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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 2, 2025

Ms. Alexa Caskey, Manager
Knossos 1450 Front, LLC
74 South Lauhoe Place
Lahaina, Hawai'i 96761

Via Email: mokuroots@gmail.com

Dear Ms. Caskey:

SUBJECT: BILL 131 (2025), CHANGE IN ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1448 FRONT STREET, LAHAINA, HAWAII (DRIP-16)

To proceed to first reading on Bill 131, CD1 (2025), the Council's Disaster Recovery, International Affairs, and Planning Committee will need to receive three original signed and notarized unilateral agreements. The bill currently contains a draft UA, the substance of which has previously been used as a template, as Exhibit "D" for your consideration. A copy of the executed UA will replace the draft as an exhibit to the bill.

The draft will need to be revised to:

1. Incorporate the revised Condition of Zoning recommended by the Committee at its meeting of September 24, 2025. A copy of the revised condition is enclosed.
2. Incorporate the names and titles of the individuals authorized to sign the agreement on behalf of the property owner, Knossos 1450 Front, LLC, and bind the entity. Please supplement or revise the signature block as appropriate. Please provide a copy of the bylaws

Ms. Alexa Caskey
October 2, 2025
Page 2

or other corporate document that establishes the individuals' capacity to sign on behalf of the property owner.

3. Ensure that you agree with the content of the UA and if not, revise as appropriate.

The attached draft has been revised to include reference to the Land Zoning Map, add blanks for the signature block (for you to fill in once you've identified the signatories), and make formatting adjustments.

The exhibits to the unilateral agreement will need to be identical to the exhibits to the bill, except that we would appreciate you applying numeric rather than alphabetical exhibit references, as reflected in the attached draft.

Please note that I am not able to advise you on the preparation of the UA and would recommend you consult with your attorney.

I would appreciate receiving the UA (three originals) along with the documentation establishing authority to sign. For your convenience, a Word version of the draft UA and the Condition of Zoning will also be emailed to you.

May I further request you transmit your response to drip.committee@mauicounty.us by **October 9, 2025**. To ensure efficient processing, please include the Committee item number in the subject line.

Should you have any questions, please contact me or the Committee staff (Jarret Pascual at 808-270-7141, Yvette Bouthillier at 808-270-7758, or Carla Nakata at 808-270-5519).

Sincerely,

David Raatz
Digitally signed by David Raatz
DN: cn=David Raatz, o=Office of Council Services,
email=david.raatz@mauicounty.us, c=US
Date: 2025.10.03 09:54:44 -10'00'

for TAMARA PALTIN, Chair
Disaster Recovery, International Affairs,
and Planning Committee

drip:ltr:016a01:cmn

Attachments

cc: Anthony Klish, Esq., Dragas Group (via Email: anthony@dragasgroup.com)

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail () Pickup () To:

Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai'i 96793

Total Number of Pages: _____

(Including exhibits, notary certification pages, and all other components)

Affects Tax Map Key (Maui) (2) 4-5-013:012

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, referred to as "***Declaration***" or "***Unilateral Agreement***," is made on _____, 2025, by the following "Declarant," who is the owner of real property located at 1448 Front Street, Lahaina, Hawaii 96761, referred to as "***the Property***," comprised of 14,467 square feet, and identified for real property tax purposes as tax map key (2) 4-5-013:012.

The Declarant is KNOSSOS 1450 FRONT, LLC, whose principal address is 2248 Sunstates Court #101, Virginia Beach, Virginia 23451, and whose authorized contact person is its Manager, Alexa Caskey, and any of their successors.

WITNESSETH:

WHEREAS, the Council is considering the establishment of zoning for the Property, described in Exhibit "1" and depicted in Exhibit "2," Land Zoning Map L-873; and

WHEREAS, the Declarant has agreed to execute this Unilateral Agreement in accordance with Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. In accordance with Maui County Code. That this Declaration is made in accordance with the provisions of Section 19.510.050, Maui County Code, relating to Conditional Zoning;
2. Binding until Maui County written release. That until written release by the County of Maui, (a) the Property, and all its parts, are held subject to this Declaration's covenants, conditions, and restrictions, which are effective as to and run with the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawaii, without the execution, delivery, or recordation of any further deed, instrument, document, agreement, declaration, covenant, or the like with respect to the Property by the Declarant, the County of Maui, or any successor or assign; (b) the acquisition of any right, title, or interest in or with respect to the Property by any person or entity constitutes acceptance of all of the covenants, conditions, and restrictions of this Declaration by the person or entity; and (c) upon any transfer of any right, title, or interest in or with respect to the Property, the transferee assumes, is bound by, and is obligated to observe and perform all of the covenants, conditions, and restrictions of this Declaration;
3. Running with the land. That this Declaration and all of its covenants, conditions, and restrictions contained are effective as to and run with the land in perpetuity, or until the Declarant notifies the County Department of Planning that any of the covenants, conditions, and restrictions are satisfied by the Declarant, and the Department verifies the satisfaction and provides a written release of the covenant, condition, or restriction;
4. KNOSSOS 1450 FRONT, LLC as Declarant. That the term "Declarant" and any pronoun in reference to it, wherever used in this Declaration, means the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and includes any corporation or any other entity, and means and includes KNOSSOS 1450 FRONT, LLC as Declarant and the Declarant's successors and assigns;
5. Effective as of date Conditional Zoning ordinance approved. That this Declaration is fully effective on the effective date of the Conditional Zoning ordinance approving the establishment of a Change in Zoning from the R-1 Residential District to the B-2 Community Business District for the Property;
6. Develop consistent with Conditional Zoning conditions. That the Declarant agrees to develop the Property in conformance with the condition stated in Exhibit "3" and in the Conditional Zoning ordinance;
7. Conditions reasonable and rationally related to public health, safety, and welfare. That the conditions imposed are reasonable and rationally related to the objective of preserving the public health, safety, and general welfare and fulfill the need for the public service demands created by the Property's proposed use;

8. Conditions enforceable by County of Maui. AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County of Maui, the conditions imposed in this Declaration run with the land identified in this Declaration and bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors, and any other persons who claim an interest in the Property. The Declarant further understands and agrees that the County of Maui has the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, with the understanding the Declarant or its successors and assigns may at any time file a petition with the County Department of Planning for the removal of the conditions and termination of this Unilateral Agreement, which will be processed in the same manner as petitions for Change in Zoning.

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

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

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the day and year indicated on the following notary public certification pages.

DECLARANT:

KNOSSOS 1450 FRONT, LLC

By: _____

Its _____

By: _____

Its _____

Approved as to Form and Legality:

By: _____
Print name: _____
Department of the Corporation Counsel
County of Maui

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STATE OF HAWAII

)

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SS.

COUNTY OF MAUI

)

On this ____ day of _____, before me personally appeared _____, to me personally known, who being by me duly sworn, did say that he/she is the _____, and that said instrument was signed on behalf of _____, and _____, as its _____, acknowledged said instrument to be the free act and deed of _____.

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

[Stamp or Seal]

Notary Public, State of _____

Print Name: _____

My Commission Expires: _____

NOTARY PUBLIC CERTIFICATION

Doc Date: _____ # Pages: _____

Notary Name: _____ Judicial Circuit: _____

Document Description: _____

Notary Signature: _____

Date: _____

EXHIBIT "1"

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 6777, Land Commission Award Number 5483, Apana 2 to J. Kao known as Coconuts Lands) situate, lying and being on the East side of Front Street and the West side of Honoapiilani Highway F.A.P. No.F-030-1 (1) at Waihikuli, Mala, Lahaina, Island and County of Maui, State of Hawaii, being LOT 2-A of the "MALA TRACT", also being all of Lots 1 and 2 of Mala Tract, and thus bounded and described as per survey prepared by Warren S. Unemori, Land Surveyor dated January 4, 1987, revised June 9, 1987:

Beginning at a point at the Southwest corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 1,296.60 feet South and 5,795.33 feet West and running by azimuths measured clockwise from true South:

1.	173°	34'	30"	134.51	feet along the East side of Front Street to a point;
2.	284°	20'		101.72	feet along the remainder of R.P. 6777, L.C. Aw. 5483 Apana 2 to J.Kao to a point;
3.	344°	20'		51.60	feet along the West side of Honoapiilani Highway F.A.P. No. F-030-1 (1) to a point;
4.	353°	34'	30"	81.54	feet along Lots 47 and 48 of Kapunakea Subdivision No. 2, File Plan 571, to a point;
5.	83°	13'		110.00	feet along Lot 3 of Mala Tract to the point of beginning and containing an area of 14,467 square feet, more or less.

Being all of the property conveyed by the following:

Warranty Deed

Grantor: Sion Vojdani
Grantee: Knossos 1450 Front, LLC, a Hawaii limited liability company
Dated: February 21, 2023
Recording Date: February 24, 2023
Recording No: A-84550071

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Setback (9.50 feet wide) for roadway purposes along Front Street, as shown on final subdivision map (D.L.U.C. File No. 4.536 and D.W.S. DS No. 87-24 approved by the County of Maui on July 29, 1987)
3. Restricted vehicle access rights along the East boundary of said land, being also the West side of Honoapiilani Highway, as disclosed on map shown in Liber 4729 Page 547.
4. Any unrecorded leases, subleases, and/or tenancy agreements, including any encumbrances affecting the same, all of which have been purposely omitted herefrom.
5. Any facts, rights, interests, or claims which may exist or arise by reason of the following facts disclosed by survey, dated October 28, 2022 prepared by Randall Sherman, Licensed Professional Land Surveyor, Certificate No. 4187:
 - a. An encroachment (approx. 13.7' x 6.9' = approx. 94 square feet) comprised of a garbage enclosure seemingly appurtenant to an adjoiner (TMK: (2) 4-5-013:009) onto the subject property was noted.
 - b. An encroachment (approx. 110.0' x 0.9' = approx. 65 square feet) comprised of a CMU wall w/ vinyl fence seemingly appurtenant to an adjoiner (Lot B of the Garcia Consolidation, TMK: (2) 4-5-013:014) onto the subject property was noted.

NOTE: There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

SCALE: 1:500

VICINITY MAP



← To Napili

TMK (2) 4-5-013:009

EXHIBIT "2"

**TMK (2) 4-5-013:012
1448 FRONT ST**

**14,467 Sq. Ft.
R-1 to B-2**

HONOAPILANI HIGHWAY

To Lahaina →

FRONT STREET

TMK (2) 4-5-013:014

TAX MAP KEY

T.M.K. (2) 4-5-013:012

AREA

14,467 SQ. FT.

LAND ZONING MAP NO. L-873

**CHANGE IN ZONING - LAHAINA, MAUI, HAWAII
FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT**

EXHIBIT "3"

CONDITION OF ZONING

1. The only uses permitted on the Property are parking structures or lots, which may include solar energy facilities that are installed on overhead canopies or structures and may provide power to other lots, and related accessory uses.

drip:misc:016aconditions02:jpp

DRIP Committee

From: DRIP Committee
Sent: Friday, October 3, 2025 11:41 AM
To: mokuroots@gmail.com
Cc: anthony@dragasgroup.com; DRIP Committee
Subject: Bill 131 (2025), Change in Zoning (Conditional Zoning) for property situated at 1448 Front Street, Lahaina (DRIP-16); response due 10/09/25
Attachments: 016a01.pdf; 016aunilateral01.docx; 016aconditions02.docx

Ms. Alexa Caskey: Please refer to the attached letter from DRIP Committee Chair Paltin, dated October 2, 2025. Please respond by **October 9, 2025**.

Mr. Anthony Klish: Please see attached letter.

Mahalo,
DRIP Committee Staff