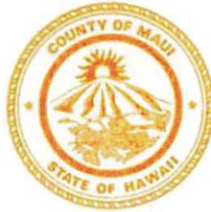


RICHARD T. BISSEN, JR.
Mayor

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 For CIZ: (2) 3-7-002:020, 021, 023, 025, 027
Address	275 West Kaahumanu Avenue, Kahului, Island of Maui, Hawaii
Area	For CPA: Approximately 6.84 acres For CIZ: Approximately 33.8 acres

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

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

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

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

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

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

1. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KAAHUMANU CENTER), AND TO AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED;"
2. Proposed bill entitled, "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 33.8 ACRES

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

IN KAHULUI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEYS
(2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND
(2) 3-7-002:027 (QUEEN KAAHUMANU CENTER;”

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

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

Sincerely,



KATE L. K. BLYSTONE
Planning Director

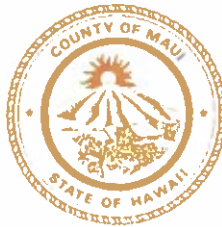
Attachments

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

RICHARD T. BISSEN, JR.
Mayor

KATE L.K. BLYSTONE
Acting Director

GARRETT E. SMITH
Deputy Director



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

January 25, 2024

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

APPROVED FOR TRANSMITTAL

 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 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**

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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/ 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/ 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/ 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/ 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/ Outside Protected Areas
Wailuku-Kahului Community Plan.....	Heavy Industrial

- County Zoning.....M-2 Heavy Industrial District
OtherWithin Special Management Area
3. **Surrounding Uses (See Exhibit 7)**
- | | |
|------------|--|
| North..... | Kaahumanu Avenue/Industrial Uses/
Apartment/UHMC/Hotel/Resort
Uses/Kahului Beach Road/Kahului Harbor |
| South..... | Industrial Uses/Kahului Community Center
Park/Hale Mahaolu/West Wakea
Avenue/Single-Family Residential |
| East..... | Kane Street/Senior Housing/Commercial
Uses/Residential Uses |
| West..... | South Wakea Avenue/Residential Uses |
4. The properties lie in Flood Zone 'X,' an area of minimal flooding, and does not require a Flood Development Permit.
5. The property is located outside of the 3.2-foot scenario sea level rise exposure area, per the Pacific Islands Ocean Observing System. See **Exhibit 8**.
6. The property is entirely within the Tsunami Evacuation Zone. Because the project will be subject to adverse impacts from a tsunami event, the Applicant will need to initiate discussions with the Maui Emergency Management Agency as soon as possible for evacuation and damage control procedures.
7. There are no open Requests for Service for complaints filed with the Department about any of the properties.

PROCEDURAL MATTERS

1. On October 20, 2023, the Council of the County of Maui adopted Resolution No. 23-221, FD1 that refers a bill to the Maui Planning Commission for an amendment to the Wailuku-Kahului Community Plan designation from 'Heavy Industrial' to 'Business/Commercial' for Approximately 6.75 Acres at QKC at 275 West Kaahumanu Avenue, TMKs (2) 3-7-002:020 (Por.) and 027.
- The Resolution also refers a bill to the Maui Planning Commission for a Change of Zoning from 'M-2 Heavy Industrial' District to 'B-3 Central Business' District (Conditional Zoning) for Approximately 33.8 Acres at QKC at 275 West Kaahumanu Avenue, TMKs (2) 3-7-002:020, 021, 023, 025 and 027.
2. On October 24, 2023, the Maui Planning Department received the Resolution from the Office of the County Clerk.
3. On December 4, 2023, the Department received the Project Assessment Report from the Consultant for review and agency transmittal.
4. On December 5, 2023, the Maui Planning Department transmitted the Resolution to various State and County agencies for review and comment.

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

REVIEWING AGENCIES

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

ANALYSIS

Land Use

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

Objectives and Policies of the Hawaii State Plan

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

Chapter 226-6, HRS, Objectives and Policies for the Economy – In General

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

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

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

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

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

- (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:
 - (1) Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, livable homes located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals.
 - (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (b) To achieve the housing objectives, it shall be the policy of this State to:
 - (1) Effectively accommodate the housing needs of Hawaii's people.
 - (2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income, and gap-group households.
 - (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
 - (4) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

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

- (a) Priority guidelines to effect desired statewide growth and distribution:
 - (5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.
- (b) Priority guidelines for regional growth distribution and land resource utilization:
 - (1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.

- (6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.
- (9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
- (12) Utilize Hawaii's limited land resources wisely, providing adequate land to accommodate project population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation land and other limited resources for future generations.

Chapter 226-106, HRS, Affordable Housing

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

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

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

Chapter 15-15-18, HAR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THEME: Preserve Local Cultures and Traditions

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

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

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

e. Support the perpetuation of Hawaiian arts and culture.

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

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

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

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

THEME: Expand Housing Opportunities for Residents

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

Objective: Reduce the affordable housing deficit for residents.

Policies:

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

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

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

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

Policies:

b. Design neighborhoods to foster interaction among neighbors.

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

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

Objective: Increase and maintain the affordable housing inventory.

Policies:

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

THEME: Strengthen the Local Economy

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

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

Policies:

- a. Support economic decisions that create long-term benefits.
- c. Invest in infrastructure, facilities, and programs that foster economic diversification.
- 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-3	Notes and exceptions
<i>Min. lot area (square feet)</i>	6,000	
<i>Min. lot width (in feet)</i>	60	
<i>Max. building height (in feet)</i>	144 for Maui, excluding the West Maui community plan area and Hāna community plan area; 45 for West Maui community plan area; 45 for Hāna community plan area; 45 for Lanai, and 35 for	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-3	Notes and exceptions
	<i>Molokai</i>	
<i>Floor area ratio</i>	<i>400 percent</i>	
<i>Min. setback (in feet)</i>		
<i>Front</i>	<i>None</i>	
<i>Side and rear</i>	<i>0 or the same as the adjoining zoning category, whichever is greater</i>	
<i>Max. height and min. setback for free-standing antennae or wind turbine structures</i>	<i>Max. height of 50 feet, with a min. setback of 1 foot for each foot in height from all property lines</i>	
<i>Accessory structures within setback area</i>	<i>Mailboxes, trash enclosures, boundary walls, and ground signs</i>	<i>Must not exceed 8 feet in height, except for signs for which a greater height is allowed under chapter 16.13</i>

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

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

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

INFRASTRUCTURE, PUBLIC FACILITIES, AND SERVICES

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

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

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

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

SOCIO-ECONOMIC IMPACTS

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

ENVIRONMENTAL IMPACTS

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

OTHER GOVERNMENTAL APPROVALS

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

TESTIMONY

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

ALTERNATIVES

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

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

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

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

A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.

B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.

C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

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

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

Change of Zoning (CIZ)

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

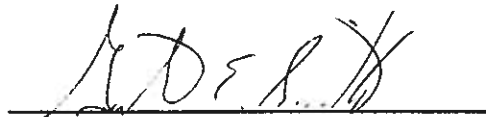
1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

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

RECOMMENDATION

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

APPROVED:

A handwritten signature in black ink, appearing to read "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


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:

TASHA KAMA

Exhibit "1"

Exhibit "A"

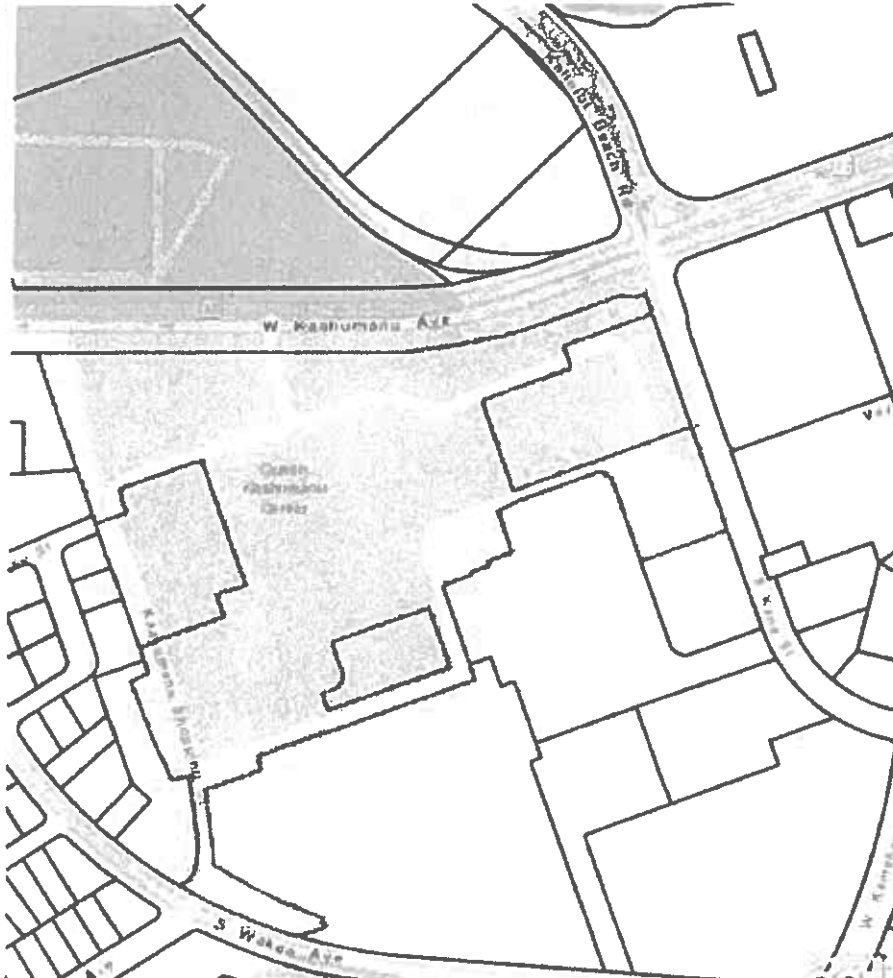
LAND DESCRIPTION

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.

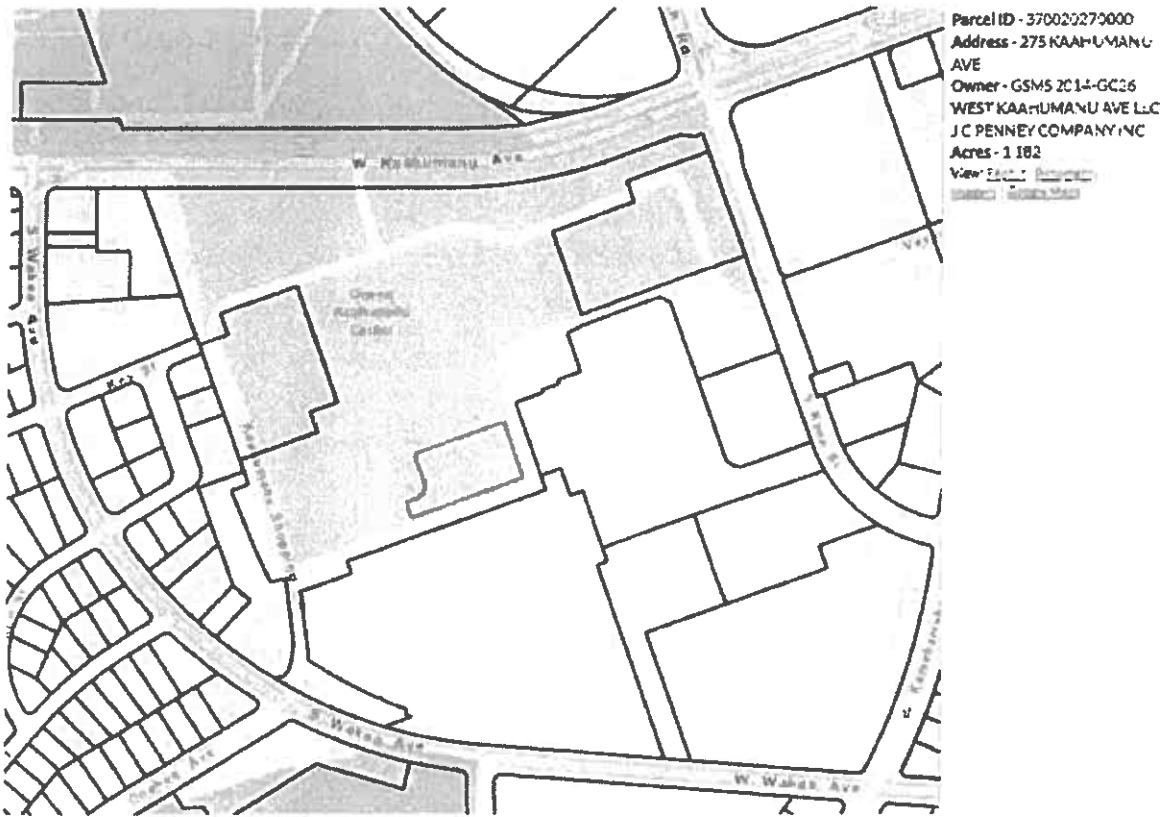
Maps: See next two pages.

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



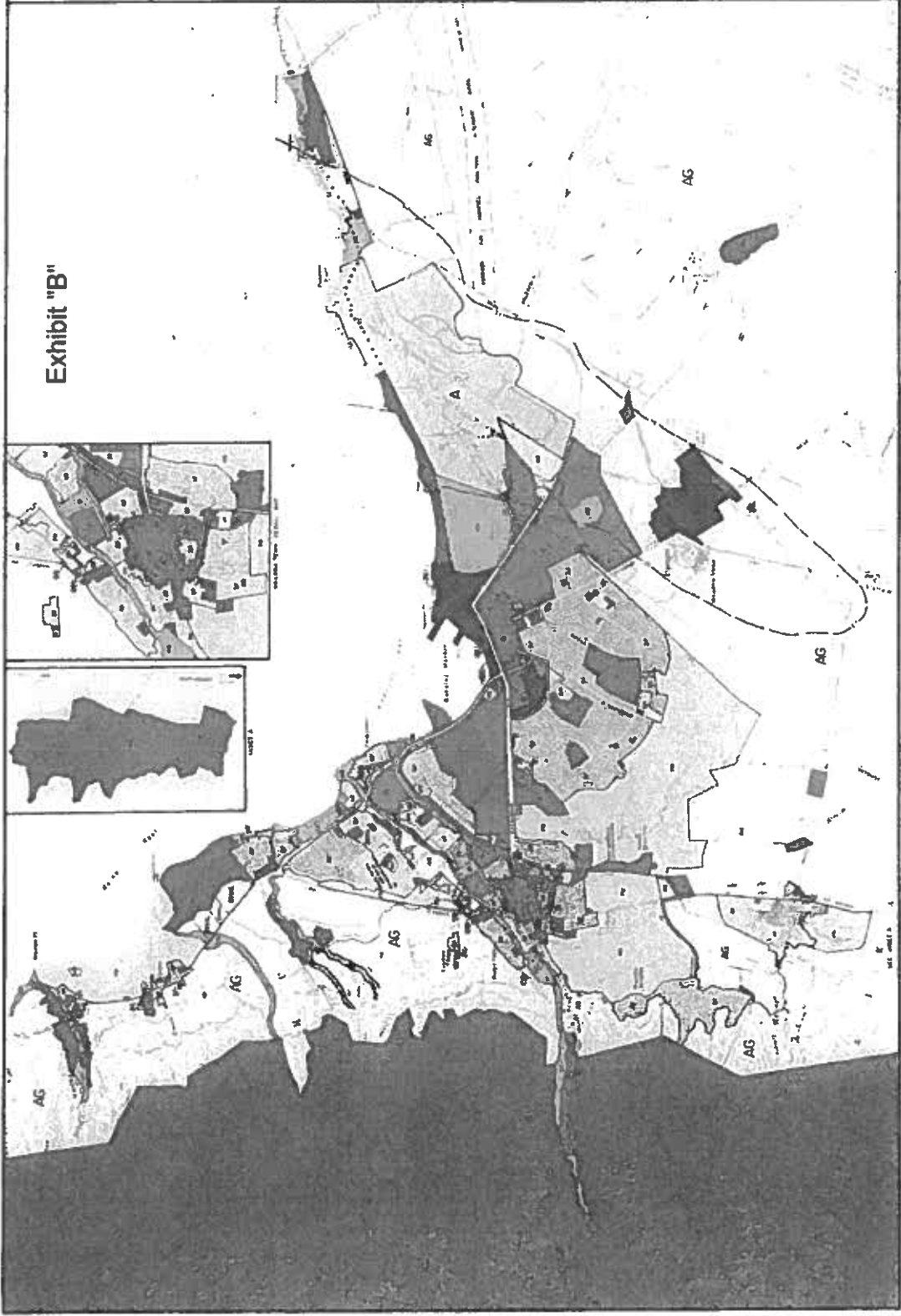
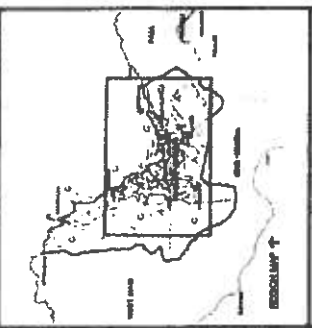


Exhibit "B"

LEGEND

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WAILUKU-KAHULUI
 COMMUNITY PLAN
 COUNTY OF MAUI
 PUBLIC HEARING : 1978.05.01
 ADOPTED : 1978.05.01
 ORDINANCE : 301
 EFFECTIVE DATE : 1978.05.01

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


COUNTY CLERK

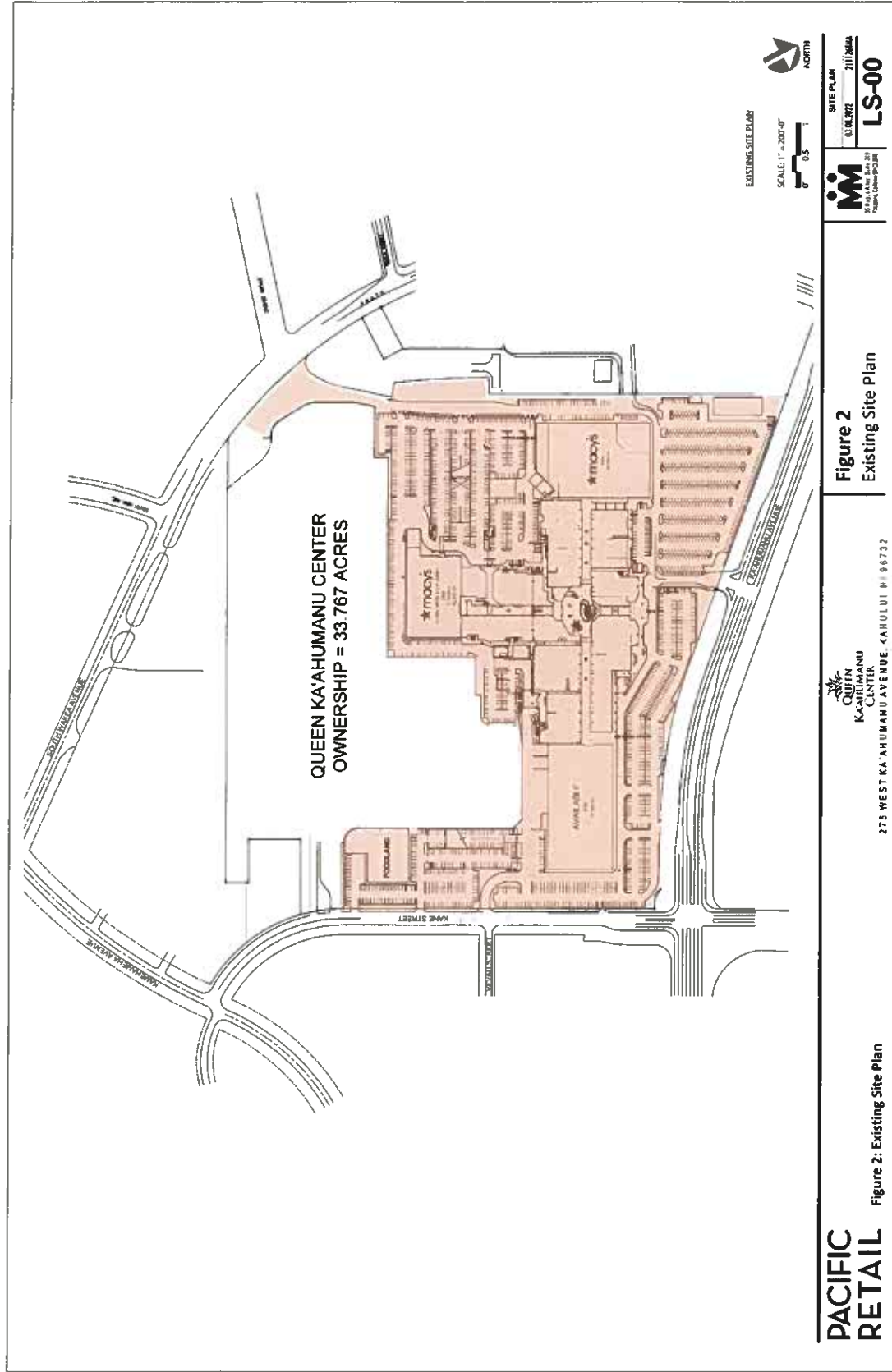


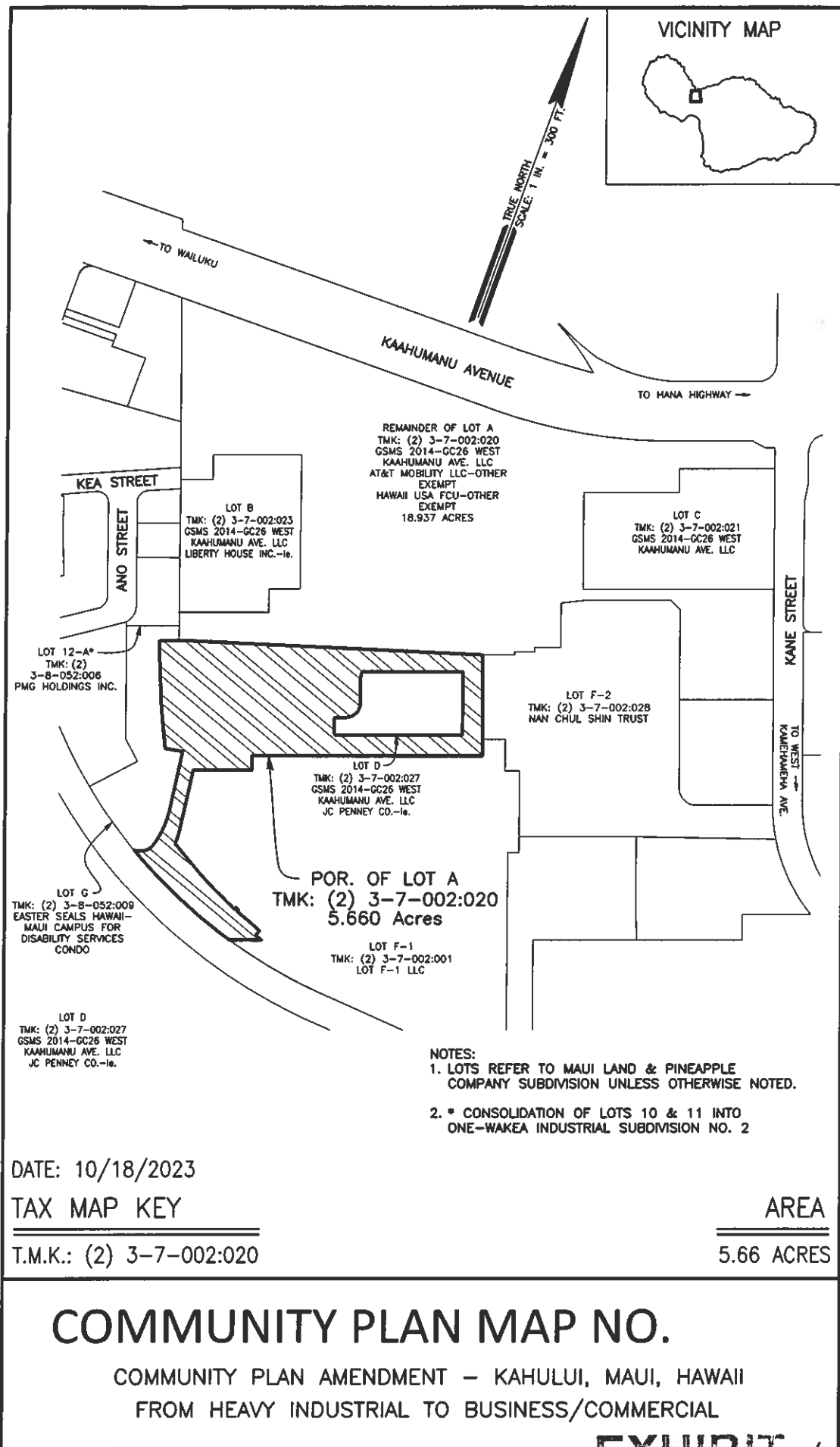
Figure 1
Location Map

**Queen Ka'ahumanu
Center**



Figure 1: Location Map

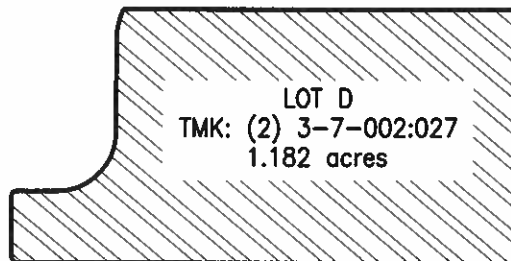




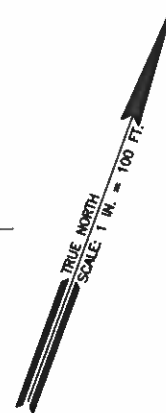
VICINITY MAP



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.

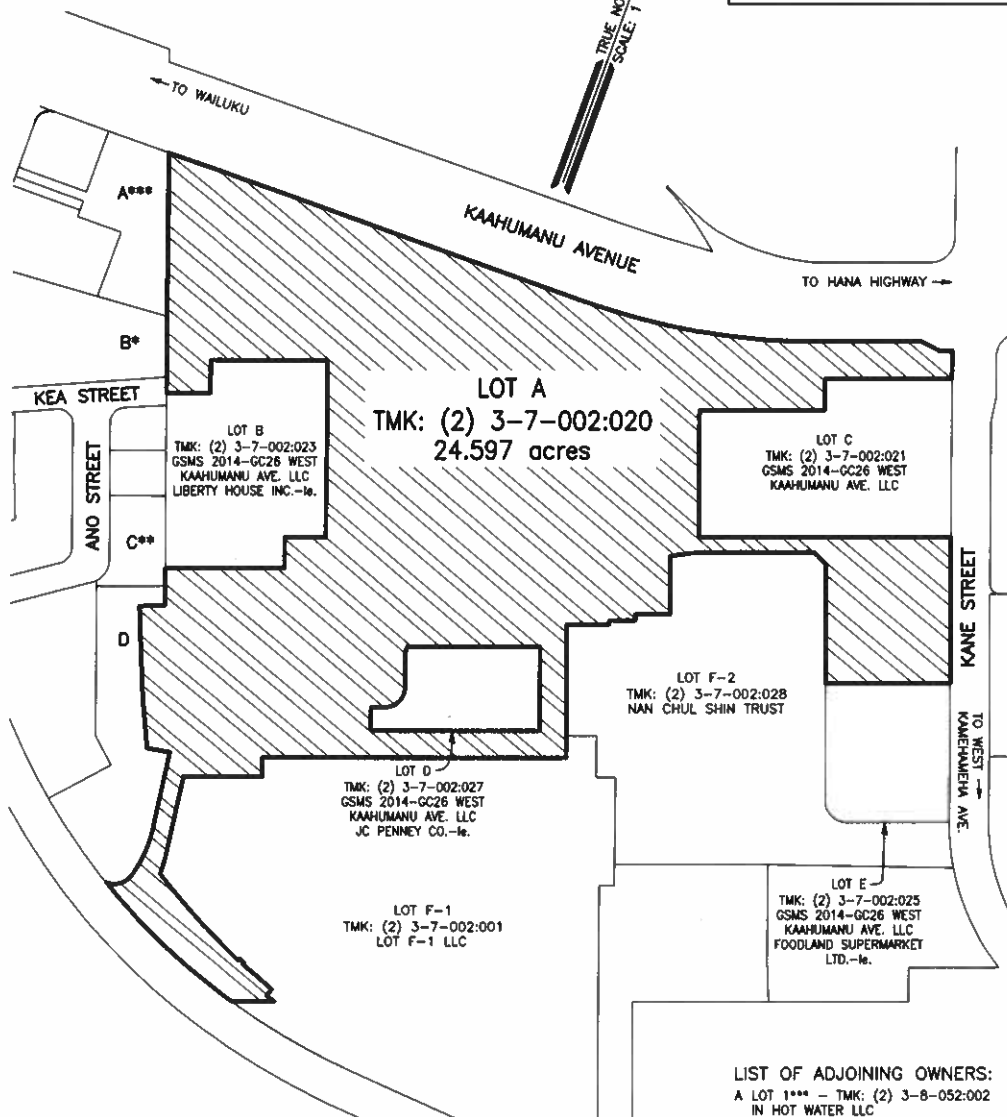
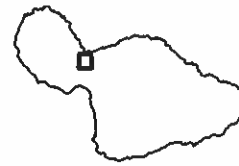
COMMUNITY PLAN AMENDMENT - KAHULUI, MAUI, HAWAII
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

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

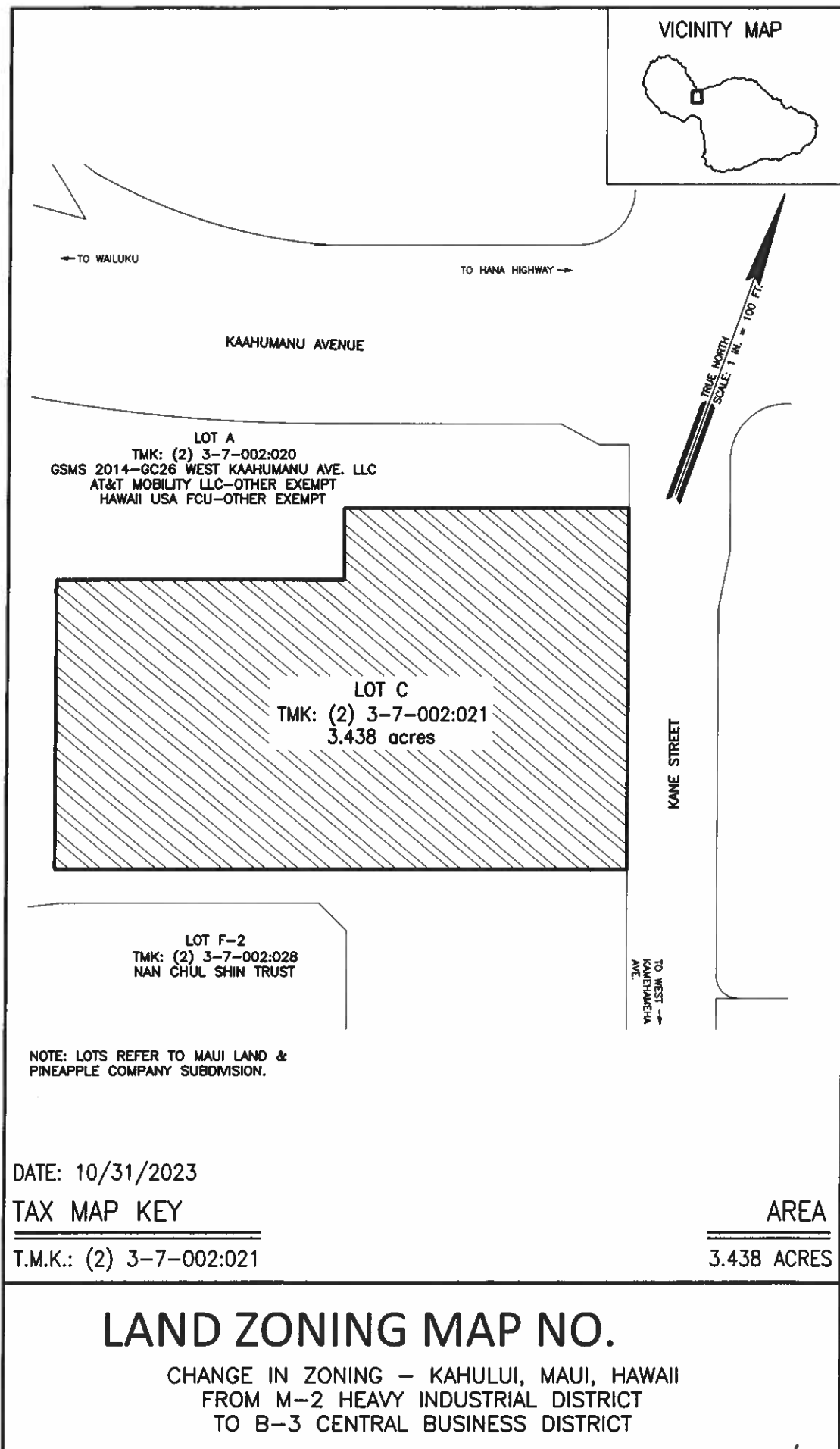


EXHIBIT 56

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

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

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

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

← TO S. WAKEA AVE.

KEA STREET

ANO STREET

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

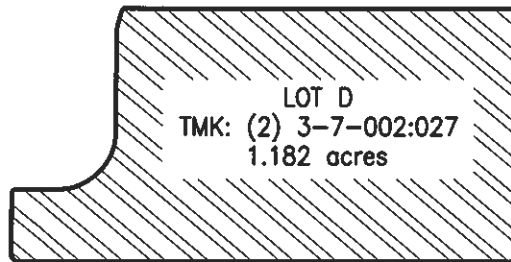
EXHIBIT

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



PACIFIC
RETAIL

Figure 4: Existing Uses

EXISTING USES | QUEEN KA'AHUMANU CENTER | KA'HULU, HI | AUGUST 3, 2022



Figure 8

Sea-Level Rise Exposure

**Queen Ka'ahumanu
Center**



PLANNING
CONSULTANTS
HAWAII, LLC

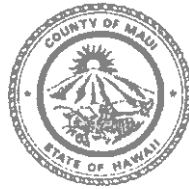
Figure 8: Sea-Level Rise Exposure

RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director

BRADFORD K. VENTURA
Fire Chief

GAVIN L.M. FUJIOKA
Deputy Fire Chief



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

December 22, 2023

VIA MAPPS

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

SUBJECT: ZPA2023-00005 Queen Kaahumanu Center
TMK: 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.

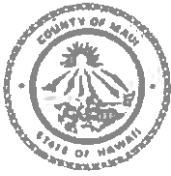
Our office reserves the right to review and comment on future subdivision, certificate of occupancy, or building permit applications when detailed plans for this project are routed to our office for review.

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

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

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

January 3, 2024

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

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

Attention: Ms. Tara Furukawa

Dear Ms. Aoki:

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

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

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

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

EXHIBIT 11

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

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

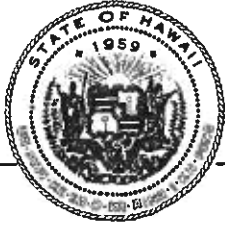
Please submit any subsequent land use entitlement-related requests for review or correspondence to the HDOT Land Use Intake email address at DOT.LandUse@hawaii.gov.

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

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation



**STATE OF HAWAI'I
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, (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
Room, Kahului, Maui, Hawaii, and remotely via
BlueJeans on the 23rd day of January, 2024.

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

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

1 APPEARANCES:

3 COMMISSIONERS:

4 KELLIE PALI, Chair

5 KIM THAYER, Vice-Chair

6 MARK DEAKOS (Appeared remotely)

7 MEL HIPOLITO (Appeared remotely)

8 ANDREA KEALOHA (Appeared remotely)

9 ASHLEY LINDSEY (Appeared remotely)

10 DALE THOMPSON

12 STAFF:

13 GARRETT SMITH, Acting Planning Director

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

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

1 APPEARANCES (continued):

2
3 For Appellants SURFRIDER FOUNDATION, NA PAPA'I WAWAE
4 'ULA 'ULA, KA MALU O KAHALAWAI, KAI NISHIKI:

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

9 LAW OFFICE OF BIANCA ISAKI, ALC
10 BY: BIANCA KAI ISAKI, ESQ.
11 1720 Huna Street
12 Suite 401B
13 Honolulu, Hawai'i 96817
14 (808) 927-5606
15 bianca.isaki@gmail.com

16 For Applicant Kahana Sunset:

17 CADES SCHUTTE, LLP
18 BY: CALVERT G. CHIPCHASE, ESQ.
19 Cades Schutte Building
20 1000 Bishop Street
21 Suite 1200
22 Honolulu, Hawaii 96813
23 (808) 521-9220
24 cchipchase@cades.com
25

I N D E X

PAGE:

1		
2		
3	Roll Call.....	6
4	Introduction of Item B1.....	9
5	Presentation by Tara Furukawa.....	9
6	Presentation by Michael Summers.....	10
7	Presentation by John Mitchell.....	12
8	Presentation by Kauwela Bisquera.....	13
9	Presentation by 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 Harukiuni'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.



Current Planning Application Report (ZPA2023-00005)

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

Project:

App Date: 12/08/2023

Work Class: Review

District: Kahului-Wailuku

Exp Date: NOT AVAILABLE

Status: In Review

Square Feet:

Completed: NOT COMPLETED

Valuation: \$100,000.00

Assigned To: Furukawa, Tara

**Approval
Expire Date:**

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

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

1. A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER), AND AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED.
2. A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 33.8 ACRES IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER).

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

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

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

Applicant
Michael J Summers
75 Wailani Street
Wailuku, HI 96793

Agent
John F Summers
75 Wailani Street
Wailuku, HI 96793

Plan Custom Fields

I. Project Information

APPLICATION DOCUMENTS

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

Outline of ZPA Questions

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

Required Attachments for Change of Zoning

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

Required Attachments for CP and MIP amendments

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

Required Attachments for a Land Use Commission DBA

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

Sample of Basic Answers to Questions

Current Planning Application Report (ZPA2023-00005)

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

Sample of Moderately Complex Answers to Questions

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

Sample Answers to Section V. Questions

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

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

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

Notice of Application - ZPA

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

Notarized Affidavit of Mailing of Notice of App

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

Notice of Public Hearing

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

Notarized Affidavit of Mailing-Notice Public Hrng.

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

Sample land use change map

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

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

QUESTIONS

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

I. Project Information

A. GENERAL INFORMATION

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

Change of Zoning, Community Plan Amendment

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

None at this time.

3. Associated application number(s), if known

N/A

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

Yes

5. Project Name

Queen Ka'ahumanu Center, Council-Initiated Entitlement Changes

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

33.8

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

8. Valuation of Project*

100000

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

9. Physical Address/Location of Project

275 W Ka'ahumanu Avenue, Kahului, HI 96732

10. Additional Location Information

11. Describe the Existing Use.

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

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

12. Briefly describe the Proposed Development/Use.

Current Planning Application Report (ZPA2023-00005)

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

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

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

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

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

13. No. of Parking Spaces now on the site

2728

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

2728

15. Building Permit Application No.

N/A

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

No

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

N/A

B. DESCRIPTION OF THE PROJECT

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

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

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

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

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

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

C. DESCRIBE THE FOLLOWING SITE CONDITIONS

1. Elevations (highest and lowest points)

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

2. Slopes

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

3. Topography

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

4. Soil Types

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

5. Natural Features

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

6. Vegetation

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

7. Existing Development

Current Planning Application Report (ZPA2023-00005)

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

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

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

D. LIST THE ADJACENT AND SURROUNDING LAND USES

1. North

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

2. East

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

3. South

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

4. West

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

E. HISTORIC PROPERTIES CHECK/HRS 6E

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

Yes

Does the site include a registered Historic property?

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

Is there ground altering activity proposed?

2. Is it in NHL?

No

3. County Historic District?

No

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

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

Yes

Is there a Chapter 343 trigger?

Has an EA or EIS already been submitted?

Is the project exempt under Chapter 343?

II. Plan Consistency & Impacts

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

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

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

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

The site does not fall within a MIP Protected Area.

Current Planning Application Report (ZPA2023-00005)

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

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

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

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

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

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

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

1. State Land Use Districts

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

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

2. Maui Island Plan Growth Boundaries

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

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

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

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

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

3. Maui Island Plan Protected Areas

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

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

4. Community Plan Land Use Designations

Business Commercial and Heavy Industrial

5. Zoning Designations

M-2 Heavy Industrial

DEVELOPMENT IMPACTS

E. ARCHAEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES IMPACTS:

1. Describe any archaeological impacts.

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

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

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

Current Planning Application Report (ZPA2023-00005)

2. Describe any impacts on historic resources.

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

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

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

3. Describe any impacts on cultural resources.

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

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

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

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

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

F. SOCIO ECONOMIC IMPACTS

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

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

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

G. ENVIRONMENTAL IMPACTS

Describe any impacts to the following:

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

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

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

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

2. View corridors and scenic resources impacts

Current Planning Application Report (ZPA2023-00005)

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

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

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

3. Flora impacts

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

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

4. Fauna impacts

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

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

5. Dune ecosystems impacts

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

6. Stream ecosystems impacts

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

7. Marine ecosystem impacts

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

8. Natural features impacts

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

9. Open space impacts

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

10. Noise Impacts

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

11. Air Quality Impacts

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

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

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

H. OTHER IMPACTS, MEETINGS, APPROVALS AND ZONING

1. Describe any other impacts.

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

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

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

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

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

Current Planning Application Report (ZPA2023-00005)

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

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

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

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

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

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

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

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

1. Table - Countywide Policy Plan

Theme 1: Expand Housing Opportunities for Residents

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

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

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

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

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

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

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

Other 1: Not Applicable

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

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

Theme 2: Improve Physical Infrastructure

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

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

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

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

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

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

Implementing Actions 2: Not Applicable

Other 2: Not Applicable

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

Theme 3: Promote Sustainable Land Use and Growth Management

Goal 3: Not Applicable

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

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

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

Implementing Actions 3: Not Applicable

Other 3: Not Applicable

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

1. Table - Maui Island Plan

Current Planning Application Report (ZPA2023-00005)

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

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

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

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

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

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

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

Implementing Actions 1: Not Applicable

Chapter 8, Directed Growth Plan 1: Not Applicable

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

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

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

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

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

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

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

Objective 2: Not Applicable.

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

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

Implementing Actions 2: Not Applicable.

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

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

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

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

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

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

Other, including Core Values 2: Not Applicable.

Current Planning Application Report (ZPA2023-00005)

Subject 1: Objectives and Policies for Kahului

Goal 1: Not Applicable

Objectives 1: Not Applicable

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

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

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

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

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

Implementing Actions 1: Not Applicable

Relevance 1: Not Applicable

Other 1: Land Use Map

Definitions Business/Commercial (B)

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

Land Use Map

Definitions Heavy Industrial (HI)

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

III. Infrastructure

A. WATER

1. Identify existing water source and current usage.

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

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

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

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

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

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

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

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

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

B. SEWERS

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

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

2. Identify current wastewater usage.

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

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

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

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

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

C. DRAINAGE

1. Describe existing drainage pattern.

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

2. Describe existing drainage structures.

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

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

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

4. Describe any flood hazard impact.

Current Planning Application Report (ZPA2023-00005)

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

D. ROADWAYS, CURBS, GUTTERS AND SIDEWALKS

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

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

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

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

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

3. Describe any proposed roadway condition improvements.

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

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

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

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

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

E. ELECTRICAL, TELEPHONE AND CABLE

1. Describe existing and proposed utilities.

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

F. SOLID WASTE

1. Solid Waste Landfill Site

Central Maui Sanitary Landfill in Puunene

2. Solid Waste Facilities Adequacy

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

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

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

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

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

G. OTHER

1. Describe any other infrastructure requirements

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

IV. Public Services

A. PARKS

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

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

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

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

Iao Valley State Monument

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

Current Planning Application Report (ZPA2023-00005)

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

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

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

B. SCHOOLS

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

Kahului Schools, Wailuku Schools

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

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

C. PUBLIC SERVICES

1. Select the fire station that serves your area.

Kahului Fire Station on Dairy Road, Wailuku Fire Station

2. Describe the fire protection for your site.

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

3. Select the library that serves your area.

Kahului Public Library on School Street

4. Select the police station that serves your area

Wailuku Police Station on Mahalani Road

5. Select the hospital that serves your area.

Maui Memorial Medical Center - Wailuku

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

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

V. Other Info-Code, DBA & MBA

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

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

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

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

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

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

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

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

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

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

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

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

B. DISTRICT BOUNDARY AMENDMENTS

Current Planning Application Report (ZPA2023-00005)

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

A District Boundary Amendment is not proposed.

C. Maui Island Plan Amendments

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

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

Guiding Land Use Principles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Current Planning Application Report (ZPA2023-00005)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. Long Range Planning_Info

Current Planning Application Report (ZPA2023-00005)

A. PERMITS REQUESTED

1. What Permits Are You Applying For?

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

B. RESIDENTIAL PROJECTS

1. How many single-family units?

0

2. Will any accessory dwellings be permitted?

No

3. If yes, how many?

0

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

0

5. Are you subdividing your property?

No

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

0

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

0

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

0

C. LAND USE ENTITLEMENTS

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

1. Change of Zoning (COZ)

Yes

2. Change of Zoning (COZ) From:

M-2 Heavy Industrial

3. Change of Zoning (COZ) To:

B-3 Central Business District

4. Community Plan Amendment

Yes

5. Community Plan Amendment From

Heavy Industrial

6. Community Plan Amendment To:

Business Commercial (6.84 acres of 33.88 acre project area)

7. State Land Use District Boundary Amendment

No

8. State Land Use District Boundary Amendment From:

N/A

9. State Land Use District Boundary Amendment To:

N/A

10. Maui Island Plan Designation Change

No

11. Maui Island Plan Designation Change From:

N/A

12. Maui Island Plan Designation Change To:

N/A

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

No

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

0

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

N/A

D. INDUSTRIAL / COMMERCIAL PROJECTS

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

1. Retail Purposes

N/A

2. Office Space/Lease

N/A

3. Industrial Purposes

N/A

Current Planning Application Report (ZPA2023-00005)

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

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

N/A

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

N/A

3. How many bedrooms are proposed for rental?

N/A

4. Will this project be newly constructed?

N/A

5. How many dwellings are entirely rented to visitors?

0

F. VISITOR ACCOMMODATIONS

1. Table 1: Hotels and Timeshares

Accommodation 1: N/A

Units/Rooms 1: 0

Lock-offs 1: N/A

of Units with Lock-Offs 1: 0

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

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

Parcel Information

Parcel Number370020200000

Location Address275 W KAAHUMANU AVE
KAHULUI HI 96732

Neighborhood CodeSHOPCTR

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

Land Area24.597 Acres

Parcel Note

[View Map](#)

Owner Information

Owner Names

GSMS 2014-GC26 WEST KAAHUMANU AVE LLC Fee Owner

AT&T MOBILITY LLC Other-exemption

HAWAII USA FEDERAL CREDIT UNION Other-exemption

Show All Owners and Addresses

Mailing Address

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

2340 COLLINS AVE STE 700

MIAMI FL 33139

Assessment Notices

- 370020200000-1 (PDF)
- 370020200000-2 (PDF)
- 370020200000-3 (PDF)

Tax Bills

- Due 8/21/2023 (PDF)
- Due 8/21/2023 (PDF)
- Due 8/21/2023 (PDF)

Assessment Information

Show Historical Assessments

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

[How to calculate real property taxes](#)

Current Tax Bill Information

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

Historical Tax Information

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

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

Parcel Information

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

[View Map](#)

Owner Information

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

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

Assessment Notices

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

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

Tax Bills

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

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

Assessment Information

[⊞ Show Historical Assessments](#)

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

[How to calculate real property taxes](#)

Current Tax Bill Information

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

Historical Tax Information

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

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

Parcel Information

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

[View Map](#)

Owner Information

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

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

Assessment Notices

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

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

Tax Bills

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

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

Assessment Information

[⊕ Show Historical Assessments](#)

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

[How to calculate real property taxes](#)

Current Tax Bill Information

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

Historical Tax Information

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

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

Appeal Information

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

Parcel Information

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

[View Map](#)

Owner Information

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

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

Assessment Notices

370020250000-1 (PDF)

370020250000-2 (PDF)

Tax Bills

Due 8/21/2023 (PDF)

Due 8/21/2023 (PDF)

Assessment Information

[+ Show Historical Assessments](#)

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

[How to calculate real property taxes](#)

Current Tax Bill Information

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

Historical Tax Information

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

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

Appeal Information

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

Parcel Information

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

[View Map](#)

Owner Information

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

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

Assessment Notices

[370020270000 \(PDF\)](#)

Tax Bills

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

Assessment Information

[⊞ Show Historical Assessments](#)

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

[How to calculate real property taxes](#)

Current Tax Bill Information

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

Historical Tax Information

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

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

Appeal Information

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

QUEEN KA'AHUMANU CENTER

Council-Initiated Entitlement Changes

PLANNING REPORT



Prepared for:

LNR PARTNERS, LLC

2340 Collins Avenue, Suite 700

Miami Beach, FL 33139

Prepared by:

Planning Consultants Hawaii, LLC

75 Wailani Street

Wailuku, Hawai'i 96793



TABLE OF CONTENTS

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

LIST OF FIGURES

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

LIST OF TABLES

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

1.0 PROPOSED BILLS

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

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

1. A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES¹ IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER), AND AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED.
2. A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 33.8 ACRES IN KAHULUI, MAUI, HAWAII IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER).

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

2.0 PROJECT SYNOPSIS

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

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

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

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

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

Table 1: Summary table of important project information

3.0 PROJECT DESCRIPTION

3.1 Background Information

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

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

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

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

STATE OF THE AMERICAN SHOPPING MALL

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

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

3.2 Project Intent

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

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

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

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

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

3.3 Property Description

The Queen Ka'ahumanu Center is comprised of five parcels: Tax Map Keys: (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, and (2) 3-7-002:027 comprising approximately 33.8 acres. The Center is located in central Kahului with access from West Ka'ahumanu Avenue, Kane Street, Wakea Avenue, and Kea Street (Figure 1).

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

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

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

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

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

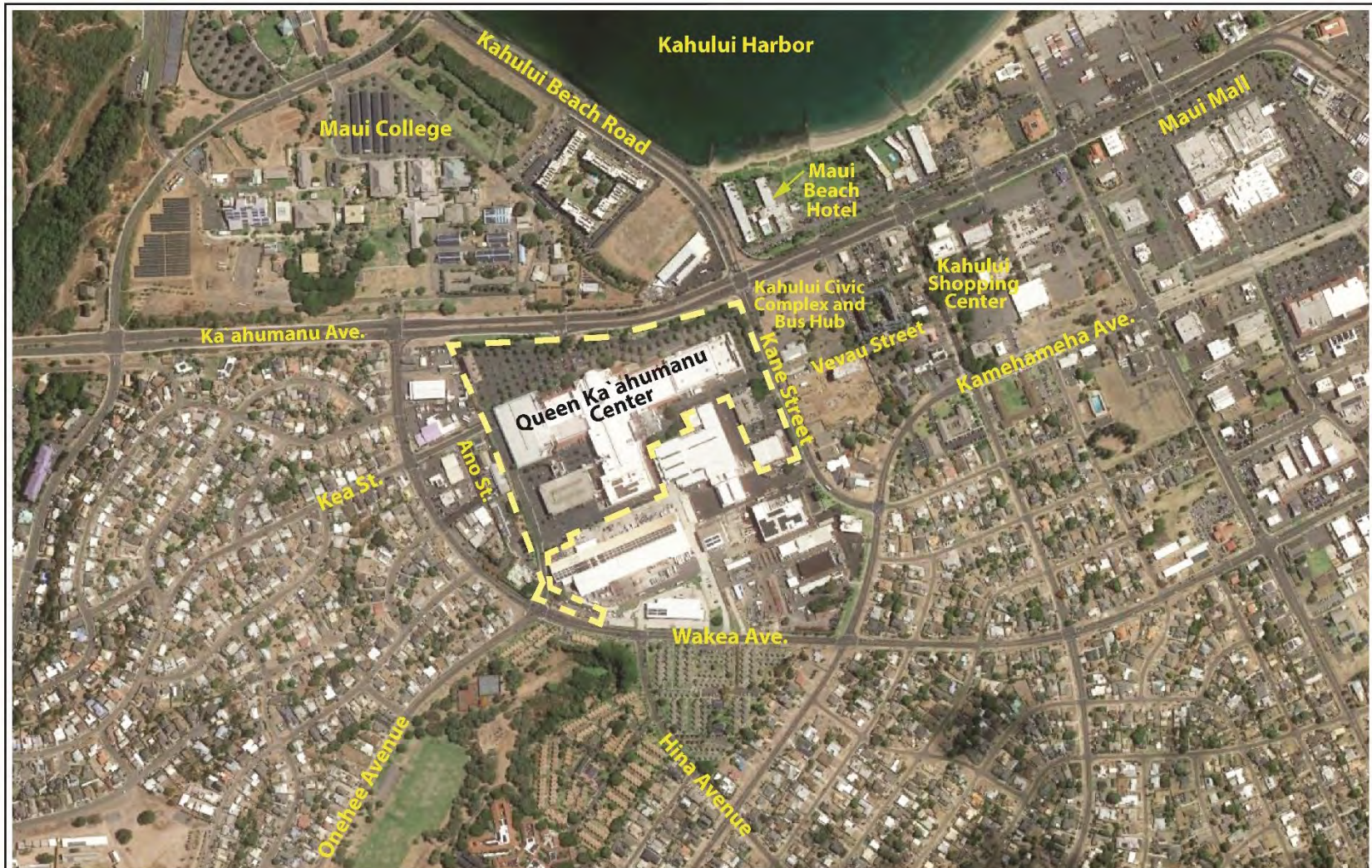


Figure 1: Location Map

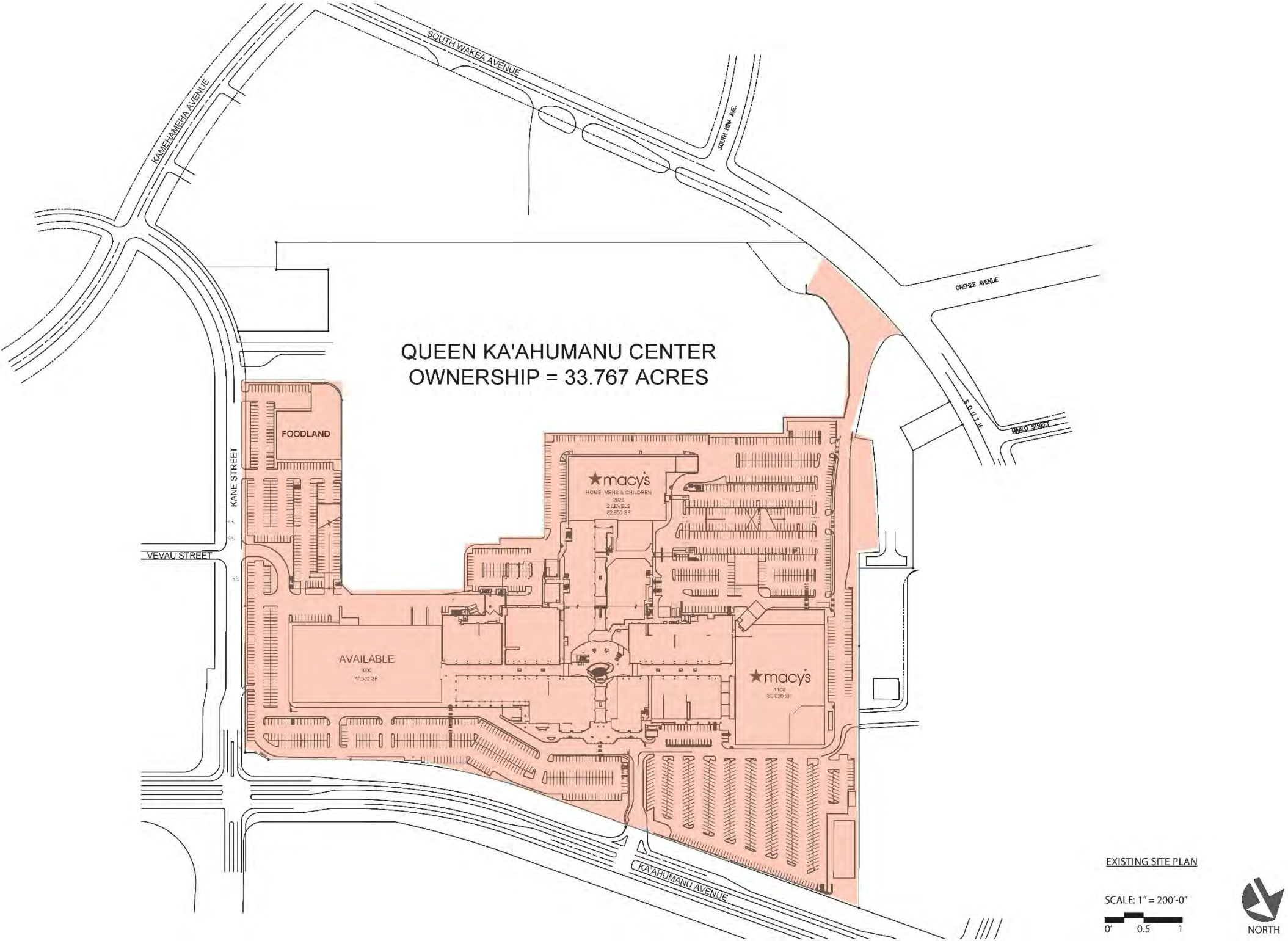
Figure 1

Location Map

**Queen Ka'ahumanu
Center**




PLANNING
CONSULTANTS
HAWAII, LLC



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

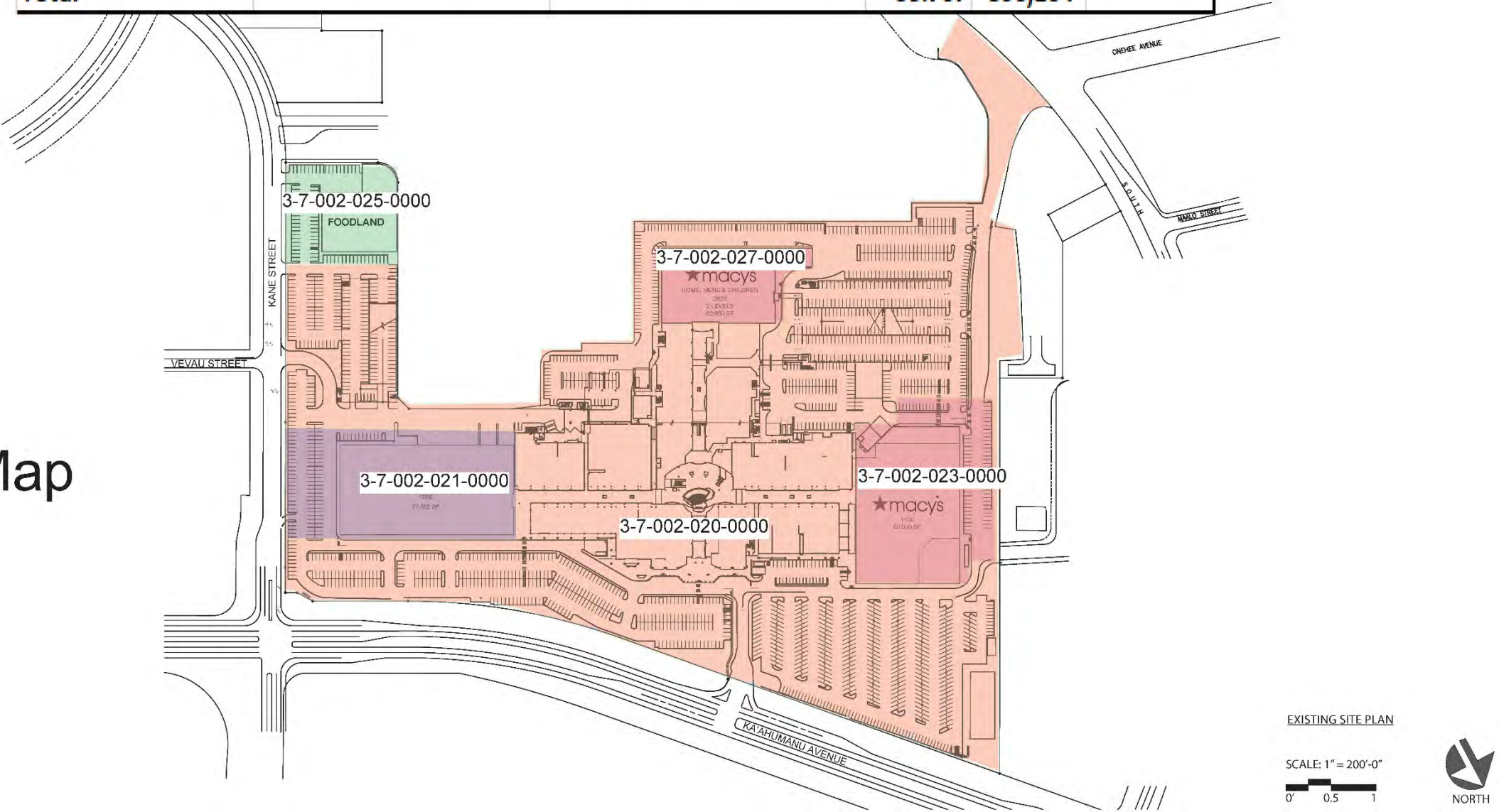

275 WEST KA'AHUMANU AVENUE, KAHULUI, HI 96732

Figure 2
Existing Site Plan

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

Tax Parcel Map

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



PACIFIC
RETAIL

Figure 3: Existing Site Plan with Major Lessees

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

LEASING REPRESENTATIVE:

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

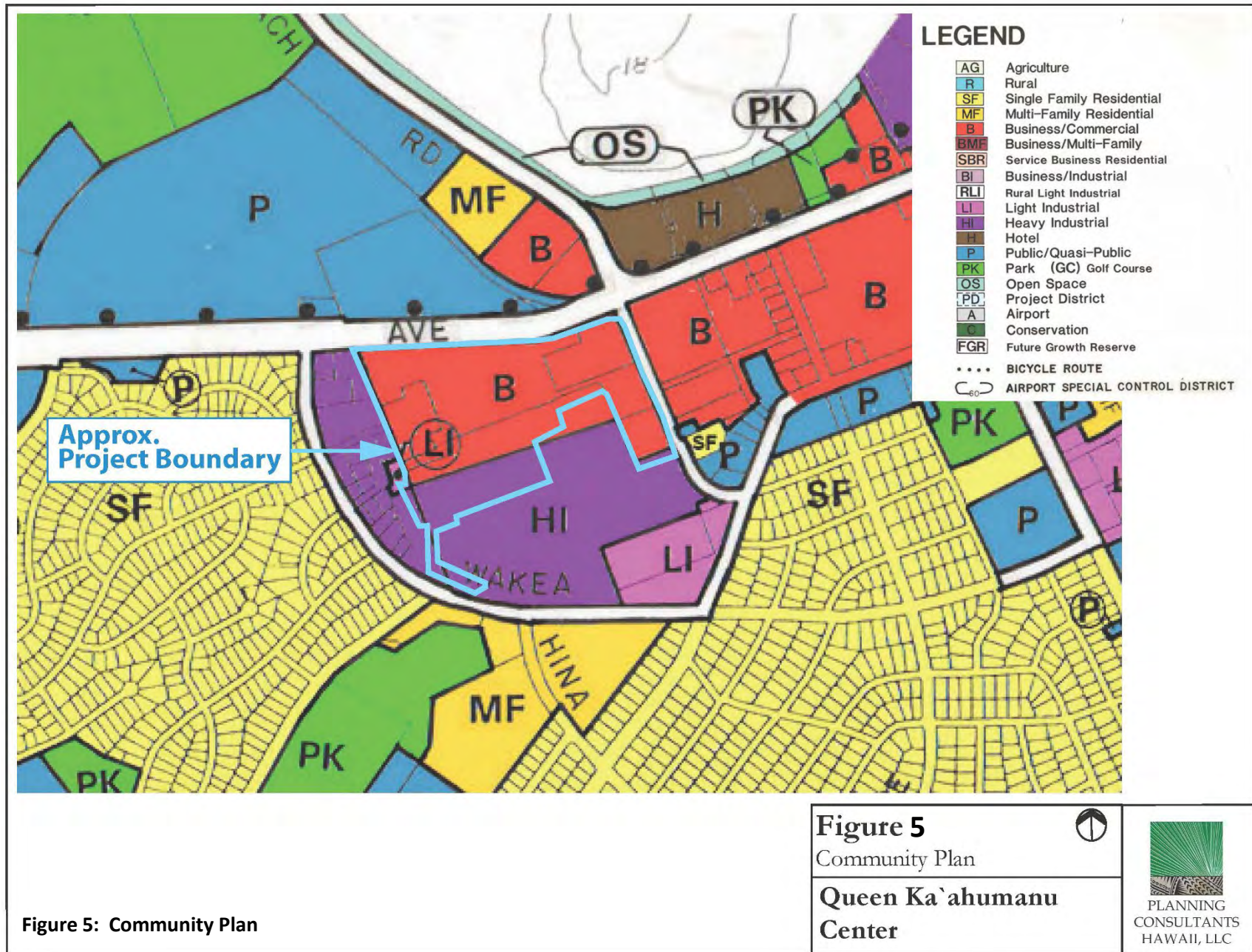
SITE PLAN
03.08.2022 211126TMA
LS-00

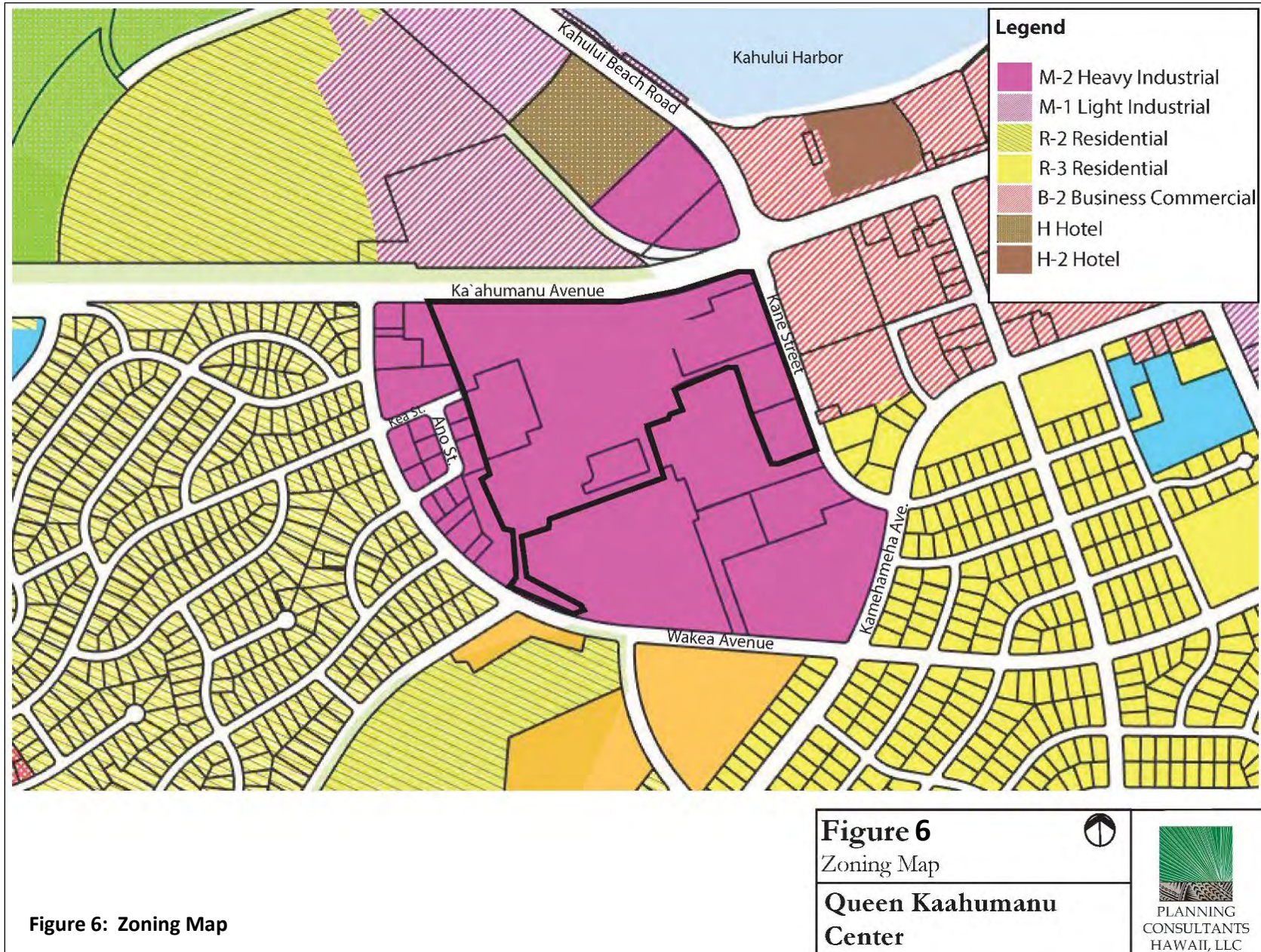


PACIFIC
RETAIL

Figure 4: Existing Uses

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





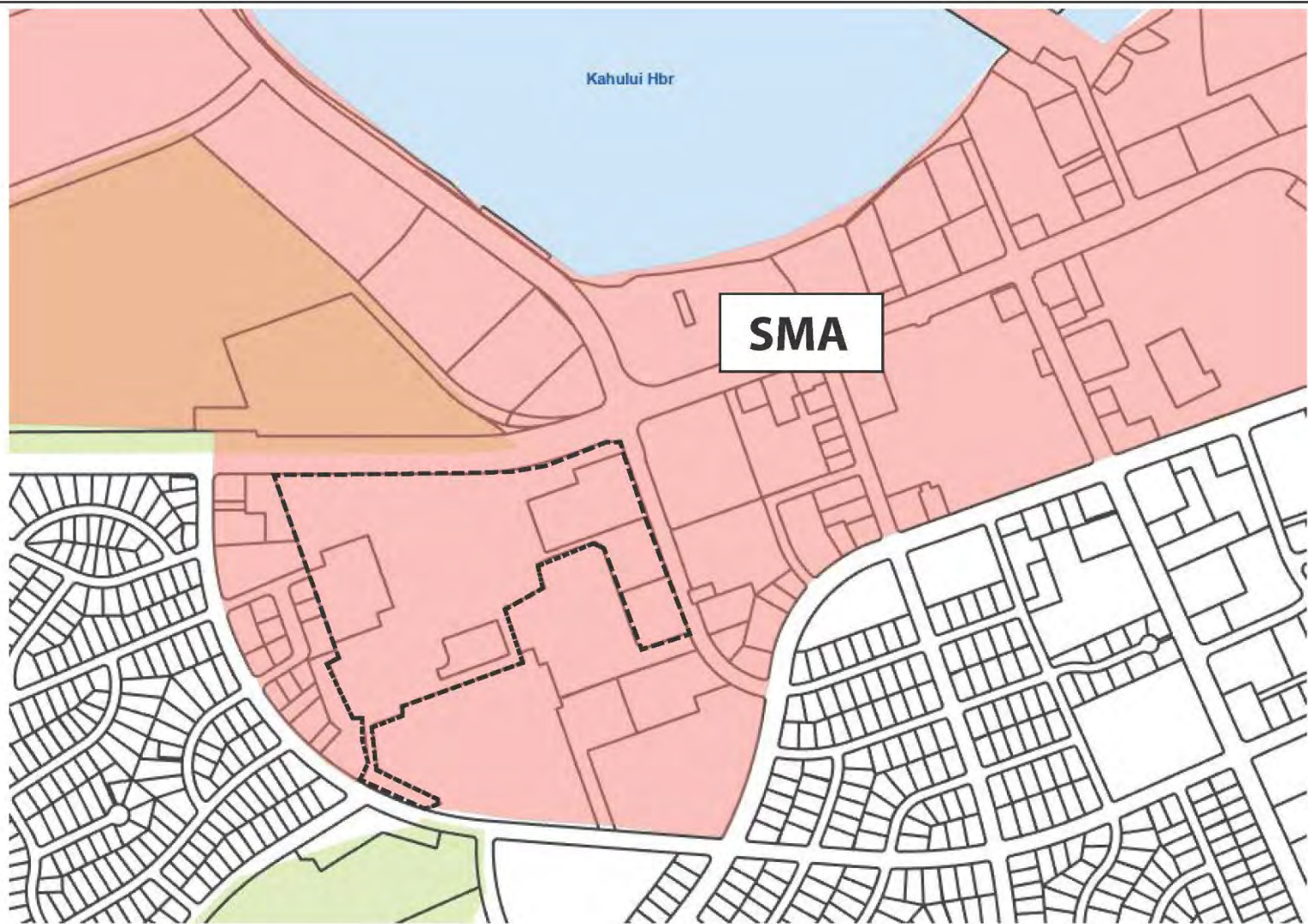
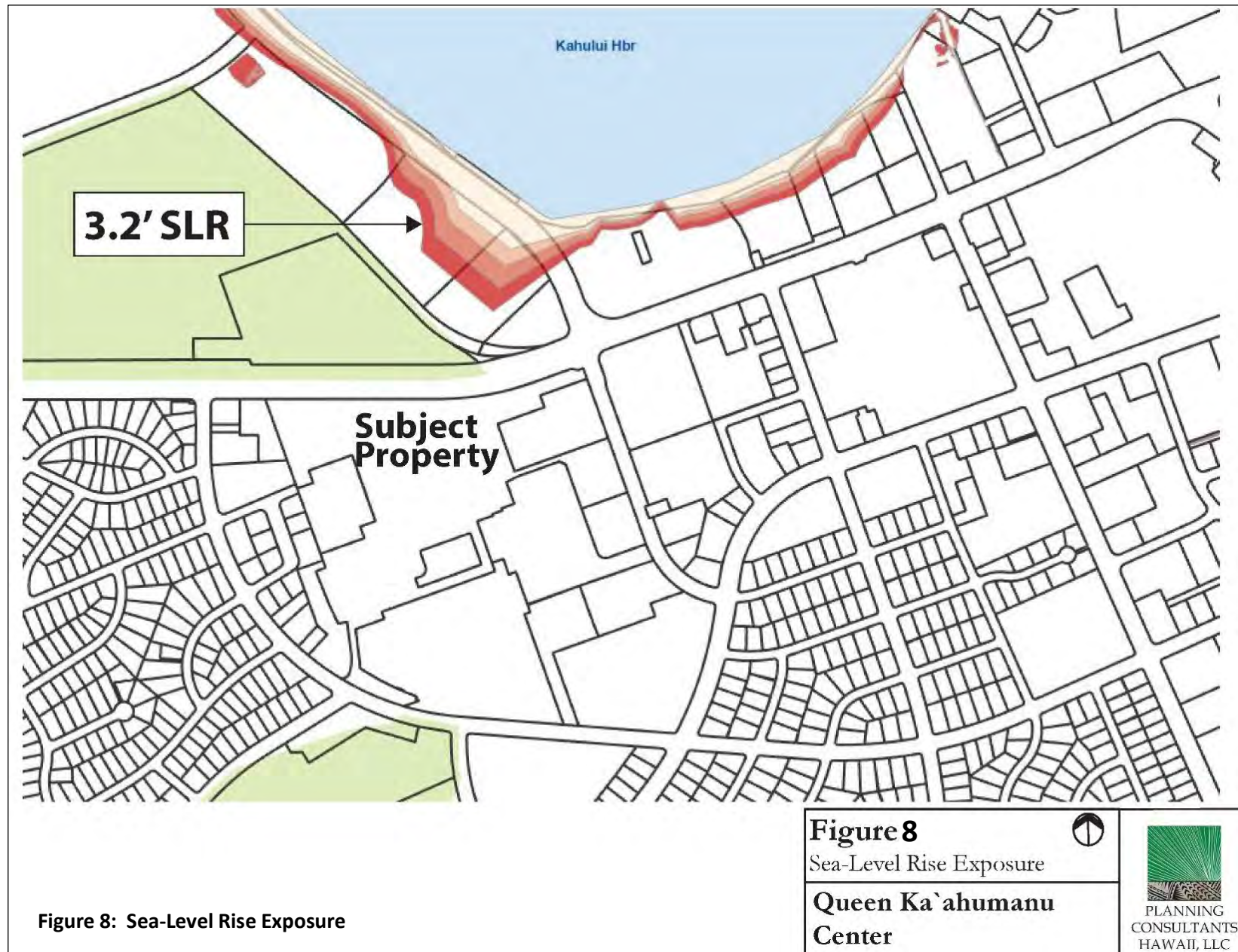


Figure 7: Special Management Area Permit

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





3.4 Public Input

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

SMALL GROUP CONVERSATIONS

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

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

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

DESIRES

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

CONCERNS

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

4.0 PROPOSED LEGISLATION

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

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

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

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

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

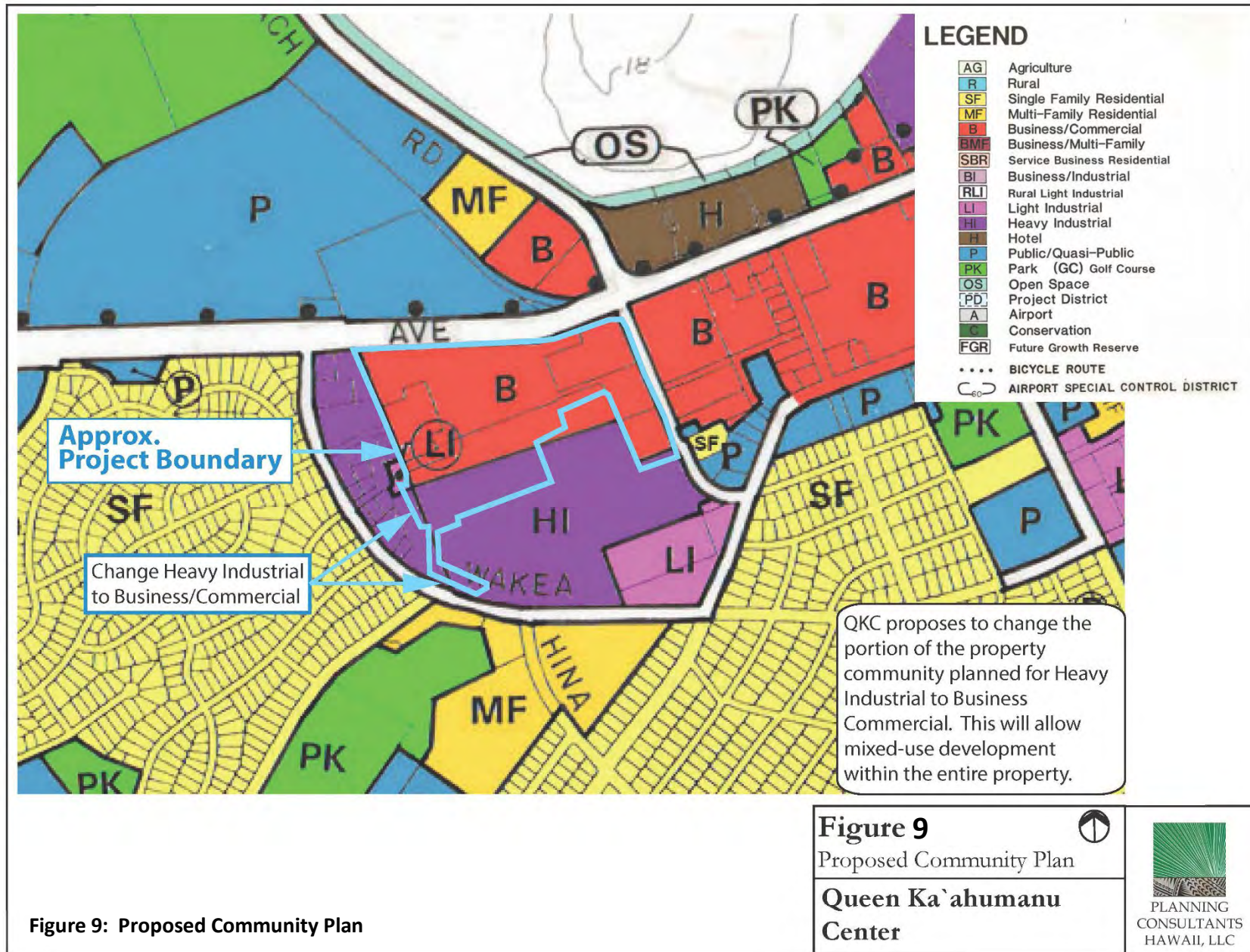
The second bill would change zoning from M-2 Heavy Industrial District to B-3 Central Business District (Conditional Zoning) for the ≈33.8 acres that comprise the Queen Kaʻahumanu Center property. The zoning change would make the Project Area's zoning consistent with the Project Area's Wailuku-Kahului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

- Permitted Uses Industrial uses. The M-2 Heavy Industrial District permits an array of uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like. The B-3 Central Business District excludes hazardous and offensive uses.

Multi-family residential uses. The B-3 Central Business District permits multi-family residential uses while the M-2 Heavy Industrial District does not permit such uses.
- Maximum Building Height M-2 Heavy Industrial District: 90 feet
B-3 Central Business District: 144 feet (Note: The maximum height limit for the Queen Kaʻahumanu Center property will be 90 feet as established by the proposed zoning condition)

Table 3 provides a more detailed comparison of the M-2 Heavy Industrial District and the B-3 Central Business District.

The second bill also proposes that zoning conditions be attached to the zoning change (conditional zoning) to address the desire of Queen Kaʻahumanu Center ownership and public comments and suggestions. The conditions are intended to ensure future redevelopment is compatible with the character of Kahului's commercial core and to encourage the percentage of affordable housing at the site to exceed what is required by law to help address Maui's shortage of affordably priced housing for its residents. Proposed zoning conditions are identified and analyzed in Table 4.



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

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

CONDITIONS OF ZONING	
"Developer" means any current or future developer or owner of any property that is subject to this Change in Zoning.	
CONDITIONS	RATIONALE
1. In the B-3 Central Business District-zoned areas, building heights must not exceed 90 feet.	Manage density and mitigate visual and scenic impacts by maintaining the existing building height limit of 90 feet.
2. In the B-3 Central Business District-zoned areas, a minimum of one off-street parking space must be provided for each multi-family dwelling unit with less than 1,500 square feet of floor area.	Reduce housing costs, reduce the need to remove existing mature and aesthetically valuable trees, and foster a more efficient use of the project site by lowering the parking requirement for multi-family dwellings of less than 1,500 sq.ft. from 2 parking spaces to 1 parking space. The parking reduction is justified in that any future housing development at the Queen Ka'ahumanu Center site will generate less demand for parking than a traditional single-use multi-family project because it will be : A. Part of a larger mixed use project where shared parking between two or more uses will likely occur at different times; and B. Near transit, pedestrian, or bicycle access and bicycle parking, and safe access will be provided for pedestrians.
3. If the Developer seeks to build housing units, the Developer must obtain a Memorandum of Agreement with the County stating that the property owner must provide deed-restricted housing units, in addition to units required to satisfy Chapter 2.96, Maui County Code, or any other law, in exchange for County incentives, subsidies, or both. Through the Memorandum of Agreement, the County may permit building forms in excess of six stories so long as the building heights do not exceed 90 feet. The Developer must provide a report to the Planning Director and the Council documenting the number of meetings, participants, the outcome of meetings, and any final agreements reached to achieve additional deed-restricted workforce housing units in excess of the units required by law and other communication between the Developer and the County.	Maximize the production of affordable and workforce housing units through a public-partnership agreement between the County and developer with the intent to incentivize the production of housing for Maui residents.
4. Prior to obtaining a Special Management Area permit, the Developer must:	Foster excellence in urban design that protects central Kahului's unique culture and sense of place by having developers prepare rigorous studies, develop good data, and seek community input to shape and inform their development planning.
a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the 'Īao Valley, the West Maui Mountains, and the Pacific Ocean.	
b. Host community meetings and design workshops to inform the public in preparation for any housing project's master plan including proposed urban design and building form.	
c. Provide comments to the Planning Director obtained from the County's Urban Design Review Board on any future housing project's master plan, preliminary site plan, and building elevations prior to the Maui Planning Commission's action on the Special Management Area permit.	

Table 4: The rationale for proposed zoning conditions

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

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

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

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

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

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

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

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

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

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

5.0 APPLICABLE REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

19.510.060 - Amendments.

A. *Initiation of Proposal.*

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

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

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

19.510.020 - Applications which require a public hearing.

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

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

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

5.3 Change of Zoning (CIZ)

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

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

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

5.4 HRS 343 Assessment

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

§343-5 Applicability and requirements.

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

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

6.0 STATE AND COUNTY LAND USE PLANS AND POLICIES

6.1 State Plans and Policies

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

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

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

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

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

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

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

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

§226-5: Objective and policies for population.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§226-103: Economic priority guidelines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2 **Maui County General Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.0 ASSESSMENT OF IMPACTS

7.1 Land Use and Urban Design

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

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

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

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

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

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

7.2 Socioeconomic

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

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

7.3 Archaeology, History, and Culture

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

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

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

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

7.4 Environment

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

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

7.5 Infrastructure and Public Facilities

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

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

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

8.0 CONSISTENCY WITH COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING CRITERIA

8.1 Community Plan Amendment Criteria

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

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

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

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

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

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

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

8.2 Change in Zoning Criteria

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Analysis: Not applicable.

9.0 FUTURE PERMITTING REQUIREMENTS

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

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

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

10.0 FINDINGS AND BENEFITS

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

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

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

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

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

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

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

APPENDICES

APPENDIX A

Resolution No. 23-221, FD-1

MOANA M. LUTEY
County Clerk



RICHELLE M. THOMSON
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

October 23, 2023

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

Dear Mayor Bissen:

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

Respectfully,


MOANA M. LUTEY
County Clerk

/lks

Enclosure

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

OFFICE OF THE MAYOR

23 OCT 24 PM 5:53

RECEIVED

Resolution

No. 23-221, FD1

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

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

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

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

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

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

Resolution No. 23-221, FD1

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

1. That it refers the bill entitled "A BILL FOR AN ORDINANCE TO CHANGE THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE DESIGNATION FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL FOR APPROXIMATELY 6.75 ACRES IN KAHULUI, MAUI, HAWAI'I IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020 (POR.) AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER), AND AMEND THE TEXT OF THE WAILUKU-KAHULUI COMMUNITY PLAN (2002), AS AMENDED," a copy of which is attached as Exhibit "1," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
2. That it refers the bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM M-2 HEAVY INDUSTRIAL DISTRICT TO B-3 CENTRAL BUSINESS DISTRICT (CONDITIONAL ZONING) FOR APPROXIMATELY 33.8 ACRES IN KAHULUI, MAUI, HAWAI'I IDENTIFIED AS TAX MAP KEYS (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, AND (2) 3-7-002:027 (QUEEN KA'AHUMANU CENTER)," a copy of which is attached as Exhibit "2," to the Maui Planning Commission for appropriate action under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended;
3. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations as expeditiously as possible;
4. That it welcomes suggestions from the Maui Planning Commission and Department of Planning on revising the bills, but it does not seek revised legislation from the Department of Planning;
5. That it authorizes and encourages the Chair of its Housing and Land Use Committee to provide testimony and background information on the bills to the Maui Planning Commission on the Council's behalf; and

Resolution No. 23-221, FD1

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

paf:pmg:23-288i

INTRODUCED BY:

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

TASHA KAMA

ORDINANCE NO. _____

BILL NO. _____ (2023)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. This Ordinance takes effect on approval.

paf:pmg:23-288j

INTRODUCED BY:

TASHA KAMA

Exhibit "1"

Exhibit "A"

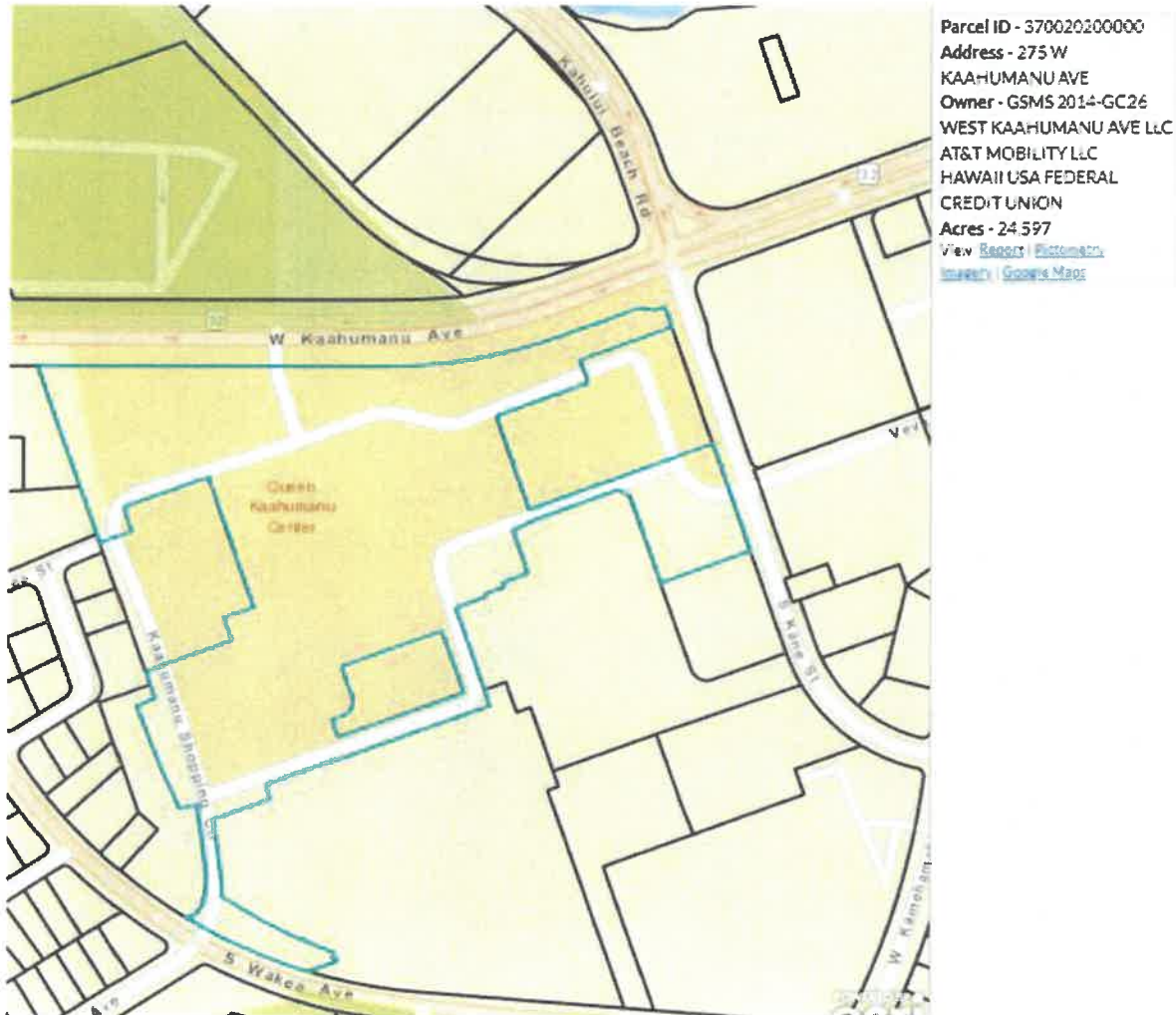
LAND DESCRIPTION

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

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

Maps: See next two pages.

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



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



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

LEGEND

AG	Agriculture
AR	Single Family Residential
AR-2	Medium Density Residential
AR-3	High Density Residential
AR-4	Business/Multi-Family
AR-5	Service Business Residential
AR-6	Business/Industrial
AR-7	Rural Light Industrial
AR-8	Heavy Industrial
AR-9	Hotel
AR-10	Public/Quasi-Public
AR-11	Park (GC) Golf Course
AR-12	Open Space
AR-13	Project District
AR-14	Alcohol
AR-15	Conservation
AR-16	Future Growth Reserve

REGIONAL MAP

LOCATION MAP

WAILUKU - KAHULUI

COMMUNITY PLAN

COUNTY OF MAUI

PUBLIC HEARING : 2007.08.15

ADOPTED : MAY 20, 2002

ORDNANCE : 2001

EFFECTIVE DATE : JUNE 6, 2002

COMMUNITY PLAN
COUNTY OF MAUI

PUBLIC HEARING : SEPT 28, 1994
ADOPTED : MAY 20, 2002
ORDINANCE : 3087
EFFECTIVE DATE : JUNE 6, 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 ¾ inch pipe;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "A"
Legal Description
 (continued)

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

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

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

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

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

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

EXHIBIT "A"
Legal Description
 (continued)

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

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

LOT D

Maui Land & Pineapple Company Subdivision

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

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

2,125.36 feet North
 7,449.07 feet East

and running by azimuths measured clockwise from true south:

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

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

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

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

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

EXHIBIT "A"
Legal Description
(continued)

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

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

6. 205° 17' 30" 56.57 feet;

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

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

8. 173° 46' 13" 18.65 feet;

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

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

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

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

ITEM II:

PARCEL FIRST:

LOT B

Maui Land & Pineapple Company Subdivision

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

Beginning at a set brass disc in road pavement at the most Westerly corner of this parcel of land, on the East end of Kea Street, the coordinates of said point of beginning referred to government survey triangulation station "Luke" being:

2,519.73 feet North
6,501.51 feet East

and running by azimuths measured clockwise from true South:

EXHIBIT "A"
Legal Description
(continued)

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

PARCEL SECOND:

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

ITEM III:

LOT C

Maui Land & Pineapple Company Subdivision

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

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

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

3,086.90 feet North
7,998.14 feet East

and running by azimuths measured clockwise from true South:

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

EXHIBIT "A"
Legal Description
 (continued)

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

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

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

2,125.36 feet North
 7,449.07 feet East

and running by azimuths measured clockwise from true South:

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

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

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

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

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

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

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

EXHIBIT "A"
Legal Description
 (continued)

3348 to Claus Spreckels;

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

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

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

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

PARCEL SECOND:

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

ITEM V:

LOT E

Maui Land & Pineapple Company Subdivision

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

Beginning at a found brass disc at the Southeast corner of this parcel of land, on the Westerly side of Kane Street, said point being also the Southeast corner of said Lot 1-A-2-A-2 of the Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

2,232.63 feet North
 8,303.17 feet East

and running by azimuths measured clockwise from true south:

1. 70° 17' 30" 206.40 feet along Lot F of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;

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

EXHIBIT "A"
Legal Description
(continued)

the chord azimuth and distance being:

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

ITEM VI:

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

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

Being all the properties conveyed by the following:

COMMISSIONER'S DEED

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

Exhibit "B"

CONDITIONS OF ZONING

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

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

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

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

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

- a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the 'Īao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project's master plan including proposed urban design and building form.

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

paf:pmg:23-288n

EXHIBIT "C"

LAND COURT

REGULAR SYSTEM

Return by Mail to:

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

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

TOTAL NUMBER OF PAGES ____

Affects Tax Map Keys (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, and (2) 3-7-002:027.

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS AGREEMENT, made on _____, 20__, by GSMS 2014-GC26 West Kaahumanu Avenue, LLC, referred to as "the Declarant," and which is the owner of that certain parcel located at 275 West Kaahumanu Avenue, Kahului, Maui, Hawai'i, 96732, and identified for real property tax purposes as tax map keys (2) 3-7-002:020, (2) 3-7-002:021, (2) 3-7-002:023, (2) 3-7-002:025, and (2) 3-7-002:027, referred to as "the Property."

WITNESSETH:

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

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

NOW THEREFORE the Declarant makes the following Declaration:

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

2. That until written release by the County of Maui, the Property is held subject to the covenants, conditions, and restrictions, which are effective as to the Property and run with the land from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title, or interest in or with respect to the Property by any person or entity includes the acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity and that upon any transfer of any right, title, or interest in or with respect to the Property, the person or entity will be subject to, and the transferee will assume and be bound and obligated to observe and perform, all of the covenants, conditions, and restrictions of this Declaration;

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

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

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

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

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

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

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

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

Each person signing this Unilateral Agreement represents and warrants that they are duly authorized and have legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of the party's obligations have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on the party and enforceable in accordance with its terms.

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

By: GSMS 2014-GC26 West Kaahumanu Avenue, LLC

Name of signer: _____

Title of signer: _____

STATE OF _____)
)
) SS.
_____)

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

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Stamp or Seal]

Notary Public, State of _____

Print Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION

Doc. Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

[Stamp or Seal]

Notary Signature: _____

Date: _____

EXHIBIT "1"

CONDITIONS OF ZONING

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

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

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

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

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

- a. Prepare a visual-simulation study to assess the impacts of alternative building form, massing, and design options on viewsheds and view corridors to the 'Īao Valley, the West Maui Mountains, and the Pacific Ocean.
- b. Host community meetings and design workshops to inform the public in preparation for any housing project's master plan including proposed urban design and building form.
- c. Provide comments to the Planning Director obtained from the County's Urban Design Review Board on any future housing project's master plan, preliminary site plan, and building

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

EXHIBIT "2"
Legal Description

For Tax Map ID(s): 2-3-7-002-020, 2-3-7-002-021, 2-3-7-002-023, 2-3-7-002-025 and 2-3-7-002-027

ITEM I:

LOT A

Maui Land & Pineapple Company Subdivision

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

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

2,982.53 Feet North
6,336.25 Feet East

and running by azimuths measured clockwise from true South:

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

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

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

EXHIBIT "2"
Legal Description
 (continued)

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

EXHIBIT "2"
Legal Description
 (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT "2"
Legal Description
 (continued)

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

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

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

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

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

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

EXHIBIT "2"
Legal Description
 (continued)

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

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

LOT D

Maui Land & Pineapple Company Subdivision

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

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

2,125.36 feet North
 7,449.07 feet East

and running by azimuths measured clockwise from true south:

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

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

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

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

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

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

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

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

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

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;
10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

ITEM II:**PARCEL FIRST:****LOT B****Maui Land & Pineapple Company Subdivision**

All of that certain parcel of land, being Lot B of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of Lot 1-A-2-D and a portion of Lot 1-A-2-A-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a set brass disc in road pavement at the most Westerly corner of this parcel of land, on the East end of Kea Street, the coordinates of said point of beginning referred to government survey triangulation station "Luke" being:

2,519.73 feet North
6,501.51 feet East

and running by azimuths measured clockwise from true South:

EXHIBIT "2"
Legal Description
 (continued)

- | | | | | | |
|-----|------|-----|-----|--------|--|
| 1. | 250° | 17' | 30" | 87.62 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc in asphalt pavement; |
| 2. | 160° | 17' | 30" | 67.02 | feet along same to a set brass disc; |
| 3. | 250° | 17' | 30" | 237.59 | feet along same to a set of brass disc; |
| 4. | 340° | 17' | 30" | 205.00 | feet along same to a cross chiseled in concrete sidewalk, |
| 5. | 70° | 17' | 30" | 1.50 | feet along same to a cross chiseled in concrete sidewalk. |
| 6. | 340° | 17' | 30" | 157.46 | feet along same to a set brass disc, |
| 7. | 70° | 17' | 30" | 83.62 | feet along same to a set iron pin, |
| 8. | 340° | 17' | 30" | 63.14 | feet along same to a set brass disc, |
| 9. | 70° | 17' | 30" | 240.28 | feet along same to a set 3/4 inch pipe on the Easterly boundary of Lot 10 of the Wakea Avenue Industrial Subdivision No. 2; |
| 10. | 160° | 17' | 30" | 166.62 | feet along Lot 10, 11 and 12-A of said Wakea Avenue Industrial Subdivision No. 2 and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 11 | 160° | 21' | 00" | 191.96 | feet along Lots 12-A and 12-B of said Wakea Avenue Industrial Subdivision No. 2 along the East end of said Kea street and along the remainder of said Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 2.915 acres, more or less. |

PARCEL SECOND.

Existing Easement 14 (15-feet wide sewerline easement) over, under and across Lot A of the Maui Land & Pineapple Company Subdivision, being more particularly described in Limited Warranty Deed recorded September 18, 2003 as Regular System [Document No. 2003-201295](#) of Official Records.

ITEM III:

LOT C

Maui Land & Pineapple Company Subdivision

All of that certain parcel of land, being Lot C of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion Lots 1-A-2-A-1 and 1-A-2-B-1 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

EXHIBIT "2"
Legal Description
 (continued)

Beginning at a found cross chiseled in concrete sidewalk at the Northeast corner of this parcel of land, on the Westerly side of Kaahumanu Avenue F.A.P. No. F-032-1(3), said point being also the Northeast corner of said Lot 1-A-2-B-1 of the Maul Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

3,086.90 feet North
 7,998.14 feet East

and running by azimuths measured clockwise from true South:

- | | | | | | |
|-----|------|-----|-----|--------|---|
| 1. | 340° | 21' | 00" | 324.45 | feet along said Westerly side of Kaahumanu Avenue F.A.P. No. F-032-(2) and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe; |
| 2. | 70° | 17' | 30" | 512.50 | feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a set brass disc; |
| 3. | 160° | 17' | 30" | 248.38 | feet along same to a cross chiseled in concrete sidewalk; |
| 4. | 70° | 17' | 30" | 0.75 | feet along same to a cross chiseled in concrete sidewalk; |
| 5. | 160° | 17' | 30" | 3.00 | feet along same to a cross chiseled in concrete sidewalk; |
| 6. | 250° | 17' | 30" | 1.10 | feet along same to a cross chiseled in concrete sidewalk; |
| 7. | 160° | 17' | 30" | 8.45 | feet along same to a cross chiseled in concrete sidewalk; |
| 8. | 250° | 17' | 30" | 256.00 | feet along same to a cross chiseled in concrete sidewalk; |
| 9. | 160° | 17' | 30" | 64.62 | feet along same to a set brass disc; |
| 10. | 250° | 17' | 30" | 256.48 | feet along same to the point of beginning and containing a area of 3.438 acres, more or less. |

EXHIBIT "2"
Legal Description
 (continued)

ITEM IV:

PARCEL FIRST:

LOT D

Maui Land & Pineapple Company Subdivision

All of that certain parcel of land, being Lot D of Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being a portion of Lot 1-A-1-A of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being 113° 17' 00" 80.67 feet from an angle point on the Southerly boundary of Lot A of said Maui Land & Pineapple Company Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

2,125.36 feet North
 7,449.07 feet East

and running by azimuths measured clockwise from true South:

1. 70° 17' 30" 336.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave northeasterly with a radius of 5.00 feet, the chord azimuth and distance being:

2. 115° 17' 30" 7.07 feet;
3. 160° 17' 30" 42.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Southeasterly with a radius of 2.00 feet, the cord azimuth and distance being:

4. 205° 17' 30" 2.83 feet;
5. 250° 17' 30" 28.00 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;

Thence along same on the arc of a curve to the left, concave Northwesterly with a radius of 40.00 feet, the chord azimuth and distance being:

6. 205° 17' 30" 56.57 feet;
7. 160° 17' 30" 65.87 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant

EXHIBIT "2"**Legal Description
(continued)**

3348 to Claus Spreckels;

Thence along same on the arc of a curve to the right, concave Easterly with a radius of 40.00 feet, the chord azimuth and distance being:

8. 173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along said Lot A of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels;
10. 340° 17' 30" 168.00 feet along same;

Thence along same on the arc of curve to the right, concave Northwesterly with a radius of 5.00 feet, the chord azimuth and distance being:

11. 25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 acres, more or less.

PARCEL SECOND:

Existing Easement 14 for sewerline purposes. Easement 18 for utility purposes. Easements 19 and 20 for access and utility purposes and easement 22 for sewerline purposes, being more particularly described in Limited Warranty Deed recorded September 18, 2003, as Regular System [Document No. 2003-201295](#) of Official Records.

ITEM V:**LOT E -**

Maui Land & Pineapple Company Subdivision

All of that certain parcel of land, being Lot E of the Maui Land & Pineapple Company Subdivision (the map thereof not being recorded), being all of LOT 1-A- 2-A-2 of the Maui Pine Cannery Lots, being also a portion of Royal Patent Grant 3343 to Claus Spreckels, situated at Kahului, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at a found brass disc at the Southeast corner of this parcel of land, on the Westerly side of Kane Street, said point being also the Southeast corner of said Lot 1-A-2-A-2 of the Maui Pine Cannery Lots, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Luke" being:

2,232.63 feet North
8,303.17 feet East

and running by azimuths measured clockwise from true south:

1. 70° 17' 30" 206.40 feet along Lot F of said Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;

Thence along same on the arc of a curve to the right, concave Northeasterly with a radius of 45.00 feet,

EXHIBIT "2,"
Legal Description
 (continued)

the chord azimuth and distance being:

2. 115° 17' 30" 63.64 feet to a found 3/4-inch pipe;
3. 160° 17' 30" 239.36 feet along said Lot F of the Maui Land & Pineapple Company Subdivision and along the remainder of said Royal Patent Grant 3343 to Claus Spreckels to a found 3/4-inch pipe;
4. 250° 17' 30" 251.69 feet along Lot A of said Maui Land & Pineapple Company Subdivision and along the remainder of said Grant 3343 to Claus Spreckels to a found 3/4-inch pipe on the Westerly side of said Kane Street;
5. 340° 21' 00" 284.36 feet along said westerly side of Kane Street to the point of beginning and containing an area of 1.632 acres, more or less.

ITEM VI:

Nonexclusive Easements for the use of the insured and its permittees entitled to use the same, in, to and over various leasehold parcels, pursuant to the provisions of that certain Amended and Restated Reciprocal Easement Agreement recorded October 18, 1993 as Regular System [Document No. 93-171353](#) of Official Records; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations contained therein.

AS TO ITEM I, ITEM II, ITEM III, ITEM IV AND ITEM V:

Being all the properties conveyed by the following:

COMMISSIONER'S DEED

Grantor: OSCAR PARRA, of Pacific Capital Retail Partners, the duly appointed Commissioner
 Grantee: GSMS 2014-GC26 WEST KAAHUMANU AVENUE, LLC, a Delaware limited liability company
 Dated: June 3, 2022
 Recording Date: June 6, 2022
Recording No. A-81920885

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 23-221, FD1, was adopted by the Council of the County of Maui, State of Hawaii, on the 20th day of October, 2023, by the following vote:

MEMBERS	Alice L. LEE Chair	Yuki Lei K. SUGIMURA Vice-Chair	Tom COOK	Gabriel JOHNSON	Natalie A. KAMA	Tamara A. M. PALTIN	Keani N. W. RAWLINS- FERNANDEZ	Shane M. SINENCI	Nohelani U'U-HODGINS
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Excused	Aye	Aye


COUNTY CLERK

APPENDIX B

**B-1: Community Plan Amendment,
Metes and Bounds Descriptions and
MAPS**

DESCRIPTION

PORTION OF LOT A MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being a portion of Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northwest corner of this lot on the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,350.49 feet North

7,431.10 feet East

and running by azimuths measured clockwise from True South:

1. 340° 17' 30" 273.01 feet along Lot F-2 and Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. 70° 17' 30" 620.93 feet along Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
3. 340° 17' 30" 38.69 feet along same;
4. 70° 17' 30" 158.40 feet along same;
5. 352° 30' 170.22 feet along same;
6. Thence along same on a curve to the right with a radius of 188.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 262° 30',
the radial azimuth from the radius point to the end of the curve being: 272° 42' 44",
and the chord azimuth and distance being:
357° 36' 22" 33.46 feet;
7. 301° 00' 60.92 feet along same;

8. Thence along same on a curve to the left with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $31^{\circ} 00'$,
the radial azimuth from the radius point to the end of the curve being: $23^{\circ} 20' 40''$,
and the chord azimuth and distance being:
 $297^{\circ} 10' 40''$ 177.58 feet;
9. $203^{\circ} 20' 40''$ 5.00 feet along same;
10. Thence along same on a curve to the left with a radius of 1,325.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $23^{\circ} 20' 40''$,
the radial azimuth from the radius point to the end of the curve being: $22^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $293^{\circ} 07' 20''$ 10.02 feet;
11. $22^{\circ} 54' 40''$ 5.00 feet along same;
12. Thence along same on a curve to the right with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $199^{\circ} 30'$,
the radial azimuth from the radius point to the end of the curve being: $202^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $291^{\circ} 12' 20''$ 79.17 feet;
13. $19^{\circ} 30'$ 16.00 feet along same;
14. $289^{\circ} 30'$ 19.93 feet along same;
15. $70^{\circ} 17' 30''$ 85.59 feet along same;
16. Thence along the Northeasterly side of South Wakea Avenue to a "T" Northeasterly of the end of Onehee Avenue on a curve to the right with a radius of 1,392.40 feet, the radial azimuth from the radius point to the beginning of the curve being: $16^{\circ} 29' 36''$,
the radial azimuth from the radius point to the end of the curve being: $31^{\circ} 04' 37''$,
and the chord azimuth and distance being:
 $113^{\circ} 47' 06.5''$ 353.45 feet;

17. Thence along Lot G of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels on a curve to the left with a radius of 44.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $2^{\circ} 12' 06''$, the radial azimuth from the radius point to the end of the curve being: $286^{\circ} 50'$, and the chord azimuth and distance being:
 $234^{\circ} 31' 03''$ 53.80 feet;
18. Thence along same on a curve to the left with a radius of 235.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $286^{\circ} 50'$, the radial azimuth from the radius point to the end of the curve being: $262^{\circ} 30'$, and the chord azimuth and distance being:
 $184^{\circ} 40'$ 99.06 feet;
19. $172^{\circ} 30'$ 164.27 feet along same;
20. $80^{\circ} 10'$ 47.05 feet along same;
21. $155^{\circ} 00'$ 111.20 feet along same;
22. $158^{\circ} 00'$ 180.00 feet along same;
23. $248^{\circ} 00'$ 52.98 feet along same;
24. $253^{\circ} 01' 10''$ 819.20 feet along the remainder of A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels to the point of beginning and containing a gross area of 6.842 Acres excluding Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) of 1.182 Acres described as follows for a net area of 5.660 Acres.

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: $113^{\circ} 17' 80.67$ feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

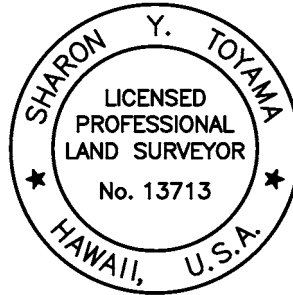
7,449.07 feet East

and running by azimuths measured clockwise from True South:

1. $70^{\circ} 17' 30''$ 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
 $115^{\circ} 17' 30''$ 7.07 feet;
3. $160^{\circ} 17' 30''$ 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 2.83 feet;
5. $250^{\circ} 17' 30''$ 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 56.57 feet;
7. $160^{\circ} 17' 30''$ 65.87 feet along same;
8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $70^{\circ} 17' 26''$,
the radial azimuth from the radius point to the end of the curve being: $97^{\circ} 14' 56''$,
and the chord azimuth and distance being:
 $173^{\circ} 46' 13''$ 18.65 feet;
9. $250^{\circ} 17' 30''$ 271.65 feet along same;
10. $340^{\circ} 17' 30''$ 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
 $25^{\circ} 17' 30''$ 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

This work was prepared by me
or under my supervision.



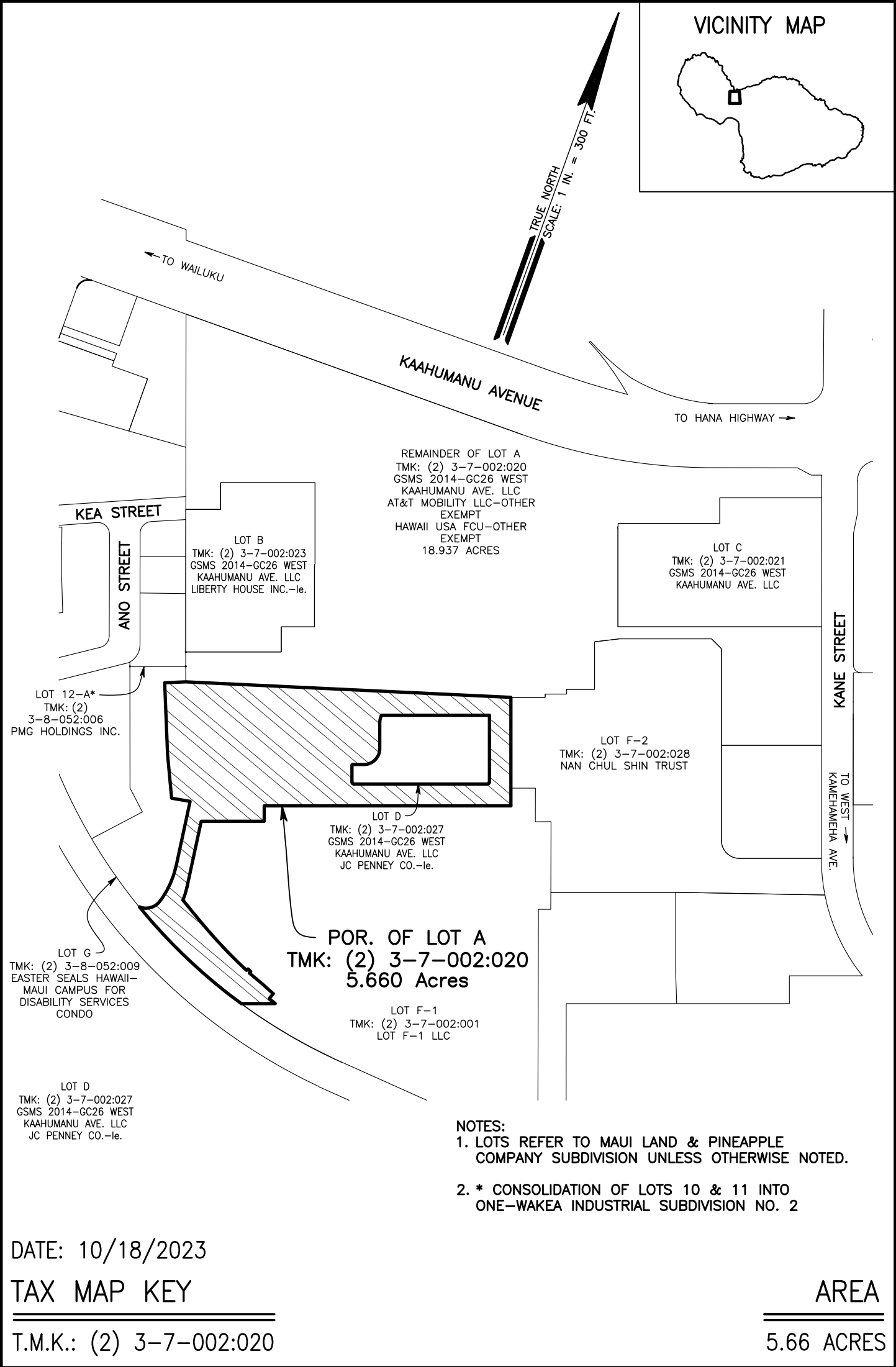
FUKUMOTO ENGINEERING, INC.

A handwritten signature in cursive script that reads "Sharon Y. Toyama".

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

GSMS01



COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – KAHULUI, MAUI, HAWAII
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

DESCRIPTION

LOT D MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: $113^{\circ} 17' 80.67$ feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

7,449.07 feet East

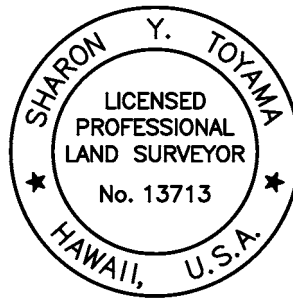
and running by azimuths measured clockwise from True South:

1. $70^{\circ} 17' 30''$ 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
 $115^{\circ} 17' 30''$ 7.07 feet;
3. $160^{\circ} 17' 30''$ 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 2.83 feet;
5. $250^{\circ} 17' 30''$ 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 56.57 feet;
7. $160^{\circ} 17' 30''$ 65.87 feet along same;

8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $70^{\circ} 17' 26''$,
the radial azimuth from the radius point to the end of the curve being: $97^{\circ} 14' 56''$,
and the chord azimuth and distance being:
 $173^{\circ} 46' 13''$ 18.65 feet;
9. $250^{\circ} 17' 30''$ 271.65 feet along same;+
10. $240^{\circ} 17' 30''$ 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
 $25^{\circ} 17' 30''$ 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

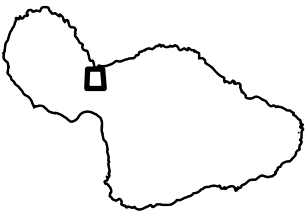
1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

GSMS01

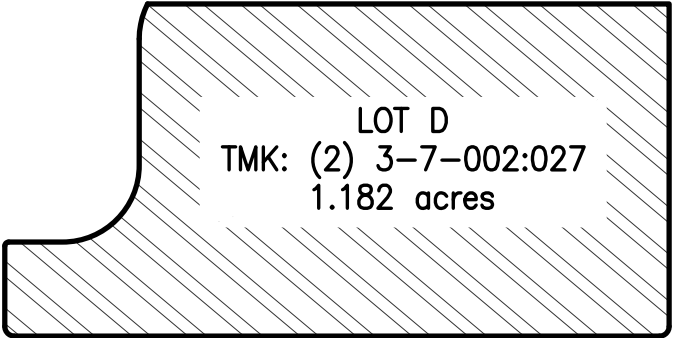
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

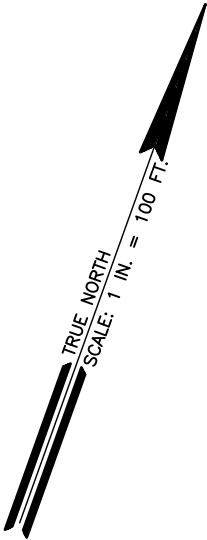
VICINITY MAP



LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT



LOT D
TMK: (2) 3-7-002:027
1.182 acres



LOT F-2
TMK: (2) 3-7-002:028
NAN CHUL SHIN TRUST

LOT F-1
TMK: (2) 3-7-002:001
LOT F-1 LLC

NOTE: LOTS REFER TO MAUI LAND &
PINEAPPLE COMPANY SUBDIVISION.

DATE: 10/18/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:027

AREA

1.182 ACRES

COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT – KAHULUI, MAUI, HAWAII
FROM HEAVY INDUSTRIAL TO BUSINESS/COMMERCIAL

APPENDIX B

B-2: Change in Zoning,

**Metes and Bounds Descriptions and
MAPS**

DESCRIPTION

LOT A MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also portions of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northwest corner of this lot on the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,982.53 feet North

6,336.25 feet East

and running by azimuths measured clockwise from True South:

1. 270° 00' 15" 571.89 feet along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu;
2. 270° 00' 15" 80.00 feet along the same;
3. 270° 00' 15" 247.47 feet along the same;
4. Thence along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainders of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant 3343 to Claus Spreckels on a curve to the left with a radius of 1,420.24 feet, the chord azimuth and distance being:
 260° 09' 27.5" 485.75 feet;
5. 250° 18' 40" 213.35 feet along the Southerly side of Kaahumanu Avenue [F.A.P. No. F-032-1 (3)], being also the remainder Royal Patent Grant 3343 to Claus Spreckels;
6. 278° 36' 30" 39.22 feet along same;
7. 250° 21' 26.69 feet along same;

8.	340°	21'		56.90	feet along the Westerly side of Kane Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
9.	70°	17'	30"	256.48	feet along Lot C of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
10.	340°	17'	30"	64.62	feet along same;
11.	70°	17'	30"	256.00	feet along same;
12.	340°	17'	30"	8.45	feet along same;
13.	70°	17'	30"	1.10	feet along same;
14.	340°	17'	30"	3.00	feet along same;
15.	250°	17'	30"	0.75	feet along same;
16.	340°	17'	30"	248.38	feet along same;
17.	250°	17'	30"	512.50	feet along same;
18.	340°	21'		298.28	feet along the Westerly side of Kane Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
19.	70°	17'	30"	251.69	feet along Lot E of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
20.	160°	17'	30"	243.02	feet along Lot F-2 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
21.	115°	17'	30"	35.35	feet along same;
22.	70°	17'	30"	231.13	feet along same;
23.	63°	30'		63.52	feet along same;
24.	340°	17'	30"	119.64	feet along same;
25.	70°	17'	30"	70.68	feet along same;

26. 340° 17' 30" 12.01 feet along same;
27. 70° 17' 30" 53.62 feet along same;
28. 340° 17' 30" 8.17 feet along same;
29. 70° 17' 30" 86.33 feet along same;
30. 340° 17' 30" 273.01 feet along Lot F-2 and Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
31. 70° 17' 30" 620.93 feet along Lot F-1 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.2200), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
32. 340° 17' 30" 38.69 feet along same;
33. 70° 17' 30" 158.40 feet along same;
34. 352° 30' 170.22 feet along same;
35. Thence along same on a curve to the right with a radius of 188.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 262° 30',
the radial azimuth from the radius point to the end of the curve being: 272° 42' 44",
and the chord azimuth and distance being:
357° 36' 22" 33.46 feet;
36. 301° 00' 60.92 feet along same;
37. Thence along same on a curve to the left with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 31° 00',
the radial azimuth from the radius point to the end of the curve being: 23° 20' 40",
and the chord azimuth and distance being:
297° 10' 20" 177.58 feet;
38. 203° 20' 40" 5.00 feet along same;

39. Thence along same on a curve to the left with a radius of 1,325.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $23^{\circ} 20' 40''$,
the radial azimuth from the radius point to the end of the curve being: $22^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $293^{\circ} 07' 40''$ 10.02 feet;
40. $22^{\circ} 54' 40''$ 5.00 feet along same;
41. Thence along same on a curve to the right with a radius of 1,330.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $199^{\circ} 30'$,
the radial azimuth from the radius point to the end of the curve being: $202^{\circ} 54' 40''$,
and the chord azimuth and distance being:
 $291^{\circ} 12' 20''$ 79.17 feet;
42. $19^{\circ} 30'$ 16.00 feet along same;
43. $289^{\circ} 30'$ 19.93 feet along same;
44. $70^{\circ} 17' 30''$ 85.59 feet along same;
45. Thence along the Northeasterly side of South Wakea Avenue to a "T" Northeasterly of the end of Onehee Avenue on a curve to the right with a radius of 1,392.40 feet, the radial azimuth from the radius point to the beginning of the curve being: $16^{\circ} 29' 36''$,
the radial azimuth from the radius point to the end of the curve being: $31^{\circ} 04' 37''$,
and the chord azimuth and distance being:
 $113^{\circ} 47' 06.5''$ 353.45 feet;
46. Thence along Lot G of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels on a curve to the left with a radius of 44.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $2^{\circ} 12' 06''$,
the radial azimuth from the radius point to the end of the curve being: $286^{\circ} 50'$,
and the chord azimuth and distance being:
 $234^{\circ} 31' 03''$ 53.80 feet;

47. Thence along same on a curve to the left with a radius of 235.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $286^{\circ} 50'$, the radial azimuth from the radius point to the end of the curve being: $262^{\circ} 30'$, and the chord azimuth and distance being: $184^{\circ} 40'$ 99.06 feet;
48. $172^{\circ} 30'$ 164.27 feet along same;
49. $80^{\circ} 10'$ 47.05 feet along same;
50. $155^{\circ} 00'$ 111.20 feet along same;
51. $158^{\circ} 00'$ 180.00 feet along same;
52. $248^{\circ} 00'$ 52.98 feet along same;
53. $160^{\circ} 17' 30''$ 75.25 feet along Lot G of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) and Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
54. $250^{\circ} 17' 30''$ 240.28 feet along Lot B of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
55. $160^{\circ} 17' 30''$ 63.14 feet along same;
56. $250^{\circ} 17' 30''$ 83.62 feet along same;
57. $160^{\circ} 17' 30''$ 157.46 feet along same;
58. $250^{\circ} 17' 30''$ 1.50 feet along same;
59. $160^{\circ} 17' 30''$ 205.00 feet along same;
60. $70^{\circ} 17' 30''$ 237.59 feet along same;
61. $340^{\circ} 17' 30''$ 67.02 feet along same;
62. $70^{\circ} 17' 30''$ 87.62 feet along same;

63. 160° 21' 491.42 feet along the East End of Kea Street, Lot 13 of Wakea Avenue Industrial Subdivision No. 2 (Subdivision File No. 3.459-15 Lots Subdivision), and Lot 1 of Merchants Enterprises Subdivision (Subdivision File No. 3.1221), being also the remainders of Grant 1819 to Kahananui and Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu to the point of beginning and containing a gross area of 25.779 Acres excluding Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993) with 1.182 Acres described as follows for a net area of 24.597 Acres.

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: 113° 17' 80.67 feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

7,449.07 feet East

and running by azimuths measured clockwise from True South:

1. 70° 17' 30" 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
 115° 17' 30" 7.07 feet;
3. 160° 17' 30" 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
 205° 17' 30" 2.83 feet;
5. 250° 17' 30" 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
 205° 17' 30" 56.57 feet;

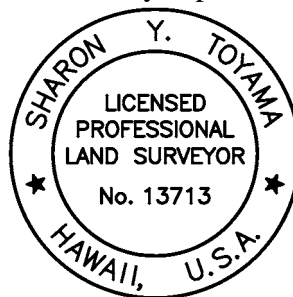
7. 160° 17' 30" 65.87 feet along same;
8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 70° 17' 26",
the radial azimuth from the radius point to the end of the curve being: 97° 14' 56",
and the chord azimuth and distance being:
173° 46' 13" 18.65 feet;
9. 250° 17' 30" 271.65 feet along same;
10. 340° 17' 30" 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
25° 17' 30" 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

Vehicular access will not be permitted into and from Kane Street, over and across Courses 1, 3, 4, 5, 6, 7, and 8 of the above described Lot A.

Vehicular access will not be permitted into and from Kane Street, over and across Course 2 of the above described Lot A.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Sharon Y. Toyama

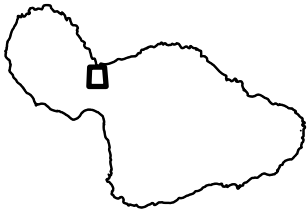
Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

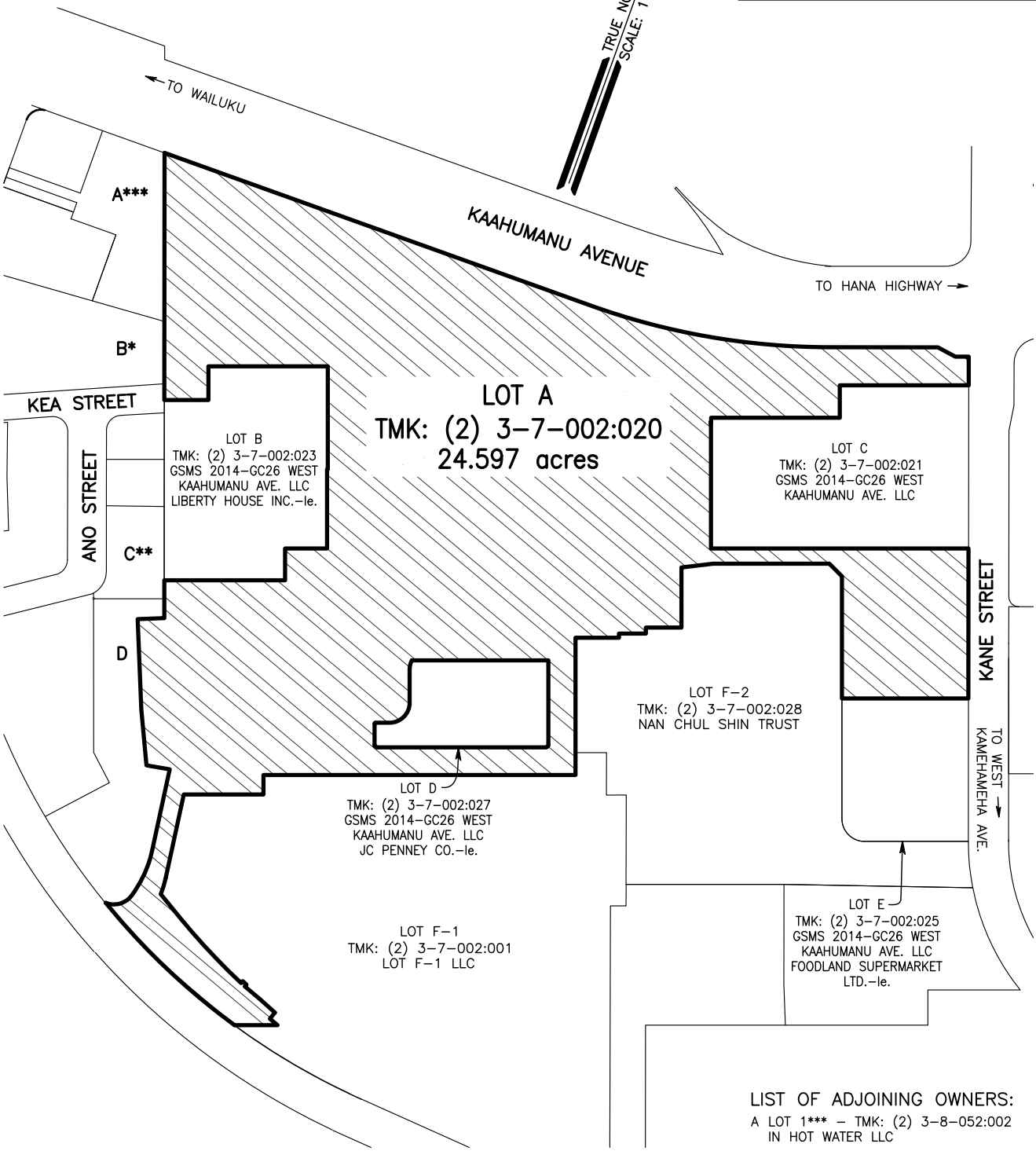
NOTES:

- 1. LOTS REFER TO MAUI LAND & PINEAPPLE COMPANY SUBDIVISION UNLESS OTHERWISE NOTED.
- 2. * LOTS REFER TO WAKEA INDUSTRIAL SUBDIVISION NO. 2
- 3. ** CONSOLIDATION OF LOTS 10 & 11 INTO ONE-WAKEA INDUSTRIAL SUBDIVISION NO. 2
- 4. *** MERCHANTS ENTERPRISES SUBDIVISION

VICINITY MAP



TRUE NORTH
SCALE: 1 IN. = 300 FT.



LIST OF ADJOINING OWNERS:

- A LOT 1*** - TMK: (2) 3-8-052:002
IN HOT WATER LLC
- B LOT 13* - TMK: (2) 3-8-052:005
ARS HOLDING LLC
- C LOT 12-A** - TMK: (2) 3-8-052:006
PMG HOLDINGS INC.
- D LOT G - TMK: (2) 3-8-052:009
EASTER SEALS HAWAII MAUI CAMPUS
FOR DISABILITY SERVICES CONDO

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:020

AREA

24.597 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING - KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

DESCRIPTION

LOT B MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot B of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northwesterly corner of this lot on the Easterly side of the end of Kea Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,519.73 feet North

6,501.51 feet East

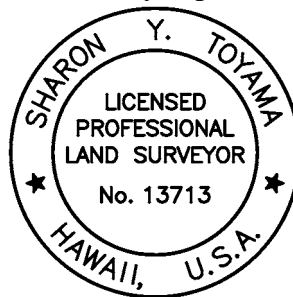
and running by azimuths measured clockwise from True South:

- | | | | | |
|-----|------|-----|-----|---|
| 1. | 250° | 17' | 30" | 87.62 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels; |
| 2. | 160° | 17' | 30" | 67.02 feet along same; |
| 3. | 250° | 17' | 30" | 237.59 feet along same; |
| 4. | 340° | 17' | 30" | 205.00 feet along same; |
| 5. | 70° | 17' | 30" | 1.50 feet along same; |
| 6. | 340° | 17' | 30" | 157.46 feet along same; |
| 7. | 70° | 17' | 30" | 83.62 feet along same; |
| 8. | 340° | 17' | 30" | 63.14 feet along same; |
| 9. | 70° | 17' | 30" | 240.28 feet along same; |
| 10. | 160° | 17' | 30" | 166.62 feet along Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), also being also the remainder of Royal Patent Grant 3343 to Claus Spreckels; |

11. 160° 21' 191.96 feet along Consolidation of Lots 10 & 11 into One Lot (Subdivision File No. 3.506), Lot 12-A and Lot 12-B of the Wakea Industrial Subdivision No. 2, Subdivision of Lot 12 into Lots 12-A and 12-B (Subdivision File No. 3.459), and the Northeasterly side of the end of Kea Street, being also the remainder of Royal Patent Grant 3343 to Claus Spreckels to the point of beginning and containing an area of 2.915 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

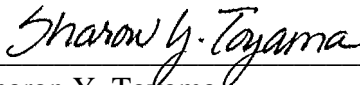
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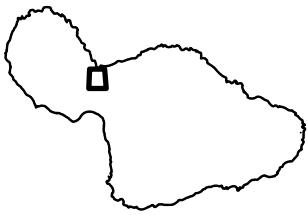
FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

GSMS01


Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

VICINITY MAP



LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT

← TO S. WAKEA AVE.
KEA STREET

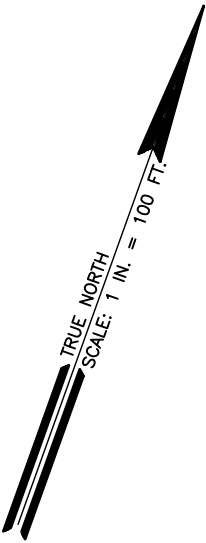
LOT 12-B*
TMK: (2) 3-8-052:022
PMG HOLDINGS INC.

LOT 12-A*
TMK: (2) 3-8-052:006
PMG HOLDINGS INC.

ANO STREET

LOT 12-A**
TMK: (2) 3-8-052:006
PMG HOLDINGS INC.

LOT B
TMK: (2) 3-7-002:023
2.915 acres



- NOTES:
1. LOTS REFER TO MAUI LAND & PINEAPPLE COMPANY SUBDIVISION UNLESS OTHERWISE NOTED.
 2. * LOTS REFER TO WAKEA INDUSTRIAL SUBDIVISION NO. 2
 3. ** CONSOLIDATION OF LOTS 10 & 11 INTO ONE-WAKEA INDUSTRIAL SUBDIVISION NO. 2

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:023

AREA

2.915 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING – KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

DESCRIPTION

LOT C MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot C of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this lot on the Westerly side of the Kane Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

3,086.90 feet North

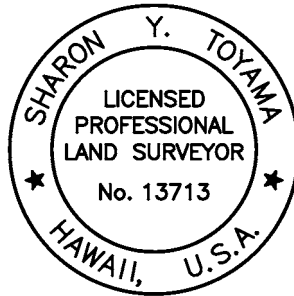
7,998.14 feet East

and running by azimuths measured clockwise from True South:

1. 340° 21' 324.45 feet along the Westerly side of Kane Street;
2. 70° 17' 30" 512.50 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
3. 160° 17' 30" 248.38 feet along same;
4. 70° 17' 30" 0.75 feet along same;
5. 160° 17' 30" 3.00 feet along same;
6. 250° 17' 30" 1.10 feet along same;
7. 160° 17' 30" 8.45 feet along same;
8. 250° 17' 30" 256.00 feet along same;
9. 160° 17' 30" 64.62 feet along same;
10. 250° 17' 30" 256.48 feet along same to the point of beginning and containing an area of 3.438 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

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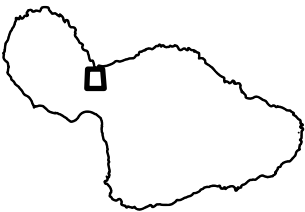
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

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Wailuku, Hawaii 96793
October 18, 2023

GSMS01

VICINITY MAP



← TO WAILUKU

TO HANA HIGHWAY →

KAAHUMANU AVENUE

LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT

LOT C
TMK: (2) 3-7-002:021
3.438 acres

LOT F-2
TMK: (2) 3-7-002:028
NAN CHUL SHIN TRUST

NOTE: LOTS REFER TO MAUI LAND &
PINEAPPLE COMPANY SUBDIVISION.

KANE STREET

TO WEST →
KAMEHAMEHA
AVE.

TRUE NORTH
SCALE: 1 IN. = 100 FT.

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:021

AREA

3.438 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING – KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

DESCRIPTION

LOT D MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot D of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot with an azimuth and distance tie from the Southerly corner of Lot A being: $113^{\circ} 17' 80.67$ feet with coordinates 2,093.47 N. and 7,523.17 E., the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,125.36 feet North

7,449.07 feet East

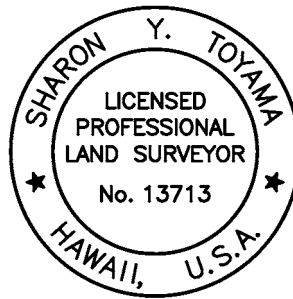
and running by azimuths measured clockwise from True South:

1. $70^{\circ} 17' 30''$ 336.00 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 5.00 feet, the chord azimuth and distance being:
 $115^{\circ} 17' 30''$ 7.07 feet;
3. $160^{\circ} 17' 30''$ 42.00 feet along same;
4. Thence along same on a curve to the right with a radius of 2.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 2.83 feet;
5. $250^{\circ} 17' 30''$ 28.00 feet along same;
6. Thence along same on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:
 $205^{\circ} 17' 30''$ 56.57 feet;
7. $160^{\circ} 17' 30''$ 65.87 feet along same;

8. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $70^{\circ} 17' 26''$,
the radial azimuth from the radius point to the end of the curve being: $97^{\circ} 14' 56''$,
and the chord azimuth and distance being:
 $173^{\circ} 46' 13''$ 18.65 feet;
9. $250^{\circ} 17' 30''$ 271.65 feet along same;+
10. $240^{\circ} 17' 30''$ 168.00 feet along same;
11. Thence along same on a curve to the left with a radius of 5.00 feet, the chord azimuth and distance being:
 $25^{\circ} 17' 30''$ 7.07 feet to the point of beginning and containing an area of 1.182 Acres.

Note: The metes and bounds description is prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

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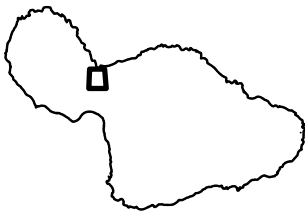
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

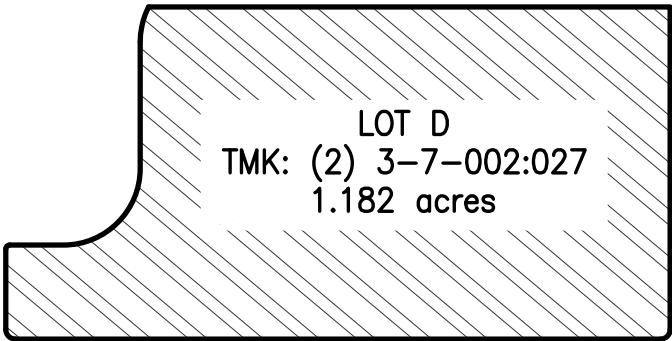
1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

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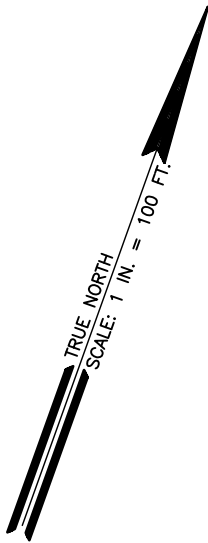
VICINITY MAP



LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT



LOT D
TMK: (2) 3-7-002:027
1.182 acres



LOT F-2
TMK: (2) 3-7-002:028
NAN CHUL SHIN TRUST

LOT F-1
TMK: (2) 3-7-002:001
LOT F-1 LLC

NOTE: LOTS REFER TO MAUI LAND &
PINEAPPLE COMPANY SUBDIVISION.

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:027

AREA

1.182 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING – KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

DESCRIPTION

LOT E MAUI LAND & PINEAPPLE COMPANY SUBDIVISION (SUBDIVISION FILE NO. 3.1577 AMENDED ON JUNE 3, 1993)

Being all of Lot E of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), and being also a portion of Royal Patent Grant 3343 to Claus Spreckels situated at Kahului, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this lot on the Westerly side of the Kane Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

2,232.63 feet North

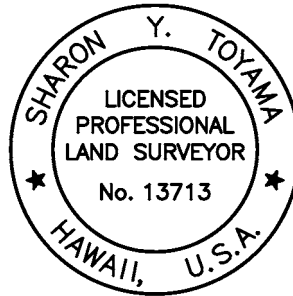
8,303.17 feet East

and running by azimuths measured clockwise from True South:

1. 270° 17' 30" 206.40 feet along Lot F-2 of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
2. Thence along same on a curve to the right with a radius of 45.00 feet, the chord azimuth and distance being:
 115° 17' 30" 63.64 feet;
3. 160° 17' 30" 239.36 feet along same;
4. 250° 17' 30" 251.69 feet along Lot A of the Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 amended June 3, 1993), being also the remainder of Royal Patent Grant 3343 to Claus Spreckels;
5. 340° 17' 30" 284.36 feet along the Westerly side of Kane Street to the point of beginning and containing an area of 1.632 Acres.

Note: The metes and bounds description prepared for changes in Zoning, Land Use District Boundary Amendment and Community Plan Amendment purposes only. It is based on final subdivision approved June 15, 1993 for Maui Land & Pineapple Company Subdivision (Subdivision File No. 3.1577 dated June 3, 1993).

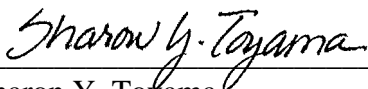
This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

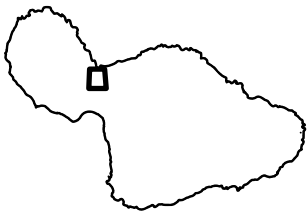
1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
October 18, 2023

GSMS01



Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/24

VICINITY MAP



LOT C
TMK: (2) 3-7-002:021
GSMS 2014-GC26 WEST KAAHUMANU AVE. LLC

LOT A
TMK: (2) 3-7-002:020
GSMS 2014-GC26 WEST KAAHUMANU
AVE. LLC
AT&T MOBILITY LLC-OTHER EXEMPT
HAWAII USA FCU-OTHER EXEMPT

LOT F-2
TMK: (2) 3-7-002:028
NAN CHUL SHIN TRUST

LOT E
TMK: (2) 3-7-002:025
1.632 acres

LOT F-3-1
TMK: (2)
3-7-002:029
LOT F-3 LLC

LOT F-4-1
TMK: (2) 3-7-002:030
NAN CHUL SHIN TRUST

NOTE: LOTS REFER TO MAUI LAND &
PINEAPPLE COMPANY SUBDIVISION.

DATE: 10/31/2023

TAX MAP KEY

T.M.K.: (2) 3-7-002:025

AREA

1.632 ACRES

LAND ZONING MAP NO.

CHANGE IN ZONING – KAHULUI, MAUI, HAWAII
FROM M-2 HEAVY INDUSTRIAL DISTRICT
TO B-3 CENTRAL BUSINESS DISTRICT

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

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

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

From: Jason Economou <jason.economou@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/19/2024 2:36 PM
Subject: Maui Planning Commission Testimony Regarding the Queen Kaahumanu Center and Reso. No. 23-221
Attachments: Jason Economou Draft Testimony RE QKC Rezoning 1_19_24.docx.pdf

January 19, 2024

Maui Planning Commission
% Department of Planning
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Sent Via Email: planning@mauicounty.gov

RE: Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan Amendment from "Heavy Industrial" to "Business/Commercial."

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in strong support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center. Allowing the Queen Kaahumanu Center the ability to transition from Heavy Industrial zoning to Business/Commercial is a sensible change that reflects the actual uses of the property, while also creating many new opportunities for both the property, and for the residents of this island. The Business/Commercial zoning designation will still allow for all the uses already occurring on the property, and it will add the possibility of residential uses to address our housing crisis and transform a center of commerce into a community.

As a resident of Wailuku, I pass the Queen Kaahumanu Center pretty much every day, and it has become a common spot for me to take my two-year-old son on rainy days. On all these occasions, I marvel at how great the architecture and location of the property is, and how underutilized it is. This impressive structure in the heart of town tries hard to bring in the community with activities and events, but the decline in brick and mortar retail activity over the past two decades has resulted in our mall, like many around the world, becoming a mere husk of what it once was. Unfortunately, as a consequence of being zoned Heavy Industrial, there aren't many ways for the Queen Kaahumanu Center to adapt. Allowing the requested community plan amendment could change that.

Aside from supporting this from a common sense perspective, I also support this community plan amendment because it is in line with feedback received from pretty much every community plan and outreach effort related to housing over the past few decades. Having been directly involved in both the Comprehensive Affordable Housing Plan and the Kaahumanu Community Corridor Plan, I know the community is strongly in support of mixed use development and adaptive reuse of commercial spaces to address our housing crisis, and I know that the Queen Kaahumanu Center has often been cited as an optimal location for such adaptive reuse and redevelopment. Notwithstanding, by virtue of its Heavy Industrial zoning, it is far more likely for the Queen Kaahumanu Center to be converted into an Amazon warehouse instead of housing. That wouldn't be good at all, but that is what the property is zoned for, so there would be nothing we could do to stop that. Let's avoid that scenario by making a change in zoning that will both preserve and enhance the character of the area.

As a local attorney specializing in housing policy and local land use regulation, I've learned a lot working with government entities, businesses, and nonprofits that are all focused on addressing Maui's housing crisis. I've looked at all the plans, heard the community input, read the books on zoning, and looked at what other communities are doing. The Queen Kaahumanu Center's request is a clear step in the right direction, and the Planning Commission should support it and encourage similar efforts from other industrial and commercial property owners.

Mahalo,

Jason Economou

Jason Economou

Attorney & Consultant

(808) 308-9015

www.JasonEconomou.com

From: Barbara Kenrich <barbara@kenrich.com>
To: "planning@mauicounty.gov" <planning@mauicounty.gov>
Date: 1/19/2024 2:16 PM
Subject: Rezoning of Queen K Shopping Center in Kahului

I am a Maui homeowner and I support the changing of zoning for the Queen K Shopping Center so that more housing can be built to help our locals who need housing.
Please pass the measure outlined to allow this at your next meeting!

Barbara Kenrich
43 Wailea Gateway Place Unit 102
Wailea, HI 96753
808-264-1016 (cell)

Tara Furukawa - Support for rezoning

From: Karl Newman <siliconfiend@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/22/2024 11:54 AM
Subject: Support for rezoning

Hello,

As a Maui resident I want to express my support for the rezoning of the Queen Ka'ahumanu Center area to mixed-use. It presents an excellent opportunity to create a vibrant walkable community in that space.

Thank you,

Karl Newman
101 Hooheno St, Kahului, HI 96732

Tara Furukawa - Maui Resident Testimony in Support of Resolution 23-221 - Queen K Mall Rezoning

From: Hope Head <hhead@nso.edu>
To: <planning@mauicounty.gov>
Date: 1/22/2024 11:47 AM
Subject: Maui Resident Testimony in Support of Resolution 23-221 - Queen K Mall Rezoning

Aloha,

As a resident of Maui, I would like to note my support for the rezoning of the Queen Ka'ahumanu Center via the bill for an ordinance to change the wailuku-kahului community plan land use designation from heavy industrial to business/commercial.

As stated after a market analysis study by Coresight Research's CEO Deborah Weinswig, "Occupancy rates are the No. 1 indicator of a mall's health." Currently, the Queen Ka'ahumanu Center is struggling to keep occupancy anywhere near its full capacity, with some of its largest spaces remaining unfilled. I believe rezoning this space to include the opportunity for residential use will allow for the large parking spaces to be properly utilized, while also bringing more foot traffic to the area, thus revitalizing retail interests in the space. I also approve of a restructuring of the space to include more green spaces, and to provide residents an opportunity for a small version of a "walkable city," in which their major needs and interests can be accessed without the need of adding additional motor vehicle traffic onto congested roads.

I hope that there is interest in progressing with this bill, and wanted to provide my testimony of support for this bill.

Kind regards,
 Hillary H. Head

--

 Hillary H. Head
 Science Ops Specialist
 National Solar Observatory
 22 Ohi'a Ku Street
 Makawao, HI 96768
 931-237-0962
 hhead@nso.edu

Tara Furukawa - Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan

From: Shayna Naveh <shaynanechama@gmail.com>
To: "planning@mauicounty.gov" <planning@mauicounty.gov>
Date: 1/22/2024 11:14 AM
Subject: Resolution No. 23-221, FD1 for the Queen Kaahumanu Center Community Plan

Amendment from "Heavy Industrial" to "Business/Commercial."

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center (QKC).

As a full time resident of Maui for the last 23 years I am in full support of this measure and any other measure that effectively enables the extra housing that is desperately lacking on the island.

Enabling QKC to support mixed use development has the added benefit of walkability that reduces the strain on public utilities, traffic congestion and health and wellbeing of residents.

QKC's strategic location within Kahului and proximity to various businesses makes it a prime location for such a development.

Transitioning the QKC from Heavy Industrial to Business/Commercial zoning will be a welcome change.

Mahalo,
Shayna Naveh
Makawao

Tara Furukawa - Resolution No.23-221

From: Brialyn Onodera <brialynonodera@gmail.com>
To: <planning@mauicounty.gov>
Date: 1/22/2024 10:56 AM
Subject: Resolution No.23-221

Aloha Chair Pali, Vice-Chair Thayer, and Commissioners,

I am submitting this testimony in support of Resolution No. 23-221 and the requested community plan amendment for the Queen Kaahumanu Center (QKC). Transitioning the QKC from Heavy Industrial to Business/Commercial zoning will be a welcome change that will enable the flexibility needed for the center to continue operations. In addition to maintaining the businesses already present, it enables the center to become a mixed-use development capable of providing the housing supply that is desperately lacking on the island. Enabling QKC to support mixed use development has the added benefit of walkability that reduces the strain on public utilities, traffic congestion and health and wellbeing of residents. Further, QKC's strategic location within Kahului and proximity to various businesses makes it a prime location for such a development.

As a current resident of Maui and lifetime resident of Hawaii I am in full support of this measure and hope to see more like it in the future

Mahalo,

Brialyn Onodera