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May 22, 2017

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Jeff Overton, AICP LEED AP, (808) 523-5866, pupukea@g70.design

Re: Pūpūkea Rural Community Commercial Center EISPN Comments

Dear Ms. Shaw-Kim, Mr. Yani, and Mr. Overton:

Since 2005, Mālama Pūpūkea-Waimea (MPW) has worked “to replenish and sustain the natural and cultural resources of the Pūpūkea and Waimea ahupua‘a for present and future generations through active community stewardship, education, and partnerships.”

Our organization was created thirteen years ago in response to the serious threats to the community and marine ecosystem in these ahupua‘a that arose from the commercial “mall” development by the Honu Group on the same parcels that are the subject of this EISPN.

We have since dedicated thousands of hours of volunteer and staff time, and substantial resources, in particular to protecting the State Marine Life Conservation District (MLCD) at Pūpūkea and stewarding Pūpūkea Beach Park.

We are deeply concerned about the environmental and community impacts of the proposed Pūpūkea Rural Community Commercial Center, and about the existing illegal development of the property, and therefore provide the following comments on the EISPN:

Consulted Party

MPW requests to be a formally consulted party in the EIS process going forward. Please provide all future documents and correspondence to both Denise Antolini (antolinid@gmail.com) and Maxx Elisabeth Phillips (maxxephillips@gmail.com) and mail hard copies to MPW address indicated.

Section 1.3 Proposed Action and Purpose of the EISPN

The North Shore Sustainable Communities Plan’s definition of Rural Community Commercial Center requires that development of these parcels be “small cluster” and “meet the needs of the surrounding residential communities.”

The Concept Plan presented by Hanapohaku LLC (HP) exceeds the “small cluster” level because the proposed development – through buildings, parking lots, roadways, and food trucks – takes up nearly all empty space on the three parcels. Sprawl is not small. The total proposed gross *floor* area is 30,000 (p. 10). But this number is a substantial under-estimate of the footprint because the EISPN does not provide information about the total footprint of the development from the proposed paved parking lots, paved roadways, drainage systems, and the food trucks (with associated tables, chairs, decks, walkways,

and spillover equipment areas).

The Concept Plan violates the spirit and letter of the NSSCP because it does not cater to “the needs of the surrounding residential communities.” Instead, HP proposes a commercial center that is focused on attracting tourists and non-residential customers.

HP acknowledges that Rural Community Commercial Centers “also attracts residents and visitors outside the immediate community.” (P. 10.) This is a gross under-statement of (a) the focus of the HP owners on the quick-turnover, drive-by tourism market as indicated by their past almost two years of kapahahi commercial activity with hundreds if not thousands of tourists a day (far outweighing resident customers), (b) the major impacts on the Pūpūkea community caused by the kind of development that will attract more tourism, more traffic, and more pollution to this small area, and (c) the conclusion that catering to tourists is not consistent with the NSSCP, which focuses on the needs of “*surrounding residential communities.*”

While HP may claim that they will rent to local businesses with local owners, and cater to local residents, this is an illusory promise. HP is not going to be bound to do any catering to local needs once the development is completed. All of the retail units can, and likely will be, flipped to high-traffic tourism-focused businesses on a dime.

2.1 Project Setting and Description

MPW notes that most of the existing commercial uses on the H property are not legal because HP does not have a Special Management Area (SMA) permit for the myriad of activities on the property that constitute development. The City and County of Honolulu Department of Planning & Permitting (DPP) has imposed fines for multiple violations of building codes and currently has HP under an Notice of Order whereby HP is accumulating fines of over \$500 per day. This important information was omitted from this section and must be acknowledged in the DEIS, accurately and fully.

In describing the proposed action, p. 10, the EISPN says “[b]uildings will be set back from the highway to provide a large park-like green space, walkways, and bicycle parking.” Although that sounds attractive, it is not what is indicated by the Concept Plan, which shows a narrow setback from the Highway and no “large park-like green space,” but rather eight crammed in food trucks, which are not drawn realistically because the canopies, decks, service counters, fake grass, picnic tables, umbrellas, garbage bins, hoses, electrical lines, pipes, outdoor lighting, signage, outside equipment, and other “spillover” from *each* of these trucks as currently operating on the property is not indicated. The other “green area” is overshadowed and surrounded by what looks like six two-story buildings. This is hardly the “community gathering space” suggested by the EISPN.

3.1 Physical and Natural Environment

The EISPN notes the project’s proximity to “the ocean located a distance of 500 feet across Kamehameha Highway.” Oddly, given that MPW has consistently raised numerous concerns about the impact of the current and future development on the Pūpūkea MLCD and Pūpūkea Beach Park for over a year with HP, the EISPN *does not mention the direct runoff connection to the MLCD, the importance of the MLCD itself, or the sensitive nature of the marine environment and beach park.* A similar lack of appropriate focus and analysis of the sensitivity of this special marine protected area was a serious and fatal omission from the EA for the Honu project in 2004.

MPW also has concerns that HP will not conduct an adequate marine impact survey. MPW has already objected in communications with G70 to HP's decision to retain Steve Dollar as its marine consultant. MPW now makes that objection formal. Given his track record of always working for developers, and other questionable work in the past, Dollar does not appear to be impartial, capable, or inclined to conduct an accurate and credible survey of the potential impacts of this project or alternatives on the MLCD.

4.3 Significance Criteria

MPW does not agree with HP's statement (p. 14) that "Due to substantial environmental improvements to these properties, the project is anticipated to result in negligible adverse effects and beneficial impacts to the environment." MPW expects that the project will have major, long-term, and irreversible impacts to the MLCD, the Beach Park, and to litter, traffic, pedestrian hazard, noise, aesthetic, and the view planes. These impacts are not offset by proposed amenities such as a EV charging station for HP's owner or solar panels that offset the owner's electrical bill for substantial new consumptive uses on the property. The environment cannot be traded off in this manner like three-card Monte.

Indeed, most likely because G70 recognizes that there are significant potential impacts, G70 has made the wise decision advise HP to go "direct to the EIS" instead of claiming that the impacts can be mitigated down to the EA/FONSI level. However, the "no net negative impact" language of the EISPN does not match the fact that this is an EISPN and is therefore this section is misleading.

5.1 No Action Alternative

The No Action Alternative is incorrectly framed. This section incorrectly states that there is an "existing SMA Minor permit." (p. 17) No such permit exists for uses other than the pre-existing (pre-HP-purchase) buildings. The development currently on the property that is post-"baseline" (post-purchase by HP) *does not have a SMA permit*. This needs to be stated correctly.

If HP contends that "no action" refers to only those current uses with an SMA permit, then HP must take the property back to the baseline condition. This means removing all of the food trucks and related development on the property. In other words, No Action does not mean "leave all the current food trucks and mess" on the property. Under HEPA, No Action cannot mean an illegal action. Because HP's current development (post-purchase) is illegal due to the lack of an SMA, *No Action means taking the property back to the pre-purchase baseline conditions*.

5.2 Commercial Shopping Center Alternative

HP describes only one alternative, a Commercial Shopping Center, and this alternative is a false one because it is not feasible under the NSSCP, given that (as described on p. 6) the NSSCP limits development on these lots to a "small cluster" and a development that "meet the needs of the surrounding residential communities." This kind of straw-person alternative is not reasonable.

MPW EISPN Comments

May 22, 2017

Page 4 of 4

HP should come up with alternatives that conform to the NSSCP and that involve *less* not *more* development that proposed by the Concept Plan. These alternatives could include conservation of a substantial portion of the property and development that truly focuses on serving the needs of the immediate residential community.

Sincerely,

A handwritten signature in black ink that reads "Denise Antolini". The signature is written in a cursive, flowing style.

Denise Antolini
President

Cc: Maxx E. Phillips