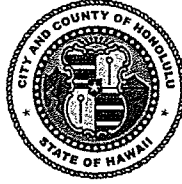


DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

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August 19, 2024

2024/SMA-44(ST)
2024/SV-1

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Special Management Area (SMA) Major Permit and
Shoreline Setback Variance (SSV)
Smith Seawall Modification and Rubble Rip Rap Reconstruction
1226 Mokulua Drive - Lanikai
Tax Map Key 4-3-005: 056

Enclosed for your consideration are the Department of Planning and Permitting's (DPP) Report and Recommendation and Draft Resolution for an SMA Major Permit and SSV to expand and fortify a nonconforming reinforced concrete seawall and reconstruct a nonconforming rubble rip rap on a shoreline lot in the Lanikai.

The DPP recommends denial of the application, as proposed, for not meeting the hardship standards for a SSV. Additionally, we find the Project is inconsistent with several of the objectives and policies of the SMA in the SMA Ordinance, Revised Ordinances of Honolulu (ROH) Chapter 25 and Hawai'i Revised Statutes Chapter 205A.

Pursuant to ROH Chapter 25, the City Council must act within 60 calendar days after receipt of our Report and Recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension.

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
August 19, 2024
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Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,



Dawn Takeuchi Apuna
Director

Enclosures: DPP Report and Recommendation
Draft Resolution
Public Hearing Transcript
Exhibits A through C, D-1 through D-6,
E-1 through E-3, F through L, M-1 through M-5

APPROVED BY:


Michael D. Formby
Managing Director

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

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)

OF)

GRAHAM AND ELAINE SMITH)

FOR A)

SPECIAL MANAGEMENT AREA)
(SMA) MAJOR PERMIT)

AND)

SHORELINE SETBACK VARIANCE)
(SSV))

FILE NOS. 2024/SMA-44(ST)
2024/SV-1

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information

APPLICANT:	Graham and Elaine Smith
LANDOWNER:	Hale Mokulua LLC
AGENT:	G70 (Jeffrey Overton)
LOCATION:	1226 Mokulua Drive – Lanikai (Exhibit A)
TAX MAP KEY (TMK):	4-3-005: 056 (Exhibit B)
LAND AREA:	18,376 square (sq.) feet (ft.)
STATE LAND USE (SLU):	Urban District and Conservation District
ZONING:	R-10 Residential District
EXISTING USE:	Seawall, rubble rip rap, single-family dwelling
SURROUNDING LAND USES:	Residential, shoreline

- B. Proposal: The Applicant seeks an SMA Major Permit and SSV to expand and fortify a nonconforming concrete seawall. The existing concrete seawall ranges from 1.5 to two ft. in width, five to seven ft. in height above mean sea level (MSL), and spans 85 ft. of the 100 ft.-wide shoreline lot. The other 15 ft. along

the northern (Kailua) side of the site is piled with rubble rip rap (deliberately placed rocks) that act as a shoreline hardening structure within that 15 ft. Additional rubble rip rap extends seven to 12 ft. from the face of the seawall into the SLU Conservation District. The certified shoreline survey, certified by the State on May 19, 2022, shows that the shoreline runs along the landward edge of the 15-ft.-long rubble rip rap and then follows the makai face of the seawall (see Exhibit C). This means the rubble rip rap is within the jurisdiction of the State Department of Land and Natural Resources Office of Conservation and Coastal Lands and is not part of this SSV request. In addition, the southeast (Waimanalo) side of the seawall is within the shoreline setback but it crosses the makai property line into the SLU Conservation District (see Exhibit C). Both the rubble rip rap and the small portion of the seawall in the Conservation District are included in a non-exclusive easement with the State, discussed further below.

Seawall Modification: The existing reinforced concrete seawall would be expanded and fortified as described below (see Exhibits D-1 through D-5):

- Steel sheet piles would be inserted on the mauka (landward) side of the existing concrete seawall up to 16 ft. below grade across the entire 85-ft. length of the seawall (see Exhibit D-3 and D-6);
- A reinforced concrete sheet pile cap, four ft. wide by six ft. tall, would be bolted to the mauka side of the seawall, more than doubling the current 1.5-ft. width of the seawall (see Exhibit D-2);
- The concrete sheet pile cap would be held in place by nine, 25-ft.-long, steel tie-back rods anchored to nine, four-ft.-diameter concrete dead men (anchors) buried below grade 25 ft. mauka of the modified seawall (see Exhibit D-3 and D-5);
- A reinforced concrete splash guard with an outward curved lip would be installed, increasing the height of the seawall by one to 3.5 ft. across its entire 85-ft. length (see Exhibit D-2 and D-4);
- About 620 cubic yards would be excavated on the mauka side of the seawall, with 560 cubic yards of backfill (see Exhibit D-5).

Time-frame/Cost - The Project is estimated to cost \$1.8 million and would take about six months to complete once construction commences.

- C. Background: The rubble rip rap makai of the seawall and along the northern section of the property was originally approved under Shore Waters Construction Permit No. 1395 on September 25, 1968, by the State Department of Transportation, Harbors Division. It was described as a protective "rock blanket" in front of an existing five-ft.-high reinforced concrete seawall on the subject site as well as three parcels to the south (TMKs 4-3-005: 057, 94, and 088; see

Exhibit B). On November 20, 1968, the City and County of Honolulu's Zoning Board of Appeals (ZBA) also granted a Variance No. 68/Z-124 to allow the "protective rock blanket" (i.e., rip rap). The ZBA determined the seawall was constructed before the August 19, 1966 enactment of the Ordinance No. 2837, which required 10-ft. setbacks from the "zone of wave action." The concrete seawall, which limited the advancement of waves, was presumed to be within the property line and on private land, although later surveys show the southeast portion of the wall is makai of the rear property line.

On September 27, 2013, the State Board of Land and Natural Resources (BLNR) granted a 55-year non-exclusive easement (Easement S-6043) for the 1,268 sq. ft. rip rap on submerged lands makai of the property. After discovering a portion of the seawall was also encroaching upon State lands (i.e. makai of the property line), Easement S-6043 was amended on August 22, 2014, to increase the easement area by 40 sq. ft. to 1,308 sq. ft.. The easement area follows along the seaward face of the seawall, except for the portion makai of the property line, and extends out to the toe of the rip rap (see Exhibits E-1 through E-3). The easement is not to the exclusion of other State and City requirements. Both the "Assumptions" and "Assignment" require the Assignee to "comply with all applicable laws and ordinances," which includes Hawai'i Revised Statutes (HRS) Chapter 205A, and Revised Ordinances of Honolulu (ROH) Chapters 25 and Chapter 26.

The site is developed with one two-story dwelling that existed prior to 1946. Earliest Department of Planning and Permitting (DPP) building permit (BP) records allowed a 736-sq.-ft. addition to the two-story dwelling (BP No. 53237). On May 8 and September 28, 2018, BP Nos. 817170 and 822734 were issued to allow a new swimming pool and pergola within an open area mauka of the dwelling, respectively. The 2018 BPs indicate that the eaves of the dwellings are located 40 ft. from the regulatory shoreline.

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the DPP has found:

Lot Area	18,073 sq. ft. (18,376 sq. ft. minus 303 sq. ft. of erosion; see Exhibits B and C).
Lot Shape	Generally rectangular, moderately wedge-shaped
Topography	Relatively flat, sloping downward near the shoreline. A majority of the site ranges in elevation from approximately seven to 8.5 ft. above MSL.

Current Development	The Project Site is developed with a 3,560-sq.-ft. two-story single-family dwelling originally built in 1939, with an in-ground swimming pool on the mauka side of the dwelling.
Surrounding Uses	To the northeast – Kailua Bay To the northwest, southeast, and southwest – Low-density residential (see Exhibits A and B).
Flood Zone	<u>Flood Zone X</u> – An area determined to be outside of the 0.2 percent annual chance floodplain; and <u>Flood Zone AE</u> – The flood fringe zone, and also within the Special Flood Hazard Area, with a base flood elevation (BFE) of six ft. above MSL (Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 15003C0295F, revised September 30, 2004; see Exhibit C).
Shoreline Survey	The most recent Certified Shoreline Survey, dated May 19, 2022, is being utilized for the purpose of this SMA Major Permit and SSV. The Certified Shoreline Survey shows that the shoreline follows along the seaward face of the seawall and the top of the rock revetment (see Exhibits C and G).
Nearest Body of Water	<u>Pacific Ocean</u> - Estuarine and Marine Wetland (see Exhibit H).
Soil Classifications	<u>Jaucas Sands</u> - Zero to 15 percent slopes, excessively drained, calcareous soils that occur as narrow strips on coastal plains, adjacent to the ocean. Permeability is rapid. Runoff is very slow to slow, and the hazard of water erosion is slight, but wind erosion is a severe hazard where vegetation has been removed; and <u>Beaches</u> - Deep, well drained to excessively drained sands or gravelly sands, with a high infiltration rate (low runoff potential) when thoroughly wet (United States Department of Agriculture - Natural Resources Conservation Service; see Exhibit I).
Vegetation	Lawn grass with scattered ornamental and strand vegetation (e.g. coconut palms, naupaka).
Sea Level Rise (SLR) - Exposure Area	The Project site is not projected to be impacted by SLR or coastal erosion (Hawai'i SLR Viewer; see Exhibit J).

Shoreline Erosion Rate	Lanikai Transect 66 traverses the subject property, with a historic annual accretion rate of 0.2 ft. (O'ahu Shoreline Change Viewer; see Exhibit K). Therefore the site is subject to a 60-ft. shoreline setback going forward.
Hurricane Storm Surge	The Project site is projected to be subject to three ft. or greater of flooding during Category 3 and 4 hurricane events (National Oceanic and Atmospheric Administration [NOAA] National Hurricane Center, <i>Storm Surge Risk Maps</i> ; see Exhibit L).
Tsunami	The entirety of the subject property and surrounding neighborhood is located within the tsunami evacuation zone (see Exhibit L).
Environmental Compliance	Use of the shoreline setback area triggers the need for an Environmental Assessment (EA) under the HRS Chapter 343. The DPP issued a Finding of No Significant Impact (FONSI) on August 27, 2021. The DPP FONSI determination was published in the September 8, 2021, edition of " <i>The Environmental Notice</i> ."
Other City Permits and Approvals	Construction, grading, stockpiling, and BPs.
Agency Comments	During the EA review processes, the DPP routed the proposal to various Federal, State, and City agencies. All letters and comments received have been included in the Project file and incorporated into the Analysis Section, as appropriate.
Neighborhood Board/Community Association Presentation	The Project was presented before the Kailua Neighborhood Board (KNB) No. 31 on April 7, 2022.
Public Hearing	The DPP conducted a Public Hearing at 10:30 a.m. on July 3, 2024, at the Fasi Municipal Building, 6 th Floor Conference Room. Testimony in opposition to the Project was received by two individuals and the representative of one organization, the Surfrider Foundation. The public hearing is discussed in Section G, below.

III. ANALYSIS

The proposed Project was analyzed in accordance with: 1) The SMA objectives, policies, and guidelines established in ROH § 25-3.1, as well as HRS §§ 205A-2 and 205A-26(1); and 2) The hardship standard necessary to grant a SSV, pursuant to ROH § 26-1.8(b)(3).

A.

Recreational Resources

Development within the SMA should provide coastal recreational opportunities to the public. Adequate access, by dedication or other means, to beaches, coastal dunes, recreation areas, and natural reserves must be provided to the extent consistent with sound conservation principles. Adequate and properly located public recreation areas and wildlife preserves must be preserved.

The closest recreational facility to the Project site is Lanikai Beach, located four properties to the north of the site. Other notable recreational facilities in the area include Kailua Beach Park, Kailua District Park, Kawainui Regional Park, and Ka'iwa Ridge (Lanikai Pillbox). The nearest public beach access (No. 94A) is located approximately 370 ft. south of the Project site along Mokulua Drive. Another nearby Lanikai Association public beach access is located approximately 635 ft. north of the Project site.

The rubble rip rap and a portion of the seawall within the beach transit corridor are covered under Easement S-6043, which was renewed in 2013 by the BLNR. The rubble rip rap consists of over 1,200 sq. ft. of basalt stones strewn between seven and 12 ft. makai of the concrete seawall. The proposed Project will fortify the seawall and the retention of rubble rip rap, which will lengthen the period within which the lateral beach access and recreational opportunities are impeded in the public trust lands.

In 2020, the State Legislature passed Act 16 Sessions Law of Hawai'i 2020 to amend HRS Chapter 205A and explicitly prohibit the construction of private shoreline hardening structures at sites with sandy beaches. It states in, relevant part:

It is State policy to...[l]ocate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion, and...[p]rohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities.

The subject site is along a stretch of beach where existing shoreline hardening structures interfere with recreational and waterline activities. Although the Project will not reduce access from the street to the beach, expansion of the seawall will contribute to the long-term obstruction of lateral shoreline access because sand is less likely to build up along the makai side of the wall and rubble rip rap than if the natural shoreline was reestablished. This is discussed further in Section H, below.

Given the above, we find the Project implementation will contribute to the continued obstruction of recreational resources.

B.

Historic and Cultural Resources
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<i>Development within the SMA should protect, preserve, and restore natural or human-made historical and cultural resources.</i>
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An Archaeological Inventory Survey (AIS), including the test trenches, was prepared for the Project. No surface archeological remains were found; the observed stratigraphy consist of topsoil. The State Historic Preservation Division (SHPD) indicated that it has insufficient information to determine the potential for the project to adversely impact buried cultural deposits and or human remains. Therefore, SHPD indicated in a letter dated August 31, 2023, that they request an archaeological monitoring plan (AMP) for identification purposes. Further, the Project site is underlain by soils classified as beach sand, a soil type in which iwi kūpuna are known to occur. SHPD indicated that it would inform the DPP when the AMP is accepted, and the permit issuance may proceed. If the City Council approves the Project, these should be conditions of approval.

The Applicant conducted a community consultation to assess the extent to which Native Hawaiian rights are customarily and traditionally exercised within the Project site, and the extent to which these rights may be affected or impaired by Project implementation. The community consultant recalled that the entire area was once without seawalls and the beach extended from Alāla Point to Wailea Point. He expressed his belief that the seawall, if newly constructed or rebuilt, could affect access to the beach and restrict access to fishing and gathering grounds along the makai side of the Project site. As stated in the previous section, direct access to beaches would not be affected by the Project, but lateral access along the beach would potentially improve if barriers were removed from the shoreline, which would in turn improve access to beach areas where Native Hawaiian traditional activities are exercised. Although the Project to expand the seawall on its mauka side would not actively increase impediments to customary and traditional rights along the beach transit corridor, access to these areas could be improved if the seawall and rip rap are eventually abandoned and the sandy shoreline grows.

C.

Scenic and Open Space Resources

Development within the SMA should protect, preserve, and whenever desirable, restore or improve the quality of coastal scenic and open space resources. Alterations to existing land forms and vegetation, other than for the cultivation of coastal dependent crops, must be limited so they result in minimum adverse impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities. Development that is not dependent on the coast is encouraged to locate mauka of the SMA.

The Project could marginally increase the impact to scenic and open space resources as viewed from the water or beach because it raises the overall height of the seawall from five to eight ft. above MSL. The City's 1987 Coastal View Study identifies Mokulua Drive as a coastal roadway in the Kailua Bay Viewshed. The seawall expansion would not impact views from Mokulua Drive, however. The Ko'olau Poko Sustainable Community Plan (KPSCP) Open Space Map also identifies continuous views across Kailua Bay between Kapoho Point and Mokulua Island offshore of the Project site. The Project site does not intrude into the sightline of this viewshed, either. Although the proposed seawall alteration and extension will be a noteworthy increase of structures viewable along the Lanikai shoreline from the water, impacts to identified scenic and open space resources will be negligible.

D.

Coastal Ecosystems

Development within the SMA should protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes from disruption, and minimize adverse impacts on all coastal ecosystems. Solid and liquid waste treatment and disposition must be managed to minimize adverse impacts on SMA resources.

1. Sensitive Coastal Habitats and Species:

- a. Flora: Existing vegetation at the site consists of landscaping grass and palm trees. No rare, threatened, or endangered flora species are known to be present on the site, and no critical habitat for flora species overlaps the Project site. However, the proposal involves major excavation to place nine four-ft.-diameter deadman anchors 25 ft. mauka of the seawall, as well as excavation work along the seawall. This will essentially remove all flora from the backyard. If the City Council approves the Project, the approval should be conditioned to require a revegetation plan or landscape plan for this area.
- b. Fauna: Sensitive avian species that may occur include the wedge-tailed Shearwater, Band-rumped Storm-petrel,

Hawaiian Common Gallinule, Hawaiian Coot, Hawaiian Duck, Hawaiian Petrel, Hawaiian Stilt, Newell's Shearwater, Short-tailed Albatross, and the White Tern. The Project does not involve any artificial lighting, which can be disruptive to many avifauna and marine life species in their navigation, nesting, and reproductive cycles. However, should the City Council approve the Project, the approval should be conditioned to ensure all construction related outdoor lighting is fully shielded, and nighttime work (from sunset to sunrise) is avoided.

The U.S. Fish and Wildlife Service (USFWS) *Information for Planning and Consultation* database revealed several threatened and endangered fauna species that may visit the site for foraging or breeding purposes. Sensitive terrestrial mammal species which may occur include the Hawaiian Hoary Bat. The USFWS identified the Green Sea Turtle as a protected reptile species that may visit the Project area. According to NOAA Fisheries, critical habitat for Hawaiian Monk Seals includes the marine waters near the Project site. Nesting sea turtles and monk seal mother-pup pairs are particularly vulnerable to human disturbance, such as construction noise, which may cause them to avoid or leave the area, thereby negatively affecting their reproductive success. Monk seals and sea turtles could also be harmed if any construction debris poses a threat of entanglement. If the City Council approves the Project, the approval should be conditioned to prevent impacts to monk seals and sea turtles by requiring the standard stop work requirements and best management practices if these species are present in or adjacent to the Project site during Project construction.

2. Reefs, Beaches, and Coastal Dunes: The Project's potential impacts to reefs, beaches, and coastal dunes are discussed in Section H, below.
3. Solid and Liquid Waste Treatment and Disposition: The Project does not affect the treatment or disposal of solid or liquid wastes.

E.

Economic Uses

Development within the SMA should consist of facilities and improvements important to the State's economy, and ensure that coastal-dependent development and coastal-related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts within the SMA.

The Project is unlikely to have a measurable effect on the State's economy. The Applicant indicates the \$1.8 million Project to repair and expand the existing seawall will minimize exposure to coastal hazards for the development on the lot. Conversely, there is an ongoing cost of the social, visual, and environmental impacts relating to shoreline hardening. Ultimately, in this case if the City Council approves the Project, direct and adverse impacts to the State's economy are unlikely.

F.

Coastal Hazards

Development within the SMA should reduce impacts of coastal hazards on life and property, and must be designed to minimize impacts from landslides, erosion, sea level rise, siltation, or failure in the event of earthquake.

1. Flooding: The makai portion of the Project site is located within Flood Zone AE with a BFE of six ft. above MSL (see Exhibit F). The remaining mauka portion of the site is within Flood Zone X, which is not a Flood Hazard Area. The dwelling is partially within Zone AE and partially within Zone X. The Project area is subject to the AE Flood Hazard regulations.
2. SLR: The O'ahu Shoreline Change Viewer shows that the Lanikai Transect 66 traverses the subject property with a historic annual accretion rate of 0.2 ft. (see Exhibit K). Based on a review of the University of Hawai'i Pacific Island Ocean Observing System Hawai'i SLR Viewer, a very small makai portion of the Project site will be impacted by annual high wave action under a scenario envisioning 3.2 ft. of SLR (see Exhibit J). However, the anticipated coastal erosion under 3.2-ft. of SLR indicates approximately 40 ft. of the property may be lost to erosion by the year 2100.
3. Storm Surge: The National Storm Surge Hazards Maps indicate that the Project site is projected to be subject to three ft. or greater of flooding during Category 3 and 4 hurricane events (see Exhibit L).
4. Tsunami: The entirety of the Project site is located within the tsunami evacuation zone (see Exhibit L). During a tsunami

warning, evacuation requirements will be enforced based on guidelines issued by the Department of Emergency Management.

While the repair and expansion of the seawall may offer some protection of the lot during a significant storm event or tsunami, the current height of the seawall is close to the existing grade and the proposed increase of one to three ft., for an overall height of eight ft. above MSL, is unlikely to protect the development on the site from a significant storm. Based on the O'ahu Shoreline Change Viewer, the site is projected to experience SLR-related erosion by the year 2100. The modeled erosion with 3.2 ft. of SLR does not recognize the presence of seawalls because seawalls are anticipated to be removed or fail over time, particularly given the variable shoreline, rising water tables, and intensification of storms. Although a seawall may provide some measure of protection in the near term, it also contributes to chronic beach loss, which reduces the long-term health of the shoreline area. Given the complicated nature of coastal hazards, SLR, and the adverse impacts of shoreline hardening on healthy beaches, we cannot find that the Project will reduce impacts of coastal hazards on life and property.

G.

Managed Development and Public Participation
<i>The development review process should stimulate public awareness, education, and participation in coastal management.</i>

The public was made aware of the Project and was given the opportunity to review the proposed Project prior to and during processing of the SMA Major Permit and SSV applications.

Prior to submittal of the SMA and SSV applications to the DPP, the Agent sent written notification to all adjoining and nearby property owners that the Project would be presented before the KNB No. 31 on April 7, 2022. At the presentation KNB members inquired whether an archaeological monitor would be present during excavation of the Project site. The Agent responded that an AIS was performed and the need for an AMP during construction was requested by SHPD. The SHPD indicated that upon their approval of the AMP, they would notify the DPP of the ability to proceed.

Upon acceptance of the application, the application materials were posted on the DPP website for public review. During the EA processing prior to the application processes, the DPP routed the proposal to various Federal, State, and City agencies. All letters and comments received have been included in the Project File and incorporated into the Analysis Section, as appropriate.

The DPP conducted a Public Hearing on the SMA Major Permit and SSV application at 10:30 a.m. on Wednesday July 3, 2024, at the Fasi Municipal Building, 6th Floor Conference Room. Notices of the application and public hearing were published in the Honolulu Star-Advertiser on June 12, 2024, and sent to neighbors within 300 ft. of the subject property, as well as various public agencies, elected officials for the area, and other interested parties. The hearing was attended in person by the Agent and their consultants, DPP staff, and one member of the public. Three members of the public attended the hearing by phone and Webex and provided testimony in opposition to the Project. The Agent presented the Project and described the existing on-site development. A transcript of the hearing is attached to this report. A video recording of the public hearing is available at the DPP upon request. Additional opportunities for public input will be available during the City Council meetings.

H.

Beach and Coastal Dune Protection

Development within the SMA should facilitate beach management and protection by safeguarding beaches and coastal dunes for public use and recreation, the benefit of ecosystems, and use as natural buffers against coastal hazards. New structures should be located mauka of the shoreline setback line to conserve open space, minimize interference with natural shoreline processes, and minimize the loss of improvements due to erosion.

The expansion and fortification of the aging seawall is detrimental to dune and coastal dune protection. The Project site and the entire segment of Lanikai is underlain by beach and Jaucas sands and mapped as dunes and marine sands on the Hawai'i SLR Viewer. Coastal armoring damages beaches by cutting the sand bank and impounding sand behind walls, refracting waves, and creating a high-energy environment that impedes sand accumulation. Seawalls also impact lateral sand transport, which also damages down-drift beaches. Given this, we conclude the Project will not protect the underlying coastal dune or safeguard the beach because it will extend the detrimental impact of trapping otherwise available beach sand behind the fortified hardened structure, diminish sand replenishment, and impact nearby beaches.

The Project is also likely to impact the dune within the property with the addition of nine four-ft.-wide deadman anchors in the backyard, which will require a significant level of excavation. This disruption of the sand within the shoreline setback will not benefit the dune's ecosystem.

Finally, the new structures to enhance the seawall are not located mauka of the shoreline setback line, as the policy states. Therefore, we find that approval of the Project directly contradicts the SMA objective to protect beaches and coastal dunes for public use and recreation because it will

lengthen the time period during which the seawall and rip rap adversely impact the beach and coastal dunes.

I.

Marine and Coastal Resources

<i>Development within the SMA should promote the protection, use, and development of marine and coastal resources to ensure that these resources are ecologically and environmentally sound and economically beneficial. Impacts on water resources, beaches, coastal dunes, and scenic or recreational amenities resulting from the construction of structures must be minimized. Development within wetland areas should be limited to activities that are dependent on or enhance wetlands, or are otherwise approved by appropriate State and federal agencies.</i>

The waters of Kailua Bay are identified as Estuarine and Marine Wetlands (see Exhibit H). The Project will not promote the protection, use, and development of marine or coastal resources because the expansion and fortification of the seawall will continue to disrupt the natural ecology of the sandy beach, as discussed in Section H, above. There is evidence that the dynamic movement of the beach was occurring in the past, despite the presence of the nonconforming concrete seawall and addition of the rip rap after 1968 (see Exhibits M-1 through M-5). However, beginning in about 2007, the cycle of erosion began, and will likely accelerate as sea levels continue to rise through 2100. The continued and potentially perpetual restriction of the natural beach processes will be detrimental to the ecology of the shoreline area because the construction of the Project will impact water resources, the beach, and the coastal dune system.

J.

Cumulative Impact or Significant Effect and Compelling Public Interest

<i>Development within the SMA should not have any cumulative impact or significant effect, unless minimized to the extent practicable and clearly outweighed by public health, safety, or other compelling public interest.</i>

Pursuant to ROH §25-1.3, cumulative impact means:

The impact on the environment that results from the incremental impact of an action or development when added to other past, present, and reasonably foreseeable future actions or developments. Cumulative impacts can result from individually minor but collectively significant actions and development taking place over a period of time.

One seawall expansion may not appear to have a significant effect, but cumulatively, with other nonconforming and SSV-approved seawalls,

within the same littoral cell, this becomes part of “collectively significant actions and development taking place over a period of time.” The impacted littoral cell includes the shallow off-shore fringing reef extending 3,700 ft. to the Mokulua Islands. Seawalls along this stretch of the Lanikai shoreline artificially retain mauka beach sands and reduce the natural sand transport that occurs within the littoral cell. The confinement of beach sand, perpetuates the negative impacts to the adjacent beach by preventing the shoreline’s ability to adjust with seasonal and tidal conditions.

Pursuant to ROH §25-1.3, significant effect means:

The sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State’s environmental policies or long-term environmental goals as established by law, or adversely affect the economic welfare, social welfare, or cultural practices of the community and State.

As previously stated, the proposal is contrary to the State’s environmental policies and long-term environmental goals to locate new structures inland from the shoreline setback to minimize interference with natural shoreline processes and prohibit construction of private shoreline hardening structures at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities.

Although the \$1.8 million Project is described as repair and expansion of an existing nonconforming seawall, the Project more than doubles the seawall width and depth, and adds massive structural elements in the tie-back anchors, sheet piles, and deadman anchors. Given the above, we find the Project is likely to contribute to cumulative impacts and significant effects. Also, the proposal is designed to protect private development, so approval of the seawall expansions is not clearly outweighed by public health, safety, or other compelling public interest.

K.

Consistency with Plans and Regulations
<i>Development within the SMA must be consistent with the general plan, development plans, sustainable communities plans, and zoning ordinances; provided that a finding of inconsistency does not preclude concurrent processing of amendments to applicable plans or a zone change.</i>

The proposal is not consistent with the applicable plans and regulations,

as detailed below.

Land Use Ordinance (LUO): The proposed Project modifies the existing concrete seawall, which is considered a retaining wall within the required five-ft. yard (rear). Pursuant to LUO Section 21-4.40, retaining walls are limited to six ft. in height within the five-ft. rear yard. The retaining wall will extend up to eight ft. in height. This is not permitted without a Zoning Adjustment. If the City Council chooses to approve the Project, a Zoning Adjustment permit will be required to allow the higher retaining wall within the required rear yard.

KPSCP: The KPSCP Land Use Map identifies the Project area site as a low-density residential area within the shoreline area between Alala Point and Wailea Point, and within the Community Growth Boundary. The Project site is not within any identified sensitive scenic viewshed, open-space, recreational area, or historic site on KPSCP resource maps. The most applicable KPSCP policies are as follows:

- Protect endangered species and their habitats;
- Protect scenic beauty and scenic views and provide recreation;
- Promote access to shoreline and mountain areas; and
- Prevent development in areas susceptible to landslides and similar hazards.

Project implementation would not improve shoreline or recreational access.

O'ahu General Plan (GP): The Project is not consistent with the O'ahu GP. The most applicable O'ahu GP policies are as follows:

- Objective A, Policy 1 requires the protection of O'ahu's natural environment, especially the shoreline, valleys, ridges, watershed areas, and wetlands from incompatible development.
- Objective A, Policy 4 requires development projects to give due consideration to natural features and hazards such as slope, inland and coastal erosion, flood hazards, water-recharge areas, and existing vegetation, as well as to plan for coastal hazards that threaten life and property.
- Objective A, Policy 5 requires sufficient setbacks from O'ahu's shorelines to protect life and property, preserve natural shoreline areas and sandy beaches, and minimize the future need for protective structures or relocation of structures.

As discussed throughout this report, the Project expands and fortifies the artificial shoreline structure, which has contributed to beach erosion. The enhancements and reconstruction of the seawall will not benefit the general public. In the past, a wide dry sand beach existed along this shoreline. The natural sandy shoreline is less likely to be restored if the seawall is enhanced, and the perpetuation of the seawall would likely cause other sites within Lanikai to seek shoreline hardening structures, which will not minimize the future need for protective structures.

B. SHORELINE SETBACKS: An SSV may be granted for a private improvement that artificially fixes the shoreline only if hardship will result to the Applicant if the facilities or improvements are not allowed within the shoreline setback area. Hardship, as defined in ROH § 26-1.8(b)(3)(B) may be found only if all the following are met:

- The structures will neither adversely affect beach processes nor artificially fix the shoreline, and the applicant and landowner would be deprived of reasonable use of the land if required to comply fully with this chapter and the shoreline setback rules;
- The applicant's proposal is due to unique circumstances, does not draw into question the reasonableness of ROH Chapter 26, and the shoreline setback rules, is consistent and compatible with surrounding land uses, and is unlikely to adversely impact neighboring properties; and
- The proposal is the practicable alternative that best conforms to the purpose of this chapter and the shoreline setback rules. The analysis of the practicable alternatives must include a thorough assessment of potential impacts and consideration of mitigation measures to avoid or minimize impacts, including but not limited to the relocation or reconfiguration of structures and the restoration of coastal resources.

1. Hardship Test No. 1: The proposal meets the first of the three tests of hardship if *the structures will neither adversely affect beach processes nor artificially fix the shoreline, and the applicant and landowner would be deprived of reasonable use of the land if required to comply fully with this chapter and the shoreline setback rules*. The expanded and reinforced seawall will adversely affect beach processes and artificially fix the shoreline. The seawall expansion will continue to damage the beach by cutting the sand bank and impounding sand behind walls, refracting waves, creating a high-energy environment that impedes sand accumulation, and impacting lateral transport, which damages downdrift beaches.

Further, the Applicant has not demonstrated that reasonable residential use would be impossible if required to comply fully with ROH Chapter 26.

ROH Chapter 26 allows repairs to, but not expansion of, nonconforming shoreline structures. Even if the seawall was removed or failed, the lot has space to relocate the dwelling. The 18,073 sq. ft. site is about 200 ft. deep and currently the dwelling is about 110 ft. from the front property line and approximately 40 ft. from the rear property line and shoreline. It does not appear to be in any immediate danger of being undermined by erosion forces, although shoreline erosion is anticipated to accelerate as sea levels rise. Any new construction would have to be outside of the 60-ft. shoreline setback, but given the size and depth of the property, and the age of the dwelling, a conforming dwelling could be built on the property, even if the nonconforming seawall eventually fails and the site erodes to a point that the existing dwelling is threatened over the coming decades.

Based on the above, we find the proposal does not meet the first test of hardship.

1. Hardship Test No. 2: The proposal meets the second of the three tests of hardship if the Applicant's proposal is 1) *due to unique circumstances*, 2) *does not draw into question the reasonableness of ROH Chapter 26 and the shoreline setback rules*, 3) *is consistent and compatible with surrounding land uses*, and 4) *is unlikely to adversely impact neighboring properties*. In this case, we find the request is not due to unique circumstances. The site is similar to other nearby shoreline lots based on its location, the nearshore waters, the beach sand and Jaucas sand, the presence of a dune system, the size of the site, the exposure to coastal hazards, and the presence of a nonconforming seawall. The residential lots within this part of Lanikai are quite similar in size and proportions. All sites along this stretch of shoreline are subject to the same shoreline variability. Furthermore, impacts from SLR are not unique to this property. Every lot in this area will experience impacts from SLR based on the O'ahu SLR Viewer. Therefore, we have concluded that the site and the proposal are not due to unique circumstances.

Granting an SSV to reinforce this seawall would call into question the reasonableness of ROH Chapter 26 and the shoreline setback rules because the purpose and intent of ROH Chapter 26 is to:

- Protect and preserve the natural shoreline, coastal zone environments, and associated ecosystems, especially sandy beaches, coastal dunes, wetlands, and reefs;
- Protect and preserve public pedestrian access laterally along the shoreline and to the sea; and
- Prohibit shoreline hardening unless necessary for coastal restoration or where it would result in a clear public benefit.

The expansion and reinforcement of the seawall is inconsistent and incompatible with these goals. Extending the life of the seawall will not protect and preserve the natural shoreline, coastal zone environment, or sandy beach ecosystem. The Project will extend the period of time during which public pedestrian access laterally along the shoreline will be obstructed. Finally, the additional shoreline hardening is not necessary for coastal restoration and it would not result in a clear public benefit.

The proposal may appear consistent and compatible with surrounding land uses and unlikely to adversely impact neighboring properties because there are other seawalls along the beach. Also, the expansion of the seawall on its mauka side may appear to have no real immediate impact on the shoreline area compared to the current situation. However, the enhancement of this artificial shoreline structure is likely to compel neighboring property owners to pursue similar activities, thereby contributing to cumulative impacts and significantly delaying the reestablishment of a healthy and robust beach.

In addition to the residential land uses, there are recreational activities within the SLU Conservation District Resource Subzone. The beaches of Hawai'i are held in trust by the State and its political subsidiaries for the benefit of present and future generations. These areas are public trust lands to be protected for, but not necessarily limited to, public access, cultural practices or gathering of cultural resources, species habitat, public access, and recreation. Shoreline hardening structures are incompatible with the shoreline activities mentioned above because they reduce the size of the sandy beach and the beach transit corridor. Additionally, since the proposal is only designed to protect one shoreline site, if the shoreline hardening at neighboring properties are removed or fail, the reinforced vertical seawall will likely cause scouring on the neighboring properties. Therefore, the proposal is not consistent and compatible with surrounding land uses and may adversely impact neighboring properties.

Based on the above, we find the proposal does not meet the second test of hardship.

3. Hardship Test No. 3: The proposal meets the third of the three tests of hardship if it is *the practicable alternative that best conforms to the purpose of ROH Chapter 26 and the shoreline setback rules*. The proposal is not the practicable alternative which best conforms to the purposes of ROH Chapter 26 and the shoreline setback rules. The expanded and fortified seawall would be built on beach sand within a coastal dune system, so it will continue to interfere with the natural sand and sediment replenishment that occur as part of the natural beach process. The granting of the SSV will not benefit or be in the interest of the general public, nor conform to the purpose of the Shoreline Setback

Ordinance and shoreline setback rules.

Other alternatives proposed by the Applicant were to construct a new hybrid seawall revetment mauka of the shoreline setback or replace the current structures completely. These alternatives included some measures for the restoration of the beach, like the angled revetment, but they would not guarantee restoration of beach processes or coastal resources. Another alternative was to remove the structures without replacement, but this was not the Applicant's preferred alternative because they indicated that the immediate removal would expose the property to erosion, and they argued upland fine particle clay soils would impact the nearshore water quality. However, the record indicates that site is underlain with beach sands, so if the structures were removed, the beach could naturally reemerge and restore itself and the coastline.

The recommended denial of this SSV would not require the removal of the nonconforming seawall or the rubble rip rap. The Applicant may continue to repair the seawall under the provisions of ROH Chapter 26 and the rubble rip rap under the provisions of Easement S-6043. Although these provisions do not allow expansion or reinforcement of the seawall, we find the no-action alternative is the most practicable alternative that best conforms to the purpose of ROH Chapter 26 and the shoreline setback rules.

Given the above, we find the Applicant's proposed alternative is not the most practicable alternative because it does not best conform to the purpose of ROH Chapter 26 and the shoreline setback rules.

4. Appropriate Conditions of Approval: Should the City Council find that in their analysis the proposal does meet the three tests of hardship, the City Council should be aware that, pursuant to HRS §205A-46(c) and ROH §26-1.9(a), no SSV may be granted unless appropriate conditions are imposed:

- To maintain safe access to and along the shoreline or adequately compensate for its loss;
- To minimize risk of adverse impacts to coastal, beach, and marine processes;
- To minimize risk of existing legal or proposed structures falling and becoming loose rocks, sharp or otherwise dangerous debris, or rubble on public property; and
- To minimize adverse impacts on public views to, from, and along the shoreline.

IV. CONCLUSIONS OF LAW

The Director hereby makes the following Conclusions of Law:

- A. SMA Use Permit: The proposed expansion and fortification of the seawall (sheet pile installation with concrete cap anchored by steel tie-back rods attached to concrete deadman, and the addition of a concrete curved splash) was reviewed under the provisions of ROH §§ 25-3.1 and 25-3.2, and HRS §§205A-2 and 205A-26, and found to be inconsistent with the established objectives, policies, and guidelines. Based on the analysis, the proposed development will adversely impact SMA resources and does not provide a benefit to the general public.
- B. Shoreline Setback Variance
1. The Project will adversely affect beach processes and artificially fix the shoreline, and the Applicant would not be deprived of reasonable use of the land if required to comply fully with ROH Chapter 26 and the shoreline setback rules.
 2. The Applicant's request to expand and fortify the seawall is not due to unique circumstances, and does draw into question the reasonableness of ROH Chapter 26 and the shoreline setback rules. The Project, if allowed, is not consistent or compatible with responsible surrounding land uses and it is likely to adversely impact neighboring properties.
 3. The Project is not the practicable alternative that best conforms to the purpose of ROH Chapter 26 and the shoreline setback rules. The analysis of the practicable alternatives did not thoroughly or properly assess the positive impacts and benefits of the other structural alternatives, their capability to reduce beach erosion, restore the beach and natural beach processes, and protect and preserve lateral public access along the shoreline.

V. RECOMMENDATION

Based on the preceding analysis and conclusion, it is recommended that this application for a Special Management Area Major Permit and Shoreline Setback Variance for the Smith Residence seawall expansion and fortification within the shoreline setback area, be DENIED.

Dated at Honolulu, Hawai'i, the 19th day of August, 2024.

Department of Planning and Permitting
City and County of Honolulu
State of Hawai'i

By 
Dawn Takeuchi Apuna, Director

Attachments: Draft Resolution
Public Hearing Transcript
Exhibits A through C, D-1 through D-6,
E-1 through E-3, F through L, M-1 through M-5

DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF	)	FILE NOS. 2024/SMA-44 AND 2024/SV-1
	)	
GRAHAM AND ELAINE SMITH	)	
	)	
1226 MOKULUA DRIVE - LANIKAI	)	
	)	

TRANSCRIPT OF PROCEEDING

In the above-entitled matter came in for public hearing at Fasi Municipal Building, 6th Floor Conference Room, 650 South King Street, Honolulu, Hawai'i, Wednesday, July 3, 2024, commencing at 10:30 a.m, pursuant to Notice.

BEFORE: JOYCE SHOJI, Hearings Officer

STEVE TAGAWA, Staff Planner

P R O C E E D I N G

WEBVTT

1 "Hearings Officer Shoji" (335241984)

00:01:20.000 --> 00:01:40.170

Good morning, everyone. My name is Joyce Shoji, and I'm the hearings officer for today's matters. Today we're conducting a public hearing in accordance with Revised Ordinances of Honolulu.

2 "DIT SX80 - Conference Center" (335241984)

00:01:40.170 --> 00:01:58.440

Chapters 25 and 26 related to the Special Management Area (SMA), and Shoreline Setbacks, and Hawaii Revised Statutes, Chapter 205(A) related to Coastal Zone Management. The purpose of today's hearing is to hear testimony on applications for a major SMA permit,

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00:01:58.440 --> 00:02:17.100

File No. 2024/SMA-44, and Shoreline Setback Variance, File No. 2024/SV-1. I would ask those of you participating remotely to mute your audio devices at this time and

4 "DIT SX80 - Conference Center" (335241984)

00:02:17.100 --> 00:02:34.350

unmute yourself when you intend to speak. Please note that this meeting is being recorded. The request is to modify an existing seawall by inserting steel sheetpiles, landward of the seawall, increasing its height by up to three feet,

5 "DIT SX80 - Conference Center" (335241984)

00:02:34.350 --> 00:02:54.350

And reconstructing the existing rubble riprap at the base of the seawall within the 40-foot shoreline setback area. Pursuant to Chapter 25 of the Revised Ordinances of Honolulu; 1) No development may be approved unless the agency or Council has first found that the development is consistent

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00:02:54.350 --> 00:03:12.960

with the objectives, policies and guidelines set forth and will not have any significant adverse environmental or ecological effect. Adverse effects include but are not limited to the potential cumulative impact of individual developments.

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00:03:12.960 --> 00:03:30.240

Adverse effects may also involve development that would eliminate future planning options. Whenever possible the agency or Council shall seek to minimize the following. Dredging, filling or otherwise altering any day, estuary, wetland, river, or lagoon.

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00:03:30.240 --> 00:03:46.530

Development that would reduce the size of any beach, coastal dune, or other recreation area. Development that would reduce or impose restrictions upon public access to tidal pools and submerged lands, beaches, coastal dunes, rivers, streams,

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00:03:46.530 --> 00:04:02.880

and the mean high tide where there is no beach. Development that would substantially interfere or detract from the line of sight toward the ocean from the nearest State highway. Development that would adversely affect water quality, existing and potential fisheries and fishing grounds,

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00:04:02.880 --> 00:04:20.160

coastal ecosystems, wildlife habitats or agricultural uses of land, and lastly risks to development from sea level rise or other coastal hazards, which may be accomplished by siting habitable structures outside of the sea level rise exposure area.

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00:04:20.160 --> 00:04:40.160

Pursuant to Chapter 26 of the Revised Ordinances of Honolulu, a Shoreline Setback Variance based on the hardship standard may be granted if it is found that, 1) the structures will neither adversely affect beach processes nor artificially fix the shoreline,

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00:04:40.160 --> 00:04:56.339

and the applicant and landowner would be deprived the reasonable use of the land if not required to comply fully with ROH Chapter 26 and the Shoreline Setback rules; 2) the proposal is due to unique circumstances,

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00:04:56.339 --> 00:05:13.439

does not draw into question the reasonableness of ROH Chapter 26 and the DPP Shoreline Setback rules, is consistent and compatible with surrounding land uses, and is unlikely to adversely impact neighboring properties;

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00:05:13.439 --> 00:05:33.439

and 3) the proposal is the practicable alternative that best conforms to the purpose of ROH Chapter 26 and the Shoreline Setback rules. No decision will be made here today. The purpose of this public hearing is to take testimony from the public for input for the Director's report and recommendations,

15 "DIT SX80 - Conference Center" (335241984)

00:05:33.439 --> 00:05:53.309

as well as the City Council's decision when they receive it. You will have an opportunity to continue to provide testimony when the application goes to the City Council for actual decision-making. Once we close this

public hearing, the Department will have 45 days to transmit its report and recommendation to the City Council.

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00:05:53.309 --> 00:06:12.029

All testimony received today is going to be part of the record. It will be reflected in our report and recommendation so the City Council can consider what was heard today. This is our procedure. Steve Tagawa will present the basic facts behind the request, then the Applicant or its agent

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00:06:12.029 --> 00:06:29.519

will be allowed to describe the project in greater detail, and then we will take public testimony. At the end of the testimony period, staff will have an opportunity to ask questions about the proposal. With that, Steve will present the facts of the project.

18 "Staff Planner Tagawa" (335241984)

00:06:29.519 --> 00:06:47.309

Okay. Thank you. So, this Application was preceded by an Environmental Assessment as required by Chapter 343, HRS. That document was issued a Finding of No Significant Impact on August 27th of 2021, so it's been a while.

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00:06:47.309 --> 00:07:04.739

Today's public hearing was published in the Star Advertiser on on June 12. The site is approximately 18376 sq ft. It's a wedge shaped polygon on the south end of Mokulua Drive in Lanikai.

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00:07:04.739 --> 00:07:21.719

The site ranges in the elevation from about 8 ft down to sea level. The structure occupies about a 1,268 sq ft area

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00:07:21.719 --> 00:07:38.849

that is part of a State non-exclusive easement, No. S6043, which was reissued in September of 2013.

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00:07:38.849 --> 00:07:54.899

On September 13, 1968, the State Department of Transportation, Harbors Division issued a shore construction permit application approval on

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00:07:54.899 --> 00:08:11.999

No. 1395, which allowed a stone protective blanket along this parcel and three other parcels, parcels 57, back then 76 and 84 to the south.

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00:08:11.999 --> 00:08:27.239

So four properties. The stone blanket also involved, what was one of the early shoreline setback variances which was called a zone wave action, Ordinance 2837 that was

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00:08:27.239 --> 00:08:43.679

effective since 1966. They received a Variance No. 68Z124 on November of 1968, which allowed these four properties to retain or to construct a

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00:08:43.679 --> 00:09:00.719

rock blanket which extended 5 ft beyond the existing concrete seawall which was 5 ft at the time and was considered non-conforming. So it predated 1966 as zone of wave action Ordinance.

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00:09:00.719 --> 00:09:17.459

The site contains a modest 3559 sq ft two story dwelling that was built in the 30s. There's a swimming pool in the front yard. According to the Application, the earth work that is going to be required

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00:09:17.459 --> 00:09:33.479

is about 620 cubic yards with 560 yards of backfill. The interesting point would be that the sheet piles will be inserted up to 16 ft below the existing surface.

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00:09:33.479 --> 00:09:49.769

The area soils are jaucas sands, and I'll let the Applicant describe the details of the fortification.

"Hearings Officer Shoji"

Would the Applicant or agent please step forward and state your name for the record?

30 "Mr. Overton" (335241984)

00:09:49.769 --> 00:10:09.769

Yes. Hi. Good morning, Jeff Overton. I'm a planner with G70. I'm here with Andy Bohlander from Sea Engineering. We'll be providing the presentation this morning. Thank you very much. Some introductions on our team and attendance from G70 are our planners Kira Ramos and Noella Besa Wright.

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00:10:09.769 --> 00:10:34.019

And from Starn O'Toole, Duane Fisher and Eric Robinson. Also on Webex is owner of the property Graham and Elaine Smith. Thank you all for attending. But we have a brief presentation, and then we'd be glad to address any questions or comments at that time. So, Steve

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00:10:34.019 --> 00:10:49.499

covered the location or TMK and the fact that Joyce mentioned the two permits that we're applying for. Okay. Overview. So, this property is in Lanikai is

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00:10:49.499 --> 00:11:08.609

fronted by a legal non-conforming seawall. The original date of the construction of the seawall is unknown, however, constructed prior to World War II likely tied to the original home construction 1939. Rock revetment was permitted by the State Department of Transportation, Harbor's Division

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00:11:08.609 --> 00:11:24.479

in 1968. The previous property owners obtained a State grant of non-exclusive easement for the seawall and revetment purposes. And as part of the State easement conditions, the current property owners must

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00:11:24.479 --> 00:11:41.939

Maintain, repair and upkeep the seawall and revetment in safe condition. Failure to maintain, repair and upkeep the seawall and revetment in a safe condition would cause harm to the neighbors and the near shore coastal environment and these these neighboring property owners.

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00:11:41.939 --> 00:11:59.549

Repairing and improving the seawall and revetment are not prohibited by the State and County policies regulating the shoreline area. The proposed mitigative improvements are in the public interest and meet the hardship standards for the approval of Variance.

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00:11:59.549 --> 00:12:15.239

Here's the location, exhibits, couple of great drone photos that show this location. So the last photo of the project site is located along the Lanikai coastline. It's one of 108 properties

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00:12:15.239 --> 00:12:32.549

located along this coastline that are fronted by shore protection systems. The right hand photo shows the existing short protection system fronting the property and the adjoining properties which also have shore protection. It's part of a series shore

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00:12:32.549 --> 00:12:48.959

protection along this Lanikai coast that provides protection for each of these properties, and this particular property as well as the neighbors. A little bit closer

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00:12:48.959 --> 00:13:08.279

photo here. The property contains two story single-family home constructed in 1939 and the shore protection system which is comprised of a legal, non-conforming sea wall, and a rock revetment that is permitted by the State Department of Transportation, Highways Division again in 1968.

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00:13:08.279 --> 00:13:28.279

What makes this property unique is that the State grant of non-exclusive easement was issued to previous property owners after a portion of the seawall was found to be located outside the property boundary. As part of the conditions of the State easement, the property owners are required to maintain,

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00:13:28.279 --> 00:13:52.339

repair and upkeep the shore protection system in a safe condition. The property owners are moving forward with mitigative improvements to maintain, repair and upkeep the shore protection system as required by the state easement. Without the mitigative improvements, the shore protection system would eventually fail, collapse, and cause public and environmental harm along the shore line

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00:13:52.339 --> 00:14:13.909

fronting the property. Here's an overview of the jurisdictions on the property and specifically the easement as Steve Tagawa represented S-6043. To the left is makai, the easement area shown depicted here with the rock revetment slope jurisdiction

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00:14:13.909 --> 00:14:32.399

of the State Department of Land and Natural Resources. Everything in green and mauka to the right is within the Special Management Area, the Shoreline Setback area under the City and County of Honolulu jurisdiction and Department of Planning and Permitting, and you can see the outline of the existing dwelling.

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00:14:32.399 --> 00:14:55.409

Referencing the specifics of the State grant of non-exclusive easement. It's a 55 year easement term, running from September 2013 to 2068. Forty-four years remaining on the easement term.

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00:14:55.409 --> 00:15:14.219

It allows the right, privilege and authority to use maintain, repair, replace, and remove existing seawall and revetment subject to the terms and conditions herein, in, over, under, and across State-owned land. I didn't go to law school, but I'm trying my best. The grantee shall maintain repair and upkeep

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00:15:14.219 --> 00:15:30.569

the existing sea wall and revetment in a condition satisfactory to the grantor and in a manner that will enhance the public shoreline and access thereto. So these are quotes straight out of the easement language that exists today.

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00:15:30.569 --> 00:15:49.619

At this point I'm gonna hand over part of the talk to Andy Bohlander, he's gonna address all the proposed action. Andy?

"Mr. Bohlander"

Thanks Jeff. Aloha, good morning. My name is Andy Bohlander. I'm with Sea Engineering. We're a coastal engineering firm based here on the Wahoo and we've been consulting on this project for several years now.

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00:15:49.619 --> 00:16:07.979

So as Jeff mentioned the Applicant, the property owner, evaluated a variety of different alternatives that led to the conclusion of the selection of the proposed mitigative improvements. Those alternatives were all evaluated as part of the Environmental Assessment that Steve mentioned earlier.

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00:16:07.979 --> 00:16:27.979

So the objectives of this project are to remain in compliance and satisfy the conditions of the State easement that Jeff just explained. It also to minimize the environmental impacts of the project itself, of course, to protect the property, not just the subject property, but the adjacent properties on the north and sides.

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00:16:27.979 --> 00:16:51.269

Both of which have single-family homes that are relatively close to the shoreline and both of which are protected by existing shore protection structures that are continuous along the section of coastline and relatively codependent on one another. What I mean by that is that removal or failure of one of these structures would consequently impact the structures on either side of it.

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00:16:51.269 --> 00:17:06.419

And also a related objective of this is to maintain safe lateral access along the shoreline. The method by which to do that is to prevent this wall from deteriorating further or potentially failing and becoming a hazard along the shoreline.

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00:17:06.419 --> 00:17:24.059

So the alternatives that were evaluated are listed here. They included no action, retreat, beach nourishment, a series of structural alternatives. This would involve construction of new structures to replace the existing shore protection system that included a traditional rock rubble mound revetment,

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00:17:24.059 --> 00:17:44.059

a hybrid seawall revetment, an in-ground seawall to replace the existing wall, removing the existing wall and not having any shore protection or the mitigated improvement option that is the subject of today's proceeding. So just very briefly, again, these were all evaluated in the EA, but

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00:17:44.059 --> 00:18:03.179

just briefly wanted to touch on some of the key points for each. So NO action of course would involve essentially doing nothing, so that would allow the structure to remain in place in its current condition, and based on that condition and the projections for sea level rise we would expect the structure to continue to deteriorate,

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00:18:03.179 --> 00:18:18.419

and the probability of wall failure would increase progressively over time. So at some point the no action alternative would likely translate into removal of the structure by if and when it were to fail. The retreat in beach nourishment options

57 "DIT SX80 - Conference Center" (335241984)

00:18:18.419 --> 00:18:38.419

essentially both of these would need to be implemented at a relatively large scale, much larger than the individual property scale in order to be effective. The retreat option, the existing home is about 85 years old and of slab on grade construction. The remainder of the property is relatively built out as well with ancillary structures, pool

58 "DIT SX80 - Conference Center" (335241984)

00:18:38.419 --> 00:19:02.969

driveway, etc. So retreat in this case would essentially involve demolishing all of the existing infrastructure on the property and redeveloping it entirely. So the scale of such a project is drastically larger than what is being proposed. Similarly, the beach nourishment option in terms of placing sand along the shoreline with or without stabilizing structures.

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00:19:02.969 --> 00:19:19.349

We evaluated various options for that and ultimately concluded that in order to be effective, beach nourishment would need to be implemented along a much longer length of the shoreline in order for the sand to be stable and for it to provide the benefits of improving lateral shoreline access.

60 "DIT SX80 - Conference Center" (335241984)

00:19:19.349 --> 00:19:39.349

The scale and the cost of such project would be prohibitive for its individual landowner to proceed with independently. The rock revetment and hybrid seawall revetment options are technically feasible from a

coastal engineering perspective. They can fit into the existing landscape,

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00:19:39.349 --> 00:20:00.269

however, both of these structures would have a significantly larger structural footprint than the proposed improvements. They would also have to occupy, in order to not infringe upon the existing single-family home, they would have to necessarily occupy the footprint of the existing structure. So there would be no reduction in the overall footprint,

62 "DIT SX80 - Conference Center" (335241984)

00:20:00.269 --> 00:20:16.529

as far as in terms of how far it extends seaward. Both of these options would occupy most of the rear yard of the property. They'd be about 32 to 42 ft wide in in total footprint.

63 "DIT SX80 - Conference Center" (335241984)

00:20:16.529 --> 00:20:31.859

So really large structures, a lot of excavation required both to demolish the existing shore protection and to install these new structures. There's also the option to replace the existing seawall and rock apron with a properly engineered seawall.

64 "DIT SX80 - Conference Center" (335241984)

00:20:31.859 --> 00:20:51.859

This would involve a deep foundation wall with a spread footing. That could be installed landward of the shoreline in the setback area, but the spread footing would require substantial excavation inside the property. It's also worth noting that there are statutory prohibitions on construction of new shore protection

65 "DIT SX80 - Conference Center" (335241984)

00:20:51.859 --> 00:21:14.939

structures for private properties with sandy beaches. So that was a consideration in the evaluation of these alternatives. The seawall removal option, that would presumably involve removal of both the seawall and the rock apron. Based on the presence of sandy soils in this area, we would assume that erosion would be relatively rapid and progressive.

66 "DIT SX80 - Conference Center" (335241984)

00:21:14.939 --> 00:21:34.939

Based on our calculations we would expect the shoreline to find a profile of approximately a one on eight slope that's 8 ft of horizontal to 1 ft of vertical. So within a relatively short period of time, we would expect the shoreline to migrate to within 20 ft or closer of the existing single-family home.

67 "DIT SX80 - Conference Center" (335241984)

00:21:34.939 --> 00:22:07.909

So the removal of the seawall and the rock apron would likely result in the home being threatened by erosion. So that led us to the selection of the mitigative improvements, which I will explain in a little bit more detail. So this is a multi-component system. The first component is a

sheetpile system that would be installed on the landward side of the existing wall for its entire length, which is about 90 ft. The sheetpile would be driven into the ground on the inshore side to a depth of 16

68 "DIT SX80 - Conference Center" (335241984)

00:22:07.909 --> 00:22:28.049

feet below mean sea level to provide adequate resistance against the soil loads to maintain the burden of the wall, the existing wall that would be attached to it, and then the sheetpile would be encased in concrete to allow four Dowels to be installed to connect the existing seawall

69 "DIT SX80 - Conference Center" (335241984)

00:22:28.049 --> 00:22:44.309

To the concrete encasement for the sheetpile to stabilize it and then a series of nine tie rods would be installed below ground and connected to deadman anchors in the backshore. The dead mans would be about 4 ft by 4 ft by 1 ft,

70 "DIT SX80 - Conference Center" (335241984)

00:22:44.309 --> 00:23:02.609

and they would be about 3 ft below grade. So the important point here is that the deadmans, the tie backs, the sheetpile itself and the concrete encasement would all be below grade. None of this would be visible above ground when construction is complete. There is also a splashguard component, which

71 "DIT SX80 - Conference Center" (335241984)

00:23:02.609 --> 00:23:21.809

is easier to show in the section view detail here. As you can see the splashguard on top of the existing seawall. The existing seawall has a slight batter to it, meaning that it leans a little bit toward the mauka side, so the splashguard, even with the small recurve at the top

72 "DIT SX80 - Conference Center" (335241984)

00:23:21.809 --> 00:23:41.809

would be in line with the certified shoreline and within the footprint of the existing wall. The purpose of the splashguard is sort of twofold. The recurved component of it prevents waves from splashing over top of the wall and allowing water to percolate down between the seawall and the encasement, which can

73 "DIT SX80 - Conference Center" (335241984)

00:23:41.809 --> 00:24:03.979

increase the probability of corrosion of the Dowels, and increase the hydrostatic loads on the landward side of the wall. More importantly, the existing grade inshore of the wall is 1 ft above the existing wall height. So there's nothing to prevent erosion or runoff from that soil going into the ocean. So the splashguard will help to maintain

74 "DIT SX80 - Conference Center" (335241984)

00:24:03.979 --> 00:24:22.319

that soil. But as you can see here, the deadman anchors, the tie rods, all the components of this project with the exception of the splashguard,

would be located below ground. I think that's all I have. I'll turn it back over to Jeff.

75 "Mr. Overton" (335241984)

00:24:22.319 --> 00:24:42.319

Thanks, Andy. As Steve had mentioned earlier, we had gone through, an Environmental Assessment that included all the technical support studies and analysis to go through the EA process; early consultation back as early as 2020.

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00:24:42.319 --> 00:25:05.519

Completion with the Finding of No Significant Impact on September of 2021. We got to work on the Applications for the Special Management Area Use Permit and the Shoreline Setback vVriance, and have now submitted and processed based on the April 2024

77 "DIT SX80 - Conference Center" (335241984)

00:25:05.519 --> 00:25:20.939

submittal with acceptance in May and proceeding. Importantly, we went in contact with the Department of Land and Natural Resources Office of Conservation Coastal Lands and the Land Division received approval

78 "DIT SX80 - Conference Center" (335241984)

00:25:20.939 --> 00:25:38.039

from the land division to restack the boulders in the rock revetment and to place the splashguard a top the 17 sq ft portion of the seawall within the easement area.

79 "DIT SX80 - Conference Center" (335241984)

00:25:38.039 --> 00:25:57.029

So briefly, we need to pay attention to compliance with the SMA objectives and the proposed mitigative improvements meet the objectives of the Special Management Area that the proposed mitigative improvements will be completed mauka of the existing seawall and will maintain and improve lateral access

80 "DIT SX80 - Conference Center" (335241984)

00:25:57.029 --> 00:26:12.689

for the public along the Lanikai shoreline with the proposed mitigative improvements being completed mauka of the existing seawall; seawall will continue to protect water quality during construction of the mitigative improvements.

81 "DIT SX80 - Conference Center" (335241984)

00:26:12.689 --> 00:26:32.689

The proposed improvements will be completed beneath the grade of the existing yard and preserve and enhance coastal views. We conducted an archaeological assessment and cultural impact assessment on support of the project and the findings were, findings were that there will not be an effect to historic and cultural

82 "DIT SX80 - Conference Center" (335241984)

00:26:32.689 --> 00:26:49.709

resources as a result of the mitigated improvements and finally the proposed project will protect Flora and Fauna resources including coastal and marine resources as planned.

83 "DIT SX80 - Conference Center" (335241984)

00:26:49.709 --> 00:27:04.949

Now with the variance we need to meet the public interest standard and the proposed mitigative improvements meet the public interest standard and hardship standard to grant a Variance in that the mitigative improvements are in the public interest.

84 "DIT SX80 - Conference Center" (335241984)

00:27:04.949 --> 00:27:20.759

With all of them being completed mauka of the existing shore protection system and no new structures in the public shoreline, and without the planned mitigative improvements the seawall and rock revetment would continue to deteriorate and eventually fail, which would create hazardous and

85 "DIT SX80 - Conference Center" (335241984)

00:27:20.759 --> 00:27:38.339

dangerous conditions along the public shoreline. Second, the mitigative improvements represent the most practical alternative given the scale of the site, the current policies and procedures, and will minimize impacts on the coastal environment and adjacent properties.

86 "DIT SX80 - Conference Center" (335241984)

00:27:38.339 --> 00:27:54.029

Last, the mitigative improvements best conformed to the shoreline setback ordinance and rules as prescribed in Chapter 26 of Revised Ordinances of Honolulu. Based on the hardship standard

87 "DIT SX80 - Conference Center" (335241984)

00:27:54.029 --> 00:28:10.439

mitigative improvements will meet the hardship standard as it's intended to maintain an existing short protection system comprised of a legal, non-conforming seawall, and rock revetment that's permitted by the State Department of Transportation, Harbors Division.

88 "DIT SX80 - Conference Center" (335241984)

00:28:10.439 --> 00:28:28.169

Mitigative improvements will be completed in mauka of the existing shore protection system and no new structures will be placed in the public shoreline that may affect beach processes. Property owners are required to maintain the seawall and the rock revetment in a safe condition

89 "DIT SX80 - Conference Center" (335241984)

00:28:28.169 --> 00:28:48.169

pursuant to the conditions of the State easement and would be deprived of reasonable use of the land if they are not allowed to uphold the conditions of the State easement. The property is one of 108 properties along the Lanikai coastline that is fronted by a shore protection system and the mitigative improvements will maintain an

90 "DIT SX80 - Conference Center" (335241984)

00:28:48.169 --> 00:29:09.599

existing shore protection system that ties into adjacent shore protection systems and without these improvements, the neighboring properties are at risk of flanking. Last, the mitigative improvements project is really the most practical alternative. The planned improvements will reduce and minimize coastal environmental impacts

91 "DIT SX80 - Conference Center" (335241984)

00:29:09.599 --> 00:29:25.799

and maintain the seawall in a safe condition pursuant to the conditions of the State easement. So last in closing, the property owners are planning to maintain an existing legal, non-conforming seawall, and permitted rock revetment,

92 "DIT SX80 - Conference Center" (335241984)

00:29:25.799 --> 00:29:43.319

and these mitigative improvements are the property owners are required to maintain the seawall and rock revetment in a safe condition pursuant to the conditions of the easement and without these improvements, the existing shore protection system would continue to deteriorate and eventually fail,

93 "DIT SX80 - Conference Center" (335241984)

00:29:43.319 --> 00:30:00.989

causing unsafe and hazardous conditions along the shoreline and failure of the system would result in environmental impacts to the near shore coastal environment. After careful analysis of the planned mitigative improvements are the most practical alternative meeting the conditions

94 "DIT SX80 - Conference Center" (335241984)

00:30:00.989 --> 00:30:16.289

of the easement, reducing and minimizing impacts to the near shore coastal environment and maintaining public public lateral shoreline access. And last, the planned improvements will meet the public interest standard and hardship standard

95 "DIT SX80 - Conference Center" (335241984)

00:30:16.289 --> 00:30:34.379

to move forward with the planned project and adhere to the conditions of the State easement. Thank you very much and we're available to address questions or comments.

"Hearings Officer Shoji"

Thank you. We will now begin public testimony. Each testifier will have one opportunity to speak.

96 "DIT SX80 - Conference Center" (335241984)

00:30:34.379 --> 00:30:50.759

Please state your name before testifying. I may ask remote testifiers to spell both your first and last names if they do not appear on the screen. We'll first take testifiers present here in the meeting room and next those joining us remotely.

97 "DIT SX80 - Conference Center" (335241984)

00:30:50.759 --> 00:31:22.386

We don't have any registered speakers in the meeting room. Is there anyone wishing to testify? Seeing none, we'll move on to remote testifiers. Please verbalize your presentation or testimony as clearly as possible for the recorded audio recording. If there is anyone joining us remotely that would like to testify, please use the raise hand feature, then press *6 to unmute yourself.

98 "Ms. Antolini" (4168765184)

00:31:22.386 --> 00:31:26.604

Aloha. I would like to testify. My name is Denise Antolini.

99 "Hearings Officer Shoji" (335241984)

00:31:26.604 --> 00:31:30.505

Okay. Please, go ahead.

100 "Ms. Antolini" (4168765184)

00:31:30.505 --> 00:31:46.219

Thank you. I apologize. I'm driving, so I wasn't able to raise my hand. Aloha. My name is Denise Antolini. I'm a resident of the North Shore on Oahu at Pupukea, where we are facing a lot of similar issues regarding sea walls and shoreline erosions.

101 "8085****15" (4168765184)

00:31:46.219 --> 00:32:04.739

I'm testifying in the public interest as an advocate for beach restoration and protection. And with respect to the very fine consultants and attorneys who are working on this project, who I think have the best interests at heart, I

102 "8085****15" (4168765184)

00:32:04.739 --> 00:32:24.739

would like to refer to my written testimony and say that I think this project should be rejected by DPP. So I'm going to really direct my remarks to the DPP staff and Director. DPP's already rejected this petition, I'm sorry this Application one time, and I believe that it should be

103 "8085****15" (4168765184)

00:32:24.739 --> 00:32:47.989

rejected again. For three reasons, 1) I've explained further in my written testimony, this is, as everybody knows, a non-conforming use, and I cite in my testimony the law and policies that are intended to phase out non-conforming uses rather than strengthen, enhance and make them endure.

104 "8085****15" (4168765184)

00:32:47.989 --> 00:33:11.339

So I think this project is very inconsistent with its non-conforming use status. Second, non-exclusive easement, I believe has been misread by the Applicant as some kind of blanket cover for this massive project. And, I think it's a gross misinterpretation

105 "8085****15" (4168765184)

00:33:11.339 --> 00:33:31.339

to say that this is something that the applicant is required to do under the easement or should do under the easement, which was really meant, I think, in its intention to ensure minimal repairs. This is a \$1.8 million dollars plus project.

106 "8085****15" (4168765184)

00:33:31.339 --> 00:33:58.409

Far beyond the kind of minor repairs, I think that are contemplated by the the easement. My third point is that this project is really contrary in my view to the policies and letter and spirit of Act 16 and the amendment that the City and County of Honolulu made in the ROH regarding the SMAs and Shoreline Setback Variances.

107 "8085****15" (4168765184)

00:33:58.409 --> 00:34:15.659

I don't believe that the Applicant has met the hardship standard nor the public interest standard. And let me conclude by saying every aspect of this project while it may be well engineered and the consultants may have done their very best

108 "8085****15" (4168765184)

00:34:15.659 --> 00:34:35.659

is aimed toward understandably protecting private property interests. It is not aimed toward protecting lateral access or public access, which is guaranteed both by the easement and by the law. So, ultimately I think this project sets a very dangerous precedent

109 "8085****15" (4168765184)

00:34:35.659 --> 00:34:53.999

for our coastal policy on O'ahu. If allowed, it would encourage, homeowners across the State the deteriorating seawall to put in massive armoring instead of living in the right direction, which managed retreat.

110 "8085****15" (4168765184)

00:34:53.999 --> 00:35:09.567

So, thank you for the opportunity to testify. Again, with respect to the engineers, consultants and attorneys on this project, I strongly believe that DPP should reject it, and I look forward to further engaging. Mahalo.

111 "Hearings Office Shoji" (335241984)

00:35:09.567 --> 00:35:18.464

Thank you very much. Is there anyone else joining us remotely who would like to testify. If you could, use the raise hand feature?

112 "Ms. Velasco" (3600678656)

00:35:18.464 --> 00:35:24.867

I'm sorry. This is Arlene Velasco. I'm also on vacation, and I don't have access to my raised hands feature

113 "DIT SX80 - Conference Center" (335241984)

00:35:24.867 --> 00:35:27.425
right now.

"Hearings Officer Shoji"
You may proceed.

114 "Ms. Velasco" (3600678656)
00:35:27.425 --> 00:35:43.499
Yes. I'm Arlene Velasco. I'm with the Surfrider O'ahu Chapter, and our position, Surfrider especially has had very much success with replenishing seawalls with

115 "Ms. Velasco" (3600678656)
00:35:43.499 --> 00:35:59.549
replacing seawalls and replenishing sand dunes and native plantings. This has been a very effective way of dealing with the sea level rise that's inevitably happening. It's already happening here on Oahu. You can see the effects.

116 "Ms. Velasco" (3600678656)
00:35:59.549 --> 00:36:19.549
Just go down to Waikiki. And so Surfrider believes that this massive project, which it's no doubt digging 16 ft under and reaching and going past sea level is a pretty massive undertaking, and it's hard to believe that that's not gonna affect

117 "Ms. Velasco" (3600678656)
00:36:19.549 --> 00:36:36.479
the quality of the ocean water while they're doing construction because as we all know, water moves underground just as much as it does above ground. So Surfrider is very opposed to

118 "Ms. Velasco" (3600678656)
00:36:36.479 --> 00:36:54.179
having this massive reinforcement project proceed. It is a very dangerous precedent for all our coastal front properties on O'ahu. So we are very much opposed to it. We as a.

119 "Ms. Velasco" (3600678656)
00:36:54.179 --> 00:37:13.139
Surfrider Group would be more than willing to volunteer and help with the respiration project. It could be a very much joint effort with the City, the landowners, you know, and our, and many other environmental groups that I'm sure would be more than willing to,

120 "Ms. Velasco" (3600678656)
00:37:13.139 --> 00:37:33.139
you know, try to protect the property and at the same time effectively deal with the sea level rise. So I hope that DPP considers this and does not proceed with granting this permit. We are more than willing to meet and

121 "Ms. Velasco" (3600678656)
00:37:33.139 --> 00:37:38.464

discuss how we could proceed as a society to really deal

122 "Ms. Velasco" (4168765184)

00:37:38.464 --> 00:37:42.792

effectively with sea level rise. Thank you.

123 "Hearings Officer Shoji" (335241984)

00:37:42.792 --> 00:37:53.759

Thank you. Is there anyone joining us remotely who would like to testify?

124 "DIT SX80 - Conference Center" (335241984)

00:37:53.759 --> 00:38:09.719

Hearing none. Again, anyone in the room wanting to testify?

"Male in the audience"

Yes. Okay.

"Hearings Officer Shoji"

You're part of the Applicant though, right?

"Male in the audience"

That's correct.

125 "Hearings Officer Shoji" (335241984)

00:38:09.719 --> 00:38:25.080

Okay, okay.

"Mr. Robinson"

Thank you. For the record my name's Eric Robinson. I'm part of the Applicant's legal team here.

126 "DIT SX80 - Conference Center" (335241984)

00:38:25.080 --> 00:38:44.640

Wanted to kind of amplify a couple of points that I think are relevant to the Department's consideration today. And the first is with respect to public access. So under the easement and under state law, public access is required for the easement area and the areas makai of the shoreline.

127 "DIT SX80 - Conference Center" (335241984)

00:38:44.640 --> 00:39:01.230

What we see with the proposed mitigative improvements take place predominantly mauka of that. So when we're considering what is happening in the area where the public has access is we're seeing the rock revetment or the stacking there

128 "DIT SX80 - Conference Center" (335241984)

00:39:01.230 --> 00:39:17.310

being placed in a uniform slope. So respectfully I'd argue that actually improves public access, which I believe the Applicants have addressed in their Application. The second, I think more fundamental point that I'd like to address is that

129 "DIT SX80 - Conference Center" (335241984)

00:39:17.310 --> 00:39:36.360

the State easement requires that this wall, the seawall and the revetment kept in good repair, need to be up kept and they need to be maintained. If we look at removing them or allowing them to fail, we're looking at creating the same sort of situation that we're seeing right now on the North Shore.

130 "DIT SX80 - Conference Center" (335241984)

00:39:36.360 --> 00:39:51.630

We're looking at hastening the flanking erosion and the subsequent failure of all the neighboring properties. We have to consider that this is one of 108 hardened shoreline parcels in this region.

131 "DIT SX80 - Conference Center" (335241984)

00:39:51.630 --> 00:40:07.110

This sets a dangerous precedent if we're essentially adopting a policy of forced dilapidation or willingly allowing it to fail, where we'll see the same thing happen in other areas of O'ahu, like Ewa, where the existing shore line is hardened.

132 "DIT SX80 - Conference Center" (335241984)

00:40:07.110 --> 00:40:23.970

And it's not a policy that has been adopted either at the State level or the City and County level. If we're gonna do something like beach nourishment or dune restoration, that needs to be undertaken on a regional scale. It's not something that we can do on a parcel-by-parcel scale.

133 "DIT SX80 - Conference Center" (335241984)

00:40:23.970 --> 00:40:43.970

We're effectively creating a bad situation that we're already seeing if we do that. And then finally with respect to the previous Application, that Application was rejected, as I recall for two reasons. And the first was

134 "DIT SX80 - Conference Center" (335241984)

00:40:43.970 --> 00:40:50.610

the proposed action of tremy void filling, and the second was because DLNR approval is required.

135 "DIT SX80 - Conference Center" (335241984)

00:40:50.610 --> 00:41:08.700

With respect to the current Application, the proposed mitigative improvements do not include tremy void filling, and the State's approval has been obtained. I thank the Department for the opportunity to testify today, and I'm happy to take any questions that you may have. Thank you.

136 "Hearings Officer Shoji" (335241984)

00:41:08.700 --> 00:41:25.530

Thank you. Anyone else is wishing to testify? Seeing none, public testimony is closed. Steve, do you have any questions?

"Staff Planner Tagawa"

Okay. Actually I do. So, let's see,

137 "DIT SX80 - Conference Center" (335241984)
00:41:25.530 --> 00:41:42.900
Jeff mentioned that the DLNR approved the 17 sq ft

138 "DIT SX80 - Conference Center" (335241984)
00:41:42.900 --> 00:42:01.020
area that the splashguard addition would represent something new. I needed to know where that 17 sq ft is. I don't think it's, I don't think I have an illustration of where that is. Could you clarify where that 17 sq ft addition would be?

139 "Mr. Overton" (335241984)
00:42:01.020 --> 00:42:19.950
So, as I understand it, we don't have the diagrams up. We could go back to the site layout.

"Staff Planner Tagawa"

And in the connection with that, is DLNR gonna require some kind of

140 "DIT SX80 - Conference Center" (335241984)
00:42:19.950 --> 00:42:35.460
modification to the non-exclusive easement for that because, you know, they signed on to the Application but are they gonna have to amend their easement document that was renewed in 2014, because in 2013

141 "DIT SX80 - Conference Center" (335241984)
00:42:35.460 --> 00:42:51.660
the renewal, I think was triggered part in part because there was a small increase in that encroachment, you know, the size of the encroachment, so they adjusted that by a little.

"Mr. Overton"

Okay. Thanks for your multiple questions.

142 "DIT SX80 - Conference Center" (335241984)
00:42:51.660 --> 00:43:11.660
I'll try first one, and I may need some help with the second one. Okay. So it is the top of the diagram which is the south end of the property where the 17 ft, at the top of the wall and

143 "DIT SX80 - Conference Center" (335241984)
00:43:11.660 --> 00:43:31.230
kind of comes in as a sliver on that top end in there. That's the portion that we're referring to. We've been given no indication that I'm aware of that there's a pending amendment to the easement terms or language. Any follow-up on that? [asking project team]

144 "Staff Planner Tagawa" (335241984)
00:43:31.230 --> 00:43:48.210
And then I wanted to make sure that the record shows that the splash lip in profile is a foot, but I mean in section,

145 "DIT SX80 - Conference Center" (335241984)
00:43:48.210 --> 00:44:08.210
but in profile you guys have an exhibit for that across the width of the wall.

"Mr. Overton"

It's not a slide in this deck. Basically, the height of the wall because of the stage of the structure, there's been some sagging there. May be Andy, you're the best person to talk about this, but it's about 12 to 24 inches of

146 "DIT SX80 - Conference Center" (335241984)

00:44:08.210 --> 00:44:13.530

height gain across the wall. I know you say 3 ft in the announcement which is a little misleading.

147 "DIT SX80 - Conference Center" (335241984)

00:44:13.530 --> 00:44:30.300

It's actually 12 at 24 inches.

"Staff Planner Tagawa"

On the right side.

"Mr. Overton"

Andy Bohlander might have some further response on that.

"Mr. Bohlander"

I mean the way I would describe that is the splashguard itself is a new improvement is 12 inches tall.

148 "DIT SX80 - Conference Center" (335241984)

00:44:30.300 --> 00:44:46.080

There is an additional increase in height from the existing top of the wall which is settled, right? So the wall height, if you look at the plans, at the north end is where it had settled the most, settled about 3 ft.

149 "DIT SX80 - Conference Center" (335241984)

00:44:46.080 --> 00:45:06.080

I apologize, we don't have the plans in the slide, but that photograph that Jeff was just showing, that would be most helpful. Yeah, thanks Steve. So in the right hand side of the photograph, you can see that the seawall is much lower. Thanks Steve. So the seawall actually kind of bolts where it's

150 "DIT SX80 - Conference Center" (335241984)

00:45:06.080 --> 00:45:17.040

highest point is near the center of the screen, which is about plus 7 ft mean sea level, and then it slopes down to the left and right where the wall is settling. That's due to wave scour,

151 "DIT SX80 - Conference Center" (335241984)

00:45:17.040 --> 00:45:33.870

scouring away, loose material, soft material from underneath the wall so the wall is settling under its own weight. So in order to achieve a uniform wall height for the splashguard to essentially be flat across the top, it needs to be extended down to connect to the top of the wall wherever the top of the wall is.

152 "DIT SX80 - Conference Center" (335241984)

00:45:33.870 --> 00:45:51.180

So it's not the intention of the Applicant to increase the height of all 3 ft, it's to create a uniform height of 8 ft, right? So that's, that's the reasoning for that.

"Staff Planner Tagawa"

So as far as the construction thing happened, what I wanted to make sure it was clear, in order to jam the

153 "DIT SX80 - Conference Center" (335241984)

00:45:51.180 --> 00:46:11.180

sheetpiles, the rocks will have to be removed, right? Because you can't jam the sheetpile past the rock,

"Mr. Bohlander"

Correct.

"Staff Planner Tagawa"

So that means the 620 cubic yards, that represents what on both sides of the wall that is going to be removed or just the rear side?

"Mr. Bohlander"

Just the rear side. Basically the only rocks that we

154 "DIT SX80 - Conference Center" (335241984)

00:46:11.180 --> 00:46:18.660

need to be sidecast to accommodate the installation of the sheetpile, would be the rocks on the right hand side of the screen between

155 "DIT SX80 - Conference Center" (335241984)

00:46:18.660 --> 00:46:38.660

the north end of the wall, going to the left toward that second bollard in the graphs. There's probably a hundred individual stones in there that would need to be picked up and sidecast out of the way to allow the sheetpile to be driven at that location.

"Staff Planner Tagawa"

Aren't they gonna straighten out the wall?

156 "Mr. Bohlander" (335241984)

00:46:38.660 --> 00:46:58.200

There's only so much that we can do to straighten the wall. It does have a lean to it, so when you look at the batter of the wall in profile, it's sort of an idealized profile because of the lean exactly, the wall.

"Staff Planner Tagawa"

Second joint is just you know typical or, you know, it's it doesn't represent an actual--

157 "Mr. Bohlander" (335241984)

00:46:58.200 --> 00:47:18.200

Correct. It's a typical section and it's labeled as such.

"Staff Planner Tagawa"

Right, right.

"Mr. Bohlander"

So we could cut a section through this wall every 6 inches and the batter would be different because of the settlement and the amount of lean at each one of those sections. That's a little unnecessary for these types of plans. So the idea is that we would install the sheetpile and the encasement and then

158 "DIT SX80 - Conference Center" (335241984)

00:47:18.200 --> 00:47:23.280

dial the existing wall into that concrete encasement, which is basically going to snug

159 "DIT SX80 - Conference Center" (335241984)

00:47:23.280 --> 00:47:38.520

the wall up against the concrete encasement. So the wall will shift a little bit and the batter should become more uniform.

"Staff Planner Tagawa"

Because you could pull it, you could pull it straight after you remove the rocks from the mauka side, right? Because you're going to pour 4 ft wide

160 "DIT SX80 - Conference Center" (335241984)

00:47:38.520 --> 00:47:53.940

cap on top of the sheet pile.

"Mr. Bohlander"

Right.

"Staff Planner Tagawa"

But you're not gonna drive the sheetpile at an angle.

"Mr. Bohlander"

No. The sheetpile will be driven by.

"Staff Planner Tagawa"

Goes straight down and there's gonna be a, there's gonna be a void--

"Mr. Bohlander"

There will be a gap between, there'll be a gap between the sheetpile and the wall.

161 "DIT SX80 - Conference Center" (335241984)

00:47:53.940 --> 00:48:10.320

The Dowels will basically cinch it up toward the concrete encasement and close that gap.

"Mr. Overton"

I can provide an exhibit, Steve, for that 17 sq ft area.

"Staff Planner Tagawa"

Is that the overlap in the certification?

162 "DIT SX80 - Conference Center" (335241984)

00:48:10.320 --> 00:48:29.430

Is that what it was?

"Mr. Overton"

Yeah. I do have a--

"Staff Planner Tagawa"

It's just a sight overlay?

"Mr. Overton"

Yeah. I also have the certified shoreline where we've colored in that portion of it. Sorry for the TV audience.

"Mr. Bohlander"

So just to clarify that a little bit more, that 17 sq ft, there's two types of encouragements.

163 "DIT SX80 - Conference Center" (335241984)

00:48:29.430 --> 00:48:48.720

There's shoreline encroachments and boundary encroachments. You probably deal with more boundary encroachments in the SMA, but the majority of the rock apron is a shoreline encouragement. It's within the property boundary but makai of the certified shoreline. That narrow 17 sq ft.

164 "DIT SX80 - Conference Center" (335241984)

00:48:48.720 --> 00:49:08.720

prism or triangle portion of the wall is a boundary approachment. So the property corner, it's actually, we presume that the wall has settled and mean seaway in that area, but we can't definitively show that. But that's that 17 sq ft portion is a, is a boundary approachment. So it's mauka of shoreline and seawall.

165 "Mr. Overton" (335241984)

00:49:08.720 --> 00:49:18.990

Be reminded this is an Attachment B to the Application that has this colored section on the certified shoreline.

166 "Staff Planner Tagawa" (335241984)

00:49:18.990 --> 00:49:38.990

Yeah. I just wanted to be clear because I know, you know, the adjustment in 2013 was based on the change in the, I guess the amount of

encroachment, right? So DLNR, you know, they bothered a big deal to get that fixed, so I'm just wondering about this thing.

167 "DIT SX80 - Conference Center" (335241984)

00:49:38.990 --> 00:49:55.560

Then I just had one more point, based on attorney Eric's discussion and wanted to amplify the public access required. So my question is,

168 "DIT SX80 - Conference Center" (335241984)

00:49:55.560 --> 00:50:15.560

technically, is there any public access laterally on the non-exclusive easement? Is it possible? Is it possible?

169 "Mr. Robinson" (335241984)

00:50:15.560 --> 00:50:35.190

Okay. Sort of two part answer. The easement is non-exclusive. That exclusivity relates to the right of access, right? So the public has access to the entire easement area which includes the rock apron.

"Staff Planner Tagawa:

Right.

"Mr. Robinson"

It is important to note that the right to public access does not guarantee

170 "DIT SX80 - Conference Center" (335241984)

00:50:35.190 --> 00:50:51.060

any form of safe access or convenient access or anything like that. It's not like an ADA compliant kind of constitutional right. It's the right to physically transit an area, right? So that's what we're hoping is that by restacking the rock apron and making it a little bit more uniform

171 "DIT SX80 - Conference Center" (335241984)

00:50:51.060 --> 00:51:07.470

that if someone wants to transit through that area, it will be safer for them to do so. Right now there's a lot of loose rocks around. It's very uneven. But no, we cannot, we cannot through this project, or really any other solution other than to completely remove all of the materials,

172 "DIT SX80 - Conference Center" (335241984)

00:51:07.470 --> 00:51:24.990

provide the kind of access through there that I I think people would envision in terms of dry sand that's flat and easy to walk on. That's the existing condition and we won't, we won't make a meaningful change to that.

"Staff Planner Tagawa"

Thank you. I wanted to, I wanted you to clarify that on the record because the implication is

173 "DIT SX80 - Conference Center" (335241984)

00:51:24.990 --> 00:51:42.990

that somehow public access is something what, you know, like the, kind of the average person thinks of would be is passible, something passible, right? Because you can't exclude people from

174 "DIT SX80 - Conference Center" (335241984)
00:51:42.990 --> 00:52:01.650

hanging out on the easement. That's the whole point of the easement, right? But yeah, I just wanted to make sure that you guys clarified that, it's not really about walking over the rocks. People think about

175 "DIT SX80 - Conference Center" (335241984)
00:52:01.650 --> 00:52:19.500

being able to pass property, but that's really not gonna happen.

"Mr. Overton"

Depends on the ocean conditions out there because at times on the property we see people crossing.

"Staff Planner Tagawa"

You can get wet and walk pass the property, right?

176 "Mr. Overton" (335241984)
00:52:19.500 --> 00:52:39.500

Yeah. Much of Lanikai is like that.

"Mr. Bohlander"

I would agree with that. I would I would describe that access pattern in a similar way based on my observations of it is when ocean conditions are calm, and occasionally there is a submerged beach here or like at low tide under really calm conditions, it's

177 "DIT SX80 - Conference Center" (335241984)
00:52:39.500 --> 00:52:45.240

sandy makai of the rocks and people walk through, that kind of waived through there.

"Staff Planner Tagawa"

And you can see it, it looks pretty

178 "DIT SX80 - Conference Center" (335241984)
00:52:45.240 --> 00:53:00.240
nice.

"Mr. Bohlander"

Yeah. This is an area like the property's kind of unique because it, it's located at a gentle headland in the middle of Lanikai, and this is the point at which the coastline kind of transitions from an creational coastline to an erosional one.

179 "DIT SX80 - Conference Center" (335241984)
00:53:00.240 --> 00:53:18.360

So the property itself is located right at that transition, so the sand in this area sort of comes and goes seasonally. So there's times of year and under certain conditions where the access is more, it's easier to pass, right? Of course you wouldn't advise someone to go, in this kind of area under any kind of

180 "DIT SX80 - Conference Center" (335241984)

00:53:18.360 --> 00:53:35.940

high wave condition or anything like that. I would like to add that the the settlement and the rotation of the wall is a concern from a safety perspective. There's, there's nothing essentially holding that wall in place. So I do think there would be a meaningful improvement in terms of stabilizing the wall to prevent

181 "DIT SX80 - Conference Center" (335241984)

00:53:35.940 --> 00:53:53.070

any potential risks to healthy and safety for someone transitting on the makai side of that wall. So it wouldn't be an improvement in terms of widening the area of the access necessarily, but I think providing, you know, decreasing the risk factor of transitting that area would be a benefit.

182 "Mr. Robinson" (335241984)

00:53:53.070 --> 00:54:09.900

And just to further emphasize and clarify that the access is across the, the rock apron, it's not across the wall itself, like we see in the gold coast, where historically the public has transited across the top of it. Right.

"Staff Planner Tagawa"

I just wanted to make that

183 "DIT SX80 - Conference Center" (335241984)

00:54:09.900 --> 00:54:26.820

come out there because the implication is not I'm gonna be able to knock over the rock.

"Mr. Bohlander"

Not dry, but I I think it would be fair to say that having uniform slope would be easier to transit than it is in its current state.

184 "Staff Planner Tagawa" (335241984)

00:54:26.820 --> 00:54:44.460

And I actually have one more point to, it's not a question. This property is the northern portion of the 1968 rock blanket. The rock blanket extended three more properties down. In 2004, two properties down

185 "DIT SX80 - Conference Center" (335241984)

00:54:44.460 --> 00:55:00.870

I think it's parcel 94 now, but it was back then it was that parcel 85 or whatever it was. They got a fortification SV to

186 "DIT SX80 - Conference Center" (335241984)

00:55:00.870 --> 00:55:18.270

enhance the solid concrete wall, and the rock blanket was required to be removed. The DLNR approved that and suggested the rock blanket to be removed. So I don't know if they were aware of the 68

187 "DIT SX80 - Conference Center" (335241984)

00:55:18.270 --> 00:55:33.480

authorization, but they suggested to us and we import, requires the rock blanket to be removed. And then about seven or eight years ago

188 "DIT SX80 - Conference Center" (335241984)

00:55:33.480 --> 00:55:51.330

I guess their enhancement wasn't really working that well, and they attempted to get a rock blanket authorized from DLNR for the cause the shoreline was at the face of their vertical wall that they got enhanced and DLNR said no.

189 "DIT SX80 - Conference Center" (335241984)

00:55:51.330 --> 00:56:09.570

So consistency I don't know, I'm just pointing out that--

"Mr. Robinson"

Is that the Grossman property? So I think distinguishable here, they had removed the apron here. It's not being removed, it's existing.

"Staff Planner Tagawa"

No. My point is the consistency.

190 "DIT SX80 - Conference Center" (335241984)

00:56:09.570 --> 00:56:25.770

From the DLNR standpoint, as far as, you know, kind of the entitlement. So they wanted it out there because it could be removed after it was fortified. So they got their fortification,

191 "DIT SX80 - Conference Center" (335241984)

00:56:25.770 --> 00:56:41.310

increased the base and, you know, but I guess it didn't work as well as they wanted to and they wanted to, they asked the DLNR for a rock riprap in front, DLNR said, no.

192 "DIT SX80 - Conference Center" (335241984)

00:56:41.310 --> 00:57:00.180

I think there's some rocks there still, but--

"Mr. Robinson"

I'd offer that I think this is consistent, in particular since Act sixteen's been in place. Act 16 essentially prohibits new shoreline hardening structures, on private land unless it's in the public interest.

193 "DIT SX80 - Conference Center" (335241984)

00:57:00.180 --> 00:57:18.000

So here I think DLNR is obviously not speaking for them, but I think the position to take would be that if we can't place new shoreline hardening

structures, we need to maintain what we have in good repair and order and not allow them to fail or impose

194 "DIT SX80 - Conference Center" (335241984)
00:57:18.000 --> 00:57:38.000
de facto policies or force dilapidation.

"Staff Planner Tagawa"
Okay. Just wanted to get that on record.

"Hearings Officer Shoji"
All right. With no further questions, the public hearing for applications File Nos. 2024/SMA-44 and 2024/SV-1.

195 "DIT SX80 - Conference Center" (335241984)
00:57:38.000 --> 00:57:48.060
Thank you. Thank you very much.

I certify that the foregoing is a
true and correct transcript of
the proceeding, prepared to the
best of my ability of the meeting
held on Wednesday, July 3, 2024.


Gloria Takara
Secretary-Reporter

August 12, 2024

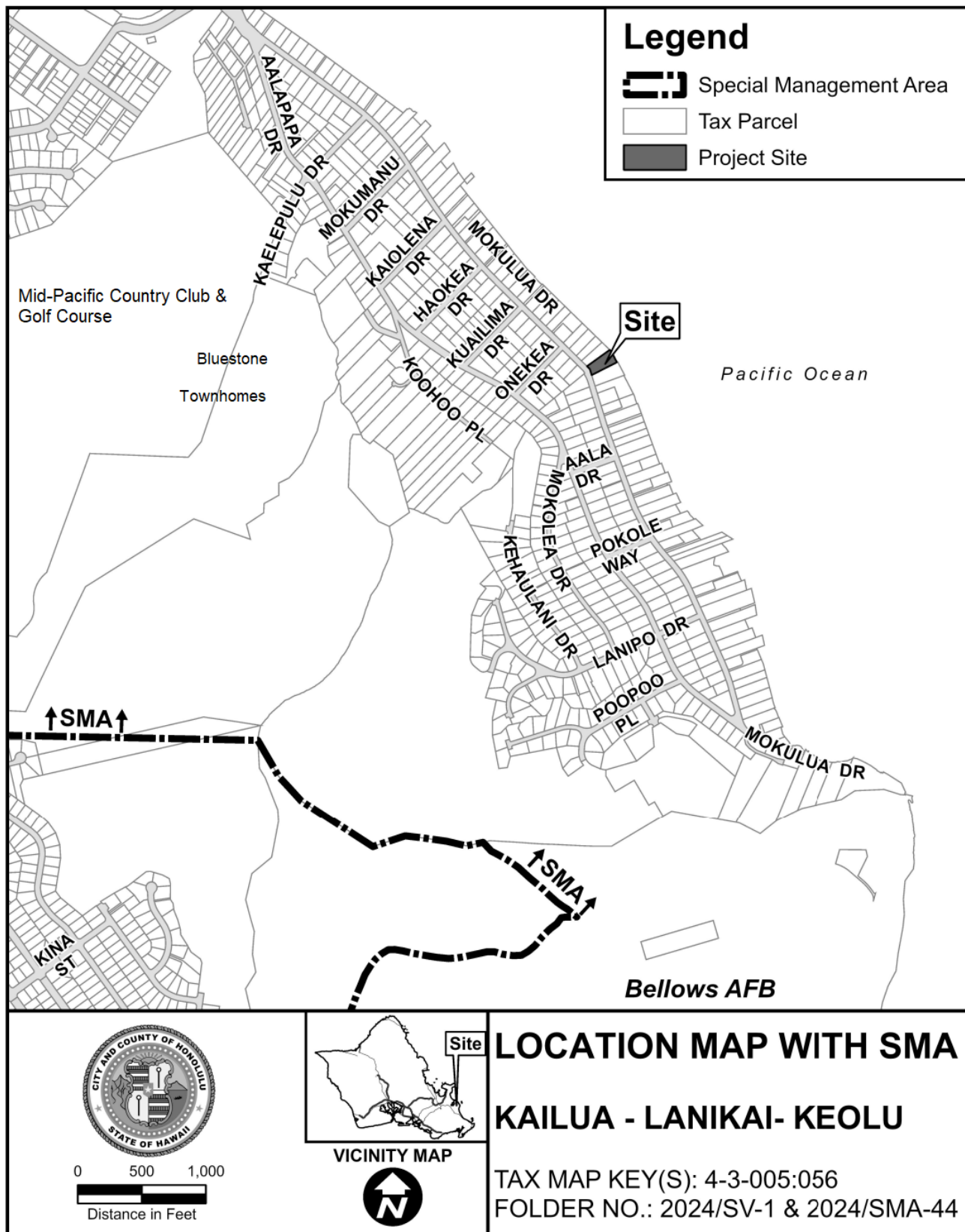


EXHIBIT A



EXHIBIT B

FILE NOS.: 2024/SMA-44

2024/SV-1



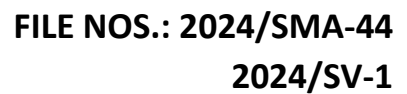
Conceptual Site Plan

Figure 3.7a

EXHIBIT D-1

FILE NOS.: 2024/SMA-44

2024/SV-1



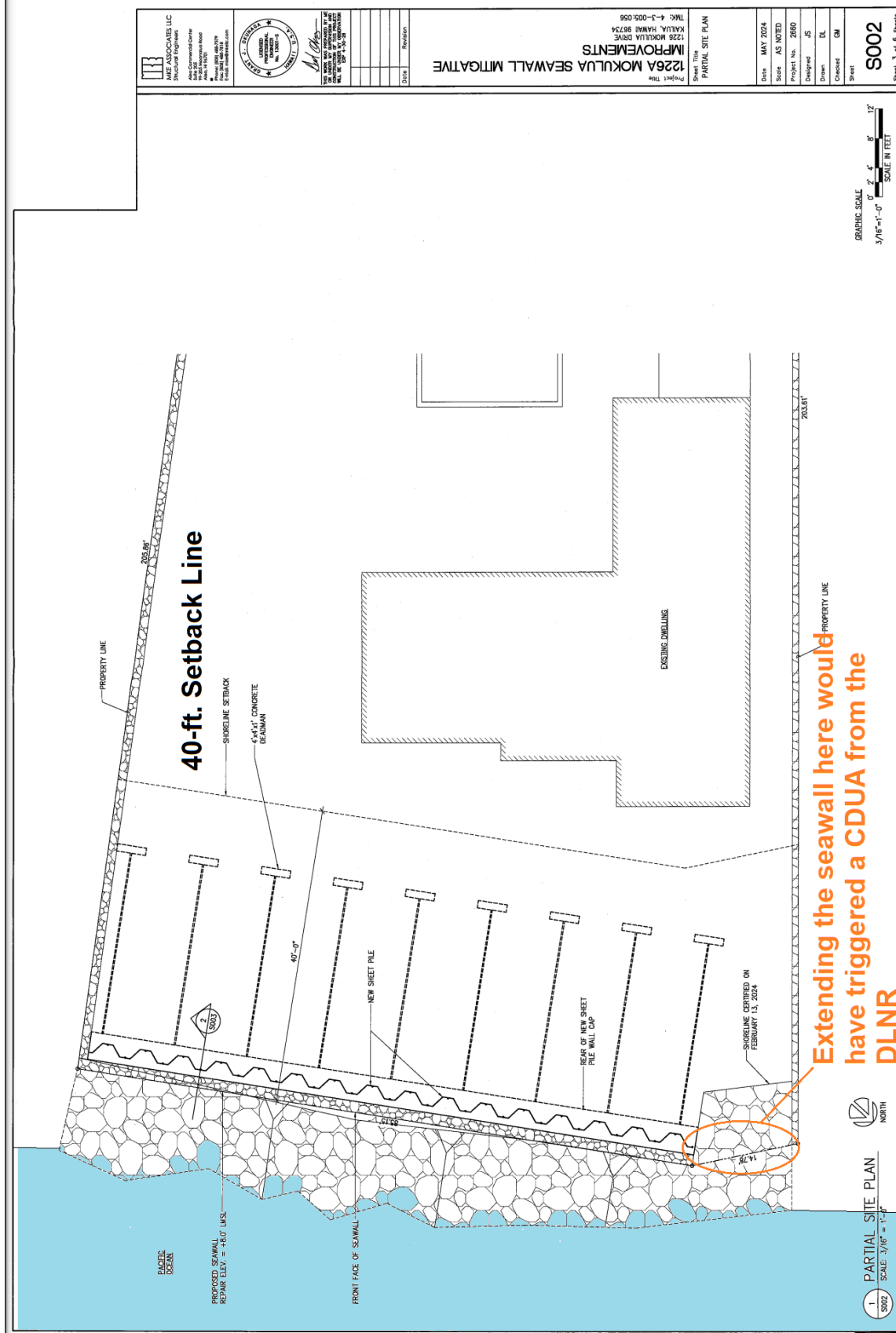


EXHIBIT D-3

FILE NOS.: 2024/SMA-44
2024/SV-1

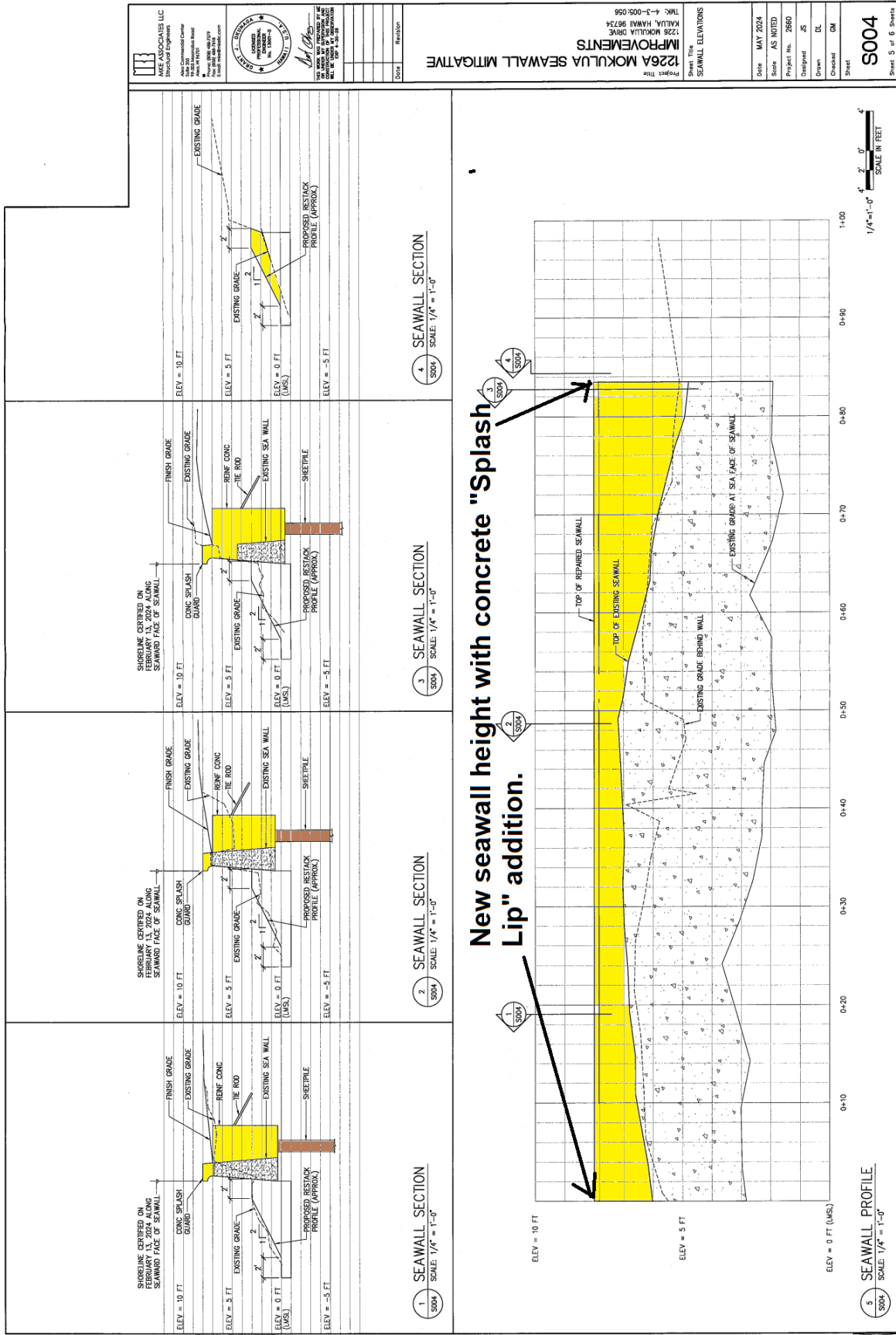


EXHIBIT D-4

FILE NOS.: 2024/SMA-44
2024/SV-1

MAE ASSOCIATES LLC
Structural Engineers
1000 N. KALANIANA'OLE BLVD., SUITE 200
HONOLULU, HI 96813
Phone: (808) 944-7777
Email: mae@mae-hawaii.com

PROJECT TITLE
1226A MOKULUA SEAWALL MITIGATIVE IMPROVEMENTS

PROJECT NO.
2660

DESIGNED BY
J.S.

DRAWN BY
DL

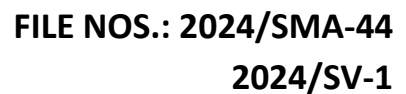
CHECKED BY
DM

SHEET
S004

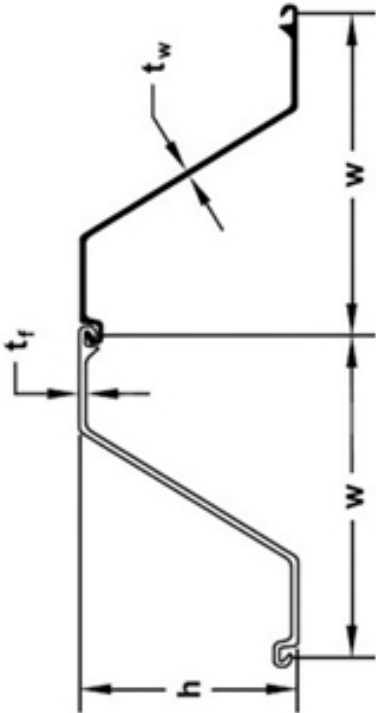
SHEET 5 OF 6 SHEETS

DATE: MAY 2024
SCALE: AS NOTED

TITLE: 1226A MOKULUA SEAWALL MITIGATIVE IMPROVEMENTS
DRAWN BY: J.S.
CHECKED BY: DM
DATE: MAY 2024



NZ14 (hot rolled sheet piles)



Section description	Product group	Shape	Section Modulus	Moment of Inertia	Width	Height	Thickness flange	Thickness web	Weight single	Weight	Coating 2 sides	Coating area
			in ³ /ft cm ³ /mm	in ⁴ /ft cm ⁴ /mm	inch mm	inch mm	inch mm	inch mm	lbs/ft kg/m	lbs/ft ² kg/m ²	ft ² /ft m ² /m	ft ² /ft ² m ² /m ²
NZ14	hot rolled sheet pile	Z	25.65 1379	171.7 23447	30.31 770	13.39 340	0.375 9.5	0.375 9.5	55 81.85	21.77 106.281	6.1 1.86	1.208 1.86



EXHIBIT D-6

FILE NOS.: 2024/SMA-44
2024/SV-1

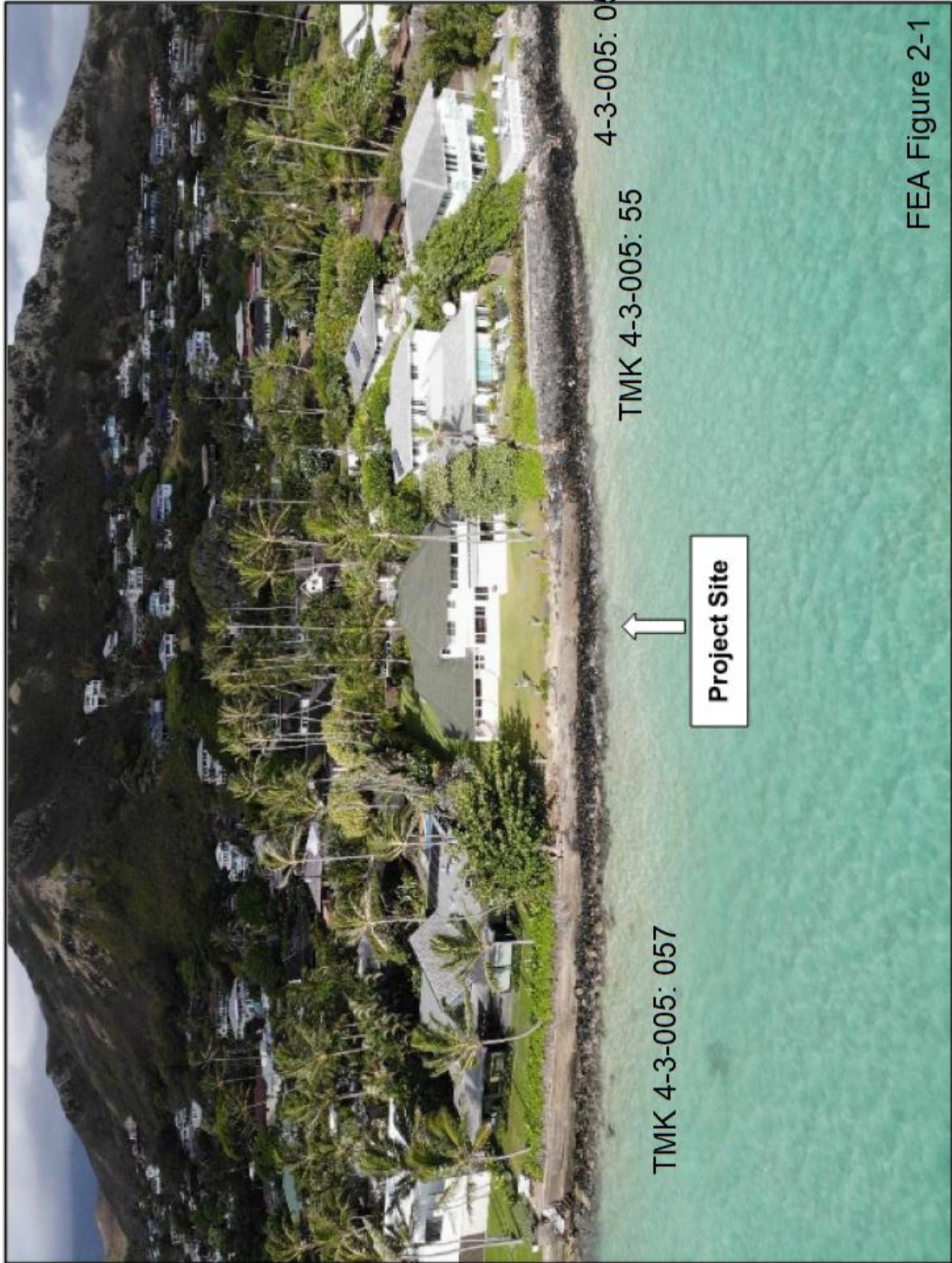


EXHIBIT E-1

FILE NOS.: 2024/SMA-44
2024/SV-1

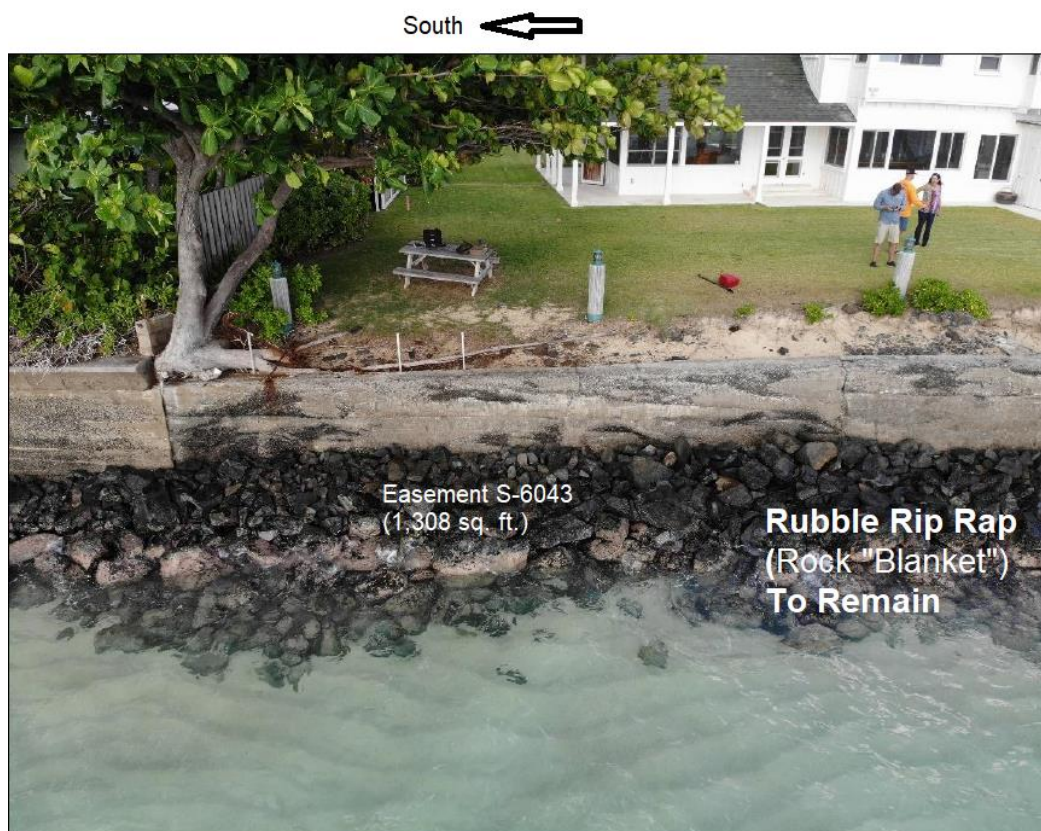
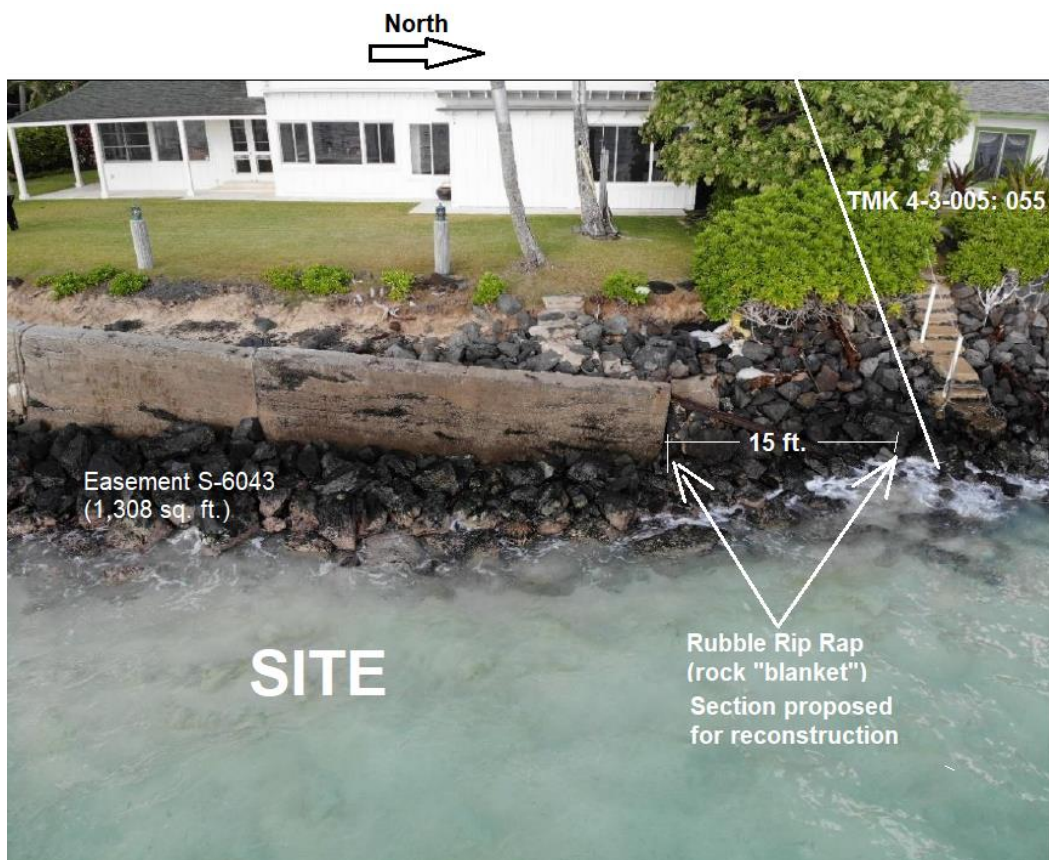


EXHIBIT E-2

**FILE NOS.: 2024/SMA-44
2024/SV-1**



EXHIBIT E-3

FILE NOS.: 2024/SMA-44
2024/SV-1

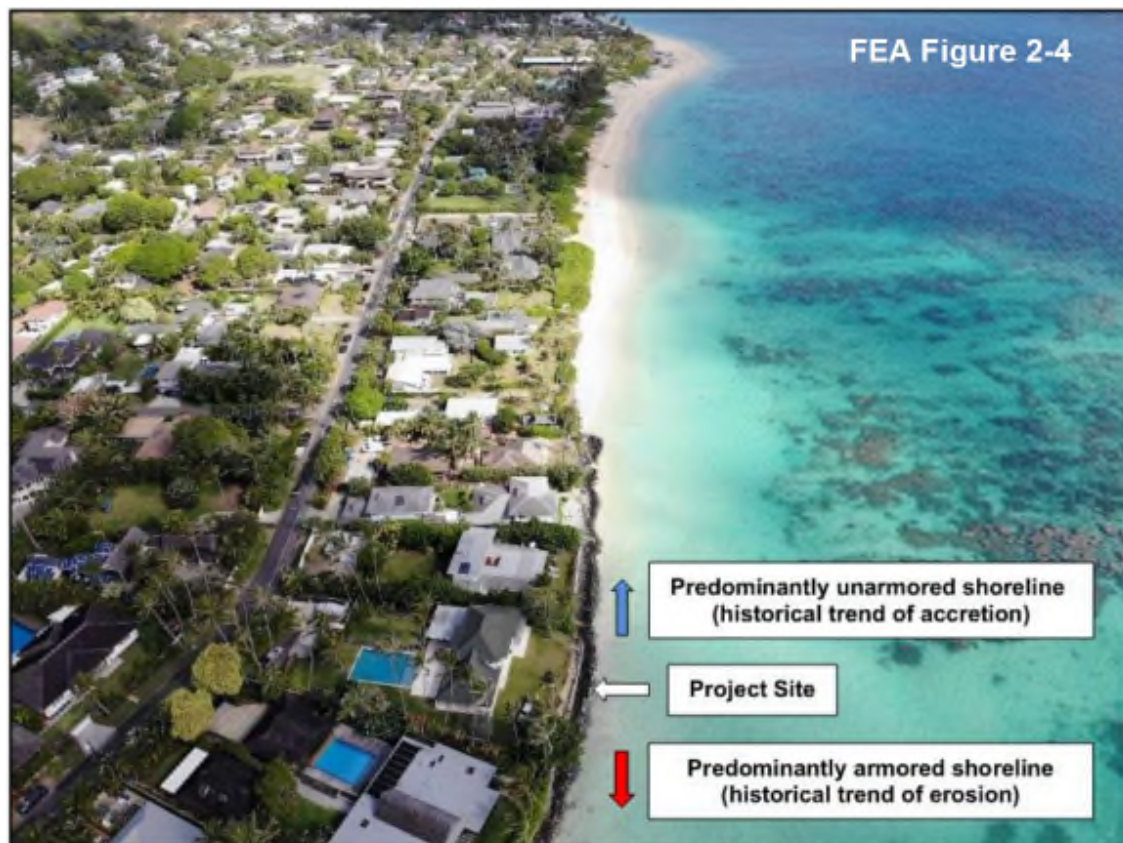
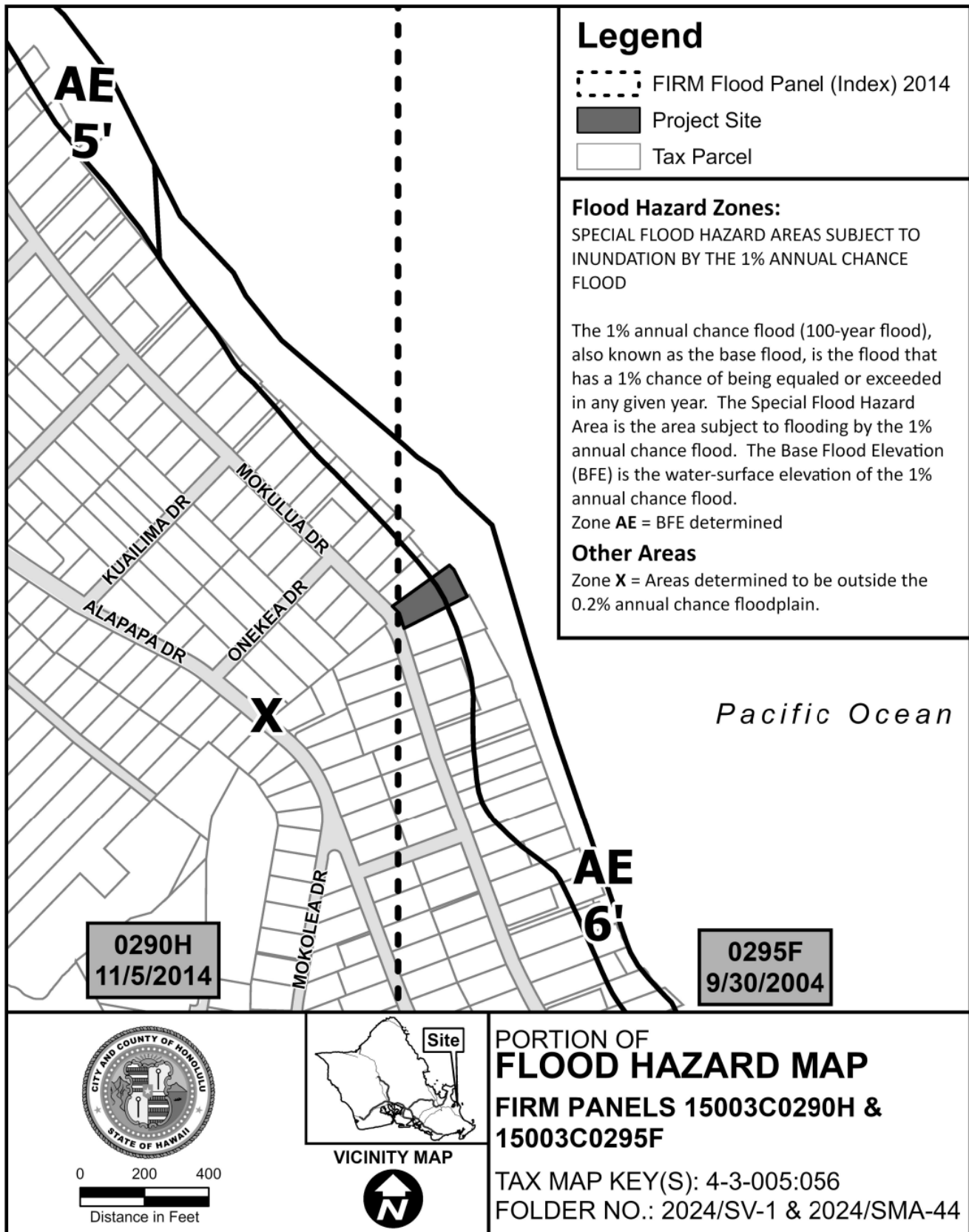


EXHIBIT G

FILE NOS.: 2024/SMA-44
2024/SV-1



Prepared by: Honolulu Land Information System (HoLIS) - ADS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 05/2024

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EXHIBIT F

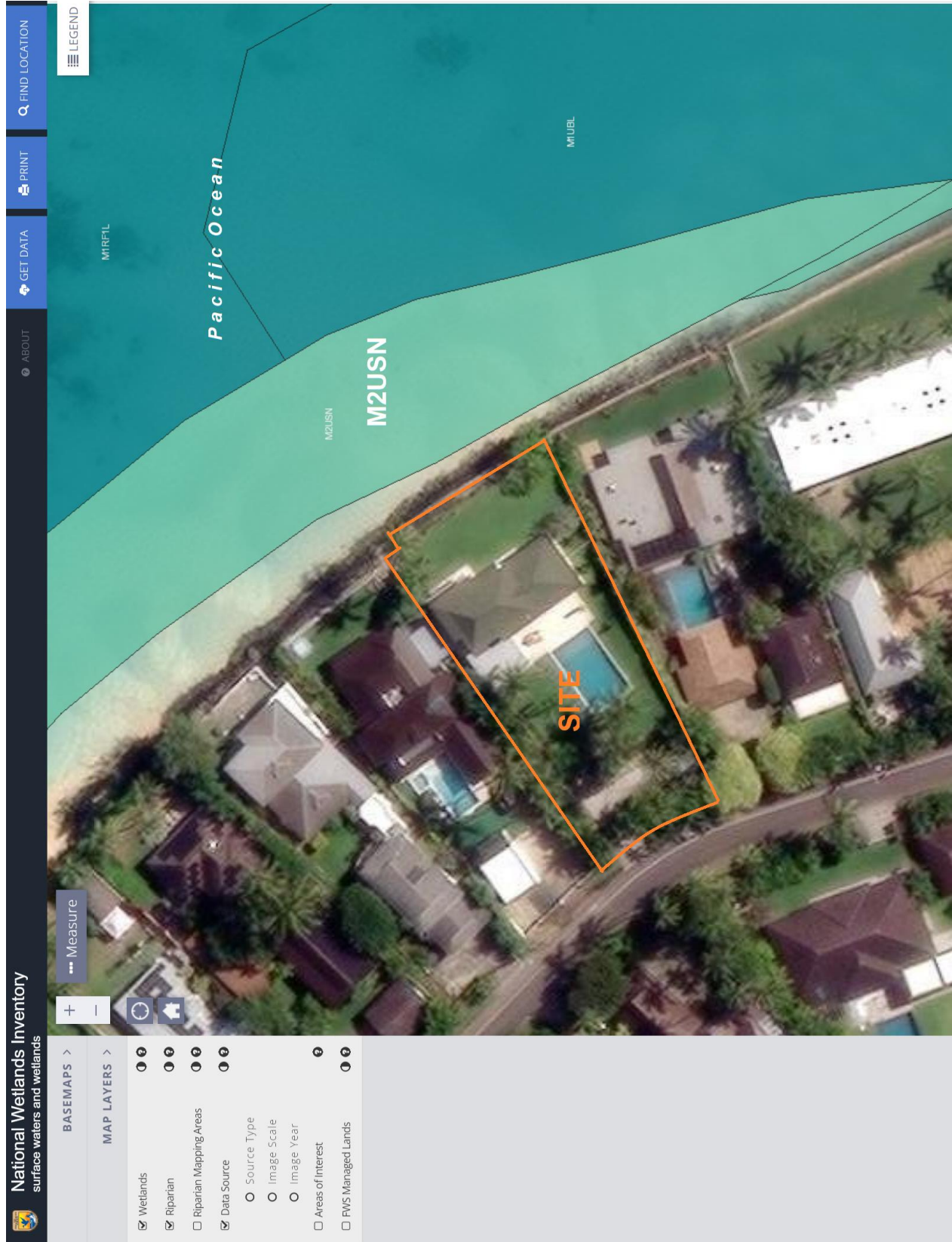


EXHIBIT H

FILE NOS.: 2024/SMA-44
2024/SV-1

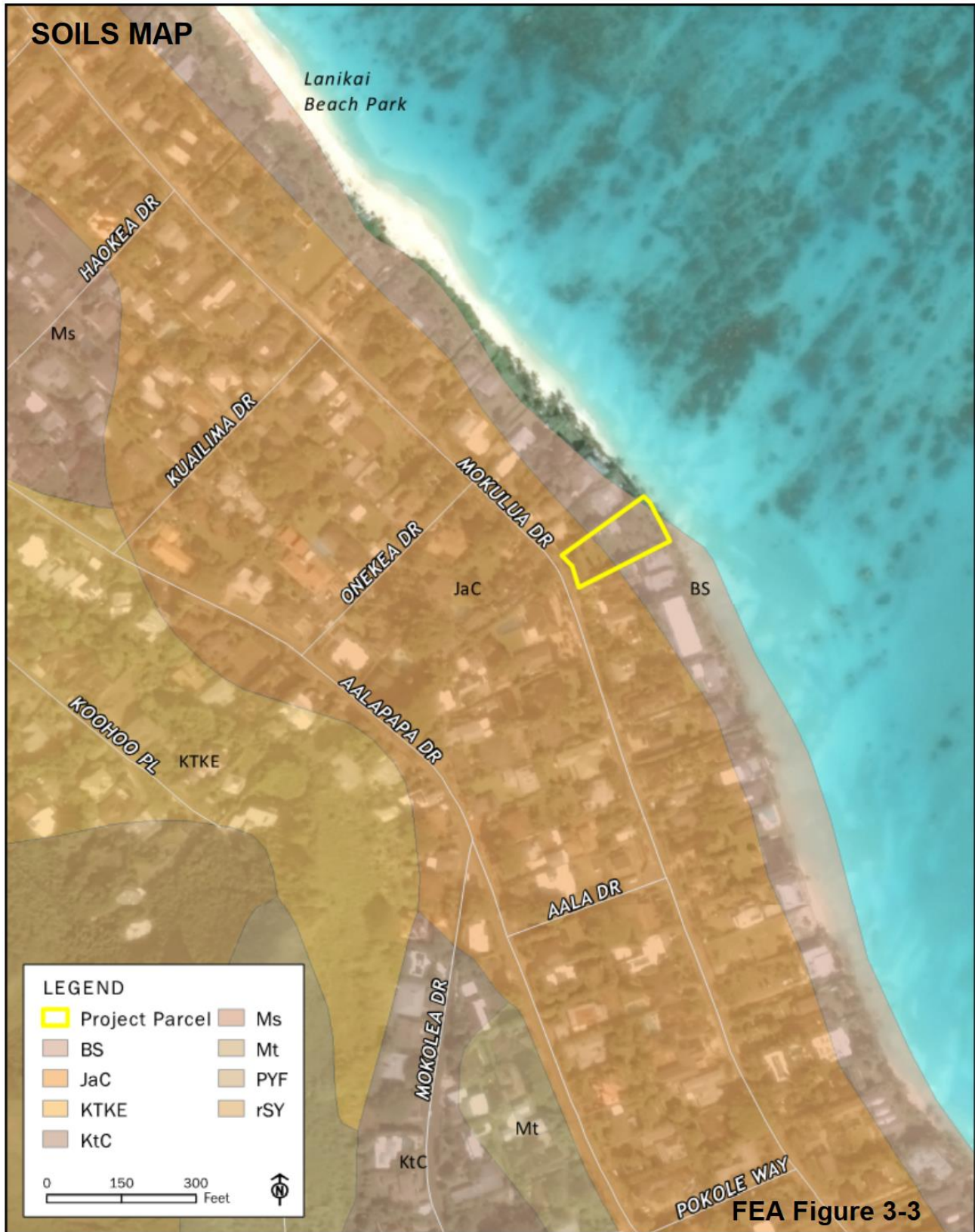


EXHIBIT I

FILE NOS.: 2024/SMA-44
2024/SV-1

Sea Level Rise : State of Hawai'i Sea Level Rise Viewer

An Interactive Mapping Tool in Support of the State of Hawai'i Sea Level Rise Vulnerability and Adaptation Report

[view full-screen map](#)

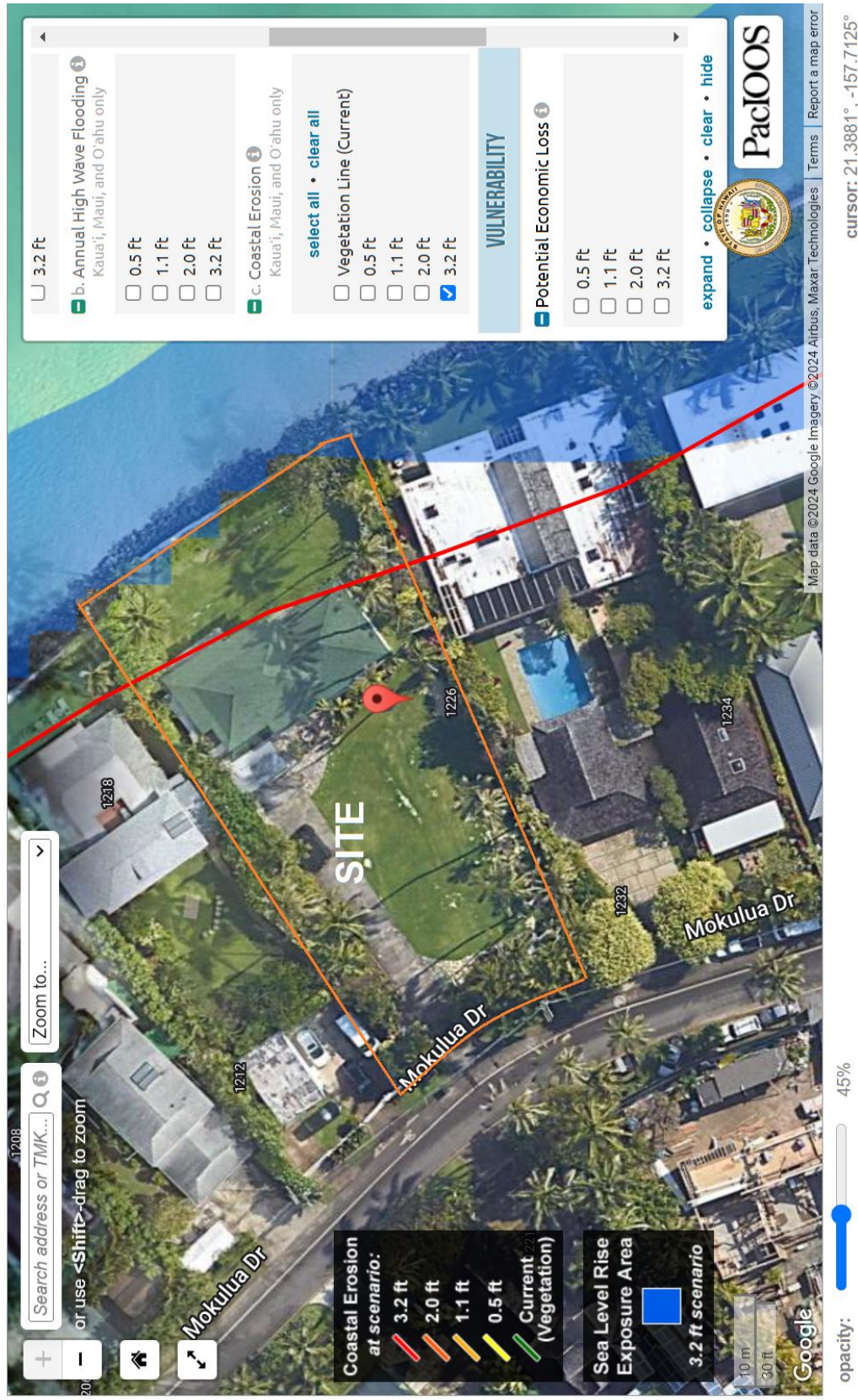


EXHIBIT J

FILE NO.: 2024/SMA-44
2024/SV-1

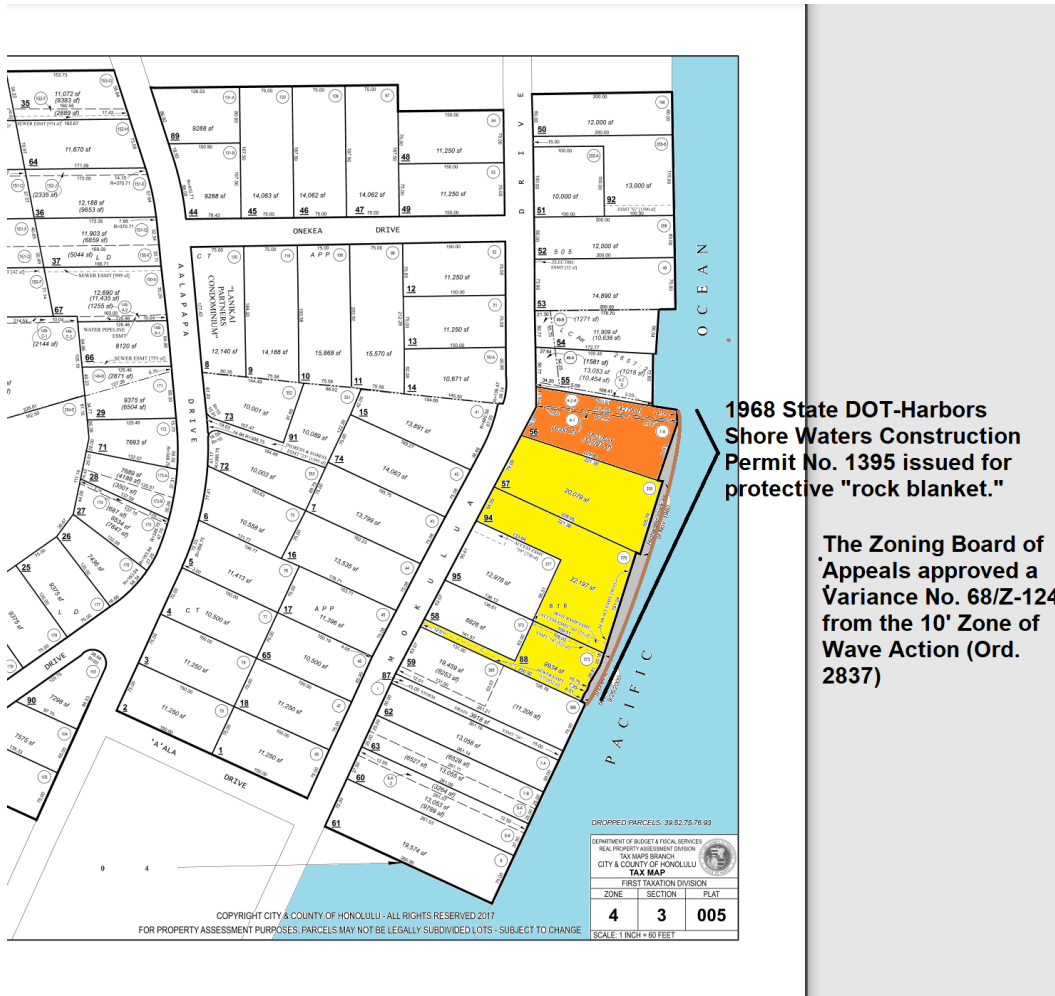
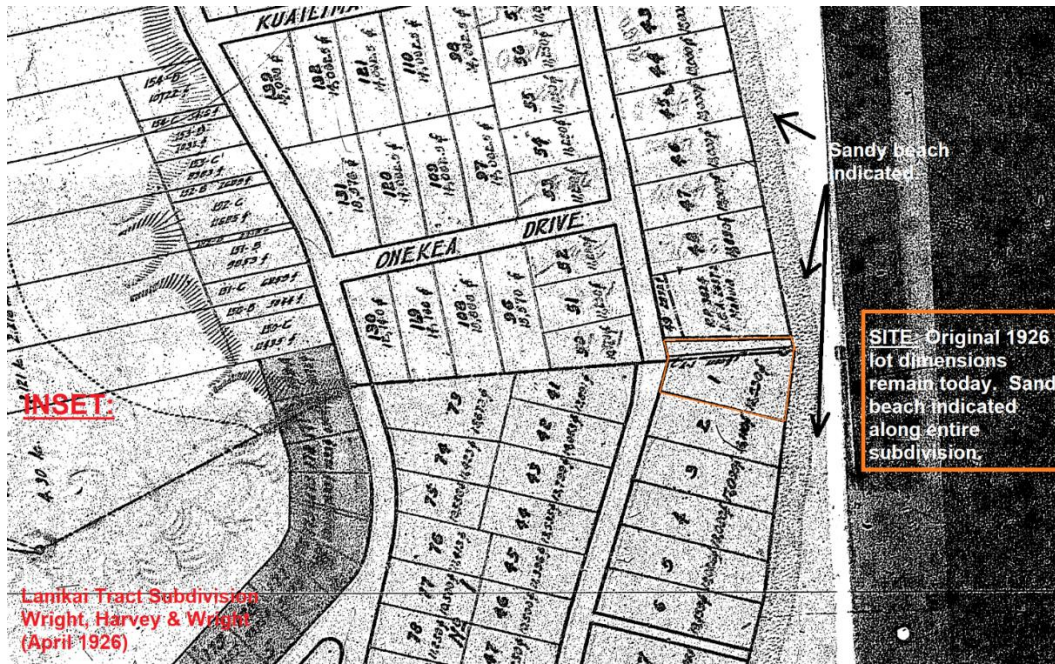


EXHIBIT M-1

**FILE NO.: 2024/SMA-44
2024/SV-1**



EXHIBIT M-2

**FILE NO.: 2024/SMA-44
2024/SV-1**



1994 DPP Shoreline Photo



2000 DPP Shoreline Photos

EXHIBIT M-3

**FILE NO.: 2024/SMA-44
2024/SV-1**



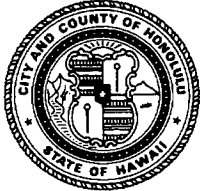
EXHIBIT M-4

**FILE NO.: 2024/SMA-44
2024/SV-1**



EXHIBIT M-5

**FILE NO.: 2024/SMA-44
2024/SV-1**



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. _____

RESOLUTION

DENYING A SPECIAL MANAGEMENT AREA MAJOR PERMIT AND SHORELINE SETBACK VARIANCE TO ALLOW THE EXPANSION AND FORTIFICATION OF A NONCONFORMING CONCRETE SEAWALL IN LANIKAI, O'AHU.

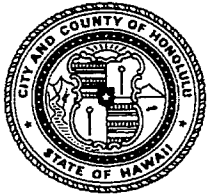
WHEREAS, on May 3, 2024, the Department of Planning and Permitting ("DPP") accepted the application (File Nos. 2024/SMA-44 and 2024/SV-1) of Graham and Elaine Smith (the "Applicant") for a Special Management Area ("SMA") Major Permit and Shoreline Setback Variance ("SSV") to allow the installation of 16-foot deep steel sheet piles on the mauka side of the existing nonconforming seawall, covered and bolted to the seawall by a concrete sheet pile cap, held in place by nine steel tie-back rods attached to nine concrete deadman anchors buried 25 feet mauka of the seawall, including the addition of concrete splash lip of one to 3.5 feet in height atop the nonconforming seawall on an 18,076-square-foot shoreline lot, zoned R-10 Residential District, located at 1226 Mokulua Drive, in Lanikai, and identified as Tax Map Key 4-3-005: 056 ("the Project"); and

WHEREAS, on July 3, 2024 (the Applicant having requested an extension of the 60-day administrative deadline) the DPP held a public hearing at the Fasi Municipal Building 6th Floor Conference Room, which was attended by seven members of the Applicant's Agent and their consultants, and DPP staff; and which was attended remotely by the Applicant and several members of the public. Three members of the public, including a representative of the Surfrider Foundation, provided oral testimony in opposition to the Project.

WHEREAS, on August 19, 2024, within 45 calendar days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Revised Ordinances of Honolulu 2021 §§ 25-3.1, 25-4.1, and 26-1.8(b)(3)(B)(C)(D), and Hawai'i Revised Statutes §§ 205A-2, and 205A-26, completed its report and transmitted its findings and recommendation of denial to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on _____, by Departmental Communication No. _____, and having duly considered all of the findings and reports on the matter, desires to deny the subject application for an SMA Use Permit and SSV; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Major Permit and SSV for the Project be denied.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. _____

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Jeffery Overton, G70, 111 South King Street, Suite 170, Honolulu, Hawai'i 96813; Dawn Takeuchi Apuna, Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; and Mary Alice Evans, Director of the Office of Planning and Sustainable Development, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawai'i 96804-2359.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

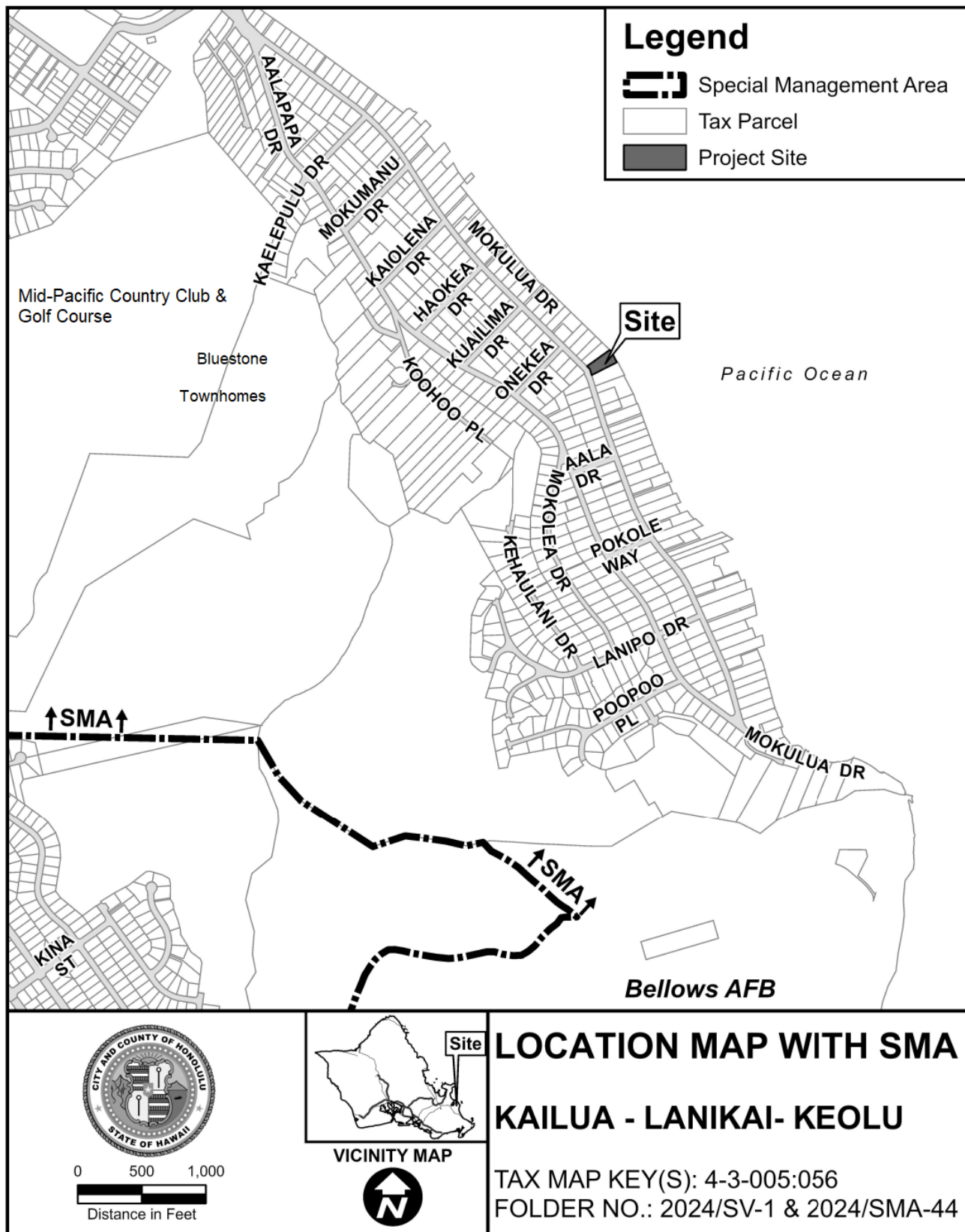


EXHIBIT A



EXHIBIT B

FILE NOS.: 2024/SMA-44

2024/SV-1



Conceptual Site Plan

Figure 3.7a

EXHIBIT D-1

FILE NOS.: 2024/SMA-44

2024/SV-1

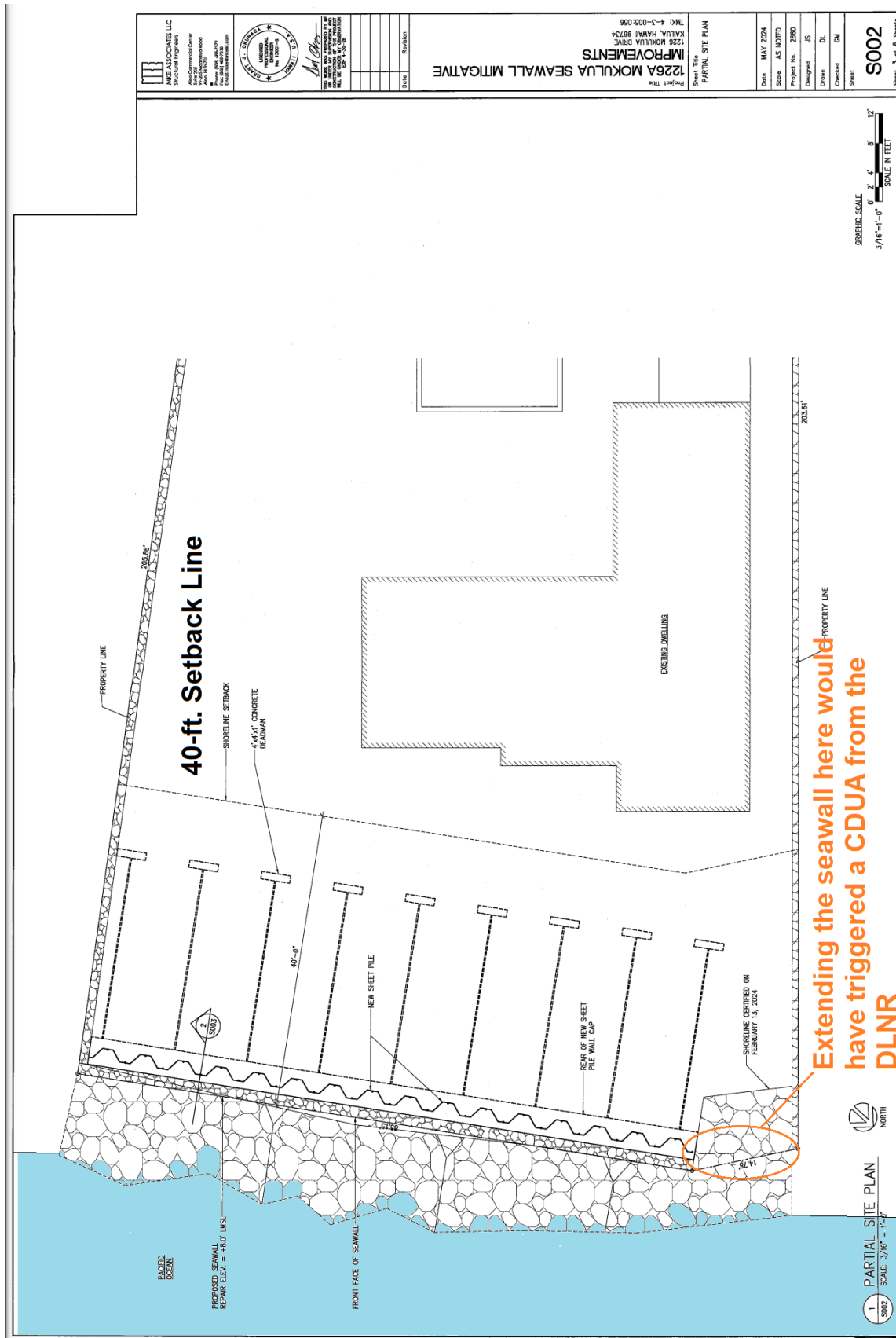


EXHIBIT D-3

FILE NOS.: 2024/SMA-44
2024/SV-1

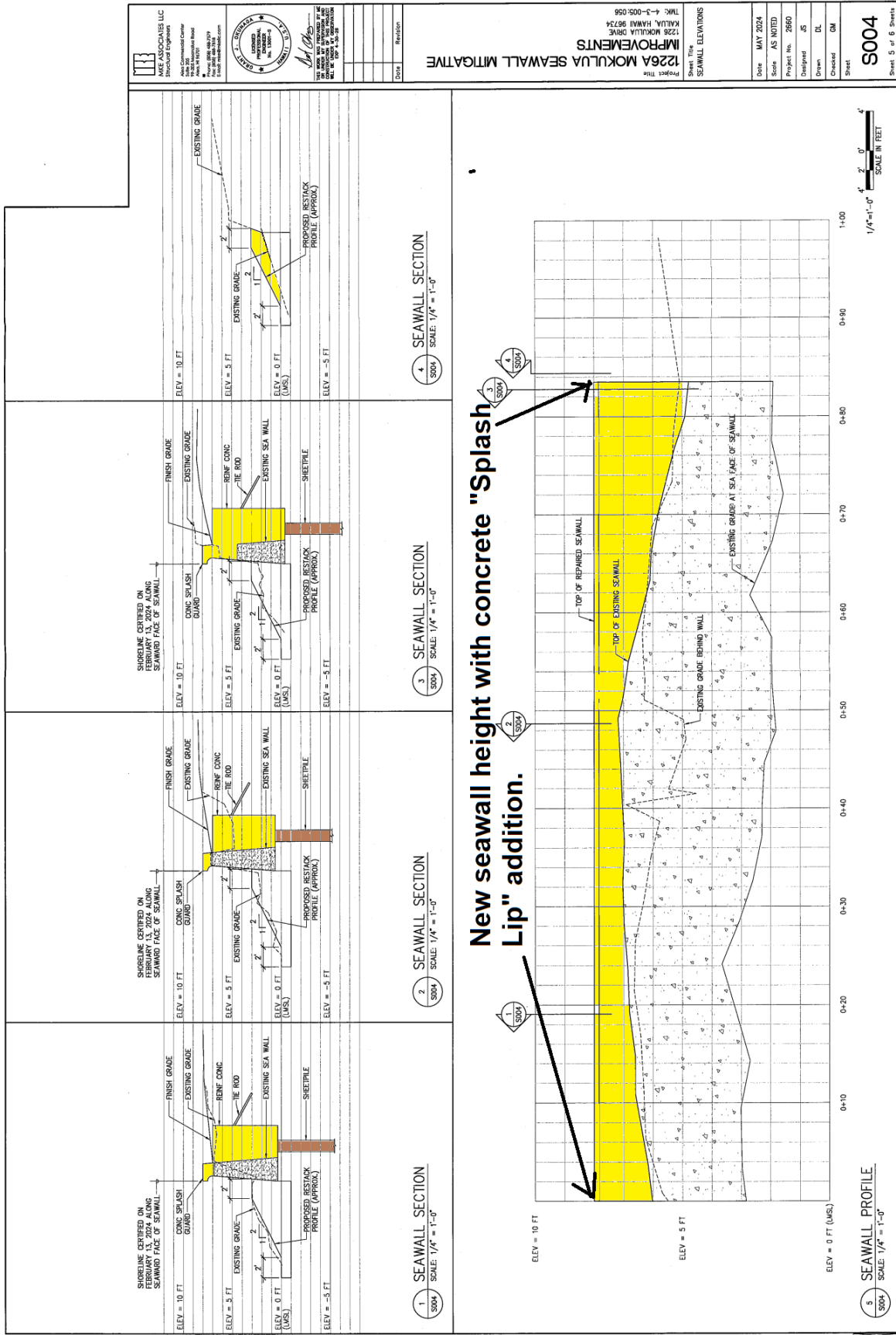
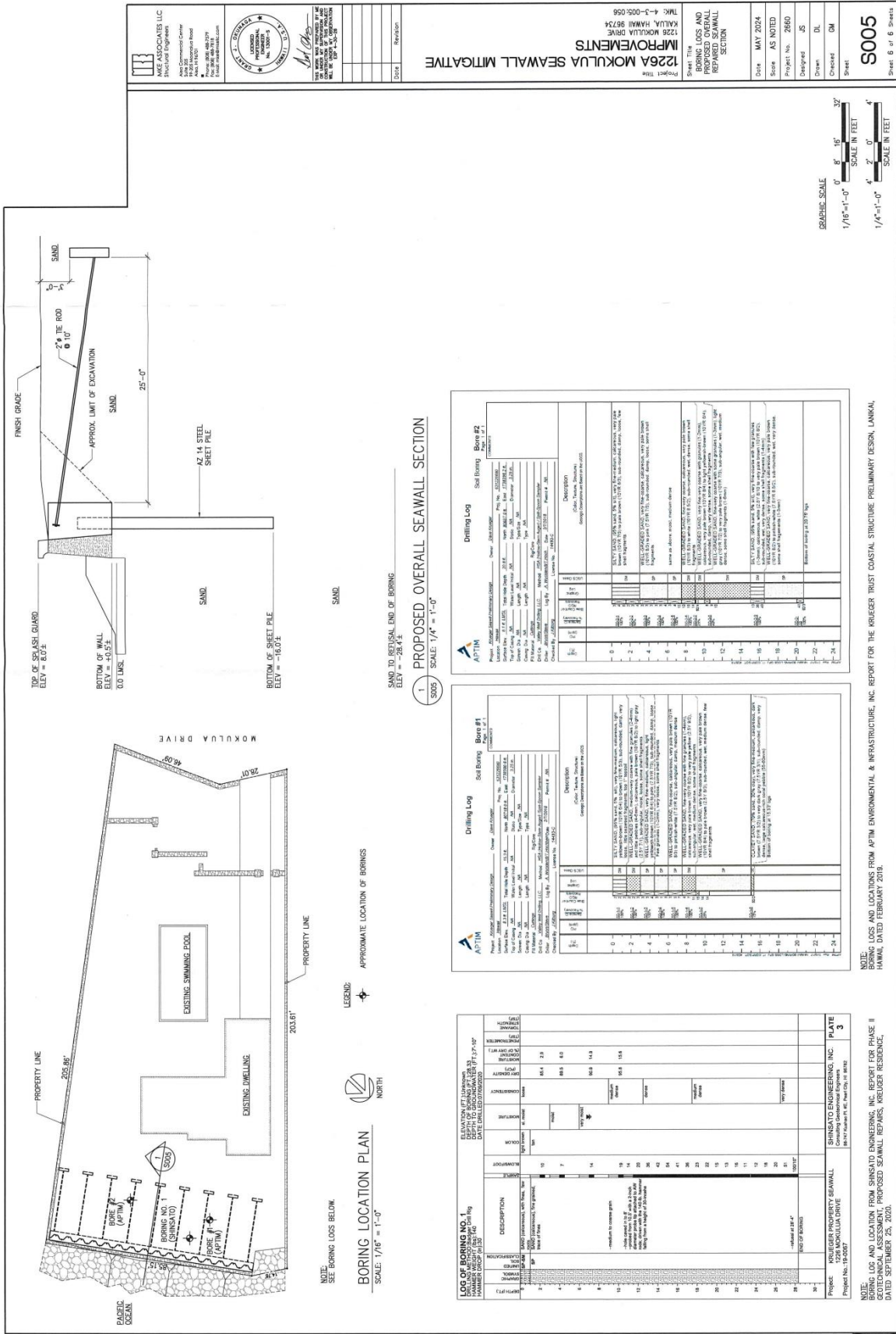
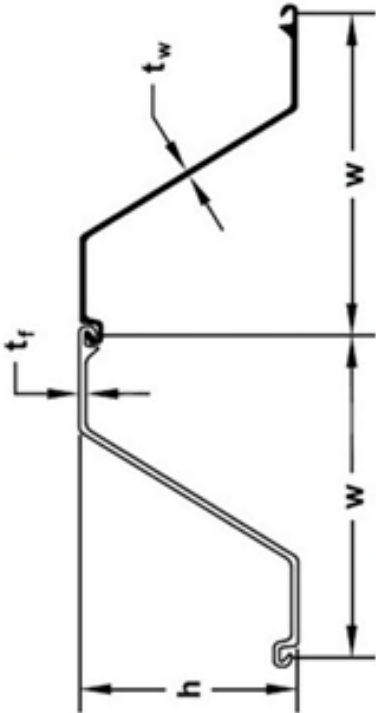


EXHIBIT D-4

FILE NOS.: 2024/SMA-44
2024/SV-1



NZ14 (hot rolled sheet piles)



Section description	Product group	Shape	Section Modulus	Moment of Inertia	Width	Height	Thickness flange	Thickness web	Weight single	Weight	Coating 2 sides	Coating area
NZ14	hot rolled sheet pile	Z	in^3/ft cm^3/mm	in^4/ft cm^4/mm	inch mm	inch mm	inch mm	inch mm	lbs/ft kg/m	lbs/ft^2 kg/m^2	ft^2/ft m^2/m	ft^2/ft^2 m^2/m^2
			25.65 1379	171.7 23447	30.31 770	13.39 340	0.375 9.5	0.375 9.5	55 81.85	21.77 106.281	6.1 1.86	1.208 1.86



EXHIBIT D-6

FILE NOS.: 2024/SMA-44
2024/SV-1

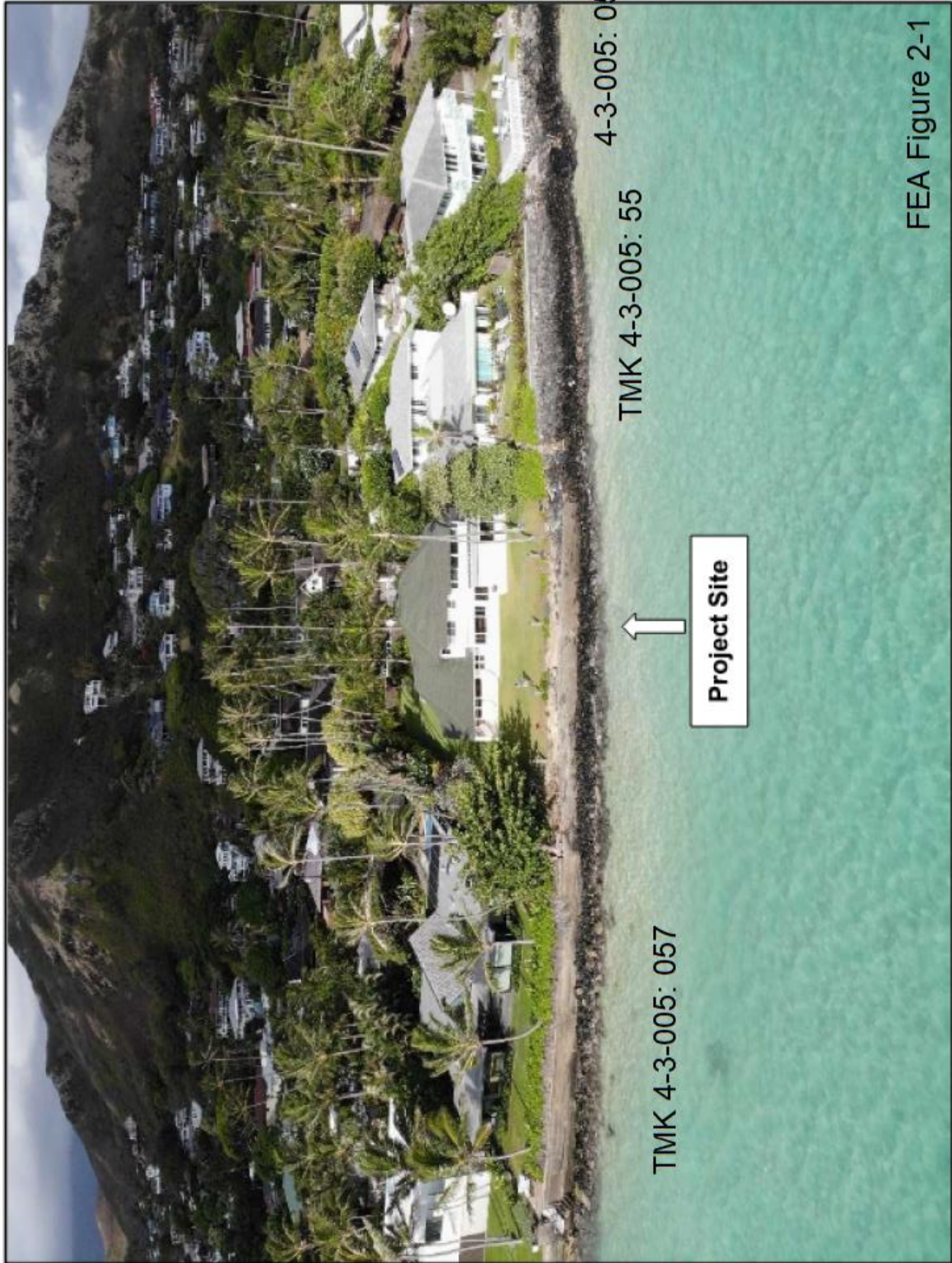


EXHIBIT E-1

**FILE NOS.: 2024/SMA-44
2024/SV-1**

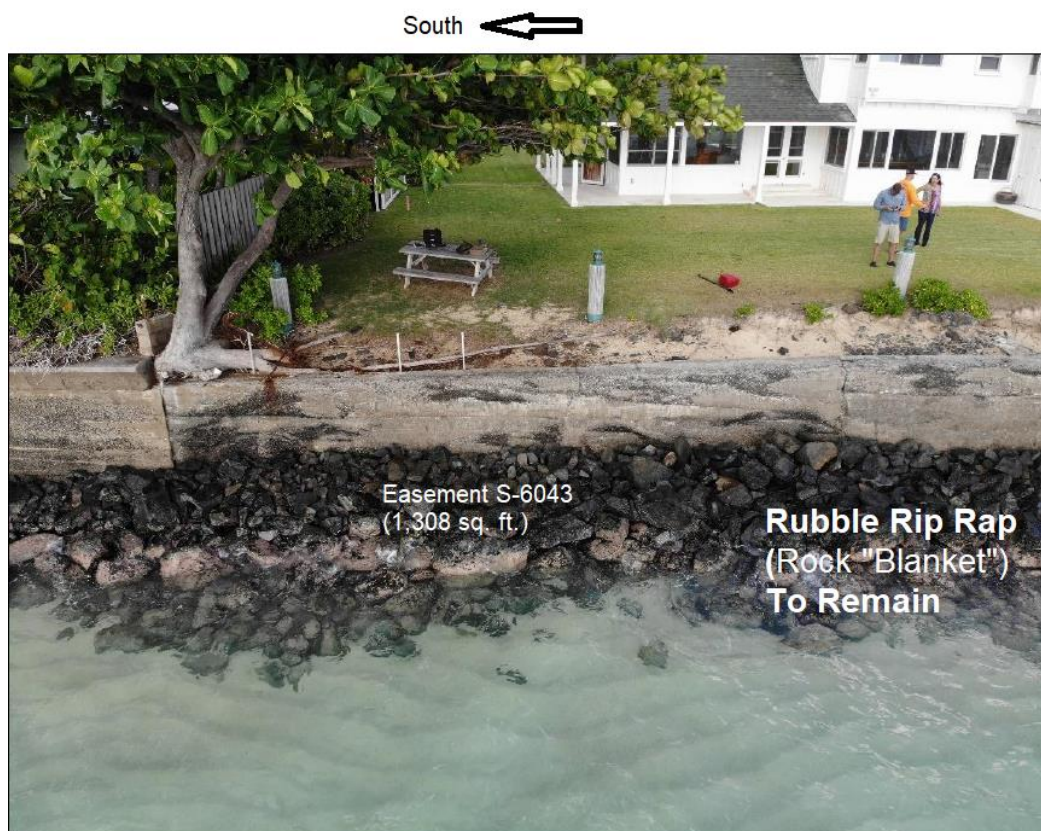
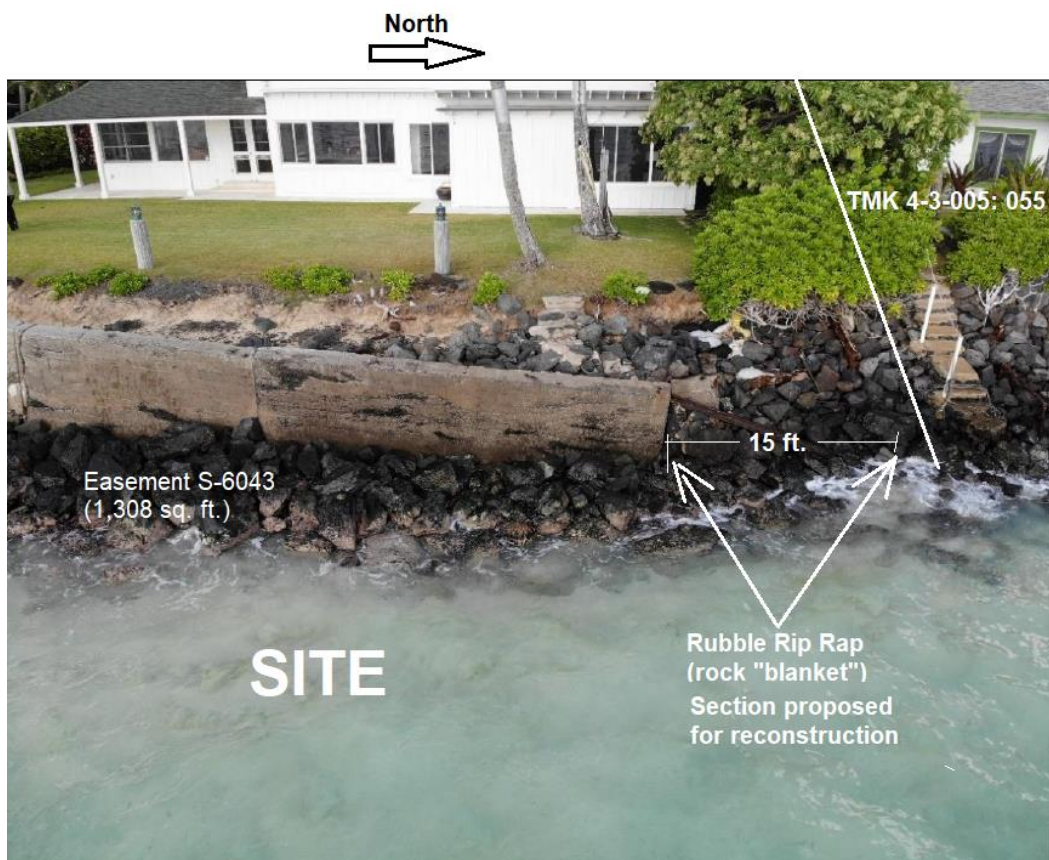


EXHIBIT E-2

FILE NOS.: 2024/SMA-44

2024/SV-1



EXHIBIT E-3

**FILE NOS.: 2024/SMA-44
2024/SV-1**

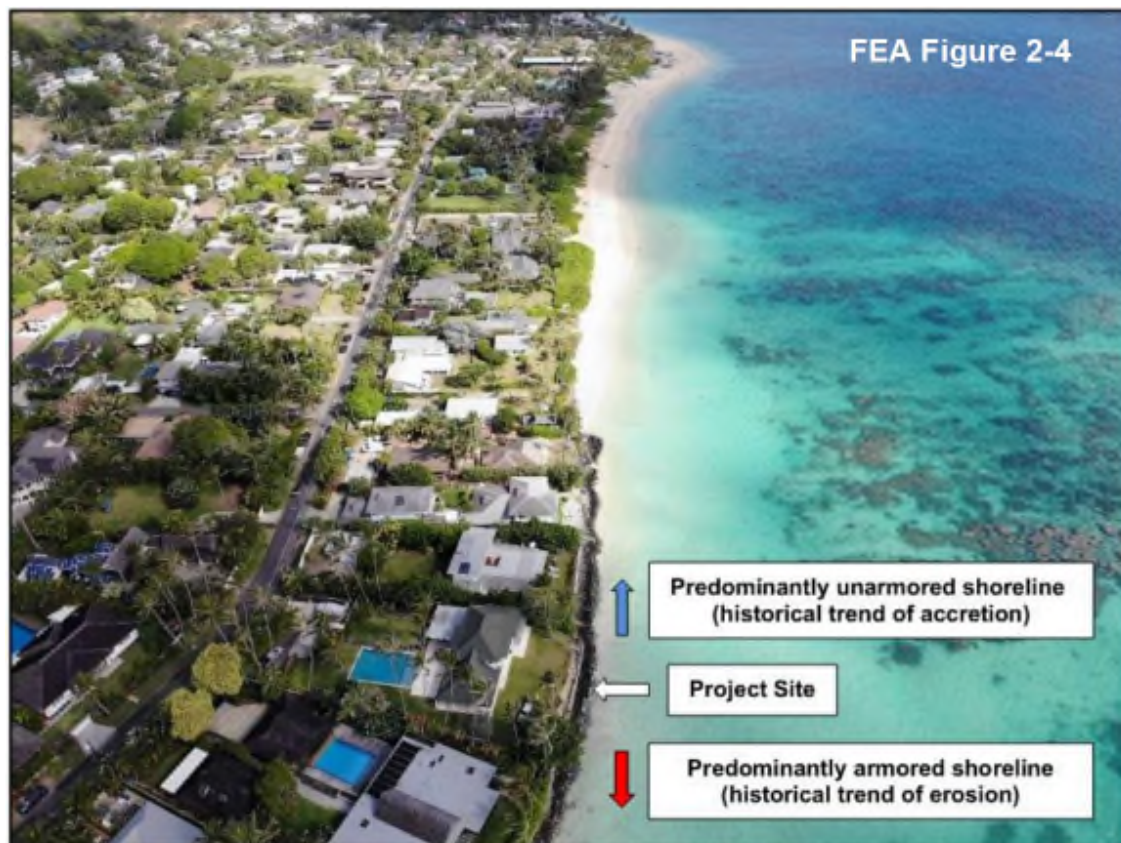
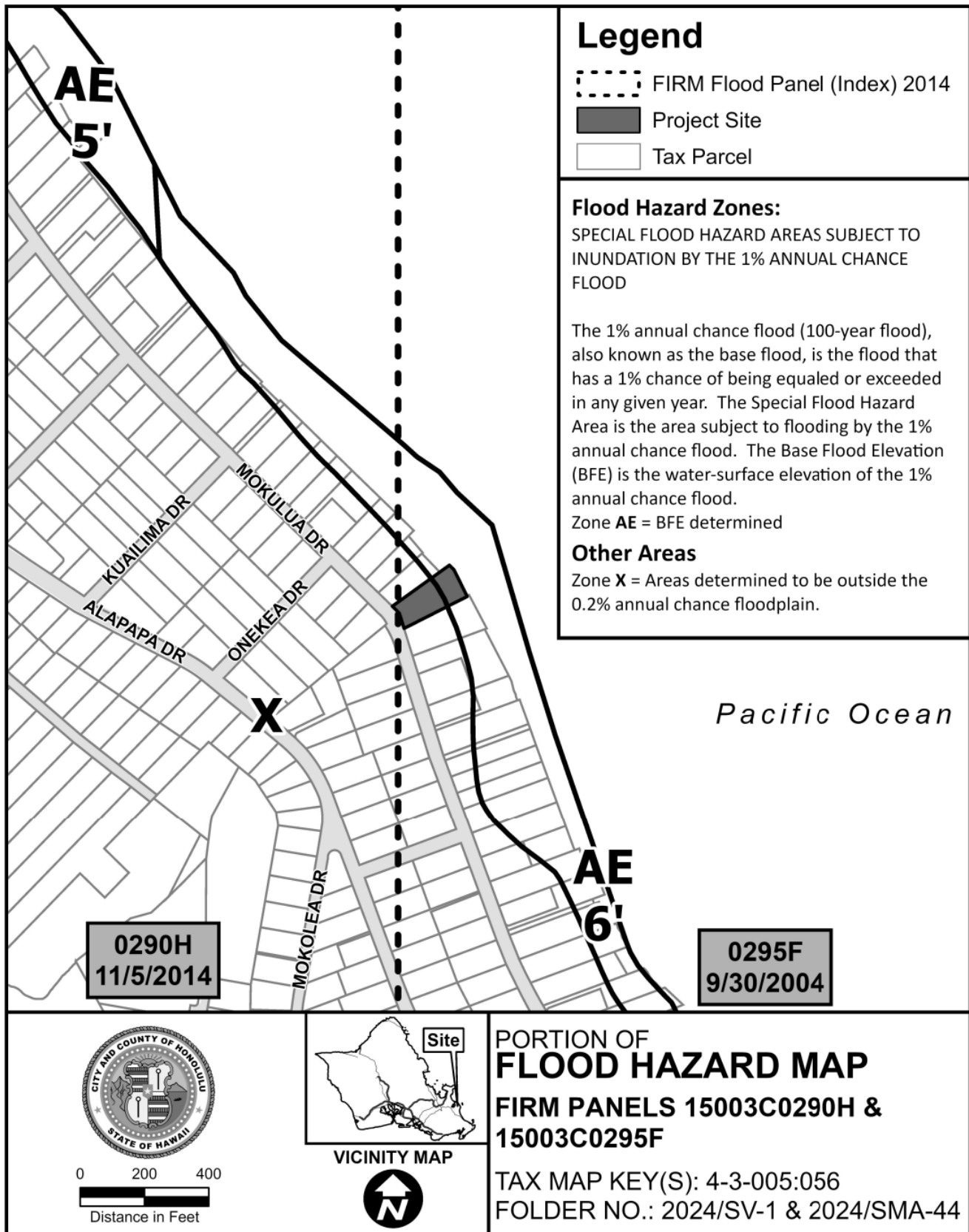


EXHIBIT G

FILE NOS.: 2024/SMA-44
2024/SV-1



Prepared by: Honolulu Land Information System (HoLIS) - ADS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 05/2024

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EXHIBIT F

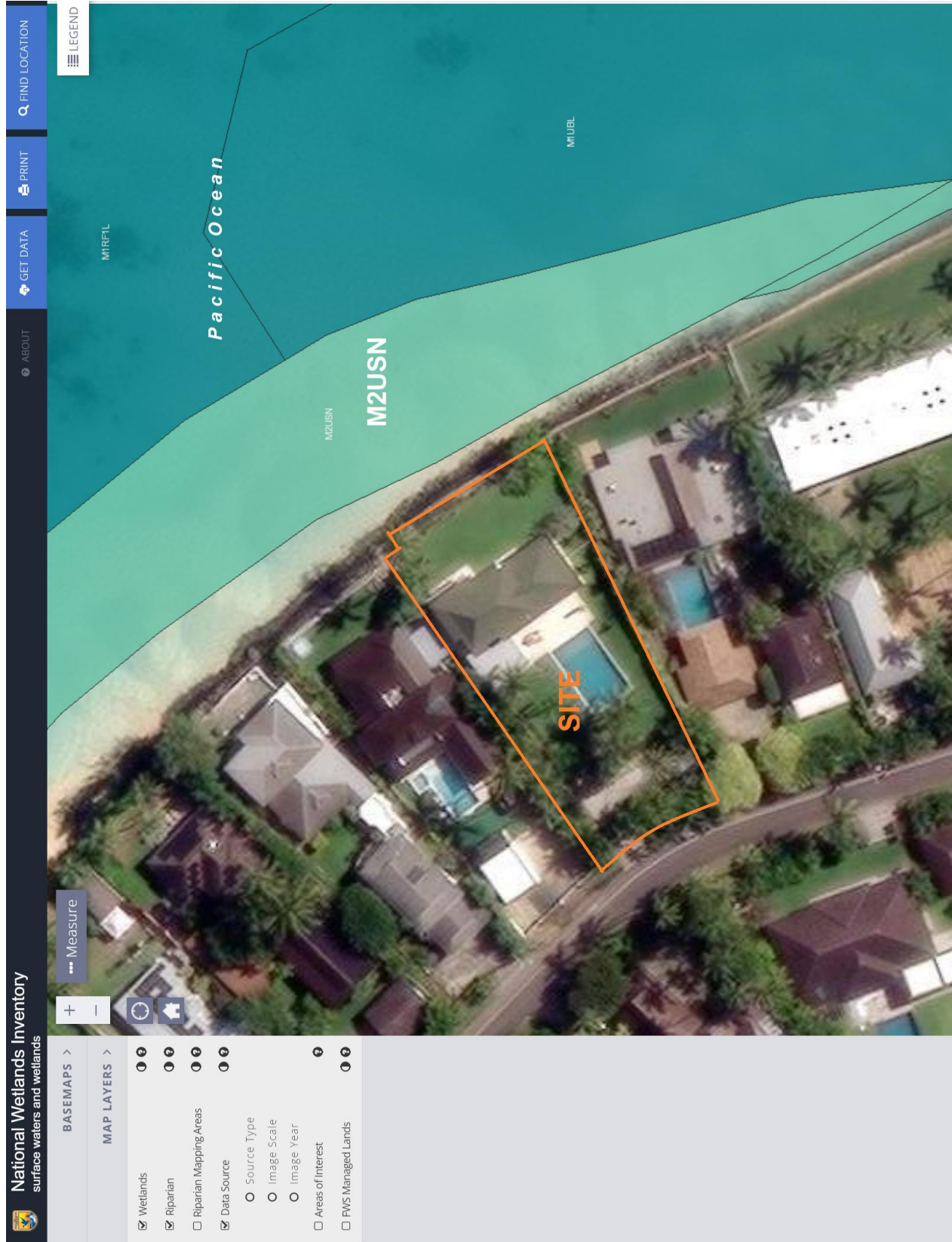


EXHIBIT H

**FILE NOS.: 2024/SMA-44
2024/SV-1**

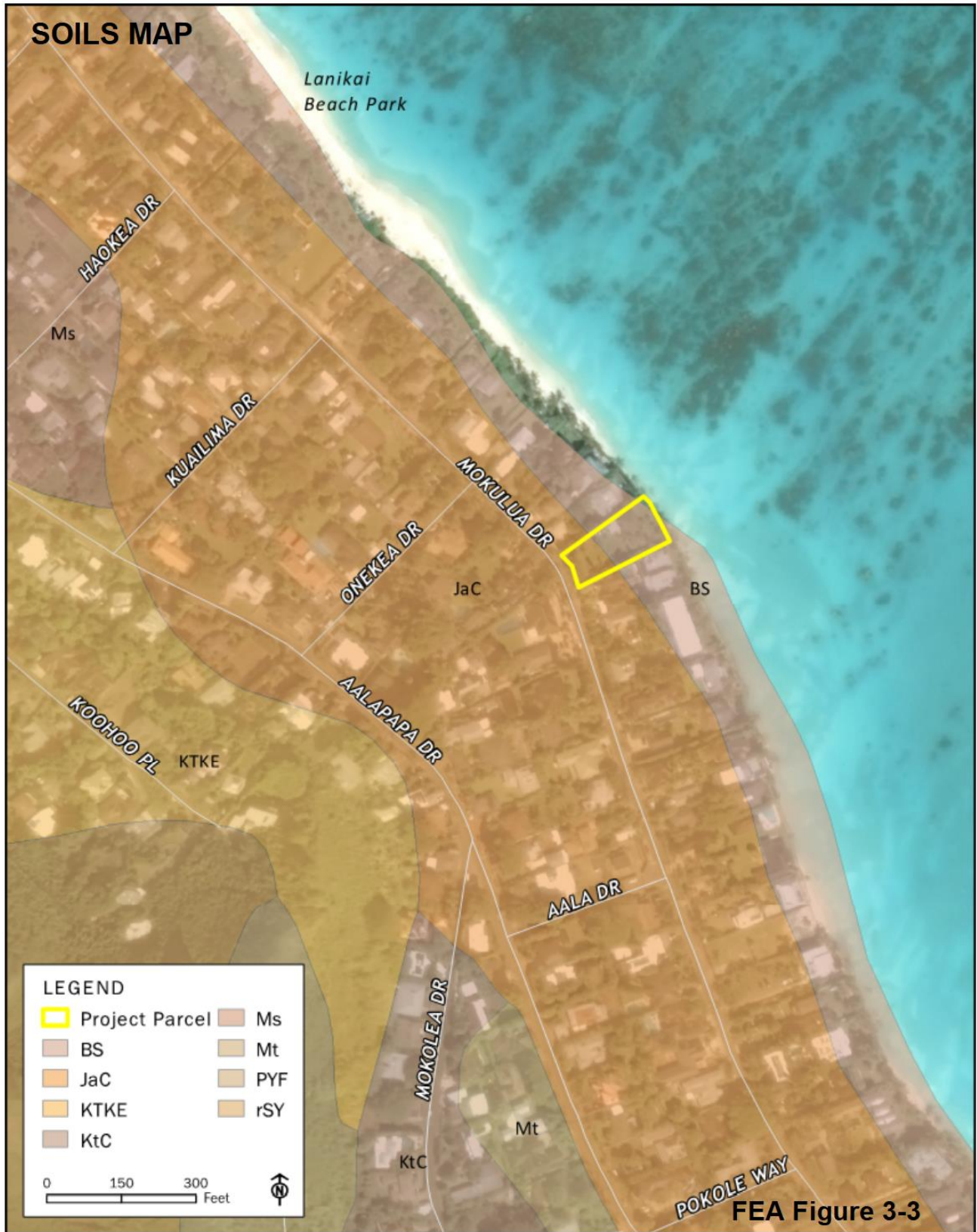


EXHIBIT I

FILE NOS.: 2024/SMA-44
2024/SV-1

Sea Level Rise : State of Hawai'i Sea Level Rise Viewer

An Interactive Mapping Tool in Support of the State of Hawai'i Sea Level Rise Vulnerability and Adaptation Report

[view full-screen map](#)

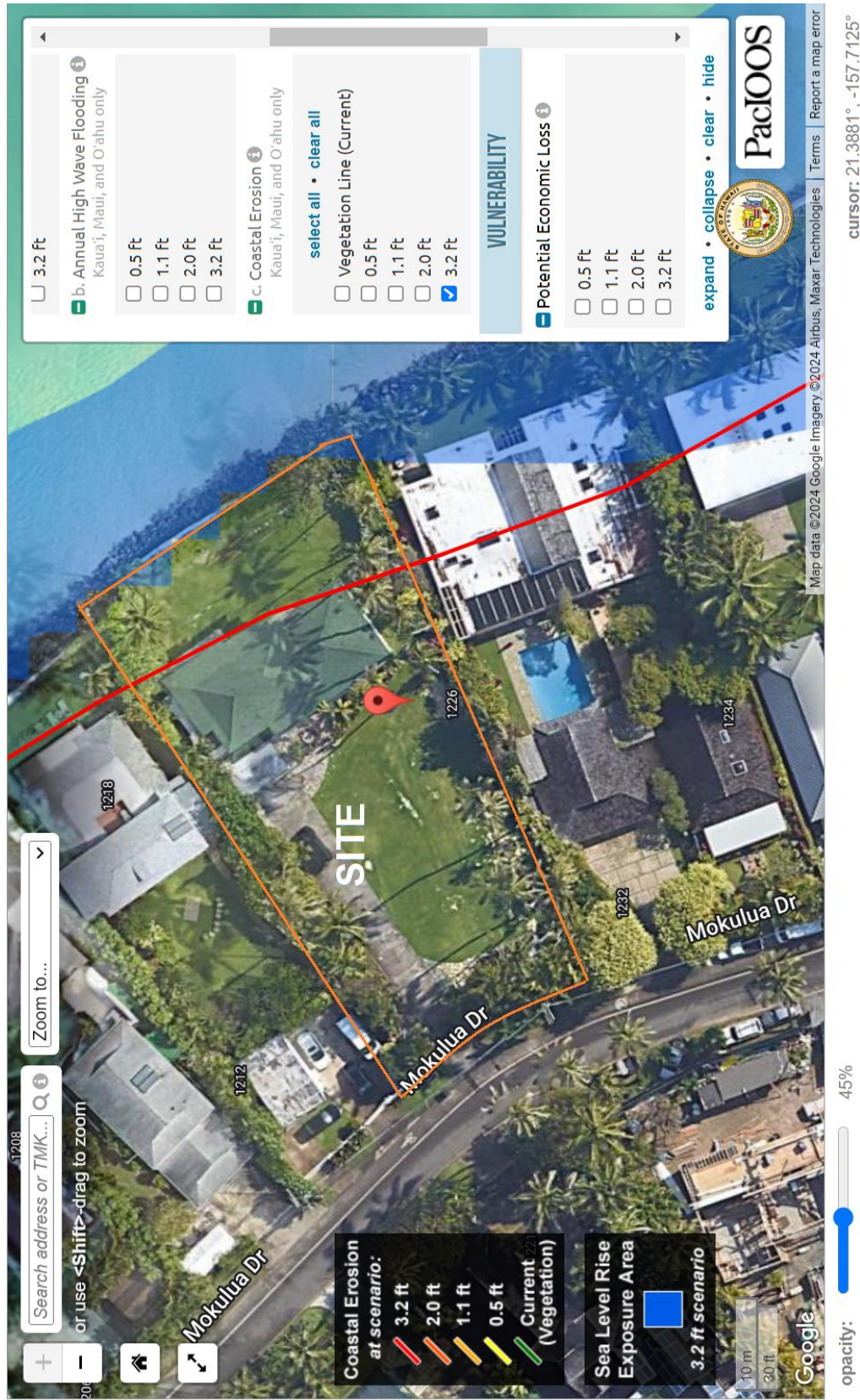


EXHIBIT J

FILE NO.: 2024/SMA-44
2024/SV-1



1

FILE NO.: 2024/SMA-44
2024/SV-1

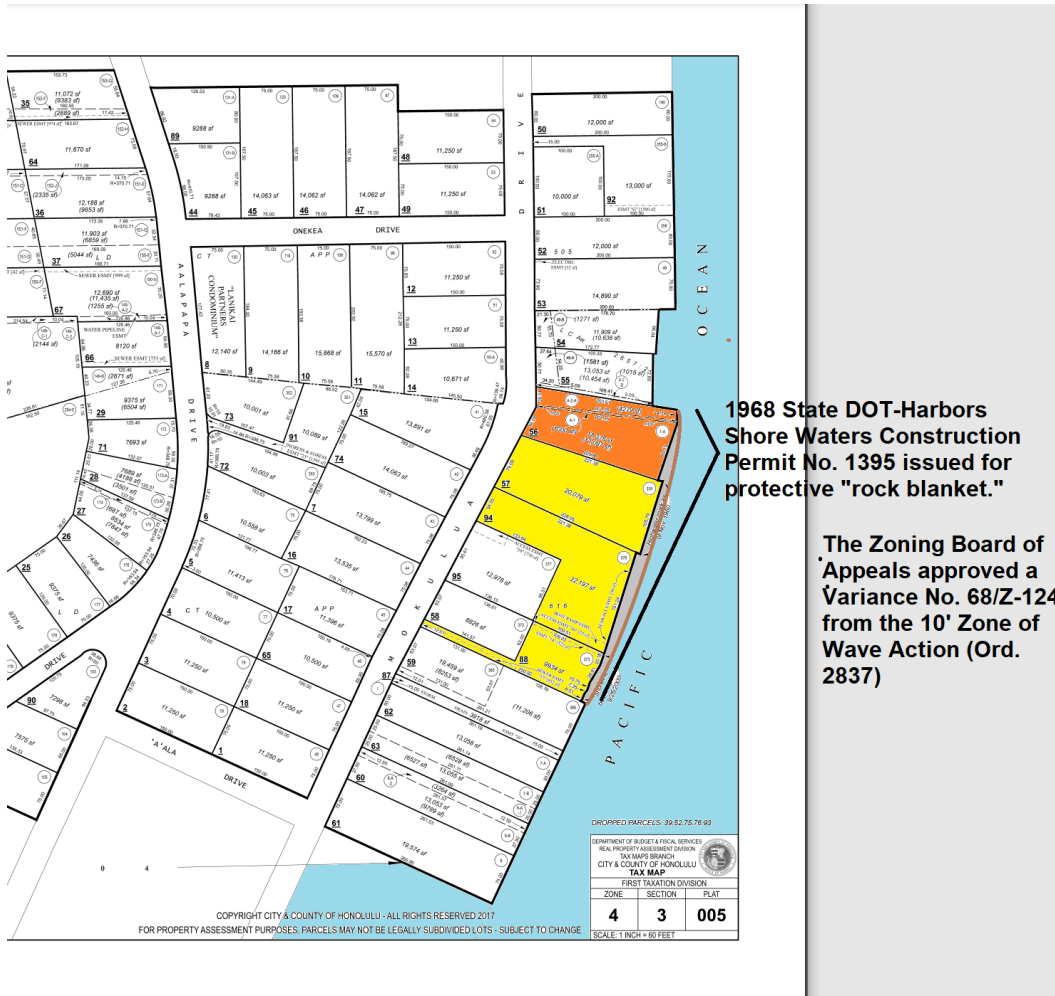
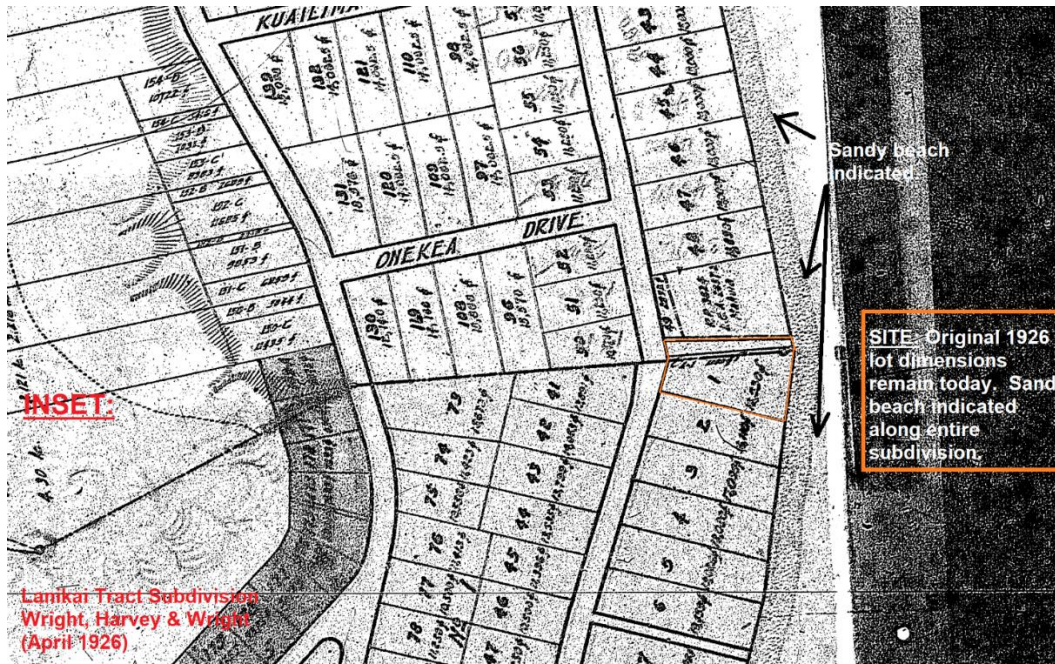


EXHIBIT M-1

**FILE NO.: 2024/SMA-44
2024/SV-1**



1986 DPP Shoreline Photo



SITE

Approximate location of 1968 "Rock blanket"

4-3-05

4-12-1989
1989 DPP Shoreline Photo

EXHIBIT M-2

**FILE NO.: 2024/SMA-44
2024/SV-1**



1994 DPP Shoreline Photo



(TMK 4-3-005: 057)

(TMK 4-3-005: 056)

SITE

2000 DPP Shoreline Photos

6. 19. 2000

EXHIBIT M-3

**FILE NO.: 2024/SMA-44
2024/SV-1**



EXHIBIT M-4

**FILE NO.: 2024/SMA-44
2024/SV-1**



EXHIBIT M-5

**FILE NO.: 2024/SMA-44
2024/SV-1**