DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

2003/ED-28(ST)

October 25, 2005

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
State of Hawaii
State Office Tower, Room 702
235 South Beretania Street
Honolulu, Hawaii 96813-2437

Dear Ms. Salmonson:

Re: FINAL ENVIRONMENTAL ASSESSMENT CHAPTER 343, HAWAII REVISED STATUTES (HRS)
Environmental Assessment (EA)/Determination
Finding of No Significant Impact (FONSI)

Recorded Owner/ Applicant	: Laura King
Agent	: Same as above
Location	: 734 Mokulua Drive - Lanikai
Tax Map Key	: 4-3-8: 37
Request	: Shoreline Setback Variance (SV)
Proposal	: To construct a swimming pool and allow (retain) a portion of an existing 2nd floor deck within the 40-foot shoreline setback.

Attached and incorporated by reference is the Final EA prepared by the applicant for the above project pursuant to Chapter 343, HRS. We have determined that the preparation of an Environmental Impact Statement (EIS) is not required. Enclosed are a 3-1/2" Floppy Disk with a "Summary" of the subject project, Publication Form, and four copies of the Final Environmental Assessment. We request publication of a notice of this document in The Environmental Notice.

If you have any questions, please contact Steve Tagawa of our staff at 523-4817.

Very truly yours,

Barbara A Moon

Henry Eng, FAICP, Director
for Department of Planning and Permitting

HE:pl
Attachments

G:Landuse/posseworkingdirectory/SteveT/SVKing.fon

2005-11-08-OA-FONSI LAURA KING CONSTRUCTION OF SWIMMING POOL

NOV - 8 2005
FILE COPY

Final Environmental Assessment

Construction of an in-ground swimming pool and of an existing 2 story open deck.

Laura King Residence
734 Mokulua Drive
Kailua, HI 96734

TMK 4-3-008:37

Department of Planning and Permitting

File Number: 2003/SV-22

I. GENERAL INFORMATION

A. Applicant:
Laura King
734 Mokulua Drive
Kailua, HI 96734
808-261-6464 Home
808-261-8991 ext 235 Work

B. Recorded Fee Owner:
Laura King
734 Mokulua Drive
Kailua, HI 96734

C. Agent:
Not Applicable

D. Tax Map Key:
4-3-008: 037

E. Lot Area
5042 SQ FT
4197 SQ FT Inland of Seawall.

F. Accepting Authority:
The Department of Planning & Permitting
City & County of Honolulu

G. Agencies Consulted By Telephone:

1. University of Hawaii, Manoa
   Oceanography Department, Dr. Edward Lawes
   Botany Department, Dr. Gerald Carr (via website)

2. State of Hawaii
   Department of Health, Clean Water Branch, Mr. Mark Tomomitsu
   Department of Land and Natural Resources (DLNR)
   State Historic Preservation Division, Sarah Collins
   Conservation District, Dawn Hegger
   Forestry & Wildlife
   Aquatic Resources Division

3. City & County of Honolulu
   Department of Planning & Permitting via website.

A finding of NO SIGNIFICANT IMPACT is anticipated.

II. DESCRIPTION OF THE PROPOSED ACTIONS

A. General Description

1. The construction of an in-ground swimming pool in back of the existing residential dwelling and garage structure. In addition to the swimming pool variance we are requesting a variance for the deck which is *protruding* slightly into the shoreline setback.

2. The eastern (makai) side of the pool will extend 12 feet over the shoreline setback, within the landscaped area between the existing residential structure and the City & County of Honolulu seawall. The left hand side of the deck is extending about 2 ½ foot into the shoreline setback. This deck is on the 1st floor of the property. The two story open deck was built subsequent to the Draft EA and it has been cited as unauthorized (2004/NOV-07-007), and will be included in this application for a shoreline variance.

3. Location Map: See attachment Plate 1. Please see the Project Design plans for the information on the deck.

4. Land Use Approvals: This FESA addresses the request to construct a swimming pool within the adjusted shoreline setback. (Revised Ordinances of Honolulu, Section 23-1.4 (b)). The proposed structure is prohibited within the shoreline setback, unless a Shoreline Setback Variance (SV) is first obtained.

5. A 26 foot see-thru white vinyl fence will be constructed within the adjusted shoreline set back on my property on the TMK 1-4-3-08:38 side (See Detail #2) . This new 26 foot fence shall be 6'" tall and made of white vinyl. A matching white vinyl self latching gate will be installed on the walk way down to the pool (See Detail #2). The fences will completely fence off the pool. I will be purchasing this through Royal Outdoor Products. My neighbor on TMK 1-4-3-08:36 has a solid concrete wall that runs the length of his property so fencing is not required (See Photo 3). The existing sea-wall is 8' above sea level so there is no gate requirement for the front portion of our yard. A metal see-thru gate has been installed on the step portion of the sea-wall (See Detail #1 and Photo 1A).

B. Technical Characteristics

1. Currently the parcel is developed with a detached dwelling comprised of a three story, wood-framed structure with an adjoining garage. The primary structure was constructed in 1931. See attached Plate 2 for Layout Drawing. The area within the shoreline setback area (inside of the seawall) is grass (seashore pospallum). The dimensions are 1' 6" wide x 10' (max) high x 66 feet long. The seawall was put in by the City & County of Honolulu to control erosion of the property. The owner has lost 14 foot of land due to this erosion.

2. The construction characteristics of the proposed swimming pool are comprised of grading the property by excavating a pit approximately 17 feet wide, 32 feet long, to a maximum dept of 3 feet, with an average interior depth of 4.5 feet, as the proposed pool would be built 18" above existing ground level. Reinforcing and plumbing will be placed per engineer's design, sealed and secured with 6" thick, 3,500 psi Gunite (shotcrete). During excavation process, pool contractor will maintain the soil stockpiles to prevent runoff carrying sediment past the seawall. As the pool top will be 18" above ground level we will excavate down 3 foot which would include 6" for the gunite shell. Therefore, the estimated excavation material quantity is 17x32x3 = 1,632/27 = 60.44 cubic yards. This excavation will be hand dug (as we can not get a machine down) and approximately ½ of the material will be spread on site in raised planter beds and the other half will be disposed of in an appropriate manner. There will not be any raised planter beds within the setback area.

The construction specifics of the deck are as follows:

a) 3' – 6" Height
b) 2 x decking
c) Extends 7' 6" from exterior of wall

3. **The total volume of the pool will be 13,533 Gallons of water treated with an Eclipse Corona Discharge Ozone Generator (DEL Ozone) and a Wailani Natural Water**

   Purifier (electronic ionization systems) manufactured by Wailele Pools, Inc. The pool equipment will be located underneath garage at ground level. Pool will be enclosed by way of a 4.5 foot high Ipe Lumber fence with self latching gates and will comply with building code regulations for swimming pools. This fence will be picket style not to exceed 50% wood and not to obstruct vision.

4. **The proposed swimming pool will be constructed for the private use by the resident. I apologize but the deck is already built and I have a Notice of Violation on it. I am very sorry to waste your time and to do this thing incorrectly.**

III. AFFECTED ENVIRONMENT

A. General Description

1. Subject Site: The subject site is currently developed with a three story wood-framed residential structure with adjoining garage structure (Plate 3). The site is bordered by Mokulua Drive to the west, a vacant residential lot to the north, a residential dwelling to the south and the shoreline along a City and County of Honolulu seawall to the east. The site is zoned in residential district R-10 (Plate 6). According to chapter 21 of the Land Use Ordinances (LUO):

The purpose of the residential district is to allow for a range of residential densities. The primary use shall be detached residences. Other types of dwellings may also be allowed, including zero lot line, cluster and common wall housing arrangements. Non-dwelling uses which support and complement residential neighborhood activities shall also be permitted. The intent of the R-20 and R-10 districts is to provide areas for large lot developments. These areas would be located typically at the outskirts of urban development and may be applied as a transitional district between preservation, agricultural or country districts and urban districts. They would also be applied to lands where residential use is desirable but some development constraints are present.

This parcel may have received the R-10 designation as a transitional district due to the proximity of Kailua Beach Park, currently zoned preservation district P-2 General. According to chapter 21 of the Land Use Ordinances (LUO):

Should lands be removed from either the state-designated conservation district or from federal jurisdiction, all uses, structures and development standards shall be as specified for the P-2 general preservation district. It is also the intent that lands designated urban by the state, but well-suited to the functions of providing visual relief and contrast to the city's built environment or serving as outdoor space for the public's use and enjoyment be zoned P-2 general preservation district. Areas unsuitable for other uses because of topographical

considerations related to public health, safety and welfare concerns shall also be placed in this district.

2. Site Geology: The site was originally graded around the year 1931 by cutting into the slope to level the lot about 18 – 20 feet below the existing Mokulua Drive elevation. The cut on the Mokulua Drive side of the lot exposes geologic strata described by the U. S. Department of Agriculture, Soil Conservation Service (SCS) as Kokokahi very stony clay, 0 to 35 percent slopes (KTKE). The SCS states in their "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii", dated August 1972, that this series consists of moderately well drained soils on talus slopes and alluvial fans on the island of Oahu. These soils developed in colluvium and alluvium derived from basic igneous rock. They are moderately sloping to steep. Elevations range from nearly sea level to 125 feet. The annual rainfall amounts to 20 to 35 inches. The mean annual soil temperature is 74^0 F. Kokokahi soils occur in the vicinity of Kaneohe and Pearl Harbor and are geographically associated with Alaeloa and Jaucus Soils.

   KTKE soil is comprised of Kokokahi clay with many stones and boulders. The clay fraction is very sticky and plastic. Runoff is medium to rapid, and the erosion hazard is moderate to severe.

   This soil is generally used for pasture. It is generally too stony for cultivated crops. Submerged stones, boulders, and basaltic strata were observed at the foot of the sea wall (Plate 4).

   Imported and in-situ sand were most likely used for site grading and landscaping as indicated by the historic aerial photo (Plate 5).

3. Site Landscape: The site is landscaped with common Bermuda type grass; Spider Lily (Crinum asiaticum) and Naupaka (Scaevola sericea) plants; and Coconut, Palm and Money Trees (Plates 3, 7, 8, 9 and 10).

B. Federal FIRM Zone:

1. Parcel is currently designated as FIRM Zone X, "Beyond 500 year" plain. (Plate 11)

C. Coastal Views

1. Ground level photographs located on Plate 4.

2. Aerial photograph located on Plate 5.

3. The above referenced photographs show the land outside of the sea wall is submerged and comprised of basaltic stones, boulders, stratum, and outcrops. Sandy areas along the shoreline shown on the aerial photograph most likely eroded from the associated ocean currents, tides, and wave action.

D. Project Site Vicinity:

1. Aerial photograph (Plate 5) shows Kailua beach approximately 200 feet to the north, and a public beach access approximately 200 feet to the south.

2. Reserves Map (Plate 12) shows Papoi'a Island (North) and Makalua Islands (Southeast) State Seabird Sanctuaries well out to sea from the subject project site.

IV. PROJECT IMPACTS

A. Pool Construction Scenarios:

1. Action: Pool Excavation and Site Grading. The proposed location of this action is currently developed, and isolated from public beach parks, public beach access, and wildlife reserves. Upon completion of the historic City & County of Honolulu seawall, the parcel was graded with fill and landscaped for residential use. Thus, the subject pool excavation area within the adjusted shoreline has already been impacted.

   Impact: The excavation of the swimming pool pit and redistribution of the soil to the landscaped areas on-site will contribute no additional, adverse impact to the current shoreline environment. Since the construction is completed in a relatively small area protected by the seawall, and below existing surface grades, shoreline protection, public access, public views or open space along the shoreline will not be adversely impacted.

   Letters from the adjoining property owners supporting the construction of the subject in-ground swimming pool are attached in the Correspondence Appendix with correspondence from the Director of the Department of Planning and Permitting, concurring on the qualification for an adjusted shoreline setback.

   No Project: Will have the same impact as the action described in paragraph 1 above.

B. Water Treatment Scenarios:

The maintenance of swimming pools involves the oxidation and purification of water to inhibit the development of algae, unfavorable bacteria populations, obnoxious odors, and mosquito populations. Of the various water treatment technologies, use of the following three were assessed for

their appropriateness within shoreline environments in addition to the no-treatment alternative.

1. Ozonation: The owner of the proposed swimming pool intends to use an Eclipse Corona Discharge Ozone Generator (DEL Ozone) for the production of the ozone.

   Ozone is an unstable compound generated by the exposure of oxygen molecules to a high energy electrical discharge. The weak bond holding ozone's third oxygen atom is what causes the molecule to be unstable and thus, very effective. An oxidation reaction occurs upon any collision between an ozone molecule and a molecule of an oxidizable substance (i.e. bacteria, fungi (mold & yeast), viruses, etc. The weak bond splits off leaving oxygen as a by-product.

During an oxidation reaction, organic molecules are changed, inhibiting the growth of algae, bacteria, fungi, etc. within swimming pools, but dissipating quickly in marine environments. Ozone is used in a wide variety of industries worldwide including:

- Municipal water systems, wastewater plants and commercial & residential pools and spas
- The first water purification plant for human consumption was built in Nice, France in 1906.
- Water parks, zoos and aquariums
- As a food additive since its approval by the FDA on June 26, 2001.
- As the final purification step in most bottled water plants.

Ozone is a natural purifier (meaning no harmful chemical by-products are created during purification of the swimming pool water). Ozone removes obnoxious odors, and is the most powerful oxidizer that is safe for human contact and the shoreline environment.

Impact: No adverse impact is anticipated should a catastrophic failure of the pool system result in the release of the ozone-treated water into the shoreline environment.

2. Chlorination or Bromination: Chlorine and Bromine are naturally occurring elements found in compounds in the environment. As a disinfectant, chlorine bonds with and destroys the outer surfaces of bacteria and viruses.

   Chlorine or Bromine is introduced to the pool water by way of pumps circulating water from the swimming pool through a piping network to a canister containing dry chlorine or bromine pellets. The canisters are housed in structures to minimize the potential for accidental release into the environment. The treatment chemical dissolves in the water upon contact and is circulated back to the swimming pool. Flow rates are adjusted so that the desired residual chemical concentration (1.0 to 1.5 parts per million) within the circulating pool water is maintained. Within this concentration range, the chlorine or bromine meet the treatment objectives.

   Impact: State of Hawaii, Department of Health, Clean Water Branch expressed concerns of residual chlorine or bromine concentrations of 1.0 to 1.5 parts per million in the vicinity of the shoreline. Under the Clean Water Act, maximum acute residual chlorine or bromine levels in water discharged into the ocean are on the order of 0.013 parts per million, or about 1 hundredth of the level traditionally maintained in swimming pools. Though highly unlikely, a catastrophic failure of the pool structure could discharge the contents of the pool into the adjacent shoreline in violation of the Clean Water Act.

   While meeting the treatment objectives, other unfavorable byproducts of chlorination are formed. For example, toxic and obnoxious chloramines (a combination of chlorine and ammonia) build up during the routine chlorination of swimming pools. Chloramines are toxic to fish and other aquatic life

because they pass through the gills and directly into the bloodstream. They take longer to dissipate from the water than chlorine and may promote algae growth in open bodies of water. In sufficient quantities within swimming pools, the water may become unsanitary and unsafe for human contact.

As such, this alternative was disqualified for use in the subject swimming pool system.

3. Ionization: The owner of the proposed swimming pool system intends to use a Wailani Natural Water Purifier, manufactured by Wailele Pools, Inc., for the purification of the pool water by electronic ionization.

The ionization process involves the generation of a safe low voltage DC current like that of several flashlight batteries passing through a set of copper and silver electrodes. As the water passes through the sealed chamber, low concentrations of metallic ions become suspended by design to purify the water.

The microscopic action of the ions with the algae and bacteria are twofold. First, the algae and bacteria are destroyed through a change in their enzyme processes. Secondly all these charged particles flock together and are more effectively pulled out by a filter. The ions stay in solution until they are used up by this process. Periodic oxidation is necessary to remove the build up of ammonia and nitrogen within the water resulting from this purification process. This may be accomplished by treating the water with ozone in conjunction with the ionization process.

The EPA standard for our drinking water is 1.3 ppm of copper and 0.050 ppm of silver. Less than one-third of this amount is developed during ionization to purify the pool water.

Impact: No adverse impact is anticipated should a catastrophic failure of the pool system result in the release of the ionized water into the shoreline environment.

4. No Treatment: Stagnant untreated water would become a breeding ground for bacteria, algae and mosquitoes. As such, this alternative was disqualified for use in the subject swimming pool system.

5.Public Impact: The public impact of this project is zero. The residence has a seawall in front of the property where no one can physically walk. There is no beach in front of the subject property, therefore, no beachgoers. The area in front of the seawall is a large rock in which the waves crash over and is not fit for beach activities. This area has always been un-inhabitable for the public due to it's erosion in the mid to late 1900's. There is no general use of this shoreline area in front of the subject due to the lack of a hospitable beach environment. The lateral public access is not used due to the "seawall" requirements for the 4 homes along this tip of Lanikai. As the owners of both neighboring dwellings have signed letters stating there are no visual impacts for them I see no further visual impact for any parties involved. The possible impacts of near-shore users, such as kayakers, swimmers and divers is zero due to the 12' high seawall which will visually and physically block this group of potential users.

The public impact of the deck is zero. The deck as shown on the plan extends at about 2 ½ foot out by 7 foot long.

The public impact of the fence additions are zero due to the fact that both neighbors already have fencing structures. The neighboring property to the left has a concrete wall that runs the entire length of the subject lot. The neighboring property to the right has a fence as well.

CONCLUSION:
In concluding, the un-inhabitable beach environment, lack of visible impact and overall lack of public impact concludes the finding of No Significant Impact (FONSI).

V. MITIGATION MEASURES

A. During the construction of the in-ground swimming pool, excavated soil stockpiles will be protected until they are redistributed on-site, to minimize the potential for runoff into to the adjacent shoreline environment.

B. The swimming pool system will be inspected periodically for structural irregularities indicative of an impending failure and release of pool water into the adjacent shoreline environment. Should such irregularities be observed, the pool will be immediately drained and will remain empty until appropriate repairs are accomplished.

C. The oxidation and purification of the pool water will be accomplished through the addition of ozone and the use of electronic ionization techniques. Treatment systems will be monitored periodically in accordance with manufacturer recommendations. Any irregularities will be corrected immediately, or the pool will be drained and will remain empty until corrective actions are completed.

---------- End of Section V ----------

DETERMINATION OF SIGNIFICANCE

Based on significance criteria set forth in Hawaii Administrative Rules, Title 11, Chapter 200, of the "Environmental Impact Statement Rules", the proposed project is not expected to have a significant impact on the environment. Thus, the recommendation for the proposed project is a Finding of No Significant Impact (FONSI). The finding and reasons supporting this recommendation are as follows:

1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

The proposed swimming pool project or deck will not result in a loss of natural or cultural resources. The shoreline vegetation area and all areas surrounding project will create minimum disturbance. The site is a sea wall so there is no shoreline vegetation area. There are no "threatened" or endangered species of plants that inhabit the project site. There is no finding of any archaeological site on this property.

2) Curtails the range of beneficial uses of the environment;

The proposed pool and deck are prohibited pursuant to Chapter 23, Revised Ordinances of Honolulu, and requires a shoreline setback variance.

3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 343, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;

The proposed project has been designed and is in conformance with any environmental policies and guidelines as established in Chapter 343, HRS.

4) Substantially affects economic and social welfare of the community or state;

The proposed project is minor in scope and will not impact the economy or social welfare of anyone, including my neighbors.

5) Substantially affects public health;

The only health factor expected to be minimally impacted is that of noise levels. During the scope of construction, which will last about 2 weeks will be a minimal amount of noise due to construction of the pool. Once completion, there will be no adverse health hazards of any kind. The deck did not affect any public health concerns at the time of construction and continues not to affect any public health issues.

6) Involves substantial secondary impact, such as pollution changes or effects on public facilities;

There are no substantial secondary or indirect impacts such as population changes or effects on public facilities.

7) Involves a substantial degradation of environmental quality;

Impacts to the environment are anticipated to be minimal (as to noise) to zero impact. The proposed project does not involve substantial degradation to environmental quality.

8) Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

The proposed swimming pool construction project and deck plan is minor in scope and adverse cumulative impacts on the environment are not anticipated.

9) Substantially affects a rare, threatened or endangered species;

There is no threatened or endangered plant or animal species on the subject property.

10) Detrimentally affects air or water quality or ambient noise levels;

On a short- term basis, a period of two weeks, noise conditions will be affected by construction activities related to the project.

11) Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

The project site is located in a costal area. As described in my EA there is little or no significant impact of my pool upon the environment. My residual chemical concentrations of 1(bromine) will range from 1.0 – 1.5 parts per million. Under the clean water act maximum levels should it discharge into the ocean is 0.013 parts per million. In a highly unlikely scenario of pool fracture or failure the discharge of contents of pool into the adjacent shoreline will be in violation of the Clean Water Act.

The deck construction will not cause any damage to anything.

12) Substantially affects scenic vistas and view planes identified in county or state plans or studies;

The proposed project will have no significant impact on any scenic vistas or view planes. The deck and pool do not obstruct any public view planes or scenic vistas in or around the area.

13) Requires substantial energy consumption:

Construction and daily activities of the proposed swimming pool structure will not require substantial amounts of electrical energy.

FINDINGS

It is anticipated that this project will have no significant adverse impact to water quality, air quality, existing utilities, noise levels, social aspects, or wildlife habitat. All anticipated impacts will be temporary and will not adversely impact the environmental quality of this area.

Statement of Hardship

Re: Hardship Section 23 – 1.8 ROH

1) The City & County build the existing retaining wall 13.12' inside of my property line and I am left with no place to build a pool. I am being denied "reasonable use" of my property due to this encroachment into my property. If the seawall was built in a timely fashion I would have had ample enough room to place a swimming pool in my yard. I understand that it is oceanfront property but I am unable to gain access to the beach in front of my house due to the rocky shoreline. My house is not beachfront, rather waterfront.
2) The shoreline setback area was already disturbed by the addition of the seawall. This parcel already has been approved to be graded and filled within the 20/40 foot shoreline setback area. Thus, the setback area has already been impacted.
3) It is my understanding that our shoreline laws and setbacks are designed to protect and preserve our beautiful shoreline's of Hawaii for beach goers. As I have a sea wall, there is no threat of erosion and the area in front of my home is rock's and not a beach.
4) I am being denied a very important aspect in my life which is swimming, my exercise. At present I have changed from Kailua rec center pool to the Windward YMCA of which I go to 3-4 times per week.
5) Unique Situation – I feel that due to my small/shallow lot I should not be penalized by having a small swimming pool in my yard.

I certainly don't feel that it is fair that BOTH of my neighbors have impeded my views with monstrous homes (one with a pool and the other with their actual home set within the 20' setback?!). One of my adjacent neighbors WAS already granted a pool variance well within the 20' setback (Actually his pool is about 15' from the Ocean.).

Thank you for your time and consideration in this matter.

Sincerely,

Laura Manno

APPENDIX I
PLATES AND PHOTOGRAPHS

LOCATION MAP
KING RESIDENCE - ESA

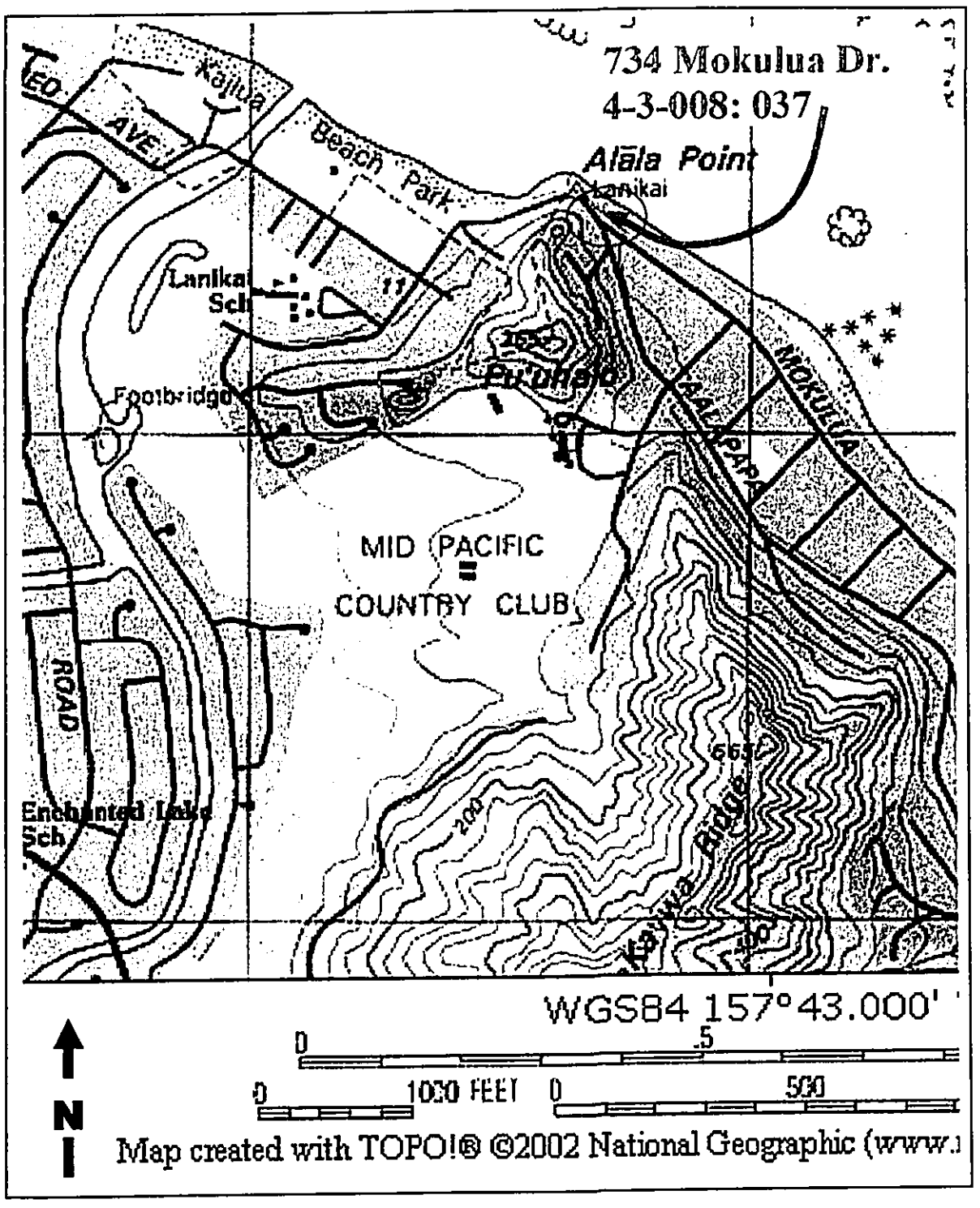
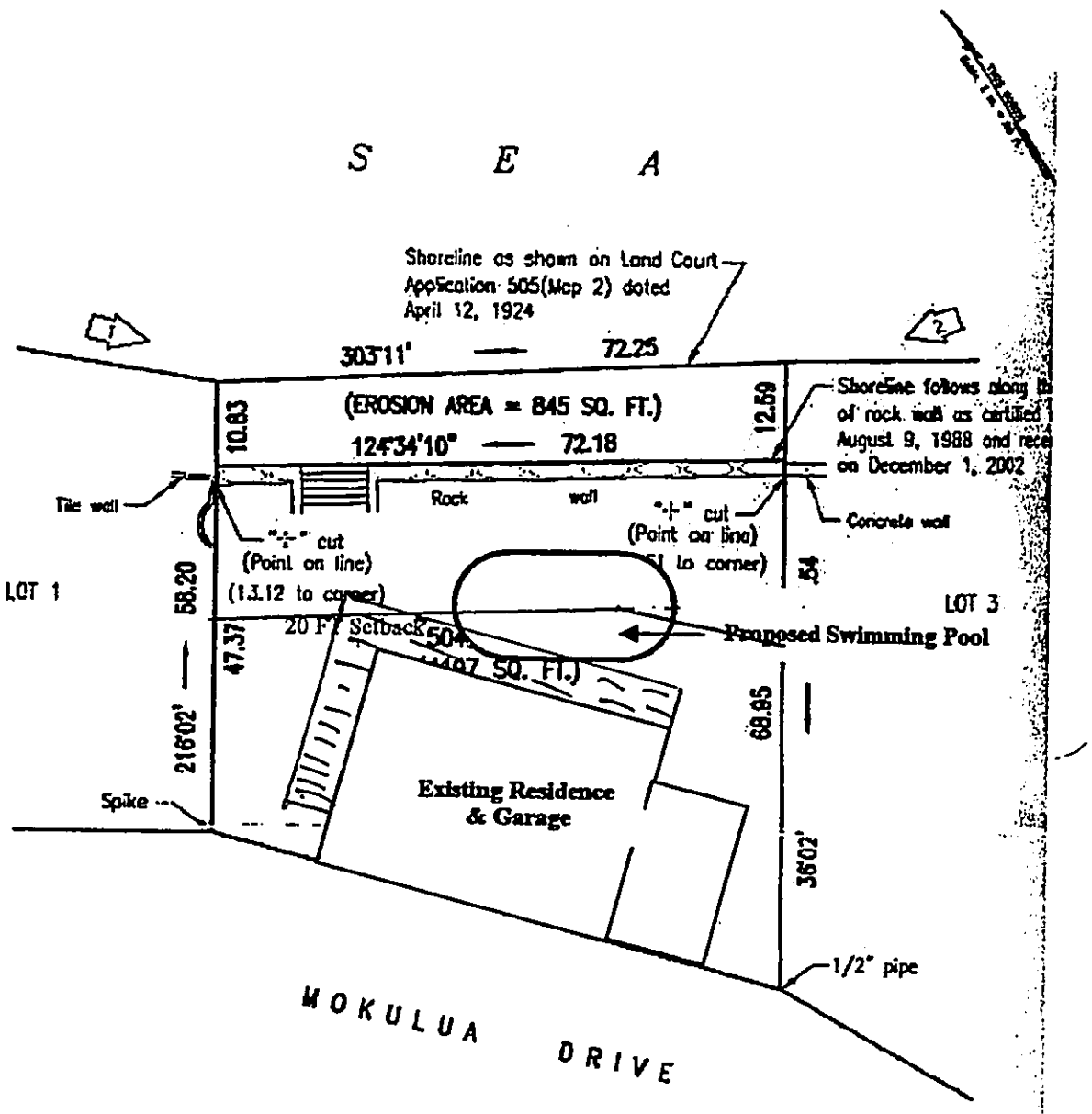


Plate 1

SITE LAYOUT
KING RESIDENCE – ESA



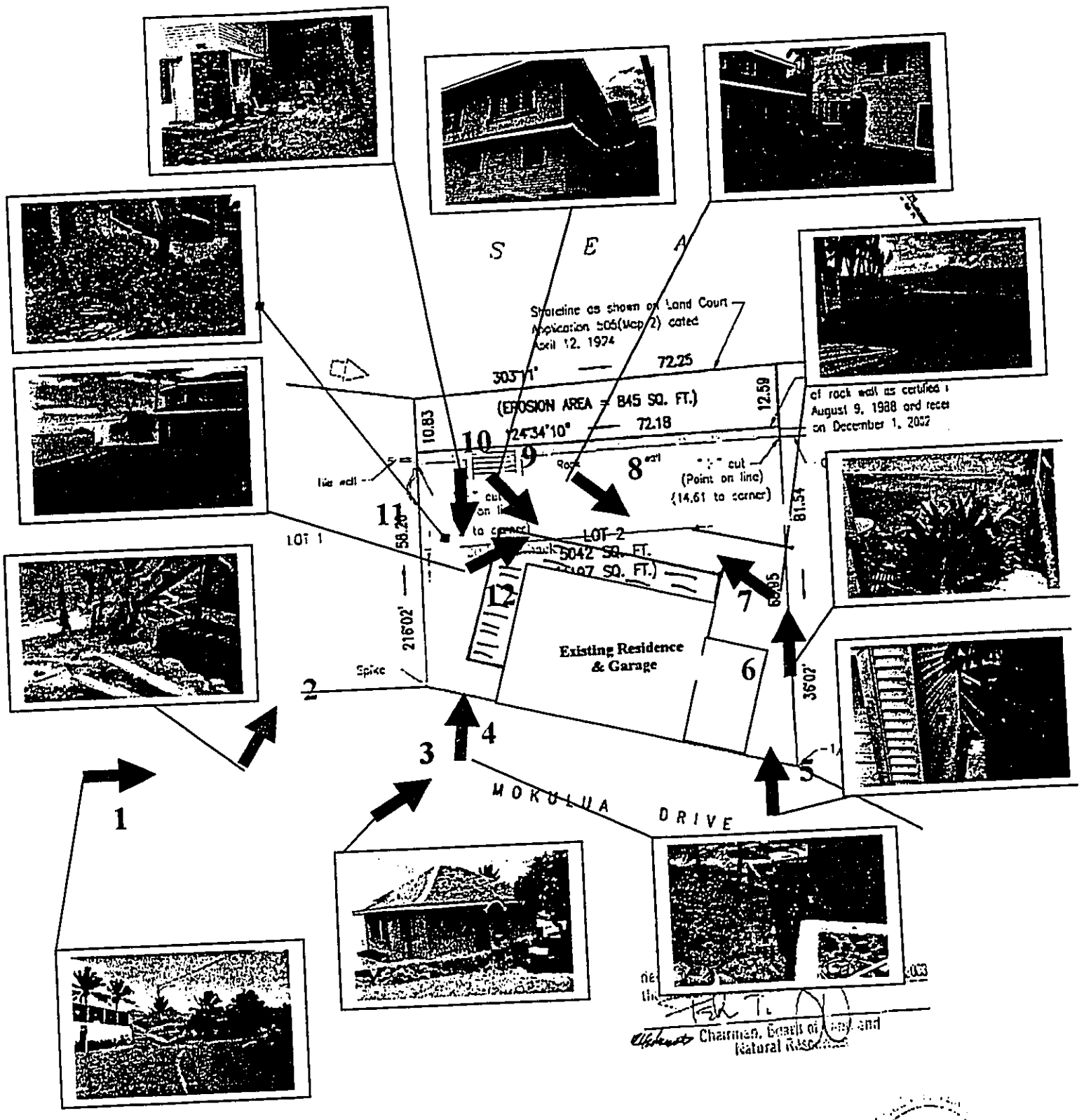
The shoreline as [illegible] delineated hereon is [illegible] the actual shoreline as of FEB 10 2003

Chairman, Board of Land and Natural Resources

SHORELINE MAP
LOT 2
LAND COURT APPLICATION 505
AS SHOWN ON MAP 2
Kailua, Koolaupoko, Oahu, Hawaii
Date: December 1, 2002

WESLEY T. TERUYA
LICENSED PROFESSIONAL LAND SURVEYOR
No. [illegible]

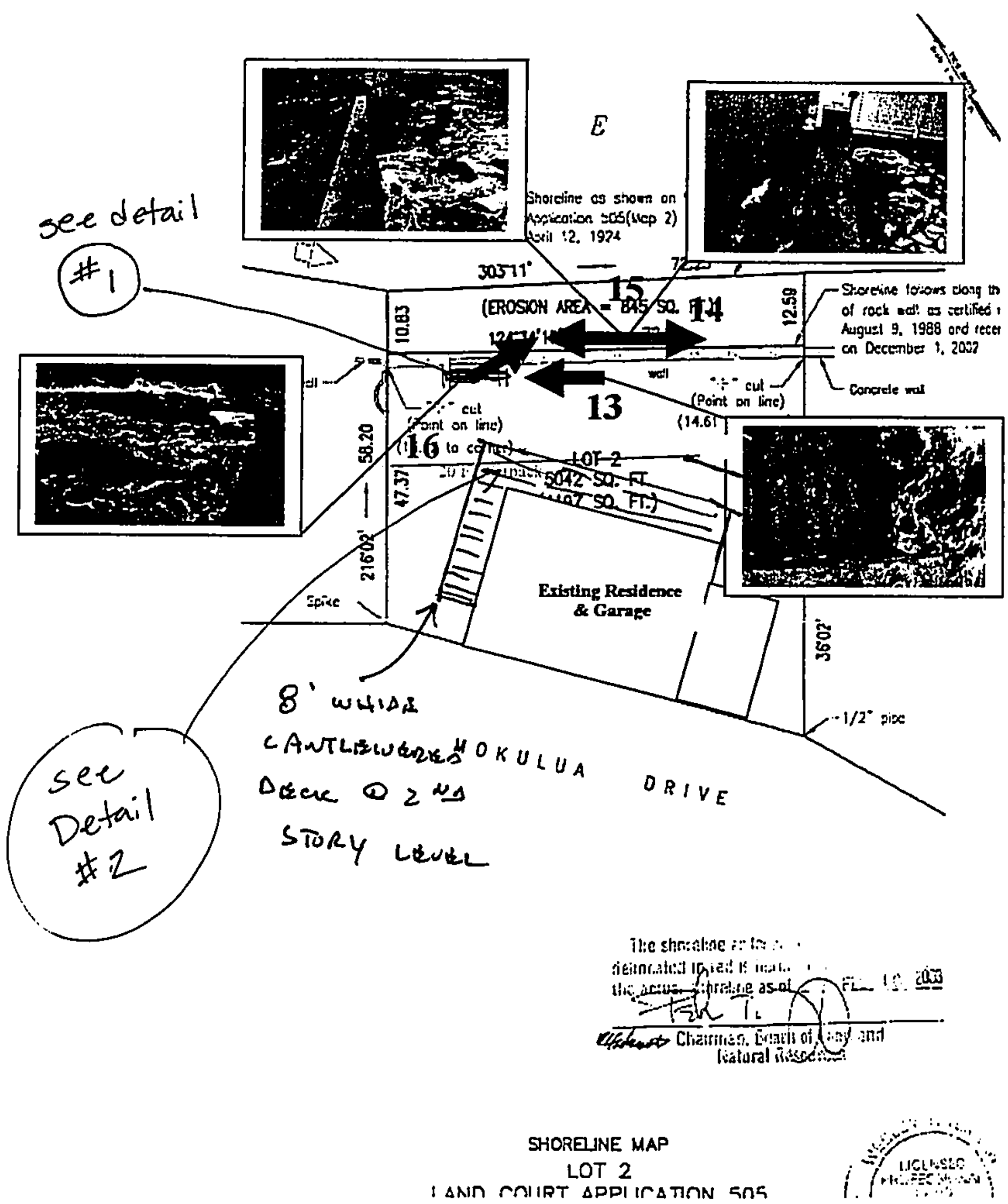
PHOTO LAYOUT
KING RESIDENCE – ESA



SHORELINE MAP

Plate 3

SHORELINE PHOTO LAYOUT
KING RESIDENCE – ESA


see detail #1
see Detail #2
E
Shoreline as shown on Application 505(Map 2) April 12, 1974
15
14
13
16
(EROSION AREA = 845 SQ. FT.)
Shoreline follows along the of rock wall as certified August 9, 1988 and recei on December 1, 2002
Concrete wall
(Point on line)
LOT 2
5042 SQ. FT.
Existing Residence & Garage
8' wide cantilevered deck @ 2nd story level
HOKULUA DRIVE
1/2" pipe
Spike
SHORELINE MAP
LOT 2
LAND COURT APPLICATION 505

AERIAL PHOTO
KING RESIDENCE - ESA

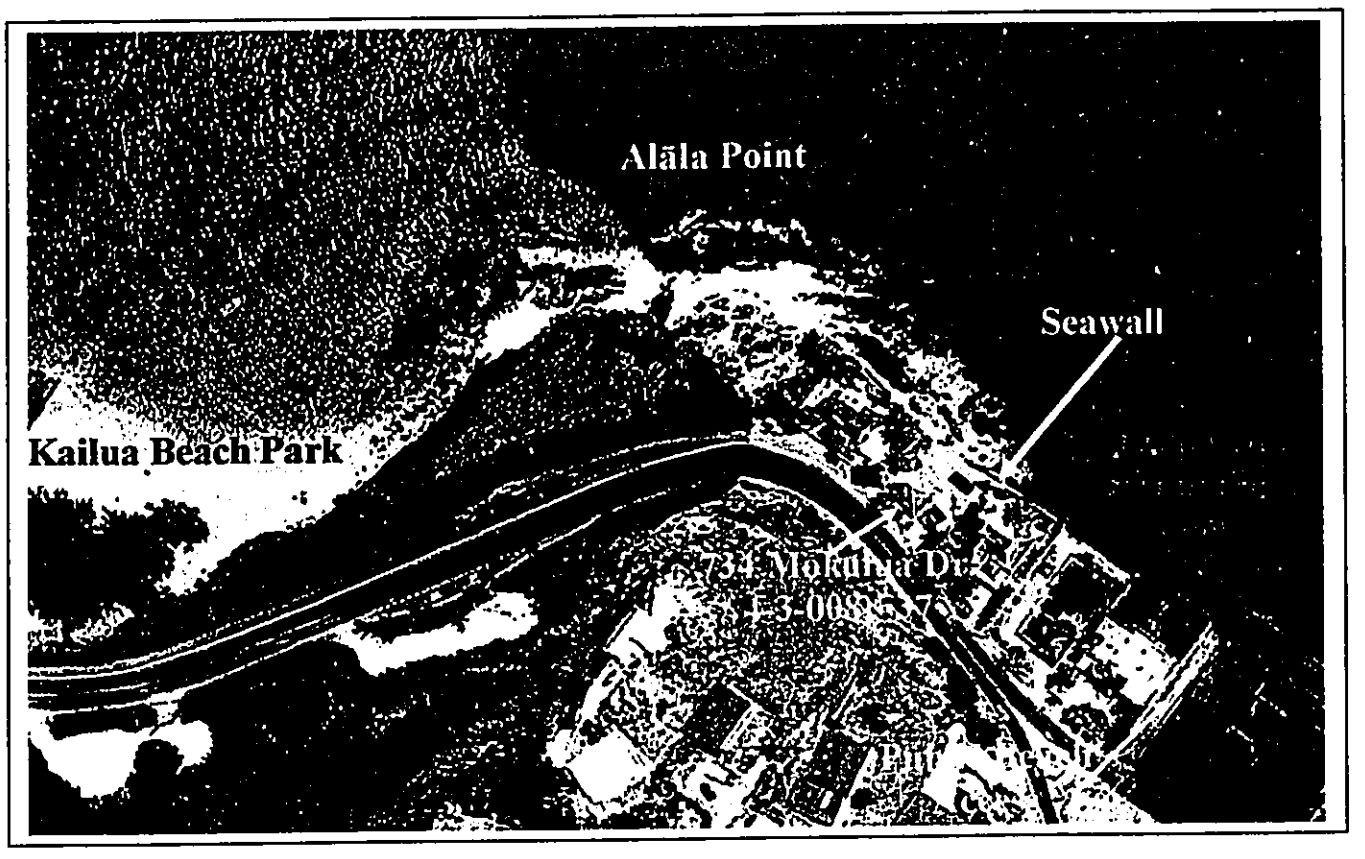


Plate 5

ZONE DISTRICT MAP
KING RESIDENCE – ESA

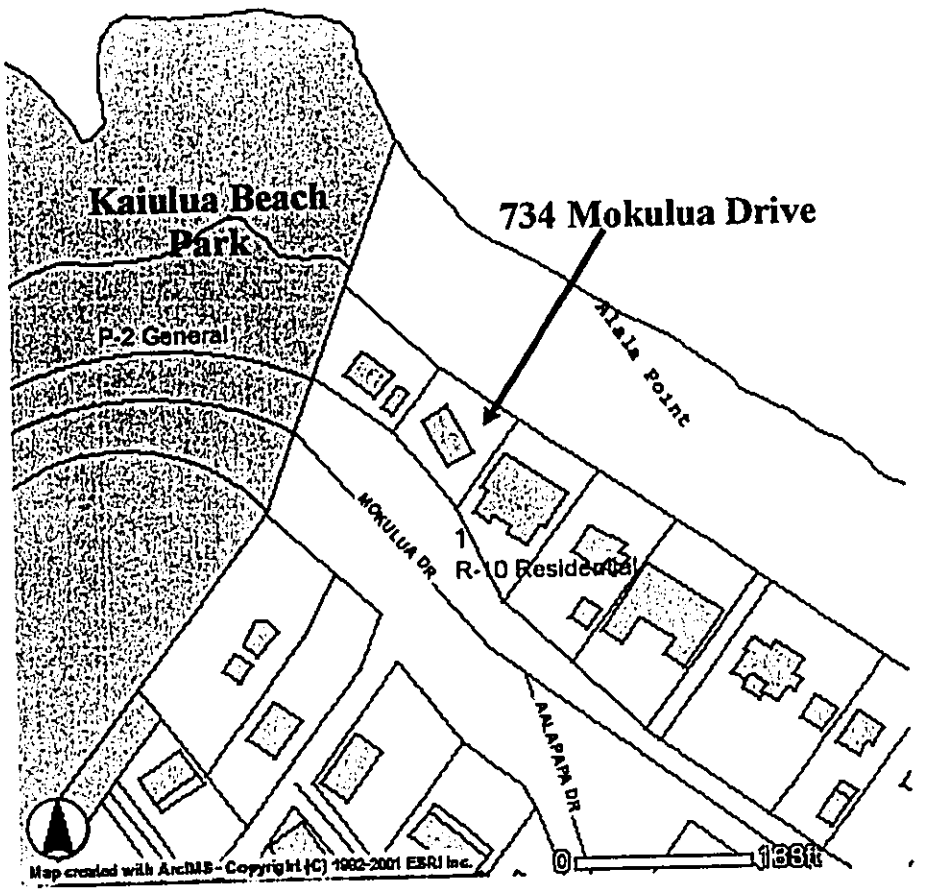


Plate 6

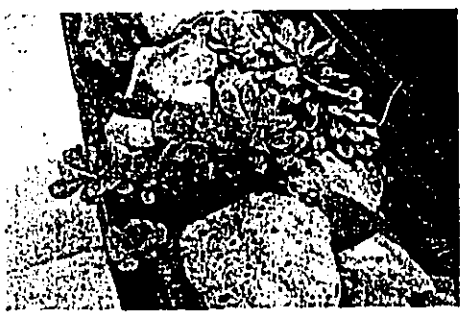
AFFECTED PLANT DESCRIPTION
KING RESIDENCE – ESA

Scaevola sericea

Common Names
Beach Naupaka

Family
Goodeniaceae

Potential or Traditional Uses
Landscape
Lei (Flower or Seed)



Description
Scaevola sericea is a dense, spreading shrub that generally grows up to 3 feet tall, but can be up to 10 feet tall and 6 to 15 feet wide. The medium green leaves are waxy and fleshy. They grow from 2 to 8 inches long, are much narrower than they are wide, and are broader at the tip than the base. Often the edges of the leaves roll under. The flowers are white or cream colored, often with purple streaks, and have a pleasant fragrance. They have an irregular shape with all all five petals on one side of the flower making them appear to have been torn in half. The flowers grow in small clusters from between the leaves at the ends of the stems.

Habitat and Geographic Range
Scaevola sericea is an indigenous shrub and is common in hot dry coastal areas on most of the Hawaiian islands except for some of the Northwest islands. It is also found throughout the tropical and subtropical Pacific and Indian Ocean islands and coasts.

Seeds
The fruits of *Scaevola sericea* are fleshy berries. They are white, oblong, and about 1/2 inch long. The seeds are beige, corky and ridged. The inside of the fruit is corky and the fruits are buoyant. They can float for months in the ocean and still germinate after having been in salt water for up to a year. One study showed that the seeds germinated best after 250 days in salt water.

References
Dr. Gerald Carr, University of Hawaii, Botany Department
http://www.botany.hawaii.edu/faculty/carr/default.htm
Bornhorst, Heidi L. 1996. *Growing native Hawaiian plants: a how-to guide for the gardener.* Honolulu: The Bess Press. p. 43-45.
Moriarty, Dan. 1975. Native Hawaiian plants for tropical seaside landscaping. *The Bulletin of the Pacific Tropical Botanical Garden* 5 (3):41-48.

AFFECTED PLANT DESCRIPTION
KING RESIDENCE – ESA

Pancratium littorale or Crinum asiaticum

Common Names
Spider Lily

Family
Amaryllidaceae
(Daffodil Fam.)

Potential or Traditional Uses
Landscape
Medicinal/food supplement

Description

Crinum asiaticum is a large-leaved, short-stemmed herb from tropical Asia, with showy clusters of large white flowers elevated on leafless stalks.

These flowers have a very long, narrow perianth tube or epigynous zone that arises from the summit of the inferior ovary. (Amaryllidaceae).

Habitat and Geographic Range
Crinum asiaticum is an indigenous shrub and is common in hot dry coastal areas on most of the Hawaiian islands.

References

Dr. Gerald Carr, University of Hawaii, Botany Department
http://www.botany.hawaii.edu/faculty/carr/default.htm
Bornhorst, Heidi L. 1996. *Growing native Hawaiian plants: a how-to guide for the gardener.* Honolulu: The Bess Press. p. 43-45.
Moriarty, Dan. 1975. Native Hawaiian plants for tropical seaside landscaping. *The Bulletin of the Pacific Tropical Botanical Garden* 5 (3):41-48.

AFFECTED TREE DESCRIPTION
KING RESIDENCE – ESA

Pleomele marginata

Common Names
Money Tree
Madagascar Dragon Tree

Family
Liliaceae

Potential or Traditional Uses
Landscape
Ornamental

Description

Pleomele marginata has tufted clumps of long, narrow, pointed, pink-edged leaves on long stalks.

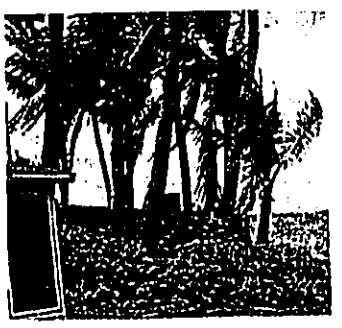
Habitat and Geographic Range
Pleomele marginata originated in Madagascar and was first planted in the 1920s on the grounds of the old Bishop Bank in Hilo. This tree is so common now in nurseries and tropical gardens that it is exported as tropical foliage accompanying heliconias and gingers.

References

1UpInfo Encyclopedia Web Site
http://www.1upinfo.com/encyclopedia/C/coconut.html
Kepler, Angela Kay 1943. *Trees of Hawaii.* Honolulu: University of Hawaii Press. P. 75-76

AFFECTED TREE DESCRIPTION
KING RESIDENCE – ESA

Cocos nucifera



Common Names
Coconut palm

Family
Palmae

Potential or Traditional Uses
Landscape
Food source

Description

Cocos nucifera grows to a height of 60–100 ft (18–30 m), with a smooth cylindrical stem marked by the ringlike scars of former leaves. It bears at the top a crown of frondlike leaves and yellow or white blossoms. The number of nuts varies; a well-cared-for tree may yield 75 to 200 or more annually. The mature fruit as it comes from the tree is encased in a thick, brown fibrous husk. The nut itself has a hard woody shell, with three round scars at one end; the embryo lies against the largest scar and emerges through it as a developing plant. Through this easily punctured spot the "milk" of the young coconut may be drained.

Habitat and Geographic Range
Cocos nucifera may be found throughout the pacific, was probably brought to the Hawaiian Islands by the first inhabitants. This popular palm may be found in all land use categories throughout the islands.

References

1UpInfo Encyclopedia Web Site
http://www.1upinfo.com/encyclopedia/C/coconut.html
Kepler, Angela Kay 1943. *Trees of Hawaii.* Honolulu: University of Hawaii Press. P. 75-76

FIRM ZONE MAP
KING RESIDENCE – ESA

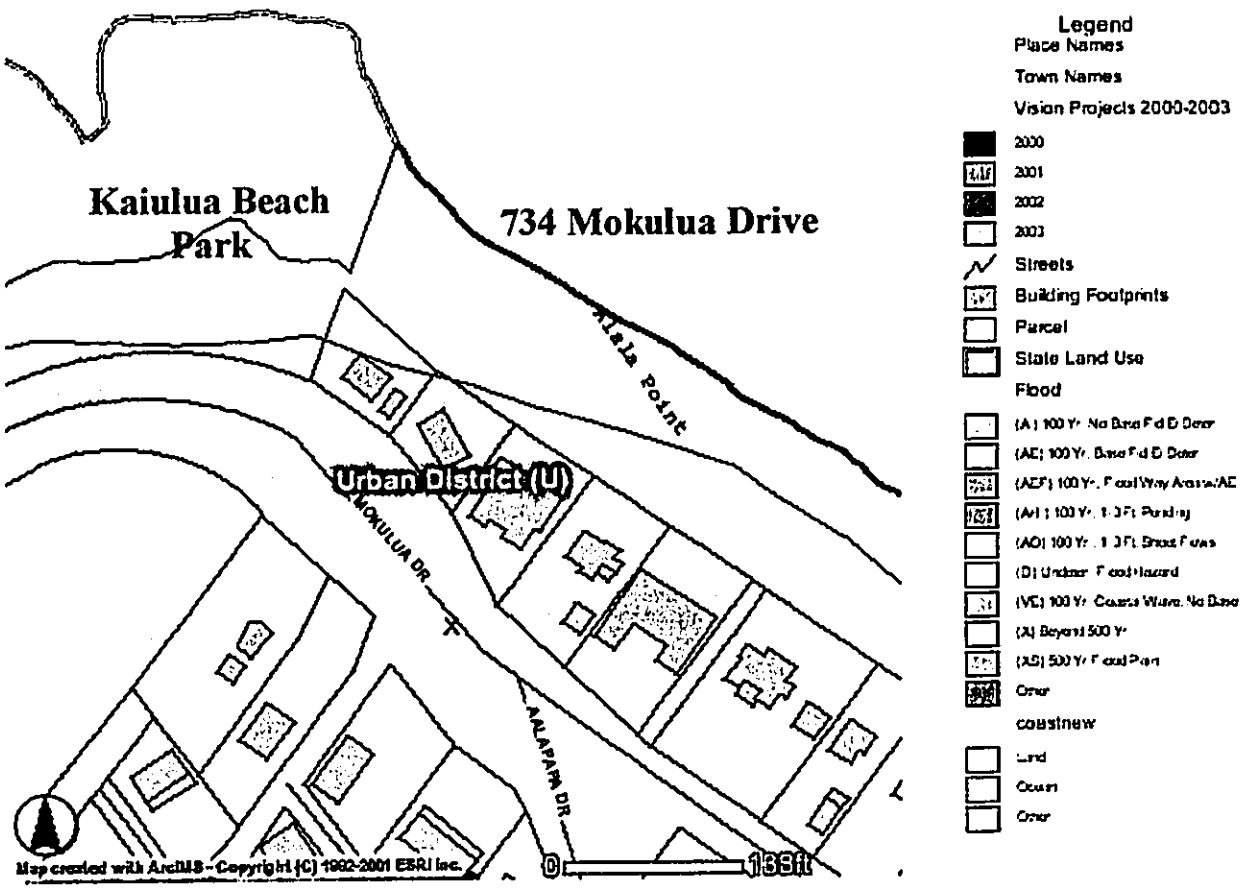


Plate 11

RESERVES MAP
KING RESIDENCE – ESA

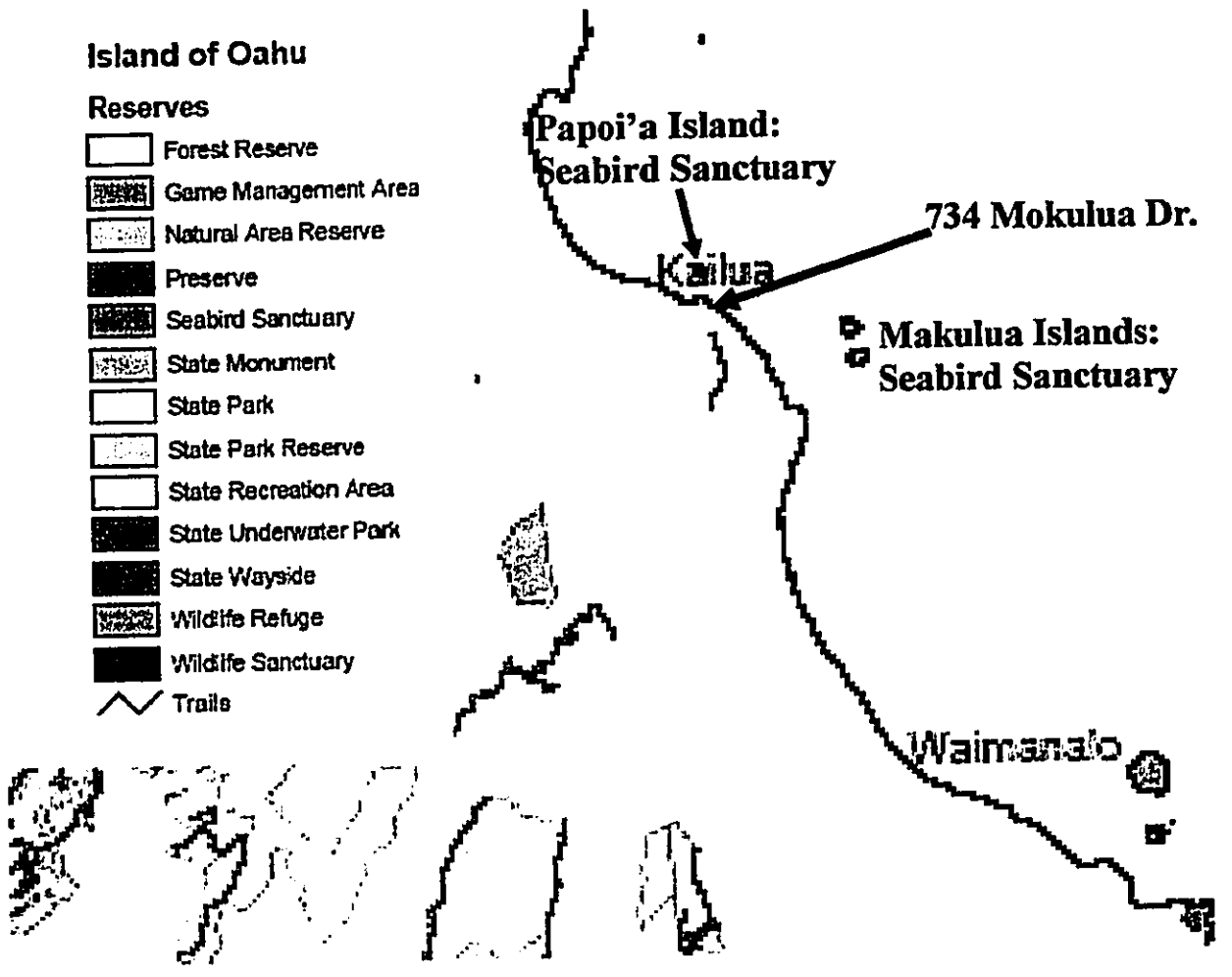
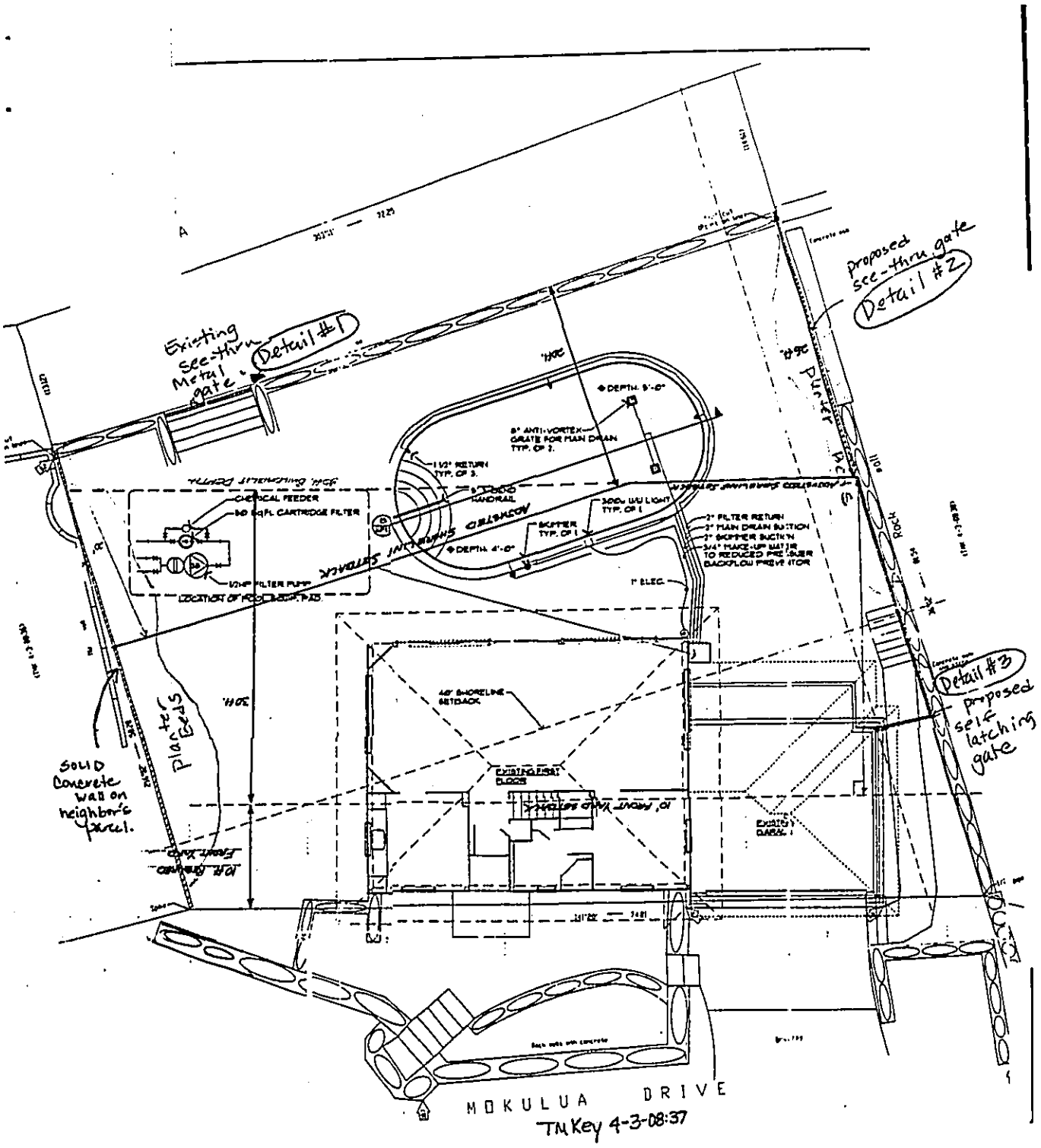
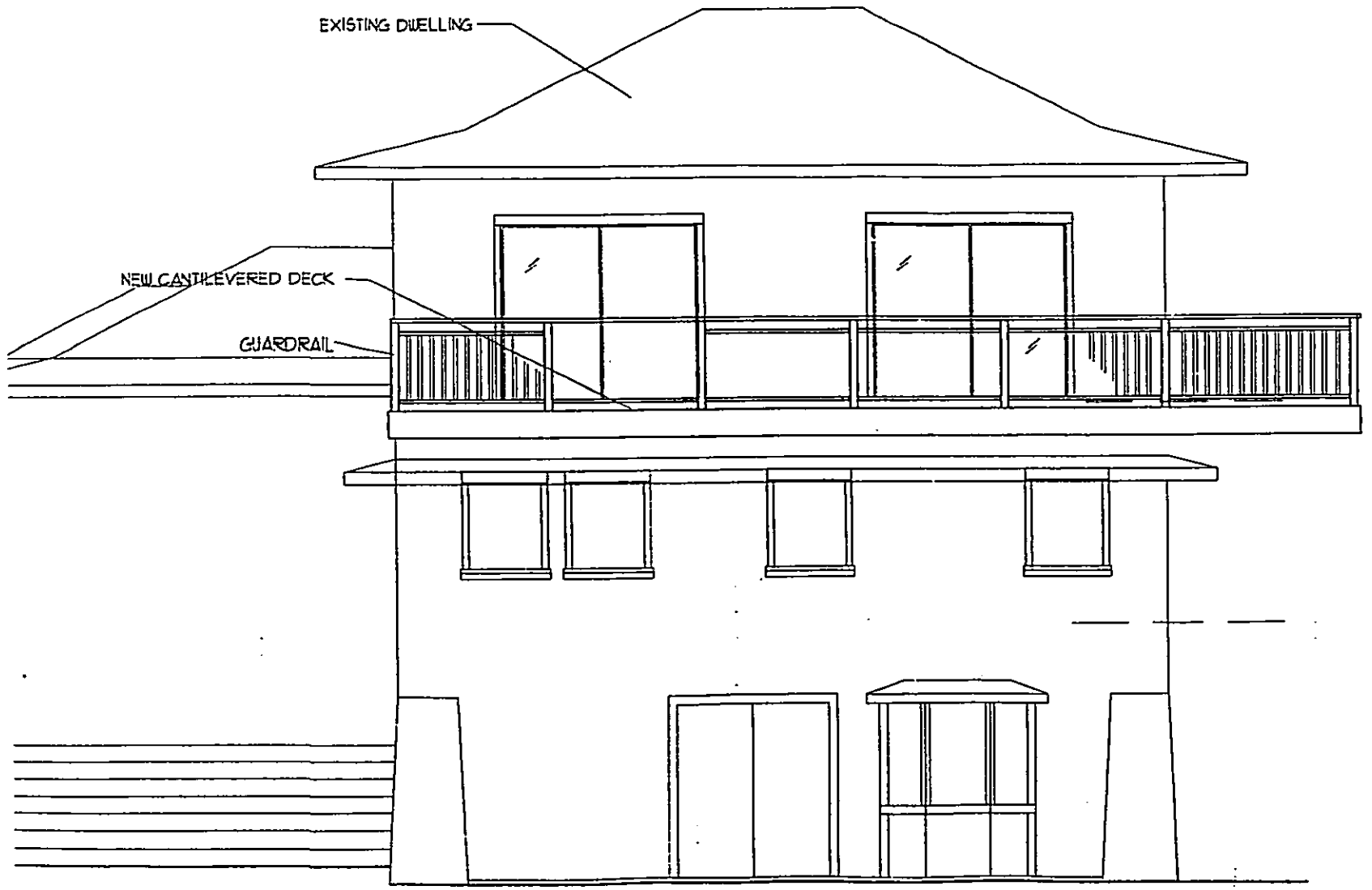


Plate 12


Existing see-thru Metal gate
Detail #1
Proposed see-thru gate
Detail #2
DEPTH 5'-0"
8" ANTI-VORTEX GRATE FOR MAIN DRAIN TYP. OF 2.
1 1/2" RETURN TYP. OF 3.
CHEMICAL FEEDER
DEPTH 4'-0"
SKIMMER TYP. OF 1
300w LVU LIGHT TYP. OF 1
2" FILTER RETURN
2" MAIN DRAIN SUCTION
2" SKIMMER SUCTION
3/4" MAKE-UP WATER TO REDUCED PRESSURE BACKFLOW PREVENTOR
1" ELEC.
Planters
SOLID Concrete wall on neighbor's parcel.
40' SHORELINE SETBACK
EXISTING FLOOR BLOCKS
Detail #3
proposed self latching gate
MOKULUA DRIVE
TM Key 4-3-08:37



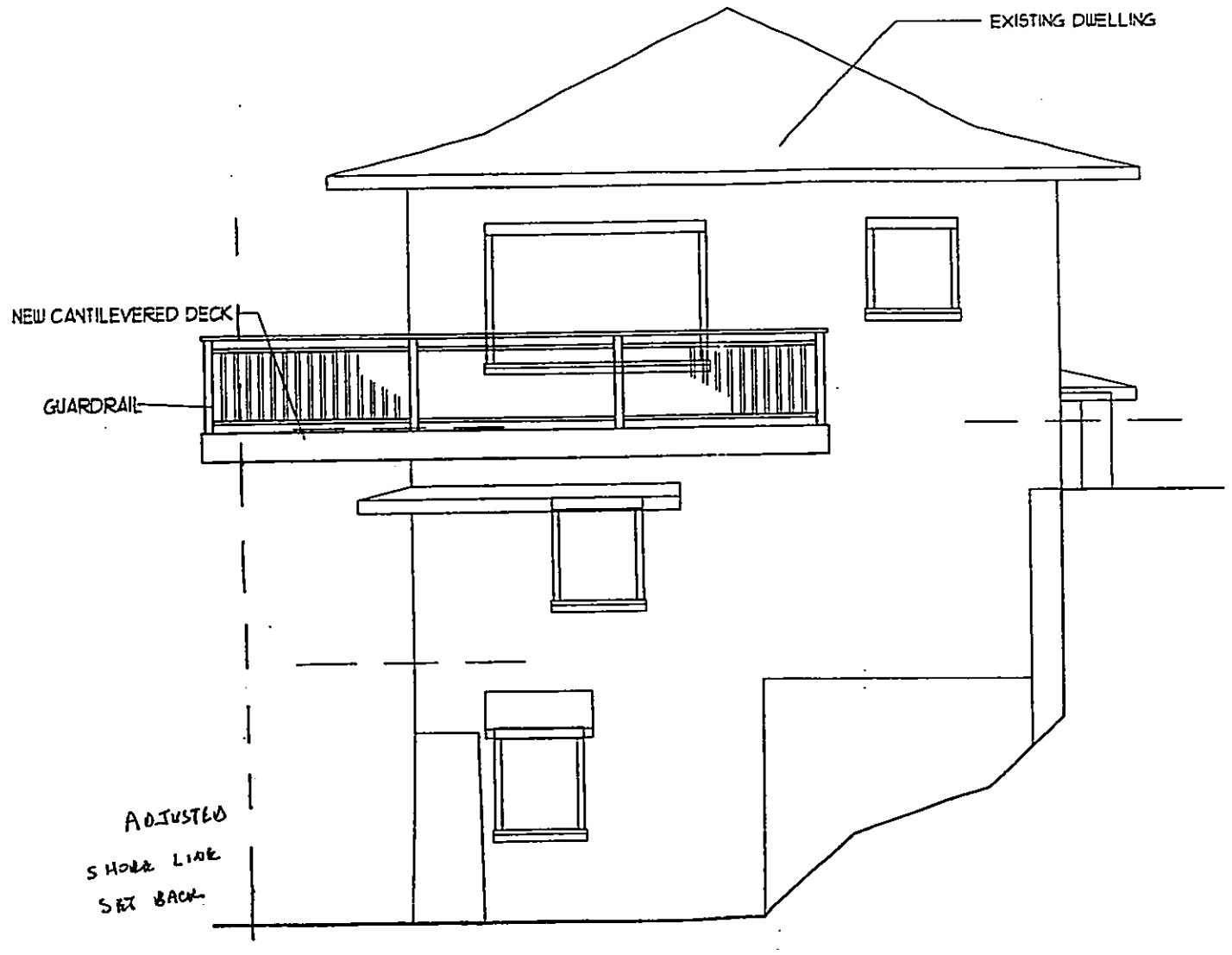
REAR ELEVATION
SCALE: 1/4" - 1'-0"

projects perfect

LLOYD M. SIMCO
LICENSED PROFESSIONAL ARCHITECT
No. 5533

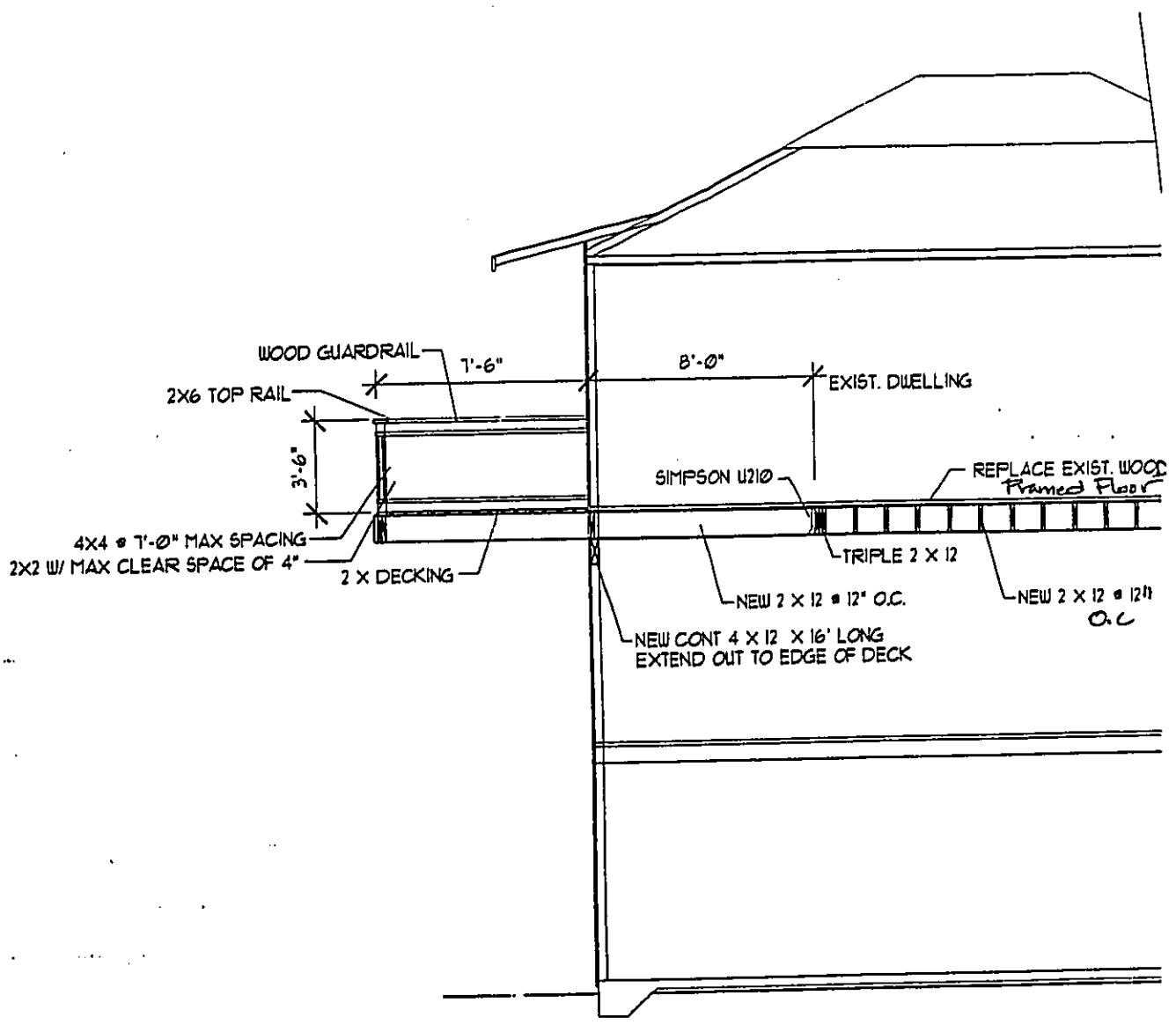
SIGNATURE

JOB NO.:
DRAWN BY: LS
CHECKED BY: LS



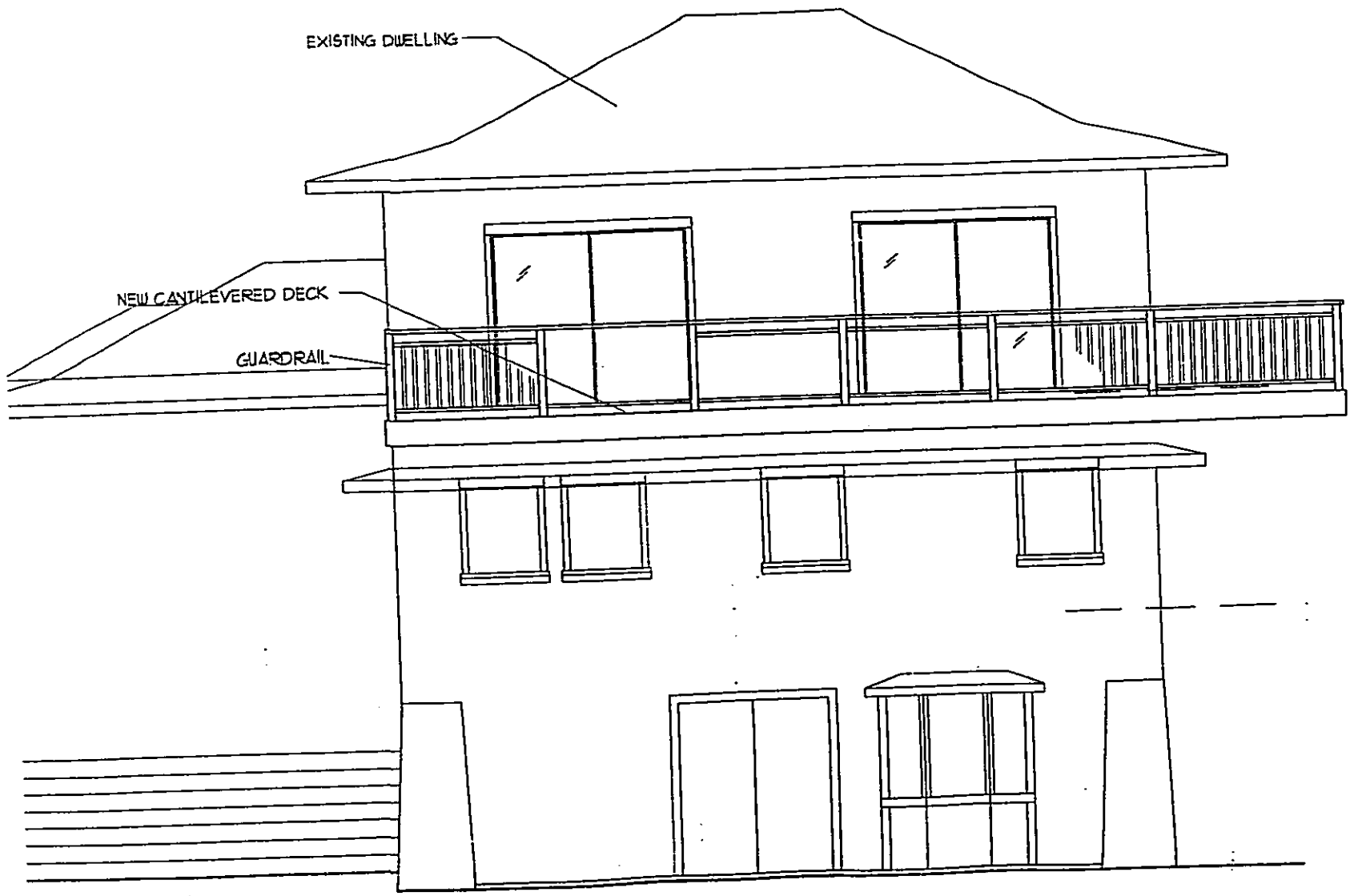
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



1/A-2 SECTION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

projection design

LLOYD M. SAITO LICENSED ARCHITECT No. 5533

SIGNATURE

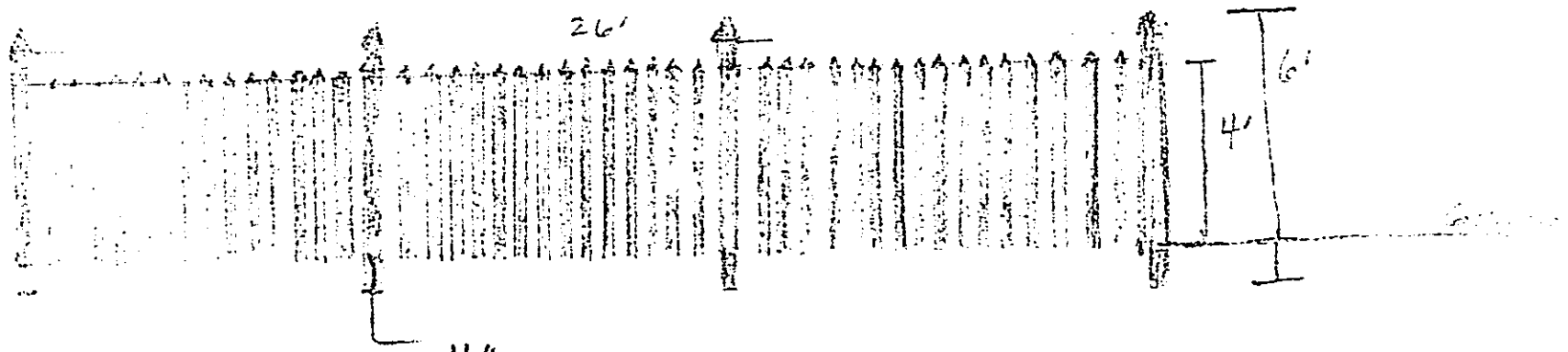
NO.:

DRAWN BY: LS

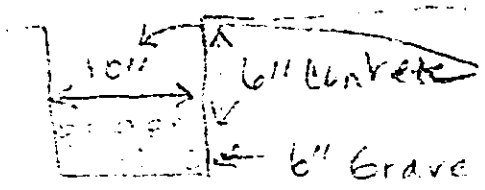
CHECKED BY: LS

AS NOTED

Detail #2

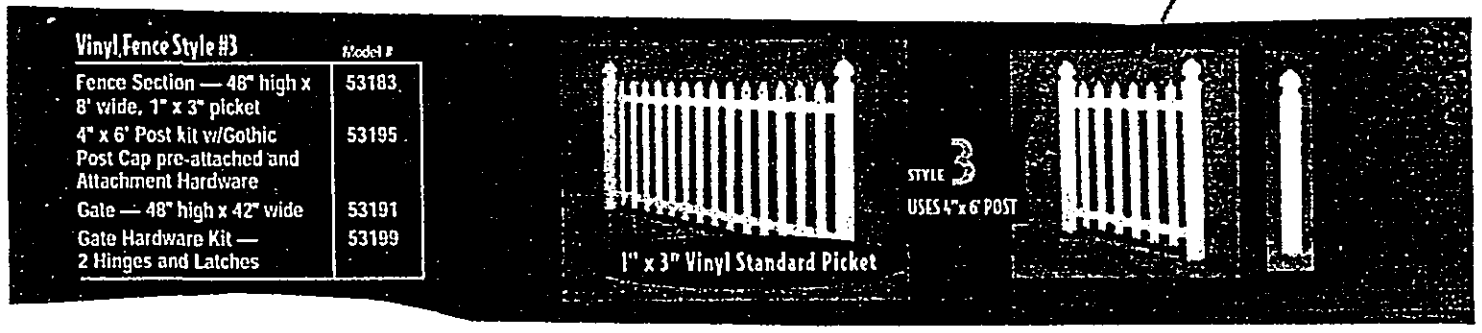


Footings set 12" in ground



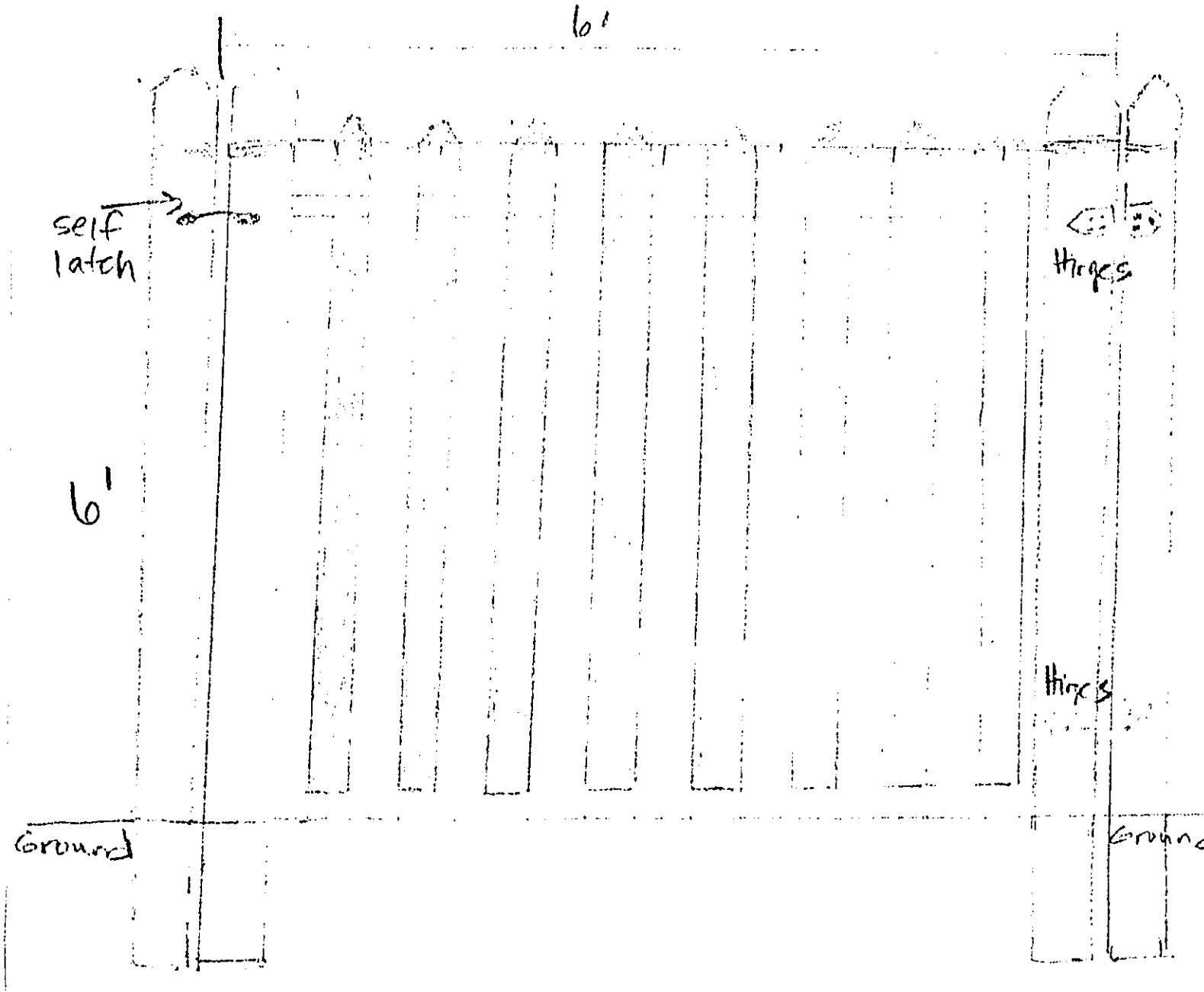
— set in Concrete —

Gate

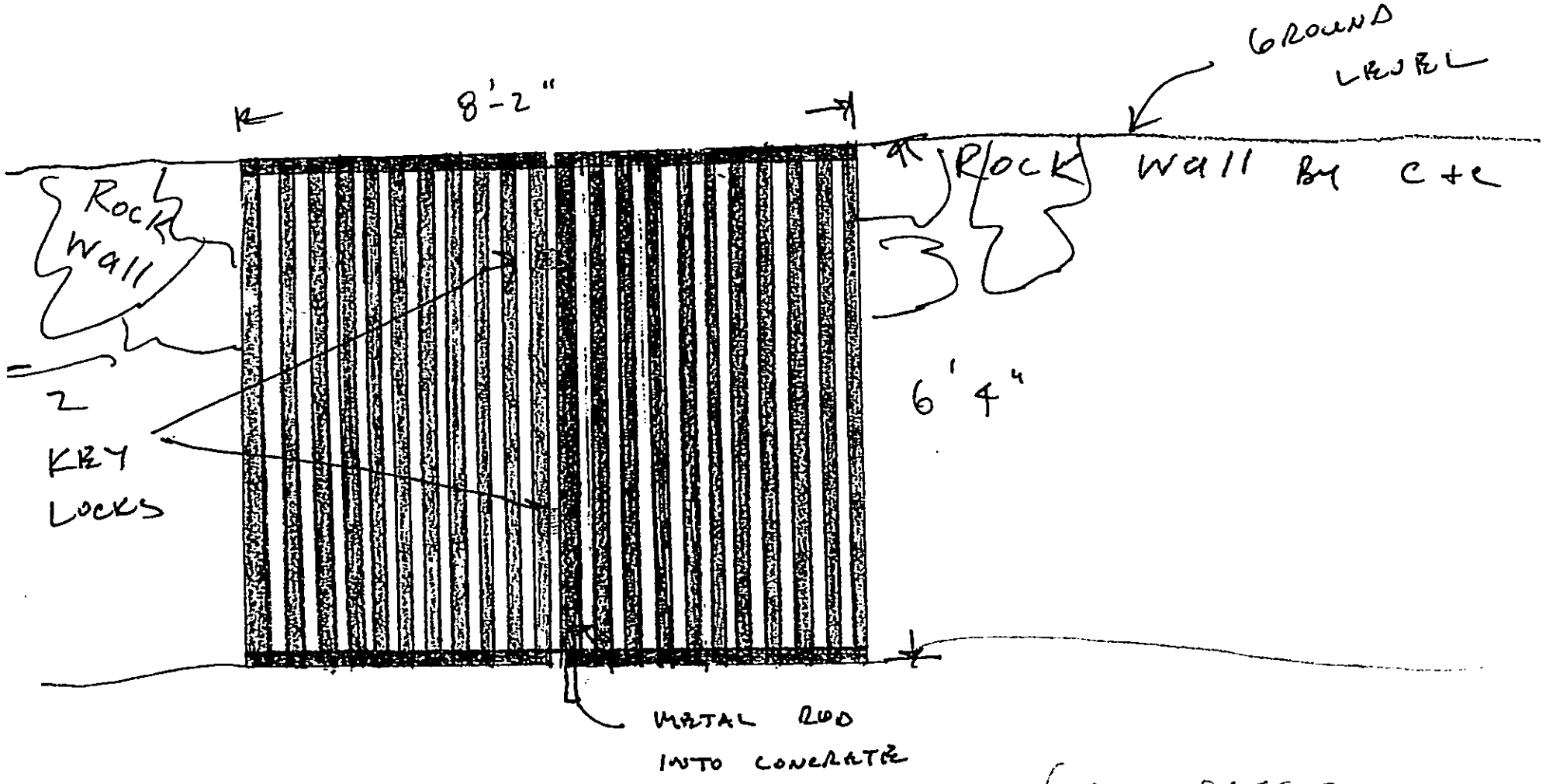


Scale 1/4" = 1'

Self latching Gate
Detail



Gate Detail #1



located on 2nd step from ocean

Detail #1

Scale: $\frac{1}{2}" = 1'$

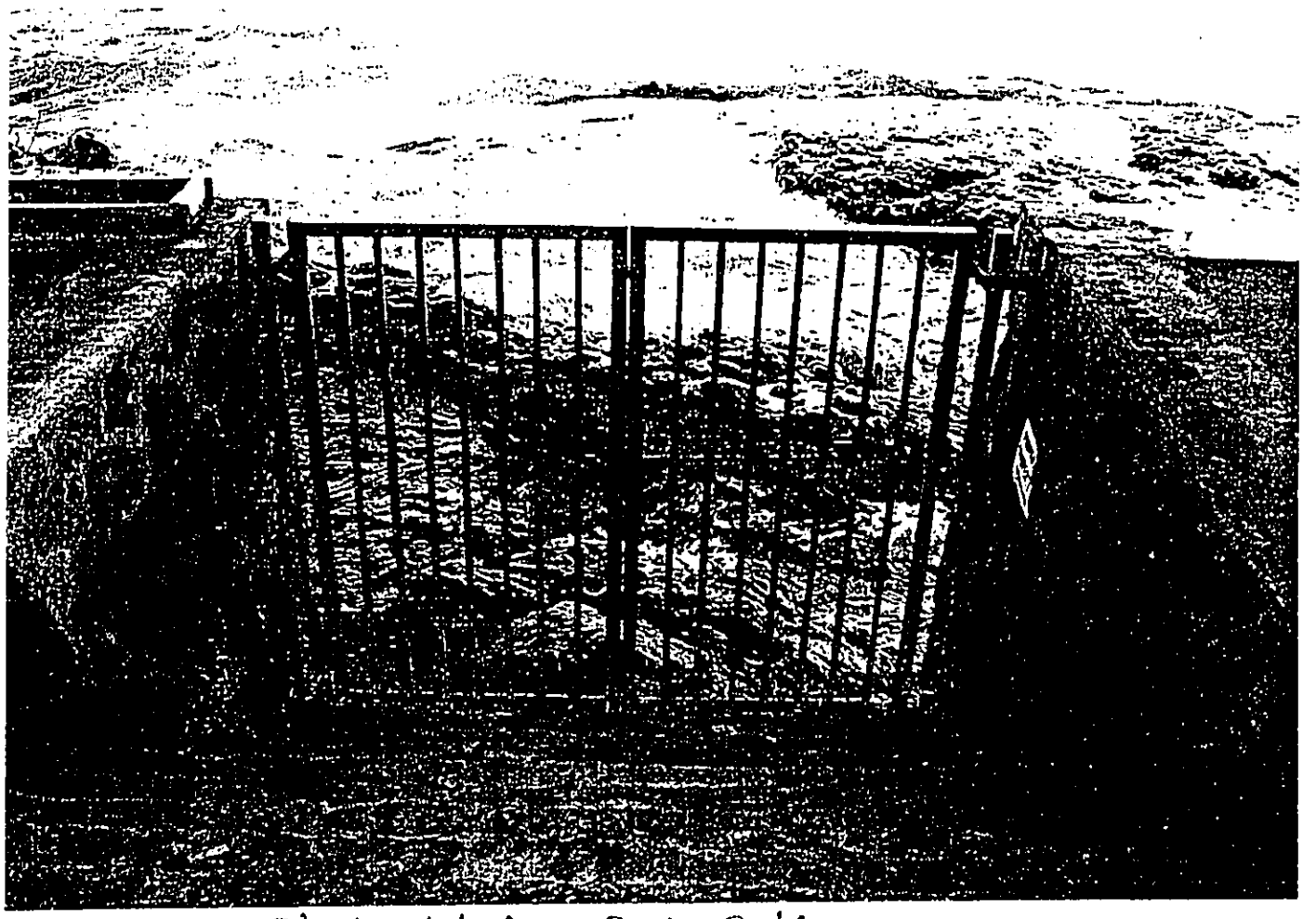
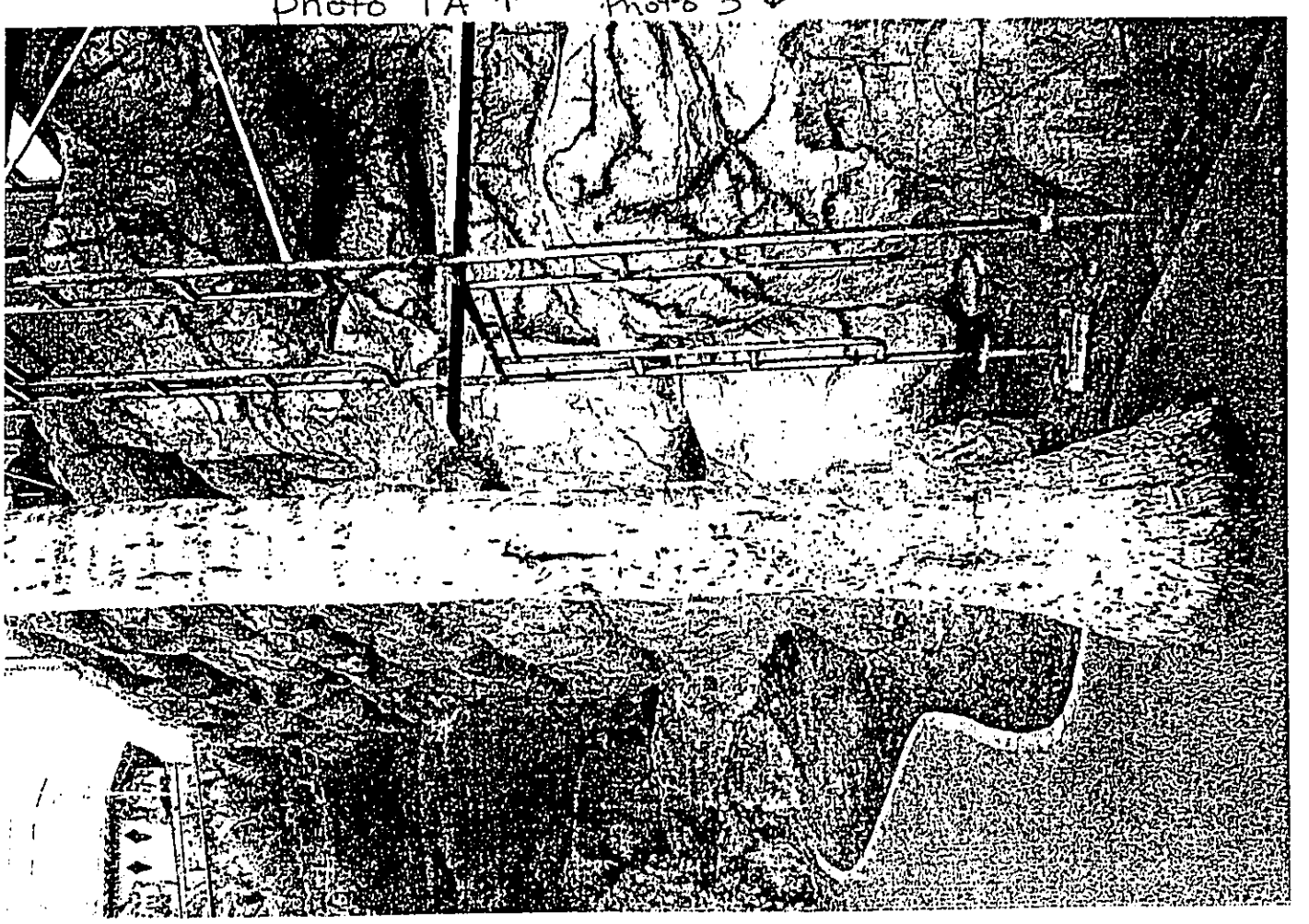


Photo 1A ↑ Photo 3 ↓



APPENDIX II
WRITTEN CORRESPONDENCE

2003/E106-2440

July 9, 2003

2003 JUL 7 3 PM 4 04

CITY & COUNTY HONOLULU

Department of Planning & Permitting
Attn: Eric Crispin/Director
650 S. King Street, 7th Floor
Honolulu, HI 96813

Re: Hardship/ Shoreline Adjustment Variance for TMK: 1-4-003-008:37

I am requesting a variance to build a swimming pool within a 40' set back at my home. The pool would be in the ground and would not impede my neighbors view. The City & County built the existing retaining wall 13.12' inside of my property line and I am left with no place to build a pool. I have been a swimmer all of my life and I plan on living in this house for ever, so I am requesting your understanding of my request.

Also, Section 23 -1.4 item b states that lot's with less than 30 foot of buildable space are reduced to a 20 foot shoreline setback. If this is the case I am allowed to build a small pool to the right hand side of my property. My shoreline allows me a 6 foot 4 inch buildable area on my right and a 26 foot 5 inch buildable area on my right.

It is my understanding that our shoreline laws and setbacks are designed to protect and preserve our beautiful shoreline's of Hawaii for beach goers. As I have a sea wall there is no threat of erosion and the area in front of my home is rock's and not a beach.

Sincerely

Laura King
Owner

Encl: Neighbor Letters
Site Plan
Certified Shoreline Map
Pool Drawings
Check #13474 for $200

May 11, 2003

Department of Planning & Permitting
Attn: Land Use Division
650 S. King Street, 7th Floor
Honolulu, HI 96813

Re: Variance for pool within 40' setback at 1-4-3-08-37/Laura King

Laura King has approached us and would like to build a pool within her 40' shoreline setback. I have reviewed her plans and have found that my views will not be impeded in any way. I support Laura in obtaining her variance request.

Sincerely,

Owner TMK: (1) 4-3-08-38

May 15, 2003

Department of Planning & Permitting
Attn: Land Use Division
650 S. King Street, 7th Floor
Honolulu, HI 96813

RE: Variance for pool within 40' setback at 1-4-3-08-37
Laura King
734 Mokulua Drive
Kailua, H 96734

I am the owner of TMK: (1) 4-3-08-36, which is one of the two adjacent homes next to Laura King's home. Laura has approached us and would like to build an in-ground swimming pool within her 40' set back. As the pool will in no way impede my views, I hereby support her variance request. I have reviewed her pool plan and see no problems with her request.

Sincerely,

Tom Coulson

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 17, 2003

2003-SV-22.RCM
LD-NAV

Honorable Eric G. Crispin, AIA
Director, Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Crispin:

SUBJECT: Review: Draft Environmental Assessment
Applicant: Laura King
Location: 734 Mokulua Drive, Kailua (Lanikai), Oahu
Project: New below-grade swimming pool
File No.: 2003-SV-22 - TMK: (1) 4-3-008: 037

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of the subject DEA to the following DLNR Divisions for their review and comment:

- Engineering Division
- Office of Conservation and Coastal Lands
- Land-Oahu District Land Office

Enclosed please find a copy of the Engineering Division and Oahu District Land Office response.

The Department of Land and Natural Resources has no other comment to offer on the subject matter.

Should you have any questions, please contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 587-0384.

Very truly yours,

DIERDRE S. MAMIYA
Administrator

C: ODLO

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 28, 2003

LD/NAV
Ref.: 2003-SV-22.CMT

L-3346
Suspense Date: 12/15/04

MEMORANDUM:

TO: Division of Aquatic Resources
Division of Forestry & Wildlife
Na Ala Hele Trails
Division of State Parks
XXX Engineering Division
Division of Boating and Ocean Recreation
Commission on Water Resource Management
XXX Office of Conservation and Coastal Lands
XXX Oahu District Land Office

FROM: Dierdre S. Mamiya, Administrator
Land Division

RECEIVED
LAND DIVISION
2003 DEC -5 P 1:00
DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

SUBJECT: Draft Environmental Assessment
Project within the shoreline setback
I.D. Nos.: 2003-SV-22 and 2003-ED-28
Project: New below-grade swimming pool
TMK: (1) 4-3-008: 037 - Oahu
Applicant: Laura King
Location: 734 Mokulua Drive, Kailua (Lanikai)

Please review the attached document pertaining to the subject matter and submit your comments (if any) on Division letterhead by the suspense date.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments.

( ) Comments attached.

Division: Land

Signed:

Name: Robert m. Ing

Date: Dec. 4, 2003

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

RECEIVED
LAND DIVISION
2003 DEC -3 A 7:12
DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 28, 2003

LD/NAV
Ref.: 2003-SV-22.CMT

L-3346
Suspense Date: 12/15/04

MEMORANDUM:

TO:
Division of Aquatic Resources
Division of Forestry & Wildlife
Na Ala Hele Trails
Division of State Parks
XXX Engineering Division
Division of Boating and Ocean Recreation
Commission on Water Resource Management
XXX Office of Conservation and Coastal Lands
XXX Oahu District Land Office

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Assessment
Project within the shoreline setback
I.D. Nos.: 2003-SV-22 and 2003-ED-28
Project: New below-grade swimming pool
TMK: (1) 4-3-008: 037 - Oahu
Applicant: Laura King
Location: 734 Mokulua Drive, Kailua (Lanikai)

Please review the attached document pertaining to the subject matter and submit your comments (if any) on Division letterhead by the suspense date.

Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments.

(✓) Comments attached.

Division: Engineering

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Name:

Date: 12/2/03

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LA/NAV

Ref.: 2003-SV-22-MT

COMMENTS

(✓) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X.

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ___.

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

( ) Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.

( ) Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.

( ) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.

( ) Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.

( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

( ) Additional Comments:_____

_____

( ) Other:_____

_____

Should you have any questions, please call Mr. Eric Yuasa of the Planning Branch at 587-0254.

Signed: _____
ERIC T. HIRANO, CHIEF ENGINEER

Date: 12/2/03

February 11, 2005

Board of Water Supply
City & County of Honolulu
Attn: Clifford S. Jamile
630 South Beretania St.
Honolulu, HI 96843

Re: Draft Environmental Assessment for Laura King; TMK 4-3-8:37, 2003/SV-22 (ST), 2003/ED-28.

Dear Mr. Jamile:

I apologize for the lateness in getting this letter to you.

I thank you for your response of letter dated December 9, 2003. I accept any charges due for the Water Facilities Charge and any and all charges due for the filling of the above referenced proposed swimming pool.

Thank you for your time and consideration.

Sincerely,

Laura King

Attch: BWS Letter dtd 12/9/03.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843

December 9, 2003

TO: ERIC CRISPIN, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: K. Sinda for CLIFFORD S. JAMILE, MANAGER AND CHIEF ENGINEER

SUBJECT: YOUR TRANSMITTAL OF NOVEMBER 21, 2003 ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SWIMMING POOL FOR LAURA KING, TMK: 4-3-8: 37, 2003/SV-22(ST), 2003/ED-28

The existing water system is adequate to accommodate the proposed swimming pool.

The existing water is presently adequate to accommodate the proposed project. The availability of water will be confirmed when the building permit is approved. When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

If you have any questions, please contact Joseph Kaakua at 748-5442.

January 28, 2004

State of Hawaii
Department of Health
Attn: Denis Lau
PO Box 3378
Honolulu, HI 96801-3378

Re: Draft Environmental Assessment for Laura King Swimming Pool, 734 Mokulua Drive, Kailua, HI 96734

Dear Mr. Lau:

Thank you for your comments on my draft EA for my shoreline setback variance application and pool construction at 734 Mokulua Drive.

My final EA will provide your requested items per your letter dated December 3, 2003. I will be adding a Site-Specific Construction Best Management Practice Plan and an operation and maintenance program for my swimming pool. I will amend my EA to address NPDES requirements and HAR Chapters 11-54 to 11-55.

Thank you for your time in reviewing and commenting on my EA.

My final EA is forthcoming.

Thank you for your anticipated cooperation.

Regards,

Laura King

CC: Eric Crispin, C&C, Department of Planning and Permitting

LINDA LINGLE
GOVERNCR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

12009CEC.03

December 3, 2003

Mr. Eric G. Crispin, AIA
Director of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Crispin:

Subject: Comments on the Draft Environmental Assessment (DEA) for Shoreline Setback Variance (SSV) Application for the Construction of a New Below-Grade Swimming Pool at Ms. Laura King's Residence 734 Mokulua Drive, Lanikai, Kailua, Island of Oahu File No. 2003/SV-22(ST) & 2003/ED-28 (TMK:4-3-008:037)

Thank you for the opportunity to review and comment on the DEA prepared for the subject project. The following are our general comments based on the information provided in the DEA:

1. Pursuant to Chapter 11-54 (entitled Water Quality Standards) of the Hawaii Administrative Rules (HAR), a Site-Specific Construction Best Management Practices Plan shall be developed, implemented, and properly maintained during the pool construction period to prevent/minimize the potential soil particles from entering the adjacent State waters in a form of fugitive dust (airborne), or being pushed by the construction equipment, or being carried by the storm water runoff.

2. The proposed swimming pool shall be designed, constructed, operated, and maintained in a manner that ensures there will be no discharge of any effluent, either directly or indirectly, into State waters.

3. There is no indication of the project site elevation. However, Ms. King shall be informed of the National Pollutant Discharge Elimination System (NPDES) permitting requirements regarding the discharge of construction site treated dewatering effluent into adjacent State waters. The NPDES Notice of Intent (NOI) and guidelines, and HAR, Chapters 11-54 and 11-55 are available at CWB's website: http://www.state.hi.us/health/eh/cwb/forms.html.

If you have any questions regarding the NPDES permitting requirements, please contact me or direct your staff to contact Mr. Edward Chen of the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

DENIS R. LAU, P.E., CHIEF
Clean Water Branch

c: Ms. Laura King, 734 Mokulua Drive, Kailua, Hawaii 96734

January 28, 2004

State of Hawaii
Attn: Diedra S. Mamiya
DLNR
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96809

Dear Ms. Mamiya:

Thank you for your comments on my draft EA for my shoreline setback variance application and pool construction at 734 Mokulua Drive.

I concur and acknowledge that the soil being excavated will be fully covered and I ensure you that no soil will enter the shoreline or ocean.

My swimming pool will be reinforced with re-bar and I will have it inspected annually yearly for leaks.

In November when Lanikai had the high surf I was very concerned for my seawall but was amazed at how strong it was. I saw no visible signs of any type of cracking or damage. If I had seen any type of structural damage I would concur with a site inspection by a licensed engineer. But, I had no structural damage or cracking of any sort. I am requesting that the DLNR please release their request of an engineer's inspection. Please let me know in writing if you will allow this.

Thank you for your anticipated cooperation.

Regards,

Laura King

CC: Eric Crispin, C&C, Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
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LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

12/09/03

Laura King
734 Mokulua Dr.
Kailua Hawaii 96734

Correspondence: OA-0479

Subject: Comments on Draft EA for Shoreline setback variance application and pool construction: 734 Mokulua Drive Kailua, Hawaii 96734 TMK 4-3-008:037.

Dear Mrs. King:

The State of Hawaii Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) has reviewed the October 2003 Draft EA for shoreline setback variance application. We offer the following comments and suggestions.

After reviewing the draft EA it is clear that the proposed shoreline setback variance will have little effect on the shoreline processes fronting this parcel. The proposed variance is for an in 13,533 gallon in-ground swimming pool in the back of the existing residential dwelling. The department understands that during construction the excavated soil will be covered and/or protected to ensure it does not run off into the shoreline and ocean. Additionally, the swimming pool will be constructed to with reinforced concrete and inspected periodically to ensure there is no leakage of pool water into the adjacent shoreline. The draft EA further states that there will be negligible or no potential impacts to the physical, social, cultural, economic and historical environment.

The OCCL concurs that there would be negligible or no impacts to beach processes in this area due to the presence of the proposed activities. However, by locating additional improvements within the shoreline setback area you increase your reliance on the structural stability of the seawall fronting the property. It is important to ensure this wall is in good structural condition while you still have the opportunity to access the wall with heavy equipment. The recent high surf in late November caused a large number of seawalls throughout Lanikai to fail and caused significant damage and loss of land to several properties. The Department recommends you evaluate the condition of your

seawall possibly having an engineer carry out an inspection to ensure the recent storm did not cause any damage.

Contact Sam Lemmo of the Land Division, Planning Branch at 587-0381, or Dolan Eversole of the University of Hawaii Sea Grant Program at 587-0439, should you have any questions regarding this matter.

Thank You,

Dierdra S. Mamiya, Acting Administrator
DLNR, Office of Conservation and Coastal Lands (OCCL)

cc: Oahu Land Agent
City and County of Honolulu Planning and Permitting
DOH/OHA

January 28, 2004

State of Hawaii
Office of Environmental Quality Control
Attn: Genevieve Salmonson
235 S. Beretania Street, #702
Honolulu, HI 96813

Re: Draft Environmental Assessment for Laura King Swimming Pool, 734 Mokulua Drive, Kailua, HI 96734

Dear Ms. Salmonson:

Thank you for your comments on my draft EA for my shoreline setback variance application and pool construction at 734 Mokulua Drive.

My final EA will provide your requested items per your letter dated January 7th, 2004. Thank you for your time in reviewing and commenting on my EA.

My final EA is forthcoming.

Thank you for your anticipated cooperation.

Regards,

Laura King

CC: Eric Crispin, C&C, Department of Planning and Permitting

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

January 7, 2004

Eric Crispin
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attn: Steve Tagawa

Dear Mr. Crispin:

Subject: Draft Environmental Assessment (EA) **Laura King Swimming Pool, Lanikai**

Please include the following in the final EA:

Two-sided pages: In order to reduce bulk and save on paper. please print on both sides of the pages in the final document.

Contacts: List state and county agencies contacted in addition to DPP. Be sure to include copies of correspondence from the preconsultation as well as the draft EA comment periods.

Cultural impacts assessment:
Act 50 was passed by the Legislature in April of 2000. This mandates an assessment of impacts to local cultural practices by the proposed project. In the final EA include such an assessment.
For assistance in the preparation refer to our *Guidelines for Assessing Cultural Impacts*. Go to our homepage at *http: \www.state.hi.us health oeqc guidance index.html* or contact our office for a paper copy. You will also find the text of Act 50 linked to this section of our website.

Significance criteria: Include a discussion of findings and reasons, according to the significance criteria listed in HAR 11-200-12 that supports your forthcoming determination, either FONSI or EIS preparation notice. You may used to enclosed sample as a guideline.

Permits and approvals: List all required permits and approvals for this project and the status of each.

If you have any questions call Nancy Heinrich at 586-4185.

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

c: Laura King

From: *Mokulele Highway/Puunene Bypass* final EA (1997)

FINDINGS AND REASONS SUPPORTING DETERMINATION

(1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources

The proposed project will not impact scenic views of the ocean or any ridge lines in the area. The visual character of the area will change from the current agricultural land to an improved 4-lane highway which is compatible with the surrounding land use plans and programs being implemented for the region. The highway corridor is comprised of "Prime" agricultural land which is an important resource. Development of drainage systems will follow established design standards to ensure the safe conveyance and discharge of storm runoff. In addition, the subject property is located outside of the County Special Management Area (SMA).

As previously noted, no significant archaeological or historical sites are known to exist within the corridor. Should any archaeologically significant artifacts, bones, or other indicators of previous onsite activity be uncovered during the construction phases of development, their treatment will be conducted in strict compliance with the requirements of the Department of Land and Natural Resources.

(2) Curtails the range of beneficial uses of the environment

Although the subject property is suitable for agricultural uses, the land area adjoining the Mokulele Highway is naturally suited for transportation purposes due to its location proximate to an existing highway system. To return the site to a natural environmental condition is not practical from both an environmental and economic perspective.

(3) Conflicts with the State's long-term 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 proposed development is consistent with the Environmental Policies established in Chapter 344, HRS, and the National Environmental Policy Act.

(4) Substantially affects the economic or social welfare of the community or state

The proposed project will provide a significant contribution to Maui's future population by providing residents with the opportunity to "live and work in harmony" in a high quality living environment. The proposed project is designed to support surrounding land use patterns, will not negatively or significantly alter existing residential areas, nor will unplanned population growth or its distribution be stimulated. The project's development is responding to projected population growth rather than contributing to new population growth by stimulating in-migration.

(5) Substantially affects public health

Impacts to public health may be affected by air, noise, and water quality impacts, however, these will be insignificant or not detectable, especially when weighed against the positive economic, social, and quality of life implications associated with the project. Overall, air, noise, and traffic impacts will be significantly positive in terms of public health as compared to the "no action" alternative.

(6) Involves substantial secondary impacts, such as population changes or effects on public facilities

Existing and planned large-scale housing development projects within Wailuku-Kahului and Kihei will contribute to a future population growth rate that will require expansion of public and private facilities and services. These improvements will become necessary as the overall population of Maui grows and settlement patterns shift. However, the proposed project will not in itself generate new population growth, but provide needed infrastructure the area's present and fiiture population. In addition, new employment opportunities will generate new sources of direct and indirect revenue for individuals and the County of Maui by providing both temporary and long-term employment opportunities during the construction period. Indirect employment in a wide range of service related

industries will also be created from construction during project development.

(7) Involves a substantial degradation of environmental quality

The proposed development will utilize existing vacant agricultural land. With development of the proposed project, the addition of urban landscaping will significantly mitigate the visual impact of the development as viewed from outside the site while the overall design will complement background vistas. Makai views from the subject property are available, however, they are not significant nor generally available to the public in the property's present restricted condition.

(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions

By planning now to address the future needs of the community and the State, improvement of the transportation system is consistent with the long term plans for Maui. No views will be obstructed or be visually incompatible with the surrounding area.

(9) Substantially affects a rare, threatened or endangered species or its habitat

No endangered plant or animal species are located within the highway corridor.

(10) Detrimentally affects air or water quality or ambient noise levels

Any possible impact to near-shore ecosystems resulting from surface runoff will be mitigated by the establishment of on-site retention basins during the construction phases of development. After development, retention areas within the highway right-of-way will serve the same function to encourage recharge of the groundwater.

(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters

Development of the property is compatible with the above criteria since there are no environmentally sensitive areas associated with the project and the physical character of the corridor has been previously disturbed by agricultural uses. As such, the property no longer reflects a "natural environment". Shoreline, valleys, or ridges will not be impacted by the development.

(12) Substantially affects scenic vistas and view planes identified in county or state plans or studies

Due to topographical characteristics of the property, views of the area to be developed are generally not significant although they are visible. The majority of the proposed project will not be visible, except from higher elevations by the general public or from persons traveling along the highway.

(13) Requires substantial energy consumption

The location of the proposed project is between Maui's major growth areas. This relationship will reduce travel times and energy consumption after project build out through efficiencies gained by the increased capacity of the highway. Construction of the proposed project will not require substantial energy consumption relative to other similar projects.

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LAND
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WATER RESOURCE MANAGEMENT

FEB - 9 2004

Ref.:OCCL/DE

February 6, 2004

Correspondence: OA-0479

Laura King
734 Mokulua Dr.
Kailua Hawaii, 96734

Subject: Comments on Draft EA for Shoreline setback variance application and Pool construction 734 Mokulua Drive Kailua, Hawaii 96734 TMK 4-3-008:037.

Dear Mrs. King:

The State of Hawaii Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) has received your letter dated January 28, 2004 requesting a release of a request for an engineer's inspection for the subject swimming pool. In our comment letter dated December 28, 2003 the Department recommended you "evaluate the condition of the seawall possibly having an engineer carry out an inspection..." This was only a recommendation and not a requirement or a request endorsed by the DLNR. The Department recommends you contact the City and County of Honolulu Department of Planning and Permitting as they regulate the Shoreline Management Area (SMA) which includes the seawall and may have additional requirements with regard to the inspection of your seawall.

I hope this clarifies our position on this issue and you can proceed with your proposed improvements.

Contact Sam Lemmo of the Land Division, Planning Branch at 587-0381, or Dolan Eversole of the University of Hawaii Sea Grant Program at 587-0439, should you have any questions regarding this matter.

Thank You,

Sam Lemmo, Administrator
Office of Conservation and Coastal Lands (OCCL)

cc: Oahu Land Agent
City and County of Honolulu Planning and Permitting