

# REPORT OF THE COMMITTEE ON ZONING AND PLANNING

## Voting Members:

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

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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 16-265 entitled:

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

as transmitted by Departmental Communication 661 from the Department of Planning and Permitting (DPP), dated September 28, 2016, reports as follows:

The purpose of Resolution 16-265 is to grant a Special Management Area Use Permit (SMP) to Kihapai Hui LLC ("Applicant") 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 and identified by Tax Map Keys 4-3-58: 47, 48 and 65. 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.

Your Committee notes that the DPP, after a public hearing held on August 10, 2016 and continued on August 30, 2016, recommends approval of the SMP subject to the conditions set forth in the resolution.

At your Committee's meeting on October 20, 2016, the Applicant and the Applicant's Agent provided a short presentation of the Project. The Agent discussed

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**NOV 02 2016**

COMMITTEE REPORT NO. **339**

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planned measures to protect water birds, for which the nearby Kawainui Marsh, Kawainui Stream, and Hamakua March serve as a habitat. No public testimony was received.

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. Your Committee added a new Condition C containing standard language requiring work stoppage and immediate contact of SHPD if previously unidentified archaeological sites or remains are encountered.
- B. Your Committee added a new Condition E, consistent with the DPP Director's report, requiring the Applicant to leave a five-foot wide undisturbed strip of land along the mauka (west) boundary of the Project site, to function as a natural barrier to protect waterbirds from walking onto the site from the Kawainui Stream and Marsh.

Your Committee has prepared a CD1 version of the resolution that makes the following amendments:

- A. In the fourth WHEREAS clause, lists September 28, 2016 as the date the Council received DPP's report.
- B. Adds a new Condition C containing standard language requiring work stoppage and immediate contact of SHPD if previously unidentified archaeological sites or remains are encountered. Re-alphabetizes subsequent conditions.

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- C. Adds a new Condition E, consistent with the DPP Director's report, requiring the Applicant to leave a five-foot wide undisturbed strip of land along the mauka (west) boundary of the Project site, to function as a natural barrier to protect waterbirds from walking onto the site from the Kawainui Stream and Marsh. Re-alphabetizes subsequent conditions.
- D. In re-alphabetized Condition I, adds standard language describing the process for extending the two year period in which the Applicant must obtain a building permit for the project if the requested extension exceeds one year from the initial deadline set by the City Council.
- E. 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 661 (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.
- C. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

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Your Committee on Zoning and Planning is in accord with the intent and purpose of Resolution 16-265, as amended herein, and recommends its adoption in the form attached hereto, as Resolution 16-265, CD1. (Ayes: Ozawa, Fukunaga, Kobayashi, Manahan, Menor – 5; Noes: None.)

Respectfully submitted,



Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**NOV 02 2016**

COMMITTEE REPORT NO. **339**



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## RESOLUTION

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

WHEREAS, on June 16, 2016, the Department of Planning and Permitting (DPP) accepted an application from Kihapai Hui LLC, herein referred to as the "Applicant," for a Special Management Area (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 zoned A-2 Medium Density Apartment District, located at 734 and 735 Kihapai Place, Kailua, Oahu, identified by Tax Map Keys 4-3-58: 47, 48 and 65 (DPP Reference Number 2016/SMA-37); and

WHEREAS, on August 10, 2016, and continued on August 30, 2016, the DPP held a public hearing, which was attended by two representatives of the Applicant, the Applicant's Agent, and four members of the public on August 10, and 10 members of the public on August 30; 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 1990 (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of DPP on September 28, 2016, and 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 subject to the following conditions:

- A. Construction of the Kihapai Place Apartments 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 through L attached hereto and incorporated herein by this reference. Any change in the size or nature of the project that has a significant effect on coastal resources addressed in ROH Chapter 25 or HRS Chapter 205A, or both, will require a new application and SMA use permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and therefore permitted under this resolution, upon review and approval by the DPP Director.



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-265, CD1

## RESOLUTION

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- B. Prior to the issuance of any development permits for ground disturbance or construction activities, the Applicant shall provide the DPP with written confirmation of the review and approval by the Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD), of a Burial Treatment Plan and Archaeological Inventory Survey for the project, including any plan for on-site archaeological monitoring.
- C. 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 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.
- D. 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.
- E. The Applicant shall leave a five-foot wide undisturbed strip of land along the mauka (west) boundary of the project site, to function as a natural barrier to protect waterbirds from walking onto the site from the Kawainui Stream and Marsh.
- F. Prior to the issuance of any building permits for the apartment building, the Applicant shall submit for review and approval by the DPP, Land Use Permits Division, a final landscape plan that utilizes native plant species and non-invasive exotic species.
- G. Exterior building materials, finishes, and colors must be nonreflective and subdued in appearance. White and highly reflective materials, finishes, and colors are not permitted. Colors for all materials must be appropriate natural or earth tones, and must be labeled on the building permit plans for review and approval by the DPP, Land Use Permits Division.



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H. Artificial light from exterior lighting 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 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.

I. **The Applicant shall obtain a development permit for the proposed development within two years after 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 Director of the DPP 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.

J. Approval of this SMA 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 shall be responsible for ensuring that the final plans for the project approved under this SMA use permit comply with all applicable LUO and other governmental provisions and requirements.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-265, CD1

**RESOLUTION**

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted 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; and Sam Lemmo, Administrator, Office of Conservation and Coastal Lands, Department of Land and Natural Resources, P.O. Box 621, Honolulu, Hawaii 96809.

INTRODUCED BY:

Ernest Martin (br)

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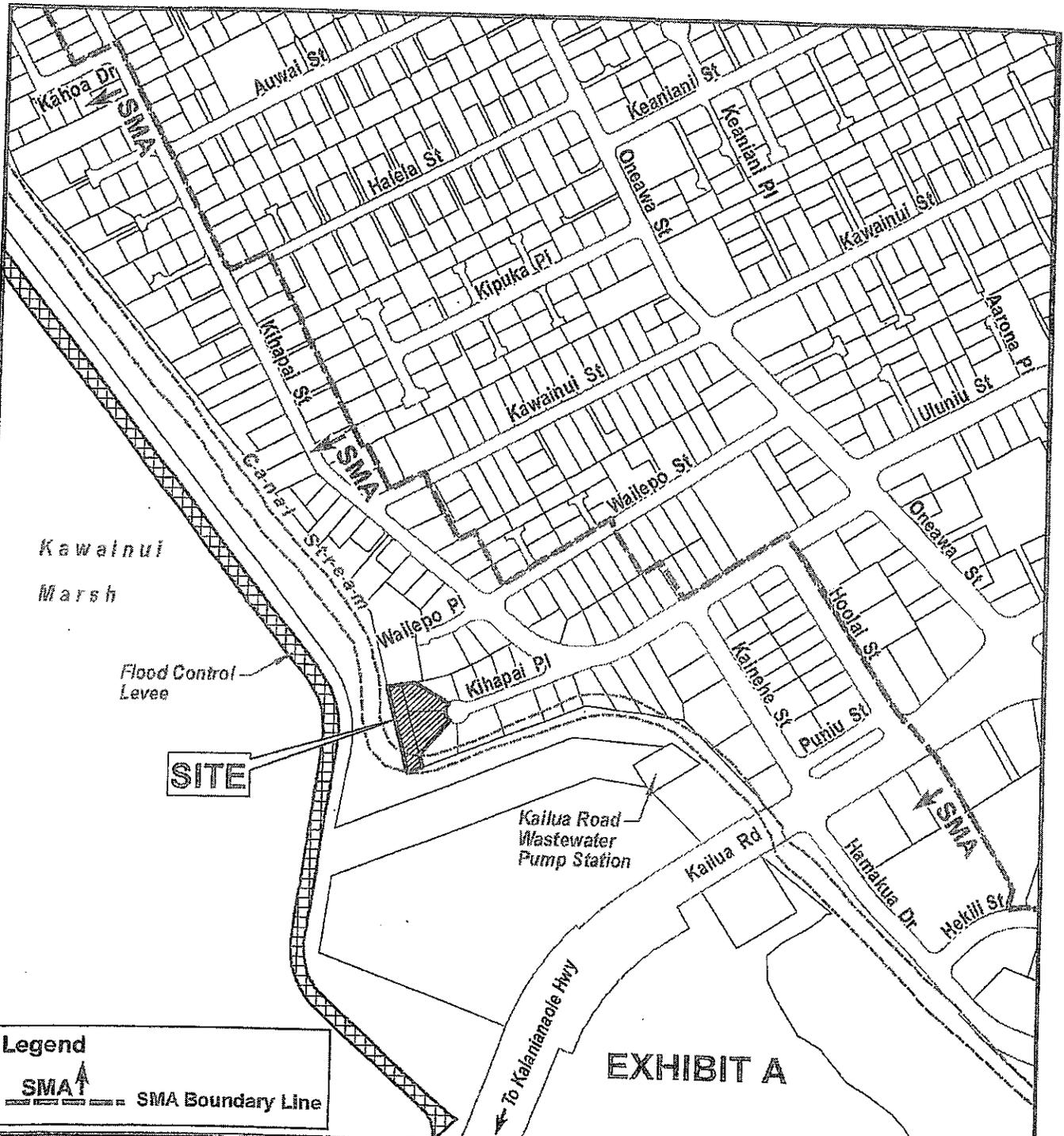
\_\_\_\_\_

DATE OF INTRODUCTION:

September 29, 2016  
Honolulu, Hawaii

\_\_\_\_\_

Councilmembers

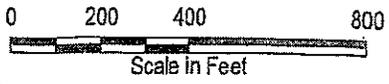
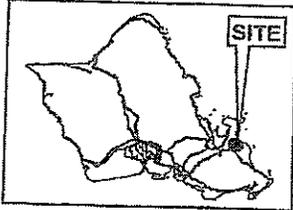
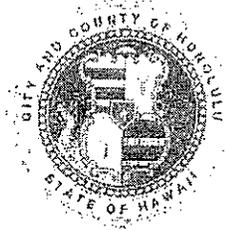


**SITE**

**EXHIBIT A**

**Legend**

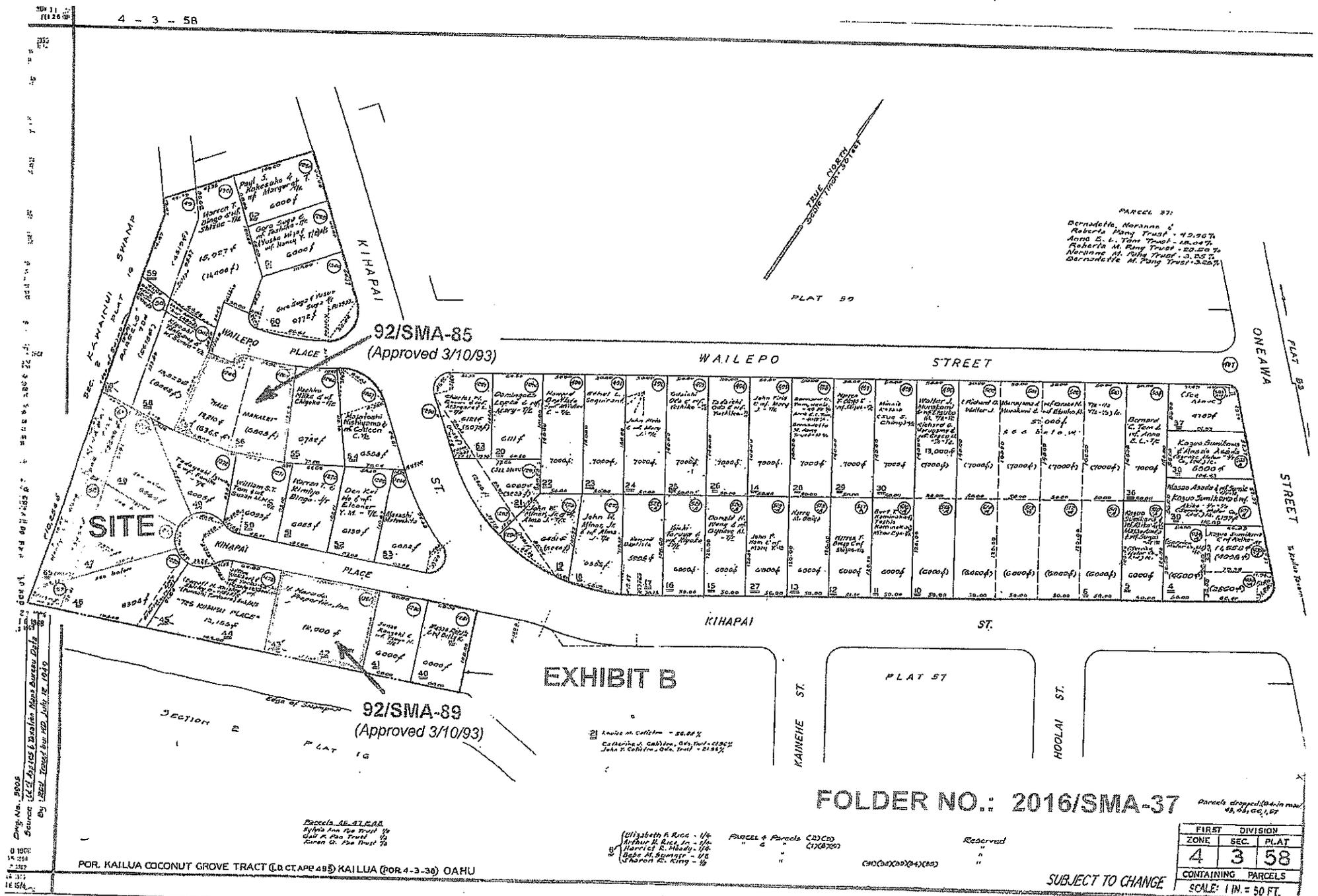
SMA Boundary Line



**LOCATION MAP  
KAILUA**

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

**FOLDER NO.: 2016/SMA-37**



PARCEL 37:  
 Bernadette Marsman - 1/2  
 Roberts Mary Trust - 1/2  
 Anna E. L. Tom Trust - 1/2  
 Robert M. Ring Trust - 1/2  
 Bernadette M. Ring Trust - 1/2

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

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

EXHIBIT B

FOLDER NO.: 2016/SMA-37

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

City, Vol. 2005  
 Source: U.S. Office of Hawaiian Affairs Bureau of Land Management  
 By: [Name]

POR. KAILUA COCONUT GROVE TRACT (L.R. CT. APR 4-3-38) OAHU

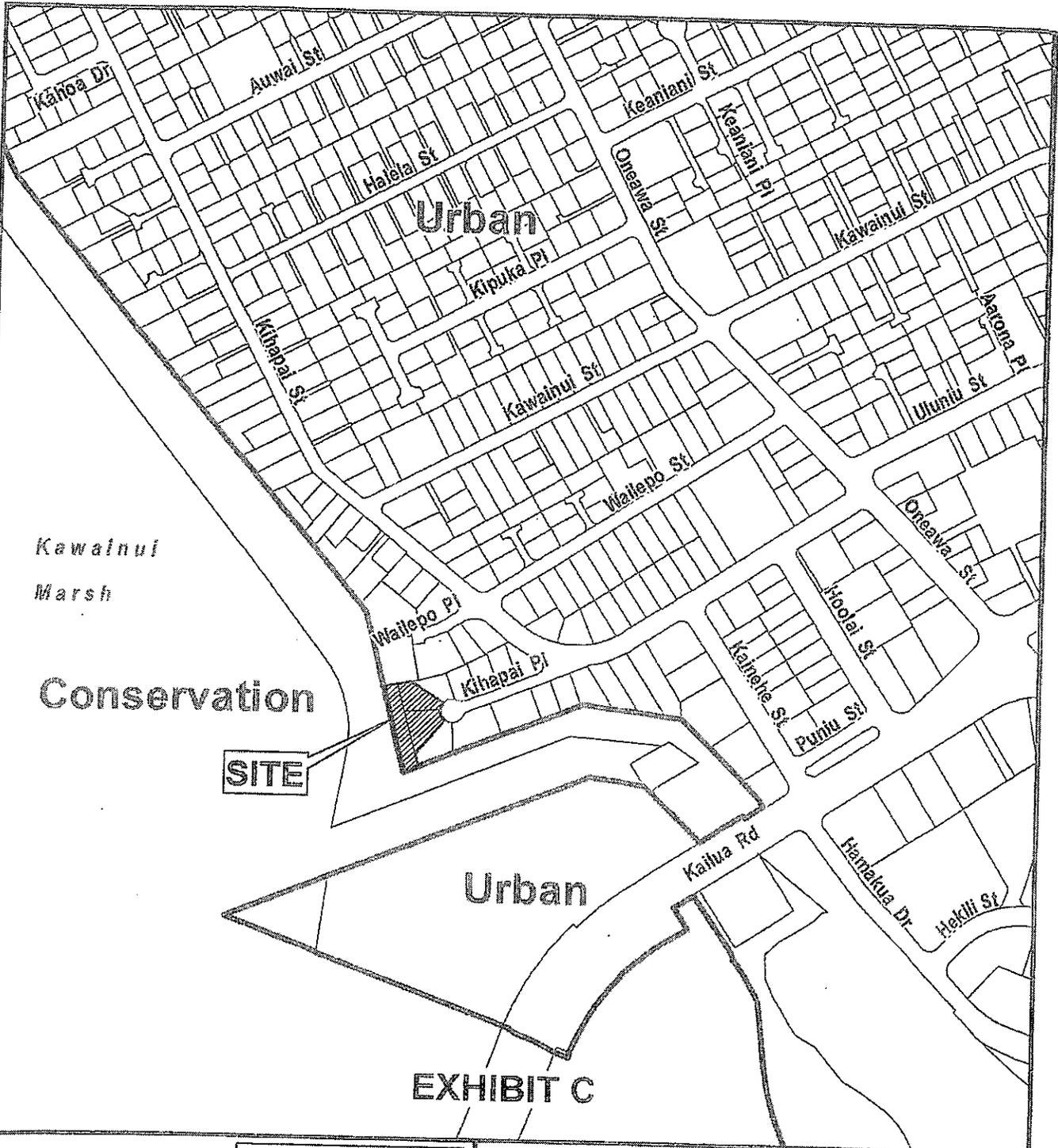
(Elizabeth A. Ross - 1/2  
 Arthur H. Ross Jr. - 1/2  
 Harold C. Ross - 1/2  
 Gabe M. Springer - 1/2  
 Sharon M. Ring - 1/2)

PARCEL & PARCELS C(2)C(2)  
 " " " " C(1)X(2)C(2)

Reserved

C(2)C(2)C(2)C(2)

SUBJECT TO CHANGE



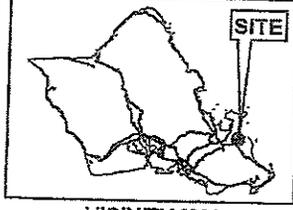
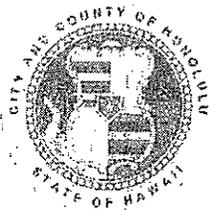
Kawaihuli  
Marsh

Conservation

SITE

Urban

EXHIBIT C



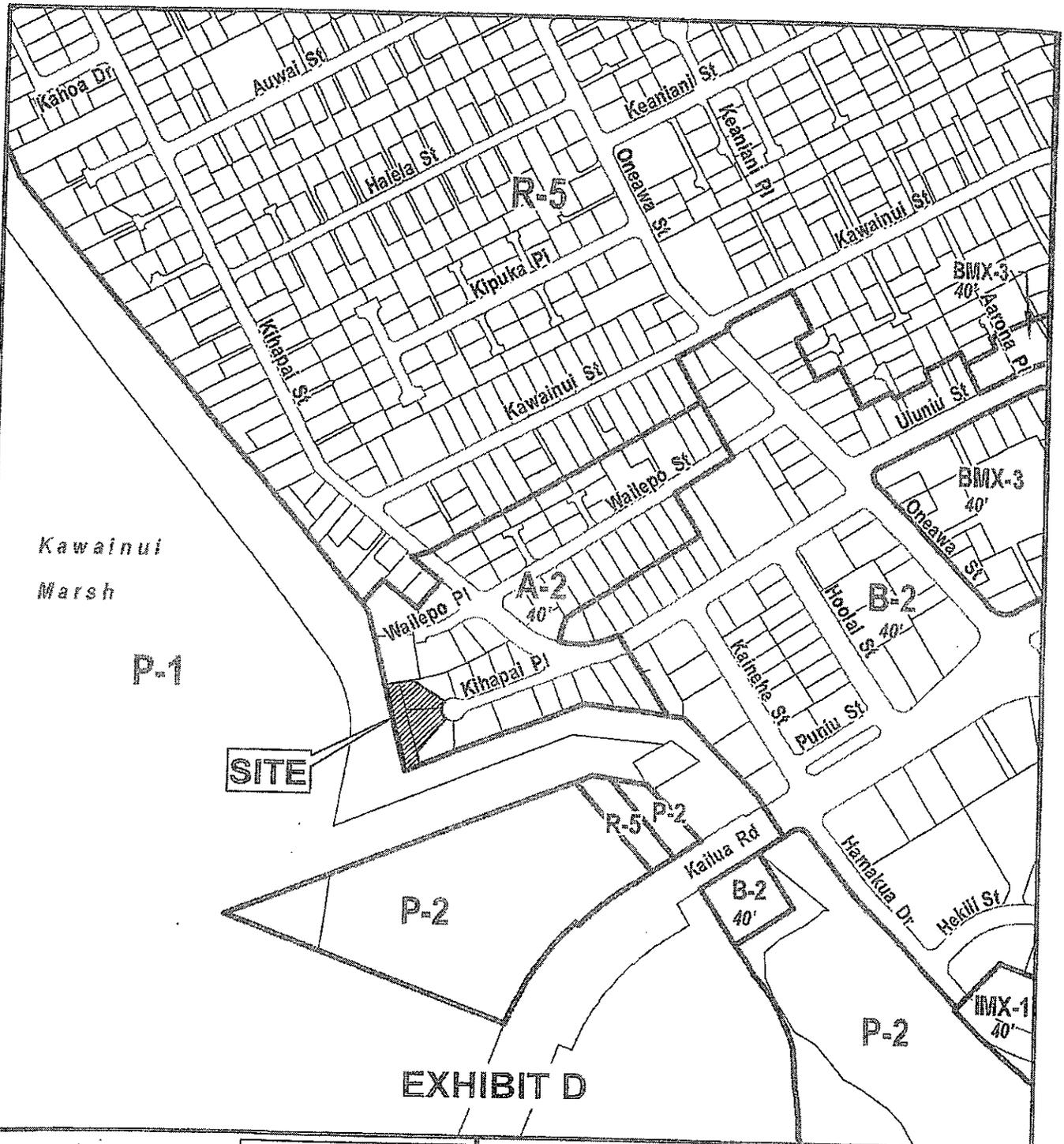
VICINITY MAP

PORTION OF  
**STATE LAND USE MAP  
KAILUA**

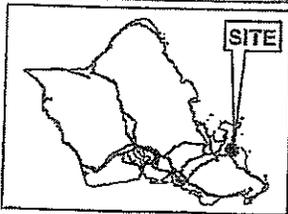
TAX MAP KEY(S): 4-3-058: 47, 48 and 65

FOLDER NO.: 2016/SMA-37

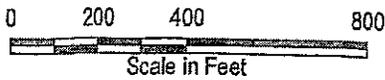




**EXHIBIT D**



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**

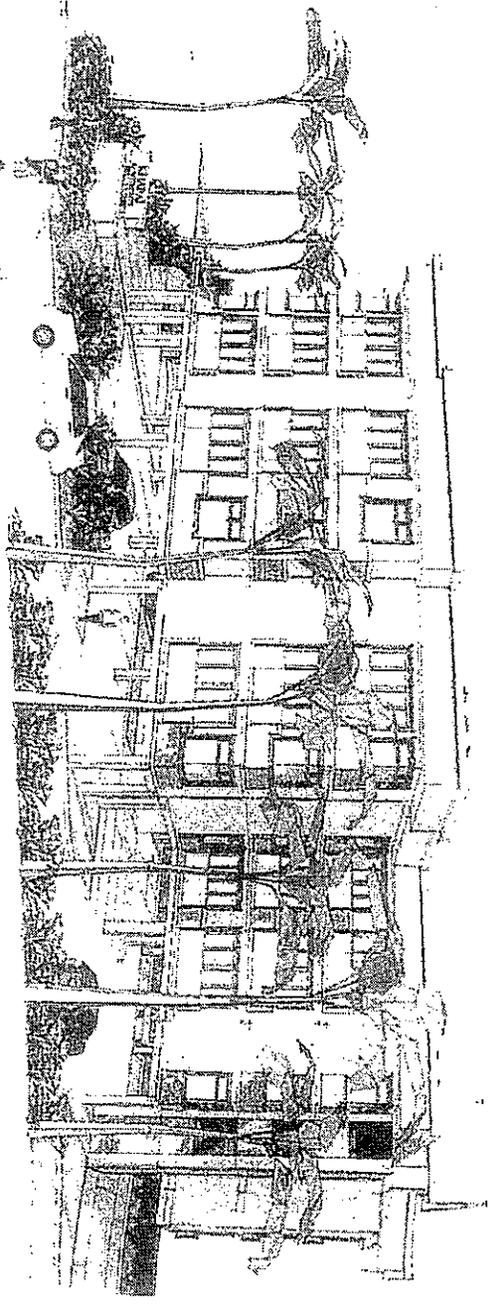
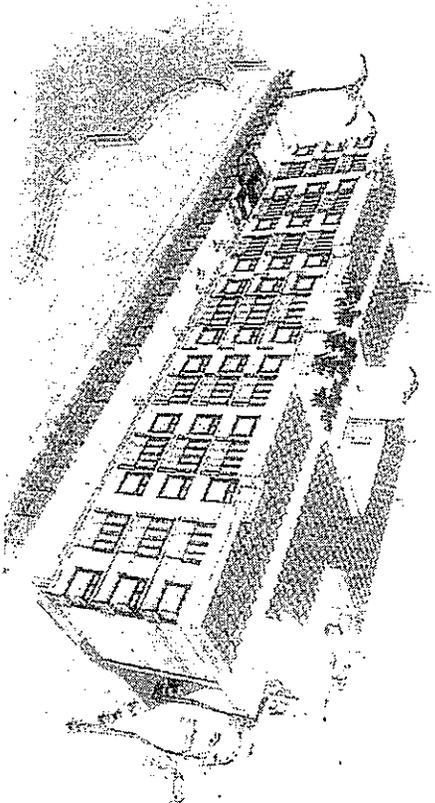


Figure 8: Kihapai Place Apartments (Northeast Perspective)



SOUTHWEST PERSPECTIVE

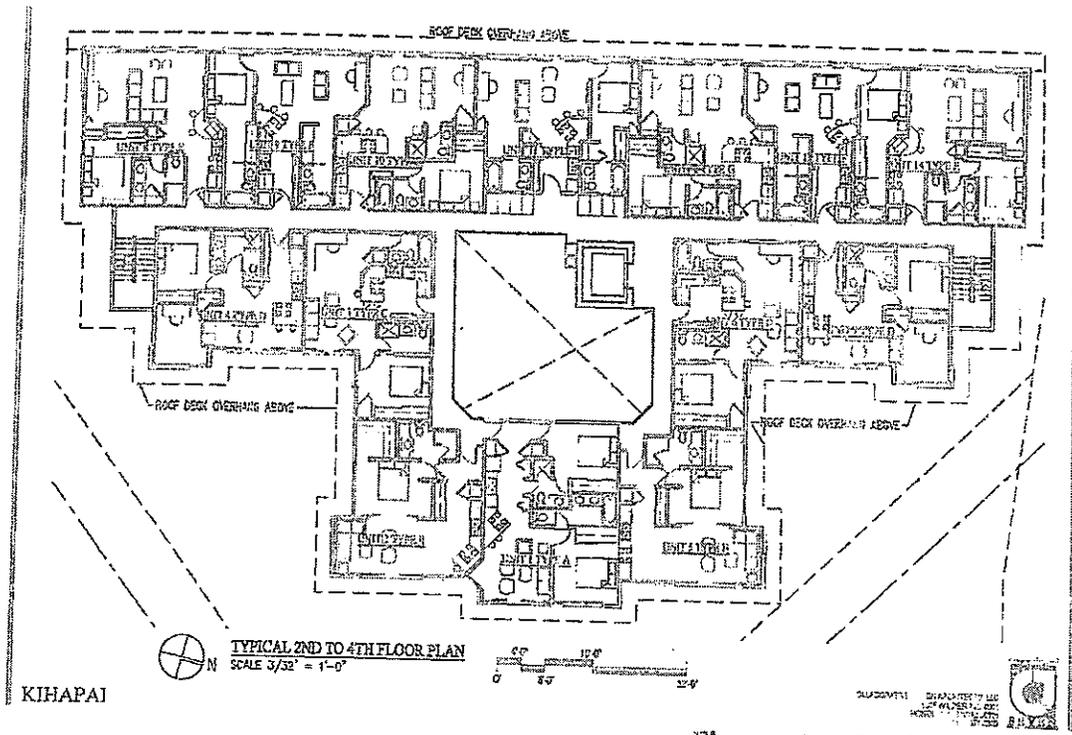
**EXHIBIT E**

KIHAPAI

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

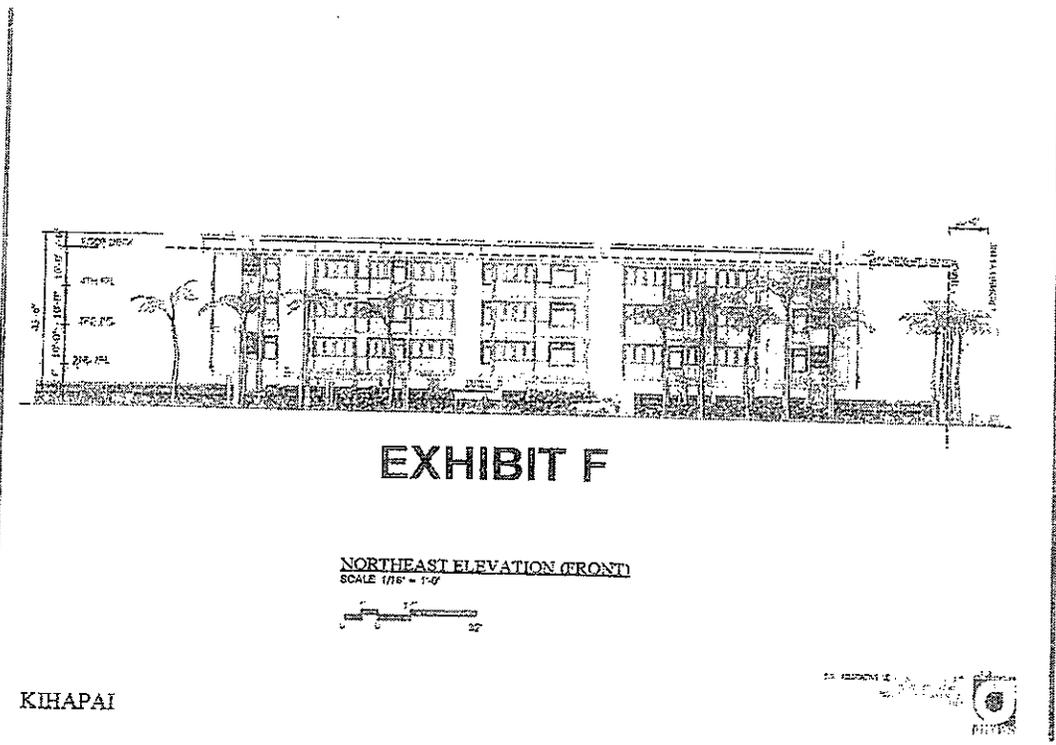


**FOLDER NO.: 2016/SMA-37**



KIHAPAI

Figure 10: Typical Floor Plan



**EXHIBIT F**

**NORTHEAST ELEVATION (FRONT)**  
SCALE 1/16" = 1'-0"

KIHAPAI

Figure 11: Building Elevation

**FOLDER NO.: 2016/SMA-37**

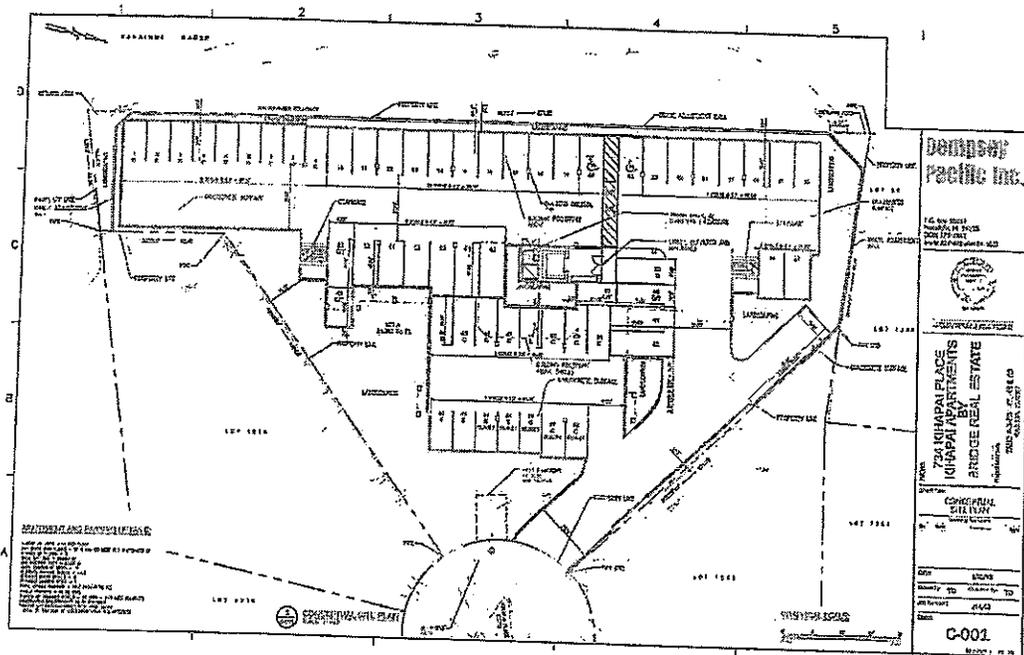


Figure 13: Parking Plan

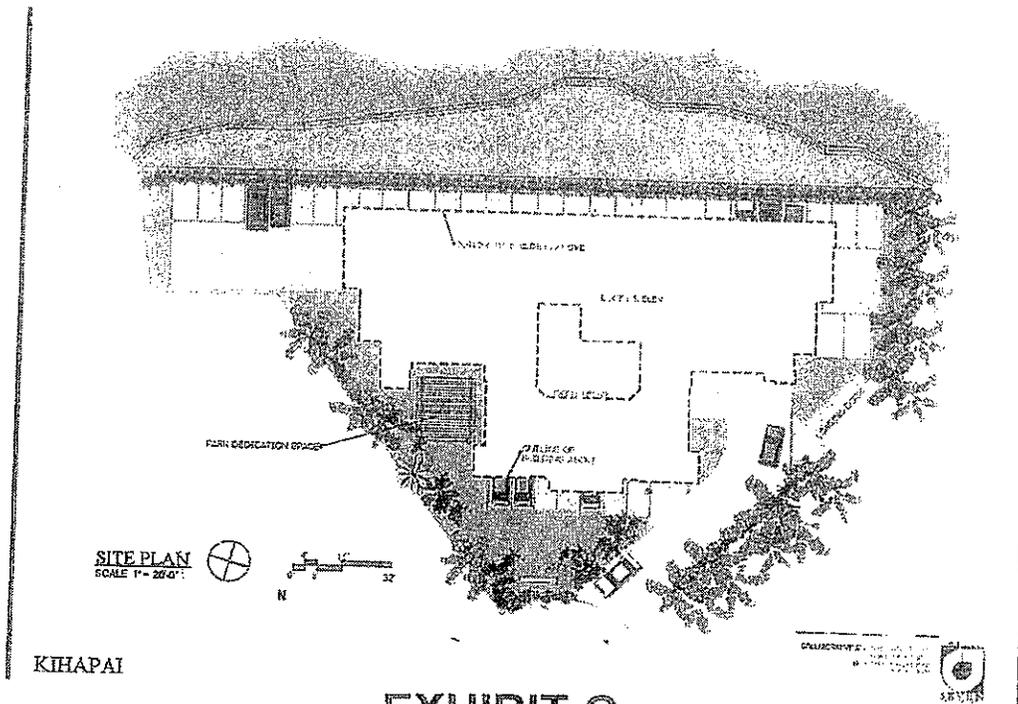


Figure 14: Landscape Plan

FOLDER NO.: 2016/SMA-37

Source: City & County of Honolulu, HOLIS

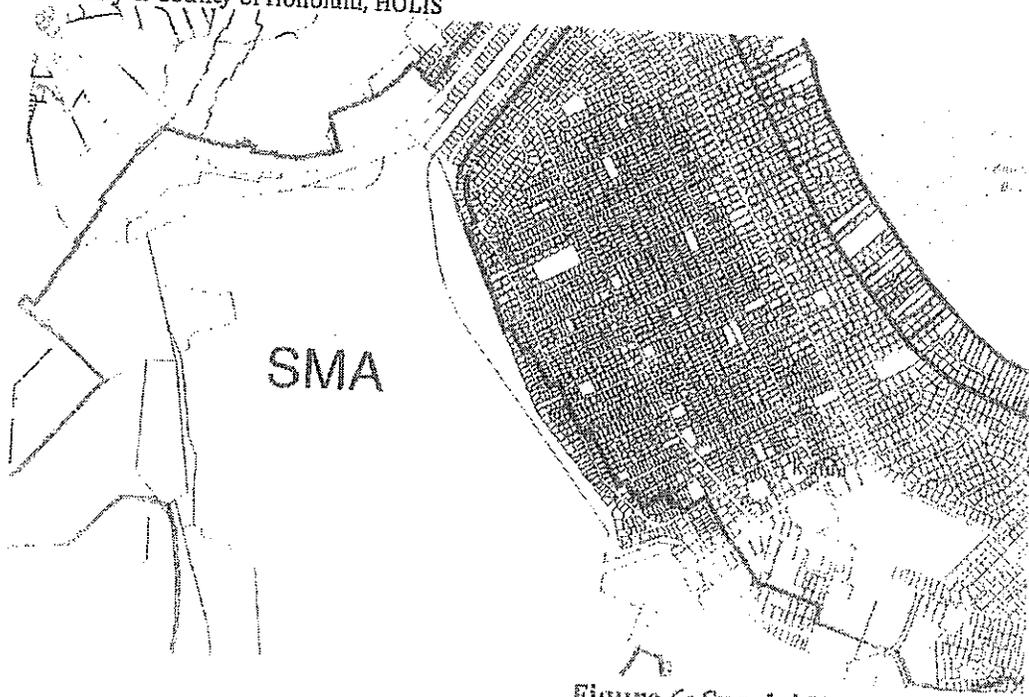
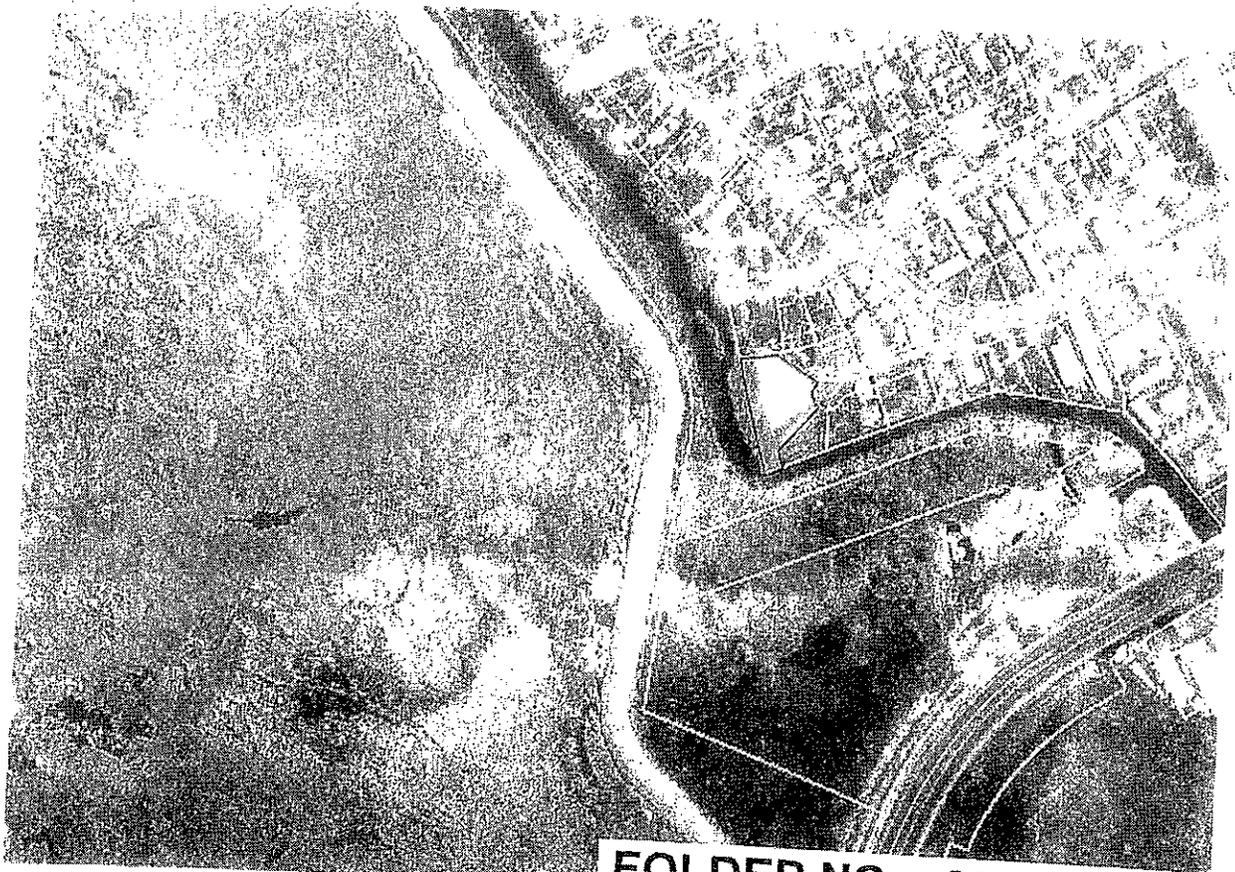


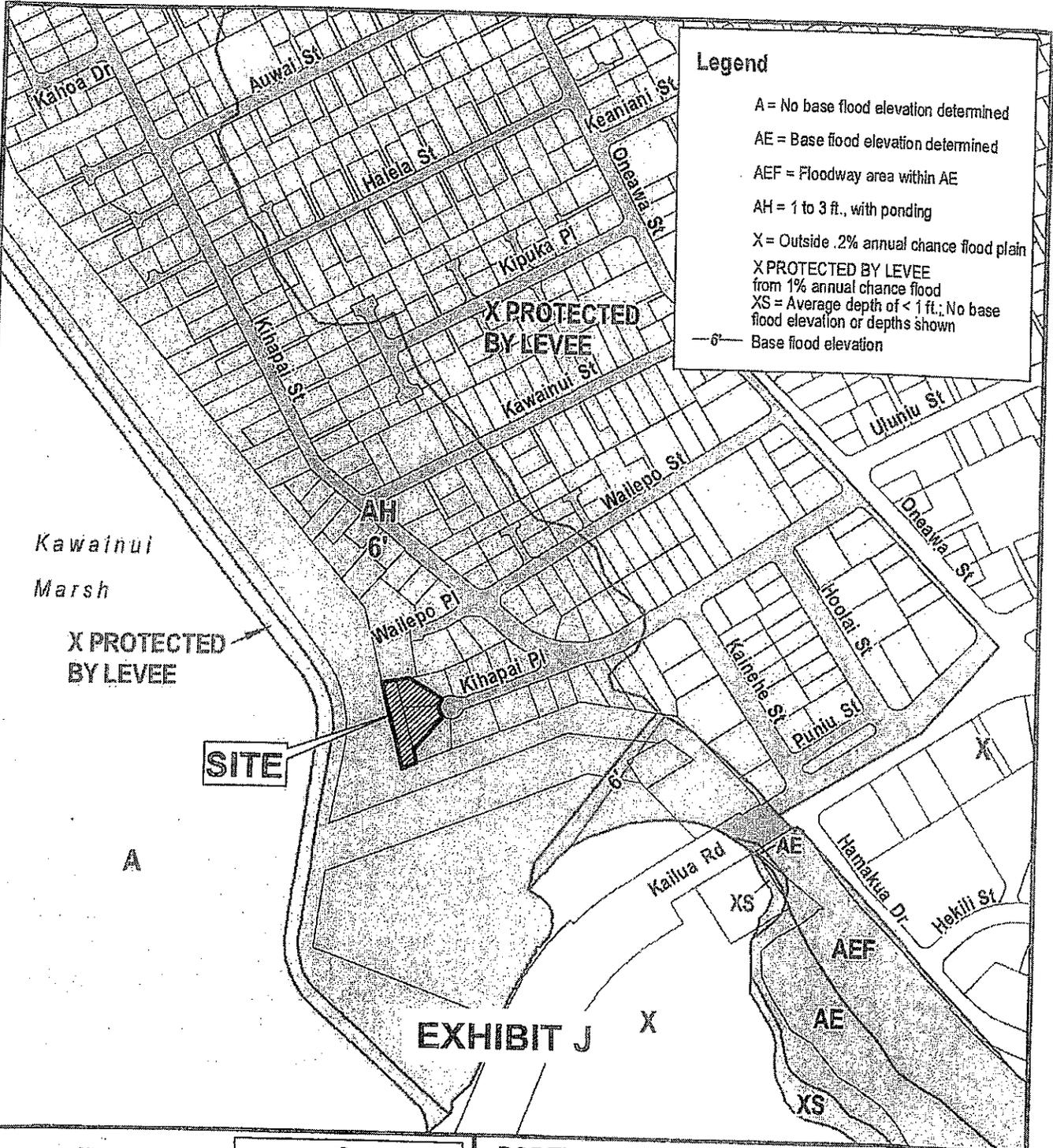
Figure 6: Special Management Area

## EXHIBIT H



FOLDER NO.: 2016/SMA-37





**Legend**

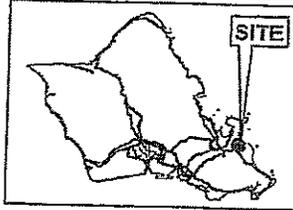
- A = No base flood elevation determined
- AE = Base flood elevation determined
- AEF = Floodway area within AE
- AH = 1 to 3 ft., with ponding
- X = Outside .2% annual chance flood plain
- X PROTECTED BY LEVEE  
from 1% annual chance flood
- XS = Average depth of < 1 ft.; No base flood elevation or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

**SITE**

**X PROTECTED BY LEVEE**

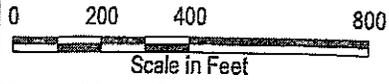
Kawainui Marsh

**EXHIBIT J**



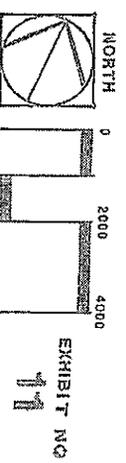
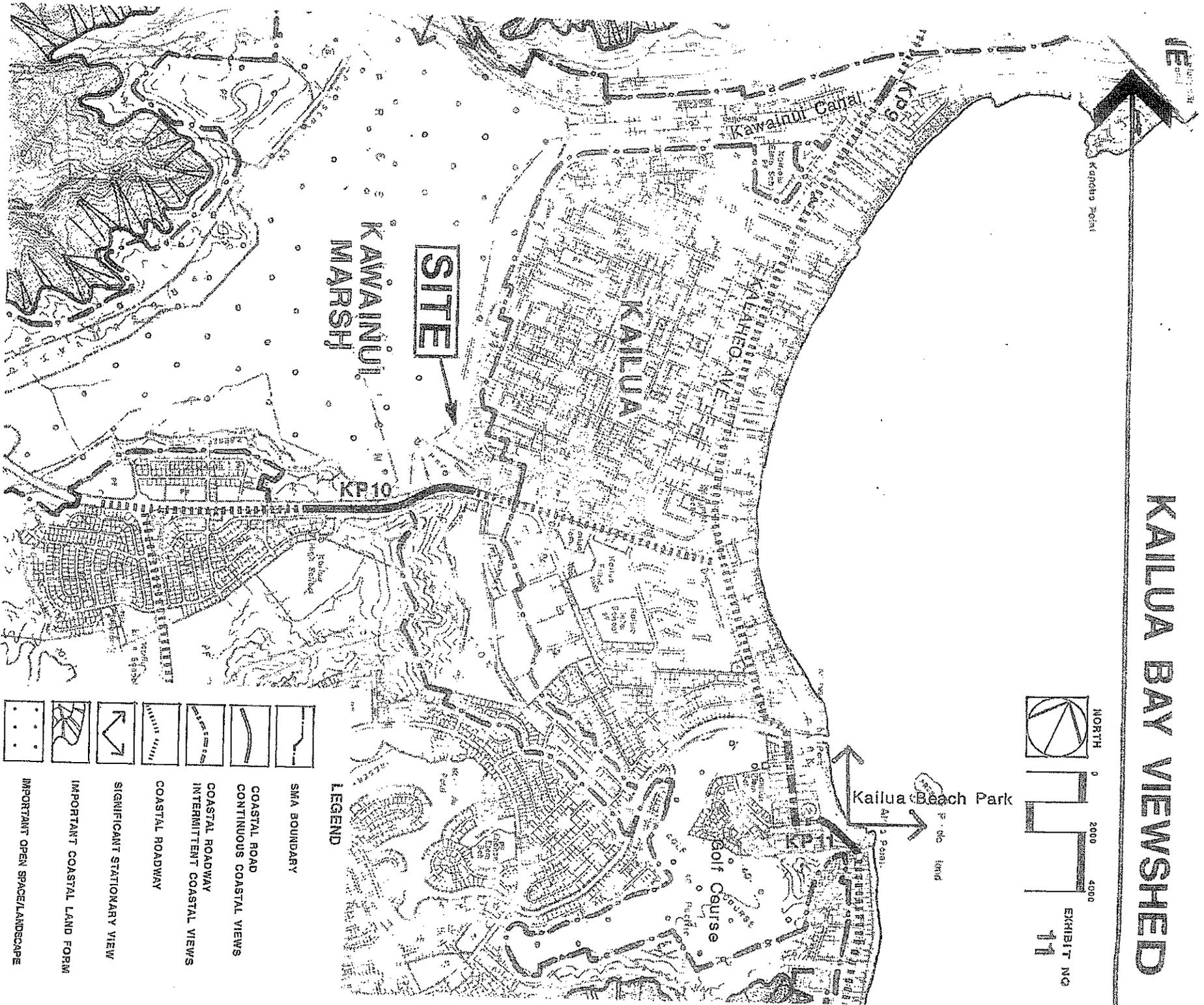
**PORTION OF FLOOD MAP KAILUA**

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



**FOLDER NO.: 2016/SMA-37**

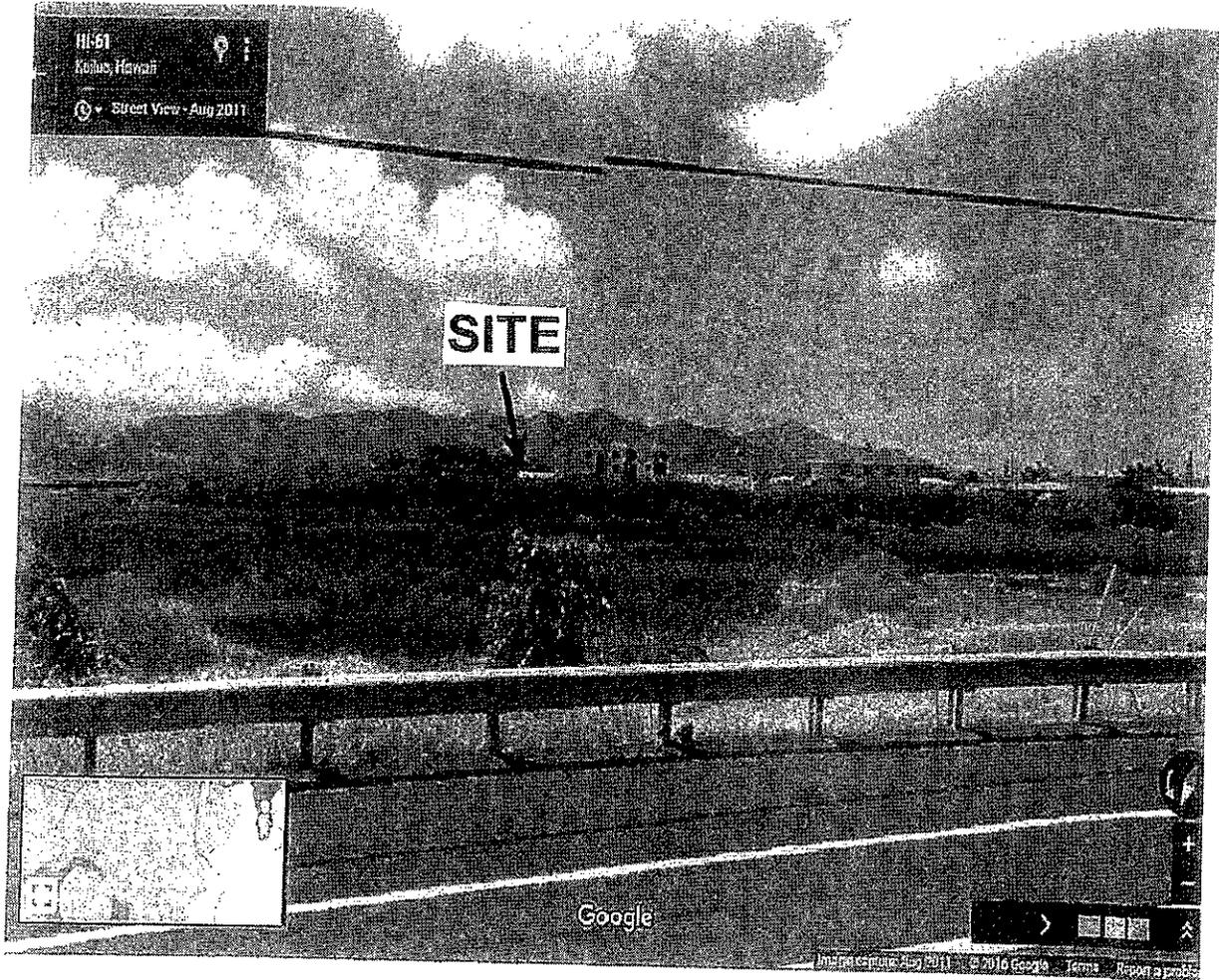
# KAILUA BAY VIEWSHED



### 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 K 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**