

#### STATE OF HAWAII

#### DEPARTMENT OF HAWAIIAN HOME LANDS

April 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Subject: Approval to Amendment of General Lease No. 290, Kapolei Community

Development Corp. (KCDC), East Kapolei, Oahu, TMK (1) 91151002

#### RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its approval to the following:

To amend General Lease No. 290 as follows:

 Delete Article One, Section 3, titled <u>Progress Evaluation</u>, as amended by Section 1 of the Third Amendment, which reads in its entirety as follows:

"During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE's economic development (self-sustaining) component. Progress shall be measured against milestones set over the first eleven (11) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE'S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- Complete HRS Chapter 343 compliance.
- Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.



- Application of all required permits for the development of the 6) project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Entire infrastructure and majority of buildings on project substantially completed as planned."

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit "A".

2. Insert new Section 3, titled Progress Evaluation, to read as follows:

"During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE's economic development May 16, 2023 (self-sustaining) component. By virtue of this Fourth Amendment, this time frame is extended to December 31, 2022. Failure to meet any milestone or an otherwise negative evaluation of LESSEE'S project may be grounds for termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- Complete HRS Chapter 343 compliance. 1)
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures - access roads, water meter, water lines, wastewater system, drainage, and utilities connection.
- 5) Submit development plans for review and approval.
- 6) Application of all required permits for the development of the project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- Substantially complete the work detailed in the construction 7) drawings referenced in the LESSOR approval letter as detailed in the attached Exhibit "A" described below.

2

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with conditions (4)–(6), LESSOR has provided written approval of the development and construction plans for HMP Common Element including the utility infrastructure and roads referenced in condition (4) and Building Improvement Plans for Unit 1, 2, and 5 as detailed in the attached Exhibit "A".

- 3. The Chairman of the Hawaiian Homes Commission may set forth other terms and conditions deemed prudent and necessary; however, any request for further extensions of time shall require approval from the Hawaiian Homes Commission.
- 4. The Amendment to Lease document shall be subject to the review and approval of the State of Hawaii Department of Attorney General; and
- 5. Except as amended herein, all of the terms, covenants, conditions and provisions of General Lease No. 290 shall remain in full force and effect and shall be binding upon the parties hereto.

#### DISCUSSION

The Hawaiian Homes Commission, at its regular monthly meeting of July 20, 2010, approved the issuance of a General Lease No. 290 to Kapolei Community Development Corporation to use a portion of Hawaiian home lands in Kapolei for the purpose of facilitating an economic development venture by subleasing the parcel to a private developer whereby the rental revenue received would be used to support its community project, the Cultural Heritage Center that would encompass a community center, and social service facilities to provide services benefitting the Department of Hawaiian Home Lands (DHHL) or native Hawaiians residing in the Kapolei region and the broader West O'ahu area. General Lease No. 290 was issued to Kapolei Community Development Corp. (KCDC) for a term of sixty-five (65) years effectively commencing on May 17, 2011.

A First Amendment to General Lease No. 290, fully executed as of June 25, 2012 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provides LESSEE an opportunity to explore some alternative residential opportunities that may be feasible and prudent for native Hawaiian beneficiaries of the Hawaiian Home Lands Trust.

A Second Amendment to General Lease No. 290, fully executed as of June 27, 2018 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provided LESSEE an opportunity to facilitate its intent to develop the demised premises into a shopping center called the Ho'omaka Market Place (the "Shopping Center"), which development will fulfill certain of Lessee's obligations under the Lease.



A Third Amendment to General Lease No. 290, fully executed as of November 6, 2020 is filed with the Department of Hawaiian Home Lands but is not recorded with the Bureau of Conveyances of the State of Hawaii. The subject amendment provided LESSEE an opportunity to facilitate its access and utility rights over Kekahili Street and addresse unforeseen permitting delays and other delays caused by the COVID-19 pandemic.

The following pertinent information on GL No. 290 are as follows:

General Lessee: Kapolei Community Development Corporation, a Hawaii 501(c)(3) non-

profit corporation

Location: Kapolei, Island of O'ahu

TMK No./Land Area: (1) 91151002 / 4.992 Acre (217,452 sq.ft.)

Land Area: 4.992 Acre (217,452 sq.ft.)

Term: Sixty-five (65) years; 05/17/2011 – 05/16/2076

Annual Rent: Yrs.  $1 - 10 - \frac{5}{17}/2023 - \frac{5}{16}/2033 = $104,000$ 

Yrs.  $11 - 15 - \frac{5}{17/2033} - \frac{5}{16/2038} = \$114,400$ Yrs.  $16 - 20 - \frac{5}{17/2038} - \frac{5}{16/2043} = \$138,440$ 

Annual Rent for 10 yr. option periods thereafter shall be determined by

Fair Market Value

Zoning Designation: Commercial Mixed Use (BMX3)

On behalf of the Kapolei Community Development Corporation, its President Scott Abrigo is requesting support from the Hawaiian Homes Commission on granting approval for a Fourth Amendment to General Lease No. 290 (See Exhibit "A") as proposed.

In summary, KCDC has been working closely with Ho'omaka Market Place and DHHL to obtain final approval from the Department of Transportation (DOT) for the Right-In (RI) access from Kualakai Parkway. After some time, the parties have reached an agreement on the basic conditions of the DOT approval. A formal letter is being worked on the memorialize the DOT conditions of approval for the RI. Therefore, if the amendment as proposed is approved, KCDC the project timeline would be reset accordingly and construction development will continue through completion.

#### RECOMMENDATION

Land Management Division respectfully request approval of the motion/action as stated.



#### STATE OF HAWAII

Exhibit "A" ITEM NO. F-1

#### **DEPARTMENT OF HAWAIIAN HOME LANDS**

#### FOURTH AMENDMENT TO GENERAL LEASE NO. 290

THIS FOURTH AMENDMENT TO GENERAL LEASE NO. 290 (this "Amendment"), is made this day of \_\_\_\_\_\_\_\_, 2021, by and between the STATE OF HAWAII, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, and whose mailing address is P.O. Box 1879, Honolulu, Hawaii 96805, hereinafter "LESSOR," and KAPOLEI COMMUNITY DEVELOPMENT CORPORATION, a Hawaii Non-Profit 501(c)(3) Corporation, hereinafter "LESSEE," whose mailing and business address is P.O. Box 700911, Kapolei, Hawaii 96709, collectively the "PARTIES";

#### WITNESSETH:

WHEREAS, by that certain unrecorded Lease dated May 3, 2011 and effective May 17, 2011 (the "Lease"), LESSOR leased to LESSEE, and LESSEE leased from LESSOR, the premises located at Kapolei, Island of Oahu, City and County of Honolulu, Tax Map Key No. (1) 9-1-151:002, comprising 4.992 acres, more or less of Hawaiian Home Lands, as more particularly described therein (the "Premises");

WHEREAS, by that First Amendment to General Lease No. 290 dated June 25, 2012, that Second Amendment to General Lease No. 290 dated June 27, 2018, and that Third Amendment to General Lease No. 290 dated November 6, 2020 (the "**Third Amendment**"), LESSOR and LESSEE amended said Lease;

WHEREAS, LESSEE, as Sublessor, subleased the Premises to KZ Companies, LLC ("KZC") pursuant to that certain Ground Sublease dated June 6, 2017, as amended by that certain unrecorded First Amendment to Ground Sublease dated as of February 28, 2019, that certain unrecorded Second Amendment to Ground Sublease dated as of June 11, 2020, and as further amended by that certain unrecorded Third Amendment to Ground Sublease dated as of March 6, 2021, between Sublessor and KZC (as amended, the "Sublease"), and KZC assigned the sublessee's interest in the Ground Sublease to HO'OMAKA MARKETPLACE LP, a Hawaii limited partnership ("Sublessee") pursuant to that certain unrecorded Assignment of Sublease dated September 25, 2019;

WHEREAS, Sublessee intends to develop the Premises into a shopping center called Ho'omaka Marketplace (the "**Shopping Center**"), which development will fulfill certain of LESSEE'S obligations under the Lease;

WHEREAS, in order to facilitate Sublessee's development of the Premises, LESSOR and LESSEE desire to further amend the Lease as more fully set forth herein;

NOW THEREFORE, for and in consideration of the foregoing and mutual covenants, terms and conditions hereinafter provided, the PARTIES, for and on behalf of themselves, their successors and assigns, do here by agree to amend General Lease No. 290 as follows:

1) Delete Article One, Section 3, titled <u>Progress Evaluation</u>, as amended by Section 4 of the Third Amendment, which reads in its entirety as follows:

"During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE's economic development (self-sustaining) component. Progress shall be measured against milestones set over the first eleven (11) years of the General Lease. Failure to meet any milestone or an otherwise negative evaluation of LESSEE'S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.
- Application of all required permits for the development of the project. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Entire infrastructure and majority of buildings on project substantially completed as planned."

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit "A".

2) Insert new Article One, Section 3, titled <u>Progress Evaluation</u>, to read as follows:

"During the term of the General Lease, LESSEE shall cause Sublessee to make significant progress toward completion of LESSEE's economic development (self-sustaining) component. Progress shall be measured against milestones set over the first twelve (12) years of the General Lease. Failure to meet any milestone or an

otherwise negative evaluation of LESSEE'S project may be grounds for early termination of the General Lease. The milestones that must be met in reference to the commencement date of this General Lease are as follows:

- 1) Complete HRS Chapter 343 compliance.
- 2) Grub, clear and maintain entire Premises.
- 3) Submit preliminary development plan for review and comment.
- 4) Initiate design for all backbone infrastructures access roads, water meter, water lines, waste water system, drainage and utilities connection.
- 5) Submit development plans for review and approval.
- Application of all required permits for the development of the portions of the project described in item 7 below. LESSEE shall seek and secure all approvals and permits which may be required from any governmental authority having jurisdiction. LESSEE shall bear all costs and expenses of obtaining the necessary approvals and permits.
- 7) Substantially complete the work detailed in the plans referenced in the LESSOR approval letters attached hereto as Exhibit "B".

LESSOR acknowledges that with respect to the foregoing obligations set forth in Article One, Section 3, LESSEE has caused Sublessee to satisfy conditions (1)-(3), as of the date of this Amendment. LESSOR further acknowledges that (i) in connection with condition (5), LESSOR has reviewed and approved the development plans attached hereto as Exhibit "A", and (ii) in connection with conditions (4) and (6), LESSOR has reviewed and approved the development and construction plans for the project's common elements including the utility infrastructure and roads referenced in condition (4) and building improvement plans for Units 1, 2, and 5 as detailed in the LESSOR approval letters attached hereto as Exhibit "B"."

3) [Delete Article Five, Section 15(h), as amended by Section 8 of the Third-Amendment, which reads in its entirety as follows:]This Amendment shall be subject to the review and approval of the State of Hawaii Department of Attorney General.

["(h) Intentionally omitted."]

[4)——][Insert new Article Five, Section 15(h), to read in its entirety as follows:]

["(h) For good cause shown, the Chairman of the Hawaiian Homes Commission may extend the Progress Evaluation period set out in Article One, Section 3, as previously amended and as further amended by Section 2 of this Amendment."]

<u>4)</u>	][5)-]Except as amended herein, all of the terms, covenants, conditions and provisions of General Lease No. 290 shall remain in full force and effect and shall be binding upon the parties hereto.

[Signatures appear on the following page]

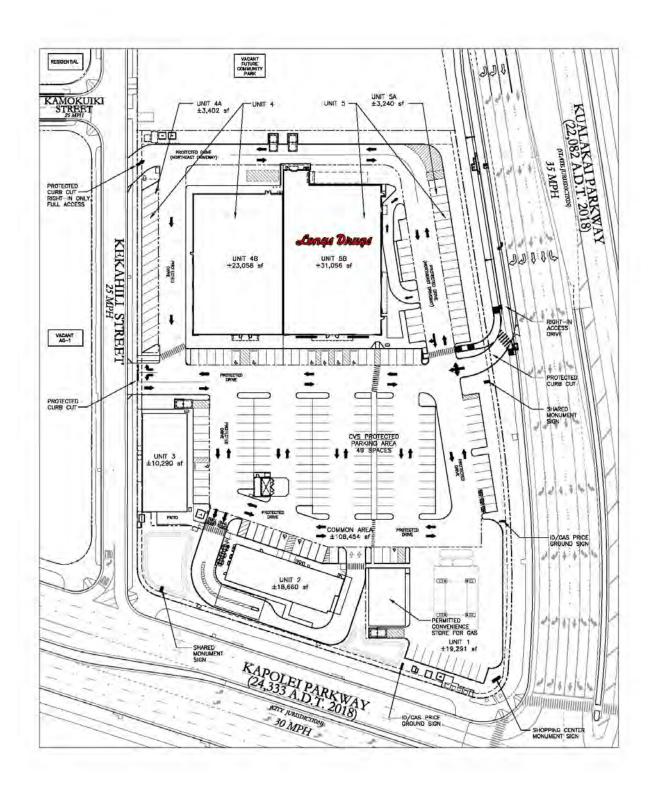
IN WITNESS HEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

APPROVED BY THE HHC AT ITS MEETING HELD ON , 2021	State of Hawaii DEPARTMENT OF HAWAIIAN HOME LANDS
APPROVED AS TO FORM:	ByWilliam J. Aila, Jr,
Deputy Attorney General State of Hawaii	Chairman Hawaiian Homes Commission
State of Hawaii	LESSOR
	KAPOLEI COMMUNITY DEVELOPMENT CORPORATION, a Hawaii 50l(c)(3) Non-Profit Corporation
	ByScott A. Abrigo Its President

**LESSEE** 

STATE OF HAWAII	)
CITY & COUNTY OF HONOLULU	)
On, 2021, in the Fig.	rst Circuit, State of Hawaii, before me appeared
WILLIAM J. AILA, JR., to me personally k	known, who, being by me duly sworn or affirmed, did
say that he is the deputy to Hawaiian Homes	s Commission Chairman WILLIAM J. AILA, JR, and
who executed the foregoing instrument ider	ntified or described as FOURTH AMENDMENT TO
GENERAL LEASE NO. 290, as the free a	ct and deed of such person, and if applicable, in the
capacity shown, having been duly authorized	d to execute such instrument in such capacity.
The foregoing instrument is undated	d, and contained () pages at the time of
this acknowledgment/certification.	
	Print Name:
	Notary Public, State of Hawaii
	My commission expires:

STATE OF HAWAII )
CITY & COUNTY OF HONOLULU )
On, 2021, in the First Circuit, State of Hawaii, before me appeared SCOTT
A. ABRIGO, to me personally known, who, being by me duly sworn or affirmed, did say that
such person is the President of Kapolei Community Development Corporation, a Hawai
50l(c)(3) Non-Profit Corporation, and the person executed the foregoing instrument identified o
described in this FOURTH AMENDMENT TO GENERAL LEASE NO. 290, as the free act and
deed of such person, and if applicable, in the capacity shown, having been duly authorized to
execute such instrument in such capacity.
The foregoing instrument is undated, and contained () pages at the time o
this acknowledgment/certification.
Print Name:
Notary Public, State of Hawaii
My commission expires:



DAVID Y. IGE. GOVERNOR STATE OF HAWAII

JOSH GREEN LT. GOVERNOR. STATE OF HAWAII



WILLIAM J. AILA, JR. CHARMAN HAWAHAN HOMES COMMISSION

TYLER L GOMES

#### STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

November 14, 2019

VIA EMAIL: president@kapoleiheritage.org

Kapolei Community Development Corporation ATTN: Mr. Scott Abrigo, President P. O. Box 700911 Kapolei, Hawaii 96709

Dear Mr. Abrigo:

Subject: Consent to Respective "Ho'omaka Place" Tenant Improvements, General Lease

No. 290, Kapolei Community Development Corporation ("KCDC"), Kapolei,

Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the referenced improvement plan as submitted by permit processing consultant, Mr. Corey Schmidt, of Bureau Veritas, on behalf of its client KZ Companies ("Sublessee/Developer"). Enclosed herewith for record and filing are Building Permit Application Nos. A2019-11-0023 and A2019-11-0450 signed by DHHL respectively on November 13, 2019.

Please be advised, although the referenced Building Permit Applications have been signed, DHHL has yet to receive documentation that provides the Department of Transportation's ("DOT") final approval on KZ's proposed access from North/South Road ("Kualaka'i") to its Ho'omaka site. Therefore, as a courtesy reminder please provide proper DOT documentation that addresses the access subject matter (positive or negative) for our record and filing.

Should there be any questions, please do not hesitate to contact me directly at 808.620.9451 or by email at peter.k.albinio.jr@hawaii.gov

Aloha.

Peter "Kahana" Albinio, Jr., Acting Administrator

Kahana Alkinia

Land Management Division

Enc.

C: Mark Zimmerman (via email: mz@kzcompanies.com) Corey Schmidt (Corey.schmidt@usbureauveritas.com)

Exhibit "B" Page 2 of 12



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

## BUILDING PERMIT APPLICATION

A2019-11-0023

(Third Party Review)

077078814-002

LOCATION

Contact Info: Valerie Ogawa-722.8858; Corey Schmidt-690.2844

Zone	Section	Plat	Parce
9	1	151	002

217,452 Sq. Ft.

REVISED PRINT

Site Address (if other than primary):

PROJECT: [TMK: 91151002] \*\*\*Temp Address\*\*\* // Ho'omaka Marketplace - Sitework Including(but not limited to) New Parking, Signage Structures, Electric Work, Landscaping, Grading

& Driveways [THIRD PARTY REVIEW] Proposed Use: Sitework Estimated Value of Work: \$450,000.00 Floor Level: APPLICANT PLAN MAKER Permit Processors Hawaii HO'OMAKA MARKETPLACE,LP BRIZEE, William A. Contact Info: (808) 523-9636 Lic. No.: AR7896 Contact Info: (808) 722-8858 Contact Info: (949) 476-2700 LEE BENEDICT Contact Info: None Lic. No.: LASS18 CHARLES A CARLSON Contact Info: None Lic. No.: ES254, PE10929 KEVIN T GOTO Contact Info: None Lic. No.: PE14778 GENERAL CONTRACTOR ELECTRICAL CONTRACTOR PLUMBING CONTRACTOR Contact Info: None Lic. No.: TYPE OF WORK Other Sitework Electrical Work Y Plumbing Phases: None Electrical Phases: RIGHT OF WAY WORK Driveway: New: X Existing: Sidewalk Types: Curbing Types: Driveway Types: Concrete Linear Ft. of Sidewalk: Linear Ft. of Curbing: Linear Ft. of Driveway: Please notify this office at least 24 hours before starting work. Phone: 768-8127 Sewage Disposal Method: Sewage Disposal Type: SEWAGE Faucets to be Replaced: RETROFIT Showers to be replaced: Urinals to be Replaced: Toilets to be Replaced: Major Occupancy Group: Commercial: Industrial: Type of Construction No. of Stories Flood Hazard Dist. Floor Area (So. Ft.) Existing: Minimum: Existing: Exempt Actual: Complied: Total: WORK WILL C.O. Required: DELETE Require Special Inspection: ADD Restrictive Covenant required: Residential Units Require Called Inspection: Affidavit required: Remarks: 2013/ADV-610(LUO exempt); Ord 02-52; \*\*\*ACR Required\*\*\* ZONING AND LUO DATA TMK: 9-1-151: 002 TMRC: 9-1-151: 002

Development Plan Jases: EWA
Flood Zones: X. Beyond \$00 Year Flood Plain
Height Limit: 25
Hatrice Size Register: None
Lot Restriction: One Overling Per Lot Per Park Dedication
Side Areas: None
SMA / Shoretine: Not in SMA.
Special District: Not in Special District
State Land Use: Unten Blancis
Street Settack: NONE
Teach Size: ACL Restricted Acricultural District Zoning (LUO): AG-1 Restricted Agricultural District NOTES APPROVALS REQUIRED FROM: BWS Engineering Traffic SWQR Date: Other Agencies: Approved by: State - Hawaiian Home Lands

Please visit DPP's website at: http://dppweb.honolulu.gov for permit information and status NOTICE TO HOMEOWNERS. This is to inform all homeowners that improvements to your home may require approval by your Homeowners Association or authorized representative prior to the commencement of construction. APPLICATION NO.: A2019-11-0023 ExternalID: 077078814-002 JobID: 77090453

Initial Print Date: Tuesday November 5, 2019 10:12 am

Page 1 of 2



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

### **BUILDING PERMIT APPLICATION**

A2019-11-0023

(Third Party Review)

077078814-002

Approval by the Department of Planning and Permitting does not certify compliance with the Covenants, Conditions and Restrictions or other design restrictions administered and enforced by your Homeowners Association.

Electrical and Plumbing work to be done by licensed persons and required under Chapter 448 E, Hawaii Revised Statutes.

This permit may be revoked if work is not started within 180 days of date of issuance or if work is suspended or abandoned for 120 days.

DATE CREATED: 11/01/2019

FMB

Staff Assignment: Third Party Reviewer

APPLICATION NO.: A2019-11-0023

JobID: 77090453

External D: 077078814-002

Initial Print Date: Tuesday November 5, 2019 10:12 am

Page 2 of 2



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 95813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

LOCATION			Contact Info:	Valerie Ogas Schmidt-690		8; Corey
Zone         Section         Plat         Parcel           9         1         151         002	-	17,452 Sq. F	t.		ISED	PRINT
Site Address (if other than prima PROJECT: <b>ITMK: 9115100</b>		404407 1	D 46			
PROJECT: [TMK: 9115100 Building [THIR	D PARTY RE	VIEWI	gs Drugs (C	vs Store	No. 1098	37) - New Re
Proposed Use: Store		Flo	or Level:	Estimated Vi	alue of Work	\$2,500,000.00
APPLICANT Permit Processors Hawaii Contact info: (808) 722-8858	CWNE KZ DEV Conta		58	Contact i Lic. : MACHIDA	AKER Milliam A. nfo: (808) 52 No.: AR7896 I, KEVIN M. nfo: (808) 35	
				CHARLES Contact I Lic. 1	No.: PEB085 S A CARLSO nfo: None No.: E8254, I	N.
				Lic.1	nfo: (808) 53 No.: PE1120	
					BOTO nfo: None No.: PE14771	3
SENERAL CONTRACTOR	ELECT	RICAL CONTRA	CTOR	PLUMBI	NG CONT	RACTOR
YPE OF WORK Air Conditioning Y Fire Sprinkler Y Electrical Phases:		ctrical Work Y v Building Y Plumbing Ph	nses:	Fire Alar Plumbin	m Y g Work Y	
RIGHT OF WAY WORK	Driveway:			ate:		
Sidewalk Types: Linear Ft. of Sidewalk:	(	Curbing Types: Ft. of Curbing:			ay Types: Driveway:	
SEWAGE Sewage Disposal Typ	08:	Sewage D	sposal Method:			
RETROFIT Showers to be replaced: Major Occupancy Group		o be Replaced: Hotel:	Urinals to b	e Replaced: Residential:	Toilets	to be Replaced:
Type of Construction Minimum:	No. of Stories Existing:	Flor N/A	od Hazard Dist.		oor Area (So	Ft)
Actual:	Final:		exempt: mplied:		New: Total:	
Require Special Inspection: Require Called Inspection: Affidavit required: Remarks: 2013/ADV-610; Ord 02-52;	Restrictive Covenan	Required:	WOR	WILL ential Units Rooms	ADD 0	DELETE
ZONING AND LUO DATA	D	TMK: realogment Plan Amaze Flood Zones Height Limit Historic Site Register: Lot Restriction Site Anaz SNA / Shoreline Special Districts State Land Use: Street Setback Zoning (LUO)	X - Beyond 500 Ye 25" None One Dwelling Per Not in SMA Not in Special Dis Urban District NONE	Lot Per Park Dedic	ation	
NOTES						

Please visit DPP's website at: http://dppweb.honolulu.gov for permit information and status

State-Health (A/C Ventilation) State - Hawaiian Home Lands

NOTICE TO HOMEOWNERS: This is to inform all homeowners that improvements to your home may require approval by your Homeowners Association or authorized reasonables as faithful and reasonables as faithful and reasonables as faithful and reasonables as faithful as faithful and reasonables as faithful as fai

APPLICATION NO.: A2019-11-0450

JobID: 77230728

ExternalID: 077220064-002

Initial Print Date: Friday November 8, 2019 9:47 am

11/13/19



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

### **BUILDING PERMIT APPLICATION**

A2019-11-0450

077220064-002

A2019-11-0450 (Third Party Review) Развисации из вышливающих вышливающих перевенныме разли из ште сыптативничних и сыптациони. Approval by the Department of Planning and Permitting does not certify compliance with the Covenants, Conditions and Restrictions or other design restrictions administered and enforced by your Homeowners Association.

Electrical and Plumbing work to be done by licensed persons and required under Chapter 448 E, Hawaii Revised Statutes.

This permit may be revoked if work is not started within 180 days of date of issuance or if work is suspended or abandoned for 120 days.

DATE CREATED: 11/07/2019

FMB

Staff Assignment: Third Party Reviewer

APPLICATION NO.: A2019-11-0450

JobID: 77230728

External D: 077220064-002

Initial Print Date: Friday November 8, 2019 9:47 am

Page 2 of 2

DAVID Y, IGE GOVERNOR STATE OF HAWAEI

JOSH GREEN LT. GOVERNOR STATE OF HAWAE



WILLIAM J. AILA, JR CHAIRMAN HAWATAN HOMES COMMISSION

TYLER L GOMES

# STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

June 1, 2020

Via Electronic Mail: president@kapoleiheritage.org

Kapolei Community Development Corporation ATTN: Mr. Scott Abrigo, President P. O. Box 700911 Kapolei, Hawaii 96709

Dear Mr. 'Abrigo:

Subject:

Consent to New Chick-Fil-A Restaurant Tenant Improvement Plan, General Lease No. 290, Kapolei Community Development Corporation ("KCDC"),

Kapolei, Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the subject new plan improvement as submitted by respective tenant. Enclosed herewith are the respective Building Permit Applications signed by DHHL on May 29, 2020 and approved by the Chairman of the Hawaiian Homes Commission on June 1, 2020:

- Building Permit Application No. A2020-03-0773; Chick-Fil-A New Bldg 1 Story Restaurant
- Building Permit Application No. A2020-03-0838; Chick-Fil-A Various Site Work

You may proceed to commence with the work as proposed and described and apply for the necessary permits. Please be advised that our Land Development Division engineers notes that no exceptions were taken to the building plans, and further that the plans were not reviewed for compliance with building codes or constructability. Therefore, please advise your respective engineers that all work shall be in strict and full compliance with any and all applicable county, state, and federal guidelines, and building codes.

If you have any questions or need further clarification you can contact me directly at 808.620.9451 or email peter.k.albinio.jr@hawaii.gov.

Aloha,

Peter \*Kahana Albinio, Jr.,

Acting Administrator

Land Management Division

Enc.

Mark Zimmerman (via email: mz@kzcompanies.com)

Exhibit "B" Page **11** of **12** 



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CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 98813
Phone: (808) 768-8220 \* Fax: (808) 768-6111

BUILDING PERMIT APPLICATION

A2020-03-0773 / 0838		(Third Party	Review)			08	0264345-002
LOCATION			Cont	tact Info:	Val Ogawa 690-2844	722-8858; C	orey Schmidt
Zone         Section         Plat         Parcel           9         1         151         002           Site Address (if other than primare		17,452 Sq.	Ft.	RI	EVISE	ED PI	RINT
PROJECT: [TMK: 91151002 RESTAURANT [	TEMP /	ADDRESS**	**, PAD	2 // CH	HICK-FIL	A - NEW	BLDG - 1 STO
Proposed Use: RESTAURANT			Floor Leve				\$1,800,000.00
APPLICANT Permit Processors Hawaii Contact Info: (808) 722-8858	OWNE Chick-fi Conta		sisa ueldi	inds	PLAN GILBER Contact Like TANAK Contact Like TIMOTH Contact	MAKER ktson, matti t info: b. No.: AR8014 A ROSS R t info: b. No.: PE9301 HY G S GOSHI	HEW W.
GENERAL CONTRACTOR	ELECT	RICAL CONT	RACTO	R		BING CONT	
TYPE OF WORK  Air Conditioning Y  Fire Sprinkler Y  Electrical Phases:	Ele	ctrical Work Y w Building Y Plumbing		2	Fire A	Jarm Y Joing Work Y	RACION
RIGHT OF WAY WORK	Driveway:	New:	Existing:	Priv	obe:		
Sidewalk Types: Linear Ft. of Sidewalk:		Curbing Types: Ft. of Curbing:	2.00010		Drive	eway Types: of Driveway:	
SEWAGE Sewage Disposal Type	K	Sewage	e Disposal	Method:			
RETROFIT Showers to be replaced:		to be Replaced:			e Replaced:		s to be Replaced:
Major Occupancy Group: Type of Construction	No. of Stories	Hotel:	Indust		Residential	Floor Area (So	C Et )
Minimum:	Existing:		N/A	and break.		Existing:	L. C.L.
Actual:	Final:		Exempt			New: Total:	
Require Special Inspection:  Require Called Inspection:  Affidavit required:  Remarks: 2013/ADV-610(LUO exemp	Restrictive Covenar			Resid	K WILL ential Units Rooms	<u>ADD</u> 0	DELETE
ZONING AND LUO DATA	ī	Pevelopment Plan Au Flood 2c Height I Historic Sike Rag Lot Restric Silde / SWA / Shore Special Dist State Land Street Sert	ones: X - Be Limit: 207 isser: None clion: One I Area: None eline: Not in tricts: Not in Use: Urban back: NON	Dwelling Par SMA 1 Special Dis 1 Destrict	eer Flood Plain Lat Per Park De trict		
NOTES							
APPROVALS REQUIRED FROM	M: BWS er Agencies:	Wastewater	Zor	ning . Approved	Fire by:	SWQR	Date:
	State-Health (A/C						
	State-Health (Sani State - Hawalian H		(	Color.	5		V29/30
Please visit DPP's website at: http://x NOTICE TO HOMEOWNERS: This is to	tppweb.honolulu.	gov for permit in	ements to			approval by wee	, ,
Association or authorized representative Approval by the Department of Planning restrictions administered and enforced by	and Permitting dos	encement of cons as not certify com	struction.				
Electrical and Plumbing work to be done This permit may be revoked if work is no							120 days.
APPLICATION NO.: A2020-03-0			B026797				264345-002

Initial Print Date: Wednesday March 18, 2020 1:19 pm

Page 1 of 2



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

## **BUILDING PERMIT APPLICATION**

A2020-03-0773

(Third Party Review)

080264345-002

DATE CREATED, 03/17/2020

FINE

Staff Assignment: I nird Party Reviewer

APPLICATION NO.: A2020-03-0773

JobID: 80267975

External D: 080264345-002

Initial Print Date: Wednesday March 18, 2020 1:19 pm

Page 2 of 2

Exhibit "B" Page **13** of **12** 



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (808) 768-8220 \* Fax: (808) 768-6111

## BUILDING PERMIT APPLICATION

A2020-03-0838/0715

(Third Party Review)

080264345-003

LOCATION

Contact Info: Val Ogawa 722-8858; Corey Schmidt 690-2844

one	Section	Plat	Parce
9	1	151	002

217,452 Sq. Ft.

PROJECT: [TMK: 91151002] \*\*\*TEMP ADDRESS\*\*\*, PAD 2 // CHICK-FIL-A - VARIOUS SITEWORK [MULTI APP A2020-03-0773 / 0838] [THIRD PARTY REVIEW] [THIRD PARTY REVIEW]

Proposed Use: SITEWORK

Floor Level:

Estimated Value of Work: \$200,000.00

APPLICANT

Permit Processors Hawaii Contact Info: (808) 722-8858

OWNER: Chick-fil-A Contact Info: PLAN MAKER

GILBERTSON, MATTHEW W.

Contact Info: Lic. No.: AR8014 TANAKA ROSS R

Contact Info: Lic. No.: PE9301 TIMOTHY G S GOSHI

Contact Info: Lic, No.: PE16073

GENERAL CONTRACTOR

ELECTRICAL CONTRACTOR

PLUMBING CONTRACTOR

TYPE OF WORK Electrical Work Y Electrical Phases:

Other SITEWORK Plumbing Phases: Plumbing Work Y

RIGHT OF WAY WORK New: Existing:

Sidewalk Types: Linear Ft. of Sidewalk:

Curbing Types: Linear Ft. of Curbing:

Driveway Types: Linear Ft. of Driveway:

SEWAGE Sewage Disposal Type: RETROFIT Showers to be replaced:

Sewage Disposal Method:

Exempt

Toilets to be Replaced:

Type of Construction Minimum:

Faucets to be Replaced: Major Occupancy Group: Commercial: No. of Stories

Urinals to be Replaced: Industrial: Residential: Flood Hazard Dist.

Floor Area (Sq. Ft.) Existing:

Total:

Actual: Require Special Inspection: Require Called Inspection:

C.O. Required: Restrictive Covenant required:

Final:

Complied: WORK WILL Residential Units

Hotel Rooms

ADD DELETE

Affidavit required: Remarks: 2013/ADV-610(LUO exempt); Ord 02-62; \*\*\*ACR Required\*\*\*

ZONING AND LUO DATA

TMK: 9-1-151: 002

Development Plan Areas: EMA: 9-1-151: 002
Development Plan Areas: EMA: Plood Zones: X - Beyond 500 Year Flood Plain
Height Limit: 29
Historic Star Register: None
Lot Rostrictor: Cree Develling Per Lot Per Park Declaration
Side Areas: None
SMA: Shoreline: Not in SMA.
Special Districts: Not in Special District.
State Settact: Note: Under District.
Street Settacts: NOTH
Zoning (LIAO): AG-1 Restricted Agricultural District.

NOTES

APPROVALS REQUIRED FROM: BWS

Wastewater Zoning

SWOR

Other Agencies:

Date: 5/25/20

State - Hawaiian Home Lands

Please visit DPP's website at: http://dppweb.honolulu.gov for permit information and status

NOTICE TO HOMEOWNERS: This is to inform all homeowners that improvements to your home may require approval by your Homeowners Association or authorized representative prior to the commencement of construction.

Approval by the Department of Planning and Permitting does not certify compliance with the Covenants, Conditions and Restrictions or other design restrictions administered and enforced by your Homeowners Association.

Electrical and Plumbing work to be done by licensed persons and required under Chapter 448 E, Hawaii Revised Statutes.

This permit may be revoked if work is not started within 180 days of date of issuence or if work is suspended or abandoned for 120 days.

DATE CREATED: 03/18/2020

FMB

Staff Assignment: Third Party Reviewer

APPLICATION NO.: A2020-03-0838

JobID: 80297692

Initial Print Date: Wednesday March 18, 2020 1:19 pm

Page 1 of 1

ExternalID: 080264345-003

DAVID Y. IGE GOVERNOR STATE OF HAWAII

JOSH GREEN LT. GOVERNOR STATE OF HAWAII



WILLIAM J. AILA, JR CHAIRMAN HAWAIIAN HOMES COMMISSION

TYLER I. GOMES DEPUTY TO THE CHARMAN

# STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

December 28, 2020

Via Electronic Mail: president@kapoleiheritage.org

Kapolei Community Development Corporation ATTN: Mr. Scott Abrigo, President P. O. Box 700911 Kapolei, Hawaii 96709

Dear Mr. Abrigo:

Subject:

Consent to New 7-Eleven Store No. 54297 Tenant Improvement Plan, General

Lease No. 290, Kapolei Community Development Corporation ("KCDC"),

Kapolei, Island of O'ahu, TMK 191151002

The Department of Hawaiian Home Lands (DHHL) is pleased to inform you that it acknowledges receipt and review of the subject new plan improvement as submitted by respective tenant. Enclosed herewith is the respective Building Permit Application signed by DHHL on November 24, 2020 and approved by the Chairman of the Hawaiian Homes Commission on December 28, 2020:

### Building Permit Application No. A2020-09-0130; New 7-Eleven Store No. 54297

You may proceed to commence with the work as proposed and described and apply for the necessary permits. Please be advised that our Land Development Division engineers notes that no exceptions were taken to the building plans, and further that the plans were not reviewed for compliance with building codes or constructability. Therefore, please advise your respective engineers that all work shall be in strict and full compliance with any and all applicable county, state, and federal guidelines, and building codes.

If you have any questions or need further clarification you can contact me directly at 808.620.9451 or email <a href="mailto:peter.k.albinio.jr@hawaii.gov">peter.k.albinio.jr@hawaii.gov</a>.

Peter "Kahana" Albinio, Jr., Acting Administrator

Land Management Division

Enc.

Palekana Permits, J. Serikawa (via email: jonn@palekanapermits.com)
 Mark Zimmerman (via email: mz@kzcompanies.com)

Exhibit "B" Page **16** of **12** 



DEPARTMENT OF PLANNING AND PERMITTING

CITY AND COUNTY OF HONOLULU

(850 SOUTH KING STREET \* HONOLULU, HAWAII 98\$13
Phone: (808) 768-8220 \* Fax: (808) 768-6111

A2020-09-0130 LOCATION		(Third Party Re		Jonn Serikaw		84559174-00
Zone Section Plat Parcel	1					-
9 1 151 002	1	217,452 Sq. Ft	t.			
Site Address (if other than prima	ary):					
PROJECT: [TMK: 9115100 Marketplace P						lo'omaka
Proposed Use: Store			r Levet		-	\$1,100,000.00
APPLICANT	OWN	ER		PLAN MA	KER	
PALEKANA PERMITS JONN SERIKAWA		VEN (HAWAII) INC.		Murayama		
Guntarul Infu. (898) 941-3232	Cont	tact Info: None		Contact In	o: (808) 59	1-9362, (808) 593-9360 3-9500 EAL 103
				UYEHARA		
					fo: (808) 94 o. AR5841	7-9704
				YOGI JASI	ON	
					fo: (808) 52 o. PE9062	2-1866
				TIMOTHY		
					to: (808) 36 o. PE1607:	
GENERAL CONTRACTOR	ELEC	TRICAL CONTRA	CTOR			RACTOR
TYPE OF WORK	ELEC	TINISHE SERVING	CLOR	FLOWDI	10 00111	INDION .
Air Conditioning Y	E	Electrical Work Y		New Bui	Iding Y	
Plumbing Work Y						
Electrical Phases:		Plumbing Pha				
RIGHT OF WAY WORK	Driveway		isting: X Priva	-	-	
Sidewalk Types: Linear Ft. of Sidewalk:	Lines	Curbing Types: ar Ft. of Curbing:		Linear Pt. of D		
SEWAGE Sewage Disposal Type RETROFIT Showers to be replaced:		Sewage Dis s to be Replaced:	posal Method: Urinals to be	Replaced:	Tollet	s to be Replaced:
Major Occupancy Group	c: Commercial:	Hotel:	Industrial:	Residential:		
Type of Construction	No. of Stories	Elec N/A	d Hazard Dist.		or Area (So isting	(.Pt.)
Minimum: Actual:	Existing: Final:	1100	xempt:		New:	
		Co	mplied:		Total:	
Require Special Inspection:		O. Required:	WORK		ADD	DELETE
Require Called Inspection: Affidavit required:	Restrictive Coven	nant required:	Hotel R	ntial Unit	0	
Remarks: 2013/ADV-610; Ord 02-62						
ZONING AND LUO DATA		TMK:	9-1-151:002			
		Development Plan Areas:	EWA X - Beyond 500 Yes	ar Flood Plain		
		Height Limit: Historic Site Register:	28	. 1 1000 1 1011		
		Lot Restriction: Slide Area:	One Dwelling Per L	ot Per Park Dedice	ition	
		SMA / Shoreline:		Lue		
		opens precion.	United Windows	140		
		State Land Use:	Urban District			
		Street Setback:		griouitural District		
NOTES		Street Setback:	NONE	grioultural District		
	M: BWS	Street Setback:	NONE	swor		
NOTES APPROVALS REQUIRED FRO	OM: BWS wher Agencies: State-Health (A/C	Street Serback: Zoning (LUO): Wastewater	AG-1 Restricted A	SWQR		Date
APPROVALS REQUIRED FRO	ther Agencies:	Street Setback: Zoring (LUO): Wastewater Ventilation)	AG-1 Fastricted Ag-	SWQR	_	Date
APPROVALS REQUIRED FRO	ther Agendes: State-Health (A/C	Street Setback Zoning (LUO):  Wastewater  Ventilation) nitation)	AG-1 Fastricted Ag-	SWQR	5	Date 11/24/3
APPROVALS REQUIRED FRO	ther Agencies: State-Health (A/C State-Health (Sar State - Hawaiian	Wastewater  Ventilation) home Lands	Zoning Approved b	SWQR	5	Date 11/24/2
APPROVALS REQUIRED FRO  O  Please visit DPP's website at: http://	ther Agencies: State-Health (AJC State-Health (Sar State - Hawaiian Voppweb.honolulu to inform all homeo	Wastewater  Ventilation) initation) Home Lands .gov for permit inform	Zoning Approved b  Approved b  action and atatus	swar y:	Soval by you	11/24/3
APPROVALS REQUIRED FRO	ther Agencies: State-Health (A/C State-Health (Sar State - Hawaiian Voppweb.honolulu to inform all homeo we prior to the comm	Wastewater  C Ventilation) initation) Home Lands upon for permit inform where that improvement of construct	Zoning Approved b  Approved b  astion and atstus Approved to your home m  lon.	SWQR y:		11/24/a
APPROVALS REQUIRED FRO  O  Please visit DPP's website at: http:// NOTICE TO HOMEOWNERS: This is Association or authorized representation	ther Agencies: State-Health (A/C State-Health (Sar State - Hawaiian Voppweb.honolulu to inform all homeo re prior to the comm og and Permitting do	Wastewater  C Ventilation) initation) Home Lands upon for permit inform where that improvement of construct	Zoning Approved b  Approved b  action and status ris to your home m ion.  ce with the Coven	swar y:	and Restric	11/24/a

Exhibit "B" Page **17** of **12** 



DEPARTMENT OF PLANNING AND PERMITTING

#### CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET \* HONOLULU, HAWAII 96813 Phone: (608) 768-8220 \* Fax: (808) 768-6111

### **BUILDING PERMIT APPLICATION**

A2020-09-0130

(Third Party Review)

084559174-002

restrictions administered and enforced by your Homeowners Association.

Electrical and Plumbing work to be done by licensed persons and required under Chapter 448 E, Hawaii Revised Statutes.

This permit may be revoked if work is not started within 180 days of date of issuance or if work is suspended or abandoned for 120 days.

DATE CREATED 09/02/2020

FMB

Staff Assignment: Third Party Reviewer

APPLICATION NO.: A2020-09-0130

JobID:84585418

External D: 084559174-002

Initial Print Date: Wednesday September 02, 2020 10:2

Page 2 of 2

Document comparison by Workshare 10.0 on Monday, April 19, 2021 11:11:56 AM

Input:	
Document 1 ID	iManage://IMANAGE3/iManage/963905/2
Description	#963905v2 <imanage> - KZ_Hoomaka_ State DHHL FOURTH Amendment to General Lease No. 290 (KZ 3.2.21)</imanage>
Document 2 ID	iManage://IMANAGE3/iManage/963905/3
Description	#963905v3 <imanage> - KZ_Hoomaka_ State DHHL FOURTH Amendment to General Lease No. 290 (Revised per HHC Comments)</imanage>
Rendering set	Real Estate

Legend:		
<u>Insertion</u>		
[ <del>Deletion</del> ]		
Moved from		
Moved to		
Style change		
Format change		
Moved deletion		
Inserted cell		
Deleted cell		
Moved cell		
Split/Merged cell		
Padding cell		

Statistics:			
	Count		
Insertions	7		
Deletions	9		
Moved from	0		
Moved to	0		
Style change	0		
Format changed	0		

Total changes	16
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