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Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 10, 2024

Mr. John Summers, Vice President
Planning Consultants Hawaii, LLC
75 Wailani Street
Wailuku, Hawaii 96793

Via E-mail: jsummers@planningconsultantshawaii.com

Dear Mr. Summers:

**SUBJECT: BILL 67 (2024) AND BILL 68 (2024), COMMUNITY
PLAN AMENDMENT AND CHANGE IN ZONING
(CONDITIONAL ZONING) FOR QUEEN KA‘AHUMANU
CENTER (KAHULUI) (HLU-28)**

At its meeting of June 5, 2024, the Maui County Council’s Housing and Land Use Committee recommended Bill 67, CD1 (2024) and Bill 68, CD1 (2024), be passed on first reading. Under Section 19.510.050, Maui County Code, the Unilateral Agreement must be executed and received by the Committee before Bill 68, CD1 (2024), can be considered by the Council.

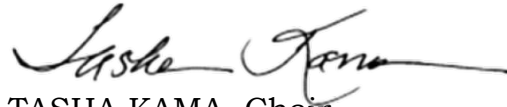
May I please request execution of the Unilateral Agreement, signed by the appropriate individual or individuals on behalf of the landowner, and three hard copy originals sent to: HLU Committee, Maui County Council, 200 South High Street, Room #703, Wailuku, Maui, Hawai‘i. To ensure efficient processing, please include “HLU-28” in the subject line of your response.

For your ease of reference, I am attaching a copy of Bill 68, CD1 (2024), and a form for the Unilateral Agreement that you may wish to consider using. Please consider using numeric rather than alpha exhibit references in your document. I encourage you to seek legal counsel before signing and notarizing the document. Please note that the County cannot provide you with legal advice.

Mr. John Summers
June 10, 2024
Page 2

May I further request your response by **June 19, 2024**. Should you have any questions, please contact me or the Committee staff (Paige Greco at 808-270-7660, Carla Nakata at 808-270-5519, or Jennifer Yamashita at 808-270-7143).

Sincerely,

A handwritten signature in black ink, appearing to read "Tasha Kama", with a long horizontal flourish extending to the right.

TASHA KAMA, Chair
Housing and Land Use Committee

hlu:ltr:028a01:cmn

Attachments

cc: Lemoire Czeisler, Vice President of Development, Pacific Retail Capital Partners
Kauwela Bisquera, General Manager, Queen Ka'ahumanu Center

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail (X) Pickup () To:

Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Total Number of Pages: _____

(Including exhibits, notary certification pages, and all other components)

Affects Tax Map Key (Maui) **TMK**

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, referred to as “***Declaration***” or “***Unilateral Agreement***,” is made this, _____ day of _____, 202__, by the following “Declarant,” who is the owner of real property located at **PROPERTY ADDRESS**, Hawaii, referred to as “***the Property***,” comprised of **SIZE** acres, and identified for real property tax purposes as Tax Map Key: **TMK**.

The Declarant is **NAME OF DECLARANT**, whose principal address is at **DECLARANT’S ADDRESS**, Hawaii, and whose authorized contact person is **ENTITY’S AUTHORIZED OFFICER, IF APPLICABLE**, who is currently **PERSON’S NAME, IF APPLICABLE**, and any of their successors.

WITNESSETH:

WHEREAS, the Council is considering the establishment of zoning for the Property, described in **Exhibit “1”** and more particularly identified in **Exhibit “2,”** Land Zoning Map L-**MAP NO.**; and

WHEREAS, the Council’s Housing and Land Use Committee recommended passage

on first reading of a Conditional Zoning bill in accordance with Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this Unilateral Agreement in accordance with Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. In accordance with Maui County Code. That this Declaration is made in accordance with the provisions of Section 19.510.050, Maui County Code, relating to Conditional Zoning;

2. Binding until Maui County written release. That until written release by the County of Maui, (a) the Property, and all its parts, are held subject to this Declaration's covenants, conditions, and restrictions, which are effective as to and run with the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like with respect to the Property by the Declarant, the County of Maui, or any successor or assign; (b) the acquisition of any right, title, or interest in or with respect to the Property by any person or entity constitute acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity; and (c) upon any transfer of any right, title, or interest in or with respect to the Property, the transferee assumes, is bound by, and is obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;

3. Running with the Land. That this Declaration and all of its covenants, conditions, and restrictions contained are effective as to and run with the land in perpetuity, or until the Declarant notifies the County Department of Planning that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the Department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. NAME OF DECLARANT as Declarant. That the term "Declarant" and any pronoun in reference to it, wherever used in this Declaration, means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and includes any corporation or any other entity, and means and includes NAME OF DECLARANT, as Declarant and the Declarant's successors and assigns;

5. Effective as of date Conditional Zoning ordinance approved. That this Declaration is fully effective on the effective date of the Conditional Zoning ordinance approving the establishment of a Change in Zoning from the EXISTING District to the PROPOSED District for the Property;

6. Develop consistent with Conditional Zoning conditions. That the Declarant agrees to develop the Property in conformance with the conditions stated in Exhibit "3" and in the Conditional Zoning ordinance;

7. Conditions reasonable and rationally related to public health, safety, and welfare. That the conditions imposed are reasonable and rationally related to the objective of preserving the public health, safety, and general welfare and fulfill the need for the public service demands created by the Property's proposed use;

8. Conditions enforceable by County of Maui. AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the conditions imposed in this Declaration run with the land identified in this Declaration and bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property. The Declarant further understands and agrees that the County of Maui has the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, with the understanding the Declarant or its successors and assigns may at any time file a petition with the County Department of Planning for the removal of the conditions and termination of this Unilateral Agreement, which will be processed in the same manner as petitions for Change in Zoning.

This Declaration may be executed in counterparts, each of which will be deemed to be an original, but all of which, taken together, constitute one and the same Declaration.

Any persons signing this Unilateral Agreement represent that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year indicated on the following notary public certification pages.

DECLARANT:

NAME OF DECLARANT

By: _____

NAME

POSITION, IF APPLICABLE

Approved as to Form and Legality:

By: _____

Print name:

Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this ____ day of _____, before me personally appeared NAME, to me personally known, who being by me duly sworn, did say that he/she is the CAPACITY of the DECLARANT, and that said instrument was signed on behalf of said DECLARANT by authority of its Board of Regents, and said NAME, as said CAPACITY, acknowledged said instrument to be the free act and deed of said DECLARANT.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Stamp or Seal

Notary Public, State of _____

Print Name: _____

My Commission Expires:_____

NOTARY PUBLIC CERTIFICATION

Doc Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

Notary Signature: _____

Date: _____

EXHIBIT "1"

Description of the Property

EXHIBIT "2"

LAND ZONING MAP L-MAP NO.

EXHIBIT "3"

CONDITIONS OF ZONING

ORDINANCE NO. _____

BILL NO. 68, CD1 (2024)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 33.764 ACRES IN KAHULUI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER)

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

SECTION 1. Under Chapters 19.20 and 19.510, Maui County Code, a change in zoning from M-2 Heavy Industrial District to B-3 Central Business District (conditional zoning) is granted for certain portions of real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-7-002:020, comprising 24.597 acres, and more particularly described in and attached as Exhibit "A," and in Land Zoning Map L-112, attached as Exhibit "B."

SECTION 2. Under Chapters 19.20 and 19.510, Maui County Code, a change in zoning from M-2 Heavy Industrial District to B-3 Central Business District (conditional zoning) is granted for certain portions of real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-7-002:023, comprising 2.915 acres, and more particularly described in and attached as Exhibit "C," and in Land Zoning Map L-113, attached as Exhibit "D."

SECTION 3. Under Chapters 19.20 and 19.510, Maui County Code, a change in zoning from M-2 Heavy Industrial District to B-3 Central Business District (conditional zoning) is granted for certain portions of real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-7-002:021, comprising 3.438 acres, and more particularly described in and attached as Exhibit "E," and in Land Zoning Map L-114, attached as Exhibit "F."

SECTION 4. Under Chapters 19.20 and 19.510, Maui County Code, a change in zoning from M-2 Heavy Industrial District to B-3 Central Business District (conditional zoning) is granted for certain portions of real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-7-002:027, comprising 1.182 acres, and more particularly described in and attached as Exhibit "G," and in Land Zoning Map L-115, attached as Exhibit "H."

SECTION 5. Under Chapters 19.20 and 19.510, Maui County Code, a change in zoning from M-2 Heavy Industrial District to B-3 Central Business District (conditional zoning) is granted for certain portions of real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-7-002:025, comprising 1.632 acres, and more particularly described in and attached as Exhibit "I," and in Land Zoning Map L-116, attached as Exhibit "J."

SECTION 6. All of the conditional zoning grants outlined are subject to the conditions established in Exhibit "K."

SECTION 7. In accordance with Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit “L.”

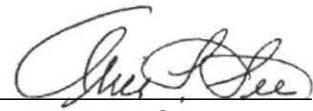
SECTION 8. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

hlu:misc:028acizbill02:cmn

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee", is positioned above a horizontal line.

ALICE L. LEE

Upon the request of the Mayor.

Exhibit "A"

DESCRIPTION

LOT A

MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also portions of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northwest corner of this lot on the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,982.53 feet North

6,336.25 feet East

and running by azimuths measured clockwise from True South:

1. 270° 00' 15" 571.89 feet along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu;
2. 270° 00' 15" 80.00 feet along the same;
3. 270° 00' 15" 247.47 feet along the same;
4. Thence along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainders of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant 3343 to Claus Spreckels on a curve to the left with a radius of 1,420.24 feet, the chord azimuth and distance being: 260° 09' 27.5" 485.75 feet;
5. 250° 18' 40" 213.35 feet along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainder Royal Patent Grant 3343 to Claus Spreckels;
6. 278° 36' 30" 39.22 feet along same;
7. 250° 21' 26.69 feet along same;

8.	340°	21'		56.90	feet along the Westerly side of Kane Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
9.	70°	17'	30"	256.48	feet along Lot C of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
10.	340°	17'	30"	64.62	feet along same;
11.	70°	17'	30"	256.00	feet along same;
12.	340°	17'	30"	8.45	feet along same;
13.	70°	17'	30"	1.10	feet along same;
14.	340°	17'	30"	3.00	feet along same;
15.	250°	17'	30"	0.75	feet along same;
16.	340°	17'	30"	248.38	feet along same;
17.	250°	17'	30"	512.50	feet along same;
18.	340°	21'		298.28	feet along the Westerly side of Kane Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
19.	70°	17'	30"	251.69	feet along Lot E of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
20.	160°	17'	30"	243.02	feet along Lot F-2 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
21.	115°	17'	30"	35.35	feet along same;
22.	70°	17'	30"	231.13	feet along same;
23.	63°	30'		63.52	feet along same;
24.	340°	17'	30"	119.64	feet along same;
25.	70°	17'	30"	70.68	feet along same;

26. 340° 17' 30" 12.01 feet along same;
27. 70° 17' 30" 53.62 feet along same;
28. 340° 17' 30" 8.17 feet along same;
29. 70° 17' 30" 86.33 feet along same;
30. 340° 17' 30" 273.01 feet along Lot F-2 and Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
31. 70° 17' 30" 620.93 feet along Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
32. 340° 17' 30" 38.69 feet along same;
33. 70° 17' 30" 158.40 feet along same;
34. 352° 30' 170.22 feet along same;
35. Thence along same on a curve to the right with a radius of 188.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 262° 30',
the radial azimuth from the radius point to the end of the curve being: 272° 42' 44",
and the chord azimuth and distance being:
357° 36' 22" 33.46 feet;
36. 301° 00' 60.92 feet along same;
37. Thence along same on a curve to the left with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 31° 00',
the radial azimuth from the radius point to the end of the curve being: 23° 20' 40",
and the chord azimuth and distance being:
297° 10' 20" 177.58 feet;
38. 203° 20' 40" 5.00 feet along same;

39. Thence along same on a curve to the left with a radius of 1,325.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 23° 20' 40",
the radial azimuth from the radius point to the end of the curve being: 22° 54' 40",
and the chord azimuth and distance being:
293° 07' 40" 10.02 feet;
40. 22° 54' 40" 5.00 feet along same;
41. Thence along same on a curve to the right with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 199° 30',
the radial azimuth from the radius point to the end of the curve being: 202° 54' 40",
and the chord azimuth and distance being:
291° 12' 20" 79.17 feet;
42. 19° 30' 16.00 feet along same;
43. 289° 30' 19.93 feet along same;
44. 70° 17' 30" 85.59 feet along same;
45. Thence along the Northeasterly side of South Wakea Avenue to a "T" Northeasterly of the end of Onehee Avenue on a curve to the right with a radius of 1,392.40 feet, the radial azimuth from the radius point to the beginning of the curve being: 16° 29' 36",
the radial azimuth from the radius point to the end of the curve being: 31° 04' 37",
and the chord azimuth and distance being:
113° 47' 06.5" 353.45 feet;
46. Thence along Lot G of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels on a curve to the left with a radius of 44.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 2° 12' 06",
the radial azimuth from the radius point to the end of the curve being: 286° 50',
and the chord azimuth and distance being:
234° 31' 03" 53.80 feet;

47. Thence along same on a curve to the left with a radius of 235.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 286° 50', the radial azimuth from the radius point to the end of the curve being: 262° 30', and the chord azimuth and distance being: 184° 40' 99.06 feet;
48. 172° 30' 164.27 feet along same;
49. 80° 10' 47.05 feet along same;
50. 155° 00' 111.20 feet along same;
51. 158° 00' 180.00 feet along same;
52. 248° 00' 52.98 feet along same;
53. 160° 17' 30" 75.25 feet along Lot G of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) and Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
54. 250° 17' 30" 240.28 feet along Lot B of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
55. 160° 17' 30" 63.14 feet along same;
56. 250° 17' 30" 83.62 feet along same;
57. 160° 17' 30" 157.46 feet along same;
58. 250° 17' 30" 1.50 feet along same;
59. 160° 17' 30" 205.00 feet along same;
60. 70° 17' 30" 237.59 feet along same;
61. 340° 17' 30" 67.02 feet along same;
62. 70° 17' 30" 87.62 feet along same;

63. 160° 21' 491.42 feet along the East End of Kea Street, Lot 13 of Wakea Avenue Industrial Subdivision No. 2 (Subdivision File No. 3.459-15 Lots Subdivision), and Lot 1 of Merchants Enterprises Subdivision (Subdivision File No. 3.1221), being also the remainders of Grant 1819 to Kahananui and Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kāmāmalu to the point of beginning and containing a gross area of 25.779 Acres excluding Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) with 1.182 Acres described as follows for a net area of 24.597 Acres.

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: 113° 17' 80.67 feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

7,449.07 feet East

and running by azimuths measured clockwise from True South:

1. 70° 17' 30" 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
115° 17' 30" 7.07 feet;
3. 160° 17' 30" 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
205° 17' 30" 2.83 feet;
5. 250° 17' 30" 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
205° 17' 30" 56.57 feet;

7. 160° 17' 30" 65.87 feet along same;
8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 70° 17' 26",
the radial azimuth from the radius point to the end of the curve being: 97° 14' 56",
and the chord azimuth and distance being:
173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along same;
10. 340° 17' 30" 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

Vehicular access will not be permitted into and from Kane Street, over and across Courses 1, 3, 4, 5, 6, 7, and 8 of the above described Lot A.

Vehicular access will not be permitted into and from Kane Street, over and across Course 2 of the above described Lot A.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

GSMS01

Maui Land & Pineapple Company Subdivision-Lot A

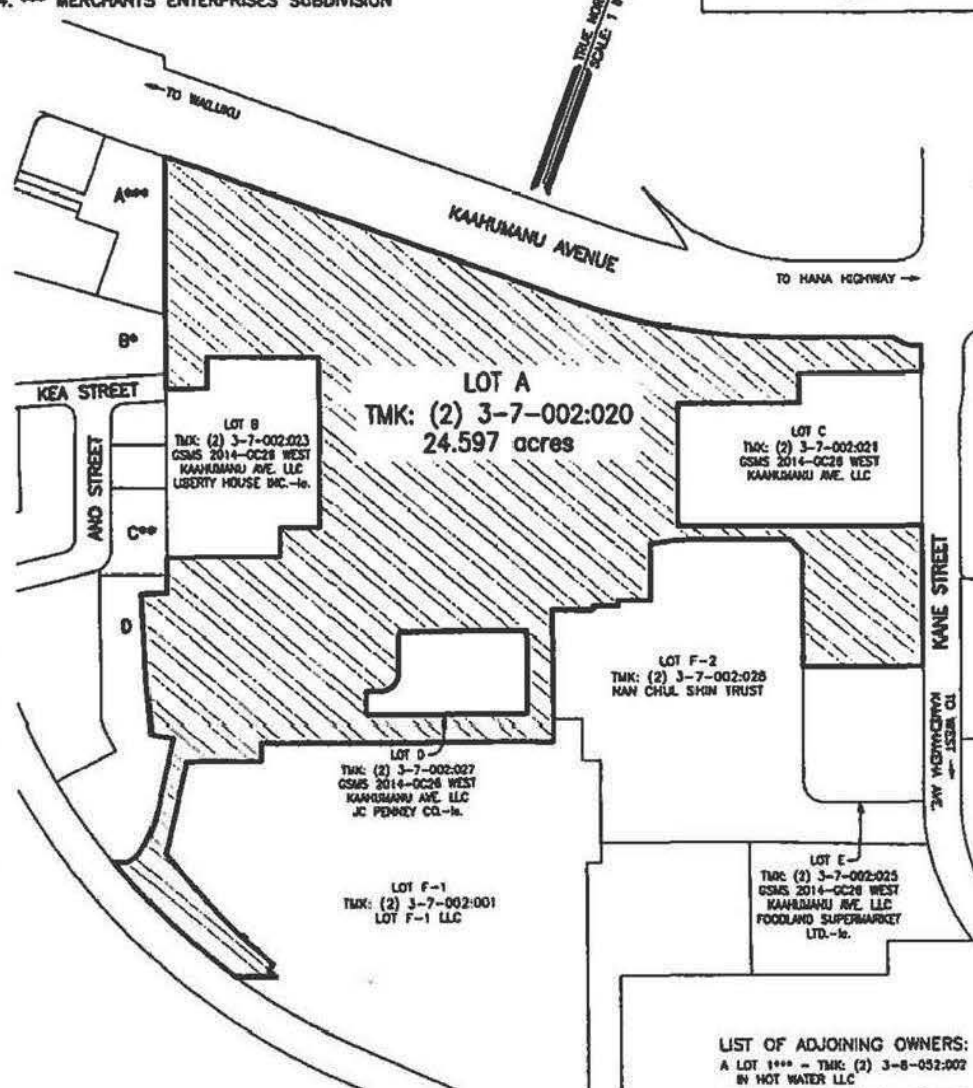
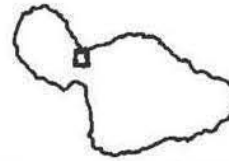
Page 7 of 7 Pages

Exhibit "B"

NOTES:

1. LOTS REFER TO MAUI LAND & PINEAPPLE COMPANY SUBDIVISION UNLESS OTHERWISE NOTED.
2. * LOTS REFER TO WAKEA INDUSTRIAL SUBDIVISION NO. 2
3. ** CONSOLIDATION OF LOTS 10 & 11 INTO ONE-WAKEA INDUSTRIAL SUBDIVISION NO. 2
4. *** MERCHANTS ENTERPRISES SUBDIVISION

VICINITY MAP



LIST OF ADJOINING OWNERS:

- A LOT 1*** - TMK: (2) 3-8-052:002
IN HOT WATER LLC
- B LOT 13* - TMK: (2) 3-8-052:005
ARS HOLDING LLC
- C LOT 12-A** - TMK: (2) 3-8-052:008
PMG HOLDINGS INC.
- D LOT G - TMK: (2) 3-8-052:009
EASTER SEALS MAHAI MAUI CAMPUS
FOR DISABILITY SERVICES COMBO

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:020

AREA

24.597 ACRES

LAND ZONING MAP NO. L-112

CHANGE IN ZONING - KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

Exhibit "C"

DESCRIPTION

LOT B

MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot B of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northwesterly corner of this lot on the Easterly side of the end of Kea Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,519.73 feet North

6,501.51 feet East

and running by azimuths measured clockwise from True South:

- | | | |
|-----|--------------|---|
| 1. | 250° 17' 30" | 87.62 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels; |
| 2. | 160° 17' 30" | 67.02 feet along same; |
| 3. | 250° 17' 30" | 237.59 feet along same; |
| 4. | 340° 17' 30" | 205.00 feet along same; |
| 5. | 70° 17' 30" | 1.50 feet along same; |
| 6. | 340° 17' 30" | 157.46 feet along same; |
| 7. | 70° 17' 30" | 83.62 feet along same; |
| 8. | 340° 17' 30" | 63.14 feet along same; |
| 9. | 70° 17' 30" | 240.28 feet along same; |
| 10. | 160° 17' 30" | 166.62 feet along Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), also being also the remainder of Royal Patent Grant 3343 to Claus Spreckels; |

11. 160° 21'

191.96 feet along Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), Lot 12-A and Lot 12-B of the Wakea Industrial Subdivision No. 2, Subdivision of Lot 12 into Lots 12-A and 12-B (Subdivision File No. 3.459), and the Northeasterly side of the end of Kea Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 2.915 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

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Wailuku, Hawaii 96793
October 18, 2023

GSMS01

Sharon Y. Toyama
Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

Exhibit "D"

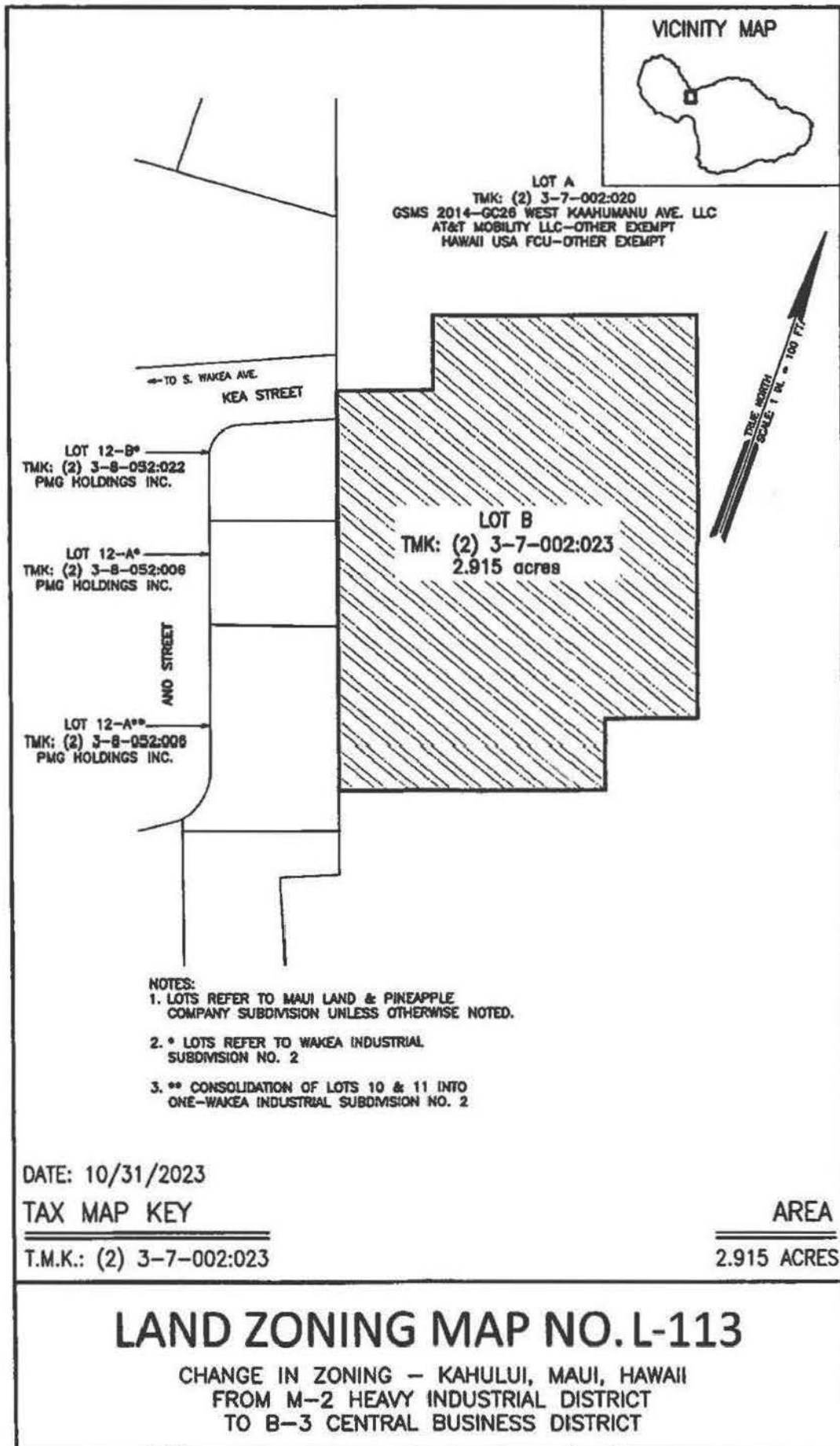


Exhibit "E"

DESCRIPTION

LOT C

MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot C of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this lot on the Westerly side of the Kane Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

3,086.90 feet North

7,998.14 feet East

and running by azimuths measured clockwise from True South:

1. 340° 21' 324.45 feet along the Westerly side of Kane Street;
2. 70° 17' 30" 512.50 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
3. 160° 17' 30" 248.38 feet along same;
4. 70° 17' 30" 0.75 feet along same;
5. 160° 17' 30" 3.00 feet along same;
6. 250° 17' 30" 1.10 feet along same;
7. 160° 17' 30" 8.45 feet along same;
8. 250° 17' 30" 256.00 feet along same;
9. 160° 17' 30" 64.62 feet along same;
10. 250° 17' 30" 256.48 feet along same to the point of beginning and containing an area of 3.438 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

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Exhibit "F"

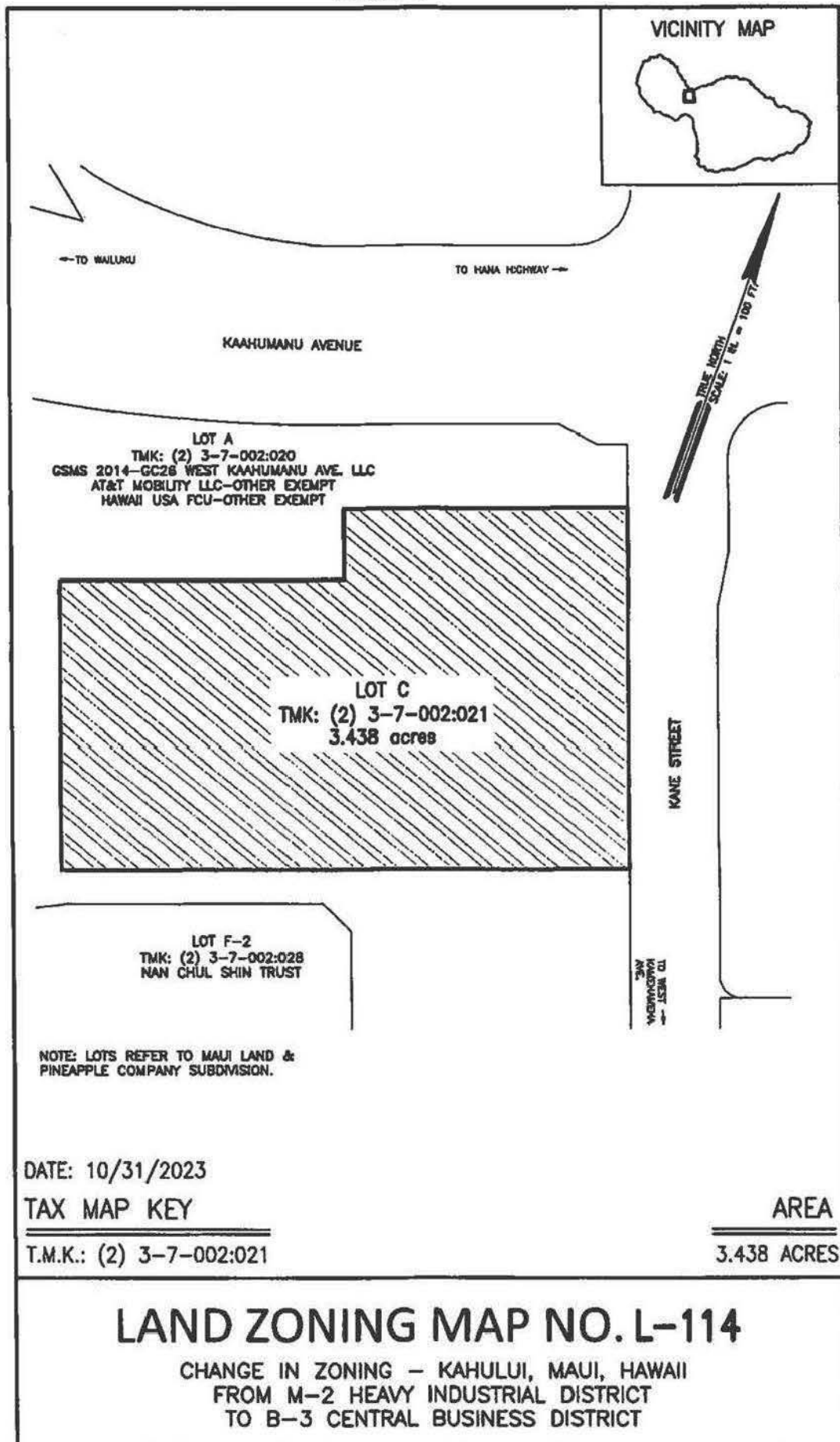


Exhibit "G"

DESCRIPTION

LOT D

MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: $113^{\circ} 17' 80.67$ feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

7,449.07 feet East

and running by azimuths measured clockwise from True South:

1. $70^{\circ} 17' 30''$ 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
 $115^{\circ} 17' 30''$ 7.07 feet;
3. $160^{\circ} 17' 30''$ 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 2.83 feet;
5. $250^{\circ} 17' 30''$ 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 56.57 feet;
7. $160^{\circ} 17' 30''$ 65.87 feet along same;

8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $70^{\circ} 17' 26''$,
the radial azimuth from the radius point to the end of the curve being: $97^{\circ} 14' 56''$,
and the chord azimuth and distance being:
 $173^{\circ} 46' 13''$ 18.65 feet;
9. $250^{\circ} 17' 30''$ 271.65 feet along same;+
10. $240^{\circ} 17' 30''$ 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
 $25^{\circ} 17' 30''$ 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

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Sharon Y. Toyama

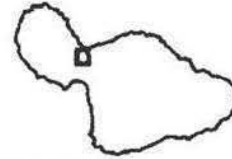
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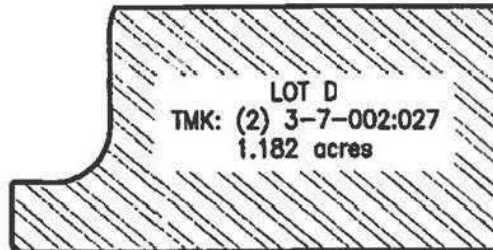
GSMS01

Exhibit "H"

VICINITY MAP



LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC28 WEST KAHUMANU AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT



LOT D
TMK: (2) 3-7-002:027
1.182 acres



LOT F-2
TMK: (2) 3-7-002:028
NAN CHUL SHIN TRUST

LOT F-1
TMK: (2) 3-7-002:001
LOT F-1 LLC

NOTE: LOTS REFER TO MAUI LAND &
PINEAPPLE COMPANY SUBDIVISION.

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:027

AREA

1.182 ACRES

LAND ZONING MAP NO. L-115

CHANGE IN ZONING - KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

Exhibit "I"

DESCRIPTION

LOT E

MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot E of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot on the Westerly side of the Kane Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,232.63 feet North

8,303.17 feet East

and running by azimuths measured clockwise from True South:

1. 270° 17' 30" 206.40 feet along Lot F-2 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:
115° 17' 30" 63.64 feet;
3. 160° 17' 30" 239.36 feet along same;
4. 250° 17' 30" 251.69 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
5. 340° 17' 30" 284.36 feet along the Westerly side of Kane Street to the point of beginning and containing an area of 1.632 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

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October 18, 2023

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Exhibit "J"

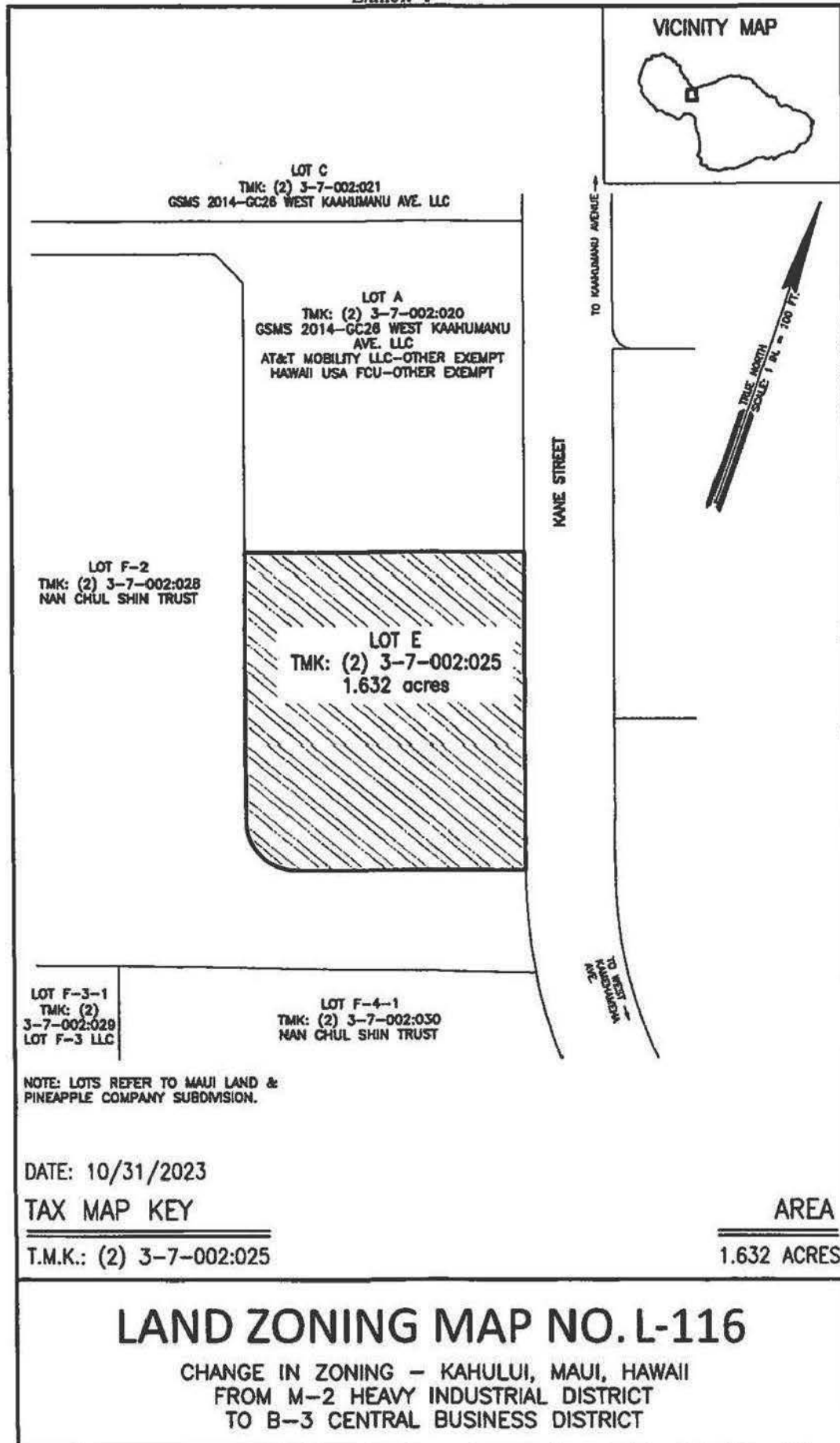


Exhibit “K”

CONDITIONS OF ZONING

“Developer” means any current or future developer or owner of any property that is subject to this Change in Zoning.

1. In the B-3 Central Business District-zoned areas, building heights must not exceed 90 feet.

2. In the B-3 Central Business District-zoned areas, a minimum of one off-street parking space must be provided for each multi-family dwelling unit with less than 1,500 square feet of floor area.

3. For any development that includes residential uses, the Developer must comply with the provisions of Chapter 2.96, Maui County Code, or any other law in effect at the time of application. If the County requests residential workforce housing units beyond the number required by law or restrictions on residential workforce housing units beyond the restrictions required by the Maui County Code, the Developer must negotiate in good faith with the County on a Memorandum of Agreement that would provide the needed support to make the requests financially viable. This support may include County incentives, subsidies, financial grants, expedited project review, infrastructure, flexible parking standards, and other means of support. Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet. The Developer must provide a report to the Planning Director and the Council documenting the number of meetings, participants, the outcome of meetings, and any final agreements reached to achieve the County’s requests and other communications held between the Developer and the County.

4. Prior to obtaining a Special Management Area Major permit for any redevelopment within the project area that exceeds the height of the existing development, the Developer must:

- a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the ‘Iao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project’s master plan including proposed urban design and building form.
- c. Provide comments to the Planning Director obtained from the County’s Urban Design Review Board on any future housing project’s master plan, preliminary site plan, and building elevations

Exhibit “K”

prior to the Maui Planning Commission’s action on the Special Management Area permit.

hlu:misc:028aconditions02:cmn