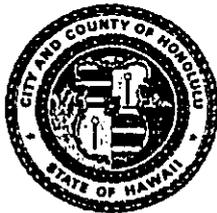


DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432

FRANK F. FASI
MAYOR



RECEIVED

'90 OCT 12 P1:10

DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR
90/SMA-13(ASK)

October 11, 1990

OFF. OF ENVIRONMENTAL
QUALITY CONTROL

CHAPTER 343, HRS
ENVIRONMENTAL ASSESSMENT/DETERMINATION
NEGATIVE DECLARATION

Recorded Owner : Bishop Estate
Applicant : James C. Reynolds
Agent : Tyrone T. Kusao, Inc.
Location : 102 Royal Circle, Black Point
Tax Map Key : 3-5-02: 8
Request : Demolition of a Non-Conforming Three-Car
Garage and Concrete Walkway and Construction
of a portion of a Driveway, Walkways, Metal
and CRM Security Fence and Landscaping Within
the 40-Foot Shoreline Setback
Determination : Environmental Impact Statement (EIS) Not
Required

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Donald A. Clegg".
DONALD A. CLEGG
Director of Land Utilization

DAC:lg
1300N

229

1990-10-23-0A-FA

Reynolds Leiden

FILE COPY

ENVIRONMENTAL ASSESSMENT
SHORELINE SETBACK VARIANCE
KAHALA, OAHU, HAWAII
TAX MAP KEY: 3-5-02:08

James C. Reynolds
102 Royal Circle
Honolulu, Hawaii 96816

APPLICANT

Tyrone T. Kusao
1188 Bishop Street
Suite 2507
Honolulu, Hawaii 96813

AGENT

May, 1990

TYRONE T. KUSAO, INC.
Planning and Zoning Consultant

1188 BISHOP STREET, SUITE 2507
HONOLULU, HAWAII 96813

BUS. (808) 538-6652
RES. (808) 395-1338
FAX (808) 521-4292

May 15, 1990

Mr. Donald A. Clegg, Director
Department of Land Utilization
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Subject: Shoreline Setback Variance for James C. Reynolds
Residence, TMK: 3-5-02: 08

Dear Mr. Clegg:

I am submitting on behalf of my client, Mr. James C. Reynolds, an application for a Shoreline Setback Variance to permit improvements to existing structures within the shoreline setback area.

Your favorable decision on this matter would be greatly appreciated and if there are any questions, or you require additional information, please contact me.

Very truly yours,


Tyrone T. Kusao

ENVIRONMENTAL ASSESSMENT
SHORELINE SETBACK VARIANCE
KAHALA, OAHU, HAWAII
TAX MAP KEY: 3-5-02:08

James C. Reynolds
102 Royal Circle
Honolulu, Hawaii 96816

APPLICANT

Tyrone T. Kusao
1188 Bishop Street
Suite 2507
Honolulu, Hawaii 96813

AGENT

May, 1990

TABLE OF CONTENTS

	<u>Page</u>
I. General Information	1
II. Description of Proposed Project	2
III. Affected Environment	7
IV. Impacts and Alternatives Considered	10
V. Mitigation Measures	10
VI. Variance Justification	10
VIII. Conclusion	14

LIST OF FIGURES

		<u>Page</u>
Figure 1.	Location Map	3
Figure 2.	Site Plan	5
Figure 3.	Gate Elevation & Walkway Section	6

LIST OF APPENDICES

Appendix A.	Site Photos
Appendix B.	Map: Shoreline Certification
Appendix C.	Flood Determination (Department of Land Utilization Letter)
Appendix D.	DLU Master Application Form

ENVIRONMENTAL ASSESSMENT
SHORELINE SETBACK VARIANCE
KAHALA, OAHU, HAWAII
TAX MAP KEY: 3-5-02: 08

I. GENERAL INFORMATION

APPLICANT:

James C. Reynolds
102 Royal Circle
Honolulu, Hawaii 96816

RECORDED FEE OWNER:

Kamehameha Schools/Bishop Estate
567 S. King Street, Suite 200
Honolulu, Hawaii 96813

AGENT:

Tyrone T. Kusao, Inc.
1188 Bishop Street
Suite 2507
Honolulu, Hawaii 96813

PROPERTY PROFILE:

Location:	Kahala, Oahu
Tax Map Key:	3-5-02:08
Land Area:	38,284 square feet
State Land Use District:	Urban
Development Plan Map:	Residential
Public Facilities Map:	NA
Existing Zoning:	R-10 Residential
Height Limit:	25 feet
Special District:	Diamond Head
Special Management Area:	Yes
Flood Zone:	"A"

II. DESCRIPTION OF THE PROPOSED PROJECT

A. GENERAL DESCRIPTION:

The irregularly-shaped parcel of 38,284 square feet is located at the end of Royal Circle, below Black Point Road, along the east shoreline of Diamond Head. It is the site of a single-family dwelling of approximately 8,470 square feet which is now under construction. A Location Map is included as Figure 1.

The applicant is proposing improvements to existing nonconforming structures to enhance the main entrance to the dwelling and the overall esthetics of the site.

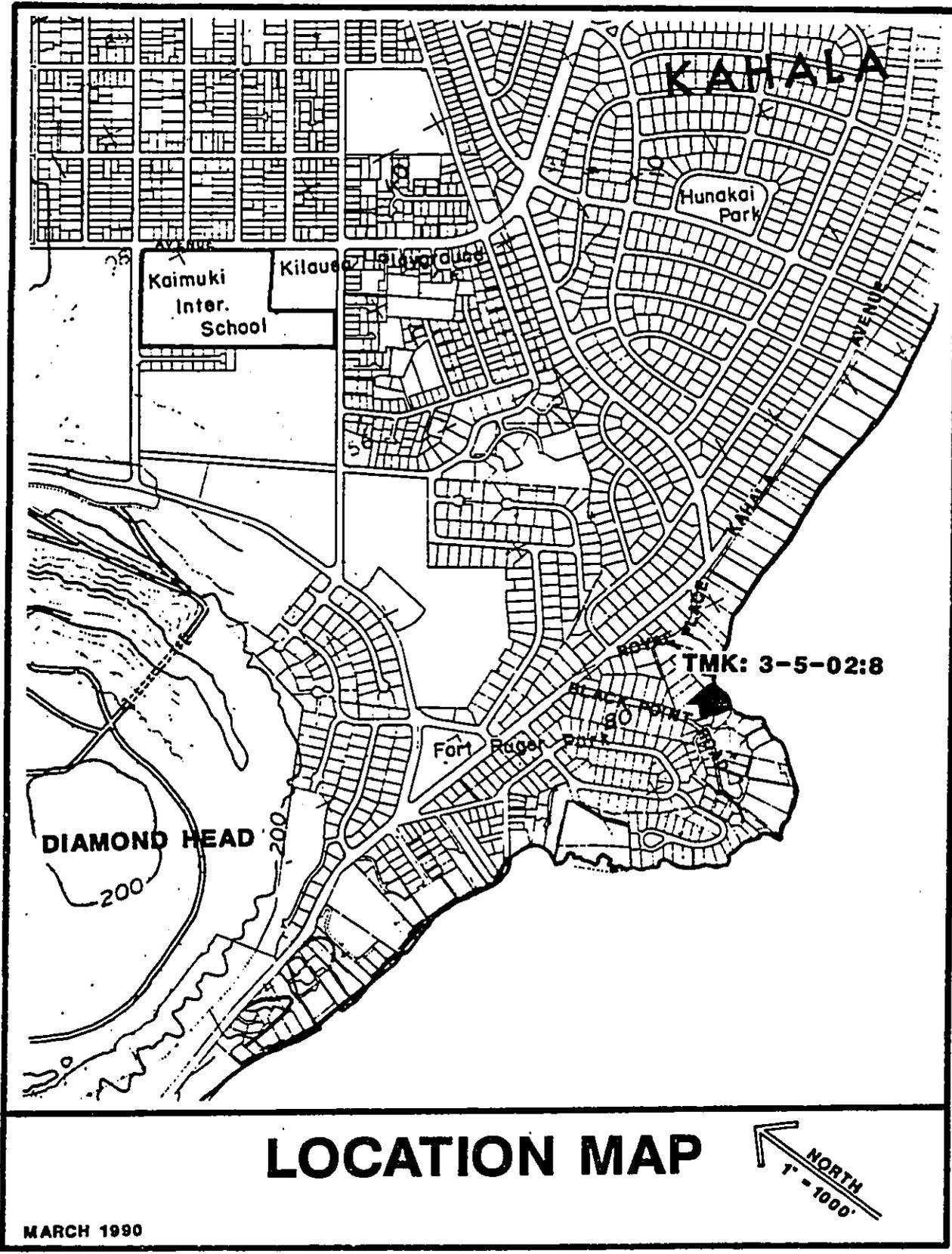
The dwelling is approximately 44 feet from the shoreline at its nearest point. All proposed improvements to other structures, which are the subject of this permit application, are within the 40-foot shoreline setback area.

Prior land use approvals include the building permits for the dwelling (BP No.276756 of October 20, 1989) and acceptance of a flood study in June, 1989 (89/FD-10).

Although the site is within the Special Management Area and Diamond Head Special District, the proposed improvements are exempt from permits other than a Shoreline Setback Variance.

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FIGURE 1.



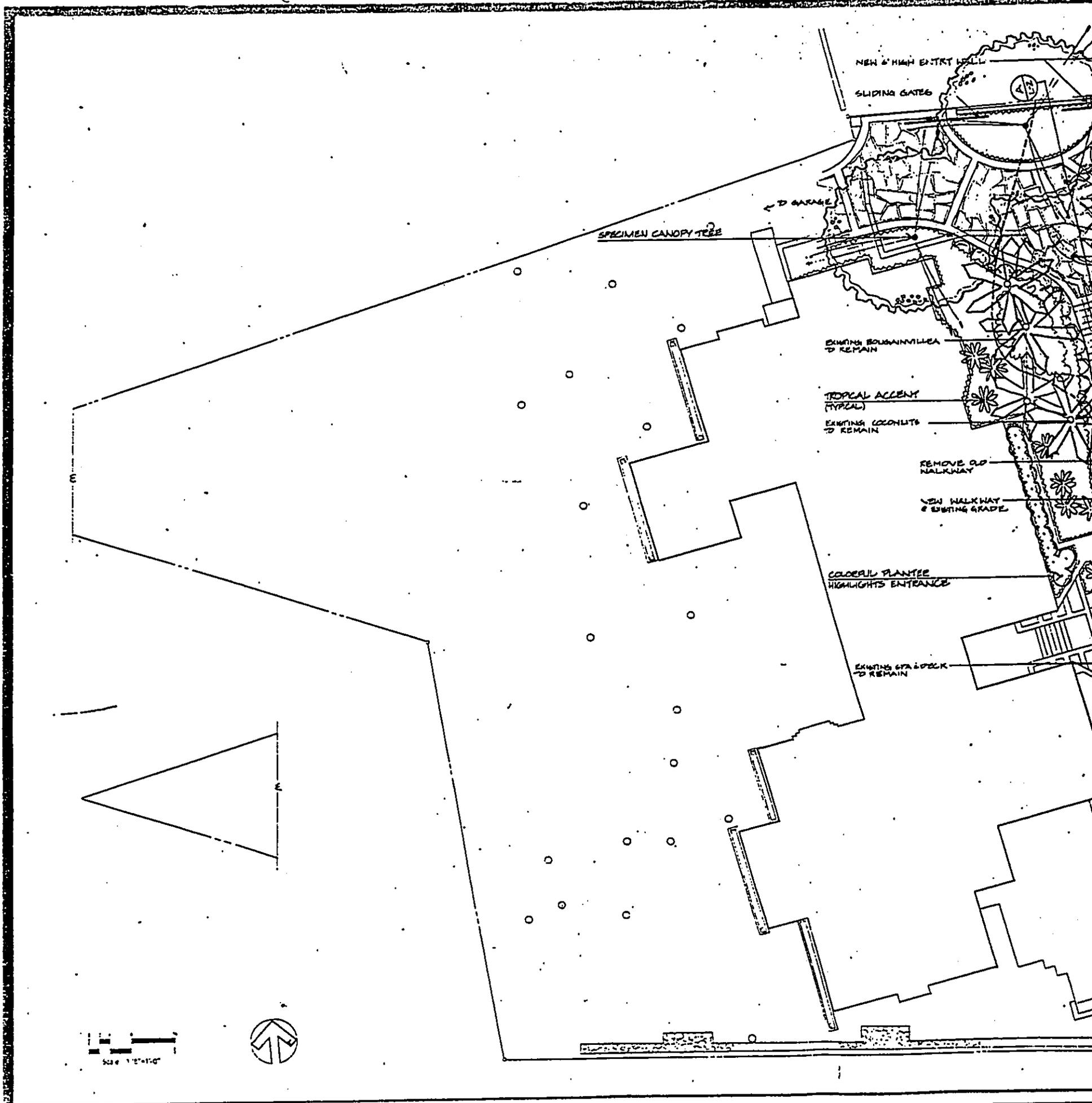
B. TECHNICAL CHARACTERISTICS:

In addition to the principal dwelling, existing accessory structures include walls, stairs, walkways, decks, and a swimming pool. A Site Plan showing existing structures to remain, those to be removed, and new improvements is included as Figure 2. Elevation of the proposed gate and walkway section are shown in Figure 3. A copy of the Shoreline Certification Map for the site, as of April 10, 1989, is attached as Appendix B.

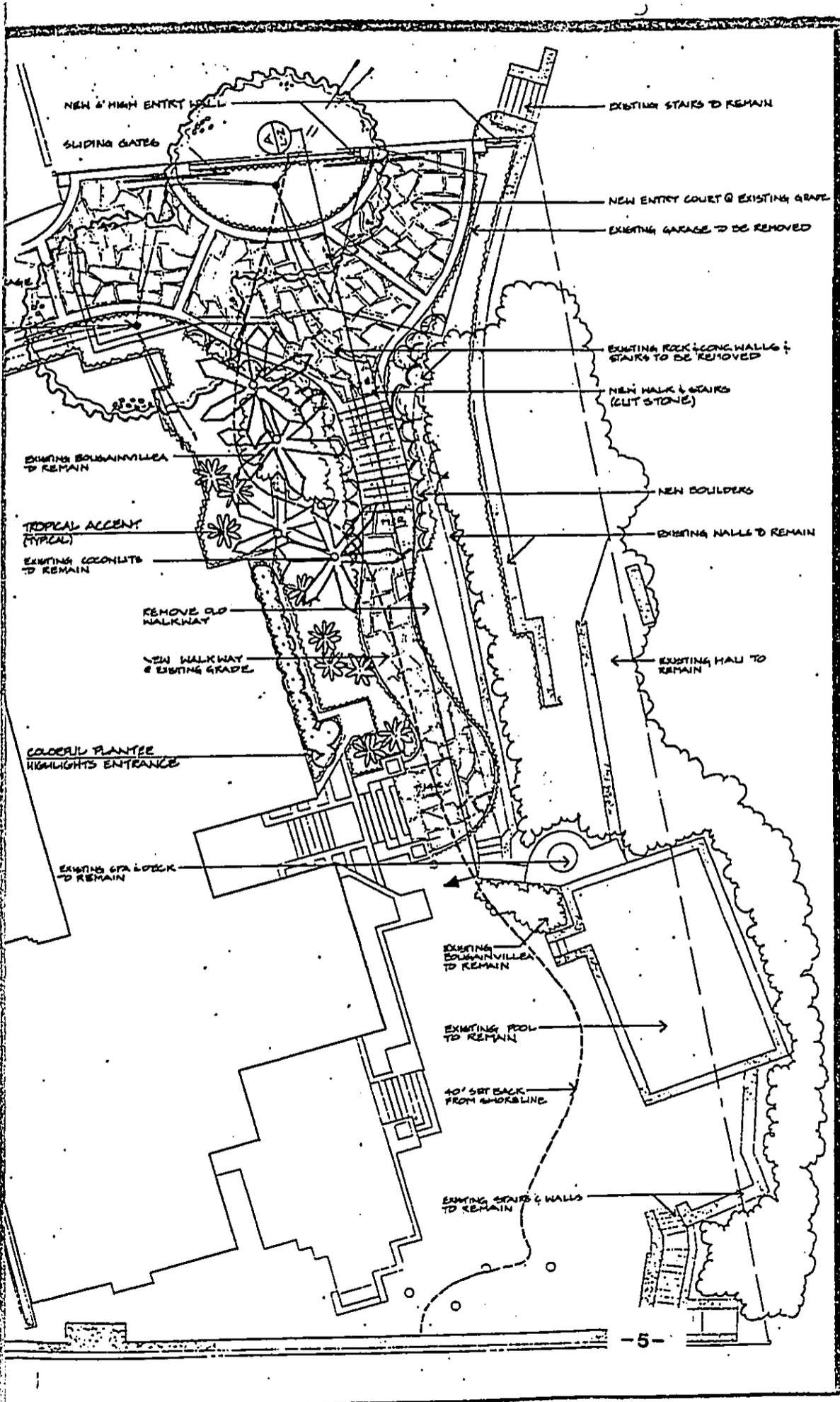
Specific improvements proposed are as follows:

1. Removing a three-car garage (510 square feet) at the main entrance to the property.
2. Removing approximately 283 linear feet of lava walls within the shoreline setback, with an average height of two feet, and constructing approximately 58 linear feet of new lava walls within the setback, with an average height of five feet. (Three hundred linear feet of existing lava walls, at an average height of three feet, would remain.)
3. Removing existing asphaltic paving and replacing it with cut stone masonry, and replacing the straight paved walkways with a meandering path.
4. Constructing a 6-foot high metal fence with

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**Tongg
Clarke &
Mechler**

Landscape Architecture & Planning

615 Pukia St., Suite 1501
Honolulu, Hawaii 96814

Phone (808) 571-7908

Project

**Reynolds
Residence**

Sheet Title

**Proposed Walkway
& Entry Drive**



This work was prepared by me or under my supervision and I am a duly licensed professional engineer, architect, or land surveyor of the State of Hawaii.

As required by Chapter 100, Part 4 of the Hawaii State Constitution, the State Engineer, Architect, and Land Surveyor shall certify the accuracy of this work.

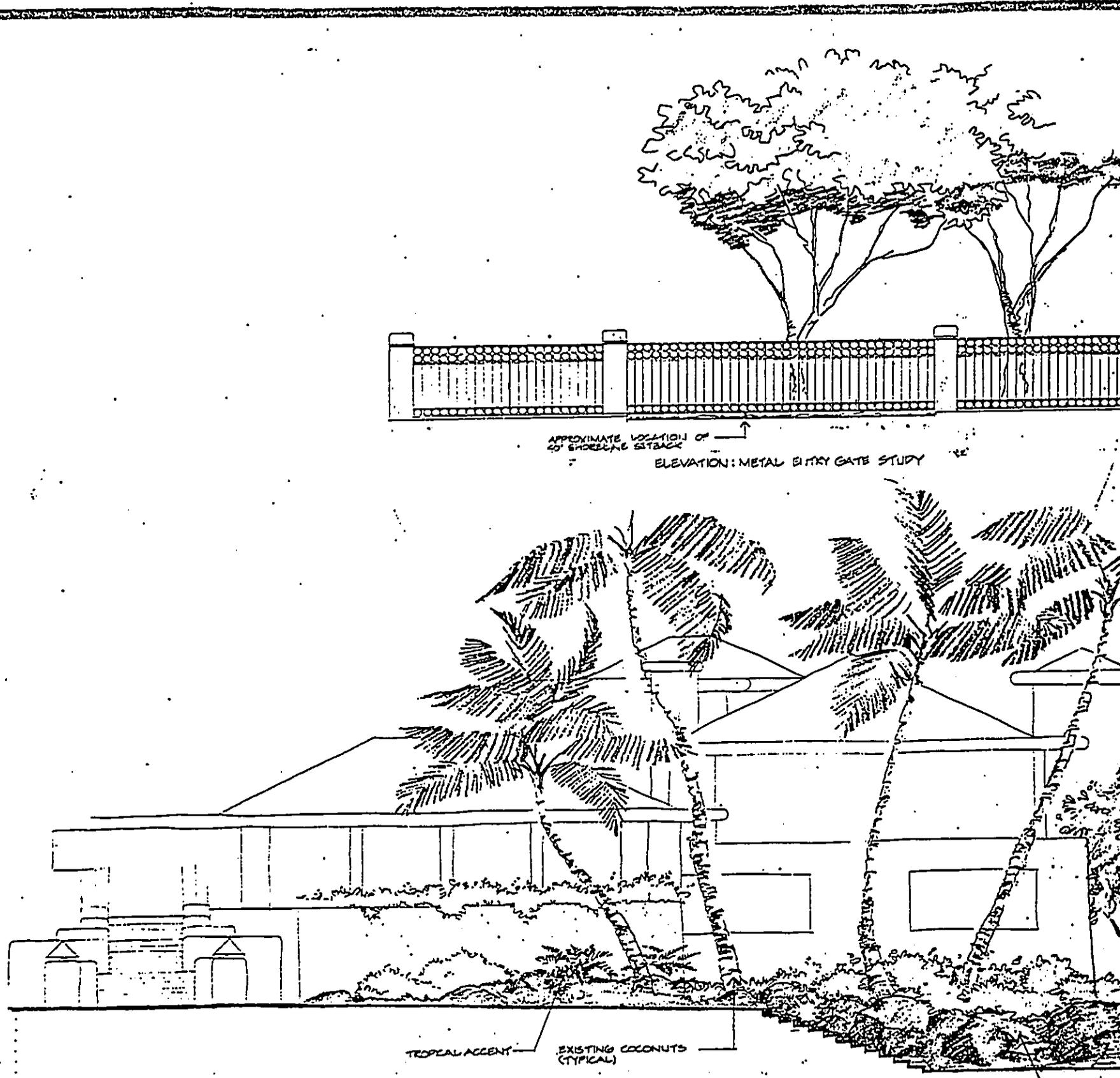
**FIGURE 2
SITE PLAN**

Project No. _____
Date _____

Project No. _____
Date 2 May 1990

Sheet number

L-1



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

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Tongg
Clarke &
Mechler

Landscape Architecture & Planning

615 Piho St., Suite 1501
Honolulu, Hawaii 96814

Phone (808) 521-2908

Project

Reynolds
Residence

Sheet Title

Proposed Walkway
& Entry Drive

Gate Elevation
Walkway Section



This work was prepared by me or under my supervision and I am a duly licensed professional in the State of Hawaii.

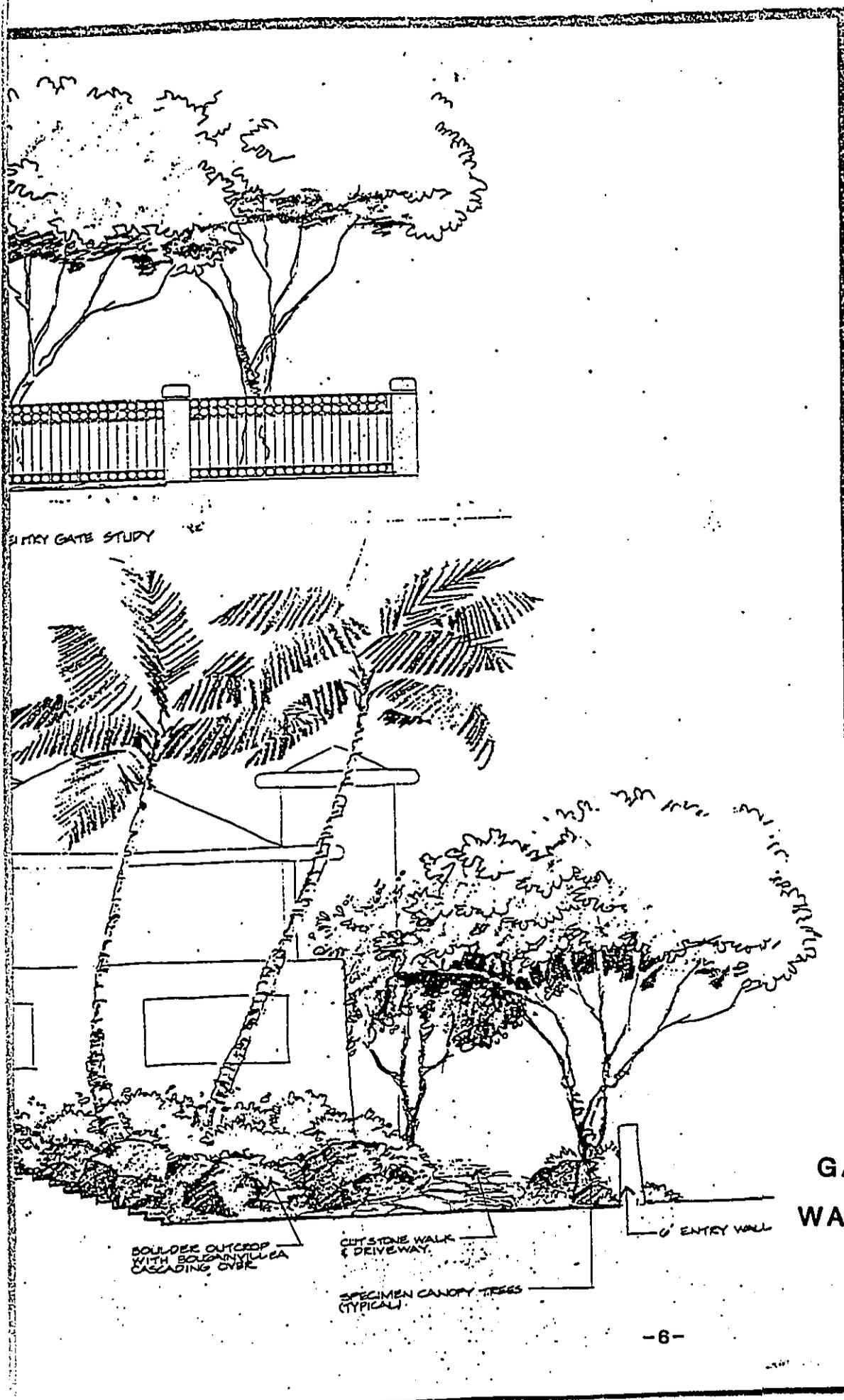
- FIGURE 3 -

GATE ELEVATION
WALKWAY SECTION

Project No.
Date 2 May 1990

Sheet Number

L-2



gate, located partially within the setback area (refer to Figure 3.).

5. The existing swimming pool, jacuzzi, deck and stairways to the beach would remain.

There will be no increase in nonconformity on the site as a result of the proposed improvements. The net effect will be a decrease of 510 square feet (removal of the garage) and 225 linear feet of walls.

Access is off Royal Place, a private roadway with an asphaltic width of approximately 16 feet, via Royal Circle, a private roadway approximately 10 feet wide. The existing three-car garage will be replaced by a new three-car garage on the northeast corner of the residence, with a paved driveway along the north property line. Five additional parking spaces to meet the required parking will also be provided in this area.

The proposed improvements will require no major grading or fill and will not alter any existing land forms or significantly affect existing drainage patterns.

III. AFFECTED ENVIRONMENT

A. PROJECT SITE/SURROUNDING AREA:

The site is within the State Urban District, designated on the City's Development Plan for residential use, and is zoned R-10 Residential District. It is more than three times the minimum lot area required in the district, and existing and proposed uses are in conformance with land use policy and zoning.

All lots in the surrounding area are zoned R-10 Residential and contain single-family residences. A number of mature trees exist on the site, which the applicant intends to retain. Existing landscaping will be increased with new planting.

B. LAND CONDITIONS

Soils on the site are classified as Molokai silty clay loam, 15 to 25 percent slopes (MuD).

The site is relatively steep in slope, with elevations ranging between four feet at the coral ledge along the shoreline to 50 feet on the upper slopes at the rear of the property. (Refer to Photographs, Appendix A.)

Current Federal Flood Insurance Rate Maps (FIRM) designate the site as Zone A, a special flood hazard area inundated by the 100-year flood, with no base flood elevations determined.

As noted previously, a flood study was submitted to and accepted by the Department of Land Utilization in June, 1989. The site was determined to be in a Flood Fringe District with a base flood elevation of 10.9 feet MSL. A copy of the letter of acceptance is included as Appendix C.

C. COASTAL VIEWS:

While scenic views of the ocean exist from the site, none of the proposed improvements within the shoreline setback will affect coastal views. Removal of the three-car garage will improve views of the ocean from the access road, while other proposed improvements will consist of low lava walls and repaving and redesign of pathways. Lateral views along the shoreline will not be affected by replacement of existing lava walls or the new paving proposed. Refer to site photographs.

D. RELATIONSHIP TO PUBLIC/NATURAL RESOURCES:

No public access to the beach will be adversely affected by the proposed improvements, nor would any public parks or endangered plant or animal species be affected by the proposal. There are no known historical or archaeological features on the site.

IV. IMPACTS AND ALTERNATIVES CONSIDERED

There are no major impacts resulting from the proposed improvements. The improvements are expected to improve views and the overall appearance of the site, therefore no other alternatives were considered.

V. MITIGATION MEASURES

No mitigation measures are deemed necessary.

VI. VARIANCE JUSTIFICATION

Rule 12.1 specifies that all construction, improvements, grading, clearing, grubbing, filling, and such related activities within the shoreline setback shall be subject to review and approval of the Director. Rule 15.2 provides for an application for a variance for proposed structures within the shoreline setback.

Under Rule 15.3, a Shoreline Setback Variance may be justified by showing that the structure, activity, or facility requested is in the public interest, or that hardship will be caused to the applicant if the proposal is not allowed.

A. Purpose of Shoreline Setback

We have reviewed Rule 2., Purpose section of the Shoreline Setback Rules and Regulations, which provides as follows:

"Growing population and expanding development have brought about numerous cases of encroachment of structures upon the shore. Many of these structures have disturbed the natural processes and caused erosion of the shore. Concrete masses along the shore are contrary to the policy for the preservation of the natural shore and open space. Unrestricted removal of sand, coral, rocks, etc., for commercial uses can only deteriorate the shore and remove it from public use and enjoyment. Moreover, the Hawaiian Islands are subject to tsunamis and high waves which endanger residential dwellings and other structures which are built too close to the shoreline. For these reasons, it is in the public interest to establish shoreline setbacks and to regulate the use and activities within the shoreline setbacks."

With respect to this application, we find that the improvements proposed herein are not included in the examples cited above. There will be no interference with the natural processes of the sea resulting in erosion, since no sea wall is involved in the improvement project and there

is a distinct elevation difference between the beach and the shoreline setback area due to topography. As far as the dwelling unit is concerned, it is being constructed behind the 40-foot setback area. As noted elsewhere in this report, most of the improvements will be low in height and the removal of the three-car garage will result in reduction of mass along the shoreline.

B. Site Topography and Shape

The topography and slope of this lot are such that the only logical placement of the dwelling unit is as shown on Figure 2., Site Plan. The ground from the rear of the house toward Black Point Road rises sharply, requiring grading for development purposes. Consequently, the entry way to the front entrance, for the most part, is located within the established setback area. This has been the case with the previous dwelling on this property for the past 50 years. Considering the topography, and the highly irregular shape of the lot, requiring the applicant to consider other alternatives to his plan will definitely result in undue hardship.

C. Impacts From Proposed Improvements

We find that the proposed improvements will be in the public interest by resulting in the removal of the aged

three-car garage, which presently constitutes an eyesore. Passersby along the beach will enjoy a view of a planted area in lieu of a dilapidated garage structure located near the established shoreline. On the site itself, the impact would be to improve the overall aesthetics by replacing the asphaltic pavement with cut stone masonry, substituting the straight walkway with a meandering path, and providing additional landscaping.

D. Nonconformity Provisions of Shoreline Setback Rules and Regulations

Section 14.4, Enlargement and Discontinuance, provides in part as follows:

"Any nonconforming structure, driveway, roadway, or utility may be replaced, removed, or reconstructed upon compliance with applicable State and County requirements within the shoreline setback; provided, that no such nonconforming structure shall be substantially enlarged or altered to another nonconforming use."

We are of the opinion that most of the improvements proposed herein fall within the category of replacement and reconstruction of existing structures. As noted earlier, those structures have been in place for more than 50 years and are considered lawful nonconforming structures. In this

way, only a portion of the proposed improvements could be considered as requiring a variance. Further, as there will be a net reduction of structure square-footage from this improvement project, it appears to meet the test of no enlargement of existing structures.

VII. CONCLUSION

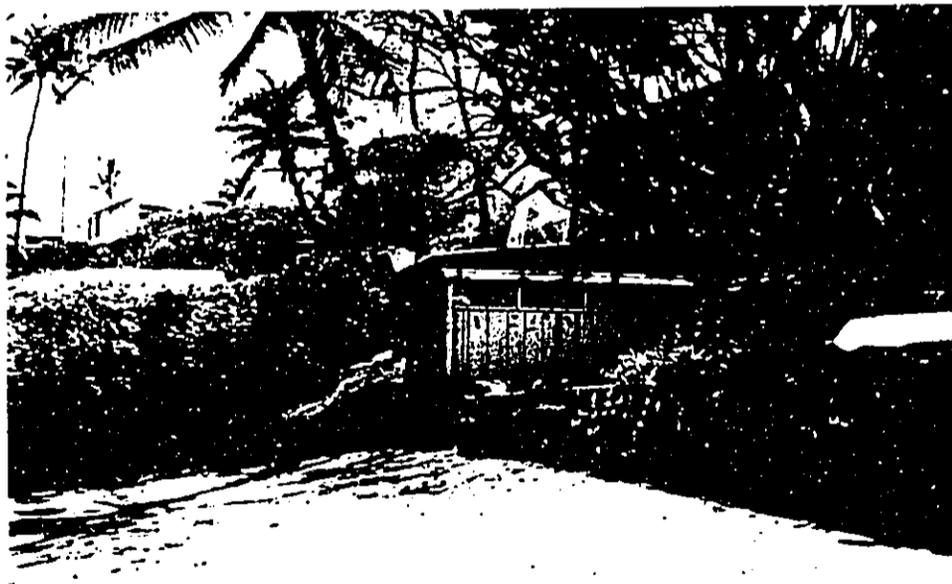
The basic hardship in this instance stems from site topography and shape. We find that this application conforms with the provision of the Shoreline Setback Rules and Regulations and, as noted above, satisfies the hardship and public interest criteria for the granting of a variance. For these reasons, we respectfully request your favorable consideration of the application.

APPENDICES

APPENDIX A. - PHOTOS



View of 3-car garage to be removed, from Royal Circle looking seaward.



Garage as seen from shoreline.

APPENDIX A. - CONT.



View from shoreline showing portion of stairway to be improved; parcel slopes upward to rear property line.



Portion of straight walkway to be redesigned into meandering pathway; residence under construction in upper right corner.

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JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P. O. BOX 621
HONOLULU, HAWAII 96809

APPENDIX B.

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Kelly cc to RFD
LM-MYM
T. Keala
TADA
[Signature]

Mr. Dennis Y. Yamasato, R.L.S.
Vice President
Wes Thomas & Associates, Inc.
2810 Paa Street, Suite 7
Honolulu, Hawaii 96819

Dear Mr. Yamasato:

SUBJECT: Shoreline Certification Request
Applicant: Wes Thomas & Assoc., Inc.
Property Owner: James C. Reynolds
Location: Island: Oahu District: Honolulu
Tax Map Key: 3-5-02:8
Property Description: 102 Royal Circle, Waikiki
Land Management Case No. OA-038

This is to inform you that the subject shoreline certification request has been:

- certified and no appeal has been received.
- confirmed pursuant to Section 13-222-11, Hawaii Administrative Rules of the Department of Land and Natural Resources entitled "Shoreline Certification".
- 10 copies of map are enclosed herewith.

Should you have any questions regarding this matter, please feel free to contact our Land Management Division at 548-6460.

Very truly yours,

[Signature]
WILLIAM W. PATY
Board of Land and Natural Resources

Enclosure

cc: Mr. M. Kealoha

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Area as shown on Bishop Estate Map 1063-C is 31,264.54 sq. ft.

TRUE NORTH
SCALE: 1" = 40 FT

SHORELINE CERTIFICATION MAP
OF LOT 33-G
AS SHOWN ON BISHOP ESTATE MAP 1063-C
AT WAIHIKI, HONOLULU, OAHU, HAWAII

Prepared for:
Mr. James Aburakia
541 Kalia Road
Honolulu, Hawaii 96815

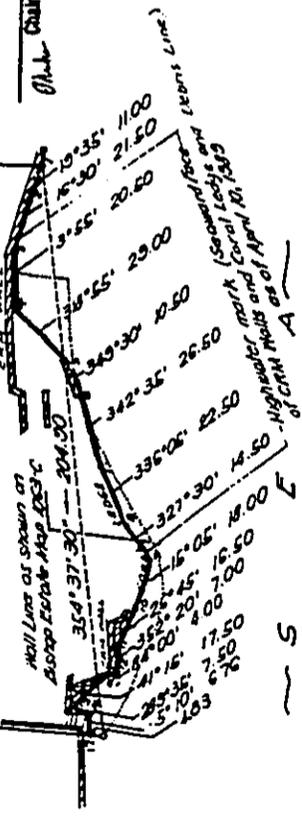
Prepared by:
Miss Thomas A. Akeo, Inc.
2270 Kalia St., Suite 2
Honolulu, Hawaii 96815



The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of JULY 1, 1988

This map was prepared by me or under my supervision

Dennis Y. Yamamoto
Registered Professional Land Surveyor License No. 5403



Map No. 1063-C
Date: 11/22/1988

Map No. 1063-C
Date: 11/22/1988

DEPARTMENT OF LAND UTILIZATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU HAWAII 96813 • (808) 523-4432

APPENDIX C.

PROJECT FILE

RECEIVED

JUN 28 1989

PAGLIUSO DESIGN

FRANK F. FASI
MAYOR



June 23, 1989

ROUTE TO:

1 TFP
— GY
— OMS
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—
—
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—
—
—

JOHN P. WHALEN
DIRECTOR

BENJAMIN B. LEE
DEPUTY DIRECTOR

89/FD-10 (LK)

FILE:
1004

Mr. Terrance Arashiro
Wm. Dean Alcon & Associates, Inc.
905 Umi Street, Suite 101
Honolulu, Hawaii 96819

Dear Mr. Arashiro:

Flood Determination in General Flood Plain District
Kahala, 102 Royal Circle, Honolulu, Oahu, Hawaii
Tax Map Key: 3-5-02: 08

This is in response to your request received on June 16, 1989, with the flood study for flood determination in a General Flood Plain District pursuant to Section 7.10-8 of the Land Use Ordinance of the City and County of Honolulu for the parcel at 102 Royal Circle, Honolulu, Oahu, Hawaii, Tax Map Key 3-5-02: 08.

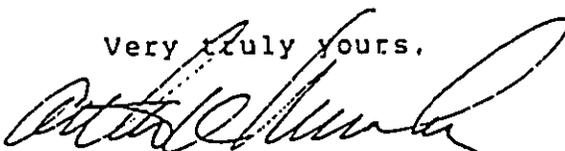
Based on a review and evaluation of your submitted study entitled "Flood Study Pursuant to Land Use Ordinance, City and County of Honolulu, for the proposed Reynold's Residence, Tax Map Key 3-5-02: 08, Honolulu, Oahu, Hawaii," dated June, 1989, and the letter from the Federal Emergency Management Agency, dated February 4, 1988, it is determined that your study is acceptable and that the subject project site is located in a Flood Fringe District with a base flood elevation of 10.9 feet MSL.

A registered professional architect or engineer shall certify that the elevation, design and methods of construction are in accordance with the provisions of the Flood Hazard District of the Land Use Ordinance under the National Flood Insurance Program.

Mr. Terrance Arashiro
89/FD-10 (L.K)
Page 2

Should you have any questions, please contact Mr. Lincoln
Kaneshige of our staff at 523-4247.

Very truly yours,



for BENJAMIN B. LEE, AIA
Deputy Director

BBL:k1
(0053M)
cc: Department of Public Works
Building Department