

COUNCIL OF THE COUNTY OF MAUI
LAND USE COMMITTEE

March 24, 2017

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Land Use Committee, having met on March 8, 2017, makes reference to County Communication 16-202, from the Planning Director, transmitting a request from Julie Steiner and the Steiner Family Trust 2010, for a Conditional Permit to establish and operate a transient vacation rental home at 100 Pulelehua Street, Pineapple Hill Subdivision, Kapalua, Maui, Hawaii.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING STEINER FAMILY TRUST 2010 A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL HOME WITHIN THE LAHAINA PROJECT DISTRICT 1 (KAPALUA) FOR PROPERTY SITUATED AT 100 PULELEHUA STREET AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 4-2-007:009, KAPALUA, LAHAINA, MAUI, HAWAII," approved as to form and legality. The purpose of the proposed bill is to grant a request from the Steiner Family Trust 2010 for a one-year Conditional Permit to operate a transient vacation rental home on 24,390 square feet of land at 100 Pulelehua Street, Kapalua, Maui, Hawaii.

The Staff Planner informed your Committee the Conditional Permit is the only avenue the applicant has to obtain authorization to operate a transient vacation rental on their property. He noted the property is zoned Lahaina Project District 1 (Kapalua) Multi-Family, which does not allow short-term rental home permits to be processed consistent with Chapter 19.65, Maui County Code, Short-Term Rental Homes.

The Staff Planner further indicated the Maui Planning Commission recommended denial of the permit based on testimony from neighbors in opposition to the operation of a short-term rental home without a permit.

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In response to an inquiry from your Committee, the Deputy Planning Director indicated the Department stands by its recommendation for approval of the Conditional Permit because the requested use is not substantially different from those uses permitted in Section 19.40.070, Maui County Code, Establishment.

In response to another inquiry by your Committee, the Staff Planner noted, within a 500-foot radius of the property, 13 of the 27 residents submitted testimony against the Conditional Permit request.

Your Committee noted that, despite a request in 2012 by the Department of Planning to stop advertising the property as a short-term rental home, the applicant confirmed the last rental of the property was in August of 2015.

Tony Garcia, President of the Homeowners Association of Pineapple Hill, stated in response to a question by your Committee that there are 124 lots within two phases of the Pineapple Hill Subdivision. He noted the homeowner's association rules and its covenants, conditions and restrictions are consistent for both phases. He further reaffirmed to your Committee, short-term rentals are permitted in both phases with the restriction that the rental must be a minimum of seven days and only one rental permitted per month.

Lynda Lyons, Resident Manager, Pineapple Hill Land Owners' Corporation, stated every tenant must register with their office and is handed copies of the association rules and bylaws. Ms. Lyons also stated, to date, there have been no complaints submitted to the office of any rule or bylaw violation against the applicant.

Your Committee further noted concerns about why revisions to Chapter 19.65, Maui County Code, adopted in Ordinance 4315 (2016) did not apply to the applicant. The Staff Planner stated the revisions had not been passed at the time the applicant applied for the Conditional Permit. Your Committee was also concerned the Conditional Permit was used to circumvent the process for obtaining a Short-Term Rental Home Permit since current zoning does not permit such a use.

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Accordingly, your Committee agreed with the recommendation of the Maui Planning Commission to deny the request for the Conditional Permit.

Your Committee voted 7-0 to recommend filing of the communication. Committee Chair Carroll and members Atay, Cochran, Guzman, King, Sugimura, and White voted "aye." Committee Vice-Chair Hokama and member Crivello were excused.

Your Land Use Committee **RECOMMENDS** that County Communication 16-202 be **FILED**.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



ROBERT CARROLL, Chair

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