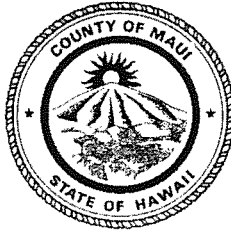


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 244-2646

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

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MEMO TO: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

FROM: Mimi DesJardins
Deputy Corporation Counsel

DATE: October 11, 2018

SUBJECT: **NEW KAHULUI COMMUNITY CENTER FACILITY** (PRL-32)

On September 27, 2018, our Department received your memorandum dated September 26, 2018, inquiring about the current status of the proposed new Kahului Community Center Project ("Project"). Our department was unable to provide information by the due date of October 1, 2018, but we do have some additional information to provide at this time.

A site inspection of the proposed Project location took place on October 5, 2018, and was attended by personnel from the following: Department of Parks and Recreation ("DPR"); SSFM, Inc., the planning consultants hired by DPR; A&B, Inc., the current landowners; your office; and the Department of the Corporation Counsel.

A meeting between the Departments of Housing and Human Concerns, Public Works, Parks and Recreation, and Corporation Counsel was initially scheduled for October 4, but was cancelled due to availability issues of the participants. Another meeting time is currently being rescheduled. The purpose of the meeting is to determine whether all the conditions contained in Exhibit "B", paragraph 7 of Ordinance 3559 (2008) (Maui Business Park Phase II) have been complied with. A partial copy of the Ordinance is attached here for your review.

Don S. Guzman, Chair

October 11, 2018

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Since Ordinance 3559 (2008) was passed, the area containing the Project site has been subdivided. Documents showing a topographical survey, Archeological Inventory Survey (2010), and a final EIS (2011), all including the Project site, have been received by the County. Once all the departments involved share this information with each other, and then meet to discuss whether they are satisfied that all conditions have been met and that this location is acceptable, the next step would be to execute a mutually acceptable form of the deed transferring the property from A&B, Inc. to the County of Maui.

One issue that needs to be considered is whether the AIS, EIS and topographical surveys, all of which were completed in 2008 and 2011, need to be updated as a matter of law. This will be part of the discussion at the meeting being coordinated between departments.

As far as a time-frame in which this will be accomplished, our department does not have an indication right now as to how long this will take.

cc: Will Spence, Director, Department of Housing and Human Concerns
David Goode, Director, Department of Public Works
Ka'ala Buenconsejo, Director, Department of Parks and Recreation

ORDINANCE NO. 3559

BILL NO. 39 (2008)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
AGRICULTURAL, M-2 HEAVY INDUSTRIAL, AND R-1 RESIDENTIAL
DISTRICTS TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING)
FOR THE MAUI BUSINESS PARK PHASE II PROJECT FOR
PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII

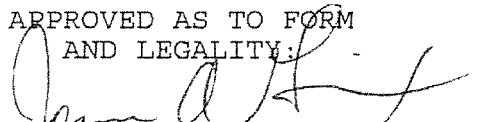
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.24 and 19.510, Maui County Code, a change in zoning from Agricultural, M-2 Heavy Industrial, and R-1 Residential Districts to M-1 Light Industrial District (Conditional Zoning) is hereby granted for those certain parcels of land situated at Kahului, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Numbers: (2)3-8-001:002 (portion), (2) 3-8-006:004 (portion), and (2)3-8-079:013, comprising approximately 179 acres, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-210, which is on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "B", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "C".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui

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EXHIBIT "B"

CONDITIONS OF ZONING

1. That Alexander & Baldwin, Inc. shall work with the Department of Parks and Recreation and the Department of Public Works to evaluate the feasibility of utilizing the existing drainage basins adjacent to the South Project Area for open area recreational purposes. If the Department of Parks and Recreation, the Department of Public Works, and Alexander & Baldwin, Inc. agree that the drainage basins or portions thereof can be feasibly used for recreational purposes, Alexander & Baldwin, Inc. and the Department of Parks and Recreation shall either (a) agree upon the terms of the dedication of the drainage basins to the County for review and approval by the Council, or (b) if the drainage basins will not be dedicated to the County, establish appropriate protocols for private third-party user(s) to maintain and exercise stewardship over the area. Alexander & Baldwin, Inc. shall not be entitled to any "park credits" under Section 18.16.320, Maui County Code, for the use of the drainage basins for park purposes.
2. That Alexander & Baldwin, Inc. shall participate with the State Department of Transportation in providing partial financing for the landscaping along the adjacent portions of the planned Airport Access Road. Landscape plans shall be submitted to the Maui Urban Design Review Board for its review and approval.
3. To reduce the use of potable water for landscape irrigation and other non-potable purposes, Alexander & Baldwin, Inc. shall design and install the Project's irrigation system to enable future connection to a County reclaimed water source or other approved non-potable water source. In the event a County reclaimed water line is extended to the subject property, Alexander & Baldwin, Inc. shall pay its pro-rata fair share of said County reclaimed water system improvements. If the County's planning, design and fair-share cost allocation methodology for the reclaimed water system to service the subject property is not completed prior to the initial increment's final subdivision approval, this condition shall be deemed null and void.
4. That the Department of Water Supply shall confirm the availability of potable water for the Project prior to Alexander & Baldwin, Inc.'s receipt of final subdivision approval of the initial increment of the Project and the sale of subdivided lots. A letter from the Department of Water Supply or other evidence of potable water availability (e.g., bilateral agreement) shall be submitted to the Department of Planning for its files. Alexander & Baldwin, Inc. shall comply with Section 14.12.040, Maui County Code.

5. That Alexander & Baldwin, Inc. shall work with the Department of Planning to develop appropriate standards to soften the visual impact of buildings developed at the Project.
6. That no further expansion of Maui Business Park beyond Phase II shall be undertaken unless adequate buffers are developed to mitigate impacts to ongoing agricultural operations at the Puunene Mill.
7. That Alexander & Baldwin, Inc. shall provide land for affordable housing, a community multi-purpose center, and park purposes at the approximate location of the terminus of Kamehameha Avenue, near the new Maui Lani Park and Pomaikai Elementary School, as follows:
 - a. Approximately 40 acres for affordable housing purposes;
 - b. Approximately 7 acres for a Kahului community multi-purpose center; and
 - c. Approximately 3 acres for park purposes.

The precise location of these lands shall be acceptable to the Department of Housing and Human Concerns and the Department of Parks and Recreation, and Alexander & Baldwin, Inc. shall perform archaeological and topographic surveys of the land for the County's evaluation of the property's acceptability.

8. That the South Project Area shall be constructed in increments of not greater than seventy (70) acres at a time. Alexander & Baldwin, Inc. shall provide a phasing plan to the Department of Planning and the Department of Public Works prior to the submission of a subdivision application to subdivide lands within the South Project Area. (W-K Community Plan, Planning Standards)
9. That building permits shall not be authorized for each increment until completion of the infrastructure construction for the prior increment of the South Project Area. Alexander & Baldwin, Inc. shall provide written verification of the completion of the infrastructure construction for the prior increment to the Department of Planning and to the Department of Public Works prior to or at the time of issuance of the first building permit for the succeeding increment. (W-K Community Plan, Planning Standards)
10. That the Hookele Street Extension or similar thoroughfare shall be constructed concurrently with the development of the first increment of the South Project Area, and shall maintain a "view corridor" toward Haleakala. (W-K Community Plan, Planning Standards)

11. That Alexander & Baldwin, Inc. shall provide a landscaped aesthetic visual corridor along all adjacent highways. Such landscaping plans shall be submitted to the Department of Planning for review and approval. (W-K Community Plan, Planning Standards)
12. That a landscaped berm utilizing trees and shrubbery shall be constructed along the entire proposed collector road (Hookele Street Extension) to soften the visual impact of the buildings along the road. Ingress/egress or other improvements mandated by engineering safety standards shall be exempt. (W-K Community Plan, Planning Standards)
13. That to the extent practical, alternative energy shall be utilized, including, but not limited to, the use of solar energy to heat water. (W-K Community Plan, Planning Standards)
14. That to the extent practical, underground utilities and low impact lighting to preserve the visual appearance of the area shall be utilized. (W-K Community Plan, Planning Standards)
15. That signalized intersections shall be minimized on the Hookele Street Extension, and shall be installed only when warranted by standard traffic engineering requirements. (W-K Community Plan, Planning Standards)
16. That Alexander & Baldwin, Inc. shall work with the Department of Environmental Management to identify and dedicate to the County a mutually acceptable site or sites, not less than a total of 20 acres, for future Central Maui wastewater requirements.
17. That no residential use, including single-family dwellings and apartments, shall be permitted within the Project.
18. That Alexander & Baldwin, Inc. shall provide a police substation within the Project for the Department of Police; provided that, such substation meets the approval of the Department.
19. That Alexander & Baldwin, Inc. shall provide an annual report to the Council on its compliance with each of the conditions of zoning, commencing within one year of the effective date of this ordinance.