

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Trevor Ozawa, Chair; Ron Menor, Vice-Chair;
Carol Fukunaga, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
October 20, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 16-242 entitled:

"RESOLUTION 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,"

as transmitted by Departmental Communication 610 (2016) from the Department of Planning and Permitting (DPP), dated September 1, 2016, reports as follows:

The purpose of Resolution 16-242 is to grant a Special Management Area Use Permit (SMP) to 4607 Kahala LLC ("Applicant") to construct three two-story, two-family dwelling units, swimming pools, a rock or concrete masonry unit wall, and guest parking areas within the SMA, and minor structures (including open-work fences, a gate, and steps) within the 40-foot shoreline setback area.

In Departmental Communication 610 (2016), the DPP reported that the proposed project complies with Land Use Ordinance development standards and parking requirements. The DPP noted that the project's lot size allows seven single-family dwelling units, or three two-family dwelling units.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

NOV 02 2016

COMMITTEE REPORT NO. **338**

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Your Committee notes that the DPP, after a public hearing held on August 3, 2016, recommends approval of the SMP subject to the conditions set forth in the resolution.

Subsequent to the introduction of Resolution 16-242, the DPP submitted Departmental Communication 651 (2016), transmitting a revised Findings of Fact, Conclusions of Law, and Recommendation, which corrected information regarding written testimonies received by the DPP.

Your Committee has carefully reviewed the conditions recommended by the DPP for inclusion in this SMP. Although your Committee generally finds the DPP's proposed conditions to be appropriate, your Committee recommends that certain conditions be amended or added as discussed below.

- A. Amend Condition E to clarify that "daytime" means during daylight hours.
- B. Amend Condition G to clarify that all minor structures and landscaping must be contained within the lot of origin, and cannot extend seaward of the shoreline.
- C. Amend Condition H to add a provision requiring that the development permit applications, including but not limited to grading, grubbing and building permit applications, must detail the BMPs.
- D. Add 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.

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At your Committee's meeting on October 20, 2016, the Applicant and the Applicant's Agent provided a short presentation of the Project. Oral testimony in support of the Resolution was received from Hawaii Regional Council of Carpenters and six individuals. Written testimony in support was received from Hawaii Regional Council of Carpenters, BIA-Hawaii, Hawaii Building and Construction Trades Council, AFL-CIO, Hawaii Laborers-Employers Cooperation and Education Trust, Helping Hands Hawaii, and five individuals. Oral testimony in opposition was received from one individual. Written testimony in opposition was received from two individuals.

Your Committee has prepared a CD1 version of the Resolution that 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, (1) refers to a "rock or concrete masonry unit wall", 2) adds a description of the minor structures within the shoreline setback area, and (3) adds a reference to the zoning of the project site.
- 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.

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- 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. 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.
- H. Replaces Exhibit B-3 with a revised exhibit that correctly labels the west elevation and the east elevation.
- I. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the Department of Planning and Permitting in Departmental Communication 610 (2016) and Departmental Communication 651 (2016), that:

- A. The development, as conditioned, will not have any substantial adverse environmental or ecological effect, either alone or cumulatively with other projects.
- B. The development is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.

CITY COUNCIL

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- C. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 16-242, as amended herein, and recommends its adoption in the form attached hereto, as Resolution 16-242, CD1. (Ayes: Ozawa, Fukunaga, Kobayashi, Manahan, Menor – 5; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON NOV 02 2016

COMMITTEE REPORT NO. 338



RESOLUTION

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, on land zoned R-7.5 Residential District, located at 4607 Kahala Avenue, Honolulu, Oahu, and identified as Tax Map Key 3-5-5: 016 (DPP 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 an 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 Exhibits A-1 through A-3 and B-1 through B-10 attached hereto and incorporated herein by this reference. Any changes in the size or



RESOLUTION

nature of the project that have a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, 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



RESOLUTION

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 development permit for the proposed development within two years of the effective date of this SMA use permit.** Failure to obtain a development 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.



RESOLUTION

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

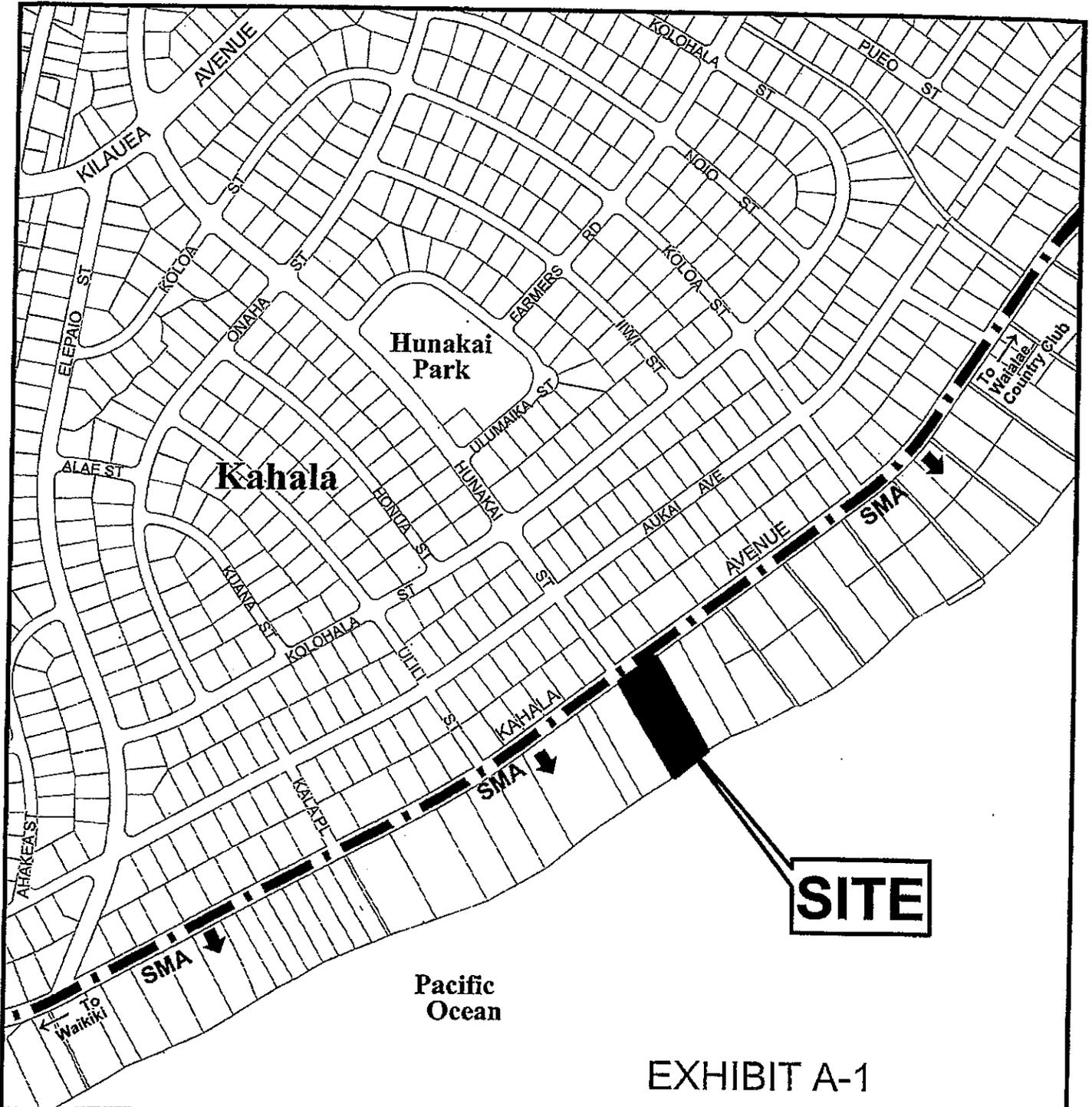
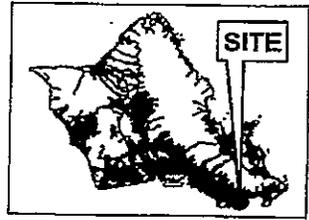
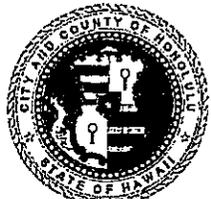


EXHIBIT A-1



LOCATION MAP
with SMA
KAHALA
 TAX MAP KEY(S): **3-5-05: 16**
 FOLDER NOS.: **2016/SMA-22**

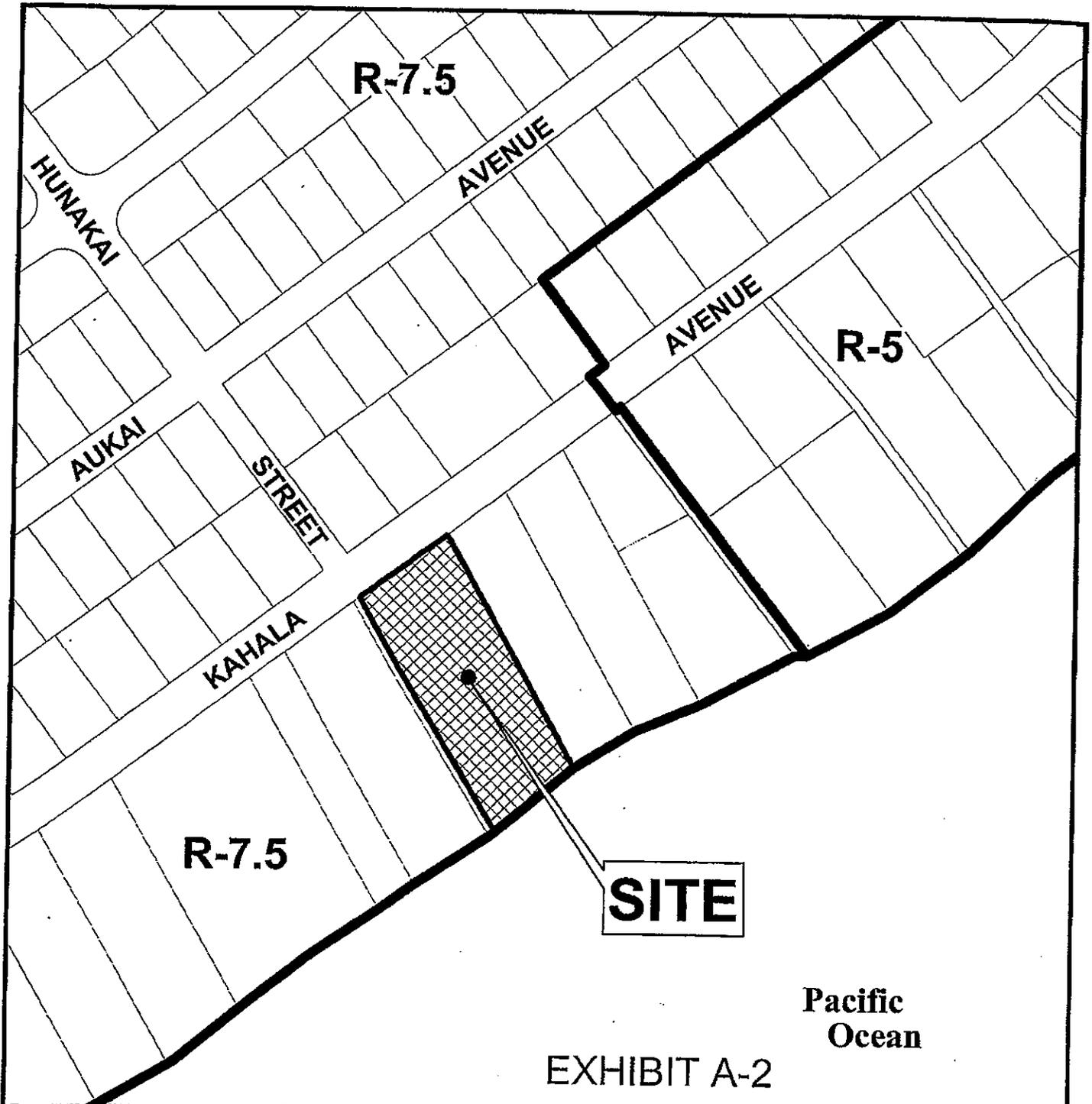
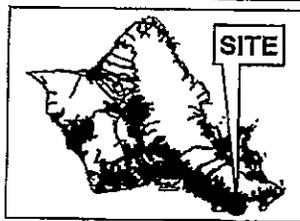


EXHIBIT A-2



200 100 0 200

VICINITY MAP

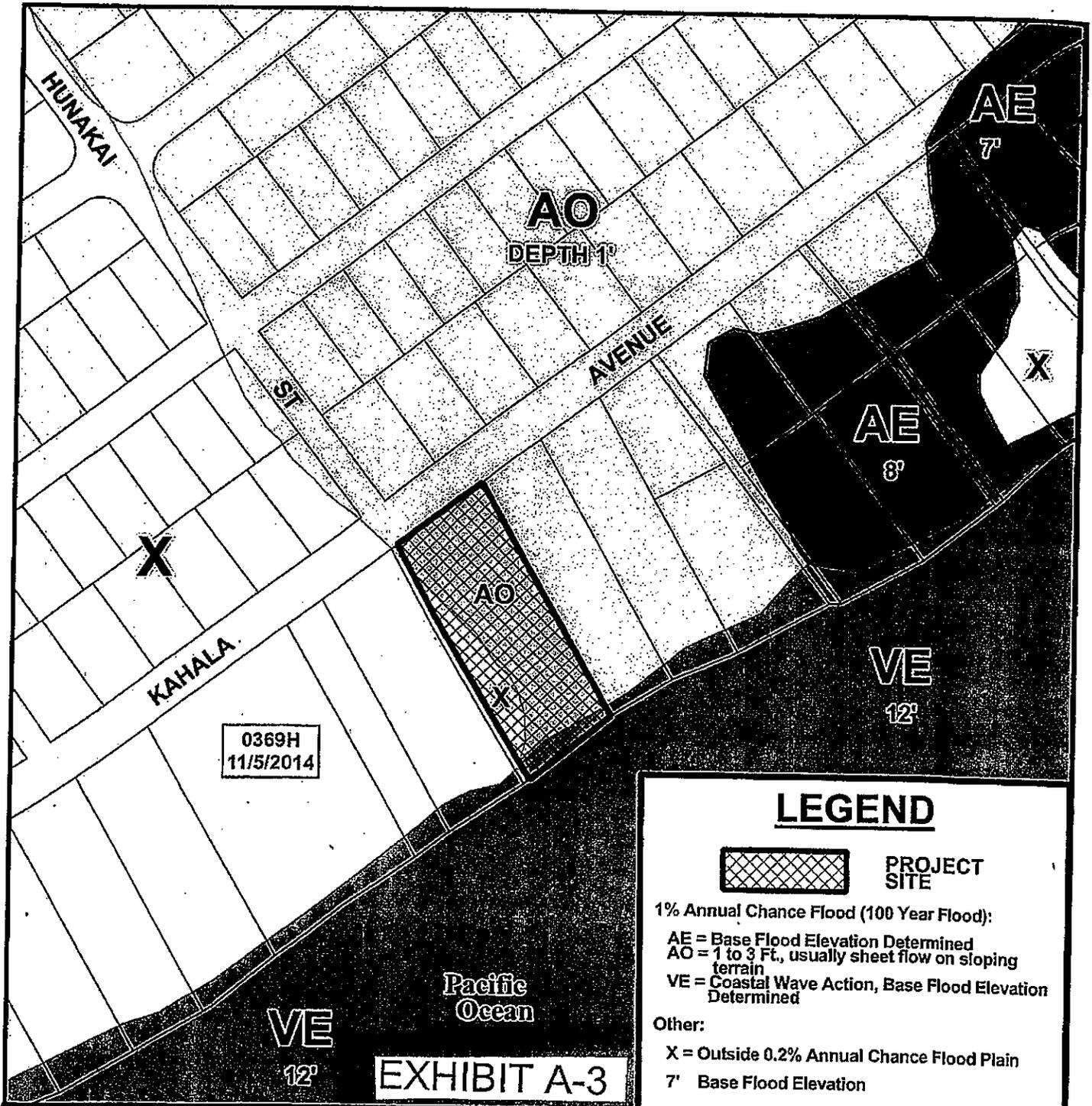


Scale in Feet

**PORTRION OF
ZONING MAP
KAHALA - KULIOUOU**

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

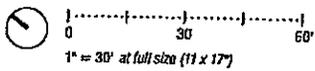
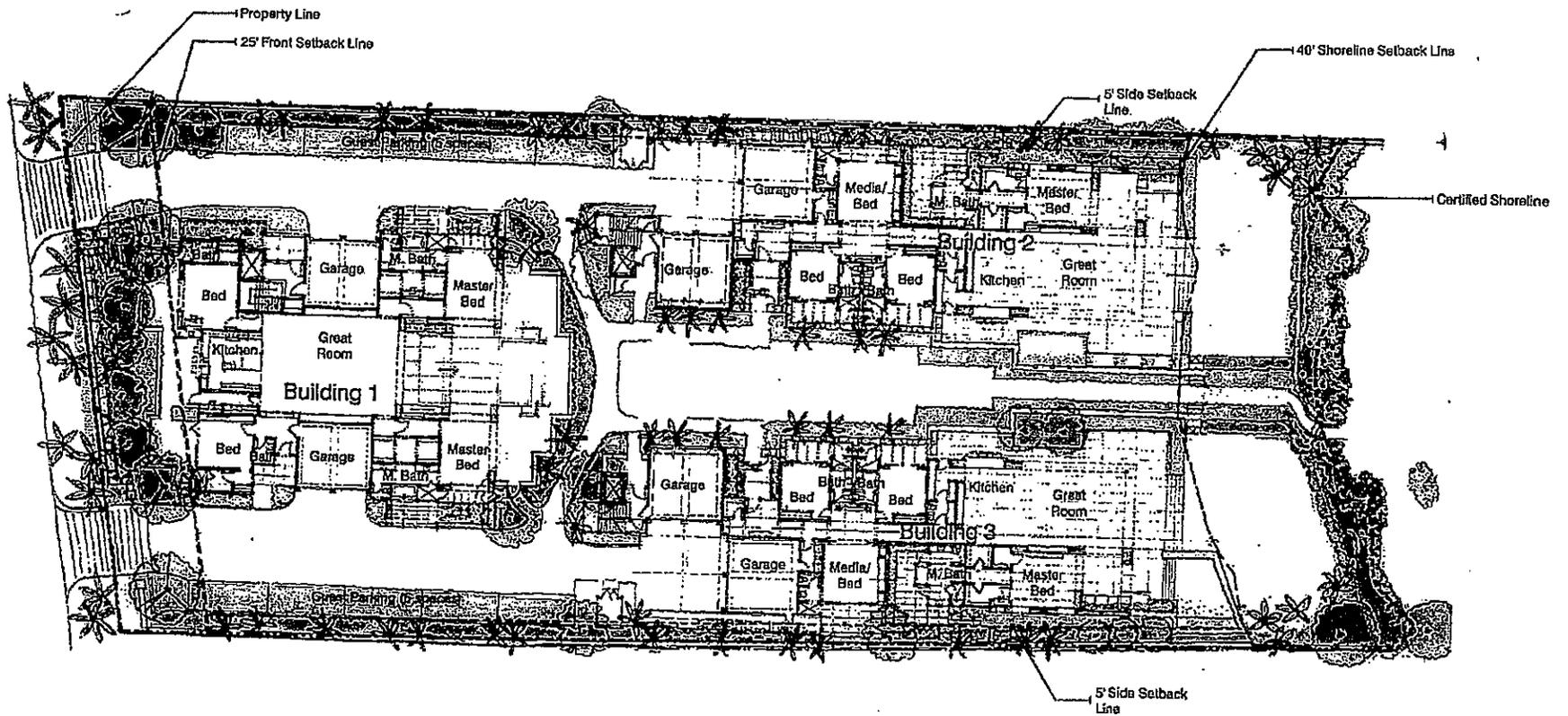
FOLDER NO.: 2016/SMA-22



VICINITY MAP

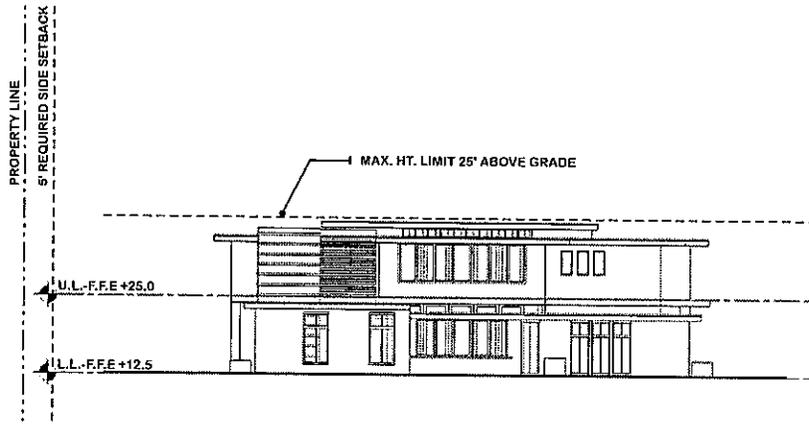
Scale in Feet

PORTION OF
FLOOD HAZARD MAP
 FIRM PANEL 369H (11/5/2014)
 TAX MAP KEY(S): 3-5-05: 16
 FOLDER NOS.: 2016/SMA-22

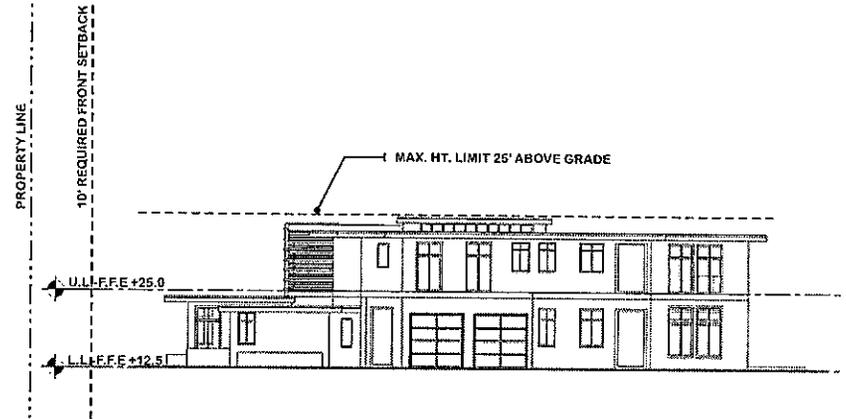


First Floor Plan

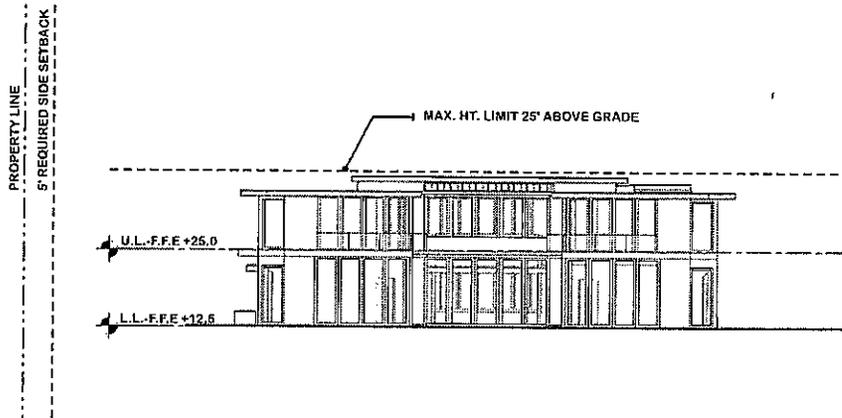
Exhibit B-1
 File No. 2016/SMA-22



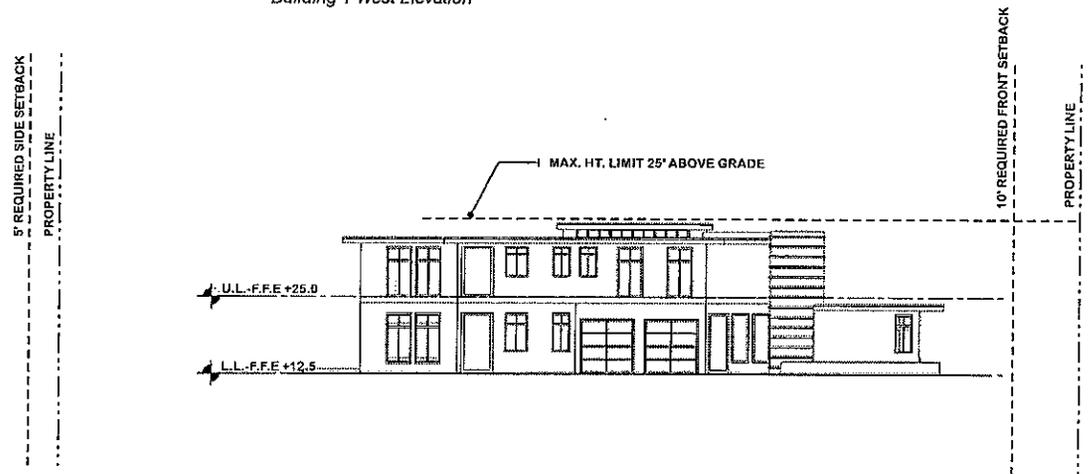
Building 1 North Elevation



Building 1 West Elevation



Building 1 South Elevation

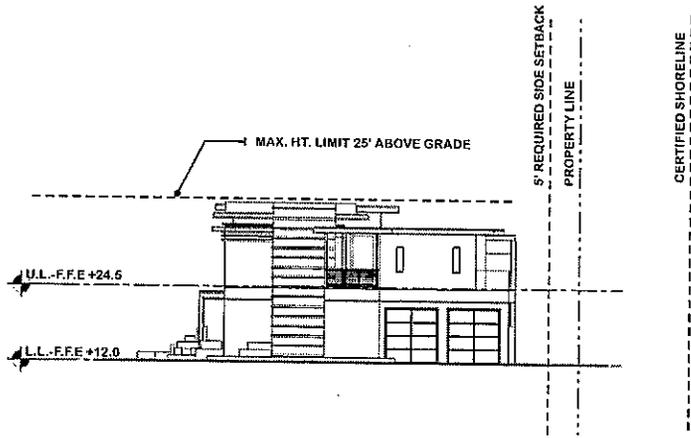


Building 1 East Elevation

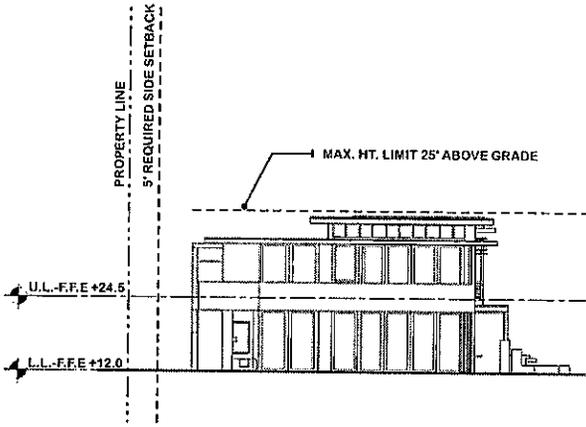
0 20 40
 1" = 20' at full size (11 x 17")

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

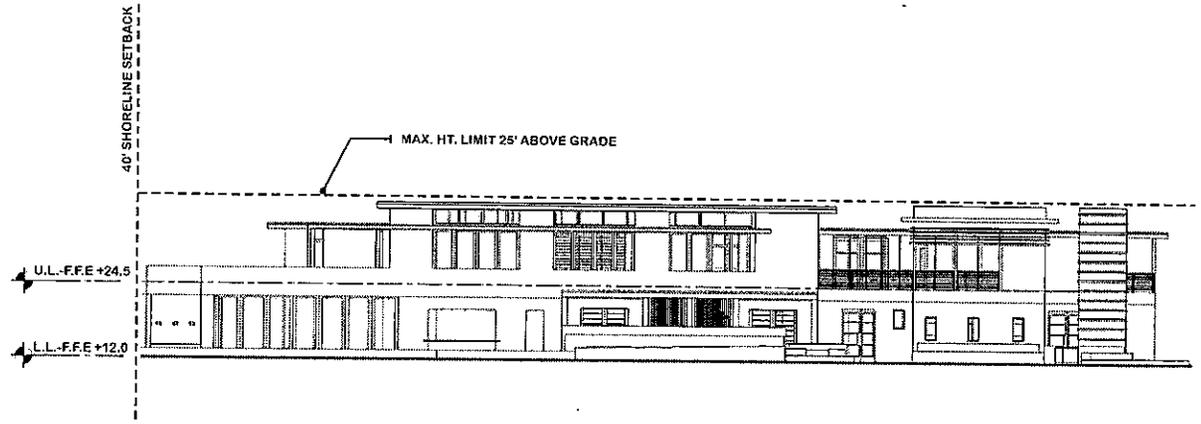
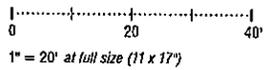
Elevations



Building 3 North Elevation



Building 3 South Elevation



Building 3 East Elevation

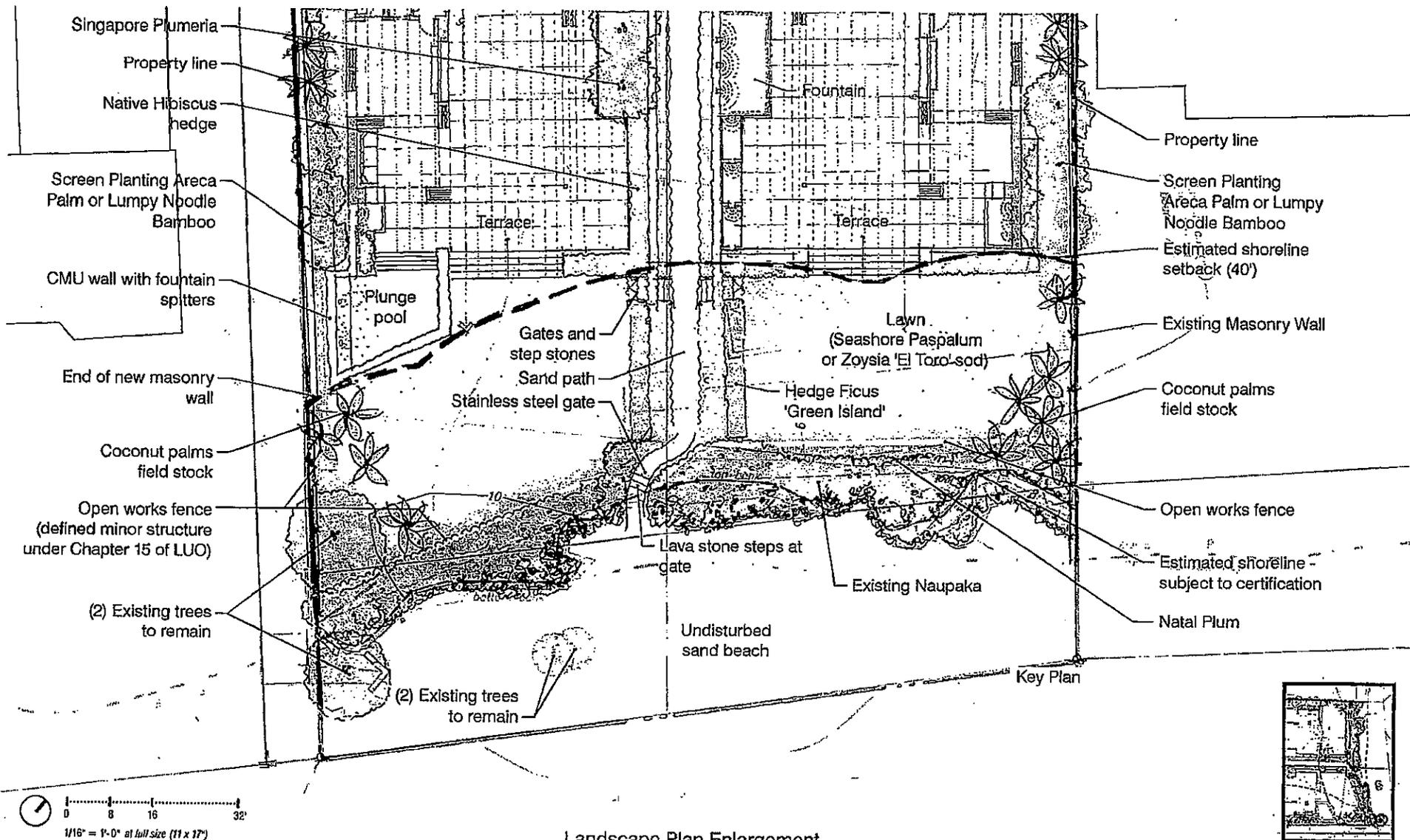


Building 3 West Elevation

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

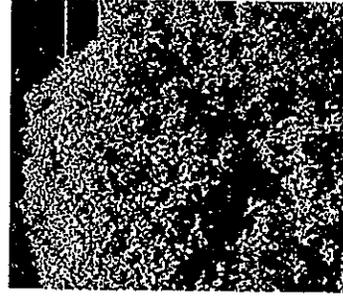
Smaller Shrubs



Green Ti



Purple Spider Lily



Kului



Beach Naupaka



Crinum Lily

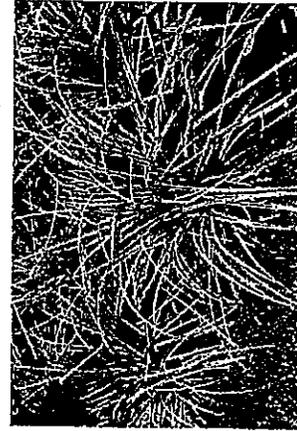


Giant White Thunbergia

Groundcovers



Kupukupu Fern



Carex



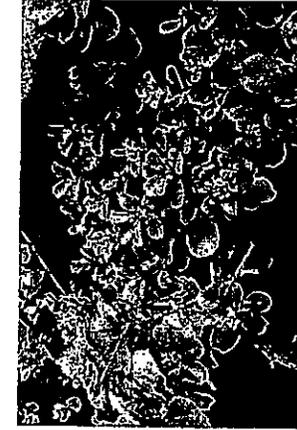
Ukiuki



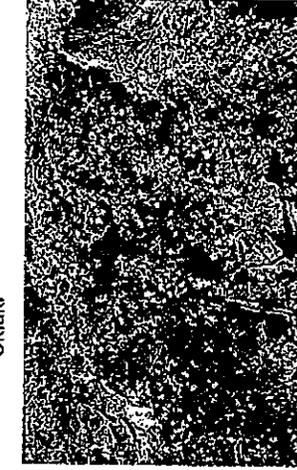
Akia



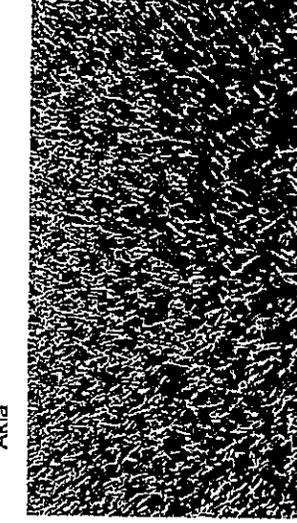
Kangaroo Paw Luala'luala



Pohinahina



Ulei



El Toro Zoysia Lawn

Palms and Trees



Coconut Palm



Areca Palm



Thornless Hala Tree



Singapore Plumeria

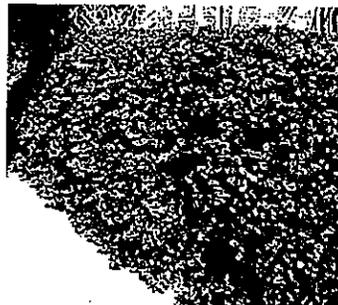


Loulu Palm

Tall Shrubs



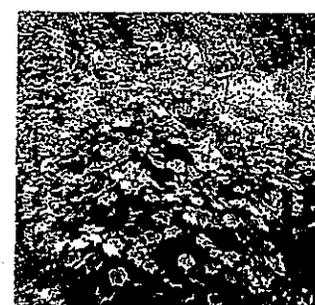
Borneo Giant 'Ape'



Natal Plum



Native White Hibiscus



Native Red Hibiscus



'Buddah Belly' Bamboo



Dwarf 'Ape' (*A. gageana*)



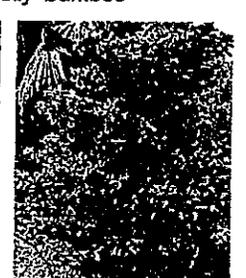
Lumpy Noodle Bamboo



Red Ginger



'Burle Marx' Philodendron

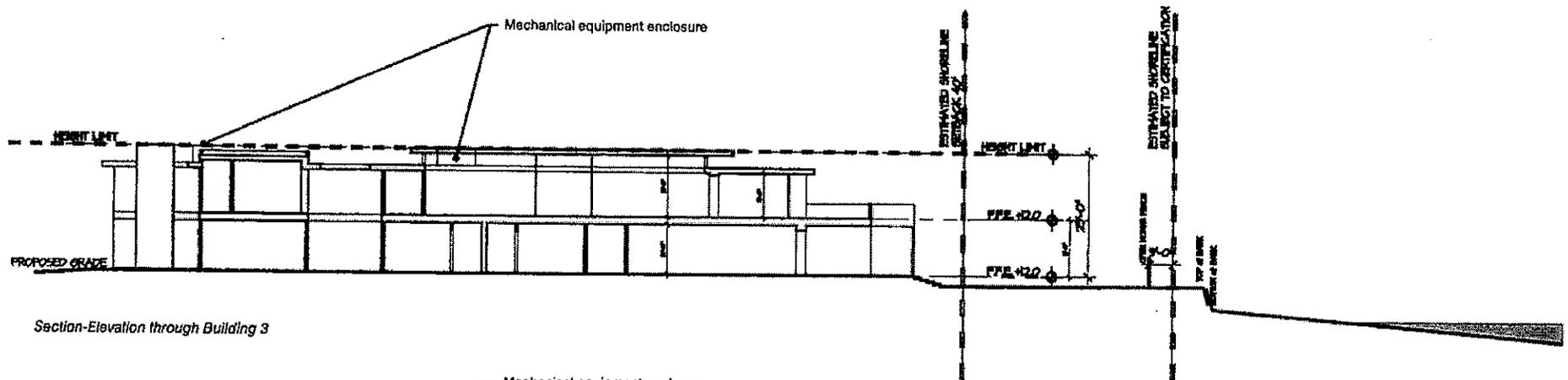


Nau Gardenia

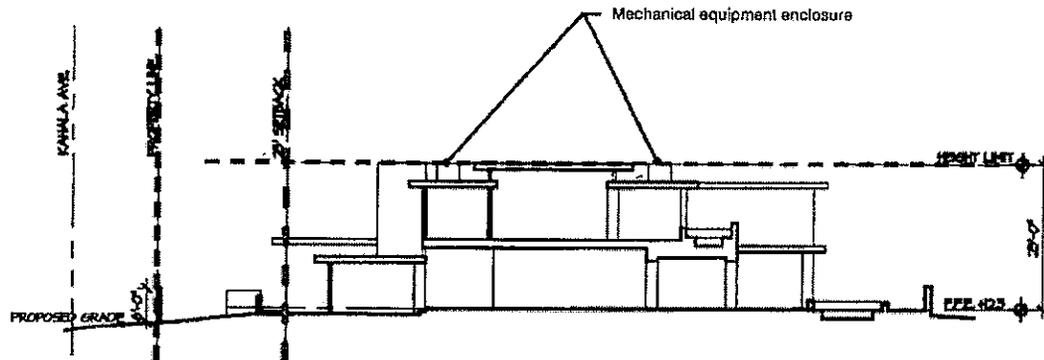
Plant Palette

Exhibit B-7

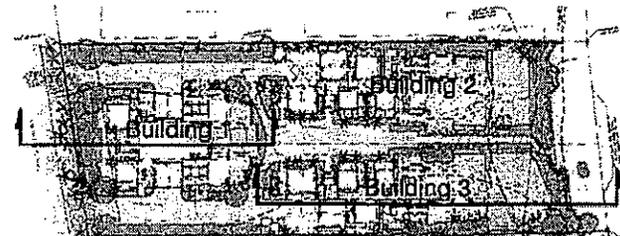
File No. 2016/SMA-22



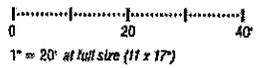
Section-Elevation through Building 3



Section-Elevation through Building 1

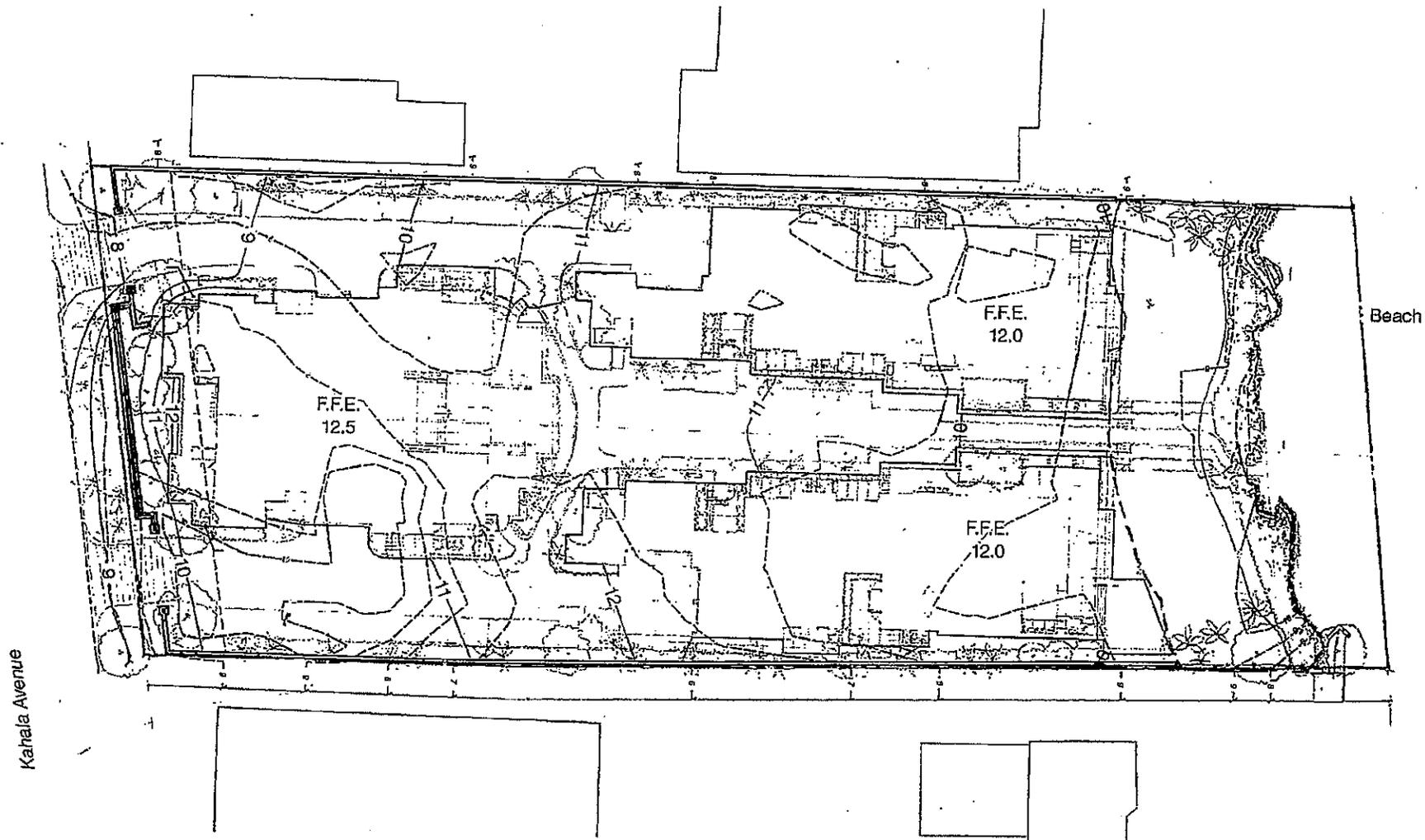


Key Plan



Site Sections

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





 0 30 60'

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

 Note: Contour lines outside property boundary are approximate

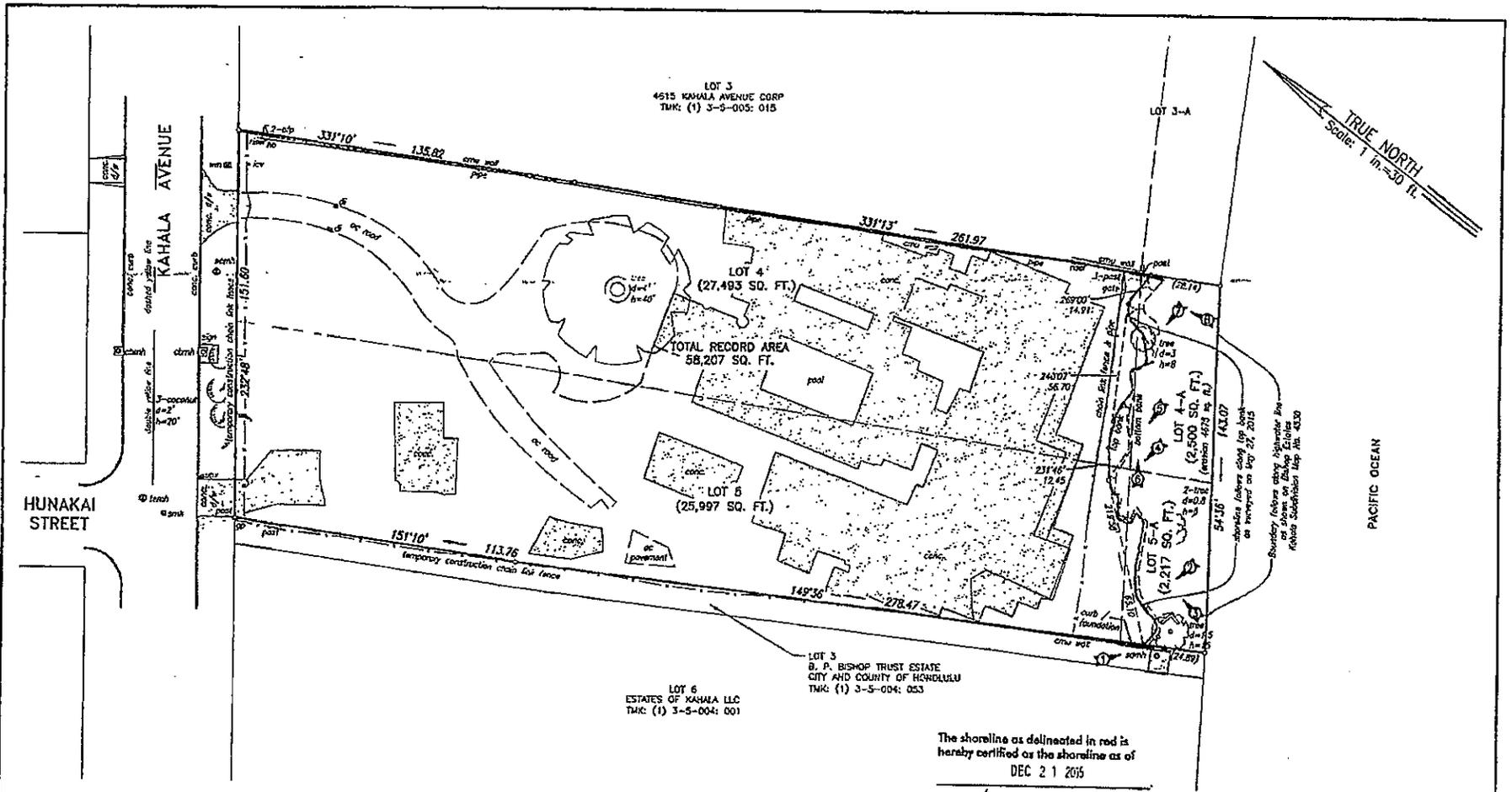
- - - Existing Contour

 — 8 — Proposed Contour

Grading Concept Plan

Exhibit B-9

 File No. 2016/SMA-22



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

N. Kawahara
 Chairperson, Board of Land and Natural Resources

NOTES

1. Azimuths shown on this map are referred to Government Survey Triangulation Station "LEAHI" 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 KALEHEANA
 SITUATED IN KAHALA, HONOLULU, OAHU, HAWAII
 TAX MAP KEY: (1) 3-5-005: 016

SITE ADDRESS: 4607 KAHALA AVENUE
 HONOLULU, HAWAII 96818
 OWNER: 4607 KAHALA LLC

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



AUSTIN, TSUTSUMI, & ASSOCIATES INC.
 501 SUMNER STREET, SUITE 521
 HONOLULU, HI 96817, (808) 333-3848

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Erik S. Kawahara
 ERIC S. KAWAHARA
 LICENSED PROFESSIONAL LAND SURVEYOR
 CERTIFICATE NO. 9826