The Honorable Gary Gill, Director
Office of Environmental Quality Control
State Office Tower
215 South Beretania Street, Room 702
Honolulu, Hawaii 96813

Dear Mr. Gill:

CHAPTER 343, HRS
Environmental Assessment/Determination

Finding of No Significant Impact

Owner/Applicant: Sagara Trucking, Inc.
Agent: Goodwill Anderson Quinn & Stifel
Location: 1607 Mokulua Drive, Lanikai, Oahu
Tax Map Key: 4-3-011: 16
Request: Shoreline Setback Variance
Proposal: To allow (retain) an after-the-fact concrete rubble masonry retaining wall and concrete stairway within the 40-foot shoreline setback

Determination: A Finding of No Significant Impact is Issued

Attached and incorporated by reference is the Final Environmental Assessment (FEA) 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 FEA. If you have any questions, please contact Dana Teramoto of our staff at 523-4648.

Very truly yours,

[Signature]

PATRICK T. ONISHI
Director of Land Utilization
FINAL
Environmental Assessment
Shoreline Setback Variance
SAGARA PROPERTY
TMK: 4-3-01: 16
LANIKAI, KAILUA, HAWAII

PREPARED BY: MICHAEL S. CHU, LAND ARCHITECT
126 QUEEN STREET SUITE 306 • HONOLULU, HI 96813 • ph: 537-4674  fc: 521-9054
December 2, 1996
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APPENDIX A, COMMENTS & RESPONSES TO DRAFT EA

City Department of Parks and Recreation
City Department of Public Works
State Department of Health
Department of the Army
State Office of Environmental Quality Control
State Department of Land and Natural Resources
Lanikai Community Association

APPENDIX B, LIST OF EXHIBITS

Exhibit 1: Location Map
Exhibit 2: TMK Map
Exhibit 3: Site Photos and Maps
Exhibit 4: Site Cross Section
Exhibit 5: Site Plan, 1985
Exhibit 6: Site Plan, 1986
Exhibit 7: Topographic Survey, 1996
Exhibit 8: Scenario A, Extent of Encroachment
Exhibit 9: Scenario B, Extent of Encroachment
1. Introduction

1.1 Purpose of the Environmental Assessment
Applicant: Sagara Trucking, Inc.
Agent: Goodwill, Anderson, Quinn and Stifel
EA Consultant: Michael S. Chu, Land Architect
Accepting Agency: City and County of Honolulu,
Department of Land Utilization

The purpose of this assessment is to examine the environmental effects of an existing CRM retaining wall and concrete stairway which encroaches into the 40 ft. shoreline setback area; assess possible alternatives and mitigative measures; and to summarize the overall findings and conclusions of this study.

The wall and stairway were constructed in 1985 and has been cited by the City and County of Honolulu for being in violation of Chapter 23 of the Revised Ordinance of Honolulu.

Because the enviromental assessment involves uses and activities within the shoreline setback area, the requirements of Chapter 343, HRS, apply.

1.2 Scope of the Environmental Assessment
This assessment is prepared based on the Content Guide for Preparing an Environmental Assessment Required for an Application for a Shoreline Setback Variance (SSV) Ordinance No. 4631, Shoreline Setback Rules and Regulations.

1.3 Proposed Action
The applicant proposes that the existing CRM retaining wall and concrete stairway be permitted through the issuance of an "after the fact" variance pursuant to Section 23-1.8 Shoreline Setbacks and Chapter 17, Shoreline Setback Rules.
1.4 Agencies Consulted

The following agencies were consulted during the preparation of this assessment:

City and County of Honolulu
Department of Land Utilization

City and County of Honolulu
Building Department

City and County of Honolulu
Department of Public Works

City and County of Honolulu
Department of Parks and Recreation

State of Hawaii
State Department of Land and Natural Resources
Oahu Land Management District Office

State of Hawaii
State Department of Land and Natural Resources
Historic Sites

State of Hawaii
State Department of Health

U.S. Department of Agriculture
Natural Resource Conservation Service

U.S. Department of the Army

The following community groups were consulted during the preparation of this assessment:

Lanikai Community Association

Kailua Neighborhood Board No. 31

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2. Project Description

2.1 Site Location and Description
The subject property is within the Koolaupoko district of the City and County of Honolulu. It is located in Kailua towards the far southern end of the Lanikai residential community near Wailea Point. The street address of the property is 1807 Mokulua Drive.

The subject property (hereafter referred to as the Sagara Property) is owned in fee by Mr. Kay Sagara who holds title to the property through his corporation, Sagara Trucking, Inc. (STI). It consist of three separate lots. Lots 238 and 239 (TMK: 4-3-01: 16) are contiguous and are located on a steep coastal bluff overlooking Lanikai. Together, these two lots total 12,796 sf and have been developed with a single family dwelling unit which was constructed in 1985-86. Primary access to this dwelling unit is via a paved driveway which is connected to Mokulua Drive.

Lot 234 (TMK: 4-3-01: 11), also owned by STI, is a small, irregular shaped lot along the shoreline. The lot is 1950 sf in size and is separated from the main property by a 12 ft. wide private beach road. This lot is utilized as private open space. It also contains portions of a sewer easement and HECO overhead utility lines. The lot is protected by a continuous shoreline wall located seaward of the lot. This shoreline wall was built at least prior to 1967.

The beach road, which bisects the Sagara Property, extends from Mokulua Drive to the last residential lots leading to Wailea Point. There are a total of 4 residential lots beyond the Sagara Property. The beach road fronting the Sagara Property is described as lots 143-C-1-B-1 and 143-C-1-B-2. Consolidation plans prepared by ControlPoint in 1985 (DLU folder 85-40) describe the road as being a "perpetual right of way and sanitary sewer
easement in favor of the City and County of Honolulu. Drainage lines are also located within the roadway.

2.2 History of the Site
Sagara acquired the property in March 1984. According to Building Permit records, no improvements (i.e. dwelling unit) existed on the property prior to this date.

Upon acquiring the property, Sagara commissioned architect Fritz Johnson Inc. to prepare plans for a new dwelling. Plans were completed and approved by City agencies (DLU, BWS, Div. of Engr., Div. of Wastewater) during May 1985. Building Permit 214-732 was issued for the proposed dwelling unit and related site improvements on October 11, 1985. The building permit was issued and approved with a waiver of an instrument shoreline survey.

According to the Building Department, the applicant’s site plan as illustrated on sheet A-1 (dated Sept. 12, 1985, Exhibit 5) did not include the retaining wall cited in the Notice of Violation. However, due to site and soil conditions encountered during construction, a retaining wall was deemed necessary. Revisions to the site plan were made by the architect on or about March 5, 1986 to include the CRM wall as it presently exists (see Exhibit No. 6). The wall appears to be sensitively designed as a landscape element, following the profile of the hillside, utilizing lava rock material and incorporating planting terraces while still providing the structural stability needed at the base of the slope. However, this revised plan was not submitted to the Building Department for permitting purposes.

On September 19, 1995 a notice of violation was issued to the property owner by the Building Department citing the CRM wall and stairway for being within the shoreline setback without a shoreline setback variance. On December 18,
1995 a similar notice of order was issued to the property owner by the Department of Land Utilization.

In late December 1995 the owner commissioned Michael S. Chu, Land Architect to assist the firm of Goodsill Anderson Quinn and Stifel in assessing the violations. In January 1996, the owner retained the services of the R.M. Towill Corp. to perform a detailed topographic survey of the property.

Investigations confirmed that the CRM wall and concrete stairway were constructed without the benefit of appropriate permits. Attempts to correct the violation were initiated. Several meetings were conducted by the owner’s consultants with DLU staff. In March 1996 the R. M. Towill Corp. applied for a shoreline certification with the State Department of Land and Natural Resources.

Although the seawall was in existence for many years prior to acquiring the property, the DLNR rejected the shoreline certification application on May 20, 1996 citing encroachment upon State land.

2.3 Extent of Encroachment
Because a certified shoreline survey was not attainable, an alternate approach was undertaken to determine the probable extent of encroachment by the CRM wall and concrete stairway. This analysis was based on two scenarios and are described below as Scenarios A and B.

Scenario A
Scenario A utilizes the shoreline location and 40 ft. setback line as recommended by the R.M. Towill Corp. in their shoreline certification application to the DLNR. These boundary lines are illustrated in Exhibit 8. The quantitative findings under this scenario are:
Total land area between the recommended shoreline location and the recommended 40 ft. setback fronting the Sagara Property

4497 sf

Total area of CRM wall and concrete stairway encroachment within recommended 40 ft. shoreline setback area

40 sf (stairs)
422 sf (CRM wall)

462 sf total

Percentage of total structure encroachment within recommended shoreline setback area

10%

Percentage of open space makai of encroachment

90%

**Scenario B**

Scenario B represents a more conservative approach in which the makai property line at Lot 234 was utilized as the theoretical shoreline location, and assumes the entire CRM wall and concrete stairway as being within the shoreline setback area. The analysis results of this scenario are illustrated on Exhibit 9 and the quantitative findings under Scenario B are:

Total land area between the makai property boundary and the mauka face of CRM wall

4438 sf

Total area of CRM wall and concrete stairway

100 sf (stairs)
1188 sf (CRM wall)

1288 sf total

Percentage of total structure encroachment

30%

Percentage of open space

70%

While not as definitive as a certified shoreline survey, the two scenarios/analysis described above provides a practical alternative in gauging the extent of probable encroachment. In the case of the Sagara Property, this encroachment ranges between 10 and 30%. The majority of the area between the ocean and the CRM wall remains in open space.
2.4 Technical Characteristics and Physical Features

The concrete stairway is located in the side yard of Lot 238 (see Exhibit 7). It extends from the dwelling unit (el. 32.4 ft.) to the beach road (el. 10.4 ft.). It is 3 feet wide and contains a metal handrail (less than 42" h.l.). The overall size of the stairway is approximately 100 sf.

The CRM wall is parallel to the makai property line at Lot 238. From its base, the wall leans into the site by approximately 13.5 feet. The overall wall height is approximately 20 ft. It is designed as a gravity retaining wall with strong landscape characteristics. It is designed with three terraces ranging from 6 to 8 ft. per terraced level. Each terrace is topped by a linear planter which is landscaped and irrigated with a sprinkler system. Exhibit No. 3 contains recent photos of the wall, depicting its visual appearance and relationship to the Sagara Property and the abutting beach road. Exhibit No. 4 is a cross section drawing of the wall and illustrates the relationship of the wall to the topography of the site.

Exhibit 4 is presented based on pre-construction topographic information. It shows that the Sagara Property has an unusually steep slope, averaging 48% as measured from its mauka boundary (70 ft. elevation) to its makai boundary (10.5 ft. elevation). It is steepest towards the makai portion of the site where the natural incline approached 80% prior to the 1985 construction of the wall.

The wall appears integral to the site. It re-enforces the hillside by preventing possible erosion and/or sliding. The wall is located mauka of the ocean and is not a shoreline protection structure as defined under Chapter 11 of the shoreline setback rules and regulations. As a retaining wall, it is in compliance with L.U.O general standards for retaining wall structures.

Exhibit 7 is a topographic survey of the Sagara Property. The exhibit was prepared by R.M. Towill. Added to the exhibit are the approximate locations of
certified shorelines at adjacent properties. The certified shoreline information was obtained from the Department of Land and Natural Resources and digitized onto the exhibit.

2.5 Utilities
There are several utility easements located in the beach road to include a sewer easement, overhead utility lines and a HECO vault. There are no utility requirements or improvements associated with the CRM wall or the concrete stairway.

2.6 Access
Access to the Sagara Property is from Mokulua Drive where it loops to intersect Aalapa Drive. A private driveway has been constructed at this location. The driveway turns mauka and leads up the slope to the mauka portion of the Sagara Property. The driveway provides vehicular access to the Sagara residence and other dwelling units constructed along the bluffs.

A beach road extends from Mokulua Drive to Wailea Point. It is a narrow road consisting of several segmented roadway lots. It is partially paved up to the Sagara Property. It is unimproved (gravel) beyond this point. The beach road does not service the Sagara residence. It instead leads to the last four house lots located near Wailea Point. Access rights along this roadway are provided by a perpetual easement. HECO and the City and County of Honolulu also maintain easement rights along the roadway for electrical and sewer purposes.

There is no public beach access in this area.

2.7 Social Characteristics
The CRM wall is located entirely on the Sagara Property and does not encroach into adjacent properties. The CRM wall appears consistent with the urban design character of the neighborhood. It is not visually obtrusive nor does it
impair access. The concrete stairway provides private access for the landowner.

2.8 Economic Characteristics
There are no significant economic impacts associated with the presence of the CRM retaining wall and the applicants request for a shoreline variance.

On the other hand, removal of the CRM wall and stairway would result in costly site construction for the property owner. Secondary impacts and cost for protecting existing utilities and vehicular circulation along the beach road may occur.

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3. Affected Environment

3.1 Topography

A review of the 1983 edition of the Atlas of Hawaii indicates that the site lies at the intersection of the Kailua Bay Plain and a descending ridge of the Koolau Cliff and Valley physiographic division (see Exhibit 3). The U.S.G.S. topographic map identifies the descending ridge as the Kaiwa Ridge, a coastal landform that separates Kailua from Waimanalo. The highest peak of this landform is 602 feet.

The Sagara Property (Lots 238 and 239) is located at the base of the Kaiwa Ridge. Topographic elevations at the site are approximately 10.5 ft. at its makai boundary and 70 ft. at its mauka boundary. The overall slope of the property is 48%. The area closest to the makai boundary was very steep prior to the wall's construction. The cross section contained in Exhibit No. 4 shows that it approached 80% prior to construction. In contrast, the roadway and Lot 234 are level with a consistent elevation of approximately 10 to 10.5 ft.

The steep sloping condition and its abrupt transition to a narrow and level condition near the shoreline is reflective of the physiographic intersection of the Kaiwa Ridge and the Kailua Coastal Plain.

3.2 Soils

ALISH (Agricultural Lands of Importance to the State of Hawaii)

The Lanikai area is within the State Land Use Urban district. No ALISH classifications are provided for Urban lands.

Land Study Bureau

According to the Land Study Bureau Detailed Land Classification of Oahu (1972), the Kaiwa Ridge is classified as having E105 soils. This is the poorest rating for agricultural productivity. The Land Study Bureau further describes this
soil type as being rocky with rough, broken lands and with slopes from 36 to 80%, suitable for only pastures and grazing.

Soil Conservation Service

The SCS survey map no. 65 identifies the soils at the Kaiwa Ridge as KtC, Kokokahi Series. The soil description of the Kokokahi Series is as follows:

“This series consist of moderately well drained soils on talus (rock fragments at the foot of a cliff) slopes and alluvial fans on the island of Oahu. These soils developed in colluvium and alluvium derived from igneous rock. They are moderately sloping to steep. Elevations range from near sea level to 135 feet. The annual rainfall amount is 20 to 35 inches. The mean annual soil temperature is 74 degrees F. Kokokahi soils occur in the vicinity of Kaneohe and Pearl Harbor and are geographically associated with Alaeola and Jaucas soils. These soils are used for pastures and homesites. The natural vegetation consists of kiawe, koa haole, klu, bristly foxtail, piligrass and bermuda grass.”

A discussion with SCS soil scientist Saku Nakamura was held on 14 May 1996 regarding the erosional characteristics of the Kokokahi series. According to Mr. Nakamura, the Kokokahi series has a high clay content and has a high shrinking/swelling potential. The soil has a tendency to swell and become “sticky” when moist, and to shrink and become hard and cracked when dry. Although described as moderately well drained, water movement through the soil is fairly slow due to its heavy clay content. Mr. Nakamura pointed out that the K value is rated at .28, indicating high erodability and the potential for sliding on steep slopes. According to Mr. Nakamura, in an agricultural situation this erodability rating would indicate a requirement for implementing soil conservation measures.

3.3 Drainage and Water Resources

The Sagara Property is located below the 10 inch isohyetal line and receives less than 35 inches of rainfall per year. During the summer months, rainfall is less than 1 inch per month. Most rainfall infiltrates into the soils of the Kaiwa Ridge or the sand along the Kailua Plain. On occasion, heavy rainfall may
result in run-off from the Kaiwa Ridge area into the ocean. Ponding and temporary flooding may occur along portions of the unimproved roadway.

The area is not serviced by City and County storm drainage systems. There are no streams or other inland water resources in the vicinity.

3.4 Coastal Hazards
According to Civil Defense Tsunami Evacuation Maps, the areas makai of the base of the Kaiwa Ridge are subject to inundation. This would include the beach road and the small Sagara lot (Lot 234) makai of the road.

Federal Insurance Rate Maps (FIRM) echo this hazard district. The areas makai of the beach road are classified as Zone AE with a floodway elevation of between 5 and 6 feet along the Laniikai beach frontage.

3.5 Climate
The Laniikai area is a semi-arid environment, receiving less than 35 inches of rainfall per year. The Waimanalo station of the National Weather Service states that the average (mean) temperature ranges from 62 to 85 degrees Fahrenheit. Surface winds are predominantly on shore from the Northeast.

3.6 Water Quality
The ocean waters are classified as Marine Waters Class A.

3.7 Vegetation and Fauna
Undeveloped portions of the Kaiwa Ridge are naturalized with coastal scrub vegetation and are dominated by the Kiawe and Koa Haole with an undergrowth of Piligress and other seasonal groundcovers. This plant community is well suited for this arid coastal environment and provides good erosion control along the steep slopes of the hillside.
The coastal scrub vegetation has been removed at most residential lots along the Kaiwa Ridge and within the Kailua Plain and replaced with ornamental landscape material of greater aesthetic value.

The Sagara Property is typical of many of the residential lots within the Lanikai community. Spider Lilies, Beach Naupaka, Beach Heliotrope, Kamani and Coconut Palms are commonly used and characterize the general landscape of the neighborhood.

No significant, endangered or unusual plant material were identified during site visits. A literature review of EIS reports¹ for projects within the immediate vicinity has identified no significant/ endangered or unusual plant material in the area.

Ocean birds are often sighted in the vicinity. Mokulua Island, located off shore from the Lanikai community is a protected bird sanctuary.

3.8 Beach Processes
The CRM wall and concrete stairway are located a significant distance mauka of the ocean at a base elevation of approximately 10.5 ft. As a result, either the wall nor the stairway affects, obstructs nor influences beach processes.

3.9 Coastal Views, Public Shoreline Access and Open Space
The 1987 DLU Coastal View Study² (CVS) identifies the Lanikai area as being within the Kailua Bay Viewsed. The CVS identifies Mokulua Drive (1-1/2 miles) as a resource, providing intermittent views of the ocean. Although having a Mokulua address, the Sagara Property is located several hundred feet

¹Lanikai Flood Control Project, EIS, For Dept. of Public Works, by Kwock and Assoc.
²Lanikai Hale, CPUA, by Dames and Moore
³Revised Master Plan for Kailua Beach Park, Department of Parks and Recreation, 1996
beyond this 1-1/2 mile stretch. No other scenic resources are identified in the vicinity.

The CVS identifies coastal landforms as a category of significance, subject to CZM scrutiny. Although lying within the SMA boundary, the CVS does not identify Kaliwa Ridge as a significant coastal landform.

The character of the shoreline area varies. The area immediately fronting the Sagara Property consist of several natural rock outcroppings which serves as the base for the old seawall. The shoreline area immediately east of the Sagara Property contains a fairly wide sand beach and several vertical seawalls and concrete bunkers (WWII) located at the makai edge of the residential lots. The shoreline area immediately west of the Sagara Property consist of a sloping rock revetment with a narrow sand beach during low tide.

There is no designated public shoreline access across or adjacent to the Sagara Property or in the vicinity of the beach road. Lateral public access along the shoreline may be somewhat difficult during high tide conditions due to the rocky conditions.

Lot 234 is landscaped and maintained as private open space. Together with the beach road, it provides a significant open space buffer between the ocean and the developed Sagara Property.

3.10 Archaeology and Historic Sites

No archaeological or historic resources within the vicinity were identified in the literature search. Site visits and DLNR maps have identified several concrete bunkers nearby at the shoreline. It is believed that the bunkers were built during WWII as shoreline defense structures.

2 Oahu Coastal View Study, for DLU, by Chu and Jones, 1987
3.11 Circulation, Traffic, and Access

Vehicular circulation originates from the Aalapapa/ Mokulua Drive which loops through the Lanikai community. It is a one way, public street system that carries a relative low volume of residential traffic.

The beach road is a private road. It is narrow, generally unpaved and wide enough for only a single lane of traffic circulation. It is the only vehicular access route serving the four residential lots beyond the Sagara Property.

The beach road tees into the Mokulua Dr./ Aalapaa Dr. intersection where it is paved and fortified with vertical walls on both the mauka and makai sides. The road is unimproved (gravel) from the Sagara Property to Wailea point. No public parking improvements presently exist along the roadway.

No traffic impact analysis was conducted as part of this assessment; however frequent site visits indicate that usage of the beach road is extremely light and consists primarily of local traffic (residence) and service vehicles associated with the utility easements in the road. The beach road is private; however, there are no gates or other barrier that controls access along this route.

The CRM wall has been constructed entirely within the Sagara Property and does not encroach into or impair traffic circulation at the beach road. By retaining the slope, the wall enhances circulation and access along the beach road. House lots further towards Wailea Point, utility companies (HECO) and the City and County appear to benefit from this improvement.

The concrete stairway is 3 feet wide structure that extends from the Sagara dwelling unit to the beach road. It is convenient pathway that permits pedestrian circulation from the upper lot to the lower lot. The concrete stairway
does not impair, interfere or obstruct pedestrian or vehicular circulation and/or access.

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4. Applicable Land Use Controls

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<td>Yes</td>
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<td>Shoreline Setback</td>
<td>Yes</td>
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Three land use controls may be applicable in reviewing the CRM wall and stairway encroachment. These include the general and R-10 development standards contained in the Land Use Ordinance (LUO); Chapter 23, Shoreline Setback; and Chapters 15, Shoreline Setback Rules regarding minor structures. The subject property is within the SMA boundary. However, application for a Special Management Use Permit at the subject property is not required due to Sec. 25-13 Definitions:

(2) "Development does not include the following:
(A) "Development of a single family residence that is not part of a larger development.

4.1 Land Use Ordinance

Portions of the CRM retaining wall (lower terrace) are located within the 5 ft. rear yard setback. Section 3.40 of the LUO allows walls to be constructed within this setback provided that the wall does not exceed 6 ft. in height.

Exhibit 4, Site Cross Section, illustrates the design of the wall relative to the topography. The portions of the CRM wall that lies within the yard setback is 6 ft. in height. The second and third terraces of the wall exceed 6 ft. however they are located beyond the 5 ft. setback.

4.2 Shoreline Setback

The purpose of Chapter 23 ROH, Shoreline Setbacks, is

"to protect and preserve the natural shoreline, especially sandy beaches; to protect and preserve public pedestrian access laterally along the shoreline and to the sea; and to protect and preserve open space along the shoreline. It is also a secondary policy of the city to reduce hazards to coastal property from coastal floods."

4-1
Chapter 23 establishes a 40 ft. shoreline setback, as measured inland from a certified shoreline. No activities or structures are permitted within this setback area. The Building Department's Notice of Violation and the DLU's Notice of Order specifically cite the CRM wall as being in violation of Section 23-1.5 (b).

Section 23-1.5 (b)- Structures and activities are prohibited within the shoreline area, with the following exceptions:

(1) Minor structures and activities permitted under rules adopted by the department which do not affect beach process or artificially fix the shoreline and do not interfere with public access, public views or open space along the shoreline. If, due to beach erosion or other cause, the director determines that a minor structure permitted under this section may affect beach processes or public access or has become located seaward of the shoreline, the director or other governmental agency having jurisdiction may order its removal;

(2) Minor structures and activities necessary for or ancillary to continuous, but not expansion, of agriculture or aquaculture in the shoreline area on June 16, 1989;

(3) Maintenance, repair, reconstruction and minor additions to or alterations of legal, publicly owned boating, maritime, or ocean sports recreational facilities, which result in little or no interference with natural shoreline processes. Privately owned boating, maritime, or ocean sports recreational facilities are specifically excluded from this exception;

(4) Nonconforming structures or structures that have received shoreline setback variances.

Chapter 23 also provides for the granting of variances within the shoreline setback area. Variance criteria are listed under Sec. 23-1-8. Criteria which may apply to the cited CRM wall are as follows:

Sec. 23-1.8 (a)- The director may grant a variance upon finding that, based upon the record presented, the proposed structure or activity is necessary for or ancillary to:

(3) Landscaping; provided that the proposed structure or activity will not adversely affect beach processes and will not artificially fix the shoreline;

Due to its design and functional characteristics, the CRM wall may be considered a landscape element, providing both utilitarian and aesthetic value to the property. The CRM wall replicates the basic shape and incline of the
hillside and forms three terraced/linear planters that run the full width of the wall structure. The location of the CRM wall does not affect beach processes nor does it artificially fix the shoreline.

(1) Hardship Standard.
(i) The applicant would be deprived of reasonable use of the land if required to comply fully with the shoreline setback ordinance and the shoreline setback rules;

Full compliance with the shoreline setback ordinance is not possible. The applicant is unable to acquire a certified shoreline due to a seawall encroachment within State land. The seawall was not constructed by the applicant and it was in existence at least 20 years prior to his acquiring the property. Removal and relocation of the existing CRM wall in accordance with shoreline setback rules (waiver line) may jeopardize the stability of the property and may undermine the foundation of the present dwelling unit. Full compliance with the shoreline setback ordinance at this point in time would significantly impact the usability of the property and the existing house.

(1) Hardship Standard.
(ii) The applicant's proposal is due to unique circumstances and does not draw into question the reasonableness of this chapter and the shoreline setback rules.

The unique circumstances which are applicable to the variance request includes (a) the unusually steep topographic conditions of the site; (b) the soil conditions which have high erodability characteristics; and (c) the relationship of the CRM wall to the beach road; and (d) the location of the wall relative to the intersecting Kailua Coastal Plain and Koolau Cliff and Valley landforms.

These conditions created a unique situation in which an engineering solution, such as the CRM wall, was essential to facilitate the safe development of the Sagara Property and to relieve the potential erosional threat to the beach road.
The applicant's variance request does not challenge the rationale or the reasonableness of Chapter 23 and its accompanying rules. The applicant's justification for a variance is instead based on the unique site conditions listed above and established criteria contained within Chapter 23 and the Shoreline Setback Rules.

(1) Hardship Standard.

(iii) The proposal is the practicable alternative which best conforms to the purpose of this chapter and the shoreline setback rules.

Located at the intersection of the Kailua Ridge and Kailua Plain, the CRM wall is ideally sited to provide maximum engineering efficiency, while conforming to the spirit of the shoreline setback ordinance and rules. The CRM wall has resulted in negligible impact to the coastal landform and shoreline environment; benefits the neighborhood by providing protection to the beach road; and is an aesthetic contribution to the environment.

The design and location of the CRM wall is a practicable alternative to locating the retaining wall further inland which would require a significantly greater amount of grading and removal of the base of the Kailua Ridge; would require a larger wall structure; and would increase the amount of area along the shoreline area that is susceptible to hazards by way of coastal flooding and storm/high wave inundation.

4.3 Chapter 15, Shoreline Setback Rules

Chapter 15, Shoreline Setback Rules pertains to minor structures which are permitted within the shoreline setback area.

15-1 Applicability

(a) Minor structures and activities may be permitted in the shoreline setback, if they do not affect beach processes or artificially fix the shoreline; do not interfere with public access, public views or open space along the shoreline; and do not otherwise endanger the public health, safety or welfare.
(b) Minor structures and activities include, but are not limited to the following:

(7) Masonry headers or pavers needed for a border or pathway; areas of pavers or headers shall not be greater than 20 square feet and when combined with all other structures within the shoreline setback, shall comprise no more than 10 percent of the area between the shoreline and shoreline setback line;

Elements of Chapter 15 as described above may be applicable to the concrete stairway cited in the Notice of Violation. The stairway is constructed with masonry material and is a pedestrian scale pathway which enables the property owner basic access to his lower lot. Treads, risers and a safety hand rail are incorporated as a means of negotiating the grade. While the stairway may exceed 20 sf, and in combination with the CRM wall may exceed the allowable area between the shoreline and shoreline setback line, substantial open space (3150 sf) along the ocean frontage remains as a result of Lot 234 (1950 sf) and the beach road (1200 sf). Due to the perpetual right of way easement associated with the beach road and the inability to develop Lot 234, continuation of this open space is reasonably assured.

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5. Alternatives

Based on the findings of this report, issuance of a shoreline setback variance is considered to be the most reasonable approach to correcting the CRM wall and stairway citation. Section 4 of this assessment identifies several variance criteria that may be applicable. Alternatives to the shoreline setback variance were considered. These include the following:

Alternative A: No Action

The “no action” alternative would not relieve the property owner of the citation issued by the City and County of Honolulu.

Alternative B: Relocate CRM Wall and Stairway

Relocation of the CRM wall was considered. Under this alternative it is estimated that a minimum of 50% of the existing wall would be affected. There are several serious and/or prohibitive factors associated with this alternative.

1. Substantial demolition, excavation and expense would be required to relocate the wall in a mauka direction.
2. The exact shoreline setback cannot be determined without a certified shoreline. Without the certified shoreline, over excavation and an exaggerated setback may be necessary to insure conformance to the intent of the setback requirement. Unnecessary removal and scarification to the base of the Kaiwa Ridge would likely occur.
3. During the demolition and excavation process, instability of the slope may occur and threaten the foundation of the existing dwelling unit.
4. Substantial disruption to circulation and access along the beach road would likely occur.

Due to the steep terrain, removal of the existing concrete stairway would create a hazard for the property owner and would eliminate pedestrian circulation between the property owner’s upper and lower lot.
Alternative B is considered to be impractical for the reasons outlined above. It would not serve any public benefit nor fulfill any of the stated purposes of Chapter 23. Implementation of Alternative B or similar measure may result in adverse environmental impacts which exceed acceptability.
6. Impacts and Mitigative Measures

6.1 Evaluation of Environmental Impacts
An evaluation of the proposed action is provided relative to the Significance Criteria contained in the Environmental Impact Statement Rules, Title 11, Chapter 200.

(1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;
   The application is for an after the fact shoreline setback variance to permit a CRM retaining wall (constructed in 1985). Granting this variance would require no construction activities and no irrevocable commitment, loss or destruction of resources would occur.

(2) Curtails the range of beneficial uses of the environment;
   The beneficial uses of the environment consist of open space along the shoreline, vehicular ingress/egress to the house lots at Wailea Point and utility easements. Granting of a shoreline setback to permit the existing CRM wall to remain in its present location would not disturb, curtail or prevent these functions and/or activities from continuing.

   Comments from the Department of Parks and Recreations indicate that existing CRM wall "does not have any significant impact on recreational resources in the area."

(3) Conflicts with the State's long range environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions or executive orders;
   The CRM wall does not conflict with the policies, goals or guidelines expressed in Chapter 344, HRS.

(4) Substantially affects the economic or social welfare of the community or State;
   No affects upon the economics or social welfare of the community or the State are anticipated by granting the requested shoreline setback variance.
(5) Substantially affects public health;
   No affects upon public health are anticipated by granting the requested shoreline setback variance.

(6) Involves substantial secondary impacts, such as population changes or effects on public facilities;
   No secondary impacts are anticipated by granting the requested shoreline setback variance.

(7) Involves a substantial degradation of environmental quality;
   Allowing the existing CRM wall to remain would not degrade the existing environmental quality.

(8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger action;
   There are no cumulative impacts associated with the requested variance. On the other hand, removal of the CRM wall would result in a commitment for larger actions to include significant grading and removal of portions of the base of the existing hillside (coastal land form) in order to accommodate another wall further inland to stabilize the exiting house.

(9) Substantially affects rare, threatened or endangered species, or its habitat;
   The existing CRM wall has no affect on rare, threatened or endangered species, or their habitats.

(10) Detrimentally affects air, or water quality or ambient noise levels; or
    The existing CRM wall has no detrimental affects on air or water quality, or ambient noise levels.

(11) Affects an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.
    The existing CRM wall has a beneficial effect on an environmentally sensitive area. As a retaining wall, it minimizes the potential for erosion
from the hillside and separates the residentially zoned property from the
flood zone near the shoreline.

6.2 Determination
This environmental assessment finds no condition where the existing CRM wall
or the existing concrete stairway has adversely impacted the natural shoreline,
inhibited public shoreline access, reduced open space or encroached into
public coastal views. Nor are there any indications that the continued presence
of the wall and stairway would or has resulted in any significant adverse
environmental impacts as described in the significance criteria (11-200-12, EIS
Rules, nor does the wall pose a conflict to the policies, goals or guidelines as
contained in Chapter 344, HRS.

Considering the topographic and soils condition of the site; the location of the
wall relative to the Kailua Plain and the Kaiwa Ridge; the utility easements and
ingress/egress at the adjacent Beach Road; and the aesthetic appearance of
the CRM wall, this environmental assessment finds the CRM wall to have
distinct, practical and life/safety benefits to the neighborhood. Furthermore,
with the exception of failing to meet a prescribed 40 ft. distance, this
environmental assessment finds that the CRM wall is actually positioned to best
serve the underlying intent of Chapter 23 and the Shoreline Setback Rules.

The absence of any significant impacts and the unique set of conditions
described above forms the basis and rationale for granting the variance
request. These findings are responsive to the variance criteria of Chapter 23.

Should a shoreline setback variance for the CRM wall be granted per the
applicant’s request, no short, long term or cumulative impacts are anticipated.
On the other hand, removal of the wall would require aggressive construction
activities as outlined under Alternative B in section 5 of this report, far
outweighing any public benefit.
Similarly, no adverse environmental effects have been identified in connection with the concrete stairway. As with the CRM wall, no short or long term impacts are anticipated. Its removal would result only in the elimination of pedestrian access between the property owner's upper and lower Lots.

Should a shoreline setback variance be granted, enabling the existing CRM wall and concrete stairway to remain within the 40 ft. setback, the wall and stairway would become classified as "nonconforming" but permissible (i.e. lawful) under Section 23-1.6. Repairs and/or alteration would be permitted in a manner that does not increase its nonconformity. Should the wall or stairway be destroyed by any means to an extent greater than 50% of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of Chapter 23.

6.3 Mitigative Measures
Because no significant short, long term or cumulative impacts are anticipated, no mitigative measures are proposed for the existing CRM wall or concrete stairway.
7. Summary and Conclusions

7.1 Summary
Although site investigations confirm the encroachment of the CRM wall and concrete stairway into the shoreline setback area, substantial information supports the necessity and desirability of the wall in its present location; and the concrete stairway as a minor structure.

- The topographic and soil conditions of the site strongly suggest the possibility of erosion and/or sliding from the upper slopes of the property.
- The CRM wall benefits the neighborhood by protecting and maintaining access along the beach road. This access is critical for the residences located toward Wailea Point, for emergency vehicles, HECO and the City and County of Honolulu. There are no other access routes available.
- The wall helps to protect properties from coastal flooding.
- The design of the wall is complimentary to the neighborhood. It is sensitively designed with lava rock and planting terraces, and it sympathetic to the natural form of the hillside.
- Its location at the precise intersection of the Kaiwa Ridge and the Kailua Coastal Plain is a practical solution.

Through the course of this assessment, no significant adverse environmental effects were discovered that relate to the presence of the existing CRM wall, nor does the wall or stairway conflict with the stated purpose of Chapter 23, Shoreline Setbacks.

- No significant short, long term or cumulative impacts have been identified or expressed by any reviewing agency or community group.
- The wall and stairway do not artificially fix the shoreline nor do they affect beach processes.
- The wall and stairway do not interfere with nor obstruct public shoreline access.
- The area between the ocean and the CRM wall is dominated by open space.
- The concrete stairway is a minor structure that provides basic access between the property owner's upper and lower lots.

Removal of the CRM wall or the concrete stairway would serve no public purpose, and may result in adverse environmental impacts.
- A significant construction effort would be required to relocate the wall. Access along the beach road, potential erosion of the hillside and underpinning of the foundations at the existing dwelling unit would pose significant technical and logistic problems.
- A replacement wall or other means of securing the hillside would not necessarily be as beneficial to the neighborhood.
- Adverse alterations to the coastal land form may occur as a result of removing/ relocating the wall in a mauka direction.

7.2 Conclusions
Because the CRM wall benefits the neighborhood and does not conflict with the purpose of Chapter 23, it would be reasonable for the accepting Agency to concur with these findings and conclude that no adverse environmental effect has occurred in the past or will occur in the future; and that the granting of a shoreline setback variance would be a rational solution to correcting the property owner's Notice of Violation. There would be no perceived risk to individuals or to the public health and safety through the granting of the variance.

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Appendix A, Comments & Responses to Draft EA

City Department of Parks and Recreation
City Department of Public Works
State Department of Health
Department of the Army
State Office of Environmental Quality Control
State Department of Land and Natural Resources
Lanikai Community Association
September 26, 1996

TO: PATRICK T. ONISHI, DIRECTOR
DEPARTMENT OF LAND UTILIZATION

FROM: DONA L. HAMAIE, DIRECTOR

SUBJECT: ENVIRONMENTAL ASSESSMENT (EA), CHAPTER 343, IRIS PROJECTS WITHIN THE SHORELINE SETBACK
SAGARA AFTER-THE-FACT CRM WALL AND CONCRETE STAIRWAY
1607 MONUOLA DR., LANIKA'I
TAX MAP KEY 4-3-501-1016
PROJ. REF. NO. 94/97-007

Thank you for the opportunity to review the draft environmental assessment and Shoreline Setback Variance for the Sagara property.

Based upon the information presented in the application and the EA, we have determined that the cited shoreline encroachment does not have any significant impact on recreational resources in the area.

Should you have any questions or comments, please contact Terry Nilesbrand of our Advance Planning Branch at extension 4264.

Yours Truly

MICHAEL S. CHU

20 November 1996

Ms. Dona Hamaie, Director
City and County of Honolulu
Department of Parks and Recreation
650 S. King Street
Honolulu, HI 96813

SUBJECT: Comments on Draft Environmental Assessment
Sagara After the Fact CRM Wall and Concrete Stairway, Lanihā'i, Oahu

Dear Ms. Hamaie:

Thank you for taking the time to review our Draft Environmental Assessment. Based on your letter dated September 26, 1996 we understand your department has concluded that the application has no significant impact on recreational resources in the area.

Yours Truly

cc: Gary Slovin

MICHAEL S. CHU
MEMORANDUM

TO: PATRICK T. OWISI, DIRECTOR
    DEPARTMENT OF LAND UTILIZATION

FROM: ROBERT E. SPARGUE
    DIRECTOR AND CHIEF ENGINEER

SUBJECT: ENVIRONMENTAL ASSESSMENT (EA)
        SAGARA AFTER-THE-FACE GRC WALL AND CONCRETE STAIRWAY
        TIE: 4-31-91

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

If you have any questions, please contact Alex Ho, Environmental Engineer, at Local 4190.

Michael S. Chu

20 November 1995

Mr. Kenneth E. Sprague, Director and Chief Engineer
City and County of Honolulu
Department of Public Works
650 S. King Street
Honolulu, HI 96813

SUBJECT: Comments on Draft Environmental Assessment
        Sagara After the Fact GRC Wall and Concrete Stairway, Lanikai,
        Oahu

Dear Mr. Sprague:

Thank you for taking the time for reviewing our Draft Environmental Assessment. Based on your letter dated September 19, 1995 we understand that your Department has no comments to offer at this time.

Yours Truly,

cc: Gary Slovin

Michael S. Chu
Mr. Patrick Onishi  
Director, Department of Land Utilization  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813  

Dear Mr. Onishi:

Subject: Environmental Assessment, Chapter 243, HRS  
Projects Within the Shoreline Setback (96/EV-007)  

Project Name: Sagara After-The-Fact CRM Wall and Concrete Stairway  
Location: 1607 Nokulua Drive, Lanikai, Oahu  

Thank you for allowing us to review and comment on the subject after-the-fact project. We do not have any comments to offer at this time.

Sincerely,

BRUCE S. ANDERSON, Ph.D.  
Deputy Director for Environmental Health

20 November 1996

Mr. Bruce S. Anderson, Ph.D.  
Department of Health  
P.O. Box 3378  
Honolulu, HI 96801

SUBJECT: Comments on Draft Environmental Assessment  
Sagara After-the-Fact CRM Wall and Concrete Stairway, Lanikai, Oahu

Dear Mr. Anderson:

Thank you for taking the time for reviewing our Draft Environmental Assessment. Based on your letter dated Oct. 25, 1996 we understand that your Department has no comments to offer at this time.

Yours Truly,

MICHAEL S. CHU

cc: Gary Slovin
October 3, 1996

Mr. Patrick T. Onishi
Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Onishi:

This is in reply to your request dated September 11, 1996, for comments on the draft Environmental Assessment to issue a variance for the Sagara property After-the-Fact CRM Wall and Concrete Stairway, located at 1607 Makaha Drive (TMK 4-3-01: 10), Lanikai, Oahu Island. Based on the information provided, I have determined that the dEIS does not involve any specific activities or structures involving work in waters of the United States. Therefore, a DA permit is not required. In the future, if the applicant proposes activities in or near jurisdictional waters, consultation should take place with our Operations Branch at 438-9216 to determine if a DA permit may be required.

[Signature]
ROSEMARY HARGRAVES
Acting Chief, Operations Branch

20 November 1996

Ms. Rosemary Hargraves
Department of the Army
U.S. Army Engineer District, Honolulu
Ft. Shafter, Hawaii 96856

SUBJECT: Comments on Draft Environmental Assessment Sagara After-the-Fact CRM Wall and Concrete Stairway, Lanikai, Oahu

Dear Ms. Hargraves:

Thank you for taking the time for reviewing our Draft Environmental Assessment. Based on your letter dated October 3, 1995, we understand that your Department has no comments to offer at this time.

Yours Truly

[Signature]

MICHAEL S. CHU

cc: Gary Slovin
October 22, 1996

Mr. Patrick T. Onishi
Director of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Onishi:

Subject: Comments on the Draft Environmental Assessment for the Sagara After-the-Fact CRM Wall and Concrete Stairway

Thank you for the opportunity to review the subject document. We have the following comments:

1. Makai of Sagara's retaining wall and stairway there exists a seawall, lot 234, and a 12-foot wide private beach road. The Department of Land and Natural Resources believes that the existing seawall is located makai of the Shoreline. Should the State decide to remove the existing seawall, what would be the impact be on lot 234, the private beach road and Sagara's retaining wall and stairway?

2. Please provide reasons for supporting the determination based on an analysis of the significance criteria in section 11-200-12 of the 1996 Hawaii Environmental Impact Statement Rules.

3. Please specify in the environmental assessment the name of the approving agency.

Should you have any questions please call Jeyan Thirumana at 586-4185.

Sincerely,

Gary Gill
Director

Cc: Michael Chu

21 November 1996

Mr. Gary Gill
Office of Environmental Quality Control
220 South King Street 4th Flr.
Honolulu, HI 96813

SUBJECT: Comments on Draft Environmental Assessment Sagara After-the-Fact CRM Wall and Concrete Stairway, Lanikai, Oahu

Dear Mr. Gill:

Thank you for taking the time for reviewing our Draft Environmental Assessment. Our response to your comments are provided and will be incorporated into the final EA:

***************

Removal of Seawall

According to the R.M. Towill topographic survey, the seawall is makai of the Sagara property (Lot 234). It is unknown when or under what conditions this seawall was built. A review of aerial photos indicate that the seawall existed at least prior to 1961. Sagara did not acquire his property until 1983.

Should the State decide to remove the seawall, it would not be unreasonable to expect rapid erosion to occur at Lot 234 as a result of wave action along the unprotected shoreline. The erosion may advance beyond the lot and undermine the Beach Road, exposing the underground utilities (sewer). The erosion process may move laterally and affect the properties adjacent to Lot 234.

The act of removing the seawall may require temporary construction activity in coastal waters. Based on comments received from the Department of the Army, a Department of the Army (DA) permit may be required. Because the seawall is located on State land (Conservation District) a CDOA permit may also be required for its demolition. These permits may trigger the need for more detailed evaluation of impacts associated with such action.

Because this application is focused on the CRM wall and not the seawall (nor its removal), this evaluation has not been performed.
Accepting Agency
The accepting agency for this application is the City and County of Honolulu,
Department of Land Utilization. This will stated in the final EA.

Significance Criteria, section 11-200-12
We have reviewed the significance criteria and have determined that no
significant impacts, either short, long term or cumulative, would occur
through the granting of the variance. Our final EA will contain a detailed
response to each of the eleven items contained in this section.

Please feel free to call me if you have any further comments or questions
regarding our response.

Yours Truly

cc: Gary Solvin

MICHAEL S. CHU
Ref: LD-PFM

Honorable Patrick T. Onishi, Director
Department of Land Utilization
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Onishi:

Subject: Request for Comments - Environmental Assessment, Sagara After-The-Fact CRM Wall and Concrete Stairway, Lanikai, Oahu

File No. PM-96-025

The following is additional comments regarding the subject Environmental Assessment prepared for the above project:

Land Division - Oahu District Land Office

The Oahu District Office of the Land Division has been unable to prevent the construction of revetment walls and other improvements within the forty foot setback area designated by the City and County of Honolulu, if the improvements are inside the area in the Conservation District, and are located on private property.

However, as the shoreline certification for the subject property, as applied for by R.M. Towill, was rejected by the Department of Land and Natural Resources on May 20, 1996 due to encroachment upon State land, we insist that the encroachment be resolved. As it stands, the property would be ineligible to receive a shoreline certification as issued by the Department of Land and Natural Resources, State of Hawaii.

As we understand it, the violations of the shoreline setback involve an existing retaining wall and concrete stairway constructed within the forty foot setback area, while the encroachment on State-owned lands involve an existing seawall which was obviously built on State land. The violations appear flagrant and without adherence to regulations governing littoral lands.

Hon. Patrick T. Onishi, Director
Page 2

The two remedies to correct the encroachment would be 1) removal of the encroachment from the State lands, or 2) the issuance of a legal land disposition by the Board of Land and Natural Resource to legalize the seawall which is located on land. We would like to point out that at this time, the Land Board is not in seawalls or ocean revetments which are located on sandy beaches due to the effect of the hardening of the beaches.

LAND DIVISION - PLANNING AND TECHNICAL SERVICES BRANCH

If the subject wall was built outside of the property metes and bounds, subsequent adoption of the Conservation in 1964, a violation of the Conservation District Rule have occurred.

HISTORIC PRESERVATION DIVISION

A review of our records shows that there are no known historic sites at this location. Because this is an after-the-fact application, and additional erosion control mean not planned, we believe that this after-the-fact authorization has "no effect" on the site.

Thank you for the opportunity to review the Environmental Assessment. We have further comments to offer at this time. Should you have any questions, please contact Pati Miyashiro at 567-0430 of our Land Division.

Aloha,

Michael D. Wilson

Oahu Land Board Member
Member at Large
CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN-REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S) IMMEDIATELY FOLLOWING
Hon. Patrick T. Onishi, Director
Page 2

The two remedies to correct the encroachment would be 1) removal of the
encroachment from the State lands, or 2) the issuance of a legal land disposition
Board of Land and Natural Resource to legalize the seawall which is located on
land. We would like to point out that at this time, the Land Board is not in the
seawalls or ocean revetments which are located on sandy beaches due to the
effect of the hardening of the beaches.

LAND DIVISION - PLANNING AND TECHNICAL SERVICES BRANCH

If the subject wall was built outside of the property metes and bounds, subsequent
adoption of the Conservation in 1964, a violation of the Conservation District Rule
have occurred.

HISTORIC PRESERVATION DIVISION

A review of our records shows that there are no known historic sites at this site.
Because this is an after-the-fact application, and additional erosion control means
not planned, we believe that this after-the-fact authorization has "no effect" on
sites.

Thank you for the opportunity to review the Environmental Assessment. We look
forward to comments at this time. Should you have any questions, please contact
Patti Miyashiro at 587-0430 of our Land Division.

Aloha,

--

c: Oahu Land Board Member
   Member at Large

Michael D. Wilson
2 December 1996

Mr. Michael D. Wilson
Department of Land and Natural Resources
1511 Punchbowl Street
Honolulu, HI 96813

SUBJECT: Comments on Draft Environmental Assessment
Sagara After the Fact CRM Wall and Concrete Stairway, Lanikai, Oahu

Dear Mr. Wilson:
Thank you for taking the time for reviewing our Draft Environmental Assessment. Our response to your comments are as follows:

Based on your comments, it is understood that the seawall may be in violation of the Conservation District Rules. The subject of the draft EA however is focused on an existing CRM wall and concrete stairway which are located mauka of the shoreline area and within the applicants property. Removal of the seawall or a request for a legal land disporison to legalize the seawall is not proposed under the subject application.

We understand that the requested variance has "no effect on historic sites."

Please feel free to contact me if you have any further comments or questions.

Yours Truly,

MICHAEL S. CHU
October 10, 1996

VIA PACIFICV-rights 317-4743
Mr. Patrick T. Oshiki
Director, Department of Land Utilization
City & County of Honolulu
650 S. King Street
Honolulu, Hawaii 96813

Re: TMK-4-3-4116, Segara Trucking Request for Variance

Dear Mr. Oshiki:

On October 9, 1996, the Lanikai Board of Directors reviewed the two requests for variance at the above referenced property. It is our understanding that the property owner, Segara Trucking, is requesting a variance for the CRW wall and concrete railing which extends into the 50' shoreline setback area and the portion of the structure which contains an elevator which encroaches into the 50' setback area.

While it is the policy of the Lanikai Association to not support variance requests after the fact, the Board of Directors unanimously voted to support these two requests for variances. It was determined that the encroachments were bona fide and that there was no demonstrated intent by the applicant to circumvent the regulations at the time of construction and seek approval after the fact.

At our site visit to the property, we noticed that concrete walls had been constructed along the access easement to Kailua Point. It appears that these walls are only 17' apart. We are very concerned that these walls will prevent emergency vehicles, and especially fire trucks, access to residences at the end of Kailua Point. Did the City issue permits for these walls?
### Appendix B, List of Exhibits

| Exhibit 1: | Location Map |
| Exhibit 2: | TMK Map |
| Exhibit 3: | Site Photos and Maps |
| Exhibit 4: | Site Cross Section |
| Exhibit 5: | Site Plan, 1985 |
| Exhibit 6: | Site Plan, 1986 |
| Exhibit 7: | Topographic Survey, 1996 |
| Exhibit 8: | Scenario A, Extent of Encroachment |
| Exhibit 9: | Scenario B, Extent of Encroachment |
PHOTO A
View of existing CRM retaining wall looking SE toward Waimanalo. Photo shows wall design with planters located between terraces. Note continuation of beach road to property beyond. Bottom of wall is located inside Lot 238. Bottom of wall = 10 ft. (approx). Top of wall = 30.3 ft. (approx.).

PHOTO B
View of existing CRM retaining wall looking NW towards Kailua. The beach road extends to Mokulua Drive. The grassy area to the right is the Sagara property, Lot 234.

Exhibit 3
Site Photos and Reference Maps
ANALYSIS A
ACCRETED LAND
LOT 234
BEACH ROAD
1217 SF
1950 SF
868 SF
4035 SF OPEN SPACE
462 SF ENCROACHMENT
4497 SF GROSS
90%
10%
100%

CRM WALL & STAIRWAY

RECOMMENDED 40 FT. SHORELINE SETBACK
R.M. TOWILL

EXTENT OF CRM WALL AND
STAIRWAY ENCROACHMENT
462 SF

PHOTO INDEX MAP

SHORELINE SURVEY
OF LOT 234
LAND COURT APPLICATION 616
(Map 21)
at Lanikai, Kailua, Oahu, Hawaii
TMK 1-7 01 11

NOTE
This shoreline survey is for permit/variety application

H W Towill Corporation
Surveyors Engineers Planners 3D-Architects/Construction Managers