

SUMMARY OF PROPOSED COMMITTEE DRAFT:

Resolution 16-242

GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO CONSTRUCT THREE TWO-STORY, TWO-FAMILY DWELLING UNITS, LANDSCAPING, SWIMMING POOLS, A CONCRETE MASONRY UNIT (CMU) WALL, AND GUEST PARKING AREAS WITHIN THE SMA, ALONG WITH MINOR STRUCTURES WITHIN THE 40-FOOT SHORELINE SETBACK AREA.

THE PROPOSED CD1 makes the following amendments:

- A. In the Resolution title, refers to a "rock or concrete masonry unit wall" to be consistent with the Project description.
- B. In the first WHEREAS clause, refers to a "rock or concrete masonry unit wall", and adds a description of the minor structures within the shoreline setback area.
- C. Adds September 1, 2016 as the date the Council received the DPP's findings and recommendations report.
- D. In Condition E, clarifies that "daytime" means during daylight hours.
- E. In Condition G, clarifies that all minor structures and landscaping must be contained within the lot of origin, and cannot extend seaward of the shoreline.
- F. In Condition H, consistent with the DPP's recommendation, adds a provision requiring that development permit applications, including but not limited to grading, grubbing and building permit applications, must detail the BMPs.
- G. In Condition J, refers to a "building permit" instead of a "development permit."
- H. Adds a Condition K providing that prior to the issuance of any development permit for the Project, including but not limited to grading, grubbing and building permits, the Applicant shall obtain from the DPP a minor shoreline structure permit, as required for the Project.
- I. Makes miscellaneous technical and non-substantive amendments.



RESOLUTION

PROPOSED

GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO CONSTRUCT THREE TWO-STORY, TWO-FAMILY DWELLING UNITS, LANDSCAPING, SWIMMING POOLS, A ROCK OR CONCRETE MASONRY UNIT (CMU) WALL, AND GUEST PARKING AREAS WITHIN THE SMA, AND MINOR STRUCTURES WITHIN THE 40-FOOT SHORELINE SETBACK AREA.

WHEREAS, on July 1, 2016, the Department of Planning and Permitting (DPP) accepted the application of 4607 Kahala LLC, herein referred to as the "Applicant," for a Special Management Area (SMA) Use Permit to allow for the construction of three new two-story, two-family dwelling units, landscaping, swimming pools, a rock or CMU wall, and guest parking within the SMA, and minor structures, including open-work fences, a gate, and steps within the 40-foot shoreline setback area at 4607 Kahala Avenue, Honolulu, Oahu, and identified as Tax Map Key 3-5-5: 016, as shown on Exhibits A-1 through A-3, and B-1 through B-10, Reference Number 2016/SMA-22; and

WHEREAS, on August 3, 2016, the DPP held a public hearing, which was attended by one representative of the Applicant, the Applicant's agent, and 45 members of the public; and

WHEREAS, on September 1, 2016, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu 1990 (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendations of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on September 1, 2016, and at its meeting of _____, having duly considered all of the findings and reports on the matter, approved the subject application 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 a SMA Use Permit be issued to the Applicant under the following conditions:

- A. Construction of three two-story, two-family dwelling units, swimming pools, a rock or CMU wall, and guest parking must be in general conformity with the project as described in the DPP Director's report and recommendation, referenced herein, and as depicted in the plans attached hereto as Exhibits A-1 through A-3, and B-1 through B-10. Any changes in the size or nature of the project that have a



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significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205-A, or both, will require a new application and permit. Any changes that do not have a significant effect on coastal resources will be considered a minor modification and therefore permitted under this resolution, upon review and approval of the DPP Director.

- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD) immediately. Work in the immediate area must be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- C. Artificial light from exterior light fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, are prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), HRS.
- D. Prior to any site work, the Applicant shall conduct surveys to determine the presence and location of seabird nesting areas within the project site. No potentially disruptive activities may occur during the seabird breeding season (from August through October), or in the vicinity of any identified nests of protected seabirds. Any observations of any threatened or endangered species in the project area during site preparation and construction must be reported to the DLNR Division of Aquatic Resources (DAR).
- E. All site work and construction activities are limited to daytime (daylight hours) only.
- F. Established vegetation along the shoreline must be maintained and cannot be removed without prior review and approval by the DPP Director.
- G. All minor structures (i.e., irrigation, fences, gates, and pavers) and landscaping must be contained and maintained within the property lines of the lot of origin, and cannot under any circumstances extend seaward of the shoreline as depicted on the certified shoreline survey for the lot dated December 21, 2015.
- H. The Applicant shall implement infiltrative technology best management practices (BMPs) and construction processes to control erosion and sedimentation. Development permit applications, including but not limited to grading, grubbing and building permit applications, must detail the BMPs. Photographs



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documenting the infiltrative technology BMPs and construction processes must be submitted to the DLNR DAR, with a copy to the DPP.

- I. Approval of this SMA Use Permit does not constitute compliance with the Land Use Ordinance (LUO) or other governmental requirements, including building, grading and grubbing permit approvals. They are subject to separate review and approval. The Applicant will be responsible for insuring that the final plans for the project approved under this permit comply with all applicable land use ordinance (LUO) and other governmental provisions and requirements.

- J. **The Applicant shall obtain a building permit for the proposed development within two years of the effective date of this SMA use permit.** Failure to obtain a building permit within this period will render this permit null and void, provided that this period may be extended as follows: The DPP Director may extend this period if the Applicant demonstrates good cause, but the period cannot be extended beyond one year from the initial deadline set by the City Council.

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

- K. Prior to the issuance of any development permit for the project, including but not limited to grading, grubbing and building permits, the Applicant shall obtain from the DPP a minor shoreline structure permit, as required for the project.



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BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Jeff Overton, Group 70 International, Inc., 925 Bethel Street, 5th Floor, Honolulu, Hawaii 96813; 4607 Kahala LLC, 822 Bishop Street, Honolulu, Hawaii 96813; George I. Atta, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Leo R. Asuncion, Jr., Acting Director of the Office of Planning, Attention: Coastal Zone Management Branch, P. O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

September 2, 2016
Honolulu, Hawaii

Councilmembers

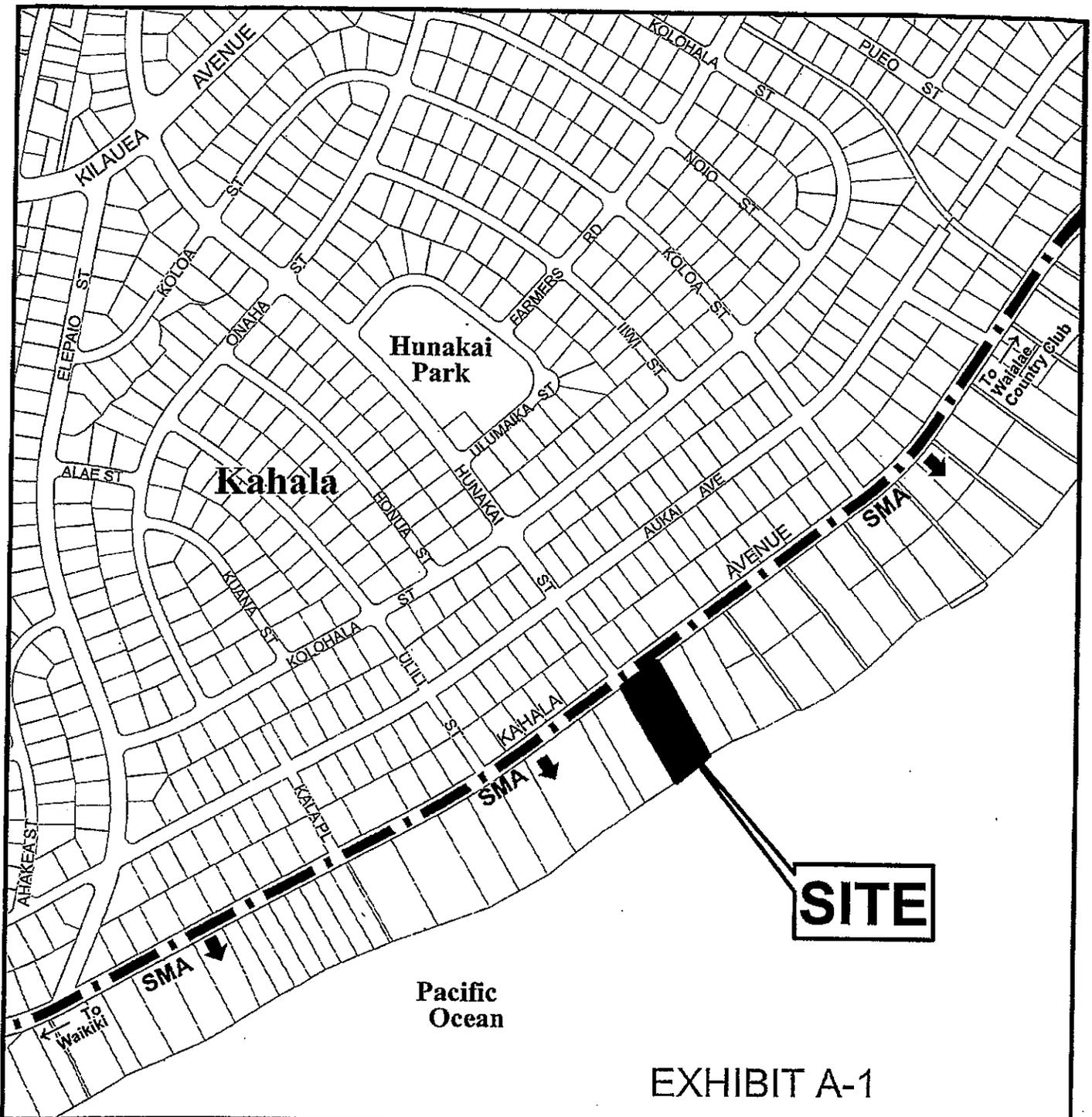
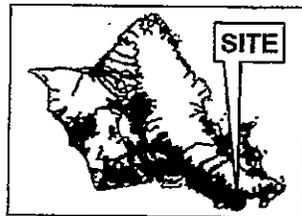
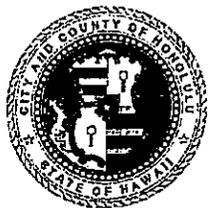
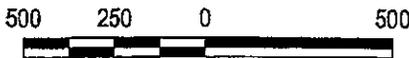


EXHIBIT A-1



VICINITY MAP



Scale in Feet



**LOCATION MAP
with SMA**

KAHALA

TAX MAP KEY(S): 3-5-05: 16

FOLDER NOS.: 2016/SMA-22

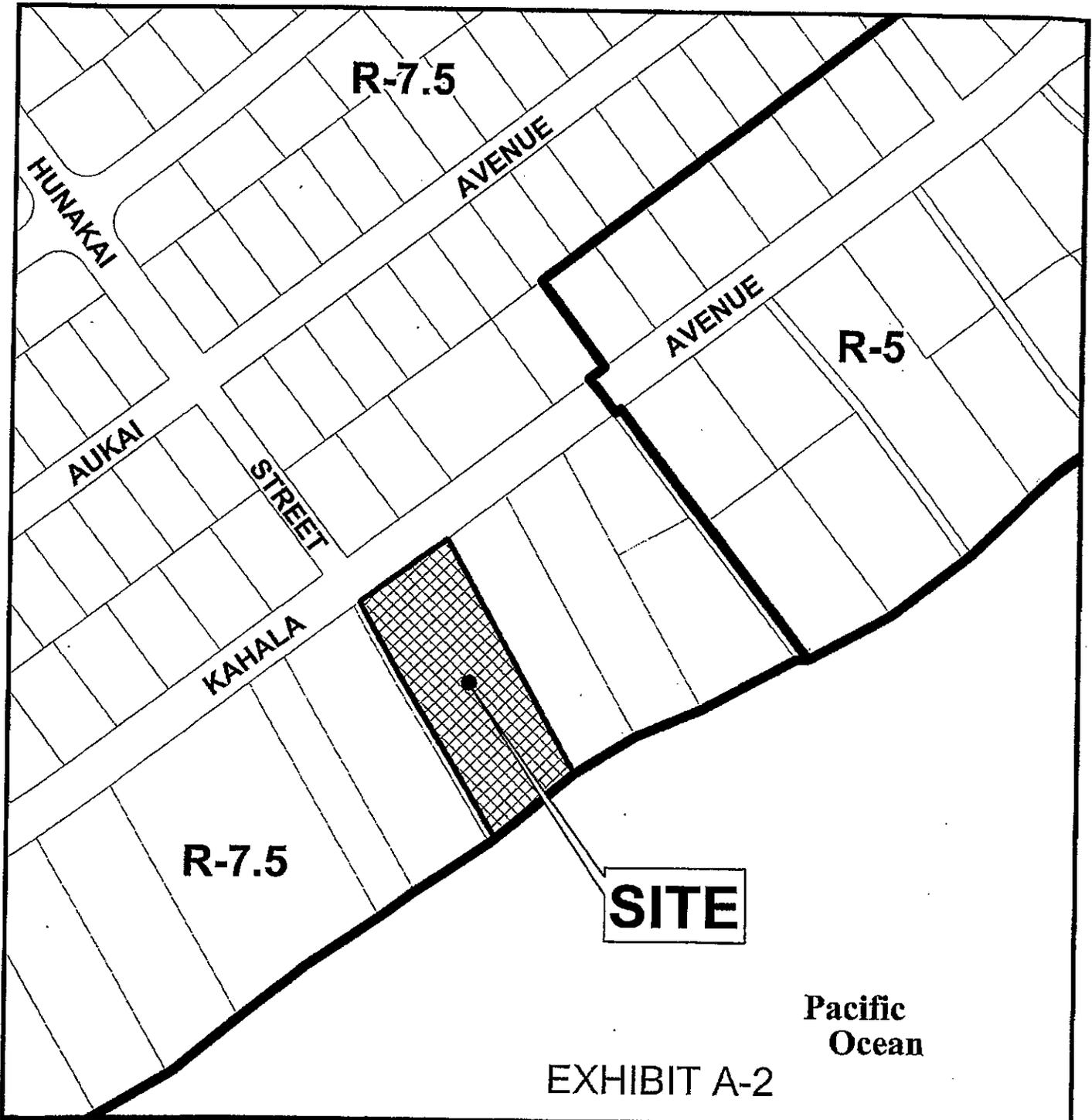
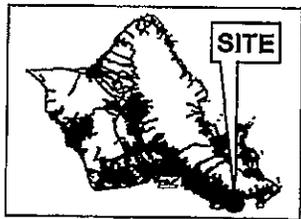
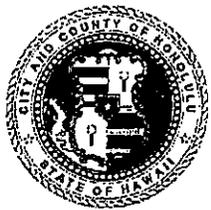
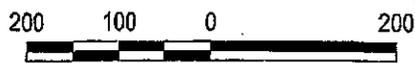


EXHIBIT A-2



VICINITY MAP



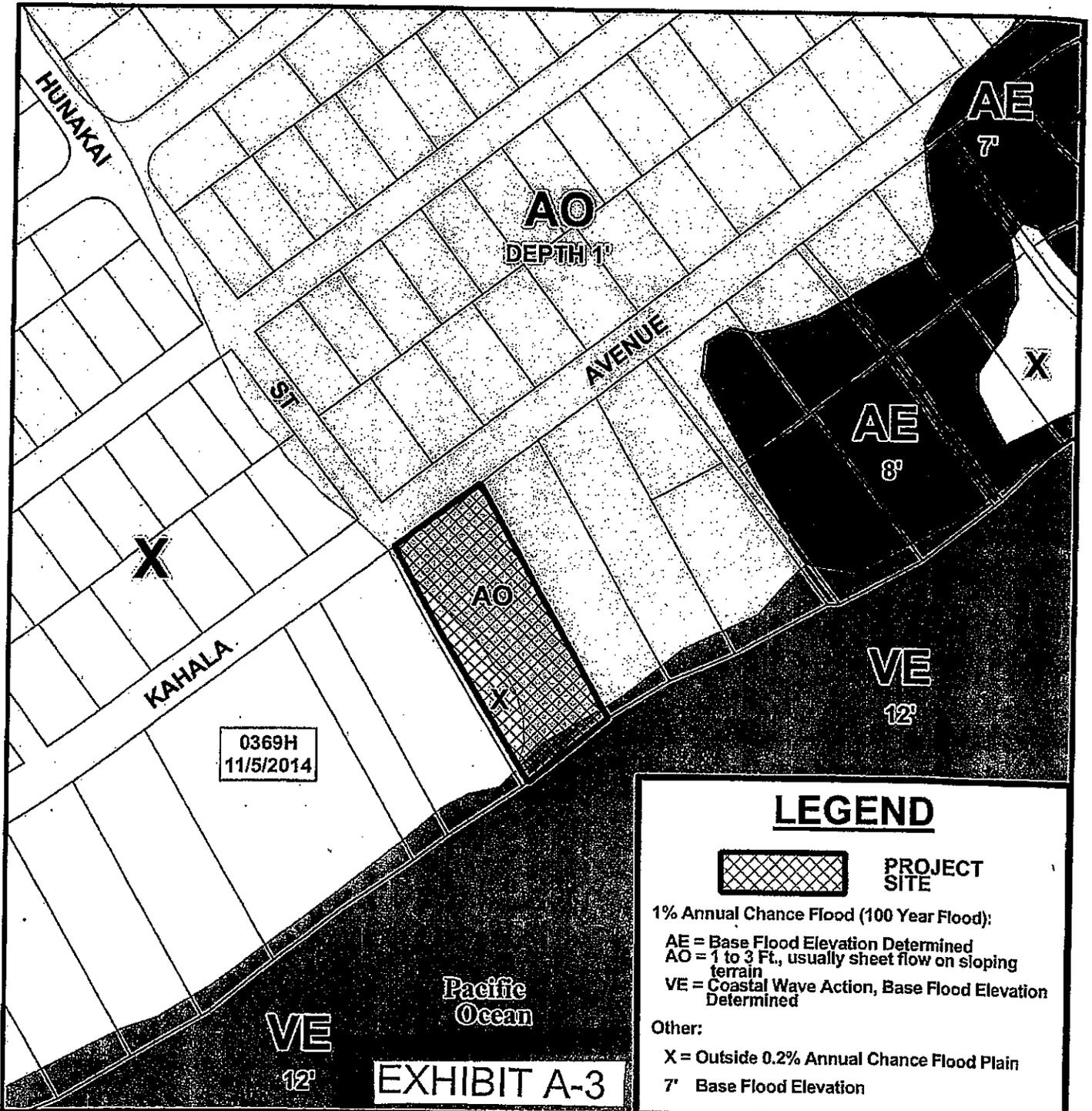
Scale in Feet



PORTION OF
ZONING MAP
 KAHALA - KULIOUOU

TAX MAP KEY(S): 3-5-05: 16

FOLDER NO.: 2016/SMA-22



LEGEND

 PROJECT SITE

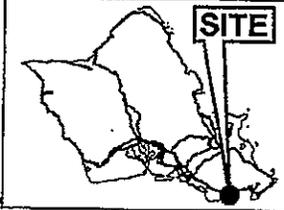
1% Annual Chance Flood (100 Year Flood):

- AE = Base Flood Elevation Determined
- AO = 1 to 3 Ft., usually sheet flow on sloping terrain
- VE = Coastal Wave Action, Base Flood Elevation Determined

Other:

- X = Outside 0.2% Annual Chance Flood Plain
- 7' = Base Flood Elevation





VICINITY MAP



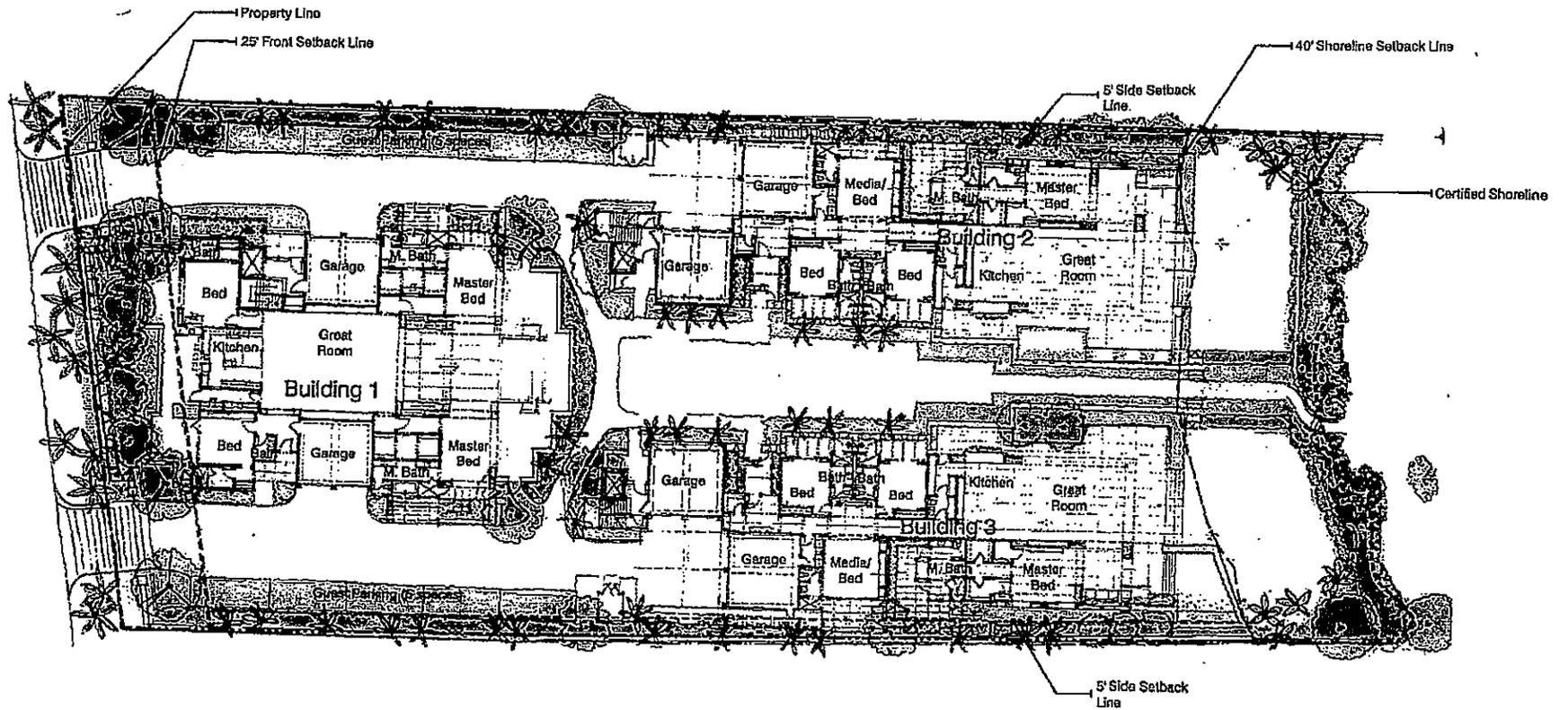
200 100 0 200

Scale in Feet

PORTION OF
FLOOD HAZARD MAP
 FIRM PANEL 369H (11/5/2014)

TAX MAP KEY(S): 3-5-05: 16

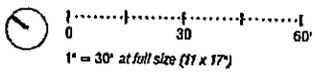
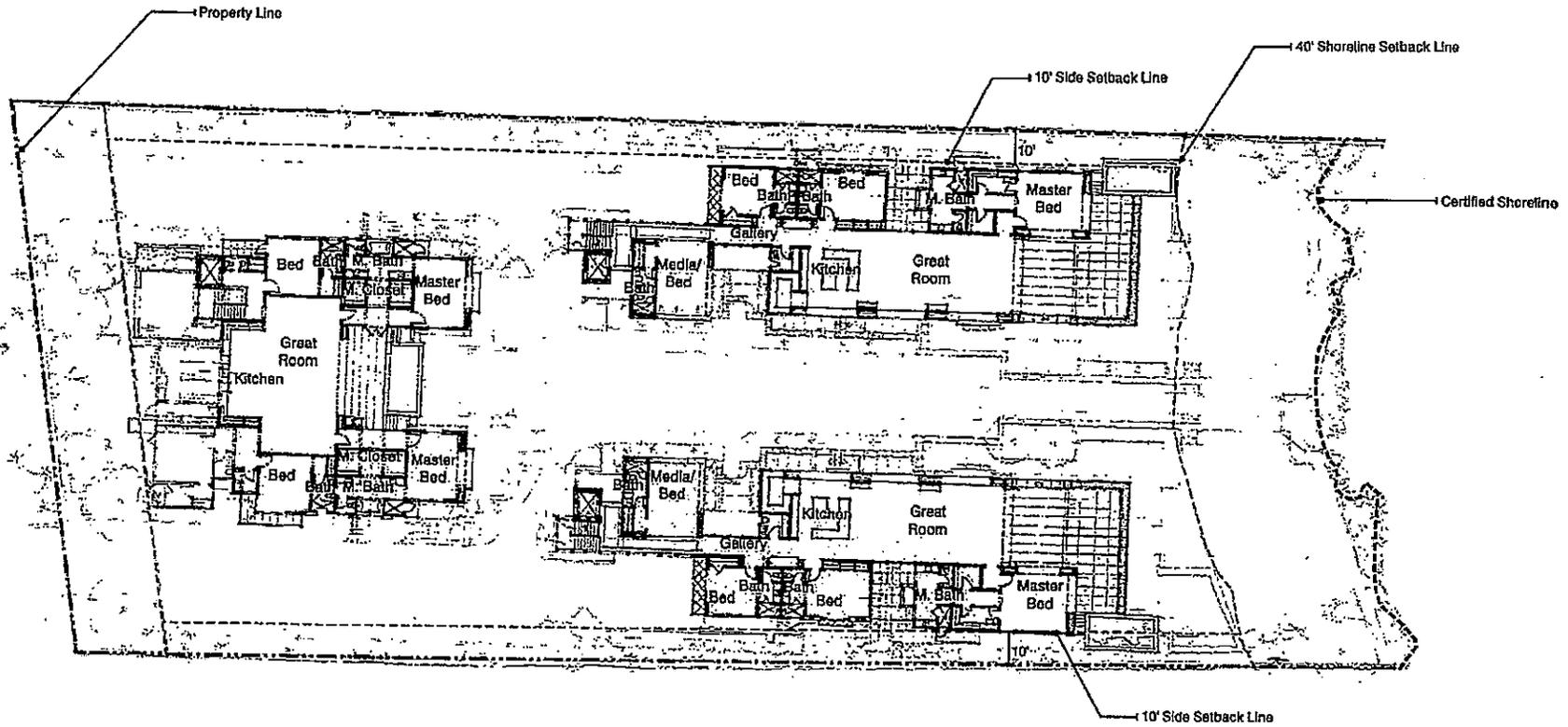
FOLDER NOS.: 2016/SMA-22



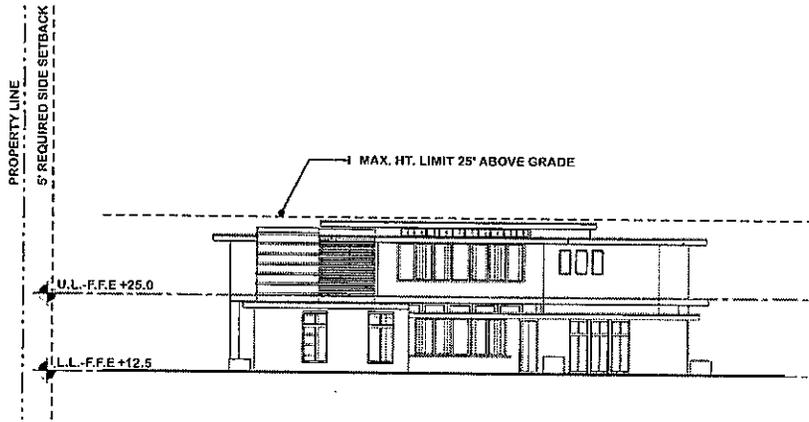
0 30 60
 1" = 30' at full size (11 x 17")

First Floor Plan

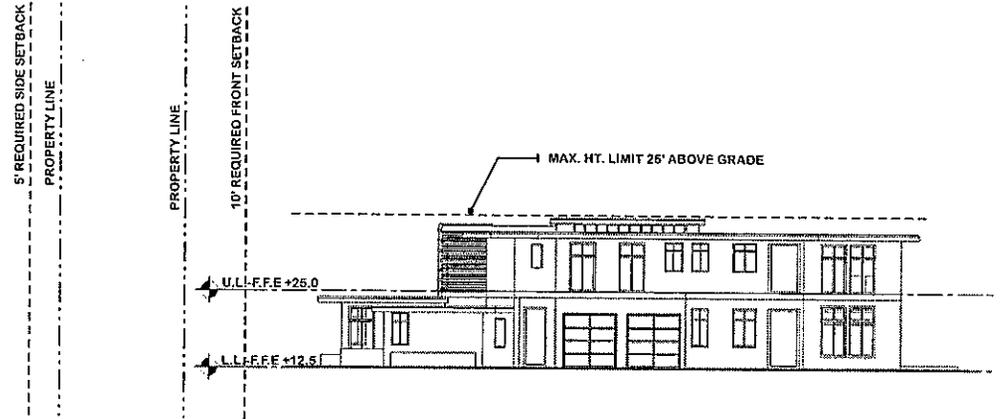
Exhibit B-1
 File No. 2016/SMA-22



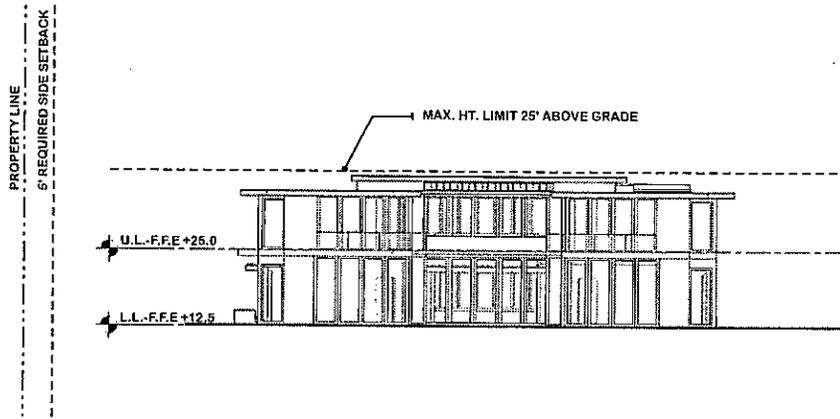
Second Floor Plan
 Exhibit B-2
 File No. 2016/SMA-22



Building 1 North Elevation



Building 1 East Elevation



Building 1 South Elevation

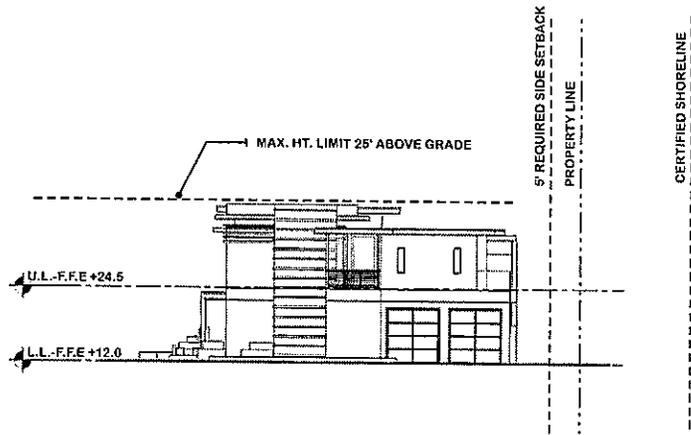


Building 1 West Elevation

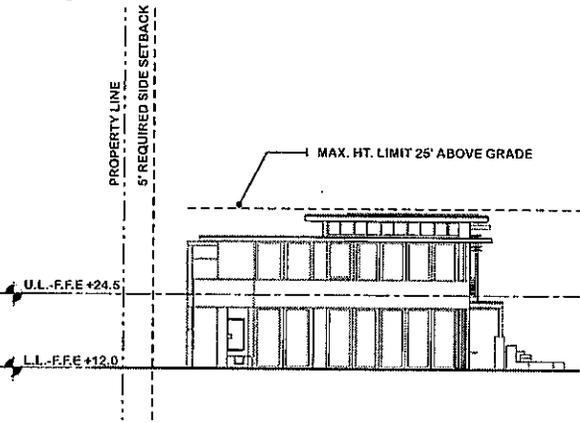
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 1" = 20' at full size (11 x 17")

Exhibit B-3
 File No. 2016/SMA-22

Elevations

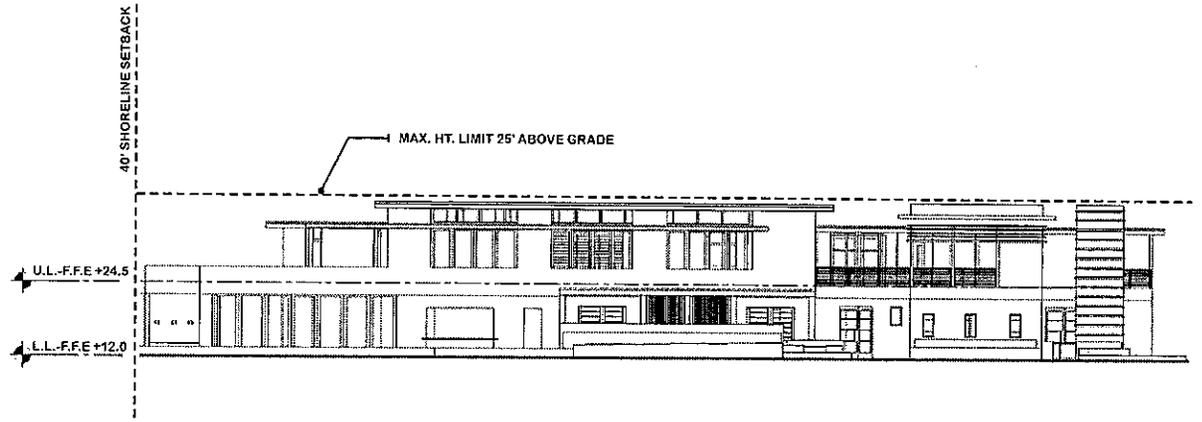


Building 3 North Elevation

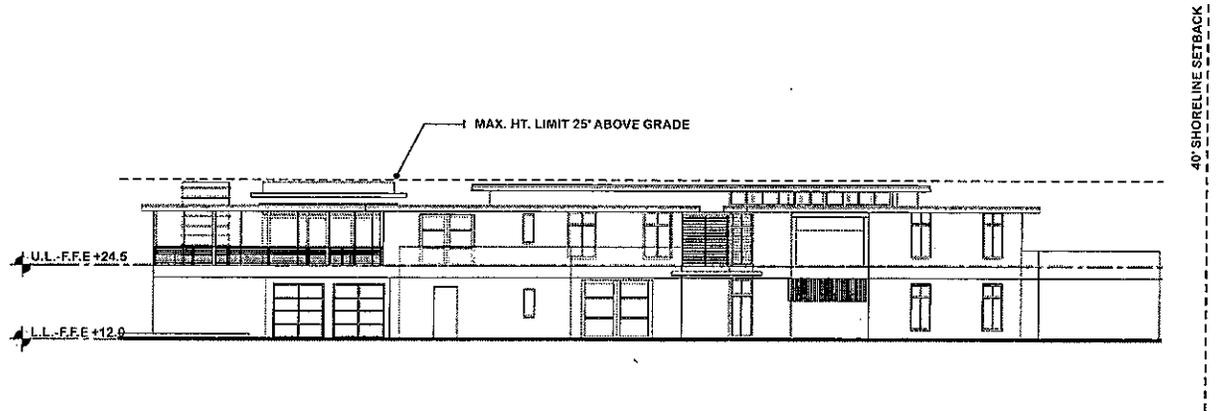


Building 3 South Elevation

0 20 40'
1" = 20' at full size (11 x 17")



Building 3 East Elevation

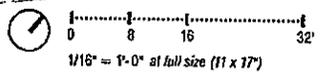
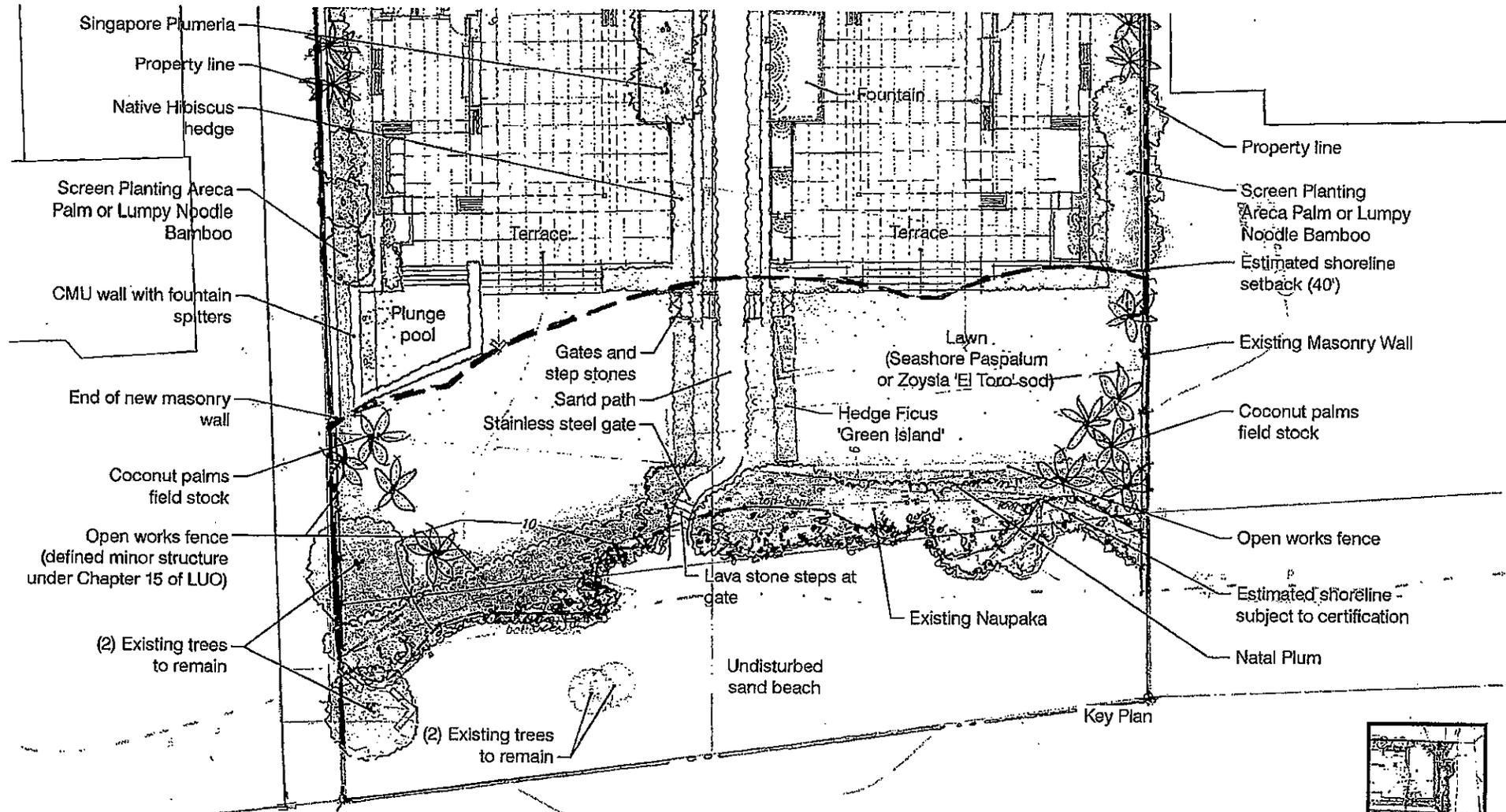


Building 3 West Elevation

Exhibit B-4
File No. 2016/SMA-22

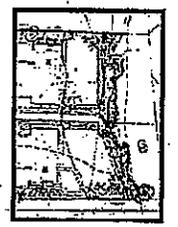
Elevations

Note: Building 2 identical to Building 3 but mirrored



Landscape Plan Enlargement

Exhibit B-5
File No. 2016/SMA-22



Smaller Shrubs



Green Ti



Purple Spider Lily



Kului



Beach Naupaka



Crinum Lily

Vines



Giant White Thunbergia

Groundcovers



Kupukupu Fern



Carex



Ukiuki



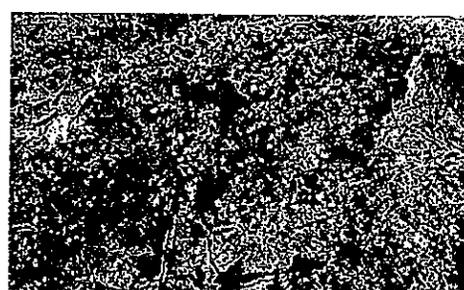
Akia



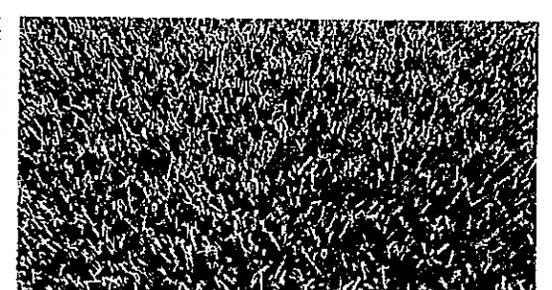
Kangaroo Paw Lau'ale



Pohinahina



Ulei



'El Toro' Zoysia Lawn

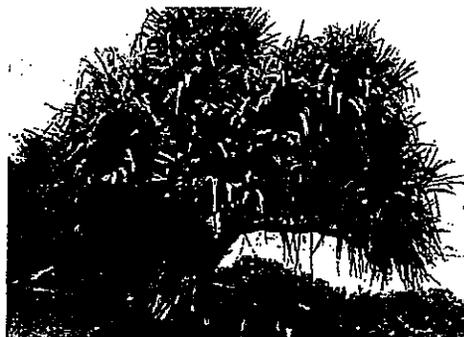
Palms and Trees



Coconut Palm



Areca Palm



Thornless Hala Tree



Singapore Plumeria



Loulu Palm

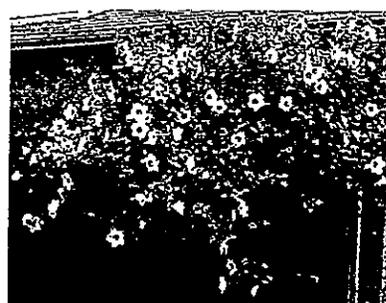
Tall Shrubs



Borneo Giant Ape



Natal Plum



Native White Hibiscus



Native Red Hibiscus



'Buddah Belly' Bamboo



Dwarf Ape (*A. gageana*)



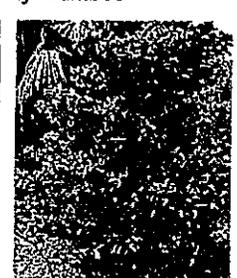
Lumpy Noodle Bamboo



Red Ginger



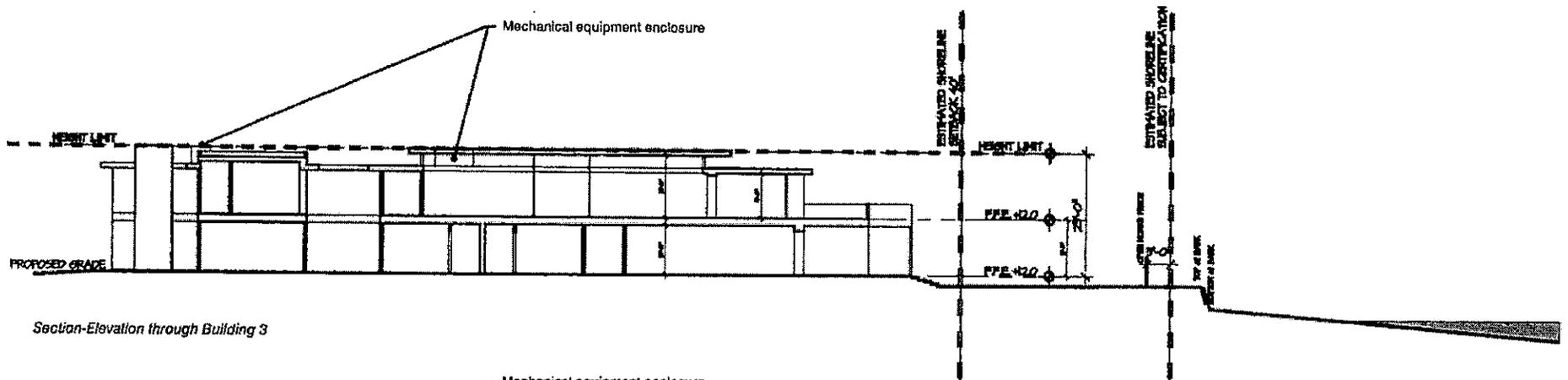
'Burle Marx' Philodendron



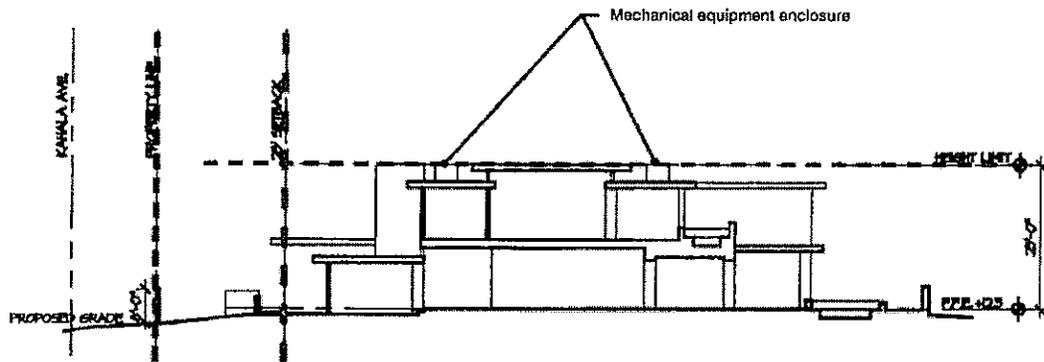
Nau Gardenia

Plant Palette

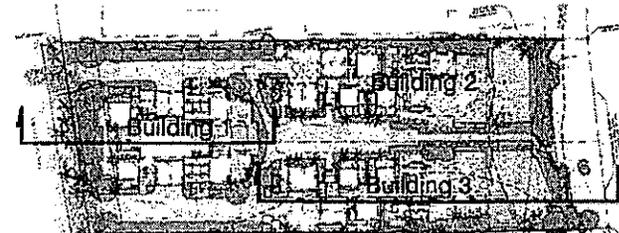
Exhibit B-7
File No. 2016/SMA-22



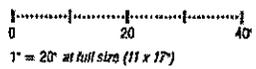
Section-Elevation through Building 3



Section-Elevation through Building 1

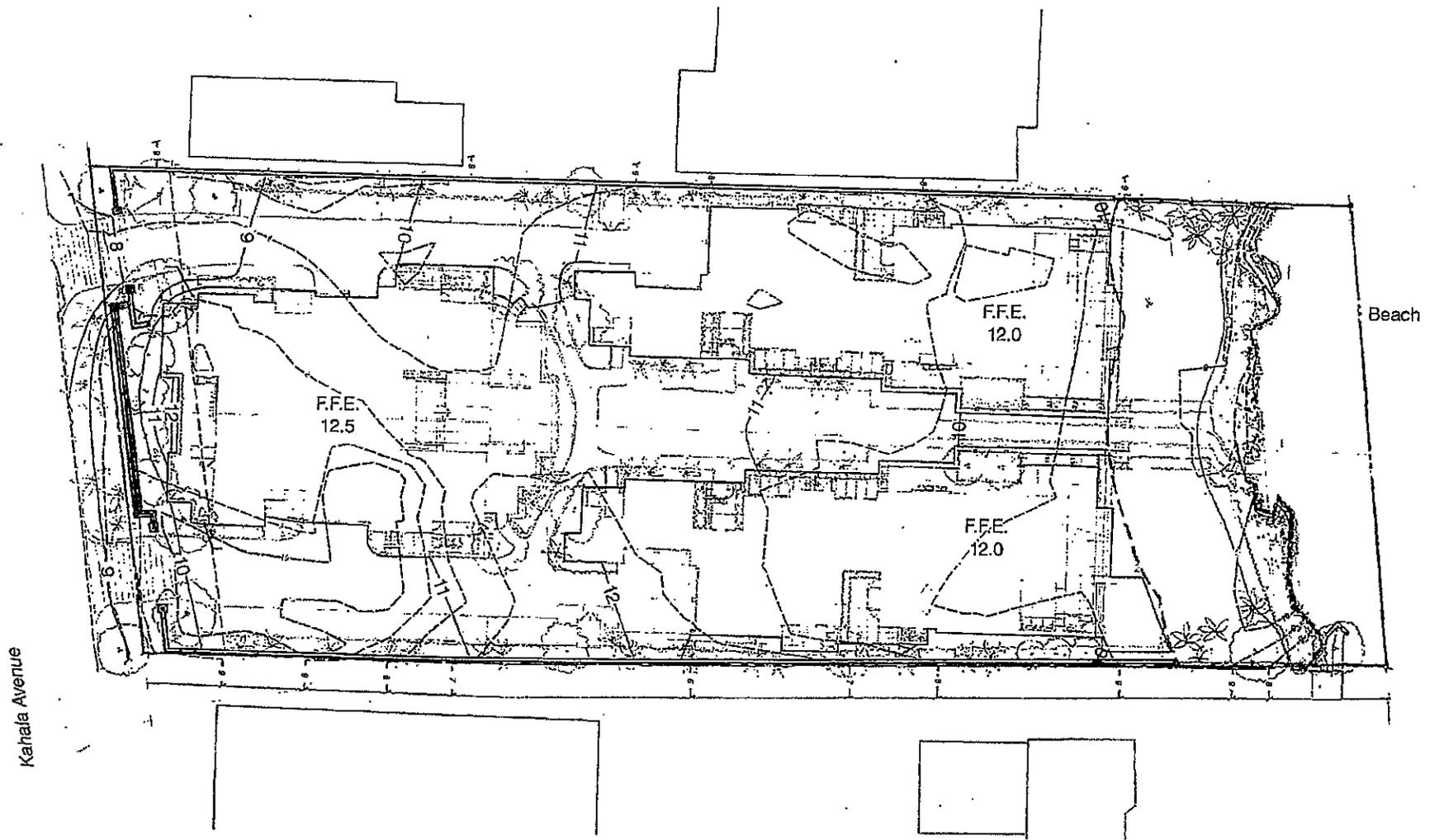


Key Plan



Site Sections

Exhibit B-8
File No. 2016/SMA-22

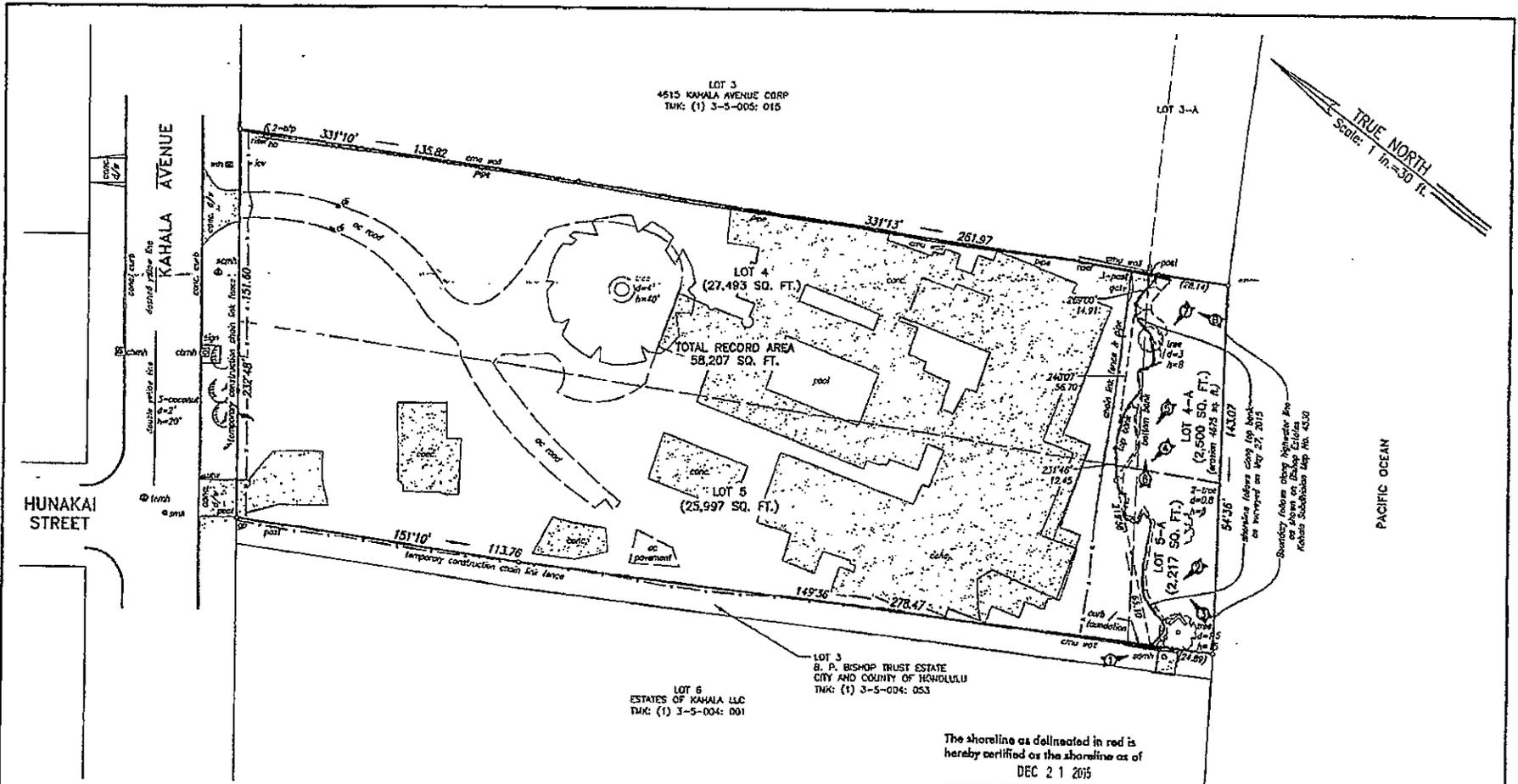


Grading Concept Plan

Exhibit B-9
 File No. 2016/SMA-22

0 30 60
 1" = 30' at full size (11 x 17")
 Note: Contour lines outside property boundary are approximate

--- Existing Contour
 8 Proposed Contour



The shoreline as delineated in red is hereby certified as the shoreline as of
DEC 21 2015

Erk S. Kaneshiro
Chairperson, Board of Land and Natural Resources

NOTES

1. Azimuths shown on this map are referred to Government Survey Triangulation Station "LEAH" Δ.
2. Names of adjoining property owners were taken from Real Property Tax Records.
3. Shoreline certification is for building setback purposes.
—X Denotes photo number and direction.
4. Map is based on a field survey on May 27, 2015

SHORELINE CERTIFICATION MAP
OF LOTS 4, 4-A, 5 AND 5-A
OF THE KAHALA SUBDIVISION
BEING PORTION OF ROYAL PATENT T121,
LAND COMMISSION AWARD 228, APANA 2 TO KALEIHEANA
SITUATED IN KAHALA, HONOLULU, OAHU, HAWAII
TAX MAP KEY: (1) 3-5-005: 016

SITE ADDRESS: 4607 KAHALA AVENUE
HONOLULU, HAWAII 96815
OWNER: 4607 KAHALA LLC

Exhibit B-10
File No. 2016/SMA-22



AUSTIN, TSUTSUMI, & ASSOCIATES INC.
501 SHARPER STREET, SUITE 521
HONOLULU, HI 96817, (808) 333-2048

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION,
Erk S. Kaneshiro
ERK S. KANESHIRO
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 9825

TMK: (1) 3-5-005: 016
\\2015\15-040\SURVEY\DWG\4607 KAHALA AVE SHORELINE CERT.dwg
JOB NO.: 15-040

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
LICENSED SURVEYORS • HONOLULU, HAWAII, 1986

JUNE 29, 2015
15" X 21" = 2,19 SQ. FT.