

REQUEST FOR LEGAL SERVICES

D a t e: May 24, 2024
F r o m: Tasha Kama, Chair
Housing and Land Use Committee

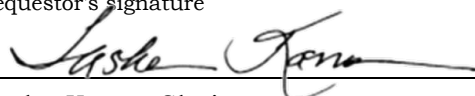
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Kristin Tarnstrom, Esq.

Subject: BILL 67 (2024) AND BILL 68 (2024), COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING (CONDITIONAL ZONING) FOR QUEEN KAAHUMANU CENTER (KAHULUI) (HLU-28)

Background Data: Please see revised bills. Please submit your response to hlu.committee@mauicounty.us with a reference to HLU-28.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

<p>Requestor's signature</p>  <p>Tasha Kama, Chair</p>	<p>Contact Person</p> <p><u>Carla Nakata or Paige Greco</u> (Telephone Extension: <u>5519 or 7660, respectively</u>)</p>
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): May 28, 2024
REASON: For posting on June 5, 2024, HLU Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ [] APPROVED ☐ [] DISAPPROVED ☐ [] OTHER (SEE COMMENTS BELOW)
☐ [] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

hlu:ltr:028acc01:cmn

Attachments

ORDINANCE NO. _____

BILL NO. 67, CD1 (2024)

A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI
COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY
INDUSTRIAL TO BUSINESS/COMMERCIAL FOR 6.842
ACRES IN KAHULUI, MAUI, HAWAI‘I, IDENTIFIED AS TAX MAP KEYS
(2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KA‘AHUMANU
CENTER), AND TO AMEND THE TEXT OF THE WAILUKU-KAHULUI
COMMUNITY PLAN (2002), AS AMENDED

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

SECTION 1. Under Chapter 2.80B, Maui County Code, a Community Plan Amendment from Heavy Industrial to Business/Commercial is granted for certain real property situated at Kahului, Maui, Hawai‘i, and identified for real property tax purposes as a portion of tax map key (2) 3-7-002:020, comprising 5.66 acres, and more particularly described in and attached as Exhibit “A,” and in Community Plan Map 542, attached as Exhibit “B.”

SECTION 2. Under Chapter 2.80B, Maui County Code, a Community Plan Amendment from Heavy Industrial to Business/Commercial is granted for certain real property situated at Kahului, Maui, Hawai‘i, and 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 “C,” and in Community Plan Map 543, attached as Exhibit “D.”

SECTION 3. Under Chapter 2.80B, Maui County Code, Part III.D.1 of the Wailuku-Kahului Community Plan (2002), adopted by Ordinance 3061, as amended, “POLICY RECOMMENDATIONS, IMPLEMENTING ACTIONS AND

STANDARDS FOR THE WAILUKU-KAHULUI REGION; Planning Standards; Land

Use,” is amended by inserting the following entry after the end of c., to read as follows:

“d. Queen Ka‘ahumanu Center, at 275 West Ka‘ahumanu Avenue, has experienced economic distress caused by the historic shift from brick-and-mortar retail to online retail and evolving consumer preferences following the COVID-19 pandemic. As a result, the shopping center is at risk of divestment and blight.

The Queen Ka‘ahumanu Community Center Revitalization and Infill Project is approximately 33.8 acres and encompasses the parking lots, commercial buildings, and ancillary areas that comprise Queen Ka‘ahumanu Center (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). The goal is to breathe new life into Queen Ka‘ahumanu Center by repurposing its expansive parking lots and underutilized commercial spaces with a more appropriate and vibrant, economically sustainable mix of residential, service, retail, office, and open- or green-space.

The project area will be revitalized with a mix of uses that complement and provide demand for retail areas while also providing the community with nearby amenities to serve them and their families. The project will stimulate Kahului’s urban core and make better use of expansive surface parking lots to include more uses, such as smaller retail spaces, recreational green spaces, plazas and pedestrian-friendly spaces, services, housing, and similar accessory uses.

An emphasis will be placed on the development of multifamily housing to address Maui’s acute shortage of housing inventory, including affordable, workforce, and special needs housing. The County should explore a public-partnership agreement that offers incentives, such as financial participation, expedited project review, infrastructure and public-facility support, and flexible height and parking standards. In exchange, the owner would agree to provide additional deed-restricted affordable and workforce housing for Maui residents beyond what is required by existing law.

The project’s architectural design will incorporate best practices for environmental sustainability, respect Maui’s unique culture and sense of place, and pay homage to the legacy of Queen Ka‘ahumanu. Future planning should create spaces that are human in scale, reduce dependence on the automobile, and

strengthen the region's identity. The project should maintain compatible scale relationships between the existing low-scale character of the area, adjacent public uses, and higher buildings. Higher building forms up to nine stories, with a maximum height of 90 feet, should be sited in the central portion of the block.

Building heights along the perimeter should provide a transition in scale to adjacent public and quasi-public uses. Commercial uses along the perimeter of street frontages should be lower-rise and provide sufficient setbacks to allow landscaped buffers. The project should mitigate its impacts to mauka and makai viewsheds and, where feasible, incorporate these scenic resources into the project design. Native trees, greenery, and color landscaping will be used to soften the built environment, provide a sense of scale and contrast, reduce heat, and provide color and shade. The project area's existing large canopy trees should be preserved. Preference should be given to the use of appropriate native trees, shrubs, and grasses.

The project will collaborate with the County and surrounding property owners to implement the Ka'ahumanu Avenue Community Corridor Action Plan and create safer connections and access to the harbor, Ho'aloa Park, transit, and nearby public and civic spaces. For instance, the project should connect with the Hawai'i Housing Finance and Development Corporation's proposed development next to the Central Maui Transit Hub and allow for a more contiguous corridor that defines the pedestrian experience and improves public spaces."

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

hlu:misc:028acpabill01

Exhibit "A"

DESCRIPTION

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

Being a portion of Lot A 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 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:

2,350.49 feet North

7,431.10 feet East

and running by azimuths measured clockwise from True South:

1. 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;
2. 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;
3. 340° 17' 30" 38.69 feet along same;
4. 70° 17' 30" 158.40 feet along same;
5. 352° 30' 170.22 feet along same;
6. 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;
7. 301° 00' 60.92 feet along same;

8. 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: $31^{\circ} 00'$,
the radial azimuth from the radius point to the end of the curve being: $23^{\circ} 20' 40''$,
and the chord azimuth and distance being:
 $297^{\circ} 10' 40''$ 177.58 feet;
9. $203^{\circ} 20' 40''$ 5.00 feet along same;
10. 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: $23^{\circ} 20' 40''$,
the radial azimuth from the radius point to the end of the curve being: $22^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $293^{\circ} 07' 20''$ 10.02 feet;
11. $22^{\circ} 54' 40''$ 5.00 feet along same;
12. 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: $199^{\circ} 30'$,
the radial azimuth from the radius point to the end of the curve being: $202^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $291^{\circ} 12' 20''$ 79.17 feet;
13. $19^{\circ} 30'$ 16.00 feet along same;
14. $289^{\circ} 30'$ 19.93 feet along same;
15. $70^{\circ} 17' 30''$ 85.59 feet along same;
16. 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: $16^{\circ} 29' 36''$,
the radial azimuth from the radius point to the end of the curve being: $31^{\circ} 04' 37''$,
and the chord azimuth and distance being:
 $113^{\circ} 47' 06.5''$ 353.45 feet;

17. 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: $2^{\circ} 12' 06''$, the radial azimuth from the radius point to the end of the curve being: $286^{\circ} 50'$, and the chord azimuth and distance being: $234^{\circ} 31' 03''$ 53.80 feet;
18. 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: $286^{\circ} 50'$, the radial azimuth from the radius point to the end of the curve being: $262^{\circ} 30'$, and the chord azimuth and distance being: $184^{\circ} 40'$ 99.06 feet;
19. $172^{\circ} 30'$ 164.27 feet along same;
20. $80^{\circ} 10'$ 47.05 feet along same;
21. $155^{\circ} 00'$ 111.20 feet along same;
22. $158^{\circ} 00'$ 180.00 feet along same;
23. $248^{\circ} 00'$ 52.98 feet along same;
24. $253^{\circ} 01' 10''$ 819.20 feet along the remainder of 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 to the point of beginning and containing a gross area of 6.842 Acres excluding Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) of 1.182 Acres described as follows for a net area of 5.660 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: $113^{\circ} 17' 80.67$ 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. $340^{\circ} 17' 30''$ 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).

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

Exhibit "B"

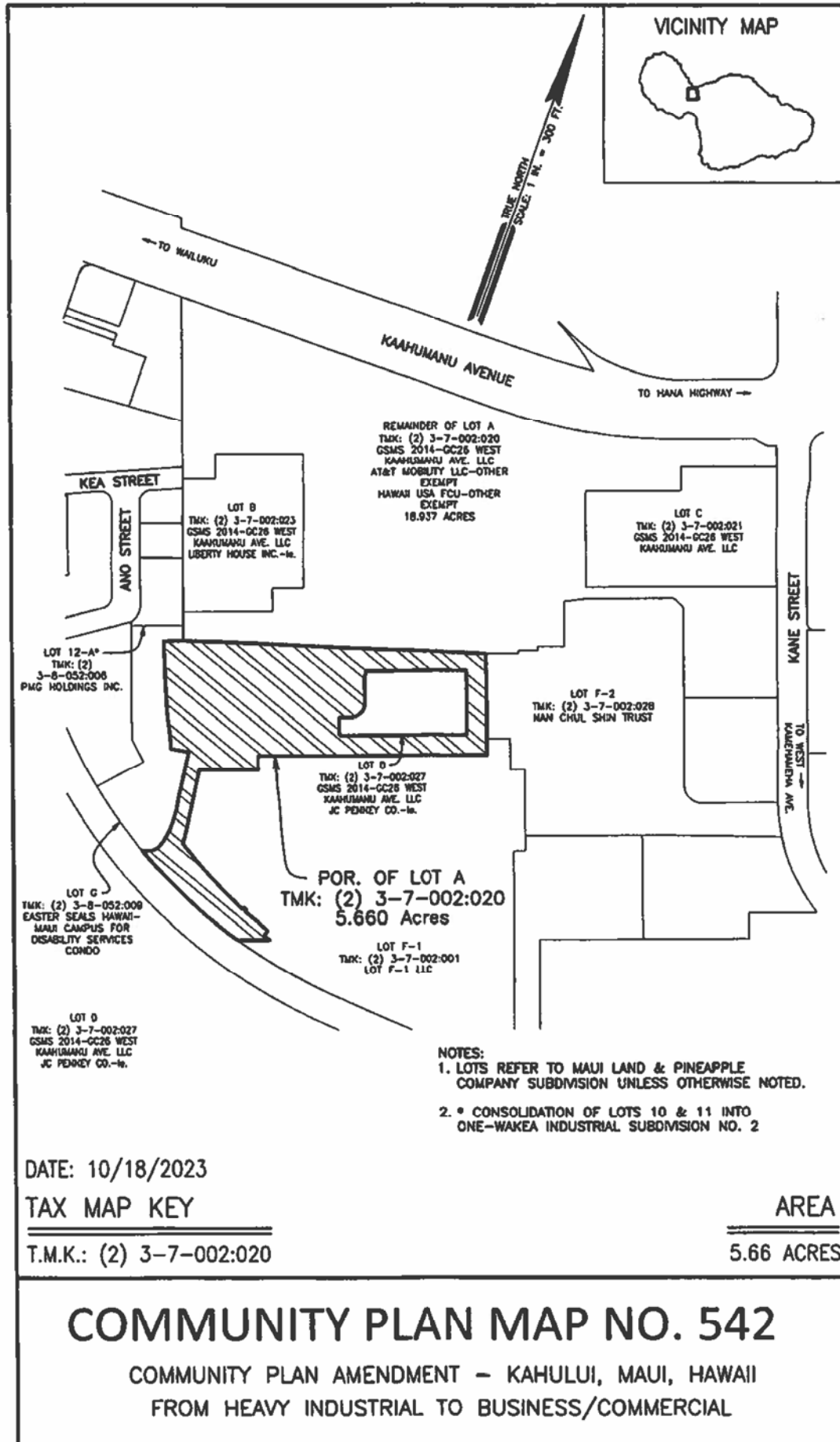


Exhibit "C"

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° 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. 240° 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).

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

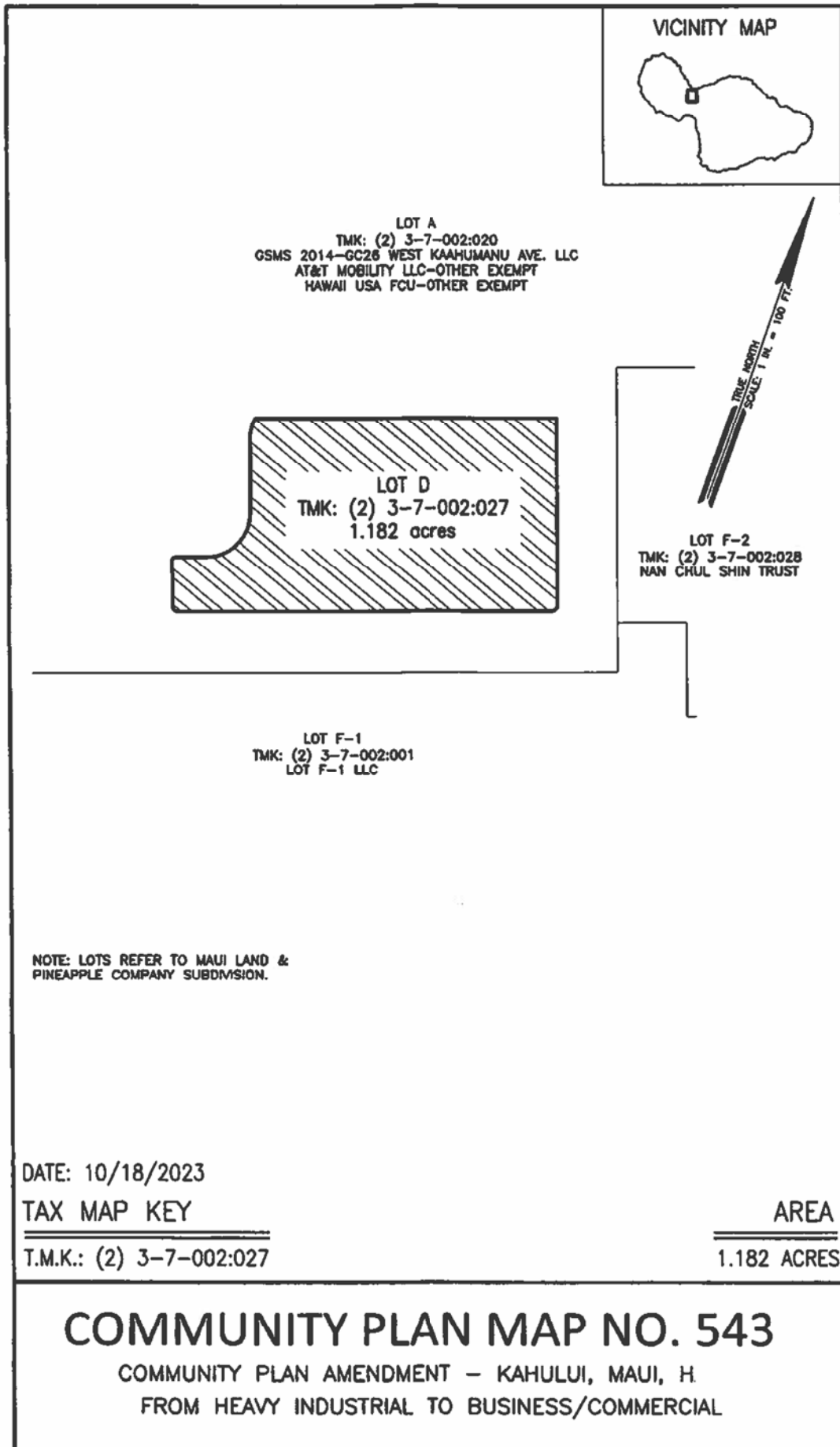
Sharon Y. Toyama

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

Exhibit "D"



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 APPROXIMATELY 33.8 ACRES IN KAHULUI, MAUI, HAWAI'I, 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:028acizbill01

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: $286^{\circ} 50'$, the radial azimuth from the radius point to the end of the curve being: $262^{\circ} 30'$, and the chord azimuth and distance being: $184^{\circ} 40'$ 99.06 feet;
48. $172^{\circ} 30'$ 164.27 feet along same;
49. $80^{\circ} 10'$ 47.05 feet along same;
50. $155^{\circ} 00'$ 111.20 feet along same;
51. $158^{\circ} 00'$ 180.00 feet along same;
52. $248^{\circ} 00'$ 52.98 feet along same;
53. $160^{\circ} 17' 30''$ 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. $250^{\circ} 17' 30''$ 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. $160^{\circ} 17' 30''$ 63.14 feet along same;
56. $250^{\circ} 17' 30''$ 83.62 feet along same;
57. $160^{\circ} 17' 30''$ 157.46 feet along same;
58. $250^{\circ} 17' 30''$ 1.50 feet along same;
59. $160^{\circ} 17' 30''$ 205.00 feet along same;
60. $70^{\circ} 17' 30''$ 237.59 feet along same;
61. $340^{\circ} 17' 30''$ 67.02 feet along same;
62. $70^{\circ} 17' 30''$ 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. Kamamalu 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

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October 18, 2023

GSMS01

Maui Land & Pineapple Company Subdivision-Lot A

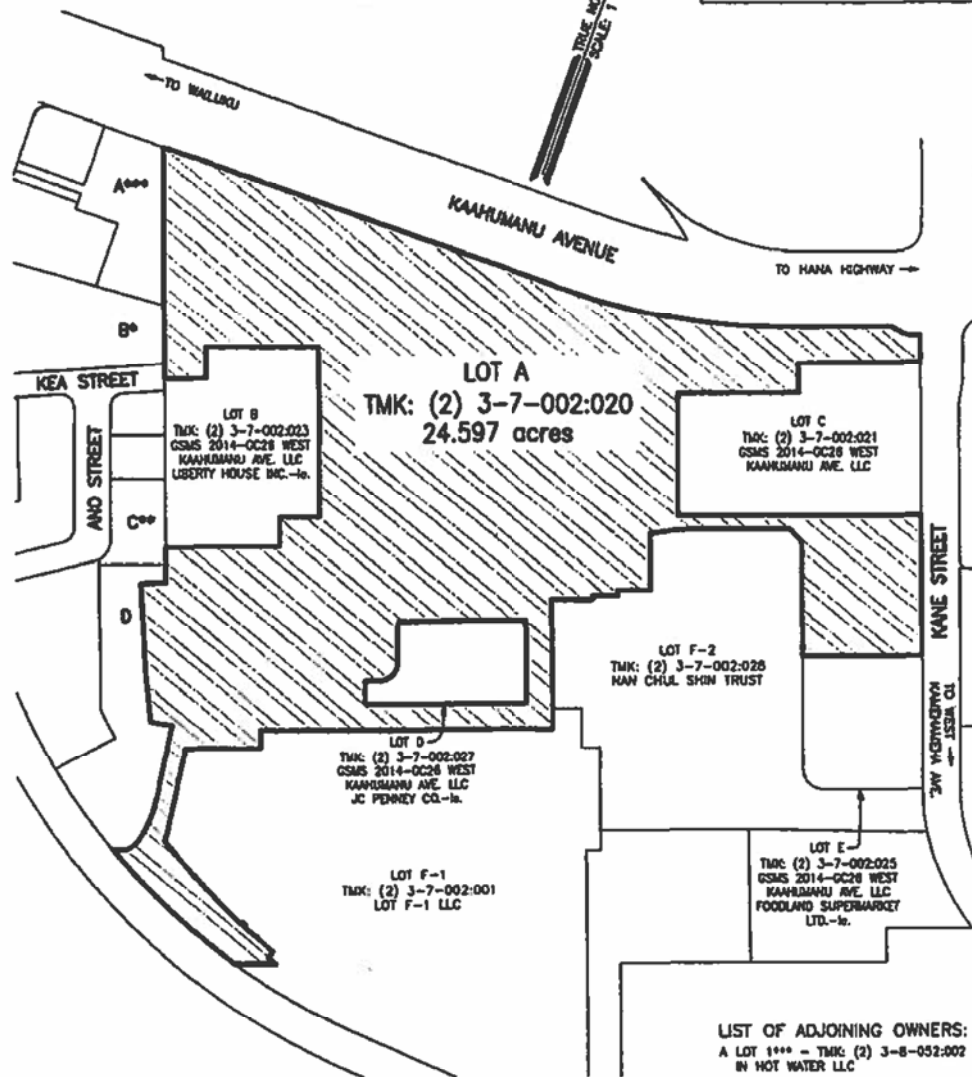
Page 7 of 7 Pages

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) 3-8-052:006
PMG HOLDINGS INC.
- D LOT G - TMK: (2) 3-8-052:008
EASTER SEALS HAWAII MAUI CAMPUS
FOR DISABILITY SERVICES CONDO

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 Northwestern 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.



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October 18, 2023

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Exhibit "D"

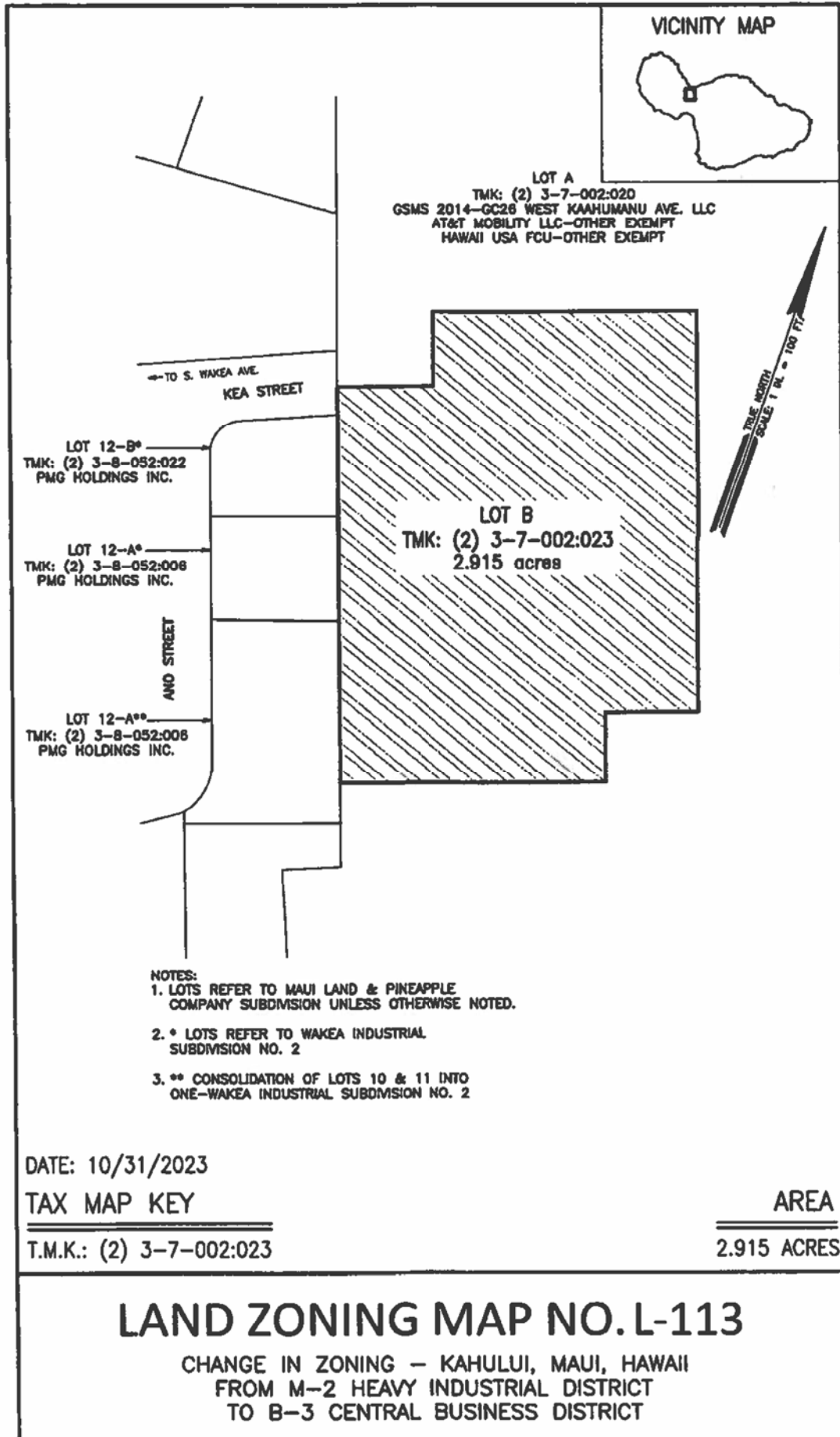


Exhibit "E"

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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October 18, 2023

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Exhibit "F"

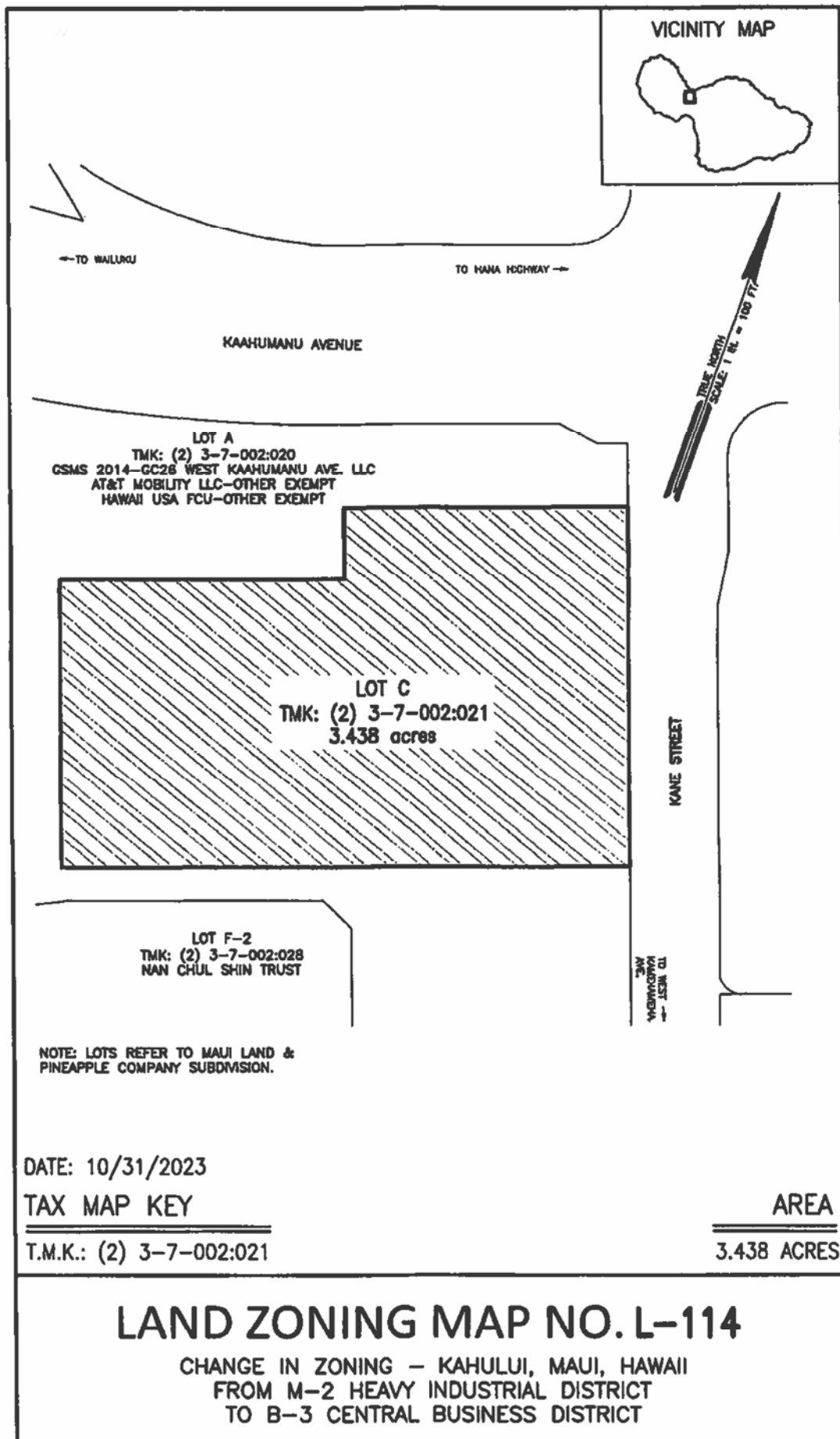


Exhibit "G"

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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October 18, 2023

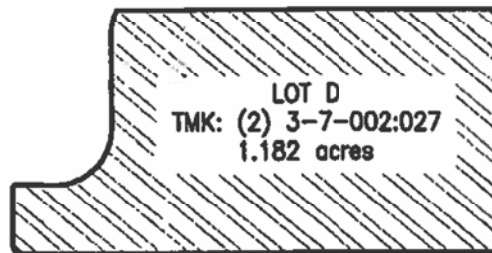
GSMS01

Exhibit "H"

VICINITY MAP



LOT A
TMK: (2) 3-7-002:020
GSMS 2014-CC28 WEST KAAHUMANU 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).

This work was prepared by me
or under my supervision.



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October 18, 2023

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Exhibit "J"

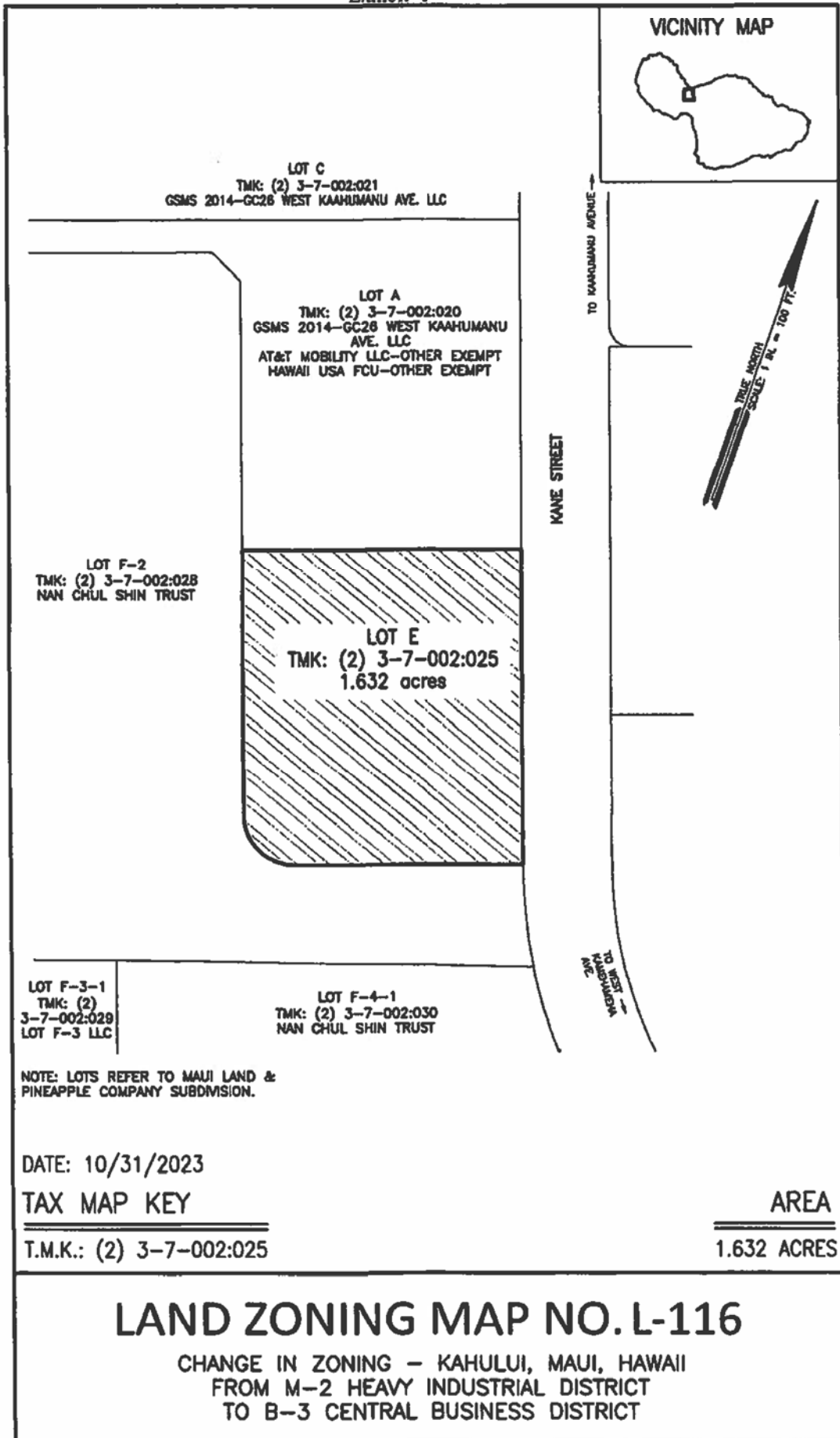


Exhibit “K”

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 multifamily dwelling unit with less than 1,500 square feet of floor area.

3. If the Developer seeks to build housing units, the Developer must obtain a Memorandum of Agreement with the County stating that the property owner must provide deed-restricted housing units, in addition to units required to satisfy Chapter 2.96, Maui County Code, or any other law, in exchange for County incentives, subsidies, or both. 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 additional deed-restricted workforce housing units in excess of the units required by law and other communication between the Developer and the County.

4. Prior to obtaining a Special Management Area permit, 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 prior to the Maui Planning Commission's action on the Special Management Area permit.