

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743

JEREMY HARRIS  
MAYOR



April 25, 2000

RECEIVED

'00 MAY -1 P2:27

RANDALL K. FUJIKI, AIA

DIRECTOR

LORETTA K.C. CHEE  
DEPUTY DIRECTOR

2000/SV-2 (ask)  
OFC. OF ENVIRONMENTAL  
QUALITY CONTROL

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

Dear Ms. Salmonson:

CHAPTER 343, Hawaii Revised Statutes (HRS)  
Environmental Assessment/Determination  
Negative Declaration

Recorded Owner :	Prometheus, Ltd.
Applicant :	M/V Investment Partners
Agent :	Ralph Gray
Location :	3061 Kalakaua Avenue, Waikiki
Tax Map Key :	3-1-33: 2
Request :	Shoreline Setback Variance
Proposal :	Construction of a single-family dwelling partially encroaching into the 40-foot shoreline setback.
Determination :	A Finding of No Significant Impact Is Issued

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

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA. If you have any questions, please contact Ardis Shaw-Kim of our staff at 527-5349.

Sincerely yours,

*Barbara A. Moon*  
for RANDALL K. FUJIKI, AIA  
Director of Planning and Permitting

RKF:lg  
Enclosures  
DN 31052

55

2000-05-23-DA-FAA-M/V Investment Partners  
Single Family Residence

10/10/00  
10/10/00  
10/10/00

ZONING DIVISION MASTER APPLICATION FORM

Additional data, drawings/plans, and fee requirements are listed on a separate sheet titled "Instructions for Filing".

PLEASE ASK FOR THESE INSTRUCTIONS.  
ON APP PM 3 21  
CITY OF HONOLULU

All specified materials described in the "Instructions for Filing" and required fees must accompany this form; incomplete applications will delay processing. You are encouraged to consult with Zoning Division staff in completing the application. Please call the appropriate phone number given in the "Instructions for Filing".

Please print legibly or type the required information.

SUBMITTED FEE: \$ 200.00

PERMIT/APPROVAL REQUESTED (Check one or more as appropriate):

- Cluster:  
 AGRICULTURAL  
 COUNTRY  
 HOUSING

PLAN REVIEW USE

Special Management Area Use Permit:

- MINOR  MAJOR

Conditional Use Permit:  
 MINOR  MAJOR

- Planned Development:  
 HOUSING  
 COMMERCIAL (WSD ONLY)  
 RESORT (WSD ONLY)

- STATE SPECIAL USE PERMIT  
 VARIANCE FROM LUO Sec.(s):

EXISTING USE:

- SHORELINE SETBACK VARIANCE  
 SITE DEVELOPMENT PLAN

WAIVER

(Indicate Type of Use)

MINOR SHORELINE STRUCTURES PERMIT

Special District Permit:

- MINOR  MAJOR

Zone Change:

FROM (District) TO (District)

AMEND UNILATERAL AGREEMENT ATTACHED TO ORDINANCE NO. \_\_\_\_\_

Modify Approved Permit:

(Indicate Reference File No.)

DOWNTOWN HEIGHT > 350 FEET

ZONING MAP ADJUSTMENT, ADMINISTRATIVE

ZONING ADJUSTMENT, LUO Sec.(s):

PARK DEDICATION

201G Project

TAX MAP KEY(S): 3-1-33-002

LOT AREA: 3,790 sq. ft.

ZONING DISTRICT(S): R-5

STATE LAND USE DISTRICT: Urban

STREET ADDRESS/LOCATION OF PROPERTY: 3061 Kalakaua Avenue, Honolulu

RECORDED FEE OWNER:

Name (& title, if any) Prometheus, Ltd.

Mailing Address P.O. Box 22356  
Honolulu, HI 96823

Phone Number (808) 523-3733

Signature Peter Yangawa

APPLICANT:

Name M/V Investment Partners

Mailing Address P.O. Box 62156  
Honolulu, HI 96839

Phone Number (808) 524-8200

Signature Ralph Gray

PRESENT USE(S) OF PROPERTY/BUILDING:

Vacant

AUTHORIZED AGENT/CONTACT PERSON:

Name

Mailing Address

Phone Number

Signature

PROJECT NAME (if any): None

REQUEST/PROPOSAL (Briefly describe the nature of the request, proposed activity or project): Request for variance to construct dwelling approximately 20' into the 40' shoreline setback.

FOR DEPARTMENT USE ONLY

APPLICATION SUMMARY:

Date Application Accepted: \_\_\_\_\_

Accepted By: \_\_\_\_\_

POSSE JOB NO. \_\_\_\_\_

Date DPP Action Required: \_\_\_\_\_

Date of DPP Public Hearing: \_\_\_\_\_

and/or

NB No. \_\_\_\_\_

Presentation: \_\_\_\_\_

RECORD OF ACTION TAKEN BY DEPARTMENT:

Application Incomplete (not accepted)

Exempt

DATE OF ACTION: \_\_\_\_\_

Approved

Approved with conditions:

Withdrawn by applicant

Denied for reason(s): ( See attached  Given below)

( See attached  Indicated below)

City Council approval required - DPP recommendation:

Transmitted to:  Planning Commission

Bill No. \_\_\_\_\_

Ord. No. \_\_\_\_\_

City Council

Reso. No. \_\_\_\_\_

THIS COPY, WHEN SIGNED BELOW, IS NOTIFICATION OF THE ACTION TAKEN.

Signature

Title

Date

.FINAL ENVIRONMENTAL ASSESSMENT FOR APPLICATION FOR  
SHORELINE SETBACK VARIANCE

- I. General Information
- A. Applicant : M/V Investment Partners  
P.O. Box 62156  
Honolulu, Hawaii 96839-2156  
Contact: Mr. Ralph Gray, Partner  
Telephone No. (808) 524-8200
- B. Fee Owner : Prometheus, Ltd.  
P.O. Box 22356  
Honolulu, Hawaii 96823  
Telephone No. 523-3733
- C. Agent : None
- D. Accepting Authority : Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813
- E. Location : Honolulu, O'ahu, Hawai'i
- F. Tax Map Key : 3-1-33: 2
- G. Lot Area : 3,790 square feet  
0.087 acres
- H. Existing uses : Vacant
- I. Agencies Consulted : \* Waikiki Neighborhood Board No. 9 of Honolulu, Hawai'i  
\* Office of Environmental Quality Control, State of Hawai'i  
\* Department of Planning and Permitting, City and County of Honolulu  
\* Department of Land and Natural Resources, Land Division  
\* University of Hawai'i Environmental Center
- J. Proposed Action : Development of a single-family residence
- K. Applicable Permit : Shoreline Setback Variance

'00 APR 14 PM 3 21  
DEPT. OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

**APPLICATION FOR VARIANCE FROM SHORELINE SETBACK STANDARDS  
OF THE CITY AND COUNTY OF HONOLULU**

M/V Investment Partners, prospective purchaser of that certain unimproved lot located at 3061 Kalakaua Avenue, Honolulu, Hawaii, identified as Tax Key Map No. 3-1-33: 2 hereby submits its application for a variance from the Shoreline Setback Standards (the "Standards"), Section 23-1.4.

**I. Statement of Facts**

**A. Description of Lot**

Applicant is the prospective purchaser of that certain ocean front lot (hereinafter, the "Lot") located at 3061 Kalakaua Avenue, Honolulu, Hawaii, and otherwise identified as Tax Map Key No. 3-1-33: 2, Oahu, Hawaii. The Lot is rectangular in shape and approximately 3,790 total square feet. A concrete pedestrian walkway and seawall abuts the Makai end of the Lot. The Department of Land and Natural Resources, State of Hawaii, constructed these improvements, which are today used as a public thoroughfare.

**B. Description of Adjacent Lots**

Adjacent lots are zoned R-5 Residential and designated Residential. All of the shoreline properties within 200 feet on either side of the Lot contain nonconforming structures that are closer than 20 feet to the shoreline setback.

Photos 3 and 4 show a portion of the structure on Tax Map Key 3-1-33: 3, which is the neighboring Ewa lot. This lot abuts the aforementioned concrete seawall and has a setback of approximately 2 feet.

Photos 5 through 8 show portions of the structures on Tax Map Key Nos. 3-3-33: 4 and 56 (misabeled 58), which are the next neighboring Ewa lots. You will note that the residential structures built on these lots abut the pedestrian walkway and well within a 20 foot shoreline setback area.

Photos 9 and 10 show a portion of the structures on Tax Key Map No. 3-3-33: 5, which is the next neighboring lot in the Ewa direction. You will note that the covered lanai area is within the 20 foot shoreline setback area and that the main structure is well within the 40 foot shoreline area.

Similarly, Photos 11 through 13 show the structures on Tax Map Key Nos. 3-3-33: 7,8, and depict structures all built with the 20 foot shoreline setback area.

Photo 14 depicts the Lot from approximately the 20 foot shoreline setback area. Photos 15 and 16 depict the Lot from approximately the 40 foot shoreline setback area.

If the Lot is granted a shoreline setback, it will be set back further compared to existing structures in the vicinity.

C. Proposed Project

Applicant proposes to construct a 3,500 square feet single-family residence on the Lot. To do so, Applicant seeks a variance from the Shoreline Setback Standards of the Department of Planning and Permitting.

The house will be frame construction, stucco finish with a flat roof. Any and all materials from and construction shall be hauled off and disposed of at properly authorized disposable sites.

- a. The site will be excavated only two feet to pour concrete footings for the foundation. The site will be filled 12 inches above grade, the structure will be raised by footing and CMU posts so that the first floor elevation will be higher than 10 feet above mean sea level. All construction will be stopped if any human remains are found on the site and a consultant with the State Historic Preservation Division of DLNR will be called immediately.
- b. In order to prevent construction runoff from entering near shore waters, an earth berm will be constructed on the shoreline setback.
- c. A 36 inch high CMU wall will be constructed on the boundary of the property. Open fencing is an alternative method of providing security to the property. However, over a period of time the open fencing is a maintenance nightmare. Long term the 36 inch high CMU wall will be much more attractive.

It is my intent to apply applicable building techniques to minimize energy use, expense, waste, and impact on the environment. Also, it is my intent to utilize tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low flow fixtures, planting and ground cover to preserve topsoil to minimize erosion, manage and control waste solvents, paint and sealants and use of recyclable materials wherever possible.

The site plan has been revised to identify the 40 foot shoreline setback area which is based on the shoreline certified survey that reflects the shoreline along the seawall and the properties southern boundary. The site plan shows three parking spaces which adequately meets the off-street parking as per the LUO Table 21-6.1 (Exhibit A-1).

The proposed action does not involve the construction of a shoreline protection structure nor will the project interfere with natural shoreline processes. Further, no construction shall be done to obstruct or interfere with public lateral access atop the seawall.

D. The Certified Shoreline

The certified shoreline for the Lot is as shown on the Shoreline Recertification Map, recertified on February 10, 1999, attached hereto as Exhibit "A". According to the recertification map, the shoreline is the outermost or seaward edge of the concrete seawall and concrete steps Makai of the Lot. See Exhibit "A". The certified shoreline is also depicted on the site plans attached to this application.

The concrete seawall and pedestrian walkway do not continue east beyond the Lot.

Section 23.1-4 provides in relevant part that, "Except as otherwise provided in this section, the shoreline setback line shall be established 40 feet inland from the certified shoreline."

## II. Discussion

### A. Hardship Standard

Section 23.1-8 provides the "Criteria for Granting A Variance," and includes 23.1-8(b)(3)-"Hardship Standard."

The "Hardship Standard" provides that,

A structure or activity may be granted a variance upon grounds of hardship if the applicant would be deprived of reasonable use of the land if required to comply fully with the shoreline setback ordinance and the shoreline setback rules.

Applicant maintains that it will be deprived of reasonable use of the Lot if required to observe the 40 foot shoreline setback. Based on the following reasons:

First, the Lot is substandard in size. It is approximately 1,210 square feet less than the standard or minimum lot size permitted in lots zoned R-5. (The Lot is 3,790 square feet, whereas the minimum lot size in lots zoned R-5 is 5,000 square feet.) Reducing this substandard Lot by a 40 foot setback, otherwise established for minimum lot sizes, effectively deprives it of reasonable use.

Second, a 40 foot shoreline setback would eliminate or substantially reduce Applicant's seaward view plane. Today, structures built on lots adjacent to the Lot are either at or encroach within 20 feet of the certified shoreline. It is highly unlikely these structures will be required to observe the 40 foot shoreline setback in the foreseeable future. As a result, to preserve its seaward view plane, Applicant's structure must come within at least 20 feet of the certified shoreline now observed or encroached into by its neighboring structures.

By all accounts, requiring Applicant to strictly adhere to the 40 foot shoreline setback, especially where structures on adjacent and neighboring lots do not, would deprive Applicant reasonable use of the Lot and cause an undue economic hardship.

### B. Unique Circumstances

This is a unique circumstance inasmuch as structures on adjacent and neighboring lots do not and are unlikely to observe the 40 foot shoreline setback area. Lots adjacent to Applicant's Lot clearly do not observe even a 20 foot shoreline setback. Under such unique circumstances, requiring Applicants's structure to adhere to a 40 foot shoreline setback would make it out of character with the immediate area and impracticable. Peter Rappa at the Environmental Center of the University of Hawai'i stated, "The abutting buildings are in violation of setback requirements and the proposed project would be more in compliance with setback provisions than its neighbors. Given the size of the project and the surrounding development, the shoreline setback variance should be allowed."

C. The Variance is the Most Practicable Alternative

Without a 20 foot shoreline setback variance, it is highly unlikely that anyone, including Applicant, will develop the Lot as its substandard size will not permit a structure of sufficient size to be economically practical in the marketplace.

The Lot is vacant, unimproved and minimally maintained. There is no active landscaping or other improvements to enhance its appearance consistent with the area, which is otherwise fully developed.

The variance will expedite improvements to the Lot and bring it into conformity with its surrounding landscaping and structures. A very attractive residence with professional landscaping will replace a weed-filled lot. Furthermore, a 20 foot shoreline setback will still allow for and preserve open space along the shoreline to a greater extent than any of the structures on neighboring lots.

D. Alternatives

1. No project
2. Construct an approximately 450 square foot single family residence within the 40 foot setback requirement. (Exhibit A-2)
3. Construct an approximately 3500 square foot single family residence. (Exhibit A-1)
4. Open fencing for security is very high maintenance.

E. Structure within the 40 foot setback variance.

1. Five irrigation sprinkler heads with water lines. (Exhibit L-2)
2. A 36 inch high security masonry wall set on the property lines as shown on Exhibit A-1 and A-3.
3. The open area of the setback variance will be professionally landscaped.
4. The existing concrete seawall railing and stairs down to the beach will NOT be altered.
5. A 3,500 square foot single family residence.

III. Exhibits

Accurately scaled drawings and maps are submitted with this application as follows:

- A. Shoreline Recertification Map for 3061 Kalakaua Avenue, prepared and certified by a registered land surveyor and certified by the State Surveyor and director of Land and Natural Resources on February 10, 1999 (Exhibit "A").
- B. Site Plan showing the land parcel and proposed structure (Exhibit A-1), yard and landscaped areas (Exhibit L-2), are attached.
- C. Site plan showing residence with 40 foot setback ( Exhibit A-2).
- D. Site plan showing 36 inch high CMU security wall (Exhibit A-1) and wall cross section (Exhibit A-3).
- E. Location and neighborhood maps, Exhibit B, C, D.

F. Proof of ownership from Department of Revenue, Exhibit E.

We have also included recent photographs of the Lot and adjacent lots as aforementioned.

**The existing shoreline protection structure, i.e., the concrete seawall and pedestrian walkway constructed by the Department of Land and Natural Resources, will not be altered.**

#### IV. Description of Proposed Action

##### A. General Description

Applicant proposes to build a single family residence on the subject Lot. Applicant seeks a variance from the Shoreline Setback Rules and Regulations of the City and County of Honolulu to place a residential structure that is five feet from the certified shoreline, as provided in the Regulations. The CMU wall will be located at the shoreline and along a portion of the east property boundary, about five feet landward of the shoreline. The location map showing the location of the project is Exhibit A-1 and B.

It is my intent to apply applicable building techniques to minimize energy use, expense, waste, and impact on the environment. It is my intent to utilize tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low managed and control waste solvents, paint and sealants and use of recyclable materials where possible.

##### B. Technical Characteristics

A layout drawing showing property lines, lot size, shoreline setback, and the proposed residential structure, is attached as Plans A-1. The shoreline recertification map is attached to this assessment as Exhibit "A".

#### V. Affected Environment

- A. The subject site is located in a residential area zoned R-5 and is presently a vacant lot.
- B. The Land Use Ordinance Flood Hazard District and Flood Insurance Rate Map designate this area Flood Zone AE, requiring building floor levels to be 10 feet above the mean sea level. The elevation of the Lot is about 7 feet above mean sea level. The house's first floor level will be raised to meet the 10 feet above mean sea level.
- C. Coastal views from the surrounding areas will not be affected since the proposed project will not exceed 25 feet above the highest point of the buildable area boundary line. Coastal views should also not be affected by the requested variance because buildings located on adjacent lots are located at or less than 20 feet from the certified shoreline.

In addition, the Lot is bounded on the ocean by a concrete seawall that marks the certified shoreline. The concrete seawall will not be affected if this variance is granted.

- D. Publicly used beach access points will not be affected because a public right-of-way for pedestrians to go over, along and across the concrete seawall along the Makai edge of the lots

will remain unaltered. Please refer to Photos 3 through 14, which depict the pedestrian right-of-way.

E. Location and site maps are included herein. (Exhibit C and D)

VI. Impacts and Alternatives Considered

There will not be any major impact on the affected environment because:

- A. The proposed project will occur within 40 feet from the certified shoreline. The 3,500 square foot single family residence is very similar or of higher quality than the existing structures. The existing houses are as close or closer than this residence will be. The high-rise condominium building adjacent to the proposed site is actually "on the shoreline".
- B. The public right-of-way and concrete seawall will not be altered or disturbed as a result; and
- C. Coastal views of surrounding properties will not be impacted, the 36 inch high CMU shoreline security wall will have very little or no visual effect on the shoreline.
- D. Significance Criteria: As per HAR 11-200-12, we propose the following criteria as no significant impact to the environment from this site.
- ✓ (1) This project does not involve an irrevocable commitment because it does not impact scenic views of the ocean or any ridge line in the area.
  - (2) This project will not curtail the range of beneficial uses of the environment.
  - (3) This project does not conflict with the State's long term environmental policies or goals.
  - (4) This project does not substantially affect the economic or social welfare of the community or the State.
  - (5) This project does not substantially affect public health.
  - (6) This project does not impact the population changes or effects on public facilities.
  - ✓ (7) This project does not involve a substantial degradation of environmental quality. The surrounding area will be landscaped to mitigate the visual impacts of the development. *water quality*
  - (8) This project has no effect on the environment or does not involve a commitment for larger actions.
  - (9) This project will not affect a rare, threatened or endangered species or its habitat.
  - (10) This project will not detrimentally affects air or water quality or ambient noise levels.
  - ✓ (11) The development of this property is compatible with an environmentally sensitive area. The project was designed as a shoreline development.
  - (12) This project does not affect the scenic vistas and view planes of the area.

- ✓ (13) The project has been designed to be energy efficient and environmentally sensitive with the use of tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low flow fixtures, plantings and ground cover to preserve topsoil to minimize erosion, managed and control waste solvents, paint and sealants and use of recyclable materials wherever possible.
- E. The "no project" alternative would include leaving the Lot vacant and undeveloped. However, this would mean that the Lot would continue to receive minimal maintenance with no improvements to its landscaping. Also, the project will create jobs during construction and add to substantially to the tax base for the area.
- F. Construction of an approximately 450 square foot single family residence with the 40 foot setback requirement. (Exhibit A-2)
- G. Open fencing for security is very high maintenance over time, so a 36 inch CMU wall was chosen.

The proposal for a single-family residence on the Lot will not affect the natural shoreline processes, the beach or lateral pedestrian access along the beach because the concrete seawall would remain unaffected. "The abutting buildings are in violation of setback requirements and the proposed project would be more in compliance with setback provisions than its neighbors," according to Peter Rappa of the University of Hawaii, Environmental Center.

The proposed residence will be at the closest point five feet from the east side yard shoreline point. However, the high rise condominium building located adjacent to the east, actually is located on the beachfront. The adjacent house on the Ewa side of the proposed residence is within the 40 foot setback of the shoreline, (actually the house is set back 20 feet from the shoreline, the same I am requesting). The entire two blocks of houses are on either the shoreline or sea wall line. The 36 inch high CMU perimeter security wall will be stucco finished and well maintained. An open fence structure will require continued maintenance and replacement within a few years as the salt air takes its toll.

## VII. Mitigation Measures

Applicant will mitigate the negative impacts, if any, of the proposed project by observing all building height and front and side yard requirements applicable to R-5 residential zoning districts. Applicant will further mitigate impacts, if any, by building upon no more than 50% of the Lot area.

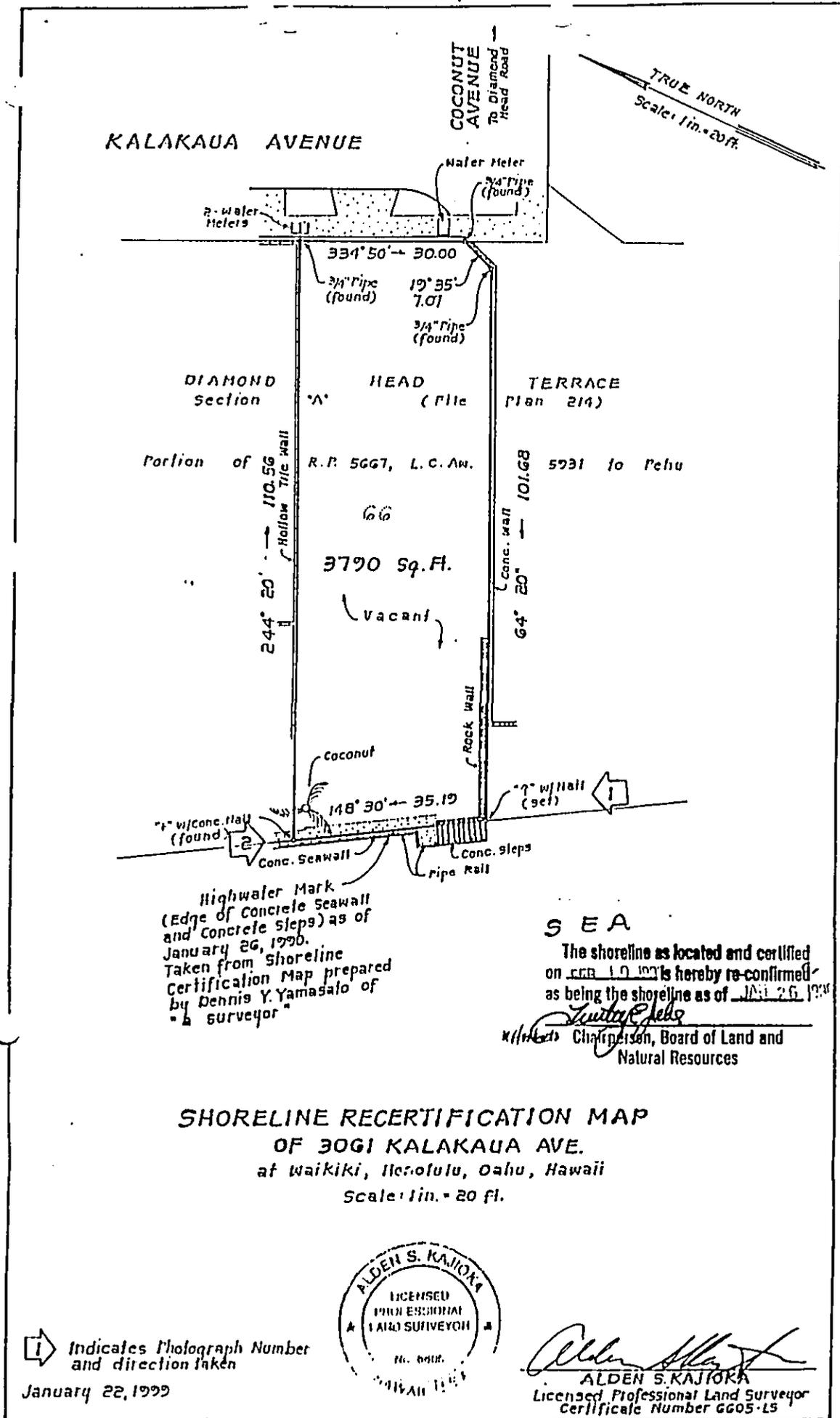
It is my intent to apply applicable building techniques to minimize energy use, expense, waste, and impact on the environment. It is my intent to utilize tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low flow fixtures, plantings and ground cover to preserve topsoil to minimize erosion, managed and control waste solvents, paint and sealants and use of recyclable materials wherever possible.

The house is going to be frame construction, stucco finish with a flat roof. Any and all materials from excavation and construction shall be hauled off and disposed of at properly authorized disposable sites.

- a. The site will be excavated only two feet to pour concrete footings for the foundation. The site will be filled 12 inches above grade, the structure will be raised by footing and CMU posts so that the first floor elevation will be higher than 10 feet above mean sea level. Therefore, all construction will be stopped if any human remains are found on the site and a consultant with the State Historic Preservation Division of DLNR will be called immediately.
- b. In order to prevent construction runoff from entering near shore waters, an earth berm will be constructed on the shoreline setback.
- c. The public right of way and traffic will not be altered during construction. The construction equipment will be stored on site during construction.

#### **VIII. Conclusion**

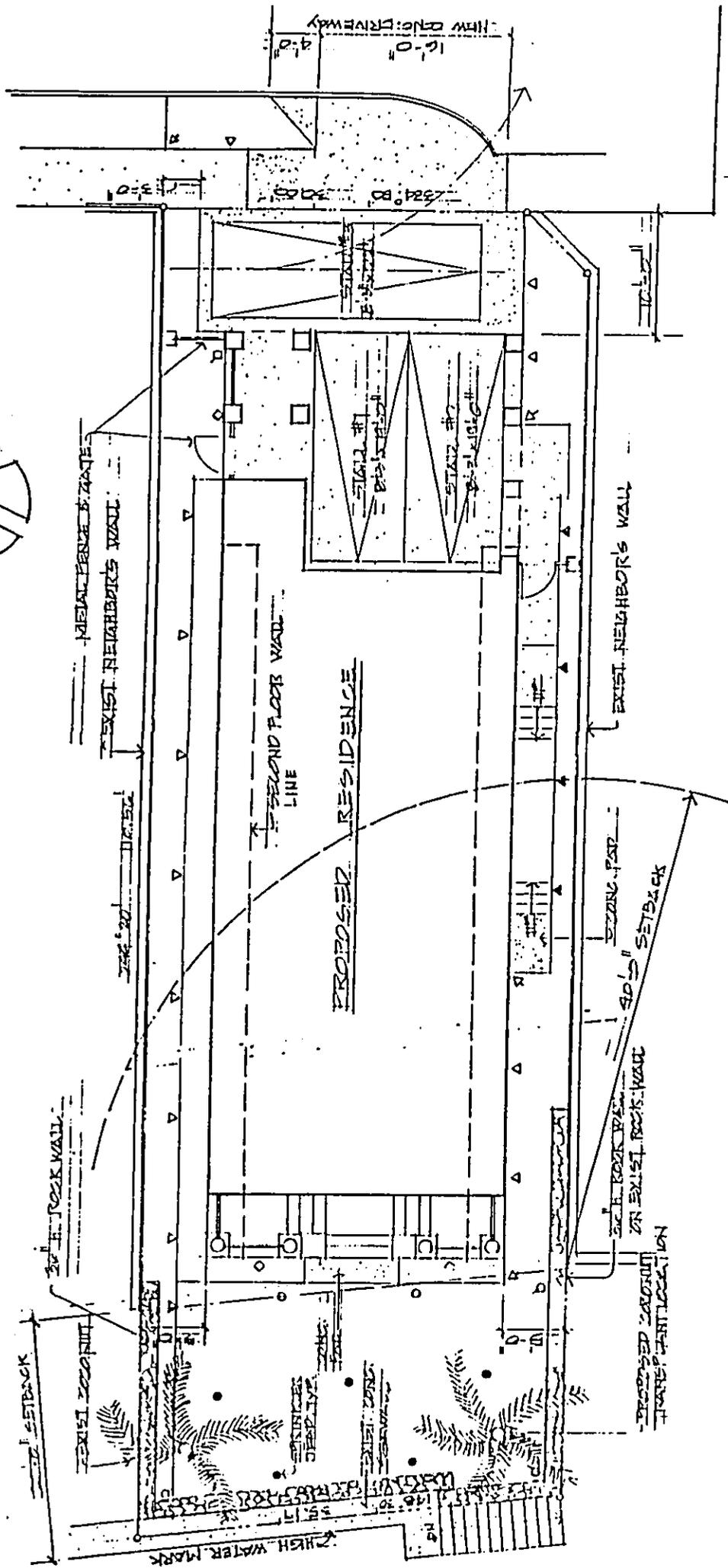
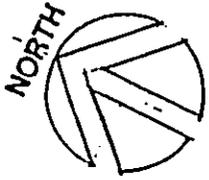
The proposed project, for the reasons discussed above, will not result in a major impact upon the affected environment and is entitled to a negative declaration. As a result, the proposed project does not require the preparation of an environmental impact statement.



Tax Map Key 3-1-3312

CONTROLPOINT SURVEYING, INC.  
1013 Wong Ho Lane  
Honolulu, Hawaii 96813

Job No. 9902B  
P.B. No. 1606:01



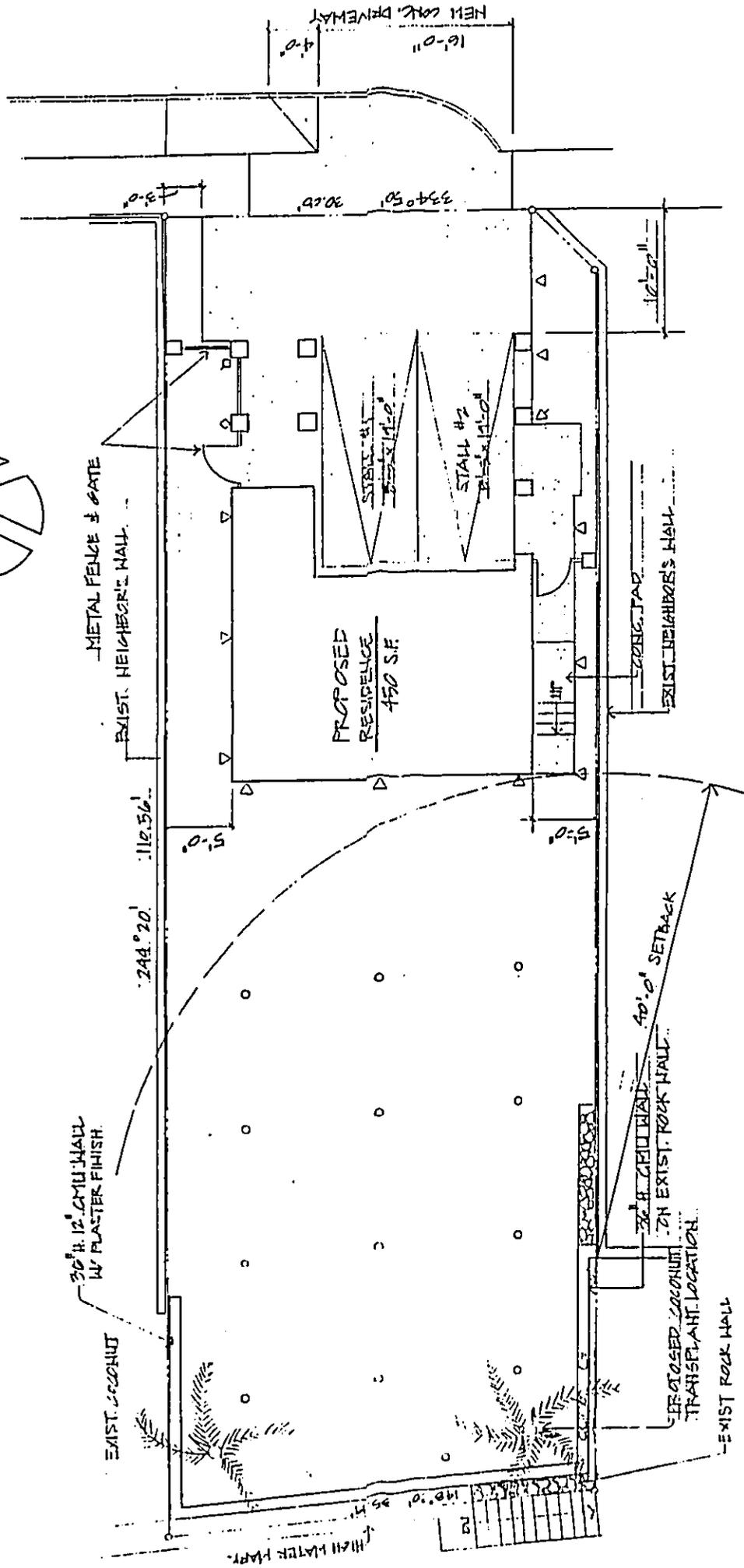
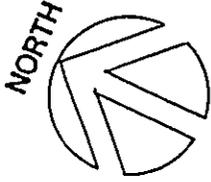
**SITE PLAN**

TAX MAP KEY: 3-1-33: 02

SCALE: 1/8" = 1'-0"

3061 KALAKAUA AVENUE, HONOLULU, HAWAII

EXHIBIT A-1



TAX MAP KEY: 3-1-33:02

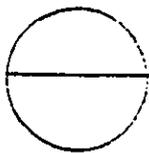
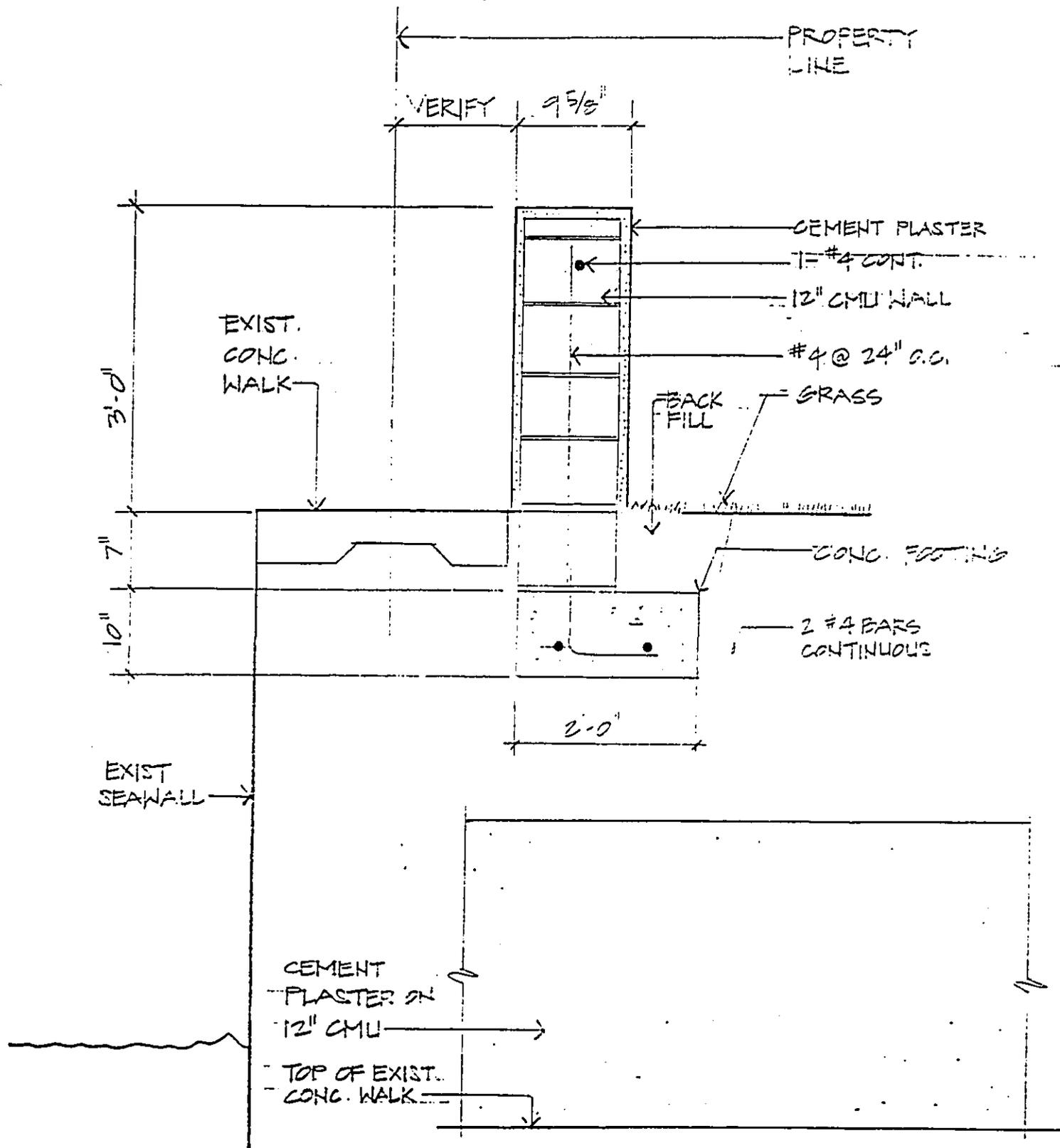
3061 KALAKAUA AVENUE, HONOLULU, HAWAII

EXHIBIT A2

SITE PLAN

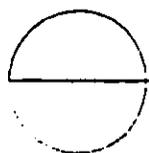
SCALE: 1/8" = 1'-0"

EXHIBIT A3



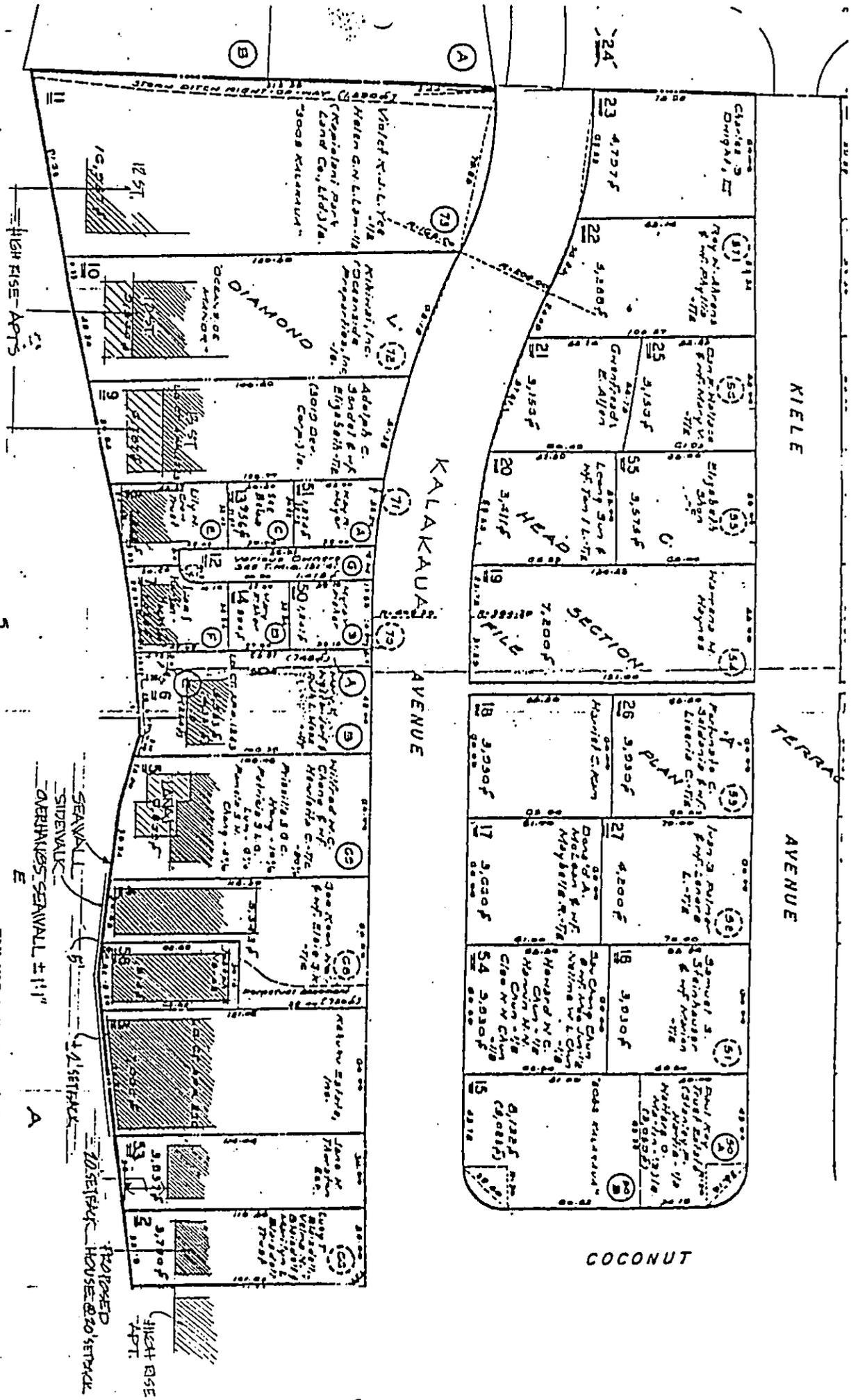
**ROCK WALL DETAIL**

SCALE: 3/4" = 1'-0"



**PARTIAL ELEVATION**

SCALE: 3/4" = 1'-0"



13 Donald H. Okamoto, Jr.

APPROXIMATE LOCATIONS OF EXISTING  
BUILDINGS ALONG SEAWALL DATE: 5/16/91

EXHIBIT B

TAX MAP KEY NO. 3-1-33

SEAWALL ± 11"  
SIDEWALK  
OVERHANGS SEAWALL ± 11"

HOUSED HOUSE ± 20 SETBACK  
HOUSE ± 20 SETBACK

FLIGHT RISE  
APT.

EXHIBIT C



Project Site

COPYRIGHT © 2010	
TAX MAP BARRON	
TAX MAP	
DATE	3/1/33
SCALE	1" = 100'

FOR PROPERTY ASSIGNMENT PURPOSES  
SUBJECT TO CHANGE

POR KAPUS & KAPANULU, WAIKIKI, MANDULU, DANU



EXHIBIT E

10/19/89-----  
 INSTR-DESC: LTD WARRANTY EXCHANGE DEED & A/OF WARRANTIES TMB:T890064353  
 LIBER/PAGE: 23778/ 237 INST-NO:89-00160040 INST-DATE: 10/19/89  
 REC-DATE: 10/19/89

AMOUNT: \$1,675,000  
 AREA: 3790 SQ.FT. STATE-CONV-TAX: \$837.50  
 FROM: T G EXCHANGE INC  
 TO: PROMETHEUS LTD  
 POR LOT 66 SEC A 2 DIAMOND HEAD TERRACE 3,790 SF FP 214 DES  
 OWNERSHIP: NAME F TO %-OWNER TITLE-DESC  
 F 0011 \*PROMETHEUS LTD

FOR ASSESSMENT YEAR 2000					
-PITT: 100 AREA:	3790 F	VALUE:	793900	EXEMPT:	
FOR ASSESSMENT YEAR 1999					
-PITT: 100 AREA:	3790 F	VALUE:	717100	EXEMPT:	
FOR ASSESSMENT YEAR 1998					
-PITT: 100 AREA:	3790 F	VALUE:	717100	EXEMPT:	
FOR ASSESSMENT YEAR 1997					
-PITT: 100 AREA:	3790 F	VALUE:	819400	EXEMPT:	
FOR ASSESSMENT YEAR 1996					
-PITT: 100 AREA:	3790 F	VALUE:	1141900	EXEMPT:	
FOR ASSESSMENT YEAR 1995					
-PITT: 100 AREA:	3790 F	VALUE:	1719100	EXEMPT:	
FOR ASSESSMENT YEAR 1994					
-PITT: 100 AREA:	3790 F	VALUE:	1724800	EXEMPT:	
FOR ASSESSMENT YEAR 1993					
-PITT: 100 AREA:	3790 F	VALUE:	1538200	EXEMPT:	
FOR ASSESSMENT YEAR 1992					
-PITT: 100 AREA:	3790 F	VALUE:	1538300	EXEMPT:	
FOR ASSESSMENT YEAR 1991					
-PITT: 100 AREA:	3790 F	VALUE:	1538300	EXEMPT:	
FOR ASSESSMENT YEAR 1990					
-PITT: 100 AREA:	3790 F	VALUE:	1098800	EXEMPT:	
-BLDG: 0001 CODE: 113 YB: 1926		VALUE:	20000	EXEMPT:	
BLDG TOTALS-->		VALUE:	20000	EXEMPT:	
SITE ADDRESS: 3061 KALAKAUA AVE				APT:	

MAILING ADDRESS: PROMETHEUS LIMITED  
 P O BOX 22356  
 HONOLULU, HI

96823

10/19/89-----  
 INSTR-DESC: WARRANTY DEED

TMB:T890064347

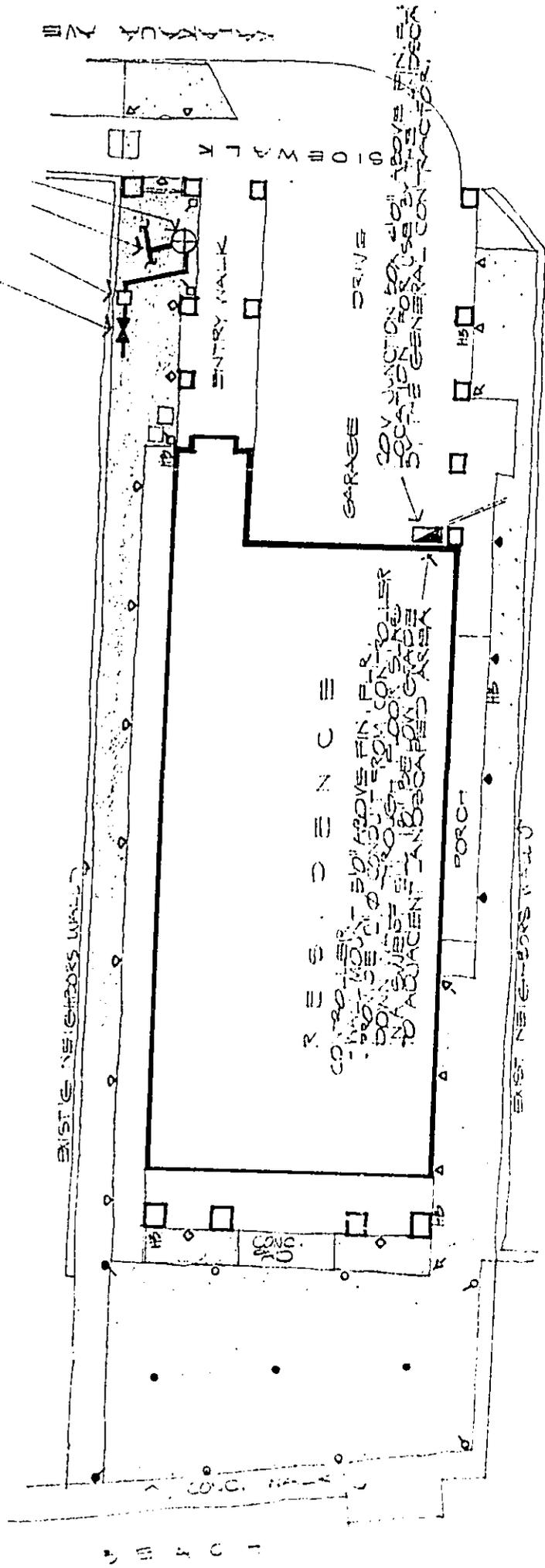


EXHIBIT L2

V J A M B O I D

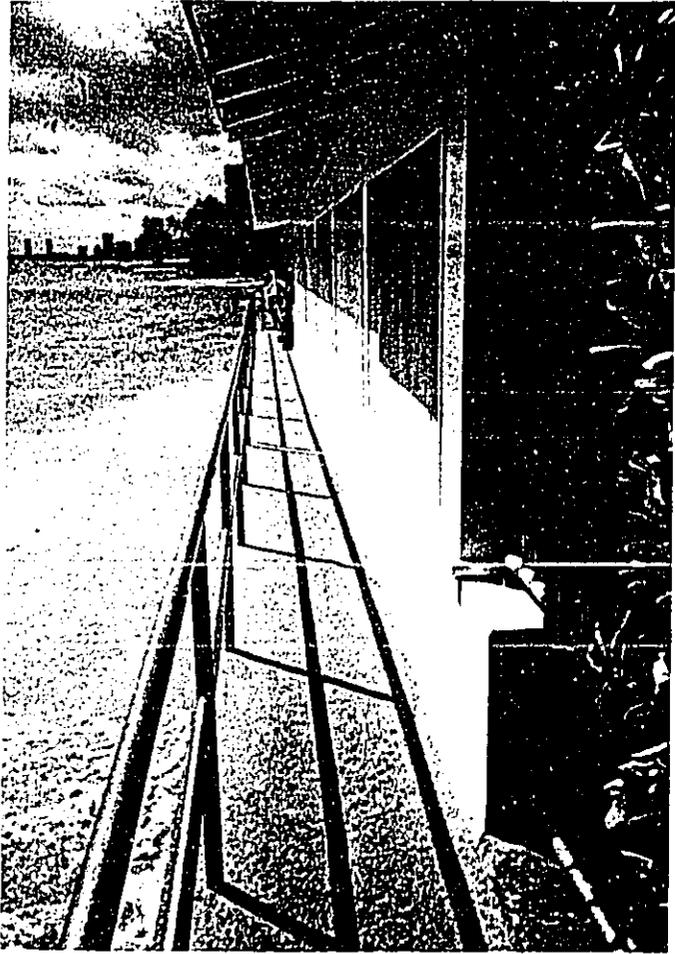


Photo 3  
View of residential structure on parcel 3,  
looking Ewa. Structure is immediately  
adjacent to seawall.

'00 APR 14 PM 3 22

DEPARTMENT OF  
PLANNING  
CITY & COUNTY OF HONOLULU

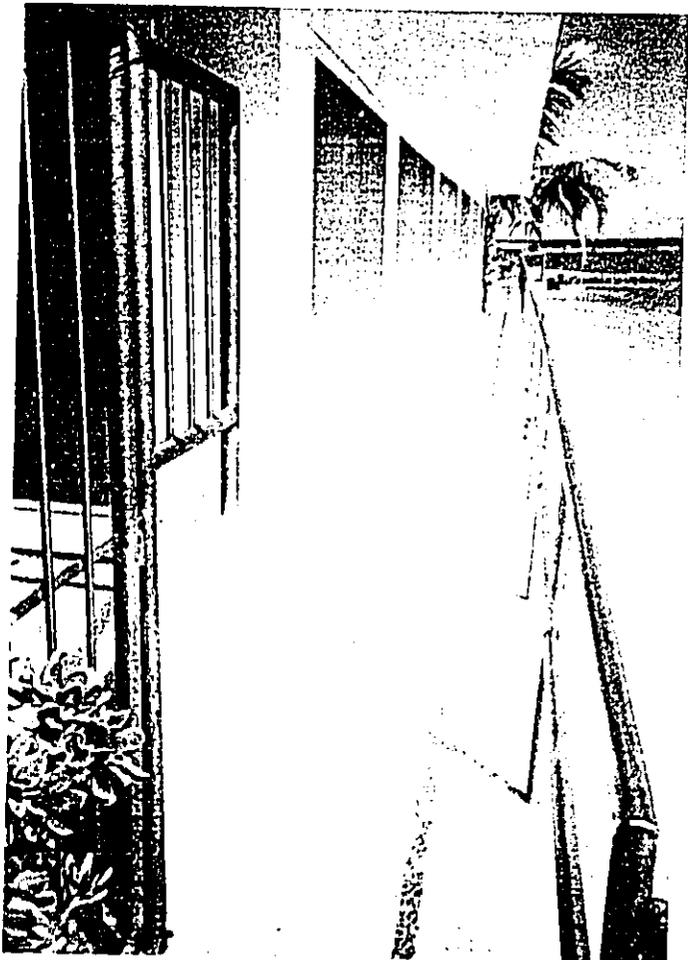
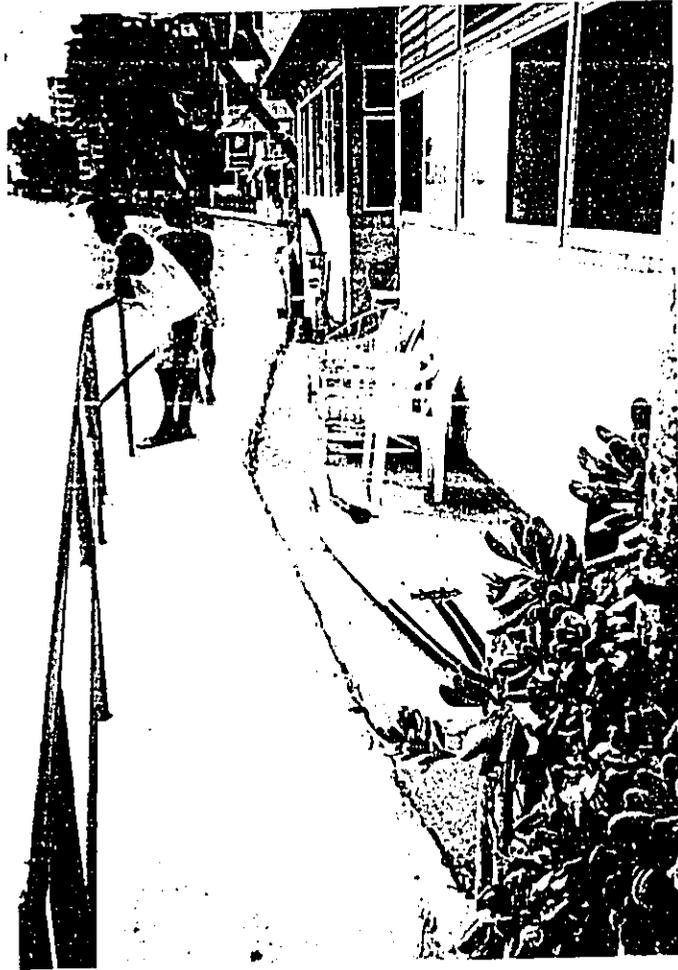


Photo 4  
View of residential structure on parcel  
3, looking Diamond Head.



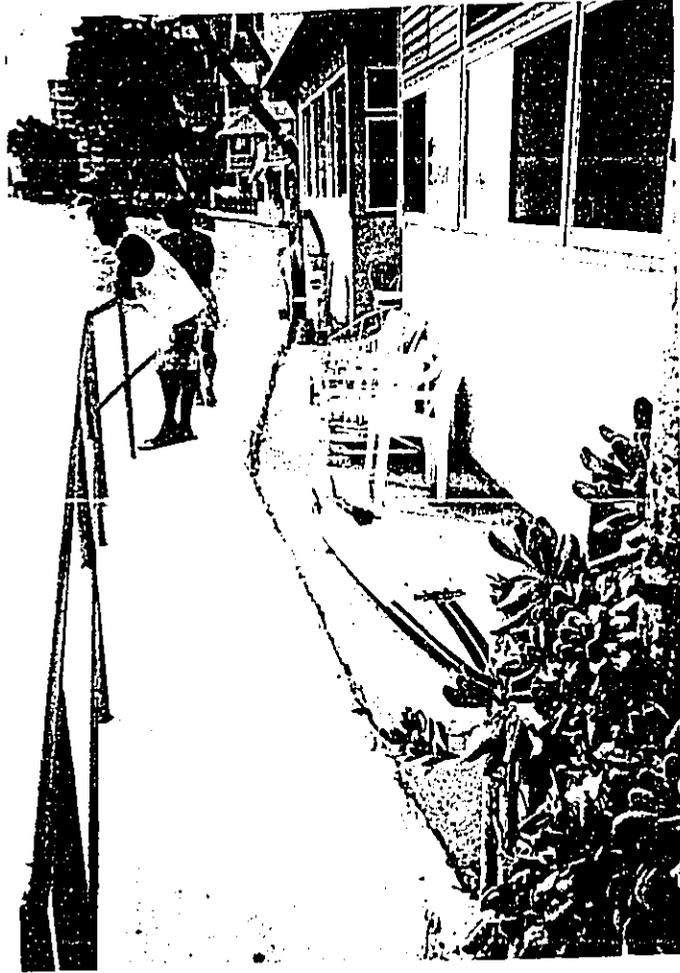
'00 APR 14 PM 3 22  
EDMUND S. KING  
PHOTOGRAPHER  
CITY & COUNTY OF HONOLULU

*Edmund S. King*

Photo 5  
View of residential structure on lot 58  
with lot 4 at rear, looking Ewa.



Photo 6  
View of residential structure on lot 58,  
looking Diamond Head.



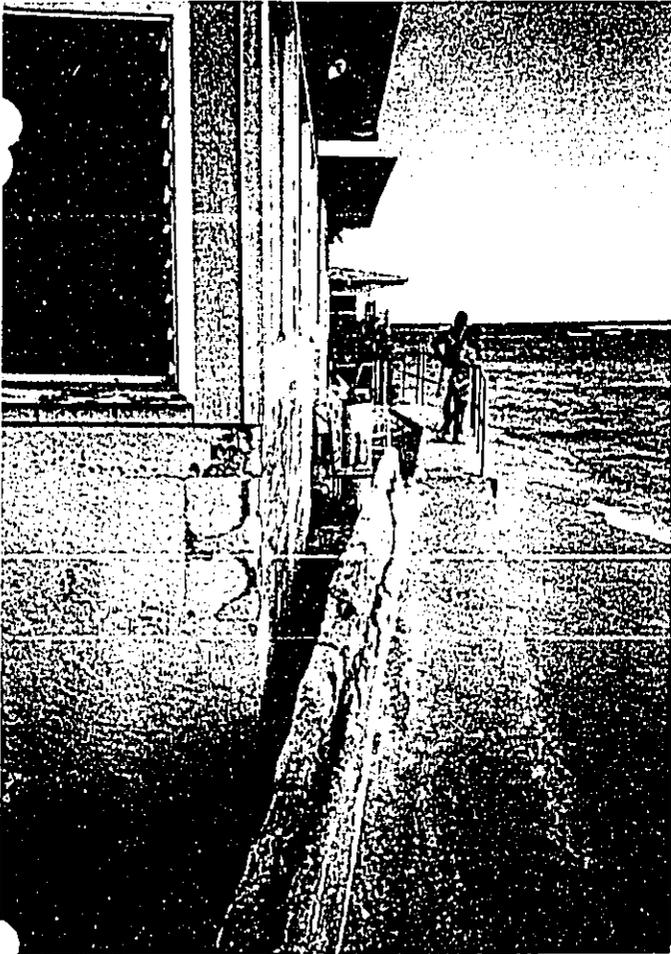
'00 APR 14 PM 3 22

TELEPHOTOGRAPHY  
CITY & COUNTY OF HONOLULU

Photo 5  
View of residential structure on lot 58  
with lot 4 at rear, looking Ewa.



Photo 6  
View of residential structure on lot 58,  
looking Diamond Head.



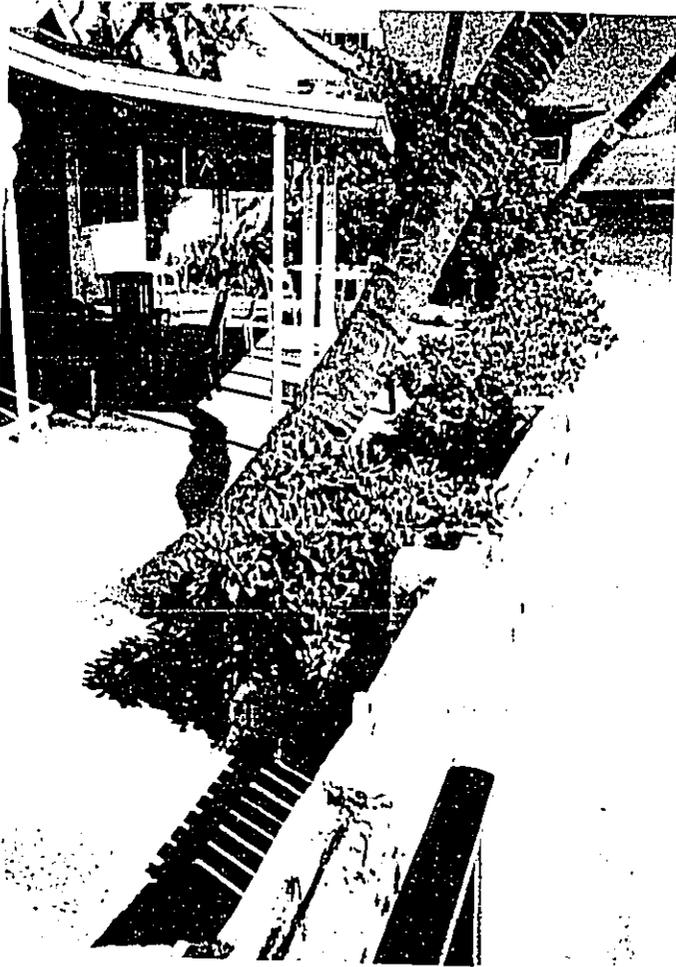
'00 APR 14 PM 3 22

ENGINEERING  
& SURVEYING  
CITY & COUNTY OF HONOLULU

Photo 7  
View of residential structure on lot  
4, looking Diamond Head.



Photo 8  
View of residential structure on lot  
4, looking Ewa..



'00 APR 14 PM 3 22

DEPT. OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

Photo 9  
View of residential structure on  
lot 5, looking Diamond Head.

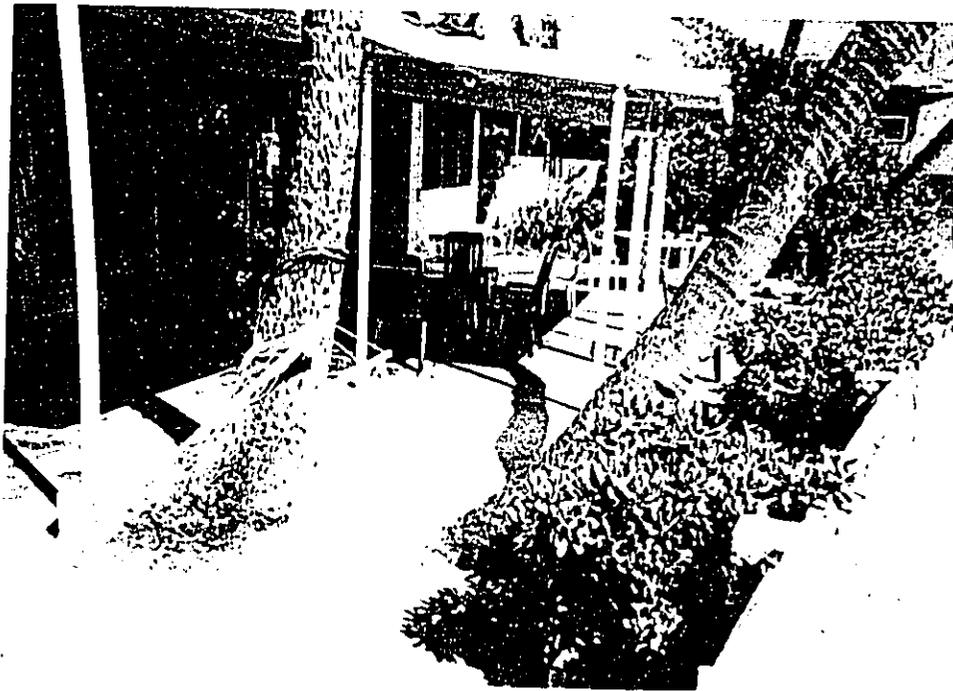


Photo 10  
View of residential structure on lot 5, looking  
Diamond Head.



'00 APR 14 PM 3 22

DEPT. OF PLANNING  
#11-100000  
CITY & COUNTY OF HONOLULU

Photo 11  
View of residential structure of lot 7,  
looking Ewa.

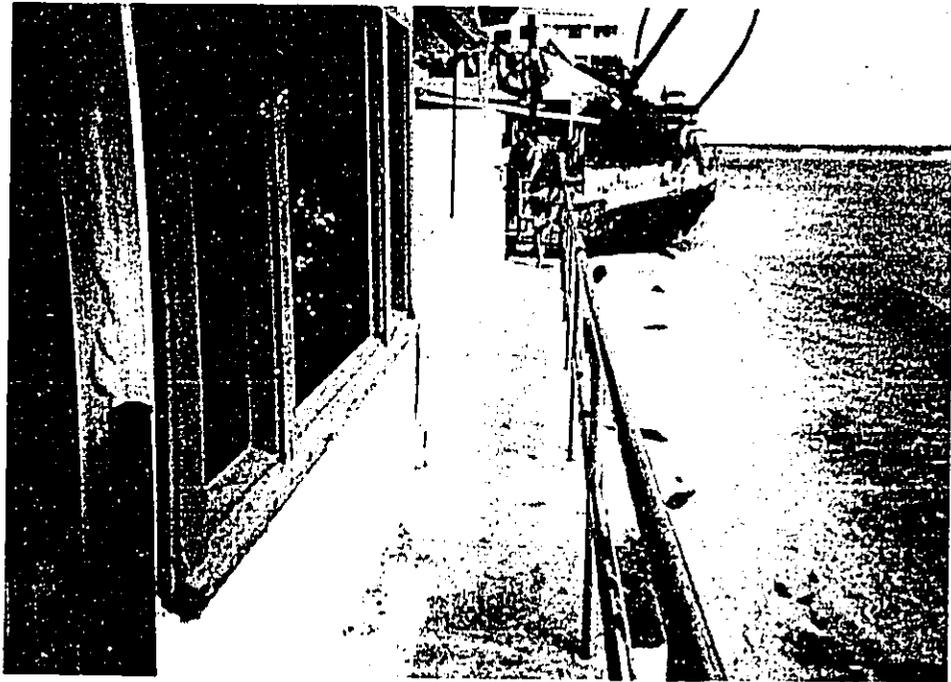
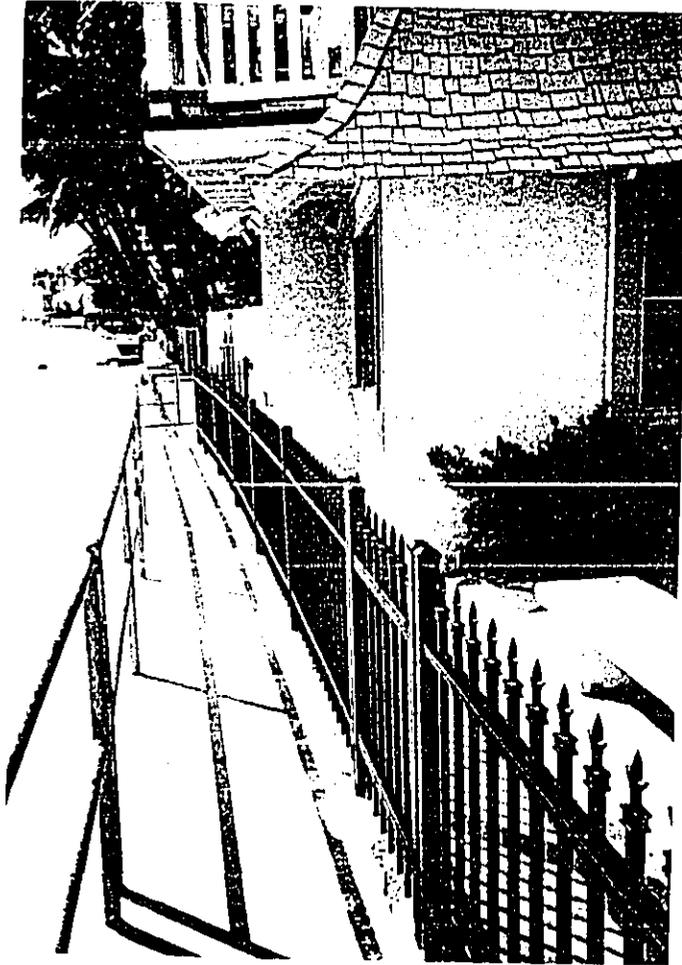


Photo 12  
View of residential structure on lot 8,  
looking Diamond Head.



00 APR 14 PM 3 22

DEPT. OF PLANNING  
& ZONING  
CITY & COUNTY OF HONOLULU

Photo 13  
View of residential structure on parcel 9,  
looking Ewa.



Photo 14  
View of subject parcel 2, at approximately 20' setback,  
looking makai.

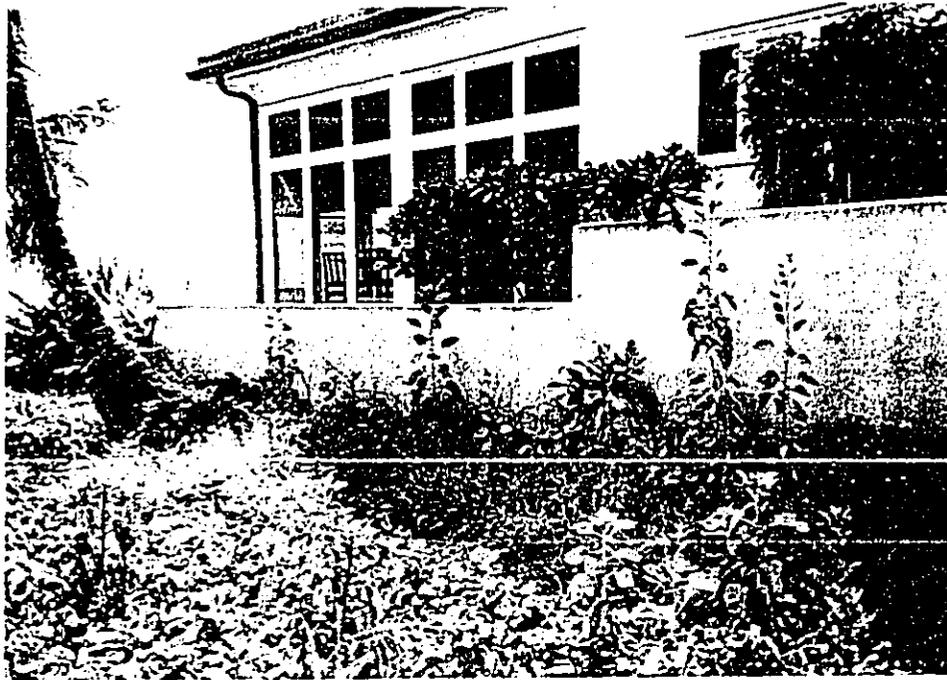


Photo 15  
View from subject parcel looking makai and slightly Ewa with residential structure on parcel 53 in view, from approximately 40' back.



Photo 16  
View from subject parcel looking makai and slightly Diamond Head, with condominium on adjacent parcel in view, from approximately 40' back.

DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

430 SOUTH KING STREET - HONOLULU, HAWAII 96813  
TELEPHONE: (808) 527-4414 • FAX: (808) 527-6743

FILE  
COPY

Mailed w/encl. on February 10, 2000

JEREMY HARRIS  
MAYOR



RANDALL K. FUJIKI, AIA  
ACTING DIRECTOR

LORETTA K. C. CHEE  
DEPUTY DIRECTOR

February 10, 2000

2000/ED-3  
2000/SV-2

Mr. Timothy E. Johns, Chairperson  
Department of Land and Natural Resources  
State of Hawaii  
P. O. Box 621  
Honolulu, Hawaii 96809

Dear Chair Johns:

CHAPTER 343, HRS  
DRAFT ENVIRONMENTAL ASSESSMENT

Project Name : M/V Investment Partners  
Location : 3061 Kalakaua Avenue, Honolulu  
Tax Map Keys : 1-1-33: 2  
Staff Planner : Ardis Shaw-Kim Phone: 527-5349  
Proposal : Construction of a single-family dwelling  
partially encroaching into the 40-foot  
shoreline setback  
Requests : Special Management Area Use Permit

Enclosed for your review and comment is a Draft Environmental Assessment prepared for the above-referenced project. We would appreciate any comments you may have.

Under Chapter 343, Hawaii Revised Statutes (HRS), the department must determine whether the impacts of the project are significant enough to warrant preparation of an Environmental Impact Statement (EIS).

Based on the information currently available, the department anticipates issuing a Finding of No Significant Impact for this project (no EIS required). The deadline for comments is 30 days from the date of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Randall K. Fujiki".

For RANDALL K. FUJIKI, AIA  
Acting Director of Planning  
and Permitting

RKF:lg\_  
Encl.  
REPLY DUE TO DFP: MARCH 7, 2000  
DN 24442

2000/ELQG-1131

BENJAMIN J. CAYETANO  
GOVERNOR



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4186  
FACSIMILE (808) 586-4186

February 18, 2000

DEPT OF PLANNING  
and PERMITTING  
CITY & COUNTY OF HONOLULU  
'00 FEB 24 PM 12 56

Randall Fujiki, Acting Director  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813

Attn: Ardis Shaw-Kim

Dear Mr. Fujiki:

Subject: Draft Environmental Assessment (EA) for M/V Investment Partners  
Single Family Dwelling, Waikiki; TMK: 1-1-33: 2

We have the following comments to offer:

1. Contacts: Notify the nearest neighbors or neighboring landowners of the proposed project, allowing them sufficient time to review the draft EA and submit comments. Document all contacts in the final EA and include copies of any correspondence.
2. Maps: In the final EA enclose a clear map of the neighborhood and a map of the island, each with the project site indicated.
3. Determination: A determination stating that an environmental impact statement will not be required is listed in section VII of the draft EA. The EIS law prohibits a determination of significant impact or lack of significant impact before the end of the 30-day public review period and prior to receipt, response and analysis of all written comments. For a draft EA the proper determination is *anticipated FONSI* (Finding of No Significant Impact). Please also note that the approving agency makes the determination, not the applicant.
4. TMK Map:  
The map enclosed is dated 1941, and is difficult to read. Parcel 3, marked as the site for the proposed dwelling, lists Blaisdell Trust as the fee

owner, not Prometheus Ltd, the name on the SSV application. In the final EA enclose a clear, updated TMK map and clarify the name of the fee owner.

The shoreline setback variance (SSV) application lists parcel 2 of the TMK as the project site, yet on the TMK map, the proposed dwelling is indicated for parcel 3. Another proposed dwelling is also indicated for parcel 6. Please correct these discrepancies in the final EA.

5. Sustainable Building Design: Please consider applying sustainable building techniques presented in the enclosed "Guidelines for Sustainable Building Design in Hawaii." In the final EA include a description of any of the techniques you will implement.
6. Construction impacts: Give a full description of the house construction, construction impacts and related mitigation measures, including but not limited to:
  - a. will any excavation take place for the foundation? If so, how deep? Consult with the State Historic Preservation Division of DLNR regarding a mitigation plan should any archeological or human remains be encountered during this phase.
  - b. how will construction runoff be prevented from entering nearshore waters?
7. 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 Finding of No Significant Impact (FONSI) or EIS preparation notice. You may use the enclosed sample as a guideline.

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

Sincerely,

  
GENEVIEVE SALMONSON  
Director

Enc.

c: Ralph Gray, M/V Investment Partners

M/V Investment Partners  
P.O. Box 4126  
Honolulu, Hawaii 96812  
524-8200

March 28, 2000

Ms. Genevieve Salmonson, Director  
State of Hawaii  
Office of Environmental Quality Control  
235 South Beretania Street  
Honolulu, HI 96813

Dear Ms. Salmonson:

Re: M/V Investment Partners  
Single Family Dwelling, Waikiki:  
TMK: 3-1-33:2

I am in receipt of your comments forwarded to Mr. Randall Fujiki, Director of the Department of Planning and Permitting dated February 18, 2000. I would like to take this opportunity to respond to your department's concerns in the order as presented:

1. Contacts: It is my understanding that as part of the Department of Planning and Permitting's (DPP) processing procedures, a public hearing will be scheduled. In preparation for this public hearing, the DPP is required to make a good faith effort to notify all owners of properties within 300 feet of the affected property's boundaries. Additionally, this applicant is willing to work with DPP in order to provide notice to the respective property owners.
2. Maps: See attached map of the neighborhood Exhibit C and map of the island Exhibit D.
3. Determination: It has been noted that the approving agency, DPP, will make the proper determination.
4. TMK Map: According to records at the City Tax Assessment Office, property owner is listed as Prometheus, Ltd. (See attachment marked Exhibit C.) Although indicated as TMK 1-1-033-002 on the subject application, the correct TMK is 3-1-033-002, which reflects the correct parcel and property.

5. Sustainable Building Design: It is my intent to apply applicable building techniques to minimize energy use, expense, waste, and impact on the environment. It is my intent to utilize tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low flow fixtures, plantings and ground cover to preserve topsoil to minimize erosion, managed and control waste solvents, paint and sealants and use of recyclable materials where possible.
6. Construction impacts: The house is going to be frame construction, stucco finish with a flat roof. Any and all materials from excavation and construction shall be hauled off and disposed of at properly authorized disposable sites.
  - a. The site will be excavated only two feet to pour concrete footings for the foundation. The site will be filled 12 inches above grade, the structure will be raised by footing and cmu posts so that the first floor elevation will be higher than 10' above mean sea level. Therefore, all construction will be stopped if any human remains are found on the site and a consultation with the State Historic Preservation Division of DLNR will be called immediately.
  - b. In order to prevent construction runoff from entering near shore waters, a earth berm will be constructed on the shoreline setback.
7. Significance Criteria: As per HAR 11-200-12, we propose the following criteria as no significant impact to the environment from this site.
  - ✓ (1) This project does not involve a irrevocable commitment because it does not impact scenic views of the ocean or any ridge line in the area.
  - (2) This project will not curtail the range of beneficial uses of the environment.
  - (3) This project does not conflict with the State's long term environmental policies or goals.
  - (4) This project does not substantially effect the economic or social welfare of the community or the State.
  - (5) This project does not substantially effect public health.
  - (6) This project does not impact the population changes or effects on public facilities.
  - ✓ (7) This project does not substantially degradation of environmental quality. The surround area will be landscaped to mitigate the visual impacts of the development.
  - (8) This project has not effect on the environment or involves a commitment for larger actions.

- (9) This project will not substantially affect a rare, threatened or endangered species or its habitat.
- (10) This project will not detrimentally affects air or water quality or ambient noise levels.
- ✓(11) The development of this property is compatible with an environmentally sensitive area. The project was designed for as a shoreline development.
- (12) This project does not affects the scenic vistas and view planes of the area.
- ✓(13) The project has been designed to be energy efficient and environmentally sensitive with the use of tinted windows, cross ventilation to channel the trade winds, termite bait system, light and cool colors to reflect lighting, trees for shade, energy efficient light bulbs, low flow fixtures, plantings and ground cover to preserve topsoil to minimize erosion, managed and control waste solvents, paint and sealants and use of recyclable materials where possible.

Sincerely,

Ralph Gray  
M/V Investment Partners

cc: Mr. Randall Fujiki  
Director of DPP

'00 FEB 24 AM 9 04  
DEPT OF PLANNING  
and PERMITTING  
CITY & COUNTY OF HONOLULU



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 821  
HONOLULU, HAWAII 96809

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

February 18, 2000

LD/NAV  
Ref.: SMAPERMIT

Mr. Randall K. Fujiki, AIA  
Acting Director of Planning and Permitting  
City and County of Honolulu  
650 South Kink Street  
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

SUBJECT: Review Special Management Area Use Permit for  
construction of a single-family dwelling partially  
encroaching into 40-foot shoreline setback  
M/V Investment Partners 3061 Kalakaua Avenue  
Honolulu, Hawaii TMK: 3-1-033: 002

Thank you for the opportunity to review and comment on the  
subject Application for a Special Management Area Use Permit.

According to our shoreline records of the subject parcel, the  
shoreline was re-confirmed by our Chairperson as being the  
shoreline as of February 10, 1999. The Department has no other  
comment to offer on the subject matter.

Should you have any questions, please feel free to contact  
Nicholas A. Vaccaro of our Land Division Support Services Branch at  
587-0438.

Very truly yours,

DEANE Y. UCHIDA  
Administrator

C: Oahu District Land Office  
Oahu Land Board Member  
Planning and Technical Services

**M/V INVESTMENT PARTNERS  
PO BOX 4126  
HONOLULU, HAWAII 96812  
524 8200**

March 28, 2000

Dean Uchida  
Administrator  
Department of Land and Natural Resources  
Land Division  
PO Box 821  
Honolulu, Hawaii 96809

Re: 3061 Kalakaua Avenue

Dear Mr. Uchida;

As per your letter dated February 18, thank you for confirming the shoreline records for the single family residential project we are proposing at 3061 Kalakaua avenue.

Sincerely,

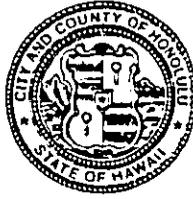
Ralph Gray  
Partner

RLG/sk

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743

JEREMY HARRIS  
MAYOR



RANDALL K. FUJIKI, AIA  
DIRECTOR

LORETTA K.C. CHEE  
DEPUTY DIRECTOR  
2000/ED-3  
2000/SV-2

March 24, 2000

Mr. Ralph Gray  
Box 62156  
Honolulu, HI 96839

Dear Mr. Gray:

Project Name : M/V Investment Partners  
File No. : 2000/SV-2  
Tax Map Key : 1-1-33:002

We are forwarding copies of all comments we have received relating to the Draft Environmental Assessment (DEA) of the above-referenced project.

In accordance with the provisions of Chapter 343, Hawaii Revised Statutes (HRS), you must respond in writing to these and any other comment which were received during the 30-day comment period which began with publication of a notice of availability of the DEA in The Environmental Notice on February 23, 2000. The final Environmental Assessment (FEA) must include these comments and response, as well as revised text, if appropriate.

Our comments are as follows:

Alternatives

The only alternative to the preferred proposal addressed in the DEA is the "no project" alternative. The FEA should include a proposal with a reduced encroachment into the shoreline setback. Inclusion of a site plan and description, rather than construction drawings, would be sufficient.

Flood Hazard Requirements

Page 4 of the DEA indicates that the base food elevation is 10 feet. The FEA should state how the proposal will comply with the flood hazard requirements contained in Chapter 9 of the Land Use Ordinance (LUO).

Mr. Ralph Gray  
Page 2  
March 24, 2000

Structures

The text of the FEA should include a description of all the structures which will be placed within the 40-foot shoreline setback area. Sheets L-1 and L-2 attached to the DEA indicate irrigation lines, sprinklers and landscape structures are planned within this area.

Shoreline and Shoreline Setback

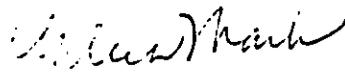
The Site Plan should be revised to identify the 40-foot shoreline setback line based on the shoreline certified survey and the shoreline along the seawall along the properties southern boundary. (The site plan currently identifies the shoreline setback based on the seaward property boundary.)

Parking

Table 21-6.1 of the LUO requires that a minimum of 3 parking stalls would be required for the proposed 3,500-square foot house. Based on the DEA, it is not clear that the required off-site parking can be accommodated with the current design. This should be clarified in the FEA.

Should you have questions regarding the above, you may contact Ardis Shaw-Kim of our staff at 527-5349.

Sincerely yours,

  
for RANDALL K. FUJIKI, AIA  
Director of Planning and Permitting

RKF:nt  
Enclosures  
svdeacom.ask

M/V INVESTMENT PARTNERS  
PO BOX 4126  
HONOLULU, HAWAII 96812  
524 8200

March 28, 2000

Randall K. Fujiki, AIA  
Director of Planning and Permitting  
City And County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Re: 3061 Kalakaua; file 2000/sv-2  
TMK 3-1-33:2

Dear Mr. Fujiki;

As per your letter dated March 24, 2000, I have included a drawing which reduces the encroachment into the shoreline setback area (Exhibit A-2). As the drawing shows, the site is not buildable for a quality single family residence with the standard 40 foot shoreline setback area. This results in a sever hardship for the development of the property for a single family residence. The only alternatives would be for an open space or construct approximately 1000 square feet single family dwelling.

The development of the property for a single family residence (approximately 3500 square feet) should be granted a shoreline setback variance because to do otherwise would deprive this applicant of a reasonable use of the land if required to comply fully with the shoreline setback ordinance and rules. By developing the site, I will make a substantial contribution to the current residential construction in the area. This project is due to unique circumstances and does not draw into question the reasonableness of the shoreline setback ordinance and rules. And finally, this project is the practicable alternative which best conforms to the purpose of the shoreline setback ordinance and rules.

The project will comply with Chapter 9 of the Land Use Ordinance (LUO) as the structure will be raised by concrete footing and cmu posts so that the first floor elevation will be higher than 10 feet above the mean sea level.

The structures which will be placed within the 20 foot shoreline setback variance area will be; five irrigation type sprinkler heads and system; a 36 inch security masonry wall set on the property

# CORRECTION

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING

**M/V INVESTMENT PARTNERS  
PO BOX 4126  
HONOLULU, HAWAII 96812  
524 8200**

March 28, 2000

Randall K. Fujiki, AIA  
Director of Planning and Permitting  
City And County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Re: 3061 Kalakaua; file 2000/sv-2  
TMK 3-1-33:2

Dear Mr. Fujiki;

As per your letter dated March 24, 2000, I have included a drawing which reduces the encroachment into the shoreline setback area (Exhibit A-2). As the drawing shows, the site is not buildable for a quality single family residence with the standard 40 foot shoreline setback area. This results in a sever hardship for the development of the property for a single family residence. The only alternatives would be for an open space or construct approximately 1000 square feet single family dwelling.

The development of the property for a single family residence (approximately 3500 square feet) should be granted a shoreline setback variance because to do otherwise would deprive this applicant of a reasonable use of the land if required to comply fully with the shoreline setback ordinance and rules. By developing the site, I will make a substantial contribution to the current residential construction in the area. This project is due to unique circumstances and does not draw into question the reasonableness of the shoreline setback ordinance and rules. And finally, this project is the practicable alternative which best conforms to the purpose of the shoreline setback ordinance and rules.

The project will comply with Chapter 9 of the Land Use Ordinance (LUO) as the structure will be raised by concrete footing and cmu posts so that the first floor elevation will be higher than 10 feet above the mean sea level.

The structures which will be placed within the 20 foot shoreline setback variance area will be; five irrigation type sprinkler heads and system; a 36 inch security masonry wall set on the property

lines as shown on the attached site plan. The open area of the setback variance will be professionally landscaped. The existing concrete seawall, railing and stairs down to the beach will not be altered.

The site plan has been revised to identify the 40 foot shoreline setback area and is based on the shoreline certified survey and the shoreline along the seawall along the properties southern boundary. The site plan shows three parking spaces which adequately meets the off-street parking requirements as per the LUO Table 21-6.1. (Exhibit A-1.)

Sincerely,

Ralph Gray  
Partner

RLG/sk



# University of Hawai'i at Mānoa

Environmental Center  
 A Unit of Water Resources Research Center  
 2550 Campus Road • Crawford 317 • Honolulu, Hawai'i 96822  
 Telephone: (808) 956-7301 • Facsimile: (808) 956-3980

March 24, 2000  
 EA: 00200

Mr. Randall Fujiki  
 Department of Planning and Permitting  
 City and County of Honolulu  
 650 South King Street  
 Honolulu, Hawaii 96813

Dear Mr. Fujiki:

Draft Environmental Assessment  
 Kalakaua Avenue Single Family Dwelling  
 Waikiki, Oahu

The applicant, M/V Investment Partners proposes to build a single-family residence on a 3,790 square foot lot in Waikiki. The proposed project will require a shoreline setback variance to allow for construction within the 40-foot shoreline setback area.

This review was prepared with the assistance of Kem Lowry, Urban and Regional Planning; Charles Fletcher, Geology and Geophysics; and Sherri Hiraoka, Environmental Center.

General Comments

Our reviewers are inclined to agree that the proposed project should be granted a shoreline setback variance, based on the hardship standard. The abutting buildings are in violation of setback requirements and the proposed project would be more in compliance with setback provisions than its neighbors. Given the size of the project and the surrounding development, the shoreline setback variance should be allowed.

IV.C  
 a paragraph

We believe however, that the Draft Environmental Assessment (EA) is grossly inadequate. A quick perusal of the Hawaii Administrative Rules (HAS), Section 11-200-10 dealing with the contents of an environmental assessment points out the deficiencies. Several of the content requirements were either not included, or were inadequately addressed in the draft EA. Omissions include: identification of approving agency; identification of agencies, citizen groups, and individuals consulted; general description of action's technical, economic, social, and environmental characteristics; summary description of the affected environment, including suitable and adequate regional maps; list of all permits and approvals required, and written comments and responses to the comments under the early consultation provisions. Inadequacies include: identification and summary of impacts and alternatives considered, and proposed mitigation measures.

Mr. Fujiki  
March 24, 2000  
Page 2

### General Comments

In addition to this, there are 11 areas which should be examined when considering the significance of potential environmental effects of a project, which are outlined in §11-200-12 of the HAS. This section requires that "the sum of the effects on the quality of the environment" and the "overall and cumulative effects of an action" be evaluated. Our reviewers suggest that these 11 significance criteria be researched and addressed.

In addition to our general comments are reviewers pointed out several specific issues that need to be addressed in the draft EA. These issues are discussed below.

### Affected Environment

The lot is designated Flood Zone AE, which requires that building floor levels be 10 feet above the mean sea level (msl). The elevation of the lot is only 7 feet above msl. The proposed structure must be elevated an additional three feet in order to ensure compliance with the flood requirements.

### Impacts and Alternatives

This section of the DEA should include greater detail and consideration of specific possible impacts. Common impacts considered in this type of document include those to flora and fauna (both terrestrial and aquatic), archaeological resources, noise, air pollution, traffic, water quality and clarity, social impacts, and economic factors. Specific questions that should be addressed include: what are the possibilities of debris movement to the ocean? Is the public right-of-way or traffic to be altered during the construction? Where are the construction equipment to be stored during construction? What other alternatives, besides the "no action" alternative, are possible (perhaps a parking lot or a "green space" lot)? How will the neighboring residences be affected by the proposed project?

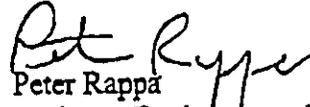
### Conclusion

Our reviewers are inclined to agree that, despite the inadequate EA, the proposed project should be granted a shoreline setback variance, based on the hardship standard. We feel however, that if your department requires an environmental impact assessment before granting the variance, then the resultant document should at least meet the minimum content requirements set out in the administrative rules. We recommend that granting of the shoreline setback variance should be suspended until a complete EA can be compiled, and all potential impacts can be assessed.

Mr. Fujiki  
March 24, 2000  
Page 3

Thank you for the opportunity to comment on this Draft Environmental Assessment.

Sincerely,



Peter Rappa  
Assistant Environmental Coordinator

cc: M/V Investment Partners  
OEQC  
James Moncur, WRRRC  
Kern Lowry, Urban and Regional Planning  
Charles Fletcher, Geology and Geophysics  
Sherri Hiraoka, Environmental Center

M/V INVESTMENT PARTNERS  
PO BOX 4126  
HONOLULU, HAWAII 96812  
524 8200

March 28, 2000

Peter Rappa  
Assistant Environmental Coordinator  
University of Hawaii at Manoa  
2550 Campus Road, Crawford 917  
Honolulu, Hawaii 96822

Re: DEA 3061 Kalakaua Avenue

Dear Mr. Rappa;

As per your letter dated March 24, thank you for your recommendation to grant a shoreline setback variance on the 3061 Kalakaua single family residential project.

The residential project we propose will be more in compliance with the setback provisions than the neighbors. Any and all omissions that are found will be included in our report upon request by you or related agencies. We have used our best efforts to identify and summarize the impacts and alternatives and propose mitigative measures.

Also, we have addressed all 13 areas outlined in HAR 11-200-12 in our letter dated March 28, 2000 to Office of Environmental Quality Control(see attachment). The first floor of the structure will be elevated by use of footings and cmu posts to 10' mean sea level. There is always a possibility of debris movement to the ocean, however our plans include a dirt berm to contain runoff in the setback area and a wind screen during construction. If any debris should have movement toward the ocean, it will be recovered immediately. The public right of way and traffic will not be altered during construction. The construction equipment will be stored on site during construction. Other alternatives are economically unfeasible for this site. I believe the neighboring residences will be enhanced by this project, the residence immediately adjacent to this site is of similar quality and design.

Sincerely,

Ralph Gray  
Partner

RLG/sk \_ \_