FILE NO. 2024/SMA-137

TAX MAP KEY 4-3-083: 008

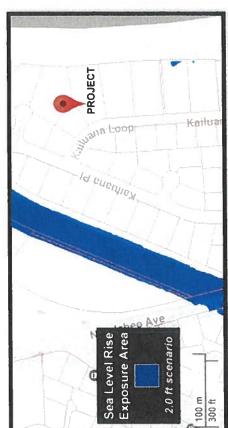
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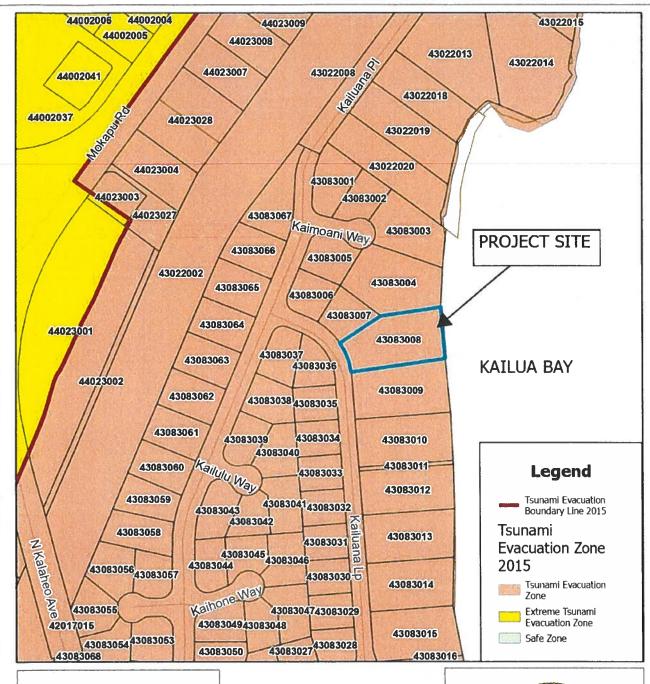












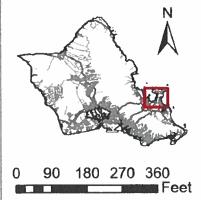


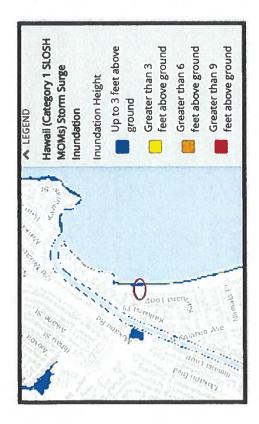
EXHIBIT J TSUNAMI MAP

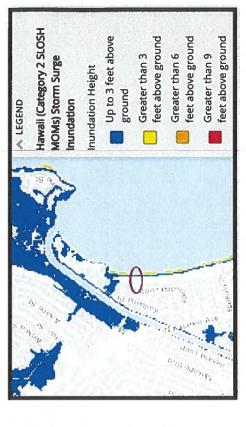
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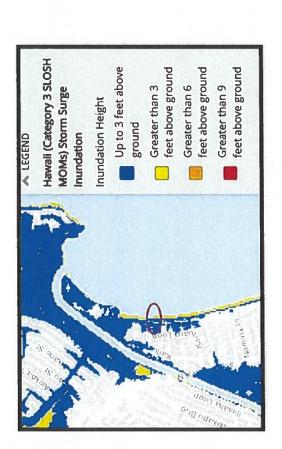
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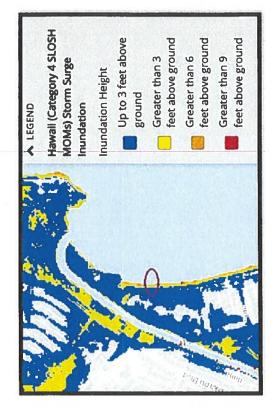
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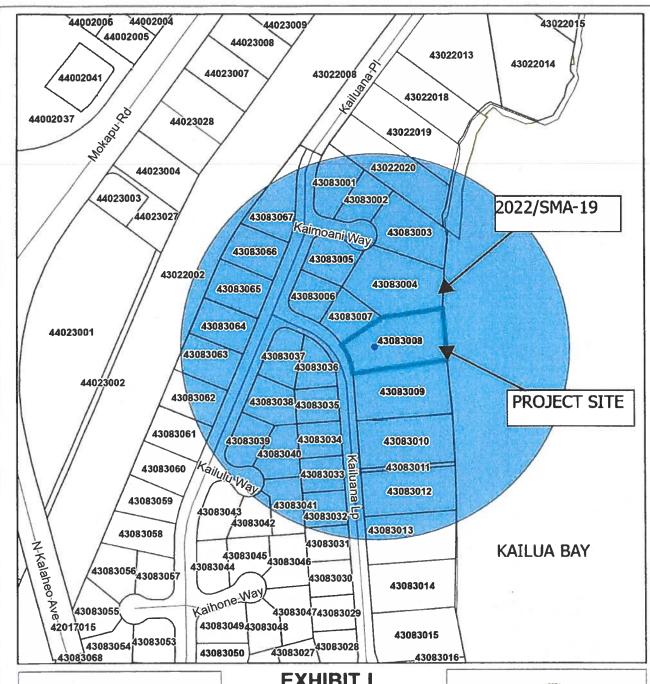












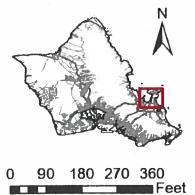


EXHIBIT L CUMULATIVE 500-FT RADIUS MAP

FILE NO. 2024/SMA-137

TAX MAP KEY 4-3-083: 008

111 KAIULUANA LOOP - KAILUA



CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII CERTIFICATE

RESOLUTION 25-120, CD1

Introduced:

04/22/25

TOMMY WATERS - BY REQUEST

Committee: ZONING (ZON)

Title:

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE-UNIT DWELLING, INCLUDING A NEW ATTACHED GARAGE, FRONT GATE, AND SHADE STRUCTURE; REPLACEMENT OF AN EXISTING DRIVEWAY; RELOCATION OF AN EXISTING SWIMMING POOL; DECOMMISSION OF AN EXISTING SAND VOLLEYBALL COURT; AND LANDSCAPING IMPROVEMENTS IN KAILUA,

O'AHU.

Voting Legend: * = Aye w/Reservations

04/22/25	INTRO	Introduced.
05/29/25	ZON	Reported out for adoption as amended in CD1 form.
		CR-226
		5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, WEYER
06/04/25	CCL	Committee report and Resolution as amended were adopted.
		9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

CITY CLERK GLEN I. TAKAHASHI

CHAIR AND PRESIDING OFFICER