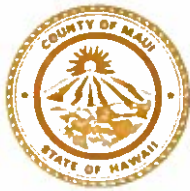


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



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

March 10, 2020

Mr. Daniel E. Orodener
Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Orodener:

SUBJECT: REPORT FOR THE STATE LAND USE COMMISSION – DOCKET NO. A89-652 / KEAWE STREET APARTMENTS AT VILLAGES OF LEIALI’I, FOR SUBDIVISION FILE NO. 4.1018, LOCATED IN LAHAINA, ISLAND OF MAUI, HAWAII; TMKS (2) 4-5-021:003 AND (2) 4-5-021:021 (A89-652)

The Department of Planning (Department) has reviewed the Report dated March 2, 2020, for the Keawe Street Apartments project at Villages of Leiali’i, Docket No. A89-652. The Department acknowledges this Report as continuing fulfillment of Condition No. 21.

The Department notes that this supplemental compliance report is specific to the project at Villages of Leiali’i known as the Keawe Street Apartments, a 200-unit affordable, multi-family, rental housing project. Incorporated into this compliance review is a Memorandum of Understanding made and entered on March 4, 2020, by and between the Hawaii Housing Finance and Development Corporation (Grantor) and A0703 West Maui, L.P. (Grantee). The MOU states: *“Grantor hereby agrees to create a grant of non-exclusive access easement (“Easement”) for an approximately thirty-five (35) foot setback (the “Setback”) affecting the Property as set forth on Exhibit B [of the MOU] attached hereto and incorporated herein by reference and agrees that such Easement will not permit the construction of any structure within the Setback area shaded as set forth in Exhibit B.”*

Mr. Daniel E. Orodener
March 10, 2020
Page 2

Thank you for the opportunity to review. Should further comment be necessary, please contact Staff Planner Kurt Wollenhaupt by email at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,



JORDAN HART
Deputy Director

for

MICHELE MCLEAN, AICP
Planning Director

Attachment Memorandum of Understanding

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Linda Munsell, Deputy Director (PDF)
State Office of Planning
Land Use Commission (PDF)
Tessa Munekiyo Ng, AICP Vice President, Munekiyo Hiraga (PDF)
Stanley S. Fujimoto (PDF)
Thomas Fischer (PDF)
Doug Bigley (PDF)
Mike Silva (PDF)
Denise Iseri Matsubara, Interim Executive Director, Department of Business, Economic
Development, and Tourism, HHFDC
Project File

MCM:JH:KFW:rma

K:\WP_DOCS\Planning\A\89_652VillagesOfLeialii\Keawe Street Apartments\FOR AX\Keawe Street Apts VOL
Report LUC.docx

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 4th day of March, 2020, by and between the HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body corporate and politic of the State of Hawaii ("Grantor"), whose place of business and mailing address of which is 677 Queen Street, Suite 300, Honolulu Hawaii, 958613 and A0703 WEST MAUI, L.P., a Hawaii limited partnership ("Lessee"), whose principal place of business and mailing address is 2000 E. Fourth Street, Suite 220, Santa Ana, California 92705, in favor of the County of Maui ("Beneficiary").

WHEREAS, Grantor is the owner of certain unimproved real property described in Exhibit A attached hereto and incorporated herein by reference. ("Property"):

WHEREAS, Lessee is in the process of negotiating a ground lease with Grantor whereby Lessee will lease the Property from Grantor for a period of 75 years ("Lease").

WHEREAS, Beneficiary is requesting a building setback from Grantor and Lessee affecting a certain portion of the Property to accommodate future roadway purposes.

NOW THEREFORE, it is agreed to by and between the parties hereto:

1. Grantor hereby agrees to create a grant of non-exclusive access easement ("Easement") for an approximately thirty-five (35) foot setback (the "Setback") affecting the Property as set forth on Exhibit B attached hereto and incorporated herein by reference and agrees that such Easement will not permit the construction of any structure within the Setback area shaded as set forth in Exhibit B.
2. Lessee agrees to take the Lease subject to the Easement.
3. The Easement shall be a covenant running with the land and shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, this MOU has been executed as of the date first written above.

Approved as to Form:



Deputy Attorney General

3-2-20

Hawaii Housing Finance and Development Corporation

By



Denise Iseri-Matsubara
Interim Executive Director

Memorandum of Understanding
Page 2

A0703 West Maui, L.P., a Hawaii limited
partnership

By: FP Holdings LLC
a Hawaii limited partnership

By:  _____
Manager

EXHIBIT A

DESCRIPTION

VILLAGES OF LEIALII
LOT 5-A

Being a portion of Government (Crown) Land of Wahikuli, situated at Wahikuli, Lahaina, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe at the Southwesterly corner of this land, being also the Easterly corner of Lot 4 of the Hawaii Omori Mauka Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being:

3,575.41 feet South

3,585.17 feet West

and running by azimuths measured clockwise from True South:

1. 129° 20' 700.00 feet along Lot 4 of the Hawaii Omori Mauka Subdivision, being also along Land Patent 8306, Land Commission Award 11216, Apana 16 to M. Kekauonohi;
2. 141° 35' 648.73 feet along same;
3. 179° 35' 474.00 feet along the remainder of Government (Crown) Land of Wahikuli;
4. 269° 37' 788.78 feet along same;
5. Thence along same on a curve to the left with a radius of 950.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 86° 16' 37";
the radial azimuth from the radius point to the end of the curve being: 42° 26' 14";
and the chord azimuth and distance being:
334° 21' 25.5" 709.29 feet;
6. 312° 26' 14" 447.27 feet along same;
7. Thence along same on a curve to the left with a radius of 785.50 feet, the radial azimuth from the radius point to the beginning of the curve being: 42° 26' 14";
the radial azimuth from the radius point to the end of the curve being: 33° 19' 26";
and the chord azimuth and distance being:
307° 52' 50" 124.81 feet;

8. 303° 19' 26" 66.53 feet along same;
9. Thence along the Northwesterly side of Keawe Street Extension [(F.A.P. No. NH-030-1 (35)] on a curve to the right with a radius of 790.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 303° 39' 44"; the radial azimuth from the radius point to the end of the curve being: 318° 30'; and the chord azimuth and distance being: 41° 04' 52" 204.01 feet;
10. 48° 30' 364.31 feet along same;
11. 94° 40' 225.76 feet along Lot 2 of Lahaina Business Park (File Plan 2266), being also the remainder Grant 1891, Apana 8 to D. Baldwin to the point of beginning and containing an area of 28.522 Square Feet.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

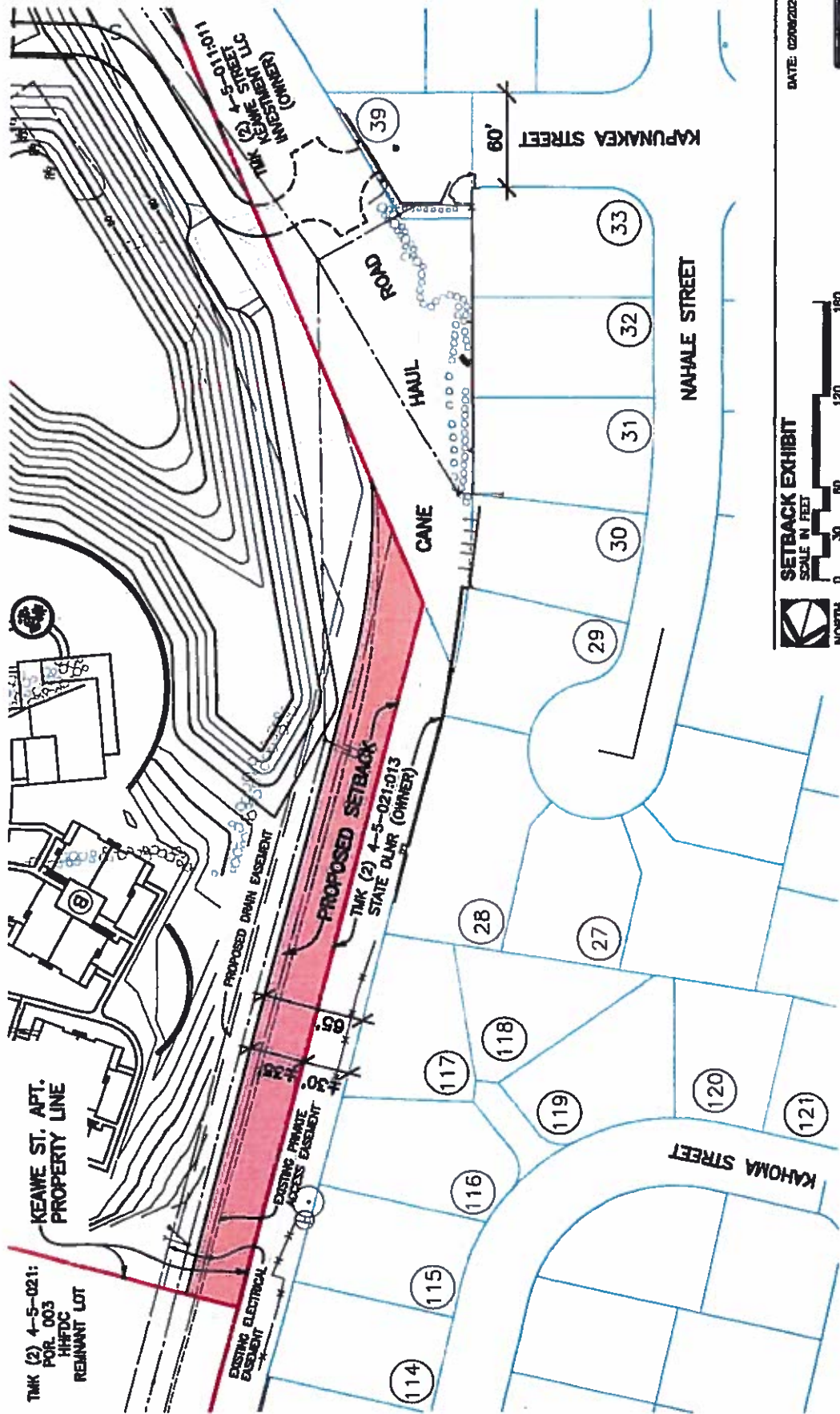
Sharon Y. Toyama

Sharon Y. Toyama
Licensed Professional Land Surveyor
Certificate Number 13713
License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
January 10, 2020

MLN08

EXHIBIT B



TAK (2) 4-5-021:
 FOR 003
 HHFC
 REMANANT LOT

110111
 TAK (2) 4-5-011011
 KEAWE ST. APT. (OWNER)

PROPOSED SETBACK
 TAK (2) 4-5-021:013
 STATE DLNR (OWNER)

DATE: 02/06/2020

PREPARED FOR: IKAUA OHANA

PREPARED BY: FURUKOTO ENGINEERING, INC.
 KEAWE STREET APARTMENTS

SETBACK EXHIBIT
 SCALE IN FEET

NORTH