DEPARTMENT OF LAND UTILIZATION
91/SV-5(JT)

CHAPTER 343, HRS
Environmental Assessment/Determination
Negative Declaration

Recorded Owner : Delmonte Family Trust
Applicant : James R. Delmonte
Agent : Kathleen M. Douglas, Esq.
Location : 1 Kokee Place - Maunalua
Tax Map Key : 3-9-26; 3
Request : To Allow (Retain) Retaining and Fence Walls to Encroach into the Shoreline Setback
Determination : Environmental Impact Statement (EIS) Not Required

Attached and incorporated by reference is the environmental assessment prepared by the applicant for the project.

On the basis of the environmental assessment, we have determined that an Environmental Impact Statement is not required.

APPROVED

DORIETTA K. C. CHEE
Acting Director of Land Utilization

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January 23, 1991
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF LAND UTILIZATION
APPLICATION FOR SHORELINE SETBACK VARIANCE
HONOLULU MUNICIPAL BUILDING, 7TH FLOOR
HONOLULU, HAWAII 96814
ATTN: DIANE E. BORCHARDT

TMK: 3-9-026:03
APPLICANT: JAMES R. DELMONTE
SUBMITTED BY: KATHLEEN M. DOUGLAS, ESQ.
Reinwald, O'Connor, Marrack,
Hoskins & Playdon
733 Bishop Street
2400 PRI Tower
Honolulu, Hawaii 96813
808-524-8350
**APPLICATION FOR SHORELINE SETBACK VARIANCE**

**I. GENERAL INFORMATION**

| Applicant:          | James R. Delmonte  
|                     | 1 Kokee Place     
|                     | Honolulu, Hawaii 96825 |
| Recorded Fee Owner: | Delmonte Family Trust |
| Agent:              | Reinwald O'Connor Marrack Hoskins & Playdon  
|                     | Kathleen M. Douglas, Esq.  
|                     | Grosvenor Center, PRI Tower  
|                     | 733 Bishop Street, 24th Floor  
|                     | Honolulu, Hawaii 96813  
|                     | 808-524-8350 |
| TMK:                | 3-9-026:03 |
| Lot Area:           | 21,206 square feet |
II. DESCRIPTION OF THE PROPOSED ACTION
   A. General Description

   James R. Delmonte and Sandra J. Delmonte ("Delmontes") have constructed a coral rock wall around the perimeter of their family home at 1 Kokee Place, Honolulu, Hawaii. Building permits were issued in 1988 for additions and alterations to the residence. However, the Delmontes were under the erroneous belief that those permits covered the construction of the coral wall. Consequently, the issue of the setback did not arise until April 9, 1990, when the Building Department issued a notice of violation. The notice indicated that a portion of the wall extends into the 40' Shoreline Setback Area, prohibited by Rule 13.3 of the Shoreline Setback Rules and Regulations of the City and County of Honolulu. The Delmontes now seek a variance for the existing wall in order to conform and legalize the construction as permitted by Rule 15.2 of the Shoreline Setback Rules and Regulations.

   The property is gently sloped from Kokee Place down to the shoreline along Maunalua Bay. Portions of three sides of the Delmontes' perimeter wall are within the shoreline setback area. (See Exhibit "A", Topographic Survey prepared by Dennis Hashimoto). The first portion of the wall backs the western shoreline edge of the property where the Delmontes constructed a wall along the top of a small "bluff". (See Exhibits "B", "C", "D", "E" and "F"). The second portion of the wall borders the adjacent property ("Parcel 2") to the south. This adjacent property is Kokee Beach Park which provides public access to the beach and shoreline. (See
Exhibits "G", "H", "I" and "J"). The third portion of the wall borders the adjacent property ("Parcel 4") to the north. Parcel 4 is a private residence which also has a wall which parallels the Delmontes' coral rock wall. (See Exhibit "K"). Portions of the north, south, and west walls are within the 40' shoreline setback area. (See Exhibit "A").

Also within the shoreline setback area is a pre-existing lower rear wall along the western edge of the property. (See Exhibits "B" and "F"). Aerial photographs taken for the Department of Land Utilization prior to 1970 show an existing wall. Consequently, the lower western wall constitutes a non-conforming structure pursuant to Rule 14.3 of the Shoreline Setback Rules and Regulations. (See Department of Land Utilization Aerial Photographs).

The requested variance for the Delmontes' wall does not infringe on any public interest and failure to allow the wall would create a substantial hardship for the Delmontes. The wall on the south side of the property is essential for both security and privacy from Kokee Beach Park. The construction of the wall has served the twofold purpose of providing protection and privacy for the Delmontes and at the same time providing an attractive wall bordering the public access. The public park is highly trafficked by fishermen, surfers, and other individuals and the Delmontes need to be assured that despite the day and night time use of the public park, the wall will provide a measure of security. In addition, the park is not landscaped and erosion of the area is a constant
problem; the wall serves as a barrier to the erosion of the park's property. (See Exhibit "I").

The wall on the north side of the property is again necessary to assure privacy for the Delmontes as well as to provide a "finished" look to the project. The Delmonte's wall parallels the neighbor's wall and does not obstruct the neighbor's view.

The upper rear wall is level with the property grade and functions as a retaining wall for the rear bank. The wall also allows the Delmonte's to maintain a level backyard and halt the erosion of the property. (See Exhibit "D"). In addition, the upper rear wall provides security and privacy from the public beach area and again is important aesthetically for a "finished" look to the project.

B. Technical Characteristics

Since the property is directly accessible from the beach area and is adjacent to a lot designated for public access, the coral rock wall is essential to insure the Delmonte family privacy and security. However, the Delmontes have carefully constructed the wall with both the environment and the neighborhood in mind.

The wall is built of natural coral and blends with the seashore environment. The south and west walls do not interfere with the existing beach trails nor do they inhibit the use of the shoreline beach area. (See Exhibits "B" and "F"). The wall provides a functional yet attractive compromise for the Delmontes, their neighbors and the public.
The accompanying drawings provide the layout for the property including the certified shoreline and the 40' shoreline setback line. (See Exhibits "A" and "L"). No additional construction is planned or considered.

III. Affected Environment

The south wall delineates the boundary between the Delmonte's property and Kokee Beach Park, but does not interfere with those who wish to use the beach area. Existing trails are accessible from the Beach Park and neither the south wall nor the west wall interferes with the public's access to the beach and shoreline. (See Exhibits "B", "F" and "I").

The north wall acts as a boundary between the Delmontes and their neighbors in Parcel 4. The wall corresponds to the neighbors existing wall and does not interfere with the neighbor's enjoyment or use of their Parcel 4 property.

IV. Conclusion

The Delmontes seek a shoreline setback variance for an existing coral rock wall. The wall serves as a necessary structure to insure both privacy and security in an area easily accessible by the public. The fact that one side of the Delmonte's property is a public Beach Park necessitates a privacy wall.

The public interest is also served, since the character of the area is enhanced by the construction of a wall which is an aesthetic asset to the surrounding environment. In addition, the coral wall does not infringe on the public's access to the beach and shoreline areas.
For the reasons discussed in this application, James R. Delmonte respectfully requests a variance for those portions of the coral rock wall which are within the area defined by the Shoreline Setback Rules and Regulations.
OVERSIZED DRAWING/MAP

PLEASE SEE 35MM ROLL
EXHIBIT "B"


EXHIBIT "C"

VIEW DOWN FROM THE DELMONTE'S BACK YARD TOWARDS THE REAR WESTERN WALL
EXHIBIT "D"

VIEW FROM THE WESTERN REAR WALL TOWARDS THE SOUTHERN WALL, ADJACENT TO KOKEE BEACH PARK. NOTE THE WALL DOES NOT INTERFERE WITH ACCESS TO THE SHORELINE FROM THE BEACH PARK.

EXHIBIT "E"

VIEW DOWN FROM THE DELMONTES' BACK YARD TOWARDS THE REAR WESTERN WALL.
EXHIBIT "F"

VIEW FROM THE WATER TOWARDS THE REAR WESTERN WALL

EXHIBIT "G"

VIEW FROM THE DELMONTE'S BACK YARD
TOWARDS THE REAR WESTERN WALL AND THE
SOUTHERN WALL ADJACENT TO KOKEE BEACH PARK
EXHIBIT "H"

VIEW FROM THE DELMONTE'S BACK YARD TOWARDS
THE SOUTHERN WALL ADJACENT TO KOKEE BEACH PARK

EXHIBIT "I"

VIEW FROM KOKEE BEACH PARK TOWARDS OCEAN.
TO THE RIGHT IS THE DELMONTE'S CORAL ROCK WALL.
EXHIBIT "J"

VIEW FROM KOKEE BEACH PARK
TOWARDS THE DELMONTES' CORAL ROCK WALL

EXHIBIT "K"

VIEW FROM THE DELMONTES' BACK YARD TOWARDS THE
NORTHERN WALL ADJACENT TO THE NEIGHBORS PARCEL 4.