

DELMONTE CORAL WALL CONSTRUCTION

1118191

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 - Maunaloa
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



LORETTA K. C. CHEE
Acting Director of Land Utilization

LKCC:lg

91sv5.lag\2

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1991-11-08-0A-FRA - Delmonite coral wall Spoken
Setback Variance

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.

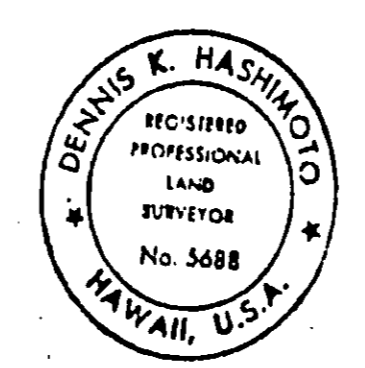
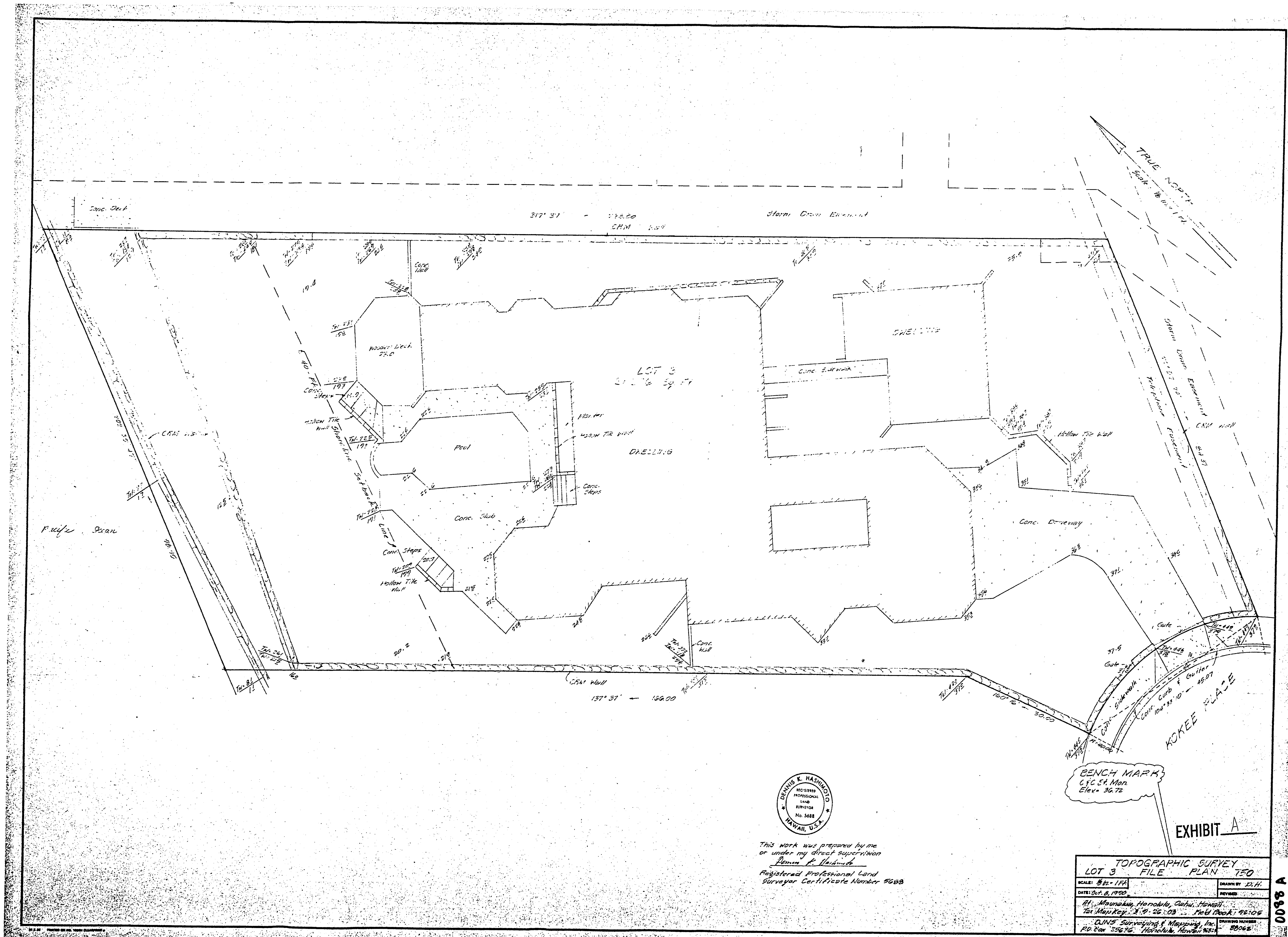
For the reasons discussed in this application, James R. Delmonte respectfully requests a variance for those portions of the coral rock wall which are within the area defined by the Shoreline Setback Rules and Regulations.

EXHIBIT A

**OVERSIZED
DRAWING/MAP**

**PLEASE SEE
35MM ROLL**

0088 A



This work was prepared by me
or under my direct supervision
Dennis E. Hasimoto
Registered Professional Land
Surveyor Certificate Number 5488

BENCH MARK
Cyc St. Mon
Elev. 36.72

EXHIBIT A

TOPOGRAPHIC SURVEY	
LOT 3	FILE PLAN 750
SCALE: 1/2" = 10'	DRAWN BY: D.H.
DATE: Oct. 8, 1992	REVIEWED:
BY: <u>Dennis E. Hasimoto</u> , Honolulu, Oahu, Hawaii	
For: <u>Maui Key, S.P. 22-103</u> , Maui, Hawaii, 96105	
FIRM: <u>D.H.S. Surveying & Mapping, Inc.</u>	
P.O. Box 35626, Honolulu, Hawaii, 96808	

0098 A



EXHIBIT "B"

VIEW FROM THE BEACH AREA TOWARDS THE WESTERN SHORELINE
WALL. NOTE THE LOWER WALL WHICH WAS PRE-EXISTING IN 1970.



EXHIBIT "C"

VIEW DOWN FROM THE DELMONTES'
BACK YARD TOWARDS THE REAR WESTERN WALL

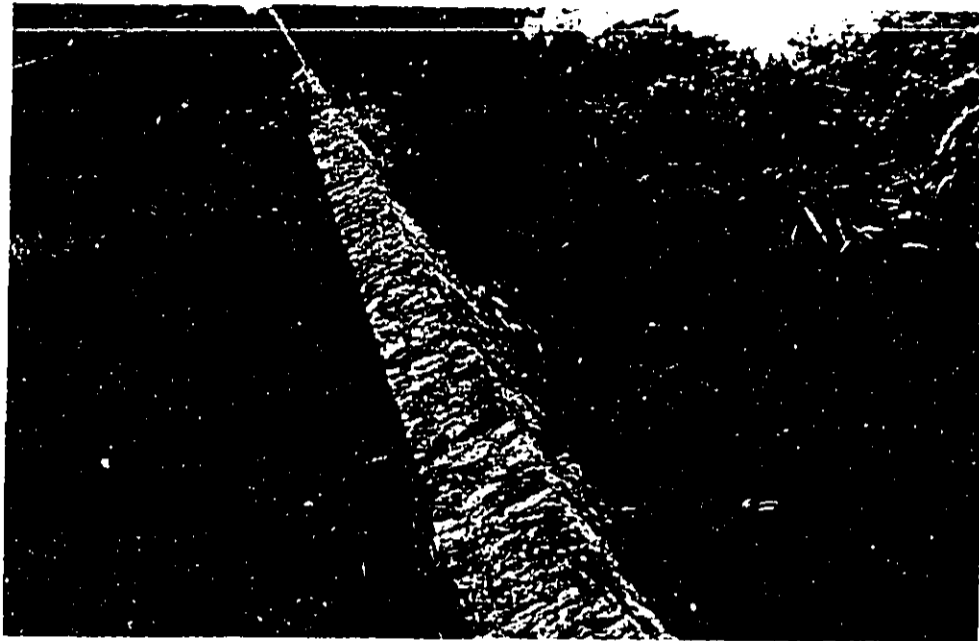


EXHIBIT "D"

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

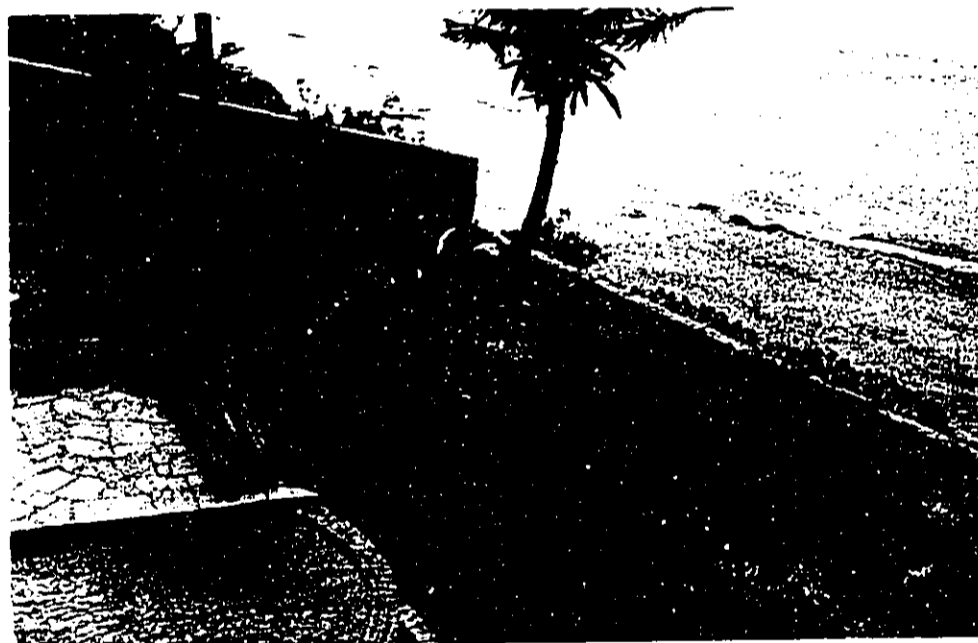


EXHIBIT "G"

VIEW FROM THE DELMONTES' BACK YARD
TOWARDS THE REAR WESTERN WALL AND THE
SOUTHERN WALL ADJACENT TO KOKEE BEACH PARK



EXHIBIT "H"

VIEW FROM THE DELMONTES' 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 DELMONTES' CORAL ROCK WALL.



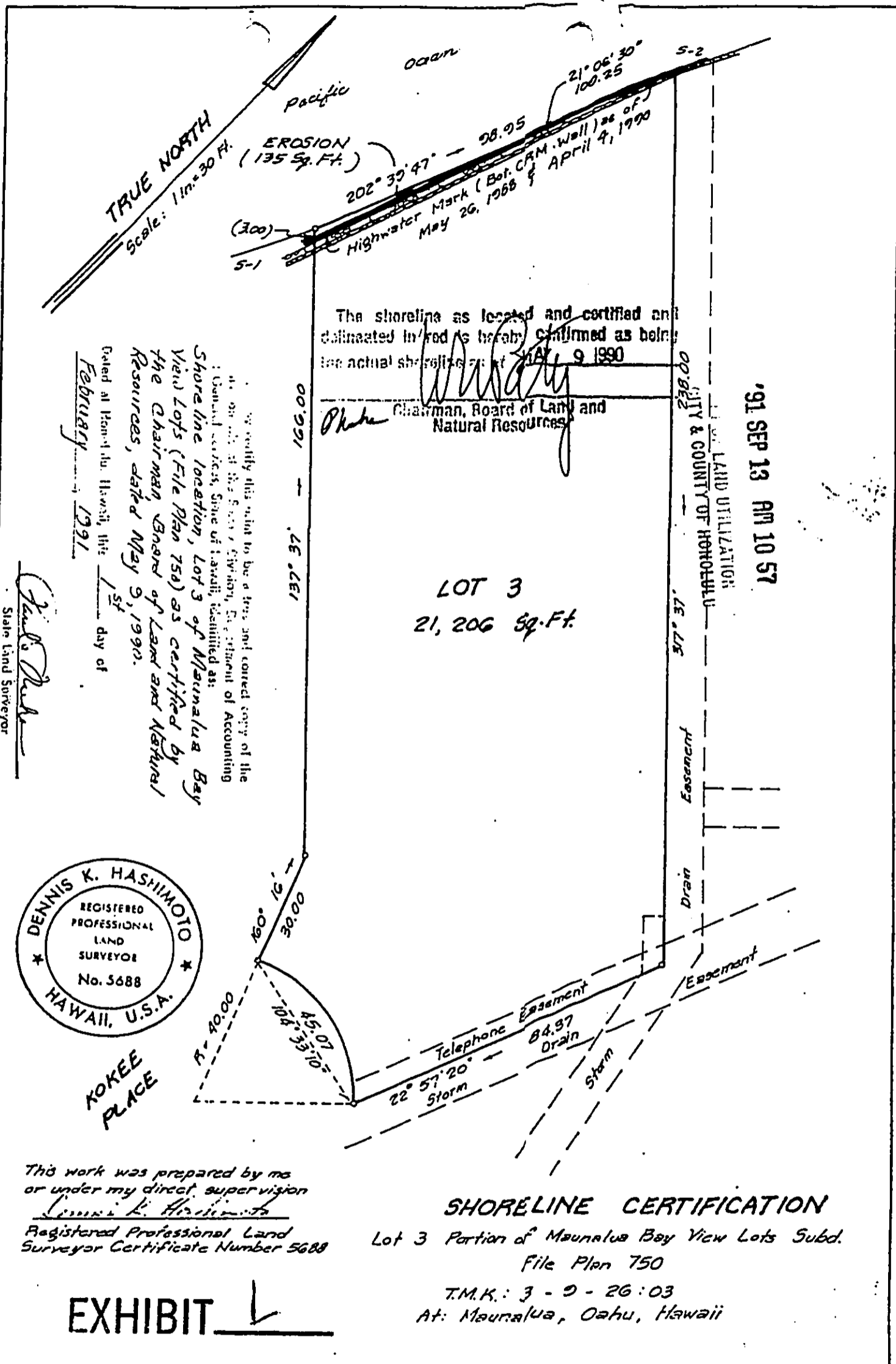
EXHIBIT "J"

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.



The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of **MAY 9 1990**

Photo Chairman, Board of Land and Natural Resources

91 SEP 13 AM 10 57

I do hereby certify this plan to be a true and correct copy of the original of the Survey, Department of Accounting General Services, State of Hawaii, identified as:

Shoreline location, Lot 3 of Maunaloa Bay View Lots (File Plan 750) as certified by the Chairman, Board of Land and Natural Resources, dated May 9, 1990.

Dated at Honolulu, Hawaii, this 1st day of February, 1991.

Dennis K. Hashimoto
State Land Surveyor



YOKEE PLACE

This work was prepared by me or under my direct supervision

Dennis K. Hashimoto
Registered Professional Land Surveyor Certificate Number 5688

SHORELINE CERTIFICATION

Lot 3 Portion of Maunaloa Bay View Lots Subd. File Plan 750

T.M.K.: 3 - 0 - 26 : 03
At: Maunaloa, Oahu, Hawaii

EXHIBIT L