



CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813

KAPIOLANI PARK TRUST

Rod Tam, Chair  
Donovan M. Dela Cruz, Vice-Chair  
Romy M. Cachola, Trustee  
Charles Djou, Trustee  
Mike Gabbard, Trustee  
Nestor Garcia, Trustee  
Ann H. Kobayashi, Trustee  
Barbara Marshall, Trustee  
Gary Okino, Trustee

## MINUTES

KAPIOLANI PARK TRUST  
FRIDAY, SEPTEMBER 5, 2003

COUNCIL COMMITTEE MEETING ROOM  
2<sup>ND</sup> FLOOR, HONOLULU HALE  
HONOLULU, HAWAII 96813

### CALL TO ORDER

The meeting of the Kapiolani Park Trust was called to order by Trust Chair Tam at 8:37 a.m. with Trustees Djou, Kobayashi, and Okino present. Trustees Dela Cruz, Cachola, Gabbard, Garcia and Marshall were not present at this juncture.

### STAFF PRESENT

Claude Uehara, Senior Advisor to Trust Chair Tam  
Calvin Azama, Analyst, Office of Council Services  
Stan Kuniyuki, Attorney, Office of Council Services  
Lori K. Sunakoda, Deputy, Department of the Corporation Counsel,  
assigned to the Kapiolani Trust Committee  
Dawn Spurlin, Deputy, Department of Corporation Counsel,  
assigned to the Parks & Economic Development Committee  
Joanne Tachibana, Committee Clerk, City Clerk's Office

### ORDER OF BUSINESS

#### FOR DISCUSSION

1. IMPACT OF THE PROPOSED BUS RAPID TRANSIT STATION AT KAPIOLANI PARK

#### Administration/Others Present

Kenneth "Toru" Hamayasu, Chief Planner  
Clyde Shimizu  
Department of Transportation Services

Lori Sunakoda, Deputy Corporation Counsel  
Dawn Spurlin, Deputy Corporation Counsel  
Department of the Corporation Counsel

The following individuals provided testimony expressing concerns relating to the proposed BRT station:

Michelle Matson, Kapiolani Park Advisory Council  
Lambert Wai, Kapiolani Park Advisory Council

The following communications were circulated at the meeting and filed:

- CC-218 from Trust Chair Rod Tam, requesting that State Deputy Attorney General Hugh R. Jones appear at the September 5, 2003 meeting of the Kapiolani Park Trust to answer questions relating to the responsibilities held by the trustees.
- D-868 from Cheryl Soon, Director of Transportation Services, stating that the proposed Honolulu Bus Rapid Transit (BRT) stop would be located entirely within the Kapahulu Avenue right-of-way; and attaching S.P. No. 89-0015 Circuit Court Order and a map depicting the proposed BRT stop.
- M-1017 from Jack Gillmar, Kapiolani Park Preservation Society, supporting a BRT station at Kapiolani Park.
- M-1018 from Allan Voronaeff, opposing the Administration's proposed construction of an extensive BRT facility on Kapahulu Avenue.
- M-1019 from Hugh R. Jones, State Deputy Attorney General, stating that the Department of the Attorney General is not yet prepared to comment on the propriety of the proposed BRT facility and whether the facility is "unobtrusive," as permitted via the Court's 1991 amended findings of fact and conclusions of law.
- M-1020 from the Kapiolani Park Advisory Council, expressing concerns relating to the proposed Kapahulu BRT station, the use of Honolulu Zoo parking spaces by BRT commuters and the use of Trust lands for municipal purposes.

M-1021 from Daisy Murai, opposing the proposed BRT station on Kapahulu Avenue.

The following communications were received after adjournment of the meeting and filed:

CC-219 from Trust Chair Rod Tam, providing the Department of Transportation Services with a summary of the September 5, 2003 Kapiolani Park Trust meeting on the Final Environmental Impact Statement for the BRT project.

D-874 from Hugh R. Jones, State Deputy Attorney General, opining that the proposed BRT stop would not be located on property subject to the restrictions of the Kapiolani Park Trust.

D-554 (2004) from Kenneth "Toru" Hamayasu, Department of Transportation Services, submitting a 1982 map depicting guy-line easements along Kapahulu Avenue.

At 8:45 a.m. Trustees Dela Cruz and Garcia took their seats.

At 8:46 a.m. Trustees Cachola and Gabbard took their seats.

At 8:47 a.m. Trustee Marshall took her seat.

Trust Chair Tam stated that in addition to discussing the potential impact of the proposed Kapahulu BRT station, the trustees would discuss submitting comments on the Final Environmental Impact Statement for the BRT project to the Federal Transit Administration. He noted that the deadline for submittal of comments is September 8, 2004.

The trustees were assured by the Administration that the BRT stop would be located outside the Kapiolani Park boundary. Mr. Hamayasu noted that maps dating back to 1912 confirm the park boundary determined by the Department of Transportation Services. A 1994 court order defining the Park borders exhibited a 1982 area map (Communication D-554 (2004)) showing survey marker lines that are consistent with other maps depicting the boundaries for the park. The map also specified four guy-line easements located immediately adjacent to the right-of-way boundary on the Diamond Head side of Kapahulu, indicating that the easements were granted within the Kapiolani Park property. When the

easements were physically checked, they were located 18 feet from the curb of Kapahulu Avenue toward the Diamond Head direction.

Concerns about the volume of buses and passengers at the transit stop were addressed. Mr. Hamayasu stated that the proposed stop would not be a major bus terminal. During the Initial Operating Segment of the BRT project, approximately 100 passengers per hour would board and disembark at the Kapahulu stop, or approximately ten passengers from each of the ten buses expected to arrive each hour.

The transit stop is designed so that all features are situated within the City right-of-way. The State Historic Preservation District was consulted to determine an inconspicuous location for the stop that would not block view planes. At 90 feet long, the transit stop is currently intended to accommodate one articulated bus that would be accessed by passengers via a 13" raised platform. It was suggested that the Kapiolani Park trolley stop located on Kalakaua Avenue or other transit stops in Waikiki could serve as models for the design of the shelter for the stop. The Administration also noted the possibility of providing a stop without a shelter should the trustees decide that a transit shelter is not an acceptable structure.

Other features include handicapped-accessibility improvements and a concrete bus pad. Possible additions include flagstone flooring and ornamental streetlight fixtures. The bike path adjacent to the sidewalk would be relocated two to three feet from its present location but still within the City right-of-way.

It was noted that an opinion from the State Department of the Attorney General on the permissibility and propriety of the proposed BRT facility would be forthcoming. (Note: Communication D-874 was subsequently received by the committee after adjournment of the meeting and filed.)

The Kapiolani Park Advisory Council testified that the proposed stop is located on land subject to the Trust. The Advisory Council reported that a Department of Public Works land consolidation map (as attached to Communication M-1020) depicts the original Trust boundary, as defined in the original deed of the Trust. Another boundary line denotes only a use boundary that allows the City to utilize Kapahulu Avenue as a street for through-traffic.

However, the Administration believes that there is sufficient evidence verifying that the land under the proposed stop is not part of the Trust and is not subject to

the terms of the Trust. Ms. Spurlin also noted that a land survey of boundaries could be conducted, when time permits.

If the proposed transit stop were subject to the terms of the Trust, Ms. Spurlin believes that it would be permissible, as the stop is unobtrusive, similar to the current bus stop and would be utilized by park users.

Trustee Marshall expressed concern that the trustees could not legally render an opinion to the Federal Transit Administration, as the issue was placed on the agenda solely for discussion and not for action. Upon advisement from the Office of Council Services, Trust Chair Tam recommended that a letter be sent to the Federal Transit Authority outlining the meeting discussion and noting that the trustees are currently unable to take a position on the bus terminal issue without the receipt of additional information.

**2. EXECUTIVE SESSION – CLAIMS AND OTHER MATTERS PROTECTED FROM DISCLOSURE BY LAW**

There being no claims or other matters protected from disclosure by law for consideration, the Trust did not resolve into Executive Session.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:08 a.m.

Respectfully submitted,



DENISE C. DE COSTA  
City Clerk

tm  
DATE APPROVED

SEP 07 2004