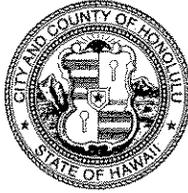


MAY 23 2007

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

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743  
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honoluluodpp.org

MUFI HANNEMANN  
MAYOR



HENRY ENG, FAICP  
DIRECTOR

DAVID K. TANQUE  
DEPUTY DIRECTOR

2006/ED-22(pd)

May 4, 2007

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

RECEIVED  
'07 MAY -9 9:22  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Dear Ms. Salmonson:

Subject: Shoreline Setback Variance  
Chapter 343, Hawaii Revised Statutes (HRS)  
Environmental Assessment (EA) Determination  
Finding of No Significant Impact

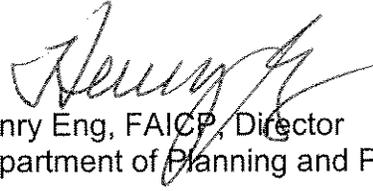
Landowner/  
Applicant: Terrance and Dorene McTigue  
Agent: Kusao & Kurahashi, Inc.  
Location: 61-405 Kamehameha Highway - Kawaihoa  
Tax Map Key: 6-1-8: 3  
Request: Shoreline Setback Variance, Zoning Variance  
Proposal: Demolition of a nonconforming one-story single-family dwelling (about 820 square-feet), and construction of a two-story single-family dwelling (about 2,415 square-feet) with an attached one-car garage, individual wastewater system, CRM walls, and other minor improvements, on a nonconforming 2,630-square-foot R-5 Residential District zoning lot.  
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.

The Honorable Genevieve Salmonson, Director  
May 4, 2007  
Page 2

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the Final EA. Should you have any questions, please contact Pamela Davis of our staff at 768-8017.

Very truly yours,



Henry Eng, FAICP, Director  
Department of Planning and Permitting

HE:nt

Attachments

Doc534350

2007-05-23 - OA - FEA - MCTIGUE SINGLE-FAMILY DWELLING

MAY 23 2007

**FINAL  
ENVIRONMENTAL ASSESSMENT**

**PROPOSED  
SINGLE-FAMILY DWELLING**

**HALEIWA, OAHU, HAWAII**

**TAX MAP KEY 6-1-8: 3**

**TERRANCE AND DOREEN MCTIGUE  
APPLICANTS**

**Kusao & Kurahashi, Inc.  
Planning and Zoning Consultants  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii 96822**

**AGENT**

**APRIL 2007**

RECEIVED

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DEPT. OF...  
CITY & COUNTY OF HONOLULU



**FINAL  
ENVIRONMENTAL ASSESSMENT**

**PROPOSED  
SINGLE-FAMILY DWELLING**

**HALEIWA, OAHU, HAWAII**

**TAX MAP KEY 6-1-8: 3**

**TERRANCE AND DOREEN MCTIGUE  
APPLICANTS**

**Kusao & Kurahashi, Inc.  
Planning and Zoning Consultants  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii 96822**

**AGENT**

**APRIL 2007**

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**FINAL ENVIRONMENTAL ASSESSMENT**

**MCTIGUE SINGLE FAMILY DWELLING  
HALEIWA, HAWAII  
Tax Map Key 6-1-8: 3**

**I. INTRODUCTION**

The applicants, Terrance and Dorene McTigue, propose to develop a new single family dwelling on an existing ocean front lot in Haleiwa. The two-story structure will encroach into the shoreline setback area and requires a shoreline setback variance.

Because a portion of the dwelling is within the shoreline area as defined in state law, the proposal is subject to the requirements of Chapter 343, Hawaii Revised Statutes (HRS), State Department of Health Rules, which requires an environmental assessment. This Final Environmental Assessment Report for the development of a single-family dwelling has been prepared pursuant to and in accordance with the requirements of Chapter 343, Hawaii Revised Statutes ("HRS") and Chapter 200 of Title 11, Hawaii Administrative Rules - Environmental Impact Statement Rules. The action that triggers an environmental assessment is that a portion of the proposed dwelling and accessory structures are planned within the shoreline setback area and will require a shoreline setback variance.

In addition to requiring a shoreline setback variance, the applicants will be seeking zoning variances for encroachments into the front and rear yards and encroachments into the building height setback along the front and rear yards. This Final Environmental Assessment will focus on the development of the new single family dwelling and the impact the development will have on the environment and the surrounding area.

**II. GENERAL INFORMATION**

- A. APPLICANTS/  
OWNERS : Terrance and Dorene McTigue  
61-405 Kamehameha Highway  
Haleiwa, Hawaii 96712
- B. APPROVING AGENCY : Department of Planning & Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813
- C. TAX MAP KEY : 6-1-8: 3
- D. AGENT : Kusao & Kurahashi, Inc.  
Planning and Zoning Consultants  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii 96822  
Phone - (808) 988-2231
- E. LOCATION : 61-405 Kamehameha Highway  
(Exhibit 1)
- F. LOT AREA : 2,630 Square Feet
- G. ZONING : R-5 Residential District (Exhibit 2)
- H. STATE LAND USE : Urban

Final Environmental Assessment - Single Family Dwelling in Haleiwa

I. DEVELOPMENT PLAN

Land Use Map : Rural Residential (Exhibit 3)

Public Infrastructure Map : No improvements affecting the project site (Exhibit 4)

J. SPECIAL DISTRICT : Not in a Special Design District

K. SPECIAL MANAGEMENT AREA : Within the Special Management Area

L. EXISTING USE : Single Family Dwelling

M. AGENCIES CONSULTED : City and County of Honolulu  
Honolulu Board of Water Supply  
Department of Planning and Permitting

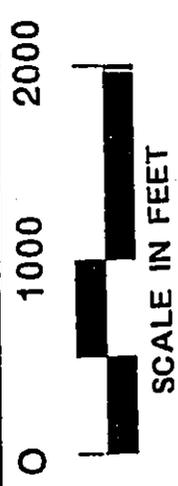
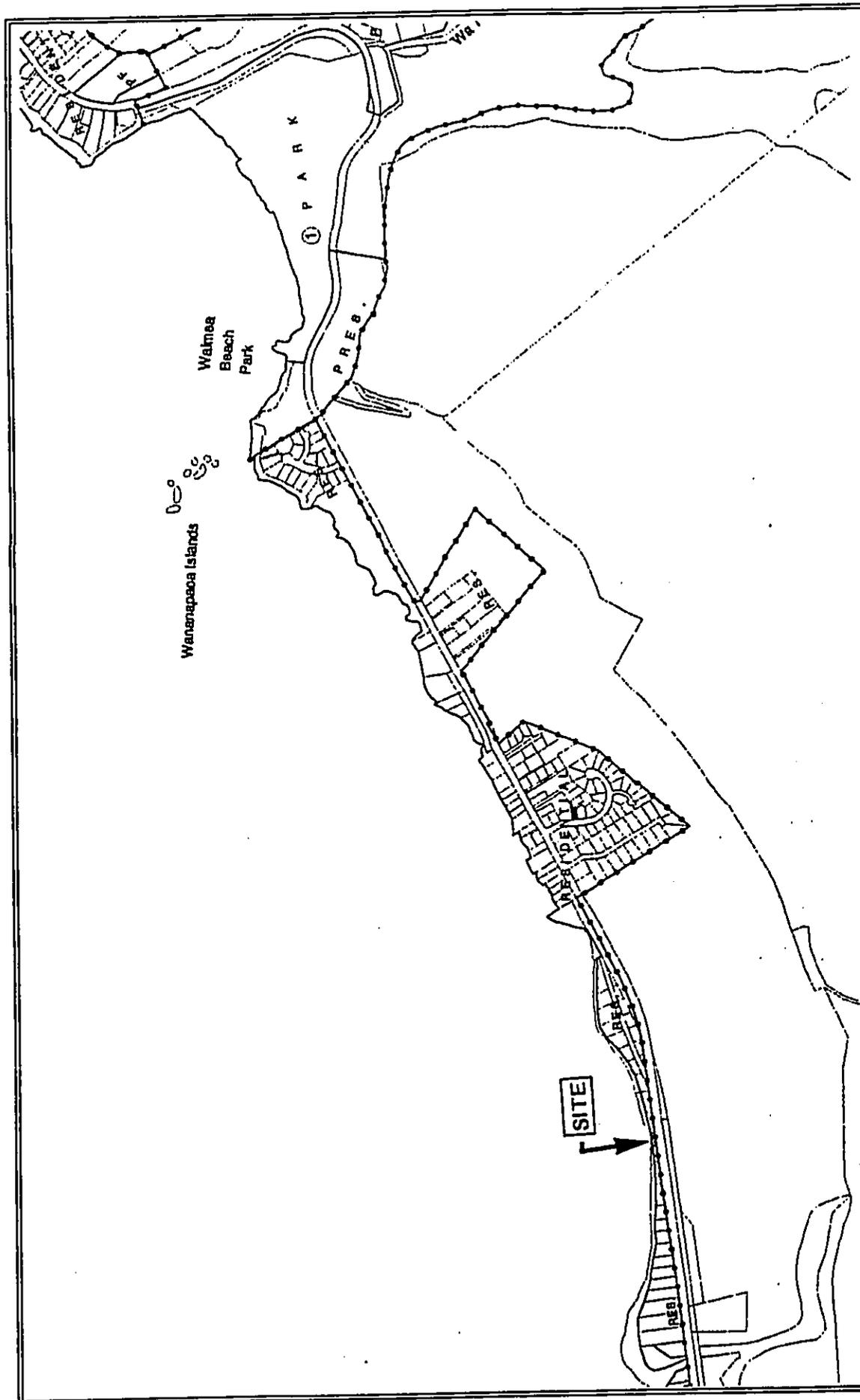
State of Hawaii

Office of Environmental Quality Control

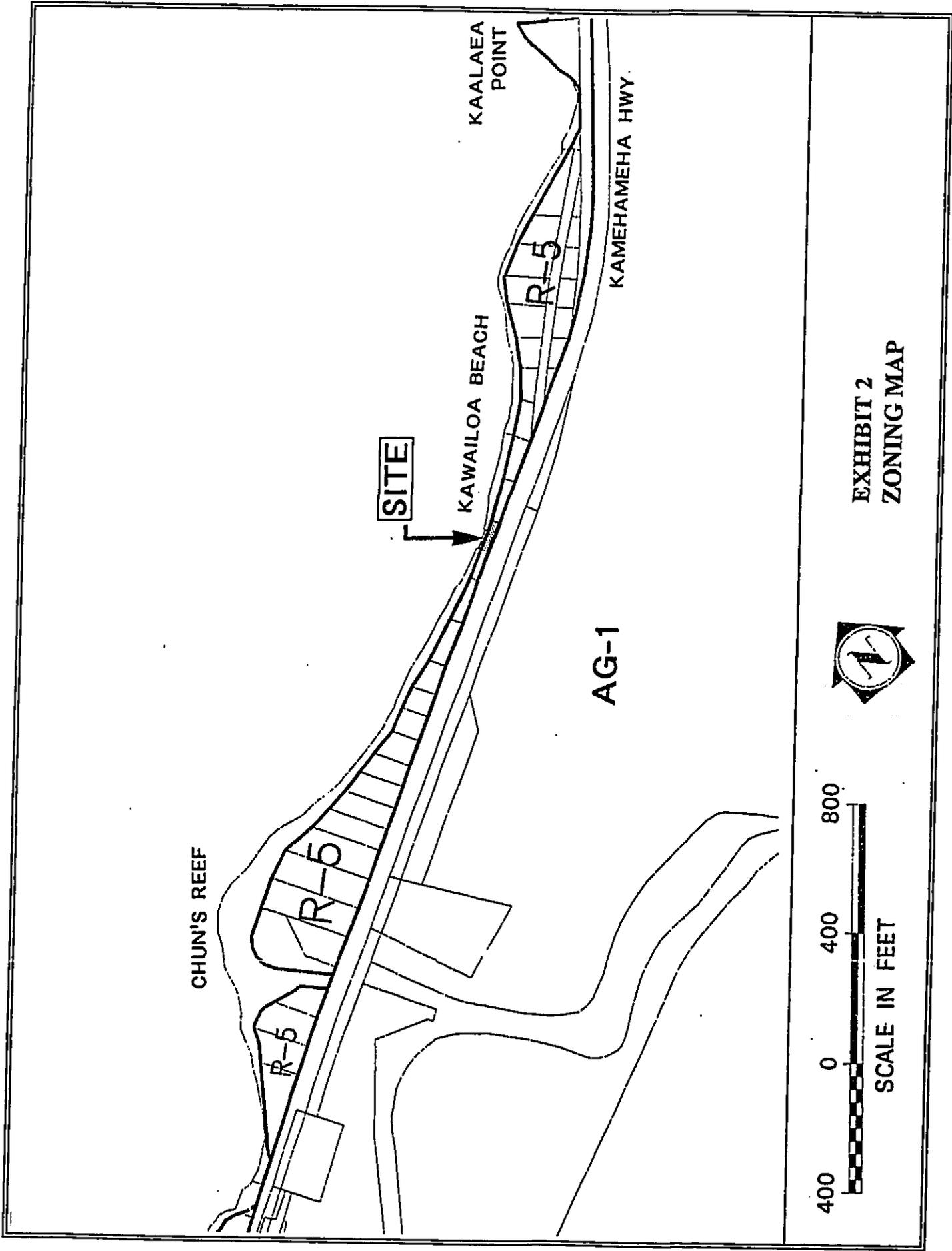
State of Hawaii-Department of Land  
and Natural Resources

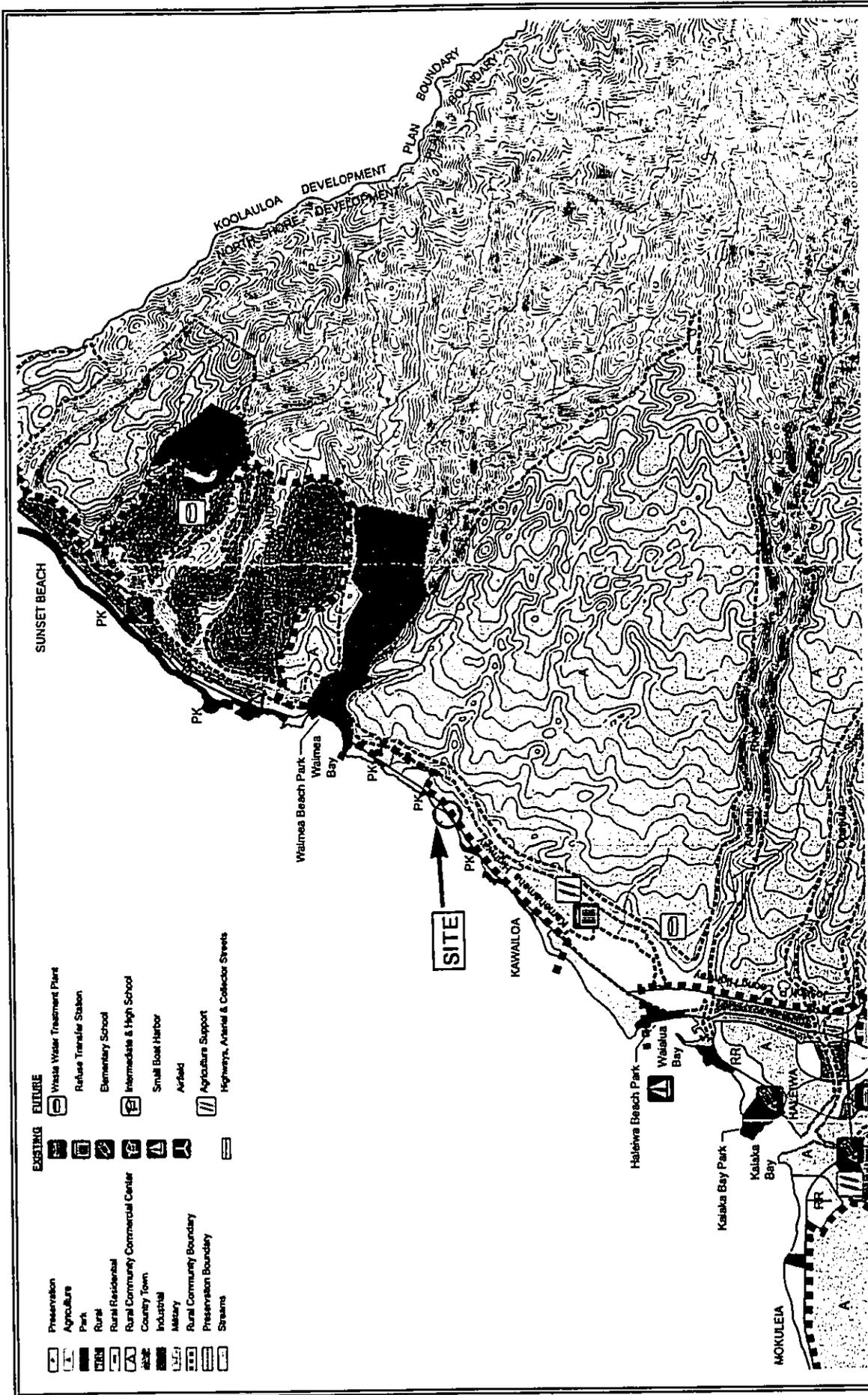
Department of Health

Office of Hawaiian Affairs

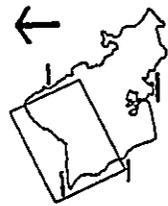


**EXHIBIT 1  
LOCATION MAP**





**EXHIBIT 3  
NORTH SHORE  
SUSTAINABLE COMMUNITIES PLAN  
LAND USE MAP**



**PUBLIC INFRASTRUCTURE MAP  
NORTH SHORE**



- LEGEND**
- PUBLIC FACILITY  
 PROGRAM MARKED FOR  
 CONSTRUCTION  
 CONSTRUCTION  
 AND/OR CONSTRUCTION

- DRAINAGE SYSTEM  
 TRANSPORTATION SYSTEMS  
 ARTERIAL ROADWAY  
 TRUNK CORRIDOR  
 PUBLIC FACILITY

- CONCEPTUAL LOCATION  
 MOBILE DISTRICT FACILITY

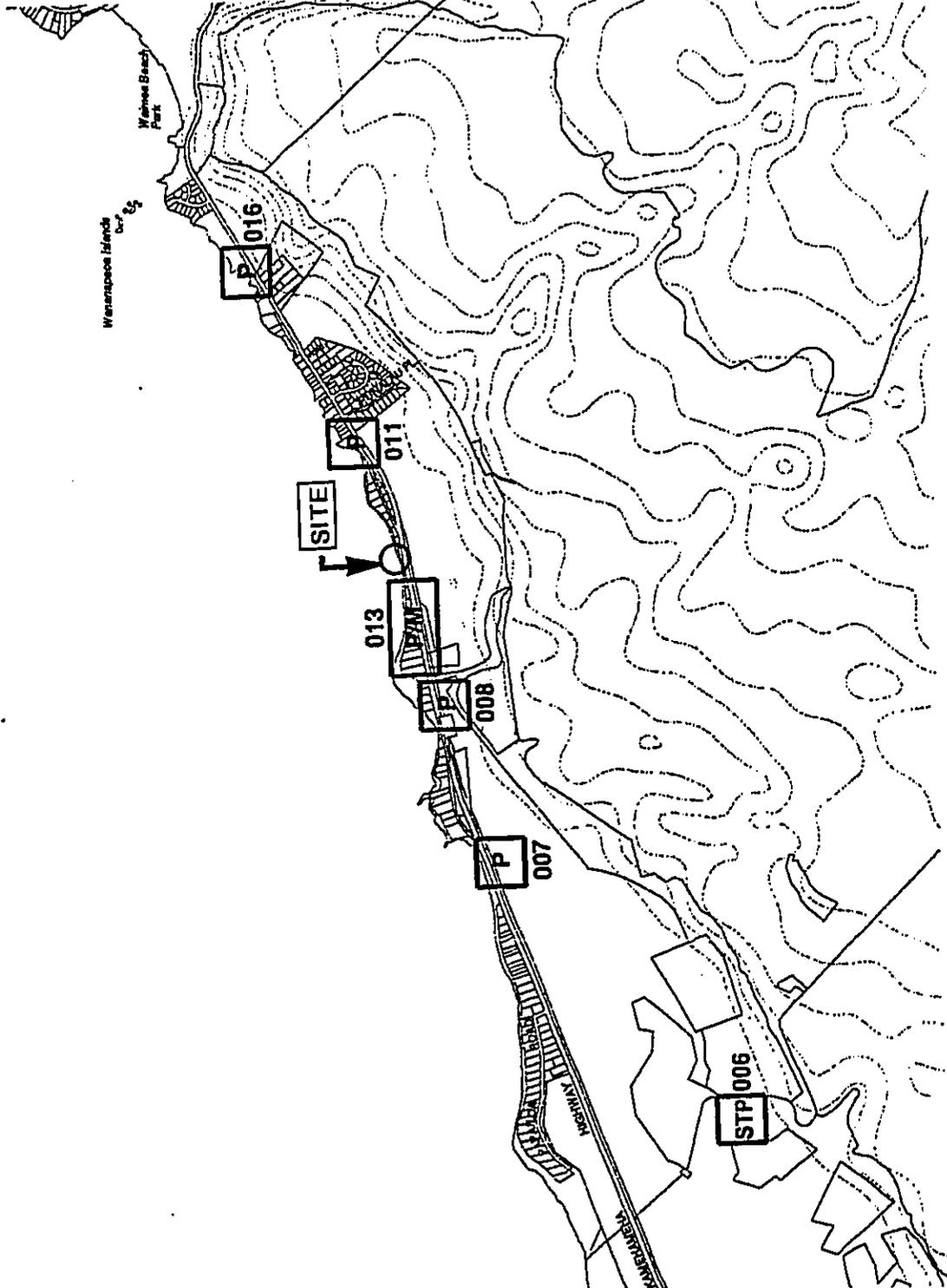
- Example: 021 = STEEGL NO.

- PUBLIC FACILITY  
 PROGRAM MARKED FOR  
 CONSTRUCTION  
 CONSTRUCTION  
 AND/OR CONSTRUCTION

- PUBLIC FACILITY  
 PROGRAM MARKED FOR  
 CONSTRUCTION  
 CONSTRUCTION  
 AND/OR CONSTRUCTION

- PUBLIC FACILITY  
 PROGRAM MARKED FOR  
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 AND/OR CONSTRUCTION

- PUBLIC FACILITY  
 PROGRAM MARKED FOR  
 CONSTRUCTION  
 CONSTRUCTION  
 AND/OR CONSTRUCTION



**EXHIBIT 4**

### **III. DESCRIPTION OF PROPOSED ACTION**

#### **A. LOCATION AND GENERAL DESCRIPTION**

The project site, identified by Tax Map Key 6-1-8: 3 at 61-405 Kamehameha Highway, Haleiwa, Hawaii, is located along the north shore of Oahu between the shoreline and Kamehameha Highway. The property is located on Kawailoa Beach with Chun's Reef to the southwest and Kaalaea Point to the northeast. A general location map is provided in Exhibit 1.

The recorded lot area is 2,630 square feet. The applicants purchased the property in 2005, with the existing house in its present location as indicated on the attached shoreline survey. Plans indicate that the existing dwelling encroaches into both the shoreline setback and the front and rear yard setback. According to City records, the house was built in 1965. The topography of the lot is relatively flat as is evident from the photographs provided in Appendix II and the topographic survey, provided in Appendix IV. Beyond the makai property line the sandy bank slopes down toward the public beach area.

The existing structures which encroach into the shoreline setback area are provided for in Sections 205A-22(b) Hawaii Revised Statutes, Chapter 23-1.6 Revised Ordinances of Honolulu and Department of Planning and Permitting Administrative Rules, Pat 2, Chapter 16. Based on these provisions the existing structure is not considered to be illegal, but rather non-conforming. Although there are existing wooden fence walls on the front and either side

Final Environmental Assessment - Single Family Dwelling in Haleiwa

of the property, no CRM walls exist on the property at this time. The existing single family dwelling is located within the private property boundaries and landward of the certified shoreline and the public beach area.

The project site is within the Urban State Land Use District and is zoned R-5 Residential District. In addition to the existing single family dwelling, the property is surrounded on all but the makai side with a solid wooden fence. As indicated in attached photos, the property is landscaped with a variety of grasses, shrubs and trees. Open, on site parking occurs on the right side of the house in a grassy shaded area.

**B. PROPOSED ACTION**

The applicants are seeking approval of a Shoreline Setback variance and zoning variance for portions of a proposed single family dwelling and other improvements. The 2,630 square foot lot is about one half of the lot area required under the current R-5 Residential District (5,000 square feet minimum lot area). The existing dwelling will be removed. The proposed dwelling will have approximately 2,415 square feet of floor area with about 1,100 square feet on the ground floor and 1,300 on the upper floor and 15 square feet for the stair landing. The maximum building area is 50% of the zoning lot or 1,315 square feet. The project will comply with the maximum allowable building area requirement.

The two stalls of required parking will be provided on site with one stall being located within an enclosed garage and a second stall under an open trellis at the right side of the property. A new individual wastewater treatment system

Final Environmental Assessment - Single Family Dwelling in Haleiwa

consisting of a septic tank and leach field will be installed on the opposite side of the house as indicated on the site plan. The first floor will have an enclosed lanai, powder room, living room, kitchen and garage. There will be two bedrooms, two bathrooms and a family room located on the second floor. Plans provided in Appendix III show the proposed ground floor and second floor improvements.

The improvements will be constructed above the regulatory flood elevation and in compliance with the flood hazard regulations.

The applicants proposes to replace the existing solid wooden fence with a 6-foot high concrete rubble masonry (CRM) wall along the front and side yards with a gate for vehicular access.

Vehicular access to the site is provided from Kamehameha Highway and will remain unchanged.

The Tax Map Key map indicates that there is a 502 square-foot State owned parcel makai of the project site (TMK 6-1-8: 31) as well as a beach reserve property (TMK 6-1-8: 23) which is owned by Bishop Estate.

The dwelling will encroach into the shoreline setback by as much as about 7.5 feet, as indicated on the plans provided in Appendix III.

**C. SURROUNDING AREA**

The properties on either side of the project site consist primarily of single family dwellings with the public beach on the makai side and vacant agriculturally zoned land across (mauka of) Kamehameha Highway.

**IV. LAND USE AND COASTAL REGULATIONS**

**A. LAND USE REGULATIONS**

**1. State Land Use**

The project site is within the State's Urban District. The proposed single family dwelling is consistent with the State's Urban designation.

**2. General Plan**

The City General Plan is a statement of objectives and broad policies that focus on eleven areas of concern aimed at promoting the general welfare and prosperity of the people of Oahu. The proposed single family dwelling does not conflict with the guidelines established in the General Plan.

**3. Development Plan**

The North Shore Sustainable Community Plan (SCP) Land Use Map identifies the site as being within a Rural Residential area. This map is not intended to be a site specific designation, but rather an illustration of text policies. The Rural Residential designation is used to describe the bulk of existing and new residential developments located within the Rural Community Boundary. According to the SCP these areas consist of single family homes in rural settings. The proposed single family home is consistent with this concept.

The following describes how the proposed project relative to relevant guidelines found in Section 3.5.3.2 of the North Shore

Final Environmental Assessment - Single Family Dwelling in Haleiwa

SCP related to rural character:

**Densities:** Although the guidelines call for larger lots, the project site consists of an existing lot which is currently occupied by a single family dwelling. These aspects will remain unchanged and the density will not change.

**Street Frontages:** The SCP calls for avoiding a monotonous row of garages and driveways along neighborhood streets. As indicated in the photos, the street frontages in the vicinity of the project site currently include vegetation and fences. The applicant is proposing a CRM wall and sliding gate. The proposed garage will not be visible from Kamehameha Highway.

**Compatibility:** The homes nearby are varied and there is no predominant form. It has been observed that the smaller older houses tend to be expanded or replaced with larger newer homes.

**Building Design:** The building will have a pitched roof and pleasing exterior colors and finishes. It will not exceed two stories but will be elevated to comply with flood hazard requirements.

Section 3.1.3.2 of the North Shore SCP establishes

Final Environmental Assessment - Single Family Dwelling in Haleiwa

guidelines related to shoreline areas. These guidelines address beach loss, lateral shoreline access and adequate shoreline setbacks. The proposed house is not expected to impact beach loss. Beach loss can occur in areas of chronic erosion where armoring or other barriers prevent the beach from retreating landward. The proposed improvements are not anticipated to impact littoral processes or result in shoreline armoring. Because the proposed house is located landward of the public beach area, it is not expected to impact lateral shoreline access. The structure will comply with the City's and FEMA minimum building elevations and architectural guidelines.

The North Shore SCP Land Use Map is provided in Exhibit III.

Final Environmental Assessment - Single Family Dwelling in Haleiwa

4. Public Infrastructure Map

The Public Infrastructure Map, Exhibit IV, shows that there are no planned infrastructure improvements affecting the project site.

5. Zoning

The project site is currently zoned R-5 Residential District. Lots within this zoning district are generally required to be a minimum of 5,000 square feet. The existing lot is non-conforming in relation to minimum lot area. The proposed single family dwelling is a principal permitted use within this zoning district.

6. Special Management Area

The project site is within the City's Special Management Area (SMA) which is regulated by Chapter 25, Revised Ordinances of Honolulu (ROH). Because the project consists of construction of a single family dwelling, it is exempt from SMA permit requirements.

7. Shoreline Setback

The project is a shoreline property that is subject to a shoreline setback as provided for in Chapter 23, ROH, and the Shoreline Setback Rules of the City and County of Honolulu. Because the buildable depth of the property is reduced to less than

Final Environmental Assessment - Single Family Dwelling in Haleiwa

30 feet the project site is eligible for an adjusted shoreline setback as permitted under Section 23-1.4(b). Accordingly, the shoreline setback set back for the property is 20 feet from the certified shoreline.

The applicant will be seeking a shoreline setback variance for the proposed structures within the shoreline setback area.

**B. TECHNICAL CHARACTERISTICS**

**1. Use Characteristics**

The site is currently occupied by a one-story single family dwelling. The applicants propose to remove the existing dwelling and replace it with a new two-story single family dwelling. The use of the property will essentially remain unchanged.

**2. Physical Characteristics**

The residential structure which occupies the site will be removed. The debris and some of the existing vegetation will be cleared from the site prior to construction of the proposed single family dwelling.

The proposed single family dwelling will be sited as indicated on the attached plans. Generally, the house will be situated centrally on the lot to allow for a parking area on one side and an individual wastewater treatment system on the opposite side.

Portions of the dwelling, CRM side yard walls, individual wastewater treatment system, landscaping, irrigation (consistent with the Shoreline Rules related to minor structures, Section 15-1(b)(3)), and

parking area (including concrete pavers) will encroach into the 20-foot shoreline setback area.

3. Construction Characteristics

The construction of the project is expected to be completed over a 12-month period. Construction will begin as soon as the applicants are able to receive approval of the development by the City, including zoning variance, shoreline setback variance and building permits.

**V. ENVIRONMENTAL SETTING**

Kawailoa Beach stretches roughly from Papailoa to Waimea Bay on the northwest coast of Oahu. According to "Beach Changes on Oahu as Revealed by Aerial Photographs", the shoreline in the vicinity of the project indicates that the vegetation line has had a tendency to grow seaward but this accretionary tendency was offset by some beach loss which occurred between 1967 and 1971.

Appendix I shows the current shoreline survey for the project site. The shoreline survey was submitted to the Department of Land and Natural Resources (DLNR) for certification of the shoreline. Appendix I contains a letter dated July 5, 2006 from the DLNR stating that the application for certification of the shoreline was approved.

An earlier shoreline survey for the project site which was conducted on August 11, 1983 (and certified by the State Department of Land and Natural Resources on October 20, 1983) indicated that the shoreline for the property was approximately 26

Final Environmental Assessment - Single Family Dwelling in Haleiwa

feet seaward of the makai property line. The current shoreline, certified on July 5, 2006, more than 20 years since the 1985 survey, has been certified slightly landward of that location. We note that the shoreline for the adjacent property, located on January 22, 2001 was located about 24.5 feet seaward of the parcel boundary at the point nearest the project site. Anecdotal reports suggest that the physical conditions of the shoreline are generally stable.

This coastal reach is exposed to winter North Pacific swell and predominant tradewind generated waters. It is apparent that during most tides, water washes to form a debris line somewhat makai of the vegetation line.

The soils of the project area are of the Jaucas sand series. Slopes range from 1 to 25 percent and the permeability is moderate to rapid. Runoff is considered to be very slow to medium and the erosion hazard is slight to moderate. (Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii, United States, Department of Agriculture Soil Conservation Service, 1972).

## VI. IMPACTS

The proposed development which consists of replacing a single family dwelling with a similar structure is not anticipated to result in significant impact to the surrounding community or environment.

### A. DEMOGRAPHIC IMPACTS

#### 1. Residential and Visitor Population

The project will not impact resident or visitor populations. The

Final Environmental Assessment - Single Family Dwelling in Haleiwa

family that currently owns the property will continue to use the home.

2. Character or Culture of the Neighborhood

The proposed single family dwelling will be compatible with the character of the existing neighborhood and the surrounding uses. The two-story house on the adjacent property identified by Tax Map Key 6-1-8: 2 received an approval for a zoning variance to encroach into the required front and rear yards. The applicants are seeking a similar type of variance in addition to the shoreline setback variance.

B. PUBLIC SERVICES

1. Vehicular and Pedestrian Traffic

The project will not impact existing traffic patterns. Vehicular access to the site and the location of the onsite parking and driveway to Kamehameha Highway will generally remain unchanged. The non-conforming parking, will be conforming with the addition of the proposed garage and grass block.

2. Water System

The existing house is currently hooked up to the municipal water system. This will remain unchanged. The applicants propose to connect to the existing water line that runs along Kamehameha Highway. Although the number of water fixtures provided in the house will increase slightly, the same family expects to be using the house and the demand for water is not expected to increase.

In it's letter of December 26, 2006, the Honolulu Board of Water

Final Environmental Assessment - Single Family Dwelling in Haleiwa

Supply indicated that the existing water system is presently adequate to accommodate the proposed development.

The fire protection is currently provided by an existing fire hydrant that is located in front of the property as shown on the site plan. The nearest fire station, number 11, is located in Pupukea, about two miles northeast of the project site.

3. Wastewater

Although connection to the municipal sewer lines for advanced treatment at a municipal facility is most desirable, there are no sewer lines in the vicinity of the project. Wastewater generated on the property is treated by a leach field and septic tank and leach field located at the right side of the property as indicated on the site plan. The applicants propose to abandon this system and install a new individual wastewater treatment system on the opposite side of the property. The system will be designed in compliance with State Department of Health regulations.

In its letter of January 18, 2007, the State Department of Health (DOH) indicated that the project is located in an area where no new cesspools will be allowed and that it is also located in the Pass Zone and below the Underground Injection Control line. The DOH further indicated that it did not have any objection to the proposed individual wastewater system. The proposed individual wastewater system is not expected to impact the public shoreline and the quality and status of the adjacent public beach. It will be located entirely within the private

property and in accordance with State Department of Health regulations. Accordingly, this waste water treatment system is not expected to contribute to potential cumulative impacts.

4. Drainage

The applicants do not propose to alter the existing topography or drainage patterns. The project site is relatively flat with elevations slightly above 16 feet above mean sea level as indicated in the topographic map attached in Appendix IV. As previously indicated the soils are relatively porous with moderate to rapid permeability. There does not appear to be a municipal storm drain system in the vicinity of the project site.

5. Other Public Services

Because the project essentially entails replacing an existing house with a new house, it is not expected to generate a greater demand than currently exists for:

Public Schools,  
Solid Waste Disposal,  
Police Protection,  
Fire Protection,  
Public Parks, and  
Utility Services.

C. ENVIRONMENTAL IMPACTS

1. Archaeological and Cultural Resources

The project site is not listed on the State or Federal Register of historic places. The site has been previously disturbed by the construction of the single family dwelling and underground individual wastewater treatment system. The project site does not contain any known archaeological or historic sites.

Should any previously unidentified historic sites (including but not limited to artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) be encountered during construction, the applicants will instruct the contractor to immediately stop work and contact the State Historic Preservation Division (SHPD). Work in the immediate area shall be stopped until SHPD is able to assess impacts and make further recommendations for appropriate mitigation measures.

In a letter dated March 1, 2007 the SHPD recommended that the applicant be required to prepare an archaeological monitoring plan prior to the commencement of ground-altering activities. The applicant will work with the SHPD to adequately address this concern.

The proposed development will have no effect on traditional cultural practices. Beach and ocean access will not be impacted by the proposal. On-shore and off-shore fishing and gathering and recreational

Final Environmental Assessment - Single Family Dwelling in Haleiwa

activities currently occur along the public shoreline area and ocean near the project site. These activities will continue to take place if the proposed development is approved.

2. Shoreline and Access

The shoreline was certified by Board of Land and Natural Resources on July 5, 2006. This shoreline is a natural shoreline that is not fixed by metes and bounds.

The project will be constructed within the private property and landward of the current certified shoreline. Accordingly the proposal will not impact lateral shoreline access. Because the project will not impact lateral shoreline access it is not anticipated to contribute to cumulative impacts related to lateral shoreline access. There is currently no public access offered across the property from the public roadway to the shoreline as the property is privately owned and used as a single family dwelling. Accordingly, construction of the proposed developments will not impact access to or along the shoreline.

3. Natural Resources

a. Water Resources

There are no water resources or wetlands within the project site. Near shore waters are classified as "A" by the State Department of Health. State regulations are intended to protect class "A" waters for recreational use and aesthetic enjoyment. The proposed single family dwelling will not impact the water

quality of the near shore waters.

b. Flood Plain Management

The Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps (FIRM), designates the project site and surrounding area as Zone VE with a base flood elevation determined. According to the Flood Insurance Rate Map the base flood elevation is 18 feet above mean sea-level at the project site. The VE zone represents areas of Coastal flooding with velocity hazards (wave action) where the base flood has been determined. The flood regulations require that structures built on this property must be constructed above the base flood elevation. The existing structure does not appear to meet this requirement.

The proposed structure will comply with flood hazard requirements for construction in the VE Zone. A flood certification will be provided at the time the building permits are submitted.

c. Flora

Vegetation on the site consists primarily of introduced and weedy species. Since purchasing the property, the owners have introduced some native plants to the landscaping. Native and indigenous plants what have been introduced by the applicants include Naupaka, Akia, Nanu, Pohinahina and Aki Aki grass. The topographic map shows the location of the trees on the

Final Environmental Assessment - Single Family Dwelling in Haleiwa

property and within the shoreline setback area. The applicants propose to install landscaping and irrigation to enhance the appearance of the property. Although specific plant materials have yet to be selected, the applicant plans on incorporating native and indigenous plants. A schematic landscape plan is attached in Appendix III.

The portions of the irrigation system within the shoreline setback area will be implemented consistent with the shoreline setback rules related to minor shoreline structures. Section 15-3(b)(3) of the shoreline setback rules allow installation of underground irrigation water lines no more than one-inch in diameter as a minor shoreline structure within the shoreline setback area.

4. Visual Impacts

The Coastal View Study that was prepared for the City and County of Honolulu in 1988 identifies Kamehameha Highway as a coastal roadway offering intermittent coastal views. Due to existing fences, vegetation and dwellings along this segment of the highway in the vicinity of the project site, the coastline cannot be seen from the public roadway. The proposed project will not change this condition.

The proposed structure will comply with the lot coverage and height requirements for the R-5 Residential District. Generally speaking views along the beach are of the coastline and open ocean. These views

will remain relatively unchanged. From the public beach area, pedestrians have a view of the existing single family dwelling. Upon construction of the proposed dwelling, the public will view the somewhat larger dwelling when standing on the beach near the project site. This view is expected to be somewhat obscured by the vegetation which fronts the property as indicated in Photos 15 and 16, attached in Appendix II.

5. Coastal Hazards

The proposed house is not expected to impact beach loss. Beach loss can occur in areas of chronic erosion where armoring or other barriers prevent the beach from retreating landward. The proposed improvements are not anticipated to impact littoral processes or result in shoreline armoring. Because the proposed house is located landward of the public beach area, it is not expected to impact lateral shoreline access. The structure will comply with the City's and FEMA minimum building elevations and architectural guidelines. From time to time structures around the state are exposed to emergencies that require shore protection.

The applicant is not currently seeking approval for a shore protection structure. A full evaluation of such a proposal will be provided in the future in the event that such a structure is contemplated. Emergency measures often include the placement of sand bags along the shoreline as an emergency measure for the purpose of preventing

Final Environmental Assessment - Single Family Dwelling in Haleiwa

additional shoreline erosion and protecting man made structures such as dwellings.

The development is within the tsunami evacuation area. The nearest evacuation shelter is located at the Sunset Beach Elementary School. In the event of a tsunami, residents of the area, including those that reside in the existing house, are expected to leave tsunami evacuation areas.

The Building Code was amended in 1997 to require that structures be constructed to withstand forces that can occur during hurricanes. These safety requirements specify that structures, including single family dwellings, be constructed to withstand wind uplift forces and include measures to "tie-down" new structures. The applicants propose to comply with applicable Building Code requirements, including those related to protection against hurricane forces. It should be noted that the existing dwelling was not subject to these requirements and probably does not comply with the newly instituted standards.

Of the beach surrounding the project area, the Beach Changes On Oahu and Oahu Shoreline Study (Part 1) states the following:

"Transects 7 through 10 cover a moderate to fine grained sand beach. The beach appears to be stable in most places, with only slight signs of erosion at the vegetation line. Small walls have been constructed at the beach crest along most of the reach."

## VII. ALTERNATIVES CONSIDERED

As mentioned throughout this report the proposed development of a single family dwelling and other improvements that will be partially located within the shoreline setback area is not expected to adversely impact the surrounding area, public services or the environment.

Given the size and shape of the property (shallow depth at this property), there are very few alternatives that would allow the applicants to have reasonable use of the property without encroaching into the shoreline setback area and front and rear yards. The following are some alternatives to the proposed development.

### A. REPAIR OF THE EXISTING HOUSE

The applicants considered retaining the existing house but found that it was somewhat substandard and in need of extensive repair and renovation work.

The existing house has suffered significant termite and wood rot damage to many areas including structural members and floor boards. As indicated in both the shoreline and topographic surveys, a portion of the existing house encroaches into the shoreline setback, the 5-foot required rear yard and the State-owned property located makai of the project site. The existing structure encroaches into the 10-foot required front yard and does not appear to comply with the flood hazard regulations that would require it to be elevated above a base flood elevation of 18 feet about mean sea-level. The project architect also indicated that the house does not comply with current

Final Environmental Assessment - Single Family Dwelling in Haleiwa

regulations for structures to withstand hurricanes and the lateral forces they bring.

Due to the non-conforming nature of the building, the applicants would be limited to the amount of repair work that could be done on the house. Theoretically, the applicants would be allowed to repair or replace the structure in 50 percent increments over a two year period. Reconstruction of the house in this manner is impractical and would not accomplish the goal of achieving more living area than currently exists on the site. For this reason the applicants chose to pursue the alternative of constructing the proposed dwelling and improvements.

**B. COMPLIANCE WITH SHORELINE AND YARD REQUIREMENTS**

Attempting to construct a dwelling that did not encroach into the shoreline setback area or required yards would leave the applicants with a very shallow and irregularly shaped building foot print. This foot print would vary in depth from a maximum of 13 feet near the middle of the lot to a minimum of about 3.5 feet near the left buildable area boundary. It would be nearly impossible to construct a single family dwelling in that very limited area and shallow configuration.

**C. OTHER ALTERNATIVES**

Although the applicants are proposing CRM side yard walls which would extend into the shoreline setback area they have considered open fencing and landscaping as an alternative. The open fencing would have to be of a material that could withstand salt spray and the landscaping would

probably consist of a hedge to provide privacy from the adjacent properties.

### **VIII. MITIGATION MEASURES**

Although the impacts from the proposed development are not expected to be significant, the following mitigation measures are planned to minimize potential project impacts on the surrounding area:

#### **A. ARCHAEOLOGICAL MITIGATION**

The applicants will instruct the contractor to immediately stop work and contact the State Historic Preservation Division (SHPD) should any previously unidentified historic sites (including but not limited to artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) be encountered during construction. Work in the immediate area shall be stopped until SHPD is able to assess impacts and make further recommendations for appropriate mitigation measures.

In a March 1, 2007 letter the SHPD noted that the soils in the project area consist of Jaucas sands which have been known to have a high probability of containing historic resources. As a result they recommended precautionary monitoring during ground-altering activities associated with construction of the project. The applicant will work with the SHPD to address these concerns.

#### **B. AIR AND WATER QUALITY**

An 8 foot-high dust barrier will be erected around the perimeter of

Final Environmental Assessment - Single Family Dwelling in Haleiwa

the site during the site work phase of the project. In addition a 3 foot-high silt screen will be maintained along the ocean side of the project during the duration of the construction to prevent discharge of construction materials and loose soil into the environment.

**IX. GOVERNMENT PERMITS AND APPROVALS REQUIRED**

The following governmental permits or approvals are required for implementation of the project:

- Finding of No Significant Impact for the Final Environmental
- Shoreline Setback Variance
- Zoning Variance for encroachments into the front and rear yards and encroachments into the building height setback. Along the front and rear.
- Flood Certification
- Building Permits
- State Department of Health approval for an Individual waste water treatment system

## **X. PHOTOGRAPHS**

Photographs of the project site and adjoining land uses are provided in Appendix II to provide a visual record of existing conditions.

## **XI. SIGNIFICANCE CRITERIA**

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 following review of the significance criteria indicates that the development will not have a significant impact on the environment and preparation of an environmental impact statement need not be required.

- **No irrevocable commitment to loss or destruction of any natural or cultural resource would result.**

The proposed replacement of an existing single family dwelling will not impact the coastal environment or natural resources. Existing coastal resources will remain intact. The subject property does not contain any known natural or cultural resources and the proposal will not impact fishing and gathering in the ocean and public beach areas.

- **The action would not curtail the range of beneficial uses of the environment.**

Final Environmental Assessment - Single Family Dwelling in Haleiwa

The proposed replacement of an existing single family dwelling will not curtail the beneficial use of the environment. The property is zoned residential and is currently used as a private residence. The proposed dwelling will enhance the owners 'use of the property. The proposal will not curtail the range of beneficial uses of the environment in the vicinity of the project site.

- **The proposed action does not conflict with the state's long-term environmental policies or goals and guidelines.**

The State's environmental policies and guidelines are set forth in Chapter 344, Hawaii Revised Statutes, "State Environmental Policy". The broad policies set forth include conservation of natural resources and enhancement of the quality of life. As discussed earlier, the project will not affect significant natural resources or the quality of life for the surrounding community.

- **The economic or social and cultural welfare of the community or state would not be substantially affected.**

The economic and social welfare, and cultural practices of the community and State will not be affected by the proposed single family dwelling and accessory structures.

- **The proposed action does not substantially affect public health.**

The proposed action will not affect public health. The applicants will comply with State Department of Health regulations relative to the individual wastewater treatment plant, noise and air regulations.

Final Environmental Assessment - Single Family Dwelling in Haleiwa

- **No substantial secondary impacts, such as population changes or effects on public facilities, are anticipated.**

There will be no anticipated secondary impacts to population or public facilities.

- **No substantial degradation of environmental quality is anticipated.**

The development will not result in degradation of the environment. Only very minimal impacts might be expected during the construction phase. Dust control measures appropriate to the situation will be employed by the contractor, including where appropriate, installation of dust barriers or use of other methods for minimizing dust. The applicants will comply with State Department of Health regulations relative to air and noise pollution.

- **The proposed action does not involve a commitment to larger actions, nor would cumulative impacts result in considerable effect on the environment.**

The proposed development does not involve a commitment to larger actions nor will it result in cumulative impacts to the environment. There is no commitment for a larger action. The applicants are proposing a single family dwelling to replace the single family dwelling currently on the property. The property is not large enough to accommodate a significant amount of additional development beyond what is being proposed.

Final Environmental Assessment - Single Family Dwelling in Haleiwa

- **No rare, threatened or endangered species or their habitats would be affected.**

As previously mentioned, threatened or endangered species are not expected to be found on the site. The project site does not provide habitat for rare, threatened or endangered species.

- **Air quality, water quality or ambient noise levels would not be detrimentally affected.**

Short term impacts on air quality are expected to be primarily related to dust generated by the construction activity. Dust will be generated in preparation for construction of the dwelling. The applicants may maintain some of the existing vegetation. Appropriate dust control measures will be employed by the contractor as needed.

Short term noise impacts at construction sites are an expected result of construction activity. The State Department of Health administers rules and regulations relating to the hours during which construction is permitted and the noise levels permitted during those hours. The contractor may be required to apply for a permit from the State Department of Health should noise from construction activities exceed established limits. The contractor will abide by the conditions of the permit.

- **The project would not affect environmentally sensitive areas, such as flood plains, tsunami zones, erosion-prone areas, geologically hazardous lands, estuaries, fresh waters or coastal waters.**

Final Environmental Assessment - Single Family Dwelling in Haleiwa

The project site is in Zone VE with a base flood elevation of 18 feet. The proposed development will be designed to meet Land Use Ordinance standards for development in this flood zone.

The development is within the tsunami evacuation area. The nearest evacuation shelter is located at the Sunset Beach Elementary School. In the event of a tsunami, residents of the area are expected to leave tsunami evacuation areas. Some may choose to take refuge at Sunset Beach Elementary School.

The development will not affect tsunami zones, erosion-prone areas, geologically hazardous land, estuaries, fresh water nor coastal waters.

- **Substantially affects scenic vistas and view planes identified in county or state plans or studies.**

The proposed development will not impact important coastal views described in the 1988 Department of Land Utilization Coastal View Study. As previously indicated there are limited views of the coast from Kamehameha Highway due to vegetation and development on the makai side of the highway. There is a solid wooden fence along the front yard property boundary which obstructs views of the coastline from the highway fronting the property.

- **Requires substantial energy consumption.**

The Hawaiian Electric Company has existing power lines along Kamehameha Highway fronting the project site. These overhead lines

will be provide electric power to the site.

## **XII. RECOMMENDATION**

Based on this Final Environmental Assessment, the proposed replacement of an existing single family dwelling is not expected to have significant environmental impacts. The new dwelling will be developed in an environmentally sensitive manner and will not result in significant impacts to the environment. Accordingly, a Finding of No Significant Impact (FONSI) for the development of the proposed single-family dwelling and accessory support structures is requested.

**APPENDIX I**  
**SHORELINE SURVEYS**

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

ROBERT K. MASUDA  
DEPUTY DIRECTOR

DEAN NAKANO  
ACTING 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

July 5, 2006

OA-1087THOMPSONSRSLMAP  
LD-NAV

Walter P. Thompson, Inc.  
James R. Thompson, LPLS  
720 Iwilei Road, Suite 427  
Honolulu, Hawaii 96801

Dear Mr. Thompson:

Subject: TRANSMITTAL OF CERTIFIED SHORELINE SURVEY MAPS  
Applicant: Walter P. Thompson, Inc./Terry McTigue  
Address: 61-405 Kamehameha Highway  
Island: Oahu - District: Waialua  
TMK: (1) 6-1-008: 003

Enclosed for your records, please find six (6) certified shoreline survey maps covering the subject property.

The shoreline certification is valid for a period of twelve (12) months from the date (July 5, 2006), stamped on the shoreline survey map.

The Department of Accounting and General Services Land Surveying Division and the Department of Land and Natural Resources' Land Division has retained three certified shoreline survey maps for record keeping.

If you have any questions related to this matter, please feel free to contact me at (808) 587-0384. Thank you.

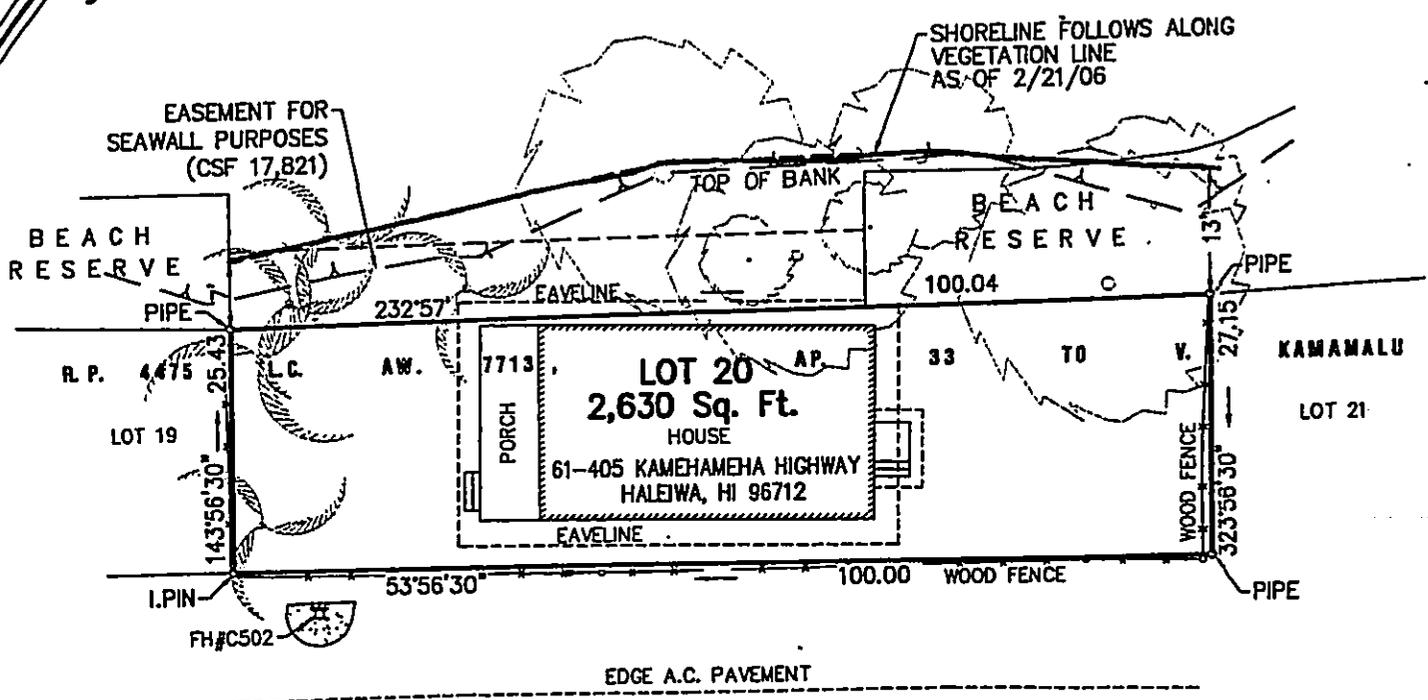
Sincerely,

  
NICHOLAS A. VACCARO  
Land Agent

c: District Branch  
Central File  
DAGS Survey Division  
A

TRUE NORTH  
SCALE: 1 IN. = 20 FT.

# BEACH



# KAMEHAMEHA HIGHWAY

The shoreline as delineated in red is hereby certified as the shoreline as of

JUL 5 2006

*[Signature]*  
Chairperson, Board of Land and Natural Resources

05155101.dwg/1494.08/fcr/102505

TAX MAP KEY : 6 - 1 - 08 : 03

MAP SHOWING  
SHORELINE AFFECTING  
LOT 20, SECTION C  
KAWAILOA BEACH LOTS  
AT KAWAILOA, WAIALUA, OAHU, HAWAII

SCALE : 1 IN. = 20 FT.

MARCH 24, 2006 WALTER P. THOMPSON, INC.

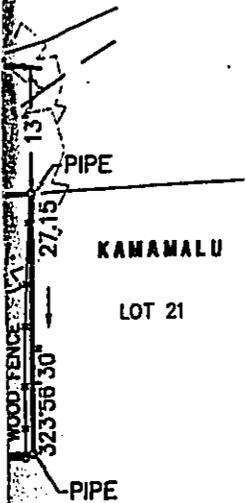


THIS WORK WAS PREPARED BY  
ME OR UNDER MY SUPERVISION

A handwritten signature in cursive script that reads "James R. Thompson".

OWNER: TERRY McTIGUE  
4056 W. LAKE SAMMAMISH SE  
BELLEVUE, WA 98008

LONG



H W A Y

10" x 15" = 1.04 Sq.Ft.

C. ENVIRONMENTAL IMPACTS

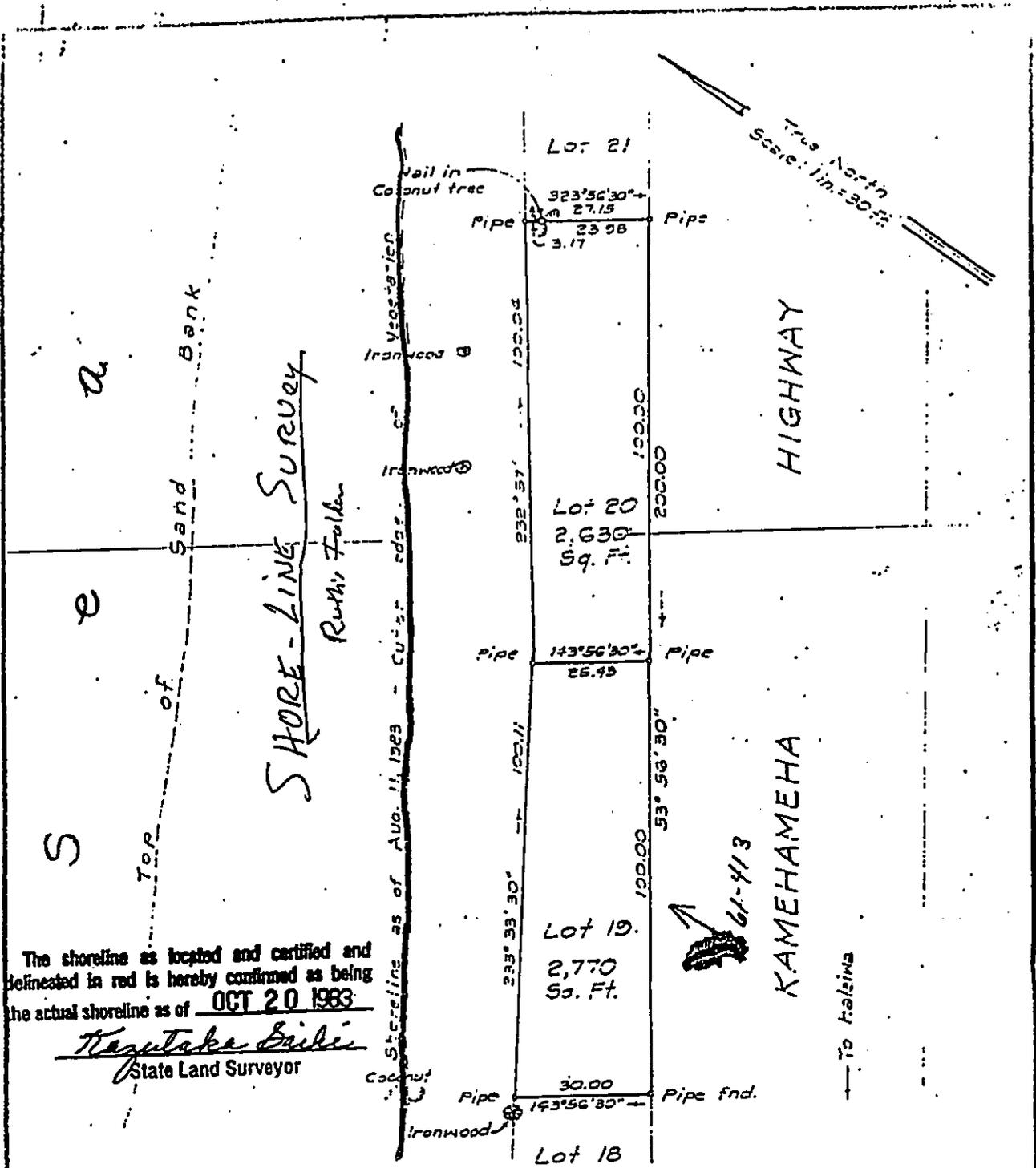
1. Archaeological and Cultural Resources

The project site is not listed on the State or Federal Register of historic places. The site has been previously disturbed by the construction of the single family dwelling and underground individual wastewater treatment system. The project site does not contain any known archaeological or historic sites.

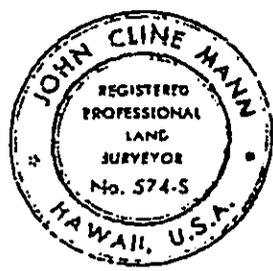
Should any previously unidentified historic sites (including but not limited to artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls) be encountered during construction, the applicants will instruct the contractor to immediately stop work and contact the State Historic Preservation Division (SHPD). Work in the immediate area shall be stopped until SHPD is able to assess impacts and make further recommendations for appropriate mitigation measures.

In a letter dated March 1, 2007 the SHPD recommended that the applicant be required to prepare an archaeological monitoring plan prior to the commencement of ground-altering activities. The applicant will work with the SHPD to adequately address this concern.

The proposed development will have no effect on traditional cultural practices. Beach and ocean access will not be impacted by the proposal. On-shore and off-shore fishing and gathering and recreational



The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of **OCT 20 1983**  
*Kayataka Saito*  
 State Land Surveyor



SHORELINE SURVEY.  
 LOTS 19 & 20, SECTION "C"  
 KAWAILOA BEACH LOTS  
 AT KAWAILOA, WAIALUA, OAHU, HAWAII

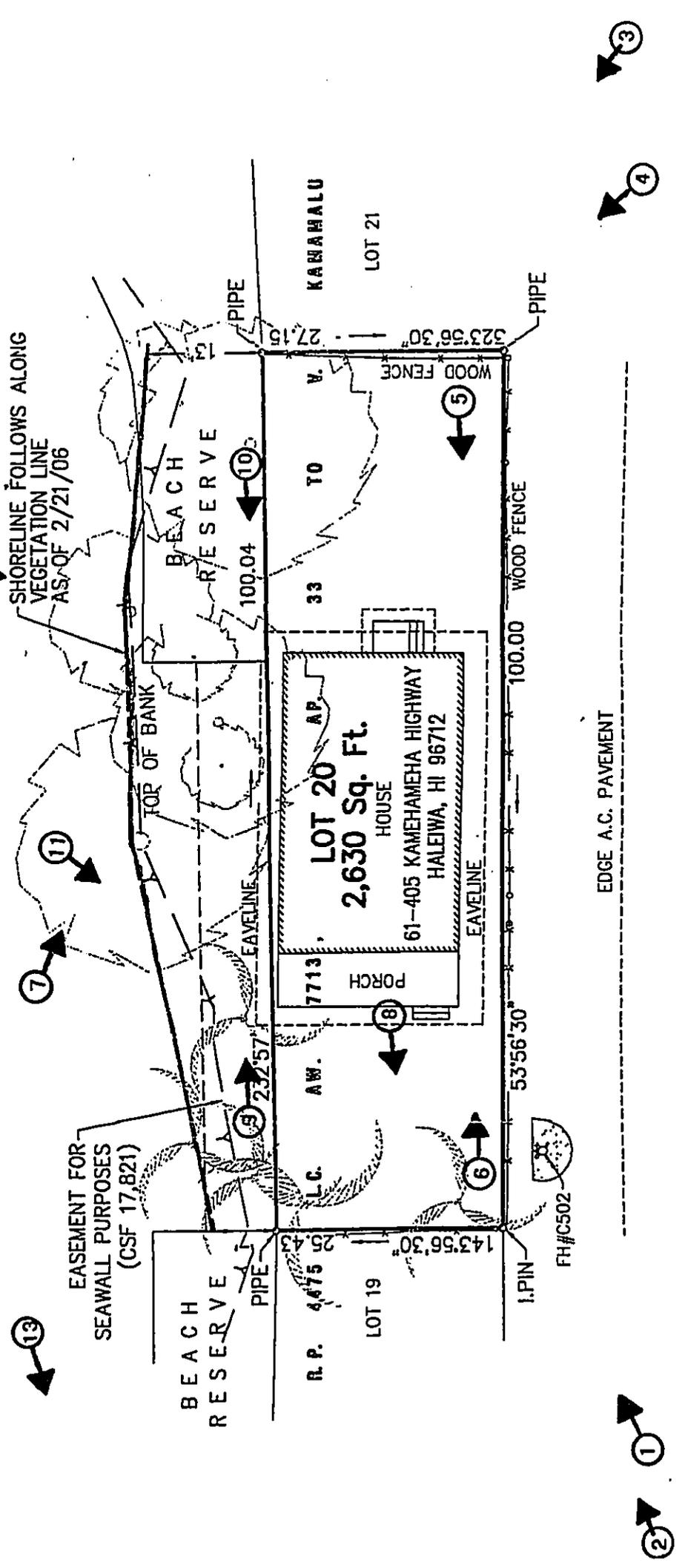
This map was prepared by  
 John Cline Mann

TNK: 3-1-83.3 & 4  
 Owner: B. P. BENTON ESTATE  
 Leased: [illegible]

**APPENDIX II**  
**PHOTOGRAPHS**

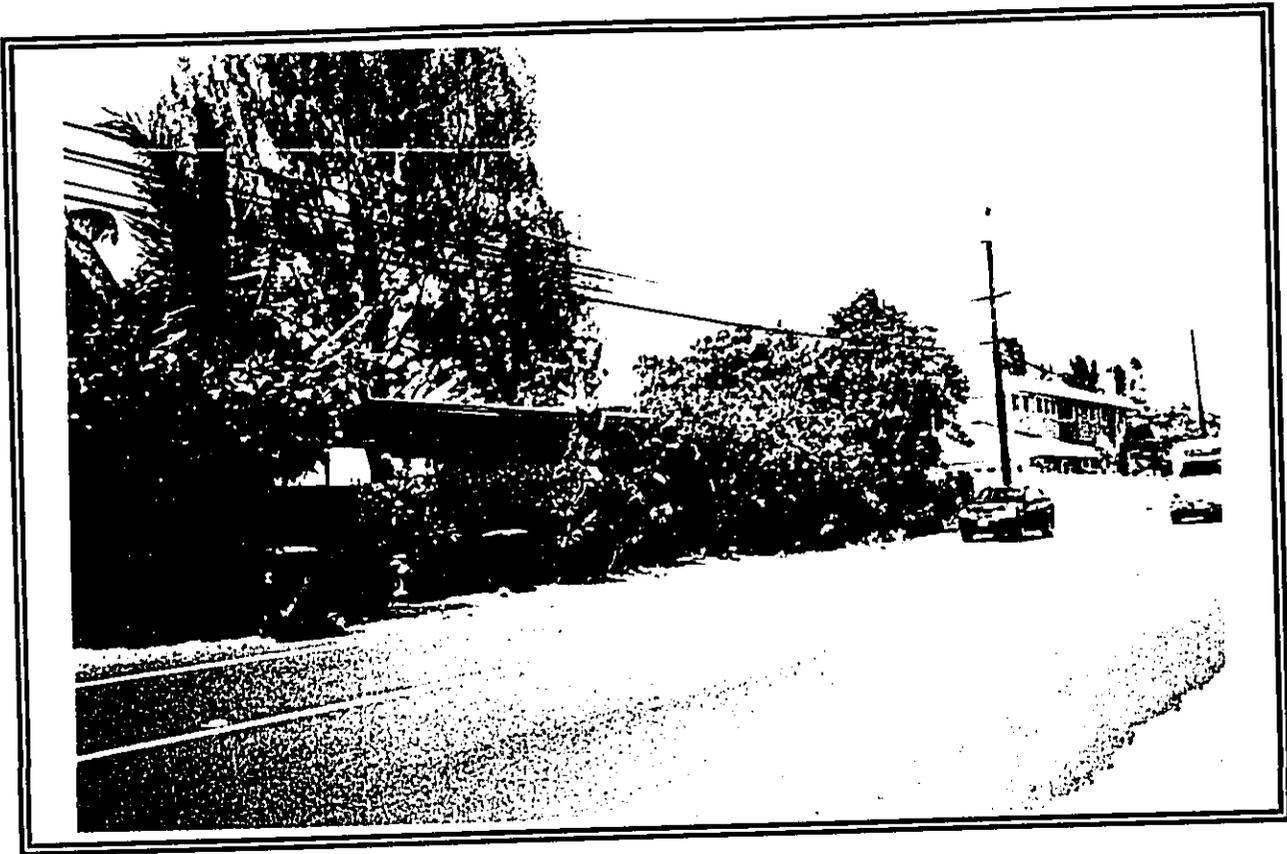
# BEACH

# KAMEHAMEHA HIGHWAY

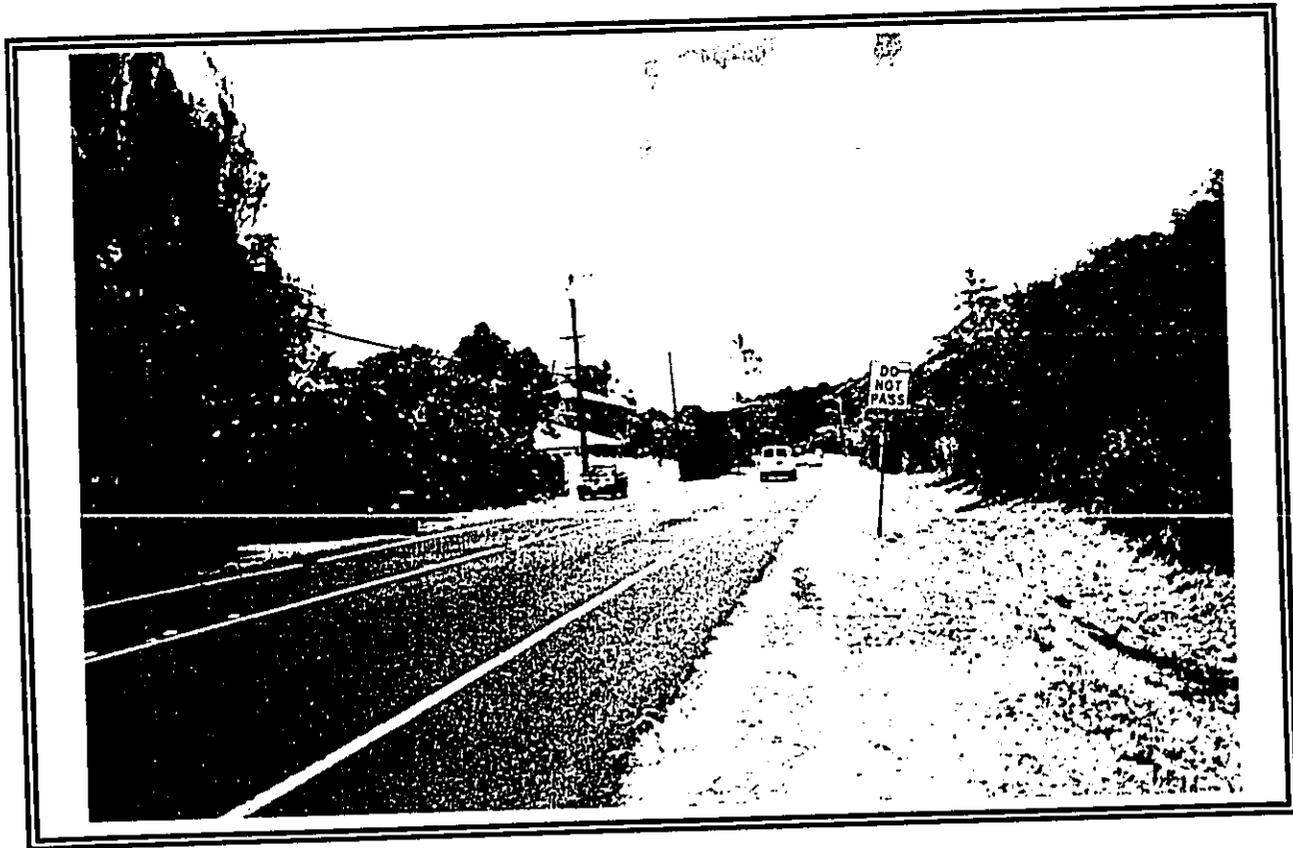


The shoreline as delineated in red is hereby certified as the shoreline as of

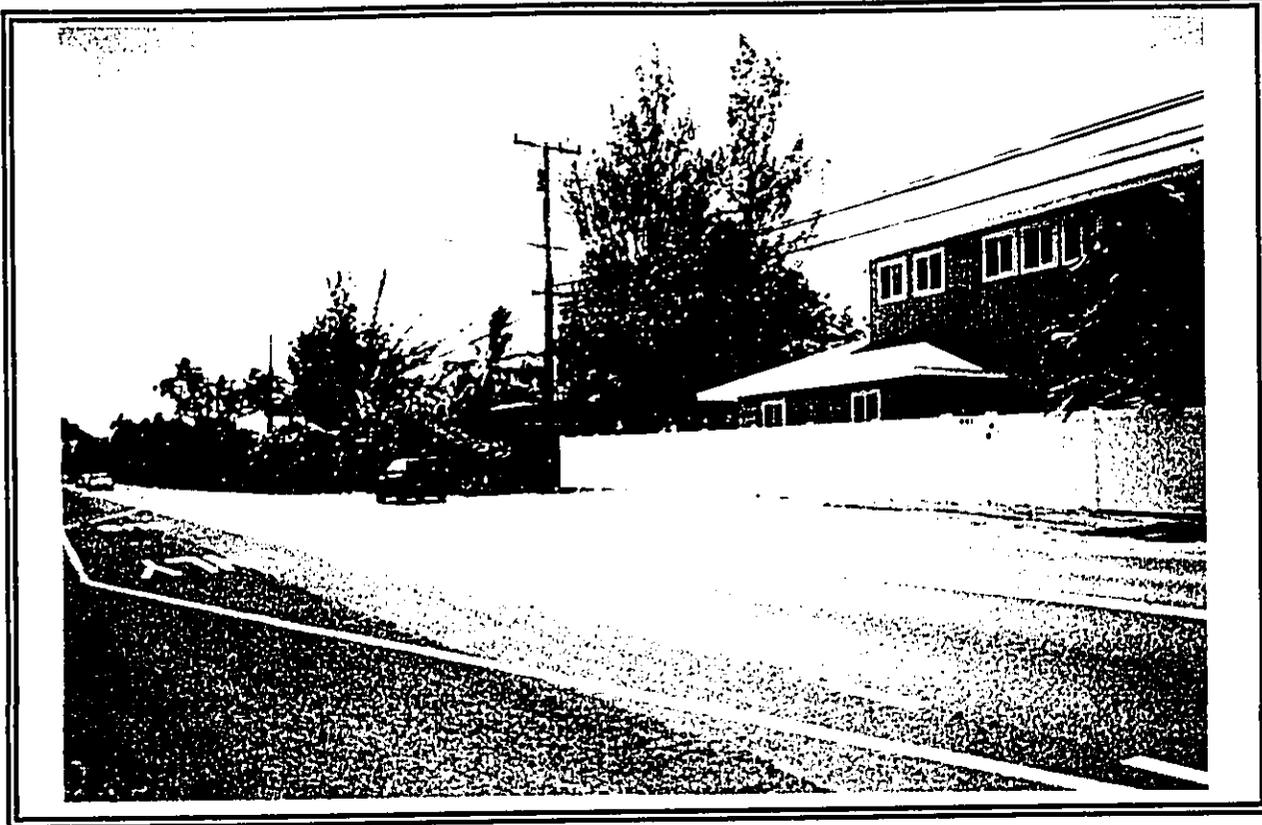
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Photograph No. 1



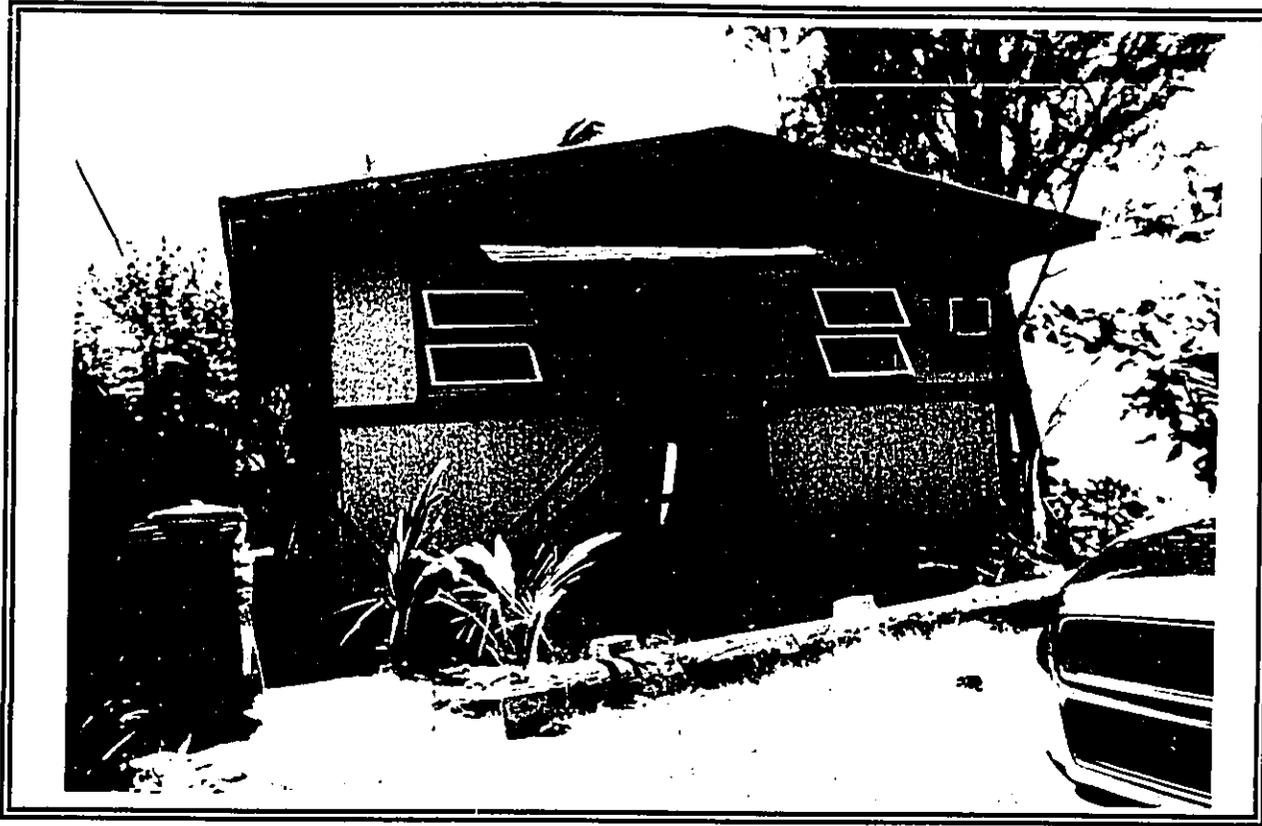
Photograph No. 2



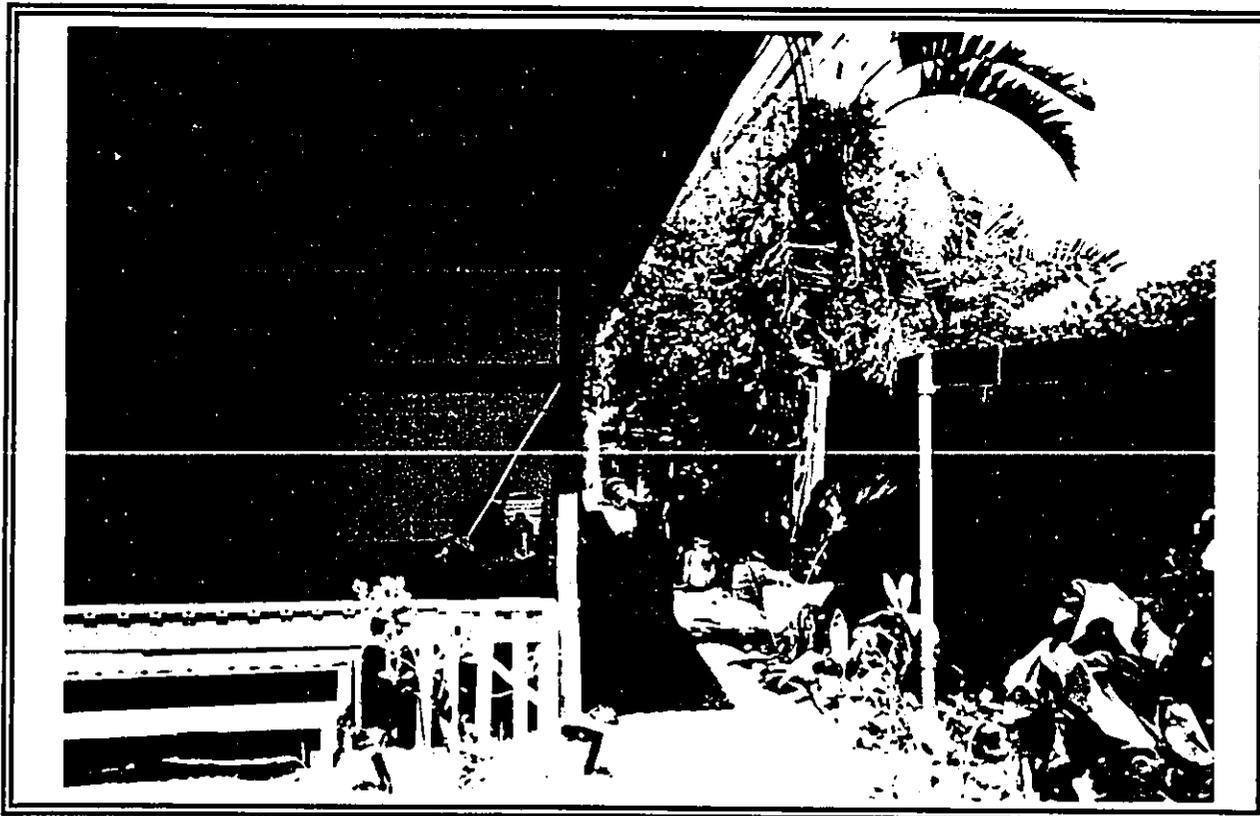
Photograph No. 3



Photograph No. 4



Photograph No. 5



Photograph No. 6



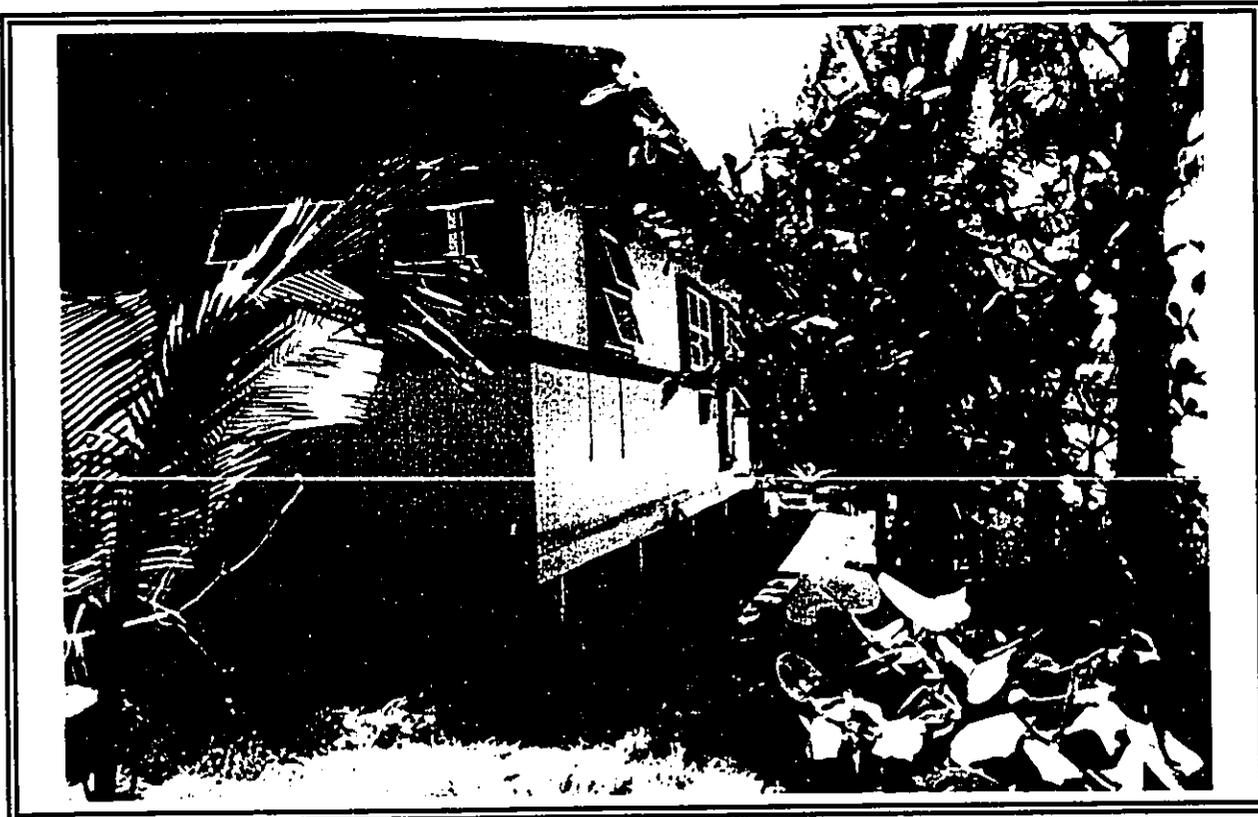
Photograph No. 7



Photograph No. 8



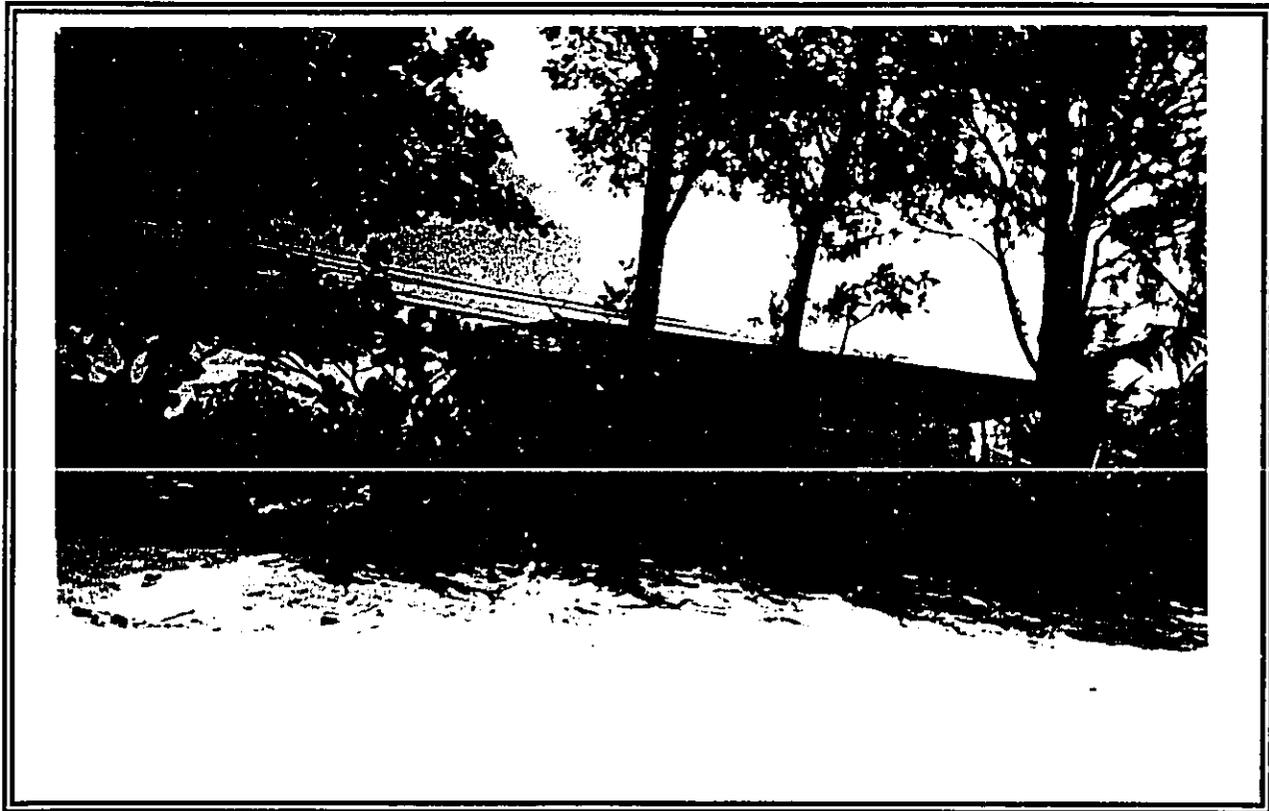
Photograph No. 9



Photograph No. 10



Photograph No. 11



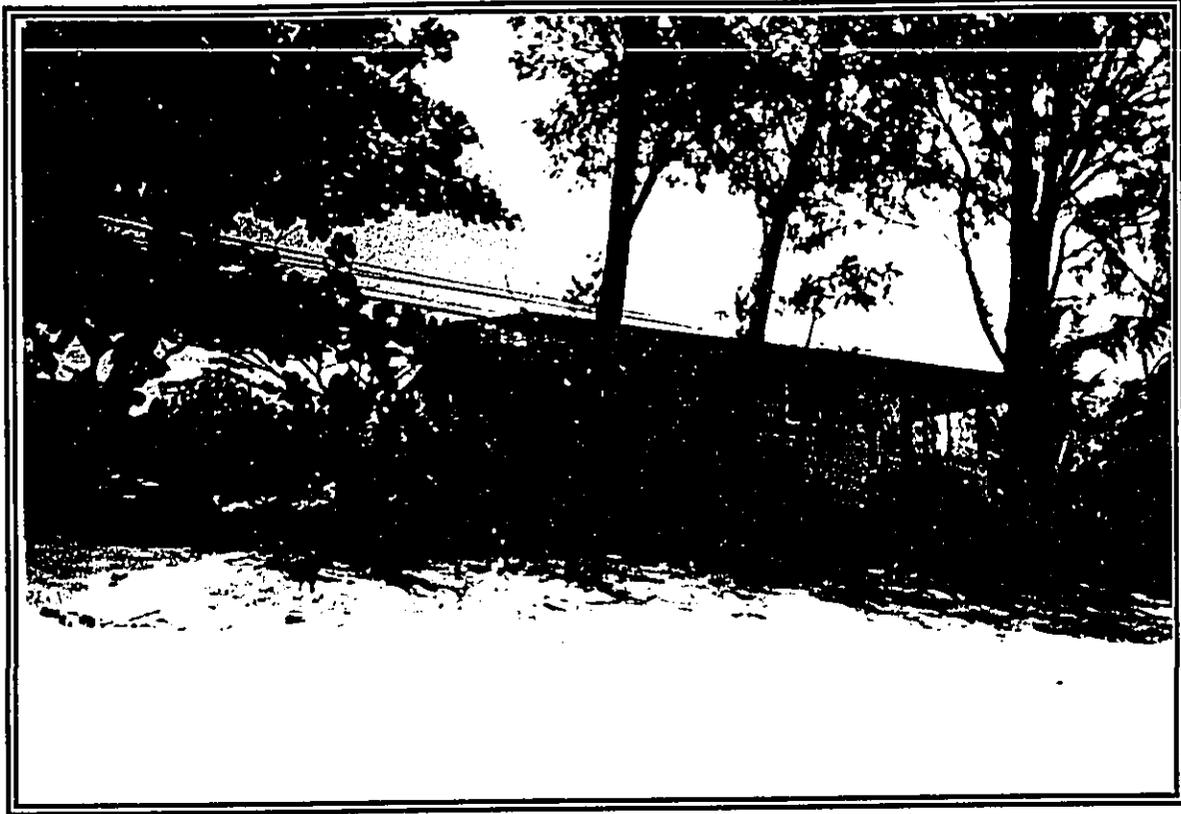
Photograph No. 12



Photograph No. 13



Photograph No. 14



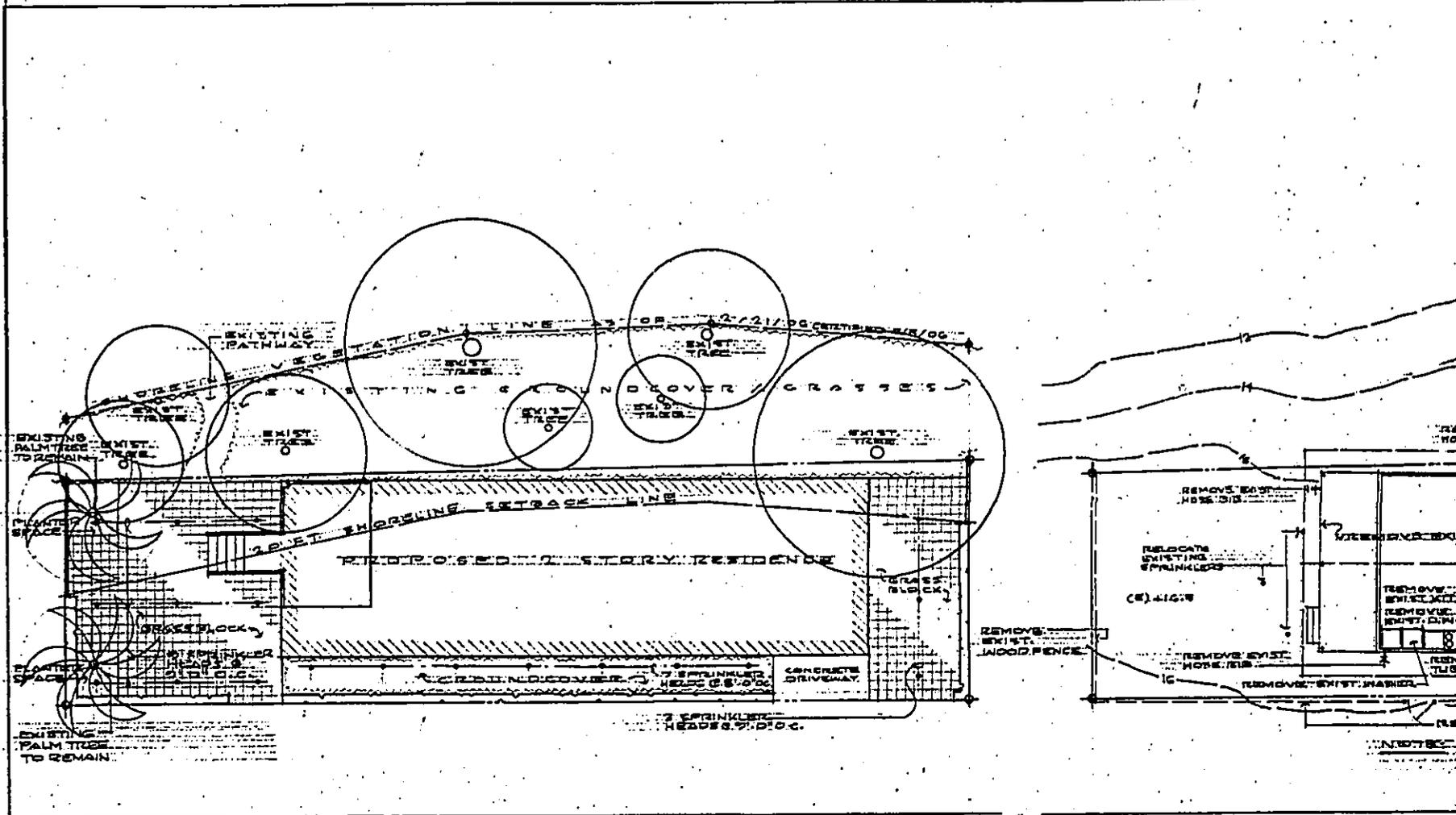
— Photograph 15



— Photograph 16

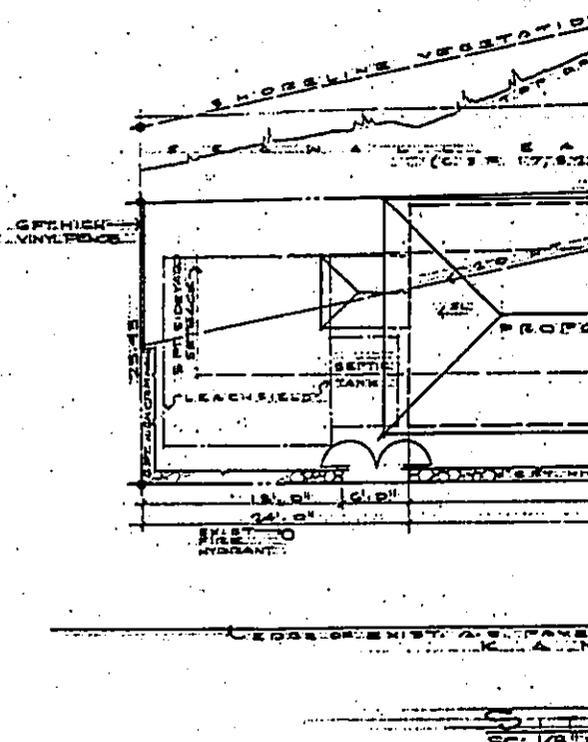
**APPENDIX III**  
**PLANS**

DOCUMENTS CAPTURED AS RECEIVED



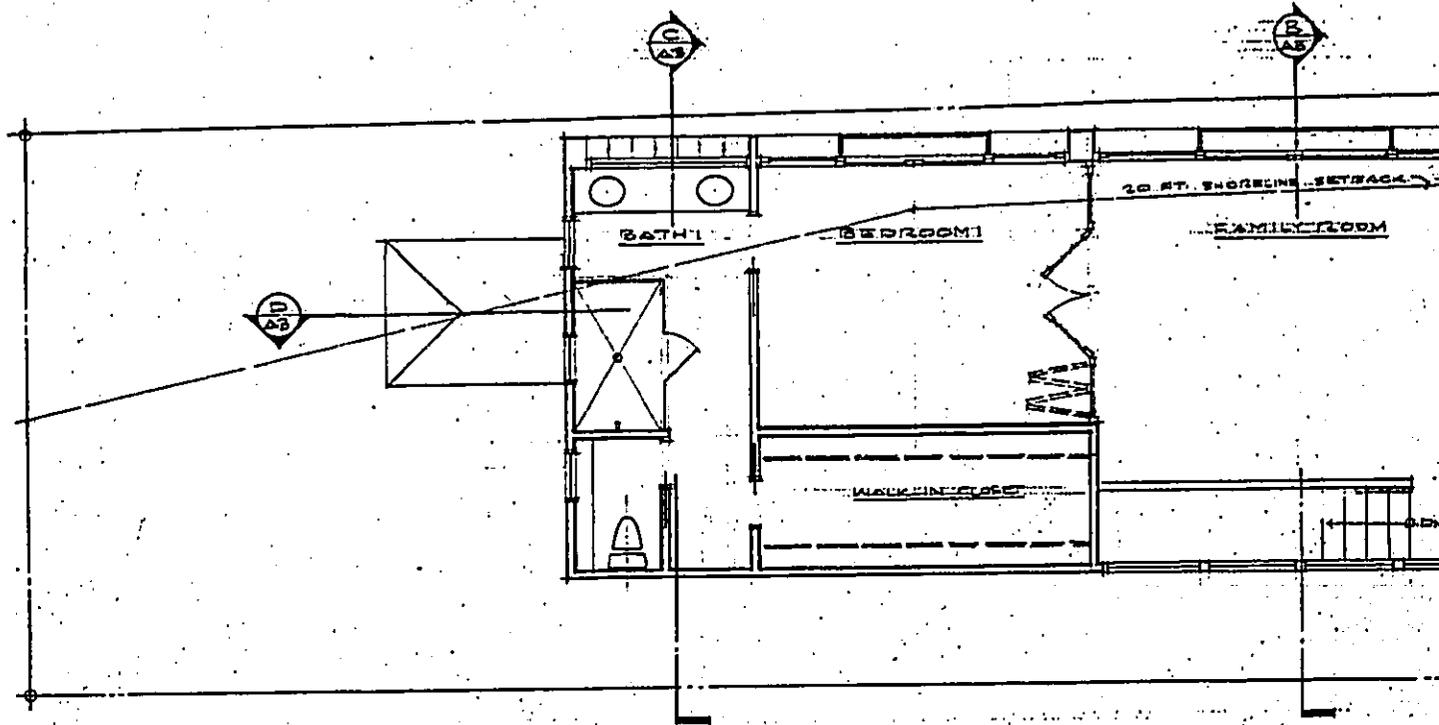
LANDSCAPING PLAN

PROJECT DATA	
ADDRESS: 61495 KAMERAMEHA HWY HAOLEWA, HAWAII 96712	TAX MAP KEY: 156-12008-005-0000
LOT SIZE: 2,650 SF	ZONING: R-5
EXISTING BUILDING AREA: 576 SF (1 STORY)	FLOOD DESIGNATION: VE1B
MAX. BUILDING AREA: 2,650 SF / 2,415 SF ALLOWABLE	
PROPOSED BLDG AREA: 3,815 SF (15 SF STAIRLANDING) 2,415 SF (2 STORY RESIDENCE)	TOTAL BLDG AREA: 2,415 SF
PROPOSED FLOOR AREA:	
GROUND FLOOR: 1,100 SF	GARAGE: 220 SF
STAIRLANDING: 15 SF	UPPER FLOOR: 1,300 SF
TOTAL FLOOR AREA: 2,415 SF	
ALLOWABLE FLOOR AREA: 2 PARKING SPACES / 2,500 SF	

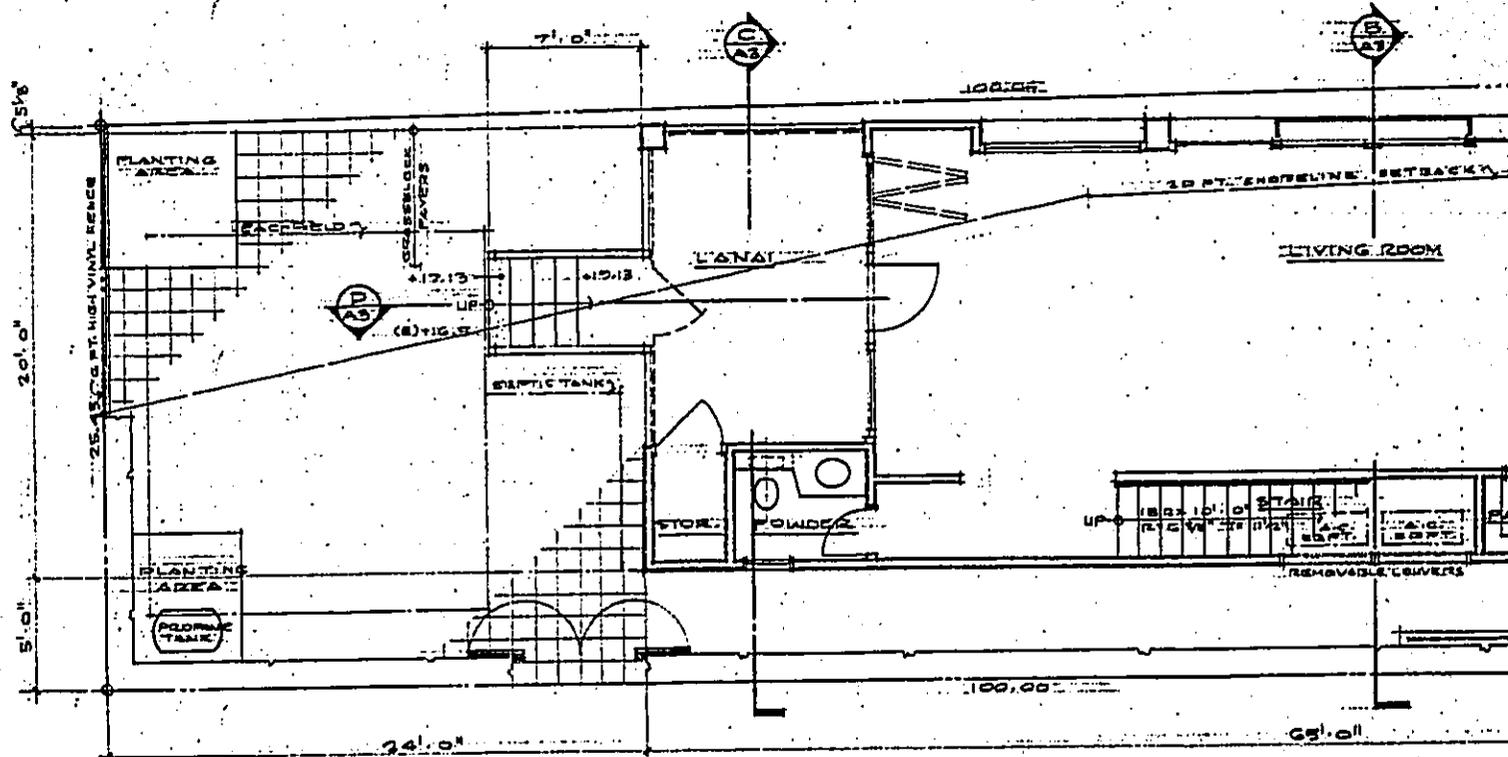




DOCUMENTS CAPTURED AS RECEIVED

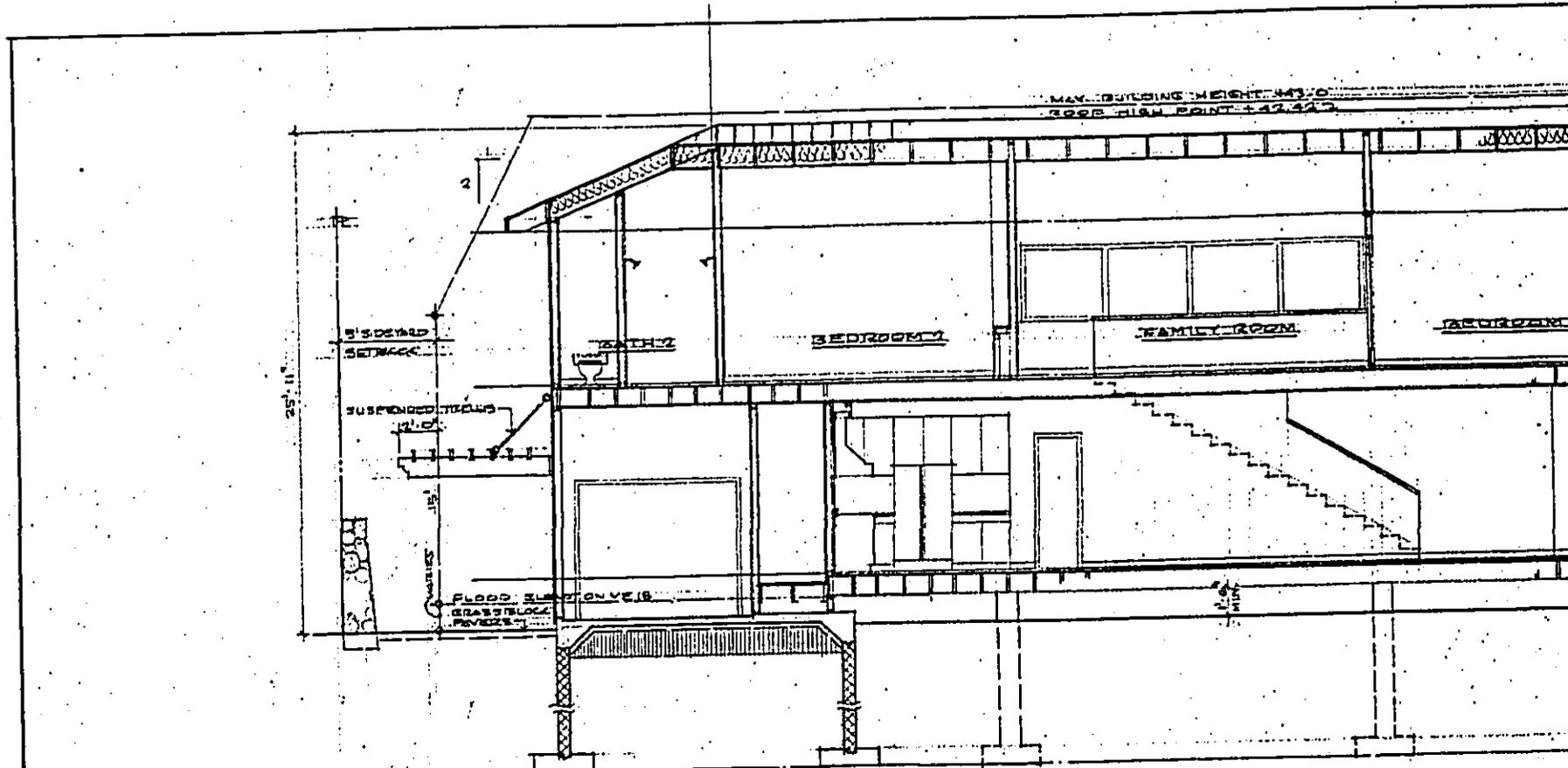


UPPER FLOOR PLAN  
SECTION 1/10/01

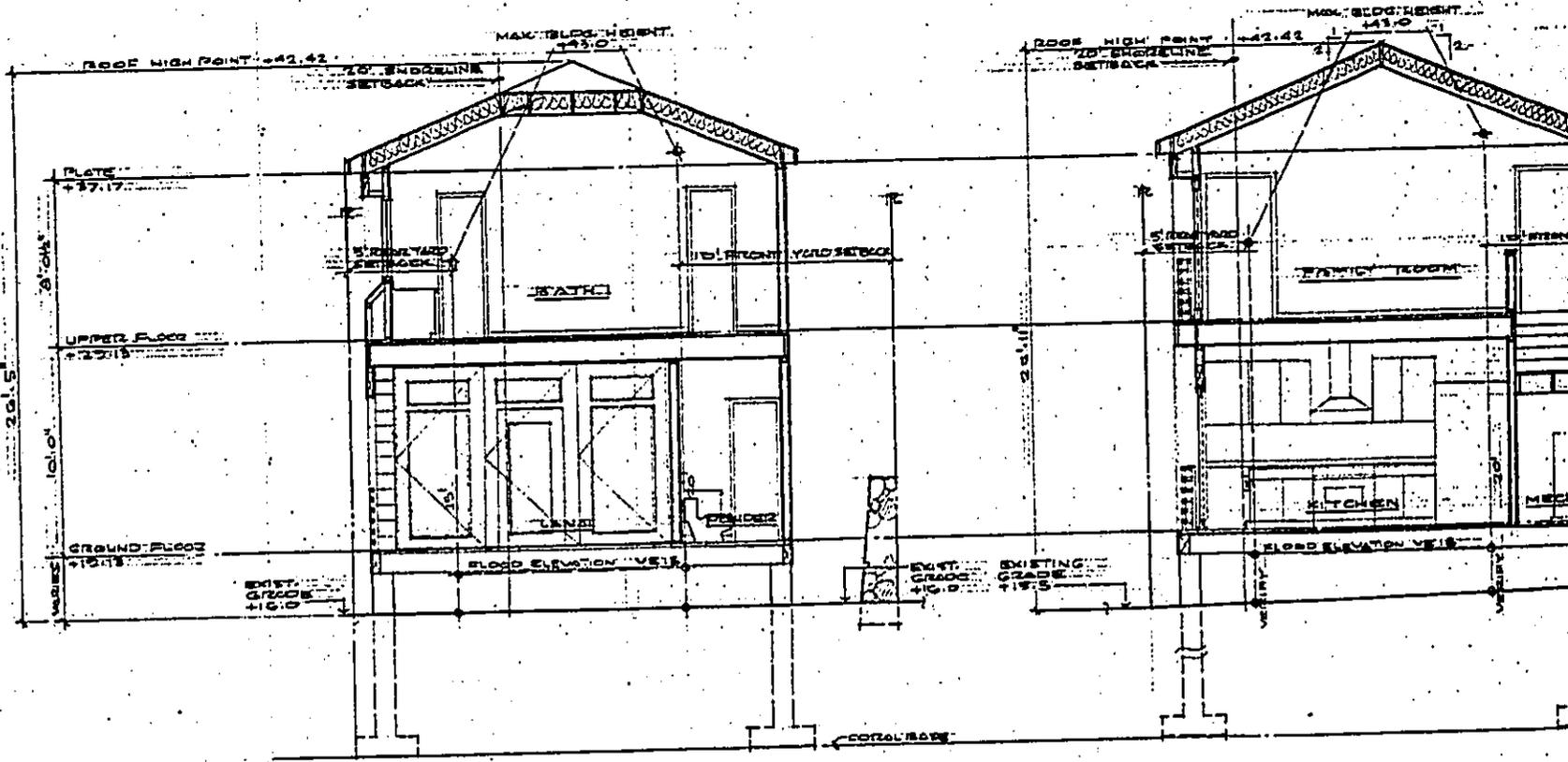


GROUND FLOOR PLAN  
SECTION 1/10/01





**D** BUILDING SECTION  
SC14150

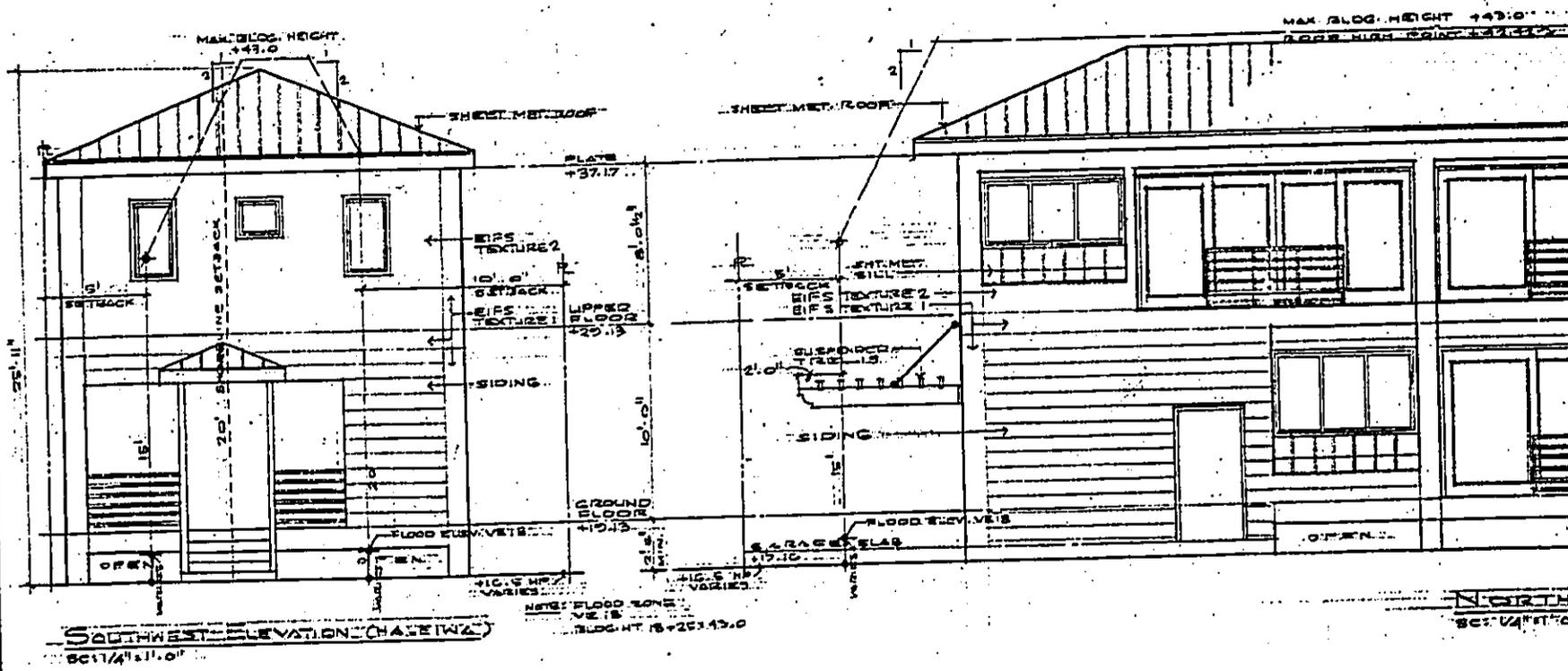
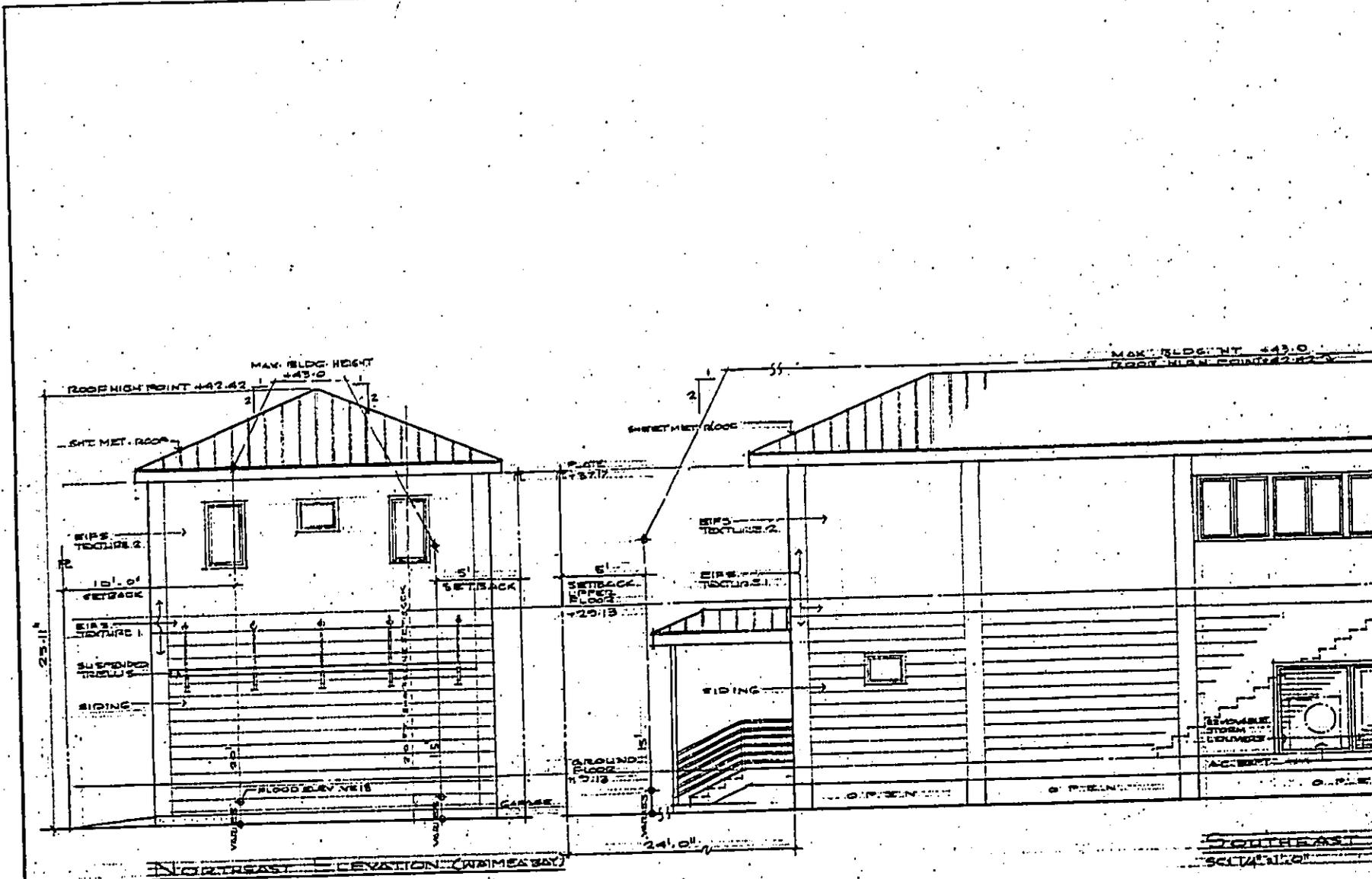


**C** BUILDING SECTION  
SC14150

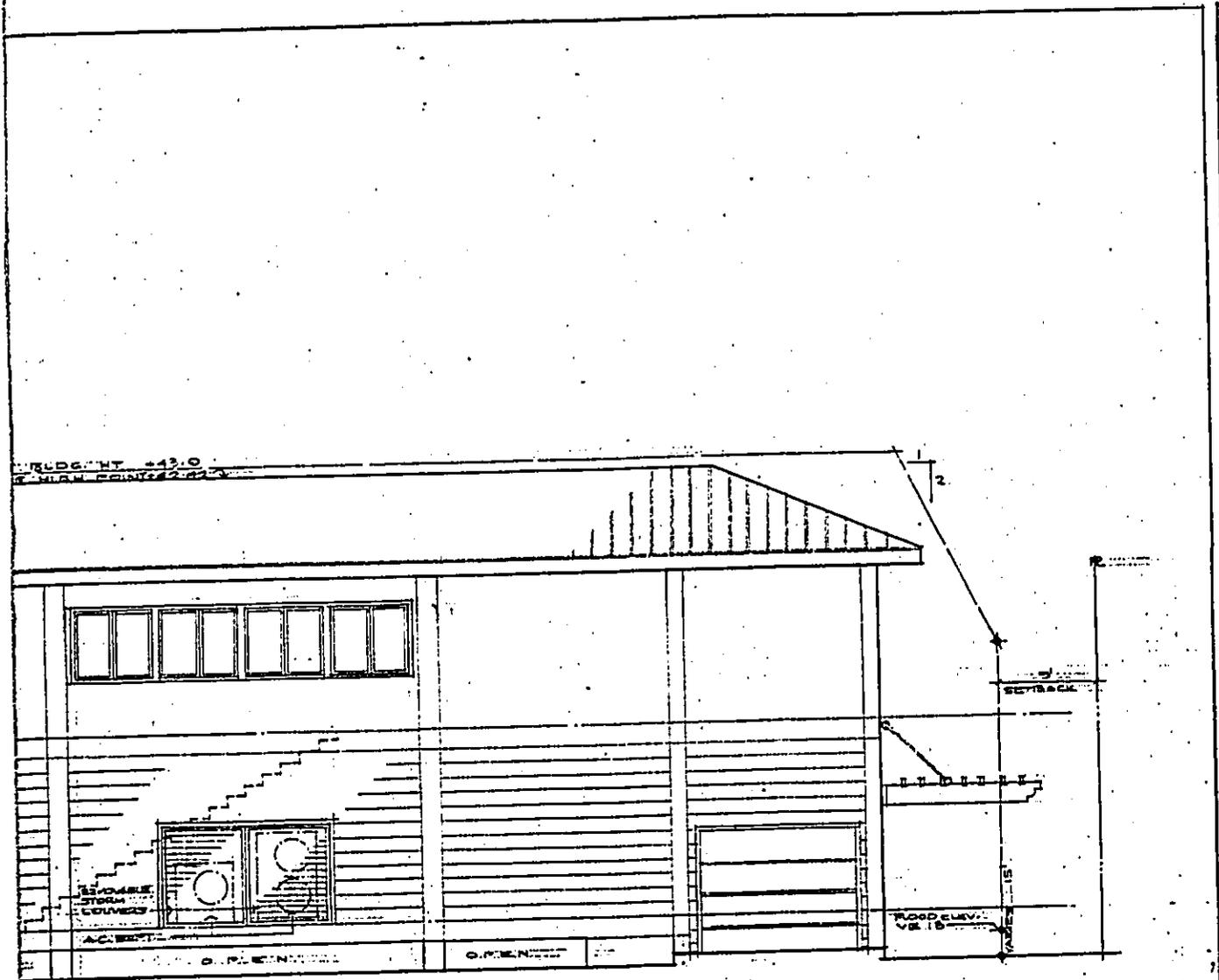
**B** BUILDING SECTION  
SC14150



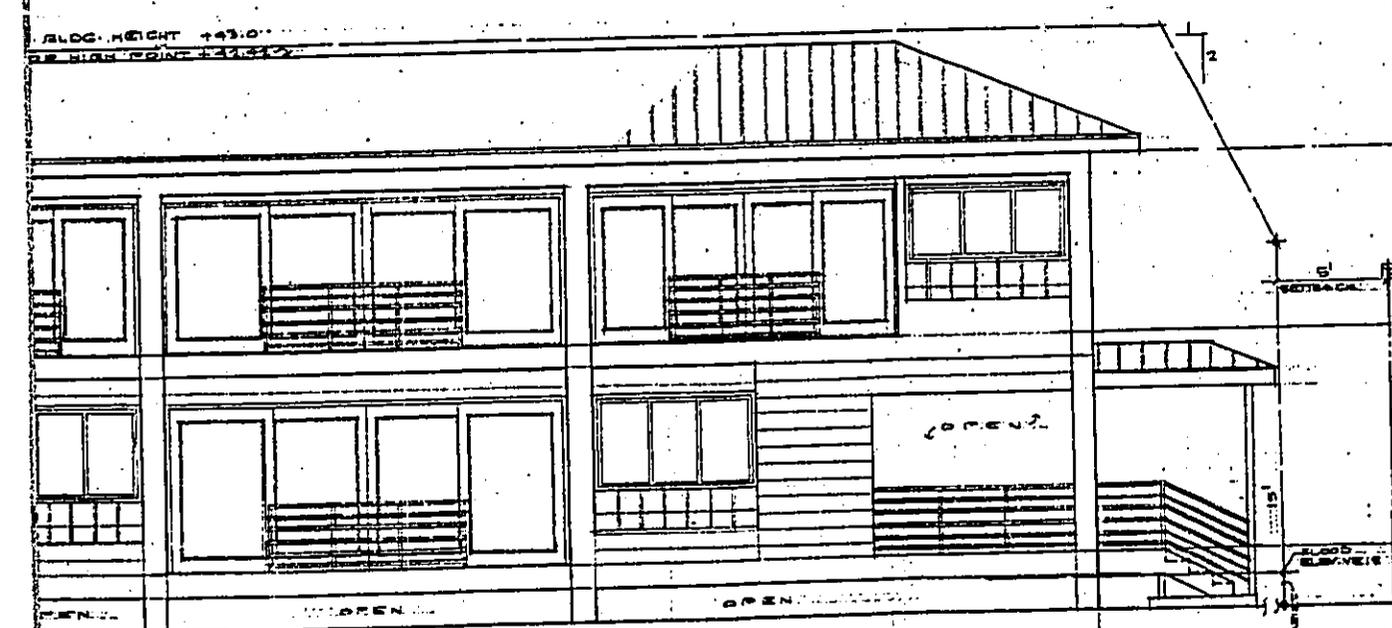
DOCUMENTS CAPTURED AS RECEIVED



DOCUMENTS CAPTURED AS RECEIVED



SOUTHEAST ELEVATION (KAMERHOMERIA BIRD)



NORTHWEST ELEVATION (BENCH)

W. J. Leong & Associates  
ARCHITECTS  
2001 Kalia Road, Suite 200  
Honolulu, HI 96815  
Phone: (808) 943-1111  
Fax: (808) 943-1112

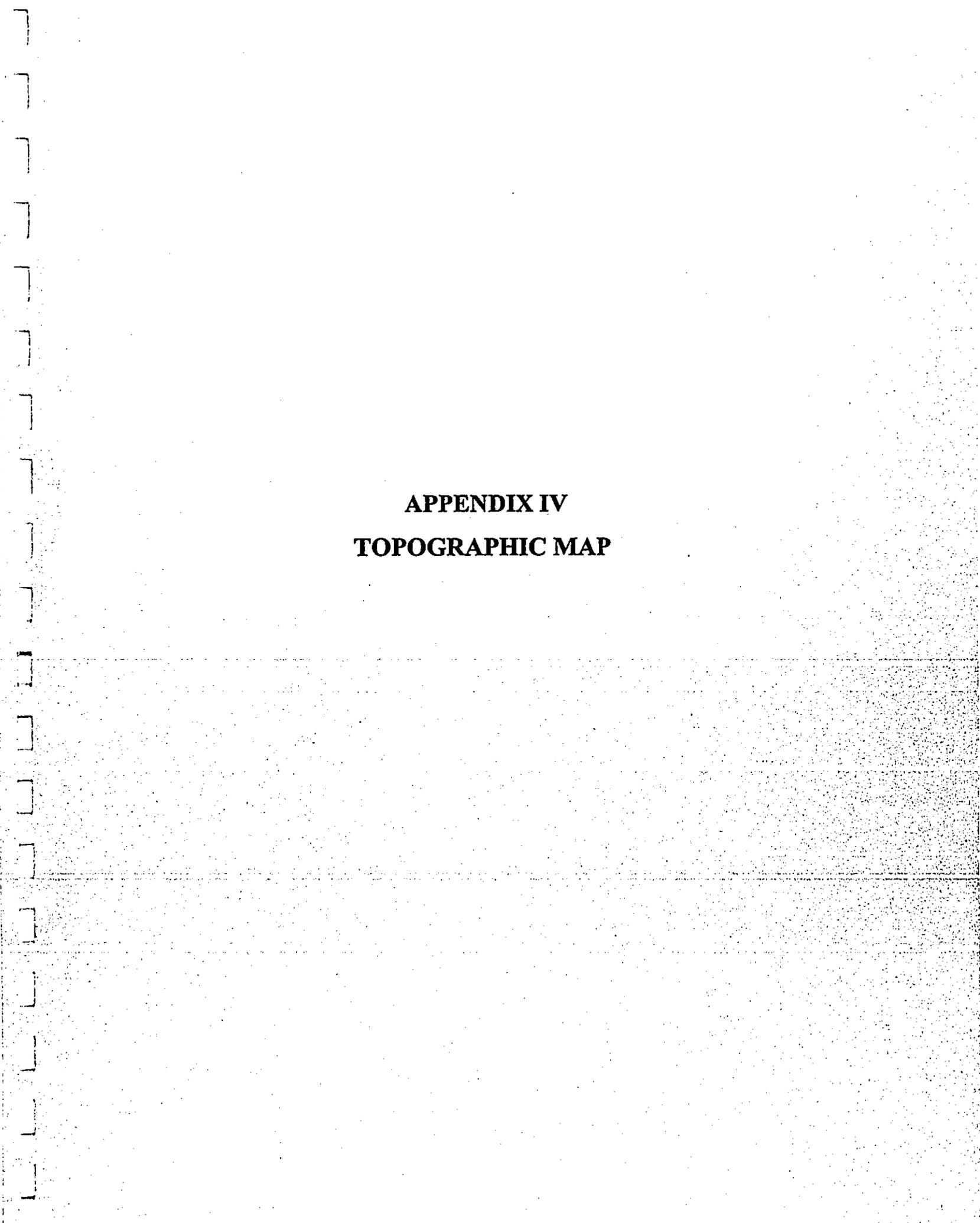


RESIDENCE FOR MRS. MIRIAM STRANDE MCITIGUE  
61-485 KAMERHOMERIA HWY. HALENUI, HAWAII 96815  
EXTERIOR ELEVATIONS

REVISIONS:  
DRAWING: [ ]  
JOB NO: 06003  
DATE: 3/01/07  
SHEET

A-4

**APPENDIX IV**  
**TOPOGRAPHIC MAP**

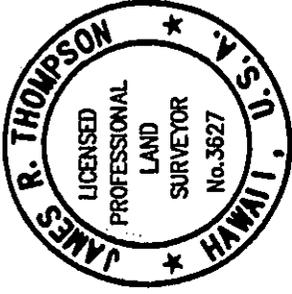




**TOPOGRAPHIC SURVEY  
AFFECTING LOT 20, SECTION C  
KAWAILOA BEACH LOTS  
AT KAWAILOA, WAIALUA, OAHU, HAWAII**

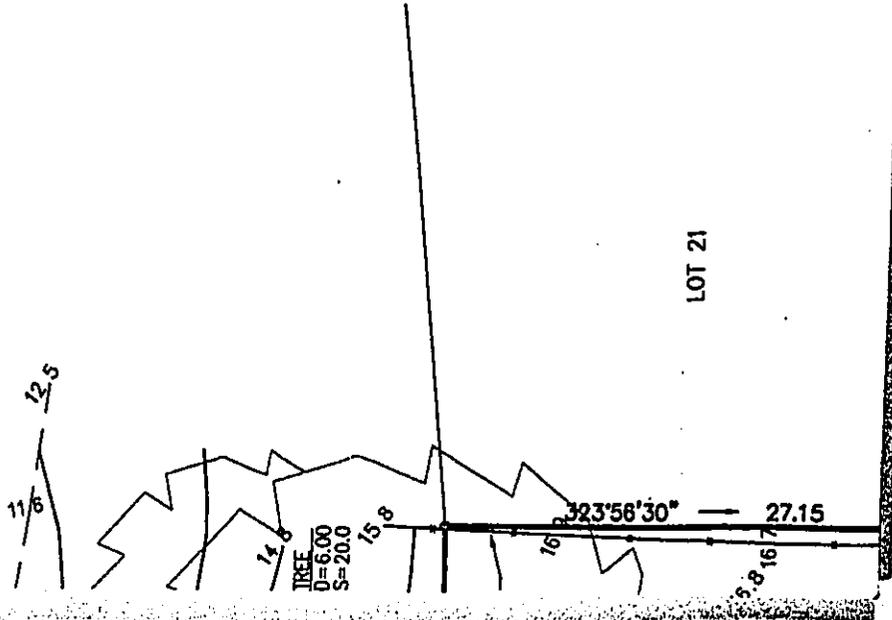
SCALE : 1 IN. = 10 FT.

NOVEMBER 1, 2005 WALTER P. THOMPSON, INC.



THIS WORK WAS PREPARED BY  
ME OR UNDER MY SUPERVISION

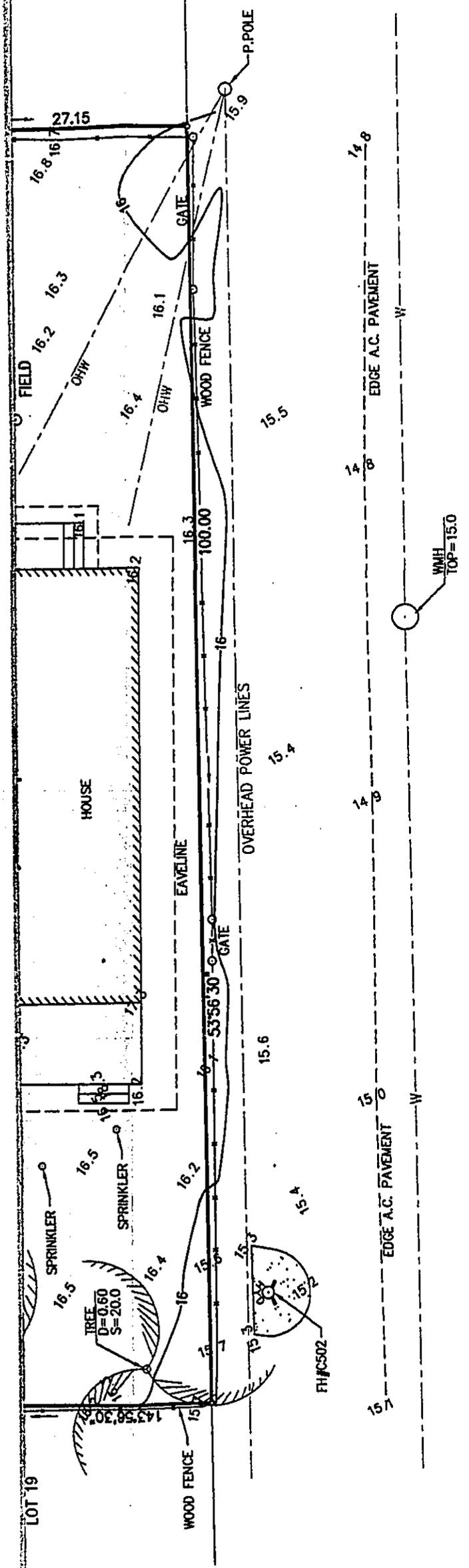
A handwritten signature in black ink that reads "James R. Thompson".



LOT 21

All visible utility structures have been located in the field, however, connection of underground utility lines as shown are un-verified and compiled from existing data.

Underground utilities shown hereon are for information only, having been obtained from the best available sources, but from



K A M E H A M E H A

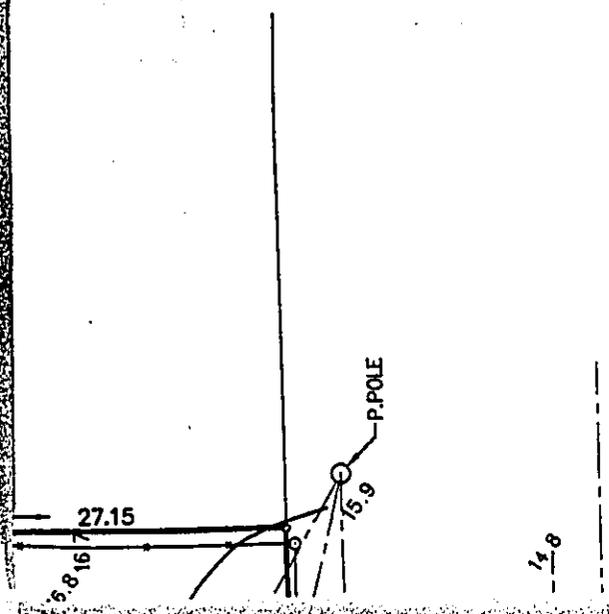
H I G H W A Y

NOTES

1. FIRM DATA VE(18)  
FLOOD ZONE 020E  
PANEL NO. 150001  
COMMUNITY NO. 11/20/2000  
DATE
2. ELEVATIONS REFERRED TO BRASS DISK SS6-1A

All visible utility structures have been located in the field, however, connection of underground utility lines as shown are un-verified and compiled from existing data.

Underground utilities shown hereon are for information only, having been obtained from the best available sources, but from others not connected with this company. Therefore, no guarantee is made on the accuracy or completeness of said information.



A Y

18" x 24" = 3.0 Sq.Ft.

**APPENDIX V**  
**COMMENTS AND RESPONSES**

LINDA LINGLE  
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

January 18, 2007

Mr. Terrance and Ms. Dorene McTigue  
61-405 Kamehameha Highway  
Haleiwa, Hawaii 96712

Ms. Ardis Shaw-Kim  
Kusao & Kurahashi, Inc.  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii'i 96793

Mr. Henry Eng  
Ms. Pamela Davis  
City and County of Honolulu - Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii'i 96813

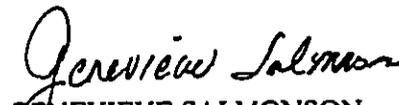
Dear Mr. & Ms. McTigue, Mesdames Shaw-Kim and Davis, and Mr. Eng:

The Office of Environmental Quality Control has reviewed the draft environmental assessment for the Proposed Single-Family Dwelling at Haleiwa for Terrance and Doreen McTigue, Tax Map Key Number (1<sup>st</sup>) 6-1-8, parcel 003, in the judicial district of Waialua, submitted to the Office of Environmental Quality Control by way of a December 12, 2006, letter of Henry Eng to Genevieve Salmonson (File No. 2006/ED-22(pd)). The Office of Environmental Quality Control offers the following comment for your consideration.

1. ***Sustainable Building Design, Shoreline Hardening and Landscaping with Native Plants:*** Please refer to the Office of Environmental Quality Control Internet site at the following Uniform Resource Locator [www.state.hi.us/health/oeqc/guidance/index.html](http://www.state.hi.us/health/oeqc/guidance/index.html) and read documents relating to landscaping and sustainable building design. Also, since the proposed single-family dwelling will be encroaching into the shoreline setback area, in the future event that the beach begins to erode, are there plans to use the seawall easement to protect the house? If so, please refer to the shoreline hardening guidance found on the website.

Thank you for the opportunity to comment. If there are any questions, please call Mr. Leslie Segundo, Environmental Health Specialist, at (808) 586-4185.

Sincerely,

  
GENEVIEVE SALMONSON  
Director of Environmental Quality Control

235 SOUTH BERETANIA STREET  
LEIOPAPA A KAMEHAMEHA, SUITE 702  
HONOLULU, HAWAII 96813  
Telephone (808) 586-4185  
Facsimile (808) 586-4186  
Electronic Mail: [OEQC@doh.hawaii.gov](mailto:OEQC@doh.hawaii.gov)

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

MANOA MARKET PLACE  
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BUS. (808) 988-2231  
FAX. (808) 988-1140  
E-Mail: kkurahashi@hawaii.rr.com

April 30, 2007

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

Dear Ms. Salmonson:

Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated January 18, 2007, on the Draft EA and variance applications for a construction of a single family replacement dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

1. Sustainable Building Design:

The architect has been made aware the Guidelines for Sustainable Building Design and indicated these guidelines will be considered throughout the design and building process.

Site Preparation and Design

The project has been design to minimize the impact on the environment. The two story structure helps to minimize the area of the building foot print. Thus limiting the area that will be disturbed during the construction period. The applicant is proposing minimal ground disturbance.

Water Use

The applicant is proposing to install water conserving, low flow fixtures as required by the Uniform Plumbing Code.

Landscape and Irrigation

The applicant is proposing to use drought and salt tolerant plants to landscape the property. Irrigation will be done during hours that minimize rapid evaporation. The property is currently landscaped with a number of

Ms. Genevieve Salmonson  
Page 2

native and indigenous and native plants. The applicant proposes to maintain the existing landscaping if possible and introduce additional native and indigenous plants.

2. Landscaping with Native Plants

The project site is currently landscaped with a variety of plants including native and indigenous plants that were installed by the applicant; those plants include, Naupaka, Akia, Nanu, Pohinahina and Aki Aki grass.

3. Shoreline Hardening

The applicant is not proposing to harden the shoreline. The proposal consists of construction of a single family dwelling and accessory amenities located landward of the shoreline. These will replace the existing structures on the site.

The shoreline fronting the project site appears to be relatively stable. The 1983 certified shoreline survey indicates that the location of the shoreline has not changed significantly during over the span of 23 years. Aside from seasonal changes, the area does not appear to be subject to an ongoing erosion trend. We note that both the existing and proposed dwelling will be generally located in the same location relative to the shoreline.

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final Environmental Assessment.

Very truly yours,



Ardis Shaw-Kim  
Planner

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
EPO-06-213

January 18, 2007

Mr. Henry Eng, Director  
City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

SEP 19 11:11 AM '07  
CITY & COUNTY OF HONOLULU

'07 JAN 19 AM 11:11

RECEIVED

Dear Mr. Eng:

SUBJECT: 2006/ED-22(pd)  
Shoreline Setback Variance and Draft Environmental Assessment  
Applicant: Terrace and Dorene McTigue  
Location: 61-405 Kamehameha Highway, Heleiwa, Oahu, Hawaii  
TMK: (1) 6-1-008: 003

Thank you for allowing us to review and comment on the subject application. The application was routed to the various branches of the Environmental Health Administration. We have the following Wastewater Branch comments,

Wastewater Branch

We have reviewed the subject document which proposes to develop a new single family dwelling on an existing ocean front lot in Haleiwa. The two-story structure will encroach into the shoreline setback area and requires a shoreline setback variance.

The subject project is located in the Critical Wastewater Disposal Area (CWDA) as determined by the Oahu Wastewater Advisory Committee where no new cesspools will be allowed. It is also located in the Pass Zone and below the Underground Injection Control (UIC) line.

As there is no municipal sewer service system in the vicinity, we have no objection to the wastewater generated on the property to be treated and disposed of via a new treatment individual wastewater system (IWS) as stated in the proposal.

We further encourage the homeowner to utilize recycled wastewater for irrigation and other non-potable water purposes in open space and landscaping areas.

Mr. Eng  
January 18, 2007  
Page 2

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater System." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at (808) 586-4294.

We strongly recommend that you review all of the Standard Comments on our website: [www.state.hi.us/health/environmental/env-planning/landuse/landuse.html](http://www.state.hi.us/health/environmental/env-planning/landuse/landuse.html). Any comments specifically applicable to this application should be adhered to.

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER  
Environmental Planning Office

c: EPO  
WWB

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

MANDA MARKET PLACE  
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April 30, 2007

Mr. Kelvin H. Sunada, Environmental Planning Office  
State Department of Health  
P.O. Box 3378  
Honolulu, Hawaii 96801

Dear Mr. Sunada:

**Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3**

Thank you for comments, dated January 18, 2007, on the Draft EA and variance applications for construction of a single family dwelling to replace an existing single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

**Wastewater**

Thank you for the information related to the Critical Wastewater Disposal Area, Pass Zone and Underground Injection Control line. This information will be included in the Final EA.

The applicant is proposing to install an individual wastewater system in accordance with the State regulations related to those facilities.

There are no plans to recycle wastewater. On January 29, 2007 we confirmed with your staff that recycling waste water may not be appropriate for a project of this nature and size.

Wastewater plans will conform to applicable provisions of the State Department of Health's Administrative Rules, Chapter 11-62, "Wastewater System." Plans for the wastewater system will be submitted to the Planning and Design Section of the Wastewater Branch for review for conformance with applicable rules.

We have reviewed the Standard Comments found on the Department of Health website and note that the project will comply with the following applicable comments: clean air, noise, wastewater and solid and hazardous waste.

Mr. Kelvin H. Sunada  
Page 2

and note that the project will comply with the following applicable comments: clean air, noise, wastewater and solid and hazardous waste.

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final Environmental Assessment.

Very truly yours,

  
Ardis Shaw-Kim  
Planner

PHONE (808) 594-1888



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

RECEIVED

FAX (808) 594-1865

'07 JAN 25 P 2:01

HRD06/2844

January 19, 2007

Henry Eng, FAICP  
Director  
Department of Planning and Permitting  
City & County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, HI 96813

**RE: Request for comments on a Shoreline Setback Variance, 61-405 Kamehameha Highway; Haleiwa, O'ahu; TMK: 4-4-023:049**

Dear Henry Eng,

The Office of Hawaiian Affairs (OHA) is in receipt of your December 12, 2006, request for comments on the above project, which would allow the applicants, Terrance and Dorene McTigue, to demolish a non-conforming, one-story, single-family dwelling and construct a two-story, single-family dwelling with an attached, one-car garage; individual wastewater system, CRM walls and other improvements on a non-conforming lot, which is a little more than half the size required. The proposed dwelling would encroach into the shoreline setback area. OHA offers the following comments.

We understand that applying the Shoreline Setback Rules to the lot shrinks the buildable depth of the property to less than 30 feet, which makes the property eligible for a variance. We question the safety of building so close to the shoreline and the practicality of allowing such lots to continue to be grandfathered into our rapidly eroding shorelines.

If the project is approved, OHA will rely on the applicants' assurances that coastal access will not be impacted by the proposal and that should any iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during ground disturbance or excavation, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Henry Eng, FAICP  
Director  
January 19, 2007  
Page 2

Thank you for the opportunity to comment. If you have any further questions or concerns please contact Heidi Guth at (808) 594-1962 or e-mail her at [heidig@oha.org](mailto:heidig@oha.org).

Sincerely,



Clyde W. Nāmu'o  
Administrator

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

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FAX. (808) 988-1140

E-Mail: [kkurahashi@hawaii.m.com](mailto:kkurahashi@hawaii.m.com)

April 30, 2007

Mr. Clyde Namuo, Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, HI 96740

Dear Mr. Namuo:

Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated January 19, 2007, on the Draft EA and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

We are aware of your concerns regarding the possibility of encountering historic resources, including iwi kupuna, during ground-altering activities that may be associated with the proposed construction work. The applicants will work with the State Historic Preservation Division to ensure that appropriate mitigation measures are implemented.

The proposed dwelling will be located in roughly the same footprint as the existing dwelling and is not anticipated to impact access to or along the shoreline.

Thank you for participating in the environmental assessment process. Your letter and this response will be included in the Final EA.

Very truly yours,



Ardis Shaw-Kim  
Planner

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  
DIRECTOR  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES MANAGEMENT  
ROBERT K. MASUDA  
SAC, TULUHU  
DEAN NAKANO  
ATTN: PROPERTY RIGHTS - WATER  
MAYOR RICHIE B. BRYCE  
1045 KALIHI AVENUE, 10TH FLOOR  
HONOLULU, HI 96813  
CHIEF OF WATER RESOURCES MANAGEMENT  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
1515 KALANIANA'OHU AVENUE  
HONOLULU, HI 96813  
KALANIANA'OHU AVENUE COMMERCIAL  
L-201  
STATE HALL

January 29, 2007

City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street 7th Floor  
Honolulu, Hawaii 96813

Attention: Pamela Davis

Gentlemen:

Subject: Terrance and Dorene McTigue Shoreline Setback Variance, Haleiwa,  
Oahu, Tax Map Key: (1) 6-1-8:3

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Land Division-Oahu District, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji  
Administrator

Cc: Central Files

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07 FEB -1 AM 1:16  
CITY & COUNTY OF HONOLULU

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To	ARDIS	From	PAM		
Co./Dept.		Co.			
Phone #	988-2231	Phone #	523-4807		
Fax #	988-1140	Fax #	527-6743		

DOCUMENTS CAPTURED AS RECEIVED

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 RESOURCES MANAGEMENT  
  
ROBERT M. MASUDA  
DEPUTY DIRECTOR  
  
DEAN NAKANO  
ACTING DEPUTY DIRECTOR - WATER  
  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCE  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

December 14, 2006

MEMORANDUM

TO: DLNR Agencies:  
 Div. of Aquatic Resources  
 Div. of Boating & Ocean Recreation  
 Engineering Division  
 Div. of Forestry & Wildlife  
 Div. of State Parks  
 Div. of Water Resource Management  
 Office of Conservation & Coastal Lands  
 Land Division - Oahu District/Morris

FROM: Russell Y. Tsuji  
SUBJECT: Shoreline Setback Variance  
LOCATION: Haleiwa, Oahu, TMK: (1) 6-1-8:3  
APPLICANT: Kusao & Kurahashi on behalf of Terrance & Dorene McTigue

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by January 21, 2007.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*  
Date: 12/26/06

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

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E-Mail: [kkurahashi@hawaii.m.com](mailto:kkurahashi@hawaii.m.com)

April 30, 2007

Mr. Russell Y. Tsuji, Administrator  
Land Division, Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Tsuji:

Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated January 29, 2007, on the Draft EA and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa.

The Land Division indicated that it had no comments or objections to the project.

Thank you for participating in the environmental assessment process. Your letter and this response will be included in the Final EA.

Very truly yours,



Ardis Shaw-Kim  
Planner

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

PETER T. YOUNG  
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ROBERT K. MASUDA  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

DLNR.OCCL:CC

Correspondence No.: OA-07-134

JAN 23 2007

Henry Eng, FAICP  
Director of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Dear Mr. Eng:

**SUBJECT: Review of Draft Environmental Assessment for Proposed Single Family Dwelling  
TMK: (1) 6-1-008:003 61-405 Kamehameha Highway, Kailua, Oahu, Hawaii**

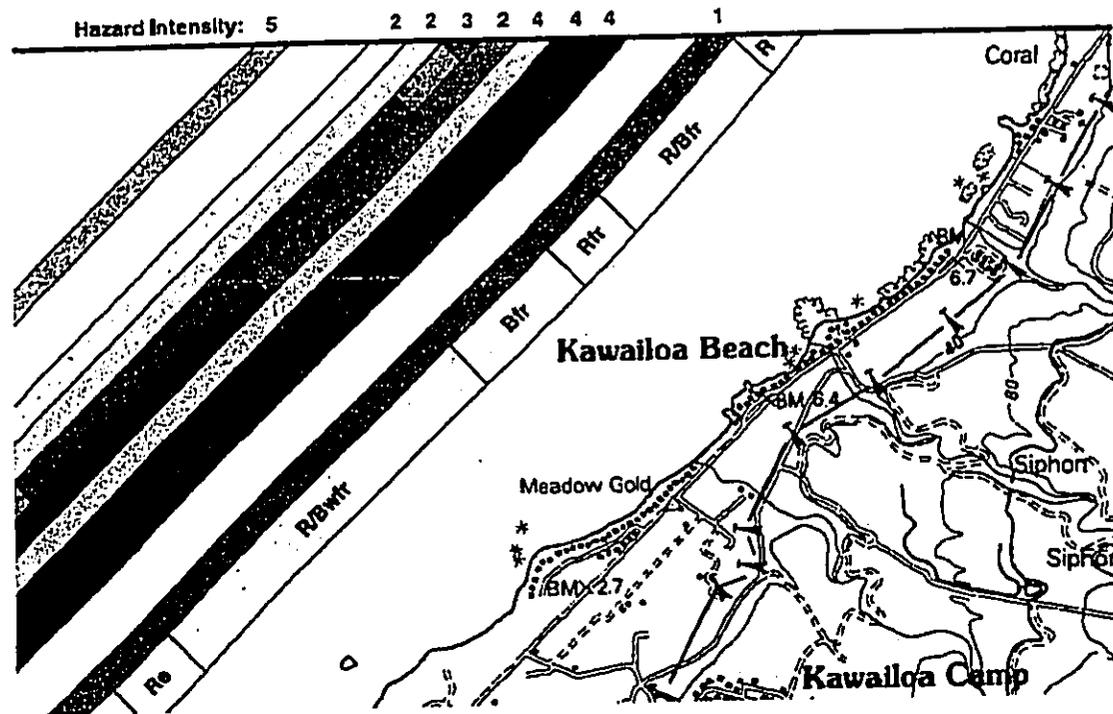
The State of Hawaii Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) has reviewed the November 2006 Draft Environmental Assessment (DEA) for a Single Family Dwelling. The ultimate purpose of the DEA is to facilitate receipt of the necessary permits to construct a single family residence on the parcel.

The OCCL finds the general description of the situation in the DEA to be satisfactory. There are, however, several critical issues the OCCL has concerns about in various portions of the DEA.

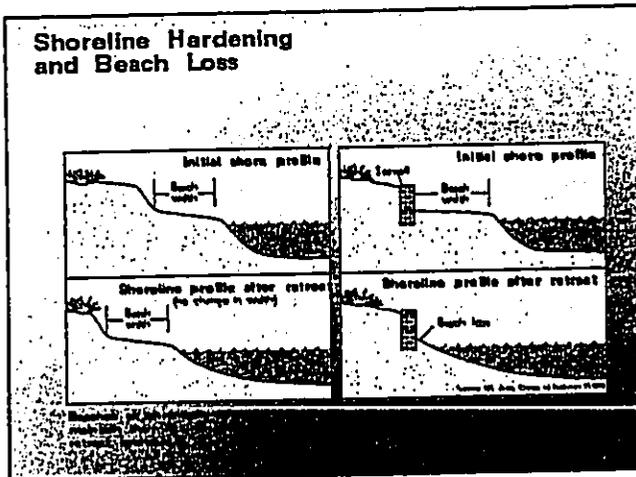
The OCCL strongly advises against locating major structures, especially residences, within the 20 foot setback area, especially in areas with documented coastal hazards. These residences may qualify for emergency shoreline hardening structures before they are completely built. One of the primary purposes of the shoreline setback is to remove development from coastal hazards. If setbacks are going to be reduced, the OCCL recommends reducing the side and street setbacks rather than the shoreline setback.

If a variance is granted for the shoreline setback, the OCCL requests that the DEA properly address the inclement coastal hazards that are present including coastal erosion, flooding, hurricanes and tsunami inundation, and the potential impacts of emergency shore protection should it be necessary in the future. It would be naïve to assume this area is not vulnerable to a wide variety of coastal hazards that are likely to threaten the structure in the future; these hazards should be addressed in more detail in the DEA particularly in Section VI. Mitigation Measures. The DEA should also address the requirements presented in Hawaii Revised Statute §205A and Honolulu City and County Ordinance Chapter 23.

Coastal hazards are well documented for this area in a variety of documents including: the *Beach Changes On Oahu and Oahu Shoreline Study (Part 1)*,<sup>1&2</sup> *Atlas of Natural Hazards in the Hawaiian Coastal Zone*<sup>3</sup>. At a minimum these documents should be referenced in the DEA with discussion the potential hazards as they pertain to the development of the property. How will coastal hazards be addressed at this property in the future?



It is desirable to minimize the amount of hard erosion control structures along the shoreline. It has been well documented that seawalls on a chronically eroding shoreline can lead to beach loss or narrowing by restricting the natural movement of the shoreline landward<sup>4</sup>. With a hard structure in place the beach may not maintain the original width as it retreats landward and instead narrows. The Department attempts to mitigate negative impacts to the coastal system from shore protection structures by encouraging alternative erosion control measures in place of constructing seawalls and revetments.



<sup>1</sup> *Beach Changes On Oahu as Revealed by Aerial Photographs*. 1981. Hwang, Dennis. Technical Supplement Number 22. Coastal Zone Management Project. Prepared for State of Hawaii Department of Planning and Economic Development.

<sup>2</sup> *Oahu Shoreline Study (Part 1)*. 1988. Sea Engineering, Inc. Prepared for The City and County of Honolulu, Department of Land Utilization.

<sup>3</sup> *Atlas of Natural Hazards in the Hawaiian Coastal Zone*. January, 2002. Fletcher, H. Charles., et al. United States Geologic Survey (USGS) Geologic Investigation Series I-2761. Produced by USGS, University of Hawaii, State Office of Planning, and The National Oceanic and Atmospheric Administration.

<sup>4</sup> *Beach Loss Along Armored Shorelines on Oahu, Hawaiian Islands*. 1997. Fletcher, H. Charles., et al. . Journal of Coastal Research. Vol. 13, No. 1. pg. 209-215.

01/23/2007

Thank you for the opportunity to comment on this project. The OCCL is striving to protect our valuable coastal resources and ensure adequate recognition of all coastal hazards as they relate to development. Please contact Sam Lemmo at 587-0381 or Chris Conger, Sea Grant Extension Agent, at 587-0049, with questions or for guidance and assistance.

Sincerely,



SAMUEL J. LEMMO, Administrator  
Office of Conservation and Coastal Lands

cc: Chairperson  
Oahu Board Member  
Land Division  
CZM  
LUC  
North Shore Neighborhood Board (Via email)  
Kusao & Kurahashi, Inc.  
Planning and Zoning Consultants  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii 96822

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

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FAX. (808) 988-1140  
E-Mail: kkurahashi@hawaii.rr.com

April 30, 2007

Mr. Samuel Lemmo  
Office of Conservation and Coastal Lands  
Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Dear Mr. Lemmo:

**Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3**

Thank you for comments, dated January 23, 2007, on the Draft Environmental Assessment and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

We acknowledge that it is generally more desirable to minimize encroachments into the shoreline setback area. However the lot is very small and extremely shallow, leaving the owners with limited alternatives in citing the foot print of the house.

The Final EA will address the inclement coastal hazards including coastal erosion, flooding, hurricanes and tsunami inundation. The applicant is not currently seeking approval for a shore protection structure. A full evaluation of such a proposal will be provided in the future in the event that such a structure is contemplated. Emergency measures to protect structures along chronically eroding shorelines often include the placement of sand bags along the shoreline as an emergency measure for the purpose of preventing additional shoreline erosion and protecting man made structures such as dwellings. Placement of sandbags along eroding shoreline, as with other types of shoreline hardening, can result in beach loss. The Final EA will address coastal hazards and mitigation measures.

Section 205A-22, Hawaii Revised Statutes states the following:

"Development does not include the following:

- (1) Construction of a single-family residence that is not part of a larger development:"

Mr. Samuel J. Lemmo  
Page 2

Accordingly, the provisions of Hawaii Revised Statute Section 205A do not apply to the proposal.

The Final EA will indicate that the applicant will be seeking a variance from the provisions of Chapter 23, Revised Ordinances of Honolulu.

The Final EA will provide a statement from the Beach Changes On Oahu and Oahu Shoreline Study (Part 1).

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final Environmental Assessment.

Very truly yours,



Ardis Shaw-Kim  
Planner

KUSAO & KURAHASHI, INC.

*Planning and Zoning Consultants*

MANOA MARKET PLACE  
2752 WOODLAWN DRIVE, SUITE 5-202  
HONOLULU, HAWAII 96822

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E-Mail: [kkurahashi@hawaii.m.com](mailto:kkurahashi@hawaii.m.com)

April 30, 2007

Ms. Melanie Chinen, Director  
State Historic Preservation Division  
Land and Natural Resources  
601 Kamakila Blvd. Rm 555  
Kapolei, HI 96707

Dear Ms. Chinen:

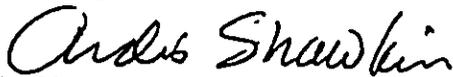
Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated March 1, 2007, on the Draft Environmental Assessment and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

We are aware of your concerns regarding the possibility of encountering historic resources during ground-altering activities that may be associated with the proposed construction work. You recommend that the potential effects of the activity be mitigated through precautionary monitoring. The applicants will work with your office to address these concerns.

Thank you for participating in the environmental assessment process. Your letter and this response will be included in the Final EA for the project.

Very truly yours,



Ardis Shaw-Kim  
Planner

LINDA I. INGLE  
GOVERNOR OF HAWAIISTATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCESSTATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, CITY AND COUNTY OF HONOLULULAWRENCE E. BROWN, LAND  
CONSERVATION AND RESOURCES DEVELOPMENT  
ENGINEERING  
HISTORIC AND WILDLIFE  
HISTORIC PRESERVATION  
KAWAIIAN LAND RESERVE COMMISSION  
LAND  
STATE PARKS

Post-it* Fax Note	7671	Date	3-7-07	# of pages	2
To	ARDIS	From	FAM		
Co./Dept.	KUSAO EKURAHASHI	Co.	DPP		
Phone #	988-2231	Phone #	523-4807		
Fax #	988-1190	Fax #	527-6743		

March 1, 2007

Henry Eng, AICP  
Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawai'i 96813LOG NO: 2007.0019  
DOC NO: 0703AJ03  
Archaeology

Dear Mr. Eng:

**SUBJECT: Chapter 6E-8 Historic Preservation Review [City & County/DPP]-  
Shoreline Setback Variance Application & Draft Environmental Assessment  
Kawailoa Ahupua'a, Waialua District, Island of O'ahu  
TMK: (1) 6-1-008:003**

Thank you for the opportunity to review the aforementioned project, which we received on December 17, 2006. We apologize for the delay in responding. The proposed undertaking involves the demolition of a nonconforming single family dwelling and construction of a new two story single family dwelling with an attached one car garage, an individual wastewater system, concrete rubble masonry (CRM) walls and other improvements on the 2,630 square foot lot.

According to the Draft Environmental Assessment submitted with the shoreline setback variance request, soils in the project area consist of Jaucas (JaC) sands, which have been demonstrated to have a high probability of containing historically-significant resources, including human remains/burials. While there are no known historically-significant resources present on the subject parcel, a review of available documents on file at the State Historic Preservation Division (SHPD) shows that historically-significant sites (SIHP NOs. 50-80-01-3724, 50-80-04-3956) which contained human skeletal remains have been identified along this section of O'ahu's North Shore; and in the vicinity of the current area of potential effect (APE). Therefore, we are concerned that the proposed undertaking may have an "adverse" effect on any unidentified historically-significant resources, traditional and/or historic; including human remains/burials may be present within the current APE.

We believe that any adverse effect may be mitigated through precautionary monitoring. Therefore, we recommend the following conditions be attached to the subject permit, should it be approved.

- 1) A qualified archaeological monitor shall be present during all ground-altering activities conducted in the project area in order to document any historic properties which may be encountered during the proposed undertaking and to provide mitigation measures as necessary. An acceptable archaeological monitoring plan will need to be submitted to the State Historic Preservation Division for review, prior to the commencement of any ground-altering activities. An archaeological monitoring plan must contain the following nine specifications: (1) The kinds of remains that are anticipated and where in the construction area the remains are likely to be found; (2) How the remains and deposits will be documented; (3) How the expected types of remains will be treated;

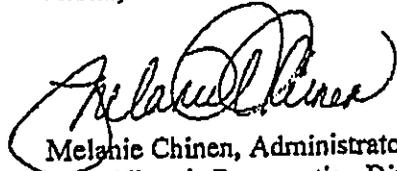
Page 2  
Mr. Henry Eng

(4) The archaeologist conducting the monitoring has the authority to halt the construction in the immediate area of the find in order to carry out the plan; (5) A coordination meeting between the archaeologist and construction crew is scheduled, so that the construction team is aware of the plan; (6) What laboratory work will be done on remains that are collected; (7) A schedule of report preparation; (8) Details concerning the archiving of any collections that are made; and (9) An acceptable report documenting the findings of the monitoring activities shall be submitted to the State Historic Preservation Division for review following the completion of the proposed undertaking.

- 2) The State Historic Preservation Division (O'ahu office) shall be notified via facsimile upon the on-set and completion of the proposed undertaking.

Should initial excavation reveal that all of the new digging is in previously disturbed stratum, or excavation activities be demonstrated to not impact undisturbed jaucas (JaC) sand deposits; the monitoring program may be suspended through consultation with SHPD.

Aloha,



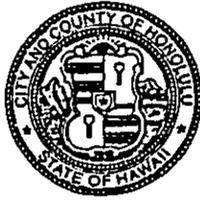
Melanie Chinen, Administrator  
State Historic Preservation Division

AJ:

DOCUMENTS CAPTURED AS RECEIVED

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

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
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MUFI HANNEMANN  
MAYOR

HENRY ENG, FAICP  
DIRECTOR

DAVID K. TANOUÉ  
DEPUTY DIRECTOR

2006/ED-22(pd)

January 22, 2007

Ms. Ardis Shaw-Kim  
Kusao & Kurahashi, Inc.  
2752 Woodlawn Drive, Suite 5-202  
Honolulu, Hawaii 96822

Dear Ms. Shaw-Kim:

Subject: Chapter 343, Hawaii Revised Statutes (HRS)  
Draft Environmental Assessment (DEA)  
Project: Terrance and Dorene McTigue Shoreline Setback Variance  
File No.: 2006/ED-22  
Location: 61-405 Kamehameha Highway - Kawaihoa  
Tax Map Key: 6-1-8: 3

We are forwarding comments from the following agencies, regarding the subject Draft Environmental Assessment (DEA): Board of Water Supply; Department of Planning and Permitting (Community Action Plans Branch); and, State Department of Health (Wastewater Branch), received December 26, 2006, and January 17 and 18, 2007, respectively. Please respond directly to the commenter, and include all comment letters and responses to the letters in the Final Environmental Assessment (FEA).

In accordance with the procedural provisions of Chapter 343, Hawaii Revised Statutes (HRS), all comment letters received during the 30-day comment period, which began with the initial publication of a notice of availability of the DEA in The Environmental Notice on December 23, 2006, require a response addressed directly to the commenter. The final EA must include all comment letters and responses to the letters, as well as appropriately revised text.

We note that, to date, the following agencies have not responded to our request for comments on the DEA: Department of Land and Natural Resources (Historic Preservation Division and OCCL/Land Division); Department of Transportation; U.H. Environmental Center; Office of Hawaiian Affairs; and, Department of Health (Environmental Health). Should additional comments be received after the 30-day comment period, we will forward them to you.

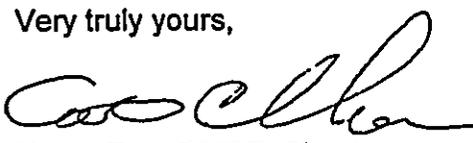
In addition, the Department of Planning and Permitting (Land Use Approvals Branch) provides the following comments:

Ms. Ardis Shaw-Kim  
January 22, 2007  
Page 2

1. On page 1, the DEA states that "several variances from the development standards for the Land Use Ordinance" are required for the proposed development. Please describe each of the required zoning variances.
2. On page 19, the DEA states that a Minor Shoreline Structure permit is required for the irrigation lines. Please provide plans showing existing and proposed landscaping, and the location and dimensions of proposed irrigation lines. (We note that the MSS permit may be processed concurrently with the shoreline variance application.)
3. Will any grading/grubbing be required for landscape improvements or other structures within the shoreline setback area?
4. On the elevation drawings, indicate the maximum height of the proposed dwelling (measured from existing or finish grade, whichever is the lower at all points).
5. Please identify and discuss the measures (i.e., such as silt fencing) that will be undertaken to prevent discharge of materials in to the environment.
6. The site plan shows rock fence walls along the right and left property lines, within the shoreline setback. Has the applicant considered open-work metal or wood fencing as an alternative, which would require only a Minor Shoreline Structure permit?

Should you have any questions, please contact Pamela Davis of our staff at 523-4807.

Very truly yours,

  
Henry Eng, FAICP, Director  
Department of Planning and Permitting

HE:cs  
Encl.

Doc510545

**Record agency comments**  
**Job 025372637-003 (2006/ED-22)**

DPP CAPB

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
LCHUN	Scheduled		Jan 17, 2007			

**Details**

Agency: DPP CAPB  
 Reviewed by: Dina Wong

Agency Comments:

Please find below DPP CAPB comments on the Draft Environmental Assessment (EA) Shoreline Setback Variance for a Proposed Single-Family Dwelling, Haleiwa, Oahu (TMK 6-1-008:003). Several of the comments pertain to the North Shore Sustainable Communities Plan (North Shore SCP, July 2000):

**Section III.B (Proposed Action):** This section states that the dwelling will encroach into the shoreline setback by as much as about 7.5 feet. The reduced site/roof plan in Appendix III which shows the shoreline, shoreline setback, and plan view of the proposed dwelling is difficult to read. The Final EA should include a full-page site plan within the body of the report which clearly shows the above.

**Section IV.A (Land Use Regulations):** Under the discussion on Development Plan, it should be noted in the Final EA that the subject property's current SCP land use designation is not a site-specific designation, but rather an illustration of text policies.

**Section IV.A (Land Use Regulations):** In the Final EA, the discussion on shoreline setback should clearly state that the adjusted shoreline setback line is 20 feet from the certified shoreline (as shown in the site/roof plan in Appendix III).

**Section VI.D (Environmental Impacts):** It appears that the subject property is within the tsunami evacuation zone. This should be confirmed with the Oahu Civil Defense Agency (OCDA) and stated in the Final EA. Impacts and mitigative measures, if needed, should also be discussed in the Final EA. This should also be noted in Section XI (Significance Criteria).

The Final EA should discuss how the proposed project supports the relevant guidelines relating to shoreline areas, particularly those that pertain to beach loss, lateral shoreline access, and adequate shoreline setbacks (see Section 3.1.3.2 of the North Shore SCP).

The Final EA should discuss how the proposed project supports the relevant guidelines pertaining to maintaining the rural character in Rural Residential areas (see Section 3.5.3.2 of the North Shore SCP).

Comments:

**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

MANOA MARKET PLACE  
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April 30, 2007

Mr. Henry Eng, FAICP  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Eng:

**Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3**

Thank you for comments, dated January 22, 2007, on the Draft Environmental Assessment and variance applications for a construction of a single family dwelling to replace an existing single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

1. The applicants, Terrance and Doreen McTigue, are seeking a variance from Section 21-4.30(a) and 21-3.70-1(b) and (C) (Table 21-3.2), relating to yard and height setback regulations of the Land Use Ordinance (Chapter 21), Revised Ordinances of Honolulu. In addition the applicant is seeking a variance from Section 23-1.5(b) of the Shoreline Setback Rules, Chapter 23, ROH, related to structures and activities in the shoreline area. This information will be in the Final EA.
2. The Final EA will include plans showing the existing and proposed landscaping and the proposed location of irrigation improvements. It is the intension of the applicant that the proposed irrigation lines will comply with the minor shoreline structure rules.
3. Proposed improvements within the shoreline setback area include portions of the irrigation system, some concrete block and portions of the leach field. Aside from preparation for footings and foundations for the house, there are no plans for grading or grubbing within the shoreline setback area. Landscaping will be done in accordance with Section 15-1(b)(5) and Section 15-2(a) of the Department of Land Utilization (now known as the Department of Planning and Permitting) Part 2, Rules Relating to Shoreline Setbacks and the Special

foundations for the house and the individual waste water system, there are no plans for grading or grubbing within the shoreline setback area. Landscaping will be done in accordance with Section 15-1(b)(5) and Section 15-2(a) of the Department of Land Utilization (now known as the Department of Planning and Permitting) Part 2, Rules Relating to Shoreline Setbacks and the Special Management Area, which allows for the installation of landscaping provided that they do not artificially extend the shoreline area and do not require a grading or grubbing permit. In accordance with Section 15-2(a), approval of the director is not required for activities related to the installation of the specified landscaping. The applicant is planning to preserve as much of the existing landscaping as currently exists.

4. The elevation drawings will indicated the maximum height of the proposed dwelling.
5. An 8 foot-high dust barrier will be erected around the perimeter of the site during the site work phase of the project. In addition a 3 foot-high silt screen will be maintained along the ocean side of the project during the duration of the construction to prevent discharge of construction materials and loose sand and soil into the environment.
6. The applicant has considered vinyl fencing of an open nature along the segments of the side yards that are within the shoreline setback area. This is now reflected in the site plan.

#### Planning Division Comments

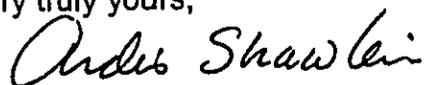
1. The Final EA will include a larger plan to more clearly show the proposal.
2. The Final EA will note that the Sustainable Communities Plan Land Use Map is not intended to be site specific but is an illustration of the text policies.
3. The Final EA will indicate that the project is a 20-foot shoreline setback.
4. The Final EA will note that the property is within the tsunami evacuation zone and note if there are needed mitigation measures.
5. The Final EA will discuss how the proposed project supports relevant guidelines related to shoreline areas and the North Shore Sustainable Communities Plan.

Mr. Henry Eng, FAICP  
Page 3

6. The Final EA will discuss the relevant guidelines pertaining to maintaining the rural character in Rural Residential areas.

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final Environmental Assessment.

Very truly yours,



Ardis Shaw-Kim  
Planner

**BOARD OF WATER SUPPLY**

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



December 26, 2006

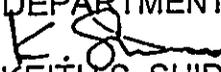
MUFI HANNEMANN, Mayor

RANDALL Y. S. CHUNG, Chairman  
HERBERT S. K. KAOPUA, SR.  
SAMUEL T. HATA  
ALLY J. PARK  
ROBERT K. CUNDIFF

RODNEY K. HARAGA, Ex-Officio  
LAVERNE T. HIGA, Ex-Officio

CLIFFORD P. LUM  
Manager and Chief Engineer

TO: HENRY ENG, FAICP, DIRECTOR  
DEPARTMENT OF PLANNING AND PERMITTING

FROM:   
KEITH S. SHIDA, PRINCIPAL EXECUTIVE  
CUSTOMER CARE DIVISION

SUBJECT: YOUR MEMO DATED DECEMBER 12, 2006 REGARDING  
THE SHORELINE SETBACK VARIANCE CHAPTER 343, HAWAII  
REVISED STATUTES DRAFT ENVIRONMENTAL ASSESSMENT (EA)

The existing water system is presently adequate to accommodate the proposed development. However, please be advised that this information is based upon current data and, therefore, the Board of Water Supply reserves the right to change any position or information stated herein up until the final approval of your building permit. The final decision on the availability of water will be confirmed when the building permit is submitted for approval.

When water is made available, the applicant will be required to pay our Water System Facilities Charges for resource development, transmission and daily storage.

If you have any questions, please contact Robert Chun at 748-5440.

DEPARTMENT OF PLANNING AND PERMITTING  
CITY AND COUNTY OF HONOLULU

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**KUSAO & KURAHASHI, INC.**

*Planning and Zoning Consultants*

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April 30, 2007

Mr. Keith S. Shida, Principal Executive  
Honolulu Board of Water Supply  
630 South Beretania Street  
Honolulu, HI 96813

Dear Mr. Shida:

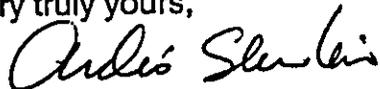
Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated December 26 2006, on the Draft Environmental Assessment and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

1. We understand that the existing water system is presently adequate to accommodate the proposed development but that a final decision will be made at the time of building permit processing.
2. The applicant will pay the Water System Facilities Charges for resource development, transmission and daily storage at the required time.

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final EA.

Very truly yours,



Ardis Shaw-Kim  
Planner

**The Sierra Club, O`ahu Group**  
*"Malama I ka Honua"*  
PO Box 2577, Honolulu, HI 96803  
808-538-6616; hawaiichapter@sierraclub.org

City and County of Honolulu  
Department of Permitting and Planning  
650 S. King St., 7<sup>th</sup> Floor  
Honolulu, HI 96803  
Attention: Pamela Davis  
FAX-527-6743

OEQC  
Leiopapa A. Kamehameha Bldg.  
235 S. Beretania St., Suite 702  
Honolulu, HI 96813  
Attention: Leslie Secundo  
FAX-586-4186

Kusao & Kurahashi, Inc.  
2752 Woodlawn Drive, Suite 50202  
Honolulu, HI 96822  
Attention: Ardis Shaw-Kim  
FAX-988-1140

RE: Draft Environmental Assessment for shoreline setback variance and zoning variances to continue illegal encroachment of McTigue residence and other structures at 61-405 Kamehameha Highway, Hale`iwa, 96712, O`ahu on the public shoreline (HRS 343 DEA)

Dear Sirs and Madams:

As Chair of the Conservation and Land Use Committee and on behalf of the Executive Committee of the O`ahu Group, and our membership, I am submitting herewith public comments under HRS 343 on the above titled DEA for a shoreline setback variance and certain other zoning variances that seek to continue the illegal encroachment of the McTigue residence and other structures on the public shoreline adjacent to 61-405 Kamehameha Highway, Hale`iwa, 96712, O`ahu.

Our review of the draft environmental assessment (DEA) for building a new, larger residence that encroaches on the public access shoreline and violates both side and front lot setbacks reveals various inadequacies and points of concern. We would appreciate it if the agency and/or applicant's consultant could follow up with further analysis and answers to the questions below in a revised draft EA.

The existing structure was not built in conformity with county (CH 23) and state (HRS 205A) shoreline set back rules and parts of the existing structure, and of the proposed structure, will continue to encroach well into the public trust beach area. This could result in obstructing the lateral access rights of other citizens to this public asset. In addition, the new structure is too large for this small 2630 square foot parcel and violates horizontal and vertical setback requirements.

In addition, the CRM side walls were illegally built and encroach onto the public shoreline. Much has been learned about the harmful impacts of coastal hardening by artificial structures, such as perpendicular wall and lateral seawalls on the natural, public beach. The city and county and state regulatory agencies should to take a very hard look at whether, in this better informed day and age, they should be allowing such encroaching walls and seawalls to persist when it has been well documented that their presence will result in the loss of both the sandy beach and access to the public shoreline. Just because such encroaching structures now exists does not mean that our governmental agencies should allow them to persist by granting after-the fact approval, or permit their enlargement and improvement. Other agencies have taken a more enlightened approach; see, e.g., Morgan v. Kaua'i Planning Department, 104 Haw. 173 (2004), wherein the Kaua'i County planning department ordered a seawall removed.

The Supreme Court's 1977 Sanborne decision states that the seaward shoreline ("beachfront title line") is not fixed by any metes-and-bounds and the 2006 decision in Diamond vs State of Hawaii rules that the public trust shoreline reaches to the high wash of the waves at the highest tide of the year meaning that portions of this residence and collateral structures are actually sited on public property and, therefore, should be accessible to the public.

Furthermore, apart from the substantive question of the propriety of perpendicular wall and parallel seawalls, the DEA needs more detailed and thoughtful analysis to meet the law's requirements. At a minimum, the following issues should be addressed:

- (1) Please specifically address the potential cumulative impacts of these perpendicular CRM walls on this coastline on surrounding beach areas, including the public access beaches on either side of this parcel. It is widely understood that coastal hardening deflects wave energy and causes erosion elsewhere. Could these perpendicular walls cause long-term erosion of the surrounding beaches?
- (2) The DEA does not discuss the cumulative impact of having this proposed residence encroach more than 7 feet into the public shoreline setback area, nor does it discuss the potential impact of the septic tank and leach field will have on the public shoreline and how far it will impact the quality and status of the adjacent public beach.
- (3) The DEA does not discuss the cumulative visual and esthetic impact of having this proposed oversized residence encroach into the required front and side lot setbacks as

well as onto the public shoreline setback area, nor does it discuss the vertical setback violation.

(4) We do not understand why the applicant can not re-build the residence so that it does not encroach on the public shoreline setback and we see no justification for allowing this continuation of encroachment by the existing structure. Nor do we understand why the applicant should be granted numerous zoning variances for inadequate setbacks on a parcel that is just over one-half the required 5000 square foot area required to qualify as a buildable site. Please provide more thorough analysis of the alternatives available to the applicant and of any mitigation proposed to avoid any adverse impacts caused by these violations of code.

Please address the above concerns in any subsequent EA. It is in the public's interest to protect our shorelines and access to our beaches. The existing land use and zoning rules are designed to guarantee the public's trust interests and must be observed.

Sincerely,

Michael M. Kliks

**KUSAO & KURAHASHI, INC.**  
*Planning and Zoning Consultants*

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April 30, 2007

Dr. Michael Klicks, Chair  
Conservation and Land Use Committee  
Sierra Club, O'ahu Group  
P.O. Box 2577  
Honolulu, Hawaii 96803

Dear Dr. Klicks:

Subject: Draft Environmental Assessment (EA) Comments for a  
Replacement Single Family Dwelling  
Tax Map Key: 6-1-8: 3

Thank you for comments, dated December 26 2006, on the Draft EA and variance applications for a construction of a single family dwelling on a shoreline lot in Haleiwa. The following responds to your comments:

1. The existing structures which were legally built and encroach into the shoreline setback area are provided for in Sections 205A-22(b) Hawaii Revised Statutes, Chapter 23-1.6 Revised Ordinances of Honolulu and Department of Planning and Permitting Administrative Rules, Part 2, Chapter 16. Based on these provisions the existing structure is not considered to be illegal, but rather non-conforming.

The existing and proposed structures are and will be located on private property and will not encroach into public access shoreline or any public property. The shoreline and areas open for public access are located makai of the certified shoreline and private property boundary for this parcel. The applicant is seeking the required approvals for the proposed structures on the basis of the small and shallow lot size. If these approvals are granted, the proposed structures would not be deemed illegal or in violation of established laws. These and other analysis and answers (responses) to comments raised in the comment period for the Draft EA will be included in a Final EA.

2. According to the City's records, the existing structure was constructed in 1965, prior to establishment of the current shoreline setback requirements. The existing improvements are located on private land, landward of the current certified shoreline. The proposed improvements will also be located on privately

2. According to the City's records, the existing structure was constructed in 1965, prior to establishment of the current shoreline setback requirements. The existing improvements are located on private land, landward of the current certified shoreline. The proposed improvements will also be located on privately owned land and landward of the current certified shoreline. The proposed structure will not exceed the 50% maximum building area allowed within the R-5 Residential District. The proposal will meet the maximum height limit for the R-5 Residential District. The applicant will be seeking a variance from the height setback requirements. If approved, the encroachments into the height setback will be deemed approved and not a violation. The existing dwelling does not obstruct lateral access along the public shoreline area. The proposed structures will be similarly located, within privately owned lands and landward of the current certified shoreline. Accordingly, the proposed structures will not impact lateral public access along the public shoreline area. Neighbors and other beach goers can be observed frequently walking along the sandy beach fronting the subject property. These activities will not change as a result of the proposed replacement house.
3. There are no existing CRM side walls. We acknowledge that much has been learned about the harmful impacts of coastal hardening by artificial structures and that the city and county reviews proposals for encroachments into the shoreline setback area under the provisions of Chapter 23, ROH and Administrative Rules. These regulations outline the criteria for evaluating proposed uses and structures within the shoreline setback area. The applicant is not seeking an after-the-fact approval for existing structures. The existing structures are believed to be non-conforming and are governed by the previously cited regulations. The applicant is seeking to demolish the existing dwelling and construct a replacement dwelling. Similarly, the applicant is proposing to demolish existing wooden fences and replace them with vinyl fences along the side yards within the shore line setback area.
4. In deciding Morgan V. Planning Department, County of Kauai the Supreme Court of Hawaii held that the Planning Commission has the authority (1) to modify a validly issued Special Management Area Use permit for changed conditions, and (2) to order Morgan to alter and repair an existing seawall in order to rectify the damage to adjacent properties. The supreme court also concluded that the Commission improperly mandated injunctive relief when the Commission ordered Morgan to conduct a sand replenishment program and offer the two southern property owners a one-time sand replenishment. We do not dispute the findings of this case. The proposal is not contrary to the findings of this case.
5. The location of the privately property boundary and certified shoreline are not in dispute. The location of both the property boundary and the certified shoreline

Dr. Michael Klicks  
Page 3

are shown on plans attached to the Final EA. The proposal does not call for locating structures within public property.

6. The applicant does not propose to construct CRM walls within the shoreline setback area. As an alternative, the applicant proposes to construct vinyl fencing along the side yards.
7. The proposed improvements will not be located within public property. The Final EA will clarify this. The use of the individual wastewater treatment system will be addressed in the Final EA.
8. The Final EA will discuss the cumulative visual and aesthetic impact of the proposed residence.
9. The Final EA will describe or illustrate the foot print of an alternative structure that would comply with established setbacks.

The applicant is seeking the required approvals to construct a replacement dwelling. If approved, the new structure will be in compliance with the law and will not be considered to be in violation.

Thank you for participating in the environmental review process. Your letter and this response will be included in the Final EA.

Very truly yours,



Ardis Shaw-Kim  
Planner