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**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF: OCCL: TF

CDUA: OA-3893

Acceptance Date: April 3, 2022

180-day Exp. Date: September 30, 2022

Bruce Tsuchida, Principal Planner
Townscape, Inc.
900 Fort Street Mall, Suite 1160
Honolulu, HI 96813

Apr 5, 2022

Dear Mr. Tsuchida:

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL
DETERMINATION**

Conservation District Use Application (CDUA) OA-3893
(BOARD Permit)

This acknowledges the receipt and acceptance for the processing of your clients' CDUA for a proposed Single-Family Residence, Landscaping, and related improvements located at 48-479 Waiahole Valley North Branch Road, Waikane, Koolaupoko, Oahu, Tax Map Key (TMK): (1) 4-8-006:001. The subject property is approximately 326.76-acres and lies in the Resource Subzone of the State Land Use Conservation District.

The applicant is proposing to construct an approximately 4,955 sq. ft single-story slab-on-grade single-family residence consisting of 4 bedrooms, 3.5 bathrooms, kitchen, living and dining room, laundry room, carport and large covered lanai space. Electrical (via a Hawaiian Electric Company [HECO] connection as well as photovoltaic system), a rainwater catchment system, and an independent septic system for wastewater disposal are also proposed to support the residence. Additionally, the applicant is proposing to utilize and extend the existing driveway to the proposed residence as well as install landscaping over an approximate area of 0.90-acres (39,204 sq. ft) consisting of non-invasive plantings including trees, hedges, and areas of grass lawn near the proposed driveway and dwelling.

After reviewing the application, the Department finds that:

1. The proposed uses are identified land uses in the Resource Subzone of the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-23 L-2 **LANDSCAPING** (D-1) Landscaping (including clearing, grubbing, grading

and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant material that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited; and HAR, §13-5-24 R-7 **SINGLE FAMILY RESIDENCE (D-1)** A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;

2. Pursuant to HAR, §13-5-40, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and,
4. The subject area is not located in the Special Management Area (SMA).

Further, the OCCL offers the following comments on the CDUA and the Draft Environmental Assessment (EA):

Sheet A100 (page 17 in the CDUA) appears to state that the SFR will total 4,603 sq. ft. Table 1 – Components of the Residence (page 10 of the CDUA) & Sheet A101 (page 18 of the CDUA) state that the SFR will total 4,955 sq. ft.

- Please clarify the discrepancy between these two calculations for the proposed developable area of the single-family residence.

On page 21 of the CDUA, it states: The sidewalks and other flat work unrelated to the house structure will be 4" concrete slabs on grade. The motor court construction will be 4" concrete slab on grade.

- It appears that the sidewalks and motor court are not labeled or included in any of the drawings.
- Please identify and label these features or clarify if they have been removed.

On page 29 of the CDUA, it states: The Ohulehule Forest Conservancy received a letter from HHFDC in November 2021 allowing vehicular access to the makai parcel of the property from Waiahole Valley Road.

- Please provide a copy of HHFDC's November 2021 letter authorizing access from Waiahole Valley Road and include it in the Final EA.

On page 29 of the CDUA, it refers to Figure 4 and Figure 7 for the approximate location of the components of the proposed solar electric system.

- Figure 4 appears to refer to the PRELIMINARY GRADING AND DRAINAGE PLAN and Figure 7 appears to be the FLOOR PLAN – DWELLING.

- Please clarify and ensure that all figures or tables being referenced are labeled appropriately.

On page 52 of the CDUA under Chapter 205A, Coastal Zone Requirements, it states: “NOT APPLICABLE: THE PROJECT SITE IS NOT WITHIN THE COASTAL ZONE”

- This is an incorrect statement as the Coastal Management Area encompasses the entire state as there is no point of land more than 30 miles from the ocean implying that there is a definite land-sea connection throughout the state.

The Draft EA appears to be lacking a technical description of the proposed action.

- You may want to consider including the “Single Family Dwelling Design” on page 21 of the CDUA in the EA to address this.

In Section 2.4.1 *SOLAR ELECTRICITY* of the Draft EA, it references Figure 4 and Figure 7 for the approximate location of the components of the proposed solar electric system. Figures 4 and 7 appear to be “Figure 4 - View of Existing Driveway” and “Figure 7 – Water Tank Plan II” in the Draft EA.

- Please ensure that all figures and tables are appropriately labeled and referenced.
- Please clarify if the solar panels will be flush mounted on the roof.

In Section 4.1.7. *NATURAL AND ENVIRONMENTAL HAZARDS Impacts and Mitigation* of the Draft EA, it states: Signage will inform people of this potential risk and the Ohulehule Forest Conservancy will maintain contact with the USACE for updates on the status of military-related hazards.

- Please note that signs/signage is an identified land use that may be applied for pursuant to HAR, §13-5-22 P-7 SIGNS (B-1) *Signs, including safety signs, danger signs, no trespassing signs, and other informational signs. No signs shall exceed twelve square feet in area and shall be non-illuminated. All signs shall be erected to be self-supporting and be less than or equal to eight feet above finished grade.*
- Please clarify if the signs/signage will be part of your client’s current CDUA or come under future applications for proposed land uses.

In Section 4.2.4. *SOCIO-ECONOMIC ENVIRONMENT* of the Draft EA, it states: It is understood that though the parcels have two independent TMK’s, the OCCL will treat the property as one legal lot of record and will only allow one single-family residence to be constructed.

- Please provide maps and official correspondence letters that demonstrate TMKs: (1) 4-8-006:001 and 4-8-014:005 are one (1) legal lot of record.

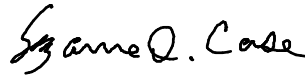
In Section 4.5. *REQUIRED PERMITS AND APPROVALS* of the Draft EA, please include the relevant agencies that may issue these potential authorizations.

In APPENDIX H: Early Consultation Correspondence of the Draft EA, it appears that the OCCL did respond to Townscape, Inc.'s March 14, 2019 request for early consultation comments via Correspondence OA 19-145.

- Correspondence OA 19-145 will need to be included in the EA.
- According to OCCL files, it does not appear that we received Townscape, Inc.'s December 1, 2020 letter.
- Please ensure that the EA includes all comments received and responses as part of the early consultation process and public review periods.

This CDUA will be submitted to the Board of Land and Natural Resources for their consideration after all reviews and evaluations of the proposal have been made. Should you have any questions, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Land at (808) 798-6660 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

MC

c: Oahu Board Member
CWRM/ODLO/DAR/DOFAW/NAH/ENG/DOCARE/OHA/DOH/ERP/HHFDC
City and County of Honolulu, Department of Planning and Permitting
Honolulu Fire Department
Kaneohe Public Library
Waiahole-Waikane Community Association
Kahaluu Neighborhood Board #29