

Resolution 20-261 Testimony

MISC. COM. 784

From: CLK Council Info
Sent: Tuesday, October 27, 2020 9:19 AM
Subject: Public Infrastructure, Technology and Sustainability Speaker Registration/testimony

Speaker Registration/Testimony

Name Philip Tom
Phone 8084971402
Email minortom@aol.com
Meeting Date 10-21-2020
Council/PH Committee PITS
Agenda Item Res20-261
Your position on the matter Support
Representing Self
Organization

Written Testimony

I have resided at my home 2324 Waiomao Rd since 2012 which is on the ewa side of Waiomao Rd. My home is near James Conant home at 2296 Waiomao Road which has totally been destroyed because of Waiomao road putting pressure on his property. I have seen the situation get worse from 2016 and now the movement is threatening my property and those of my neighbors to the extent that I had to hire a foundation professional and engineers to save my house with micro piles and tiebacks. We have spent many hundreds of thousands of dollars. Presently Waiomao Road is putting pressure on my garage and on the city's retaining walls abutting my property I fear that soon my home will be the next casualty and definitely my garage.

I've expressed my concerns during the neighborhood board meetings since 2018 and with counsel woman Ann Kobayashi as well as director Kroning. Director Kroning lack of responses and concern for our inquiries or made going to these meetings fruitless.

I would like to amend resolution 20 -145 to include other houses besides 2301 Waiomao rd. that should be condemned thereby increasing the scope of the mitigation and thus saving my home and my neighbors homes.

Respectfully,

Philip K B Tom

Testimony Attachment
Accept Terms and Agreement

1

From: CLK Council Info
Sent: Monday, November 2, 2020 1:10 PM
Subject: Council/Public Hearing Speaker Registration/Testimony

Speaker Registration/Testimony

Name LAURIE and J Chivers
Phone 8087223437
Email lchivers808@gmail.com
Meeting Date 11-05-2020
Council/PH Committee Council
Agenda Item Resolution 20-261
Your position on the matter Support
Representing Self
Organization

Written Testimony

My husband and I have resided at 2306 Kuahea St. (originally known as 2287 Waiomao) since November 2001. We are the second owners of this house, having purchased from the original owners who built our house in 1953. Unfortunately for our neighborhood, what was once a great place to live has turned into a nightmare of water leaking up from the streets, bumpy roads, sinkholes, broken sewer lines, broken water lines, broken gas lines, heaving sidewalks, houses sliding off foundations, carports heaving up, inaccessible driveways, rock walls tumbling down, and more. We have witnessed 5 homes of neighbors being demolished and one more by the end of this month. All due to the negligence of the City to maintain the infrastructure beneath Kuahea St. These neighbors also had to endure the cost and emotional trauma of suing the City in order to get a fair compensation for the loss of their home, some of which still had mortgages to pay on them. In the end the City lost those suits and paid. There are still 5 more homeowners in various stages of suing the City. All of these homeowners had to suffer and endure financial hardship and stress while the City dragged their feet and put up obstacles for a swift resolution, including counter suits and frivolous citations. There was no courtesy what so ever extended to our neighbors who saw their life savings sliding away. However, one other favored resident got preferential treatment courtesy of Res. 20-145 for his lawsuit to go to immediate mediation. Even though he purchased his property in 2016 with the full knowledge of being in a land slide zone AND had signed a covenant indemnifying the City from any damage or loss from the earth movement. The current homeowners, and likely more in the future, deserve to be treated in this same manner. Mediation in good faith should be the first course of action taken. It is what my neighbors deserve in this horrendous situation. Why make them suffer needless financial and emotional harm? Please Vote Yes for Resolution 20-261. Mahalo

Testimony
Attachment

TESTIMONY IN SUPPORT OF RESOLUTION 20-261

From Julie A. Iezzi and Joshua E. Barnes
2340 Kuahea St.
Honolulu, HI 96816
808-469-7173

As long-time, but now unfortunately former residents of 2340 Kuahea Street, we write to express STRONG SUPPORT for Resolution 20-261. The Resolution itself says the pertinent facts:

1. We are one of the “certain property owners **with properties damaged along with, or by the damaged City infrastructure.**” We “are interested in negotiating with the City for the City's acquisition” of our property through mediation.
2. Indeed, “halting the continued damage to public infrastructure is critical and the failure to do so will pose a threat to public health, welfare, and safety, as well as threaten access to the Waiomao area, including access by essential emergency services (police, fire, and emergency medical services) for approximately 1,200 residents.” **THIS IS NO EXAGGERATION.** Please heed these warnings.
3. And YES, the “City is responsible for the maintenance and repair of City-owned infrastructure, such as roads, sewer and water pipes, and drainage systems, as well as for the safety and welfare of the public affected by infrastructure issues.”

In order for the response to be of a scope and scale that will actually address the situation AS IT IS NOW, it is imperative that the city mediate with the homeowners listed in the resolution. I find it important to point out that prior to this proposed resolution, all homeowners whose properties were acquired by the city in its stated duty to “maintain infrastructure” were acquired only after the property owners litigated against the city, enduring great expense and extended hardship for two or even three years before the city ultimately lost each suit and was forced to purchase. There is ONE exception to this. ONE homeowner, of 2301 Waiomao Rd, was afforded mediation as a result of the recently passed Resolution 20-145. The unnecessary and time-consuming process of litigation on all the other properties without a doubt exacerbated the problem. It is admirable that the city passed Resolution 20-145, enabling that homeowner to avoid the litigation process. I urge all council members to not only think about what is fair, but what is prudent. This situation will likely not even be resolved in the next decade if properties are not soon acquired. Waiting two or three more years for individuals to be tortured in long drawn out litigation process will, ultimately, result in even more cases, as the slide continues to expand. Please, we ask that you truly protect city infrastructure and the larger community in the Waiomao area, mediate with these homeowners, and expand the slide mediation efforts.

We would like to address to our particular situation at 2340 Kuahea St., as the current mitigation construction butts up right up to the edge of our carport. Our home is located just above the storm drain that was filled in with cement on June 25, 2018, marking an abrupt turnaround of promised construction to repair drainage in the area. Beginning in January 2018, storm drains were repaired and replaced on Waiomao Rd., from 10th Ave. to the bottom of Kuahea St. Repairs were supposed to continue up Kuahea St. to Kuahea Place. Instead, however, repairs were abruptly halted in June, the section of Kuahea St. just above Helo Pl. to Kuahea Pl. was closed, and the storm drain filled with cement. That infrastructure was never fixed. Drainage in this

important area is even now non-existent, and repeated questions to former DDC Director Kroning, as well as current Director Yonamine about the LACK of drainage in this key area have never been appropriately addressed. If the city is concerned with protecting and maintaining infrastructure (as it should be) then the repair of that section of storm drainage on Kuahea St., more than 2 years ago as planned, may have done a great deal to prevent the widening devastation. Closing that section of Kuahea, just below our home, did not stop the water that flowed down Kuahea Place and had nowhere to drain, but rather pooled in the sink hole that had formed immediately next to our driveway, soaked into the ground, and seeped out from the retaining walls of homes below on Waiomao, causing walls to fall, the entire road to move, and many more homes to be affected. This area on Kuahea, with no drainage, is an area which, as stated on page 6 of the 2015 Geolabs report, issued to DDC Director Kroning on Sept. 9, 2015, required:

Continued monitoring and maintenance of the utility infrastructure is important to reduce sources of water infiltrating into the subsurface, which can accelerate movements. High volume discharges in the storm drains have potential to scour and create voids where line offsets or breaks occur. Utilities such as water supply, wastewater, and drainage should be notified of the active earth movement condition and the need to promptly detect and correct possible continued utility damage as a result of the ongoing earth movements. Prompt action to detect and correct leaks is recommended. CCTV video survey of existing drain and wastewater lines in the Kuahea Street and Waiomao Road vicinity should be undertaken periodically in an effort to detect possible line breaks and the undesired discharges that could adversely impact the active earth movements.

Furthermore, our home is located directly across from the **broken sewer line** at the base of Kuahea Pl, which is also city infrastructure that was not maintained. This sewer line was finally rerouted early in the current slide mitigation phase of construction, in Feb. 2020, and now runs above ground directly alongside our carport.

Indeed, the city needs to maintain important infrastructure. Resolution 2020-984 will finally enable a full and effective response to the slide, caused by neglected repair to said infrastructure. This will also alleviate further suffering, stress, and economic catastrophe to the homeowners severely affected in the area, and bring peace of mind to the 1200 more homeowners further up the valley as mitigation efforts of sufficient scope and scale get underway.

We were forced to move from our home in July of 2019, after enduring several months of waking on a daily basis to new and widening cracks; months of attending Palolo Neighborhood Board meetings and requesting information but getting none from former director Kroning about plans for mitigation work; being lied to by Director Kroning about the cancelled drainage construction of June 2018; living with Board of Water Supply trucks a nightly fixture as they repaired pipes outside our bedroom windows all night long (For example, from Feb. 10 to Mar. 10 of 2019, water main breaks resulted in us not having water for 15 of the 30 day period), and combating constant stress and fear as a result.

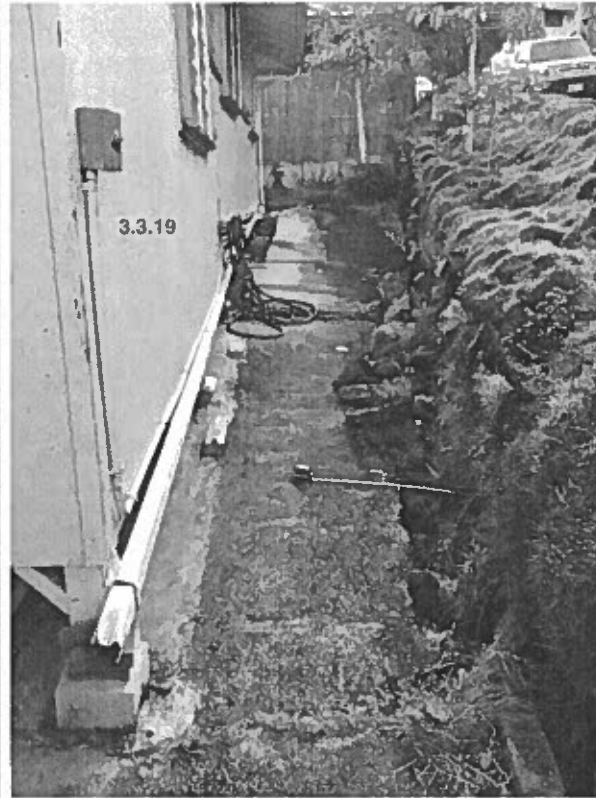
We urge you to pass Resolution 20-261. Do the job that needs to be done. Provide some closure, hope, and respect for the residents of the area and enable an expedited plan to maintain and

protect the city's infrastructure—and its citizens' dignity—properly. Waiting for each of the current property owners affected to go through a litigation process, will only result in further litigation, as more and more homes will be affected by the spread of the unmitigated slide area.

Please reference the following photos, which illustrate the close proximity of our home to the current phase of construction on Kuahea St., and illustrate the effects of the slide and the construction work on the ground underneath and around our beloved former home.



MARCH 2018

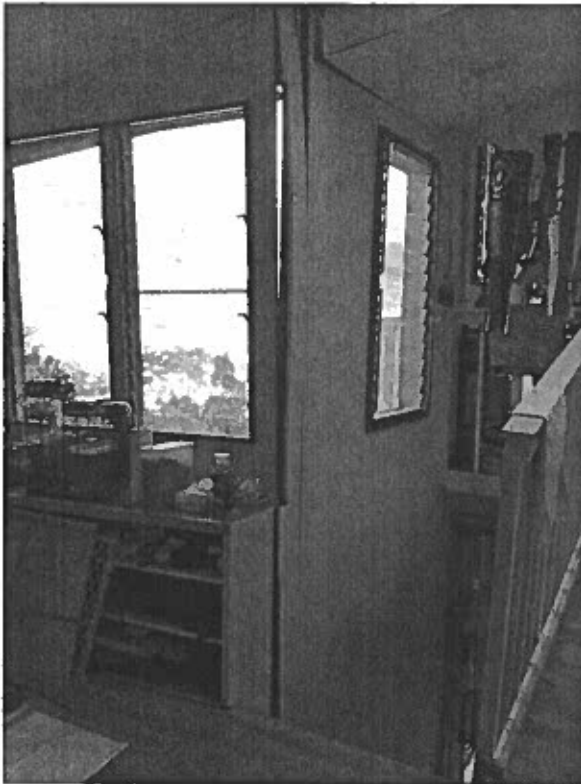


March 201

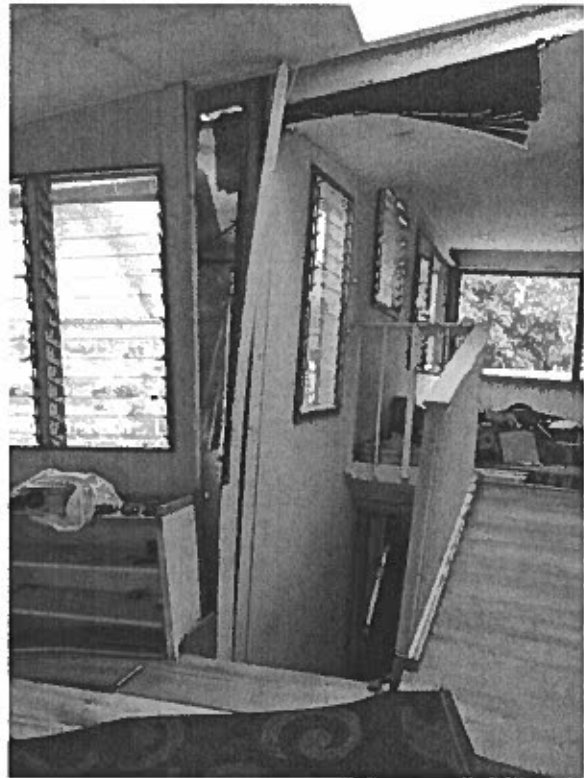


Photo left is front of house in Apr. 2020.
Photo below is June 2020, two months later. Ramp in foreground sits on the driveway which only 18 months prior was AT THE SAME LEVEL as the carport floor, where the ladder sits, FIVE FEET BELOW

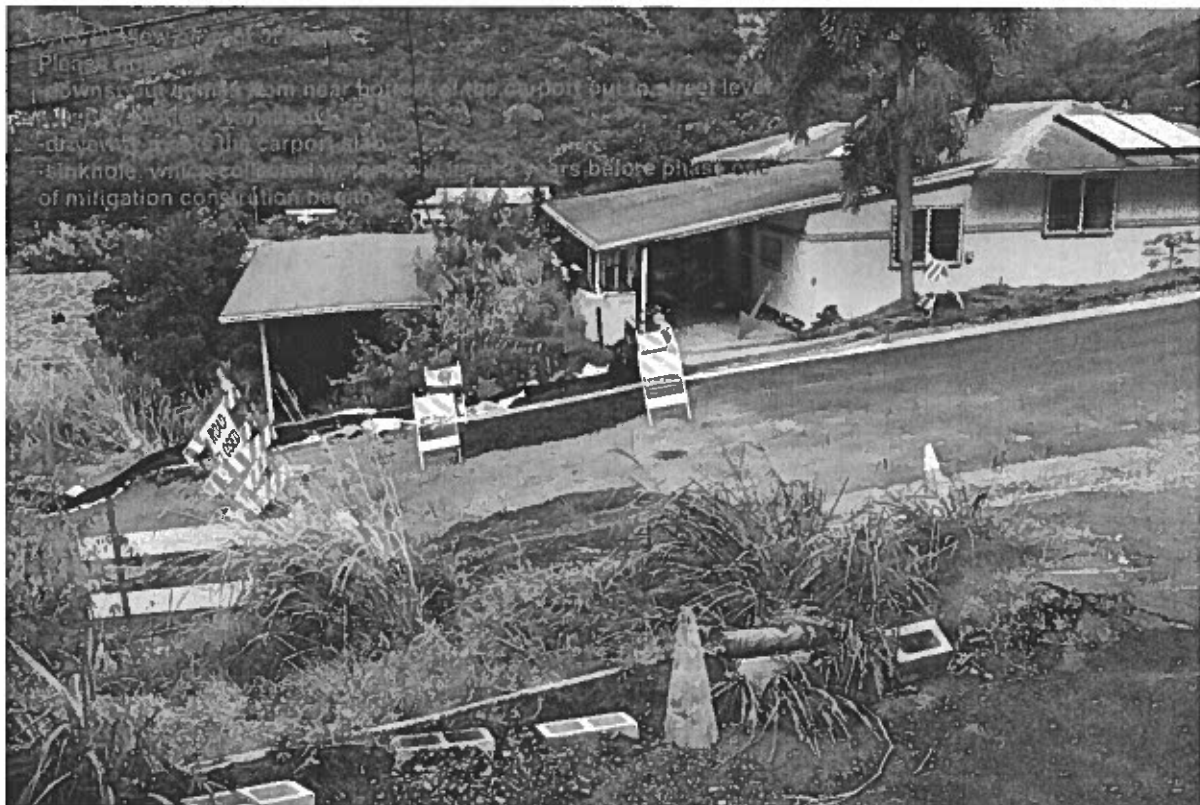




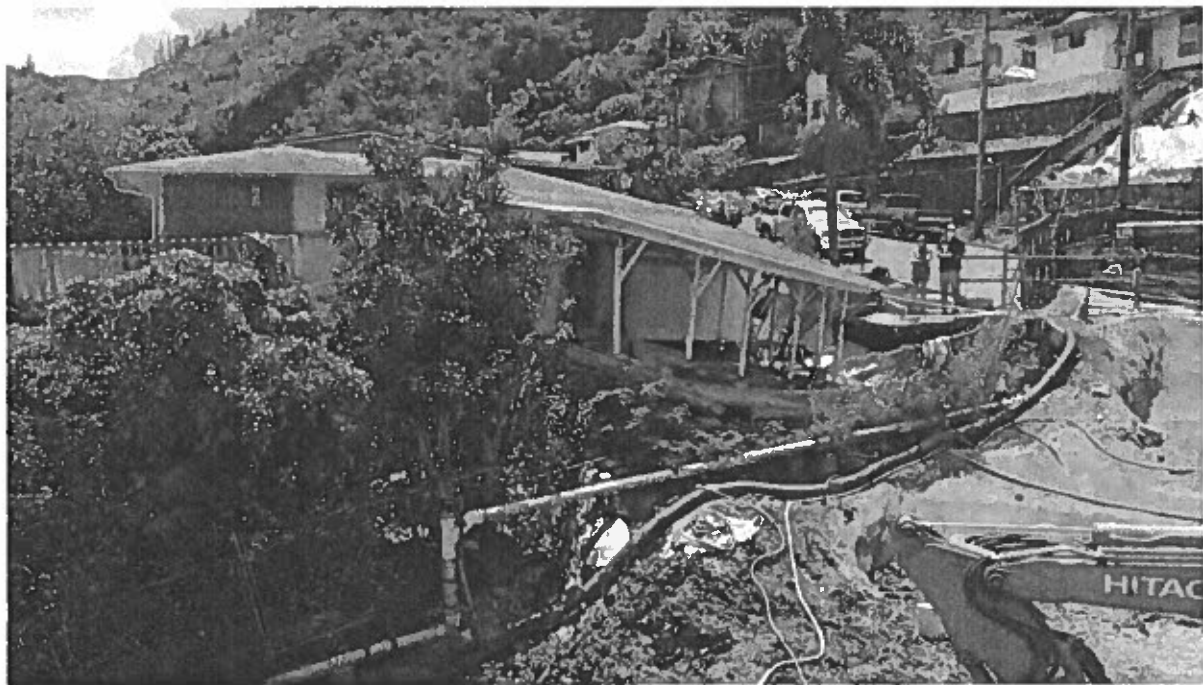
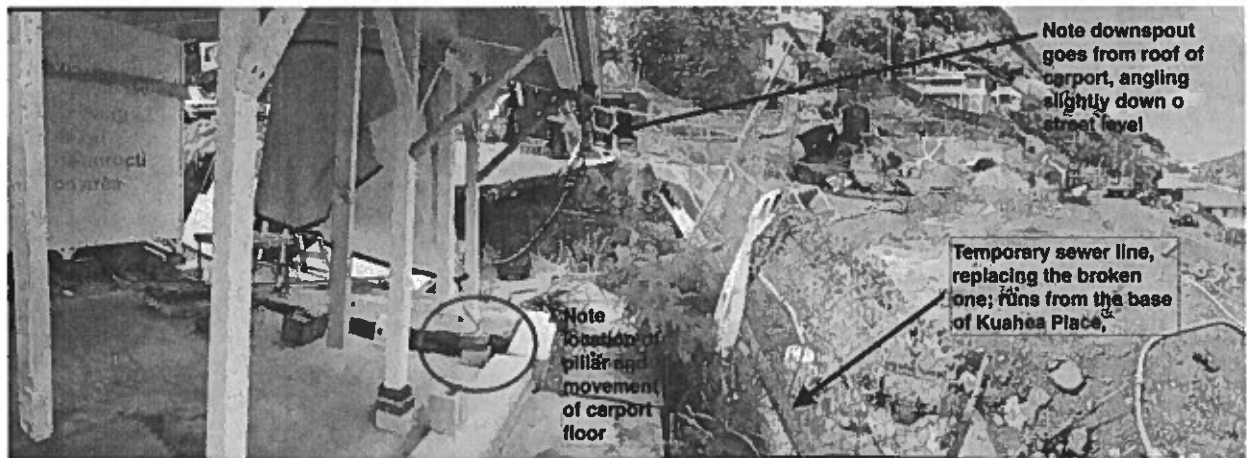
March 2019



June 2020



6/14/20



Written Testimony re Resolution 20-261

Aloha. Our names are Scott Kawahara and Kehaulani Otsuka. We are submitting our written testimony on behalf of our 83-year-old mother, Marjory Kawahara. Our parents built their home on Kuahea Street in 1962.

Due to the negligent actions of the City and Board of Water Supply, our mother's home is now too dangerous for her to live in. She lives on a fixed income and her home has been mortgage-free for decades. It is impossible for our mother to afford rental payments without the aid of family. Knowing she NEEDS to move out has caused our mother stress and much sadness. Everyday we see all the unnecessary anxiety and stress she lives with.

On September 2018, our family discovered a crack in the foundation.

Our family has sought the advice of a soil expert and a structural foundation repair company. They both reported we would not be able to repair the damaged foundation until the city fixed their right-of-way. The April 2019 repair estimate was \$600,000.

On July 29, 2019, our family filed a civil complaint.

On May 29, 2019, the City sent a letter to the residents of Kuahea Place informing them they will be discontinuing maintenance of Kuahea Place.

In September-November of 2019, a Kuahea Place private owner hired a company to locate a sewer leak on their roadway. The resident found a five to six foot missing sewer line.

When the city became aware of the extensive sewer line damage, the city issued an email dated November 5, 2019 to the residents of Kuahea Place informing them the city would fix and relocate the damaged sewer line on their "jointly owned" roadway.

Perhaps, just perhaps, if this five to six foot missing sewer line was attended to years ago, it would have saved our homes from irreparable damage **AND** the city millions of dollars.

On June 3, 2020, the City informed residents and owners to take precautionary measures to protect ourselves and our private property and that we may wish to seek the advice from an engineer or other professionals taking precautionary measures to protect ourselves and our private property. How would we protect ourselves and our private property when experts have reported to us we would not be able to repair our homes until the city does their repairs first?

We would like the City Council to attend a site inspection of Kuahea Street, Kuahea Place, and Waiomao Road. It would aid in understanding what we are dealing with.

We are attaching photographs of our mother's home on Kuahea Street. It is dated from September 24, 2018 through October 31, 2020. Please note the damage that has occurred from September 2018 until today.

Our mother is now forced to move out of her home of 58 years because of the dangerous conditions she now lives in. We respectfully request you pass Resolution 20-261.

Thank you very much,

Scott Kawahara and Kehaulani Otsuka

Photo from 10-31-2020



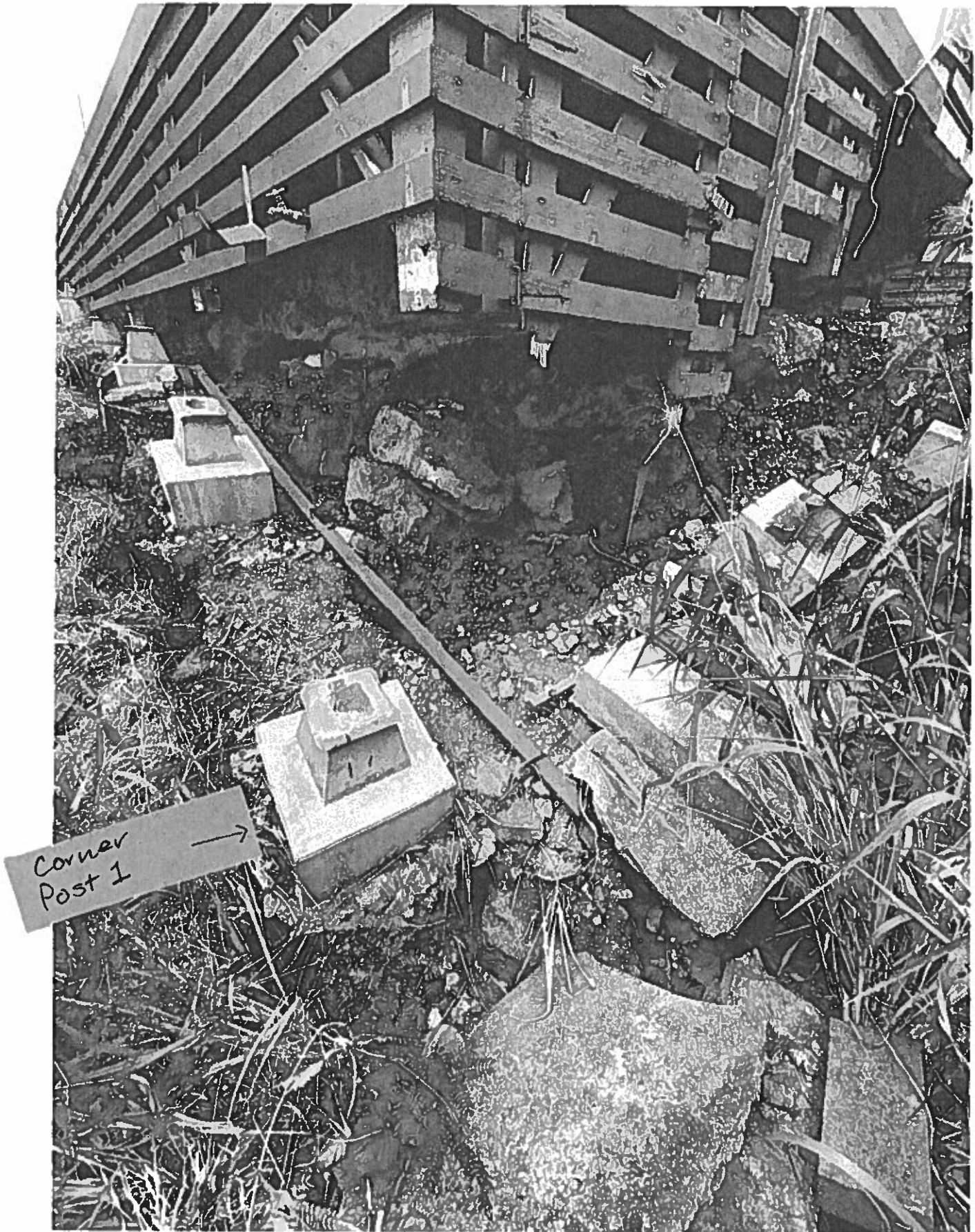
MAIKAI/EWA CORNER BY STAIRS

Photo from 10-31-2020



TOP VIEW OF MAIKAI/EWA CORNER (partial view of stairs)

Photo from 10-31-2020



MAIKAI/EWA CORNER (damage under house)

Photo from 10-31-2020



EWA SIDE OF HOUSE (POST 3 next to sewer line)

AMENDED Written Testimony re Resolution 20-261

Aloha. Our names are Scott Kawahara and Kehaulani Otsuka. We are submitting our written testimony on behalf of our 83-year-old mother, Marjory Kawahara. Our parents built their home on Kuahea Street in 1962.

Due to the negligent actions of the City and Board of Water Supply, our mother's home is now too dangerous for her to live in. She lives on a fixed income and her home has been mortgage-free for decades. It is impossible for our mother to afford rental payments without the aid of family. Knowing she NEEDS to move out has caused our mother stress and much sadness. Everyday we see all the unnecessary anxiety and stress she lives with.

On September 2018, our family discovered a crack in the foundation.

Our family has sought the advice of a soil expert and a structural foundation repair company. They both reported we would not be able to repair the damaged foundation until the city fixed their right-of-way. The April 2019 repair estimate was \$600,000.

On July 29, 2019, our family filed a civil complaint.

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Perhaps, just perhaps, if this five to six foot missing sewer line was attended to years ago, it would have saved our homes from irreparable damage **AND** the city millions of dollars.

On June 3, 2020, the City informed residents and owners to take precautionary measures to protect ourselves and our private property and that we may wish to seek the advice from an engineer or other professionals taking precautionary measures to protect ourselves and our private property. How would we protect ourselves and our private property when experts have reported to us we would not be able to repair our homes until the city does their repairs first?

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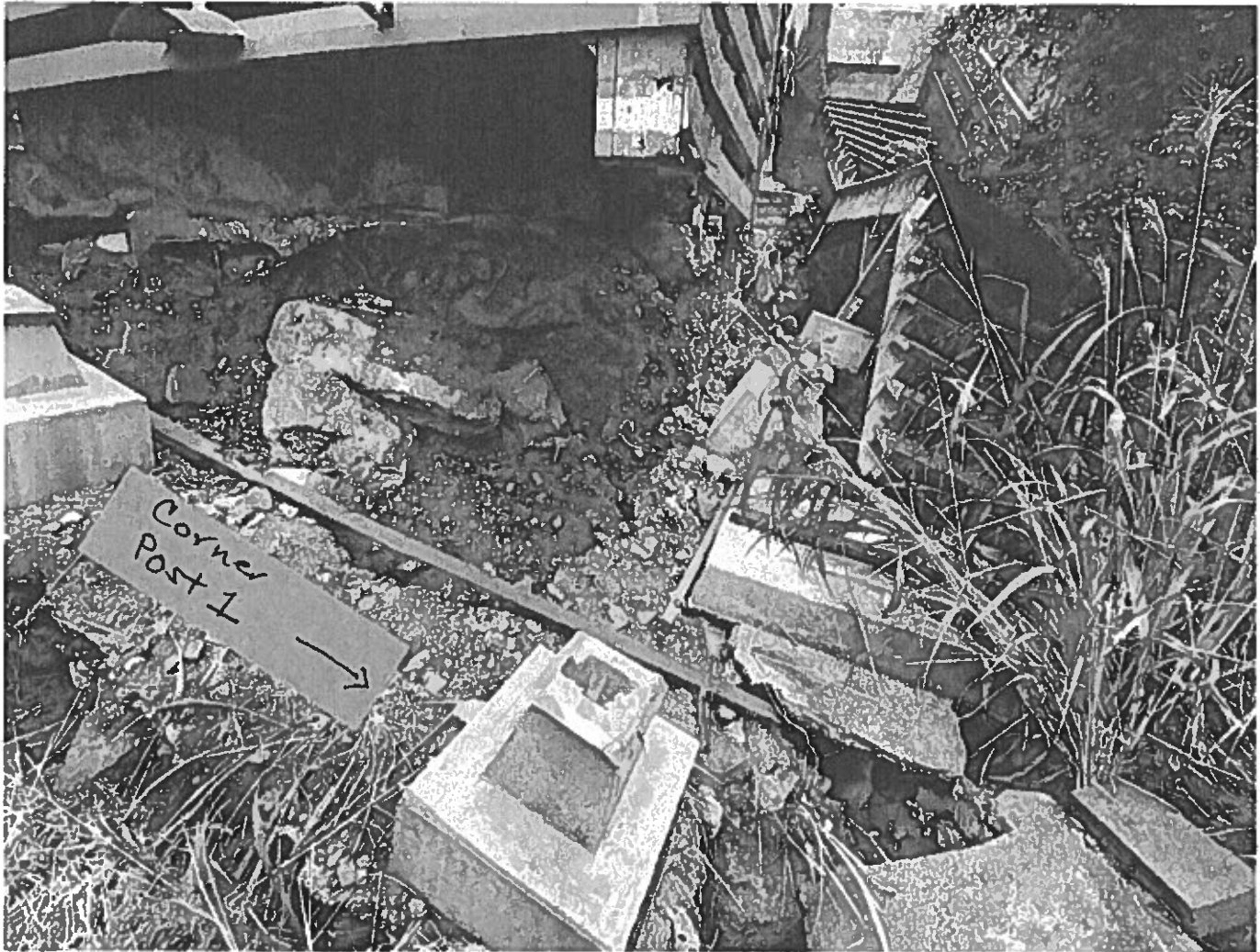
We are attaching photographs of our mother's home on Kuahea Street. It is current photos dated October 31, 2020. We wanted to submit more photos but were limited to the 1MB size limit. ~~It is dated from September 24, 2018 through October 31, 2020. Please note the damage that has occurred from September 2018 until today.~~

Our mother is now forced to move out of her home of 58 years because of the dangerous conditions she now lives in. We respectfully request you pass Resolution 20-261.

Thank you very much,

Scott Kawahara and Kehaulani Otsuka

Photo from 10-31-2020



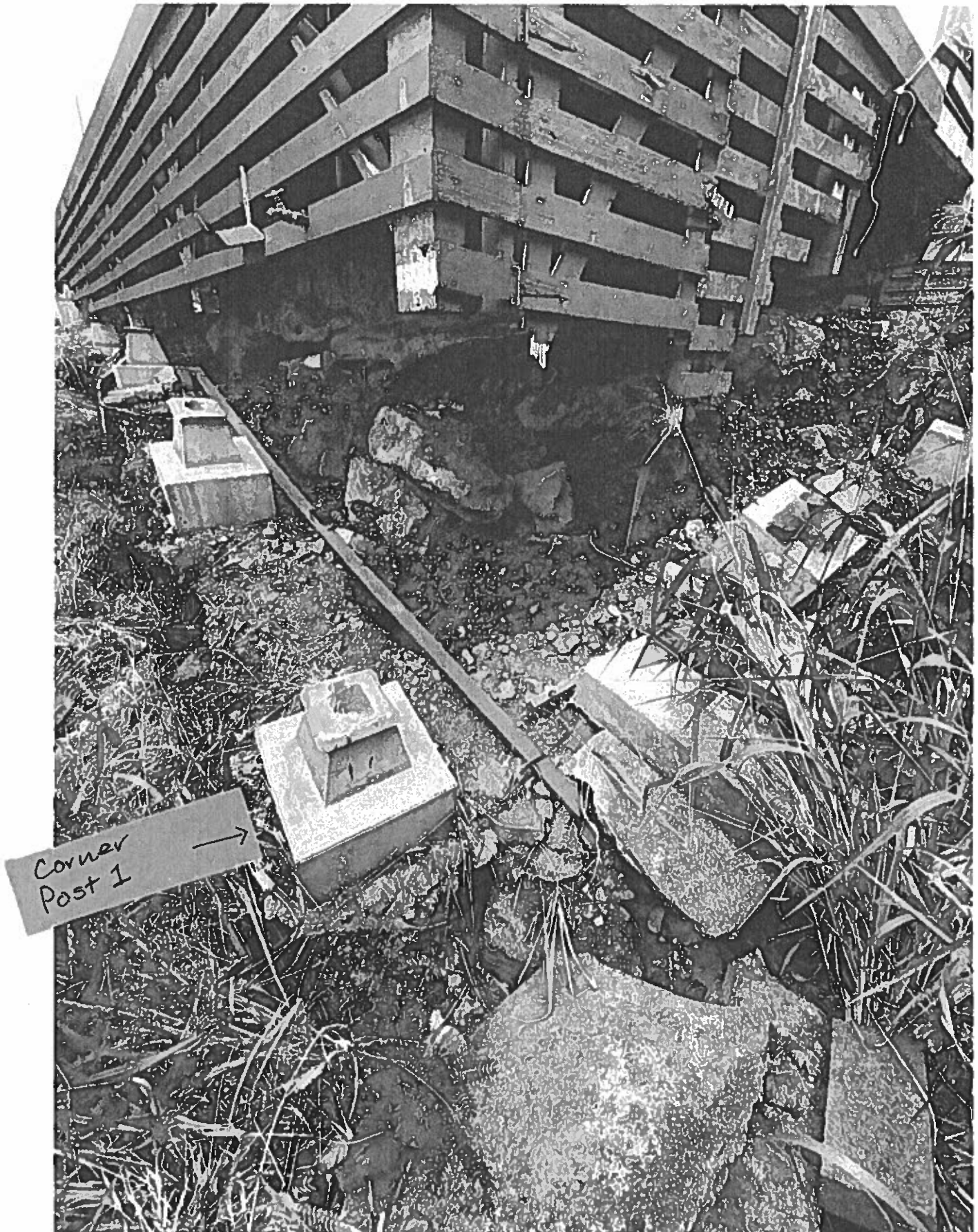
MAIKAI/EWA CORNER BY STAIRS

Photo from 10-31-2020



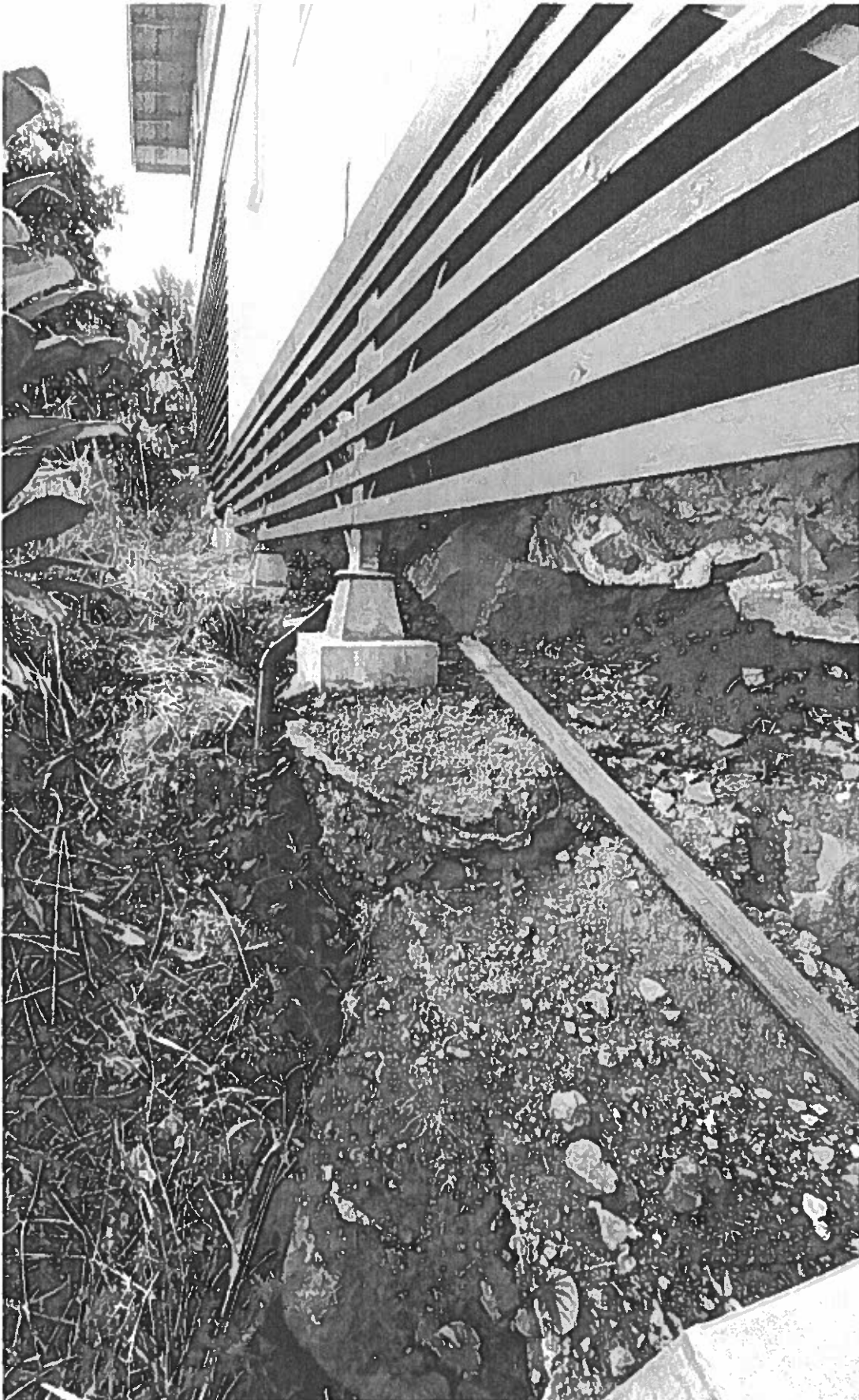
TOP VIEW OF MAIKAI/EWA CORNER (partial view of stairs)

Photo from 10-31-2020



MAIKAI/EWA CORNER (damage under house)

Photo from 10-31-2020



EWA SIDE OF HOUSE (POST 3 next to sewer line)

From: CLK Council Info
Sent: Wednesday, November 4, 2020 2:00 PM
Subject: Council/Public Hearing Speaker Registration/Testimony

Speaker Registration/Testimony

Name Stacie Robinson
Phone 6086300541
Email stacie.j.robinson@gmail.com
Meeting Date 11-05-2020
Council/PH Committee Council
Agenda Item RES 20-261
Your position on the matter Support
Representing Organization Self

Written Testimony

Please support RES 20-261 and help my neighbors in the Palolo valley! For years I have watches as the road crumbles and water lines break causing damage to neighbors homes. For years these neighbors have worked with the city - alerting them of issues in a timely manner, requesting help before conditions became damaging to infrastructure and property. But, as the remediation process has been slow, this degradation of city infrastructure has led to destruction of local homes. Families who've called this valley home for generations are being forced to move out of houses that are no longer safe to live in. While some properties have been quickly purchased or settled with the city, others have been forced into lingering lawsuits - it is time the the city help find resolution with these residents through a mediation process.

Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK Council Info
Sent: Wednesday, November 4, 2020 3:14 PM
Subject: Public Infrastructure, Technology and Sustainability Speaker Registration/testimony

Speaker Registration/Testimony

Name Jo Ann Souza
Phone 808-734-1317
Email kealohag001@hawaii.rr.com
Meeting Date 11-05-2020
Council/PH Committee PITS
Agenda Item Res. 20-261
Your position on the matter Support
Representing Self
Organization

Dear City Council:

I am the owner of 2343 Kuahea Street, Honolulu, Hawaii, 96816 ("Property") which is on the slope of the mountain. My Property is included in Resolution 20-261.

The landslide and non-maintenance of the infrastructure (water, sewer, and drainage systems, and road etc.) in the area continues to worsen the condition and foundation of the Property and the house and walls at the Property.

Written
Testimony

I support Resolution 20-261.

Thank you.

Jo Ann Souza
2343 Kuahea Street
Honolulu, Hawaii 96816

Testimony
Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

Sidney Lynch
2450 Makaulii Pl
Hon. HI 96189
808 8418282
silkenjoinec@hawaii.rr.com

In Support of Res. 20-261

BROKEN SEWER & STORM DRAINS

The Department of Design and Construction (DDC) position is that the cause of this slide is a new enormous source of water into this area. Their plan does not include water removal or diversion, rather it only attempts to anchor the top level of ground thru the use of tieback to the rock layer. This supposed new stream of water will continue to move the middle layers of soils and then the top layers rendering any tiebacks individual houses put in useless unless the water is removed, diverted or stopped.

Residents assert that due to the lack of timely remediation of the issues of broken sewer and storm drain systems in the Kuahea Street and Place areas beginning in about 2013, the natural slide of 1" per year was gravely exacerbated by this extra water causing sliding on an area that has been stable since the 1970's. It is likely that the 2006 40 days of rain started to undermine the city infrastructure of sewer and storm drains. Residents began noticing frequent BOWS water breaks in 2011 and started to contact the city & BOWS.

Department of Design and Construction (DDC) Director Yonamine, in his presentation to the city council last month regarding Res. 20-145, cited 1" per year of ground movement pre-2016. From 2016 - 2019 he cited 15"- 20" of movement. This ties in exactly with what area residents have been saying about the lack of attention to their calls for attention to these issues which by 2015 was causing upheaval of some of the houses. Initially DDC stated that Kuahea Place was a private road so not DDC kuleana and DDC ignored the matter and calls from residents in the area. However, it was later shown that the lower part of Kuahea Place is the responsibility of the city.

From 2017 to 2019 DDC stopped and started various projects in the area. The confusion and lack of a plan by DDC under Director Robert Kroning is documented by the residents on the website <https://www.waiomaokuaheaslide.com/>

It was not until Nov. 2019 when a resident had the lower part of Kuahea Place (city property) dug up at their own expense and called the city to see the broken sewer pipe with water gushing out- the other end was nowhere in sight - that DDC, under Director Yonamine, finally took action in Feb. 2020.

Residents have video of the broken sewer pipe. The sewer bypass was scheduled for Sept 2019 and did not happen until April 2020. That is another eight months of sewage just going into the ground and it also means DDC was aware of the sewer issues in the area. When Schnabel, the company hired by DDC to do the work, finally came to start the remediation work in Feb 2020 the workers wore white hazmat suits for the first few weeks.

The storm drains on Kuahea Street were filled in by the city in 2018 - residents have video. In an online meeting on Sept 24, 2020 with area residents, when questioned about this, Geolabs head Robin Lim said they felt the storm water would flow over ground. It did indeed, right into the houses below Kuahea Street on Waiomao Road causing them to slide as well as affecting houses across Waiomao Road.

LACK OF TRANSPARENCY

Director Yonamine and Mr. Lim also said that the reason that Geolabs has not filed any reports since 2015 is because of lack of money. From when Geolabs started work for the city in this area in 2000, there have been regular annual or semi-annual reports like clockwork until 2015 (please see the website). Initially residents were told that information could not be released because the city was in lawsuits. Now we are told it is because of funding. It seems more like unwillingness to let the public see the water documentation.

SCOPE OF THE PROJECT

In the DDC drawing last month on the presentation to the city council on Res. 20-145, Director Yonamine omitted a house, 2311 Waiomao Rd, that the city had already bought as including that house would have shown the city council that the scope of the slide is larger, yet another case of misdirection. On the website <https://www.waiomaoquaheaslide.com/> there is a comparison between DDC's slide area and the actual affected area of the slide. DDC should broaden the scope of its remediation plan to encompass the reality of the destruction. Area residents have said once the sewer bypass was installed they noticed less leakage on Kuahea Street. It is to be hoped that if the city can maintain its sewer, storm and water infrastructure the slide will stop and ongoing DDC/the city will be more responsive to resident complaints.

ONGOING ISSUES

There are still issues with storm, sewer and water lines in the area. The ground has been super saturated by the years of unchecked extra water. The city, BOWS, EVS crews were out again last week several times repairing their lines on Waiomao.

The remediation work begun in Feb. 2020 also affected several houses that were already damaged by the slide. One house, 2340 Kuahea St. from the beginning of the slide work in Feb 2020 slid 5' by April 2020 as the sewer bypass line and the digging of the area goes directly next to their carport. Another house, 2296 Waiomao which is directly across from the storm drain formerly outside 2301 Waiomao (the house resolution 20-145 addressed last month) became uninhabitable from March to May 2020 due to the increased pressure from the work on the job site.

The 'toe of the slide' has now moved across Waiomao Road causing Waiomao Road to push the houses abutting Waiomao Road down the hill. City counsel is not answering our questions about what is the responsibility of the city when it's infrastructure affects private property. We are told that the city only takes action when private property impacts city infrastructure.

CONCLUSION

DDC, under Director Kroning, ignored the initial calls from area residents in the Kuahea Place area stating that it was a private road. When decisive action was

finally taken, the damage to these houses and houses on Kuahea Street was already done. There are only 2 scenarios - one - a new source of water which the DDC plan does not address or - two - broken sewer & storm drains left unrepaired and unchecked for a period of about 6 years caused the damage. Though the city will be out of pocket for these houses, in actuality it is better if it is the infrastructure as it can be fixed and the slide stopped. These people have their life savings in their houses. Some are no longer inhabitable, others can be repaired if the slide is stopped. Please pass this resolution 20-261 asking DDC to mediate with these 5 destroyed houses and talk with other affected ones.