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

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June 20, 2025

2025/SMA-18 (JD)

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: Special Management Area (SMA) Major Permit
Ostojic Residence - New Single-Family Dwellings
144 Kaʻapuni Drive - Kailua
Tax Map Key 4-3-013: 039

Enclosed for your consideration are the Department of Planning and Permitting's (DPP) Report and Recommendation, Draft Resolution, and Exhibits for the SMA Major Permit application to allow the construction of a new one-story single-family dwelling and one two-story single-family dwelling with attached garage and swimming pool on a shoreline lot in the R-10 Residential District and SMA in Kailua.

The DPP recommends that the Project be approved, subject to compliance with recommended conditions, which primarily consist of standard conditions relating to archaeological resources, protected species, coastal hazards, coastal dune protection, and the prohibition of short-term rentals.

Pursuant to the Revised Ordinances of Honolulu Chapter 25, the City Council must act within 60 calendar days after receipt of our Findings and Recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension.

DEPT. COM. 480

Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,

Dawn Takeuchi Apuna
Director

Enclosures: DPP Report and Recommendation
Exhibits A, B, C-1 through C-10, and D through L
Draft Resolution

APPROVED BY:

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

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAIʻI

IN THE MATTER OF THE APPLICATION BY KAʻAPUNI LLC FOR A SPECIAL MANAGEMENT AREA (SMA) MAJOR PERMIT	File No. 2025/SMA-18 (JD)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

PROJECT NAME:	Ostojic Residence
LANDOWNER/APPLICANT:	Kaʻapuni LLC (Wendy B. Ostojic Trust)
AGENT:	Peter Vincent Architects (Todd Hassler)
LOCATION:	144 Kaʻapuni Drive - Kailua (Exhibit A)
TAX MAP KEY (TMK):	4-3-013: 039
ZONING:	R-10 Residential and P-1 Restricted Preservation Districts (Exhibit B)
STATE LAND USE:	Urban and Conservation Districts
DEVELOPMENT PLAN:	Koʻolau Poko Sustainable Communities Plan (KPSCP)

B. Proposal: The Applicant seeks an SMA Major Permit to allow the construction of a one-story single-family dwelling and a two-story single-family dwelling on a shoreline lot in the R-10 Residential District (R-10 District) and SMA in Kailua. In addition to the dwellings, the Project includes a garage, swimming pool, courtyard, and spa area (Exhibits C-1 through C-10). According to the application, the Project will have approximately 11,424 square (sq.) feet (ft.) of floor area, or a floor area ratio of 0.27, and a total building area of 13,792 sq. ft.,

or lot coverage of 32.6 percent. Additionally, about 50 percent of the lot will be covered with impervious surfaces. The dwellings will be slab-on-grade construction and be located a minimum of 60 ft. from the shoreline. Grading work and the movement of soil is anticipated. However, no importation of fill soil is proposed. The Project will cost approximately $3,800,000.

C. Background: Prior to 1982, the site was developed with a two-family detached dwelling. On February 9, 1982, Building Permit (BP) No. 164743 was issued to allow the demolition of the two-family dwelling. On February 11, 1982, BP No. 2426 was issued to allow the development of a new single-family dwelling. The single-family dwelling was demolished in 2008. The site has been vacant since.

II. EXISTING CONDITIONS

On the basis of the evidence presented, the Director of the Department of Planning and Permitting (DPP) has found:

Lot Area	42,289 sq. ft. (44,356 sq. ft. minus 2,067 sq. ft. of erosion).
Lot Shape	Irregular.
Topography	Along Ka'apuni Drive, the site is approximately 10 ft. above mean sea level (MSL). Moving seaward, towards the middle of the site, the lot gently slopes to an elevation of eight ft. above MSL. The lot then slopes up to about 15 ft. above MSL before sloping back down towards the ocean. Essentially, at the makai portion of the property is a sand dune that has been growing in recent years.
Existing Development	Vacant.
Surrounding Uses	To the north - Kailua Beach and the Pacific Ocean. To the south - Single-family dwellings. To the east - Single-family dwellings. To the west - Single-family dwellings.
Certified Shoreline Survey (CSS)	The CSS, certified on January 29, 2025, shows that the shoreline follows along the vegetation line as mapped on August 6, 2024 (see Exhibit D).
Nearest Body of Water	*Pacific Ocean* - Estuarine and Marine Wetland and Deepwater (United States Fish and Wildlife Service [USFWS] National Wetlands Inventory; Exhibit E).

Soil Classifications (*mauka to makai)*	*Jaucas Sands* - Zero to 15 percent slopes, excessively drained, permeability is high to very high, and runoff is low. *Beach Sands* - One to five percent slopes, excessively drained, permeability is high to very high, and runoff is very low (United States Department of Agriculture [USDA] - Natural Resources Conservation Service [NRCS]; Exhibit F).
Vegetation	The property contains grass and various trees with typical dune vegetation along the shoreline.
Flood Zone	*Flood Zone X* – Areas determined to be outside the 0.2 percent annual chance flood plain or outside the 500-year floodplain (Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 15003C0290H - November 5, 2014; see Exhibit G).
Sea Level Rise (SLR) – Exposure Area	The Project area is not projected to be impacted by coastal erosion or SLR. (University of Hawai'i Pacific Island Ocean Observing System SLR Viewer; see Exhibit H).
Shoreline Change Rate	The Project site is accreting an average of 1.42 ft. per year based on the two transects that intersect the site (O'ahu Historical Shoreline Change Map: Kailua Transects 131 and 132 (1.44 ft. + 1.39)/2 = 1.42 ft.; Exhibit I).
Storm Surge	The National Storm Surge Hazards Maps indicate that the Project area is anticipated to be inundated by storm surge up to three ft. during a Category 3 hurricane event (Exhibit J).
Tsunami	The subject property and the surrounding neighborhood is located within the tsunami evacuation zone (Exhibit K).
Other City Permits and Approvals	Minor Shoreline Structure Permit, Construction permits and BPs.

III. ENVIRONMENTAL DISCLOSURE AND PUBLIC PARTICIPATION

Environmental Disclosure Documentation	The proposed Project does not meet any of the triggers under Hawai'i Revised Statutes (HRS) Chapter 343. In addition, two-single family dwellings are exempt from HRS Chapter 343 requirements imposed by Revised Ordinances of Honolulu (ROH) § 25-5.3(a). Therefore, no environmental assessment or review under HRS Chapter 343 is required.

Agency Comments	During the SMA process, the DPP routed the proposal to various Federal, State, and City agencies. All letters and comments received have been included in the Project file and incorporated into the Analysis Section, as appropriate.
Neighborhood Board (NB) / Community Association Presentation	On October 15, 2024, the Agent presented the Project to the Planning, Zoning, and Economy Committee of the Kailua NB No. 31, and on November 7, 2024, another presentation was made to the general Kailua NB No. 31. Written notice was provided to adjoining property owners, informing them of the presentation. Proof of mailing the notice was provided via a signed affidavit. These materials were submitted as part of the SMA Permit application.
Public Hearing	The DPP conducted a Public Hearing at 10:00 a.m. on May 9, 2025, at the Frank F. Fasi Municipal Building. Other than the Applicant, Agent, and the DPP staff members, no member of the public attended. Prior to the hearing, one letter of support was received. A recording of the public hearing is available upon request.

IV. FINDINGS AND ANALYSIS

The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in the ROH Chapter 25, §§ 25-3.1 and 25-4.1, as well as HRS §§ 205A-2 and 205A-26.

A. **Recreational Resources – ROH § 25-3.1(a)**

Development within the SMA should provide coastal recreational opportunities to the public. Adequate access, by dedication or other means, to beaches, coastal dunes, recreation areas, and natural reserves must be provided to the extent consistent with sound conservation principles. Adequate and properly located public recreation areas and wildlife preserves must be preserved. See also HRS § 205A-2(b)(1) and (c)(1), and § 205A-26(1)(A) and (B).

Implementation of the Project will not adversely impact coastal recreational opportunities for the public because the Project will not result in any change to existing beach access, open spaces, recreational resources, or opportunities for hiking, fishing, and cultural practices. A publicly accessible coastal resource in the area is Kailua Beach located directly makai of the property. There is no direct public access to the beach through the subject property. However, there is a 10-ft.-wide beach access located to the east of the lot, which is owned and controlled by the Kaʻapuni Community Association. According to the most recent CSS, the Project site is subject to approximately 2,067 sq. ft. of erosion. Since this portion of the property is makai of the regulatory shoreline, it is in the State

Land Use Conservation District and will continue to be available for public access. Given this, the Project will not affect recreational opportunities and no related conditions of approval are recommended.

B. Historic and Cultural Resources – ROH § 25-3.1(b)

Development within the SMA should protect, preserve, and restore natural or human-made historical and cultural resources. See also HRS § 205A-2(b)(2) and (c)(2).

The Project site is not identified as historically or culturally significant in the KPSCP, and our records indicate that no historic and cultural resources have been previously identified onsite. That being said, the Project site is a shoreline lot with underlying soils identified as Jaucas sands, which have a higher likelihood of containing subsurface archaeological sites and human burials. Taking that into consideration, an Archaeological Inventory Survey (AIS) of the Project site was conducted by ASM Affiliates for the Project site.

A total of 12 test trenches measuring approximately 13 ft. long by two ft. wide with an approximate depth of five ft. were excavated during the AIS. As a result of the fieldwork for the AIS, two sites were recorded. On-site is a historic subsurface occupational layer, which contains two pits and a septic vault. This is likely associated with the historic development and use of the area in the early twentieth century. Site two is a subsurface archaeological occupational layer and contains one feature identified as a pit. While no iwi kūpuna were observed during the testing of this area, it is still highly recommended that archaeological monitoring for identification purposes occur during future ground-disturbing activities due to the nature of the area included within the Kailua Accretion Berm. Due to the presence of potential additional historic properties and to mitigate effects to existing properties, an on-site monitor should be present during all subsurface activities. Additionally, the Applicant should be required to provide documentation from the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD) that the AIS was accepted prior to ground disturbance activities, i.e. the construction of the new single-family dwellings and swimming pool. These are recommended as conditions of approval.

Furthermore, as with any action that includes earth-moving activities, there is potential for encountering previously unknown iwi kūpuna, historic resources, or archaeological resources. Therefore, the Project should be subject to the standard "stop work" condition of approval. This will ensure that 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 must stop work and contact the SHPD. This is recommended as a condition of approval. Provided

the Applicant complies with the SHPD's requirements, no adverse impacts to historic or archaeological resources are anticipated.

The DPP assessed the extent to which Native Hawaiian rights are customarily and traditionally exercised within the Project site and the extent to which these rights may be affected or impaired by Project implementation. The Project does not propose any change to existing established public access for Hawaiian cultural activities, nor would Project implementation preclude the practice of Hawaiian cultural activities. Given this, no adverse impacts to Native Hawaiian rights are anticipated, and therefore, no conditions are recommended in regard to preserving access or opportunities for Hawaiian cultural activities.

C. Scenic and Open Space Resources — ROH § 25-3.1(c)

Development within the SMA should protect, preserve, and whenever desirable, restore or improve the quality of coastal scenic and open space resources. Alterations to existing landforms and vegetation, other than for the cultivation of coastal-dependent crops, must be limited so they result in minimum adverse impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities. Development that is not dependent on the coast is encouraged to locate mauka of the SMA. See also HRS § 205A-2(b)(3) and (c)(3) and § 205A-26(1)(D).

No impacts to any scenic and open space resources are anticipated because the Project area is located within an existing residential subdivision that is similarly developed along the shoreline. The City's Coastal View Study does not identify the site as a significant coastal area. The KPSCP Open Space Map identifies continuous east-west views across Kailua Bay, and significant stationary views from the west end of Kailua Beach Park in the general Project vicinity. Furthermore, the Project will have to meet the ROH Chapter 21 development standards for the R-10 District, which will restrict the height. Given all this, substantial impacts to scenic and open space resources are not anticipated. Therefore, no conditions of approval are recommended to address scenic and open space resources.

D. Coastal Ecosystems – ROH § 25-3.1(d)

Development within the SMA should protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes from disruption, and minimize adverse impacts on all coastal ecosystems. Solid and liquid waste treatment and disposition must be managed to minimize adverse impacts on SMA resources. See also HRS § 205A-2(b)(4) and (c)(4) and § 205A-26(1)(C).

1. Sensitive Coastal Habitats and Species:

a. Wetlands and Streams: The Project site does not contain any areas designated as wetlands or streams. The Pacific Ocean is located directly to the northeast of the Project site and is identified as Estuarine and Marine Wetland and Estuarine and Marine Deepwater (see Exhibit E). The Project is not anticipated to result in adverse impacts to the Pacific Ocean, as the Project is required to comply with the City's *Rules Relating to Water Quality, Rules Relating to Storm Drainage Standards*, and other applicable regulations. Compliance with the City's Rules will be confirmed during the BP review process. No conditions related to the protection of wetlands and streams are recommended.

b. Flora: No rare, threatened, or endangered flora species are known to be present on the site, and according to the USFWS *Information for Planning and Consultation*, no critical habitat for flora species overlaps the Project site. Therefore, no impacts to threatened or endangered flora species are anticipated, and no related conditions of approval are recommended.

c. Fauna: A review of the USFWS *Information for Planning and Consultation* database revealed there are several threatened and endangered fauna species that may visit the site for foraging or breeding purposes. Sensitive terrestrial mammal species which may be present include the Hawaiian Hoary Bat. Therefore, barbless fencing should be used for all fence construction to avoid entanglement of Hawaiian Hoary Bats. Further, woody plants greater than 15 ft. in height must not be disturbed, removed, or trimmed during the Hawaiian Hoary Bat birthing and pup rearing season from June 1 through September 15. These standard measures are recommended as conditions of approval.

Sensitive avian species which may be present include Hawaiian seabirds and water birds (Band-rumped Storm-petrel, Hawaiian Common Gallinule, Hawaiian Coot, Hawaiian Duck, Hawaiian Petrel, Hawaiian Stilt, Newell's Shearwater, White Tern, and Wedge-tailed Shearwaters), and migratory birds. These species, the protection of which is administered by the DLNR, Division of Forestry and Wildlife (DOFAW), may be impacted by Project implementation, particularly during construction activities. Therefore, standard conditions relating to the protection of these avian species are recommended. Additionally, in order to avoid direct or indirect impacts to protected Wedge-tailed Shearwaters and other protected Hawaiian seabirds, the Applicants should be required to hire a qualified biologist to conduct pre-construction surveys for the presence of the species and nests, and establish

procedures to avoid disruption of any nests that may be encountered. This is recommended as a condition of approval.

Artificial lighting can be disruptive to avifauna and marine life in their navigation, nesting, and reproductive cycles. Therefore, all outdoor lighting should be fully shielded, and nighttime work (from sunset to sunrise) must be avoided during the seabird fledgling season from September 15 through December 15. To further mitigate potential lighting impacts, the Applicant should use full cutoff light fixtures for exterior lighting. The International Dark Sky Association has established lighting standards to mitigate ecological impacts. Their Fixture Seal of Approval program requires that lighting have a correlated color temperature of 3,000 degrees kelvin or lower. These standard measures are recommended as conditions of approval.

All Project-related activities must cease if a Hawaiian Monk Seal, Green Sea Turtle, or Hawksbill Turtle is on land within 150 ft. 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-ft. 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.

These are recommended as conditions of approval and should be clearly stated under "Environmental Notes" on any Project construction plans and BP plans.

2. Reefs, Beaches, and Coastal Dunes: The Project's potential impacts on reefs, beaches, and coastal dunes are discussed in Section H, below.

3. Solid and Liquid Waste: Since the site is vacant, there will be an increase to liquid and solid waste upon completion of the proposed Project. However, solid and liquid waste generated by the Project will be similar to that of a typical residential development. The City and County's Department of Environmental Services will provide solid waste collection, and the property will connect to the municipal sewer system. The Project will be required to comply with existing regulations and implement best management practices to minimize potential air and water quality impacts associated with soil disturbance, stormwater, and irrigation runoff. Potable water and fire suppression water for the Project will come from the existing municipal systems. Therefore, no impacts related to solid and liquid waste treatment and disposition are anticipated, and no related conditions of approval are recommended.

4. Invasive Species: According to the O'ahu Invasive Species Committee (OISC) website, there are several invasive flora and fauna species being targeted for eradication on O'ahu. Flora species include cane tibouchina, cape ivy, devil weed, fireweed, glory bush, Himalayan blackberry, miconia, pampas grass, and the fungi that cause rapid 'ōhi'a death. Fauna species include coconut rhinoceros beetles, coquí frogs, naio thrips, and little fire ants. The OISC provides protocols for decontamination in the event these species are encountered, as well as protocols to prevent the spread of these species. The Project will involve minimal excavation for the swimming pool and foundation, but proposes no importation of soil. Therefore, no impacts related to the spread of invasive species are anticipated, and no related conditions of approval are recommended.

E. Economic Uses – ROH § 25-3.1(e)

Development within the SMA should consist of facilities and improvements important to the State's economy and 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 within the SMA. See also HRS § 205A-2(b)(5) and (c)(5).

Implementation of the Project will result in a temporary increase in jobs and economic activity during construction through the rental and purchase of equipment, materials, and supplies. Otherwise, the proposed dwellings are anticipated to result in minimal changes to the State's economy. Therefore, the Project is not anticipated to result in an adverse impact to the State's economy, and no related conditions of approval are recommended.

F. Coastal Hazards – ROH § 25-3.1(f)

Development within the SMA should reduce the impacts of coastal hazards on life and property and must be designed to minimize impacts from landslides, erosion, SLR, siltation, or failure in the event of an earthquake. See also HRS § 205A-2(b)(6) and (c)(6) and § 205A-26(1)(D).

1. Flooding: The entire Project is located within Flood Zone X, areas where flooding is unlikely because they are outside of the 0.2 percent annual chance floodplain or 500-year floodplain. Therefore, no flood-related impacts are anticipated, and no conditions of approval specific to flood zone compliance are recommended.

2. SLR: Based on a review of the University of Hawai'i Pacific Island Ocean Observing System SLR Viewer, the site is not anticipated to be impacted by SLR (see Exhibit H). No conditions of approval specific to projected SLR hazards are recommended.

Nevertheless, the Applicant and successor owners must be aware of the potential for coastal hazards at the subject property, and be aware that future shoreline variances for shoreline hardening structures cannot be allowed, as discussed under Section H, below. Further, the Applicant and successor owners must be aware that any land area lost to coastal erosion that is makai of the regulatory shoreline becomes part of the State's Land Use Conservation District. Lastly, the Applicant and successor owners should be responsible to clear debris originating from the Project site in the event of a coastal hazards related loss or damage. These are recommended as conditions of approval.

3. Storm Surge: The National Storm Surge Hazards Maps indicate that the Project site is anticipated to be inundated by storm surge of three ft. above the ground in a Category 3 hurricane event or higher. The site's topography will mitigate impacts of storm surge as the Project is located mauka of the sand embankment and elevated 25 ft. above MSL. As currently proposed, the closest habitable structure will be located at a minimum of 60 ft. mauka of the shoreline. Implementation of the Project is not anticipated to increase the potential for adverse impacts related to hurricane storm surge over the existing condition. State and County emergency procedures would also be in place in the event of a hurricane. Therefore, no conditions of approval specific to storm surge are recommended.

4. Tsunami: The site is located within the tsunami evacuation zone. In such an event, early warning systems are in place to encourage evacuation to the safe zone. As such, no related condition of approval is recommended.

G. Managed Development and Public Participation – ROH § 25-3.1(g)

The development review process should stimulate public awareness, education, and participation in coastal management. See also HRS § 205A-2(b)(7) and (8) and 205A-2(c)(7) and (8).

The public was made aware of the Project and was given the opportunity to review the proposed Project during the processing of the SMA Major Permit application. The application materials were also posted on the DPP website. Prior to submitting the SMA Major Permit application, the Applicant presented the Project to the Kailua NB No. 31 on November 7, 2024.

A public hearing was held for the SMA Major Permit application at 10:00 a.m. on Friday, May 9, 2025, at the Frank F. Fasi Municipal Building, 6th Floor Conference Room. Notices of the application and public hearing were published in the Honolulu Star-Advertiser and sent to neighbors within 300 ft. of the subject property, various public agencies, elected officials for the area, and other interested parties. Other than the Applicant, Agent, and the DPP staff members, no member of the public attended. A recording of the public hearing is available

upon request. Additional opportunities for public input will be available during the City Council meetings. No related conditions of approval are recommended.

H. Beach and Coastal Dune Protection – ROH § 25-3.1(h)

Development within the SMA should facilitate beach management and protection by safeguarding beaches and coastal dunes for public use and recreation, the benefit of ecosystems, and use as natural buffers against coastal hazards. New structures should be located mauka of the shoreline setback line to conserve open space, minimize interference with natural shoreline processes, and minimize the loss of improvements due to erosion. See also HRS § 205A-2(b)(9) and (c)(9).

The Project site is located on soils that are classified as Jaucas Sands and Beaches soils, which are part of the coastal beach and dune system according to the USDA - NRCS Web Soil Survey. There is currently no shoreline hardening structure present at the Subject TMK; a sandy beach is present along the shoreline. The University of Hawai'i School of Ocean and Earth Science and Technology Coastal Research Collaborative data shows the shoreline fronting the Project site and its immediate surroundings are experiencing historical shoreline accretion (see Exhibit I).

The proposed dwellings and swimming pool are proposed outside of the 60-ft. shoreline setback. No importation of fill is proposed, but the movement of materials within the site is proposed to allow the swimming pool and to level portions of the site in preparation for the slab-on-grade construction. Because the site 1) does not have historical erosion, 2) does not have anticipated erosion related to SLR, and 3) does not require imported fill, slab-on-grade construction is acceptable.

Nevertheless, the Applicant should be aware that pursuant to ROH § 25-6.1(b) landscaping may not be used to artificially fix the shoreline or be maintained in such a way that it effectively hardens the shoreline. The addition of language to ensure the Applicant and future or successor owners are aware of this requirement is recommended as a condition of approval.

Further, the Applicant and successor owners should be aware that pursuant to ROH § 26-1.8(b)(3)(E), a determination of hardship as a result of any discretionary land use permit granted after June 16, 1989, is not a basis for requesting a Shoreline Setback Variance (SSV). This means that where a discretionary land use permit is used to authorize development, the Applicant cannot later claim hardship as the basis for an SSV in order to protect that development. This SMA Major Permit is a discretionary land use permit. Therefore, upon approval of this SMA Major Permit, the Applicant is precluded from obtaining a SSV to protect the subject property from erosion or other coastal hazards with new shoreline hardening structures. This is recommended as a

condition of approval to ensure that the Applicant and successor owners or interests are fully aware of this regulatory standard.

I. Marine and Coastal Resources – ROH § 25-3.1(i)

Development within the SMA should promote the protection, use, and development of marine and coastal resources to ensure that these resources are ecologically and environmentally sound and economically beneficial. Impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities resulting from the construction of structures must be minimized. Development within wetland areas should be limited to activities that are dependent on or enhance wetlands, or are otherwise approved by appropriate State and federal agencies. See also HRS § 205A-2(b)(10) and (c)(10).

The Project does not involve the use or management of marine resources. According to the National Wetlands Inventory of the USFWS, this section of the Pacific Ocean is identified as Estuarine and Marine Wetland and Deepwater. In the short term, the Project is not anticipated to result in adverse impacts to these marine waters, as the Project is subject to the City's *Rules Relating to Water Quality, Rules Relating to Storm Drainage Standards*, and other applicable regulations. There are no known wetlands located on the Project site itself. Storm water will be managed on site and the proposed total amount of impervious surfaces will not exceed 50 percent of the lot area. No impacts to bays, estuaries, or nearby water features are anticipated. Therefore, marine and coastal resources are unlikely to be negatively impacted as a result of the proposal in the short-term, and no condition of approval is recommended.

J. Cumulative Impact or Significant Effect and Compelling Public Interest – ROH § 25-3.1(j)

Development within the SMA should not have any cumulative impact or significant effect, unless minimized to the extent practicable and clearly outweighed by public health, safety, or other compelling public interest. See also HRS § 205A-26(2)(A).

Substantial or cumulative negative environmental impacts associated with the implementation of the Project along with other past, present, and reasonably foreseeable projects in the Project vicinity are not anticipated, so long as the recommended conditions of approval are implemented. The Project site and other lots within 500 ft. of the Project site perimeter are zoned for residential use and are limited based on the residential development standards of ROH Chapter 21. The subject property along with the surrounding properties in all directions are also located within the SMA, which requires any activity meeting the definition of development to undergo review for impacts to the sensitive coastal resources previously described in this report. The Project site is within a previously-established subdivision area to which existing electricity, water, and municipal fire suppression water are already available.

One SMA Permit was identified over a five-year span and within a 500-ft. radius of the Project site (see Exhibit L). On July 19, 2023, SMA Minor Permit No. 2023/SMA-57 to allow a second-story addition to an existing single-family dwelling was rejected as incomplete. As such, the potential contribution to significant cumulative impacts is considered low. Should that project be resubmitted, it will also be reviewed to determine if significant cumulative impacts to SMA resources are anticipated. Therefore, we have concluded that implementation of the Project is unlikely to result in a substantial contribution to cumulative environmental impacts in the area, considering both spatial and temporal factors. No additional conditions of approval are recommended.

K. Consistency with Plans and Regulations

Development within the SMA must be consistent with the general plan, development plans, sustainable communities plans, and zoning ordinances; provided that a finding of inconsistency does not preclude concurrent processing of amendments to applicable plans or a zone change. See also HRS § 205A-26(2)(C).

1. ROH Chapter 21: The 42,289-sq.-ft. site is located within the R-10 District, which allows for single-family dwelling use. According to the Applicant, the Project has been designed to comply with the development standards of this chapter. A thorough review of the plans for compliance with the Residential District development standards and other regulations will be conducted during the BP review process.

   Pursuant to ROH Chapter 21, Table 21-3, short-term rentals, including both bed and breakfast establishments and transient vacation units, are not allowed in any Residential District. In order to ensure the Applicant and successor owners are aware of this limitation, a statement to this effect is recommended as a condition of approval. Upon compliance with the above-referenced condition, the Project will be consistent with ROH Chapter 21.

2. ROH Chapter 26: The Applicant proposes to construct the new dwellings and swimming pool outside the 60-ft. shoreline setback area. Because the O'ahu Historical Shoreline Change Map identified the Project site as accreting an average of 1.42 ft. per year, no additional erosion-rate based setback requirements apply. However, the Applicant proposes new fencing within the shoreline setback area. Open-work fencing within the shoreline setback area is considered a minor shoreline structure, which is allowed within the shoreline setback area with a minor shoreline structure permit. Therefore, a minor shoreline structure permit must be obtained prior to construction of the proposed fencing. This is recommended as a condition of approval. Subject to the recommended condition, the Project will comply with ROH Chapter 26.

3. KPSCP: The KSCP Land Use Map identifies the Project area as "low density residential." The most applicable KPSCP policies are as follows:

- Building heights should be limited to two stories;
- Residential development should be of appropriate scale and privacy with respect to surrounding residential properties;
- The physical character and definition of neighborhoods should be of existing homes and new infill development on surrounding neighborhoods; and
- There should be a range of housing densities as long as density does not exceed six dwelling units per acre.
- Protect endangered species and their habitats;
- Balance the need for public safety, the protection of property, and the desire for architectural embellishments with the need to conserve energy and the protection of wildlife and human health from adverse effects of outdoor night lighting;
- Protect scenic beauty and scenic views and provide recreation;
- Promote access to shoreline and mountain areas; and
- Prevent development in areas susceptible to landslides and similar hazards.
- Preserve significant historic features from earlier periods;
- Retain significant vistas associated with archaeological features;
- Implement in situ preservation and appropriate protection measures for sites that have high preservation value because of their good condition or unique features; and
- Determine the appropriate treatment for a historic site by the particular qualities of the site and its relationship to its physical surroundings.

Based on the plans provided, the proposed development will be limited to two stories and is an appropriate scale for the neighborhood. The Project site is approximately one acre in size and will have a total of two dwellings, which is consistent with the low density residential guidelines of the KPSCP. The Project site is not within any identified sensitive scenic

viewshed, open-space, recreational area, wetland, or historic site on KPSCP resource maps, as also discussed above. Project implementation would not result in any change to shoreline or recreational access. Standard mitigation measures for the protection of sensitive species are recommended as conditions of approval. Further, as discussed above, it is recommended that the Applicants prepare and implement an AMP during ground-disturbing activities. They are also required to stop work should any historic properties be encountered. Therefore, the Project is generally consistent with the KPSCP and no additional conditions of approval related to KPSCP compliance are recommended.

4. O'ahu General Plan (GP): The Project is generally consistent with the O'ahu GP. The most applicable O'ahu GP policies for Natural Environment and Resource Stewardship (i.e. SMA resources) are as follows:

   - Objective A, Policy 1 requires the protection of O'ahu's natural environment, especially the shoreline, valleys, ridges, watershed areas, and wetlands from incompatible development;

   - Objective A, Policy 4 requires 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; and

   - Objective A, Policy 5 requires sufficient setbacks from O'ahu's shorelines to protect life and property, preserve natural shoreline areas and sandy beaches, and minimize the future need for protective structures or relocation of structures.

   Each of these resource areas are discussed above, and where necessary, conditions of approval are recommended. Given this, the proposed construction of the single-family detached dwellings on a residentially-zoned lot, is generally consistent with the O'ahu GP. Therefore, no conditions of approval related to O'ahu GP compliance are recommended.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of ROH §§ 25-3.1 and 25-4.1, and HRS §§ 205A-2 and 205A-26, and was found to be consistent with established SMA objectives, policies, and guidelines, and subject to the conditions below. Based on the analysis, the proposed Project will not adversely impact SMA resources, provided that appropriate mitigative conditions are implemented as recommended.

V. RECOMMENDATION

Based on the preceding Analysis and Conclusions of Law, it is recommended that this application for a SMA Major Permit be **APPROVED**, 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, B, C-1 through C-10, 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 new application for an SMA Major Permit for the Project will be processed in accordance with the ordinance in effect at the time the application is accepted by the DPP. 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. Prior to issuance of a BP for the proposed fencing within the shoreline setback area, the Applicant must obtain a minor shoreline structure permit.

C. To minimize impacts to archaeological, historic, and cultural resources that may be present on the Project site, the Applicant shall comply with the following:

1. Prior to commencing any ground-disturbing activity for the Project, the Applicant must submit to the DPP, a copy of the written determination from the SHPD stating that the 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 protocols required or recommended by SHPD in its written determination; and

2. Archaeological monitoring must be provided during all subsurface activities.

3. 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 SHPD immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.

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

D. To minimize impacts to endangered, threatened, or protected avian, marine, and terrestrial fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following:

1. All new and replacement outdoor light fixtures 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 lighting 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. Woody plants greater than 15 ft. 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 on land within 150 ft. 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-ft. 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; and

8. If Project construction activities are scheduled during the breeding and nesting period from March through December, preconstruction nesting surveys must be conducted by a qualified biologist familiar with the biology of Wedge-Tailed Shearwaters, Hawaiian seabirds, and the Manu-o-Kū (White Tern) prior to and during Project construction as follows:

    a. A minimum of three days prior to the initiation of any clearing (including tree trimming or removal), grubbing, grading, excavation, or trenching activities, the qualified biologist must conduct

preconstruction surveys for the presence of Hawaiian seabird and migratory bird nests, eggs, or fledglings;

b. If no nests, eggs, or fledglings are discovered, work may proceed;

c. If any nests, eggs, or fledglings are discovered, work may not proceed, and:

(i) The USFWS and the State of Hawai'i DLNR DOFAW must be contacted immediately;

(ii) Work may only resume upon implementation of any avoidance and mitigation measures recommended by the USFWS and/or DLNR DOFAW; and

(iii) Written evidence of the survey must be submitted to the DPP Land Use Permits Division.

d. If there is a delay of three or more workdays during the active construction period, the qualified biologist must conduct subsequent preconstruction nest surveys for any new nests that Hawaiian seabirds or protected migratory birds may have attempted to establish. Pre-construction nesting surveys are not required for construction activities occurring in January or February (outside of the breeding and nesting period of March through December).

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

E. To recognize the potential for adverse impacts related to coastal hazards, including but not limited to SLR, coastal erosion, flooding, wave action, and storm surge, the landowner hereby acknowledges the following declarations which must be clearly stated under "Landowner Acknowledgments" on all Project BP plans:

1. *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that Tax Map Key (TMK) 4-3-013: 039 is susceptible to coastal hazards, which may result in harm to or loss of life and property;"* and

2. *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that TMK 4-3-013: 039 is a shoreline zoning lot 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 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."

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 hereby acknowledges the following declarations, which must be clearly stated under "Landowner Acknowledgments" on all Project BP 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, (2021), the Land Use Ordinance, are not allowed on TMK 4-3-013: 039."

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 coastal erosion, the landowner hereby acknowledges the following declaration which must be clearly stated under "Land Acknowledgements" on all Project BP plans.

"*In choosing to implement construction activities at TMK 4-3-013: 039, 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."*

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, SLR, or any other coastal hazard, in order to obtain approval for a SSV for a new shoreline protection structure. By proceeding with the Project, the landowner acknowledges the following declaration, which must be clearly stated under "Landowner Acknowledgements" on all Project BP plans:

"*In choosing to undertake the development at TMK 4-3-013: 039, 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 SSV 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 and irrigation of naupaka along the shoreline, 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 CSS for the shoreline lot, or in the event there is no current CSS for the zoning 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; and

5. Any irrigation system must be designed so that water does not traverse seaward of the shoreline as depicted in the current CSS for the shoreline lot, or in the event there is no current CSS 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 BP plans.

J. The Applicant must obtain a construction permit or BP for the Project within 36 months after the effective date of this SMA Major Permit. Failure to obtain a construction permit or BP 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, but the period cannot be extended by the DPP Director beyond one year from the initial deadline set by Council.

2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director must prepare and submit to the Council a report on the proposed extension, which must include 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. 60 days after receipt of the DPP Director's report; or

   b. The Applicant's then-existing deadline for obtaining a development permit,

   the extension will be deemed to be denied.

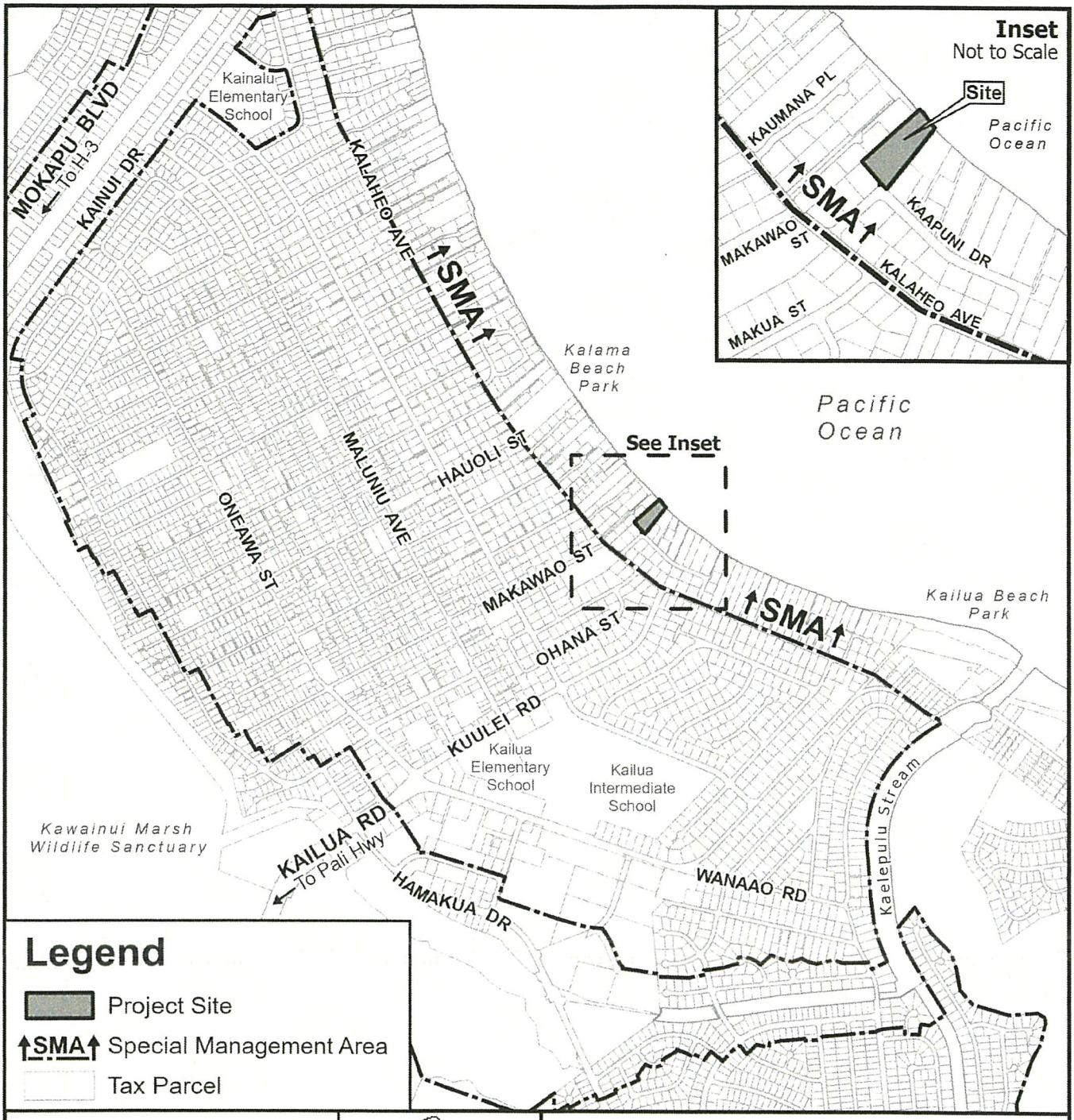
K. Approval of this SMA Major Permit does not constitute compliance with other City ordinances, including but not limited to the ROH Chapter 21 and building and construction codes, or other governmental requirements, including but not limited to ROH Chapter 21, building, grading, and grubbing permit approvals. They are subject to separate review and approval. The Applicant shall be 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.

Dated at Honolulu, Hawai'i, this 20th day of June, 2025.

Department of Planning and Permitting
City and County of Honolulu
State of Hawai'i

By _____
Dawn Takeuchi Apuna
Director

Enclosures: Exhibits A, B, C-1 through C-10, and D through L



LOCATION MAP WITH SMA

KAILUA

TAX MAP KEY(S): 4-3-013:039
FOLDER NO.: 2025/SMA-18

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

Date Prepared: 03/2025

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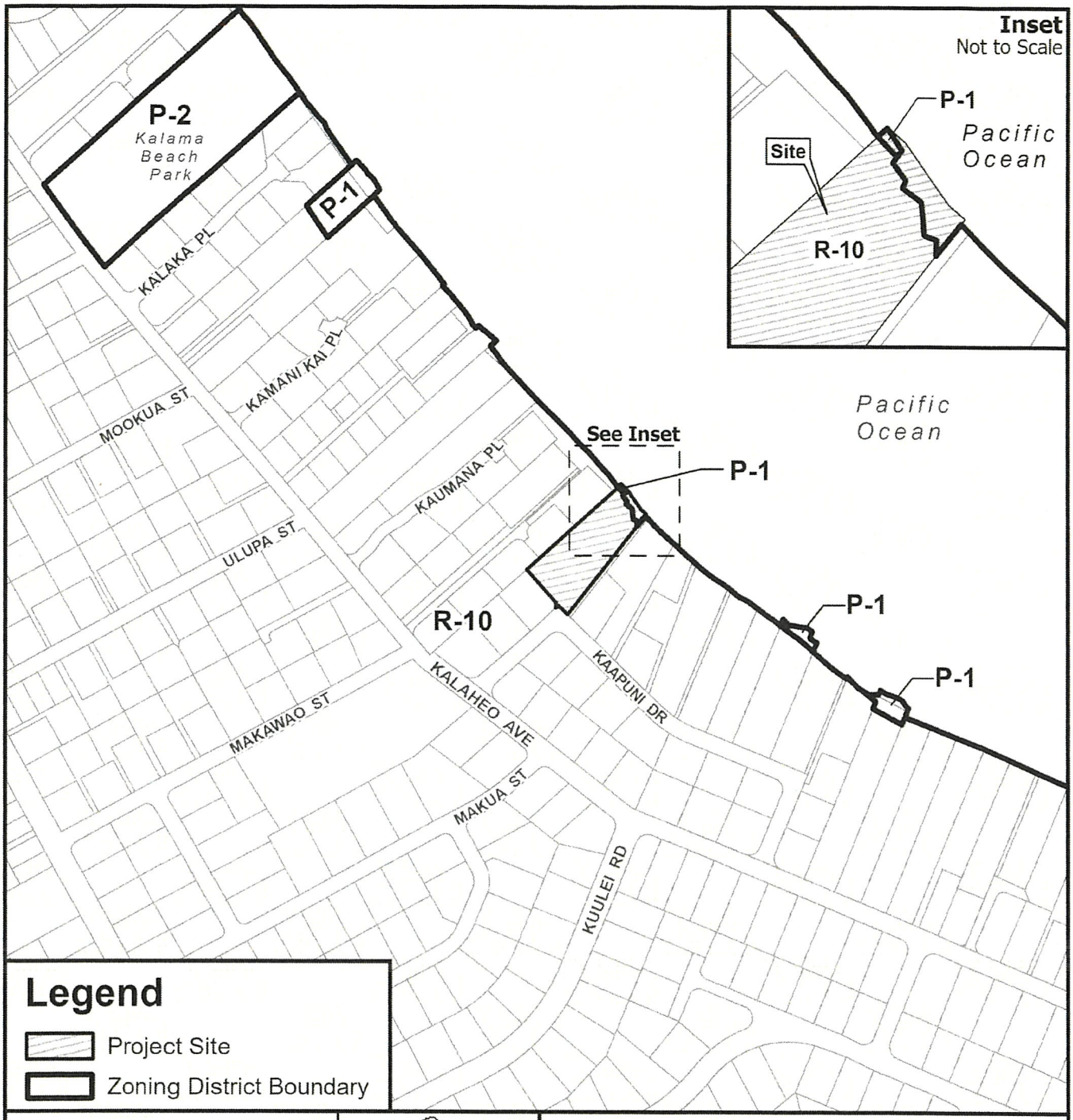
EXHIBIT A



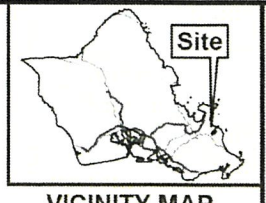
Legend

- Project Site
- Zoning District Boundary

CITY AND COUNTY OF HONOLULU · STATE OF HAWAII

0 150 300 600

Distance in Feet



VICINITY MAP

PORTION OF

ZONING MAP

KAILUA - LANIKAI - KEOLU

TAX MAP KEY(S): 4-3-013:039

FOLDER NO.: 2025/SMA-18

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

Date Prepared: 03/2025

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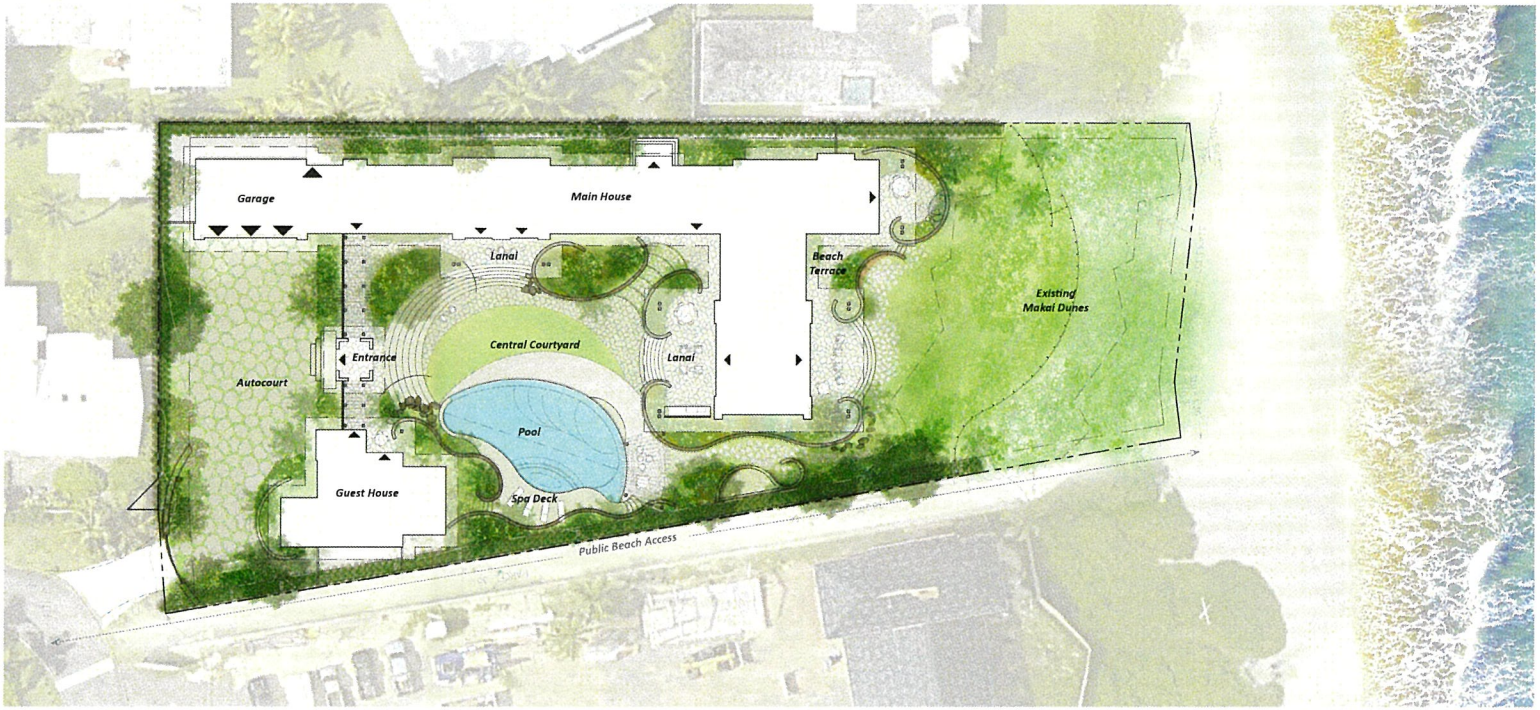
EXHIBIT B



144 Kaapuni Drive - November 1, 2024

Site Plan L101

SURFACEDESIGN INC

EXHIBIT C-1

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09 2025

Landscape Site Plan

Harbor Court 55 Merchant Street Suite 1430
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www.pva.com

petervincentarchitects

LUO MATRIX:

TMK:	4-3-013:039
LOT AREA:	44,356 SF
R-10 LOT SIZE:	42,289 SF
P-1 LOT SIZE:	2,067 SF
ZONING DESIGNATION:	R-10 / P-1
DEVELOPMENT PLAN AREAS:	KO'OLAUPOKO
FLOOD ZONES:	X
SPECIAL MANAGEMENT AREA (SMA):	IN SMA
NEIGHBORHOOD BOARD:	31 - KAILUA
STATE LAND USE:	URBAN DISTRICT, LOW DENSITY RESIDENTIAL
SETBACKS:	FRONT: 10 FT SIDE & REAR YARD: 5 FT SHORELINE: 60 FT
MAXIMUM BUILDING AREA:	50% OF THE ZONING LOT = 22,178 SF
PROPOSED BUILDING AREA:	**13,792 SF (62.2%)**
MAXIMUM HEIGHT:	25-30 FT
MAXIMUM LOT COVERAGE:	75% OF ZONING LOT (IMPERVIOUS SURFACES)
PROPOSED LOT COVERAGE:	**21,823.6 SF (62.6%)**

FLOOR AREA CALCULATIONS:

ZONING LOT AREA: 44,356 SF
MAX FAR: 31,049.20 SF
(0.7 OF ZONING LOT)

	PROPOSED
ENTRY PAVILION:	
FLOOR AREA:	**198 SF**
DWELLING 1:	
GROUND LEVEL:	
FLOOR	6,036 SF
COVERED LANAI	1,626 SF
SECOND LEVEL:	
FLOOR	1,651 SF
COVERED LANAI	121 SF
FLOOR AREA	**9,434 SF**
DWELLING 2:	
FLOOR	1,511 SF
COVERED LANAI	92 SF
FLOOR AREA	**1,603 SF**
STORAGE:	
FLOOR	**189 SF**
TOTAL FLOOR AREA:	**11,424 SF**
(36.8% OF ALLOWABLE FLOOR AREA)	
GARAGE	1,205 SF
TOTAL UNDER ROOF	12,629 SF

BUILDING AREA CALCULATIONS:

MAXIMUM BUILDING AREA: 22,178 SF
(50% OF ZONING LOT)

	PROPOSED
ENTRY PAVILION:	
FLOOR AREA:	198 SF
(LANAI INCLUDED)	
EAVES EXCEED 36"	60 SF
DWELLING 1:	
FLOOR AREA:	9,434 SF
(LANAIS INCLUDED)	
EAVE EXCEED 36"	947 SF
GARAGE	1,205 SF
DWELLING 2:	
FLOOR	1,603 SF
(LANAIS INCLUDED)	
EAVE EXCEED 36"	177 SF
STORAGE:	
FLOOR	168 SF
TOTAL BUILDING AREA:	**13,792 SF**
(62.2% OF ALLOWABLE BUILDING AREA)	

IMPERVIOUS COVER:

MAX ALLOWED COVERAGE: 33,367 SF
(75% OF ZONING LOT)

	PROPOSED
TOTAL COVERAGE:	20,823.6 SF
(62.6% OF ALLOWABLE LOT COVERAGE)	

PARKING CALCULATIONS:

TOTAL PROPOSED FLOOR AREA:
11,424 SF

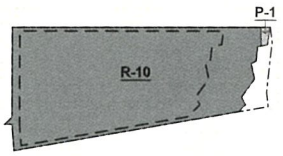
REQUIRED OFF-STREET PARKING:
1 STALL PER 1,000 SF (LUO SEC 21-6.20)

PROPOSED OFF-STREET PARKING:
11 STALLS

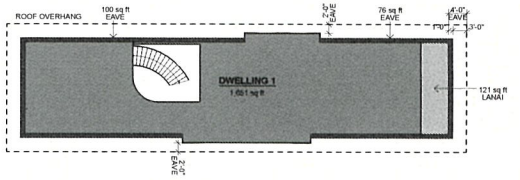
LEGEND:

- ENCLOSED:
- COVERED LANAI:
- GARAGE:
- EAVES (>36"):

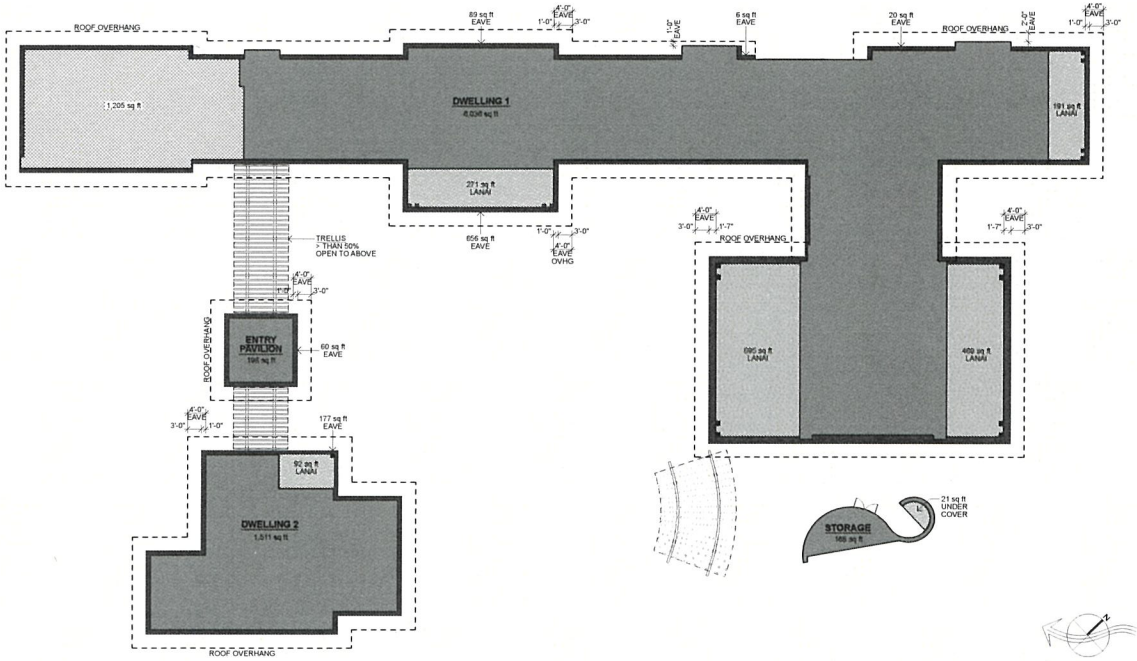
LOT ZONING:



1 ZONING DIAGRAM



3 SECOND LEVEL FLOOR AREA DIAGRAM



2 GROUND LEVEL FLOOR AREA DIAGRAM

EXHIBIT C-2

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09 2025

Area Calculations

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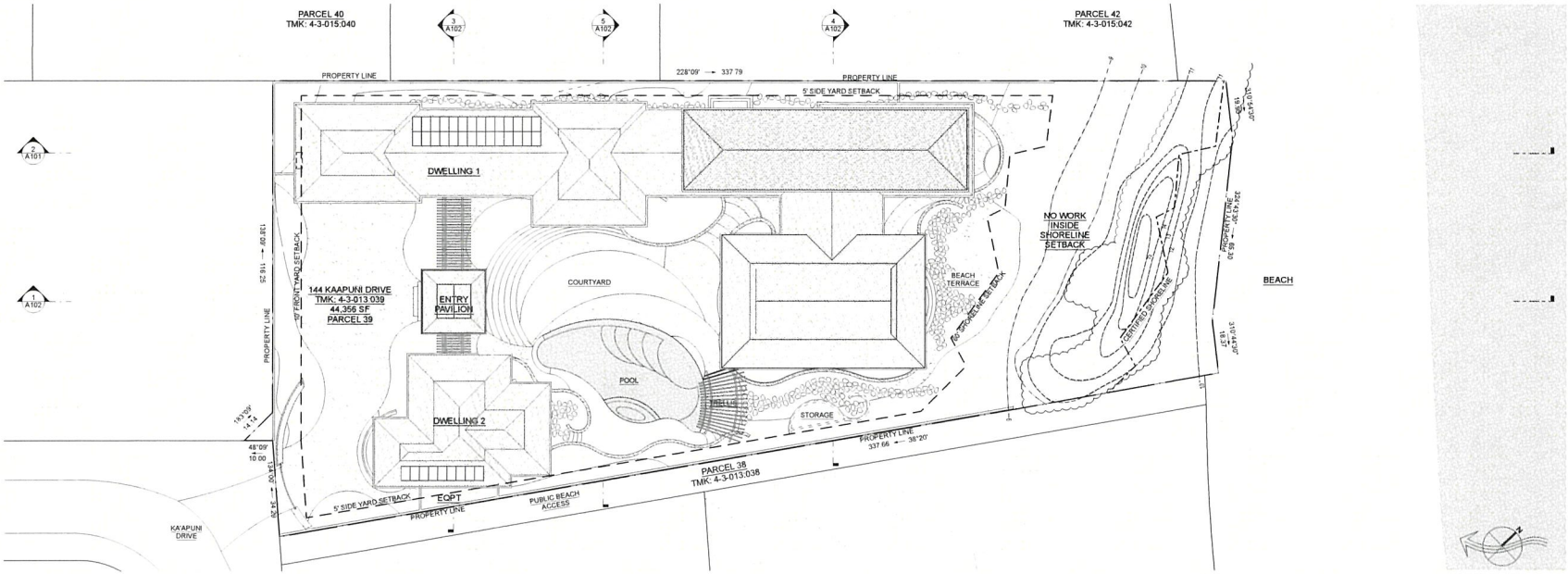
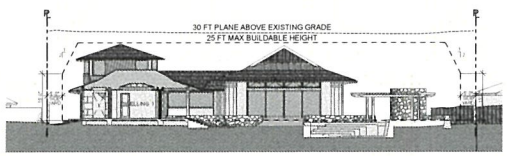
www.pva.com

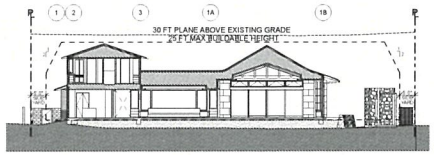
petervincentarchitects



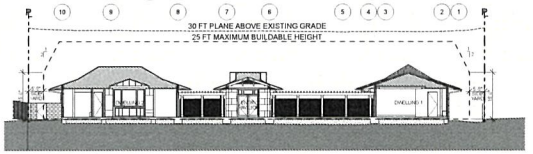
6 SITE PLAN



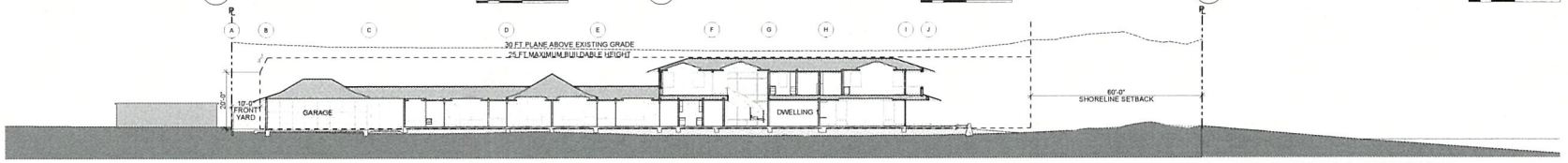
5 SITE SECTION - TRANSVERSE



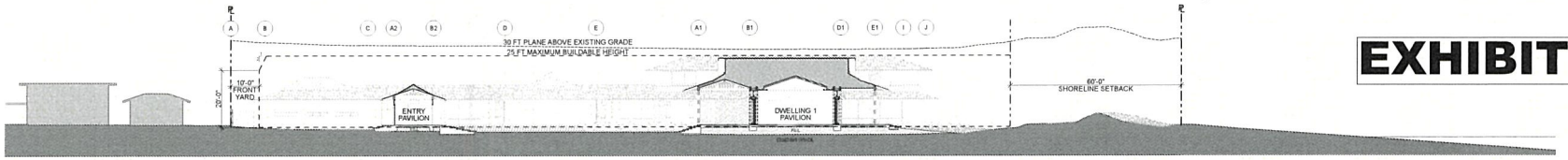
4 SITE SECTION - TRANSVERSE



3 SITE SECTION - TRANSVERSE



2 SITE SECTION - LONGITUDINAL



1 SITE SECTION - LONGITUDINAL

EXHIBIT C-3

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09 2025

Site Section

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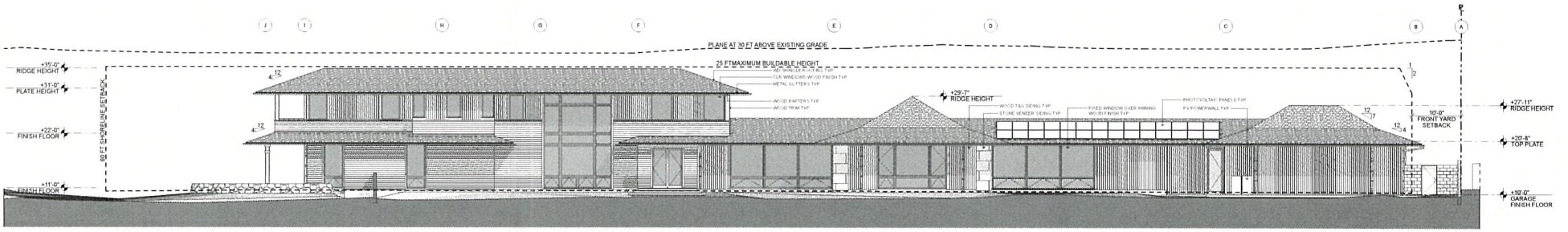
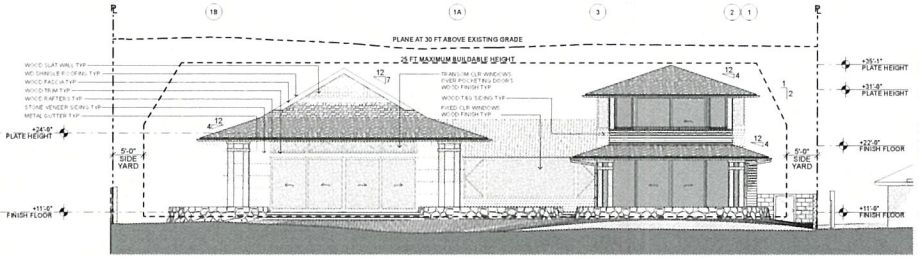
www.pva.com

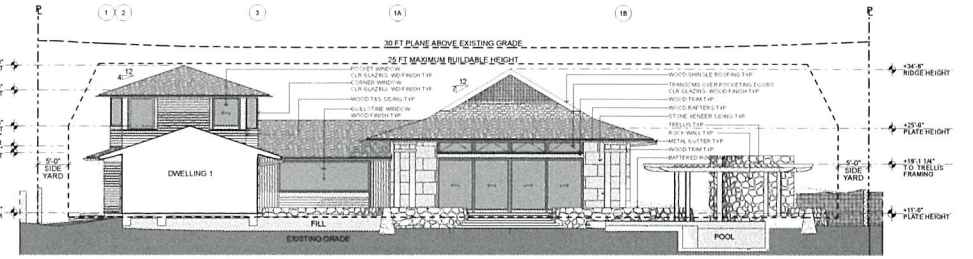
petervincentarchitects



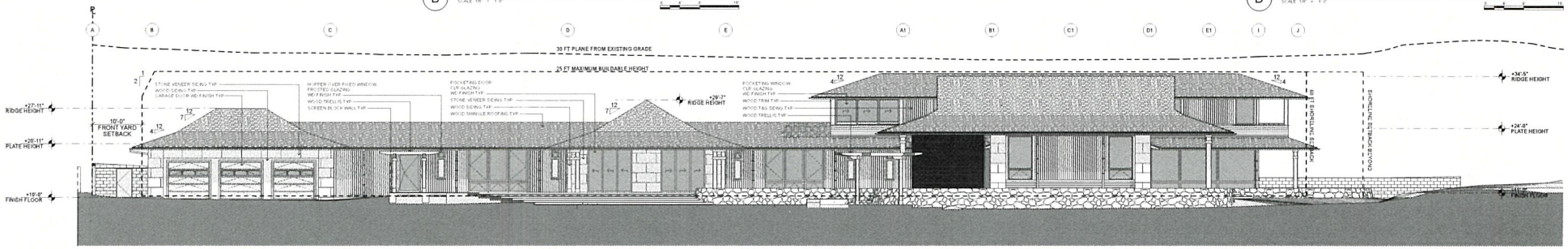
A DWELLING 1: KANEOHE ELEVATION (WEST)



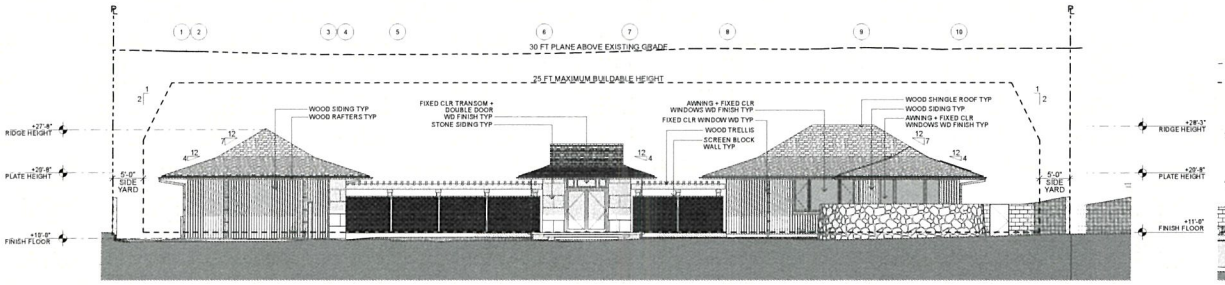
B DWELLING 1: MAKAI ELEVATION (NORTH)



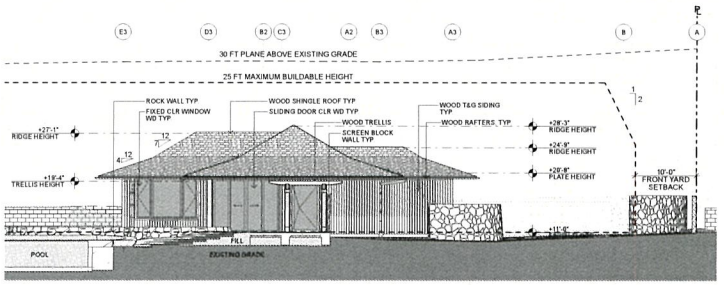
D DWELLING 1: MAUKA ELEVATION (SOUTH)



C DWELLING 1: LANIKAI ELEVATION (EAST)



E DWELLING 2: MAUKA ELEVATION (SOUTH)



F DWELLING 2: LANIKAI ELEVATION (EAST)

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09, 2025

Exterior Elevations

EXHIBIT C-4

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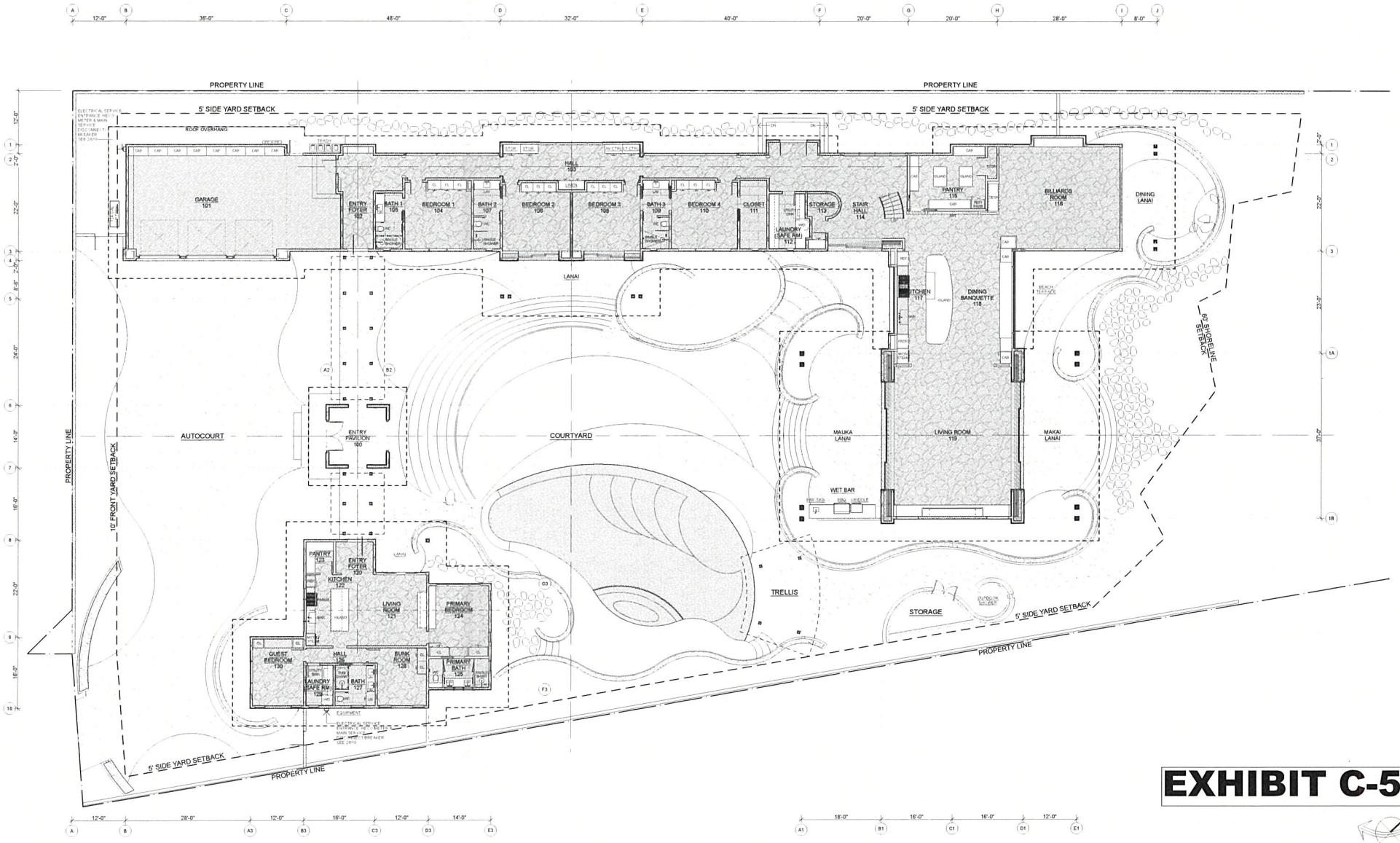

EXHIBIT C-5

1 Ground Level Plan

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09, 2025

Ground Level Plan

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Honolulu, Hawai'i 96813
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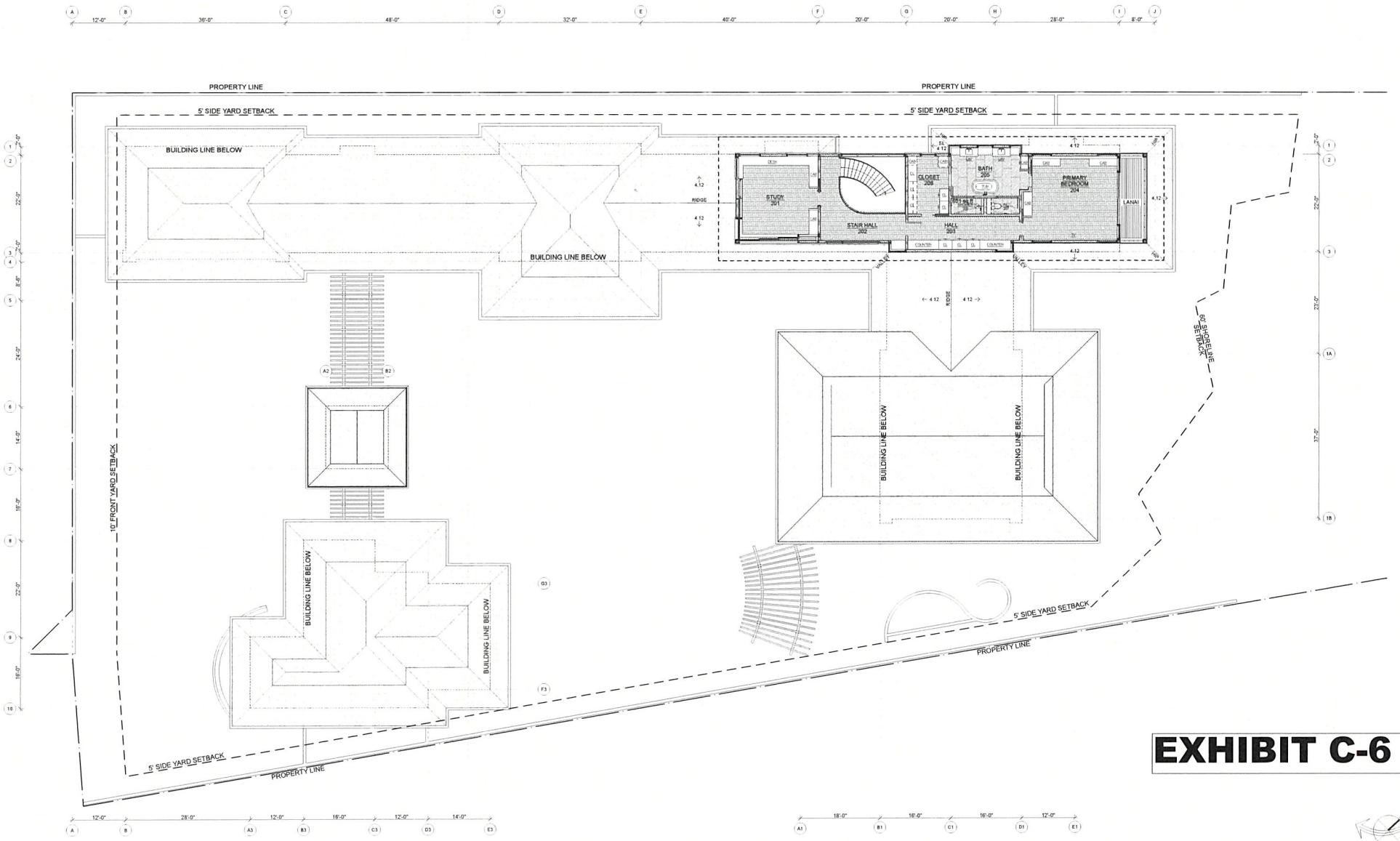

EXHIBIT C-6

1 SECOND LEVEL PLAN

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09 2025

Second Level Plan

Harbor Court 55 Merchant Street Suite 1430
Honolulu Hawai'i 96813
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www.pva.com

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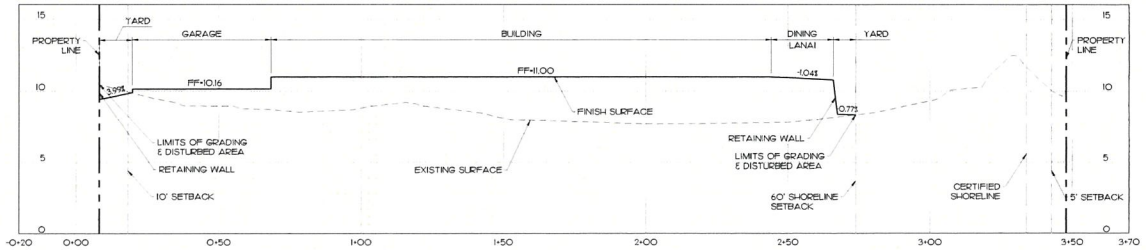
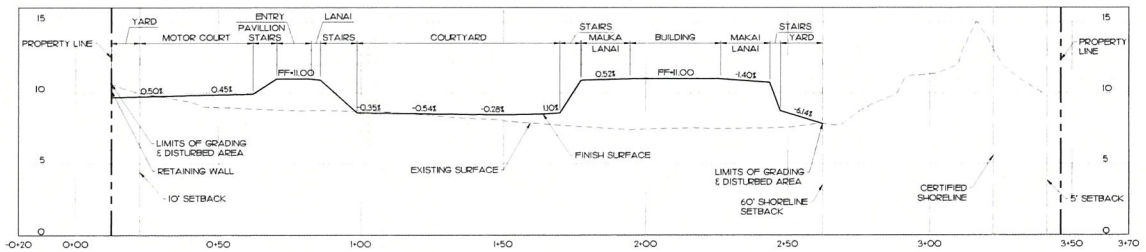
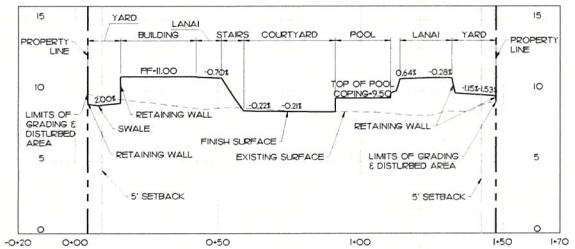


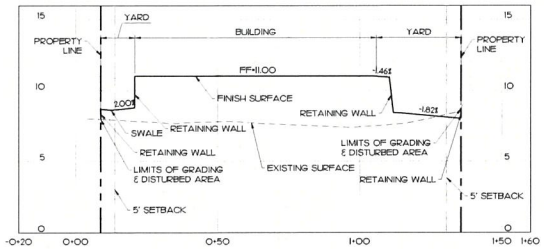
1 C201 **GRADING SECTION 1**
SCALE: VERT: 1" = 4'
HOR: 1" = 20'



2 C201 **GRADING SECTION 2**
SCALE: VERT: 1" = 4'
HOR: 1" = 20'



3 C201 **GRADING SECTION 3**
SCALE: VERT: 1" = 4'
HOR: 1" = 20'



1 C201 **GRADING SECTION 4**
SCALE: VERT: 1" = 4'
HOR: 1" = 20'

GRAPHICAL SCALE:

20' 0 20' 40' 60'
SCALE: 1"=20'

4' 0 4' 8' 12'
SCALE: 1"=4'

APPROVED BY:

CHIEF, CIVIL ENGINEERING BRANCH, DPP DATE

EXHIBIT C-7

PVA
petervincentarchitects
Harbor Court
55 Merchant Street, Suite 1430
Honolulu, Hawaii 96813
808.524.8255 info@pva.com

PALEKANA PERMITS
THIRD PARTY CERTIFICATION
☐ BUILDING CODE ☐ ELECTRICAL CODE
☐ MECHANICAL CODE ☐ RESIDENTIAL CODE
☐ STRUCTURAL (NON-SINGLE/2 FAMILY DWELLINGS)

Dempsey Pacific Inc.
Civil Engineering Design and Consulting Services

Ostojic Residence

New Two Single Family Dwellings

TMK: 4-3-013:039

144 Ka'apuni Drive, Kailua, HI 96734

Project	XXX.XX
Date	August 15, 2024
Drawing	GRADING SECTIONS
Scale	As Noted
Drawn By	RC

Revisions:

Permit Set

RYAN J. DEMPSEY
LICENSED PROFESSIONAL ENGINEER
No. 12058-C
HAWAII, U.S.A.

4/30/2026
Signature Expiration Date of License

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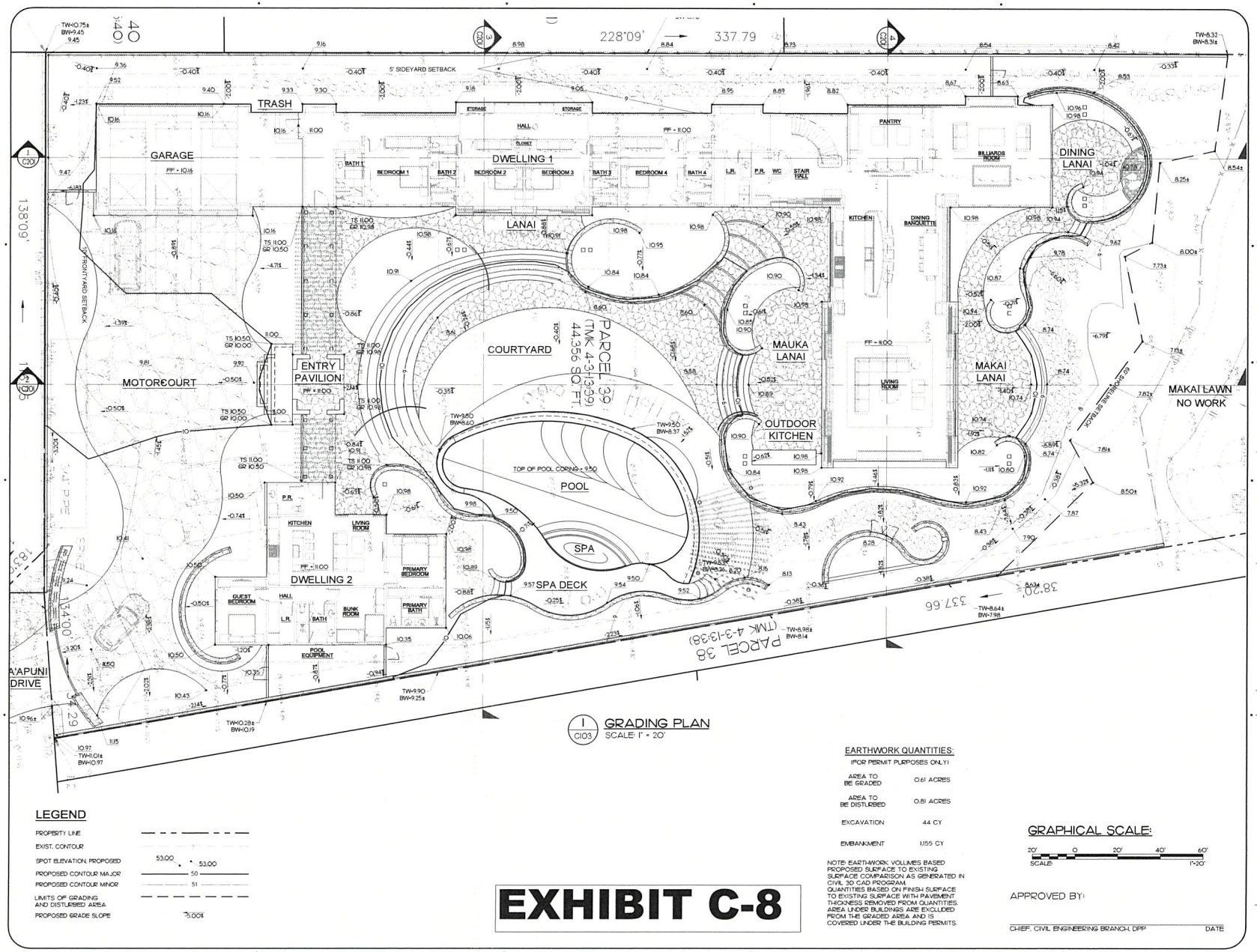
C201



1 C103 GRADING PLAN
SCALE: 1" = 20'

LEGEND

- PROPERTY LINE
- EXIST. CONTOUR
- SPOT ELEVATION, PROPOSED (53.00 • 53.00)
- PROPOSED CONTOUR MAJOR (50)
- PROPOSED CONTOUR MINOR (51)
- LIMITS OF GRADING AND DISTURBED AREA
- PROPOSED GRADE SLOPE (5.00%)

EXHIBIT C-8

EARTHWORK QUANTITIES:
(FOR PERMIT PURPOSES ONLY)

AREA TO BE GRADED	0.61 ACRES
AREA TO BE DISTURBED	0.81 ACRES
EXCAVATION	44 CY
EMBANKMENT	1,155 CY

NOTE: EARTHWORK VOLUMES BASED PROPOSED SURFACE TO EXISTING SURFACE COMPARISON AS GENERATED IN CIVIL 3D CAD PROGRAM. QUANTITIES BASED ON FINISH SURFACE TO EXISTING SURFACE WITH PAVEMENT THICKNESS REMOVED FROM QUANTITIES. AREA UNDER BUILDINGS ARE EXCLUDED FROM THE GRADED AREA AND IS COVERED UNDER THE BUILDING PERMITS.

GRAPHICAL SCALE:
20' 0 20' 40' 60'
SCALE: 1"=20'

APPROVED BY:

CHIEF, CIVIL ENGINEERING BRANCH, DPP DATE

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Honolulu, Hawaii 96813
808.524.8255 info@pva.com

PALEKANA PERMITS
THIRD PARTY CERTIFICATION
☐ BUILDING CODE ☐ ELECTRICAL CODE
☐ MECHANICAL CODE ☐ RESIDENTIAL CODE
☐ STRUCTURAL (NON-SINGLE/2-FAMILY DWELLINGS)

Dempsey Pacific Inc.
Civil Engineering Design and Consulting Services

Ostojic Residence

New Two Single Family Dwellings

TMK: 4-3-013 039

144 Ka'apuni Drive, Kailua, HI 96734

Project	XXX.XX
Date	August 15, 2024
Drawing	GRADING PLAN
Scale	As Noted
Drawn By	RC

Revisions:

Permit Set

LICENSED PROFESSIONAL ENGINEER
No. 12058-C
HAWAII, U.S.A.

4/30/2026
Signature Expiration Date of License

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C103



EXHIBIT C-9

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09 2025

Aerial Views - Front Yard

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EXHIBIT C-10

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i
May 09, 2025

Aerial Views - Makai Yard

Harbor Court 55 Merchant Street Suite 1430
Honolulu Hawai'i 96813
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www.pva.com

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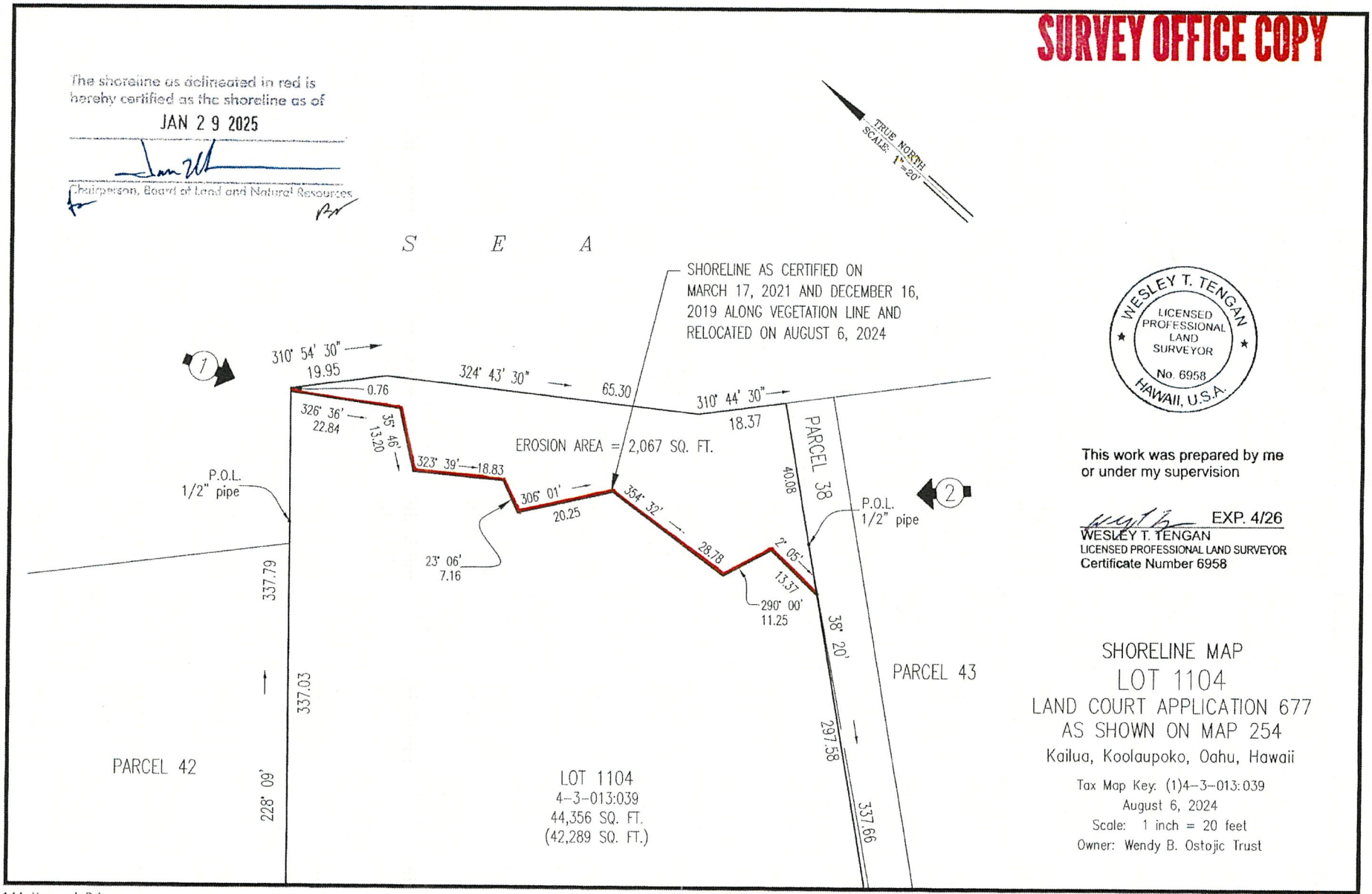
SURVEY OFFICE COPY

The shoreline as delineated in red is hereby certified as the shoreline as of

JAN 2 9 2025

Chairperson, Board of Land and Natural Resources



WESLEY T. TENGAN
LICENSED PROFESSIONAL LAND SURVEYOR
No. 6958
HAWAII, U.S.A.

This work was prepared by me or under my supervision

EXP. 4/26

WESLEY T. TENGAN
LICENSED PROFESSIONAL LAND SURVEYOR
Certificate Number 6958

SHORELINE MAP
LOT 1104
LAND COURT APPLICATION 677
AS SHOWN ON MAP 254
Kailua, Koolaupoko, Oahu, Hawaii

Tax Map Key: (1)4-3-013:039
August 6, 2024
Scale: 1 inch = 20 feet
Owner: Wendy B. Ostojic Trust

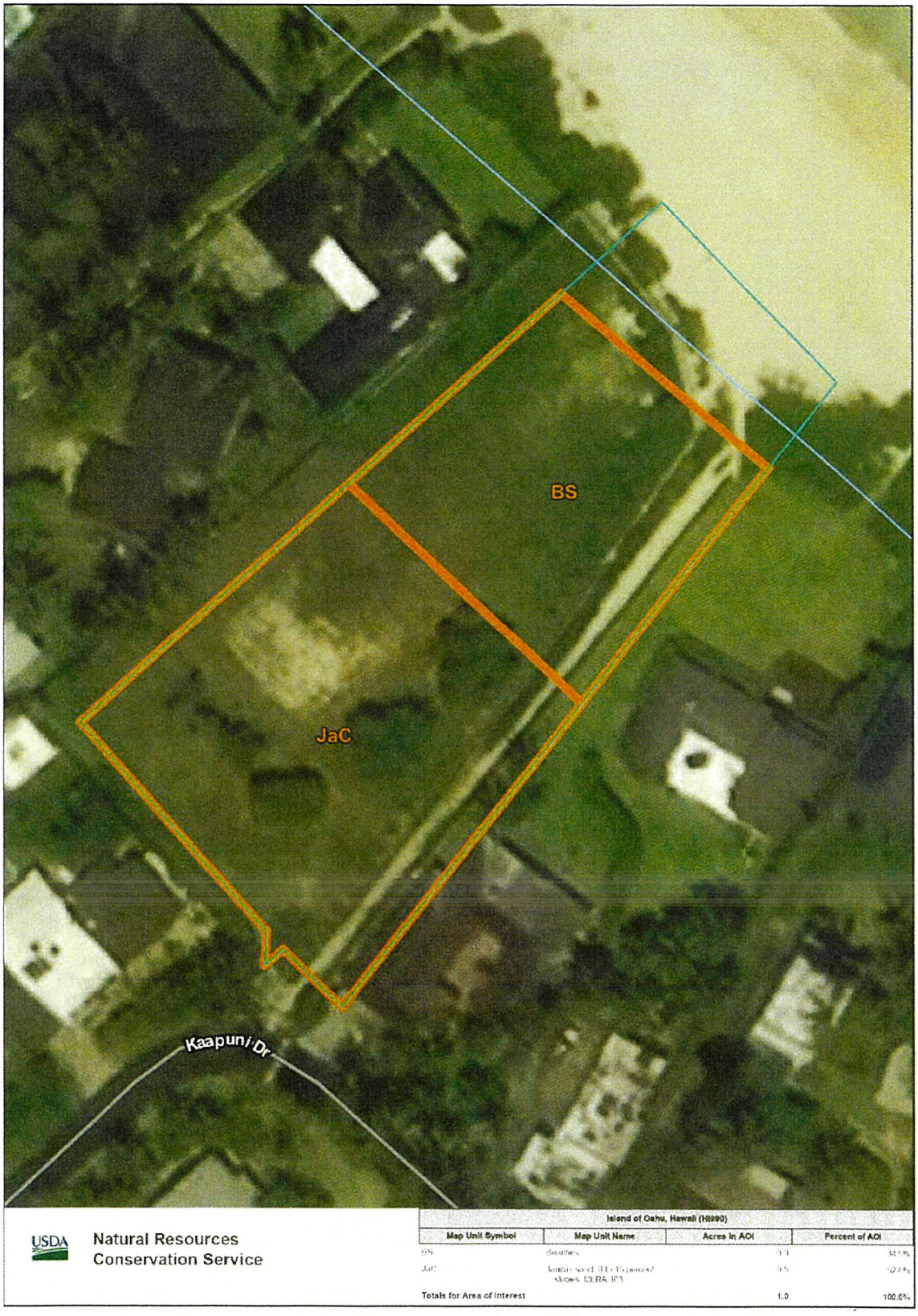
144 Kaapuni Drive

(10X15)

EXHIBIT D



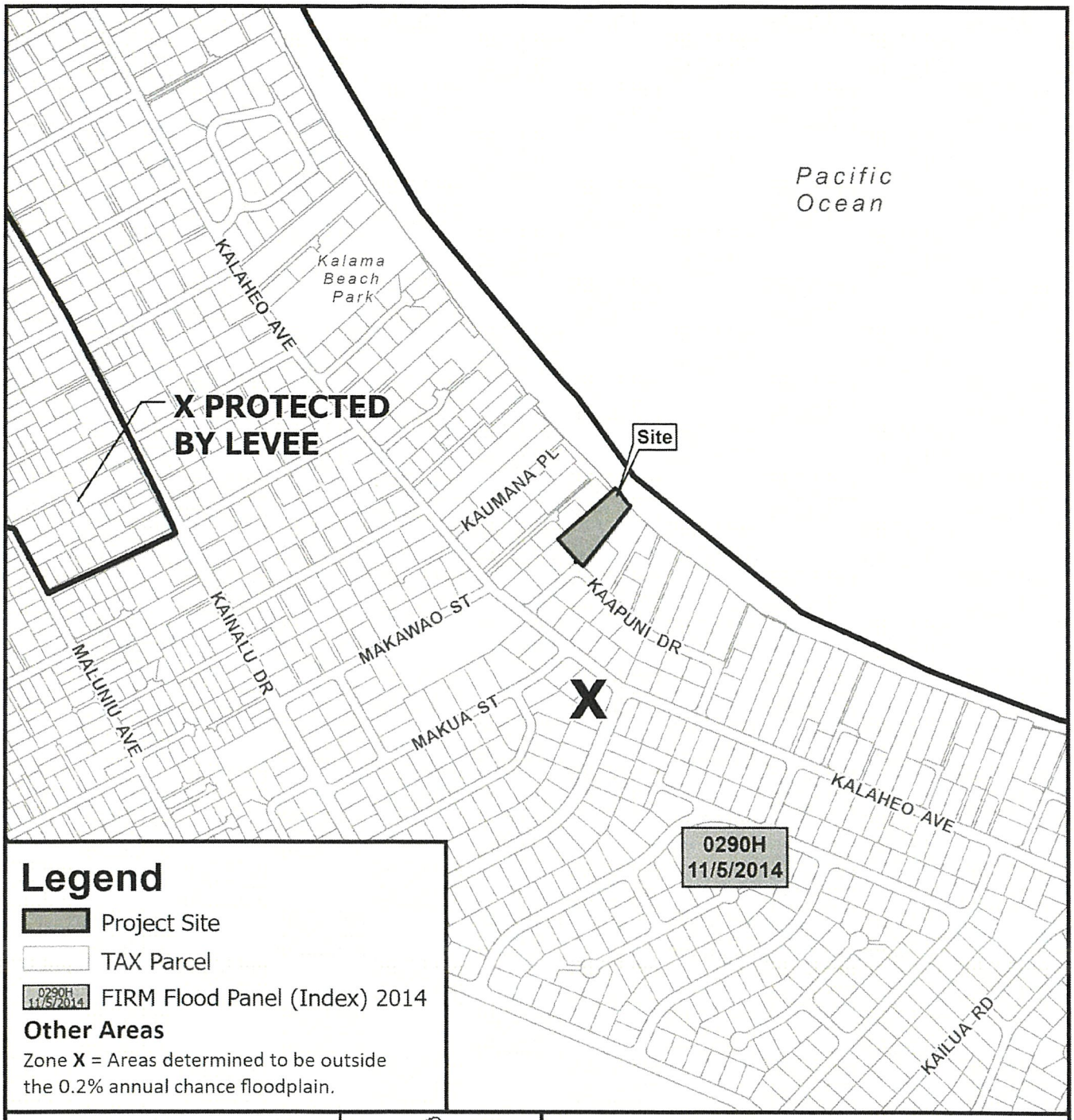
EXHIBIT E - WETLANDS MAP



USDA Natural Resources Conservation Service

Island of Oahu, Hawaii (HI990)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BS	Beaches	0.1	14.1%
JaC	Jaucas sand, 0 to 15 percent slopes, MLRA 157	0.5	52.8%
Totals for Area of Interest		1.0	100.0%

EXHIBIT F - SOILS MAP



Legend

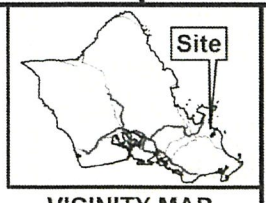
- Project Site
- TAX Parcel
- 0290H 11/5/2014 FIRM Flood Panel (Index) 2014

Other Areas

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

0 200 400 800

Distance in Feet



VICINITY MAP

PORTION OF

FLOOD HAZARD MAP

FIRM PANEL 15003C0290H

TAX MAP KEY(S): 4-3-013:039

FOLDER NO.: 2025/SMA-18

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

Date Prepared: 03/2025

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EXHIBIT G

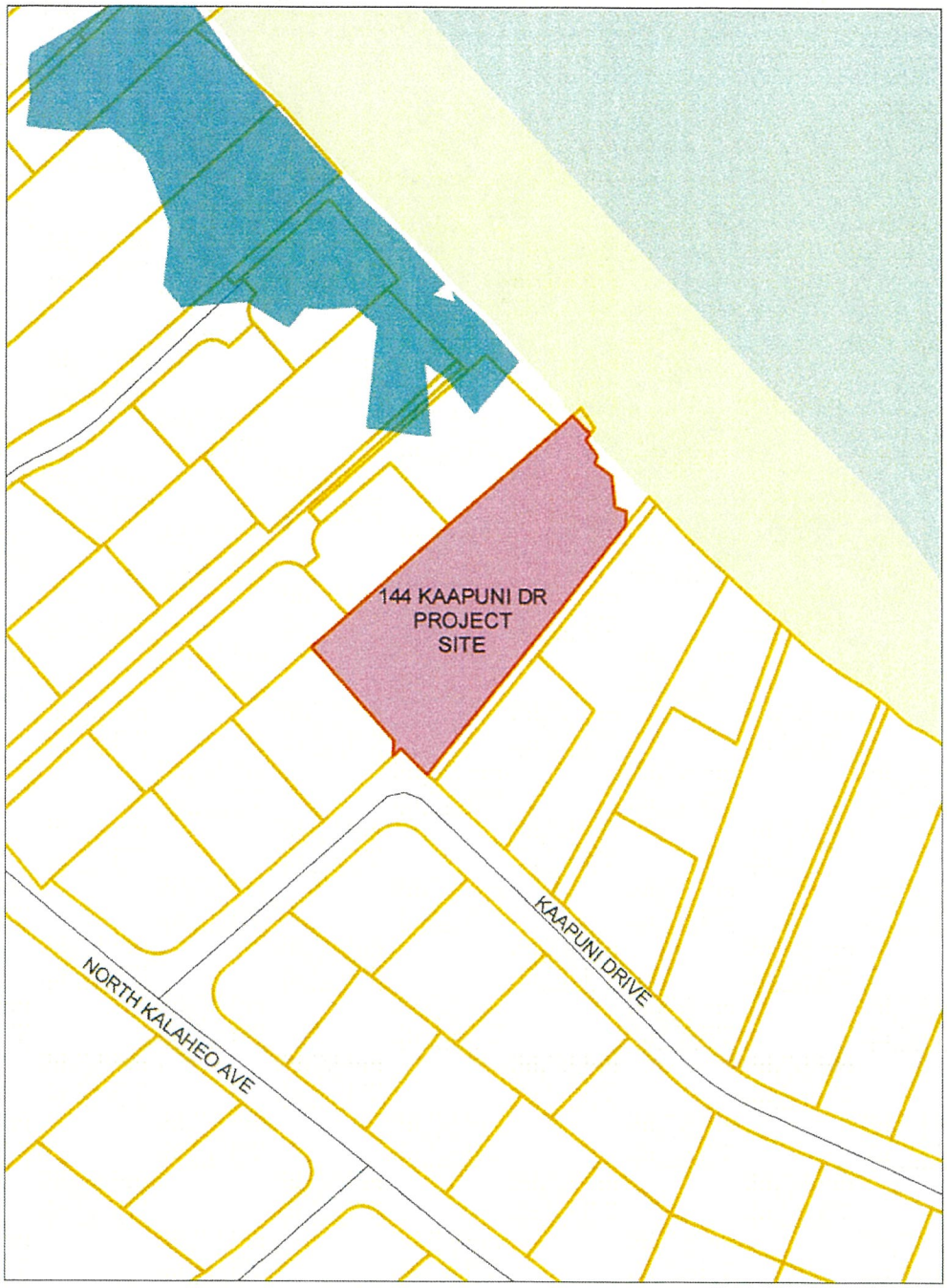
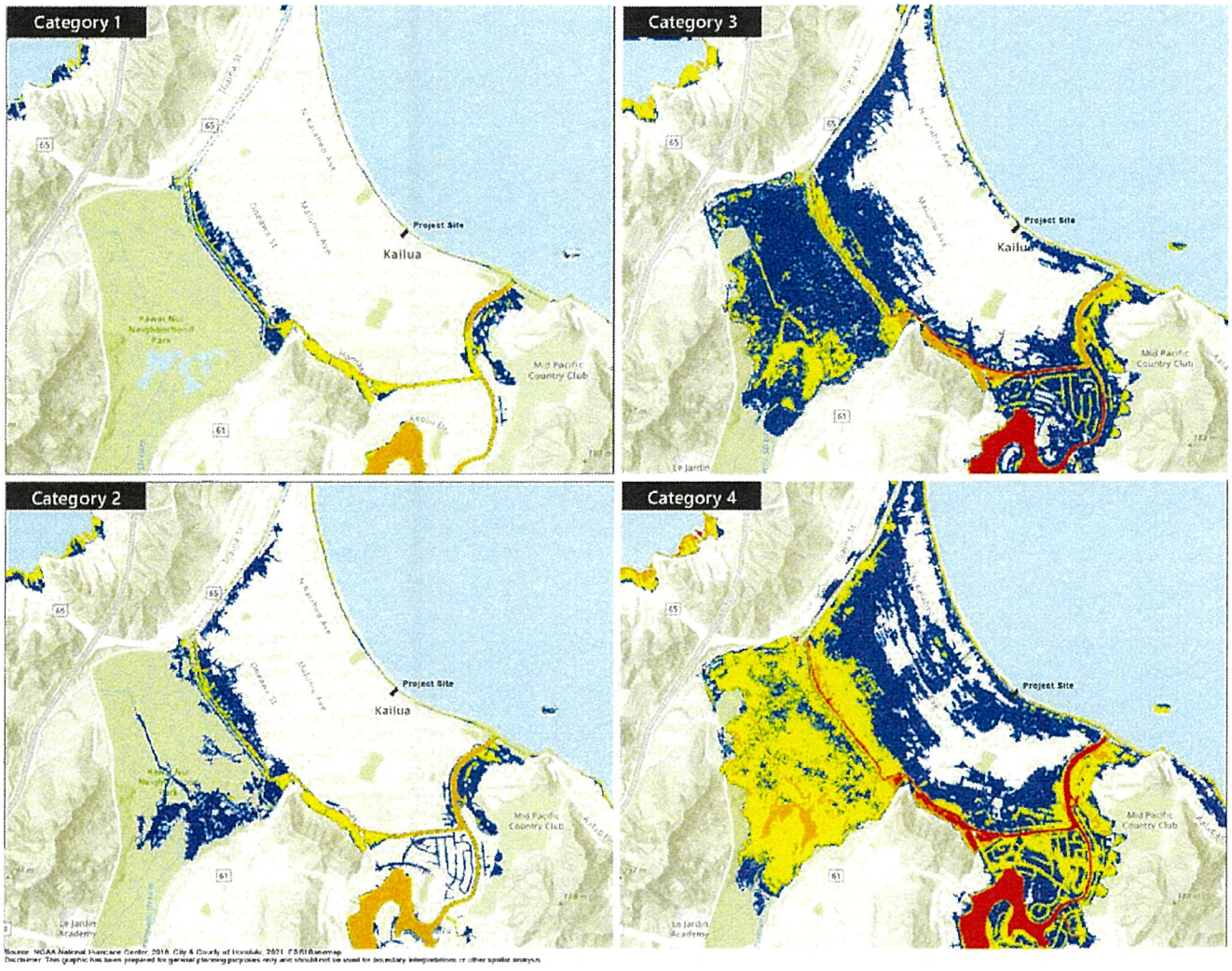


EXHIBIT H - 3.2-FOOT SEA LEVEL RISE MAP



EXHIBIT I - SHORELINE CHANGE RATE MAP



Legend

Project Site

Storm Surge Inundation Height *
(High Tide Scenario)

- Up to 3 Feet above Ground
- Greater than 3 Feet above Ground
- Greater than 6 Feet above Ground
- Greater than 9 Feet above Ground

* Not accounting for erosion, subsidence, sea-level change or future construction.

Saffir-Simpson Hurricane Wind Scale

Hurricane Category	Wind Speed (miles per hour)
1	74-95
2	96-110
3	111-129
4	130-156

Storm Surge Map

144 Ka'apuni Drive

TMK 4-3-012:039 Island of O'ahu

North Linear Scale (feet) 0 300 600 1,200

EXHIBIT J - STORM SURGE MAP

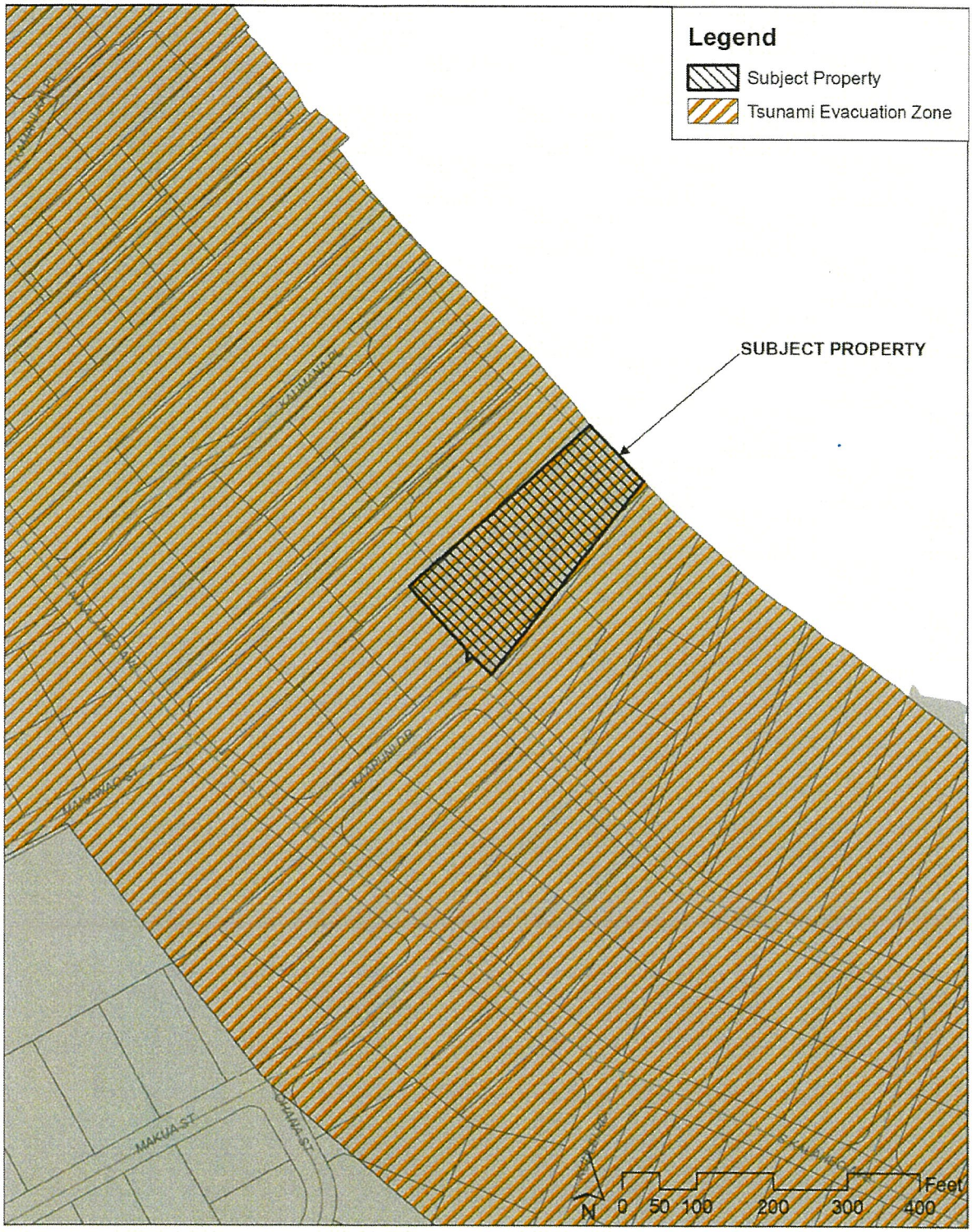
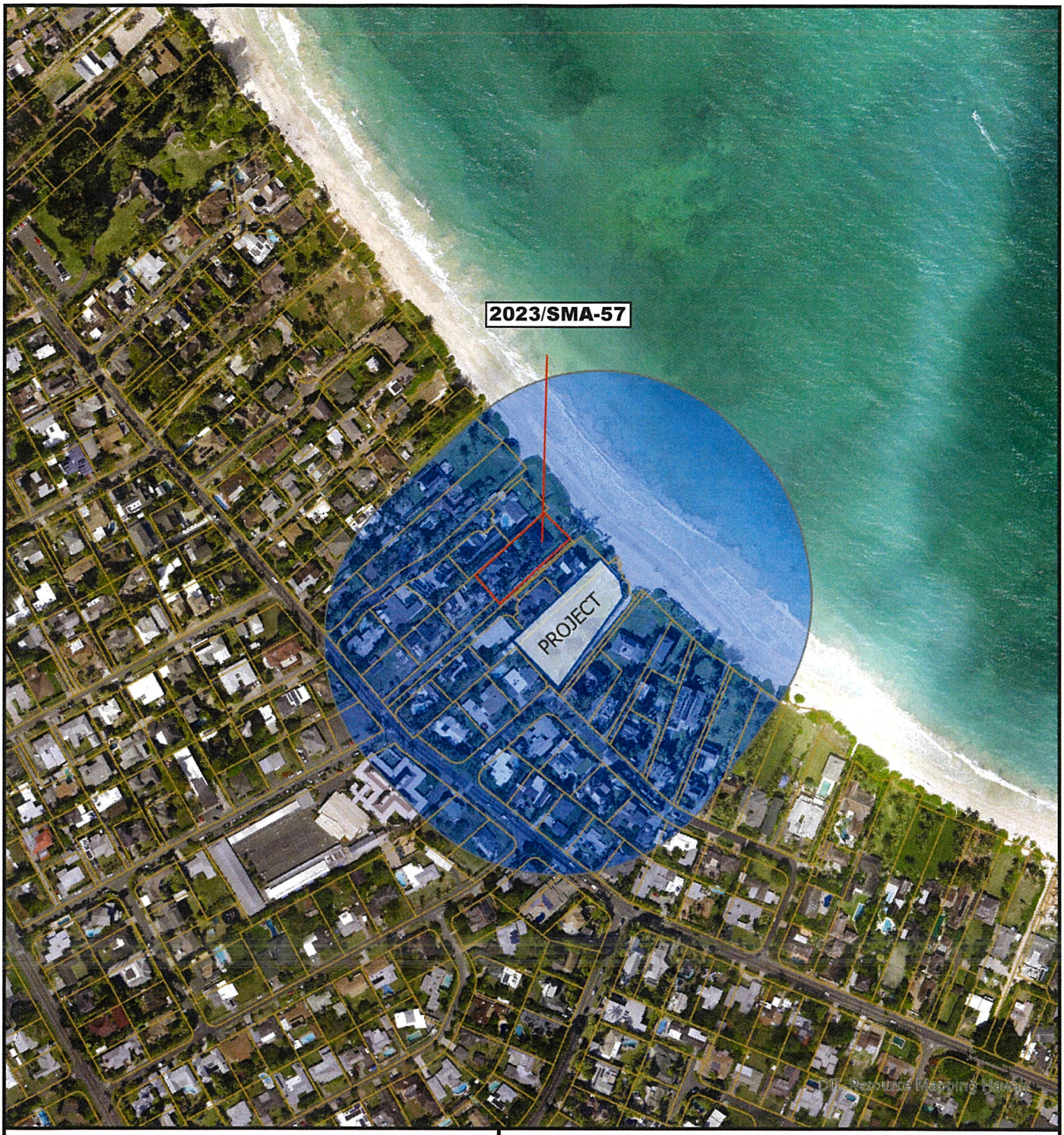
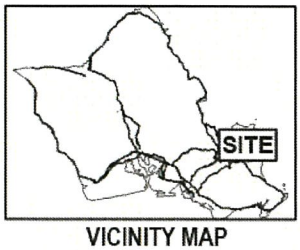


EXHIBIT K - TSUNAMI EVACUATION MAP





VICINITY MAP

0 185 370 740

Scale in Feet

EXHIBIT L

CUMULATIVE IMPACT 500-FOOT BUFFER

Prepared by:

Date Prepared:

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HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____.

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY DWELLINGS WITH A SWIMMING POOL IN KAILUA, O'AHU.

WHEREAS, on March 25, 2025, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2025/SMA-18) from Ka'apuni LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit to allow the construction of two single-family dwellings with an attached garage and swimming pool, on an approximately 44,356-square-foot ("-ft.") shoreline lot, split-zoned R-10 Residential District and P-1 Restricted Preservation District, located at 144 Ka'apuni Drive, and identified as Tax Map Key 4-3-013: 039 (the "Project"); and

WHEREAS, on May 9, 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, the Applicant's agent, and DPP staff members; no member of the public attended; and

WHEREAS, on June 20, 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 Revised Ordinances of Honolulu 2021 ("ROH") §§ 25-3.1 and 25-4.1, and Hawai'i Revised Statutes ("HRS") §§ 205A-2 and 205A-26, 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 _____, by Departmental Communication No. _____(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 with 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:

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-10, 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 Director of the DPP.

B. Prior to issuance of a building permit for the proposed fencing within the shoreline setback area, the Applicant must obtain a minor shoreline structure permit.

C. To minimize impacts to archaeological, historic, and cultural resources that may be present on the Project site, the Applicant shall comply with the following:

1. Prior to commencing any ground-disturbing activity for the Project, the Applicant must submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that the 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 protocols identified, required, or recommended by the SHPD in its written determination; and in the Archaeological Inventory Survey that are approved or otherwise required by SHPD for all historic properties and cultural resources (including iwi kūpuna) discovered on the Project site;

2. Archaeological monitoring must be provided during all subsurface activities; and

3. 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 SHPD immediately. Work in the immediate area must be stopped until the 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.

D. To minimize and address impacts 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 lighting fixtures 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. Woody plants greater than 15 ft. 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 on land within 150 ft. 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-ft. 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; and

8. If Project construction activities are scheduled during the breeding and nesting period from March through December, preconstruction nesting surveys must be conducted by a qualified biologist familiar with the biology of Wedge-Tailed Shearwaters, Hawaiian seabirds, and the Manu-o-Kū (White Tern) prior to and during Project construction as follows:

a. A minimum of three days prior to the initiation of any clearing (including tree trimming or removal), grubbing, grading, excavation, or trenching activities, the qualified biologist must conduct preconstruction surveys for the presence of Hawaiian seabird and migratory bird nests, eggs, or fledglings;

b. If no nests, eggs, or fledglings are discovered, work may proceed;

c. If any nests, eggs, or fledglings are discovered, work may not proceed, and:

(i) The United States Fish and Wildlife Service ("USFWS") and the State of Hawai'i Department of Land and Natural Resources ("DLNR") Division of Forestry and Wildlife ("DOFAW") must be contacted immediately;

(ii) Work may only resume upon implementation of any avoidance and mitigation measures recommended by the USFWS and/or DLNR DOFAW; and

(iii) Written evidence of the survey must be submitted to the DPP Land Use Permits Division.

d. If there is a delay of three or more workdays during the active construction period, the qualified biologist must conduct subsequent preconstruction nest surveys for any new nests that Hawaiian seabirds or protected migratory birds may have attempted to establish. Pre-construction nesting surveys are not required for construction activities occurring in January or February (outside of the breeding and nesting period of March through December).

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

E. 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 Acknowledgments" on all Project building permit plans:

RESOLUTION

1. *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that Tax Map Key (TMK) 4-3-013: 039 is susceptible to coastal hazards, which may result in harm to or loss of life and property." and*

2. *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that TMK 4-3-013: 039 is a shoreline zoning lot 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 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."*

F. To ensure the landowner is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, the landowner hereby acknowledges the following declarations which must be clearly be stated under "Landowner Acknowledgments" on all Project building permit plans:

"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified of) 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 4-3-013: 039."

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 "Land Acknowledgements" on all Project building permit plans.

"*In choosing to implement construction activities at TMK 4-3-013: 039, 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."

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 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 TMK 4-3-013: 039, 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 and irrigation of 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 dwelling 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 ("CSS") for the shoreline lot, or in the event there is no current CSS 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 must obtain a construction permit or building permit for the Project within 36 months after the effective date of this SMA Major Permit. Failure to obtain a construction permit or building permit within this period will render this SMA Major Permit null and void; provided that this period may be extended as follows:

1. The DPP Director may extend this period if the Applicant demonstrates good cause, provided that the DPP Director may not extend the period beyond one year from the initial deadline set by Council.

2. If the Applicant demonstrates good cause for an extension exceeding one year, the DPP Director must 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. 60 days after receipt of the DPP Director's report; or

   b. The Applicant's then-existing deadline for obtaining a development 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, building, grading, and grubbing permit approvals, which

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No._____

RESOLUTION

are subject to separate review and approval. The Applicant shall be 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.

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Wendy Ostojic, Ka'apuni LLC, 3503 Rocky Stream Drive, Fort Collins, Colorado 80528; Peter Vincent, Peter Vincent Architects, Harbor Court, 55 Merchant Street, Suite 1430, Honolulu, Hawai'i, 96813; 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 Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

INTRODUCED BY:

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DATE OF INTRODUCTION: _____

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Honolulu, Hawai'i Councilmembers