



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE DEVELOPMENT OF FOUR SINGLE-FAMILY DWELLINGS ON A SINGLE RESIDENTIAL LOT, AND ASSOCIATED IMPROVEMENTS.

WHEREAS, on June 21, 2012, the Department of Planning and Permitting (DPP), accepted the application of Westgate Enterprises, Inc., herein referred to as the "Applicant," for a Special Management Area Use Permit (SMP) to allow the development of two additional single-family dwellings (for a total of four dwellings on the site) under a four-lot condominium property regime (CPR) development, or one dwelling per CPR lot, and other improvements, including grading and landscaping work, construction of an access driveway, and utility improvements, located at 44-295 Kaneohe Bay Drive, Kaneohe, and identified as Tax Map Key 4-4-7: 11 (Exhibits A-E); Reference Number 2012/SMA-25; and

WHEREAS, on July 23, 2012, the DPP held a public hearing which was attended by three members of the DPP staff, a representative of the Applicant's agent and three members of the public, in which no testimony was presented; and

WHEREAS, on August 21, 2012, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on AUG 21 2012, and at its meeting of SEP 12 2012, having duly considered all of the findings and reports on the matter, approved the subject application for an SMP with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP be issued to the Applicant under the following conditions:

- A. Approval of this SMP includes the development of two additional single-family dwellings (for a total of four dwellings on the site) under a four-lot condominium property regime (CPR) development, or one dwelling per CPR lot, and other improvements, including grading and landscaping work, construction of an access driveway, and utility improvements, as depicted in Exhibit B.



RESOLUTION

- B. The Applicant shall obtain a development permit for the project within two years of the date of this permit. Failure to obtain a development permit within this period shall render this SMP null and void, provided that this period may be extended as follows:

The Director of the Department of Planning and Permitting (DPP) may extend this period if the Applicant demonstrates good cause, but the period shall not be extended beyond one year from the initial deadline set by the City Council.

If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which report shall include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution. If the Council fails to take final action on the proposed extension within the first to occur of: (1) 60 days after receipt of the Director's report; or, (2) the Applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.

- C. Construction shall be in general conformity with the plans on file with the DPP. Any changes in the size or nature of the project which have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, and Chapter 205A, Hawaii Revised Statutes, shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a Minor Modification; and, therefore permitted under this resolution, upon review and approval of the Director of the DPP.
- D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, charcoal deposits, human burials, rock, coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- E. Approval of this SMP does not constitute compliance with other governmental agencies' requirements, as may be necessary. These are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the project approved under this permit comply with all applicable governmental agencies' provisions and requirements.



RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this resolution be transmitted to David K. Tanoue, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Westgate Enterprises, Inc., 212 Merchant Street, Suite 330, Honolulu, Hawaii 96813; Hiroko S. Keanu, 44-295 Kaneohe Bay Drive, Kaneohe, Hawaii 96744; and Jesse K. Souki, Director of the Office of Planning, Attention: Coastal Zone Management Branch, P. O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:

[Handwritten signature]

(br)

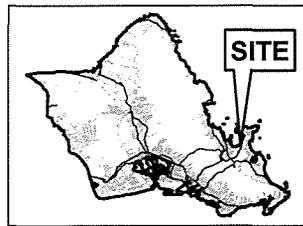
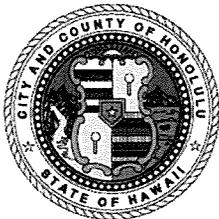
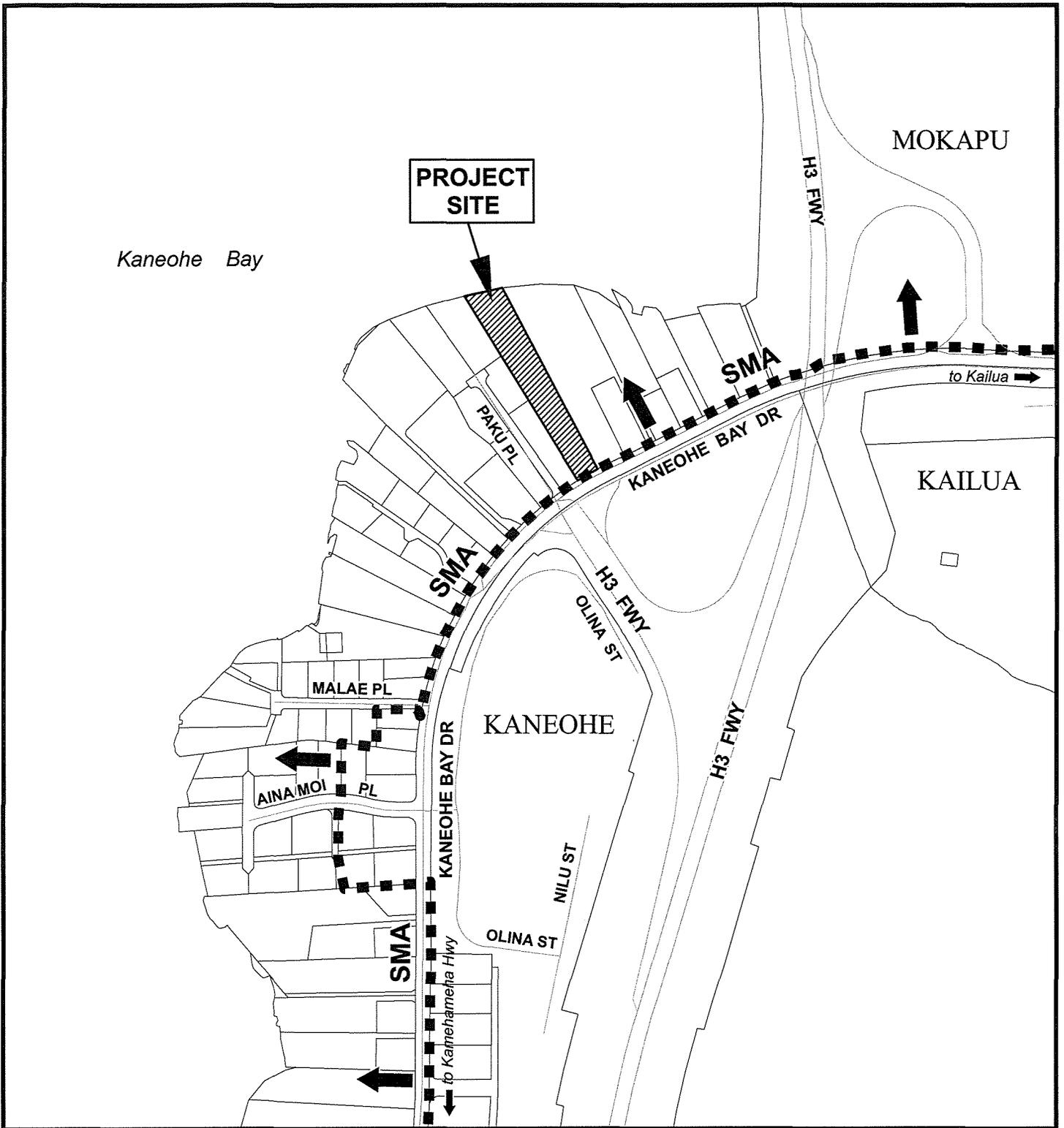
RECEIVED
CITY AND COUNTY OF HONOLULU
OFFICE OF PLANNING
AUG 22 2012

DATE OF INTRODUCTION:

AUG 22 2012

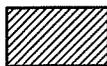
Honolulu, Hawaii

Councilmembers



VICINITY MAP

LOCATION MAP Kaneohe



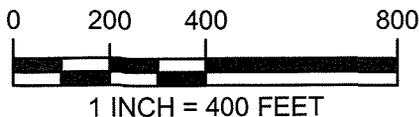
TAX MAP KEY: 4-4-007: 011



IN SPECIAL MANAGEMENT AREA (SMA)

FILE NO.: 2012/SMA-25

EXHIBIT A



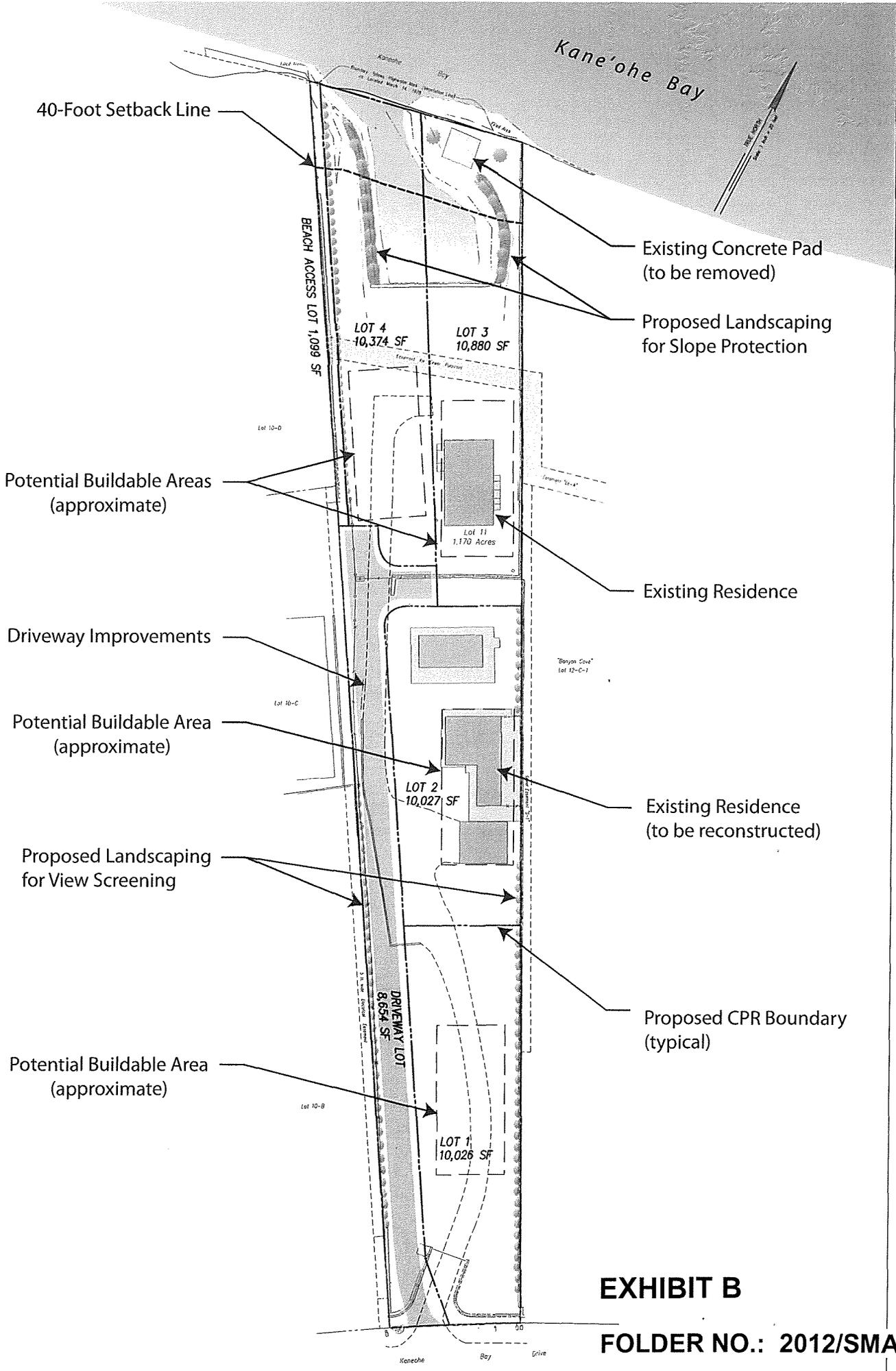
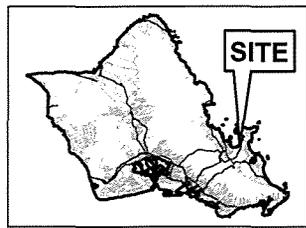
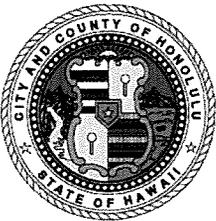
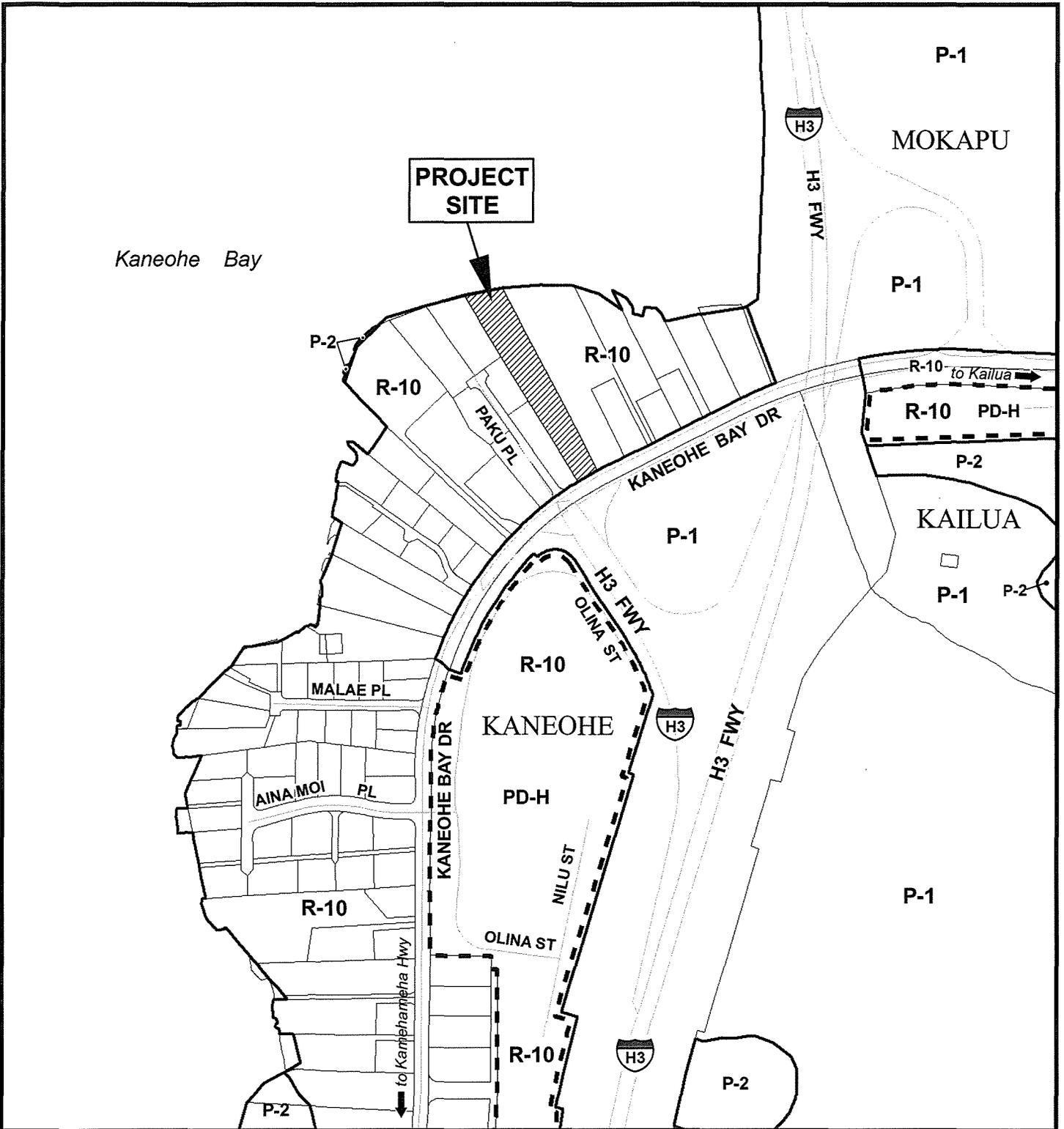
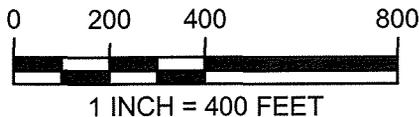


EXHIBIT B

FOLDER NO.: 2012/SMA-25



VICINITY MAP

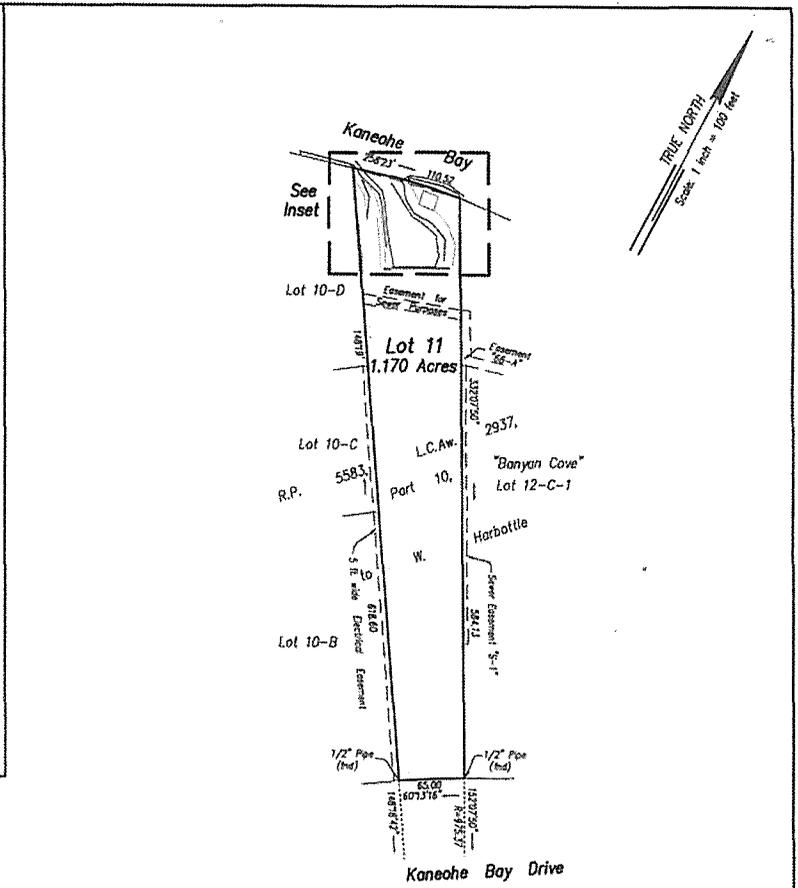
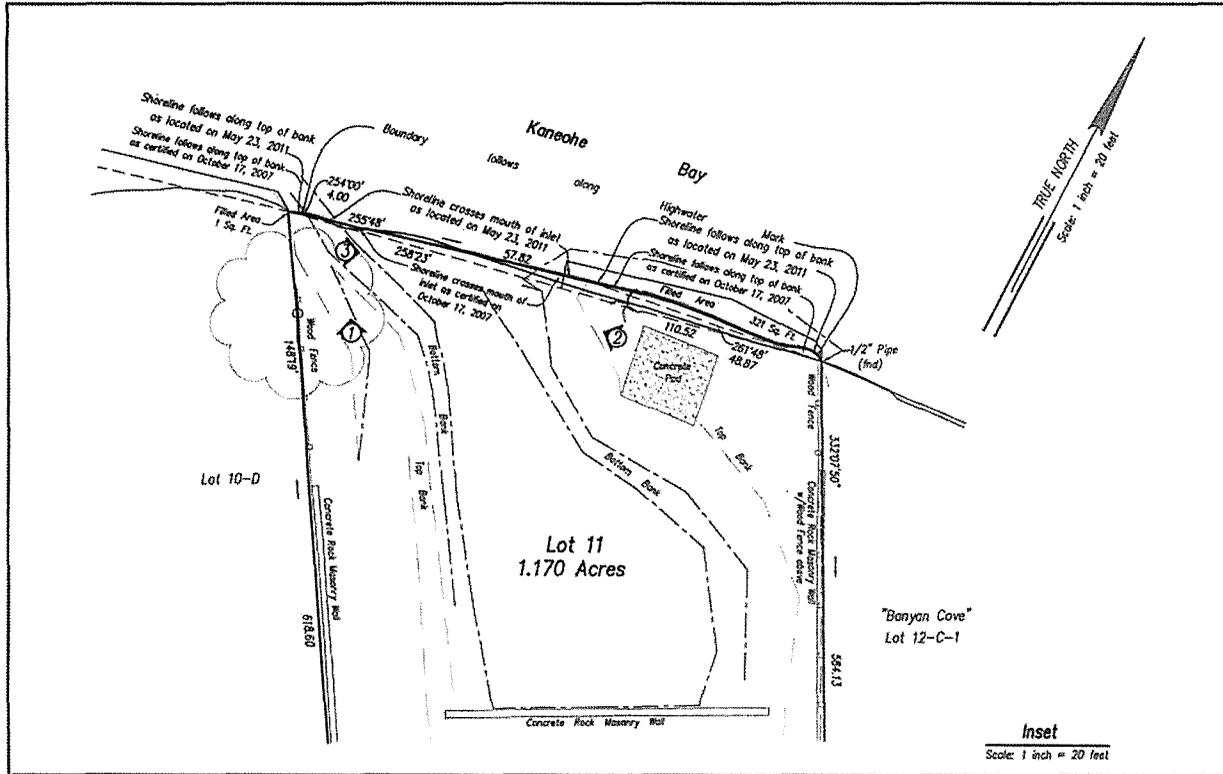


**PORTION OF
EXISTING ZONING MAP # 23
(KAILUA-LANIKAI-KEOLU)**

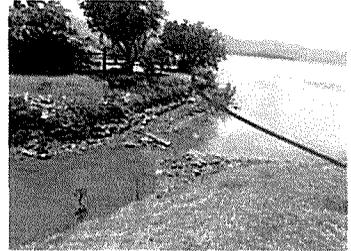
 TAX MAP KEY: 4-4-007: 011

FILE NO.: 2012/SMA-25

EXHIBIT C



Photograph No. 1
Date: May 24, 2011
Time: 12:54 p.m.



Photograph No. 2
Date: May 24, 2011
Time: 12:55 p.m.



Photograph No. 3
Date: May 24, 2011
Time: 12:56 p.m.

Notes:
Azimuths are referred to Government Survey Triangulation Station "COOLIDGE" Δ .
Fill area shown is from a map entitled "Map Showing Fill Area of Kaneohe Bay of Tax Map Key 4-4-07, Located March 14, 1978" by Community Planning, Inc.

∇ Indicates shoreline photograph number and direction.

**FIGURE 2.2
CERTIFIED SHORELINE MAP**



This work was prepared by me or under my direct supervision.
R. M. Towill Corporation.
Ryan M. Suzuki 4/30/12
Ryan M. Suzuki, Expiration Date
Licensed Professional Land Surveyor
Certificate Number 10059

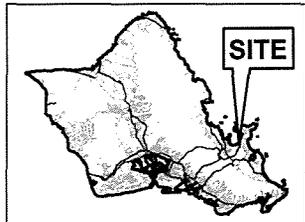
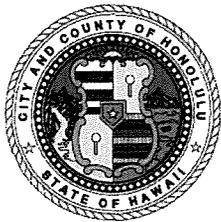
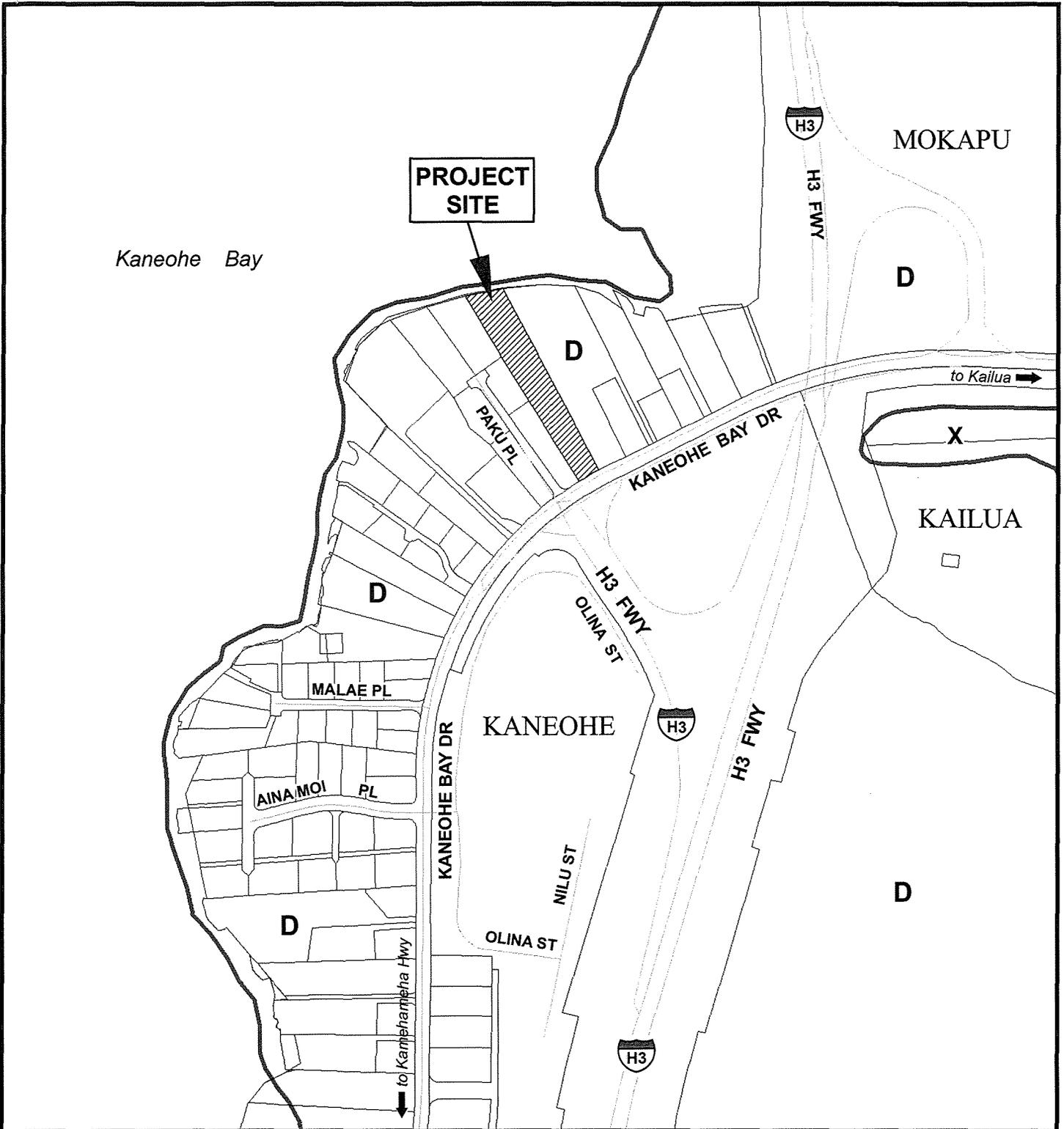
The shoreline as delineated in red is hereby certified as the shoreline as of 5 2011.

William Harbottle
Chairperson, Board of Land and Natural Resources

Owner: Hiroko S. Keanu
Property Address: 44-295 Kaneohe Bay Drive
Kaneohe, Hawaii 96734

Shoreline Survey of
Lot 11 of Panahaha Subdivision
Same Being a Portion of Royal Patent 5583,
Land Commission Award 2937, Part 10,
Section 1 to William Harbottle

At Panahaha, Kaneohe, Oahu, Hawaii
Tax Map Key: (1)4-4-07: 11



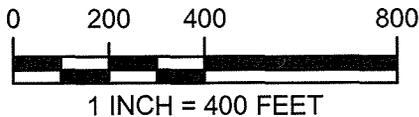
FLOOD HAZARD MAP Kaneohe

 TAX MAP KEY: 4-4-007: 011

FILE NO.: 2012/SMA-25

EXHIBIT E

See Legend on FIRM (Flood Insurance Rate Map) Panel 290 of 395 for additional info.
Map Revised: January 19, 2011



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 12-221

Introduced: 08/22/12 By: ERNEST MARTIN (BR)

Committee: ZONING AND
PLANNING

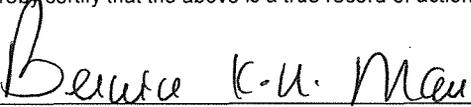
Title: RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE DEVELOPMENT OF FOUR SINGLE-FAMILY DWELLINGS ON A SINGLE RESIDENTIAL LOT, AND ASSOCIATED IMPROVEMENTS.

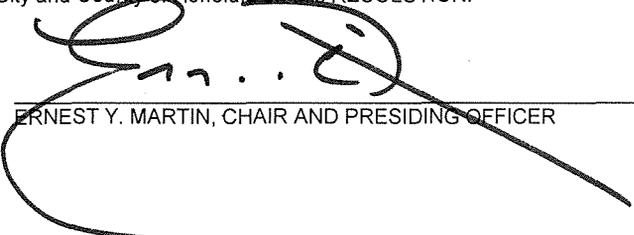
Links: [RES12-221](#)
[CR-313](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

ZONING AND PLANNING	08/30/12	CR-313 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. CURRENT DEADLINE: 10/20/12.							
COUNCIL	09/12/12	CR-313 AND RESOLUTION 12-221 WERE ADOPTED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GARCIA	Y
HARIMOTO	Y	KOBAYASHI	Y	MARTIN	Y				

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


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER