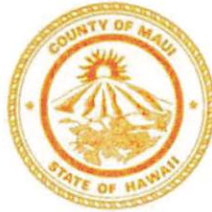


RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director



RECEIVED
2024 MAR 21 AM 10:00
OFFICE OF THE
COUNTY CLERK

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

March 18, 2024

APPROVED FOR TRANSMITTAL

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

Richard T. Bissen 3-20-24
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

SUBJECT: COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR THE QUEEN KAAHUMANU CENTER AT 275 WEST KAAHUMANU AVENUE, KAHULUI, MAUI, HAWAII (ZPA2023-00005)

The Department of Planning (Department) is transmitting for your review and action the proposed CPA and CIZ, summarized as follows:

| PROPOSAL | |
|-------------|--|
| Action | CPA and CIZ |
| Applicant | Queen Kaahumanu Center |
| Owner | Same as Applicants |
| Tax Map Key | For CPA: (2) 3-7-002:020 (Por.), 027 For CIZ: (2) 3-7-002:020, 021, 023, 025, 027 |
| Address | 275 West Kaahumanu Avenue, Kahului, Island of Maui, Hawaii |
| Area | For CPA: Approximately 6.84 acres For CIZ: Approximately 33.8 acres |

Honorable Richard T. Bissen Jr., Mayor
 For Transmittal to:
 Honorable Alice L. Lee, Chair
 and Members of the Maui County Council
 March 18, 2024
 Page 2

| PROPOSAL | |
|-------------------------------|---|
| Current Land Use Designations | <p><u>Parcel 020</u> State: Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Wailuku-Kahului Community Plan: Business/Commercial and Heavy Industrial Title 19, Zoning: M-2 Heavy Industrial District Other: Within the SMA</p> <p><u>Parcel 021</u> State: Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Wailuku-Kahului Community Plan: Business/Commercial Title 19, Zoning: M-2 Heavy Industrial District Other: Within the SMA</p> <p><u>Parcel 023</u> State: Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Wailuku-Kahului Community Plan: Business/Commercial Title 19, Zoning: M-2 Heavy Industrial District Other: Within the SMA</p> <p><u>Parcel 025</u> State: Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Wailuku-Kahului Community Plan: Business/Commercial Title 19, Zoning: M-2 Heavy Industrial District Other: Within the SMA</p> <p><u>Parcel 027</u> State: Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Wailuku-Kahului Community Plan: Heavy Industrial Title 19, Zoning: M-2 Heavy Industrial District Other: Within the SMA</p> |

Honorable Richard T. Bissen Jr., Mayor
 For Transmittal to:
 Honorable Alice L. Lee, Chair
 and Members of the Maui County Council
 March 18, 2024
 Page 3

| PROPOSAL | |
|--------------------------|---|
| Brief Description | <p>The Maui County Council is proposing the Queen Kaahumanu Community Center Revitalization and Infill Project. Currently, no development is proposed. As a result of community feedback, the shopping center is proposed to be re-purposed as a mixed-use development, consisting of affordable housing, retail, office, service and open space so that residents can easily access goods and services. The properties total approximately 33.8 acres.</p> <p>For land use and zoning consistency, a CPA is proposed from 'Heavy Industrial' to 'Business/Commercial' and a CIZ from 'M-2, Heavy Industrial' District to 'B-3, Central Business' District.</p> |
| Public Hearing | Held by Maui Planning Commission (Commission) on January 23, 2024 at the Liquor Control Room at the Maui County Service Center in Kahului, Maui, Hawaii and virtually via Bluejeans. |
| Testimony | <p>Six people provided oral testimony in support of the project at the Commission meeting.</p> <p>As of March 12, 2024, the Department had received seven letters of support for the project, two of which were from people who also provided oral testimony. No letters of opposition were received.</p> |
| Recommendation | The Commission recommended approval of the CPA and CIZ by a vote of 6-0, with 2 excused absences. |

The Commission reviewed the subject proposal at its January 23, 2024, public meeting and recommended approval of the CPA and CIZ. The Commission also recommended approval of the CIZ with no conditions to the Maui County Council (Council):

As Council approval is required, the Department respectfully transmits the subject application for review. Accordingly, attached are the following documents:

1. Proposed 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, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KAAHUMANU CENTER), AND TO AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED;"
2. Proposed 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

Honorable Richard T. Bissen Jr., Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
and Members of the Maui County Council
March 18, 2024
Page 4

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 KAAHUMANU CENTER;”

3. Letter dated January 25, 2024, regarding Maui Planning Commission’s “Recommendation of Approval of a Community Plan Amendment (CPA) from ‘Heavy Industrial’ to ‘Business/Commercial’ for Approximately 6.84 Acres, and a Recommendation of Approval for a Change in Zoning (CIZ) from ‘M-2, Heavy Industrial’ District to ‘B-3, Central Business’ District for Approximately 33.8 Acres for the Queen Kaahumanu Center Revitalization and Infill Project, Located in Kahului, Maui, Hawaii; TMK’s: (2) 3-7-002:020, 021, 023, 025, and 027 (ZPA2023-00005);”
4. Department of Planning Report and Recommendation, including agency comments and exhibits, to the Commission dated January 23, 2024;
5. Minutes for the January 23, 2024 Commission meeting;
6. Application for Community Plan Amendment and Change in Zoning (ZPA2023-00005); and
7. Seven letters in support of the project.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department via transmittal through the Office of the Mayor.

Sincerely,



KATE L. K. BLYSTONE
Planning Director

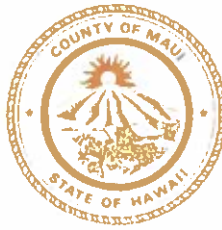
Attachments

xc: Maui Planning Commission Members (PDF)
Danny A. Dias, Planning Program Administrator (PDF)
Clayton I. Yoshida, Secretary to Boards and Commissions Supervisor (PDF)
Kurt Wollenhaupt, Acting Land Use Planning Supervisor (PDF)
Tara K. Furukawa, Staff Planner (PDF)
KLKB:TKF:lp
K:\WP_DOCS\Planning\ZPA\2023\00005_QueenKaahumanu\MPCVerbalRemarks.doc

RICHARD T. BISSEN, JR.
Mayor

KATE L.K. BLYSTONE
Acting Director

GARRETT E. SMITH
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAI'I 96793

January 25, 2024

Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
Kalana O Maui Building 9th Floor
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Mayor
1-31-24
Date

CERTIFIED MAIL - # 7015 0640 6769 4410

Ms. Lemore Czeisler
Pacific Retail Capital Partners
2029 Century Plaza East
Los Angeles, California 90064

Dear Honorable Mayor Bissen and Ms. Czeisler:

SUBJECT: RECOMMENDATION OF APPROVAL OF A COMMUNITY PLAN AMENDMENT (CPA) FROM "HEAVY INDUSTRIAL" TO "BUSINESS/COMMERCIAL" FOR APPROXIMATELY 6.84 ACRES, AND A RECOMMENDATION OF APPROVAL FOR A CHANGE OF ZONING (COZ) FROM 'M-2, HEAVY INDUSTRIAL' DISTRICT TO 'B-3 CENTRAL BUSINESS' DISTRICT FOR APPROXIMATELY 33.8 ACRES FOR THE QUEEN KAAHUMANU CENTER REVITALIZATION AND INFILL PROJECT, LOCATED IN KAHULUI, MAUI, HAWAII; TMK's : (2) 3-7-002:020, 021, 023, 025, AND 027 (ZPA2023-00005)

At its regular meeting on January 23, 2024, the Maui Planning Commission (Commission) took public testimony, reviewed the above requests, and after due deliberation, voted to recommend approval of the CPA and COZ to the Maui County Council (Council).

The Commission also adopted the Report and Recommendation prepared by the Planning Department for the January 23, 2024 meeting as its Findings of Fact and Conclusions of Law, and authorized the Planning Director to transmit the Commission's recommendation to the Council on its behalf.

Honorable Richard T. Bissen, Jr. and Ms. Lemore Czeisler
January 25, 2024
Page 2

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-7520.

Sincerely,



KATE L.K. BLYSTONE
Acting Planning Director

xc: Danny A. Dias, Planning Program Administrator (PDF)
Jordan E. Hart, Planning Program Administrator (PDF)
Jacky Takakura, Planning Program Administrator (PDF)

KLKB:TKF:rma

K:\WP_DOCS\Planning\ZPA\2023\00005_QueenKaahumanu\MPCApproval.docx

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of Maui
County Resolution No. 23-221, FD1 for the

QUEEN KAAHUMANU CENTER

To Obtain a Community Plan Amendment
(CPA) from 'Heavy Industrial' to
'Business/Commercial' for Approximately
6.84 Acres at 275 West Kaahumanu
Avenue, Kahului, Maui, Hawaii, Tax Map
Keys (TMKs): (2) 3-7-002:020 (Por.) and
(2) 3-7-002:027. To also obtain a Change of
Zoning (COZ) from 'M-2, Heavy Industrial'
District to 'B-3, Central Business' District for
Approximately 33.8 Acres at TMKs:
(2) 3-7-002:020, 021, 023, 025, and 027.

DOCKET NO. ZPA2023-00005

Queen Kaahumanu Center

(T. Furukawa)

DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
JANUARY 23, 2024 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 619
WAILUKU, HAWAII 96793

**Community Plan Amendment
Change of Zoning**

K:\WP_DOCS\Planning\ZPA\2023\00002_WaiehuHousingLP\ReportAndRecommendation.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of Maui
County Resolution No. 23-221, FD1 for the

QUEEN KAAHUMANU CENTER (QKC)

To Obtain a Community Plan Amendment
(CPA) from 'Heavy Industrial' to
'Business/Commercial' for Approximately
6.75 Acres at 275 West Kaahumanu
Avenue, Kahului, Maui, Hawaii, Tax Map
Keys (TMKs): (2) 3-7-002:020 (Por.) and
027. To also obtain a Change of Zoning
(COZ) from 'M-2, Heavy Industrial' District
to 'B-3, Central Business' District for
Approximately 33.8 Acres at TMKs: (2) 3-7-
002:020, 021, 023, 025, and 027.

DOCKET NO. ZPA2023-00005

QKC

(T. Furukawa)

DESCRIPTION OF THE PROJECT

This matter arises from Resolution No. 23-221, FD1, adopted by the Maui County Council on October 20, 2023, and received by the Department on October 24, 2023 (**Exhibit 1**). The Resolution refers to the Maui Planning Commission (Commission) a proposed bill to change land use designations for five parcels that comprise the QKC in Kahului, located at Tax Map Keys (TMKs) (2) 3-7-002:020, 021, 023, 025 and 027. Approximately 6.84 acres of two parcels, TMK (2) 3-7-002:020 (Por.) and 027, are proposed for a CPA from 'Heavy Industrial' to 'Business/Commercial.' A COZ for approximately 33.8 acres is also being sought from 'M-2, Heavy Industrial' to 'B-3, Central Business' District for five parcels: TMKs (2) 3-7-002:020, 021, 023, 025 and 027. A Location Map and Existing Site Plan are included as **Exhibits 2-3**. The parcels are owned by 'GSMS 2014-GC26 West Kaahumanu Ave LLC.' The property manager is Pacific Retail Capital Partners. The QKC was built in 1972.

Currently, no development is proposed, however, the proposed land use entitlements are being sought to enable a more holistic, community-driven planning approach for the approximately 33.8-acre project area, also referred to as the "Queen Kaahumanu Community Center Revitalization and Infill Project." As a result of community feedback, the parking lots, commercial buildings, and ancillary areas are all proposed for future re-purposing as a mixed-use development. Residential, retail, office, service, and open space uses are envisioned so that future project residents can easily access goods and services, which will all be within walking distance. The Department notes that QKC residents will be able to benefit from being in close proximity to the proposed Kahului Civic Center Mixed-Use Complex across the street from this project area. The Civic Center project will consist of affordable multi-family rental housing units, office space, civic center, and a transit hub that is also currently being built adjacent to the

Civic Center to provide bus transportation service. The future QKC residents will benefit from being in close proximity to both the Civic Center and transit hub. Project planning should involve collaboration between the County, surrounding property owners, and implement the Kaahumanu Community Corridor Community Action Plan to create safer access and connections to surrounding uses that will result in a more contiguous corridor, improve public spaces, and enhance pedestrian access.

According to the Council Resolution, the aim for this project is for its architectural design to incorporate best practices in environmental sustainability, respect Maui's culture and unique sense of place, and pay homage to Queen Kaahumanu. For future planning, created spaces should strengthen the region's identity, be human in scale, and reduce motor vehicle dependency. The project should maintain compatible scale with, and transition to surrounding public and quasi-public uses. Higher building forms, up to 90 feet in height and up to nine stories, should be sited toward the middle of the project area. Commercial uses along roadways should be lower-rise, and be set back from the streets by landscape buffers. Impacts to mauka and makai viewsheds should be mitigated. Where possible, scenic resources should be incorporated into the project design. To soften the built environment, reduce heat, provide color, shade and contrast and a sense of scale, native trees, greenery, and landscaping will be used. The preference is for native trees, shrubs and grasses. The existing large canopy trees should be preserved.

As per the Resolution, the County will require workforce housing to be processed in accordance with Chapter 2.96, Maui County Code (MCC). The emphasis is on the development of multi-family housing to address Maui's housing shortage. A public-partnership agreement will be explored and incentives will be offered to include expedited project review, financial participation, public-facility and infrastructure support, and flexible height and parking standards. The owner will then deed-restrict affordable and workforce housing to Maui residents beyond what is required by law.

There are no development plans, so there is no estimated project valuation or timeline at this time. The Applicant's intent is to ensure the greatest opportunity for property re-investment and flexibility for a future project that will support community need and serve as a sound, sustainable economic foundation for the QKC.

The project site is located in the Special Management Area (SMA). Because the prospective cost of the project should exceed \$500,000, a SMA Use Permit will be required. The Maui Planning Commission is the approving body for the SMA Use Permit application. The Department notes that the property does not abut the shoreline and is not subject to the Shoreline Setback Rules for the Maui Planning Commission.

REASON FOR PLANNING COMMISSION REVIEW

A CPA for approximately 6.84 acres is proposed to be changed from 'Heavy Industrial' to 'Business/Commercial' to allow for the mix of uses proposed by Council. See **Exhibits 4a and 4b**. The COZ for all five properties from 'M-2 Heavy Industrial' District to 'B-3 Central Business' District is being sought so that there is consistency with the Community Plan designation. See **Exhibits 5a-5e**.

Community Plan Amendment

According to the Maui County Charter Article 8, Chapter 8 Section 8-8.3, the planning director shall “3. Recommend revisions of the general plan as least every ten years to guide the development of the county.”

Further, pursuant to Section 8-8.4 Planning Commissions, the Planning Commission shall “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 180 days after the final public hearing.”

Pursuant to Section 8-8.6 Adoption of General Plan and Other Land Use Ordinances, “revisions to the general plan proposed by the planning director shall be reviewed and acted upon by the council no later than one year after receipt of the transmittal from the planning director.”

Pursuant to Maui County Code, 1980 as amended, Chapter 2.80B General Plan and Community Plans, Section 2.80B.100 Non-decennial amendments to community plans proposed by the director of planning or the council, “all proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for non-decennial 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.” Applications shall follow the procedures set out in sections 19.510.010 and 19.510.020 of Maui County Code, as amended. Although Chapter 343, Hawaii Revised Statutes states that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) shall be submitted along with the application for a community plan amendment, the County of Maui, Department of Planning issued a memorandum dated May 11, 2012 which confirmed that the preparation of an EA is not triggered for CPA initiated by the County, whether by Council or Administration. See **Exhibit 6**.

Change of Zoning

Pursuant to Section 8-8.6 of the Charter, County of Maui, 2003 Edition, “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 disapproved the proposed revision or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of the 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 council’s entire membership.”

A COZ is reviewed pursuant to: Title, 19, Chapter 19.510, 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 COZ if all 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, agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil and Conservation Service.

Pursuant to Title 19, Chapter 510, Section 19.510.050 Conditional Zoning, MCC, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and,
2. That the need for public services created by the proposed use shall be fulfilled.

PROJECT NEED

QKC Information

QKC is one of the largest shopping and entertainment destinations on Maui. The center has been a local gathering site for more than 50 years. The center has more than 570,000 square feet of leasable space and 51 percent is leased by locally-owned businesses. More than 50 community events are held there and the center partners with hundreds of non-profit organizations annually. According to the Applicant, the center welcomes 2.6 million visitors annually. Annual sales of \$68 million are generated while \$22 million are by grocers and \$11 million are generated by restaurants. For Maui County, \$500,000 is generated in tax revenue.

In recent years, similar to other malls nationwide, the QKC has experienced severe economic impacts caused by the shift from brick and mortar retail to online retail, exacerbated by evolving consumer preferences subsequent to the pandemic. Areas of the mall are underutilized or vacant. There are significant infrastructure issues. National retailers have abandoned the mall despite being offered more favorable lease terms. The parking garages need major repairs and maintenance is needed mall-wide. QKC's General Excise Tax revenue decreased by 41 percent since 2014. The financial loss is the reason that the court granted foreclosure in 2021. QKC is constantly exploring new opportunities to evolve to meet community needs. QKC recognizes that better land utilization can be achieved through the

accommodation of multiple functions within the same space. The proposed land use entitlements will promote smart-growth principles, reduce urban sprawl and help preserve open space.

Community Input

In order to gain an understanding of the needs, desires, and concerns of Maui residents, QKC ownership reached out to the community to help shape the center's future. The property owner actively sought public input from elected officials, community leaders and non-profit organizations through an online survey and small group conversations. The groups contacted included Stand Up Maui, Maui Tomorrow, the Sierra Club and Canoe Club. Feedback was received and it is as follows:

Desires

- Mixed-uses to include retail, dining, services, entertainment, arts, and housing
- Maintain the Foodland grocery store
- Green and communal space
- Maintain the gathering place status
- Design to keep with Maui's sense of place, to include appropriate massing and scale
- Link to the Kahului Civic Center, transit hub, UHMC and harbor
- Preserve Queen Kaahumanu statue
- Preserve native landscape and mature monkeypod trees

Concerns

- Housing pricing not targeted to Maui residents
- Excessive building massing and height
- Adverse impact to local mom and pop stores

Housing Need

According to the Hawaii Housing Planning Study, 2019, which was prepared for the County Department of Housing and Human Concerns, for years 2020-2025 there is a demand for 10,404 units among people who would qualify for affordable housing. In addition, there is a demand in Maui County for 5,799 rental units.

By income level, the greatest demand is for 2,955 units for those who earn greater than 180 percent of the Area Median Income (AMI) range set by the U.S. Department of Housing and Urban Development. There is a demand for 1,800 units for those earning between 140 to 180 percent AMI; 1,721 units for those earning less than 30 percent AMI; 1,272 units for those earning 60 to 80 percent AMI; 777 units for those earning between 30 to 50 percent AMI; 740 units for those earning 80 to 120 percent AMI; 647 units for those earning between 120 to 140 percent AMI; and 492 units for those earning between 50 to 60 percent AMI.

The greatest multi-family housing rental demand on Maui is for 776 units for those who earn less than 30 percent AMI; 555 units for those who earn greater than 180 percent AMI; 415 units for those earning between 60 to 80 percent AMI; 319 units for those earning between 140 to 180 percent AMI; 234 units for those earning between 50 to 60 percent AMI; 196 units for those earning between 80 to 120 percent AMI; 106 units for those earning between 30 to 50 percent AMI; and 105 units for those earning between 120 to 140 percent AMI.

DESCRIPTION OF THE PROPERTY

1. The property currently consists of the two-story shopping center, anchored by three department store-sized retail spaces, a grocery store, a two-story office building, two parking garages, and a parking lot. Refer to **Exhibit 3**. There are approximately 2,728 parking stalls. As far as topography, the majority of the project area is paved. There are grassed landscape buffers fronting the northern boundary, along Kaahumanu Avenue, along the eastern project area boundary off Kane Street, and along the western property boundary. There are also trees amidst the open parking lot.

2. **Land Use Designations**

Parcel 020

State Land Use District.....Urban
 Maui Island PlanUrban Growth Boundary/
 Outside Protected Areas
 Wailuku-Kahului Community Plan..... Business/Commercial and Heavy Industrial
 County Zoning.....M-2 Heavy Industrial District
 OtherWithin Special Management Area

Parcel 021

State Land Use District.....Urban
 Maui Island PlanUrban Growth Boundary/
 Outside Protected Areas
 Wailuku-Kahului Community Plan..... Business/Commercial
 County Zoning.....M-2 Heavy Industrial District
 OtherWithin Special Management Area

Parcel 023

State Land Use District.....Urban
 Maui Island PlanUrban Growth Boundary/
 Outside Protected Areas
 Wailuku-Kahului Community Plan..... Business/Commercial
 County Zoning.....M-2 Heavy Industrial District
 OtherWithin Special Management Area

Parcel 025

State Land Use District.....Urban
 Maui Island PlanUrban Growth Boundary/
 Outside Protected Areas
 Wailuku-Kahului Community Plan..... Business/Commercial
 County Zoning.....M-2 Heavy Industrial District
 OtherWithin Special Management Area

Parcel 027

State Land Use District.....Urban
 Maui Island PlanUrban Growth Boundary/
 Outside Protected Areas
 Wailuku-Kahului Community Plan..... Heavy Industrial

County Zoning.....M-2 Heavy Industrial District
 OtherWithin Special Management Area

3. **Surrounding Uses (See Exhibit 7)**

North.....Kaahumanu Avenue/Industrial Uses/
 Apartment/UHMC/Hotel/Resort
 Uses/Kahului Beach Road/Kahului Harbor
 South.....Industrial Uses/Kahului Community Center
 Park/Hale Mahaolu/West Wakea
 Avenue/Single-Family Residential
 East.....Kane Street/Senior Housing/Commercial
 Uses/Residential Uses
 West.....South Wakea Avenue/Residential Uses

4. The properties lie in Flood Zone 'X,' an area of minimal flooding, and does not require a Flood Development Permit.
5. The property is located outside of the 3.2-foot scenario sea level rise exposure area, per the Pacific Islands Ocean Observing System. See **Exhibit 8**.
6. The property is entirely within the Tsunami Evacuation Zone. Because the project will be subject to adverse impacts from a tsunami event, the Applicant will need to initiate discussions with the Maui Emergency Management Agency as soon as possible for evacuation and damage control procedures.
7. There are no open Requests for Service for complaints filed with the Department about any of the properties.

PROCEDURAL MATTERS

1. On October 20, 2023, the Council of the County of Maui adopted Resolution No. 23-221, FD1 that refers a bill to the Maui Planning Commission for an amendment to the Wailuku-Kahului Community Plan designation from 'Heavy Industrial' to 'Business/Commercial' for Approximately 6.75 Acres at QKC at 275 West Kaahumanu Avenue, TMKs (2) 3-7-002:020 (Por.) and 027.

The Resolution also refers a bill to the Maui Planning Commission for a Change of Zoning from 'M-2 Heavy Industrial' District to 'B-3 Central Business' District (Conditional Zoning) for Approximately 33.8 Acres at QKC at 275 West Kaahumanu Avenue, TMKs (2) 3-7-002:020, 021, 023, 025 and 027.

2. On October 24, 2023, the Maui Planning Department received the Resolution from the Office of the County Clerk.
3. On December 4, 2023, the Department received the Project Assessment Report from the Consultant for review and agency transmittal.
4. On December 5, 2023, the Maui Planning Department transmitted the Resolution to various State and County agencies for review and comment.

5. On December 27, 2023, the Maui Planning Department emailed the Applicant and consultant, notifying them of the scheduled public hearing.
6. On December 22, 2023, a Notice of Hearing on the applications was published in the Maui News by the Maui Planning Department.
7. A Community Plan Amendment is normally a “trigger” for an Environmental Assessment, pursuant to HRS Chapter 343-5(6). As previously mentioned, a memorandum was issued, dated May 11, 2012, which says that an EA is not “triggered” for community plan amendments initiated by the County, whether by Council or Administration.

REVIEWING AGENCIES

| County Agencies | Comment | Exhibit Number |
|--|----------------|-----------------------|
| Department of Fire and Public Safety | Yes | 9 |
| Police Department | Yes | 10 |
| State Agency | | |
| Department of Transportation | Yes | 11 |
| Office of Planning & Sustainable Development | Yes | 12 |

ANALYSIS

Land Use

1. The proposed land use entitlements are in conformance with the goals, objectives and policies of the Hawaii State Plan.
 - A strong, viable economy, characterized by stability, diversity, and growth, that enables the fulfillment of the needs and expectations of Hawaii’s present and future generations.
 - 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.
 - Physical, social, and economic well-being for individuals and families in Hawaii that nourishes a sense of community responsibility, of caring and of participation in community life.

Objectives and Policies of the Hawaii State Plan

The proposed reclassification is in conformance with the following objectives and policies of the Hawaii State Plan:

Chapter 226-6, HRS, 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 Hawaii's people.
 - (2) A steadily growing and diversified economic base that is not overly dependent on a few industries.
- (b) To achieve the general economic objectives, it shall be the policy of this State to:
 - (6) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.
 - (9) Foster greater cooperation and coordination between the public and private sectors in developing Hawaii's employment and economic growth opportunities.
 - (16) Foster a business climate in Hawaii—including attitudes, tax, and regulatory policies, and financial and technical assistance programs—that is conducive to the expansion of existing enterprises and the creation and expansion of new business and industry.

Chapter 226-13, HRS, Objectives and Policies for the Physical Environment – Land, Air, and Water Quality

- (a) Planning for the State's physical environment with regard to land, air and water quality shall be directed towards achievement of the following objectives:
 - (1) Maintenance and pursuit of improved quality in Hawaii's land, air and water resources;
 - (2) Greater public awareness and appreciation of Hawaii's environmental resources.
- (b) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:
 - (5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
 - (6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.

- (7) Encourage urban developments in close proximity to existing services and facilities.

Chapter 226-19, HRS, Objectives and Policies for Socio-Cultural Advancement – Housing

- (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:
 - (1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals.
 - (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 Hawaii's people.
 - (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
 - (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
 - (4) 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.

Chapter 226-104, HRS, Population Growth and Land Resources Priority Guidelines

- (a) Priority guidelines to effect desired statewide growth and distribution:
 - (5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.
- (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.

- (6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.
- (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 Hawaii's limited land resources wisely, providing adequate land to accommodate project population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation land and other limited resources for future generations.

Chapter 226-106, HRS, Affordable Housing

- (2) Encourage the use of alternative construction and development methods as a means of reducing production costs.
- (4) Create incentives for development which would increase home ownership and rental opportunities for Hawaii's low and moderate-income households, gap-group households, and residents with special needs.
- (6) Encourage public and private sector cooperation in the development of rental housing alternatives.

2. **State Land Use Designation.** The State Land Use District designation is 'Urban,' and the proposed uses will be consistent with the designation. According to the Hawaii Administrative Rules §15-15-24, permissible uses are "(a)ny and all uses permitted by the counties, either by ordinances or rules may be allowed within this district, subject to any conditions imposed by the commission pursuant to section 205-4(g), HRS." The existing use is permitted in the State 'Urban' District, and no change to the designation is currently being proposed.

The proposed uses have been analyzed with and was found to be consistent with the following criteria, as discussed below:

Chapter 15-15-18, HAR

- (1) It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;

Comment: The project area is located within the 'Urban' Growth Boundary, as designated by the Maui Island Plan, which means urban-density development requires a full-range of services. In addition, the property lies adjacent to industrial uses, across the street from the proposed Kahului Civic Center with transit hub and Kahului Community Center. It is also located in close proximity to senior housing and single-family housing.

- 2) It shall take into consideration the following specific factors:

- (A) Proximity to centers of trading and employment except where the development would generate new centers of trading and employment;

Comment: The proposed project will be located in Kahului and about 1.5 miles away from Wailuku, both centers of trade and employment.

- (B) Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection; and

Comment: The proposed project will be connected to County water, wastewater and drainage systems. Various schools and parks are located in Kahului; approximately a quarter to half a mile away. In addition, police and fire protection service is located approximately half a mile away. Solid waste service will be provided by the County of Maui.

- (C) Sufficient reserve areas for foreseeable urban growth;

Comment: There are sufficient reserve areas for foreseeable urban growth mauka of the site and to the south that are designated 'Agricultural' and can be amended to 'Urban.'

- (3) It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects;

Comment: The property is relatively flat, and is located outside of areas subject to flood. The project area is located in a tsunami hazard area. No adverse impacts are anticipated in association with the proposed project with appropriate building design.

- (4) Land contiguous with exiting urban areas shall be given more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;

Comment: The property is contiguous with existing urban areas, in particular, the industrial, a proposed mixed-use commercial with multi-family residential units and a transit hub, a public park and residential uses. In addition, the property is designated as lying within the 'Urban' Growth Boundary, as per the Maui Island Plan, so it is indicated for future urban use.

- (5) It shall include lands in appropriate locations for new urban concentrations and shall give consideration with areas of urban growth as shown on the state and county general plans;

Comment: The property is appropriately located for 'Urban' lands. As mentioned previously, the area is contiguous to urban concentrations. It is designated as lying within the 'Urban' Growth Boundary, as per the Maui Island Plan. The 'Urban' Growth Boundary designation, "Ensure(s) that future development occurs in an orderly fashion."

- (6) It may include lands which do not conform to the standards in paragraphs (1) to (5):

(A) When surrounded by or adjacent to existing urban development; and

Comment: The land conforms to the standards in paragraphs 1 to 5, so this criteria would not apply.

(B) Only when those lands represent a minor portion of this district;

Comment: This criteria would not apply, as the land conforms with the standards in paragraphs 1 to 5.

(7) It shall not include lands, the urbanization of which will contribute toward scattered spot urban development, necessitating unreasonable investment in public infrastructure or support services; and

Comment: The proposed project does not contribute toward spot development, necessitating an unreasonable investment in public infrastructure or support services. The property is located adjacent to existing urban land and in proximity to other subdivisions. In addition, the property can be accommodated by public services, without the need for additional investment. The State Office of Planning & Sustainable Development commented that the entitlement changes align with the State's TOD Strategic Plan, which encourages redevelopment, new housing and commercial development along rail and bus transit corridors, specifically the State-funded Kaahumanu Avenue Community Corridor Action Plan. Refer to **Exhibit 12**. The entitlement changes and mall redevelopment will also support the re-development of the adjacent State-owned properties, including the Kahului Mixed Use Civic Center, which will also include affordable housing.

(8) It may include lands with a general slope of 20 per cent or more if the commission finds that those lands are desirable and suitable for urban purposes and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare and safety, and the public's interests in the aesthetic quality of the landscape.

Comment: The property has a slight slope, less than 20 percent, so this criteria is not applicable.

3. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The plan includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment
 - B. Preserve Local Cultures and Traditions
 - C. Improve Education
 - D. Strengthen Social and Healthcare Services
 - E. Expand Housing Opportunities for Residents
 - F. Strengthen the Local Economy
 - G. Improve Parks and Public Facilities
 - H. Diversify Transportation Options
 - I. Improve Physical Infrastructure
 - J. Promote Sustainable Land Use and Growth Management
 - K. Strive for Good Governance
 - L. Mitigate Climate Change and Work Toward Resilience

The proposed CPA and CIZ are in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Preserve Local Cultures and Traditions

GOAL: Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective: Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

- d. Foster the Aloha Spirit by celebrating the Hawaiian host culture and other Maui County cultures through support of cultural-education programs, festivals, celebrations, and ceremonies.

- e. Support the perpetuation of Hawaiian arts and culture.

Objective: Preserve and restore significant historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.

Policies: b. Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures to perpetuate a traditional sense of place.

k. Provide opportunities for public involvement with restoration and enhancement of all types of cultural resources.

l. Foster partnerships to identify and preserve or revitalize historic and cultural sites.

THEME: Expand Housing Opportunities for Residents

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

Objective: Reduce the affordable housing deficit for residents.

Policies:

a. Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low- and moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.

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

m. Develop neighborhoods with a mixture of accessible and integrated community facilities and services.

Objective: 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 small-town character.

Policies:

b. Design neighborhoods to foster interaction among neighbors.

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.

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

Objective: Increase and maintain the affordable housing inventory.

Policies:

- a. Recognizing housing as a basic human need, and work to fulfill that need.
- e. Develop public-private and nonprofit partnerships that facilitate the construction of quality affordable housing.
- f. Streamline the review process for high-quality, affordable housing developments that implement the goals, objectives, and policies of the General Plan.
- h. Encourage long-term residential use of existing and future housing to meet residential needs.

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. Support economic decisions that create long-term benefits.
- c. Invest in infrastructure, facilities, and programs that foster economic diversification.
- l. Support public and private entities that assist entrepreneurs in establishing locally operated businesses.

Objective: Support a visitor industry that respects the resident culture and the environment.

Policies:

- b. Encourage and educate the visitor industry to be sensitive to island lifestyles and cultural values.
- d. Support the renovation and enhancement of existing visitor facilities.
- h. Foster an understanding of local cultures, customs, and etiquette, and emphasize the importance of the Aloha Spirit as a common good for all.
- i. Support the diversification, development, evolution, and integration of the visitor industry in a way that is compatible with the traditional, social, economic, spiritual, and environmental values of island residents
- j. Improve collaboration between the visitor industry and the other

sectors of Maui County's economy.

- k. Perpetuate an authentic image of the Hawaiian culture and history and an appropriate recognition of the host culture.
- n. Recognize the important contributions that the visitor industry makes to the County's economy, and support a healthy and vibrant visitor industry.

THEME: Improve Parks and Public Facilities

GOAL: A full-range of island-appropriate public facilities and recreational opportunities will be provided to improve the quality of life for residents and visitors.

Objective: Expand access to recreational opportunities and community facilities to meet the present and future needs of residents of all ages and physical abilities.

Policy:

- g. Promote the development and enhancement of community centers, civic spaces, and gathering places throughout our communities.

Objective: Improve the quality and adequacy of community facilities.

Policy:

- b. Provide and maintain community facilities that are appropriately designed to reflect the traditions and customs of local cultures.

THEME: Promote Sustainable Land Use and Growth Management

GOAL: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

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

Policies:

- b. Direct urban and rural growth to designated areas.
- e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.
- h. Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.
- i. Enable existing and future communities to be self-sufficient through sustainable land use planning and management practices.

Objective: Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

- d. Ensure that adequate recreational areas, open spaces, and public-gathering places are provided and maintained in all urban centers and neighborhoods.
- e. Ensure business districts are distinctive, attractive, and pedestrian-friendly destinations.
- f. Use trees and other forms of landscaping along rights-of-way and within parking lots to provide shade, beauty, urban-heat reduction, and separation of pedestrians from automobile traffic in accordance with community desires.

Objective: Improve and increase efficiency in land use planning and management.

Policies:

- b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.
- c. Encourage public and private partnerships to preserve lands of importance, develop housing, and meet the needs of residents.
- c. Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.

The proposed CPA and COZ are consistent with the policies in the Countywide policy plan.

4. Maui Island Plan (MIP)

The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012 (Ordinance 4004). The plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The MIP looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the MIP also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The MIP is intended by the Maui County Council, Department of Planning, and the Commission as a policy foundation for day-to-day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The MIP states:

The Directed Growth Plan is the backbone of the MIP and taking into account population projections, it prescribes and outlines how Maui will grow over the next two decades. It includes the location and general character of new development. It also accommodates growth in a manner that provides for economic development, yet protects environmental, agricultural, scenic and cultural resources, economizes on infrastructure and public services; meets the needs of residents; and protects community character (MIP Chapter 8, Page 2).

According to the Directed Growth Plan in the MIP, the subject properties are located in the 'Urban Growth Boundary' and 'Outside of Protected Areas.'

The permit amendment request is also in conformance with the following plan goals, objectives, and policies:

Population

Goal:

- 1.1 Maui's people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.

Objective:

- 1.1.1 Greater retention and return of island residents by providing viable work, education, and lifestyle options.

Policies:

- 1.1.1.b Expand housing, transportation, employment, and social opportunities to ensure residents are able to comfortably age within their communities.

Heritage Resources

Goal:

- 2.1 Our community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.

Objective:

- 2.3 Enhance the island's historic, archaeological, and cultural resources.

Policies:

- 2.1.3.d Promote the rehabilitation and adaptive reuse of historic sites, buildings, and structures.

Economic Development

Goal:

- 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that

is sensitive to resident needs and the island's unique natural and cultural resources.

Objective:

4.1.3 Improve the island's business climate.

Policies:

4.1.3.b Ensure an adequate supply of affordable workforce housing.

4.1.3.c Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

Goal:

4.5 Small businesses will play a key role in Maui's economy.

Objective:

4.5.1 Increase the number of and revenue generated by small businesses and decrease the percentage of small business failures.

Policy:

4.5.1.b Assist traditional "mom and pop" business establishments.

Housing

Goal:

5.1 Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

Objective:

5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age.

Policies:

5.1.1.a Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.

5.1.1.b Promote planning approaches that provide a mix of multifamily and single-family housing units to expand housing choices.

5.1.1.d Provide incentives for the rehabilitation or adaptive reuse of historic structures to facilitate more housing choices.

5.1.1.e Use planning and regulatory approaches to provide higher housing densities.

Objective:

5.1.2 Better monitoring, evaluation, and refinement of affordable housing policy in conjunction with the economic cycle.

Policies:

- 5.1.2.b Utilize the following approaches to promote resident housing and to minimize offshore market impacts: (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc. (2); Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents

LAND USE – URBAN AREAS

Goal:

- 7.2 Maui will have a rural landscape and lifestyle where natural systems, cultural resources and farmlands are protected and development enhances and compliments the viability and character of rural communities.

Objective:

- 7.2.1 Reduce the proliferation and impact of residential development outside of urban, small town, and rural growth boundaries.

Policies:

- 7.2.1.a Focus development to areas inside urban, small town, and rural growth boundaries to preserve natural, cultural, and agricultural resources.

Goal:

- 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:

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

Policies:

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

Objective:

- 7.3.2 Facilitate more self-sufficient and sustainable communities.

Policies:

- 7.3.2.a When developing new communities, provide sufficient lands for commercial, appropriate industrial, educational, spiritual, and non-profit uses to serve the daily needs of community residents.

- 7.3.2.b Site community facilities such as schools, parks, libraries, and community centers within walking and biking distance of residences

- 7.3.2.c Facilitate self-sufficient communities and shorten commutes by: (1) Directing residential development to job-rich areas; (2) Allowing for appropriate

commercial development and community services to shorten commutes; and (3) Allowing home occupations or home-based businesses that are compatible with surrounding neighborhoods and lifestyles.

- 7.3.2.d Ensure, where appropriate, that affordable employee housing and multi-modal transportation opportunities are located near major employment centers.
- 7.3.2.e Discourage the establishment of bedroom communities where long commutes are required to employment centers.
- 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.
- 7.3.2.g Provide incentives to facilitate the development of multifamily housing.
- 7.3.2.h Encourage the placement of rental housing projects in the same areas as for-sale housing to facilitate mixed-income communities.
- 7.3.2.i Develop communities that provide sufficient parks, schools, libraries, and other essential public facilities and services to serve resident needs.

Objective:

7.3.3 Strengthen the island's sense of place.

Policies:

- 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.
- 7.3.3.d Strongly encourage the preservation of buildings, structures, and sites of historic significance.
- 7.3.3.e Require community input through Design Workshops for major new urban expansion, new towns, and major urban infill projects.
- 7.3.3.f Require design enhancement, landscaping, and integration of park and rides, bicycle parking areas, and mass-transit infrastructure to mitigate the effect of parking lots and structured parking on the urban landscape.
- 7.3.3.g Ensure that safe and attractive public spaces (e.g., plazas, parks, town/village squares) are provided throughout the island's urban areas.

5. According to the *Wailuku-Kahului Community Plan*, the parcel is designated 'Heavy Industrial' and a change is being sought to 'Business/Commercial' to allow for the proposed use. The proposal is for affordable housing and the proposed action is in keeping with the following *Wailuku-Kahului Community Plan* goals, objectives and policies:

Cultural Resources

Goal: Identification, protection, preservation, enhancement, and where appropriate, use of cultural practices and sites, historic sites and structures, and cultural landscapes and view planes that:

1. Provide a sense of history and define a sense of place for the Wailuku-Kahului region; and
2. Preserve and protect native Hawaiian rights and practices customarily and traditionally exercised for subsistence, cultural and religious purposes in accordance with Article XII, Section 7, of the Hawaii State Constitution, and the Hawaii Supreme Court's PASH opinion, 79 HAW. 425 (1995).

Objectives and Policies:

1. Preserve the character and integrity of historic sites in the Wailuku-Kahului region.
3. Protect and preserve historic, cultural and archaeological sites and resources through on-going programs to identify and register important sites, and encourage their restoration. This shall include structures and elements that are a significant and functional part of Hawaii's ethnic and cultural heritage.

Housing

Goal: A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for the broad cross section of residents, including the elderly.

Objectives and Policies:

2. Provide sufficient land areas for new residential growth which relax constraints on the housing market and afford variety in type, price, and location of units. Opportunities for the provision of housing are presently constrained by a lack of expansion areas. This condition should be relieved by a choice of housing in a variety of locations, both rural and urban in character.
3. Seek alternative residential growth areas within the planning region, with high priority given to the Wailuku and Kahului areas. This action should recognize that crucial issues of maintaining important agricultural lands, achieving efficient patterns of growth, and providing adequate housing supply and choice of price and location must be addressed and resolved.

Urban Design

Goal: An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses and at major public facilities, and recognizes the historic

importance and traditions of the region.

Objectives and Policies for the Wailuku-Kahului Region in General

9. Save and incorporate healthy mature trees in the landscape planting plans of subdivisions, roads and other developments.

Objectives and Policies for Kahului:

3. **Building Form and Character:** maintain compatible scale relationships between the existing low-scale character of the area, adjacent public uses and higher buildings.
 - 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.
 - 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.
4. **Landscape Character**
 - d. Open parking areas should be landscaped to provide visual screening and shade.
 - e. The perimeters of the central business area blocks should provide landscape buffers as part of a coordinated landscape theme to enhance their visual image.
 - f. The mature landscape character of Kahului's commercial areas should be preserved and incorporated into future development plans, subject to review by the County's Arborist Committee.

The land use entitlements for the parcels are consistent with the Wailuku-Kahului objective and policies of said plan.

6. Zoning

As previously mentioned, the parcels are zoned 'M-2 Heavy Industrial' District and a COZ is being sought to 'B-3 Central Business' District. Information about 'B-3 Central Business' District zoning is as follows:

19.20.010 - Purpose and intent

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.

(Ord. No. 4141, § 1, 2014)

19.20.020 - Permitted uses

Amusement and recreational activities-Conducted wholly within a completely enclosed building
Animal hospitals, including boarding
Auditoriums, theaters, gymnasiums including fitness centers, private clubs, and dance halls
Automobile services-No automobile repair
Baseball or football stadiums and other sport activities
Building and premises used, owned, or operated by government agencies, including community centers
Catering establishments
Communication equipment, antennae or towers
Day care facilities
Drive-in restaurants
Eating and drinking establishments
Education, specialized
Educational institutions
Farmer's market
General merchandising-Except for equipment rentals, sales yards, and plumbing shops
General office
Libraries
Marinas
Multifamily dwellings, duplexes, and bungalow courts
Museums
Nursing and convalescent homes
Parking structures and lots
Parks and playgrounds
Personal and business services
Pet shops
Recycling collection center-Conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height; and no goods, materials, or objects may be stacked higher than the fence or walls so erected
Redemption center
Religious, benevolent, or philanthropic societies, civic organizations, and quasi-public uses
Sanitariums
Service business residential ("SBR") service establishments
Swap meets and open air markets
Other similar businesses or commercial enterprises or activities that are not detrimental to the welfare of the surrounding area-Such uses must be approved by the appropriate planning commission as conforming to the intent of this article
(Ord. No. 5473, § 7, 2022; Ord. No. 4141, § 1, 2014)

19.20.030 - Accessory uses.

A. The following uses, located on the same lot, are deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-3 central business district:

Dwelling units-One or more, located above or below the first floor of a permitted use

Energy systems, small-scale-Provided there will be no detrimental or nuisance effect upon neighbors

Fences

Other uses that are determined by the director of planning to be clearly incidental and customary to a permitted use

B. The following uses, located on a nearby lot, are also deemed accessory, customary, incidental, usual, and necessary to the permitted uses in the B-3 central business district:

Energy systems, small-scale Provided the system is within a distance of four hundred feet of the nearest point of the lot it serves and there will be no detrimental or nuisance effect upon neighbors

(Ord. No. 4141, § 1, 2014)

19.20.040 - Special uses.

Mortuaries

(Ord. No. 5473, § 8, 2022; Ord. No. 4141, § 1, 2014)

19.20.050 - Development standards.

| | B-3 | Notes and exceptions |
|---------------------------------------|---|---|
| <i>Min. lot area (square feet)</i> | 6,000 | |
| <i>Min. lot width (in feet)</i> | 60 | |
| <i>Max. building height (in feet)</i> | 144 for Maui, excluding the West Maui community plan area and Hāna community plan area; 45 for West Maui community plan area; 45 for Hāna community plan area; 45 for Lanai, and 35 for | <i>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</i> |

| | B-3 | Notes and exceptions |
|---|--|---|
| | <i>Molokai</i> | |
| <i>Floor area ratio</i> | <i>400 percent</i> | |
| <i>Min. setback (in feet)</i> | | |
| <i>Front</i> | <i>None</i> | |
| <i>Side and rear</i> | <i>0 or the same as the adjoining zoning category, whichever is greater</i> | |
| <i>Max. height and min. setback for free-standing antennae or wind turbine structures</i> | <i>Max. height of 50 feet, with a min. setback of 1 foot for each foot in height from all property lines</i> | |
| <i>Accessory structures within setback area</i> | <i>Mailboxes, trash enclosures, boundary walls, and ground signs</i> | <i>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13</i> |

(Ord. No. 5372, § 2, 2022; Ord. No. 4141, § 1, 2014)

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

The proposed land use entitlement changes will not have any impact on archaeological and cultural resources because no development is proposed at this time. Once a developer is involved, an application will need to be submitted for a Special Management Area Use Permit. The application, Archaeological Assessment, and development plans submitted will be transmitted to the DLNR-SHPD for review of any potential adverse impacts and mitigation.

INFRASTRUCTURE, PUBLIC FACILITIES, AND SERVICES

Because no development is proposed at this time, no water, wastewater, drainage, roadway, solid waste, electrical, telephone or cable impacts are being assessed at this time. In addition, there is no means by which to assess impacts to parks, schools, police, fire or medical services at this time. As previously mentioned, once a SMA Use Permit application is submitted, the proposed demands on infrastructure, public facilities and services will be disclosed and assessed. At that time, prospective adverse impacts can be assessed, as well as proposed mitigation measures.

The State Department of Transportation commented that for any future development proposal, potential traffic impacts should be assessed in a Traffic Impact Analysis Report for review and acceptance by their agency. Refer to **Exhibit 11**. Also, the developer should consider the proximity to the airport, which is less than a mile away, and consider and/or address possible noise, fumes, smoke, vibration impacts, etc.

The Department of Fire Supply commented that water supply must be secured for fire protection, which is a minimum flow of 2,000 gallons per minutes for a two-hour duration. Refer to **Exhibit 9**. There should be at least one fire hydrant within 500 feet of any building, and fire hydrants must be spaced 250 feet apart from each other. A fire hydrant must be within 125 feet of a dead-end. Service roads should have a clear width of 20 feet and if dead-ends are greater than 150 in length, should be provided with an approved fire apparatus turn-around. For all turns and turn-arounds, there must be an outside turn radius of 40.5 feet. "No Parking" signs are required on both sides of service roads with a width of 20 to 27 feet. Parking is allowed on one side of service roads with a width of 28 to 34 feet. Parking is allowed on both sides of service roads more than 36 feet wide.

The Police Department recommended the use of Crime Prevention Through Environmental Design (CPTED) principles during planning stages. Refer to **Exhibit 10**. The Department said to give consideration on were heavy construction equipment is stored at night.

SOCIO-ECONOMIC IMPACTS

No development is proposed at this time, so socio-economic impacts were not assessed. There should be no impacts associated with the proposed land use entitlement changes. Once a SMA Use Permit application is submitted, there will be an assessment of housing, population, employment, and economic impacts. Mitigation measures will also be disclosed for any adverse impacts at that time.

ENVIRONMENTAL IMPACTS

No environmental impacts are associated with the proposed land use entitlement changes. Environmental impacts will be assessed when the SMA Use Permit application is submitted. Impacts will be assessed on soils, noise, air quality, sea level rise, flood, tsunami conditions, streams, wetlands, flora, fauna, avifauna, and scenic and open space resources, etc. Proposed mitigation measures will also be disclosed at that time. The Police Department commented that the Applicant minimize noise, dust and debris so that health and well-being will not be adversely impacted. Refer to **Exhibit 10**. The Planning Department notes that Best Management Practices will be required to be in place and is typically submitted with the Grading Plan for approval by Public Works.

OTHER GOVERNMENTAL APPROVALS

When a development plans is generated, it will be possible to determine the other governmental approvals that will need to be obtained. No other governmental approvals are needed for the proposed land use entitlement changes.

TESTIMONY

As of January 3, 2024, the Department has received no letters of protest.

ALTERNATIVES

1. **Deferral:** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. **Recommend Approval Without Conditions:** The Commission may take action to recommend that the Maui County Council approve the request without imposing any conditions.
3. **Recommend Approval With Conditions:** The Commission may take action recommend that the Maui County Council approve the request with conditions.
4. **Recommend Denial:** The Commission may take action to recommend that the Maui County Council deny the request.

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to MCC Section 2.80B.100, Non-decennial amendments to community plans proposed by the planning director or the council. Applications shall follow the procedures set forth out in MCC sections 19.510.010 and 19.510.020.

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.

Conclusion: The CPA is to reclassify approximately 6.84 acres from 'Heavy Industrial' to 'Business/Commercial.' Approximately 27.05 acres of the 33.8-acre site is already designated

'Business Commercial' so the amendment will ensure that there is land use consistency for the entire project area.

Change of Zoning (CIZ)

A COZ is reviewed pursuant to MCC Section 19.510.040, 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 COZ if the following criteria are met:

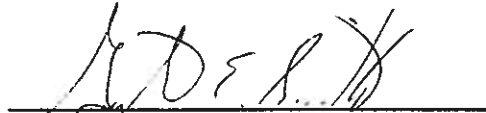
1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district 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, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The COZ will change the zoning for the project area from 'M-2 Heavy Industrial' District to 'B-3 Central Business' District. The Applicant's proposed action is consistent with and is supported by the above-listed criteria for a COZ. As previously stated, since no development is proposed at this time, the COZ should not adversely impact public or private schools, parks, playgrounds, water systems, sewage, solid waste disposal, drainage, roadway and transportation systems. In addition, there should be no adverse impacts to the social, cultural, economic, environmental, or the ecological character and quality of the surrounding area.

RECOMMENDATION

The Department recommends that the Maui Planning Commission recommend "approval" to the Maui County Council for the CPA for approximately 6.84 acres of TMK (2) 3-7-002:020 (por.) and 021 for a reclassification from 'Heavy Industrial' to 'Business/Commercial.' The Department also recommends that approximately 33.8 acres of Parcels 020, 021, 023, 025 and 027 be classified from 'M-2 Heavy Industrial' District to 'B-3 Central Business' District.

APPROVED:

A handwritten signature in black ink, appearing to read "Garrett Smith", is written over a horizontal line.

GARRETT SMITH
Acting Planning Director

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


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

OFFICE OF THE COUNTY CLERK

23 OCT 24 PM 5:53

RECEIVED

| | |
|-----------|-------------------------------------|
| Ag | |
| Env Mgmt | |
| Finance | |
| Fire | |
| Hsg & HC | |
| Liquor | |
| Parks & R | |
| Personnel | |
| Planning | <input checked="" type="checkbox"/> |
| Police | |
| Projects | |
| Public W | |
| Transp'n | |
| Water S | |
| Mgmt | |
| Mayor | |
| Budget | |

EXHIBIT

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:

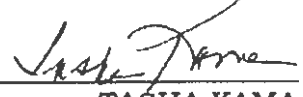
1. That it refers the bill entitled "A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES IN KAHULUI, MAUI, HAWAI'I IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN 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 cursive script, appearing to read 'Tasha Kama', written in black ink.

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"

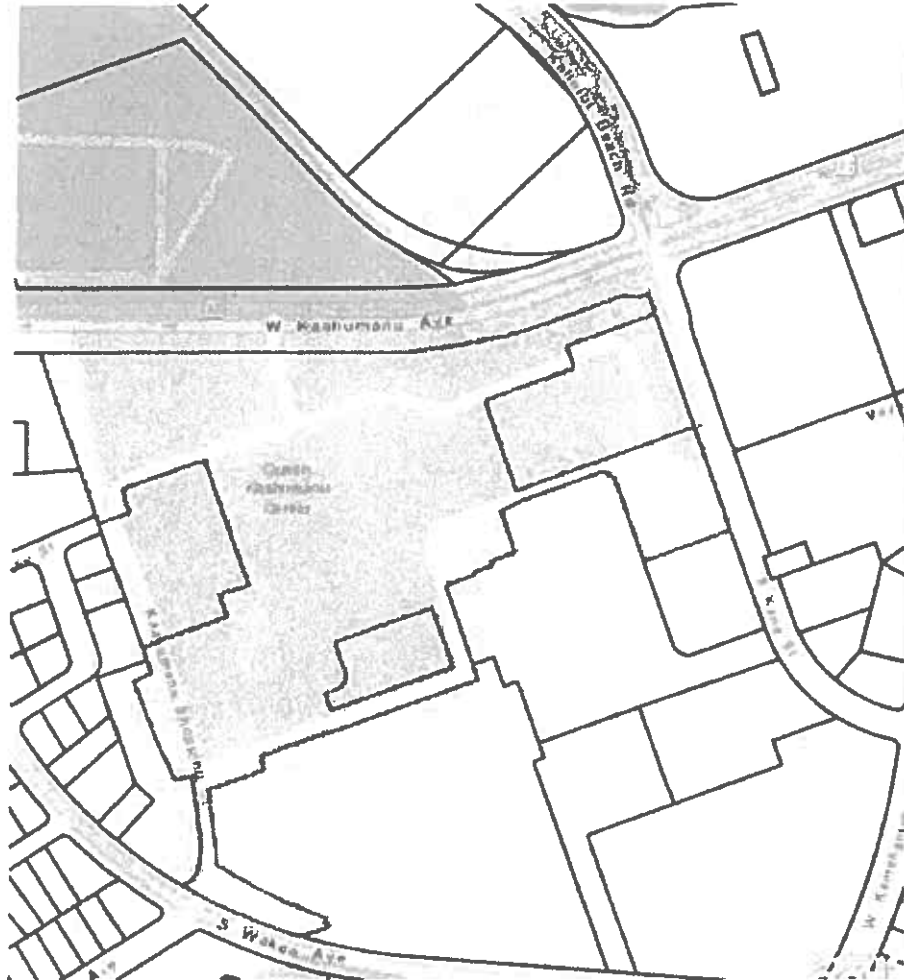
LAND DESCRIPTION

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.

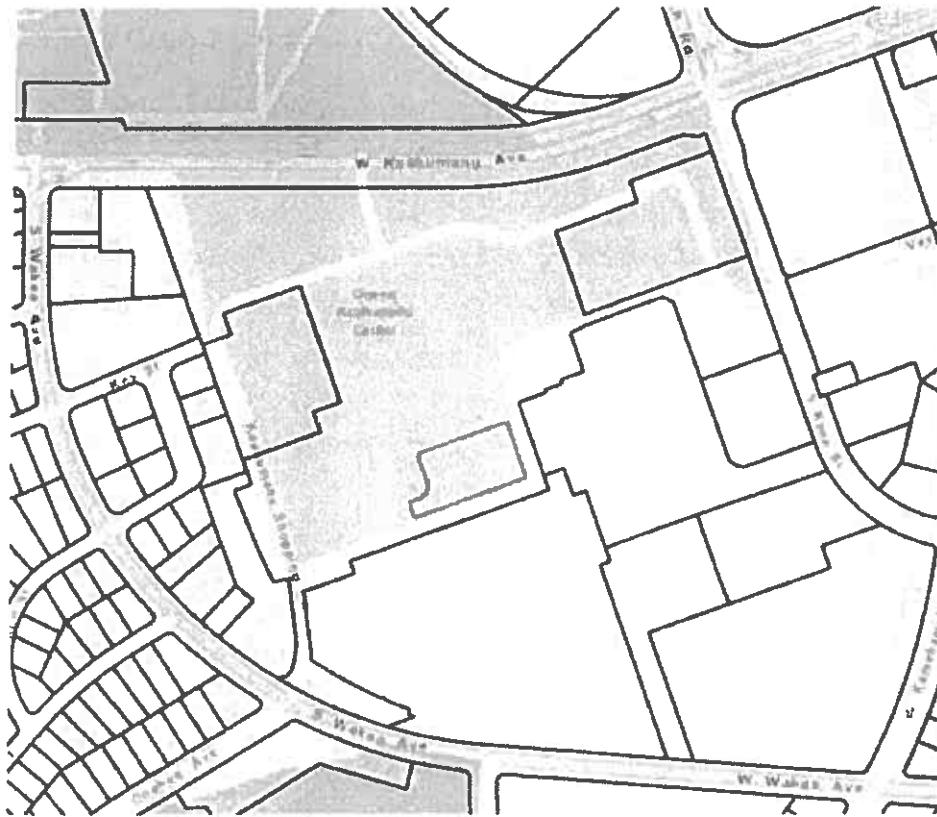
Maps: See next two pages.

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



Parcel ID - 370020200000
Address - 275 W
KAAHUMANU AVE
Owner - GSMS 201-GC26
WEST KAAHUMANU AVE LLC
AT&T MOBILITY LLC
HAWAII USA FEDERAL
CREDIT UNION
Acres - 24.597
View: [Aerial](#) | [Satellite](#)
[Download](#) | [Share](#)

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 Data: [Link]
[Link] [Link]

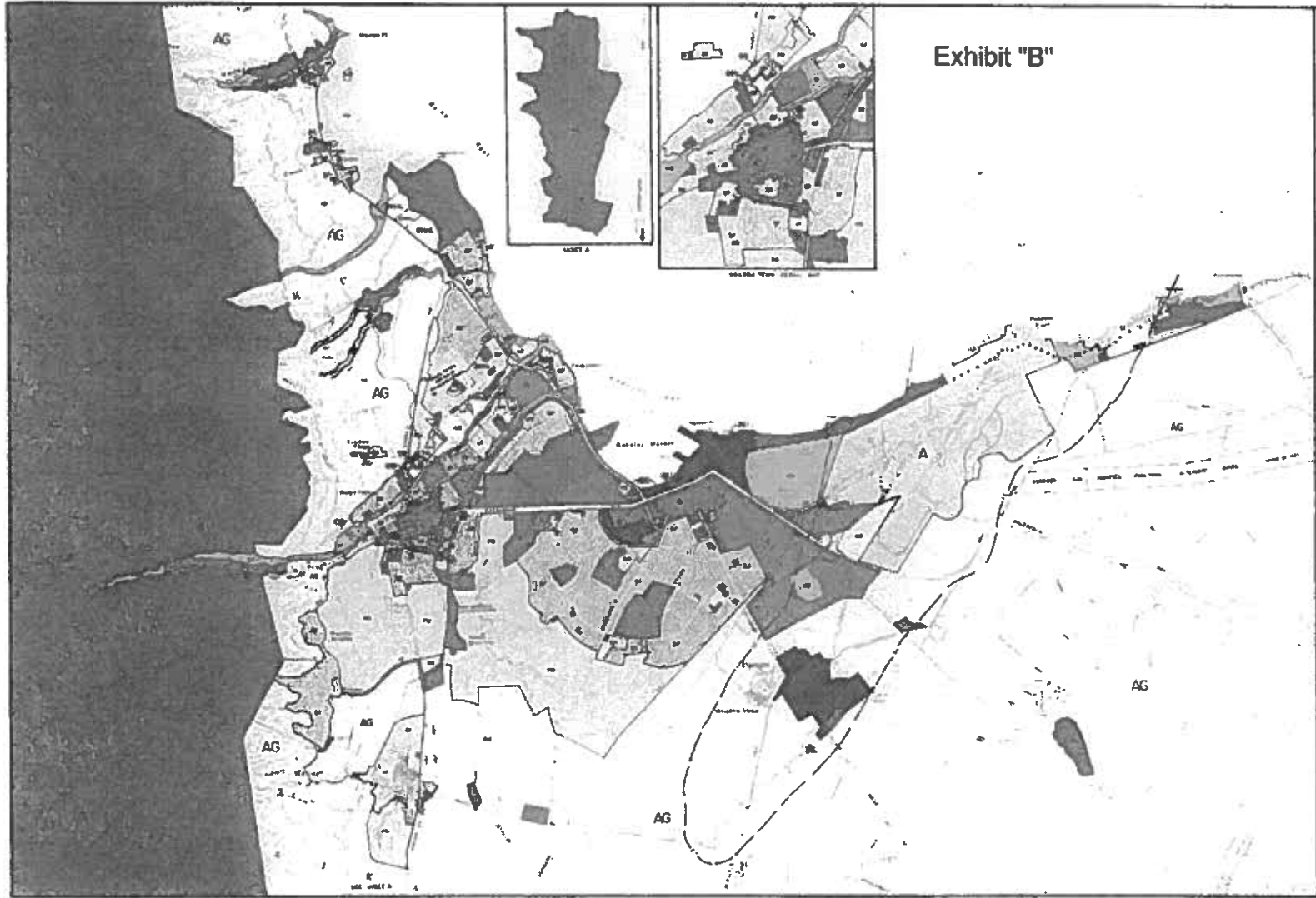
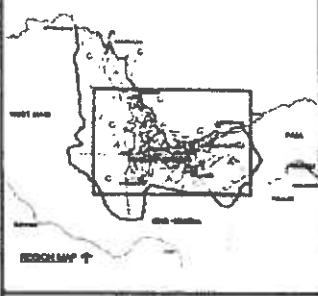


Exhibit "B"

LEGEND

| | |
|----------|----------------------------------|
| [Symbol] | Agriculture |
| [Symbol] | Paral |
| [Symbol] | Single Family Residential |
| [Symbol] | Multi-Family Residential |
| [Symbol] | Business/Commercial |
| [Symbol] | Business/Multi-Family |
| [Symbol] | Service Business Residential |
| [Symbol] | Business/Industrial |
| [Symbol] | Neat Light Industrial |
| [Symbol] | Light Industrial |
| [Symbol] | Heavy Industrial |
| [Symbol] | Hotel |
| [Symbol] | Public/Quasi-Public |
| [Symbol] | Park (GC) Golf Course |
| [Symbol] | Open Space |
| [Symbol] | Project District |
| [Symbol] | Airport |
| [Symbol] | Conservation |
| [Symbol] | Future Growth Reserve |
| [Symbol] | ROUTE ROUTE |
| [Symbol] | AIRPORT SPECIAL CONTROL DISTRICT |



WAILUKU-KAHULUI
 COMMUNITY PLAN
 COUNTY OF MAUI
 PUBLIC HEARING: SEPTEMBER 15, 2009
 ADOPTED: MAY 24, 2010
 ORDINANCE: 2011
 EFFECTIVE DATE: APRIL 2, 2010



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"

EXHIBIT "A"
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 ¼ 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 ¼ 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 ¼ 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 ¼ inch pipe;
4. 278° 36' 30" 39.22 feet along same to a found ¼ 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 ¼ 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 ¼ 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 ¼ 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 ¼ 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 ¼ 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 ¼-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 1/4-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 1/4-inch pipe;

50. 248° 00' 00" 52.98 feet along same to a set 1/4-inch pipe;

51. 160° 17' 30" 38.93 feet along same to a set 1/4-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 1/4 - 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 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 "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-foot 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 Maul, 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 Kana 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 'Iao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project's master plan including proposed urban design and building form.

- c. Provide comments to the Planning Director obtained from the County's Urban Design Review Board on any future housing project's master plan, preliminary site plan, and building elevations prior to the Maui Planning Commission's action on the Special Management Area permit.

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: _____

| <u>NOTARY PUBLIC CERTIFICATION</u> | |
|------------------------------------|-------------------------|
| 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 'Iao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project's master plan including proposed urban design and building form.
- c. Provide comments to the Planning Director obtained from the County's Urban Design Review Board on any future housing project's master plan, preliminary site plan, and building

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

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 Kahukui, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found ¼ 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 ¼ 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 ¼ 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 ¼ inch pipe;
4. 278° 36' 30" 39.22 feet along same to a found ¼ 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" | 35.36 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" | 38.89 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 Wakes 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' 08.5" 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 1/2-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" 99.08 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 1/2-inch pipe;
50. 248° 00' 00" 52.98 feet along same to a set 1/2-inch pipe;
51. 160° 17' 30" 38.93 feet along same to a set 1/2-inch pipe;
52. 160° 17' 30" 36.32 feet along Lot 10 of the Wakes Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set 1/2 - 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" 206.00 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. 180° 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. 180° 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" 65.67 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" 18.66 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 Kaa 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-foot 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 Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

3,086.90 feet North
 7,988.14 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 & 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:

2,125.38 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" 188.00 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 | Nohealani U'U-HODGINS |
|------------------|-------------------------------|--|-----------------|------------------------|------------------------|----------------------------|--------------------------------------|-------------------------|------------------------------|
| ROLL CALL | Aye | Aye | Aye | Aye | Aye | Aye | Excused | Aye | Aye |



COUNTY CLERK



EXHIBIT 2

Figure 1: Location Map

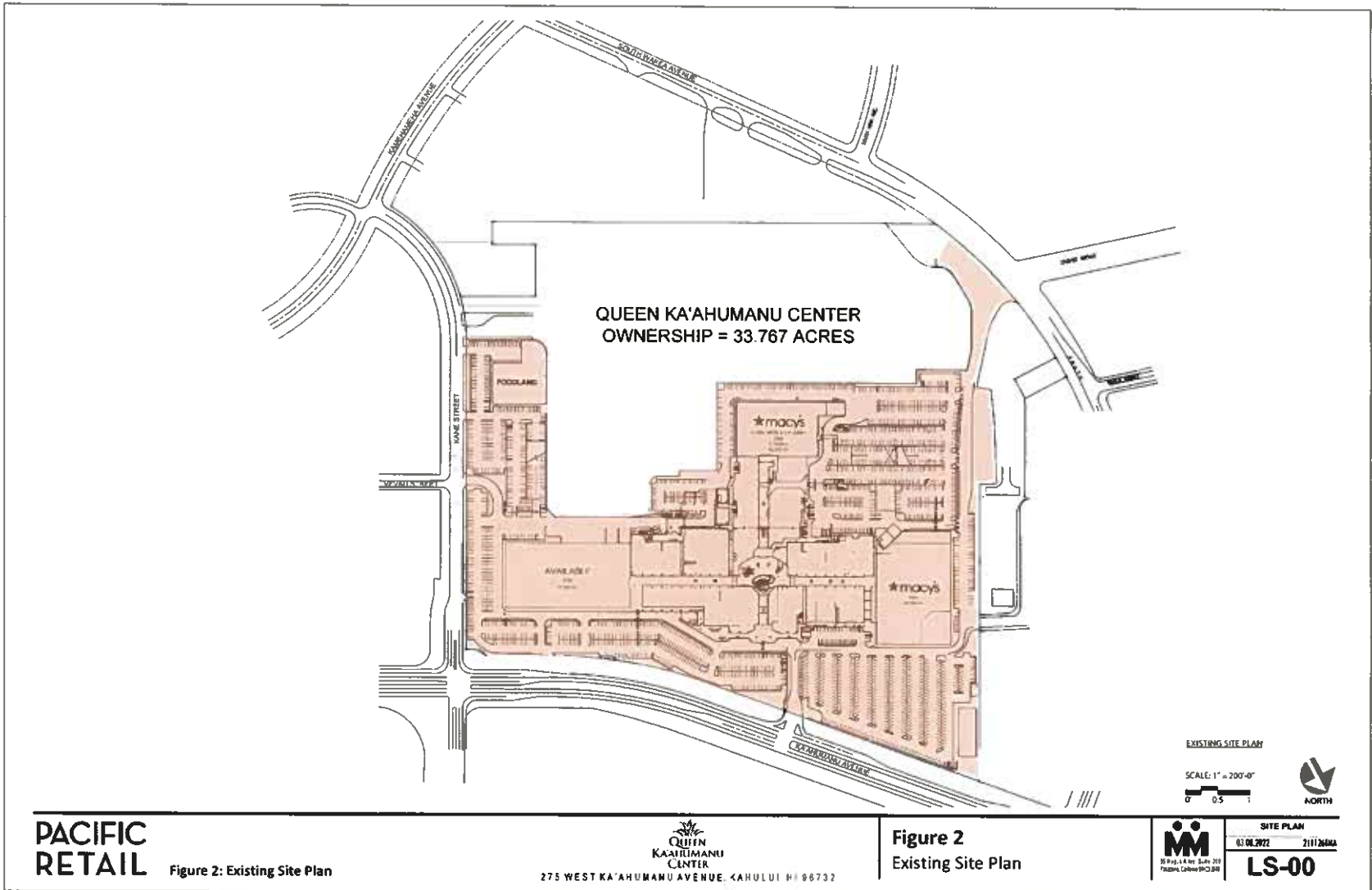
Figure 1
Location Map



Queen Ka'ahumanu
Center



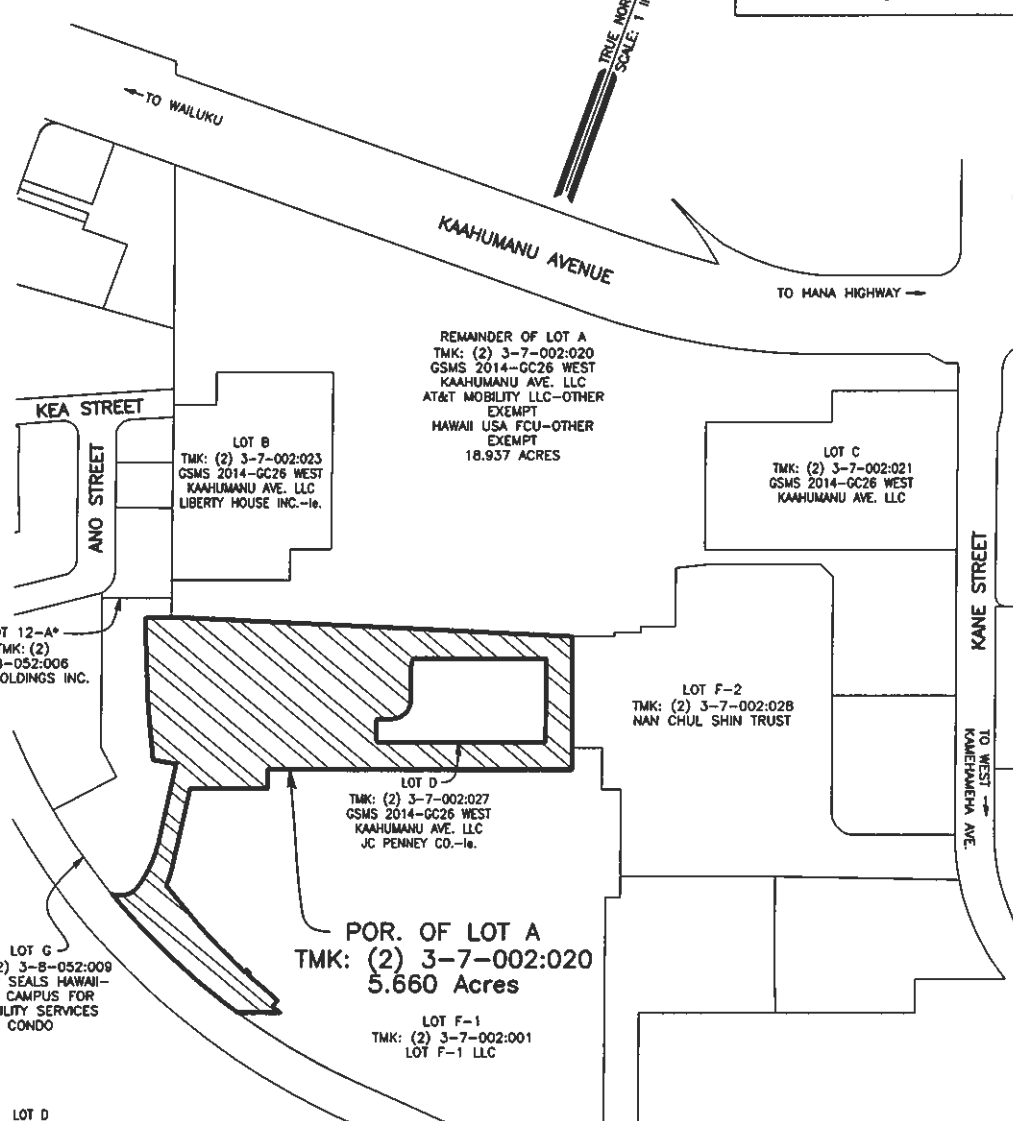
EXHIBIT 3



VICINITY MAP



TRUE NORTH
SCALE: 1 IN. = 300 FT.



REMAINDER OF 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
18.937 ACRES

LOT B
TMK: (2) 3-7-002:023
GSMS 2014-GC26 WEST
KAAHUMANU AVE. LLC
LIBERTY HOUSE INC.-le.

LOT C
TMK: (2) 3-7-002:021
GSMS 2014-GC26 WEST
KAAHUMANU AVE. LLC

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

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

LOT D
TMK: (2) 3-7-002:027
GSMS 2014-GC26 WEST
KAAHUMANU AVE. LLC
JC PENNEY CO.-le.

POR. OF LOT A
TMK: (2) 3-7-002:020
5.66 Acres

LOT G
TMK: (2) 3-8-052:009
EASTER SEALS HAWAII-
MAUI CAMPUS FOR
DISABILITY SERVICES
CONDO

LOT D
TMK: (2) 3-7-002:027
GSMS 2014-GC26 WEST
KAAHUMANU AVE. LLC
JC PENNEY CO.-le.

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

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

DATE: 10/18/2023

TAX MAP KEY

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

AREA

5.66 ACRES

COMMUNITY PLAN MAP NO.

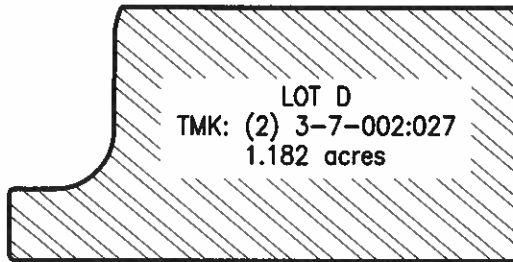
COMMUNITY PLAN AMENDMENT - KAHULUI, MAUI, HAWAII
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

EXHIBIT 4a

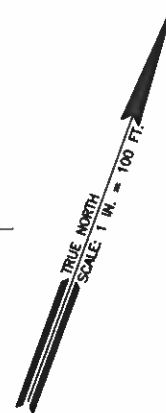
VICINITY MAP



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.

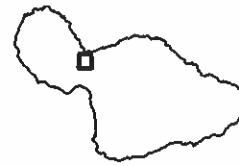
COMMUNITY PLAN AMENDMENT - KAHULUI, MAUI, HAWAII
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

EXHIBIT 4b

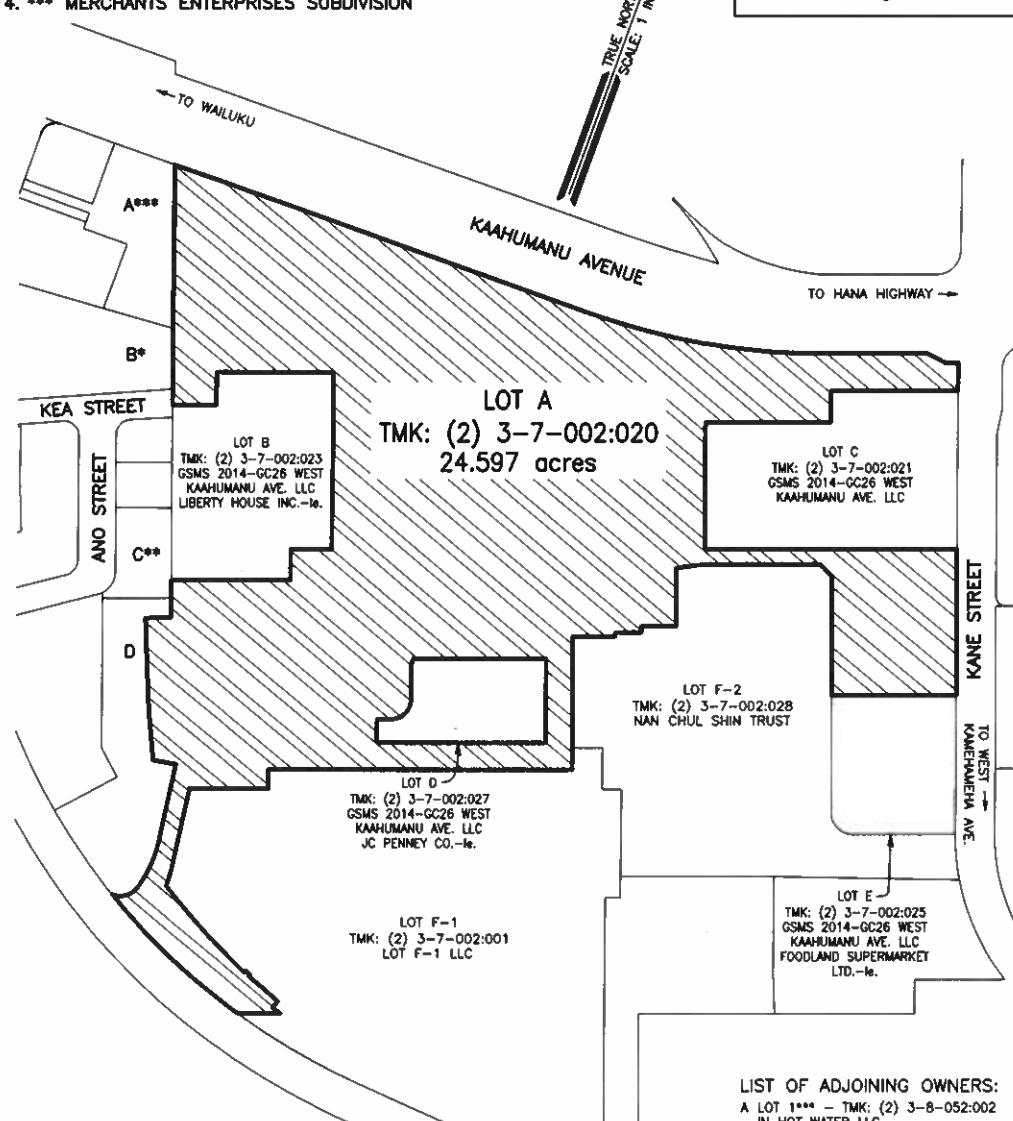
NOTES:

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) 3-8-052:008
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

EXHIBIT 5a

VICINITY MAP



← TO WAILUKU

TO HANA HIGHWAY →

KAHUMANU AVENUE

LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAHUMANU 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



KANE STREET

TO WEST →
KAHEHAMEHA
AVE.

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

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

EXHIBIT 56

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

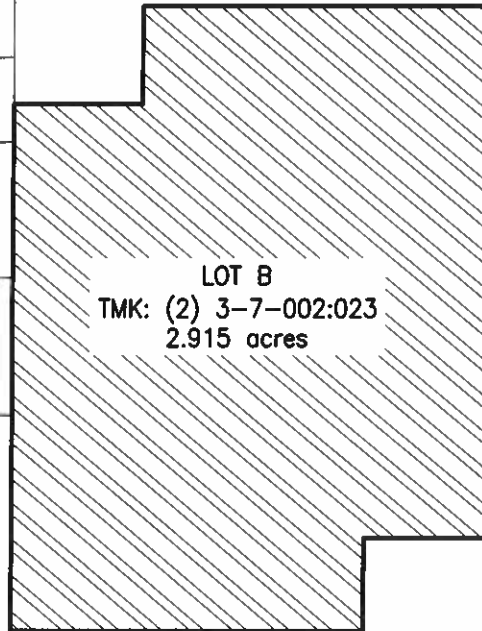
← TO S. WAKEA AVE.
KEA STREET

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

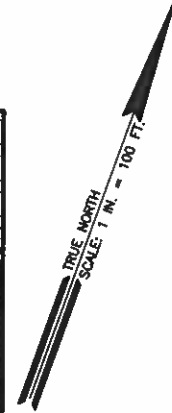
LOT 12-A*
TMK: (2) 3-8-052:006
PMG HOLDINGS INC.

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

EXHIBIT 5C

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

TO KAAHUMANU AVENUE →

KANE STREET

TO WEST
KAAHUMANU
AVE. →



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

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:025

AREA

1.632 ACRES

LAND ZONING MAP NO.

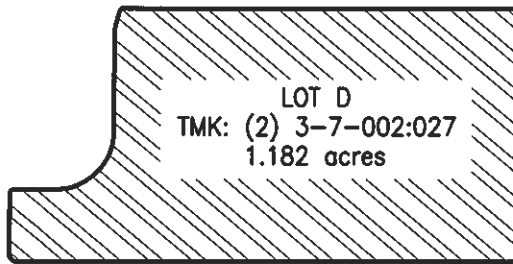
CHANGE IN ZONING - KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

EXHIBIT 5d

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

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 11, 2012

MEMORANDUM

TO: Planning Department Staff
FROM: William Spence, Planning Director *WS.*
SUBJECT: ENVIRONMENTAL ASSESSMENT TRIGGERS

Subsection 343-5(a)(6), Hawaii Revised Statutes, states that an environmental assessment (EA) is required for actions that "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 general plan or amendments to any existing county general plan initiated by a county*" (emphasis added).

On February 23, 2012, I spoke with Gary Hooser, the Director of the Office of Environmental Quality Control (OEQC), the agency responsible for administering Chapter 343, to confirm the applicability of the above-cited provision.

Director Hooser confirmed that an EA would not be triggered (a) to correct clear mapping errors that occurred during decennial community plan updates and (b) for community plan amendments initiated by the County, whether by the Council or the Administration.

Director Hooser also stated that it is not OEQC's responsibility to make these determinations; an agency, like the Planning Department, can still require that an EA be prepared in either of these situations if there are potential significant environmental impacts that have not been assessed or mitigated.

As a result, I consulted with the Corporation Counsel, who indicated that he accepts the OEQC Director's interpretation of OEQC's rules and statutes, as do I.

Should you have any questions, please feel free to contact me.

xc: Mayor Alan M. Arakawa
Keith Regan, Managing Director
Pat Wong, Corporation Counsel
Michael Hopper, Deputy Corporation Counsel
James Groux, Deputy Corporation Counsel
Councilmember Mike White
Councilmember Don Couch
Councilmember Robert Carroll

WRS:MCM:atw
S:\ALL\Michele\OEQC dept memo 05-11-12.doc

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214, ZONING DIVISION (808) 270-7257

EXHIBIT

6

EXHIBIT 7



Figure 4: Existing Uses

EXISTING USES | QUEEN KAAHUMANU CENTER | KAHULU, HI | AUGUST 31, 2022

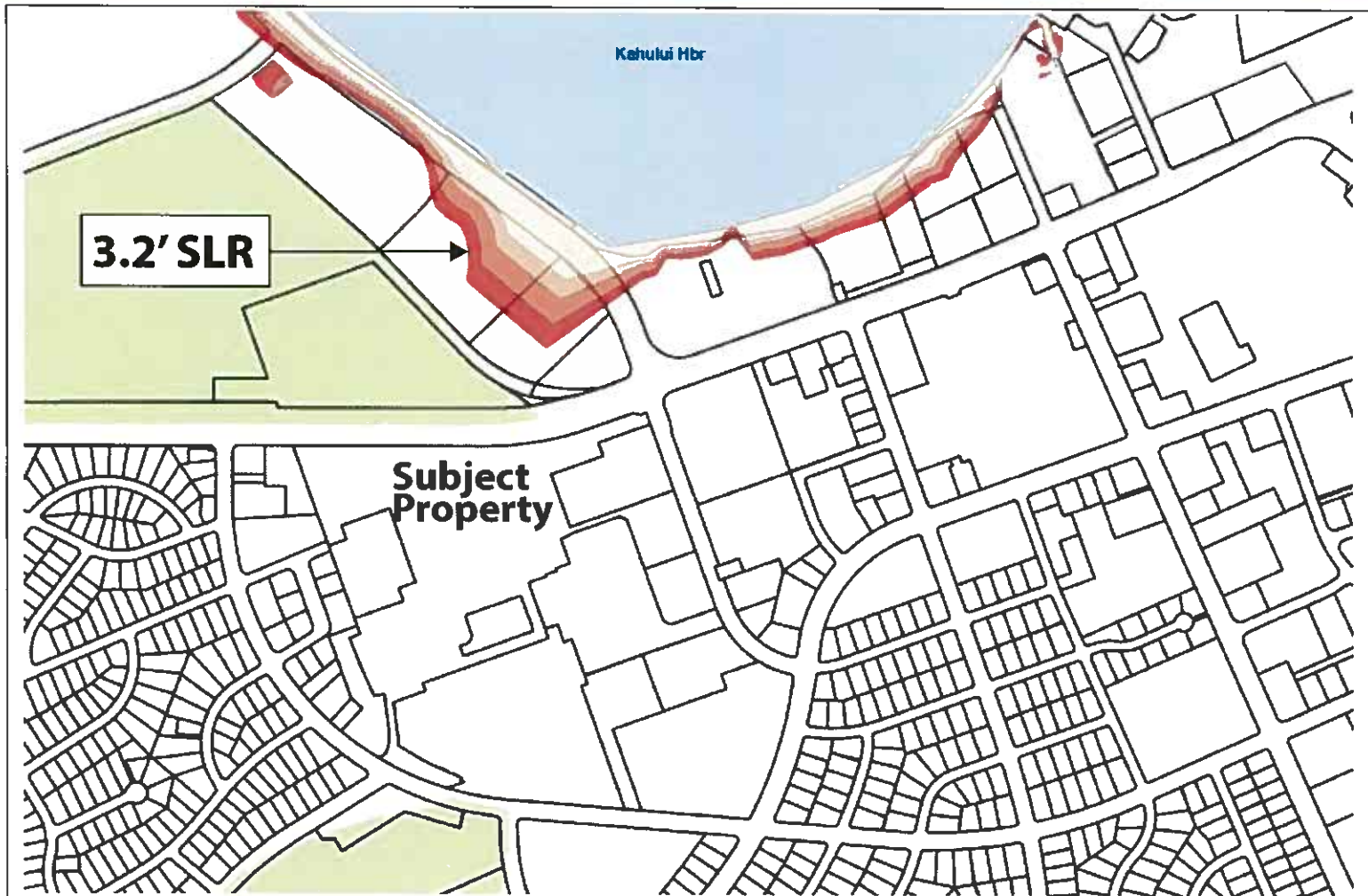


Figure 8: Sea-Level Rise Exposure

Figure 8
Sea-Level Rise Exposure
Queen Ka'ahumanu
Center



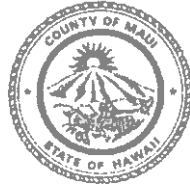
PLANNING
CONSULTANTS
HAWAII, LLC

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



DEPARTMENT OF FIRE & PUBLIC SAFETY
COUNTY OF MAUI
200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
www.mauicounty.gov

December 22, 2023

VIA MAPPS

Summers, Michael
Planning Consultants Hawaii, LLC
75 Wailani Street Wailuku, HI 96793

SUBJECT: ZPA2023-00005 Queen Kaahumanu Center
TMK: 237002020000-23612, 237002021000-23613, 2370020230000-23615, 2370020250000-23616, 2370020270000-23618

Dear Applicant,

Thank you for the opportunity to review your project. At this time Fire Prevention Bureau provides the following comments:

Meet the subdivision land use requirements for water supply and access for all fronting and any proposed internal roads.

For Schools, Neighborhood Businesses, Small Shopping Centers, and High Rise Apartments the land use requirements are:

1. Water supply for fire protection shall be provided prior to the location and construction of buildings. Water supply for fire protection shall have a minimum flow of 2000 gallons per minute for a two-hour duration with hydrant spacing a maximum of 250 feet between hydrants. Dead-ends shall have a hydrant within 125 feet. Once construction of buildings are planned, there shall be at least one hydrant within 400 feet of any building to be constructed.
2. Service roads to proposed properties shall have a clear width of 20 feet, with an all-weather surface relative to grade. Any dead-end roads if greater than 150

EXHIBIT 9

feet in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall meet Dept of Public Works standards. Service roads with a width of 20 to 27 feet require No Parking signs on both sides of the street. Service roads with a width of 28 to 34 feet, parking is allowed on only one side of the street. Service roads with a width of 36 feet or larger, parking is allowed on both sides of the street.

Our office reserves the right to review and comment on future subdivision, certificate of occupancy, or building permit applications when detailed plans for this project are routed to our office for review.

If there are any questions or comments, please feel free to contact our office at (808) 876-4690 or by email at fire.prevention@mauicounty.gov

Sincerely,

Plans Review - Fire Prevention Bureau

CG



RICHARD T. BISSEN, JR.
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 244-6400
FAX: (808) 244-6411



JOHN PELLETIER
CHIEF OF POLICE

WADE M. MAEDA
DEPUTY CHIEF OF POLICE

December 20, 2023

MEMORANDUM

TO : TARA FURUKAWA, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : JOHN PELLETIER, CHIEF OF POLICE

SUBJECT : PERMIT NO.: ZPA 2023-00005
 TMK: (2) 3-7-002:020, :021, :023, :025 and :027
 Project: Queen Kaahumanu Center Change in Zoning
 Applicant: LNR Partners, LLC

_____ No comments or recommendations to offer at this time.

 X Refer to below comments and/or recommendations.

- Suggest efforts be made to minimize, noise, dust, and debris so not to inhibit those whose health and well-being may be affected.
- It is important to consider where heavy construction equipment will be parked or stored during the night hours or when the contractors are not working.
- Recommend utilizing Crime Prevention Through Environmental Design (CPTED) principles when applicable during the planning stages.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Keola Tom
for: JOHN PELLETIER
Chief of Police

EXHIBIT 10

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 3, 2024

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

STP 00359.23
STP 8.3698

VIA EMAIL: tara.furukawa@co.maui.hi.us

Ms. Kathleen Aoki, Director
County of Maui
Planning Department
2200 Main Street
One Main Plaza, Suite 315
Wailuku, Hawaii 96793

Attention: Ms. Tara Furukawa

Dear Ms. Aoki:

Subject: Change of Zone Application (ZPA2023-00004)
Queen Kaahumanu Center Entitlement Project
Kahului, Maui, Hawaii
Tax Map Keys: (2) 3-7-002: 020, 021, 023, 025, and 027

Thank you for your email notification, dated December 5, 2023, requesting the Hawaii Department of Transportation's (HDOT) review and comments on the Change of Zone Application for the subject project. HDOT understands the proposed project is to change the zoning of the 33.8-acre project site currently used as a shopping center from a heavy industrial district to a central business district.

HDOT does not have any objections to the Change of Zoning request, however, has the following comments:

1. The proposed project is approximately 0.90 miles from the boundary of Kahului Airport. All projects within five miles from Hawaii State airports are advised to read the Technical Assistance Memorandum (TAM) for guidance with development and activities that may require further review and permits. The TAM can be viewed at this link: http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.
2. Due to the proximity to the airport, the developer should be aware of potential noise from aircraft operations. There is also a potential for fumes, smoke, vibrations, odors, etc.,

EXHIBIT 11

Ms. Kathleen Aoki, Director
January 3, 2024
Page 2

STP 8.3698

resulting from occasional aircraft flight operations over or near the project location. These impacts may increase or decrease over time and depending on airport operations.

3. Should any future land use development proposals generate a significant change in vehicular trips, change of access on West Kaahumanu Avenue (State Route 32), or have potential traffic impacts to the nearby state highway facilities, the landowner or tenant applicants shall provide a Traffic Impact Analysis Report for the review and acceptance by HDOT. The study shall propose improvements to mitigate any impacts identified and be provided at no cost to the State.

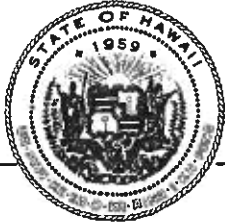
Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at DOT.LandUse@hawaii.gov.

If there are any questions, please contact Mr. Blayne Nikaido, Planner, Land Use Section of the HDOT Statewide Transportation Planning Office at (808) 831-7979 or via email at blayne.h.nikaido@hawaii.gov.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS202312051520NA

Coastal Zone
Management
Program

January 3, 2024

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide
Sustainability Branch

Tara Furukawa, Planner
Maui County Planning Department
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793

Dear Ms. Furukawa:

Subject: ZPA2023-00005 - Queen Ka'ahumanu Center, Council-Initiated Entitlement Changes

The Office of Planning and Sustainable Development (OPSD) has reviewed the materials submitted with your request for comments for the ZPA2023-00005 - Queen Ka'ahumanu Center, Council-Initiated Entitlement Changes. We support the proposed entitlement changes, which will enable future mixed-use redevelopment of the shopping center properties, including multi-family residential, help address Maui's housing affordability crisis, and help revitalize the commercial areas of the mall. The proposed changes align with the State's TOD goals for redevelopment of transit-oriented communities as called for in Maui County's Ka'ahumanu Avenue Community Corridor Plan. OPSD offers the following comments on the proposed entitlement changes:

1. Alignment with State Policies and Plans. The proposed entitlement changes align with the State TOD Strategic Plan, which encourages redevelopment and new housing and commercial development along rail and bus transit corridors, specifically the State-funded Ka'ahumanu Avenue Community Corridor Action Plan. The entitlement changes, and future mall redevelopment, will also support redevelopment of adjacent state-owned properties including the Kahului Mixed Use Civic Center and affordable housing. These are co-located with a County transit hub, which will also support improved transit service and connectivity to future redeveloped mall properties. While the Queen Ka'ahumanu Center is outside the Sea-Level-Rise Exposure Area for 3.2 feet of sea-level rise, and also outside of the Flood Hazard Area, any future mixed-use residential development will be subject to an SMA Use Permit, requiring review of the project's exposure to coastal hazards.

EXHIBIT 12

Tara Furukawa, Maui County Planning Department
January 3, 2024
Page 2

2. Appropriate Zoning to Support State and County Goals. The proposed Queen Ka'ahumanu Center Entitlement Changes will 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 part of the project area. While the older Industrial zoning is not appropriate for the desired mixed-use redevelopment, the proposed zoning changes will support redevelopment aligned with State and County goals.

Thank you for the opportunity to comment on the proposed Queen Ka'ahumanu Center Entitlement Changes. If you have any questions, please contact Harrison Rue, harrison.rue@hawaii.gov, (808) 587-2898.

Mahalo,

Mary Alice Evans

Mary Alice Evans
Interim Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MAUI PLANNING COMMISSION
REGULAR REMOTE PUBLIC MEETING
TUESDAY, JANUARY 23, 2024



Report of proceedings of the Maui Planning Commission public meeting, held at the County of Maui Service Center, 110 'Ala'ihī Street, Suite 212A Conference Room, Kahului, Maui, Hawaii, and remotely via BlueJeans on the 23rd day of January, 2024.

TRANSCRIBED BY: CHANTELLE HEE, RPR
State of Hawai'i CSR No. 536

iDepo Hawaii, LLC
1164 Bishop Street
Suite 1111
Honolulu, Hawaii 96813
(808) 664-6677
www.iDepoHawaii.com

1 APPEARANCES:

2

3 COMMISSIONERS:

4 KELLIE PALI, Chair

5 KIM THAYER, Vice-Chair

6 MARK DEAKOS (Appeared remotely)

7 MEL HIPOLITO (Appeared remotely)

8 ANDREA KEALOHA (Appeared remotely)

9 ASHLEY LINDSEY (Appeared remotely)

10 DALE THOMPSON

11

12 STAFF:

13 GARRETT SMITH, Acting Planning Director

14 MICHAEL JASON HOPPER, ESQ.
15 Deputy Corporation Counsel
16 Kalana O Maui Building
17 200 South High Street
18 Floor 3
19 Wailuku, Hawai'i 96793
20 (808) 270-7742
21 michael.hopper@co.maui.hi.us

18 BRIAN A. BILBERRY, ESQ.
19 Deputy Corporation Counsel
20 Kalana O Maui Building
21 200 South High Street
22 Floor 3
23 Wailuku, Hawai'i 96793
24 (808) 270-7462
25 brian.bilberry@co.maui.hi.us

1 APPEARANCES (continued):

2

3

4 For Appellants SURFRIDER FOUNDATION, NA PAPA'I WAWAE
5 'ULA 'ULA, KA MALU O KAHALAWAI, KAI NISHIKI:

6

LAW OFFICE OF RYAN D. HURLEY
BY: RYAN D. HURLEY, ESQ.
P.O. Box 19205
Honolulu, Hawai'i 96817
ryan@rdhlawhi.com

7

8

LAW OFFICE OF BIANCA ISAKI, ALC
BY: BIANCA KAI ISAKI, ESQ.
1720 Huna Street
Suite 401B
Honolulu, Hawai'i 96817
(808) 927-5606
bianca.isaki@gmail.com

9

10

11

12

13 For Applicant Kahana Sunset:

14

CADES SCHUTTE, LLP
BY: CALVERT G. CHIPCHASE, ESQ.
Cades Schutte Building
1000 Bishop Street
Suite 1200
Honolulu, Hawaii 96813
(808) 521-9220
cchipchase@cades.com

15

16

17

18

19

20

21

22

23

24

25

| | I N D E X | |
|----|--|--------|
| | | PAGE : |
| 1 | | |
| 2 | | |
| 3 | Roll Call..... | 6 |
| 4 | Introduction of Item B1..... | 9 |
| 5 | Presentation by Tara Furukawa..... | 9 |
| 6 | Presentation by Michael Summers..... | 10 |
| 7 | Presentation by John Mitchell..... | 12 |
| 8 | Presentation by Kauwela Bisquera..... | 13 |
| 9 | Presentation by Lemore Czeisler..... | 22 |
| 10 | Presentation by Michael Summers..... | 27 |
| 11 | Testimony by Zandra Amaral Crouse..... | 41 |
| 12 | Testimony by Bruce Uu..... | 44 |
| 13 | Testimony by Jason Economou..... | 46 |
| 14 | Testimony by Sterling Higa..... | 49 |
| 15 | Testimony by Councilmember Tasha Kama..... | 51 |
| 16 | Testimony by Jennifer Salisbury..... | 54 |
| 17 | Questions by the Commission..... | 56 |
| 18 | Roll Call Vote on Item B1..... | 91 |
| 19 | Introduction of Item C1..... | 93 |
| 20 | Testimony by Zandra Amaral Crouse..... | 103 |
| 21 | Roll Call Vote on C1..... | 115 |
| 22 | Introduction of Item C2..... | 115 |
| 23 | Roll Call Vote on Item C2..... | 149 |
| 24 | Introduction of Item C3..... | 150 |
| 25 | Testimony by Zandra Amaral Crouse..... | 153 |

I N D E X (continued)

1
2
3 Roll Call Vote on C3.....164
4 Introduction of Item C4.....165
5 Presentation by Rory Frampton.....166
6 Testimony by Zandra Amaral Crouse.....174
7 Testimony by Mike Moran.....176
8 Roll Call Vote on C4.....189
9 Introduction of Item C5.....190
10 Testimony by Zandra Amaral Crouse.....192
11 Testimony by Howard Kihune, Jr.....195
12 Testimony by Candace Thackerson.....197
13 Roll Call Vote on C5.....199
14 Introduction of Item C6.....200
15 Testimony by Cara Scoffings.....211
16 Roll Call Vote on C6.....225
17 Director's Report Items.....232
18 Adjournment.....241

19
20
21
22
23
24
25

1 KAHULUI, MAUI, HAWAII

2 TUESDAY, JANUARY 23, 2024

3 -o0o-

4
5
6 ACTING DIRECTOR SMITH: Can we get a show
7 of hands that the commissioners can hear us?

8 CHAIR PALI: There we go.

9 ACTING DIRECTOR SMITH: Okay. Let's try
10 this again.

11 Member Hipolito, are you present?

12 COMMISSIONER HIPOLITO: I'm in my office in
13 Kahului.

14 ACTING DIRECTOR SMITH: Thank you.

15 COMMISSIONER HIPOLITO: Aloha, everyone.

16 ACTING DIRECTOR SMITH: Member Lindsey?

17 COMMISSIONER LINDSEY: Aloha kakou. I'm
18 here in Wailuku. My son will be in and out as
19 needed.

20 And, Chair, I was hoping to leave around
21 1:00, and I can be back around 3:00, if that matters.

22 CHAIR PALI: I think today since we have
23 quorum, we might be okay to proceed. But (no audio)
24 cases at the end -- maybe it's my mic.

25 Can you hear okay, Commissioner Lindsey?

1 Okay. Yeah. All right. Thank you for that.

2 ACTING DIRECTOR SMITH: Member Deakos?

3 COMMISSIONER DEAKOS: Aloha, everyone. I am
4 in a hotel room in Vegas. My wife is in here -- in
5 the room with me.

6 ACTING DIRECTOR SMITH: Member Apo?

7 CHAIR PALI: Blaine Apo? Are you here,
8 sir? I don't see him. Okay.

9 ACTING DIRECTOR SMITH: Member Kealoha, are
10 you present?

11 COMMISSIONER KEALOHA: Good morning. I'm
12 here in Paia. I'm by myself.

13 ACTING DIRECTOR SMITH: And, lastly, Member
14 Helekahi-Burns, are you present? It does not look
15 like she is present.

16 CHAIR PALI: Okay. Thank you for roll
17 call.

18 I do just want to do a few -- yes?

19 MR. HOPPER: Sure. Chair, this is Michael
20 Hopper.

21 We -- I don't have a video of the
22 commissioners. I don't know if others do, but it
23 looks like your audio is unmuted, but I cannot see
24 any of the commissioners.

25 Do you have the camera on the

1 commissioners?

2 CHAIR PALI: We do. We can see them.

3 MR. HOPPER: Oh, yeah, it's on now.

4 Great. Perfect. Thank you.

5 CHAIR PALI: Oh, "of us."

6 MR. HOPPER: Right. Yeah, you were --

7 CHAIR PALI: The ones that are present.

8 MR. HOPPER: -- you were muted and you're
9 unmuted. Yes, right. Now we can see you.

10 CHAIR PALI: Thank you, Mr. Hopper. Okay,
11 so for housekeeping, I'll let Mr. Smith introduce the
12 first item.

13 I do want to remind testimony -- testifiers
14 that your testimony is three minutes. And while I
15 can give grace for you to end your sentence, it's
16 really important that we are, as best, fair to all
17 people who testify.

18 And I don't know, for those who have never
19 testified before, you could easily, even in the car
20 before you come, just time yourself on your
21 testimony. And if you find that you go over three
22 minutes, then go back and cut the stuff that wasn't
23 as important.

24 So these are helpful tips that you can do
25 as a testifier because we want to hear the weight,

1 and we want to understand your perspective. And it's
2 hard when it gets cut off.

3 So, yes, people do time themselves, and
4 I've done it a ton of times. And it's effective, and
5 it's really good for us to hear the important pieces.
6 So please do that. And that way we can be respectful
7 of everyone's time and also do our best to give
8 everyone a fair share of testimony time.

9 So having said that, let's go to the first
10 item.

11 ACTING DIRECTOR SMITH: Good morning. We
12 do have one public hearing before us this morning.
13 It's identified as Agenda Item B Number 1.

14 We are here to transmit for your
15 consideration, planning commissioners -- Council
16 Resolution Number 23-221 is concerning a community
17 plan amendment from heavy industrial to
18 business/commercial for the Queen Kaahumanu Center.

19 Also for your consideration is a bill for
20 change of zoning from heavy -- M-2 heavy industrial
21 to B-3 central business district.

22 We do have staff planner Tara Furukawa here
23 this morning to present the item.

24 And I will transition it over to you, Tara.

25 MS. FURUKAWA: Okay. Aloha kakahiaka,

1 commissioners.

2 This item is under your review because it's
3 a council-initiated action by the Maui County Council
4 for a Community Plan Amendment and Change of Zoning
5 for the Queen Kaahumanu Center Revitalization and
6 Infill Project.

7 A Community Plan Amendment is being sought
8 from heavy industrial to business commercial for
9 approximately 6.84 acres to enable land use
10 consistency with zoning for the proposed use. A
11 change of zoning is also being sought from M-2 heavy
12 industrial to B-3 central business district for
13 approximately 33.8 acres. The matter is being
14 referred to you because the planning commission must
15 make a recommendation to the county council.

16 Michael and John Summers of Planning
17 Consultants Hawaii are the project consultants who
18 will present you with the proposed land use
19 entitlement changes, and I will return to you after
20 that with the department's recommendation.

21 CHAIR PALI: Okay. That sounds great.

22 Just state your name for the record.

23 MR. M. SUMMERS: Sure. My name is Michael
24 Summers. I'm the president of Planning Consultants
25 Hawaii. And thank you so much for having us here

1 today. It's much appreciated.

2 This is a very important project for Maui,
3 this entitlement change request for Queen Kaahumanu
4 Center. And so we're going to give you a PowerPoint
5 presentation. It's going to be a team effort. We
6 have folks that have flown over here from Miami and
7 California and, of course, right here on Maui. So
8 we'll be sharing the podium.

9 I'd just like to take a minute and
10 introduce our team. So we have with us John
11 Mitchell. And John has, like I said, flown over
12 representing the property owner, Starwood, all the
13 way from Miami. And we have Lemore Czeisler from
14 Pacific Capital Retail Partners; and Kauwela
15 Bisquera, also for -- for Queen Kaahumanu Shopping
16 Center; and Marina Satoafaiga, who's also with
17 Pacific Capital Retail Partners.

18 So with that, we're going to give you a
19 PowerPoint presentation. It'll be a shared effort,
20 and we'll begin with John. Thank you.

21 CHAIR PALI: And as we do the PowerPoint,
22 commissioners online, we are going to lose our
23 ability to likely see you or not. Okay, it looks
24 like we've got it working, because it looks like
25 they're going to have to utilize our staff computer.

1 So in the event that changes -- we can see
2 you now -- when I go for questioning, I'll need you
3 to speak so that I can acknowledge you, please.

4 Thank you.

5 MR. MITCHELL: Good morning, everyone. My
6 name is John Mitchell. I did come over from Miami
7 yesterday. But I tell you, as soon as I land here --
8 I've been here three times recently -- it rejuvenates
9 me every time. I saw a beautiful rainbow coming in,
10 so I feel good. I've got pep in my step --

11 CHAIR PALI: I'm going to interrupt you.
12 And I really need you to get nice and cozy with the
13 mic --

14 MR. MITCHELL: Oh, okay.

15 CHAIR PALI: -- because we do transcripts.
16 And, believe it or not, it just won't pick up your
17 voice.

18 MR. MITCHELL: No problem.

19 CHAIR PALI: Thank you. Sorry about that.

20 MR. MITCHELL: So I've been coming over to
21 the island for -- a couple times now since 2021. And
22 I've visited the Queen Kaahumanu Center, and
23 "revitalized" might not be the word I would think. I
24 think it's more of a reimagination of this -- this
25 property is what we're here for today.

1 It doesn't seem to be functioning as well
2 as it can, and my career I've spent trying to fix and
3 address properties that have some issues, some
4 problems. When I toured this -- the center, it felt
5 like it needed more diversification; that it could
6 serve its community better.

7 And one of those pathways is to, you know,
8 work on some additional diversification, potentially
9 some housing, more community services, maybe more
10 food and beverage options, perhaps even some big box
11 retail, all of these options that don't exist today
12 and aren't in the plan.

13 So when we came over -- we're here for the
14 M-2 heavy industrial zoning, it just doesn't seem
15 consistent with what a revitalization or
16 reimagination should be and could be.

17 So I'm going to kick it off to my
18 colleagues here with Pacific Retail Partners to talk
19 about their efforts, where we're going next.

20 CHAIR PALI: Great. Thank you. I'll have
21 you just state your name for the record.

22 MS. BISQUERA: Aloha. My name is Kauwela
23 Bisquera. I'm general manager of Queen Kaahumanu
24 Center. If that's loud enough?

25 CHAIR PALI: It's wonderful.

1 MS. BISQUERA: Okay. Thanks. I didn't
2 want to get scoldings.

3 Thank you, John.

4 I am here to talk about Queen Kaahumanu
5 Center as a community resident born in Maui, raised
6 on the Big Island, moved back to raise my one child.
7 But I'm also here to talk about what it's like to
8 manage a shopping center of this size but in a
9 community as ours which is very unique to any other
10 place.

11 As many of you may know, Queen Kaahumanu
12 Center made 50 years last year, huge for us here. I
13 mean, we're hoping to make 50 more years as we
14 continue on. But to continue on, we cannot continue
15 the state that we're currently in.

16 We have over 570,000 square feet of
17 leasable -- leasable spaces, but the -- the -- where
18 the community -- where the shoppers -- where society
19 is now, it is not what they're looking for. They're
20 looking for a place to shop, to live, to -- so it's
21 like that work-play balance -- shop, live, eat,
22 gather.

23 We've been the gathering place, the heart
24 of Central Maui for over 50 years, and we want to
25 continue to be that. And my part here with John from

1 Starwood as well as Pacific Retail Capital Partners
2 is to remind them of that, of our community heart,
3 and then as we move forward into reimagining what
4 Queen Kaahumanu Center can be and make it more
5 relevant to our community, that they remember that we
6 are still the gathering place for our community.

7 We are honored supporters of over 100
8 nonprofit organizations and their events at Queen
9 Kaahumanu Center. We -- from Maui Matsuri to the
10 disabilities awareness fair, Alzheimer's walk, Maui
11 Adult Day Care Centers Walk, we've held and sponsored
12 them at Queen Kaahumanu Center for over 20 years.
13 And we want to continue to do that, and we want to
14 make sure we have the space to continue to support
15 our community organizations.

16 Hawaiian Steel Guitar Festival gifted us
17 with, I would say -- I think it's a 15-foot steel
18 guitar ukulele -- not steel guitar ukulele -- steel
19 guitar made out of koa wood, and they gifted it to us
20 because we continue to support them. And so we want
21 to continue to keep that for our community, and that
22 is what I do here to make sure everybody remembers
23 that. But I'm also here to remind you guys that
24 that's what we are.

25 We also support arts. We were the first

1 one to have a large format public art in Kahului. I
2 mean, we worked with Small Time (sic) Big Art and
3 mommy -- Maui Public Art Corps to garner this
4 beautiful art piece. And it is -- isn't the namesake
5 of Queen Kaahumanu, but it was -- it was more of the
6 essence of the women back in Native Hawaiian days
7 where the men were fighting, the women protected
8 Kahului as a -- because it was our burial grounds for
9 our ancestors back in the day. And so this was --
10 this shows of our fierce women looking over Kahului.

11 We also -- we are also working with other
12 nonprofits to -- to bring more of Maui public art to
13 Queen Kaahumanu. We are working with a local artist
14 named -- I'm going to butcher her name, so we're not
15 going to say her name right now, but she just did
16 Children's Justice Center. And so we are working
17 with her to do another mural inside the shopping
18 center.

19 And so that is what Queen Kaahumanu Center
20 is. We are the heart and the gathering place for
21 Central Maui. Now, the reality is we are slowly
22 dying. We have only 41% of our spaces occupied for
23 long term, and what that means is anything past
24 three years. Anything less than three years, tenants
25 tend to -- the minute there's a slowdown, they can

1 pull out. And so that leaves us at a risk of 59% of
2 our -- our shopping center risk of being empty.

3 As we all saw on the news, Sears left. We
4 also had other very big name brands leave us even
5 though we tried our best to give them -- we gave them
6 zero rent, and we said, just -- we just need you
7 because our community needs you. And that still
8 couldn't keep them there.

9 And we are desperately trying to keep what
10 we have now. We do have -- we are the only home to
11 the only Victoria's Secret and Bath & Body Works,
12 American Eagle, and these big brand corporate names
13 are very needed in our community. And so we want to
14 make sure we keep those tenants here.

15 And we are trying and negotiating with them
16 to keep them here because what they want to see is
17 reimagining of the center as well. It's a dying
18 breed, the shopping center as it is.

19 It's -- as you see across the world, you
20 will see multiuse; right? Even Oahu has gone into
21 that, but we're not going to get into that. But
22 we're not getting anywhere in what Oahu was doing.
23 But you can see that there needs to be a change.
24 There needs to be more than just shopping and retail
25 and restaurants.

1 You've seen us in the news. I don't think
2 I have to remind you guys about us in the news. We
3 did go through a foreclosure a couple of years ago.
4 And we're very thankful that Starwood has stepped up
5 in -- to bring us out of that, and in support of
6 bringing us forward as well.

7 And so you can -- you can move on with
8 our -- as you can see, Sears we talked about. And
9 then just last year, our theatres, our beloved Queen
10 Kaahumanu Theaters had to close. Consolidated, we
11 worked with them for over two years to try to keep
12 them to stay. And it's just -- it just wasn't -- it
13 wasn't feasible for them, and we -- we understood
14 that. But this is what's happening.

15 And so when we talk to our big stores, or
16 even our local mom-and-pop stores, like Ben Franklin
17 or Camellia Seeds or, like, One Eighty who's been
18 with us for almost 20 years, they want to know, like,
19 what's happening to the shopping center, and they'll
20 come to me.

21 And I'm assuring them that given the county
22 support that we can reimagine it, and we can bring
23 back to -- Queen Kaahumanu Center to its glory days,
24 per se, and bring back the first. I mean, if you're
25 born and raised on Maui, you had many firsts to

1 happen at Queen Kaahumanu Center.

2 I won't get into my first, that's a
3 little -- but my son had his many firsts -- his first
4 date was at Queen Kaahumanu Center, and you know I
5 have a little bit of an in with security, so that was
6 great to have it there.

7 But we -- you know, people come there for
8 their first earring piercings because of Claire's or
9 they come there for their first -- their parents
10 finally let them have a Starbucks. So we want to
11 continue that. And I tell our local stores -- and I
12 told all our stores that we will continue that, and
13 we want to continue that. We just need to get there.

14 And so what we did is we wanted to hear
15 more from the community. So we did hold some
16 community meetings with some special groups.

17 Oh, sorry. Before I get to that, we did
18 launch a survey, an online survey that we pushed out
19 to all of our text subscribers or email newsletters
20 people just to ask them what they desired to see if
21 Queen Kaahumanu Center was able to be be reimaged.
22 And so we launched that in June of 2023.

23 And the -- and then we also met with some
24 groups to hear what they wanted to say, some very
25 important groups out in the public such as Sierra

1 Club, Maui Tomorrow, Stand Up Maui, Maui Canoe Club,
2 and the Rotary Clubs of Maui and Kahului.

3 So we did talk to them. We did say that we
4 want to reimagine Queen Kaahumanu Center, but we want
5 to hear what you guys want to see. We don't want to
6 just build what we think is best, we want to build
7 what community thinks is best at Queen Kaahumanu
8 Center.

9 And so some of that results from the survey
10 was that 92 percent of them -- 92 percent of the
11 survey -- we had a response from surveys. 97 percent
12 believe that there should be potential housing
13 solutions that can fit within multigenerational or
14 diverse community framework.

15 And then 77 percent of people believe that
16 Queen Kaahumanu Center should hire towards mixed-use
17 developments that incorporate housing, retail, and
18 commercial spaces to create a more vibrant and
19 economic -- economic sustainable future.

20 Just some graphs of what I just mentioned.

21 So when we talked to the outreach and we
22 summarize what the groups that mentioned to us and
23 what the survey mentioned, this is what we heard:
24 the community size, a green and communal space.
25 That's our gathering. That's a park. That's --

1 that's what our community wants -- I want to see.

2 Diverse housing options targeted to Maui
3 residents, we all know this. We all know we're --
4 how bad of a housing crisis we're in right now. But
5 we want to make sure that we can build housing that
6 our Maui local residents can afford and can live for
7 multigeneration.

8 Restaurants, services, and arts; maintain a
9 gathering place designed in keeping with sense of
10 place. So not so large, I'm assuming. Links to
11 neighboring land uses, preservation of the Queen
12 Kaahumanu statue, absolutely. It's -- we're her
13 namesake; we're not going to let her go. I'm not
14 getting that bad juju on me.

15 Native landscape preservation, preservation
16 of trees, and support mom-and-pop stores, that's
17 absolutely everything I believe in as well.

18 And that is absolutely everything that I
19 convey and communicate with our Starwood and Pacific
20 Retail and hope that when we do get to move forward,
21 hopefully with your support, that we will be able to
22 provide this to our community as it's so needed
23 badly. Mahalo. Thank you.

24 CHAIR PALI: Thank you very much.

25 And, commissioners, if you're wondering,

1 after the presentation we'll go into testimony. And
2 then we'll have opportunity to question each of these
3 presenters.

4 Please -- yes. State your name for the
5 record.

6 MS. CZEISLER: Aloha, everybody. My name
7 is Lemore Czeisler. Oh, I don't have to stand on my
8 tippy toes. I can just move this. Great.

9 Thank you, everybody, for having me. I'm
10 Lemore Czeisler with Pacific Retail. And the state
11 of the mall industry across the nation and certainly
12 even across the globe is in this similar or same
13 amount of, let's say, disrepair and in need of
14 revitalization.

15 So I want to state two things. One is that
16 the Queen Kaahumanu Center is not alone in this
17 position. This is happening because of Amazon. It
18 happened because of COVID. It is not alone in this
19 position.

20 But the second point I want to make is that
21 despite it not being alone, and this happens
22 everywhere, there is no cookie-cutter response to the
23 revitalization. It has to be unique to every single
24 place.

25 And frankly, it has to be unique even to --

1 Kahului would be completely different from a response
2 on the west side of even Maui. So we are not just
3 saying there is a blanket response to revitalizing
4 malls. There is not. We are being very thoughtful
5 and specific about that.

6 And so, yes, the -- you can read the stats
7 there; the numbers of the malls are declining
8 rapidly. And you have essentially only really 6,000
9 department stores left in 2020, and that has
10 decreased since then in the US -- in the whole of the
11 US.

12 So we can go to the next slide. Thank you.

13 So what is universal is to have more
14 functional, resilient, and sustainable mall spaces.
15 So there are certain parameters that this community
16 deserves that are universal urban planning principles
17 that this community deserves, that all communities
18 deserve, and we would want to apply that to here.

19 Again, there is no cookie-cutter answer.
20 But there are universal principles, and that is
21 adapting them to be relevant, and that's relevant to
22 this specific community.

23 So that means that in some places, you
24 know, maybe local mom-and-pop shops are not that
25 popular; they're not needed. That's not the case

1 here. That -- the case here is that they are still
2 very relevant, and they are still working at Queen
3 Kaahumanu Center, for instance.

4 And to transform to mixed use, that means
5 that that is sustainable communities. That means
6 that people can live and go to the grocery store five
7 minutes away. They don't have to pack up their kids
8 and their -- their -- all of their stuff, drive and
9 come back for, you know, miles and miles in order to
10 get their groceries or anything else.

11 Their social spaces -- people are becoming
12 more isolated in all communities across the globe.
13 And so how do we solve that? We create spaces,
14 social hubs for people to come, through food, through
15 open space. Maybe it's through pickleball. Maybe
16 it's through -- there are, you know, different ways
17 to bring people together. Queen Kaahumanu Center has
18 always done that. And we want to -- for it to
19 continue to do that.

20 Optionality -- again, recreational spaces,
21 entertainment. Why not have somewhere outdoors where
22 you could have -- you know, maybe at a brewery or --
23 or anywhere outdoors to have, you know, kamaaina
24 nights to be in a more sort of concert environment
25 and bring people together outside while they eat,

1 while they drink, while their kids play outside, and
2 they can watch them.

3 And involve -- evolving those spaces so
4 that we can socialize, relax, and engage with one
5 another; again, instead of constantly doing
6 everything through Amazon and on our phones.

7 Okay. Next slide, please.

8 And, again -- so these are some of the
9 images that we have around -- around the US and in
10 Hawaii where we are envisioning spaces where people
11 can come. There should be more services to the
12 community, more places for people to do -- maybe it
13 is their hula outdoors, or maybe it is checkers. I
14 should have a pickleball picture up there; we do not.
15 But yoga, places for people to come together and do
16 those activities together, perhaps libraries, school
17 events. People can come and have their social events
18 out there, festivals, Lunar New Year. People can
19 come and be together in those outdoor spaces.

20 So next slide, please.

21 What happens when you start to activate
22 these places is that safety increases because dead
23 spaces are more prone to not being so safe. Your tax
24 revenue increases, and the economic value of all of
25 the stores inside increases. There's more community

1 engagement and foot traffic. So having a residential
2 component there creates foot traffic. And then it
3 gets a momentum for stores to come in and the
4 environment to become -- not feel like a dead space.

5 And so all of those metrics get elevated
6 once you bring people in. The Queen Kaahumanu Center
7 needs people; it needs people to be there. And it's
8 going to rely on that because, otherwise, Amazon just
9 takes everything over. It needs the people there.

10 And, again, open space plays a vital role.
11 And housing -- having a diverse range of housing and
12 having people who live in Kahului, and Maui residents
13 there is essential. We need people who are going to
14 be there all year round to shop, to work, to play, to
15 do all of those things, not necessarily people coming
16 and going.

17 So the mixed-use community provides, you
18 know, residential housing, affordable and workforce
19 housing. And then we'll also just have a symbiotic
20 relationship between those businesses and the
21 residents. The neighborhood and the community will
22 be forged much more than it is now where everything
23 now is disparate.

24 This is just one example of something
25 that's happening out in another part of -- of the US

1 where they are taking a huge asphalt parking lot and
2 turning -- turning it into a community hub.

3 Thank you very much.

4 MR. M. SUMMERS: Again, Mike Summers,
5 Planning Consultants Hawaii. And so I'll just be
6 taking you through the project area, the
7 entitlements, and some next steps.

8 So, again, the project area comprises
9 5 parcels which totals about 33.8 acres. And I know
10 you all are very much aware of the existing uses, but
11 I'll just say it again. Queen Kaahumanu Center,
12 Foodland, other related accessories, this is an
13 important one, 2,728 parking spaces.

14 So this is our aerial location map. And
15 there are a number of lessons you can learn from this
16 map. First thing that -- when you look at this, you
17 can really see that Queen K -- Queen Kaahumanu Center
18 is the heart of Kahului. I mean, you can tell that
19 just from the scale of the building, its central
20 location, from the land uses around it, et cetera.

21 What's also interesting is that, you know,
22 there's a lot of infrastructure around this site. So
23 if I just take my pointer, hopefully, it'll work.
24 Maybe it won't on this. But to the north, we have
25 Kaahumanu Avenue. And to the east, we have Kane

1 Street. We have Kamehameha Avenue to the southeast
2 and Wakea Avenue and -- basically to the south and
3 the west.

4 And I think that's important because this
5 is really your classic urban infill opportunity.
6 You've got the infrastructure around it, you've got
7 an underutilized space, and you have a lot of
8 activity generators going on around it.

9 So what are those activity generators? So
10 the Kahului Harbor, our major harbor for Maui, big
11 job generator; Maui College, a big job generator and
12 our premier educational institution on Maui. If you
13 look to the east, we're going to have this Kahului
14 Civic Center and the bus hub. Again, very important
15 community service; it's going to help regenerate and
16 revive the area and very proximate to the Queen
17 Kaahumanu Center.

18 We have hotel uses along the shoreline.
19 Again, the Queen Kaahumanu Center is very important
20 for those uses. And then we have this big band of
21 residential that tucks right up against the center.
22 So you can see it's an area that needs this heart,
23 and this is a really good opportunity for infill
24 development.

25 And this is just kind of a different image

1 which shows that. Again, you can see in yellow all
2 the single and multifamily residences that surround
3 this site. And they're all very close -- I mean, not
4 all of them, but many of these residences are within
5 a five-minute walk to the center. And then, of
6 course, we have major public facilities I already
7 spoke to, and to the east an area where you're
8 probably going to see a lot of revitalization in the
9 future.

10 Next.

11 So the community plan map shows our
12 requests, essentially, but you can see that the
13 33.8 acre parcel is split community-plan designated.
14 Approximately 27 acres is business commercial. And
15 then you can see that odd little shape down there at
16 the bottom, that is heavy industrial. And I'll speak
17 to the requests later, but that's the existing
18 condition. And then, of course, you can see the
19 heavy industrial to the south and the west.

20 Next. All right.

21 And so here's our zoning map. And, again,
22 you can see the parcel outlined by black; and all of
23 it is M-2 heavy industrial. Okay.

24 So, again, it's kind of ironic when you
25 look at this map and you see all that residential

1 around it to think that the zoning for the heart of
2 the community is M-2 heavy industrial. It just
3 doesn't really seem to make a lot of sense.

4 Next.

5 The project area is in the Special
6 Management Area. Importantly, the project area is
7 not within the sea level rise exposure area for 3.2
8 feet.

9 Next.

10 And, likewise, the property is not in the
11 flood hazard area. It's within Zone X which is an
12 area of minimal flooding.

13 Next.

14 I'll just briefly talk about next steps and
15 future. And for planners, when you look towards the
16 future, you always want to go back to your community
17 planning documents because essentially those are an
18 articulation of a community's desire, the pattern of
19 development, types of services you have, the
20 character of a community.

21 In Maui County, we have actually a very
22 robust series of planning documents. We have the
23 Countywide Policy Plan which provides a broad
24 hierarchy of policies for the community. They help
25 define and develop the island plans and the community

1 plans.

2 We also have, as I mentioned, the island
3 plan, Maui Island Plan, which is a regional planning
4 document. It allocates urban growth boundaries and
5 population growth and plans for major public
6 facilities and establishes a parameter for
7 development within the community plan districts.

8 And then of course, our community plan
9 documents. It's really talking about the sequence of
10 development, the character development within each
11 community plan region.

12 So, again, as a planner, it's important to
13 ask yourself, well, is this request consistent with
14 our community plan documents? So beginning with the
15 Countywide Policy Plan, there are three policies I'm
16 just going to speak to you very quickly.

17 The first is a policy to:

18 Encourage redevelopment
19 and infill in existing
20 communities on lands
21 intended for urban use to
22 protect productive
23 farmland and open-space
24 resources.

25 But then the question becomes, well, how do

1 we do this?

2 Well, we:

3 Promote infill housing in
4 urban areas.

5 And secondly, we:

6 Redevelop commercial areas
7 with a mixture of
8 affordable
9 residential/business uses
10 where appropriate.

11 Next.

12 Now, our Maui Island Plan has a lot of
13 language that speaks to Wailuku-Kahului. And one of
14 the major challenges that has been identified in the
15 Maui Island Plan is a lack of housing choices.

16 And I think if you go back and you look at
17 that exhibit that I showed where you had all that
18 red -- or I'm sorry, all that yellow surrounding the
19 center, probably 80 or 90 percent of that is single
20 family. There's not a lot of multifamily in this
21 community.

22 And so, one of the statements in the plan
23 is that:

24 This marked disparity
25 between single family and

1 multifamily residential
2 units provides residents
3 with limited housing
4 options in the Central
5 Maui region.

6 So in order to address this, the Maui
7 Island Plan established, basically, a planned growth
8 area. So it's in the plan, and it's called a planned
9 growth area. And it identifies that area as a
10 Kahului infill and redevelopment area. And for this
11 area, it basically says:

12 Much of Kahului is
13 significantly
14 underutilized, and
15 redevelopment will
16 strengthen the economy,
17 provide diverse housing
18 opportunities within close
19 proximity to jobs,
20 services, while protecting
21 agricultural lands and
22 open spaces.

23 Next.

24 I think just another really important
25 policy in the Maui Island Plan, as it says:

1 Ensure higher density,
2 compact urban communities,
3 infill, and redevelopment.

4 And I think the plan is recognizing that,
5 in the context of our housing issues and the pattern
6 of development, that we need to think about more
7 efficiently using our urban areas that are currently
8 underutilized. It also makes, I think, a very
9 interesting statement that says:

10 The county will promote
11 (through incentives,
12 financial participation,
13 expedited project review,
14 infrastructure/public
15 facilities support) urban
16 infill and redevelopment.

17 And I think that's significant because
18 we're here today with a council-initiated request.
19 This is not a private developer request. This is
20 coming from the county council.

21 And, finally, the Community Plan wants to
22 make sure that:

23 Building form and
24 character maintains
25 compatible scale

1 relationships between the
2 existing low-rise
3 development in the area
4 and other uses,
5 essentially to maintain the sense of place
6 of our community.

7 Next.

8 And so, as I mentioned, this is a council
9 resolution -- council-initiated zoning request.
10 There -- we've already talked about this, but there
11 are two things being requested.

12 One is to change the Wailuku-Kahului
13 Community Plan and land use designation from heavy
14 industrial to business commercial for 6.83 acres and
15 to amend the text of the community plan -- the
16 Wailuku-Kahului Community Plan;

17 Secondly, to change the zoning from M-2
18 heavy industrial to B-3 central business district for
19 the entire 33.8 acres. And importantly, there is no
20 specific development plan being proposed today.

21 Next.

22 So just coming back to our community plan
23 map, you can see we're proposing to change the purple
24 there that's within the boundary to red which is
25 central business -- or I'm sorry, business commercial

1 in the community plan.

2 Next.

3 And, here, you can kind of see that area.

4 So off of Wakea Avenue, you see the driveway going
5 into the center. And this basically -- this heavy
6 industrial cuts right through the property all the
7 way around, basically almost right through the
8 parking garage, et cetera. So you can see that
9 that's a very disruptive designation if you want to
10 master plan this property.

11 Next.

12 Then the question becomes, well, what are
13 the benefits of this request? The first, allow
14 mixed-use development within the entirety of the
15 property. Second, provides the most appropriate
16 designation for the existing uses that are already
17 there, and it provides the foundation for more
18 holistic and effective planning.

19 Next.

20 Now, as I mentioned, this request also
21 includes a change to the text of the community plan.
22 And, basically, what that does is it recognizes this
23 area, the Queen Kaahumanu Center in the planning
24 document, and it provides a framework for how the
25 project area might be developed in the future with

1 some general guiding principles based on community
2 support.

3 What might those be? One, provide a mix of
4 uses; incorporate multifamily housing to create
5 diverse housing opportunity; create or maximize the
6 delivery of workforce and affordable housing, and
7 that's done through a public-private partnership
8 agreement; incorporate place-based urban design, this
9 is very important to foster sustainability, respect
10 for culture, and, importantly, the legacy of Queen
11 Kaahumanu; compatible scale building relationships;
12 use of native trees. And I think this is critical,
13 safer connections and access to the future Kahului
14 Civic Center and transit hub and harbor. And I might
15 also say the surrounding neighborhoods would be
16 important.

17 Next.

18 And so then you're seeing that big area of
19 purple changing to red for the entire property, so it
20 becomes central business district instead of heavy
21 industrial.

22 And what are the benefits? Well, it makes
23 the zoning consistent with the community plan.
24 Secondly, it permits multifamily residential uses;
25 and, importantly, M-2 does not permit multifamily

1 residences.

2 It allows for mixed-use residential
3 development. The B-3 uses already are consistent
4 with the existing uses at the center. And it
5 prevents hazardous and offensive users from
6 potentially cropping up on the site.

7 Next.

8 So quickly, I'm going to speak to some of
9 the zoning conditions that are proposed in the bill.
10 So, first, it is being proposed that the maximum
11 height limit for the site be 90 feet. Now, in the
12 central business district, the maximum height limit
13 is 144 feet, and that caused quite a lot of angst
14 amongst some members of the community.

15 So the idea is to keep it what it is today
16 which is 90 feet in the heavy -- M-2 heavy industrial
17 district. Also, that is the same height limit for
18 the neighboring properties that are zoned B-2. So to
19 the east, I pointed out all that area zoned B-2
20 community business district. It all has a 90-foot
21 height limit.

22 Secondly, to reduce the required parking.
23 Right now, it would be two stalls per multifamily
24 unit, to reduce that to a minimum of one off-street
25 parking space per multifamily unit with less than

1 1500 square feet.

2 And the rationale for that is quite simple.
3 First, obviously, it's going to reduce building costs
4 and reduce housing costs. Secondly, it will
5 facilitate more efficient and better master planning
6 for the site. It's not going to be just massive
7 amounts of concrete.

8 And finally, you know, there's some
9 justification because with that size of a multifamily
10 unit, you're likely to have far less demand for
11 parking, especially in the context of a mixed-use
12 development at this location.

13 Next.

14 There's also a requirement for a
15 memorandum of agreement to create an effort to try to
16 create more affordable housing than what is currently
17 required through our existing workforce housing
18 ordinance.

19 And in response to community concerns about
20 building mass and building heights and impact on view
21 corridors, viewsheds, there's a zoning condition to
22 require a visual-simulation study. It's likely that
23 would have been done anyway in the SMA, but it's
24 there.

25 Host community meetings and design

1 workshops before the development would go to planning
2 commission, and also go to the UDRB.

3 And so the next steps for this matter would
4 be for you folks to make your recommendations, then
5 it would go to the county council. It would be
6 assigned to a committee. The committee would review
7 the two proposed bills that would be assigned to the
8 full committee for a first and second hearing. And,
9 finally, the mayor would sign the ordinances.

10 It's also important to note that before
11 this property would get developed, a major SMA permit
12 would be required. And as you're all very familiar
13 with, the SMA permit is very rigorous. It requires a
14 full development impact assessment with detailed
15 technical studies, notification of property owners,
16 publication in the Maui News, and, importantly, a
17 public hearing for you folks.

18 So -- and so with that, our team is
19 available for comments. Thank you.

20 CHAIR PALI: Great. Before we do that, we
21 are going to go and open public testimony. If you're
22 online and you can hear my voice and you are unable
23 to ask to testify through the chat function, we will
24 make space for you at the end of testimony. So we'll
25 give Linda a second. And reminding you that each

1 testifier has three minutes.

2 Also, commissioners, because of our long
3 day, I do not want to get into a rhythm of allowing
4 testifiers to go beyond their three minutes with
5 additional questions that were not commented. So as
6 a reminder, you can ask questions for clarification
7 on something they already said in their testimony,
8 but I will not allow someone to continue on with
9 their testimony past three minutes. So please keep
10 that in mind.

11 I'll go ahead and start with the people in
12 the room so Linda can get ready for the online
13 people.

14 Okay. First up is John Mitchell. Oh,
15 okay. Zandra Amaral Crouse, can you come and state
16 your name for the record. Good morning. Thank you
17 for being here. Once you state your name for the
18 record, you'll have three minutes.

19
20 Zandra Amaral Crouse testified as follows:

21 MS. CROUSE: Mahalo, Chair. Aloha
22 kakahiaaka (speaking Hawaiian) Zandra Amaral Crouse.
23 (Speaking Hawaiian). It's a privilege to stand
24 before you.

25 When I saw this on the agenda, for those of

1 you that I can see that -- who's a third, fourth
2 generation here on Maui, I know you recall when the
3 plantation went out and the immigrants, Portuguese --
4 mines -- the Japanese, the Filipinos went out, they
5 bought their house with the help of the -- HC&S.

6 They built homes, and they lived on the
7 top. And the bottom was their business where they
8 made jewelry, they baked goods, they sold things,
9 they made clothes, and a variety of things. So this
10 kind of brings me back to old Maui. In Paia, it was
11 prevalent in the plantation town. In Wailuku, that
12 was very prevalent where my ancestors come from.

13 And I have always thought of Queen
14 Kaahumanu, the past 50 years, as being the gathering
15 place of families. This is where we could go watch
16 our children and grandchildren dance hula, get
17 together, play instruments. And, of course, like the
18 sister -- the manager from Kaahumanu said, many of
19 them had their first dates there and are married and
20 gave us grandchildren.

21 So it is my humble request that you see
22 that this does happen.

23 However, when it comes to affordable
24 housing, we have heard this for many generations,
25 over four generations of which I am the fifth. And

1 my only hope is that there is some parameter in there
2 to assure that it remains affordable to our local
3 people.

4 Where I live in Kihei, that was affordable
5 housing. Now, most of it is rented out and people
6 move back to the mainland. These are not locals.
7 These are people who came in, invested. They rent it
8 out, and they go.

9 Maui Lani, a new project here on Maui, it's
10 exactly the same thing. I just wish we could somehow
11 put together a mechanism to keep track of our money
12 that we spend on affordable units.

13 How many of them truly, truly go to our
14 local people and stay with our local people instead
15 of investors?

16 Mahalo. Thank you for your time. I humbly
17 thank you for your attention and allowing me to
18 testify. Mahalo.

19 CHAIR PALI: One second. Commissioners,
20 any questions?

21 Seeing none, thank you for your testimony.

22 Okay. Mr. Uu, up next.
23 State your name
24 for the record and your three minutes will start.

24 ///

25 ///

1 Bruce Uu testified as follows:

2 MR. UU: Aloha. Aloha. Mahalo for
3 serving, and also Happy New Year. I am Bruce Uu,
4 lifelong member of Maui, executive director of Maui
5 Nui Empowered.

6 I'm testifying on Item B, transmitting
7 Council Resolution Number 23-221, to yourselves, the
8 Maui Planning Commission.

9 I am 100 percent supportive of what's in
10 front of you, a potentially community-driven
11 revitalization and infill project, pre-existing,
12 reuse, recycle, re-envision, blank slate full of
13 potential that is currently severely underutilized.
14 I'm asking you, the commission, to be bold, to make
15 tough decisions, think big.

16 Right after driving around Wailuku area
17 this morning, I'm just asking you to do what is
18 needed.

19 My dentist's building, Maui Realty Suites,
20 it's six floors with a basement, so I'll call it
21 seven. Our county building is nine stories. Again,
22 no one lives there.

23 I'm asking, what's the priority? Is it
24 work? Is it a parking garage?

25 On 21-588 Main Street, just below Maui

1 Medical Group is Wailuku Townhouse, an eight-story
2 townhouse with an elevator shaft that'll make it
3 nine. On the ground floor is business, and from the
4 second up is townhouses. Again, bold.

5 I'm assuming Main Street buildings were
6 built in the early '70s. That might have been
7 considered bold back then. Today, I ask you for what
8 is needed.

9 At the start of my testimony, I mentioned
10 that I'm a lifelong resident. That's key. There
11 is less than us remaining, and mostly it's not by
12 choice. We are at -- past the moment of fight or
13 flight.

14 I support all homes. We need upper-end
15 homes for doctors and engineers. We need rentals and
16 everything in between. I support what's coming
17 before you today including Lilua -- Liloa Senior
18 Housing and Harukiyuni's (phonetic) two-year time
19 extension.

20 In ending, it was just mentioned that Queen
21 Kaahumanu Shopping Center is 50 years old. What's
22 going to happen in the next 50?

23 Mahalo for serving. I humbly ask for your
24 support.

25 CHAIR PALI: Great. Thank you, Mr. Uu.

1 Commissioners, any questions?

2 Okay. Seeing none, thank you.

3 MR. UU: Thank you.

4 CHAIR PALI: Okay. Jason Economou, please
5 step to the podium. State your name for the record
6 and three minutes will begin.

7

8 Jason Economou testified as follows:

9 MR. ECONOMOU: Good morning, Chair. Good
10 morning, commissioners. Good morning, Director. My
11 name is Jason Economou. I am a local attorney and
12 consultant, and I have been a keen observer of
13 housing policy and land use regulation in Hawaii for
14 many years now.

15 I specialize in land use regulation and
16 housing policy. I've advised the Council for Native
17 Hawaiian Advancement. I've advised FEMA. I've
18 graded the affordable housing fund applications for
19 the County of Maui. I've been a part of the
20 Kaahumanu Transit Corridor Steering Committee. I've
21 advised on the Maui County community -- or
22 Comprehensive Affordable Housing Plan. I've done all
23 this stuff.

24 And with all of that background knowledge,
25 I'm going to disagree with Bruce that this is a

1 difficult decision. This is not a difficult
2 decision.

3 There are going to be opportunities to
4 dicker about the details of this. There's going to
5 be plenty of public hearings to determine what type
6 of housing should go there, how many units, how tall
7 it should be, how many parking spaces. We shouldn't
8 get into the weeds about thinking about all of that
9 right now.

10 Right now, the question is will we open the
11 possibility of discussing housing in the center of an
12 urban area where there's already thousands of housing
13 units? There's public transportation, there's access
14 to groceries, there's access to the port, there's
15 access to the beach, there's access to the YMCA,
16 there's access to everything that a community needs
17 within walking distance.

18 The only question right now is will we
19 potentially allow housing at some point in this area?
20 And I think that's an easy question. If you ask the
21 community, if you ask anybody in this room, I think
22 if they're sensible, they should say, yes, we should
23 discuss putting housing there.

24 But the first impediment to that is
25 changing the land use designation. I have been a

1 resident of Wailuku for some time now. I live in
2 Paukukalo; it's a residential neighborhood. I've
3 been misfortunate enough to live next to a neighbor
4 who was doing a heavy industrial activity, and the
5 planning department did nothing to help me. We had
6 to deal with it, and it was miserable.

7 For the sake of the community that
8 surrounds the Queen Kaahumanu Center, I beg you, just
9 change the zoning for their sake because heavy
10 industrial zoning is terrible to live beside. Those
11 uses are not for this area.

12 Changing the zoning now will still allow
13 for all of the uses that we have enjoyed in that area
14 and will continue to enjoy in that area. But it will
15 also open the possibility for much-needed housing
16 which will leverage the infrastructure that already
17 exists, because all of you planning commissioners I
18 think are aware, Maui County is not very good at
19 building new infrastructure.

20 So why not leverage the infrastructure we
21 already have for something more important than dead
22 retail spaces? Thank you.

23 CHAIR PALI: You must've timed yourself
24 before you came.

25 Commissioners, any questions?

1 All right. Seeing none, thank you, Jason.

2 MR. ECONOMOU: Thank you.

3 CHAIR PALI: All right, Mr. Higa. You're
4 up next. When you get to the mic, please state your
5 full name for the record and your three minutes will
6 begin.

7

8 Sterling Higa testified as follows:

9 MR. HIGA: Thank you, Chair. My name is
10 Sterling Higa. I live in Haiku with my wife and our
11 four children. One of those children is in the room,
12 so, for the first time, I'm not the youngest person
13 in a planning commission meeting.

14 I'm testifying on behalf of Housing
15 Hawaii's Future in support of Council Resolution
16 Number 23-221 changing the zoning of Queen Kaahumanu
17 Center from light industrial to business and
18 commercial zoning. I'll keep it brief for
19 Chair Pali's sake.

20 So, first, our county has a housing crisis,
21 as we all know, and there are only three solutions.
22 We either build out, we build up, or we build in.
23 Out is sprawl, up is height, and in means infill and
24 redevelopment. This is building (no audio).

25 Second, if nothing changes, this shopping

1 center will die like Maui Marketplace before it.
2 This isn't a hypothetical. As you saw in the
3 slideshow, and as we know, this has happened across
4 the United States.

5 This mall will die. You can go walk
6 through the mall, you can walk through the parking
7 lot and know that it's going to die. If it dies,
8 it's just going to stay dead like Maui Marketplace
9 is. That's blight. It's land that could be used for
10 anything other than a vacant parking lot and empty
11 buildings that will not provide housing for the
12 people of Maui.

13 Third, mixed use is both the past and the
14 future of Maui. All successful cities in human
15 history have allowed -- all successful cities in
16 human history have allowed mixed uses. It's only in
17 the last century that Americans decided to recreate
18 cities and urban design around the automobile. And
19 we know now that that was a mistake.

20 Maui zoning code is based on that flawed
21 understanding of urban design. We have to bring
22 mixed uses back together, back into our urban and
23 town cores if we want to have a good future for our
24 children.

25 I urge you to support this project. This

1 is, like Jason said, one of those rare moments where
2 it's not decisive or controversial. It's the obvious
3 thing to do. Thank you for your support.

4 CHAIR PALI: Great. Thanks, Mr. Higa.
5 Questions for Mr. Higa, commissioners? Very clear
6 and very precise, thank you, sir.

7 All right, we have, I think, on the line,
8 County Councilmember Tasha Kama. If you can hear me,
9 it is your time to testify. You can unmute yourself
10 and, if you'd like, show your video.

11

12 Councilmember Tasha Kama testified as follows:

13 COUNCILMEMBER KAMA: Aloha kakahiaka, Chair
14 Pali and members of the Maui Planning Commission. My
15 name is Tasha Kama, and I am the Kahului
16 councilmember.

17 So I want to thank you first of all for the
18 opportunity to submit testimony in support of land
19 use entitlements for the Queen Kaahumanu Center
20 Community Center Revitalization and Infill Project in
21 Kahului, Maui, Hawaii.

22 Over the past few years, I've had many
23 discussions with the owners of Queen Kaahumanu Center
24 about their desire to pursue the -- the construction
25 of multifamily housing and commercial revitalization.

1 Enacting ordinances to provide necessary land use
2 entitlements is the first step to achieving that
3 goal.

4 As commerce continues to evolve, fewer and
5 fewer shoppers use in-person stores. As such, the
6 QKC owners are seeking to make more productive use of
7 their property by transforming some of their portions
8 into much-needed housing. I believe QKC is a great
9 site for future housing because of its central
10 location along the Kaahumanu Avenue Corridor, its
11 proximity to public transportation, and physical
12 infrastructure and the number of potential units that
13 could be accommodated.

14 For these reasons, I believe this proposal
15 has the potential to provide tremendous public
16 benefit for the community as a whole. The QKC owners
17 have engaged with the community to include their
18 feedback into potential site plans. Based on the
19 input the owners have received, they intend to
20 transform the property into a mixed-use site with
21 residential, retail, office, service, and open
22 spaces.

23 Resolution 23-221, which I introduced to
24 initiate the necessary land use entitlement, was
25 heard at the October 20th, 2023, council meeting.

1 The resolution received support from testifiers and
2 councilmembers.

3 As I stated at the meeting, it is my hope
4 that the commission provides a positive
5 recommendation that QKC can evolve with our
6 community's changing needs by creating new housing
7 and commercial opportunities for generations to come.
8 The resolution was adopted in an FD1 version by an
9 8 to 0 vote with one councilmember excused.

10 The constant support reflects the
11 community's interests in the provision of affordable
12 housing in areas that are already urbanized. This
13 proposal is also consistent with several policies in
14 the Maui County General Plan, including the
15 following, quote:

16 Promote infill housing and urban areas at
17 scales that capitalize on existing infrastructure,
18 lower development costs, and are consistent with the
19 existing or design patterns of development.

20 I appreciate the department of planning's
21 thorough analysis and respectfully urge the
22 commission to follow the department's
23 recommendations. Thank you for your consideration.

24 My testimony, should you have any
25 questions, please contact me or my legislative

1 analyst, Paige Greco, at (808) 270-7660. Thank you.

2 CHAIR PALI: Thank you, Councilmember. I
3 just appreciate you being here, and I appreciate
4 your just moving forward in this. So thank you for
5 all the work you've done.

6 Commissioners, any question? No questions?
7 Okay. Thank you. Appreciate you being here.

8 All right. Next testifier, we have a
9 Jennifer Salisbury. If you can hear my voice and are
10 online, please state your name for the record, and
11 your three minutes will start.

12 And real quick --

13 MS. SALISBURY: Aloha mai --

14 CHAIR PALI: That's okay. Go ahead,
15 Jennifer.

16

17 Jennifer Salisbury testified as follows:

18 MS. SALISBURY: Aloha, my name is
19 Dr. Jennifer Salisbury. My husband and I are
20 licensed general contractors here on Maui. We are
21 housing providers, builders, and developers.

22 We are always looking for innovative ways
23 to utilize our existing infrastructure and our
24 existing buildings to provide more housing here on
25 Maui. I think this is a brilliant idea to utilize

1 existing space at Queen Kaahumanu Mall. I'm hoping
2 that we're going to utilize this model in other
3 places, like Maui Marketplace where we have
4 commercial buildings sitting empty, for housing.

5 Chair, I cannot stress how much I am in
6 favor of this and this innovation. This is a huge
7 step for Maui County. I support this wholeheartedly.
8 Mahalo.

9 CHAIR PALI: Great. Thank you. Any
10 questions for Ms. Salisbury? I'll just call you
11 Salisbury like the Salisbury steak. I'm so sorry.

12 Any questions for Jennifer, Dr. Jennifer?
13 All right. Seeing none, thank you for your
14 testimony. All right.

15 If you are online and you did not get a
16 chance to testify, this is your time. Also, if
17 you're calling in via phone and cannot utilize the
18 chat function, this is also a time for you to unmute
19 yourself, say hello, introduce yourself, and then
20 you'll have three minutes to testify. So we will
21 give those users and attendees an opportunity to do
22 so.

23 We are on public hearing Item B1, and we
24 are ready to close public testimony unless there are
25 others who would like to testify. Okay. Seeing

1 none, let the record show that we are closing public
2 testimony.

3 All right, commissioners. I'm just going
4 to go ahead and go through the roll here, and we'll
5 go through it twice. And if you have questions,
6 you'll have a first pass and a second pass.

7 I'll start with Commissioner Hipolito. Do
8 you have any questions for any of the presenters
9 today?

10 COMMISSIONER HIPOLITO: Not at the moment.
11 Thank you, Chair.

12 CHAIR PALI: Great. And I do want to --
13 again, for time's sake, I do want to reiterate that
14 while other questions that will be dealt with through
15 different processes are good, today we are
16 specifically focused on the requests at hand.

17 And it has been evident in the presentation
18 that there are no specifics to detail, the future,
19 just setting up the zoning and the code and the
20 general plan to align with whatever the future looks
21 like. So while you might be tempted to have
22 questions on size and buildings, you know, we don't
23 have that information, if you didn't catch that by
24 some chance.

25 And so if you have questions about the

1 zoning change and what's presented today, if we could
2 try to limit the questions to that. And you know,
3 general questions are fine, too, but remember, we
4 don't have answers to those things yet.

5 So, Commissioner Lindsey, any questions?

6 COMMISSIONER LINDSEY: I'm not sure if I
7 fall in or an out -- in or out of what you were just
8 saying.

9 CHAIR PALI: That's okay.

10 COMMISSIONER LINDSEY: I'm just letting you
11 know, Chair. The presenter mentioned a 90-foot
12 limitation driven by community. What was the
13 original height that it was planned for?

14 Or you said a height, but I missed the
15 number. And then you said the 90 feet was preferred
16 by community; is that correct?

17 CHAIR PALI: Correct. That's a great
18 question.

19 MR. M. SUMMERS: That's correct. You know,
20 when you say --

21 CHAIR PALI: State your name for the
22 record.

23 MR. M. SUMMERS: Michael Summers. Yeah.
24 When you say "community," I mean, we're a broad
25 community. So, you know, you're going to get some

1 folks that say, hey, we want 144 feet. You're going
2 to get some folks that say, well, you know, we'd like
3 60 feet.

4 Okay. So I just want to make it clear that
5 we're not characterizing the entire community.

6 But --

7 CHAIR PALI: Appreciate that.

8 MR. M. SUMMERS: Right. And 90 feet is
9 less than what is permitted in the central business
10 district which is 144 feet. It's consistent with the
11 neighboring B-2 community district zoning that's
12 currently available at Kahului Shopping Center, Maui
13 Mall, et cetera.

14 CHAIR PALI: Great. 144?

15 MR. M. SUMMERS: 90 feet.

16 CHAIR PALI: Oh, I think her question was
17 what was allowed currently before you --

18 MR. M. SUMMERS: 144.

19 CHAIR PALI: I wanted to make sure her
20 question was answered.

21 Anything else, Commissioner Lindsey?

22 COMMISSIONER LINDSEY: Okay. So this
23 90-foot number was created by you folks, given our
24 unique situation?

25 MR. M. SUMMERS: It was created recognizing

1 that 90 feet would be appropriate given the unique
2 characteristics of the site and our existing codes
3 and public input.

4 COMMISSIONER LINDSEY: Thank you. No more
5 questions, Chair.

6 CHAIR PALI: Very good question.

7 Commissioner Kealoha?

8 COMMISSIONER KEALOHA: I don't have any
9 questions. Thank you.

10 CHAIR PALI: Great. Commissioner Deakos?

11 MR. HOPPER: Chair?

12 CHAIR PALI: Yes --

13 MR. HOPPER: Chair --

14 CHAIR PALI: -- Mr. Hopper?

15 MR. HOPPER: Just -- this is Michael
16 Hopper. I just wanted to add a bit to the
17 discussion.

18 There was a discussion of the 90-foot
19 limit. I think the developer referred -- referred to
20 this, but in your resolution that transmitted this to
21 you, there is an Exhibit B to the resolution that has
22 several proposed conditions. And one of them does
23 have a building height in the B-3 central
24 business-zoned area limitation of 90 feet. The
25 intent would be to have that recorded and have that

1 condition run with the land.

2 With changes in zoning, normally you would
3 change the zoning, and then any of the uses or the
4 development standards in that zoning district would
5 be allowed without further approvals unless you --
6 you recommend to the council or the council adopts
7 limitations to that.

8 So while there might not be any specific
9 proposals, you know, that's something that the
10 council can do to sort of -- you know, if, for
11 example, the 140-foot height is too large, you could
12 have that as a limitation. And that's done from time
13 to time and something you can recommend on.

14 While the (indiscernible) permit process is
15 another review process, generally the -- the types of
16 conditions or items to look at are a bit more limited
17 than the change in zoning or Community Plan Amendment
18 changes because they're limited to coastal zone
19 impacts. So I think the change in zoning is -- that
20 gives you a bit broader authority for conditions and
21 for review of the possible items that could be there.

22 And so I would, you know, say -- and the
23 planning department could maybe say, if this is part
24 of their recommendation when they get to it, look at
25 those conditions, there are four of them. You could

1 discuss with the developer. You have the ability to
2 recommend further conditions. If you don't like the
3 conditions, change them.

4 But I just wanted to bring that to your
5 reference because it looks like this resolution comes
6 along with some conditions that the council is -- is
7 requesting you look at and looking for your
8 recommendation on. So I just wanted to add that.

9 CHAIR PALI: Thank you, Mr. Hopper. So,
10 commissioners, if you pull up the letter dated
11 October 23rd, 2023, and this has been issued.
12 It's -- it's also labeled Exhibit 1 in your packet.
13 You've got the actual resolution. You've got Exhibit
14 A which is also numbered at the bottom 1 through 11.

15 And right after that, you're going to see
16 Exhibit B which are the conditions that Mr. Hopper
17 was referring to. And so that's Number 1, Condition
18 Number 1, that the building heights must not exceed
19 90 feet. Okay.

20 Think I was with Commissioner Kealoha. Oh,
21 you said you -- did you have questions? I don't
22 know if -- I don't remember if I asked you or not.

23 COMMISSIONER LINDSEY: No, I didn't have
24 any questions.

25 But that was very helpful, Mr. Hopper.

1 Thank you.

2 CHAIR PALI: Great. Commissioner Deakos?

3 COMMISSIONER DEAKOS: No questions, Chair.

4 Thank you.

5 CHAIR PALI: Great. Commissioner Thompson?

6 COMMISSIONER THOMPSON: Yeah, just one.

7 And -- to the center, what's going to happen to the
8 existing tenants out in the -- like the electrical
9 contractor that are already in there? Are they legal
10 non-conforming after this?

11 Or are they -- there's tenants out there in
12 the parking lot already in the back where the
13 electrical contractor is, and there's some other
14 shops in there. Are those industrial spots? And if
15 so, what happens to them?

16 MS. BISQUERA: Kauwela Bisquera. That's
17 not part of our property.

18 COMMISSIONER THOMPSON: Oh, it's not?

19 MS. BISQUERA: No.

20 COMMISSIONER THOMPSON: (Indiscernible.)

21 MS. BISQUERA: Not the electrical
22 contractors or that warehouse. That's non -- it's
23 another landowner.

24 COMMISSIONER THOMPSON: Oh, it is?

25 MS. BISQUERA: Yeah.

1 COMMISSIONER THOMPSON: Okay. Well, thank
2 you very much for answering my question.

3 CHAIR PALI: Don't go far.

4 Vice Chair Thayer?

5 VICE CHAIR THAYER: Yes. Thank you, Chair.
6 I just have a couple of clarifying questions. This
7 is a no-brainer to me.

8 I'm just curious how many survey responses
9 you got when you did the community survey?

10 MS. BISQUERA: Kauwela Bisquera. I
11 believe we got over 580? 580. Yeah.

12 VICE CHAIR THAYER: Awesome. And then I
13 think I just have a clarifying question for
14 Mr. Summers. In the amendment to the text of the
15 Wailuku-Kahului Community Plan, was it that slide
16 that you showed?

17 MR. M. SUMMERS: I spoke to it. No, but
18 that slide was a summary, essentially, of what's said
19 in the text.

20 VICE CHAIR THAYER: Okay. So it would,
21 like, amend the, like, policy statements that are in
22 the community?

23 MR. M. SUMMERS: Essentially, right.
24 Creating -- creating a space for some guiding
25 principles for this Queen Kaahumanu Center area.

1 VICE CHAIR THAYER: Okay. Okay. And were
2 those part of the council-initiated action? Or were
3 these suggested by you folks?

4 MR. M. SUMMERS: Well, they emanated from
5 community outreach, but now they are part of the
6 council action.

7 VICE CHAIR THAYER: Okay. Okay. And I
8 just wanted to clarify because it came up from one of
9 the testifiers, I see it in our packets, but that
10 the -- in the future, any affordable housing would be
11 deed-restricted; correct?

12 MR. M. SUMMERS: Right. I mean, right
13 now, we have a workforce housing ordinance. So any
14 workforce housing that's provided would meet those
15 requirements.

16 VICE CHAIR THAYER: Okay. Thank you.
17 That's all for me.

18 CHAIR PALI: Okay. Mr. Summers, I've got a
19 couple for you. I need your help in clarifying point
20 Number 2 for Exhibit B:

21 In the B-3 central
22 business district-zoned
23 areas, a minimum of one
24 off-street parking.

25 Can you just further clarify and elaborate

1 what the "off-street" means? Because if you drive
2 around Kahului, everybody's off-street parking, but
3 can you just clarify what that means to this
4 particular property?

5 MR. M. SUMMERS: Right. So, you know, in
6 our code, we have parking requirements.

7 CHAIR PALI: Right.

8 MR. M. SUMMERS: And, essentially, what
9 it's saying is if you have a use and you generate a
10 demand for parking, you need to put that parking on
11 your site.

12 CHAIR PALI: On-site; that's correct?

13 MR. M. SUMMERS: Right. So it's not --

14 CHAIR PALI: So you're asking to utilize
15 parking on off-site?

16 MR. M. SUMMERS: Well, it's a requirement
17 for on-site parking. You have to provide parking
18 on-site; right?

19 CHAIR PALI: But the term is "a minimum of
20 one off-street parking space." So just to be clear,
21 you do not mean -- you are going to provide one
22 on-site?

23 MR. M. SUMMERS: (Indiscernible.)

24 CHAIR PALI: Sorry. I just get -- when I
25 see "off-street," I'm like, oh, okay.

1 MR. M. SUMMERS: It is confusing.

2 CHAIR PALI: I want to follow up to that
3 then. So since we don't really have designs and
4 really big idea -- I mean, we've got ideas, but
5 they're just concepts at this point.

6 What I assume, that whatever you guys
7 decide, whether it's an outdoor park or whatever it
8 is that you incorporate, let's say incorporate in the
9 parking -- the dead parking lots right now, do you
10 know if the requirement for parking for the retail
11 space that's still occupied -- I think you said about
12 47 percent is still occupied with retail space and
13 shops -- would that -- and this might even be a
14 director question -- but would that still maintain
15 whatever the code is for that many parking spots for
16 that? And then you would then add how many
17 residential uses, and then you've got to add the
18 park.

19 So, in other words, you're not going to be
20 building out all this parking lots and then we lose
21 parking spaces and -- and then have a more off-street
22 parking requirement?

23 MR. M. SUMMERS: The parking code that we
24 have now stand (no audio) for units that are
25 multifamily, 1500 square feet --

1 CHAIR PALI: You're adjusting --

2 MR. M. SUMMERS: We're adjusting.

3 CHAIR PALI: -- for that use.

4 MR. M. SUMMERS: Right.

5 CHAIR PALI: Very good. Okay. I just
6 wanted to clarify. Okay. And I do have one more
7 question about workforce housing.

8 Can you clarify that -- again, I know you
9 don't have any plans, but are we talking -- when we
10 say "residential," are we talking rentals? Are we
11 talking potential ownership? Or is that a
12 discussion --

13 MR. M. SUMMERS: That's a discussion topic.

14 CHAIR PALI: So not been had yet?

15 MR. M. SUMMERS: Right.

16 CHAIR PALI: Okay. All right. Very good.
17 All right. That's all my questions.

18 I'm going -- last pass.

19 Commissioner Hipolito?

20 COMMISSIONER HIPOLITO: No questions,
21 Chair.

22 CHAIR PALI: All right. Commissioner
23 Lindsey?

24 COMMISSIONER LINDSEY: This is probably for
25 the department. I know -- is -- so we will be losing

1 some heavy industrial-zoned property. Is heavy
2 industrial a need in our community?

3 Also, I know this is not the right place
4 for it, but, as I understand, that would be also a
5 need somewhere else; is that correct?

6 I just want to make sure we're accounting
7 for, like, removing it off of the system and putting
8 it back in somewhere else where it makes more sense.
9 Because I know, originally, when we went over the --
10 we were -- it was at one of the commission meetings
11 and you -- somebody made a presentation about M-2 and
12 why it was here and it was where the -- they
13 process -- they can the pineapples or something, and
14 that's why it's there.

15 Is there availability of this kind of
16 zoning outside of this area? Or did we not figure
17 that out?

18 ACTING DIRECTOR SMITH: This is Garrett
19 Smith, Deputy Director. There are other areas around
20 the county that do provide for heavier industrial
21 uses. You know, generally speaking, there's been a
22 transition away from these -- these uses.

23 Again, as time goes on, life and safety
24 considerations, you know, come up. Things become
25 more clean. And so we -- you do see transition away

1 from heavy industrial to lighter industrial. Given
2 the port location, again, it was likely that some of
3 the heavy industrial users were down in this vicinity
4 anyways.

5 But, yes, to your point, there are other
6 locations where heavy industrial is allowed and at a
7 farther location from residential use.

8 COMMISSIONER LINDSEY: Perfect, thank you.
9 That's it, Chair.

10 CHAIR PALI: Thank you.

11 Commissioner Kealoha?

12 COMMISSIONER KEALOHA: I think this
13 question would be for Mr. Summers. How -- how -- if
14 it were, like, an apartment complex, how many stories
15 is 90 feet? How many stories could you fit in
16 90 feet?

17 MS. CZEISLER: Aloha. It will vary. You
18 could probably do up to nine -- that might be a bit
19 of a squeeze, maybe eight to nine. That would be the
20 maximum that you could potentially do. But you could
21 also do seven, anything up to that number. Nothing
22 beyond.

23 COMMISSIONER KEALOHA: Thank you.

24 CHAIR PALI: Great. Any other questions?

25 Okay. Commissioner Deakos?

1 COMMISSIONER DEAKOS: I'm good. Thank you,
2 Chair.

3 CHAIR PALI: Commissioner Thompson?

4 COMMISSIONER THOMPSON: Nothing more to
5 add. Thank you.

6 CHAIR PALI: Great. VP?

7 VICE CHAIR THAYER: No further questions.

8 CHAIR PALI: Okay, great. Okay. So we
9 will have the planner give us the recommendation, and
10 then we will go to vote and discussion -- I should
11 say motion and discussion.

12 MS. FURUKAWA: Okay. So the department is
13 recommending approval with the conditions of zoning
14 imposed by the county council already in the
15 resolution for the Community Plan Amendment from
16 heavy industrial to business commercial and the
17 change of zoning from M-2 heavy industrial to B-3
18 central business district.

19 The proposed actions are consistent with
20 the criteria, and we're asking that the commission
21 authorize the planning director to transmit the
22 record to the Maui County Council for further action.

23 CHAIR PALI: Great. Thank you. So
24 commissioners, in your packet right in front of the
25 blue page, it gives you good questions to ask

1 yourself. There are six items.

2 And the question is do these things -- have
3 these things been met? Do you believe this
4 application meets these criteria for change of
5 zoning? And so I'd like you to consider those
6 things.

7 And whoever does decide to present a
8 motion, I do need you to point to, in the record, why
9 you're recommending whatever it is you're
10 recommending. So the floor is open.

11 VP Thayer?

12 VICE CHAIR THAYER: I would like to make a
13 motion to approve without any additional conditions.

14 CHAIR PALI: Okay. Do I have a second?

15 Commissioner Thompson is the second.

16 Movant, would you like to state for the record --

17 MR. HOPPER: Chair?

18 CHAIR PALI: Yes?

19 MR. HOPPER: Chair, just for clarification,
20 you said "no additional conditions." So the
21 conditions in the resolution would be included in
22 the -- in the recommendation on -- on the change in
23 zoning?

24 VICE CHAIR THAYER: Correct. Yes.

25 MR. HOPPER: Okay.

1 VICE CHAIR THAYER: I guess approve as
2 presented to us.

3 MR. HOPPER: Yes.

4 CHAIR PALI: With conditions understood,
5 but no additional.

6 MR. HOPPER: Okay. Thank you.

7 CHAIR PALI: Thank you, Mr. Hopper. He's
8 always got our back. Thank you, sir.

9 Okay, movant.

10 VICE CHAIR THAYER: Yeah. So I would --
11 like I said, I think this is a no-brainer. I'm very
12 glad this has come up. I'm very glad that our county
13 council has made a move on this, like this is
14 everything that we, I hope, want and need as a
15 community.

16 You know, like it's been brought up, this
17 is good planning principles. It's mixed use. It's
18 making better use of a community resource. It's
19 revitalizing or creating the opportunity for
20 revitalization of this area. It's infill. There's
21 existing infrastructure. It's close to everything.
22 Like it checks all the boxes that you would want in a
23 community.

24 And for the change in zoning criteria, it
25 meets the intent of the General Plan and the

1 community plan. It's consistent. Well, you know,
2 once this is done, it's consistent with the community
3 plan and land use map.

4 It meets intent and purpose of the central
5 business district. It wouldn't adversely interfere
6 with public or private schools, playgrounds, water
7 systems, transportation, et cetera. I think, in
8 fact, it would benefit a lot of these things.

9 It wouldn't adversely impact social,
10 cultural, economic, environmental, or ecological
11 character of the area. And, again, I think this
12 would actually be a benefit to all those things.

13 And this doesn't do anything for
14 agricultural districts in -- within the way this
15 criteria is stated. So, like, I am excited for this.
16 I think this should have happened a long time ago.
17 Thank you.

18 CHAIR PALI: Thank you.

19 Thompson?

20 COMMISSIONER THOMPSON: I concur and thank
21 our council for putting this forward. Thanks.

22 CHAIR PALI: Okay. I would like to open
23 the floor for other discussion, but I would like to
24 ask the movant if she would be open to a friendly
25 amendment.

1 VICE CHAIR THAYER: Sure.

2 CHAIR PALI: I'm not comfortable with the
3 wording for Number 2, and I'm going to read it for
4 all.

5 In the B-3 central
6 business district-zoned
7 areas, a minimum of one
8 off-street parking space
9 must be provided for each
10 multifamily dwelling unit
11 with less than 15,000
12 (sic) square feet of floor
13 plan.

14 Sometimes when we're writing code, we write
15 in -- we use words that are opposite of what we're
16 trying to accomplish, and then we put a couple of
17 double negatives together to make it positive. And I
18 don't like that. I want it to be plain. So I'd like
19 to propose the following change:

20 In the B-3 central
21 business district-zoned
22 areas, a minimum of one
23 on-site parking space must
24 be provided for each
25 unit -- each multifamily

1 dwelling unit measuring
2 less than 15,000 square
3 feet of floor area. For
4 those units measuring more
5 than 15,000 square feet or
6 greater, it shall meet the
7 current parking
8 requirements.

9 And I feel like since I asked Mr. Summers
10 that question and he confirmed that was his intent, I
11 would like to change the language so that it can be
12 plain and we can understand it. And when we are no
13 longer serving, they know what we meant.

14 VICE CHAIR THAYER: Can I comment on that?

15 CHAIR PALI: Yes, please.

16 VICE CHAIR THAYER: Okay. Well, off-street
17 parking is the way the zoning code is written, like
18 there is an off-street parking ordinance that is part
19 of the zoning code. And I think that is the more
20 straightforward language, like "off-street" does mean
21 "on-site" because it's off the public right-of-way --

22 CHAIR PALI: Off the street instead of off
23 the property.

24 VICE CHAIR THAYER: Yeah.

25 CHAIR PALI: So in other words, on-site,

1 off-site, on proper -- on-street, off-street. Oh,
2 geez. Okay.

3 So what if, though, as we're changing, and
4 later, someone goes back and changes that and we lose
5 that definition? I just wonder.

6 Well, can we ask Mr. Hopper?

7 VICE CHAIR THAYER: Sure.

8 CHAIR PALI: Mr. Hopper, can you help us
9 figure this out?

10 MR. HOPPER: Maybe in conjunction with the
11 planning department. I would also note that it's
12 1500 square feet, not 15,000 square feet.

13 CHAIR PALI: Oh, sorry.

14 MR. HOPPER: That would be significant.

15 CHAIR PALI: Okay. Okay, so would it hurt
16 to do both to clarify? Or --

17 MR. HOPPER: Well, what's -- well, I mean,
18 the -- the -- the parking ordinance is generally how
19 many? How -- it's been there for decades, and I
20 think it -- it goes into what off-street parking
21 spaces that you have to provide for -- for a
22 business, for example.

23 If you look at the ordinance -- I think
24 it's 19.36 B or C at this point -- but it has -- has
25 a list of all the different uses. And for each use,

1 sometimes by square footage, sometimes by unit. It
2 talks about how many off-street parking spaces are
3 required. Now, I'm --

4 CHAIR PALI: Is this defined, Mr. Hopper?
5 Is off-street -- is there a definition in that code?
6 If there is, then --

7 MR. HOPPER: I can look this up. I just --
8 I just would want to know is this intended to be
9 consistent with or more strict than the ordinance?
10 Or is this intended to be less strict than the
11 current ordinance would be for that space? Or does
12 the ordinance not define this?

13 You know, some clarification from the
14 applicant I think would be --

15 CHAIR PALI: Mr. Summer?

16 MR. HOPPER: -- helpful in exactly what the
17 intent is.

18 MR. M. SUMMERS: Sure. And it's intended
19 to be less strict.

20 CHAIR PALI: Less strict.

21 Less strict, Mr. Hopper. Mr. Hopper?

22 MR. HOPPER: Yes, I see. I'm looking up
23 the -- I'm looking up the off-street parking
24 ordinance --

25 CHAIR PALI: Let's go to Tara while you're

1 doing that, Mr. Hopper.

2 MS. FURUKAWA: So Chapter 19.36B, it's
3 titled Off-Street Parking and Loading. But it says
4 in the purpose and intent:

5 The intent of this chapter
6 is to ensure that on-site,
7 off-street parking spaces,
8 parking surfaces, and
9 maneuvering areas are
10 provided.

11 So (indiscernible) on-site, off-street,
12 yeah.

13 CHAIR PALI: Okay. So would it be harmful
14 to just get rid of the word "off-street" and just
15 call it "on-site"? Would you be open to that?

16 VICE CHAIR THAYER: I-- I think that would
17 be confusing.

18 CHAIR PALI: Oh.

19 VICE CHAIR THAYER: I think -- well,
20 because there is, you know, like, part of the zoning
21 code is off-street parking and loading.

22 CHAIR PALI: Okay.

23 VICE CHAIR THAYER: So to be consistent
24 with the code language that is the convention and in
25 use, I think off-street would be best.

1 CHAIR PALI: Okay. But you also are one
2 who champions, like, hey, just because we've done it
3 for 50 years doesn't mean necessarily that's the
4 better way.

5 So all I'm saying is if we have an
6 opportunity to start paving the way for better,
7 clearer language for regular people, I'm just saying,
8 like, this is a good start.

9 But I will defer --

10 MR. HOPPER: One other issue, I think, is
11 that I think there's other ways to satisfy off --
12 off-street parking requirements other than being
13 on-site. For example, I think you can have parking
14 agreements with other lots or things like that to
15 satisfy that, in certain cases, if allowed by the
16 director. So that could -- that could limit that
17 potentially because I think under the code, there is
18 a possibility for -- yeah, 19.36B.100, offsite
19 parking:

20 The director may allow
21 off-site parking for
22 required parking spaces
23 in certain cases, so that would be
24 off-site, but still off-street. So you'd be
25 foregoing that -- that -- that potential; not -- not

1 to say that's even a plan here. But, you know, just
2 to note that if you say "on-site," it seems like you
3 would be restricting that option.

4 CHAIR PALI: Okay. If I may, I think
5 that's my point is that we've talked about already
6 this residential neighborhood aligning the area in so
7 many ways. We know the current congestion in those
8 neighborhoods. I do not want to open the door to
9 allowing more congestion. And so I think that was
10 just -- my intent is to make sure it's on-site while
11 off-street.

12 Mr. Hopper: Yeah. I do -- I do think --
13 yeah, Chair, I understand that. I do think that if
14 you see an impact -- potential adverse impact of this
15 project and want to be more restrictive in that case,
16 you certainly could. I just wanted to make sure that
17 that was known. But if that's the intention, then I
18 think you have the ability to do that, yes.

19 CHAIR PALI: Do you want to comment or
20 think about it? I know I saw Commissioner Lindsey's
21 hand up.

22 Okay. Lindsey.

23 COMMISSIONER LINDSEY: I think, Chair, my
24 concern with that is potentially having another
25 property that maybe doesn't have good street frontage

1 as a parking area. And then this property which kind
2 of has a large frontage on Kaahumanu Avenue and Wakea
3 which are kind of major intersections here, where
4 they can utilize their -- that property for housing
5 and things where people need to exit without using
6 parking as part of it. So I'm requesting to keep the
7 verbiage as is.

8 CHAIR PALI: Okay. I'm trying to track
9 what you just said, but I do understand, ultimately,
10 you don't agree with my friendly amendment.

11 Yeah, I -- you know, we saw the sheer size
12 of this project, and while I am 110 percent all about
13 it, I also am respecting the neighborhood around it.
14 And based off of the sheer size, I just don't see
15 them needing to intrude in other properties. And if
16 they did, even if I changed -- if -- even if we
17 changed this to restricting on-site, they still have
18 an opportunity later to pitch that when they need it.

19 This would only restrict it as an
20 automatic. They would just have to come back and
21 say, hey, we have to acquire this other property
22 because that other property right now is not even
23 part of this anyway. They would have to acquire it,
24 come back here, and we would get to have that
25 discussion.

1 So this wouldn't necessarily automatically
2 kill it, it would just preserve the intent of what's
3 being presented today. And that's why I think I
4 would like that, but we can always vote. And if we
5 have a split in commissioners -- but, yeah, anyway,
6 that's how I feel.

7 Mr. Summers, even though we have a motion
8 on the floor and this would typically not be allowed,
9 because you're helping with the discussion I'm going
10 to allow it.

11 MR. M. SUMMERS: Okay. I mean, as far as
12 the parking ordinance, I mean, I've been working (no
13 audio) six years, and you did confuse me when you
14 were going back and forth between off-street and
15 on-site, but, you know, I'm very comfortable with
16 off-street parking.

17 And I think all of the (no audio) that's
18 how we think about, you know, parking. And we
19 understand what that means which means that it needs
20 to be on-site.

21 CHAIR PALI: Okay. So there's an automatic
22 known with the industry that off-street is on-site?

23 MR. M. SUMMERS: Exactly.

24 CHAIR PALI: Okay. Do you see the benefit
25 of allowing code to be understandable by a regular

1 person?

2 MR. M. SUMMERS: I do, I do. But I
3 think --

4 CHAIR PALI: But --

5 MR. M. SUMMERS: (Audio difficulty) also
6 from the perspective --

7 CHAIR PALI: One second, Mr. Summers.

8 Someone needs to mute themselves. I hear
9 some interference coming in. Appreciate it. Thank
10 you.

11 Mr. Summers?

12 MR. M. SUMMERS: Yeah. So, I mean, in the
13 Maui (audio difficulty) Chapter 19.36, I mean, it has
14 a definition; right? So everybody goes to the
15 definition. It says off-street parking, it means
16 on-site.

17 You know, if you change it, then, you know,
18 do you also have to create a new definition?

19 CHAIR PALI: Well, we're not changing it.
20 We're just simply using other terms that mean the
21 same thing.

22 But it's okay, I'm going to let this go. I
23 feel very comfortable that the intent is exactly what
24 it is. I'm going to withdraw my friendly amendment,
25 and I want to -- for time purposes, we'll move on.

1 But very good discussion, thanks for
2 entertaining me, commissioners. Okay. So any other
3 discussion? And then we'll take a vote.

4 Yes, Commissioner Lindsey?

5 COMMISSIONER LINDSEY: I would like to talk
6 through the 90-foot limitation because this property
7 will be coming back to the planning commission for --
8 as an SMA Major review, so they'll be coming back a
9 few times.

10 I will -- I'm considering -- I just want to
11 hear some discussion about the 144 limitation and the
12 90-foot limitation. I know that it is already in the
13 resolution, but I just -- I see how this is reducing
14 urban sprawl. And, really, on Maui, in order to keep
15 our small-town identities, we need to keep urban
16 sprawl a little bit more limited so that we -- so
17 it's up, in, and out.

18 And in this case, it would be up and in,
19 like one of the testifiers said. And I feel like it
20 will be -- every project will be talked through if we
21 just let them be the project that they -- what the
22 plan was made to be, not limit them at 90 feet.

23 CHAIR PALI: Commissioner Lindsey, so to
24 clarify, you're saying that you would love to discuss
25 removing the limitation of 90 and considering taller?

1 Is that what you're saying?

2 COMMISSIONER LINDSEY: Yes.

3 CHAIR PALI: Okay. Great. All right.

4 Commissioners, that's open for discussion.

5 I'm okay at 90 only just because the --
6 Mrs. Queen Kaahumanu herself -- manager -- came up
7 and said, hey, this is -- we're comfortable with
8 this. The project manager says, we're comfortable
9 with this. So whatever they're envisioning, they're
10 already saying that they'd like to work within it.

11 I do see the value of maybe considering
12 looking at it higher, if they could put another one
13 or two more floors of residential, which is a great
14 need; I think that would be a good thing to consider.
15 But since they're coming in saying, hey, this is
16 great for us, that would be the reason why I would
17 just kind of accept it.

18 But I do like looking past and in the
19 future, maybe looking at something that we can't see
20 quite yet, I do appreciate that. But that's where
21 I'm at.

22 Any other comment?

23 COMMISSIONER LINDSEY: Because it would
24 hope -- it would be a hope that this kind of was a
25 catalyst to maybe the neighboring properties to

1 develop in a similar manner so that it's a concise
2 plan within the neighbors on the Kaahumanu Avenue
3 frontage. And they potentially wouldn't have the
4 limitation because their neighboring height would be
5 taller.

6 CHAIR PALI: It is my understanding from
7 Mr. Summers that they picked 90 based off of what was
8 already there in existence in the neighborhood, so it
9 was a cohesive sort of mix. But we can ask
10 Mr. Summers to clarify that if you think that would
11 be helpful.

12 COMMISSIONER LINDSEY: Yes. It is what it
13 is now. But, like, the properties next door are not
14 built out like they --

15 CHAIR PALI: Oh, so for future?

16 COMMISSIONER LINDSEY: Yes.

17 CHAIR PALI: So maybe reestablishing the
18 new norm. Got it.

19 Yes, please.

20 MS. CZEISLER: Lomore Czeisler speaking
21 again. I wanted just to say that the 90 feet was
22 picked. It's a reduction from a B-3 height which is
23 144. It was picked (no audio) some respect for maybe
24 some people in the community that are not used to
25 height, and it was picked out of respect for that.

1 We would happily build higher if that was permitted
2 and if it was palatable for this community.

3 At this point, we have a condition in the
4 zoning that says the building height would preferably
5 be within the lot, which means it's slightly away
6 from Kaahumanu Avenue and towards the middle of the
7 block, which is where the industrial neighbors are
8 behind. So it shouldn't -- it shouldn't impose on
9 any residents -- you know, neighboring residents, and
10 it shouldn't be too imposing on Kaahumanu Avenue.

11 So if it is agreeable to others, we could
12 make that higher and build within that, and it should
13 still be not too imposing. But it is completely up
14 to this community and what they need and what they
15 want.

16 CHAIR PALI: Thank you. Okay,
17 commissioners, discussion.

18 COMMISSIONER KEALOHA: This is Commissioner
19 Kealoha. Can you hear me?

20 CHAIR PALI: Yes, I can.

21 COMMISSIONER KEALOHA: Yeah. I agree with
22 you, Chair, that -- I notice that the -- that 580
23 people survey, that's where that 90 feet came in, was
24 that people weren't comfortable with anything greater
25 than what it is now.

1 And to me, nine stories is already making
2 me feel pretty uncomfortable, so I'm comfortable with
3 the 90 feet and not any higher than that.

4 CHAIR PALI: Thank you, Commissioner
5 Kealoha.

6 Before I go to you, Deakos, I'm going to
7 chime in with Tara the planner here.

8 MS. FURUKAWA: So in the Wailuku-Kahului
9 Community Plan, under the objectives and policies for
10 Kahului -- so Number 3B, it says:

11 The low-rise character of
12 the central business area
13 should be maintained.
14 Higher building area --
15 higher building forms up
16 to six stories should be
17 sited in the central
18 portion of commercial
19 blocks.

20 So I just wanted to bring that up. I think
21 the next community plan we're going to be working on
22 is Wailuku-Kahului. So that's something that could
23 potentially be changed in the future, or this could
24 be an exception because of the Chapter 2.96
25 requirement.

1 CHAIR PALI: Okay. Hopefully, that was
2 helpful.

3 Commissioner Deakos?

4 COMMISSIONER LINDSEY: Hipolito, your mic
5 is on. We can't hear.

6 COMMISSIONER DEAKOS: Thank you, Chair. I
7 was just going to echo -- we did hear what the
8 community -- obviously, they went back and forth.
9 People wanted the high; people wanted the low.

10 So they kind of targeted something in the
11 middle so I'd hate to go against what was kind of
12 hashed out with the community surveys. So I'm
13 comfortable with the recommendation that we have
14 currently at 90 feet.

15 CHAIR PALI: Great. Okay.

16 Commissioner Hipolito?

17 COMMISSIONER HIPOLITO: Ditto here. I'm
18 comfortable with the 90 feet, Chair.

19 CHAIR PALI: Great. Okay.

20 Commissioner Thompson?

21 COMMISSIONER THOMPSON: Yeah. I'm
22 comfortable with 90.

23 CHAIR PALI: And VP and movant Thayer?

24 VICE CHAIR THAYER: Yeah. I -- I have the
25 same feeling as Commissioner Kealoha where I read the

1 90 feet and thinking nine stories -- I'm like, that's
2 as big -- well, it's sort of like as big as the
3 county building which is the biggest building we
4 have, and to have that be the only tall thing in
5 Kahului I think would not be entirely keeping with
6 the area.

7 I think the 90 is already a compromise that
8 takes into account the sentiments of the community,
9 and it would -- you know, if the surrounding
10 properties get built out, those are all up to 90
11 feet, and it would then be in keeping with the
12 surrounding area.

13 But to your point, Commissioner Lindsey, I,
14 you know, get the need for building in which would
15 entail building up to be able to save everything
16 else, but I think 90 is a compromise.

17 CHAIR PALI: Yeah. And I like the forward
18 thinking. I like not thinking for our needs right
19 now but thinking for our needs for the next 50 years.
20 But I don't want buildings that tall in this area.

21 Okay. So as it stands -- oh, Commissioner
22 Lindsey?

23 COMMISSIONER LINDSEY: Just another thing
24 to consider -- and I know the decision was kind of
25 already made -- is not all buildings have these huge,

1 mass frontage, so it sounds like their plan is so
2 it's 90 feet in the middle and then the outside would
3 be down so that it'll be like three feet in the
4 front -- I mean, three stories in the front and nine
5 stories in the back so you wouldn't see, like, this
6 frontage.

7 Like the county building is just a big
8 thing in the middle of Wailuku, whereas like other
9 buildings would be kind of tiered back so you don't
10 see that frontage, but it has the density inside.

11 CHAIR PALI: Cool. I remain unchanged.
12 But thank you. Baby steps; right? Baby steps in
13 this -- yeah, edging up. Okay.

14 So if there's no other discussion, I would
15 like Mr. Smith to take a roll call vote on the
16 current motion which is as recommended with the
17 recommended conditions, no change in language.

18 ACTING DIRECTOR SMITH: Vice Chair Thayer?

19 VICE CHAIR THAYER: Aye.

20 ACTING DIRECTOR SMITH: Member Thompson?

21 COMMISSIONER THOMPSON: Aye.

22 ACTING DIRECTOR SMITH: Member Deakos?

23 COMMISSIONER DEAKOS: Aye.

24 ACTING DIRECTOR SMITH: Member Kealoha?

25 COMMISSIONER KEALOHA: Aye.

1 ACTING DIRECTOR SMITH: Member Lindsey?

2 COMMISSIONER LINDSEY: Aye.

3 ACTING DIRECTOR SMITH: Member Hipolito?

4 COMMISSIONER HIPOLITO: Aye.

5 ACTING DIRECTOR SMITH: Chair Pali?

6 CHAIR PALI: Absolutely aye.

7 All right. Congratulations. Thank you for
8 being here today.

9 MS. FURUKAWA: Thank you.

10 CHAIR PALI: Thank you, Tara.

11 Yep. We are going to take a ten-minute
12 recess, and we will be back at 11:05. Thank you.

13 (Whereupon, a brief recess was held.)

14 CHAIR PALI: Welcome back to the Maui
15 Planning Commission. It is Tuesday, January 23rd.
16 It is 11:12 in the morning.

17 And we were going to consider rearranging
18 an order, but we just have communication items. So
19 after looking at it, I think we can go ahead and just
20 proceed as ordered because these should be quick.

21 So, Mr. Garrett Smith, can you introduce
22 Item 1, please.

23 ACTING DIRECTOR SMITH: Yes. For your
24 consideration this morning, we actually do have six
25 communication items.

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura



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

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

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins

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

January 22, 2024

Ms. Kellie Pali, Chair
and Members of the Maui Planning Commission
c/o Department of Planning
One Main Plaza, Suite 315
2200 Main Street
Wailuku, Hawai'i 96793

Via email only: planning@mauicounty.gov

Dear Chair Pali and Members of the Maui Planning Commission:

**SUBJECT: LAND-USE ENTITLEMENTS FOR THE QUEEN
KA'AHUMANU CENTER COMMUNITY CENTER
REVITALIZATION AND INFILL PROJECT IN
KAHULUI, MAUI, HAWAI'I; JANUARY 23, 2024
PUBLIC HEARING (PAF 23-288)**

Thank you for this opportunity to submit testimony in support of land-use entitlements for the Queen Ka'ahumanu Center Community Center Revitalization and Infill Project in Kahului, Maui, Hawai'i.

Over the past few years, I have had many discussions with the owners of Queen Ka'ahumanu Center about their desire to pursue the construction of multifamily housing and commercial revitalization. Enacting ordinances to provide necessary land-use entitlements is the first step to achieving that goal.

As commerce continues to evolve, fewer and fewer shoppers use in-person stores. As such, the QKC owners are seeking to make more productive use of their property by transforming some portions into much-needed housing. I believe QKC is a great site for future housing because of its central location along the Ka'ahumanu Avenue Community Corridor, its proximity to public transportation and physical infrastructure, and the number of potential units

Chair Pali and Members of the Maui Planning Commission
January 22, 2024
Page 2

that could be accommodated. For these reasons, I believe this proposal has the potential to provide tremendous public benefit for the community as a whole.

The QKC owners have engaged with the community to include their feedback into potential site plans. Based on the input the owners have received, they intend to transform the property into a mixed-use site with residential, retail, office, service, and open spaces.

Resolution 23-221, which I introduced to initiate the necessary land-use entitlement, was heard at the October 20, 2023, Council meeting. The resolution received support from testifiers and Councilmembers. As I stated at the meeting, "It is my hope that the Commission provides a positive recommendation so that QKC can evolve with our community's changing needs by creating new housing and commercial opportunities for generations to come."

The resolution was adopted in an FD1 version by a 8-0 vote with one Councilmember excused. The Council's support reflects the community's interest in the provision of affordable housing in areas that are already urbanized. This proposal is also consistent with several policies in the Maui County General Plan, including the following: "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."

I appreciate the Department of Planning's thorough analysis and respectfully urge the Commission to follow the Department's recommendation.

Thank you for your consideration of my testimony. Should you have any questions, please contact me or Legislative Analyst Paige Greco at 808-270-7660.

Sincerely,



TASHA KAMA
Council Presiding Officer Pro Tempore

paf:pmg:23-288q

cc: Mayor Richard T. Bissen, Jr.

Tara Furukawa - Maui Planning Commission Testimony Regarding the Queen Kaahumanu Center and Reso. No. 23-221

From: Jason Economou <jason.economou@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/19/2024 2:36 PM
Subject: Maui Planning Commission Testimony Regarding the Queen Kaahumanu Center and Reso. No. 23-221
Attachments: Jason Economou Draft Testimony RE QKC Rezoning 1_19_24.docx.pdf

January 19, 2024

Maui Planning Commission
% Department of Planning
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Sent Via Email: planning@mauicounty.gov

RE: Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan Amendment from “Heavy Industrial” to “Business/Commercial.”

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in strong support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center. Allowing the Queen Kaahumanu Center the ability to transition from Heavy Industrial zoning to Business/Commercial is a sensible change that reflects the actual uses of the property, while also creating many new opportunities for both the property, and for the residents of this island. The Business/Commercial zoning designation will still allow for all the uses already occurring on the property, and it will add the possibility of residential uses to address our housing crisis and transform a center of commerce into a community.

As a resident of Wailuku, I pass the Queen Kaahumanu Center pretty much every day, and it has become a common spot for me to take my two-year-old son on rainy days. On all these occasions, I marvel at how great the architecture and location of the property is, and how underutilized it is. This impressive structure in the heart of town tries hard to bring in the community with activities and events, but the decline in brick and mortar retail activity over the past two decades has resulted in our mall, like many around the world, becoming a mere husk of what it once was. Unfortunately, as a consequence of being zoned Heavy Industrial, there aren't many ways for the Queen Kaahumanu Center to adapt. Allowing the requested community plan amendment could change that.

Aside from supporting this from a common sense perspective, I also support this community plan amendment because it is in line with feedback received from pretty much every community plan and outreach effort related to housing over the past few decades. Having been directly involved in both the Comprehensive Affordable Housing Plan and the Kaahumanu Community Corridor Plan, I know the community is strongly in support of mixed use development and adaptive reuse of commercial spaces to address our housing crisis, and I know that the Queen Kaahumanu Center has often been cited as an optimal location for such adaptive reuse and redevelopment. Notwithstanding, by virtue of its Heavy Industrial zoning, it is far more likely for the Queen Kaahumanu Center to be converted into an Amazon warehouse instead of housing. That wouldn't be good at all, but that is what the property is zoned for, so there would be nothing we could do to stop that. Let's avoid that scenario by making a change in zoning that will both preserve and enhance the character of the area.

As a local attorney specializing in housing policy and local land use regulation, I've learned a lot working with government entities, businesses, and nonprofits that are all focused on addressing Maui's housing crisis. I've looked at all the plans, heard the community input, read the books on zoning, and looked at what other communities are doing. The Queen Kaahumanu Center's request is a clear step in the right direction, and the Planning Commission should support it and encourage similar efforts from other industrial and commercial property owners.

Mahalo,
Jason Economou

Jason Economou
Attorney & Consultant
(808) 308-9015
www.JasonEconomou.com

From: Barbara Kenrich <barbara@kenrich.com>
To: "planning@mauicounty.gov" <planning@mauicounty.gov>
Date: 1/19/2024 2:16 PM
Subject: Rezoning of Queen K Shopping Center in Kahului

I am a Maui homeowner and I support the changing of zoning for the Queen K Shopping Center so that more housing can be built to help our locals who need housing.
Please pass the measure outlined to allow this at your next meeting!

Barbara Kenrich
43 Wailea Gateway Place Unit 102
Wailea, HI 96753
808-264-1016 (cell)

Tara Furukawa - Support for rezoning

From: Karl Newman <siliconfiend@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/22/2024 11:54 AM
Subject: Support for rezoning

Hello,

As a Maui resident I want to express my support for the rezoning of the Queen Ka'ahumanu Center area to mixed-use. It presents an excellent opportunity to create a vibrant walkable community in that space.

Thank you,

Karl Newman
101 Hooheno St, Kahului, HI 96732

Tara Furukawa - Maui Resident Testimony in Support of Resolution 23-221 - Queen K Mall Rezoning

From: Hope Head <hhead@nso.edu>
To: <planning@mauicounty.gov>
Date: 1/22/2024 11:47 AM
Subject: Maui Resident Testimony in Support of Resolution 23-221 - Queen K Mall Rezoning

Aloha,

As a resident of Maui, I would like to note my support for the rezoning of the Queen Ka'ahumanu Center via the bill for an ordinance to change the wailuku-kahului community plan land use designation from heavy industrial to business/commercial.

As stated after a market analysis study by Coresight Research's CEO Deborah Weinswig, "Occupancy rates are the No. 1 indicator of a mall's health." Currently, the Queen Ka'ahumanu Center is struggling to keep occupancy anywhere near its full capacity, with some of its largest spaces remaining unfilled. I believe rezoning this space to include the opportunity for residential use will allow for the large parking spaces to be properly utilized, while also bringing more foot traffic to the area, thus revitalizing retail interests in the space. I also approve of a restructuring of the space to include more green spaces, and to provide residents an opportunity for a small version of a "walkable city," in which their major needs and interests can be accessed without the need of adding additional motor vehicle traffic onto congested roads.

I hope that there is interest in progressing with this bill, and wanted to provide my testimony of support for this bill.

Kind regards,
Hillary H. Head

--

Hillary H. Head
Science Ops Specialist
National Solar Observatory
22 Ohi'a Ku Street
Makawao, HI 96768
931-237-0962
hhead@nso.edu

Tara Furukawa - Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan

From: Shayna Naveh <shaynanechama@gmail.com>
To: "planning@mauicounty.gov" <planning@mauicounty.gov>
Date: 1/22/2024 11:14 AM
Subject: Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan

Amendment from "Heavy Industrial" to "Business/Commercial."

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center (QKC).

As a full time resident of Maui for the last 23 years I am in full support of this measure and any other measure that effectively enables the extra housing that is desperately lacking on the island.

Enabling QKC to support mixed use development has the added benefit of walkability that reduces the strain on public utilities, traffic congestion and health and wellbeing of residents.

QKC's strategic location within Kahului and proximity to various businesses makes it a prime location for such a development.

Transitioning the QKC from Heavy Industrial to Business/Commercial zoning will be a welcome change.

Mahalo,
Shayna Naveh
Makawao

Tara Furukawa - Resolution No.23-221

From: Brialyn Onodera <brialynonodera@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/22/2024 10:56 AM
Subject: Resolution No.23-221

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center (QKC). Transitioning the QKC from Heavy Industrial to Business/Commercial zoning will be a welcome change that will enable the flexibility needed for the center to continue operations. In addition to maintaining the businesses already present, it enables the center to become a mixed-use development capable of providing the housing supply that is desperately lacking on the island. Enabling QKC to support mixed use development has the added benefit of walkability that reduces the strain on public utilities, traffic congestion and health and wellbeing of residents. Further, QKC's strategic location within Kahului and proximity to various businesses makes it a prime location for such a development.

As a current resident of Maui and lifetime resident of Hawaii I am in full support of this measure and hope to see more like it in the future

Mahalo,

Brialyn Onodera