



KAHALU`U NEIGHBORHOOD BOARD NO. 29

(Heeia Kea, Ahuimanu, Kahalu`u, Waihee, Kaalaea, Waiahole, Waikane, Hakipuu, Kualoa

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"LET US NOT EVER HAVE AN UNHAPPY MINORITY; RATHER, LET US BUILD A COMMUNITY CONSENSUS."

DRAFT REGULAR MEETING MINUTES **WEDNESDAY, NOVEMBER 14, 2012** **KEY PROJECT**

CALL TO ORDER: Chair David Henkin called the meeting to order at 7:04 p.m., with a **quorum of eight (8) members present**. Note: This 15-member Board requires eight (8) members to establish a quorum and to take official Board action.

Members Present: Gregory Geboski, Lee Gomes (arrived 7:08 p.m.), David Henkin, Ken LeVasseur, Matt Longfellow (departed 9:30 p.m.), Clifford Loo, Yvonne Nelson, Brian Nuss (arrived 7:15 p.m.), Flora Obayashi (arrived 8:27 p.m.), Lola Jean Tangaro, and Alice Taum.

Members Absent: Rocky Kaluhiwa, Amy Luersen, Art Machado, and Lucy Salas.

Vacancies: There are no vacancies.

Guests: Al and Shirley Samuelson; Lorrie Naki; Michael & Ratna Walter; Nestor Felipe; Doug Henderson; Michael Sakata (Council Chair Ernie Martin); J.D. Aweau (Councilmember Ikaika Anderson's office); Jim Niermann (R.M. Towill); Peter and Karen Field; Kevin and Jani Harada; Perri Bishaw; Allan and Chris Gaylord; John Hernandez, Jr.; Raymond Porter; Kawehi Mau; Salley Ching; Miki Yoshikawa; Keau George; Jere Ching-Zutermeister; Laura Alimoot; Justin Aquino; Dakette Tom; Tiffany Patrick (Marine Corps Base Hawaii); Pamela Martin and John Holzach (Honolulu Disc Golf Association); Amorine Carreira; Mark Curtin; Representative Richard Fale; Senator Jill Tokuda; Emalia Zuttermeister; Kaulana McCabe; Isabella Kaneshiro; Rosie McLaughlin; Capt. Rick Karasaki, Jr. (Honolulu Fire Department); Lt. John Vines (Honolulu Police Department); Fred Pascua; Steve Nagata; Thomas Whitney Fale; Forest Frizzell (Mayor's Representative); Barry Usagawa (Board of Water Supply); and Gloria J. P. Gaines (Neighborhood Commission Office).

INFORMATIONAL SESSION:

Honolulu Fire Department (HFD) – Capt Rick Karasaki, Jr., reported the following:

- **October 2012 Statistics** – Included 1 structure, 1 wildland, and 6 rubbish fires; 40 medical emergencies and 15 miscellaneous calls for service (vehicle accident, injured person, service call, odor of smoke). A structure fire at a Hui 'Iwa Street involved five engine companies and two quints (ladder companies). Out of the four people that reside in the home, only one was home at the time. The home suffered \$400,000 in damage, plus \$50,000 in lost contents.
- **Fire Safety Tip** – Consider a fire-resistant, artificial Christmas tree for the holiday. For natural trees, choose one as fresh as possible and keep it hydrated and away from heat sources. Use noncombustible materials for decorations. Choose only Underwriter's Laboratory-approved electrical decorations and follow manufacturer's instructions for installation and usage. Do not overload extension cords.

At 7:08 p.m., Gomes arrived; **nine (9) members present**.

ANNOUNCEMENTS: Chair Henkin announced the following:

- **Recess December 2012** – The Board will recess in December. The next regular Board meeting will be Wednesday, January 9, 2013, 7:00 p.m. at KEY Project, 47-200 Waihe'e Road.
- **Clean and Sober House** – The conditional use permit was approved for Tradition House's Clean and Sober House at 47-211 'Ilu'iu Street on October 15, 2012. Any appeal to Zoning Board of Appeals must be filed within 30 days of approval. For questions, call Steve Tagawa at 768-8024.
- **O`ahu General Plan** – Two community briefings on proposed changes to the O`ahu General Plan as reflected in the Public Review Draft: Tuesday, December 4, 2012, from 6:00 to 8:00 p.m. at McKinley High School Hirata Hall (registration begins at 5:30 p.m.); Thursday, December 6, 2012, from 6:30 to 8:30



p.m. at Mililani Middle School Cafeteria (registration begins at 6:00 p.m.). Visit the website at <http://dev.honoluluodpp.org/Planning/GeneralPlan.aspx>.

- Recognition – Chair Henkin recognized the new District 47 Representative Richard Fale and J. D. Aweau for Councilmember Ikaika Anderson whose council district now includes the 'Ahuimanu area.

RESIDENTS'/COMMUNITY CONCERNS:

Increased Rental Fees at Public Schools – 'Ahuimanu Elementary School informed the Cub Scouts that, as of January 2013, the Cub Scouts will have to pay \$50.00 fee per meeting, instead of \$4.55 currently. The school said it can no longer give the keys to the group. The increased fee is for a custodian to open and close the room. The Cub Scouts cannot afford the higher fee. This fee is also affecting the karate class, which is also looking for another location. Chair Henkin suggested contacting State Representatives Fale and Jessica Wooley and State Senators Clayton Hee and Jill Tokuda for assistance. If this issue is not resolved, Chair Henkin will add to January 2013 agenda.

At 7:15 p.m., Nuss arrived; **ten (10) members present.**

INFORMATIONAL SESSION:

Board of Water Supply (BWS) – A representative or report was not available at this time and was deferred later on the agenda.

Marine Corps Base Hawai'i (MCBH) – Tiffany Patrick reported MCBH will be hosting the Special Olympics in two weeks. The new website address for MCBH is mcbhawaii.marines.mil.

Questions, comments, and concerns followed:

1. Restoration Advisory Boards (RABs) – Information related to the Marines' RABs will be moved to the new website. Contact Ms. Patrick if information is not available on the web.
2. Toys For Tots – Ms. Patrick will find out more information about this year's Toys for Tots program.

Kane`ohe Bay Regional Council (KBRC) – Art Machado was not available to provide a report. Chair Henkin noted that, at its October meeting, the Board adopted a resolution asking Machado to continue serving as the Board's representative on the KBRC. Machado needs to submit an application to the Governor. Chair Henkin further noted that, while the Board requested that the Governor also appoint an alternate KBRC representative, the statute does not provide for an alternate.

TREASURER'S REPORT: Treasurer Brian Nuss reported a previous balance of \$913.92. The Board spent \$90.54 for printing and postage of minutes and agenda; leaving a current balance of \$823.38. The report was filed.

PRESENTATIONS ON COMMUNITY PROJECTS:

Alleged Diversion of Kahalu`u Stream and Tributaries – Nestor Felipe, representing Dr. Craig Twentyman, distributed a report of the complaints filed with City, State, and Federal agencies alleging that the stream running across Dr. Twentyman's property at 47-794 Malumalu Place had been dewatered by Board of Water Supply (BWS) restoration activities and that there is a risk of damaging the aquifer, road and property access, pollution from flooded septic overflows, and permanent re-channeling due to re-diverted stream flow. Dr. Twentyman intends to report his concerns to the Department of the Interior.

Barry Usagawa of BWS provided background information regarding the June 4, 2011 peak flood event that overtopped and breached the Kahalu`u Stream bank, wiping out the Kahalu`u well pump station, which does not currently have any water production and formerly served the higher areas of 'Ahuimanu and Temple Valley, as well as the upper Mokulele area to Maunawili. BWS conducted an investigation of the concerns raised by Dr. Twentyman.

- Alleged Dewatering of Kahalu`u Stream from Restoration Work by BWS – The Kahalu`u Stream bank was restored, without altering the course of the stream flow, which remains in the pre-existing channel. Usagawa explained how seepage water from the base of the former breach is directed around the pump

station, into a wetland taro field, then seepage from the taro field and run off from the pump station is collected via a drain line and returned to the main stream immediately below the taro field. At most, 10% of the stream's base flow goes through this diversion, which returns water to the stream above Dr. Twentyman's property. Aerial maps and photos of the pump station, stream bank breach; taro field, etc. were available and projected on a screen for residents to view. The Commission on Water Resource Management (CWRM) and BWS hydrogeology and engineering staff found no evidence that the stream bank restoration had dewatered Kahalu`u Stream.

- Visible Loss of Water Observed – BWS staff observed that Kahalu`u Stream near the pump station is a "losing stream" (i.e., flow decreases as the stream flows makai). The June 4, 2011 flood removed fine sediments from the stream bed that had kept stream water from flowing under the cobbles and boulders, out of site. Until the sediments are re-deposited, that portion of the stream may appear to be dry except during heavy rains, but, in fact, water is flowing in the stream, under the boulders.
- Septic Tank Overflows not Due to Pump Station Repairs – The investigation noted two drainage structures along the BWS Kahalu`u pump station access road that collect runoff and seepage back toward Kahalu`u Stream and not through the backyards of properties along Malumalu Place. Area photos were available. Overflow water from the BWS property is not causing septic tank overflows or stream contamination.

Upon arrival of HPD, there was no objection to taking the agenda out of order to hear a report from Lt. John Vines.

Honolulu Police Department (HPD) – Lt. John Vines reported the following:

- October 2012 Statistics – Included 1 assault; 3 auto/motorcycle thefts; 11 burglary offenses; 2 graffiti offenses; 6 thefts, and 6 thefts from automobiles.

The agenda resumed order.

Questions, comments, and concerns regarding alleged diversion of Kahalu`u Stream and tributaries followed.

1. De-Watering of Kahalu`u Stream – An 'Ahuimanu Road resident raised concerns about the portion of Kahalu`u Stream which is a dry stream bed from the BWS pump station to downstream of the bridge on 'Ahuimanu Road and the damaging consequences it may have to a number of endemic Hawaiian invertebrates, including damselflies, three species of which are reported for Kahalu`u Stream.
2. Kahalu`u Stream Water Sources – Usagawa stated that tapping into the dike system for drinking water affects the stream flow in Kahalu`u Stream, but that would not account entirely for the recent dry appearance of the stream since the Waihe`e Tunnel was built in 1947. Since the Kahalu`u well was destroyed, all water has been taken from the tunnel. When the well is repaired, there may be some increase in flow in the stream. A decrease in rainfall also reduces the amount of water in the stream. Usagawa will meet with Mr. Felipe and other residents to discuss their concerns.
3. BWS Well – The Kahalu`u well is being repaired, which should be completed in the next year or two. The well will be able to pump one million gallons per day and is high above the level of salt water.

At 8:27 p.m., member Obayashi arrived; **eleven (11) members present.**

Board of Water Supply (BWS) – Barry Usagawa provided the following report:

- BWS Monthly Billing – Usagawa announced BWS will begin issuing bills on a monthly basis, rather than bi-monthly, in January 2013.

Proposed Frisbee Golf Course at Kualoa Regional Park – Pam Martin and John Holzach, members of the Honolulu Disc Golf Association (HDGA), informed residents that the HDGA is gifting to the City Department of Parks and Recreation (DPR) a set of Frisbee golf baskets to establish a permanent Frisbee gold course. DPR recommended Kualoa Regional Park as the best location for the course. Frisbee golf is a non-evasive sport, requiring installation of a sleeve about one foot long to anchor the pole for the basket. HDGA has a permit for an exhibition of the sport on Saturday, December 29, 2012 at Kualoa Regional Park, and the community is invited to attend. Visit the website at pdga.org for more information.

Questions, comments, and concerns followed:

1. Environmental Impacts – Chair Henkin raised concerns whether the installation of the sleeves to anchor the poles would damage iwi, which are often encountered at Kualoa. He also asked whether any environmental review would be conducted to secure the required Special Management Area (SMA) permit. Martin said that a minor SMA permit would be secured, but did not know if any environmental review as required.
2. Other Concerns – Members raised concerns about impacts on other recreational users and cultural resources, as well as potential interference with cars on Kamehameha Highway and within the park. They requested information about the specific area proposed for the Frisbee course, which Martin said had not yet been selected. Members suggested that the poles should not be permanent and that Kapi`olani Park or other parks should also be considered. Martin stated that Kapi`olani Park was considered too high traffic for a permanent course.
3. Maintenance – Residents raised concerns about maintenance of the course and vandalism of the equipment. Martin said that HDGA would replace any vandalized baskets and that DPR would remove the poles when mowing the grass.
4. Course Area – Member Nuss raised the concern that a lot of land is needed for 18 holes and that a nine-hole course should be considered instead of an 18-hole course.

At this time, Chair Henkin relinquished the gavel to Treasurer Brian Nuss. **Henkin moved and LeVasseur seconded that the Kahalu'u Neighborhood Board No. 29 appreciates that the Honolulu Disc Golf Association would like to donate equipment to the Department of Parks and Recreation to establish a public disc golf course at Kualoa Regional Park. Establishing such a course at Kualoa Regional Park raises serious concerns regarding potential cultural impacts, including harm to iwi kupuna, as well as potentially adverse impacts on recreational use by other park users, transportation along Kamehameha Highway and within the park, and public safety. Accordingly, the Kahalu'u Neighborhood Board No. 29 respectfully asks the Department of Parks and Recreation to refrain from taking any action with respect to the proposed disc golf course until a concrete proposal has been presented to the Board.** A vote was taken by roll call. **The motion WAS ADOPTED, 11-0-0 (AYES:** Geboski, Gomes, Henkin, LeVasseur, Longfellow, Loo, Nelson, Nuss, Obayashi, Tangaro, and Taum; **NAYS:** None; **ABSTENTIONS:** None).

Proposed Zone Change (AG-2 to Country) on 7.6 Acres at 47-605 Melekula Road (TMK 1-4-7-46:006) – Jim Niermann informed residents of a proposed zone change from Ag-2 to Country on 7.6 acres at 47-605 Melekula Road. The owner, Ronald DeReis, had previously considered a zoning change to R-10, but that would require a change to the Sustainable Community Plan (SCP), which has been delayed. The current SCP allows Country zoning outside the urban boundary, where the property is located. Currently, the land has a corral for training horses and a home. The flood zone maps will be checked, and there is a proposed buffer to keep development 60 to 100 feet away from the stream. The property owner is proposing six or seven Country lots (minimum two acres each), with the land zoned preservation (P-1) lot attached to the property owner's residential lot to avoid any claim of hardship from inability to develop on the P-1 land. Maps were projected on a screen for residents' viewing. Questions, comments, and concerns followed:

1. Setting Precedent – There was a concern raised about setting precedent for other agricultural land to subdivide to country lots and sell to outsiders. Agriculture land should remain as agriculture. Niermann responded that the parcel is adjacent to, and accessed through, a residential neighborhood and, thus, is infill. He also noted that it is generally not considered desirable to access agricultural land through residential neighborhoods.
2. Population Growth – It was mentioned that the City's plan for population growth is in Central O`ahu, not Kahalu`u. Niermann noted that some growth on the Windward side is anticipated and that the property owner wants to subdivide for family and friends, to profit for retirement, and to live on the property. Without the zone change, the owner could divide the property into three parcels.
3. Grading Permits – A resident raised a concern that the owner had already begun cutting trees and asked if the owner had a grading and grubbing permit. Another resident raised a concern that the owner had already begun to install storm drains for the development. Niermann will check on these alleged activities and will see if the necessary permits have been secured and will report back to the Board.

At 9:30 p.m., member Longfellow departed; **ten (10) members present.**

4. Flooding – A resident raised a concern about whether the proposed development would affect the stream, including possible impacts on downstream properties, such as flooding. Niermann stated that the stream buffer would prevent adverse impacts.
5. Environmental Study – Niermann stated that, since the property is less than 10 acres, an environmental study is not required for the zone change, but the director of the City Department of Planning and Permitting (DPP) could exercise his discretion to require an environmental assessment, if there were reason to do so.
6. Country to Residential Zone – A concern was raised regarding the possibility of the country-zoned lots later being converted to residential lots.
7. Preserving Land – Member Obayashi raised concerns about protecting wahi pana and watersheds and keeping land available for agriculture, including lo`i. Niermann responded that an archeological survey had shown only one kuleana lot partially on the property, that the land was too high above the stream to be used as lo`i, and that half of the land zoned for agriculture was not of high productivity.
8. Wastewater – Concerns were raised about wastewater getting into the stream. Niermann stated that the lots would have individual wastewater systems, either septic or leach field and that there is a moratorium in `Ahuimanu on new hook-ups to the City sewer lines.
9. Chair's Comments – The existing Ag-2 land can be subdivided to three lots without a zone change. Niermann provided assurances that, while the property owner will be meeting with DPP to discuss the zone change application, it will not go forward before Niermann comes back to the Board.

At 10:00 p.m., Neighborhood Assistant Gloria Gaines departed the meeting. The remainder of the agenda was recorded by Chair Henkin.

Geboski moved and Loo seconded that the Kahalu'u Neighborhood Board No. 29 does not support the proposed zone change from Ag-2 to Country at 47-605 Melekula Road (TMK 1-4-7-46:006; Ronald DeReis, owner).

Obayashi moved and Loo seconded to amend the motion to read that the Kahalu'u Neighborhood Board No. 29 does not support the proposed zone change from Ag-2 to Country at 47-605 Melekula Road (TMK 1-4-7-46:006; Ronald DeReis, owner) because: (1) the Board is concerned that it will set a precedent for expanding residential development outside the Ko'olaupoko Sustainable Community Plan's Urban Growth Boundary; (2) it is vital to preserve the health of Kahalu'u Stream and sources of pure water in Kahalu'u (e.g., protecting these resources from storm water pollution and leaking septic systems); and (3) we need to preserve the integrity of the Sustainable Community Plan by keeping agricultural land in agriculture.

Discussion followed: Gomes and Obayashi noted that zone changes should be reserved for exceptional circumstances, not simply when a property owner wants to make more money.

The motion to amend WAS ADOPTED, 8-1-1 (AYES: Geboski, Henkin, LeVasseur, Loo, Nelson, Obayashi, Tangaro, and Taum; NAYS: Nuss; ABSTENTIONS: Gomes).

The motion as amended WAS ADOPTED, 8-1-1 (AYES: Geboski, Henkin, LeVasseur, Loo, Nelson, Obayashi, Tangaro, and Taum; NAYS: Nuss; ABSTENTIONS: Gomes).

REPORTS BY PUBLIC OFFICIALS:

Mayor's Representative – Forest Frizzell reported the following:

- Final Report – Frizzell stated that, with the change in administration, this would be his last Board meeting as the Mayor's representative. The Board thanked Frizzell for his exemplary service.
- Trees At Bus Route 65 Turn-Around – The City Department of Facility Maintenance investigated the trees on mauka side of the loop for the bus turn-around and determined that the trees are on private property. Frizzell will follow up with DPP to request that the property owner trim the trees. The streetlight in the area was repaired.
- Cutting of Milo Trees by He`eia Kea Harbor – Frizzell reported that the State owns the land containing the canoe club and location where milo trees have been harvested, so has the responsibility to stop the

cutting. Member LeVasseur responded that the trees in question are within the right-of-way of the city-owned portion of Kamehameha Highway.

- Bollards for Corner of Hui 'Iwa and Apoalewa – The Department of Transportation Services did not provide any further response regarding the request to install bollards to protect residents' homes from drifting cars. Member Nuss noted that something needs to be done because the wall in front of the corner house has been hit six times and the wall across the street has been hit three times.
- Adopt-A-Siren – Residents can sign up at sirens.honolulu.gov to monitor civil defense sirens to ensure they are working properly. The first person to adopt a siren can name it.
- Adopt-A-Stream – Residents can sign up at streams.honolulu.gov to help keep streams clean.

Questions, comments, and concerns followed:

- Tree Trimming – LeVasseur stressed that it is vital for the City to trim the trees on Kamehameha Hwy. between the Long Bridge and the Hygienic Store. A branch recently fell and nearly hit two cars.

Governor's Representative – Chair Henkin received a written report from Jadine Urasaki, the Governor's representative, regarding the intersection improvement project at the corner of Kamehameha and Kahekili Highways. The Department of Transportation (DOT) is still in the eminent domain process to secure the aerial easement from the Hygienic Store that is needed for Hawaiian Electric Company to relocate its power lines. The eminent domain process involves the land court and takes 9-12 months. Once DOT secures the aerial easement, the utilities will be able to move their lines, and DOT can complete the roadway reconstruction (paving and restriping).

Council Chair Ernie Martin – Mike Sakata distributed a report and highlighted the following:

- Cutting of Milo Trees by He`eia Kea Harbor – Council Chair Martin will coordinate with Member Kaluhiwa to set up a site visit to inspect where the milo trees are being cut and see what can be done.
- Trees At Bus Route 65 Turn-Around – Sakata will follow up with DPP to ensure the property owners are instructed to trim the trees.

Questions, comments, and concerns followed:

- Tree Trimming – Member LeVasseur stressed the need for the City to trim the trees on Kamehameha Hwy. between the Long Bridge and the Hygienic Store

Senator Clayton Hee – A representative or report was not available.

Senator Jill Tokuda – Senator Tokuda reported as follows:

- District Boundaries – Senate District 24 now extends from Enchanted Lake to 'Ahuimanu Road.
- Legislative Session – Senator Tokuda will chair the Senate Education Committee. Her priorities include securing public funding for early learning centers for late-born children and charter school reform. Senator Tokuda is also working with the Clean and Sober Task Force to protect communities and provide opportunities for healthy living.

Questions, comments, and concerns followed:

- Multiple Use Path – Chair Henkin asked Senator Tokuda to introduce legislation to require DOT to construct a bicycle and pedestrian path in the state-owned right-of-way along Kahekili Hwy. The path has strong support among residents and would help promote healthy lifestyles and quality of life.
- Housing for Handicapped – Member Loo stressed the need for more state housing for handicapped. The lack of housing forces handicapped to live in the bushes. Tokuda responded that she is working with the Affordable Housing Alliance and that, while there is a great need for transitional housing on the Windward side, the challenge is finding an appropriate location.
- Regulations Regarding Clean and Sober Houses – Tokuda explained that there is no need to have a medical diagnosis to live in a clean and sober house and that the federal Fair Housing Act precludes buffer zones. Some states have laws prohibiting sex offenders from living close to schools. Senator Tokuda introduced a bill on that topic, but it did not pass.

Representative Richard Fale – Representative Fale reported as follows:

- Legislative Priorities – His priorities for the upcoming session are to ensure the Department of Education spends tax dollars effectively, to promote housing for local people and to protect agriculture.

Questions, comments, and concerns followed:

- Public Lands Development Corporation (PLDC) – Representative Fale said he favors repeal of the PLDC.
- Envison La'ie Development – Representative Fale said he was in support of the Special Management Area permit for the La'ie hotel because it will provide training for Pacific Islander students in tourism. He supports construction of workforce housing in Malaekahana because more housing is needed for local families.

Representative Jessica Wooley – A representative or report was not available.

AGENDA ITEMS FOR FUTURE BOARD MEETINGS: The consensus of the Board was to place the following items on the agenda for future Board meetings: 1) An update from Mr. DeReis regarding his planned zone change and a report of whether he has permits for past/current activities on his property; 2) Increased fees for public use of school facilities; 3) HFD wind sock; 4) Briefing on Kane`ohe Bay Master Plan.

APPROVAL OF OCTOBER 10, 2012 REGULAR MEETING MINUTES: **Gomes moved and Nuss seconded that the Kahalu`u Neighborhood Board No. 29 approve the October 10, 2012 regular meeting minutes as submitted. The motion was ADOPTED, 9-0-1 (AYES: Geboski, Gomes, LeVasseur, Loo, Nelson, Nuss, Obayashi, Tangaro, and Taum; NAYS: None; ABSTENTIONS: Henkin).**

COMMITTEE REPORTS: None.

ADJOURNMENT: The meeting adjourned at 11:12 p.m.

Submitted By: Gloria J. P. Gaines, Neighborhood Assistant
Reviewed By: Adam LeFebvre, Neighborhood Commission Office

Reviewed By: David Henkin, Chair