

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



ARTHUR D. CHALLACOMBE
ACTING DIRECTOR

KATHY K. SOKUGAWA
ACTING DEPUTY DIRECTOR

2016/SMA-37(ST)

September 28, 2016

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

SUBJECT: Application for a Special Management Area (SMA) Use Permit
No. 2016/SMA-37

Applicant:	Kihapai Hui LLC
Landowner:	Kihapai Place LLC
Agent:	Lee Sichter
Location:	734 and 735 Kihapai Place - Kailua
Tax Map Keys:	4-3-58: 47, 48, and 65
Acceptance Date:	June 16, 2016

We recommend approval of this application for an SMA Use Permit to allow the construction of a four-story, 42-unit apartment building, parking lot, and landscaping on a vacant 24,593-square-foot site bordering Kawainui Marsh. The new apartment building will contain 42 one-bedroom units for rent, with 14 units per floor, and 58 parking spaces on the ground level, including five guest and two parking spaces that comply with the Americans with Disabilities Act. The site is in the A-2 Medium Density Apartment District.

Enclosed for your consideration are our Report and Recommendation, Draft Resolution, and the transcript of the Public Hearing held on Wednesday, August 10 and continued on Tuesday, August 30, 2016. The hearing was attended by four members of the public, three representatives of the Applicant, including the agent, and three staff members of the Department of Planning and Permitting (DPP) on August 10, 2016. Two individuals provided testimony on August 10, 2016. The continued hearing was attended by 10 members of the public, three representatives of the Applicant, including the agent, and three staff members of DPP on August 30, 2016. Six individuals provided testimony on August 30, 2016. Their testimony is included in the enclosed transcripts.

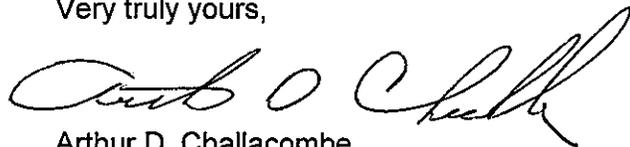
RECEIVED
CITY CLERK
C & C OF HONOLULU
2016 SEP 28 PM 3:15

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
September 28, 2016
Page 2

Pursuant to Chapter 25, Revised Ordinances of Honolulu, 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. The extension is not automatic and thus, if an extension of time is not requested in a timely manner, the application may be filed due to the Council's time deadline.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'Arthur D. Challacombe', written in a cursive style.

Arthur D. Challacombe
Acting Director

Enclosures

cc: Kirk Caldwell, Mayor
Roy K. Amemiya, Jr., Managing Director
Corporation Counsel
Public Hearings Reporter
Lee Sichter

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

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)
)
 OF) FILE NO. 2016/SMA-37(ST)
)
 KIHAPAI PLACE APARTMENTS)
)
 FOR A)
)
 SPECIAL MANAGEMENT AREA USE PERMIT)
_____)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

APPLICANT:	Kihapai Hui LLC
LANDOWNER:	Kihapai Place LLC
AGENT:	Lee Sichter LLC
LOCATION:	734 and 735 Kihapai Place - Kailua (Exhibit A)
TAX MAP KEYS:	4-3-58: 47, 48, and 65 (Exhibit B)
LAND AREA:	24,593 square feet (0.56 acres)
STATE LAND USE DISTRICT:	Urban (Exhibit C)
ZONING:	A-2 Medium Density Apartments District (Exhibit D)
EXISTING USE:	Vacant land
SURROUNDING LAND USES:	Multi-family dwellings, single-family dwellings, wetlands, Kawainui Marsh

- B. Proposal: The Applicant seeks approval of a Special Management Area (SMA) Use Permit to construct a four-story, 42-unit apartment building, parking lot, and landscaping on a vacant 24,593-square-foot site that borders Kawainui Marsh on the windward side of Oahu (see Exhibits E to G).

The single building will include three floors of apartments, each with 14 one-bedroom units for rent, a rooftop recreation deck, and a solar panel system. The ground level will contain an at-grade parking lot with 58 parking spaces, including five guest and two parking spaces that comply with the Americans with Disabilities Act (ADA) standards for accessibility. Also, landscaping which incorporates native plants, where appropriate, is proposed. A concrete masonry unit (CMU) retaining wall topped with a light screening fence will be constructed along the mauka (west) boundary of the development. The Applicant also proposes to grade the site in order to redirect runoff toward the street to reduce storm water runoff into Kawainui Stream and the Marsh.

The mauka most portion of the site, closest to Kawainui Marsh, will be left undeveloped as buffer. The new building will comply with the existing 40-foot height limit for the A-2 Medium Density Apartment District. The proposed Project has an estimated total cost of \$8 million and is anticipated to take about one year to complete once construction begins.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. Location:

1. Site and Surrounding Uses: The vacant 24,593-square-foot site is located at the end of a cul-de-sac at the mauka edge of Kailua Town, just makai of Kawainui Marsh (see Exhibit A). The site is irregular in shape, is generally level with an elevation that ranges from 5.5 to 7.4 feet above mean sea level (MSL). The site is comprised of three previous tax map key parcels which were consolidated on May 26, 2016 via Subdivision No. 2015/SUB-72. Immediately mauka (west) of the site is Kawainui Stream, which borders the entire mauka boundary of Kailua Town. A dense stand of *koa haole* exists on the mauka portion of the site, which separates Kawainui Stream from the level portions of the site. The Flood Control Levee, built by the U.S. Army Corps of Engineers in the 1990s, is located about 160 feet mauka of the site. The site is zoned A-2 Medium Density Apartment District and previously contained a two-story, nine-unit apartment building on Parcel 47, which was demolished in 2004 (see Exhibit D).

The surrounding area is developed with a mix of low-rise apartment buildings and single-family dwellings. An existing three-story, eight-unit condominium apartment building is located two parcels makai (east) of the site and is accessed by the same cul-de-sac as the Project site. It was authorized under SMA Use Permit File No. 92/SMA-89, granted by the City Council on March 10, 1993 (Resolution No. 93-58 CD1). To the north of the site, on the next cul-de-sac (Wailepo Place), is an existing four-story, 24-unit apartment condominium building (Hale Makalei). It was authorized under File No. 92/SMA-85, granted by the City Council on March 10, 1993 (Resolution No. 93-59 CD1) (see Exhibit B)

The areas further north and to the east, are developed primarily with single-family dwellings. The areas further to the south and east are the Business Districts of Kailua Town, as well as open areas of the Marsh and the City Kailua Wastewater Pump Station (see Exhibit A).

2. Special Management Area: The Project site, the mauka portion of Kailua Town, and all of the Kawainui Marsh, more than 800 acres extending mauka (west) to Kapaa Quarry Road, are located within the SMA established by Chapter 25, Revised Ordinances of Honolulu (ROH) (see Exhibits A and H). No development, as defined in Chapter 25, ROH, is allowed in any county within the SMA, without first obtaining an SMA Use Permit, pursuant to Chapter 205A-28, Hawaii Revised Statutes (HRS).

3. Site Soil: The soils of the site consist of Jaucaus sand (JaC), characterized by a slope of 0 to 15 percent, as identified by the U.S. Department of Agriculture, Soil Conservation Service. This soil is considered to be excessively drained, calcareous soils that occur as narrow strips on coastal plains, adjacent to the ocean. The permeability of these soils is rapid and runoff is slow. Water-related erosion hazards are slight, but wind erosion can be severe where vegetation has been removed.
4. Drainage: The mauka (west) portion of the site drains into Kawainui Stream, which flows to the southeast, across Kailua Road, to the 23-acre State-owned Hamakua Marsh, which is a managed waterbird sanctuary. The makai (east) portion of the site drains toward the street, which contains a City storm drain system.
5. Water Quality:
 - a. Near Shore: The waters of Kailua Bay, which are classified as Class A marine waters by the State Department of Health (DOH) water quality standards (Title 11, Chapter 54; Hawaii Administrative Rules (HAR) 1987), are nearly one mile makai (east) of the site.
 - b. Surface Water: Kawainui Marsh is identified as Class 1 Inland Receiving Waters by the State DOH. The objective of such waters is to remain in their natural state as much as possible with an absolute minimum of pollution from any human-caused source.
 - c. Groundwater/Hydrology: Groundwater beneath the site is a portion of the basal-water aquifer that underlies the coastal areas of windward Oahu. Due to its proximity to Kawainui Marsh, groundwater at the site is brackish, and is not a source of potable water.
 - d. Wetlands: A small portion of the site, at each mauka (west) corner, is designated as wetland by the U.S. Department of Agriculture-National Resource Conservation Service. The right (northwest) corner of the site (Wetland A) is approximately 16 square feet, and the left (southwest) corner of the site (Wetland B) is approximately 45 square feet. These wetlands abut Kawainui Stream, which is classified as a lower perennial ravine by the U.S. Fish and Wildlife Service (USFWS) (see Exhibit I).
6. Flora and Fauna: A biological resource assessment was not conducted for the site. The site currently consists of grasses which have covered the site since it was cleared of the previous apartment building ten years ago.

There is no federally designated critical habitat within the immediate vicinity of the proposed Project. The adjacent Kawainui Marsh is identified by the USFWS as a "primary habitat" for the recovery of four endangered species of native Hawaiian waterbirds. The Marsh, Kawainui Stream, and the Hamakua Marsh also provide habitat for various migratory waterbirds, wintering shore birds, and a variety of native and introduced bird species. The federally endangered waterbirds include Hawaiian Coot (*Fulica alai*), Hawaiian gallinule (*Gallinula chloropus sanvicensis*), Hawaiian stilt (*Himantopus mexicanus knudseni*), and

Hawaiian Duck (*Anas wyvilliana*). The wedge-tailed shearwater (*Puffinus pacificus chlorhynchus*), a seabird species protected under the Migratory Bird Treaty Act (MBTA), may fly over the Project area.

7. Water and Wastewater: Municipal water service is available from an existing one-inch water meter. The site is serviced by an existing nine-inch wastewater main located under Kihapai Place.
 8. Historic and Cultural Resources: The Kawainui Marsh is rich in historic and cultural resources and is eligible for the Hawaii and National Register of Historic Places. Although the numerous archaeological studies have been conducted within the Marsh and surrounding fringes, an archaeological inventory survey (AIS) had not been previously done on the Project site. Therefore, at the request of the State Historic Preservation Division (SHPD), an AIS was conducted by the Applicant for the site. A burial was discovered at the site during the AIS.
 9. Scenic and Open Space Resources: The site is in the Kailua Bay Viewshed, as identified in the City and County's Coastal View Study (1987). The study identified the section of Kailua Road near the Project site as containing lateral views of Kawainui Marsh, which is designated as an Important Open Space/Landscape. Kailua Road is also listed as a Coastal Roadway with continuous coastal views in the area near the Project site (see Exhibits K and L).
- B. Environmental Review Requirements: The Project was reviewed under the procedures of Chapter 343, HRS and Title 11, Chapter 200, HAR. The Draft Environmental Assessment (EA) for the Project was published in the Office of Environmental Quality Control's Environmental Notice on August 23, 2015. On May 4, 2016, the Director of the Department of Planning and Permitting (DPP) issued a Finding of No Significant Impact (FONSI) notice. The FONSI and the Final EA were published in the Environmental Notice on May 23, 2016.
- C. Flooding and Coastal Hazards: The site is within the Flood Zone AH, with a base flood elevation of six feet, as determined by Federal Flood Insurance Rate Map, No. 15003C0290H, revised November 5, 2014. These areas correspond to the 100-year shallow flooding, usually with areas of ponding, where average depths are between one and three feet (see Exhibit J).
- D. Other Permits and Approvals:
1. Federal: The proposed earthwork does not impact navigable waters of the U.S. Therefore a Department of the Army permit (Section 10 and Section 404) from the U.S. Army Corps of Engineers is not likely to be needed.
 2. State: The proposed grading will involve less than one acre and, therefore, a National Pollutant Discharge Elimination System Permit is not likely to be required. Clean Water permits from the DOH may be required in accordance with HRS Chapter 342D and Section 11-54 and 11-55, HAR.
 3. County: Grading, trenching, and stockpiling permits from the DPP Civil Engineering Branch and building permits from the DPP Building Division will be required.

E. Consistency with County Plans:

1. General Plan: The proposed improvements are consistent with, and support the General Plan objectives and policies pertaining to: "Natural Environment" (Objective A, Policy 4); "Housing" (Objective C, Policy 3); and "Physical Development and Urban Design" (Objective A, Policies 5 and 6).
2. Koolaupoko Sustainable Communities Plan (SCP): The site is within the Urban Community Boundary, but is outside of the Kailua Regional Town Center of the Koolaupoko SCP. The proposal is consistent with the Koolaupoko SCP which shows the area for Medium Density Residential Development. The proposal is consistent with general policies for residential use (Section 3.6.2).
3. Land Use Ordinance (LUO): The site is located in the A-2 Medium Density Apartment District. The proposed structure and use is permitted in this district. The proposed four-story apartment will comply with LUO development standards and requirements, including height, density, and off-street parking requirements.

F. Public Agency Comments: During the environmental review process, comments were provided by the following agencies/organizations:

1. Federal: USFWS.
2. State: Department of Land and Natural Resources (DLNR), Divisions of Aquatic Resources, Engineering, and Land, SHPD; DOH, Clean Water Branch and Environmental Planning Office; and the Office of Planning.
3. City: Police and Fire Departments; DPP.

Relevant SMA concerns and issues contained in the Final Environmental Assessment (FEA) are addressed in appropriate sections of this report, and, where appropriate, are to be made a condition of the DPP recommendation.

G. Community Comments: Upon acceptance of the application for processing, informational notices of the application and Public Hearing were sent by the DPP to various community organizations, public officials, Kailua Neighborhood Board No. 31, and property owners within 300 feet of the Project site.

The Kailua Neighborhood Board No. 31 provided comments on the Draft EA in which they raised concerns about the Project's impacts on drainage, grading, proximity to natural habitats, SMA requirements, and other related issues. The Applicant responded to these concerns and made clarifications in the FEA. The Neighborhood Board did not take an official position or vote on the Project.

H. Public Hearing: The DPP opened a Public Hearing on August 10, 2016, at the Kailua District Park, located at 21 South Kainalu Drive. The hearing was attended by four members of the public, three representatives of the Applicant, including the agent, and three DPP staff members. Two members of the public provided oral testimony. One member, who lives next door, did not oppose the Project, but was opposed to the number of units proposed and expressed concern for how narrow the street is with cars illegally parked on it, saying garbage trucks and other large trucks have trouble on the

street. She also expressed concern with the safety of children who play and ride bicycles on the cul-de-sac.

The other testifier, who lives near the Project, stated that there was confusion about the time of the Public Hearing because some of the notices for the application and Public Hearing notices, which were mailed by DPP to properties within 300 feet of the site, contained a typographical error on the time of the hearing. The notice stated that the meeting would be held at 10:30 p.m. instead of 10:30 a.m. Therefore, the testifier felt that the surrounding community did not have adequate opportunity to attend the hearing and testify about the Project.

Based on this testimony and upon the discovery of the inadvertent notification error, the hearings officer decided to continue, rather than close, the Public Hearing. (Note: The correct time was listed in the notice in the newspaper, but the individual notices to the neighbors within 300 feet of the Project site contained the error.) Once the time, date, and location for the continuance of the Public Hearing was determined, new notices were sent to everyone who received the original notices, and the new date was advertised in the Star Advertiser newspaper.

The hearing was continued on August 30, 2016, at the Gymnasium of the Kailua District Park, located at 21 South Kainalu Drive, Kailua. Ten members of the public, three representatives of the Applicant, including the agent, and three DPP staff members, attended the continued Public Hearing. Six attendees provided oral testimony. Five testified in opposition to the Project, and expressed concerns, as listed below:

- Kihapai Street (not Kihapai Place) is narrow and congested. The testifier wondered whether traffic improvements were planned;
- Many children that live in the area that play on the Kihapai Place cul-de-sac, and the residents, are concerned about their safety;
- Protection and preservation of Kawainui Marsh and its inhabitants from runoff, pollution, and evasive plant species is important;
- The future residents may pursue recreational or commercial activities in the Marsh that will adversely impact it;
- Illegal on-street parking on Kihapai Place creates congestion and dangerous traffic conditions;
- The proposed apartment building is too big, too high, and too close to the Marsh, which needs to be protected, and the Project will contribute to the existing congested situation, especially during peak rush hour traffic;
- The loss of views is upsetting;
- Dust and noise generated during construction will be a problem;
- Runoff draining into Kawainui Marsh will be a problem; and
- Further changes to the area should not be allowed.

III. ANALYSIS

- A. Special Management Area: The Project was analyzed in accordance with the objectives, policies, and review guidelines established by Sections 25-3.1 and 25-3.2, ROH, as well as Sections 205A-2 and 205A-26, HRS.

1. Coastal Hazards: The site is nearly one mile inland from the shoreline of Kailua Bay and will not directly be subject or contribute to coastal hazards.

However, a small portion of the mauka corners of the site, are designated within the wetland areas. These areas will not be developed. Proposed fencing and landscaping, as well as the revised drainage patterns away from the Kawainui Stream by the regrading of the site, and the use of low impact development (LID) strategies, including conserving natural areas, soils and vegetation, minimizing changes to natural drainage, directing runoff to landscaped areas, minimizing impervious surfaces with the use of grasscrete in significant portions of the parking lot, and best management practices (BMPs) during construction, such as berms, silt fencing, dust screens, etc., will minimize the potential Project impacts.

The site is in the Flood Zone AH with a base flood elevation six feet above MSL and subject to ponding. However, when the Applicant submits construction plans, prior to the application for building permits, such plans will be required to illustrate compliance with the Federal Emergency Management Agency flood hazard requirements codified in Chapter 21A ROH. Therefore, a separate SMA condition is not required.

2. Alteration of Landforms: The Project will involve limited alteration of the previously-developed site. The construction of the CMU retaining wall at the mauka (west) end of the site and the approximately 300 cubic yards of fill will allow the regrading of the site to improve existing drainage patterns. All grading, excavation, and stockpiling and fill materials require permits from the DPP Civil Engineering Branch, which mandates the use of BMPs, and other construction methods to minimize storm water runoff and siltation into surrounding areas. However, due to concerns raised by the USFWS, the Applicant will also be required to consult with the USFWS regarding BMPs.
3. Drainage: The proposed retaining wall at the mauka end of the development and the planned grading of the site will be designed to redirect runoff toward the street and greatly reduce storm water runoff into Kawainui Stream and the Marsh. According to the Drainage Report, surface runoff into the Marsh will be reduced from 0.64 cubic feet per second to 0.01 cubic feet per second during the 10-year storm. Although impervious surfaces will increase, on-site landscaped areas will incorporate LID improvements, and excess storm water will be directed to the existing storm water drainage on Kihapai Place.

As mentioned above, the use of BMPs to contain the discharge water or other liquids (i.e., spills or leaks) to prevent them from entering nearby surface waters will be employed as required by City permits (i.e., grading, stockpiling, trenching) and U.S. Army Corps of Engineer, Department of the Army Permit, if required. Therefore, an SMA condition addressing drainage is not necessary.

4. Solid Waste Disposal: Estimates of solid wastes generated from the proposed facility are not yet available. Solid waste disposal for the new multi-family dwelling will not be provided by the City. Therefore, the Applicant will be responsible for procuring a private waste disposal service. The waste associated with the Project upon completion will be standard household waste, and is not anticipated to uniquely or negatively affect coastal resources.

During construction, debris, including any unanticipated (buried) hazardous waste, will be collected, and transported from construction site for appropriate disposal. This waste disposal and management will be addressed during the development permit phase through permits issued by the DPP and DOH. Therefore, a separate SMA condition is not required.

5. Wastewater Disposal: An existing nine-inch municipal wastewater main is available for the proposed Project. The DPP Wastewater Branch approved Sewer Connection Application (SCA) No. 2014/SCA-0456) on June 17, 2014, indicating sewer capacity was available at that time; this SCA expired on June 18, 2016. Therefore, the Applicant will be required to apply for a new SCA prior to the issuance of any building permits. Adherence to the wastewater regulations of the DOH will minimize the potential infiltration or spillage of wastewater into the adjacent Kawainui Stream and Marsh environment. Therefore, a separate SMA condition is not required.
6. Water Quality:
 - a. Ground and Surface Waters: There are no ground water resources utilized in the vicinity of the Project area. The proposed construction will include low impact measures to minimize impacts to ground and surface water quality. Compliance with existing DOH and U.S. Department of the Army permit requirements will ensure that both short-term construction and long-term operational impacts are minimized and monitored.
 - b. Near Shore Water: The site is 5,100 linear feet from the shoreline and construction and operation of the completed facility is not anticipated to impact near shore waters. Therefore, a separate SMA condition is not required.
 - c. Water Demand: The proposed Project is anticipated to have an average daily water demand of 10,050 gallons per day, which will require installation of a larger two-inch water meter. This will be reviewed during the building permit phase of development.
7. Coastal Ecosystem: The possible discharge of pollution, including pesticides, fertilizers, and domestic chemicals from the Project site could be harmful to the existing ecosystems. The revised drainage pattern, the construction of the mauka retaining wall and fence, the vegetated buffer, as well as the proposed use of native, non-invasive plants for landscaping, will help shield the Marsh from the proposed Project, and preserve coastal ecosystems, including the flora, fauna, wetlands, and riparian habitat.

The USFWS suggested that native plants be used for landscaping purposes and exotic invasive plants be avoided whenever possible. They also recommended that to avoid possible violations of the Endangered Species Act, Section 9 violations, the Applicant should avoid construction during the waterbird breeding season, which is mid-February through August, unless they get an "incidental take" permit.

Therefore, as a condition of approval, the Applicant should be required to utilize native plants in their landscaping and implement strategies to avoid conflicts with protected birds and contact the USFWS regarding any permitting requirements that may apply to the Project.

Artificial lighting at and near the shoreline can also be disruptive to avifauna and marine life in their navigation, nesting, and reproductive cycles. Therefore, any proposed exterior lighting should be required to provide shielding to prevent direct illumination of the ocean or sky. Therefore, a SMP lighting condition to require shielded lighting should be imposed as a condition of approval. The Applicant will also leave a five-foot wide undisturbed strip of mauka (west) boundary of the site, which will function as a natural barrier to protect birds from walking onto the site from Kawainui Stream and Marsh.

8. Historic and Cultural Resources: As previously stated, an AIS was conducted at the request of the SHPD and a burial was discovered at the site. At this time, the Applicant is preparing the final AIS and Burial Treatment Plan to be submitted to the Oahu Burial Council and SHPD for review and approval. Therefore, as a condition of approval, the Applicant should be required to provide written proof of the acceptance of the Burial Treatment Plan and archaeological monitoring plan to the DPP Land Use Permits Division, prior to the issuance of any development permits or construction activities.
9. Recreational Resources: The Project site does not directly provide or lend access to nearby recreational opportunities, including walking or hiking of Kawainui Marsh or fishing in Kawainui Stream. The Applicant clarified that the Project will not impede the existing walking path on the flood control levee and the service road is not impacted by the Project. Therefore, no impact to the recreational resources of the SMA is anticipated.
10. Scenic and Open Space Resources: The Project site is visible from the portion of Kailua Road that is identified as having continuous coastal views across Kawainui Marsh, which is designated as an Important Open Space/Landscape site (see Exhibits K and L). However, the distance of the site from the roadway, about 1,000 feet, and the height of the existing marsh vegetation help to mitigate the visual impact of the Project. Furthermore, the Project will not significantly alter the current developed views, which contains similar developments, including two existing apartments of similar height and bulk. Nevertheless, the use of appropriate materials and colors should be required to further minimize its visual impact of the Project. Therefore, a condition should be imposed to require that appropriate colors and materials be used to blend with the surrounding environment.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of Section 25-3.1 and 25-3.2, ROH, and HRS Sections 205A-2 and 205A-26, and found to be generally consistent with the established objectives, policies, and guidelines. Based on the Analysis, the proposed four-story, 42-unit apartment building, parking lot, and landscaping will not adversely impact SMA resources, provided that certain mitigative conditions are imposed.

V. RECOMMENDATION

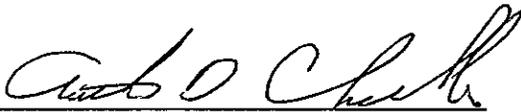
Based on the preceding Analysis and Conclusion, it is recommended that this application for a Special Management Area (SMA) Use Permit be **APPROVED**, subject to the following conditions:

- A. Construction of the Kihapai Place Apartments shall be in general conformity as described in the Report and Recommendation by the Director of the Department of Planning and Permitting (DPP), as depicted on Exhibits A through K, attached hereto. Any change in the size or nature of the Project which has a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, and Chapter 205-A HRS, shall require a new SMA Permit. Any change which does not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval by the Director of the DPP.
- B. Prior to the approval of any development permits for ground disturbance or construction, the Applicant shall provide the DPP with written confirmation of the review and approval by the State Historic Preservation Division (SHPD), of the Burial Treatment Plan and Archaeological Inventory Survey, including any plan for on-site archaeological monitoring.
- C. Prior to the start of any construction activities, the Applicant shall contact the U.S. Fish and Wildlife Service (USFWS) regarding appropriate best management practices pertaining to grading work, as well as any mitigation and operation measures. Prior to any site work, the Applicant shall conduct surveys to determine the presence and/or location of waterbird nesting areas within the property. Any observations of any threatened or endangered species in the Project area during site preparation and construction shall be reported to the USFWS.
- D. Prior to the issuance of building permits for the apartment building, the Applicant shall submit a final landscape plan which utilizes native plant species and non-invasive exotic species, for review and approval by the DPP, Land Use Permits Division.
- E. Exterior building materials, finishes, and colors shall be non-reflective and subdued in appearance. White and highly reflective materials, finishes, and colors shall not be permitted. Colors for all materials shall be appropriate natural or earth tones, and shall be labeled on the building permit plans for review and approval by the DPP, Land Use Permits Division.
- F. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates or directly projects across property boundaries toward the Kawainui Marsh and Stream or toward the sky, except as may otherwise be permitted pursuant to Section 205A-71(b), HRS.

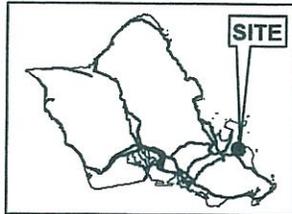
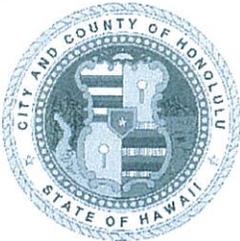
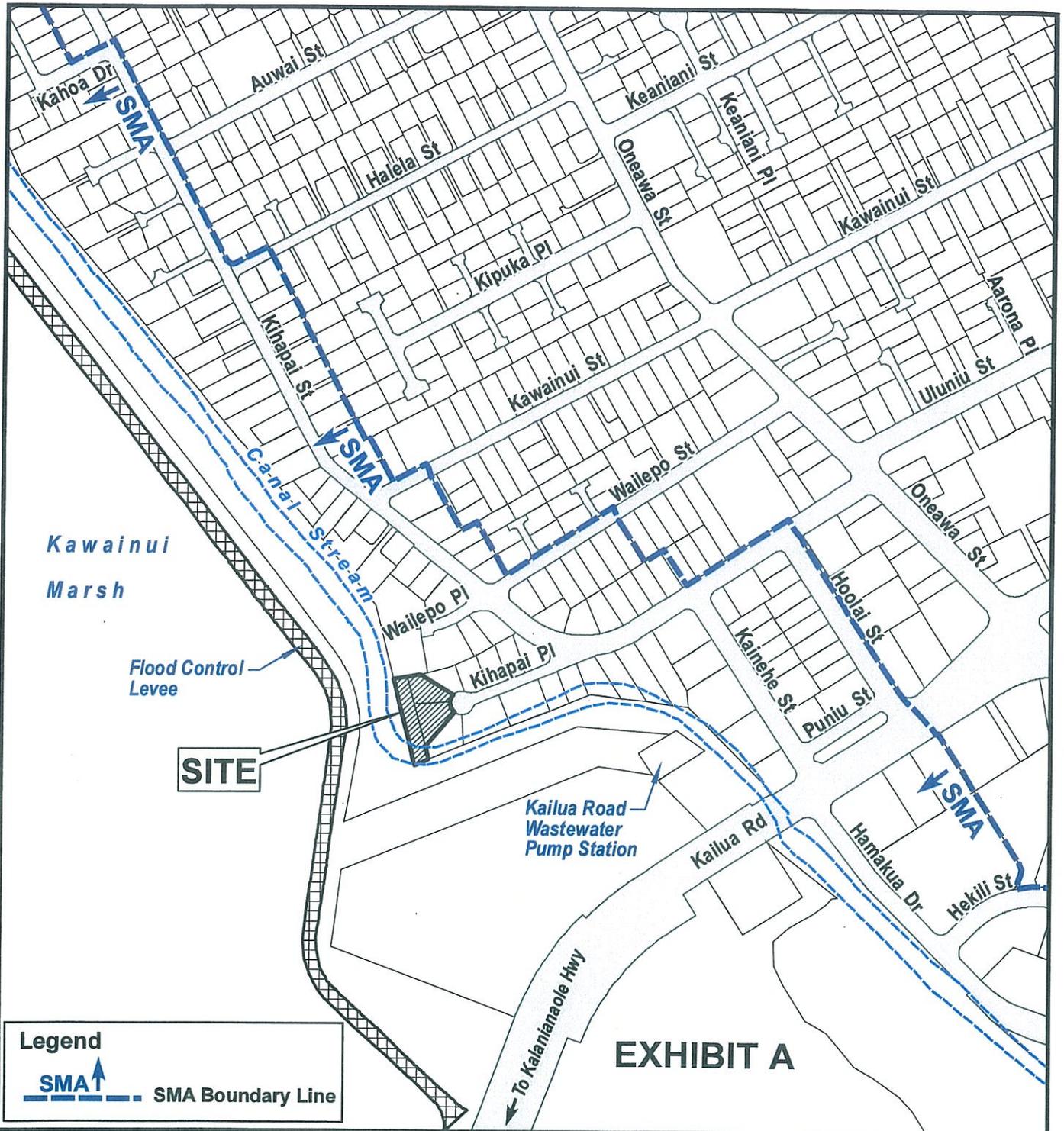
- G. **The Applicant shall obtain a development permit for the proposed development within two years of the date of this permit.** Failure to obtain a development permit within this period shall render this permit null and void, provided that this period may be extended as follows: The Director of the 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.
- H. Approval of this SMA Permit does not constitute compliance with other Land Use Ordinance or 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.

Dated at Honolulu, Hawaii, this 28th day of September, 2016.

Department of Planning and Permitting
City and County of Honolulu
State of Hawaii

By 
Arthur D. Challacombe, Acting Director

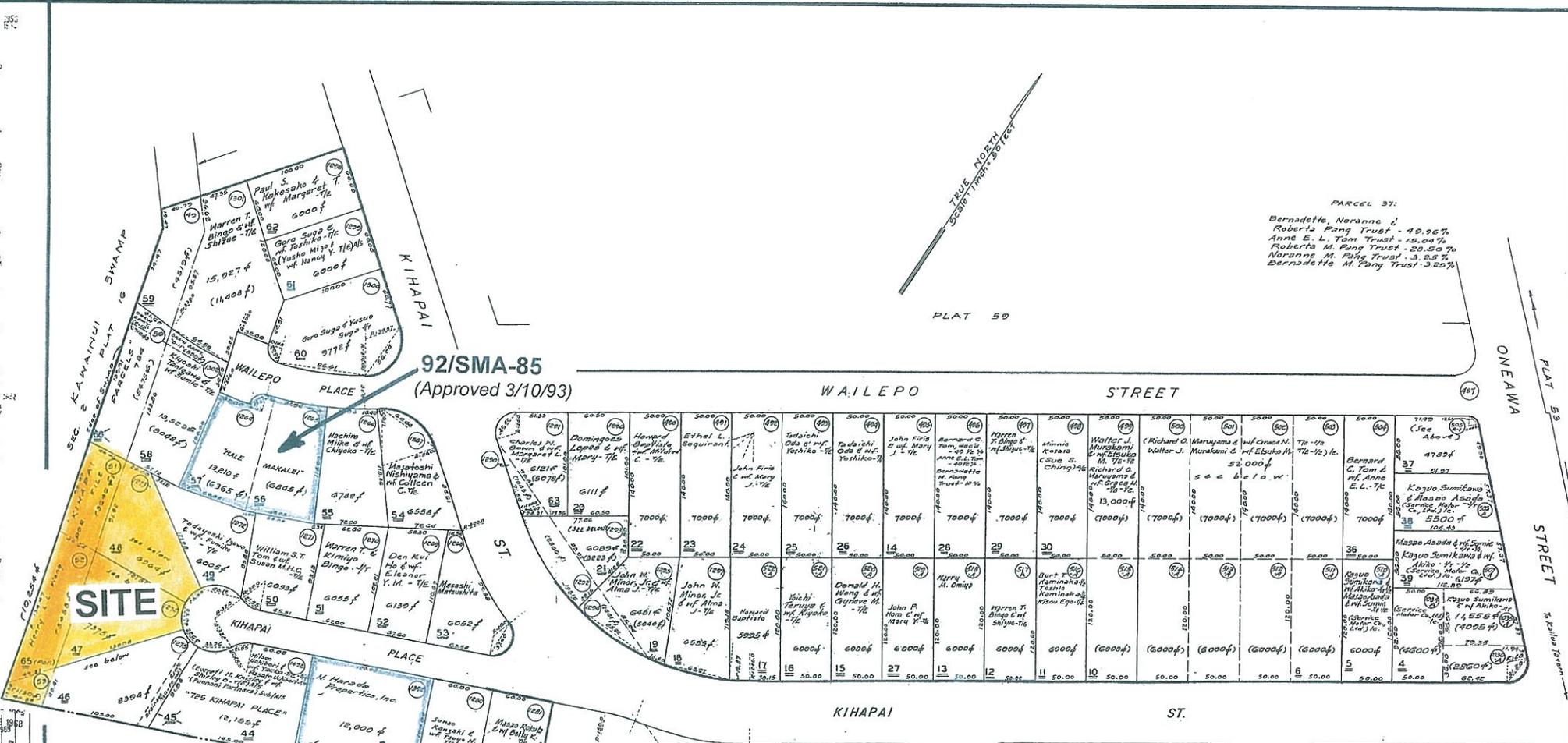
Attachments



LOCATION MAP KAILUA

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37



92/SMA-85
(Approved 3/10/93)

EXHIBIT B

92/SMA-89
(Approved 3/10/93)

PARCEL 37:
Bernadette, Noranne &
Roberta Pang Trust - 49.98%
Anne E. L. Tom Trust - 18.00%
Roberta M. Pang Trust - 20.50%
Noranne M. Pang Trust - 3.25%
Bernadette M. Pang Trust - 3.25%

FOLDER NO.: 2016/SMA-37

Parcels dropped (out in road)
13, 45, 66, 1, 57

FIRST	DIVISION
ZONE	SEC. PLAT
4	3 58
CONTAINING PARCELS	
SCALE: 1 IN. = 50 FT.	

SUBJECT TO CHANGE

POR. KAILUA COCONUT GROVE TRACT (L.D.C.T. APP 49) KAILUA (POR. 4-3-36) OAHU

Parcels 45, 47 & 48
Sylvia Ann Poo Trust 1/2
Gail N. Poo Trust 1/2
Karen O. Poo Trust 1/2

21 Louise M. Callitro - 56.85%
Callitro & Callitro, Gen. Trust - 25.56%
John T. Callitro, Gen. Trust - 21.55%

(Elizabeth F. Rice - 1/2
Arthur H. Rice, Jr. - 1/4
Harriet R. Moody - 1/4
Bebe M. Sumner - 1/8
Charles C. Kemp - 1/8

Reserved
" "
" "

Dwg. No. 3905
 Source: L.D.C.T. 495, 495 & Taxation Maps Bureau Data
 City: 1924, Tread Map, HD, July 12, 1940

01 1992
 15 1958
 2 1959
 16 1973
 1E 1514

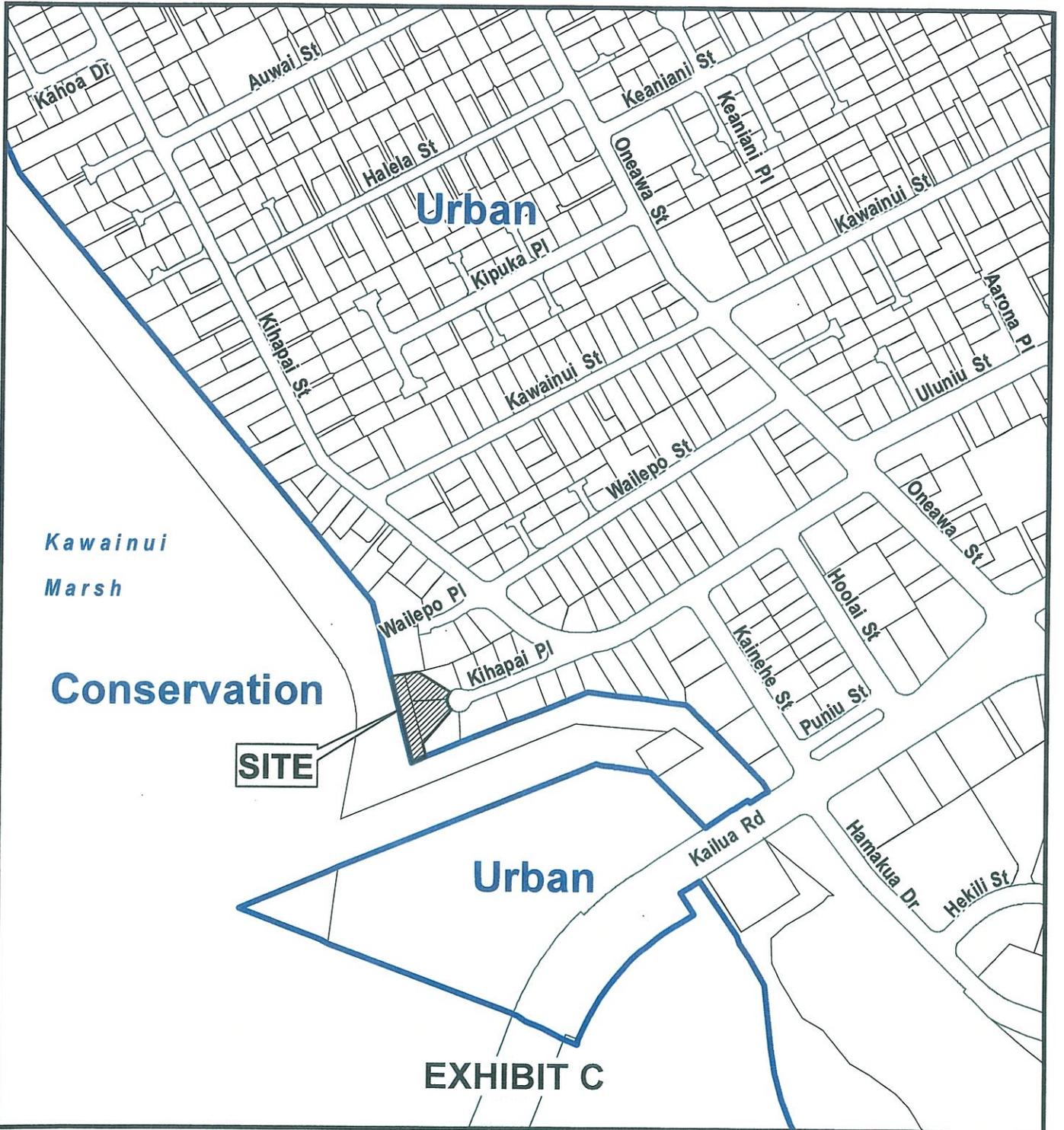
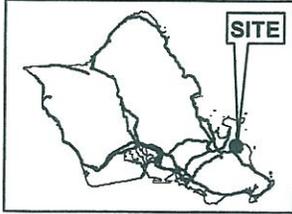


EXHIBIT C



VICINITY MAP

SITE



**PORTION OF
STATE LAND USE MAP
KAILUA**

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37

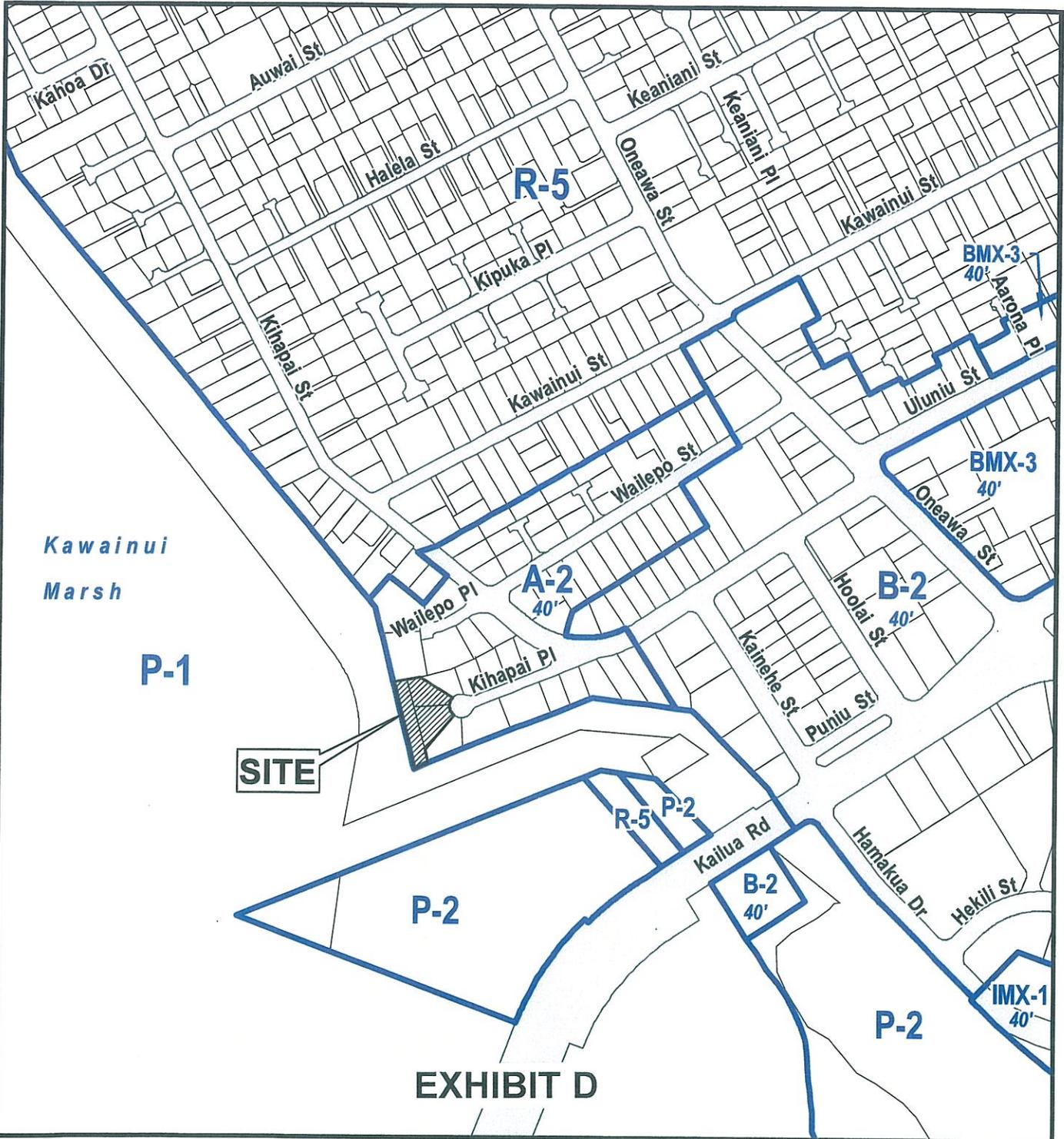
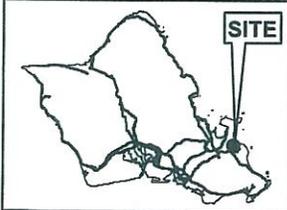
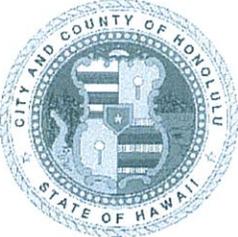


EXHIBIT D



VICINITY MAP



PORTRION OF EXISTING ZONING MAP (KAILUA - LANIKAI - KEOLU)

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37

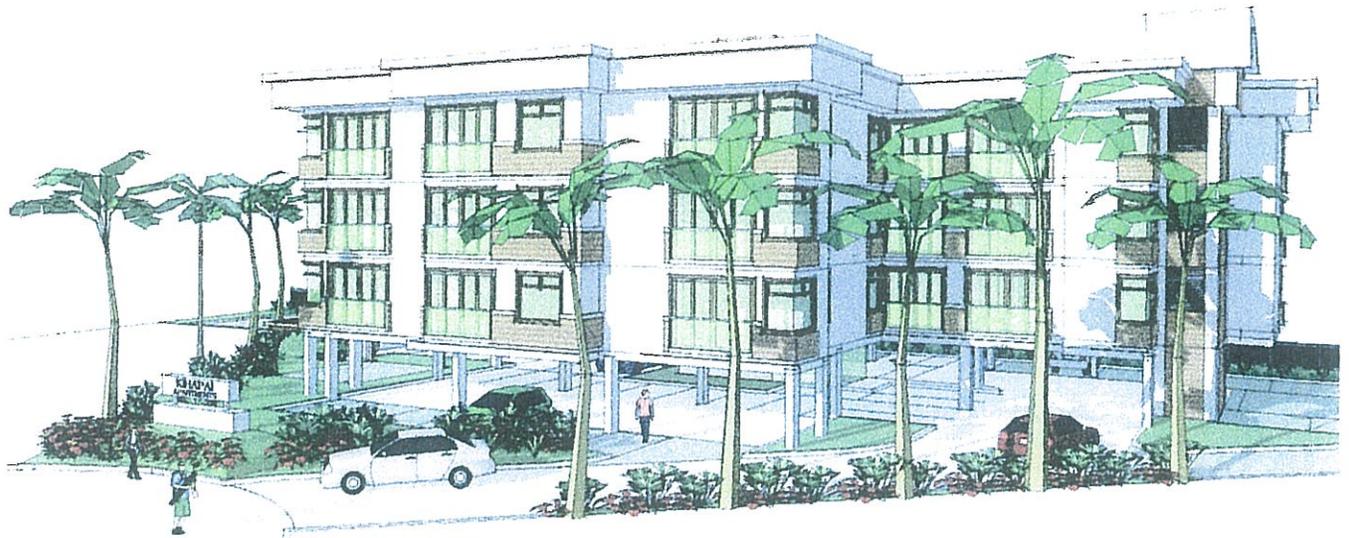


Figure 8: Kihapai Place Apartments (Northeast Perspective)



SOUTHWEST PERSPECTIVE

EXHIBIT E

KIHAPAI

Figure 9: Southwest Roof Perspective (showing portion of rear yard)



FOLDER NO.: 2016/SMA-37

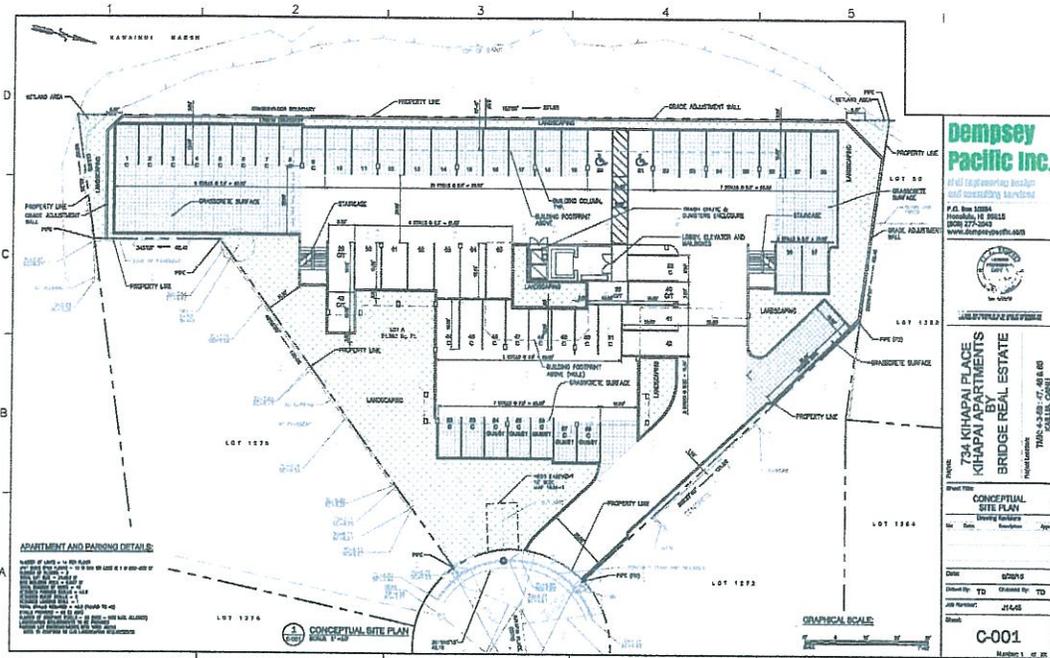


Figure 13: Parking Plan

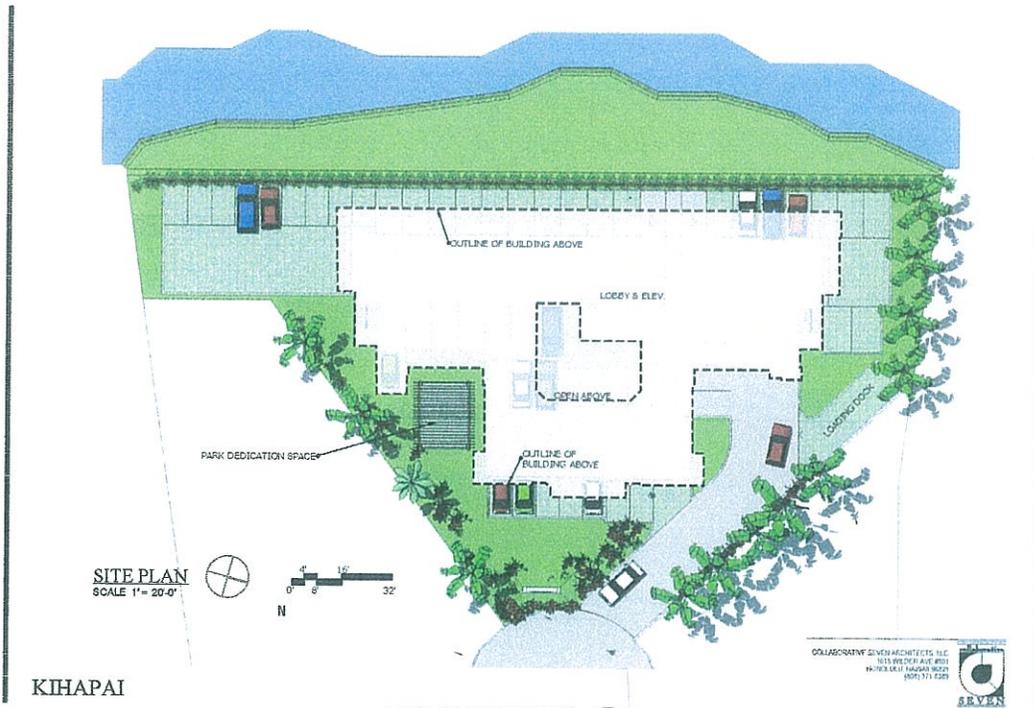


EXHIBIT G

Figure 14: Landscape Plan

FOLDER NO.: 2016/SMA-37

Source: City & County of Honolulu, HOLIS

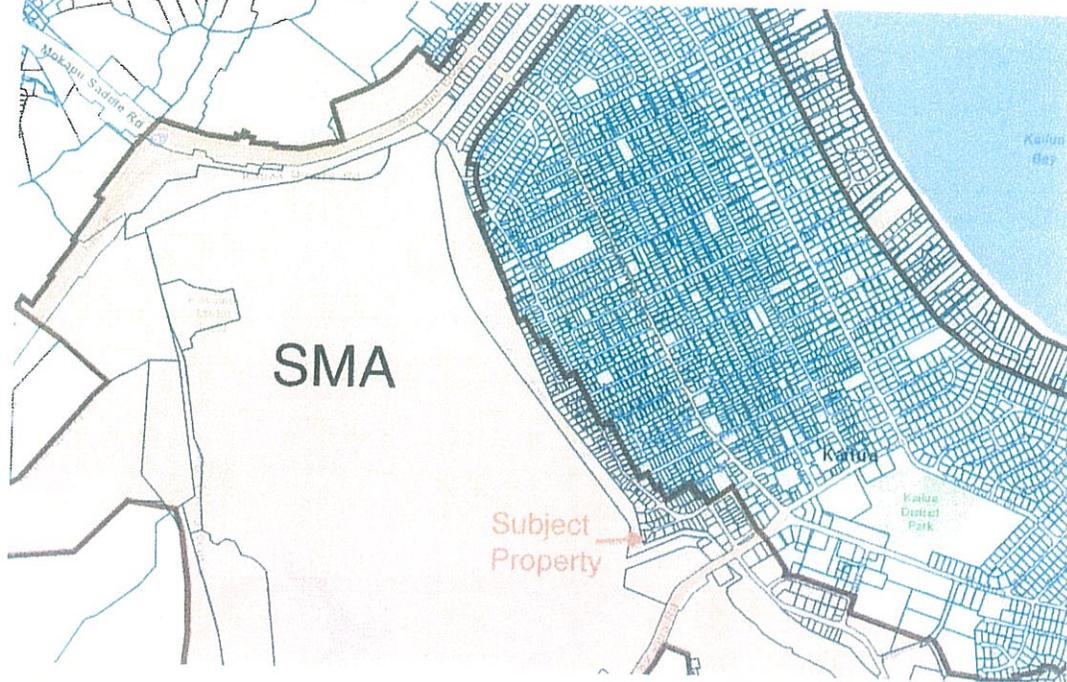


Figure 6: Special Management Area

EXHIBIT H



FOLDER NO.: 2016/SMA-37

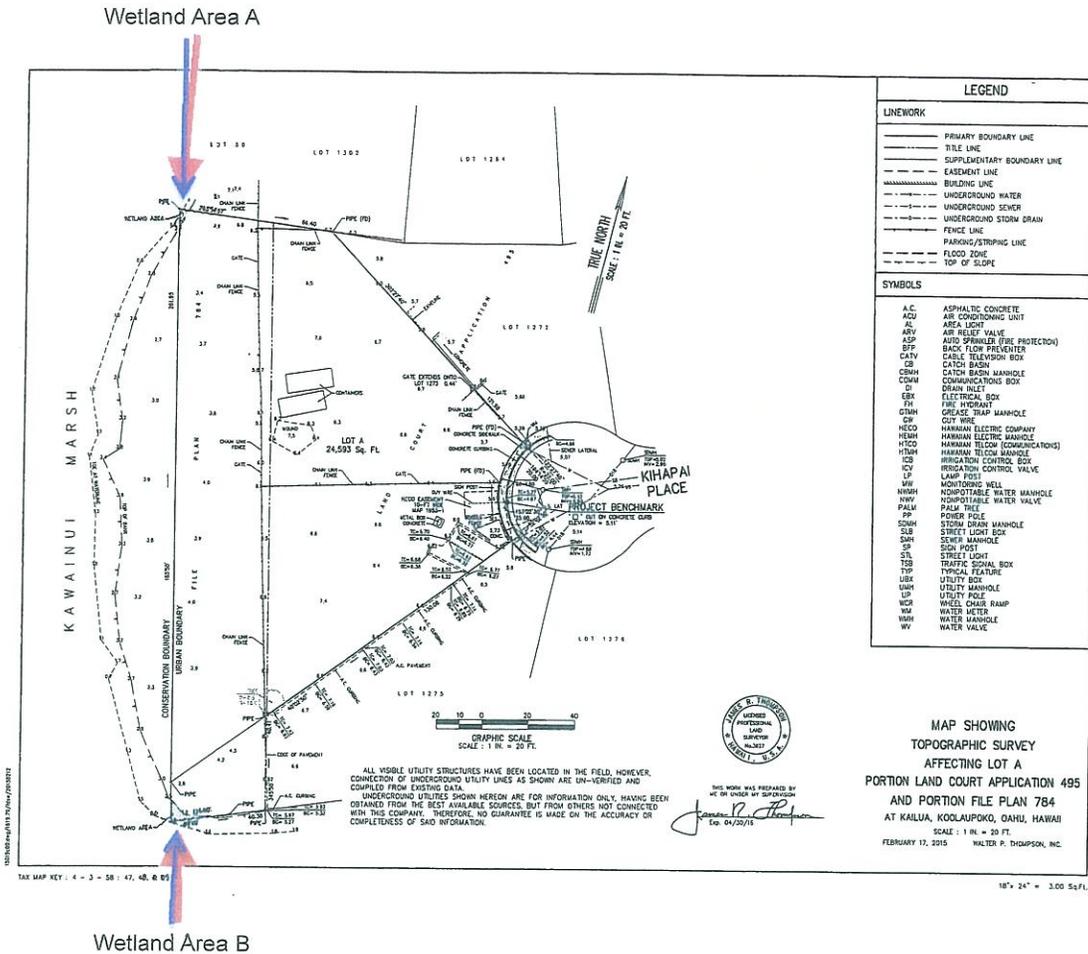


Figure 16: Wetland Areas on Subject Property

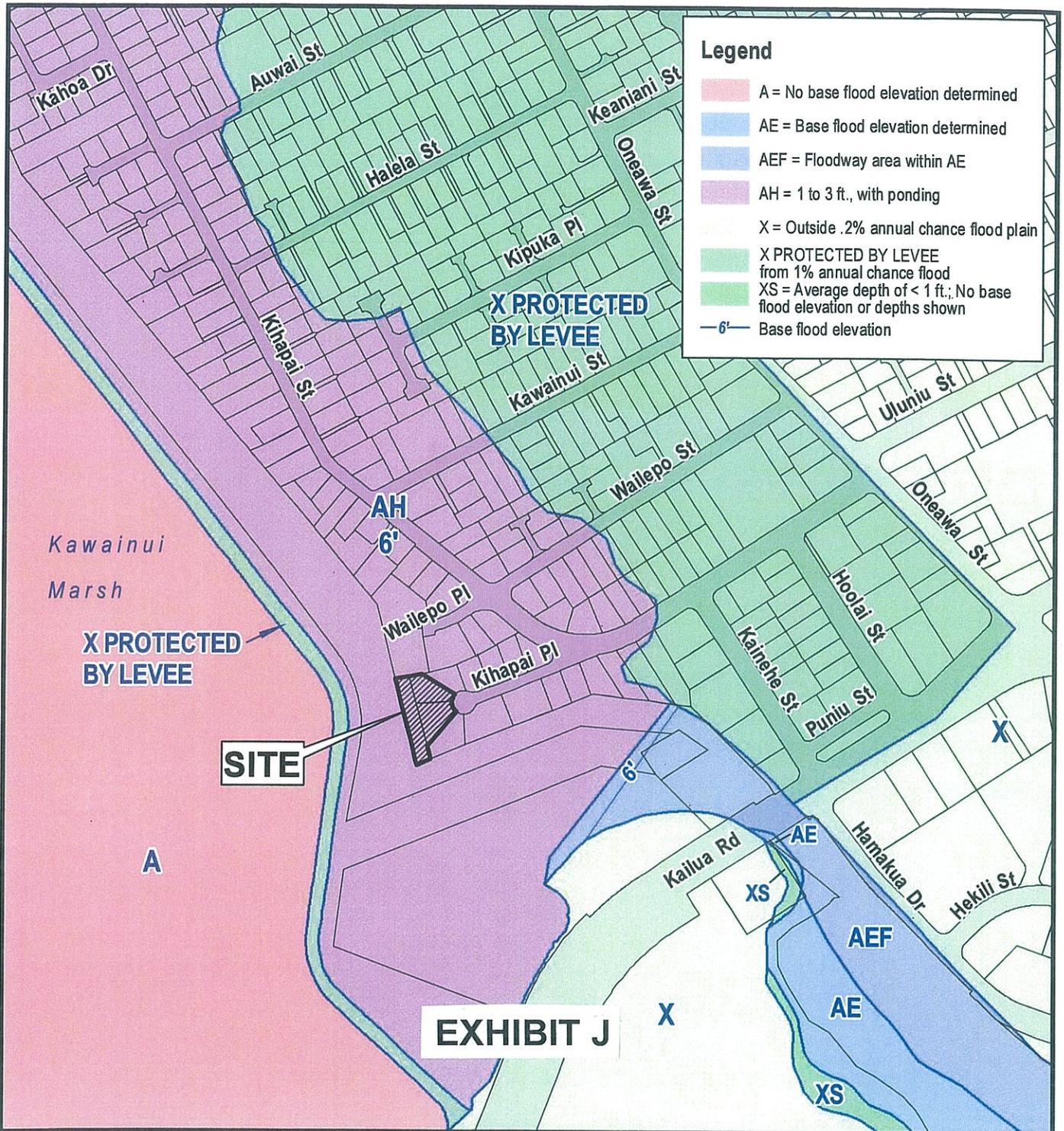
Source: US Fish & Wildlife Service National Wetlands Inventory



Figure 5: Open Space West of Subject Property

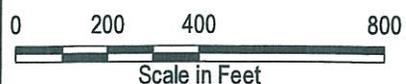
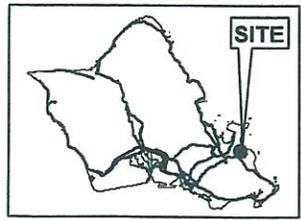
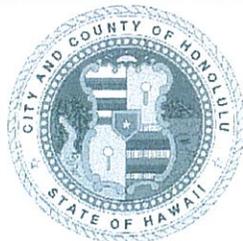
FOLDER NO.: 2016/SMA-37

2. Relationship of the Parcel to the SMA



SITE

EXHIBIT J



PORTION OF FLOOD MAP KAILUA

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37

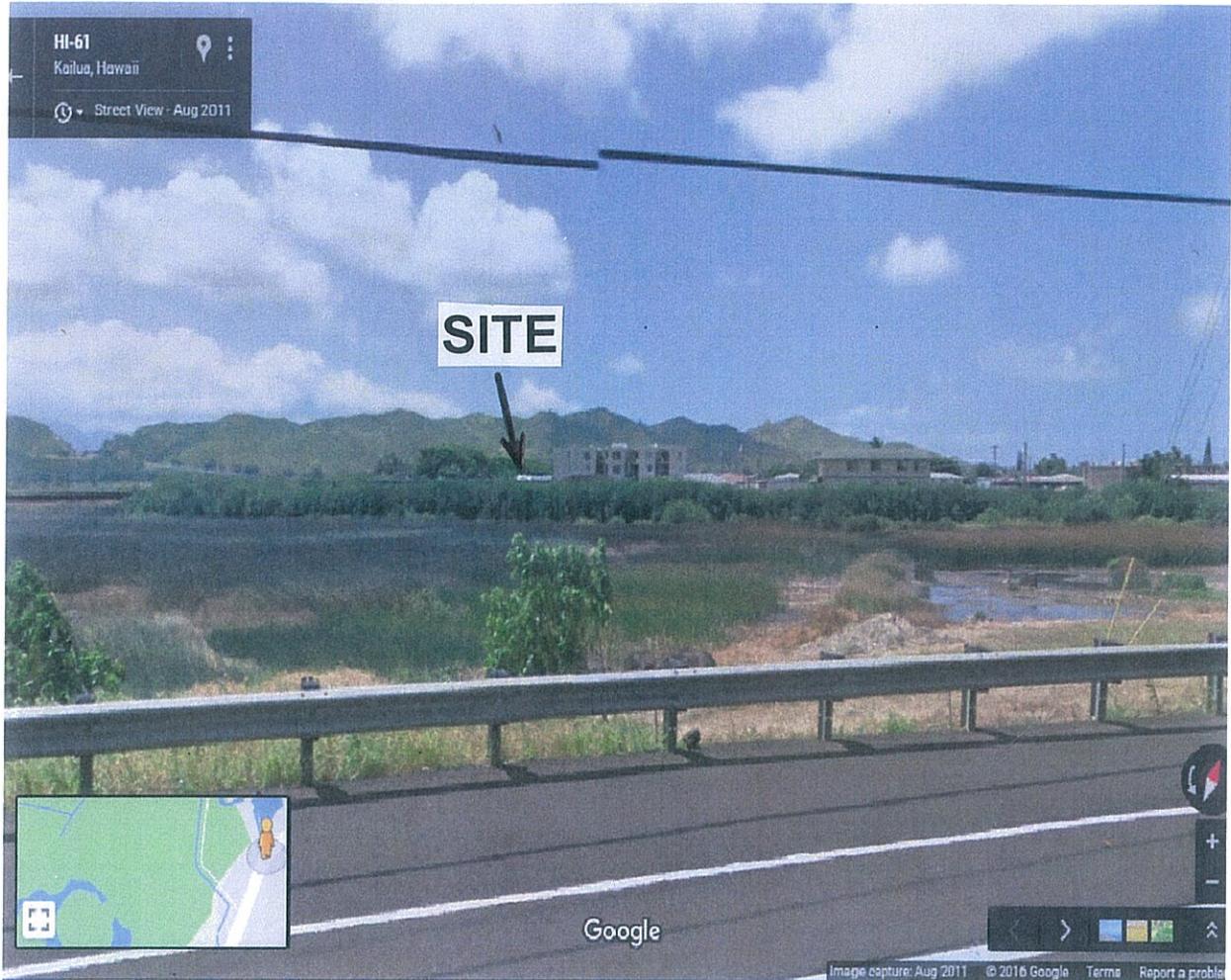


EXHIBIT L

View of the project area from the nearby section of Kailua Road which was designated as a "Coastal Roadway" with Continuous Coastal Views.
(Department of Land Utilization, Coastal View Study, 1987).

FOLDER NO.: 2016/SMA-37

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

IN THE MATTER OF THE)
)
APPLICATION OF) FILE NO. 2016/SMA-37
)
KIHAPAI HUI LLC)
_____)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for hearings at the Kailua District Park, 21 South Kainalu Drive, Kailua, Hawaii on Tuesday, August 10, 2016 and Tuesday August 30, 2016 pursuant to Notice.

BEFORE: ELIZABETH KRUEGER, Hearings Officer
STEVEN TAGAWA, Staff Planner

P R O C E E D I N G S

(AUGUST 10, 2016)

1
2
3 HEARINGS OFFICER KRUEGER: Good morning everyone.
4 My name is Elizabeth Krueger and I'm the Hearings Officer
5 for today's matter. It is 10:39 a.m. and we are at the
6 Kailua District Park's downstairs meeting room. Today we're
7 conducting a public hearing with Revised Ordinances of
8 Honolulu, Chapter 25, related to the Special Management Area
9 or SMA, and Hawaii Revised Statutes, Chapter 205A, related
10 to Coastal Zone Management.

11 The purpose for today's public hearing is to hear
12 testimony on an application for an SMA Major Permit, File
13 No. 2016/SMA-37. The request is to allow the construction
14 of a four-story, 42-unit apartment building, parking lot and
15 landscaping on a vacant 24,593-square-foot site bordering
16 the Kawai Nui Marsh within the SMA.

17 Pursuant to Chapter 25 of the Revised Ordinances of
18 Honolulu, all development in the SMA shall be subject to
19 reasonable terms and conditions to ensure that, one,
20 adequate access is provided and properly located to publicly
21 owned or used beaches, recreation areas and natural
22 reserves; two, that provisions are made for solid and liquid
23 waste treatment and disposition and management; and, three,
24 that alterations to land forms and vegetation and
25 construction of structures minimizes adverse effects to the

1 SMA resources and cause minimal potential danger relevant to
2 natural disasters.

3 No development in the SMA shall be approved unless
4 it is found that it will not have a substantial adverse
5 environmental or ecological effect. Development must be
6 consistent with the Coastal Zone Management objectives, the
7 General Plan, the development plans and zoning.

8 Lastly, the City Council shall seek to minimize,
9 where reasonable, the alteration of any natural shoreline,
10 any development which would reduce the size of any beach or
11 public recreation area, any development which would reduce
12 or risk public access to shoreline resources, any
13 development which would substantially interfere with the
14 line of sight toward the sea from the state highway, and any
15 development which would adversely affect water quality,
16 fishing grounds, wildlife habitats or agricultural uses.

17 No decision is being made here today. The purpose
18 of this public hearing is to take testimony from the public
19 so that you can have input into the director's report and
20 recommendation as well as the City Council's decision making
21 when they receive the report. You will have an opportunity
22 to continue to provide testimony when the application goes
23 to City Council for the actual decision making. Once we
24 close the public hearing, the department will have 20
25 working days to transmit its report and recommendation to

1 City Council.

2 All testimony received today is going to be part of
3 the record. It will be reflected in our report and attached
4 to our report and recommendation along with a full written
5 transcript of this hearing so that City Council can consider
6 what was heard today.

7 If you have further comments following the close of
8 the hearing, you can submit them directly to the City
9 Council. If you'd like to submit your written comments to
10 our department, the Department of Planning and Permitting,
11 please submit them by Friday, August 19, 2016. You're
12 encouraged to contact the City Clerk if you would like to
13 attend the hearings held by City Council.

14 And here is the procedure for today's public
15 hearing: The planner, Steven Tagawa, will present the basic
16 facts behind the request, then the applicant will present
17 the project in greater detail. We will then take public
18 testimony. Each person will have one opportunity to speak.
19 At the end of the testimony period, DPP staff will have an
20 opportunity to ask questions about the proposal and the
21 applicant will have an opportunity to address any comments
22 or concerns about the proposal that we have heard today.
23 There will not be a discussion period or a
24 question-and-answer period, however, as the public testimony
25 portion of the hearing will have concluded at that point.

1 Steve will present the facts of the project now.

2 MR. TAGAWA: Thank you. This site is at the end of
3 the Kihapai Place cul-de-sac at the makai end of the Kawai
4 Nui Marsh. It's bordered by the flood control levi and -- I
5 think it's an un-named river but it's kind of extends to
6 Hamakua Place and Hamakua wetland across of Kailua Road.

7 So the site is currently vacant. It's part of the
8 Coconut Grove Tract of Kailua. It's zoned A-2 Medium
9 Density Apartment District. I think there were two units
10 previously that were, I think, demolished somewhere, I
11 believe, in the late '90s.

12 The Kawai Nui Marsh borders the property and the
13 project is completely within the SMA. The SMA boundary
14 continues on, enveloping the entire marsh up to Kapaa Quarry
15 Road.

16 The development proposal is for a four-story
17 building. The ground level would contain 58 at-grade
18 parking stalls, including five visitor spaces and two ADA
19 accessible parking spaces. Landscaping is involved. I
20 believe during the EIS, a burial was found and I think Lee
21 can elaborate on that. So there is some mitigation
22 involved.

23 The project is estimated at a cost of about \$8
24 million and would be initiated as soon as the SMP permit and
25 other development permits are approved. I think during the

1 environmental assessment process the U.S. Fish and Wildlife
2 Service had some concerns about the operation and management
3 of the site being at the perimeter of the marsh so they had
4 some recommendations that the department should impose on
5 the applicant related to educating the tenants about the
6 water bird habitation and control of feral cats. So that
7 would be a new one.

8 There was, in the late 80's, a similar eight-unit
9 apartment on Wailepo Street, one cul-de-sac over, that also
10 went to the City Council back in '89. So there is some
11 precedent. It's just been a number of years since, I guess,
12 anyone has seen anything there.

13 That's about it for my orientation. Thank you.

14 HEARINGS OFFICER: Would the applicant like to
15 present more details of the project?

16 MR. SICHTER: Lee Sicther, agent for the applicant.
17 Thank you very much.

18 I really don't have much to add. I just wanted to
19 correct the record. The un-named stream that Steve referred
20 to is called Kawai Nui Stream. It was a stream and when the
21 Army Corps of Engineers did the flood control project, it
22 was dredged out. So now it appears to be more of a channel,
23 waterway than a virgin stream.

24 MR. TAGAWA: So it's not Hamakua?

25 MR. SICHTER: No, no.

1 The environmental assessment that was prepared for
2 the project includes a detailed drainage plan which
3 implements the city's standards for low-impact development
4 and ensures that there won't be any significant drainage
5 impacts upon the Kawai Nui Marsh from the development.

6 The applicant appreciated the comments of the U.S.
7 Fish and Wildlife Service. We retained a botanist to advise
8 on the proper mitigation measures and those mitigation
9 measures were indicated in the final environmental
10 assessment and they will be implemented in coordination with
11 the Fish and Wildlife Service's desires.

12 And, finally, an archeological inventory survey was
13 conducted and the burial treatment plan is now in the
14 process of being completed. And so that process is ongoing.
15 As you mentioned, one burial was found and it was
16 re-interred in place and the location of the burial, in
17 collaboration with lineal descendants representing the area,
18 was determined that that location will be fine. It's in an
19 area that's proposed for landscaping. So the presence of
20 the burial does not require any readjustment to the
21 development plan as presented in the SMA application. Thank
22 you very much.

23 HEARINGS OFFICER: We will now begin the public
24 testimony.

25 SPEAKER: Can I bring up one thing?

1 HEARINGS OFFICER: You may sign up to testify.

2 SPEAKER: There's typos on our meeting thing. No
3 one knows this meeting is --

4 HEARINGS OFFICER: You may fill out a public
5 testimony form.

6 SPEAKER: Right here, 10:30 p.m.

7 HEARINGS OFFICER: You may fill that out.

8 SPEAKER: I sure will. This is not the way things
9 are supposed to work.

10 HEARINGS OFFICER: I ask you to please --

11 SPEAKER: I will.

12 HEARINGS OFFICER: -- don't speak out of turn.

13 SPEAKER: Yes.

14 HEARINGS OFFICER: Our first registered testifier
15 is Kelly Silva.

16 MS. SILVA: Hi. Kelly Silva. I'm one of the
17 owners for 725 Kihapai which is right next door to the
18 proposed construction site.

19 In general I'm not against development but I'm
20 against development and the number of units that they're
21 talking about, 42. And primarily I'm against it because of
22 the nature of the street. If you've driven down it,
23 especially after work when people get off work, you'll see
24 that it's a lot of young families, a lot of children.
25 There's no place for them to play. There's cars sticking

1 out in the road. There's no one enforcing the illegally
2 parked cars.

3 In general it was kind of a quiet cul-de-sac. It's
4 kind of a high-density area already and to increase the
5 density by 42 units -- I think one of the co-owners said
6 it's going to increase the density of the area by 70 percent
7 which I don't think that that area can sustain it.

8 Currently what happens is -- like just even on garbage day,
9 the garbage truck comes down the road, they can't get the
10 dumpsters so primarily there's canned garbage so there's
11 feral cats diving in the garbage cans all the time. So this
12 is like a problem that our association's had to deal with
13 quite a bit and we can't even imagine 42 more units on top
14 of this small area already. There's kids darting in and out
15 of the apartments.

16 I think it's because we're directly right next door
17 to the unit, I'm primarily concerned about the noise and the
18 dust from the construction which I'm pretty sure you guys
19 have to address. But even more so, I'm concerned more about
20 the long-term liability of this increased group of people
21 coming down our street. And our parking lot -- if you think
22 about it, it's like the shape of a half cut moon. And the
23 top part of the moon our tenants park around the perimeter
24 of that parking lot which just leaves a small turn-around
25 area with -- once again, the kids are in and out of there

1 riding their bikes or skateboards. And I don't want to see
2 that area for our association turn into a turn-around. And
3 I just can't imagine what's going -- this number of new
4 tenants coming down the road and not inconveniencing the
5 people that are already having a hard time getting in and
6 out of our -- or have to get in and out of our parking lot.

7 And the street is very narrow. And I would really
8 encourage anybody who's making a decision on this to go like
9 after work and see when the people are actually home. If
10 you go kind of right now, it's -- like I said, it's
11 primarily working families. They're gone. Their kids are
12 in school. But it's not like that on the weekends and the
13 evenings. It's very, very congested.

14 I think that's it. Once again, I'm not opposed to
15 construction but I'm just -- or development but just to the
16 number of units is just wild if you think about the increase
17 in the density. Thank you.

18 HEARINGS OFFICER: So the next speaker is Steven
19 Kapela. Please state your name for the record.

20 MR. KAPELA: My name is Steven Alan Kapela. I live
21 on the next street and the view plain will be completely
22 blocking what I see out my window.

23 I'm mainly here because all the paperwork I have --
24 I do not get the paper. I was sent a letter stating that
25 this meeting was to be held -- which I'm holding up here,

1 which I will show you and make obvious. We have many people
2 in our building that were planning to be here at 10:30 p.m.
3 which is what this letter says. I've had to make numerous
4 phone calls on the way here. This is an absolute travesty
5 of transparency of government.

6 And another letter should have been sent out to
7 notify the rest of us because this right here -- I talked to
8 Brooks Baehr. He was going to have coverage tonight on the
9 air for Channel 4 News for this meeting because it said it
10 was going to be at 10:30 p.m. He contacted me and told me
11 that the meeting was rescheduled. No one let me know. I do
12 not receive the newspaper as many people do not receive the
13 newspaper anymore because of the internet.

14 I just got this call five minutes ago in the middle
15 of trying to take care of my sick wife and I had to leave to
16 make sure that it is known that another meeting needs to be
17 held in a proper time to allow those who want to testify
18 because almost 24 people in my building were planning to be
19 here tonight and there are many others. Another person who
20 owns many of the properties on that street -- Mr. Eric
21 Jayaram owns many properties on that street. He was
22 planning to be here.

23 I don't think due process is being followed because
24 of non-notification of people for this. So I believe this
25 meeting should be moot and not have any bearing on any

1 decision at this time. I'm going to bring it up to my
2 councilman and the Mayor because this process -- due process
3 was not followed. I should have received another letter. I
4 get mail. But putting an ad in the newspaper does not
5 constitute due process, okay? So as far as I'm concerned,
6 that is not proper.

7 I know -- I'm a builder. I'm not against building.
8 Like her, I build -- I build things for a living, too, and
9 people have to make a living. But having a meeting that
10 gets switched from a crazy time -- I thought it was -- I
11 thought this was a travesty being --

12 MR. TAGAWA: You didn't try to call?

13 MR. KAPELA: Well, why would I try to call? Why
14 would I try to call? I just thought it was -- I thought it
15 was BS -- BS government, non-transparency is what I thought.
16 That's why I had -- I'm personal friends with many news
17 people and they were going, "What is going on?" I can show
18 you Brooks' text right here. He's the news director for
19 Channel 4 News.

20 And I think we need to reschedule and have it at a
21 transparent time because this is not the forum that was
22 intended. And I will go to the ends of the earth to make
23 sure that no decision is made from this testimony because it
24 is not the testimony that was intended. The people who --
25 everyone I know did not -- many of them don't read the

1 paper. It wasn't properly -- putting an ad in the paper
2 isn't like a completion of contract. You know, that's a
3 different deal.

4 So the problem is, my view plain is going to be
5 completely compromised. The infrastructure for the street
6 -- I've just done work on that street, on a couple of units
7 as a general contractor there. Just trying to work on the
8 street helping to renovate some of the duplexes on the
9 street have -- it was a nightmare just trying to park our --
10 you know, few construction guys. There's nowhere to park
11 just to build it. Where are these guys going to park when
12 they build and how high are they going to make it? Are they
13 going for a variance in elevation, you know, next to the
14 swamp? We don't know. What is -- what are the plans? You
15 know, there's many things that happen. We get these
16 illustrations of what's going to happen but then when it
17 gets built, oh, they go for a variance or a zoning variance.

18 We need to have a meeting where we have input. So
19 I move that we reschedule this meeting. I don't think this
20 is the proper forum. Thank you. And if you want to see a
21 copy of this, it's right here.

22 HEARINGS OFFICER: Would anyone else like to
23 testify?

24 If not, Steve, do you have any questions for the
25 applicant?

1 MR. TAGAWA: No. Maybe just as a point of
2 clarification as far as whether they're intending to get a
3 variance or not, the area is zoned A-2 Medium Density
4 Apartment which is, you know, kind of contrary to a lot of
5 the existing development so that change, obviously, will be
6 something noticeable. The proposal is to meet the code
7 requirement as for height and then the parking requirement
8 is also on site. They intend to meet the requirement so
9 they do not anticipate going beyond the zoning code.

10 Now, this is a hearing for the Special Management
11 Area which is an environmental protection ordinance separate
12 from the zoning code so I just wanted to clarify that.

13 HEARINGS OFFICER: Would the applicant wish to
14 address any of the comments or concerns of the testifiers?

15 MR. SICTHER: No comments.

16 HEARINGS OFFICER: So based on the public notice
17 having the wrong time, I'm going to recommend that we not
18 close the public hearing now and that we continue it. So we
19 will have to schedule -- I will need to check how our rules
20 and regulations tell us to do this type of thing. If I
21 understand correctly, if I keep the hearing open, we can
22 schedule another. We'll send out notices again for the next
23 hearing.

24 My sense is that that will have to be at least 21
25 days out for purposes of scheduling the meeting and making

1 sure that all the proper notifications take place. However,
2 I don't know that for a fact so I will have to go back and
3 check the DPP rules of practice and procedure.

4 So we're going to keep this hearing open. Again,
5 you can provide more testimony, written, and I think that's
6 where we're going to leave it today.

7 MR. SICHTER: I have a question. If you could
8 include the applicant in the mail-outs?

9 HEARINGS OFFICER: Absolutely. Yes.

10 MR. SICHTER: Of whatever the decision is and
11 whenever the new meeting date is.

12 HEARINGS OFFICER: Sure. The question is whether
13 we can keep the applicant notified of all these new hearing
14 times and, of course, we will be in touch with you both by
15 phone and by mail.

16 MR. SICHTER: Thank you.

17 HEARINGS OFFICER: And if anybody here today wishes
18 to -- you'll receive a hearing notice. If you are not
19 within the 300-foot boundary that got the first
20 notification, let me know so that we can make sure you get a
21 notification as well.

22 All right. Then I think we're done for today.

23 (Whereupon, on August 10, 2016, the hearing was
24 continued.)

25 /

1 (AUGUST 30, 2016)

2 HEARINGS OFFICER: Good morning. My name is
3 Elizabeth Krueger. I'm the hearings officer for today's
4 matter. It is 10:31 a.m. and we are in the Kailua District
5 Park gym.

6 Today we are continuing a public hearing in
7 accordance with Revised Ordinances of Honolulu, Chapter 25,
8 related to the Special Management Area; and Hawaii Revised
9 Statutes, Chapter 205A, relating to Coastal Zone Management.

10 The purpose of today's public hearing is to hear
11 testimony on an application for an SMA Major Permit, File
12 No. 2016/SMA-37.

13 We had this public hearing on August 10 -- this
14 public hearing, I should say, began on August 10, 2016 at
15 10:30 a.m. Some of the public notices for that public
16 hearing had the wrong time. So we continued the public
17 hearing and sent out another whole set of public hearing
18 notices and we are continuing it today.

19 We're going to follow the exact same procedure that
20 we did on August 10th so that anybody who was not here on
21 that date gets to hear the entire presentation.

22 The SMA use permit request is to allow the
23 construction of a four-story, 42-unit apartment building,
24 parking lot and landscaping on a vacant 24,593-square-foot
25 site bordering the Kawai Nui Marsh within the Special

1 Management Area.

2 I'm going to talk a little bit about what is
3 required in Chapter 25, the Special Management Area. All
4 development in the SMA shall be subject to reasonable terms
5 and conditions to ensure that, one, there's adequate access
6 to publicly owned or used beaches, recreation areas and
7 natural reserves; two, that provisions are made for solid
8 and liquid waste treatment, disposition and management; and,
9 three, that alterations to land forms and vegetation and
10 construction of structures minimizes adverse effects to the
11 SMA resources and causes minimal potential danger relevant
12 to natural disasters.

13 No development in the SMA shall be approved unless
14 it is found that it will not have a substantial adverse
15 environmental or ecological effect. Development must be
16 consistent with the Coastal Zone Management objectives, the
17 General Plan, development plans and zoning.

18 Lastly, the City Council shall seek to minimize,
19 where reasonable, the alteration of any natural shoreline,
20 any development which would reduce the size of any beach or
21 public recreation area, any development which would reduce
22 or risk public access to shoreline resources, any
23 development which would substantially interfere with the
24 line of sight toward the sea from the state highway, and any
25 development which would adversely affect water quality,

1 fishing grounds, wildlife habitats or agricultural uses. So
2 that's what that law is all about.

3 Now, to talk about today's public hearing. No
4 decision is being made here today. The purpose of the
5 public hearing is to take testimony from the public so that
6 you can have input into the director's report and
7 recommendation -- the director of the Department of Planning
8 and Permitting -- as well as the City Council's decision
9 making when they receive the report and recommendation. You
10 will have an opportunity to continue to provide testimony
11 when the application goes to City Council for the actual
12 decision making. Once we close this public hearing, the
13 department will have 20 working days to transmit its report
14 and recommendation to City Council.

15 All testimony received today will be part of the
16 record and will be reflected in our report and attached to
17 our report and recommendation along with a full written
18 transcript of this hearing, including the August 10th
19 hearing, so that City Council can consider what was heard
20 today.

21 If you have further comments following the public
22 hearing, you can submit them directly to City Council or you
23 can submit written testimony to our department. If you
24 would like to submit it to us, please do so by Wednesday,
25 September 7, 2016. And you're also encouraged to contact

1 the City Clerk if you would like to know about the hearings
2 at the City Council.

3 And now for today's hearing, the planner, Steven
4 Tagawa, will present the basic facts behind the request,
5 then the applicant will present the project in greater
6 detail. Then we will take public testimony. Each person
7 will be given one opportunity to speak. At the end of the
8 testimony period, DPP staff -- so, again, Steve -- will have
9 an opportunity to ask questions of the applicant about the
10 proposal and the applicant will have one opportunity to
11 address any comments or concerns heard today. There will
12 not be a discussion or a question-and-answer period as the
13 public testimony portion of the hearing will have concluded
14 at that time.

15 Now Steve will present the basic facts of the
16 project.

17 MR. TAGAWA: Thank you. The currently vacant site
18 is entirely within the Special Management Area which extends
19 mauka covering all of Kawai Nui Marsh up to Kapaa Quarry
20 Road. The site is part of the Coconut Grove Tract of Kailua
21 and is zoned A-2 Medium Density Apartment District.
22 The site borders the makai side of the marsh which is
23 bordered by a flood protection levee and the river, I
24 believe, is the Hamakua Stream.

25 The project will involve four stories. The ground

1 level will be parking, including 58 at-grade parking spaces
2 with five visitor spaces and two ADA accessible spaces.
3 There will be 14 units per floor. They will be one-bedroom
4 apartment units. The development will also include
5 landscaping and a required private park area. The project
6 is estimated to cost \$8 million and is anticipated to take a
7 year to complete once construction begins.

8 That's it. I'll let Lee elaborate on any other
9 details.

10 HEARINGS OFFICER: So now the applicant will
11 present the project.

12 Please state your name for the record.

13 MR. SICHTER: Thank you. Good morning. My name is
14 Lee Sicther. I'm the agent for the applicant. Thank you
15 for the presentation. I think you've covered all the bases.

16 We prepared an environmental assessment as required
17 by law and that environmental assessment was approved by the
18 department. It is available online at the OEQC website for
19 anybody to review. That lays out all of the details on the
20 project. I really don't have anything to add. I think your
21 presentation was comprehensive.

22 SPEAKER: Will we be allowed to ask questions?

23 HEARINGS OFFICER: This is the point for public
24 testimony. So you can tell us what you want the department
25 to know. It's not a question-and-answer period. The agent

1 will be here when the public hearing closes. You're welcome
2 to sign up to testify and say what you would like the
3 director to know, the City Council to know as they're making
4 their decision.

5 So it looks like we have a couple of people signing
6 up.

7 SPEAKER: So there's no questions allowed right
8 now?

9 HEARINGS OFFICER: Not right now, no. You may sign
10 up to testify.

11 SPEAKER: I don't want to testify.

12 HEARINGS OFFICER: Well, whatever questions you
13 have would be appropriate after the public hearing has
14 closed. The public hearing is for us to collect testimony
15 and this portion is a hearing. It is specifically for
16 collecting testimony about this project.

17 MS. NICHOLAS: Hi, my name is Robbi Nicholas. I
18 live on Kihapai Street, about a block from the location that
19 they're discussing.

20 My concerns are the amount of traffic and the
21 amount of children that live in that area. Emergency
22 vehicles getting through to Kihapai Street is very
23 difficult. The road is very narrow. We have police and
24 ambulances and fire trucks in that area all the time. And I
25 find that there would be a lot of necessary changes in the

1 road design and then changes or additions -- I'm not sure
2 what has been planned for this -- for sewer, water, et
3 cetera.

4 My other concern is that it is so close to the
5 marsh which is a protected area that runoff from that
6 project could affect the environmental -- have an
7 environmental impact on that area. And it should be
8 preserved for the native species that live in that area.
9 That's all I have.

10 HEARINGS OFFICER: Thank you.

11 The next testifier is Mary Jo Morrow.

12 MS. MORROW: Good morning. My name is Mary Jo
13 Morrow. I've lived here for about a hundred years across
14 the street. Everybody knows me. I also have the same
15 concern and I was trying to refer to a meeting that went on
16 about three years ago where Castle, the young Castle -- the
17 dad is dead. But the young Castle is trying to build on the
18 Kawai Nui swamp also. And I agree, this is a sacred area.
19 It has a lot to do with how we get our water, how our oceans
20 are clean or not clean. It's like when we empty Kaelepulu
21 Stream into the ocean. This will be a horrible disaster on
22 our wildlife and possibly on flooding. You have to think
23 about that. That area is very close to a neighborhood and
24 it has flooded before. We had a terrible flood I believe in
25 late '90s around New Years.

1 MR. TAGAWA: Eighty-eight.

2 MS. MORROW: Eighty-eight. Thank you.

3 And that area was inundated with water. So there's
4 a lot of stuff that needs to be looked into. And as I said
5 before, Castle and Le Jardin Schools are looking into also
6 building on the perimeter of the marsh.

7 HEARINGS OFFICER: Thank you.

8 The next testifier is Kristine Pfannenstiel.

9 MS. PFANNENSTIEL: Thank you. I have some two
10 quick concerns. One is the road is not wide enough to take
11 more than one car in and out. And I'm just thinking now
12 when we have the backup of traffic already during the
13 end-of-the-day hour and you can't get in and out on that
14 road without moving over. You'd have to eliminate a whole
15 bunch of street parking. And that is a major danger.

16 And I was wondering, too -- I don't know. This is
17 probably a little early to determine, but I was wondering
18 about if there was any possibility of post-development
19 construction along the marsh edge, like if somebody wanted
20 to do -- put in like a recreation thing there. Like if they
21 wanted to take boats out, et cetera. And I think I might be
22 opposed to something like that because it would only
23 introduce development of more shoreline in that marsh area.

24 But a lot of it is the access in and out. The
25 streets just aren't wide enough and it's a lot of traffic

1 right in that area as the work's letting out.

2 That's it. Thank you.

3 HEARINGS OFFICER: Thank you.

4 The next person signed up is Maria Langsched.

5 MS. LANGSCHED: I have some concerns. Pretty much
6 I want the marsh to be protected and stay protected. We
7 live there. I am not sure why it is allowed to build so
8 close to the marsh. When I purchased my property -- I have
9 the two houses built which are -- first one-story buildings.
10 Also on the next street, Wailepo Place, and it was told to
11 me that no other two-story building or three-story building
12 is allowed to be built so close to the marsh. And now
13 suddenly there is a four-story building allowed to be built
14 right on the marsh. Since when did this change?

15 So why was it different eight or five years ago and
16 now suddenly you can build right next to the marsh. Isn't
17 there certain perimeters where that needs to be met or kept
18 in order to preserve our marsh? I mean this is something
19 that's been sacred in Hawaii for so many years and it's part
20 of our heritage and culture and now you can slap a
21 four-story building right next to it. I don't understand
22 why all this perimeters is changed. So that's one thing.

23 And the other thing is, yes, I agree with you
24 ladies. I live next street, Wailepo, and I see the cops all
25 the time. I see them. I hear them. We have ambulances

1 coming in and out. And this doesn't happen once or twice a
2 week. It happens three, four times a week that something is
3 going on. And by having another 42 units, let's say
4 multiplied by two, this is 84 people in addition. We cannot
5 withhold -- we cannot sustain this development on this road.
6 It's just -- either have to be -- another access needs to be
7 made and then, again, the Kawai Nui Marsh will suffer.

8 HEARINGS OFFICER: Thank you.

9 I believe that's the last of our signed-up
10 testifiers. Would anyone else like to testify?

11 SPEAKER: Can I just say something else?

12 HEARINGS OFFICER: No, I'm sorry. You've had your
13 opportunity.

14 So if there are no more testifiers, Steve, do you
15 have any questions for the applicant?

16 MR. TAGAWA: I don't know if Lee wants to speak to
17 any of those questions.

18 I can clarify that the area -- the zone for the
19 preservation area begins at the margin where this property
20 is. So it's not in the conservation district where it's
21 regulated more stringently. And Wailepo Street and I think
22 three lots back, they're all in the A-2 zoning district. I
23 can look it up and find out when that was done but I guess
24 it's been A-2 apartment zoned, you know, but I guess people
25 haven't maximized on that. Because on a small lot the A-2

1 is very kind of constricting. You need a bigger lot to
2 really fully realize it so that whole area, the entitlement,
3 you know, just because it was undeveloped and with a house,
4 the potential has been there for, you know, quite some time.
5 But, you know, it doesn't extend too much further but that
6 is at the boundary of the marsh. And so as far as flooding,
7 you know, they will have to adhere to the current evaluation
8 and for runoff and our engineering division will look at the
9 engineer's calculations for runoff and which way it's being
10 directed and the city has some new standards on runoff
11 control.

12 As far as parking, traffic, this is just the first
13 series on the environmental side from Chapter 25. The plan
14 will go to the traffic review branch. The environmental
15 assessment already went there but I'm not sure if they had
16 the time to look at the details. But it won't be ignored.
17 The traffic won't be ignored so --

18 SPEAKER: You weren't sure -- you started with
19 something you weren't sure about --

20 MR. TAGAWA: About when it was zoned A-2. But it's
21 been there for quite some time so, you know, it's Wailepo --
22 so, you know, I guess everyone along Wailepo has the
23 opportunity to utilize the A-2 zoning but the way the zoning
24 code works is if you have a small lot, you know, to hit the
25 F-A-R, you get a very small unit. You get a bigger F-A-R on

1 a small lot with a residential dwelling. So that's probably
2 why people haven't, you know, moved forward with apartments
3 per se because of the existing lot sizes.

4 SPEAKER: What did you say on the environmental
5 assessment?

6 HEARINGS OFFICER: I'm going to have to ask you to
7 not ask him questions.

8 MR. TAGAWA: Yeah, so the plans will go to the
9 engineering and traffic division. So the grading plan, as
10 far as how they're going to contour it, that gets reviewed
11 just like any other project and probably more closely
12 because it's at the margin of the marsh. But it's not in
13 the marsh proper so.

14 SPEAKER: Elizabeth, may I ask you a question just
15 for a minute?

16 HEARINGS OFFICER: No, you may not.

17 Now, would the applicant like to address any of the
18 questions or concerns?

19 MR. SICHTER: The applicant is quite aware of the
20 stated concerns about traffic. We early on checked with the
21 Kailua Police Department and discovered that if one looks
22 closely at Kihapai Place, one notes that there is an empty
23 sign pole on the right side of the road going towards the
24 marsh. And HPD informs us that that is -- there was a
25 no-parking sign there.

1 MR. TAGAWA: That somebody ripped it down?

2 MR. SICHTER: And someone has removed that sign
3 which is why there is so much parking on Kihapai. But
4 Kihapai is intended to be exactly like the cul-de-sac on the
5 next street which does not allow parking on it.

6 We were advised that HPD can't enforce a no-parking
7 rule if there's not a sign. But it's not HPD's
8 responsibility to replace the sign. That's the Department
9 of Transportation Services, another city agency. So the
10 reason that HPD is not enforcing the no parking on the
11 cul-de-sac is because the sign has been removed. We believe
12 that if no parking was actually enforced on the cul-de-sac,
13 then the line of sight would be greatly improved and the
14 traffic conditions would be greatly improved because of the
15 ease of turning in and out without being constrained or
16 obstructed by illegally parked vehicles.

17 As to the environment, we're very much concerned
18 about protecting the integrity of Kawai Nui Marsh. We
19 conducted a flora and fauna analysis and included that in
20 the environmental assessment. And I would encourage
21 everybody, again, to go to the Office of Environmental
22 Quality Control -- it's OEQC -- the website and the Kihapai
23 environmental assessment is on that website and you will see
24 that it included not only the flora and fauna analysis but
25 it also included a detailed grading plan for what the

1 developer intends to do with the property to ensure that
2 runoff into the marsh is minimized and to also ensure that
3 wildlife is protected.

4 Specifically what we recommend in the environmental
5 assessment is that a strip of vegetation be maintained along
6 the edge of Kawai Nui Stream which would act as a buffer.
7 The endangered birds that are associated with the marsh tend
8 to be very pedestrian oriented. They tend to walk around
9 and they will not walk through dense vegetation. We didn't
10 have any evidence that endangered birds are flying in and
11 then resting on a property or in the neighborhood. But we
12 are aware that if a large area of vegetation is -- strip of
13 vegetation is maintained, that will really help to control
14 impacts upon the marsh.

15 Just as a sideline I would say that there's been a
16 dialogue with the U.S. Fish and Wildlife Service and the
17 Fish and Wildlife Service raised some concerns about
18 wildlife and those concerns arise out of their experience on
19 Hamakua Drive across from the -- I think it's the Good Earth
20 Market by Safeway. When all that development went in, there
21 were no provisions that were made to separate that
22 development from the edge of the stream down at the bank and
23 subsequently what happens is that endangered birds walk up
24 the hill and walk into the parking lot. And Fish and
25 Wildlife Service agrees that if you maintain a thick strip

1 of vegetation, that really discourages birds from doing
2 that. So we believe that that's the proper mitigation in
3 order to ensure that we're not having an impact on wildlife
4 in the marsh.

5 The applicant is committed to implementing the low
6 impact development standards that were recently adopted by
7 the city last year. And those low impact development
8 standards have more rigorous controls for the drainage of
9 storm water and storm runoff. And the grading plan that's
10 included in the final environmental assessment takes that
11 into account and implements standards that are consistent
12 with the low impact development standards for the city.

13 HEARINGS OFFICER: Please state your name for the
14 record.

15 MR. WATERS: Chad Waters, the applicant.

16 I just wanted to say to anybody here, if you have
17 questions -- I know this isn't the appropriate forum -- but
18 if you want to do it right after, I'd be happy to stay and
19 answer any questions you guys have. Thanks.

20 MR. SICHTER: That's all I have. Thank you.

21 HEARINGS OFFICER: With no further questions, this
22 public hearing is closed.

23 (Whereupon, on August 30, 2016, the hearing was
24 adjourned.)

25 -o0o-

Respectfully submitted by:

Jeanne Sumida

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE KIHAPAI PLACE APARTMENT PROJECT

WHEREAS, the Department of Planning and Permitting (DPP) on June 16, 2016, accepted an application from Kihapai Hui LLC, herein referred to as the "Applicant," for a Special Management Area (SMA) Use Permit to construct a four-story, 42-unit apartment building, parking lot, and landscaping on a vacant 24,593-square-foot site located on land zoned A-2 Medium Density Apartment District, located in Kailua; identified by Tax Map Keys 4-3-58: 47, 48 and 65; Reference Number 2016/SMA-37;

WHEREAS, on August 10, 2016 and continued on August 30, 2016, the DPP held a Public Hearing which was attended by three representatives of the Applicant and four members of the public on August 10, and 10 members of the public on August 30; public testimony was offered by a total of eight members during the Public Hearings; and

WHEREAS, on September 28, 2016, 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 Council; and

WHEREAS, the City Council, having received the findings and recommendation of DPP on _____, and its meeting of _____, having duly considered all of the findings and reports on the matter, approved the subject applications for an SMA Use Permit with the conditions enumerated below; now, therefore,

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

- A. Construction of the Kihapai Place Apartments shall be in general conformity as described in the Report and Recommendation by the Director of the Department of Planning and Permitting (DPP), as depicted on Exhibits A through L, attached hereto. Any change in the size or nature of the Project which has a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, and Chapter 205-A HRS, shall require a new SMA Permit. Any change which does not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval by the Director of the DPP.



RESOLUTION

- B. Prior to the approval of any development permits for ground disturbance or construction, the Applicant shall provide the DPP with written confirmation of the review and approval by the State Historic Preservation Division (SHPD), of the Burial Treatment Plan and Archaeological Inventory Survey, including any plan for on-site archaeological monitoring.
- C. Prior to the start of any construction activities, the Applicant shall contact the U.S. Fish and Wildlife Service (USFWS) regarding appropriate best management practices pertaining to grading work, as well as any mitigation and operation measures. Prior to any site work, the Applicant shall conduct surveys to determine the presence and/or location of waterbird nesting areas within the property. Any observations of any threatened or endangered species in the Project area during site preparation and construction shall be reported to the USFWS.
- D. Prior to the issuance of building permits for the apartment building, the Applicant shall submit a final landscape plan which utilizes native plant species and non-invasive exotic species, for review and approval by the DPP, Land Use Permits Division.
- E. Exterior building materials, finishes, and colors shall be non-reflective and subdued in appearance. White and highly reflective materials, finishes, and colors shall not be permitted. Colors for all materials shall be appropriate natural or earth tones, and shall be labeled on the building permit plans for review and approval by the DPP, Land Use Permits Division.
- F. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates or directly projects across property boundaries toward the Kawainui Marsh and Stream or toward the sky, except as may otherwise be permitted pursuant to Section 205A-71(b), HRS.
- G. **The Applicant shall obtain a development permit for the proposed development within two years of the date of this permit.** Failure to obtain a development permit within this period shall render this permit null and void, provided that this period may be extended as follows: The Director of the 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.



RESOLUTION

- H. Approval of this SMA Permit does not constitute compliance with other Land Use Ordinance or 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.

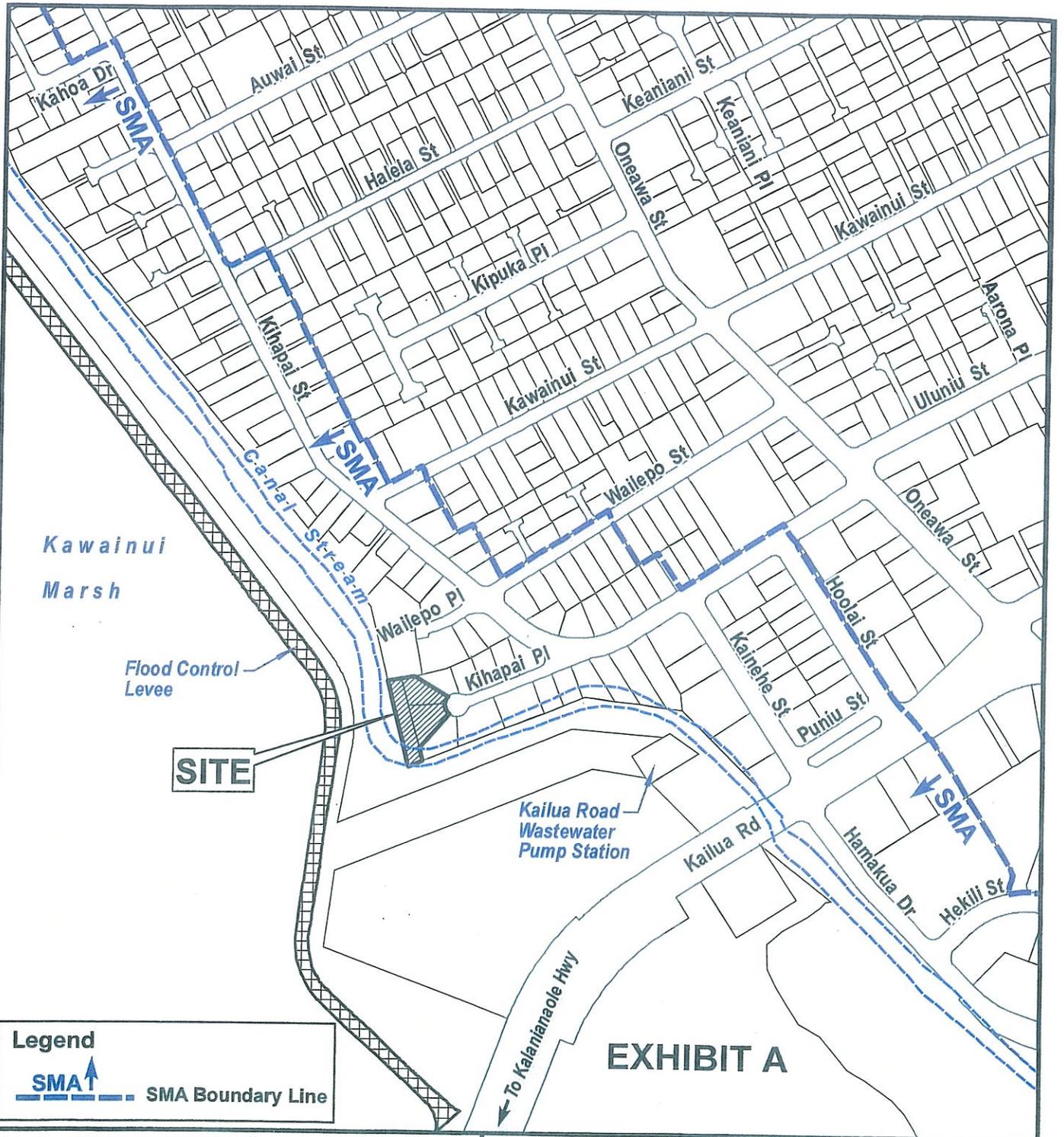
BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the City Clerk is hereby directed to transmit copies of this Resolution to Lee Sichter LLC, 45-024 Malulani Street, Unit 1, Kaneohe, Hawaii 96744; Kihapai Hui LLC, 1050 Bishop Street, Suite 303, Honolulu, Hawaii 96813; Arthur D. Challacombe, Acting Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Alan Downer, Administrator, State Historic Preservation Division, Department of Land and Natural Resources, 601 Kamokila Boulevard, Room 555, Kapolei, Hawaii 96707; Sam Lemmo, Administrator, Office of Conservation and Coastal Lands, Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809.

INTRODUCED BY:

DATE OF INTRODUCTION:

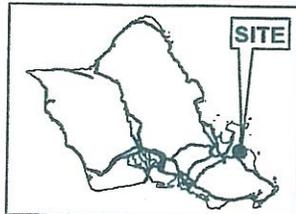
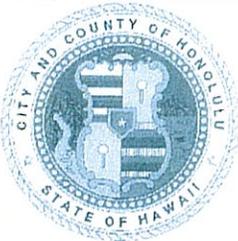
Honolulu, Hawaii

Councilmembers

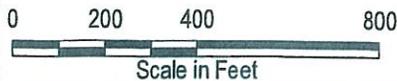


Legend

SMA Boundary Line



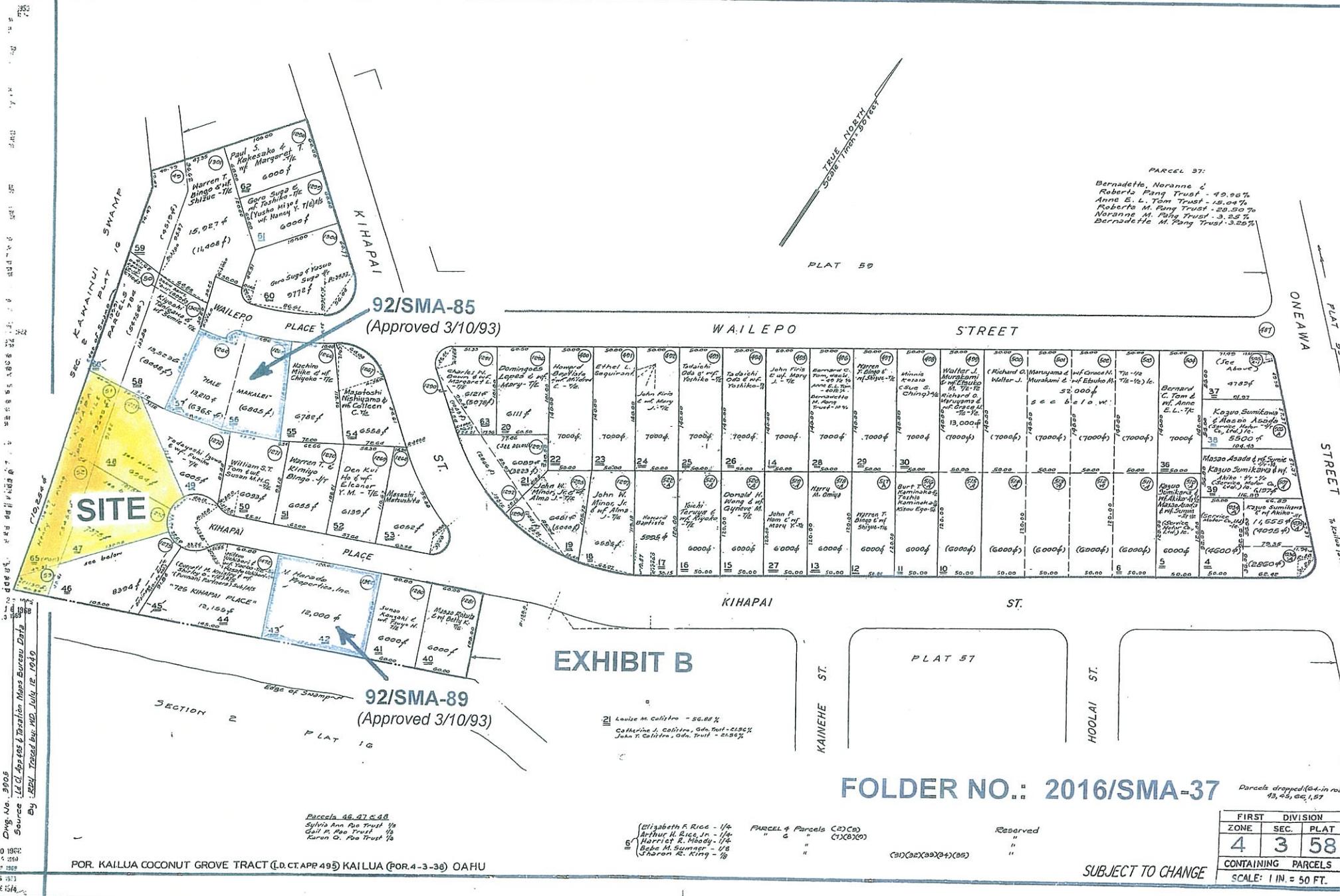
VICINITY MAP



LOCATION MAP KAILUA

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37



PARCEL 37:
Bernadette, Noranne &
Roberts Pang Trust - 49.96%
Anne E. L. Tom Trust - 15.04%
Roberts M. Pang Trust - 29.50%
Noranne M. Pang Trust - 3.25%
Bernadette M. Pang Trust - 3.25%

PLAT 59

92/SMA-85
(Approved 3/10/93)

WAILERO STREET

STREET

EXHIBIT B

92/SMA-89
(Approved 3/10/93)

FOLDER NO.: 2016/SMA-37

Parcels dropped (4-in road)
43, 45, 46, 1, 87

Div. No. 9905
 Source: L.C. App. 4 & Division Maps Bureau Data
 By: RPH, Traced by: MD, July 12, 1993

Parcels 46, 47, & 48
Sylvia Ann Roe Trust 1/2
Carl P. Roe Trust 1/2
Karen G. Roe Trust 1/2

12 Louise M. Colistro - 56.88%
Catherine J. Colistro, Guh. Part - 0.125%
John T. Colistro - Guh. Part - 0.125%

6 Elizabeth F. Rice - 1/4
Arthur W. Rice, Jr. - 1/4
Harriet R. Hoody - 1/4
Babe M. Sumner - 1/8
Harold G. King - 1/8

PARCEL & PARCELS (C)(C)
(1)(8)(20)

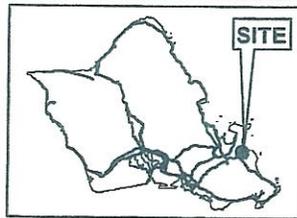
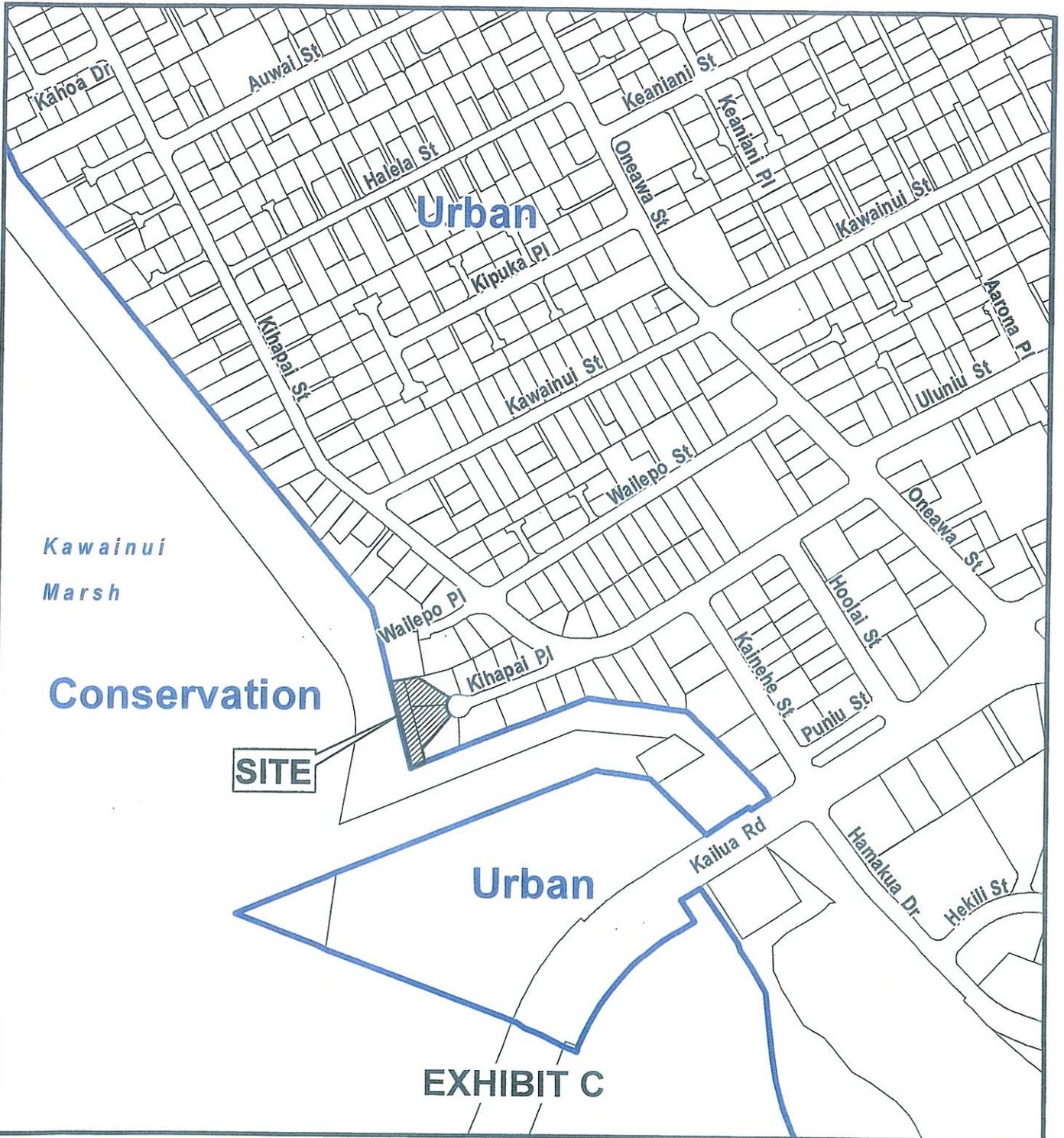
Reserved
" "
" "

(31)(32)(33)(34)(35)

POR. KAILUA COCONUT GROVE TRACT (L.D. CT. APP 495) KAILUA (POR. 4-3-38) OAHU

FIRST ZONE	DIVISION SEC.	PLAT
4	3	58
CONTAINING PARCELS		
SCALE: 1 IN. = 50 FT.		

SUBJECT TO CHANGE



VICINITY MAP

**PORTION OF
STATE LAND USE MAP
KAILUA**

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37



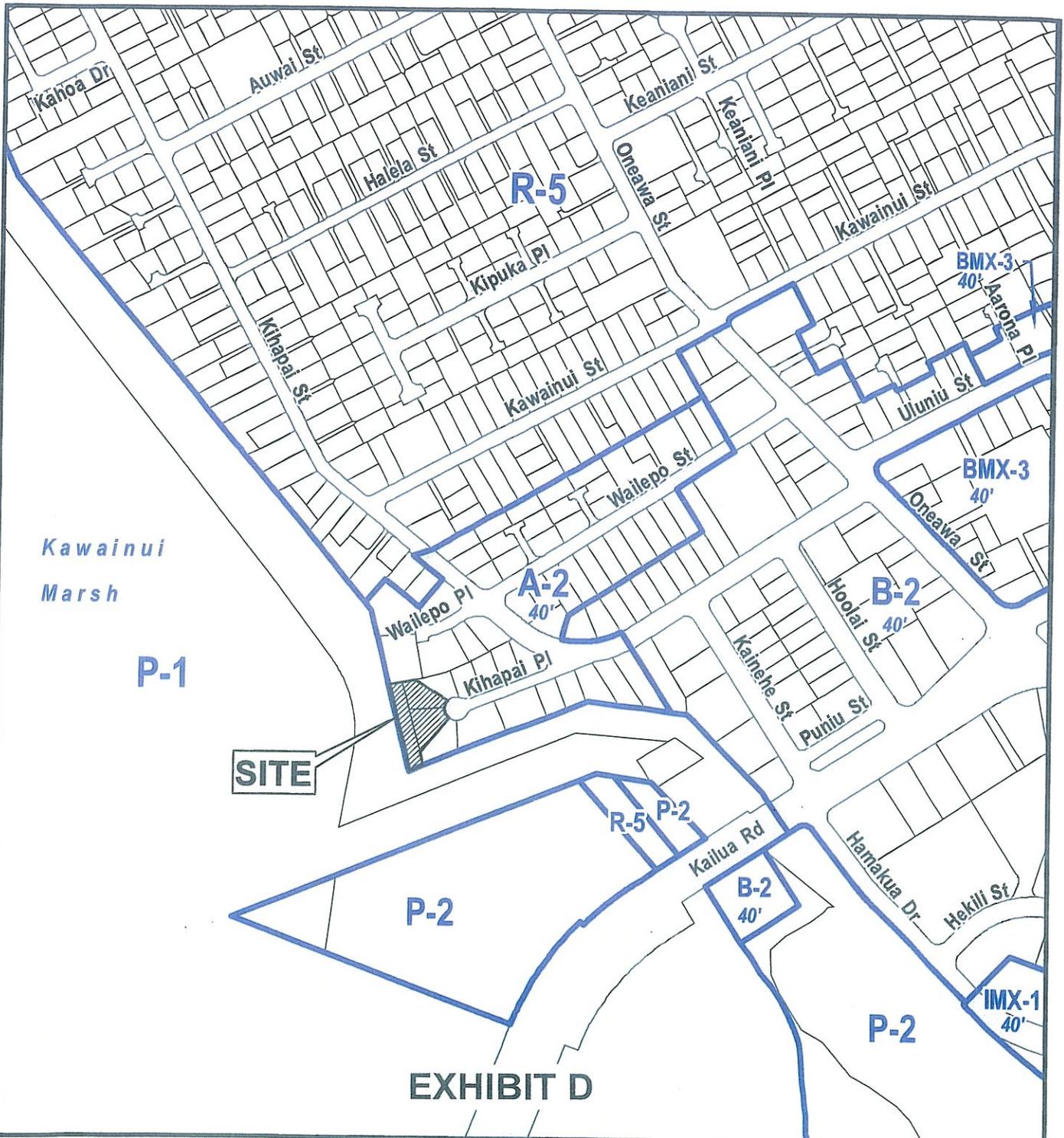
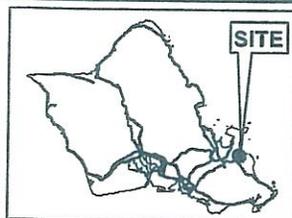


EXHIBIT D



VICINITY MAP



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

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37



Figure 8: Kihapai Place Apartments (Northeast Perspective)



SOUTHWEST PERSPECTIVE

EXHIBIT E

KIHAPAI



Figure 9: Southwest Roof Perspective (showing portion of rear yard)

FOLDER NO.: 2016/SMA-37

Source: City & County of Honolulu, HOLIS

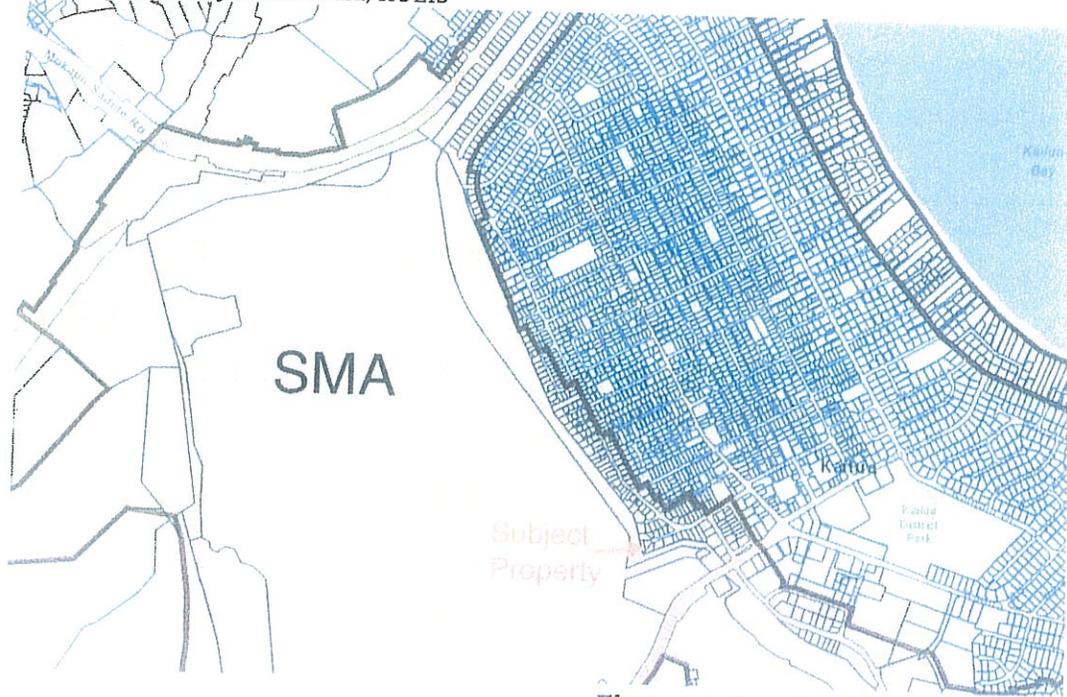


Figure 6: Special Management Area

EXHIBIT H



FOLDER NO.: 2016/SMA-37

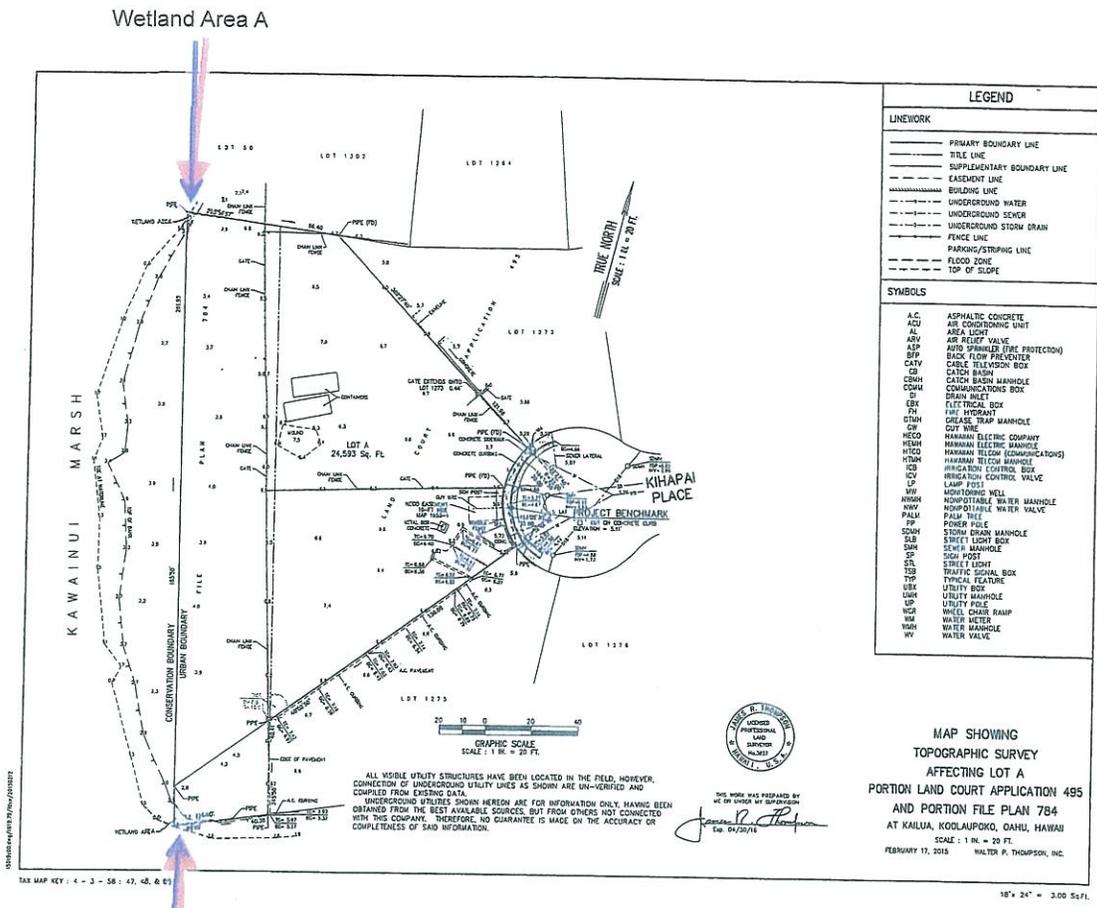


Figure 16: Wetland Areas on Subject Property

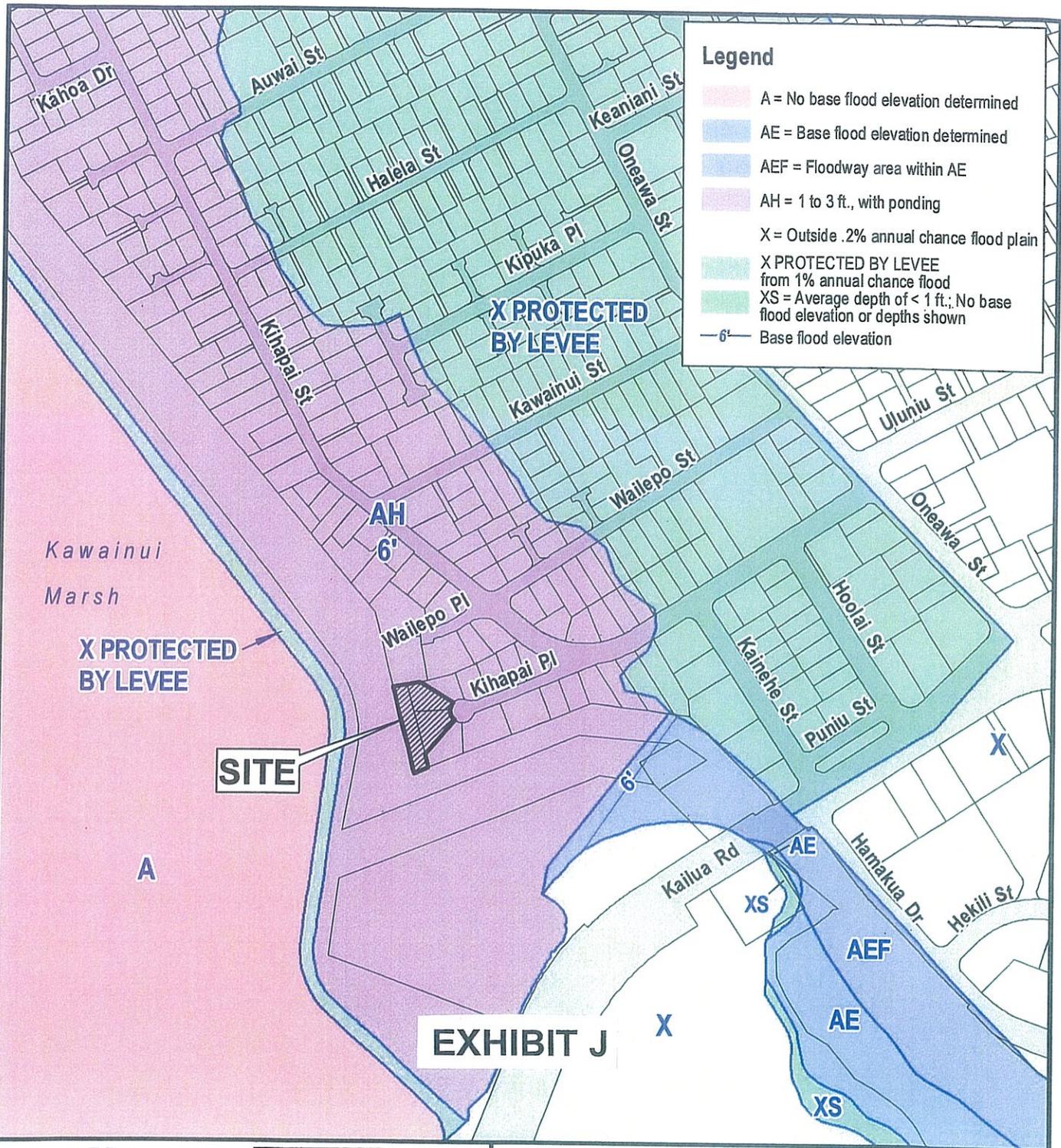
Source: US Fish & Wildlife Service National Wetlands Inventory



Figure 5: Open Space West of Subject Property

FOLDER NO.: 2016/SMA-37

2. Relationship of the Parcel to the SMA

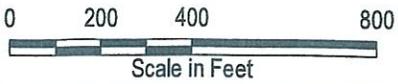
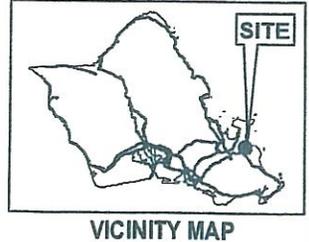
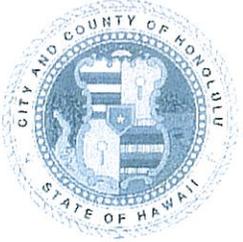


Legend

- A = No base flood elevation determined
- AE = Base flood elevation determined
- AEF = Floodway area within AE
- AH = 1 to 3 ft., with ponding
- X = Outside .2% annual chance flood plain
- X PROTECTED BY LEVEE from 1% annual chance flood
- XS = Average depth of < 1 ft.; No base flood elevation or depths shown
- 6' = Base flood elevation

SITE

EXHIBIT J

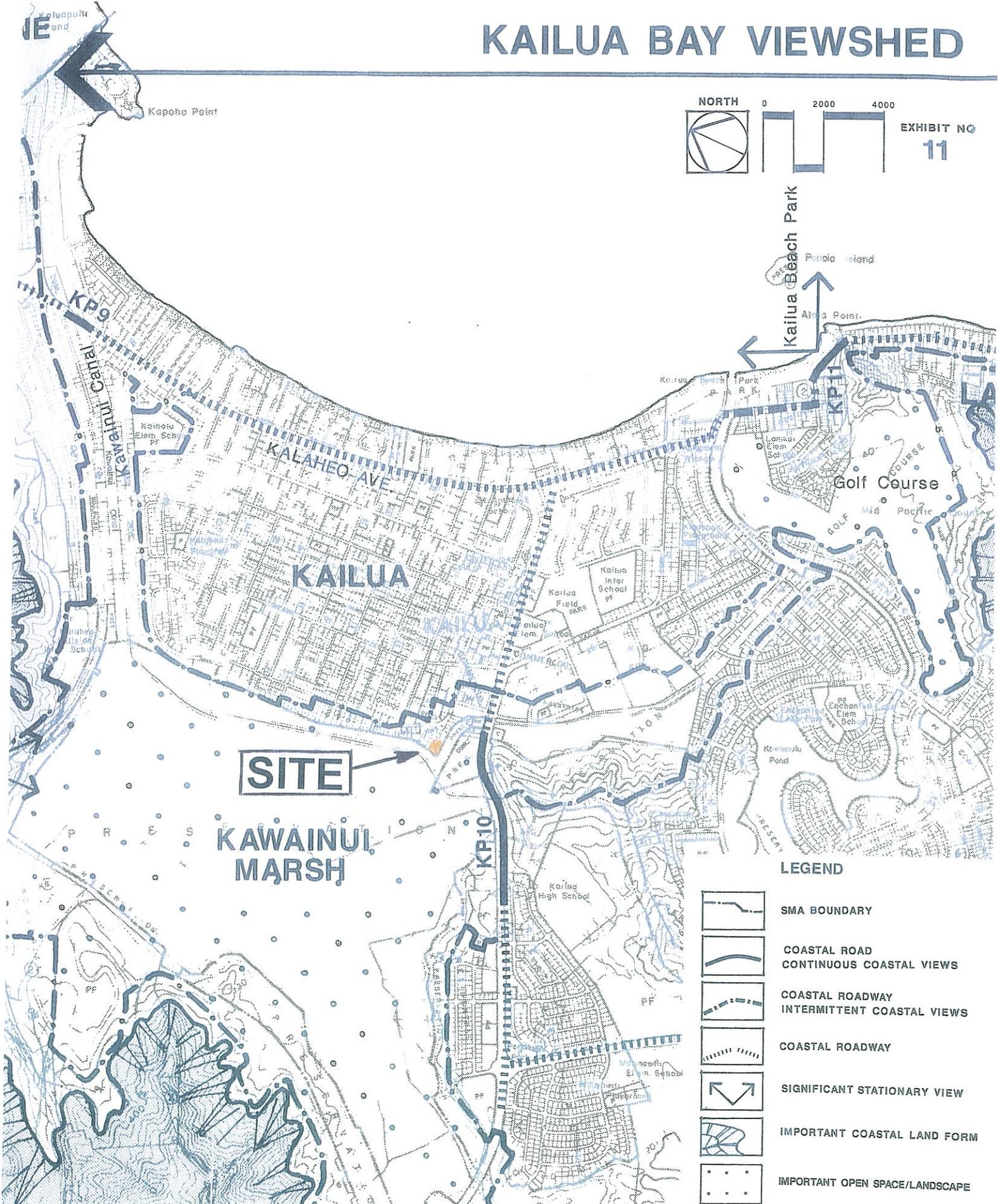


PORTION OF FLOOD MAP KAILUA

TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37

KAILUA BAY VIEWSHED



NORTH

0 2000 4000

EXHIBIT NO
11

SITE →

KAWAINUI MARSH

LEGEND

-  SMA BOUNDARY
-  COASTAL ROAD
CONTINUOUS COASTAL VIEWS
-  COASTAL ROADWAY
INTERMITTENT COASTAL VIEWS
-  COASTAL ROADWAY
-  SIGNIFICANT STATIONARY VIEW
-  IMPORTANT COASTAL LAND FORM
-  IMPORTANT OPEN SPACE/LANDSCAPE



EXHIBIT L

View of the project area from the nearby section of Kailua Road which was designated as a "Coastal Roadway" with Continuous Coastal Views.

(Department of Land Utilization, Coastal View Study, 1987).

FOLDER NO.: 2016/SMA-37