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LAND USE COMMITTEE
Council of the County of Maui

MINUTES
February 28, 2007
Council Chamber

APPROVED:



Committee Chair

- 1 **CONVENE:** 1:35 p.m.
- 2 **PRESENT:** Councilmember Michael J. Molina, Chair
 3 Councilmember Joseph Pontanilla, Vice-Chair
 4 (Arrive 1:39 p.m.)
 5 Councilmember Michelle Anderson, Member
 6 (Arrive 1:38 p.m.)
 7 Councilmember Gladys C. Baisa, Member
 8 (Leave 3:15 p.m.)
 9 Councilmember Jo Anne Johnson, Member
 10 Councilmember Danny A. Mateo, Member
 11 (Leave 3:15 p.m.)
 12 Councilmember Bill Kauakea Medeiros, Member
 13 Councilmember Michael P. Victorino, Member
- 14 **EXCUSED:** Councilmember G. Riki Hokama, Member
- 15 **STAFF:** Tammy M. Frias, Committee Secretary
 16 Carla M. Nakata, Legislative Analyst
 17 Lei Kihm, Executive Assistant to Councilmember
 18 Bill Kauakea Medeiros
- 19 **ADMIN.:** Jeff Hunt, Director, Department of Planning
 20 (Item No. 4)
 21 Colleen Suyama, Deputy Director, Department of
 22 Planning
 23 Ann Cua, Planner, Department of Planning
 24 (Item Nos. 57 and 59)
 25 Michael Miyamoto, Deputy Director, Department of
 26 Public Works and Environmental Management
 27 Charles Hirata, Captain, Department of Police
 28 Brian T. Moto, Corporation Counsel, Department of
 29 the Corporation Counsel
 30 James A. Giroux, Deputy Corporation Counsel,
 31 Department of the Corporation Counsel
- 32 **OTHERS: Item No. 4:** Mich Hirano, Project Manager,
 33 Munekiyo & Hiraga, Inc.
 34 Rowena Dagdag, Planner,
 35 Munekiyo & Hiraga, Inc.
 36 Joseph Pluta, President, West Maui
 37 Taxpayers Association Inc., and
 38 President, West Maui Improvement
 39 Foundation Inc.
 40 Norm Bezane
 41 Mahealani Strong, Executive Director,
 42 West Maui Taxpayers Association
 43 Representative Andrew McKelvey, State
 44 Capitol
 45 Additional attendees (5)

1 **ITEM NO. 4: WEST MAUI HOSPITAL AND RELATED ANCILLARY**
2 **MEDICAL FACILITIES (LAHAINA) (C.C. No. 07-23)**

3 CHAIR MOLINA: We have our first item that we will
4 address. But before we do that, the Chair would
5 like to -- if there are no objections, the Chair
6 would like to proceed in the following fashion:
7 We shall address the first item and we will have
8 a PowerPoint presentation, and after the
9 presentation is done, then the Chair will take
10 public testimony from that point on.

11 Any objections to proceeding in that
12 manner?

13 COUNCIL MEMBERS: No objections.

14 CHAIR MOLINA: Okay. Thank you very much, Members.

15 The first item is Committee Item LU-4,
16 West Maui Hospital and Related Ancillary Medical
17 Facilities for Lahaina, Maui.

18 The Committee is in receipt of County
19 Communication No. 07-23, from Councilmember
20 Johnson, transmitting a draft resolution to
21 refer to the Maui Planning Commission draft
22 bills to amend the State Land Use District
23 classification from Agriculture to Urban, and to
24 amend the West Maui Community Plan from
25 Agriculture to Public/Quasi-Public, and to

1 change the zoning from Agricultural District to
2 P-1 Public/Quasi-Public District, respectively,
3 for approximately 14.946 acres of land located
4 in Lahaina to help facilitate the development of
5 a proposed hospital and related ancillary
6 medical facilities in West Maui.

7 The Committee also received a
8 correspondence dated February 21st, 2007 from
9 the Corporation Counsel's Office transmitting a
10 proposed resolution and draft bills noted on the
11 Committee agenda, and the intent of the proposed
12 resolution is to refer the draft land use bills
13 to the Maui Planning Commission for review and
14 recommendation.

15 Members, we -- in addition to the
16 resource personnel that I mentioned earlier, we
17 also have -- will have -- I see him in the
18 gallery right now -- Deputy Public Works
19 Director, Mr. Michael Miyamoto, also from the
20 Police Department, Captain Charles Hirata. And
21 the applicant's representative, we have from
22 Munekiyo & Hiraga, Mich Hirano and Rowena Dagdag
23 are also available. Once the presentation is
24 done, they will be at your perusal for
25 questioning, Members.

1 So with that said, are there any
2 questions before we begin the presentation,
3 Members?

4 Okay. Seeing none, we shall recess this
5 meeting to get -- prepare the Chambers and bring
6 down the screen for our presentation for LU-4.

7 Meeting in recess. (Gavel.)

8 **RECESS: 1:37 p.m.**

9 **RECONVENE: 1:38 p.m.**

10 CHAIR MOLINA: (Gavel.) Land Use meeting for

11 February 28, 2007 is now back in session.

12 We have from Munekiyo & Hiraga, Mr. Mich
13 Hirano, to give us a presentation on Committee
14 Item LU-4.

15 Mr. Hirano?

16 MR. HIRANO: Thank you, Chair Molina.

17 Good afternoon, Chair Molina and Land
18 Use Committee Members. I'm Mich Hirano with
19 Munekiyo & Hiraga, and our firm is assisting the
20 West Maui Improvement Foundation with the
21 Environmental Assessment processing for the
22 proposed West Maui Hospital.

23 I would like to thank Councilmember
24 Jo Anne Johnson for her active support for the
25 project over the past years, and to initiate --

1 and to initiate the Council action on the land
2 entitlement process to enable the West Maui
3 Hospital project to proceed.

4 I would also like to take this
5 opportunity to thank Chair Molina for the early
6 opportunity to schedule this important project
7 with the Land Use Committee, and to the Council
8 Members for their support in allowing this
9 project and the related Council-initiated
10 ordinances to be forwarded to the Maui Planning
11 Commission.

12 For the Committee's information, I would
13 also like to recognize Joe Pluta for his
14 tireless efforts to promote the West Maui
15 Hospital, and to Howard Hanzawa of Kaanapali
16 Development Corporation for their early support
17 for the project and their generous contribution
18 of the 14.9 acres for the future West Maui
19 Hospital site.

20 We have prepared a brief PowerPoint
21 presentation of the West Maui Hospital project
22 to provide the Land Use Committee Members with
23 background on the project and the related land
24 entitlements that are required for the project
25 to proceed.

1 If you'll excuse me, I would like to
2 move to the back of the Committee room, so that
3 I have a better view of the slide presentation.
4 And I have a pointer that I would like to
5 highlight and point out some of the features
6 that we'll be showing you today. So if you'll
7 excuse me for a moment while I move to the back
8 of the room, and then we will present our
9 PowerPoint presentation.

10 CHAIR MOLINA: Okay. Thank you, Mr. Hirano. Your --
11 it's quite timely that you're doing this. It
12 gives the Chair an opportunity to recognize
13 Members Anderson and Pontanilla to our
14 proceedings today. And the Chair appreciates
15 your effective use of technology, so I'd like to
16 definitely have you use your pointer and
17 whatever other technology you have available for
18 the Committee's use.

19 MR. HIRANO: It's also one of these times when you
20 wish you had three hands. I have to hold the
21 mike, and my notes, and as well the pointer.

22 But as background to the project, I
23 would just like to note that the Maui Council --
24 Council Resolution in 2002, Item No. 137, there
25 was unanimous approval of the County Council

1 adoption of Resolution 02-137 on October 18th,
2 2002.

3 The Resolution urged state -- stated
4 that -- was urging the State Legislature and the
5 Governor of the State of Hawaii to facilitate
6 the establishment of a West Maui acute care
7 facility.

8 The Resolution also recognized the
9 following: West Maui is one of the largest
10 resident population centers and a premier
11 visitor destination currently without an acute
12 care facility.

13 And due to West Maui's geographic
14 distance from the Maui Memorial Medical Center
15 in Kahului, residents and visitors are at least
16 45 minutes drive away from receiving acute
17 health care.

18 The project site is part of the overall
19 development plans that have been worked with the
20 community of -- of West Maui through a
21 community-based planning process called the
22 Kaanapali 2020 Development Plan. This is the
23 project site. It's a 15 -- 14.9 acre parcel
24 that is part of a larger parcel that is owned by
25 the Kaanapali Development Corporation.

1 This is Honoapiilani Highway at the
2 bottom of the screen. This is the Leialii
3 Parkway, and it's adjacent to the Lahaina Civic
4 Center. This is the proposed alignment for the
5 Lahaina Bypass, which is mauka of the project
6 site.

7 And due to the early development of the
8 project in the context of the Kaanapali 2020
9 Plan, the West Maui Improvement Foundation, due
10 to the urgent need for the hospital facilities,
11 has decided to take its own initiative to go
12 forward with the land use entitlements because
13 the Kaanapali 2020 Plan was not as advanced in
14 their planning and their entitlement process.

15 COUNCILMEMBER ANDERSON: Chair? Chair?

16 CHAIR MOLINA: Yes.

17 COUNCILMEMBER ANDERSON: Could I ask a question while
18 he's on this map?

19 CHAIR MOLINA: Go ahead, Member.

20 MR. HIRANO: Yes?

21 COUNCILMEMBER ANDERSON: Thank you. Where you have
22 the proposed access road --

23 MR. HIRANO: Yes.

24 COUNCILMEMBER ANDERSON: -- from what I see, it looks
25 like it's an entirely new road because access

1 road to the Lahaina Civic Center is on the
2 Lahaina side of the Civic Center; is that
3 correct?

4 MR. HIRANO: That is correct, Councilmember Anderson.

5 And as we go through the site plan, we can show
6 a little more detail about that, and how the
7 proposed access will be provided.

8 COUNCILMEMBER ANDERSON: Thank you.

9 CHAIR MOLINA: Proceed, Mr. Hirano.

10 MR. HIRANO: Thank you, Chair Molina.

11 The Kaanapali 2020 Plan was a
12 community-based planning process that commenced
13 in 1999. The West Maui Hospital was planned
14 within the context of the Master Plan; however,
15 as I earlier -- mentioned earlier, due to the
16 long lead time for the 2020 entitlement approval
17 process, the West Maui Hospital will be
18 proceeding on a separate track.

19 This is a little more detail of the site
20 plan. This is Leialii Parkway -- Leialii
21 Parkway. This is going to the Villages of
22 Leialii, which is now being developed in the
23 first phase by -- and second phase by the
24 Department of Hawaiian Home Lands. This is
25 Honoapiilani Highway. This is going north to

1 Kaanapali and Kapalua.

2 The access to the project site and to
3 the Lahaina Civic Center is provided by Ka'a'ahi
4 Street. This is the Post Office, the tennis
5 courts at the Civic Center. This is the Lahaina
6 Comprehensive Health Facility, the Police
7 Station, the Lahaina Civic Center, the Fire
8 Station and the Courthouse.

9 Proposed access to the site will be the
10 extension of Ka'a'ahi Street up into the project
11 site, and then this is the development and
12 footprint of the proposed hospital site.

13 The overall access was discussed with
14 the Department of Parks and Recreation, and they
15 are seeking a five-acre parcel expansion to
16 provide parking up mauka of the Lahaina Civic
17 Center. And the West Maui Improvement
18 Foundation will be developing, in conjunction
19 with the plans of the Civic Center parking lot
20 expansion, to develop this access road into
21 their site.

22 This is the footprint of the West Maui
23 Hospital. It's a 90,000 square foot facility.
24 The features of the hospital include 25 medical
25 surgical beds and 10 intensive care unit beds;

1 three operating suites with acute care units for
2 receiving patients; emergency room and emergency
3 entrance, which is on this part of the facility;
4 imaging department housing X-ray and diagnostic
5 instruments; rehabilitate -- rehabilitation
6 department for physical and occupational
7 therapy; a cardiology department; outpatient
8 services and six dialysis bay -- bays; nurses
9 stations and lounge; physicians' offices and
10 lounge; engineering and maintenance facilities.
11 There, as well, being developed a 260-stall
12 parking lot and related infrastructure
13 improvements that will be extended from the
14 Lahaina Civic Center site and site landscaping.

15 These are building elevations of the
16 hospital. It's a single-story hospital. It
17 will be approximately 90,000 square feet in
18 floor area. And these are just the conceptual
19 building elevations for the hospital.

20 In terms of the purpose and need for the
21 facility, the Needs Study had indicated there's
22 an average of 50,000 residents and visitors in
23 West Maui on a daily basis. West Maui residents
24 and visitors must travel approximately 21 to
25 25 miles to Maui Memorial Medical Center. On

1 average, it takes 61 to 66 minutes from calling
2 911 to be transported by ambulance to the West
3 Maui -- to the Maui Memorial Medical Center.

4 An August 2004 study concluded that the
5 supply of acute care and long-term care beds are
6 insufficient to meet the demand. Up to
7 159 additional beds by 2025. And this is a typo
8 that was done in the handout that has been
9 corrected in the PowerPoint presentation, but it
10 is 2000 -- in the year 2025 up to additional
11 159 hospital acute care beds will be required on
12 Maui.

13 COUNCILMEMBER ANDERSON: What exactly -- could you
14 repeat that? I'm not sure what's correct,
15 two hundred and...

16 MR. HIRANO: 2000 -- in the year 2025, up to
17 159 additional beds will be needed to added --
18 will be needed to --

19 COUNCILMEMBER ANDERSON: Got you.

20 MR. HIRANO: -- add to Maui Memorial Medical Center's
21 existing capacity to meet the demand.

22 COUNCILMEMBER ANDERSON: Thank you.

23 MR. HIRANO: This is just a table on the projection
24 of the needs for the future. One thing we would
25 like to note in this table that was in the

1 Needs -- that was included in the Needs Study
2 that was done in 2004 that -- the assumption is
3 that 12 percent of the Maui residents will be --
4 continue to be hospitalized on Oahu. Currently,
5 approximately 12 percent of Maui residents in
6 need of acute care go to Oahu for
7 hospitalization.

8 We've also amended the table to
9 incorporate the recent expansion at the Maui
10 Memorial Medical Center facilities. So based on
11 this projection, in 2005, six acute care
12 hospital beds were required. In 2010, when this
13 project is scheduled to be completed, it -- the
14 anticipated completion date for the hospital is
15 approximately 2009 -- there'll be 38 acute care
16 beds needed; 76 in 2015; 114 in 2020; and
17 159 beds in 2025.

18 I'd just like to point out that if
19 that -- if more people decided to be
20 hospitalized because facilities will be
21 available on Maui, there will be a greater need
22 for hospitalized -- acute care hospital beds on
23 Maui. So if the 12 percent, and a fraction of
24 that stayed on Maui for the hospitalization, in
25 2005, the need will be 66 beds; and in 2010, the

1 need would be 102 beds; in 2015, the need would
2 be 144 beds; in 2020, the need would be
3 186 beds; and 2025, the need would be 2000 --
4 236 beds. So you can see the impact that
5 additional services and medical acute care
6 facilities will have on the need requirement in
7 Maui.

8 So the actions before you today are
9 really to bring the project underlying land
10 entitlements in line with the ability to develop
11 the hospital within the permitted uses with the
12 State Land Use District Urbanized designation,
13 with the Community Plan and, as well, with the
14 underlying zoning.

15 Before you right now is the West Maui
16 Community Plan Land Use. And as you can see,
17 this is the area that is the portion of the
18 TMK 4-4-06, parcel 70, and that is owned by the
19 Kaanapali Development Corporation. This area is
20 Agriculture in the Community Plan designation.
21 It's also zoned Agriculture -- Agricultural
22 District in the Maui Community -- County Code.
23 The State Land Use designation for this area, as
24 well, is Agricultural.

25 The entitlement changes would be a State

1 Land Use District Boundary Amendment from the
2 Agricultural District to the Urban District to
3 allow the facility to be developed within the
4 State Land Use District designation. There will
5 be a Community Plan Amendment from the
6 Agricultural Land Use designation to the
7 Public/Quasi-Public Land Use designation. And
8 the underlining zoning would be a Change in
9 Zoning from the Agricultural District to the P-1
10 Public/Quasi-Public Zoning District.

11 In terms of the land use processing, as
12 we mentioned, the State Land Use is
13 Agricultural. The West Maui Community Plan is
14 Agricultural designation. Maui County Zoning is
15 Agricultural District. And we will have to do
16 the State Land Use District Boundary Amendment
17 from Agricultural to Urban, West Maui Community
18 Plan Amendment from Agricultural to
19 Public/Quasi-Public, and Maui County Zoning
20 change from Agricultural to P-1
21 Public/Quasi-Public.

22 In terms of the action items that are
23 before the project and the next steps that are
24 required, as I mentioned earlier, our firm is
25 assisting the West Maui Improvement Foundation

1 with the Environmental Assessment. We filed the
2 Environmental Assessment with the Department of
3 Planning for review on the 21st of February. We
4 are asking that the Department transmit the
5 draft Environmental Assessment to the Office of
6 Environmental Quality Control.

7 Subsequent to that, there will be a
8 30-day public review period, an agency review
9 period for the application -- or the
10 Environmental Assessment, upon which time we
11 will receive those comments and respond to
12 substantive comments, and file the final
13 Environmental Assessment.

14 As far as the hospital entitlements are
15 concerned, the West Maui Improvement Foundation
16 will need to submit an application for a
17 Certificate of Need with the State Health
18 Planning and Development Agency. It's
19 anticipated that that Certificate of Need will
20 be submitted some time in July 2007. And we
21 anticipate completing the Environmental
22 Assessment some time in June 2007.

23 So that is our presentation for you this
24 afternoon. And if you have any questions,
25 Rowena Dagdag, Planner in our office, and myself

1 will be available to answer any questions.

2 So thank you for your time and attention
3 to this project.

4 CHAIR MOLINA: Okay. Thank you very much,
5 Mr. Hirano.

6 Members, we will take another short
7 recess to put the screen up.

8 COUNCILMEMBER ANDERSON: Chair? Chair?

9 CHAIR MOLINA: Yes, Member Anderson.

10 COUNCILMEMBER ANDERSON: I have two quick questions
11 that would be very helpful if we could have the
12 map back on the screen when I ask the questions.

13 CHAIR MOLINA: Okay. Member Anderson, can you -- are
14 these brief questions? I do want to move on,
15 and once we do this --

16 COUNCILMEMBER ANDERSON: Yeah, they're brief --

17 CHAIR MOLINA: -- you'll have...

18 COUNCILMEMBER ANDERSON: -- but I think they're
19 important to ask.

20 MR. HIRANO: Which map, Councilmember Anderson, would
21 you like?

22 COUNCILMEMBER ANDERSON: Just, no...

23 MR. HIRANO: Oh, the --

24 COUNCILMEMBER ANDERSON: No, the -- that map's good
25 enough.

1 MR. HIRANO: Okay.

2 COUNCILMEMBER ANDERSON: The Villages of Leialii, we
3 have a letter here from DHHL.

4 MR. HIRANO: Yes.

5 COUNCILMEMBER ANDERSON: And they say that they have
6 recently constructed --

7 MR. HIRANO: Phase 1-A?

8 COUNCILMEMBER ANDERSON: -- recently awarded and
9 constructed 104 home site residences at the
10 Villages of Leialii on a land -- on land
11 adjacent to the proposed West Maui Hospital.

12 Could you show me on that map where that
13 would be?

14 MR. HIRANO: The Villages of Leialii, Phase 1-A is to
15 the south of Leialii Parkway.

16 COUNCILMEMBER ANDERSON: Then I guess they don't
17 understand where this project site is.

18 MR. HIRANO: This is the area of Villages of Leialii,
19 which is the Phase 1-A, which is on this side
20 of -- which is on the south side of Leialii
21 Parkway.

22 COUNCILMEMBER ANDERSON: Right.

23 MR. HIRANO: You can actually see those homes as
24 you're driving on Honoapiilani Highway as -- as
25 you come to the intersection of the Leialii

1 Parkway, you can see the new homes being built
2 right on -- to your right. And then --

3 COUNCILMEMBER ANDERSON: Thank you. I just wanted to
4 verify what they said here. Obviously, they
5 don't understand or adjacent to them doesn't
6 mean the same as it does to me.

7 MR. HIRANO: Well, there is a second phase of the
8 Villages of Leialii, which is on the north --
9 which is on the north side of the Parkway, and
10 it will be very -- you know, it will be fairly
11 close to the hospital site.

12 COUNCILMEMBER ANDERSON: Yeah. I know.

13 MR. HIRANO: So it will be in this area.

14 COUNCILMEMBER ANDERSON: 250 home sites, they say.

15 MR. HIRANO: That's 1-B. That's their second phase.

16 COUNCILMEMBER ANDERSON: Second phase. But they're
17 saying that the first phase is adjacent, and
18 this was just dated yesterday so -- okay. Then,
19 go back to that original map that shows the --
20 yeah. The access roadway from Honoapiilani
21 Highway --

22 MR. HIRANO: Yes.

23 COUNCILMEMBER ANDERSON: -- now that's the existing
24 access? Yeah.

25 MR. HIRANO: That is correct. It's a signalized

1 intersection.

2 COUNCILMEMBER ANDERSON: So I'm interested in the new
3 one. Go north.

4 MR. HIRANO: This one?

5 COUNCILMEMBER ANDERSON: Yeah.

6 MR. HIRANO: That is a...

7 COUNCILMEMBER ANDERSON: Is existing?

8 MR. HIRANO: That is the restricted right in and
9 right out only access. The main access will
10 continue to be this intersection, the Leialii.
11 It will be very difficult -- there's not enough
12 right-of-way or turning radius to do a full
13 intersection of this -- in this street.

14 COUNCILMEMBER ANDERSON: Well, that's -- that's my
15 question. Is there a possibility that that
16 could be reconfigured to allow, you know, for
17 emergency vehicles and, you know, direct access
18 to the hospital without getting choked up at
19 this intersection?

20 MR. HIRANO: It is, from -- if you're heading
21 northbound, you can turn right and go up this
22 way.

23 COUNCILMEMBER ANDERSON: But that's only because
24 there isn't a left-turn lane.

25 MR. HIRANO: No.

1 COUNCILMEMBER ANDERSON: I'm just asking is there a
2 way that eventually that could be reconfigured?

3 MR. HIRANO: To do a left turn and do a left turn in?

4 COUNCILMEMBER ANDERSON: Yes.

5 MR. HIRANO: No. The -- the traffic report indicated
6 that this would be the access with this
7 intersection, and eventually when the 2020
8 project -- project is implemented, there will be
9 access through the 2020 site, which would have
10 another full intersection at about this area.

11 COUNCILMEMBER ANDERSON: Okay. Thank you.

12 Thank you, Chair.

13 CHAIR MOLINA: Okay. Thank you, Member Anderson.

14 Mr. Hirano, since you have it up there,
15 Councilmember Pontanilla has two quick
16 questions.

17 And, Members, we can -- after these two
18 questions, the Chair would like to have the
19 light put back on and we can come back to any
20 other issues with regards to the project at a
21 later point.

22 You have been provided hard copies, as
23 well, for you so -- and, Mr. Hirano, do you have
24 any displays --

25 MR. HIRANO: No, Chair Molina, we do not.

1 CHAIR MOLINA: Not at -- okay. No problem.

2 Mr. Pontanilla?

3 VICE-CHAIR PONTANILLA: Thank you.

4 I think Ms. Anderson asked one question
5 that I had in regards to that emergency lane
6 that is presently being used by, I think, the
7 Police Department, Fire Department. Can you go
8 to the other map that shows the 2020? The one
9 that showed...

10 Yeah. The proposed Lahaina Bypass, will
11 it eventually have a roadway that goes directly
12 from the hospital site to the proposed Lahaina
13 Bypass?

14 MR. HIRANO: Yes, there will be. Eventually, I
15 believe, the Leialii Parkway will connect up to
16 the Lahaina Bypass. There is also a provision
17 within the 2020 Plan, there are two connectors
18 through the Bypass that had been identified in
19 the Environmental Impact Statement for the
20 Bypass. One of them would go through the 2020
21 site at approximately this location up to the --
22 intersect with the Bypass. There will be a
23 connector road between lower -- between
24 Honoapiilani Highway and the Bypass.

25 And the project, as well, would provide

1 access to the hospital site from this, so with
2 the -- within the context of the 2020
3 Development, access through the Bypass could be
4 provided by the connector road through 2020 up
5 to the Bypass.

6 VICE-CHAIR PONTANILLA: Thank you. Yeah, as the
7 existing H-Piilani becomes -- you know, it's
8 already congested, that second, a second road to
9 the Bypass would really help.

10 MR. HIRANO: Yes. The -- just to clarify
11 Councilmember Anderson's question about the
12 Villages of Leialii. This is the 1-A site,
13 which is currently under construction. And then
14 this is the 1-B site that is configured here, so
15 it does kind of abut the eastern portion of the
16 hospital site.

17 CHAIR MOLINA: Okay. Thank you, Mr. Hirano.

18 Okay. Members, we're going to recess
19 and then we shall reconvene in two minutes.
20 Meeting in recess. (Gavel.)

21 **RECESS: 2:03 p.m.**

22 **RECONVENE: 2:05 p.m.**

23 CHAIR MOLINA: (Gavel.) The Land Use Committee
24 meeting for February 28th is now back in
25 session.

1 I want to thank the applicant,
2 Munekiyo & Hiraga, Mr. Hirano, for the
3 presentation.

4 At this point, Members, I'll give you
5 the opportunity to ask the applicant questions
6 after we give the public an opportunity to
7 testify.

8 Any objections to proceeding in that
9 fashion?

10 COUNCIL MEMBERS: No objections.

11 CHAIR MOLINA: Okay. Seeing none, we will now
12 entertain public testimony for Committee Item
13 LU-4. And the Chair would like to go over a few
14 ground rules before proceeding. You will be
15 given three minutes to testify with a minute to
16 conclude. Please state your name and any
17 organization that you may be representing.

18

19 . . . **BEGIN PUBLIC TESTIMONY** . . .

20

21 CHAIR MOLINA: So with that being said, our first
22 testifier, we have Joseph Pluta representing the
23 West Maui Improvement Foundation, Incorporated,
24 and he'll be followed by Norm Bezane -- and I'm
25 hoping I pronounced that name correctly.

1 MR. PLUTA: The measures we go to.

2 UNIDENTIFIED SPEAKER: I know.

3 MR. PLUTA: Excuse me.

4 CHAIR MOLINA: And Members -- not Members, excuse me,
5 those of you in the audience who have any cell
6 phones or pagers, the Chair would like to ask
7 you to please turn off those items of technology
8 so as not to disrupt our proceedings today.

9 Good afternoon, Mr. Pluta.

10 MR. PLUTA: Good afternoon, Chairman Molina, and
11 Vice-Chair Mateo and Council Members,
12 distinguished guests, thank you.

13 I'm amazed I was able to get my cast on
14 here soon enough so I could come here today,
15 because it was -- took five days to get that. I
16 broke -- broke my leg after our annual meeting,
17 and I wish I could say something nice about it,
18 but there's nothing. It's embarrassing, so it's
19 a story I won't go into, but I'm -- I'm
20 privileged to be here today to just
21 reemphasize...

22 I sent written testimony in to
23 everybody, and I had the opportunity to meet
24 with individual Council Members. I'm still yet
25 trying to meet with Michelle Anderson and Danny

1 Mateo and Joe Pontanilla. I hopefully will be
2 able to have another chance to do that, but I --
3 I've got requests in to their offices.

4 In any event, I do note -- I thank you,
5 Chairman, for coming to our annual meeting and
6 seeing the presentation. It was filmed on Akaku
7 Channel 54 last night, and thank you for coming
8 to that. I want to thank Jo Anne Johnson again
9 for introducing this resolution.

10 The case and my testimony, I stand with
11 what I've -- what I've said in written
12 testimony. I really like this presentation
13 today. I just wanted to add supplementally to
14 that that this is a time, I think, with -- to
15 come together for the County of Maui as I've
16 been trying to get everybody to see that we're
17 all in this business of health care. Health
18 care is everybody's business. It's not any one
19 segment part of the Island's business, but it's
20 everybody's business. We support any measures
21 that anybody can undertake to improve health
22 care access and care and services to the people
23 of Maui County.

24 West Maui a unique situation, like many
25 places are unique for many reasons, but it's a

1 strong economic -- vital economic engine to the
2 County of Maui and the State of Hawaii. It's
3 got this huge population center stuck out on a
4 one-way dead-end street, and it's not good
5 business planning for the County of Maui or the
6 State of Hawaii to have such an important
7 economic resource in risk and in danger.

8 It's really, you know, putting an
9 unnecessary risky situation, a burden on the
10 County, as well as the State. You have to
11 undertake every measure necessary to preserve
12 and protect that very important economic income
13 source to the people of the County of Maui, as
14 well as protect the lives and safety -- health
15 and safety of the people of that region.

16 And this has been our cry for quite some
17 time. Sometimes it feels like we're crying in
18 the wilderness. But, you know, over time people
19 see the logic of this assumption.

20 We -- at our meeting, we showed on the
21 screen the PowerPoint presentation that showed
22 just how many millions of dollars come to the
23 County of Maui. This year, it's going to be
24 \$37 million from West Maui alone, which is the
25 highest economic contribution to the County of

1 Maui in property taxes. That's a phenomenal
2 investment that should be protected. For all of
3 the amount of programs the County would suffer
4 if anything happened to that income stream, you
5 know, you just -- I don't even want to think
6 about it.

7 And we all -- all know that accidents
8 can happen. I'm, right here, an example of how
9 an accident can happen. I'm just very fortunate
10 that I've got thick big legs that took -- took
11 my fall of my overweightness.

12 MS. NAKATA: Three minutes.

13 MR. PLUTA: Two minutes left?

14 CHAIR MOLINA: You have one more minute.

15 MR. PLUTA: Anyway, I managed to get a cast on there
16 at the Kaiser Clinic and get this last night put
17 in a cast so I could come here today, and I
18 appreciate that.

19 But, you know, accidents happen and when
20 you -- when you're over there in West Maui and
21 this -- something happens to you or a family
22 member or a loved one, then all this whole issue
23 becomes crystal clear to you. I mean it's like
24 yeah, you've heard talk about it and, you know,
25 you think it's important and so forth, but it

1 all comes rushing home to your consciousness in
2 an instant when now your life or the life of
3 your family member or loved one is right now in
4 the balance of how soon they're going to get
5 medical attention.

6 And I tell you, those of -- there's
7 people who have suffered that experience that
8 aren't with us today. One gentleman who I
9 worked with for years and convinced him to
10 donate this land we're talking about today is
11 Jim Wriston, III.

12 MS. NAKATA: Four minutes.

13 CHAIR MOLINA: Mr. Pluta, could you wrap up in
14 30 seconds?

15 MR. PLUTA: Yeah. Thank you.

16 Well, Jim's no longer with us. And if
17 we would've had our West Maui Hospital, he might
18 be.

19 Thank you all very much for your time
20 and dedication to the people of Maui County.
21 Thank you.

22 CHAIR MOLINA: Thank you, Mr. Pluta, and heal up
23 quickly.

24 Committee Members, any questions for the
25 testifier?

1 Member Anderson?

2 COUNCILMEMBER ANDERSON: I'm just wondering if

3 Mr. Pluta, since he's heading up the West Maui

4 Improvement Foundation, if he would be the one

5 who would have answers to specific questions

6 that may or may not have been on the PowerPoint.

7 CHAIR MOLINA: The Chair is open to having --

8 Mr. Pluta, if you don't mind remaining for the

9 rest of the proceedings to --

10 MR. PLUTA: Sure.

11 CHAIR MOLINA: -- respond to any questions from the

12 Committee?

13 MR. PLUTA: I'd be happy to.

14 COUNCILMEMBER ANDERSON: Do you want me to wait?

15 CHAIR MOLINA: You have a pressing question right

16 now, Member Anderson, since he's here?

17 COUNCILMEMBER ANDERSON: Well, I mean I understand

18 that your -- you folks are the ones that are

19 doing -- heading up the draft Environmental

20 Assessment.

21 MR. PLUTA: Yes.

22 COUNCILMEMBER ANDERSON: So could you tell us when

23 that's going to be finished?

24 MR. PLUTA: Well, I just -- the draft is finished.

25 The draft has been submitted to the Planning

1 Department, so that is the draft --

2 COUNCILMEMBER ANDERSON: No, no, no. Well, when is
3 it -- has it -- it has to be submitted to OEQC
4 to start the -- the...

5 MR. PLUTA: Part of that presentation...

6 CHAIR MOLINA: We'll have the applicant answer that
7 portion of the question.

8 Mr. Hirano?

9 MR. HIRANO: Yes, Councilmember Anderson. Our firm
10 is doing the draft Environmental Assessment. We
11 anticipate it to be published in the OEQC notice
12 of -- or the Environmental Bulletin shortly. It
13 was submitted to the Planning Department and
14 possibly would be published some time in April
15 or March -- maybe March 23rd at the earliest, I
16 would think. And we would hope to complete the
17 process by June or July 2007.

18 COUNCILMEMBER ANDERSON: Through OEQC?

19 MR. HIRANO: Through -- yes, to file the final
20 Environmental Assessment at that time, yeah.

21 COUNCILMEMBER ANDERSON: And so you've got it at the
22 Planning Department for their review before you
23 file it with OEQC as a draft?

24 MR. HIRANO: Yes. The Planning Commission is the
25 approving agency for the Environment Assessment,

1 so they will be reviewing the document. And as
2 part of that process, the Department handles the
3 transmitting of the document to the Office of
4 Environmental Quality Control.

5 COUNCILMEMBER ANDERSON: Oh, I see. Okay.

6 Thank you.

7 CHAIR MOLINA: Okay. All right. Thank you, Member
8 Anderson.

9 Any other questions for Mr. Pluta?

10 COUNCILMEMBER ANDERSON: Yeah, one other.

11 CHAIR MOLINA: Go ahead.

12 COUNCILMEMBER ANDERSON: Originally, I thought there
13 was going to be some long-term care beds
14 included in this. What happened to that?

15 MR. PLUTA: Well, I -- there's still discussions
16 going on about that. Nothing's really been
17 finalized in that regard. They've done a number
18 of models and there's communications and
19 discussions going on in that regard with the
20 Maui Memorial Medical Center, and they've
21 been -- they're still ongoing.

22 So the actual finalization will have to
23 be coming to conclusion prior to the filing of
24 the Certificate of Need, because that's going to
25 have to be very specific about those things.

1 COUNCILMEMBER ANDERSON: Well, you know, if that is a
2 possibility, that also has to be determined
3 before the draft EA is finalized, because that
4 needs to be included in the Environmental
5 Assessment.

6 MR. HIRANO: I think at that point if -- if there is
7 a long-term care facility -- because we didn't
8 have that information as part of the draft
9 Environmental Assessment and because there was
10 an urgency to get the draft out, completed, that
11 that process will have to go through its own
12 Environmental Assessment. But --

13 COUNCILMEMBER ANDERSON: Or maybe a supplemental?

14 MR. HIRANO: Yes, there will be. And there is a site
15 available within the 15-acre site for expansion,
16 but we didn't have the plans for that.

17 COUNCILMEMBER ANDERSON: So that -- and I don't mean
18 about specific plans, but as you've laid this
19 out so far, you've anticipated that there may be
20 another facility for long-term care, so you've
21 got it sited in a way that that could easily be
22 accommodated?

23 MR. HIRANO: Yes. If you notice the -- I guess the
24 site plan, the hospital is in the western
25 portion of the site with parking to the east and

1 then there is room available -- there's land
2 available mauka of that for expansion.

3 COUNCILMEMBER ANDERSON: Is that the dotted line
4 thing?

5 MR. PLUTA: Yeah. This dotted line? Yes, it is.

6 That's the dotted line portion that even shows
7 the possible future long-term care facility.

8 COUNCILMEMBER ANDERSON: That's great, and it looks
9 rather large, so how many beds are you thinking
10 of?

11 MR. PLUTA: Again, we're -- I think we're -- it could
12 be anywhere from 25 to 35.

13 COUNCILMEMBER ANDERSON: Okay. Thank you very much.

14 CHAIR MOLINA: Okay. Thank you, Member Anderson.

15 Any other questions for Mr. Pluta?

16 Seeing none, thank you.

17 MR. PLUTA: Thank you, all, very much.

18 CHAIR MOLINA: Okay. Next to testify, we have Norm
19 Bezane followed by Eve Clute.

20 And for the body's information, Staff,
21 can you inform the body as to when the draft EA
22 was received, the date? Was that -- I believe,
23 was that February 21st, by the Department?

24 MS. NAKATA: I believe Mr. Hirano indicated it was
25 submitted to the Department on February 21st,

1 and I believe we received it the same time.

2 CHAIR MOLINA: Okay. Thank you.

3 For your information, Members.

4 Sir, proceed.

5 COUNCILMEMBER ANDERSON: Chair?

6 CHAIR MOLINA: Yes.

7 COUNCILMEMBER ANDERSON: Are you saying that the
8 Council has received it -- a copy of it?

9 CHAIR MOLINA: No, the Department. The Department
10 received it and I believe copies will be made
11 available, Staff, to any Members who would like
12 to see the draft EA.

13 MS. NAKATA: The Committee Secretary informed me that
14 we received it on February 22nd --

15 CHAIR MOLINA: The --

16 MS. NAKATA: The draft EA.

17 CHAIR MOLINA: The Committee received the draft EA on
18 the 22nd, okay. But the applicant submitted the
19 draft EA to the Planning Department on the 21st.

20 COUNCILMEMBER ANDERSON: And -- but it actually does
21 not become official until it's filed with OEQC
22 so I mean do you -- oh, wrong person. I guess
23 they don't anticipate making any changes then,
24 final changes?

25 CHAIR MOLINA: Yeah, well, you know what? Let's go

1 ahead and save that question for a later
2 portion.

3 COUNCILMEMBER ANDERSON: Okay.

4 CHAIR MOLINA: We can get that answered by the
5 applicant.

6 COUNCILMEMBER ANDERSON: Okay.

7 CHAIR MOLINA: Sir?

8 MR. BEZANE: Aloha, everyone. It's nice to see you
9 all in one place, not on TV, but actually here
10 in person, especially the newcomers to the
11 Council, I'm really delighted to see some of you
12 here, who I have had an opportunity to meet and
13 am very impressed with.

14 I can -- I may like to make a couple of
15 observations. I have submitted written
16 testimony.

17 First of all, I have had the opportunity
18 to meet with the two individuals for periods of
19 hours about the technicalities of developing a
20 hospital and what would be involved, and so I
21 would just add that I'm quite well informed on
22 any of these issues, and I think I can answer
23 almost any question that you also might have.

24 I would also like to indicate that I
25 think it's important not to get involved in some

1 kind of a technical -- looking at some kind of a
2 technicality to prevent this from being referred
3 to the Commission.

4 This -- this is indicated by -- on a
5 daily basis. There is a need for this hospital.
6 It's -- it's clear on a daily basis. And in
7 today's Maui News, you might have noticed a
8 letter from an individual -- a family from
9 Des Moines, Iowa who have been coming here for
10 many years. They love the Island. They have
11 established personal relationships, and they
12 have indicated in the first paragraph of this
13 letter that they are not coming back because of
14 the lack of availability of health care in
15 West Maui.

16 I would also like to make an
17 observation, which I just jotted down here, that
18 I believe that this is a hearing about land, and
19 it's a hearing to decide whether to refer this
20 to the experts on the Planning Commission to
21 look at all these kinds of issues. I don't
22 think it's an issue -- it's a hearing about the
23 merits of the hospital or health care issues, so
24 I would hope that those in attendance would
25 think of it in that context.

1 I would also point out that since the
2 land is near the Civic Center, which has a
3 public purpose, it's quite logical that this
4 land be rezoned for this additional -- what
5 really is a public purpose.

6 And I would also hope that the
7 Council -- that the Land group here would
8 encourage the Planning Commission to expedite
9 this process. It has 120 days. It's
10 conceivable that it could make a decision on
11 this much earlier than 120 days, and this would
12 greatly expedite the process. And it is crucial
13 that this process be -- be expedited and that we
14 not get enmeshed in lots of technicalities
15 and -- and prolong this process --

16 MS. NAKATA: Three minutes.

17 MR. BEZANE: -- any longer than it has been.

18 I think that this is an opportunity for
19 the Council and the Planning Commission to
20 really show that we are a very functional
21 community here, and that we can make decisions,
22 and we can look at situations, and we can be
23 reasonable, and we can all step up. Everybody
24 has to step up to this problem. And that
25 includes the Council Members, it includes the

1 community, it includes the doctors, it includes
2 everyone in this community. And it's about time
3 that we make these good decisions and move on,
4 get this to the Planning Commission, have
5 Mr. Hunt and his Commission expedite this
6 process and let's get this hospital built.
7 Because the people here, the people that we have
8 invested -- interested, they're not ready to
9 say, "We will build this hospital" --

10 MS. NAKATA: Four minutes.

11 MR. BEZANE: -- because they see all these challenges
12 and we need to -- we need to do our part on this
13 Island. If we do our part, they will do their
14 part. They will build this hospital.

15 Thank you.

16 CHAIR MOLINA: Thank you. Sir, can you state your
17 name for the record?

18 MR. BEZANE: Sorry. Norm Bezane.

19 CHAIR MOLINA: Norm Bezane, thank you.

20 Committee Members, questions for the
21 testifier?

22 Member Anderson?

23 COUNCILMEMBER ANDERSON: Mr. Bezane, thank you for
24 being here.

25 MR. BEZANE: You're welcome.

1 COUNCILMEMBER ANDERSON: First, I'd like to clarify
2 for you as far as, you know, not getting held up
3 in technicalities, we do have laws we have to
4 follow. And before the Planning Commission can
5 hear this item, should we refer this to them...

6 And by the way, this is not something
7 that Council has to do. It's something that
8 Council is doing to assist in getting this done.

9 Before the Commission can even hear it
10 in order to forward it back to us for final
11 decision, the draft Environmental Assessment has
12 to go through the technical process of being
13 published in the OEQC bulletin so the public is
14 aware of it. They have 30 days to comment. If
15 there is anything in the draft Environmental
16 Assessment that they don't feel is appropriate,
17 the public has a right to comment. Then -- then
18 after they re -- reply to the comments, I'm
19 assuming that the consultant will do that for
20 the organization, and that may take several
21 weeks to do. Then, they publish the final
22 Environmental Assessment. And after that is
23 published in the OEQC bulletin, there is a
24 45-day period for which anyone can challenge it.

25 And so that right there is 75 days, not

1 even counting the time to answer the questions
2 in the draft EA. So I just wanted you to be
3 aware that nobody is trying to hold anything up,
4 there's just laws that need to be followed. And
5 that is to protect the public and allow them to
6 participate in what we're about to do here. And
7 so I would urge that you get that draft EA to
8 OEQC as fast as possible.

9 The last time we talked about this,
10 Mr. Chair, which was last year, we were told
11 that the draft EA was almost done. So nobody is
12 trying to hold it up for technicalities, and I
13 just wanted you to be aware of that, that we do
14 have a process that we have to follow. And if
15 you're looking at 120 days, I think that's being
16 a little hopeful based on, you know, the
17 constraints that we are required by law to
18 follow.

19 MR. BEZANE: Well, if I could make a comment on that?
20 When Maui -- Maui Preparatory Academy applied
21 for permission to use the facilities up there in
22 Kapalua, it also had many technical
23 requirements. This was one of the technical
24 requirements that there be an EA. And this
25 process was expedited by a special provision, as

1 I understand it. They did not meet all of your
2 technical requirements, but the Council decided
3 that certain of these requirements would be
4 waived because of this extraordinary need.

5 And I think that that is what the
6 Improvement Foundation is going to be asking
7 for. I don't speak for the Foundation, I just
8 do the communications for the Foundation, but I
9 think that's something that you might want to
10 think about and address.

11 COUNCILMEMBER ANDERSON: Well, a draft Environmental
12 Assessment is done under State law and the
13 Council has no authority to speed that up or
14 change that process in any way, so --

15 MR. BEZANE: Except that...

16 COUNCILMEMBER ANDERSON: -- we're moving as fast as
17 we can.

18 MR. BEZANE: Excuse me. Except it was done for Maui
19 Prep; is that correct? I could be wrong.

20 CHAIR MOLINA: Excuse me, folks. I want to interject
21 in the discussion. Let's have a question and
22 answer and, you know, talking about the
23 Preparatory Academy is not on the agenda today,
24 so I just want to make sure we're not
25 potentially violating any Sunshine Law issues

1 here.

2 So any additional questions, Member
3 Anderson?

4 COUNCILMEMBER ANDERSON: No thank you, Chair.

5 CHAIR MOLINA: Or testifiers?

6 Okay. Thank you, Mr. Bezane.

7 MR. BEZANE: Thank you.

8 CHAIR MOLINA: Next to testify, we have Eve Clute to
9 be followed by Mahealani Strong.

10 MS. CLUTE: Aloha, Council.

11 I'm speaking today as an individual. My
12 name is Dr. Eve Clute. I am a doctor of public
13 health. I've been a health care worker for
14 35 years.

15 What I brought with me, in addition to
16 the two-page testimony that I've given to you in
17 written form, for your perusal, Dr. Mark Hyde --
18 not doctor, but Mark Hyde, wrote a 20-page paper
19 on where should a West Maui medical facility be
20 located. If you don't have a copy of this, I'd
21 recommend that you get it, because he says no to
22 this particular location.

23 Mr. Hyde is the Legal Affairs Committee
24 Chair of the California Association of Health
25 Plans. He moved to Maui in 2004 and is a health

1 care consultant. He wrote this paper on the
2 West Maui location of a hospital, and I agree
3 with him that this is absolutely the wrong
4 location.

5 I have been on the Kaanapali 2020
6 Committee for the past seven years. I'm a
7 strong advocate for health care.

8 Much has happened in the past seven
9 years that makes this site a bad choice. When
10 the West Maui Hospital site was initially
11 suggested, there was no housing development on
12 Civic Center Road, which you're now calling
13 Leialii Parkway.

14 By August of 2007, over 1,000 people
15 will be living at the Villages of Leialii right
16 there at the corner of Honoapiilani Highway and
17 the Civic Center Road, which is where you have
18 to turn to get up into the hospital.

19 With the synchronization of the traffic
20 lights along Honoapiilani Highway, the wait at
21 the traffic light is four minutes to turn from
22 Honoapiilani Highway on to Civic Center Road.
23 If there is a long line of cars, then the wait
24 at the traffic light can be as long as eight to
25 12 minutes.

1 If my child is in the car and is having
2 an asthma attack and she can't breathe and I'm
3 stuck behind a traffic light, four to 12 minutes
4 is too long to wait if she stops breathing. If
5 my husband is having chest pains and his heart
6 stops while he's sitting next to me in the car,
7 four to 12 minutes is too long to wait to turn
8 on to Civic Center Road.

9 We use Civic Center Road to get to the
10 Civic Center, the Post Office, the Lahaina
11 Comprehensive Center, the Ambulance Station and
12 the Fire Station.

13 On Sundays, there's long lines of
14 traffic turning from Honoapiilani Highway into
15 the Civic Center Road as people go to and from
16 the gift show at the Civic Center from nine in
17 the morning until four in the afternoon. Sports
18 event, concerts, health clinics, community
19 meetings and family parties are held at the gym
20 and the social hall, which also creates long
21 lines of traffic as people drive into the Civic
22 Center.

23 What if I called the ambulance only to
24 find that one ambulance is taking a West Maui
25 patient to the Stroke Clinic at Maui Memorial

1 Medical Center in Wailuku, and the other is in
2 Kapalua resuscitating a drowning vision --
3 victim.

4 If I'm trying to take someone to the
5 hospital who is bleeding, in pain or has stopped
6 breathing, will I wait four to 12 minutes --

7 MS. NAKATA: Three minutes.

8 MS. CLUTE: -- behind that stop light, or will I try
9 to cut around traffic and speed up Civic Center
10 Road? What if there's a child who lives at the
11 Villages of Leialii running after a ball and
12 goes into Civic Center Road, or an adult is
13 crossing the road to get to the Post Office, or
14 a police car is racing to get to a crime scene,
15 or an ambulance is speeding to get to a stroke
16 victim, or a bicyclist or a walker is in the
17 crossway and my car is in their path? I'm
18 rushing to get to the hospital and my car could
19 easily hurt someone.

20 The new Westin Kaanapali Ocean Resort,
21 Intrawest, the Marriott Tower Timeshares will
22 bring more long-distance bicyclists, runners and
23 walking along Honoapiilani Highway. The
24 Kaanapali 2020 Development boasts that people
25 can walk or bike to work. That puts more people

1 on the sidewalks and the roadways in West Maui
2 at that intersection.

3 MS. NAKATA: Four minutes.

4 CHAIR MOLINA: Dr. Clute, can you wrap up in
5 30 seconds?

6 MS. CLUTE: Yes. Here is my poster showing you the
7 congestion at this area. I'm down here at Civic
8 Center Road with walkers and bikers and children
9 trying to get up here, and here is the train,
10 and here is people crossing into the Post
11 Office. And then I'm trying to get around here
12 with all the traffic to the Civic Center to try
13 to get all the way up here to the hospital.
14 From here to here is a very long distance.

15 And I would like to know how many people
16 have actually gone to see the site. And do you
17 understand that this site has not yet been
18 donated, that the site itself is under contract
19 with Kaanapali Development and cannot be used as
20 a hospital site until that contract is
21 fulfilled?

22 MS. NAKATA: Five minutes.

23 MS. CLUTE: And I think you need to get those
24 answers.

25 Thank you.

1 CHAIR MOLINA: Thank you, Dr. Clute.

2 Committee Members, questions for the
3 testifier?

4 Seeing none, thank you.

5 Next to testify is Mahealani Strong, to
6 be followed by Representative Angus McKelvey.

7 MS. STRONG: Aloha, Committee Chair. How are you
8 doing tonight -- today? And, Council Members, I
9 thank you for the opportunity to share in front
10 of you folks, again.

11 With all due respect, if my child
12 couldn't breathe, I'd wait at a four to
13 12-minute light rather than drive 60 minutes.

14 You know, I came up here today wanting
15 to discuss what the Constitution of the State of
16 Hawaii states just when it comes to public
17 health, economic security of the elderly, and
18 management of the state population growth. This
19 is all a responsibility that you as a political
20 subdivision of the State manage for us. And for
21 that, we appreciate, because you've got quite a
22 doozy on your hands.

23 You know, this is the first time, I
24 believe, in the history of Maui when it's come
25 to a health care improvement to have such a

1 quite -- such a vast amount of support. You've
2 got Senator Roz Baker who has come out and
3 stated. You've got State Representative Angus
4 McKelvey. You've got Councilwoman Jo Anne
5 Johnson and many other Members on the Council
6 who have exercised your support. You know, but
7 we also have Wesley Lo from MMMC, who has gone
8 on record at a forum that he's in support of it.
9 It's the first time we've ever had all these
10 people on it, you know.

11 I don't think it's an argument of what's
12 fair and what's not fair. It's not that any
13 more. You know, the West Maui Improvement
14 Foundation, as in the past when it comes to
15 Napili Fire Department and the Ambulance
16 Station, there was a need. The State couldn't
17 address it. WMIF stood up and they said, "We'll
18 do it." And this is, again, a situation.

19 I mean I think if you ask the bikers and
20 the runners and the families located at the
21 beaches down on the street whether or not they'd
22 like access to a hospital right up the road, all
23 of them are going to say yes, you know.

24 I know -- consulting can say one thing,
25 but when it comes down to the community, you

1 know, I don't know about any of you folks ever
2 having to make that drive from West Maui to Maui
3 Memorial, hundreds, hundreds of people here,
4 their stories will make you cry. The situations
5 that I've been in with my own children, with
6 friends that have visited from the Mainland that
7 swore they'd never come here again.

8 One of them -- a real simple -- simple
9 thing, just was allergic to a bug bite. And you
10 go up to Doctors On Call, you've got to wait for
11 the valet to get out of your way so you can park
12 your car. There's -- it's amazing, you know.
13 And although we appreciate the 300,000 for the
14 Downtown Lahaina location, it's still not enough
15 because that closes. Once that closes, life is
16 in limbo, you know.

17 CHAIR MOLINA: Thank you for your testimony.

18 Committee Members, questions for the
19 testifier?

20 Seeing none, thank you.

21 Next to testify, we have State
22 Representative Angus McKelvey, and so far, no
23 one else has signed up to testify after
24 Mr. McKelvey. The Chair will offer one last
25 opportunity for anyone in the gallery who would

1 be interested in testifying on our Committee
2 item here today.

3 Good afternoon, Mr. Representative, and
4 thank you for taking time out of --

5 MR. MCKELVEY: Thank you --

6 CHAIR MOLINA: -- your busy schedule.

7 MR. MCKELVEY: -- Chair Molina, Members of the
8 Council. I'm glad to be able to come to you --
9 the State come to you for a change, instead of
10 you coming to us. Because believe me, I mean,
11 yes, we're here for you.

12 And anyway, I do have written testimony.
13 I will submit it with the Secretary. I will
14 stand on it, but I just want to make some
15 comments that is not included in my written
16 testimony.

17 I can appreciate, you know, the comments
18 of the speaker, you know, but the fact is I'm
19 going to address my things -- although I am
20 testifying as an individual, I'm going to give
21 you the perspective of the State, because this
22 thing -- we did receive the Resolution, although
23 I wasn't in office. The State Legislature did
24 receive the Resolution in 2002. And from the
25 Governor's Office to leadership in the House and

1 in the Senate, the message is clear, West Maui
2 needs a facility immediately. The population is
3 expanding exponentially. Projects are being
4 brought online at an incredible rate, and the
5 amount of money that is generated for the State,
6 you know, and not only that, but for the quality
7 of life, it's critical.

8 You know, an allegorical story to kind
9 of undermine what Ms. Strong just testified on,
10 you know, during my campaign, I walked around
11 all the local neighborhoods, and the local
12 people are really concerned. They -- they
13 envision giving birth on the Honoapiilani
14 Highway. And they were joking, "We're going to
15 have kids running around named Honoapiilani and
16 Pali and Maalaea." Because why? They cannot
17 get to an emergency facility at Maui Memorial.

18 We're doing our best at the State. You
19 will be reading very soon, hopefully, in the
20 newspaper of two bills that are going to
21 basically hyperactively expedite the road
22 projects in West Maui. But even at that, we're
23 still going to take time.

24 And as you see the tree that's collapsed
25 right next to the Piilani -- the Honoapiilani

1 Highway, if you just get past Ukumehame, that
2 shows you how that road is in danger of being
3 cut off at any time. We didn't even have a big
4 south swell, a small one two weeks ago, there
5 was gravel on the road.

6 I mean the State recognizes, and this is
7 why we've gotten support from the DOT and
8 everything else on these traffic bills, but the
9 underlying concern is or -- the underlying
10 pressure is that we realize that we are just a
11 one swell, one storm, one away from being cut
12 off. And, you know, I -- you know, we did give
13 the \$300,000 for the Center, but if Ms. Weber
14 were here, she would tell you that they never
15 envisioned that to be a permanent solution. It
16 was only supposed to be stop-gap until we get
17 something in, such as the West Maui Acute Care
18 Facility.

19 So I would hope -- I know there are
20 maybe some questions of infrastructure, and I
21 hope this Council will address them. I think
22 that maybe perhaps if there needs to be more
23 roads into the -- into the project, then so be
24 it, but I would hope that the Council could just
25 look at the land use change for the hospital and

1 the importance of it.

2 You know, I realize that we, at the
3 State, have somewhat tied your hands through the
4 EA and EIS processes. And, you know, we, at the
5 State level, are understanding of that, but
6 we're asking you for what you can do to help us
7 move this thing forward. And I can promise you
8 diligently on our level that, for me alone as a
9 West Maui representative, that I will assist the
10 Council in whatever way is necessary to help you
11 guys to move this thing along as quickly as
12 possible.

13 MS. NAKATA: Three minutes.

14 MR. MCKELVEY: But I really think -- just to wrap
15 up -- that, you know, again this land use zone
16 change is important. This facility is
17 important. As you've seen, we're running out of
18 time and we are in a health care crisis right
19 now, be it in South Maui, Central or especially
20 West.

21 And for all the things we're doing as
22 far as bringing nurses in and trying to retain
23 doctors and increasing our Federal Medicaid and
24 Medicare reimbursements, that won't work unless
25 we can have the delivery systems in place so

1 people can get to the health care they need.

2 So once again, thank you so much for
3 allowing me to come over and testify in front of
4 all of you. And I just hope that when the
5 Council recesses this Committee and they
6 discuss, that, you will, you know, hopefully be
7 supportive of the proposal in front of you, so
8 we can move forward on this issue and make some
9 concrete steps.

10 And again, what we can do to help you,
11 please let me know, because that's what we're
12 here for, is to help Maui County, first and
13 foremost.

14 Aloha.

15 CHAIR MOLINA: Okay. Thank you, Mr. McKelvey.

16 Committee Members, any questions for
17 Representative McKelvey?

18 Member Johnson?

19 COUNCILMEMBER JOHNSON: Thank you very much, Angus,
20 for coming over specifically for this.

21 My question is, because the issue has
22 been raised about the ingress, egress and some
23 of the future plans on the map that was shown to
24 us with regard to the Bypass, and I know that
25 we're already working on the Keawe Street

1 extension, but do you have any time line or do
2 you have any sense of the other access way which
3 would allow for greater circulation and access
4 to the hospital if it's built in this location?

5 MR. MCKELVEY: Are you talking about the continuation
6 of the Bypass --

7 COUNCILMEMBER JOHNSON: Yes.

8 MR. MCKELVEY: -- behind the facility?

9 COUNCILMEMBER JOHNSON: Yes, the continuation of
10 Lahaina Bypass.

11 MR. MCKELVEY: My understanding is that there is a
12 condition attached to the Kaanapali 2020
13 Puukoolii Development that they have to keep --
14 or construct -- or the Bypass has to be
15 constructed adjoining their property before they
16 can go forward and get their zoning approval
17 changes and bring their project online.

18 I'll be honest with you, right now,
19 we're looking -- right now, I'm pushing to make
20 sure Keawe Street can get done on time. They've
21 been given a two-year deadline. The DOT, the
22 Governor and myself have been very clear that
23 we've got a calendar and we're marking off the
24 days, and so we're trying to make sure that this
25 project gets done.

1 Furthermore, we're also looking at
2 1-B-A, and 1-B-B -- that's my little term
3 because they've broken it up into two
4 segments -- which would attach Lahaina -- which
5 would go from Lahainaluna Road past Launiupoko.
6 That was the highway that the community actually
7 designed. First time ever in the State's
8 history where the community designed their own
9 highway instead of a bureaucrat in Honolulu
10 doing it.

11 So it's going to, basically, be a scenic
12 two-lane road that will run a lot further than
13 the original four-lane monstrosity that was
14 contemplated in Downtown Honolulu.

15 I can follow up for you on that, but
16 right now, I don't know where we're at on that
17 phase. I do know that given what I've seen of
18 Keawe Street and the Keawe Street extension,
19 that will provide an alternate route, a quick
20 route out of Lahainaluna Road to the highway and
21 down. But you're right, we need to get to the
22 next phase.

23 So it's going to be -- I will get
24 together with Kaanapali 2020 and with DHHL,
25 whose also a stakeholder in this, and find out

1 where we're at on that process.

2 COUNCILMEMBER JOHNSON: Okay. Thank you very much.

3 MR. McKELVEY: Thank you very much.

4 CHAIR MOLINA: Thank you, Member Johnson.

5 Committee Members, any other questions
6 for Mr. McKelvey?

7 Member Anderson?

8 COUNCILMEMBER ANDERSON: Thank you, Representative
9 McKelvey. It's very nice to see you here.

10 MR. McKELVEY: Glad to be here.

11 COUNCILMEMBER ANDERSON: Thank you for coming. We
12 appreciate it. We know your schedule is very
13 tight right now.

14 You did say that you were working to
15 super expedite funding for the -- for roadways
16 in Lahaina. Could you extend on that just a
17 little bit?

18 MR. McKELVEY: Well, actually, in funding, but
19 speeding up the time table. There's -- first
20 bill that I got introduced, unfortunately, a
21 defective gate -- date got inserted into it
22 yesterday by my good buddy, Representative
23 Oshiro. I could love him for that, but we're
24 going to get the Senate to yank the defective
25 date out of it and when it goes over to the

1 Senate side.

2 That would allow basically the DOT to
3 begin immediate repairs on the Honoapiilani
4 Highway without needing to get an SMA from the
5 County. And it's only for the roadway --
6 critical access roadway that's in danger of
7 erosion or being cut off by ocean sources.

8 The second one is the traffic emergency
9 zone. You know I went up and down screaming
10 like a maniac this summer for a state of
11 emergency. Unfortunately, the Governor couldn't
12 give us a state of emergency the way the law was
13 written. Well, then there was the Wilson Tunnel
14 incident in Honolulu. Same thing. Couldn't
15 declare a state of emergency. So what I did was
16 I sat down with the DOT and crafted a way for
17 the Governor to declare a traffic emergency
18 zone.

19 And what that would do is it would
20 suspend the procurement rules for bids for the
21 highway projects. It would basically allow the
22 State and the County to use the cane haul roads
23 on an emergency basis without any liability
24 issues.

25 And then the third thing it would do is

1 it would -- what is the third thing it does? It
2 does many things. Let's see. Expedite the --
3 da da da da...those are pretty much the main
4 points right there. Basically, it's a state of
5 emergency for traffic that the Governor can
6 declare once the bill gets to her desk, and she
7 hopefully signs it, then we can expedite all
8 these things quickly.

9 And, you know, my whole point in doing
10 this, especially given the wildfire, is that we
11 need to basically have the ability -- especially
12 the County guys, you guys -- to be able to open
13 up alternate emergency access routes
14 immediately. I'm just trying to buy us time is
15 what I'm trying to do, because we're running out
16 of time. We ran out of time, as you know,
17 Ms. Anderson and Ms. Johnson, ten years ago, I
18 think.

19 COUNCILMEMBER ANDERSON: Right.

20 MR. MCKELVEY: 15, if we're lucky.

21 COUNCILMEMBER ANDERSON: Right.

22 MR. MCKELVEY: So a traffic emergency zone, I think,
23 will empower both the County as well as the
24 people to basically -- you know, to be able to
25 address the situation immediately. And, again,

1 it will speed up the road projects, because...

2 You know, I talked to a guy from the DOT
3 and he said had there been traffic emergency
4 zones two years ago and we had a declaration, we
5 wouldn't have gone through this problem with the
6 bridge. We wouldn't have spent millions of
7 taxpayers' dollars in an overbid contract. We
8 would be getting ready to unveil 1-A.

9 So that's what we're trying to do at our
10 level to make sure that these things get done --
11 because you guys are moving fast. You're moving
12 fast and decisively, and we at the State have
13 got to keep our end of the bargain up. So
14 that's what we're working on as far as those two
15 traffic bills.

16 COUNCILMEMBER ANDERSON: Thank you very much,
17 Representative McKelvey. I think everyone in
18 South Maui, and probably all across Maui, who
19 commute to West Maui -- did I say South Maui?
20 MR. MCKELVEY: I'll be in South Maui later tonight,
21 actually.

22 COUNCILMEMBER ANDERSON: I meant to say West Maui.
23 We all appreciate --

24 MR. MCKELVEY: Hopefully, we'll see you there.

25 COUNCILMEMBER ANDERSON: -- the efforts. Yes, I'll

1 be there. I'll see you there.

2 MR. McKELVEY: Okay. Great. We can fill you in on
3 1067, too.

4 COUNCILMEMBER ANDERSON: Okay. Great.

5 MR. McKELVEY: Thanks so much.

6 COUNCILMEMBER ANDERSON: Thank you.

7 CHAIR MOLINA: Thank you.

8 Committee Members, any other questions
9 for Representative McKelvey?

10 Seeing none, thank you, Representative,
11 for taking time out of your very busy schedule.
12 As we know, you're currently in session as well
13 up in Honolulu.

14 Any other -- one in the gallery
15 interested in testifying?

16 Committee Secretary, have we had any
17 additional sign-ups?

18 MS. FRIAS: No, Mr. Chair.

19 CHAIR MOLINA: Okay. Seeing that, the Chair, if no
20 objections, will close testimony on Committee
21 Item LU-4.

22 COUNCIL MEMBERS: No objections.

23 CHAIR MOLINA: Thank you, Members.

24

25 . . . **END OF PUBLIC TESTIMONY** . . .

1

2 CHAIR MOLINA: All right. At this point, the Chair
3 would like to ask the Planning Department if you
4 have any opening comments before I turn things
5 over to the Committee for a Q and A session
6 between the departments or the applicant.

7 MR. HUNT: Thank you, Mr. Chair.

8 The Department has no comments at this
9 time.

10 CHAIR MOLINA: Okay. Thank you very much.

11 As I mentioned to you earlier, Members,
12 we did have some additional resource personnel
13 in the gallery. We have Deputy Public Works
14 Director Mr. Michael Miyamoto, as well as
15 Captain Charles Hirata from the Police
16 Department. He was requested to be here by
17 Councilmember Victorino.

18 And Captain Hirata, I know you're on a
19 very -- you have a very busy schedule, so if
20 there are no objections, Members, I would like
21 to ask, first, Captain Hirata to respond to any
22 questions from the Committee, and from there,
23 we'll go back to the Planning Department. And
24 if you have any need to ask the Deputy Director
25 of Public Works questions, I'll give you that

1 opportunity, as well, so, Captain Hirata, please
2 make yourself comfortable and thank you very
3 much for being here today.

4 Councilmember Victorino, you can
5 proceed.

6 COUNCILMEMBER VICTORINO: Captain Hirata, you've
7 heard the testimony from some of -- from one of
8 the particulars about the ingress/regress of
9 the -- the entrance to the Lahaina -- for lack
10 of a better term, the Lahaina Community Center,
11 the Civic Center, I should say.

12 Being at the Police Station is there,
13 the Fire Station, as well as the Ambulance
14 Station, do you feel that the present situation,
15 as described, would inhibit emergency vehicles
16 as well as also the public to get in there
17 should an emergency arise with -- and the
18 hospital being one of the prime objectives to
19 have an emergency response to?

20 MR. HIRATA: Well, we have, like you said, all three
21 emergency services based out of the Civic
22 Center, and we don't seem to have a problem at
23 this time. And the Villages of Leialii are
24 actually above the -- above the roadway, so
25 there wouldn't be any -- there wouldn't be any

1 activity right next to that road at this time.

2 COUNCILMEMBER VICTORINO: Okay. And then the second
3 question I have is, your experience -- and
4 you've been out there in that area for many
5 years and in the Department for many years,
6 having an emergency facility for acute care, do
7 you feel that that is long overdue as far as the
8 West Maui area is concerned?

9 MR. HIRATA: Well, being that, you know, we also take
10 the -- what's called miscellaneous accident
11 reports, so we're aware of many incidents on the
12 West side, many involving our visitors and
13 residents, which include drownings, falls, vana,
14 just about everything you could think of that
15 would require care.

16 Unfortunately, we've -- you know, we've
17 had to tell people that, you know, they have to
18 drive to the other side. So yes, it would
19 definitely be a boon to our district to have a
20 facility such as that near by.

21 COUNCILMEMBER VICTORINO: Mr. Chair, if I may make
22 one comment? You know, I've had nearly
23 19 years, as Captain Hirata can attest, in
24 working in security in the Kaanapali area. And
25 many a time and I've worked, especially the late

1 shifts when Doctors On Call and all the other
2 ones have closed up, that emergencies occur that
3 are -- I would say not life-threatening, but
4 enough that distress may be arising the guests'
5 mind, you know, where chest pains, things, may
6 not really require emergency services but yet
7 they're really not sure.

8 But that anxiety of driving back and
9 locating -- A, locating the hospital on the
10 other side is one of the big issues, and B, the
11 time, that 45 minutes to an hour, even late at
12 night, really raises that -- that concern in the
13 people's mind, our guests, especially.

14 So, you know, I think this is long
15 overdue. I've studied this, and I've been out
16 there, and I've sent people and had to deal with
17 people with emergencies and at all calls of the
18 hour, and I've worked eleven to seven, the
19 midnight shift, and had to have people
20 transported -- and then there was no
21 transportation available. No ambulance service,
22 so then they had to be taken by a taxi or
23 something like that. I think this is long
24 overdue. No question in my mind. And I wish
25 that whatever we can do to expedite this system,

1 we will do our best, sir.

2 Thank you.

3 Thank you, Mr. Chair.

4 CHAIR MOLINA: Thank you, Member Victorino.

5 Committee Members, questions for Captain
6 Hirata?

7 Member Johnson.

8 COUNCILMEMBER JOHNSON: Yes. Captain, thanks so much
9 because I know you were at the earlier meeting,
10 too, on another lovely issue, so I just want to
11 thank you for spending the time and, you know,
12 making yourself available.

13 One of the things that I believe we
14 have -- and you can verify this -- a lot of
15 times when the ambulance comes through or
16 there's an emergency or the fire truck has to go
17 down, I notice the cycling of the lights is
18 completely different.

19 Do you have the controllers, or do you
20 have the ability to amend the lights so that
21 emergency vehicles can move through the
22 intersection?

23 MR. HIRATA: As a matter of fact, most of the lights
24 on Honoapiilani Highway are equipped with what's
25 called Opticom. I believe Councilmember

1 Pontanilla, I think, was advocating the duties
2 of that. And I believe all of our new cars
3 have -- are equipped with the Opticom. And we
4 are actually one of the first districts to be
5 equipped with the Opticom. It's a device that
6 turns the yellow -- turns the light green in our
7 favor. I bet a lot of people out there wish
8 they had one. However...

9 COUNCILMEMBER JOHNSON: Don't give them any ideas.

10 MR. HIRATA: Don't get them on E-Bay, we'll catch
11 you. It's -- it does make it safer for
12 emergency vehicles, and I've been advocating
13 that all of our emergency vehicles, including
14 fire and ambulance, be equipped with the
15 Opticom because it does make it safer for us
16 going through intersections.

17 COUNCILMEMBER JOHNSON: Thank you.

18 And the other issue is like, let's
19 say -- I know for a fact when we put in on Shaw
20 and Honoapiilani Highway, right now the signal
21 for the intersection by Villages of Leialii
22 going up to the Civic Center and Honoapiilani
23 Highway doesn't have a left turn where, you
24 know, it's just left turn at your own
25 discretion, so to speak.

1 But when we put in the light now at
2 Shaw, it's not just left turn on signal any more
3 if you're heading into Lahaina. Do you think
4 that something similar to that could be
5 implemented for the traffic that would be
6 turning both into Villages of Leialii or anybody
7 that has an emergency to cut down on that time?

8 MR. HIRATA: That might not be advisable, because
9 it's a four-lane highway at Leialii Parkway.
10 The light at Shaw is only two lanes, one in each
11 direction. So you can make the left turn on
12 green now. They changed the lights. So if you
13 drive past there, you probably notice that there
14 aren't anybody -- there's nobody stacked up in
15 that left turn lanes any more, which is really
16 nice, and allows them to make the left turn on
17 green. However, on four -- four-lane roadways,
18 it could be more dangerous because the -- there
19 may be a vehicle hidden behind another vehicle
20 in the next lane that you might not see, and you
21 might end up colliding with that vehicle.

22 So our site impacts are probably one of
23 the most dangerous, because you're right there.
24 You're six inches away from the other vehicle
25 when they hit you on the side. So making it a

1 restricted left, left turn is probably safer.

2 The situation at Shaw Street, we -- ever
3 since they changed the light patterns, we
4 haven't seen any problems with vehicles backing
5 up in the left-turn lane. And as a matter of
6 fact, it actually cuts down on congestion on
7 Honoapiilani Highway because you don't have to
8 have that extra cycle of left turns, so it cuts
9 down on the amount of time the light is red for
10 Honoapiilani Highway.

11 COUNCILMEMBER JOHNSON: And I'm glad you mentioned
12 that, because now my thought is, what's going to
13 happen to the Shaw Street light when from Aholo
14 to Dickenson that's widened to four lanes? So
15 I'll guess we'll find out soon enough.

16 MR. HIRATA: Well, more than likely, they're going to
17 have to go back to restrict the left turns, but
18 then that section of highway will be able to
19 accommodate double the amount of traffic that
20 it's handling now.

21 COUNCILMEMBER JOHNSON: Okay. Thank you very much,
22 Captain. I appreciate your attendance.

23 CHAIR MOLINA: Thank you very much, Member Johnson.

24 Committee Members, any other questions
25 for Captain Hirata from the Police Department at

1 this time?

2 Seeing none, thank you very much,
3 Captain Hirata. We appreciate you spending your
4 time with us here today, as well as this
5 morning, too.

6 COUNCILMEMBER ANDERSON: Chair?

7 CHAIR MOLINA: Member Anderson.

8 COUNCILMEMBER ANDERSON: Thank you.

9 You know, I think that it would be real
10 helpful if we could have the Planning Department
11 come up and explain the process here. I think
12 there's a misconception of what we're doing here
13 today.

14 All we're doing is passing these bills
15 on to the Planning Commission, so that they can
16 have their hearings, the draft EA can be
17 processed, they can make their recommendations
18 and bring it back to us. And I don't see any
19 need for us to get in a real prolonged detailed
20 discussion because we're -- you know, we're not
21 here to hear a Change in Zoning, we're here just
22 to pass this on to the Planning Commission so
23 they can...

24 Basically, we are enabling this project
25 to sort of jump the line because the Council is

1 referring it to the Planning Commission, not the
2 applicant.

3 CHAIR MOLINA: And you read the Chairman's mind,
4 because I was going to explain to you all, this
5 body will have another opportunity to get into
6 more detailed questions about the facility,
7 about road issues at a later point.

8 So I would ask you if you could confine
9 your questions more to the zoning issue itself
10 and --

11 COUNCILMEMBER ANDERSON: Chair?

12 CHAIR MOLINA: -- we'll have the Planning Department
13 explain the process, and that way we can move
14 forward here from there.

15 So I guess, Deputy Director Suyama, if
16 you can go ahead and give us a brief explanation
17 of how this process will work.

18 MS. SUYAMA: One of the process to change the land --
19 the land use designations of property is that
20 the Council, through a resolution, can -- by
21 resolution passed by the Council send it down to
22 the Department in which the Planning Commission
23 would review the application for zoning.

24 And as part of that because it
25 involves -- this action involves a Community

1 Plan Amendment, it also triggers the need for
2 Chapter 343 review, which is the Environmental
3 Impact Statement rules and regulations of the
4 State.

5 And as part of that, that's the draft
6 Environmental Assessment document that everybody
7 has been talking about. It has been filed with
8 the Maui Planning Department. Upon filing of
9 the application, the Department reviews the
10 draft Environmental document to ensure that it
11 meets the minimum qualifications that OEQC, the
12 Office of Environmental Quality Control, sets
13 for such documents.

14 When we find that the document is
15 complete, we will then prepare the transmittal
16 documents to the Office of Environmental Quality
17 Control for publication in the Environmental
18 Bulletin. And from that publication and the
19 Environmental Bulletin, the public and agencies
20 have 30 days in which to comment on the
21 document.

22 And as part of that also what the
23 Department does, is we transmit that
24 Environmental document to all of the agencies
25 that are interested, County agencies, State

1 agencies, and Federal agencies to solicit
2 comments from them and recommendations from them
3 based upon what the application is. In this
4 case, it would be all the land use amendments
5 that are proposed for a hospital.

6 Once we receive all that information, it
7 is complete, the applicant -- the consultant has
8 responded adequately to those comments, they put
9 it into a final draft document, and that final
10 draft document -- there's two portions. When
11 the draft document originally comes in, it is
12 filed with the Planning Commission at one of
13 their meetings. They authorize the Department
14 to actually prefile it, the document, with OEQC
15 and they also give preliminary comments on the
16 document.

17 When the final document comes back to
18 them, it is basically to approve that final
19 document for filing with the Office of
20 Environmental Quality Control. And once that is
21 filed and placed in the Bulletin, then you have
22 the appeal period where if it's an EA, it's
23 30 -- 45 days that they can appeal that
24 document. If it's an EIS, I believe it's
25 60 days appeal process. This can run

1 concurrently with your resolution.

2 Once the resolution is passed by the
3 Council, it's referred back down to the Planning
4 Department. And upon receipt of the resolution,
5 because this is a Community Plan Amendment,
6 District Boundary Assessment and Change in
7 Zoning that's being proposed, the Commission has
8 120 days in which to hold a hearing and to make
9 a recommendation back to the Council.

10 But in the meantime in order for us to
11 hold the hearing, we need to have -- make sure
12 that the Environmental document has been
13 completed. So we try to do that process way in
14 advance, so that by the time the resolution
15 comes down to the Department, we've come --
16 we've gone through that portion of the process
17 which is the Environmental document so that we
18 can schedule the hearing.

19 At that point also, the Commission would
20 have received much of the information as to what
21 impacts the -- the application may have on
22 roads, sewers, water, et cetera. And we also
23 will have all public comments that have been
24 solicited to date on -- on that document.

25 And the Department, as part of the

1 public hearing, would prepare a report to the
2 Planning Commission and a recommendation to the
3 Planning Commission.

4 And at the hearing, the Commission will
5 solicit more information from the public, from
6 the agencies. They will either concur with the
7 recommendation of the Department, they may amend
8 the recommendation of the Department, or they
9 may deny -- recommend denial of the
10 recommendation.

11 And all of those documents come back to
12 the Council within that 120 days in which the
13 Council now then have all the information that
14 has been collected so far regarding the
15 application.

16 And in this case, you would have the
17 complete EA documents, you would have the
18 Department's report, you would have all the
19 public testimony, you will have all the agency
20 comments from that -- to that date. And then
21 you -- you could be ready to do your
22 deliberations. And at that point when it's
23 referred to this Committee, this Committee then
24 will indicate what other information they need,
25 what other agencies they need to respond, but

1 that is the process.

2 CHAIR MOLINA: Member Anderson?

3 COUNCILMEMBER ANDERSON: Thank you, Chair.

4 Thank you very much for that, Colleen.

5 I think that helps clear things up for people.

6 And would you just comment on the Maui
7 Prep process that was similar to this? And
8 there was -- there were no other shortcuts taken
9 for them that --

10 MS. SUYAMA: No. There was no other shortcuts.

11 They -- you know, their consultants submitted
12 the draft EA to our office in advance, and we
13 processed that. In the meantime, the Council
14 passed the resolution.

15 It works more efficiently when the draft
16 EA document is filed early with the Department
17 because it's normally 90- to 120-day process for
18 review from start to finish, and we try to
19 expedite it for public projects, especially when
20 we're dealing with resolutions from the County.
21 But it's -- generally, because of the time
22 tables that are involved, it's usually a 90- to
23 120-day process.

24 And we try to time it, so by the time
25 the resolutions are done with our office, we've

1 gone through that process -- or pretty much
2 completed that process, and then we can then
3 start scheduling the public hearing.

4 COUNCILMEMBER ANDERSON: Thank you for that.

5 Thank you, Mr. Chair.

6 I just think, you know, we -- there's no
7 need for us to do any deliberation here or get
8 into any details. All we're -- our function is
9 just to pass this resolution and get these
10 requests moving through the system.

11 CHAIR MOLINA: Thank you, Member Anderson. Your
12 comments are well taken.

13 COUNCILMEMBER ANDERSON: Thank you.

14 CHAIR MOLINA: And the Chair agrees.

15 Member Mateo?

16 COUNCILMEMBER MATEO: Chairman, thank you very much.
17 And I concur with Ms. Anderson.

18 And I would at this time, if there's no
19 additional questions by this body, to ask the
20 Chair for your recommendation.

21 CHAIR MOLINA: Okay. So be it, Members. If you'll
22 grant the Chair one opportunity to ask a
23 question of the Department.

24 First of all, any questions for
25 Mr. Miyamoto as well?

1 I'm sure, Mr. Miyamoto, you'll be asked
2 questions when and if we have another meeting on
3 this, which I believe will be later this year,
4 so you're excused for today.

5 And quick question for the Department.

6 Members, as we all know, a proposed
7 facility in South Maui had been making a lot of
8 headlines recently, and they had to go through
9 the State process, the Certificate of Need
10 process for a medical facility.

11 If the District Boundary Amendment,
12 Community Plan Amendment as well as the Change
13 in Zoning are ultimately granted, but the
14 Certificate of Need is rejected, how could the
15 property be used then?

16 I mean I'm just -- I'm not trying to
17 play the devil's advocate here, but I just would
18 like that question answered.

19 MS. SUYAMA: The request is to change this property
20 to Public/Quasi-Public use. Rather -- you know,
21 I mean it's close to the Civic Center. There's
22 a need for public uses within the West Maui
23 area.

24 If the Certificate of Need is never
25 approved by the State and the hospital doesn't

1 go forward, you still have public lands that are
2 designated for other public uses. Because we're
3 not saying that -- you know, it would be -- you
4 know, we would not advocate just limiting --
5 limiting the property to the hospital, we just
6 say, zone it Public/Quasi-Public. If the
7 hospital, you know, goes through the process and
8 they're able to be built, fine, but then in the
9 long run, the West Maui area has another public
10 designated property.

11 CHAIR MOLINA: Okay. Thank you. That answers my
12 questions.

13 Well, with that being said, Member --
14 Members, the Chair is ready to make a
15 recommendation.

16 Member Johnson.

17 COUNCILMEMBER JOHNSON: I just have one question.

18 Because this is under 15 acres, is there any
19 different treatment of this property with regard
20 to any, you know, State processes that would
21 otherwise be required?

22 MS. SUYAMA: The only difference is that because it's
23 less than 15 acres, authority to zone the
24 property on all levels from the State District
25 Boundary to the County Zoning powers are with

1 the Council through ordinance.

2 If it was over 15 acres, then we would
3 have a different jurisdiction where the State
4 Land Use Commission would have jurisdiction over
5 the State District Boundary, and that would take
6 a longer process than what we're going through
7 today.

8 COUNCILMEMBER JOHNSON: Thank you very much for
9 clarifying that, because I know that was one of
10 the questions I was asked by someone else.

11 Thank you very much, Mr. Chair.

12 CHAIR MOLINA: Okay. Thank you, Member Johnson.

13 Member Anderson?

14 COUNCILMEMBER ANDERSON: Thank you, Chair.

15 I just spoke with Mich and the
16 Certificate of Need, they're anticipating
17 July 1st they'll be submitting that, and so that
18 will be in process prior to this ever getting
19 back to us for zoning, so...

20 But I think the fact if this Council
21 passes this resolution out, that is a show of
22 good faith that we, you know, are supporting the
23 movement of this. Maybe not the actual details,
24 which we haven't gotten into yet, but at least
25 the concept. And that will probably help them

1 in their Certificate of Need.

2 CHAIR MOLINA: We'll keep our fingers crossed.

3 VICE-CHAIR PONTANILLA: Chair, I'm ready for your
4 recommendation.

5 CHAIR MOLINA: Okay.

6 COUNCILMEMBER VICTORINO: Yeah, Chair, go ahead.
7 Your recommendation.

8 CHAIR MOLINA: Thank you, Members.

9 Before the Chair makes his
10 recommendation, I want to thank you Member
11 Johnson for introducing this resolution to the
12 Council, and I think it's safe to say all of us
13 agree some type of medical facility is needed on
14 the West side.

15 So with that being said, Members, the
16 Chair will entertain a motion -- transmitted by
17 the Corporation Counsel as of February 21st,
18 2007 entitled, "Referring to the Maui Planning
19 Commission Draft Bills to, Respectively, Enact
20 the State Land Use District Classification
21 Amendment, a Community Plan Amendment and a
22 Change in Zoning for property situated at
23 Lahaina, Maui, Hawaii for the proposed West Maui
24 Hospital and Related Ancillary Medical
25 Facilities," and to file County Communication

1 No. 07-23.

2 COUNCILMEMBER JOHNSON: So moved.

3 COUNCILMEMBER ANDERSON: Second.

4 CHAIR MOLINA: Moved by Member Johnson, seconded by
5 Member Anderson.

6 Discussion, Members?

7 Member Johnson.

8 COUNCILMEMBER JOHNSON: No, I just want to thank you,
9 Mr. Chair, and I want to thank the Members for
10 being so supportive.

11 I know we had the previous resolution
12 that we had sent on to the State which
13 Representative McKelvey spoke about. But I
14 think for my purposes, it's really important to
15 my community. As was pointed out, it's
16 important to the economic health.

17 And because there is always this clock
18 ticking with regard to the timeliness of moving
19 forward with any of these measures that have to
20 do with public health and safety, it's really
21 important that we try to accommodate as much as
22 we can to move these kinds of issues forward.

23 So I thank the Members for their
24 support, and thank you so much, Chair Molina,
25 for showing up at the West Maui Taxpayers

1 meeting the other night, too.

2 Thank you.

3 CHAIR MOLINA: Thank you, Member Johnson.

4 Members, any other comments on the
5 motion?

6 Member Anderson?

7 COUNCILMEMBER ANDERSON: Yeah, just a quick comment,
8 Chair.

9 I think, you know, all of us are
10 supportive of any increase in -- in health care
11 facilities on this Island, in this County.
12 Whatever we can do to help serve the needs of
13 our community, I know that we're all going to be
14 behind it.

15 The details have yet to be worked out.
16 There's plenty of hearings before them where the
17 public can let their feelings known about
18 whatever details they feel need to be tightened
19 up, and so I'm fully in support of this and look
20 forward to it coming back to the Council.

21 And I just want to put in a plug,
22 when -- when the occasion should arise for the
23 same kind of action for South Maui, I hope we
24 get the same kind of support from the Council.

25 Thank you.

1 CHAIR MOLINA: Okay. Thank you, Member Anderson.

2 Committee Members, comments?

3 Mr. Pontanilla?

4 VICE-CHAIR PONTANILLA: Thank you, Chair.

5 I'll be supporting the resolution. I'm
6 very happy to do that.

7 I just want to thank Representative
8 McKelvey for being here this afternoon. I think
9 he brought us pretty good insights as far as
10 what he's doing on the State level to get this
11 thing done.

12 My hat goes out to Mr. Pluta, also, for
13 not giving up.

14 CHAIR MOLINA: Thank you, Member Pontanilla.

15 Member Baisa?

16 COUNCILMEMBER BAISA: Thank you, Chair.

17 Not feeling very well today. This is
18 very timely. I was in support of the hospital
19 long before this.

20 I think that it is unconscionable that
21 people on the west side do not have access to
22 immediate health care. You know, it is just not
23 fair that someone might be injured or die in the
24 process of getting to health care when it could
25 be available.

1 And I am very proud and happy to support
2 this today. And I'd like to express my
3 gratitude and thanks to Member Johnson;
4 Mr. Pluta, who I know worked really, really
5 hard; and everyone else in the community who's
6 been a part of this effort.

7 I know there might be some concerns, and
8 we heard some of them today. But there's a long
9 road ahead of us before this actually happens,
10 and I'll leave it to the process.

11 CHAIR MOLINA: Thank you, Member Baisa.

12 Any other comments?

13 COUNCILMEMBER VICTORINO: Well, since everybody
14 asked --

15 CHAIR MOLINA: Okay. All right.

16 COUNCILMEMBER VICTORINO: You know, I just never
17 get --

18 CHAIR MOLINA: Mr. Victorino?

19 COUNCILMEMBER VICTORINO: -- recognized down here.

20 Anyhow, first of all, I -- I am very
21 happy to support this, also. I thank
22 Representative McKelvey and Ms. Johnson for her
23 efforts.

24 Being a long-term resident and working
25 out there since 1973, I've watched Lahaina

1 change in many areas and never seen the medical
2 care facility change with the growth of the
3 area, and I think it's long overdue. And the
4 inaccessibility and the shutting down of the
5 highway so often has created even a greater need
6 in that area, so I am very happy to support it.

7 Those who know me out there, all the
8 friends and family that work out there, know
9 that this is something that was long overdue.
10 Besides the highway, this is the next best thing
11 for West Maui.

12 Thank you.

13 CHAIR MOLINA: Okay. Thank you, Member Victorino.

14 Member Medeiros, followed by Member
15 Johnson.

16 COUNCILMEMBER MEDEIROS: Mahalo, Chair.

17 I, too, would like to express my
18 appreciation to our Colleague Johnson for her
19 resolution, for introducing it, and for you,
20 Mr. Chair, for scheduling it.

21 But I would also like to thank the West
22 Maui group, Mr. Pluta, for his efforts and
23 tenacity to keep at it. And having been in
24 charge of highways for the County out there for
25 20 years, and now this is County highways -- now

1 it's not Honoapiilani Highway, that's a State
2 highway -- but knowing the challenges out there
3 with traffic and having been a part of the road
4 closures in assisting the State during fires and
5 during accidents, I know that the concerns in
6 the West Maui community about getting to the
7 hospital in Central Maui. So certainly a
8 facility has long been overdue for West Maui and
9 I applaud the efforts of the people that are
10 pursuing this West Maui facility.

11 Mahalo, Mr. Chair.

12 CHAIR MOLINA: Okay. Thank you very much, Member
13 Medeiros. And as someone who lives out in a
14 very remote area, I'm sure you can relate to the
15 concerns of the citizens of West Maui when it
16 comes to medical treatment facilities.

17 Member Johnson, I would like to just
18 give Member Mateo an opportunity to comment, if
19 he cares to.

20 COUNCILMEMBER MATEO: Chairman, I -- everything --
21 everything I wanted to say had been said by
22 Member Victorino, so...

23 COUNCILMEMBER VICTORINO: ...(inaudible)...

24 COUNCILMEMBER MATEO: So I add my support to it. And
25 you know what? It's a long time in coming,

1 initially discussed in 2002, and it's gotten to,
2 you know, a couple of years before we actually
3 take this initial step in sending it over to the
4 Planning Commission. And I think it's exciting,
5 and I think it's a good day for West Maui, and I
6 think we need to move on.

7 Thank you, Chairman.

8 CHAIR MOLINA: Thank you, Member Mateo.

9 And, Member Anderson, you've been given
10 the floor by Member Johnson for the second and
11 last time before the motion on the floor.

12 Member Anderson?

13 COUNCILMEMBER ANDERSON: Thanks, Jo Anne.

14 I just wanted to add, Chair, that
15 between now and, say, the time this comes up in
16 front of the Planning Commission, I would hope
17 that they could find some -- maybe some
18 alternatives or some -- well, just some
19 encouragement about getting some long-term care
20 beds included in this, so that by the time it
21 comes back to us, we've got a more complete
22 package that we can support as far as long-term
23 care beds, because, you know, that will also
24 ease up the medical stress that everyone has at
25 Maui Memorial. And certainly, the west side

1 needs some long-term care facilities, too.

2 Thank you, Chair.

3 CHAIR MOLINA: Thank you, Member Anderson.

4 And Member Johnson?

5 COUNCILMEMBER JOHNSON: Yes. Thank you very much.

6 And with regard to the comment just made
7 by Member Anderson, one of the advantages that
8 you have in going through the Certificate of
9 Need process is that because many of the beds
10 during this process can be, what they call dual
11 designated, they can be operated with a dual
12 designation, so, therefore, they could be acute
13 care beds, but when they're not in use for acute
14 care purposes, they would be able to be
15 designated for long-term care beds. So that's
16 one of the options, too, without building
17 initially a separate facility until the need
18 arises.

19 What I wanted to also say, which I would
20 be remiss if I did not, I think it was Mahealani
21 that -- or Mr. Pluta that mentioned Jim Wriston.
22 He's with -- or was with Kaanapali Development
23 Corporation. Mr. Wriston worked very hard on
24 this. And when I had initial discussions,
25 because I did not also want to get this

1 commingled with being attached to a development,
2 because so many times it's like, you know, take
3 it or leave it. Either we get our facility or
4 we get our approval for land use designation or
5 you wouldn't get the hospital.

6 And I really want to say Mr. Wriston,
7 wherever, you know -- and I'm sure he's in
8 heaven somewhere, but I don't want to say
9 another world because that just -- you know,
10 that's not the kind of person that he was.
11 Excuse me for laughing, but Jim would appreciate
12 this. He and I did not always agree on
13 measures. There were many, many times when, you
14 know, I would be his, you know, nemesis. But
15 this was one time where he really -- I mean he
16 really just came out and he cared about the
17 community. He just really gave it his all.

18 And I want to thank Kaanapali
19 Development Corporation. I want to also thank a
20 former County employee, Mr. Howard Hanzawa, who
21 has now taken over for Mr. Wriston, and I -- I
22 just want to thank him for that, because he got
23 in some pretty good arguments with Mr. Lovelet
24 and other members of the Corporation, but he
25 fought for this to be separate and stand-alone,

1 so I want to thank him. And, Jim, sorry about
2 that.

3 Thank you.

4 CHAIR MOLINA: Thank you, Member Johnson. I feel
5 like I'm at the Academy Awards here with all the
6 thank yous going around, but, in short, I want
7 to thank everyone involved with taking this very
8 small but positive step.

9 And before the Chair calls for the vote,
10 the Chair did mention in the motion to include
11 the filing of the Communication. I would like
12 to ask for your indulgence. The Chair wants to
13 reconsider that. I want to keep the
14 communication open, being that we will await,
15 assuming this passes here in the Council.

16 COUNCIL MEMBERS: No objections.

17 **COUNCIL MEMBERS VOICED NO OBJECTIONS (excused RH).**

18 CHAIR MOLINA: And, Staff, just for the body's
19 information, this will have to go through just
20 one reading on the Council or will this take
21 two?

22 MS. NAKATA: Mr. Chair, the proposed resolution would
23 just take one reading.

24 CHAIR MOLINA: Okay. Thank you very much.

25 Members, that being said, the Chair

1 calls for the questions. All in favor, signify
2 by saying aye.

3 COUNCIL MEMBERS: Aye.

4 CHAIR MOLINA: All opposed?

5 Thank you. The Chair will mark it eight
6 ayes with one excusal, Councilmember Hokama.

7 **VOTE: AYES:** Councilmembers Anderson, Baisa, Johnson,
8 Mateo, Medeiros, Victorino, Vice-Chair
Pontanilla, and Chair Molina.

9 **NOES:** None.

10 **EXC.:** Councilmember Hokama.

11 **ABSENT:** None.

12 **ABSTAIN:** None.

13 **MOTION CARRIED.**

14 **ACTION:** Recommending ADOPTION of proposed resolution.

15

16 CHAIR MOLINA: Members, it is 3:15. The Chair will
17 call for a recess. This meeting will reconvene
18 at 3:30. (Gavel.)

19 **RECESS:** 3:15 p.m.

20 **RECONVENE:** 3:33 p.m.

21 CHAIR MOLINA: (Gavel.) The February 28, 2007 Land
22 Use Committee meeting is now back the session.
23 Thank you very much for that break, Members.

24 We have two more items to address on our
25 agenda today, which is LU-57 and LU-59.

1 And, No. 2, a correspondence dated
2 January 19, 2007, from the Corporation Counsel's
3 Office, transmitting a revised proposed bill
4 entitled, "A Bill for an Ordinance amending
5 Ordinance No. 1585 (Conditional Zoning) for B-2
6 Community Business District property situated at
7 232 Lahainaluna Road and 242 Lahainaluna Road,
8 Maui, Hawaii."

9 The intent of the revised proposed bill
10 is to amend Ordinance No. 1585 by deleting
11 certain existing conditions of zoning and
12 expanding the uses permitted on the subject
13 property.

14 Now, moving on to LU-59, the Committee
15 is in receipt of the following, County
16 Communication No. 04-249, from the Planning
17 Director, transmitting a proposed bill to amend
18 Ordinance No. 1537 (1986) by deleting certain
19 existing conditions of zoning and expanding the
20 uses permitted on property zoned B-2 Community
21 Business District, located at 252 Lahainaluna
22 Road, Lahaina, Maui.

23 And a correspondence dated February 16,
24 2007, from the Corporation Counsel's Office, who
25 transmitted a revised proposed bill entitled,

1 "A Bill for an Ordinance amending Ordinance
2 No. 1537 (Conditional Zoning) for B-2 Community
3 Business District property situated at 252
4 Lahainaluna Road, Lahaina, Maui, Hawaii."

5 And the intent of the revised proposed
6 bill is to amend Ordinance No. 1537 (1986) by
7 deleting certain existing conditions of zoning
8 and expanding the uses permitted on the subject
9 property.

10 So, Members, we do have the applicant's
11 representative from the Munekiyo & Hiraga firm,
12 Gwen Hiraga, who will be doing a PowerPoint
13 presentation first on LU-57 and it will segue
14 into a presentation on LU-59.

15 So if there are no objections, Members,
16 or comments, the Chair will call for a short
17 break to set up our PowerPoint presentation for
18 the Chambers.

19 Any other questions before we break?

20 COUNCIL MEMBERS: No objections.

21 CHAIR MOLINA: Seeing none, meeting in recess.

22 (Gavel.)

23 **RECESS: 3:35 p.m.**

24 **RECONVENE: 3:36 p.m.**

25 CHAIR MOLINA: (Gavel.) Land Use Committee meeting

1 for February 28, 2007 is now back in session.

2 We have from the firm of

3 Munekiyo & Hiraga, Gwen Hiraga, to do a

4 PowerPoint presentation on both LU-57 and LU-59.

5 Ms. Hiraga?

6 MS. OHASHI HIRAGA: Good afternoon, Chair Molina and

7 Members of the Land Use Committee.

8 My name is Gwen Hiraga. We'll start the

9 PowerPoint presentation with LU-57 first.

10 CHAIR MOLINA: Ms. Hiraga, we've had a request from

11 some Members about improving the focus.

12 COUNCILMEMBER MEDEIROS: Or is it too close?

13 COUNCILMEMBER VICTORINO: I thought I was just blind.

14 COUNCILMEMBER MEDEIROS: Try the focus.

15 COUNCILMEMBER ____: Yeah. Okay, right there.

16 COUNCILMEMBER VICTORINO: All right. All right.

17 CHAIR MOLINA: Thank you.

18 COUNCILMEMBER ANDERSON: Put your glasses on, Gwen.

19 Put your glasses on.

20 COUNCILMEMBER MEDEIROS: I thought we were losing our

21 sight, besides hearing.

22 MS. OHASHI HIRAGA: ... (inaudible)...

23 CHAIR MOLINA: Okay. Thank you.

24 MS. OHASHI HIRAGA: First of all, before I get

25 started with the formal presentation, I just

1 wanted to note that the prior Land Use Committee
2 previously reviewed this item -- these two
3 items, and I'll just get into this and explain
4 as I go along...Technical difficulties...

5 CHAIR MOLINA: Members, we're experiencing some minor
6 technical difficulties.

7 Ms. Hiraga, do you need a recess to --
8 so we can proceed?

9 COUNCILMEMBER VICTORINO: F5. Captain Hirata, he
10 know. Captain Hiraga, he get 'em.

11 CHAIR MOLINA: We have a lot of technology experts
12 here, so I'm sure we can move this along.

13 Members, the Chair is going to call for
14 a brief recess. (Gavel.)

15 **RECESS: 3:40 p.m.**

16 **RECONVENE: 3:41 p.m.**

17 CHAIR MOLINA: (Gavel.) The February 28, 2007
18 Land Use Committee meeting is now back in
19 session. We have Gwen Hiraga from the firm of
20 Munekiyo & Hiraga to do a PowerPoint
21 presentation on Committee Items LU-57 and LU-59.

22 Ms. Hiraga?

23 MS. OHASHI HIRAGA: Okay. Thank you. Again, we'll
24 start off with LU-57.

25 COUNCILMEMBER JOHNSON: Oh, you're editing it.

1 You're in edit mode.

2 COUNCILMEMBER MEDEIROS: That's good. That's easy to
3 see.

4 MS. OHASHI HIRAGA: It's frozen.

5 COUNCILMEMBER VICTORINO: It's not going yet, Gwen.

6 CHAIR MOLINA: Ms. Hiraga, do you have hard copies
7 for the Members, as well?

8 MS. OHASHI HIRAGA: Yes.

9 CHAIR MOLINA: Okay.

10 MS. OHASHI HIRAGA: It should be in the binder.

11 CHAIR MOLINA: Okay, all right. Thank you.

12 COUNCILMEMBER VICTORINO: We just better go read it.

13 CHAIR MOLINA: Members, just in case.

14 COUNCILMEMBER _____: There we go.

15 MS. OHASHI HIRAGA: Okay.

16 COUNCILMEMBER VICTORINO: There you go.

17 MS. OHASHI HIRAGA: Okay. Sorry about that.

18 The first property that we're talking
19 about is located at 232 Lahainaluna Road. The
20 size of the parcel is approximately 9,303 --
21 303 square feet. There is an existing
22 structure, 1,340 square feet in size.

23 In terms of the history of the parcel,
24 you will -- as you may recall, some of you may
25 recall, the applicant -- original applicant was

1 Lahaina Gateway, LLC. And in the process
2 of processing these land use zoning condition
3 amendments, the parcels were sold.

4 So Parcel 11 at 232 Lahainaluna Road was
5 sold to Mike and Siu Whitehead in January of
6 2005. And the Conditional Zoning that was
7 granted in 1986 for this parcel, as well as the
8 next parcel that we're going to take a look at,
9 was subject to various conditions, including a
10 use condition that read, that the use of the
11 property shall be limited to a furniture sales
12 building with office and storage space. Okay.
13 The existing -- since that time, the existing
14 structure on the property has been remodeled for
15 Business use.

16 Sorry. Okay. The next parcel is
17 242 Lahainaluna Road, and it is the adjacent
18 parcel. This parcel is 8,000 -- approximately
19 8,409 square foot in size. It has a similar
20 size structure on the property, and this parcel
21 was sold to Wendy Pogni and her parents, John
22 and Barbara Carr in May of 2004.

23 Similar to Parcel 11 at 232 Lahainaluna
24 Road, the same condition was applied when the
25 original zoning was granted in 1986. The

1 existing structure on the property was remodeled
2 and is used as a beauty salon.

3 This looks kind of fuzzy. So this is
4 the location -- Honoapiilani Highway,
5 Lahainaluna Road, Wainee Street. This is
6 Parcel 11 and this is Parcel 12, 232 Lahainaluna
7 Road, 242 Lahainaluna Road.

8 This is a photo of two -- of the
9 structure at 232 Lahainaluna Road after interior
10 and exterior finishing renovations were done.

11 I'm sorry. I don't have a before photo, but we
12 will see in the next one.

13 COUNCILMEMBER ANDERSON: Excuse me, Chair?

14 CHAIR MOLINA: Yes.

15 COUNCILMEMBER ANDERSON: I have a question.

16 CHAIR MOLINA: Okay. Member Anderson?

17 COUNCILMEMBER ANDERSON: The last slide said 232?

18 MS. OHASHI HIRAGA: Yes.

19 COUNCILMEMBER ANDERSON: I'm trying to get this
20 straight in my mind, because Item 59 says it's
21 252 Lahainaluna.

22 MS. OHASHI HIRAGA: We're in --

23 COUNCILMEMBER ANDERSON: And Item 57 --

24 CHAIR MOLINA: We're in 57.

25 COUNCILMEMBER ANDERSON: -- says 242 Lahainaluna.

1 COUNCILMEMBER MEDEIROS: 232 and 242.

2 COUNCILMEMBER ANDERSON: Oh, and 232? I'm sorry.

3 CHAIR MOLINA: Yes.

4 COUNCILMEMBER ANDERSON: Thank you.

5 CHAIR MOLINA: Yeah. The presentation is on LU-57.

6 COUNCILMEMBER ANDERSON: Okay. Thank you.

7 MS. OHASHI HIRAGA: Okay. This is 242 Lahainaluna
8 Road, and this is a before renovation photo.
9 The next one will show the after renovation
10 photo.

11 COUNCIL MEMBERS: Oh, wow.

12 MS. OHASHI HIRAGA: Okay. I prepared this chart to
13 show what the -- the first column it would be
14 your -- the existing zoning conditions when the
15 zoning was granted in 1986, and also we noted
16 the status of the compliance of each condition.
17 The Planning Department, you know, whenever we
18 go in for these changes, we always have to
19 provide a status of conditions, which is fine.

20 And this last column shows the
21 approved -- the conditions that were approved by
22 the former Land Use Committee. And for the most
23 part, these conditions are consistent with what
24 the Planning Commission had recommended.

25 So basically, you know, the first

1 condition was that the use of the property would
2 be limited to a furniture sales building with
3 office and storage space. We went in to seek an
4 amendment to this zoning condition and noted
5 that this particular parcel, together with the
6 next parcel, Parcel 12, was never developed or
7 constructed as a furniture store.

8 And again, this is a list of conditions,
9 permitted uses -- I'm sorry, prohibited uses
10 from the B-2 Zoning District. And again, this
11 just continues, and there is a hard copy in your
12 binders, I believe.

13 In terms of the other conditions,
14 condition number 2, this is the one that
15 required the applicant to come back to the Maui
16 Planning Commission and the County Council to
17 review additional uses. So the Planning
18 Commission recommended deletion of this
19 condition and the former Committee agreed.

20 This is another condition that was put
21 on and the furniture sales building was never
22 constructed. The existing structures on the
23 parcels have that setback that's being imposed
24 by this condition. The Planning Commission
25 recommended deletion and the former Committee

1 agreed.

2 The proposed building shall not exceed
3 two stories or a maximum building height of
4 35 feet, whichever is less. We noted that
5 both -- on both parcels, the single-family
6 structure is currently under 35 feet in height.
7 The Committee retained this particular condition
8 just slightly reworded, and that's fine.

9 Okay. This particular condition was
10 recommended for deletion by the Planning
11 Commission, and the former Committee agreed.

12 And this one on the vehicular movements,
13 there was a condition that any left turn
14 vehicular movements from Lahainaluna Road be
15 restricted and the condition was re -- reworded,
16 I guess, to be this way. And again, it still
17 restricts -- or restricted to right turn in and
18 right turn out only.

19 A condition was added in by the Planning
20 Commission that before any of these existing
21 buildings are replaced, that the owners need to
22 submit a driveway access plan to the State
23 Department of Transportation for review and
24 approval. This condition was put in because of
25 the DOT comments when it was being reviewed a

1 couple of years ago.

2 The next condition pertains to
3 construction of walls, and the former Committee
4 had recommended that the height be six feet in
5 height versus seven. And I want to note that
6 the wall that is referred to here -- or the
7 walls that are referred to here have been
8 constructed by the current owners.

9 Let's see. Condition number 8 was
10 deleted -- recommended deleted -- deletion by
11 the Planning Commission because the condition
12 has been complied with.

13 The next condition deals with access.
14 This is okay. The next condition --
15 condition -- the new condition number 7 deals
16 with hours of operation that was recommended by
17 the Planning Commission. The former Committee
18 left it in.

19 And the last condition remains the same.

20 Wait now.

21 COUNCILMEMBER MEDEIROS: Chair?

22 CHAIR MOLINA: Ms. Hiraga, we have a quick question
23 from Member Medeiros.

24 COUNCILMEMBER MEDEIROS: You know, going back to your
25 conditions -- and I don't mean to make it

1 difficult for you to go back to that slide, but
2 there was a condition that said that -- no, some
3 more.

4 Some more.

5 One more.

6 That one. Condition -- revised
7 condition number 4.

8 MS. OHASHI HIRAGA: This one?

9 COUNCILMEMBER MEDEIROS: Yes. It says the owner
10 shall submit a driveway access plan to the State
11 Department of Transportation. Why is that,
12 isn't there access on Lahainaluna Road?

13 MS. OHASHI HIRAGA: It is.

14 COUNCILMEMBER MEDEIROS: And it stills requires a
15 plan to the State?

16 MS. OHASHI HIRAGA: I think the State, if I recall
17 correctly, and, you know, Ann can correct me if
18 I'm wrong, when the State Department of
19 Transportation reviewed the owner's request back
20 in 2001, 2002, that was a comment that they had,
21 because it was represented that, you know,
22 pretty much the existing buildings would remain
23 as is. So in the event that the buildings were
24 demolished and replaced, the State Department of
25 Transportation wanted an opportunity to review

1 driveway access.

2 COUNCILMEMBER MEDEIROS: You mean if they were going
3 to change the driveway access to enter from
4 Honoapiilani Highway?

5 MS. OHASHI HIRAGA: No. Just if they were going to
6 change the buildings on the property. The
7 access would still be from Lahainaluna Road, but
8 the DOT wanted the opportunity to comment or
9 review.

10 COUNCILMEMBER MEDEIROS: Okay. I don't understand
11 that, but thank you for going back to that.

12 VICE-CHAIR PONTANILLA: Chair?

13 COUNCILMEMBER ____: Chair?

14 CHAIR MOLINA: Mr. Pontanilla?

15 VICE-CHAIR PONTANILLA: Thank you.

16 I think you have the map of the
17 intersection, if you could show that?

18 Okay. Thank you. Parcel 12, yeah.

19 There's a jog right there.

20 MS. OHASHI HIRAGA: Yes.

21 VICE-CHAIR PONTANILLA: How far in does the State
22 highway goes into that intersection?

23 MS. OHASHI HIRAGA: You mean the State right-of-way?

24 VICE-CHAIR PONTANILLA: Yeah.

25 MS. OHASHI HIRAGA: I'm not sure. Mr. Miyamoto from

1 Public Works, would you know, or Captain Hirata?

2 COUNCILMEMBER MEDEIROS: It's private property.

3 MS. OHASHI HIRAGA: I'm not sure how the State...

4 CHAIR MOLINA: Member Pontanilla --

5 MS. OHASHI HIRAGA: It looks like it's...

6 CHAIR MOLINA: -- maybe when we get into the Q&A --

7 VICE-CHAIR PONTANILLA: Oh, okay. Fine. Thank you.

8 CHAIR MOLINA: -- we can have Police and Deputy

9 Director of Public Works respond to your

10 question.

11 VICE-CHAIR PONTANILLA: Yeah. I -- I just was trying

12 to figure out similar to what Member Medeiros --

13 COUNCILMEMBER MEDEIROS: Yeah.

14 VICE-CHAIR PONTANILLA: -- had in mind. I know at

15 intersections, the right-of-ways becomes a

16 little wider, yeah, because of the four -- four

17 roads, yeah.

18 Thank you.

19 CHAIR MOLINA: Okay. If there are no other questions

20 on LU-57?

21 Member Anderson?

22 COUNCILMEMBER ANDERSON: Yeah, on -- on the slide

23 that has condition 5, existing condition 5, it

24 says that the full compliance with the comments

25 of the Department of Public Works dated

1 October 31, '85 shall be rendered.

2 What were the comments? Because it says
3 that they were applicable to the proposed
4 furniture sales building, but I mean I find it
5 strange that they would have comments specific
6 to a furniture building, so I'm wondering what
7 the comments are.

8 Gwen, would you know that?

9 CHAIR MOLINA: Ms. Hiraga, are you prepared to
10 respond to the question at this time?

11 MS. OHASHI HIRAGA: I have it in my file.

12 CHAIR MOLINA: Okay. Member Anderson, would you mind
13 waiting until we get to Q&A --

14 COUNCILMEMBER ANDERSON: Sure.

15 CHAIR MOLINA: -- so she can locate her question?

16 Ms. Hiraga, continue with the
17 presentation and then be prepared to respond
18 when we do the Q&A to Member Anderson's
19 question.

20 Okay. Members, any other questions on
21 the presentation for LU-57?

22 Okay. Seeing none, let's move on to the
23 presentation for LU-59.

24 COUNCILMEMBER VICTORINO: And that's 252 Lahainaluna
25 Road; is that correct, Mr. Chair?

1 UNIDENTIFIED SPEAKER: It's correct, yeah.

2 CHAIR MOLINA: That's -- this is 252 Lahainaluna

3 Road, yes. I think the -- there's too many twos

4 in our roads here -- our road here.

5 So we're on LU-59 now.

6 Do we need a recess to adjust our

7 computer?

8 Okay. Members, we're going to take a

9 short recess. This Meeting in recess. (Gavel.)

10 **RECESS: 3:54 p.m.**

11 **RECONVENE: 3:55 p.m.**

12 CHAIR MOLINA: (Gavel.) February 28, 2007 Land Use

13 Committee meeting is now in session.

14 We are on a presentation done for us by

15 Munekiyo & Hiraga on Committee Item LU-59.

16 MS. OHASHI HIRAGA: Thank you.

17 LU-59 refers to the parcel -- that

18 corner parcel that we looked at at the map, and

19 that was at 252 Lahainaluna Road. The parcel is

20 approximately 7,347 square foot in size, and

21 there is a 1,784 square foot structure.

22 The previous owner at the time of the

23 former Committee's review had a lease option

24 with Sherry Ann Boonstra-Barbier. And since

25 that -- since that review, Ms. Barbier --

1 Boonstra-Barbier exercised her option to
2 purchase the property, and the property was
3 conveyed in March 2006.

4 The Conditional Zoning that was granted
5 in '86 for this parcel had a slightly different
6 use condition, and the two use conditions read,
7 one, that the following uses shall be permitted:
8 Business office and agencies, custom
9 dress making, dress making. And the second
10 condition was that any retail -- that retail
11 activities shall be limited to the sale of
12 costumes and dresses. The existing structure on
13 the property has been remodeled and is currently
14 used for a business office.

15 It's the same map that we showed
16 earlier, but this is that corner parcel.

17 This is a photo of the structure after
18 renovation. I'm sorry. I don't have one for
19 before.

20 Similar to -- is it my eyes or is
21 it blurry? Similar to the previous PowerPoint,
22 the conditions -- I set forth the conditions in
23 the same way, and I'll quickly -- just very
24 quickly go through them. Again, the uses were
25 limited to business, office and agencies, custom

1 dress making and dress making.

2 The Planning Commission and the former
3 Committee recommended that certain business uses
4 be prohibited from the B-2 zoning as well as the
5 B-1 Neighborhood Business District Zoning.
6 Continue there.

7 Condition number 2, which had the
8 provision that the retail activity be limited to
9 sale of costumes and dresses were deleted.

10 Condition number 3, requiring that any
11 uses shall be subject to review by the -- and
12 approval by the Maui Planning Commission. This
13 application was transmitted to the Planning
14 Commission, and after submittal, it was
15 determined that it should also be subject to
16 review by the County Council, so it was
17 submitted and, therefore, that condition was
18 deleted. This....

19 The next condition deals with the height
20 of the building. For some reason, this -- this
21 particular Parcel 10, the height limit was
22 30 feet. In the former Committee's review, they
23 had recommended that the building height be
24 35 feet, and this would be consistent with
25 the -- with the Historic District requirements,

1 as well.

2 Condition number 5 dealt with restricted
3 left-turn movements similar to the other one,
4 and a revised condition was put in that the
5 access to the property from Lahainaluna Road
6 shall be limited to right in and right turn out
7 only, and that the driveway be improved to
8 County standards.

9 The next condition deals with off-site
10 parking and loading that was -- that condition
11 was deleted.

12 Condition number 7, condition number 8,
13 condition number 9 were all proposed for
14 deletion by the former Planning -- by the
15 Planning Commission and the former Committee --
16 Committee review, and revised conditions were
17 inserted.

18 A new condition number 4 was that the
19 access shall comply with the State Disability
20 and Communication Access Board standards.

21 Next one is the hours of operation for
22 the uses shall be limited to seven a.m. until
23 nine p.m.

24 Condition 6, full compliance with all
25 other Federal, State and County requirements

1 shall be rendered.

2 Condition number 7 required the hollow
3 tile wall or of similar material be six feet in
4 height. And as I mentioned on the previous
5 PowerPoint presentation, this wall has been
6 constructed.

7 That's it.

8 CHAIR MOLINA: Okay. Is that -- does that conclude
9 the presentation?

10 MS. OHASHI HIRAGA: That concludes...

11 CHAIR MOLINA: Okay. Thank you, Ms. Hiraga.

12 Members, we'll take a short recess and
13 we shall reconvene in two minutes. (Gavel.)

14 **RECESS: 4:00 p.m.**

15 **RECONVENE: 4:04 p.m.**

16 CHAIR MOLINA: (Gavel.) February 28, 2007 Land Use
17 Committee meeting is now back in session.

18 We are on both Committee Items LU-57 and
19 LU-59, Change in Zoning for 232 and 242
20 Lahainaluna Road as well as Change in Zoning for
21 252 Lahainaluna Road.

22 We have, from the Planning Department,
23 Senior Planner Ann Cua.

24 Ms. Cua, do you have any opening
25 comments before the Chair opens the floor for

1 questioning?

2 MS. CUA: Thank you, Mr. Chair.

3 Yes, just to bring the Committee
4 information on what transpired with the Maui
5 Planning Commission with regard to these
6 applications, the Planning Commission held the
7 public hearing on all of these three parcels,
8 both applications, back in June of 2004.

9 At that time, two individuals testified
10 with concerns about some of the additional uses
11 proposed for the site. And the -- the testimony
12 came forth in the context of the first parcel
13 that was discussed, which was the corner parcel,
14 Parcel 10.

15 So although when the Commission
16 discussed Parcels 11 and 12, nobody stood up to
17 testify. The comments that were given on that
18 Parcel 10, the corner parcel, really did apply
19 to all three parcels, because the applicant was
20 requesting expansion of the uses for all three
21 parcels.

22 And the gist of the concerns from the
23 two people that testified, one of them was
24 commenting on behalf of the family that lived in
25 the fourth lot from the highway. So you have

1 the first three lots that's in question, and it
2 was the fourth lot. A member of the family had
3 come forth, and they were just concerned with
4 some uses that were not being prohibited by --
5 as recommended by the Planning Department that
6 they felt would be possibly high traffic
7 generators. And that is why the Commission,
8 actually -- the Planning Commission expanded the
9 uses, the prohibited use list.

10 And so the use that's before you today
11 represents additional uses that are being
12 prohibited to mitigate traffic impacts
13 associated with these three properties.

14 We did not receive any written testimony
15 on the applications, and the Planning Commission
16 voted to recommend approval of the amendments.
17 They did, as I mention, expand on the prohibited
18 uses, and the one last thing that they did is
19 they restricted -- they further restricted the
20 hours of operation for all uses to nine p.m.

21 The applicant had requested a later use
22 time. The Planning Department had recommended
23 ten p.m., however, after the Commission had
24 heard comments expressed by the neighbors, they
25 felt that nine p.m. for all properties would be

1 more acceptable.

2 So that, basically, concludes my
3 overview unless there are any questions.

4 CHAIR MOLINA: Thank you, Ms. Cua.

5 Committee Members, before the Chair
6 opens up the floor for questioning, we also have
7 for your perusal for questioning, we have,
8 again, Captain Hirata from the Police
9 Department, as well as Deputy Director
10 Mr. Miyamoto. And thank you for sticking
11 around. I know from the previous item you had
12 been excused, but thank you for hanging out
13 here. And of course, we have the applicant
14 representative, Ms. Gwen Hiraga.

15 Member Anderson, you have the floor.

16 COUNCILMEMBER ANDERSON: Yeah. What is the intended
17 use?

18 MS. CUA: Commercial. The --

19 COUNCILMEMBER ANDERSON: Well, I see it's B-2, but I
20 mean generally we get some idea of what their
21 use is, and -- which is why the previous Council
22 limited the permitted uses.

23 MS. CUA: Correct. Correct. When the application
24 first came into the Department, they weren't
25 specific on a use per building. Now, I know the

1 second property is used as a beauty salon. The
2 third property is not used at this point in
3 time. And the first property -- I'm not sure.
4 Maybe Gwen -- oh, it's office. It's an office
5 use.

6 COUNCILMEMBER ANDERSON: And how many owners are
7 involved in these three properties?

8 MS. CUA: Three owners.

9 COUNCILMEMBER ANDERSON: You know, I'd like to know
10 what their intention is, because the last thing
11 I'd like to see is us drop all these conditions
12 that a previous Council put in and just give
13 them B-2 zoning, and then have them sell off all
14 three properties and end up with a convenience
15 store on that corner.

16 MS. CUA: Okay. First of all, the property is zoned
17 Business. That was done back in 1986.

18 COUNCILMEMBER ANDERSON: Right.

19 MS. CUA: The request before you is to expand on the
20 permitted uses, and rather than including what
21 uses are permitted, we included the uses that
22 are prohibited. And the list is actually quite
23 extensive, more extensive now than when we went
24 before the Planning Commission.

25 COUNCILMEMBER ANDERSON: Well, I appreciate that, but

1 that doesn't really answer my question. I mean
2 obviously the previous Council, when they had
3 B-2 zoning, they prohibited certain uses,
4 knowing at that time that they had intended
5 uses. So they gave them -- you know, they went
6 from Residential to Business. They gave them
7 that so they could operate a business, but they
8 also said, "You can't do these kind of
9 businesses," and now, we're being asked to drop
10 those conditions. And what permitted uses are
11 they asking for at this time?

12 MS. CUA: All other uses within the B-2 and B-2 --
13 B-1 and B-2 Districts that are not included on
14 this list of prohibited uses. It's basically
15 office uses --

16 COUNCILMEMBER ANDERSON: Where is that list that
17 you're referring to? Because I see the list...

18 MS. CUA: The prohibited use -- the prohibited list?
19 It's attached to the ordinance.

20 COUNCILMEMBER ANDERSON: So they're not asking to
21 drop all those prohibited uses?

22 MS. CUA: Oh, no, no, no. Maybe I can -- maybe I can
23 rephrase.

24 COUNCILMEMBER ANDERSON: Yeah.

25 MS. CUA: Maybe I can rephrase.

1 COUNCILMEMBER ANDERSON: Please help me out here,
2 Ann.

3 MS. CUA: Okay. In 1986, when the properties were
4 zoned, the Council at that time, based on what
5 the applicant was requesting and the issues of
6 traffic, the -- the applicant at that time,
7 remember, was planning to do a brand new
8 building, and so the Commission or the Council
9 limited the uses to basically three uses, okay?

10 When the applicants came before the
11 Planning Commission in this go-around, basically
12 all they were doing was asking that the existing
13 zoning expand on their permitted uses. However,
14 in looking at what you should -- uses should be
15 excluded, because that is how the previous
16 ordinance was worded, we expanded quite
17 significantly -- excuse me, the previous
18 ordinance -- I'm sorry -- the previous ordinance
19 listed permitted uses. We went the other
20 direction and we listed the uses that should be
21 prohibited.

22 And if you look at the uses, you know,
23 auditoriums and theaters, baseball and football
24 stadiums, bowling alleys, dance halls,
25 gymnasiums, mortuaries, manufacturing plants,

1 bars, drive-ins, used car lots, fast food
2 restaurants, schools, apartments, clinics, radio
3 and television stations. I mean these are
4 uses -- you know, day care centers, liquor
5 stores, churches, laundromats. These are uses
6 that have higher --

7 COUNCILMEMBER ANDERSON: Okay. So now -- now, we're
8 getting somewhere.

9 MS. CUA: Okay.

10 COUNCILMEMBER ANDERSON: You're just reading off the
11 -- and you're extending on what was originally
12 requested in the -- in the -- I don't know if
13 you're on 57 or 59. I'm looking at 59.

14 MS. CUA: Well, both. They're the same for both.

15 COUNCILMEMBER ANDERSON: The same exact?

16 MS. CUA: Uh-huh.

17 COUNCILMEMBER ANDERSON: Okay. So -- so, in the
18 report, it shows that they want B-2 except for
19 the following uses, and they only have about --
20 I don't know -- six or seven here. And now,
21 you're telling me that you guys extended that at
22 the Planning Commission?

23 MS. CUA: Correct.

24 COUNCILMEMBER ANDERSON: Okay. So what I want to
25 know is what will be permitted.

1 MS. CUA: Okay.

2 COUNCILMEMBER ANDERSON: Not what will be prohibited.

3 But what are we going to end up with there if we
4 give them B-2 with a list of prohibited uses?

5 MS. CUA: I can go through that.

6 COUNCILMEMBER ANDERSON: Great.

7 MS. CUA: Antique shops, art galleries, auctioneer
8 establishments, automobile parts stores, awning
9 or canvas shops, banks, baths (Turkish and the
10 like), block-printing establishment, business
11 offices and agencies, catering establishments
12 employing not more than five persons, charity
13 relief organizations, custom dress making or
14 millinery shops, dancing and hula studios,
15 dress making shops, dry goods and/or department
16 stores, haberdasheries, and women's apparel
17 shops, jewelry stores, libraries, museums, music
18 studios, news and magazine stands, plant
19 nurseries, nursing and convalescent homes,
20 parcel delivery stations, photo studios, pet
21 shops, plumbing shops, printing and publishing
22 shops, private clubs, professional and financial
23 buildings, restaurants, but not fast food
24 because I mentioned that was excluded; skating
25 shops, tailor shops.

1 COUNCILMEMBER ANDERSON: And -- and so would a
2 7-Eleven be prohibited?

3 MS. CUA: No.

4 COUNCILMEMBER ANDERSON: Under those uses?

5 MS. CUA: No. Because that would be considered a
6 fast food store -- a fast food restaurant.

7 COUNCILMEMBER ANDERSON: So that would be prohibited?

8 MS. CUA: It would be prohibited. I'm sorry. Did
9 you say prohibited or --

10 COUNCILMEMBER ANDERSON: Yeah.

11 MS. CUA: I'm sorry.

12 COUNCILMEMBER ANDERSON: Okay. So -- but even with
13 all the -- that list of stuff, we don't know
14 what they're going to -- what their intended use
15 is. And I think if they're asking us to drop
16 off conditions that a previous Council put in,
17 they should give us some reason for doing that.

18 MS. CUA: Well, they had -- they had generally, when
19 they came in, interest -- indicated that they
20 wanted more general office uses. The way it is
21 right now, it's very restricted, you know,
22 dress making shops. I mean that was -- that was
23 just extremely restricted.

24 CHAIR MOLINA: Ms. Cua?

25 MS. CUA: Furniture store.

1 CHAIR MOLINA: Could I interject for a second? I
2 guess through the applicant, if we could -- the
3 Committee would like to request in writing, I
4 guess, from the applicant at some point where
5 they could state their intentions. It would
6 seem that's -- you know, the Committee may be
7 curious as to what the specific uses are by the
8 applicant.

9 Am I correct, Member Anderson?

10 COUNCILMEMBER ANDERSON: Yeah, I mean I just -- this
11 is a very sensitive area. This is, you know,
12 the gateway to Lahaina, and it is in a Historic
13 District.

14 MS. CUA: Excuse me.

15 COUNCILMEMBER ANDERSON: It's not?

16 MS. CUA: It's not. Would you like me, Chair, to
17 answer?

18 CHAIR MOLINA: Sure. Go ahead and elaborate.

19 MS. CUA: Okay. It is in the National Historic
20 Landmark District Boundary.

21 COUNCILMEMBER ANDERSON: Okay.

22 MS. CUA: But it is not the within the County
23 Historic District. The County Historic District
24 goes up to Luakini Street.

25 COUNCILMEMBER ANDERSON: Okay. So being in the

1 National Historic District, are they required to
2 do an EA?

3 MS. CUA: An Environmental Assessment, that's
4 correct.

5 COUNCILMEMBER ANDERSON: And they have done one?

6 MS. CUA: They -- what happened, when they -- when
7 they developed the property, in terms of the
8 renovations that Gwen mentioned on each of the
9 structures, they came in for a Special
10 Management Area permit, and I did do an
11 Environmental Assessment determination. But for
12 the repairs that was done to the property, the
13 repairs were considered exempt, because, again,
14 they're working with an existing structure where
15 they basically just did repairs.

16 COUNCILMEMBER ANDERSON: But, you know, here we're
17 expanding -- they're asking us to expand the
18 uses, and I think if any -- I mean why wouldn't
19 they be required to do an EA for that, to show
20 that -- you know, the whole point of the EA and
21 the whole point of having this designated as a
22 Historic District is to protect the character,
23 the historic character of the area. The EA
24 would force them to reveal what uses they may
25 have intended on doing if they get all these

1 prohibitions dropped, and that would allow a
2 review of the intended uses to see if they would
3 adversely impact the character of the Historic
4 District.

5 So I don't understand why they're not
6 being required to do this. We required an EA
7 for -- for the Barry Brown property. We
8 required an EA -- what was that other property
9 that -- down near the Banyon tree? Remember the
10 name of that one? Anyway, so why not this one?

11 MS. CUA: Again, we did make EA determinations when
12 each of the properties came in to be
13 redeveloped. When the properties came in to the
14 Planning Department to basically just modify the
15 existing conditions of zoning, there was no
16 trigger. But to go in -- to go in and renovate
17 the structures, we -- we did look at the EA
18 process and did determine that the proposed work
19 was exempt from the EA process. But we did make
20 an official determination, and we have that in
21 writing.

22 COUNCILMEMBER ANDERSON: And the Planning Department
23 made that determination, not -- not another
24 agency, the State or OEQC?

25 MS. CUA: For the renovation of the three parcels?

1 Yes.

2 COUNCILMEMBER ANDERSON: For a determination of
3 whether or not an EA was required.

4 MS. CUA: For the three parcels, yes, we made the
5 determination, because they were coming in for a
6 Special Management Area permit.

7 COUNCILMEMBER ANDERSON: So --

8 MS. CUA: A minor permit -- actually, a Special
9 Management Area determination.

10 COUNCILMEMBER ANDERSON: And so has a determination
11 been made for these requests that are in front
12 of us?

13 MS. CUA: For the -- for the zoning?

14 COUNCILMEMBER ANDERSON: Yeah.

15 MS. CUA: We did not require them to go through the
16 EA process to amend their conditions of zoning.

17 COUNCILMEMBER ANDERSON: I may yield to somebody
18 while I do a little homework, because I think
19 that's probably a problem.

20 CHAIR MOLINA: Okay. Thank you, Member Anderson.
21 Member Johnson?

22 COUNCILMEMBER JOHNSON: Yes, I just -- you know, I
23 guess because I'm familiar with another property
24 that's right adjacent to this. It's right
25 across the street. That's the Barry Brown

1 property. I know that's not in an SMA area, but
2 I'm fairly certain they had to do an EA -- I
3 know there was a water line issue because we had
4 to go underground also, I guess, from the makai
5 side to the mauka.

6 And I know that one of the things
7 specifically prohibited on that property is a
8 bank, which would now be permitted on this
9 property on the other side. So in one case, the
10 Planning Department is making a recommendation
11 that a bank is -- I mean it's a condition that's
12 attached to another property that prohibits a
13 bank use. I mean it's right across the street,
14 and yet it's okay to have a bank on the other
15 side? I just -- I'm not following what the
16 rationale is there, because I'm trying to look
17 for consistency in the application of the law or
18 the application of the conditions attached to
19 the zoning and the permitted uses, and I'm not
20 seeing it here. So --

21 MS. CUA: I'm not very familiar with what went on
22 across the street. I know there was -- I did
23 the credit union Conditional Permit application
24 which actually became -- came before this body.
25 And at that time it was indicated that they were

1 going to move -- or they were encouraged to move
2 from that existing single-family residence that
3 they had converted and had been using for a
4 credit union for a number of years.

5 But with regard to these three
6 properties, again, when we went down the list
7 and with testimony that we had received from
8 the -- from the adjoining neighbors, you know,
9 we did expand the list to include the uses that
10 we have prohibited here, but bank was not one
11 that was left off the list.

12 COUNCILMEMBER JOHNSON: Okay. I'd just be
13 interested, Mr. Chair, because I'm trying to
14 look at similar uses for other properties that
15 have similar concerns with the traffic turns,
16 the ingress, egress, because that's really a
17 congested area. And I don't have a problem with
18 what's being done to those properties right now.
19 I know at least two of the parties -- I,
20 actually, know all three of the parties that own
21 the properties, so I mean it's not high
22 intensity use, but I --

23 I'm not sure if, as Member Anderson
24 said, all of these uses -- I want to see on the
25 property that would be, I guess, the Barry Brown

1 property, I would be really interested to see
2 what the prohibited uses are on that particular
3 property. I would be really curious to -- just
4 so that we're consistent with what the uses are
5 or are not on similar properties that have
6 similar congestion issues.

7 Because I believe Kathleen Aoki from
8 your Department had come and expressed concerns
9 at the Mayor's West Maui Advisory Committee
10 meeting about uses on the property on the mauka
11 side. But I think they were more with
12 congestion and other stuff going on, and so I'd
13 be real interested to see some kind of
14 comparison just that could be transmitted --

15 You know, I mean, if this passes out of
16 Committee, I'd like to see it before we have
17 the final --

18 CHAIR MOLINA: Council?

19 COUNCILMEMBER JOHNSON: -- final hearing, so that
20 we're consistent.

21 CHAIR MOLINA: Okay. The Chair will take that into
22 consideration, Member Johnson.

23 Members, any other questions for the
24 Department or for the applicant or the Police
25 Department and Public Works at this time?

1 The Chair will open up --

2 Member Medeiros?

3 COUNCILMEMBER MEDEIROS: Yeah. Maybe the Public

4 Works could answer the question that Member

5 Pontanilla and I had raised --

6 CHAIR MOLINA: Okay.

7 COUNCILMEMBER MEDEIROS: -- about why the State is

8 requiring, you know, that driveway access plan

9 when the access is on a County road?

10 CHAIR MOLINA: Okay. Thank you, Mr. Medeiros.

11 Mr. Director?

12 And, Mr. Director, could you please

13 state your name and position and organization

14 for the record?

15 MR. MIYAMOTO: Thank you, Mr. Chair.

16 Mike Miyamoto, Deputy Director,

17 Department of Public Works and Environmental

18 Management.

19 Regarding that question, I checked the

20 files, and back in '85, there was a letter

21 regarding the parcel that's closest to the

22 corner. They share an access with the parcel

23 that's adjacent to it, which would be Parcel 12.

24 And that -- according to the comments

25 that were provided back in 1985, the State

1 actually controls that access until that point
2 for parcel 10. So since 10 shares it with 12,
3 they want to make sure that whatever change --
4 if there are going to be any changes to that
5 access, they wanted to know about it.

6 COUNCILMEMBER MEDEIROS: Okay. Wasn't that condition
7 on Parcel 11 and 12? And you're talking about
8 10 and 11; is that correct?

9 MR. MIYAMOTO: Actually, the comment was in reference
10 to Parcel 10, but 10 shares their access with
11 Parcel 12, so it's an adjoining parcel. And
12 since 11 and 12 were done together, it sort of
13 ran with all three.

14 COUNCILMEMBER MEDEIROS: I see.

15 Thank you, Chair.

16 CHAIR MOLINA: Okay. Thank you, Mr. Medeiros.

17 I know Member Anderson had her hand up.

18 Member Anderson, are you prepared to ask a
19 question at this time, or do you want me to come
20 back to you?

21 COUNCILMEMBER ANDERSON: No, no. I've got a question
22 or two.

23 CHAIR MOLINA: Okay. Member Anderson, followed by
24 Member Johnson.

25 COUNCILMEMBER ANDERSON: According to HRS 343,

1 applicability, it reads, Except as otherwise
2 provided, an Environmental Assessment shall be
3 required for actions that propose any use within
4 any historic site as designated in the National
5 Register -- or the Hawaii Register.

6 And, you know, I'd hate to see them have
7 to do an Environmental Assessment for any of
8 these uses: A department store, a library,
9 jewelry or fine art shop, plumbing, private
10 clubs or fraternal organizations, banks, shoe
11 stores, warehouses, mind you, bed and breakfast
12 homes, any other retail business or commercial
13 enterprise which are similar in character of
14 rendering sales of commodities or performance of
15 services to the community and not detrimental to
16 the welfare of the surrounding area.

17 Those are just some of the uses that
18 they're asking us to give them permission to do
19 there. And I would think that, you know, we've
20 had other instances like this, Mr. Chairman,
21 where things have come through that have not had
22 an Environmental Assessment, were in the
23 Historic -- Lahaina Historic District. This one
24 is in the National District. And we kicked it
25 back and we asked for them to do an EA, so that

1 we could see the impact on the district, on the
2 Historic District.

3 And I don't know how they can expect us
4 to just give them a blanket okay to do anything
5 they want within the B-2 District, except for
6 those things that have been knocked out already,
7 and not do the EA and expect us to feel that
8 we're -- we're doing our job.

9 I mean we're supposed to protect the
10 historic character of Lahaina Town, and there's
11 just too many open-ended uses here. And the
12 previous Council obviously didn't want to do
13 that either, and they restricted them to just
14 several certain uses.

15 So I'm asking if maybe the -- I don't
16 want to put Ann on the spot -- although on the,
17 on the EA, I think -- I think maybe the Planning
18 Department needs to make a determination. I
19 think maybe we should request a determination
20 from OEQC. But in the meantime, maybe
21 Ms. Hiraga can tell us what the applicant really
22 intends -- applicants intend to do.

23 I mean for all we know, they intend to
24 get this open-ended permitted use, and turn
25 around and sell all three parcels to one person.

1 We don't know that. So that could combine all
2 three parcels and make something bigger there.
3 So I mean this is a sensitive area and that's
4 why I'm being picky about it. I think it's my
5 job. So maybe Ms. Hiraga can further enlighten
6 us.

7 CHAIR MOLINA: Sure. Before we call Ms. Hiraga,
8 Ms. Cua, do you have -- do you want to respond?

9 MS. CUA: I could just respond briefly. This project
10 or these properties are located within the
11 Special Management Area. And let's just take,
12 for example, that scenario that Commissioner
13 (sic) Anderson just outlined.

14 If the properties were sold to one
15 person and they decided to do one large
16 parcel -- I mean one large project, an SMA major
17 permit would come in and it would -- it would
18 trigger compliance with Chapter 343. And
19 probably a large building to fit those three
20 parcels would not qualify as an exemption as
21 listed under the Environmental rules and so,
22 therefore, they would have to go through the
23 entire -- the entire process.

24 And it could very well be that if each
25 parcel wanted to come in, demolish -- I'm

1 talking three owners now. Let's say three
2 owners came in separately, wanted to demolish
3 the building and put up a brand new building,
4 that in and of itself would trigger the EA
5 process, and it would probably -- it probably
6 would not qualify as an exempt class of action
7 and they would have to go through the entire
8 process.

9 For example, we have this situation in
10 the Historic District where people have a piece
11 of raw land that they want to develop a parking
12 lot. Well, because they're in the National
13 Historic Landmark District Boundary,
14 construction of a parking is not an exempt class
15 of action, and they have to prepare an EA
16 document.

17 So, you know, what we're dealing with is
18 an existing residence, and even to renovate each
19 of those residences, I had to make a
20 determination when they came in with plans
21 whether they could be -- the renovations that
22 they were doing could be exempt from the EA
23 process. And you've seen -- you've seen through
24 the pictures how the residences have been
25 renovated, and pretty much they've kept the

1 residential character. And we determined at
2 that time that -- that would qualify in terms of
3 repair and maintenance as an exempt class of
4 action.

5 But, you know, definitely, going through
6 the EA process for each of those -- excuse me,
7 the Special Management Area Permit process for
8 each of those properties, in the future, there
9 is a high probability that EAs would have to be
10 done if they want to do a brand new building, or
11 demolish all those structures and do individual
12 buildings on each site.

13 COUNCILMEMBER ANDERSON: I appreciate that, Ms. Cua.
14 You know, an EA determination for them to
15 restore the buildings, I mean I don't see that
16 as being a big deal. I mean they did a
17 beautiful job and they look even better.
18 They're still within the character.

19 My concern here is I don't think we
20 should pass our responsibility off to a Planning
21 Commission in the hopes that they have to do an
22 EA, or in the hopes that -- I mean it's out of
23 our hands by then. For all I know, it may never
24 come up. Didn't even come up today until I
25 brought it up.

1 And we have examples of where, you know,
2 a Change in Zoning is a use. They're asking us
3 to expand the allowable uses there, and then
4 it's out of our hands. So how do we know that
5 it's not going to have -- our decision to allow
6 these expanded uses will not have a detrimental
7 effect in the National Historic Landmark?
8 That's why it's a trigger for an EA.

9 That's why I think we need to have that,
10 Mr. Chairman, before we can go forward with
11 anything, because -- I'm not about to say,
12 "Yeah, you can -- you can put a warehouse there.
13 You can -- you can do any kind of retail
14 business you want," because this is just not any
15 place. This is just not B-2 -- for any B-2, you
16 know, this is B-2 in a National Historic
17 Landmark District.

18 CHAIR MOLINA: Okay.

19 COUNCILMEMBER ANDERSON: So...

20 CHAIR MOLINA: Member Anderson, if you don't mind,

21 I'd like to call upon the applicant's

22 representative --

23 COUNCILMEMBER ANDERSON: I'd like that, thank you.

24 CHAIR MOLINA: -- to clarify the uses of at least two
25 of the three properties at this point in time.

1 Ms. Hiraga?

2 MS. OHASHI HIRAGA: In terms of the intended use, I
3 did speak to the property owners and, again,
4 when the application was first submitted, it was
5 one owner. It was an LLC. And then the three
6 parcels got sold to these individual residents
7 of Lahaina.

8 For Parcel 11, which is 232 Lahainaluna
9 Road, they did renovate, but it's not -- they're
10 not using the business -- they're not using it
11 for any kind of business right now. They're
12 intended use -- the family -- and this is the
13 Whitehead property. The family does wood
14 carving. They have a wood carving business, so
15 they were looking at probably putting the family
16 business into that facility, and they do
17 furniture.

18 For the next -- and this is the property
19 that's next to the former Aoki property. The
20 Whiteheads purchased the Aoki property, as well.
21 Yeah, not too long ago. I don't know the exact
22 date.

23 For 242 Lahainaluna Road, this is the
24 center parcel, it is operating as a beauty salon
25 after they went through their renovations there.

1 They currently operate Monday, Tuesday,
2 Wednesday, Friday from ten a.m. to six p.m.;
3 Thursdays from ten a.m. to eight p.m.; Saturday
4 eight a.m. to four p.m. They are closed on
5 Sundays. As far as...

6 Well, to my knowledge, this is the
7 intended use for this particular property, and
8 that is why they purchased the property, so it's
9 for a hair salon.

10 COUNCILMEMBER ANDERSON: So 242, they intend to keep
11 that as a beauty salon?

12 MS. OHASHI HIRAGA: That's correct. And three --
13 232, because the family does wood carving,
14 that's the possible -- that's the possible
15 business that they were looking at, but they're
16 not operating any kind of business out of that
17 structure right now.

18 COUNCILMEMBER ANDERSON: And what's currently
19 permitted on 232, retail sales?

20 MS. OHASHI HIRAGA: The 232 was limited to a
21 furniture store.

22 COUNCILMEMBER ANDERSON: Furniture store?

23 MS. OHASHI HIRAGA: Yeah.

24 COUNCILMEMBER ANDERSON: I guess wood carving sort of
25 fits in with that. But it never happened

1 anyway, the furniture store, right?

2 MS. OHASHI HIRAGA: Yeah. When the zoning was
3 granted in 1986 when the owners came in, it was
4 with the intentions of selling the parcel, I
5 believe, to a furniture store business. And
6 they had bought the two properties together, so
7 they were looking at having both properties, 11
8 and 12, be a furniture store with storage, but
9 that never happened.

10 COUNCILMEMBER ANDERSON: And so what's the current
11 use on 232?

12 MS. OHASHI HIRAGA: 232, it's vacant. They
13 renovated, yeah.

14 COUNCILMEMBER ANDERSON: And there's a building
15 there, right?

16 MS. OHASHI HIRAGA: There's -- there's a home that
17 they renovated, yeah, and I'm told by the -- by
18 the Whiteheads that they're not operating any
19 business from there. They were waiting for
20 this, actually, but that's the one the family
21 does wood carving.

22 COUNCILMEMBER ANDERSON: Okay. And that's their
23 intended use is to do retail --

24 MS. OHASHI HIRAGA: That's what they indicated.

25 COUNCILMEMBER ANDERSON: -- sales of wood carving?

1 MS. OHASHI HIRAGA: Yes.

2 COUNCILMEMBER ANDERSON: Okay. And then how about --

3 MS. OHASHI HIRAGA: 252?

4 COUNCILMEMBER ANDERSON: Yeah.

5 MS. OHASHI HIRAGA: Okay. 252, when the zoning was

6 granted in 1986, this is the one that said that

7 the uses shall be -- well, the following uses

8 shall be permitted. It was business, offices

9 and agencies, custom dress making and dress

10 making. And any retail activity shall be

11 limited to the sale of costumes and dresses.

12 What's happening at that building after

13 they renovated it is an office build -- an

14 office structure, I guess, and that's owned by

15 Sherry Ann Boonstra-Barbier, and they do

16 activities booking primarily and condo

17 rentals -- she told me condo rentals for

18 off-site properties. And their activities or

19 their bookings are primarily through the

20 Internet, very few walk-ins.

21 COUNCILMEMBER ANDERSON: And so what do they intend

22 to do beyond that?

23 MS. OHASHI HIRAGA: That's the business right now.

24 COUNCILMEMBER ANDERSON: So they don't have any

25 intention of changing that?

1 MS. OHASHI HIRAGA: Not to my knowledge, no.

2 COUNCILMEMBER ANDERSON: So then I don't understand
3 why they want all these permitted uses when
4 the -- the conditional zoning they have right
5 now permits these uses, except for maybe the
6 wood carving.

7 MS. OHASHI HIRAGA: I think that in terms of the
8 conditional zoning that was granted, it was very
9 specific for the project that was being proposed
10 at that time back in 1986. And the zoning is
11 B-2, and rather than limiting just for those
12 specific uses, they wanted to expand. And that
13 was the -- the application that was presented to
14 the Planning Department.

15 And the Planning Department took a look
16 at what was being proposed. They deleted a lot,
17 a lot of the proposed uses, and I -- from the
18 list of B-2 and B-1 uses. And while -- while
19 these are their intended uses right now, the
20 property is zoned for Business, and I think
21 they'd like some flexibility in possible other
22 uses.

23 COUNCILMEMBER ANDERSON: Well, then, you know, I
24 think we need to have an Environmental
25 Assessment. I mean we can't just give them just

1 a blanket -- there's a reason the previous
2 Council conditioned this zoning and only allowed
3 certain permitted uses, and that's to protect
4 the Historic District.

5 And I don't -- I don't have a problem
6 with them wanting to do something else. I don't
7 even have a problem with them tearing down all
8 those buildings and making one big building and,
9 you know, putting the parking in the back. I
10 just want to know what it is.

11 I don't want to give them this
12 open-ended list of things they can do, an auto
13 parts store, with -- you know, without having
14 assurance that it's not going to adversely
15 impact the Historic District, which is why it's
16 a trigger for an EA.

17 CHAIR MOLINA: Before I recognize Member Johnson, I
18 know the -- I guess in Lahaina Town, you have
19 the Lahaina Town Action Committee, those types
20 of -- Lahaina Historical Society. Have -- a
21 Restoration Society, Member Johnson -- have they
22 made comments to the land owners about keeping,
23 you know, certain business that are, I guess, in
24 line with that of the Historic District? What
25 comments have they made?

1 MS. CUA: They have not, but we -- you know, we
2 obviously were looking at that in their
3 redevelopment of the structures. And we've done
4 that in the past. When we have properties that
5 are not within the Lahaina Historic District but
6 they're either adjoining it or even a couple
7 properties away, we have required through the
8 SMA permit process that the architecture be
9 compatible with that of the Historic District.
10 So that is common practice of the Department and
11 we've applied that in Lahaina.

12 But for this particular applications,
13 they did not come forward at -- through the
14 public process to make comments. I don't know
15 if they individually went and talked to the
16 applicant's representatives.

17 Because, again, one thing to keep in
18 mind, at the time when the applicant came
19 through the Department, they were planning to
20 operate within the existing structures. They
21 were not proposing any construction. It was
22 only after it went through the Planning
23 Commission process and the applications were on
24 their way over to you that the applicants
25 decided to renovate the structures, and so they

1 had to come in separately for that.

2 CHAIR MOLINA: Okay. Thank you.

3 Member Johnson?

4 COUNCILMEMBER JOHNSON: Gwen, would -- you know,

5 as -- I understand Member Anderson's concerns.

6 Would it be, I guess, as a way of looking at

7 more practical use still giving some flexibility

8 to go back to these applicants and ask them,

9 Look, would you state the specific uses that you

10 would intend or to give you flexibility if you

11 were to change the use yourself or want to sell

12 to somebody else, what would be the uses that

13 you would want, you know, to see on that

14 property? You understand what I'm saying?

15 MS. OHASHI HIRAGA: Yes.

16 COUNCILMEMBER JOHNSON: Because I don't have a

17 problem with somebody saying they want a spa or

18 a beauty salon or maybe a small, little pet shop

19 or a dress company or tuxedo rental, which used

20 to be Lahaina Town Costume. That was there. I

21 don't mind specific uses that I know would not

22 change the character -- or would not be high

23 intensity and would really not be a detriment to

24 the Historic District.

25 So is that something you could try and

1 go back to them with, so that it wouldn't
2 trigger off this much larger, you know, EA
3 requirement?

4 MS. OHASHI HIRAGA: I -- first of all, I can go back
5 to each of the applicants, the owners -- we can
6 discuss all of the permitted uses in the B-2
7 District and I'll pass this out that lists all
8 the uses so that we're all looking at the same
9 document.

10 I can talk to them to see whether we can
11 look at reducing or eliminating additional uses
12 that are permitted.

13 Secondly, with regard to this EA
14 question, I think that, you know, I do agree
15 with -- I can understand what Councilmember
16 Anderson is saying. And in the context of the
17 National Landmark District and in the SMA, you
18 know, as Ann mentioned, these individual
19 properties have to get an SMA for anything that
20 they do. And I know it is the Department's
21 practice, whenever they receive applications,
22 even building permit applications, that they
23 take a look at the -- because it is in the
24 National Landmark District, that they do a more
25 careful review, which is what happened, I

1 believe, for these three parcels. But because
2 they're within the SMA, they have to go in for
3 additional reviews.

4 Another possibility right now is that we
5 can look at eliminating further uses or
6 additional uses and have the Maui Planning
7 Commission consider additional uses on a case by
8 case basis, which is really what happened in
9 these applications. Yeah, there was a
10 provision, one of the conditions, on one of them
11 was that any additional uses need to go to the
12 Planning Commission.

13 On the other one --

14 COUNCILMEMBER JOHNSON: ...(inaudible)...

15 MS. OHASHI HIRAGA: No. On the other one, it was
16 Planning Commission and Council, yeah.

17 COUNCILMEMBER JOHNSON: And --

18 MS. OHASHI HIRAGA: You know, we could still have
19 that, if that's what you wanted.

20 COUNCILMEMBER JOHNSON: And these are things that I'm
21 thinking -- because I don't want to completely,
22 you know, just say, That's all you can be using
23 it for, because there are some other similar
24 uses that would not have a big impact, which I
25 wouldn't want to see somebody who maybe wanted

1 to do a beauty salon on one of the properties
2 and do a spa or, you know, maybe a little bit of
3 expansion in some area be prohibited from doing
4 that.

5 My other question is, did this ever
6 go -- because it is in an historic area, did it
7 ever go to Cultural Resources Commission for any
8 comment on their part?

9 MS. OHASHI HIRAGA: I don't believe so, no.

10 MS. CUA: No. We sent it to State Historic
11 Preservation Division and they had no major
12 concerns. But no, because it's not within the
13 Historic District, the Lahaina Historic
14 District, we did not send it in.

15 Again, when it came to us, it didn't --
16 they weren't involving any kind of renovations
17 to the structures, it was just -- it was
18 basically changing use.

19 COUNCILMEMBER JOHNSON: Yeah, because I know when the
20 Ing properties were renovated on Front Street --
21 actually, they did it with -- I guess they got
22 an after-the-fact permit, but those were old
23 historic properties that had actually had
24 extensive internal renovation, and then the use
25 was totally converted from a home into a

1 business.

2 Now, I think that is something that --
3 that's not the case here, because these guys
4 went through the process and didn't use that
5 after-the-fact permit. And that was also in a
6 Historic -- that was in the Historic District.

7 MS. OHASHI HIRAGA: That's right.

8 COUNCILMEMBER JOHNSON: And that was also in an SMA
9 area, so that -- you know, that kind of got a
10 pass, too.

11 But what I'm looking at is to try to get
12 some kind of sense because it is in a Historic
13 District, even to just get commentary from
14 CRC -- or is it only the State Historic
15 Preservation Division that has purview, or could
16 the Cultural Resources Commission be asked for
17 comment as to what they think would be an
18 appropriate use in the overall historic area of
19 Lahaina?

20 MS. CUA: We -- well, we normally -- I mean we can
21 use the Cultural Resources Commission at any
22 given time. Normally, how we operate is -- it's
23 on a case by case situation. I mean these
24 properties are not within the Lahaina Historic
25 District, but they're within the National

1 Historic District Boundary.

2 And, you know, we send -- typically we
3 would send applications, SMA applications to the
4 State Historic Preservation Division. If the
5 State Historic Preservation Division raises
6 any -- any concerns, then we may at that point
7 take it to the Cultural Resources Commission.
8 Or if we know that there is any kind of cultural
9 significance, any kind of maybe archeological
10 features on the site, again, but that usually
11 comes in the context of development.

12 In this particular process -- or
13 properties, they were not proposing any
14 development, they were just proposing expansion
15 of the use, and that's pretty much what our
16 review was -- was limited to.

17 COUNCILMEMBER JOHNSON: And, Ann, within that
18 context, too, because I know I'm really
19 concerned about the loss of our beautiful old
20 growth trees in the whole downtown area, the
21 trees are disappearing left and right. I mean
22 the First Hawaiian Bank cut down their large
23 trees.

24 I know that my friend -- and actually, I
25 kind of chastised her for doing this, for

1 cutting down the big old mango tree, but, you
2 know, I guess it was an issue of visibility.
3 But who looks at that kind of impact, too, and
4 who's overseeing that?

5 MS. CUA: Well, what happened on these particular
6 properties is the paving of the properties and
7 the removal of the trees occurred without my
8 knowledge, and I dealt with them after the fact
9 on that and -- and literally went down to the
10 site and, you know, discussed landscaping at
11 that point with them on a one-to-one basis, and
12 withheld approval of the SMA permit until I felt
13 comfortable with the landscaping plan. And so
14 they had to, basically, provide me a landscaping
15 plan that I thought was going to, at least, help
16 somewhat to mitigate for the large mango tree
17 that they had removed.

18 When you look at some of the pictures,
19 there are still some of the existing large trees
20 that exist -- that were existing previously that
21 are still -- that still remain, and you can see
22 those in the photographs, but it definitely was
23 a loss when some of those trees were removed.

24 COUNCILMEMBER JOHNSON: Yeah, and it wasn't just on
25 the corner property. I mean the whole area now

1 all along Lahainaluna is -- all the old growth
2 trees, you know, on that side, anyway, in that
3 block, they're all gone. So I don't know.

4 These are just concerns and I understand
5 Member Anderson's concerns, but I don't know,
6 I'm trying to find a way to, at least, give them
7 some additional uses but not make them go, you
8 know -- because these are all small businesses.
9 You don't want to make it so onerous because
10 it's not like they're building a warehouse, and
11 you don't want them to unwittingly fall into a
12 trap where they have to do it --

13 MS. CUA: Right.

14 COUNCILMEMBER JOHNSON: -- just because we're doing
15 this.

16 So perhaps, Mr. Chair, it might be
17 prudent to -- at least, as Member Anderson
18 indicated, to get something back from OEQC just
19 to state what is their opinion, is there a
20 trigger, you know, with these expanded uses in
21 that Historic District.

22 CHAIR MOLINA: Okay.

23 COUNCILMEMBER JOHNSON: Thank you.

24 CHAIR MOLINA: Thank you, Member Johnson.

25 Question for Ms. Cua. So the current

1 usage of the properties does not trigger an EA
2 at this point, but if they were to deviate from
3 the current uses for whatever their permitted to
4 do, then that could possibly trigger an EA? At
5 least -- I'm just asking through the
6 Department's eyes, anyway.

7 MS. CUA: Well, I mean there's -- I don't have the
8 legislation in front of me, but there's -- you
9 know, there's a number of triggers, the State of
10 -- the use of State and County land, the use
11 within -- you know, use within the County -- I
12 mean the -- the State Historic Districts of
13 which this falls. And that's why I indicated
14 that at the time when they came in to request
15 consideration of other uses, we did not feel at
16 that point in time that they needed to go
17 through the entire EA process.

18 However, when they came in individually
19 to renovate each structure, we did deem that
20 that was a trigger, and we did review it in the
21 context of the Environmental Assessment process,
22 and we did make a determination for each
23 structure on the renovations that we did. And
24 you saw the renovations how they turned out.
25 You know, we felt that they were in keeping and

1 we felt very concerned about that, because we do
2 want to encourage people, as much as possible,
3 to renovate old structures, and convert uses
4 within the character of the existing structure,
5 so that even though, like the Community plan in
6 this area would have -- or did recommend that
7 this area be used for business, but that you
8 could still keep the character of the existing
9 area in the context of those residential
10 structures. And I think in the photographs, you
11 can see that that was done.

12 CHAIR MOLINA: Okay. Thank you.

13 Members, at this point the Chair will
14 call for a brief -- five-minute recess. (Gavel.)

15 **RECESS: 4:50 p.m.**

16 **RECONVENE: 4:57 p.m.**

17 CHAIR MOLINA: (Gavel.) Land Use Committee meeting
18 for February 28, 2007 is now back in session.

19 Members, the Chair is going to -- based
20 upon the discussion that has been ongoing with
21 regards to this applicant proposal, the Chair is
22 going to recommend that this item be deferred.

23 And in addition, the Chair would want
24 comment from the OEQC with regards to triggers
25 for a potential EA with regards to any types of

1 expanded uses that the property owners may have.

2 In addition, the Chair is going to
3 request from the applicant's representative that
4 we receive a -- at the very least, a written
5 response as to what their future plans are for
6 the property, as well.

7 Committee Members, any other
8 recommendations the Chair would like to have
9 taken into consideration as we...

10 COUNCILMEMBER JOHNSON: I just -- I just wanted to
11 thank Captain Hirata --

12 CHAIR MOLINA: Yes.

13 COUNCILMEMBER JOHNSON: -- because I appreciated him
14 being available. And I think that if he has any
15 comments or anything about traffic circulation
16 in that area, because I notice it has improved.

17 CHAIR MOLINA: Okay. Thank you, Member Johnson.

18 COUNCILMEMBER ANDERSON: Chair?

19 CHAIR MOLINA: And I --

20 COUNCILMEMBER ANDERSON: Chair?

21 CHAIR MOLINA: -- want to thank Captain Hirata, as
22 well. I know we kept you here a while and
23 haven't made use of you at this point, but I'm
24 sure in the future, we will.

25 Member Anderson?

1 COUNCILMEMBER ANDERSON: Yes, thank you, Chair, for
2 that recommendation. I really appreciate it,
3 and I...

4 You know, I think because we're in such
5 a sensitive area, we need to know what their
6 intention is and not just give them a blanket
7 use when it was so restricted previously.

8 So as we're doing that -- as we're
9 following up on your recommendation, I'd like to
10 know what comments the Department of Public
11 Works had back in 1985 that was so specific to a
12 furniture sales building that they're asking to
13 have deleted. I mean I think we need to see
14 what we're deleting.

15 CHAIR MOLINA: Okay. Mr. Miyamoto?

16 COUNCILMEMBER ANDERSON: Yeah. So if we could just
17 have that letter transmitted, that would be
18 helpful.

19 CHAIR MOLINA: Okay.

20 MR. MIYAMOTO: Mr. Chair, we can do that.

21 CHAIR MOLINA: Okay.

22 COUNCILMEMBER ANDERSON: Thank you.

23 CHAIR MOLINA: No problem. Okay. That's a request
24 made to the Department, and Staff will follow up
25 on that, as well.

1 Any other final recommendations that the
2 Chair can take from the Committee with regard to
3 these items?

4 If not, the Chair would like to thank
5 you all for -- well, okay. Officially any
6 objections to deferral?

7 COUNCIL MEMBERS: No objections.

8 **COUNCIL MEMBERS VOICED NO OBJECTIONS (excused GB, RH, DM).**

9 **ACTION: DEFER pending further discussion.**

10 CHAIR MOLINA: Thank you.

11 Mr. Victorino?

12 COUNCILMEMBER VICTORINO: No, nothing.

13 CHAIR MOLINA: Oh, I saw your hand.

14 COUNCILMEMBER VICTORINO: Don't forget the deferral
15 part.

16 CHAIR MOLINA: Okay. All right. Any announcements,
17 Members?

18 Okay. Just a reminder, tomorrow, we do
19 have a recessed Policy Committee meeting at
20 10:00 and as well at 1:30, I believe, too.
21 Okay. So just a reminder, Members, so please go
22 home and get some rest.

23 I want to thank you all for your
24 professionalism and dedication. It is 5:00 p.m.
25 This Land Use Committee meeting for February 28,

1 2007 is now adjourned. (Gavel.)

2 **ADJOURN: 5:00 p.m.**

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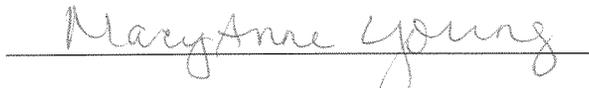
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REPORTER'S CERTIFICATE

I, Mary Anne Young, a Certified Shorthand Reporter for the State of California, do hereby certify:

That the foregoing proceedings were reported by me stenographically and were transcribed through computerized transcription under my direction; and the foregoing is a true and correct record of the testimony and proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my hand this 13th day of March, 2007.



MARY ANNE YOUNG, CSR NO. 12799