

DEPARTMENT OF LAND UTILIZATION
90/SV-16(ASK)

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CHAPTER 343, HRS
ENVIRONMENTAL ASSESSMENT/DETERMINATION QUALITY CONTROL
NEGATIVE DECLARATION

Recorded Landowner/Applicant : David Schutter
Agent : James K. Tsugawa
Location : 4747 Kahala Avenue
Tax Map Key : 3-5-06: 10
Request : To Extend Existing Right and Left Side
Yard Fences, Relocate Dog/Run Fences
with Access Gates and Hedge to Rear
Property Boundary and Construct Nine
Kerosine Torches 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.

Dated at Honolulu, Hawaii, this 24th day of October, 1990.

APPROVED

Donald A. Clegg
DONALD A. CLEGG
Director of Land Utilization
City & County of Honolulu
State of Hawaii

DAC:lg
1331N

1990-1108-OA-FEA

Schutter Residence in Kalaheo

July 20, 1990

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TO: DEPARTMENT OF LAND UTILIZATION
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Attn: Mr. Donald Clegg
Director of Land Utilization

Subject: Shoreline Setback Variance (SSV)

Project Name: SCHUTTER RESIDENCE
SHORELINE SETBACK VARIANCE

SHORELINE SETBACK VARIANCE APPLICATION:

I. WRITTEN INFORMATION:

- A. Completed Application Form
(See attached DLU Master Application Form)
- B. Environmental Assessment Document
(See attached Environmental Assessment)
- C. Supplemental Information
 1. Indicate Section(s) of the Shoreline Setback Rules and Regulation from which you propose a variance(s).

Shoreline Setback Rules and Regulation
Rule 13. Prohibitions
Article 13.3 - Structure Not Permitted
"No structure or any portion thereof, including but not limited to seawalls, groins, and revetments, whether built above, on, or below the ground surface, is permitted within the shoreline setback unless indicated otherwise under these Rules and Regulations."

2. Describe how hardship will be cause to the applicant if the proposed structure, activity, or facility is not allowed within the shoreline setback.

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The owner has an existing residence approximately 80 back of the applicable 40' foot shoreline setback area with a landscape area of approximately 5000 s.f. between the existing fence and the certified shoreline or property line. Although the owner's house is secured due to the existing fence and dog run the area beyond this fence which the owner is still responsible for is exposed to trespassing and more serious forms of invasion of privacy or property and thus he is prevented from reasonable and secure use of his property.

Residences within the vicinity of the property have built security fences within the shoreline setback. While some fences were built prior to the adoption of the current Shoreline Rules and Regulations others have been constructed later with various approvals similar to this application.

- II. DRAWINGS/PLANS: An accurate scale drawing showing:
- A. The shoreline and setback line prepared and certified by a registered land surveyor and confirmed by the State surveyor; and
(See attached Topographic Survey Map)
 - B. The land parcel(s) and any adjacent land affected by the proposal, showing, when pertinent, easements, slope, and all existing and proposed locations of structures, streets, property lines, uses, driveways, pedestrian walks, off-street parking and loading spaces, yards (front, side, and rear), and landscaped areas.
(See attached Sheet A-1.2: SITE PLAN)
- III. FEE: \$100.00 (attached)

ENVIRONMENTAL ASSESSMENT

I. GENERAL INFORMATION

A. APPLICANT: Name; Mailing Address; Phone No.

Name: David C. Schutter
567 South King Street, Suite 616
Honolulu, Hawaii 96813

Phone No.: (808) 524-4600

B. RECORDED FEE OWNER: Name; Mailing Address;
Phone No.

Name: David C. Schutter

Mailing Address: 4747 Kahala Avenue
Honolulu, Hawaii 96816

Phone No.: 735-3777

C. AGENT (if any): Name; Mailing Address; Phone No.
(See attached Agent Authorization Letter)

Name: James K. Tsugawa
567 South King Street, Suite 609
Honolulu, Hawaii 96813

Attention: Michael Kujubu

Phone: (808) 521-6735

D. TAX MAP KEY: Zone, Section, Plat, and Parcel(s)
TMK: 3-5-06:10

E. LOT AREA: Acreage or square footage.
Lot Area: 31,562 S.F.

F. AGENCIES CONSULTED IN MAKING ASSESSMENT:
Indicate Federal, State, and County agencies consulted.
Attach copies of correspondence.

Not Applicable

II. DESCRIPTION OF THE PROPOSED ACTION

- A. GENERAL DESCRIPTION: (1) Brief Narrative Description of Proposed Project: The purpose of this Shoreline Variance is to allow the extension of an existing metal fence on the Diamond Head and Koko Head sides of the property and the relocation of the existing fence, concrete slab and hedge into the 40'-0" shoreline setback line.

The security fence with a maximum height of 5'-4" is approximately 200 feet in length and would provide necessary protection from trespassing or other intrusions. An additional lower fence, 4'-0" high would run parallel to the makai fence approximately 4'-0" mauka creating a dog run for added security. A pair of man gates would be utilized to allow owner access to the beach.

The outer fence would be setback 3'-0" from the property line to provide a natural vegetation buffer area between the fence and the beach. The existing beach vegetation would be allowed to grow and will be maintained by the applicant. The lawn area that is existing will be extended to the new fence line and will be maintained. The dog run and existing hedge will be relocated to the makai fence.

The scope of work would be limited to a security fence, access gate, dog run, and nine gas like kerosine torches within the 40'-0" shoreline setback. The fence will be built within the property lines and would be setback 3'-0" from the shoreline as determined by the State Land Surveyor.

(2) Relation of Parcel to the Shoreline Setback

The subject property is located on Kahala Avenue along Kahala Beach. The shoreline setback occupies the makai portion of the parcel. There is an existing residence on this property.

(3) Location Map:
(See attached Sheet A-2: LOCATION MAP)

(4) Land Use Approvals Granted
Not Applicable

3. TECHNICAL CHARACTERISTICS:

(1) Use Characteristics:

The security fence and dog run would be constructed to provide security of the property from unlawful trespassing while allowing the owner access to the beach.

(2) Physical Characteristics:

(See attached Sheet A-1: Site Plan)

(3) Construction Characteristics:

(See attached Sheet A-2: Fence Details)

(4) Other pertinent information: None

III. AFFECTED ENVIRONMENT

- A. A brief description of subject site in relation to surrounding area. Include information on existing land uses; General Plan and Development Plan Land Use designations; zoning; unique features.

The subject property is a residential (R-7.5) lot in a neighborhood surrounded by similar zoned lots. The makai portion of the lot fronts Kahala Beach.

General Plan designation: Urban
Development Plan Land Use designation: Residential
Zoning: R-7.5
Unique Features: Flood Fringe District

Population: Not Applicable

Unique Features: None

- B. Federal FIRM Zone, LUO Flood Hazard District, other geological hazards:
Federal FIRM ZONE: Flood Hazard Zone: AO Depth 1 Foot
LUO Flood Hazard District: Flood Fringe District.

- C. Where applicable, coastal views from surrounding areas, especially from the adjacent beach.

Not Applicable

- D. Project site in relation to publicly owned or used beaches, parks and recreation areas; rare, threatened, or endangered species, and their habitats; wildlife and wildlife preserves, wetlands, lagoons, tidal lands and submerged lands, fisheries and fishing grounds; other coastal/natural resources.

Not Applicable

- E. Include suitable location and site maps. (Dated aerial, low-oblique, or ground level photographs should be used whenever location and site maps are not sufficient to adequately describe the project).

(See attached Photos and Location Map).

IV. IMPACT AND ALTERNATIVES:

Identify and summarize major impacts of the proposed action on the affected environment. Discuss alternative uses and/or designs, including the "no project" alternative.

Due to the design and location of the security fence, there would be no apparent or significant effects to the environment and shoreline. The security fence would be constructed within the boundaries of the property and subject to all applicable codes and regulations. The security fence would be constructed to maintain reasonable security for the residence.

Alternative forms of providing security along the shoreline would be of more substantive construction (e.g. masonry or rock walls) which would have a more severe impact on the natural shoreline environment and processes.

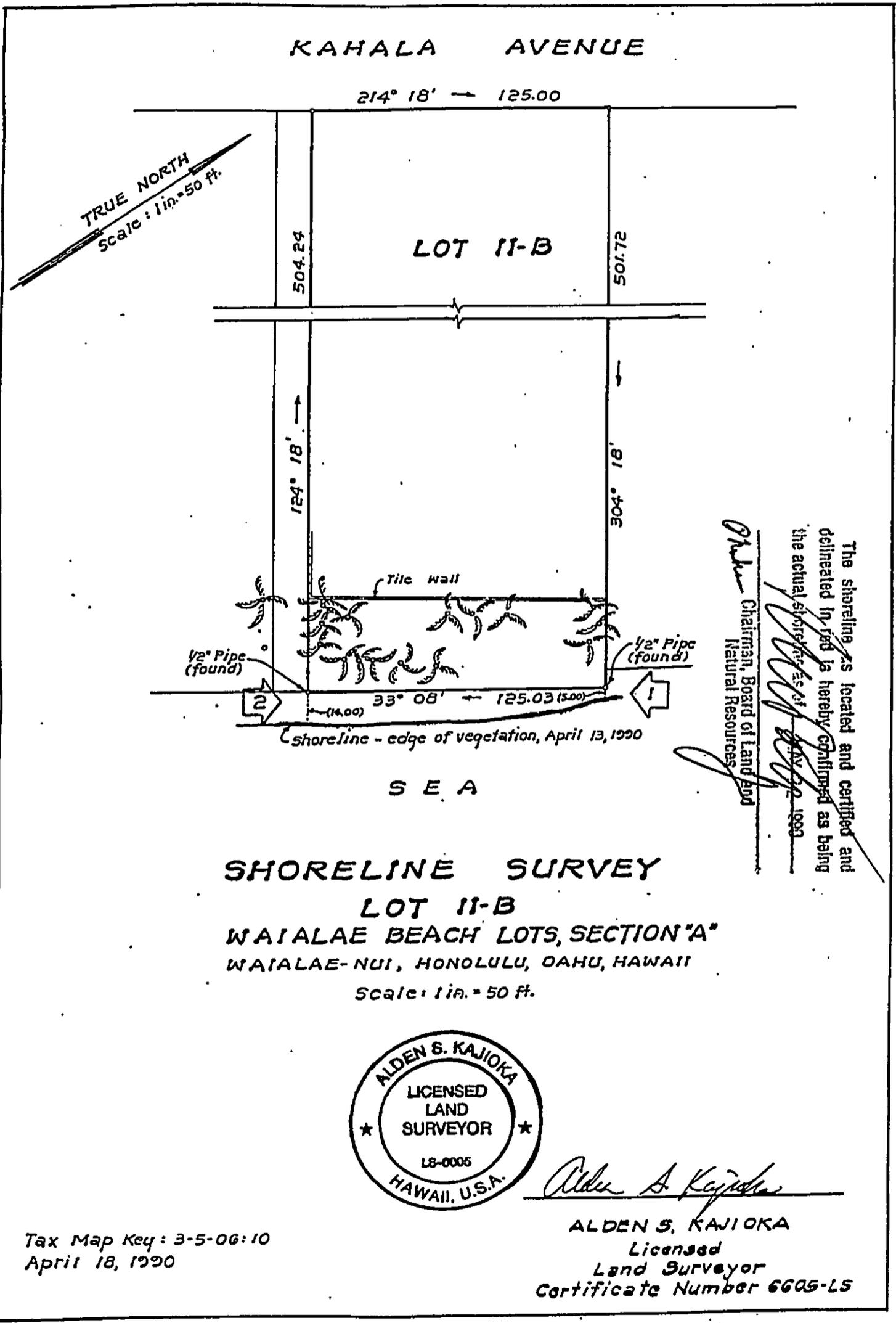
If the proposed security fence is not allowed, the owner is exposed to trespassing or more serious forms of "invasion" of privacy or property and is prevented from reasonable and secure use of his property.

V. MITIGATION MEASURES

Indicate proposed mitigation measures, if any.

None

attachment: DLU Master Application Form
Environmental Assessment (20 copies)
Topographic Survey Map (20 copies)
Schutter Residence - Sheet A-1: Site Plan (20 copies)
Sheet A-2: Gates and Fence Details, Location Map (20 copies)
Agent Authorization Letter (20 copies)
Ground-Level Photographs (1 Original, 19 copies)
Application Fee



CONTROLPOINT SURVEYING AND ENGINEERING, INC.
 1073 Wong Ho Lane
 Honolulu, Hawaii 96817

Job No. 90167
 F.D. No. 430-5.

May 2, 1990

Mr. Don Clegg, Director
Department of Land Utilization
650 South King Street
Honolulu, Hawaii 96813

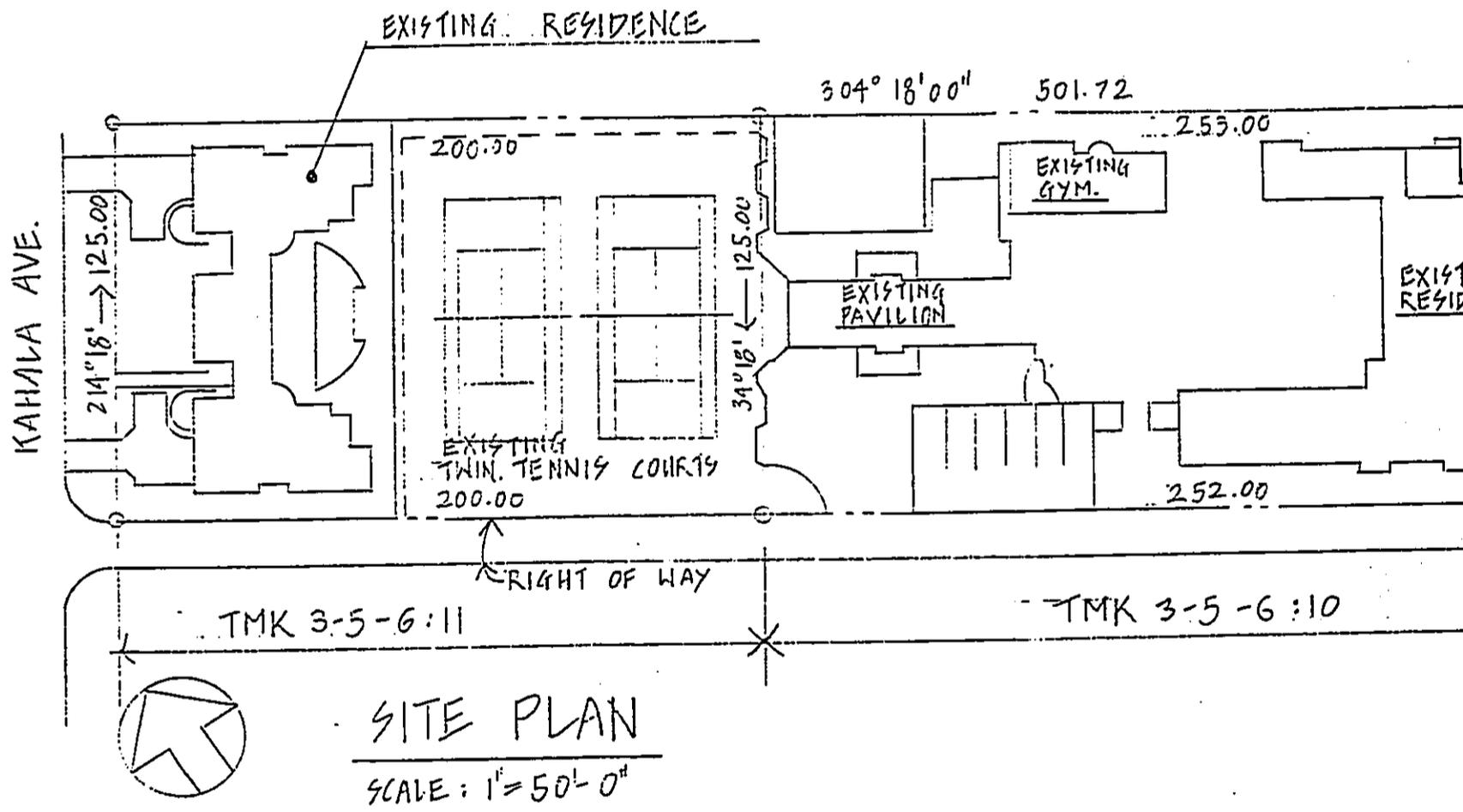
Subject: SCHUTTER RESIDENCE
SHORELINE SETBACK VARIANCE

Gentlemen:

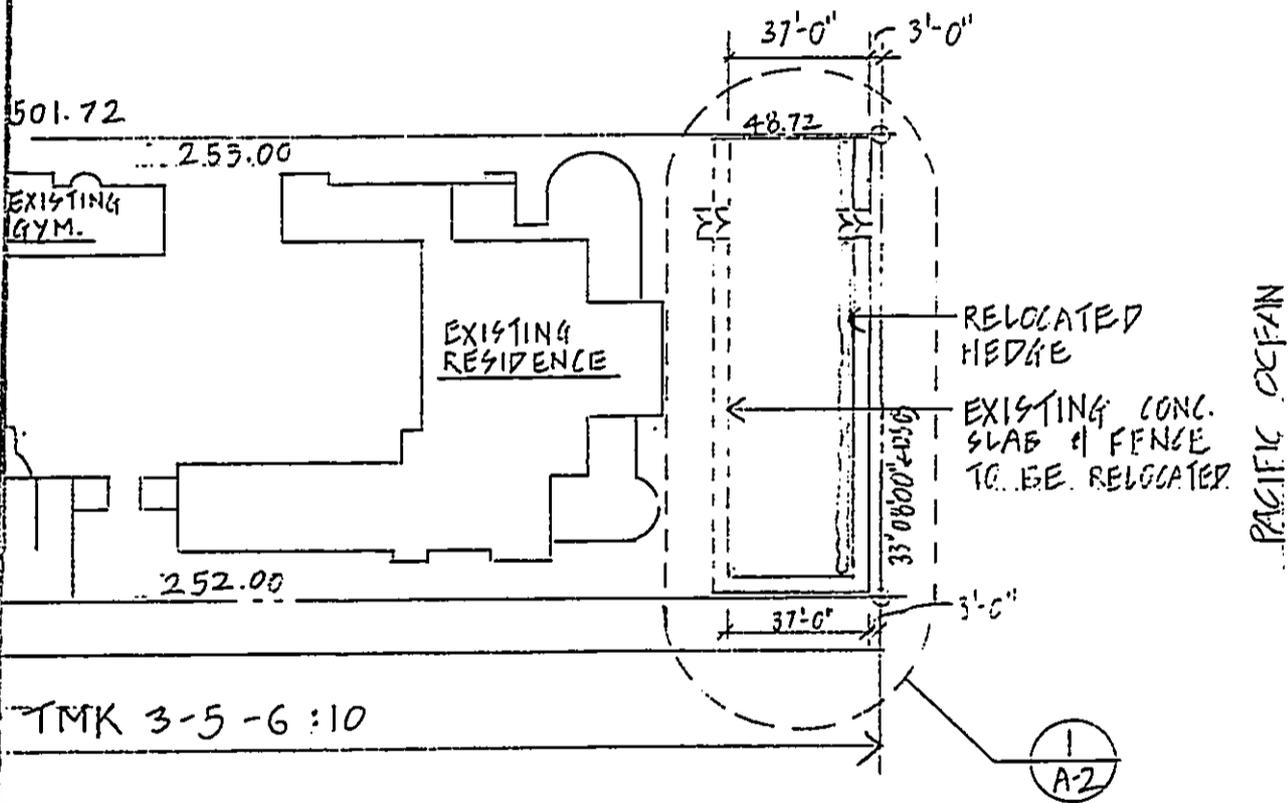
Please be advised that James K. Tsugawa is authorized to act as my agent in obtaining the Shoreline Setback Variance.

Very truly yours,


David Schutter

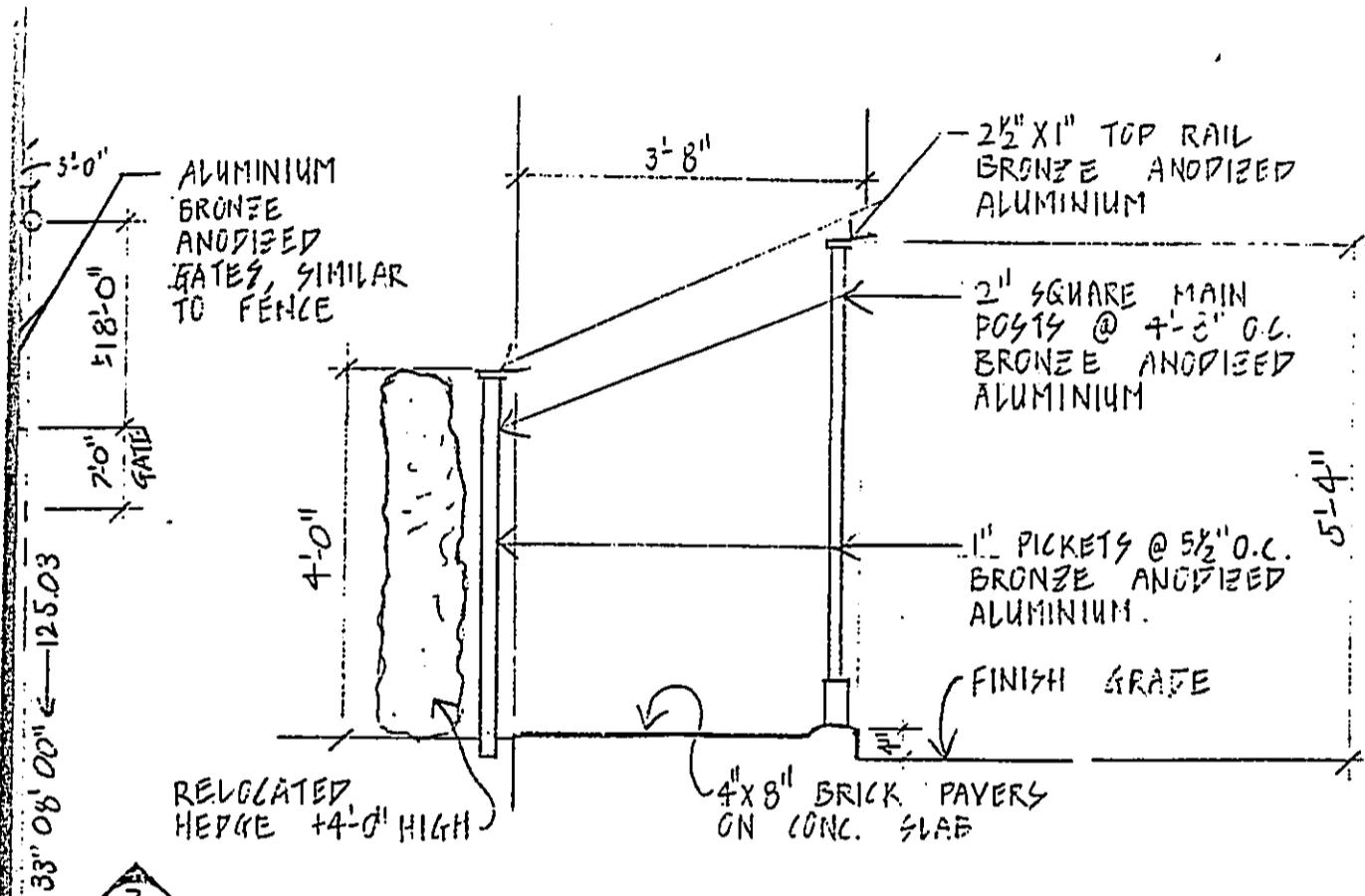


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JAMES K TSUGAWA AIA & ASSOCIATES	ARCHITECTS
KAWAIAHAO PLAZA PH 809 567 SOUTH KING STREET HONOLULU HAWAII 96813	
A-1	
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2 DETAIL SECTION OF RELOCATED FENCE
A-2 SCALE: 1/2" = 1'-0"

RELOCATED FENCE

RELOCATED HEDGE

EXISTING CONC. SLAB & FENCE TO BE RELOCATED

RELOCATED FENCE

JAMES K TSUGAWA AIA & ASSOCIATES ARCHITECTS	
KAWAIAHAO PLAZA PH 609 567 SOUTH KING STREET HONOLULU HAWAII 96813	
A-2 OF 2	

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Photo #1: EWA VIEW DIRECTION
ALONG MAKAI PROPERTY
LINE FRONTING KAHALA BEACH



Photo #2: KOKOHEAD VIEW DIRECTION
ALONG MAKAI PROPERTY LINE
FRONTING KAHALA BEACH.

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Photo #3: VIEW OF EXISTING
FENCE AND DOG RUN.

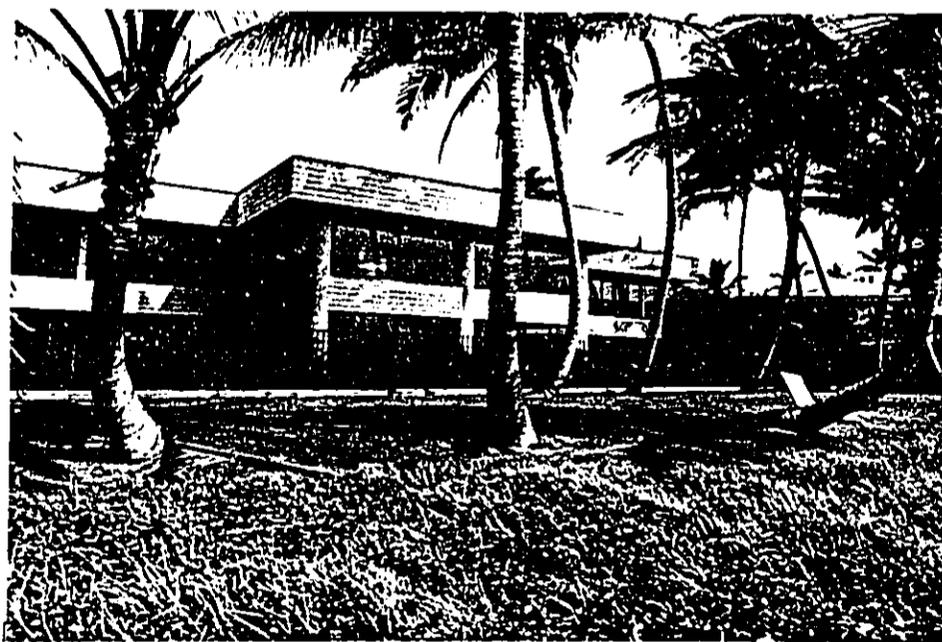


Photo #4: MAUKA VIEW DIRECTION
WITH EXISTING RESIDENCE
AND FENCE IN BACKGROUND.