

REQUEST FOR LEGAL SERVICES

RECEIVED

By Corporation Counsel at 4:13 pm, Oct 08, 2025

Date: October 8, 2025

From: Tamara Paltin, Chair

Disaster Recovery, International Affairs, and Planning Committee

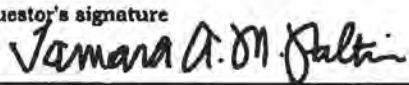
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Nāhulu Nunokawa, Esq.

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, HAWAI'I (DRIP-16)

Background Data: Please see revised bill. Please submit your response to drip.committee@mauicounty.us with a reference to DRIP-16. Unilateral agreements will follow upon receipt.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Tamara Paltin, Chair	Contact Person <u>Jarret Pascual or Carla Nakata</u> (Telephone Extension: <u>7141 or 5519, respectively</u>)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 15, 2025

REASON: For posting on the October 24, 2025, Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>CNN/MJH</u>	ASSIGNMENT NO. <u>2025-0175</u>	BY: <u>maa</u>
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TO REQUESTOR: ☐ [] APPROVED ☐ [] DISAPPROVED ☐ [] OTHER (SEE COMMENTS BELOW)
☐ [] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

See attached revised Bill No. 131, CD1 (2025) along with red-line version.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/29/2025

By MJH

(Rev. 7/03)

drip:ltr:016acc01:jpp
Attachment

ORDINANCE NO. _____

BILL NO. **131, CD1** (2025)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 14,467 SQUARE FEET AT 1448 FRONT STREET, LAHAINA, HAWAII, TAX MAP KEY (2) 4-5-013:012 (MOKU ROOTS)

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

SECTION 1. On August 4, 2023, the Maui County Council adopted Resolution 23-192, entitled “REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO A CONDITIONAL CHANGE IN ZONING FOR APPROXIMATELY 14,467 SQUARE FEET LOCATED AT LĀHAINĀ, MAUI, HAWAII, TAX MAP KEY (4) 5-0-130:120.” On July 8, 2025, the Maui Planning Commission reviewed the proposed bill attached to Resolution 23-192 and recommended approval of the Change in Zoning without conditions.

This Ordinance’s purpose is to approve the Change in Zoning proposed by Resolution 23-192 for 1448 Front Street, Lahaina, Hawai‘i with one additional condition. This Ordinance also updates the property’s tax map key, description, and map.

SECTION 2. Under Chapters 19.18 and 19.510, Maui County Code, a Change in Zoning from R-1 Residential District to B-2 Community Business District is granted for real property in Lahaina, Hawai‘i, identified for Real Property Tax purposes as Tax Map Key (2) 4-5-013:012, comprising 14,467

square feet—the Property—as described in Exhibit “A” and depicted in Exhibit “B,” Land Zoning Map L-873, subject to the condition established in Exhibit “C.”

SECTION 3. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit “D,” which must be recorded with the Bureau of Conveyances or Land Court of the State of Hawai‘i.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

drip:misc:016abill01:jpp

LF2025-0175

DRIP-16 2025-10-29 Bill 131 CIZ 1448 Front Street

INTRODUCED BY:

TAMARA PALTIN

EXHIBIT "A"

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. Kaeo known as Coconuts Lands) situate, lying and being on the East side of Front Street and the West side of Honoapiʻilani Highway F.A.P. No.F-030-1 (1) at Waihiku, Maie, 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 "LAJNA" being 1,298.60 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.Kaeo to a point;
3.	344°	20'		51.60	feet along the West side of Honoapiʻilani 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 14,487 square feet, more or less.

Being all of the property conveyed by the following:

Warranty Deed

Grantor: Sion Voldani
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 Honoapiʻilani 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. 95 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 "B"

HOVOPILANI HIGHWAY

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

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

FRONT STREET

To Lahaina

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 "C"
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

ORDINANCE NO. _____

BILL NO. 131, CD1 (2025)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR 14,467 SQUARE FEET AT 1448 FRONT STREET, LAHAINA, HAWAII, TAX MAP KEY (2) 4-5-013:012 (MOKU ROOTS)

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This Ordinance's purpose is to approve the Change in Zoning proposed by Resolution 23-192 for 1448 Front Street, Lahaina, Hawai'i with one additional

condition. This Ordinance also updates the property's tax map key, description, and map.

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SECTION 3. Under Section 19.510.050, Maui County Code, the zoning granted by this Ordinance is subject to the Unilateral Agreement and Declaration for Conditional Zoning in Exhibit "D," which must be recorded with the Bureau of Conveyances or Land Court of the State of Hawai'i.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

MICHAEL J. HOPPER

Department of the Corporation Counsel
County of Maui

drip:misc:016abill01:jpp

LF2025-0175

DRIP-16 2025-10-29 Bill 131 CIZ 1448 Front Street

INTRODUCED BY:

TAMARA PALTIN

DRIP Committee

From: Melody A. Andrion <Melody.Andrion@co.maui.hi.us>
Sent: Thursday, October 30, 2025 10:32 AM
To: DRIP Committee
Cc: Jarret P. Pascual; Carla M. Nakata
Subject: DRIP-16 Bill 131, CD1 (2025) CIZ 1448 Front Street (Moku Roots)
Attachments: DRIP-16 2025-10-29 Bill 131 CIZ 1448 Front Street (red-line).docx; DRIP-16 2025-10-29 RAFL Closing Revised Bill 131 (2025) CIZ 1448 Front Street.pdf; DRIP-16 2025-10-29 RAFL Closing UA Bill 131 (2025) CIZ 1448 Front St (2 originals).pdf

Importance: High

See attached closing of the two (2) RFLS received on 10/08/2025 and 10/23/2025 regarding the subject matter:

- 1) Red-line word version of the revised Bill No. 131, CD1 (2025);
- 2) Revised - A Bill For An Ordinance to Change Zoning From R-1 Residential District to B-2 Community Business District (Conditional Zoning) for 14,467 square feet at 1448 Front Street, Lahaina, Maui, Hawaii, Tax Map Key (2) 4-5-013:012 (Moku Roots) **BILL NO. 131, CD1, (2025)** e-signed by Michael Hopper; and
- 3) Two (2) Unilateral Agreement and Declaration for Conditional Zoning dated October 20, 2025, signed by Michael Hopper.

Original request for legal service along with the original documents for the UA will be placed in your inter-office mail – please confirm receipt of documents.

For posting on the November 7, 2025, Council meeting agenda.

NOTICE: The information in this transmittal (including attachments, if any) is privileged and confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of, the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you

