

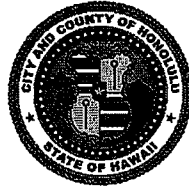
DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR



April 28, 2023

2022/SMA-77(LP)
2022/SV-4

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

Dear Chair Waters and Councilmembers:

SUBJECT: Special Management Area (SMA) Use Permit Application
File No. 2022/SMA-77 and Shoreline Setback Variance (SV) Permit
Application File No. 2022/SV-4
Kamehameha Highway Pedestrian Safety Project
Kamehameha Highway (fronting Laniakea Beach)
Tax Map Keys 6-1-005: 023, 024, 6-1-009: 004, 021, and 022,
6-1-010: 019 and 020

Enclosed for your consideration are the Department of Planning and Permitting's (DPP's) findings and recommendation, draft resolution, and public hearing transcript for an SMA Use and SV Permit to allow the State of Hawai'i Department of Transportation to proceed with improvements to the Kamehameha Highway fronting Laniakea Beach.

The DPP recommends approval of the application, subject to the submittal of standard conditions related to historic and cultural resources, wildlife, and approvals from other governmental agencies.

Pursuant to Revised Ordinances of Honolulu Chapter 25 and 26, as it read prior to the enactment of Ordinance 23-4, the City Council must act within 60 calendar days after receipt of our findings and recommendation; however, the City Council may extend this period of time upon receipt of a request from the Applicant for an extension.

DEPT. COM. 302

The Honorable Tommy Waters
Chair and Presiding Officer and Members
April 28, 2023
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Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Dawn Takeuchi Apuna
Director

Enclosures

cc: Ken Tatsuguchi, Hawai'i State Department of Transportation

APPROVED BY:

A handwritten signature in black ink, featuring a large, stylized 'M' followed by a vertical line and a small flourish.

Michael D. Formby
Managing Director

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

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION

BY

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION

FOR A

SPECIAL MANAGEMENT AREA
USE PERMIT

AND

SHORELINE SETBACK VARIANCE

FILE NOS. 2022/SMA-77(LP)
2022/SV-4

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDATION

I. APPLICATION

A. Basic Information:

APPLICANT:	State of Hawai'i - Department of Transportation, Highways Division
LANDOWNERS:	State of Hawai'i - Department of Transportation, City and County of Honolulu, B.P. Bishop Trust Estate, and North Shore Tacos, Inc.
AGENT:	WSP
LOCATION:	Kamehameha Highway in the vicinity of Laniakea Beach (Exhibit A)
TAX MAP KEYS:	6-1-005: 023 and 024; 6-1-009: 004, 021, and 022; and 6-1-010: 019 and 020
PROJECT LAND AREA:	3 acres
ZONING:	AG-1 Restricted Agricultural District (Exhibit B)
DEVELOPMENT PLAN:	North Shore Sustainable Communities Plan
STATE LAND USE DISTRICTS:	Conservation, Agricultural, and Urban

EXISTING USE: Right of way, Vacant Land, and Unimproved Shoreline Park
SURROUNDING LAND USES: Dwellings, Laniakea Beach, and Agricultural Uses

- B. Proposal: The Applicant seeks approval of a Special Management Area (SMA) Use Permit and Shoreline Setback Variance (SV) to allow road improvements necessary to address pedestrian safety, shoreline erosion, congestion, and roadway reliability along Kamehameha Highway in the vicinity of Laniakea Beach. The Project will be approximately 1,000 feet (ft.) in length and will consist of realigning a portion of the highway about 90 ft. mauka, adding grass pavers, vehicle guard rails, a vehicle control gate at Pohaku Loa Way, streetlights, a bridge, conversion of the existing roadway into a shared use path, and drainage improvements (see Exhibits C-1 through C-8). A majority of the Project is within the shoreline setback.

The highway right-of-way will be about 120-ft.-wide with two 12-ft.-wide through lanes (one in each direction) and a 10-ft.-wide median refuge lane for part of the realigned distance (see Exhibit C-1). It will be an asphalt road with a buried concrete cut-off wall on the makai edge of the highway to reduce the potential of soil erosion from under the roadway where needed. Vehicular guardrails will be added and the mauka lane of the existing highway will be converted to a 16-ft. wide shared use path for bicycles and pedestrians. The makai lane will be partially removed and replaced with grass pavers. Parking will be limited during the 24-month construction period. The Project is estimated to cost \$12,000,000 and will take approximately three years to complete.

The Department of Planning and Permitting (DPP) is concurrently processing and evaluating the individual and cumulative impacts through the SMA Use Permit and SV Permit.

The majority of the proposed work is within the shoreline setback area. However, some work will also be located makai of the certified shoreline within the State Land Use Conservation District. This includes a cattle gate, a connection road at Pohaku Loa Way, a wingwall of a bridge, bollards, and grass pavers. Lands located makai of the certified shoreline within the State Conservation District are not regulated under the City's zoning code. As such, any proposed work within the State Conservation District will need to be reviewed by the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) and may require a Conservation District Use Permit.

II. FINDINGS OF FACT

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

Project Area	Three acres, encompassing various zoning lots and the Kamehameha Highway right-of-way.
Topography	Flat right-of-way and moderately sloped lots mauka of the highway.
Current Development	Highway, vacant, fallow land, and cattle grazing area.
Surrounding Uses	To the north – Laniakea Beach and the Pacific Ocean To the west and east – Single-family dwellings To the south – Fallow land, Kawaihoa Ranch, and passive agricultural uses
Nearest Body of Water	<i>Pacific Ocean</i> - Estuarine and Marine Wetland and Estuarine and Marine Deepwater <i>Laniakea Stream</i> – Estuarine and Marine Wetland, Estuarine and Marine Deepwater, and Freshwater Forested/Shrub Wetland
Certified Shoreline Survey	Dated January 18, 2023, the survey shows Kamehameha Highway within the shoreline setback (see Exhibit D).
Shoreline Change Rate	According to the Hawai'i Shoreline Study Web Map, the shoreline change rate along the length of the Project area ranges from 0.01 to 0.08 ft. per year.
Soil Classifications (<i>mauka to makai</i>)	<u><i>Waialua Silty Clay</i></u> - Moderately well drained; slow to medium runoff; moderate permeability. <u><i>Beaches</i></u> - Well drained with rapid surface runoff. Permeability is moderate.
Vegetation	Naupaka, milo, ironwood, coconut, pohuehue, and kipukai are found along coastline. Christmas berry, Chinese banyan, ironwood, kiawe, koa haole, and autograph trees are found along western end of alignment. Grass species such as Bermuda grass, Guinea grass, kikuyu, buffelgrass, and swollen fingergrass can be found throughout the Project area.

Flood Zone (<i>mauka to makai</i>)	<p><u><i>Flood Zone AE</i></u> - An area subject to inundation by a one percent annual chance flood with a base flood elevation (BFE) of 22 ft. above mean sea level (MSL).</p> <p><u><i>Flood Zone VE</i></u> - The coastal high hazard area subject to high velocity wave action with a BFE of 22 to 25 ft. above MSL.</p> <p>(Federal Emergency Management Agency [FEMA] Flood Insurance Rate Map Panel No. 15003C0110F, revised November 5, 2014, see Exhibit E).</p>
Sea Level Rise (SLR)	Based on the State of Hawai'i SLR Viewer, the portions of the site would be inundated by 3.2 ft. of SLR by 2100 or sooner (see Exhibit F-1 through F-2).
Tsunami	Tsunami Evacuation Zone
Environmental Compliance	An Environmental Assessment (EA) was prepared and the Hawaii Department of Transportation (HDOT) issued a Finding of No Significant Impact (FONSI) on December 14, 2021. The Final EA-FONSI was published in <u><i>The Environmental Notice</i></u> on December 23, 2021.
Other Permits and Approvals	<p><i>DLNR State Historic Preservation Division (SHPD)</i> - Section 6E Historic Site Review and OCCL– Conservation District Use Permit.</p> <p><i>Department of Health</i> – National Pollutant Discharge Elimination System Permit, Noise Permit, and Noise Variance.</p> <p><i>City DPP</i> – Building Permit, Subdivision Permit, Grubbing Permit, Stockpiling Permit, and Trenching Permit.</p>
Agency Comments	During the EA and SMA process, the HDOT and DPP routed the proposal to various Federal, State, and City agencies. All letters and comments received have been included in the Project file and incorporated into the Analysis Section, as appropriate.
Neighborhood Board/ Community Association Presentation	The Applicant presented the Draft EA to the North Shore Neighborhood Board No. 27 (NB) on September 28, 2021. Another meeting was requested by the Agent but the NB indicated that another presentation of the Project was not necessary.

Public Hearing	The DPP conducted a Public Hearing at 10:00 a.m. on March 30, 2023, at the Sunset Beach Community Recreation Center. The Applicant, the Agent, and DPP staff members were present and 29 members of the public attended the public hearing. Two people testified in support, three people testified in opposition, and 10 people provided comment.
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III. ANALYSIS

- A. SMA Use Permit: The proposed Project was analyzed in accordance with the objectives, policies, and guidelines established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), as they read prior to the enactment of Ordinance 23-4, as well as Sections 205A-2 and 205A-26, Hawaii Revised Statutes (HRS).

1. **Recreational Resources**

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

The Project is designed to maintain beach access, open spaces, and recreational resources by returning the makai lane of the highway adjacent to Laniakea Beach to its natural state and adding a wide pedestrian shared-use path on the existing mauka lane of the highway. Further, the Project will remove unsafe conflicts between highway operations and beach access by realigning the highway so it is approximately 90 ft. mauka of the existing location. This will improve existing recreational access, which requires pedestrians to cross the highway from the mauka parking area. The new shared use path will establish an initial link to future-planned non-motorized facilities along Kamehameha Highway, which will promote multimodal access to Laniakea Beach and enhance recreational uses of the area. Remaining sections of the existing pavement will be reverted to coastal vegetation, expanding the recreational resource. The beach will remain open and accessible to the public during the duration of construction. Limitations on the availability of parking will be temporary during the 24-month construction period. Therefore, no conditions of approval are included to address coastal recreational resources.

2. Historic and Cultural Resources

Development within the SMA should protect, preserve, and restore natural or human-made historical and cultural resources.

According to the archaeological inventory survey conducted by ASM Affiliates, which was prepared for the EA, there are two existing historic properties in the vicinity of the Project: Lauhulu Stream Bridge and Site T-1. The Lauhulu Stream Bridge, also known as Laniakea Stream Bridge, is significant as an example of 1930s roadway engineering and design. The bridge will not be physically impacted by the Project and will remain in place for pedestrian use. Site T-1 is a modified bedrock outcrop interpreted to be a possible ceremonial site located outside of the Project area. The site will remain undisturbed and interim protective fencing will be placed around the site during construction activity. Both historical properties will be physically avoided and protected during construction activities. Additionally, with the construction of a new vehicular bridge, impacts on the historic bridge will be reduced since traffic will be diverted to a new bridge. The proposed measures to protect the historic properties are adequate and are recommended as conditions of approval.

The Project will include grading and earth work. Therefore, all earth disturbing activities on the site are subject to the standard stop work condition of approval. This will ensure that if, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant will have to stop work, protect the find from further disturbance, and contact the SHPD immediately. Work in the immediate area will have to be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity. This is recommended as a condition of approval.

3. Scenic and Open Space Resources

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

The Project does not propose new visual obstructions or elements that would impact coastal views from the highway. The Coastal View Study (1987) shows that Kamehameha Highway fronting Laniakea Beach is a coastal road with continuous coastal views of the ocean. No tall structures are being proposed that would obstruct views. Additionally, moving the highway mauka and removing the existing makai lane will expand open space and the line of sight from the beach. Given all this, improvements to scenic and open space resources are anticipated as a result of the Project and no conditions of approval are recommended to address scenic and open space resources.

4. Coastal Ecosystems

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

The Project is anticipated to result in an improvement for coastal ecosystems because it is reducing the urban encroachment by moving the highway mauka and increasing permeable surfaces within the Conservation District. Additionally, the updated highway design will incorporate permanent Best Management Practices (BMPs) to mitigate and minimize surface storm water run-off.

- a. Flora: Most of the Project area is an overgrown forest of invasive tree species such as koa haole, autograph, monkeypod, kiawe, Chinese banyan, Java plum, and Christmas berry. Some mauka areas along the alignment are utilized as pastures for horses and cow. Much of the coastline along the project area is dominated either by Laniakea Beach or by residential houses and yards planted with ornamental landscaping. No endangered flora were observed on the site. Given this, no adverse impacts to flora are anticipated and no condition of approval is recommended.
- b. Fauna: A basalt rock headland divides the coastline in the vicinity of the Project, which provides a sheltered cove used by Hawai'iian Green Sea Turtles, or honu, who forage in near shore reefs and rest on the sandy beaches. The cove has become known as "Turtle Beach" and is a popular destination for tourists to observe the endangered species closely. The Hawai'iian Green Sea, the Hawksbill Sea Turtle and the Hawai'iian Monk Seals are also known to frequent the shoreline. Disruption of these species must be avoided, and therefore, in the event of their presence during Project construction, standard protective measures should be implemented. As a condition

of approval, all Project-related activities should cease if a Hawai'iian monk seal or green sea turtle is present within 150 ft. of the work area, or as recommended by State or Federal regulations. Project activities should only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300 ft. buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.

During the development of the EA, indigenous migratory shorebirds such as the Pacific Golden Plover and the Ruddy Turnstone were also observed on the site. The Project area is not a particularly suitable habitat for seabirds but the Wedge-tailed Shearwater is known to nest in the makai portion of Kawaihoa Beach, which is about 970 ft. from the Project.

Artificial lighting can be disruptive to avifauna and marine life in their navigation, nesting, and reproductive cycles. The Project involves street lights every 120 linear ft. The lights will employ flat lens fixtures designed to reduce glare and shield light from migrating birds and sea turtles. These street lights will be replacing existing lights placed farther away from the shoreline where they will be less likely to disturb sea turtles. To a certain extent, nighttime construction (from sunset to sunrise) will be necessary given the nature of the Project, and to avoid daytime traffic congestion. Therefore, as a condition of approval, all outdoor lighting should be fully shielded both during and after construction to avoid artificial light impacts on seabirds, hoary bats, and sea turtles, particularly during the seabird fledgling season from September 15 through December 15. Additionally, artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights are prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline or ocean waters, or both, except as permitted by HRS Section 205A-71(b). These are standard conditions of approval.

The Applicant will implement BMPs to stop the escape of silt, dust, and water into the surrounding areas during construction. This will prevent adverse impacts to the coastal ecosystem during construction. As BMPs are already a requirement, a condition of approval requiring them is not necessary.

Although the Hawai'iian hoary bat was not sighted, it is known to occur nearby and could forage or roost in the Project area. Since the Hawai'iian Hoary Bat may transit through the vicinity of the Project area, woody plants greater than 15 ft. in height should not be

disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15). This is also recommended as a condition of approval.

5. Economic Uses

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

The Project will impact the local economy as Kamehameha Highway is a main thoroughfare used by both residents and tourists. The Project will make it safer for pedestrians to access Laniakea Beach by creating multimodal access to the beach and by reducing traffic delays caused by beach users crossing the busy highway. The improvements to the area and relocating the highway increases the resilience and reliability of the transportation network. Additionally, the improvements will be designed and constructed to help mitigate and minimize exposure to the effects of shoreline erosion and SLR. Therefore, the Project is important to the State's economy and no related conditions of approval are necessary.

6. Coastal Hazards

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

- a. Flooding: According to FEMA Federal Flood Insurance Rate Map No. 15003C0110F, revised November 5, 2014, the Project area is located within Flood Zone AE with a BFE of 22 ft. above MSL. The makai portion of the Project is located within, Flood Zone VE, which is the coastal high hazard zone subject to high velocity wave action with a BFE of 22 to 25 ft. above MSL (see Exhibit E). Construction within the floodplain (coastal and riverine zones) is subject to compliance with the provisions of the City's Flood Hazard Ordinance and the National Flood Insurance Program. In moving the existing highway 90 ft. mauka, the Project is likely to resolve existing issues with storm surge and waves overtopping the coastal highway in the vicinity of the Project area. Currently, the regulatory shoreline has

been placed within and even mauka of the highway right-of-way because of instances of the ocean waters running up onto the highway. Therefore, the realigned highway will resolve existing flooding issues and improve the highway system's resilience to coastal hazards

Additionally, the Project will implement BMPs of vegetated swales along the mauka side of the existing road to carry stormwater and to allow infiltration. Construction-related activities will also be required to follow standard BMPs relating to stormwater management. The Project will not exacerbate storm surge impacts on the site. Finally, compliance with Chapter 21A, ROH, will be confirmed during the review of the construction and building permit plans. Therefore, no condition of approval is necessary.

- b. SLR and Coastal Erosion: Based on a review of the University of Hawai'i Pacific Island Ocean Observing System SLR Viewer, under scenarios envisioning 0.5, 1.1, 2.0, and 3.2 ft. of SLR, portions of the site will be inundated by SLR. However, the realigned highway would not be within SLR exposure area until about 2.0 ft. of SLR (see Exhibit F-1 through F-2). As SLR surpasses 2.0 ft. and approaches the 3.2-ft., the realigned highway would begin to experience inundation at the lower-lying areas near the Lauhala Stream Bridge. Therefore, with 3.2 ft. of SLR projected by 2100, the proposed realignment is a mid-term mitigation measure. As such, the Applicant anticipates the proposed realignment will provide at least 45 years of reliable service.

According to the Applicant, the new improvements within the shoreline setback area will be at least 13 ft. above MSL so there should not be immediate impacts of SLR on the Project. Additionally, the proposed highway will consist of a buried concrete cut-off wall on the makai edge, designed to protect the road from being undermined. After realignment, the existing makai portion of the highway will be converted into a multimodal path and remaining sections of the existing pavement will be reverted to coastal vegetation to help with coastal hazard mitigation. In summary, the purpose of the Project is to address SLR and coastal erosion by relocating the highway further mauka from the shoreline. Given this, it is not anticipated that SLR and coastal erosion will immediately impact the Project. Therefore, no condition of approval is recommended.

- c. Storm Surge: The National Storm Surge Hazards Maps indicate that the makai portion of the site could be inundated by up to three ft. of storm surge during a Hurricane Category 4 event and the

site is in the tsunami evacuation zone. As previously mentioned, the Project will implement BMPs relating to stormwater management, so no related conditions of approval are recommended. In the event of a tsunami warning, the improved highway infrastructure will be beneficial in evacuating coastal residents in the area.

7. Managed Development and Public Participation

The development review process should stimulate public awareness, education, and participation in coastal management.

The public was made aware of the Project and was given the opportunity to review the proposed Project during both the EA phase and the processing of the SMA Use Permit Application. The application materials were posted on the DPP website. During the EA phase, the Applicant presented to the North Shore NB on September 28, 2021. The NB supported the Pedestrian Shift Alternative option for Kamehameha Highway.

A public hearing was held for the SMA application with 29 members of the public in attendance. Two people testified in support, three people testified in opposition, and 10 people provided comment. The community had concerns about access to parking and traffic congestion. Additional opportunities for public input will be available during the City Council meetings.

8. Beach and Coastal Dune Protection

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

The Project site is adjacent to Laniakea Beach, a well-known area for sea turtles sightings and surfing. As discussed in the “Coastal Hazards” section of this report, the Project is relocating the highway mauka from the shoreline to help reduce shoreline erosion. The remaining sections of the makai portion of the highway will be reverted to coastal vegetation, which will result in an expansion of the recreational resource, and removal of the urban encroachment from the beach. Also, the improved infrastructure and permanent BMPs will result in an improvement over the current situation. Therefore, the proposal contributes to beach and coastal dunes protection

and no conditions of approval, other than those previously discussed, are recommended.

9. Marine and Coastal Resources

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

The Project is adjacent to Laniakea Beach Park. According to the National Wetlands Inventory of the U.S. Fish and Wildlife Service, this section of the Pacific Ocean is identified as Estuarine and Marine Wetlands and Estuarine and Marine Deepwater. Lauhulu Stream, also referred as Laniakea Stream or Kukaiohiki Gulch, is an intermittent stream with a fairly shallow streambed that runs through a portion of the Project area. It is classified as Estuarine and Marine wetland and deep water and empties into Laniakea Beach. The area under the bridge overpass near the beach is mainly sand and the upper reaches of the stream are generally dry unless there are heavy rains, in which case, the stream flows rapidly to the beach. During the EA, no wetland plant species were observed during site surveys. Preliminary investigations and a wetland delineation indicate there are no wetlands present within the Project footprint.

A new vehicular bridge over Lauhulu Stream is proposed near the existing bridge on Kamehameha Highway. The proposed bridge will be 100 ft. long and have no central pier. At their closest point, the bridges will be 15 ft. apart railing to railing. The new bridge will not require abutments or other structures in the stream beds or any potential adjacent wetlands. According to the Applicant, permits related to structures in streams by the Army Corps of Engineers are not required.

As stated in the "Coastal Hazards" section, the Project will implement BMPs of vegetated swales along the mauka side of the existing road to carry stormwater and allow infiltration. Construction-related activities will also be required to follow standard BMPs relating to stormwater management. Given this, and based on the previously discussed conditions of approval, no impacts to beaches, estuaries, or nearby water features are anticipated. Therefore, marine and coastal resources are unlikely to be negatively impacted as a result of the proposal, and no

additional conditions of approval are recommended.

10.

Cumulative Impact or Significant Effect and Compelling Public Interest

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

Based on a review of the record, the EA, the SMA Use Permit application, and the above analysis, we find that substantial or cumulative negative environmental impacts associated with the construction are unlikely. There is a compelling public interest to implement the Project, because the Project will protect critical public infrastructure, improve pedestrian safety, decrease encroachments into the Conservation District, and increase resilience in the face of coastal hazards. Temporary impacts due to construction activities are expected and are reasonable considering the public's interest in maintaining quality public infrastructure facilities and the Applicant's ability to mitigate those impacts. Temporary, construction-related impacts related to noise, air quality, water quality, biological resources, and cultural resources will be mitigated through mandatory compliance with applicable regulatory standards, permit requirements, and the conditions of approval discussed herein. As such, implementation of the Project will not result in a substantial contribution to cumulative environmental impacts. Therefore, no additional conditions are recommended.

11.

Consistency with Plans and Regulations

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

The proposal is generally consistent with the applicable plans and regulations, as detailed below.

- a. Land Use Ordinance (LUO): The Project is a public use and structure that will primarily occur within the existing and future realigned highway right-of-way. This is permitted in the AG-1 Restricted Agricultural District. Therefore, the Project is generally consistent with the LUO.

- b. North Shore Sustainable Community Plan (NSSCP): The Project meets the beach park and shoreline area guidelines under Section 3.1.2.2 and 3.3.2.3 of the NSSCP. The Project will discourage visual obstructions along the coastal highway, protect marine life from soil erosion, and provide adequate public support facilities for beach parks. The Project also meets the transportation systems goals and policies under Section 4.1 of the NSSCP. The Project will continue to retain Kamehameha Highway as a two-lane thoroughfare and provide multimodal access to Laniakea Beach. The Project will provide roadway improvements to promote pedestrian and vehicular safety and traffic efficiency. Given this, the proposed development is generally consistent with the NSSCP.
- c. Oahu General Plan (GP): The Project meets the transportation and utilities objectives and policies under Section 5 of the Oahu GP including:
- Objective A, Policy 4, ensure adequate and safe access to Oahu's coastal highway system, and to plan for the relocation of highway and roads subject to SLR away from coastlines.
 - Objective A, Policy 10, reduce traffic congestion.
 - Objective D, Policy 1, provide adequate resources to ensure the maintenance and improvement of transportation systems.
 - Objective D, Policy 5, evaluate impacts of SLR on existing public infrastructure, located along or near Oahu's coastal areas.

The Project is generally consistent with the Oahu GP. No additional conditions are recommended.

- B. SV: Pursuant to ROH Section 26-1.8(b), a SV may be granted for the Project under the "public interest standard."

1. A variance may be granted for an activity or structure which is undertaken by a public agency. The Project is being proposed by HDOT, which is a public agency.
2. A variance may be granted for an activity or structure which is clearly in the public interest. The Project clearly involves public interest as it will benefit public health and safety by increasing pedestrian safety, protecting critical infrastructure with updated designs, and removing the existing highway from areas susceptible to annual high wave inundation.

3. A variance may be granted for an activity or structure, provided that the proposal is the most practicable alternative which best conforms to the purposes of ROH Chapter 26 and the shoreline setback rules. The Applicant considered three alternatives in addition to the proposal. The three alternatives considered in the EA included a no build, no build settlement, and Transportation System Management (TSM) alternative.

Under the no build alternative, the Project area would be left as is with no changes to the transportation infrastructure. With this alternative, the area would continue to be impacted by shoreline erosion and mitigation would be performed on an as-needed basis, which could involve closing the highway during high surf, removal of sand and debris from the highway, and periodic maintenance of the rocks protecting the highway embankment along the shore. The shoreline erosion would eventually lead to the degradation of the highway, which would limit access to the North Shore for residents and tourists. As such, the alternative would not meet the purpose and need for the Project, and was not recommended as the best alternative for this Project and this Project location.

Under the no build settlement alternative, cars would be allowed to park on the mauka side of the Highway on an unpaved parking area for access to the beach and barricades and crosswalks would be installed to make crossing the highway safer. An estimated 50-60 parking spaces would be available in the unpaved open area. The no build settlement alternative is currently being implemented and is required to stay in place for one year. There is no date or requirement for its removal. Like the no build alternative, the Project area would be impacted by shoreline erosion with minimal mitigation action. This would result in the deterioration of the highway. Additionally, maintenance of the unpaved parking area would continue to be problematic with erosion, potholes, and potential vehicle spills in close proximity to the beach. As such, this alternative would not meet the purpose and need for the Project, and was not recommended as the best alternative for this Project and this Project location.

Under the TSM alternative, parking would be unavailable on the mauka side of the highway and no crosswalks would be established like the no build alternative. This alternative would result in the deterioration of the highway. As such, the alternative would not meet the purpose and need for the Project, and was not recommended as the best alternative for this Project and this Project location.

The proposed Project is the pedestrian shift alternative. This is the best alternative because it relocates the highway farther mauka. The existing highway infrastructure necessitates a portion of the proposed reconfigured highway to remain in the shoreline setback in order to connect with the existing highway on the two sides of the Project area. Therefore, it cannot

be located outside of the setback. However, this alternative protects the highway from immediate coastal erosion impacts and minimizes the extent of flooding that may be caused by 3.2 ft. of SLR. Additionally, the proposed Project will remove a portion of the highway and other existing structures located makai of the shoreline. Further, the Project will improve pedestrian safety and traffic congestion as pedestrians will no longer need to cross the highway to access Laniakea Beach. Other than portions of the existing highway that will be maintained to provide multi-modal access to Laniakea Beach, a significant portion of the existing highway will be returned to a natural state.

Given these circumstances, the proposed Project is the preferred and most practicable alternative which best conforms to the purposes and intent of Chapter 26, ROH and the shoreline setback rules. Therefore, the SV should be approved.

IV. CONCLUSIONS OF LAW

The proposed development was reviewed under the provisions of Sections 25-3.1, 25-3.2, Section 26-1.8, ROH, as they read prior to the enactment of Ordinance 23-4, and Sections 205A-2 and 205A-26, HRS, and found to be consistent with established SMA and SV objectives, policies, and guidelines, subject to the conditions below. Based on the analysis and recommended conditions, the Project will not adversely impact the SMA resources.

The Director hereby makes the following Conclusions of Law:

- A. SMA Use Permit: The Project was reviewed under the provisions of Sections 25-3.1 and 25-3.2, ROH, as they read prior to the enactment of Ordinance 23-4, and Sections 205A-2 and 205A-26, HRS, and found to be generally consistent with the established objectives, policies, and guidelines. Based on the Analysis, the proposed development will not adversely impact SMA resources or have cumulative impacts, provided that certain mitigative conditions of approval are imposed.
- B. SV: The Project was reviewed under the provisions of Chapter 26, ROH. It has been determined that a SV may be granted under the "public interest standard," pursuant to Section 26-2.8(b), ROH, as they read prior to the enactment of Ordinance 23-4, and the proposal is the practical alternative which best conforms to the purposes of Chapter 26, ROH and the Shoreline Setback Rules, provided that certain mitigative conditions of approval are imposed.

V. RECOMMENDATION

Based on the preceding Analysis and Conclusions of Law, it is recommended that this application for a SMA Use Permit and SV for the Kamehameha Highway Pedestrian Safety Project be APPROVED, subject to the following conditions:

- A. Development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A, B, C-1 through C-8, D, E, and F-1 through F-2, enclosed hereto and incorporated herein by this reference. Any change in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in ROH Chapter 25, Chapter 26, or HRS Chapter 205A, will require a new application and permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution, upon review and approval by the Director of the DPP.
- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the SHPD immediately. Work in the immediate area must stop until the SHPD assesses the impact and makes further recommendations for mitigative activity. This requirement must be clearly stated on any earth-moving construction permit plans and building plans for the proposed Project.
- C. Historical and cultural resources must be physically avoided and protected during construction activity.
- D. To minimize impacts to Hawai'iian seabirds, the Hawai'iian hoary bat, and nearshore species that may frequent or traverse the vicinity of the Project site:
 - 1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;
 - 2. Artificial light from exterior light fixtures on the zoning lot, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b);
 - 3. Exterior light fixtures on the zoning lot must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture;

4. Woody plants greater than 15 ft. in height must not be disturbed, removed, or trimmed during the Hawai'ian hoary bat birthing and pup rearing season (June 1 through September 15); and
 5. All Project-related activities must cease if a Hawai'ian monk seal or green sea turtle is present within 150 ft. of the work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300-ft. buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed from the work area at the end of each day and at the conclusion of Project-related activities.
- E. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25 and 26, and its approval does not constitute compliance with other governmental requirements. The Applicant is responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable governmental provisions and requirements, including the provisions of the LUO.

Dated at Honolulu, Hawai'i, this 28th day of April 2023.

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

By 

Dawn Takeuchi Apuna
Director

Enclosure: Exhibits A, B, C-1 through C-8, D, E, and F-1 through F-2

EXHIBIT A

LEGEND



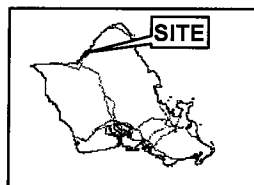
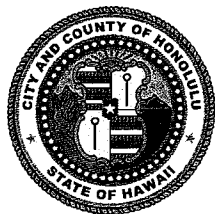
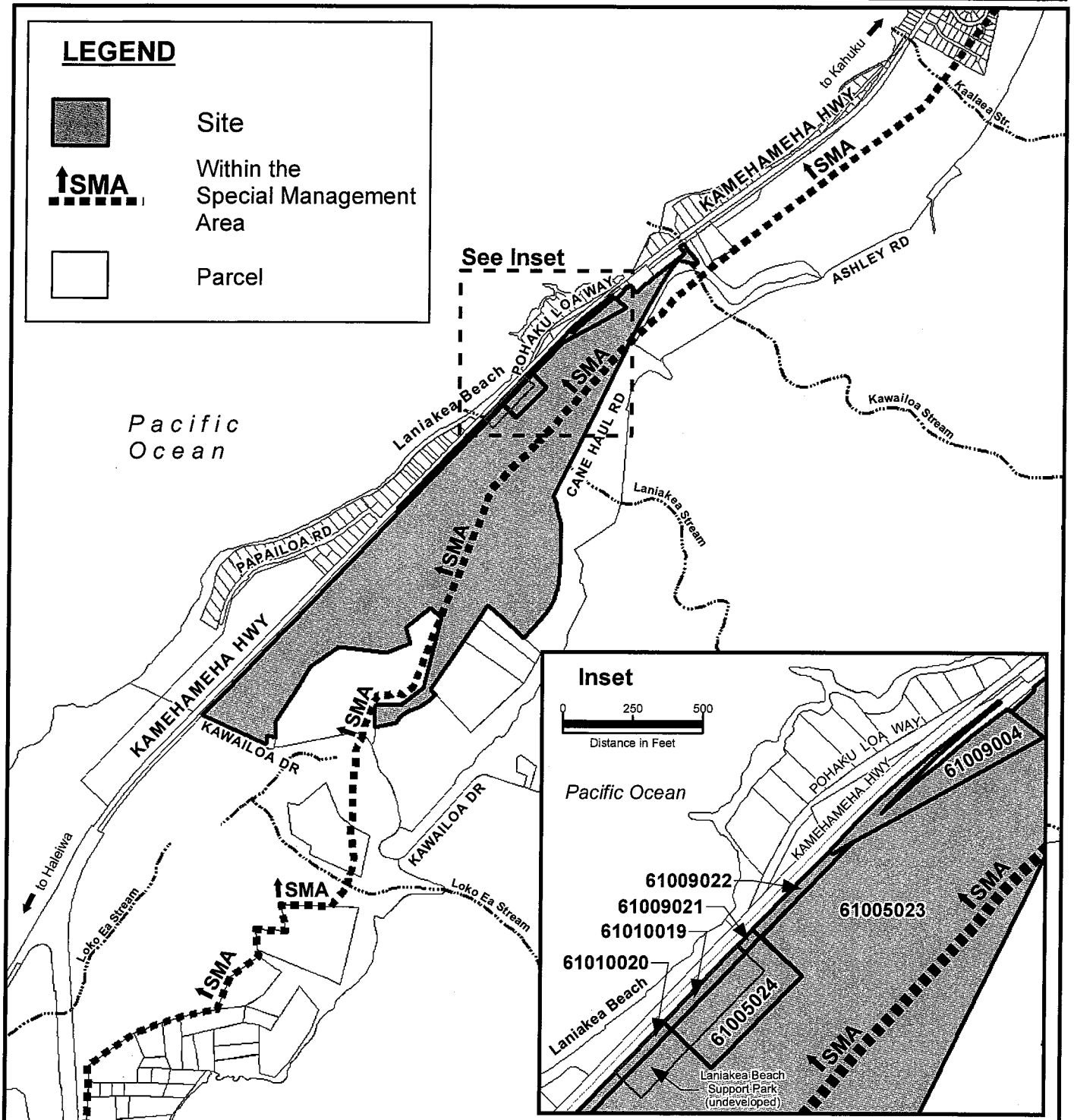
Site



Within the
Special Management
Area



Parcel



VICINITY MAP

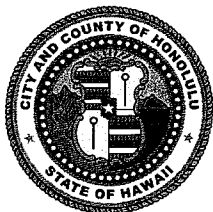
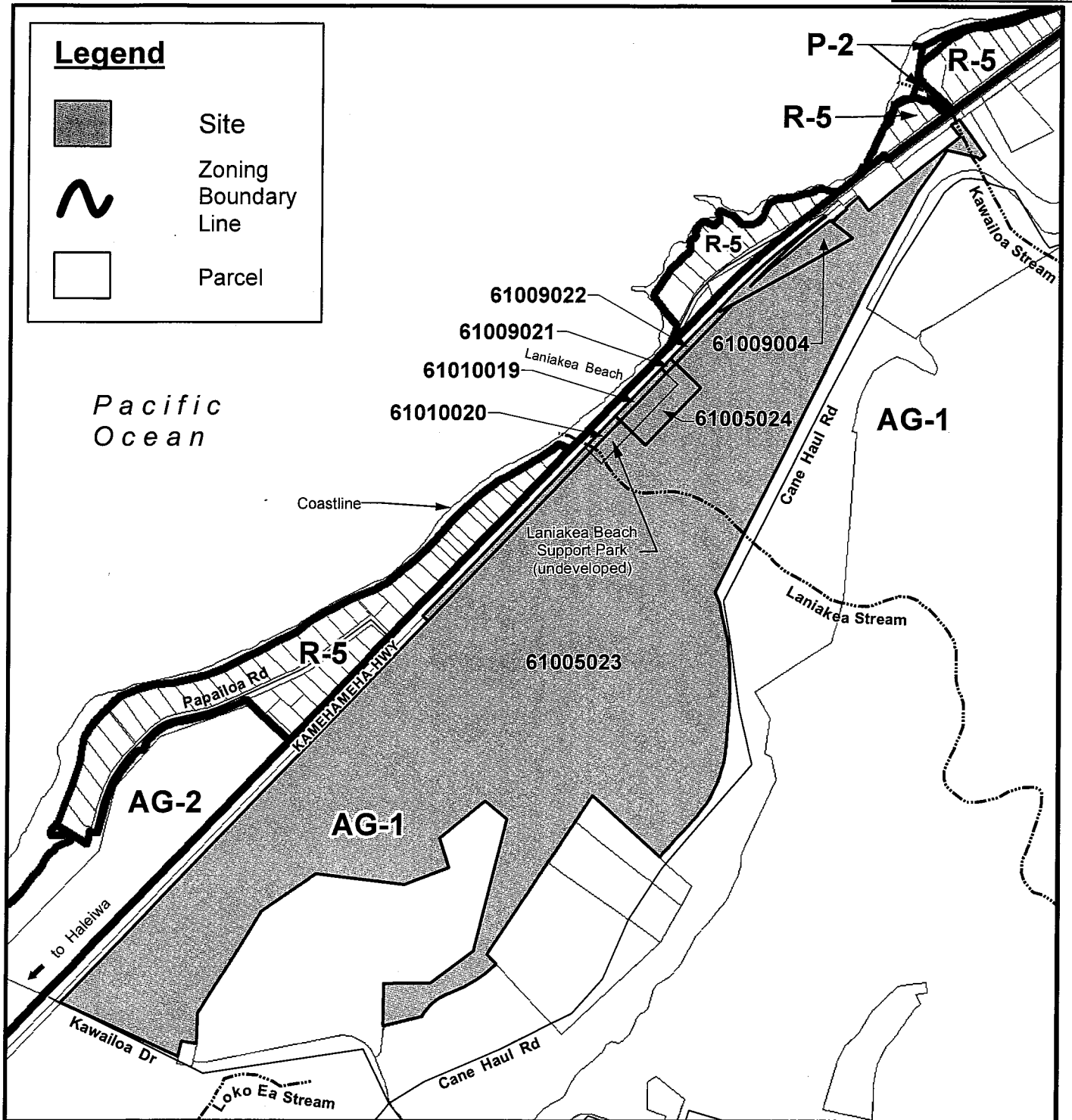
0 750 1,500 3,000
Distance in feet



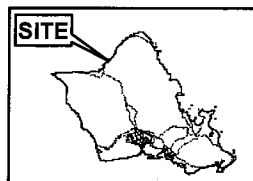
LOCATION MAP WITH SMA HALEIWA

TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4



0 400 800 1,600
Distance in feet



VICINITY MAP



**PORTION OF
EXISTING ZONING MAP
MOKULEIA - WAIALUA - HALEIWA**

TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4

EXHIBIT C-1



Laniakea Beach

Certified Shoreline 12/2022

Wingwalls

Grass Paver

Kamehameha Highway

Fence

Bridge

Dumped Riprap

Kamehameha Highway

40' Setback

Guardrail

Gate

Connection Road

To Haleiwa

To Waihee

Certified Shoreline 12/2022

40' Setback

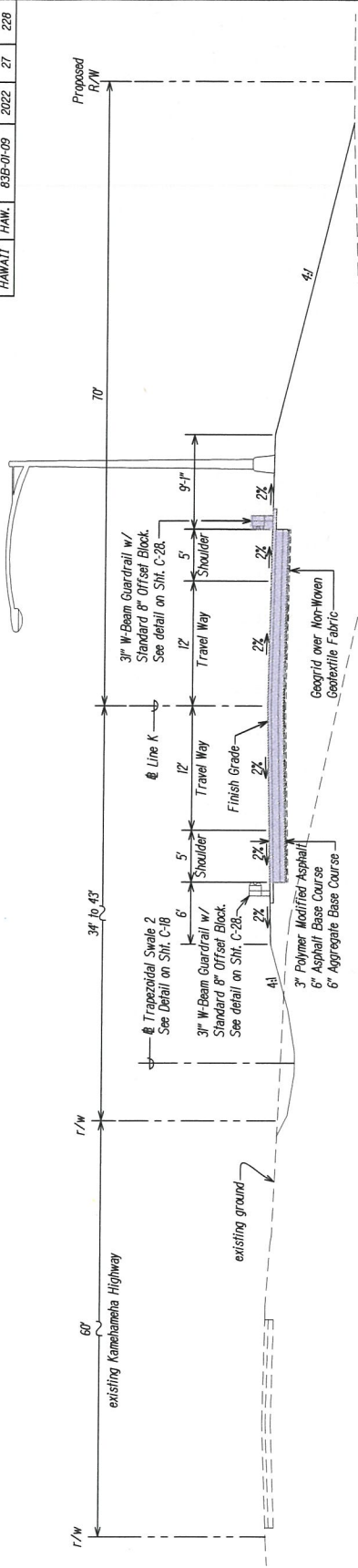
GRAPHIC SCALE



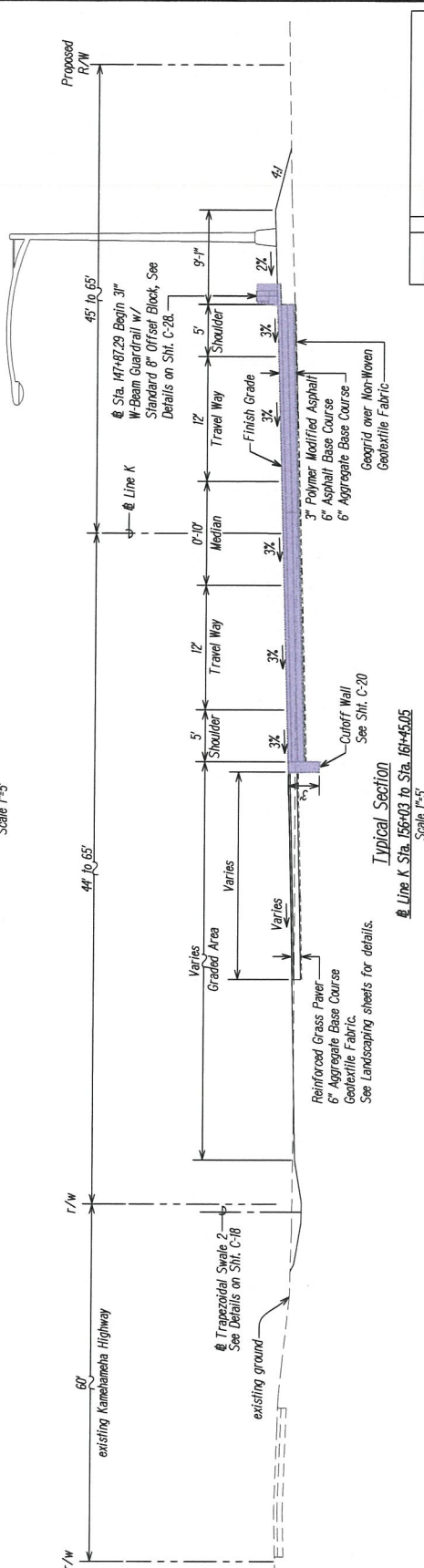
KAMEHAMEHA HIGHWAY DRAINAGE
AND SAFETY IMPROVEMENTS
CERTIFIED SHORELINE

EXHIBIT C-3

FED. ROAD DIST. NO.	STATE	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	835-01-09	27	228



Typical Section
Line K Sta. 155+3.00 to Sta. 155+40.75
Scale 1\"/>



Typical Section
Line K Sta. 156+03 to Sta. 161+45.05
Scale 1\"/>

DATE	REVISION

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HAWAII DIVISION

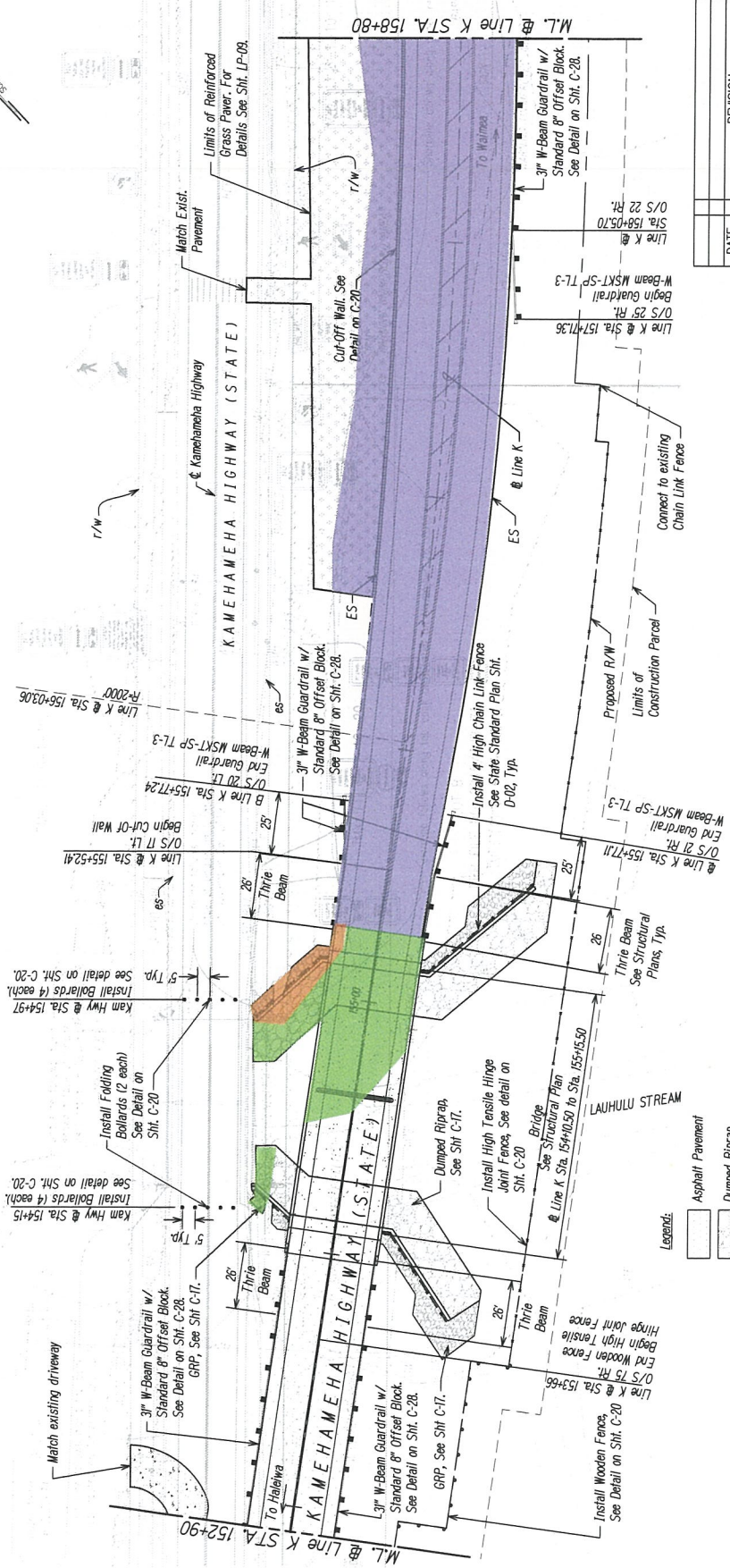
TYPICAL SECTIONS

KAMAHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
VEHICLE OF LANEWAY BASED ONP. 308 TO NP. 350
PROJECT No. 835-01-09

Scale: 1\"/>



SHEET No. 75-03 OF 4 SHEETS



DATE			REVISION

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

ROADWAY CONSTRUCTION PLAN

KANEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Laniākea Beach (MP 3.06 to MP 3.54)
Project No. 83B-01-09

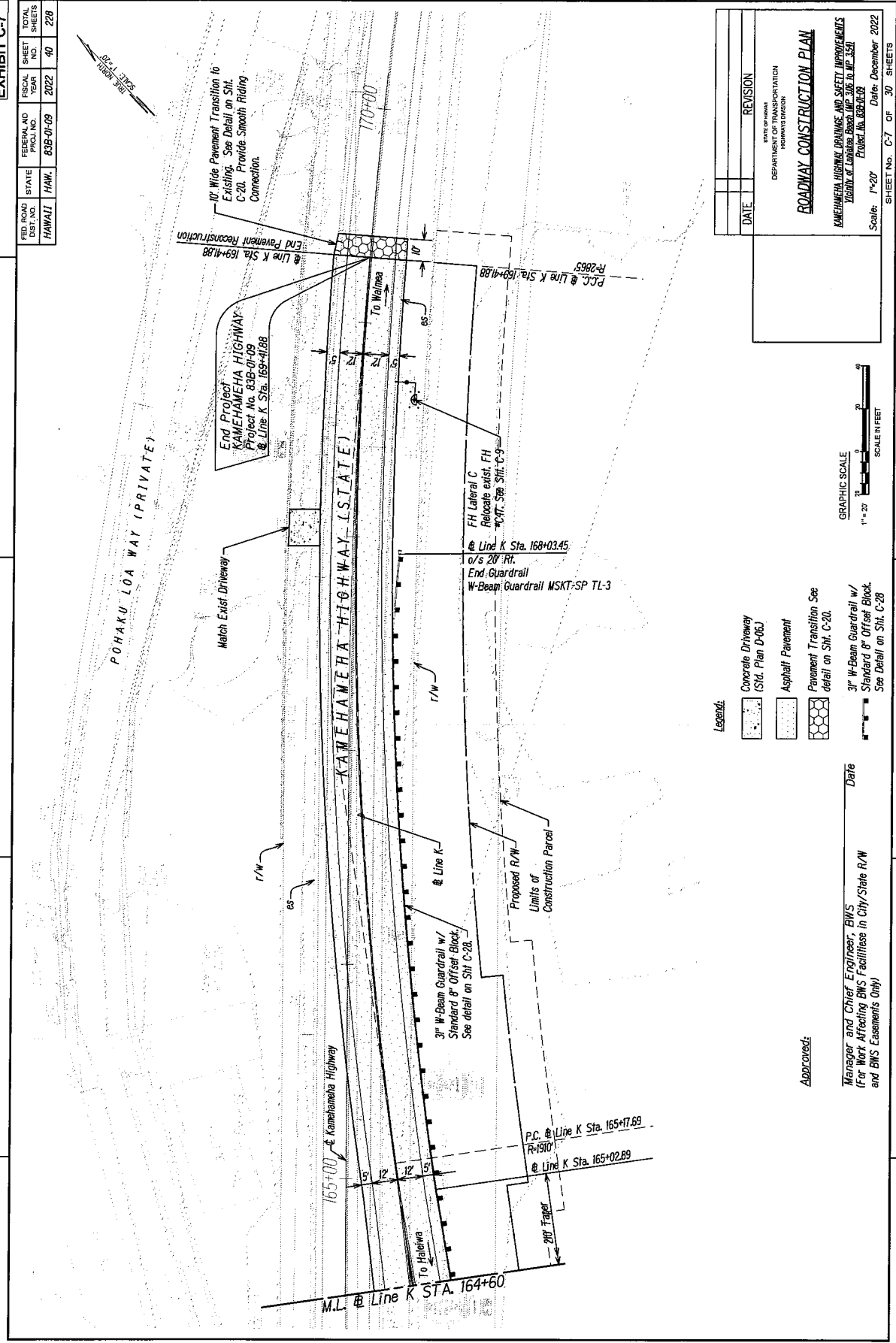
Scale: 1"=20'



SHEET No. C-5 OF 30 SHEETS

PLAN	DATE	CHECKED BY	DESIGNED BY	TRACED BY	DRAWN BY	SURVEY PLOTTED BY
NOTE BOOK						

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	83B-01-09	2022	40	228

[illegible]

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

ROADWAY CONSTRUCTION PLAN

KANEIWAHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Locality of Lariata Beach (MP 3.05 to MP 3.54)
Project No. 838-07-02

Scale: 1"=20' Date: December 2022

SHEET No. C-7 OF 30 SHEETS



Mauka elevation is similar.

RAILING ELEVATION

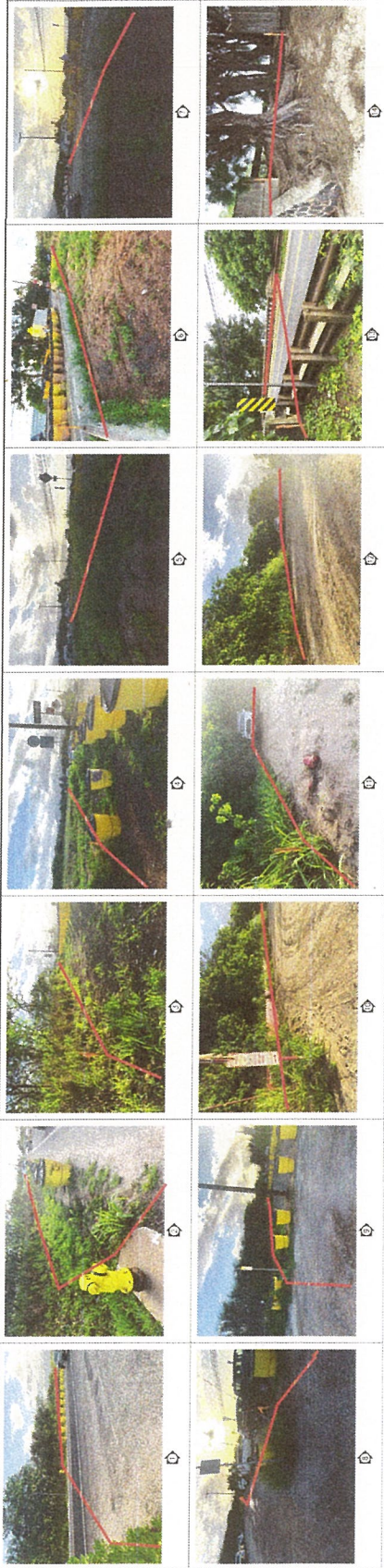
Scale: $3/16" = 1'-0"$

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

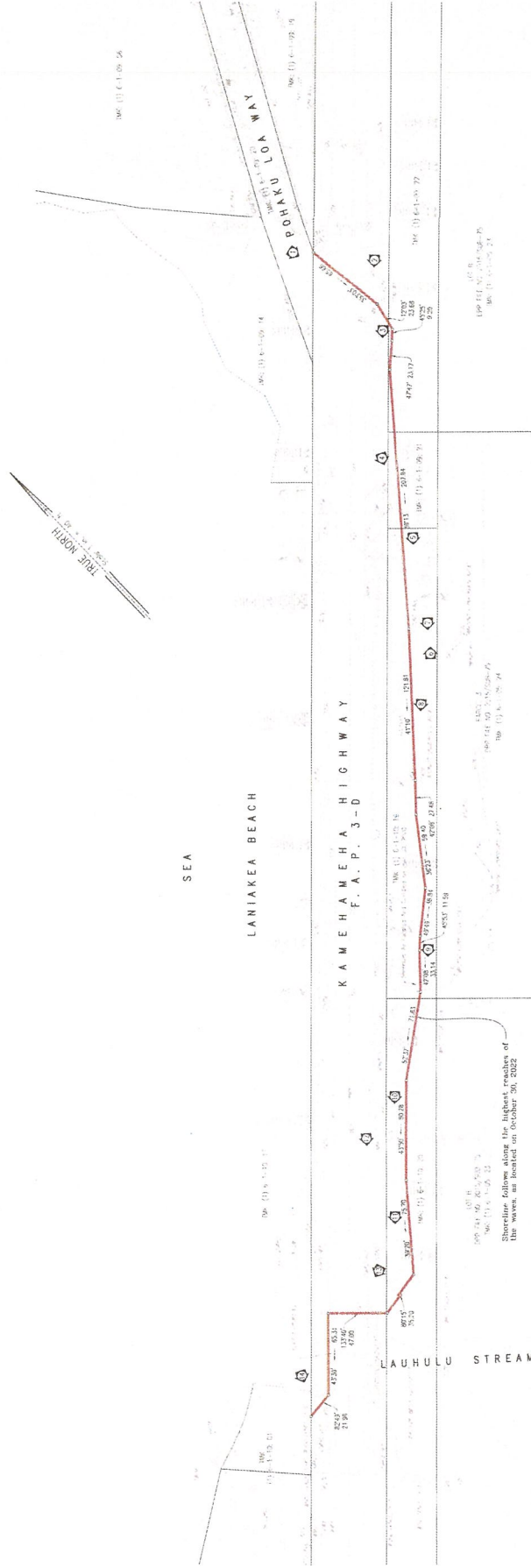
BRIDGE RAILING ELEVATION

KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Laniākea Beach (MP 3.06 to MP 3.54)

Project No. 83B-01-09 Date: December 2022



NOTE: Photos taken on October 30, 2022



SHORELINE SURVEY MAP
PORTIONS OF KAMEHAMEHA HIGHWAY, F.A.P. 3-D,
FORMER RAILROAD RIGHT-OF-WAY (40-FT. WIDE) AND
PARCEL 3 AND LOT B, OF DPP FILE NO. 2015SUB-75
BEING PORTIONS OF R.P. 4475, L.C. AW. 7713, APANA 33 TO V. KAMAMALU
at Kowalewa, Waialua, Oahu, Hawaii

The shorelines are delineated in red as
shown on the map and are the result of a
survey conducted on the shoreline on or
about January 1, 2023.

JAN 1 8 2023

Surveyed by: [Signature]
Checked by: [Signature]

Scale:

1" = 100'	1" = 200'	1" = 400'
1" = 100'	1" = 200'	1" = 400'
1" = 100'	1" = 200'	1" = 400'

Project Name:

Project Number:

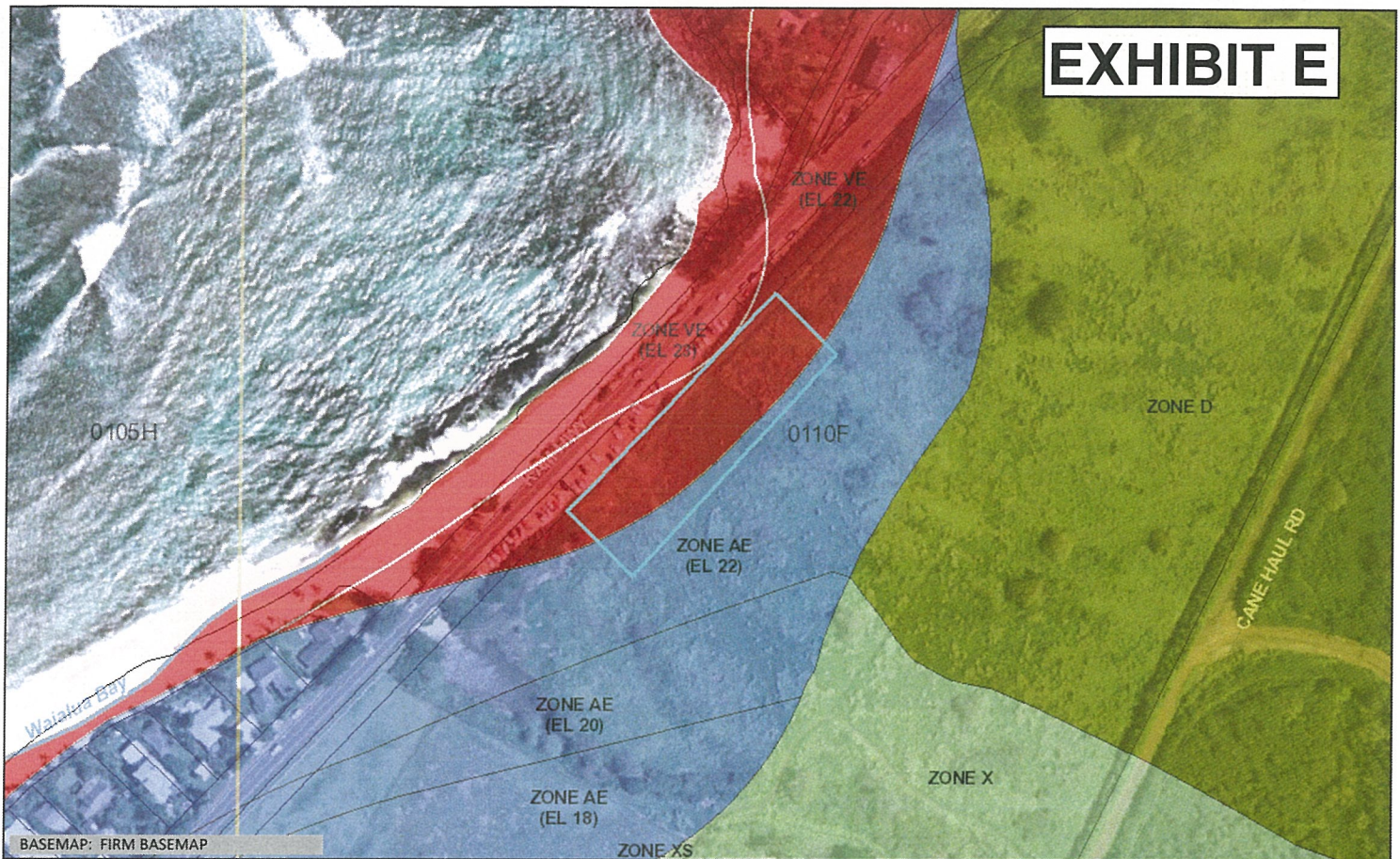
Project Date:

Project Location:



CONTROL POINT SURVEYING, INC.
1155 Kalia Road, Suite 200
Honolulu, Hawaii 96813

EXHIBIT E



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HONOLULU
 TMK NO: (1) 6-1-005:024
 WATERSHED: KEAMANE
 PARCEL ADDRESS: 61-6080 KAMEHAMEHA HWY
 HALEIWA, HI 96712

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 15003C0110F
 PANEL EFFECTIVE DATE: SEPTEMBER 30, 2004

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



0 200 400 ft

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
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EXHIBIT F-1

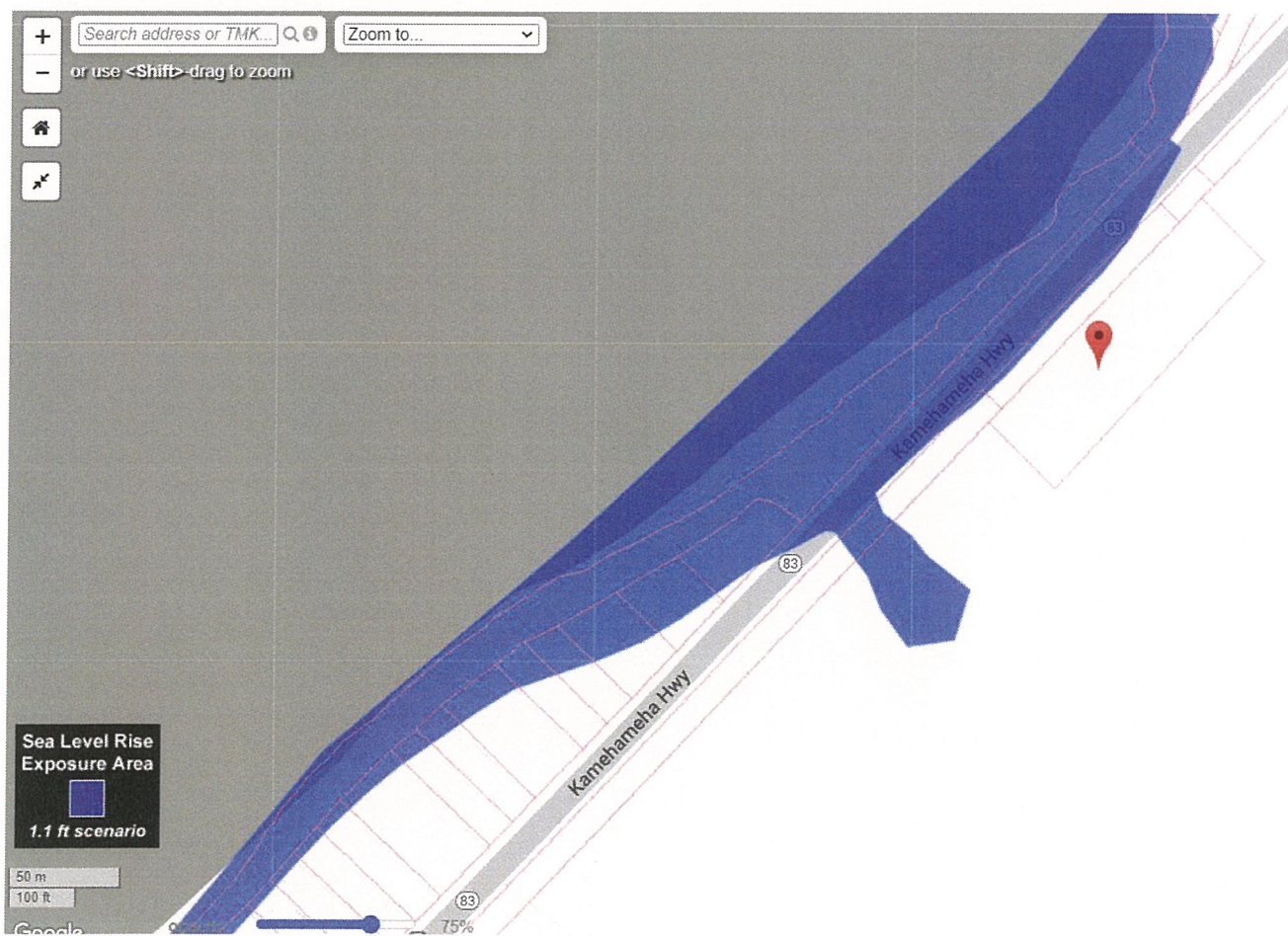
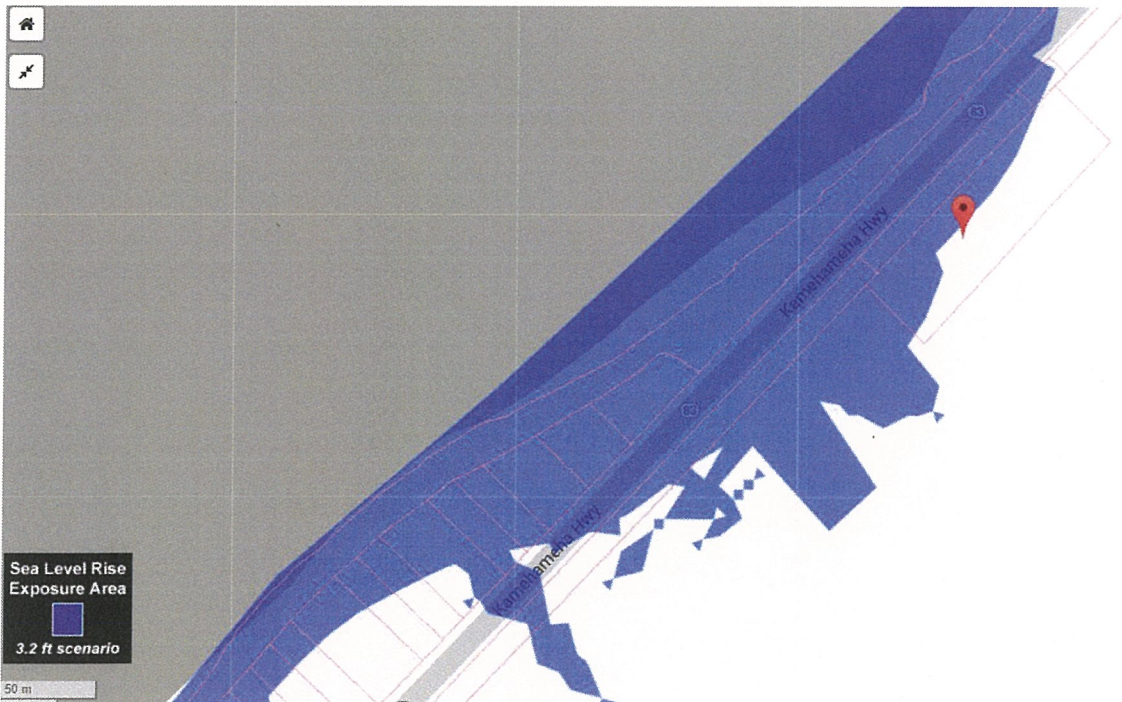
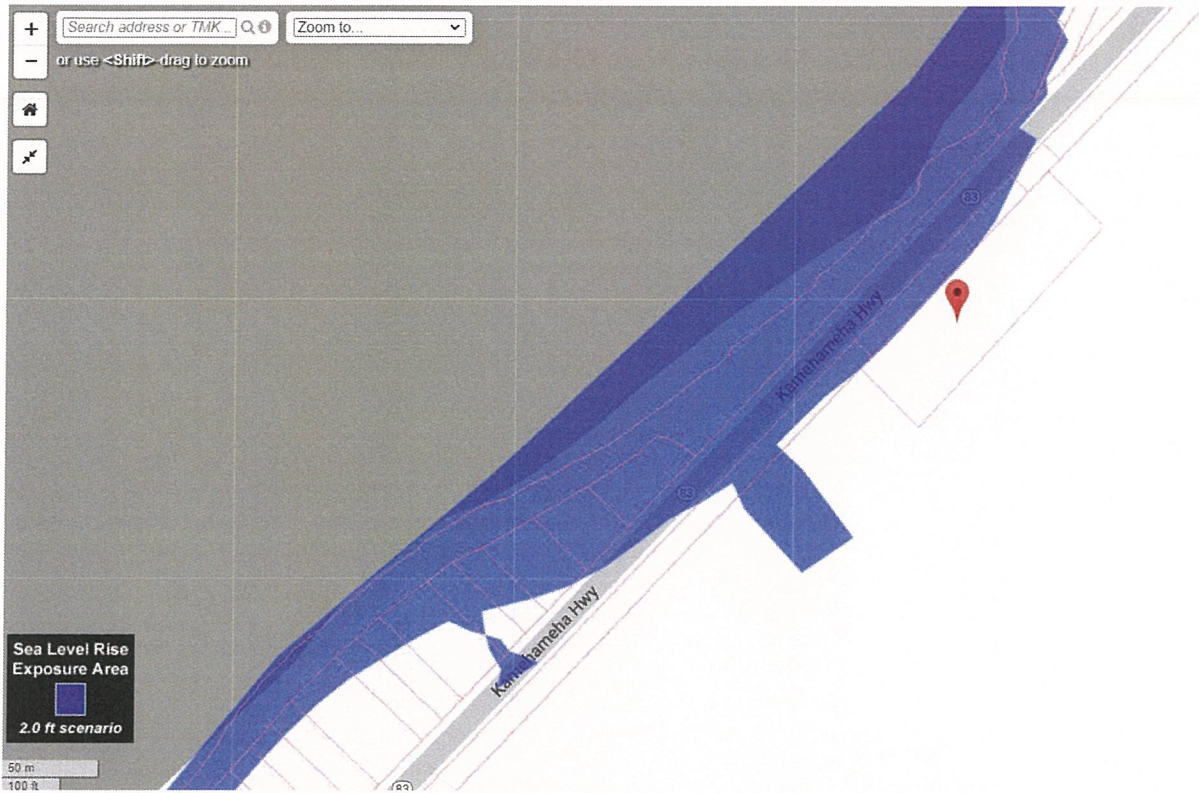
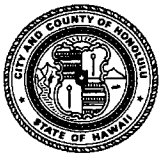


EXHIBIT F-2





CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA ("SMA") USE PERMIT AND SHORELINE SETBACK VARIANCE ("SV") TO ALLOW ROADWAY AND PEDESTRIAN SAFETY IMPROVEMENTS ALONG KAMEHAMEHA HIGHWAY AT TAX MAP KEYS ("TMKS") 6-1-005: 023, 024, 6-1-009: 004, 021, AND 022, 6-1-010: 019 AND 020 IN HALEIWA, NORTH SHORE.

WHEREAS, on February 3, 2023, the Department of Planning and Permitting ("DPP") accepted the application (File Nos. 2022/SMA-77 and 2022/SV-4) from the State of Hawai'i, Department of Transportation, Highways Division ("Applicant") for an SMA Use Permit and SV Permit to allow roadway and pedestrian safety improvements on approximately 3 acres of various zoning lots, located in the AG-1 Restricted Agricultural District and the right of way on Kamehameha Highway in the vicinity of Laniakea Beach, and identified as TMKs 6-1-005: 023, 024, 6-1-009: 004, 021, and 022, 6-1-010: 019 and 020 (hereinafter referred to as the "Project"); and

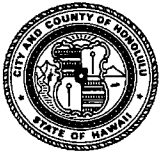
WHEREAS, on March 30, 2023, the DPP held a public hearing at the Sunset Beach Recreation Center, which was attended by the Applicant's agent, the Agent, the Applicant, and DPP staff; 29 members of the public were in attendance. Two people testified in support, three people testified in opposition, and 10 people provided comment; and

WHEREAS, on April 28, 2023, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1, 25-3.2, and 26-1.8 of the Revised Ordinances of Honolulu 2021 ("ROH"), as they read prior to the enactment of Ordinance 23-4, and Sections 205A-2 and 205A-26 of the Hawai'i Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council ("Council"); and

WHEREAS, the Council, having received the findings and recommendation of the DPP on _____, by Departmental Communication No. ____, and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit and SV Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMA Use Permit and SV Permit be issued to the Applicant for the Project, subject to the following conditions:

- A. Development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A, B, C-1 through C-8, D, E, and F-1 through F-2, enclosed hereto and incorporated herein by this reference. Any change in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in ROH Chapter



CITY COUNCIL

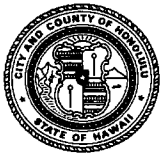
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

25, Chapter 26, or HRS Chapter 205A, will require a new application and permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and may be permitted under this resolution, upon review and approval by the Director of the DPP.

- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the State Historic Preservation Division ("SHPD") immediately. Work in the immediate area must stop until the SHPD assesses the impact and makes further recommendations for mitigative activity. This requirement must be clearly stated on any earth-moving construction permit plans and building plans for the proposed Project.
- C. Historical and cultural resources must be physically avoided and protected during construction activity.
- D. To minimize impacts to Hawaiian seabirds, the Hawaiian hoary bat, and nearshore species that may frequent or traverse the vicinity of the Project site:
 - 1. All new and replacement outdoor light fixtures must not exceed a color temperature of 3,000 degrees kelvin;
 - 2. Artificial light from exterior light fixtures on the zoning lot, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b);
 - 3. Exterior light fixtures on the zoning lot must be fully shielded, using full cutoff fixtures, with the light directed downward so that the light bulb is only visible from below the light fixture; and
 - 4. Woody plants greater than 15 feet (ft.) in height must not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15).
 - 5. All Project-related activities must cease if a Hawaiian monk seal or green sea turtle is present within 150 ft. of the work area, or as recommended by State or Federal regulations. Project activities may only recommence after the animal voluntarily leaves the area. If a monk seal and/or pup pair is present, a 300-foot buffer must be observed. Any Project-related debris that may impose an entanglement threat to monk seals and turtles must be removed



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

from the work area at the end of each day and at the conclusion of
Project-related activities.

- E. This application has only been reviewed and approved pursuant to the provisions of ROH Chapter 25 and 26, and its approval does not constitute compliance with other governmental requirements. The Applicant is responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable governmental provisions and requirements, including the provisions of the Land Use Ordinance.

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Director of Planning and Permitting and Ken Tatsuguchi, Highways Division, Hawai'i State Department of Transportation; 869 Punchbowl Street, Suite 301, Honolulu, Hawai'i 96813.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

EXHIBIT A

LEGEND



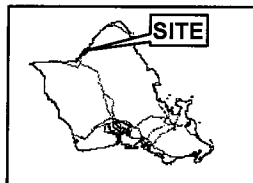
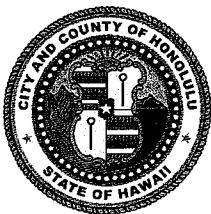
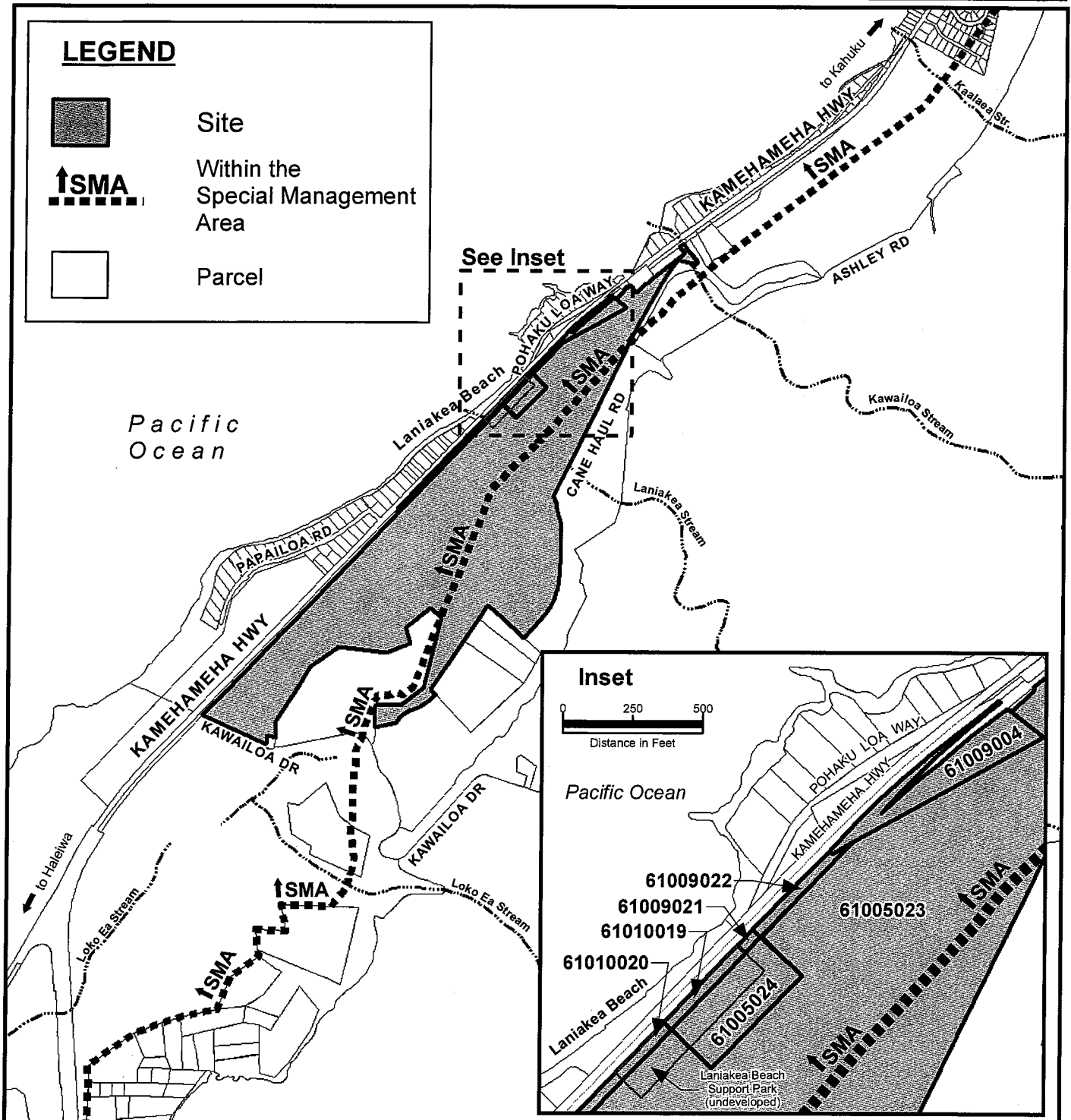
Site



Within the
Special Management
Area



Parcel



VICINITY MAP

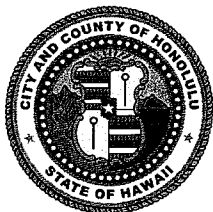
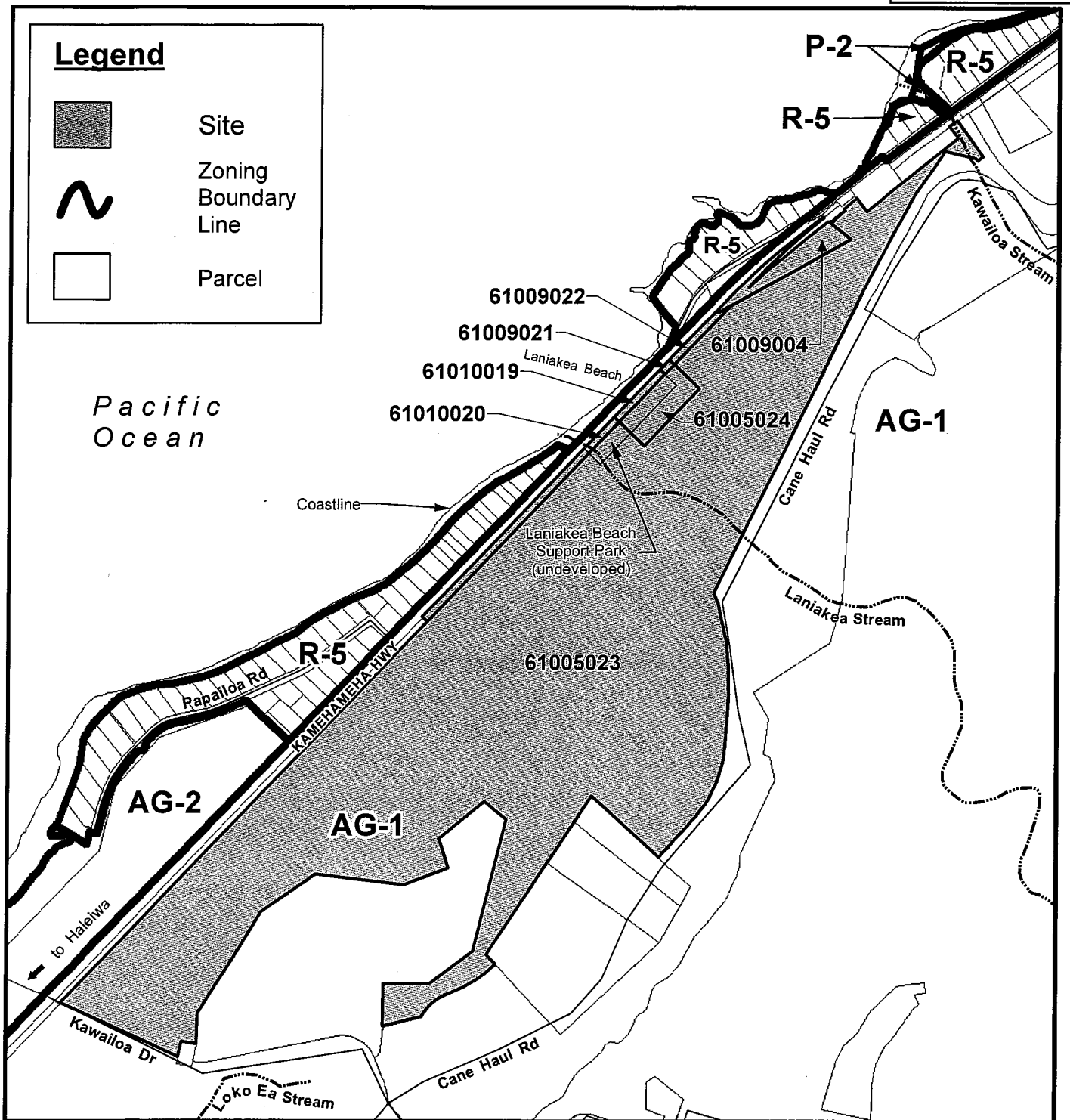
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Distance in feet



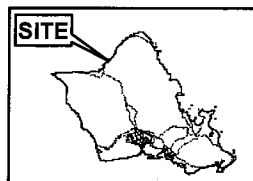
LOCATION MAP WITH SMA HALEIWA

TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4



0 400 800 1,600
Distance in feet



VICINITY MAP

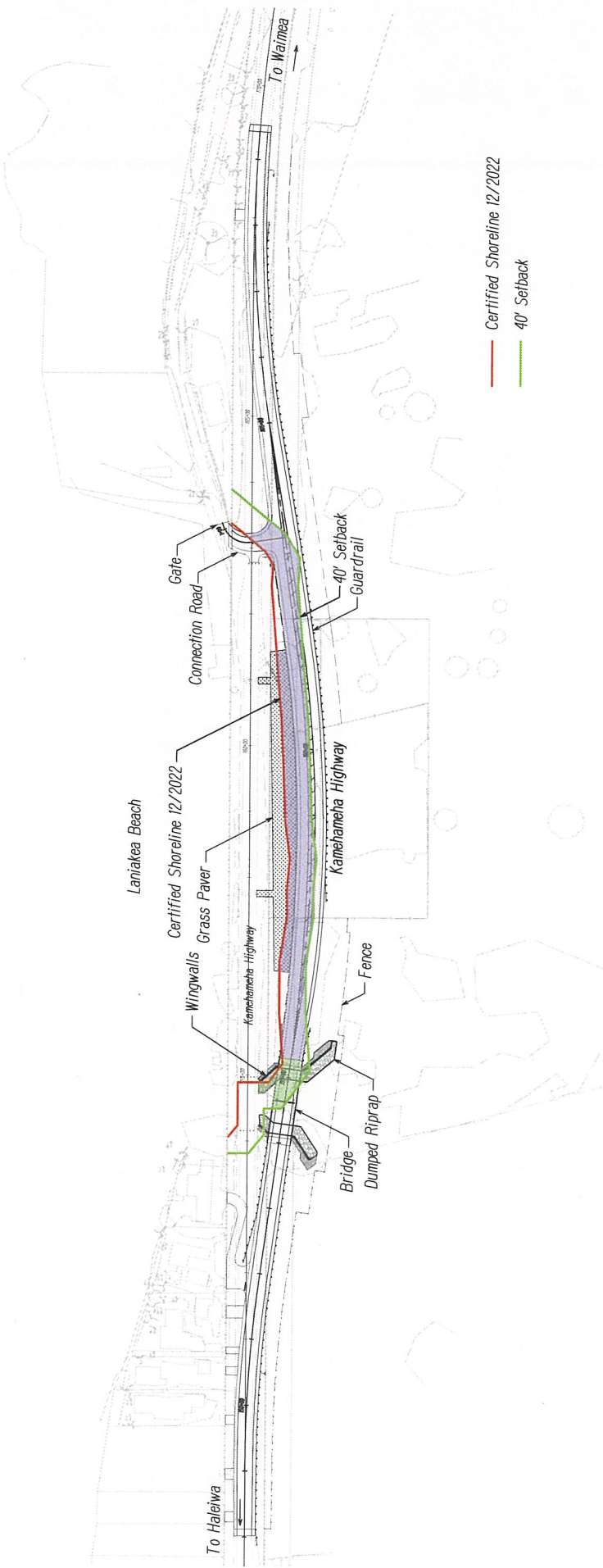


**PORTION OF
EXISTING ZONING MAP
MOKULEIA - WAIALUA - HALEIWA**

TAX MAP KEYS: 6-1-005:023, 024
6-1-009:004, 021, 022
6-1-010:019, 020

FOLDER NO.: 2022/SMA-77
2022/SV-4

EXHIBIT C-1



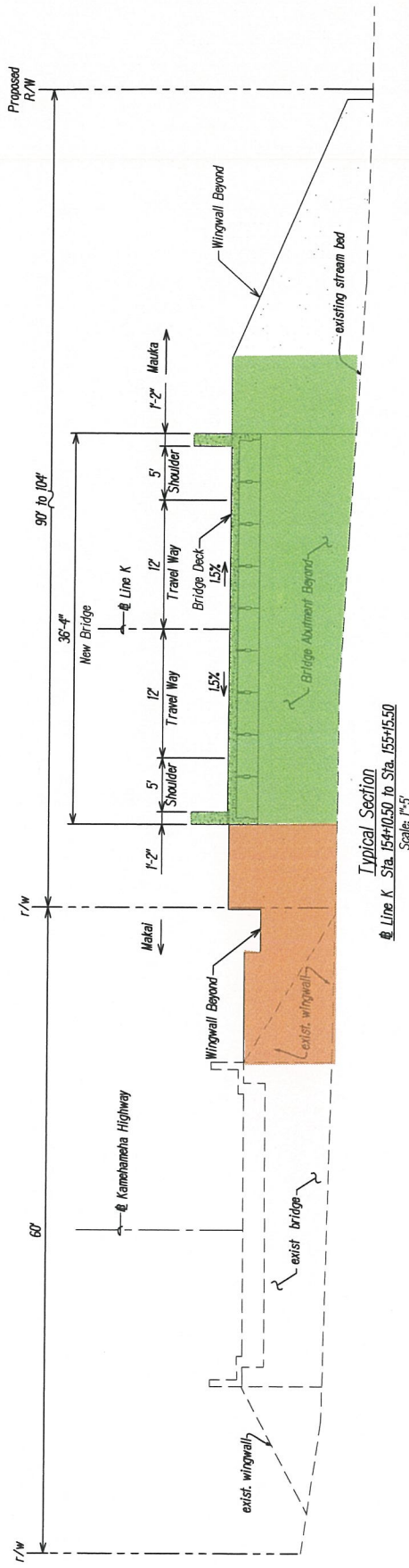
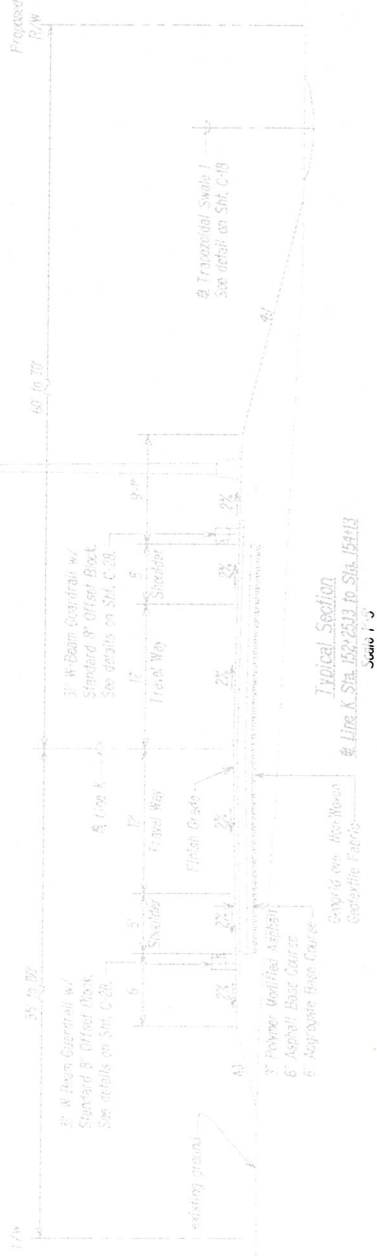
— Certified Shoreline 12/2022
— 40' Setback



**KAMEHAMEHA HIGHWAY DRAINAGE
AND SAFETY IMPROVEMENTS**
CERTIFIED SHORELINE

FED. ROAD DIST. NO.	STATE	FEDERAL AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
144A(11)	IAH	83B-01-09	2022	26	228

EXHIBIT C-2

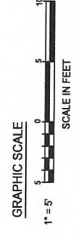


DATE	REVISION

STATE OF IOWA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

TYPICAL SECTIONS

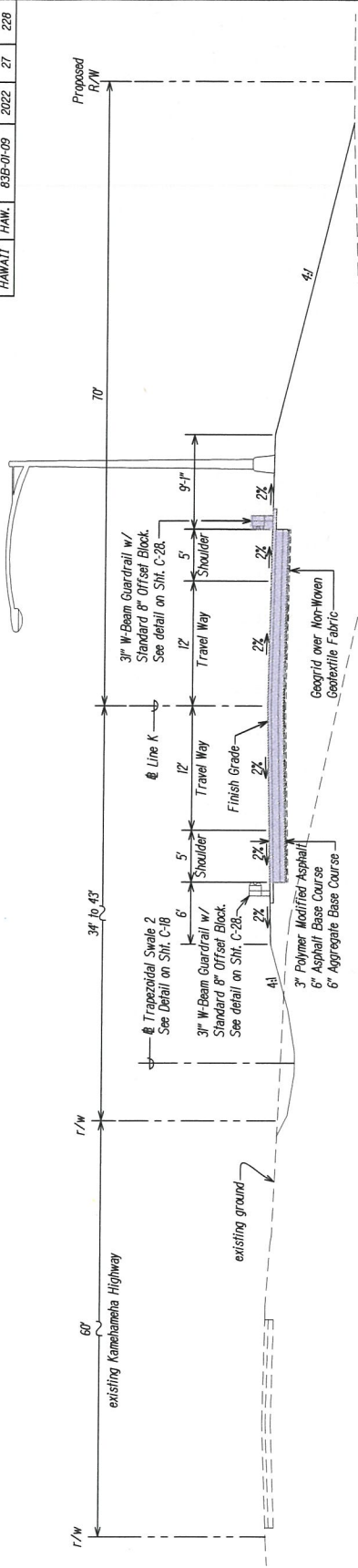
KAMEHAMEHA HIGHWAY DRAINAGE AND SHEET IMPROVEMENTS
Vicinity of Lehigh Beach, IOWA 354
Project No. 83B-01-09
Scale: 1"=5'
Date: December, 2022
SHEET No. 75-02 OF 4 SHEETS



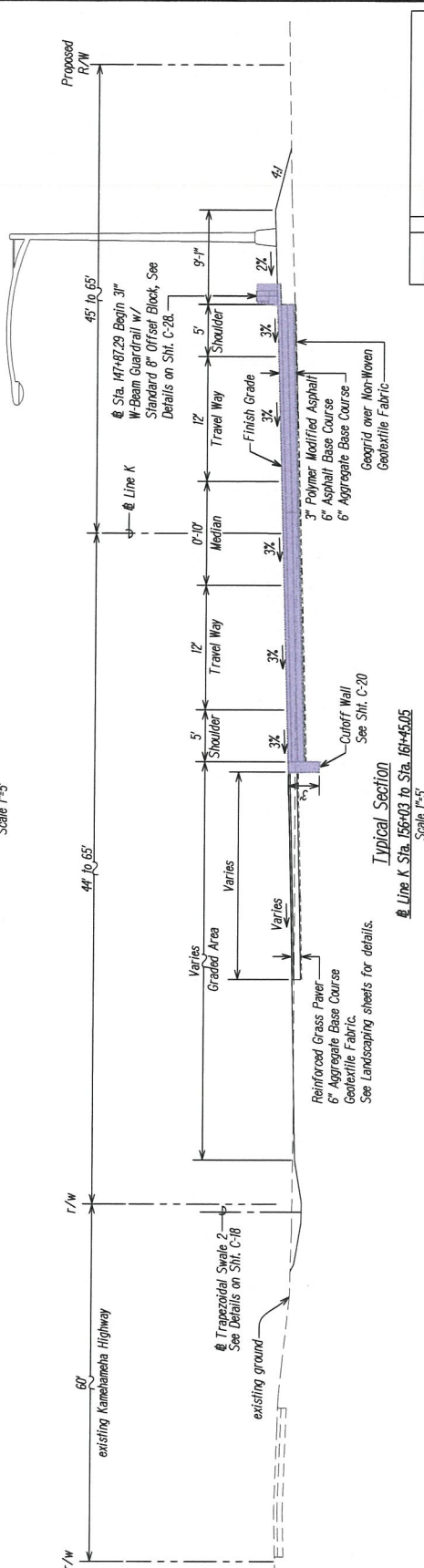
ORIGINAL	DATE
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	

EXHIBIT C-3

FED. ROAD DIST. NO.	STATE	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	835-01-09	27	228



Typical Section
Line K Sta. 155+30.0 to Sta. 155+40.75
Scale 1"=5'



Typical Section
Line K Sta. 156+03 to Sta. 161+45.05
Scale 1"=5'

DATE	REVISION

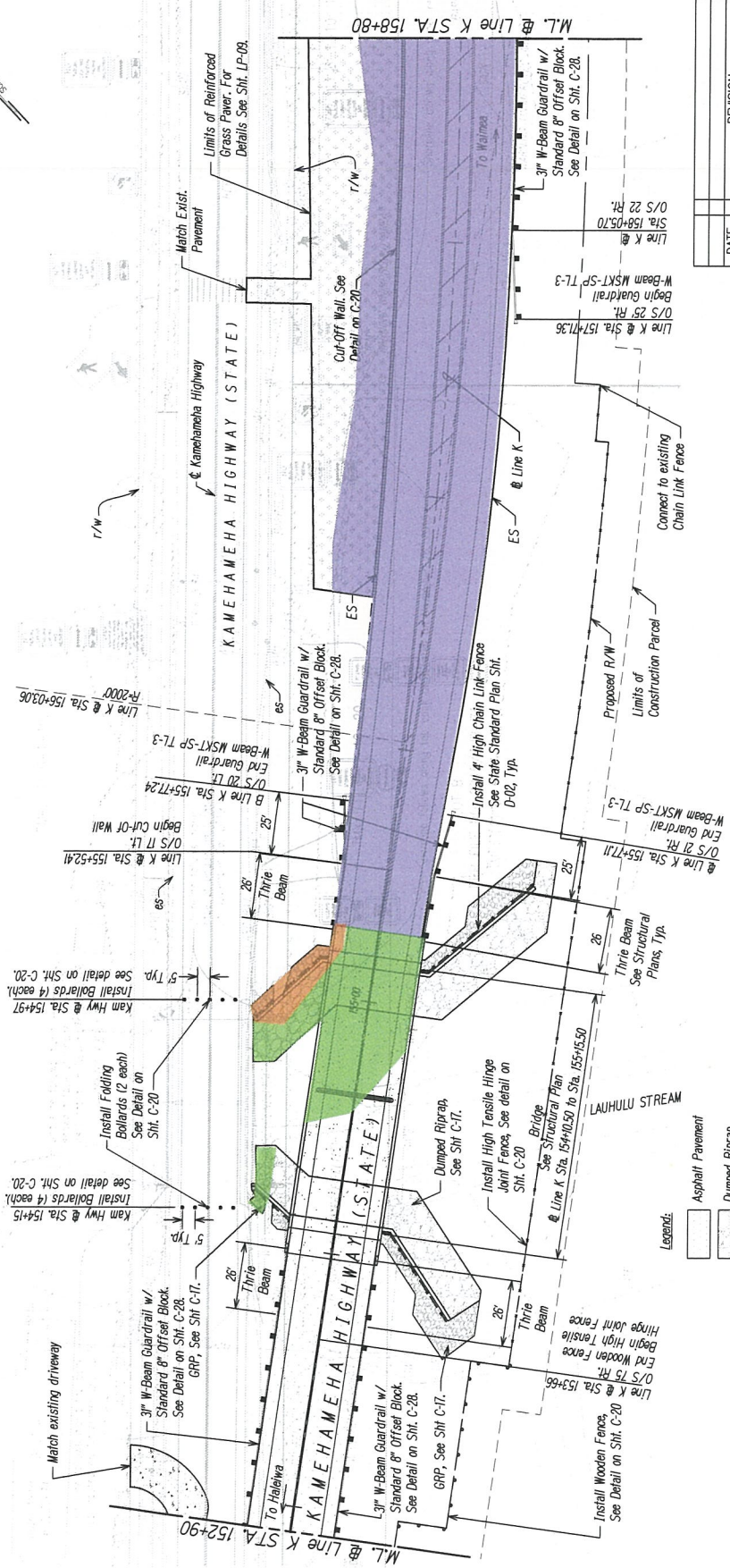
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HAWAII DIVISION

TYPICAL SECTIONS

KAMAHAME HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
VEHICLE OF LANEWAY BASED ONP. 308 TO NP. 350
PROJECT No. 835-01-09

Scale: 1"=5' Date: December 2022
SHEET No. 75-03 OF 4 SHEETS





DATE		REVISION

ROADWAY CONSTRUCTION PLAN

KANEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Laniākea Beach (MP 3.06 to MP 3.54)
Project No. 83B-01-09

Scale: 1"=20' Date: December 1962



DATE	_____	STAYE PLOTTED BY	_____
_____	_____	DRAWN BY	_____
_____	_____	TRACED BY	_____
_____	_____	DESIGNED BY	_____
_____	_____	QUANTITIES BY	_____
_____	_____	CHECKED BY	_____

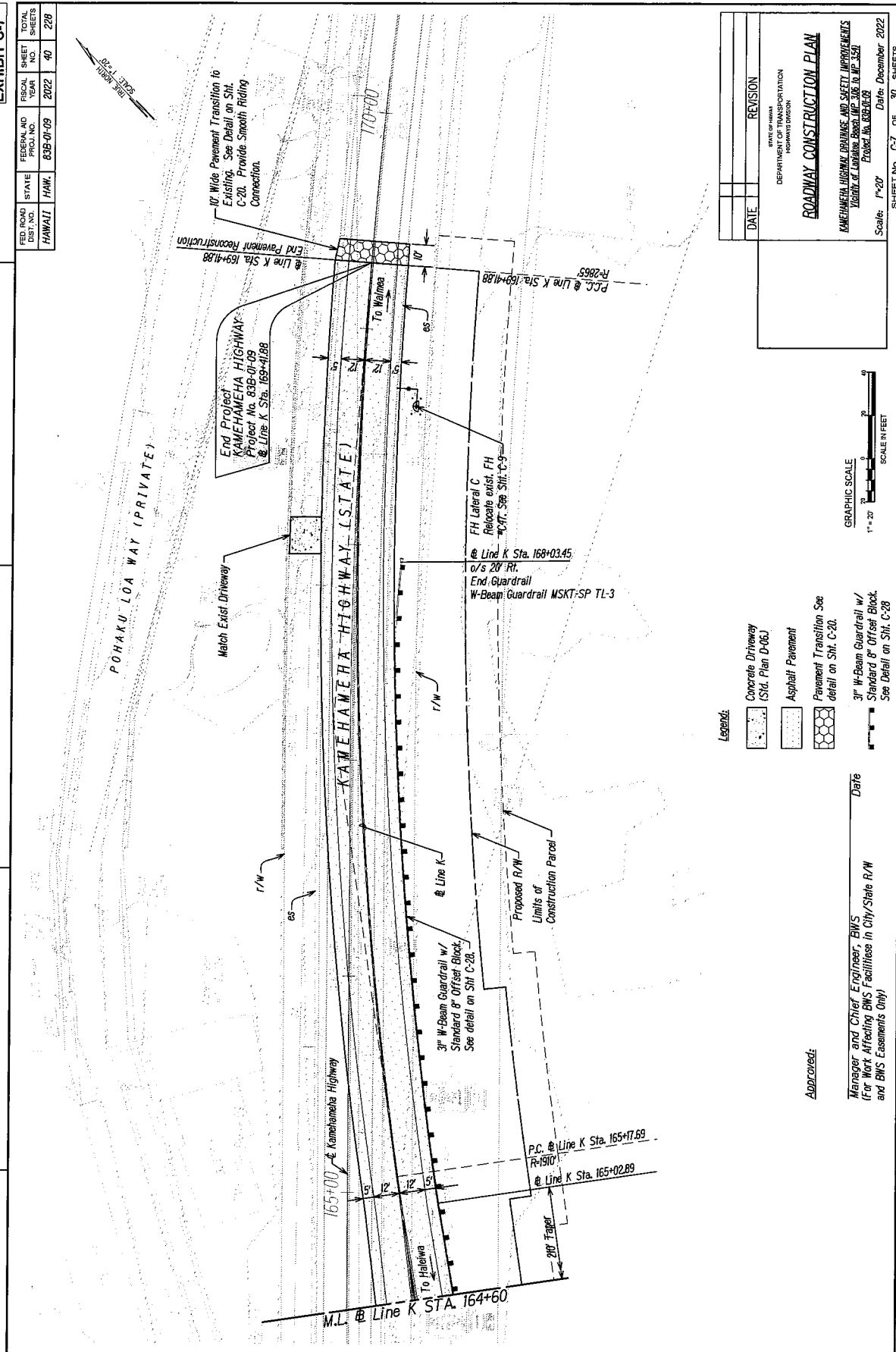
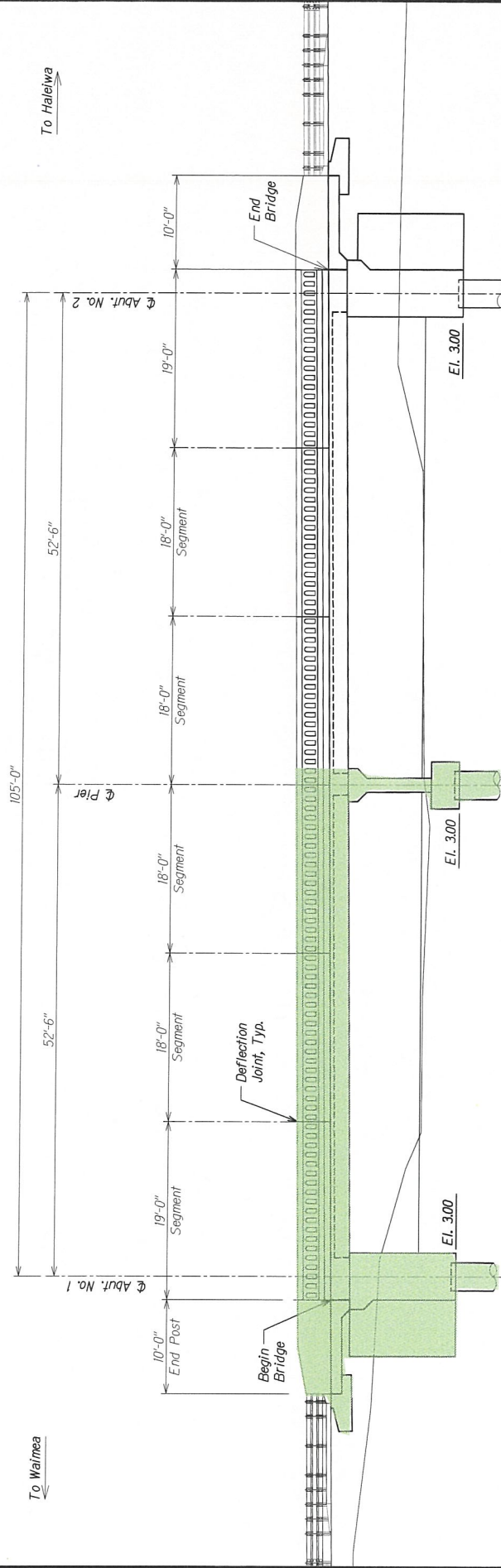


EXHIBIT C-8

FED. ROAD DIST. NO.	STATE	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	63B-01-09	2022	173
				228



NOTE:

Mauka elevation is similar.

RAILING ELEVATION

Scale: 3/16" = 1'-0"

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

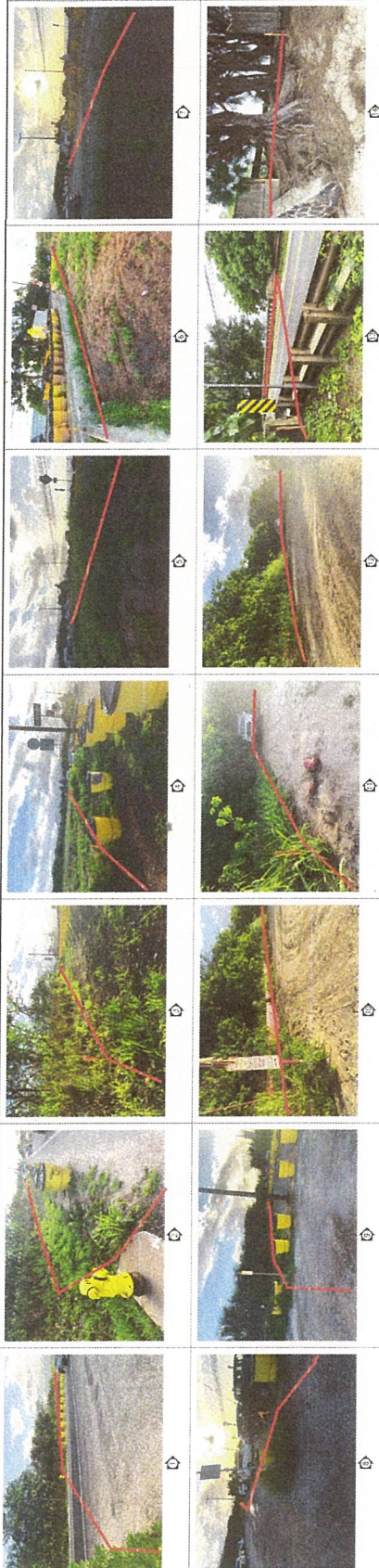
BRIDGE RAILING ELEVATION

KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS
Vicinity of Lelelele Road, I-5 to MP 3.541
Project No. 63B-01-09

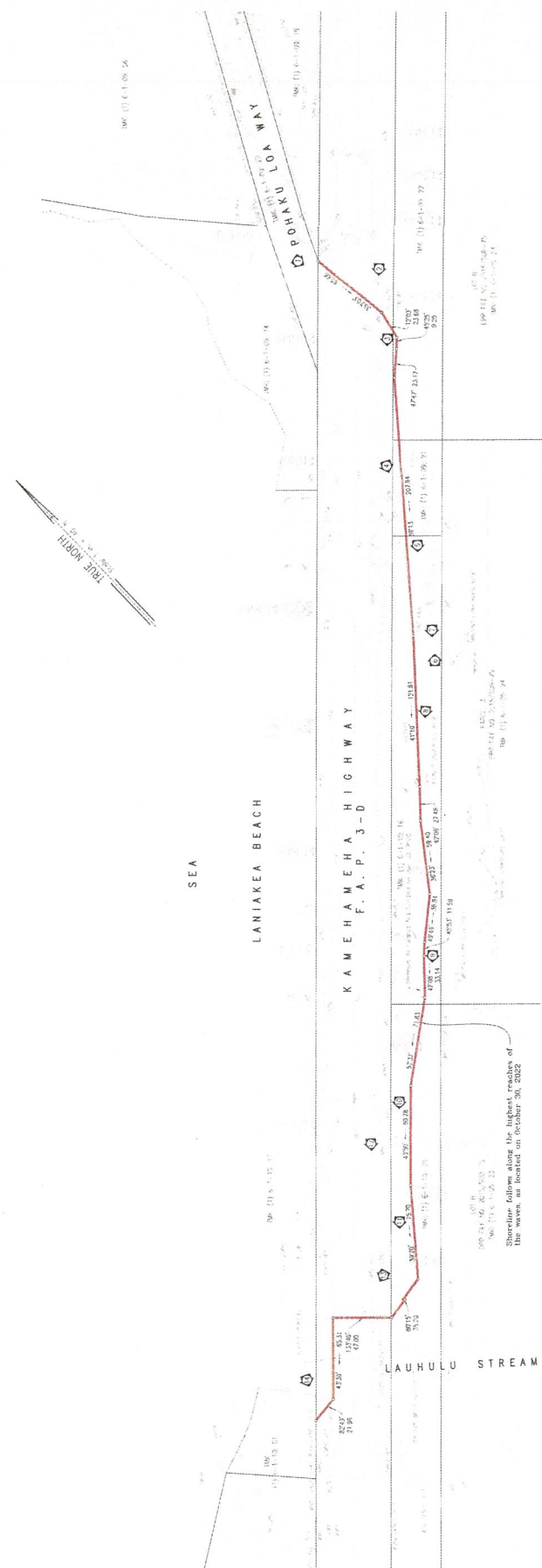
Scale: As Noted Date: December 2022

SHEET No. 591 OF 3 SHEETS

DESIGNED BY	DATE
CHECKED BY	
NOTED BY	
REVIEWED BY	
APPROVED BY	
DATE	



NOTE: Photos taken on October 30, 2022



SHORELINE SURVEY MAP
PORTIONS OF KAMEHAMEHA HIGHWAY, F.A.P. 3-D,
FORMER RAILROAD RIGHT-OF-WAY (40-FT. WIDE) AND
PARCEL 3 AND LOT B, OF DPP FILE NO. 2015SUB-75
BEING PORTIONS OF R.P. 4475, L.C. AW. 7713, APANA 33 TO V. KAMAMALU
at Kowalewa, Waialua, Oahu, Hawaii

The shorelines are delineated in red as
shown on the map and are the result of
a survey conducted on October 30, 2022.

JAN 18 2023

Surveyed by: [Signature]
Checked by: [Signature]

Scale:

1" = 40' (1:480)	1" = 80' (1:960)	1" = 160' (1:1920)
1" = 120' (1:1440)	1" = 240' (1:2880)	1" = 480' (1:5760)

Graphic Scale

0 10 20 30 40 50 60 70 80 90 100 Feet

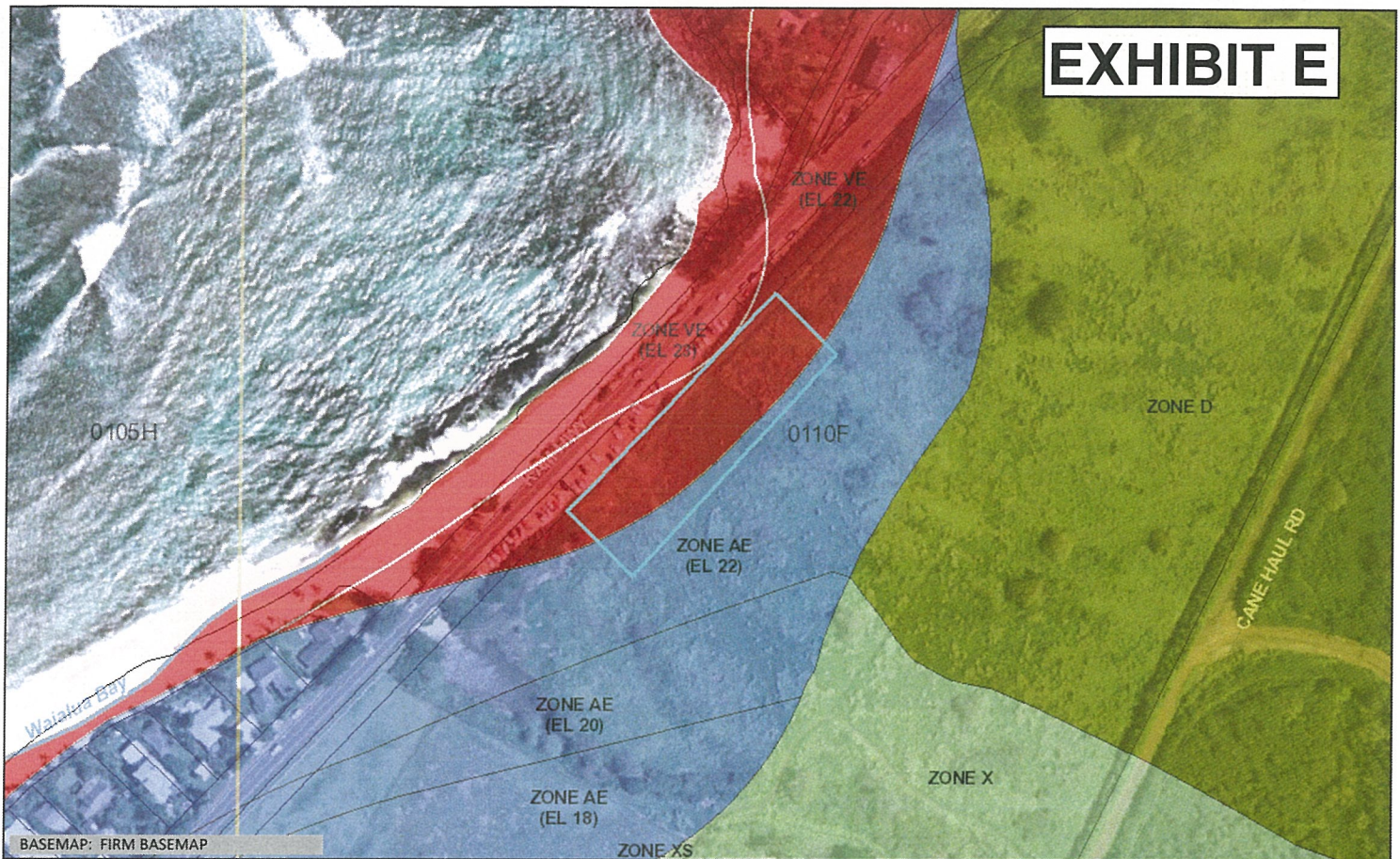


This work was prepared by me
or under my direct supervision
and I am a duly Licensed Professional Engineer
in the State of Hawaii
License No. 53273
Expiration Date: April 30, 2024

A CONTINUOUS SURVEYING, INC.
1155 Kalia Avenue, Suite 200
Honolulu, Hawaii 96813

NOTE:
Surveyed by: [Signature]
Checked by: [Signature]
Date: JAN 18 2023
Scale: 1" = 40' (1:480)

EXHIBIT E



Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: HONOLULU
 TMK NO: (1) 6-1-005:024
 WATERSHED: KEAMANEA
 PARCEL ADDRESS: 61-6080 KAMEHAMEHA HWY
 HALEIWA, HI 96712

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014
 LETTER OF MAP CHANGE(S): NONE
 FEMA FIRM PANEL: 15003C0110F
 PANEL EFFECTIVE DATE: SEPTEMBER 30, 2004

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
 FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
 FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



0 200 400 ft

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND (Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase applies, but coverage is available in participating communities.
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EXHIBIT F-1

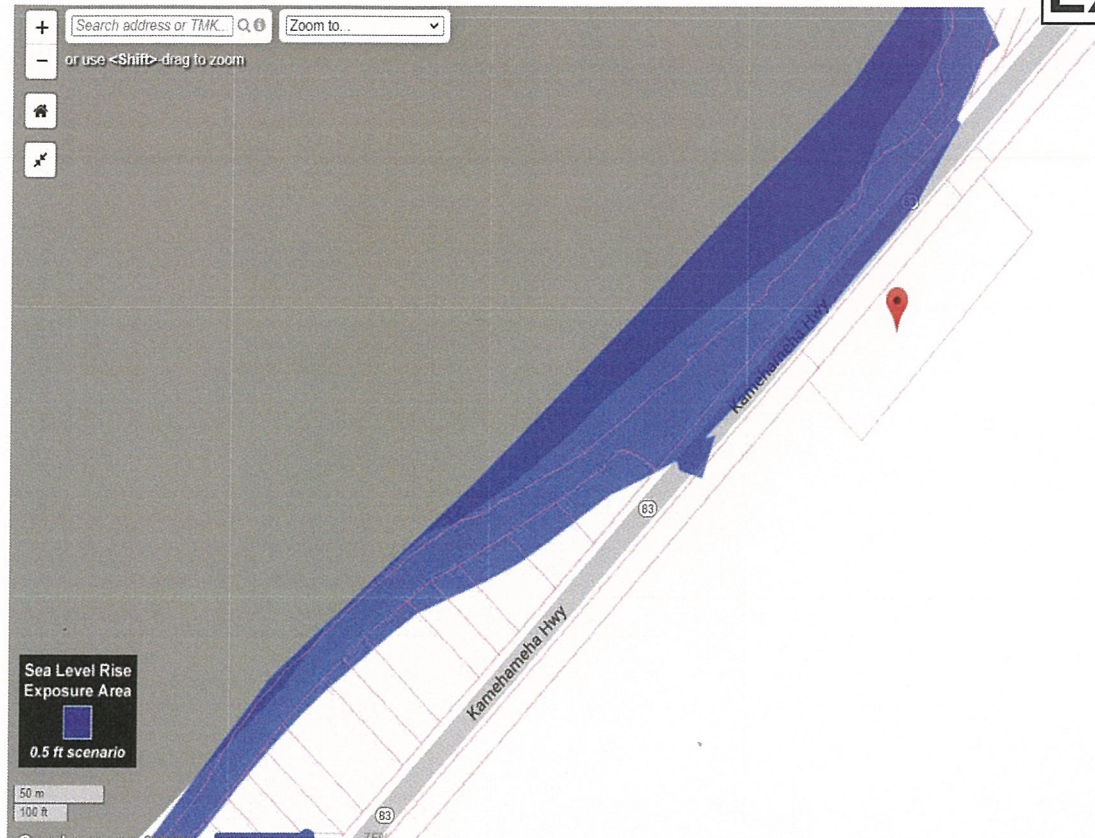
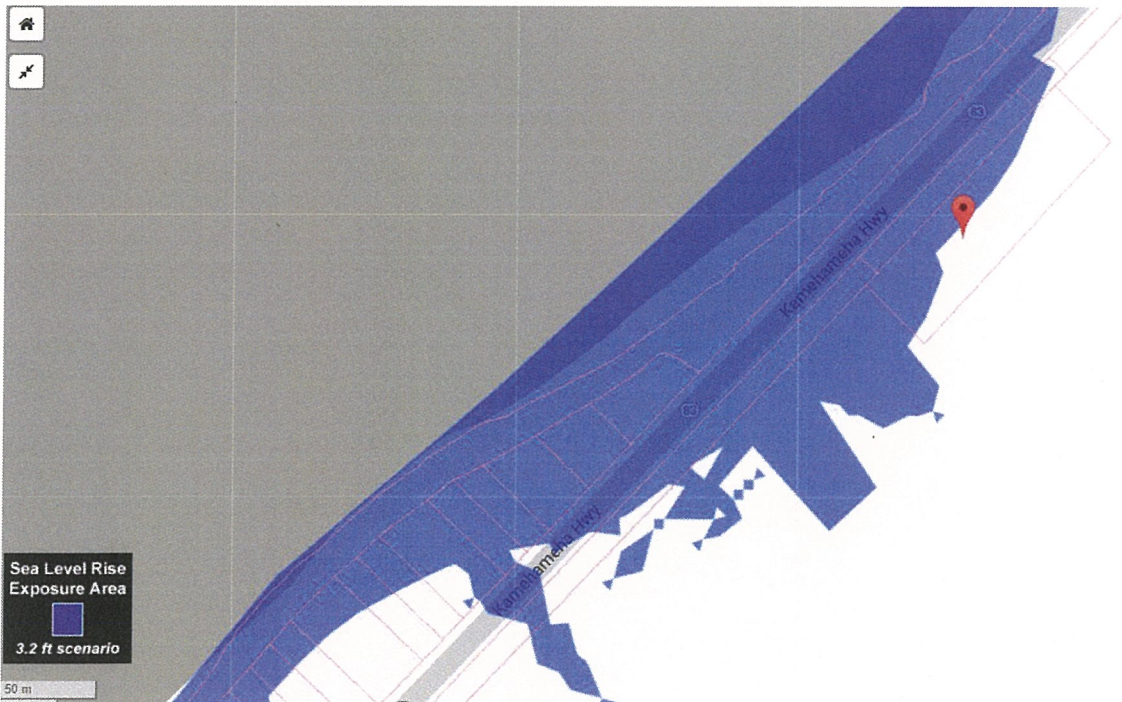
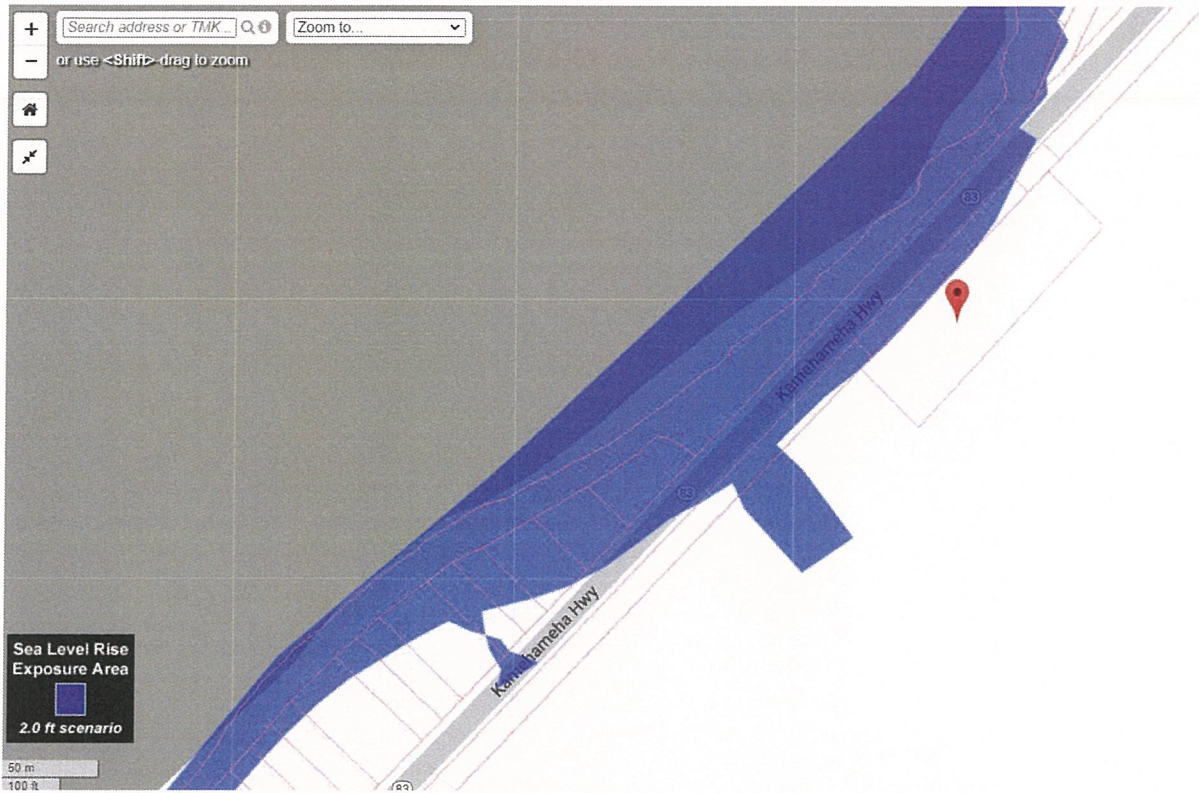


EXHIBIT F-2



DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF) FILE NOS. 2022/SMA-77
) AND 2022/SV-4
HAWAII STATE DEPARTMENT OF)
)
TRANSPORTATION, KAMEHAMEHA)
)
HIGHWAY (FRONTING LANIAKEA BEACH)
)

IN THE MATTER OF

)

FILE NOS. 2022/SMA-77

HAWAII STATE DEPARTMENT OF

)

AND 2022/SV-4

TRANSPORTATION, KAMEHAMEHA

)

HIGHWAY (FRONTING LANIAKEA BEACH)

)

)

)

/

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TRANSCRIPT OF PROCEEDING

TRANSCRIPT OF PROCEEDING

In the above-entitled matter came on for public hearing at Sunset Beach Recreation Center, 59-570 Kamehameha Highway, Haleiwa, Hawaii, Thursday, March 30, 2023, commencing at 10:00 a.m., pursuant to Notice.

In the above-entitled matter came on for public

hearing at Sunset Beach Recreation Center, 59-570 Kamehameha

Highway, Haleiwa, Hawaii, Thursday, March 30, 2023,

commencing at 10:00 a.m., pursuant to Notice.

BEFORE: JORDAN DILDY, Hearings Officer

LENA PHOMSOUVANH, Staff Planner

LENA PHOMSOUVANH, Staff Planner

BEFORE: JORDAN DILDY, Hearings Officer

LENA PHOMSOUVANH, Staff Planner

BEFORE: JORDAN DILDY, Hearings Officer

LENA PHOMSOUVANH, Staff Planner

BEFORE: JORDAN DILDY, Hearings Officer

LENA PHOMSOUVANH, Staff Planner

P R O C E E D I N G

HEARINGS OFFICER DILDY: All right. Can everybody hear me? Everybody in the back can hear me okay?

AUDIENCE: Yes.

HEARINGS OFFICER DILDY: Good. Thank you. All right. Good morning everyone. My name is Jordan Dildy, and I'm the hearings officer for today's matter. It is 10:14, and we are at the Sunset Beach Recreation Center. Today we are conducting a public hearing in accordance with Revised Ordinances of Honolulu, Chapter 25 and 26, related to the Special Management Area and Shoreline Setbacks, as well as the Hawaii Revised Statutes, Chapter 205A. The purpose of today's public hearing is to hear testimony on applications for a Special Management Area major permit and a Shoreline Setback Variance. The file Nos. are 2022/SMA-77 for the Special Management Area use permit and 2022/SV-4 for the Shoreline Setback Variance. The request is to allow the realignment of the roadway along Kamehameha Highway in the vicinity of Laniakea Beach to address pedestrian safety congestion and coastal hazards.

Pursuant to Chapter 25 of the Revised Ordinances of Honolulu, all development in the SMA is subject to reasonable terms and conditions to ensure, 1) that adequate access is provided to publicly owned or used beaches,

1 recreation areas and natural reserves; 2) that provisions
2 are made for solid and liquid waste treatment, disposition
3 and management, and 3) that alterations to landforms and
4 vegetation and construction of structures minimize adverse
5 effects to SMA resources and cause minimal potential danger
6 relevant to natural disasters. No development in the SMA
7 may be approved unless it is found that it will not have
8 substantial adverse, environmental or ecological effect.
9 Development must be consistent with the coastal management
10 objectives, the General Plan, Development Plans and zoning.

11 Lastly, the City Council must seek to minimize
12 where reasonable the alteration of any natural shoreline,
13 any development which would reduce the size of any beach or
14 public recreation area, any development which will reduce or
15 risk public access or shoreline resources, any development
16 which would substantially interfere the line of sight toward
17 the sea from the state highway and any development which
18 would adversely affect water quality, fishing grounds,
19 wildlife habitats or agricultural uses.

20 We're also considering a Shoreline Setback
21 Variance. This is reviewed under the public interest
22 standard, pursuant to Chapter 26 of the Revised Ordinances
23 of Honolulu. A Variance may be granted for an activity or
24 structure that is necessary for or anillary to facilities
25 or improvements by a public agency or by public utility that

1 are clearly in the public interest, provided that the
2 proposal is a practicable alternative which best conforms to
3 the purpose of this chapter and the Shoreline Setback rules.

4 Public interest means principally a benefit to the
5 general public. No decisions is being made here today.
6 The purpose of this public hearing is to take testimony from
7 the public so that you can have input on the Director's
8 report and recommendation as well as the City Council's
9 decision-making when they receive the report.

10 You will have an opportunity to continue to
11 provide testimony when the application goes to the City
12 Council for the actual decision-making. Once we close the
13 public hearing, the Department will have 20 working days to
14 transmit the report and recommendation to the City Council.

15 All testimony received is going to be part of that record.

16 It will be reflected in our report and attached to our
17 report and recommendation along with a full written
18 transcript of this hearing so City Council can consider what
19 was heard today.

20 You are encouraged to contact the City Clerk if
21 you'd like to attend the hearings held by the City Council.

22 So, the procedure for today's hearing will be Lena
23 will present the basic facts behind the request, then the
24 Applicant will present the project in greater detail, then
25 we will take public testimony. Each person will have one

1 opportunity to speak and at the end of the testimony period,
2 DPP staff will have an opportunity to ask questions about
3 the proposal, and the Applicant will have an opportunity to
4 address any comments or concerns they have heard today.
5 There will be no discussion period or question and answer
6 period, however, as the public testimony portion of the
7 hearing will have concluded.

8 So, now Lena can you present the facts of the
9 project, please?

10 **STAFF PLANNER PHOMSOUVANH:** Hello. Good morning.

11 My name is Lena Phomsouvanh, staff planner at DPP. The
12 Applicant is seeking a Special Management Area use permit
13 and Shoreline Setback Variance permit for pedestrian safety
14 and road improvements to Kamehameha Highway in the vicinity
15 of Laniakea Beach. The project will include realigning a
16 portion of the highway, 90 feet mauka, adding a grass
17 shoulder or grass paver, adding a new bridge, guard rails,
18 street lights and a vehicle controlled gate at Pohakuloa
19 Way, conversion of the existing roadway into a shared use
20 path and drainage improvements. The project will be a
21 thousand feet in length. The project site is a 3-acre area
22 crossing multiple parcels. The project site is in the AG-1
23 Restricted Agricultural District and the Special Management
24 Area with majority of the project within the shoreline
25 setback. If this SMA and SV permit is approved, the

1 Applicant may then apply for the necessary permits for the
2 project including grading, grubbing and the building permits
3 if applicable. That concludes my presentation.

4 **HEARINGS OFFICER DILDY:** Thank you, Lena. Would
5 the Applicant like to present the project? Can you please
6 grab the microphone and state your name for the record,
7 please? Thank you.

8 **MR. NISHIOKA:** Hi. I'm Todd Nishioka from WSP as
9 a consultant for HDOT. So, I guess what we are trying to do
10 here is we are moving the road mauka. This is to address
11 safety. So, this is a safety project, whereby we will also
12 be providing a grass shoulder for other uses. I think Lena
13 kind of talked about it pretty well in detail.

14 I'm not sure if we need to go any further then that. I
15 think she kind of talked about the scope pretty well.

16 **HEARINGS OFFICER DILDY:** If you could kind of
17 explain the boards that's up here just a little bit. That
18 would be helpful.

19 **MR. NISHIOKA:** Did all of you grab a handout or
20 were able to kind of look at the boards? Okay, okay, great.
21 So basically what this is, is this is an overall layout of
22 what the project is going to consist of. I know for some of
23 you right now you're kind of far away, and it's hard to see.
24 So, I apologize for that. But this red line here is a
25 certified shoreline. This green line here is the 40-foot

1 setback, and we kind of show some of the structures and what
2 we are building in this particular area. So, we also
3 provided a typical section of the project, which we have
4 here, here and here regarding what will be constructed
5 within the 40-foot setback in between which is basically the
6 certified shoreline and the Shoreline Setback Variance.
7 Here is basically, this is the bridge that the--and it shows
8 the structure that's being built within the 40-foot setback.
9 So, it's kind of color-coded just for ease to kind of take a
10 look at. So, these next three boards here are basically
11 just kind of an overall depiction of what the scope of work
12 is going to be and what we're proposing for the new
13 realigned roadway to look like.

14 And this last board here is the same as that first
15 board. So, I try to layout basically what is it's going to
16 look like from the plan view, which is from the top looking
17 down as well as the section view and what you can expect the
18 improvements to look like.

19 **HEARINGS OFFICER DILDY:** All right. Thank you very
20 much. We will now begin public testimony. Each testifier
21 will have one opportunity to speak, and our first registered
22 testifier is William Martin followed by Karen Gallagher.

23 **MR. MARTIN:** Hi. My name is Bill Martin. Full
24 disclosure. I was actually one of the plaintiffs in the
25 lawsuit against the City and the DOT when they installed the

1 barriers and kind of said, fix, that's done. So my main
2 concern, one of the main concerns, and where I'm coming from
3 is the issue of access and public access. I'm not sure how
4 all this works if this an up or down vote, because it looks
5 like this is the plan. I don't see options. The initial
6 and the main concern for me is the parking area and access
7 for public. I don't really see it designated here at all.
8 I see a photo with some cars parked like they used to be in
9 the old days when it was just a dirt lot. It looks like
10 that's the same thing with no--It doesn't really--I would
11 like to see if parking area, a designated parking area. It
12 would be nice if they had handicap stall. I'm actually a
13 frequent user of this location. Even though I'm in a
14 wheelchair I still surf, and this is one of only three
15 locations along this whole North Shore that I can actually
16 access the water on my own. It would here, Chun's and
17 Haleiwa Alii Beach Park. Those three areas.

18 The other main concern that I see, the red line
19 that designates the shore, the certified shoreline. It
20 looks to me like this plan the road is actually touching
21 along the Haleiwa side. So, that shoreline boundary is the
22 high water mark when we have big wave events. So, it's
23 already washing up to the road. If you're going through all
24 this trouble to realign the highway, I think it should be a
25 little bit further in order to allow sea level rise or

1 whatever. So, anyway I'll keep it short, but I'm glad to
2 moving forward with the shoreline realignment, but as this
3 plan is here, the way it designates and there's no parking
4 like mentioned or designated and not adequate, we need
5 plenty of parking. I would rather have it stay the same as
6 it is right now, then to move forward with this. So, I
7 didn't know I was going to say this, I'm actually against
8 this plan.

9 **HEARINGS OFFICER DILDY:** Thank you very much for
10 your testimony. Next is Karen Gallagher followed by
11 William--I'm sorry I cannot read the last name for this one?

12 **MALE AUDIENCE:** Saunders.

13 **HEARINGS OFFICER DILDY:** Saunders.

14 **MS. GALLAGHER:** Hello. Thanks for coming out. I
15 wasn't planning on speaking this early. Still processing
16 all of this. This has been a problem for over like 20
17 years, and this plan was really good 20 years ago. It was
18 good 15 years ago, and now kind of like Bill Martin I'm
19 going to waiver a bit on it because I see the traffic also
20 backing up at Chun's. It backs up at Waimea. It backs up
21 at the Foodland traffic light. To me the entire problem is
22 just there's way too many vehicles on the North Shore, and I
23 think there's other ways to address that. So, I do like
24 this idea. I think it's something--I don't think we should
25 stop it because I think it's with the erosion of the highway

1 right now. It's going to be like Kaaawa really soon, so I
2 do think you do need to realignment just for that reason,
3 but in the temporary--right now, sorry, the solution that
4 you guys have right now isn't working as well it could
5 because the J-walking law is not enforced. It was a good
6 idea. There's two crosswalks, but people are still crossing
7 all over the place, and if they really want this to make an
8 impact, they need to enforce the J-walking law, and I think
9 we would have a lot better result, and we need to keep the
10 traffic moving. The tour busses coming from this side from
11 Sunset side tend to either come to complete stop or crawl
12 along less than 5 miles an hour in that stretch, and you
13 will see big gaps in front of them and cars backed up behind
14 them because they virtually are stopping there for the
15 people to lookout. So there's other extenuating
16 circumstances. But the main thing there's too much traffic,
17 and I do like the idea of making this into a really nice
18 park. Like Bill was saying it needs to have parking, it
19 needs to have a bathroom, showers. It used to be actually
20 something nice on the North Shore instead of just of
21 barriers that look ugly. So thanks for finally coming out.
22 I'm also wondering why we need to put all the money in for a
23 new bridge and I'm wondering how long this is going to take
24 because we've been to these meetings now for, I don't even
25 know how long. I know Gary over here has been coming, was

1 in the task force that was years ago to address this exact
2 thing, and you guys are all out here with, you know, doing
3 your thing which you are supposed to do by law. Is there a
4 time line? Is this going to happen this year? It doesn't
5 sound like any progress has been done except for more pretty
6 pictures. So, I just hope something gets done, and I think
7 this is a good start. Thanks.

8 **HEARINGS OFFICER DILDY:** Thank you for your
9 testimony. Next, I have--It says William Quinlan. So
10 William Quinlan followed by Denise Antolini.

11 **MR. QUINLAN:** Good morning and thank you all for
12 coming. Certainly appreciate it. I had this design in 2014
13 I got outside people. I'm not an engineer. But the whole
14 idea was to have the--the principal is just to have people,
15 pedestrians not cross the road, so our traffic wouldn't be
16 held up. That was the whole objective o this plan. And my
17 concern is that if we put too many bumps on the road and
18 make it too difficult for DOT, this can put into the hard
19 (inaudible), and it could be another 20 years before we have
20 another. So my hope is we can accept this is a compromise.
21 It's not perfect, but it is some action and then if we can
22 approve the Variance and support the SMA, then after that
23 the community can work with DOT. I found them very open.
24 I've worked with Ed Smith [phonetic] a number of times and
25 that we could try and get the DOT to get closer to the

1 parking that we think is needed for it to be proper.
2 Bathrooms and stuff like that would be wonderful, but that
3 opens up a whole new can of fish. And, again outside
4 progress, not perfection. Let's go with this and then we
5 will try and make some improvements before the construction
6 starts. Thank you.

7 **HEARINGS OFFICER DILDY:** Thank you for your
8 testimony. Next, we have Denise Antolini followed by
9 Willlliam Saunders.

10 **MS. ANTOLINI:** Aloha. I don't want to have my
11 back to you. I'm Denise Antolini. I'm a Pupukea resident,
12 law professor at the William S. Richardson School of Law and
13 president of Malama Pupukea Waimea. It's good to see
14 friends and neighbors. Thank you, DPP for coming and
15 holding this hearing and DOT for applying and moving the
16 project forward.

17 I have a couple of comments. First, I do want to
18 state that I support the SMA and Shoreline Variance with
19 conditions. So, I want to make that clear that I am
20 supportive of moving the project, but I think it's very
21 important, and I will kind of outline the condition that
22 hope to see in the SMA permit.

23 Second, I want to make clear that our audience
24 today is DPP, our friends at DPP, because they're the ones
25 who is going to be writing the SMA permit, the Shoreline

1 Variance and inserting or not inserting recommended
2 conditions that then goes to City Council, if I'm correct.
3 And, of course, we hope that DOT is listening as the
4 community is making recommendations.

5 So, the primary focus here is whether or not this
6 proposal complies with the coastal zone management act, and
7 HRS 205A, which is also under the ROH, Revised Ordinances of
8 Honolulu 25. So that's the Special Management Area and that
9 is meant to protect things like coastal access, recreational
10 resources, view planes, wildlife. There's all the things in
11 there that we care deeply about in this community. So,
12 that's going to lead me to why I'm proposing certain
13 conditions.

14 I also written comments are due by the end of the
15 day, but graciously would be accepted after today. So, I
16 would encourage people to continue to comment even though
17 the official deadline is at the end of this hearing.

18 Okay. My main concern is the makai parking.
19 Which in the application I noted--By the way I did have a
20 problem with my Google Maps, but eventually--And I went back
21 to the final EA and my law school class and myself had
22 commented on the draft EA. So, I'm pretty familiar with it,
23 but I did then go back to the FEA and looked specifically
24 about how this particular option complies with the SMA law.
25 And my real concern is the makai parking, and I think there

1 is some confusion. But if you look at this drawing you'll
2 see the makai parking is grass pavers and unplanned. And I
3 think DOT has been transparent in the document saying
4 they're not planning that makai parking area which could be
5 up to 90 cars. In my view, this is where the City needs to
6 impose a condition on the SMA. And the condition should be
7 to plan out the makai parking to include in that planning
8 process, community input on the makai parking, which I know
9 we're very concerned about. State DLNR and its relevant
10 divisions, City parks, and also NOA, and Fish and Wildlife
11 Service because of the turtles.

12 The makai side under the current plan in my view
13 is like three tables parking x 20, which is unacceptable.
14 Now, I understand that DOT has a certain mandate, creating
15 parking lot, is not normally part of DOT's mandate, creating
16 parks is not, but I think DPP setting a condition in the SMA
17 is perfectly appropriate and required, I think, under law.
18 DPP has to look at the impacts on our makai resources.

19 So, if you look at Bill Quinlan's drawing here,
20 which is not the proposal, but a fantastic beginning,
21 getting us started, Bill has a really nice drawing here of
22 how the makai parking could be managed. So, you would have
23 managed entry and exit. You would control it, and it
24 creates the potential long-term for managing tourism and for
25 setting aside spaces for residents and handicap access

1 parking and first responders critical for that area. Right
2 now none of that is in the SMA application or in the
3 conditions.

4 So, I'll conclude by saying I'll follow-up with
5 written comments. Super appreciate DPP coming to our
6 community and really appreciate the new leadership at DPP.
7 I think things are headed in the right direction at DOT.
8 We consider you friends and colleagues. We want to support
9 you as you support this project, at the same time protecting
10 our coastal resources. Mahalo.

11 **HEARINGS OFFICER DILDY:** Thank you for your
12 testimony. Next we have William Saunders followed by Linda
13 Tseu.

14 **MR. SAUNDERS:** Hi. My name is Bill Saunders.

15 I was the attorney for Laniakea Coalition which litigated
16 for nine years against DOT to get the current improvements.
17 Before the barriers were even removed in August of 2015, we
18 approached DOT in a settlement conference with a proposal
19 very similar to the one that is currently in existence. They
20 said "Okay. We will accept this, but it will take us a
21 while." Well, we said, "well, if it's going to take you a
22 while give us a time line." They said, "we don't have one.
23 We said, "Okay. Move the barriers and come back to us when
24 you're ready." Nine years later we now have some kind of
25 solution. What is happening here, I'm not for or against

1 the project except in the current configuration. The
2 problem is they're destroying a park and parking stalls, and
3 they must replace them. I've submitted written testimony
4 which has detailed legal analysis that a lawyer would
5 normally write. And I'm not going to bore everybody with
6 that. But my concerns are that parking is not an
7 afterthought, it's an imperative because it's the only way
8 we can access the shore here. Especially like Mr. Martin
9 said, it's only one of the places he can go to the beach
10 because he can roll his wheelchair onto the sand there.

11 Chapter 205A requires the agencies to preserve and
12 enhance coastal access. And right now parking in this plan
13 is an afterthought, and they're basically saying, "oh, yeah,
14 we're not going to provide parking. You can park over
15 there. Just go over there." That's not going to work.
16 In addition, they're suggesting the parking will be accessed
17 from the new highway with people backing up and filling.
18 That's a nightmare. It's going to much worse then it
19 currently is. So, that's a non-solution for parking and
20 safety. It will lead to slower traffic. What we need is
21 dedicated parking, accessed from the old highway, similar to
22 what Mr. Quinlan has proposed. For DOT to say parking is
23 not our kuleana, well that's kind of tunneled vision
24 planning. They have to look at the whole process, and they
25 have obligations under 205A. Not only does DPP, they have

1 obligations to preserve and enhance, and one of those is if
2 you're destroying the public park, give it to us. Give it
3 back to us somewhere. Now, even during construction they're
4 saying parking will be closed during construction, but they
5 made no provision for off-site parking during the
6 construction phase. They're saying it's going to be about
7 two years. So does that mean no parking whatsoever, and
8 they're going to enforce no parking along the highway as
9 well. There's plenty of land over on the old Meadow Gold
10 parcel, the ranch there. They can create a big parking lot
11 there temporarily or permanently condemning the land with
12 their construction project. Ninety parking stalls that
13 would be great, but build them, plan them, dedicate them, so
14 that we can still get to the beach there. I've been parking
15 there for over 55 years to go surfing at Laniakea, and I
16 hope to continue to do so for another few years at least.
17 They're calling it a safety project, but if people are
18 backing onto the highway from the non-regulated parking
19 that's going to make safety even worse. So, the bottom line
20 is grant the permit if you will, but require planned
21 parking, 90 stalls. Currently, we have around 60 plus and
22 more would be better. And if you need to, condemn an area
23 over here. It only takes two acres, and people can get on
24 and off over here by Meadow Gold, otherwise create parking
25 along the old highway, so people can just go on and off the

1 highway rather than having to back, back, back. And I have
2 to agree with the testifier, I think it was Karen, who said,
3 the problem is not Laniakea. The problem is the highway,
4 and its just going to be slow at Chun's, Alligators, Waimea,
5 every place along there. So, that's really the issue in
6 terms of traffic flow. But don't make traffic flow worse.
7 Thank you.

8 **HEARING OFFICER DILDY:** Thank you for your
9 testimony. Next we hare Linda Tseu followed by--It just
10 says Darryl or Doug, Doug Miller.

11 **MS. TSEU:** Good morning. You have my written
12 testimony, and I am in support of this project, however, I
13 do agree with the suggestions for condition being applied to
14 the SMA, particularly the parking issue. I wasn't aware
15 that we weren't going to have parking as part of this
16 proposal. But right now--I've been a resident of the North
17 Shore for five plus decades with my husband and the
18 congestion is intolerable for kapuna like me who have to go
19 to doctor appointments and shop for necessities. It has
20 become impossible. And I personally witnessed along with a
21 lot of the resident here, that in the bumper-to-bumper
22 traffic it's impossible for first responders to get through
23 often times. And I just dread the thought that should I
24 ever need an ambulate on the weekend that I might not make
25 it to the hospital. So, I think that it's a good first

1 step. I think the SMA should be moved on to City Council
2 but with conditions attached that would specify that there
3 will be parking for people with disabilities as well as able
4 bodied people. Thank you.

5 **HEARINGS OFFICER DILDY:** Thank you for your
6 testimony. So, next we have Doug Miller followed by Carolyn
7 Sandison.

8 **MR. MILLER:** Hi. I'm Doug Miller, and I live in
9 town and I commute to g to Laniakea to go boogie boarding.
10 I've been boogie boarding there for 45 years, and I've lived
11 on Oahu all my life, so I do remember when the North Shore
12 wasn't as crowded. I've turned in written testimony, and
13 I'm not going to read it. I'm going to summerize two
14 specific permit conditions that I would like include in any
15 permits. I don't oppose the project, I don't support the
16 project, I want permit conditions if it is approved.

17 The first condition would require that DOT place
18 signs with authorized public parking makai of the realigned
19 highway. The second condition would be that DOT designate
20 and provide vehicle access to a DPP approved public parking
21 area makai of the realigned highway.

22 If DPP has any questions about these things, I'm
23 here, you can ask. Basically the plan is for everything
24 makai of the realigned highway to become part of the
25 highway, right-of-way and state law which I'm familiar with

1 because they worked 50 years for DOT says unless you got an
2 authorization it's illegal to park in the highway right-of
3 way. And unless you put a sign it's going to be illegal,
4 HPD can ticket and that has happened. The public gets mad
5 the traffic congestion, they call HPD, they come out and
6 they ticket people who are in the highway right-of-way. And
7 all land makai of this realigned highway is going to be part
8 of the highway right-of-way. Unless there's a permit
9 condition that says you have sign that says you can park.
10 That's it. Any questions?

11 **HEARINGS OFFICER DILDY:** No. Thank you for your
12 testimony. So, next we have Carolyn Sandison followed by
13 Blake McEnlheny.

14 **MS. SANDISON:** I'm Carolyn Sandison, Pupukea
15 resident. So, I'm glad that Denise testified early on
16 because I am not for this plan at all, but if we need to
17 support the SMA to get the ball rolling, then I'm all about
18 it. Eight years ago, I believe it was, I was a member of
19 the task force with the DOT, and we had several meetings and
20 then all of sudden no more meetings, no more communication,
21 and my concern--(inaudible), and all the money that was
22 spent for those meetings, the free dinners and all that
23 stuff and nothing ever happened to it. And we definitely
24 need improvement in this area, and I'd like to see it in my
25 lifetime. I'm concerned about the amount of money that has

1 been spent to this point, and I could go on and on.
2 But my biggest concern with this plan as others have said is
3 the ingress and egress of the vehicles into what's supposed
4 to be the parking area.

5 My second concern is I haven't seen bathrooms
6 addressed, and I'm curious is anyone here that's
7 representing the City and County, Department of Parks and
8 Recreations? [no response] Okay. To me that's a major
9 oversight gang. We got to work together. Part of this is
10 public park land, is it not? And I know this is just a
11 hearing for the permit, but we need to all work together.

12 This is a project for City and County, Parks and
13 Recreation, and as we said NOA and those different
14 organizations as well as DOT. I think I've done ranting.
15 Thank you.

16 **HEARINGS OFFICER DILDY:** Thank you for your
17 testimony. Next, we have Blake McElheny, followed by Jack
18 Lutey.

19 **MR. MCELHENY:** Howzit. My name is Blake McElheny,
20 and I was raised in Pupukea where I live. My wife and I
21 have three children that we enjoy taking to Laniakea. Used
22 the parking lot yesterday at Laniakea for my son to go to
23 the waters with his friends. I was going to say I support
24 the application and the permit, but given the earlier
25 testimony I have to say I'm strongly against the DOT making

1 things worse. I think some of the earlier comments it was
2 made clear that the current situation, at least for people
3 who are using the City and County parks land works well.
4 There is a safe place to pull off the highway. You
5 understand the directions from the signage. You can safely
6 unload and you use two designated crosswalks to access the
7 shoreline as you know our North Shore Sustainable
8 Communities Plan and many other planning documents indicate
9 that North Shore is an area where family should be able to
10 safely enjoy the ocean with their families. If the City and
11 County of Honolulu approves these permits, it must have the
12 conditions that were spoken about earlier. There must be
13 designated parking on the makai side, and there must be
14 managed entry and exit. It would be simply inexcusable for
15 the DOT to make the situation more dangerous and worse given
16 the fact that currently there is a way for the public to
17 access the shoreline in a much safer fashion than the prior
18 situation when there was no managed entry or exit to the
19 City and County 3-acre parcel.

20 And, I think we also must view this for what it is
21 in terms of what DOT is actually doing. This is a phase in
22 an operation. This is a stage of the operation. We should
23 not view it as any sort of final solution given the comments
24 that were made earlier about the highway is not suited for
25 the volume of vehicles and the volume of people that come

1 out to the North Shore. So, this does nothing to address
2 those larger issues, but it's a state in the direction of
3 helping members of the public access the ocean from the
4 makai side rather than the mauka side which requires
5 crossing. And, I think eliminating the crossing is
6 something that makes a lot of sense and that residents have
7 been talking about at the Neighborhood Board, at the
8 Chambers of Commerce and a variety of settings over the
9 years. But if you take a look at what the actual
10 engineering and construction required is for this project,
11 it's relatively flat and level land. It's basically a short
12 jog inland. I mean, honestly, you see things on the
13 internet where municipalities, countries and states around
14 the world accomplishes these kind of projects in a day or a
15 week or a month. So, anyone who is saying "I'm strongly in
16 support of this, this has to happen." Okay. But view it
17 for what it is. It's very straight forward. It's not some
18 engineering feat, and as they do it, as Bill Saunders
19 mentioned earlier, as they do the parking needs to be first
20 and foremost. Especially in the context of "approving a
21 permit". This permit was stated earlier in terms of the
22 conditions that need to be met, clearly layout. That the
23 whole basis of this law, is to make sure that people can
24 safely access the ocean. So, I'm so grateful that Carolyn
25 mentioned earlier, where's the Department of Parks and

1 Recreation. This whole situation could have been avoided
2 years ago if the City and County, Parks department had
3 followed through on planning documents that this community
4 worked hard on. In fact, our tax payor dollars invested in
5 the creation of environmental impact statements for Laniakea
6 Beach support park and that contemplated eventually moving
7 the highway mauka and having facilities on the makai side.
8 At the end of the day I feel like we've been sidetrack into
9 believing that this is a Department of Transportation issue.
10 Department of Transportation has much larger issues then
11 this. They have a failing highway. The highway is falling
12 into the ocean from--I don't know, what would you say,
13 Kaaawa all the way to at least Laniakea. As a government we
14 approve new airline terminals, new car rental parking lots
15 at the airport. They expand our airports on every island.
16 That's also the Department of Transportation. Department of
17 Transportation is bringing more and more people to Hawaii at
18 the same time they're telling us we can't take our family
19 safely to the beach. I find that odd and shocking, and I
20 really beseech the councilmembers who eventually will be
21 considering this to take a look at the Applicant. What is
22 the Applicant doing here, and are they really following the
23 law. So, like I said, I think it's important to move
24 forward and acknowledge the hard work of the consultants and
25 the DOT staff members. They're trying their best to balance

1 competing interest. The fact the matter is that it did take
2 a State judge to get the State and the City to follow the
3 law. We're hopeful that's not going to be the situation
4 again. Although the solution that was put forth under the
5 State courts to me makes a lot of sense from the perspective
6 of three acres of City park land and how to safely exit and
7 enter the highway and make sure you have a safe place for at
8 least families on Oahu to get to the ocean.

9 I just want to say thanks to everybody. Thanks
10 everyone who has taken the time to make the comments, and I
11 just really want to emphasize the point, I think all of us
12 have an obligation whether we're residents, planners, City
13 or State staff or consultants not to make this situation
14 worse. And without the permit conditions that we're talking
15 about, managed entry and exit from the makai side parking
16 and designated makai parking, the situation is going to be
17 worse. I can guarantee you that. And why would we do that
18 ourselves. Why would we tolerate that after 15 to 20 years
19 of trying to coordinate with the Department of
20 Transportation; 15 to 20 years of allowing the Department of
21 Transportation to make infrastructure improvements that
22 bring more vehicles onto our road. That's what they're
23 doing with our tax dollars. In fact, our tax dollars is
24 going into the Hawaii Tourism Authority as well to bring
25 more visitors. Take a look at the highway.

1 There's many hours of the day that the highway works. Why
2 is that? It's because the volume of the vehicles at those
3 times of the day are primarily the residents driving back an
4 forth to work, going shopping in Haleiwa or what not. When
5 is the highway failing. A lot of times it's during the
6 hours when Oahu residents are coming out to enjoy the
7 beaches and parks that all of us are allowed to enjoy as tax
8 payers, and when there's a high number of visitor vehicles
9 on the roads. That's when the highway shuts down. That
10 problem is not going away. Our government entities have
11 approved expansion at Turtle Bay Resort, and those
12 documents, the Turtle Bay documents, it said specifically,
13 that basically our highways are under the national ranking
14 during certain times of the day the corridor gets a ranking
15 of a letter grade "D" or "F" as you would talk about in
16 school. And they said with the expansion of Turtle Bay
17 that's going to be beyond--I don't know what's beyond "F",
18 and I hope not speaking too (inaudible) about that because I
19 know that's a serious matter, grading those corridors. But
20 this is a very, in my opinion, straight forward project,
21 that if done well, has the potential to follow the law and
22 make sure that the rights of Oahu taxpayers and residents
23 are protected, and I hope we can work together moving
24 forward to help people see that. This is by no means any
25 sort of final solution, and if not done right, will make the

1 situation worse. Thank you.

2 **HEARINGS OFFICER DILDY:** Thank you for your
3 testimony. Next we have Jack Lutey followed by--

4 **MR. LUTEY:** Hi. Jack Lutey, North Shore resident
5 for 50 years. I know it's not part of the project, and it's
6 been mentioned before, but if we don't go around Chun's Reef
7 at the same time, it's all for not. So, the traffic is
8 going go by Laniakea 25 miles an hour and then it's going to
9 stop again right at Chun's Reef because we have the same
10 situation where everybody is parking mauka and crossing the
11 highway. As Blake pointed out, it shouldn't be that
12 complicated. It's flat land. Why not just go all the way
13 around Chun's Reef and then come back into the highway. So,
14 that's my comment. It's not going to alleviate the traffic.
15 It just going to move the traffic jam 500 yards down the
16 road. I know it's not in the plan, but if it could be, that
17 would be great. Thank you.

18 **HEARINGS OFFICER DILDY:** Our last registered
19 testifier is Larry McElheny.

20 **MR. L. MCELHENY:** Thanks everyone for being here.
21 My name is Larry McElheny, long time North Shore resident
22 and proud father of Blake McElheny. I really don't have
23 anything more to say, then what Blake said. I think he
24 summed it up. When he pointed out that our tax dollars are
25 being spent on airport improvements, harbor improvements, so

1 on and so forth, that bring more tourists and exacerbate the
2 traffic problem. That's really the root cause. And until
3 we can figure that out somehow to solve that issue we're
4 going to have traffic that's growing worse and worse over
5 time. So, I support the earlier testimony, Denise, Bill
6 Saunders about the parking situation, but I think we need to
7 figure out how to address the big picture issues and
8 convince the powers, that they have to do something about
9 this tourist industry taking over the island. Thank you.

10 **HEARINGS OFFICER DILDY:** Thank you for your
11 testimony. So that was the last of our registered
12 testifiers. If anyone here has not registered and would like
13 to--

14 **UNKNOWN MALE IN THE AUDIENCE**

15 **HEARINGS OFFICER DILDY:** All right. Can you fill
16 out this pink sheet of paper. So, if there's anyone else
17 that would like to testify that hasn't, please come up here
18 and fill out the pink sheet.

19 **MR. BOB (unknown surname):** Hello. My name is
20 Bob, and like a lot of you here, I too have lived on the
21 North Shore 50 plus years, and the testimony we've heard
22 today is wonderful. I'm a contrary at heart, and I like to
23 argue issues. I hear anything in here that I would take
24 issues with. You guys got a lot of really good straight
25 manao here. I'd like to talk about planning. Back when

1 Fasi was mayor, Don Griffin was out buying park land. I
2 don't even know how many years ago it was. But back then,
3 there was a plan, and a big plan. And what we're doing
4 right now is I don't feel the plan. Everybody talks about
5 great ideas.

6 Carolyn was talking about a park, and there's park
7 land there now, and there's a lifeguard there, but there's
8 no shower, and I'm not sure where people go to the
9 bathrooms, may be they all hold it, but probably not. I'm
10 glad that the park came up in this conversation because it
11 isn't just the park land, we need big plans like the North
12 Shore Community Plan says this is a recreational destination
13 along being in an agricultural area. So the big things are
14 important so are little things. I saw a picture of a street
15 light. I mean is it turtle proof environmentally safe
16 street light on the side of the highway. Those little
17 things mean a lot. The other thing Saunders said, look at
18 those red line. In your presentation you mentioned that
19 this was the survey line. And yet what's interesting is all
20 the sand from the ocean is underneath the bridge. One would
21 suggest that perhaps the ocean push that sand up there which
22 would make the red line inaccurate. It's no fun to be niele
23 about little things because there's big pictures that need
24 to be looked at. The real issue for a lot of us is quality
25 of life. And what diminishes that it's terrifying how many

1 hours we're wasted. It takes 11 minutes to drive from
2 Sunset to Haleiwa at night and it takes easily half an hour
3 frequently going each direction, 45 minutes. But anyway,
4 it's absurd. It's a waste of gasoline, it's a waste of life
5 energy. It's absurd. And DOT has not been responsive over
6 the years. I don't want to sit here and make you guys the
7 bad guys but you're part of the solution or you're part of
8 the problem, and we kind of--Carolyn mentioned she was on
9 the task force that got well funded and just kind of
10 [inaudible]. The last time someone asked that, they said,
11 "oh, yeah, well we're still working on it." And I think
12 that was last year. There's a lot of shibai that goes on,
13 and I think the government agencies need to be held to task.
14 It's not easy. We've had representatives that have tried to
15 interface with departments, and it's problematical. So, I'm
16 really pleased that there's this many people here today, and
17 if this many people here today want to get active, may be we
18 can get some better improvements. Anyway, the manao that
19 has been shared today is really valuable, and I want to
20 thank everybody for coming out and sharing their thoughts.
21 Mahalo.

22 **HEARINGS OFFICER DILDY:** So, that was our last
23 registered testifiers. Is there anybody else that would
24 like to testify? [no response] Okay. So, if not, Lena,
25 do you have any questions for the Applicants?

1 **STAFF PLANNER PHOMSOUVANH:** Yes, I do. So, to the
2 Applicant. How will you keep parking available to the
3 public during and after construction? And, please introduce
4 yourself?

5 **MR. KENNEDY:** Hi. My name is Henry Kennedy. I'm
6 the design branch chief for DOT Highways. Okay. Your
7 question about keeping parking available to the public
8 during construction. The (inaudible) package has a proposed
9 construction phasing plan that considers a clear shoulder
10 for the duration of the project. The exact details we can't
11 really speak to because the contractors means and methods
12 really control how he's going to build the project.

13 However, DOT is aware of the concern and has
14 prioritized maintenance of a safe clear shoulder area that
15 could potentially accommodate parking during construction.

16 **STAFF PLANNER PHOMSOUVANH:** Okay. So, my second
17 question is the new parking area will be impacted by sea
18 level rise. How will you address this issue? Are there any
19 mitigation measures or structural solutions proposed?

20 **MR. KENNEDY:** Okay. Thank you. The primary
21 purpose of the project was to improve safety for pedestrians
22 and all motive transportation within project limits.
23 Improving reliability of the highway is the secondary
24 objective and to that end some sea level rise considerations
25 were incorporated into the design specifically for the

1 bridge. So measures to fully address sea level rise within
2 the entire project limits including the de facto parking
3 area were not developed, however, the lowest elevation of
4 the dress shoulder is at 13 feet, mean sea level. So it's
5 actually quite high. So, if the sea level rises three feet
6 there's not going to be any impact to that area. Thank you.

7 **STAFF PLANER PHOMSOUVANH:** Okay. Thank you.
8 That's the questions that I have had.

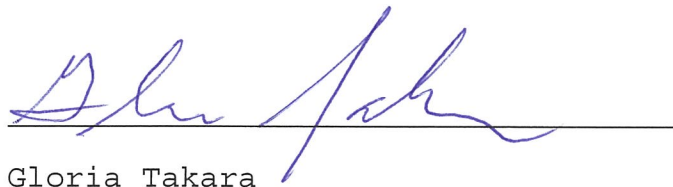
9 **HEARINGS OFFICER DILDY:** Okay. Thank you, Lena.
10 Would the Applicant wish to address any of the comments or
11 concerns from the testifiers at this time?

12 **MR. KENNEDY:** I'm sorry. We'll take the comments
13 back and discuss it internally, but we don't have any
14 responses at this time. But thank you for the comments. We
15 appreciate them.

16 **HEARINGS OFFICER DILDY:** Okay. Thank you very
17 much. With no further questions, the public hearing is
18 closed. Thank you, everyone.

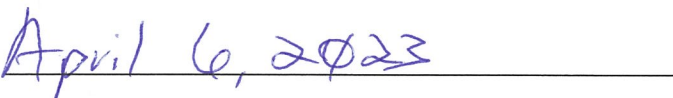
19 [Adjourned approximately 11:20 a.m.]
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25

1 I certify that the foregoing is a
2 true and correct transcript of
3 the proceeding, prepared to the
4 best of my ability of the meeting
5 held on Thursday, March 30, 2023.

6 
7 _____

8 Gloria Takara

9 Secretary-Reporter

10 
11 _____

12 Date