RES25-299
Testimony

MISC. COMM. 595

*ZONING & PLANNING (ZON)

***ZONING & PLANNING (ZON) Meeting**

Meeting Date: Nov 20, 2025 @ 09:00 AM

Support: 1

Oppose: 0

I wish to comment: 0

Name:	Email:	Zip:
Bill Hicks	billhicksknb@gmail.com	96734
Representing:	Position:	Submitted:
Kailua Neighborhood Board	Support	Nov 17, 2025 @ 12:36 AM

KAILUA NEIGHBORHOOD BOARD NO. 31

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November 17, 2025

Chair Esther Kia'aina
Honolulu City Council Zoning and Planning Committee
https://hnldoc.ehawaii.gov/hnldoc/testimony

Subject: Kailua Neighborhood Board Testimony on Resolution 25-299, CD1, SMA Major Permit Application for 430-D North Kalaheo Avenue

Aloha Chair Kia'aina,

The City Council Zoning and Planning Committee November 20, 2025 Regular Meeting agenda includes Resolution 25-299, CD1, granting a Special Management Area (SMA) Major Permit to allow for the construction of a new single-unit dwelling with an attached eight-car garage and an internal above-grade swimming pool located at 430-D North Kalāheo Avenue and identified as Tax Map Key 4-3-017:019.

At our regular meeting on March 6, 2025 the Kailua Neighborhood Board received a presentation from Mark Howland of Whale Environmental Services on behalf of a proposed construction project at 430D N. Kalaheo Ave. in Kailua, TMK (1)4-3-017:019.

During the same meeting the Kailua Neighborhood Board subsequently passed a resolution that "The Kailua Neighborhood Board supports the conditions recommended by the Planning, Zoning, and Environment Committee on the 2025 SMA Major Permit application for be added upon approval of an SMA application for 430D N. Kalaheo Ave. (TMK (1)4-3-017:019)." The 17 recommended conditions are:

1. Condition: The Applicant, in consultation with SHPD, shall implement an archaeological monitoring plan during ground-disturbing activity and project construction to ensure that archaeological and cultural resources are identified and treated property. Also clarifies that the archaeological monitoring plan must include the onsite presence of a licensed archaeologist during excavation work to ensure that iwi kupuna and other historic resources are appropriately handled. The archaeological monitoring plan must meet the standards of Hawaii Administrative Rules (HAR) Chapter 13-279.
2. Condition: That the Applicant must protect from further disturbance any previously unidentified archaeological sites or remains that are encountered.
3. Condition: That if iwi kupuna are found, a burial treatment plan must meet the standards of HRS 13-300-33.
4. Condition: Clarifies that prior to the issuance of any building permit for the project, the Applicant shall submit to the DPP for review and approval a revised landscape plan that shows the use of low-risk plants as designated on the Plant Pono website at https://plantpono.org/pono-plants/. Also clarifies that no high-risk plants as designated on the Plant Pono website at https://plantpono.org/high-risk-plants/ may be planted on the project site.
5. Condition - lighting
   a. Prohibits artificial light from exterior light fixtures from directly illuminating or projecting across property boundaries toward the shoreline and ocean waters, except as otherwise permitted by HRS 205A-7.1(b).
   b. Requires exterior light fixtures to be fully shielded.
   c. Requires exterior lighting to be turned off when human activity is not occurring in the illuminated area

6. Condition: All project site work and construction activities are limited to daylight hours (from sunrise to sunset) to avoid collisions and fatalities during seabird fledging season from September 15 through December 15.

7. Condition: A visual survey for seabirds and burrow nests must be conducted prior to any construction activities.

8. Condition: If a burrow nest is discovered, work will cease within a minimum radius of 200 feet of the nest for a minimum of 100 to 115 days.

9. Condition: If Wedge-tailed Shearwater or any sea bird nests or burrows are found, sometime between late October through the end of November, work must be discontinued for 100 to 115 days until all fledgings have left their nests.

10. Condition: Provides that barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.

11. Condition: Clarifies that a 300-foot buffer must be observed if a monk seal pup is present.

12. Condition: Approximately one year after the issuance of a certificate of occupancy for the project, the Applicant shall submit to DOFAW for review and approval a post-construction survey to detect whether the project site contains any invasive species that have spread from the imported fill materials and recommend mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey approved by DOFAW.

13. Condition: Landscaping must 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 205A.

14. Condition: Require the landowner to acknowledge that “bed and breakfast homes and transient vacation units”, as defined in ROH Chapter 21, the LUO, are not allowed.

15. Condition: Require the landowner to acknowledge that “land makai of the regulatory shoreline is State public land within the State Land Use Conservation District“ and must remain available for public use and recreational activities.

16. Condition: Prior to importing any soil or plant material, the property owners or contractors must contact the Oahu Invasive Species Committee to help plan and prevent importation of soil that may contain invasive species such as Little Fire Ants and Coconut Rhinoceros Beetles.

17. Condition: Require the current or any successor owner to acknowledge the following:

a. The site is susceptible to coastal hazards, which may result in harm to or loss of life and property.

b. The makai portions of the site are projected to be impacted by 3.2 feet of sea level rise by the year 2100, and that portions of the parcel are located within the 3.2-foot sea level rise exposure area ("SLR-XA"). The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the SLR-XA. 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.

The Kailua Neighborhood Board is pleased to note that the Department of Planning and Permitting has substantially incorporated the conditions recommended by the board and the board supports approval of this application.

Mahalo for your consideration of this testimony.

Aloha,

William M. Hicks

William M. Hicks
Chairman, Kailua Neighborhood Board

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