

RES23-090
Testimony

MISC. COMM. 271

ZONING (ZON)

ZONING (ZON) Meeting

Meeting Date: May 24, 2023 @ 09:00 AM

Support: 0

Oppose: 1

I wish to comment: 9

Name: Andrea Woods	Email: andreaswimsunset@yahoo.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: May 22, 2023 @ 04:28 PM
<p>Testimony:</p> <p>I strongly urge the Zoning Committee to amend Resolution 23-90 so that the following conditions are met:</p> <p>Designated Makai side parking is part of the plan</p> <p>Dedicated parking lot created as opposed to parking on the highway's shoulder.</p> <p>Ingress and egress to parking are set up much as they are now, with a funnel flow.</p> <p>Temporary parking made available during construction.</p> <p>The parking situation, which is such a large component of the Laniakea traffic backlog, was not even addressed in the plan that was presented. For all the money that will be spent on the new road, we would hope that the traffic problems would be mitigated and not exacerbated. Including a parking plan into this project is vital.</p>		
Name: Andrea Woods	Email: andreaswimsunset@yahoo.com	Zip: 96712
Representing: Sunset Beach Community Association	Position: I wish to comment	Submitted: May 22, 2023 @ 04:31 PM
Name: Denise Antolini	Email: antolinid@gmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: May 22, 2023 @ 08:02 PM
Name: Douglas Meller	Email: douglasmeller@gmail.com	Zip: 96813
Representing: Self	Position: I wish to comment	Submitted: May 22, 2023 @ 10:43 PM
Name: Blake McElheny	Email: blakemcelheny@yahoo.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: May 23, 2023 @ 08:34 AM
Name: William Saunders	Email: WWSaundersJr@gmail.com	Zip: 96816
Representing: Self	Position: Oppose	Submitted: May 23, 2023 @ 12:19 PM
Name: Larry McElheny	Email: lkmcelheny@gmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: May 23, 2023 @ 10:13 PM
<p>Testimony:</p> <p>Aloha</p> <p>I support this approval provided it is amended to provide 50-60 well designed, controlled and managed parking spaces makai of the highway. Temporary parking and beach access must also be provided during construction. These actions should provide increased safety for beach goers.</p> <p>In addition the City must be fairly compensated for any precious public park land that is used for highway re-alignment.</p> <p>I do not believe that this project will do much to improve the unacceptable North Shore traffic conditions. Only when we reduce the number of vehicles on the highway will we see any improvement.</p> <p>Mahalo</p> <p>Larry McElheny</p>		
Name:	Email:	Zip:

Kathleen Pahinui	pahinuik001@hawaii.rr.com	96791
Representing: North Shore Neighborhood Board 27	Position: I wish to comment	Submitted: May 23, 2023 @ 10:15 PM
<p>Testimony:</p> <p>Aloha Committee Chair Say and Committee Members:</p> <p>At the North Shore NB #27 meeting last night, we voted to support the positions of the Sunset Beach Community Association and the North Shore Chamber of Commerce to add conditions to the SMA for Laniakea.</p> <p>We ask that you refer to their letters for specifics regarding the conditions.</p> <p>Mahalo,</p> <p>Kathleen M. Pahinui Chair, North Shore NB #27</p>		
Name: Racquel Achiu	Email: rhachiu@gmail.com	Zip: 96791
Representing: Self	Position: I wish to comment	Submitted: May 24, 2023 @ 07:27 AM
<p>Testimony:</p> <p>Aloha My name is Racquel Achiu, North Shore. Although I am not a supporter of the plan that is presented for Laniakea. I do agree that a plan needs to be considered to address the roadway & TRAFFIC. It seems that in recent years the focus has shifted from relieving traffic to planning an accommodation of convenience. The realignment, as stated at a neighborhood board meeting by a representative of DOT, as being done for safety reasons as erosion being a concern, yet consideration is placed in a bike path AND parking lot. Why wouldn't that be a safety issue?? Coastal erosion, shoreline setbacks and sea rise level have been at the forefront of discussions for years, so to plan a parking lot, bike path or anything else shoreside is contradictory to on going efforts to address these issues including traffic. Years ago, roadside parking was blocked at susnet beach due to erosion & safety concerns but accepting it to be ok at Laniakea ??? How does this make sense. This area was never a "beach park" it was/is roadside parking/access and has morphed into the issue infront of us today. Additionally, it seems unreasonable to focus & fund this project when our neighbors in Hau'ula & Kaaawa have IMMEDIATE safety & deteriorating road way issues that warrant attention & funding. My family home of over 50 years is in the immediate Laniakea area therefore I am very well aware of the space, its history and the impacts placed upon our community. I respectfully ask that you place strong consideration in the points I have mentioned as you consider any plan that comes before you. MAHALO</p>		
Name: Barbara Fisher	Email: bambufish@gmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: May 24, 2023 @ 07:29 AM
<p>Testimony:</p> <p>The City Council needs to require DOT to provide managed parking rather than the informal parking that is proposed to alleviate the loss of an existing city park and 60 plus parking spaces that already exist. Those parking spaces should be required both during and after construction of the project.</p>		

Sunset Beach Community Association
P.O. Box 471
Haleiwa HI 96712

May 21, 2023

Councilmember Matt Weyer
mweyer@honolulu.gov
City Councilmembers
Mayor Blangiardi
mayor@honolulu.gov

Re: Laniakea Highway Realignment

Aloha Government Representatives,

The Sunset Beach Community Association voted 20 to 0 at its meeting on May 17, 2023 to request that the Honolulu City Council amend Resolution 23-90 to condition approval of the “Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniakea Beach” SMA Use Permit No. 2022/SMA-77 and SV Permit No. 2022/SV-4 (LP) as follows:

1. Laniākea Makai Parking Area.

Require DOT to amend its plan for “informal” highway shoulder parking for 60-90 cars and instead plan and design (now, not later, as a condition of the SMA/SV), for the explicit creation of a Laniākea Makai Parking Area, to be owned and managed by other entities in the future, that will ensure an adequately-sized improved parking area with access controls (limited entry, exit) with:

- a) a minimum of 50 parking spaces;
- b) at least half of all total spaces designated for residents’ vehicles,
- c) 12 spaces designated for first responders’ vehicles (e.g., HPD, DOCARE, Fire, EMS, Lifeguard),
- d) 6 spaces (4 resident, 2 visitor) designated for ADA users’ vehicles,
- e) the remainder of spaces for non-residents visitors’ vehicles,
- f) no tour buses allowed at any time and no tour vans over 8 passengers allowed,
- g) signage that allows enforcement of stall designations and a future system for parking fees for visitors, and
- g) managed overlook areas with educational signage to minimize visitor impacts on the beach and marine wildlife.

2. Require HDOT and/or its contractors to maintain a minimum of 50 parking spaces in the proximate location of existing parking during construction, either mauka or makai, with the same

proportionate designation and signage for residents, first responders, ADA, and visitors indicated above.

For all the money that will be spent on the highway realignment, we would hope that the traffic problems would be mitigated and not exacerbated. Including a well-thought-out parking plan into this project is vital. Mahalo for your consideration.

Sincerely,

Dawn Bruns

A handwritten signature in dark ink, appearing to read "Dawn Bruns", is placed over a light blue rectangular background.

Corresponding Secretary

Cc: Edwin Sniffen, Director, Department of Transportation
Representative Quinlan
Senator Awa
Chair Kathleen Pahinui, North Shore Neighborhood Board

Calvin Say, Chair, and Members
Zoning Committee, Honolulu City Council

May 22, 2023

Re: Testimony on Item 4: Reso 23-90 - Laniākea Highway Realignment Resolution SMA/SV

Aloha Chair Say and Members of the Committee,

I respectfully request that Resolution 23-90 be amended to condition approval of the “Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniākea Beach” SMA Use Permit No. 2022/SMA-77 and SV Permit No. 2022/SV-4 (LP) with the amendment requiring the facilitation of a Makai Parking Area as stated in the motion from the Sunset Beach Community Association, in the letter to Councilmember Weyer, other City Councilmembers, and the Mayor, dated May 21, 2023 – Attachment 1.

As background to support this request, I have attached my written comments to the Department of Planning and Permitting (DPP) SMA hearing, held in our community on March 30, 2023.

Please read both documents and consider them part of my testimony.

A key point I would like to emphasize is that requiring an SMA condition that ensures a “well managed” parking area does fall within the City Council’s legal duties to provide adequate recreational and shoreline access under the State CZMA/SMA (HRS 205A), the City SMA (ROH 25), and the North Shore Sustainable Communities Plan (NSSCP) (2011).

DOT’s proposed “unplanned” parking area on the makai shoulder does not satisfy these laws, in my view, and will create congestion, which is the very problem the realignment is supposed to resolve.

In addition, I ask the City Council to also condition the SMA/SV on full compensation for the 3 acres of City park land mauka of the highway being taken by DOT for the realignment. Please add a condition requiring HDOT “to reach an agreement within one year of the City Council approval of the SMA/SV to compensate the City and County of Honolulu for the taking of the 3 acres of mauka City park land from the realignment and through this compensation to facilitate, through cash, a land swap, or donation of land, the creation of the Laniākea Makai Parking Area under the ownership or management of the State, City, or a non-profit entity.”

Thank you for the opportunity to testify.



Denise Antolini
Pūpūkea resident, Law Professor

Attachment 1: Sunset Beach Community Association, in the letter to Councilmember Weyer and City Council, dated May 21, 2023

Attachment 2: Antolini comments to the Department of Planning and Permitting (DPP) SMA hearing, March 30, 2023

Sunset Beach Community Association
P.O. Box 471
Haleiwa HI 96712

May 21, 2023

Councilmember Matt Weyer
mweyer@honolulu.gov
City Councilmembers
Mayor Blangiardi
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Corresponding Secretary

Cc: Edwin Sniffen, Director, Department of Transportation
Representative Quinlan
Senator Awa
Chair Kathleen Pahinui, North Shore Neighborhood Board

Denise Antolini
59-463 Alapi‘o Road
Pūpūkea, HI 96712

April 6, 2023

Lena Phomsouvanh, DPP Staff Planner
Jordan Dildy, Hearing Officer
Department of Planning and Permitting
City and County of Honolulu, 7th Floor
650 South King Street
Honolulu, HI 96813

RE: SMA and SSV Applications – by State Department of Transportation, for
“Kamehameha Highway Pedestrian Safety Project, Vicinity of Laniakea Beach”
SMA Use Permit No. 2022/SMA-77 and SV Permit No. 2022/SV-4 (LP)

Aloha Ms. Phomsouvanh and Mr. Dildy,

As you know, I provided oral testimony at the public hearing held at the Sunset Beach Recreational Center on March 30, 2023 on the above-mentioned SMA and SV permits for this project. I appreciate that DPP has provided an extended period of time for submission of written comments through today. This is such an important project for the North Shore that additional careful deliberation by DPP is critical to keep the project moving but with some important conditions.

I have five basic comments that summarize and supplement my oral testimony in general support of the SMA and CV with the conditions below.

1. A Well-Managed Makai Parking Lot Is Required Under the SMA Laws and Sensible Policy.

Under DOT’s current plan, the “makai parking” is projected to be unplanned, unpaved, and unstriped shoulder-of-the-highway parking for up to 90 cars. Vehicles would be pulling in and off the highway at random, from both lanes, with no control or restriction. This will create more congestion than the current situation and additional risks to public safety, as well as be a serious mistake and missed opportunity in terms of state and county public policies that protect our shorelines and recreational access.

This DOT “un-plan” for makai parking is unacceptable for several reasons, appears to violate state and county laws, and needs to be “fixed” and thoroughly planned out through a specific permit condition that impements sensible public policy for recreational access and control of tourism impacts.

First, the State CZMA/SMA (HRS 205A), the City SMA (ROH 25), and the North Shore Sustainable Communities Plan (NSSCP) (2011) all have provisions that protect public access to the beach, the environment, and safety.

For example, HRS § 205A-2 Coastal zone management program; objectives and policies subsection (b) states: “(1) Recreational resources; (A) Provide coastal recreational opportunities accessible to the public.” (Emphasis added.)

The NSSCP (2011) states: “Provide adequate public parking and related support facilities (such as rest rooms and showers) at popular beach parks, including lifeguard equipment storage facilities in anticipation of increased lifeguard services needed at those parks. Improvements are planned for North Shore beach parks at . . . Laniākea, . . .” (p. 3-35). (Emphasis added.)

The NSSCP anticipated the DOT realignment plan and emphasized: “While a new bypass road would improve traffic flow along the highway, realignment would allow future beach support facilities to be built on the beach, thereby providing the additional benefits of a healthier and wider shoreline/beach area and protection for pedestrians.” (p. 4-4) (Emphasis added.)

The City SMA law, ROH Chapter 25, requires similar protections:

ROH Section 25-1.2 (Purpose) provides: “Special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and foreclosure of management options, and to insure that adequate public access is provided to public owned or used beaches, recreation areas, and natural reserves, by dedication or other means.” (Emphasis added.)

DPP has the duty and discretion to recommend that the City Council include conditions in the SMA permit consistent with the letter and intent of the SMA laws.

ROH Section 25-3.2(a): “All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: (1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles; . . . (4) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquake.” (Emphasis added.)

ROH Section 25-3.2(b) also provides that the City Council may not approve an SMA permit unless the Council finds: (1) “The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest.”; and (3) “The development is consistent with the county general plan, development plans and zoning.” (Emphasis added.)

Under ROH Section 25-3.2(c), the Council must also seek “to minimize, where reasonable” (3) “Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches.”; (4) “Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast”; (5) “Any

development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.” (Emphasis added.)

These legal requirements must be followed in the granting of the SMA permit by DPP and City Council. The makai parking, during construction and permanently, cannot be left to a contractor or unplanned.

Second, the current DOT “un-plan” for allowing parking on an unpaved and unmanaged shoulder of this very busy stretch of highway will create more congestion and increase the risk to the safety of residents and visitors seeking access to this beach. This “unplanned” aspect of the project is directly contrary to the stated purpose and intent of the project in realigning the highway, will result in public backlash, and undermines the good progress that DOT has made on the overall project.

Third, the lack of planning is poor public policy. Without a managed parking lot, the City and the State would lose any opportunity (a) to “manage” tourism impacts on this heavily visited beach, including potential fee-generating parking for tourists, which is now top of the mind for the City and State “destination management” planning, (b) to preserve and enhance dedicated access for residents (at least half of all spaces should be free for residents with an easy online permit system), (c) to ensure reserved parking and observation areas for first responders (the lifeguards have a tower at that location; HPD; DOCARE; EMS), and (d) ADA and stewardship organization access.

2. Creation of Laniākea State Wayside Park - Proposed Wording of the SMA Condition

In 2014, Senator Clayton Hee introduced a bill (SB3035) in the State Senate to create a State Wayside Park at Laniākea. It proposed the following language, which still make sense today and can provide a model for implementing the suggested wording of the SMA condition below:

Section 1: “The legislature further finds that the community would be best served by the construction of a wayside park that would provide a long-term solution to address the growing impact of human activities on the Hawaiian green sea turtle. A wayside park would enable the department of land and natural resources to establish a base for immediate response in emergency situations involving the Hawaiian green sea turtle; serve as an educational hub to promote responsible tourism practices; and enable better access to recreation, including surfing, fishing, swimming, snorkeling, wildlife viewing, and beach walking.”

“The purpose of this Act is to authorize the issuance of general obligation bonds for the planning and construction of a Laniākea wayside park to protect the Hawaiian green sea turtle and to require the department of land and natural resources to

take certain measures accordingly.”

Section 2: “Seek to acquire private or county land that when combined with state land would be sufficient to create a Laniakea state wayside park; and
In conjunction with the United States Fish and Wildlife Service and United States National Marine Fisheries Service, establish a state-protected area for the Hawaiian green sea turtle to protect the turtles and their habitat from encroachment, harassment, or harm.”

Section 3: “The department of transportation shall make plans to realign Kamehameha highway mauka of the planned Laniakea wayside park; provided that the realignment, if necessary, shall be resilient and adaptive to rising sea levels and coastal erosion as a result of climate change.”

Section 4: “the purpose of planning for and construction of a Laniakea state wayside park, including:

- (1) Access pathways;
- (2) Parking for vehicles, bicycles, and shuttles;
- (3) Comfort stations;
- (4) Landscaping with native plants and foliage;
- (5) Erosion control;
- (6) Lifeguard station;
- (7) Underground utilities;
- (8) Interpretive signage; and
- (9) Remote security.”

Based on some of these same concepts with some modernized language (such as use of QR codes and learning lessons from current State and City Parks reservations systems), I suggest the following condition be inserted into the SMA:

“To ensure the establishment of a **Laniākea State Wayside Park**, simultaneous with highway realignment, that creates a maximum of 60 parking spaces and protects the public safety, access, and the environment at Laniākea Beach, DOT shall:

- (1) create the **Laniākea State Wayside Park** by collaborating and negotiating with the City and County of Honolulu (Land Division; Parks and Recreation) and the State of Hawai‘i Department of Land and Natural Resources (Land Division; State Parks), to be completed within one year of the City Council initial approval of the SMA permit, a transfer, swap, and/or permanent easement on all public lands makai of the realigned Kamehameha Highway right of way (makai shoulder) to the sandy beach in the project

area (that is, including the “old Highway” segment and any unpaved or unimproved areas remaining after the realignment);

(2) the **Laniākea State Wayside Park** shall include: (i) 30 reserved stalls for Hawai‘i residents (who may obtain a free yearly permit online), (ii) 3 ADA reserved parking stalls, near a designated ADA beach access pathway (2 for residents, 1 for visitors), (iii) 5 reserved stalls for first responders (combined Lifeguard, DOCARE, HPD, EMS, HIEMA) parking, (iv) 2 reserved parking stalls for non-profit organizations running stewardship programs at the beach (via a permit system); and (v) 17 reserved stalls for visitors limited-time pay parking (non-residents), no tour vans or buses; (vi) 3 reserved stalls for State or City permitted shuttle vans from approved North Shore shuttle lots (up to 12-seat capacity), with reserved times. Appropriate no-parking signs and barriers shall be installed along the highway to prevent “avoidance” parking and to promote consistent management of the area and public safety.”

(3) the **Laniākea State Wayside Park** design shall be based on collaboration with the DLNR Division of Forestry and Wildlife, the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), and community stewardship groups. on parking lot design, and options for supplemental state and federal funding, that will support an overlook viewing platform, educational signage, and resilient coastal access steps-pathways that will reduce and control the impact of visitors on marine life particularly the Hawaiian Green Sea Turtle that feeds, basks, and nests along this shoreline; and

(4) the **Laniākea State Wayside Park** design shall be based on collaboration with the North Shore Neighborhood Board, Waialua Community Association, and Sunset Beach Community Association, and the neighbors within a quarter-mile to ensure continual updates to the public, and public input on the park, parking lot, signage, and pathways design and operation.”

3. Loss of City Park Land, Mauka – What is the compensation? 4(f) applicability?

My understanding is that the City owns three acres “mauka” of the current highway. Under the DOT plan, it is unclear what happens to this important City parcel other than the re-aligned State highway is placed on top of the City land. This is problematic for three reasons:

First, City park land cannot and should not be “taken” by the State without a swap or compensation for the public benefit. In part, the legality depends on the source of funding for the realignment. **Please disclose the specific source of funding for the realignment project.** Specifically where is the funding coming from and are any federal funds involved- if so, what kind specifically and what is the timeline for use of those funds? Section 4(f) of the U.S. Department of Transportation Act of 1966 may be implicated. 49 U.S.C. § 303 and 23 U.S.C. §138. Has a 4(f) evaluation been conducted? If so, this use of City park land may trigger that legal requirement and exploration of feasible and prudent alternatives to avoid use of the City park land.

Second, the lack of mention of how this City park land would be treated in the FEA is puzzling. I cannot find any reference to disposition of the City parcel in the FEA, which is the only narrative background provided for the SMA. I may have missed this information.

Third, the public is left in the dark about the City park land after many years of fighting for public park land in this area. The issue needs more transparency and accountability to rebuild public trust between the community and DOT.

4. Defective SMA Application

The SMA application was surprisingly thin on details and actually should have been rejected by DPP. The specific portions of the FEA that supported the SMA should have been selected and then re-packaged by the applicant to ensure that the public had a clear and complete understanding of the proposal. Almost every community member I spoke with before the meeting was confused about what was being proposed due to the lack of detail and narrative. The maps were helpful to show the realignment, but no detailed or even conceptual plan was provided other than the side view diagram, which lacked sufficient detail, particularly regarding the makai parking “un-plan.”

5. Coastal Resilience Plan

I share the concern voiced by several speakers at the hearing that the shoreline will continue to move mauka. Sea level rise is inevitable and this area is very vulnerable. The need for a shoreline variance is itself evidence of the future risk to any infrastructure in the area. Recently, the Mayor signed Bills 41 and 42, supported by DPP, which increases substantially the margin of protection for our SMA and shoreline areas. (Note that the SMA application be updated or at least publicly supplemented to conform with these new ordinances.)

Currently, the DOT plan is simply to leave in place the current highway as a bike and pedestrian path, shored up by boulders along the highly eroded edge of the sandy beach. Although the asphalt may last for a few years, with continued overwash of the waves and substantial sand movement onto the highway at certain times of the year in the area, as well as un-managed public access under the DOT un-plan, it is only a matter of time for that “old highway” portion to become undermined and itself becomes a hazard. I do not see in the DOT plan any provision for upkeep, maintenance, or removal of the “old highway” area or the utilities that are teetering along this edge.

I suggest another condition for a **Coastal Resilience Plan** be inserted into the SMA as follows:

“To ensure that the Laniākea shoreline can adapt to changing erosion and sea level rise, DOT shall:

(1) collaborate with the State DLNR Office of Conservation and Coastal Land (OCCL) and the State Coastal Zone Management Office under the Office of Planning Sustainability and Development (OPSD) on a detailed **Coastal Resilience Plan** to address future erosion of the

Laniākea SMA and SV

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“old highway” segment left in place after the realignment of Kamehameha Highway, including pathway and utility relocation issues;

(2) dedicate sufficient annual funding to the implementation of the Coastal Resilience Plan in perpetuity; and

(3) ensure community input and annual updates on the Coastal Resilience Plan via the North Shore Neighborhood Board, Waialua Community Association, and Sunset Beach Community Association.

Mahalo for the opportunity to provide supplemental testimony.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise Antolini".

Denise Antolini

Cc:

Councilmember Matt Weyer

State Representative Sean Quinlan

State Senator Brenton Awa

Sunset Beach Community Association

Waialua Community Association

North Shore Neighborhood Board

DOUGLAS MELLER
2615 Aaliamanu Place,
Honolulu, HI 96813
Email: douglasmeller@gmail.com
Landline: (808) 595-8208

**MAY 24, 2023 TESTIMONY ON COUNCIL ZONING COMMITTEE AGENDA ITEM 4:
RESOLUTION 23-90 – KAMEHAMEHA HIGHWAY LANIAKEA BEACH – HALEIWA (2022/SMA-77
AND 2022/SV-4). Granting a Special Management Area (“SMA”) Use Permit and Shoreline
Setback Variance (“SV”) to the Hawai’i Department of Transportation, Highways Division**

As currently drafted, Resolution 23-90 would not require the DOT to provide or manage any parking-related improvements to mitigate closure of existing public parking on City property.



I request amendment of Resolution 23-90 to require, as a condition for approval of a SMA use permit, that both during and after highway realignment the DOT shall install signs to authorize parking, develop appropriate parking-related improvements, and ensure the provision and management of 50 to 60 public parking spaces for access to Laniakea Beach. I also request that the City negotiate more specific parking-related requirements as a condition for sale or other disposition of City property.

Public parking is a prerequisite for adequate public access to Laniakea Beach. Without sufficient parking, the public would have to walk long distances along the highway shoulder to get to Laniakea Beach. During the 1990s the City used eminent domain to acquire about 3 acres mauka of the highway to accommodate public parking and a comfort station. The City obtained possession/control of the site of the proposed Laniakea Beach Support Park by a court order in August 1999. The proposed park site was placed and remains under the jurisdiction of the City Department of Parks and Recreation (DPR).

Public testimony at the DPP's March 30, 2023 public hearing on the DOT's SMA/SV application and the April 28, 2023 DPP report to the City Council relied on a DOT Final Environmental Assessment (FEA) which incorrectly alleged that highway realignment would not adversely affect public parking for access to Laniakea Beach.

Because the road is shifted, there will be no parking on the mauka side.... However, the makai side of the realigned Highway may accommodate parking with an estimated capacity for 90 cars in the 60-foot-wide by 400-foot-long space if the area were eventually paved and striped with parking stalls. With informal or non-designated parking, the number of cars anticipated to use the area would be similar to the No Build ... condition. [SEE ATTACHMENT 1]

The DOT's FEA substantially misrepresents how much space would be available for either a formal parking lot or informal, unmanaged parking on the narrow strip sandwiched between the existing highway and the realigned highway. On the highway realignment plans submitted for the DOT's SMA/SV permit application, a 60' x 400' parking lot would completely overlap the mauka lane of the existing highway. [SEE ATTACHMENT 2] But after highway realignment, according to the DOT's FEA, the mauka lane of the existing highway will become a bicycle-pedestrian facility where vehicles will not be allowed to drive or park.

Rather than proposing safe channelized driveway access to a formal parking lot, the DOT's FEA proposes unmanaged vehicle access between the realigned highway and a narrow, unimproved, unmanaged strip makai of the realigned highway. Highway realignment plans submitted for the DOT's SMA/SV permit application would allow left and right turns from, left and right turns onto, and vehicles backing onto about 700 feet of the realigned highway.

According to the DOT's FEA, all property between the existing highway and the realigned highway will become part of the state highway right-of-way (ROW). DOT highway realignment plans do not include signs to authorize parking makai of the realigned highway. Unless the DOT authorizes parking, State law allows HPD to issue \$235 parking citations in the highway ROW.

§264-6 State highway not to be disturbed without permit. No person ... shall ... do any of the following acts without a written permit from the director of transportation or the director's authorized representative: ...

(2) Place ... or store any ... motor or other vehicle ... wholly or partially within the right-of-way of any state highway....

§291C-111 Noncompliance with stopping, standing, or parking requirements. ...

(c) Any person committing a violation of any law prohibiting or restricting the ... parking of vehicles on state highways shall be charged, in addition to any other applicable penalties and fines, a state highway enforcement program surcharge of \$200 to be enforced and collected by the district courts....

Under Section 25-3.2, Revised Ordinances of Honolulu, as a condition for approval of the DOT's SMA use permit application, the City Council can and should require the DOT to ensure adequate public parking for beach access both during and after completion of highway realignment.

Sec. 25-3.2 Review guidelines.

The following guidelines shall be used by the council or its designated agency for the review of developments proposed in the special management area.

- (a) All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: (1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided....*
- (b) No development shall be approved unless the council has first found that: (1) The development will not have any substantial, adverse environmental ... effect except as such adverse effect is minimized to the extent practicable....*
- (c) The council shall seek to minimize, where reasonable: ... (3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands....*

The highway frontage of City property at Laniakea Beach is makai of the January 18, 2023 certified shoreline. Under Section 37-1.4, Revised Ordinances of Honolulu, before selling or otherwise disposing of City shoreline property to the DOT, the City can and should negotiate appropriate requirements concerning the provision, design, management, and maintenance of public parking for ocean access.

Sec. 37-1.4 Special procedures and provisions ... (b) No city real property bordering the ocean shall be sold or otherwise disposed of...

ATTACHMENT 1

Kamehameha Highway Pedestrian Safety,
Vicinity of Laniakea Beach

Final Environmental Assessment

- Re-purposing the highway by converting the mauka lane of the existing Kamehameha Highway to a 16-foot wide shared use path for bicycles and pedestrians. The makai lane will be partially removed and naturalized.

This Alternative is based on the previously developed “Minor” Alternative without a large coastal revetment and the “Quinlan” Alternative without parking and tight curves (Section 2.5.3). Because the road is shifted, there will be no open area for parking on the mauka side and the temptation to park and cross the road to access the beach will be removed. However, the makai side of the realigned Highway may accommodate parking with an estimated capacity of 90 cars in the 60-foot-wide by 400-foot-long space if the area were eventually paved and striped with parking stalls. With informal or non-designated parking, the number of cars anticipated to use the area would be similar to the No Build Settlement condition.

HDOT intends to retain ownership of both the existing Kamehameha Highway right-of-way, as well as the realigned area. A maintenance plan will be developed for the naturalized areas.

Public access to City DPR’s parking area will be available during construction as coordinated around the Contractor’s work areas. Parking limitations will be temporary during the duration of construction of up to 24 months. Laniakea Beach will remain open and accessible throughout the duration of construction.

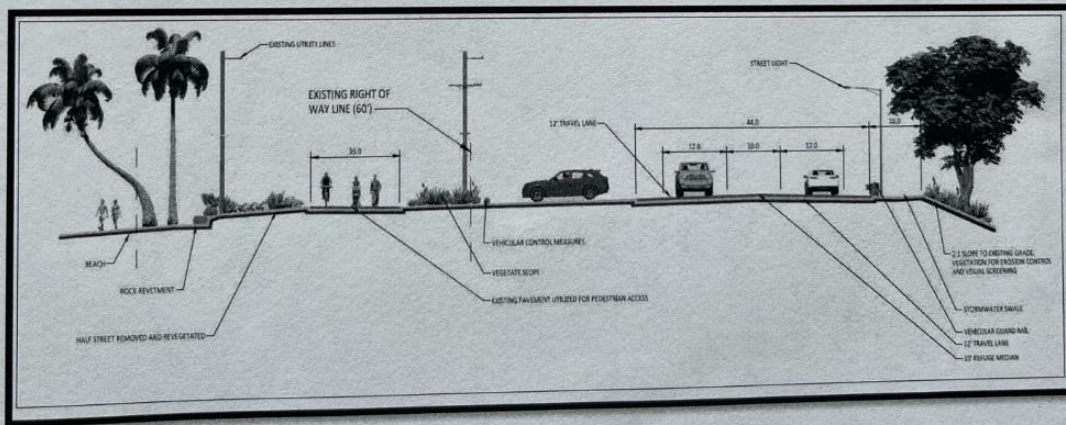
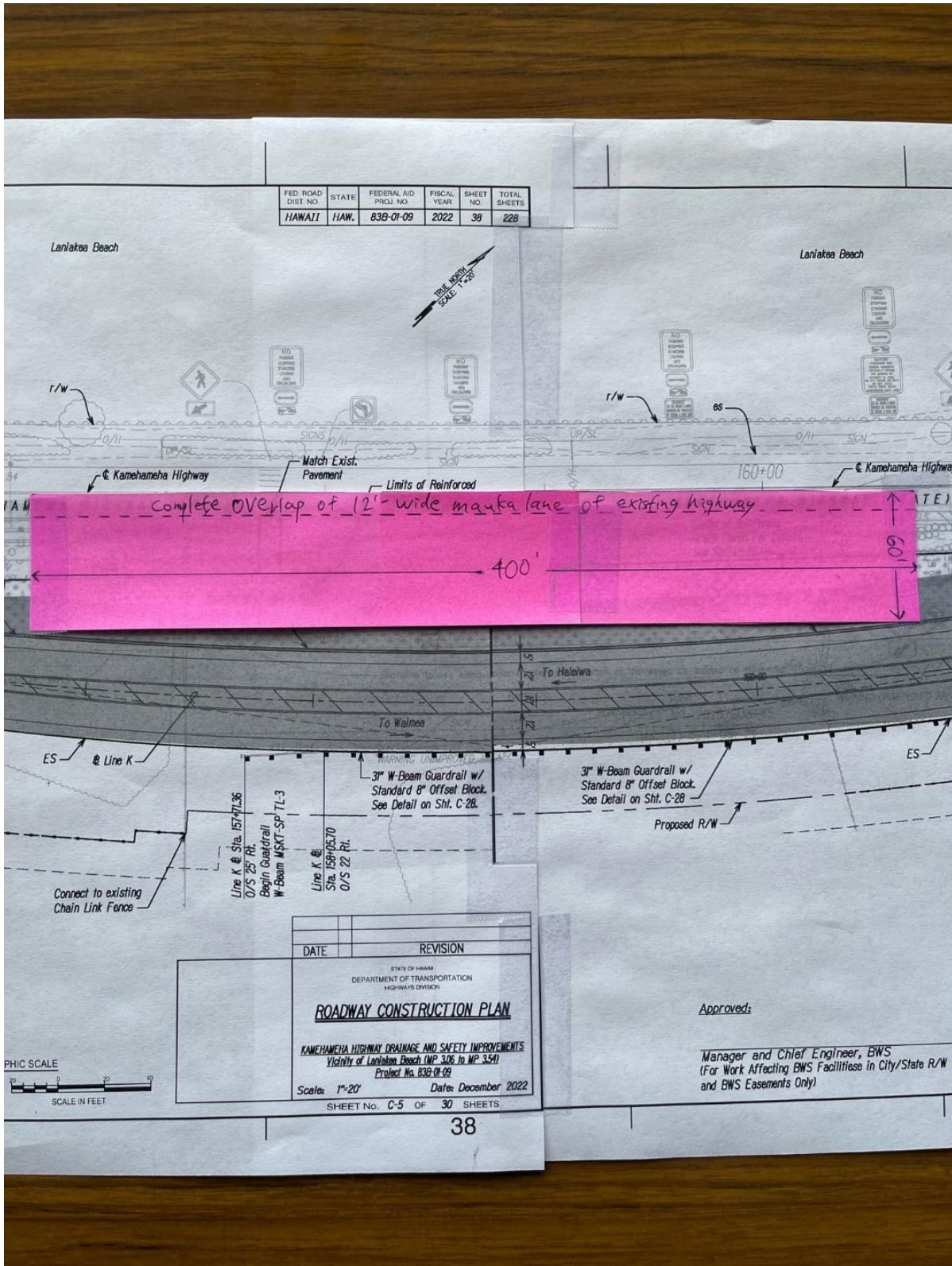


Figure 2-6. Pedestrian Shift Alternative Alignment Typical Section

ATTACHMENT 2



March 22, 2023

Blake McElheny
59-272 Pupukea Road
Haleiwa, HI 96712

RESOLUTION 23-90 – KAMEHAMEHA HIGHWAY LANIAKEA BEACH – HALEIWA (2022/SMA-77 AND 2022/SV-4). Granting a Special Management Area (“SMA”) Use Permit and Shoreline Setback Variance (“SV”) to the State of Hawaii, Department of Transportation, Highways Division (“HDOT”)

Re: Resolution 23-90

SUPPORT WITH CONDITIONS

SUPPORT WITH CONDITIONS

I support the HDOT application on the condition that specific SMA/SSV permit conditions are added by DPP:

1. Laniakea Makai Parking Area

Require HDOT to amend its plan to plan and design for the explicit creation of a **Laniakea Makai Parking Area** (utilizing the existing highway ROW and Department of Parks and Recreation park land), to be owned and managed by other entities in the future upon the agreement by Department of Parks and Recreation. This will ensure the creation and management of an adequately-sized, improved parking area protected from the highway with managed access controls (it is essential to have limited entry and exit points - potentially one way in, one-way out like the current pilot project utilizes) with:

- a)
A minimum of 50 parking spaces;
- b)
At least half of all total spaces designated for residents’ vehicles,
- c)
12 spaces designated for first responders’ vehicles (e.g., HPD, DOCARE, Fire, EMS, Lifeguard),
- d)
6 spaces (4 resident, 2 visitor) designated for ADA users’ vehicles,
- e)
The remainder of spaces for non-residents visitors’ vehicles,
- f)
No tour buses allowed at any time and no tour vans over 8 passengers allowed,

g)

Signage that allows enforcement of stall designations and a future system for parking fees for visitors, and

h)

Managed overlook areas with educational signage to minimize visitor impacts on the beach and marine wildlife.

2. Laniakea Makai Parking Area During Construction

Require HDOT and/or its contractors to maintain a minimum of 50 parking spaces in the proximate location of existing parking during construction, either mauka or makai, with the same proportionate designation and signage for parking for residents, first responders, ADA, and visitors indicated above.

These conditions are essential to ensure the City fulfills its duty to Oahu residents to protect the public interest in the public park lands at Laniakea as well as residents' constitutionally and statutorily protected rights to access the public shoreline.

MY INTEREST IN LANIAKEA BEACH AND ABUTTING CITY PROPERTY

I have been an Oahu resident for 49 years. I have surfed and swum offshore of Laniakea Beach for more than 45 years and I have three children that I also take to Laniakea. Except when HDOT jersey barriers blocked parking mauka of the State highway, I parked mauka of the highway right-of-way (ROW) for access to Laniakea Beach.

The area where I park has been under City jurisdiction since August 1999 and currently is within both the special management area and the shoreline setback area.

I have watched with interest over the years as the City condemned the 3 acre property for public park usage. I also observed as documents such as the North Shore Sustainable Communities Plan pointed to the drastic need for safe public parking for residents for the wildly popular beach areas at Laniakea and Chuns. I also saw that the community worked with DPR in the creation of planning and environmental documents for the planned "Laniakea Beach Support Park." These planning documents accounted for the eventual shifting of the highway mauka contemplated by HDOT in this application.

In addition, I have been deeply involved in the efforts to protect public access to the shoreline and public park areas at Laniakea since at least 2012. As a North Shore Neighborhood Board member I have participated in many community discussions on the future of this area as well as the best ways to address the needs of residents to safely and logically access both the public park land and the shoreline.

DETAILED PERMIT CONDITIONS ARE NECESSARY

I support the HDOT's plan to realign the State highway further mauka.

However, because the highway realignment will eliminate existing public parking on City parks property, very detailed special management area/shoreline setback variance (SMA/SSV) permit conditions are necessary to ensure the public's constitutional and statutory rights to adequate public parking for access to Laniakea Beach.

HDOT's Final EA for highway realignment proposes to eliminate public parking on City property for access to Laniakea Beach. Unless there are properly worded SMA/SSV permit conditions, HDOT may prematurely close existing public parking, may not provide any alternative place for the public to park while the highway is realigned, and ultimately may not allow public parking makai of the realigned highway.

HDOT's Final EA for highway realignment states that HDOT will not provide any parking-related improvements makai of the realigned highway. The Final EA does not propose a road for safe vehicle access to parking makai of the realigned highway. The Final EA does not propose any barriers/structures/signage to direct and manage vehicle access between about 700 feet of the realigned highway and to the unimproved strip makai of the realigned highway. This would allow left and right turns from, left and right turns onto, and vehicles backing onto the realigned highway.

As proposed, HDOT's unmanaged highway access will likely result in muddy highway pavement, highway safety problems, and traffic congestion.

This is exactly what used to happen at Laniakea before the existing court-ordered improvements to manage vehicle access between the existing highway and City DPR property mauka of the existing highway.

In order to protect the public interest, SMA/SSV permit conditions must require that the HDOT coordinate with the City to designate and provide vehicle access to a HDOT/DPP-approved public parking area makai of the realigned highway.

PRIOR ACTIONS AND PROCEEDINGS RELEVANT TO THIS TESTIMONY

In March 2020 State Judge Gary Chang convinced the HDOT and the City in the consolidated lawsuits to begin negotiations with plaintiffs and with each other. In December 2020, after obtaining required DPP permits, the City Department of Design and Construction (DDC) enlarged the Laniakea unpaved area (owned and controlled by the DPR) available for parking and maneuvering on City property by replacing the old cattle fence with a new fence further mauka.

The DDC also fenced the other 3 sides of City property. In November 2021, following protracted negotiations, after obtaining required BLNR and DPP permits, HDOT and the City implemented a temporary pilot project to improve public safety in the vicinity of Laniakea Beach. The pilot project was modified and improved in March 2022.

The currently in use pilot project consists of jersey barriers, traffic attenuators, signage, other traffic control devices, marked crosswalks, and roughly 50 unmarked parking places. The DDC placed crushed coral on the parking area and the City has since provided additional crushed coral and further improved the parking area. All parking is mauka of the highway right-of-way and the majority of parking places are within the shoreline setback area. Vehicular entry and exit from the parking area was designed for only right-turning traffic in relatively small passenger vehicles.

While Kamehameha Highway still periodically experiences the highway congestion that it has been experiencing since the 1960s, the current pilot project at Laniakea is immeasurably better for beach goers and park users at Laniakea. The key has been the jersey barriers, traffic attenuators, signage, other traffic control devices, marked crosswalks, and roughly 50 unmarked parking places that provide order to the many residents and visitors that seek to go to the beach. People who drive through the area are also assisted and guided by the more orderly arrangement.

CONCLUSION

In conclusion, in order to perpetuate the successes of the current pilot project and to avoid additional problems during and after the realignment of the highway, the **City must approve the HDOT application on the condition that specific SMA/SSV permit conditions are added by DPP:**

1.
Requiring that HDOT (and/or DPR) designate and provide managed vehicle access to an approved public parking area makai of the realigned highway.
2.
Requiring that HDOT (and/or DPR) place signage and other improvements which authorize and safely manage public parking makai of the realigned highway.

Thank you for your attention to these matters.

Take care,

Blake McElheny
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blakemcelheny@yahoo.com







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Phone: (808) 375-3588

May 23, 2023

To The Honolulu City Council Zoning Committee:

**In the Matter of THE STATE DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION (HDOT) APPLICATION FOR A
SPECIAL MANAGEMENT AREA USE PERMIT
AND SHORELINE SETBACK VARIANCE AT LANIAKEA BEACH, O‘AHU**

Tax Map Key Numbers: (1) 6-1-005: 023, 024; 6-1-009: 004, 021, 022; 6-1-010: 019, 020

DPP FILE NO. 22/SMA-77 & DPP FILE NO. 2022/SV-4 (LP)

**TESTIMONY REGARDING HDOT APPLICATION FOR
SPECIAL MANAGEMENT AREA USE PERMIT
AND SHORELINE SETBACK VARIANCE**

I provide this testimony on the Applications for a Special Management Area Use Permit and Shoreline Setback Variance referred to above (collectively “the Permit”) which have been submitted by HDOT to the City Department of Planning and Permitting (“DPP”). I have regularly and actively surfed and used the ocean and coastal resources in the Laniakea area for over 55 years.

SUMMARY

My concern is that this project be reviewed, planned and constructed consistent with public safety and Hawai‘i’s Coastal Zone Management Act, Hawai‘i Revised Statutes (“H.R.S.”) Chapter 205A (the “CZMA”), especially as they relate to access to coastal recreational resources.

This appears to be a multi-year project with an unpredictable timeline. It also appears that the preferred “Pedestrian Shift” alternative calls for the complete closure and elimination of parking across from Laniakea on the City's Laniakea Beach Support Park parcels: 6-1-010-019, 6-1-009-021 and 6-1-005-024 (collectively the “Park parcel”) for an indefinite period of time - at least two years - during construction. I believe this would be contrary to both the letter and spirit of H.R.S. Chapter 205A and would create unsafe pedestrian and vehicle conditions during construction.

At the April 30, 2023 informational briefing and public hearing on the North Shore, HDOT gave vague assurances that some kind of parking would be provided but that it would be “up to the [private] contractor” to determine whether there would be any parking during the years-long construction project.

Clearly, compliance with HRS Chapter 205A cannot be abdicated or delegated to the whim of a private party. That statute requires "all agencies," including HDOT, DPP and the City Council, to provide, protect and enhance public coastal recreational opportunities **and** access to them.

While both HDOT and DPP have assumed and stated that requiring parking is not within the purview or scope of an SMA Permit, I believe that is absolutely wrong and an overly narrow reading of Chapter 205A which governs the issuance of such permits.

This project will obliterate an existing public park and approximately 60 parking spaces thereon. I therefore believe that the project **must** include mitigation measures to address these impacts, ***including during construction***, and that any permit be conditioned on such mitigation, including clearly and in a detailed manner requiring the provision of adequate, ***managed*** replacement parking and coastal access opportunities during and upon completion of construction. Informal, uncontrolled parking like Chun’s Reef will be a traffic nightmare.

DISCUSSION

Background

Laniakea Beach lies adjacent to Kamehameha Highway. Across the highway from the beach lies the 3-acre Park parcel owned and managed by the City and County of Honolulu's Department of Parks and Recreation. Laniakea is one of only seven North Shore beaches that have full-time City lifeguards monitoring the offshore waters.

Laniakea is a unique surfing break offering waves which are not available elsewhere on the North Shore. When there is a very large swell from the northerly direction, most other surfing breaks are "closed-out" and unrideable while Laniakea remains surfable with very long, perfect, world-class "right-hand" breaking waves.

According to a recent State of Hawai'i Data Book, Laniakea is visited by more than 400,000 people annually. On a day when the surf is good, there can be more than 100 enthusiasts enjoying the waves in the area, not to mention fisherpeople and other beachgoers.

The clear, level and open gravel and sand parking area on the Park parcel has been used in excess of 50 years by a variety of surfers, boogie-boarders, kayak paddlers, stand-up paddle (SUP) boarders, swimmers, snorkelers, fishermen, beach-goers, picnickers and tourists. Historically, that much-needed parking and recreational equipment unloading area has been integral to their coastal access. Furthermore, this parking area is now a significant historical and cultural site because of its long use as a gathering place and staging site for traditional cultural activities along the coast.

The Legal Imperatives

Through the State Constitution (Article XI) and the Hawai'i Revised Statutes (in particular Chapter 205A), the State of Hawai'i places special controls along the coastline to prevent the loss of valuable public assets and resources and to ensure that adequate access to public beaches, recreation areas and natural reserves is provided. It is official State policy that its agencies preserve, protect, and where possible, restore the natural resources of the coast and the public's ability to use them. State law prohibits any interference with shoreline access in violation of the objectives, policies, and guidelines set forth in the CZMA, and imposes strict protocols and permitting procedures.

The CZMA specifically protects surfing sites and other coastal recreational activities through a series of mandates that are ***"binding upon actions within the coastal zone management area by all agencies."*** Those mandates require agencies, including HDOT, DPP and the City Council, to:

1. Consider the importance of public coastal access and the availability of unique recreational and cultural activities in those areas;
2. Provide coastal recreational opportunities accessible to the public;
3. Protect beaches for public use and recreation.
4. Protect and preserve those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawai'ian history and culture;
5. Protect coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
6. Require replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged;
7. Provide and manage adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
8. Provide an adequate supply of shoreline parks and other facilities suitable for public recreation.

In addition, through the O'ahu General Plan and the North Shore Sustainable Communities Plan promulgated under State law, access to the shoreline and improved parks, parking areas, and supporting facilities must be increased whenever possible - not reduced.

Beach Parking Issues Along the Entire North Shore

Data suggests that half of all of the (pre-COVID) 5 million annual visitors to O'ahu make their way to the North Shore and travel along 2-lane Kamehameha Highway to see and enjoy the beaches. These numbers help illustrate why there is a sense that it is "crowded" and why it is becoming more difficult for over 1 million local residents and families to go to beaches that they cannot walk to from their homes.

Along the roughly five-mile stretch between Waimea Bay Beach Park to Hale'iwa Ali'i Beach Park there are approximately 225 City and County of Honolulu paved and marked (painted) parking stalls, as follows: Waimea Bay Beach Park (75 paved, marked parking stalls); Hale'iwa Beach Park (75 marked stalls); and Ali'i Beach Park (75 marked stalls).

In order to safely use the public beaches along this corridor, beachgoers must do their best to access those mere 225 stalls while also competing for parking with commercial tour buses, tour vans, surf school vehicles and the like. If beachgoers miss out on an official parking stall, they are left to fend for themselves along the muddy, unsafe shoulder of Kamehameha Highway (usually within HDOT's 60-foot wide right-of-way) or in the neglected, unpaved and unmarked lots at City Parks-owned properties at Laniakea, Chun's Reef, Leftovers and nearby Lower-Uppers.

This type of opportunistic "free-for-all" parking increasingly occurs from the Hale'iwa side of Laniakea all the way to Velzyland on the Northeast of Sunset Beach, which is the upper limit of popular North Shore "Seven Mile Miracle" surfing sites. Because of the North Shore's popularity and the limited available parking, North Shore and O'ahu residents are losing effective access to many North Shore beaches.

Those limited parking areas which do exist lie closer to the highway than the current Laniakea parking area and are generally less safe and convenient to access, are further away from the shoreline access points and have a much more limited number of parking spaces. Limitations on the availability of parking and areas for the unloading of ocean gear (canoes, surfboards, stand-up surfboards, kayaks, paddleboards, beach wheelchairs, etc.) are significant constraints on recreational ocean access on O'ahu, particularly on the North Shore. So the traffic and pedestrian safety issues that exist at Laniakea are really just a small part of a systemic problem, not a localized one.

Pedestrian Safety Issues During Construction

While the project's stated goal is to enhance pedestrian safety, I am extremely concerned that even more dangerous pedestrian conditions will be created if, even temporarily during the (best-case) two years of construction, the existing parking at Laniakea is totally eliminated. With no alternative parking provided, beach-users will be forced to park along the highway shoulder (either legally or illegally) to reach this special coastal area.

When parking was eliminated by the barricades which were in place between December 2013 and August 2015, pedestrians were forced to navigate along the narrow highway shoulder for long distances pushing strollers, rolling wheelchairs, and carrying surfboards, kayaks, and SUP and windsurfing boards and equipment. In addition, people who parked along the mauka shoulder continued to haphazardly cross the highway to reach the beach. With shoulder parking stretching out several hundred yards on either side of the beach, the crossing danger was also more spread out and unpredictable to motorists. On October 27, 2014, with the barriers in place, a serious auto/pedestrian accident occurred on the makai side of the roadway in the vicinity of the Park wherein a motorist struck three pedestrians who were apparently attempting to access

the Laniakea Beach while walking along Kamehameha Highway. I am attaching some photos to demonstrate this dangerous situation.

Elimination or reduction of the existing beach access parking at Laniakea in the name of "pedestrian safety," even temporarily, will actually just relocate the danger and increase it in adjacent areas. The safest alternative is really one that preserves or increases controlled parking during construction.

CZMA Issues During Construction

The EA provides only this brief and misleading discussion of the impact of the proposed project on parking and coastal access:

Although the informal parking on City property would be blocked during construction, the impact is temporary, and not a full restriction. Beachgoers can still use alternative modes of transportation (bus, bicycle, walk) or park at a different location.

As I said, there is very little readily available parking elsewhere. The next available parking lot to the East is at Chun's Reef and it is very limited, frequently full and perilously close to the highway. The situation just gets worse heading toward Waimea Bay from there.

The next available parking lot back toward Ka'ena Pt. is at Hale'iwa Beach Park which has only 75 marked stalls that are already heavily used and much too far from Laniakea to be considered a feasible replacement. There is very limited roadside parking elsewhere along Kamehameha Highway for miles in either direction and there are few side streets where such parking is permitted. In addition, that parking is already full on most days and will not provide any real relief to the displaced Laniakea parkers. Even if it were available, forcing beach-goers to park there would expose them, and their children, to the very real dangers of walking along the narrow shoulder for significant distances.

Suggesting the use of bus or bicycle transportation to access Laniakea is disingenuous and ignores the fact that traveling with a surfboard, kayak, SUP, paddle board or other large ocean equipment on buses is prohibited. It is also difficult and inadvisable on a bicycle, especially on a narrow substandard highway with no bike lanes, unless you're an accomplished circus entertainer.

In this regard, the HDOT proposal and the analysis of these issues in the EA, and the DPP analysis, totally fail to satisfy the obligations to:

“Provide coastal recreational opportunities accessible to the public,”

“Protect beaches for public use and recreation,”

“Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area,”

“Provid[e] and manag[e] adequate public access . . . to and along shorelines with recreational value.”

See H.R.S. §205A-2

In order to comply with the CZMA objectives, policies, and guidelines, any Permit issued to HDOT must require that it:

1. Preserve and enhance public parking and access to the coast, both during construction and as finally built, and
2. Preserve and enhance the public’s ability (again, both during construction and as finally built) to use and enjoy Laniakea Beach Support Park, the land for which the Hawai‘i First Circuit Court awarded to the City on August 2, 1999, as part of a series of condemnation actions intended to create and improve much needed public parks on the North Shore.

The Need for Interim Mitigation of Safety and Coastal Recreation Access Impacts

HDOT has not discussed or even considered, mitigating its adverse construction impacts on the Park parcel and the recreational resources it provides access to. The summary provided on Table ES at page S-4 of the EA, under “Mitigation/ Minimization/Avoidance Measures” simply states **“None proposed.”** At Section 3.7, beginning on page 3-27, there is no discussion whatsoever addressing the years-long loss of a very heavily used resource that is *essential* for coastal recreational access in the area. This is despite the fact that this issue was specifically raised in several of the scoping comments included in Appendix A-1. Even the business-oriented North Shore Chamber of Commerce was unanimous that **“long period or periods of time with no parking at Laniakea just will not work”** and asked HDOT to find a way to make alternative parking available.

If HDOT and its contractors cannot phase this project in a way that unequivocally preserves adequate public parking on the City Park parcel during construction, they need to find an alternative location for coastal access parking in the immediate vicinity. KSBE has a considerable amount of land mauka of the highway and one or more temporary parking lots

could be set up on that existing, mostly flat and clear acreage. Acquisition of temporary construction (or even permanent) easements for that purpose can be included in the ROW condemnation proceedings that HDOT must undertake for any bypass. The current parking on the Park parcel takes up less than two acres. A convenient parking lot that accommodates 55-60 vehicles or more could easily be located somewhere on KSBE's adjacent parcel, TMK# 6-1-005-023, on a temporary basis for minimal cost considering the overall project budget.

If this project is to proceed, DPP, HDOT and the Council are duty-bound to make every reasonable effort to come up with a solution that does not hinder or diminish the public's ability to safely enjoy recreational opportunities at Laniakea. The Permit for the project will be in violation of Hawai'i law if this is not specifically required and will be subject to legal challenge under H.R.S. Chapter 205A.

The Need for Mitigation after Construction

And, of course, in order to comply with the mandates of the CZMA, the finished project, whatever form it takes, must permanently restore, if not increase and enhance, the existing level of parking. Some of the alternatives vaguely discuss "informal parking" as part of the finished project. Page 2-6 of the EA, discussing the Pedestrian Shift Alternative, states that "the makai side of the realigned Highway could accommodate parking with an estimated capacity of 90 cars in the 60-foot-wide by 400-foot-long space." However, there is no detailed rendering or analysis of whether this is really possible. The low-resolution drawings that are included (Fig. 2-7) seem to show (in red) *less* parking area available than on the diagram attached to Mr. Bill Quinlan's February 17, 2021 comment email (at Appendix A-1) which appears to extend further and shows only 50 spaces. I am concerned that the reference to "informal parking" seems more like token parking which will be inadequate to replace what will be eliminated by the project.

The Permit should require information, detail and measurements to demonstrate that *at least* the existing 55 to 60 parking spaces will be restored makai of the shifted highway. Otherwise, the Permit must require HDOT to permanently, as well as temporarily, condemn or otherwise supply sufficient land for replaced/enhanced parking on adjacent parcels. As noted above, there is ample space readily available on the adjacent parcel, TMK# 6-1-005-023.

CONCLUSION

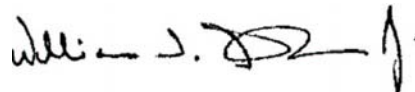
I am hopeful that the City Council will take seriously its obligations under the CZMA, H.R.S. Chapter 205A. In order to comply with the law, to be fair to the community, to minimize traffic impacts and to assure the safe continued access to the Laniakea shoreline, any Permit issued for this project must include appropriate accommodation for maintaining controlled public parking for coastal access throughout construction and at the end of the process. The

Testimony of William W. Saunders, Jr.
May 23, 2023
Page 9

statutory imperative to consider and mitigate the negative impacts on recreational resources is clear. No project can legally go forward unless it does this.

Thank you for your service and for considering this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "William W. Saunders, Jr.", with a stylized flourish at the end.

William W. Saunders, Jr.









SPEED
LIMIT
35

RSC T45
FLORIDA STATE







