

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

No. 25-96, CD1

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE, PAVED DRIVEWAY, PERIMETER CONCRETE RUBBLE MASONRY WALLS, AND FRONT GATE; AND THE INSTALLATION OF AN INDIVIDUAL WASTEWATER SYSTEM IN PŪPŪKEA, O'AHU.

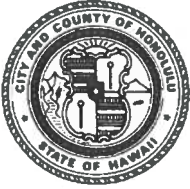
WHEREAS, on December 6, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2024/SMA-129) of Hale Mana Kai LLC ("Applicant") for a Special Management Area ("SMA") Major Permit to allow for the construction of a new two-story single-unit dwelling with an attached two-car garage (to replace a second single-unit dwelling that has already been demolished), all-weather surface paved driveway, concrete rubble masonry ("CRM") side walls, 10-foot high CRM front wall with electric gate; and the installation of an individual wastewater system on an approximately 19,826 square-foot shoreline lot zoned R-5 Residential District, located at 59-817 Kamehameha Highway, in Pūpūkea, and identified as Tax Map Key 5-9-004:015 (the "Project"); and

WHEREAS, the Project is located mauka of another single-unit dwelling, with an in-ground swimming pool with hot tub and open lanai with fire pit, that is currently under construction pursuant to a building permit that was initiated prior to the enactment of Act 16, Session Laws of Hawaii 2020, which requires an SMA Major Permit for all dwellings situated on shoreline lots; and

WHEREAS, on January 31, 2025, the DPP held a public hearing at the Fasi Municipal Building sixth floor conference room, which was attended by the Applicant's Agent and DPP staff; no members of the public attended the public hearing; and

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

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



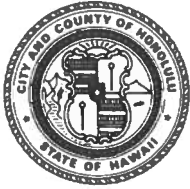
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CITY AND COUNTY OF HONOLULU

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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:

- 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 through C, D-1 through D-5, and E through L, attached hereto and incorporated by reference herein. Any change in the size or nature of the Project that may have a significant effect on coastal resources, as addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA Major Permit. Any change that does not have a significant effect on coastal resources may be considered a minor modification and may be permitted under this resolution, upon review and approval by the DPP Director.
- B. 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, by proceeding with the Project, the landowner acknowledges the following declarations, which must be clearly stated under "Landowner Acknowledgements" 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 5-9-004:015 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 5-9-004:015 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. 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 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."*



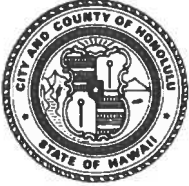
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- C. To account for the potential shift of land from the State Land Use Urban District to the State Land Use Conservation District due to anticipated coastal erosion, by proceeding with the Project, the landowner acknowledges the following declaration,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

"In choosing to implement construction activities at Tax Map Key 5-9-004:015, 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."

- D. Following approval of this SMA Major Permit, neither the current landowner, nor any successor owner or interested party, may claim hardship due to erosion, 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 Applicant 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 5-9-004:015, the landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that no claim of hardship due to erosion, sea level rise, or any other coastal hazard may be asserted in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure."



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- E. To ensure the Applicant is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, by proceeding with the Project, the landowner acknowledges the following declaration, which must be clearly stated under "Landowner Acknowledgements" 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 5-9-004:015."

- F. 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;
 2. 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 dwellings and the shoreline must be limited to vegetation that is naturally hardy or endemic to the dune or shoreline area; and
 5. Any irrigation systems 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 shoreline survey for the lot, seaward of the shoreline as defined in HRS Chapter 205A.



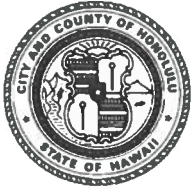
RESOLUTION

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

- G. To minimize and address 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, prior to the issuance of any construction permit or building permit for the Project, the Applicant shall incorporate into the Project plans submitted to the DPP for review, the use of pervious surface materials, such as but not limited to, grasscrete or grass block pavers for the driveway and open parking areas.
- H. To minimize impacts to archaeological, historic, or cultural resources that may be present on the Project site, the Applicant shall comply with the following:
 - 1. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42, and has determined whether any mitigative actions and protocols are required. The Applicant shall implement all mitigative actions and protocols required or recommended by SHPD in its written determination.
 - 2. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts; shell, bone, or charcoal deposits; human burials; rock or coral alignments; pavings; or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until SHPD has assessed the impact and has made further recommendations for mitigative activity.

The requirements enumerated in this condition, and all mitigation protocols approved or otherwise required by SHPD, must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

- I. 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:

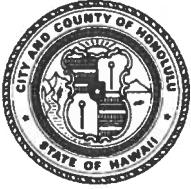


RESOLUTION

1. All new and replacement outdoor light fixtures and lamps must not exceed a color temperature of 3,000 degrees kelvin.
2. Artificial light from exterior light fixtures on the Project site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates, or is directed across property boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b).
3. Exterior light fixtures on the Project site must be fully shielded using full cutoff fixtures with the light directed downward so that the light bulb is only visible from below the light fixture.
4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset).
5. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
6. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).
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, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

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

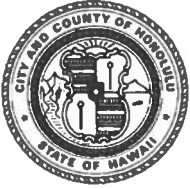
- J. To minimize the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems, the Applicant is responsible for the following:



RESOLUTION

1. The Applicant shall minimize the importation of fill material to the extent possible. The Applicant proposes to import approximately 50 cubic yards of engineered fill material for use in the foundation of the proposed dwelling.
2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the current recommendations from the O'ahu Invasive Species Council ("OISC").
3. Prior to the commencement of any ground-disturbing or construction activities, and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for Prevention of Invasive Species" ("Protocols") must be distributed to all workers who will be present at the site, or the Protocols must be posted on 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. 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.



RESOLUTION

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



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CITY AND COUNTY OF HONOLULU

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RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to James T. Hayes, Planning Solutions, Pacific Park Plaza, Suite 950, 711 Kapi'olani Boulevard, Honolulu, Hawai'i 96813-5213; Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the State Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

March 27, 2025
Honolulu, Hawai'i

Councilmembers

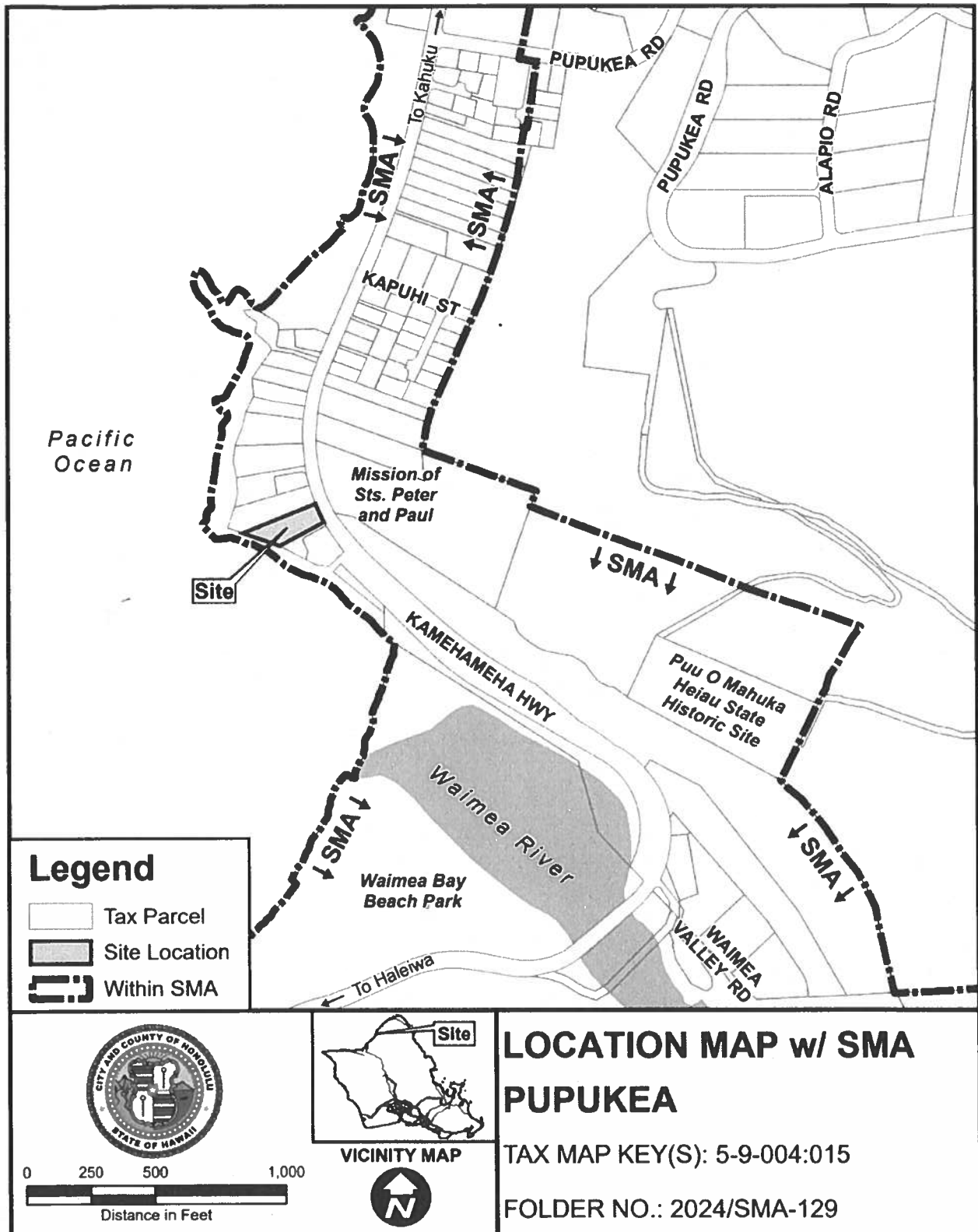


EXHIBIT A

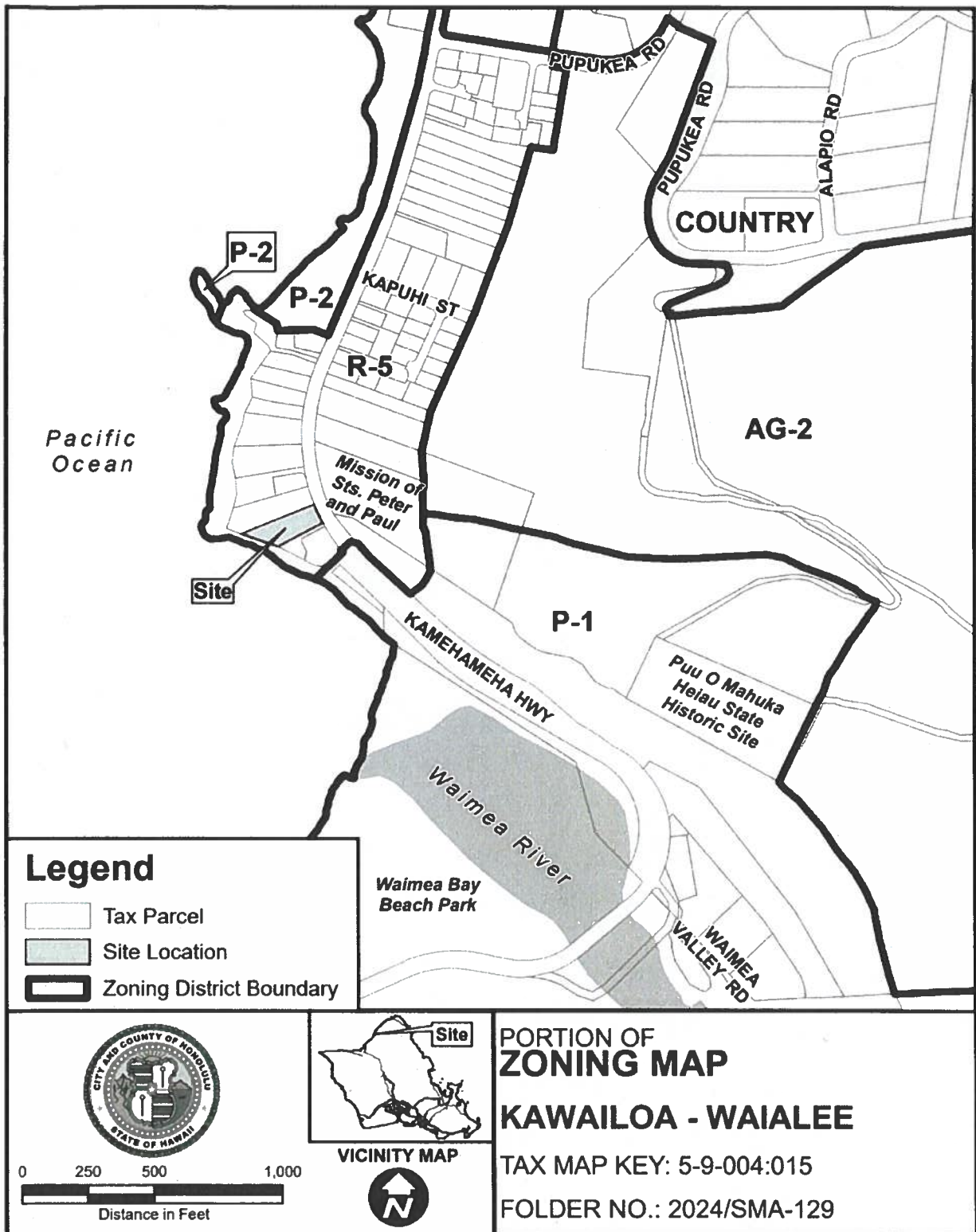


EXHIBIT C

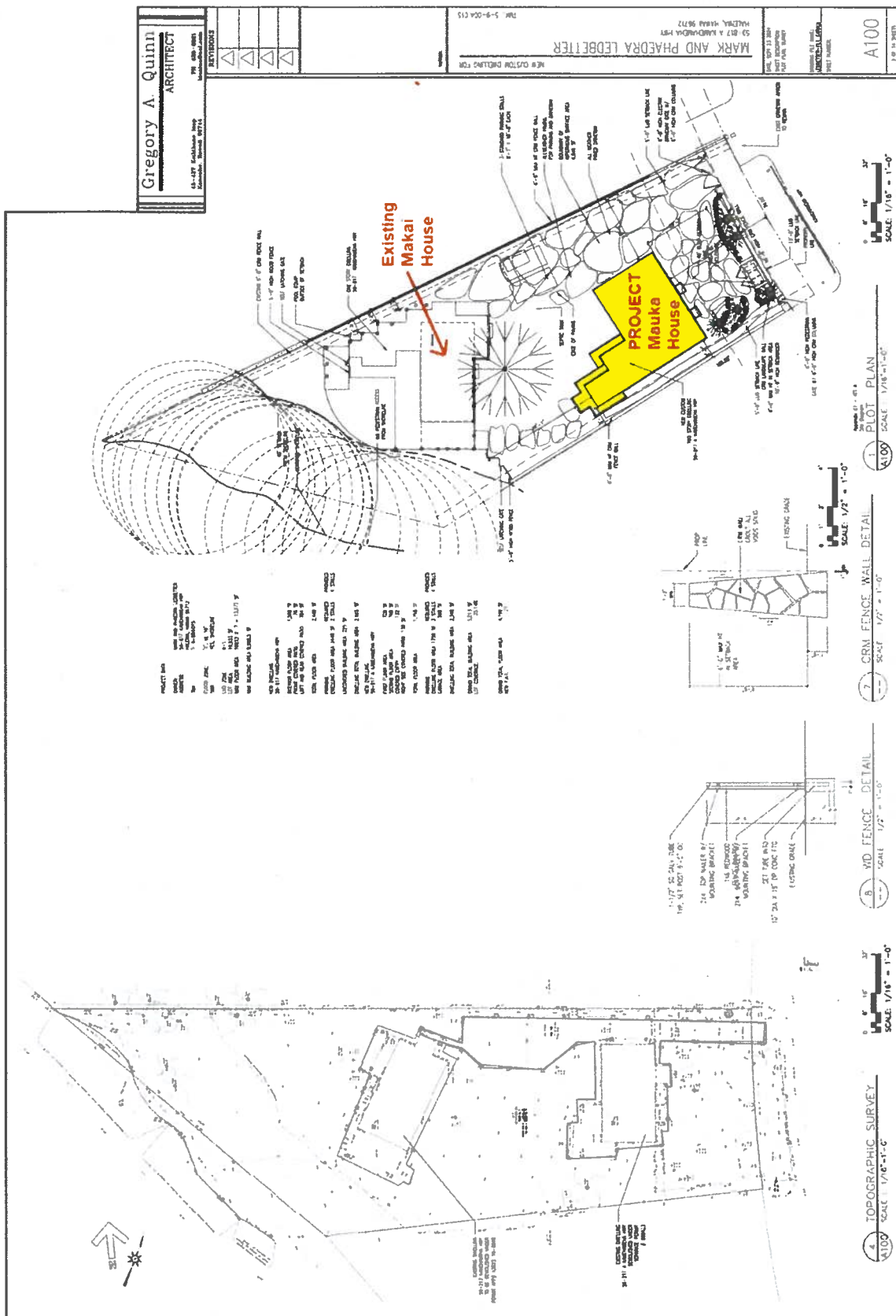
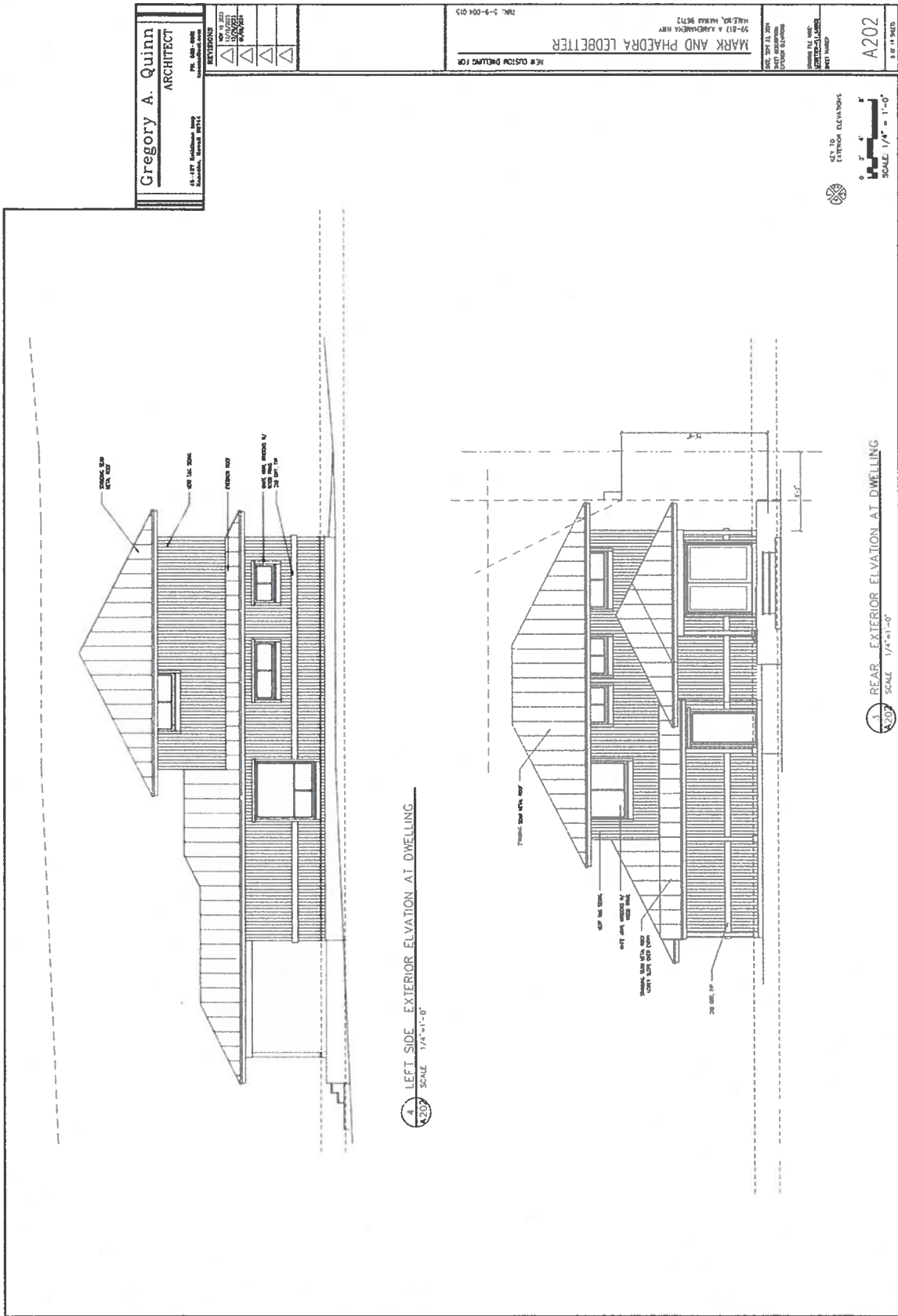


EXHIBIT D-2

FILE NO.: 2024/SMA-129





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



EXHIBIT E

FILE NO.: 2024/SMA-129

Flood Hazard Zones:

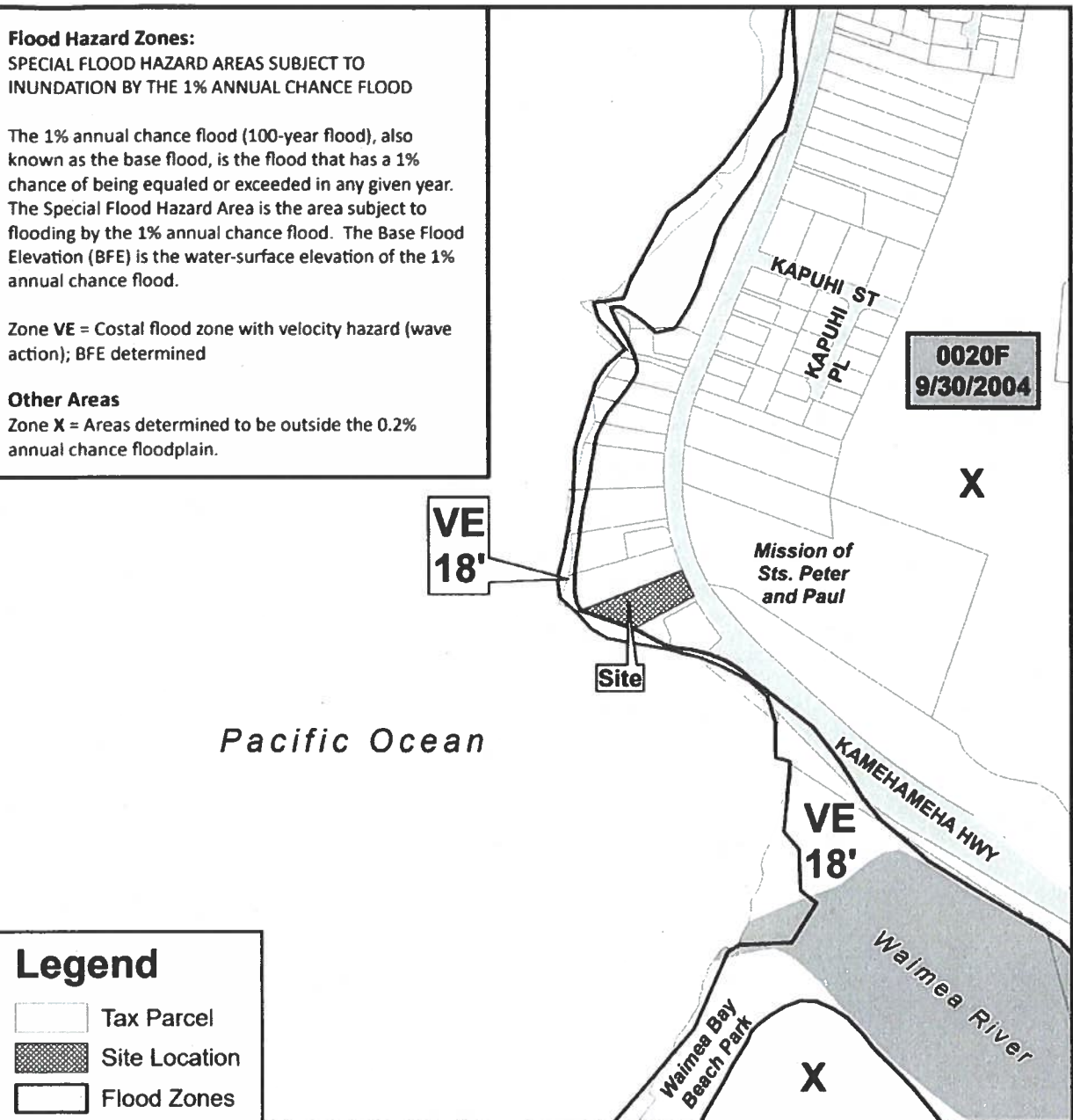
SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

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

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

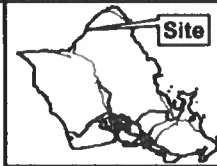
Other Areas

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



Legend

- Tax Parcel
- Site Location
- Flood Zones



VICINITY MAP



PORTION OF FLOOD HAZARD MAP

FIRM PANEL 15003C0020F

TAX MAP KEY: 5-9-004:015

FOLDER NO.: 2024/SMA-129

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

Date Prepared: 01/2025

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EXHIBIT G

SEA LEVEL RISE MAP

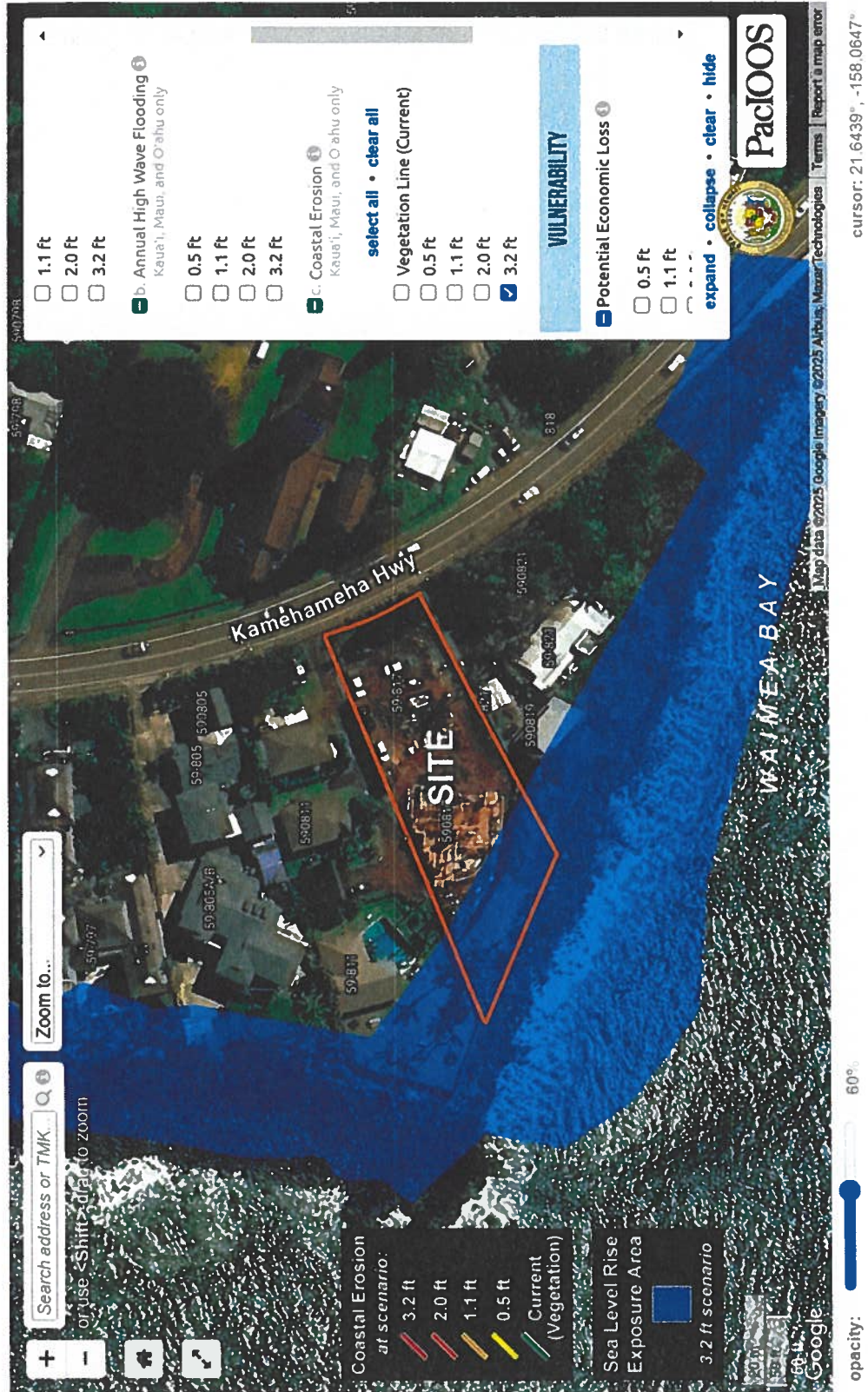


EXHIBIT H

FILE NO.: 2024/SMA-129

SHORELINE EROSION RATE MAP



EXHIBIT I FILE NO.: 2024/SMA-129

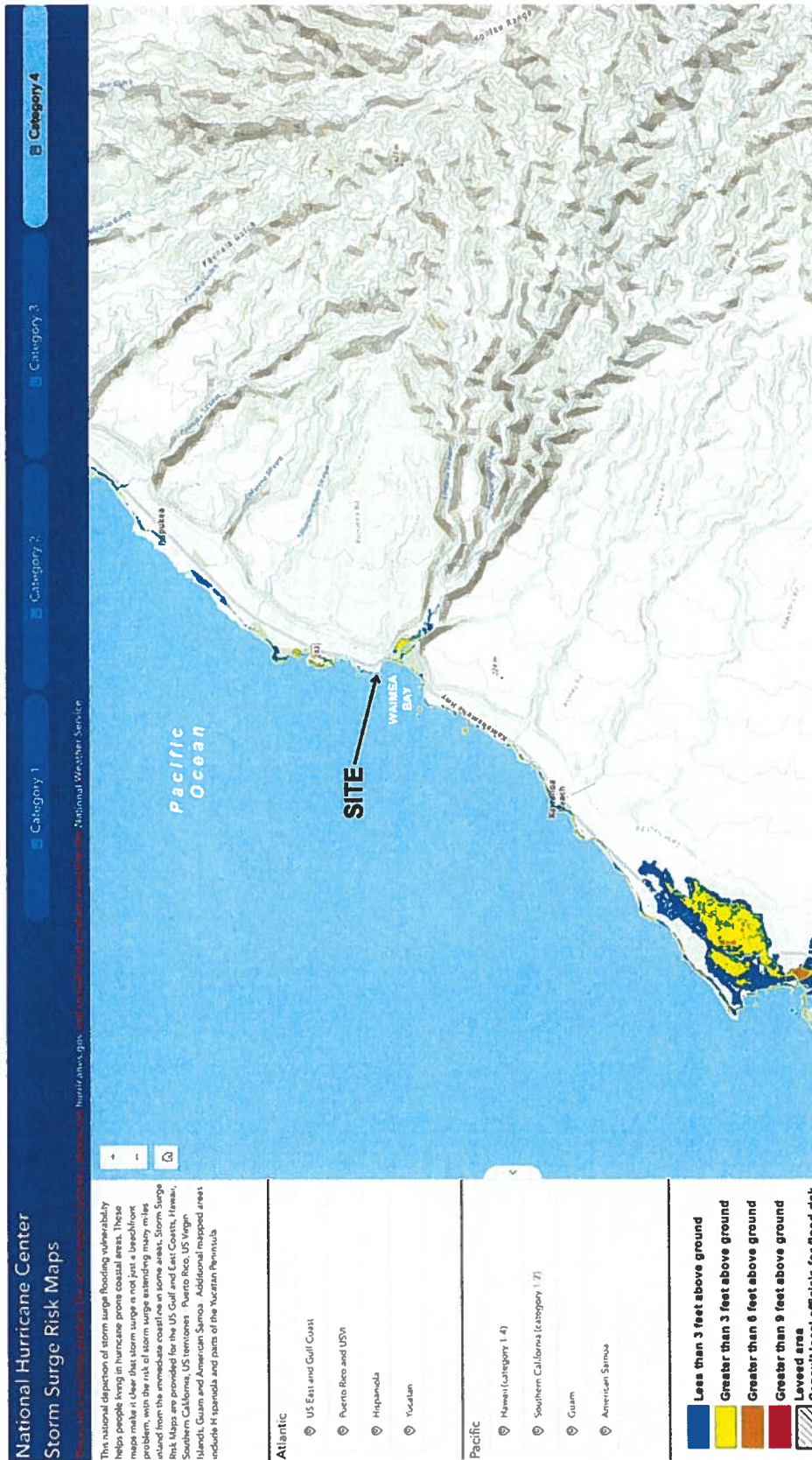


EXHIBIT J FILE NO.: 2024/SMA-129

TSUNAMI EVACUATION MAP

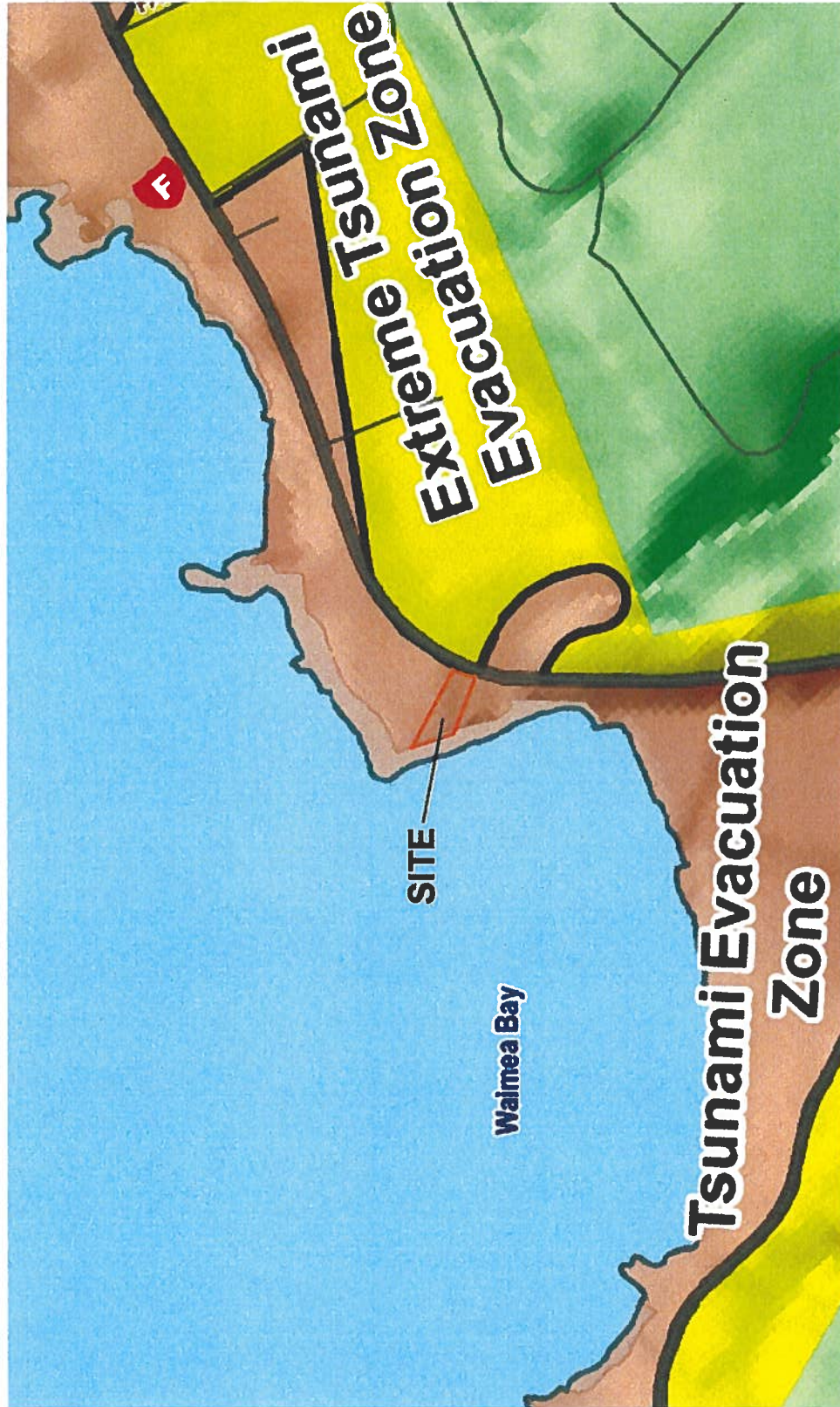


EXHIBIT K

FILE NO.: 2024/SMA-129

FILE NO.: 2024/SMA-129

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 25-96, CD1

Introduced: 03/27/25 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

Title: GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE, PAVED DRIVEWAY, PERIMETER CONCRETE RUBBLE MASONRY WALLS, AND FRONT GATE; AND THE INSTALLATION OF AN INDIVIDUAL WASTEWATER SYSTEM IN PŪPŪKEA, O'AHU.

Voting Legend: * = Aye w/Reservations

03/27/25	INTRO	Introduced.
05/01/25	ZON	Reported out for adoption as amended in CD1 form.
		CR-178
		4 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO
		1 ABSENT: WEYER
05/14/25	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.


F GLEN I. TAKAHASHI, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER