

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

August 22, 2008

Committee
Report No.

08-104

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Facilities Committee, having met on March 12, 2008, and August 6, 2008, makes reference to County Communication No. 08-64, from the Council Chair, relating to the matter of residential issues and concerns regarding the Maui Lani Project District, specifically the traffic situation on Kainani Street.

By correspondence dated March 7, 2008, the Council Chair transmitted the following: (1) correspondence dated January 27, 2008, from Elsie Furtado, expressing opposition to the Maui Lani Shopping Center development for safety reasons; (2) correspondence dated January 17, 2008, from Norman and Lauren Chun, requesting that the entrance/exit for the Maui Lani Shopping Center be moved from Kainani Street to the Maui Lani Parkway; and (3) correspondence dated January 28, 2008, from Lee and Stephanie Ohigashi, requesting an amendment to the Maui Lani Project District Ordinance to prevent the use of Kainani Street as an entrance/exit for the Maui Lani Shopping Center, and attaching various supporting documents.

By correspondence dated March 10, 2008, Nadine Gomes transmitted testimony on behalf of Bernice Takaki, Patience Kahula, and herself, in opposition to using Kainani Street as an entrance/exit for the Maui Lani Shopping Center.

At its meeting of March 12, 2008, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

Your Committee received oral testimony from ten members of the public who spoke in opposition to any plan to use Kainani Street as an entrance/exit for the Maui Lani Shopping Center. Five testifiers submitted written testimony in conjunction with their oral testimony. One testifier submitted a petition containing 138 signatures in opposition to the use of Kainani Street as an entrance/exit for the Maui Lani Shopping Center.

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Your Committee received additional written testimony from four members of the public in opposition to the use of Kainani Street as an entrance/exit for the Maui Lani Shopping Center. Testimony included concerns regarding safety as well as a desire to protect the character of the neighborhood. Testimony also noted that the substandard streets are not designed to carry increased traffic.

A Co-Chair of your Committee stated his intention to inform the Maui Planning Commission of the testimony received.

Your Committee deferred consideration of the matter pending further discussion.

By correspondence dated March 18, 2008, the Director of Public Works informed your Committee that the Department would not be sending a representative to the April 9, 2008 community meeting regarding the Maui Lani Shopping Center. The Director stated that Kainani Street is a State roadway, and only the State has jurisdiction over the use of Kainani Street. He further stated that the property owner is currently preparing an environmental assessment for the Maui Lani Project District, and the use of Kainani Street has not yet been determined.

By correspondence dated May 2, 2008, the Co-Chairs of your Committee informed the Maui Planning Commission of testimony received in opposition to any modification to the Maui Lani Project District, which would allow Kainani Street to be used as an entrance/exit for the Maui Lani Shopping Center. The Co-Chairs stated your Committee's intention to meet again on this matter.

By correspondence dated June 30, 2008, a Co-Chair of your Committee transmitted a draft bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", and a draft resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT".

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The purpose of the draft bill is to amend the Maui Lani Project District Ordinance to prohibit traffic ingress and egress on Kainani Street to and from the development. The purpose of the draft resolution is to refer the draft bill to the Maui Planning Commission pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, for review and comment.

By correspondence dated August 5, 2008, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel review the draft resolution and, if appropriate, transmit a proposed resolution, approved as to form and legality.

By correspondence dated August 5, 2008, the Department of the Corporation Counsel transmitted a proposed resolution, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT".

At its meeting of August 6, 2008, your Committee met with the Director of Public Works and a Deputy Corporation Counsel.

Your Committee received oral and written testimony from Michael T. Munekiyo, Project Manager, Munekiyo & Hiraga, Inc. Mr. Munekiyo provided background information on the Maui Lani Project District on behalf of the owner of the site for the proposed Maui Lani Shopping Center, and suggested that ongoing efforts to resolve the residents' concerns may be preferable to the proposed resolution and draft bill. Mr. Munekiyo described the progressive changes made by the project team in response to traffic studies and residents' concerns. The most recent proposal prevents ingress to the shopping center from Kainani Street, and limits egress to a right turn only. He further stated that the State Department of Transportation is currently reviewing this modified proposal.

The Director stated that the Department is awaiting receipt of the environmental assessment, which will provide detailed traffic studies for the Department's review. He indicated that the Department has seen some preliminary traffic studies, but not the most recent studies.

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Your Committee discussed the alternatives under consideration, and the value in having all of these alternatives presented to the Maui Planning Commission prior to further approvals. Your Committee questioned whether State legislation has passed that gives the County any authority over State roadways, similar to the authority granted to the counties to regulate downhill bike tours on State highways.

The Deputy Corporation Counsel clarified that while the County does not have jurisdiction over Kainani Street, it does have jurisdiction to amend the Maui Lani Project District Ordinance.

Your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Public Works and Facilities Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", be ADOPTED; and
2. That County Communication No. 08-64 be FILED.

Adoption of this report is respectfully requested.

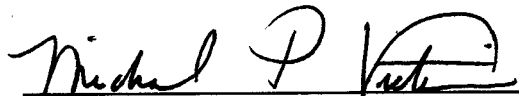
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BILL KAUAKEA MEDEIROS Co-Chair



MICHAEL P. VICTORINO Co-Chair

G. RIKI HOKAMA Member

DANNY A. MATEO Member

JOSEPH PONTANILLA Member

Resolution

No. _____

REFERRING TO THE MAUI PLANNING COMMISSION A
DRAFT BILL AMENDING SECTION 19.78.070, MAUI
COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND
EGRESS ON KAINANI STREET TO AND FROM THE
DEVELOPMENT WITHIN THE MAUI LANI PROJECT
DISTRICT

WHEREAS, the Council of the County of Maui is considering a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT"; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, requires the Council to transmit proposed land use ordinances and amendments to the appropriate planning commission for review and comment; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby transmits a draft bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT", a copy of which is attached hereto as Exhibit "A" and made a part hereof, to the Maui Planning Commission, for appropriate action;
2. That the Maui Planning Commission is respectfully requested to provide its well-considered findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor; the Planning Director; the Corporation Counsel; and the Maui Planning Commission.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN

Deputy Corporation Counsel
County of Maui

ORDINANCE NO. _____

BILL NO. _____ (2008)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.78.070, MAUI COUNTY CODE,
TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM
THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.78.070, Maui County Code, is amended by amending subsection C to read as follows:

“C. Infrastructure.

1. The development shall not burden governmental agencies to provide substantial infrastructure improvements; [and]

2. Individual residential lots shall not have direct access onto major arterials (minimum eighty-foot right-of-way) and shall be minimized on major streets (minimum fifty-six-foot right-of-way); and

3. The development shall not connect to or utilize Kainani Street, Wailuku, Maui, Hawaii as an ingress or egress into any part of the development.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, bracketed material, or underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:kmh:08-146a

EXHIBIT " A "