

Resolution 20-145 Testimony

MISC. COM. 600

EMLA

From: CLK Council Info
Sent: Friday, September 11, 2020 8:15 AM
Subject: Executive Matters & Legal Affairs Speaker Registration/Testimony
Attachments: 20200911081509_Res_20-145_letter.docx

Speaker Registration/Testimony

Name Sidney Lynch
Phone 8088418282
Email sjlkenjoinc@hawaii.rr.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Res 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No
Written Testimony
Testimony Attachment 20200911081509_Res_20-145_letter.docx
Accept Terms and Agreement 1

IP: 192.168.200.67

Re: Res 20-145

Requesting properties at: 2296 Waiomao, 2340 Kuahea St., 2348 Kuahea St, 2343 Kuahea St, 2221 Kuahea Pl be added for mediation/condemnation in Res. 20-145

Aloha CM xxxx

I am a resident of Palolo Valley above the slide area on Waiomao Rd and Kuahea S & Pl. For the past several years Department of Design and Construction, first under Dir. Kroning and now under Dir. Yonamine, have been unresponsive to the residents concerns regarding the slide. Dir. Yonamine is better than Dir. Kroning in that he has appointed, at our request, a liaison with the city Scott Ishikawa to help answer our questions and concerns. However none of the deep questions are answered, only the shallow ones such as 'why is Board of Water Supply digging up the bump area again?'

This current slide began to be quite visible in 2015 up on Kuahea Place and Street though there had been signs as early as 2006. In Nov. of 2019 the residents of Kuahea Pl, at their own expense, dug up the lower portion of Kuahea Place (city property) and discovered a broken and disconnected sewer line. The city inspector came out, saw it and the remediation work for this area finally began in Feb. 2020. Who knows how long that raw sewage had been seeping into the surrounding area? When the work finally began in February, the workers wore white hazmat suits and residents said there was quite a stink in the air. Resident Chivers, 2306 Kuahea< reported that the water seepage around her house has greatly lessened after the temporary sewer line was connected in April of this year.

In 2017 the city was supposed to replace the storm drains on Kuahea Street but the company they hired went out of business and the project was stopped because there was too much movement on the street. Instead of proceeding with remediation the city filled in the storm drain with cement, closed the road in that area and said it would be permanently closed and basically ignored the problem.

Over the next two years the whole lower hillside started to move down from Kuahea Street onto Waiomao Rd as which point the city was forced to take notice. Over the last couple of years the city has been sued by five (5) homeowners in the area and has lost all those cases. They are currently being sued by another five (5) homeowners in this area whose houses have been irreparably damaged by the failure of timely remediation of the sewer and storm drain by the city. Please see the attached drawings.

Several times we have asked the city to go to mediation on these houses and the city responded these houses are not in the scope of their current work.

One house, 2296 Waiomao is directly across from the bump in Waiomao Rd. The road moved over 8'. Earlier this year the entire house buckled. There is a storm drain right in the bump area directly in front of the house. Repair vehicles were constantly working in this area.

Another house 2340 Kuahea is directly next the excavation site where the city work is now being done. The reconnected temporary sewer pipe runs alongside this house. When the work began in Feb, in the course of one month this house slide downhill over 5'. The house next to it had their retaining wall break and the house move. Across the street, two houses directly over where the broken sewer line was, who knows for how many years, have also slid down the hill.

The city would like people to believe that because this is an old quarry area, that this is the reason for the slide, or because of water from 'above' that has percolated down. Yet it is obvious that the 2006 constant rain and lack of remediation after combined with the broken sewer line and later blocked storm drains have caused all this damage. When you look at the aerial view and location of the broken sewer line and blocked storm drain it is very obvious.

2015 is the last report by Geolabs which is the company the city hires to monitor the area. That report states that it is an annual report. Over the past years the city first stated it cannot release geotechnical data as they are being sued and now they say there are no reports ready. 5 years without a report is deliberate withholding information from the public.

At the end of this letter I am attaching the list newspaper articles on this issue as well as the list of questions we have asked the city to which it has not responded.

Mahalo for your consideration to adding these five households to Res. 20-145. Some people have been forced to move out because their houses are too dangerous and are having to rent elsewhere while their lawsuits drag on. It is extremely expensive to hire geotechnical experts. Meanwhile the city has its cadre of lawyers with the data from the previous 5 lawsuits. The city has lost all those lawsuits, why do they think they will win these others? Go to mediation already and save everyone some money and stress.

The one house that really should be forced to go thru a lawsuit is the very one that is being condemned by the city under this resolution – 2301 Waiomao St owned by Peter Fong. Mr. Fong signed a covenant about land movement with the city, the city did not require any slide remediation steps when his ohana duplex was built except for soil nails in a retaining wall only because he got reported for building it without a permit. This is the house that the city is giving a 'break' too. Mr. Fong has already filed a lawsuit – let him suffer like all the others or give the others the same break. One must wonder if the Fong family name has something to do with the special treatment.

If you would like any further details please do not hesitate to contact me at the email or phone number below.

Mahalo,

Sidney Lynch

2540 Makaulii Place

Palolo, 96816

808 841 8282

silkenjoinc@hawaii.rr.com

Below is a recent email to Director Yonamine and the liaison Scott Ishikawa:

First – the leveling of the huge bump and little moguls is wonderful. Congratulations to David Sanchez at Schnabel and the Ron's Construction crew for the work.

Below is a re-cap of the unanswered questions. I thought it would be easier to compile them in one email.

TOE OF THE SLIDE

Since January 2019 we were told at the Palolo Neighbourhood Board meetings by Director Sasamura, who related information from DDC, that the 'toe of the slide' which was the huge bump that has just been removed, could not be removed as the pressure from the slide would quickly replace that bump creating an even bigger problem.

What has changed that the bump can now be removed?

WAIOMAO REMEDIATION PLAN

1. When will we be able to see the plan? We are told it is 80% complete yet it seems as if action is already being taken as the tree removal guys are out looking at what trees to take down.
2. Why has the homeowner of 2301 Waiomao (the white duplex) not been forced to tear it down as were the owners of 2293 Waiomao were?

KUAHEA STREET

1. When is the work expected to be completed? Recently we heard end of September
2. What is the plan for the area where the city bought houses above and below Kuahea St?
3. Will Kuahea Street be re-opened?
4. If so, when?
5. If not, why not?

CITY IMPACTING PRIVATE PROPERTY

We have been told the city is only buying properties that are impacting 'city infrastructure'

1. How were 2326 & 2324 Kuahea St. impacting city infrastructure as they were falling downhill onto private property, not onto city infrastructure?
2. What is the responsibility of the city when it's infrastructure, ie. Waiomao Rd,. moves over 8 feet and destroys houses or walls ie. 2296 Waiomao
3. What is the responsibility of the city when it does not maintain its storm drain system and broken sewer lines in a timely manner causing houses to be undermined and move downhill?
4. Why did the city abandon the Kuahea problem for almost two years allowing the slide to exacerbate?

AREA OF WAIOMAO ROAD FRONTING 2428 WAIOMAO

There are 2 potholes in the middle of the road that have had water coming out of them for over two years. They have been filled at least twice, the last time about four months ago. They are again becoming potholes. We were told this is 'seepage' however all of the other 'seepage' areas have dried up. Department of Facilities & Maintenance has told us this area of the road is the kuleana of DDC. BOWS and Dept. of Environmental Services are also pointing the finger in DDC direction. When can we expect an evaluation of this area?

We do not want another Kuaheha Pl/St situation. The water is constantly flowing in this area. Either there are broken pipes above or there is some strong natural source of water. In either case it should be taken care of sooner than when the city once again starts being sued.

It has been over 3 months since the resident of 2428 contacted your department and still no response.

FURTHER REMEDIATION FOR HOMEOWNERS OTHER THAN TIEBACKS

The city states: Area residents and private property owners may also wish to seek advice from qualified engineering professionals or other professionals regarding this matter.

The geotechnical advice from the many different geotechnical engineers various homeowners consulted is micropiles/tiebacks which many have already installed. There does not seem to be any further remediation advice possible from the geotechnical engineers for homeowners. Homeowners cannot drill down to drain subsurface water though the city can. So for those folks who have installed micropiles/tiebacks, are there any other solutions that the city has heard of for homeowners? Not asking that the city recommends – but that they know of.

GEOLABS

1. The 2015 Geolabs report states that is it an annual report. Is it?
2. If not, then how often is it issued?
3. Is there a more recent Geolabs report than 2015?
4. When is the next report expected to be completed?
5. Where did the data for the Kuaheha plan come from? Only Geolabs?
6. Did there not have to be reports issued for that plan to be developed from?
7. Can the public have access to the monitoring data from Geolabs since the report has not been finalized?
8. Are there Geolabs reports previous to 2015?
9. If so, where/how can the public access them?
10. Is there any other company than Geolabs monitoring the Kuaheha/Waiomao sites?
11. What year did Geolabs start monitoring this area?
12. Who monitored this area before Geolabs?

WATER IN THE SLIDE AREA

The Kuaheha draft plan does not address water. Both the 2015 Geolabs report and a 1957 comprehensive report state that attention should be paid to water movement. How is the city handling this? The Kuaheha plan is for tiebacks to bedrock only.

Mahalo for your response.

MEDIA – please highlight the link. It should work

- 12.13.17 <https://www.hawaiinewsnow.com/story/37063793/lawsuit-alleges-board-of-water-supply-partly-respc-palolo-hillside/>
- 7.27.17 <https://www.hawaiinewsnow.com/story/35981887/palolo-residents-say-hillside-erosion-problem-has->
- 2.6.18 <https://www.hawaiinewsnow.com/story/37444478/city-offers-to-settle-palolo-homeowners-suits/>

- 2.16.19 <https://www.hawaiinewsnow.com/2019/02/07/city-begins-condemn-palolo-properties-damaged-by-w>
- 2.20.19 <https://www.hawaiinewsnow.com/2019/02/21/heres-what-mayor-has-mind-address-severe-palolo-er>
- 3.3.19 <https://www.kitv.com/story/40060667/a-palolo-hillside-neighborhood-is-shifting-leading-to-structural>
- 4.18.19 <https://www.kitv.com/story/40333026/earth-movement-in-palolo-valley-affects-residents>
- 4.18.19 <https://twitter.com/Mahealani/status/1118979394112856065>
- 4.18.19 <https://www.hawaiinewsnow.com/2019/04/18/collapse-large-rock-wall-palolo-is-latest-symptom-maj-problems/>
- 8.21.19 <https://www.civilbeat.org/2019/08/how-one-honolulu-neighborhood-is-trying-to-keep-from-sliding-av>
- 11.17.19 <https://www.hawaiinewsnow.com/2019/11/17/anxious-palolo-residents-worry-about-home-stability-€>
- 4.18.20 <https://www.hawaiinewsnow.com/2020/04/18/construction-activity-ramps-up-city-plans-more-palolo>

From: CLK COUNCIL INFO
Sent: Sunday, September 11, 2020 5:17 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Stacie Robinson
Phone 608-630-0541
Email stacie.j.robinson@gmail.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Res 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

The residents of Waiomao Rd and Kuahea Street are facing a disaster that is literally ripping apart their homes. Families in the neighborhood have acted in good faith, built according to city permits, and trusted in city infrastructure. Now, through no fault of these residents, land movement due to poorly directed water flow and poorly supported infrastructure is threatening this neighborhood of hard working people.

Written Testimony I do believe that the city should condemn several properties, and fairly compensate the residents. This should be done without putting residents through lengthy, costly, and personally traumatic law suits. I do not support Res 20-145 because it offers resolution to a single property. There is no reason that the owners of 2301 Waiomao should be singled out for special treatment when many families are suffering. I hope that the city council will reconsider the good intentions behind this resolution, and apply that to a broader swath of our community. Please consider helping this neighborhood as a whole, rather singling out some land owners for favor while making other fight the city for their sliding homes.

Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 12, 2020 6:04 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Drew T Matsumoto
Phone 808 864-8587
Email dtmats88@gmail.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item res 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Written Testimony More than just this one house should be condemned. The slide area caused by lack of timely remediation by DDC has affected many other houses, some so severely they are un-inhabitable. They should be included in this resolution instead of being forced to sue the city.

Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 12, 2020 9:19 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Laurie and J Chivers
Phone 8087223437
Email chiversaloha@hawaii.rr.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item res20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

To Council members, 9/12/2020

Written
Testimony

We 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, rock walls tumbling down, and more. We have witnessed 5 homes of neighbors (Gripper/Derogi; Martin; Tengan, Yee, and Mort) being torn down. 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.

And now the City seems to have a "Favored Resident" who they feel is entitled to circumvent that process by condemnation. And why was this NOT offered to any of the 5 previously mentioned homeowners and 5 pending suits? Why is Mr. Fong being singled out? He was not even an owner occupant, rather a mere landlord renting out his property to college students.

FURTHERMORE, Mr. Fong and the City agreed to a Covenant (dated Feb. 15, 2017) to

1... indemnify and hold the C&C of Honolulu harmless and from and against any loss, liability, claim and demand for any property damage, personal injury, and death arising out of any earth movement or soils conditions on the aforementioned parcel of land or related or connected with the granting of building permits and any related grading permits.

2. That the declarant will take mitigative measures at its own expense with respect to any damages which occur as a result of earth movement.

What was the point of the City entering into this Covenant if it is being disregarded now that there has been a loss of property due to earth movement? We are opposed to Resolution 20-145 for this reason. The City has singled out one particular individual for preferential treatment while at least 10 (and most likely more to follow) homeowners had to suffer and endure financial hardship and stress while the City dragged their feet and put up obstacles for a swift resolution. There was no courtesy what so ever extended to our neighbors who saw their life savings sliding away.

In conclusion, if the City does in fact want to forgo their Covenant with Mr. Fong and pursue this Resolution then the City MUST include the current 5 lawsuit plaintiffs (2296 Waiomao Rd; 2340 Kuahea St; 2348 Kuahea St; 2343 Kuahea St. and 2211 Kuahea Pl.) and any other future Plaintiffs that will arise from this neighborhood debacle.

Respectfully submitted,
Laurie and J Chivers

Testimony
Attachment
Accept Terms
and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 12, 2020 9:42 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Kimberly De Souza
Phone 8085428279
Email Kimskiln808@gmail.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Res 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Written Testimony

Over the past two years I have had to live with an ever changing waiomao road everyday on my drive out and home. At times the hump in the road would get so severe I worried for my older car. All the houses along this area were very obviously affected and I can't imagine what the owners must be going through. I feel that these other houses (other than 2301) should be condemned as well. The slide has made them unsafe to inhabit. They should be included in this resolution instead of being forced to sue the city. This would save tax payers money and time

Testimony Attachment
Accept Terms and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 10:13 AM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name William F. Bow
Phone 808-371-0676
Email willfbow@gmail.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Written Testimony
Your position on the matter Comment
Representing Self
Organization
Do you wish to speak at the hearing? No

Written Testimony

I am a resident and owner of the property at 2318 Waiomao Road, Unit 4. We have reached out to the City numerous times through Councilwoman Ann Kobayashi and have also expressed our concerns to Scott Ishikawa. Our home was built in 2019 and has experienced severe movement from December 2019 through April 2020. I have documented retaining walls and our common driveway to have moved downhill more than 2.5 feet in this brief period of time. A geotechnical engineer has assessed our property and has determined that our home's foundation (slab-on-grade) has not moved, but the surrounding land and hillside is moving into (and around) our property. I understand that ongoing investigations are being performed in the area, however, I feel as though the area of movement and "landslide" has shifted down to our property. My home was designed in 2015 based on the most updated Geolabs report available at the time. We had to modify the plans in 2017 and began construction in 2018. Nothing that may have indicated accelerated movement in our area was brought to our attention and no new reports were available during this redesign period. This leads me to conclude that the scope of investigation does not include the areas surrounding our home. Our geotechnical engineer suggests that our home may be a "new toe" of the slide. I strongly urge the City to come and walk the site of homes at 2318 Waiomao. I have pictures that show that the entire hill (road, sidewalk, common driveway, and 3 homes above mine) have moved as a "single unit" down the hill with my property serving as the toe to support the hill. Our

home and retaining walls were not designed for this movement or stress. Stabilization of our property may stabilize the entire hillside above and save the surrounding homes. I urge the City to set up a time for me to show you this movement and begin investigating this area as a new slide area and slide toe.

Testimony
Attachment
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and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 12, 2020 10:45 AM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Julie A. Iezzi
Phone 808-469-7173
Email iezzi@hawaii.edu
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Resolution 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

As long-time, but now unfortunately former residents of 2340 Kuahea Street, we write to express our opposition to Resolution 20-145, UNLESS BOTH AMMENDMENTS—those put forward by CM Menor (to mediate) and CM Kobayashi (to add additional property owners to the resolution)—are also accepted.

Written Testimony

As written (without amendments) Res. 20-145 is neither large enough in scope to accomplish the stated goal of “protecting and maintaining the city’s infrastructure” in the current Waimao/Kuahea emergency construction area, nor representative of fair treatment of the residents in the area. I find the justification for the acquisition of this one property to be disingenuous, at the very least. Furthermore, if the aim was truly to protect city’s infrastructure, I would like to remind the Council of the fact that the expanded scope of emergency work now necessary to ameliorate the problem was caused precisely because infrastructure (specifically storm drains and sewer lines) in the area not only were not maintained in the first place, and promised repairs abruptly halted in the middle of the job in June of 2018

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 other area homeowners, as outlined in CM Kobayashi’s proposed amendment to Res. 20-145, also be included in the resolution. Acquiring multiple properties in a timely manner would enable mitigation work in the vastly expanded slide area (please

reference photos submitted by Sidney Lynch). Furthermore, it is important to point out that prior to this proposed resolution, all homeowners who properties were acquired by the city 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. This unnecessary time-consuming process caused further damage. While it is admirable that the city now wishes to hasten mitigation efforts and bypass the litigation process, including only the property owner of 2301 Waimao (TMK: 3-4-030-012) not only makes achieving the goal of “protecting city infrastructure” unachievable, but invites (justified) accusations of unfair treatment.

Testimony
Attachment

20200914104453_Res.20-145.Testimony_from_Iezzi.Barnes.pdf

Accept Terms
and Agreement 1

IP: 192.168.200.67

TESTIMONY CONCERNING RESOLUTION 20-145

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

As long-time, but now unfortunately former residents of 2340 Kuahea Street, we write to express our opposition to Resolution 20-145, UNLESS BOTH AMMENDMENTS—those put forward by CM Menor (to mediate) and CM Kobayashi (to add additional property owners to the resolution)—are also accepted.

As written (without amendments) Res. 20-145 is neither large enough in scope to accomplish the stated goal of “protecting and maintaining the city’s infrastructure” in the current Waimao/Kuahea emergency construction area, nor representative of fair treatment of the residents in the area. I find the justification for the acquisition of this **one** property to be disingenuous, at the very least. Furthermore, if the aim was truly to protect city’s infrastructure, I would like to remind the Council of the fact that the expanded scope of emergency work now necessary to ameliorate the problem was caused precisely because infrastructure (specifically storm drains and sewer lines) in the area not only were not maintained in the first place, and promised repairs abruptly halted in the middle of the job in June of 2018

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 other area homeowners, as outlined in CM Kobayashi’s proposed amendment to Res. 20-145, also be included in the resolution. Acquiring multiple properties in a timely manner would enable mitigation work in the vastly expanded slide area (please reference photos submitted by Sidney Lynch). Furthermore, it is important to point out that prior to this proposed resolution, all homeowners whose properties were acquired by the city 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. This unnecessary time-consuming process caused further damage. While it is admirable that the city now wishes to hasten mitigation efforts and bypass the litigation process, including only the property owner of 2301 Waimao (TMK: 3-4-030-012) not only makes achieving the goal of “protecting city infrastructure” unachievable, but invites (justified) accusations of unfair treatment.

We would like to address our 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 the abrupt turnaround of promised construction to repair drainage in the area. Beginning in January 2017, storm drains were repaired and replaced on Waiomao Rd., from 10th Ave. to the bottom of Kuahea St. Repairs were supposed to be 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 responded to. 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. The amended Resolution 20-145 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 moved 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).

So yes, please approve an AMENDED Resolution 20-145. 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 (which WILL require drainage as part of the plan!).

Please reference the following photos, which illustrate the close proximity of our home to the current phase of construction on Kuahea St., and some of the effects of that construction work on the ground underneath the house. Please go [HERE](#).

Ron Menor, Chair
Committee on Executive Matters
and Legal Affairs
City Council
City and County of Honolulu

TESTIMONY
RES 20-145
RE: Acquisition of Land for Public Use,
Situate at Waiomao, Palolo Valley
Hrg.: Tuesday, Septmeber 15, 2020; 1:00 p.m.

Chair Menor and Members of the Committee:

I am submitting this testimony in support of the acquisition of land for public use, specifically Parcels 1-A and 1-B (TMK: 3-4-030-012), situate at Waiomao, Palolo Valley. For the past 40 years, I reside just off Waiomao Road and am well aware of the recent destruction wrought upon our community.

The slow landslide in the area of Waiomao Road and Kuahea Street has continued for more than two years, ruining homes and rendering Kuahea Street unpassable. The fact that this is a landslide area is well known by the City and County of Honolulu. From the time this sub-valley within Palolo was developed after WW II, slow landslides have caused not less than 40 homes to become uninhabitable. When my subdivision was conceived in the mid-1970's, the contractor was asked specifically by the City and County permitting official if this was the "slide" area (no, our homes are beyond the known slide area).

Given this, I am concerned that more homes in this area are not considered for condemnation and purchase by the City and County of Honolulu. I strongly believe the City and County has a legal and moral obligation to prevent construction of new homes in areas known to be subjected to natural disasters, such as flooding, rock falls and landslides.

I urge this Committee to consider expanding the scope of the current condemnation proceedings.

Thank you for the opportunity to testify.

Martha Torney
martha.t.torney@gmail.com
(808) 224-7360

TO: COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS TUESDAY,
9/15/2020

FROM: Iris Murakami

98-712 Nohoaupuni Place, Aiea, HI. 96701

Phone: 808-256-6457

Email Address: muras@hawaiiantel.net

RE: RESOLUTION 20-145-(FOR CONDEMNATION)ACQUISITION OF LAND FOR
PUBLIC USE

Aloha Council Members,

It was brought to my attention that your committee will be discussing the acquisition of land at Waiomao, Palolo Valley, Honolulu, Oahu, Hawaii, today. According to Sydney Lynch, who lives in the Waiomao neighborhood, the property which is being requested to be condemned under Resolution 20-145 is 2301 Waiomao Road. My family owns 2314 and 2314 A Waiomao Road and our properties are located across the street from 2301 Waiomao Road. We are also having land movement problems on our properties.

Sydney Lynch has submitted a written testimony for today's meeting and she is requesting that five houses be added to the resolution for immediate mediation/condemnation and one of those houses is 2296 Waiomao Road. This house is situated to the makai side of our properties. We join her in requesting that this house be condemned under Resolution 20-145. The house is vacant. Glass has popped out of the window frame due to land movement and the glass has shattered onto our property. The house has separated from the cement blocks supporting the house.

We are grateful that the Planning and Permitting Department sent an investigator to inspect the property on 6/18/2020 and found the house to be extensively damaged with an unstable foundation(footing). A Notice of Violation (NOV#2020/Nov-06-100) was subsequently issued on 6/19/2020. This is a hazardous and dangerous situation-- the house could shift greatly and even collapse. (See Image0.jpg and Image2.jpg)

We would like to take this opportunity to inform the City that there are land movement problems on both sides of Waiomao Road. According to our tenant, the ground on the makai side of our house is always wet and slushy. According to our property map the storm drain runs from the easement, down the length of the makai side of our properties, to the Waiomao Stream. We are asking again that someone from the City come to check if there's a problem with the storm drain that is causing the ground to be soggy. (1st Request: RISR Request #2020-1303 dated 6/8/2020)

The sidewalk fronting our properties on Waiomao Road is being uplifted. You can see that the sidewalk is uneven at the opening of the catch basin. (Image4.jpg) (Image5.jpg) It seems as if Waiomao Road is moving toward our properties. The road now curves when it used to be straight.

Our walkway that extends from Waiomao Road to our house (83 steps) has shifted and it's become unsafe for the tenant to walk on it. We are paying \$6,000 to have the walkway repaired. The concrete blocks have moved due to the land movement.

My reason for submitting a written testimony is two-fold: we would like to join Sydney Lynch in her request to have the house on 2296 Waiomao Road be condemned for safety reasons and we would like someone from the City to check if there's a problem with the storm drain that causes sections of our properties to be wet and soggy.

Mahalo!

Iris Murakami

From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 1:45 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name MARJORY JEAN KAWAHARA
Phone 8082263397
Email otsukak001@hawaii.rr.com
Meeting Date 09-15-2020
Council/PH Committee Council
Agenda Item 20-145
Your position on the matter Comment
Representing Self
Organization
Do you wish to speak at the hearing? Yes

Written
Testimony

I heard about this meeting last Friday through another resident and I would like be added to Agenda Item 20-145. I believe all properties located in the affected area (Kuahea St., Kuahea Pl., and Waiomao Road) by the land movements should go through mediation. We should not be forced to spend a lot of money litigating this when we truly know where fault lies in our unfortunate situation.

I also feel Peter Fong, the property owner at 2301 Waiomao Road (Agenda Item 20-145) has many political connections and an abundance of financial resources because he is a state judge, attorney, and has a wealthy family business. Our City Council should assist all property owners in this terrible situation, and not just the ones with connections. I understand Peter Fong owns a parcel of land the city needs to complete a project phase but the scope of land movement is much greater than the current project phase(s). See Geolab, Inc. reports dated June 15, 2000; February 6, 2007; March 1, 2010; and Sept. 9, 2015 (to name a few) in the public records archives.

I also feel CM Menor and other CMs could possibly have a conflict when it comes to Peter Fong because of his possible ties to the political and legal communities.

I implore the City Council to add the property owners interested in settling their lawsuits through mediation. The residents know the City and Board of Water have not done their due diligence in maintaining the infrastructure of Kuahea St., Kuahea Pl., and Waiomao Road. Please allow us to join and

amend Agenda Item 20-145. Thank you.
(Note: I have been assisted by my daughter, Kehaulani Otsuka, in writing this
online testimony.)

Testimony
Attachment
Accept Terms
and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 3:37 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Teren Young
Phone 8087780466
Email jack9allin@aol.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item RES 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Written
Testimony

To all,
I would like to express my disappointment over the years of mishandling of Kuahea and Waiomao land slide areas. This should include all areas that were affected by the slide. Not just ones listed in proposal. To be honest I don't think my testimony will have any consideration being that our neighborhood been asking for help for years. My home is 2319 Kuahea Street. Please see listed below in bullets for known issues.

- Kuahea street has been degrading for years due to neglect of infrastructure. Sewer and water lines broken and not maintained added to slide or caused the slide. My home had no issues until infrastructure break down. Had one week of water lines breaking every day. Countless hours of no water living off stored water. It was so often I made my own barrel and pump just to live. Countless hours of jack hammering right in front of my house.
- My retaining wall was sited due to failure. No support or payment from city and county. Only a citation. Cost me 28,000.00 to repair.
- My other garage retain wall pushing in significantly during this current emergency repairs above me. I had to cut my wall just so garage door can close. Did this twice.
- Attended board meetings to no avail.
- We even had the news and Ann Koboyashi came out to see destruction.
- My original water line is smashed and damage. Now I'm on new supply feed.

- I have had to stabilize and level my home. Damage to interior walls and floor.
- There is a ground monitor right next to my house that was straight now bent. Heard they claim no movement and pole was hit. Impossible both contractor and myself know this. No damage on pole.
- My side walk around house crack and lifted.

This is just a few things listed as I have requested help through email, neighborhood meetings, DCC and phone calls. It started getting really bad from 2016 to present. In the end it always ends up the same. They all point me to get basically legal advice. I know a lot of my neighbors forced to do so. I don't have the money to afford legal counsel to sue like everyone else. I'm just a tax paying resident working hard and providing for my family. It's shame that there is no help or support when asking for it nicely. You have to hire a lawyer and fight for it to get anything done. In the end my property is now listed in slide zone and I could not sell my house even if I wanted to. The bank has listed it is zone and will not even qualify me for financing now. House value is dropped due to this also. All other neighbor who got settlement had to fight for it. I will continue to try and live in my home and hopefully it will remain standing.

Thank you,
Teren Young
2319 Kuahea Street

Testimony
Attachment
Accept Terms
and Agreement 1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 3:20 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name David A. Nakashima
Phone 221-2419
Email dan@nchilaw.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Resolution 20-145
Your position on the matter Support
Representing Organization
Organization Property Holdings, LLC
Do you wish to speak at the hearing? Yes
Written Testimony
Testimony Attachment 20200914151950_Reduced_size_Letter_to_Committee_on_Executive_Matters_and_Legal_Affairs.pdf
Accept Terms and Agreement 1

IP: 192.168.200.67

September 14, 2020

Committee on Executive Matters
and Legal Affairs
Honolulu City Council
530 S King St # 202
Honolulu, HI 96813

via email:
(<http://www.honolulu.gov/ccl-testimony-form.html>)

**Re: Resolution 20-145 – (For Condemnation) Acquisition of Land for
Public Use**

Dear Committee,

I am attorney for the owners of 2301 and 2301A Waiomao Road, Property Holdings, LLC and Peter Fong. I will be appearing on the owners' behalf by WebEx at the committee meeting tomorrow.

As shown in the attached photographs my clients have and continue to suffer a tremendous loss and destruction of their property. My clients' property is one of six similarly-situated lots which have been identified by the City and its consultant, Geolabs, as the area of accelerated earth movement. My clients' property is required to be condemned as part of the Kuahea Street Area Emergency Repairs Project and used to stabilize and save the neighborhood, as to both the public infrastructure and the surrounding private property and residences. Consequently, we do not have objection to Resolution 20-145.

The City deems my clients' property to be "vital for the City's ongoing emergency public works project", justifying the use of eminent domain. However, we respectfully request that the City add an additional paragraph in the BE IT RESOLVED clause that "The Acting Corporation Counsel shall first mediate this dispute as to the valuation of the property with the landowner prior to initiating condemnation proceedings."

It is in the best interest of the parties, including the City, to resolve this matter in a fair and reasonable manner, without the unnecessary waste of time and expense. My clients are not seeking a windfall, however they should not be forced to participate in a lengthy and costly eminent domain proceeding if a fair compromise can be made. We understand that all five prior condemned properties reached agreement in mediation with Keith Hunter through his company, Dispute Prevention and Resolution. Mr. Hunter is intimately familiar with this neighborhood and the problems facing the City and the landowners and hopefully can facilitate a fair settlement. We strongly request mediation as a pre-condition to the eminent domain action.

Committee on Executive Matters
And Legal Affairs
September 14, 2020
Page 2

I look forward in discussing this further with you tomorrow.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Nakashima', written in a cursive style.

David A. Nakashima

Enclosures





From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 3:59 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Michael Doyle
Phone 310-741-7723
Email doylemic@gmail.com
Meeting Date 09-15-2020
Council/PH Committee ExecutiveMatters
Agenda Item Resolution 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Written
Testimony

Aloha - I resident of Palolo Valley, living near the slide areas on Waiomao Rd and Kuahea St. I oppose Res. 20-145 on the grounds that it moves to condemn a single property (2301 Waiomao Rd) in the affected slide area around Waiomao/Kuahea, and leaves at least five other properties in the neighboring area out of the resolution. All of these properties are clearly dangerous and unlivable due to the effects of the slides, which have significantly worsened in the last few years. It is not fair that a single property owner, who purchased the property as an investment in 2013, should be compensated, while the surrounding affected properties are left to sue the city, especially, given that many of the properties are primary residences that have been occupied by their owners for decades. The evidence suggests that the city is at least somewhat, if not wholly, responsible for the slide that damaged these due to unmaintained infrastructure in the area. I feel strongly that the correct thing to do would be to include all affected properties in the resolution for condemnation.

Many thanks,
Mike Doyle

Testimony
Attachment
Accept Terms
and Agreement

1

IP: 192.168.200.67

From: CLK COUNCIL INFO
Sent: Sunday, September 14, 2020 4:04 PM
Subject: Executive Matters and Legal Affairs Speaker Registration/Testimony

Speaker Registration/Testimony

Name Peter D Arnold
Phone 8083929884
Email pete@hawaiilife.com
Meeting Date 09-15-2020
Council/PH Committee Council
Agenda Item Resolution 20-145
Your position on the matter Oppose
Representing Self
Organization
Do you wish to speak at the hearing? No

Written
Testimony

Council MembersThe is a time and place to contemplation and a time to lead. If there was ever a time to lead it is now. Have you not noticed that our Nation is in chaos? Have you not seen the lack of leadership? Well, it's happening in Hawaii too. I've lived off of Waiomao Street for 40 years. I've watched the streets crumble and the houses that sit on those streets literally fall apart. Nature is responding to mankind's lack of inclusivity, greed, and innate ability to look the other way. We, here, can be better than that. Res 20-145 is a start but not near enough. There are homes on Waiomao and Kuahea that will be affected by the mistakes of the past which were also born out of greed and incompetence. Do we wait for lawsuits the C&C will eventually lose? Why waste time and money? You are our elected officials....Just do the right thing. Do your job. There is an uprising coming in November. The voter turn out will be tremendous and it will only increase. Be the leaders you were elected to be or be left behind.Homes at 2205 Waiomao and along Kuahea should be included in bill 20-145. I oppose the bill as it stands. MahaloPete Arnold

Testimony
Attachment
Accept Terms and Agreement 1