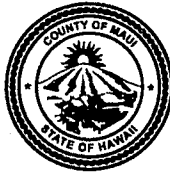


MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Acting Director



RECEIVED

2019 JAN 28 PM 2:59

COUNTY OF MAUI

OFFICE OF THE MAYOR

DEPARTMENT OF PLANNING

January 28, 2019

Honorable Michael Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Honorable Tamara Paltin, Chair
and Members of the Planning and Sustainable Land Use Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Michael P. Victorino

Mayor Date

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OFFICE OF THE
COUNTY COUNCIL

2019 JAN 29 PM 1:57

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Dear Chair Paltin and Committee Members:

**SUBJECT: CONDITIONAL PERMIT (CP) FOR THE KUKAHIKO ESTATE
SPECIAL EVENTS, LOCATED AT 5034 MAKENA ROAD,
MAKENA, ISLAND OF MAUI, HAWAII;
TMK: (2) 2-1-007:079 (CP 2017/0004) (PSLU-20)**

The Department of Planning (Department) is in receipt of your letter dated January 22, 2019 in regards to the above-referenced project. The Department's response is as follows;

1. Upon receipt of the subject application, the Department contacted the Applicant's consultant and requested that the Applicant cease all advertising and booking of new events. The Applicant continued to advertise and book events, which became apparent to the Department by various forms of media and advertising. Primarily due to the widespread operation of unpermitted short-term rental homes and other vacation rentals, which has resulted in the Council enacting strict enforcement penalties and prohibitions for these operations, the planning commissions have a heightened awareness and concern for unpermitted activities, as does the Department. While it is recognized that the Applicant submitted the application prior to any enforcement action by the Department, the Applicant nonetheless continued to knowingly operate unlawfully. The Department filed RFS 18-0000495 so that the Zoning Administration and Enforcement Division (ZAED) could begin the enforcement process.
2. ZAED has not received any complaints, and is only aware of the complaints/testimony to the Maui Planning Commission. ZAED has prepared and issued approximately 40 Notices of Violation for 26 illegal events (some early

Honorable Michael Victorino, Mayor
For Transmittal to:
Honorable Tamara Paltin, Chair
January 28, 2019
Page 2

to the zoning violations) that have continued from May 2018 to present.

3. The intent of Condition No. 2 is that the permit cannot be transferred without the Department's knowledge and that, depending upon the circumstances, the Director may forward the transfer request to the Maui Planning Commission for its review and approval. Suggested language that will effectuate the intent is as follows: "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 *for review and approval.*"
4. For clarification purposes the Department proposes deleting the last sentence of Condition No. 9. Therefore the Condition could read, in its entirety, "There shall be no offsite parking and this includes parking along Makena Road or any public parking areas along Makena Road. For special events, all guest and vendor parking must be accommodated onsite."

Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN
Acting Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Candace R. Thackerson, Staff Planner (PDF)
Project File

MCM:CRT:ct

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