REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kia'āina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Committee Meeting Held
July 28, 2025

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

Mr. Chair:

Your Committee on Zoning & Planning, which considered Resolution 25-184 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY DWELLINGS WITH A SWIMMING POOL IN KAILUA, OAHU,"

transmitted by Departmental Communication 480 (2025), dated June 20, 2025, from the Department of Planning and Permitting ("DPP"), and introduced on June 26, 2025, reports as follows:

The purpose of Resolution 25-184 is to grant a Special Management Area Major Permit to Ka'apuni LLC, to allow for the new construction of a two-story single-unit main dwelling with attached three-car garage, one-story single-unit guest dwelling, central courtyard, in-ground swimming pool, spa area, and open-work fencing on an approximately 44,356-square-foot shoreline lot, split-zoned R-10 Residential District and P-1 Restricted Preservation District, located at 144 Ka'apuni Drive in Kailua, and identified as Tax Map Key 4-3-013:039 (the "Project").

A small portion of the Project's zoning lot closest to the shoreline is zoned P-1 Restricted Preservation District, but no development is proposed in this area. The Project site is not anticipated to be impacted by coastal erosion or sea level rise, and the shoreline setback is 60 feet. The Project's main dwelling, which is closest to the shoreline, will be located approximately 69 feet from the shoreline.

ADOPTED ON AUG 6 2025

COMMITTEE REPORT NO. 259

The Project zoning lot size is listed as 44,356 square feet, but over decades, 2,067 square feet of the lot has been lost to erosion and is now within the State Land Use Conservation District. Several calculations to determine compliance with Land Use Ordinance development standards are based on the zoning lot size. Condition B of the proposed CD1 requires the Applicant to use 42,289 square feet as the Project's zoning lot size, which reflects a reduction of 2,067 square feet that has been lost to erosion, for purposes of calculating building area, floor area, and impervious surface area for the Project's building permit application.

The Applicant proposes new open-work fencing within the 60-foot shoreline setback area, which will require a minor shoreline structure permit. The Applicant is required to obtain a minor shoreline structure permit prior to the issuance of any building permit for the installation of the Project's proposed fencing within the 60-foot shoreline setback area.

An archaeological inventory survey ("AIS") of the Project site was conducted by ASM Affiliates. A total of 12 test trenches were excavated, and two Native Hawaiian historical sites were discovered. One site is a subsurface occupational layer containing two pits and a septic vault. The other site is a subsurface occupational layer containing a pit. No iwi kūpuna (Native Hawaiian ancestral remains) were discovered, but the Project site is located within the Kailua accretion berm, where many iwi kūpuna have been discovered, and the Project site also consists of Jaucus sands, which have a higher likelihood of containing subsurface archaeological sites and iwi kūpuna.

Condition D of the proposed CD1 includes conditions to minimize impacts to archaeological, historic, and cultural resources, by requiring the Applicant to:

- Submit to the DPP copies of the State Historic Preservation Division's ("SHPD") written determination pursuant to HRS § 6E-42;

- Submit to the DPP copies of SHPD's written acceptance of the Project's AIS, and any required mitigation protocols;

- Prepare and submit an archaeological monitoring plan ("AMP") to SHPD and submit to the DPP a copy of SHPD's written acceptance of the AMP, and any required mitigation protocols;

- Implement all mitigation protocols approved by the SHPD and conduct a coordination meeting with Project archaeological consultants and construction contractors prior to the start of construction to ensure that everyone is informed of all required mitigation protocols; and

- Observe standard stop work protocols and contact SHPD immediately if, during construction, any previously unidentified archaeological sites or remains are encountered.

The Project involves the excavation of approximately 44 cubic yards of soil material for the swimming pool and slab-on-grade dwelling foundations. Some of the excavated soil material will used for infill purposes, and no importation of soil fill material is proposed. The Applicant also proposes to import 295 cubic yards of structural fill material. Since structural fill may contain invasive pathogens, pests, or plants, Condition K of the proposed CD1 requires the Applicant to comply with certain protocols to minimize the spread of invasive species.

Your Committee notes that the DPP, after a public hearing held on April 11, 2025, recommends approval of the SMA Major Permit, subject to the conditions set forth in the Resolution.

At your Committee's meeting on July 28, 2025, the Applicant's Agent provided a brief presentation of the Project, and responded to questions from Councilmembers.

The DPP Director testified in support of the CD1 version of the Resolution, and responded to questions from Councilmembers.

One individual offered comments on the Resolution.

Your Committee received no written public testimony on the Resolution.

Your Committee has carefully reviewed the conditions recommended by the DPP for inclusion in this SMA Major Permit. Although your Committee generally finds the DPP's proposed conditions to be appropriate, your Committee recommends that certain conditions be amended or added as discussed below.

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

A. Amends the title of the resolution to read:

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO SINGLE-UNIT DWELLINGS, ATTACHED GARAGE, IN-GROUND SWIMMING POOL, AND FENCING IN KAILUA, O'AHU."

B. Amends the first WHEREAS clause to clarify the description of the Project.

C. Amends the third WHEREAS clause to state that the DPP's report and findings were transmitted within 45 calendar days (instead of "within 45 working days") after the close of the public hearing.

D. Amends Condition A to provide that except as modified in the resolution, development of the Project must conform with the DPP's findings and recommendation, and the exhibits attached to the resolution.

E. Adds a new Condition B requiring that the Project plans, including the exhibits and Land Use Ordinance calculations, be updated to remove 2,067 square feet of the Project zoning lot that has been lost to erosion and is within the State Land Use Conservation District. Re-letters subsequent conditions.

F. In re-lettered Condition D, relating to minimizing impacts to archaeological, historic, and cultural resources:

1. Amends Condition D.1, to provide that prior to the issuance of any construction permit or building permit (instead of prior to commencing any ground-disturbing activity), the Applicant is required to submit to the DPP a copy of the written determination letter from the State Historic Preservation Division ("SHPD"). Moves the provisions requiring the Applicant to implement all SHPD-approved mitigative protocols to new Condition D.4.

2. Adds a new Condition D.2 to provide that prior to the issuance of any Project construction permit or building permit, the Applicant is required to submit to the DPP a copy of SHPD's written acceptance of the Project's archaeological inventory survey ("AIS"), and any required mitigation protocols. Renumbers subsequent items in Condition D.

3. Amends renumbered Condition D.3 to provide that prior to the issuance of any Project construction permit or building permit, the Applicant is required to prepare and submit an archaeological monitoring plan ("AMP") to SHPD, and submit to the DPP a copy of SHPD's written acceptance of the AMP, and any required mitigation protocols.

4. Adds a new Condition D.4 to require the Applicant to consult with SHPD to implement all mitigation protocols approved by SHPD. Also requires the Applicant to conduct a coordination meeting with the Project's archaeological consultants and construction contractors prior to the start of

construction to ensure that all appropriate persons have been informed of the mitigation protocols required by SHPD. Renumbers the subsequent item in Condition D.

G. Adds a new Condition K, relating to minimizing the spread of invasive pathogens, pests, or plants, to require the Applicant to minimize the importation of fill material, provide that the Applicant proposes to import 295 cubic yards of structural fill, and ensure that the appropriate protocols are followed to minimize the spread of invasive species on the Project site. Re-letters subsequent conditions.

H. In the exhibits attached to the resolution, replaces Exhibits C-1 through C-10 with new Exhibits C-1 through C-10 (for enhanced readability, the new exhibits are higher resolution versions of the original exhibits).

I. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to § 205A-26, Hawaii Revised Statutes ("HRS"), and § 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH"), and in agreement with the conclusion of the DPP in Departmental Communication 480 (2025), that:

1. The development, as conditioned, will not have any significant adverse environmental or ecological effect, either alone or cumulatively with other projects.

2. The development, as conditioned, is consistent with the objectives and policies set forth in HRS § 205A-2 and ROH § 25-3.1, and the review guidelines contained in HRS § 205A-26 and ROH § 25-4.1.

3. The development, as conditioned, is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

Your Committee further finds that based on efforts to identify whether there are cultural, historic, or natural resources, or Native Hawaiian traditional and customary rights on the Project site, the Council is not aware of any existing cultural, historic, or natural resources, or Native Hawaiian traditional and customary practices on the Project site.

Your Committee on Zoning & Planning is in accord with the intent and purpose of Resolution 25-184, as amended herein, and recommends its adoption in the form attached hereto as Resolution 25-184, CD1. (Ayes: Cordero, Kia'āina, Okimoto, Tupola, Waters – 5; Noes: None.)

Respectfully submitted,

Committee Chair

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-184, CD1**

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO SINGLE-UNIT DWELLINGS, ATTACHED GARAGE, CENTRAL COURTYARD, IN-GROUND SWIMMING POOL, AND FENCING 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) of Ka'apuni LLC (the "Applicant") for a Special Management Area ("SMA") Major Permit to allow for the new construction of a two-story single-unit main dwelling with an attached three-car garage, one-story single-unit guest dwelling, in-ground swimming pool, central courtyard, spa area, and open-work fencing on an approximately 44,356-square-foot 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 members of the public attended; and

WHEREAS, on June 20, 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 June 20, 2025, by Departmental Communication 480 (2025), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Major Permit subject to the conditions enumerated below; now, therefore,

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

A. Except as modified herein, 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 DPP Director.

B. To accurately portray the Project site boundaries and accurately determine whether the Project complies with Land Use Ordinance ("LUO") development standards, the Project plans, including the attached Exhibits and the calculations required by the LUO, must be updated to remove 2,067 square feet of the Project zoning lot that has been lost to erosion and is within the State Land Use Conservation District, as shown on the Certified Shoreline Survey dated January 29, 2025. All calculations relating to building area, floor area, and impervious surface area must be based on the Project zoning lot square footage that remains in the State Land Use Urban District.

C. The Applicant shall obtain a Minor Shoreline Structure Permit prior to the issuance of any building permit for the installation of the Project's proposed fencing within the 60-foot shoreline setback area.

D. 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 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.

2. Prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of SHPD's written acceptance of the Project's archaeological inventory survey ("AIS"), and any required mitigation protocols.

3. Prior to the issuance of any construction permit or building permit for the Project, the Applicant, in consultation with SHPD, shall prepare and submit to SHPD an archaeological monitoring plan ("AMP") that meets the requirements of Chapter 13-279, Hawaii Administrative Rules. The Applicant shall submit to the DPP a copy of SHPD's written acceptance of the Project's AMP, and any required mitigation protocols.

4. The Applicant shall consult with SHPD to implement all mitigation protocols approved by SHPD under the written determination, AIS, and AMP, or as otherwise required by SHPD. Prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and applicable subcontractors to ensure that the construction contractor and applicable subcontractors have been informed of all mitigation protocols required by SHPD.

5. 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.

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

1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin.

2. Artificial light from exterior light fixtures on the Project site, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b).

3. Exterior light fixtures on the Project site must be fully shielded using full cutoff fixtures with the light directed downward so that the light bulb is only visible from below the light fixture.

4. All Project site work and construction activities are limited to daylight hours (sunrise to sunset).

5. Woody plants greater than 15 feet in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).

6. Barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.

7. All Project-related activities must cease if a Hawaiian monk seal, green sea turtle, or hawksbill sea turtle is on land within 150 feet of the work area, or as recommended by State or federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal pup is present on land, a 300-foot buffer must be observed. Any Project-related debris that may pose an entanglement threat to monk seals or sea turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

8. If Project construction activities are scheduled during the avian 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 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 or DLNR DOFAW, or both; 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 Project construction period, the qualified biologist must conduct subsequent nest surveys for any new nests that Hawaiian seabirds or protected migratory birds may have attempted to establish.

Nesting surveys are not required for Project construction activities occurring in January or February (outside of the breeding and nesting period of March through December).

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

F. 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:

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

2. *"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that Tax Map Key 4-3-013:039 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 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."*

G. To ensure the landowner is aware that bed and breakfast homes and transient vacation units are not allowed on the Project site, by proceeding with the Project, the landowner acknowledges the following declaration, which must be clearly stated under "Landowner Acknowledgments" 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 2021, Chapter 21, the Land Use Ordinance, are not allowed on Tax Map Key 4-3-013:039."*

H. 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 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."*

I. Following approval of this SMA Major Permit, neither the current landowner nor any future 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 Tax Map Key 4-3-013:039, the landowner hereby acknowledges (and any successor owner or interested party is 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."

J. 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 the planting 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 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 dwellings and 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 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.

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

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

1. The Applicant shall minimize the importation of fill material to the extent possible. No importation of soil fill material is proposed. The Applicant proposes to import approximately 295 cubic yards of structural fill material.

2. The Applicant shall minimize the movement of plant or soil material on the Project site, and all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite, in accordance with the current recommendations from the O'ahu Invasive Species Committee ("OISC").

3. Prior to the commencement of any ground-disturbing or construction activities, and upon the arrival of any new workers to the Project site, a copy of the most recently updated OISC "Decontamination Protocols for Prevention of Invasive Species" ("Protocols") must be distributed to all workers who will be present at the Project site, or the Protocols must be posted 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 is required. All onsite Project workers must be instructed to review the species photos and all Protocols prior to commencing any ground-disturbing or construction activities.

4. If, at any time, species on the OISC invasive species target list website at https://www.oahuisc.org/current-targets/, or any successor website or list provided by 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 preconstruction 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.

5. To the extent practicable, native plant species appropriate for the area must be used for new Project landscaping, with no use of invasive species. A recommended reference is the publication Native Hawaiian Plants for Landscaping, Conservation, and Reforestation, at https://www.ctahr.hawaii.edu/oc/freepubs/pdf/of-30.pdf.

6. To manage host materials and plants that may contain the coconut rhinoceros beetle (in any stage of life), the Applicant shall comply with the State Department of Agriculture's Plant Quarantine Interim Rule, or any

successor rule adopted by the State Department of Agriculture, that restricts the movement of coconut rhinoceros beetle host material.

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

L. 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.

M. Approval of this SMA Major Permit does not constitute compliance with other City ordinances, including but not limited to the 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

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-184, CD1**

RESOLUTION

Permit comply with all applicable City ordinances and other governmental provisions and requirements; and

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 State of Hawai'i Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

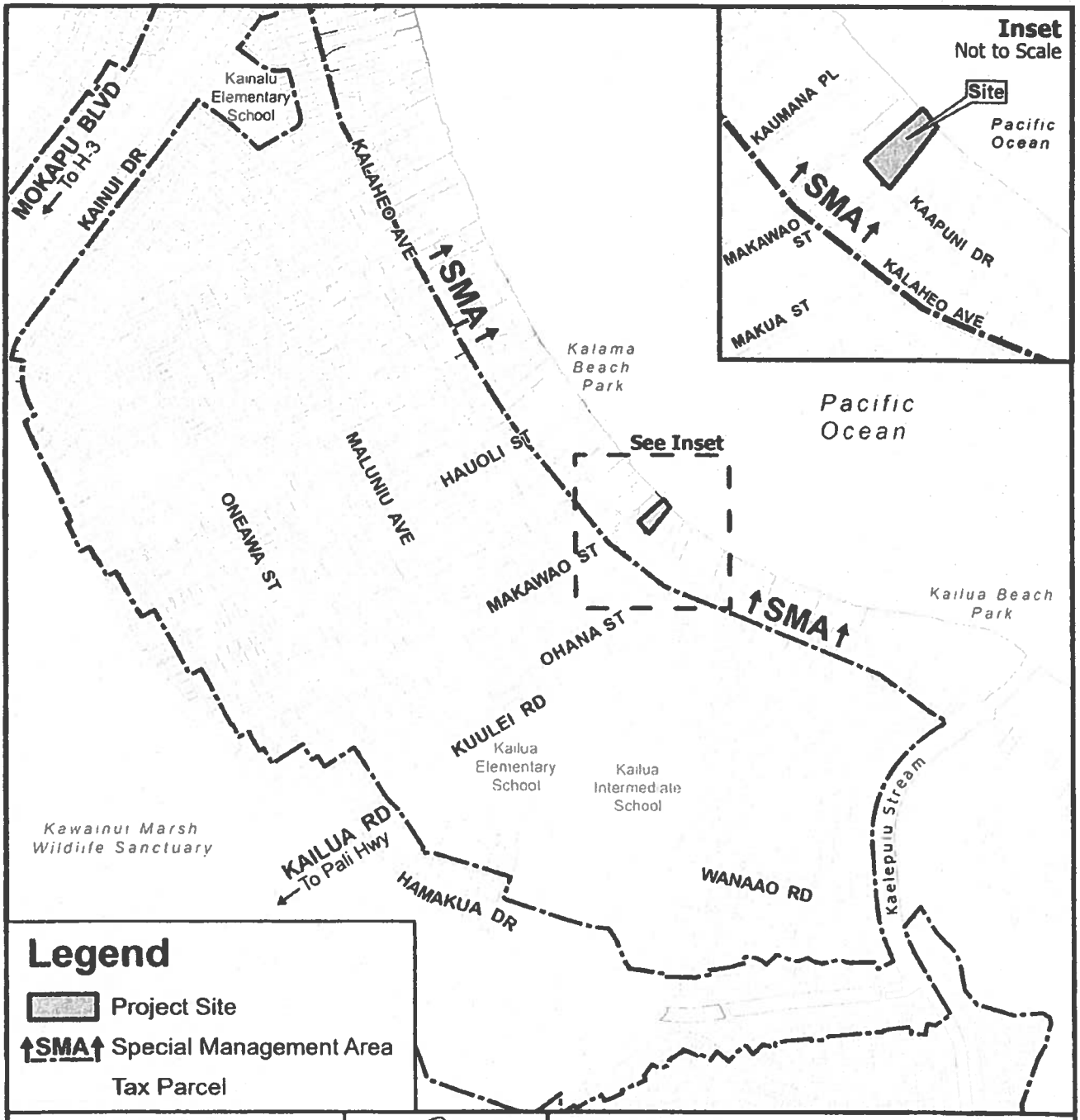
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 26, 2025
Honolulu, Hawai'i

Councilmembers



LOCATION MAP WITH SMA

KAILUA

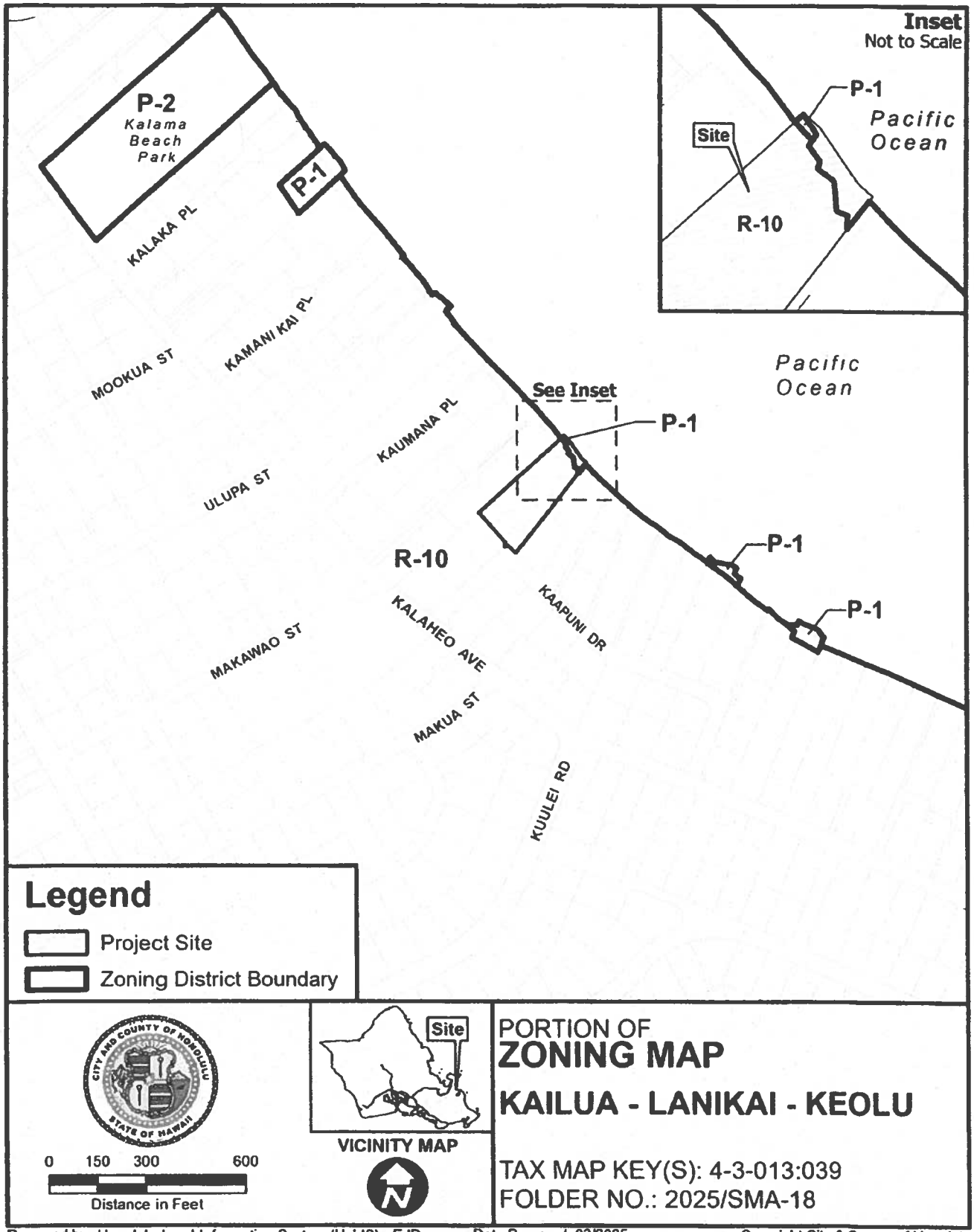
TAX MAP KEY(S): 4-3-013:039
FOLDER NO.: 2025/SMA-18

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

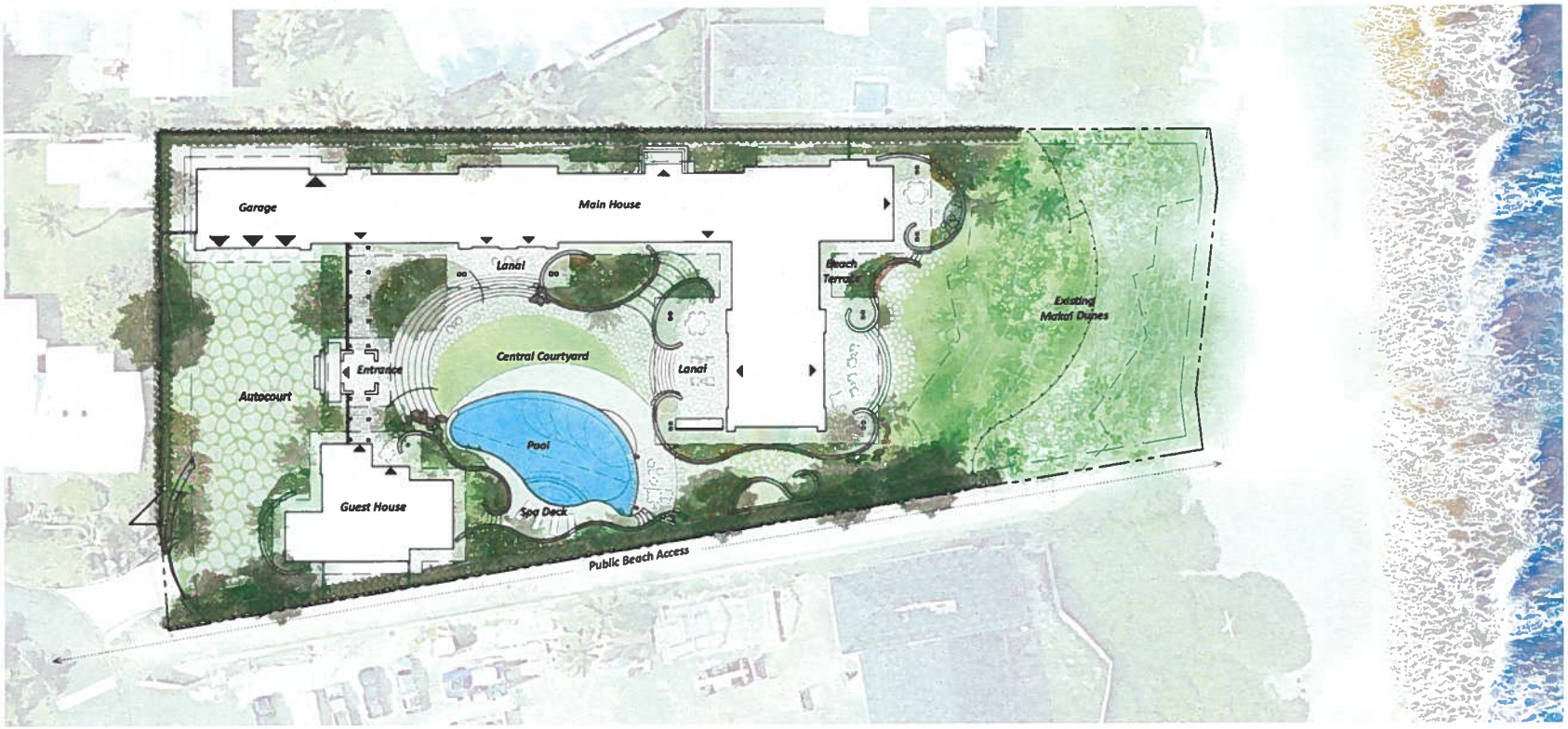


Prepared by: Honolulu Land Information System (HoLIS) - EJD
Department of Planning & Permitting (DPP)
City and County of Honolulu

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
Honolulu, Hawai'i 96813
T 808.524.8255 F 808.524.8255 E info@pva.com
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:

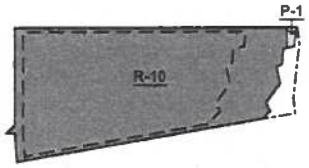
ENCLOSED:

COVERED LANAI:

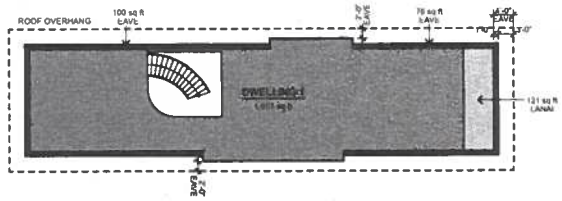
GARAGE:

EAVES (>36"):

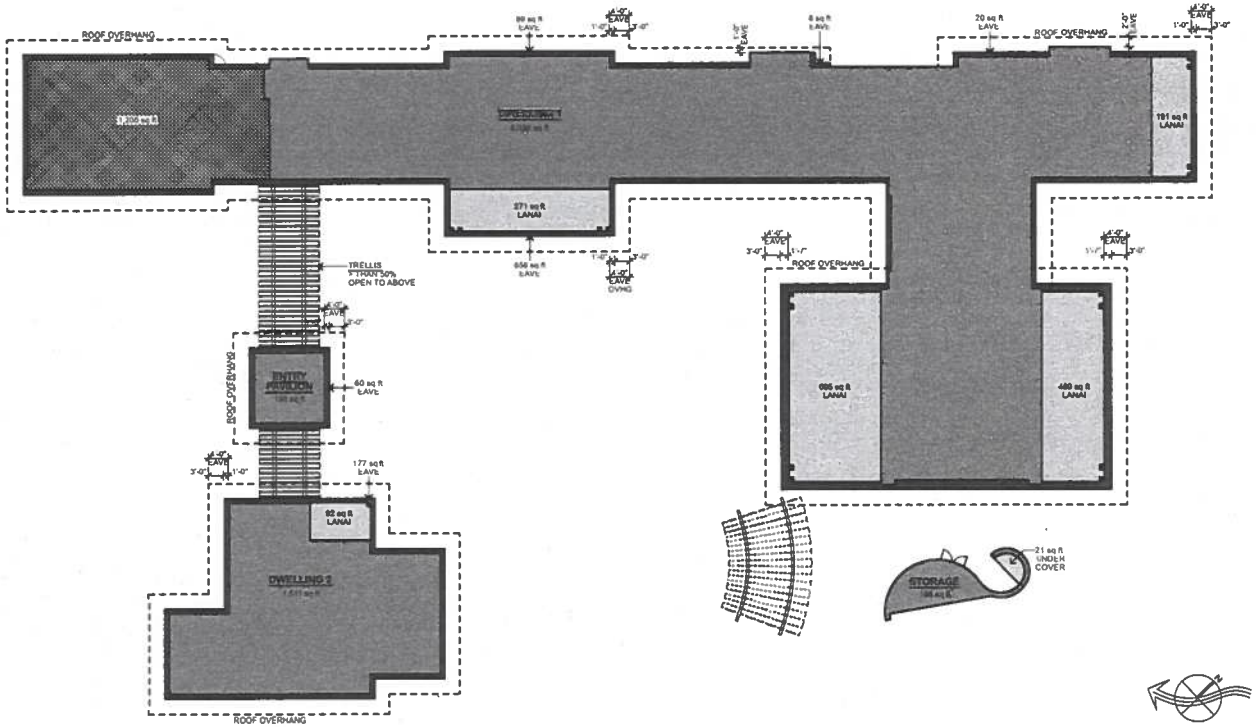
LOT ZONING:



1 ZONING DIAGRAM



3 SECOND LEVEL FLOOR AREA DIAGRAM



2 GROUND LEVEL FLOOR AREA DIAGRAM

EXHIBIT C-2

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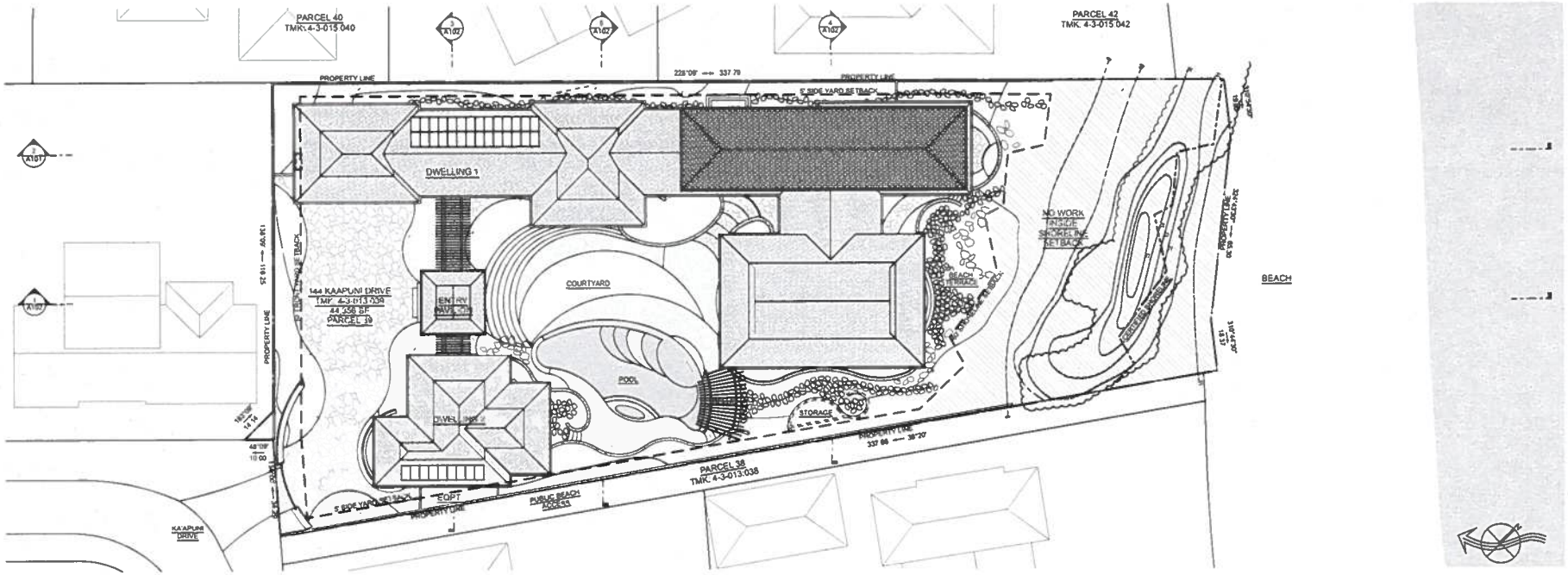


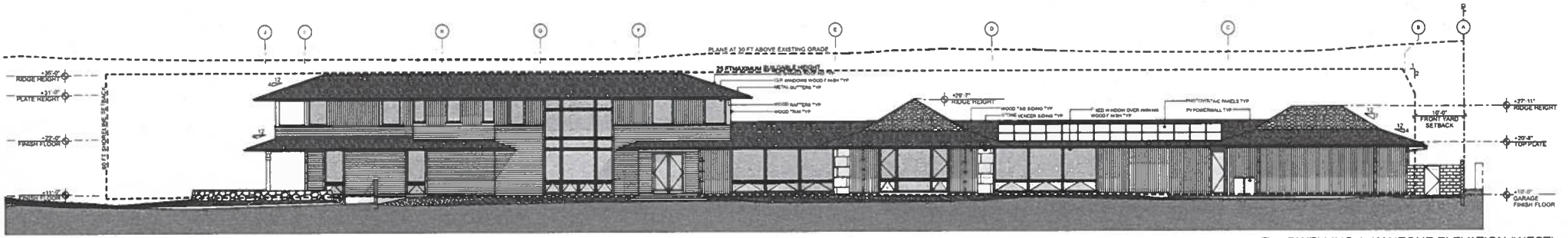
EXHIBIT C-3

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

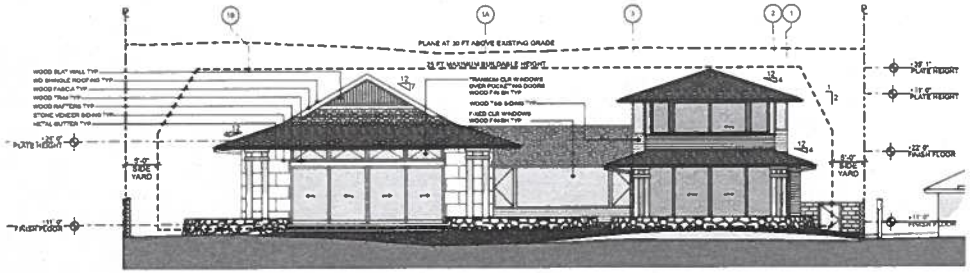
Site Section

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Honolulu Hawai'i 96813
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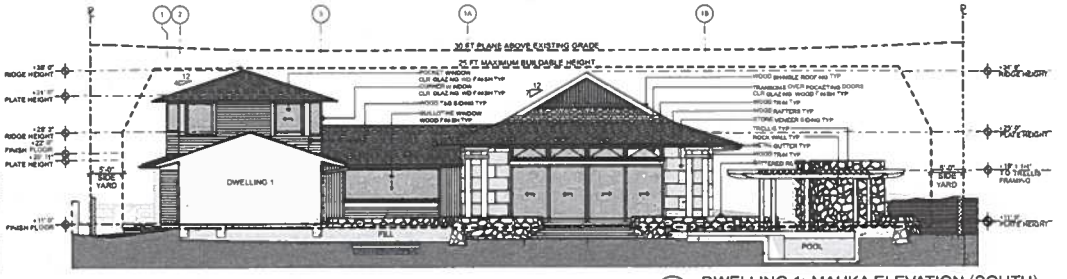
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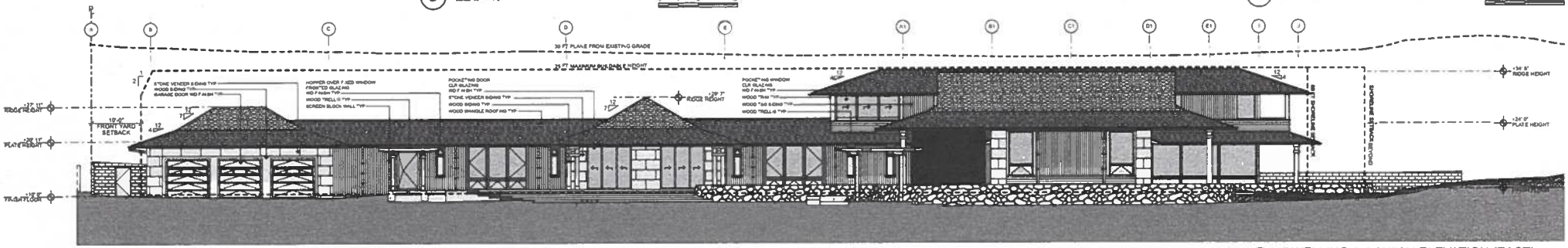
A DWELLING 1: KANEOHE ELEVATION (WEST)



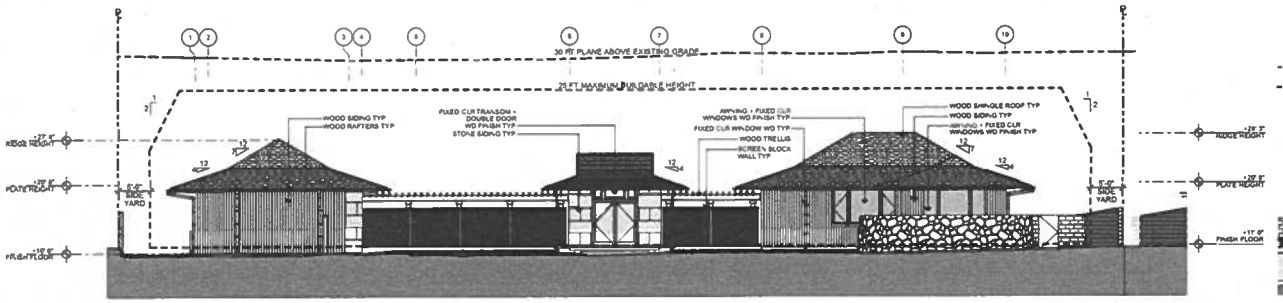
B DWELLING 1: MAKAI ELEVATION (NORTH)



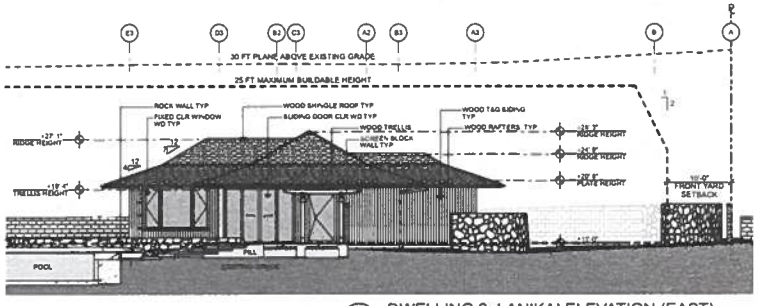
D DWELLING 1: MAUKA ELEVATION (SOUTH)



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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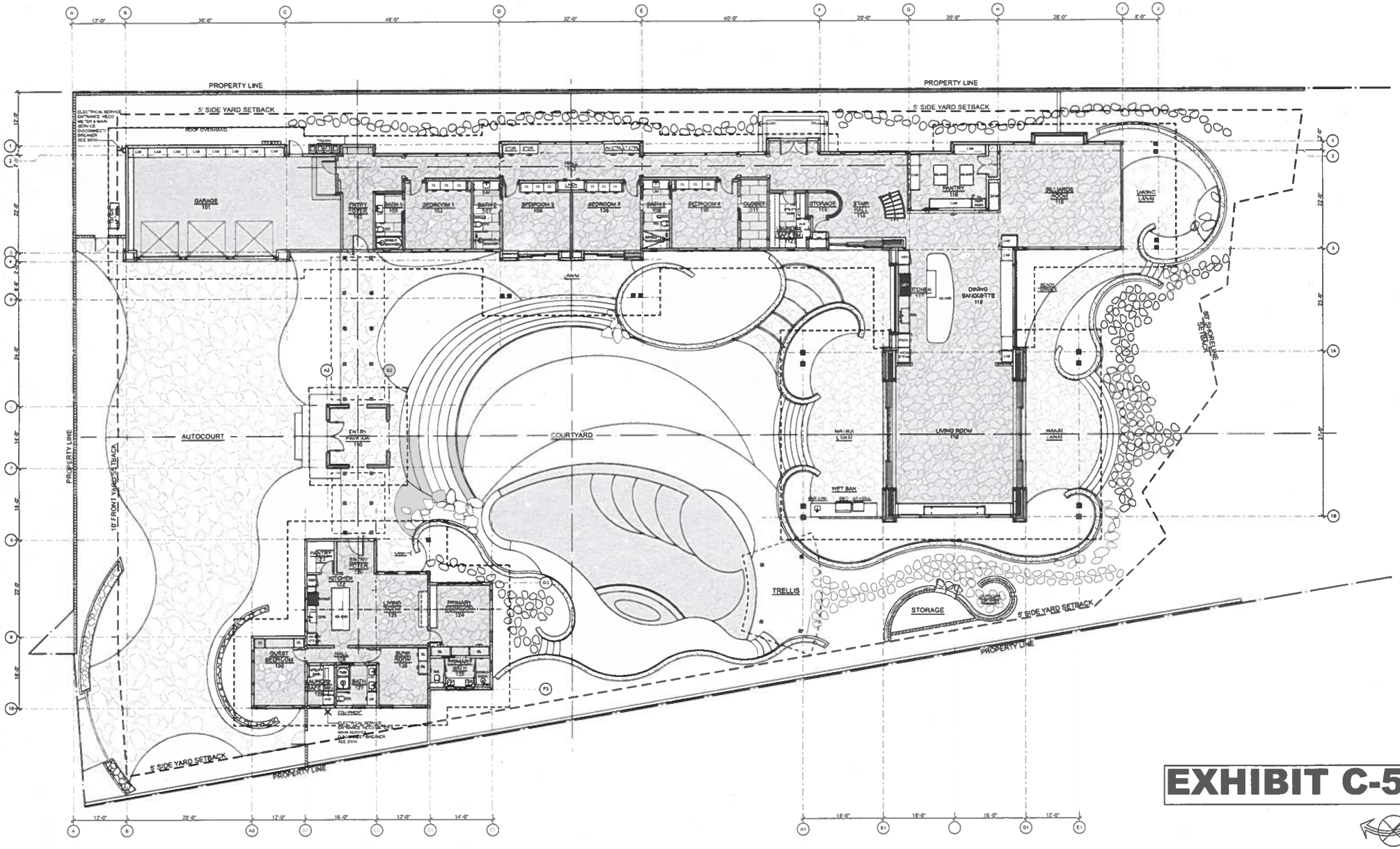


EXHIBIT C-5

1 Ground Level Plan

Private Residence
144 Ka'apuni Drive, Kailua, Hawai'i

Ground Level Plan

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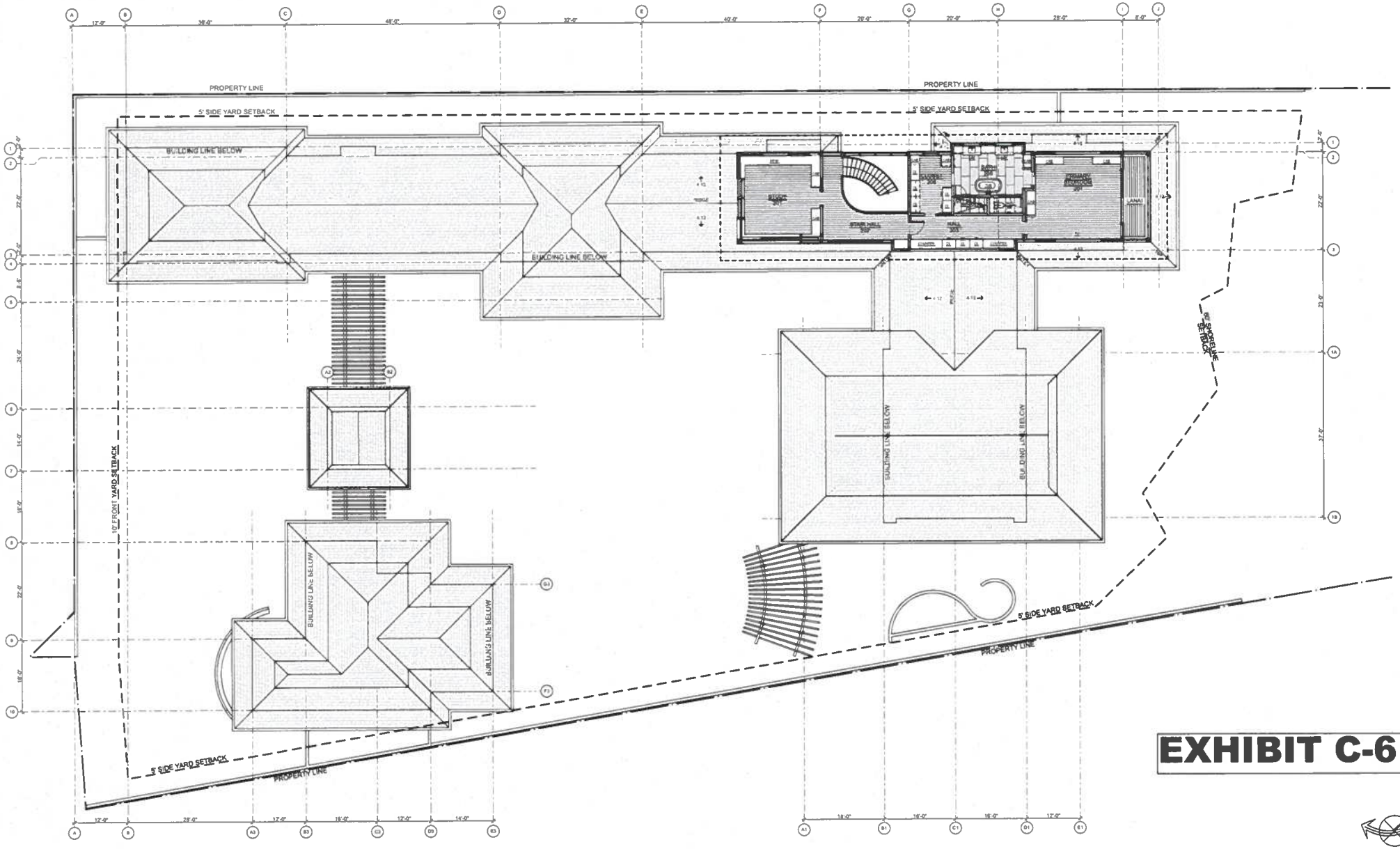


EXHIBIT C-6

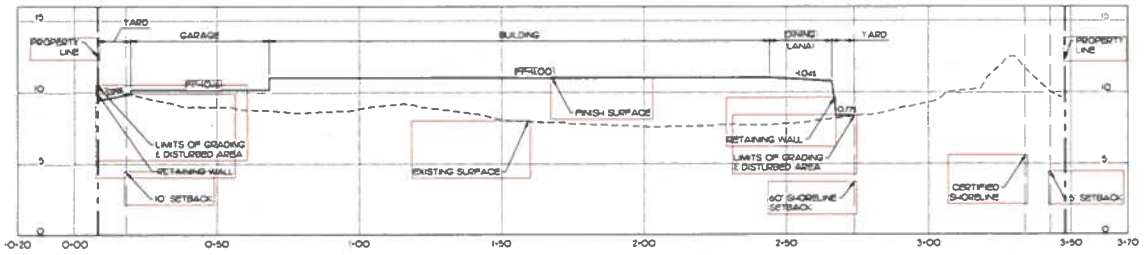
1 SECOND LEVEL PLAN

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

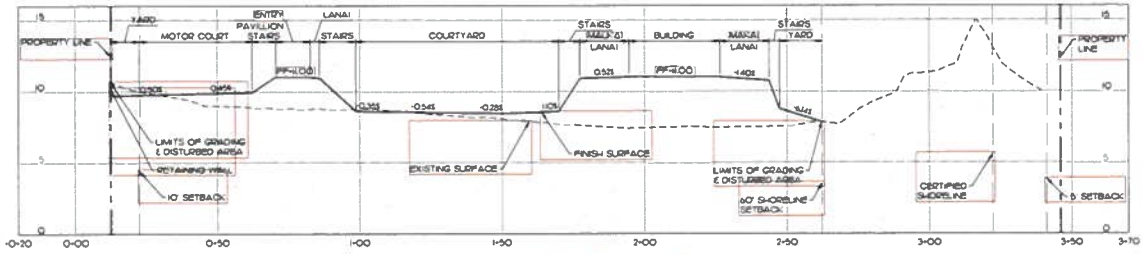
Second Level Plan

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www.pva.com

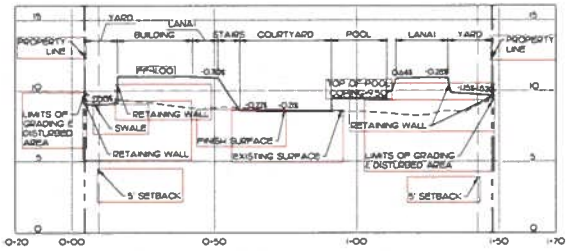
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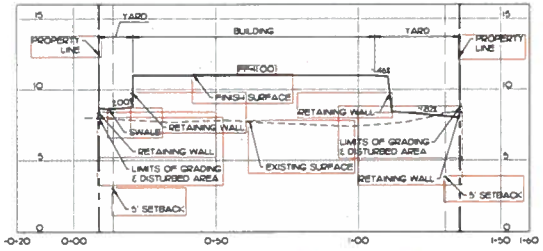
1 / C201 GRADING SECTION 1
SCALE: VERT: 1" = 4' HOR: 1" = 20'



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

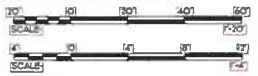


3 / C201 GRADING SECTION 3
SCALE: VERT: 1" = 4' HOR: 1" = 20'



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

GRAPHICAL SCALE:



APPROVED BY

CHIEF, CIVIL ENGINEERING BRANCH, DPP DATE

EXHIBIT C-7

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

PALIKANA PERMITS
THIRD PARTY CERTIFICATION
BUILDING CODE CELEBRATION CODE
MECHANICAL CODE CONSERVATION CODE
STRUCTURAL (NON-SEISMIC-MULTI 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

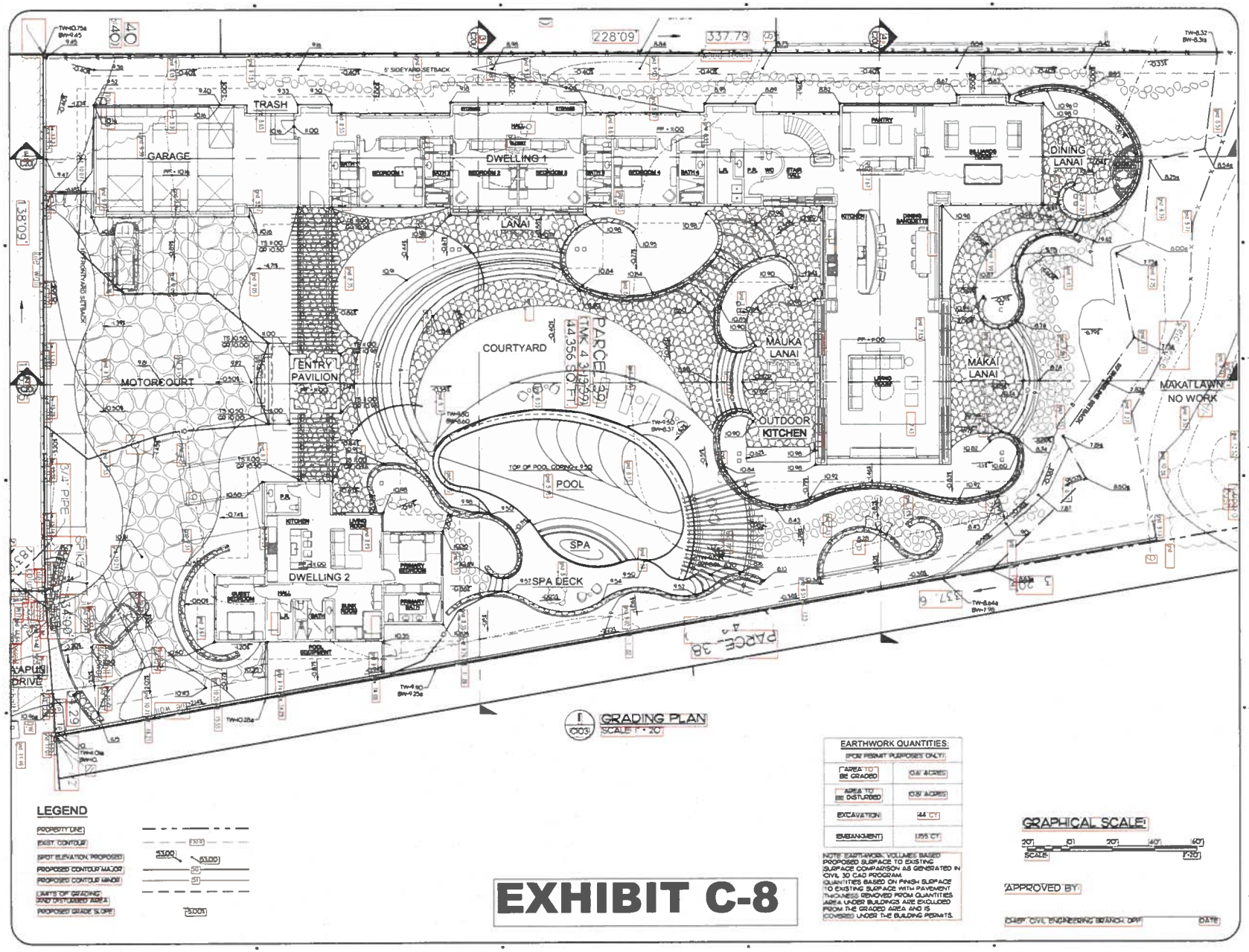
Permit Set



4/30/2025
Signature

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C201



1 GRADING PLAN
C103 SCALE: 1" = 20'

LEGEND

- PROPERTY LINE
- EXIST. CONTOUR
- SPOT ELEVATION (PROPOSED)
- PROPOSED CONTOUR MAJOR
- PROPOSED CONTOUR MINOR
- LIMITS OF GRADING AND DISTURBED AREA
- PROPOSED GRADE SLOPE

EARTHWORK QUANTITIES (FOR PERMIT PURPOSES ONLY)	
AREA TO BE GRADED	0.81 ACRES
AREA TO BE DISTURBED	1.01 ACRES
EXCAVATION	44 CY
EMBANKMENT	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:

EXHIBIT C-8

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

Dempsey Pacific Inc.
Civil Engineering

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 ADING.PL
Scale As Noted
Drawn By

Permit Set

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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

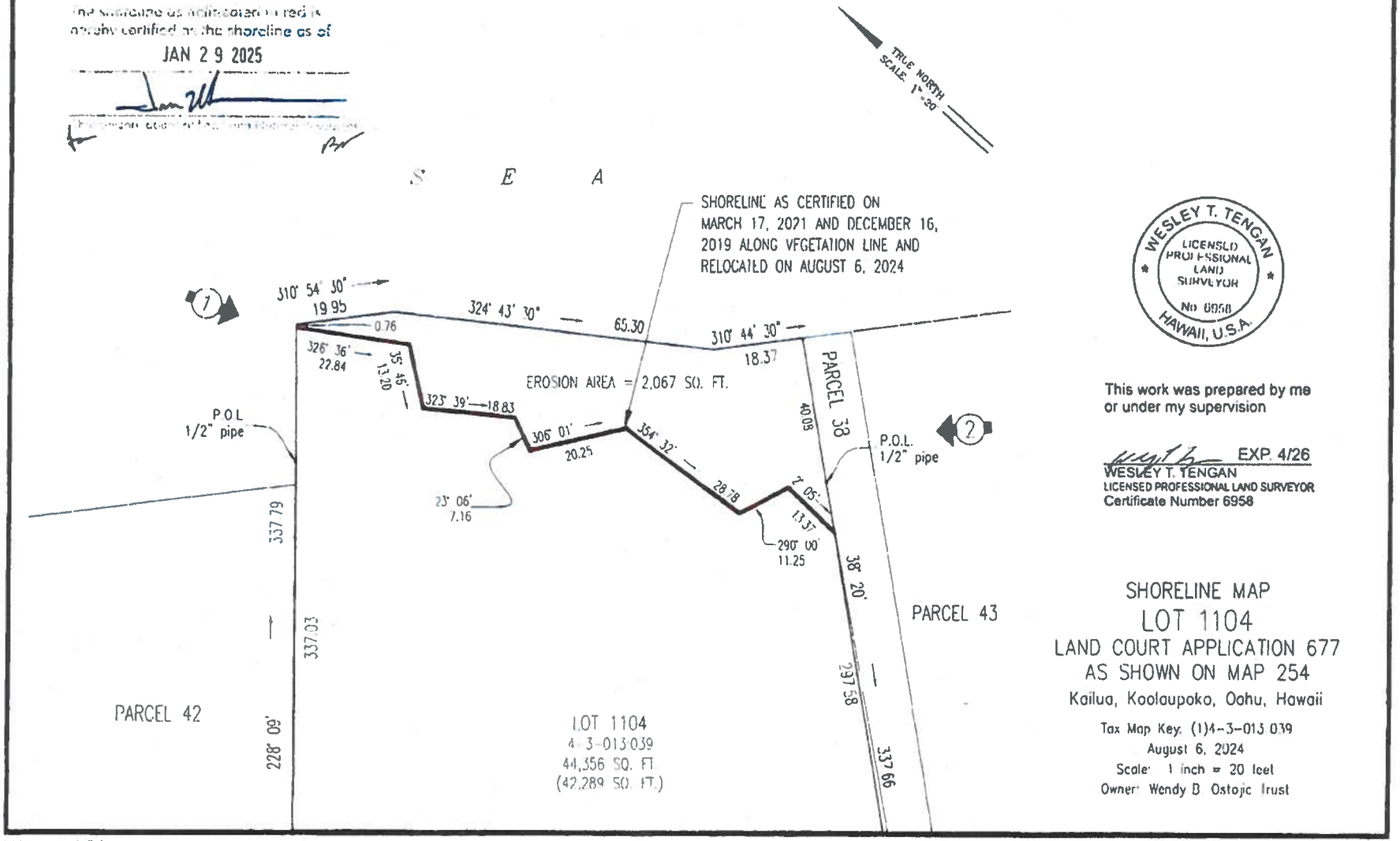
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SURVEY OFFICE COPY

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

JAN 29 2025



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

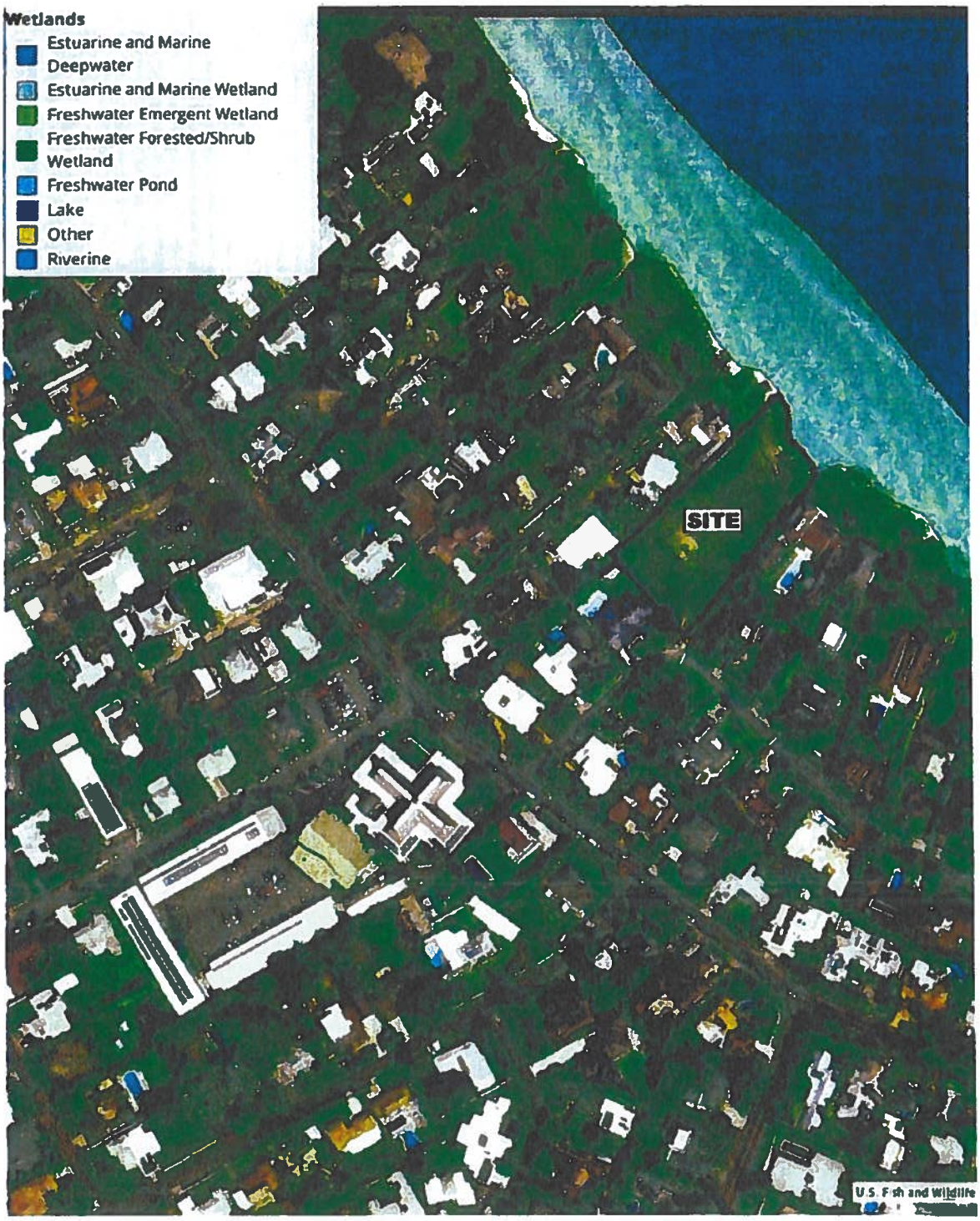
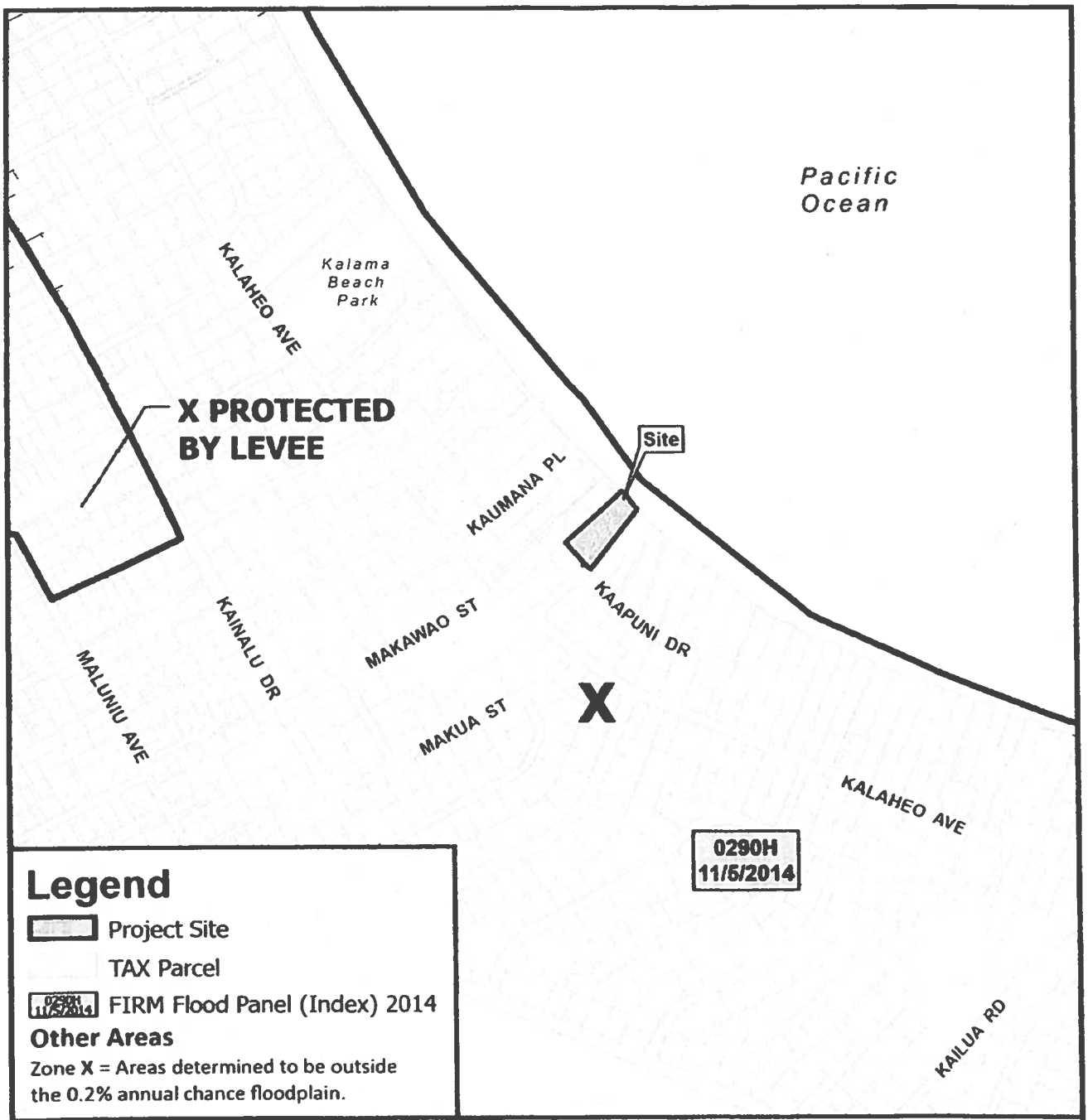


EXHIBIT E - WETLANDS MAP



EXHIBIT F - SOILS MAP



Legend

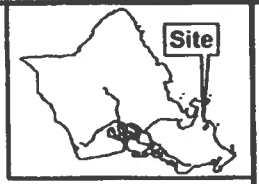
- Project Site
- TAX Parcel
- 0290H 11/5/2014 FIRM Flood Panel (Index) 2014

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

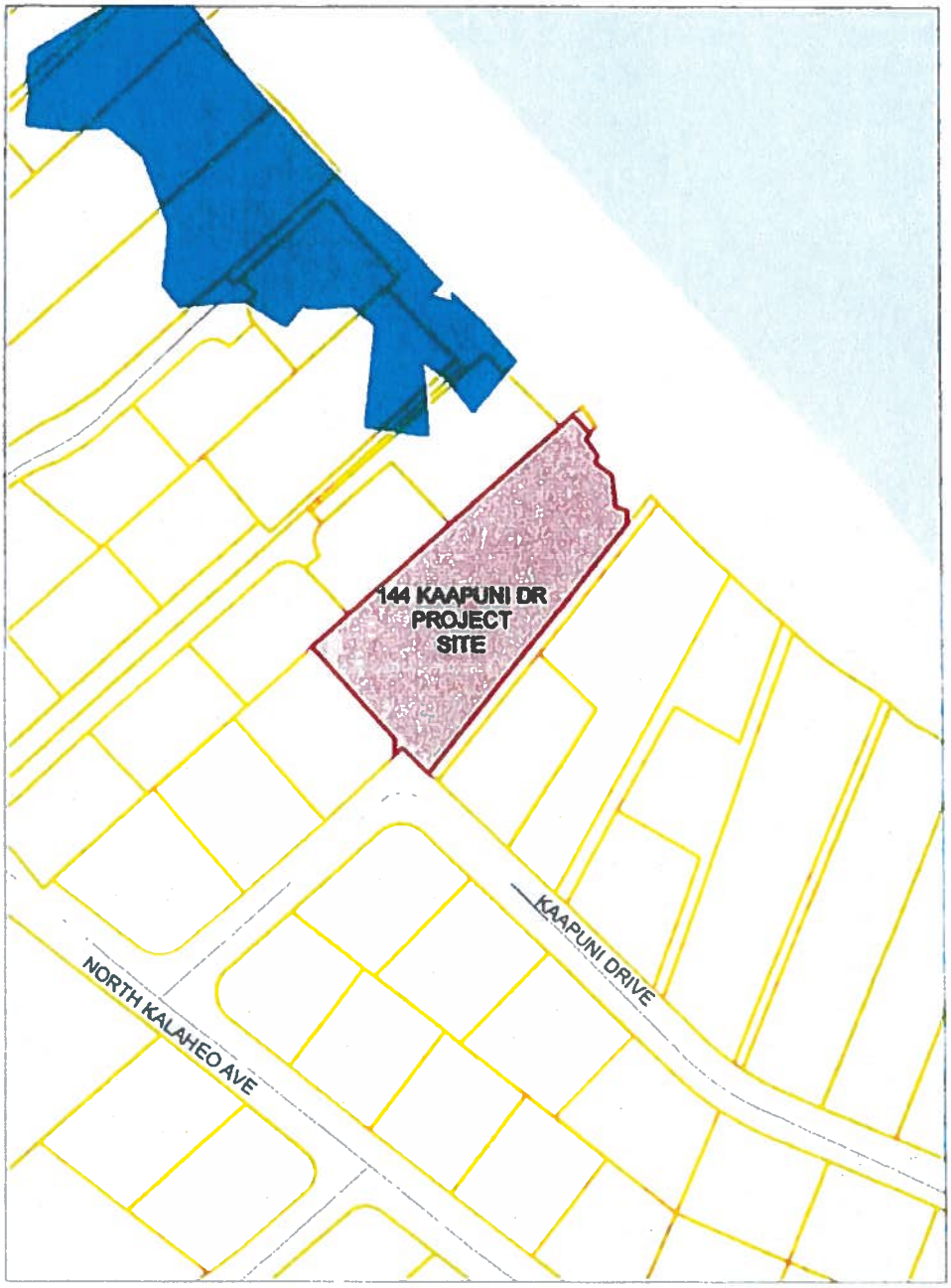


EXHIBIT H - 3.2-FOOT SEA LEVEL RISE MAP



EXHIBIT I - SHORELINE CHANGE RATE MAP

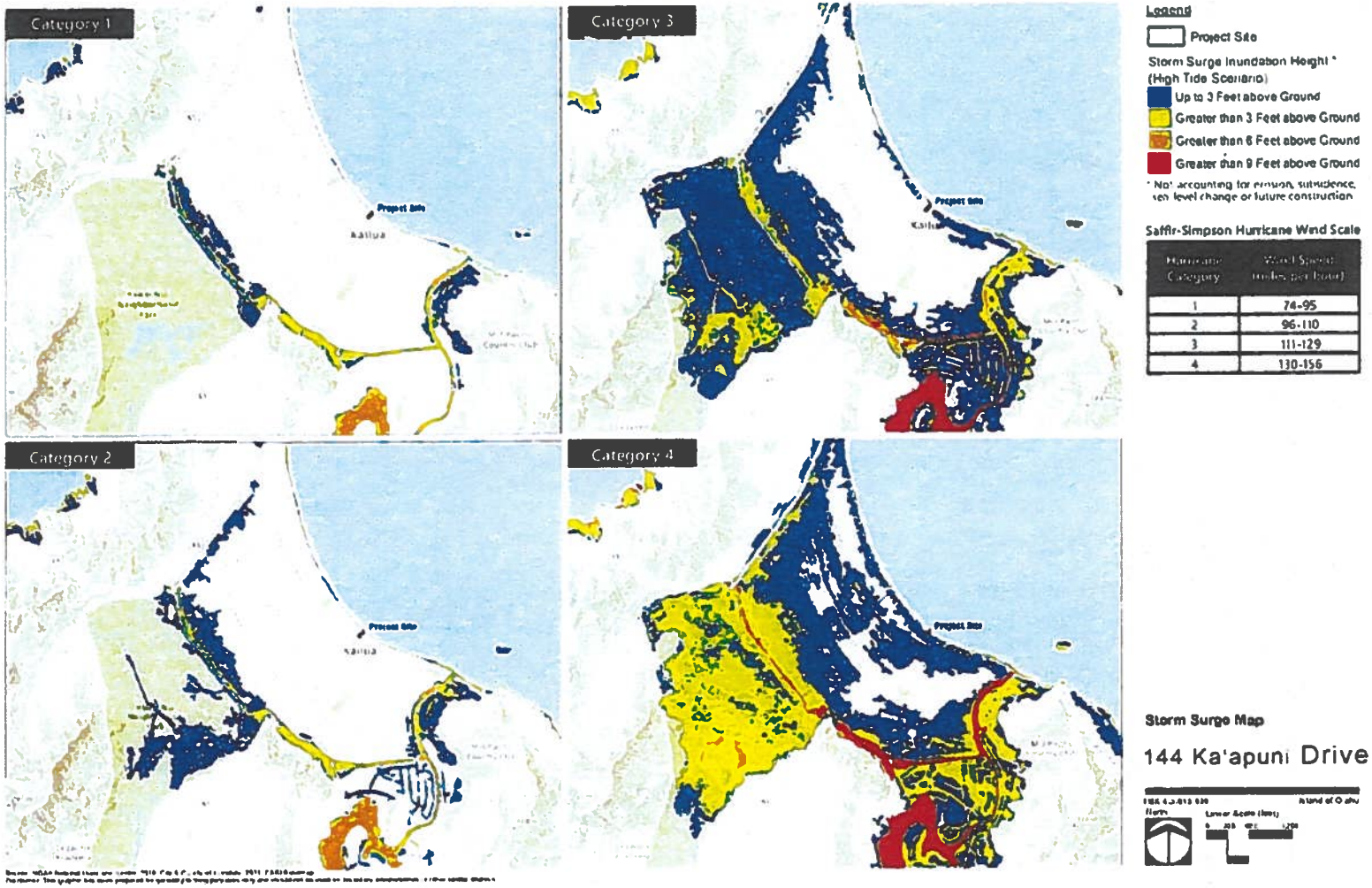


EXHIBIT J - STORM SURGE MAP

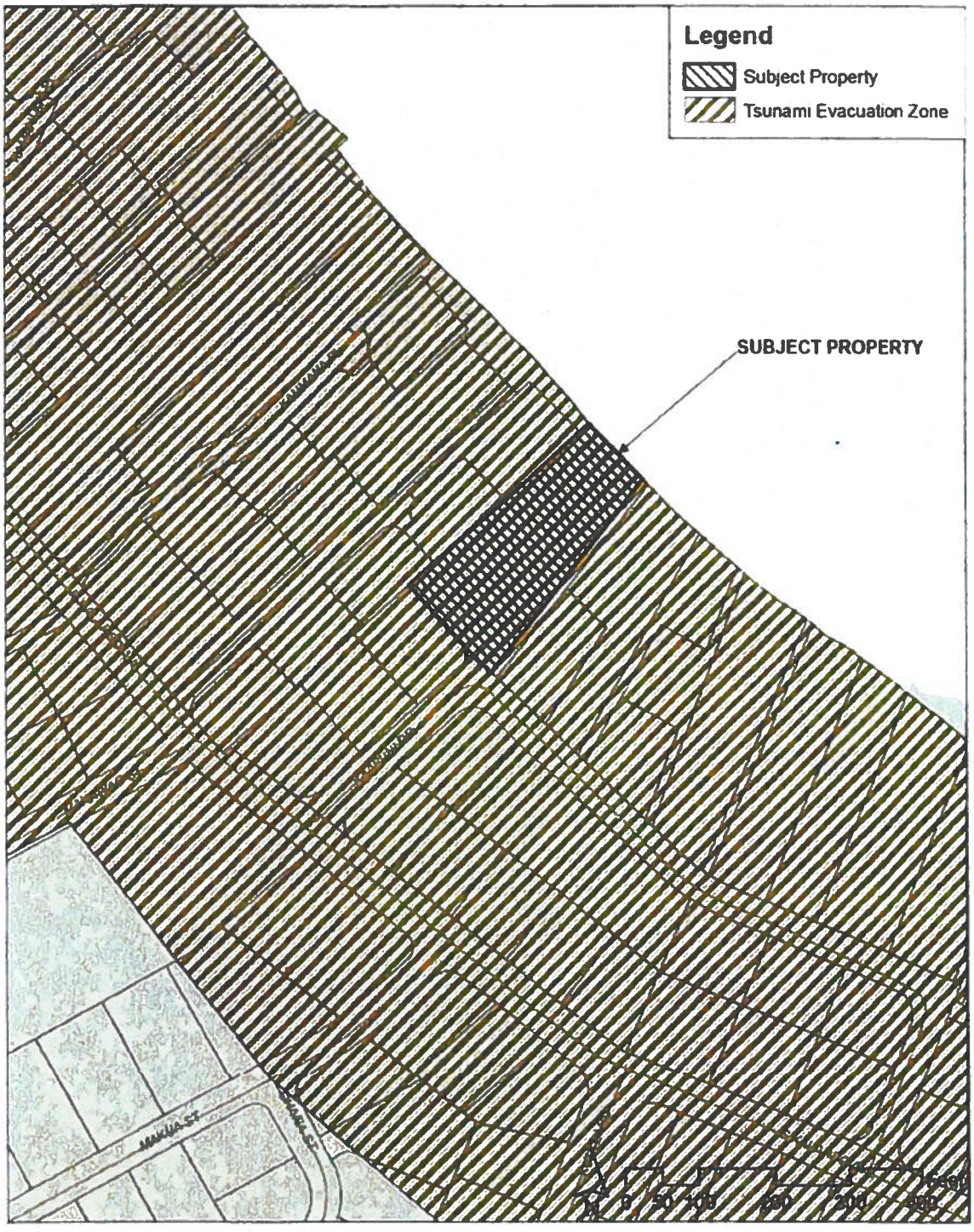
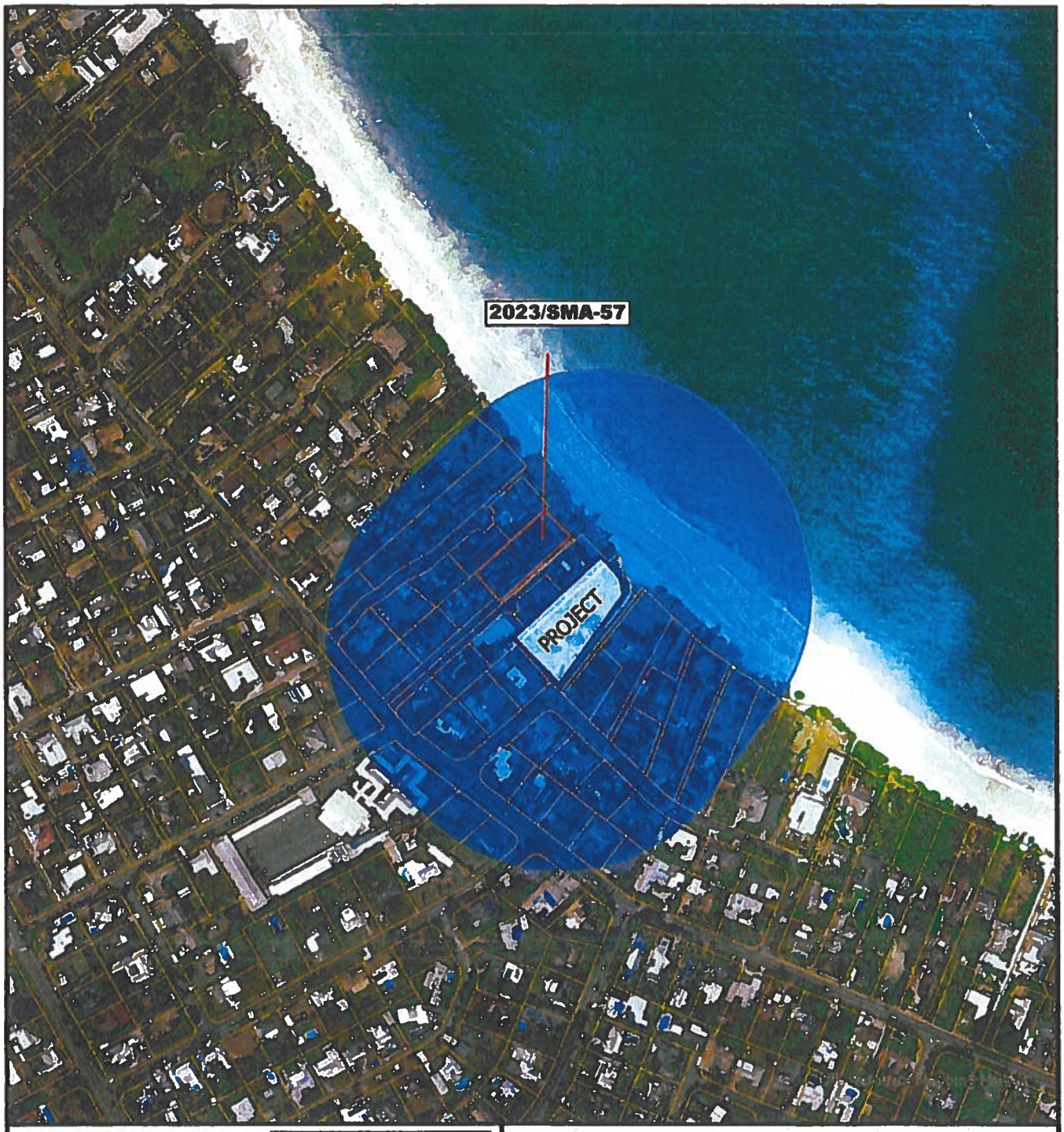
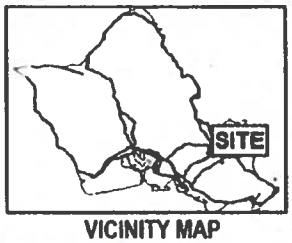


EXHIBIT K - TSUNAMI EVACUATION MAP





VICINITY MAP

0 185 370 740

Scale in Feet

EXHIBIT L

CUMULATIVE IMPACT 500-FOOT BUFFER

Prepared by:

Date Prepared

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Report Title:
Special Management Area ("SMA") Major Permit; Land Use Permit; Department of Planning and Permitting ("DPP"); Kailua, O'ahu; Kailua, Oahu

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