



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813

KAPIOLANI PARK TRUST

John Henry Felix, Chair
Duke Bainum, Vice-Chair
John DeSoto, Trustee
Mufi Hannemann, Trustee
Steve Holmes, Trustee
Donna Mercado Kim, Trustee
Rene Mansho, Trustee
Andy Mirikitani, Trustee
Jon C. Yoshimura, Trustee

MINUTES

KAPIOLANI PARK TRUST MEETING
WEDNESDAY, JANUARY 12, 2000
IMMEDIATELY FOLLOWING POLICY COMMITTEE MEETING
AT 10:30 A.M.

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

CALL TO ORDER

Chair Felix started the meeting of the Kapiolani Park Trust at 12:40 p.m. with Trustees Bainum and Mansho present. Trustees Hannemann, Holmes, Kim and Yoshimura were not present at this juncture. Trustee Mirikitani was excused from this meeting. Trustee DeSoto was absent from this meeting.

At 12:48 p.m., with Trustees Bainum and Mansho present and the arrival of Trustees Holmes and Yoshimura, Chair Felix called the meeting to order.

STAFF PRESENT

Ronald Boyer, Senior Advisor to Trust Chair Felix
Calvin Azama, Analyst, Office of Council Services
Lloyd Yoshioka, Attorney, Office of Council Services
Natalie Hiu, Deputy, Department of the Corporation Counsel assigned to the Trust

ORDER OF BUSINESS

1. INFORMATIONAL UPDATE ON WORK BEING DONE AT KAPIOLANI PARK IN ACCORDANCE WITH THE KAPIOLANI PARK MASTER PLAN.

Administration/Others Present

Jane Howell, Deputy, Department of the Corporation Counsel

Lorrie Chee, Deputy, Department of Planning and Permitting
Art Challacomb, Coastal Lands Branch, Department of Planning and
Permitting
Gary Yee, Acting Director, Department of Design and Construction
Terry Tusher, AIA, Principal, Stringer Tusher Architects Incorporated AIA
Genevieve Salmonson, Director, State Office of Environmental Quality
Control (OEQC)
Jeyan Thirugnanam, OEQC

The following individuals testified on this matter:

Michelle Matson, Kapiolani Park Advisory Council
Jeanette Chun
Christen Mitchell
Don Bremner, President, Kapiolani Park Preservation Society

The following communications were circulated at the meeting:

- CC-11 from Councilmember John Henry Felix, Chair, Kapiolani Park Trust, attaching for information and review, the "1983 Kapiolani Park Master Plan."
- M-28 from Donald A. Bremner, President, Kapiolani Park Preservation Society, going on record with the Kapiolani Park Trust in expressing its concerns about the lagoon feature in the plans for the new Bandstand.
- M-29 from Michelle Matson, Chairperson, Kapiolani Park Advisory Council, making various recommendations regarding the Kapiolani Park Bandstand project.
- M-30 from Michelle Matson, fax copy of the Kapiolani Park Bandstand Construction Meeting on January 10, 2000.
- M-31 from Michelle Matson, transmitting various documents relating to the Kapiolani Park Bandstand Master Design Plan.

Chair Felix called on the Director of Parks and Recreation to brief the Trustees on the Kapiolani Park Bandstand project. Mr. Balfour deferred to the Acting

Director of the Department of Design and Construction to describe the status of the project.

Mr. Yee reported that the Kapiolani Park Bandstand project is currently in the construction phase of the bandstand. Improvements include the area around the bandstand, the viewing area, landscape improvements including grassing and grading, addition of new trees and installation of a new pond. Phase II will include King's Carriageway and other improvements in the surrounding area. He introduced Terry Tusher, architect, to provide an update of the project.

With the aid of photos, sketches and architectural plans, Mr. Tusher reviewed what has been done to date and what remains to be done. He reviewed earlier presentations made to the Kapiolani Park Trust (Trust) which tried to establish the history of the overall master plan for the bandstand development. He showed plans of the bandstand area dating back to 1892 which included the water element which has always been an integral part of the park. He finally reviewed the history of the three previous bandstand structures at the site-- the first located on an island in the center of the water element dating back to the turn of the century, replaced in 1926 by the one in the location of the last bandstand which was built in 1968. At the initial presentation to the Trust, preliminary design showed an open pavilion in a raised area. Several alternative designs were also presented.

At this juncture, Chair Felix called the meeting to order.

Mr. Tusher compared the changes to the project since its first inception. At its inception, an integral part and of most concern was the site location of the bandstand--Site A located a little Waikiki of the existing structure; Site B slightly Diamond Head of the existing structure; and Site C near the tennis court. He described the three alternative designs presented at the time and noted that Scheme B with the water element was chosen. The concept was to design a master plan for the park. It was his understanding that the historical and architectural character of what the area should be were discussed and resolved, in addition to the site location and many of the site landscape elements that should be incorporated as part of the plan.

Mr. Tusher reported that he met with many different groups, such as the Kapiolani Park Preservation Society, Kapiolani Park Advisory Council, Royal Hawaiian Band, and the Mayor's Task Force, solicited their input, answered

their questions and accommodated them to the degree possible. He tried to come up with a consensus design after which he felt ready to move from the design phase to the actual design and construction documents. To date, that is the limit of the scope of work. He mentioned that, as he proceeded, he has found it necessary to discuss how to integrate the different construction elements because of their proximity to each other.

Mr. Tusher described the design of the general plan of the immediate area including the bandstand, water element, part of the pathway connecting the parking lot to Kalakaua Avenue, the mounding for seating, the concrete strips for the benches and the addition of shade trees. He also compared the original design of the bandstand with the current plan.

Regarding the trees at the site, Mr. Tusher reported that he was just notified (last week) that some of the trees are not in the location shown on the plan. He looked at how to modify the pond to accommodate concerns about the tree roots. He has consulted with the Outdoor Circle but not with the Committee on Exceptional Trees because no trees are designated exceptional. He has addressed the Outdoor Circle's concerns and no trees are being taken down except for two diseased and dying trees and one possibly dead tree. Chair Felix suggested that the Committee on Exceptional Trees be consulted.

Mr. Tusher informed the Trustees that it has been determined that the reflective pond conforms with the Plan and there are no impacts. Ms. Chee confirmed that the Department of Planning and Permitting (DPP) found no impacts. She reaffirmed that the bandstand and landscaping are part of a master plan that was approved by the 1983 SMP and covered by the EA at that time.

Trustee Kim raised the question of whether the 1983 Shoreline Management Permit (SMP) should be looked at again, given the fact that the Council has since amended the law by placing a three-year limit on SMPs. Looking to consistency, she also asked whether DPP would come to the same conclusion of no impact if a private entity were involved. Ms. Chee responded that revisiting the SMP was part of DPP's analysis, and that changes are reviewed to see whether they are major and approval is not automatically given.

Chair Felix asked that the Department of the Corporation Counsel opine on record as to whether the SMP and Environmental Assessment (EA) should be revisited, given that the 1983 Master Plan called for no water feature.

Ms. Howell indicated that DPP should be called on for interpretation regarding the SMP and EA. It was her understanding, however, that the pond is decorative and generally considered landscaping. Further, SMPs are frequently conceptual and it is her understanding that DPP will be getting more specific details. She concluded that, from a legal standpoint, she is not concerned about the situation.

RECESS/RECONVENE

At 1:02 p.m., the Chair called a recess in order to allow the Transportation Committee to convene its scheduled meeting. The Chair announced that the Trust will be reconvening immediately following the scheduled meeting of the Community and Customer Services Committee.

The meeting was reconvened at 4:10 p.m. with Trustees Hannemann, Kim and Mansho present. Trustees Bainum and Holmes arrived at 4:24 p.m.

Ms. Howell reported that it is her understanding that as far as the pond is concerned, DPP is satisfied that it fits within the 1983 SMP. The question of whether the pond fits in with the landscaping is that landscape architects normally include water features such as the pond and it is considered decorative. From a historical standpoint, water features have been part of the bandstand area from the beginning and no seepage is expected to occur into the land or ocean. She supports DPP and feels comfortable in defending this position. The Department of Health and the Historical Preservation Society also take the same position. Ms. Howell acknowledged that time is a sensitive issue and to pursue the matter through the courts, the complainant would have the burden of proof.

Mr. Challacomb added that after issuance of the SMA permit, DPP enforces the conditions of the permit. SMPs are largely conceptual and Council has, in the past, approved by resolution large areas such as the Sand Island Industrial Park project under one SMP. At the time the construction permit is issued, the objectives of the SMP are reviewed.

Chair Felix referred to a letter from the State Office of Environmental Quality Control (OEQC) dated August 24, 1999 which recommended consideration of preparation of another EA for the project and specified the reasons for the recommendation. Mr. Yee suggested that OEQC might not have had complete

information at the time the letter was sent. He indicated, however, that DDC did confer on this matter.

APPROVAL OF MINUTES

At this juncture, the Minutes of the July 27, 1999 meeting of the Kapiolani Park Trust were approved as circulated.

AYES: FELIX (Chair), BAINUM, HANNEMANN, HOLMES, KIM,
MANSO - 6.
NOES: None.
EXCUSED: MIRIKITANI - 1.
ABSENT: DESOTO, YOSHIMURA - 2.

Mr. Thirugnanam reported that, since City funds must come through OEQC, they were informed of the new plans, however, they were told that the bandstand was going to be renovated, not demolished, its orientation would be different, and the pool was not mentioned. OEQC recommended that there should be disclosure of these changes and that the public should be provided the opportunity for input. OEQC has been frustrated with the lack of response from the City with the only contact between the City and OEQC being a telephone contact with a City engineer who informed OEQC that DPP has determined that no new assessment is required. Although written clarification was requested, none was received. OEQC found out about the changes through the newspapers at which time they reviewed their files and found that the assessment was done in 1983. Since the EIS rules have changed twice since then, Kapiolani Park has since been designated a historic site (1992) and because of the time lapse and lack of details, OEQC wrote to the City recommending that another assessment be done. He concluded, however, that the final responsibility to do another assessment rests with DDC and OEQC has no administrative authority to force the City do another assessment. The Office of Historic Preservation has the authority but it also did not receive all of the information. Finally, the decision goes beyond the SMA issue and encompasses the objective of the historic site and traffic and water pollution concerns. Mr. Thirugnanam noted that it was conveyed to DDC that OEQC is a review and public disclosure agency and they need to work in partnership to achieve that objective. Mr. Thirugnanam stated that OEQC still stands by its August 24, 1999 letter.

Although Mr. Yee gave assurance that DDC will respond in writing to OEQC, Chair Felix suggested that DDC meet with OEQC. Mr. Yee responded that OEQC did come to DDC to discuss City projects that need environmental assessments and they will continue to communicate with OEQC and work towards a new process.

Chair Felix concluded that he would like to see the project move along in a timely manner but he would also like to meet the needs of interested and affected groups.

Trustee Hannemann suggested that a site visit be scheduled.

Trustee Holmes noted that another option is that anyone who has standing may go to the courts. He also noted that the trustees have reviewed the project in the past to which Trustee Kim responded that no current member of the Council approved the SMP. Chair Felix noted that the Trust reviewed the EA in 1994 but not the SMA.

Mr. Yee was asked to respond to concerns about water seepage, space, maintenance, restroom location and design. According to Mr. Yee, other than seepage during heavy rains which would happen anywhere else, seepage should not occur because the pond is designed to be enclosed with a concrete bottom. He added that the pond was an integral part of the original design and restoring it will balance enhancement of the area and pragmatic considerations, noting that it is a judgment call. He further added that some of the better parks around the world have ponds, lakes or lagoons where people can picnic. He acknowledged that the maintenance concerns are legitimate and that they will be addressed by the Parks Department which has that responsibility.

Chair Felix asked Mr. Yee to provide the cost breakdown of the entire project, specifically the water feature and the cost to maintain the pond, and a list of organizations that will be impacted.

According to Mr. Balfour, the pond will require at least one person all day to maintain, although he could not say at this time how often the pond would need to be drained because the impact of the pine needles is unknown at this time. He agreed that "it will be a job." He was not willing to offer an opinion as to whether he likes or dislikes the pond but given the fact that "it will happen" the job will have to be done.

Mr. Yee stated that the bandstand is still on track for completion on May 1. They worked with the groups that have activities there and who will be impacted. Mr. Balfour said that the Parks Department is responsible for scheduling events and both departments have done a good job in this regard.

The following requests were made:

- (1) The Acting Director of the Department of Design and Construction requested to provide a breakdown of the costs of the Kapiolani Park Bandstand project including the cost for landscaping and the water feature. (CC-21)
- (2) The Acting Director of the Department of Planning and Permitting (DPP) requested to review and respond whether, after the Circuit Court decision in August 1999 on the Natatorium restoration project, the SMP for the project continues to be appropriate and valid. (CC-22)
- (3) The Director of Parks and Recreation requested to provide the following information: a) a list of organizations which at least annually obtain permits to use the Bandstand area for events; b) the projected annual cost to maintain the proposed water feature; and c) a summary of the Director's concerns about the maintenance of the water feature. (CC-23)

SITE VISIT

The Trustees agreed to schedule a site visit to Kapiolani Park on Friday, January 14, 2000 at 9:00 a.m. (subsequently changed to 10:00 a.m.).

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,



GENEVIEVE G. WONG
City Clerk

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DATE APPROVED:
May 3, 2000
