



**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.



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- 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.



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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:

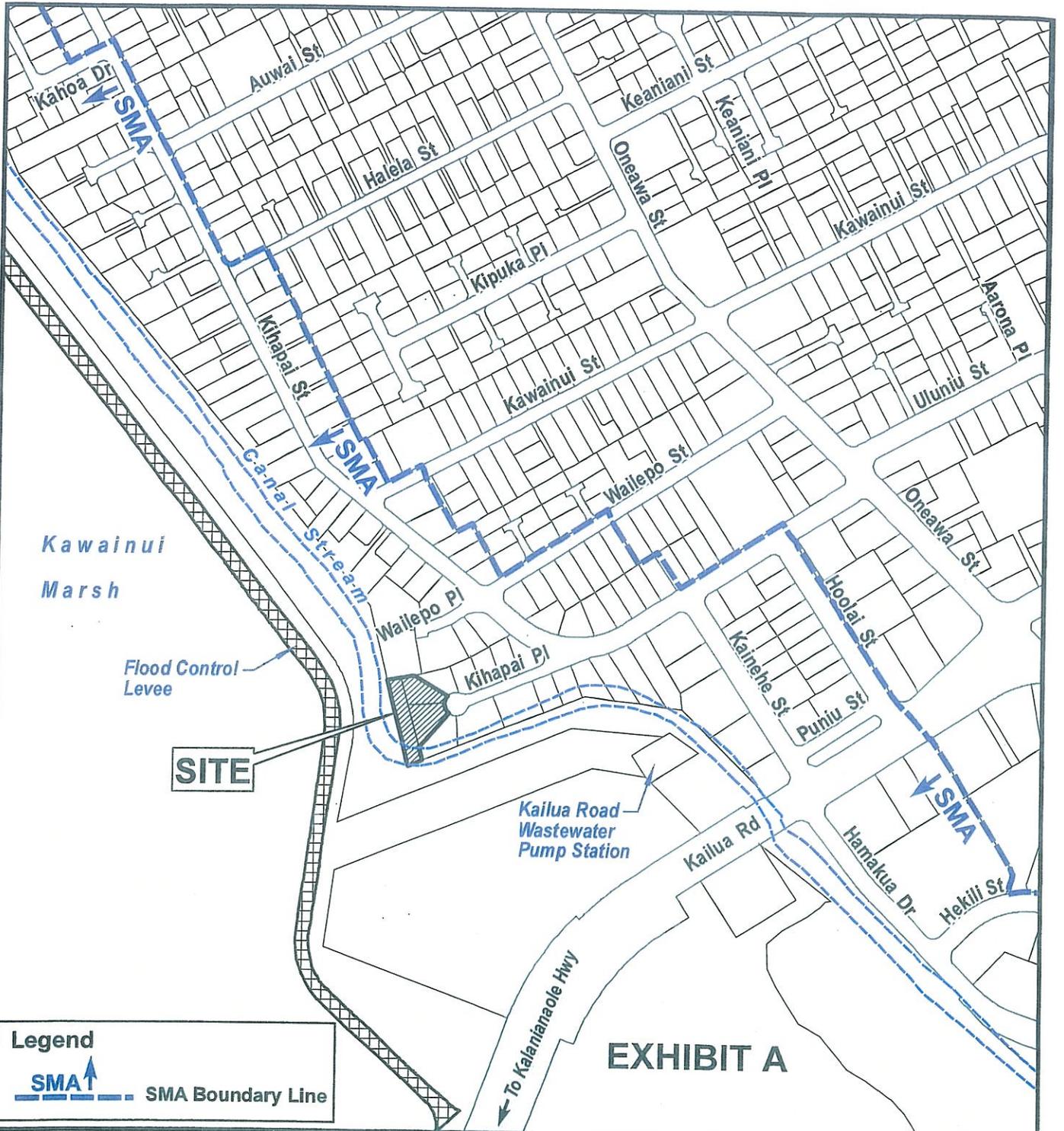
  
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DATE OF INTRODUCTION:

SEP 29 2016

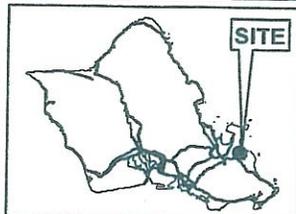
\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers



**Legend**

SMA Boundary Line



VICINITY MAP

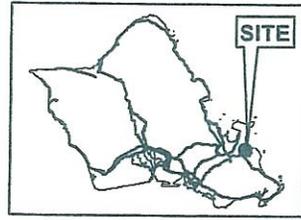
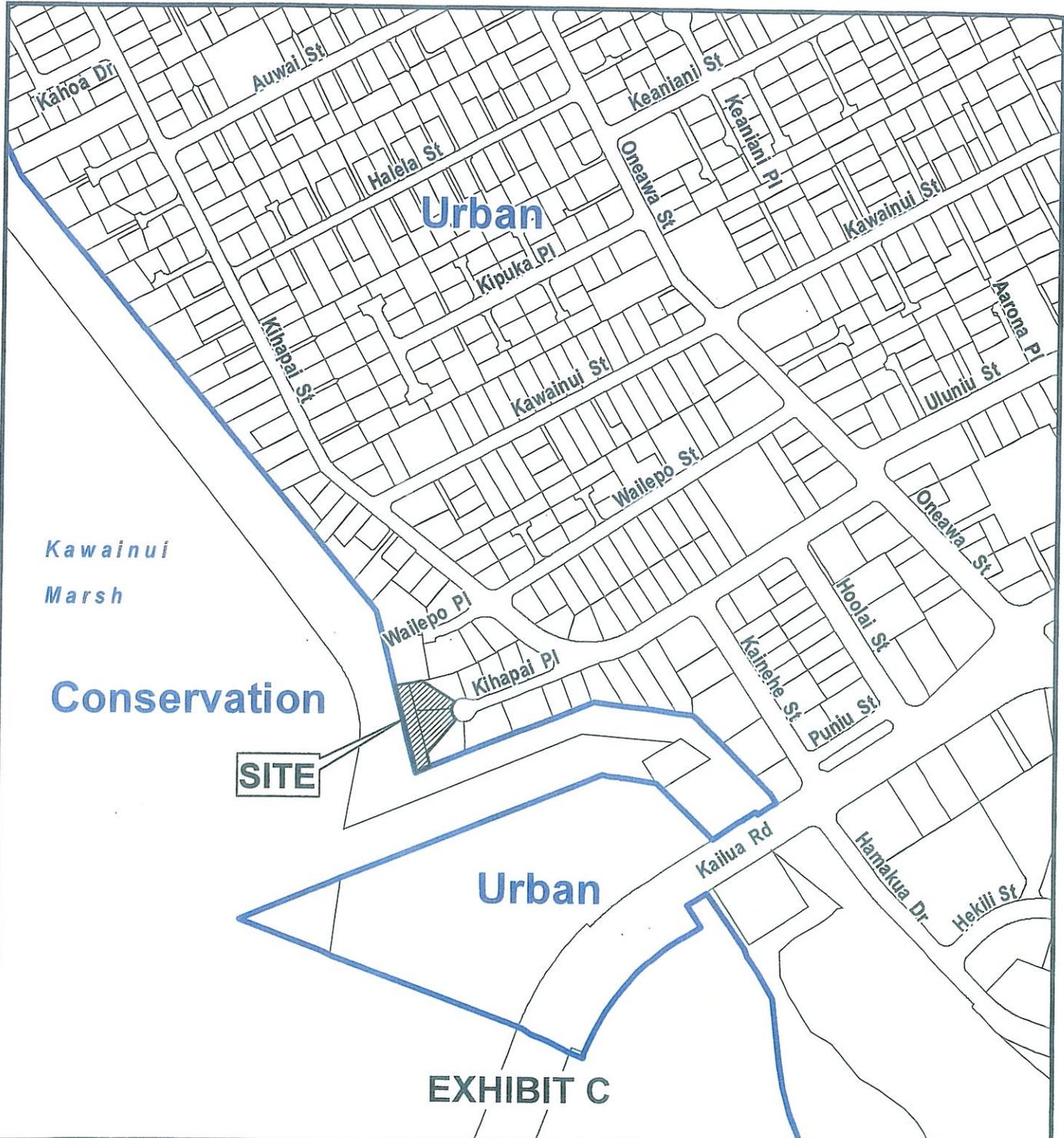


## LOCATION MAP KAILUA

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

FOLDER NO.: 2016/SMA-37





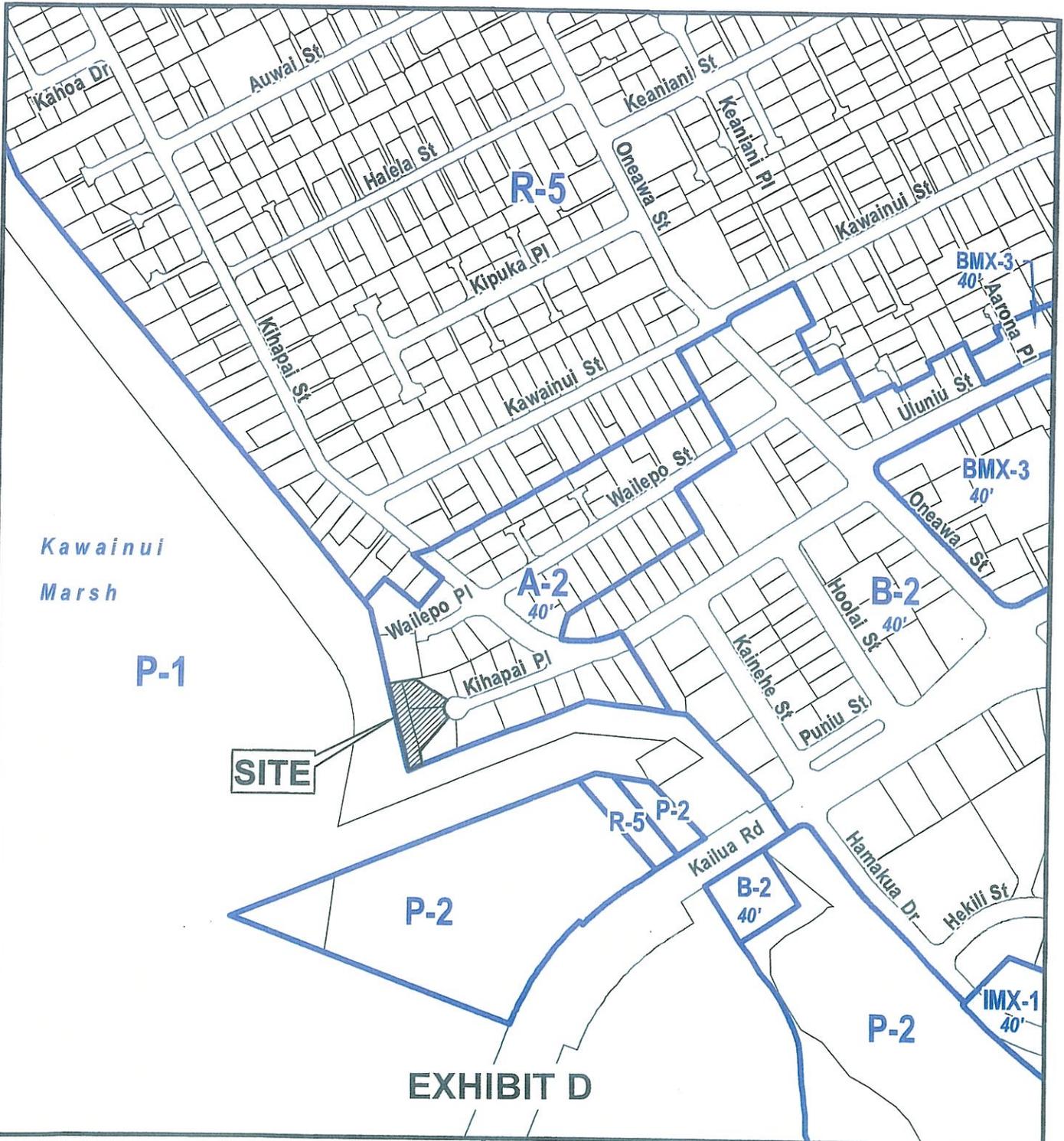
VICINITY MAP



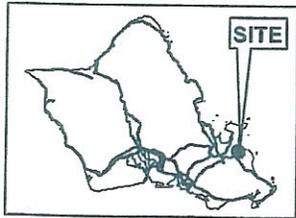
**PORTION OF  
STATE LAND USE MAP  
KAILUA**

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

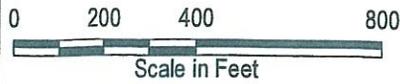
FOLDER NO.: 2016/SMA-37



**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**



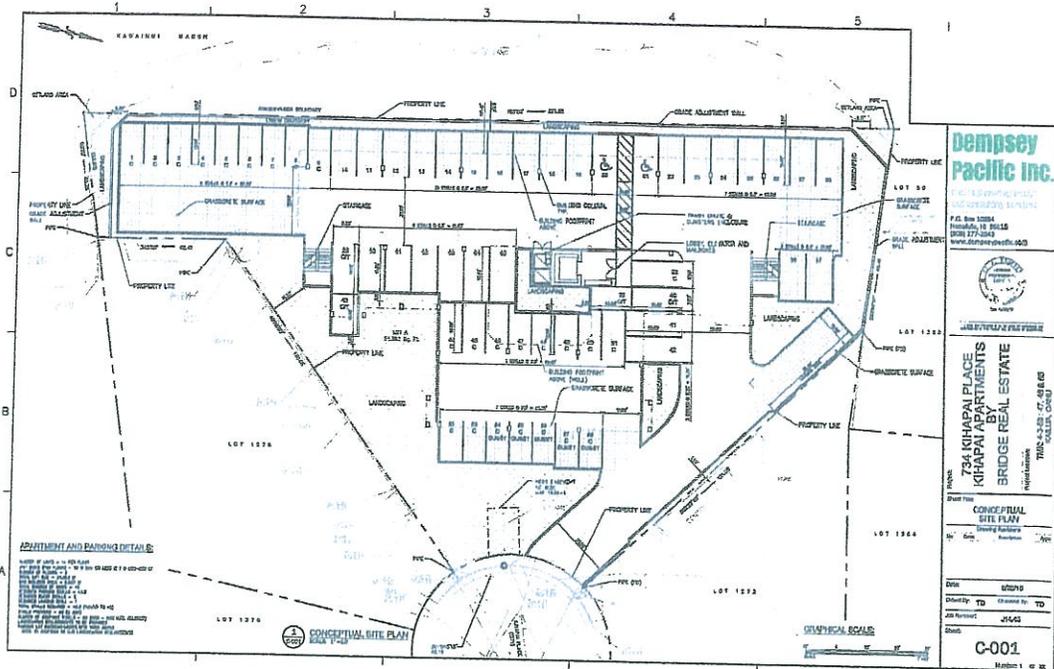


Figure 13: Parking Plan

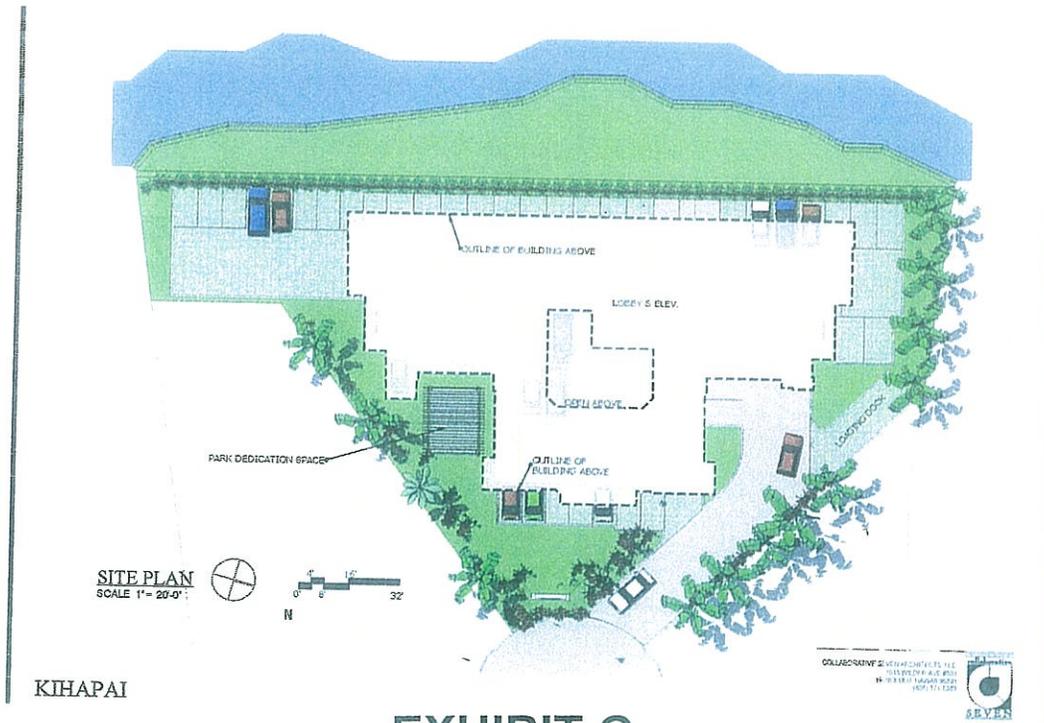


Figure 14: Landscape Plan

FOLDER NO.: 2016/SMA-37

Source: City & County of Honolulu, HOLIS

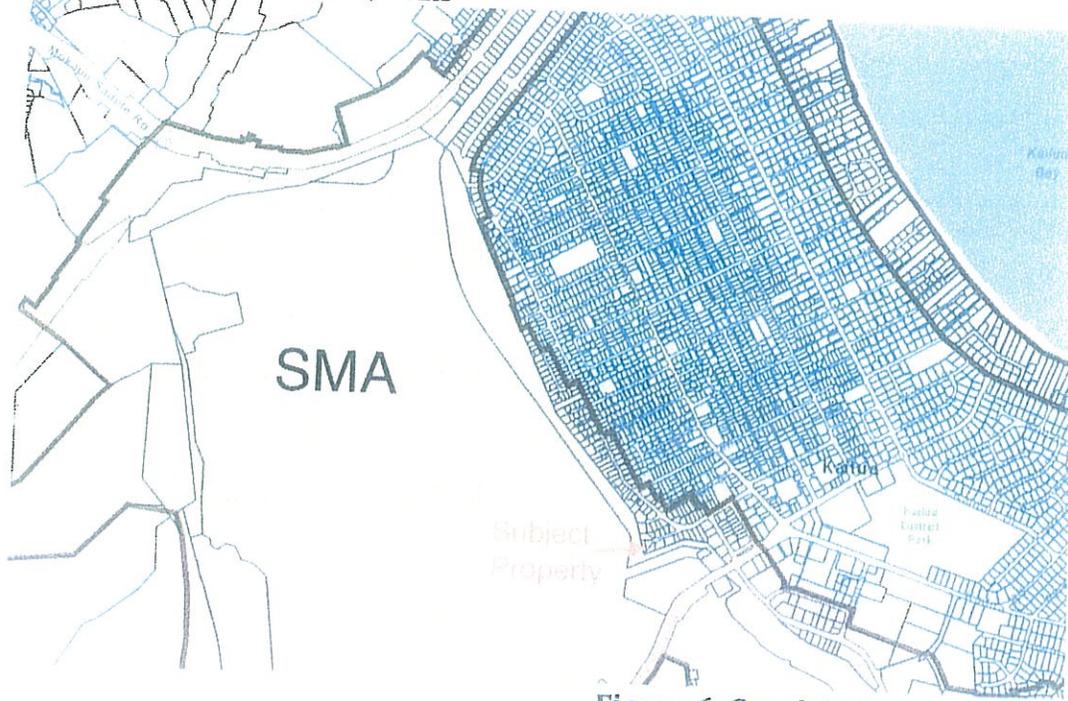


Figure 6: Special Management Area

## EXHIBIT H



FOLDER NO.: 2016/SMA-37

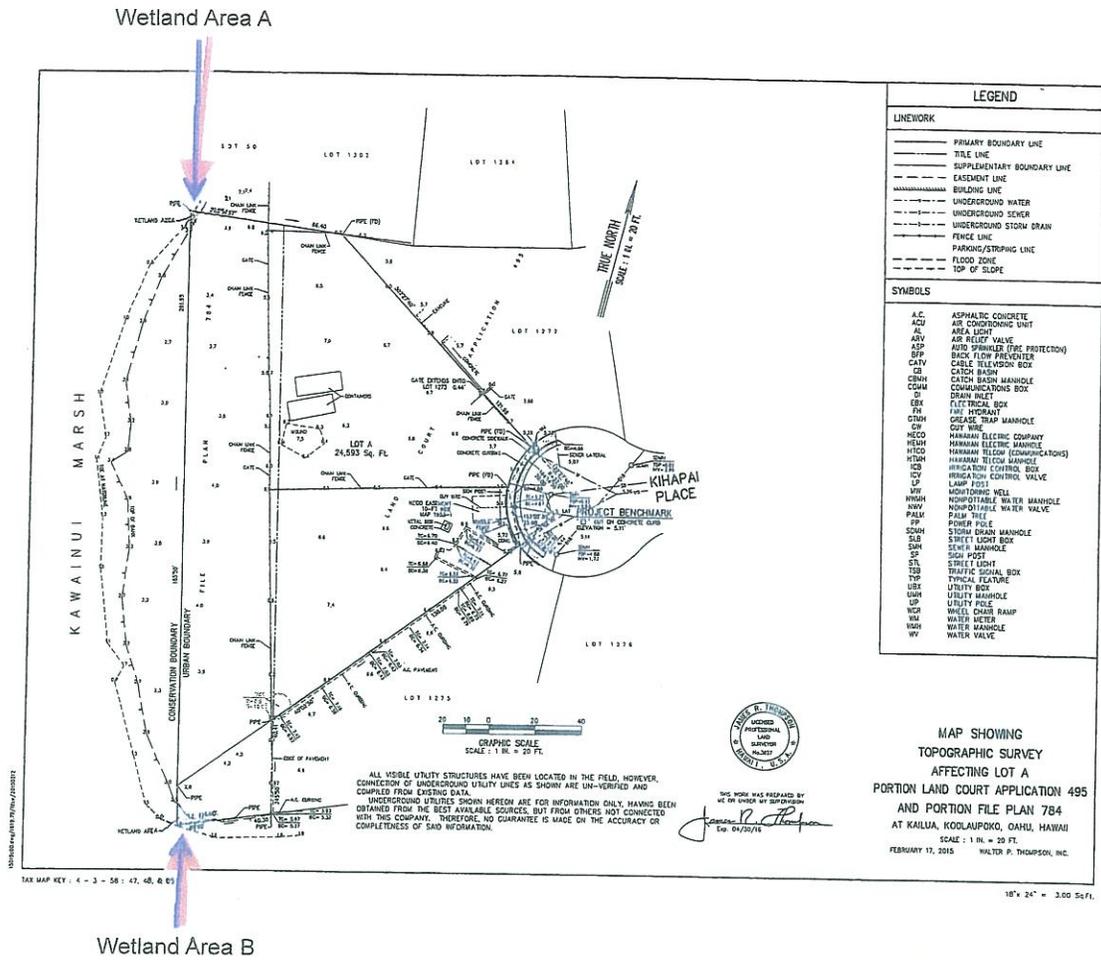


Figure 16: Wetland Areas on Subject Property

Source: US Fish & Wildlife Service National Wetlands Inventory

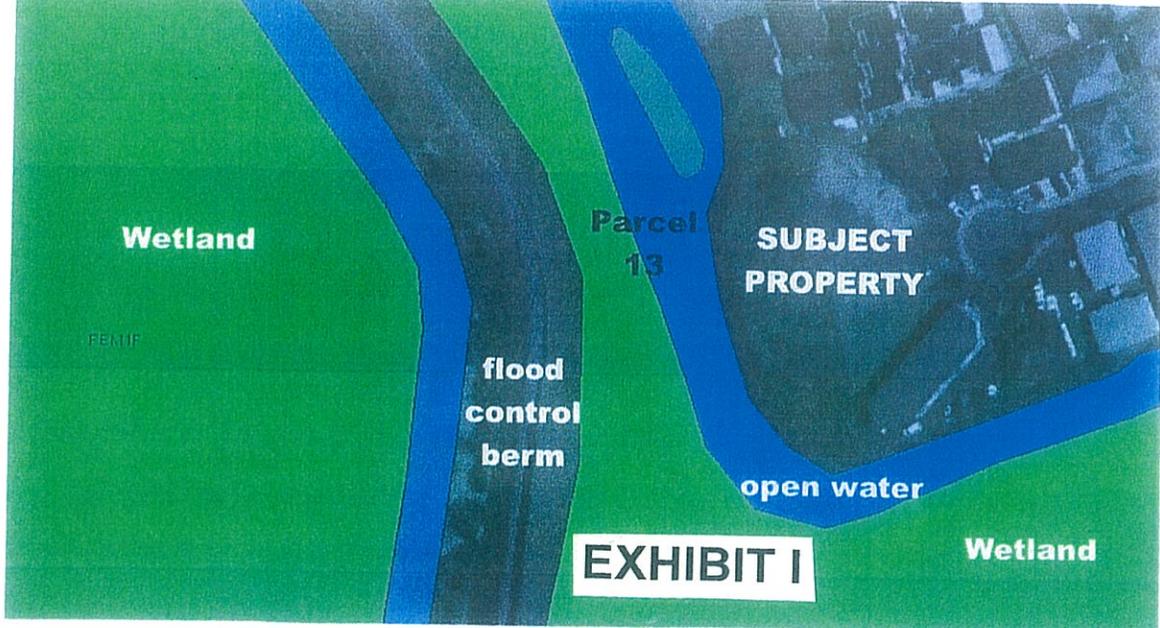
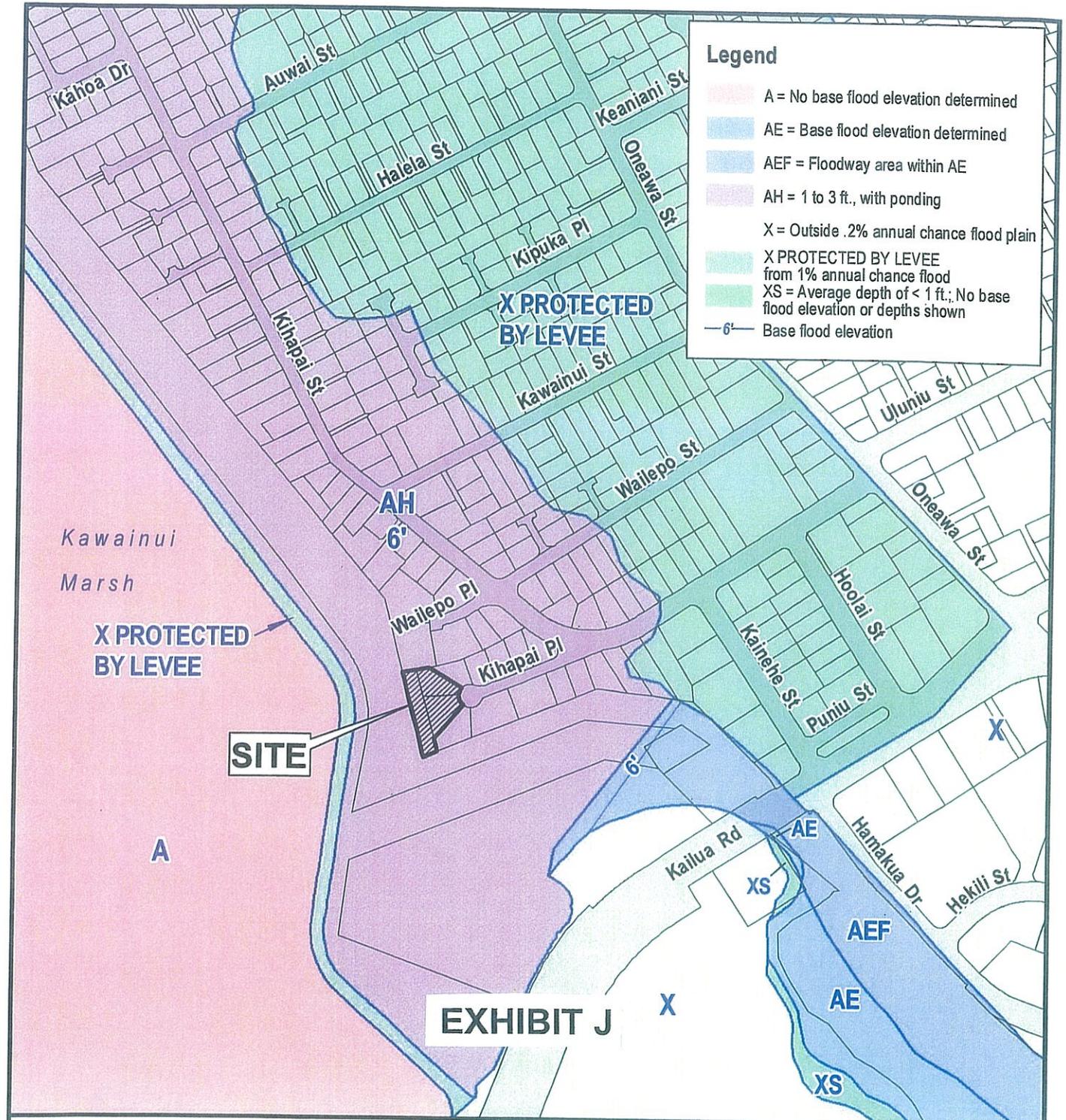


Figure 5: Open Space West of Subject Property

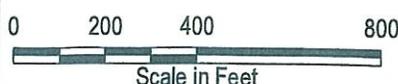
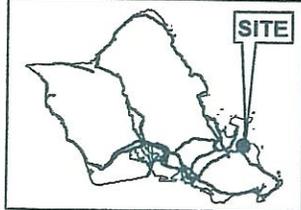
FOLDER NO.: 2016/SMA-37

2. Relationship of the Parcel to the SMA



**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

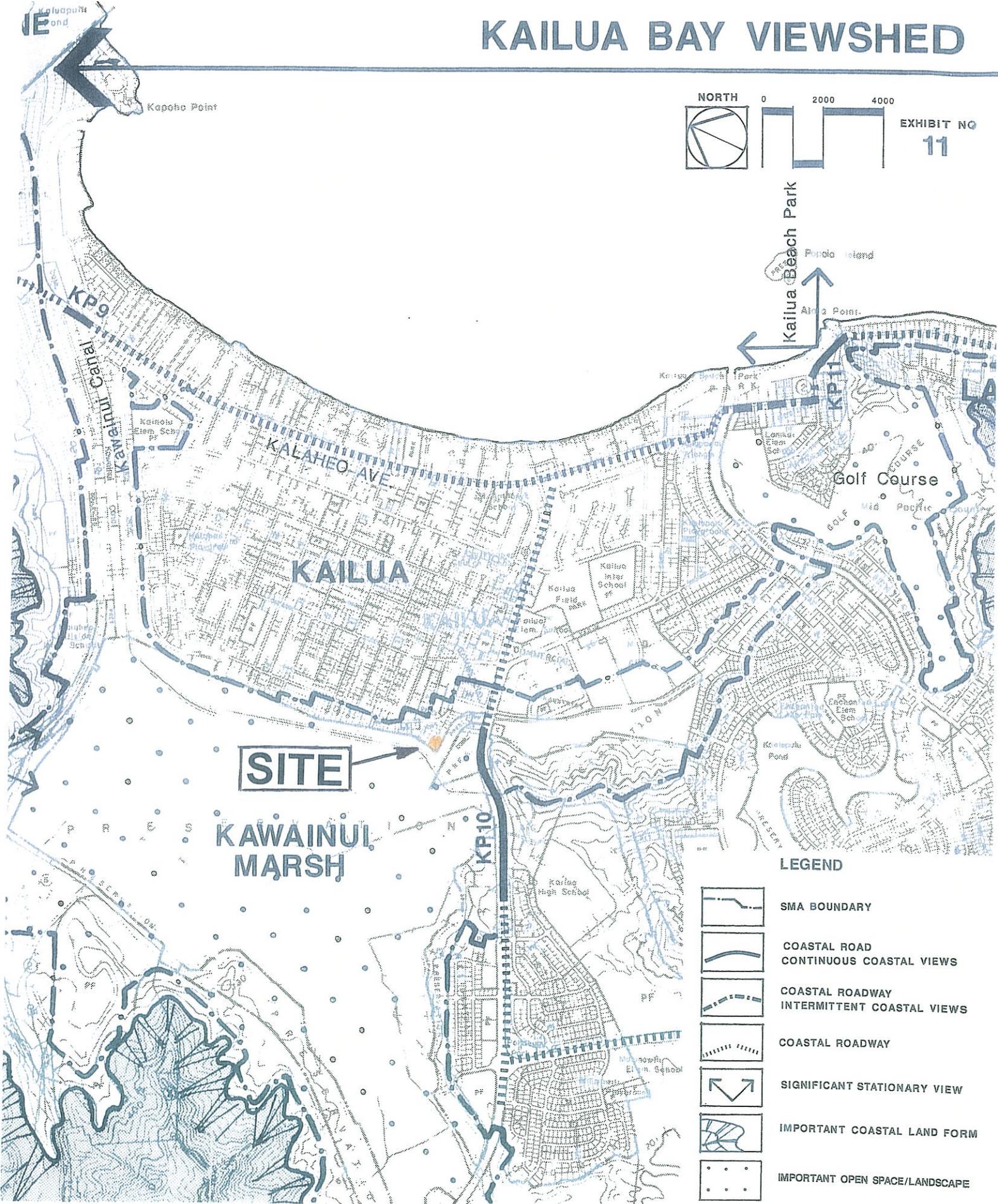


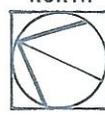
**PORTION OF FLOOD MAP KAILUA**

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

FOLDER NO.: 2016/SMA-37

# KAILUA BAY VIEWSHED



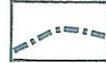
**NORTH**  0 2000 4000

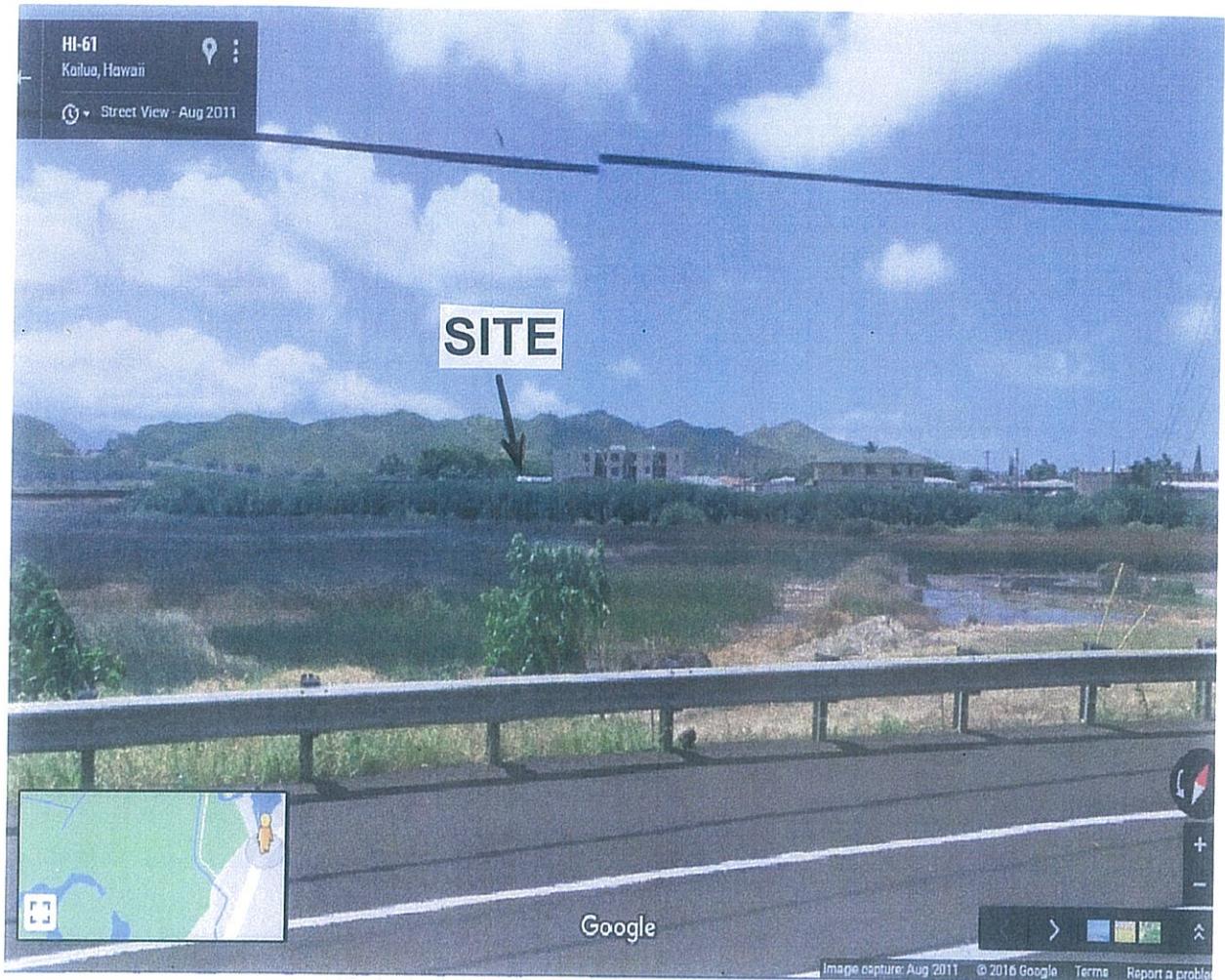
**EXHIBIT NO**  
**11**

**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**