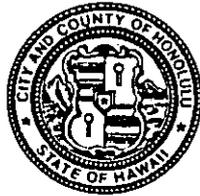


DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: www.co.honolulu.hi.us

JEREMY HARRIS  
MAYOR



May 3, 2002

RECEIVED

RANDALL K. FUJIKI, AIA  
DIRECTOR

02 MAY -7 08:18

LORETTA K.C. CHEE  
DEPUTY DIRECTOR

OFFICE OF ENVIRONMENT,  
QUALITY CONTROL/SV-8(ASK)

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, HRS  
FINAL ENVIRONMENTAL ASSESSMENT (EA)

|                                |   |  |
|--------------------------------|---|--|
| Recorded Owners/<br>Applicants | : | Mr. & Mrs. Larry Latham  |
| Agent                          | : | Joe Lancor   |
| Location                       | : | 4310 Kaikoo Place, Honolulu, Oahu  |
| Tax Map Key                    | : | 3-1-41: 24   |
| Request                        | : | Shoreline Setback Variance (SV)  |
| Proposal                       | : | Renovation of a nonconforming dwelling, swimming pool expansion and modification, new pool deck and replacement of perimeter CMU wall with open cable rail |

Attached and incorporated by reference is the Final EA prepared by the applicant for the project. Based on the significance criteria outlined in Title 11, Chapter 200, Hawaii Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

43

Ms. Genevieve Salmonson, Director  
Page 2  
May 3, 2002

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,



RANDALL K. FUJIKI, AIA  
Director of Planning and Permitting

RKF:cs  
Encls.

posse doc no.152929

44

2002-05-23-OA-PEA-Latham

MAY 23 2002

FILE COPY

**ENVIRONMENTAL ASSESSMENT**

(SHORELINE SETBACK VARIANCE APPLICATION  
December 28, 2001  
Revised March 30, 2002

**GENERAL INFORMATION**

**Applicant :** Mr. And Mrs. Larry Latham  
1336 Mokulua Drive Kailua, Hi 96734  
261-6610 fax 262-0302

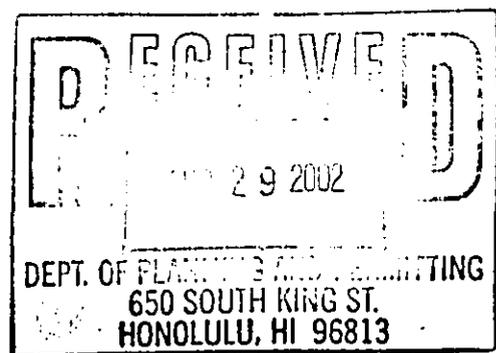
**Recorded Fee Owner :** Mr. And Mrs. Larry Latham  
**Project Address :** 4310 Kaikoo Place  
Kahala, Honolulu, Hawaii 96816

**Agent :** Joe Lancor Architect  
1336 Mokulua Drive Kailua, Hi 96734  
261-6610 fax 262-0302

**TMK :** 3-1-41:24

**Lot Area :** 9,910 square feet

**Parties Consulted :** City and County of Honolulu Department of Planning and Permittin  
City and County of Honolulu Department of Health  
State of Hawaii Department of Health  
State of Hawaii DLNR  
US Army Corps of Engineers  
City and County of Honolulu Board of Water Supply  
City and County of Honolulu Fire Department  
State of Hawaii Office of Hawaiian Affairs



**DESCRIPTION OF PROPOSED ACTION**

**General Description**

The request for variance to the shoreline setback requirements applies to the Makai portion of an existing single family, two story residence, where approximately 25% of the depth of the lot is the 40 ft. shoreline setback. The ENTIRE property is located 18 feet above the ocean on a continuous rock shelf. This shelf is at a low point of elevation 18 on the Makai side and elevation 33 on the street. It is one of a row of houses on this street. While the existing house is two-stories there are two small "wings" each of single story construction partially located within the 40 ft. shoreline setback. The area of these is approximately 7.2% of the existing residence.

The Makai side of the property has improvements consisting of a portion of each of two single story "wings", a patio deck, swimming pool, landscaping and an old CMU

perimeter low wall 4 ft high, wrapping on three sides. This perimeter wall sits directly on top of the rock cliff adjoining the rocky shoreline and ocean – Black Point.

The residence is currently undergoing renovation and remodeling under permit 434158 and it is the applicants desire to request this variance to correct problems with the prior design/construction efforts. This application requests approval for minor architectural trims ( gutters and surface moulding trim) and modifications to the exterior walls and surfaces to match the main portions of the house, the reconstruction of two short sections of existing wall ( termite damage ), the surfacing of the lower 30 inch height of one wall in rock veneer, the remodeling of the existing swimming pool shell to achieve a more organic natural form, the replacement of swimming pool decking ( mistakenly removed by the contractor), and the exchange of the CMU perimeter 4 ft. wall with an open cable rail.

Two short sections of existing frame wall were replaced during the renovation. The first of these is located on the easterly ( Koko Head) side and runs north and south for a distance of 7 ft. The second wall section is approximately 6 1/2 ft. in length and is located on the west side and runs north and south. These are indicated on the plan exhibit A 4. During the course of renovation, both of these walls were discovered to be structurally damaged by termites and on the west side by excessive charring from a previous fire. The City and County Building Inspector was called and approval was given by the inspector to reconstruct both walls.

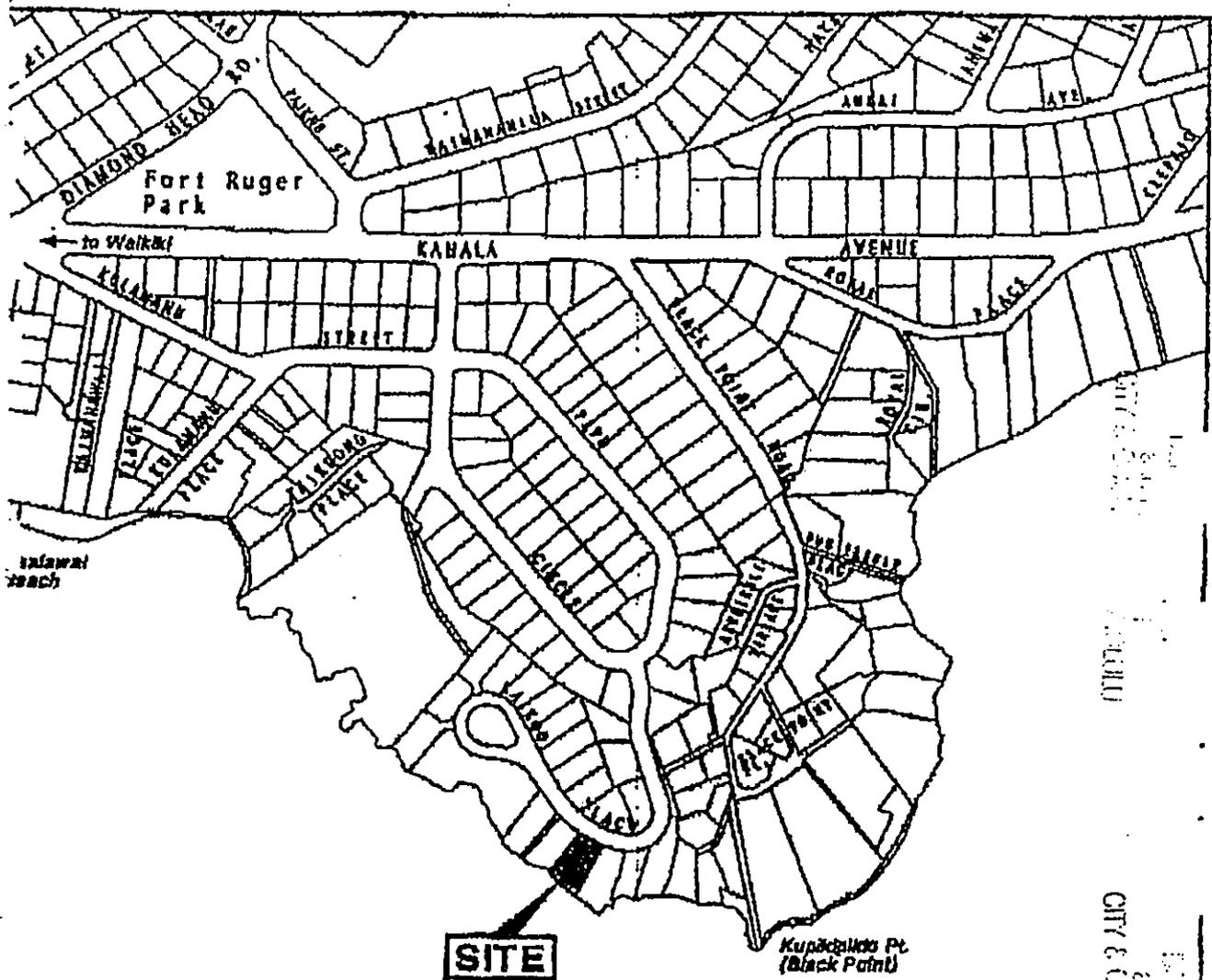
The existing swimming pool ( exhibit A 4 and A 5 ) is of an older design and needs renovation. The Landscape Architect has designed a remodeling that will alter the outline shape of the pool so that it becomes organic and natural appearing in shape but remains equal in size to that which exists now – infilling the deep end of the pool by 104.4 sq. ft. and expanding a shallow end by the same amount ( see exhibit A 5 ).

The existing masonry guard rail wall that is built on top of the rock retaining wall is in need of repair ( the diamond head corner fell onto the neighbors and the rock beach below last year ). This railing is necessary for the safety of the occupants and guests of the residence and so it must be replaced. The masonry is attached to the top of the rock retaining wall with steel rebar- the steel corrodes due to the salt air/water exposure and the wall could fall without warning.

We believe that a stainless steel light weight cable railing will provide the required safety for the occupants above as well as have the necessary corrosion resistance and lightness of weight to avoid any unanticipated failures or falling to the rocks below. This rail would be re-installed at the code required three and a half feet above grade height and would run for the entire length of the property ( approx. 100 feet ) above the rock wall.

### **History of Site**

We have traced the development of the site as far back as the middle 1950's and the two story single family residence was subsequently completed in 1959. The building sits on a flat lot retained on the ocean side by a large rock gravity retaining wall. The wall is located at the seaward property line and so is within the 40' shoreline setback. All construction activities within the 40' setback require approval by variance pursuant to the Shoreline Setback Ordinance, Chapter 23, Revised Ordinances of Honolulu ( ROH ).



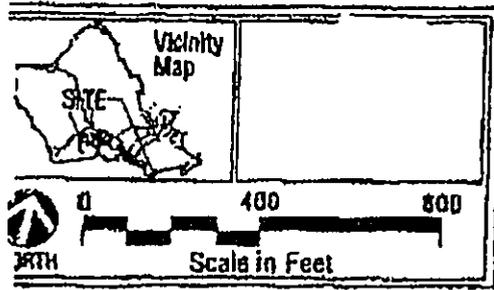
Floor Elev. -20.85

Pacific Ocean

02 JUL 14 PM 2 58

01 JUL 5 PM 4 29

211  
 CITY & COUNTY OF HONOLULU



**LOCATION MAP**  
**WAIKIKI-KAHALA**  
 TAX MAP KEY(S): 3-1-41:24



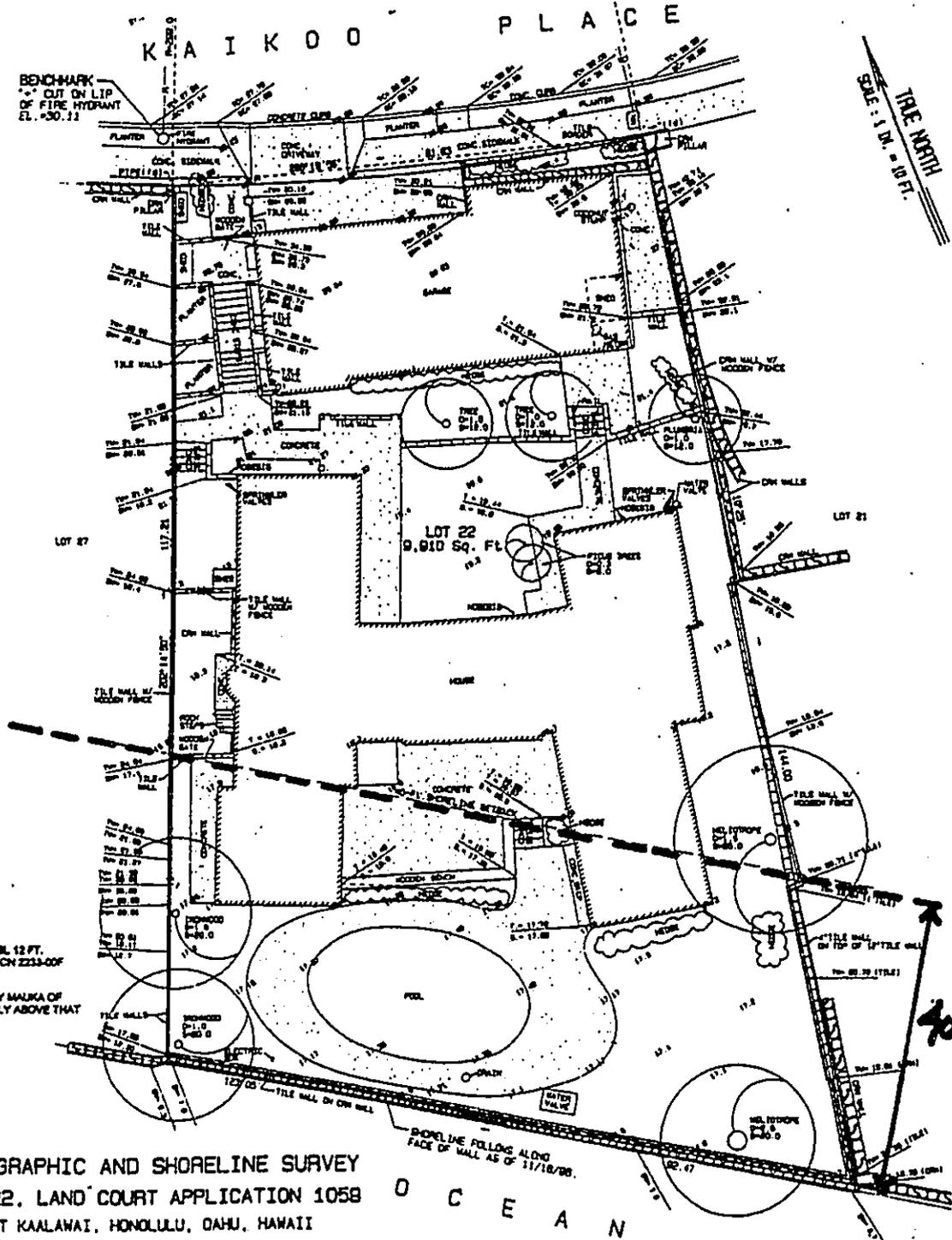
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DENCE

'01 JUL 5 PM 4 41  
 DEPT OF PLANNING  
 AND PERMITTING  
 CITY & COUNTY OF HONOLULU



SEAL OF THE PROFESSIONAL ENGINEER  
 JOSEPH H. LATHAM  
 LICENSE NO. 4339  
 HAWAII, U.S.A.



FLOOD ELEVATION IS MSL 12 FT.  
 DWARD KINOVA REPORT CN 2233-00F  
 H7, 2001  
 ALL OF THE PROPERTY MALKA OF  
 SEAWALL IS SUBSTANTIALLY ABOVE THAT  
 27.

TOPOGRAPHIC AND SHORELINE SURVEY  
 LOT 22, LAND COURT APPLICATION 1058  
 AT KAALAWAI, HONOLULU, OAHU, HAWAII  
 SCALE : 1 IN. = 10 FT.  
 DECEMBER 8, 1998 WALTER P. THOMPSON, INC.

Joseph Latham Architects Inc. 1136 Mahanui Drive, Kalaheo, HI 96754 Phone: 808-361-4610 Fax: 808-362-0302  
 Pacific CADDD Services, Inc. 1131 Kapalama Avenue, Suite 501, Honolulu, HI 96816 Phone: 808-738-4201 Fax: 808-738-4207 Email: pacific@pacificcaddd.com  
**LATHAM RESIDENCE** TITLE/SITE PLAN  
 2-9-01  
 2-21-01  
**A1**  
 CONSTRUCTION DOCUMENT

## **Technical Characteristics**

The existing residence of two story frame construction is being renovated, also in frame construction, and primarily lies outside of the 40' setback, having only portions of one story frame structures extending into the setback. The structure is being fitted with continuous eave edge gutters and architectural trim moldings. The gutters are of copper and the moldings of wood and foam, covered in Sto exterior weatherproofing. The low stone wall veneer is of dark brown/black rock from the local area – Black Point.- and is just under 28" in height, and covers the lower, base portion of an existing wall for its length of 16 ft.

The guardrails – cable rails – are made entirely of stainless steel having bolted anchors set into the top of the rock wall with epoxy.

The existing swimming pool is plaster finished, which will be restored. The proposed infill portions of the deep end will be of high strength cement plaster, installed over stainless wire formwork – similar to the method used to create the new shallow end extension.

This method is appropriate as these efforts are relatively small and access is most difficult and restricted. This new "natural rock" character will match the brown/black color and character of the immediately indigenous rock. The renovated pool will be equal in size to that which exists now.

This same construction method will be used to form a "natural rock" appearance to the edge of the pool and its new deck. The deck will be partially made of these "formed in place rocks" for the large elements and flat cut flagstone of Quartzite for the smaller areas – see exhibit A 5. This area covered by stone decking will be less than that which existed before – see survey exhibit A 1 and A 5.

The property is fully developed ( as is the surrounding neighborhood) as a two story single family residence with a five car garage, decks, patios, lanais and swimming pool.

## **Approvals Required**

If this variance is approved a Building Permit Amendment is required for the minor work on the two wings, and a swimming pool remodel permit is required.

## **AFFECTED ENVIRONMENT**

The property is designated by the State Land Use plan as Urban District, The City Development Plan designation is Residential LUO R 7.5 ( CZC R-4 ). It is located on Kaikoo Place and is a part of Black Point. Kaikoo Place is a residential street of rows of similar sized lots on both sides of the street – running along a rocky ledge above the ocean. There are no sand beaches present nor have there been in the last 50 years ( the period studied ) and study indicates that there may not have been at any time. Near shore reefs are broken and small with the ocean water becoming quite deep very near shore. The shore is covered in medium size black rock and is nearly continuously washed by the whitewater from tradewind driven waves breaking against it. There is a singular access point three lots away which is used primarily by surfers with the skill to negotiate the rocky shoreline which is washed by broken white water .

This applicants lot is further up the hill, some 18 feet above the ocean, located on the cliff edge. It is located in flood zones X and A. A report by Edward K. Noda CN - 2233-00F was prepared for this site and reviewed by the Department of Planning and Permitting June 4, 2001 and found acceptable as being substantially above the flood elevation. This report and a copy of the DPP letter are enclosed.

As there is no sand beach, and as the rock shore is washed by white water from broken waves, the shoreline is extremely hazardous and so not used with the exception of surfers and very brave Opihi pickers. The residence massing is sited down the hill from the roadway and as such all of the houses in this neighborhood stair step down the hill revealing the ocean view quite readily. From the ocean the view back to the property shows a CMU painted perimeter fence wall sitting on top of the natural rock ledge, and further within that wall a formal symmetrical shaped swimming pool. This request if approved will replace the CMU wall with an open cable rail, which will reduce the mass and the discord of materials between the natural rock ledge and the CMU painted wall. Further, this application will de-formalize the swimming pool and its surrounds with a more natural feeling design of an organic, rocky shape more in harmony with its environment at Black Point.

The site is directly above the ocean on a cliff edge. This rock cliff edge is an effective separator from the ocean environment and no part of this application will have any impact upon this element. While the ocean is directly adjacent with its fisheries and fishing grounds, as well as rocky tidal shore lands, there is no contact and thus no impact on these resources.

## **PROJECT IMPACTS**

**GEOLOGY :** The site is located along with its neighbors on a natural rock ledge approximately 18 feet above the MLLW of the ocean, and is a westerly portion of Black Point. The specific site was evaluated by Geotechnical Engineer Larry Shinsato P.E. who stated that this area is stable and not subject to settlement. Further he reviewed the large rock gravity wall on the Makai side, where he could find no indications of movement or instability. The site is overlain with 2' to 4' of topsoil fill imported in 1950's for leveling and landscaping.

**EROSION and DRAINAGE:** The site drainage is served by the public roadway and public storm drainage systems and has been operative in its present form for over 40 years without difficulty.

Shoreline changes at various beaches of Oahu were documented by the Oahu Shoreline Study in 1988-89. The study found no erosion to be occurring in this location.

The rock cliff is eroding at an immeasurably slow rate due to the effects of wind, rain and salt water impacts. There is no beach or useable access fronting this lot and so there is no threat of loss of a public beach or access due to this development.

**GROUND WATER :** No significant direct, indirect or cumulative adverse impacts to ground water resources are possible as a result of this development. Construction of the proposed improvements is not likely to release any substances into the shallow site soil that could penetrate the deep impervious rock layers immediately beneath the shallow soil.

**FLOOD AND TSUNAMI HAZARD :** According to the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency the property is located in

flood zones X and A . The report by Edward K. Noda – CN 2233-00F – was prepared for this site and reviewed by the Department of Planning and Permitting, City and County of Honolulu, and accepted on June 4, 2001 . This report finds the site to be substantially above both flood and tsunami elevations. The report and DPP letter are appended.

**FLORA and FAUNA :** The site was reviewed by Landscape Architect Randall Monaghan who made determinations that no candidate , proposed or listed threatened or endangered species of plants are present on this site. He identified a mature large coastal hau tree to be maintained.

Nearly all the faunal species likely to be found in the vicinity of this site are common and introduced. Mammals include domestic dogs, cats , Indian mongoose, common rodents, and geckos. The avifauna observed at the site are of the coastal variety and no candidate, proposed, or listed threatened or endangered faunal species are known from this area and none were sighted. Of note is the Black point area coastal cliffs and nearby Diamond Head are a nesting area for Wedgetailed Shearwaters. As these birds rejoin the land at night in groups and are easily disoriented by artificial light, the night landscape lighting in this project will all be of the downward directed type.

**AIR QUALITY :** Air quality in the vicinity of the project site is typical of residential communities. Low density development and exposure to trade winds promote good air quality. The major source of emissions is vehicular traffic on the adjacent roads and these emissions do not significantly affect ambient air quality in the area.

**ARCHAEOLOGICAL RESOURCES :** A review of historic reports, maps, and aerial photographs maintained at the State Office of Historic Preservation shows that there are no known historic sites at this location. The project does not involve grading, excavation or disturbing of soils placed prior to 1950's and as such is not expected to encounter any archaeological resource.

**CULTURAL RESOURCES :** The area studied was the westerly ledges of the cliffs and slopes of Black Point. Review of historic materials at the State Office of Historic Preservation yielded little likelihood of past occupancy or use of these cliff ledges. Further west, indications of use were strong. This immediate area impeded access to the shoreline and so was essentially unuseable.

Currently this machine made access street allows pedestrians to access a narrow and dangerous shoreline access . This primarily serves surfers who are sufficiently skilled to be able to cross the whitewater washed rocky shore to surf the location named "Kaikoo's". Both surfboarders and bodyboarders use these waves. Very few others use this access as the coastline here is very rough. Fishermen are rare here due to the conditions, as are Opihi pickers. This location is directly downswell/downwind of Black Point itself and as such catches all of the "wash" of the breaking surf driven ashore onto Black Point. A number of nearby sites are more friendly to users and therefore see much use.

Kayakers and Canoe paddlers often pass by this area but remain out beyond the surf to avoid being driven onto the rocks, just as any long distance swimmers. Due to the near shore extreme depth of the ocean here it is well known to harbor a larger than normal shark population, and is therefore not a good swimming area.

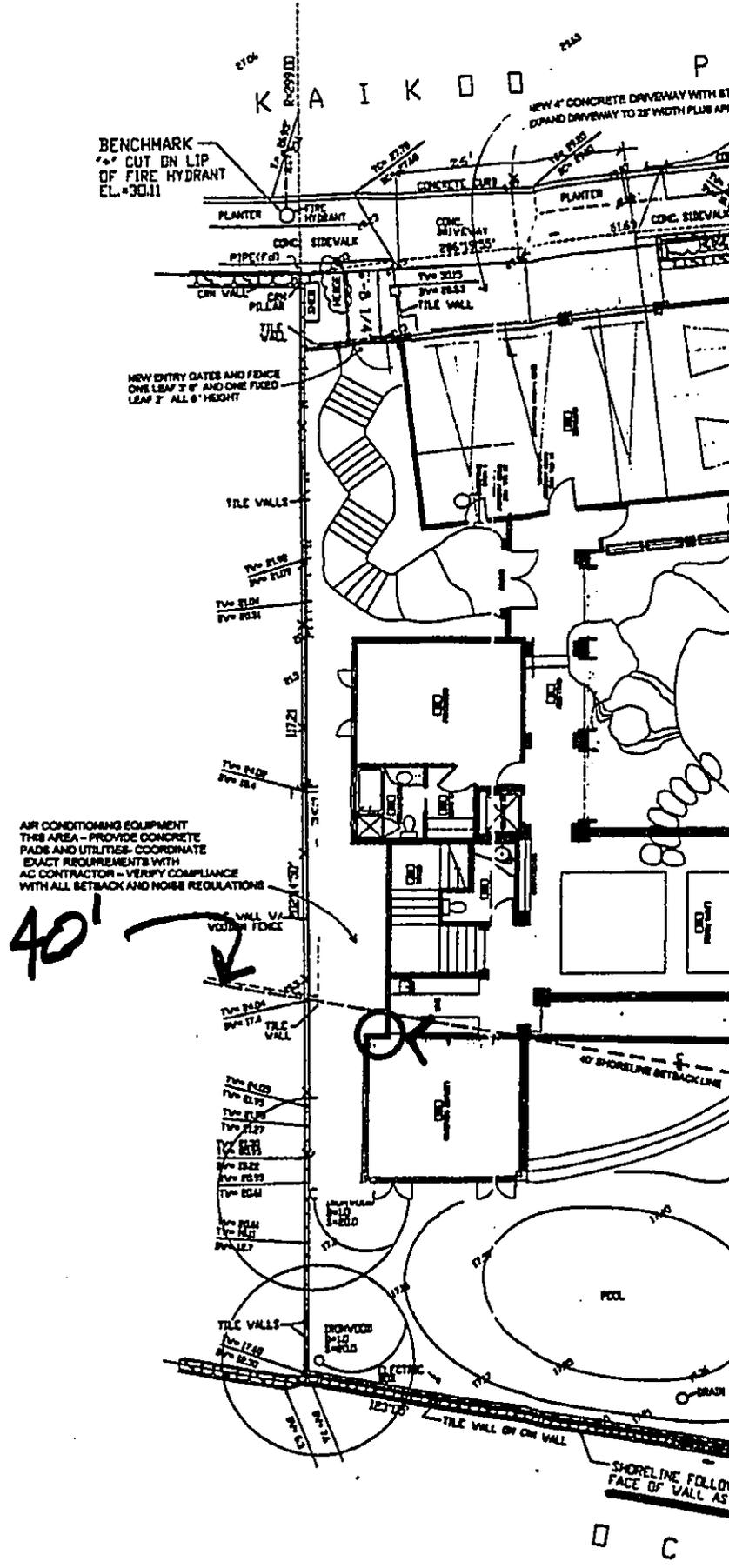
The MacGregor family who had resided here since the late 1950's provided a good recent history source for this report.

**SHORELINE ACCESS :** The existing shoreline access point is located three lots west as it is approximately 15 feet lower in elevation, allowing walking access to the shoreline. This is frequented primarily by surfers.

**LATERAL BEACH ACCESS :** There is no useable lateral access as the shoreline is broken rock washed by strong white water from broken waves. In times of rare calm surf the shore is difficult to traverse and leads to a dead end at Black Point.

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02 JAN 1988  
OFFICE

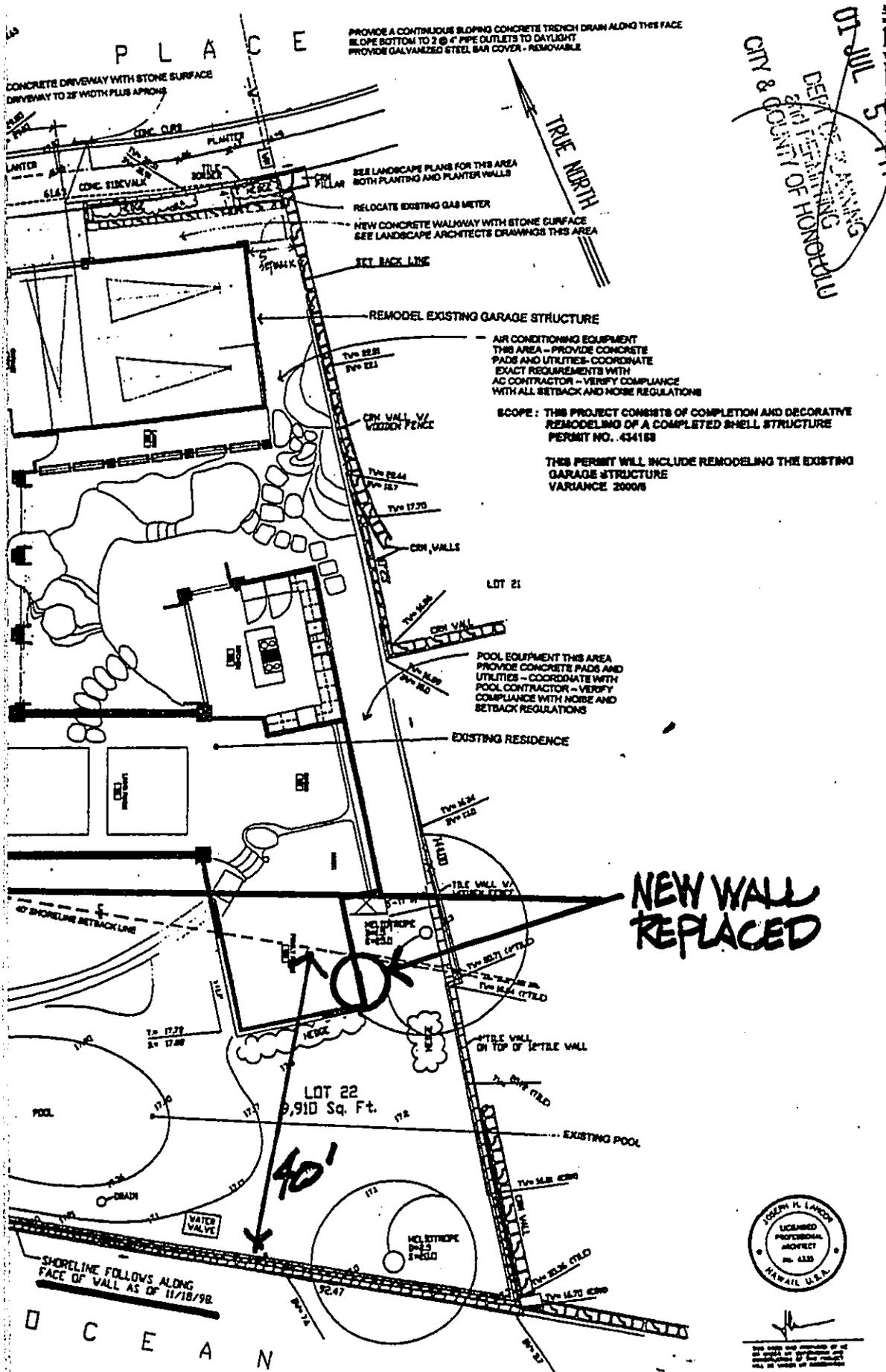


AIR CONDITIONING EQUIPMENT  
THIS AREA - PROVIDE CONCRETE  
PADS AND UTILITIES. COORDINATE  
EXACT REQUIREMENTS WITH  
AC CONTRACTOR - VERIFY COMPLIANCE  
WITH ALL SETBACK AND NOISE REGULATIONS

40'

SHORELINE FOLLOW  
FACE OF WALL AS

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PROVIDE A CONTINUOUS SLOPING CONCRETE TRENCH DRAIN ALONG THIS FACE  
SLOPE BOTTOM TO 2 @ 4" PIPE OUTLETS TO DAYLIGHT  
PROVIDE GALVANIZED STEEL BAR COVER - REMOVABLE

DEVELOPER'S SIGNATURE  
CITY & COUNTY OF HONOLULU  
DEPT. OF PERMITS  
5/11/01

TRUE NORTH

RELOCATE EXISTING GAS METER  
NEW CONCRETE WALKWAY WITH STONE SURFACE  
SEE LANDSCAPE ARCHITECTS DRAWINGS THIS AREA

REMODEL EXISTING GARAGE STRUCTURE

AIR CONDITIONING EQUIPMENT  
THIS AREA - PROVIDE CONCRETE  
PADS AND UTILITIES - COORDINATE  
EXACT REQUIREMENTS WITH  
AC CONTRACTOR - VERIFY COMPLIANCE  
WITH ALL SETBACK AND NOISE REGULATIONS

SCOPE: THIS PROJECT CONSISTS OF COMPLETION AND DECORATIVE  
REMODELING OF A COMPLETED SHELL STRUCTURE  
PERMIT NO. 434183

THIS PERMIT WILL INCLUDE REMODELING THE EXISTING  
GARAGE STRUCTURE  
VARIANCE 2000/8

POOL EQUIPMENT THIS AREA  
PROVIDE CONCRETE PADS AND  
UTILITIES - COORDINATE WITH  
POOL CONTRACTOR - VERIFY  
COMPLIANCE WITH NOISE AND  
SETBACK REGULATIONS

NEW WALL  
REPLACED

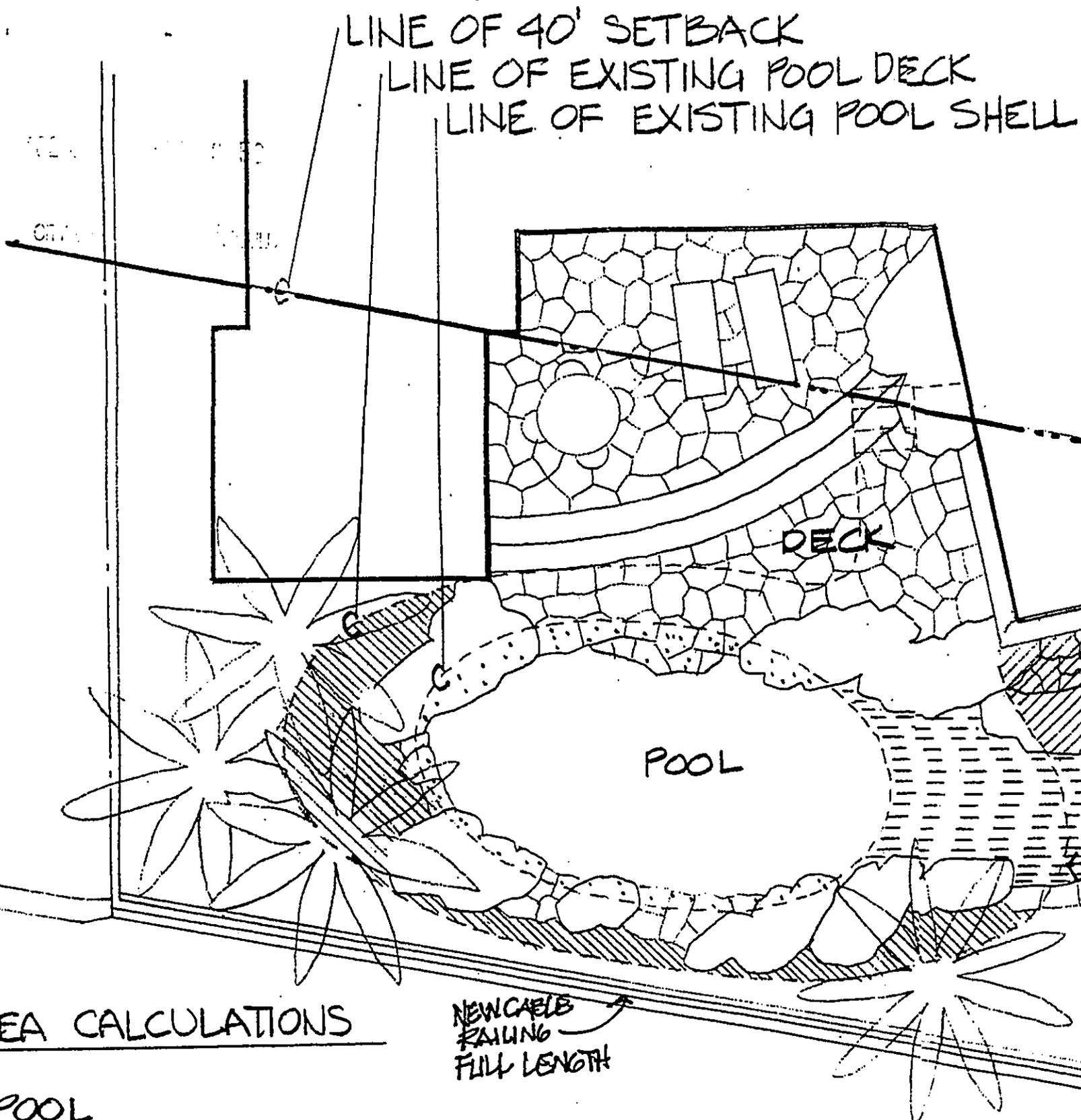


SITE PLAN  
SCALE: 1/8" = 1'-0"

Pacific CAD/CAM Services, Inc. 1131 Kapiolani Avenue, Suite 301, Honolulu, HI 96816  
Phone: 808-758-1971 Fax: 808-758-4207 Email: pacific@pacificcad.com  
Pacific CAD/CAM Services, Inc. 1131 Kapiolani Avenue, Suite 301, Honolulu, HI 96816  
Phone: 808-261-6610 Fax: 808-262-0002 Email: pacific@pacificcad.com

SITE PLAN  
LATHAM RESIDENCE  
WALKWAY ON A/C/S - ON A/C/S PRINT

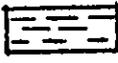
5-8-01  
3-21-01  
A4  
CONSTRUCTED DOCUMENTS  
00-10-01



AREA CALCULATIONS

POOL

INFILL 1094 S.F. 

EXPANSION 104 S.F. 

RESULT: EQUAL BALANCE C

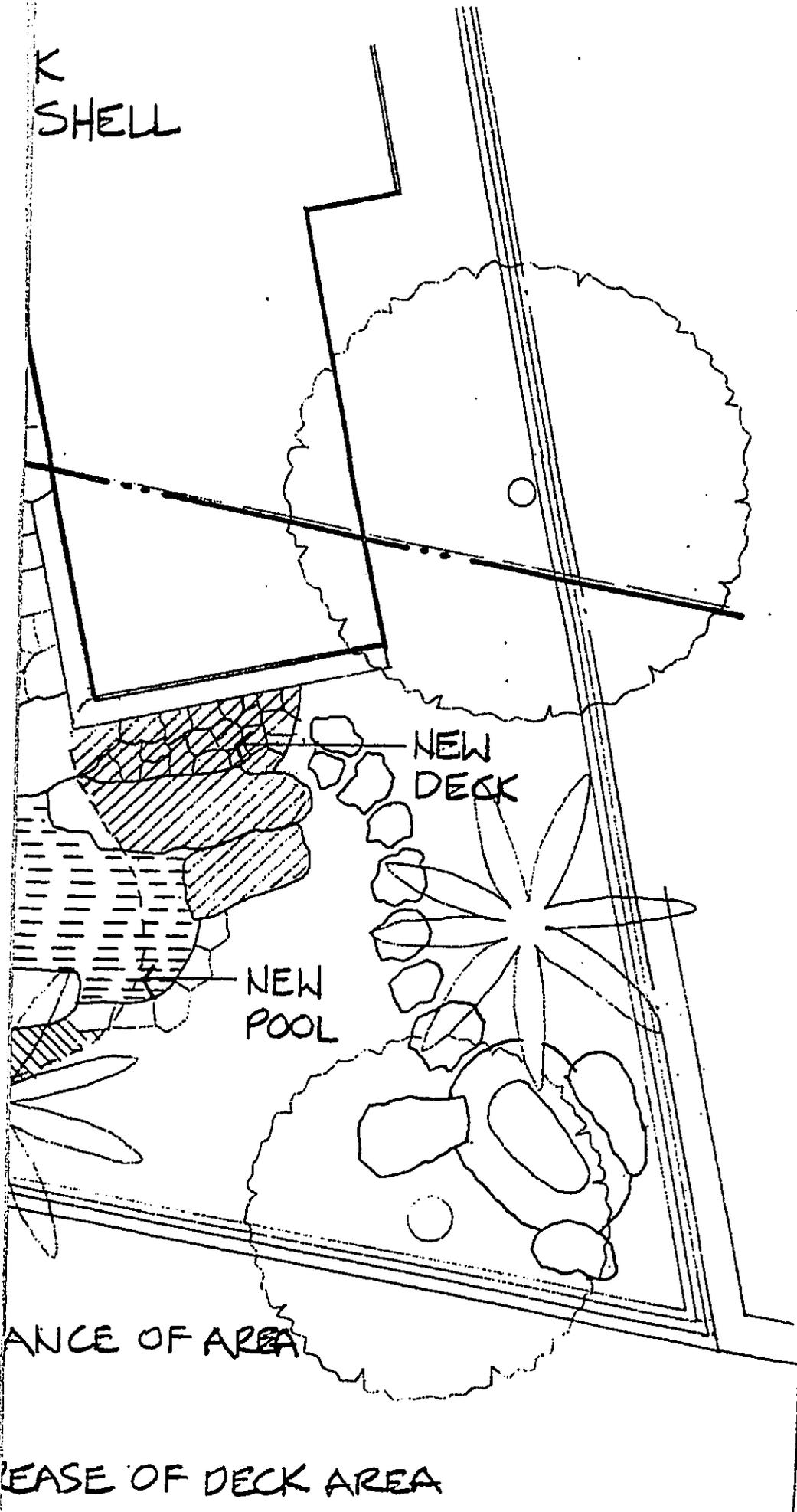
DECK

AREA REMOVED 206 S.F. 

AREA ADDED 196.5 S.F. 

RESULT: SLIGHT DECREASE C

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RANDALL  
MONAGHAN

5-18-01

01 JUL 5 PM 4 33  
DEPT. OF PLANNING  
and PERMITTING  
CITY & COUNTY OF HONOLULU

CALCULATIONS  
BASED ON  
JOE LANCOR'S  
2-3-01 DRAWING

LATHAM  
RESIDENCE

4310  
KAIKOO PLACE  
HONOLULU  
HI

TMK  
3-1-41:24

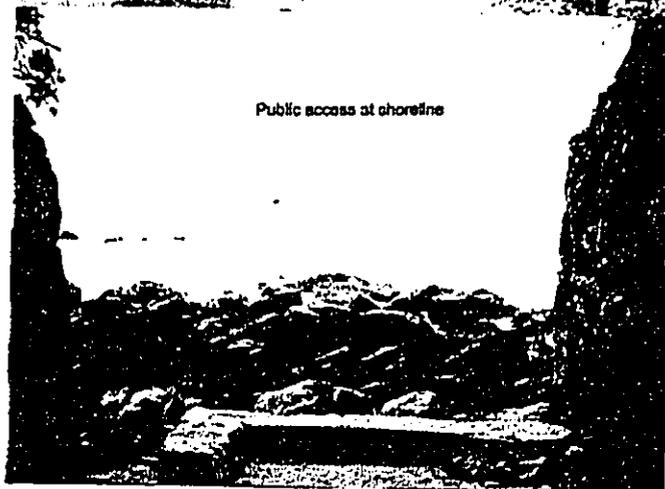
POOL REMODEL

A5

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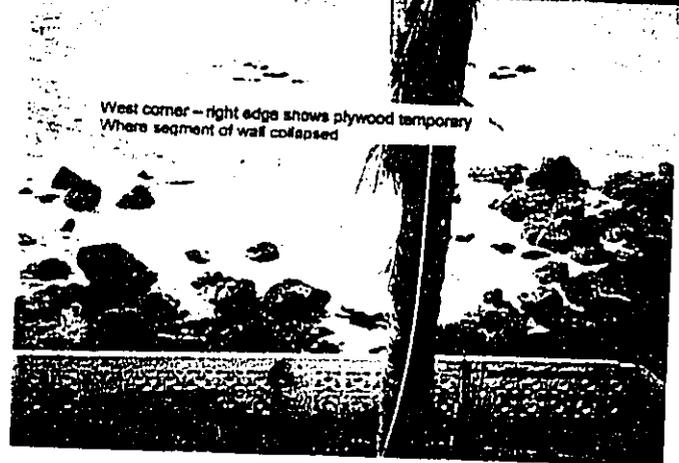
Entry public access from street



Public access at shoreline

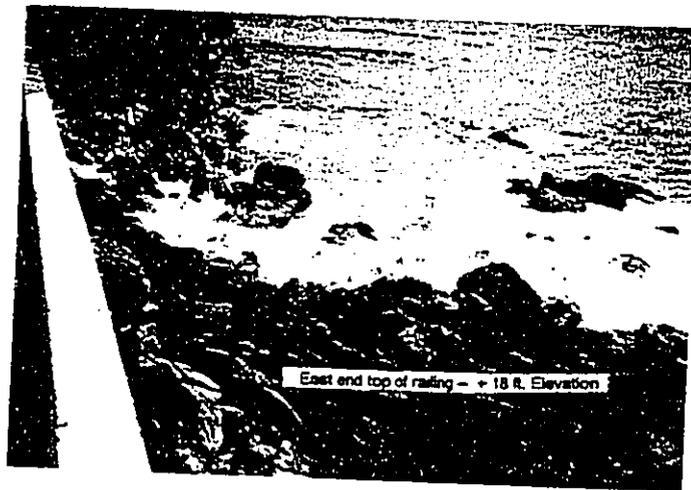
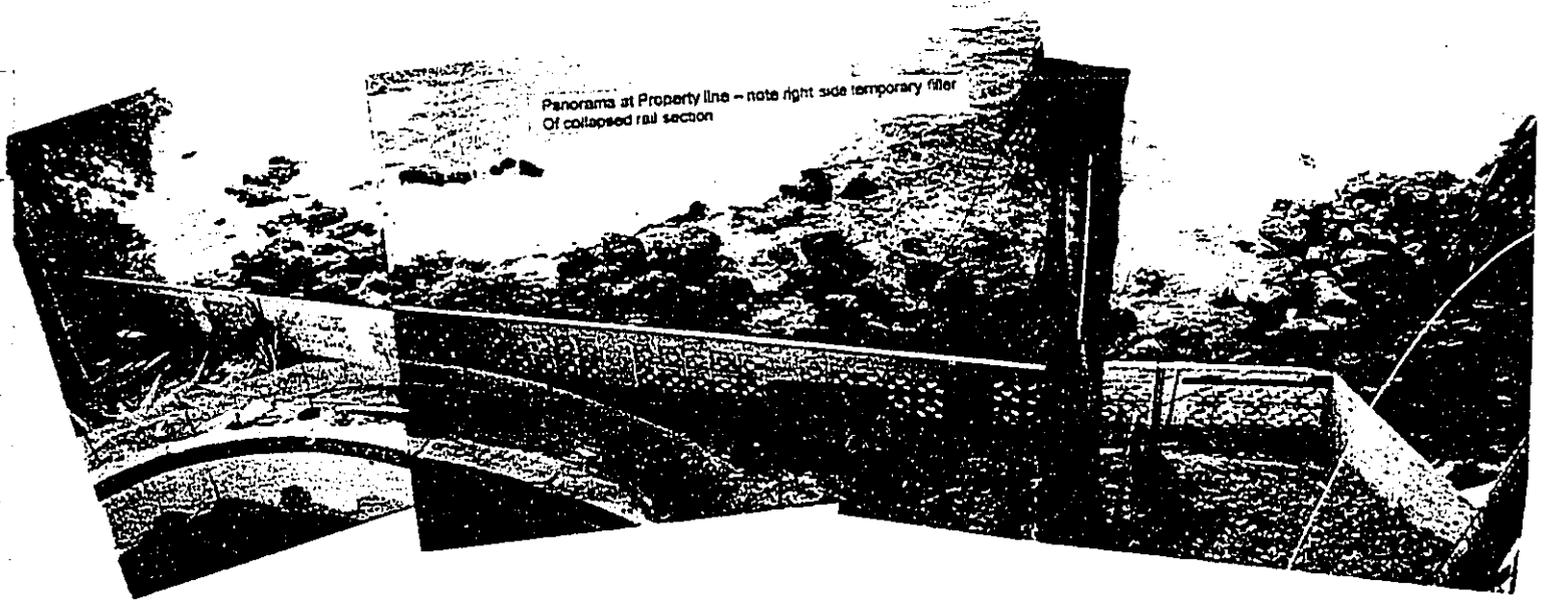


East end of pool - decking removed



West corner - right edge shows plywood temporary  
Where segment of wall collapsed

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**SHORT TERM CONSTRUCTION IMPACTS :** The work considered by this variance request will involve modest construction activities spanning less than 90 days. These usual impacts of noise and dust are substantially reduced by the prevailing trade winds and the shielding of noise from the neighbors by the natural rock cliff ledges.

### **Mitigation Measures**

The renovation of this older residence will extend its useful life and so continue to occupy the shoreline. This is already allowed and permitted. The approval of this variance will allow the 7.2% of the existing residence located within the 40 ft. shoreline setback to be renovated as the existing house. Note permits for the structural frame, skin, roofing, decking, railings and finishes was already obtained Permit 434158. The addition of these architectural trims and stone veneer serve to make the architecture blend with the rocky site area in a more harmonious, less boxy – intrusive manner.

Just as the above does for the building, the CMU wall is an intrusive, massive element which the cable rail replacement will strongly improve the natural appearance of the rocky ledge, as the cable rail has so little mass, and does not conflict with the rock material or its form. If no approval for this element were allowed there would be an imminent danger of the aging CMU falling to the rocky shoreline below, as has already occurred at the Ewa corner. This is due to the corrosive affects on the structural steel rebar in the masonry of the salt water which splashes onto this area in times of large south swell or Kona storms. Nearly 80% of the rebar steel has corroded at the base cold joint to a severe or completely gone extent. The no project alternative here would be a dangerous position for the public property adjacent.

The swimming pool exists as a symmetrical formal oval shape and as such does not exist in any kind of sympathy with its environment. The application approval will allow the usual short term construction negative impacts of dust and noise etc. but these would occur with the simple maintenance of the pools surface plaster and other allowed repairs. Approval of this request will allow a nearly identical area of pool to be reshaped into an organic, natural shape, much more in harmony with its environment.

The existing swimming pool decking ( futurastone epoxy and pebbles in gold ) was removed by the contractor who did not understand the shoreline setback rules . Approval of this variance will allow a natural rock partial decking surface to work along with the natural rock pool shape to give an overall feel of harmony with the environment of Black Point. The negative impacts will be the short term construction usual sort, but the finished result will be no more "occupancy" of the 40 ft. shoreline setback than existed before, and in a private backyard, not adjacent to a public area ( due to the cliff edge ). It will certainly be more harmonious in design with the natural elements of the immediate local environment. No project option here will be a less safe swimming pool from both a mechanical slip and fall standpoint but also from a health department water quality standpoint.

If this variance request is approved the applicant will be allowed the same reasonable use of his property as others in the neighborhood and consistent with normal residential

development anywhere. This request is unique in that a nearly 20 ft rock cliff separates it from a non- occupiable rocky shoreline which is the only adjacent public shoreline.

This proposal is the best practicable alternative as it removes built elements which are conflicting with the natural character of the area ( CMU wall , symmetrical pool, futura stone deck- already gone inadvertently ) and replaces their function with a similar element of a more harmonious design. With the exception of the wrongly removed pool decking, these elements already exist and our request will allow this natural design character to soften the presence of these elements in there environment.

This site is heavily fortified from assault by the ocean – it is a rock cliff thousands of years old and most likely to remain untouched for a similar time, It is high above the ocean and so above any ability to affect or be affected by the shoreline process. As this development all occurs above the ocean behind the rock cliff face it cannot affect the shoreline below ( with the exception of the existing CMU wall dropping onto the rocks below) . The elements of this request/project will have no effect on the shoreline with the exception of visual improvement.

We propose to change the design character of the built elements now in conflict with the mass, form, shape and color of the rocky cliffs and ledges for which the area is named – Black Point- to natural organic elements in harmony with the local environment. We propose to increase public safety by replacing the perimeter CMU wall ( a portion of which has already fallen to the shore) and to increase safety for the occupants by reinstalling hard stone pool decking ( inadvertently removed) .

We hereby submit an application and request for a Shoreline Setback Variance in accordance with Chapter 23, ROH, from section 23-1.6 *Non Conforming Structure*. Our application and request is for minor architectural trims and modifications to the exterior wall and surface, the reconstruction of two short wall segments ( termite damage ), the surfacing of the lower portion of an existing wall in rock veneer, the replacement of swimming pool concrete decking mistakenly removed, remodeling of the existing swimming pool and the exchange of the existing CMU Oceanside wall with an open cable rail of similar height and extent, to a single family ocean front residence which is already permitted for and currently undergoing remodeling and renovation ( Permit No. 434158 ) .

This applicant would be deprived of reasonable use of his 9,910 sq. ft. single family property if required to fully comply with the shoreline setback ordinance and the shoreline setback rules . The bulk of the property and its development are located outside of the shoreline setback area, only 7.2% of the existing building is affected. This request will allow architectural trim and detailing to match the remainder of the remodeled house and to allow the existing swimming pool to be remodeled from its formal symmetrical design into a natural rock edged organic shape. The pool and decking areas remain similar, but their design character is altered to one more harmonious with nature. And the replacement of the perimeter CMU perforated, decorative, painted wall with an open cable rail will provide a more natural and open appearance to the rocky shoreline.

It is a further hardship if the applicant could not replace his old concrete deck around the swimming pool ( this decking was removed in error by a mistaken contractor) and a type of decking is needed to safely use the existing swimming pool. Further the CMU perimeter fence is aging and has lost most of its structural capacity due to corrosion of the rebar and must be extensively repaired. The chance to replace this solid mass with something more open is an improvement of the view from the water to the property as well as the reverse.

Flood Hazard: This property is located above a rocky cliff and has been determined to be well above the flood elevation. See Edward K. Noda report CN 2233-00F which is included as a part of this application/request. Based on that report this project complies with Section 9 . 10 of the LUO.

#### **Alternatives Considered**

For this section we will group the building elements ( replacement of short wall segments, addition of architectural trim,) the pool elements ( remodel perimeter shape, replace decking) and the property line guard rail replacement.

#### **BUILDING ELEMENTS :**

No Action – The existing aged structure is not compliant with current life safety codes and requires renovation to comply.

Simple Reconstruction – This will provide the required life safety code compliance while meeting the minimum building code requirements.

Proposed Alternative – Similar to the above but adding improved materials to withstand oceanfront environment, and to best utilize the unique site character and blending with the established neighborhood.

The Hardship Requirements :I. The applicant would be deprived of reasonable use of his property if he could not have a reasonably current building code compliant structure. II.The harsh environmental actions in this unique location causes accelerated deterioration of structures and materials, and this application will allow improved protection of this property. III.This proposal is the practicable alternative which best conforms to the requirements of this chapter in that it will allow the renovation of this existing structure consistent with its existing footprint, and consistent with architectural elements of the neighborhood ( mass, scale, coverage, character).

#### **POOL ELEMENTS :**

No Action – The existing swimming pool finishes, decking and equipment require repair to meet health department minimum standards. No action will result in health code violations and is therefore not acceptable.

Simple Reconstruction – This will provide health department compliance, but is not consistent with the established character of the neighborhood.

Proposed Alternative – This will provide health department standards compliance to a greater than minimum level as well as provide consistency with the established neighborhood.

The Hardship Requirements: I. The applicant would be deprived of reasonable use of his property if he could not keep his swimming pool in full or better compliance with the health departments standards. II. These are unique circumstances in that an owners severe illness caused the existing improvements to be neglected and fall below legal standards and must now be brought back into compliance. The pool decking was improperly removed in a renovation effort and must now be replaced to comply with health department standards. III. The proposal is the practicable alternative which best conforms to the purpose of this chapter in that it will allow the existing swimming facility to be returned to meet or exceed the health department standards and to have a design and quality character which is consistent with the established neighborhood.

#### **PROPERTY LINE GUARDRAIL REPLACEMENT**

No Action - The existing patterned CMU railing's reinforcing steel has failed due to the harsh marine environment. There is no practicle repair possible and the massive rail poses a hazard to anyone 18 feet below on the rocky shoreline.

Simple Reconstruction – This design has proven to be hazardous and short lived, therefore a new design is required to provide safety for those above so that they are restrained from falling to the rocks below, and for those below so that they are not endangered by falling masses of masonry.

Proposed Alternative – The proposed stainless steel cable railing with stainless steel pipe supports will provide code compliant designs which will provide the required safety for those above as well as not endangering anyone below with a falling mass. The railing is strong and lightweight, with the additional benefit that it is easily maintained.

The Hardship Requirements: I. The applicant would be deprived of reasonable use of his property if he could not take measures to provide basic safety for his occupants and provide safety for the public who may be below and adjacent to his property. II. The circumstances are unique in that this older guardrail design has now proven itself to be hazardous and therefore must be replaced with an improved design that mitigates these hazards. III. The proposal is the practicable alternative that best conforms to the intent of this chapter in that it will allow the correction of an unsafe situation.

#### **Anticipated Determination**

The proposed project is not anticipated to have a significant impact based on the criteria set forth in the State Department of Health Rules, Chapter 200, Title 11, Section 12. The proposed project's relationship to the criteria is discussed below.

- (1) *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource:*

The construction remodeling and replacement allowed by this approval would involve an irrevocable commitment of labor, capital, and materials. No loss or destruction of significant natural resources is anticipated.

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

The proposed construction will enhance beneficial use of the project site. These improvements will provide safety and health department conformity to rules.

*(3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions, hereof and amendments thereto, court decisions, or executive orders.*

The proposed project is consistent with the environmental policy, goals and guidance set forth in Chapter 344 HRS.

*(4) Substantially affects the economic or social welfare of the community or State:*

The proposed construction is anticipated to have short-term beneficial economic impacts due to the hiring of construction workers and purchasing of material. In the long-term the project would have beneficial economic impacts by allowing improvement and upgraded design to an existing residence.

*(5) Substantially affects public health:*

The proposed project will not have any long-term impacts on public health.

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

This project will have no impact on population or public facilities use.

*(7) Involves a substantial degradation of environmental quality;*

The proposed project is not anticipated to involve a substantial degradation of environmental quality. Environmental impacts will occur primarily during the short construction period and can be mitigated by compliance with all State and City and County construction related ordinances.

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

The proposed project will have no foreseeable cumulative impacts and does not involve a commitment for larger actions.

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

There is no known proposed, candidate, or listed threatened or endangered species present at the project site.

*(10) Detrimentially affects air or water quality or ambient noise levels:*

Short term impacts to air and water quality and ambient noise levels may occur during the brief construction period. Any environmental impact can be mitigated through proper construction practices and compliance with all applicable ordinances.

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

The site is not situated within an environmentally sensitive area and is not anticipated to affect such areas.

*(12) Substantially affects scenic vistas and viewplanes indentified in county or state plans or studies:*

The project site is not identified as having significant scenic views by the Coastal View Study prepared by the City and County of Honolulu. The Study identifies the Diamond Head Waters as a resource but this site does not provide views from any major roadway or park area, nor will this construction detract from any existing view planes.

*(13) Requires substantial energy consumption:*

Construction of these improvements is not expected to increase energy use since none of these improvements requires significant energy usage.

#### **VARIANCE JUSTIFICATION**

We believe approval of this variance is justified in that it will allow an existing residence to be brought into current code compliance with building safety codes and health department codes and standards, while maintaining consistency of design and character with its existing older neighborhood.



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 • INTERNET: www.co.honolulu.hi.us



JEREMY HARRIS  
MAYOR

RANDALL K. FUJIKI, AIA  
DIRECTOR

LORETTA K.C. CHEE  
DEPUTY DIRECTOR

2001/SV-8 (ST)  
2001/ED-14

October 23, 2001

Mr. Joe Lancor  
1336 Mokulua Drive  
Kailua, Hawaii 96734

Dear Mr. Lancor:

Draft Environmental Assessment (DEA): Shoreline Setback  
Variance (SV) for Pool, Deck and Dwelling Alterations  
4310 Kaikoo Place, Honolulu, Oahu  
Tax Map Key 3-1-41: 24

We have reviewed the DEA for the above-referenced project and suggest that it be revised to more closely follow the content guide which is included with the Department of Planning and Permitting SV application (see enclosed).

The following are our specific comments for additions/revisions that are required:

**GENERAL INFORMATION**

✓ Please include the street address of the project site.

**DESCRIPTION OF PROPOSED ACTION**

General Description

This section should provide more detail on the proposed project, including the size of the pool expansion, precisely which walls of the dwelling are to be replaced, and the length fence wall that is to be replaced with cable railing. Exhibits to illustrate this work should also be referenced.

Mr. Joe Lancor  
Page 2  
October 23, 2001

Please also provide a brief history of the existing improvements at this site (i.e., when was dwelling constructed, when were key building permits issued, etc.). It should also be clarified that the project site is built atop a large concrete rubble masonry (CRM) retaining wall that is located within the 40-foot shoreline setback, and that construction activities require the approval of a variance, pursuant to the Shoreline Setback Ordinance, Chapter 23, Revised Ordinances of Honolulu (ROH).

#### Technical Characteristics

Please provide a more complete description of the construction details proposed (i.e., square footage and type of pool deck to be replaced within the 40-foot setback, nature of the rock veneer to be added, the materials which the cable rails are to be made of and how they will be installed, etc.).

#### **AFFECTED ENVIRONMENT**

Please note that the site is zoned R-7.5 Residential District. The Final EA should discuss the width of the rocky shoreline fronting the site, and along this section of the coastline. This section should also include exhibits which illustrate the coastal views from surrounding areas, including from areas that are accessible to beach goers, as well as from areas nearshore, which are frequented by ocean sport uses, (e.g., kayakers, canoe paddlers, swimmers and fisherman, etc.).

#### **PROJECT IMPACTS**

Please revise this section to describe, in a systematic fashion, the anticipated impact of this project on the environment and to the surrounding neighborhood (i.e., drainage, soil erosion, short-term construction impacts, visual impacts, shoreline access, lateral beach access, etc.). We recommend placing the discussion justifying the activities in a separate Shoreline Setback Requirements section.

#### **MITIGATION MEASURES**

This section appears to be a discussion of the criteria for granting a shoreline setback variance. As such, we strongly recommend that this section be significantly expanded to more thoroughly discuss each of the hardship criteria necessary for granting a Shoreline Setback Variance, pursuant to Section 23-1.8, ROH, including a systematic discussion of distinct alternative considered.

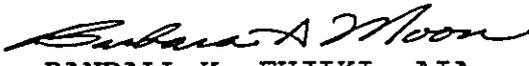
Mr. Joe Lancor  
Page 3  
October 23, 2001

**SIGNIFICANCE CRITERIA**

The Final EA must be expanded to provide an additional section which addresses each of the significance criteria pursuant to the EIS regulations, Section 11-200-12, Hawaii Revised Statutes (HAR).

Should you have any questions, please contact Steve Tagawa of our Land Use Approvals Branch at 523-4817.

Sincerely yours,

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

RKF:cs  
Enclosure  
pdm122390

cc: Office of Environmental Quality Control

March 30, 2002

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

Dear Mr. Fujiki:

Subject : Shoreline Setback Variance Application, FEA comments  
Response, Pool, deck and dwelling alterations,  
4310 Kaikoo Place, Honolulu, Hawaii  
TMK : 3 - 1 - 41: 24

This is in response to your letter dated October 23, 2001 transmitting comments from your review .

**Description of proposed action** - This section has been amplified, however the exhibits included – Site Plan, Landscape Plan, and Site Survey clearly indicate those elements questioned in your comments, and are again included..

**Technical Characteristics** - The exhibits call out materials, provide exact dimensions, and show area calculations – they are again included.

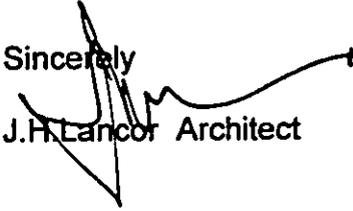
**Affected Environment** – Photographs of the shoreline are now provided

**Project Impacts** – The Project Impacts section now addresses each of the items of your comment – drainage, soil erosion, short-term construction impacts, visual impacts, shoreline access, lateral beach access, etc.

**Mitigation Measures** – This section is significantly expanded, and contains discussion of the hardship criteria necessary for granting the shoreline setback variance pursuant to Section 23 – 1.8, ROH.

**Significance Criteria** – This section pursuant to the EIS regulations, Section 11-200-12 HRS has been added.

Sincerely

  
J.H. Lanco Architect

BENJAMIN J. CAYETANO  
GOVERNOR



'01 OCT 25 PM 2 59

GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
236 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 596-4185  
FACSIMILE (808) 596-4188

DEPARTMENT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

October 23, 2001

Mr. and Mrs. Larry Latham  
1336 Mōkulua Drive  
Kailua, Hawai'i 96734

Mr. Joseph Lancor, Joseph Lancor Architects  
1336 Mokulua Drive  
Kailua, Hawai'i 96734

The Honourable Randall K. Fujiki, Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawai'i 96813

Dear Mr. & Mrs. Latham, Messrs. Lancor and Fujiki:

We have reviewed your draft environmental assessment (DEA) to construct proposed improvements and alterations to the patio deck, swimming pool, landscaping, fence walls, as well as replacement of existing walls at the single family residence located at 4310 Kaiko'o Place (Kupikipiki'o), in the district of Honolulu on the island of O'ahu. We offer the following comments for your consideration and response.

**CULTURAL IMPACT ASSESSMENT:** The DEA does not include a discussion in the environmental setting of the project of cultural resources and practices in the region (i.e., fishing, gathering, shoreline access, etc.) nor does the DEA assess impacts of the proposed project to cultural resources or practices. The Department of Planning and Permitting needs to comply with Act 50, Session Laws of Hawai'i, Regular Session of 2000 (enclosed) and follow the enclosed guidance (or direct the applicant or applicant's agent) on performing and documenting cultural impact assessments prior to the issuance of a shoreline setback variance.

**IDENTIFICATION OF CONSULTED AGENCIES, INDIVIDUALS AND ORGANIZATIONS:** Pursuant to section 11-200-9(c) and 11-200-10, Hawai'i Administrative Rules, please list the individuals, agencies and organizations consulted prior to the issuance of the draft environmental assessment.

**SHORELINE INFORMATION:** Although there is no beach fronting the residence, the eighteen-foot high bluff on which the residence is located should be investigated for geological stability. Please discuss the following:

- A. Historically, has there ever been a shoreline fronting the residence? Include a description of all movements of the neighboring shoreline over at least the past 30 years. Shoreline type: A description of the nature of the affected shoreline, whether sandy, rocky, mud flats or any other configuration. The history and characteristics of adjoining sand dunes, streams and channels, and reefs should be included.
- B. Site maps: Submit maps with title, north arrow and scale, and photographs that clearly show the current certified shoreline, previous certified shorelines, the private property line and the location of the proposed structure. Any nearby public access right-of-way should also be depicted. Applicants should also include a color copy of a color vertical aerial photograph that shows the project area and the adjacent offshore region. The applicant may wish to identify important components of the project on the color photo.

Mr. & Mrs. Larry Latham  
Mr. Joseph Lancor  
The Honourable Randall K. Fujiki  
Shoreline Setback Variance Comments for Draft Environmental Assessment at 4310 Kalko'o Place  
October 23, 2001  
Page 2 of 2

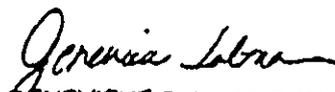
Color aerial photos exist for most of the shoreline area of Hawai'i and often clearly show important geologic and geographic features that are critical to fully evaluating the environmental context, and even the likelihood of success, of a proposed project. Evaluation of an aerial photo of a project site can be an important tool yielding significant information relevant to the applicant's planning efforts.

- C. Description of improvements: A description of structures and improvements (such as homes or swimming pools) on the subject property, their distance from the property line and shoreline, how they may be affected by the construction of the proposed hardening project, and the specific feasibility of relocating them as a hazard mitigation activity.
- D. Coastal hazard history: A coastal hazard analysis for the area in question. This should include any relevant coastal processes such as hazardous currents and seasonal wave patterns, including a description of the recent incidence of damaging high waves, high winds or water levels from storms, vulnerability to tsunami, and the best estimate of Base Flood Elevations and flood zone designation as mapped by the FEMA Flood Insurance Rate Maps.
- E. Photographs: Eye-level (taken by an individual standing on the ground) photos of the site that illustrate past and present conditions and locate the proposed structure.

The inclusion of this information will help make an Environmental Assessment complete and meet the requirements of Chapter 343, HRS. Only after thorough study and analysis should a shoreline setback variance be considered by the Department of Planning and Permitting.

Thank you for the opportunity to comment. If there are any questions, please call me or Leslie Segundo at (808) 586-4165.

Sincerely,

  
GENEVIEVE SALMONSON  
Director

Enclosures

c: Samuel J. Lemmo, Department of Land and Natural Resources

March 30, 2002

Genevieve Salmonson Director  
Office of Environmental Quality Control  
236 South Beretania Street  
Suite 702  
Honolulu, Hawaii, 96813

Dear Ms. Salmonson:

Subject : Drafte Environmental Assessment : Shoreline Setback Variance for  
Pool, Deck, and Dwelling Alterations  
4310 Kaikoo Place, Honolulu, Hawaii  
Tax Map Key 3 - 1 - 41: 24

Thank you for your letter of October 23, 2001, commenting on the subject DEA.  
We offer the following responses in the repective order of your comments:

A Cultural Resources Impacts discussion has been added. The research was conducted in accordance with the Guidelines for Assessing Cultural Impacts. The area encompassed Black Point area and consisted of interviews with family members in residence since the 1950's, Old maps and photographs viewed at Bishop Museum and the State Office of Historic Preservation in Kapolei. The site area is fully developed and in conformity with State Land Use Maps and Plans.

Due to the sites location atop a rock ledge, and the inhospitable rocky shoreline below, there are no issues of access or shoreline activity.

Geological stability of the site was addressed by a licensed geotechnical engineering firm who has concluded the site is stable.

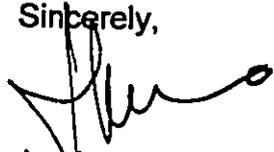
Agencies, Individuals and Organisations consulted are listed in this report.

**Shoreline Information :**

- A. The shoreline was researched back to the middle 1930's and found to be in the same condition then as it is now. There was not a beach. The geotechnical consultant confirmed this information with his own research.
- B. Maps containing the requested information were a part of the original submittal and continue to be included. We have highlighted the requested information. Photos of the described nearby shoreline access are now included. Color site area photos are now included.

We appreciate your interest and participation in this Draft Environmental Assessment process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Lancor', written over the word 'Sincerely,'.

Joe Lancor  
Lancor Architects Inc.

**April 24, 2002 REVISED**

**Genevieve Salmonson Director  
Office of Environmental Quality Control  
236 South Beretania Street  
Suite 702  
Honolulu, Hawaii, 96813**

**Dear Ms. Salmonson:**

**Subject : Environmental Assessment : Shoreline Setback Variance for Pool,  
Deck, and Dwelling Alterations  
4310 Kaikoo Place, Honolulu, Hawaii  
Tax Map Key 3 – 1 – 41: 24**

**Thank you for your letter of October 23, 2001, commenting on the subject DEA.  
We offer the following responses in the respective order of your comments:**

**A Cultural Resources Impacts discussion has been added. The research was  
conducted in accordance with the Guidelines for Assessing Cultural Impacts. The  
area encompassed Black Point area and consisted of interviews with family  
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The site area is fully developed and in conformity with State Land Use Maps and  
Plans.**

**Due to the sites location atop a rock ledge, and the inhospitable rocky shoreline  
below, there are no issues of access or shoreline activity.**

**Geological stability of the site was addressed by a licensed geotechnical  
engineering firm who has concluded the site is stable.**

**Agencies, Individuals and Organisations consulted are listed in this report.**

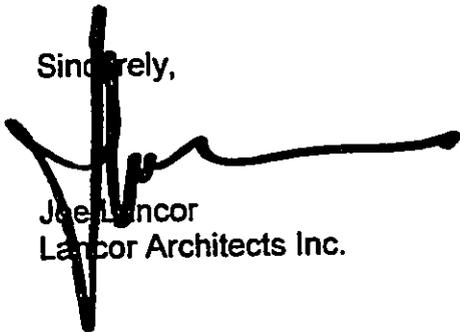
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geotechnical consultant confirmed this information with his own research.**
- B. Maps containing the requested information were a part of the original  
submittal and continue to be included. We have highlighted the requested  
information. Photos of the described nearby shoreline access are now  
included. Color site area photos are now included.**

- C. The report contains a written description of the improvements in general as well as those specifically at issue in this request. Additionally included exhibits give accurate dimensions and description of these items. Photographs further describe these , and are now included.
- D. The report by Edward K. Noda and Associates ( CN 2233-oof) has used as a prime reference "Hurricane Vulnerability Study for Honolulu, Hawaii, and Vicinity, Volume 2, Determination of Coastal Inundation Limits fo Southern Oahu from Barbers Point to Koko Head". This report is included.
- E. Photographs are now included.

We appreciate your interest and participation in this Draft Environmental Assessment process.

Sincerely,



Joe Lincor  
Lincor Architects Inc.



DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FORT SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF

September 28, 2001

'01 OCT 2 PM 3 19  
DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

Regulatory Branch

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

Dear Mr. Fujiki:

This is in reply to your request for comments on the draft Environmental Assessment (dEA) for the Latham property renovations, which include a CRM seawall, located at 4310 Kaikoo Place (TMK 3-1-41: 24), Black Point, Oahu Island. Based on the information provided, I have determined that the Latham Seawall was originally built above the high tide line, the limit of our jurisdiction. The current proposed work seeks to replace the top of the seawall with a wire rail and will not involve work in the adjacent ocean. A DA permit will not be required.

In the future, if the applicant proposes activities into jurisdictional waters (i.e., the discharge of dredged or fill material below the high tide line), consultation should take place with our Regulatory Branch to determine if a DA permit may be required. File Number 200100543 has been assigned to this project. Please feel free to contact Mr. Farley Watanabe of my staff at 438-7701, if you have additional questions.

Sincerely,

George P. Young, P.E.  
Chief, Regulatory Branch

Copy furnished:

U.S. Environmental Protection Agency, Region IX, San Francisco, CA  
U.S. Fish and Wildlife Service, Honolulu, HI  
National Marine Fisheries Service, Honolulu, HI  
State Department of Health, Clean Water Branch  
State Department of Land and Natural Resources, Honolulu, HI  
State Historic Preservation Division, Honolulu, HI  
Office of State Planning, CZM Program Office, Honolulu, HI

March 30, 2002

Mr. George P. Young P.E.  
Chief, Regulatory Branch  
U S Army Engineer District, Honolulu  
Department of the Army  
Fort Shafter, Hawaii, 96858-5440

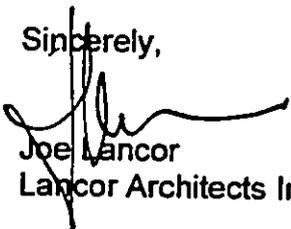
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02 JUN 04 PM 2 57

Dear Mr. Young

Subject : Draft Environmental Assessment : Shoreline Setback Variance  
For Pool, Deck, and Dwelling Alterations  
4310 Kaikoo Place, Honolulu, Hawaii  
TMK : 3-1-41: 24  
File Number 200100543

Thank you for your letter of September 28, 2001 confirming our determination that we are above the flood elevation and so no DA permit is required. We appreciate your interest and participation in the DEA process.

Sincerely,

  
Joe Lancor  
Lancor Architects Inc.

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

'01 SEP 28 PM 4 11

DEPT OF PLANNING  
& PERMITTING  
CITY & COUNTY OF HONOLULU

September 21, 2001

Mr. Randall K. Fujiki, AIA  
Director, Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
Honolulu, HI 96813

HRD01/263

Subject: Draft Environmental Assessment (DEA) for Mr. And Mrs. Larry  
Latham, Request for Shoreline Setback Variance;  
TMK: 3-1-41: 24; 4310 Kaiko'o Place, Honolulu, O'ahu, Hawaii

Dear Mr. Fujiki:

Thank you for the opportunity to comment on the above referenced project. The Office of Hawaiian Affairs offers the following comments.

Statements addressing the issues within the DEA are ambiguous and in need of clarification. For example, there needs to be some clarification as to whether the Permit for the project allows any construction activities, such construction of the new pool and deck in the 40' setback area. Also, there is no indication of excavation activities regarding rock removal, if any at the project site.

In the event of discovering human burials, cultural or historical sites during any excavation or construction activities at the proposed project site, the State's Historic Preservation Division should be contacted immediately.

DEC 20 11 57 AM '01

11 20 11 57 AM '01

Mr. Randall K. Fujiki, AIA  
Director, Department of Planning and Permitting  
September 21, 2001  
Page Two

If you have any questions, please contact Mark A. Mararagan, policy analyst at 594-1756, or e-mail him at [markmararagan@hotmail.com](mailto:markmararagan@hotmail.com).

Sincerely,



Colin C. Kippen, Jr.  
Deputy Administrator

cc: Board of Trustees  
OHA Administrator

March 30, 2002

Mr. Colin C. Kippen Jr.  
Deputy Administrator  
Office of Hawaiian Affairs  
711 Kapi'olani Boulevard, Suite 500  
Honolulu, Hawaii, 96813

Subject: Draft Environmental Assessment for Mr. And Mrs. L. Latham, request  
For Shoreline Setback Variance  
TMK 3-1-41:24 ; 4310 Kaikoo Place, Honolulu, Hawaii

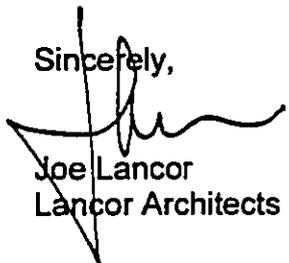
Dear Mr. Kippen

The permit for the project will allow refinishing the existing pool and bringing it into compliance with State Health Department sanitation rules for swimming pools. No excavation in native soil is involved in this project. There is no rock excavation or removal involved in this project.

Since no excavation in native soils is planned, it is unlikely any cultural resource finds will be made. As a precaution, the owners and all construction personnel involved have been made aware of the proper procedures should a discovery be made.

Thank you for your interest and participation in this DEA process.

Sincerely,



Joe Lancor  
Lancor Architects Inc.

**BOARD OF WATER SUPPLY**

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

01 SEP 24 PM 3 01

DEPT OF PLANNING  
and PERMITTING  
CITY & COUNTY OF HONOLULU



September 24, 2001

JEREMY HARRIS, Mayor

EDDIE FLORES, JR., Chairman  
CHARLES A. STED, Vice-Chairman  
JAN M.L.Y. AMII  
HERBERT S.K. KAOPUA, SR.  
BARBARA KIM STANTON

BRIAN K. MINAAI, Ex-Officio  
ROSS S. SASAMURA, Ex-Officio

CLIFFORD S. JAMILE  
Manager and Chief Engineer

TO: RANDALL K. FUJIKI, AIA, DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

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

SUBJECT: YOUR TRANSMITTAL OF AUGUST 23, 2001 OF THE  
DRAFT ENVIRONMENTAL ASSESSMENT FOR THE  
SHORELINE SETBACK VARIANCE FOR THE LARRY LATHAM  
RESIDENCE RENOVATION, DIAMOND HEAD, TMK: 3-1-41: 24

Thank you for the opportunity to review and comment on the subject document for the residential renovation project.

We have no objections to the proposed renovation project.

If you have any questions, please contact Scot Muraoka at 527-5221.

01 SEP 24 PM 2 57

March 30, 2002

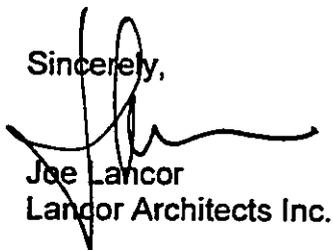
Mr. Clifford Jamile  
Manager and Chief Engineer  
Board of Water Supply  
630 South Beretania Street  
Honolulu, Hawaii, 96843

Dear Mr. Jamile,

Subject : Draft Environmental Assessment, Shoreline Setback Variance for  
Pool, Deck, and Alterations to Dwelling  
4310 Kaikoo Place, Honolulu, Hawaii  
TMK 3-1-41:24

Thank you for your memo of September 24, 2001 where you find no objection to  
this project.

Sincerely,



Joe Lancor  
Lancor Architects Inc.

02 JAN 18 PM 2 57  
LANCOR ARCHITECTS INC  
1336 MOKULUA DRIVE KAILUA, HAWAII 96734

BENJAMIN J. CAYETANO  
GOVERNOR OF HAWAII



DELBERT S. COLOMA-AGARAN, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

DEPUTIES  
JANET E. KAWELO  
LINNELL NISHIOKA

201 SEP 18 PM 1 25

DEPT OF PLANNING  
and PERMITTING  
CITY & COUNTY OF HONOLULU

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
Kekuhihewa Building, Room 555  
601 Kamokila Boulevard  
Kapele, Hawaii 96707

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS

September 7, 2001

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

LOG NO: 28127 ✓  
DOC NO: 0109EJ02

Dear Mr. Fujiki:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Draft Environmental Assessment for the Shoreline Setback Variance Application for 4310 Kaikoo Place, Black Point, O`ahu  
Kaalawai, Kona, O`ahu  
TMK: 3-1-041:024**

Thank you for the opportunity to comment on the draft EA for the proposed improvements and the request for a variance to the shoreline setback requirements at 4310 Kaikoo Place, Black Point. Our review is based on historic reports, maps, and aerial photographs maintained at the State Historic Preservation Division; no field inspection was made of the project areas.

A review of our records shows that there are no known historic sites at this location. This is a developed residential property; located on a rock shelf minimally 18' above the ocean, making it unlikely that historic sites would be found. Therefore, we believe that this action will have "no effect" on significant historic sites.

Should you have any questions, please feel free to call Sara Collins at 692-8026 or Elaine Jourdan at 692-8027.

Aloha,

Don Hibbard, Administrator  
State Historic Preservation Division

EJ:jk

SEP 11 11 21 AM '01

March 30, 2002

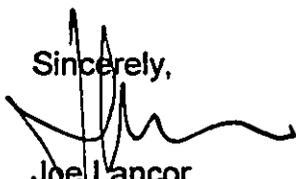
Mr. Don Hibard, Administrator  
State Historic Preservation Division  
Kakuhihewa Building, Room 555  
601 Kamokila Boulevard  
Kapolei, Hawaii, 96707

Dear Mr. Hibard,

Subject: Draft Environmental Assessment, Shoreline Setback Variance for  
Pool, Deck, Dwelling Alterations.  
4310 Kaikoo Place, Honolulu, Hawaii,  
TMK 3-1-41:24  
LOG NO. 28127  
DOC NO: 0109EJ02

Thank you for your review and letter of September 7, 2001 wherein you find our  
proposal to have "no effect" on significant historic sites.

Sincerely,



Joe Lancor  
Lancor Architects inc.

03/30/02 PM 2:57



'02 JAN 24 PM 2 57

CITY & COUNTY OF HONOLULU

# University of Hawai'i at Mānoa

**Environmental Center**  
A Unit of Water Resources Research Center  
Krauss Annex 19 • 2500 Dole Street • Honolulu, Hawai'i 96822  
Telephone: (808) 956-7361 • Facsimile: (808) 956-3980

October 23, 2001  
EA: 0274

Mr. Larry Latham  
1336 Mokulua Drive  
Kailua, HI 96734

Dear Mr. Latham:

**Draft Environmental Assessment  
Latham Shoreline Setback  
Black Point, Oahu**

The applicant proposes improvements and alterations to the patio deck, swimming pool, landscaping, fence walls, as well as replacement of existing walls at the single family residence located at 4310 Kaiko'o Place (Black Point) Honolulu. The approval of a Shoreline Setback Variance is required as all the proposed alterations are located within the 40-foot shoreline setback.

This review was prepared with the assistance of John Rooney, Department of Geology and Geophysics, and Niyati Ni and Renee Thompson, Environmental Center.

### General Comments

There are several issues which should be taken into consideration, including potential impacts to the cliff upon which the property is located and the consequences of these impacts, as well as potential disturbance to Wedgetailed Shearwaters that are known to nest in the area.

### Coastal Erosion

The property is located along the makai side of Kaiko'o Place at Black Point, at the top of an 18 ft. high rock ledge, and therefore above flood elevation. There is no beach fronting this lot, or apparently, any real lateral shoreline access issues, due to the steep cliff there. Therefore, there is no threat of loss of a public beach or coastal resource due to erosion. However, it is conceivable that the cliff itself is structurally unsound and unsafe for development. In the event of the failure of the cliff itself, persons or the property may be damaged, and the permitting agencies may be exposed to liability issues. No shoreline profiles, photographs, etc., were included within the draft EA, so it is not possible to evaluate this risk. It may be prudent to require an engineer's inspection of the cliff prior to granting this variance.

Mr. Larry Latham  
Page 2  
October 23, 2001

### Flora and Fauna

The coastal slope in the Black Point region is a nesting area for Wedgetailed Shearwaters, a species of bird that is extremely sensitive to night lights. There should be some consideration given to ensuring that any landscape lighting be appropriately shielded to prevent disorientation of returning birds.

### Maintenance

In the past, there have been complaints that somebody in that area has drained their swimming pool directly into the ocean, which is a violation of the Clean Water Act. Chlorine in the pool water will have toxic effects, both on any flora or fauna in the runoff path down the shoreline slope and on marine organisms in the nearshore waters. Some discussion of the pool drainage and cleanout provisions should be included in the EA.

### Compliance with the Law

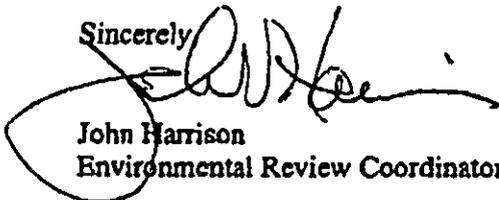
We suggest that you review The Hawaii Administrative Rules Section §11-200-10 Contents of an Environmental Assessment. This document requires the applicant to include the following information in the EA. "(2) Identification of approving agency. (6) Identification and summary of impacts and Alternatives considered. (8) ...anticipated determination", and "(9) Findings and reasons supporting the anticipated determination. (11) List of all permits and approvals (State, federal, county) required." This draft EA does not contain this information.

### Conclusion

In summary, standard coastal hazards appraisals would permit the reviewer to more adequately assess the impacts of the project on the cliff and nearby bird populations. A brief description of maintenance of the property and the inclusion of the necessary legal requirements will aid in making the Final EA a more well-rounded and coherent document.

We thank you for the opportunity to review this draft Environmental Assessment.

Sincerely,



John Harrison  
Environmental Review Coordinator

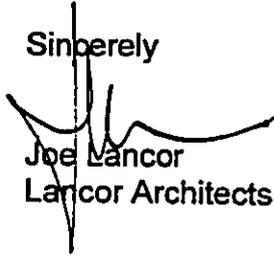
cc: Joe Lancor  
OEQC  
James Moncur, WRRC  
John Rooney  
Renee Thompson  
Niyati Ni



alternatives is now included along with the Anticipated Determination Section in compliance with HARS 11-200-12..

Thank you for your interest and participation in this DEA process.

Sincerely



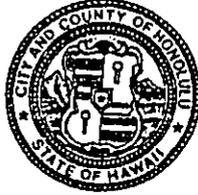
Joe Lancor  
Lancor Architects Inc.

FIRE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H425 • HONOLULU, HAWAII 96819-1869  
TELEPHONE: (808) 831-7761 • FAX: (808) 831-7750 • INTERNET: www.co.honolulu.hi.us

02 JUN 2001 PM 2 57

JEREMY HARRIS  
MAYOR



ATTILIO K. LEONARDI  
FIRE CHIEF

JOHN CLARK  
DEPUTY FIRE CHIEF

September 11, 2001

TO: RANDALL K. FUJIKI, AIA, DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

FROM: ATTILIO K. LEONARDI, FIRE CHIEF

SUBJECT: ENVIRONMENTAL ASSESSMENT, CHAPTER 343, HRS  
PROJECTS WITHIN THE SHORELINE SETBACK

01 SEP 17 PM 2 19  
DEPT. OF PLANNING  
& PERMITTING  
CITY & COUNTY OF HONOLULU

RECORDED OWNERS/  
APPLICANTS : MR. & MRS. LARRY LATHAM  
AGENT : JOE LANCOR  
LOCATION : 4310 KAIKOO PLACE, HONOLULU, OAHU  
TAX MAP KEY : 3-1-041: 024  
REQUEST : SHORELINE SETBACK VARIANCE (SV)  
PROPOSAL : RENOVATION OF A NONCONFORMING  
DWELLING, SWIMMING POOL  
EXPANSION AND MODIFICATION, NEW  
POOL DECK AND REPLACEMENT OF  
PERIMETER CMU WALL WITH OPEN  
CABLE RAIL

We received your memorandum dated August 23, 2001, regarding the request for a shoreline setback variance for 4310 Kaikoo Place. The request for variance will not have an adverse impact on the services provided by the Honolulu Fire Department.

Should you have any questions, please call Acting Battalion Chief Lloyd Rogers of our Fire Prevention Bureau at 831-7778.

ATTILIO K. LEONARDI  
Fire Chief

AKL/SK:jo

11 9 00

March 30, 2002

Attilio Leonardi Fire Chief  
Honolulu Fire Department  
3375 Koapaka Street Suite H425  
Honolulu, Hawaii, 96819 – 1869

Dear Mr. Leonardi

Subject: Draft Environmental Assessment, Shoreline Setback Variance for  
Pool, Deck, Dwelling Alterations.  
4310 Kaikoo Place, Honolulu, Hawaii  
TMK 3-1-41:24

Thank you for your September 11, 2001 letter wherein you find that our project  
will not have an adverse impact on your services.

Sincerely,



Joe Lancor  
Lancor Architects Inc.

002 JUN 14 PM 9 53



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

650 SOUTH KING STREET, 7TH FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 523-4414 • Fax: (808) 527-6743

'01 JUL 5 PM 4 29

JEREMY HARRIS  
MAYOR

DEPT. OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU



RANDALL K. FUJIKI, AIA  
DIRECTOR

LORETTA K.C. CHEE  
DEPUTY DIRECTOR

June 4, 2001

2001/CLOG-2233  
2001/FD-6 (MS)

Mr. Joe Lancor  
1336 Mokulua Drive  
Kailua, Hawaii 96734

Dear Mr. Lancor:

SUBJECT: FLOOD DETERMINATION APPLICATION NO. 2001/FD-6  
Location: 4310 Kaikoo Place, Honolulu, Hawaii  
Tax Map Key: 3-1-41: 24  
Received: May 22, 2001

This is in response to your request for a flood determination in a General Flood Plain District (Zone A) pursuant to Section 21-9.10-8 of the Land Use Ordinance.

The determination in your flood study (dated March 7, 2001) entitled "Estimate of Coastal Flood Elevation, Black Point (TMK: 3-1-41: 24)" prepared by Edward K. Noda and Associates, Inc., is acceptable. Based on the flood study, the portion of this parcel designated on the federal flood map as Zone A, is located in a Flood Fringe District with a regulatory flood elevation of 12 feet above mean sea level.

According to the Flood Insurance Rate Map (FIRM) Panel No. 150001-0370-E, dated November 20, 2000, the remainder of the property is located in Zone X, areas determined to be outside the 500-year floodplain.

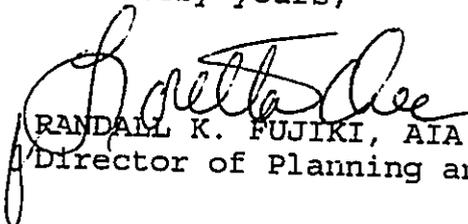
This flood determination does not imply compliance with zoning and building codes or other applicable regulations. They are subject to separate review and approvals. All proposed work on this site shall be in accordance with Section 21-9.10-6, Flood Fringe District, of the Land Use Ordinance and the provisions of the National Flood Insurance Program.

CITY & COUNTY OF HONOLULU  
JUL 11 11 58 AM '01

Mr. Joe Lancor  
2001/FD-6 (MS)  
Page 2

Should you have any questions, please contact Mario Siu-Li of our staff at 523-4247.

Sincerely yours,



RANDALL K. FUJIKI, AIA

Director of Planning and Permitting

RKF:ms  
(99193rev1)

cc: Customer Services Office  
Civil Engineering Branch

Mar 08 01 10:44a

Edward K Noda Assoc. Inc. (808)593-8551

P. 1



Edward K. Noda  
and  
Associates, Inc.

'01 JUL 5 PM 4 30

DEPT OF PLANNING  
AND ENGINEERING  
CITY & COUNTY OF HONOLULU

Engineers  
and  
Environmental  
Consultants

Engineering  
Planning  
Surveys  
Computer  
Modeling

CN 2233

March 8, 2001

615 Piikoi Street  
Suite 300  
Honolulu, Hawaii  
96814-3139

Telephone:  
(008) 591-8553  
Facsimile:  
(008) 593-8551

Mr. Larry Latham  
c/o C.M. & D - Pete Cooper  
239 Merchant Street, #100  
Honolulu, Hawaii 96813

Subject: Latham Residence  
Black Point (TMK: 3-1-41:24)  
Coastal Flood Elevation Estimate

Dear Mr. Latham,

Transmitted herewith are two (2) copies of a letter report providing the estimated base flood elevation (BFE) for the Zone A at the subject parcel. By copy of this letter, a copy of the report has been provided to Mr. Joe Lancor of Lancor Architects, Inc.

Please do not hesitate to call me if you have any questions or require further assistance.

Very truly yours,

Elaine E. Tamaye  
Vice President

enclosure

cc: Lancor Architects Inc. w/report

102 APR 14 PM 2 58  
CITY & COUNTY OF HONOLULU



Edward K. Noda  
and  
Associates, Inc.

'01 JUL 5 PM 4 30

DEPT. OF PLANNING  
AND ZONING  
CITY & COUNTY OF HONOLULU

Engineers  
and  
Environmental  
Consultants

Engineering  
Planning  
Surveys  
Computer  
Modeling

615 Piikoi Street  
Suite 300  
Honolulu, Hawaii  
96814-3139

Telephone:  
(808) 591-8553  
Facsimile:  
(808) 593-8551

ESTIMATE OF COASTAL FLOOD ELEVATION

Black Point, Waikiki-Kahala, Oahu

(TMK: 3-1-41:24)

Prepared by:

Edward K. Noda and Associates, inc.

(CN 2233-00F)

March 7, 2001

CITY & COUNTY OF HONOLULU

'02 JUN 14 PM 2 58

References:

1. Flood Insurance Rate Map (FIRM), City and County of Honolulu, Hawaii, Community Number 150001, Map Number 15003C0370 E, Effective Map dated November 20, 2000.
2. "Hurricane Vulnerability Study for Honolulu, Hawaii, and Vicinity, Volume 2, Determination of Coastal Inundation Limits for Southern Oahu from Barbers Point to Koko Head", prepared for the U.S. Army Engineer Division, Pacific Ocean, prepared by Charles L. Bretschneider and Edward K. Noda and Associates, Final Report dated May 1985.

Inclosure 1: Portion of FIRM Map Number 15003C0370 E

BACKGROUND:

The project site at Black Point (TMK: 3-1-41:24) is located partially in a coastal flood hazard area defined as Zone A (no base flood elevations determined), as delineated by the Flood Insurance Rate Map (FIRM), Community Panel No. 150001, Map Number 15003C0370 E, Effective Map dated November 20, 2000, developed by the Federal Emergency Management Agency (FEMA) (Reference 1). Inclosure 1 is a portion of the FIRM showing the property location.

ESTIMATE OF FLOOD ELEVATION:

The effective FIRM designates a narrow Zone A along the shoreline extending completely around Black Point. This Zone A encompasses the seaward half of the subject parcel.

The flood zone limits on the effective FIRM were based in part on a 1985 study prepared by Edward K. Noda and Associates, Inc. (Reference 2) which established coastal inundation limits for hypothetical "scenario" hurricanes potentially affecting the south coast of Oahu. This study was prepared for the U.S. Army Corps of Engineers in support of State Civil Defense planning purposes, and not for the purpose of establishing 100-year coastal flood elevations. In particular, no frequency of occurrence statistics were developed for the hypothetical "scenario" hurricane events. Furthermore, the application of these hurricane parameters to the analysis of coastal inundation assumed a worst case condition at each land profile location (i.e. maximum storm surge/wave runup at each discrete profile location), rather than a synoptic representation of a single hurricane event. Since the probability of a major hurricane passing directly over Oahu is very slight, the theoretical 100-year coastal flood potential is probably much less than indicated by the Reference 2 study results. However, because the study provided the most current and relevant analysis of the potential coastal flooding due to hurricane wave attack, and the probable inundation was greater than determined for tsunami runup, the FIRM was revised to reflect a probable 100-year flood zone due to hurricane storm surge/runup. However, because the Zone A was established based on approximate methods, the base flood elevation was not defined by

FEMA.

The inundation limits developed in the Reference 2 study were determined using a surge model to estimate the overland flooding characteristics due to hurricane wave and storm surge effects at discrete land profile locations along the coast. The land profile locations closest to the project site are Profiles 26 and 27. These profile locations are shown on Inclosure 1. The flood elevations at the landward-most limit of inundation for these profiles from the Reference 2 study are as follow:

| Profile | SE Model Scenario |           | SW Model Scenario |           | Average   |
|---------|-------------------|-----------|-------------------|-----------|-----------|
|         | MLLW Elev.        | MSL Elev. | MLLW Elev.        | MSL Elev. | MSL Elev. |
| 26      | 11.7'             | 10.9'     | 11.2'             | 10.4'     | 10.6'     |
| 27      | 13.5'             | 12.7'     | 14.9'             | 14.1'     | 13.4'     |

The subject property is situated between Profiles 26 and 27. Therefore, it is expected that the land profiles for Profiles 26 and 27 would be similar to the existing shoreline profile at the project site. According to the Reference 2 study, the two profiles have short flood distance, indicating the situation where waves run up against the foreshore, but do not overtop and flood inland. For Profile 26, the run-up distance (inundation) is only about 30' (average distance for the SE and SW Model Scenarios), from the 0.0 MLLW line to the top of the cliff, and for Profile 27 about 38'. A representative estimate of the wave runup height at the project site is the average of Profiles 26 and 27 of 12' above MSL, which would represent the estimated BFE for the site.

DEVELOPMENT STANDARDS APPLICABLE:

The City and County of Honolulu has established development standards applicable to flood hazard districts, in conformance with FEMA regulations under the National Flood Insurance Program. FEMA's standards (44 CFR National Flood Insurance Program, Part 60 - Criteria for Land Management and Use) are enforced by the City and County of Honolulu, Department of Planning and Permitting, under their Land Use Ordinance (LUO) Section 7.10 Flood Hazard

Districts. The LUO describes development standards within four flood hazard districts: Floodway District, Flood Fringe District, Coastal High Hazard District, and General Flood Plain District<sup>1</sup>. The Floodway and Coastal High Hazard areas are delineated on the FIRM as follows:

Floodway - riverine flood zones (designated by cross-hatching).

Coastal High Hazard - coastal flood areas with velocity hazard (Zone V and VE).

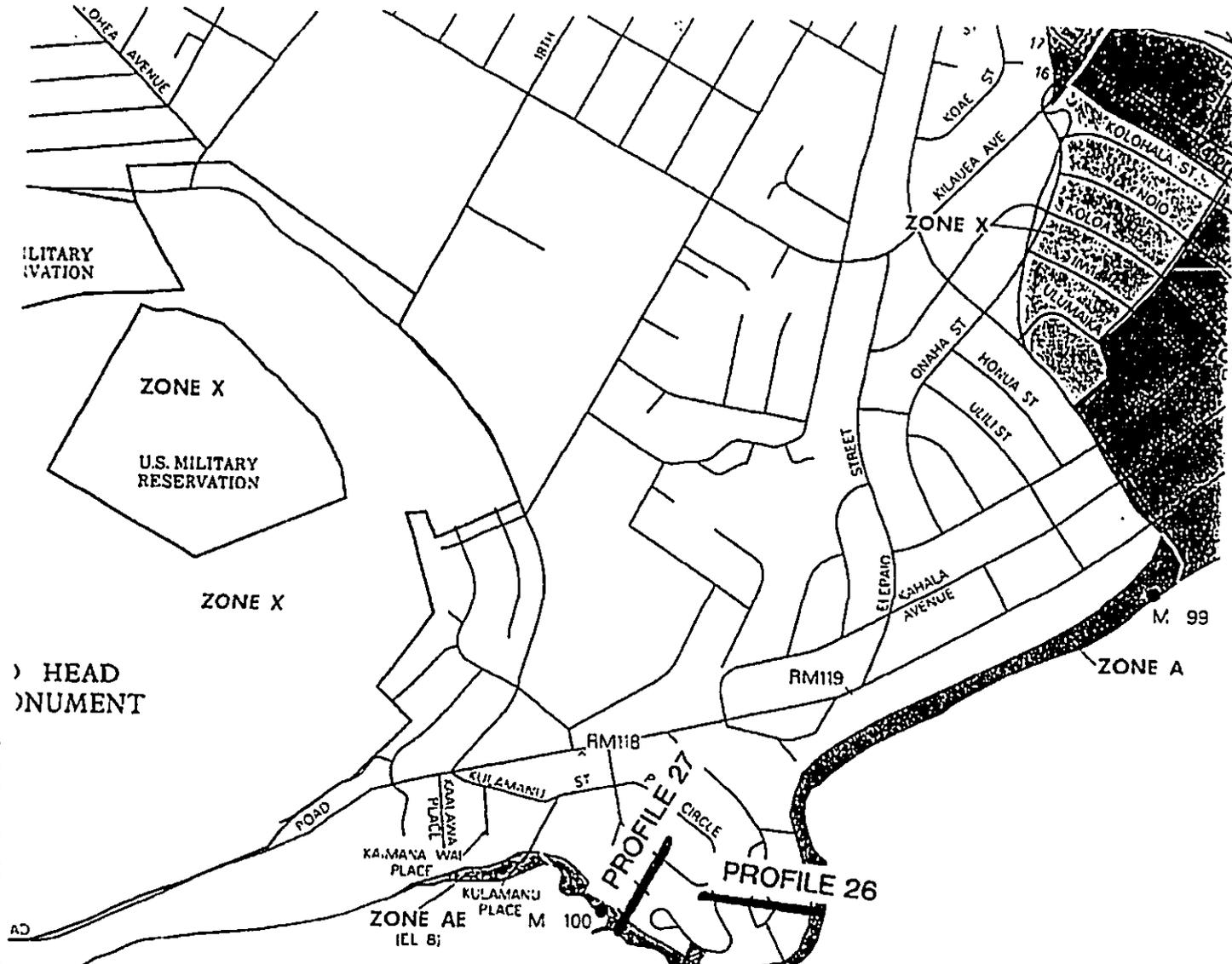
All other flood zones inundated by the 100-year flood (Zone A, AE, AH, AO) are within the Flood Fringe District. Because the subject project is located in Zone A, the development standards applicable to the site are described in the LUO Section 7.10-6 Flood Fringe District.

SUMMARY:

1. A portion of the subject parcel is located in Zone A (base flood elevation undetermined by FEMA).
2. Based on the Reference 2 study results, a representative base flood elevation for the Zone A at the subject property is 12' above MSL.
3. The development standards applicable to the Zone A area in the vicinity of the project site are described in the LUO Section 7.10-6 Flood Fringe District.

---

<sup>1</sup> The *General Flood Plain District* is no longer applicable as the current FIRMs delineate specific flood zones.



TMK: 3-1-41:24

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

CITY AND COUNTY OF HONOLULU, HAWAII

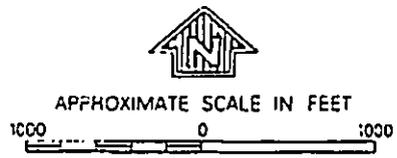
PANEL 310 OF 395

MAP NUMBER  
15002CC070 E

EFFECTIVE MAP:  
NOVEMBER 20, 2000



Federal Emergency Management Agency



INCLOSURE 1