

From: [John Makens](#)
To: [Planning LPC Testimony](#)
Cc: [John Makens](#)
Subject: Written Testimony to the Leeward Planning Commission
Date: Saturday, June 6, 2026 7:16:56 AM

To the Honorable Members of the Leeward Planning Commission:

My name is John Makens. My family has owned property in the Ali'i Point community in Kailua-Kona [TMK: 3-7-5-035-011] since the 1980s. I am submitting this written testimony regarding Bill 147 and respectfully ask the Commission to consider an issue of basic fairness as it evaluates the proposed framework.

I want to be clear at the outset: I support sensible regulation of transient vacation rentals. Reasonable standards around enforcement, neighborhood impact, noise, and parking serve everyone, including responsible owners. My concern is not with regulation itself, but with how the proposed framework treats one specific class of long-standing property owners.

The equity problem.

Within established communities like Ali'i Point, properties that are functionally identical, sitting side by side, on the same drive, in the same gated community, are being treated entirely differently under the law. Some units operate as legal vacation rentals because they hold grandfathered Nonconforming Use Certificates or because they are organized as condominium property regimes (CPRs). Other units, including ours, are standalone fee-simple parcels that did not register before the prior cutoff and lack a CPR designation. The result is that two neighbors, whose properties are indistinguishable to any visitor, face opposite legal realities. One may host transient guests; the other may not. This distinction is not based on the character of the property, its location, its impact on the neighborhood, or the conduct of its owner. It is based solely on a registration window that has closed and on a technical ownership structure. Bill 147, as drafted, would permanently cement this disparity by repealing existing frameworks without creating any pathway for owners in our position.

Why this matters.

We have been part of this community for roughly four decades. We have paid substantial property taxes year after year, and we have maintained our property as responsible, invested members of the Ali'i Point community. We are not speculators or absentee operators new to the island. We are long-term stakeholders who simply seek the same opportunity our immediate neighbors already have. A regulatory system earns public trust when it applies consistently. When two identical properties are treated oppositely for reasons unrelated to their actual use or impact, the rule appears arbitrary to the very residents it governs.

What we respectfully request.

We are not asking the Commission to set aside regulation or to grant unrestricted rights. We ask that the Commission recommend the framework include a fair, defined pathway for established fee-simple parcels located within communities where transient vacation use is already the prevailing and accepted pattern. Such a pathway could reasonably require:

- Demonstrated long-term ownership and good standing;
- Full registration and compliance with the same operational standards (noise, parking, local contact, enforcement) applied to all permitted operators
- Payment of all applicable fees and taxes
- Consistency with the existing character of the immediate community

A provision of this kind would not expand transient use into residential neighborhoods that have resisted it. It would simply correct an inequity within communities where transient use is already the established norm, ensuring that owners are treated according to the actual nature of their property rather than a closed registration window or a technical ownership distinction.

In closing.

I respectfully ask the Commission to recommend amendments to Bill 147 that provide a consistent and fair pathway for long-standing fee-simple owners in established vacation rental communities. I welcome the opportunity to provide additional detail or answer any questions the Commission may have, and I thank you for your service and for your consideration of this testimony.

Respectfully submitted,

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