



ʻAina Haina Library  
5246 Kalanianaʻole Highway  
Honolulu, Hawaiʻi 96821

Wayson Chow  
President

Anson Rego  
Vice-President

Art Mori  
Treasurer

Les Higa  
Corresponding Secretary

Jeanne Ohta  
Membership Secretary

Directors At Large:  
Gregg Kashiwa  
Melia Lane-Kanahele  
Chien-Wen Tseng  
Kathryn Higa

Ex-Officio  
Lenore Johnson

October 18, 2011

To: David K. Tanoue, Director  
City Dept of Planning & Permitting (DPP)  
Facsimile (808) 768-6041

From: Wayson Chow, President  
ʻAina Haina Community Association (AHCA)

Telephone: (808) 599-8844  
Facsimile (888) 461-4884  
Email wchow@ainahaina.org

Subject: Address: 249 Nenu Street--Wailupe  
Tax Map Key: 36008025  
AHCA's Requests Prompt Review & Rescission of DPP  
Director David K. Tanoue's September 2, 2011 Re  
Residential Zoning Clearance.

\*\*\*\*\*

Dear Director Tanoue:

The attached Aina Haina Community Association's (AHCA) letter requests your promptly reviewing and rescinding your September 2, 2011 DPP Residential Zoning Clearance Determination, **before this coming Friday's October 21, 2011 Real Estate Escrow Closing** between Sellers Bruce B. & Heayoun Lee and Buyer Hospice Hawaii.

On or about September 30, 2011, the AHCA first received a copy of your September 2, 2011 DPP Residential Zoning Clearance to approve Hospice Hawaii President Kenneth Zeri's request to operate a 8 patient Hospice Facility in a R-10 Residential Zone at 249 Nenu Street (Wailupe) Honolulu, Hawaii 96821.

If you desire additional information, and/or if any problems arise with your promptly reviewing, and rescinding your above-mentioned Residential Zoning Clearance please feel free to contact me by telephone (808-599-8844), by facsimile (888) 461-4884, and/or by email [wchow@ainahaina.org](mailto:wchow@ainahaina.org). Mahalo nui loa,

NUMBER OF PAGES BEING SUBMITTED 6 pages  
(including cover sheet)

\*\*\*\*\*  
IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS FACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU IN ADVANCE FOR YOUR COOPERATION.  
\*\*\*\*\*



ʻĀina Haina Library  
5246 Kalanianaʻole Highway  
Honolulu, Hawaiʻi 96821

Wayson Chow  
President

Anson Rego  
Vice-President

Art Mori  
Treasurer

Les Higa  
Corresponding Secretary

Jeanne Ohta  
Membership Secretary

Directors At Large:

Gregg Kashiwa  
Melia Lane-Kanahele  
Chien-Wen Tseng  
Kathryn Higa

Ex Officio  
Lenore Johnson

October 18, 2011

**Via Facsimile (808) 768-6041 & Email**

David K. Tanoue, Director  
City Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Dear Mr. Tanoue:

Property Address:	249 Nenu Street.--Wailupe Honolulu, Hawaiʻi 96821
Tax Map Key:	36008025
Current Owners	Bruce B. Lee & Heayoun Lee
Hospice Applicant	Hospice Hawaii 860 Iwilei Road Honolulu, Hawaii 96817-5018

On behalf of the ʻĀina Haina Community Association, I am requesting your **prompt reconsideration & rescission** of your September 2, 2011 Residential Zoning Clearance Determination for Hospice Hawaii's proposed use of 249 Nenu Street, Honolulu, Hawaii for an **eight (8) Patient** Medicare Certified Hospice Inpatient facility. See Hospice Hawaii President Kenneth Zeri's August 25<sup>th</sup>, 2011 letter, **Exhibit "1"** & State Office of Health Care Assurance Keith Riddley's August 25, 2011 Letter, **Exhibit "2"**.

This primary reason for this Rescission Request arises from the following Hawaii Revised Statutes, which allows a **maximum Five (5) Hospice Patients**

- HRS §46-15.36:** "Hospice Homes: Permitted Use in Residential Areas" clearly states: "For purposes of this section, 'hospice home' means any facility operated by a licensed hospice service agency providing twenty-four-hour living accommodations to **no more than five unrelated persons** who are admitted to the hospice program of care. (L. 1999, c. 77, §2)

- HRS § 321-15.1** State Dept of Health's General & Administrative Provisions: Definitions: "Hospice House means any facility operated by a licensed hospice service agency providing twenty-four-hour living accommodation to **no more than five unrelated** who are admitted for hospice service (am L. 1999, c77 §6)

**Due to the Hospice Hawaii's imminent real estate escrow closing scheduled for this coming Friday, October 21, 2011**, the ʻĀina Haina Community Association respectfully urges you to promptly reconsider, and rescind your September 2 2011 Residential Zoning Clearance determination.

Sincerely,

Wayson Chow, President

Encl: Exhibits "1" and "2"

Cc: Hospice Hawaii President & CPO Kenneth Zeri (fax: 922-9161)



August 25, 2011

Mr. David Tanoue  
Zoning: City and County of Honolulu  
7<sup>th</sup> Floor, Municipal Building  
650 S. King Street  
Honolulu, HI 96813

Re: Request for Zoning Determination

Dr. Mr. Tanoue;

Hospice Hawaii would like to request a determination for residential zoning on a proposed Hospice Inpatient Unit to be developed at a property we have a purchase contract open.

The specific property information is:

Address: 249 Nenu St. Honolulu, HI 96821  
Tax Map Key: Div 1 / Zone 3 / Sec 6 / Plat 8 / Parcel 25 / CPR (N/A)

We respectfully request that this property be given a zoning determination as residential, requiring no additional use permits.

The proposed facility would be an 8-bed Medicare Certified Hospice Inpatient Unit. In consultation with Ms. Liz Krueger, we believe that the facility would meet the requirements of the definition of family as allowed in Chapter 21, Article 10 of the Land Use Ordinance. As defined, a "family" may also mean "... eight or fewer persons who reside in an adult residential care home, special treatment facility or other similar facility monitored by the State of Hawaii shall be considered a family."

As a Medicare certified hospice facility, Hospice Hawaii would be monitored by the State Department of Health on behalf of Medicare through its contract with the Centers for Medicare and Medicaid. We are responsible to meet life-safety and healthcare delivery requirements and answer to the Department of Health, Office of Health Care Assurance.

EXHIBIT 1  
Page 1 of 2

Thank you for considering this request. As per instructions, we have enclosed a \$50 fee for this determination. Also enclosed is the opinion letter from the Department of Health regarding the definition of "family."

With all due respect, may we ask for a response by Wednesday, September 7<sup>th</sup>? The Hospice Hawaii Board of Directors is conducting its critical due diligence and has only until September 9 as per the real estate contract.

Please feel free to contact me directly at my office line: 791-8007.

Respectfully Submitted,



Kenneth Zeri, RN, MS  
President & CPO

Encl. Original floor plan

EXHIBIT 1  
Page 2 of 2

NEIL ABERCROMBIE  
GOVERNOR



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
OFFICE OF HEALTH CARE ASSURANCE  
601 KAMOKILA BOULEVARD, ROOM 367  
KAPOLEI, HAWAII 96707

In reply, please refer to  
file.

August 25, 2011

Mr. David Tanoue  
Zoning: City and County of Honolulu  
7<sup>th</sup> Floor, Municipal Building  
650 S. King Street  
Honolulu, HI 96813

RE: Hospice Hawaii Inpatient Unit

Dear Mr. Tanoue:

The Department of Health, Office of Health Care Assurance was contacted by Hospice Hawaii to make an opinion on a proposed Hospice Hawaii Medicare Certified Inpatient Hospice in the Aina Haina area. The identifying location information is:

Address: 249 Nenu St.  
Honolulu, HI 96821

Tax Map Key: Div 1 / Zone 3 / Sec 6 / Plat 8 / Parcel 25 / CPR (N/A)

The Department is familiar with a similar hospice inpatient unit operated by Hospice Hawaii at 2449 10<sup>th</sup> Street in the Palolo area. Hospice Hawaii is proposing to open a hospice at the above location as an 8-bed hospice facility and has requested the Department to provide an opinion based upon the type of facility as it is defined by City and County Zoning.

We have reviewed Chapter 21, Article 10, of the City's Land Use Ordinance definitions of family. As defined a "family" may also mean "... eight or fewer persons who reside in an adult residential care home, special treatment facility or other similar facility monitored by the State of Hawaii shall be considered a family." (Emphasis added.)

While the State of Hawaii has not enacted licensing regulations for hospice providers, the State does have oversight on behalf of the federal government through its agreement with the U.S. Department of Health and Human Services Centers for Medicare and Medicaid Services. Oversight includes monitoring Medicare certified facilities, such as hospice providers, to ensure they comply with federal certification requirements. At regular intervals, provided for by law, the Department conducts on-site surveys of these and other similar facilities and enforces regulations.

EXHIBIT 2  
Page 1 of 2

David Tanoue  
August 25, 2011  
Page 2

It is our opinion that a proposed Hospice Hawaii 8-bed facility at the address listed above would meet the definition of "family" for the purposes of the Land Use Ordinances.

Thank you for consideration of this manner. Please feel free to contact me if you have further questions.

Sincerely,



Keith R. Ridley  
Chief, Office of Health Care Assurance

KR:sk

EXHIBIT 2

Page 2 of 2