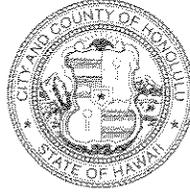


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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



JEREMY HARRIS
MAYOR

ERIC G. CRISPIN, AIA
DIRECTOR

BARBARA KIM STANTON
DEPUTY DIRECTOR

KATHY SOKUGAWA
CHIEF PLANNER

August 19, 2004

2004/SV-7 (DT)

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

RECEIVED
04 AUG 25 P 1:51
OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

Dear Ms. Salmonson:

CHAPTER 343, HAWAII REVISED STATUTES
FINAL ENVIRONMENTAL ASSESSMENT (EA)

Landowner/
Applicant : Janet I. Jensen and Greg B. Tully
Agent : Analytical Planning Consultants, Inc.
(Donald Clegg)
Location : 61-277 Kamehameha Highway - Kawaiiloa
Tax Map Keys : 6-1-12: 5
Request : Shoreline Setback Variance
Proposal : To allow (retain) a deck that
encroaches into the shoreline setback
area.
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 Title 11, Chapter 200, Hawaii Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

Ms. Genevieve Salmonson, Director
Page 2
August 19, 2004

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA. If you have any questions, please contact Dana Teramoto of our staff at 523-4648.

Sincerely yours,


For ERIC G. CRISPIN, AIA
Director of Planning
and Permitting

EGC:nt

Attachments

G:\Dana\SV\2004sv7\finaloeqc.doc

**2004-09-08 FONSI
JENSEN AND TULLY AFTER-THE-FACT DECK**

SEP 16 2004

**FINAL ENVIRONMENTAL ASSESSMENT FOR A
SHORELINE SETBACK VARIANCE APPLICATION**

EXISTING DECK

61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

ACCEPTING AUTHORITY:

City and County of Honolulu
Department of Planning and Permitting

PREPARED BY:

Analytical Planning Consultants, Inc.

August 2004

**FINAL ENVIRONMENTAL ASSESSMENT FOR A
SHORELINE SETBACK VARIANCE APPLICATION**

EXISTING DECK

61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

ACCEPTING AUTHORITY:

City and County of Honolulu
Department of Planning and Permitting

PREPARED BY:

Analytical Planning Consultants, Inc.

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

04 AUG 10 AM 03:32

RECEIVED

August 2004

**FINAL ENVIRONMENTAL ASSESSMENT FOR A
SHORELINE SETBACK VARIANCE APPLICATION**

EXISTING DECK

PROJECT LOCATION:

61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPLICANT AND OWNER:

Ms. Janet Jensen
Mr. Greg Tully

ACCEPTING AUTHORITY:

City and County of Honolulu
Department of Planning and Permitting

PREPARED BY:

Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817
(808) 536-5695

This document has been prepared
pursuant to Chapter 343 HRS

August 2004

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

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FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

1.0 GENERAL INFORMATION

- A. Applicant:** Ms. Janet I. Jensen
805 18th Avenue
Honolulu, Hawaii 96816
Phone: (808) 735-3797 Fax (808) 734-0189
- B. Recorded Fee Owner:** Janet I. Jensen Revocable Living Trust and Greg B. Tully
805 18th Avenue
Honolulu, Hawaii 96816
- C. Agent:** Analytical Planning Consultants
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817
Donald Clegg, President
Phone: 536-5695 Fax: 599-1553
- D. Property Profile:**
- | | |
|----------------------------|--|
| Site Address: | 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii |
| TMK: | Oahu 6-1-012: 005 |
| Lot Area: | 5,700 square feet |
| State Land Use: | Urban |
| County Development Plan: | Residential |
| Zoning: | R-5 Residential |
| Height Limit: | 25 feet |
| Special District: | No |
| Shoreline Management Area: | Yes |
| Shoreline Setback: | Yes |
| Flood Zone: | FIRM Zone VE |
| Existing Land Use: | Residential |
- E. Agencies Consulted:**
- City & County of Honolulu, Department of Planning & Permitting
 - State of Hawaii, Department of Land & Natural Resources
 - State of Hawaii, Dept of Health's Office of Environmental Quality Control
- F. Permits Required:**
- Shoreline Setback Variance
 - Building Permits as required

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

2.0 LOCATION AND GENERAL DESCRIPTION OF THE PROPOSED PROJECT

2.1 Location

The project site, TMK: 6-1-012: 005 located along the makai side of and adjacent to Kamehameha Highway, is about 1 mile away from Waimea Bay on the North Shore of Oahu. The property, 61-277 Kamehameha Highway, is located amongst a long stretch of existing residentially developed lots that front the ocean. A general location map for the project site is shown in Figure 1 and a tax map is shown in Figure 2. The vicinity of the project area is developed with single family residences along and near the shoreline. Many of these properties have individual vertical seawalls.

2.2 Background Information

In 2000, the applicant/owner purchased the 5,700 square foot property which contains a modest single family dwelling. Vegetation on the site consists of Kamani trees, Heletrop trees, Milo trees, sea grape trees, naupaka and other small shrubs and residential landscaping materials. The project site's State land use designation is Urban and the City and County of Honolulu's zoning classification is R-5 Residential. Figure 3 illustrates the site's zoning designation.

A single-story residential structure was moved to the site in 1947 under Permit Number 59409. The existing house is an existing nonconforming structure as it was built within the 40-foot shoreline setback area prior to when the Coastal Zone Management regulations came into effect. No plans can be found for this building. The house is made of wood and post and pier construction, and varies from approximately 2 feet above grade to 8 feet above grade. This small dwelling contains 2 bedrooms, one bathroom, a living room, and a kitchen. Entrance to the house is along the east side of the structure and there is another door that opens only onto the deck.

The applicant's property has been impacted by erosion. Several feet of the property is now underwater and located further seaward as the shoreline had encroached over the years closer to the house. This is compared to when the house was located on the property in 1947 and the beach in front of the house was much deeper.

There are a number of protective shoreline structures along this particular section of the coastline. The applicant's property and the vacant lot immediately adjacent to the west of the applicant's property do not have protective shoreline structures. The lots on either side - to the east and the west of the applicant's property - have various types of seawall or other shoreline protection type of structures. Also, the dwelling structures are all typically relatively near the ocean because Kamehameha Highway borders the lots along the mauka side.

The applicant submitted plans to the City for an addition on the property. On August 14, 2002, the Department of Planning & Permitting's Building Division cited the applicant/owner for having a deck within the shoreline setback area (Violation No. 2002/NOV-08-151).

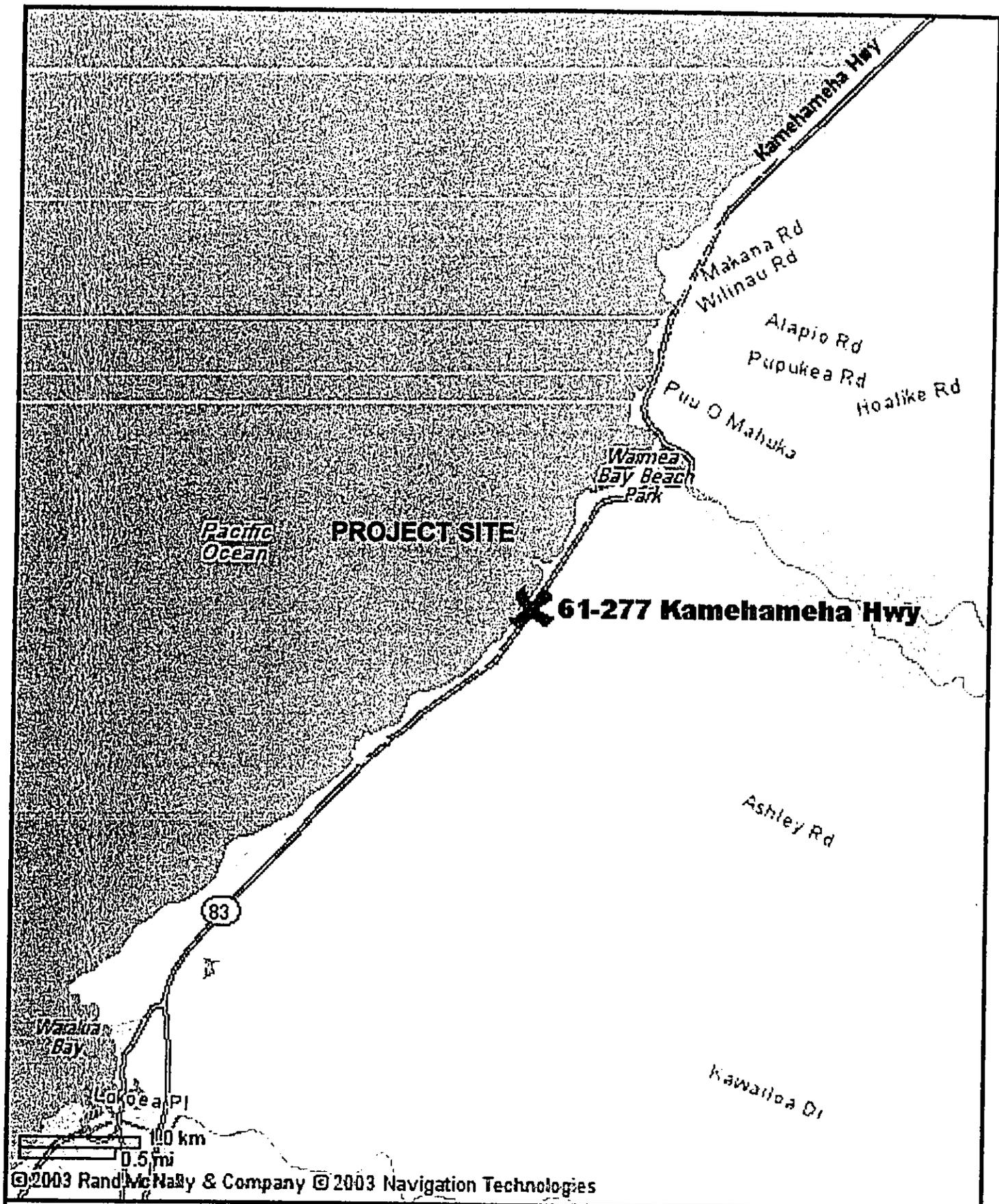


Figure 1

LOCATION MAP

61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii

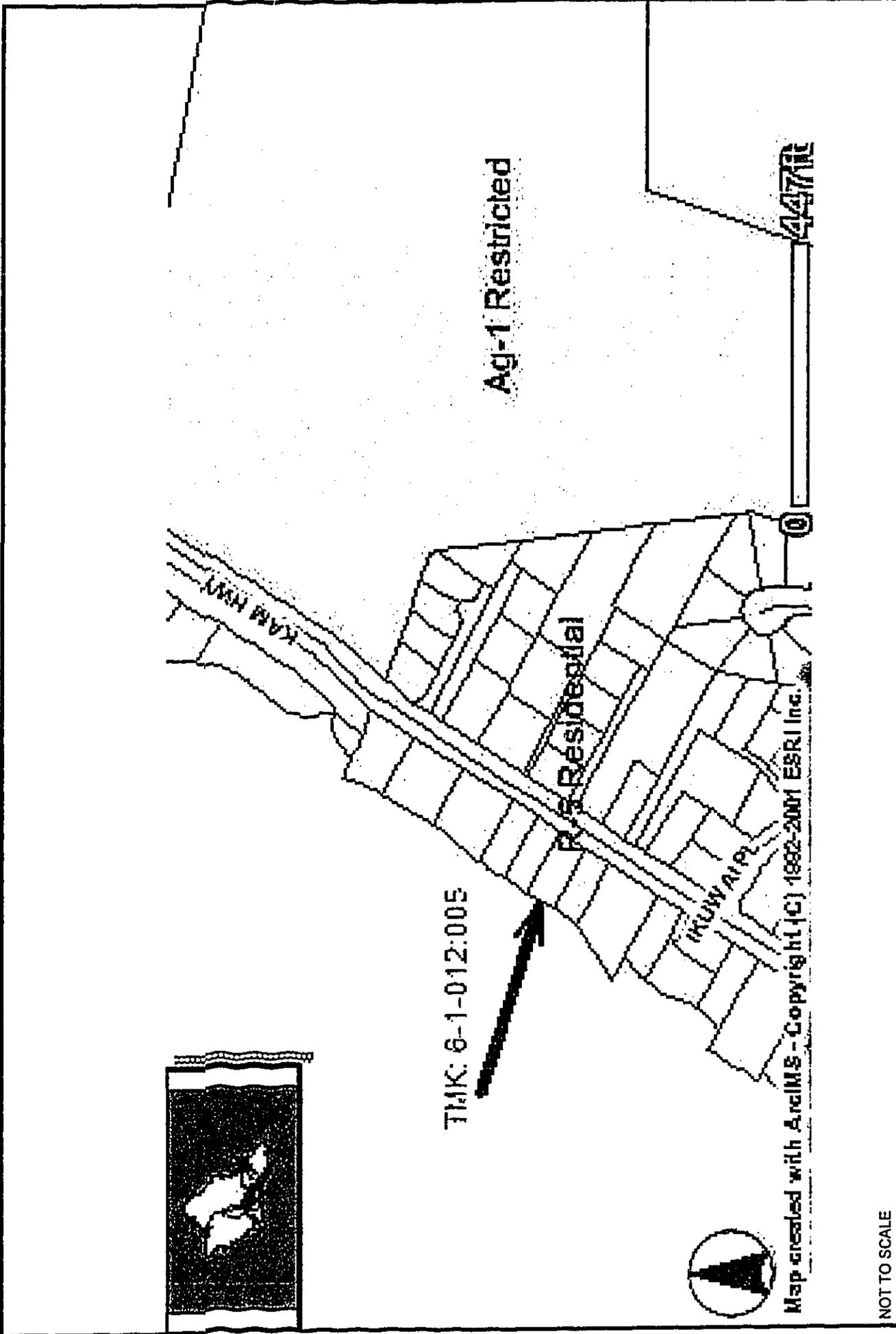


Figure 3

ZONING MAP

61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

2.3 Project's Technical Characteristics

The existing deck is the subject of this Environmental Assessment and the Shoreline Setback Variance application.

In 2002, the applicant/owner replaced wood rot damage in the deck and extended the deck from 10 feet long (half the width of the house) to 20 feet long (full width of the house). The deck is 4 feet 6 inches wide and 20 feet long. The deck is cantilevered out from the house and is approximately 7 feet above the ground. There are no supports and no posts under the deck going into the ground. The deck is not covered.

A shoreline survey was certified by the Board of Land and Natural Resources on September 24, 2003. Figure 4 depicts the location of the certified shoreline and the 40-foot setback area. The deck and the entire dwelling are located within the 40-foot shoreline setback area.

The owner-applicant is seeking approval of a shoreline setback variance and after-the-fact building permit for the deck. The deck is the only safe location from which to monitor for debris in the surf during big North Shore storm swells.

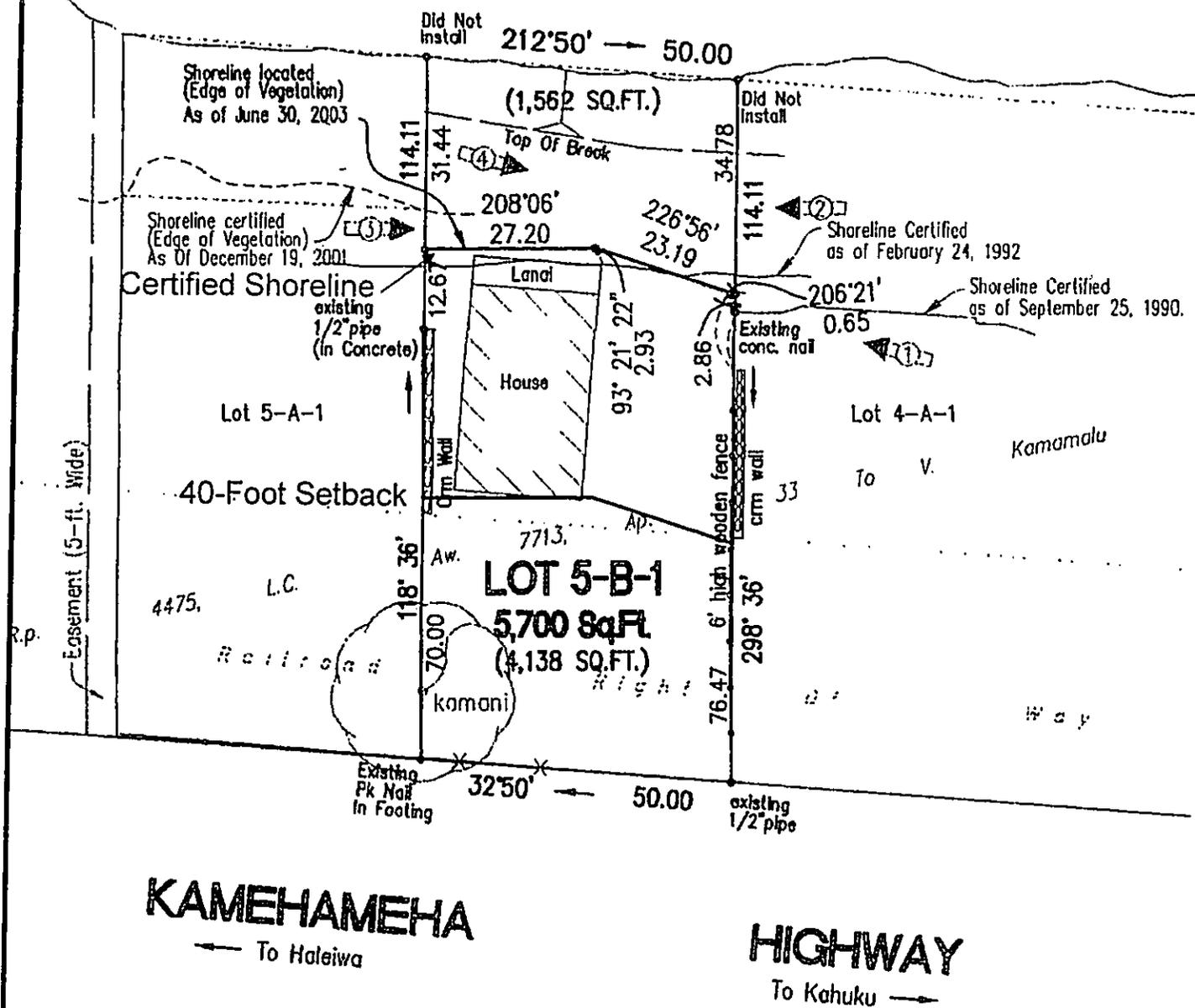
Aerial photos indicate that in 1967 a sea wall existed that provided a safe observation point from which to monitor big winter surf storms. The deck may have been added as a replacement for the seawall. According to photographic evidence, a deck has existed on the makai side of the house since at least 1975. The aerial photo in Appendix E dates from July 26, 1970 and there is definitely evidence of some structure or two structures along the ocean-side of the house. The earlier may have had been much larger than the existing deck. Removal of the deck would result in a dangerous seven foot drop from the house to the beach below. Photos of the existing deck are shown in Figure 5 and Figure 6.

TRUE NORTH
SCALE: 1" = 30'

The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of SEP 25 2003

[Signature]
Chairman, Board of Land and Natural Resources

Pacific Ocean



Not To Scale

Figure 4

CERTIFIED SHORELINE SURVEY

61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii

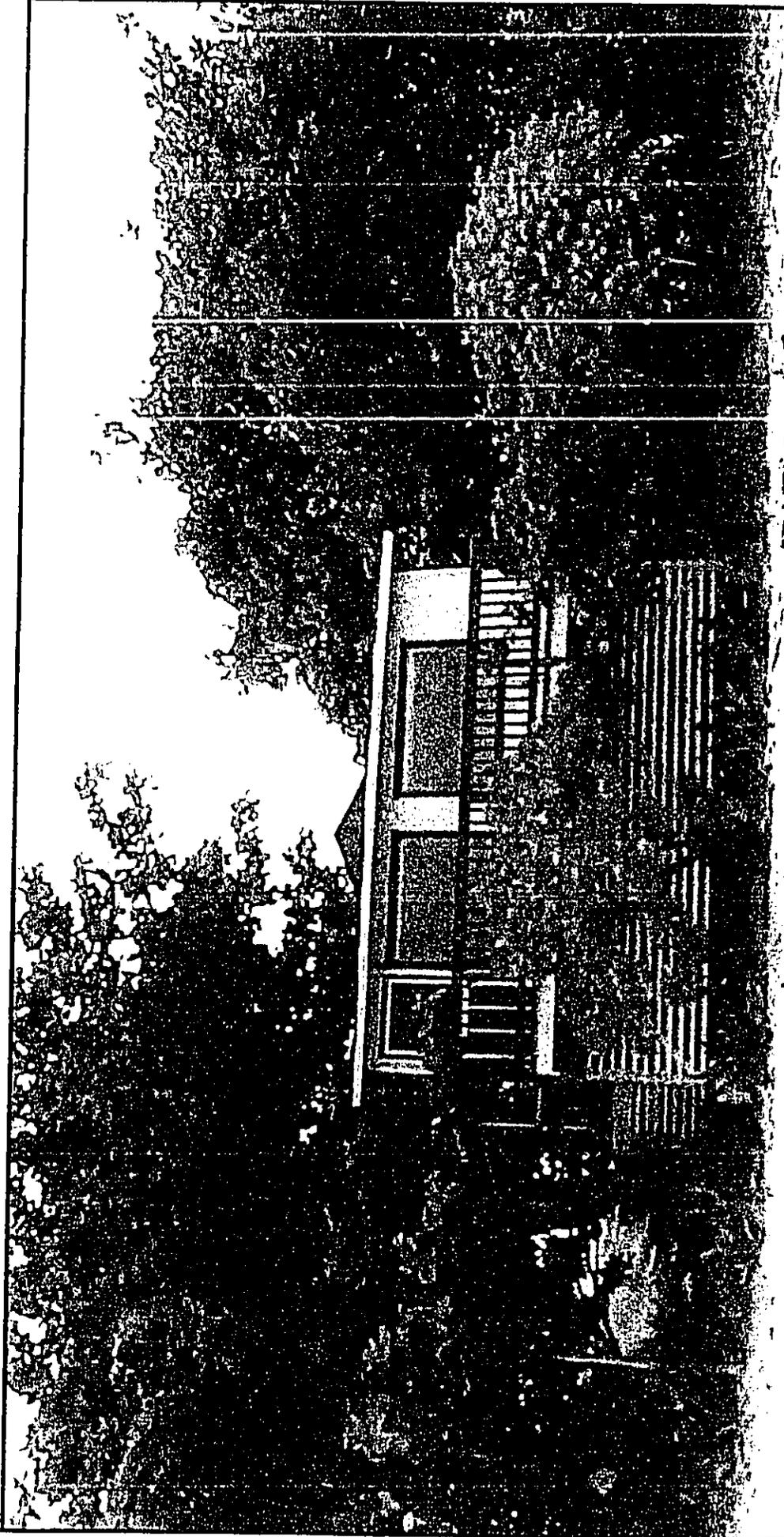


Figure 5

LOOKING MAUKA AT EXISTING DECK FROM THE BEACH
61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii



Figure 6

LOOKING WEST AT EXISTING DECK FROM THE BEACH
61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

3. ENVIRONMENTAL SETTING

3.1 Site and Surrounding Area

The property at 67-277 Kamehameha Highway is one of many private single family residences situated near Waimea Bay on the coastline on Oahu's North Shore. The 5,700 square foot parcel is zoned R-5 Residential; is designated Residential on the North Shore Development Plan; and the State Land Use classification is Urban. The property is in a middle-income neighborhood. Many of the houses in the area are the original modest structures that were built over the past 50 years.

The shoreline fronting this stretch of residential lots consists of sandy beach with some rock outcroppings just off-shore. The mauka property line is bordered by Kamehameha Highway.

3.2 Existing Uses

The area is a residential neighborhood strung along the coastline and there is also a pocket of residential property on the mauka side of Kamehameha Highway. The parcels in the project area are all zoned State Urban and R-5 Residential Zoning.

3.3 Climate

The climate at the project site is typical of Oahu's North Shore. The mean annual rainfall is about 35 inches and the mean air temperature is about 73 degree Fahrenheit. Northeast trade winds are typical and sometimes can be strong and gusty. Winds along the shoreline are usually onshore, but during the summer months the winds can come out of the south. The winter months are usually the wettest and coldest time of the year in Hawaii.

3.4 Topography and Soil

The ground elevation along the shoreline rises from sea level to approximately 13 feet above sea level where the house is located. The ground gently slopes down towards the ocean and then level out as it moves inward towards Kamehameha Highway.

The well draining soil at the site is beach sand and may include Haleiwa Series soils, which are well drained soils that were formed on alluvium fans and in drainage ways along the coastal plains.

3.5 Flood Hazard District

The subject property is in the Flood Zone, FIRM Zone VE, Coastal Flood and Velocity Hazard base flood elevations have been determined at 18 feet. Coastal floods with velocity wave action may occur in the "VE" zone.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

A copy of the Flood Hazard Districts Certification for the "2nd floor balcony" or the subject deck is shown in Appendix B. This certifies that the structures/improvements would not affect the regulatory flood nor aggravate existing flood related erosion hazards, nor would result in an increase in the regulatory flood levels.

3.6 Flora and Fauna

The subject deck structure does not involve improvements to surrounding topography. The deck is cantilevered along the makai side of the house and does not directly impact any floral or faunal resources. Vegetation on the site consists primarily of existing Kamani trees and general residential landscaping materials. No rare, endangered, or threatened species of plants or wildlife are known to inhabit the project site. While green sea turtles are known to frequent the ocean off-shore from the site, the existing deck does not have any impact on green sea turtles.

3.7 Archaeological, Historical and Cultural Resources

The applicant's property and surrounding properties are a long-established neighborhood which has been previously disturbed over the past 50 years by the development of residential structures all along this coastline. There are no known sites or archeological resources on the owner's property. The existing deck does not have the potential to affect any sites because it does not involve any ground disturbance. The deck does not have the potential to inhibit native gathering activities or other cultural practices in the area.

3.8 Noise, Air and Water Quality

The existing deck does not have any impacts on noise, air or water quality. Vehicular traffic along Kamehameha Highway creates noise and air impacts along this coastline. The sound of the ocean surf also creates background noise. The deck does not entail any ground disturbance, therefore it does not impact the water quality or patterns of the ocean.

3.9 Visual Resources

The existing dwelling is located along a segment of Kamehameha Highway that is designated as "NS 5 - a coastal roadway with intermittent coastal views" per the City's 1987 Coastal View Study report. The existing house is one of many contiguous properties with existing structures. Although the adjacent parcel to the west of the project site is vacant, there are large mature trees on that parcel that block views of the ocean from the highway. The existing deck cannot be seen from the highway and does not impact coastal views.

3.10 Shoreline Access

The nearest public beach park is Waimea Bay Beach Park about 1 miles east of the project site. There is also a public access path to the beach about 50 feet west of the project site. The deck does not impede lateral pedestrian shoreline access.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

3.11 Socio-Economic Environment

Haleiwa Town has a relatively small resident population (2,225 per the 2000 Census), but the North Shore typically experiences large numbers of tourists and local beach goers year round, especially in the winter months during large north swells. The existing deck does not have any impacts on the area's socio-economic environment.

3.12 Infrastructure

The existing house and the deck structure do not have significant impacts on roadways or other utilities. No modifications to the existing roadway or access drive are being proposed. No modifications to the existing dwelling, other than the deck, are proposed. Therefore, there are no impacts to demands for water, drainage, electricity, telephone or refuse collection.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

4. SUMMARY OF IMPACTS AND MITIGATIVE MEASURES

4.1 Potential Short-Term and Long-Term Impacts and Mitigative Measures

Allowing the existing deck to remain in its current location, as constructed, will not affect the existing physical, natural, social, economic or environmental characteristics of the site.

The construction of the existing deck along the makai-side of the existing had very minor short-term effects on vegetation and noise conditions. Although some landscaping was slightly impacted during construction, the landscaping makai of the deck is healthy, growing and filling in. Construction noise may have taken place during allowed daytime periods for construction, but it did not cause excessive noise levels off-site. The ground was not disturbed as the deck is cantilevered off of the makai side of the house.

The deck will have a long-term positive impact in that it provides a safe location from which the home owners can observe storm surf and keep a safe lookout for potential debris. The deck has no long-term or short-term impacts on the shoreline characteristics or ocean processes because there are no supports in the ground.

A number of properties all along the project site coastline are protected by seawalls due to the threat of high waves. The deck will provide the property owners with a safe observation point.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

5. ALTERNATIVES CONSIDERED

5.1 Remove the Existing Deck

The alternative of removing the deck is not a reasonable alternative. The deck provides a safe place to watch for dangerous wave and debris during large north shore winter storm swells.

5.2 Re-construct Seawall

There is photographic evidence that a seawall existed on the property in 1967. Similarly, almost every parcel to the east and west of the applicant's property has a vertical seawall or some similar type of protection. The applicant/owner could pursue a Shoreline Setback Variance application for approval of a seawall, however, construction of a seawall would be significantly more than the existing deck. Also, the house has had a deck along the makai side for likely much longer - perhaps since 1970 - than the seawall existed.

5.3 No Action - Existing Deck Remains

The applicant is proposing to take "no action" and requests approval for the existing deck to remain.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

6. FINDINGS AND REASONS SUPPORTING THE ANTICIPATED DETERMINATION

Chapter 200 of Title 11, Administrative Rules of the State Department of Health establishes criteria for determining whether an action may have a significant impact on the environment (11-220-12). The Rules establish "significance criteria" for making the determination. The relationship of the proposed project to the thirteen criteria is provided below.

The results of this assessment conclude that no negative impacts would result from allowing the applicant to retain the existing deck within the 40-foot shoreline setback area. A Finding of No Significant Impact (FONSI) is requested.

6.1 Significance Criteria

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

No natural or cultural resources will be lost due to retaining the existing deck, nor were any such resources disturbed during construction of the deck. No archaeological or historical sites are known to exist at the site.

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

The existing deck and the nonconforming house are located in a developed residential neighborhood. There will be no curtailment of beneficial use of the environment by the proposed action to retain the deck. Lateral shoreline access is not impacted. There is an existing public beach access path about 50 feet away from the site.

3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;

The project is located on land which has been designated as Urban by the State and zoned R-5 Residential by the County. As such, there will be no conflict with the State's long term environmental policies and guidelines.

4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;

The proposed action to retain the existing deck will have no effect on the economic and social well being of the community or state because of the extremely small scale of the project.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

5. Substantially affects public health;

There are no public health concerns relating to the existing deck. In fact, the deck provide the homeowners with a safe location from which to observe and look out for incoming waves and debris cause by north shore winter storm swells.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities;

Due to the extremely small scale of the existing deck project, there are no impacts on population changes or public facilities.

7. Involves a substantial degradation of environmental quality;

The existing deck is located in a developed residential area near Waimea Bay. There is no degradation of environmental quality from the action to retain the deck.

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

The deck project is self contained and independent of other projects in the area. While the homeowner would like to construct a garage on the property and was cited for having a deck during a site inspection related to the garage building permit, the location of the garage is mauka of the existing house and does not impact in any way the existing deck. The deck and the garage are independent of one another. Therefore, there are no cumulative impacts or commitment for larger actions.

9. Substantially affects a rare, threatened, or endangered species, or its habitat;

The project site and surrounding area have been previously disturbed and developed into family residential lots over the past 50 years or more. There are no known rare, threatened or endangered species or its habitat at or near the existing deck. The presence of the deck does not affect any such species or habitat.

10. Detrimentially affects air or water quality or ambient noise levels;

Construction of the existing deck did not detrimentally affect air or water quality or ambient noise levels. Only minor and very short term noise impacts occurred during construction.

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;

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

The existing deck is located in Flood Hazard Zone VE with a base flood elevation of 18 feet. Appendix B contains a Flood Hazard District Certification and exemption signed by the applicant's architect. The document certifies that the improvements do not affect the regulatory flood nor aggravate existing flood related erosion hazards, and that the structures and improvements would not result in an increase of the regulatory flood levels.

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

Although the house is located along a portion of Kamehameha Highway designated as a coastal road with intermittent views, the existing deck is not visible from the highway and does not impact views from the highway. The deck is visually buffered along the beach by trees planted by the homeowner on his property. Many of the properties on either side of the site have vertical seawalls that impact more greatly the views plane along the shore.

13. Requires substantial energy consumption.

Not applicable as the project has already been constructed.

6.2 Findings and Reasons Supporting Anticipated Determination

The findings of this Environmental Assessment indicate that maintaining the existing deck as it exists will have no environmental impacts and is a reasonable request. The deck does not cause any adverse effects to the shoreline or the adjoining properties. A Finding of No Significant Impact (FONSI) is recommended to be issued for the proposed action to retain the existing deck.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kanehameha Highway, Haleiwa, Oahu, Hawaii

7. AGENCY AND PUBLIC CONSULTATION AND REVIEW

The following agencies were consulted during the preparation of the Draft Environmental Assessment (DEA):

- City and County of Honolulu, Department of Planning and Permitting
- State Office of Environmental Quality Control
- State of Hawaii, Department of Land and Natural Resources

The project will require the following permits:

- Shoreline Setback Variance pursuant to Chapter 23, Revised Ordinances of Honolulu
- After-the-fact Building Permit from the City and County of Honolulu

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

8. REFERENCES

City and County of Honolulu, Department of Planning & Permitting, Geographic Information Systems on-line database at <http://.gis.hicentral.com> 2004.

Chu, Michael S., and Robert B. Jones for the City and County of Honolulu, Department of Land Utilization, *Coastal View Study*, 1987.

Fletcher, Charles. 2002. *Atlas of Natural Hazards in the Hawaiian Coastal Zone*. Prepared in cooperation with the University of Hawaii, State of Hawaii Office of Planning and the National Oceanic and Atmospheric Administration.

Sterling, Elspeth and Catherine Summers. *Sites of Oahu*. Bishop Museum Press, Honolulu, Hawaii.

U.S. Department of Agriculture, Soil Conservation Service in cooperation with the University of Hawaii Agriculture Experiment Station. Soil Survey of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii. August 1972.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX A

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX A

Justification for a Shoreline Setback Variance under Revised Ordinances of Honolulu Section 23-1.8 (3) "Hardship Standard"

The property owner will suffer hardship if the shoreline setback variance for the existing deck is not granted. The deck is an important place from which to observe storm waves and surf, and monitor for debris that could harm the house and/or homeowners. Their application for such a variance fulfills the three criteria for hardship as set forth in ROH Sec. 23-1.8 (3) (A).

1. The applicant would be deprived of reasonable use of the land. The applicant's residence has existed on the property since 1947, prior to the Coastal Zone Management Rules and Regulations and the Shoreline Setback Ordinance were adopted. The house and the deck are located within the 40-foot shoreline setback area. The house as such is an existing nonconforming structure. There is a makai door that leads from the inside of the house to the deck, which is about 7 feet above the ground. The deck is cantilevered out from the house; there are no posts or supports under the deck that go into the ground. The applicant would be deprived reasonable use of the property if the small deck was removed as the deck provides the only safe place to monitor for debris and storm surge during storms. Photographic evidence shows that the deck has been an integral part of the house since at least 1975 and perhaps earlier and prior to 1970. A seawall existed on the property in 1967 and the applicant believes that the deck was constructed to replace the seawall. Removal of the deck would place a hardship on the owners to keep the existing door closed at all times, and would create a hazard to have an existing door open onto a 7 foot drop down to the ground.
2. The applicant's proposal is due to unique circumstances. The applicant's proposal is due to unique circumstances because the deck is attached to an existing nonconforming structure that is located in the 40-foot setback area. A deck has existed on the house for over 30 years and has become an integral part of the house. Normally, constructing a deck along the back side of a house is allowed. However, this property was developed prior to the adoption of the Coastal Zone Management Rules and Regulations and the Shoreline Setback Ordinance.

The applicant's proposal is due to unique circumstances because the house and deck are in a unique location, very close to the ocean and in an area where large waves wash up on shore, and even sometimes across Kamehameha Highway, during storm surge. The owners need to be able to stand on the deck to fully determine surf conditions and assess if those conditions could be life threatening. During large winter storms that bring in damaging surf conditions, wind-blown rain water and salt spray coats the windows and the owners cannot see clearly through the window. These conditions are especially exacerbated at night. If a light is turned on in the house at night, then the windows facing

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

the ocean act like a mirror, reflecting the light indoors and it is impossible to see ocean conditions or look for debris coming towards the house.

The owner has occasionally needed to use a spot light during night storm surf to scan incoming waves for debris. Using a spot light from indoors would not be possible. The owner needs to be on the deck – a safe location above the surf - to be able to look down and along the shore. Last year at Waitea Bay, a group of 6 people walked along the shore during storm surf conditions. One woman was swept out and died. The deck is a much safer location than standing on-shore during storm conditions.

The height of the deck also allows the owner a better and broader view of the shoreline and ocean conditions fronting the house. This perspective is not possible looking out a window. From the deck, the owner can look down, around and along the shore. In January of 2004 during a large swell, there were 16 telephone poles that had been washed into the ocean near the property. The owners had to remain on the deck and on the shore to spot the telephone poles and keep them away from the house's foundation, as well as watch for other debris and rough waves. The owners had to assess if life threatening damage may be done to the house and its foundation. That perspective is not possible looking out the window. Standing on the deck provides this perspective and is safer than standing on shore. These are unique circumstances.

3. The proposal is the practicable alternative which conforms best to the purpose of the shoreline setback regulations. Granting of a variance to allow the existing deck to remain is a modest and reasonable request and is the practicable alternative. The existing deck does not impede access along the shoreline; it does not have any impact on beach or ocean processes; no part of the deck is at risk to fall or impact public property, the relatively small deck does not significantly impact public views, to, from or along the shoreline. Numerous adjacent properties have vertical seawalls and related large decks.

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX B

FLOOD HAZARD DISTRICTS CERTIFICATION
(Section 21-9.10 of the Land Use Ordinance)

Exempted Projects and Improvements (except Accessory Structures) including repairs, maintenance, reconstruction, additions, and alterations pursuant to Sections 21-9.10-12 and 21-9.10-13 of the Land Use Ordinance.

EXEMPTED PROJECTS IN ~~FLORISSANT~~ COASTAL HIGH HAZARD DISTRICTS

Project Description: JAN JENSEN / GREG TULLY 2ND FL BALCONY
 Address: 66-277 KAM HWY
 City HALEIWA State HAWAII Zip 96712
 Tax Map Key: 6-1-(2:5)

Section I - Flood Insurance Rate Map Information

COMMUNITY NO.	PANEL NO	SUFFIX	DATE OF FIRH	FIRM ZONE	REGULATORY FLOOD ELEV (in AD Zone use depth)	COMMUNITY ESTIMATED REG. FLOOD ELEVATION ESTABLISHED FOR ZONE A IF AVAILABLE
150001	20	E	11-20-00	VE	18'	

Section II - Certification Statement

I certify that based upon development and/or review of design, specifications, and plans for construction, the design and methods of construction are in accordance with accepted standards of practice and:

1. Within the Coastal High Hazard District, the structures and improvements would not affect the regulatory flood nor aggravate existing flood related erosion hazards.
2. Within the Floodway District, the structures and improvements would not result in increase of the regulatory flood levels.

Section III - Certification

This certification is conditioned upon the actual construction of the project being in strict accordance with the plans and specifications as stamped and signed by me.

Affix Seal Below

Certifier's Name ROBERT K-K. PANG
(print or type)

Title STRUCTURAL ENGR

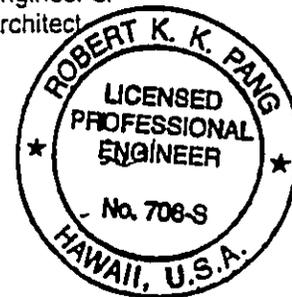
Company Name ROBERT K-K. PANG - STRUCT ENGR

Street Address 1517 KAPIOLANI BLYD RM 200

City HONOLULU State HAWAII Zip 96814

Signature Robert K-K. Pang Date 4/1/2004

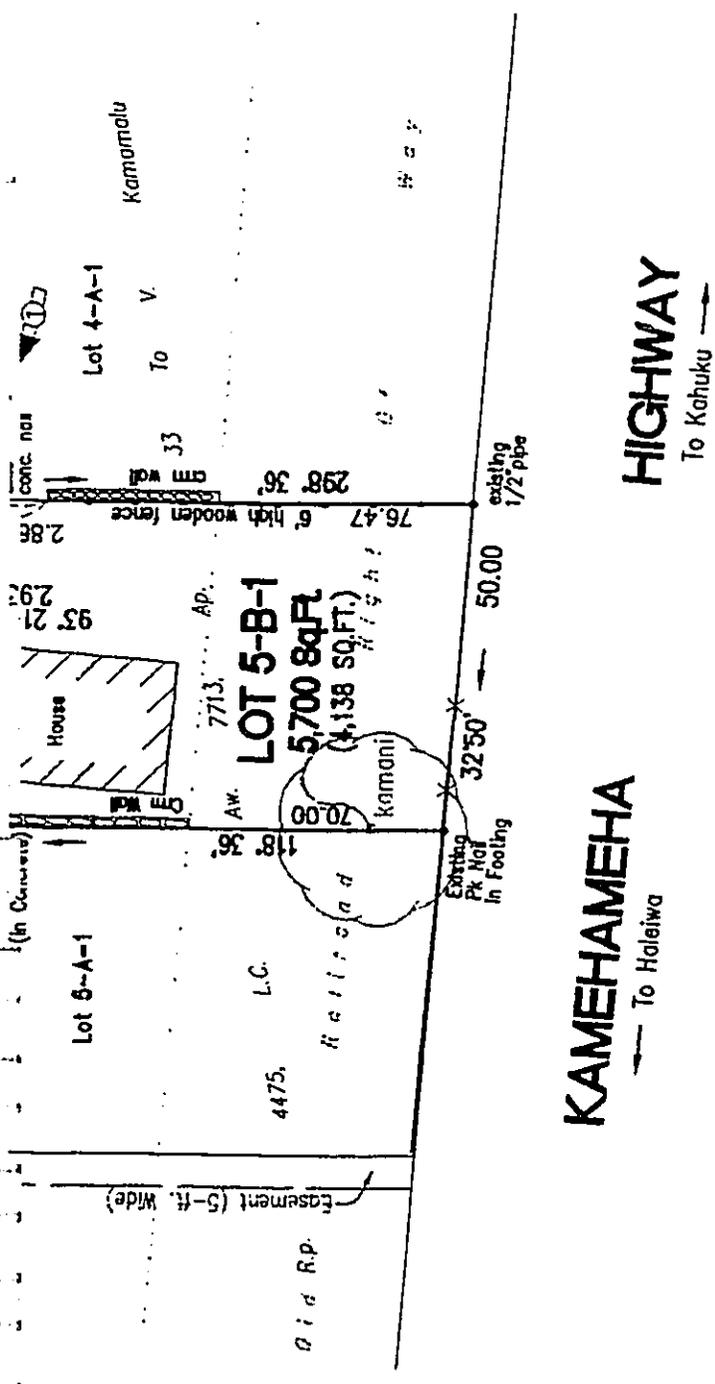
Engineer or
Architect



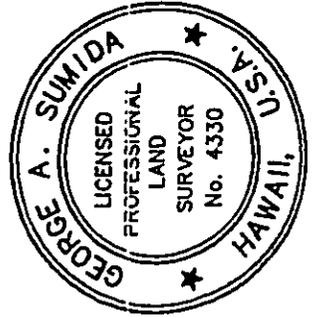
FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX C



MAP SHOWING SHORELINE FRONTING
LOT 5-B-1
BEING A PORTION OF R.P. 4475,
L.C. AW. 7713, APANA 33 TO V. KAMAMALU
AT KAWALOA, WAIALUA, OAHU, HAWAII



THIS WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION
PAIEN, INC.
 dba PARK ENGINEERING

OWNERS: Janet I. Jensen Trust & Gregory B. Tully
 SITE ADDRESS: 61-277 Kamehameha Highway

NOTE: (D) INDICATES PHOTOGRAPH NUMBER AND DIRECTION TAKEN.

SEPTEMBER 24, 2003 (REVISED)
 DATE: JULY 3, 2003
 FIELD BOOK NO. 1780/75

George A. Sumida
 LICENSED PROFESSIONAL SURVEYOR
 CERTIFICATE NUMBER 4330

T.M.K.: 6-1-12:5

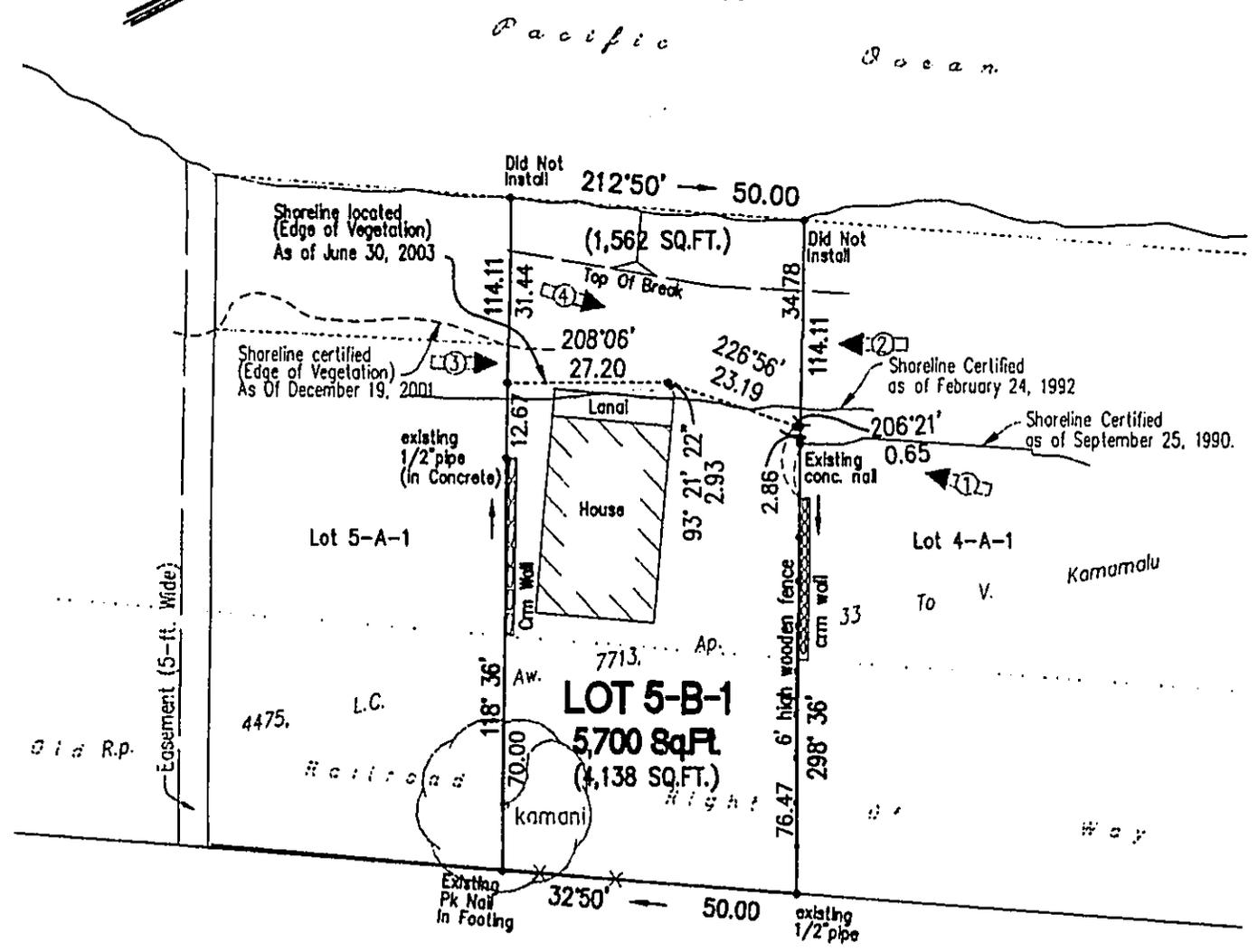
PAIEN, INC.
 dba PARK ENGINEERING
 KAWAHAO PLAZA SUITE 300

FR 55123.0M
 08 11-4-01

TRUE NORTH
SCALE: 1" = 30'

The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of SEP 25 2003

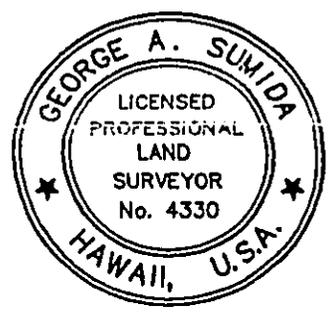
[Signature]
Chairman, Board of Land and Natural Resources



KAMEHAMEHA
To Haleiwa

HIGHWAY
To Kahuku

**MAP SHOWING SHORELINE FRONTING
LOT 5-B-1
BEING A PORTION OF R.P.4475,
L.C. AW. 7713, APANA 33 TO V. KAMAMALU
AT KAWALO, WAIALUA, OAHU, HAWAII**



OWNERS: Janet I. Jensen Trust & Gregory B. Tully
SITE ADDRESS: 61-277 Kamehameha Highway

THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION
ParEn, Inc.
dba PARK ENGINEERING

NOTE: (1) INDICATES PHOTOGRAPH NUMBER AND DIRECTION TAKEN.

SEPTEMBER 24, 2003 (REVISED)
DATE: JULY 3, 2003
FIELD BOOK NO. 1780/75

George A. Sumida
LICENSED PROFESSIONAL SURVEYOR
CERTIFICATE NUMBER 4330

FIG. 561155.DWG
DATE: 11-8-01

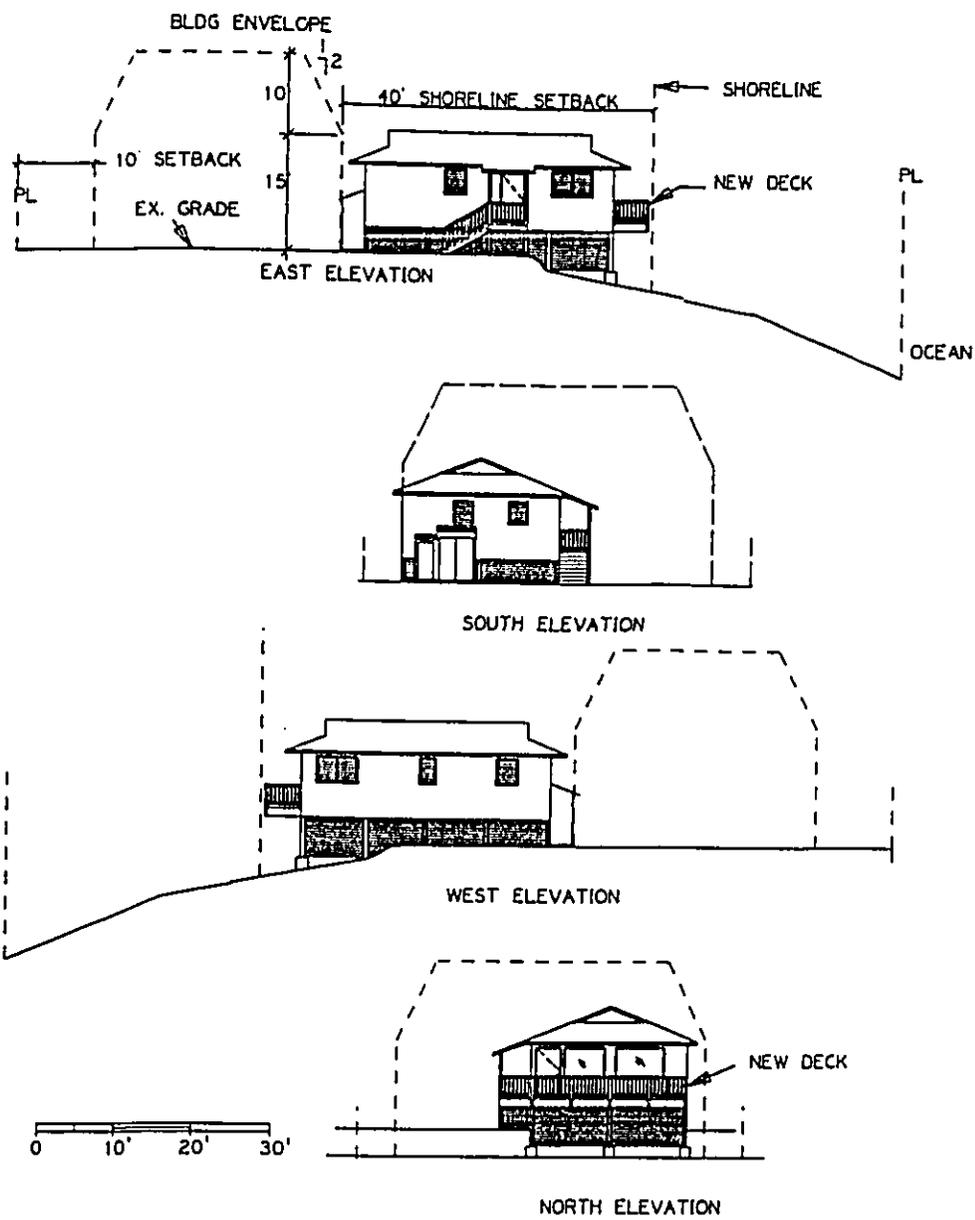
T.M.K.: 6-1-12:5

ParEn, Inc.
dba PARK ENGINEERING
KAWAIAHO PLAZA SUITE 300

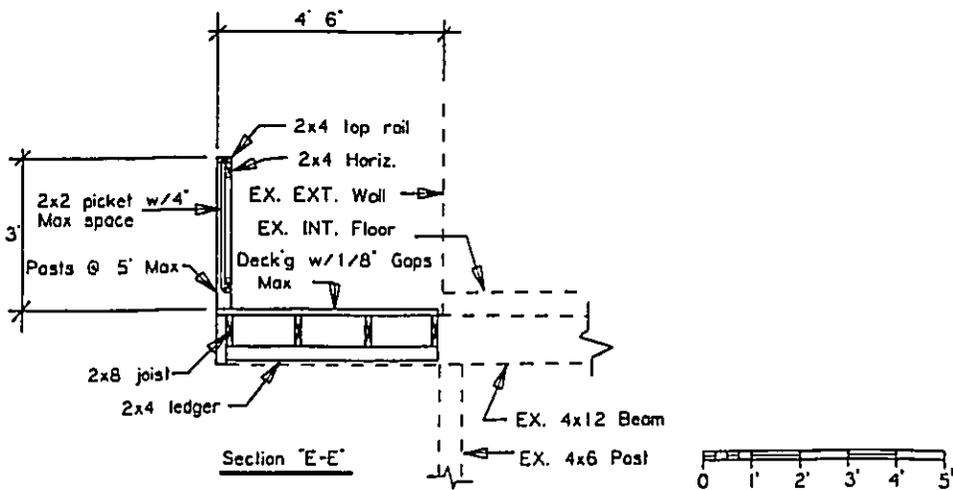
FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX D



B EXTERIOR ELEVATION scale 1"=20'



E DECK CROSS SECTION scale 3/4"=1'-0"

NEW DECK
 61-277 KAM HWY, HALEIWA, HAWAII
 TKM: 6-1-012:5

PLOT PLAN, FLOOR PLAN, EXTERIOR ELEVATIONS
 BUILDING SECTIONS, MISCELLANEOUS DETAILS

Drawn by G Tully
 Date: March 2004

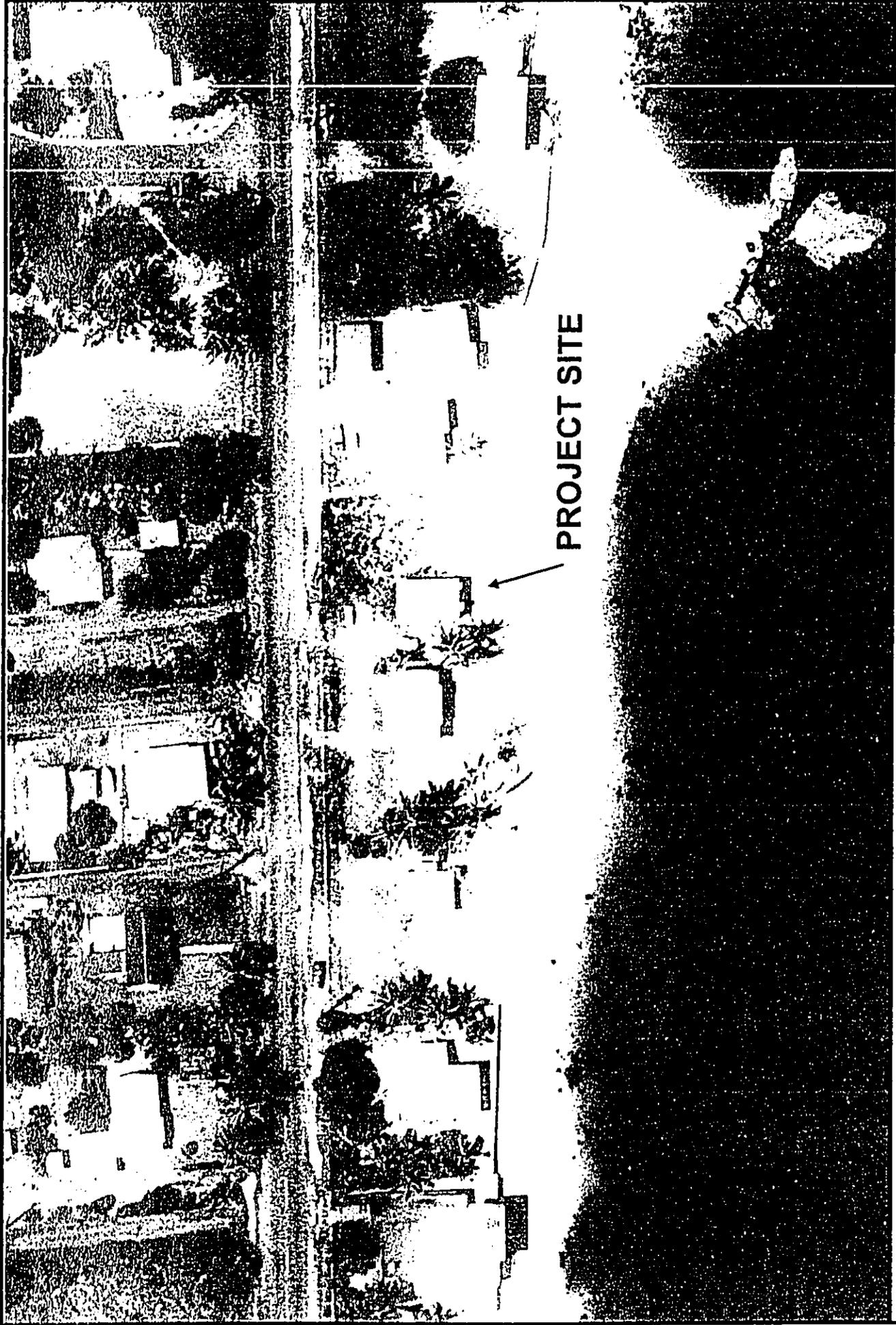
Drawing No:
A-1

Sheets 1 of 1

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX E



Appendix E - Aerial Photo July 26, 1970 (RM Towill Photo No. 5374-2)

TAX MAP KEY 6-1-012: 005

61-277 Kamehameha Highway Haleiwa, Oahu, Hawaii

FINAL ENVIRONMENTAL ASSESSMENT

Shoreline Setback Variance TMK 6-1-012: 005, 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii

APPENDIX F

**Comment Letters on the Draft Environmental Assessment
and Response Letters**

CITY & COUNTY OF HONOLULU

1. Department of Planning & Permitting

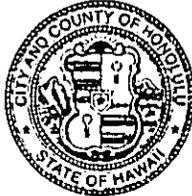
STATE OF HAWAII

Department of Land and Natural Resources

2. Engineering Division
3. Oahu District Land Office
4. Office of Environmental Quality Control
5. State Historic Preservation Division

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

ERIC G. CRISPIN, AIA
DIRECTOR

BARBARA KIM STANTON
DEPUTY DIRECTOR

2004/SV-7(DT)
2004/ED-10

July 6, 2004

Mr. Donald Clegg
Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817

Dear Mr. Clegg:

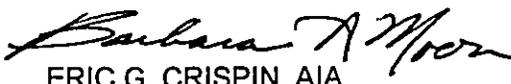
**Draft Environmental Assessment (EA)
61-277 Kamehameha Highway - Kawaihoa
Tax Map Key 6-1-12: 5**

We have reviewed the Draft EA for the above-referenced project and have the following comments. Please incorporate them into the Final EA:

1. Please include a graphic (bar) scale on the plans shown in Appendix D.
2. Appendix A of the EA includes reasons why the deck should be retained. Number 1 in this section states that the deck is the only safe place to monitor for debris and storm surge during storms. Please explain why these conditions cannot be monitored from the two big picture windows along the rear of the dwelling.

Please submit a set of full size plans along with the Final EA. Please contact Dana Teramoto of our staff at 523-4648 if you have any other questions regarding this letter.

Sincerely yours,


ERIC G. CRISPIN, AIA
for Director of Planning and Permitting

EGC:cs

G:\LandUse\Posse\WorkingDirectory\Dana\SV\2004sv5\deacomments.doc



PHONE (BUS): (808) 536-5685
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 20, 2004

Eric Crispin, AIA, Director
Department of Planning & Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Mr. Crispin:

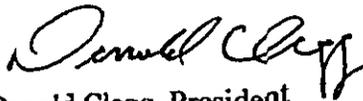
**Subject: Draft Environmental Assessment
Shoreline Setback Variance for Existing Deck
at 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii
TMK: 6-1-12: 005
Response to Comment Letter**

Thank you for your letter dated July 6, 2004. The following responds to the comments provided on the Draft Environmental Assessment for the subject property.

1. **Appendix D.** The plans shown in Appendix D now include a graphic bar scale as you requested.
2. **Appendix A.** The deck provides the only safe place to monitor debris and storm surge during storms, in particular large objects that may be washing up towards the house and the house's foundation, which could significantly damage house's foundation. Observing debris that may wash up under the deck and towards the house's foundation is not possible from the windows.

Thank you for providing your comments on the Draft Environmental Assessment. Please contact me if you have questions or require further information.

Sincerely,


Donald Clegg, President

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

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

July 6, 2004

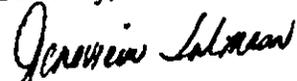
Mr. Eric Crispin, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawai'i 96813

Dear Mr. Crispin:

Subject: Draft Environmental Assessment for the Jensen and Tully After-the-fact Deck,
O'ahu

Thank you for the opportunity to review and comment on the subject project. We have no comments.

Sincerely,


Genevieve Salmonson
Director

c: APC
Jensen & Tully



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 20, 2004

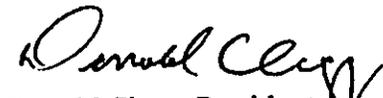
Genevieve Salmonson
Director
State of Hawaii
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Salmonson:

**Subject: Draft Environmental Assessment
Shoreline Setback Variance for Existing Deck
at 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii
TMK: 6-1-12: 005
Response to Comment Letter**

Thank you for your letter dated July 6, 2004. We acknowledge that the Office of Environmental Quality Control does not have any comments on the proposed action.

Sincerely,


Donald Clegg, President

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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

June 10, 2004
2004-ED-1B

LD-NAV
2004-SV-7.RCM

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

Dear Mr. Crispin:

SUBJECT: Shoreline Setback Variance Application (DEA)
File No.: 2004-SV-7 and 2004-ED-10
Applicant: Greg Tully and Janet Jensen
Proposed: Existing Deck
Address: 61-277 Kamehameha Highway, Haleiwa, Oahu
Authority: C&CoH Department of Planning and Permitting
TMK: (1) 6-1-012: 005

Thank you for the opportunity to review and comment on the subject matter

A copy of the document pertaining to the subject matter was transmitted or made available to the following Department of Land and Natural Resources' Divisions for their review and comment.

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Dierdre S. Mamiya".

DIERDRE S. MAMIYA
Administrator

C: ODLO

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.H. LAU
DEPUTY DIRECTOR - WATER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

May 24, 2004

LD/NAV
Ref.: 2004-SV-7.CMT
2004 ED-10 (DT)

Suspense Date: 6/2/04

MEMORANDUM:

TO: XXX Engineering Division
XXX Office of Conservation and Coastal Lands
XXX Land-Oahu District Land Office
XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Shoreline Setback Variance Application (DEA)
File No.: 2004-SV-7 - TMK:(1) 6-1-012: 005
Application: Shoreline setback variance
Purpose: Existing Deck
Authority: C&CoH Department of Planning and Permitting
Applicant: Greg Tully and Janet Jensen
Address: 61-277 Kamehameha Highway, Haleiwa, Oahu

RECEIVED
LAND DIVISION
2004 JUN -1 A 10:06
DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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

Should you need more time to review the subject matter, please contact Nick Vaccaro at 587-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

Comments attached.

Signed: Eric T. Hirano

Date: 5/28/04

Name: ERIC T. HIRANO, CHIEF ENGINEER

Division: Engineering

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LA/NAV

Ref.: 2004-SV-7.CMT
2004 ED-10 (DT)

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone VE.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

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

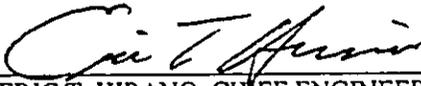
- (X) Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

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

- () Additional Comments: _____

- () Other: _____

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: 
ERIC T. HIRANO, CHIEF ENGINEER

Date: 5/29/04



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 20, 2004

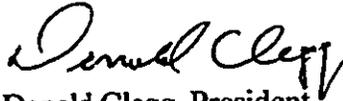
Eric T. Hirano, Chief Engineer
State of Hawaii
Department of Land & Natural Resources
Engineering Division
PO Box 621
Honolulu, HI 96809

Dear Mr. Hirano:

**Subject: Draft Environmental Assessment
Shoreline Setback Variance for Existing Deck
at 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii
TMK: 6-1-12: 005
Response to Comment Letter**

Thank you for your letter dated May 24, 2004. We acknowledge that your office confirms that the project site is located in the Flood Zone VE in accordance with the Flood Insurance Rate Map (FIRM).

Sincerely,


Donald Clegg, President

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION



2004 MAY 28 P 4: 07

JUN 25 PM 5 03

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.M. LAU
DEPUTY DIRECTOR - WATER

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

May 24, 2004

LD/NAV
Ref.: 2004-SV-7.CMT
2004 ED-10 (DT)

Suspense Date: 6/2/04

MEMORANDUM:

TO: XXX Engineering Division
XXX Office of Conservation and Coastal Lands
XXX Land-Oahu District Land Office
XXX Land-Planning and Development

FROM: Dierdre S. Mamiya, Administrator *[Signature]*
Land Division

SUBJECT: Shoreline Setback Variance Application (DEA)
File No.: 2004-SV-7 - TMK:(1) 6-1-012: 005
Application: Shoreline setback variance
Purpose: Existing Deck
Authority: C&CoH Department of Planning and Permitting
Applicant: Greg Tully and Janet Jensen
Address: 61-277 Kamehameha Highway, Haleiwa, Oahu

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

Should you need more time to review the subject matter, please contact Nick Vaccaro at 587-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Signed: *[Signature]*

Date: 5/28/04

Name: Robert M. Iry *[Initials]*

Division: Land



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 20, 2004

Robert Ing
State of Hawaii
Department of Land and Natural Resources
Land - Oahu District Land Office
PO Box 621
Honolulu, HI 96809

Dear Mr. Ing:

**Subject: Draft Environmental Assessment
Shoreline Setback Variance for Existing Deck
at 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii
TMK: 6-1-12: 005
Response to Comment Letter**

Thank you for your letter dated May 24, 2004. We acknowledge that the DLNR Oahu District Land Office does not have any comments on the proposed action.

Sincerely,

Donald Clegg, President

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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

HAWAII HISTORIC PRESERVATION
DIVISION REVIEW

MAY 25 2004

Log #: 2004.1638

Doc #: 0405EJ24

Date Received: May 21, 2004

Applicant/Agency: Eric G. Crispin, Director
Department of Planning and Permitting
Address: City & County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

SUBJECT: Chapter 6E-42 Historic Preservation Review – Draft Environmental Assessment
for a Shoreline Setback Variance Application for an Existing Deck at 61-277
Kamehameha Highway

Ahupua`a: Kawaihoa
District, Island: Waialua
TMK: (1) 6-1-012:005

1. This project has not gone through the historic preservation review process. Please submit documentation _____

2. This project has already gone through the historic preservation review process.
 a. mitigation has been completed
 b. other

3. We have not been consulted on this undertaking, however we believe there are no historic properties present, because:

- a) intensive cultivation has altered the land
 b) residential development/urbanization has altered the land
 c) previous grubbing/grading has altered the land
 d) an acceptable archaeological assessment or inventory survey found no historic properties

e) other: This is an after-the-fact approval to an addition/replacement of an existing deck within the 40-foot shoreline setback area. No ground disturbance occurred during construction of the cantilevered deck.

Thus, we believe that "no historic properties will be affected" by this action.

Aloha,

P. Holly McEldowney, Administrator
State Historic Preservation Division



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 20, 2004

P. Holly McEldowney, Administrator
Historic Preservation Division
State of Hawaii
Department of Land & Natural Resources
Kakuhikewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Dear Ms. McEldowney:

**Subject: Draft Environmental Assessment
Shoreline Setback Variance for Existing Deck
at 61-277 Kamehameha Highway, Haleiwa, Oahu, Hawaii
TMK: 6-1-12: 005
Response to Comment Letter**

Thank you for your letter dated May 25, 2004. We acknowledge the comment that the State Office of Historic Preservation believes that there are no historic properties present, and that thus "no historic properties will be affected" by this action.

Sincerely,

A handwritten signature in black ink that reads 'Donald Clegg'. The signature is written in a cursive, flowing style.

Donald Clegg, President