

PSLU Committee

From: jay arakawa <jay.m.arakawa@gmail.com>
Sent: Sunday, January 27, 2019 2:48 PM
To: PSLU Committee
Subject: PLSU-20, Conditional Permit for the Kukahiko Estate (Makena)
Attachments: Testimony for the Conditional Permit for.docx

Attached is testimony for the Planning and Sustainable Land Use Committee on Wednesday, January 30, 2019 at 9:00.

Testimony for the Conditional Permit for

KUKAHIKO FAMILY CORPORATION

WEDDINGS& EVENTS – MAKENA

5034 Makena Road

Makena, Maui, Hawaii

TMK: (2) 2-1-007: 079

County Communication 18-377

Conditional Permit – 2017/0004

My name is Jay Arakawa. I have prepared this testimony as a private citizen of the County of Maui. This testimony is not being submitted to lobby for denying the subject permit but to request that all facts be fully presented to the decision makers. Many times commissions and boards allow emotions and personal preferences determine decisions they make instead of the merits and information of each case. At times, all of the facts and updates do not reach you, the Council County members, before you make the final determinations for this type of permits.

These are issues that I feel I need to provide to Council Members prior to their determining whether to approve the subject permit.

- 1) One of the conditions that the Maui Planning Commission (MPC) approved was a capacity of forty-nine guests. My understanding is that forty-nine is the magic number that the applicant must meet to so additional fire requirement need not be added to the facility (exit signs, bar handle doors, two exits). The forty-nine person capacity, though, should include the total number of people in attendance. The forty-nine person capacity should include servers, attendants, and others providing services and not just guests. It doesn't seem like MPC can recommend a condition that is not in accordance to established regulations. Being a health and safety item makes this a big concern.
- 2) During the period that the applicant applied for the subject permit, the applicant disregarded the instruction of a Planning Department Staff member to cease all activities until they secure the subject permit. They informed the staff member that they would continue the activities.
A Notice of Violation was issued prior to the MPC meeting reviewing the subject permit but it was not included in the Staff Report.
- 3) During the MPC meeting on the subject permit, a member of the corporation admitted during discussions that they have operated for approximately ten years with the knowledge that the ongoing activities were illegal without the subject permit yet illegally continued.
The Corporation claimed that the activities were required to pay for the \$50,000 to \$60,000 property tax bill. For the past two to three years, they have conducted 100-

110 events per year. They plan to continue events at the same pace if this subject permit is approved. It appears the number of event appear excessive to just pay for the property tax assessment. If the subject permit is being sought to just generate revenue, be a money maker, just say so instead of being somewhat deceiving.

- 4) During the MPC meeting, a Commissioner who had previously conducted weddings at subject property, was allowed to vote on recommending the approval decision to the County Council. It appeared to be a clear conflict of interest with no concern being raised.

As previously stated, I am not lobbying for denial of the application but hope that Council will review all of the facts prior to the determination. Generating income to create revenue to enable a family to keep a property could establish precedence for approving these permits. Consideration should be given to impacts to surrounding neighbors, infrastructure, and other concerns for those in the vicinity. Conditions attached to the permit should be carefully discussed to ensure enforceability. Mahalo.