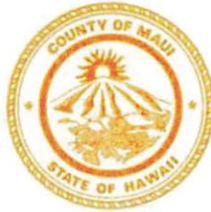


RICHARD T. BISSEN, JR.  
Mayor

KATE L. K. BLYSTONE  
Director



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

March 18, 2024

RECEIVED

2024 MAR 21 AM 10:00

OFFICE OF THE  
COUNTY CLERK

APPROVED FOR TRANSMITTAL

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

*Richard T. Bissen, Jr.* 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<br>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<br>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><br/>State: Urban District<br/>Maui Island Plan: Urban Growth Boundary/Outside Protected Areas<br/>Wailuku-Kahului Community Plan: Business/Commercial and Heavy Industrial<br/>Title 19, Zoning: M-2 Heavy Industrial District<br/>Other: Within the SMA</p> <p><u>Parcel 021</u><br/>State: Urban District<br/>Maui Island Plan: Urban Growth Boundary/Outside Protected Areas<br/>Wailuku-Kahului Community Plan: Business/Commercial<br/>Title 19, Zoning: M-2 Heavy Industrial District<br/>Other: Within the SMA</p> <p><u>Parcel 023</u><br/>State: Urban District<br/>Maui Island Plan: Urban Growth Boundary/Outside Protected Areas<br/>Wailuku-Kahului Community Plan: Business/Commercial<br/>Title 19, Zoning: M-2 Heavy Industrial District<br/>Other: Within the SMA</p> <p><u>Parcel 025</u><br/>State: Urban District<br/>Maui Island Plan: Urban Growth Boundary/Outside Protected Areas<br/>Wailuku-Kahului Community Plan: Business/Commercial<br/>Title 19, Zoning: M-2 Heavy Industrial District<br/>Other: Within the SMA</p> <p><u>Parcel 027</u><br/>State: Urban District<br/>Maui Island Plan: Urban Growth Boundary/Outside Protected Areas<br/>Wailuku-Kahului Community Plan: Heavy Industrial<br/>Title 19, Zoning: M-2 Heavy Industrial District<br/>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

| <b>PROPOSAL</b>   |   |
|-------------------|---|
| 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    | <p>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.</p>   |
| 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    | <p>The Commission recommended approval of the CPA and CIZ by a vote of 6-0, with 2 excused absences.</p>  |

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

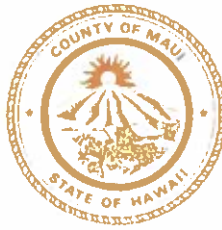
Attachments

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, HAWAII 96793

January 25, 2024

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

**APPROVED FOR TRANSMITTAL**

 1-31-24  
Mayor 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](mailto: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\MPC Approval.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 Plan .....              | Urban Growth Boundary/<br>Outside Protected Areas |
| Wailuku-Kahului Community Plan..... | Business/Commercial and Heavy Industrial          |
| County Zoning.....                  | M-2 Heavy Industrial District                     |
| Other .....                         | Within Special Management Area                    |

#### **Parcel 021**

|                                     |   |
|-------------------------------------|---|
| State Land Use District.....        | Urban   |
| Maui Island Plan .....              | Urban Growth Boundary/<br>Outside Protected Areas |
| Wailuku-Kahului Community Plan..... | Business/Commercial                               |
| County Zoning.....                  | M-2 Heavy Industrial District                     |
| Other .....                         | Within Special Management Area                    |

#### **Parcel 023**

|                                     |   |
|-------------------------------------|---|
| State Land Use District.....        | Urban   |
| Maui Island Plan .....              | Urban Growth Boundary/<br>Outside Protected Areas |
| Wailuku-Kahului Community Plan..... | Business/Commercial                               |
| County Zoning.....                  | M-2 Heavy Industrial District                     |
| Other .....                         | Within Special Management Area                    |

#### **Parcel 025**

|                                     |   |
|-------------------------------------|---|
| State Land Use District.....        | Urban   |
| Maui Island Plan .....              | Urban Growth Boundary/<br>Outside Protected Areas |
| Wailuku-Kahului Community Plan..... | Business/Commercial                               |
| County Zoning.....                  | M-2 Heavy Industrial District                     |
| Other .....                         | Within Special Management Area                    |

#### **Parcel 027**

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

- County Zoning.....M-2 Heavy Industrial District  
Other .....Within Special Management Area
3. **Surrounding Uses (See Exhibit 7)**
- |            |  |
|------------|--|
| North..... | Kaahumanu Avenue/Industrial Uses/<br>Apartment/UHMC/Hotel/Resort<br>Uses/Kahului Beach Road/Kahului Harbor   |
| South..... | Industrial Uses/Kahului Community Center<br>Park/Hale Mahaolu/West Wakea<br>Avenue/Single-Family Residential |
| East.....  | Kane Street/Senior Housing/Commercial<br>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**

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

### **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.
- i. 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>B-3</b>  | <b>Notes and exceptions</b>  |
|---|---|--|
| <i>Min. lot area<br/>(square feet)</i>    | 6,000   |  |
| <i>Min. lot width<br/>(in feet)</i>       | 60  |  |
| <i>Max. building<br/>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 | 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 |

|   | <b>B-3</b>   | <b>Notes and exceptions</b>   |
|---|--|---|
|   | <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:

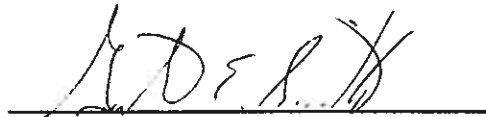
1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district 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 "G. 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](http://www.mauicounty.gov/county/clerk)


October 23, 2023

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

Dear Mayor Bissen:

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

Respectfully,

  
MOANA M. LUTEY  
County Clerk

/lks

Enclosure

|             |                                     |
|-------------|-------------------------------------|
| Ag          |                                     |
| Env Mgmt    |                                     |
| Finance     |                                     |
| Fire        |                                     |
| Hsg & HC    |                                     |
| Liquor      |                                     |
| Parks & R   |                                     |
| Personnel   |                                     |
| Planning    | <input checked="" type="checkbox"/> |
| Police      |                                     |
| Prosecutors |                                     |
| 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 black ink, appearing to read 'Tasha Kama', written over a horizontal line.

TASHA KAMA

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

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

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

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

SECTION 1. Under Chapter 2.80B, Maui County Code, a  
Community Plan Amendment from Heavy Industrial to  
Business/Commercial is granted for certain real property situated at  
Kahului, Maui, Hawai'i, and identified for real property tax purposes as  
tax map keys (2) 3-7-002:020 (por.) and (2) 3-7-002:027, cumulatively  
comprising approximately 6.75 acres, as identified in Exhibit "A." The  
Department of Planning is authorized and requested to make  
corresponding amendments to the Wailuku-Kahului Community Plan  
Map, a copy of which is attached as Exhibit "B."

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

"d. The Queen Ka'ahumanu Center, at 275 West  
Ka'ahumanu Avenue, has experienced economic distress

caused by the historic shift from brick-and-mortar retail to online retail and evolving consumer preferences following the COVID-19 pandemic. As a result, the shopping center is at risk of divestment and blight.

The Queen Ka'ahumanu Community Center Revitalization and Infill Project is approximately 33.8 acres and encompasses the parking lots, commercial buildings, and ancillary areas that comprise the Queen Ka'ahumanu Center (tax map keys (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, and (2) 3-7-002:027). The goal is to breathe new life into the Queen Ka'ahumanu Center by repurposing its expansive parking lots and underutilized commercial spaces with a more appropriate and vibrant, economically sustainable mix of residential, service, retail, office, and open- or green-space.

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

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

The project's architectural design will incorporate best practices for environmental sustainability, respect Maui's unique culture and sense of place, and pay homage to the legacy of Queen Ka'ahumanu. Future planning should create spaces that are human in scale, reduce dependence on the automobile, and strengthen the region's identity. The project should maintain compatible scale relationships between the existing low-scale character of the area, adjacent public uses, and higher buildings. Higher building forms up to nine stories, with a maximum height of 90 feet, should be sited in the central portion of the block.

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

Commercial uses along the perimeter of street frontages should be lower-rise and provide sufficient setbacks to allow landscaped buffers. The project should mitigate its impacts to mauka and makai viewsheds and, where feasible, incorporate these scenic resources into the project design.

Native trees, greenery, and color landscaping will be used to soften the built environment, provide a sense of scale and contrast, reduce heat, and provide color and shade. The project area's existing large canopy trees should be preserved. Preference should be given to the use of appropriate native trees, shrubs, and grasses.

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

SECTION 3. This Ordinance takes effect on approval.

paf:pmg:23-288j

INTRODUCED BY:

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TASHA KAMA

Exhibit "1"

Exhibit "A"

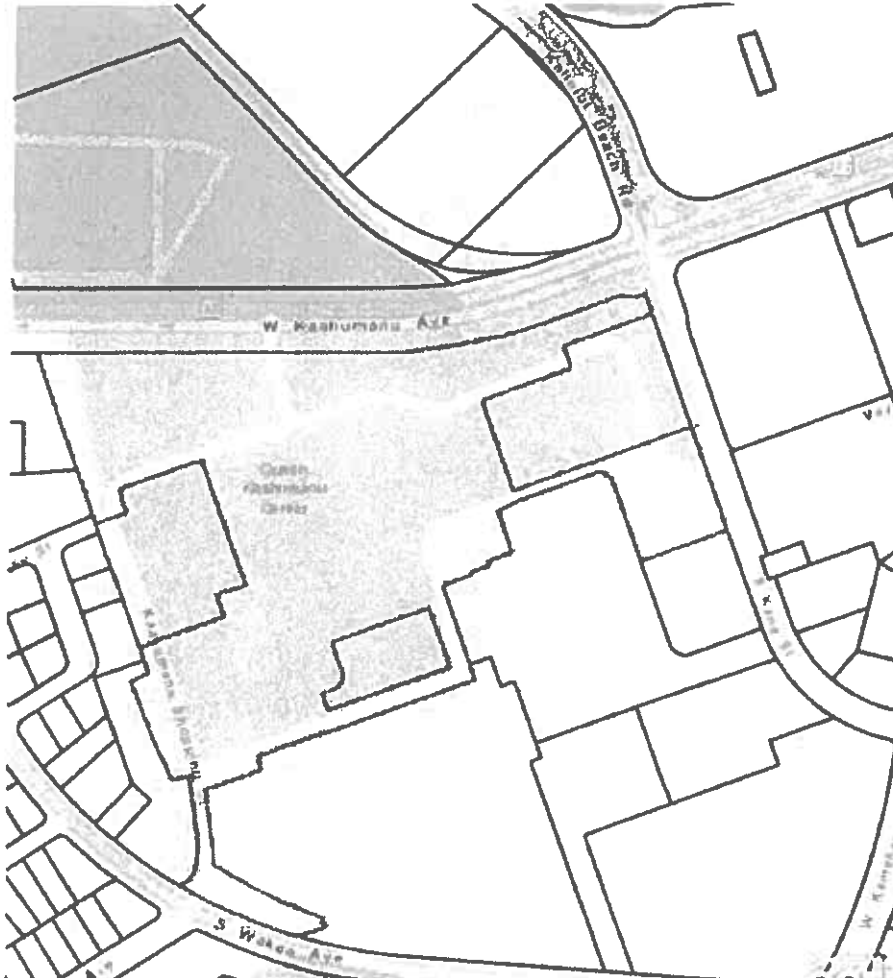
LAND DESCRIPTION

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.

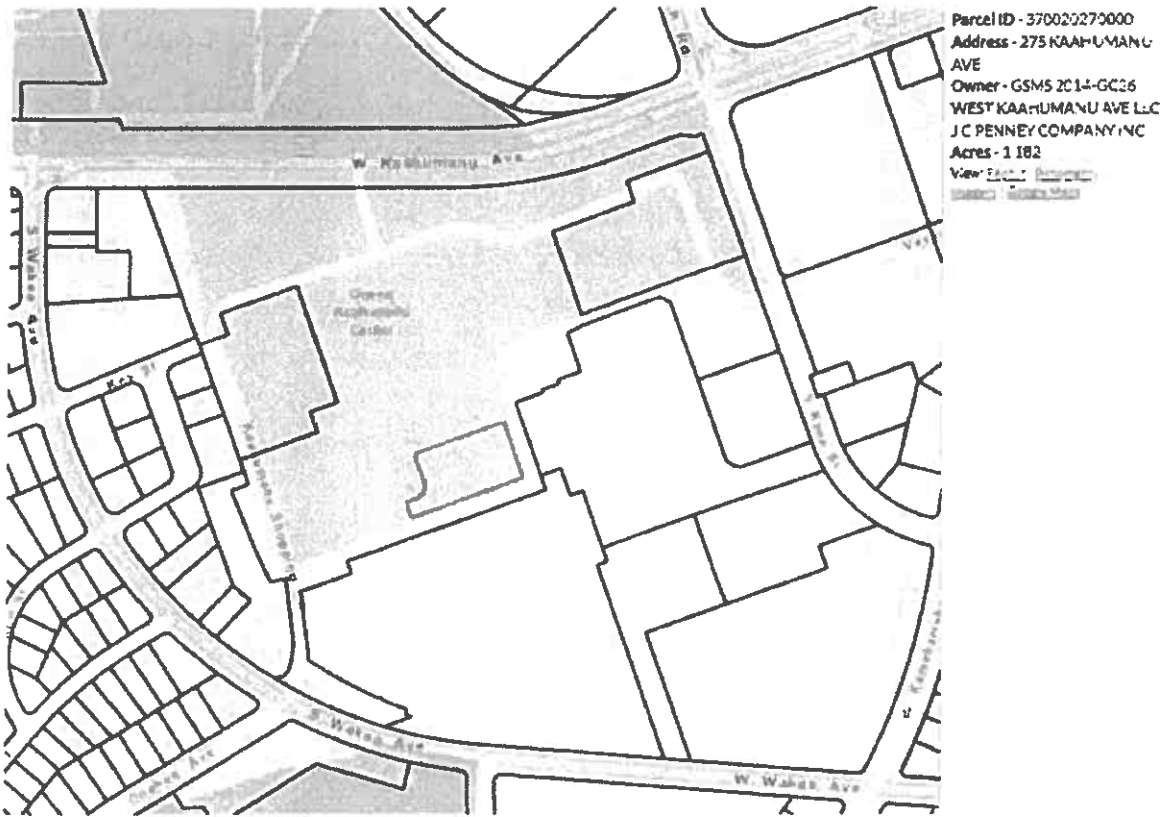
Maps: See next two pages.

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: 3/20/2011 10:00 AM  
Source: Google Maps

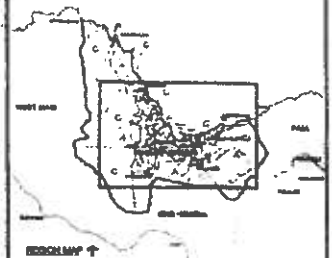
Tax Map Key (2) 3-7-002:027



# Exhibit "B"

## LEGEND

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



## WAILUKU-KAHULUI COMMUNITY PLAN COUNTY OF MAUI

PUBLIC HEARING : SEPTEMBER 10, 2001  
ADOPTED : MAY 14, 2002  
ORDINANCE : 2001  
EFFECTIVE DATE : JUNE 1, 2002



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  $\frac{3}{4}$  inch pipe at the Northwest corner of this parcel of land, on the Southerly side of Kaahumanu Avenue F.A.P. No. F-032-1 (3), said point being also the Northwest corner of said Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey triangulation station "Luke" being:

2,982.53 Feet North  
6,336.25 Feet East

and running by azimuths measured clockwise from true South:

1.      270°   00'   15"      899.36 feet along said Southerly side of Kaahumanu Avenue F.A.P. No. F-032-1-(3) and along the remainder of said Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu to a found  $\frac{3}{4}$  inch pipe;

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

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

**EXHIBIT "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 ¾-inch pipe;

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

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

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

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

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

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

44. 234° 31' 03" 53.80 feet to a set 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-feet wide sewerline easement) over, under and across Lot A of the Maui Land & Pineapple Company Subdivision, being more particularly described in Limited Warranty Deed recorded September 18, 2003 as Regular System Document No. 2003-201295 of Official Records.

**ITEM III:**

**LOT C**

**Maui Land & Pineapple Company Subdivision**

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

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

Beginning at a found cross chiseled in concrete sidewalk at the Northeast corner of this parcel of land, on the Westerly side of Kaahumanu Avenue F.A.P. No. F-032-1(3), said point being also the Northeast corner of said Lot 1-A-2-B-1 of the Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

3,086.90 feet North  
 7,998.14 feet East

and running by azimuths measured clockwise from true South:

- |     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 1.  | 340° | 21' | 00" | 324.45 | feet along said Westerly side of Kaahumanu Avenue F.A.P. No. F-032-(2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 2.  | 70°  | 17' | 30" | 512.50 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;          |
| 3.  | 160° | 17' | 30" | 248.38 | feet along same to a cross chiseled in concrete sidewalk;   |
| 4.  | 70°  | 17' | 30" | 0.75   | feet along same to a cross chiseled in concrete sidewalk;   |
| 5.  | 160° | 17' | 30" | 3.00   | feet along same to a cross chiseled in concrete sidewalk;   |
| 6.  | 250° | 17' | 30" | 1.10   | feet along same to a cross chiseled in concrete sidewalk;   |
| 7.  | 160° | 17' | 30" | 8.45   | feet along same to a cross chiseled in concrete sidewalk;   |
| 8.  | 250° | 17' | 30" | 256.00 | feet along same to a cross chiseled in concrete sidewalk;   |
| 9.  | 160° | 17' | 30" | 64.62  | feet along same to a set brass disc;  |
| 10. | 250° | 17' | 30" | 256.48 | feet along same to the point of beginning and containing a area of 3.438 acres, more or less.   |

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

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

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

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of said Maui Land & Pineapple Company Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

2,125.36 feet North  
 7,449.07 feet East

and running by azimuths measured clockwise from true South:

1.     70°   17'   30"    336.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

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

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

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

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

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

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

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

3348 to Claus Spreckels;

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

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

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

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

**PARCEL SECOND:**

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

**ITEM V:**

**LOT E**

**Maui Land & Pineapple Company Subdivision**

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

Beginning at a found brass disc at the Southeast corner of this parcel of land, on the Westerly side of 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: \_\_\_\_\_

NOTARY PUBLIC CERTIFICATION

Doc. Date: \_\_\_\_\_ # Pages: \_\_\_\_\_

Notary Name: \_\_\_\_\_ Judicial Circuit: \_\_\_\_\_

Document Description: \_\_\_\_\_

\_\_\_\_\_

[Stamp or Seal]

\_\_\_\_\_

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

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

## EXHIBIT "1"

### CONDITIONS OF ZONING

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

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

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

3. If the Developer seeks to build housing units, the Developer must obtain a Memorandum of Agreement with the County stating that the property owner must provide deed-restricted housing units, in addition to units required to satisfy Chapter 2.96, Maui County Code, or any other law, in exchange for County incentives, subsidies, or both. Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet. The Developer must provide a report to the Planning Director and the Council documenting the number of meetings, participants, the outcome of meetings, and any final agreements reached to achieve additional deed-restricted workforce housing units in excess of the units required by law and other communication between the Developer and the County.

4. Prior to obtaining a Special Management Area permit, the Developer must:

- a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the '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 Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found  $\frac{1}{4}$  inch pipe at the Northwest corner of this parcel of land, on the Southerly side of Kaahumanu Avenue F.A.P. No. F-032-1 (3), said point being also the Northwest corner of said Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey triangulation station "Luke" being:

2,982.53 Feet North  
6,336.25 Feet East

and running by azimuths measured clockwise from true South:

1.      270°   00'   15"      899.36 feet along said Southerly side of Kaahumanu Avenue  
F.A.P. No. F-032-1 (3) and along the remainder of said  
Royal Patent 4475, Land Commission Award 7713,  
Apana 23 to V. Kamamalu to a found  $\frac{1}{4}$  inch pipe;

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

2.      260°   09'   27.5"      485.75 feet to a found  $\frac{1}{4}$  inch pipe;
3.      250°   18'   40"      213.35 feet along the Southerly side of Kaahumanu Avenue  
F.A.P. No. F-032 (2) and along the remainder of said  
Royal Patent Grant 3343 to Claus Spreckels to a found  
 $\frac{1}{4}$  inch pipe;
4.      278°   36'   30"      39.22 feet along same to a found  $\frac{1}{4}$  inch pipe;
5.      250°   21'   00"      26.69 feet along same to a found brass disc;
6.      340°   21'   00"      56.90 feet along same to a found cross chiseled in concrete  
sidewalk;
7.      70°   17'   30"      256.48 feet along Lot C of said Maui Land & Pineapple Company  
Subdivision and along the remainder of said Royal Patent  
Grant 3343 to Claus Spreckels to a set brass disc;
8.      340°   17'   30"      64.62 feet along same to a cross chiseled in concrete sidewalk;
9.      70°   17'   30"      256.00 feet along same to a cross chiseled in concrete sidewalk;

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

|     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 10. | 340° | 17' | 30" | 8.45   | feet along same to a cross chiseled in concrete sidewalk;   |
| 11. | 70°  | 17' | 30" | 1.10   | feet along same to a cross chiseled in concrete sidewalk;   |
| 12. | 340° | 17' | 30" | 3.00   | feet along same to a cross chiseled in concrete sidewalk;   |
| 13. | 250° | 17' | 30" | 0.75   | feet along same to a cross chiseled in concrete sidewalk;   |
| 14. | 340° | 17' | 30" | 248.38 | feet along same to a set brass disc;  |
| 15. | 250° | 17' | 30" | 512.50 | feet along same to a found ¾ inch pipe on the Westerly side of Kane Street;   |
| 16. | 340° | 21' | 00" | 298.28 | feet along said westerly side of Kane Street and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe;   |
| 17. | 70°  | 17' | 30" | 251.69 | feet along Lot E of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found ¾ inch pipe on the Easterly Boundary of Lot F of said Maui Land & Pineapple Company Subdivision; |
| 18. | 160° | 17' | 30" | 243.02 | feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found brass disc;  |
| 19. | 115° | 17' | 30" | 35.36  | 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" 80.92 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" 18.00 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:

2,125.38 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. | 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" 65.87 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" 271.85 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  
 7,998.14 feet East

and running by azimuths measured clockwise from true South:

- |     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 1.  | 340° | 21' | 00" | 324.45 | feet along said Westerly side of Kaahumanu Avenue F.A.P. No. F-032-(2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 2.  | 70°  | 17' | 30" | 512.50 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc;          |
| 3.  | 160° | 17' | 30" | 248.38 | feet along same to a cross chiseled in concrete sidewalk;   |
| 4.  | 70°  | 17' | 30" | 0.75   | feet along same to a cross chiseled in concrete sidewalk;   |
| 5.  | 160° | 17' | 30" | 3.00   | feet along same to a cross chiseled in concrete sidewalk;   |
| 6.  | 250° | 17' | 30" | 1.10   | feet along same to a cross chiseled in concrete sidewalk;   |
| 7.  | 160° | 17' | 30" | 8.45   | feet along same to a cross chiseled in concrete sidewalk;   |
| 8.  | 250° | 17' | 30" | 256.00 | feet along same to a cross chiseled in concrete sidewalk;   |
| 9.  | 160° | 17' | 30" | 64.62  | feet along same to a set brass disc;  |
| 10. | 250° | 17' | 30" | 256.48 | feet along same to the point of beginning and containing a area of 3.438 acres, more or less.   |

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

**ITEM IV:****PARCEL FIRST:****LOT D****Maui Land & 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.<br>LEE<br>Chair | Yuki Lei K.<br>SUGIMURA<br>Vice-Chair | Tom<br>COOK | Gabriel<br>JOHNSON | Natalie A.<br>KAMA | Tamara A. M.<br>PALTIN | Keani N. W.<br>RAWLINS-<br>FERNANDEZ | Shane M.<br>SINENCI | Nohelani<br>U'U-HODGINS |
|-----------|--------------------------|---------------------------------------|-------------|--------------------|--------------------|------------------------|--------------------------------------|---------------------|-------------------------|
| ROLL CALL | Aye                      | Aye                                   | Aye         | Aye                | Aye                | Aye                    | Excused                              | Aye                 | Aye                     |

  
COUNTY CLERK

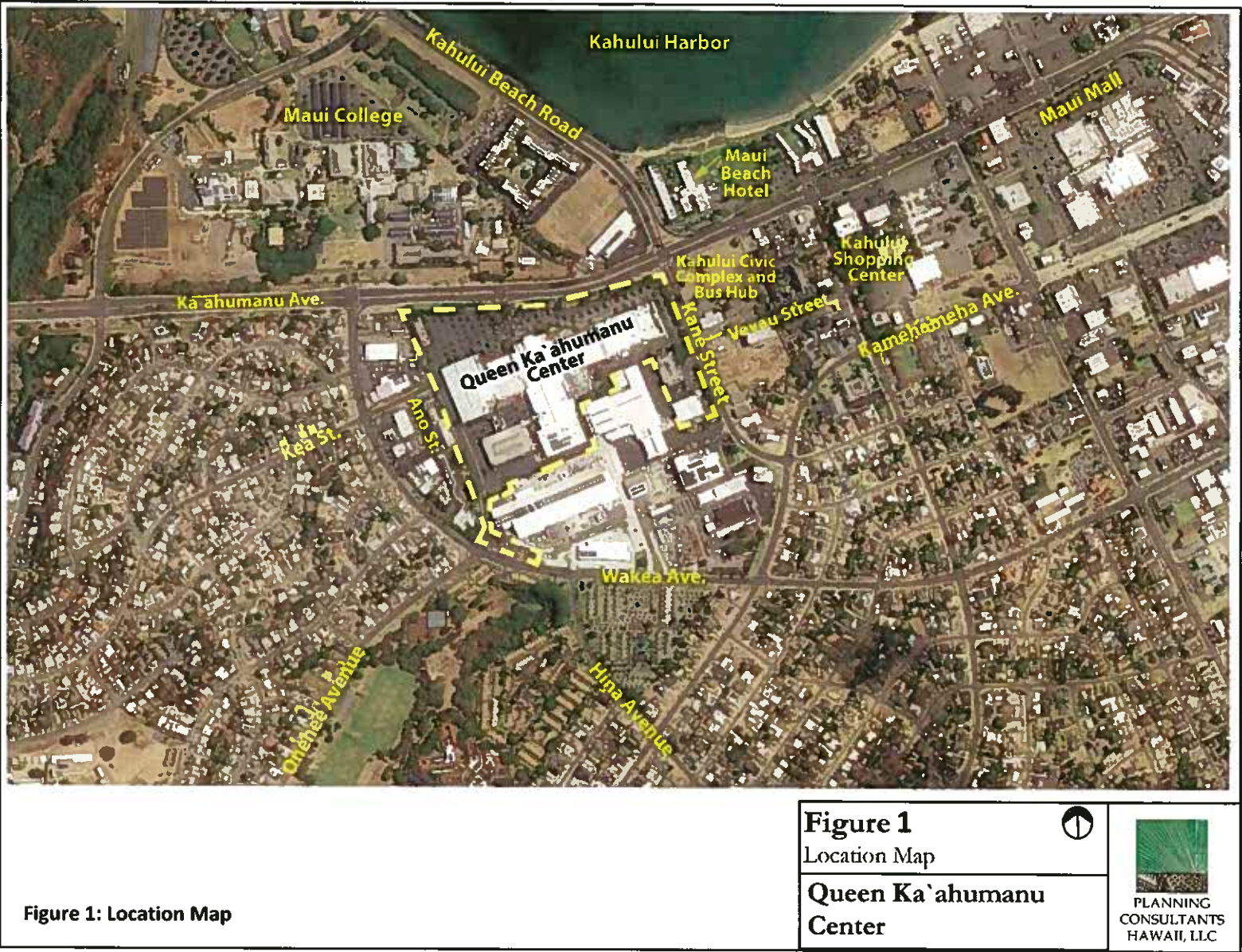


EXHIBIT 2

W

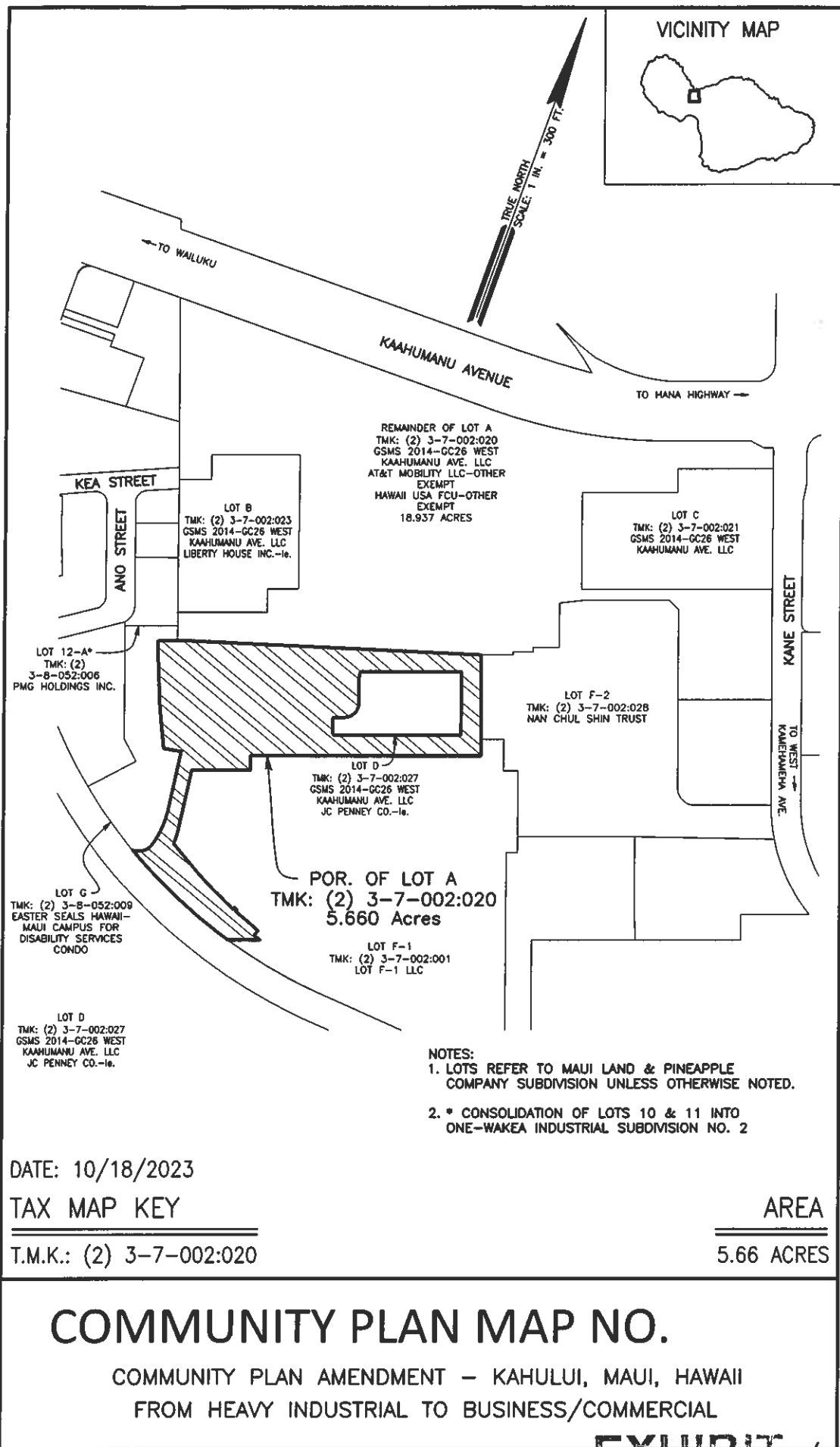


**Figure 2: Existing Site Plan**

  
 QUEEN  
 KAAHUMANU  
 CENTER  
 275 WEST KAAHUMANU AVENUE, KAHULUI HI 96732

**Figure 2**  
Existing Site Plan

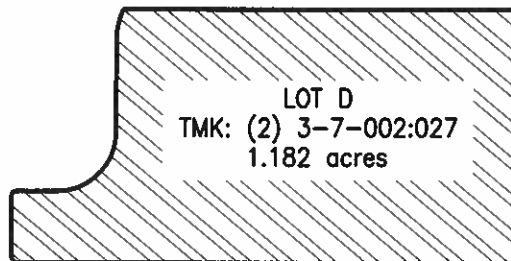

**SITE PLAN**  
 03.04.2022 2111264MA  
**LS-00**  
 35 Page, 1 A Key, Suite 209  
 Pasadena, California 91103-5148



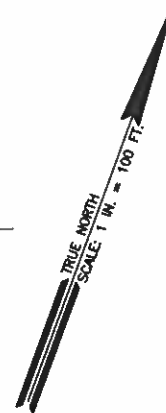
VICINITY MAP



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.

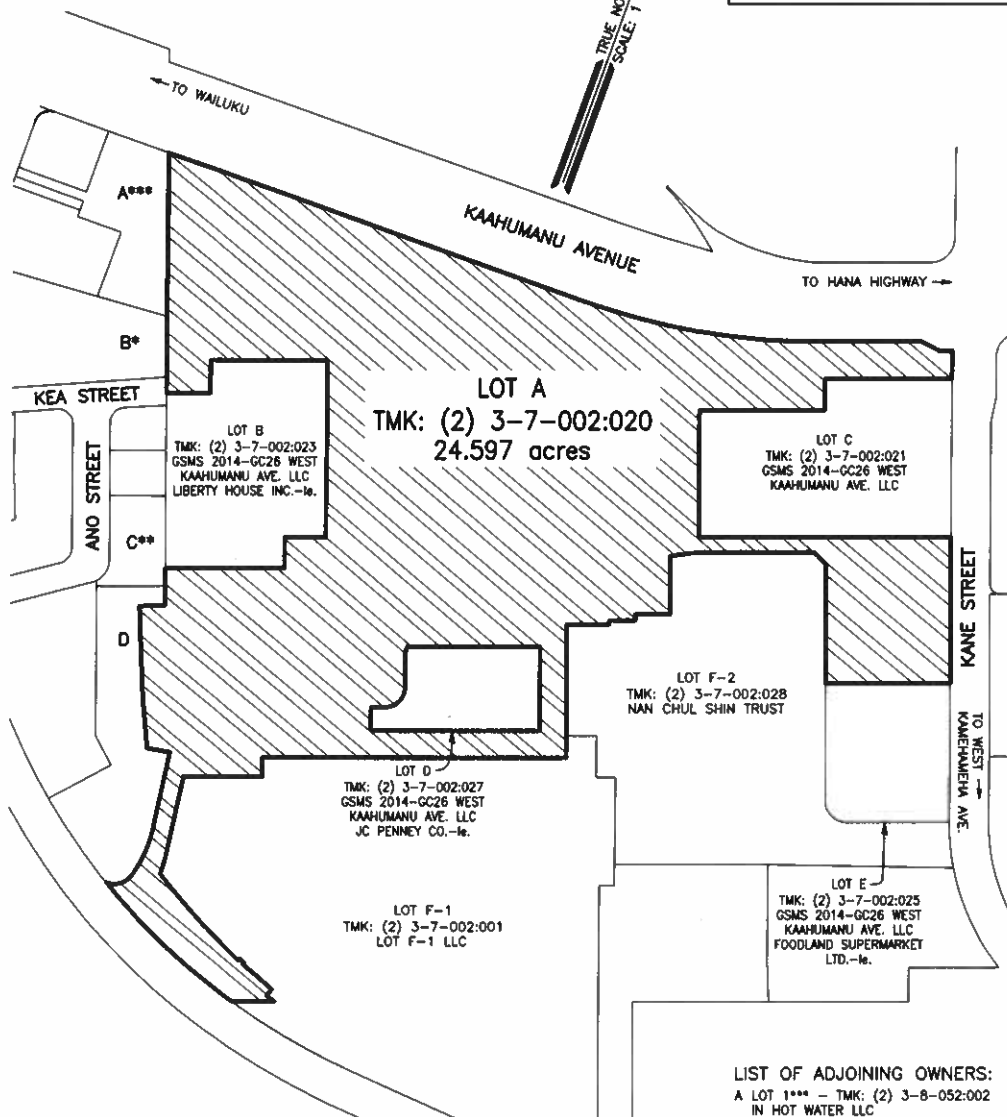
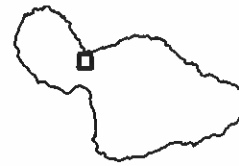
COMMUNITY PLAN AMENDMENT - KAHULUI, MAUI, HAWAII  
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

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**



**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

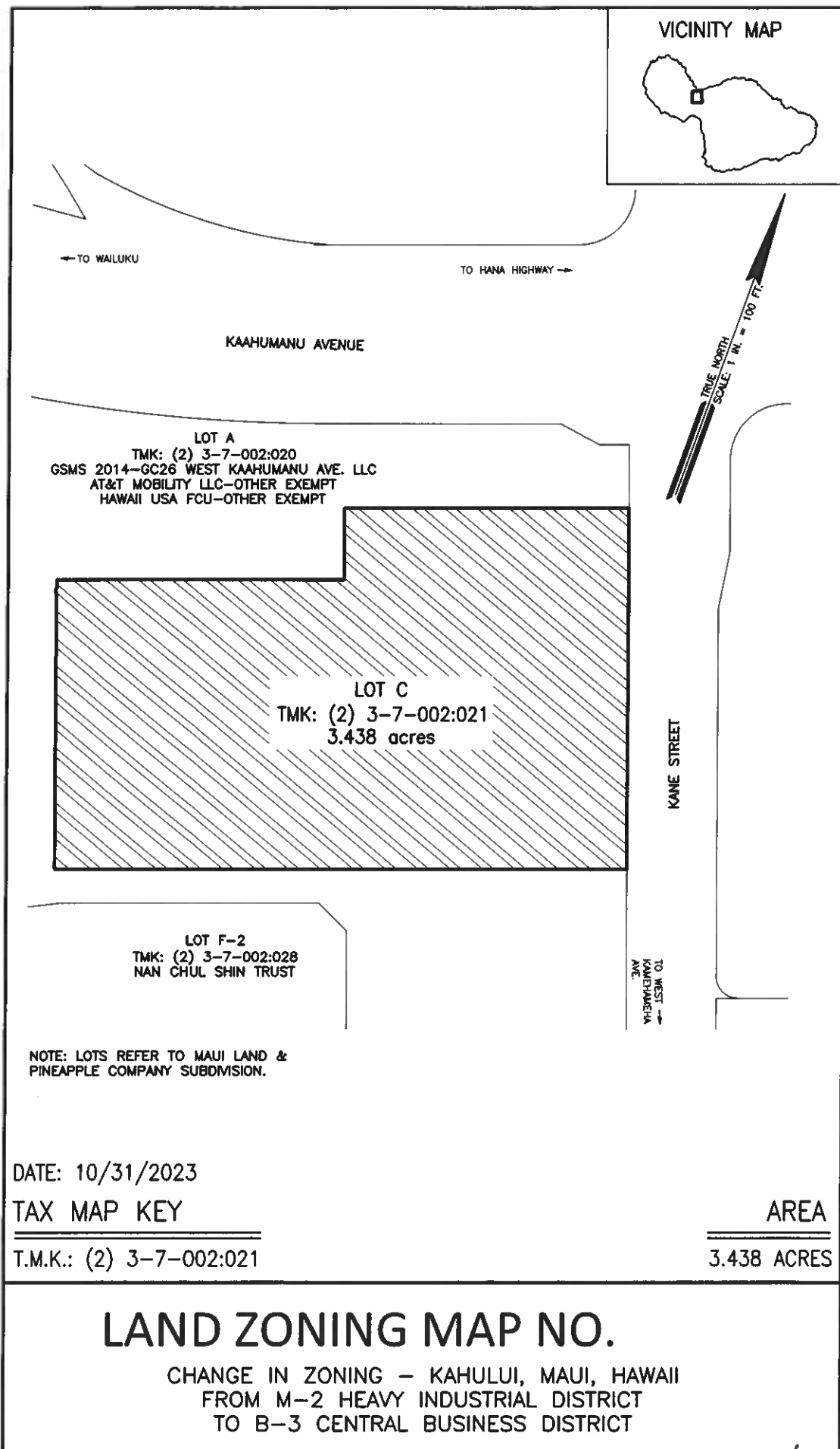


EXHIBIT 56

# 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

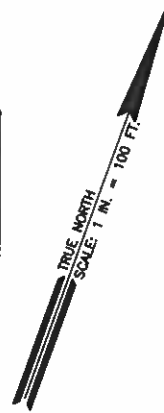
LOT 12-B\*  
TMK: (2) 3-8-052:022  
PMG HOLDINGS INC.

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

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

DATE: 10/31/2023

TAX MAP KEY

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

AREA

1.632 ACRES

# LAND ZONING MAP NO.

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

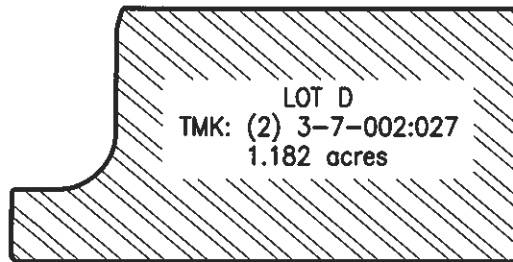
EXHIBIT

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

EXHIBIT 5.e

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**

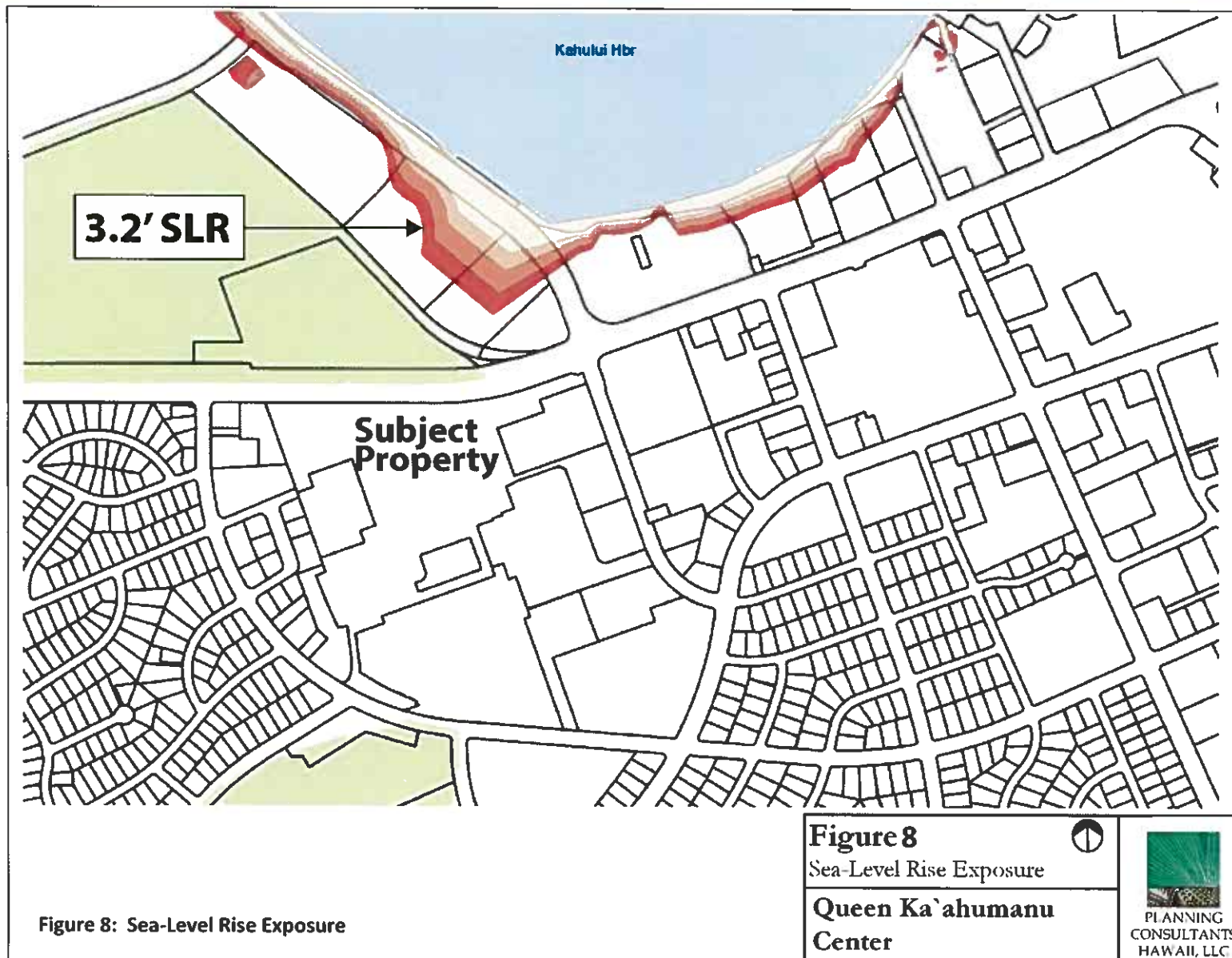
6

EXHIBIT 7



Figure 4: Existing Uses

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

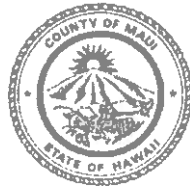


**RICHARD T. BISSEN, JR.**  
Mayor

**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](http://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: 2370020200000-23612, 2370020210000-23613, 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.

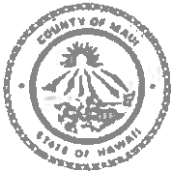
Our office reserves the right to review and comment on future subdivision, certificate of occupancy, or building permit applications when detailed plans for this project are routed to our office for review.

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](mailto: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 HAWAI'I  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

January 3, 2024

EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'ŌKELE

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](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

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.

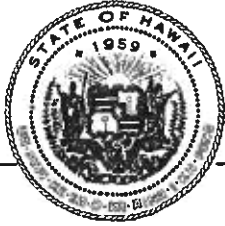
Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at [DOT.LandUse@hawaii.gov](mailto:DOT.LandUse@hawaii.gov).

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](mailto:blayne.h.nikaido@hawaii.gov).

Sincerely,



EDWIN H. SNIFFEN  
Director of Transportation



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

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/>

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LT. GOVERNOR

MARY ALICE EVANS  
INTERIM DIRECTOR

Coastal Zone  
Management  
Program

Environmental Review  
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented  
Development

Statewide Geographic  
Information System

Statewide  
Sustainability Branch

DTS202312051520NA

January 3, 2024

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

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](mailto:harrison.rue@hawaii.gov), (808) 587-2898.

Mahalo,

*Mary Alice Evans*

Mary Alice Evans  
Interim Director

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

Certified Transcript

Report of proceedings of the Maui Planning Commission  
public meeting, held at the County of Maui Service  
Center, 110 'Ala'ihi Street, Suite 212A Conference  
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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 Lemoire 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)

|  |     |
|--|-----|
| Roll Call Vote on C3.....              | 164 |
| Introduction of Item C4.....           | 165 |
| Presentation by Rory Frampton.....     | 166 |
| Testimony by Zandra Amaral Crouse..... | 174 |
| Testimony by Mike Moran.....           | 176 |
| Roll Call Vote on C4.....              | 189 |
| Introduction of Item C5.....           | 190 |
| Testimony by Zandra Amaral Crouse..... | 192 |
| Testimony by Howard Kihune, Jr.....    | 195 |
| Testimony by Candace Thackerson.....   | 197 |
| Roll Call Vote on C5.....              | 199 |
| Introduction of Item C6.....           | 200 |
| Testimony by Cara Scoffings.....       | 211 |
| Roll Call Vote on C6.....              | 225 |
| Director's Report Items.....           | 232 |
| Adjournment.....                       | 241 |

KAHULUI, MAUI, HAWAII

TUESDAY, JANUARY 23, 2024

-o0o-

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

CHAIR PALI: There we go.

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

Member Hipolito, are you present?

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

ACTING DIRECTOR SMITH: Thank you.

COMMISSIONER HIPOLITO: Aloha, everyone.

ACTING DIRECTOR SMITH: Member Lindsey?

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

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

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

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 Lemoire 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 Lemoire 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 Lemoire 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: Lemoire 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

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](http://www.MauiCounty.us)

January 22, 2024

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

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

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](mailto: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, HAWAII; 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,

A handwritten signature in black ink, appearing to read "Tasha Kama", written in a cursive style.

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**

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**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

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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](mailto: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

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**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**

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**From:** Karl Newman <siliconfiend@gmail.com>  
**To:** <planning@mauicounty.gov>  
**Date:** 1/22/2024 11:54 AM  
**Subject:** Support for rezoning

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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**

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**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

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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

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Hillary H. Head  
Science Ops Specialist  
National Solar Observatory  
22 Ohi'a Ku Street  
Makawao, HI 96768  
931-237-0962  
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**Tara Furukawa - Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan**

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**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

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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**

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**From:** Brialyn Onodera <brialynonodera@gmail.com>  
**To:** <planning@mauicounty.gov>  
**Date:** 1/22/2024 10:56 AM  
**Subject:** Resolution No.23-221

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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