



## Current Planning Application Report (ZPA2023-00005)

**Plan Type:** CP Change of Zoning/General Plan Amendments/DBA

**Project:**

**App Date:** 12/08/2023

**Work Class:** Review

**District:** Kahului-Wailuku

**Exp Date:** NOT AVAILABLE

**Status:** In Review

**Square Feet:**

**Completed:** NOT COMPLETED

**Valuation:** \$100,000.00

**Assigned To:** Furukawa, Tara

**Approval  
Expire Date:**

**Description:** This matter arises from Maui County Council-initiated land use entitlement changes for the Queen Ka'ahumanu Center properties in Kahului, Maui. The subject properties are owned by GSMS-2014-GC26 WEST KAAHUMANU AVENUE, LLC and managed by Pacific Retail Capital Partners.

County Council Resolution No. 23-221, FD1 was adopted by the Council on October 20, 2023, and received by the Planning Department on October 24, 2023. The resolution consists of two proposed draft bills for an ordinance (Appendix A of Planning Report). They are:

1. A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER), AND AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED.
2. 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, 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).

If approved, these changes would result in the proposed land use designations being consistent with Maui County's General Plan documents, allowing for future opportunities to develop housing on the property to alleviate Maui's housing shortage, and to provide a more synergistic mix of land uses that would stimulate the revitalization of Queen Ka'ahumanu Center's retail businesses. No development is being proposed. The County Council is requesting comments from the Maui Planning Commission on the proposed draft bills.

<b>Parcel:</b> 2370020210000-23613	<b>Address:</b> 275 Kaahumanu Ave Kahului, HI 96732	<b>Zone:</b> 420(Zoning Class: M-2 Heavy Industrial)
2370020230000-23615	275 Kaahumanu Ave Kahului, HI 96732	00_BSNS(Community Plan: 00_BSNS)
2370020250000-23616	275 Kaahumanu Ave Fc-6 Kahului, HI 96732	00_ROAD(Community Plan: 00_ROAD)
2370020270000-23618	90 Kane St Kahului, HI 96732	00_INHI(Community Plan: 00_INHI)
2370020200000-23612 Main	275 Kaahumanu Ave Main Kahului, HI 96732	SMA(Special Management Area)
		Urban(Maui Island Plan: Urban)
		X(Flood Zone: X)

**Applicant**  
Lemore Czeisler  
2029 Century Plaza East  
Los Angeles, CA 90064

**Applicant**  
Michael J Summers  
75 Wailani Street  
Wailuku, HI 96793

**Agent**  
John F Summers  
75 Wailani Street  
Wailuku, HI 96793

### Plan Custom Fields

#### I. Project Information

#### APPLICATION DOCUMENTS

Please use the below hyperlinks to open and/or download forms to be used while preparing and submitting your application.

#### Outline of ZPA Questions

You can use this outline to help navigate within the set of questions below and refer to any specific one.

#### Required Attachments for Change of Zoning

Upload all the listed documents in the "Attachments" section if you are requesting a Change of Zoning.

#### Required Attachments for CP and MIP amendments

Upload all the listed documents in the "Attachments" section if you are requesting an amendment to a Community Plan (CP) or the Maui Island Plan (MIP).

#### Required Attachments for a Land Use Commission DBA

Upload all the listed documents in the "Attachments" section if you are requesting a Land Use Commission District Boundary Amendment.

#### Sample of Basic Answers to Questions

## Current Planning Application Report (ZPA2023-00005)

You can review this first sample to help you frame less complex answers to all questions below except those in Section V. Most should be appropriate for a less complex application and/or project. Most sample answers are drawn from actual reports to Commissions.

### Sample of Moderately Complex Answers to Questions

You can review this second sample to help you frame more complex answers to all questions below except those in Section V. Many should be appropriate for a more complex application and/or project. Most sample answers are drawn from actual reports to Commissions.

### Sample Answers to Section V. Questions

You can review this third sample to help you frame answers to questions in Section V. Section V. is specific to only this particular type of application. The questions in the other two samples above are common to a variety of applications which require a public hearing by a County Commission.

### Land Use Comm. Admin. Rules 15-15-18 thru 15-15-21

If you are requesting a Land Use Commission District Boundary Amendment, you will need to describe below how the applicable criteria from sections 15-15-18 through 15-15-21 of the Land Use Commission's administrative rules are met.

### Notice of Application - ZPA

Fill out the Notice of Application and mail it out with a location map to all owners and recorded lessees within 500 feet of the subject project site property boundaries. Upload a copy in the "Attachments" section.

### Notarized Affidavit of Mailing of Notice of App

After mailing out the Notice of Application, fill out the Affidavit, have it notarized, and upload it in the "Attachments" section.

### Notice of Public Hearing

Fill out the Notice of Public Hearing and upload it in the "Attachments" section. Do not mail it out until you are asked to do so later.

### Notarized Affidavit of Mailing-Notice Public Hrng.

After mailing out the Notice of Public Hearing, fill out the Affidavit, have it notarized, and upload it in MAPPS.

### Sample land use change map

Prepare a map of the subject property and its surrounding properties, including their Tax Map Key numbers and the proposed land use change, in a format designed to be printed on regular paper of 8 1/2" x 11". The map will not include the metes and bounds on it, nor signature lines or dates for any approvals. Upload it in the "Attachments" section.

You will have the opportunity to upload some attachments in batches in the "Attachments" section.

## QUESTIONS

If a question below does not apply to your project, enter NA as your answer and if the question requires a count, enter 0.

### I. Project Information

#### A. GENERAL INFORMATION

1. Select one or more types of amendments or changes being requested

Change of Zoning, Community Plan Amendment

2. What other application(s) are you applying for related to this project?

None at this time.

3. Associated application number(s), if known

N/A

4. Is this application for a Maui County agency project?

Yes

5. Project Name

Queen Ka'ahumanu Center, Council-Initiated Entitlement Changes

6. Total Area of Lot(s) - acreage of TMK parcel(s) where use is proposed

33.8

7. Project Site Area [Enter only if different from Total Area of Lot(s)] - sq. ft. of area where use is proposed.

8. Valuation of Project\*

100000

\* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of the Dept. of Public Works, Development Services Administration.

9. Physical Address/Location of Project

275 W Ka'ahumanu Avenue, Kahului, HI 96732

10. Additional Location Information

11. Describe the Existing Use.

The Queen Ka'ahumanu Center includes a diverse mix of retail, restaurant, service, entertainment, and office uses. The site also includes a Foodland grocery store. There are two multi-level parking garages that together with extensive surface parking provide 2,728 parking spaces. Internal concrete driveways, walkways, landscaping, mature trees, and open space are also integrated into the site. As of 2022, major lessees include Foodland, Macy's, American Eagle, Bath & Body Works, Long's CVS, Hawaii Family Dental, and Fun Factory among others.

The above-referenced uses are consistent with uses permitted by B-3 Central Business District zoning.

12. Briefly describe the Proposed Development/Use.

## Current Planning Application Report (ZPA2023-00005)

County Council Resolution No. 23-221, FD1 consists of two proposed draft bills for an ordinance (See Appendix A of the Planning Report uploaded to MAPPS).

The first bill would amend the Wailuku-Kahului Community Plan Designation from Heavy Industrial to Business/Commercial for a portion (≈6.84 acres) of the ≈33.8 acres that comprise the Queen Ka'ahumanu Center property. The area subject to the proposed community plan amendment is located at the rear (south) side of the property and encompasses the Macys men's and home store, on-site parking, and the driveway entrance to West Wakea Avenue.

The community plan amendment will allow mixed-use development within the entire property, provide the most appropriate designation for existing and future use of the property, and establish the foundation for more holistic and effective planning of the project area.

The second bill would change zoning from M-2 Heavy Industrial District to B-3 Central Business District (Conditional Zoning) for the ≈33.8 acres that comprise the Queen Ka'ahumanu Center property. The zoning change would make the Project Area's zoning consistent with the Project Area's Wailuku-Kahului Community Plan designation.

There is currently no proposed future mixed-use residential development. However, the proposed County-initiated entitlements will create the opportunity for a future mixed-use project, which is supportive of Maui Island's existing land use and community planning policies.

13. No. of Parking Spaces now on the site

2728

14. No. of Parking Spaces on the site after development

2728

15. Building Permit Application No.

N/A

16. Has the proposed use or any work related to it already been started or completed for this project?

No

17. If (Y) describe after-the-fact use or work

N/A

### B. DESCRIPTION OF THE PROJECT

1. List any amendment to text changes you are requesting for zoning conditions or plan wording.

The proposed Council-initiated Change in Zoning and Community Plan Amendment would amend the text of the Wailuku-Kahului Community Plan and certain parking and development standards of the B-3 Central Business District. These changes are described in detail on pages 15 to 20 of the Queen Ka'ahumanu Center, Planning Report. (See Planning Report uploaded to MAPPS)

2. Provide a statement of the purpose and need for the proposed action.

The purpose of the Council-initiated Queen Ka'ahumanu Center Entitlement Project is to change the zoning of the subject parcels from the M-2 Heavy Industrial District to the B-3 Central Business District (with a condition to limit building heights to 90 feet), so the zoning is consistent with the Wailuku-Kahului Community Plan map. The project also includes an amendment to the Wailuku-Kahului Community Plan map from Heavy Industrial to Business/Commercial for roughly 6.84 acres of the project area. The objective is to: 1. Position the Queen Ka'ahumanu Center on a sound economic footing consistent with County policy; and 2. Ensure the entitlements allow for mixed-use development, particularly multi-family residential uses, as this will provide future opportunities to address Maui's housing affordability crisis, create diverse housing options, and revitalize the retail component of the mall.

3. Describe the full scope of your project. Include, where applicable, but not limited to: use, length, width, height, building materials, floor area, and size of structures in square feet, project need, hours of operation, number of employees, proposed employee housing plan, construction costs, construction timeline, phases, landscaping, and area, depth, or volume of grubbing, grading, fill, and any other ground-altering activity such as utility installation.

A development is not currently proposed. In the future, should a development be proposed, detailed project data will be provided through the Special Management Area, Subdivision, and Building Permit processes.

### C. DESCRIBE THE FOLLOWING SITE CONDITIONS

1. Elevations (highest and lowest points)

Elevations range from approximately 8 feet to 50 feet above mean sea level across the Queen Kaahumanu Center site.

2. Slopes

The site is developed, and elevation and slopes are relatively uniform.

3. Topography

The site is developed and uniform, and there are no topographical features on the site.

4. Soil Types

Underlying the project site and surrounding lands are soils belonging to the Pulehu-Ewa-Jaucas association. This soil type is characteristically deep and well-drained, as well as located on alluvial fans and in basins. The soil type specific to the site is of the Puuone Series, Puuone Sand classification (PZUE). PZUE soils predominate in the Kahului region and are typified by a sandy surface layer underlain by cemented sand.

5. Natural Features

The site is developed, and devoid of natural undisturbed features.

6. Vegetation

The Queen Ka'ahumanu Center, and its surroundings, are urbanized. The existing grounds are landscaped with palm trees, monkey pod trees, and various ground covers and shrubs.

7. Existing Development

## Current Planning Application Report (ZPA2023-00005)

The Queen Ka'ahumanu Center is Maui's largest shopping and entertainment destination featuring local and national shops, restaurants, and retailers. The center has remained a local gathering place for over 50 years. Queen Ka'ahumanu Center has over 570,000 square feet of leasable area, of which over 51% is leased by locally owned businesses such as Sew Special, Shapers, One Eighty, Na Koa, Mise Kimono, and FAM Clothing Company.

Today, the Queen Ka'ahumanu Center is home to the island's only Macy's, Victoria's Secret, and Bath & Body Works. The Center also hosts over 50 community events annually and has been the venue sponsor for signature Maui events such as Maui Matsuri, Prince Kūhiō Maui Ho'olaule'a, Maui Steel Guitar Festival, Abilities Awareness Fair, Festivals of Aloha, and more. The Queen Ka'ahumanu Center is a partner to hundreds of nonprofit organizations annually.

The Center includes a diverse mix of retail, restaurant, service, entertainment, and office uses. The site also includes a Foodland grocery store. There are two multi-level parking garages that together with extensive surface parking provide 2,728 parking spaces. Internal concrete driveways, walkways, landscaping, mature trees, and open space are also integrated into the site.

### D. LIST THE ADJACENT AND SURROUNDING LAND USES

#### 1. North

The Queen Ka'ahumanu Center abuts West Ka'ahumanu Avenue with the University of Hawai'i Maui College, the Countertop and Tile Store, and Harbor Lights multifamily residential beyond to the north. To the north, the State Land Use Designation is Urban, the Community Plan designation is Public/Quasi-Public and Business Commercial, and the Zoning is M-1 Light Industrial and M-2 Heavy Industrial.

#### 2. East

Revitalization is occurring to the east with new affordable housing projects and the planned Kahului Civic Center and transit hub. East of the Center, the State Land Use Designation is Urban, the Community Plan designation is Business/Commercial, Single-Family Residential, and Public/Quasi-Public, and the Zoning is B-2 Community Business.

#### 3. South

Maui Electric, industrial, warehousing and office uses are to the south. The State Land Use Designation to the south is Urban, the Community Plan Designation is Heavy Industrial, and the Zoning is M-2 Heavy Industrial.

#### 4. West

Industrial, office, social service, and the sprawling residential communities of Kahului are beyond to the west. The State Land Use Designation to the west is Urban, the Community Plan Designation is Light Industrial and Heavy Industrial, and the Zoning is M-2 Heavy Industrial.

### E. HISTORIC PROPERTIES CHECK/HRS 6E

#### 1. If any of the following apply, check this box

Yes

Does the site include a registered Historic property?

Does the property include any buildings/structures 50 or more years old?

Is there ground altering activity proposed?

#### 2. Is it in NHL?

No

#### 3. County Historic District?

No

### F. CHAPTER 343, HRS (HAWAII ENVIRONMENTAL POLICY ACT) COMPLIANCE

#### 1. If any of the following apply, check this box

Yes

Is there a Chapter 343 trigger?

Has an EA or EIS already been submitted?

Is the project exempt under Chapter 343?

#### II. Plan Consistency & Impacts

A. SELECT THE RELEVANT THEMES, GOALS, OBJECTIVES, AND POLICIES FROM THE COUNTYWIDE POLICY PLAN AND DESCRIBE HOW YOUR PROPOSAL IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSISTENT, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. You may also list and discuss any other section of the plan that is relevant to the proposed request. Consult the relevant goals, objectives, policies, and implementing actions of the Countywide Policy Plan for guidance.

B. SELECT THE RELEVANT CORE VALUES, GOALS, OBJECTIVES, POLICIES, AND IMPLEMENTING ACTIONS (CH. 1-7) FROM THE MAUI ISLAND PLAN AND THE DIRECTED GROWTH PLAN (CH. 8) AND DESCRIBE HOW YOUR PROPOSAL IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSISTENT, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. You may also list and discuss any other section of the plan that is relevant to the proposed request. Consult the goals, objectives, policies, implementing actions, and Table 8-2 in Chapter 8 of the Maui Island Plan for guidance.

Core Values: To achieve our island's vision, we will be guided by the following values: a) Adopt responsible stewardship principles by applying sound natural resource management practices. b) Respect and protect our heritage, traditions, and multi-cultural resources. c) Plan and build communities that include a diversity of housing. d) Retain and enhance the unique identity and sense of place. e) Preserve rural and agricultural lands and encourage sustainable agriculture. f) Secure necessary infrastructure concurrently with future development. g) Support efforts that contribute to a sustainable and diverse economy for Maui. h) Create a political climate that seeks and responds to citizen input. i) Respect and acknowledge the dignity of those who live on Maui. j) Establish a sustainable transportation system that includes multiple modes, including walking, biking, and mass transit, as well as automobile-based modes. k) Recognize and be sensitive to landownership issues and work towards resolution.

2. If your request or project falls within a Maui Island Plan Protected Area, address how your project or proposal impacts the Protected Area. Discuss any mitigation measures intended to protect the area. Consult the Protected Area Diagrams and Table 8-2 in Chapter 8 of the Maui Island Plan for guidance. If your request does not fall within a Maui Island Plan Protected Area, answer N/A.

The site does not fall within a MIP Protected Area.

## Current Planning Application Report (ZPA2023-00005)

3. If your request or project falls within a Maui Island Plan Growth Boundary, address how your project is consistent with Chapter 8 of the Maui Island Plan, Directed Growth chapter. If your project falls within (affects) a Planned Growth Area, address how your project is consistent with the Planned Growth Area description in Chapter 8. Consult Chapter 7 and 8 of the Maui Island Plan for guidance. If your request does not fall within a Maui Island Plan Growth Boundary, answer N/A

The Queen Ka'ahumanu Center is located within the Maui Island Plan Urban Growth Boundary, and within the Kahului Infill and Redevelopment and Revitalization of Wailuku Town Planned Growth Area.

The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Growth Boundary and the Kahului Infill and Redevelopment Planned Growth Area at Queen Ka'ahumanu Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential infill development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Kanaha Beach Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

Thus, the proposed Council-initiated entitlement changes support the MIP's directed growth strategy and policies to promote infill development within Kahului.

C. SELECT THE RELEVANT SUBJECTS, GOALS, OBJECTIVES AND POLICIES, AND IMPLEMENTING ACTIONS FROM THE RELEVANT COMMUNITY PLAN AND DESCRIBE HOW YOUR PROPOSAL IS OR IS NOT CONSISTENT WITH THEM. WHERE IT IS NOT CONSISTENT, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED. You may also list and discuss any other section of the applicable community plan that is relevant to the proposed request. Community plan areas are defined by geographic boundaries. Consult the relevant goals, objectives, policies, and implementing actions in the relevant Community Plan for guidance.

D. DESCRIBE HOW YOUR PROPOSAL IS CONSISTENT AND CONFORMING WITH EACH OF THE APPLICABLE FOLLOWING TYPES OF MAPPED LAND USE DESIGNATIONS FOR THE SITE:

### 1. State Land Use Districts

The Queen Ka'ahumanu Center is State Land Use Urban designated. The Urban District generally includes lands characterized by "city-like" concentrations of people, structures, and services.

The Queen Kaahumanu Center is within Kahului's urban core, and the developed site comprises urban uses and concentrations of people, structures, and services characteristic of urbanization. Thus, the project area is consistent with the Urban District designation.

### 2. Maui Island Plan Growth Boundaries

The Queen Ka'ahumanu Center is within the Maui Island Plan Urban Growth Boundary and within the Kahului Infill and Redevelopment and Revitalization of Wailuku Planned Growth Area.

The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at Queen Ka'ahumanu Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential infill development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Kanaha Beach Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

Thus, the proposed Council-initiated entitlement changes support the MIP's policies to promote infill development within Kahului.

(N/A if project on Molokai or Lana'i)

### 3. Maui Island Plan Protected Areas

The Queen Kaahumanu Center is not located within an MIP Protected Area.

(N/A if project on Molokai or Lana'i)

### 4. Community Plan Land Use Designations

Business Commercial and Heavy Industrial

### 5. Zoning Designations

M-2 Heavy Industrial

## DEVELOPMENT IMPACTS

### E. ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES IMPACTS:

#### 1. Describe any archaeological impacts.

The Queen Kaahumanu Center is a developed site, altered by grubbing, grading, and construction activities associated with the on-site structures, access driveways, and parking.

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on archaeological or cultural resources since the Council and property owner are not proposing an associated development project. However, in the longer term, by enabling a potential future mixed-use residential development at the Center, the proposed entitlements could impact archaeological resources if a future developer does not incorporate Best Management Practices (BMPs) into the project.

Should a mixed-use residential development be proposed in the future, the Special Management Area permitting process will require an assessment of the project's impacts on archaeological and cultural resources. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate archaeological and cultural impacts caused by any future development that may arise from the proposed entitlement changes. The Department of Planning, the State Historic Preservation Division (SHPD), and the Maui Planning Commission will review the project for its archaeological impacts, and appropriate mitigation measures, such as archaeological monitoring, will be required where applicable.



## Current Planning Application Report (ZPA2023-00005)

### 2. Describe any impacts on historic resources.

The Queen Ka'ahumanu Center is a developed site, altered by grubbing, grading, and construction activities associated with the on-site structures, access driveways, and parking. The Center was developed by the Dillingham Land Corporation, and on September 15, 1972, the Center opened.

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on historic resources since the Council and property owner are not proposing an associated development project. However, in the longer term, by enabling a potential future mixed-use residential development at the Center, the proposed entitlements could impact historic resources if a future developer does not access the property for historic resources.

Should a mixed-use residential development be proposed in the future, the Special Management Area permitting process will require an assessment of the project's impacts on historic resources. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate impacts to historic resources caused by any future development that may arise from the proposed entitlement changes. The Department of Planning, the State Historic Preservation Division (SHPD), and the Maui Planning Commission will review any future project for historic resource impacts, and appropriate mitigation measures, such as review by the State Architectural Historian and necessary building documentation, will be required where applicable for structures over fifty years old.

### 3. Describe any impacts on cultural resources.

The Queen Ka'ahumanu Center is a developed site, altered by grubbing, grading, and construction activities associated with the on-site structures, access driveways, and parking.

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on cultural resources since the Council and property owner are not proposing an associated development project. However, in the longer term, by enabling a potential future mixed-use residential development at the Center, the proposed entitlements could impact cultural resources if a future developer does not evaluate the site for the existence of such resources. Aside from ongoing cultural activities and programs hosted at Queen Ka'ahumanu Center, there are no known cultural resources or activities on-site.

Should a mixed-use residential development be proposed in the future, the Special Management Area permitting process will require an assessment of the project's impacts on cultural resources. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate any cultural impacts caused by any future development that may arise from the proposed entitlement changes. The Department of Planning, the State Historic Preservation Division (SHPD), and the Maui Planning Commission will review the project for its cultural resource impacts, and appropriate mitigation measures, such as conducting a Cultural Impact Assessment, will be required where applicable.

### 4. List any comments/recommendations received from State Historic Preservation Division.

The State Historic Preservation Division hasn't responded to the Council-initiated entitlement request at Queen Kaahumanu Center.

## F. SOCIO ECONOMIC IMPACTS

### 1. Identify social and economic impacts (such as the need for affordable housing, impacts on population, impacts on labor, local economy, etc.).

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term socio-economic impact since the Council and property owners are not proposing a development project. However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could produce socioeconomic impacts, such as increasing population, employment, housing supply, fiscal expenditures, and tax and impact fee revenues. While any existing permitted future development, such as an increase in industrial space, will also have socioeconomic impacts, a multi-family residential development will cause impacts that may differ from uses currently permitted in the M-2 Heavy Industrial District.

In the future, if a developer proposes residential development, a Special Management Area use Permit will be required. The SMA permitting process will require an assessment of the socio-economic impacts caused by the development. These impacts will vary by the scale of the development, its mix of residential units versus other types of uses, the type and pricing of the residential units, and anticipated on- and off-site infrastructure requirements. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate socio-economic impacts caused by any future development that may arise from the proposed entitlement changes.

## G. ENVIRONMENTAL IMPACTS

### Describe any impacts to the following:

1. Environmentally Sensitive Areas, including shoreline, wetlands, streams, other fresh waters, estuaries, coastal waters, sea level rise exposure area, other erosion prone areas, geologically hazardous land, tsunami zone, flood plain, rock outcroppings, endangered plants and animals and exceptional trees. For proposals on Maui Island, consult the Protected Area sections in Chapter 8 of the Maui Island Plan (MIP) and discuss how the area will be protected from adverse actions. Include any mitigation measures if applicable. Please consult Table 8-2 in the MIP for guidance.

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on the environment since the Council and the property owner are not proposing an associated development for the site. However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could impact the environment if a future developer does not incorporate Best Management Practices (BMPs) into the project. While any permitted development, such as an increase in industrial space at the Center, could also impact the environment if BMPs are properly incorporated, multi-family residential uses create unique impacts that may differ from uses permitted in the M-2 Heavy Industrial District.

In the future, should a mixed-use residential development be proposed, the Special Management Area permit process will require an assessment of the project's impacts on the environment, including nearshore marine water quality. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate environmental impacts caused by any future development that may arise from the proposed entitlement changes. The SMA Use Permit requires the developer to conduct a development impact assessment to identify potential environmental impacts and necessary mitigation measures. Moreover, during the SMA permitting process, governmental agencies will review and comment on the project, and the Maui Planning Commission will hold a public hearing.

The Queen Ka'ahumanu Center is not within the Sea Level Rise Exposure Area for 3.2-feet of sea level rise. In addition, the Center is not within the Flood Hazard Area. However, the site is within the Tsunami Evacuation Zone.

### 2. View corridors and scenic resources impacts

## Current Planning Application Report (ZPA2023-00005)

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on view corridors or scenic resources since the Council and the property owner are not proposing an associated development for the site. In addition, the entitlement changes do not propose an increase in building height from what is currently permitted in the M-2 Industrial District.

However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could impact scenic resources if the developer does not evaluate and mitigate potential scenic resource impacts. While any permitted development, such as an increase in industrial space at the Center, could also impact scenic resources, multi-family residential uses create unique impacts that may differ from uses permitted in the M-2 Heavy Industrial District.

In the future, should a mixed-use residential development be proposed, the Special Management Area permit process will require an assessment of the project's impacts on scenic resources. The future SMA permitting requirements will also require a project to be reviewed by the Urban Design Review Board (UDRB). These processes will help to identify, assess, and mitigate scenic resource impacts caused by any future development that may arise from the proposed entitlement changes. The SMA Use Permit requires the developer to conduct a development impact assessment to identify potential view corridor and scenic resource impacts and necessary mitigation measures. Moreover, during the SMA permitting process, governmental agencies will review and comment on the project, and the Maui Planning Commission will hold a public hearing.

### 3. Flora impacts

The Queen Ka'ahumanu Center, and its surroundings, are urbanized. The existing grounds are landscaped with palm trees, monkey pod trees, and various ground covers and shrubs. There are no known flora resources on the property.

The County Council and the property owner are not proposing an associated development for the site, so flora impacts will not occur.

### 4. Fauna impacts

The Queen Ka'ahumanu Center, and its surroundings, are urbanized. The existing grounds are landscaped with palm trees, monkey pod trees, and various ground covers and shrubs. There are no known flora resources on the property.

The County Council and the property owner are not proposing an associated development, so faunal impacts will not occur.

### 5. Dune ecosystems impacts

The Queen Ka'ahumanu Center is not located within a dune ecosystem.

### 6. Stream ecosystems impacts

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA Permitting process will require any off-site drainage impacts to be assessed and any increase in drainage mitigated, including potential discharge into streams.

### 7. Marine ecosystem impacts

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA Permitting process will require any off-site drainage impacts to marine impacts to be assessed and mitigated through incorporation of construction and operations phase BMPs.

### 8. Natural features impacts

The site is developed, and devoid of natural undisturbed features.

### 9. Open space impacts

The site is developed, and devoid of natural undisturbed open space features.

### 10. Noise Impacts

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA Permitting, building permit, and the State Department of Health Community Noise Permit requirements will mitigate adverse noise impacts.

### 11. Air Quality Impacts

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require assessment and mitigation of construction and operation phase air quality impacts.

### 12. List any comments/recommendations received from government agencies.

This is a County Council-initiated entitlement request for Queen Ka'ahumanu Center. Agency comments have not been received.

## H. OTHER IMPACTS, MEETINGS, APPROVALS AND ZONING

### 1. Describe any other impacts.

The County Council and the property owner are not proposing an associated development for the site. As such, any future development impacts would be addressed through the SMA process at the time a future development is proposed.

### 2. List the dates of any community meetings held regarding the project and summarize the feedback. Have your neighbors been made aware of your project and what has been their general feedback?

To gain insights into the preferences of Maui residents, Queen Ka'ahumanu Center ownership reached out to the community to help shape the future of the Center and to explore new opportunities for the property. Through this effort, the Property Owner actively encouraged public input through an online survey and small group conversations with elected officials, community leaders, and non-profit organizations to understand and address specific community desires, needs, and concerns related to the proposed change in entitlements and to foster a sense of ownership for any future redevelopment. Some of the organizations that were consulted included: 1) Elected officials; 2) Stand Up Maui; 3) Maui Tomorrow; 4) Sierra Club; and 5) Canoe Club.

The online survey provided an opportunity for Maui residents, and customers visiting the Center, to provide feedback on different aspects of the Queen Ka'ahumanu Center. The survey was launched in June 2023 and was widely distributed through newsletters, SMS, onsite activations, and community partners. Through the survey, the Property Owner gathered valuable input, which will be instrumental in shaping the future of Queen Ka'ahumanu Center.

While no development is proposed as part of this project, the survey and small group conversations did yield important feedback regarding any future redevelopment of the Queen Ka'ahumanu Center. (See Page 14 of the Planning Report uploaded to MAPPS for details on the community feedback)

## Current Planning Application Report (ZPA2023-00005)

3. If applicable, provide an assessment of the impact the proposed use may have on agricultural use of the property with comments from the Department of Agriculture (DOA) and Natural Resources Conversation Service (NRCS).

The Council-initiated entitlement request will not impact agricultural resources as the Queen Ka'ahumanu Center is located within the urban core of Kahului.

4. Identify other governmental approvals that the development will be subject to.

The proposed Council-initiated entitlement request will not trigger other governmental approvals since no associated development is proposed. However, any future development will be subject to SMA permitting and several other governmental approvals.

5. Describe the relationship of the proposed project to the Maui County Code Title 19, Zoning Code.

The Queen Ka'ahumanu Center Council-initiated request is to change the zoning of the project area from the M-2 Heavy Industrial District to the B-3 Central Business District (with a condition to limit building heights to 90 feet), so the zoning is consistent with the Wailuku-Kahului Community Plan map. The zoning request is described in detail in the Planning Report on pages 15 to 19, including proposed zoning conditions.

6. Describe the relationship of the proposed project to any other relevant regulatory controls, best management practices, policies, plans, technical studies, guidelines, or studies.

The proposed Council-initiated entitlement changes for Queen Ka'ahumanu Center support State and County policies related to the environment, housing, and land use planning. See pages 23 to 34 of the Zoning Report uploaded to MAPPS.

### 1. Table - Countywide Policy Plan

Theme 1: Expand Housing Opportunities for Residents

Goal 1: Goal: Quality, island-appropriate housing will be available to all residents.

Objective 1: Objective 1: Reduce the affordable housing deficit for residents.

Objective 2: Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and smalltown character.

Policies 1: Policy j: Redevelop commercial areas with a mixture of affordable residential and business uses, where appropriate.

Policy d: Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.

Policy f: Develop workforce housing in proximity to job centers and transit facilities.

Implementing Actions 1: a. Revise laws to support neighborhood designs that incorporate a mix of housing types that are appropriate for island living.

Other 1: Not Applicable

Relevance 1: The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at the Queen Ka'ahumanu Center. Central Maui is the island's primary population and economic center, and the island's principal public facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential development in this area will be popular with island residents who want to be close to major facilities such as the Maui Memorial Hospital, Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

Theme 2: Improve Physical Infrastructure

Goal 2: Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies

Objective 2: Objective 4: Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

Policies 2: Policy a: Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.

Policy b: Planning for new towns should only be considered if a region's growth is too large to be directed into infill and adjacent growth areas.

Policy c: Utilize appropriate infrastructure technologies in the appropriate locations.

Policy d: Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.

Implementing Actions 2: Not Applicable

Other 2: Not Applicable

Relevance 2: The Queen Ka'ahumanu Center is within the Urban Grown Boundary. The site is already developed, and existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems, already serve it. The island's major public facilities, including Maui Memorial Hospital and Maui College, are also near the project site. Thus, the proposed Council-initiated entitlement changes support the Countywide Policy Plan's policies to direct development to infill sites and growth areas where existing infrastructure is already in place.

Theme 3: Promote Sustainable Land Use and Growth Management

Goal 3: Not Applicable

Objective 3: Objective 1: Improve land use management and implement a directed-growth strategy.

Policies 3: Policy e: Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.

Policy h: Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.

Implementing Actions 3: Not Applicable

Other 3: Not Applicable

Relevance 3: The Queen Ka'ahumanu Shopping Center is within the Urban Grown Boundary. The site is already developed, and existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems, already serve it. The island's major public facilities, including Maui Memorial hospital and Maui College, are also near the project site. Thus, the proposed Council-initiated entitlement changes support the Countywide Policy Plan's policies to promote sustainable land use and growth management by encouraging redevelopment on vacant and underutilized urban parcels (infill) within existing communities.

### 1. Table - Maui Island Plan



## Current Planning Application Report (ZPA2023-00005)

Goal 1: 7.3: Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective 1: 7.3.1: Facilitate and support a more compact, efficient, human-scale urban development pattern.

Policy 1: Policy 7.3.1.a: Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.

Policy 7.3.2.f: Facilitate the development of housing by focusing projects in locations where land and infrastructure costs facilitate the development of affordably-priced housing.

Policy 7.3.2.g: Provide incentives to facilitate the development of multifamily housing.

Policy 7.3.3.c: Support the continued revitalization of historic country towns, Wailuku Town, and Kahului's commercial core and harbor-front without displacing traditional, cultural, recreational, and customary uses.

Policy 7.3.3.e: Require community input through Design Workshops for major new urban expansion, new towns, and major urban infill projects.

Implementing Actions 1: Not Applicable

Chapter 8, Directed Growth Plan 1: Not Applicable

Relevance 1: The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Grown Boundary at the Queen Ka'ahumanu Shopping Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

Thus, the proposed Council-initiated entitlement changes support the MIP's policies to promote infill development.

Other, including Core Values 1: Infill Development: "In The Next American Metropolis (1993), Peter Calthorpe states: "infill and redevelopment should always be a central part of a region's growth policy. It represents the best utilization of our existing infrastructure and the best opportunity to preserve open space."<sup>4</sup>

Infill development offers an alternative to conventional development patterns that extend the perimeter of an urban area. Infill development focuses growth into already urbanized areas and creatively utilizes vacant or underdeveloped property. Many of the most successful infill projects provide a mix of uses, are designed to be pedestrian-oriented, and incorporate alternative modes of transportation. The benefits of such projects can be the provision of housing near job centers and transit, increased support for businesses, utilization of established public infrastructure and services, and preservation of urban-fringe natural areas and agricultural land. Infill development can also revitalize a struggling urban area, enhance daily convenience for residents, and foster a sense of place. As illustrated in the following pictures, successful infill development can transform an underused shopping center into a vibrant urban village.

There are numerous infill opportunities on Maui. Throughout the island's urban areas, particularly in Kahului, Wailuku, Lahaina, and Kihei, vacant or underutilized lots could be developed to meet community needs. Future growth can be focused inward to enhance community identity, provide affordable housing, promote convenient access to transit and services, and protect natural areas and agricultural lands."

Goal 2: 8.1: Maui will have well-served, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Objective 2: Not Applicable.

Policy 2: Policy 8.1.g: The County shall implement a zoning program to comprehensively redistrict and rezone lands within UGBs according to updated community plan policies and map designations.

Policy 8.1.i: The County will promote (through incentives, financial participation, expedited project review, infrastructure/public facilities support, etc.) appropriate urban infill, redevelopment and the efficient use of buildable land within UGBs to avoid the need to expand the UGBs.

Implementing Actions 2: Not Applicable.

Chapter 8, Directed Growth Plan 2: Planned Growth Area: Kahului Infill and Redevelopment and Revitalization of Wailuku Town

"The plan proposes infill and redevelopment within Kahului. Much of Kahului is significantly underutilized and redevelopment will strengthen the economy, provide diverse housing opportunities within close proximity to jobs and services, and protect agricultural lands and the character of Maui's rural communities by making higher and better use of our existing urban areas. Redevelopment will also strengthen Kahului's identity, promote urban beautification and livability, and breathe vitality and life into the area.

The County should work with area landowners and the community to prepare the following studies: 1) Risk and Vulnerability Assessments (RVA); 2) specific area plans; and 3) supporting model development ordinances. The RVA is necessary prior to redevelopment because much of urban Kahului is within the tsunami inundation area. This study will further define the areas and magnitude of potential flooding and necessary mitigation measures to protect life and property. The specific area plans and model development ordinances will further define the character of redevelopment and geographic boundaries where infill and redevelopment is feasible. The specific area plans should emphasize the opportunity for higher-density mixed-use development, pedestrian and vehicular circulation patterns, and urban beautification. A system of sidewalks, greenways, and bike lanes should be developed to reduce community reliance on the automobile.

Infill and redevelopment within Kahului on entitled urban lands could produce hundreds of new residential units. An example of this is the closed pineapple cannery behind the Queen Ka'ahumanu Shopping Center. New multifamily units at this location could be built at an urban density of at least 18 to 25 units per acre in a mixed-use design such as that of the Kahului Town Center project."

Relevance 2: The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at the Queen Ka'ahumanu Center within the Urban Grown Boundary. Central Maui is the island's primary population and economic center, and the island's major public facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential development in this area will be popular with island residents who desire housing close to major facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment. Thus, the proposed County-initiated entitlement changes support the MIP's directed growth plan and its policy for a planned growth area encompassing Kahului infill and redevelopment.

Other, including Core Values 2: Not Applicable.

# Current Planning Application Report (ZPA2023-00005)

Subject 1: Objectives and Policies for Kahului

Goal 1: Not Applicable

Objectives 1: Not Applicable

Policies 1: 3. Building Form and Character: maintain compatible scale relationships between the existing low-scale character of the area, adjacent public uses and higher buildings.

a. Building heights for the hotel-designated district fronting the ocean side of Ka'ahumanu Avenue shall not exceed ten stories in order to provide a dynamic skyline and identifiable hotel district.

b. The low-rise character of the central business area should be maintained. Higher building forms up to six stories should be sited in the central portion of commercial blocks.

c. Building heights along the perimeter of commercial blocks should provide a transition in scale to adjacent public and quasi-public uses.

d. Commercial uses along the perimeter of central business area blocks should be low-rise and provide sufficient setbacks to allow landscaped buffers along street frontages.

Implementing Actions 1: Not Applicable

Relevance 1: Not Applicable

Other 1: Land Use Map

Definitions Business/Commercial (B)

This includes retail stores, offices, entertainment enterprises and related accessory uses.

Land Use Map

Definitions Heavy Industrial (HI)

This is for major industrial operations whose effects are potentially noxious due to noise, airborne emissions or liquid discharges.

## III. Infrastructure

### A. WATER

#### 1. Identify existing water source and current usage.

Domestic water for the Wailuku-Kahului region is provided by the Department of Water Supply's Central Maui System. The major source of water for this system is the Iao Aquifer. The sustainable yield of the Iao Aquifer is 20 million gallons per day (MGD).

#### 2. Describe any water transmission lines currently serving the site.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the proposed water source, storage and transmission systems and impacts to those systems.

#### 3. Describe the adequacy of the water supply to meet fire protection requirements.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the proposed water source, storage and transmission systems and impacts to those systems.

#### 4. Describe any anticipated increase in water demand and if necessary, any subsequent improvements.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the proposed water source, storage and transmission systems, impacts to those systems, and warranted mitigation measures.

#### 5. List any comments/recommendations received from government agencies.

This is a County Council-initiated entitlement request for Queen Ka'ahumanu Center. Agency comments have not been received.

### B. SEWERS

#### 1. Identify existing sewage service (treatment plants, transmission lines, etc.).

Domestic wastewater generated in the Wailuku-Kahului region is conveyed to the County's Wailuku-Kahului Wastewater Reclamation Facility located one-half mile south of Kahului Harbor. The design capacity of the facility is 7.9 million gallons per day (MGD).

#### 2. Identify current wastewater usage.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the proposed wastewater treatment facility, transmission systems and impacts to those systems.

#### 3. Describe any anticipated increase in wastewater demand and if necessary, any subsequent improvements.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the proposed wastewater treatment facility, transmission systems and impacts to those systems, and warranted mitigation measures.

#### 4. List any comments/recommendations received from government agencies.

This is a County Council-initiated entitlement request for Queen Ka'ahumanu Center. Agency comments have not been received.

### C. DRAINAGE

#### 1. Describe existing drainage pattern.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the existing drainage conditions, any changes to the drainage conditions post-development, and identification of BMPs to mitigate construction and operation phase impacts caused by the development.

#### 2. Describe existing drainage structures.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the existing drainage conditions, any changes to the drainage conditions post-development, and identification of BMPs to mitigate construction and operation phase impacts caused by the development.

#### 3. Describe any anticipated increase in drainage and if necessary, any subsequent improvements.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA and building permit processes will require an assessment of the existing drainage conditions, any changes to the drainage conditions post-development, and identification of BMPs to mitigate construction and operation phase impacts caused by the development.

#### 4. Describe any flood hazard impact.

## Current Planning Application Report (ZPA2023-00005)

The Queen Ka'ahumanu Center is located outside of the Flood Hazard Area. Moreover, the County Council and the property owner are not proposing an associated development for the site.

### D. ROADWAYS, CURBS, GUTTERS AND SIDEWALKS

1. Describe existing roadway conditions including width of right-of-way, pavement width, improvements such as curbs, gutters, sidewalks, deceleration/acceleration lanes.

The Queen Ka'ahumanu Center fronts Kamehameha Avenue (Route 32). Ka'ahumanu Avenue is a principal arterial under the jurisdiction of the State, HDOT. It extends as a three-lane facility from Kinipopo Street to approximately 400 feet west of the Naniloa Drive overcrossing, where it becomes a four-lane facility to Kahului Beach Road-Kane Street. East of Kane Street, it continues as a six-lane facility to Hana Highway east of Wharf Street. The street is designated West Ka'ahumanu Avenue to the west of Puunene Avenue. The posted speed limit is 30 mph near the Project area. Access to the Center is from Kaahumanu Avenue, Kane Street, and Wakea Avenue.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, the SMA, building permit, and subdivision processes will require an assessment of the existing traffic conditions, any changes to the traffic conditions post-development, and identification of traffic mitigation measures during the project's construction and operation phases.

2. Describe existing and proposed ingress and egress into and from the site.

Access to the Queen Ka'ahumanu Center is from Ka'ahumanu Avenue, Kane Street, and Wakea Avenue. A development project is not proposed at this time, and there are no proposed changes to ingress and egress to the site.

3. Describe any proposed roadway condition improvements.

A development project is not proposed at this time, and there are no proposed changes to the existing roadway conditions.

4. Comprehensively describe traffic impacts in and around the project site.

A development project is not proposed at this time, and there will be no traffic impacts caused by the Council-initiated entitlement request. If a development project is proposed in the future, the SMA, subdivision, and building permit processes will require an assessment of the existing traffic conditions, any changes to the traffic conditions post-development, and identification of BMPs to mitigate construction and operation phase traffic impacts caused by the development.

5. List any comments/recommendations received from Department of Public Works or State DOT.

This is a County Council-initiated entitlement request for Queen Ka'ahumanu Center. Agency comments have not been received.

### E. ELECTRICAL, TELEPHONE AND CABLE

1. Describe existing and proposed utilities.

Electrical service to the Queen Ka'ahumanu Center is provided by Maui Electric Company. Since a development is not proposed at part of the Council-initiated entitlement request, there will be no impacts to electrical, telephone, and cable facilities.

### F. SOLID WASTE

1. Solid Waste Landfill Site

Central Maui Sanitary Landfill in Puunene

2. Solid Waste Facilities Adequacy

A development project is not proposed at this time, and there will be no solid waste facility impacts caused by the Council-initiated entitlement request.

3. Describe your plans for solid waste disposal and recycling.

A development project is not proposed at this time, and there will be no solid waste facility impacts caused by the Council-initiated entitlement request.

4. List any comments/recommendations received from government agencies.

This is a County Council-initiated entitlement request for Queen Kaahumanu Center. Agency comments have not been received.

### G. OTHER

1. Describe any other infrastructure requirements

There are no infrastructure requirements envisioned from this Council-initiated entitlement request for Queen Ka'ahumanu Center. As noted, a development project is not proposed at this time.

### IV. Public Services

#### A. PARKS

1. List any County or other local community/recreational facilities that serve your site.

The County, Department of Parks and Recreation operates and maintains the County's parks, recreation areas and recreational programs. There is an abundance of public recreational facilities in Kahului. Public recreational facilities located near Queen Ka'ahumanu shopping center include the following:

- Ho'aloa Beach Park – approximately 0.25 miles northeast of the Site;
- Kahului Pool – approximately 0.3 miles southeast of the Site;
- Kahului Community Center and Park – approximately 0.5 miles southwest of the Site
- Kokua Pool – approximately 0.65 miles southwest of the Site
- Lihikai Park – approximately 0.82 miles southwest of the Site
- Maui High School Park – approximately 1.0 mile southwest of the Site
- Pomaikai Park – approximately 1.17 miles southwest of the Site;
- Kamali'i Park – approximately 1.25 miles southeast of the Site;
- Maui Lani Regional Park – approximately 1.74 miles southwest of the Site;
- Central Maui Regional Sports Complex – approximately 2.0 miles southwest of the Site;
- Kanaha Beach Park – approximately 2.15 miles northeast of the Site.

2. Select the State community/recreational facilities that serve your site.

Iao Valley State Monument

3. Identify any impacts of your proposed project to those facilities.

## Current Planning Application Report (ZPA2023-00005)

A development project is not proposed at this time, and there will be no impacts to parks and recreation facility caused by the Council-initiated entitlement request.

### 4. Describe any additional public facility requirements to serve your site.

A development project is not proposed at this time, and there are no additional public facility requirements to serve the site. In the future, should a mixed-use residential development be proposed, a public facility impact assessment will be conducted to determine additional facility needs and needed mitigation measures.

### B. SCHOOLS

#### 1. Select the Public School Facilities which serve your site.

Kahului Schools, Wailuku Schools

#### 2. Identify any impacts of your proposed project to those facilities.

A development project is not proposed at this time, and there are no additional public school facility requirements to serve the site. In the future, should a mixed-use residential development be proposed, a public facility impact assessment will be conducted to determine additional educational facility needs and required mitigation measures.

### C. PUBLIC SERVICES

#### 1. Select the fire station that serves your area.

Kahului Fire Station on Dairy Road, Wailuku Fire Station

#### 2. Describe the fire protection for your site.

Fire prevention, suppression, and protection services for the Wailuku-Kahului region is provided by the County Department of Fire and Public Safety's Wailuku Station, located in Wailuku Town, less than 2 miles from the site. In addition, portions of the shopping center are within the 2.0 mile service radius of the Kahului Station located on Dairy Road.

#### 3. Select the library that serves your area.

Kahului Public Library on School Street

#### 4. Select the police station that serves your area

Wailuku Police Station on Mahalani Road

#### 5. Select the hospital that serves your area.

Maui Memorial Medical Center - Wailuku

#### 6. Describe any additional public services to serve your site.

A development project is not proposed at this time, and there are no additional public facility requirements to serve the site. In the future, should a mixed-use residential development be proposed, a public facility impact assessment will be conducted to determine additional facility needs and required mitigation measures.

### V. Other Info-Code, DBA & MBA

### A. PROVIDE THE OTHER BELOW INFORMATION REQUIRED BY ZONING CODE SECTION 19.510.010

#### 1. A detailed land use history of the subject parcel(s) to include former and existing state and county land use designations, violations, and uses.

The Queen Ka'ahumanu Center was developed by the Dillingham Land Corporation, and on September 15, 1972, the Center opened. Since its opening, the Center has become Maui's largest shopping and entertainment destination featuring local and national shops, restaurants, and retailers. The center has remained a local gathering place for over 50 years. Queen Ka'ahumanu Center has over 570,000 square feet of leasable area, of which over 51% is leased by locally owned businesses such as Sew Special, Shapers, One Eighty, Na Koa, Mise Kimono, and FAM Clothing Company. The Center also hosts over 50 community events annually and has been the venue sponsor for signature Maui events such as Maui Matsuri, Prince Kūhiō Maui Ho'olaule'a, Maui Steel Guitar Festival, Abilities Awareness Fair, Festivals of Aloha, and more. The Queen Ka'ahumanu Center is a partner to hundreds of nonprofit organizations annually.

However, similar to shopping malls around the country, in recent years the Queen Ka'ahumanu Center has experienced severe economic distress caused by the historic shift from brick and mortar retail to online retail as well as evolving consumer preferences following the pandemic.

At this time, the shopping center is economically distressed and areas of the center are underutilized or vacant. Sears has closed and the building has significant, detrimental infrastructure problems. The Ka'ahumanu Movie theatre recently closed and national retailers have abandoned the mall despite being offered favorable lease terms. The parking garages also need major repairs and maintenance is required across the entire mall. Since 2014, the Center's General Excise Tax revenue has decreased by 41%. In 2021, the circuit court granted a decree of foreclosure.

The existing land use designations are State Urban and the Maui County zoning is M-2 Heavy Industrial. These designations have been in place for decades. A review of MAPPS shows no outstanding violations.

#### 2. An analysis of secondary impacts of the proposed use on surrounding uses.

The County Council and the property owner are not proposing an associated development for the site. If a development project is proposed in the future, then indirect and secondary impacts could occur on surrounding uses if mitigation is not proposed. Any future development will be subject to SMA and building permit processes, which will require an assessment of direct and secondary impacts. If impacts are documented, then mitigation will be required as may be warranted.

#### 3. Identify any traditional beach and mountain access trails and additional trails which may be required for public access, and, if applicable, a preservation/mitigation plan and comments from the Department of Land and Natural Resources and the Office of Hawaiian Affairs.

There are no traditional beach and mountain access trails through the Queen Ka'ahumanu Center.

#### 4. Identify and provide an assessment of chemicals and fertilizers used, including, but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora and fauna, and if applicable, a mitigation plan and maintenance program and schedule, and comments from the Departments of Health and of Land and Natural Resources of the State, the United States Fish and Wildlife Service, and the United States Environmental Protection Agency.

The existing landscape planting and ground covers at Queen Ka'ahumanu Center are professionally maintained and may be treated with approved chemicals and fertilizers typically used at similar sites across Maui. The usage of such chemicals and fertilizers would comply with all governmental regulations so that impact to flora and fauna and underground and marine resources would be mitigated.

### B. DISTRICT BOUNDARY AMENDMENTS



# Current Planning Application Report (ZPA2023-00005)

1. For District Boundary Amendments, describe how the applicable criteria from sections 15-15-18 through 15-15-21 of the Land Use Commission rules are met.

A District Boundary Amendment is not proposed.

## C. Maui Island Plan Amendments

Complete this section if your project requires a Maui Island Plan Amendment. Review the Guiding Land Use Principles below for their relevance to your project and describe how your project supports each relevant principle. If your project does not require a Maui Island Plan Amendment, go on to the next section.

**CRITERIA FOR GROWTH BOUNDARY AMENDMENTS. SELECT THE RELEVANT LAND USE PRINCIPLES FROM CHAPTER 8, DIRECTED GROWTH PLAN OF THE MAUI ISLAND PLAN AND DESCRIBE HOW YOUR PROPOSAL SUPPORTS AN AMENDMENT TO A GROWTH BOUNDARY. WHERE IT DOES NOT SUPPORT A GUIDING LAND USE PRINCIPLE, DISCUSS WHY YOUR PROPOSAL IS JUSTIFIED.** Consult the land use principles, themes, goals, policies and implementing actions of the Maui Island Plan for guidance. Review chapters 7 and 8, the Planned Growth Areas in chapter 8, and Table 8-2 in chapter 8 of the Maui Island Plan to help you answer how your project addresses each land use principle below.

### Guiding Land Use Principles

1. Respect and encourage island lifestyles, cultures, and Hawaiian traditions: The culture and lifestyle of Maui's residents is closely tied to the island's beauty and natural resources. Maintaining access to shoreline and mountain resources and protecting culturally significant sites and regions perpetuates the island lifestyle and protects Maui's unique identity. One of the most vital components of the island lifestyle and culture is Maui's people. In an island environment where resources are finite, future growth must give priority to the needs of residents in a way that perpetuates island lifestyles.

The proposed Council-initiated entitlement changes will create an opportunity for multi-family development at Queen Ka'ahumanu Center. The mall is in the urban core of Kahului, an area of Central Maui that serves as the island's principal population, economic, cultural, and educational center. Multi-family residential development at this urban infill site will be popular with island residents who desire to live close to major County facilities such as the hospital and transit, the Keopuolani Park, Kanaha Beach Park, Maui College, shopping, restaurants, and employment.

The proposed entitlement changes will support the island lifestyle and Hawaiian culture by creating the opportunity for conveniently located, diverse, and affordable housing options for Hawaii residents. The Queen Ka'ahumanu Center has been an important community gathering, entertainment, and shopping location for decades. A future development that incorporates housing will make the Center more accessible to residents, and better positioned to address the critical needs of the community.

2. Promote sustainable land use planning and livable communities: Managing and directing future growth on Maui should promote the concept of sustainability, and the establishment of livable communities. Sustainable practices include: 1) Focusing growth into existing communities; 2) Taking advantage of infill and redevelopment opportunities; 3) Promoting compact, walkable, mixed-use development; 4) Revitalizing urban and town centers; 5) Providing transportation connectivity and multimodal opportunities; 6) Protecting and enhancing natural and environmental resources; 7) Protecting, enhancing, and expanding communities and small towns, where appropriate; and 8) Encouraging energy and water-efficient design and renewable energy technology.

The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Grown Boundary at the Queen Ka'ahumanu Shopping Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Kanaha Beach Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

The proposed land use entitlements will support the long-term economic viability of the Queen Ka'ahumanu Center, which the growth of online retail and streaming services has significantly impacted. The entitlement changes will also address Maui's acute affordable housing shortage by removing a barrier that prohibits multi-family housing development at the Center. By creating the opportunity for additional housing and supporting Maui's largest shopping center, the proposed entitlements illustrate the government and the private sector working together to address Maui's economic and housing needs. Infill revitalization of shopping centers with mixed-use development is occurring nationwide to create affordable housing, stimulate local economies, reduce automobile dependence, and use limited land resources more wisely and efficiently. At Queen Ka'ahumanu Center, this Council-initiated entitlement request seeks to achieve these same benefits for Maui Island, promoting sustainable land use planning and livable communities.

3. Keep "urban-urban" and keep "country-country": Given the high cost of developing public infrastructure and facilities to service remote areas, the significant environmental and social impacts associated with long vehicle commutes, and the desire to "keep the country-side country" it is preferable to develop compact communities and to locate development within or as close as possible to existing urban areas and employment centers.

The proposed Council-initiated entitlement changes are designed to remove a barrier that prohibits multi-family housing development at Queen Ka'ahumanu Center. By removing this barrier, the Council is encouraging compact, mixed-use infill development to help address Maui's significant housing deficit.

Keeping the "country-country" relies on County policy to direct growth to urban areas, and away from agricultural lands, which infill mixed-use development at the Center promotes.

4. Protect traditional small towns: Development within and adjacent to Maui's traditional towns should be compatible with and perpetuate their unique character. Hard edges should be maintained around new and existing communities through the use of greenbelts and significant open space.

The proposed Council-initiated entitlement changes are designed to remove a barrier that prohibits multi-family housing development at Queen Ka'ahumanu Center. By removing this barrier, the Council is encouraging compact, mixed-use infill development to help address Maui's significant housing deficit. Keeping the "country-country" and protecting traditional small towns relies on County policy to direct growth to urban areas, and away from agricultural lands, which infill mixed-use development at the Center promotes.

5. Protect open space and working agricultural landscapes: In light of continuing urbanization, the protection of agricultural and open-space resources will depend on a healthy agricultural industry and progressive planning and regulation. Planning should utilize agricultural lands as a tool to define the edges of existing and planned urban communities, apply innovative site design, create buffers along roadways, provide visual relief, and preserve scenic views.

The proposed Council-initiated entitlement changes are designed to remove a barrier that prohibits multi-family housing development at Queen Ka'ahumanu Center. By removing this barrier, the Council is encouraging compact, mixed-use infill development to help address Maui's significant housing deficit. Protecting open space and working agricultural landscapes relies on County policy to direct growth to urban areas, and away from agricultural lands, which infill mixed-use development at the Center promotes.

6. Protect environmentally sensitive lands and natural resources: Environmentally sensitive lands, natural areas, and valued open spaces should be preserved. Native habitat, floodways, and steep slopes should be identified so future growth can be directed away from these areas. It will be important to plan growth on Maui in a manner that preserves habitat connectivity, watersheds, undeveloped shoreline areas, and other environmentally sensitive lands.



## Current Planning Application Report (ZPA2023-00005)

The proposed Council-initiated entitlement changes are designed to remove a barrier that prohibits multi-family housing development at Queen Ka'ahumanu Center. By removing this barrier, the Council is encouraging compact, mixed-use infill development to help address Maui's significant housing deficit. Protecting environmentally sensitive lands and natural resources relies on County policy to direct growth to urban areas, and away from environmentally sensitive areas, which infill mixed-use development at the Center promotes.

Moreover, any development, even within urban areas, can impact environmental resources if its impacts are not properly assessed and mitigated. In the future, should a mixed-use residential development be proposed, the Special Management Area permit process will require an assessment of the project's impacts on the environment, including nearshore marine water quality. The SMA Use Permit requires the developer to conduct a development impact assessment to identify potential environmental impacts and necessary mitigation measures. Moreover, during the SMA permitting process, governmental agencies will review and comment on the project, and the Maui Planning Commission will hold a public hearing.

7. Promote equitable development that meets the needs of each community: Each region of the island should have a mix of housing types, convenient public transit, and employment centers. Where appropriate, all neighborhoods should have adequate parks, community centers, greenways, libraries, and other public facilities. No community should have a disproportionate share of noxious activities. Additionally, a fair, efficient, and predictable planning and regulatory process must be provided. A cornerstone of equitable development should reflect a focus on providing affordable housing for all of Maui's residents over developing nonresident housing.

The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Grown Boundary at the Queen Ka'ahumanu Shopping Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Multi-family residential development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Kanaha Beach Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.

The proposed land use entitlements will support the long-term economic viability of the Queen Ka'ahumanu Center, which the growth of online retail and streaming services has significantly impacted. The entitlement changes will also address Maui's acute affordable housing shortage by removing a barrier that prohibits multi-family housing development at the Center. By creating the opportunity for additional housing and supporting Maui's largest shopping center, the proposed entitlements illustrate the government and the private sector working together to address Maui's economic and housing needs. Infill revitalization of shopping centers with mixed-use development is occurring nationwide to create affordable housing, stimulate local economies, reduce automobile dependence, and use limited land resources more wisely and efficiently. At Queen Ka'ahumanu Center, this Council-initiated entitlement request seeks to achieve these same benefits for Maui Island, promoting equitable development that meets the needs of each community.

8. Plan for and provide efficient and effective public facilities and infrastructure: Many of Maui's public infrastructure systems and facilities were constructed decades ago and are in need of repairs and upgrades to meet current and future demand. Growth should be planned for areas with existing infrastructure, or where infrastructure can be expanded with minimal financial burden to the public. Transportation infrastructure should be designed to be in harmony with the surrounding area.

The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Grown Boundary at the Queen Ka'ahumanu Shopping Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.

Since the County Council and property owner are not proposing a development, there will be no short-term impacts upon the County's public infrastructure and facilities. In the future, should a mixed-use residential development be proposed, a public infrastructure and facility impact assessment will be conducted to determine additional infrastructure and facility needs and necessary mitigation measures.

9. Support sustainable economic development and the needs of small business: Land use decisions should promote and support sustainable business activities.

The proposed Council-initiated land use entitlements will allow mixed-use residential development at the Queen Ka'ahumanu Center. Mixed-use development has demonstrated positive economic synergies, with the residential development stimulating demand for retail and services and the retail and services offering convenience, health and wellness, and a sense of community for residents. Mixed-use development also reduces vehicle commutes in favor of walking, biking, and public transportation. More active modes of transportation reduce carbon emissions and promote health and well-being by facilitating passive forms of exercise. Creating the opportunity for a livable and interconnected community with diverse housing opportunities at Queen Ka'ahumanu Center will help establish a more resilient and sustainable business climate on Maui.

10. Promote community responsibility, empowerment, and uniqueness: The development of community plans should be a broad-based, inclusive process. The community plans shall be reviewed by the Community Plan Advisory Committees, the planning commissions, and approved by the Council. The MIP shall provide a framework for the updated community plans. Subsequent proposed community plan amendments should be subject, as much as possible, to local community input.

As documented on pages 30 to 34 of the Planning Report uploaded to MAPPS, the proposed Council-initiated entitlement changes support the County's land use and economic development policies as expressed in the Countywide Policy Plan and Maui Island Plan, which were approved after extensive community input.

Moreover, to gain insights into the preferences of Maui residents, Queen Ka'ahumanu Center ownership reached out to the community to help shape the future of the Center and to explore new opportunities for the property. Through this effort, the Property Owner actively encouraged public input through an online survey and small group conversations with elected officials, community leaders, and non-profit organizations to understand and address specific community desires, needs, and concerns related to the proposed change in entitlements and to foster a sense of ownership for any future redevelopment.

The online survey provided an opportunity for Maui residents, and customers visiting the Center, to provide feedback on different aspects of the Queen Ka'ahumanu Center. The survey was launched in June 2023 and was widely distributed through newsletters, SMS, onsite activations, and community partners. Through the survey, the Property Owner gathered valuable input, which will be instrumental in shaping the future of Queen Ka'ahumanu Center.

While no development is proposed as part of this project, the survey and small group conversations did yield feedback regarding any future redevelopment of the Queen Ka'ahumanu Center. See page 14 of the Planning Report which documents the results of the community feedback.

### VI. Long Range Planning\_Info

## Current Planning Application Report (ZPA2023-00005)

### A. PERMITS REQUESTED

1. What Permits Are You Applying For?

This is an entitlement request. No permits are being applied for.

### B. RESIDENTIAL PROJECTS

1. How many single-family units?

0

2. Will any accessory dwellings be permitted?

No

3. If yes, how many?

0

4. How many multi-family units are you building?

0

5. Are you subdividing your property?

No

6. If yes, how many buildable lots are you requesting to create?

0

7. How many acres, or square feet, is the project site?

0

8. If only a portion of the property is going to be used for this project, how many acres or square feet will be used just for the project?

0

### C. LAND USE ENTITLEMENTS

Will This Project Require Land Use Amendments? (Check All That Apply)

1. Change of Zoning (COZ)

Yes

2. Change of Zoning (COZ) From:

M-2 Heavy Industrial

3. Change of Zoning (COZ) To:

B-3 Central Business District

4. Community Plan Amendment

Yes

5. Community Plan Amendment From

Heavy Industrial

6. Community Plan Amendment To:

Business Commercial (6.84 acres of 33.88 acre project area)

7. State Land Use District Boundary Amendment

No

8. State Land Use District Boundary Amendment From:

N/A

9. State Land Use District Boundary Amendment To:

N/A

10. Maui Island Plan Designation Change

No

11. Maui Island Plan Designation Change From:

N/A

12. Maui Island Plan Designation Change To:

N/A

13. Will you be selling any of the units as "affordable" as defined under HUD guidelines?

No

14. If yes, how many units, or percentage of units will fall under this category?

0

15. From the date of filing the application with the Planning Dept, how long do you estimate the project to reach complete build-out?

N/A

### D. INDUSTRIAL / COMMERCIAL PROJECTS

WILL THIS PROPERTY BE USED FOR: (List all that apply by providing the square footage proposed)?

1. Retail Purposes

N/A

2. Office Space/Lease

N/A

3. Industrial Purposes

N/A

## Current Planning Application Report (ZPA2023-00005)

### E. BED AND BREAKFAST (B&B), SHORT-TERM RENTAL (STRH) AND TRANSIENT VACATION RENTALS (TVRs)

1. Will the project have a B&B, STRH, or TVR component?

N/A

2. Will (any of) the unit(s) be owner occupied?

N/A

3. How many bedrooms are proposed for rental?

N/A

4. Will this project be newly constructed?

N/A

5. How many dwellings are entirely rented to visitors?

0

### F. VISITOR ACCOMMODATIONS

1. Table 1: Hotels and Timeshares

Accommodation 1: N/A

Units/Rooms 1: 0

Lock-offs 1: N/A

# of Units with Lock-Offs 1: 0

Attachment File Name	Added On	Added By	Attachment Group	Notes
RESO 23-221, FD1_v1.pdf	12/12/2023 10:00	Furukawa, Tara	EnerGov CSS	
PoliceDept.pdf	12/12/2023 10:21	Furukawa, Tara	EnerGov CSS	
AssessmentReport.pdf	12/12/2023 10:22	Furukawa, Tara	EnerGov CSS	
MPD Response.pdf	12/20/2023 13:34	Tomita, Lisa	Supporting Doc	Revised Letter
MFD Response ZPA2023-00005 Queen Kaahumanu Center.pdf	12/22/2023 13:16	Guerrero, Conrad	Supporting Doc	MFD Comments
120423_PCH_Queen Kaahumanu Center Planning Report w Appendices_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Reports
Countywide Policy Plan Details_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Countywide Policy Plan Details Form
Figure 1_Location_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Location Map
Maui Island Plan Details_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Maui Island Plan Details Form
Notice of Filing of Application_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Notice of Filing of Application
Queen Kaahumanu Center_Property Ownership_v1.pdf	01/03/2024 13:21	Furukawa, Tara	EnerGov CSS	Ownership Documents for Planning
500 Feet Mailing List_v1.pdf	01/03/2024 13:25	Furukawa, Tara	EnerGov CSS	500 Foot Ownership List/Map
Affidavit of Mailing_v1.pdf	01/03/2024 13:25	Furukawa, Tara	EnerGov CSS	Affidavit of Mailing
Communtiy Plan Details_v1.pdf	01/03/2024 13:25	Furukawa, Tara	EnerGov CSS	Community Plan Details Form
MPCApproval.pdf	01/29/2024 14:57	Adams, Rachel	Supporting Doc	
MPCApprovalwithMayors.pdf	02/07/2024 10:32	Adams, Rachel	Supporting Doc	

Attachment File Name	Added On	Added By	File Category
Countywide Policy Plan Details.pdf	12/08/2023	Tara Furukawa	Countywide Policy Plan Details Form
Affidavit of Mailing.pdf	12/08/2023	Tara Furukawa	Affidavit of Mailing
Communtiy Plan Details.pdf	12/08/2023	Tara Furukawa	Community Plan Details Form
500 Feet Mailing List.pdf	12/08/2023	Tara Furukawa	500 Foot Ownership List/Map
120423_PCH_Queen Kaahumanu Center Planning Report w Appendices.pdf	12/08/2023	Tara Furukawa	Reports
Queen Kaahumanu Center_Property Ownership.pdf	12/08/2023	Tara Furukawa	Ownership Documents for Planning
Maui Island Plan Details.pdf	12/08/2023	Tara Furukawa	Maui Island Plan Details Form
Notice of Filing of Application.pdf	12/08/2023	Tara Furukawa	Notice of Filing of Application
Figure 1_Location.pdf	12/08/2023	Tara Furukawa	Location Map

Parcel Information

Parcel Number370020200000

Location Address275 W KAAHUMANU AVE  
KAHULUI HI 96732

Neighborhood CodeSHOPCTR

Legal InformationLOT A MAUI LAND & PINEAPPLE COMPANY SUBD POR RP 4475,

Land Area24.597 Acres

Parcel Note

[View Map](#)

Owner Information

Owner Names

GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner

AT&T MOBILITY LLC Other-exemption

HAWAII USA FEDERAL CREDIT UNION Other-exemption

Show All Owners and Addresses

Mailing Address

[GSMS 2014-GC26 WEST KAAHUMANU AVE LLC](#)

2340 COLLINS AVE STE 700

MIAMI FL 33139

Assessment Notices

[370020200000-1 \(PDF\)](#)

[370020200000-2 \(PDF\)](#)

[370020200000-3 \(PDF\)](#)

Tax Bills

[Due 8/21/2023 \(PDF\)](#)

[Due 8/21/2023 \(PDF\)](#)

[Due 8/21/2023 \(PDF\)](#)

Assessment Information

Show Historical Assessments

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2023	INDUSTRIAL	\$25,714,700	\$0	\$25,714,700	\$28,015,700	\$53,730,400	\$458,000	\$53,272,400

[How to calculate real property taxes](#)

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2023-2	Real Property Tax	02/20/2024	\$187,785.21	\$0.00	\$187,785.21	\$0.00	\$0.00	\$0.00	\$187,785.21
Tax Bill with Interest computed through 12/31/2023			\$187,785.21	\$0.00	\$187,785.21	\$0.00	\$0.00	\$0.00	\$187,785.21

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2023	\$375,570.42	(\$187,785.21)	\$0.00	\$0.00	\$0.00	\$187,785.21
2022	\$346,941.08	(\$346,941.08)	\$0.00	\$0.00	\$0.00	\$0.00
2021	\$351,748.80	(\$351,748.80)	\$0.00	\$0.00	\$0.00	\$0.00
2020	\$438,659.28	(\$438,659.28)	\$0.00	\$0.00	\$0.00	\$0.00
2019	\$503,109.29	(\$503,109.29)	\$0.00	\$0.00	\$0.00	\$0.00
2018	\$527,737.89	(\$527,737.89)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$609,847.78	(\$609,847.78)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$632,704.75	(\$632,704.75)	\$0.00	\$0.00	\$0.00	\$0.00

Click a year to see tax payment information for the year.

## Parcel Information

**Parcel Number** 370020210000  
**Location Address** 275 KAAHUMANU AVE  
 KAHULUI HI 96732  
**Neighborhood Code** SHOPCTR  
**Legal Information**  
**Land Area** 3.438 Acres  
**Parcel Note**

[View Map](#)

## Owner Information

**Owner Names**  
 GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner

**Mailing Address**  
[GSMS 2014-GC26 WEST KAAHUMANU AVE LLC](#)  
 2340 COLLINS AVE STE 700  
 MIAMI FL 33139

## Assessment Notices

[370020210000-1 \(PDF\)](#)

[370020210000-2 \(PDF\)](#)

## Tax Bills

[Due 8/21/2023 \(PDF\)](#)

[Due 8/21/2023 \(PDF\)](#)

## Assessment Information

[⊕ Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2023	INDUSTRIAL	\$3,833,800	\$0	\$3,833,800	\$6,103,200	\$9,937,000	\$0	\$9,937,000

[How to calculate real property taxes](#)

## Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2023-2	Real Property Tax	02/20/2024	\$35,027.92	\$0.00	\$35,027.92	\$0.00	\$0.00	\$0.00	\$35,027.92
	Tax Bill with Interest computed through 12/31/2023		\$35,027.92	\$0.00	\$35,027.92	\$0.00	\$0.00	\$0.00	\$35,027.92

## Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊕ 2023	\$70,055.85	(\$35,027.93)	\$0.00	\$0.00	\$0.00	\$35,027.92
⊕ 2022	\$64,102.83	(\$64,102.83)	(\$3,205.14)	(\$320.51)	\$0.00	\$0.00
⊕ 2021	\$64,541.52	(\$64,541.52)	(\$6,454.16)	(\$2,402.24)	\$0.00	\$0.00
⊕ 2020	\$84,409.92	(\$84,409.92)	\$0.00	(\$360.49)	\$0.00	\$0.00
⊕ 2019	\$94,589.83	(\$94,589.83)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2018	\$104,019.14	(\$104,019.14)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2017	\$107,996.07	(\$107,996.07)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2016	\$92,448.44	(\$92,448.44)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)



## Parcel Information

**Parcel Number** 370020230000  
**Location Address** 275 KAAHUMANU AVE  
 KAHULUI HI 96732  
**Neighborhood Code** SHOPCTR  
**Legal Information**  
**Land Area** 2.915 Acres  
**Parcel Note**

[View Map](#)

## Owner Information

**Owner Names**  
 GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner

**Mailing Address**  
[GSMS 2014-GC26 WEST KAAHUMANU AVE LLC](#)  
 2340 COLLINS AVE STE 700  
 MIAMI FL 33139

## Assessment Notices

[370020230000-1 \(PDF\)](#)

[370020230000-2 \(PDF\)](#)

## Tax Bills

[Due 8/21/2023 \(PDF\)](#)

[Due 8/21/2023 \(PDF\)](#)

## Assessment Information

[⊕ Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2023	INDUSTRIAL	\$4,063,300	\$0	\$4,063,300	\$9,236,600	\$13,299,900	\$0	\$13,299,900

[How to calculate real property taxes](#)

## Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2023-2	Real Property Tax	02/20/2024	\$46,882.15	\$0.00	\$46,882.15	\$0.00	\$0.00	\$0.00	\$46,882.15
	Tax Bill with Interest computed through 12/31/2023		\$46,882.15	\$0.00	\$46,882.15	\$0.00	\$0.00	\$0.00	\$46,882.15

## Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊕ 2023	\$93,764.30	(\$46,882.15)	\$0.00	\$0.00	\$0.00	\$46,882.15
⊕ 2022	\$84,740.30	(\$84,740.30)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2021	\$85,078.08	(\$85,078.08)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2020	\$108,892.80	(\$108,892.80)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2019	\$111,562.71	(\$111,562.71)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2018	\$116,263.96	(\$116,263.96)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2017	\$116,088.26	(\$116,088.26)	\$0.00	\$0.00	\$0.00	\$0.00
⊕ 2016	\$98,775.85	(\$98,775.85)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

## Appeal Information

Year	Appeal Type Value	Scheduled Hearing Date subject to change	Status	Tax Payer Opinion of Value	Tax Payer Opinion of Exemptions	Tax Payer Opinion of Property Class	Date Settled	Final Value
2023	BOARD OF REVIEW (RA)	1/3/2024	Active	\$8,000,000	\$0			\$13,299,900
2020	BOARD OF REVIEW (RA)	12/16/2020	Stipulation	\$4,600,000	\$0	4	2/9/2021	\$13,185,700
2019	BOARD OF REVIEW (RA)	9/18/2019	Stipulation	\$7,800,000	\$0		12/27/2019	\$10,000,000
2016	BOARD OF REVIEW (RA)	12/7/2016	Withdrawn	\$6,600,000	\$0		12/9/2016	\$14,764,700

## Parcel Information

**Parcel Number** 370020250000  
**Location Address** 90 KANE ST  
 KAHULUI HI 96732  
**Neighborhood Code** SHOPCTR  
**Legal Information** LOT E MAUI LAND & PINEAPPLE COMPANY SUBD POR RPGR 3343  
**Land Area** 1.632 Acres  
**Parcel Note**

[View Map](#)

## Owner Information

**Owner Names**  
 GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner  
 FOODLAND SUPERMARKET LTD Leasee  
[+ Show All Owners and Addresses](#)

**Mailing Address**  
[GSMS 2014-GC26 WEST KAAHUMANU AVE LLC](#)  
 2340 COLLINS AVE STE 700  
 MIAMI FL 33139

## Assessment Notices

370020250000-1 (PDF)

370020250000-2 (PDF)

## Tax Bills

Due 8/21/2023 (PDF)

Due 8/21/2023 (PDF)

## Assessment Information

[+ Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2023	INDUSTRIAL	\$2,275,000	\$0	\$2,275,000	\$1,876,100	\$4,151,100	\$0	\$4,151,100

[How to calculate real property taxes](#)

## Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2023-2	Real Property Tax	02/20/2024	\$14,632.63	\$0.00	\$14,632.63	\$0.00	\$0.00	\$0.00	\$14,632.63
	Tax Bill with Interest computed through 12/31/2023		\$14,632.63	\$0.00	\$14,632.63	\$0.00	\$0.00	\$0.00	\$14,632.63

## Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
<a href="#">+ 2023</a>	\$29,265.26	(\$14,632.63)	\$0.00	\$0.00	\$0.00	\$14,632.63
<a href="#">+ 2022</a>	\$27,671.25	(\$27,671.25)	(\$1,383.56)	(\$27.67)	\$0.00	\$0.00
<a href="#">+ 2021</a>	\$28,182.96	(\$28,182.96)	\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">+ 2020</a>	\$31,542.48	(\$31,542.48)	\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">+ 2019</a>	\$32,492.37	(\$32,492.37)	\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">+ 2018</a>	\$43,357.51	(\$43,357.51)	\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">+ 2017</a>	\$41,968.72	(\$41,968.72)	\$0.00	\$0.00	\$0.00	\$0.00
<a href="#">+ 2016</a>	\$36,101.25	(\$36,101.25)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

## Appeal Information

Year	Appeal Type Value	Scheduled Hearing Date subject to change	Status	Tax Payer Opinion of Value	Tax Payer Opinion of Exemptions	Tax Payer Opinion of Property Class	Date Settled	Final Value
2023	BOARD OF REVIEW (RA)	1/3/2024	Active	\$2,500,000	\$0			\$4,151,100
2015	BOARD OF REVIEW (RA)	8/5/2015	Withdrawn	\$3,851,500	\$0		7/30/2015	\$4,944,700

## Parcel Information

**Parcel Number** 370020270000  
**Location Address** 275 KAAHUMANU AVE  
 KAHULUI HI 96732  
**Neighborhood Code** SHOPCTR  
**Legal Information**  
**Land Area** 1.182 Acres  
**Parcel Note**

[View Map](#)

## Owner Information

**Owner Names**  
 GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner

**Mailing Address**  
[GSMS 2014-GC26 WEST KAAHUMANU AVE LLC](#)  
 2340 COLLINS AVE STE 700  
 MIAMI FL 33139

## Assessment Notices

[370020270000 \(PDF\)](#)

## Tax Bills

[Due 8/21/2023 \(PDF\)](#)

## Assessment Information

[⊞ Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2023	INDUSTRIAL	\$1,647,600	\$0	\$1,647,600	\$9,716,900	\$11,364,500	\$0	\$11,364,500

[How to calculate real property taxes](#)

## Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2023-2	Real Property Tax	02/20/2024	\$40,059.86	\$0.00	\$40,059.86	\$0.00	\$0.00	\$0.00	\$40,059.86
Tax Bill with Interest computed through 12/31/2023			\$40,059.86	\$0.00	\$40,059.86	\$0.00	\$0.00	\$0.00	\$40,059.86

## Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
⊞ 2023	\$80,119.73	(\$40,059.87)	\$0.00	\$0.00	\$0.00	\$40,059.86
⊞ 2022	\$70,665.68	(\$70,665.68)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2021	\$70,665.84	(\$70,665.84)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2020	\$99,589.68	(\$99,589.68)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2019	\$101,218.61	(\$101,218.61)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2018	\$116,129.86	(\$116,129.86)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2017	\$112,288.58	(\$112,288.58)	\$0.00	\$0.00	\$0.00	\$0.00
⊞ 2016	\$96,461.10	(\$96,461.10)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

## Appeal Information

Year	Appeal Type Value	Scheduled Hearing Date <i>subject to change</i>	Status	Tax Payer Opinion of Value	Tax Payer Opinion of Exemptions	Tax Payer Opinion of Property Class	Date Settled	Final Value
2023	BOARD OF REVIEW (RA)	1/3/2024	Active	\$800,000	\$0			\$11,364,500
2020	BOARD OF REVIEW (RA)	12/16/2020	Stipulation	\$3,000,000	\$0	4	2/9/2021	\$10,928,100
2019	BOARD OF REVIEW (RA)	9/18/2019	Stipulation	\$4,800,000	\$0		12/27/2019	\$9,700,000
2016	BOARD OF REVIEW (RA)	12/7/2016	Withdrawn	\$9,800,000	\$0		12/9/2016	\$14,418,700

# QUEEN KA'AHUMANU CENTER

## Council-Initiated Entitlement Changes

### PLANNING REPORT



Prepared for:

LNR PARTNERS, LLC

2340 Collins Avenue, Suite 700

Miami Beach, FL 33139

Prepared by:

Planning Consultants Hawaii, LLC

75 Wailani Street

Wailuku, Hawai'i 96793



# TABLE OF CONTENTS

1.0	PROPOSED BILLS .....	1
2.0	PROJECT SYNOPSIS.....	1
3.0	PROJECT DESCRIPTION .....	3
4.0	PROPOSED LEGISLATION .....	15
5.0	APPLICABLE REGULATIONS.....	21
6.0	STATE AND COUNTY LAND USE PLANS AND POLICIES .....	23
7.0	ASSESSMENT OF IMPACTS.....	34
8.0	CONSISTENCY WITH COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING CRITERIA.....	37
9.0	FUTURE PERMITTING REQUIREMENTS .....	40
10.0	FINDINGS AND BENEFITS.....	40

## LIST OF FIGURES

FIGURE 1: LOCATION MAP .....	6
FIGURE 2: EXISTING SITE PLAN.....	7
FIGURE 3: EXISTING SITE PLAN WITH MAJOR LESSEES .....	8
FIGURE 4: EXISTING USES.....	9
FIGURE 5: COMMUNITY PLAN.....	10
FIGURE 6: ZONING MAP.....	11
FIGURE 7: SPECIAL MANAGEMENT AREA PERMIT .....	12
FIGURE 8: SEA-LEVEL RISE EXPOSURE.....	13
FIGURE 9: PROPOSED COMMUNITY PLAN.....	17
FIGURE 10: PROPOSED AMENDMENT TO THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN .....	20

## LIST OF TABLES

TABLE 1: SUMMARY TABLE OF IMPORTANT PROJECT INFORMATION .....	2
TABLE 2: THE ENTITLEMENTS OF QUEEN KA‘AHUMANU CENTER AND ADJACENT AREAS.....	5
TABLE 3: COMPARISON OF THE M-2 HEAVY INDUSTRIAL AND B-3 CENTRAL BUSINESS DISTRICTS .....	18
TABLE 4: THE RATIONALE FOR PROPOSED ZONING CONDITIONS .....	19



## 1.0 PROPOSED BILLS

This matter arises from Maui County Council-initiated land use entitlement changes for the Queen Kaʻahumanu Center properties in Kahului, Maui.

County Council Resolution No. 23-221, FD1 was adopted by the Council on October 20, 2023, and received by the Planning Department on October 24, 2023. The resolution consists of two proposed draft bills for an ordinance (Appendix A). They are:

1. A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES<sup>1</sup> IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KAʻAHUMANU CENTER), AND AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED.
2. 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, 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 KAʻAHUMANU CENTER).

If approved, these changes would result in the proposed land use designations being consistent with Maui County's General Plan documents, allowing for future opportunities to develop housing on the property to alleviate Maui's housing shortage, and to provide a more synergistic mix of land uses that would stimulate the revitalization of Queen Kaʻahumanu Center's retail businesses. No development is being proposed. The County Council is requesting comments from the Maui Planning Commission on the proposed draft bills.

## 2.0 PROJECT SYNOPSIS

The Queen Kaʻahumanu Center is Maui's largest shopping and entertainment destination. In recent years the Center has experienced severe economic distress caused by the historic shift from brick and mortar retail to online retail as well as evolving consumer preferences following the pandemic. The vacancy rate exceeds 16%, and less than half (41%) of Queen Kaʻahumanu Center is occupied with permanent tenants, leaving 59% of leasable space at risk or vacant. In 2020, the Center went into foreclosure and is currently owned by a CMBS Trust.

The County Zoning for the Queen Kaʻahumanu Center is M-2 Heavy Industrial which is inconsistent with the Wailuku-Kahului Community Plan which designates most of the property as Business/Commercial (B). Queen Kaʻahumanu Center ownership views the Center's M-2 Heavy Industrial zoning as inappropriate for the project area, as an impediment to the Center's timely revitalization, and as a barrier to the development of much needed housing, including affordable and workforce housing.

---

<sup>1</sup> Pursuant to a survey of the property conducted on 10/18/23, the acreage subject to the community plan amendment is approximately 6.84 acres.

The **purpose** of the Queen Kaʻahumanu Center Entitlement Project is to change the zoning of the subject parcels from the M-2 Heavy Industrial District to the B-3 Central Business District (with a condition to limit building heights to 90 feet), so the zoning is consistent with the Wailuku-Kahului Community Plan map. The project also includes an amendment to the Wailuku-Kahului Community Plan map from Heavy Industrial to Business/Commercial for roughly 6.84 acres of the project area. The **objective** is to: 1. Position the Queen Kaʻahumanu Center on a sound economic footing consistent with County policy; and 2. Ensure the entitlements allow for mixed-use development, particularly multi-family residential uses, as this will provide future opportunities to address Maui's housing affordability crisis, create diverse housing options, and revitalize the retail component of the mall. Table 1 summarizes important information related to the project.

<b>Project Name:</b>	Queen Kaʻahumanu Center Entitlement Project
<b>Location:</b>	275 West Kaʻahumanu Avenue, Kahului, Maui, Hawaiʻi
<b>Landowner:</b>	GSMS-2014-GC26 WEST KAAHUMANU AVENUE, LLC
<b>Property Manager:</b>	Pacific Retail Capital Partners
<b>Applicant:</b>	GSMS-2014-GC26 WEST KAAHUMANU AVENUE, LLC
<b>Tax Map Keys:</b>	(2) 3-7-002:020, :021, :023, :025, and :027.
<b>Project Area:</b>	≈33.8 acres
<b>Existing Uses:</b>	Shopping Center (Queen Kaʻahumanu Center, Foodland and other related accessory uses) 2,728 parking spaces
<b>Date of Construction</b>	1972
<b>Proposed Uses:</b>	NA
<b>Land Use Designations:</b>	State Land Use District: Urban Maui Island Plan: Urban Growth Boundary Community Plan: Business / Commercial and Heavy Industrial County Zoning: M-2 Heavy Industrial
<b>Special Management Area:</b>	Yes
<b>Tsunami Evacuation Zone</b>	Yes
<b>Flood Hazard Area</b>	No
<b>Sea Level Rise Exposure Area</b>	No

**Table 1:** Summary table of important project information

### 3.0 PROJECT DESCRIPTION

#### 3.1 Background Information

The Queen Kaʻahumanu Center is Maui's largest shopping and entertainment destination featuring local and national shops, restaurants, and retailers. The center has remained a local gathering place for over 50 years. Queen Kaʻahumanu Center has over 570,000 square feet of leasable area, of which over 51% is leased by locally owned businesses such as Sew Special, Shapers, One Eighty, Na Koa, Mise Kimono, and FAM Clothing Company.

Today, the Queen Kaʻahumanu Center is home to the island's only Macy's, Victoria's Secret, and Bath & Body Works. The Center also hosts over 50 community events annually and has been the venue sponsor for signature Maui events such as Maui Matsuri, Prince Kūhiō Maui Ho'olaule'a, Maui Steel Guitar Festival, Abilities Awareness Fair, Festivals of Aloha, and more. The Queen Kaʻahumanu Center is a partner to hundreds of nonprofit organizations annually.

Economically, Queen Kaʻahumanu Center's retail businesses generate estimated annual sales of \$68 million while grocers generate sales of \$22 million and restaurants generate \$11 million in sales. The Queen Kaʻahumanu Center also generates half a million dollars in tax revenue to Maui County. Queen Kaʻahumanu Center welcomes 2.6 million visitors annually.

Similar to shopping malls around the country, in recent years the Queen Kaʻahumanu Center has experienced severe economic distress caused by the historic shift from brick and mortar retail to online retail as well as evolving consumer preferences following the pandemic.

#### STATE OF THE AMERICAN SHOPPING MALL

- The number of malls declined 16.7% per year between 2017 and 2022
- As few as 700 large shopping malls are left in the U.S. in 2022
- US department stores decreased from 7,885 to 6,297 in 2020
- Six department stores went bankrupt in 2020 compared to one in 2019
- Mall valuations are now at least 50% of valuations in 2016
- Online shopping options are preferred by consumers
- U.S. malls are adding housing and shrinking their retail space
- There is a demand for residential to be built with amenity mix including dining, music, art and

As a result, the shopping center is economically distressed and areas of the center are underutilized or vacant. Sears has closed and the building has significant, detrimental infrastructure problems. The Kaʻahumanu Movie theatre recently closed and national retailers have abandoned the mall despite being offered favorable lease terms. The parking garages also need major repairs and maintenance is required across the entire mall. Since 2014, the Center's General Excise Tax revenue has decreased by 41%. In 2021, the circuit court granted a decree of foreclosure.

#### 3.2 Project Intent

As shopping malls around the country undergo a historic transformation regarding their relevance to the communities they serve, the Queen Kaʻahumanu Center is constantly exploring new opportunities for the property to evolve to meet the specific needs of the community. The

Center also recognizes that as the shopping experience post-pandemic is shifting, areas of the Queen Ka'ahumanu Center are underutilized and could benefit from better land utilization. Rezoning Queen Ka'ahumanu Center would allow for the optimization of land by accommodating multiple functions within the same space. This approach promotes smart growth principles, reduces urban sprawl, and preserves agricultural land and open spaces.

Mixed-use zoning with an appropriate balance of commercial and residential uses perfectly complements retail areas, as residents have nearby amenities to serve them and their families, and retailers thrive from the energy and beautification that comes with increased density.

The timeline for development, as well as who will be responsible for developing the site, has not been determined. Since the property went into foreclosure, it has been held by a CMBS Trust, which is responsible for maintaining the health of the Queen Ka'ahumanu Center, its stores and local retailers. As such there are many options for development plans: anchor stores may prefer to renovate or relocate within the site, additional national retailers may want to come to the site, and local retailers may want to adjust their location within the mall. As such there is no single development plan proposal at this time, and a development is not being proposed as part of this entitlement application. Rather, the **intent** is to ensure the greatest opportunity to reinvest in the property, and maximum flexibility for a future project, that will support the needs of the community while providing a sound and sustainable economic footing for the Queen Ka'ahumanu Center.

When the site is rezoned appropriately, a development plan can be proposed and the County will require workforce housing pursuant to MCC Chapter 2.96 for all residential development. The Queen Ka'ahumanu Center's hope is that through a public/private partnership arrangement, and available subsidies, a developer can incorporate additional affordable housing into any future project, and there is language in both the proposed Wailuku-Kahului Community Plan amendment and the proposed conditions of zoning to that affect.

### 3.3 Property Description

The Queen Ka'ahumanu Center is comprised of five parcels: 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 comprising approximately 33.8 acres. The Center is located in central Kahului with access from West Ka'ahumanu Avenue, Kane Street, Wakea Avenue, and Kea Street (Figure 1).

The Queen Ka'ahumanu Center includes a diverse mix of retail, restaurant, service, entertainment, and office uses. The site also includes a Foodland grocery store. There are two multi-level parking garages that together with extensive surface parking provide 2,728 parking spaces. Internal concrete driveways, walkways, landscaping, mature trees, and open space are also integrated into the site. As of 2022, major lessees include Foodland, Macy's, American Eagle, Bath & Body Works, Long's CVS, Hawaii Family Dental, and Fun Factory among others. Figures 2 and 3 identify the existing site as well as the site with major leases.

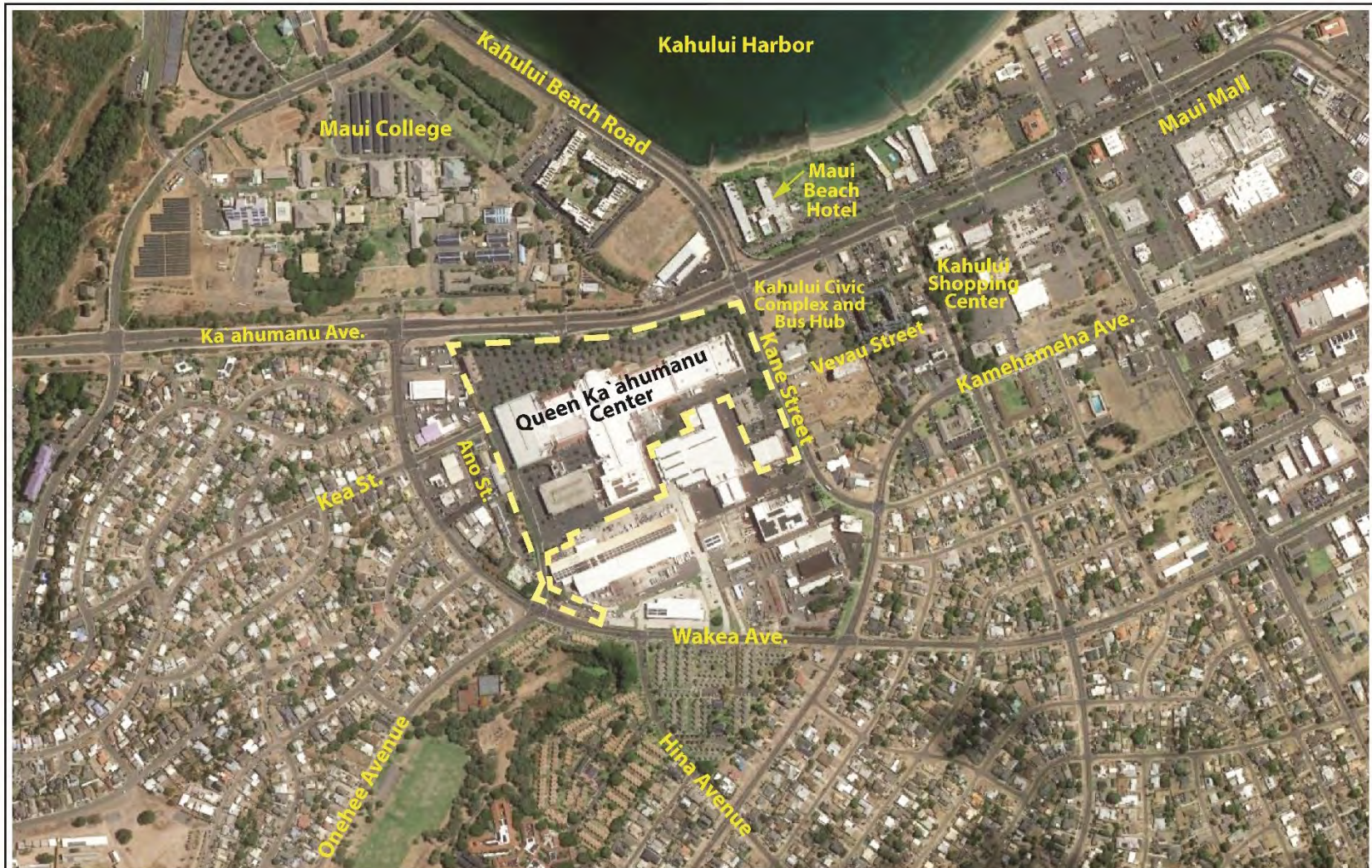
The Queen Ka'ahumanu Center abuts West Ka'ahumanu Avenue with the University of Hawai'i Maui College, the Countertop and Tile Store, and Harbor Lights multifamily residential beyond to the north. Maui Electric, industrial, warehousing and office uses are to the south. Revitalization

is occurring to the east with new affordable housing projects and the planned Kahului Civic Center and transit hub. Industrial, office, social service, and the sprawling residential communities of Kahului are beyond to the west (Figure 4). Table 2 identifies the Queen Kaʻahumanu Center property's entitlements as well as the entitlements of neighboring areas. Figures 5 – 8 illustrate the Queen Kaʻahumanu Center's community plan designation, zoning, location within the Special Management Area, and proximity to the Sea Level Rise Exposure Area.

	<b>State Land Use</b>	<b>Maui Island Plan Growth Boundary</b>	<b>Community Plan</b>	<b>Zoning District</b>
Queen Kaʻahumanu Ctr	Urban	Urban	Business/Commercial Heavy Industrial	M-2 Heavy Industrial
Adjacent Areas				
NORTH	Urban	Urban	Public/Quasi-Public Business/Commercial	M-1 Light Industrial M-2 Heavy Industrial
SOUTH	Urban	Urban	Heavy Industrial	M-2 Heavy Industrial
EAST	Urban	Urban	Business/Commercial Single Family Residential Public/Quasi-Public	B-2 Community Business
WEST	Urban	Urban	Light Industrial Heavy Industrial	M-2 Heavy Industrial

**Table 2:** The entitlements of Queen Kaʻahumanu Center and Adjacent Areas





**Figure 1: Location Map**

**Figure 1**

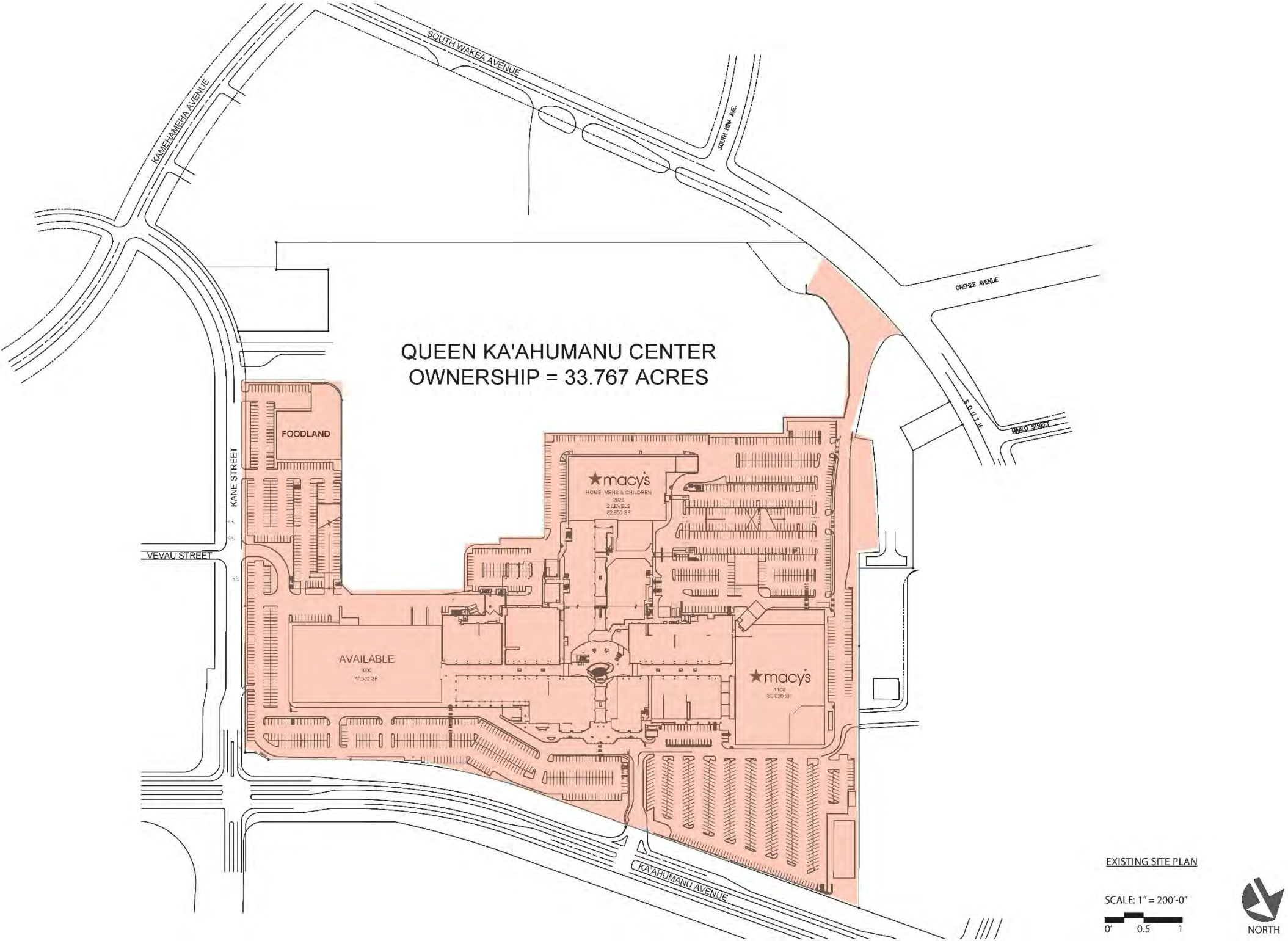
Location Map

**Queen Ka'ahumanu  
Center**



PLANNING  
CONSULTANTS  
HAWAII, LLC






**PACIFIC  
RETAIL**      **Figure 2: Existing Site Plan**

  
275 WEST KA'AHUMANU AVENUE, KAHULUI, HI 96732

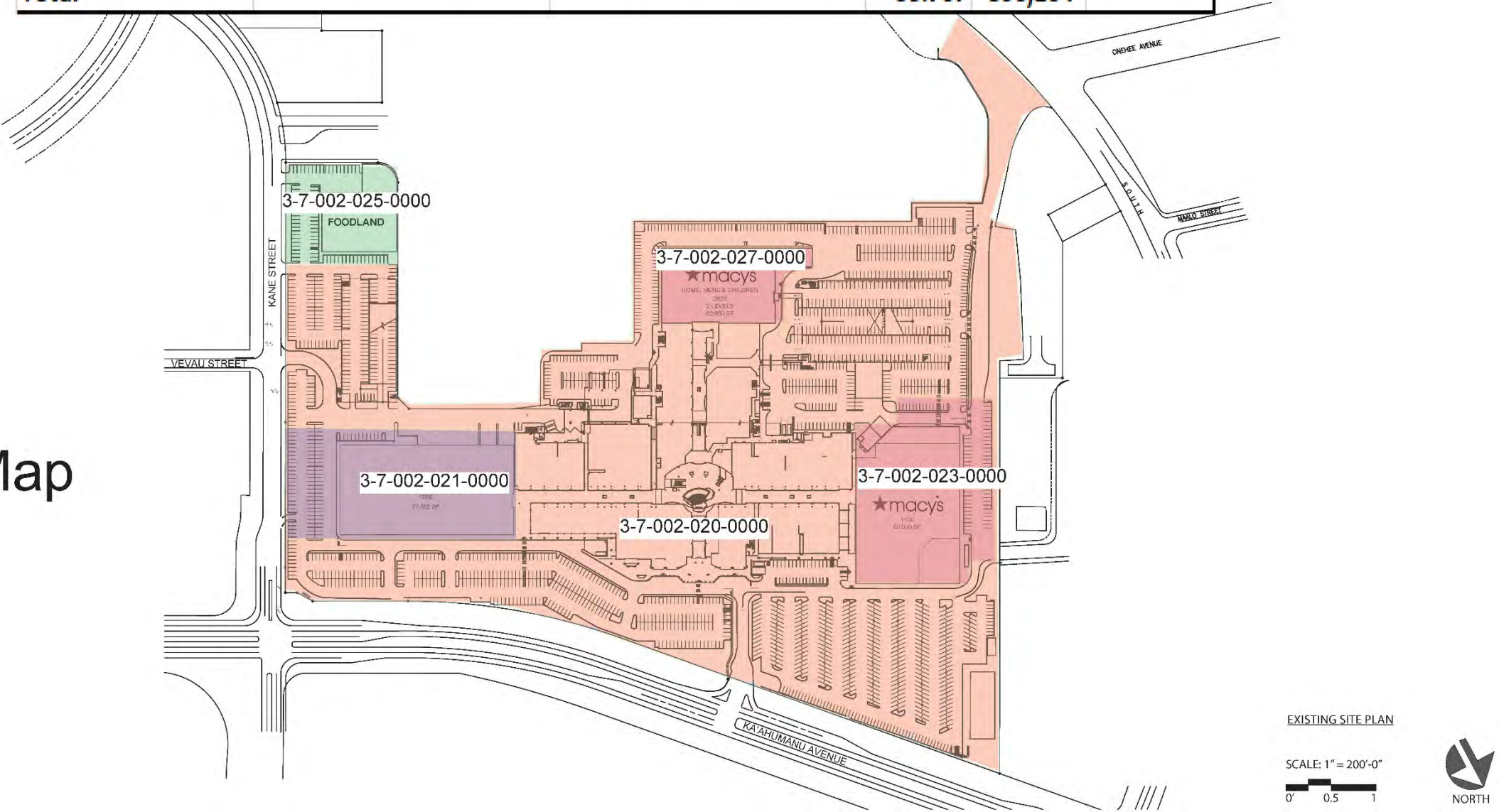
**Figure 2**  
**Existing Site Plan**

 <small>35 Hugus Alley, Suite 200 Pasadena, California 91103-3648</small>	<b>SITE PLAN</b>	
	03.08.2022	211126TMA
	<b>LS-00</b>	



Tax Parcel Map

Parcel Number	Fee Owner	Leasee	Acres	Sq Ft	Map Color
3-7-002-020-0000	QKC Maui Owner, LLC	N/A	24.6	588,785	
3-7-002-021-0000	QKC Maui Owner, LLC	Sears	3.438	72,704	
3-7-002-023-0000	QKC Maui Owner, LLC	Liberty House, Inc	2.915	81,830	
3-7-002-025-0000	QKC Maui Owner, LLC	Foodland Supermarkets, LTD.	1.632	26,237	
3-7-002-027-0000	QKC Maui Owner, LLC	JC Penny Company, Inc.	1.182	86,608	
Total			33.767	856,164	



PACIFIC  
RETAIL

Figure 3: Existing Site Plan with Major Lessees

QUEEN  
KA'AHUMANU  
CENTER  
275 WEST KA'AHUMANU AVENUE, KAHULUI, HI 96732

LEASING REPRESENTATIVE:

35 Hugus Alley, Suite 200  
Pasadena, California 91103-3648

SITE PLAN  
03.08.2022 211126TMA  
LS-00



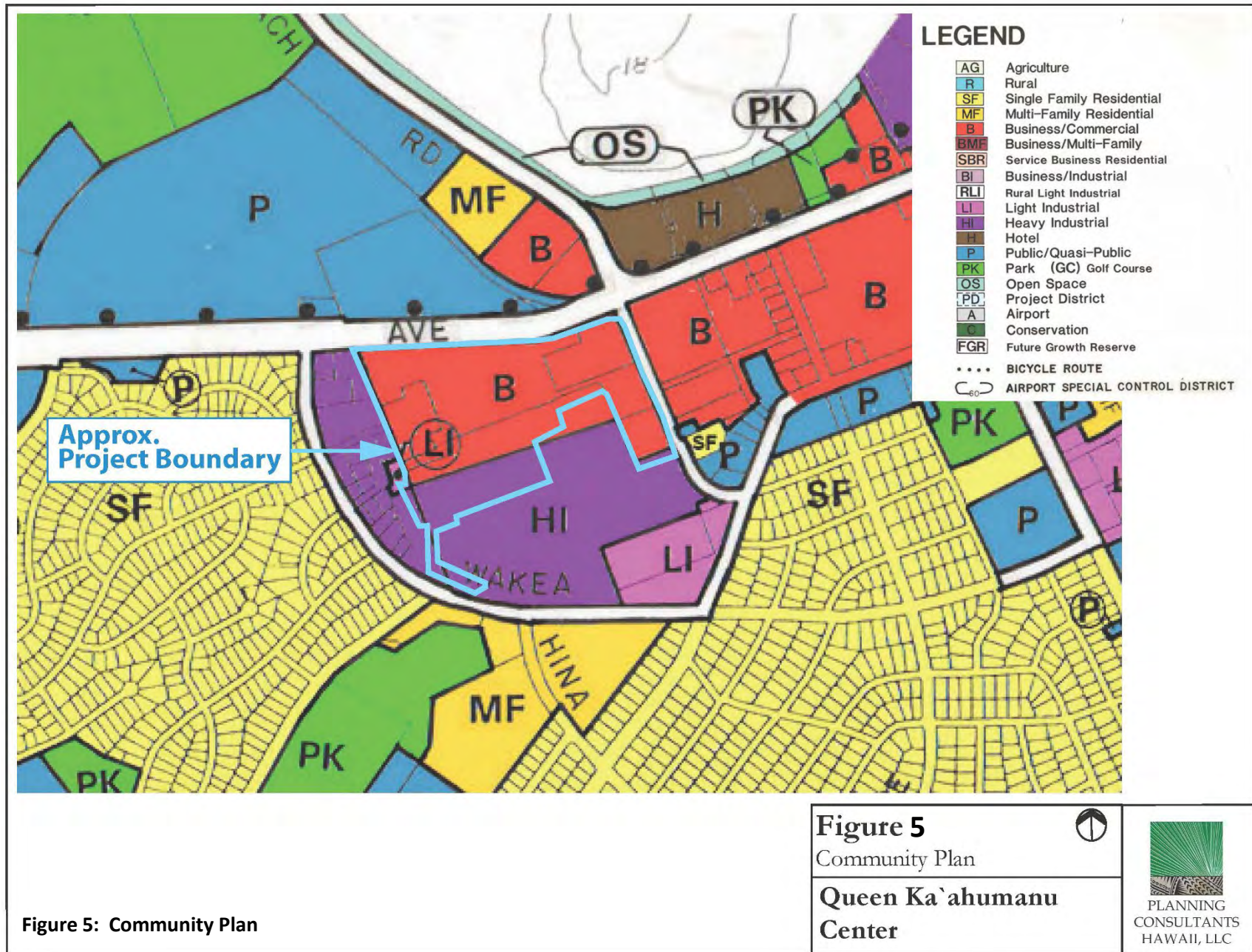


PACIFIC  
RETAIL

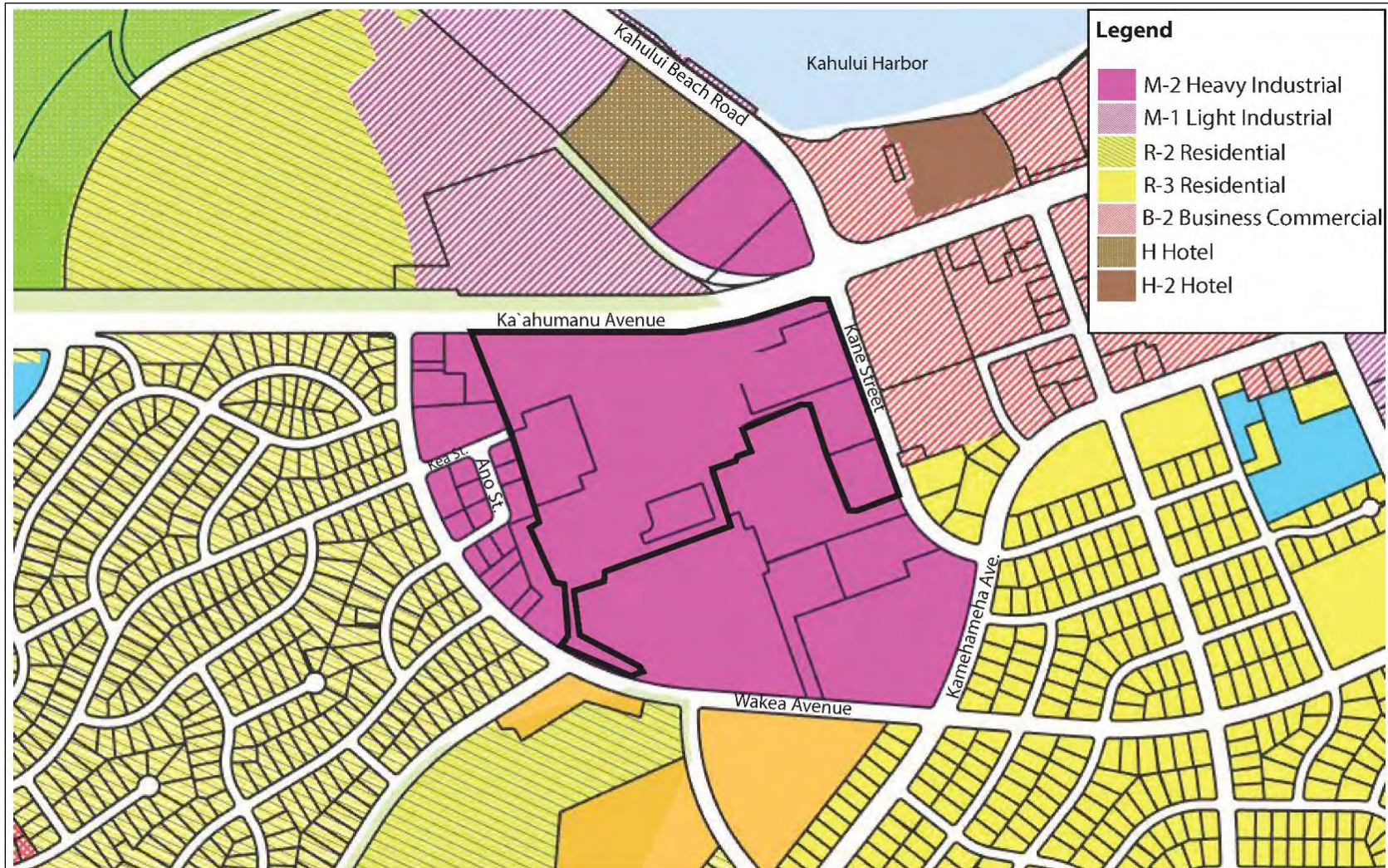
Figure 4: Existing Uses

EXISTING USES | QUEEN KA'AHUMANU CENTER | KAHULUI, HI | AUGUST 31, 2022









**Figure 6: Zoning Map**

**Figure 6**

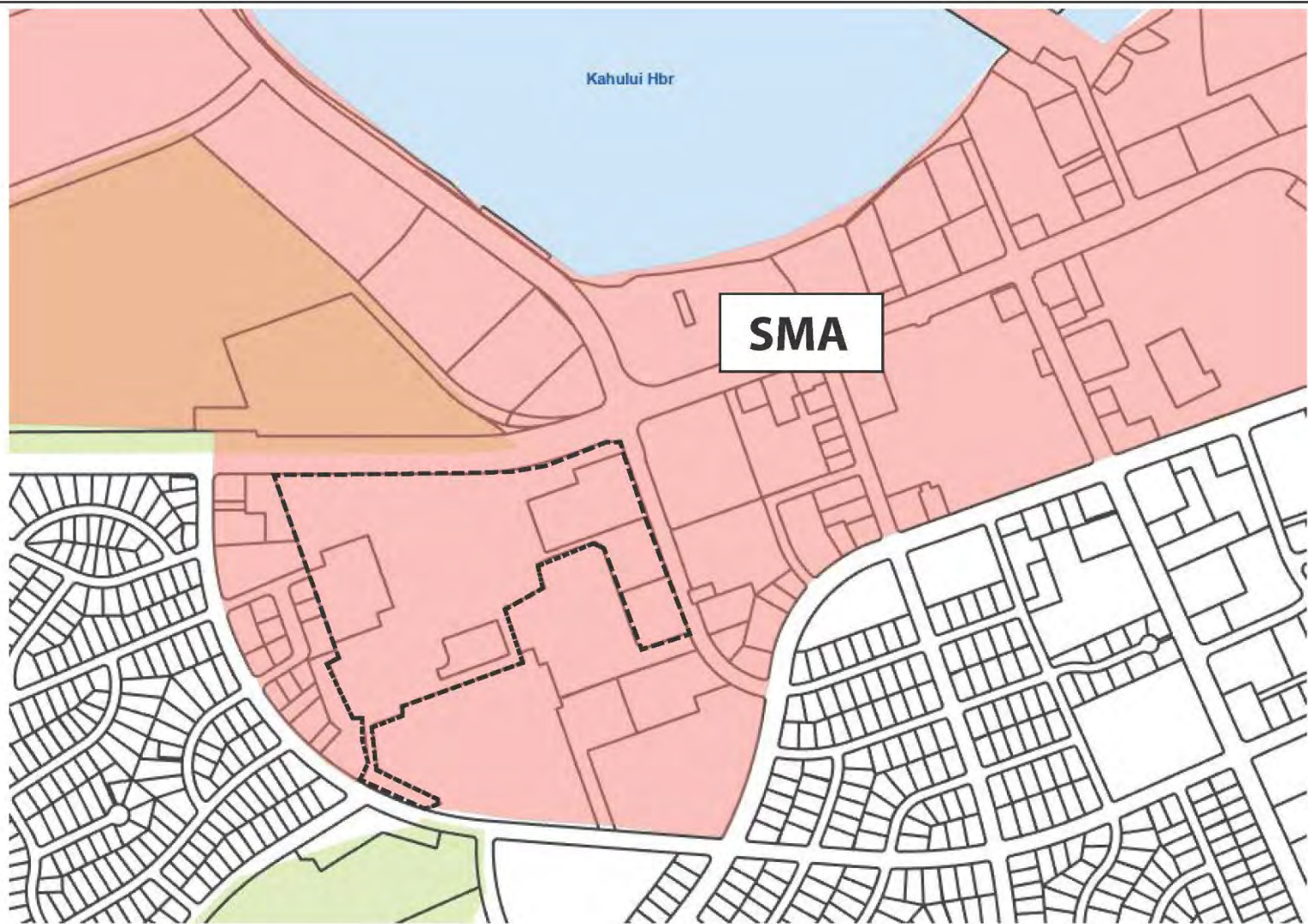
Zoning Map

**Queen Kaahumanu  
Center**



PLANNING  
CONSULTANTS  
HAWAII, LLC

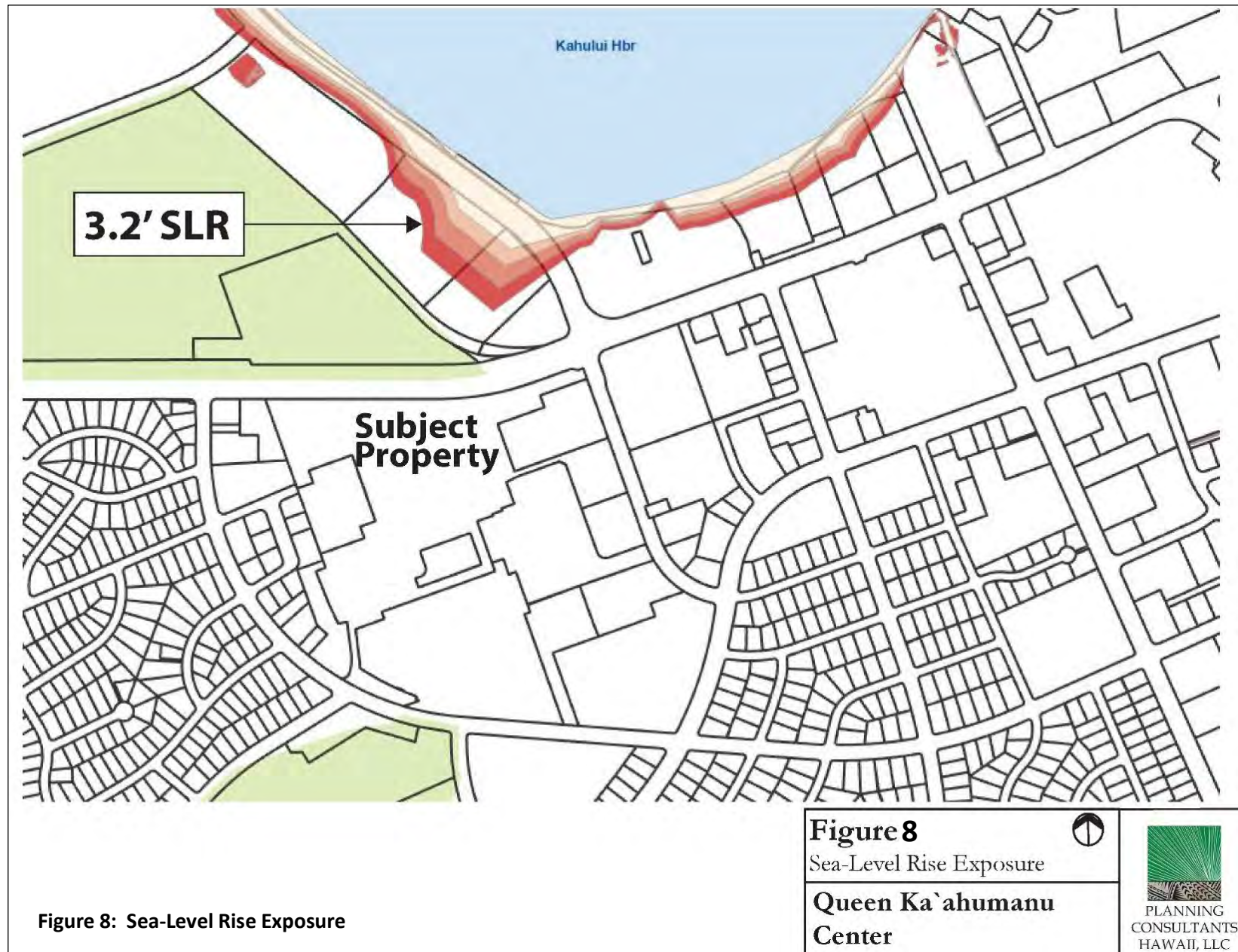




**Figure 7: Special Management Area Permit**

**Figure 7**  
Special Management Area  
**Queen Ka'ahumanu  
Center**







### 3.4 Public Input

To gain insights into the preferences of Maui residents, Queen Kaʻahumanu Center ownership (Property Owner) reached out to the community to help shape the future of the Center and to explore new opportunities for the property. Through this effort, the Property Owner actively encouraged public input through an online survey and small group conversations with elected officials, community leaders, and non-profit organizations to understand and address specific community desires, needs, and concerns related to the proposed change in entitlements and to foster a sense of ownership for any future redevelopment.

#### SMALL GROUP CONVERSATIONS

1. Elected officials
2. Stand Up Maui
3. Maui Tomorrow
4. Sierra Club
5. Canoe Club

The online survey provided an opportunity for Maui residents, and customers visiting the Center, to provide feedback on different aspects of the Queen Kaʻahumanu Center. The survey was launched in June 2023 and was widely distributed through newsletters, SMS, onsite activations, and community partners. Through the survey, the Property Owner gathered valuable input, which will be instrumental in shaping the future of Queen Kaʻahumanu Center.

While no development is proposed as part of this project, the survey and small group conversations did yield the following feedback regarding any future redevelopment of the Queen Kaʻahumanu Center.

#### DESIRES

- Mixed-uses to include retail, dining, experiences, housing, entertainment, arts, and services
- Keep the grocery store (Foodland)
- Green and communal space
- Diverse housing options with an emphasis on affordable, workforce, and special needs housing for Maui residents
- Maintain status as a gathering place for the Maui community
- Design in-keeping with Maui's sense-of-place (ie. appropriate scale and massing)
- Linkages to the future Kahului Civic Center, transit hub, harbor, and UHMC
- Preservation of the Queen Kaʻahumanu Statue
- Native landscape preservation
- Preservation of mature monkeypod trees

#### CONCERNS

- Housing priced/targeted to off-island buyers rather than Maui residents
- Excessive building heights and massing
- Impact on local mom and pop stores

#### 4.0 PROPOSED LEGISLATION

County Council Resolution No. 23-221, FD1 consists of two proposed draft bills for an ordinance (Appendix A).

As illustrated in Figure 9, the first bill would amend the Wailuku-Kahului Community Plan Designation from Heavy Industrial to Business/Commercial for a portion (≈6.84 acres) of the ≈33.8 acres that comprise the Queen Ka'ahumanu Center property. The area subject to the proposed community plan amendment is located at the rear (south) side of the property and encompasses the Macys men's and home store, on-site parking, and the driveway entrance to West Wakea Avenue.

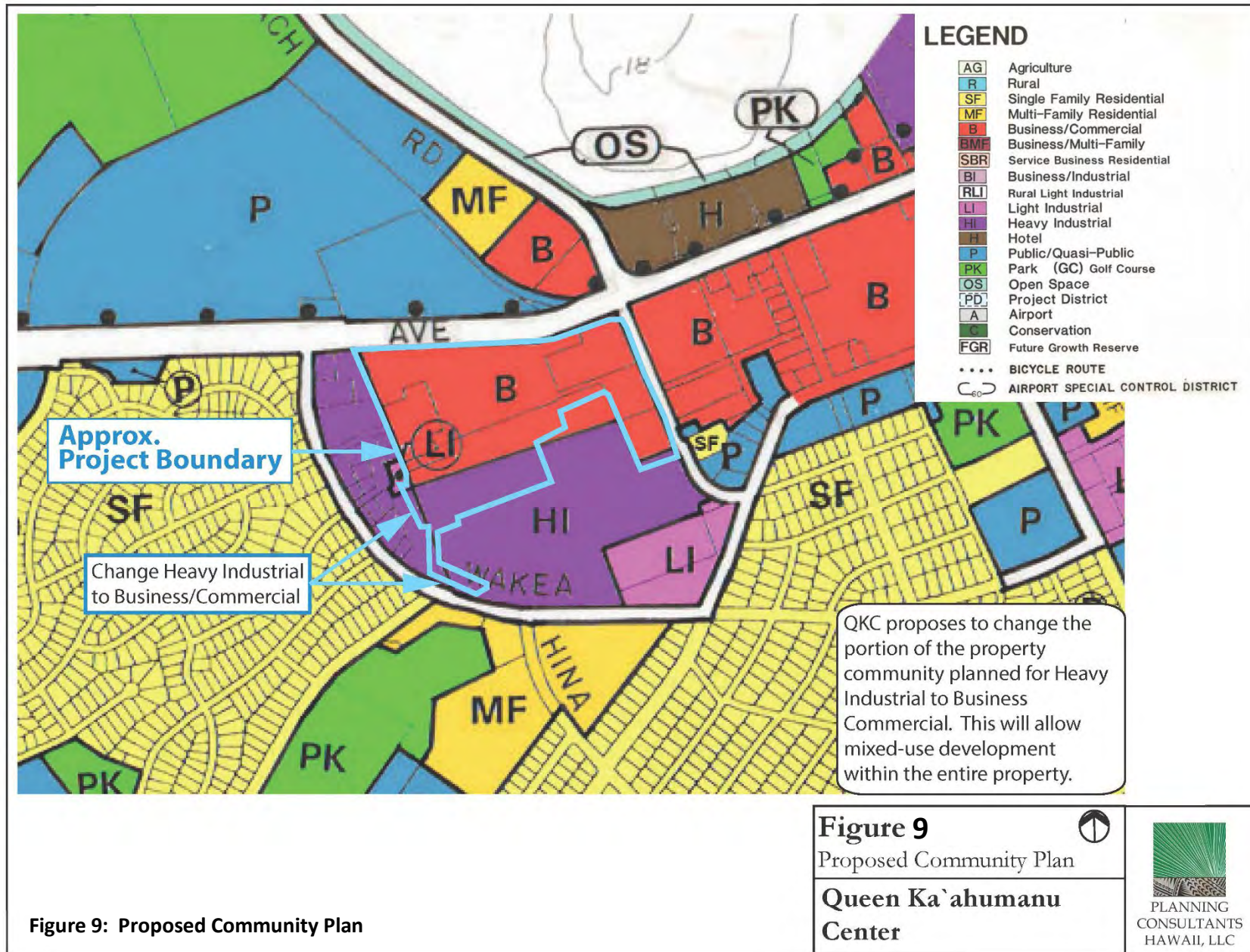
The community plan amendment will allow mixed-use development within the entire property, provide the most appropriate designation for existing and future use of the property, and establish the foundation for more holistic and effective planning of the project area.

The first bill also amends the text of the Wailuku-Kahului Community Plan to provide a more robust policy framework to guide future revitalization of the Queen Ka'ahumanu Shopping Center property. The proposed revision to the community plan text addresses community comments and suggestions received by Queen Ka'ahumanu Center ownership during its public outreach. The entire text of the proposed community plan amendment is set forth in Figure 10, and is intended to provide policy to support:

- A more appropriate, vibrant, and economically sustainable mix of residential, service, retail, office, and open- or green-space uses.
- An enhanced mix of uses that complements and provides demand for retail uses.
- The development of multi-family housing to help address Maui's acute shortage of housing inventory, including affordable, workforce, and special needs housing.
- A public-partnership agreement to maximize the delivery of workforce and affordable housing for Maui residents.
- Urban design that fosters environmental sustainability, respect for Maui's unique culture and sense of place, and that pays homage to the legacy of Queen Ka'ahumanu.
- Compatible scale relationships between the existing low-scale character of the area, adjacent public uses, and higher buildings.
- Use of native trees, greenery, and color landscaping to soften and shade the built environment.
- Implementation of the Ka'ahumanu Community Corridor Community Action Plan including safer connections and access to the future Kahului Civic Center, transit hub, and harbor.

The second bill would change zoning from M-2 Heavy Industrial District to B-3 Central Business District (Conditional Zoning) for the ≈33.8 acres that comprise the Queen Ka'ahumanu Center property. The zoning change would make the Project Area's zoning consistent with the Project Area's Wailuku-Kahului Community Plan designation. The major differences between the M-2 Heavy Industrial District and the B-3 Central Business District, with conditional zoning, are summarized below:







COMPARISON			
	Chapter 19.26 MCC M-2 Heavy Industrial District	Chapter 19.20 MCC B-3 Central Business District	ANALYSIS
Purpose and Intent	Those uses which include the manufacture or treatment of goods from raw materials are permitted in the M-2 heavy industrial district. Those uses which are listed under <a href="#">section 19.26.040</a> cannot be automatically included in the M-2 heavy industrial district because of their hazardous or offensive nature.	The B-3 central business district permits general business enterprises, particularly financial, governmental, commercial, and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Manufacturing and nuisance industries are excluded from the zone.	The M-2 Heavy Industrial District was established with the purpose of providing demarcated areas for heavy industrial uses that could be hazardous and offensive in nature.  The B-3 Central Business Distrct excludes hazardous and offensive uses which makes it a more suitable zoning district for land uses that attract people (retail, restaurant, entertainment, multi-family residential, etc.).
Permitted Uses (Examples only <sup>1</sup> )	Any use permitted in the B-1, B-2 and B-3 business districts and the M-1 light industrial district except single family dwellings, duplexes, bungalow courts, short-term rental homes, transient vacation rentals and apartments. Automobile wrecking, if conducted within a building Canneries except fish canneries Chemical manufacture Lumber yard Material recycling and recovery facilities Oil storage plants Sugar mills and refineries Utility facilities, major In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like and not allowed in any other district	Amusement and recreational activities (Conducted wholly within a completely enclosed building) Auditoriums, theaters, gymnasiums including fitness centers, private clubs, and dance halls Building and premises used, owned, or operated by government agencies, including community centers Eating and drinking establishments Education, specialized Educational institutions Farmer's market General merchandising (Except for equipment rentals, sales yards, and plumbing shops) General office Multifamily dwellings, duplexes, and bungalow courts Parks and playgrounds Personal and business services Swap meets and open air markets	The M-2 Heavy Industrial District offers a type of “pyramid” zoning wherein the uses permitted in less intensive zoning districts (B-1, B-2, B-3, and M-1 Light Industrial) were included in the M-2 Heavy Indistrial District along with an additional set of uses known to be <u>obnoxious and offensive</u> . <u>Residential uses</u> are generally <u>not permitted</u> in the M-2 Heavy Industrial District.  The B-3 Central Business District permits an array of uses that are consistent with existing uses present at the Queen Ka’ahumnu Center such as merchandising, eating and drinking establishments, office, services, and entertainment. Hazardous and offensive uses are not permitted. The B-3 Central Business District does permit “ <u>multifamily dwellings</u> ” which will help to revitalize the retail component of the mall and create opportunities to address Maui’s housing affordability crisis.
Special Uses (Examples Only <sup>1</sup> )	Ammonia, bleaching powder or chlorine manufacture Cement, lime, gypsum, or plaster of paris manufacture Explosives manufacture or storage Petroleum refinery Slaughter of animals	Mortuaries	The M-2 Heavy Industrial District includes an array of hazardous and obnoxious uses that may be permitted by the planning commission. These uses are not compatible with the existing use of the Queen Ka’ahumanu Center and would be inconsistent with the intent of the Wailuku-Kahului Community Plan as reflected in its designation of the Center as Buinees/Commercial.
Development Standards (Maui, select only <sup>1</sup> )			
Minimum Lot Area Minimum Lot Width	10,000 sq.ft. 75 feet	6,000 sq.ft. 60 feet	The M-2 Heavy Industrial District’s larger minimum lot area of 10,000 sq.ft. and lot width of 75 feet are necessary to mitigate the potential impacts uses in this district may have on neighboring properties.
Maximum Building Height	90 feet. (Except that vent pipes, fans, chimneys, antennae, and equipment used for small scale energy or communications systems on roofs shall not exceed 10 feet above the building roof)	Central Maui – 144 feet. (Except vent pipes, fans, elevator and stairway shafts, chimneys, cellular or other antennae, and equipment used for small-scale energy systems on roofs may extend an additional 10 feet above the building roof from which it extends.)	Through proposed <i>conditional zoning</i> , the 144 foot maximum building height allowed in the B-3 Central Business District <i>will be reduced to 90 feet for the Queen Ka’ahumanu Center property</i> .
Floor Area Ratio	NA	400 percent	The Floor Area Ratio (F.A.R.)" means that ratio of the total gross floor area of a structure or structures, to the total lot area. F.A.R. helps to manage the intensity of a building while offering flexibility in the final shape of a building. Other zoning standards, such as maximum building heights, further limit how F.A.R can be apportioned in a development. The B-3 Central Business District includes an F.A.R requirement while the M-2 Industrial District does not.
Front, Side and Rear Yard setback	0 feet, or the same as the adjoining zoning category whichever is greater. Where the setback of the adjoining non-industrial zoned parcel is less than 10 feet, a minimum setback of 10 feet shall be applied	Front: None Side and Rear: 0 feet, or the same as the adjoining zoning category, whichever is greater	The yard setback requirements are similar in both districts.
<sup>1</sup> This table is for illustrative purposes. It provides highlighted examples of the permitted uses, special uses, and development standards set forth in the M-2 Heavy Industrial District and the B-3 Central Business District. For a complete list of all permitted uses, special uses, and development standards set forth in these districts, please refer to Chapters 19.26 and 19.20 MCC.			

Table 3: Comparison of the M-2 Heavy Industrial and B-3 Central Business Districts.

<b>CONDITIONS OF ZONING</b>	
<b>"Developer" means any current or future developer or owner of any property that is subject to this Change in Zoning.</b>	
CONDITIONS	RATIONALE
1. In the B-3 Central Business District-zoned areas, building heights must not exceed 90 feet.	Manage density and mitigate visual and scenic impacts by maintaining the existing building height limit of 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.	Reduce housing costs, reduce the need to remove existing mature and aesthetically valuable trees, and foster a more efficient use of the project site by lowering the parking requirement for multi-family dwellings of less than 1,500 sq.ft. from 2 parking spaces to 1 parking space.  The parking reduction is justified in that any future housing development at the Queen Ka'ahumanu Center site will generate less demand for parking than a traditional single-use multi-family project because it will be : A. Part of a larger mixed use project where shared parking between two or more uses will likely occur at different times; and B. Near transit, pedestrian, or bicycle access and bicycle parking, and safe access will be provided for pedestrians.
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.	Maximize the production of affordable and workforce housing units through a public-partnership agreement between the County and developer with the intent to incentivize the production of housing for Maui residents.
4. Prior to obtaining a Special Management Area permit, the Developer must:	Foster excellence in urban design that protects central Kahului's unique culture and sense of place by having developers prepare rigorous studies, develop good data, and seek community input to shape and inform their development planning.
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 'Īao 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.	

**Table 4:** The rationale for proposed zoning conditions

SECTION 2. Under Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan (2002), as amended, is further amended at Part III.D. 1, "POLICY RECOMMENDATIONS, IMPLEMENTING ACTIONS AND STANDARDS FOR THE WAILUKU-KAHULUI REGION; Planning Standards; Land Use," by adding the following:

"d. The Queen Kaʻahumanu Center, at 275 West Kaʻahumanu 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 Kaʻahumanu Community Center Revitalization and Infill Project is approximately 33.8 acres and encompasses the parking lots, commercial buildings, and ancillary areas that comprise the Queen Kaʻahumanu 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 the Queen Kaʻahumanu 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, recreational green space, plazas and pedestrian-friendly spaces, services, housing, and similar accessory uses.

An emphasis will be placed on the development of multi-family 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 where it 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 Kaʻahumanu. 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 Kaʻahumanu Community Corridor Community Action Plan and create safer connections and access to the harbor, Hoʻaloha Park, transit, and nearby public and civic spaces. For instance, the project should connect with the Hawai'i Housing and Finance 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."

**Figure 10: Proposed amendment to the text of the Wailuku-Kahului Community Plan**

## 5.0 APPLICABLE REGULATIONS

### 5.1 Non decennial community plan amendments proposed by the planning director or the council.

Section 2.80B.100, Maui County Code (MCC), authorizes the Council to initiate nondecennial amendments to a community plan by resolution through the process set forth below:

*2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.*

- A. *Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*
- B. *Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- C. *Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.*

*(Ord. 3317 § 2, 2005; Ord. 3166 § 2 (part), 2004)*

As described in MCC Subsection 2.80B.100(A), the Maui County Charter (2021) also provides direction as to how the planning commission is to process Council initiated nondecennial amendments. For instance, Section 8-8.4., Paragraph 2, Subsections 2 and 3 state the appropriate planning commission shall:

1. *Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one hundred eighty (180) days after the final public hearing.*
2. *Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the final public hearing.*

Charter Section 8-8.6(2) provides further direction, specifically:

2. *Any revisions of the general plan, zoning ordinance or other land use ordinance may be proposed by the council and shall be reviewed by the appropriate planning commission as if prepared by the planning director. Any such revision shall be referred to the appropriate planning commission by resolution. If the planning commission disapproves the proposed revision or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of the hundred twenty (120) days after receipt of the referral, the council may nevertheless pass such revision, but only by the affirmative vote of at least two thirds of the council's entire membership.*

### 5.2 Amendments to the Zoning Code or Maps Proposed by the Council

Chapter 19.510 MCC establishes a special process for Council initiated amendments to the zoning ordinance, or the boundaries of the zoning districts. Such applications shall follow the procedures set forth in section 19.510.060 MCC, as amended:

*19.510.060 - Amendments.*

A. *Initiation of Proposal.*

1. *Initiation of amendments to or repeal of the provisions of this title or of the boundaries of the districts may be made by adoption of a resolution by the council, by a motion approved by a planning commission, or by a proposal of the planning director.*
2. *The resolution, motion, or proposal shall be addressed to the planning director who shall prepare any legislative bill, zoning map, regulation, or amendment or modification thereto which may be necessary to implement the resolution, motion, or proposal and transmitted to the county council prior to action being taken on the matter.*
3. *The resolution, motion, or proposal shall be processed in accordance with the provisions of section 19.510.020(B) of this code.*

B. *Public Hearing Required. All motions, resolutions, or proposals identified in this section shall require the procedure for public hearing to be done in accordance with sections 19.510.010 and 19.510.020 of this code. (Ord. 2032 § 5 (part), 1991)*

As described above, a Council resolution is to be processed in accordance with MCC subsection 19.510.020(B):

*19.510.020 - Applications which require a public hearing.*

B. *All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:*

1. *The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;*
2. *If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council.*
3. *The planning director shall notify the County council, and the appropriate State and County agencies, and those persons who requested notification of meetings pursuant to subsection A of this section.*

*(Ord. 2316 § 3, 1994; Ord. 2032 § 5 (part), 1991)*

### 5.3 Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to Section 19.510.040, Change of Zoning, MCC, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*

5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.*

#### 5.4 HRS 343 Assessment

Since the proposed Community Plan Amendment is being initiated by the County Council, an Environmental Assessment (EA) is not required pursuant to Chapter 343-5(a)(6), Hawaii Revised Statutes (HRS) accordingly:

*§343-5 Applicability and requirements.*

*(a) Except as otherwise provided, an environmental assessment shall be required for actions that:*

*(6) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;*

## 6.0 STATE AND COUNTY LAND USE PLANS AND POLICIES

### 6.1 State Plans and Policies

1. **Hawaii Revised Statutes (HRS) Chapter 205.** This statute, relating to the Land Use Commission, establishes four major land use districts into which all lands in the State are placed. These districts are designated Urban, Rural, Agricultural, and Conservation. The subject property is within the Urban District.

The Urban District generally includes lands characterized by “city-like” concentrations of people, structures, and services.

**Analysis:** The proposed Council-initiated community plan and zoning designations are consistent with the State Land Use Urban District designation.

2. **Hawai'i State Plan.** The Hawai'i State Planning Act, adopted in 1978 and promulgated in HRS Chapter 226, resulted in the Hawai'i State Plan. The Hawai'i State Plan provides goals, objectives, policies, and priority guidelines for growth, development, and allocating resources throughout the state in various areas of State interest. The proposed Council-initiated land use entitlements are directly supportive of the following goals, objectives, policies, and priority guidelines of the Hawai'i State Plan:

**§ 226-4: State Goals.** In order to guarantee, for the present and future generations, those elements of choice and mobility that ensure that individuals and groups may approach their desired levels of self-reliance and self-determination, it shall be the goal of the State to achieve:

- (1) A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawai'i's present and future generations.



- (2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.
- (3) Physical, social, and economic well-being, for individuals and families in Hawaiʻi, that nourishes a sense of community responsibility, of caring, and of participation in community life.

**Analysis:** The proposed Council-initiated land use entitlements will allow mixed-use residential development at the Queen Kaʻahumanu Center. Mixed-use development has demonstrated positive economic synergies, with the residential development stimulating demand for retail and services and the retail and services offering convenience, health and wellness, and a sense of community for residents. Mixed-use development also reduces vehicle commutes in favor of walking, biking, and public transportation. More active modes of transportation reduce carbon emissions and promote health and well-being by facilitating passive forms of exercise. As such, state land use policy encourages mixed-use and transit-oriented development patterns, which the proposed entitlements will help achieve within the urban core of Kahului at the Queen Kaʻahumanu Center.

**§226-5: Objective and policies for population.**

- (a) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter;
- (b) To achieve the population objective, it shall be the policy of this State to:
  - (1) Manage population growth statewide in a manner that provides increased opportunities for Hawaiʻi's people to pursue their physical, social and economic aspirations while recognizing the unique needs of each county.
  - (2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs-and desires.

**Analysis:** The proposed Council-initiated land use entitlements will support the long-term economic viability of the Queen Kaʻahumanu Center, which the growth of online retail and streaming services has significantly impacted. The entitlement changes will also address Maui's acute affordable housing shortage by removing a barrier that prohibits multi-family housing development at the Center. By creating the opportunity for additional housing and supporting Maui's largest shopping center, the proposed entitlements are consistent with the state policy to manage population growth in a manner that provides increased opportunities for Hawaiʻi's people.

**§226-6: Objectives and policies for the economy in general.**

- (a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

- (1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawai'i's people.
- (2) A steadily growing and diversified economic base that is not overly dependent on a few industries and includes the development and expansion of industries on the neighbor islands.
- (9) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.
- (13) Foster greater cooperation and coordination between the government and private sectors in developing Hawai'i's employment and economic growth opportunities.

**Analysis:** The proposed Council-initiated entitlement changes at Queen Ka'ahumanu Center illustrate the government and the private sector working together to address Maui's economic and housing needs. Infill revitalization of shopping centers with mixed-use development is occurring nationwide to create affordable housing, stimulate local economies, reduce automobile dependence, and use limited land resources more wisely and efficiently. At Queen Ka'ahumanu Center, this Council-initiated entitlement request seeks to achieve these same benefits for Maui Island.

#### **§226-19: Objectives and policies for socio-cultural advancement--housing**

- (a) Planning for the State's socio- cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:
  - (1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawai'i's population.
  - (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (b) To achieve the housing objectives, it shall be the policy of this State to:
  - (1) Effectively accommodate the housing needs of Hawai'i's people.
  - (2) Stimulate and promote feasible approaches that increase affordable rental and for sale housing choices for extremely low-, very low-, lower-, moderate-, and above moderate-income households.
  - (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
  - (5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

- (6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.
- (7) Foster a variety of lifestyles traditional to Hawaiʻi through the design and maintenance of neighborhoods that reflect the culture and values of the community.

**Analysis:** The proposed Council-initiated entitlement changes will create an opportunity for multi-family development at Queen Kaʻahumanu Center. The mall is in the urban core of Kahului, an area of Central Maui that serves as the island's principal population, economic, cultural, and educational center. Multi-family residential development at this urban infill site will be popular with island residents who desire to live close to major County facilities such as the hospital and transit, the Keolu Park, Maui College, shopping, restaurants, and employment.

The proposed entitlement changes directly support state policy to utilize developable, underutilized urban land for housing.

**§226-23: Objective and policies for socio-cultural advancement--leisure.**

- (a) Planning for the State's socio- cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.
- (b) To achieve the leisure objective, it shall be the policy of this State to:
  - (1) Foster and preserve Hawaiʻi's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.
  - (2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.
  - (8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk, and traditional art forms.

**Analysis:** The Queen Kaʻahumanu Center hosts over 50 community events annually and has been the venue sponsor for signature Maui events such as Maui Matsuri, Prince Kūhiō Maui Hoʻolauleʻa, Maui Steel Guitar Festival, Abilities Awareness Fair, Festivals of Aloha, and more. The Queen Kaʻahumanu Center is also a partner to hundreds of nonprofit organizations annually. These community events and cultural programs would help create a sense of place and community for future mixed-use residential development. The Council-initiated entitlement changes support the state's objectives and policies for socio-cultural advancement and leisure by creating the opportunity for a more active, economically viable Center.

**§226-25: Objective and policies for socio-cultural advancement--culture.**

- (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawaiʻi's people.
- (b) To achieve the culture objective, it shall be the policy of this State to:
  - (1) Foster increased knowledge and understanding of Hawaiʻi's ethnic and cultural heritages and the history of Hawaiʻi.
  - (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawaiʻi's people and which are sensitive and responsive to family and community needs.
  - (4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawaiʻi's people and visitors.

**Analysis:** The Queen Kaʻahumanu Center hosts over 50 community events annually and has been the venue sponsor for signature Maui events such as Maui Matsuri, Prince Kūhiō Maui Hoʻolauleʻa, Maui Steel Guitar Festival, Abilities Awareness Fair, Festivals of Aloha, and more. The Queen Kaʻahumanu Center is also a partner to hundreds of nonprofit organizations annually. These community events and cultural programs would help create a sense of place and community for future mixed-use residential development. The Council-initiated entitlement changes support the state's objectives and policies for socio-cultural advancement and leisure by creating the opportunity for a more active, economically viable Center.

**§226-103: Economic priority guidelines.**

- (a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaiʻi's people and achieve a stable and diversified economy
  - (1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises.
    - (A) Encourage investments which:
      - (iv) Reinvests in the local economy.
      - (V) Are sensitive to community needs and priorities.

**Analysis:** The proposed Council-initiated entitlement changes will expedite the opportunity for public- and private-sector investment into the Queen Kaʻahumanu Shopping Center for economic revitalization and housing. Infill revitalization of shopping centers with mixed-use development is occurring nationwide to create affordable housing, stimulate local economies, reduce automobile dependence, and use limited land resources more wisely and efficiently. At Queen Kaʻahumanu Center, this Council-initiated entitlement request seeks to achieve these same benefits for Maui Island.

**§226-104: Population growth and land resources priority guidelines.**

- (a) Priority guidelines to effect desired growth and distribution:
  - (1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawai'i's people.
- (b) Priority guidelines for regional growth distribution and land resource utilization:
  - (1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.
  - (5) In order to preserve green belts, give priority to state capital-improvement funds which encourage location of urban development within existing urban areas except where compelling public interest dictates development of a noncontiguous new urban core.
  - (7) Pursue rehabilitation of appropriate urban areas.
  - (9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
  - (12) Utilize Hawai'i's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.

**Analysis:** The proposed Council-initiated entitlement changes will create the opportunity to develop infill, multi-family housing at the site of the Queen Ka'ahumanu Center. The Queen Ka'ahumanu Center is in the urban core of Kahului, on land designated for urban development. Multi-family housing at the Center will serve the dual purpose of revitalizing the existing retail, restaurant, and service business uses while creating more diverse, convenient, and affordable housing options for Maui residents. The proposed entitlement changes directly support state policies to direct urban development to existing urban areas where infrastructure and public facilities are available and away from critical environmental habitats that could be impacted.

**§226-106: Affordable housing. Priority guidelines for the provision of affordable housing:**

- (1) Seek to use marginal or nonessential agricultural land, urban land, and public land to meet housing needs of extremely low-, very low-, lower-, moderate-, and above moderate-income households.
- (4) Create incentives for development which would increase home ownership and rental opportunities for Hawai'i's extremely low-, very low-, lower-, and moderate-income households and residents with special needs.

- (8) Give higher priority to the provision of quality housing that is affordable for Hawai'i's residents and less priority to development of housing intended primarily for individuals outside of Hawai'i.

**Analysis:** The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at the Queen Ka'ahumanu Center. Central Maui is the island's primary population and economic center, and the island's principal public facilities are in Kahului, proximate to the Queen Ka'ahumanu Center. Multi-family residential development in this area will be popular with island residents who want to be close to major facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, UH Maui College, transit, shopping, restaurants, and employment. Central Maui housing is also attractive to island residents and less popular with second-home buyers who tend to purchase near resort destinations. Moreover, a future multi-family residential project would include affordable housing. The entitlement change also includes a zoning condition that would encourage future developers to work with the County to form a public-private partnership with the intent to increase the amount of affordable housing that would be provided on-site subject to subsidies.

**§226-109: Climate change adaptation priority guidelines. Priority guidelines to prepare the State to address the impacts of climate change, including impacts to the areas of agriculture; conservation lands; coastal and nearshore marine areas; natural and cultural resources; education; energy; higher education; health; historic preservation; water resources; the built environment, such as housing, recreation, transportation; and the economy shall:**

- (10) Encourage planning and management of the natural and built environments that effectively integrate climate change policy.

**Analysis:** The Queen Ka'ahumanu Center is outside the Sea-Level-Rise Exposure Area for 3.2 feet of sea-level rise. The Center is also outside of the Flood Hazard Area. Moreover, any future mixed-use residential development at the Center will be subject to an SMA Use Permit. The SMA permitting process will require a robust review of the project's exposure to coastal hazards, and mitigation measures will be required where warranted.

3. **Chapter 343 HRS.** The proposed project is requesting a Community Plan Amendment (CPA) which is a trigger for an Environmental Assessment per Chapter 343.

**Analysis:** Since the CPA is Council-initiated, compliance with Chapter 343 HRS is not triggered, as is stated in HRS below:

*§343-5 Applicability and requirements. (a) Except as otherwise provided, an environmental assessment shall be required for actions that:*

- (5) Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by a county;*



#### 4. **Chapter 205A HRS, Coastal Zone Management, Special Management Area**

**Analysis:** The subject property is within the Special Management Area and subject to Chapter 205A HRS Coastal Zone Management. Any future development project will be subject to SMA permitting requirements, where applicable.

#### 6.2 **Maui County General Plan**

The Maui County General Plan comprises a hierarchy of planning documents, including the Countywide Policy Plan, the Maui Island Plan (MIP), and the nine community plans. The Countywide Policy Plan provides over-arching values and a policy framework for developing the MIP and the Community Plans. It establishes broad goals, objectives, policies, and implementing actions that portray the desired direction of the County’s future.

The MIP establishes a directed growth strategy for the island of Maui. It demarcates Urban and Rural Growth Boundaries, with supporting policies and actions to direct development to these areas. The MIP seeks to protect natural, cultural, and ecological resources outside the growth boundaries. The MIP provides policy direction for the use and development of land and capital improvement programming to support development. The MIP also creates policies to expand the island’s economic base, provide housing, and protect natural and cultural resources.

The 2002 Wailuku-Kahului Community Plan (Community Plan) reflects current and anticipated conditions in the region. It advances planning goals, objectives, policies, and implementation considerations to guide land use decision-making while recognizing the historical values and culturally unique and significant landscapes and sites of Wailuku-Kahului.

The proposed Council-initiated rezoning of the Queen Ka‘ahumanu Center aligns with community desires expressed in the Countywide Policy Plan, the MIP, and the Wailuku/Kahului Community Plan. The entitlement changes also support the County’s TOD and Affordable Housing Plans. Community members shared several common themes throughout these planning documents: a desire for affordable housing, urban infill and revitalization of underutilized urban areas, and vibrant gathering spaces in Maui’s busiest corridor.

The proposed Council-initiated land use entitlements directly support the following goals, objectives, and policies of the Countywide Policy Plan:

<b>COUNTYWIDE POLICY PLAN (2010)</b>		
<b>Pg. #</b>	<b>Provision</b>	<b>Language</b>
57	Theme E	Expand Housing Opportunities for Residents
57	Objective 1	Reduce the affordable housing deficit for residents.
57	Policy j:	Redevelop commercial areas with a mixture of affordable residential and business uses, where appropriate.
58	Objective: 2	Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County’s rural and smalltown character.
58	Policy d	Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.
58	Policy f	Develop workforce housing in proximity to job centers and transit facilities.

<p><b>Analysis:</b> The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at the Queen Ka‘ahumanu Center. Central Maui is the island’s primary population and economic center, and the island’s principal public facilities are located in Kahului, proximate to the Queen Ka‘ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.</p> <p>Multi-family residential development in this area will be popular with island residents who want to be close to major facilities such as the Maui Memorial Hospital, Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.</p>		
70	Theme I	Improve Physical Infrastructure
72	Objective: 4	Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.
72	Policy a	Capitalize on existing infrastructure capacity as a priority over infrastructure expansion.
	Policy b	Planning for new towns should only be considered if a region’s growth is too large to be directed into infill and adjacent growth areas.
	Policy c	Utilize appropriate infrastructure technologies in the appropriate locations.
	Policy d	Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.
<p><b>Analysis:</b> The Queen Ka‘ahumanu Center is within the Urban Grown Boundary. The site is already developed, and existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems, already serve it. The island’s major public facilities, including Maui Memorial Hospital and Maui College, are also near the project site. Thus, the proposed Council-initiated entitlement changes support the Countywide Policy Plan’s policies to direct development to infill sites and growth areas where existing infrastructure is already in place.</p>		
74	Theme J	Promote Sustainable Land Use and Growth Management
74	Objective: 1	Improve land use management and implement a directed-growth strategy.
74	Policy e	Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.
74	Policy h	Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.
<p><b>Analysis:</b> The Queen Ka‘ahumanu Shopping Center is within the Urban Grown Boundary. The site is already developed, and existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems, already serve it. The island’s major public facilities, including Maui Memorial hospital and Maui College, are also near the project site. Thus, the proposed Council-initiated entitlement changes support the Countywide Policy Plan’s policies to promote sustainable land use and growth management by encouraging redevelopment on vacant and underutilized urban parcels (infill) within existing communities.</p>		

The proposed land use entitlements directly support the following goals, objectives, and policies of the MIP:

MAUI ISLAND PLAN		
Pg. #	Provision	Language
7-1	CHAPTER 7	LAND USE
7-18	<u>Infill Development:</u>	“In The Next American Metropolis (1993), Peter Calthorpe states: “infill and redevelopment should always be a central part of a region’s growth policy. It represents the best utilization of our existing infrastructure and the best opportunity to preserve open space.” <sup>4</sup>

		<p>Infill development offers an alternative to conventional development patterns that extend the perimeter of an urban area. Infill development focuses growth into already urbanized areas and creatively utilizes vacant or underdeveloped property. Many of the most successful infill projects provide a mix of uses, are designed to be pedestrian-oriented, and incorporate alternative modes of transportation. The benefits of such projects can be the provision of housing near job centers and transit, increased support for businesses, utilization of established public infrastructure and services, and preservation of urban-fringe natural areas and agricultural land. Infill development can also revitalize a struggling urban area, enhance daily convenience for residents, and foster a sense of place. As illustrated in the following pictures, successful infill development can transform an underused shopping center into a vibrant urban village.</p> <p>There are numerous infill opportunities on Maui. Throughout the island's urban areas, particularly in Kahului, Wailuku, Lahaina, and Kihei, vacant or underutilized lots could be developed to meet community needs. Future growth can be focused inward to enhance community identity, provide affordable housing, promote convenient access to transit and services, and protect natural areas and agricultural lands."</p>
7-24	Policy 7.3.1.a	Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.
7-25	Policy 7.3.2.f	Facilitate the development of housing by focusing projects in locations where land and infrastructure costs facilitate the development of affordably-priced housing.
7-25	Policy 7.3.2.g	Provide incentives to facilitate the development of multifamily housing.
7-26	Policy 7.3.3.c	Support the continued revitalization of historic country towns, Wailuku Town, and Kahului's commercial core and harbor-front without displacing traditional, cultural, recreational, and customary uses.
7-26	Policy 7.3.3.e	Require community input through Design Workshops for major new urban expansion, new towns, and major urban infill projects.
<p><b>Analysis:</b> The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site within the Urban Growth Boundary at the Queen Ka'ahumanu Shopping Center. Central Maui is the island's primary population and economic center, and the island's major facilities are located in Kahului, proximate to the Queen Ka'ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.</p> <p>Multi-family residential development in this area will be popular with island residents who desire housing close to major public facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.</p> <p>Thus, the proposed Council-initiated entitlement changes support the MIP's policies to promote infill development.</p>		
8-1	CHAPTER 8	DIRECTED GROWTH PLAN
8-7	Policy 8.1.g	The County shall implement a zoning program to comprehensively redistrict and rezone lands within UGBs according to updated community plan policies and map designations.
8-7	Policy 8.1.i	The County will promote (through incentives, financial participation, expedited project review, infrastructure/public facilities support, etc.) appropriate urban infill, redevelopment and the efficient use of buildable land within UGBs to avoid the need to expand the UGBs.
8-18	Planned Growth Areas	<p><b>Kahului Infill and Redevelopment and Revitalization of Wailuku Town</b></p> <p>"The plan proposes infill and redevelopment within Kahului. Much of Kahului is significantly underutilized and redevelopment will strengthen the economy, provide diverse housing opportunities within close proximity to jobs and services, and protect</p>

		<p>agricultural lands and the character of Maui’s rural communities by making higher and better use of our existing urban areas. Redevelopment will also strengthen Kahului’s identity, promote urban beautification and livability, and breathe vitality and life into the area.</p> <p>The County should work with area landowners and the community to prepare the following studies: 1) Risk and Vulnerability Assessments (RVA); 2) specific area plans; and 3) supporting model development ordinances. The RVA is necessary prior to redevelopment because much of urban Kahului is within the tsunami inundation area. This study will further define the areas and magnitude of potential flooding and necessary mitigation measures to protect life and property. The specific area plans and model development ordinances will further define the character of redevelopment and geographic boundaries where infill and redevelopment is feasible. The specific area plans should emphasize the opportunity for higher-density mixed-use development, pedestrian and vehicular circulation patterns, and urban beautification. A system of sidewalks, greenways, and bike lanes should be developed to reduce community reliance on the automobile.</p> <p>Infill and redevelopment within Kahului on entitled urban lands could produce hundreds of new residential units. An example of this is the closed pineapple cannery behind the Queen Ka‘ahumanu Shopping Center. New multifamily units at this location could be built at an urban density of at least 18 to 25 units per acre in a mixed-use design such as that of the Kahului Town Center project.”</p>
<p><b>Analysis:</b> The proposed Council-initiated entitlement changes will create the opportunity to direct housing to an urban infill site at the Queen Ka‘ahumanu Center within the Urban Grown Boundary. Central Maui is the island’s primary population and economic center, and the island’s major public facilities are located in Kahului, proximate to the Queen Ka‘ahumanu Center. The site is also bound and served by existing infrastructure, including major roadways, water, sewer, drainage, and electrical systems.</p> <p>Multi-family residential development in this area will be popular with island residents who desire housing close to major facilities such as Maui Memorial Hospital, the Kaiser Permanente Clinics, Keopuolani Park, Maui College, the YMCA, transit, shopping, restaurants, and employment.</p> <p>Thus, the proposed County-initiated entitlement changes support the MIP’s directed growth plan and its policy for a planned growth area encompassing Kahului infill and redevelopment.</p>		

The proposed land use entitlements directly support the following goals, objectives, and policies of the Wailuku-Kahului Community Plan:

WAILUKU-KAHULUI COMMUNITY PLAN (2002)		
Pg. #	Provision	Language
42	Objectives & Policies for Kahului	<p>3. Building Form and Character: maintain compatible scale relationships between the existing low-scale character of the area, adjacent public uses and higher buildings.</p> <p>a. Building heights for the hotel-designated district fronting the ocean side of Ka‘ahumanu Avenue shall not exceed ten stories in order to provide a dynamic skyline and identifiable hotel district.</p> <p>b. The low-rise character of the central business area should be maintained. Higher building forms up to six stories should be sited in the central portion of commercial blocks.</p>

		<p>c. Building heights along the perimeter of commercial blocks should provide a transition in scale to adjacent public and quasi-public uses.</p> <p>d. Commercial uses along the perimeter of central business area blocks should be low-rise and provide sufficient setbacks to allow landscaped buffers along street frontages.</p>
59	Land Use Map Definitions	<p><u>Business/Commercial (B)</u></p> <p>This includes retail stores, offices, entertainment enterprises and related accessory uses.</p>
59	Land Use Map Definitions	<p><u>Heavy Industrial (HI)</u></p> <p>This is for major industrial operations whose effects are potentially noxious due to noise, airborne emissions or liquid discharges.</p>
<p><b>Analysis:</b> The Council-initiated entitlement changes intend to create the opportunity for mixed-use residential development at the Queen Ka‘ahumanu Center. The existing uses are consistent with the Community Plan’s Business/Commercial designation, as the principal uses include retail stores, personal services, restaurants, offices, and cultural and entertainment uses.</p> <p>The proposed entitlement changes will allow multi-story residential buildings on the property. Future mixed-use residential development will be sensitive to the area's desired massing, building height, and architectural character. Before any mixed-use residential development is approved, the County will require a Special Management Area Use Permit. The SMA permitting process will thoroughly address impacts on scenic resources, and the public can comment on proposed changes to view corridors. Moreover, the SMA permit will require the input of the County’s Urban Design Review Board (UDRB), which will provide comments regarding the architecture, massing, building heights, and compatibility with the surrounding area and the desired settlement pattern.</p>		

## 7.0 ASSESSMENT OF IMPACTS

### 7.1 Land Use and Urban Design

The proposed Council-initiated entitlement changes will not have a direct, short-term impact on the mall’s land use and urban design. However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could change the existing built environment, including the massing of buildings on the site, building heights, architectural character, and the pattern of land uses within the project area.

A future multi-family residential development at the Center will likely comprise multi-story residential buildings developed on existing surface parking lots and currently vacant retail space areas, such as a redevelopment of the Sears site. Urban designers will locate the residential areas near retail stores, restaurants, and professional and personal services. The mall will become a focal point for the community.

With mixed-use residential development, active and passive recreation will be an essential feature of a livable environment that promotes health and wellness. Likewise, green open spaces, walkways, and bikeways that connect residents to the variety of uses on the site and to nearby public facilities, parks, beaches, and transit centers will be needed.

Future mixed-use residential development must also be sensitive to the area's desired massing, building height, and architectural character. Before any residential development is approved, the County will require a Special Management Area Use Permit. The SMA permitting process will

thoroughly address impacts on scenic resources, and the public can comment on proposed changes to view corridors. The permitting process will also address the project's consistency with the Maui Island Plan and Wailuku-Kahului Community Plan, which contain numerous land-use and urban design policies. Moreover, the SMA permit will require the input of the County's Urban Design Review Board (UDRB). The UDRB will comment on the architecture, massing, building heights, compatibility with the surrounding area, and the desired settlement pattern.

As such, agency and community stakeholders will thoroughly vet any future residential development enabled by the proposed entitlement changes before the issuance of permits.

## 7.2 Socioeconomic

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term socio-economic impact since the Council and property owners are not proposing a development project. However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could produce socioeconomic impacts, such as increasing population, employment, housing supply, fiscal expenditures, and tax and impact fee revenues. While any existing permitted future development, such as an increase in industrial space, will also have socioeconomic impacts, a multi-family residential development will cause impacts that may differ from uses currently permitted in the M-2 Heavy Industrial District.

In the future, when a developer proposes residential development, a Special Management Area use Permit will be required. The SMA permitting process will require an assessment of the socio-economic impacts caused by the development. These impacts will vary by the scale of the development, its mix of residential units versus other types of uses, the type and pricing of the residential units, and anticipated on- and off-site infrastructure requirements. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate socio-economic impacts caused by any future development that may arise from the proposed entitlement changes.

## 7.3 Archaeology, History, and Culture

The proposed Council-initiated entitlement changes at the Queen Ka'ahumanu Center will not have a direct, short-term impact on archaeological or cultural resources since the Council and property owner are not proposing an associated development project. However, in the longer term, by enabling a potential future mixed-use residential development at the Center, the proposed entitlements could impact archaeological resources if the developer does not incorporate Best Management Practices (BMPs) into the project. While any existing permitted future development, such as increased industrial space, could also impact archaeological and cultural resources if BMPs are not adequately incorporated, multi-family residential development could also affect these resources.

However, should a mixed-use residential development be proposed in the future, the Special Management Area permitting process will require an assessment of the project's impacts on archaeological and cultural resources. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate archaeological and cultural impacts caused by any future development that may arise from the



proposed entitlement changes. The Department of Planning, the State Historic Preservation Division (SHPD), and the Maui Planning Commission will review the project for its archaeological impacts, and appropriate mitigation measures, such as archaeological monitoring, will be required where applicable.

As such, safeguards are in place to ensure that archaeological, historical, and cultural resources will be appropriately assessed and mitigated before any future mixed-use residential development of the property.

#### 7.4 Environment

The proposed Council-initiated entitlement changes at the Queen Kaʻahumanu Center will not have a direct, short-term impact on the environment since the Council and the property owner are not proposing an associated development for the site. However, in the longer term, by enabling a potential mixed-use residential development at the Center, the proposed entitlements could impact the environment if the developer does not incorporate Best Management Practices (BMPs) into the project. While any permitted development, such as an increase in industrial space at the Center, could also impact the environment if BMPs are properly incorporated, multi-family residential uses create unique impacts that may differ from uses permitted in the M-2 Heavy Industrial District.

In the future, should a mixed-use residential development be proposed, the Special Management Area permit process will require an assessment of the project's impacts on the environment, including nearshore marine water quality. The future SMA permitting requirements, subdivision requirements, and building permit requirements will help to identify, assess, and mitigate environmental impacts caused by any future development that may arise from the proposed entitlement changes. The SMA Use Permit requires the developer to conduct a development impact assessment to identify potential environmental impacts and necessary mitigation measures. Moreover, during the SMA permitting process, governmental agencies will review and comment on the project, and the Maui Planning Commission will hold a public hearing.

#### 7.5 Infrastructure and Public Facilities

The proposed Council-initiated entitlement changes at the Queen Kaʻahumanu Center will not have a direct, short-term impact on infrastructure and public facility systems since the Council and property owner are not proposing an associated development project. However, in the longer term, the proposed entitlements could impact infrastructure and public facilities by enabling a potential mixed-use residential development at the Center. While any existing permitted future development, such as increased industrial space, will also increase demand for infrastructure and public facilities, multi-family residential uses create unique impacts that may differ from uses permitted in the M-2 Heavy Industrial District.

In the future, should a mixed-use residential development be proposed, the Special Management Area permit process will require an assessment of the project's impacts on infrastructure and public facility systems. These impacts will vary by the scale of the development, its mix of residential units versus other types of uses, and the anticipated mix of unit sizes in the development. The future SMA permitting, subdivision, and building permit requirements will help identify, assess, and mitigate any infrastructure and public facility impacts caused by any

future development that may arise from the proposed entitlement changes. During the SMA process, the following types of impact assessment studies will be required: Traffic Impact Analysis Report (TIAR), Preliminary Drainage Report, Preliminary Engineering Report, Archaeological Inventory Survey or Monitoring Plan, and other technical studies as deemed warranted by the Planning Department and other governmental agencies.

## **8.0 CONSISTENCY WITH COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING CRITERIA**

### **8.1 Community Plan Amendment Criteria**

Section 2.80B.100, Maui County Code (MCC), authorizes the Council to initiate nondecennial amendments to a community plan by resolution through the process set forth below:

*2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.*

- A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.*
- B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.*
- C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.*

*(Ord. 3317 § 2, 2005; Ord. 3166 § 2 (part), 2004)*

**Analysis:** The Council-initiated amendment to the Wailuku-Kahului Community Plan map from Heavy Industrial to Business/Commercial for roughly 6.84 acres of the project area is intended to bring community plan consistency across the entirety of the Queen Ka'ahumanu Center project area. As noted, the project area comprises 33.8 acres, of which 27.05 acres is designated Business/Commercial and 6.84 acres is designated Heavy Industrial. Changing the portion of the property that is community-planned Heavy Industrial to Business/Commercial aligns with the following project objectives:

1. Position the Queen Ka'ahumanu Center on a sound economic footing consistent with County policy; and
2. Ensure the entitlements allow for mixed-use development, particularly multi-family residential uses, as this will provide future opportunities to address Maui's housing affordability crisis, create diverse housing options, and revitalize the retail component of the mall.

The County Council proposed the amendment by resolution, and it has been referred to the Maui Planning Commission for findings and recommendations. If approved by the County Council, these actions would result in the proposed land use designations being consistent with the existing and traditional uses of the properties and the desired future vision of the project area as articulated in State and County land use policy.

## 8.2 Change in Zoning Criteria

The purpose of the Queen Ka'ahumanu Center Entitlement Project is to change the zoning of the subject parcels from the M-2 Heavy Industrial District to the B-3 Central Business District (with a condition to limit building heights to 90 feet). The proposed zoning change will create consistency with the Wailuku-Kahului Community Plan map.

A Change of Zoning is reviewed pursuant to Section 19.510.040, Change of Zoning, MCC, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*

**Analysis:** As discussed in Sections 5.1 and 5.2 of this report, the proposed Council-initiated action meets the intent of the Countywide Policy Plan, the MIP, and the objectives and policies of the Wailuku-Kahului Community Plan.

2. *The proposed request is consistent with the applicable community plan land use map of the county;*

**Analysis:** The requested Change in Zoning of the project area, from the M-2 Heavy Industrial District to the B-3 Central Business District, is to establish consistent zoning and community plan designations across the Queen Ka'ahumanu Center project area. If the CPA and CIZ are approved, these actions will result in the proposed land use designations being consistent with the existing and traditional uses of the properties and the desired future vision for the project area as articulated in the State and County land use policy.

3. *The proposed request meets the intent and purpose of the district being requested;*

**Analysis:** MCC Section 19.20.010, "Purpose and intent" states:

*"The B-3 central business district permits general business enterprises, particularly financial, governmental, commercial, and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Manufacturing and nuisance industries are excluded from the zone."*

The B-3 Central Business District allows for a great variety of permitted uses, including but not limited to retail, offices, educational uses, eating and drinking establishments, farmers markets, personal and business services, parks and playgrounds, and multi-family dwellings. When planned cohesively, these uses create dynamic mixed-use communities where residents can live, work, and play and rely upon active transportation and transit for daily commuting.

The proposed Council-initiated Change of Zoning from M-2 Heavy Industrial to B-3 Central Business District, with a 90-foot height limit, is consistent with the purpose and intent of the proposed zoning district and its permitted uses.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*

**Analysis:** The proposed Council-initiated Change in Zoning will not significantly impact public infrastructure and facility systems since no associated development is proposed. A Special Management Area permit for any future multi-family residential development will be required. The SMA Use Permit mandates an assessment of the project's impact on public infrastructure and facility systems. Once a project's impacts are assessed, appropriate mitigation measures are assigned to offset the impacts. The impact assessment and assignment of mitigation measures will occur prior to the issuance of the SMA permit, final subdivision approvals, and certificates of occupancy.

5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and*

**Analysis:** The proposed Council-initiated Change in Zoning will not significantly negatively impact social, cultural, economic, environmental, and ecological resources. The area subject to the Council-initiated Change in Zoning is already a developed shopping center surrounded by urban development. The existing M-2 Heavy Industrial District already permits uses potentially more impactful to the environment than those permitted in the requested B-3 Central Business District.

In addition, the proposed entitlement change does not have an associated development project. A Special Management Area permit will be required if a development is proposed. The SMA Use Permit will require an assessment of the project's impact on social, cultural, economic, environmental, and ecological resources. Potential development impacts will be identified, assessed for significance, and mitigated during the SMA permitting process. In addition, any future subdivision and building permit process will require implementing Best Management Practices (BMPs) to mitigate impacts on public health and the environment.

6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.*

**Analysis:** Not applicable.

## 9.0 FUTURE PERMITTING REQUIREMENTS

Future redevelopment of the Queen Ka'ahumanu Center with a mixed-use residential component will require an SMA Use Permit. The SMA permit necessitates further agency and community consultation, assessment and mitigation of a broad range of development impacts, review for consistency with State and County plans and policies, review by the Urban Design Review Board, and approval of the Maui Planning Commission following a public hearing.

All other governmental approvals will also be required for future redevelopment projects. These may include:

- HRS Chapter 343 Compliance
- Preliminary and Final Subdivision approvals
- Grading, Grubbing, Excavation, stockpiling permits
- National Pollutant Discharge Elimination System (NPDES) permit
- HRS Chapter 6E Compliance,
- Landscape Planting Plan Review
- Building permits for Building, Electrical, Plumbing, Sidewalk/Driveway, and Demolition Work
- Noise Permit
- Sewage connection
- Water Use Permit
- Permit to Excavate Public Right-of-Way

## 10.0 FINDINGS AND BENEFITS

The Queen Ka'ahumanu Center is in severe economic distress and at risk of further divestment and blight due to the dramatic rise of online shopping. Nationally and in Hawai'i, malls have responded to this challenge by investing in mixed-use residential development as an integral component of their development plans. Mixed-use development creates positive synergies where residents stimulate demand for the on-site retail, services, and restaurants, and the commercial uses create a more convenient, vibrant, and walkable community. Meanwhile, the resultant revitalization achieves two important objectives: 1. increases the supply and diversity of housing, and 2. stimulates the economy by supporting existing businesses and the goods and services they provide.

The Queen Ka'ahumanu Center's existing M-2 Heavy Industrial zoning is inconsistent with Maui's community-driven planning efforts, impedes the Center's timely revitalization, and is a barrier to developing much-needed housing, including affordable and workforce housing. The Council-initiated rezoning of the Queen Ka'ahumanu Center from the M-2 Heavy Industrial District to the B-3 Central Business District implements the policies of the County's General Plan, including providing support for Kahului's commercial core through revitalization and infill of underutilized land, the development of housing, including affordable and workforce housing for Maui residents, and the creation of vibrant gathering spaces along Ka'ahumanu Avenue.

The Council-initiated rezoning will remove a barrier to revitalizing the Queen Ka'ahumanu Shopping Center. As expressed in state and county planning documents, a revitalization project



incorporating multi-family housing is consistent with community desires. Some of these desires include:

- Access to a diversity of housing, including affordable and workforce housing
- A robust local economy with well-paying jobs
- A healthy, clean, and livable environment
- Walkable, bikeable, and transit-friendly communities
- Protection of the natural environment, cultural resources, scenic resources, and Maui's open spaces
- Establishment of community gathering places, and promotion of culture and the arts.

Rezoning the M-2 Heavy Industrial zoned property to allow mixed-use development will provide an opportunity to address the housing affordability crisis and create diverse housing options. It will foster economic growth and diversification in the area, generating increased tax revenue, creating new jobs during and after construction, and attracting new businesses and residents. A mixed-use property offers an opportunity to create more connected and walkable areas. By incorporating residential units, retail spaces, offices, and recreational amenities within proximity, it encourages residents to live, work, and play in the same area. This promotes a sense of community, reduces traffic congestion, and enhances quality of life.

While the proposed Council-initiated entitlement changes will not produce short-term impacts on the natural, cultural, or physical environment, longer-term impacts could arise from a future mixed-use residential development. The Special Management Area permitting process will assess any future development for its impacts, and mitigation measures will be incorporated into the project, protecting Maui's unique environmental, cultural, and natural resources for future generations.

## **APPENDICES**

**APPENDIX A**

**Resolution No. 23-221, FD-1**

MOANA M. LUTEY  
County Clerk



RICHELLE M. THOMSON  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

October 23, 2023

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

Dear Mayor Bissen:

Transmitted herewith is a certified copy of Resolution No. 23-221, FD1, which was adopted by the Council of the County of Maui, State of Hawaii, on October 20, 2023.

Respectfully,

  
MOANA M. LUTEY  
County Clerk

/lks

Enclosure

Ag	
Env Mgmt	
Finance	
Fire	
Hsg & HC	
Liquor	
Parks & R	
Personnel	
Planning	✓
Police	
Prosecutors	
Public W	
Transp'n	
Water S	
Mgmt	
Mayor	
Budget	

OFFICE OF THE MAYOR

23 OCT 24 PM 5:53

RECEIVED

# Resolution

**No. 23-221, FD1**

REFERRING TO THE MAUI PLANNING  
COMMISSION PROPOSED BILLS TO PROVIDE  
LAND-USE ENTITLEMENTS FOR THE QUEEN  
KA'AHUMANU CENTER COMMUNITY CENTER  
REVITALIZATION AND INFILL PROJECT IN  
KAHULUI, MAUI, HAWAI'I

WHEREAS, Section 2.80B.100, Maui County Code, authorizes the Council to initiate nondecennial amendments to a community plan by resolution; and

WHEREAS, the Council is considering a bill to amend the Wailuku-Kahului Community Plan by changing the land use designation from Heavy Industrial to Business/Commercial for approximately 6.75 acres in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map keys (2) 3-7-002:020 (por.) and (2) 3-7-002:027, and by adding the Queen Ka'ahumanu Center Community Center Revitalization and Infill Project to the text; and

WHEREAS, Sections 2.80B.030(B), 19.510.040, and 19.510.050, Maui County Code, cumulatively authorize the Council to approve conditional changes in zoning by ordinance when, among other criteria, they are consistent with the relevant community plan and the zoning conditions are recited in a recorded unilateral agreement; and

WHEREAS, the Council is considering a bill to conditionally change the zoning from M-2 Heavy Industrial District to B-3 Central Business District for approximately 33.8 acres in Kahului, Maui, Hawai'i, identified for real property tax purposes as tax map keys (2) 3-7-002:020, :021, :023, :025, and :027; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments and provide findings and recommendations to the Council; now, therefore,



## **Resolution No. 23-221, FD1**

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers the bill entitled "A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 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 AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED," a copy of which is attached as Exhibit "1," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it refers the bill entitled "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)," a copy of which is attached as Exhibit "2," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations as expeditiously as possible;
4. That it welcomes suggestions from the Maui Planning Commission and Department of Planning on revising the bills, but it does not seek revised legislation from the Department of Planning;
5. That it authorizes and encourages the Chair of its Housing and Land Use Committee to provide testimony and background information on the bills to the Maui Planning Commission on the Council's behalf; and

## **Resolution No. 23-221, FD1**

6. That certified copies of this Resolution be transmitted to the Mayor, the Maui Planning Commission, and the Planning Director.

paf:pmg:23-288i

INTRODUCED BY:

A handwritten signature in black ink, appearing to read 'Tasha Kama', written over a horizontal line.

TASHA KAMA

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2023)

A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI  
COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY  
INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75  
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  
tax map keys (2) 3-7-002:020 (por.) and (2) 3-7-002:027, cumulatively  
comprising approximately 6.75 acres, as identified in Exhibit "A." The  
Department of Planning is authorized and requested to make  
corresponding amendments to the Wailuku-Kahului Community Plan  
Map, a copy of which is attached as Exhibit "B."

SECTION 2. Under Chapter 2.80B, Maui County Code, the  
Wailuku-Kahului Community Plan (2002), as amended, is further  
amended at Part III.D.1, "POLICY RECOMMENDATIONS, IMPLEMENTING  
ACTIONS AND STANDARDS FOR THE WAILUKU-KAHULUI REGION;  
Planning Standards; Land Use," by adding the following:

"d. The 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 the 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 the 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, recreational green space, plazas and pedestrian-friendly spaces, services, housing, and similar accessory uses.

An emphasis will be placed on the development of multi-family 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 where it 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 Community Corridor Community 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 and Finance 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 3. This Ordinance takes effect on approval.

paf:pmg:23-288j

INTRODUCED BY:

---

TASHA KAMA

Exhibit "1"

## Exhibit "A"

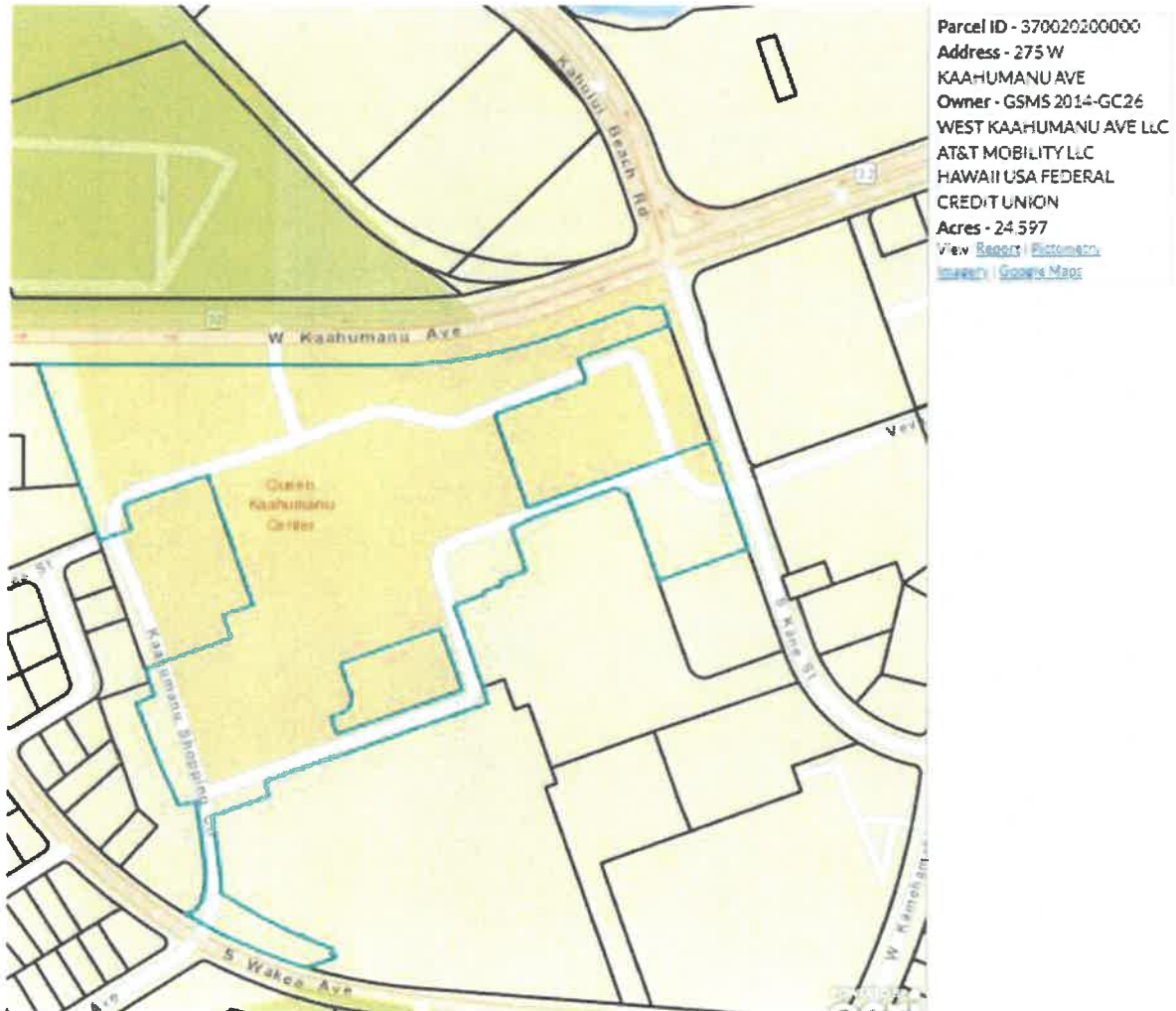
### LAND DESCRIPTION

Address: 275 West Ka'ahumanu Avenue, Kahului, Maui, Hawai'i 96732.

Tax Map Keys: (2) 3-7-002:020 (por.) and (2) 3-7-002:027.

Maps: See next two pages.

Tax Map Key (2) 3-7-002:020 (por.)



Tax Map Key (2) 3-7-002:027



Parcel ID - 370020270000  
Address - 275 KAAHUMANU  
AVE  
Owner - GSMS 2014-GC26  
WEST KAAHUMANU AVE LLC  
J C PENNEY COMPANY INC  
Acres - 1.182  
[View](#) [Report](#) [Aeromosaic](#)  
[Imagery](#) [Google Maps](#)



# Exhibit "B"

## LEGEND

- Agriculture
- Rural
- Single Family Residential
- Multi-Family Residential
- Business/Commercial
- Business/Multi-Family
- Service Business Residential
- Business/Industrial
- Rural Light Industrial
- Light Industrial
- Heavy Industrial
- Hotel
- Public/Quest-Public
- Park (GC) Golf Course
- Open Space
- Project District
- Airport
- Conservation
- Future Growth Reserve
- BICYCLE ROUTE
- AIRPORT SPECIAL CONTROL DISTRICT

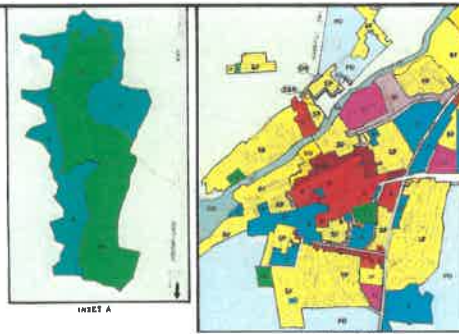
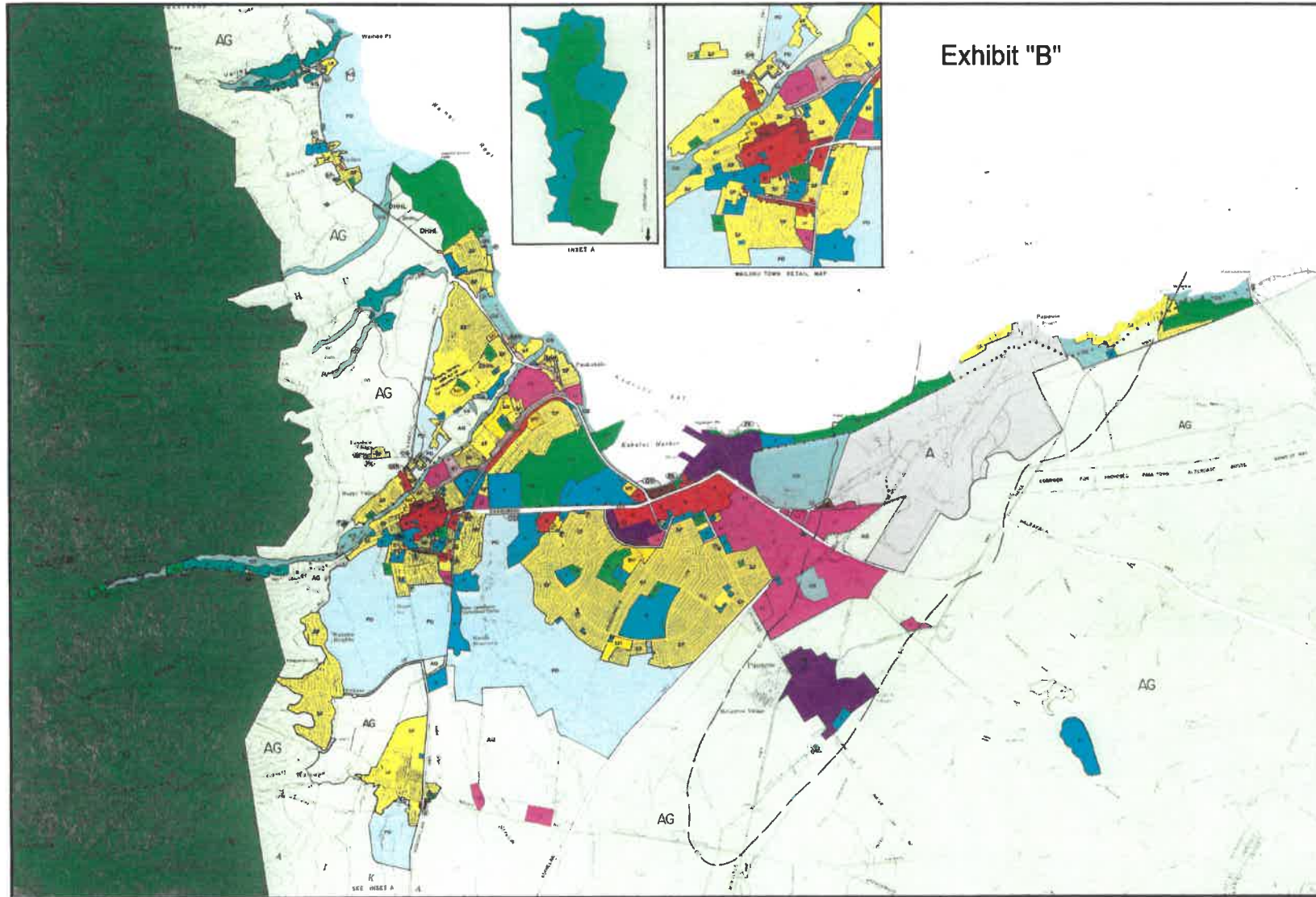


## WAILUKU-KAHULUI

### COMMUNITY PLAN COUNTY OF MAUI

PUBLIC HEARING : SEPT 28, 1991  
 ADOPTED : MAY 29, 2001  
 ORDINANCE : 3081  
 EFFECTIVE DATE : JUNE 6, 2002

GRAPHIC SCALE  
 0 100 200 FEET





ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2023)

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 real property situated in Kahului, Maui, Hawai'i, identified for real property tax purposes 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, cumulatively comprising approximately 33.8 acres, as identified in Exhibit "A," subject to the conditions established in Exhibit "B."

SECTION 2. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the Unilateral Agreement and Declaration of Conditional Zoning in Exhibit "C."

SECTION 3. This Ordinance takes effect on approval. The Department of Planning is authorized and requested to make appropriate updates to the Maui Digital Zoning Map concurrent with this Ordinance's approval.

paf:pmg:23-2881

INTRODUCED BY:

---

TASHA KAMA

Exhibit "2"

### Legal Description

For **Tax Map ID(s):** **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**

**ITEM 1:**

LOT A

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of Land, being Lot A of the Maui Land & Pineapple Company Subdivision (the Map thereof not being recorded), Being a portion of Lots 1-A-2-A-1, 1-A-2-B-1, 1-A-1-A and 1-A-2-D of the Maui Pine Cannery Lots, being also a portion of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Karmamalu and Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found ¾ inch pipe at the Northwest corner of this parcel of land, on the Southerly side of Kaahumanu Avenue F.A.P. No. F-032-1 (3), said point being also the Northwest corner of said Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, 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" 899.36 feet along said Southerly side of Kaahumanu Avenue  
F.A.P. No. F-032-1-(3) and along the remainder of said  
Royal Patent 4475, Land Commission Award 7713,  
Apana 23 to V. Kamamalu to a found  $\frac{3}{4}$  inch pipe;

Thence along same and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Northerly with a radius of 1420.24 feet, the chord azimuth and distance being:

- |    |      |     |       |        |  |
|----|------|-----|-------|--------|--|
| 2. | 260° | 09' | 27.5" | 485.75 | feet to a found ¾ inch pipe;   |
| 3. | 250° | 18' | 40"   | 213.35 | feet along the Southerly side of Kaahumanu Avenue F.A.P No. F-032 (2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe; |
| 4. | 278° | 36' | 30"   | 39.22  | feet along same to a found ¾ inch pipe;  |
| 5. | 250° | 21' | 00"   | 26.69  | feet along same to a found brass disc;   |
| 6. | 340° | 21' | 00"   | 56.90  | feet along same to a found cross chiseled in concrete sidewalk;  |
| 7. | 70°  | 17' | 30"   | 256.48 | feet along Lot C of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;       |
| 8. | 340° | 17' | 30"   | 64.62  | feet along same to a cross chiseled in concrete sidewalk;  |
| 9. | 70°  | 17' | 30"   | 256.00 | feet along same to a cross chiseled in concrete sidewalk;  |

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

10.	340°	17'	30"	8.45	feet along same to a cross chiseled in concrete sidewalk;
11.	70°	17'	30"	1.10	feet along same to a cross chiseled in concrete sidewalk;
12.	340°	17'	30"	3.00	feet along same to a cross chiseled in concrete sidewalk;
13.	250°	17'	30"	0.75	feet along same to a cross chiseled in concrete sidewalk;
14.	340°	17'	30"	248.38	feet along same to a set brass disc;
15.	250°	17'	30"	512.50	feet along same to a found ¾ inch pipe on the Westerly side of Kane Street;
16.	340°	21'	00"	298.28	feet along said westerly side of Kane Street and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe;
17.	70°	17'	30"	251.69	feet along Lot E of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe on the Easterly Boundary of Lot F of said Maui Land & Pineapple Company Subdivision;
18.	160°	17'	30"	243.02	feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found brass disc;
19.	115°	17'	30"	35.35	feet along same to a found nail in concrete wall;
20.	70°	17'	30"	231.13	feet along same to a found brass disc;
21.	63°	30'	00"	63.52	feet along same to a set iron bolt;
22.	340°	17'	30"	119.64	feet along same to a set brass disc;
23.	70°	17'	30"	70.68	feet along same to a set brass disc;
24.	340°	17'	30"	12.01	feet along same to a set brass disc;
25.	70°	17'	30"	53.62	feet along same to a set brass disc;
26.	340°	17'	30"	8.17	feet along same to a set brass disc;
27.	70°	17'	30"	86.33	feet along same to a cross chiseled in concrete;
28.	340°	17'	30"	273.01	feet along same to a set ¾ inch pipe;
29.	70°	17'	30"	620.93	feet along same to a set ¾ inch pipe;
30.	340°	17'	30"	38.69	feet along same to a set ¾ inch pipe;
31.	70°	17'	30"	158.40	feet along same to a set ¾ inch pipe;

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

32. 352° 30' 00" 170.22 feet along same to a set ¾ inch pipe;

Thence along same on the arc of a curve to the right, concave Westerly with a radius of 188.00 feet, the chord azimuth and distance being;

33. 357° 36' 22" 33.46 feet to a set ¾ inch pipe;

34. 301° 00' 00" 60.92 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾ inch pipe;

Thence along same on the arc of a curve to the left, concave Northeasterly with a radius of 1330.00 feet the chord azimuth and distance being:

35. 297° 10' 20" 177.58 feet to a set ¾ inch pipe;

36. 203° 20' 40" 5.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾ inch pipe;

Thence along same on the arc of a curve to the left, concave northeasterly with a radius of 1325.00 feet, the chord azimuth and distance being:

37. 293° 07' 40" 10.02 feet to a set ¾-inch pipe;

38. 22° 54' 40" 5.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾-inch pipe;

Thence along same on the arc of a curve to the left, concave Northeasterly with a radius of 1330.00 feet, the chord azimuth and distance being:

39. 291° 12' 20" 79.17 feet to a set ¾-inch pipe;

40. 19° 30' 00" 16.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to claus spreckels to a set ¾-inch pipe;

41. 289° 30' 00" 19.93 feet along same to a set ¾-inch pipe on the Northerly boundary of Lot 2, land owned by Maui Land & Pineapple Co., Ltd.;

42. 70° 17' 30" 85.59 feet along said Lot 2, land owned by Maui Land & Pineapple Co., Ltd. and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾-inch pipe on the northeasterly side of South Wakea Avenue;

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

Thence along said Northeasterly side of South Wakea Avenue, on the arc of a curve to the right, concave Northeasterly with a radius of 1392.40 feet, the chord azimuth and distance being:

43. 113° 47' 06.5" 353.45 feet to a set 3/4-inch pipe,

Thence along Lot G of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Northwesterly with a radius of 44.00 feet, the chord azimuth and distance being:

44. 234° 31' 03" 53.80 feet to a set 3/4-inch pipe at a point of compound curvature;

Thence along said Lot G of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Westerly with a radius of 235.00 feet, the chord azimuth and distance being:

45. 184° 40' 00" 99.06 feet to a set 3/4-inch pipe;
46. 172° 30' 00" 164.27 feet along said Lot G of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set 3/4-inch pipe;
47. 80° 10' 00" 47.05 feet along same to a set 3/4-inch pipe;
48. 155° 00' 00" 111.20 feet along same to a set 3/4-inch pipe;
49. 158° 00' 00" 180.00 feet along same to a set 3/4-inch pipe;
50. 248° 00' 00" 52.98 feet along same to a set 3/4-inch pipe;
51. 160° 17' 30" 38.93 feet along same to a set 3/4-inch pipe;
52. 160° 17' 30" 36.32 feet along Lot 10 of the Wakea Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set 3/4 - inch pipe;
53. 250° 17' 30" 240.28 feet along Lot B of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;
54. 160° 17' 30" 63.14 feet along same to a set iron pin;
55. 250° 17' 30" 83.62 feet along same to a set brass disc;
56. 160° 17' 30" 157.46 feet along same to a cross chiseled in concrete sidewalk;
57. 250° 17' 30" 1.50 feet along same to a cross chiseled in concrete sidewalk;
58. 160° 17' 30" 205.00 feet along same to a cross chiseled in concrete sidewalk;
59. 70° 17' 30" 237.59 feet along same to a set brass disc;



**EXHIBIT "A"**  
**Legal Description**  
 (continued)

- |     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 60. | 340° | 17' | 30" | 67.02  | feet along same to a set brass disc;  |
| 61. | 70°  | 17' | 30" | 87.62  | feet along same to a set brass disc on the East end of Kea Street;  |
| 62. | 160° | 21' | 00" | 491.42 | feet along said East end of Kea Street and along Lot 13 of said Wakea Avenue Industrial Subdivision No. 2, along the Merchants Enterprises Subdivision and along the remainders of said Grant 3343 to Claus Spreckels and Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamanalu to the point of beginning and containing a gross area of 25.779 acres, more or less, excluding therefrom 1.182 acres, more or less, for Lot D, leaving a Net area of 24.597 acres, more or less. |

Excluding, LOT D from the above described LOT A, LOT D being more particularly described as follows:

**LOT D**

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot D of Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion of Lot 1-A-1-A of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of Said Maui Land & Pineapple Company Subdivision, 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 said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels; |
|----|-----|-----|-----|--------|--|

Thence along same on the arc of a curve to the right, concave northeasterly with a radius of 5.00 feet, the chord azimuth and distance being:

- |    |      |     |     |       |  |
|----|------|-----|-----|-------|--|
| 2. | 115° | 17' | 30" | 7.07  | feet;  |
| 3. | 160° | 17' | 30" | 42.00 | feet along said lot a of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels; |

Thence along same on the arc of a curve to the right, concave Southeasterly with a radius of 2.00 feet, the cord azimuth and distance being:

- |    |      |     |     |      |       |
|----|------|-----|-----|------|-------|
| 4. | 205° | 17' | 30" | 2.83 | feet, |
|----|------|-----|-----|------|-------|

**EXHIBIT "A"**  
**Legal Description**  
**(continued)**

5. 250° 17' 30" 28.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the left, concave northwesterly with a radius of 40.00 feet, the chord azimuth and distance being:

6. 205° 17' 30" 56.57 feet;

7. 160° 17' 30" 65.87 feet along said Lot A of the Maul Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;

9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

**ITEM II:**

**PARCEL FIRST:**

**LOT B**

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot B of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of Lot 1-A-2-D and a portion of Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a set brass disc in road pavement at the most Westerly corner of this parcel of land, on the East 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:

**EXHIBIT "A"**  
Legal Description  
(continued)

- |     |      |     |     |        |  |
|-----|------|-----|-----|--------|--|
| 1.  | 250° | 17' | 30" | 87.62  | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc in asphalt pavement;   |
| 2.  | 160° | 17' | 30" | 67.02  | feet along same to a set brass disc;   |
| 3.  | 250° | 17' | 30" | 237.59 | feet along same to a set of brass disc;  |
| 4.  | 340° | 17' | 30" | 205.00 | feet along same to a cross chiseled in concrete sidewalk;  |
| 5.  | 70°  | 17' | 30" | 1.50   | feet along same to a cross chiseled in concrete sidewalk;  |
| 6.  | 340° | 17' | 30" | 157.46 | feet along same to a set brass disc,   |
| 7.  | 70°  | 17' | 30" | 83.62  | feet along same to a set iron pin,   |
| 8.  | 340° | 17' | 30" | 63.14  | feet along same to a set brass disc;   |
| 9.  | 70°  | 17' | 30" | 240.28 | feet along same to a set 3/4 inch pipe on the Easterly boundary of Lot 10 of the Wakea Avenue Industrial Subdivision No. 2;  |
| 10. | 160° | 17' | 30" | 166.62 | feet along Lot 10, 11 and 12-A of said Wakea Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;  |
| 11. | 160° | 21' | 00" | 191.96 | feet along Lots 12-A and 12-B of said Wakea Avenue Industrial Subdivision No. 2 along the East end of said Kea street and along the remainder of said Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 2.915 acres, more or less. |

**PARCEL SECOND:**

Existing Easement 14 (15-feet wide sewerline easement) over, under and across Lot A of the Maui Land & Pineapple Company Subdivision, being more particularly described in Limited Warranty Deed recorded September 18, 2003 as Regular System [Document No. 2003-201295](#) of Official Records.

**ITEM III:**

**LOT C**

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot C of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion Lots 1-A-2-A-1 and 1-A-2-B-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

**EXHIBIT "A"****Legal Description  
(continued)**

Beginning at a found cross chiseled in concrete sidewalk at the Northeast corner of this parcel of land, on the Westerly side of Kaahumanu Avenue F.A.P. No. F-032-1(3), said point being also the Northeast corner of said Lot 1-A-2-B-1 of the Maul Pine Cannery Lots, 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' | 00" | 324.45 | feet along said Westerly side of Kaahumanu Avenue F.A.P. No. F-032-(2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 2.  | 70°  | 17' | 30" | 512.50 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;          |
| 3.  | 160° | 17' | 30" | 248.38 | feet along same to a cross chiseled in concrete sidewalk;   |
| 4.  | 70°  | 17' | 30" | 0.75   | feet along same to a cross chiseled in concrete sidewalk;   |
| 5.  | 160° | 17' | 30" | 3.00   | feet along same to a cross chiseled in concrete sidewalk;   |
| 6.  | 250° | 17' | 30" | 1.10   | feet along same to a cross chiseled in concrete sidewalk;   |
| 7.  | 160° | 17' | 30" | 8.45   | feet along same to a cross chiseled in concrete sidewalk;   |
| 8.  | 250° | 17' | 30" | 256.00 | feet along same to a cross chiseled in concrete sidewalk;   |
| 9.  | 160° | 17' | 30" | 64.62  | feet along same to a set brass disc;  |
| 10. | 250° | 17' | 30" | 256.48 | feet along same to the point of beginning and containing a area of 3.438 acres, more or less.   |

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

**ITEM IV:****PARCEL FIRST:****LOT D****Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot D of Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion of Lot 1-A-1-A of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of said Maui Land & Pineapple Company Subdivision, 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 said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave northeasterly with a radius of 5.00 feet, the chord azimuth and distance being:

2.      115°   17'    30"      7.07 feet;
3.      160°   17'    30"    42.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Southeasterly with a radius of 2.00 feet, the cord azimuth and distance being:

4.      205°   17'    30"      2.83 feet;
5.      250°   17'    30"    28.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the left, concave Northwesterly with a radius of 40.00 feet, the chord azimuth and distance being:

6.      205°   17'    30"    56.57 feet;
7.      160°   17'    30"    65.87 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant

**EXHIBIT "A"**  
**Legal Description**  
 (continued)

3348 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;
10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

**PARCEL SECOND:**

Existing Easement 14 for sewerline purposes. Easement 18 for utility purposes. Easements 19 and 20 for access and utility purposes and easement 22 for sewerline purposes, being more particularly described in Limited Warranty Deed recorded September 18, 2003, as Regular System [Document No. 2003-201295](#) of Official Records.

**ITEM V:**

**LOT E**

Maui Land & Pineapple Company Subdivision

All of that certain parcel of land, being Lot E of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of LOT 1-A- 2-A-2 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found brass disc at the Southeast corner of this parcel of land, on the Westerly side of Kane Street, said point being also the Southeast corner of said Lot 1-A-2-A-2 of the Maui Pine Cannery Lots, 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. 70° 17' 30" 206.40 feet along Lot F of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;

Thence along same on the arc of a curve to the right, concave Northeasterly with a radius of 45.00 feet,



**EXHIBIT "A"**  
**Legal Description**  
 (continued)

the chord azimuth and distance being:

2. 115° 17' 30" 63.64 feet to a found 3/4-inch pipe;
3. 160° 17' 30" 239.36 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;
4. 250° 17' 30" 251.69 feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Grant 3343 to Claus Spreckels to a found 3/4-inch pipe on the Westerly side of said Kane Street;
5. 340° 21' 00" 284.36 feet along said westerly side of Kane Street to the point of beginning and containing an area of 1.632 acres, more or less.

**ITEM VI:**

Nonexclusive Easements for the use of the insured and its permittees entitled to use the same, in, to and over various leasehold parcels, pursuant to the provisions of that certain Amended and Restated Reciprocal Easement Agreement recorded October 18, 1993 as Regular System [Document No. 93-171353](#) of Official Records; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations contained therein.

AS TO ITEM I, ITEM II, ITEM III, ITEM IV AND ITEM V:

Being all the properties conveyed by the following:

**COMMISSIONER'S DEED**

Grantor: OSCAR PARRA, of Pacific Capital Retail Partners, the duly appointed Commissioner  
 Grantee: GSMS 2014-GC26 WEST KAAHUMANU AVENUE, LLC, a Delaware limited liability company  
 Dated: June 3, 2022  
 Recording Date: June 6, 2022  
[Recording No.:](#) [A-81920885](#)

## Exhibit "B"

### 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. 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 'Īao 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.

paf:pmg:23-288n

EXHIBIT "C"

LAND COURT

REGULAR SYSTEM

Return by Mail to:

OFFICE OF THE COUNTY CLERK  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

TOTAL NUMBER OF PAGES \_\_\_\_

Affects 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.

**UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL  
ZONING**

THIS AGREEMENT, made on \_\_\_\_\_, 20\_\_, by GSMS 2014-GC26 West Kaahumanu Avenue, LLC, referred to as "the Declarant," and which is the owner of that certain parcel located at 275 West Kaahumanu Avenue, Kahului, Maui, Hawai'i, 96732, and identified for real property tax purposes 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, referred to as "the Property."

WITNESSETH:

WHEREAS the Council of the County of Maui, State of Hawaii, is considering the conditional establishment of B-3 Central Business District zoning for the Property, which comprises approximately 33.8 acres and is more particularly described in Exhibit "2"; and

WHEREAS, the Declarant has agreed to execute this instrument under the conditional zoning provisions of Section 19.510.050, Maui County Code.

NOW THEREFORE the Declarant makes the following Declaration:

1. That this Declaration is under the provisions of Section 19.510.050, Maui County Code, on conditional zoning;

2. That until written release by the County of Maui, the Property is held subject to the covenants, conditions, and restrictions, which are effective as to the Property and run with the land 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 by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title, or interest in or with respect to the Property by any person or entity includes the acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity and that upon any transfer of any right, title, or interest in or with respect to the Property, the person or entity will be subject to, and the transferee will assume and be bound and obligated to observe and perform, all of the covenants, conditions, and restrictions of this Declaration;

3. That this Declaration and all of the covenants, conditions, and restrictions continue to be effective as to and run with the land in perpetuity or until the Declarant notifies the appropriate County department that any of the covenants, conditions, and restrictions are satisfied by the Declarant and the



appropriate County department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;

4. That the term Declarant and any pronoun in reference to the Declarant means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, includes any corporation, partnership, or other legal persons and includes the Declarant, the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration will become fully effective on the effective date of the zoning ordinance approving the establishment of B-3 Central Business District zoning, and this Declaration must be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop the Property in conformance with the conditions in Exhibit "1";

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

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County the conditions imposed in this Declaration will run with the land identified as the Property and will bind and constitute notice to all later owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property, and the County of Maui will have the right to enforce this Declaration by appropriate action at law or suit in equity against all persons, except that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Declaration, with the petition to be processed in the same manner as petitions for change in zoning.

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

Each person signing this Unilateral Agreement represents and warrants that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants 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.

IN WITNESS WHEREOF, the undersigned have executed this Declaration  
the day and year first written above.

By: GSMS 2014-GC26 West Kaahumanu Avenue, LLC

\_\_\_\_\_

Name of signer: \_\_\_\_\_

Title of signer: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )  
 ) SS.  
\_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

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: \_\_\_\_\_

\_\_\_\_\_

[Stamp or Seal]

\_\_\_\_\_

Notary Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT "1"

### 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. 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 'Īao 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.



**EXHIBIT "2"**  
**Legal Description**

**For Tax Map ID(s):** 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

ITEM I:

LOT A

Maui Land & Pineapple Company Subdivision

All of that certain parcel of Land, being Lot A of the Maui Land & Pineapple Company Subdivision (the Map thereof not being recorded), Being a portion of Lots 1-A-2-A-1, 1-A-2-B-1, 1-A-1-A and 1-A-2-D of the Maui Pine Cannery Lots, being also a portion 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 and being more particularly described as follows:

Beginning at a found  $\frac{3}{4}$  inch pipe at the Northwest corner of this parcel of land, on the Southerly side of Kaahumanu Avenue F.A.P. No. F-032-1 (3), said point being also the Northwest corner of said Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, 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"      899.36 feet along said Southerly side of Kaahumanu Avenue  
F.A.P. No. F-032-1-(3) and along the remainder of said  
Royal Patent 4475, Land Commission Award 7713,  
Apana 23 to V. Kamamalu to a found  $\frac{3}{4}$  inch pipe;

Thence along same and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Northerly with a radius of 1420.24 feet, the chord azimuth and distance being:

2.      260°   09'   27.5"      485.75 feet to a found  $\frac{3}{4}$  inch pipe;
3.      250°   18'   40"      213.35 feet along the Southerly side of Kaahumanu Avenue  
F.A.P. No. F-032 (2) and along the remainder of said  
Royal Patent Grant 3343 to Claus Spreckels to a found  
 $\frac{3}{4}$  inch pipe;
4.      278°   36'   30"      39.22 feet along same to a found  $\frac{3}{4}$  inch pipe;
5.      250°   21'   00"      26.69 feet along same to a found brass disc;
6.      340°   21'   00"      56.90 feet along same to a found cross chiseled in concrete  
sidewalk;
7.      70°   17'   30"      256.48 feet along Lot C of said Maui Land & Pineapple Company  
Subdivision and along the remainder of said Royal Patent  
Grant 3343 to Claus Spreckels to a set brass disc;
8.      340°   17'   30"      64.62 feet along same to a cross chiseled in concrete sidewalk;
9.      70°   17'   30"      256.00 feet along same to a cross chiseled in concrete sidewalk;

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

10.	340°	17'	30"	8.45	feet along same to a cross chiseled in concrete sidewalk;
11.	70°	17"	30"	1.10	feet along same to a cross chiseled in concrete sidewalk;
12.	340°	17'	30"	3.00	feet along same to a cross chiseled in concrete sidewalk;
13.	250°	17'	30"	0.75	feet along same to a cross chiseled in concrete sidewalk;
14.	340°	17'	30"	248.38	feet along same to a set brass disc;
15.	250°	17'	30"	512.50	feet along same to a found ¾ inch pipe on the Westerly side of Kane Street;
16.	340°	21'	00"	298.28	feet along said westerly side of Kane Street and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe;
17.	70°	17'	30"	251.69	feet along Lot E of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe on the Easterly Boundary of Lot F of said Maui Land & Pineapple Company Subdivision;
18.	160°	17'	30"	243.02	feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found brass disc;
19.	115°	17'	30"	35.35	feet along same to a found nail in concrete wall;
20.	70°	17'	30"	231.13	feet along same to a found brass disc;
21.	63°	30'	00"	63.52	feet along same to a set iron bolt;
22.	340°	17'	30"	119.64	feet along same to a set brass disc;
23.	70°	17'	30"	70.68	feet along same to a set brass disc;
24.	340°	17'	30"	12.01	feet along same to a set brass disc;
25.	70°	17'	30"	53.62	feet along same to a set brass disc;
26.	340°	17'	30"	8.17	feet along same to a set brass disc;
27.	70°	17"	30"	86.33	feet along same to a cross chiseled in concrete;
28.	340°	17'	30"	273.01	feet along same to a set ¾ inch pipe;
29.	70°	17'	30"	620.93	feet along same to a set ¾ inch pipe;
30.	340°	17'	30"	38.69	feet along same to a set ¾ inch pipe;
31.	70°	17'	30"	158.40	feet along same to a set ¾ inch pipe;

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

32. 352° 30' 00" 170.22 feet along same to a set ¾ inch pipe;

Thence along same on the arc of a curve to the right, concave Westerly with a radius of 188.00 feet, the chord azimuth and distance being;

33. 357° 36' 22" 33.46 feet to a set ¾ inch pipe;

34. 301° 00' 00" 60.92 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾ inch pipe;

Thence along same on the arc of a curve to the left, concave Northeasterly with a radius of 1330.00 feet the chord azimuth and distance being;

35. 297° 10' 20" 177.58 feet to a set ¾ inch pipe;

36. 203° 20' 40" 5.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾ inch pipe;

Thence along same on the arc of a curve to the left, concave northeasterly with a radius of 1325.00 feet, the chord azimuth and distance being;

37. 293° 07' 40" 10.02 feet to a set ¾-inch pipe;

38. 22° 54' 40" 5.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾-inch pipe;

Thence along same on the arc of a curve to the left, concave Northeasterly with a radius of 1330.00 feet, the chord azimuth and distance being;

39. 291° 12' 20" 79.17 feet to a set ¾-inch pipe;

40. 19° 30' 00" 16.00 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to claus spreckels to a set ¾-inch pipe;

41. 289° 30' 00" 19.93 feet along same to a set ¾-inch pipe on the Northerly boundary of Lot 2, land owned by Maui Land & Pineapple Co., Ltd.;

42. 70° 17' 30" 85.59 feet along said Lot 2, land owned by Maui Land & Pineapple Co., Ltd. and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set ¾-inch pipe on the northeasterly side of South Wakea Avenue;

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

Thence along said Northeasterly side of South Wakea Avenue, on the arc of a curve to the right, concave Northeasterly with a radius of 1392.40 feet, the chord azimuth and distance being:

43. 113° 47' 06.5" 353.45 feet to a set 3/4-inch pipe,

Thence along Lot G of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Northwesterly with a radius of 44.00 feet, the chord azimuth and distance being:

44. 234° 31' 03" 53.80 feet to a set 3/4-inch pipe at a point of compound curvature;

Thence along said Lot G of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels, on the arc of a curve to the left, concave Westerly with a radius of 235.00 feet, the chord azimuth and distance being:

45. 184° 40' 00" 99.06 feet to a set 3/4-inch pipe;
46. 172° 30' 00" 164.27 feet along said Lot G of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set 3/4-inch pipe;
47. 80° 10' 00" 47.05 feet along same to a set 3/4-inch pipe;
48. 155° 00' 00" 111.20 feet along same to a set 3/4-inch pipe;
49. 158° 00' 00" 180.00 feet along same to a set 3/4-inch pipe;
50. 248° 00' 00" 52.98 feet along same to a set 3/4-inch pipe;
51. 160° 17' 30" 38.93 feet along same to a set 3/4-inch pipe;
52. 160° 17' 30" 36.32 feet along Lot 10 of the Wakea Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set 3/4 - inch pipe;
53. 250° 17' 30" 240.28 feet along Lot B of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;
54. 160° 17' 30" 63.14 feet along same to a set iron pin;
55. 250° 17' 30" 83.62 feet along same to a set brass disc;
56. 160° 17' 30" 157.46 feet along same to a cross chiseled in concrete sidewalk;
57. 250° 17' 30" 1.50 feet along same to a cross chiseled in concrete sidewalk;
58. 160° 17' 30" 205.00 feet along same to a cross chiseled in concrete sidewalk;
59. 70° 17' 30" 237.59 feet along same to a set brass disc;

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

- |     |              |        |   |
|-----|--------------|--------|---|
| 60. | 340° 17' 30" | 67.02  | feet along same to a set brass disc;  |
| 61. | 70° 17' 30"  | 87.62  | feet along same to a set brass disc on the East end of Kea Street;  |
| 62. | 160° 21' 00" | 491.42 | feet along said East end of Kea Street and along Lot 13 of said Wakea Avenue Industrial Subdivision No. 2, along the Merchants Enterprises Subdivision and along the remainders of said Grant 3343 to Claus Spreckels and Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamanalu to the point of beginning and containing a gross area of 25.779 acres, more or less, excluding therefrom 1.182 acres, more or less, for Lot D, leaving a Net area of 24.597 acres, more or less. |

Excluding, LOT D from the above described LOT A, LOT D being more particularly described as follows:

**LOT D**

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot D of Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion of Lot 1-A-1-A of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of Said Maui Land & Pineapple Company Subdivision, 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 said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels; |
|----|-------------|--------|--|

Thence along same on the arc of a curve to the right, concave northeasterly with a radius of 5.00 feet, the chord azimuth and distance being:

- |    |              |       |  |
|----|--------------|-------|--|
| 2. | 115° 17' 30" | 7.07  | feet;  |
| 3. | 160° 17' 30" | 42.00 | feet along said lot a of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels; |

Thence along same on the arc of a curve to the right, concave Southeasterly with a radius of 2.00 feet, the cord azimuth and distance being:

- |    |              |      |       |
|----|--------------|------|-------|
| 4. | 205° 17' 30" | 2.83 | feet, |
|----|--------------|------|-------|



**EXHIBIT "2"****Legal Description  
(continued)**

5. 250° 17' 30" 28.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the left, concave northwesterly with a radius of 40.00 feet, the chord azimuth and distance being:

6. 205° 17' 30" 56.57 feet;
7. 160° 17' 30" 65.87 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;
10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

**ITEM II:****PARCEL FIRST:****LOT B****Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot B of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of Lot 1-A-2-D and a portion of Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a set brass disc in road pavement at the most Westerly corner of this parcel of land, on the East 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:

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

- |     |      |     |     |        |  |
|-----|------|-----|-----|--------|--|
| 1.  | 250° | 17' | 30" | 87.62  | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc in asphalt pavement;   |
| 2.  | 160° | 17' | 30" | 67.02  | feet along same to a set brass disc;   |
| 3.  | 250° | 17' | 30" | 237.59 | feet along same to a set of brass disc;  |
| 4.  | 340° | 17' | 30" | 205.00 | feet along same to a cross chiseled in concrete sidewalk,  |
| 5.  | 70°  | 17' | 30" | 1.50   | feet along same to a cross chiseled in concrete sidewalk.  |
| 6.  | 340° | 17' | 30" | 157.46 | feet along same to a set brass disc,   |
| 7.  | 70°  | 17' | 30" | 83.62  | feet along same to a set iron pin,   |
| 8.  | 340° | 17' | 30" | 63.14  | feet along same to a set brass disc;   |
| 9.  | 70°  | 17' | 30" | 240.28 | feet along same to a set 3/4 inch pipe on the Easterly boundary of Lot 10 of the Wakea Avenue Industrial Subdivision No. 2;  |
| 10. | 160° | 17' | 30" | 166.62 | feet along Lot 10, 11 and 12-A of said Wakea Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;  |
| 11  | 160° | 21' | 00" | 191.96 | feet along Lots 12-A and 12-B of said Wakea Avenue Industrial Subdivision No. 2 along the East end of said Kea street and along the remainder of said Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 2.915 acres, more or less. |

**PARCEL SECOND.**

Existing Easement 14 (15-feet wide sewerline easement) over, under and across Lot A of the Maui Land & Pineapple Company Subdivision, being more particularly described in Limited Warranty Deed recorded September 18, 2003 as Regular System [Document No. 2003-201295](#) of Official Records.

**ITEM III:**

**LOT C**

**Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot C of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion Lots 1-A-2-A-1 and 1-A-2-B-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

Beginning at a found cross chiseled in concrete sidewalk at the Northeast corner of this parcel of land, on the Westerly side of Kaahumanu Avenue F.A.P. No. F-032-1(3), said point being also the Northeast corner of said Lot 1-A-2-B-1 of the Maul Pine Cannery Lots, 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' | 00" | 324.45 | feet along said Westerly side of Kaahumanu Avenue F.A.P. No. F-032-(2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 2.  | 70°  | 17' | 30" | 512.50 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;          |
| 3.  | 160° | 17' | 30" | 248.38 | feet along same to a cross chiseled in concrete sidewalk;   |
| 4.  | 70°  | 17' | 30" | 0.75   | feet along same to a cross chiseled in concrete sidewalk;   |
| 5.  | 160° | 17' | 30" | 3.00   | feet along same to a cross chiseled in concrete sidewalk;   |
| 6.  | 250° | 17' | 30" | 1.10   | feet along same to a cross chiseled in concrete sidewalk;   |
| 7.  | 160° | 17' | 30" | 8.45   | feet along same to a cross chiseled in concrete sidewalk;   |
| 8.  | 250° | 17' | 30" | 256.00 | feet along same to a cross chiseled in concrete sidewalk;   |
| 9.  | 160° | 17' | 30" | 64.62  | feet along same to a set brass disc;  |
| 10. | 250° | 17' | 30" | 256.48 | feet along same to the point of beginning and containing a area of 3.438 acres, more or less.   |

**EXHIBIT "2"**  
**Legal Description**  
 (continued)

ITEM IV:

PARCEL FIRST:

LOT D

Maui Land &amp; Pineapple Company Subdivision

All of that certain parcel of land, being Lot D of Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion of Lot 1-A-1-A of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of said Maui Land & Pineapple Company Subdivision, 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 said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave northeasterly with a radius of 5.00 feet, the chord azimuth and distance being:

2.      115°   17'    30"      7.07 feet;
3.      160°   17'    30"    42.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Southeasterly with a radius of 2.00 feet, the cord azimuth and distance being:

4.      205°   17'    30"      2.83 feet;
5.      250°   17'    30"    28.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the left, concave Northwesterly with a radius of 40.00 feet, the chord azimuth and distance being:

6.      205°   17'    30"    56.57 feet;
7.      160°   17'    30"    65.87 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant

**EXHIBIT "2"****Legal Description  
(continued)****3348 to Claus Spreckels;**

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;
10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

**PARCEL SECOND:**

Existing Easement 14 for sewerline purposes. Easement 18 for utility purposes. Easements 19 and 20 for access and utility purposes and easement 22 for sewerline purposes, being more particularly described in Limited Warranty Deed recorded September 18, 2003, as Regular System [Document No. 2003-201295](#) of Official Records.

**ITEM V:****LOT E -****Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot E of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of LOT 1-A- 2-A-2 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found brass disc at the Southeast corner of this parcel of land, on the Westerly side of Kane Street, said point being also the Southeast corner of said Lot 1-A-2-A-2 of the Maui Pine Cannery Lots, 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. 70° 17' 30" 206.40 feet along Lot F of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;

Thence along same on the arc of a curve to the right, concave Northeasterly with a radius of 45.00 feet,



**EXHIBIT "2,"**  
**Legal Description**  
 (continued)

the chord azimuth and distance being:

2. 115° 17' 30" 63.64 feet to a found 3/4-inch pipe;
3. 160° 17' 30" 239.36 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;
4. 250° 17' 30" 251.69 feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Grant 3343 to Claus Spreckels to a found 3/4-inch pipe on the Westerly side of said Kane Street;
5. 340° 21' 00" 284.36 feet along said westerly side of Kane Street to the point of beginning and containing an area of 1.632 acres, more or less.

**ITEM VI:**

Nonexclusive Easements for the use of the insured and its permittees entitled to use the same, in, to and over various leasehold parcels, pursuant to the provisions of that certain Amended and Restated Reciprocal Easement Agreement recorded October 18, 1993 as Regular System [Document No. 93-171353](#) of Official Records; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations contained therein.

AS TO ITEM I, ITEM II, ITEM III, ITEM IV AND ITEM V:

Being all the properties conveyed by the following:

**COMMISSIONER'S DEED**

Grantor: OSCAR PARRA, of Pacific Capital Retail Partners, the duly appointed Commissioner  
 Grantee: GSMS 2014-GC26 WEST KAAHUMANU AVENUE, LLC, a Delaware limited liability company  
 Dated: June 3, 2022  
 Recording Date: June 6, 2022  
Recording No. A-81920885

# COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

## CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-221, FD1, was adopted by the Council of the County of Maui, State of Hawaii, on the 20th day of October, 2023, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye

  
COUNTY CLERK

## **APPENDIX B**

**B-1: Community Plan Amendment,  
Metes and Bounds Descriptions and  
MAPS**

## 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.



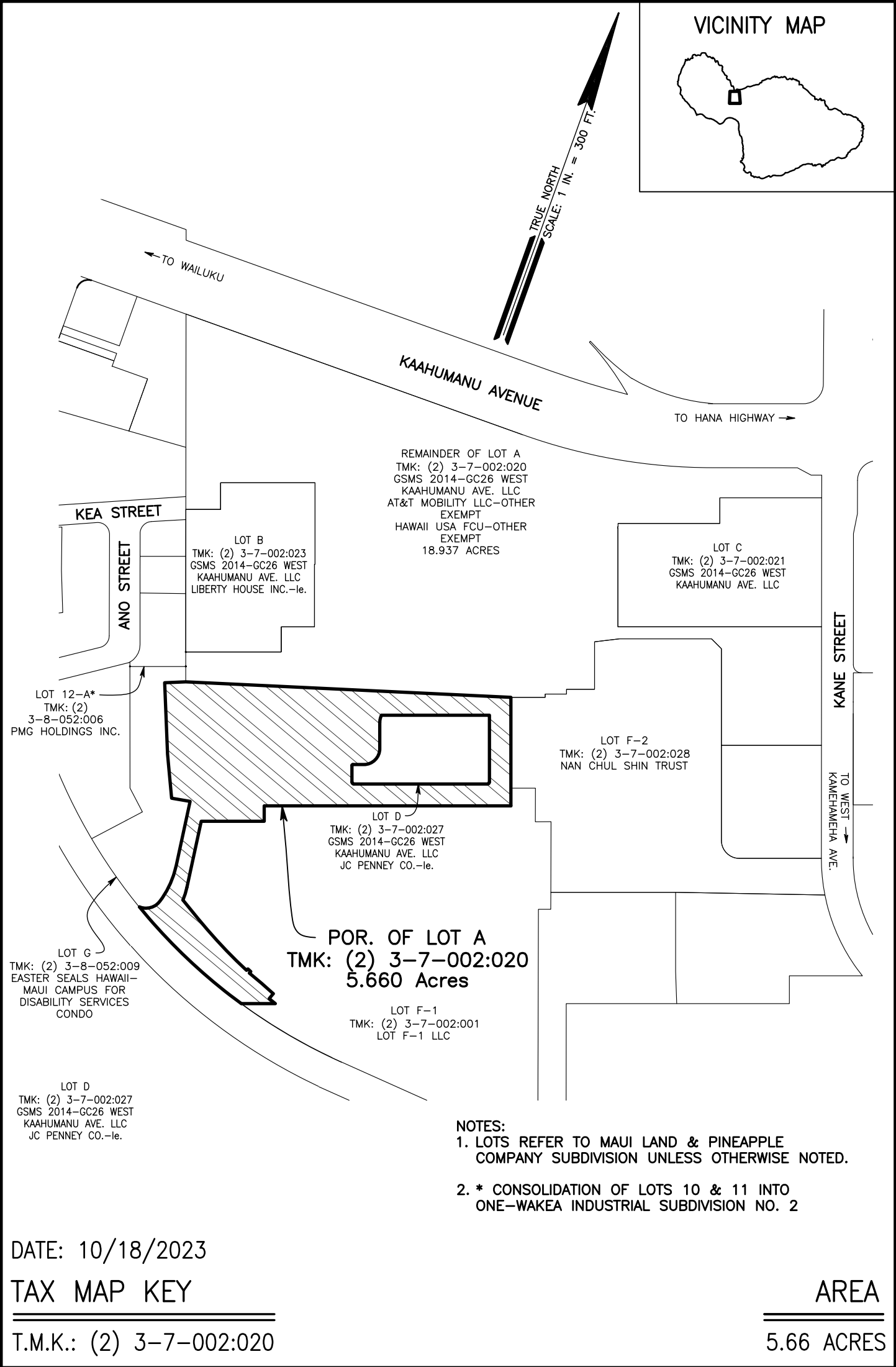
FUKUMOTO ENGINEERING, INC.

*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



COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – KAHULUI, MAUI, HAWAII  
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

## 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:

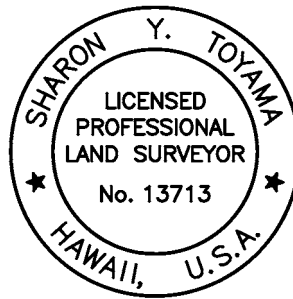
1.  $70^{\circ} 17' 30''$  336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the 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).

This work was prepared by me  
or under my supervision.



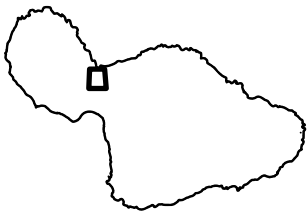
FUKUMOTO ENGINEERING, INC.

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

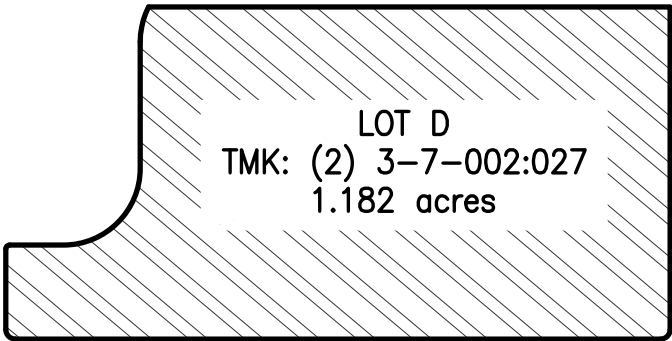
GSMS01

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

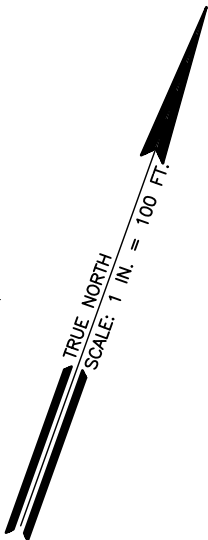
VICINITY MAP



LOT A  
TMK: (2) 3-7-002:020  
GSMS 2014-GC26 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: 10/18/2023

TAX MAP KEY

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

AREA

1.182 ACRES

COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – KAHULUI, MAUI, HAWAII  
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

## **APPENDIX B**

**B-2: Change in Zoning,**

**Metes and Bounds Descriptions and  
MAPS**

## 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:  $23^{\circ} 20' 40''$ ,  
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:  
 $293^{\circ} 07' 40''$  10.02 feet;
40.  $22^{\circ} 54' 40''$  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:  $199^{\circ} 30'$ ,  
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;
42.  $19^{\circ} 30'$  16.00 feet along same;
43.  $289^{\circ} 30'$  19.93 feet along same;
44.  $70^{\circ} 17' 30''$  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:  $16^{\circ} 29' 36''$ ,  
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;
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:  $2^{\circ} 12' 06''$ ,  
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;

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;

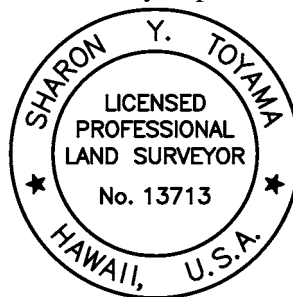
7. 160° 17' 30" 65.87 feet along same;
8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 70° 17' 26",  
the radial azimuth from the radius point to the end of the curve being: 97° 14' 56",  
and the 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

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

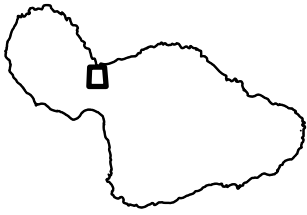
GSMS01

Maui Land & Pineapple Company Subdivision-Lot A

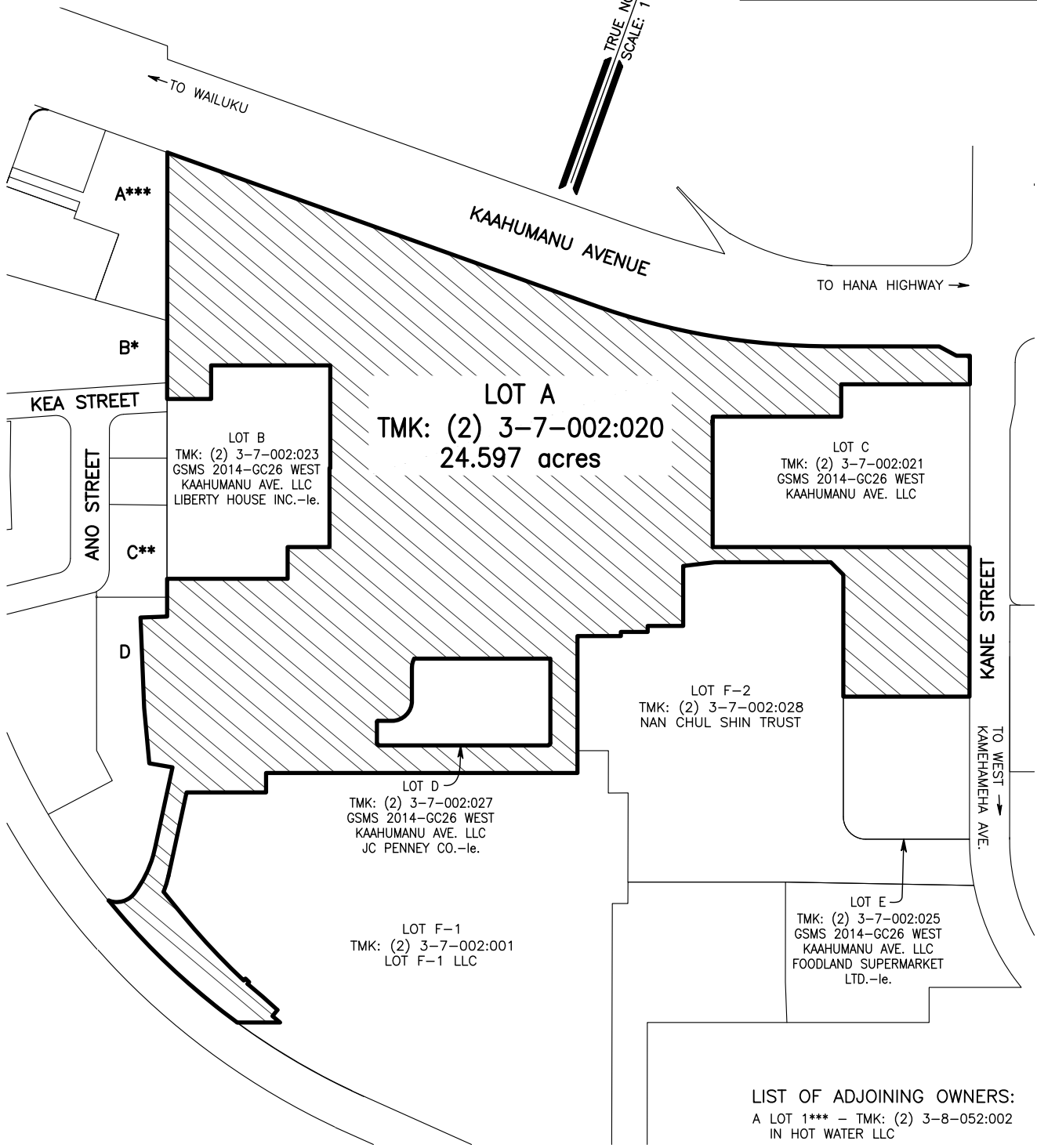
Page 7 of 7 Pages

- 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



TRUE NORTH  
SCALE: 1 IN. = 300 FT.



- 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) 3-8-052:009  
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.

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

## 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).

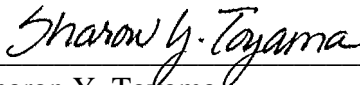
This work was prepared by me  
or under my supervision.



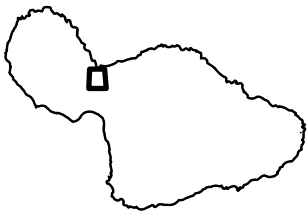
FUKUMOTO ENGINEERING, INC.

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

GSMS01

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

VICINITY MAP



LOT A  
TMK: (2) 3-7-002:020  
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC  
AT&T MOBILITY LLC-OTHER EXEMPT  
HAWAII USA FCU-OTHER EXEMPT

← TO S. WAKEA AVE.  
KEA STREET

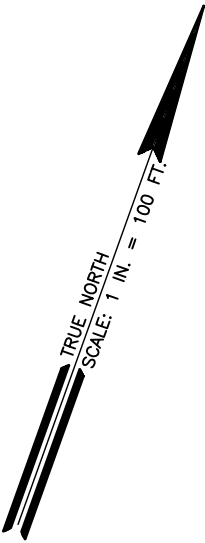
LOT 12-B\*  
TMK: (2) 3-8-052:022  
PMG HOLDINGS INC.

LOT 12-A\*  
TMK: (2) 3-8-052:006  
PMG HOLDINGS INC.

ANO STREET

LOT 12-A\*\*  
TMK: (2) 3-8-052:006  
PMG HOLDINGS INC.

LOT B  
TMK: (2) 3-7-002:023  
2.915 acres



- 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

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:023

AREA

2.915 ACRES

LAND ZONING MAP NO.

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

## 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).

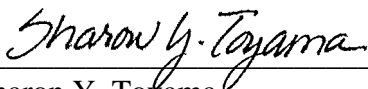
This work was prepared by me  
or under my supervision.



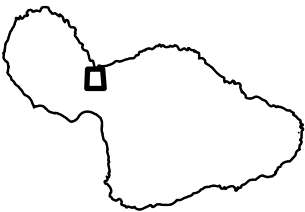
FUKUMOTO ENGINEERING, INC.

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

GSMS01

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

VICINITY MAP



← TO WAILUKU

TO HANA HIGHWAY →

KAAHUMANU AVENUE

LOT A  
TMK: (2) 3-7-002:020  
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC  
AT&T MOBILITY LLC-OTHER EXEMPT  
HAWAII USA FCU-OTHER EXEMPT

LOT C  
TMK: (2) 3-7-002:021  
3.438 acres

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

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

KANE STREET

TO WEST →  
KAMEHAMEHA  
AVE.

TRUE NORTH  
SCALE: 1 IN. = 100 FT.

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:021

AREA

3.438 ACRES

LAND ZONING MAP NO.

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

## 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:

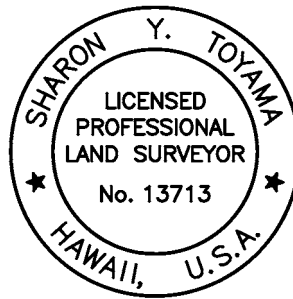
1.  $70^{\circ} 17' 30''$  336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the 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).

This work was prepared by me  
or under my supervision.



FUKUMOTO ENGINEERING, INC.

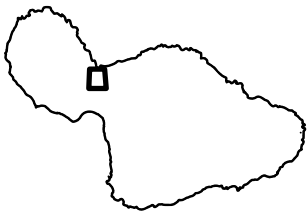
*Sharon Y. Toyama*

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

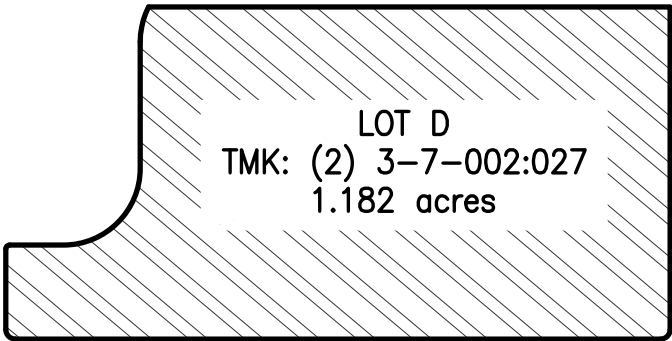
1721 Wili Pa Loop, Suite 203  
Wailuku, Hawaii 96793  
October 18, 2023

GSMS01

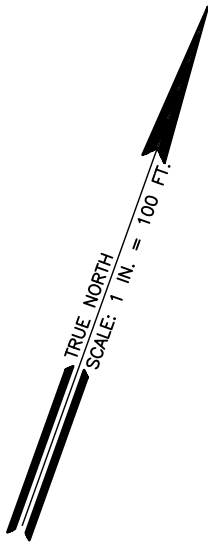
VICINITY MAP



LOT A  
TMK: (2) 3-7-002:020  
GSMS 2014-GC26 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.

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

## 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

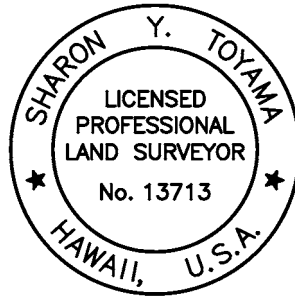
8,303.17 feet East

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).

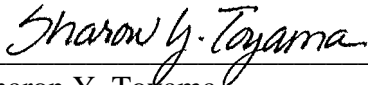
This work was prepared by me  
or under my supervision.



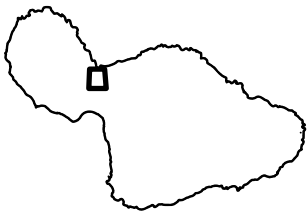
FUKUMOTO ENGINEERING, INC.

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

GSMS01

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

VICINITY MAP



LOT C  
TMK: (2) 3-7-002:021  
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC

LOT A  
TMK: (2) 3-7-002:020  
GSMS 2014-GC26 WEST KAAHUMANU  
AVE. LLC  
AT&T MOBILITY LLC-OTHER EXEMPT  
HAWAII USA FCU-OTHER EXEMPT

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

LOT E  
TMK: (2) 3-7-002:025  
1.632 acres

LOT F-3-1  
TMK: (2)  
3-7-002:029  
LOT F-3 LLC

LOT F-4-1  
TMK: (2) 3-7-002:030  
NAN CHUL SHIN TRUST

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

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:025

AREA

1.632 ACRES

LAND ZONING MAP NO.

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