



“E Ala Na Moku Kai Liloloa”

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Sharks Cove Development Community Concerns

This commercially zoned property on Kamehameha Highway at Sharks Cove is in the process of being developed.

At the recent Sunset Beach Community Association meeting residents expressed concerns that the development is taking place

without community input or an environmental assessment.

The developer submitted 3 separate permit applications, each of which was for less than \$500,000 and therefore did not require community input or an environmental assessment. All were approved by

the DPP.

The community feels that the owners should have applied for one permit for the development which would have required community input and an environmental assessment.

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**Senator
Gil Riviere**
**Serving Oahu's North and
Windward Shores**

Shark's Cove

Have you seen the lunch wagons and growing commercial activity across the street from Shark's Cove? Have you eaten there lately? Have you noticed an increase in traffic and jaywalkers darting across the street to use the beach park bathrooms? Have you wondered what is going on with this property, the same property that was engulfed in the "No Mall at Sharks' Cove" controversy 11 years ago?

My office has been contacted by area residents who are concerned about traffic impacts on their private street, Pahoe Road, by the non-profit organization who stewards the Marine Life Sanctuary at Shark's Cove, and by supporters of the new lunch wagon businesses. A new controversy, it seems, has arisen.

Hananpohaku LLC purchased the land a couple years ago for \$5.5 million. The original food truck and surf and snorkel rental shop remain in operation, while several other lunch wagons have moved in and various decks and other improvements have been constructed.

Growing numbers of customers have been directed across the street to the public bathroom when needed. The nearest crosswalk is not far away, but it is in the opposite direction, so most patrons cross Kamehameha Highway in between passing cars. Cars park along the highway, on Pahoe Rd. and on site. Traffic is being impacted and other potential impacts must not be ignored.

Over the course of 2015, the property owners submitted plans to construct nearly \$1.5 million dollars of additional improvements, including new sewage treatment facilities, several small buildings and a new parking lot. This property is in the Special Management Area.

Hawaii's Coastal Zone Management law requires all development within the Special Management Area that costs more than \$500,000 or has potential for substantial or cumulatively significant environmental impacts to undergo environmental review and public consultation.

The developers in this case segmented their permit requests into three separate applications on the claim that they are building three different projects on three different parcels. Although there are, in fact, three adjacent lots involved, this is obviously one project that straddles all three lots. Each permit specifies construction costs just below

the \$500,000 threshold, but cumulatively, the costs equal \$1,427,000, well above the trigger amount.

Hawaii courts consistently overturn governmental decisions like this where developments are segmented to avoid environmental and public oversight. I have formally asked the Department of Planning and Permitting to reconsider its decision to ignore the cumulative costs and impact, and to require a Special Management Area Permit – Major for what is indisputably one project by one developer.

To be clear, I take no position on what they plan to build or what businesses they intend to support on the property. I do, however, feel very strongly that community engagement and environmental review are the appropriate process that is required by law for the Shark's Cove area commercial development.

My phone number is 586-7330. My email address is SenRiviere@capitol.hawaii.gov. If you still use a fax, you can transmit to 586-7334. Follow us on Facebook or online at SenatorRiviere.com. Please visit us in Room 217 at the Capitol; or let's talk closer to home, maybe the next time we pass in the street. Mahalo.

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**Save Sharks Cove by Ian Anderson, President
Save Sunset Beach Coalition**

The proliferation of food trucks on land located along Kamehameha Highway mauka of Sharks Cove Marine Life Conservation District is causing serious concerns among neighbors and members of the broader community. Many wonder what the future holds for these key North Shore parcels.

At its regular meeting on January 20, 2016, the Sunset Beach Community Association spent considerable time discussing the current situation and possible future scenarios.

It was learned that for the past year or so, the property owner has applied separately to Department of Planning and Permitting (DPP) for three separate permits related to development on the property. The segmentation and sequence of the owner's applications is unusual and seem to have been designed to avoid scrutiny of the proposed project. Three permits have been granted.

In the latter part of 2015 Senator Gil Revere became aware of the situation and contacted DPP. Here is an excerpt from the Senator's January 11, 2016 letter to DPP: "It is indisputable that the developer is building one unified project across these three parcels. As such, the project segmentation circumvents the spirit and the letter of the Coastal Zone Management and the City and County of Honolulu SMA rules, and clearly violates H.R.S. Chapter 343."

"An SMA Major Permit, an Environmental Assessment, Traffic Impact Analysis Report, and community meetings are all appropriate and are required by any reasonable standard for this Hanapohaku Project."

Ultimately, the Sunset Beach Community Association passed a motion to send a letter to DPP that reads in part: "requesting that the Special Management Area Minor Permits granted on the file numbers listed below be rescinded, and all construction work on the parcels stopped.

The SBCA further requests that the owners be required to make one Special Management Area permit application that covers all three parcels and that is subject to the standard review process that allows community input and requires more detailed review."

Save Sunset Beach Coalition strongly supports the position taken by the Community Association.

Copies of relevant documents may be found at: <http://savesharkscove.org/>

To contact the Director of Department Planning

and Permitting George Atta with your thoughts on this matter email him at gatta@honolulu.gov

Olakino Maika'i

(Good Health)

by Naty Camit Hopewell

Intrauterine Devices: Part I

An intrauterine device (IUD) is one of the methods of contraception known as LARC or long-acting reversible contraception. LARC methods include IUDs and an implant called Nexplanon, which is placed under the skin in the upper arm. These are the most effective form of contraception (more than 99%) because "forgetting to take your birth control pill every day or your shot every 3 months" is not an issue. Of those choosing LARC, 98% choose IUDs rather than an implant. For this reason the focus of this article is IUDs. Despite the effectiveness of IUDs, only 5.2% of women in the U. S. using some form of birth control choose the IUD. Compare this to the usage rates in China (41%), Egypt (36%), Finland (23%), and Uzbekistan (50%).

Why is the IUD usage rate so low in the U. S.? Misconceptions about using IUDs held by both medical providers and the general population appear to discourage more widespread use. The misconceptions include the following: IUD insertions are more difficult and painful in adolescents and women who have never been pregnant; IUDs increase the likelihood of pelvic infections and sexually transmitted diseases; IUDs increase the likelihood of ectopic pregnancies (occurring in the fallopian tubes and leading to rupture); and a prior history of pelvic infections, sexually transmitted diseases and/or ectopic pregnancies are contraindications for the successful use of IUDs. Actual evidence does not support these reasons. The real contraindications for successful use of IUDs are the following: undiagnosed uterine bleeding, abnormal uterus pregnancy, tuberculosis, and/or a compromised immune system.

Patient satisfaction after one year for those using IUDs exceeds 80%. In contrast, satisfaction with other methods of birth control is only 57% after a year.

Part II will discuss the different types of IUDs and how they work.



**Civic Engagement and
Community Building
By
Blake McElheny**

The State Land Use Law Helps Us All

We are experiencing the effects of record numbers of visitors to Hawaii (approximately 8.5 million in 2015), record-breaking hotel occupancy rates and growing numbers of vacation rentals, and a building boom in areas like Kakaako. A quick look around the North Shore shows increasing numbers of tour buses, lunch trucks and other commercial activities popping up over night, and rapid land use changes all around.

Hawaii attempts to manage this enormous and growing economy while simultaneously endeavoring to protect special environmental and cultural resources through the enforcement of the State Land Use Law ("land use law"). Therefore, the bulk of the most resource-intensive economic activity in Hawaii properly occurs on lands designated "urban" by the state land-use law.

Realizing the state land use law has successfully prevented key areas in Hawaii, and particularly the North Shore, from becoming totally paved over by urbanization, we must reflect on the rationale behind this cornerstone of land use management.

Above all, it is useful to understand that at its inception the state land use law purposefully included lands in the state "agricultural" district that are not the most ideal for stereotypical, large-scale, mechanized agricultural activity. This is because the law's core purpose is to prevent costly urbanization of lands far from existing urban districts where additional development would be more efficient.

Land use planners call this a growth-management or urban-containment strategy. In other words, when agriculturally designated lands lawfully restrict urban uses outside of the Honolulu urban core or previously urbanized areas, they perform their function under the land use law even when not intensively farmed with rows of crops.

Hawaii's groundbreaking land use law was implemented in thoughtful response to the State's hasty and poorly planned development explosion following World War II. Widely scattered and haphazard subdivisions had sprung up statewide and prime agricultural lands succumbed to urban uses and rampant real estate speculation. This demanded a comprehensive statewide approach to land use with clearly delineated district boundaries.

The land-use law rightly established residential development as an "urban" activity for urban districts because of the associated requirements to develop intensive and expensive new public services such as water, utilities, waste management, roadways, schools, and police and fire protection. These responsibilities and ongoing expenses are passed on to the taxpayer. More information about the land use law is available at here: <http://goo.gl/s34Z7f>

Therefore, landowners and developers desiring to put "agricultural" classified land to more intensive uses, such

as residential or commercial, must petition the government to make an urban district boundary amendment.

The North Shore Neighborhood Board recently did not support three large projects that highlight the importance of the land use law for agricultural land on the North Shore. These proposed projects are: "Haleiwa Plantation Village" (approximately 7 acres with up to 35 dwellings and a sewage treatment plant behind Kilioe Place - <http://goo.gl/URh1UU>); Andy Anderson's "Backyard Haleiwa" (156 apartments, 30,000 square feet of commercial space, 328 parking stalls for apartments, and a sewage treatment plant on 7 acres between the bypass and Haleiwa Town - <http://goo.gl/28Ob8l>); and the Kennedy Wilson residential subdivision at "Dillingham Ranch" (900 acres for 106 luxury house lots and a sewage treatment plant - <http://goo.gl/2KSkjW>).

While the two Haleiwa projects have acknowledged their efforts require a district boundary amendment of agricultural land to "urban," the Dillingham Ranch project is seemingly seeking to avoid such reclassification and the required proceedings before the Land Use Commission ("LUC").

Hawaii Revised Statutes ("HRS") Chapter 205 specifies the LUC must review all petitions for urban land use classification for any residential or commercial project larger than fifteen acres while the County government handles reclassification on projects smaller than fifteen acres.

HRS Section 205-17 requires that the LUC consider these factors when reclassifying: impact upon cultural, environmental, and historical resources; preservation of natural resources relevant to Hawaii's economy; commitment of state funds; and employment and housing opportunities. The LUC must also consider the following when considering urban reclassification: "city-like" population density, proximity to employment and infrastructure, topography, contiguity with existing urban lands, and conformity with state and county general plans. The LUC must also make explicit findings regarding the impact of a proposed reclassification on the exercise of the traditional and customary rights of Native Hawaiians.

For those who may think we need more room for development on Oahu, it is important to consider there is already a shocking 25,700 acres of undeveloped urban classified land within the Urban District (about a quarter of the 100,000 acres already designated Urban on Oahu). The Web site <http://luc.state.hi.us/maps/2008oahua.pdf> shows just how much of Oahu already is designated "urban."

Please consider submitting a short letter supporting the State Land Use Law to: Rodney Fukonoshi of the Office of State Planning at Rodney.Y.Funakoshi@dbedt.hawaii.gov; George Atta, the City and County of Honolulu Director of the Department of Planning and Permitting at gatta@honolulu.gov; and to Governor Ige at gov@hawaii.gov.

You can also ask them to consider the importance of the State Land Use Law as they conduct their respective reviews of the transformative changes the Haleiwa Plantation Village, Backyard Haleiwa, and Dillingham Ranch projects would make on the North Shore.