

Council Chair
Kelly T. King

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Alice L. Lee
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Maria E. Zielinski

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

January 22, 2019

Ms. Michele McLean, Acting Director
Department of Planning
County of Maui
Wailuku, Hawaii 96793

Dear Ms. McLean:

**SUBJECT: CONDITIONAL PERMIT FOR THE KUKAHIKO
ESTATE (MAKENA) (PSLU-20)**

The Planning and Sustainable Land Use Committee is in receipt of County Communication 18-377, from the Planning Director, transmitting a request from John & Kamaka Kukahiko of Makena Corporation for a five-year Conditional Permit to hold special events on approximately 0.811 acres located at 5034 Makena Road, Kihei, Hawaii, identified for real property tax purposes as tax map key (2) 2-1-007:079, known as the Kukahiko Estate ("property"). The proposed bill granting the permit is attached for your reference.

May I please request you respond to the following:

1. Please explain the circumstances triggering the Request for Service (RFS 18-0000495) filed by the Department in regards to activities occurring on the property.
2. Has the Department received any complaints from the community concerning the activities occurring on the property?

As it relates to the proposed conditions of the permit:

1. Please explain the intent of the second sentence in Condition 2. Provide suggested language that effectuates the intent.

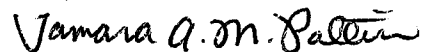
Ms. Michele McLean
January 22, 2019
Page 2

2. Please clarify whether vendors should count towards the requirement for shuttle service described in Condition 9. Provide suggested language to clarify the amount of guests and vendors for which only onsite parking is required (second sentence of the condition) and the amount of guests and vendors for which shuttle service is required in addition to onsite parking (third sentence of the condition).

May I further request your response no later than **Monday, January 28, 2019**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, or Clarita Balala at ext. 7668).

Sincerely,



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:ltr:020apl01:jgk

Attachment

cc: Mayor Michael P. Victorino

ORDINANCE NO. _____

BILL NO. _____ (2018)

**A BILL FOR AN ORDINANCE GRANTING THE JOHN & KAMAKA KUKAHIKO
OF MAKENA CORPORATION A CONDITIONAL PERMIT TO CONDUCT SPECIAL
EVENTS WITHIN THE COUNTY APARTMENT DISTRICT, TAX MAP KEY
NUMBER (2) 2-1-007:079, MAKENA, MAUI, HAWAII**

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to the John & Kamaka Kukahiko of Makena Corporation to conduct approximately 110 small-scale special events per year at 5034 Makena Road, Makena, Maui, identified for real property tax purposes by Tax Map Key number: (2) 2-1-007:079, within the County Apartment District, comprising approximately 0.811-acres of land situated at Makena, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of five (5) years from the effective date of this ordinance; provided, that an extension of this permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director. The Planning Director may forward the request to the Maui Planning Commission.
3. That the Applicant and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at his/her/their own cost and expense, and

shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit, or prior to starting operations, whichever is first. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That the Applicant shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That the Applicant may host a maximum of 110 events on site per calendar year.
7. That the number of guests per event shall not exceed forty-nine (49) persons including event staff.
8. That events may take place any time between 8:00 a.m. and 10:00 p.m. with all music ending at 9:30 p.m. Vendors and staff may remain quietly to clean up and breakdown the event. Limited amplification during the event is allowed with prior approval by the owner. No DJS or large bands are allowed.

9. There shall be no offsite parking and this includes parking along Makena Road or any of the public parking areas along Makena Road. For special events all for guests and vendors must be accommodated onsite. For special events of twenty-one (21) guests and over, a shuttle is required in addition to the onsite parking.
10. That structures utilized for the event will not be left up for longer than 24 hours.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

LF 2018-1097
2018-08-16 Ordinance