

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

M I N U T E S
LAND USE COMMITTEE
Council of the County of Maui
Council Chamber
February 27, 2008

APPROVED:



Committee Chair

1 **CONVENE:** 1:30 p.m.

2

3 **PRESENT:** VOTING MEMBERS:

4 Councilmember Michael J. Molina, Chair

5 Councilmember Joseph Pontanilla, Vice-Chair

6 Councilmember Gladys C. Baisa

7 Councilmember Jo Anne Johnson

8 Councilmember Danny A. Mateo

9 Councilmember Bill Kauakea Medeiros

10 Councilmember Michael P. Victorino

11 (Arrive 1:32 p.m.)

12

13 **EXCUSED:** Councilmember Michelle Anderson

14 Councilmember G. Riki Hokama

15

16 **STAFF:** Tammy M. Frias, Committee Secretary

17 Carla M. Nakata, Legislative Attorney

18

19 **ADMIN.:** Colleen Suyama, Deputy Director,

20 Department of Planning

21 Jeffrey Dack, Planner,

22 Department of Planning

23 Michael Miyamoto, Deputy Director,

24 Department of Public Works

25

1 Arthur Dadez, Lieutenant,
2 Lahaina District,
3 Department of Police
4 Patrick Matsui, Chief of Planning and
5 Development, Department of Parks
6 and Recreation
7 Brian T. Moto, Corporation Counsel,
8 Department of the Corporation Counsel
9
10 **OTHERS:** Mich Hirano, Project Manager,
11 Munekiyo & Hiraga, Inc.
12 Rowena Dagdag, Planner,
13 Munekiyo & Hiraga, Inc.
14 Joseph Pluta, President,
15 West Maui Improvement Foundation
16 Howard Hanzawa, Vice-President,
17 Kaanapali Land Management Corp.
18 Lance Oyama, Wilson Okamoto Corporation
19 (project's civil engineer)
20 Keith Niiya, Austin Tsutsumi &
21 Associates, Inc.
22 (project's traffic engineer)
23 Matt Nakamoto, Austin Tsutsumi &
24 Associates, Inc.
25 (project's traffic engineer)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Ferdinand Cajigal, Engineering Program
Manager, Maui District Office,
Highways Division, State Department
of Transportation
Zeke Kalua, West Maui Taxpayers Association
Norm Bezane
Steve Welck
Jan Shields, Association for Improved
Healthcare on Maui (AIHM)
Additional attendees (10)

PRESS: Claudine San Nicolas, *The Maui News*
Akaku--Maui County Community Television, Inc.

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

CHAIR MOLINA: The Land Use Committee meeting for
February 27th, 2008 is now in session. For
the record, we have in attendance the
Vice-Chair of the Committee, Joseph
Pontanilla, Committee Members Danny Mateo,
Gladys Baisa, Jo Anne Johnson, Bill Medeiros,
and Committee Chair Mike Molina. Excused are
Members Michelle Anderson, Chairman Riki

1 Hokama, and Councilmember Mike Victorino.

2 Thank you very much, Members, for being
3 here. I realize this is an off week, and
4 typically, at least for the public's
5 information, Council Members during the off or
6 non-regularly scheduled meeting week we have
7 our appointments or we're out visiting various
8 areas to address other concerns in the
9 community, so I realize those of you here have
10 had to make some major adjustments in your
11 schedule, but myself as the Committee Chair,
12 and I'm sure a lot of folks out on the West
13 side, are very appreciative of you being here
14 to address this very important matter that we
15 have here before us.

16 And Chair would like to recognize
17 Councilmember Victorino being here for our
18 proceedings today.

19 We have, of course, one major item to
20 address today, that is Land Use Item 4, which
21 is the West Maui Hospital and Related
22 Ancillary Medical Facilities for Lahaina. But
23 before the Chair continues, the Chair would
24 also like to introduce our wonderful Staff
25 that we have before us here, Committee Analyst

1 Carla Nakata and Committee Secretary Tammy
2 Frias. And we also have Mr. Moto from the
3 Corporation Counsel's Office and Deputy
4 Planning Director Colleen Suyama.

5 And, Deputy Director, if you could
6 introduce for the record the gentleman.

7 MS. SUYAMA: Okay. We also have Staff Planner
8 Jeffrey Dack here.

9 CHAIR MOLINA: Thank you very much. So before we
10 get -- delve into this item any further, the
11 Chair will do public testimony first. Before
12 we start with testimony, the Chair would like
13 to go over a few ground rules with you. You
14 will have three minutes to testify with
15 one minute to conclude. And please state your
16 name for the record before you start your
17 testimony and any organization that you may be
18 representing. And last but not least, please
19 turn off all cell phones and pagers so as to
20 not disrupt our proceedings today.

21 So let us get right into public
22 testimony. First to testify is Mr. Joseph
23 Pluta, to be followed by Zeke Kalua.

24 Good afternoon, Mr. Pluta.

25 *...BEGIN PUBLIC TESTIMONY...*

1 MR. PLUTA: Good afternoon, Chairman Molina and
2 Council Members. Thank you so much. My name
3 is Joseph Pluta. I'm the President of the
4 West Maui Improvement Foundation and now
5 President emeritus of the West Maui Taxpayers
6 Association, instead of active President. And
7 I'm very, very happy about that, and the fact
8 that I'm here today for this -- to testify in
9 support, of course, of our application for
10 Land Use Change of Zoning. And there's going
11 to be a presentation by our planning
12 consultants, Munekiyo & Hiraga, who is going
13 to show more details.

14 My testimony here today is one of thanks
15 and mahalo to the Council, every Council
16 Member here, the Chairman, the Staff, the
17 Planning Department, all the agencies that
18 have been involved in this process since 2002,
19 where we had the first unanimous County
20 Council resolution that supported this, urging
21 the Governor to do something about West Maui
22 acute care as soon as possible. And ever
23 since then, we've had nothing but outstanding
24 support from the County Council, from the
25 Mayor's Offices, been through two

1 administrations, from the Governor's Office,
2 from the Planning Department, and every single
3 possible people we've come across. It's been
4 just overwhelmingly wonderful, and I want to
5 thank, for the record, all of you, all of
6 them, for this phenomenal support.

7 And that goes to the community as well.
8 There's been over 1,500 people -- I know it's
9 over 1,500. We don't know the exact amount
10 over 1,500, but it's over 1,500 people who
11 have donated anywhere from \$5 to \$200,000 to
12 meet the over \$700,000 worth of expenses that
13 we've come across to meet all the
14 environmental and engineering reports and
15 topographic reports and transportation reports
16 and so on and so forth, and all of that was at
17 discounts because of their sympathy and
18 appreciation for what it is we're trying to
19 do. So we got a good rate and a lot of pro
20 bono work. I mean, if we had to pay the full
21 rate and pro bono, who knows what it would be.
22 And the County Council, who's introduced this
23 as a Council-introduced amendment. Special
24 thanks to Jo Anne Johnson from West Maui for
25 bringing this forward for us. She's been in

1 the -- with the Council's total support, has
2 been able to help us facilitate what this
3 expedited process has now taken nearly five
4 and a half years to do, but which would have
5 taken a lot longer had it not been for the
6 outstanding support of the Council, this
7 Committee, and everybody I've mentioned. So
8 thank you very, very much.

9 CHAIR MOLINA: Thank you very much, Mr. Pluta.

10 Committee Members, questions for the
11 testifier? Seeing none.

12 Thank you for your testimony, Mr. Pluta.

13 MR. PLUTA: Thank you.

14 CHAIR MOLINA: Next to testify we have Zeke Kalua,
15 followed by Norm Bezane.

16 MR. KALUA: Good afternoon, Chair Molina, Vice-Chair
17 Pontanilla, Members of the Maui County
18 Council. My name is Ezekiel Kalua. I'm the
19 Executive Director for the West Maui
20 Improvement Foundation and for the West Maui
21 Taxpayers Association. Please excuse my
22 attire. I'm a little under the weather, so I
23 want to try and get better as soon as I can.

24 I just want to thank you for the
25 opportunity to be here today to speak in front

1 of you all. Thank you for your years of
2 support and your continued support for the
3 facility, and more or less just, you know,
4 thank you for having faith in community-based
5 organizations and residents to try and come
6 forth with the best possible proposal in order
7 to increase the services.

8 You know, ever since inception the WMTA
9 and WMIF has always been about the needs of
10 the community, and in all the years that we've
11 worked on the projects that we have, I don't
12 think anything speaks more towards the
13 immediate need as a hospital in West Maui.
14 All along our process we've been through all
15 kinds of criticism about what we name the
16 facility or what it's going to be, but through
17 it all it's just the faith that we have,
18 knowing that what we're going to do is going
19 to benefit the community in more than one way.

20 So thank you, again, for being here
21 today. Thank you for adjusting your
22 schedules. Please make our application soar
23 through the process, and we want to let you
24 know that we're committed to the process and
25 we want to do the best job that we can to make

1 sure that your belief in us has been well
2 invested. Thank you.

3 CHAIR MOLINA: Okay, thank you, Mr. Kalua.

4 Committee Members, questions for the
5 testifier? Seeing none.

6 Thank you for your testimony.

7 Next to testify we have Norm Bezane,
8 followed by Steve Welck.

9 MR. BEZANE: Aloha, everyone. It's a pleasure to be
10 here, and I want to thank Chairman Molina
11 for -- and also the Council Members for being
12 willing to meet this week on their off week.

13 I'm testifying as a resident of Lahaina,
14 as a member of the Maui Health Care Task
15 Force, and as a communications consultant to
16 the West Maui Hospital. And I apologize, and
17 I prefer being maybe a little poetic here with
18 what follows, but this comes from the heart, I
19 guess.

20 A few things on our island are as
21 revered as the 'aina, the land. Agricultural
22 land nourishes us, but nourishment requires
23 more than bountiful crops. The ultimate
24 nourishment is the protection and preservation
25 of life. So what greater use can be put to

1 this land that is now in scrub adjoining the
2 Lahaina Civic Center than a hospital that will
3 save lives not merely for a season, but for
4 lifetimes.

5 I urge you to support the building of
6 West Maui acute emergency care medical
7 facility that will save lives on this land and
8 that you further support our filing of a
9 Certificate of Need so that this grassroots
10 community campaign will benefit all of Maui
11 and be a model of doing the right thing for
12 the people of Maui County.

13 I would just add that the Certificate of
14 Need is going to be filed shortly, and before
15 the State can actually approve the Certificate
16 of Need, they must have assurance that we have
17 the zoning. And there's every reason to
18 believe that the SHPDA will move fairly
19 rapidly on this matter, so I would encourage,
20 and I know Joe has expressed interest in
21 encouraging, that you move expeditiously in
22 your review of this matter. Thanks very much.

23 CHAIR MOLINA: Okay, thank you for your testimony.

24 Committee Members, questions for the
25 testifier? Seeing none. Thank you.

1 Next to testify we have Steve Welck, to
2 be followed by Jan Shields.

3 MR. WELCK: Aloha and good afternoon. I'm Steve
4 Welck. I'm a resident of West Maui. I've
5 been there for 19 years. I'm a father and a
6 neighbor and a friend to many on the West
7 side, and over the years I've noticed that
8 we've really had a lot of trauma and a lot of
9 cases of injuries on the road, people in the
10 water with trauma, my own family with trauma,
11 and folks visiting, the elderly, and there's
12 just been such a huge need, and I want to very
13 much encourage you all to support this new
14 zoning and to help us throughout the entire
15 process. I know West Maui will thank you as
16 well, from my heart, for your support and
17 thank you all.

18 CHAIR MOLINA: Thank you.

19 MR. WELCK: Aloha.

20 CHAIR MOLINA: Committee Members, questions for the
21 testifier?

22 Hang on, Mr. Welck.

23 Councilmember Medeiros.

24 Oh, excuse me, Mr. Welck, you have a
25 question.

1 COUNCILMEMBER MEDEIROS: Yeah, thank you for being
2 here and thank you for your testimony. You
3 said you're a neighbor, a neighbor to what the
4 facility location will be or --

5 MR. WELCK: Yes, I'm in the Kaanapali area, and I
6 live in Kaanapali Hillside and I hear the
7 sirens and I travel on the roads here in Maui,
8 so I know the urgent needs we have in that
9 neighborhood for critical care.

10 COUNCILMEMBER MEDEIROS: Okay, thank you for your
11 response.

12 MR. WELCK: Thank you.

13 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

14 CHAIR MOLINA: Thank you. Any other questions for
15 the testifier? Seeing none. Thank you.

16 Next to testify we have Jan Shields, and
17 Ms. Shields is the last person to have signed
18 up for testimony. The Chair will offer the
19 members of the public in the gallery one last
20 opportunity to sign up for testimony upon the
21 completion of Ms. Shield's testimony.

22 Good afternoon.

23 MS. SHIELDS: Thank you very much. I'm here to
24 throw our support behind Joe Pluta and the
25 West Maui Hospital. AIHM has over 3,000

1 members, and we do support fully a West Maui
2 Hospital. I'm also a Kaanapali Hillside
3 resident and a nurse and I see the sirens -- I
4 hear the sirens and see the ambulances
5 constantly. And every time they go by, I say
6 a prayer, because they've got a long ride and
7 maybe they'll make it, maybe they won't. I do
8 know many cases where tourists and local
9 people have died simply because we cannot get
10 them to health care of any sort soon enough.
11 So I really hope that you'll expedite this
12 matter. We needed this many years ago, of
13 course, and so we hope that you will all help
14 us. Thank you very much.

15 CHAIR MOLINA: Okay, thank you, Ms. Shields. Ms.
16 Shields, just for the record, can you state
17 your full name for the record and any
18 organization that you may be representing.

19 MS. SHIELDS: Yes. It's Janice Shields, and AIHM,
20 Association for Improved Health Care on Maui.

21 CHAIR MOLINA: Thank you.

22 Committee Members, questions for the
23 testifier? Seeing none.

24 Thank you for your testimony.

25 Committee Secretary, has there been any

1 additional requests for testimony?

2 MS. FRIAS: No, Mr. Chair.

3 CHAIR MOLINA: Okay. And seeing no one approaching
4 from the gallery, the Chair will close public
5 testimony on Land Use Item 4.

6 Any objections, Members?

7 COUNCIL MEMBERS: No objections.

8 CHAIR MOLINA: Okay, thank you very much, Members.

9 MR. HANZAWA (from the audience): (Inaudible).

10 CHAIR MOLINA: Oh, excuse me, we do have one? Okay,
11 Members, we do have a -- I guess a
12 representative from the Applicant.

13 Mr. Hanzawa, you know what, I know
14 you're a resource person, if you don't mind,
15 we can call you up once we get into the
16 discussion phase, and I'm sure the Members
17 will have questions for you.

18 So anyway, at this point the Chair will
19 uphold the decision to close public testimony
20 on LU-4.

21 **...END OF PUBLIC TESTIMONY...**

22 CHAIR MOLINA: All right. Very good, Members. We
23 have Land Use Item 4, which is the West Maui
24 Hospital and Related Ancillary Medical
25 Facilities for Lahaina. We do have a

1 PowerPoint presentation from the Applicant.
2 Before we go into that, Deputy Director
3 Suyama, do you have any opening remarks to
4 make before we temporarily recess to do the
5 presentation?

6 MS. SUYAMA: I don't have any opening remarks, but
7 my Planner had prepared some kind of
8 presentation. If you want to hear the Planner
9 now or after the presentation by the
10 consultant.

11 CHAIR MOLINA: Okay, Committee Members, what is the
12 pleasure of the body? Would you prefer to see
13 the PowerPoint first or hear from the
14 Department before? Chair's open either way.
15 The Chair has a preference to hear from the
16 Applicant first and then we can go into the
17 Department.

18 COUNCIL MEMBERS: No objections.

19 CHAIR MOLINA: Okay, very good. So ordered. So,
20 Members, what we'll do, we'll take a short
21 recess. We'll prepare the Chambers for the
22 presentation from the Applicant, and upon the
23 completion of the presentation, we'll do a
24 Q-and-A session with the Applicant and also
25 hear from the Department regarding their

1 presentation.

2 So this meeting is in recess subject to
3 the call of the Chair. We shall prepare the
4 Chambers for the presentation from the
5 Applicant. Meeting in recess. (Gavel).

6 **RECESS: 1:44 p.m.**

7 **RECONVENE: 1:47 p.m.**

8 CHAIR MOLINA: (Gavel). Land Use Committee meeting
9 for February 27th, 2008 is now back in
10 session.

11 Members, we are dealing with Land Use
12 Item 4, and we have a presentation that will
13 be done for us by the Applicant's
14 representative from the firm of Munekiyo &
15 Hiraga. We have Mr. Mich Hirano, who will
16 do -- guide us through the presentation.

17 Mr. Hirano, you have the floor.

18 **Note: Computer-generated presentation.**

19 MR. HIRANO: Thank you very much, Chair Molina,
20 Vice-Chair Pontanilla, and Council Committee
21 Members. On behalf of the Applicant, on
22 behalf of the project team, and the people of
23 West Maui and Maui, I'd just like to, again,
24 express our appreciation for the special
25 meeting that you've called to hear this

1 particular item.

2 We prepared a PowerPoint presentation
3 for the Committee, and it's basically an
4 update of the last meeting that we had or the
5 Land Use Committee had on the applications of
6 land entitlements for this project, and it was
7 subsequently transmitted to the Maui Planning
8 Commission for their review and comment.

9 Again, just some information on the
10 project, some of the details. It's the West
11 Maui Medical Facility. The West Maui
12 Improvement Foundation is the Applicant and
13 the sponsor. The landowner is Kaanapali Land
14 Management Corporation. The tax key number is
15 4-4-006:070 and it's a 15 -- or a 14.49-acre
16 parcel, which is a smaller parcel of this
17 larger TMK parcel. Of course the location is
18 in Lahaina, Maui, and it's in the vicinity of
19 the Lahaina Civic Center. The existing uses
20 of the property are vacant, undeveloped land.

21 The notion of a hospital in West Maui or
22 a medical facility in West Maui is not a new
23 notion. It's not a new idea. This is
24 actually a picture of the Plantation Hospital
25 in Lahaina. However, since medical services

1 subsequent to this were centralized in Kahului
2 at the Maui Memorial Medical Facility, but
3 it's good to know and to see history repeat
4 itself.

5 Again, this is a regional location map
6 of the hospital facility. This is
7 Honoapiilani Highway, Kaanapali, in the bottom
8 of the screen. The Lahaina Civic Center is
9 just to the south of the project site. Access
10 to the project site will be provided by the
11 Villages of Leialii Parkway and through the
12 Lahaina Civic Center site and up into the
13 14.49-acre parcel.

14 The existing Land Uses -- and this is a
15 land map of the West Maui Community Plan in
16 the vicinity of the West Maui Medical
17 Facility. As you can see, it's currently
18 Community Plan designated Agricultural,
19 however, the parcel that is adjacent to the
20 south of it is the Lahaina Civic Center
21 complex, and that is designated
22 Public/Quasi-Public.

23 The land use entitlement processing is
24 to change the current land use designations.
25 The State land use designation is currently

1 Agricultural. The West Maui Community Plan
2 land use designation is currently
3 Agricultural, and the West Maui zoning is
4 Agricultural.

5 The application before the Committee
6 this afternoon is to propose the land use
7 changes, and it's a District Boundary
8 Amendment to change the land use designation
9 from Agricultural to Urban. It's also a
10 Community Plan Amendment application that
11 would change the Community Plan land use
12 designation from Agricultural to
13 Public/Quasi-Public, and it's also a request
14 for a Change in Zoning to change the
15 underlying zoning of the land parcel from
16 Agricultural District to P-1,
17 Public/Quasi-Public District.

18 Existing and surrounding land uses. As
19 I said, this is Honoapiilani Highway. Leialii
20 Parkway provides access to the Villages of
21 Leialii, and the Department of Hawaiian
22 Homelands has completed approximately
23 100 units of single-family residential homes
24 just to the south of the parkway. There is a
25 second phase of the Hawaiian Homelands in this

1 particular area that would incorporate
2 approximately another 250 homes in the second
3 phase of the Department of Hawaiian Homelands'
4 development. The Hawaii Housing and Finance
5 Department Corporation has a large parcel of
6 land of the Villages of Leialii further to the
7 west -- further to the west, further to the
8 east and south of the Hawaiian Homelands.

9 This is the Lahaina Civic Center
10 complex. This is the post office, which is
11 just on the corner of Honoapiilani Highway and
12 Leialii Parkway. The tennis courts, and
13 you're coming along Kaaahi Street. This is
14 the Lahaina Comprehensive Health Center. This
15 is the police station, the Lahaina Civic
16 Center, fire station, Lahaina courthouse.

17 The County of Maui and the Department of
18 Parks and Recreation have made application to
19 the State of Hawaii through the Hawaii Housing
20 Finance and Development Corporation to acquire
21 this parcel that is kind of in an L shape that
22 wraps around the Civic Center to expand the
23 Civic Center facilities.

24 The proposal for access to the West Maui
25 Medical Facility site would be to share access

1 with the Department of Parks and Recreation
2 and the County of Maui and extend the roadway
3 up into the hospital/medical facility site.
4 Preliminary meetings have been held with both
5 the Department of Public -- Department of
6 Parks and Recreation as well as with the
7 Hawaii Housing Finance and Development
8 Corporation, and they're supportive and in
9 agreement in principle to share this access
10 for the West Maui Medical Facility.

11 Again, to the south of the -- or to the
12 north of the proposed West Maui Medical
13 Facility site would be lands that are part of
14 the Kaanapali 2020 land planning area. And
15 just as way of background, the hospital site
16 was identified through the overall land
17 planning with Kaanapali 2020, and that
18 involved a community-based land planning
19 exercise with a number of residents and
20 members and key stakeholders in West Maui to
21 develop an overall land plan for the
22 Kaanapali lands that cover approximately 4,000
23 acres on the west side of Maui.

24 This is just a rendering, an artist
25 rendering of the medical facility and how it

1 may look. It's a single-story facility
2 covering approximately 90,000 square feet, and
3 nestled in the background is the West Maui
4 Mountains. In terms of the proposed uses, the
5 medical facility will have approximately
6 90,000 square feet of floor area. It will
7 have 25 medical/surgical beds and ten
8 intensive care beds. It will have operating
9 suites and acute care units.

10 Related site improvements to develop the
11 site include site grading, installation of
12 underground utilities, the extension of water,
13 sewer, and telecommunications lines to the
14 hospital site, 260-stall parking lot,
15 extension of the Kaaahi Street from the
16 Lahaina Civic Center, and site landscaping.

17 The West Maui Improvement Foundation is
18 the -- has been spearheading this movement.
19 However, in order to develop the hospital,
20 they would require expertise and financing and
21 capital, and they have found it with the
22 partnerships that they've created with the
23 Newport Hospital Corporation. They have
24 signed a development agreement with the West
25 Maui Improvement Foundation and Southwest

1 Health Group to develop and operate the West
2 Maui Medical Facility and the long-term care
3 facilities.

4 The Southwest Health Group is the owner,
5 developer of more than 30 hospitals in ten
6 states on the mainland. They're primarily in
7 Texas, Tennessee, and Florida, and these are
8 just some pictures of the hospitals or medical
9 facilities that they currently either own or
10 operate.

11 Medical center funding is -- will be
12 provided by private investor groups that would
13 be formed and obtained through the efforts of
14 the West -- Southwest Medical Group, as well,
15 there will be reimbursements from the State
16 and Federal governments through the
17 Medicare/Medicaid programs, and as well there
18 will be fees that will be collected for
19 services rendered through the visitor industry
20 support. This hospital will be available to
21 all residents as well as to visitors on the
22 West side in care and in need.

23 In terms of the project milestones that
24 have been achieved since this application was
25 transmitted from this Committee to the Maui

1 Planning Commission, on October 8th, 2007 the
2 final Environmental Impact -- or the final
3 Environmental Assessment for the application
4 was published. There was a finding of no
5 significant impact, and it was published in
6 the Office of Environmental Quality Control,
7 the environmental notice on October 8th, 2007.
8 And on November 13, 2007 the Maui County
9 Planning Commission recommended approval for
10 the three land use changes, the District
11 Boundary Amendment, the Community Plan
12 Amendment, and the Change in Zoning for the
13 proposed site of the West Maui Medical
14 Facility. A number of conditions were
15 attached. 14 conditions were attached to that
16 recommendation, and the West Maui Improvement
17 Foundation, as well as the land owner,
18 Kaanapali Land Management Corporation, are in
19 favor of those -- of those conditions and will
20 execute the necessary unilateral agreements as
21 required in the Change in Zoning ordinance.

22 All the potential impacts were
23 identified and mitigated in the Environmental
24 Assessment. Primarily the impacts centered
25 around traffic, and as parts of the conditions

1 of the Change in Zoning there's a number of
2 traffic mitigation measures that will be
3 carried out by the Applicant prior and during
4 implementation of the project. Construction
5 best management practices, such as ensuring
6 that there be air quality control, dust
7 control, best management practices to contain
8 erosion, soil and water erosion on the
9 property during construction, they have all
10 been identified and will be implemented during
11 construction, and as well site drainage
12 considerations to ensure that any drainage or
13 additional storm water runoff that's created
14 by the development of the impervious layered
15 surfaces through the development of the
16 property will be contained on site and handled
17 and not impact downstream or adjacent
18 properties.

19 An update on the Certificate of Need,
20 and as indicated in the testimony that was
21 made this afternoon prior to our presentation,
22 a letter of intent has been transmitted to the
23 Hawaii State Health Planning and Development
24 Agency. This was done on February 5th, 2008,
25 and a Certificate of Need application will be

1 filed by the end of March 2008. We anticipate
2 that the Certificate of Need will be submitted
3 to the Hawaii State Health Planning and
4 Development Agency.

5 As far -- again, with the Change in
6 Zoning conditions, there have been 14 that
7 were generated as a result of the review and
8 recommendations made by the Maui Planning
9 Commission with the landowner, which is
10 Kaanapali Land Development -- Land Management
11 Corporation, as well as the West Maui
12 Improvement Foundation, are agreeable to all
13 proposed conditions. A unilateral agreement
14 will be executed and recorded as requested by
15 the Change in Zoning ordinance.

16 So mahalo, thank you for your time and
17 your attention, and, again, for calling this
18 special meeting to review this application.
19 I'd just like to mention that members of the
20 project team, as well as the Applicant and the
21 landowner are available this morning -- or
22 available this afternoon to answer any
23 questions the Committee Members may have.
24 Mahalo.

25 CHAIR MOLINA: Thank you, Mr. Hirano.

1 Members, we'll call a short recess to
2 put the screen back up and then we'll continue
3 our discussions on Land Use 4. This meeting
4 is in recess. (Gavel).

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

6 **RECONVENE: 2:04 p.m.**

7 CHAIR MOLINA: (Gavel). Land Use Committee meeting
8 for February 27th, 2008 is now back in
9 session. I'd like to thank the Applicant, the
10 Applicant's representative, the firm of
11 Munekiyo & Hiraga, for their presentation
12 related to this matter.

13 Members, we are addressing Land Use Item
14 4, and for the public's information, the
15 County Communication Number 07-23 was received
16 from Councilmember Johnson transmitting a
17 draft resolution to refer to the Maui Planning
18 Commission draft bills to amend the State Land
19 Use District classification, to amend the West
20 Maui Community Plan and Land Use map, and to
21 change the zoning respectively for
22 approximately 14.946 acres located at Lahaina,
23 Maui, Hawaii to facilitate the development of
24 a proposed hospital and related ancillary
25 facilities in West Maui.

1 In addition to that, a correspondence
2 dated December 14th, 2007 from the Council
3 Chair transmitting a correspondence dated
4 December 13th, 2007 from the Planning Director
5 transmitting comments on the draft bills from
6 the Maui Planning Commission in response to
7 Resolution Number 07-33 entitled: "Referring
8 to the Maui Planning Commission draft bills to
9 respectively enact a State Land Use District
10 classification amendment, a Community Plan
11 Amendment, and a Change in Zoning for property
12 situated at Lahaina, Maui, Hawaii for the
13 proposed West Maui Hospital and Related
14 Ancillary Medical Facilities," adopted on
15 March 16th, 2007.

16 And also the Committee received a
17 correspondence dated February 5th, 2008 from
18 the Corporation Counsel's Office transmitting
19 the following: A proposed bill entitled, "A
20 bill for an ordinance to amend the State Land
21 Use District Classification from Agricultural
22 to Urban for property situated at Lahaina,
23 Maui, Hawaii for the proposed West Maui
24 Hospital and Related Ancillary Medical
25 Facilities." The purpose of the proposed bill

1 is to amend the State Land Use District
2 Classification for the subject property from
3 Agricultural to Urban to facilitate the
4 development of a proposed hospital and related
5 ancillary medical facilities in West Maui.

6 We're almost there, Members.

7 Another bill -- proposed bill entitled,
8 "A bill for an ordinance to amend the West
9 Maui Community Plan and Land Use Map from
10 Agricultural to Public/Quasi-Public for
11 property situated at Lahaina, Maui, Hawaii for
12 the proposed West Maui Hospital and Related
13 Ancillary Medical Facilities." And the
14 purpose of this proposed bill is to amend the
15 West Maui Community Plan for the subject
16 property from Agricultural to
17 Public/Quasi-Public to facilitate the
18 development of a proposed hospital and related
19 ancillary medical facilities in West Maui.

20 And finally, a proposed bill was
21 received entitled, "A bill for an ordinance to
22 change zoning from Agricultural District to
23 P-1 Public/Quasi-Public District (Conditional
24 Zoning) for property situated at Lahaina,
25 Maui, Hawaii for the proposed West Maui

1 Hospital and Related Ancillary Medical
2 Facilities." And the purpose of the proposed
3 bill is to approve a Change in Zoning for the
4 subject property from Agricultural District to
5 P-1 Public/Quasi-Public District to facilitate
6 the development of a proposed hospital and
7 related ancillary medical facilities.

8 Well, Members, I have said a mouthful,
9 so obviously we know why we are here. At this
10 point, before the Chair recognizes the
11 Planning Department to give us their overview,
12 the Chair would like to recognize
13 Councilmember Johnson and thank her for this
14 consideration.

15 Councilmember Johnson, before we
16 recognize the Planning Department, do you have
17 any opening comments?

18 COUNCILMEMBER JOHNSON: You know, I just want to
19 thank you, Mr. Chair, because I know that this
20 has been a long time coming, and many times, I
21 guess before I even got on the Council, there
22 was the capability of the Council to introduce
23 land use changes, but I believe yourself and
24 myself, I think your first land use change
25 introduced by a Council Member was in Paia,

1 and mine, I believe, is Maui Preparatory
2 Academy, so I think once we look at options
3 that we have within our purview, it's really
4 important that for things that mean a lot to
5 the community or for problems that we have in
6 each of our respective jurisdictions, that we
7 avail ourselves of these kinds of legislative
8 mechanisms.

9 And I really want to thank you,
10 Mr. Chair, because I guess if it had not been
11 for I guess us learning through this process
12 together, I would not have had an opportunity
13 to really even know that I could introduce
14 such a measure. So I want to thank from the
15 very beginning all of the individuals that
16 really participated in this, but especially
17 for you having the special meeting, for being
18 responsive to the needs of the West Maui
19 citizens. Because this is not for us and this
20 is not for any, you know, specific, I guess,
21 credit or anything, because this is a
22 community project that was community based
23 that Mr. Pluta and West Maui Improvement
24 Foundation took the lead on. Mr. Hanzawa and
25 the Kaanapali Land people helped to provide an

1 opportunity, so the community provided money,
2 they provided support, and of course the
3 Council -- and I believe you were on when we
4 passed the initial resolution in support of
5 this, so I look at this as a process, and it's
6 gone through little by little. We're still
7 not quite there, because Mr. Pluta, as he
8 said, the Certificate of Need must be done,
9 but also I want to thank Mr. Hoyle for
10 stepping forward, because there is a risk
11 always involved with starting new kinds of
12 ventures. And this is a long way from the
13 mainland where he has other facilities, so I
14 really want to thank him.

15 But I just cannot say enough about my
16 support but also my community's support for
17 the need and the critical importance that this
18 is to our community. This is literally going
19 to save lives. So I want to thank everyone
20 who had a role in this, and I hope that
21 everyone supports this and that it gets passed
22 out today. And that is my fondest hope,
23 Mr. Molina, and thank you for everything
24 you've done to respond to our community, and
25 to the Members who interrupted their schedule

1 to attend this hearing. Thank you.

2 CHAIR MOLINA: Thank you, Member Johnson. Needless
3 to say, this is a very important public safety
4 issue, and it will take the efforts of many,
5 many individuals to make this a reality, but
6 the wheels are turning.

7 So with that being said, I'll ask the
8 Planning Department to give their brief
9 overview on this matter.

10 MR. DACK: Yes, good afternoon, Mr. Chair and
11 Members of the Land Use Committee. My name is
12 Jeffrey Dack, Staff Planner with -- for this
13 project with the Department of Planning. I'm
14 grateful that the Applicant has covered
15 approximately half of my prepared
16 presentation. That will save us all some
17 time.

18 Just a few supplementary comments to
19 that. As was mentioned, the public hearing on
20 the three proposed amendments was conducted by
21 the Maui Planning Commission on November 13th
22 of last year. One letter of support was
23 received and provided to the Commission on the
24 date of the hearing. At that time four
25 individuals testified at the hearing in

1 support of the request and no one spoke in
2 opposition.

3 The Department of Planning had
4 understood that the County Council might be
5 reluctant to apply conditions of approval to
6 the requested actions, fearing that the County
7 could then become responsible for their
8 fulfillment. In the light of -- in light of
9 this, the Department suggested that the West
10 Maui Improvement Foundation offer a series of
11 pledges which could be largely tied down
12 before final Council action was taken.

13 The West Maui Improvement Foundation
14 agreed to offer these, then the Department
15 recommended, and the Planning Commission in
16 turn recommended to the Council, approval of
17 the requested land use and zoning changes
18 given the pledges. When your Staff received
19 this recommendation, they conferred with the
20 Departments of Corporation Counsel and
21 Planning about the pledges approach, compared
22 to the more standard approach of Conditions of
23 Zoning approval. Corporation Counsel and your
24 Staff then concluded that the application of
25 conditions would not provide the risk to the

1 County which the Department of Planning had
2 feared.

3 The two Departments then worked together
4 to reframe the pledges into the more familiar
5 format of Conditional Zoning Approval. These
6 are now incorporated into the draft rezoning
7 bill transmitted to your Committee by the
8 February 5th, 2008 letter from the Department
9 of Corporation Counsel.

10 During the Maui Planning Commission's
11 March 27, 2007 meeting when they reviewed and
12 commented upon the draft Environmental
13 Assessment, they also asked that the proposal
14 not be referred to as a hospital, feeling that
15 this might unintentionally mislead some people
16 into thinking it will be able to provide more
17 types and services than they're really -- than
18 are really planned. The West Maui Improvement
19 Foundation concurred and has since referred to
20 the proposal as the West Maui Medical
21 Facility.

22 Because the land use and zoning changes
23 were initiated by the Council before the
24 Planning Commission discussion of using the
25 term medical facility instead of hospital, the

1 draft bills before you still refer to the
2 proposed West Maui Hospital and Related
3 Ancillary Medical Facilities. Given the
4 Planning Commission recommendation and the
5 West Maui Improvement Foundation's
6 concurrence, the Department respectfully asks
7 if the Committee could be willing to make a
8 small change to the titling of the bills to
9 now instead to refer to the West Maui Medical
10 Facility.

11 And that concludes the Department's
12 report.

13 CHAIR MOLINA: Okay, thank you very much, Mr. Dack.

14 Committee Members, the Chair would like
15 to proceed in the following fashion: At this
16 point I'll ask you all if you have any
17 questions for the Planning Department, and
18 followed by -- we have some resource personnel
19 in the gallery as well. We have Mr. Freddie
20 Cajigal from the Maui State Department of
21 Transportation, who's available, and I know
22 he's a very busy man, and if you have
23 questions for him, please feel free to ask
24 him, and we also have a gentleman from the
25 Maui Police -- officer from the Maui Police

1 Department, and I'm sorry, I don't have your
2 name with us right now, but I know traffic may
3 be a concern. So at some point we can have
4 him come up and respond to your questions.

5 I do realize these gentlemen have busy
6 schedules, so, Members, do you have any
7 objections to hearing from our resource
8 personnel first and then we can go back to Q
9 and A from the Planning Department? And at
10 later point we can call up the Applicant's
11 representatives for Q and A. So being that
12 the -- our two outside resource personnel are
13 very busy individuals, can I -- first of all,
14 let's start off, any questions first for
15 Mr. Cajigal from the State DOT related to
16 traffic and the impacts this project may have
17 on traffic? Okay, Member Johnson, has --

18 Mr. Cajigal.

19 Oh, excuse me, Member Johnson.

20 COUNCILMEMBER JOHNSON: Yes, and all I wanted to
21 know from Mr. Cajigal was because I know some
22 of the discussion and some of the questions
23 previously centered around traffic and how it
24 would interact, and I believe the Police
25 Department also had some suggestions, if he

1 could just address that so that we can assure
2 the public that these changes and
3 recommendations are being followed.

4 CHAIR MOLINA: Okay, thank you, Member Johnson.

5 Good afternoon, Mr. Cajigal. Can you
6 respond to the request from Councilmember
7 Johnson.

8 MR. CAJIGAL: Good afternoon, Chairman Molina and
9 Committee Members. Traffic-wise we do -- we
10 really don't have objections to this project
11 generally because in reading the TIAR
12 they've -- they've identified -- it's true,
13 they have identified several poor level of
14 services, but in there it also has some
15 recommendations in terms of mitigating those
16 poor level of services. So as long as those
17 so-called mitigations are implemented, we
18 should be -- we should be okay.

19 Just to help you out in your
20 deliberation, I just want to briefly talk
21 about what's going on in West Maui and
22 basically some projects that could be
23 helpful -- that will be helpful, actually, in
24 the future. One of them is our long-awaited
25 Lahaina Bypass, which is, as we all know, it's

1 been -- we hit a stumbling block, and
2 hopefully we're looking at maybe this time of
3 next year, February of next year, going out to
4 construction, that is if -- well, subject to,
5 again, approval of our findings in the revised
6 reports that will soon be delivered to us.
7 Hopefully we want to go out to the public
8 sometime at the end of April to lay out what
9 our findings gonna be.

10 And the other one is the widening of
11 Honoapiilani Highway from Lahainaluna Road to
12 Aholo. That will also kind of help out --
13 alleviate some of the traffic problems in West
14 Maui. And further down the line is the
15 Maalaea to Launiupoko planning efforts that
16 we're currently doing, and hopefully -- we're
17 hoping to have a planning document by --
18 looking at 2011, 2012, around that time frame.

19 But to answer your question,
20 Councilmember Johnson, yes, as long as the
21 poor level of service that was cited in that
22 TIAR will be mitigated by the so-called
23 improvements as cited in the TIAR, we -- it
24 should be okay.

25 COUNCILMEMBER JOHNSON: Okay. And, Freddie, just

1 because I know that, you know, a lot of people
2 don't know that eventually the bypass will --
3 one phase of the bypass will actually go mauka
4 of where this facility would be, in the
5 future, that would also help alleviate,
6 because it would give an additional outlet
7 once this medical facility, if it were ever
8 able to hook up to the bypass on the mauka
9 side, that would also potentially alleviate
10 some of the problems?

11 MR. CAJIGAL: Oh, certainly. I think you're looking
12 at -- you're talking about the third phase of
13 the bypass, which right now we are -- we have
14 it on our books as called 1C. With plans to
15 hook up to Kaanapali Parkway, I think that's
16 what you're referring to. And, yes, it
17 certainly will alleviate a lot of the
18 congestion on the Honoapiilani Highway. In
19 fact, the connector road, from what I see, in
20 the project's TIAR would also serve as the
21 primary access in the future to this hos -- to
22 the West Maui Medical Facility.

23 COUNCILMEMBER JOHNSON: Thanks so much, Freddie. I
24 think that, you know, because I know there's
25 also a lot of construction going on, there's a

1 staging area right in front of Villages of
2 Leialii that is with the -- I think the
3 installation by Sandwich Isle Communication of
4 some of the cable. Has Department of Hawaiian
5 Homelands any intention to improve or are they
6 simply exempt from making any improvements on
7 the area? Because I notice that the traffic
8 is a little bit busier since that area has
9 been occupied by residents.

10 MR. CAJIGAL: You know, I have not seen any of their
11 report or any of their studies for the
12 Hawaiian Homelands projects. Are you -- you
13 talking about the mauka -- mauka lands, right?

14 COUNCILMEMBER JOHNSON: Well, it's the mauka lands,
15 but if you look at where the existing Villages
16 of Leialii is, first phase, and then the
17 Sandwich Isle project, that's just makai of
18 the train tracks right now, you know, where
19 they have all of that equipment stored. I
20 just was curious to know if they were going to
21 be making any either financial contributions
22 or they had plans to expend any money in that
23 area, either in connection with the Sandwich
24 Isle project or with the Villages of Leialii.

25 MR. CAJIGAL: I believe the Sandwich Isle project is

1 just a separate project, because I think right
2 now they just mainly connecting all the
3 Hawaiian Homes sites. The effort for the, I
4 guess, developments of those Hawaiian
5 Homelands on the West side is going to be
6 taken on separately. And to answer your
7 question, if there would be some impacts
8 created, I believe -- I don't believe we've
9 ever said that we will waive or defer any kind
10 of improvements based on -- I mean due to a
11 project by Hawaiian Homelands. We've
12 requested some participations before.

13 COUNCILMEMBER JOHNSON: Okay, great. Thanks very
14 much, Freddie. I really appreciate your
15 information.

16 CHAIR MOLINA: Thank you, Member Johnson.

17 Committee Members, questions for
18 Mr. Cajigal from the State DOT? We have
19 Member Pontanilla, followed by Member
20 Medeiros.

21 Mr. Pontanilla.

22 VICE-CHAIR PONTANILLA: Thank you. Good afternoon,
23 Fred. In regards to the Lahainaluna/Aholo
24 Road roadway improvement, I know I read
25 something in *The Maui News* where the Governor

1 released some funds. Do you know the schedule
2 of the road improvement itself?

3 MR. CAJIGAL: We -- the -- what we call the SMA
4 package is -- will be ready by March, end of
5 March of this year, March 2008, and then if
6 you give another three months to -- for bid
7 openings and announcement and all that, so
8 you're looking at going out to bid by this
9 summer. And I think it's a little over -- the
10 project's about a little over a year, so we're
11 looking at the end of next year completion, in
12 terms of completion.

13 VICE-CHAIR PONTANILLA: Thank you. And then the
14 other thing, the connector road that you're
15 talking about, that's the old plantation road,
16 right?

17 MR. CAJIGAL: Which connector road?

18 VICE-CHAIR PONTANILLA: You mentioned a third road.
19 I know Keawe Street was one and then --

20 MR. CAJIGAL: Oh, I think the connector road that I
21 was referring to is the Halelo Street right
22 now off -- opposite of Kaanapali Parkway.

23 VICE-CHAIR PONTANILLA: Oh, okay.

24 MR. CAJIGAL: That is the connector road to these --

25 VICE-CHAIR PONTANILLA: Oh, between the --

1 MR. CAJIGAL: -- third phase of Honoapiilani Bypass.

2 VICE-CHAIR PONTANILLA: Okay.

3 MR. CAJIGAL: That one wraps around the hos -- the
4 medical facility.

5 VICE-CHAIR PONTANILLA: Okay, fine. Yeah, talking
6 about Department of Hawaiian Homelands, you
7 know, they creating a lot of affordable
8 housing for Hawaiian community, which is
9 great, but I've had conversation with the
10 Homelands' administrator in regards to
11 infrastructure improvements, and that's
12 something probably, you know, you guys can
13 hopefully talk to them in regards to providing
14 you guys some help in trying to improve some
15 of these roadways, State roadways that they
16 traverse on. So I just leave that comment to
17 you.

18 MR. CAJIGAL: Thank you.

19 VICE-CHAIR PONTANILLA: Thank you.

20 CHAIR MOLINA: Thank you, Mr. Pontanilla.

21 Before we recognize Mr. Medeiros for
22 questions, Members, as an FYI, in your binders
23 there's an April 23rd, 2007 written response
24 from at the time interim Director of
25 Transportation Barry Fukunaga for your perusal

1 as well, Members.

2 Councilmember Medeiros, questions for
3 Director Cajigal?

4 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

5 Mr. Cajigal, thank you for making
6 yourself available for being here. In one of
7 your earlier responses to Member Johnson, you
8 did say that the State DOT highways does not
9 foresee any changes to the current traffic
10 patterns to that facility?

11 MR. CAJIGAL: No, I mentioned something -- what I
12 said was the project's traffic impact
13 assessment report cited some mitigations, some
14 improvements that needs to be implemented due
15 to this project. And as -- if those will be
16 implemented as cited in there, we certainly
17 don't have no problem with it.

18 COUNCILMEMBER MEDEIROS: I see. And do you recall
19 if that includes a deceleration turning lane
20 for traffic traveling south to north?

21 MR. CAJIGAL: What I do recall was the -- there are
22 some -- I think there's some decel lanes north
23 bound to -- onto Leialii Parkway. There's
24 also some additional lanes off -- on Leialii
25 and some rephasing of the traffic signals.

1 COUNCILMEMBER MEDEIROS: Okay. Because currently,
2 refresh my memory, but Honoapiilani Highway,
3 as you turn right up to Leialii Parkway, is
4 there a dedicated deceleration turning lane
5 currently or is traffic just turning off of
6 the right lane of the two-lane highway? I
7 mean --

8 MR. CAJIGAL: I think that's the condition right
9 now.

10 COUNCILMEMBER MEDEIROS: Condition right now for --

11 MR. CAJIGAL: The condition is just you're on the
12 highway and you just make a right turn lane, a
13 right turn into Leialii.

14 COUNCILMEMBER MEDEIROS: Okay, so there's no
15 dedicated deceleration --

16 MR. CAJIGAL: I don't believe so.

17 COUNCILMEMBER MEDEIROS: -- or turning lane in place
18 right now?

19 MR. CAJIGAL: I don't believe so.

20 COUNCILMEMBER MEDEIROS: And in the traffic study
21 report is that being recommended?

22 MR. CAJIGAL: Yes.

23 COUNCILMEMBER MEDEIROS: Okay. So that would be one
24 of the improvements that the project would be
25 making?

1 MR. CAJIGAL: Yes.

2 COUNCILMEMBER MEDEIROS: Thank you for your
3 testimony and your responses.

4 Mahalo, Mr. Chairman.

5 CHAIR MOLINA: Okay, thank you, Member Medeiros.

6 Committee Members, any other questions
7 for Director Cajigal at this time? Seeing
8 none, thank you, Mr. Director.

9 MR. CAJIGAL: Thank you.

10 CHAIR MOLINA: Members, is there a request to -- for
11 questions regarding from our Police
12 Department? We have a representative here.
13 Is there a request? I would like to direct
14 your attention also in your binder, there is a
15 response from the Police Department dated --
16 well, I think it's dated as far back as
17 December 6th, 2005.

18 Staff, is there any other written
19 response from the Police Department related to
20 this matter, something more current? If there
21 is one, I'm having a hard time finding it.

22 MR. DACK: Don't recall any.

23 COUNCILMEMBER VICTORINO: Chair.

24 CHAIR MOLINA: Hang on.

25 Staff, is there anything else in

1 addition?

2 MS. NAKATA: I'm not sure if the Planner's aware if
3 there was anything in the EA or not.

4 CHAIR MOLINA: Okay. Planning Department, do you
5 have anything more recent than the
6 December 2005 response from the Police
7 Department? Mr. Dack?

8 MR. DACK: We'll take a look on the EA.

9 CHAIR MOLINA: Okay. So, Members, the Chair would
10 like to ask if you have any questions for the
11 Police -- Police representative. You do,
12 Mr. Victorino?

13 Okay, sir, if you could come up. Good
14 afternoon, and thank you for being here,
15 Lieutenant. And my apologies for not
16 recognizing your rank. So if you could please
17 state your name and your position with the
18 Police Department before I turn it over to
19 Mr. Victorino for questions.

20 MR. DADEZ: My name is Arthur Dadez. I'm the night
21 commander for Lahaina. I work directly under
22 Chuck Hirata.

23 CHAIR MOLINA: Okay, thank you. Mr. Victorino.

24 COUNCILMEMBER VICTORINO: Yes, thank you. Thank
25 you, Mr. Dadez, for being here, Lieutenant.

1 First of all, I have a concern not so much of
2 traversing traffic in and out of this area on
3 a normal basis. What I'm very concerned with
4 is the amount of activities that the Lahaina
5 Civic Center and the adjacent facility
6 conducts throughout the course of the week and
7 weekends, basketball, all the various things,
8 which I have been a part of and realize a
9 tremendous traffic impact during those events
10 like the Maui Classic, et cetera, et cetera.
11 So by having this road -- and I know it's --
12 eventually it will go up to the bypass, but
13 right now having this road come down or come
14 off of Honoapiilani through Leialii Parkway
15 and then coming down and coming out on the
16 other side, I see a problem. And correct me
17 if I'm wrong, this would really create a real
18 traffic jam should an emergency vehicle have
19 to get through there?

20 MR. DADEZ: It can. The traffic signal lights at
21 that intersection there can be adjusted for
22 the timing, and as you have explained, the
23 different activities that are being handled at
24 the Civic Center is -- during the weekends, we
25 can pretty much predict what the traffic flow

1 is going to be. Now, we have on our emergency
2 vehicles devices that can trigger that traffic
3 light on emergency basis. So if the emergency
4 vehicles needs to exit, by the activation of
5 the emergency lights, the lights -- the
6 traffic lights will trigger.

7 COUNCILMEMBER VICTORINO: Okay. The other question
8 I had was as this road -- as the proposed
9 interim access comes down and turns off to
10 Kaaahi Street, there's an exit -- and I don't
11 know what the name of that street, there's no
12 name on it, but there's an exit that comes out
13 and goes down to Honoapiilani Highway.

14 MR. DADEZ: Yes, sir.

15 COUNCILMEMBER VICTORINO: Okay. And that one can
16 only turn right.

17 MR. DADEZ: That is correct.

18 COUNCILMEMBER VICTORINO: And no left turns.

19 Because I've -- and I'll be honest with you,
20 and you've seen it too, I mean, there's cars
21 that come along and turn left and come out and
22 turn left onto the highway, I mean, turn onto
23 the highway turning left, which is illegal,
24 but they do that.

25 MR. DADEZ: Yes, sir.

1 COUNCILMEMBER VICTORINO: And I've been very
2 concerned that one day -- and there have been
3 accidents, and they'll be more serious in the
4 future, once we get more people in this area
5 on a consistent basis. So my question to you
6 is should we have a turn signal there for
7 emergency purposes so that when there's an
8 emergency and they were forced to come out
9 there, that we could have a light flashing so
10 traffic would stop and they would be able to
11 come out and head out to either way, Lahaina
12 town or Kapalua end?

13 MR. DADEZ: I believe in the past there was a
14 traffic light there that was activated by the
15 Fire Department specifically for what you are
16 saying.

17 COUNCILMEMBER VICTORINO: Right. So is it still
18 there?

19 MR. DADEZ: I don't believe it is. I think it came
20 down.

21 COUNCILMEMBER VICTORINO: It came down, yeah,
22 because I kind of remember that years ago when
23 I worked out there there was, and when the
24 Fire Department would come out, no matter
25 which way, Fire Department would never go

1 around, come out there, and that light would
2 flash and everybody would stop and they could
3 head to Lahaina or Kapalua, depending which
4 way they had to go at that point.

5 MR. DADEZ: That is correct, sir.

6 COUNCILMEMBER VICTORINO: So that light is no longer
7 there, then, that emergency signal?

8 MR. DADEZ: I believe it's no longer there.

9 COUNCILMEMBER VICTORINO: Okay, and I didn't realize
10 that and I think I'd like to ask the State
11 that later on, and if we can call Mr. Cajigal
12 back up. If I may, and I guess the biggest
13 question I have on this whole thing is being
14 the traffic already is congregating right out
15 of Honoapiilani Highway at one traffic signal,
16 I guess my concern is you and the Police
17 Department, how do you guys anticipate the tie
18 up, especially like in the afternoons, you
19 know, after work traffic, it gets horrendous
20 along that corridor, right?

21 MR. DADEZ: Yes.

22 COUNCILMEMBER VICTORINO: Because of all the people
23 going home and all that. How do you
24 anticipate having a facility like this with
25 people coming in and out, would that add a lot

1 of problems in your mind, or you would say
2 that I don't think so and there will not be a
3 major problem in your mind?

4 MR. DADEZ: In my mind I don't think there's going
5 to be a problem, because the flow of traffic,
6 as it is right now, is being handled by our
7 traffic signal lights. It has been adjusted
8 to accommodate the hotel operations, the
9 construction that is being there, all of the
10 community needs right now. To implement
11 another traffic signal light I believe would
12 be more of a congestion inside of there. It's
13 working right now, and the traffic lights has
14 been adjusted to accommodate the needs.

15 COUNCILMEMBER VICTORINO: Okay, thank you. You're
16 the expert in the area, and I appreciate your
17 covering this area for me. Thank you.

18 Thank you, Chair.

19 CHAIR MOLINA: Thank you, Mr. Victorino.

20 Committee Members, additional questions
21 for Mr. Dadez? Councilmember Medeiros.

22 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

23 Lieutenant Dadez, thank you for being
24 here. Member Victorino asked pretty much what
25 I wanted to ask, except that in the traffic

1 that will be added to Kaaahi Street, which
2 will front your facility and then turning up
3 Kikowaena Street will also front your facility
4 and the Fire Department, do you -- does the
5 Police Department project any traffic concerns
6 about your response out of your facility?

7 MR. DADEZ: No, we don't, because we already
8 addressed that because we already have
9 emergency vehicles moving in those areas. We
10 do not allow any kind of parking on that
11 roadway there. There are some times, because
12 of the nature of the Civic Center, we allow
13 parking, but we always have security personnel
14 there to direct emergency vehicles around the
15 parked cars.

16 COUNCILMEMBER MEDEIROS: Okay. Yeah, and I was
17 going to ask you if you folks have the remote
18 control devices to control the traffic light
19 during your emergency response, and you said
20 yes.

21 MR. DADEZ: Yes.

22 COUNCILMEMBER MEDEIROS: And I know when I was
23 stationed at the fire station in Lahaina, we
24 did have that light that you mentioned that
25 was controlled from the fire station that we

1 would hit a button when we left the station.

2 So do you know why that light was removed?

3 MR. DADEZ: I don't believe it was removed. I think
4 it fell down and it was never put back up.

5 COUNCILMEMBER MEDEIROS: Okay.

6 MR. DADEZ: I don't think it was intentionally
7 removed. Because the reason why I remember,
8 because when I was a rookie I remember seeing
9 that light there.

10 COUNCILMEMBER MEDEIROS: Right.

11 MR. DADEZ: And I think we -- even the police
12 station had access to that, to go ahead and
13 turn that light on. And in our old station
14 now, there is a panel that we still don't know
15 what that panel is for.

16 COUNCILMEMBER MEDEIROS: Okay. Well, thank you for
17 that additional information. I think we have
18 to ask Mr. Cajigal and possibly the Fire
19 Department about the status of that light.
20 Because that's the kind of similar light at
21 the Wailuku Station and the Kahului Station --

22 MR. DADEZ: That is correct.

23 COUNCILMEMBER MEDEIROS: -- now exists.

24 MR. DADEZ: Right.

25 COUNCILMEMBER MEDEIROS: So thank you for your

1 responses.

2 Mahalo, Mr. Chairman.

3 CHAIR MOLINA: Thank you, Member Medeiros.

4 I have just one quick question, not
5 related to traffic, but I see an interesting
6 parallel with, for example, where our current
7 central Maui Police Station is located you
8 have Maui Memorial nearby. Now you have the
9 Lahaina Police Station, nearby will be a
10 proposed West Maui Hospital. Do you see any
11 need for the hospital to have any expansion of
12 maybe a facility for -- to accommodate maybe
13 like -- maybe a morgue or maybe a lab of some
14 kind? Would you suggest maybe the applicants
15 look into that particular matter?

16 MR. DADEZ: I don't understand, the expansion of the
17 facility itself to incorporate a morgue?

18 CHAIR MOLINA: Either a morgue or just something
19 related that maybe the police could, you know,
20 use? Is there any -- because I know at Maui
21 Memorial they have a temporary morgue there.

22 MR. DADEZ: Yes.

23 CHAIR MOLINA: You know, being the police, you have
24 a lot of dealings with the hospital. As far
25 as the West side goes, do you foresee this

1 facility having, you know, having a use --
2 that could have a use that the police might
3 need?

4 MR. DADEZ: I would say just a temporary thing,
5 because it will be moved, the body would be
6 moved to Maui Memorial, and if it's involved
7 in a criminal investigation, I believe the
8 Department is looking at the -- our own
9 facility to have our own morgue for the
10 autopsies.

11 CHAIR MOLINA: Okay. And I was just curious because
12 of being the West side and somewhat isolated,
13 and if maybe at a later point I could ask the
14 Applicant to consider maybe some type of
15 additional area or space for any potential
16 criminal investigation or, you know, examining
17 of any --

18 MR. DADEZ: For an expansion, yes, definitely, sir.

19 CHAIR MOLINA: Okay. Very good. That's good to
20 hear.

21 Committee Members, any other questions
22 for Lieutenant Dadez? Mr. Medeiros.

23 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. You
24 bring up good point about the morgue, but what
25 I wanted to ask the Lieutenant is all the

1 autopsies are done by the medical examiner?

2 MR. DADEZ: That's correct.

3 COUNCILMEMBER MEDEIROS: Okay, so none are done by
4 regular doctors anymore like they used to be?

5 MR. DADEZ: That's correct, sir.

6 COUNCILMEMBER MEDEIROS: Okay, because I remember,
7 you know, as my dad was a police commander of
8 Hana, he had to witness all the autopsies done
9 at the Hana Hospital.

10 MR. DADEZ: Yes.

11 COUNCILMEMBER MEDEIROS: So the officers don't do
12 that anymore?

13 MR. DADEZ: Well, the criminal investigation, the
14 detectives usually go in and observe and take
15 their reports at that time, if -- for an
16 unattended death or if there was a criminal
17 investigation, yes, an officer is present.

18 COUNCILMEMBER MEDEIROS: Okay. Mahalo, Lieutenant
19 Dadez.

20 Mahalo, Mr. Chairman.

21 CHAIR MOLINA: Thank you, Mr. Medeiros.

22 Committee Members, additional questions
23 for Lieutenant Dadez before we excuse him?
24 Seeing none. Thank you very much. And thank
25 you, Lieutenant. I know you're a very busy

1 individual.

2 MR. DADEZ: You're welcome.

3 CHAIR MOLINA: I appreciate you being here. Thank
4 you.

5 All right, Committee Members, we have --

6 COUNCILMEMBER VICTORINO: Chair.

7 CHAIR MOLINA: Mr. Victorino.

8 COUNCILMEMBER VICTORINO: Yeah, can we have Mr. --

9 CHAIR MOLINA: Cajigal?

10 COUNCILMEMBER VICTORINO: -- Cajigal come back,
11 because I'm curious to find out about that
12 light, and I'm sorry, it may be off the
13 subject matter, but --

14 CHAIR MOLINA: No, no.

15 COUNCILMEMBER VICTORINO: -- I think it's important
16 enough, because we're discussing it --

17 CHAIR MOLINA: Sure.

18 COUNCILMEMBER VICTORINO: -- I'd like to know what
19 the State's take on that light is.

20 CHAIR MOLINA: I think that's a valid concern. One
21 problem, though, I think Mr. Cajigal might
22 have left for the day. What we can do,
23 Mr. Victorino, should this matter move forward
24 to Council, then we can in the meantime, if
25 you want to work with Staff, we can maybe help

1 you frame --

2 COUNCILMEMBER VICTORINO: Draw up a letter.

3 CHAIR MOLINA: -- questions and we can get the
4 Department to respond. Then I believe,
5 Mr. Medeiros, you also had some additional
6 questions for the State DOT as well?

7 COUNCILMEMBER MEDEIROS: Mr. Chairman, no, my
8 additional question would be for the Fire
9 Department regarding that light, so if Member
10 Victorino is going to draw up a letter to
11 inquire about that with State DOT Highways,
12 then maybe we also can inquire with the Fire
13 Department.

14 CHAIR MOLINA: Okay. All right. So --

15 COUNCILMEMBER VICTORINO: Incorporate that too,
16 yeah, that would be not a problem, but -- and
17 I -- again, it's not something I would hold up
18 the project for, but I -- you know, because I
19 remember that light and like the Lieutenant
20 said, it fell down maybe and nobody ever
21 replaced it and maybe it's time to look at
22 replacing it. So, thank you, Chair. I'll
23 draft up with Staff.

24 CHAIR MOLINA: All right, thank you very much,
25 Mr. Victorino. Mr. Victorino, you bring up

1 some good points.

2 Members, we have representatives from
3 Parks and Public Works on call at this point.
4 Is there a need to have any of those
5 individuals come forward? We can make a call.

6 Mr. Pontanilla?

7 VICE-CHAIR PONTANILLA: Parks.

8 CHAIR MOLINA: Okay, Parks Department. Staff, you
9 want to make the call? Oh, I'm sorry, I
10 didn't see Mr. Matsui in the audience.

11 Mr. Matsui, if you could please come up.
12 We have a question for you from
13 Mr. Pontanilla. And I see Mr. Miyamoto from
14 Public Works as well. My goodness. Not
15 enough lighting in here. I couldn't see.
16 Either that or I have to change my eyeglass
17 prescription.

18 Good afternoon, Mr. Matsui, and thank
19 you very much for joining us.

20 Mr. Pontanilla.

21 VICE-CHAIR PONTANILLA: Thank you. Good afternoon,
22 Pat. You know, during the presentation I
23 thought I heard that the Parks Department is
24 looking at a possibility of purchasing land
25 around the existing Civic Center; is that

1 true?

2 MR. MATSUI: That's partly correct. We've asked the
3 State to turn over --

4 VICE-CHAIR PONTANILLA: Oh, it's State land?

5 MR. MATSUI: Yes, it's State land, and we're asking
6 for expansion of the Civic Center.

7 VICE-CHAIR PONTANILLA: One of the things that we
8 talked about, you know, with the Department of
9 Transportation Highways Division, as well as
10 the Police Department, is in regards to
11 traffic. And I don't know what kind plan you
12 guys have to add more parking for the Civic
13 Center area. If the land that you guys are
14 contemplating is going to be used for parking,
15 you know, what would be the design for that
16 parking look like, you know, flowing all the
17 traffic towards the traffic light by the
18 existing post office?

19 MR. MATSUI: Right now the land we're asking for is
20 where the large graveled parking lot and it's
21 above the amphitheater, we're looking at that
22 and the area on the side. You know, it's a
23 large L-shaped parcel, so we're looking at
24 that area.

25 VICE-CHAIR PONTANILLA: So the gravel side goes all

1 the way to where the tennis courts are
2 located? No?

3 MR. MATSUI: No, it doesn't, no.

4 VICE-CHAIR PONTANILLA: Okay. Thank you, Chairman.

5 CHAIR MOLINA: Thank you, Mr. Pontanilla.

6 Mr. Victorino, followed by Member Medeiros.

7 COUNCILMEMBER VICTORINO: Yeah, thank you. So the
8 area that we were referring to that
9 Mr. Pontanilla -- that's the area just above
10 that amphitheater and that back -- that small
11 little back parking lot, right, that gravel
12 parking lot that you're referring to?

13 MR. MATSUI: That's part of it, yes.

14 COUNCILMEMBER VICTORINO: And that's part of it and
15 then it comes down along the side?

16 MR. MATSUI: Yes.

17 COUNCILMEMBER VICTORINO: And then secondly, as far
18 as -- they kind of indicated that you guys
19 were looking at some area land below the Civic
20 Center down near the highway; is that true
21 also? Or did I misunderstand that?

22 MR. MATSUI: No, you misunderstood it.

23 COUNCILMEMBER VICTORINO: Okay, so it's just that
24 back area, that L shape around the Civic
25 Center itself?

1 MR. MATSUI: That's correct.

2 COUNCILMEMBER VICTORINO: Okay. And then lastly, is
3 that expansion only for parking or is there
4 some other thought of additional facility
5 usage, building some additional facilities
6 there in that Lahaina complex?

7 MR. MATSUI: We're looking long term --

8 COUNCILMEMBER VICTORINO: Yeah.

9 MR. MATSUI: -- and just expansion generally of the
10 Civic Center. You know, you've got Police,
11 Fire, there's other government facilities, so
12 we're just looking at long term getting
13 control of that land.

14 COUNCILMEMBER VICTORINO: I see. So it's not only
15 for Parks. You're looking for other public
16 services that are presently housed in that
17 area?

18 MR. MATSUI: Yes.

19 COUNCILMEMBER VICTORINO: Okay, thank you. Thank
20 you, Mr. Matsui.

21 Thank you, Mr. Chair.

22 CHAIR MOLINA: Thank you, Mr. Victorino.

23 Mr. Medeiros, followed by

24 Mr. Pontanilla.

25 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

1 Mr. Matsui, yeah, the expansion in the
2 area you're describing, at one time during the
3 winter league that existed in Hawaii and on
4 Maui, there was plans to build a baseball
5 field/stadium up there. Are there still plans
6 to build some kind of baseball facility in the
7 back there?

8 MR. MATSUI: No, right now those plans have kind of
9 gone by the wayside. Part of that baseball
10 facility was part of that Villages of Leialii
11 property.

12 COUNCILMEMBER MEDEIROS: I see. And the parking lot
13 you described, there's actually two parking
14 lots up there. One is above the entrance
15 coming up to the Civic Center on the south
16 side of the facility, because I know, you
17 know, when I was in charge of Public Works
18 Highways, we built those two parking lots for
19 the parks. So there's one on the right as you
20 look mauka and there's one on the left. The
21 one you described is the more recent one that
22 was built?

23 MR. MATSUI: Yes, the one on the left is where we're
24 looking at expansion. The one on the right is
25 going to be part of the development for Phase

1 II of Villages of Leialii.

2 COUNCILMEMBER MEDEIROS: So that property is going
3 to be returned back to DHHL?

4 MR. MATSUI: No, it never was County property.

5 COUNCILMEMBER MEDEIROS: Okay, so we used it without
6 permission?

7 MR. MATSUI: I think we had permission.

8 COUNCILMEMBER MEDEIROS: Okay, thank you,
9 Mr. Matsui.

10 Mahalo, Mr. Chairman.

11 CHAIR MOLINA: Thank you, Councilmember Medeiros,
12 for bringing this subject matter up. I'm sure
13 it bears further investigation at another
14 point, but not today, though, but definitely
15 caught a lot of people's interest.

16 Any -- oops, sorry, Mr. Pontanilla, you
17 had a question for Mr. Matsui.

18 VICE-CHAIR PONTANILLA: Yeah, I was going to ask the
19 same question what Member Medeiros had asked
20 about the property just in the back of the
21 amphitheater, and according to Pat that
22 belongs to the Homelands, Department of
23 Hawaiian Homelands. And, you know, when you
24 were talking earlier, when we have special
25 events, I know we come down on two sides,

1 yeah, one north of the gymnasium and the other
2 one is south of the gymnasium. You know,
3 maybe as a recommendation to the Parks
4 Department, when we do have special events, if
5 this hospital comes up, that we route the
6 traffic to the south side of the gymnasium
7 rather than coming down on the north side on
8 the back, you know where you got the
9 turnaround.

10 Thank you, Chairman.

11 CHAIR MOLINA: Okay, thank you, Mr. Pontanilla.

12 Members, additional questions for
13 Mr. Matsui before he's excused? Seeing none.

14 Thank you very much, Mr. Matsui.

15 I'd like to call upon Deputy Director of
16 Public Works, Mr. Miyamoto, if you can respond
17 to some questions from the Members, in
18 particular the issue of drainage. And upon
19 the completion of the Q and A with Deputy
20 Director Miyamoto, the Chair's going to call
21 for a recess.

22 Good afternoon, Mr. Miyamoto. Can you,
23 I guess, expand upon the issue of drainage,
24 any issues or concerns we need to be made
25 aware of?

1 MR. MIYAMOTO: Thank you, Mr. Chair. At this
2 preliminary stage, you know, the Applicant
3 knows of the County's requirement to mitigate
4 any increase in runoff in the area, so at this
5 preliminary stages they are looking to develop
6 facilities to handle that additional increase
7 in runoff. What those facilities look like at
8 this point is still conceptual. There's not
9 much detail. Once they start doing the
10 construction plans, then we can further review
11 and do a little bit more detailed analysis
12 with that.

13 CHAIR MOLINA: Okay, thank you, Mr. Director.

14 Committee Members, the floor is open for
15 questions. Mr. Medeiros.

16 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

17 Deputy Director Miyamoto, do you know --
18 I know you mentioned that this is just
19 conceptual right now, but do you know if the
20 facility would require a drainage basin or
21 will all the drainage water be discharged in
22 the ocean?

23 CHAIR MOLINA: Mr. Director.

24 MR. MIYAMOTO: Mr. Chair. In reviewing the report,
25 they are looking at putting in a basin, and it

1 is going to be sized for a hundred
2 year/24-hour storm, according to the documents
3 at this point.

4 COUNCILMEMBER MEDEIROS: Okay. Will there be any of
5 the drainage water directed down to the ocean?

6 CHAIR MOLINA: Mr. Director.

7 MR. MIYAMOTO: No more than what's currently running
8 off of the property, the land as it is. Given
9 that it's being for a hundred year/24-hour
10 storm, on a typical storm it appears they're
11 probably going to retain most of it because
12 it's going to be designed for a fairly large
13 storm at this point.

14 COUNCILMEMBER MEDEIROS: Okay. Thank you,
15 Mr. Miyamoto.

16 Mahalo, Mr. Chairman.

17 CHAIR MOLINA: Okay, thank you, Mr. Medeiros, and I
18 think the issue of runoff is so important,
19 especially when dealing with a medical
20 facility, potential medical waste hazards and
21 it would seem at this time the Applicant is
22 addressing that issue.

23 Mr. Miyamoto, can you comment on
24 wastewater issues, any things we need to be
25 concerned about at this time? That would be

1 Mr., what's his name, Taylor. I just thought
2 I'd ask.

3 Committee Members, any additional Public
4 Works-related questions for Director Miyamoto
5 at this time? Okay, seeing none.

6 Well, you have it pretty easy today,
7 Mr. Director.

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

9 CHAIR MOLINA: Thank you for being here.

10 Members, at this time the Chair is going
11 to call for a short recess. So we will be in
12 recess until 3:00 p.m. Land Use Committee
13 meeting, February 27, 2008 in recess until
14 3:00. (Gavel).

15 **RECESS: 2:49 p.m.**

16 **RECONVENE: 3:00 p.m.**

17 CHAIR MOLINA: (Gavel). Land Use Committee meeting
18 for February 27th, 2008 is now back in
19 session. Thank you very much for that break,
20 Members.

21 We have heard from all of our resource
22 personnel today, and at this point is there
23 any other consideration for additional
24 resource personnel to be here to respond to
25 questions, Members? Okay, I don't see any

1 indication of that. So from here the Chair
2 would like to proceed in the following
3 fashion. We do have three bills to consider,
4 and I know -- I'm aware that there are three
5 additional conditions being proposed. On a
6 February 5th, 2008 transmittal from the
7 Corporation Counsel's Office, these bills were
8 transmitted, included the conditions.
9 Currently there are 14 conditions, and we will
10 be discussing three additional proposals from
11 Council Chair Hokama, who unfortunately is not
12 here today, but Member Mateo will be
13 introducing these conditions on behalf of
14 Council Chair Hokama for our consideration.

15 So with that being said, Members,
16 Corporation Counsel, do you have -- Mr. Moto,
17 do you have anything to add that we may need
18 to be aware of? Chair has one quick question
19 for Condition Number 2. Any issues as far as
20 it -- the wording or anything else we should
21 consider?

22 COUNCILMEMBER MEDEIROS: Mr. Chairman.

23 CHAIR MOLINA: Hang on, Mr. Medeiros.

24 COUNCILMEMBER MEDEIROS: Just a point of
25 information.

1 CHAIR MOLINA: Yes, Mr. Medeiros.

2 COUNCILMEMBER MEDEIROS: You said you were going to
3 bring back the representative from the
4 developer --

5 CHAIR MOLINA: Oh, yeah.

6 COUNCILMEMBER MEDEIROS: -- of the project so we
7 could ask questions about the PowerPoint
8 presentation. When do you plan to do that?

9 CHAIR MOLINA: As soon as I hear from Mr. Moto.

10 COUNCILMEMBER MEDEIROS: Okay.

11 CHAIR MOLINA: And then -- but, yeah, and I
12 apologize, Members, by all means, I will make
13 sure that the Applicant is available to
14 respond to any concerns you have. And
15 especially the Chair wanted to hear from them
16 regarding the proposed conditions as well.

17 Mr. Moto, anything to add on Condition 2
18 at this point or any need for clarification?

19 MR. MOTO: Good afternoon, Mr. Chairman. Let me
20 begin by saying I did not draft these
21 conditions.

22 CHAIR MOLINA: Okay. I believe that's Mr. Giroux.

23 MR. MOTO: I'm relatively late to this particular
24 matter, so when I look at it, it's -- it's
25 okay as a condition. I mean, it's certainly

1 the kind of condition you could adopt. I
2 generally advise the Planning Department and
3 others who work on Conditions of Zoning,
4 whoever it might be, might be Staff or Council
5 Committee, that one should be careful about
6 making these general references to
7 representations or -- for example, this
8 condition says basically that WMIF and KLMC,
9 you know, the West Maui Improvement Foundation
10 and Kaanapali Land Management Corp. will carry
11 out all activities and fulfill all
12 understandings indicated within the various
13 letters to agencies from consultants Munekiyo
14 & Hiraga, et cetera. And, you know, that's
15 fine. It's one way to handle a matter. But I
16 usually tell people, look, if something is of
17 importance to you and if a particular issue or
18 representation or commitment is important to
19 you, then be more specific. Spell it out in
20 writing so that there's no doubt or ambiguity
21 about who is supposed to do what by what time
22 and how, rather than just give it this kind of
23 broad brush and say, well, you shall live up
24 to all the representations you made. Well,
25 then figure -- people have to figure out,

1 well, what were those representations, you
2 know.

3 But it's -- by itself I wouldn't say
4 that it's wrong to do it this way. It's okay,
5 but I do point out that I hope there is
6 some -- there aren't any problems about
7 ambiguity later.

8 CHAIR MOLINA: Okay. Thank you very much, Mr. Moto.
9 And that was the Chair's concern, is the
10 potential for it being too ambiguous and not
11 specific enough, but if, you know, as our
12 legal advisor, if you're fine with it, then
13 it's fine with me.

14 Member Johnson.

15 COUNCILMEMBER JOHNSON: I think, too, Mr. Moto,
16 because this is a little bit different because
17 it's a Council-initiated measure, even though
18 these were, I guess, originally referred to as
19 pledges, I had an opportunity to visit a
20 little bit, too, with the West Maui
21 Improvement Foundation, and I think what they
22 wanted was some flexibility to also kind of
23 work with perhaps third-party entities,
24 because they are a non-profit, and as such if
25 this was too onerous and we were too specific,

1 then it may put an undue financial burden to
2 correct some of the other deficiencies in
3 areas that were not wholly their
4 responsibility.

5 So I think that in this particular case,
6 for me anyway, it was all right to be a little
7 bit more generic and less specific, because it
8 was a Council-initiate action and to give them
9 flexibility. And at some future point in time
10 there may be contributions coming in, either
11 to the County or directly to them, that may
12 actually help them to fulfill these
13 obligations without having to spend money out
14 of their own non-profit. That's my take on
15 this, Mr. Chair, and perhaps it's not quite as
16 nice and neat as we would usually see it, but
17 I think the spirit is there, and that's pretty
18 much why ordinarily, yes, I would say Mr. Moto
19 is right on, but that's why I think in this
20 case it's just a little bit different. Thank
21 you.

22 CHAIR MOLINA: Okay, thank you, Member Johnson.

23 All right, seeing no other questions or
24 issues for Corp. Counsel at this time,
25 Members, the Chair, prior to making his

1 recommendation, would like to invite you to
2 ask the Applicant any questions. If it
3 relates to conditions, I would ask you to wait
4 until we get to the third bill, when we
5 consider the third bill. Members, would you
6 like to hear from the Applicant at this point
7 to ask questions? Okay, I see Member
8 Medeiros.

9 Okay, so I will ask the Applicant's
10 representative, Mr. Hirano.

11 Mr. Medeiros, you have the floor.

12 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

13 Mr. Hirano, thank you for that
14 PowerPoint presentation. I just have some
15 questions for clarification and to help me
16 understand the project better. I guess, you
17 know, the Plantation Hospital, the picture you
18 showed of it, certainly, you know, looks like
19 a typical county hospital during -- and
20 plantation hospital during those days. Do you
21 know what year it closed?

22 MR. HIRANO: I'm not sure when that was closed.

23 COUNCILMEMBER MEDEIROS: In the '40s, '50s? No?

24 MR. HIRANO: No.

25 COUNCILMEMBER MEDEIROS: Okay.

1 MR. BEZANE (from the audience): I don't know.

2 CHAIR MOLINA: Hang on. Hang on. Okay, folks. You
3 need to come on public record.

4 Mr. Hirano, can you please respond to
5 Mr. Medeiros.

6 MR. HIRANO: Yes, Councilmember Medeiros. The --
7 I've just been informed by a resident of
8 Lahaina that they know that it was operating
9 during World War II, but we're not sure of the
10 exact date that it was closed.

11 COUNCILMEMBER MEDEIROS: Okay, and on the hard copy
12 that you provided to the Members of your
13 PowerPoint presentation, we show on page 4,
14 and I believe it would be slide 7, that -- and
15 we talked about it, that road coming down --
16 and we're not sure if that's an extension of
17 Kikowaena Street or Kaaahi Street, the one
18 that comes down and meets Honoapiilani
19 Highway. Do you know if that portion is an
20 extension of Kikowaena or Kaaahi Street? It's
21 page 4 of our --

22 MR. HIRANO: Yes.

23 COUNCILMEMBER MEDEIROS: -- hard copy, and the top
24 slide.

25 MR. HIRANO: Kaaahi Street I think right now just

1 kind of dead ends and goes up, so it's hard to
2 say which one it actually does -- what street
3 it actually does represent. I'm just getting
4 clarification on that --

5 COUNCILMEMBER MEDEIROS: Thank you.

6 MR. HIRANO: -- Councilmember Medeiros. It's the
7 extension of Kikowaena.

8 COUNCILMEMBER MEDEIROS: Kikowaena?

9 MR. HIRANO: Kikowaena, yes.

10 COUNCILMEMBER MEDEIROS: Okay, all right. And as
11 far as you know, that exit street to
12 Honoapiilani Highway will remain exit only,
13 one way?

14 MR. HIRANO: Yes, right turn in, right turn out.

15 COUNCILMEMBER MEDEIROS: No, will it be one-way
16 traffic just exiting onto Honoapiilani
17 Highway? There's no traffic -- traffic is
18 allowed to turn up that street?

19 MR. HIRANO: I think it's a right in and a right out
20 on that street.

21 COUNCILMEMBER MEDEIROS: Oh, okay, so there's
22 two-way traffic?

23 MR. HIRANO: Two-way traffic, yes.

24 COUNCILMEMBER MEDEIROS: I see, okay. And on the
25 bottom slide, which is numbered slide 8 on the

1 same page, the rendering that you showed us,
2 so the facility, as far as building
3 elevations, will be mainly one story?

4 MR. HIRANO: So far the plans are to have a
5 one-story wing on it. It's possible that it
6 may be a two-story, but the overall square
7 footage will remain at approximately 90,000
8 square feet.

9 COUNCILMEMBER MEDEIROS: Okay, but there's a
10 potential that there may be a two-story?

11 MR. HIRANO: It's quite possible to build a
12 two-story on that finally. The height limit
13 on Public/Quasi-Public is 35 feet, so it would
14 be within the standards of development of the
15 Public/Quasi-Public ordinance.

16 COUNCILMEMBER MEDEIROS: Okay. The next page, page
17 5, slide 9, which is the top one, it mentions
18 operating suites with acute care units. Now,
19 I'm assuming these are operating rooms?

20 MR. HIRANO: Yes, there will be three operating
21 rooms.

22 COUNCILMEMBER MEDEIROS: They call them suites now
23 in hospitals? Okay. And how many of -- how
24 many operating suites are planned?

25 MR. HIRANO: Three.

1 COUNCILMEMBER MEDEIROS: Three. Okay. Then on the
2 following page, page 6, slide eleven, it says,
3 long-term care facilities. What comprises
4 long-term care facilities? How many -- and
5 how many beds are planned?

6 MR. HIRANO: Long-term care facilities are skilled
7 nursing facilities. I think at this point
8 approximately 40 beds of long-term care are
9 planned.

10 COUNCILMEMBER MEDEIROS: So 40 beds are planned to
11 be dedicated to long-term care?

12 MR. HIRANO: Yes.

13 COUNCILMEMBER MEDEIROS: Okay, thank you. The
14 Southwest Health Group that is mentioned on
15 the bottom slide, slide 12, which is the
16 owner/developer, I guess, of this facility in
17 West Maui, and you mention that they have
18 facilities in Texas, Tennessee, and Florida,
19 can you tell me if this group had invested in
20 or constructed or operated any medical
21 facilities that failed?

22 MR. HIRANO: I don't have that information,
23 Councilmember Medeiros.

24 COUNCILMEMBER MEDEIROS: Okay, but they have
25 existing more than 30 hospitals and in ten

1 states?

2 MR. HIRANO: Yes, that's the information that they
3 had provided to the West Maui Improvement
4 Foundation.

5 COUNCILMEMBER MEDEIROS: Okay. And then on page 7,
6 top slide, 13, visitor industry support. What
7 type of support is this, financial, moral?

8 MR. HIRANO: It's both, financial. I understand
9 that the West Maui Improvement Foundation has
10 received just straight donations from visitors
11 who appreciate and feel the need for a
12 facility in West Maui. As well, I think
13 what's also referenced in the slide is that
14 the services that the medical facility will be
15 providing will not only be for residents, but
16 will be for visitors. If there's an acute
17 care need or emergency need that happens, say,
18 on a beach or in one of the hotels, they will
19 be available to have services at the West Maui
20 Medical Facility. And of course for those
21 services payments will be made to the West
22 Maui Medical Facility.

23 COUNCILMEMBER MEDEIROS: Okay, thank you. And then
24 it doesn't show on any of your slides, but
25 what I wanted to ask, and if you can answer

1 the question, what would be the disposal
2 methods or service provided for the hazardous
3 and toxic medical waste?

4 MR. HIRANO: I'm not totally versed in their
5 processes, but I understand that they will be
6 separated and will be treated according to the
7 rules and regulations that govern disposal of
8 these medical and hazardous wastes.

9 COUNCILMEMBER MEDEIROS: Okay, my concern or the
10 awareness I would like to gain from that
11 question is that I'm sure it will be
12 contracted out to a qualified contractor, and
13 I'm just wondering --

14 MR. HIRANO: Yes.

15 COUNCILMEMBER MEDEIROS: -- because I'm not aware of
16 right now, where does medical waste go now? I
17 don't know if it goes to our landfills, it
18 gets shipped out to Honolulu, or other places,
19 and if you can provide that information, that
20 would help me understand this part.

21 MR. HIRANO: I just -- I'll have to refer to some
22 resources for that.

23 COUNCILMEMBER MEDEIROS: Mr. Chairman, if you would
24 allow.

25 CHAIR MOLINA: Hang on. I believe that's Mr. Kalua,

1 from the West Maui Taxpayers Association,
2 providing some additional info to Mr. Hirano.

3 MR. HIRANO: I understand that the -- some of the
4 hazardous wastes are incinerated by the
5 Department of Health, and so they don't go
6 into the landfill.

7 COUNCILMEMBER MEDEIROS: Okay, and incinerated on
8 Maui or --

9 MR. HIRANO: Yes.

10 COUNCILMEMBER MEDEIROS: On Maui?

11 MR. HIRANO: On Maui.

12 COUNCILMEMBER MEDEIROS: Thank you, Mr. Hirano for
13 your responses.

14 Mahalo, Mr. Chairman.

15 CHAIR MOLINA: Thank you, Mr. Medeiros.

16 Committee Members, questions regarding
17 the presentation? Mr. Victorino.

18 COUNCILMEMBER VICTORINO: Yes, Mr. Hirano, I was
19 interested to know that when I read the
20 proposed use on page 5, I go back to page 5,
21 you mentioned to Councilmember Medeiros that
22 you have 40 beds for long-term care, but when
23 I read the proposed use, it had 25 beds for
24 medical and surgical beds and ten for
25 intensive care.

1 MR. HIRANO: Yes.

2 COUNCILMEMBER VICTORINO: Is this going to be in
3 addition to or this is from the get-go the
4 original set up is --

5 MR. HIRANO: No --

6 COUNCILMEMBER VICTORINO: -- to have the 40 beds
7 inclusive beyond this 25 medical/surgical and
8 ten intensive care?

9 MR. HIRANO: Yes, it will be in addition to. That's
10 the -- in terms of the agreements that are
11 between the West Maui Improvement Foundation
12 and the medical service providers and
13 developers, this is what they would intend to
14 develop, is the minimum 30 medical acute care
15 beds, as well as 40 skilled nursing beds.

16 COUNCILMEMBER VICTORINO: So Phase I --

17 MR. HIRANO: It will be --

18 COUNCILMEMBER VICTORINO: So what we're approving of
19 this 90,000 square foot facility is for the 25
20 medical/surgical beds and the ten intensive
21 care?

22 MR. HIRANO: Yes.

23 COUNCILMEMBER VICTORINO: And then --

24 MR. HIRANO: And it would be included in that as
25 well. The 40 medical beds are part of a

1 90,000 square foot -- they could be housed in
2 the 90,000 square feet of space.

3 COUNCILMEMBER VICTORINO: It could be all
4 incorporated in one?

5 MR. HIRANO: Yes.

6 COUNCILMEMBER VICTORINO: Okay. And so that's why
7 you were saying that at this time you're not
8 sure if it's going to be one or two stories
9 based upon the amount of long-term care beds,
10 would that be part of the reason why you may
11 go two story?

12 MR. HIRANO: I think the layout, as it has been
13 developed to this stage, is preliminary and
14 conceptual, and they're doing -- of course
15 they're going through a design -- they'll go
16 through a design phase, and at that point
17 they'll determine whether it will be more
18 efficient to build it single story or
19 double -- or two stories in certain areas. So
20 I think the -- you know, the final
21 determination will be made during the design
22 phase, the configuration of the building.
23 Total area, however, will be approximately
24 90,000 square feet, so it will still be within
25 the overall square footage of the building.

1 Our concern as we develop the final
2 Environmental Assessment -- and the final
3 Environmental Assessment, as we noted, was
4 published in November; however, the planning
5 for the facility is continuing, and as they go
6 through their planning phases, they're
7 refining their uses within the building, and
8 so I think the -- the 40 medical long-term
9 care beds are looking at -- as other
10 facilities that could be included within a
11 90,000 square foot area, but in order to
12 accommodate that, perhaps some of the physical
13 therapy operations that were previously
14 identified might be exchanged for the
15 long-term care beds, but the overall area
16 would be 90,000 square feet.

17 COUNCILMEMBER VICTORINO: Okay, because I -- I -- I
18 mean, I support this, you know, and I like the
19 idea, but I also realize that when it comes to
20 intensive care and medical/surgical beds,
21 especially being in an area like West Maui,
22 and the amount of visitors that come in and
23 the amount of emergencies that occur and we
24 have an elderly population that uses this
25 area, all of these beds could very well be

1 taken up in a very short time and they could
2 be, quote, an overload. And, again, I'm in
3 favor of long-term care beds. I'm not against
4 that, but I just don't want to see us get so
5 wrapped up in doing one or the other --

6 MR. HIRANO: Yes.

7 COUNCILMEMBER VICTORINO: -- we don't have
8 flexibility to increase this, because I'm
9 concerned. You know, West Maui is
10 inaccessible at times. We need this facility,
11 but we -- I want to make sure as that
12 population grows, our visitor count grows, all
13 of these time-shares and everything else
14 that's being built out there, will this be
15 enough for that area? And that was my
16 concern.

17 MR. HIRANO: Yes.

18 COUNCILMEMBER VICTORINO: And I think Joe and the
19 rest of them have said that this is just a
20 beginning point, and so just so long as this
21 90,000 square feet will be sufficient to be
22 able to, I guess in my mind, balance it off if
23 necessary. That, to me, is really the care I
24 want to see in West Maui.

25 And the last question I have for you is

1 you have said over here all underground
2 utilities, so everything there will be
3 basically underground? You'll have no
4 overhead light, no overhead electrical or
5 anything of that nature, everything will go
6 underground?

7 MR. HIRANO: Yes.

8 COUNCILMEMBER VICTORINO: Okay. Thank you.

9 MR. HIRANO: I think the utilities that will go
10 in -- because it will be fairly expensive to
11 put in, they'll be put in permanently. They
12 won't be relocated, so they'll be a permanent
13 type of installation.

14 COUNCILMEMBER VICTORINO: Total --

15 MR. HIRANO: And for that it would be underground.
16 I'd just like to add, Councilmember Victorino,
17 on your comments about, you know, is that
18 enough, I think they are looking at the
19 minimum 25 acute care beds. As you can see
20 from the site plan, only half the site is kind
21 of planned out, and there is room for
22 expansion on the site. However, those uses
23 have not been identified, but as the needs
24 grow, I think there will be opportunities and
25 availability of land to meet the needs as they

1 grow.

2 COUNCILMEMBER VICTORINO: Will there be maternity
3 beds available for this area?

4 MR. HIRANO: I'll ask Joe Pluta to just respond to
5 some of these questions. I'm not the medical
6 expert.

7 COUNCILMEMBER VICTORINO: And I wasn't -- okay, I
8 didn't mean to put you on the spot.

9 CHAIR MOLINA: Mr. Hirano, just for the record, is
10 there a representative from the investors here
11 as well?

12 MR. HIRANO: No. You know, when this was scheduled
13 for the March meeting, I believe it was, we
14 kind of had that lined up for that, but on
15 this short notice of this special meeting, we
16 didn't have enough time to have a
17 representative of the investor group here,
18 although they were certainly willing to come,
19 you know, and to -- if their schedule allowed
20 it and the time permitted it.

21 CHAIR MOLINA: Okay. And I bring this up because if
22 we have any specific questions for the
23 investment group we can ask, you know, via
24 writing prior to first reading should this
25 matter move on.

1 Go -- I'll have, Mr. Pluta, if you want
2 to go ahead and respond to Mr. Victorino's
3 question.

4 MR. PLUTA: Thank you. Joe Pluta again. Thanks,
5 Mike. The -- I've been working on a continual
6 basis with the developer/investor, and they
7 wanted to respond to the needs of the
8 community. Some things have to be gone
9 through and applied for a Certificate of Need
10 process. Acute care beds is one of them. The
11 key aspect of the success or failure of us
12 even going forward with this project was his
13 ability to see and analyze that we need a
14 critical access hospital status which limits
15 the size initially at 25 beds. Without those
16 beds being designated as critical access beds,
17 this whole thing can't happen.

18 COUNCILMEMBER VICTORINO: I see.

19 MR. PLUTA: Because the medical reimbursement is
20 100 percent of cost for a critical access
21 hospital, so while we initially open as a
22 hospital, we immediately apply for critical
23 access, which we've already -- I understand we
24 meet every single test to get that
25 designation, and without that designation,

1 there could not be a financial feasibility of
2 this hospital. So those beds are such that we
3 can't be 26. 25 to start with, all critical
4 access.

5 Then the 40 additional beds, the
6 long-term care -- the community is
7 overwhelmingly stating their desire and
8 interest for long-term care beds. And I'm so
9 pleased that this developer is sensitive to
10 that, because that is not a money-making
11 proposition, and there's going to have to be
12 some really belt tightening. It's going to be
13 tough, and so they're going to need some
14 (inaudible) to make that work, but he's
15 sensitive to the community's wishes, and
16 that's what I really like, is that we're going
17 to have that ability to have both. One is
18 going to make -- break even because it's
19 guaranteed to get reimbursement of cost. One,
20 it's not going to make money. So we're going
21 to have to be really looking at ways which we
22 can make this thing financial -- because it is
23 going to be a business. It's going to pay
24 taxes.

25 So as far as obstetrics go, emergency

1 deliveries, we talked about that specifically.
2 It's not going to have an OB department on a
3 regular basis. That's not planned because
4 it's not been determined that that is
5 something that needs to be done, but certainly
6 any mother that's going to have a baby can
7 have the baby at that hospital right there, no
8 question, any time, 24 hours a day. So -- but
9 it won't be a -- plan to be, as I understand
10 it, a regular place where you'd have an OB on
11 duty and having regular procedures and all the
12 way through. That will be deferred to the
13 Maui Memorial Hospital. So they're going to
14 work in close cooperation in conjunction with
15 the existing hospital in that regard.

16 COUNCILMEMBER VICTORINO: So final question,
17 Mr. Chair.

18 So you just said 25 is the limit. You
19 cannot go --

20 MR. PLUTA: Initially.

21 COUNCILMEMBER VICTORINO: Okay, what does initially
22 mean?

23 MR. PLUTA: Initially means that when this is built
24 and is operating and running it's going to
25 take some two to three to four years -- you

1 have to prove to the State of Hawaii that you
2 have the financial ability to pull this off
3 and make this work, otherwise they're not
4 going to let you do it. So we've got a lot of
5 work ahead of us, none of which can start
6 until we get through the five and a half years
7 we've been doing, and that's this process of
8 getting the ability to have the land use.
9 Without this approval, we're stuck again, we
10 can't do anything. So that's why it's
11 important, we have to start out with what's
12 allowable under law, what makes sense under
13 law, and then as the needs grow in the
14 community, which we see they're going to
15 happen, there will have to be a decision made.
16 There's enough growth and demand now and
17 abilities to make more uses here. We can lose
18 that status, lose the 101 percent
19 reimbursement for critical access, reduce the
20 number of beds hopefully and still get some
21 ability for critical access reimbursements.
22 That's still an unknown, and see what other
23 beds we can add on in addition to that number
24 that still can make -- serve the needs of the
25 community and make financial viability.

1 COUNCILMEMBER VICTORINO: Well, thank you,
2 Mr. Pluta. I think that clears that up in my
3 mind and in the public's eye what this is all
4 about, why you come to these numbers so that
5 they understand why some of these other care
6 can be provided on an emergency basis but not
7 going to be provided initially until we can
8 prove the rest, so thank you --

9 MR. PLUTA: Thank you.

10 COUNCILMEMBER VICTORINO: -- Mr. Pluta, for your
11 comments. That clears that matter up.

12 Thank you, Mr. Chair.

13 CHAIR MOLINA: Thank you, Mr. Victorino.

14 Excuse me, Mr. Pluta, before you go,
15 earlier you heard my question to the Police
16 representative regarding the possibility of
17 having additional room for maybe a temporary
18 morgue or some kind of area for the Police to
19 do some kind of crime investigation. Has that
20 idea been --

21 MR. PLUTA: Actually on the initial drawing that
22 was -- we have one. We patterned our initial
23 plans off of the North Hawaii Community
24 Hospital and did everything that they did,
25 plus all the recommended changes that they

1 said if they could do it all over again, they
2 would do it, and that includes a temporary
3 morgue area. It's hard to see in the fine
4 print down there, but it's on there. It's in
5 there.

6 CHAIR MOLINA: Okay, very good. Because I think
7 that's something that might be needed for
8 sure, because of the proximity of West Maui,
9 and you do have an airport out in that area,
10 and, you know, God forbid, we wouldn't want
11 any major tragedies, but if something does
12 occur, at least there's an area for a
13 temporary morgue. Thank you.

14 I think Mr. Mateo has a question for
15 you, Mr. Hirano.

16 COUNCILMEMBER MATEO: Thank you, Chairman.

17 Mr. Pluta, good afternoon. Thank you.
18 This application deals at this point with the
19 25 beds for surgical -- the surgical beds plus
20 the ten for intensive care. This is what
21 we're addressing right now, yeah?

22 MR. PLUTA: Well, actually, yes, but also -- because
23 of the number of beds, our transportation
24 consultants and their transportation reports
25 contained therein could not deal with any kind

1 of analysis for that small number of beds. It
2 became a minus number and it says we can't
3 come up with what needs to be talked about in
4 traffic consultants, so we need to commit to
5 size, so they got into the size. So how much
6 size can -- we need to do all the things that
7 could possibly be done in their application?
8 90,000 square feet. So that's -- all the
9 things that we're talking about and we intend
10 to prepare the Certificate of Need will be
11 able to be done within the 90,000 square feet,
12 which are all -- all these other consultant
13 reports deal with that size, not the number of
14 rooms. So we can't get hung up on the number
15 of rooms.

16 COUNCILMEMBER MATEO: No, but for now I am.

17 MR. PLUTA: Okay.

18 COUNCILMEMBER MATEO: I'm hung up on it because I
19 really need to understand when the long-term
20 care units going kick in. Is that the
21 reference to the two, three years or -- from
22 now or --

23 MR. PLUTA: Well, that goes back -- when we go out
24 to bid and see what -- initially it's got to
25 be the 25-bed critical access hospital plus

1 ten -- ten assist -- well, long-term care
2 beds, medical/surg. beds or swing beds, so 35
3 beds. But hopefully it can support everything
4 built at once. We still have to get bids in
5 and to see if that -- back economic viability.
6 The desire is and the attention so far in the
7 Certificate of Need application is to apply
8 for a 25-bed -- ten med/surg. beds and 30
9 other beds, which would be a long-term care,
10 so all together about, what is it, about 55 --
11 65 beds total.

12 COUNCILMEMBER MATEO: So that number, then, includes
13 the long-term care?

14 MR. PLUTA: Yes.

15 COUNCILMEMBER MATEO: Because the application is
16 definitely not clear in terms of the long-term
17 care.

18 MR. PLUTA: Yeah, it's very difficult because --

19 COUNCILMEMBER MATEO: It's non-existent in the
20 application, other than your reference and
21 minor references about as the need arise.

22 MR. PLUTA: Thank you very much, Chairman -- I mean
23 Danny, Councilman Mateo, excuse me, got to be
24 formal. The -- the difficulty -- you know,
25 there hasn't been a hospital built in the

1 State of Hawaii for over 20 years, and why is
2 because of things like this. I mean, we've
3 set up so many regulations and procedures and
4 precautions that even if the matter -- people
5 are dying in the streets, you're -- still
6 going to take you six years to save lives
7 because you've got to go through all this.
8 And you can't do one until you can do the
9 other.

10 So we can't even get to it our
11 Certificate of Need, which is finally going to
12 tell us what kind of beds we can have and what
13 kind of uses they can have until we can do
14 this. So we're in a catch-22 situation.
15 Hospital developers have said, hey, we want to
16 come to Maui, but, you know, that's not
17 happening. It's too much. It can't be done.
18 It's impossible. So you guys are allowing us
19 to do the impossible now. Please don't stop
20 it, because nothing will happen.

21 COUNCILMEMBER MATEO: No, it's -- you know, that's
22 not the -- that's not the intent. The intent
23 is trying to understand when things kick in.
24 Because even in the EA, under the project
25 overview for the proposed actions, the

1 proposed actions list, you know, the nuts and
2 bolts of what is expected in the project.
3 There is no reference to any long-term, you
4 know, units here, and yet it is specific in
5 recognizing physicians offices, lounge, nurses
6 stations, the 25 beds, the ten beds, but there
7 is no reference to the 25 -- or the 40
8 long-terms, which is real integral part of the
9 needs on especially West Maui. So I was
10 just --

11 MR. PLUTA: No, I understand that --

12 COUNCILMEMBER MATEO: -- (inaudible).

13 MR. PLUTA: -- completely, and that's why we came up
14 with the 90,000 square feet and we're confined
15 everything to do -- the traffic consultant's
16 studies, all the other studies, soil, water,
17 engineering, all based upon the size, the
18 90,000 square feet. So within that 90,000
19 square feet and all the hearing from the
20 community, what does the community want, what
21 is possible, you know, we're going back and
22 forth to what the community wants and what is
23 possible, and this is what it looks like we're
24 going to come with that's required by the
25 State to file within a Certificate of Need.

1 And that's where we're going to go for, so,
2 God willing, we can get that.

3 COUNCILMEMBER MATEO: And I know this presentation
4 that was just done today, as referenced by
5 Member Molina -- or Member -- excuse me,
6 Member Medeiros on page 6, when you
7 recognizing the facility, you know, one was
8 the big issue, is it a hospital? Is it a
9 center? And all of a sudden we knew exactly
10 what it is, it is a medical facility and a
11 long-term facility. So we've kind of added
12 things that is different from the application
13 because it wasn't recognized as such in here.

14 MR. PLUTA: Well, we said West Maui Hospital and
15 related medical -- ancillary medical
16 facilities, and we believe that long-term care
17 is a related ancillary medical facility
18 because they're -- one has to be mixed with
19 the other. You can't put a long-term care
20 patient in danger's way, take them away from
21 access to acute care. You'd be putting them
22 in harm's way if you did. So if you don't
23 have an emergency medical facility right next
24 to a long-term care facility, you're asking to
25 put someone who is in the most vulnerable

1 position in harm's way and risking their lives
2 unnecessarily riskily without having the
3 ability to have a hospital there or
4 hospital-type services available to them as
5 well. So that's why working together with the
6 community and seeing what their needs -- and
7 actually what the Maui Health Care Initiative
8 Task Force said in their recommendations,
9 trying to follow that and be consistent with
10 what the needs of the community are and still
11 try to meet these regulations that we have to
12 go through, because lives are literally being
13 lost as we're deciding all this. We need to
14 try to balance it all together and come up
15 with an end result. So if there's some
16 extent -- if some of this seems hard to
17 understand, I understand, yourself why -- it's
18 been hard for me, but within that we try to
19 be -- to get as much as that encompassed with
20 the size. We're going to deal with the size.
21 So all your consultant reports in that
22 facility deal with the 90,000 square feet and
23 are all relevant to that.

24 COUNCILMEMBER MATEO: No, I thank you for that
25 clarification, because at this point I'm kind

1 of glad that the long-term care 40 beds is
2 part of the inclusion, because one of the --
3 one of the proposed conditions that will be
4 added to it is the long-term bed requirements.
5 So I think it fits, so --

6 MR. PLUTA: Thank you.

7 COUNCILMEMBER MATEO: -- thank you very much. Thank
8 you.

9 CHAIR MOLINA: Thank you, Mr. Mateo.

10 Committee Members, additional questions
11 for Mr. Pluta or Mr. Hirano? Councilmember
12 Johnson.

13 COUNCILMEMBER JOHNSON: Yes, Joe, and just clarify
14 for me, because my understanding is when you
15 go for the Certificate of Need, they will look
16 at what your proposal is and then they will
17 come up with a recommendation that fits within
18 the framework and see if what you're proposing
19 based on the needs of the community, based on,
20 you know, all the other factors that they
21 consider, they will then tell you, look, these
22 would be the modifications you would have to
23 make or this is what we're going to approve;
24 is that correct?

25 MR. PLUTA: That's correct. We -- we can't do

1 anything without their approval. So it's
2 going to be very interesting to see what
3 they're going to come up with, but we have
4 studied all the approvals and all their
5 decisions of the past, including the recent
6 one in Kihei, and we believe -- we've met with
7 the SHPDA Directors, the new Director,
8 Mr. Terry, and his assistant and the Maui
9 Health Care Task Force, we believe that we can
10 meet or exceed all the requirements and
11 operate and get 100 percent satisfaction of
12 those conditions. But we won't be able to do
13 any of that without the Council approving the
14 land use change and zoning request and so
15 forth. So, you know, all that, what can be is
16 subject to you right now completing your
17 process.

18 COUNCILMEMBER JOHNSON: Yeah, and I just wanted to
19 make sure that I understood correctly, because
20 I think that's where some of the ambiguity in
21 the application -- because you don't know what
22 you'll be able to actually do until you're
23 able to move forward with the CON.

24 MR. PLUTA: Absolutely. And I know that the
25 Council's had some -- you know, some

1 experience dealing with making decisions that
2 involve the State as well and you don't know
3 what you're going to do, so you have to
4 appreciate where we're at with this, I think,
5 with some of the experience you've had
6 already.

7 COUNCILMEMBER JOHNSON: Thanks very much, Joe.

8 MR. PLUTA: Thank you.

9 CHAIR MOLINA: Thank you, Member Johnson.

10 Member Baisa.

11 COUNCILMEMBER BAISA: Thank you, Mr. Pluta, for
12 being here this afternoon. I know what a
13 long, hard fight this has been, and I
14 certainly am very supportive. I think Member
15 Mateo asked the questions that I had. I was
16 kind of concerned about looking at the floor
17 plan and looking at the introduction of the
18 EIS where it talks about what you're going to
19 do, and then realizing that we're about to
20 propose a condition on behalf of our Chair
21 that a minimum of 25 long-term care beds are
22 operated on the property. And I can't see
23 anywhere on the floor plan where you can stick
24 them in. It's pretty tight for you to do your
25 25 and ten configuration already.

1 MR. PLUTA: You know, actually, believe it or not,
2 that building is -- was designed with the
3 largest rooms that you can ever imagine, those
4 beds.

5 COUNCILMEMBER BAISA: So those are big rooms?

6 MR. PLUTA: Those are huge rooms, and much larger
7 than ever required. So we thought about that
8 to begin with, that there needed to be some
9 flexibility, had to build it in. And we
10 consulted with the North Hawaii Community
11 Hospital, used the benefit of all the things
12 that they said. We know how we can make
13 modifications to make a lot of flexible
14 changes all within the 90,000 square feet that
15 we're talking about.

16 COUNCILMEMBER BAISA: Right, and I clearly
17 understand that you've designed this floor
18 plan to meet the needs of proving that you're
19 going to be an acute care medical facility.

20 MR. PLUTA: Absolutely.

21 COUNCILMEMBER BAISA: You need to comply.

22 MR. PLUTA: Yes.

23 COUNCILMEMBER BAISA: Otherwise you can't get
24 first -- past the first road block.

25 MR. PLUTA: Yes.

1 COUNCILMEMBER BAISA: Well, for me, sometimes you
2 gotta do what you gotta do to skin the cat,
3 but I certainly hope that, you know, every
4 effort will be made to comply with the
5 long-term care need, because you and I both
6 know we're not getting younger.

7 MR. PLUTA: Yes.

8 COUNCILMEMBER BAISA: And there is more and more
9 need for long-term care beds, and they're
10 gumming up Maui Memorial Hospital. I
11 understand on a daily basis that there's about
12 40 or 50 people there that could be somewhere
13 else and free up those beds if we could get
14 them out into the communities, and you don't
15 need your West Maui families having to drive
16 all the way into Central Maui to see their
17 loved ones daily. I mean, it's a trek. I
18 used to do it up to Kula Hospital, so I know.
19 But, you know, I'm very, very supportive, and
20 I applaud all the efforts. I know it's been a
21 real torturous road for you, and you're only
22 still on that first mile, so best of luck.

23 MR. PLUTA: Thank you very much.

24 CHAIR MOLINA: Thank you, Member Baisa.

25 Any additional questions for Mr. Pluta

1 or Mr. Hirano? Mr. Pontanilla.

2 VICE-CHAIR PONTANILLA: Thank you. Nice to see you
3 again, Mr. Pluta. One question, the -- is
4 there room in the land area that you got to
5 provide long-term care -- long-term care
6 building separated from this facility in the
7 future?

8 MR. PLUTA: Yes. Yes, there is. In fact, we even
9 had a little -- if you saw the drawing, up in
10 the corner, in the top, a little dotted line,
11 proposed future possible long-term care
12 facility. There is room on that side for
13 that. For us to do those things, if they
14 require Certificate of Need, of course we'll
15 be coming back in front of the Council again
16 or SHPDA, State of Hawaii SHPDA board again to
17 make those requests for addition.

18 When you want to add a bed, acute care
19 bed or long-term care bed you have to get a
20 CON. So it's not something you can do without
21 going through a whole review process and
22 proving the justifications and all the
23 analysis again. So it's not a decision that
24 we can just make on our own.

25 VICE-CHAIR PONTANILLA: So the objective now is to

1 get the 90,000 square foot piece with all this
2 entitlement --

3 MR. PLUTA: Yes, sir.

4 VICE-CHAIR PONTANILLA: -- going? Okay. Good.

5 Maybe one question, not for you.

6 MR. PLUTA: Okay.

7 VICE-CHAIR PONTANILLA: Maybe for, I don't know,

8 Mr. Hanzawa regarding the 2020 development

9 that kind of bothering me right --

10 CHAIR MOLINA: Okay, Mr. Pontanilla, once we're done

11 with Mr. -- questions for Mr. Hirano, any

12 other question for Mr. Hirano? Okay, seeing

13 none. We'll call up Mr. Hanzawa, who

14 represents the land owner.

15 MR. HIRANO: Thank you, Council Members.

16 CHAIR MOLINA: And, Mr. Hanzawa, just for the

17 record, if you could state your full name and

18 the entity you represent.

19 MR. HANZAWA: I'm Howard Hanzawa, Vice President of

20 Kaanapali Land Management Corp. Thank you,

21 Chair and Members of the Council. May I say a

22 few words?

23 CHAIR MOLINA: Go ahead.

24 MR. HANZAWA: I'd like to thank the Council Members

25 for reviewing this application, in particular

1 Councilmember Jo Anne Johnson for introducing
2 it. You folks all seem to have a good
3 understanding of the issues, which is very
4 important here. I was listening to the
5 testimony about -- and the concerns about
6 traffic, but, you know, if we could guarantee
7 that an ambulance could get to Maui Memorial
8 Hospital in 30 minutes, we probably wouldn't
9 be here. So -- but the traffic is such that
10 we have all the workers, tourists, and other
11 activity on the roadways, and of course there
12 are incidents where there's no guarantee that
13 a -- that an ambulance can get to the hospital
14 in time, so that's why we are here.

15 But thank you very much for reviewing
16 this application. It has been a long road for
17 the community and for, in particular, Mr. Joe
18 Pluta who has been leading this effort. We --
19 as far as Kaanapali 2020, there was a question
20 by Councilmember Joe Pontanilla, we have
21 actually meetings monthly with interested
22 community members about the planning of
23 Kaanapali 2020. Every meeting, as part of
24 this discussion, the West Maui Hospital effort
25 is discussed as far as where we are and we --

1 as far as the surrounding areas of the
2 hospital and on the north side of the 2020
3 lands, we -- it's very conceptual at this
4 point. The community group that has been
5 involved in the planning of the needs of the
6 area has been concentrating on the affordable
7 housing project at Puukoolii as well as this
8 hospital project, and as far as the latter
9 project, momentum is building, and that's good
10 to see. That is helpful for the long-term
11 planning of the region.

12 You know, it's interesting that, again,
13 I'm getting back to the needs of the
14 community. A hospital such as this, with
15 acute care facilities, long-term -- long-term
16 care facility, isn't some place that someone
17 generally wants to go to or elects to go to.
18 It's because he has to go to the facility to
19 get care or enter into the long-term care,
20 into a long-term care bed. So even if this
21 facility wasn't built, there still is going to
22 be that need to take care of these patients.
23 And, you know, it's, again, it's recognized
24 that West Maui is an isolated -- more or less
25 an isolated region and it needs many needs,

1 including a hospital.

2 CHAIR MOLINA: Okay. All right, thank you for your
3 comments, Mr. Hanzawa.

4 Mr. Pontanilla, questions for
5 Mr. Hanzawa.

6 VICE-CHAIR PONTANILLA: Thank you. Thank you,
7 Howard, for that comment, yeah. We all are
8 agreeable to what you just said in regards to
9 a West Maui Medical Facility that is required
10 out there, but my question was really simple.
11 You know, Freddie Cajigal was here earlier and
12 he talk about the connector roads. My
13 question is -- I know your development is
14 quite a ways off yet, and I was going to ask
15 you what's the possibility, because we're
16 talking about traffic earlier, of putting in a
17 roadway from the proposed site? You know,
18 it's shown on the information that we got from
19 your con -- well, the consultants. You know,
20 there is a road that's being proposed going
21 from the ocean to the mountain close to the
22 hospital site, and what's the possibility of
23 the 2020 development putting in that
24 particular road? It could be a temporary road
25 and then later on make it to conform with the

1 County standards so that we can alleviate some
2 of this traffic that may happen at the Lahaina
3 Civic Center area.

4 MR. HANZAWA: Councilmember Pontanilla, you're
5 referring to the Kaanapali connector road,
6 which Mr. Cajigal referred to earlier that he
7 would like to have Phase IC of the Lahaina
8 Bypass Highway extend up to that proposed
9 roadway, and the Kaanapali connector is in
10 the -- is a roadway that is part -- that was
11 shown in the EIS for the Lahaina Bypass as a
12 connector from the Lower Honoapiilani Highway,
13 actually from Honoapiilani Highway to the
14 Lahaina Bypass. And as Mr. Cajigal has
15 stated, he would like to see -- or they are
16 planning to have that Phase IC designed up to
17 at least the Kaanapali connector.

18 As far as 2020, yeah, it is very
19 conceptual at this point. We have not -- the
20 community group who is involved in the
21 planning has not really dealt with further
22 discussions of development of that area, other
23 than the hospital at this time. We have been
24 talking about other ancillary needs that might
25 arise from the hospital in the area.

1 There is -- we have looked and discussed
2 more recently, like you have pointed out, that
3 it would be a benefit to the localized traffic
4 from the highway to the hospital, and it's
5 actually a subject that the -- that Brian
6 Hoyle has brought up to us that he would like
7 to actually, from his side, look at the
8 possibility of planning it just up to the
9 hospital site. So eventually that will be the
10 long-term access to the hospital. It's that
11 they need access, you know, in a shorter time
12 period in order to service the hospital.

13 VICE-CHAIR PONTANILLA: Thank you. Yeah, I
14 understand that, you know, once the approval
15 is gotten and you go for your -- well, the
16 hospital go for their CON, then, yeah, for the
17 short term you could utilize the existing
18 roads that are there now, but I'm happy to
19 hear that as part of the long-term plan, which
20 is basically what I'm looking at, one of the
21 priorities would be that access.

22 MR. HANZAWA: Yes.

23 VICE-CHAIR PONTANILLA: Thank you. Thank you,
24 Chair.

25 CHAIR MOLINA: Thank you, Mr. Pontanilla.

1 Any other questions for Mr. Hanzawa

2 before I excuse me him?

3 MR. HANZAWA: Mr. Chair.

4 CHAIR MOLINA: Yes, Mr. Hanzawa.

5 MR. HANZAWA: Can I ask one question? I've been

6 looking at the proposed entitlement area, and

7 would it be possible to make a slight change

8 in the -- not the total area as such, but in

9 the configuration? There's that lower point

10 which is really unusable that -- in the

11 triangle, which I would like to cut off and

12 possibly move to that notched area, and it

13 would increase the usable area for the site.

14 CHAIR MOLINA: Okay, Mr. Hanzawa, let me ask the

15 Planning Department if they have any comments

16 on this consideration.

17 Mr. Dack, do you have any comments on

18 this suggestion from Mr. Hanzawa, the

19 landowner?

20 MR. DACK: Yeah, I understood that to be a

21 suggestion to change the boundaries of the

22 proposed project site. If I understood that

23 correctly, that would be something rather

24 difficult to do at this date. We have metes

25 and bounds, descriptions, bills all drafted.

1 It would be something that might have been
2 able to be addressed more easily a good while
3 ago, but to do it at this point would
4 certainly cause delays in your consideration
5 as we were to redefine those boundaries and
6 redraft bills and have to bring them back for
7 your consideration another time.

8 CHAIR MOLINA: Okay, thank you, Mr. Dack.

9 Mr. Hanzawa.

10 MR. HANZAWA: I will not proceed with that request.

11 CHAIR MOLINA: Thank you so much. Seeing no other
12 questions for you at this time, Mr. Hanzawa,
13 thank you very much --

14 MR. HANZAWA: Thank you very much.

15 CHAIR MOLINA: -- for sharing with us.

16 Members, at this point the Chair wants
17 to call for a one-minute recess. Okay,
18 one-minute recess. (Gavel).

19 **RECESS: 3:50 p.m.**

20 **RECONVENE: 3:51 p.m.**

21 CHAIR MOLINA: (Gavel). February 27, 2008 Land Use
22 Committee meeting is now back in session.
23 Thank you very much for that short break,
24 Members.

25 At this point, seeing no other requests

1 for questions for the Applicant, the Chair is
2 prepared to make a recommendation on the three
3 bills that we are considering today. If there
4 are no objections, the Chair will proceed in
5 that fashion.

6 COUNCIL MEMBERS: No objections.

7 CHAIR MOLINA: Okay, thank you very much, Members.

8 At this point the Chair will entertain a
9 motion to recommend passage of the proposed
10 bill entitled, "A bill for an ordinance to
11 amend the State Land Use District
12 classification from Agricultural to Urban for
13 property situated at Lahaina, Maui, Hawaii for
14 the proposed West Maui Hospital and Related
15 Ancillary Medical Facilities."

16 COUNCILMEMBER JOHNSON: So moved.

17 COUNCILMEMBER MEDEIROS: Second.

18 CHAIR MOLINA: Okay, it's been moved by Member
19 Johnson, seconded by Member Medeiros.

20 Any comments or discussion on the first
21 bill?

22 COUNCILMEMBER MATEO: Chairman.

23 CHAIR MOLINA: Mr. Mateo.

24 COUNCILMEMBER MATEO: Just a follow-up. I believe
25 earlier in the meeting there was a reference

1 by Planning that we should correct the title
2 of the bill, and -- because both the bill and
3 our own agenda refers to this as a hospital,
4 so maybe we should address that. And also,
5 Chairman, as we continue to proceed, my
6 question to the Chair would be in the
7 documentation or the handout we received today
8 from the Applicant, it refers to the project
9 specifically. It refers to it as the West
10 Maui Medical Facility and long-term care
11 facility, and that verbiage does not exist in
12 the bills we're looking at. I don't know
13 which is adequate, because we heard from
14 Mr. Pluto [sic] that ancil --

15 CHAIR MOLINA: Ancillary medical facilities.

16 COUNCILMEMBER MATEO: That nice word. It's
17 inclusive of several components, so --

18 CHAIR MOLINA: It's not really spelled out.

19 COUNCILMEMBER MATEO: Yeah.

20 CHAIR MOLINA: Okay, very good. I think we can get
21 some comment from Corporation Counsel --

22 COUNCILMEMBER MATEO: Thank you. Thank you,
23 Chairman.

24 CHAIR MOLINA: -- as well if there is -- if it's
25 necessary to actually incorporate that

1 specifically.

2 I guess, Mr. Moto or Mr. Dack, are you
3 prepared to comment or offer us some potential
4 amendment with regards to the bill to
5 incorporate, I guess, the term medical
6 facility instead of hospital? I know it's an
7 issue of semantics, but we need to be real
8 clear. Gentlemen, are you prepared to
9 respond? I guess we'll go with Mr. Moto
10 first.

11 MR. MOTO: Yes, Mr. Chairman. I mean, you can
12 re-title this bill any way you want, and
13 the -- really, changing the title is not going
14 to do a whole lot in terms of -- so you can go
15 ahead and change it from West Maui Hospital to
16 Medical Facility if you wish. A title need
17 not really be all that elaborate either or
18 long, because really the substantive part of
19 the bill is not going to be in the title.
20 It's going to be in the body.

21 CHAIR MOLINA: Okay. So would it be appropriate to
22 do it as a formal amendment or can we do it as
23 a friendly -- if the body has no objections,
24 just informally change the title, Mr. Moto?
25 Staff?

1 MS. NAKATA: Well, Mr. Chair, I think a motion to
2 amend would be appropriate.

3 CHAIR MOLINA: Okay. All right, thank you.

4 Mr. Dack, do you have any comments
5 before I recognize Mr. Mateo?

6 MR. DACK: Just to reiterate that the Planning
7 Commission had desired, recommended and the
8 West Maui Improvement Foundation agreed to
9 reverse -- refer to the facility as West
10 Hawaii -- West Maui Medical Facility, so that
11 has been our request passed on, should you be
12 willing to do that.

13 CHAIR MOLINA: Okay, Members, you've heard the
14 suggestion from the Planning Department as
15 well as Mr. Moto.

16 So, Mr. Mateo, as the person who brought
17 up this issue, would you like to make it a
18 formal --

19 COUNCILMEMBER MATEO: If -- thank you, Mr. Chairman.
20 Move to amend the title of the bill. The area
21 that references West Maui Hospital, to amend
22 it to read the West Maui Medical Facility.

23 COUNCILMEMBER JOHNSON: Second.

24 CHAIR MOLINA: Okay, it's been moved by Member
25 Mateo, seconded by Member Johnson to amend and

1 delete the word "Hospital" and replace that
2 with "Medical Facility."

3 Discussion, Mr. Mateo?

4 COUNCILMEMBER MATEO: I'm done.

5 CHAIR MOLINA: Okay, thank you. All right, if not,
6 any other --

7 COUNCILMEMBER MEDEIROS: Mr. Chairman.

8 CHAIR MOLINA: Mr. Medeiros.

9 COUNCILMEMBER MEDEIROS: Yeah, you know, following
10 that, it says and related ancillary medical
11 facilities. My conception of a facility is
12 its entirety, but then we're saying, you know,
13 additional medical facilities. I can see
14 services or -- but -- so that's fine that
15 we're calling the other things also medical
16 facilities?

17 CHAIR MOLINA: Okay.

18 COUNCILMEMBER MEDEIROS: May be a question for Corp.
19 Counsel.

20 CHAIR MOLINA: All right. Mr. Moto, are you
21 prepared to respond to Mr. Medeiros' inquiry?

22 Mr. Medeiros, would you like to restate
23 your inquiry to Mr. Moto.

24 COUNCILMEMBER MEDEIROS: Yeah, I'm wondering,
25 Mr. Moto, that in the amendment we are making

1 the change to "Medical Facility," and
2 following that it says, you know, also
3 "medical facilities." So everything that's
4 added to this medical facility becomes another
5 facility?

6 MR. MOTO: Yes, it -- it's -- the -- my
7 understanding under the motion is that that
8 phrase would still remain part of the title.
9 However, as I said, the title -- exact title
10 is entirely up to you. It doesn't have to be
11 very elaborate. If you want to retain that
12 phrase that says "and related ancillary
13 medical facilities," because if you -- because
14 you believe it's -- somehow expresses what you
15 intend a little bit better, then that's
16 perfectly fine.

17 COUNCILMEMBER MEDEIROS: I'll accept Mr. Moto's
18 explanation. Mahalo, Mr. Chairman.

19 CHAIR MOLINA: Thank you. And I was even thinking
20 of possibly replacing facilities with
21 services, but --

22 COUNCILMEMBER JOHNSON: No.

23 CHAIR MOLINA: -- I won't go there. I don't want to
24 make a mountain out of a mole hill, so we have
25 the amendment on the floor. The Chair will

1 call for the vote. All those in favor,
2 signify by saying, "aye."

3 COUNCIL MEMBERS: Aye.

4 CHAIR MOLINA: All those opposed?

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

9 **NOES: None.**

10 **EXC.: Councilmembers Anderson and Hokama.**

11 **ABSENT: None.**

12 **ABSTAIN: None.**

13 **MOTION CARRIED**

14 **ACTION: APPROVE amendment to main motion.**

15 CHAIR MOLINA: Thank you. The bill has been
16 amended, seven-zero, two excusals, Member
17 Anderson and Hokama.

18 Members, any other considerations for
19 the first bill before -- the first bill as
20 amended before we call for the vote? Seeing
21 none. All those in favor, signify by saying,
22 "aye."

23 COUNCIL MEMBERS: Aye.

24 CHAIR MOLINA: All those opposed?

25

1 **VOTE: AYES: Councilmembers Baisa, Johnson,**
2 **Mateo, Medeiros, Victorino,**
3 **Vice-Chair Pontanilla, and**
4 **Chair Molina.**

5 **NOES: None.**

6 **EXC.: Councilmembers Anderson and Hokama.**

7 **ABSENT: None.**

8 **ABSTAIN: None.**

9 **MOTION CARRIED**

10 **ACTION: Recommending FIRST READING of revised**
11 **proposed bill.**

12 CHAIR MOLINA: Okay, thank you. The first bill
13 passes by a vote of seven-zero, two excusals,
14 Members Anderson and Hokama.

15 The next bill the Chair will entertain a
16 motion to recommend passage of this bill,
17 which is a bill for an ordinance to amend the
18 West Maui Community Plan and Land Use map from
19 Agricultural to Public/Quasi-Public for
20 property situated at Lahaina, Maui, Hawaii for
21 the proposed West Maui Medical Facility and
22 related ancillary medical facilities.

23 COUNCILMEMBER JOHNSON: So moved.

24 COUNCILMEMBER MEDEIROS: Second.

25 CHAIR MOLINA: Moved by Member Johnson, seconded by
Member Medeiros.

Member Johnson, as the maker of the

1 motion, you have the floor.

2 COUNCILMEMBER JOHNSON: No, I think that we kind of
3 understand where we're going here, and I thank
4 you for including that in the verbiage. And
5 does Staff have a comment?

6 CHAIR MOLINA: Ms. Nakata.

7 MS. NAKATA: Mr. Chair, so Staff understands, that
8 this would include a proposed amendment to the
9 title that's similar to the amendment to the
10 District Boundary Amendment bill?

11 CHAIR MOLINA: Exactly. So we will incorporate the
12 same change that we had in the first bill to
13 delete "Hospital" and replace that with
14 "Facility."

15 COUNCILMEMBER MEDEIROS: "Medical Facility."

16 CHAIR MOLINA: "Medical Facility," excuse me, yeah.
17 So can we just go ahead and make that change
18 informally without having to go through a
19 formal amendment, Staff? Or if that's the
20 will of the body, I guess the Chair's open to
21 either one. Staff?

22 MS. NAKATA: I think that's the way that you read
23 the bill title. We'll go ahead with it,
24 incorporating the amendment.

25 CHAIR MOLINA: Members, no objections to allow Staff

1 to make the --

2 **COUNCIL MEMBERS VOICED NO OBJECTIONS.**
3 (excused: MA, RH).

4 CHAIR MOLINA: Okay, so be it. Any other discussion
5 as it relates to the second bill, Members,
6 before the Chair calls for the vote? Seeing
7 none. All those in favor, signify by saying,
8 "aye."

9 COUNCIL MEMBERS: Aye.

10 CHAIR MOLINA: All those opposed?

11 **VOTE: AYES: Councilmembers Baisa, Johnson,**
12 **Mateo, Medeiros, Victorino,**
13 **Vice-Chair Pontanilla, and**
14 **Chair Molina.**

15 **NOES: None.**

16 **EXC.: Councilmembers Anderson and Hokama.**

17 **ABSENT: None.**

18 **ABSTAIN: None.**

19 **MOTION CARRIED**

20 **ACTION: Recommending FIRST READING of revised**
21 **proposed bill.**

22 CHAIR MOLINA: Thank you. Chair marks it
23 seven-zero, with two excusals, Members
24 Anderson and Hokama.

25 Members, we are now on the third and
final bill, the Chair will entertain a motion
to support a bill for an ordinance to change

1 zoning from Agricultural District to P-1
2 Public/Quasi-Public District (Conditional
3 Zoning) for property situated at Lahaina,
4 Maui, Hawaii for the proposed West Maui
5 Medical Facility and related ancillary medical
6 facilities. And this would include the filing
7 of the communication, and if there's no
8 objections, to include the rewording of the
9 bill as we did in the first two bills.

10 COUNCILMEMBER JOHNSON: So moved.

11 COUNCILMEMBER MEDEIROS: Second.

12 CHAIR MOLINA: Moved by Member Johnson, seconded by
13 Member Medeiros.

14 Now, at this point, Members, this is the
15 bill that deals with the proposed conditions.
16 If you'll allow the Chair to ask his question
17 first, before I recognize Member Mateo as well
18 as Member Johnson. The Chair had asked for
19 one clarification on Condition Number 1, and
20 if either Mr. Moto or Mr. Dack could comment.
21 The Chair has a concern, as well as I believe
22 Representative McKelvey, if you'll look at a
23 February 27th, 2008 letter in your binder,
24 Members, related to the traffic impact
25 obligation, if you will. If you read the

1 first portion of the condition, I'll go ahead
2 and state it, that to the satisfaction of the
3 Department of Public Works, the West Maui
4 Improvement Foundation and/or Kaanapali Land
5 Management Corp. (WMIF and/or KLMC) shall pay
6 the medical facility mitigation for regional
7 traffic impacts in accordance with the County
8 of Maui's proposed traffic impact fee schedule
9 for West Maui prior to the issuance of
10 building permits.

11 Now, as we all know, we're still working
12 on the traffic impact fee scheduling, and,
13 personally, I would be concerned that if this
14 Council or future Councils are not finished
15 with an impact fee scheduling, it could hold
16 up building permits for this hospital.

17 Mr. Dack or Mr. Moto, do you have any
18 suggestions or recommendations on this issue
19 here related to Condition Number 1?

20 MR. DACK: Yes, we do, had an opportunity to confer
21 with your Staff at the break and would wish to
22 provide some wording that would tie down an
23 actual dollar amount which would be applicable
24 to this project should there not be a --
25 should there not be regional traffic impacts

1 and a fee -- fee impact -- excuse me, impact
2 fee enacted by the -- before issuance of
3 building permits. So the concept would be to
4 reword that first sentence so that, again,
5 there would be a payment of the higher of a
6 specific fee as it had been proposed in the --
7 if I remember, the Maui regional traffic
8 study. I don't have the title in proper
9 assuredly on that, but -- or the higher of
10 that, or, as I say, a fee that may be in place
11 at the time of building permit.

12 So I'd like to read a suggested
13 rewording of the first sentence. It would
14 read: "That to the satisfaction of the
15 Department of Public Works, the West Maui
16 Improvement Foundation and/or Kaanapali Land
17 Management Corporation (WMIF and/or KLMC)
18 shall pay a medical facility mitigation fee
19 for regional traffic impacts of \$6,462 per
20 thousand square feet of gross building area or
21 a traffic impact fee enacted by the County of
22 Maui, whichever is greater, prior to the
23 issuance of building permits."

24 That number is consistent with
25 discussions that the Planning Department had

1 with the consultants for the project during
2 the preparation of the draft Environmental
3 Assessment, although the suggested wording
4 from the consultants at that -- when it came
5 back was without the number, but if it is the
6 Council's desire to have a number, that is the
7 number that -- it was discussed.

8 CHAIR MOLINA: Okay, thank you, Mr. Dack. So,
9 again, that figure is \$6,462 per thousand
10 square feet or whatever the traffic impact fee
11 schedule calls for.

12 MR. DACK: That's right.

13 CHAIR MOLINA: Whichever is greater. Okay, what I'd
14 like to do, Members, I'd like to give Staff
15 maybe a little time. We can come back to
16 Condition 1, get that specific wording in
17 there, and in the meantime we can address
18 Member Mateo's and Member Johnson's
19 considerations and we'll come back to
20 Condition 1 and then put something out in
21 writing to you in a more formal manner.

22 Member Johnson.

23 COUNCILMEMBER JOHNSON: Yes, I just wanted to
24 understand, because I understand the point of
25 putting down a specific fee, but I just want

1 to get the comments before we go through
2 drafting all this. If that places a financial
3 burden directly on the Applicant, I want them
4 to have the ability to comment because, you
5 know, that -- if they can't pay that fee --

6 CHAIR MOLINA: Yeah, we'd hate for it to be a
7 deal -- possible deal breaker, if you will.

8 COUNCILMEMBER JOHNSON: That's right. So I would
9 just like them to be able to address that.

10 CHAIR MOLINA: Okay. Members, any objections?
11 We'll call the Applicant's representative up
12 to give comment on this consideration.

13 Mr. Hirano or Mr. Pluta, are you able to
14 respond?

15 COUNCILMEMBER VICTORINO: Mr. Chair.

16 CHAIR MOLINA: Hang on, Mr. Victorino. Hang on.

17 MR. HIRANO: You know, the way that the -- I think
18 the traffic mitigation was considered for the
19 facility would be more like a pro rata share
20 based on I think calculation of traffic
21 generated and then as well as improvements
22 that are made and related to the amount of use
23 that -- and the mitigation of that particular
24 impact per use that the medical facility would
25 bring onto the transportation ways and the

1 transportation roadways.

2 So I think, from what I hear from our --
3 from the Applicant, there was concern that
4 that straight number -- because the West Maui
5 Medical Facility would as well be reducing
6 traffic that is going to Kahului along the
7 roadway, so it would also help mitigate its
8 own traffic by reducing general regional
9 traffic moving from Lahaina to Kahului.

10 We've calculated that I think the --
11 that particular impact fee would be in the
12 order of 540,000, based on the square footage
13 that's proposed, and as you can see, there are
14 as well regional traffic mitigation concerns
15 that the medical facility will be responsible
16 for with respect to pro rata share of regional
17 traffic, that is, on the second portion of
18 that Condition Number 1. And those have not
19 been penciled out yet as well. We don't know
20 what that total amount will be.

21 However, because this is such an
22 important facility and that in light of the
23 overall costs and knowing that there will be a
24 responsible developer as well as providing a
25 very special need for the community, I think

1 that they are in favor of that condition, if
2 it's worded that way.

3 CHAIR MOLINA: Okay, as stated by the --

4 MR. HIRANO: As stated by the Planning Department.

5 CHAIR MOLINA: -- Planning Department.

6 Okay, Members, you've heard the comments
7 from Mr. Hirano.

8 Mr. Victorino, did you have a question
9 for --

10 COUNCILMEMBER VICTORINO: I guess it was just -- you
11 know, I figured out 576,000 based on 6,400
12 times 90,000.

13 CHAIR MOLINA: Yes, thank you.

14 COUNCILMEMBER VICTORINO: And I think that's, you
15 know, an -- you know, for a medical facility
16 for which we've all said we needed, now we're
17 going to throw a big number at them for -- to
18 mitigate traffic, and I agree with Mr. Hirano.
19 This is one means of mitigating traffic that's
20 going back and forth to Central Maui. I mean,
21 to me, that's a bigger impact than trying to
22 stick these guys with another half a
23 million -- or nearly \$600,000. I just believe
24 that, you know, somehow this is one of those
25 circumstances, maybe common sense and some

1 better resolve should be put in this whole
2 thing.

3 Nothing against the Planning Department.
4 I understand what they're saying also, but I
5 think \$576,000, when this has a more positive,
6 a more immediate, a long-term effect on our
7 traffic pattern to Central Maui, which is much
8 more beneficial than coming in and out of that
9 area, I don't see why we should stick that to
10 them. But, again, I'll bend with the will of
11 the body, but if you guys bring it forward the
12 way it's being presented, I'll vote no to it.
13 Thank you, Mr. Chair.

14 CHAIR MOLINA: Okay, thank you, Mr. Victorino, and
15 of course the body has the power, if you will,
16 to waive the traffic impact fee or that
17 wording out of the condition, if that is the
18 will of the body, so these are just
19 recommendations from I guess the Planning
20 Commission.

21 So, anyway, Chair's awaiting your
22 comments on this.

23 VICE-CHAIR PONTANILLA: Chairman.

24 CHAIR MOLINA: Tell you what, Members, why don't we
25 go ahead, after Mr. Pontanilla's comments, why

1 don't we -- I would like to give Staff some
2 time to work with the wording on it and we can
3 bring this back for consideration, and --
4 because I would like to hear from Mr. Mateo
5 and Member Johnson on their proposals.

6 Mr. Pontanilla.

7 VICE-CHAIR PONTANILLA: Just one clarification from
8 Mr. Hirano.

9 Mr. Hirano, you just said that the
10 Applicant is willing to pay this amount?

11 MR. HIRANO: Yes, in order to get this project
12 through, the Applicant's willing to pay. And
13 it's really going to be passed on to the
14 developer, but it's very important and
15 critical that, you know, we can move through
16 the conditions, and as a result of that, they
17 consented to this condition as it's stated.

18 VICE-CHAIR PONTANILLA: Thank you. And my only
19 concern is that as we go through the traffic
20 impact fee for Maui County, you know, we may,
21 you know, start a precedence here, and how do
22 we take care of a draft bill that is being
23 drafted, you know, we making these changes, so
24 that's my comment.

25 CHAIR MOLINA: Okay, thank you, Mr. Pontanilla.

1 Okay, Member -- you know, Members, I
2 know Member Baisa has a comment.

3 I would ask you, Member Baisa, when we
4 come back to Condition 1, I'll recognize you
5 first.

6 And, you know, the Chair -- it is a
7 tough one. It's like we're between a rock and
8 a hard place. I know there's the emotional
9 aspect of it and -- but then there's costs.
10 We have to balance that and -- but anyway --

11 COUNCILMEMBER MEDEIROS: Mr. Chairman.

12 CHAIR MOLINA: -- we'll come --

13 COUNCILMEMBER MEDEIROS: Point of information,
14 please.

15 CHAIR MOLINA: Member Medeiros.

16 COUNCILMEMBER MEDEIROS: You said that we're coming
17 back.

18 CHAIR MOLINA: Yes, we are coming back to it.

19 COUNCILMEMBER MEDEIROS: But Staff is going to make
20 some verbiage change?

21 CHAIR MOLINA: Yeah, I'd like to present that
22 recommendation from the Planning Department in
23 writing so all of you have it.

24 COUNCILMEMBER MEDEIROS: Okay.

25 CHAIR MOLINA: Because it was a rather lengthy and

1 wordy sentence from Mr. Dack.

2 COUNCILMEMBER MEDEIROS: But if there's other
3 verbiage changes in the same condition, you
4 want to hear it now or later?

5 CHAIR MOLINA: At a later point when we come back to
6 Condition 1.

7 COUNCILMEMBER MEDEIROS: Okay.

8 CHAIR MOLINA: I'd like to recognize Mr. Mateo,
9 because Mr. Mateo, on behalf of Chairman
10 Hokama, was the only Member to have submitted
11 a condition -- or proposed condition, so I
12 think in all fairness, being that they were --
13 Mr. Hokama and Mr. Mateo were the only ones
14 that met the so-called deadline, I believe
15 they should be recognized as soon as possible,
16 but anyway, Mr. Mateo, you have the floor.

17 COUNCILMEMBER MATEO: Chairman Molina, thank you
18 very much. On behalf of Council Chair Hokama,
19 I have three conditions that he would like the
20 proposed shared with the Committee for
21 consideration. I will address each one
22 individually.

23 The first condition would read:
24 Provided that a health care facility that will
25 provide acute care for West Maui is operated

1 on the property.

2 Chairman, the purpose for this condition
3 is to be sure that the purpose -- for the use
4 of the property is as being represented to us
5 and there is no deviation of the purpose and
6 the -- other than the initial intent of the
7 use of this property.

8 CHAIR MOLINA: Okay, thank you, Mr. Mateo. Will you
9 be proposing that as a motion?

10 COUNCILMEMBER MATEO: Yes.

11 CHAIR MOLINA: Is there a second?

12 COUNCILMEMBER VICTORINO: Second.

13 CHAIR MOLINA: Okay, it's been moved by Member Mateo
14 and seconded by Member Victorino to implement
15 this as an additional condition to Exhibit B.
16 Any additional discussion, Members, or
17 comments as it relates to the proposed
18 condition from Mr. Mateo? Okay, seeing none.
19 All those in favor, signify by saying, "aye."

20 COUNCIL MEMBERS: Aye.

21 CHAIR MOLINA: All those opposed?

22

23

24

25

1 **VOTE: AYES:** Councilmembers Baisa, Johnson,
2 Mateo, Medeiros, Victorino,
3 Vice-Chair Pontanilla, and
4 Chair Molina.
5
6 **NOES:** None.
7
8 **EXC.:** Councilmembers Anderson and Hokama.
9
10 **ABSENT:** None.
11
12 **ABSTAIN:** None.

13 **MOTION CARRIED**

14 **ACTION: APPROVE amendment to main motion.**

15
16 CHAIR MOLINA: Chair will mark it seven-zero.

17 Mr. Mateo, you have the floor again.

18 COUNCILMEMBER MATEO: Chairman, thank you. The
19 other condition, Chairman, would be to provide
20 that a minimum of 25 long-term care beds are
21 operated on the property.

22 CHAIR MOLINA: Okay. Excuse me, I'm sorry,
23 Mr. Mateo. I was interrupted here.

24 COUNCILMEMBER MATEO: No problem. Let me restate
25 that, Chairman.

26 I move the condition read: Provided
27 that a minimum of 25 long-term care beds be
28 operated on the property.

29 COUNCILMEMBER VICTORINO: Second.

30 CHAIR MOLINA: Okay, it's been moved by Member
31 Mateo, seconded by Member Victorino to

1 implement an additional condition, which, I
2 guess, for the time being we'll call Condition
3 16 --

4 COUNCILMEMBER MATEO: Yeah.

5 CHAIR MOLINA: -- into Exhibit B.

6 Mr. Mateo, you have the floor.

7 COUNCILMEMBER MATEO: Chairman, thank you. And I
8 think I -- at this point we heard from the
9 Applicant that their intent, you know, not
10 only to provide the 25 beds, but in fact 40 on
11 this particular -- in this particular project,
12 so I think it's consistent. And I believe the
13 Chairman's effort was to be sure that
14 long-term care will be provided, because in
15 the original application it did not make
16 reference to it. Thank you, Chairman.

17 CHAIR MOLINA: Thank you, very much, Mr. Mateo.
18 Member Johnson.

19 COUNCILMEMBER JOHNSON: Mr. Chair, move to amend the
20 language that has just been proposed so that
21 it would read: Provided that a minimum of 25
22 long care [sic] beds are included in the CON
23 proposal and subject to SHPDA approval are
24 operated on the property.

25 COUNCILMEMBER VICTORINO: Second.

1 CHAIR MOLINA: Okay, it's been moved by Member
2 Johnson and seconded by Member Victorino to
3 amend the proposed condition, we'll call it
4 16, from Member Mateo.

5 Member Johnson, you have the floor.

6 COUNCILMEMBER JOHNSON: And the only reason I'm
7 doing a little bit of tweaking on that
8 particular condition is because with the
9 Certificate of Need process, as long as it's
10 proposed within their Certificate of Need
11 proposal and SHPDA actually approves of it, I
12 believe, then, that they would be able to
13 operate it. But because we have this unknown
14 entity, I don't want to get the West Maui
15 Improvement Foundation or the developer into a
16 situation where the CON process or SHPDA tells
17 them no, you can't operate it because you need
18 this, this, and this first, and then all of a
19 sudden it's creating a stumbling block.
20 Because we don't have control over that
21 process, and that's why I would prefer to
22 include the language that we know they're
23 going to be included within their initial
24 Certificate of Need, but then later on it's
25 going to be once that analysis is done, they

1 will then be able to actually operate them on
2 the property. Because we don't have control
3 over that, nor do that. So that's why I'm
4 proposing my amendment.

5 CHAIR MOLINA: Thank you, Member Johnson.

6 Staff, do you need additional
7 clarification on the amendment to the proposed
8 condition from Mr. Mateo?

9 MS. NAKATA: Just whether I heard correctly that
10 it's subject to State Historic Preservation
11 Division approval?

12 COUNCILMEMBER JOHNSON: SHPDA is the State hospital.

13 MS. NAKATA: The acronym, then, would be for --

14 COUNCILMEMBER JOHNSON: State Health Plan
15 Development Agency.

16 CHAIR MOLINA: SHPD.

17 COUNCILMEMBER JOHNSON: Agency. It's like State
18 Historic Preservation Division, but it's
19 called SHPDA.

20 CHAIR MOLINA: All right, Members, additional
21 comments on the amendment from Member Johnson?
22 Seeing none. All those in favor, signify by
23 saying, "aye."

24 COUNCIL MEMBERS: Aye.

25 CHAIR MOLINA: All those opposed?

1 **VOTE: AYES:** Councilmembers Baisa, Johnson,
2 Mateo, Medeiros, Victorino,
3 Vice-Chair Pontanilla, and
4 Chair Molina.
5
6 **NOES:** None.
7
8 **EXC.:** Councilmembers Anderson and Hokama.
9
10 **ABSENT:** None.
11
12 **ABSTAIN:** None.

13 **MOTION CARRIED**

14 **ACTION: APPROVE amendment to the amendment.**

15 CHAIR MOLINA: The amendment passes, seven-zero,
16 with two excusals, Members Anderson and
17 Johnson [sic].

18 We're now back to the main motion, as
19 amended, related to the proposed Condition 16
20 from Member Mateo.

21 Additional discussion, Members? Member
22 Johnson.

23 COUNCILMEMBER JOHNSON: Point -- we're actually to
24 the -- to the amendment, because I amended his
25 amendment.

26 CHAIR MOLINA: The --

27 COUNCILMEMBER JOHNSON: Isn't it --

28 CHAIR MOLINA: I think it was the condition, right?
29 The condition was not amended. Well, it's
30 considered an addition to the Exhibit B?

1 COUNCILMEMBER JOHNSON: I amended his condition.

2 CHAIR MOLINA: Right.

3 MS. FRIAS: The Committee voted on the amendment to
4 the amendment, which is to Councilmember
5 Mateo's main motion.

6 CHAIR MOLINA: We --

7 MS. FRIAS: We're on Councilmember Mateo's --

8 CHAIR MOLINA: Mateo's, right.

9 MS. FRIAS: Yes.

10 CHAIR MOLINA: That is correct, yeah, we're on that
11 clarification, so the amendment to the
12 proposed condition from Member Mateo, so that
13 is the main motion on the floor.

14 Members, additional discussion before
15 the Chair calls for the vote? Seeing none.
16 All those in favor, signify by saying, "aye."

17 COUNCIL MEMBERS: Aye.

18 CHAIR MOLINA: All those opposed?

19

20

21

22

23

24

25

1 **VOTE: AYES: Councilmembers Baisa, Johnson,**
2 **Mateo, Medeiros, Victorino,**
3 **Vice-Chair Pontanilla, and**
4 **Chair Molina.**

5 **NOES: None.**

6 **EXC.: Councilmembers Anderson and Hokama.**

7 **ABSENT: None.**

8 **ABSTAIN: None.**

9 **MOTION CARRIED**

10 **ACTION: APPROVE amendment to main motion.**

11 CHAIR MOLINA: Thank you. Chair will mark it
12 seven-zero, with two excusals, Members
13 Anderson and Johnson [sic]. The condition
14 passes.

15 And Mr. Mateo, you have the floor, once
16 again.

17 COUNCILMEMBER MATEO: Chairman, thank you very much,
18 and I would like to add Condition 17 that
19 would read: Provided that all other uses,
20 including but not limited to medical office
21 buildings, are directly related to the
22 provision of health care services ancillary to
23 acute care and long-term care.

24 COUNCILMEMBER VICTORINO: Second.

25 CHAIR MOLINA: Okay, it's been moved by Member Mateo
and seconded by Member Victorino to add a

1 Condition 17.

2 Mr. Mateo, you have the floor.

3 COUNCILMEMBER MATEO: Chairman, real briefly, this
4 condition is real specific in limiting the use
5 of the property to meet the intent that have
6 been cited to us for the sake and the purpose
7 of health care.

8 CHAIR MOLINA: Okay, thank you, Mr. Mateo.

9 Additional comments or other considerations
10 for Member Mateo's proposed Condition 17?

11 Okay, seeing none. All those in favor,
12 signify by saying, "aye."

13 COUNCIL MEMBERS: Aye.

14 CHAIR MOLINA: All those opposed?

15 **VOTE: AYES: Councilmembers Baisa, Johnson,**
16 **Mateo, Medeiros, Victorino,**
Vice-Chair Pontanilla, and
17 **Chair Molina.**

18 **NOES: None.**

19 **EXC.: Councilmembers Anderson and Hokama.**

20 **ABSENT: None.**

21 **ABSTAIN: None.**

22 **MOTION CARRIED**

23 **ACTION: APPROVE amendment to main motion.**

24 CHAIR MOLINA: Okay, thank you. The Chair will mark
25 it seven-zero. All three conditions passed.

1 Members, we're now back to Condition 1,
2 and Staff has provided you the proposal from
3 the Planning Department related to Condition
4 Number 1 as it relates to the proposed traffic
5 impact fee. And for the record, we'll go
6 ahead and read what has been given to us.
7 This is to reword the first sentence of
8 Condition 1, and it states that to the
9 satisfaction of the Department of Public Works
10 and -- Department of Public Works, the West
11 Maui Improvement Foundation and/or Kaanapali
12 Land Management Corporation (WMIF and/or KLMC)
13 shall pay a medical facility mitigation for
14 regional traffic impacts of \$6,462 per
15 thousand square feet of gross building area or
16 a traffic impact fee enacted by the County of
17 Maui, whichever is greater, prior to the
18 issuance of building permits.

19 Members, additional comments on the
20 proposed language change from the Planning
21 Department? Member Baisa.

22 COUNCILMEMBER BAISA: Yeah, I have a little bit of a
23 concern about this 6,462 figure. I'm
24 assuming, and our Planning person couldn't
25 quite remember what the study was, but is this

1 out of the KAKU study that we have said that
2 we need to redo?

3 CHAIR MOLINA: Mr. Dack?

4 MR. DACK: That sounds correct.

5 COUNCILMEMBER BAISA: Based on that, Chair, I have a
6 concern about using a figure that is in a
7 study that we're not comfortable with as the
8 Planning Committee. In fact, we're going to
9 recommend that we get a new study, or that
10 study be updated considerably.

11 The other thing that the Applicant
12 mentioned was that they were offering an
13 alternative fair share, and I'm wondering what
14 that would be? Is that comparable? Since we
15 have concerns about the cost.

16 CHAIR MOLINA: Okay, alternative fair share, okay,
17 at a later point we'll call up the Applicant
18 to make a clarification on that.

19 Member Johnson.

20 COUNCILMEMBER JOHNSON: I understand, you know, the
21 Planning Department's wanting to nail down a
22 specific number, but my suggestion would be
23 based on what was stated by Mr. Hirano to word
24 the condition that to the satisfaction of the
25 Department of Public Works and West Maui --

1 the West Maui Improvement Foundation and/or
2 Kaanapali Land Management Corporation shall
3 pay their pro rata share toward traffic
4 mitigation measures. And what that does is
5 because we don't know what that's going to be,
6 I would rather leave it open and then they
7 would come to a determination between Public
8 Works and themselves, as well as we don't know
9 if DHHL is going to participate, we also don't
10 know what any plans might be, because I know
11 we're going to be making some improvements
12 eventually in that area with turn lanes and
13 what not. Perhaps maybe even the State
14 Department of Transportation would be
15 receiving some kind of money in a measure
16 introduced perhaps by one of our
17 Representatives from West Maui, so I would
18 rather make it open and leave it so that they
19 could negotiate that. But because they stated
20 they're willing to pay a pro rata share,
21 that's my suggestion, to changing the wording
22 and not nailing it to a number.

23 CHAIR MOLINA: Okay, so just basically leave it as
24 is for the time being?

25 COUNCILMEMBER VICTORINO: No.

1 CHAIR MOLINA: Or are you asking basically to -- so
2 are you still interested in substituting that
3 first sentence with something else?

4 COUNCILMEMBER JOHNSON: Well, that's why I suggested
5 just saying, you know, the way that I think
6 that it's worded right now, if I go back to
7 the language in that proposal, I guess
8 Condition Number 1, it says shall pay their --
9 and then that's where I would change it, and
10 just say -- instead of saying pay their
11 facility mitigation for regional traffic
12 impacts in accordance with the County of Maui,
13 I would rather take out all that traffic
14 impact fee stuff, you know, and just
15 substitute my language and say, shall pay
16 their pro rata share to our traffic mitigation
17 measures prior to issuance of building
18 permits.

19 COUNCILMEMBER VICTORINO: Is that a proposal?

20 CHAIR MOLINA: Yeah, hang on.

21 COUNCILMEMBER JOHNSON: Yeah, I mean, I can make it
22 proposal. I sense that, you know, the
23 Planning Department has something to say,
24 so --

25 CHAIR MOLINA: Mr. Dack, are you prepared to comment

1 on Member Johnson's consideration?

2 MR. DACK: Yes, thank you. The concept in Condition
3 Number 1 includes two dimensions of traffic
4 mitigation, and this is actually a component
5 of the Environmental Assessment. It
6 includes -- the first sentence refers to, as
7 it says, regional traffic impacts. Then the
8 second -- the second portion that's referring
9 to the specific intersection of Leialii
10 Parkway and Honoapiilani Highway is for
11 regional traffic impacts.

12 I would fear that should the first
13 sentence be changed as suggested, it would
14 kind of confuse the two and take out the
15 regional component. The County is trying to
16 move towards having both regional mitigations
17 be applied so that regional traffic
18 improvements can gather enough funds to -- or
19 enough funds can be gathered for regional
20 traffic improvements to make those, but in
21 addition, there are local improvements.
22 That's what's dealt with in the latter half of
23 the condition.

24 So if there were to be a change made to
25 the first sentence along the lines of fair

1 share, we would ask that it still -- you at
2 least leave the reference to regional traffic
3 impacts so that can be distinguished and then
4 still have the other improvements, the local
5 improvements as a separate item in the rest of
6 the sentence -- the condition.

7 CHAIR MOLINA: Okay, thank you, Mr. Dack.

8 Member Johnson.

9 COUNCILMEMBER JOHNSON: So if I understand what
10 you're saying, Mr. Dack, it should say pay
11 their pro rata share toward regional traffic
12 impacts in accordance -- or just not say in
13 accordance?

14 MR. DACK: And in that case you're leaving it up to
15 the Department of Public Works to make that
16 determination.

17 COUNCILMEMBER JOHNSON: And -- I mean, Public Works
18 is already gone, but, you know, to me they're
19 going to be working it out anyway, and,
20 personally, I think that the Council has
21 supported this project all the way along, so
22 I'd rather leave it up to the agency to be
23 negotiated and not tie it down to this number.

24 So, Mr. Chair, if you want me to make
25 that amendment of that part and then just

1 leave all the rest the way it is, is that what
2 you're saying, Mr. Dack?

3 MR. DACK: Yes, please, if you can leave the rest of
4 the condition as it was, yeah.

5 COUNCILMEMBER JOHNSON: Okay.

6 CHAIR MOLINA: Thank you, Member Johnson. You know
7 what the Chair would like, Member Johnson, is
8 maybe you can work with Staff, we can put the
9 wording out in writing so all of us can see it
10 in black and white. We'll go from there.

11 Is there an additional request to hear
12 from Mr. Hirano? I believe Member Baisa --

13 COUNCILMEMBER BAISA: No.

14 CHAIR MOLINA: Okay, Mr. Hirano, I guess you're not
15 needed for now. So what we'll do, Members,
16 why don't we just call for a recess. We'll
17 come back at 4:40, Members? Okay. Land Use
18 Committee meeting for February 27, 2008 is in
19 recess, and we will be working on a proposed
20 amendment to Condition 1. Meeting in recess.
21 (Gavel).

22 **RECESS: 4:28 p.m.**

23 **RECONVENE: 4:41 p.m.**

24 CHAIR MOLINA: (Gavel). The February 27th, 2008
25 Land Use Committee meeting is now reconvened.

1 Thank you, Members, for that break. The Chair
2 at this time will recognize Member Johnson,
3 who has a proposed amendment to Condition
4 Number 1, related to Exhibit B of Land Use
5 Item 4.

6 Member Johnson.

7 COUNCILMEMBER JOHNSON: Yes, Mr. Chair. Move to
8 replace existing first two sentences of
9 Condition Number 1 with the following: That
10 to the satisfaction of the Department of
11 Public Works, the West Maui Improvement
12 Foundation and/or Kaanapali Land Management
13 Corporation (WMIF and/or KLMC) shall pay their
14 pro rata share toward regional traffic impact
15 mitigation measures prior to the issuance of
16 building permits. It is anticipated that this
17 pro rata share will be allocated towards the
18 implementation of Lahaina Bypass Highway and
19 related transportation connections.

20 COUNCILMEMBER VICTORINO: Second.

21 CHAIR MOLINA: Okay, it's been moved by Member
22 Johnson to amend Condition 1 and seconded by
23 Member Victorino.

24 Member Johnson, you have the floor.

25 COUNCILMEMBER JOHNSON: Yes, Mr. Chair, I think that

1 rather than affixing a specific dollar amount,
2 because we don't know at this point what the
3 end result will be -- in fact, when the
4 roadway that connects to the bypass, which
5 will eventually be used to access the
6 hospital, when that will be constructed, it
7 may actually improve the circulation on the
8 Honoapiilani Highway and actually may improve
9 circulation in the region. So I think it's
10 better to leave it in this way, which is more
11 generic, and not subject them to paying at
12 this point in time a traffic mitigation fee.
13 Also because this is Council initiated, I
14 think that if there were to be any dispute or
15 any lack of clarity, that Public Works could
16 seek some type of clarification from the
17 Council, because this is something that has
18 been initiated by us.

19 So I think that hopefully answers the
20 Planning Department's questions, but also
21 addresses some of the concerns that were
22 raised by some of the Departments.

23 CHAIR MOLINA: Okay, thank you, Member Johnson.

24 COUNCILMEMBER JOHNSON: Thank you.

25 CHAIR MOLINA: Members, additional comments --

1 COUNCILMEMBER VICTORINO: Mr. Chair.

2 CHAIR MOLINA: -- on the proposed amendments?

3 Mr. Victorino.

4 COUNCILMEMBER VICTORINO: Yes, thank you. And I can
5 support this, and I do apologize, because I
6 think the public heard me say that I would
7 want to exempt them, and I still would, but I
8 was made to understand that if something like
9 that was to transpire, that it would trigger a
10 new EA, which would then really put these guys
11 back again and muck up the whole system. So I
12 don't want to do that, so I can be comfortable
13 with this and support this and make sure that
14 this becomes a reality for the west side. So
15 thank you, Mr. Chair.

16 CHAIR MOLINA: Thank you, Mr. Victorino.

17 Additional comments, Members, before the
18 Chair calls for the vote on the amendment?

19 Seeing none. All those in favor of the
20 amendment to Condition Number 1, signify by
21 saying, "aye."

22 COUNCIL MEMBERS: Aye.

23 CHAIR MOLINA: All those opposed?

24

25

1 **VOTE: AYES:** Councilmembers Baisa, Johnson,
2 Mateo, Medeiros, Victorino,
3 Vice-Chair Pontanilla, and
4 Chair Molina.
5
6 **NOES:** None.
7
8 **EXC.:** Councilmembers Anderson and Hokama.
9
10 **ABSENT:** None.
11
12 **ABSTAIN:** None.

13 **MOTION CARRIED**

14 **ACTION: APPROVE amendment to main motion.**

15 CHAIR MOLINA: Thank you. The Chair will mark it
16 seven-zero, two excusals, Members Anderson and
17 Hokama.

18 We're now back to the main motion, as
19 amended. Any other considerations from the
20 body related to Exhibit B, the Conditions of
21 Zoning? I take it since no other comments
22 were made on the 14 existing conditions, along
23 with the three conditions from Mr. Mateo,
24 Chair is prepared to call for the vote. I see
25 Mr. Medeiros' hand. Mr. Medeiros.

26 COUNCILMEMBER MEDEIROS: So you plan on voting on
27 Condition 1 or --

28 CHAIR MOLINA: Well, actually Condition 1 was just
29 amended, but now we're back to the bill
30 itself, yeah, with all the conditions. All

1 the bills -- the conditions are part of the
2 third bill.

3 COUNCILMEMBER MEDEIROS: Okay, but you did say we
4 were going to come back to Condition 1
5 because --

6 CHAIR MOLINA: We just did that, yeah, that was with
7 Member Johnson's consideration, but do you
8 have any -- the Chair did ask for other
9 considerations for any of the conditions. Do
10 you have an amendment for Condition 1?

11 COUNCILMEMBER MEDEIROS: Not an amendment, but I
12 wanted to clarify some wording in there.

13 CHAIR MOLINA: Okay.

14 COUNCILMEMBER MEDEIROS: And if you would allow it,
15 Mr. Chair, if Mr. Hirano could come back to
16 the podium.

17 CHAIR MOLINA: Okay, Members, objections to
18 Mr. Hirano coming back for clarification for
19 Condition 1?

20 COUNCIL MEMBERS: No objections.

21 CHAIR MOLINA: Okay, thank you, Members.

22 Mr. Hirano, please respond to

23 Mr. Medeiros' inquiry.

24 Mr. Medeiros, you have the floor.

25 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

1 Mr. Hirano, thank you. About two-thirds
2 of the way down, when it's talking about
3 mitigations of modifying the northbound
4 approach to include a dedicate right lane --
5 right-turn lane and modifying the westbound
6 approach, where is the westbound approach?

7 MR. HIRANO: The westbound approach is coming down
8 Villages of Leialii Parkway onto Honoapiilani
9 Highway.

10 COUNCILMEMBER MEDEIROS: Okay, so that's what that's
11 referring to?

12 MR. HIRANO: (Inaudible).

13 COUNCILMEMBER MEDEIROS: That's what it refers to?

14 MR. HIRANO: Yes.

15 COUNCILMEMBER MEDEIROS: Okay. I just wasn't clear
16 on that, because there's so many different
17 directions and things within that one
18 sentence.

19 MR. HIRANO: Yes, yes.

20 COUNCILMEMBER MEDEIROS: Okay. All right.

21 Mahalo, Mr. Chairman.

22 CHAIR MOLINA: Thank you, Mr. Medeiros.

23 Any other need for clarification from
24 Mr. Hirano as it relates to Exhibit B and the
25 Conditions of Zoning? Member Johnson.

1 COUNCILMEMBER JOHNSON: I just wanted to clarify
2 that the language as we just amended it on
3 Condition Number 1, is that satisfactory,
4 Mr. Hirano?

5 MR. HIRANO: Yes, it is satisfactory to the
6 Applicant.

7 COUNCILMEMBER JOHNSON: Okay, thank you very much.

8 MR. HIRANO: And thank you for that amendment. It
9 clarifies the --

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

11 Any other considerations before the
12 Chair calls for the vote for the third bill?
13 Okay, I don't see any hands going up. And,
14 again, Members, before the Chair calls for the
15 vote, I would like to ask, if there are no
16 objections, to allow Staff to make any
17 non-substantive changes if need be.

18 COUNCIL MEMBERS: No objections.

19 **COUNCIL MEMBERS VOICED NO OBJECTIONS.**
20 (excused: MA, RH).

21 CHAIR MOLINA: Okay, very good, Members. And,
22 again, the motion will include the filing of
23 the communication as well.

24 Member Johnson.

25 COUNCILMEMBER JOHNSON: I just wanted to quickly add

1 that I do appreciate all of the time and
2 effort that went into this, and I'm going to
3 save my comments basically for when it comes
4 before the full Council, but I just want to
5 thank every one of you and the West Maui
6 Improvement Foundation especially, and
7 certainly Mr. Hanzawa has been working very
8 closely with them, and without the land, we
9 could not go forward, so I am very
10 appreciative of the efforts on the part of the
11 developer too. Thank you.

12 CHAIR MOLINA: Okay, thank you very much, Member
13 Johnson, and I'm sure all of us here
14 appreciate your efforts to initiate the
15 Community Plan Amendment for this particular
16 proposal. It's much appreciated and needed in
17 West Maui, so the wheels of progress are
18 turning, although somewhat slow, but it's very
19 promising at this point.

20 Members, additional comments before the
21 Chair calls for the vote? Brief comments on
22 this? I guess I see many of you are going to
23 wait till first reading, assuming this passes.
24 So be it, Members, we will call for the vote.
25 All those in favor, signify by saying, "aye."

1 COUNCIL MEMBERS: Aye.

2 CHAIR MOLINA: All those opposed?

3 **VOTE: AYES:** Councilmembers Baisa, Johnson,
4 Mateo, Medeiros, Victorino,
Vice-Chair Pontanilla, and
Chair Molina.

5 **NOES:** None.

6 **EXC.:** Councilmembers Anderson and Hokama.

7 **ABSENT:** None.

8 **ABSTAIN:** None.

9 **MOTION CARRIED**

10 **ACTION:** Recommending FIRST READING of revised
11 proposed bill, RECORDATION of unilateral
12 agreement, and FILING of communication.

13 CHAIR MOLINA: Thank you, Members. The Chair will
14 mark it seven-zero, two excusals, Members
15 Anderson and Hokama. The matter passes on to
16 the County Council for first reading.

17 Congratulations to the Applicants.

18 Members, any announcements? Seeing

19 none. I guess everybody is eager to get home
20 after a long day. The Chair, again, thanks

21 all of you, Members, for being here on a

22 non-scheduled meeting week. Mr. Medeiros?

23 Oh, Mr. Hirano.

24 MR. HIRANO: I just wanted to thank the Committee

25 Members for their diligent work today in

1 passing this resolution. Thank you very much.

2 CHAIR MOLINA: Thank you, Mr. Hirano.

3 And the Chair would also like to thank
4 Staff, as well as the various Departments from
5 the Administration for participating today.

6 So with that being said, Members, it is
7 4:48, Wednesday, February 27th, 2008. This
8 Land Use Committee meeting is now adjourned.
9 (Gavel).

10 **ADJOURN:** 4:48 p.m.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

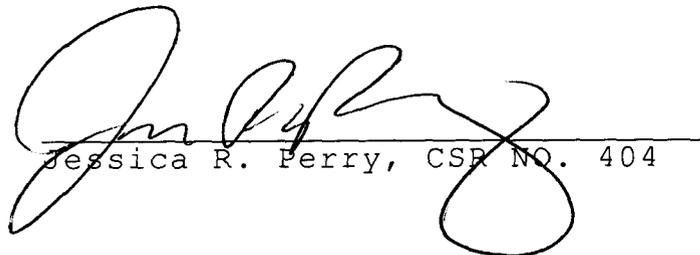
C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 28th day of March, 2008, in Honolulu, Hawaii.



Jessica R. Perry, CSR NO. 404