RES24-151
Testimony

MISC. COMM. 388

COUNCIL

COUNCIL Meeting

Meeting Date: Sep 4, 2024 @ 10:00 AM

Support: 11

Oppose: 12

I wish to comment: 3

Name:	Email:	Zip:
Johnnie-Mae Perry	waianaenb569@gmail.com	96792
Representing:	Position:	Submitted:
Self	Support	Aug 30, 2024 @ 02:21 AM

Testimony:

These additional lands will help build more affordable homes for the beneficiaries on the waitlist at DHHL.

I, Johnnie-Mae L. Perry thereby SUPPORT Reso 24-151.

Name:	Email:	Zip:
Ralph Schroeder	r.schroeder110@protonmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Aug 31, 2024 @ 09:28 AM

Name:	Email:	Zip:
Jana Schroeder	daysevens@gmail.com	32514
Representing:	Position:	Submitted:
Self	Oppose	Aug 31, 2024 @ 11:14 AM

Name:	Email:	Zip:
David Pound	david.scott.pound@gmail.com	96734-1832
Representing:	Position:	Submitted:
Self	Oppose	Sep 2, 2024 @ 09:26 PM

Name:	Email:	Zip:
LeGrand Pound	lpound4031@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Sep 2, 2024 @ 09:47 PM

Name:	Email:	Zip:
Wynn Miyamoto	wrm74@yahoo.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Sep 2, 2024 @ 10:57 PM

Testimony:

Thank you for the opportunity to provide testimony on this topic. I am a resident of the 600 block of the Kalaheo Hillside area, immediately downhill of the subject parcel. I am opposed to the resolution. I have had issues with the poor soils in the area, including cracking in my wall, sidewalks, and home and uneven floors. I am in favor of DHHL building homes, but it would be doing a disservice to existing residents and potential future residents to construct homes on land with known poor soils.

I am a registered civil engineer with over 25 years of experience. I am aware that there are methods available to construct

homes to compensate for poor soils. However, these methods can be expensive. DHHL has stated they are considering turning over the lots to the lessees to construct homes themselves. Although this would save time, it would place the financial burden of providing suitable foundations on the homeowner if they are informed of the condition of the soils. It would also eliminate the environmental review process that DHHL would need to follow if they construct the homes themselves. DHHL needs to maintain accountability for the construction of the homes, including geotechnical investigations for each individual lot. Due to variability in geotechnical conditions, borings need to be taken for each home to ensure proper foundations are provided for homes, pavements, and any other structures. If DHHL chooses to partner with a developer to have the homes built, they need to maintain accountability and be involved in every aspect of the project, including planning, design, and construction. Permitting agencies require property owners to sign permit applications to indicate they are responsible for all work that is being performed on their property.

DHHL needs to accept responsibility if there are any damages to existing homes due to construction activities. The reports and field work to be performed is only as good as the scope of work they are provided with. Geotechnical tests need to test the potential for slumping and expansion/swelling potential of the soil. Soil borings need to be deep enough to determine if there is suitable material to build foundations on. An adequate number of borings must be taken. I have worked on a project in the Kalaheo hillside area where basalt (hard rock suitable for foundations) was encountered a couple of feet below ground surface in one boring. Another boring about 100 feet away and 40 feet deep did not encounter basalt, only clay. Geotechnical conditions within the same project area can be variable and unpredictable.

I am opposed to the City taking responsibility for constructing the road and utilities for the development. This is a large financial commitment that is not afforded to any other developer or agency. Typically, a developer is responsible for designing and constructing roadways and utilities to meet City and County standards and turns the road over to the City.

If the property is found to be unsuitable for the construction of homes by either DHHL or the City, the property zoning should be changed to Preservation.

Name:	Email:	Zip:
Shelley Miyamoto	gammiekerms@hotmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Sep 3, 2024 @ 12:39 AM

Name:	Email:	Zip:
Madelyn McKeague	madelyn@hawaiiancouncil.org	96707
Representing:	Position:	Submitted:
Council for Native Hawaiian Advancement	Support	Sep 3, 2024 @ 10:05 AM

Name:	Email:	Zip:
Christopher Evans	cwevans727@gmail.com	96744
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 3, 2024 @ 04:50 PM

Name:	Email:	Zip:

Karen Hanson	tekhanson@gmail.com	96734
Representing: Self	Position: Oppose	Submitted: Sep 3, 2024 @ 05:07 PM
Name: Barbara Germann	Email: 4beege@gmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 3, 2024 @ 06:29 PM
Name: Jon Watase	Email: wonjatase@gmail.com	Zip: 96744
Representing: Self	Position: Support	Submitted: Sep 3, 2024 @ 08:53 PM
Testimony: Hawaii should belong to Hawaiians not foreign people		
Name: Kali Watson	Email: nicole.l.kinilau-cano@hawaii.gov	Zip: 96707
Representing: Department of Hawaiian Home Lands	Position: Support	Submitted: Sep 3, 2024 @ 09:24 PM
Name: Deven Latimer	Email: Deven.Latimer5@icloud.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 3, 2024 @ 09:44 PM
Name: Ryan Agee	Email: R_AGEE@HOTMAIL.COM	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Sep 3, 2024 @ 10:08 PM
Testimony: I oppose this measure on behalf of current and potential FUTURE residents of our Hillside community. I've recently learned about a lot of the issues of home ownership on the sliding hill of Kalaheo from testimony of our neighbors. We've also experienced our own unique challenges to home ownership. We purchased our home on Iliaina St in 2021, using our savings. Three years into ownership, we are $75,000 and counting in repairs due to the shifting soil. Immediately upon purchase, we had to repair a collapsed portion of the retaining wall in the backyard that protects our home from landslides and runoff damage. If that were not enough, we were then forced to replace our sewer drains UNDER THE SLAB, which were broken and pooling, causing organic growth FROM THE SEWER, GROWING THROUGH OUR		

FLOORS AND INTO OUR HOME. The likely cause, according to our contractor, was an unstable foundation due to soil movement and sinkholes beneath the house. Every day for nearly six months when I pulled into my driveway and looked through my daughter's room into the hallway due to the exterior wall having been removed to access the needed repairs, I experienced the sinking feeling in my gut and the nagging doubt if my home purchase was wise. I call on you to oppose this measure or pass my experience on to more families.

In full empathy for our local Hawaiian families challenged with affordable housing, I wholeheartedly support logical efforts to solve the crisis. This proposal is not logical, safe, or affordable. Building on unstable ground for merely two dozen families (or less), seems incredibly irresponsible. Regardless of future liabilities to the City and State, knowingly putting future families already challenged through even more future hardship is reckless. Furthermore, the damages thrust upon the extant neighbors by developing on the adjacent land and overburdening traffic and utility services seem short-sighted.

Another issue is the liability of the city during and after the proposed development. Existing studies indicate unstable ground that will continue to move, and my neighbors and I are concerned this will be accelerated or amplified when the growth is removed and the dirt is grated. What will happen to our homes that are below and adjacent to the lots to be developed? Will the city turn a blind eye to our needs, THE CURRENT RESIDENTS that pay property tax? How will the city ensure we will be protected from the lowest-bid developers?

I am outright in opposition to this measure on behalf of current and potential FUTURE residents of our Hillside. An alternative position might consider increased housing opportunities (through vertical development) in more stable and suitable land in which utilities and traffic flow can be planned. More families will be better served. Considering the vast investment already sunk into the rail system, developing such housing in immediate proximity to the services provided by our new and pricey rail might also be fortuitous.

As for the land on the hillside, consider developing (professionally) the trail network enjoyed by thousands throughout the year, ensuring appropriate conservation efforts are incorporated to help provide lasting access to our beautiful green spaces. Not only will this preserve the beauty of our beloved Oahu, but such local investment could further drive demand in our local businesses for mountain biking, hiking, trail running, dog walking, bird watching, and tourism. Investments like this are a responsible means to enhance business and revenue generation that will further the means to resolve our housing crisis. Attempting to hide behind the honor of the Hawaiian Ali'i with this resolution holding their namesake is shocking, and the writers should be professionally embarrassed.

Name:	Email:	Zip:
GARY WELLER	wellerge@manaikaika.com	96734-1805
Representing:	Position:	Submitted:
knb31	Oppose	Sep 4, 2024 @ 01:08 AM
Name:	Email:	Zip:

Jayme-Lee Mokulehua	jaymemokes@gmail.com	96795
Representing: Self	Position: Support	Submitted: Sep 4, 2024 @ 07:00 AM
Testimony: I support this resolution. My family has lived in Kailua for over 6 generations and we're care takers of loʻi kalo in Maunawili. I believe its an appropriate place for Hawaiian Homeland since Kailua was known for its rich cultural heritage. Sadly many Hawaiians are being displaced From Kailua due to The High costs.		

Name: Corbett Kalama	Email: corbettkalama@aol.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Sep 4, 2024 @ 07:06 AM
Testimony: Council Chair Waters and Distinguished members of the City Council, My name is Corbett Aaron (Kamoa) Kamohaikiokalani Kalama. The Kalama Family has lived in Kailua for generations. I'm one of 11 children who grew up in a 900 square foot rented home. I've watched many Hawaiian families from Kailua be displaced for decades. This is an opportunity to live in the place we know as "home". I stand in support of the legislation before you. I will dedicate my business acumen and time to seeing this undertaking to completion. Mahalo, Corbett A. K. Kalama		

Name: Ilima Quenga	Email: ilima2@msn.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Sep 4, 2024 @ 07:58 AM
Testimony: Support.		

Name: Shalia Kamakaokalani	Email: shalia.kamakaokalani@hmail.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Sep 4, 2024 @ 08:02 AM
Testimony: I support RES24-151.		

Name: Shay Smith	Email: kaohu23@aol.com	Zip: 96744
Representing: Self	Position: Support	Submitted: Sep 4, 2024 @ 08:15 AM
Testimony:		

We need to provide more homes for native Hawaiians. We are constantly robbed- not of opportunities but of access to land via State of Hawaii. Please grant us back our land to house Native Hawaiians on their Native Land.

Name:	Email:	Zip:
Tracy Spencer	spencer600@gmail.com	96744
Representing:	Position:	Submitted:
Self	Support	Sep 4, 2024 @ 08:24 AM

Testimony:

In support!

Name:	Email:	Zip:
James Hancock	eljimb0@comcast.net	96734
Representing:	Position:	Submitted:
Self	I wish to comment	Sep 4, 2024 @ 09:21 AM

Name:	Email:	Zip:
Easter Logan	Papali96717@netscape.net	96822
Representing:	Position:	Submitted:
Self	Support	Sep 4, 2024 @ 09:25 AM

Testimony:

I support this resolution

Name:	Email:	Zip:
Jose Inigo Santos	jigs@gravitaspasifika.com	96814
Representing:	Position:	Submitted:
Self	Support	Sep 4, 2024 @ 09:29 AM

Testimony:

I support this resolution.

Name:	Email:	Zip:
Sharon Sawdey	olona@mac.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Sep 4, 2024 @ 09:57 AM

TO: Honolulu City Council Vice Chair: Ms. E Kia'Aina 31 August 2024
https:hnldoc.ehawaii.gov/hnldoc/testimony

FROM: Ralph Schroeder, Owner 603 Ilimano Street Kailua 96734

RE: Resolution 24-151 and Amendments key opposition

I oppose Resolution 24-151 and Amendments in current words.

My concern is the Honolulu City Council is considering conveying a parcel surrounded with known severe soil settlement which also is an area identified on USGS map for moderate risk susceptibility landslide Hazard. Additionally, the parcel is in a Fire hazard as adjacent preservation land has had many fires. Also, as you are aware, the environmental damage is significant. This is the exact type of development that contributes to climate change and the associated negative impacts. If the C&CH and DHHL care about these issues (as they claim they do), then this development will not proceed.

Developing this land will produce negative impact to surrounding homes and structures, specifically through settlement, flooding, stress to driveways and retaining walls, etc. What assessment is planned to address and mitigate this threat. Full financial liability for damages to properties or people caused in Kalaheo Hillside development, particularly after being made aware by numerous concerned citizens of possible impact, will be on the City & County of Honolulu and DHHL.

The resolution requires a statement indicating that should the parcel be found unsuitable because of risk to existing homeowners or development by either DHHL and/or C&C Honolulu, that the City would immediately move to rezone the parcel to Preservation to prevent such action in the future.

<u>Amendment D</u>
The resolution requires a statement requiring the availability and provision of DHHL and/or C&C or Honolulu "due diligence" report(s) to Hillside Residents and the public with sufficient time to review, comment, and present further testimony.

It is imperative that there be an additional language in proposal that the City & County to provide all and any reports to the Public and K.N.B. and allow minimum 90 days for them to review, consider and make comments on reports prior to any conveyance of parcel to DHHL.

<u>Amendment I</u>
Development consistent with character of surrounding neighborhood needs to include. Custom built 3-8 bedrooms and 2-4 baths similar to homes in the neighborhood that would be valued between $1,130,000 and $2,115,000. Per Honolulu Realtor MLS 9 single family homes sold in Kalaheo Hillside neighborhood this year. 6 or the 9 homes were on 10,000 sq ft plus lot size, 1 of the 9 homes was on 9375 sq ft. lot, 1 of the 9 was on a 7,809 sq ft. lot. and one was on a 7,560 sq.ft. lot

<u>Amendment L revise to include:</u>
All and any Due Diligence Engineer reports to determine suitability of Kalaheo Hillside proposed development be provided to the Public and KNB along with allowing 90 days for Public review, consideration and comments on reports prior to any conveyance of subject parcel to DHHL.

Amendment M to revise to include:
City and County Due Diligence any and all reports to include environmental impact statement, Fire hazard, Infrastructure Engineer, Waste management, Geological to be provided to Public and Kailua neighborhood review and allow 90 days for Public review, consideration and comments prior to any conveyance of parcel to DHHL.

Additionally, please provide testimony and/or statement justifying why this Resolution requires approval before the DHHL and/or C&C of Honolulu has completed "due diligence" studies. It is imperative that the results of these studies be assessed, made public, and considered before passing the Resolution.

Thank you,
Ralph Schroeder

To: Honolulu City Council Full Council
Cc: Vice Chair: Ms. E Kia'Aina
https:hnldoc.ehawaii.gov/hnldoc/measure/2982
From: Jana Schroeder
Owner 603 Ilimano Street Kailua 96734, August 31, 2024
RE: Oppose Resolution 24-151, CD1 and Amendments

I Oppose RESOLUTION APPROVING AND AUTHORIZING THE CONVEYANCE 24-151, CD1.
It appears the City and County Council and DHHL is rushing to convey this parcel and why should the Resolution be approved before the City and County/ DHHL's stated Due Diligence" studies are completed?
Why is the City & Council even considering conveying a parcel with known surrounding severe soil settlement and in an area identified on the USGS map for moderate risk susceptibility Landslide Hazard? The City and County Fire department can assure that the subject parcel is in a Fire hazard area and the adjacent preservation land has had multiple fires. There are many other more suitable larger parcels on Windward Oahu that could allow to build more homes for the people. Kalaheo Hillside has potential for natural disasters and is in an area with known evidence of properties with structural damages from natural occurrences.

Please revise resolution to include that City and Council and DHHL acknowledges that if they decide to develop this parcel they assume full financial liability of any and all damages to properties or people caused in Kalaheo Hillside due to development.
The City & County Council and DHHL now has full knowledge that 20 plus residents oppose this development with evidence provided due to all the soil settlement issues, flood issues, fire issues, damages to structures including driveways & retaining walls and more.

Please revise the Resolution to include City & County and DHHL will provide Any and All Due Diligence reports to the Public and K.N.B. and allow them 65 days to review, consider and make comments on reports prior to Conveyance of property.
All and any Due Diligence Engineer reports to determine suitability of Kalaheo Hillside proposed development be provided to the Public and KNB along with allowing 65 days for Public review, consideration and comments on reports prior to any conveyance of subject parcel to DHHL.
City and County Due Diligence any and all reports to include environmental impact statement, Fire hazard, Infrastructure Engineer, Waste management, Geological to be provided to Public and Kailua neighborhood review and allow 65 days for Public review, consideration and comments prior to any conveyance of parcel to DHHL.

Development consistent with character of surrounding neighborhood needs to be more specific. Custom built 3-8 bedrooms and 2-4 baths similar to homes in the neighborhood that would be valued between $1,130,000 and $2,115,000. Per Honolulu Realtor MLS 9 single family homes sold in Kalaheo Hillside neighborhood this year. 6 or the 9 homes were on 10,000 sq ft plus lot size, 1 of the 9 homes was on 9375 S.F. lot, 1 of the 9 was on a 7,809 S.F. lot. one was on7,560 S.F. lot

Thank you,

Jana Schroeder

September 2, 2024

Subject: Written Testimony of David S. Pound to the Regular Meeting of the Honolulu City Council, September 05, 2024, concerning City Council Resolution 24-151 [CR-270] (Conveyance of Kalaheo Hillside Parcel (Tax Map Key 4-4-033:018) to the Hawai‘i Department of Hawaiian Home Lands [DHHL]) to include changes and amendments in Resolution 24-151 CD1.

1) I have been a homeowner on Kalaheo Hillside for over 21 years. I, and over 25 of my Hillside neighbors, have provided consistent and highly documented written and oral testimony to our elected representatives on both the Kailua Neighborhood Board and the City Council's P&E Committee over the last 90+ days reflecting our *significant* concerns over Resolution 24-151 (hereinafter, "the Resolution").

2) **Bottom Line**: While we all sincerely appreciate the amendments and modifications made to date, I remain opposed the Resolution and its Amendments *as currently written* because, taken together, these additions and modifications do not provide sufficiently explicit protections for existing homeowners abutting the Kalaheo Hillside parcel (the "Site") or the potential homeowners who may live in homes developed on the Site.

3) **Requested Action by the City Council Prior to Adoption of the Resolution.**

   - The City Council should further modify the Resolution to indicate that the City *will not convey* the Site to DHHL until both the City and DHHL complete more thorough surveys and "due diligence." There is simply no reason to convey the Site to DHHL before completion of necessary "due diligence." The City should grant DHHL access to the Kalaheo Hillside Site and allow R.M. Towill (or other engineering firms) to perform the necessary surveys immediately.

   - The City Council should further modify the Resolution's Amendments "L" and "M" to include explicit language that directs both the City *and* DHHL to provide any assessments or "due diligence" reports to Hillside residents and the public with sufficient time for public review, comment, and further testimony. *Only then* should the City Council begin to consider recommending the approval of a Resolution recommending conveyance of the Site to DHHL.

     - This will prevent a repeat of Kaneohe Ranch's suppression of the 1952 U.S. Department of Agriculture Soils Study that clearly indicated the dangers and risks associated with development of parcels like those along the Kalaheo Hillside, and the certain "slumping" issues related to development on, and disturbing of, *Kokokahi* clay soils.

   - Further, the City Council should further modify and strengthen the Resolution's proposed Amendments and "WHEREAS" statements to more explicitly protect existing homeowners, residents, properties, and potential Homesteads along the Kalaheo Site.

     - The risks posed by any disturbance of the extremely unstable *Kokokahi* clay soils (e.g., soil grading, installation of physical infrastructure [roads, sewer, stormwater runoff, water, etc.]) have been fully documented, and clearly show the *significant* risks and likely damages that will result to existing Hillside homes, most notably, those properties abutting the parcel and further downslope of the Site along and below the 600-block of Iliaina Street.

- The City Council should add an additional Amendment to the Resolution (Amendment "N") to specify that DHHL fully acknowledges its inherent responsibility to assume ***all*** of the City's current responsibilities and financial liabilities for the Site as part of the land's conveyance and/or development.

- Lastly, the City Council should add an additional Amendment to the Resolution (Amendment "O") that stipulates that should either party determine the Kalaheo Site unsuitable for development, or that the City no longer desires to convey the Kalaheo Site to DHHL, then the City administration and the Department of Planning and Permitting (DPP) must act expeditiously to "down-zone" the parcel's "Residential" zoning designation to "Preservation" in keeping with the other preservation lands throughout Kalaheo Hillside and to prevent further attempts to "develop" the Site.

- Modifications and/or proposed language for Amendments "L", "M", "N" and "O" – with supporting rationale – are provided at Enclosure 1 to this written testimony.

4) **Summary**. Easly adopted language changes and additions to the existing version of Resolution 24-151 will provide more specific and detailed protections that directly address and mitigate the rational, fully documented, and logical concerns of existing homeowners and residents along the Kalaheo Hillside.

Respectfully Submitted,

David S. Pound
605 Ilimano Street
Kailua, Hawai'i

Enclosures:

1 – Proposed Modifications to Existing Resolution Amendments "L" and "M"; recommended language for new Amendments "N" and "O". These recommendations were also provided as part of written testimony in support of the August 22, 2024 P&E Committee Meeting.

2 - Examples of other City and State properties in Windward Oahu that could/should be considered for development into Hawaiian Homestead locations – also provided as part of written testimony in support of the August 22, 2024 P&E Committee Meeting.

3 – Written Testimony of David Pound, submitted for the July 25, 2024, City Council P&E Committee Meeting.

- Amendment "L".

  - *Amendment L, as written*: *"Amends the 24th WHEREAS clause to provide that the portions of the Kalaheo Site that are being conveyed will be conveyed (instead of sold) in an "as-is," "where-is" condition, and that the DHHL will need to conduct due diligence prior to the conveyance to determine the suitability of the Kalaheo Site for the proposed development, including preparation of a Preliminary Engineering Report* **(PER)** *detailing utility and infrastructure availability, topography, soils, physical constraints and access restrictions, and other pertinent information*."

  - *Amendment "L"* (**proposed changes**): While there is only change to the existing wording is needed, an additional sentence should be added to strengthen the Amendment: **Any DHHL due diligence assessment(s) and/or a related PER(s) must be made available to Kalaheo Hillside homeowners, residents, and the public, with sufficient time (not less than 60 days) for full consideration and comment before any conveyance of the property is made by the City to DHHL**.

  - *Rationale*: The findings of any DHHL assessment, associated "due diligence" efforts, and/or any PER(s) must be made available to the public ("Sunshine Laws") with sufficient time for Kalaheo Hillside homeowners and residents, and the public, to consider, review, and comment to their elected officials (e.g., the Kailua Neighborhood Board, 3rd District Representative) before final conveyance decision concerning the Kalaheo Site by the City.

- Amendment "M".

  - *Amendment "M", as written*: "*Adds a new 25th WHEREAS clause to provide that the City will also need to conduct due diligence prior to the conveyance, including evaluation of the potential impacts of the proposed development to the surrounding neighborhood, such as impacts to traffic and infrastructure, as well as a survey of any existing soil-related damage to the homes abutting the Kalaheo Site."*
    -
  - *Amendment "M"* (**proposed changes**): While no change to the existing wording is needed, an additional sentences should be added to clarify and strengthen the Amendment: **The City and County will provide all due diligence study(ies), evaluation(s), and/or assessment(s) regarding existing soil-related damage to existing homes abutting the Kalaheo Site and/or the sufficiency of existing, and future, physical infrastructure required to support any proposed development of the Kalaheo Site by DHHL (e.g., sanitary sewer capacity; traffic studies; roadway additions/improvements; storm water management; provision of potable water, gas, electric, or other utilities; wildfire prevention, etc.). The City and County will make these reports available to Kalaheo Hillside homeowners, residents, and the public, with sufficient time (not less than 60 days) for full consideration and comment before any conveyance of the property is made by the City to DHHL.**

- *Rationale*: Any findings contained in any City assessment(s) and/or "due diligence" efforts concerning the Site must be made available to the public ("Sunshine Laws") with sufficient time for Kalaheo Hillside homeowners and residents, and the public, to consider, review, and comment to their elected officials (e.g., the Kailua Neighborhood Board or the 3rd District Representative) before final conveyance decision concerning the Kalaheo Site by the City.

- Proposed Additional Amendments.

  - *Proposed Amendment "N"*: Would add a new 26th WHEREAS clause to provide that, upon conveyance, the City and DHHL incurs full financial liability for the expedient repairs to any damages to the existing homes and lands abutting or downslope from the Kalaheo Site resulting from the City's conveyance and DHHL's development of the Kalaheo Site.

  - *Proposed Amendment "O"*: Would add a new 27th WHEREAS clause to provide that should the City and/or DHHL's diligence/assessments lead to a decision by either party that the Kalaheo Site is not suitable for development or that the City no longer desires to convey the Kalaheo Site to DHHL, then City administration and the Department of Planning and Permitting (DPP) will immediately initiate the re-zoning process to alter the parcel's current R-7.5 zoning designation to Preservation P-1 zoning which is in keeping with other preservation lands along Kalaheo Hillside, and will prevent future attempts to develop the lands. [***Note**: Proposed Amendment "O" reflects historical calls for a "final" resolution of the Site's suitability for development made by 3rd District Representative Ikaika Anderson during the City's 2016 attempt sell the Site. This sentiment was reiterated by the current 3rd District Representative, Esther Kia'āina, during the August 1, 2024, Kailua Neighborhood Board meeting.]*

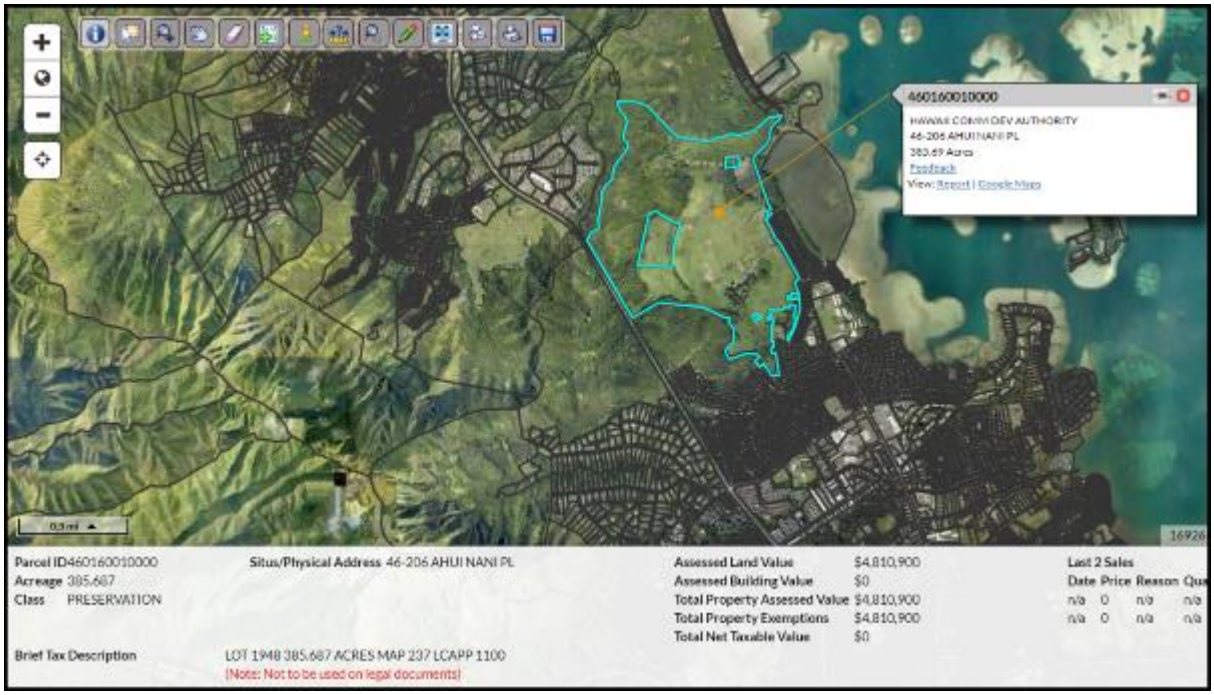
1. The following screen-captures from the City and County of Honolulu, Department of Budget and Fiscal Services, Real Property Assessment Division's Website, URL: https://qpublic.schneidercorp.com/Application.aspx?AppID=1045&LayerID=23342&PageTypeID=1&PageID=0. There are multiple parcels of unused land in Windward Oahu that appear similarly suitable (and considerably larger) than the Kalaheo Site for the Development of Hawaiian Homesteads.

2. In the following three (3) examples – there is more than 900 acres of property that appears to be reasonably available, closely located to physical infrastructure and, **that combined, are 90 times larger than the 10-acre Kalaheo Hillside plot.** Why is DHHL not using the $600 million dollars allocated by the State of Hawaii in its 2022 budget to develop these lands and truly make a substantive impact on the 11,000 Native Hawaiians current on the wait list?

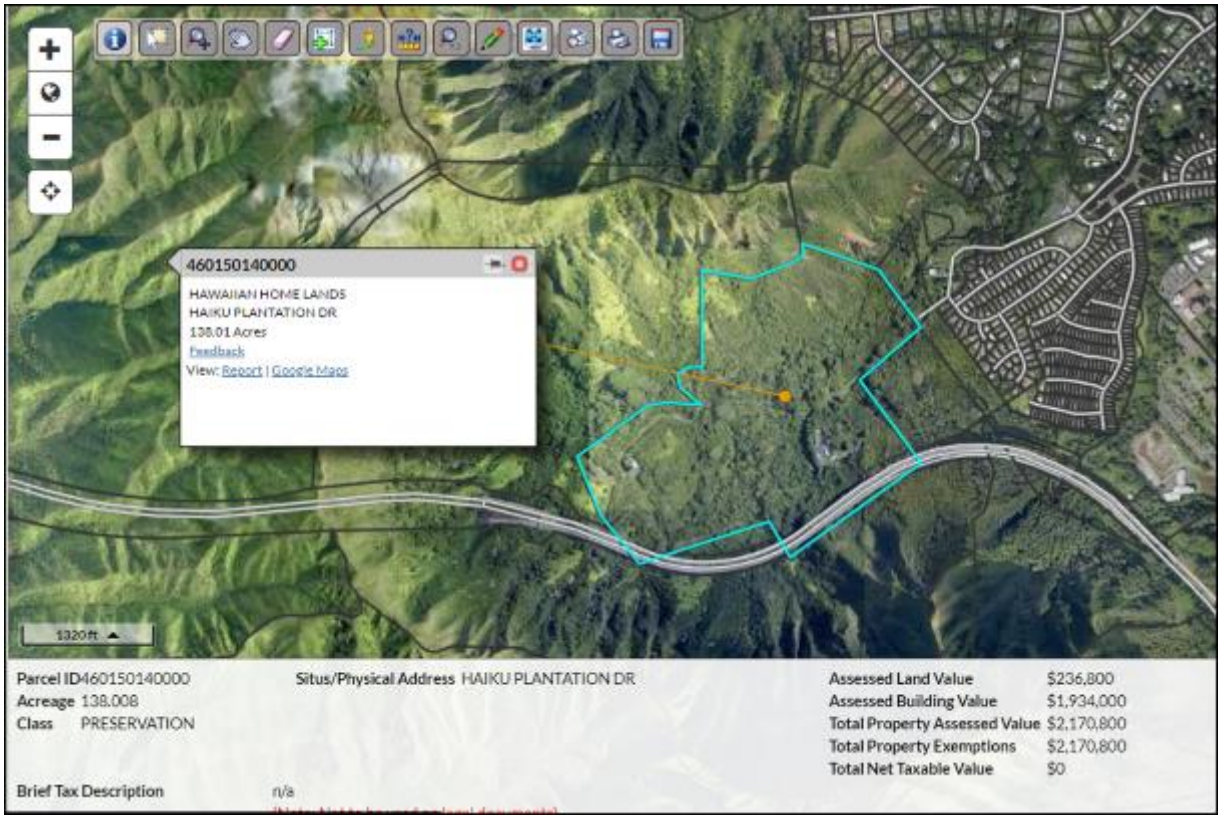
   a. *Example 1*. Owner: City and County of Honolulu: 375.97 acres @ 48-225 Waikane Valley Road. Agriculture zoned, but the City and State have both indicated that current zoning is waiverable for to address the State's housing crisis and lack of Native Hawaiian Homesteads. There's no tax revenue received from it.



b. *Example 2*. Owner: Hawaii Community Development Authority (HCDA): 385.69 acres @ 46-206 Ahuinani Place. It is zoned preservation. Again, there's no tax revenue from that land either.

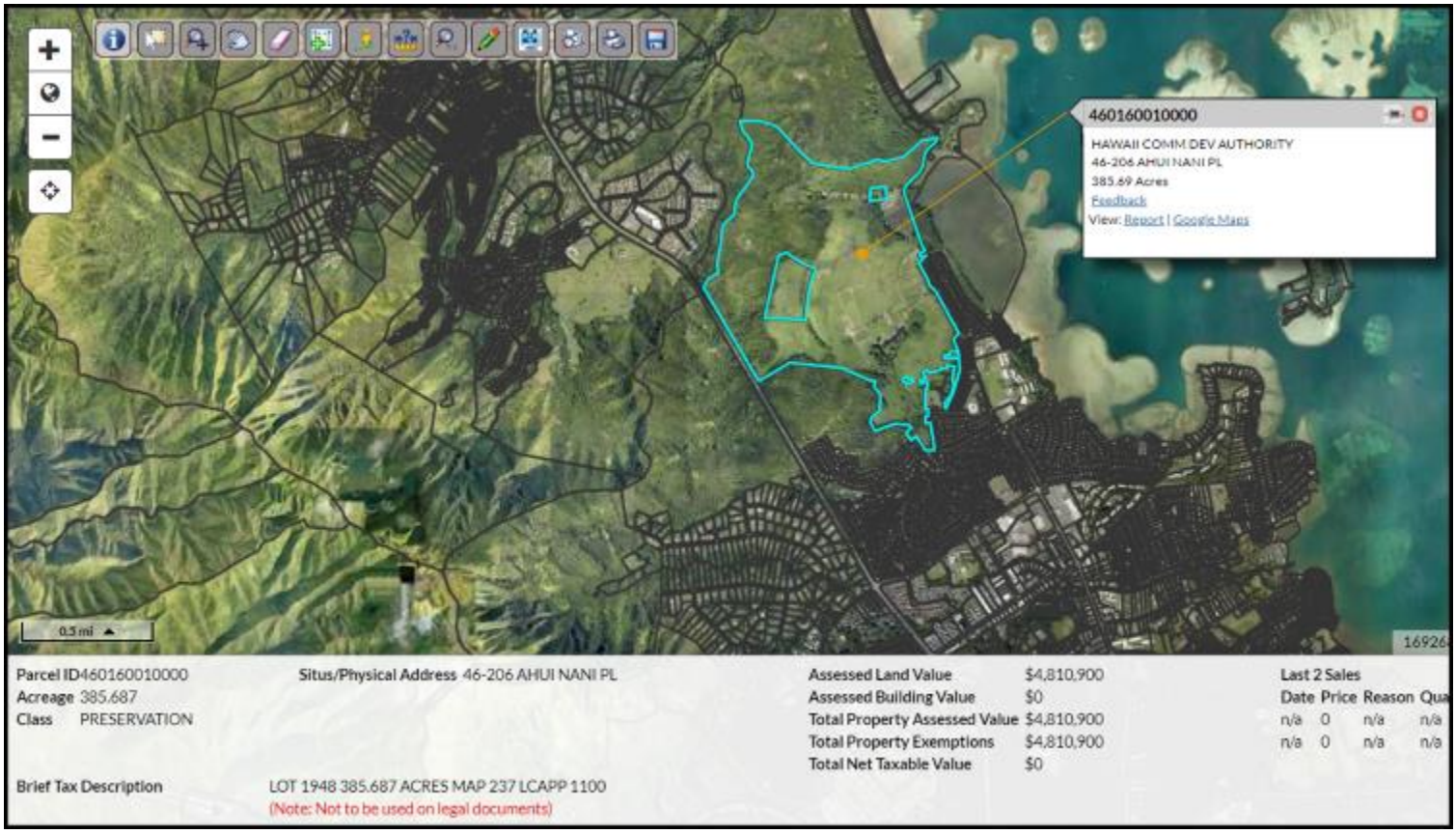


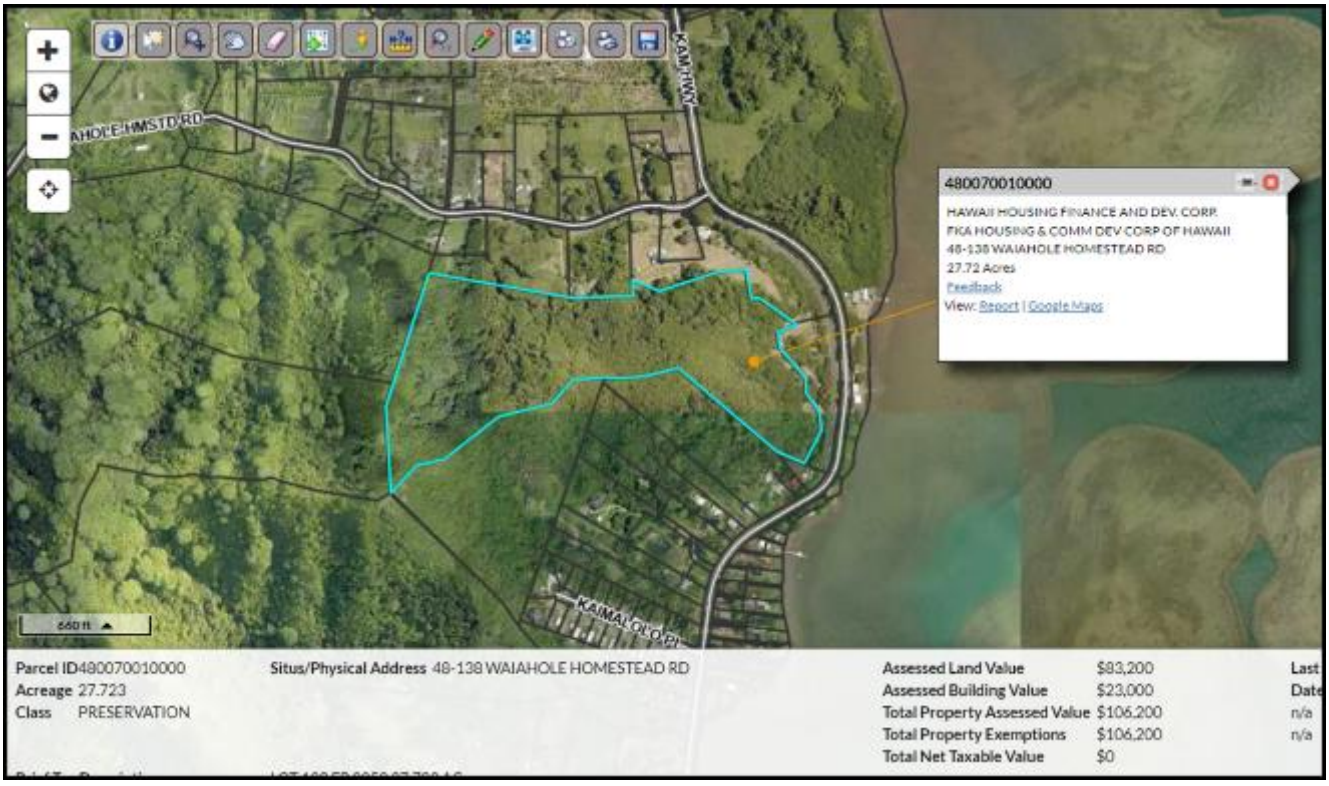
c. *Example 3*. Owner: DHHL. 136 acres along Haiku Plantation Drive; Zoned preservation.

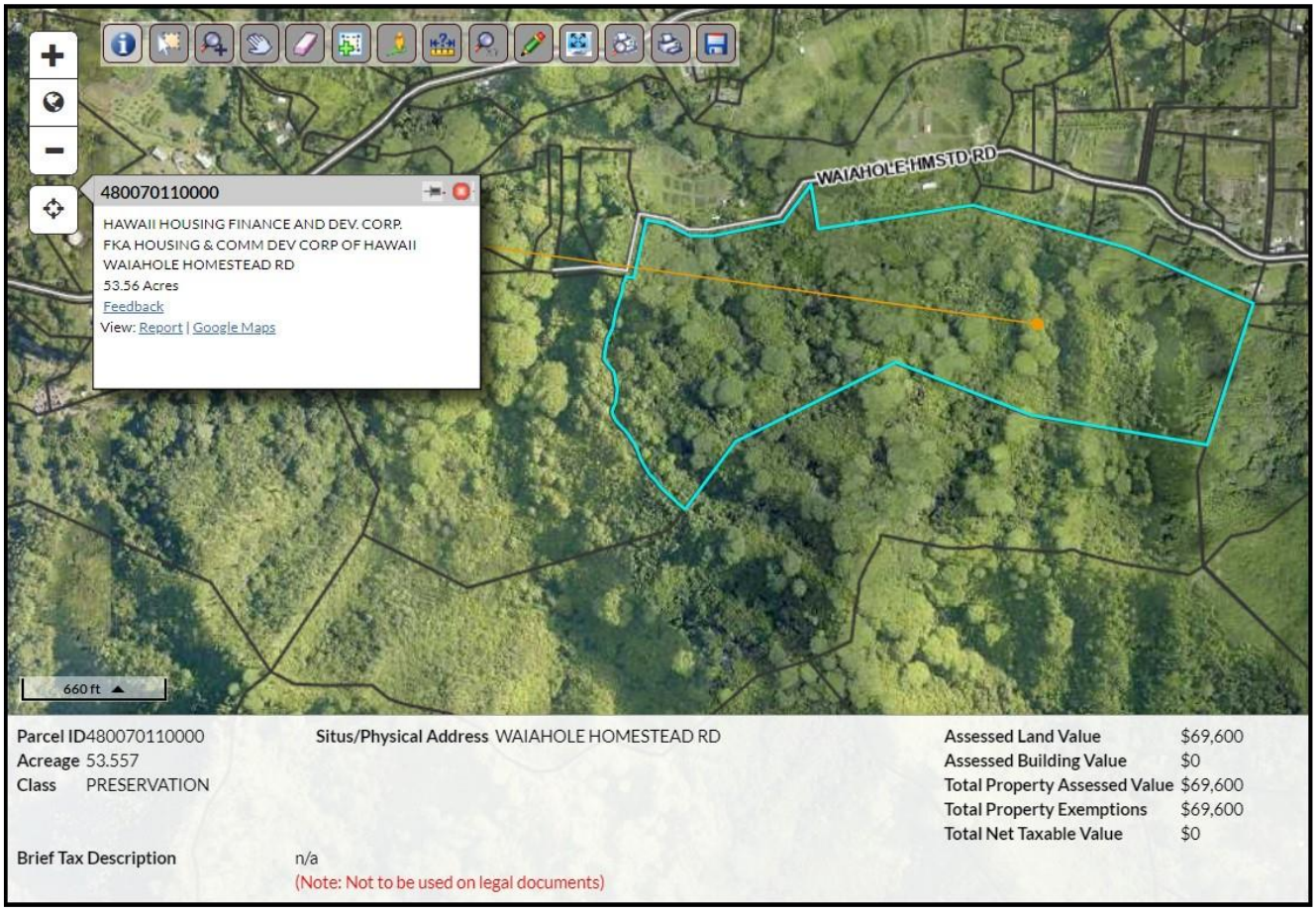


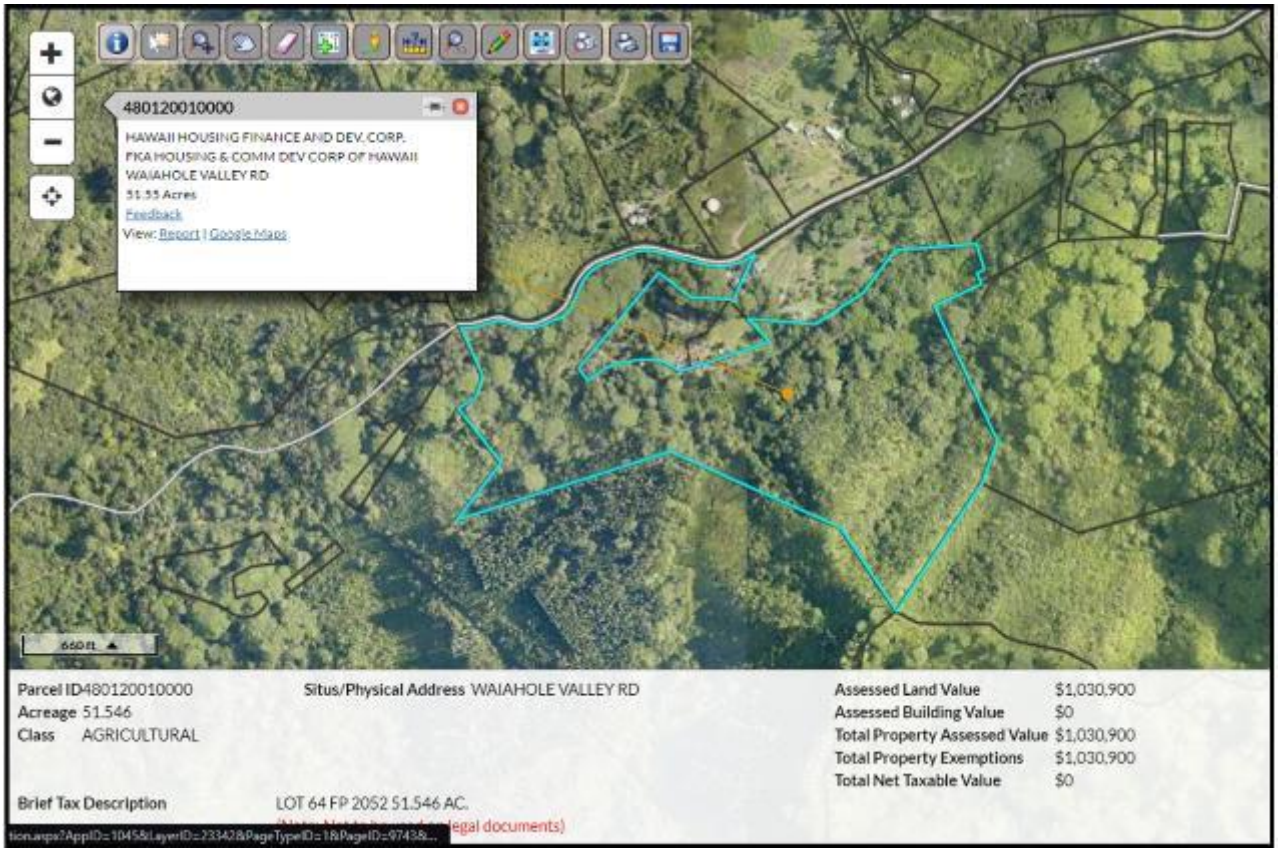
d. Six (6) similar examples:






480070010000
HAWAII HOUSING FINANCE AND DEV. CORP.
FKA HOUSING & COMM DEV CORP OF HAWAII
48-138 WAIAHOLE HOMESTEAD RD
27.72 Acres
Feedback
View: Report | Google Maps
660 ft
Parcel ID480070010000
Acreage 27.723
Class PRESERVATION
Situs/Physical Address 48-138 WAIAHOLE HOMESTEAD RD
Assessed Land Value $83,200
Assessed Building Value $23,000
Total Property Assessed Value $106,200
Total Property Exemptions $106,200
Total Net Taxable Value $0


480070110000
HAWAII HOUSING FINANCE AND DEV. CORP.
FKA HOUSING & COMM DEV CORP OF HAWAII
WAIAHOLE HOMESTEAD RD
53.56 Acres
Feedback
View: Report | Google Maps
WAIAHOLE HMSTD RD
660 ft
Parcel ID480070110000
Acreage 53.557
Class PRESERVATION
Situs/Physical Address WAIAHOLE HOMESTEAD RD
Assessed Land Value $69,600
Assessed Building Value $0
Total Property Assessed Value $69,600
Total Property Exemptions $69,600
Total Net Taxable Value $0
Brief Tax Description
n/a
(Note: Not to be used on legal documents)





Why are the State and/or DHHL not pursuing these options?

July 23, 2024

Subject: Written Testimony of David S. Pound to the Committee for Planning and the Economy (P&E) Meeting, July 25, 2024, concerning City Council Resolution 24-151 (Conveyance of Kalaheo Hillside Parcel (Tax Map Key 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands [DHHL]).

1) **First and foremost** – the community's expressed concerns over the potential development of the Kalaheo Hillside parcel (the "Site") are **not** a NIMBY issue nor reflect any objections **whatsoever** to rightfully seeking the provision of lands for homesteads or agricultural purposes for Native Hawaiians.

   - The community's testimony to date reflects our sincere concerns about State and City resource stewardship and governmental process transparency. We, the homeowners, citizens, and District 3 constituents, want to ensure Resolution 24-151– and any actions resulting from an approved Resolution, to include future development of the Site – "do no harm" (intentionally or unintentionally) in the process of rightfully wanting to "do good" for Native Hawaiians.

2) **Requested Action by the P&E Committee.** Any final version of Resolution 24-151 (hereinafter, "the Resolution") must explicitly state that the City *will not convey* the Site to DHHL until DHHL has completed a thorough geologic and urban infrastructure availably, suitability, and impact survey. Further, that DHHL must provide these reports with sufficient time for public review, comment, and testimony. *Only then* should the P&E Committee begin to consider recommending the approval of such a Resolution for full City Council approval and subsequent conveyance of the Site to DHHL. In any proposed Resolution, the City must specify that DHHL fully acknowledge (in writing) their inherent responsibility to assume ***all*** of the City's current responsibilities and liabilities for the Site as part of the land's conveyance

3) **Additional Context and Discussion**. As currently written, the Resolution is replete with emblematic and historical citations justifying the rapid actions proposed in the Resolution. However, the Resolution is significantly lacking in substantive, meaningful provisions, and detailed safeguards to formally ensure and legally codify any pre- and post-conveyance protection of the Kalaheo Hillside's existing lands, associated properties (homes) and property owners and residents, and to mitigate and prevent the almost certain negative impacts resulting from the Site's development to the same.

   - What perhaps is most troubling is that many Community members have attempted to directly communicate these concerns *with supporting documentation* to Ms. Kia'āina via oral testimony presented during two Kailua Neighborhood Board meetings (June and July), in-person meetings, and multiple attempts by email or telephonic communications– most of which have never been acknowledged. In reading the proposed amendments to the Resolution, there are ***none*** that support the Hillside homeowners' and residents' expressed concerns – instead, just that the City's will retain any roads created in the development of the Site while divesting (canceling) four (4) drainage easements.

   - Constituent homeowner and resident concerns are further exacerbated by the manner by which most learned of the Resolution. For some, it was the presence of local TV reporters literally walking along the periphery of the Site seeking video to accompany their evening news reports on

the matter just a day after it was announced. For others, it was a long and detailed Opinion/Editorial in the *Honolulu Star Advertiser* – published the morning following the Resolution's announcement; still others found out via an internet story posted at the Honolulu Civil Beat's website (https://www.civilbeat.org/2024/06/honolulu-city-council-proposes-kailua-land-sale-for-hawaiian-homelands/).

- Two days following the Resolution's announcement, Ms. Kiaʻāina briefly discussed her proposed Resolution during the June 6, 2024 Kailua Neighborhood Board (KNB). With only a two-day notice and no previous discussion or notice of intent provided by Ms. Kiaʻāina to the Hillside community, there were obviously few residents present at June's KNB and fewer still with sufficient knowledge to express their concerns over the Resolution to the KNB and Ms. Kiaʻāina.

- Subsequently, during a June 19, 2024 "walk about" along the 600-block of Iliaina Street – Ms. Kiaʻāina and an office assistant provided some Hillside residents with one-page hand-out providing some details concerning her Resolution and the ensuing process, creating only more questions for Hillside homeowners and residents.

- During the July 11, 2024 KNB, additional Kalaheo Hillside homeowners and residents voiced their significant concerns to the KNB, and requested the KNB draft a motion and letter of concern to the P&E committee. Unfortunately, the KNB cannot approve this motion until their next meeting, August 1, 2024, which occurs after the July 25, 2024 P&E Committee meeting. Additionally, during July's KNB, Ms. Kiaʻāina joined via Zoom and did not offer any response to the oral testimony concerning her Resolution. She did provide brief comments concerning her proposed amendments, and answered one question during her portion of the KNB agenda.

- Unfortunately, the resulting perception of many within the Hillside community is that Ms. Kiaʻāina – the co-author of the Resolution, and perhaps not coincidentally, the Chair for the City Council's P&E committee – appears to be expediting it for full City Council's approval prior to the November 2024 general elections. In fact, Ms. Kiaʻāina has made such actions a significant issue and stated achievement as part of her re-election campaign. (See: https://onyourballot.vote411.org/candidate-detail.do?id=68574170#c26847420&ui-state=dialog)

4) **Therefore**, it is more than prudent for the homeowners and residents of Kalaheo Hillside to provide their detailed observations and significant concerns regarding the proposed Resolution and its current amendments as offered by Ms. Kiaʻāina.

5) **Primary Concern.** There is no specified requirement to conduct and complete a detailed and thorough soil and physical infrastructure analysis ***before any City conveyance of the land to DHHL***. The Resolution's wording makes it appear that the City desires to convey the lands BEFORE the completion of any Preliminary Engineering Report (PER) or conduct of necessary Urban Management Assessments. Language must be added to any final Resolution that expressly states the City **will not convey** the Site to DHHL until DHHL conducts a thorough geologic and infrastructure survey, provides these reports to the public with sufficient time for review, and fully acknowledges (in writing) DHHL's inherent responsibility to assume **all** the City's current responsibilities and liabilities for the land Site as part of the land's conveyance from the City to DHHL.

- Principal Related Matter – Inherent soil instability within the Site. – the "soil" along Kalaheo Hillside is primarily *Kokokahi* clay. Its inherent instability, and the resultant level of physical infrastructure damage, and resulting monetary impact from the ever-shifting land mass to existing home owners and residents on the east side of Kalaheo Hillside due to the soil's instability **are significant**.[1] Hillside homeowners, particularly those down-hill from the Site along the 600-block of Iliaina, will be placed at significant risk of soil shifting should the limited, shallow-rooted grasses and Koa-Hale trees be scraped away as part of the Site's development. The City's canceling and absolving itself of the four (4) drainage easements would only exacerbate stormwater runoff management and compound the impact of soil instability.

  - The incredibly poor soil conditions and lack of soil stability within the Site is a historically established fact. Such facts are documented in multiple soil surveys and the current and historical evidence of homeowner "settlement" issues going back to the establishment of the Hillside home parcels in the 1950s.[2]

  - In more recent history, and within the last decade, there have been two attempts made by the City to sell the Site to a commercial developer – both of which failed due to the excessive costs to establish supporting infrastructure (water, sewer, storm water drainage, electrical) and the Site's significant soil instability.

6) **Other significant areas of concern**. During both the June 6, 2024 KNB, and her subsequent "walk about" along Kalaheo Hillside on 19 June 2024, Ms. Kia'āina *reiterated that the DHHL did not plan to build multi-family buildings on the site to ensure it remained in keeping with the character of the surrounding neighborhood* (e.g., single-family homes). She further stated that there were estimates that 35 to 60 homes could eventually be built, but exactly how many housing lots are actually created there could be dependent on a number of factors.

   - *Parcel Sizes*. Examination of the existing parcel sizes via the C&C Department of Budgeting and Financial Services (BFS) Graphic Information Site (GIS) (https://cchnl.maps.arcgis.com/home/index.html) indicates that along the 600-block of Iliaina Street, and throughout most of the Kalaheo Hillside, land parcels are approximately 10,000 ft^2 in size. Mirroring the existing parcel footprint fronting the Site along Iliaina Street and replicating it onto the upslope Site indicates there are approximately 27, 10,000 ft^2 similarly-sized parcels that could possibly be developed on the Site. (*See Figure 1.)*

[1] See the submitted testimony of Ms. Judy Mick, which includes a 1952 "*Soil Conservation Study of the Territory of Hawai'i"* conducted by the United States Department of Agriculture describing the Kokokahi clay soils in detail.
[2] See the submitted testimony of Ms. Judy Mick which includes Hillside Residents statements concerning the soil instability impact on their homes and monetary expenditures to conduct soil survey and property repairs.

- The Resolution indicates no specified zoning or deed restrictions (e.g., rezoning to R-10 vs. current R-7.5; no duplexes allowed) from the City to DHHL upon conveyance that would protect against future over development of the Site. Current homeowners and Hillside residents should be protected from any developer "stuffing" the maximum number of dwellings into each parcel, or further sub-dividing parcels, resulting in a homestead completely inconsistent with the existing nature of the long-standing, single-family parcels, further exacerbating the impact to an already overburdened physical infrastructure network, and negatively impacting the soil conditions on the Site.



Figure 1. Comparative Development of Kalaheo Hillside

- While possibly outdated, the *existing R-7.5 zoning allows for duplexes on smaller (7000 ft²) lots* – meaning DHHL could potentially subdivide each 10,000 ft² sub-parcel into ~50 x 5,000 ft² lots, that could also include accessory dwelling units (ADU). Expressed community concerns over the certain impacts to such an outcome appear to have been ignored in the drafting of the Resolution's amendments, and specified development restrictions must be included to prevent such an outcome.

- *Insufficient Supporting Physical Infrastructure*. During a press conference regarding the Resolution introduction, Ms. Kia'āina' stated that exactly how many housing lots could be created on the Site could be dependent on a number of factors including *sewer capacity* and availability of *potable water*, *traffic* and *drainage* issues that DHHL would need to address. There is no specified requirement within the Resolution or its proposed amendments for DHHL or the City to consult existing, or develop a new, Urban Management Plan(s) for essential physical infrastructure, and the following paragraphs address each of these issues.

  - Land Suitability and Infrastructure Availability. The Resolution, and Ms. Kia'āina's June 19, 2024, information paper, indicate that a "*suitability*" and infrastructure "*availability*" assessment for the land will be provided as part of the PER. Any final Resolution must specify that any "*suitability*" and "*availability*" assessment must include the conduct of traffic surveys, neighborhood density surveys, sanitary sewer impacts, stormwater runoff impact, etc., to fully assess the *impact* and *sustainability* of any development and the resultant impact of increased physical and human infrastructure to an existing and established, and increasingly population-"dense", suburban, single-family home neighborhood.

- Stormwater Runoff. It appears significantly negligent that while the Resolution indicates City will retain the ownership of any developed roadways within the Site – *it will cancel/abandon its responsibility for the 4 existing Drainage Easements (A, E, F, and V)* to the homeowners that border the Site. This requires homeowners bordering the Site to maintain and upkeep these drainage easements, which if not accomplished, risks great impact to the unstable soil conditions along the Hillside. This provision must be stricken from the final Resolution unless explicitly transferred to DHHL upon conveyance of the Site. [NOTE: this issue appears to be resolved in the current version of the Resolution.]

- Wastewater Treatment Facility Capacity. From January 1, 2024 to July 21, 2024, there have been four (4) brown water alerts issued concerning brown water/waste water alert "Exceedance of daily maximum permitted fecal indicator bacteria level" reported from the Kailua Regional Wastewater Treatment Plant. (*See Figure 2*, source: https://eha-cloud.doh.hawaii.gov/cwb/#!/landing). What will the impact of any parcel development be to the Kailua Regional Wastewater Treatment Plant that currently experiencing a labor shortage of over 30 personnel? *An assessment of this impact must be specified in the Resolution*.

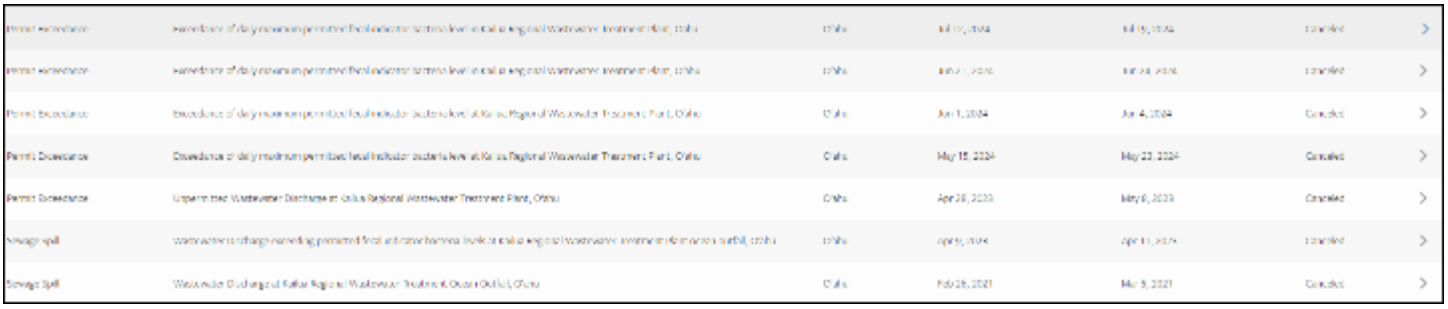


Figure 2. Brown water Alerts - Kailua Regional Wastewater Treatment Plant

- "Reduction of the City's Liability and Maintenance Costs for the Site." By "reduction," the Resolution certainly means abandonment and elimination. From personal observation from over 21 years as a resident of the Kalaheo hillside, there is little maintenance performed on the Site. C&C crews infrequently check the ditches and drainage easements only when significant rain or storms are due, and firebreak maintenance ("weed whacking") is episodic at best. What is most concerning is that there is no stipulation or requirement within the Resolution requiring DHHL, upon conveyance, to perform these essential maintenance and upkeep tasks, that, however periodic and episodic they have been executed in the past, should not be passively sloughed off to homeowners with properties bordering the Site. Who, and how, will DHHL (an unelected body) be held accountable for failure to perform these tasks and mitigate related liabilities (e.g., fire breaks)?

o *Content and Extent of the Preliminary Engineering Report (PER)*. The information paper provided to some Hillside residents during Ms. Kia'āina's June 19, 2024 walk-thru, mentioned a survey to be conducted by R.M. Towill that will inform a PER regarding multiple aspects of the Site. Questions concerning the survey, and critical components for what should be conducted as part of the survey include:

- When is the expected start date for the survey(ies)? When are they expected to be completed?

- Does the P&E Committee assess the PER will be complete prior to the final committee hearing in August 2024 and any subsequent full city council hearing? [Note: I assess this outcome is highly unlikely given the timelines provided in Ms. Kia'āina's information paper.]

- The information paper provided by Ms. Kia'āina also indicates that R.M. Towill will *". . . take a total of four 20-foot core samples for analysis."* What was R.M. Towill's decision criteria for only drawing 4 core samples?

  - Most on-line examples of commercial core samplers indicate a ~3-4" in diameter. A simple assessment using 4 x ~3-4" holes over 10 acres indicate: 10 acres = 435,600 ft2 | 1x 4" core sample = .09 ft2 | (.09 X 4)/435,600) X 100 = *.00008% of the Site*.

  - The Oahu-based civil and geological engineering firms contacted by Hillside residents concerning survey and core sampling across a large 10-acre plot strongly expressed that 4 samples were woefully insufficient – regardless the sample depth – to judge the suitability of soils *across the entire 10-acre Site* and for the certain scale of the proposed development.

- Should the PER indicate the Site "unsuitable" or questionable for development – will the Council *still* recommend the City "gift" the Site to DHHL?

7) **Future Indemnity**. Ultimately, if the Site is conveyed, how will land and property / homeowners hold DHHL responsible for their (in)actions as the new Site land owner or that result from DHHL's development and construction? DHHL is an unelected body – with very little accountability to the residents and constituents along Kalaheo Hillside. The current resolution provides no city/county protections and no other recourse or remedy aside from costly litigation against the City and/or DHHL for any resulting damages resulting from the City's conveyance of the property and DHHL's potential construction and development of the Site.

8) **Summary**. Detailed and sufficient answers to relatively simple questions must be provided. Specific language must be included in the final Resolution to alleviate the rational and logical concerns of existing homeowners and residents along the Hillside.

Respectfully Submitted,

//ORIGINAL SIGNED//

David S. Pound
605 Ilimano Street
Kailua, Hawai'i

Written Testimony of LeGrand E. Pound – to the Regular Meeting of the Honolulu City Council, September 5, 2024

1. I do not support Resolution 24-151 (the "Resolution") conveying a Site on the Kalaheo Hillside parcel (the "Site") for development by DHHL.

2. Why? As written, the Resolution and proposed amendments provide insufficient safeguards to protect the existing landowners and residents along the Site from *certain* impacts resulting from the development of the Site with its extremely poor soil conditions, and principally down-slope on homeowners and residents along the 600-block of Iliaina Street, but also to other homes abutting the parcel.

3. Any final Resolution language must indicate that the City *will not convey* the Site to DHHL until ***after*** both the City and DHHL complete more thorough surveys and "due diligence" on the matter. The City Council should further modify and strengthen the proposed Amendments to Resolution 24-151 to more explicitly protect existing homeowners, residents, properties – and those of the potential Homesteads – along the Kalaheo Site.

    a. The final Resolution should (and, reasonably be expected to) direct both the City and DHHL to provide their assessments or "due diligence" reports to residents and the public with sufficient time for public review, comment, and testimony.

    b. Any final version of the Resolution should also specify that DHHL fully acknowledge (in writing) DHHL's inherent responsibility to assume ***all*** of the City's current responsibilities and financial liabilities for the Site as part of the land's conveyance.

    c. Any final version of the Resolution should also stipulate that if either party determines the Kalaheo Site unsuitable for development, or that the City no longer desires to convey the Kalaheo Site to DHHL, then the City and Department of Planning and Permitting (DPP) must act immediately to re-zone the parcel from its current Residential 7.5 zoning designation to P-1 Preservation in keeping with other preservation lands along Kalaheo Hillside and to prevent further such attempts to "develop" the Kalaheo Site.

        - This requirement was stated by 3rd District Representative Ikaika Anderson in 2016 following another attempt by the City to divest itself of the Hillside parcel. Rep. Anderson mailed a survey to ≈600 area property owners that would be directly or indirectly affected by any changes to this property. He received ≈400 responses in total. Many respondents commented, in great detail, on the various options as well as making suggestions of their own. **Over 78% of the respondents indicated the parcel should be either re-zoned to preservation prior should not be sold and remain as-is**. See: https://www.honolulu.gov/rep/site/ccld3/Newsletter_May_2016.pdf.

4. Why are residents and homeowners concerned? Simply put – the soil on the Site is inherently and incredibly unstable; history and time have not changed this fact. Since the neighborhood was first developed in the mid-1950s, homeowners' properties continue to suffer significant damage resulting from unstable composition of the soils on the land where their homes are built. This will only be magnified with any development of the Site.

5. There are multiple studies and surveys concerning the soils comprising the Kalaheo Hillside Site spanning 70+ years.

   a. The earliest – a very comprehensive study conducted in 1952 by the U.S. Department of Agriculture in cooperation with the Territory of Hawai'i Agriculture Experiment Station – describes the unstable nature of the soils along locations like the Kalaheo Hillside in great detail:

      - Page 73 of the study indicates that the *Kokokani* clay soil is: *". . . sticky and plastic when wet, and they crack widely upon drying . . . Permeability is slow to moderately slow . . . The shrink-swell potential is high.*"

      - An unnumbered page further indicates: "*When it dries, the soil cracks into huge blocks a foot or more across. When it is wet, no evidence of these blocks remain*."

      - There is also a table in the report that indicates: "*Cuts usually unstable and will slump after a few wetting and drying cycles. Soil likely to creep downslope after it is disturbed*."

      - To summarize this study – the soil on the site is highly unstable; rainy seasons cause the clay to swell; dry seasons cause the clay to shrink significantly. The soils are not permeable – and will tend to run off. Finally, any cuts into the soils are "*unusually unstable*," "*slump*" (in geology, downward intermittent movement) after several seasons of rain and dry cycles.

      - Most disturbing is the 1952 study's finding that the soil is *"Cuts usually unstable and will slump . . . Soil likely to creep downslope after it is disturbed*."

      - Unfortunately – the 1950s developer of homes along Kalaheo Hillside (Kaneohe Ranch) did not disclose the findings of the 1952 study to homebuyers. However, in the early 1980s when properties were being transferred from "Lease-Hold" to "Fee Simple," Hillside residents had discovered the 1952 soil study and presented the evidence of negligence to Kaneohe Ranch, who quietly negotiated significant discounts to the Lease-Hold" property owners to prevent the inevitable lawsuits and negative press against Kaneohe Ranch.[1]

   b. A more recent 2020 study conducted by Kokua Geotech, LLC, and financed by a home owner further corroborates the findings of the 1952 study. This study indicates the following:

      - *"Based on the results of our laboratory testing, soils very high expansion potential when subjected to moisture fluctuations and are often referred to locally as "adobe" clays. These clayey soils tend to swell significantly when exposed to moisture and shrink when dried. Such soils are potentially capable of uplifting of foundations*

[1] See written testimony of Judy Mick for a detailed listing of discounts offered by Kaneohe Ranch.

and slabs with resulting distress to the structures they support. In addition, these soils can settle significantly if saturated and/or poorly compacted."

- *"Based on our observations and the results of our field exploration, we anticipate the affected foundations bear directly on expansive clayey surface fill materials and alluvial soils . . . [the home's distressed infrastructure is] caused the settlement/heave of the existing building foundations bearing on the underlying highly expansive clayey sails."*

c. Most recently, residents of the Kalaheo Hillside community conducted our own informal survey over the past 90 days since the announcement of this Resolution in June of 2024 to capture the current magnitude of the damage that has occurred to our neighbors' homes and property.[2] Bottom line, and as expected – the impact of the soil instability remains widespread and devastating. Homeowners are currently paying upward of $50,000 to $170,000 to shore up and repair their homes, moss-rock walls, and underground utility connections (water, sewer lines) as a result of the constantly shifting soils along the Site, and the Kalaheo Hillside as a whole.

d. History is a great teacher, and the preceding is exactly will occur with the disturbance on the soil on the sites resulting from the extensive physical infrastructure development required to establish a homestead on the Site (e.g., roads, stormwater runoff, sanitary sewer lines, potable water supply, etc., etc.). It should be blindingly obvious that any major construction on the Site will create significant risks to both the existing homes and new homes being built.

e. Geotech firms contacted informally by Hillside residents strongly advised homeowners to conduct soil analysis on their properties stating that whomever conducts the Site's survey, and recommends DHHL development can be held financially liable when the inevitable soil shifting begins. Other firms anonymously cautioned us that some Oahu-based geoengineering firms and civil engineers will deliver the results the customer wants, not what they study indicates.

6. Again, to summarize my issues with the Resolution:

a. Principally, historical geologic and engineering studies accurately describe the **known and established** risks to existing homes, land parcels, and residents down slope along Kalaheo Hillside – the exact conditions the proposed Site for development along the 600-block of Iliaina Street.

b. Secondarily, the lack of water permeability of the clay soil indicates stormwater runoff risk and absolutely necessitates the maintenance and sustainment of the drainage easements that the Resolution cancels, and passes off to the homeowners and residents,

[2] See the written testimony of Judy Mick which contains the result of this informal survey of Kalaheo Hillside residents and homeowners. You will see photographic documentation of the damages in Ms. Mick's written testimony.

c. Thirdly – does anyone really assess that 4 core samples from across a 10-acre parcel will provide sufficient evidence to DHHL to accept this parcel, and assume the inherent sustainment of the parcel (e.g., firebreaks, drainage easements) from the City?

d. Fourth – the City must conduct its own damage survey to "baseline" the conditions of the homes and land on Kalaheo Hillside, particularly those homes/lots abutting the Kalaheo Site.

e. Fifth, any final resolution must require and stipulate the conduct of a detailed civil and geological survey whose results must be provided to the public for review, study, and comment **BEFORE** any decision is made by the City to convey the Site to DHHL. DHHL needs to know the junk land they are getting, and the City should not be looking to "dump" this property off on DHHL in the name of *". . . reducing the City's liability and maintenance costs for the Property* [which are minimal, at best]*"* and presumably *"*assist[ing] Native Hawaiians obtain homestead lands and homes, or to "*provid[e] housing for the City's residents while addressing the City's affordable housing crisis*." This is hyperbolic language with little substance given the extremely small acreage of the site and the significant risks associated with any development.

7. The following pages again provide summaries of some of the informal feedback provided by current Kalaheo Hillside homeowners, principally along Iliaina Street. These comments are updated with new photos indicating the impact of soil "slippage" down-slope from Iliaina Street. They have asked that their names and specific addresses be excluded for their privacy.

Written Testimony of LeGrand E. Pound – to the Regular Meeting of the Honolulu City Council, September 5, 2024

Summary of Informal Homeowner Survey on Kalaheo Hillside – June-July 2024
See Also the Testimony of Hillside Residents at the August 1, 2024 Kailua Neighborhood Board

600 block of Ilimano Street

- Cracked wall near hill, cracked retaining wall on side of house, cracks living room wall – keeps spreading. Severed sewer line (10' down) emergency repair $10,000
- Shifting foundation under Ohana
- Front driveway surface and house foundation separated by 3 feet

600 block of Ilimano street

- Entire front end of concrete slab in main living repoured to make level,
- Replaced sanitary drain lines
- MULTIPLE, yearly-routine, cracks in walls, doors don't close over time.
- Replaced half of the home's window frames that were completely out of plumb.
- In summer (dry) holes wide in yard. When very rainy ➔ standing water in yard.
- Drainage system overflow and has flooded the back of our house when very rainy

400 block Ilimano Steet

- Large crack in slab running the full width of the house, running under both bathrooms causing problems with toilets, leaky bathtub and shower, broken main sewer lines plus other cracks in main slab.
- Drop of 8 inches in floor from one side of house to another, have had to level twice in 25 years, main sewer line doesn't drain. Had to replace all plumbing lines.
- Broken windows, sliding glass door fell out of frame because of foundation sagging and damage. Have had to realign door locks to the frame's multiple times. Have had to rebuild window frames and walls multiple times because of foundation problems.
- Installed 15 micro piles, injected foam under slab and jacked up the foundation and pumped 5000 gallons of clay stabilizer under the house to try to stop the house from shifting so much $2120,000. Then spent another $50,000 fixing the house to where it is live able again and that don't come close to fixing other things like a sagging roof, fences and walls falling over, etc. all because of the problems of having a house and property on clay soil.



- Still have a 6-foot-high rock wall on my side and 7-8 foot on neighbor's side that is leaning over toward neighbor's yard and starting to come apart. It is probable 40-60 feet

long and could fall over into neighbor's property. The lonely way to fix it would be tear it down and start over again but don't have the money or time to do right now

- The other property lines all have fences that are also falling over because of clay soil that is shifting and moving. Even if one replaces them, you can't stop the ground from moving so it is only a matter of time where one has to completely redo the fences gain or live with them leaning and falling over.



1000 block of Ilikala Place

- Living room walls (2) detached, renovation included repour of slab with firt base cost $50,000. Cracks in diveway.
- $3000soil survey (sustainable systems) in 2020 revealed unstable clay and running water 9.5 feet under property.

1000 block Ilikala Place

- Huge crack I workshop floor. I paid $20,000 in 2016 to stabilize the foundation – it is still moving and I continue to have to repair the walls. There is a crack trough floor of kitchen and living room. Front door won't open. Cracke are in the driveway.

600 block Iliana Street

- 1988/89 house foundation completely redone prior to our ownership due to cracks.
- 2012 put in retaining wall and it had to be redone in 2019 due to movement. Lanai slab continues to crack. Interior wall in master has gap in corner. Front bay window area sinking. Horrible soil-this hill is backfilled of a clay material that will never be settled.

600 block of Iliania Street

- Front porch is separating from house. Kitchen floor tile is cracking. Walls in back of house have cracks and separating. Patio has major crack and separation in several places. Sliding glass door no longer works due to house sagging. Foundation in back family room is cracked and separating.

600 block of Iliaina Street

- Permitted retaining walls constructed in 1994 are failing doe to obvious hillside erosion and slippage: retaining walls cracks, leaning and leaning; cracking, separation, leaning of concrete stairs and slabs; metal fence posts leaning and slipping downhill. Recent (preliminary quotes from contractors for repair of CMU wall alone are for $30K-$50K, with caution that area is unstable and the same issue will likely occur again.
- Over the past 15 years of living at this address we frequently inspect the drainage easement bordering our mauka property line. The soils exhibit strong shrink/swell characteristic aligning with seasonal dry and wet periods. Large cracks appear in the soil when dry and there are indications they connect to subsurface drainage voids. When wet, the soil is very sticky and clayey.

600 block of Iliaina Street

- Home was renovated in 2019. Contractors found foundation his lifted in the middle. Whole foundation had to be lifted in the middle. Whole foundation had to be leveled. Had to inject substance into soil so won't expand and contact under the foundation. Where nothing was injected (outside the house) new slabs have cracked, rock wall has cracks. Pretty scary. Before the renovation, door and gates askew-gates virtually unusable. Glass and sliding doors would get stuck and coming off track.

600 block of Iliania

- Cracks in back retaining wall. Cracks in home walls. Gate would close some days and be completely off the next. We have had to remove that gate/fence. Front door gets stuck and we are not able to open from inside on some days. Huge deep cracks on our hillside. Cracks in driveway/carport. Rocks falling out of rock wall b/c of shift

600 block of Iliania street

- Foundation cracks and some wall damage

600 block of Iliaina street

- 2021 retaining wall collapse in backyard. 2021 sewer line pooling and collapse, likely due to settling. $19K repair. Previous owner renovated kitchen and waste lined due to cracking and settling of slab.

600 block of Iliaina Street

- Wall separation from the slab – separation around perimeter 1-1.5 inches. Wall cracks. Corner of future construction is hill and hill has coral which could shake and excavation.

Aloha,

My name is Shelley Miyamoto, I live on the 600 block of Iliaina Street, the proposed development will be on the slope, directly above/behind my home.

I want to convey the true nature and conditions of the proposed ten-acre site. It is portrayed as vacant land that is just “sitting and waiting” to be developed. However, the truth is the proposed area is up on a sloping hillside with problematic soils (kokokahi clay soil). There are many homes below and around the proposed area that have the same stories as my Kalaheo hillside home of cracking foundations/leaning, or gaps in walls/extensive repair work/uneven floors/signs of hillside slippage.

Because we as homeowners have been paying for extensive repairs (and it is on record that the original landowner Kaneohe Ranch sold the properties at a discount because of the poor soils), we want to protect our homes and any future homeowners. This could be a potential safety issue, and even having a thorough engineering report cannot 100% guarantee that the hillside will be stable. We are trying to prevent potential hillside slippage problems such as Palolo Valley's Kuahea Street. Per KHON article Palolo area notorious for landslides set to reopen after $24M stabilization project | KHON2 dated 9/29/23, "Palolo area notorious for landslides set to reopen after $24 Million stabilization project." "Palolo resident Bill Chismar has lived in the area for over three decades. 'It started as a small slide and just kept growing and growing...'" The City condemned six homes, and spent $24 million to stabilize the hillside from Kuahea Street to Waomiao Road. This is an example of building homes on an unstable foundation.

The proposed site is land on a hillslope that will need to be stabilized and graded, as the topography is steep and not "gently sloping."

Please do not disturb the Kalaheo hillside, with its problematic (Kokokahi Clay soils), there are potential problems that no engineering firms cannot 100% guarantee no future problems to the new residents and all rows of homes downhill. These clay soils expand with rain and shrink with the sun, and cause unstable ground, with potential for erosion and hillside slippage.

There will need to be extensive grading work. I would prefer the hillside not be disturbed, or "treated" with soil amendments affecting its drainage (cement slurry making it less permeable and more water movement downhill into my home). I am concerned about the hillside moving downslope toward my home. My retaining walls along the hillside have cracks in them.

I am encountering problems with the clay soils on my property, as my foundation is settling and there are “expansion” cracks around my home per my Home Inspector.

This article demonstrates the problems with clay soils:

The Dynamics of Clay Soils: Understanding Shrinkage and Expansion and Their Impact on Patio Construction - Green Scene Landscaping & Pools (greenscenelandscape.com)

Building patios and hardscapes on clay soils presents several challenges due to their shrinkage and expansion properties. Failure to address these challenges adequately can result in costly repairs or reconstruction. Some key issues include:

1. *Cracking and Settlement: Shrinkage during droughts can cause the soil beneath patios to settle, leading to cracks in the structure. Similarly, expansion during wet periods can exert pressure and cause heaving, resulting in uneven surfaces.*
2. *Drainage Problems: Clay soils have poor drainage characteristics, leading to water pooling and potential damage to the patio's foundation. Improper water management can exacerbate the effects of clay soil expansion.*
3. *Soil Erosion: In periods of heavy rainfall, clay soils can erode due to the increased water content. This erosion can undermine the stability of patios and hardscapes, compromising their structural integrity.*

The proposed parcel area has varying degrees of steepness, and will need extensive hillside grading to make it level (please see Exhibit A – Google Earth Terrain, highlighted area shows this property is at the base of the steeper side of the mountain, as opposed to the other side of the mountain which is not the steep side), and also please see the City & County stormwater system (Exhibit B – Indicating the drainage flow that shows multiple water flows and erosion potential throughout our Iliaina Block, with the area slopped to the right towards Ilikupono Street), which could indicate potential erosion with time, gravity, and water.

Photo#1 – Steepness of hill on my property. The City and County property is not level, and with varying degrees of steepness. Grading the hillside could potentially cause shaking and disturbance of the hillside. There are indications of the hillside erosion, and I do not want to cause slumping or cause more hillside creep. My retaining walls have had cracks, and I have had them repaired last year 2023, and the cracks came back within a year. Please see Photo #2 and Photo #3, dated 9/2/2024.

Photo #1: Degree of slope of hillside.



Photo #2 – Large horizontal crack running along base of retaining wall, repaired 2023



Photo #3 – Long horizontal crack with several vertical cracks emerging along base of wall that was repaired 2023.



My walls are not old, or dilapidated. I would have thought it was the contractor doing poor work, until I learned about the poor soils of the Kalaheo Hillside. I learned that both my adjacent neighbors, and a substantial number of my neighbors (please see Kailua Neighborhood board meeting August 2024 link- No 31 Kailua Neighborhood Board Regular Meeting August 2024 (youtube.com) testimonies begin at 14 minute mark) are also having similar costly problems with the poor soils of the area, and it is a problem that can't be simply engineered out of.

Have the engineering techniques have improved that much in the past few years? Will the potential new residents will not similar issues that I have with cracks in the retaining walls, sidewalks, driveway, uneven floors within home, and foundation. All these items can become safety issues, such as slumping roofs, tripping hazards, and must be constantly repaired with no guarantees that the problem will not return.

Please do not develop the Kalaheo Hillside aka "Kalaheo Elementary Parcel" so as to do no harm by damaging our existing homes, and potentially cause big issues for future DHHL homeowners.

I am concerned about the effects of grading a hillside with unstable soils for everyone's safety, and to protect everyone's homes.

However if the resolution is passed, I please ask that the following two amendments be made:

1. Engineering reports such as the Preliminary Engineering Report (PER) and other reports conducted during the "due diligence" process by DHHL and the City and County of Honolulu be released to all surrounding affected residents of the area, and also to the Kailua Neighborhood Board for transparency.

2. Please request that the land if deemed unsuitable for development due to potential negative impact or risks, that it rezone the parcel to Preservation land.

Exhibit A – Google Earth Terrain



Exhibit B: Hillside water drainage per City & County Stormwater diagram

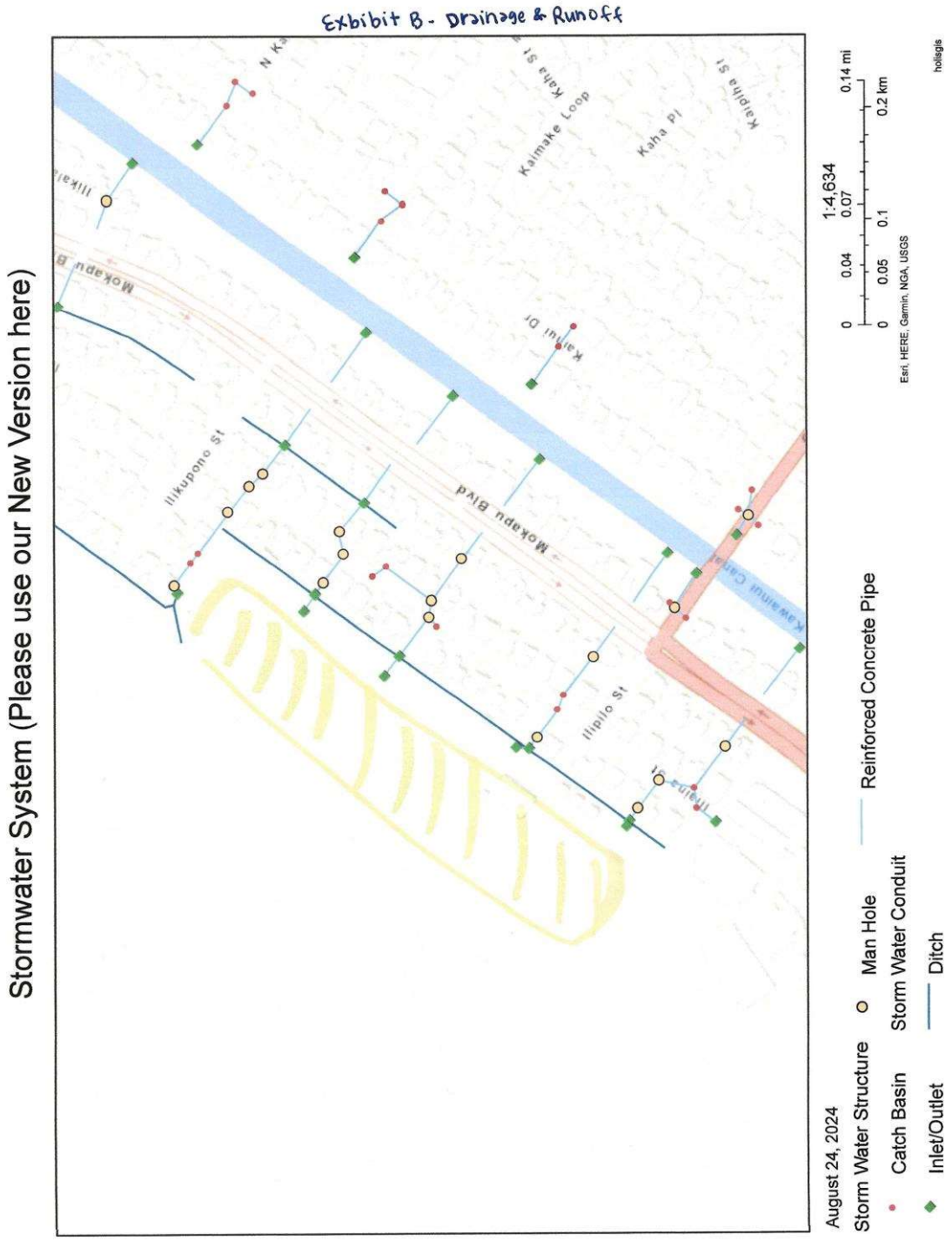

Exhibit B - Drainage & Runoff
Stormwater System (Please use our New Version here)
Kaimake Loop
Kaha Pl
Kaha St
Kaiolha St
Kamanui Dr
Mokapu Blvd
Iliahi St
Iliahi Pl
Ilipilo St
Ilipilo Pl
Ilikupono St
Kawainui Canal
1:4,634
0 0.04 0.07 0.14 mi
0 0.05 0.1 0.2 km
Esri, HERE, Garmin, NGA, USGS
holisgis
August 24, 2024
Storm Water Structure
Man Hole
Catch Basin
Inlet/Outlet
Reinforced Concrete Pipe
Storm Water Conduit
Ditch

Exhibit C: City and County Honolulu Revised Ordinance Chapter 18A

Exhibit C:
City & county
Revised ordin
18A

CHAPTER 18A: GRADING, SOIL EROSION, AND SEDIMENT CONTROL

ARTICLE 1: GENERAL PROVISIONS FOR GRADING, SOIL EROSION, AND SEDIMENT CONTROL

§ 18A-1.4 Hazardous conditions—Stop work order.

(a) Whenever the chief engineer determines that any existing grading, grubbing, or stockpiling is or will become a hazard to life and limb, endang property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavatio located, or other person or agent in control of the property, upon receipt of notice in writing from the chief engineer shall abate the hazard and sh conform with the requirements of this chapter. When there are reasonable grounds to believe that hazardous conditions may exist, the chief engi an authorized representative may obtain a warrant and shall enter upon the property to investigate or to enforce the provisions stated of this sect both.

(b) If the chief engineer determines that work must stop due to hazardous conditions, the chief engineer shall issue a stop work order to the own property and shall concurrently notify and transmit a copy of the order to the chief of police who shall have the power to enforce the stop work or pursuant to Charter § 6-1604, as amended.

(Sec. 23-1.4, R.O. 1978 (1983 Ed.)) (1990 Code, Ch. 14, Art. 13, § 14-13.4) (Am. Ord. 91-07)

COUNCIL for
NATIVE HAWAIIAN
ADVANCEMENT

Council for Native Hawaiian Advancement
91-1270 Kinoiki St., Bldg. 1
Kapolei, HI 96707

Honolulu City Council
Resolution 24-151 – Approving and Authorizing the Conveyance of the Former Kalaheo Elementary School Property to the State of Hawai'i Department of Hawaiian Homelands

RE: Strong support of Kalaheo conveyance to DHHL September 25, 2024

The Council for Native Hawaiian Advancement writes in **strong support** of Resolution 24-151 to convey the Kalaheo site to the Department of Hawaiian Homelands (DHHL). Multiple affordable housing solutions must be a priority to prevent further displacement and outmigration of Native Hawaiian families. It is the responsibility of the State, including the City and County of Honolulu, to take affirmative steps in providing affordable housing, particularly for Hawai'i's indigenous people.

As a Native Hawaiian organization, we deeply understand the importance of land, particularly when there is an ancestral or familial connection to it. For decades, we have seen more and more local families priced out of their generational homes; the most recent census reports more Native Hawaiians living on the continent than remain within our pae 'āina. The outmigration crisis is worsening and the first step to prevent further displacement is to create more available, affordable housing.

Over a hundred years ago, Prince Jonah Kūhiō Kalaniana'ole advocated for the perpetuation and rehabilitation of the Native Hawaiian people and their culture. One of his greatest accomplishments was the Hawaiian Homes Commission Act, enacted to enable the return of Native Hawaiians to their lands and fully support their self-determination. However, the State has failed to adequately meet this responsibility and the waitlist of homestead applications remains a daunting task. The Kalaheo site represents possibility and hope for many of those on the waitlist. At least twenty single-family lots could be developed on the site that would retain the character of the surrounding neighborhood. Particularly under the leadership of Chair Kali Watson, DHHL will be able to expeditiously develop the site and house families as soon as possible. This land transfer is an opportunity to further Prince Kūhiō's vision.

This resolution is supported both by the Office of Housing as well as the Department of Budget and Fiscal Services, who understand the logistical process and potential value of this conveyance. We humbly ask that the Council **SUPPORT RESOLUTION 24-151** and continue their necessary work towards the betterment of the conditions of Native Hawaiians.

Mālama pono,

Madelyn McKeague

Director of Advocacy, CNHA

Comments by Christopher W. Evans and Debra A. Evans to the Regular Full City Council Meeting, September 4, 2024, Concerning City Council Resolution 24-151 (Conveyance of Kalaheo Hillside Parcel (Tax Map Key 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands

1: I have a home in the 400 block of Ilimano Street on Kalaheo Hillside and oppose the resolution and amendments as currently written.

A. The land on Kalaheo Hillside and the parcel in question has significant clay soil problems and should not be developed at all. I have owned my home on Kalaheo Hillside for over 25 years and although it is a nice neighborhood I have seen first hand the problems with the clay soil and what it can do to any development in that area.

When we bought the house 25 years ago we knew about the soil problems but thought that after 40 years since the neighborhood had been developed that the land would have settled and not be such problem anymore. That was the furthest from the truth. Clay soil is constantly changing or moving on an annual basis, expanding when wet after any rain, and contracting and shrinking when dry mostly in the summer months. This causes the soil to expand and shrink every year causing foundations to move and crack, walls to crack, roofs to break, pipes to move, bend and break, doors and windows to jam, and nothing to stay level or straight up and down (plumb).

We have had to repair our house annually for years just to keep it livable and finally this last year spent over $200,000 in foundation and house repairs just to make it livable again. We installed 15 micropiles into the soil around that back of the house, injected clay stabilizer, and jacked it up to fix a large crack and broken foundation that had made the house un-inhabitable. We are hoping

that this will fix the problem for a while but were only able to do about half of the recommended fix as proposed by the engineering study because of the very expensive costs of these kinds of repairs. The foundation studies and repairs were around $125,000 and the remaining $75,000 was for putting the house back together and that was the minimum that we could have done. To do the recommended repair would have cost another $100,000 and that is only what is under the actual structure. Anything else on the property like fences, walls, underground water and sewer pipes, etc. that is not directly under the house is still subject to moving with the clay soil and will continue to have settling problems. Even after the very expensive foundation repairs the house is still moving but just not as much.

One can live with a crooked house up until a point but when toilets start leaking, bathtubs and showers start leaking and wrecking your walls, sewer lines don't drain downhill anymore, and water pipes break, roofs crack, etc, then it becomes unliveable and one has to make very expensive repairs that are often beyond the reach of a typical working or retired person. Although Kalaheo Hillside looks like an ideal place to live it has major ongoing problems and probably should not have been developed in the first place. This is why so many of us have spoken out against this land transfer and potential development. It would not be a wise place to invest for residents that don't have a lot of extra money to make these ongoing annual repairs that never end. There is also a big liability of developing this parcel without doing damage to the surrounding homes just by disturbing the soil.

2: If the City decides to go forward with this proposal then there are some further revisions or amendments that I and my wife would like to see made in the Resolution.

A. We would like to see that the City will NOT convey the site to DHHL until both the City and DHHL complete more thorough soil surveys of the area, survey all of the land owners on Kalaheo Hillside of existing and past damage caused by the soil problems,

and do due diligence to protect the City, DHHL, and the current land owners, not renters or caretakers but actual land owners.

The Resolution should direct both the City and DHHL to provide these assessments or Due Diligence reports to the residents and the public with sufficient time for public review, comment, and testimony. Only after that should the P&E Committee begin to consider recommending the approval of the Resolution for the full City Council approval and possible conveyance of the land to DHHL.

Any final Resolution needs to specify in writing that DHHL fully acknowledge the inherent responsibility and financial liabilities for the site as part of the land conveyance.

Given that this issue keeps coming up over and over again, if the land is determined to be unsuitable for development, then we recommend that the Department of Planning and Permitting down-zone the parcel's "residential" zoning to "Preservation" so that further attempts to develop this parcel are no longer an issue.

If the parcel is conveyed to the DHHL for future development we ask that it be written that each parcel only be allowed for single family dwellings and not duplexes or multi- family dwellings. This would be consistent with the neighborhood and not add too much extra infrastructure issues to a very small residential neighborhood.

Finally: I just want to restate once again that my wife and I oppose the resolution and think that this land should not be conveyed to DHHL for future development. We are all for good land for Hawaiian Home Lands but think that this land has too many problems to be a good investment for any future development.

Thank you and Aloha,

Christopher W. Evans and Debra A. Evans

KAREN HANSON
648 ILIAINA STREET
KAILUA, HI 96734

I am opposed. I believe offering such wholly unsuitable land to house the most important people in the state will unquestionably dishonor the legacy of Prince Jonah Khi Kalanianaole. I do not deny the need for more housing, but I do question the wisdom and motivation of placing housing and the associated infrastructure on unstable land. Doing so will not only put our Hawaiian families in danger, but will also increase the danger the current residents face daily. Importantly, the proponents of this measure emphasize the need for **affordable** housing, yet this location is anything but affordable due to the constant shifting of land that causes **continuous** property damage to every structure on this hillside. This will undoubtedly create issues like those highlighted in a proPublica article (https://www.propublica.org/article/these-native-hawaiians-waited-years-for-homes-on-their-ancestral-land-then-the-problems-began) but on a much grander scale.

Instability

The hill is already so unstable that the existing homes require constant and costly repair and maintenance not typically required of most homeowners on O'ahu. My home has cracked walls throughout, and doors that no longer close due to the shifting land and cracked foundation. In spite of the thousands of dollars I have put into my backyard, there are new "holes" every week in addition to the to the unmitigated landslide that affected three properties including mine (see below). The newest house on Iliana, built less than two years ago, had cracks in the drywall less than one year after it was built, even though the very reputable builder followed all the rules and regulations for building here. The house next door to me had a crack in every wall with cabinets falling off the walls in the kitchen due to the shifting foundation. The floors were no longer level and daylight could be seen where the foundation of one room had pulled away from adjoining room. Several yards of concrete had to be laid just to level the floors, but this, too, will likely crack in the next few years. I do not believe the hillside can be made safe, even through competent engineering, because the land is not of a suitable quality to respond to competent engineering and will become incredibly dangerous to everyone concerned with incompetent engineering.

Unmitigated Landslide

I speak from personal experience and invite anyone who thinks this is a good idea to visit the land behind 648 Iliana to see for themselves. In January 2023, a landslide occurred affecting three different properties. Fortunately, it occurred at night while no one was in any of the yards so no one was injured. This slide happened in spite of a "retaining wall" having been erected just 4 years prior at a cost of $45,000. Less than ten days after the initial landslide, the retaining wall crumbled and had to be completely removed at a cost of $15,000. The engineer who built the wall claimed to be the best in the state and even threatened a defamation lawsuit if anyone tried to blame him for the landslide and subsequent crumbling of the wall. This landslide affected multiple homes, and to this day the area is blocked off because it is unsafe and unusable. Estimates are over $100,000 to properly address it—how can anyone who qualifies for "affordable" housing afford this repair, when current residents who paid fair market value can't afford it?

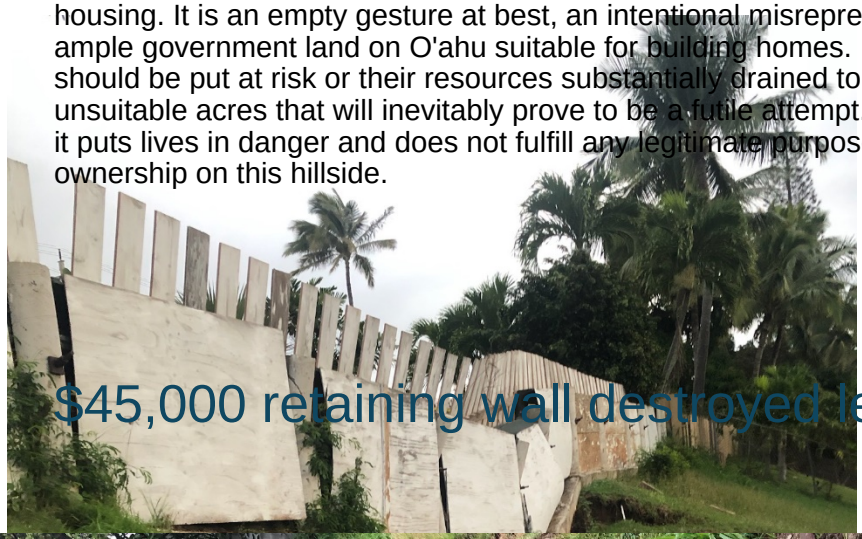
Cost Prohibitive

Kalaheo Hillside is literally made of clay. Even with the best engineering in the world, it would be cost-prohibitive to put homes up this hill safely. The infrastructure required to support new

homes is currently non-existent and likely impossible without substantial negative impact on the existing infrastructure. The existing sewers are already cracked and shifting which will soon create chaos just like the recent water main break on Mokapu. Competent engineers will avoid the project because they know the land is unsuitable and they will not want to put their names on it. That leaves only the people who will do anything for a price. Who will take responsibility when someone is killed by another landslide or inept construction? Who will face the survivors?

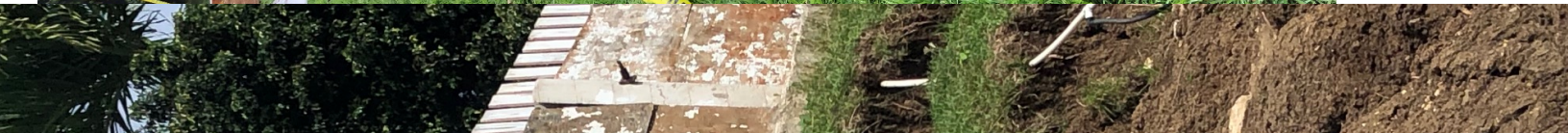
Conclusion

We are doing the Department of Hawaiian Homelands no favors by giving them land they cannot safely use for affordable housing. It is an empty gesture at best, an intentional misrepresentation at worst. There is ample government land on O'ahu suitable for building homes. I do not believe Hawaiians' lives should be put at risk or their resources substantially drained to attempt to transform ten unsuitable acres that will inevitably prove to be a futile attempt. I oppose this measure because it puts lives in danger and does not fulfill any legitimate purpose given the high cost of ownership on this hillside.



$45,000 retaining wall destroyed less than 5 years





‘


U17

Efforts to prevent further slides before the coming storms--$8,000.



wall removed, danger area marked, holes continue to appear in yard from unstable soil (will cost $100,000 to restore)

My name is Barbara Germann. My husband and I have been homeowners on Kalaheo Hillside for 31 years. I am against ***any*** further development of the hillside by **any group** until the proper soil studies are done first before conveyance and building can be considered.

Like the majority of residents in our neighborhood, we have a list of issues that we have had to repair over the years due to the instability of the soil- from major plumbing issues, when a pipe cracked & leaked in the slab due to ground movement, cracked walls, doors that no longer close properly, fences that list, uneven floors due to settling, tile that cracked and needed to be replaced due to slab movement and replacing the sewer line from the house to the street when that too cracked. I could go on and on. Some of these issues happened years ago and some as recently as the past few months.

Some history -**In 2015** when Kirk Caldwell was mayor, the City administration proposed the sale of the city owned 10 acre Kalaheo Hillside parcel adjacent to Kalaheo high school. The administration concluded after a review that the parcel was surplus and should be disposed of. At that time, the parcel was zoned for residential use. Ikaika Anderson was the District 3 councilmember at that time. He sent out a survey to 600 area property owners that would be directly or indirectly affected by any changes to the property. The results were listed in his May 2016 newsletter, but that all soon became a moot point **when soil testing was done in that area and the report indicated that the soil condition was not conducive to building or development. The Hillside was unstable. The proposal was dropped.**

Fast forward to today- **What has changed that now makes the development of this property feasible? It would seem that the enormous cost of stabilizing the hillside for development would end the likelihood of "affordable housing".**

The soil in this proposed area of Kalaheo Hillside needs to be tested and deemed suitable for building BEFORE the Conveyance to DHHL does go through. If the conveyance does go through, and development occurs, the new Hawaiian homeowners will need to have access to large amounts of cash that most likely will be needed for repairs to their property and homes. This is the sad reality.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
Ke Kia'āina o ka Moku'āina 'o Hawai'i

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
Ka Hope Kia'āina o ka Moku'āina 'o Hawai'i

KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i
P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY of KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION

Before the
HONOLULU CITY COUNCIL

Wednesday, September 4, 2024
10:00am

In consideration of
RESOLUTION 24-151, CD1

Aloha Chair Waters, Vice Chair Kia'āina, and members of the Honolulu City Council:

Mahalo to the Honolulu City Council for the opportunity to provide testimony in strong support of the Resolution 24-151, CD1 approving and authorizing the conveyance of the former Kalaheo Elementary School property in Kailua, O'ahu, to the State of Hawai'i Department of Hawaiian Home Lands (DHHL), in furtherance of the intent of the Hawaiian Homes Commission Act, 1920, as amended (HHCA) and to honor the legacy of Prince Jonah Kūhiō Kalaniana'ole, which includes his role in establishing the counties of the State of Hawai'i.

This resolution acknowledges that the HHCA, which was later incorporated as a provision in the State of Hawai'i Constitution as a condition of statehood, was intended to provide native Hawaiians with homesteads through leases of residential, pastoral, and agricultural lots and the City is committed to and has a role to further the intent of the HHCA by providing the former Kalaheo Elementary School site in Kailua. DHHL is supportive of this resolution aimed at addressing the goals and objectives set in motion over one hundred years ago.

DHHL appreciates the opportunity the conveyance of this land will provide to native Hawaiian families, and also appreciates the cancellation of drainage easements A, E, F, and V. Additionally, the CD1 clarifies that the City's intent is to convey the ~10.038 acre site, except for portions of the property to be designated as roadways that the City will retain ownership.

DHHL supported the amendments as reflected in the Report of the Committee on Planning and the Economy that incorporated the following: 1) clarifying that the conveyance of the Kalaheo site to DHHL is for the development of single-family housing consistent with the character of the surrounding neighborhood; 2) providing that DHHL will need to conduct due diligence prior to the conveyance to determine the suitability of the Kalaheo site for the proposed development, including preparation of a Preliminary Engineering Report detailing utility and infrastructure availability, topography, soils, physical constraints and access restrictions, and other pertinent information; and 3) providing that the City will also need to conduct due diligence prior to conveyance, including evaluation of the potential impacts of the proposed development to the surrounding neighborhood, such as impacts to traffic and infrastructure, as well as a survey of any existing, soil-related damage to the homes abutting the Kalaheo site.

DHHL can only develop where it has lands. Most of DHHL's land is located on the neighbor islands in rural or more remote locations. The greatest demand (longest waiting list) is for residential property on Oʻahu. Yet, DHHL has the least amount of land holdings on Oʻahu. Furthermore, the DHHL Beneficiaries Study Applicant Report, 2020 reflected not only that areas on Oʻahu are the most desired, but specifically the Koʻolauloa and Koʻolaupoko region on Oʻahu is identified as the most preferred location on Oʻahu.

Therefore, we heartily support Resolution 24-151, CD1.

DEVEN LATIMER
645 ILIAINA ST.
KAILUA HI 96734

I oppose the idea to fast-track placing families in the Kalaheo Hillside area given the current conditions. The severe infrastructure problems in this area present serious risks that must be addressed before any new families are moved in. It is troubling that the decision to relocate families is being rushed, yet there is no corresponding urgency to repair the existing structural damages and instability, nor has there been a thorough review under the National Environmental Policy Act (NEPA).

If the City is determined to expedite this decision, it must also fast-track the repairs to the infrastructure and conduct a comprehensive NEPA review to ensure the safety of future residents and assess the environmental impacts of any further development. There needs to be a clear and immediate plan outlining who will take responsibility for fixing the damaged infrastructure, who will be held accountable if properties suffer further distress, and how potential environmental impacts will be mitigated. I am sure future residents would like to know that their safety and security are being prioritized, and that the necessary repairs and environmental assessments will be made without delay.

Rushing to place families in an area with known infrastructure issues and environmental risks, without a solid commitment to repairing those issues and conducting the necessary NEPA review first, is both reckless and negligent. It is essential that the City act with the same urgency to address these problems and complete a thorough environmental review as it is to move families in, ensuring a safe, stable, and sustainable environment for everyone involved... The recent water main break on Mokapu Boulevard in Kailua, which led to extensive flooding, serves as a stark and eye-opening reminder of the city’s inability to maintain its current infrastructure. The flooding has not only disrupted daily life but has also brought to light the dire state of infrastructure in the area. Vehicles wade through knee-deep waters, and residents are left questioning the city's ability to maintain essential services. This incident, though alarming, is just one example of a broader, more concerning issue: the city's chronic neglect of infrastructure maintenance, which poses severe risks to the safety and well-being of its residents.

In the nearby Kalaheo Hillside area, the consequences of this neglect are starkly visible. Properties are marred by structural damages, including cracks in slabs and walls, wall separation, and doors and windows that no longer close properly. These signs of distress are compounded by the formation of sinkholes, indicating severe soil stability problems. The images of the sewer structure tell a similar story: significant gaps under the concrete foundation, visible cracks, and erosion—all signs of prolonged neglect and insufficient maintenance. The shifting foundation of the sewer system poses substantial risks, including the potential for collapse, accidents, and environmental contamination due to sewage leaks.

The city's approach to infrastructure maintenance has been reactive rather than proactive. The requirement for residents to fill out property damage surveys highlights an awareness of these widespread issues, yet there has been a significant delay in addressing them. The yellow paint markings on the sewer covers, which likely indicate prior inspections, have not been followed by necessary repairs. This negligence is not only a failure in governance but also a betrayal of the city's duty to ensure the safety and health of its residents.

Amidst these challenges, the city is moving forward with plans to develop the Kalaheo Hillside area into single-family homes for native Hawaiian beneficiaries. This development, intended to honor the heritage and rights of indigenous Hawaiians, is undeniably noble. However, the current state of infrastructure raises serious questions about the safety of such an endeavor. If the city cannot adequately maintain existing infrastructure, how can it justify placing families in potentially hazardous conditions?

The planned development has not undergone a National Environmental Policy Act (NEPA) review or an Environmental Impact Study (EIS), critical processes that assess the potential effects of proposed actions on the environment and human health. Without these studies, there is no comprehensive understanding of the risks posed by soil instability, flooding, and other environmental factors. The indigenous Hawaiian community, who have historically faced marginalization and displacement, deserve better. They deserve safe, stable homes built on land that has been thoroughly evaluated for environmental and structural integrity.

The recent water main break and the visible infrastructure damage in Kalaheo Hillside underscore the urgent need for a more rigorous approach. Comprehensive inspections and immediate repairs are essential to stabilize foundations, fix cracks, and upgrade electrical systems to modern standards. A preventive maintenance plan must be developed and implemented to regularly monitor and address infrastructure issues proactively. This should include routine inspections of both structural and electrical systems to prevent future hazards.

Furthermore, the city must engage with the community to keep them informed about actions being taken and provide clear channels for reporting concerns. Involving residents in monitoring infrastructure will enhance safety and ensure timely interventions. Addressing the root causes of the recent flooding, such as improving drainage systems and ensuring regular maintenance of water infrastructure, is also crucial.

Most importantly, before any development proceeds, a NEPA review and EIS must be conducted. These studies will provide a comprehensive assessment of the environmental and health impacts of the proposed development, ensuring that the community is not subjected to the same risks currently faced by residents in Kalaheo Hillside.

The city can't merely give up the land and transfer the neglect and responsibility to the builder, then call it a monumental improvement to making progress. The indigenous Ensuring all necessary environmental and structural assessments are conducted and addressing existing infrastructure issues will honor the city’s commitment to its residents. This is not merely a matter of governance—it is a matter of justice and respect for a community that deserves the best that Kailua has to offer.

Damage to Sewer and Water Systems: The sewer and water systems in the area are also in a state of disrepair. Photographs show significant gaps under the concrete foundation of the sewer infrastructure, visible cracks, and signs of erosion. These issues raise the risk of sewage leaks and potential environmental contamination, posing a health hazard to residents and a threat to the local environment.


SANITARY
SEWER















Nov. 22, 2023

Repairs continue to fix 24-inch water main break in Kailua



Repairs continue to fix 24-inch water main break in Kailua



Given these conditions, it is clear that any further development or construction in the Kalaheo Hillside area without a thorough environmental assessment would be highly irresponsible. The NEPA review and an Environmental Impact Study (EIS) are essential to understand the full scope of environmental and structural risks associated with the current state of the hillside and to ensure that any proposed improvements will not exacerbate these issues.

Without these studies, we risk overlooking crucial factors such as soil stability, potential flooding, and the long-term impacts of land disturbance. The recent flooding and the visible structural damages are clear indicators that the hillside is already under significant stress. Any additional construction could destabilize the area further, leading to more severe damage and potentially catastrophic failures.

I strongly urge the city to take immediate action to address these concerns. Before moving forward with any improvements, the city must conduct a NEPA review and an EIS to fully understand the risks and to develop a plan that prioritizes the safety and well-being of all residents. It is essential that we approach this situation with the seriousness it deserves, ensuring that any actions taken are in the best interests of the community and the environment.

Thank you for your attention to this matter. I look forward to your response and to working together to ensure a safer and more sustainable future for Kalaheo Hillside.

Gary Weller <wellerge@manaikaika.com>

Resolution 24-151

Gary E. Weller <wellerge@manaikaika.com>

Wed, Sep 4, 2024 at 12:59 AM

Draft To: tommy.waters@honolulu.gov, ckysay@honolulu.gov, valokimoto@honolulu.gov, Mayor Rick Blangiardi <mayor@honolulu.gov>, ekiaaina@honolulu.gov, mweyer@honolulu.gov, atulba@honolulu.gov, atupola@honolulu.gov, rcordero@honolulu.gov

ORDER BUSINESS Wednesday, September 4, 2024 PLANNING AND THE ECONOMY CR-270 Related communication: CC-200 Resolution 24-151, CD1 Approving and authorizing the conveyance of the former Kalaheo Elementary School property in Kailua, O‘ahu, to the State of Hawai‘i Department of Hawaiian Home

Lands, in furtherance of the intent of the Hawaiian Homes Commission Act and to honor the legacy of Prince Jonah Kūhiō Kalaniana‘ole, which includes his role in establishing the counties of the State of Hawai‘i. FOR ADOPTION, AS AMENDED Disclosure of Interest Councilmember Kia‘āina.

Please look at our board meeting on this: All the neighbor close by speak out:

https://youtu.be/z5Ch-jnmpig?si=ZLU9dd9Y0u_8kK0x&t=712

KAILUA NEIGHBORHOOD BOARD NO. 31

V. BOARD BUSINESS: COMMITTEE MOTION – [0:11:51]

The Kailua Neighborhood Board requests that a new geotechnical study be conducted prior to the transfer of 10 acres of public land on Kalaheo Hillside from the City & County of Honolulu to the Department of Hawaiian Home Lands (DHHL) to ensure that the hillside soil is stable enough to do earth moving and build new homes on it without causing damage to existing homes. [0:13:50] - Wong introduced the motion from the Planning, Zoning & Environment Committee. Discussion followed, including compelling testimony by 13 Kalaheo Hillside property owners about expensive and recurring house foundation, house wall, sewer connection, and retaining wall repair issues

was compelling.
Akau arrived at 7:21 p.m., 15 members present.

[1:16:50] Wong proposed the following amendment to the motion. Furthermore, to protect existing homeowners, the City & County of Honolulu and Department of Hawaiian Home Lands will conduct a survey assessing existing conditions of homes abutting the Kalaheo Hillside which must be conducted by either the City and County of Honolulu or the Department of Hawaiian Home Lands and approved and disseminated to homeowners prior to any construction. Weller Seconded the amendment. Discussion followed. The Motion to adopt the amendment was approved; 15-0-0 (AYE: Akau, Counsell, Hicks, Kobayashi, Laeha, Lau, Lee, Lipton, Miyashiro, Righter, Tomasa, Weber, Weller, Wong, Zuckernick.NAY: None. ABSTAIN: None.) [1:23:17]

[1:24:42] Hearing no further discussion on the amended motion, Chair Hicks conducted a roll call vote. The motion that the Kailua Neighborhood Board requests that a new geotechnical study be conducted prior to the transfer of 10 acres of public land on Kalaheo Hillside from the City & County of Honolulu to the Department of Hawaiian Home Lands to ensure that the hillside soil is stable enough to do earth moving and build new homes on it without causing damage to existing homes. Furthermore, to protect existing homeowners, the City & County of Honolulu and Department of Hawaiian Home Lands will conduct a survey assessing existing conditions of homes abutting Kalaheo Hillside which must be conducted by either the City & County of Honolulu or the Department of Hawaiian Home Lands and approved and disseminated to homeowners prior to any construction.. was ADOPTED by roll call vote; 15-0-0 (AYE: Akau, Counsell, Hicks, Kobayashi, Laeha, Lau,

Lee, Lipton, Miyashiro, Righter, Tomasa, Weber, Weller, Wong, Zuckernick. NAY: None. ABSTAIN: None.) [1:25:07]
Gary E. Weller
KAILUA NEIGHBORHOOD BOARD NO. 31
Member
--
“The greatness of a nation and its moral progress can be judged by the way its animals are treated.” – Mahatma Gandhi
"It is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change...."
~Charles Darwin~
Gary E. Weller
President
Mana Ikaika, Inc.
Kailua Data Center
221 Iliaina Street Kailua, Hawaii 96734 USA
wellerge@manaikaika.com

Work:808-253-0675
Fax:808-2549693
Cell:808-203-8217
Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer do not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of my firm shall be understood as neither given nor endorsed by it.



Virus-free.www.avast.com

September 4, 2024

Subject: Written Testimony of James Hancock to the Regular Meeting of the Honolulu City Council, September 4, 2024, regarding City Council Resolution 24-151 [CR-270], Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL) to include changes and amendments in 24-151 CD1.

I am a long-time Kalaheo Hillside resident owner, James Hancock. I am opposed to this resolution as currently written. The resolution needs to be modified to include public availability and review of the drafted DHHL and C&C due dilegence reports, the data collected for the reports, and descriptions of data collection methodology. No conveyance of the parcel should occur until the reports are fully drafted and the public has found them to be thorough and complete.

My previous testimonies (enclosed) included numerous photos from thoughout the neighborhood showing significant structural damages caused by land instability. I am now adding to that this photograph taken yesterday of the restoration of a collapsed wall on the 600 block of Iliaina (Kalaheo Hillside). The reconstruction project is roughly 90 feet long.



Thank you for this opportunity to comment on City Council Resolution 24-151.

James Hancock
657 Iliaina Street,
Kailua, Hawaii

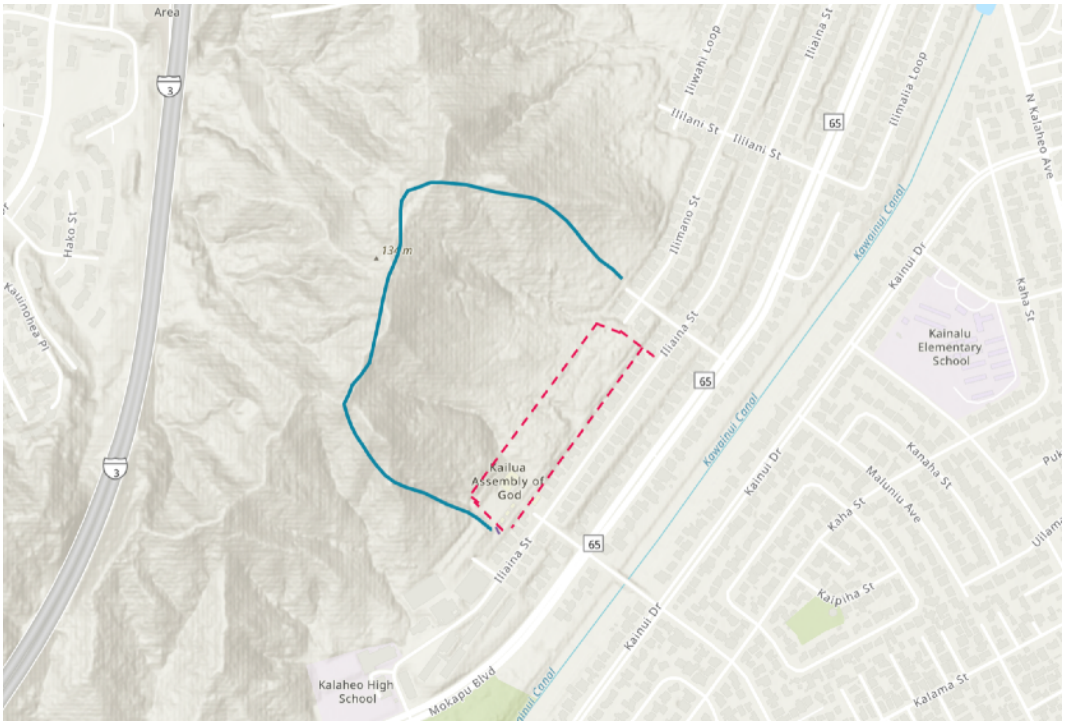
Enclosures:

1. Written Testimony of James Hancock, submitted for the August 22, 2024 City Council P&E Committee Meeting.
2. Written Testimony of James Hancock, submitted for the July 25, 2024 City Council P&E Committee Meeting.

Subject: Written Testimony of James Hancock to the Committee on Planning and the Economy (P&E) meeting regarding City Council Resolution 24-151, Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL) to include changes and amendments in 24-151 CD1.

I am opposed to this resolution in its current written form for several reasons:

1. It does not protect the existing neighborhood or attach liability to anyone for future hillside soil damage caused by building this development at all.
2. I want a legitimate soil and land instability assessment as it pertains to the proposed development parcel and in the existing adjacent neighborhood, before the ownership of this parcel is changed.
   A. I want physical drill core samples, not hydraulic echo signal data.
   B. I want at least 10 samples laid out by grid, not random places easily accessible by the machinery.
3. I want an accurate accountability of what responsibility this future construction has with regards to following established Uniform Building Codes for Hawaii and Honolulu County, especially as it pertains to electrical, plumbing, weather related and water drainage issues.



Red outline is proposed development of 10 acres.
Blue outline is watershed / drainage basin boundary, approximately 75 acres.

Kailua averages 50 inches of rain a year. Because of the development parcel's hillside topography, the site also has to convey all the uphill runoff water as it passes downhill through the site. This is an amount more than 5 times the amount of water that falls directly on the parcel.



This hydrant at 515 Iliaina has been leaking for months. Long enough for a stream of green algae to live in the concrete ditch for the distance from it to the street storm drain drop inlet about 100 yards away.







These are some of the extra-curricular repairs and fortifications used commonly on this Kalaheo Hillside neighborhood.



… and ultimately the base breaks through the concrete anyway.

Thank you all for this opportunity to comment on City Council Resolution 24-151, Committee Draft 1.

James Hancock
657 Iliaina Street
Kailua, HI. 96734

Enclosure:
1 – Written Testimony of James Hancock, submitted for the July 25, 2024, City Council P&E Committee Meeting.

Written Testimony of Jim Hancock
July 25, 2024

Subject: Written Testimony of Jim Hancock regarding City Council Resolution 24-151, Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL)

Aloha,
My name is James Hancock. I live at 657 Iliaina St, in a home that my wife and I have owned for about 15 years. I am writing this to discourage the transfer of this 10 acre plot to anyone intending to develop it. I am a Geologist, University of Houston (1971) B.S. Geology. I will attempt to explain why this is a very bad idea in terms of the geologic nature of this parcel.

The Soil

The exposed surface of this parcel is Kokokahi clay of unknown depth. I would guess at my property at least 10 feet. In the upper left corner of this plot the elevation is 70 feet higher in elevation than my house I would assume the clay to be at least half of that.



Kokokahi clay is the regional name for what is known as a Bentonite or **Montmorillonite** clay. The words Bentonite or **Montmorillonite** can be used interchangeably. **Montmorillonite** is a mineral usually formed in weathered volcanic ash in areas with poor drainage. It is a component in some Hawaiian soils. It is generally rare because very specific weathering conditions must be present for it to occur. I estimate 800 acres of it in all of Hawaii. As a comparative scale Kawainui marsh is approximately 1000 acres. The following is an excerpt from the book *Volcanoes in the Sea - the Geology of Hawaii* (G. Macdonald, A. Abbott and F. Peterson, 1983).

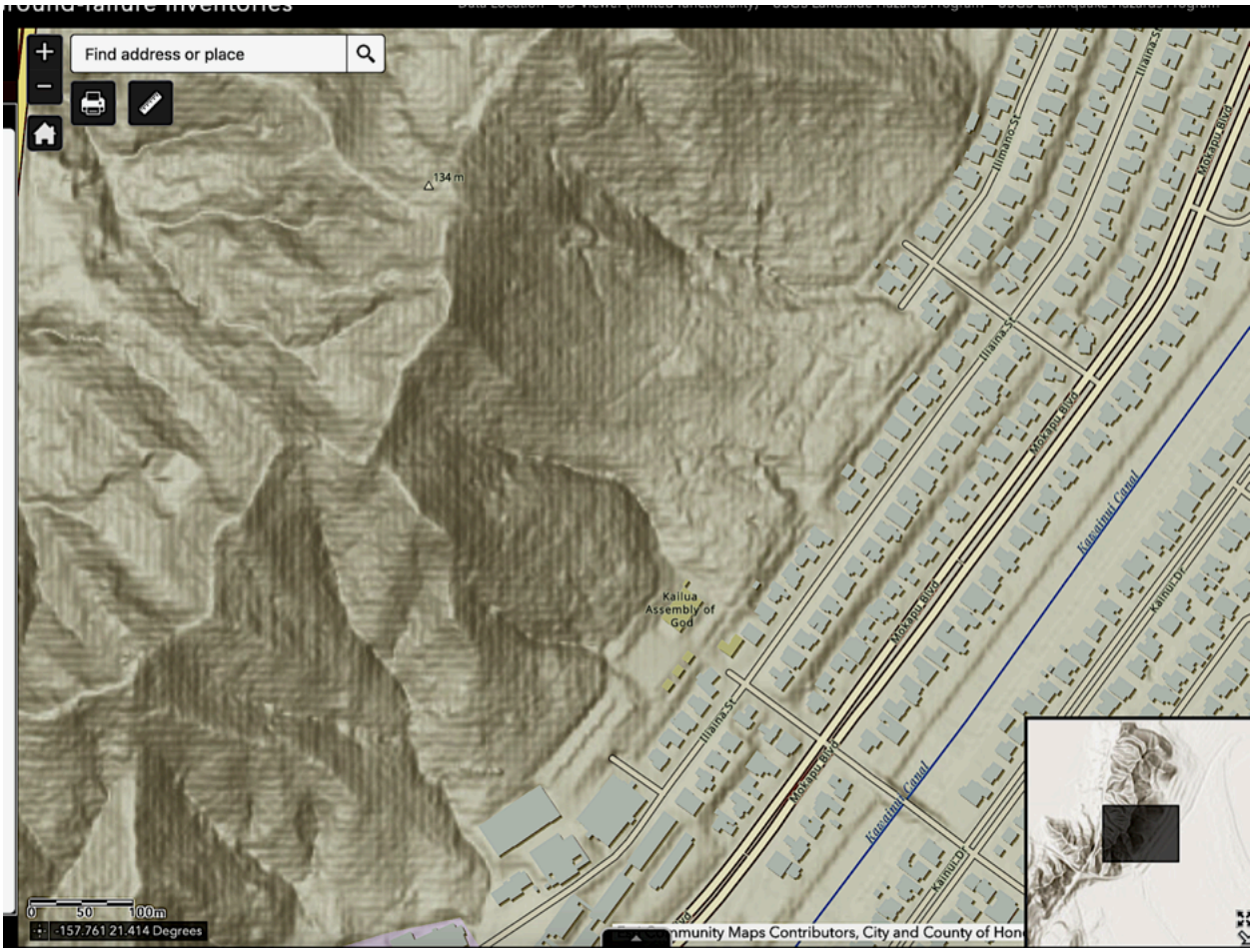
> Topography and drainage conditions significantly influence soil conditions in Hawaii. Where slopes are steep, runoff is rapid and erosion removes soil as fast as it forms; hence in such areas soil profiles generally are thin and poorly developed. On more level terrain, runoff is slowed and more water enters the ground to weather minerals and relocate clays and other mobile constituents. Alluvium, regardless of source, often becomes **montmorillonitic** clays in areas of poor drainage. Where topography causes internal seepage, complex patterns of well-drained red kaolinitic soils grade into poorly drained black **montmorillonitic** soils…

Montmorillonite is the common clay mineral associated with most expansive and highly plastic soils. Unlike the more stable kaolinite, **montmorillonite** has a variable crystal lattice which allows it to absorb large numbers of metal cations and water molecules on its surface. Thus when water is available it is absorbed by montmorillonite and the soil expands; then when the soil dries out and the water is lost from the montmorillonite structure, the soil shrinks, **With sufficient water, montmorillonite, may expand up to 15 times its own volume.** Fortunately, most Hawaiian soils contain only limited amounts of **montmorillonite**.

The Hill



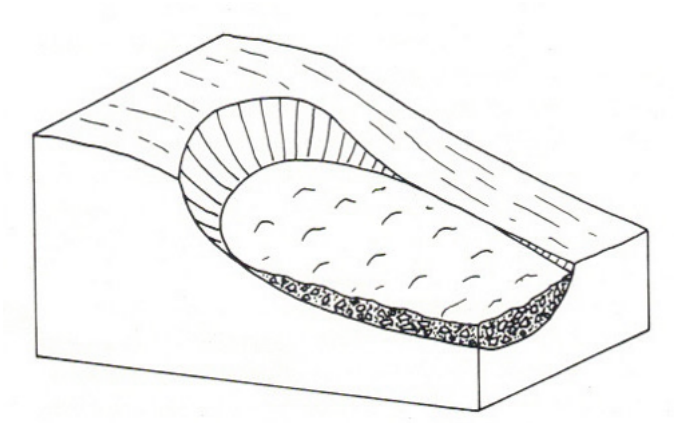
It can be seen from a simple contour map that the site has a substantial slope. Estimates place it at roughly twice as steep as the existing housing below, and it is especially steep in the southwest part of the parcel. Enormous amounts of soil will need to be removed, moved or manipulated to make this site work.



This LIDAR reveals the surface of the property.
Notice the now 60 yard old remnants of attempted road preparation, A
And the missing soil B which was probably removed and used to smooth out lawns and back yards in the development.



This 1997 air photo clearly shows what I believe to be a very old landslide, The more recent LIDAR image clearly confirms it.



To the left is a diagram from Macdonald et al. (1983) illustrating the general form of a typical landslide.

The following (from the MacDonald 1983) is a description of a very similar situation involving montmorillonite clay and new home construction subdivision in the upper reaches of Palolo Valley and Aina Haina Valley close to Waimanalo (just over the Koolau ridge) Similar soil types and at the foot of the hills.

The Waiomao subdivision was completed near the end of 1952, and in March 1954 the first signs of slope instability appeared. At the end of November 1954 the rate of sliding began to increase, presumably partly in response to almost 23 centimeters of rainfall in one 48-hour period. By February 1955 it became necessary to disconnect the water main in



Kuahea Street, and during the next several years all utility lines were dug up and relocated above ground.

The rate of sliding movement is slow, several centimeters to a few meters per year, and is fairly well correlated with rainfall (Peck, 1967). Due to the slow movement, human life has not been endangered; however, the ground surface has dropped a few meters in places, breaking and tilting road pavements as well as tilting and distorting houses to the point that most of them have had to be abandoned. The slide is of the slump type, and is taking place in colluvial material resting on competent basalt bedrock. The colluvium is primarily weathered basalt consisting of gravel and boulders in a matrix of mostly brownish clay, including some montmorillonite. The shearing surface bounding the slide at the bottom appears to be approximately 20 meters below ground level in the central part of the slide.

R. Peck (1959), an expert in slope stability problems, hired by the City of Honolulu to study the Waiomao slide, concluded that the slide was caused by: (1) reduction of effective frictional resistance to sliding in the soil because of high groundwater pore pressure, and (2) an increase in the weight of the overlying soil because of water trapped above the sliding surface. He also concluded that the sliding movement created a "smear zone" which prevented water from draining out of the sliding mass into the underlying permeable basalt, hence the inability of the slide to drain and the build-up of excessive pore water pressure.

Numerous attempts were made to stabilize the slide, mostly aimed at draining the sliding mass, but none was successful, and by 1970 all attempts at stabilization were abandoned. Subsequently, the City purchased much of the most severely affected property and in 1976 graded the area into a park. The area is still highly unstable and undoubtedly will continue its slow but relentless descent for many years to come.

Aina Haina Valley, in Honolulu, also has experienced numerous landsliding problems. By far the most serious is a large slide covering over 12,000 square meters and affecting some 32 residential lots between Mona and Hind Iuka streets in the upper eastern portion of the valley (fig. 9.8). Movement in this area, as evidenced by leaky water mains, was first detected in early 1966, some 8 years after development was completed. The Hind Iuka slide, as it is called, is similar in many respects to the Waiomao slide in Palolo Valley. Like the Waiomao slide, the rate of movement generally is slow, averaging at most a few meters per year, and periods of most rapid movement correlate fairly well



…This is a picture taken yesterday July 24 on my street just a couple of houses away.

with heavy rainfall. Although the Hind Iuka slide is only about 5 meters thick, the sliding mass is very heterogeneous colluvial material consisting of rock and boulder fragments in a matrix of brownish clay. Much of the clay is expansive montmorillonite.

Landslide experts hired by the City of Honolulu, R. Peck and S. Wilson (1968), concluded that the causes of sliding were: (1) inherent instability of slopes in this area, coupled with (2) stress concentrations resulting from residential development, and (3) addition of water into the subsurface from broken utility pipes and other associated development activities. Numerous efforts at stabilizing the sliding mass were attempted, but none was successful, and as with the Waiomao slide, the City ultimately purchased most of the affected property and converted the area into a park.



This is a true to scale series of pictures of Aloha Stadium as it compares to the aforementioned “very old landslide”. I estimate that the quantity of Kokokahi clay in that slide would just about fill aloha stadium. Imagine that mass tipped up 200 feet on the side of a hill in your back yard.

Creep

Macdonald et al. (1983) describe this issue as follows:

> Although not dramatic in terms of surface expression, slow downslope movement by creep is a very important process of mass wasting in Hawaii. In areas of high rainfall, creep occurs in weak soils on steep slopes as a result of gravitational forces slowly deforming the near-surface materials. In drier areas the force of gravity is aided by expansion and contraction of soil particles caused by alternate wetting and drying.
>
> Even though overt evidence of creep such as bent tree trunks and stretched roots is scarce, Peck and Wilson (1968), in a study of landsliding in Aina Haina Valley for the City of Honolulu, concluded that many hillsides in Honolulu are continually moving very

slowly downward as a result of creep. They estimated, based on visual observations in several residential developments and survey data from upper Aina Haina and upper Palolo valleys, that creep rates of the surface of these slopes is on the order of 0.5 to 1 centimeter per year.



Across from Aikahi Fire Department



Fire hydrant busting through a substantial
Concrete foundation



My backyard, collapsed walls.



Kokokahi clay soil profile, 18 inches deep, my backyard.

Subject: Written Testimony of Sharon Sawdey to the Regular Meeting of the Honolulu City Council, September 4, 2024, regarding City Council Resolution 24-151 [CR-270], Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL) to include changes and amendments in 24-151 CD1.

Overview

I have lived adjacent to the Kaleheo Hillside parcel for 15 years. I and many of my Kalaheo Hillside neighbors have submitted oral and written testimony documenting the structural damages we have personally had to address due to unstable soil conditions throughout the hillside. As such, I still perceive shortcomings in the Resolution as currently written and therefore continue to oppose it. The next section identifies specific issues that need to be included in the Resolution before it is passed.

Resolution Concerns and Requested Modifications

1. Amendment "L" indicates DHHL will prepare a Preliminary Engineering Report (PER) prior to the conveyance as part of its due diligence to determine the suitability of the Kalaheo Site for the proposed development. Since this proposed development is a publically-funded project, I believe strongly it needs to include a public review process: that is, the PER must be made available for at least 60 days before conveyance to allow the public sufficient time for review and comment.
2. Amendment "M" indicates the City will also conduct due diligence prior to the conveyance, evaluating potential impacts of the proposed development on the surrounding neighborhood. Similar to Amendment L, the C&C's due diligence assessment needs to include a public review period of at least 60 days, prior to conveyance, to allow the public sufficient time for review and comment.

Summary

I feel strongly the that Resolution 24-151 should be modified to include a 60-day public review and comment period on the findings. Thank you for this opportunity to comment.

Sharon Sawdey
657 Iliaina Street
Kailua, Hawaii 96734

Enclosure:

1. Written Testimony of Sharon Sawdey submitted for the August 22, 2024 City Council P&E Committee Meeting.

Subject: Written Testimony of Sharon Sawdey to the Committee on Planning and the Economy (P&E) meeting regarding City Council Resolution 24-151, Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL) to include changes and amendments in 24-151 CD1.

Overview

My name is Sharon Sawdey, and I have lived adjacent to the Kaleheo Hillside parcel for 15 years. As a professional civil engineer with more than 30 years experience developing and assessing proposed projects, it's been enlightening both personally and professionally to see this resolution evolve as it passes through the committee process. I recognize and appreciate that Proposed Committee Draft 1 incorporates amendments that address several concerns raised by our community. However, as currently written, I still perceive shortcomings in the Resolution and therefore continue to oppose it. The section that follows identifies specific Resolution wording that needs to be strengthened, while the final section summarizes the evidence of structural damage and soil instability on our property.

Resolution Concerns

1. Amendment "L" indicates DHHL will prepare a Preliminary Engineering Report (PER) prior to the conveyance as part of its due diligence to determine the suitability of the Kalaheo Site for the proposed development. While I highly commend the committee for adding this language, it needs to include a public review process: that is, the PER must be made available for at least 60 days before conveyance to allow the public sufficient time for review and comment.
2. Amendment "M" indicates the City will also conduct due diligence prior to the conveyance, evaluating potential impacts of the proposed development on the surrounding neighborhood. Similar to Amendment L, the C&C's due diligence assessment needs to include a public review period of at least 60 days, prior to conveyance, to allow the public sufficient time for review and comment.
3. Amendment "I" states the Kalaheo Site is to be developed for "affordable single-family housing consistent with the character of the surrounding neighborhood". This language raises two concerns:
    A. It contradicts the language in Amendment "D" stating the Kalaheo Site is zoned R-7.5 Residential District and P-1 Restricted Preservation District, since the most current version of the C&C Department of Planning and Permitting Land Use Ordinance (LUO) allows duplexes to be built in R-7.5 zoning. (See Table 21.3, particularly pages 46-47 at https://www.honolulu.gov/rep/site/dpp/LUO_2024.7.30.pdf). For clarity, Amendment "I" should be modified to specify development of affordable single-family homes ONLY, consistent with the character of the surrounding neighborhood.
    B. The language may preclude DHHL from assessing Subsistence Agriculture or other low density homestead purposes described in the DHHL Oahu Island Plan

(2014). Given the unstable soil conditions, a lower-density development might reduce the risk of structural damage both on-site and down-slope while still achieving some homestead development benefits. Please encourage an assessment to determine the potential benefits of a lower-density development.

Soil Instability and Structural Damage Concerns

Our property lies adjacent to the proposed conveyance parcel, and the back slope includes four rock and CMU retaining walls that were permitted by the City and installed in 1995, making them now just 30 years old. When we purchased our home in 2009, the disclosure statement did not indicate any issues with ground stability, and we saw no signs of structural failure on the site. Around 2015 we began seeing cracks and wall tilt. This past March following significant rains, the CMU wall failed. Three estimates we received to complete repairs were in the range of $35,000 to $45,000. One contractor noted he cannot guarantee the repairs will last any set amount of time, since the evidence of ground movement and slippage is so significant.



Photo 1 caption: This 5-foot high, permitted CMU retaining wall failed in March after substantial rains. The wall runs parallel to the drainage easement along our mauka property boundary, about 7 feet from the concrete-lined drainage ditch. Even with that close proximity to the ditch, note the occurrence of large shrink-swell cracks in the soil; these are evidence of considerable subsurface water flow during wet periods.



Photo 2 caption: This permitted rock retaining wall is about 30 years old but showed no sign of leaning when we purchased the property in 2010. A haole koa tree at the far end is probably preventing it from falling totally over.

Amendment "I" states this Resolution will help address the City's affordable housing crisis and also show the City's commitment to further the intent of the (Homestead) Act. However, there are obvious, visible challenges to develop the Kalaheo Site, beginning with a steep slope of about 12%. Substantial evidence from downslope residences demonstrates real-time issues with very unstable soils. Indeed, the advice of local geology experts as reported in the reference *Volcanoes in the Sea, the Geology of Hawaii* (Macdonald et al., 1983) is this:

> Once slopes with high potential for landsliding have been identified, the best solution is to **avoid them altogether**. If this cannot be done, great care must be taken to design earth work and buildings so as to prevent landsliding… In particular, excess loading and steepening of slopes… should be avoided. **If this is not achieved, continued troubles must be expected**.

Summary

I applaud the Committee for requiring the completion of the DHHL Preliminary Engineering Report and the C&C impacts evaluation prior to conveyance. I trust the Committee will further amend the Resolution to include a 60-day public review and comment period on the findings. My personal experience anticipates the reports will estimate development costs considerably higher than average, and with a high risk of damaging both new and existing resident investments. Even so, I look forward to learning more about the conditions of my Kalaheo Hillside property and community, and I hope in some way to contribute to responsible resource management and development of more affordable housing here on Oahu.

Thank you for this opportunity to comment on City Council Resolution 24-151, Committee Draft 1.

Sharon Sawdey
657 Iliaina Street
Kailua, HI. 96734