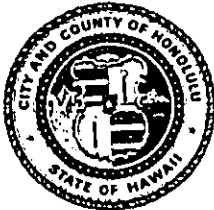


DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432



FRANK F. FASI
MAYOR

RECEIVED
'94 JUL 20
OFFICE OF ENVIRONMENTAL QUALITY
DONALD A. CLEGG
DIRECTOR
LORETTA K.C. CHEE
DEPUTY DIRECTOR
94/SV-002 (ASK)

July 19, 1994

Director
Office of Environmental Quality
Control (OEQC)
220 S. King Street, 4th Floor
Honolulu, Hawaii 96813

Dear Sir:

CHAPTER 343, HRS
Environmental Assessment/Determination
Negative Declaration

Recorded Owner :	Edward C. Bryan Trust
Applicant :	Christiane Bintliff
Agent :	Engineers Surveyors Hawaii, Inc.
Location :	5493 Kalaniana'ole Highway, East Honolulu
Tax Map Key :	3-7-1: 07
Request :	After-the-fact Shoreline Setback Variance
Proposal :	Construction of a CRM Side Yard Wall
Determination :	A Negative Declaration Is Issued

Attached and incorporated by reference is the Environmental Assessment prepared by the applicant for the project. Based on the significance criteria outlined in Chapter 200, State Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the EA.

Very truly yours,

A handwritten signature in cursive script that reads "Donald A. Clegg".

DONALD A. CLEGG
Director of Land Utilization

DAC:ak
Attachment
G:oeqnd2.ask

1994-08-08-0A-PEA-Bryan Trust
CRM Wall

AUG 8 1994

ENVIRONMENTAL ASSESSMENT

PREPARED FOR

THE BRYAN TRUST

PERIMETER WALL

PREPARED BY

ENGINEERS SURVEYORS HAWAII, INC.

JUNE, 1994

DEPT OF LAND UTILIZATION
CITY & COUNTY OF HONOLULU
JUN 23 PM 3 59

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EXHIBITS

- A. Location Map
- B-1. Topographic Survey
- B-2. Elevation of CRM Wall

I. SUMMARY

ENVIRONMENTAL ASSESSMENT (EA)

Action: Applicant

Project Name: Bryan Wall - Shoreline Setback Variance

Project Description: The proposed action consists of the applicant request to permit an after the fact perimeter privacy wall to remain within the established Shoreline Setback.

Project Location: 5493 Kalaniana'ole Highway
Honolulu, HI 96825

Tax Map Key: 3-7-01: 7 (See Exhibit A)

Area: Variance area is 240 lineal feet; Lot area is 13,792 sq. ft. (See Exhibits B and C).

State Land Use Designation: Urban

County Zoning Designation: R-10 Residential

Landowner: Edward C. Bryan Trust

Applicant: Christiane Bintliff
5493 Kalaniana'ole Highway
Honolulu, HI 96825

Contact: F.J. Rodriguez
Parametrix, Inc.
1164 Bishop Street, Suite 1600
Honolulu, HI 96813
Telephone: 524-0594

II. PROJECT DESCRIPTION

A. Technical Characteristics

The subject wall was built on the perimeter of the subject parcel at 5493 Kalaniana'ole Highway in violation of LUO Section 3.30 D & 5.40-2 CRM wall exceeding 6-foot height limit. Historically, the applicant built the wall when the highway construction on Kalaniana'ole Highway commenced in 1991. In conjunction with the work, the parcel frontage was diminished by 3483 sq. ft. when it was condemned for the widening of Kalaniana'ole Highway.. This taking brought the right of way approximately 34 feet closer to the home. Further, when the Hawaii Loa Ridge jug-handle (Puuikena Loop) was completed, the heavy truck traffic that would have to stop at the intersection, would look into the property and the house. The combined loss of highway frontage, anticipated future traffic noise, construction related dust, and invasion of privacy, resulted in the decision to construct the perimeter privacy wall. This wall also serves to protect the residential dwelling from cars that are speeding through Puuikena Loop in their rush to make the green light. To date, there have been several traffic mishaps, ranging from cars jumping the curb out of control, and stopping in the bushes. An existing street light pole has been knocked down by motorists as they careen around and through the jug handle loop.

B. Social and Economic Characteristics

This request for Shoreline Setback Variance (SSV) approval is made on the basis that the perimeter wall was installed due to extenuating circumstances, i.e. the taking of frontage footage and the extreme closeness of the Puuikena Loop jug-handle for the Hawaii Loa Ridge access road.

Historically, the home on the subject property was built in 1929. The adjoining property, prior to the taking for the Puu Ikena Loop or jug handle access roadway for Hawaii Loa Ridge, was also a single family residence. At the time of the taking of the single family dwelling for jug handle road purposes. it was not considered a factor that motorists would not adhere to the posted speed limits, and careen around the corner in an effort to "beat" the traffic light change. It can be said that not enough care or attention was paid to the human equation of driving habits. It can also be said that the continuous development of Hawaii Loa Ridge will generate the movement of heavy vehicles that

are delivering materials for construction on the Ridge.

The additional need for a wall on the Puu Ikena Loop side is for privacy, dust control, and of course protection from potential traffic accidents. It is the portion of the wall within the shoreline setback that is designed to protect the property from these potential miscalculations in driving. Any barrier of less substance would not be as effective in protecting the property. Night traffic also affects the Bintliff Home as the vehicle lights shine directly into the home as they turn the corner, or are stacked waiting for a light change. Open fencing of the type allowed by statute would not address aspect of residential privacy.

C. Environmental Characteristics

There will be no significant adverse environmental impact due to the after the fact action. Drainage patterns will not be affected by the wall installation, and there will be no adverse impacts to flora or fauna. The variety of avifauna in the project site include the migratory birds, i.e. Golden Plover, and the Ulili'i or Hawaiian Tattler, as well as the Indian Mynah; Red Vented Bulbul; Brazilian Cardinal; and white-beaked finches.

III. AFFECTED ENVIRONMENT

A. Geographical Characteristics

1. Topography

The prevailing topographical conditions at the Kalaniana'ole Highway locale are characterized by a predominantly flat terrain. The wall installation has not impact the existing terrain.

2. Soils

The soils are characterized by "*the Jaucas Series which consisting of excessively drained, calcareous soils that occur on coastal strips adjacent to the ocean. The average depth is 60 inches and the texture is considered fine with expanding clay properties. The site is well drained and the median rainfall is 15-35 inches annually. The ambient climate is extremely mild with prevailing tradewinds from the east-northeast at 10-20 miles per hour. Temperature ranges from 67-83 degrees.*" Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii. Aug. 1972.

3. Vegetation

The existing vegetation on the subject parcel consist of primarily introduced species of landscaping materials. None are endangered or protected species.

B. Hydrological Characteristics

1. Drainage

There is no onsite flooding on the parcel and all existing drainage patterns drain to existing County Drainage systems.

2. Coastal Zone Management Program

There will be no adverse impacts to the Coastal Zone as the after the fact installation has been completed and no adverse impacts have resulted since the completion of the project.

C. Biological Characteristics

No adverse impacts to the existing biota will result due to the installation.

IV. SUMMARY OF MAJOR IMPACTS AND MITIGATIVE MEASURES

The after the fact installation of the perimeter wall has not resulted in adverse impacts on the environment. The basic installation is minor in nature and was completed in one continuous phase.

V. ALTERNATIVES CONSIDERED

There were no alternatives considered since the installation is part of the urban residential improvements consistent with the district.

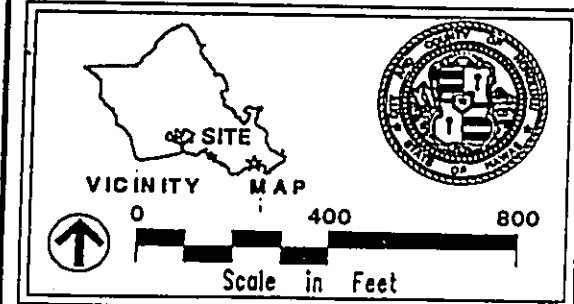
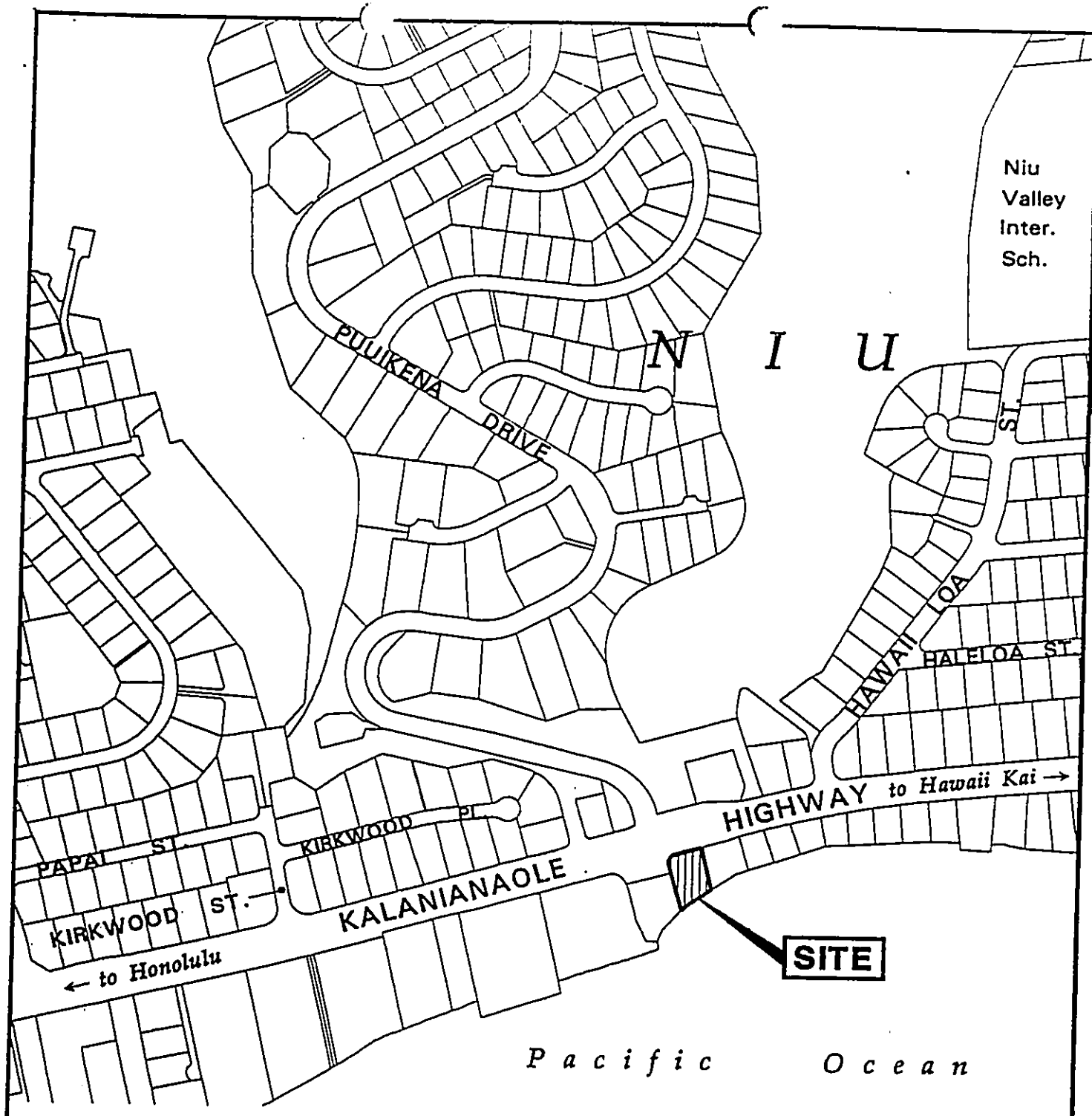
VI. FUNDING AND PHASING

The wall installation was budgeted for less than \$40,000.00. All work was to be performed in accordance with applicable government requirements and completed in one phase. The contractor did not observe the height limitation and also, the shoreline setback boundary.

VII. LIST OF PREPARERS

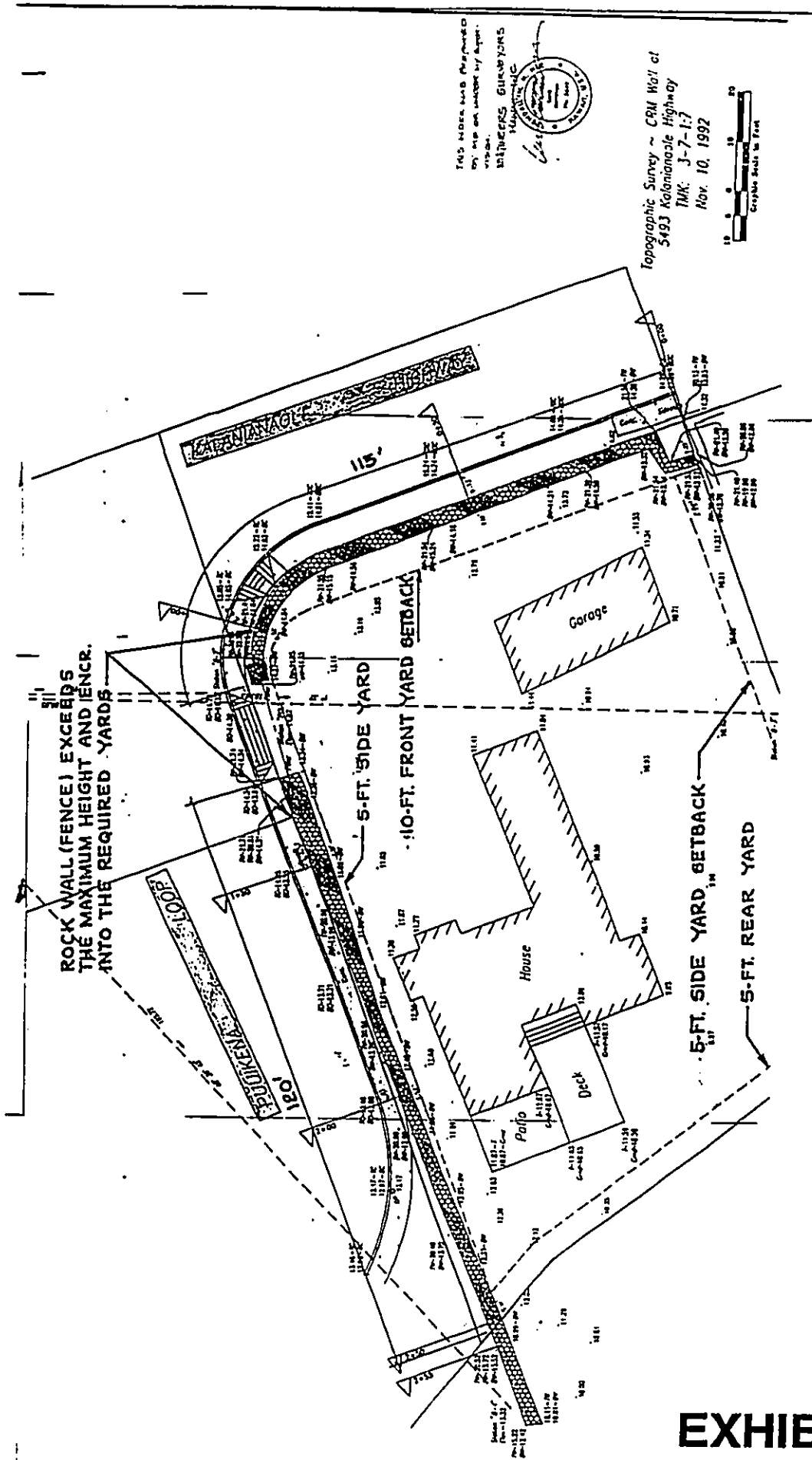
Parametrix, Inc. - Environmental Impact Report

Engineers Surveyors Hawaii, Inc. Topo Survey



LOCATION MAP
 NIU
 TAX MAP KEY: 3-7-1: 7
 FOLDER NO.: 93/VAR-8
EXHIBIT A

Prepared By: Department of Land Utilization
 City and County of Honolulu



NOTE: VARIANCE DOES NOT APPLY TO ANY PORTION OF THE WALL WHICH CROSSES THE PROPERTY LINE.

EXHIBIT B-1

DOCUMENT CAPTURED AS RECEIVED

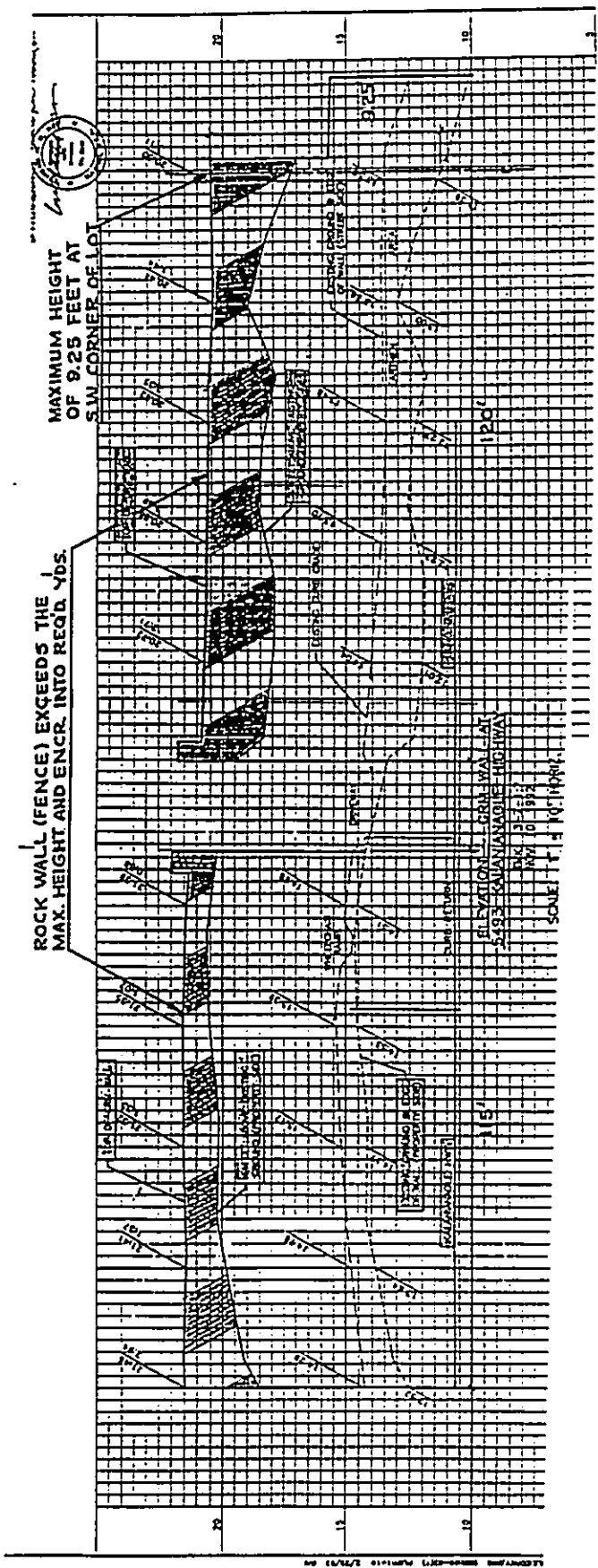


EXHIBIT B-2

Gib and Christiane Bintliff
5493 Kalaniana'ole Highway
Niu, Hawaii 96821

June 30, 1994

The Honorable Donald A. Clegg, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

REGARDING: Project Name: Bintliff Side Yard Wall
 File No.: 94/SV-2
 Tax Map Key: 3-7-01: 07

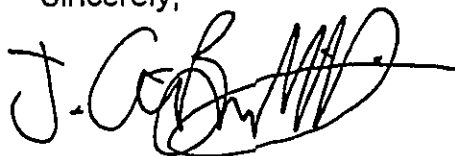
Dear Mr. Clegg

Please find the my response to Ms. Maile Goo's letter as an attachment to the E.A. I have not responded to the letters from State of Hawaii, Department of Land and Natural Resources or the City and County, Department of Public Works since neither had any comments regarding this matter.

If you have any questions or comments, please feel free to call me at 532-1850.

Thank you.

Sincerely,



J. Gibson Bintliff

Gib and Christiane Bintliff
5493 Kalaniana'ole Highway
Niu, Hawaii 96821

June 30, 1994

Ms. Maile Goo
5846-B Kalaniana'ole Highway
Honolulu, Hawaii 96821

Regarding: Wall Variance for 5493 Kalaniana'ole Highway at Puu Ikena Drive

Dear Ms. Goo

I am writing this letter in response to your letter of April 12, 1994 to Donald Clegg regarding our variance application which is currently being processed by the City and County. The application requests that a variance be granted for the portion of the wall that is situated within the forty foot shoreline setback area. The coral wall sits on the Koko Head side of the Puu Ikena loop or "jughandle" at the bottom of Hawaii Loa Ridge.

Please find the summary we prepared, outlining the reasons for the variance. If you have any questions please feel free to call the office at 532-1850 or our home, 373-9429.

Aloha,



Gib Bintliff

COPY

Please note: The summary mentioned in the 2nd paragraph is the same as the one attached to the letter to the Neighborhood Board.

4/10/94 15:58

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ENGR SURV 01

14-01173

JOHN WAIHEE
GOVERNOR OF HAWAII



KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
JOHN P. KEPPELER II
DONAL L. HANAIKE

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

REF:OCEA:SKK

APR -8 1994

File No.: 94-544
DOC. ID.: 4358

The Honorable Donald A. Clegg, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Clegg:

SUBJECT: Draft Environmental Assessment (DEA) for a Shoreline Setback Variance (94/SV-002): Bryan Trust Concrete Rubble Masonry Side Yard Wall, Niu Valley, Oahu, TMK: 3-7-01: 7

We have reviewed the DEA information for the subject variance transmitted by your letter dated March 9, 1994, and have no comments to offer at this time.

Thank you for the opportunity to comment on this matter.

Please feel free to call Steve Tagawa at our Office of Conservation and Environmental Affairs, at 587-0377, should you have any questions.

Very truly yours,

for KEITH W. AHUE

10/84 10:00 2808 522 1618

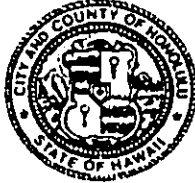
ENGR SURV HI

003/005

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR



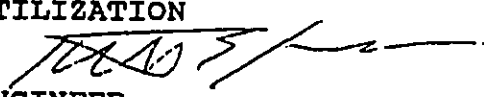
KENNETH E. SPRAGUE
DIRECTOR AND CHIEF ENGINEER

ENV 94-82

March 21, 1994

MEMORANDUM:

TO: DONALD A. CLEGG, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: KENNETH E. SPRAGUE 
DIRECTOR AND CHIEF ENGINEER

SUBJECT: ENVIRONMENTAL ASSESSMENT (EA)
BRYAN TRUST CONCRETE RUBBLE MASONRY SIDE YARD MALL
TAX MAP KEY: 3-7-01:07

We have reviewed the subject EA and have no comments to offer at this time.

Should you have any questions, please contact Mr. Alex Ho, Environmental Engineer, at Local 4150.

5/10/94 18:00

808 522 1618

ENGR SURV HI

005/005
140251

Maile Goo
5846-B Kalaniana'ole Hwy.
Honolulu, Hawaii 96821

Donald Clegg, Director
Department of Land Utilization
650 South King Street
Honolulu, Hawaii 96813

12 April 1994

Dear Mr. Clegg,

I am writing to express my concern regarding construction of a stonewall within the shoreline setback at the Bintliff residence in Niu Valley.

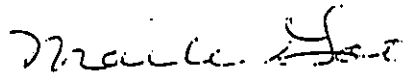
Mr. Bintliff's statement in this Sunday's newspaper attempts to lay blame on the contractor who built the wall. Any homeowner who observes a violation of state or city ordinances taking place has plenty of opportunity to stop the construction and make appropriate changes.

Mr. Bintliff's arrogance shows through his attempt to pull a fast one on the people of Hawaii. I am dismayed that the elite of Hawaii, those who can afford the million-dollar residences that line our shorelines, continue to act with total disregard for the environment and for the people of our islands.

Please, do not grant the variance the Bintliff's seek to keep their illegal coral wall on the beach in Niu Valley. They should also be required to pay every cent they owe in fines accumulated for their violation.

Hawaii cannot afford to overlook such attempts to violate the laws which protect our precious environment.

Very truly yours,



Maile Goo

cc: Aina Haina Neighborhood Board