



ALEXANDER & BALDWIN
PARTNERS FOR HAWAII

December 12, 2023



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

Subject: 2023 Annual Report to the State Land Use Commission
Docket Nos. A03-739 and A88-634
Maui Business Park Phase II

Dear Mr. Orodener:

This letter constitutes A&B Properties Hawaii, LLC's ("A&B" or "Petitioner") 2023 annual report to the State Land Use Commission ("SLUC") pursuant to Condition No. 22 under Docket No. A03-739 and Condition No. 23 under Docket No. A88-634. Inasmuch as both land use dockets involve the reclassification of land comprising the proposed 179-acre Maui Business Park Phase II project ("Project"), the annual report requirements under both dockets are being addressed in this report.

Project Background and Status

By its Decision and Order dated March 25, 2004, under Docket No. A03-739, the SLUC granted approval of A&B's petition to reclassify approximately 138.158 acres from the "Agricultural" to the "Urban" land use district at Kahului, Maui, Hawaii. Subsequently, by its Decision and Order dated June 13, 2005, under Docket No. A88-634, the SLUC granted approval of A&B's application for incremental approval of 33.53 acres to the "Urban" land use district at Kahului, Maui, Hawaii. The lands which comprise these two dockets, along with an additional approximately 7.3 acres that were already designated within the Urban District, make up the 179-acre Project site. The Project is a continuation of the existing Maui Business Park situated in Kahului, Maui, Hawaii.

A change in zoning application was filed in April 2004 with the County of Maui to attain the light industrial zoning necessary for the Project to proceed. In May 2005, the Maui Planning Commission voted to recommend approval of the zoning application to



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the Maui County Council. Subsequently, in April 2008 the County Council approved the zoning bill and it was enacted as Ordinance No. 3559 in May 2008.

Construction of an offsite private water system that will serve the Project commenced in February 2011 and has been completed. Construction of other infrastructure improvements including drainage, sewer, and water systems, and roadways were substantially completed in March 2013. Offsite improvements to Hana Highway commenced in April 2013 and have been completed.

Sales and marketing of the Project commenced in June 2012, following the issuance of a Preliminary Order of Subdivision Registration (included in 2012 annual report). On October 31, 2014, a Final Order of Registration for Maui Business Park, Phase II, South Project Increment IB, was issued by the State Department of Commerce and Consumer Affairs. Lots are being marketed to various prospective buyers and where warranted, lots are being modified to suit buyers' needs. Petitioner retains ownership of 58 undeveloped acres (32.4%) of the Project.

Status of Activities Relating to Imposed Conditions

Listed below are each of the conditions imposed by the SLUC and the status of activities pertaining to each respective condition. Note that the listed conditions are applicable to both Docket A03-739 and Docket A88-634 unless otherwise indicated.

Dockets A03-739 & A88-634

*1a. **Housing Study.** Within one hundred eighty days (180) of this decision and order, the Petitioner shall complete and submit to and for the approval of the Commission, with copies to the Department of Planning, the Department of Housing and Human Concerns and the Office of Planning, a housing study that addresses the following:*

- i. The impact the Project will have on the current labor force;*
- ii. The type of employee/affordable housing demands that will be created by the Project;*
- iii. Any employee/affordable housing policy adopted and in place by the County for commercial and industrial developments;*
- iv. The proposed mitigation measures to alleviate the impact on both the labor market and the employee/affordable housing situation, including, but not limited to, the acreage, siting, timing, type of housing and eligibility for the employee/affordable housing project and the identity of potential developers and recipient of land to be contributed and conveyed by Petitioner for affordable/employee housing (collectively, the "Proposed Mitigation Measures"); and*



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v. *Recommendations and timeframe for implementing any applicable county housing policy (in place at the time of this study) or requirements and/or the Petitioner’s proposed mitigation measures, including the minimum contribution of land described in Condition 1b immediately herein below (collectively, the “Proposed Timeline”).*

The reclassification of the Petition Area, as described in this Decision and Order, shall be subject to the further condition of Petitioner’s compliance with the Proposed Mitigation Measures and Proposed Timeline, as modified and/or approved by the Commission (the “Approved Mitigation Measures and Timeline”).

1b. Minimum Contribution of Land by the Petitioner. *In compliance and consistent with the Approved Mitigation Measures and Timeline, Petitioner shall contribute, no later than one (1) year after any Maui County zoning approval authorizing the use of the Property for light industrial and/or commercial use, to the County of Maui or a non-profit housing entity or other appropriate entity, a minimum of ten (10) acres of land useable for residential development within the Central Maui region reasonably acceptable to the County of Maui towards development of employee/affordable housing or satisfy such more stringent employee/affordable housing requirements for the Project as may be imposed by the Maui County Council. The Approved Mitigation Measures and Timeline shall be an obligation of the recipient of the land conveyed for affordable housing purposes, as memorialized in the conveyance document from the Petitioner to such recipient.*

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

Dockets A03-739 & A88-634

2. **Water Facilities.** *Petitioner shall participate in the funding and construction of adequate water source, storage and transmission facilities and improvements or remit applicable fees for water source, storage and transmission facilities and improvements to accommodate projected water usage generated by the Project. Water facilities and improvements, including adequate storage facilities, should surface water sources be developed, or the payment of applicable fees, shall be coordinated and approved by the County of Maui, Department of Water Supply and, if applicable, the Commission on Water Resources Management of the Department of Land and Natural Resources. Adequate water source shall be made available prior to the issuance of any occupancy permits for buildings developed on the Property.*

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**



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3. ***Aircraft Operations.*** *Petitioner shall implement procedures to address notification and liability issues which arise from the potential adverse impacts from noise, right of flight, emissions, vibrations and other incidences of aircraft operations upon the present and future Owners and future lessees or occupants of the Property resulting from the adjacent Kahului Airport operations. The following covenant shall encumber the Property and be included in any transfer of any interest in the Property.*

“The Property is located in the vicinity of Kahului Airport, a commercial airport, and each Owner is aware that there is a likelihood of noise from aircraft passing overhead or nearby and other potential adverse impacts from other incidence of aircraft operation. Each Owner hereby assumes the risk of any potential adverse impacts from such noise, right of flight, emissions, vibrations or other incidents of aircraft operations upon the Owner’s lot or uses thereon. Each Owner shall be responsible for appropriate mitigation measures to address the abovementioned potential adverse impacts. Each Owner shall indemnify and hold harmless Declarant and the State of Hawaii from and against all claims, liability and losses that arise out of noise, right of flight, emissions, vibrations and other incidences of aircraft operations, unless such claim, liability or loss arises out of the State of Hawaii’s willful misconduct in the operation of Kahului Airport or violating any applicable federal, state or county requirement governing aircraft safety and noise abatement measures, in which case, the indemnification of the State of Hawaii will be inapplicable.”

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

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4. ***FAA Form 7460-1, Notice of Proposed Construction or Alteration.*** *Petitioner shall impose a covenant encumbering the Property and be included in any transfer of any interest in the Property requiring the submittal of Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration, to the FAA’s Hawaii District Office when or if required under applicable FAA Regulations with a copy to DOT’s Airports Division.*

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

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5. ***Runway Protection Zone.*** *Petitioner acknowledges that a portion of Petition Area A overlaps the runway protection zone (hereinafter “RPZ”) for a*



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proposed extension of the Kahului Airport runway of up to 9,600 feet in length, as further described in the State Office of Planning's Exhibits Nos. 9 and 10 and the testimony of DOT Airports Division witness Benjamin Schlapak. Petitioner agrees to restrict uses in the RPZ to light industrial, parking, roadway and other infrastructure uses that do not entail the congregation of people, provided all such uses are approved by the Federal Aviation Administration. This restriction on uses within the RPZ shall automatically terminate if the State Department of Transportation (DOT) does not attain all governmental approvals for the extension of the Kahului Airport runway within a period of five (5) years from March 25, 2004, the date of the Commission's Decision and Order in Docket No. A03-739. Notwithstanding the foregoing, and for good cause shown, the Commission may grant an extension of time for the DOT if DOT during such five-year period has been using its best efforts, in good faith, to attain all governmental approvals for the extension of the Kahului Airport runway. The size of the RPZ shall be adjusted if the runway length sought by the DOT is less than 9,600 feet. Should the DOT desire to acquire an easement or the fee simple interest in the RPZ, the fair market value of the land shall be based on its current Agricultural District classification and present zoning designation by the County of Maui provided that: a) the acquisition occurs within a period of five (5) years from March 25, 2004, the date of the Commission's Decision and Order in Docket No. A03-739; and b) the DOT during such five-year period has been using its best efforts, in good faith, to attain all governmental approvals for the extension of the Kahului Airport runway.

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

Dockets A03-739 & A88-634

6. **Traffic Impact Analysis Report.** *Prior to obtaining County zoning, Petitioner shall revise or supplement its traffic impact analysis report (hereafter TIAR) dated May 2003 to the satisfaction of the DOT. The TIAR shall identify the impact of Petitioner's project on the transportation system and recommend any required mitigation measures. Conditions and assumptions reflected in the TIAR shall be developed in consultation with DOT, including but not limited to, various proportions of retail and light industrial uses to be developed at the Property, plans for the proposed airport access road, permitted accesses, trip generation rates, and traffic projections. Petitioner shall obtain the DOT's prior written approval of the final TIAR and Petitioner may not proceed with the development of Petitioner's project unless and until the DOT approves the TIAR. As development occurs within the Property, the TIAR shall be revised or supplemented as may be requested and required by the DOT. Petitioner shall be responsible for constructing, implementing and/or contributing its fair share of the cost of those improvements or mitigation measures as recommended or required by the TIAR and as dictated by the actual proportion of light industrial and*



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retail uses developed at the Property. The TIAR shall also address the impact to County of Maui roadways and shall be submitted to the County of Maui, Department of Planning for the County's review and consideration in the zoning approval process.

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

Dockets A03-739 & A88-634

7. **Regional Transportation Improvements.** *Petitioner shall contribute Petitioner's fair share of the cost of regional transportation improvements in the area, as such fair share shall be determined by the DOT based on appropriate transportation planning methodologies to establish a rational nexus.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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8. **Best Management Practices.** *The Petitioner shall coordinate with the County of Maui, the State Department of Land and Natural Resources and the State Department of Health to establish Best Management Practices to contain spills, and prevent materials associated with light industrial uses such as petroleum products, chemicals, and other pollutants from leaching or draining into the ground or the storm drain system.*

Status: Petitioner acknowledges this condition, and as development of the Project progresses, will continue to comply with this condition.

Dockets A03-739 & A88-634

9. **Hazardous Materials.** *Storage and/or disposal of hazardous materials shall be approved by the State Department of Health prior to their establishment on the subject Property.*

Status: Petitioner acknowledges this condition, and as development of the Project progresses, will continue to comply with this condition.

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10. **Wastewater Facilities.** *Petitioner shall provide a sewer impact study to the County Department of Public Works and Environmental Management evaluating the wastewater system requirements for the Project. Petitioner shall fund and develop, as required by the County of Maui and the State Department of Health, wastewater*



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transmission and treatment facilities to accommodate the additional wastewater generated by the Project.

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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*11. **Drainage.** Petitioner shall fund, design and construct any drainage system improvements required to mitigate the additional runoff resulting from the project without creating adverse effects on adjacent and downstream properties. The master drainage plan for Maui Business Park shall be constructed to mitigate the additional runoff resulting from this development.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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*12. **Aircraft Operation Hazards.** Petitioner shall fund and implement a program to control any bird nesting or occupation and any insect, pest or wildlife infestation, in any drainage retention basins serving the Property to minimize the hazards to aircraft operations, as deemed necessary by the DOT.*

Status: The Petitioner has consulted with the County of Maui regarding utilizing the existing drainage basins adjacent to the South Project Area for open area recreational use by a private entity (related correspondences concerning this matter were included in the 2010 annual report). Alternatively, the basins will be maintained by the Maui Business Park Phase II Association. The future use of these existing drainage basins will incorporate the provisions of this condition.



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13. **Provisions of the Hawai'i Right to Farm Act.** *Petitioner shall inform all prospective occupants of possible odor, noise, and dust pollution resulting from adjacent Agricultural Districts lands, and that the Hawaii Right-to-Farm Act, Chapter 165, HRS, limits the circumstances under which preexisting farming activities may be deemed a nuisance.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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14. **Solid Waste.** *Petitioner shall develop a Solid Waste Management Plan in conformance with the Integrated Solid Waste Management Act, Chapter 342G, HRS. The Plan shall be approved by the County of Maui and shall address the need to divert the maximum amount of waste material caused by the development away from the County's landfills.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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15. **Visual Analysis.** *That as part of its zoning application submittal, the Petitioner shall submit a visual analysis study for the location of the Hookele Street Extension emphasizing the maintenance of a "view corridor" toward Haleakala.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.

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16. **Visual Impacts.** *That as part of its zoning application, the Petitioner shall submit design guidelines with renderings on how a landscaped aesthetic visual corridor along all adjacent highways and how a landscaped berm utilizing trees and shrubbery shall be constructed along the entire proposed collector road (Hookele Street Extension) to soften the visual impact of the buildings along the road. (Wailuku-Kahului Community Plan Update).*

Status: In compliance with this condition:
a. **Design guidelines for the project were approved by the Urban Design Review Board on December 7, 2004, ("2004 Design Guidelines").**



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- b. **On October 4, 2022, the Urban Design Review Board approved amended 2004 Design Guidelines with comments and recommendations discussed below.**
- c. **On November 21, 2022 12:54pm HST, the Department of Planning emailed the approval letter with comments and recommendations enclosed within this Annual Compliance Report dated October 26, 2022 (“Approval Letter”).**
- d. **On November 21, 2022 1:46pm HST, Petitioner confirmed with the Department of Planning that the design guidelines that are enclosed within this Annual Compliance Report dated October 4, 2022 are the final version that have addressed the comments and recommendations within the Approval Letter.**

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17. **Dual Water System.** *Petitioner shall evaluate the feasibility of developing a dual water system for the Project, utilizing non-potable water for landscape irrigation purposes.*

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

Dockets A03-739 & A88-634

18. **Energy Conservation.** *Petitioner shall implement energy conservation measures such as the use of solar energy and solar heating and incorporate such measures into the Project.*

Status: **Petitioner has encouraged, through the project’s design guidelines, the use of green building materials and practices to satisfy this condition.**

Dockets A03-739 & A88-634

19. **Project Composition.** *For a period of eight (8) years from the date of the County’s approval of zoning for the Project a total of at least fifty percent (50%) of the Project acreage shall be (a) used and developed by Petitioner for non-retail, light industrial use and/or (b) sold or leased to and developed and used by third-party buyers for non-retail, light industrial use. For this same eight-year period, simultaneous with Petitioner’s development or offer for sale or lease of the Property for retail use, Petitioner shall develop or offer for sale or lease an equal amount of acreage within the Property for non-retail, light industrial use. The phrase “light industrial”, as used in this paragraph, includes warehousing and distribution types of activity as well as compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. It is the intent of this paragraph*



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that at the end of the above-described eight-year period, to the extent that the Project is developed or in the process of being developed by Petitioner or any third party, no less than fifty percent (50%) of such development or development in process shall be for non-retail, light industrial purposes.

Status: **Petitioner provided evidence of compliance in the 2022 Annual Report.**

Docket A88-634

20. **Archaeological.** *Should any burial, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, or stone platforms, pavings or walls be found, Petitioner or landowners of the affected properties shall stop work in the immediate vicinity and the SHPD shall be notified immediately. Subsequent work shall proceed after the SHPD authorization has been received and applicable mitigation measures have been implemented.*

Status: **Petitioner has been and will continue to comply with this condition through construction of the project.**

Dockets A03-739 & A88-634

20./21. **Compliance with Representations to the Commission.** *Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.*

Status: **Petitioner is developing the Property in substantial compliance with the representations made to the Commission.**

Dockets A03-739 & A88-634

21./22. **Notice of Change to Ownership Interests.** *Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property.*

Status: **With the development of the Property, lot sales to the public commenced in 2012 and remain ongoing. The unsold parcels remain under the ownership of Alexander & Baldwin, LLC, Series R and Series T.**

Dockets A03-739 & A88-634

22./23. **Annual Reports.** *Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of*



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Maui Planning Department in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Status: This annual report is being submitted in compliance with this condition for both Dockets A03-739 and A88-634.

Dockets A03-739 & A88-634

*23./24. **Release of Conditions.** The Commission may fully or partially release the conditions provided herein as to all or any portion of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.*

Status: Not applicable at this time.

Dockets A03-739 & A88-634

*24./25. **Notice of Imposition of Conditions.** Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report

Dockets A03-739 & A88-634

*25./26. **Recordation of Conditions.** Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to Section 15-15-92 Hawai'i Administrative Rules.*

Status: Petitioner provided evidence of compliance in the 2022 Annual Report.



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Please do not hesitate to contact the undersigned should you require any further information regarding this matter. An email .pdf version of this report is also being transmitted to you for your use.

Sincerely,

A&B PROPERTIES HAWAII, LLC

A handwritten signature in black ink, appearing to read 'Carol K. Reimann'. The signature is fluid and cursive.

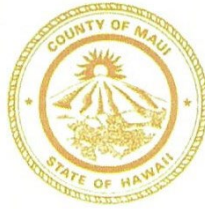
Carol K. Reimann
Vice President

cc: Maui Planning Department
State Office of Planning

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JACKY TAKAKURA
Deputy Director



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

October 26, 2022

Mr. Thomas Witten, FASLA, Chairman Emeritus
PBR Hawaii & Associates, Inc.
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Witten:

SUBJECT: URBAN DESIGN REVIEW BOARD DESIGN RECOMMENDATIONS AND COMMENTS FOR THE PROPOSED UPDATED MAUI BUSINESS PARK PHASE II DESIGN GUIDELINES, LOCATED ON PROPERTY AT TMKS: (2) 3-8-001:002 (POR.), (2) 3-8-006:004 (POR.) AND (2) 3-8-079:013 (POR.), KAHULUI, ISLAND OF MAUI, HAWAII (CIZ20040011)

The Maui County Urban Design Review Board (Board) reviewed the aforementioned updated Design Guidelines, dated September 12, 2022, at its regular meeting on October 4, 2022. The Board understands that the Design Guidelines supersede the previous version approved by the Board in 2005.

The Design Guidelines were approved with the following comments and recommendations:

- 1) The Design Guidelines are very comprehensive and detailed.
- 2) Under Form, Section 4.4, change the verbiage on flat roofs to state that flat roofs are allowed and select a representation for a minimum slope allowed, instead of using degrees, and/or also state that acceptable forms can be found in the figures in the Design Guidelines.
- 3) Root barriers are to be added for all tree installations for the protection of sidewalks, as is standard practice.

Mr. Thomas Witten
October 26, 2022
Page 2

Thank you for allowing us to review the project and provide feedback. If additional clarification is required, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-8205.

Sincerely,

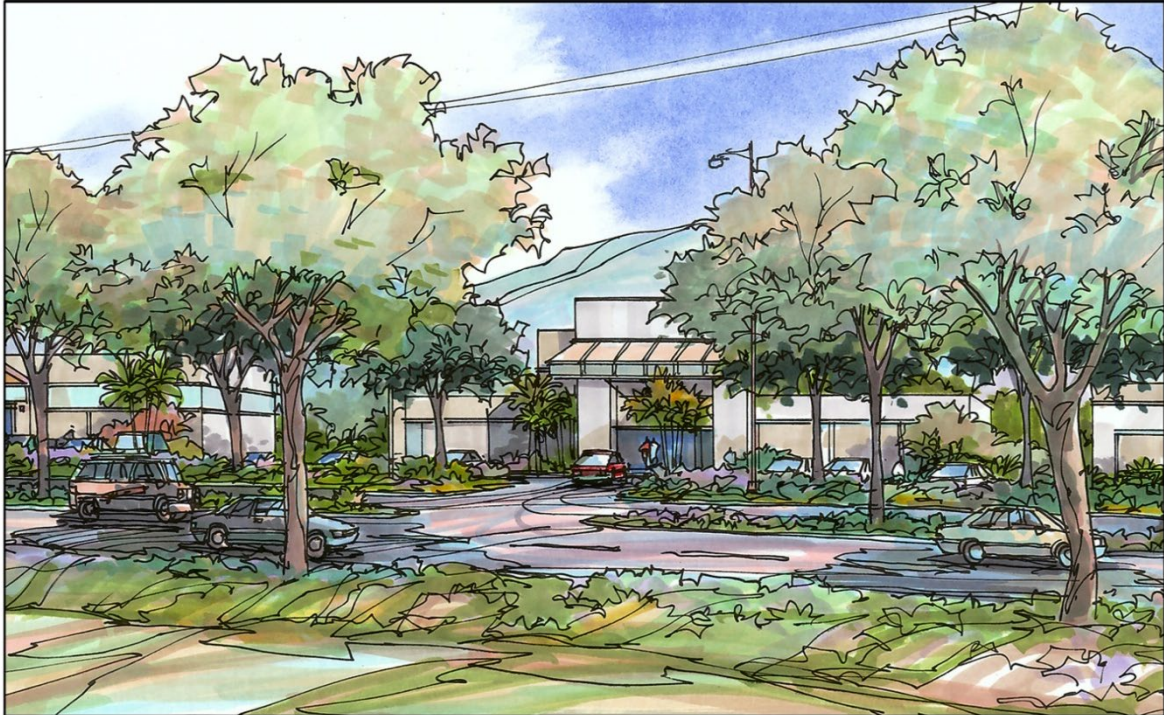


MICHELE MCLEAN, AICP
Planning Director

xc: Jordan Hart, Planning Program Administrator, Zoning and Enforcement Division (PDF)
Leilani Ramoran-Quemado, Secretary, Urban Design and Review Board (PDF)
Carolyn Takayama-Corden, Secretary, Maui Planning Commission (PDF)
Maui Planning Commission (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Thomas Witten, Consultant, PBR Hawaii & Associates (PDF)
Jeff Pauker, Applicant, A&B Properties (PDF)
Martin Lee (PDF)
Project File

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MAUI BUSINESS PARK PHASE II
Design Guidelines

October 4, 2022

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1.0 INTRODUCTION

1.1 Purpose and Intent

The *Design Guidelines* (DG) establish the necessary criteria to promote a high standard of design and construction for the industrial and commercial uses in the second phase of the Maui Business Park (MBP II). These guidelines have been established to:

1. Enhance and protect the business environment and community image within MBP II.
2. Improve the identity and visual character of the MBP II district through appropriate landscaping and architectural design standards.
3. Provide site-planning standards to guide the development of individual Lots.
4. Provide general architectural standards to regulate the form and character of buildings.
5. Protect and promote MBP II's economic vitality through industrial design standards which encourage high quality development, while discouraging less attractive and less enduring alternatives.
6. Minimize adverse impacts of vehicular circulation on existing neighborhoods and the surrounding physical environment.

These standards provide specific restrictions and requirements to achieve the desired image and character sought for development. The DG shall be coordinated with and referenced by the Declaration of Covenants and Restrictions (Declaration) of the MBP II. As provided for under the Declaration, the DG may be amended from time to time to achieve the goals as set forth above. Industrial development applications seeking modifications or waivers to these requirements should anticipate additional review time and must demonstrate a clear benefit to the Design Committee in relaxing one or more of these requirements.

1.2 Definitions

The following terminology is defined to clearly identify intent and meaning within these Design Guidelines:

Applicant

“Applicant” means the Owner or authorized Person that seeks approval from the Design Committee.

Architect

“Architect” means a Person licensed to practice architecture in the State of Hawai‘i.

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Design Guidelines

Civil Engineer

“Civil Engineer” means a Person licensed to practice civil engineering in the State of Hawai‘i.

Cul-de-sac

“Cul-de-sac” means a vehicular turnaround area at the end of a street that is designed to County standards.

Common Areas

“Common Areas” includes those roadways, medians, sidewalks, planting strips, and dedicated zones to be maintained by the Maintenance Director.

Declarant

“Declarant” means A&B Properties, Inc., its successors and assigns, including such other Person or Persons whom said A&B Properties, Inc. may, by a Recorded document, designate as having the powers and functions of Declarant, or some of such powers and functions.

Dedicated Area

“Dedicated Area” means the area from a given lot set aside for the Declarant or the MBP II Association for landscaping and/or utilities.

Easement

“Easement” means an acquired privilege, or right of use which a person has in the land of another.

Emission

“Emission” means any odor, dust, smoke, gas, noise, vibration, light, heat, vapor, microwave, radio wave, or other irritant which may be released, produced or discharged into the environment.

Entry

“Entry” means the area of a building designed to allow access in and out for employees and visitors.

Declaration

“Declaration” means the Declaration of Covenants and Restrictions of Maui Business Park Phase II, as amended from time to time.

Design Committee or DC

“Design Committee” or “DC” means The MBP II Design Committee, to be established pursuant to the Declaration. The DC reviews and approves or disapproves plans and specifications for the construction of improvements within the Maui Business Park II, in accordance with the Declaration and these Design Guidelines.

Design Consultants

“Design Consultants” includes consultants retained by the Owner to prepare lot improvements and construction plans for a Lot.

Interior Zone

“Interior Zone” means the area within a given Lot which is not located within a Dedicated Area and is utilized for driveways, building, parking, truck loading, storage, refuse collection, etc.

Landscape Architect

“Landscape Architect” means a Person licensed to practice landscape architecture in the State of Hawai‘i.

Landscaped Zone

“Landscaped Zone” means the area within a given Lot that, pursuant to these Design Guidelines or recorded landscape easements, are subject to setbacks to be utilized for landscaping by the Owner, Declarant or the MBP II Association.

Lot

“Lot” means a parcel of land considered as a unit and enclosed within defined boundaries.

Maintenance Director

“Maintenance Director” shall mean the person responsible for the maintenance of the Common Area as described in Section 5.10.

Maui County Code

“Maui County Code” means the Code of the County of Maui, Hawai‘i as of November 21, 2019.

Maui Business Park II or MBP II

“Maui Business Park II” or “MBP II” shall mean and refer to the lands described.

MBP II Association

“MBP II Association” means the Maui Business Park Phase II Association, a Hawai‘i nonprofit corporation established pursuant to the terms of the Declaration.

Owner

“Owner” means the record holder of fee simple title to a Parcel, its heirs, personal representatives, successors and assigns.

Person

“Person” means an individual, agency, corporation, partnership or any other legal entity.

Record

“Record”, “Recorded”, or Recordation” means, with respect to any document, the Recordation or filing of such document with the Bureau of Conveyances.

Soil Engineer

“Soil Engineer” means a Person who performs services in the field of soil engineering and is licensed in the State of Hawai‘i.

Structural Engineer

“Structural Engineer” means a Person who performs consultation, investigation, evaluation, planning and/or design services in connection with the structural integrity of buildings and other structures and is licensed as a professional engineer in the State of Hawai‘i.

Subdivision

“Subdivision” means a parcel of real property divided or separated into Lots as shown on a subdivision plan approved pursuant to the subdivision ordinances of the County of Maui, or the procedure of so dividing or separating real property.

1.3 Concept Description

The goal of these Design Guidelines is to: (1) create an industrial and commercial development that achieves a “park-like” character with a unified environmental design theme; and (2) provides an efficient and functional area to conduct a variety of businesses.

The street system corridors will dominate the visual image of MBP II. The design concept for MBP II will accentuate the various street systems as the landscaped open space element of the development.

Each lot within MBP II will include three land use zones with specific design standards applicable to each.

Requirements for site development and building design within each land use zone are addressed in this document as follows:

- **Site Planning Standards (Section 3.0)**
The site planning standards set the framework for the creation of a functional working environment within each lot.
- **Architectural Standards (Section 4.0)**
The architectural standards provide the design requirements for buildings within MBP II. These standards promote the design of a building with enhanced efficiency and flexibility, while aesthetically conforming to the unified environmental design theme.
- **Landscape (Section 5.0)**
The landscape standards provide the guidelines to create a “park-like” environment through the standards of three landscape zones: Common Areas, Landscape Zones, Interior Zones.
- **Signage and Lighting Standards (Section 6.0)**
These standards are established to ensure that all Lots are developed with a coordinated and unified approach for signage and lighting.

1.4 Review and Submittal Procedures

The Design Committee (DC) will review, approve or disapprove plans or other specifications submitted for construction or improvements.

The primary responsibility of the DC is to review all proposed site planning and architectural improvements, including landscaping, signage and lighting, in order to ensure a high standard of development. The DC will not review any interior, interior electrical, structural or mechanical drawings from the Applicant. A specific plan review process with submittal requirements has been established to facilitate a timely review and approval of all plans. Review meetings will not be open to the public. This process provides the DC with a clear and complete understanding of the proposed improvements prior to construction and assurance of conformity with the Design Guidelines.

In no event may plans be submitted to the County of Maui for grading permits, building permits for preliminary or final approval, or any type of variance from County regulations prior to the review and approval of the DC or written waiver of said approval process.

The review process includes the following steps to receive final approval:

- Step 1 – Pre-design Consultation Meeting
- Step 2 – Plan Submittal Requirements and Review Meeting
- Step 3 – Plan Approval

In order to avoid unnecessary delay and expense, the following specific guidelines and procedures should be followed in a step-by-step sequence to facilitate design approval.

1.4.1 Step 1 – Pre-Design Consultation

Prior to preparing schemes and design of Lot Improvements (as defined in the Declaration), the Applicant and Design Consultants are required to meet with the DC to review the Applicant's initial program for development, and the DC's current requirements and design guidelines for review and approval. This meeting is intended to be an introductory orientation to the MBP II and serves to answer questions the Applicant and Design Consultants may have and to offer preliminary suggestions regarding proposed Lot improvements and proposed construction project.

The Applicant and Design Consultants should review the Design Guidelines along with the Declaration so that all areas of potential confusion can be clarified prior to expenditure of time or money for initial designs. The meeting with the DC is intended to help facilitate a timely and efficient review of the proposed construction project by the DC to the benefit of the Applicant.

1.4.2 Step 2 – Plan Submittal and Review Meeting

The plan submittal to the DC shall include (i) a completed application in the form attached as Appendix B, (ii) each of the construction documents and other items listed below, in the quantity and format shown on Appendix B, and (iii) a review fee as set forth in the Declaration. Final submittals of the construction documents shall be dated stamped and signed by the Design Consultants, as appropriate, and include the following:

1. Site Plan. Include Lot number, Lot size, topography, easements, required setbacks, building footprint, driveway, parking areas, parking configuration, number of parking stalls, sidewalks, drainage, loading/storage areas, fencing and enclosures, sign locations, and exterior lighting.
2. Grading/Drainage Plans.
3. Building Plans and Elevations.
4. Exterior Lighting Plan. Using the Site Plan as a base plan, indicate the location of all lighting fixtures and show examples of typical lighting fixtures to be installed.
5. Materials and Color Samples of All Exterior Finishes.
6. Landscape and Irrigation Plans. Include location of landscape areas noting trees, shrubs, and ground covers and fences and/or walls.
7. Fence and/or Wall Plans, Elevations, and Details.
8. Signage Plan and Details. Include sign, location, size, materials, color, and applicable lighting.
9. Engineering data including potable and non-potable water demand calculations, sewer flow calculations, and drainage flow calculations for water flowing offsite into the MBP II drainage facilities.

The DC may request additional information, including specifications, to clarify the design intent and quality of the proposed improvements and/or a reasonable number of copies of the submittal documents to facilitate its review.

The DC shall review all submitted construction documents, to determine compliance of these documents. The DC may approve, in whole or in part, any aspect of the submitted construction documents. The Applicant and his/her Design Consultants may request to meet with the DC regarding any questions or elements which do not receive approval.

1.4.3 Step 3 – Plan Approval

Written approval allows the Applicant to proceed with the obtaining the necessary building permits and construction of the improvements. If plans are disapproved, the Applicant must revise and resubmit the documents as prescribed in Step 2, and obtain written approval from the DC in accordance with Step 3. If the DC shall either fail to approve or disapprove any improvement or subdivision plans within thirty (30) days after the same have been submitted in writing, its approval of the submission shall be presumed to be denied.

Should Maui County require changes to the DC approved plans to obtain building or grading permits, the Applicant shall submit the plan revisions to the DC for approval prior to commencing construction.

1.4.4 Laws, Code and Ordinances

In addition to DC approval, every Owner shall comply with all laws, statutes, ordinances and rules of federal, state, and municipal governments applicable to the MBP II or Lot improvements. Nothing herein removes or otherwise affects the responsibility of each Owner for satisfying all applicable laws, codes and ordinances, and for obtaining all permits and approvals required by law. Should a conflict arise between any of the provisions of these Design Guidelines, or any law, code or ordinance, or any permit or approval condition, the stricter provision will prevail. Any violation may be considered a violation of the Declaration. However, the DC shall have no obligation to take action to enforce such laws, statutes, ordinances, and rules.

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2.0 DEVELOPMENT PLAN

2.1 Project Area

The Maui Business Park II (MBP II) site consists of the lands subject to the Declaration.

Figure 2.1 [RESERVED]

2.2 Land Use

Land uses within MBP II will be consistent with the M-1 Light Industrial District (Chapter 19.24, Maui County Code) and may include warehousing and distribution businesses, as well as retailing, light manufacturing, research facilities, offices, and other uses. Both project areas will contain a variety of lot sizes to serve the needs of various types of businesses allowed within the Light Industrial District. No use which creates an unsafe, obnoxious or offensive impact on office, commercial or light industrial uses by reason of the emission of odor, dust, smoke, gas, noise, vibration or similar irritants, shall be permitted within MBP II, unless appropriate mitigating measures to control such emissions are in full operation and effect, as determined and approved by the DC.

2.3 Easements

Easements will be reserved, as needed, to accommodate existing and proposed utilities and other infrastructure.

2.4 Common Areas, Dedicated Areas and Landscaped Zones

To provide for the landscape treatments required by these standards, Common Areas, Dedicated Areas, and Landscaped Zones are established throughout the project. Refer to Sections 3.3, 3.4, 3.5, 5.3, 5.4 and 5.5.

2.5 Building Setbacks

Building setbacks throughout MBP II are specified in Section 3.7 Setbacks. Any variance to these setbacks must be requested in writing and approved by the DC.

2.6 Lot Consolidation

Two or more contiguous Lots may be consolidated into one Lot, as allowed or approved by the DC and the County of Maui. Once consolidated, the building setback requirements will be applied as a single Lot.

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3.0 SITE PLANNING STANDARDS

3.1 Introduction

Site planning guidelines address the overall character of Maui Business Park II (MBP II), as well as the layout of buildings and related improvements within individual Lots or as provided in the Declaration. They serve to assure that individual Lots are developed in a manner which is consistent with and supports the “park-like” character of MBP II. In general, landscaped areas and common areas will be located throughout the park to provide design continuity. The Interior Zone of each lot will allow a greater degree of design flexibility and will be subject to the architectural standards. Buildings should be sited so that the relationships between buildings are strengthened and pedestrian and vehicular circulation is facilitated.

3.2 Grading, Drainage and Erosion Control

Site drainage will not be directed to adjacent lots but to street drainage systems or on-site drainage facilities via pipe culvert or approved drainage ways. Site grading and drainage shall be designed by a professional Civil Engineer.

3.3 Common Areas

Maui Business Park’s Common Areas, as defined by the Declaration, will be maintained by the Declarant. Common Areas may include private roads, medians, sidewalks and street planting strips owned and maintained by the Declarant, entry features, entry signage and easement area(s) over a given lot for utilities, landscaping, decorative paved areas, and special lighting. The cost for the maintenance of the common areas will be charged back to the Owners on a pro-rata basis in the form of an assessment.



Figure 3.1 Existing Typical Common Area

3.4 Building Setbacks and Landscaped Zones

To ensure a park-like setting, various portions of each lot shall be set aside for landscaping. At a minimum, the front yard of each Lot shall be landscaped. For those Lots abutting Maui Veterans Highway, Kahului Airport Access Road, Hāna Highway, and Haleakalā Highway, a setback of 20 feet shall be observed.

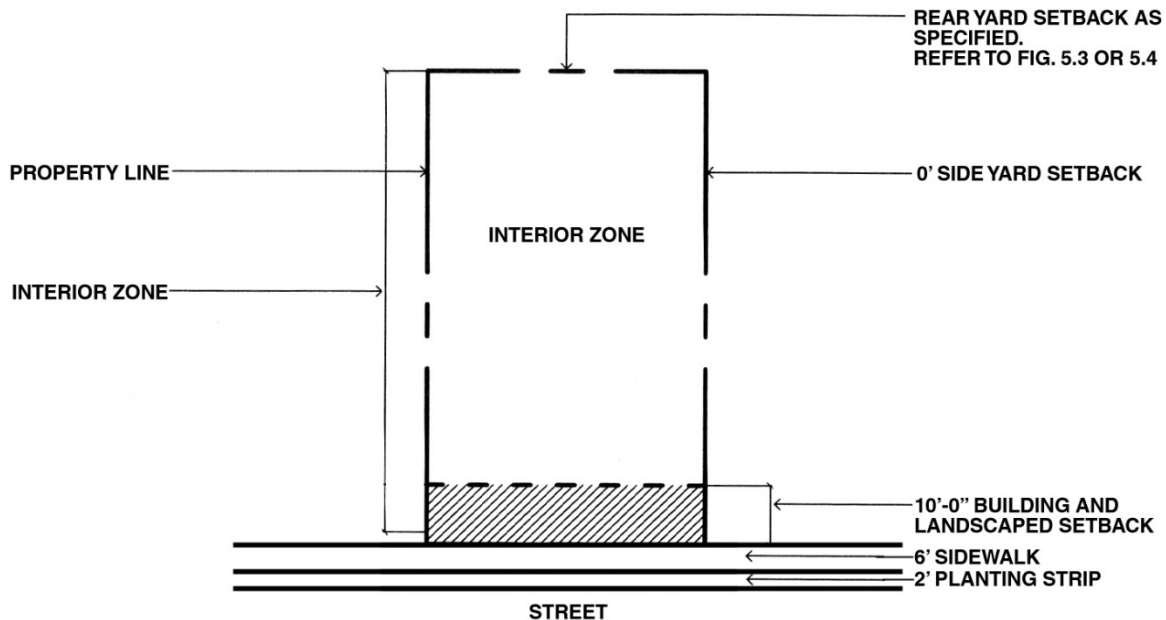


Figure 3.2 Typical Lot Diagram (Building Setbacks)

Landscaped areas shall only be used for landscaping, driveway access, utilities, and for ground signs. No parking of vehicles, storage of materials or refuse collection shall be permitted in the landscaped area. All of the mandatory landscape improvements on any Lot are to be installed within thirty (30) days after substantial completion of building construction or by receipt of Certificate of Occupancy. Landscape improvements shall be maintained by or at the expense of the Owner, except in Dedicated Areas (see below). The design, installation and maintenance of landscape treatments shall be in accordance with Section 5.0 Landscape Standards.

3.5 Dedicated Areas

There are some Landscaped Zones within the Lots which are highly visible and should receive coordinated installation of landscape materials and regular maintenance. These abut the project roadways, Maui Veterans Highway, Hāna Highway, Kahului Airport Access Road, Haleakalā Highway, Walmart, Costco and U-Haul. Such Landscaped Zones may from time to time be Dedicated Areas, or may be maintained by the owners of the Lots on which such zones are located. The DC shall endeavor to coordinate the landscaping improvements in such Landscaped Zones through the approval process contemplated by these Design Guidelines to maintain conformity.

3.6 Interior Zone

The Interior Zone of a Lot encompasses the entire Lot excluding the Landscaped Area and specified building setbacks (refer to Figure 3.3). This zone is subject to the needs of each individual Owner and thus has a greater degree of flexibility, but must be developed within the parameters of these Design Guidelines. Site planning concerns within this zone include: utilities, outdoor storage, driveway access, parking and service areas. It is intended that this zone should complement the “park-like” environment being established for MBP II. Refer to Section 4.0 Architecture Standards and Section 5.0 Landscape Standards for specific design guidelines.

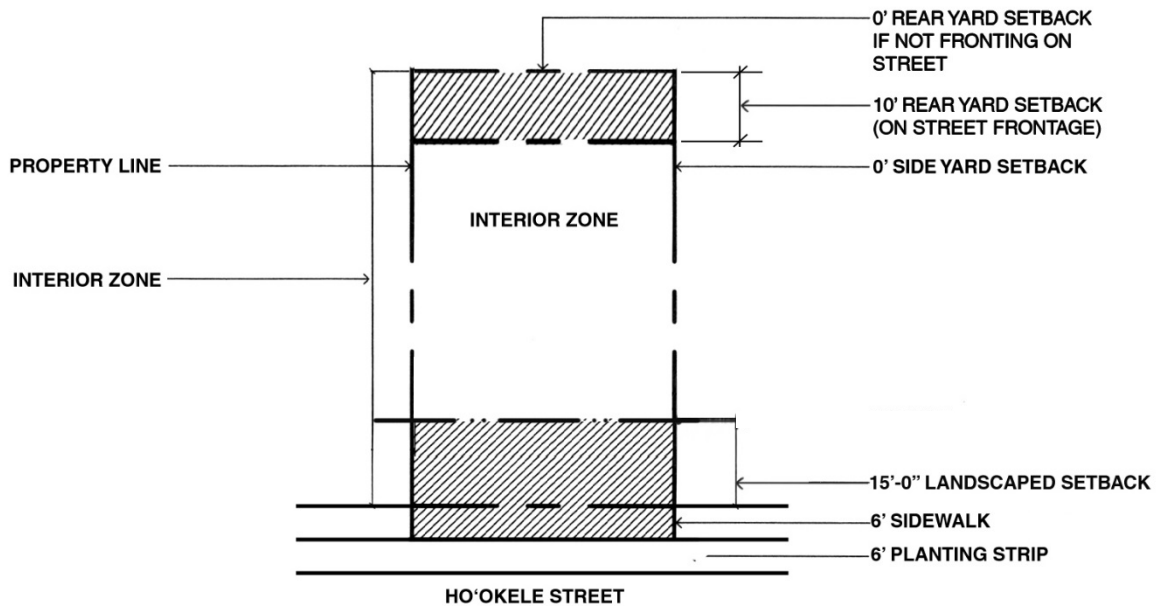


Figure 3.3 Typical Ho'okele Street Lot Diagram (Building Setbacks)

3.7 Setbacks

The minimum required setback dimensions from property lines to buildings are illustrated in Figure 3.2. Setbacks are minimum permitted distances between a property line and an improvement such as a building or structure, unless otherwise specified in the Maui County Comprehensive Zoning Provisions (Title 19, Maui County Code). Lot specific setback requirements are shown in Figure 5.3 and Figure 5.4.

3.8 Driveway Access

Vehicular access to individual lots shall be provided by driveways in conformance with Maui County Standards illustrated in Figure 3.4. All roadways, driveways and access ways intended to permit vehicular travel across a lot to a public or private roadway shall be paved. The location of driveways shall comply with sight distance requirements of the Department of Public Works.

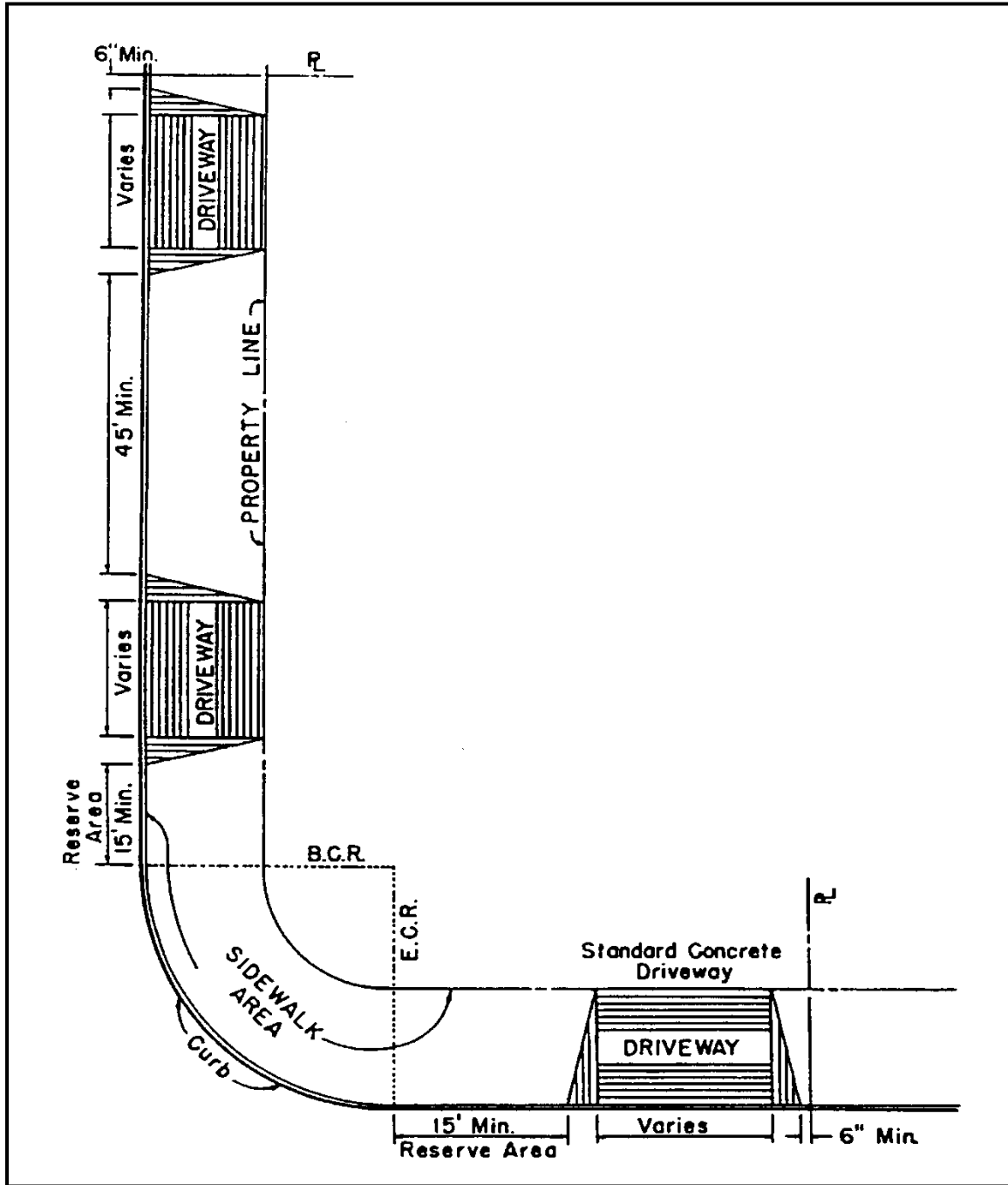


Figure 3.4 Driveway Standards



Figure 3.5 Typical Landscape Buffer for Parking Lots

3.9 Parking Areas

Parking should be visually screened with structures/buildings, hedges (see 5.6.3 and 5.8.1), walls, and fencing (see 3.12 and 5.8.2), berms and/or landscaping to minimize the visibility from streets and adjacent residential property. Notwithstanding the foregoing or anything to the contrary herein, any Owner of a Lot intending to construct improvements for a *bona fide* retail use, including but not limited to the sale of automobiles, may request a written variance from the parking lot screening requirements set forth herein from the DC. If such variance is approved, the Owner's improvements shall nevertheless comply with all applicable Off-Street Parking and Loading requirements (Chapter 19.36B, Maui County Code).

Sufficient off-street parking shall be constructed to meet the anticipated needs of the proposed use, including employee parking. The number of off-street parking spaces shall comply with the requirements of the current Off-Street Parking and Loading Ordinance of the Maui County Code. The dimensions and access to off-street parking shall comply with standards set in Off-Street Parking and Loading requirements (Chapter 19.36B, Maui County Code). On-street parking will be permitted in designated areas only. These areas will be identified by appropriate signage and/or curb markings.

3.10 Service Areas

Service areas which may include truck facilities, parked motor vehicles, and exposed mechanical or electrical equipment must be screened with visual barriers so the service area is not visible from public streets or adjacent lots (refer to Figure 3.6).

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Visual screening shall be approved by the DC and consist of architecturally appropriate materials, which may include landscaping (hedges, walls and fencing).

Screening shall be a minimum of 6 feet in height and no higher than the line of any adjacent roof eave (refer to Sections 3.12 and 5.8.2 and Section 5.6.4 Service Area Landscape Requirements).

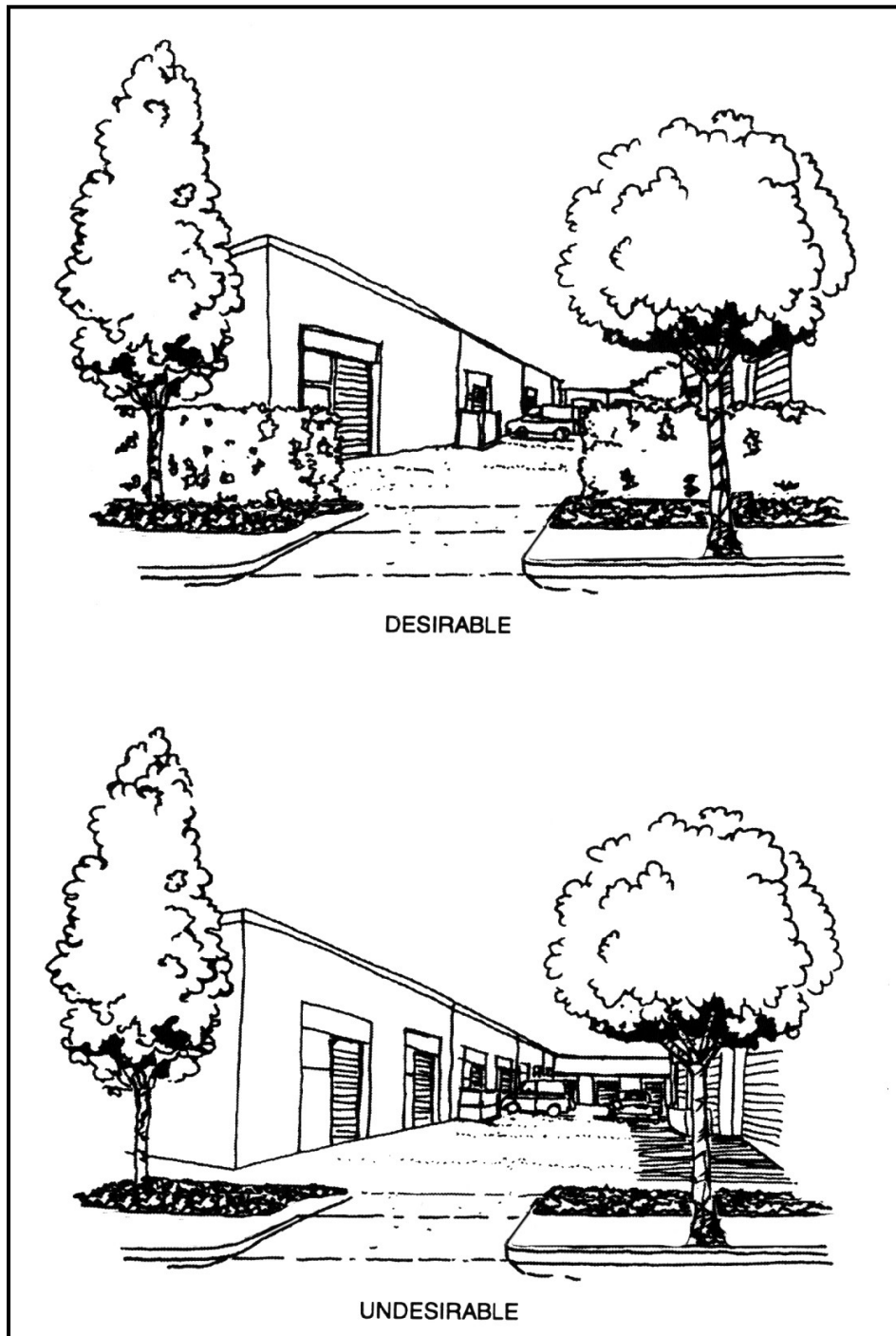


Figure 3.6 Screening of Loading/Service Areas

3.11 Outdoor Storage Areas and Refuse Collection Areas

All outdoor storage and refuse collection areas shall be visually screened from streets and adjacent Properties with a completely opaque screen consisting of walls, fencing and/or landscaping (hedges). No storage, dumpsters, or refuse collection areas shall be permitted within the Front Yards. The height of any material stored outdoors may not exceed the height of fences and walls used to screen outdoor storage areas (refer to Section 5.8).

3.12 Walls and Fencing

No walls shall be permitted within the Landscaped Zones of each Lot, except for walls owned or maintained by the Declarant or MBP II Association and any walls associated with a Ground Sign (see Section 6.2.6).

All fencing shall be green vinyl clad chain link or other DC specified standard and approved by the DC. All fencing shall conform to the following general guidelines:

1. No fence, with the exception of those owned and maintained by the Declarant or MBP II Association, shall be located within a Landscaped Zone.
2. Fences adjacent to a Landscaped Zone or visible from the street shall be screened with a hedge planting maintained at the height of the fence.
3. No fence or screen hedging shall obstruct visibility for motorists or pedestrians, nor in any way constitute a hazard.

3.13 Maintenance

General standards of maintenance shall conform to the maintenance standards defined within the Declaration.

3.14 Variances

The DC may approve variances to these DG in order to provide flexibility while maintaining efficient and aesthetic site development.

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4.0 ARCHITECTURE STANDARDS

4.1 Introduction

The intent of this section is to create an industrial architectural design character and quality which is compatible with and complements the character of uses proposed in the Maui Business Park II (MBP II). This will be accomplished through continuity of building scale, forms, design features, materials and color, while allowing for individual expression of each Owner. Aside from achieving a visually cohesive design, Owners and their Design Consultants are encouraged to use green building materials and practices. As an incentive, variances in form (see Section 4.4), roof systems (see Section 4.7.1), roof materials (see Section 4.7.2), wall systems see Section 4.7.3), electrical and mechanical systems (see Section 4.8), and building color (see Section 4.10) will be considered by the DC to those designs complying with Leadership in Energy and Environmental Design Green Building Rating System (LEED) certification. Green construction and LEED certification go far beyond the basic issues of energy conservation – they also involve creating buildings that are light, airy, people-friendly, conserve water, utilize recycled materials, reduce environmental pollution and help protect global ecosystems. Refer to the LEED website for further information.

The following guidelines address an appropriate building scale, lot coverage, form, height, materials, details, and color to ensure the buildings are visually unified and compatible within their setting and MBP II.

4.2 Scale

The scale of a building is not just a function of its bulk or massing and height. There is also an apparent scale which is determined by the context in which the building is seen and by the way the building form is articulated.

An appropriate scale for the buildings in the MBP II is similar to that of the first phase of Maui Business Park (MBP). The scale of adjacent buildings around the perimeter of the site should be considered. The scale of new buildings should also be appropriate to the size of the Lots on which they sit and to adjacent buildings. Continuity and compatibility within the MBP are key design considerations.

An appropriate scale for elevations may be established by subdividing the height of the façade into three zones, a base, middle and top (refer to Figure 4.1). The length of a façade can also be subdivided into regular bays which express the structure or construction of the building. Important functional and symbolic elements of the building should also be articulated, such as the entry. These elements often relate the scale of the building to a human scale.

Large building forms can be broken down into a series of repeated bays to reduce the scale and provide a visual rhythm.

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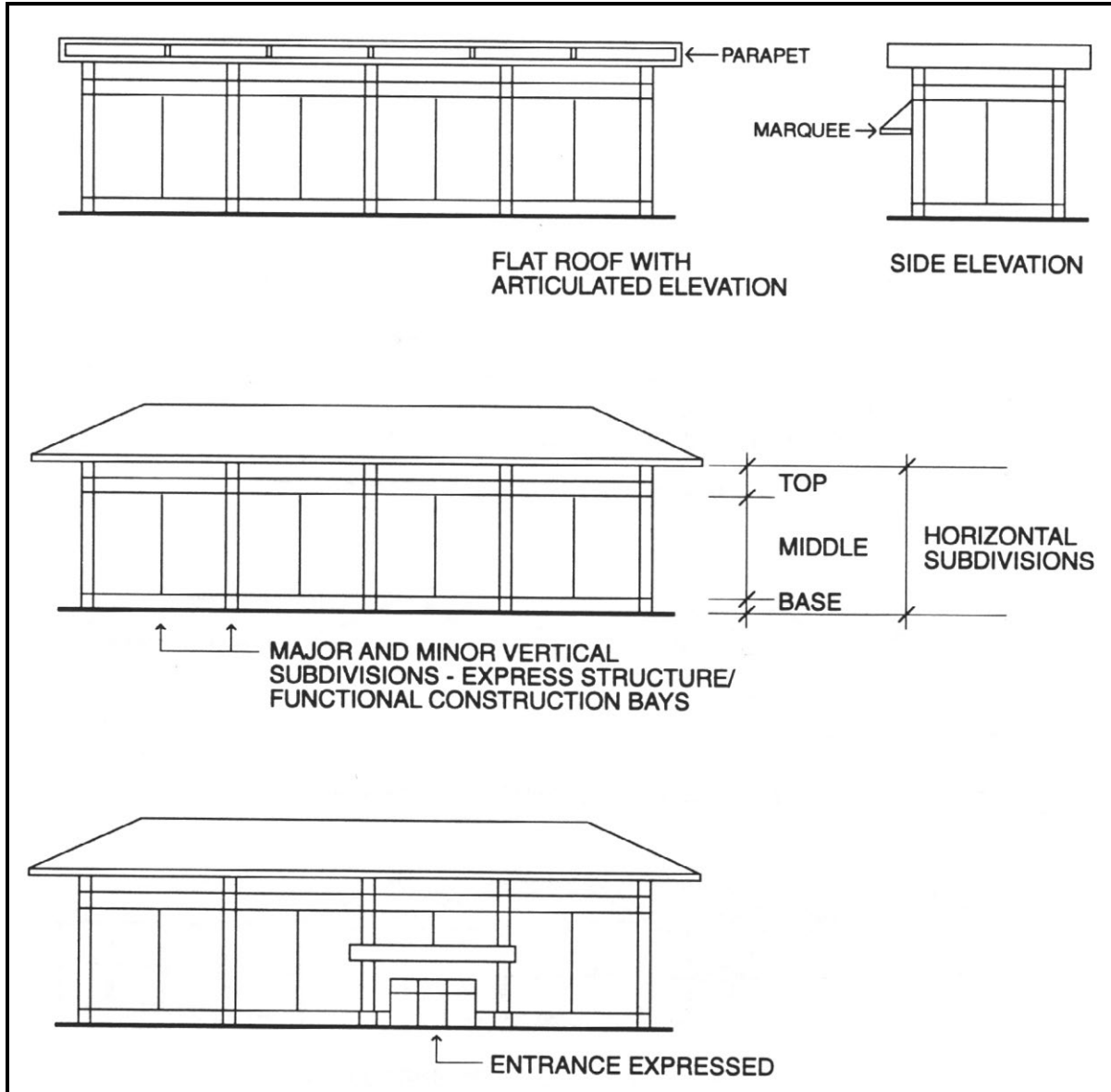


Figure 4.1 Building Scale



Figure 4.2 Different roofing styles along with textures and colors can be applied to large structures to maintain visual interest.



Figure 4.3 Facades of large buildings can be broken down into different zones, giving it more of a human scale.

4.3 Lot Coverage

Every lot shall have a minimum of seven thousand five hundred (7,500) square feet and have an average lot width of sixty-five (65) feet or greater. Architectural designs shall follow all requirements as stated in Section 3.0 Site Planning Standards.

The maximum building area or lot coverage shall not exceed 90 percent of the Lot.

4.4 Form

Form is another word for the building's shape, including the shape of the roof. Forms have proportions; the size relationship of one building element to another, such as width to height.

Simple strong forms are appropriate, rectangular buildings with a pitched overhanging roof are encouraged. Groups of buildings should be related to each other as a 'family' of shapes or forms (refer to Figure 4.5). Forms should be repeated and combined in simple ways. Avoid complex building forms and junctions between buildings.

The use of pitched roofs is recommended; hip roofs, gable roofs, and shed roofs are appropriate examples (refer to Figure 4.6). Flat roofs are allowed provided the elevations include articulation. Examples of acceptable forms of articulation are provided in Figure 4.7. Flat roofed buildings shall include parapets and, where appropriate, marques. Roof forms should be simple and combined in simple geometries.

Where a building has a 'pop-out' as shown in Figure 4.8, the roof of the pop-out should be related in form to the primary roof. Roof overhangs which are proportional to the overall building mass, are also encouraged to provide improved utility, shade and mass to the character of the building.

4.5 Building Height

Comply with Section 1.4.4 Laws, Code and Ordinances above.

Figure 4.4 Intentionally Omitted

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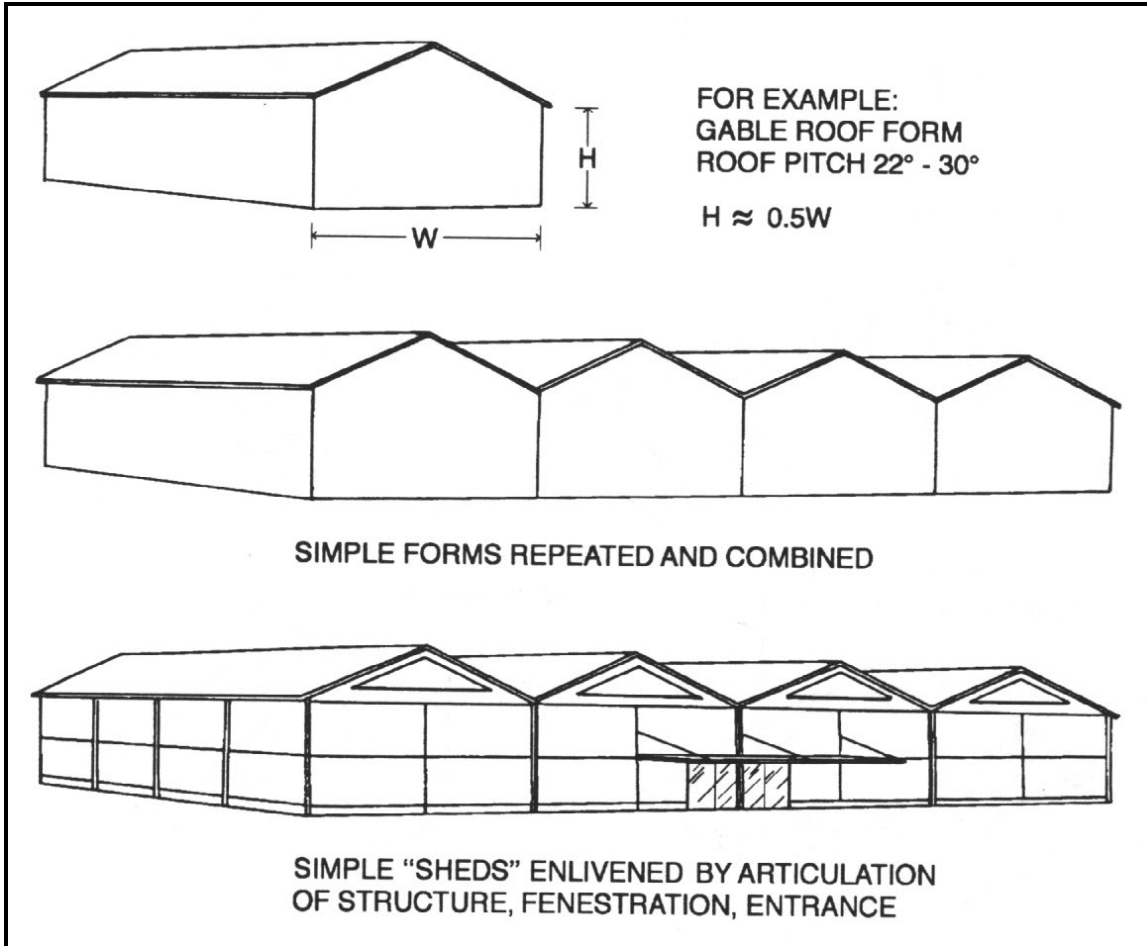


Figure 4.5 Building Forms

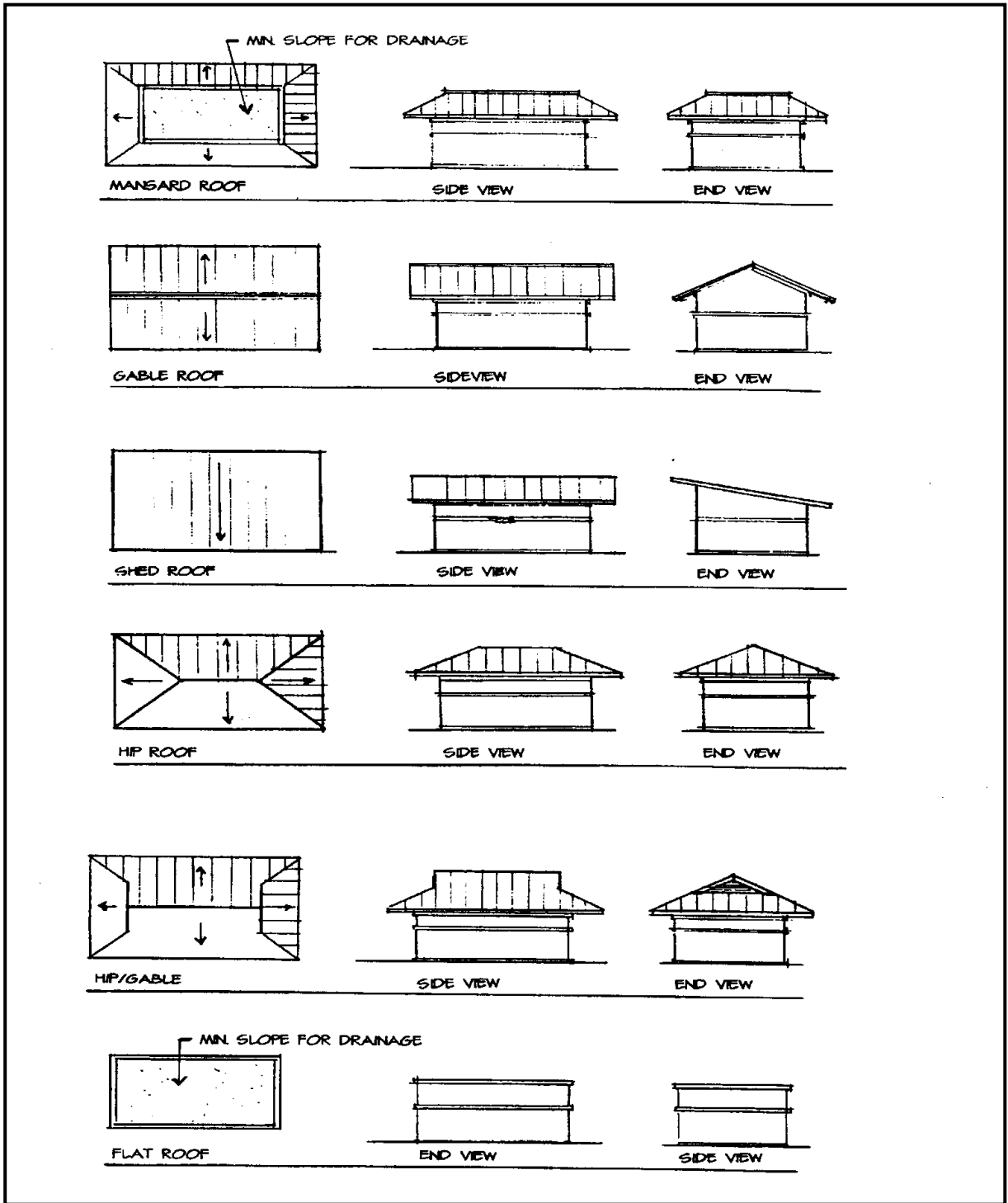


Figure 4.6 Basic Roof Design Options

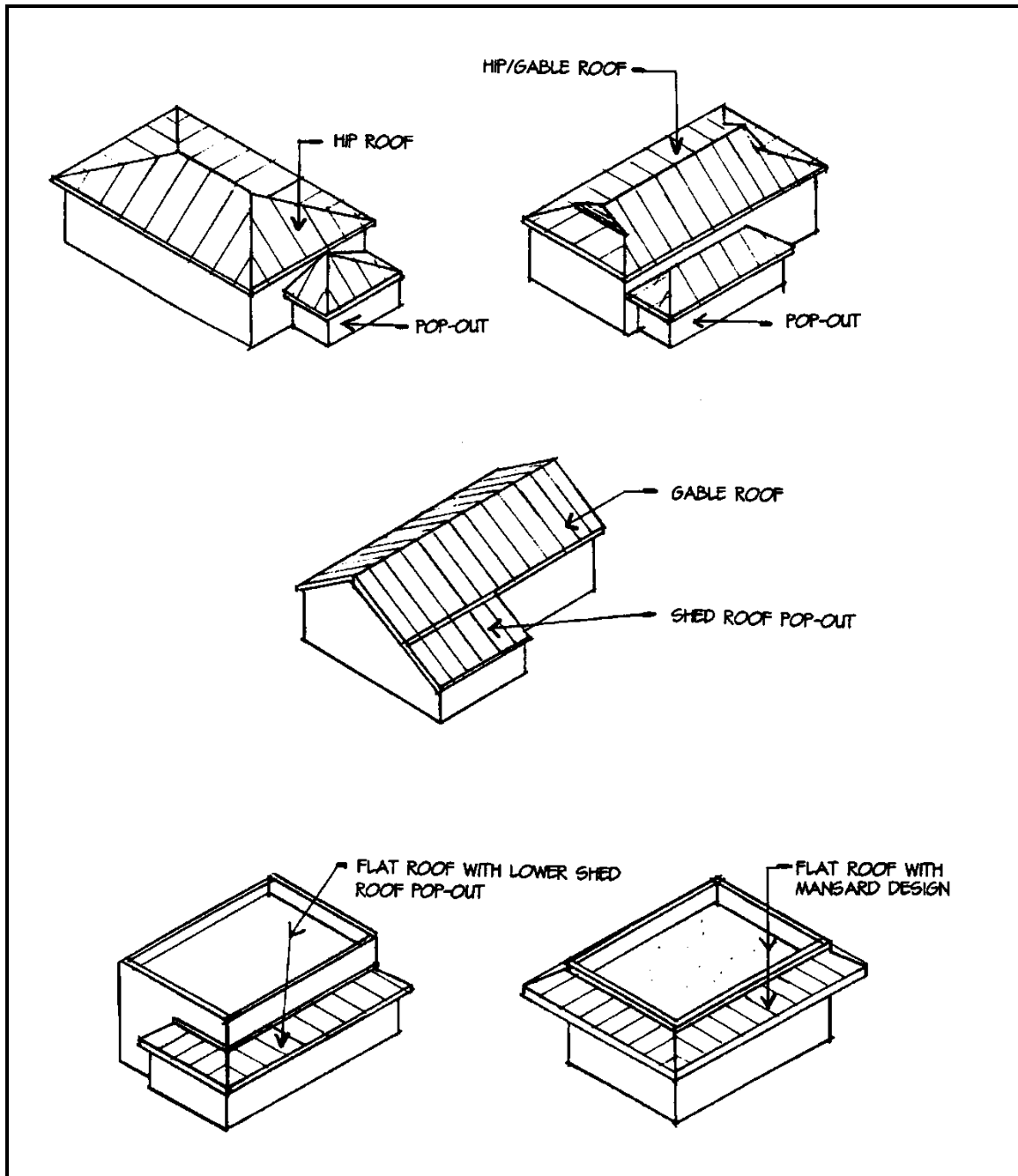


Figure 4.7 Roof Combinations

4.6 General Building Design Quality

Lot developers throughout the MBP II shall be required to reduce the visual impact of their building through design and/or their selection of materials. The visual impact of a building shall be minimized by incorporating the following, where appropriate:

1. **Variety of Building Elements:** Using a variety of building elements, such as “pop-outs” and multiple roofs, is encouraged. This will divide the building into smaller pieces and avoid the single large massing appearance (refer to Figure 4.8).
2. **Hip Roofs:** This roof form will reduce the visual impact of the high ridge and end walls typically found in gable roofed structures (refer to Figure 4.7).
3. **Mix of Exterior Building Materials:** A mix of various materials reduces the single mass of walls by introducing texture and/or color changes.
4. **Fascias Trims and Bellybands:** These elements create a horizontal line and division which visually separates the roof plane and the wall. This reduces the overall building scale and height, plus focuses on a horizontal line rather than vertical lines and building heights.

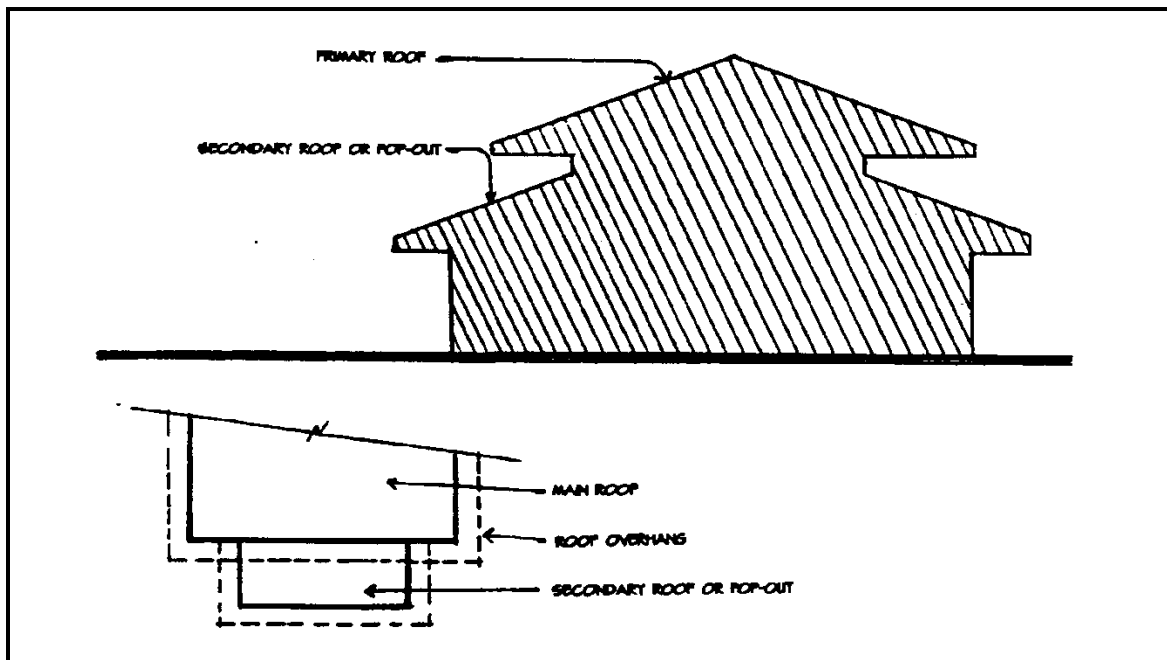


Figure 4.8 Building Pop-Out Details

4.7 Building Design Requirements and Concepts

To ensure compatibility within MBP II, the following architectural design elements have been illustrated for conceptual planning purposes (refer to Figure 4.8). All roof mounted mechanical equipment must be screened from surrounding roadway views.

4.7.1 Roof Systems (refer to Figure 4.6)

- **Mansard Roof:** Typically, a combination of flat or low sloping roof area with a sloping roof area built around the perimeter.
- **Gable Roof:** Two sloping roof planes with vertical triangular end walls.
- **Shed Roof:** A roof shape having only one sloping plane. It shall be allowed only as a secondary roof element, not the main roof element.
- **Hip Roof:** A roof shape with four sloping roof planes.
- **Hip/Gable Roof:** Combination of the two roof types with an exposed triangular gable end wall.
- **Flat Roof:** Single plane roof having minimum slope required for drainage.

4.7.2 Roof Materials

- **Metal Roof:** Jorgenson Steel and Aluminum, Super Rib 26 GA, or approved equal.
- **Roof Tile:** Monier Roof Tiles, The Hundred Pattern or approved equal.
- **Asphalt Shingle Roofing:** Prestige Plus Elk Corp. or approved equal.
- **Cementitious Shingle Roofing:** James Hardie Building Products, Hardishake or approved equal.
- **Modified Bitumen Roofing:** Siplast Roofing Systems or approved equal.
- **Skylights:** Skylight glazing shall be a clear or smoke tinted safety glass or Plexiglass set in an anodized or powder coated aluminum frame finished to match the roofing color. The skylight must meet all government code requirements.

4.7.3 Wall Systems

All wall types shall have a painted or colored finish.

- **Concrete Masonry Units (CMU):** All types of CMU blocks are permitted.
- **Plaster:** All textures are permitted.
- **Concrete:** Concrete tilt-up or poured in place walls are permitted.

- **Metal:** Standing seam or ribbed finish and “Butler Buildings” or similar are not permitted. Other metal wall systems may be permitted at the discretion of the DC. This requirement is intended to allow architectural metal panels as a wall material only to the extent that the DC determines in its discretion that they are consistent with the Design Guidelines on an overall basis.
- **Wood:** Finished grade wood finishes are permitted. T1-11 plywood siding is permitted, while unfinished plywood sheathing shall not be allowed.

4.8 Electrical and Mechanical Systems

All required utility lines within Lots shall be underground. Any above ground transformers or utility vaults shall be located to the side or rear of buildings, if possible, and screened with appropriate landscaping and/or walls in order to minimize visual impact. Equipment may be building mounted or installed on grade.

All building mounted mechanical and electrical equipment shall be shielded from the public view with a visual barrier of the same or greater height as the objects they are screening. Roof-mounted equipment must be completely screened from public views from surrounding roadways. Screens shall fit the buildings architectural design and finishes. All equipment on grade shall be equally screened.

4.9 Entry Design

All building designs shall include an entry element or elements to direct the public to entrance doors of each building. Primary building entrances should be easily identifiable and related to human scale. The following standards and guidelines shall be followed:

1. Locate main entrances to be clearly identifiable from primary driveways and drop-offs.
 - a. Design building entrances to contrast with the surrounding wall plane.
 - b. Consider tinted glass, painted doors, or other articulated features that will create a shaded effect.
 - c. Create a frame around doorways, by changing materials from the primary façade material.
 - d. Design primary entrances to be accessible to handicapped users without complex ramp systems.
2. All building entrances shall be well-lit.

3. Consider using building entranceways as a transition from the building to the ground. Incorporate walls, terraces, grading, and plant materials to accomplish this transition.

4.10 Building Colors

Building color shall be restricted to enhance the architectural theme of the MBP II. The building colors shall consist of muted colors for the main body areas and darker/contrasting color for the accent or trim areas. Bright, pure hues should not be used. Garish colors should be avoided.

Three to four colors should be sufficient for the base, walls, trim, and roof (refer to Figure 4.9). Dark colors are best for the base of the building. A light to medium color (not bright white) is appropriate for the main body of the building. If highlighted trim is desired, dark or overly contrasting colors should be avoided or used very selectively. In general, the trim may be painted using a slightly lighter or darker shade of the main color. The color of the roof, if visible, should also be coordinated with the wall and trim colors.

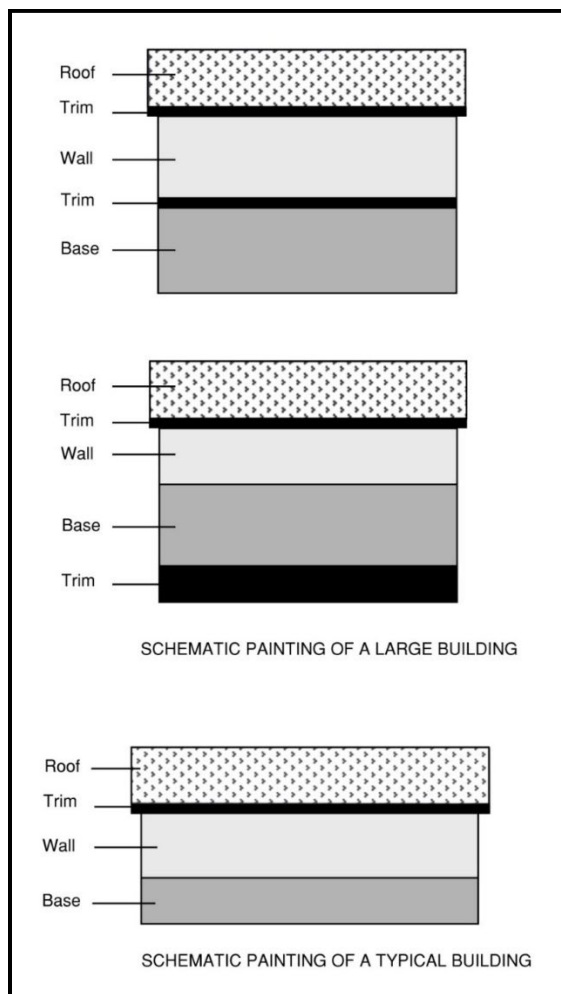


Figure 4.9 Schematic Painting of Typical Building

The application of these colors should emphasize the different elements of the building – base, walls, trim and roof. Consideration should be given to the large profiles of the building; these should be divided into smaller areas such as an accent band trim and use of base wall color.

To illustrate the desired building colors, the DC has approved the color palettes shown in Appendix C for MBP II. All building colors shall be approved by the DC.

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5.0 LANDSCAPE STANDARDS

5.1 Introduction

The goals and objectives of Maui Business Park Phase II (MBP II) include improving the visual character of the area through appropriate landscaping. Landscaping can enhance the attractiveness of industrial areas by softening the mass of buildings, providing a “park-like” setting, and visual continuity throughout the project.

Landscaping will play a key role in conveying an impression of the Maui Business Park as a coherent, unified development. These landscape standards provide the guidelines to create a “park-like” environment through the establishment of three landscape zones: Common Areas, Landscaped Zones, and Interior Zones. Root barriers are to be added for all tree installations for the protection of sidewalks.

5.2 Streetscape Design Concepts

Located at the gateway to Maui and bisected by the Kahului Airport Access Road and Hāna Highway, MBP II will be characterized by its roadways and landscaping. The primary and secondary streets (refer to Figure 5.1 and Figure 5.2), incorporating where relevant, planted medians, front yard landscape easements and landscape side and rear yards facing major roadways (Maui Veterans Highway, Hāna Highway, Haleakalā Highway and Kahului Airport Access Road), function as the predominant landscape treatment throughout the MBP II (refer to Figure 5.3 and Figure 5.4).

Variations in the landscape treatment of streets and front yard landscaping will highlight the street hierarchy and visually unify the MBP II.

In coordination with the State Department of Transportation (DOT), Airports Division and Highway Division, Kahului Airport Access Road landscaping has maintained distant views of Haleakalā and West Maui Mountains and screened views of existing and future industrial use areas. Within the project, the roadway system will unify the overall project through specific landscape treatments.

5.3 Common Areas

The Common Areas are located at the project entries, on and along project roadways, and dedicated areas within each lot and will be designed and installed by the Declarant. These areas are the major components of the MBP II's image. Maintenance will be the responsibility of the Maintenance Director with all related maintenance costs to be charged back to the Owners on a pro-rata share basis in the form of a monthly assessment.

5.4 Landscaped Zones

The Landscaped Zone within each Lot is the major landscape component of each lot within MBP II. The Lots fronting the project roadways are required to provide a landscaped area as specified in Figure 5.3 and Figure 5.4. This will result in a more

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generous landscaped area along the project entry roads, thereby emphasizing the “park-like” setting of MBP II.

The required front or rear yard setback of any Lot which is adjacent to Ho‘okele Street (refer to Figure 3.2) or other project roadways, should be landscaped as follows:

- Utilize an effective combination of berms, vertical trees, screen hedges, and/or ground cover, consistent with the overall character of the project.
- Landscape treatments shall complement the building improvements on the Lot and be consistent with the landscape character of the MBP II.

Elements permitted within the Landscaped Zones of the lot include:

- Hedges
- Landscape berms
- Sidewalks
- Driveways
- Landscaping
- Irrigation
- Ground signs
- Other landscape improvements and utilities approved by the DC

The remaining areas of each lot not utilized by buildings and off-street parking are encouraged to be landscaped.

5.5 Interior Zone

Landscaping in this zone is subject to the needs of each individual owner and thus has a greater degree of flexibility than the Landscaped Zone. The Interior Zone landscape should enhance the “park-like” environment of the MBP II and complement the architectural design. Standardized graphics and appropriate lighting levels will strengthen this landscape concept. Design treatments and plant material are outlined in Sections 5.6 and 5.7, respectively.

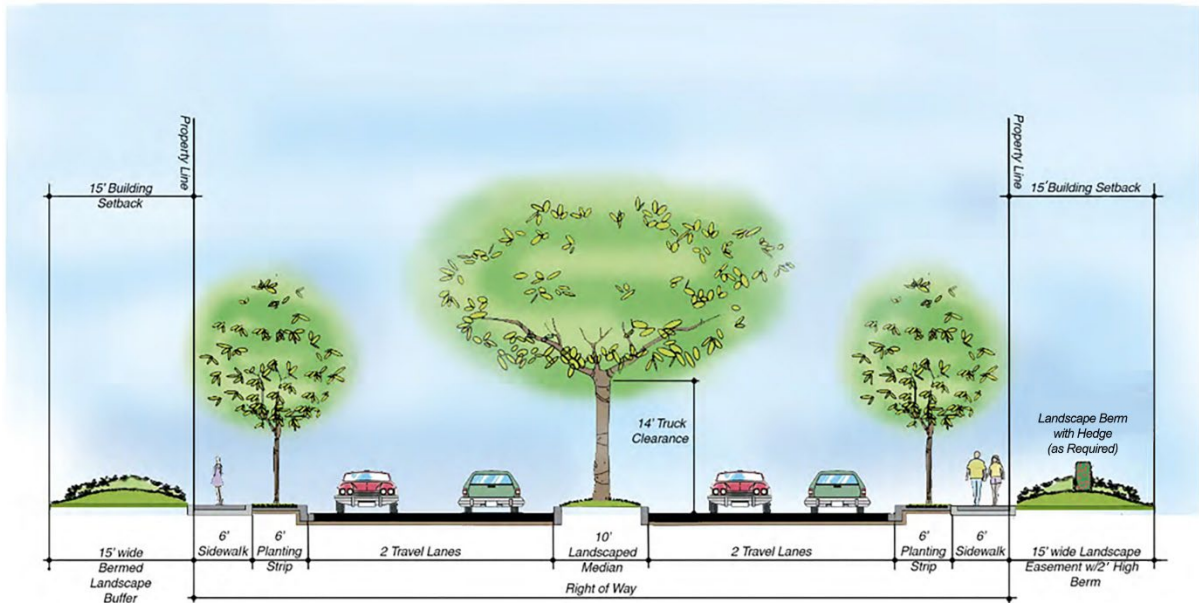


Figure 5.1
Typical Ho'okele Street Section
Maui Business Park II



Figure 5.1 Ho'okele Street Section

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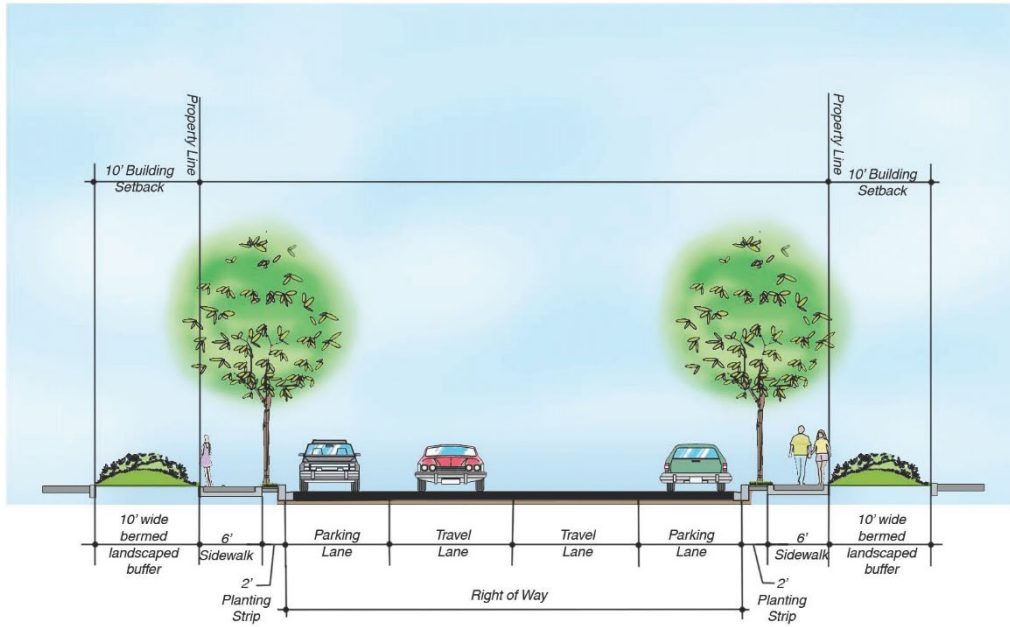


Figure 5.2
Project Roadways Street Section
Maui Business Park II

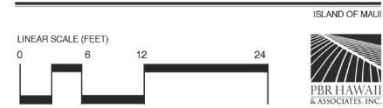


Figure 5.2 Project Roadways Street Section



- Legend**
- Ho'okele Street
 - Project Roadways
 - 10 ft Setback
 - 15 ft Setback
 - 20 ft Setback
 - Planting Strip (varying width)
 - 10 ft Median

Figure 5.3
South Project Area
Maui Business Park II

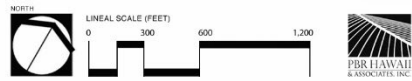
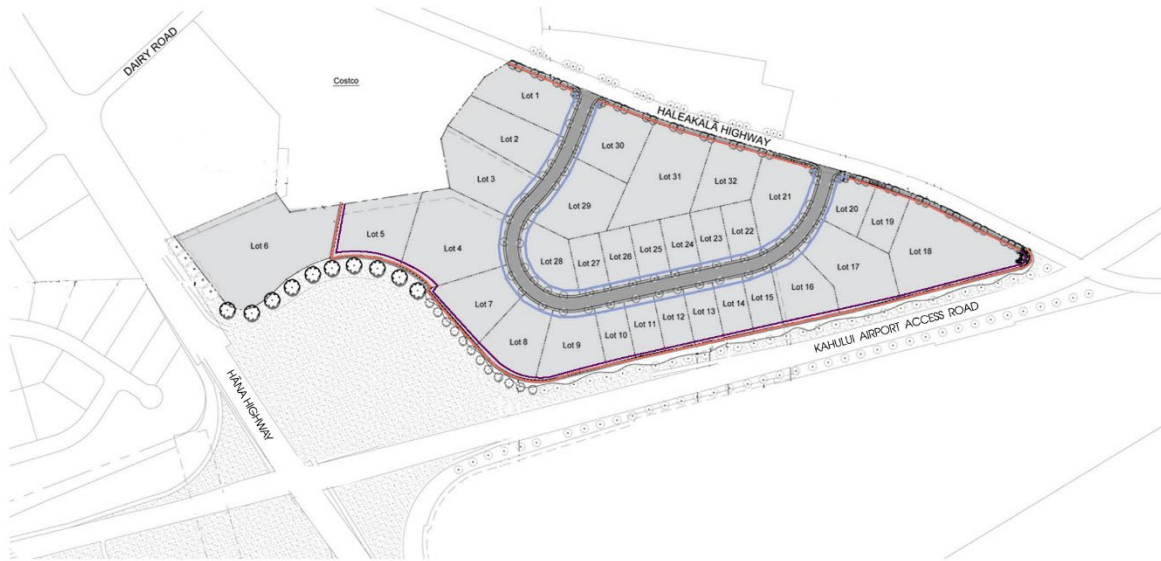


Figure 5.3 South Project Area

MAUI BUSINESS PARK PHASE II

Design Guidelines



- Legend**
- Project Roadways
 - 10 ft Setback
 - 20 ft Setback
 - Hedge

Figure 5.4
North Project Area
Maui Business Park II

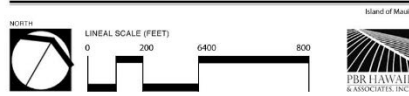


Figure 5.4 North Project Area

5.6 Landscape Requirements

The following general landscape design standards provide Owners with guidelines for the treatment of the Interior Zone to accomplish visual continuity for the project. To achieve the desired visual continuity, tree species will be specified by a plant material palette (Appendix A), identifying specific materials, unless approved by the DC. The installation of landscape planting and irrigation shall be in accordance with landscape industry standards.

5.6.1 Front and/or Rear Yard Landscape Easement

Each Lot shall have an integrated landscape setback at the distance shown with respect to such Lot on Figure 5.1 through 5.4.

5.6.2 Entry Areas

For Lot entries from the street, appropriate accent planting should draw attention to the entry and signage. At the primary building entrance, landscape should reinforce the building architecture, and be in human scale, and have an appropriate level of detail.

5.6.3 Parking Areas

If a parking area or driveway is located between a side or rear property line (with no specified side or rear yard setback) and a building, no landscaping is required. For all other parking areas facing side or rear property setbacks, a fence, wall or hedge shall be erected at the setback line. In compliance with Landscaping requirements for off-street parking and loading (Section 19.36B.080, Maui County Code), a minimum of one tree is required per every five parking stalls and is to be *distributed as evenly as practicable throughout the parking area and appropriately maintained to provide maximum shade to the extent practicable*. The Maui County Planting Plan shall provide further reference as to appropriate plant types, planting methods and landscape maintenance.

5.6.4 Service Areas

All utility services including meters, vaults, etc., and all service areas including outdoor refuse collection areas shall be screened, as described in Section 3.10 Service Areas, Section 3.11 Outdoor Storage Areas and Refuse Collection Areas and Section 3.12 Walls and Fencing, or landscaped to accomplish the same objective (refer to Figure 5.5). A combination of trees, shrubs, vines and berms may be used to provide eye level screening of service areas and be planted and maintained at a size to achieve this function within a 2-year period from the date of installation.

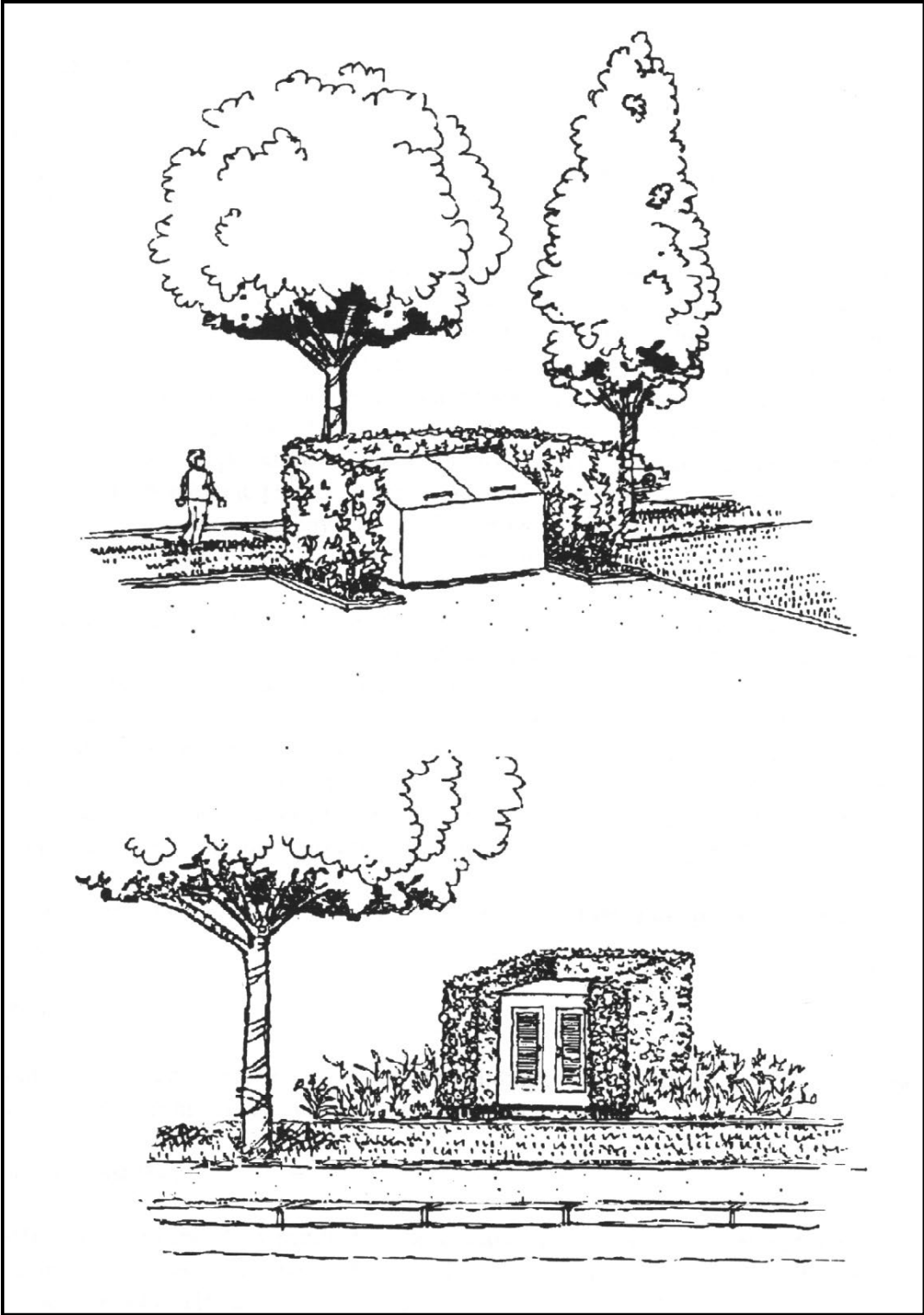


Figure 5.5 Screening of Refuse Collection Areas and Utility Vaults

5.6.5 Undeveloped Areas

Any undeveloped areas that do not serve a function shall be planted with appropriate shrubs or groundcover and subject to review and approval by the DC.

5.6.6 Temporary Facilities

Any temporary facilities such as information and sales trailers (not including construction trailers) shall have appropriate planting of trees, shrubs, and groundcover that blends in with the landscape of the MBP II. Plants in containers may be acceptable but must be of a minimum size approved by the DC.

5.7 Plant Material List

The Plant Material List Matrix (Appendix A) consists of plant materials recommended for use within the various required landscaped areas within Lots. The plant palette is purposely limited, in order to provide a uniform landscaped image for the MBP II. The DC may approve the use of plant materials not listed in Appendix A.

5.8 Screening of Undesirable Views

All construction documents shall include provisions to screen views of parking areas, outdoor storage areas, refuse collection areas, utilities, loading spaces, and other undesirable views identified by the DC. To enhance the overall aesthetic and effectiveness of screening, the use of screening elements such as berms, hedges, walls and fencing, in combination with other landscaping are encouraged. All walls and fences shall comply with the requirements for the M-1 Light Industrial District (Chapter 19.24, Maui County Code).



Figure 5.6 Hedges can be planted to screen off views of utilities.



Figure 5.7 Vinyl fencing should be used to screen undesirable views.

5.8.1 Hedges

All hedges used for screening undesirable views shall be planted with spacing to insure satisfactory and effective screening of undesirable views appropriate to the plant material being used (two feet maximum spacing is a good rule of thumb). Hedges shall be maintained at an appropriate density and height to effectively screen the improvements requiring screening. Refer to the Plant List Matrix for permitted and recommended plant materials for hedge and screening purposes.

5.8.2 Walls

Walls used for visual screening, grade separations (retaining walls), security and/or sound attenuation should be designed with similar materials, form, texture, and color as the adjacent architecture. All project boundary, perimeter, or Property line walls, and retaining walls shall be included in the construction plans reviewed and approved by the DC and conform to the following general guidelines:

1. Materials and colors of such walls shall be compatible with the building architecture.
2. No such wall shall be located within the front yard setback area, except that associated with a ground sign (see Section 6.2.6).
3. Such walls (excluding walls that comprise an integrated part of a building) adjacent to the Front Yard Setback and visible from the street shall be finished in a smooth finished sand plastered concrete masonry unit approved by the DC.
4. No such wall shall obstruct visibility that would compromise safety for motorists or pedestrians nor in any way constitute a hazard.
5. Screen fences and walls shall be at a height at least equal to that of the materials or equipment being stored/screened. Screen fences along the property line shall have a maximum height of six feet.

5.9 Irrigation

All landscape areas shall be irrigated with an underground non-potable irrigation system. The non-potable irrigation water provided is untreated, brackish ground water that may have varying levels of chlorides (salt) and other minerals. The Owner should consider adequate precautionary measures to mitigate the impact of using non-potable water for irrigation purposes. Non-potable water overspray from the irrigation system will cause residue spotting on buildings, windows, and vehicles, and residue deposits in parking areas. Unless irrigated by potable water around the building, salt tolerant plant species should be integrated into the landscape design. Refer to **Appendix A** Matrix for plant species considered salt tolerant.

The irrigation system installed in landscaped areas by the Declarant prior to the sale of lots shall become the responsibility of the new Owner or lessee in which it is located and shall be disconnected from the Dedicated Area irrigation system upon development of the individual Lot. If required, the Dedicated Area irrigation system shall be maintained through the Dedicated Areas to service Lots that have not been developed, built out and occupied.

5.10 Maintenance

Each Lot, whether occupied or not, and all improvements shall be maintained in good, clean and attractive condition as to prevent such areas from becoming unsightly, unsanitary or a hazard to health at all times.

All Common Area landscaping shall be maintained by the Maintenance Director, who shall submit to each of the Owners an estimated budget for the projected Common Area Maintenance (CAM) costs and administrative fee for operating and maintaining the Common Area of MBP II for the remaining/ensuing calendar year. Maintenance of all landscape Common Areas includes: maintaining, repairing, and replacing, when necessary, automatic sprinkler systems and water lines; and replacing shrubs and other landscaping in the Common Area as needed.

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6.0 SIGNAGE AND LIGHTING STANDARDS

6.1 Introduction

Signage and lighting design should reinforce the overall character and image of the Maui Business Park II (MBP II) and provide for an attractive and safe environment. Identification of businesses through adequate signage and appropriate lighting is an important factor in achieving a successful project. These guidelines are established to ensure that all Lots are developed with a coordinated and unified approach for signage and lighting.

6.2 Signage Design Guidelines

To allow sufficient business identification, the name of each business shall be permitted to clearly and individually identify the facilities it occupies when viewed from the fronting street. In addition to identifying businesses, signs are also a major contributing factor to the image of MBP II and its tenants. To avoid the appearance of visual clutter, signs for individual buildings/tenants shall be compatible in scale, attractive in appearance, complement the building façade(s), and enhance the architecture.

The following sign design guidelines shall be used to create a standardization for signs in MBP II. These guidelines ensure a coordinated and unified approach for MBP II signage, and establish criteria for size, quantity, location, color, materials, illumination, lettering size and style.

6.2.1 General Standards

No signs shall be erected and/or maintained in MBP II except in conformity with the County of Maui Commercial Signs requirements (Chapter 16.13, Maui County Code) and all applicable zoning ordinances, rules and regulations, and in accordance with the following provisions. Where required, a sign permit shall be obtained from the County. No sign variances shall be sought from the County without prior approval by the DC.

- a) Definitions of sign terminology shall be as defined in Section 16.13.030, Maui County Code.
- b) The only signs permitted shall be signs which identify a person, company, Corporation or other business entity operating a trade or business on the Lot and/or which identify a product or service produced and/or sold on the Lot.
- c) No sign shall be in the MBP II unless the color, design, materials and location of the sign have been approved by the DC and are in strict conformity with the provisions of this section.

- d) Signs may be lighted, but no signs visible from neighboring properties or from streets may be devised or constructed so as to rotate, gyrate, blink, or move in any animated fashion.

6.2.2 Color

All colors used shall be subject to approval by the DC.

6.2.3 Sizes

As referred to in this section, the total area of a sign shall be the total area of the geometric shape, inclusive of any borders, which constitutes the background or field on which the letters, design and pictorial symbols of the sign are displayed. If the sign does not have a background or field, the total of such sign shall be deemed to be the total of the smallest single regular geometric shape which encompasses all the letters, designs and pictorial symbols used in the sign whether the “sign” uses a background on field or not.

6.2.4 Lighting

Signs may be lighted, but only in accordance with Section 6.2.1d).

6.2.5 Wall Signage

All wall signage must be flush mounted at a maximum height of 20 feet or 2 feet below the fascia line, whichever is lower (on the building wall measured from the upper edge of the sign to the adjacent finish floor elevation). (refer to Figure 6.1) No sign, pictorial symbols or murals shall be painted directly on the exterior surface of any wall or building.

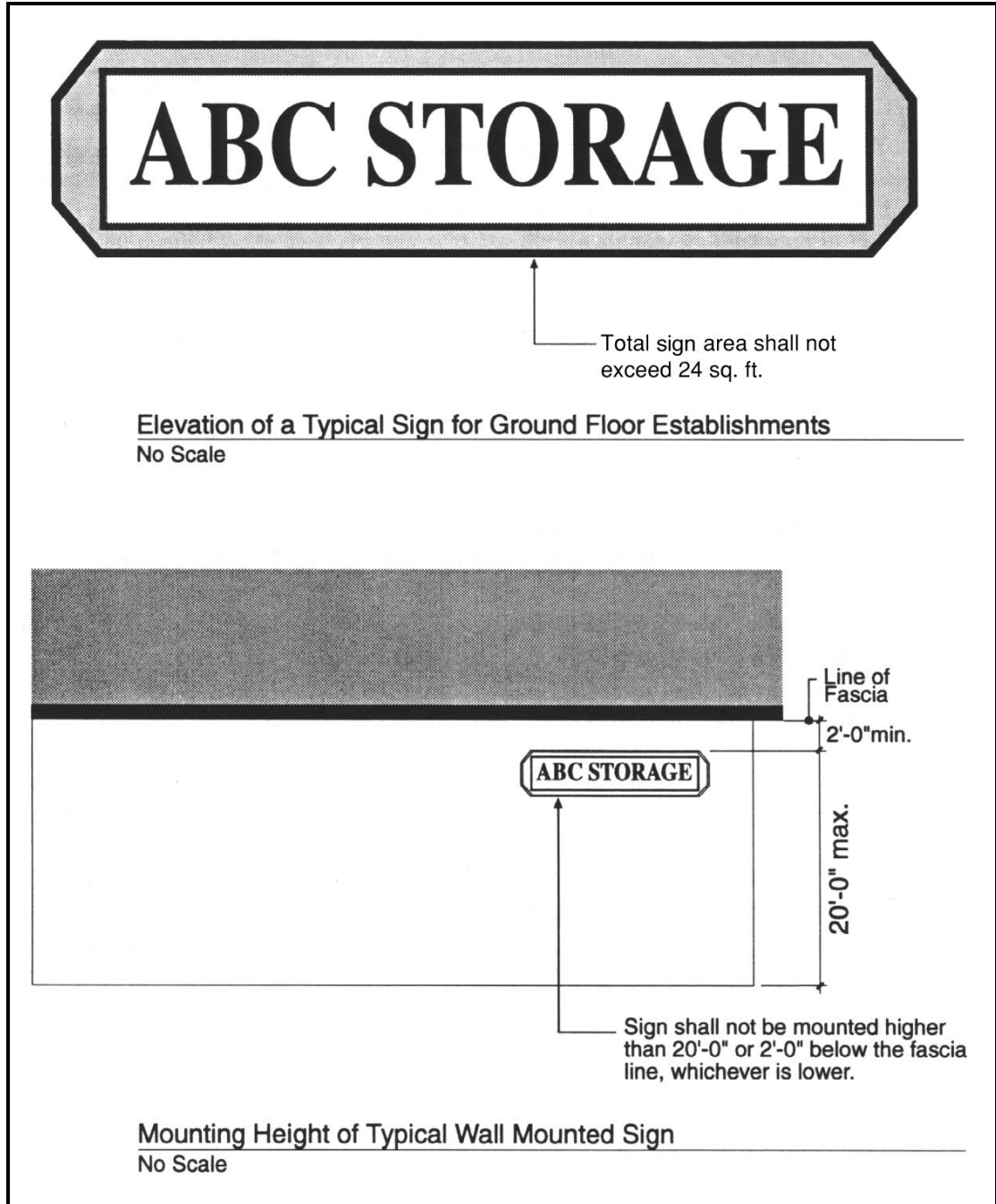


Figure 6.1 Typical Ground Floor Sign Size and Mounting Height

6.2.6 Ground Signs

No ground sign shall be more than 7 feet above the surrounding grade in vertical height. No ground sign shall exceed more than 28 square feet in area. In addition, no ground sign shall be located within the first 3 feet of any landscaped area as measured from the edge of the sidewalk. Ground signs shall not be placed to obstruct views of vehicles and/or pedestrians that could create hazardous or dangerous situations to pedestrians on the sidewalks

fronting a Lot. The material and color of any wall proposed to be constructed as part of a ground sign shall be subject to DC approval.

6.2.7 Directional Signs

Signs which display direction within the Lots shall conform to the following standards:

- a) No directional sign shall have a panel space which exceeds 2 square feet in area per side.
- b) No business name, symbol or advertising of any sort shall be permitted on any directional sign.
- c) No directional sign shall exceed a height of 4 feet above the underlying grade.
- d) No directional sign shall be located where it may inhibit the safe flow of vehicles or pedestrians.
- e) No directional sign shall be internally illuminated or illuminated from the ground.
- f) When applicable, all directional signs shall use the international symbol signs as designed for the U.S. Department of Transportation.

6.2.8 Temporary Signs

Notwithstanding the limitations set forth in Section 6.2.1.b), the following signage shall also be permitted:

- a) A temporary sign shall not exceed 32 square feet in area.
- b) A temporary sign advertising the sale, lease, or hire of only the Lot on which such sign is located.
- c) A temporary construction sign identifying the design consultants, contractor and other information related to the construction of the building or structure on the Lot on which the sign is located.
- d) A temporary future tenant identification sign listing the names of future tenants of the Lot or site on which such sign is located and identifying the responsible agent or realtor.
- e) Temporary signs are subject to review by the DC and removal by the owner after a six-month period.

6.2.9 Prohibited Signs

The following signs are prohibited within MBP II:

- a) Portable signs;
- b) Wind sign, except for temporary banners that may be used to announce a special event and removed after 14 days;
- c) Inflatable signs;
- d) Signs composed primarily of reflective or fluorescent materials, including but not limited to mirrors, bright metals, and highly reflective paint;
- e) Signs attached to or placed on a vehicle or trailer; and
- f) Political signs

6.2.10 Submittals

An overall signage location and sign graphics program including any ground signs, wall signs, directional signs, and temporary signs shall be submitted as part of the preliminary and final plan submittal to the DC for approval.

It is the Owner/Tenant's responsibility to obtain written approval from the DC before installing any signs. The Owner/Tenant shall submit the following sign information to the DC for approval. The submittal shall be in the form of scale drawings and indicate the following:

- Sign location and elevations
- Construction details (materials, mounting, etc.)
- Colors to be used and type of finish
- Sign illumination, if any permitted
- Type style and size of letters

In addition, if the signage proposed will be temporary, the Owner/Tenant to provide the dates the sign(s) will be installed and removed.

6.2.11 Enforcement

The Declarant shall have the right to remove any signs not permitted by these Industrial Development Design Guidelines or County ordinance and charge the individual tenant or Owner for the cost of such removal.

6.3 Lighting Design Guidelines

Lighting can serve to highlight the landscape or a building and create an overall sense of continuity throughout the project. Exterior lighting shall be provided in a manner that does not detract from the architectural character of the building. Instead, it should articulate and animate the particular building design, as well as provide the required functional lighting for safety and clarity of pedestrian movement (refer to Figure 6.2).

6.3.1 General Lighting

If exterior lighting is provided, the following standards shall be followed:

1. Building illumination and architectural lighting shall be indirect in character (no visible light source). Indirect wall lighting or “wall washing”, overhead down lighting, or interior illumination which spills outside is encouraged.
2. Light sources should be recessed, screened or shielded to minimize glare or excessive light spillage on neighboring sites.
3. All lighting potentially visible from an adjacent street, except bollard or pole lighting up to 16 feet in height, shall be indirect or shall incorporate a full cut-off shield type fixture (refer to Figure 6.2).

6.3.2 Service Area Lighting

Service area lighting shall be contained within the service yard boundaries and enclosure walls. No light spillover should occur outside the service area. The light source should not be visible from the street (refer to Figure 6.2).

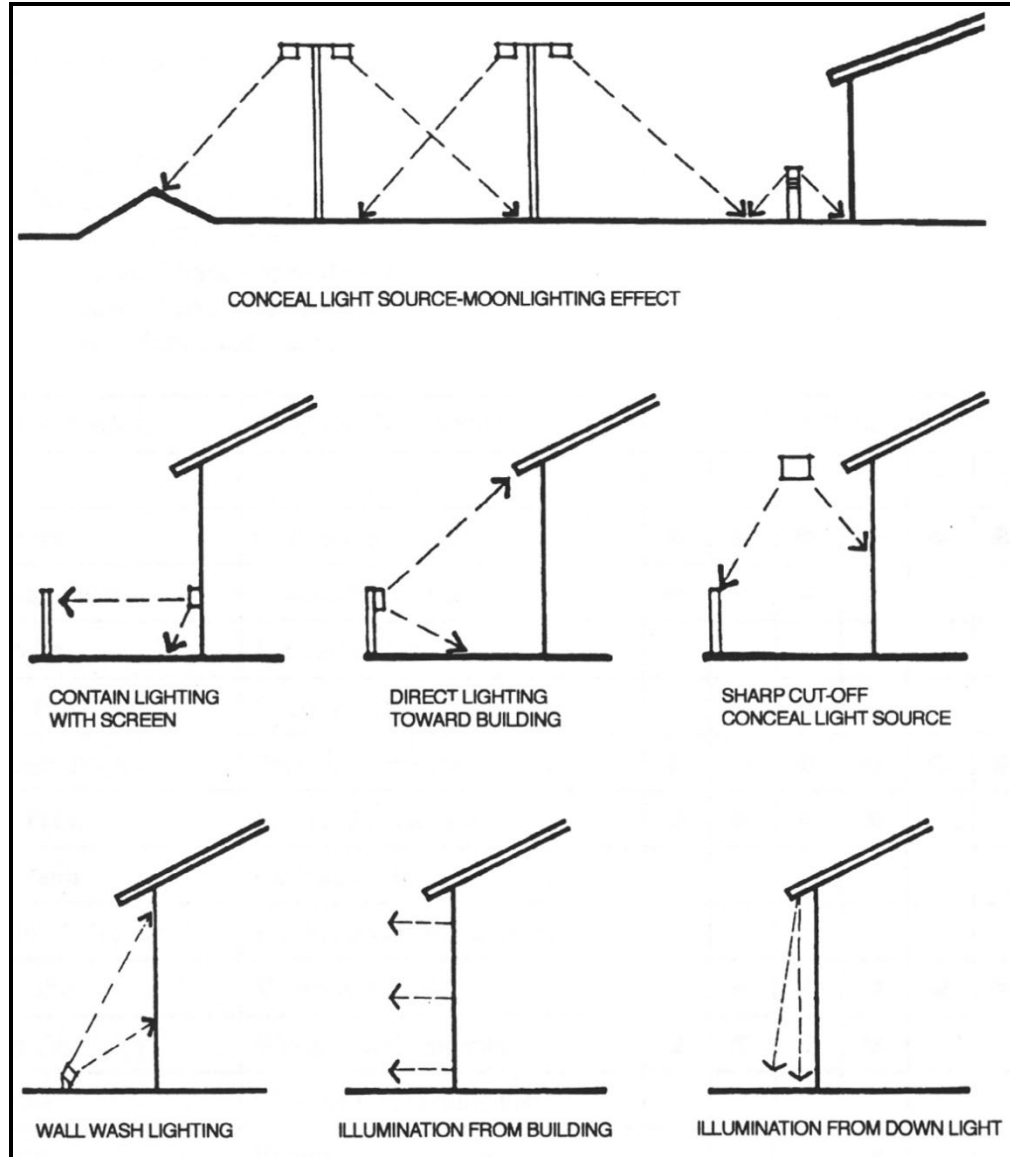


Figure 6.2 Building Lighting Standards

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Appendix A
Preliminary Plant Material List Matrix

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**APPENDIX A
MAUI BUSINESS PARK PHASE II
PRELIMINARY PLANT MATERIAL LIST MATRIX**

The landscape planting zones area as follows:

- 1 – Street Trees
- 2 – Ho’okele Street Median Planting
- 3 – Landscaped Zone (*Moderate Salt Tolerance; **High Salt Tolerance)

COMMON NAME	BOTANICAL NAME	PLANTING ZONE		
		1	2	3
PALMS				
Areca Palm*	<i>Chrysalidocarpus lutescens</i>			•
Blue Latan Palm*	<i>Latania loddigesii</i>			•
Bottle Palm**	<i>Hyophorbe lagenicaulis</i>			•
Manila Palm*	<i>Veitchia merrilli</i>	•	•	•
Rhapis Palm*	<i>Rhapis excelsa</i>			•
Sago Palm	<i>Cycas revoluta</i>			•
Bismarck Palm*	<i>Bismarckia nobilis</i>			•
Blue Hesper Palm	<i>Brahea armata</i>			•
Chinese Fan Palm*	<i>Livistonia chinensis</i>			•
Thrinax Palm*	<i>Thrinax parviflora</i>			•
Foxtail Palm*	<i>Wodyetia bifurcata</i>	•	•	•
Sadang Palm*	<i>Livistonia rotundifolia</i>			•
Dwarf date Palm*	<i>Phoenix roebelinii</i>			•
Caribbee Royal Palm*	<i>Roystonea oleracea</i>			•
Cuban Royal Palm*	<i>Roystonea regea</i>			•
Queen Palm*	<i>Syagruss romanzoffiana</i>			•
Kentia Palm*	<i>Howea fosteriana</i>			•
Ivory Nut Palm*	<i>Metroxylon amicarum</i>			•
Golden Loulu (E. Maui)*	<i>Pritchardia arecina</i>			•
Loulu (Molokai)**	<i>Pritchardia hillebrandii</i>			•
Thurston/ Fiji fan Palm**	<i>Pritchardia thurstonii</i>			•
Senegal Date Palm**	<i>Phoenix reclinata</i>			•
Coconut**	<i>Cocos nucifera</i>			•
Silver Palm**	<i>Coccothrinax barbadensis</i>			•
Princess Palm**	<i>Dictyosperma album</i>			•
Date Palm**	<i>Phoenix dactylifera</i>			•
Loulu**	<i>Pritchardia affinis</i>			•
Fiji / Tonga Fan Palm**	<i>Pritchardia pacifica</i>			•
TREES				
Large Canopy				
Gimlet	<i>Eucalyptus salubris</i>	•	•	•
Kamani	<i>Calophyllum inophyllum</i>	•	•	•
Indian Banyan	<i>Ficus benghalensis</i>	•	•	•
Lantern Tree	<i>Hernandia sonora</i>	•	•	•
Rosewood	<i>Tipuana tipu</i>	•		•
Weeping Banyan**	<i>Ficus benjamina</i>			•
Pleasant Wood*	<i>Senna siamea</i>			•

COMMON NAME	BOTANICAL NAME	PLANTING ZONE		
		1	2	3
Medium Canopy				
Autograph Tree**	<i>Clusia rosea</i>	•		•
Hala**	<i>Pandanus odoratissimus</i>	•		•
Narra*	<i>Pterocarpus indica</i>	•	•	•
Rainbow Shower	<i>Cassia javanica x fistula</i>	•	•	•
Royal Poinciana	<i>Delonix regia</i>	•	•	•
Silver Buttonwood**	<i>Conocarpus erectus</i>			•
Kukui*	<i>Aleurites moluccana</i>			•
Madagascar Olive**	<i>Noronhia emarginata</i>	•		•
Milo**	<i>Thespesia populnea</i>			•
Sausage Tree**	<i>Kigelia africana</i>			•
Sea Grape**	<i>Coccoloba uvifera</i>			•
Small Canopy				
Bottlebrush	<i>Callistemon lanceolatus</i>	•		•
Coral Tree	<i>Erythrina crista-galli</i>	•		•
False Olive*	<i>Elaeodendron orientale</i>	•		•
Tulipwood	<i>Harpullia pendula</i>	•		•
Hong Kong Orchid Tree	<i>Bauhinia blakeana</i>	•		•
Orange Kou**	<i>Cordia subcordata</i>	•		•
Pink Tecoma*	<i>Tebebuia heterophylla</i>	•		•
Plumeria varieties**	<i>Plumeria var.</i>	•		•
Podocarpus	<i>Podocarpus gracilior</i>	•		•
Lavender Trumpet	<i>Tabebuia impetiginosa</i>	•		•
Weeping Bottlebrush*	<i>Callistemon citrinus</i>	•		•
Stiff Bottlebrush*	<i>Callistemon rigidus</i>			•
Crape Myrtle*	<i>Lagerstromia indica</i>			•
Silver Trumpet	<i>Tabebuia aurea</i>			•
Variegated Hau**	<i>Hibiscus tiliaceum f. variegata</i>			•
Dwarf White Tecoma (Hispaniolan Rosy Trumpet)	<i>Tabebuia berteroi</i>	•		•
Kolomona*	<i>Senna surattensis</i>			•
Vertical/Upright Trees				
Eucalyptus varieties	<i>Eucalyptus var.</i>	•		•
Gold Tree	<i>Tabebuia donnell-smithi</i>	•	•	•
Tulipwood	<i>Harpullia pendula</i>	•		•
Dwarf White Tecoma (Hispaniolan Rosy Trumpet)	<i>Tabebuia berteroi</i>	•		•
Lignum Vitae*	<i>Guaiacum officinale</i>	•		•
SHRUBS				
Bird of Paradise	<i>Strelizia reginae</i>			•
Cardboard Palm	<i>Zamia furfuracea</i>			•
Indian Hawthorn	<i>Raphilopis indica</i>			•
Kokutan	<i>Raphiolepis Umbellata</i>			•
Plumbago*	<i>Plumbago capensis</i>			•
Sanchezia	<i>Sanchezia nobilis glaucophylla</i>			•
Spider Lily**	<i>Crinum asiaticum</i>		•	•
Tiare Gardenia	<i>Gardenia taitensis</i>		•	•
Mast Tree*	<i>Polyalthia longifolia</i>			•

COMMON NAME	BOTANICAL NAME	PLANTING ZONE		
		1	2	3
Acalypha*	<i>Acalypha godseffiana</i>			•
Copper Leaf*	<i>Acalypha wilkesiana</i>			•
Podocarpus*	<i>Afrocarpus falcatus</i>			•
Lehua Haole*	<i>Calliandra haematocephala</i>			•
Croton*	<i>Codiaeum variegatum</i>			•
Money Tree*	<i>Dracaena marginata</i>			•
Caricature Plant*	<i>Graptophyllum pictum</i>			•
Hibiscus*	<i>Hibiscus rosa-sinensis</i>			•
Coral Hibiscus*	<i>Hibiscus schizopetalus</i>			•
Chinese Hat*	<i>Holmskioldia sanguinea</i>			•
Red Ixora*	<i>Ixora coccinea</i>			•
Hollywood twisted juniper*	<i>Juniperus chinensis ssp. Torulosa</i>			•
Turk's Cap*	<i>Malvariscus penduliflorus</i>			•
'Ūlei*	<i>Osteomeles anthyllidifolia</i>			•
Golden Eldorado*	<i>Pseuderanthemum carruthersii</i>			•
Lady Palm*	<i>Rhapis excelsa</i>			•
Sugar Cane*	<i>Sacharum officinarum</i>			•
Dwarf Brassiaia*	<i>Schefflera aboricola</i>			•
Dwarf Poinciana**	<i>Caesalpinia pulcherrima</i>			•
Sea Grape**	<i>Coccoloba uvifera</i>			•
Spider Lily**	<i>crinum asiaticum</i>			•
'A'ali'i**	<i>Dodonaea viscosa</i>			•
Hau**	<i>Hibiscus tiliaceum</i>			•
Japanese Privet**	<i>Ligustrum japonicum</i>			•
Naio**	<i>Myoporum sandwicense</i>			•
Hala Variegated**	<i>Pandanus tectorius 'Baptistii'</i>			•
Pittosporum**	<i>Pittosporum tobira</i>			•
'Ākia**	<i>Wikstroemia uva-ursi</i>			•
HEDGE MATERIAL				
Croton*	<i>Codiaeum variegatum</i>		•	•
Hibiscus varieties*	<i>Hibiscus var.</i>		•	•
Leea	<i>Leea coccinea</i>			•
Mock Orange*	<i>Murraya paniculata</i>			•
Natal Plum**	<i>Carissa grandiflora</i>		•	•
Japanese Yew	<i>Polocarpus macrophyllus</i>			•
Snowbush	<i>Breynia nivoso rosi-picta</i>			•
Naupaka**	<i>Scaevola taccado</i>		•	
Panax**	<i>Polyscias guilfoylei</i>			•
Parsley Panax**	<i>Polyscias fruticosa</i>			•
VINES				
Allamanda*	<i>Allamanda cathartica</i>			•
Bougainvillea varieties*	<i>Bougainvillea var.</i>			•
Cats Claw	<i>Macfadyena unguis-cati</i>			•
Galphimia	<i>Tristellateia australasiae</i>			•
Huapala	<i>Ipomoea horsfalliae</i>			
Beach Morning-glory, Pōhuehue**	<i>Ipomoea pes-caprae subsp. Brasiliensis</i>			
Pothos**	<i>Epipremnum aureum</i>			

COMMON NAME	BOTANICAL NAME	PLANTING ZONE		
		1	2	3
GROUND COVER				
Blue Daze	<i>Evolvulus 'blue daze'</i>		•	•
Lantana	<i>Lantana</i>		•	•
Laua'e Fern	<i>Polypodium phymatodes</i>		•	•
Mondo Grass	<i>Mondo japonicum</i>			•
Syngonium	<i>Syngonium podophyllum</i>		•	•
Golden Glory	<i>Arachis pintoii</i>		•	•
'Akoko**	<i>Chamaesyce degeneri</i>			•
'Ākulikuli**	<i>Sesuvium portulacastrum</i> <i>Sphagneticola trilobata</i>			•
Aloe**	<i>Aloe spp.</i>			•
Beach Morning-glory, Pōhuehue**	<i>Ipomoea pes-caprae</i> subsp. <i>Brasiliensis</i>			•
Dwarf Natal Plum**	<i>Carissa macrocarpa</i>			•
Hinahina Kū Kahakai**	<i>Heliotropium anomalum</i> var. <i>argenteum</i>			•
'Ihi, Yellow Portulaca**	<i>Portulaca lutea</i>			•
Maiapilo**	<i>Capparis sandwichiana</i>			•
Nehe**	<i>Lipochaeta inegrifolia</i>			•
'Ōhai**	<i>Sesbania tomentosa</i>			•
'Ōhelo Kai, 'Ae 'Ae**	<i>Lycium sandwicense</i>			•
Pā'ū o Hi'iaka**	<i>Jacquemontia ovalifolia</i> subsp. <i>sandwicensis</i>			•
Pohinahina**	<i>Vitex rotundifolia</i>			•
Pothos**	<i>Epiprenum pinnatum</i>			•
'Ākia*	<i>Wikstroemia uva-ursi</i>			•
Cape Honeysuckle*	<i>Tecoma capensis</i>			•
Confederate Jasmine*	<i>Trachelospermum jasminoides</i>			•
Coontie Palm*	<i>Zamia pumila</i>			•
Creeping Fig*	<i>Carpobrotus edulis</i>			•
Daylily*	<i>Hemerocallis spp.</i>			•
'Ilima Papa*	<i>Sida fallax</i>			•
Japanese Honeysuckle*	<i>Lonicera japonica</i>			•
Ko'oko'olau*	<i>Bidens mauiensis</i>			•
Lilyturf*	<i>Liriope spicata</i>			•
Oyster Plant*	<i>Tradescantia spathacea</i>			•
Purple Heart, Purple Queen*	<i>Tradescantia pallida</i>			•
Snake Plant*	<i>Sansevieria trifasciata</i>			•
Wax ficus*	<i>Ficus macrocarpa</i>			•
GRASS				
Bermuda	<i>Cynodon dactylon</i>	•		•
Zoysia Meyer	<i>Zoysia japonica</i>	•		•
Seashore Paspalum**	<i>Paspalum vaginatum</i>	•	•	•

Appendix B
Step 2 Design Review Application
Form

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APPENDIX B

**MAUI BUSINESS PARK PHASE II
DESIGN REVIEW APPLICATION FORM**

Lot(s) No. _____ Lot Area: _____ Acres

Owner (Name and Address): _____

Phone: _____ Email: _____

Architect (Name and Address): _____

Phone: _____ Email: _____

Civil Engineer (If applicable): _____

Phone: _____ Email: _____

Landscape Architect (If applicable): _____

Phone: _____ Email: _____

SUBMITTAL

- Step 1
- Step 2
- Supplemental (additional service - hourly rate)

REVIEW FEE PAID (EACH SUBMITTAL PER LOT)

- 1 Acre Lot or Less \$928.00
- 1-3 Acre Lot \$1,857.00
- 3+ Acre Lot \$4,928.00
- Qualify as "Major Owner"

Note: Fees increases 3% each year on January 1st

Make Check Payable to: Maui Business Park Phase II Association

Mail To: Maui Business Park Phase II Association
C/O Associa Hawaii
Attn: Malia Josue
375 Huku Lii Pl Suite 207
Kihei, HI 96753
Phone: (808) 243-9565

Owner and Architect has reviewed:

_____ Design Guidelines – Maui Business Park Phase II (September 12, 2022)
_____ Declaration of Covenants and Restrictions – Maui Business Park Phase II (September 12, 2019) and
the Second Amendment (August 4, 2022)

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STEP 2 DESIGN REVIEW APPLICATION FORM

Heading	Compliance (Mark an "X")	Not Compliant (Mark an "X")	Variance (State Non-Compliance)	Comments (Manner of addressing Compliance or reason to approve Variance)
Purpose and Intent				
Review and Submittal Procedures				
Step 1 - Pre-Design Consultation				
Step 2 - Plan Submittal and Review Meeting				
Site Plan				
Plot layout (including off-street parking and loading areas, vehicle access and circulation)				
Subdivision Plans (and if required a bond/certificate or irrevocable letter of Credit naming the Plan Coordinator as obligee or beneficiary, in a penal sum not less than the cost of such construction or Subdivision and in form and with surety or bank satisfactory to the Plan Coordinator, guaranteeing the completion of such construction or Subdivision free and clear of all mechanic's and materialman's liens, together with such information and evidence as the Plan Coordinator reasonably may require to assure that the Occupant is able to and shall make all payments required by contract to be made as and when the Occupant is required to do so.)				
Condominium Property Regime				
Grading/ Drainage Plans				
Building Plans and Elevations (including structural design, geotechnical reports, and architecture)				
Exterior Lighting Plan				
Materials and Color Samples of All Exterior Finishes				
Landscape and Irrigation Plans				
Fence and/or Wall Plans, Elevations, and Details				
Signage Plan and Details				
Engineering data including potable and non-potable water demand calculations, sewer flow calculations, and drainage flow calculations for water flowing offsite into the MBPFI drainage facilities				
Step 3 - Plan Approval				
Laws, Code and Ordinances				
Development Plan				
Land Use				
Easements				

STEP 2 DESIGN REVIEW APPLICATION FORM

Heading	Compliance <small>(Mark an "X")</small>	Not Compliant <small>(Mark an "X")</small>	Variance <small>(State Non-Compliance)</small>	Comments <small>(Manner of addressing Compliance or reason to approve Variance)</small>
Landscape Treatments				
Building Setbacks				
Lot Consolidation				
Site Planning Standards				
Grading, Drainage and Erosion Control <small>(professional Civil Engineer)</small>				
Common Area				
Building Setbacks and Landscaped Zones				
Dedicated Area				
Interior Zone				
Driveway Access				
Parking Areas				
Service Areas				
Outdoor Storage Areas and Refuse Collection Areas				
Walls and Fencing				
Maintenance				
Architecture Standards				
Scale				
Lot Coverage				
Form				
Building Height				
General Building Design Quality				
Building Design Requirements and Concepts				
Roof Systems				
Roof Material				
Wall System				
Electrical and Mechanical Systems				
Entry Design				
Building Colors				
Landscape Standards				
Streetscape Design Concepts				
Common Areas				
Landscaped Zones				
Interior Zone				
Landscape Requirements				
Plant Material List				
Screening of Undesirable Views				
Irrigation				
Maintenance				
Signage and Lighting Standards				
Signage Design Guidelines				
General Standards				
Color				
Sizes				
Lighting				
Wall Signage				
Ground Sign				
Directional Sign				
Temporary Signs				
Submittals				
Enforcement				
Lighting Design Guidelines				
General Lighting				
Service Area Lighting				

Appendix C

Approved Color Palettes

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Green Family  Created with **COLORSNAP** VISUALIZER



Dark

Actual color may vary from on-screen representation. To confirm your color choices prior to purchase, please view a physical color chip, color card, or painted sample. Sherwin-Williams is not responsible for the content and photos shared by users of their color selection tools.

Brown Family  Created with **COLORSNAP** VISUALIZER



Light Dark

Gray Family



SHERWIN-WILLIAMS

Created with

COLORSNAP

VISUALIZER



Light



SHERWIN-WILLIAMS.

Dark

Actual color may vary from on-screen representation. To confirm your color choices prior to purchase, please view a physical color chip, color card, or painted sample. Sherwin-Williams is not responsible for the content and photos shared by users of their color selection tools.