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Director of Council Services
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WAILUKU, MAUI, HAWAII 96793
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January 26, 2026

Ms. Kimberly Thayer, Chair
Maui Planning Commission
c/o Department of Planning
County of Maui
Wailuku, Hawaii 96793

Via Email: planning@mauicounty.gov

Dear Chair Thayer:

SUBJECT: TEMPORARY INVESTIGATIVE GROUP ON POLICIES AND PROCEDURES FOR TRANSIENT VACATION RENTAL USES IN THE APARTMENT DISTRICTS; DISCUSSION ON RESOLUTION 25-230, REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS (HLU-4(1))

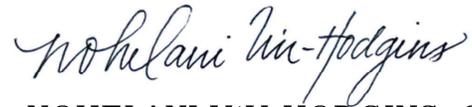
At its meeting of January 5, 2026, the Council's Housing and Land Use Committee discussed Resolution 25-230 to refer to the Lāna'i, Maui, and Molokai Planning Commissions a proposed bill to amend the Comprehensive Zoning Ordinance to establish the H-3 and H-4 Hotel Districts. The Council adopted an FD1 version of the resolution at its January 7, 2026, meeting.

Attached are the minutes from the HLU Committee's January 5th meeting. May I please request that the Maui Planning Commission consider the minutes during its deliberations on the proposed bill.

Should you have any questions, please contact me or the Committee staff (James Krueger at ext. 7761, or Jennifer Yamashita at ext. 7143).

Ms. Kimberly Thayer
January 26, 2026
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Sincerely,

A handwritten signature in black ink that reads "Nohelani U'u-Hodgins". The signature is written in a cursive, flowing style.

NOHELANI U'U-HODGINS, Chair
Housing and Land Use Committee

hlu:ltr:004(1)a01:jgk

Attachment

cc: Mayor Richard T. Bissen, Jr.
Planning Director

HOUSING AND LAND USE COMMITTEE

Council of the County of Maui

MINUTES

January 5, 2026

Online Only via Teams

CONVENE: 1:37 p.m.

PRESENT: Councilmember Nohelani U‘u-Hodgins, Chair
Councilmember K. Kauanoë Batangan, Vice-Chair
Councilmember Tom Cook, Member
Councilmember Gabe Johnson, Member
Councilmember Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Keani N.W. Rawlins-Fernandez, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

STAFF: James Krueger, Senior Legislative Analyst
Ellen McKinley, Legislative Analyst
Carla Nakata, Legislative Attorney
Jennifer Yamashita, Committee Secretary
Jean Pokipala, Council Services Assistant Clerk
Ryan Martins, Council Ambassador

Residency Area Office (RAO):

Keomailani Hirata, Council Aide, Moloka‘i Residency Area Office
Roxanne Morita, Council Aide, Lāna‘i Residency Area Office
Mavis Oliveira, Council Aide, East Maui Residency Area Office
Chaelin Ryu, Council Aide, South Maui Residency Area Office
Clyde “Buddy” Almeida, Council Aide, Makawao-Ha‘ikū-Pā‘ia Residency Area Office

ADMIN.: Nāhulu Nunokawa, Deputy Corporation Counsel, Department of the Corporation Counsel
Ana Lillis, Deputy Director, Department of Planning
Greg Pfof, Administrative Planning Officer, Department of Planning

OTHERS: Testifiers
John Chaisson
Ryan Logtenberg
Kai Nishiki
Albert Perez
Jim Langford
Johann Lall
Jasee Law
Jackie Keefe
Greg Rylsky

HOUSING AND LAND USE COMMITTEE MINUTES
Council of the County of Maui

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Kaimaile Makekau
TESTIFIER 1 (#7735)
Caitlin Miller

Resource
Kai Nishiki

Others (84)

PRESS: *Akakū: Maui Community Television, Inc.*

CHAIR U‘U-HODGINS: . . .(gavel). . . Good afternoon, everyone. Will the Housing and Land Use Committee meeting of January 5th, 2026, please come to order. It is 1:37 p.m. I’m the Chair of this Committee, Nohelani U‘u-Hodgins. Members, in accordance with the Sunshine Law, please identify by name who, if anyone, is in the room, vehicle, or workspace with you today. Minors do not need to be identified. Let’s begin with Committee Vice-Chair Kauanoe Batangan.

VICE-CHAIR BATANGAN: Good morning, Chair...or good afternoon, Chair.

CHAIR U‘U-HODGINS: Thank you. Good afternoon. Councilmember Tom Cook, good afternoon.

COUNCILMEMBER COOK: Good afternoon.

CHAIR U‘U-HODGINS: Councilmember Gabe Johnson, good afternoon.

COUNCILMEMBER JOHNSON: Good afternoon, Chair, Councilmembers, community members. There’s no testifiers at the Lāna‘i District Office, and I’m here and ready to work. Mahalo.

CHAIR U‘U-HODGINS: Thank you. Council Chair Alice Lee, good afternoon.

COUNCILMEMBER LEE: Good afternoon, Chair.

CHAIR U‘U-HODGINS: Councilmember Tamara Paltin, good afternoon.

COUNCILMEMBER PALTIN: Aloha ‘auinalā.

CHAIR U‘U-HODGINS: Aloha. Councilmember Keani Rawlins-Fernandez, good afternoon.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha ‘auinalā, Chair, on this frosty winter day.

CHAIR U‘U-HODGINS: Very frosty.

COUNCILMEMBER RAWLINS-FERNANDEZ: There are currently no testifiers at the Moloka‘i District Office. Mahalo.

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CHAIR U‘U-HODGINS: Thank you. It is too cold to leave the house, that’s why. Councilmember Sinenci. I hope we all said that correctly, because he gave us a lesson today. So, Sinenci.

COUNCILMEMBER SINENCI: Thank you. Aloha.

CHAIR U‘U-HODGINS: Good afternoon.

COUNCILMEMBER SINENCI: And no testifiers in Hāna, Chair. Hau‘oli Makahiki Hou.

CHAIR U‘U-HODGINS: Hau‘oli Makahiki Hou. And Councilmember Yuki Lei Sugimura, good afternoon.

COUNCILMEMBER SUGIMURA: Good afternoon.

CHAIR U‘U-HODGINS: We have from the Department of Planning, Mr. Greg Pfof, Administrative Planning Officer. Do you know if Director or Deputy Director will be joining us later?

MR. PFOF: . . .*(inaudible)*. . . might be online.

CHAIR U‘U-HODGINS: Okay. We’ll look out for Deputy Director Ana Lillis later. From Corporation Counsel, we have Nāhulu Nunokawa. Our Committee Staff include Jennifer Yamashita, Committee Secretary; James Krueger, Senior Legislative Analyst; Ellen McKinley, Legislative Analyst; Carla Nakata, Legislative Attorney; and Jean Pokipala, Council Services Assistant Clerk. Please see the last page of the agenda for information on meeting connectivity.

ITEM 4(1): TEMPORARY INVESTIGATIVE GROUP ON POLICIES AND PROCEDURES FOR TRANSIENT VACATION RENTAL USES IN THE APARTMENT DISTRICTS; DISCUSSION ON RESOLUTION 25-230, REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS (HLU-4(1)) (RULE 7(B))

CHAIR U‘U-HODGINS: We have before us...before I go into opening comments, rather, or public testimony, I’ll do a little brief intro of where we’re at today. At last week’s Council meeting, we considered and postponed action on Resolution 25-230, which would refer to the Planning Commission a proposed bill to amend the Comprehensive Zoning Ordinance to establish H-3 and H-4 Districts. We have the opportunity today to discuss that proposal further before we consider it again on Wednesday’s Council meeting, as well as any proposed amendments. As a reminder, the H-3 and H-4 Districts were proposed by Bill 9 TIG. The districts would be a like-for-like with the A-1 and A-2 Districts, respectively, except that TVR uses would be outright permitted. To assist with our discussion, we have with us today, as described earlier, Department of Planning, Mr. Greg Pfof. And I’m going to have him

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do a brief introduction before I talk to the Members and give them an opportunity to do a brief introduction on their amendments before testimony. So, Mr. Pfof, if you wouldn't mind.

MR. PFOF: Thank you, Chair. Chair, Members of the Council, I've just...I only had the opportunity to review the proposal and the...the amendments real briefly last week, so I do have some comments when...if you'd like though at that time. Otherwise --

CHAIR U'U-HODGINS: Sounds good.

MR. PFOF: -- I have no other comments at this time.

CHAIR U'U-HODGINS: Sounds good. Thank you. I did a very brief introduction on the TIG and our report for bill...for this bill of H-3 and H-4. And as a reminder, it's just a like-for-like. It doesn't allow for any further development of the area or any more units. I know that's Member Cook's bill, but I figured I'd just say it since we're right here. And then I was going to move on to Member Paltin. If you wanted to give a very brief introduction on your amendment before taking public testimony?

COUNCILMEMBER PALTIN: Okay. Sure. I'm ready.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: So, just from the amendment summary form, it adds a whereas clause numbered as 2. It incorporates all amendments to Chapter 19.14, Maui County Code, proposed in Exhibit 1 to Resolution 25-230. Inserts amendments to Code Section 19.14.040, and restructures the proposed bill to amend the entire chapter rather than individual sections. Inserts restrictions that apply within the H-3 and H-4 Districts for properties in the sea level rise exposure area, and amends the purpose section accordingly. And for that one specifically, it would be that there would be public shoreline access and parking for public shoreline access during daylight hours of at least 10 percent of the property's parking spaces as available must be provided. Property owners must not hold the County and State liable for any and all future costs associated with maintaining or protecting the property developed within the sea level rise exposure area, including costs associated with retreat, hazard mitigation, and cleanup to maintain the health of the nearshore marine environment from material debris originating from the ocean or from the structure's own erosion. And that this Code does not create liability on the part of the County or any other official or employee for any damages associated with retreat, hazard mitigation, and cleanup that result from reliance on this Code, or any administrative decision lawfully made. Any ordinances enacted after the H-3 and H-4 Districts are established that impose requirements on properties in the sea level rise exposure area will apply. And C. says, as used in this section, sea level rise exposure area means the State Climate Commission's recognized planning target or threshold for sea level rise exposure. The planning threshold of 3.2 feet of sea level rise in effect at the time of this subsection's enactment may change based on the best available scientific information. And then the last part is 5. limits restrictions in the existing Code Section 19.04.040 to H-1, H-M, H-2, and Hotel Districts.

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CHAIR U‘U-HODGINS: Okay. We can save some for discussion, too.

COUNCILMEMBER PALTIN: Okay.

CHAIR U‘U-HODGINS: But I...I wanted to give the public and us a brief overview of your proposed amendments. But...

COUNCILMEMBER PALTIN: So, those are them.

CHAIR U‘U-HODGINS: Okay. Thank you. Member Rawlins-Fernandez, did you want to give us a [sic] brief opening remarks for your proposed amendment?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes. Mahalo, Chair. Okay. So, my proposal does three things...cleans up the standard zoning language to restrict zoning to one set of properties, including embedding the accessory uses and buildings chart found in 19.12.020; two, prohibits new construction, maintenance, or expansion of shoreline armoring; and three, adds a new Section 19.14.055, coastal transition and phased removal. A, at the time of the zoning change, the Director must execute an agreement with the property owners to remove human-made object not part of the natural ecosystems that is affixed to the land. B, for this section’s...for this section’s purposes, human objects, no part of the natural ecosystem that are affixed to the land, including buildings, foundations, decks, patios, swimming pools, septic systems, roads, parking lot, retaining wall, and shoreline hardening structures, but do not include public infrastructure addressed in a separate capital plan. My proposals acknowledge...my proposal acknowledges necessary protection of shoreline and ocean ecosystems as recognized in the Maui Island Plan, community plans, and Climate Action and Resiliency Plan, and implements recommendations from our County Hazard Mitigation Plan. Mahalo, Chair.

CHAIR U‘U-HODGINS: Thank you. I’m going to move on to opening public testimony at this time. So, testifiers wanting to provide testimony should sign up in the lobby, join on the meeting online via Teams link, or call in to the phone number noted on today’s agenda. Written testimony is encouraged and can be submitted via the eComment link at mauicounty.us/agendas as well. For information...for individuals wishing to testify on Teams, please raise your hand by clicking on the raise-your-hand button. If calling in, please follow the prompts via phone, star-5 to raise and lower your hand, star-6 to mute and unmute. Staff will add names to the testifier list in the order the testifiers sign up or raise their hand. For those on Teams, Staff will lower your hand once your name is added. Staff will then call your name you’re logged in under or the last four digits of your phone number when it is your time to testify. At that time, Staff will also enable your microphone and video. Please ensure your name appears in Microsoft Teams as a name you prefer to be referred as or as anonymous if you refer...if you prefer to testify anonymously. If you are in person, please notify Staff if you would like to testify anonymously, otherwise, please state your name for the record at the beginning of testimony. Oral testimony is limited to three minutes, and if you’re still testifying beyond that time, I’ll kindly ask you to complete your testimony. Once you are done testifying or do not wish to testify, you can view the

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meeting on *Akakū* Channel 53, Facebook Live, or maucounty.us/agendas. We will do our best to take up each person in an orderly fashion. And Staff, if we could please call up the first testifier. Thank you.

MS. MCKINLEY: Chair, the first testifier is John Chaisson, to be followed by Ryan Logtenberg. *(pause)*

. . . BEGIN PUBLIC TESTIMONY FOR ITEM HLU-4(1) . . .

MR. CHAISSON: Hello. Can you hear me? Okay. Great. Good afternoon, Honorable Chair and Maui Councilmembers. My name is John Chaisson. I am a longtime owner, 20 years plus, from Maui Sands. And I'm here because I want to submit a plea with facts and evidence to be considered for the now-called Exhibit B list. We believe, after reading the entire report, you will also agree it is appropriate for Maui Sands to retain its TVR status, and now to be included on the Exhibit 2 County-initiated zoning change. A little history for us. We are located in West Maui along Lower Honoapi'ilani Road. We are...we were built in the mid to early '60s, and one of the first resort vacations along there. We are a unit that has 50...we have 56 units, and we have 58 parking spaces. It's pretty tight in there. But, you know, I want to submit this written report that I've sent to you guys to highlight the details and reasons why Maui Sands I, property values are not attainable by most Maui local residents, even at lower property values. And I have some bullet items I'd like to share with Council. Starting with Maui Sands I, we have monthly expenses. We have HOA, maintenance and land lease. These total about \$2,991.38 a month. Of that, \$1,268.97 includes the GET (*phonetic*)...that's for our land lease. \$1,692.83 is for HOA and maintenance reserves. And bringing up the reserves, our buildings are just breaking 60 years old. We are on the ocean. So, sadly, our maintenance reserve fund is 65 percent underfunded. It's because the ocean takes such a toll on our property. Also, Maui Sands I has a land lease. It expires 2037. And for mortgage purposes, the lease has to be beyond five years of the loan period. So, that leaves us only about six years or so to have a mortgage. So, I called and checked Bank of Hawai'i and Loan Depot. They both said Maui Sands...none of Maui Sands would be available for a mortgage because of the land lease. So, all...buying any property at Maui Sands would have to be all cash. And also, in addition, we have started to negotiate purchasing the land leases. And we estimate this cost to be between 195,000 to \$250,000 per unit, in addition to all the monthly costs that I had mentioned previously. And also, based . . . *(timer sounds)* . . . on State of Hawai'i...is that three minutes?

CHAIR U'U-HODGINS: Yes.

MR. CHAISSON: Oh, I'll talk real fast. Okay. Based on the sea level rise vulnerability, we're right in the middle of that. At a half a foot, Maui Sands would experience flooding of our front buildings. At 1.5 feet, we would be a third flooded. At two feet, we'd be half flooded.

CHAIR U'U-HODGINS: Thank you.

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MR. CHAISSON: At 3.2 feet, we would be completely flooded.

CHAIR U‘U-HODGINS: Thank you.

MR. CHAISSON: So, we’re hoping that you would include Maui Sands I in your Council-initiated zoning change. Thank you so very much.

CHAIR U‘U-HODGINS: Thank you. Members, any clarifying questions? I want to remind you, we’re not talking about comprehensive rezoning today, but just the creation of H-3 and H-4 zoning. So, if anybody has any questions on that for our testifier, please feel free to ask. If not, thank you very much for your testimony.

MR. CHAISSON: Any questions?

CHAIR U‘U-HODGINS: Does anybody have any questions?

MR. CHAISSON: No? Okay. Thank you for your time.

CHAIR U‘U-HODGINS: Thank you.

MR. CHAISSON: Thank you.

CHAIR U‘U-HODGINS: Next testifier, please.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR U‘U-HODGINS: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Real quick. One, I...I know you saw that the timer isn’t working. Is that the intention?

CHAIR U‘U-HODGINS: Yeah, I think that might be just the regular time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR U‘U-HODGINS: Usually, we only --

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR U‘U-HODGINS: -- have it for our Council meetings, but...so I don’t know who --

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh.

CHAIR U‘U-HODGINS: -- if it’s the clerks who monitor that...when it’s a timer.

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it. Yeah, you’re right. I do...and do my own time.

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CHAIR U‘U-HODGINS: Yeah, I think it’s...I think it’s Clerks in regular Committee meetings, but James is monitoring the time.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then my second question is, I know you said we’re not talking about comprehensive zoning. And just to further elaborate, that means we’re not talking about the Exhibit 2 that was on the TIG report that listed all the properties. So, we’re not talking about individual properties and whether they should be on the list or not today.

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Only H-3...H zoning, the establishment of that zoning district, not individual properties. Mahalo, Chair.

CHAIR U‘U-HODGINS: Yes. Thank you. Exactly. But I wanted to give you the opportunity to testify, so we let it go. And thank you very much for your...your testimony. I appreciate that. Next testifier, please.

MS. MCKINLEY: Chair, the next testifier is Ryan Logtenberg, to be followed by Kaimaile Makekahu.

CHAIR U‘U-HODGINS: Okay. Thank you.

MR. LOGTENBERG: Aloha, Chair and Councilmembers.

CHAIR U‘U-HODGINS: Aloha.

MR. LOGTENBERG: My name is Ryan Logtenberg, and I am also an owner at Maui Sands in Honokōwai. I’m here today to respectfully ask that Maui Sands be considered for Council-initiated rezoning as the Bill 9 moves into implementation. Maui Sands was one of the original pioneers of condominium hotel vacationing in Maui, built in 1965, and introduced a model that was innovative at the time, allowing visitors to experience Maui with the comforts of home, such as a full kitchen, while staying at a beachfront property. That model has since become extremely popular across the island, but Maui Sands was among the earliest examples of it. Because of its age, Maui Sands meets the basic eligibility requirements for historic building recognition at the State level. More importantly, it represents an early chapter in Maui’s tourism history from a time before large resort development, when visitor lodging was smaller scale and more closely integrated with the surrounding community. Maui Sands was designed, conceived, and marketed from the beginning as a vacation destination, not as residential housing. Its leasehold structure was never intended for permanent occupancy, and today that structure includes substantial monthly lease rent, on top of other typical costs. As a result, the economics simply do not work for long-term housing. Maui Sands can only survive financially by continuing to operate the way it always has, as a vacation complex. Importantly, Maui Sands has not displaced local residents to become short-term rentals. It has always functioned as visitor lodging. Removing its ability to operate that way would not create new housing, but would place long-term owners under serious financial strain, and threaten the viability of the

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property. After the Lāhainā fires, West Maui has already lost so much of its history. Due to its age, Maui Sands is part of what remains of that legacy. If it cannot continue operating as it was intended, we risk losing another piece of Maui’s cultural and historic...historical fabric. For these reasons, we respectfully ask the Council to pursue a County-initiated rezoning or amendment that allows original historic vacation properties like Maui Sands to continue functioning as such, while Bill 9 focuses on housing stock that can realistically serve local residents. . . .*(timer sounds)*. . . Thanks for your time.

CHAIR U’U-HODGINS: Thank you. Members, again, do...does anybody have questions related to H-3 and H-4 zoning? No. Thank you very much for your testimony.

MR. LOGTENBERG: Thanks.

CHAIR U’U-HODGINS: Next testifier, please.

MS. MCKINLEY: Chair, the next testifier is Kai...sorry, Kaimaile Makekai, to be followed by Kai Nishiki.

CHAIR U’U-HODGINS: Okay. Kaimaile? Do we see her? Is she outside, do you think, maybe?

MR. KRUEGER: I’ll check. We can go to the next.

CHAIR U’U-HODGINS: Okay. Let’s go to Ms. Nishiki, because I don’t see Kaimaile, and then we can...we can come back to her. Kai, would you please come down? Thank you. Thank you. No, this is good.

MS. NISHIKI: Aloha, Chair and Committee Members. Before I get started on my testimony, I am testifying in my personal capacity, but I’ve also served as resource to the Bill 9 temporary investigative unit, or group. I’m a former Chair of the West Maui Community Plan Advisory Committee, a member of the Maui Planning Commission working group on new shoreline and SMA rules, and I’ve worked with the County on hazard mitigation planning. So, I offer this testimony...this testimony in that spirit as a resource. As the County considers what...and I did provide everyone with my written testimony and some additional resources. As the Council considers what may be the largest County-initiated zoning change in Maui’s history, it’s important to recall why H-3/H-4 zoning is being proposed. The TIG explicitly cited concerns about long-term impacts to County revenue, including RPT, GET, TAT, and tourism, and discussed ways to mitigate potential financial losses. The TIG also noted that properties located in the sea level rise exposure area, or the SLR-XA, would not produce long-term housing for residents. That statement alone should give us pause. If the Council’s goal is to protect the County’s long-term revenue stream, which is fundamentally tied to a healthy ecosystem, then we must evaluate H-3/H-4 zoning holistically, with climate risk front and center, because we all understand here on Maui, our environment is our economy. Without amendments or safeguards, this proposal risks increasing property values, mostly for offshore owners, without addressing the very real and escalating risk of aging structures on eroding shorelines. And that raises a

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fundamental fiscal question--who is left holding the bag when investors bail out on end-of-life shoreline properties built in the '70s? The County's own 2025 Hazard Mitigation Plan warns that coastal erosion leads to declining property values, impacts the tax base, and increases public costs as shorelines move inland. West Maui already leads the County in buildings located within coastal erosion hazard areas. Sea level rise is not a distant forecast; it's happening right now. Within the lifespan of this zoning, many of these properties will face loss of beaches and beach access, repeated emergency repairs, insurance challenges, and pressures for shoreline hardening. But there is good news. Maui has an opportunity to learn from and correct mistakes, and put guardrails in place by aligning zoning with adaptation pathways, planning for strategic relocation, creating funding opportunities, and requiring shoreline property owners to partner with our community and take responsibility for stewarding our public trust resources. With great privilege comes great kuleana. So, my request today is simple and constructive. Before finalizing H-3/H-4 zoning for properties within the SLR-XA, please convene coastal zone management and climate adaptation experts to develop clear safeguards, requirements, and fiscal protections tied to the zoning. The management actions that we take today will decide whether we have healthy coastal ecosystem and beaches for our keiki and our community, or our shorelines become fields of sandbags, broken seawalls, and collapsed . . .(timer sounds). . . buildings. I've submitted detailed written testimony with proposed questions and some policy considerations for your review, and I am available to work collaboratively on solutions. Mahalo.

CHAIR U'U-HODGINS: Thank you, Ms. Nishiki. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Nishiki. Sea level rise with appropriate dress to match. Very applicable.

MS. NISHIKI: . . .(laughing). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: To clarify, you said that you would be available to serve as a...a resource?

MS. NISHIKI: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, since the TIG...Bill 9 TIG did have her as a resource, can --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- we request her --

CHAIR U'U-HODGINS: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- as a resource for this Committee?

CHAIR U'U-HODGINS: On bill...Rule 18, yes. Any objections to Ms. Nishiki being a resource based on Council Rules...Rule 18?

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COUNCILMEMBERS: No objections.

CHAIR U‘U-HODGINS: Sounds good. Thank you, Kai.

MS. NISHIKI: Okay. Thank you so much.

CHAIR U‘U-HODGINS: Next testifier, please.

MS. MCKINLEY: Chair, the next testifier, currently the last person signed up, is Albert Perez on Teams.

MR. PEREZ: Aloha, Chair and Members of the Council.

CHAIR U‘U-HODGINS: Aloha.

MR. PEREZ: I wanted to say welcome to Kauanoë. Congratulations. I’m Albert Perez with Maui Tomorrow. You folks know me. I just had some comments on the bill...sorry, the reso. And I’m just going to refer to the...the one previous to the amendments. So, just going to go by these different sections, if you don’t mind. In Section 1, there’s some language. The second part says that the...would allow existing Apartment District properties to continue TVR uses if appropriate, even if the Council enacts an ordinance phasing out TVR. Well, that’s already happened. So, this language needs updating. Excuse me. And in general, I don’t think that we need to be referring to A-1 and A-2. This is going to become part of the County Code. And that’s just as...as someone who’s looking at it, as a person who’s looking at the zoning, or as a planner who’s trying to implement the zoning, references to other zones are not good planning practice. So, this should be a standalone zone. On...in Section 3, where it says H-3 and H-4 districts are reserved for units or structures that have been in A-1 and A-2, the same comment would apply. I don’t think that’s necessary. And then it says where transient vacation rentals have been permitted uses. I would propose that you would check with Corporation Counsel because my understanding is that these are nonconforming, sort of grandfathered uses--at least some of them were--and not actually permitted. We don’t want to be giving any kind of ammunition to the attorneys who are suing the County at this point. And the same thing would apply in Section 4, the last section, that says legally permitted before the effective date, it mentions A-1 and A-2, and I would just put in December 15th. You don’t need to mention the...the ordinance that...that created the phase out. And that is the extent of my testimony for today. Mahalo.

CHAIR U‘U-HODGINS: Thank you, Mr. Perez. Members, any clarifying questions? Seeing none. Thank you very much for your testimony.

MR. PEREZ: Okay. Aloha.

CHAIR U‘U-HODGINS: Staff, next testifier, please.

MS. MCKINLEY: Chair the next testifier is Jim Langford, to be followed by Johann Lall.

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MR. LANGFORD: Aloha.

CHAIR U‘U-HODGINS: Aloha.

MR. LANGFORD: Jim Langford here. I’m testifying on...on some of the language and...and...and specifically on how the water is handled. As you look through the bill, you can remedy a lot of the conflicts that occur, espe...especially on the...the last testifier was great, saying the folks who are suing the County. The...before I get to speaking of the water, I’d like to speak to that. The...the...the burden is not on the County to secure these investments that were made. The legal burden is on how the language in the implied and the direct contract with the...their broker on how the...the real property was discussed. So, as you folks look into the zoning, I encourage you now to...to bridge over to the water to look at language that incorporates these atmospheric water systems that are like dehydrators or dehumidifiers that will go on the roof for the...these new zonings. It shifts the burden of water production onto these new hotel zonings, even looking across the H-1, 2, 3, 4. It would mitigate a majority of the fin...all of the financial things that you folks have to face, and all the conflicts, and shift it back onto those who are profiting from the resources. And the votes for folks who like counting the votes, like Councilperson Cook was so wise when he said, yeah, a lot of people don’t really live here, you know, in my district, but I still have to provide services. So...so, in order to mitigate each person’s voice and the dollar spend that is being shifted, the burden, you can solve it through this type of technology where each of the H zones produce their own water, and incorporating that into the language, even creating a TIG, or...to explore how that cost benefit can work would truly empower all of us to work together in an easy way. So, thank you for...just...you know, please just consider. You know, it...it...it’ll...it’ll really save a lot of time. Hello. (*phonetic*)

CHAIR U‘U-HODGINS: Members, any clarifying questions? Seeing none. Next testifier, please.

MS. MCKINLEY: Chair, the next testifier...

MR. LANGFORD: Happy New Year.

CHAIR U‘U-HODGINS: Happy New Year.

MS. MCKINLEY: The next testifier is Johann Lall, currently the last person signed up.

CHAIR U‘U-HODGINS: Sounds good. Mr. Lall?

MR. LALL: Aloha. Johann Lall, I’m testifying on my own behalf, and I support creating these new zonings. I think it’s kind of a pretty elegant and simple way to take care of like the due process issue with the Minatoya phase-out because it gives people...or a means to change their...their zoning in such a way that they can continue their use if, I guess, Maui Planning Commission and the Council decides to allow it. I was not able to find a copy of the bill, but going by what Albert Perez was saying, I would share the

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same concerns about adding things on. I think it's...it's...would probably be important to have zoning be like as simple as possible, and not refer to other zonings, or legislation, or anything like that. And I can see Planning Commission taking issue with additional requirements and additional due process concerns because I've seen them raise those issues and vote a certain way in the past. So...and just in general, I think it should be really as...as plain and simple as...as possible, and what the Planning Department said is that it would be basically the same as A-1 and A-2, but with the additional STR use, and I would...I would stick to that as much...as much as possible. Mahalo.

CHAIR U'U-HODGINS: Thank you, Mr. Lall. Member Paltin? Real quick, though, I would like to just tell him, and any other person who may have had issues finding this bill, it was on the Council's last agenda, whenever our last meeting of 2025 was. If you have any issues, it'll be in there as well, if it's not on today's one, but it should be, but just FYI. Member Paltin?

COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify. I thought I heard you said that Planning Department votes? Like, I'm not clear when the Planning Department votes.

CHAIR U'U-HODGINS: I thought you said Commission.

COUNCILMEMBER PALTIN: Oh, did you say --

CHAIR U'U-HODGINS: But maybe I heard wrong.

COUNCILMEMBER PALTIN: -- Planning Commission?

MR. LALL: The Planning Commission, yes. I may have misspoken, I don't know...but yes, that's...

COUNCILMEMBER PALTIN: Oh, okay. Okay. All right. Thank you.

CHAIR U'U-HODGINS: Okay. Maybe I was hearing things, but I thought he said Commission, but maybe...I don't know. Anyways.

COUNCILMEMBER PALTIN: Planning votes.

CHAIR U'U-HODGINS: Oh, maybe I inferred Commission. Thank you.

UNIDENTIFIED SPEAKER: He did say Commission.

CHAIR U'U-HODGINS: Okay. That's kind of what I thought. Any other testifiers?

MS. MCKINLEY: Chair, no one else has signed up to testify, so we can proceed with last call.

CHAIR U'U-HODGINS: I see Mr. Law approaching the podium.

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MR. LAW: Thank you, Ellen.

CHAIR U‘U-HODGINS: Go ahead.

MR. LAW: I’m Jasee Law from Kula Uka, Waiakoa Ahupua’a. First of all, Councilmember Batangan, I missed the ceremony earlier. I didn’t know about it, but I guess it was meant to be...maybe it was only for Hawaiians. So, yeah, welcome to the Ka ‘Aha, and aloha awakea, aloha kākou, aloha Kōmike Kālai‘āina. I’m in favor of Member Rawlins-Fernandez’s amendment, and I just want everybody to remember that all the land that we’re talking about here, that the hotels are on, is in the Kingdom of Hawai‘i. And Mr. Josh Green appreciates your work. And he’d be happy if...if visitors to all the hotels had their flu vaccinations before coming to the islands.

CHAIR U‘U-HODGINS: Thank you. Any other . . .*(inaudible)*. . .

MS. MCKINLEY: Yes, Chair. We have an online testifier, Jackie Keefe.

CHAIR U‘U-HODGINS: Okay. Ms. Keefe? *(pause)* Hello.

MS. KEEFE: Aloha mai kākou. My name is Jackie Keefe, and I am jumping on to testify today mostly just to support Councilmember Rawlins-Fernandez’s amendment. I think that it’s really important that we talk about things that are happening on the shoreline...you know, illegal walls being put in without permits, all these things. And so, I really appreciated hearing that. And then just to echo some of the things that I heard from Ms. Nishiki, as well as Mr. Perez. Just...just appreciate all of the work that you guys have put into this. I know it’s been a really contentious issue. And while I...I’m not really sure how I feel about the additional zoning, I...I just...I want to see this housing for our community. So, thanks for the work on this. And I just really want to support Councilmember Rawlins-Fernandez’s amendment today. Mahalo.

CHAIR U‘U-HODGINS: Thank you, Ms. Keefe. Members, any clarifying questions? Seeing none. Thank you very much for your testimony. Do we have anybody else?

MS. KEEFE: Happy New Year.

CHAIR U‘U-HODGINS: Happy New Year.

MS. MCKINLEY: Chair, Greg Rylsky is online.

CHAIR U‘U-HODGINS: Okay.

MR. RYLSKY: Good? Hello --

CHAIR U‘U-HODGINS: Hello.

MR. RYLSKY: -- Committee. Good morning. My name is Greg, a Lāhainā resident, current guest of FEMA, and proponent of repealing Ordinance 4369. I stand on my written testimony. Also, just wanted to say that the new Hotel zoning, I...I’m a little...I’m

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looking forward to hearing what the nuances are because in Kahana, we have lots of similar properties that are in existing Hotel zones. So, I'm not sure exactly what the nuance for approach to these new Hotel zones are going to be, so I hope that that comes up in discussion, as well as the stipulation that all properties that were in previous Apartment zones now go to these Hotel zones. Does that preclude properties from applying to H-1 and H-2, if that's more appropriate, especially if there are going to be requirements to ensure that the shoreline is protected and that access is protected? You know, and speaking of which, it would be...it would be awesome if we could also address shoreline hardening. A lot of these properties do have substantial shoreline hardening that is failing, and right now, the requirement is it has to be less than 50 percent failure to continue to get permits. So, an amazing opportunity to deny all permits on all shoreline hardening in these districts would be a welcome opportunity to have that discussion. I've also participated and witnessed a lot of the Planning Commission meetings, and the public trust of the shoreline is very important to many members of the Planning Commission. And this is an opportunity to get ahead of this because I'm also waiting to see if when it gets to the Commission, do they have the ability to put conditions, or are they just going to have a straight-up yes/no vote on this? It's been interesting in watching the Planning Commission and how all of that goes on. So, that is the end of my testimony. I thank you very much for listening.

CHAIR U'U-HODGINS: Thank you. Thank you very much for your testimony. Members, any clarifying questions? Member Paltin, go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Rylsky. My question to clarify was, when you said, do...does creating these zonings, you said, does it preclude the same properties from applying to H-1/H-2? Is...is that what you said?

MR. RYLSKY: Yeah. Because when I read the bill, it said that the H-3 and H-4 were exclusively for A-1 and A-2...so I didn't know if that meant that they couldn't even apply for H-1 or H-2, or that another property down the line that isn't in A-1 or A-2 would be prohibited from applying for H-3 or H-4 if they wanted to up-zone.

COUNCILMEMBER PALTIN: Okay. I think I understand what you're saying now. Anybody can apply for any zoning they want, as a rule, but I don't know if they'll be granted it. But thank you for explaining.

MR. RYLSKY: It looked like there was some...some wording in that bill. Thank you.

CHAIR U'U-HODGINS: Those are good questions. Thank you, Mr. Rysinsky [sic]. I hope I pronounced your name. Any other clarifying questions? Seeing none. Ms. Makekau, we did call you earlier and you weren't here, but if you would like to come and testify, you're welcome to do so. And then, do we have anybody else signed up? Okay. She will be our last testifier if nobody else signs up until then. *(pause)* Ms. Makekau, I know you've testified plenty times, but as a reminder, you'll have three minutes. Come, come. And we're talking...

MS. MAKEKAU: . . .*(inaudible)*. . . agenda?

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CHAIR U‘U-HODGINS: Yeah, there’s only one thing on the agenda item today.

MS. MAKEKAU: Maybe I was reading something else.

CHAIR U‘U-HODGINS: Oh, okay.

MS. MAKEKAU: Is today the water or the Bill 9?

CHAIR U‘U-HODGINS: Today is HLU, which is, we’re discussing H-3 and H-4 proposed zoning.

MS. MAKEKAU: And what is H-3 and H-4?

CHAIR U‘U-HODGINS: Good question.

MS. MAKEKAU: I thought today was the Bill 9 and water.

CHAIR U‘U-HODGINS: No, no. But do you want to come testify?

MS. MAKEKAU: What is H-3 and H-4?

CHAIR U‘U-HODGINS: It’s new proposed zonings.

MS. MAKEKAU: Oh, okay.

CHAIR U‘U-HODGINS: Yeah.

MS. MAKEKAU: Okay. *(pause)* Let’s...hold on one second. Aloha, everybody.

CHAIR U‘U-HODGINS: Aloha. Happy New Year.

MS. MAKEKAU: It’s been quite hell since this fire. I have been beaten 22 times, and raped 3 times. I have no home, and I am literally exposing myself to horrible. I’ve asked the Mayor and every single entity on every island, actually, and all they say is, our administration board says we’re not allowed to offer you services. They have taken my son, sold my dogs and puppies, and made quite a fortune off of my property that I own. I believe that the next agenda would be all the water wells up on my land. I wonder who it is that keeps telling me they’re going to slice my throat and my kid’s throat, too, if I don’t give the water leases. Is it you guys? Anyways, I’m ready.

CHAIR U‘U-HODGINS: Go ahead. Your three minutes have begun, so please continue.

MS. MAKEKAU: A notice of termination of leasehold and declaration of title defect in the matter of the illegal sale of the assets of Alexander and Baldwin Limited that was created in 1961 from a company called Hawaiian Commercial Sugar Company. This company, I...preamble statement, I, Kaimaile Precious Kaiuokalani Makekau, a private citizen and freeholder of the Kingdom of Hawai‘i, now residing under the jurisdiction

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acknowledged by the United States, do hereby assert my inherent, allodial, and unencumbered title to the lands historically held in the trust for the Hawaiian people and for the people of Hawai'i. So, Mr. Cook, even though you malihini to the bone, you too are included. While I acknowledge the present political occupation, I do not waive my rights as a lineal descendant, and I...heir to the original land awards and water awards issued by the Hawaiian Kingdom. Under HRS §172-11, land patents issued upon awards of the board of commissioners to quiet land titles shall issue in the name of the original award holder, even if deceased, and shall inure to the benefit of the heirs and assignees. Alexander and Baldwin Limited and Kapalua Land Company hold only leaseholds interests derived from a fraudulent conveyance and mergers that ignored the original allodial titles. Your attempt to sell fee simple allodial titles, or merge into, or rezone, is absolutely a war crime, and an international hell hazard, and goes against all that me and my children and my ancestors, King Kamehameha the Great, Pai'ea, Keōpūolani, have fought for. You all have benefited off of my family. For seven generations we've been beaten, robbed, and raped. And yet again, I am hoping to God, looking at all of you, seeing me come time, time, and again, knowing that I . . . *(timer sounds)*. . . hitchhike here, starving to death, missing my son, not knowing if he's dead or alive. Because after agenda of agenda of agenda in this building for years, the one question that needs to be asked, the highest rate of missing children on earth, in history, as my sons are in an agency that eats kids, has sex with kids, and now with neurological science, switching old people's brains --

CHAIR U'U-HODGINS: Thank you, Ms. Makekau.

MS. MAKEKAU: -- in our new babies' bodies.

CHAIR U'U-HODGINS: Thank you, Ms. Makekau. Your three minutes are up. Members, do you have any clarifying questions about H-3 and H-4 zoning?

MS. MAKEKAU: I have been disregarded for too long.

CHAIR U'U-HODGINS: Ms. Makekau, please.

MS. MAKEKAU: My children and I have suffered, starved --

CHAIR U'U-HODGINS: Ms. Makekau...

MS. MAKEKAU: -- and we deserve a right to live.

CHAIR U'U-HODGINS: Of course you do.

MS. MAKEKAU: You don't even try to eminent domain us.

CHAIR U'U-HODGINS: Ms. Makekau...

MS. MAKEKAU: You just address with Race Randle, who's only a young pop that just started two years ago.

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CHAIR U‘U-HODGINS: Ms. Makekau, please.

MS. MAKEKAU: Alexander and Baldwin sale.

CHAIR U‘U-HODGINS: Okay. Thank you very much. We’re going to take a two-minute recess.

MS. MAKEKAU: Who --

CHAIR U‘U-HODGINS: We are going to return --

MS. MAKEKAU: -- is responsible for me getting raped last month?

CHAIR U‘U-HODGINS: -- at 2:23. We are now in recess. . . .*(gavel)*. . .

RECESS: 2:21 p.m.

RECONVENE: 2:33 p.m.

CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon again. Will the HLU Committee please reconvene. It is 2:33 p.m. Thank you. We left off in the middle of testifying and testimony. We do have more testifiers. So, Staff, if you could please call the next testifiers?

MS. MCKINLEY: Chair, the next testifier is calling in with the last four digits 7735, to be followed by Caitlin Miller.

CHAIR U‘U-HODGINS: Okay. 7735, it is your opportunity to testify.

TESTIFIER 1: Hi, can you hear me?

CHAIR U‘U-HODGINS: We can.

TESTIFIER 1: Okay. Thank you for this opportunity. We support Member Cook’s 25-230 resolution, as it is clean. We oppose Member Paltin’s amendment proposal in its entirety, including passing the County’s financial obligation to maintain shoreline areas onto owners. I’m confused about this. So, if the County wishes to halt their shoreline service obligations, would the shoreline ownership then pass cleanly to the Minatoya complex owners so they have the authority to make those repairs, and fixes, and maintenance? If...if this amendment passes, would the County no longer have the authority to set any laws or rules as to shoreline properties? Is this Member Paltin’s intent? Regarding the parking proposal, there are a number of complexes that have parking spaces which are deeded to the units. Is the County prepared to pay for those deeded spaces to turn them over for public use? Those are my questions. I look forward to your answers, and thank you for all of your work on these projects. Thank you.

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CHAIR U‘U-HODGINS: Thank you. Members, any clarifying questions? Seeing none. Thank you very much for your testimony. I see Ms. Miller and her son. She’s the next testifier. Please...please go ahead.

MS. MILLER: Aloha, everyone, and Happy New Year. My name is Caitlin Miller. I’m testifying on behalf of Maui Vacation Rental Association. And you’ll be happy, I don’t even have my phone with me. I’m going to make this really short and sweet. The intention of the creation of the H-3/H-4 zoning by the TIG, and introduced by Councilmember Cook, was supposed to be a like-for-like in terms of A-1/A-2 into the H-3/H-4. When we start talking about the sea level rise impacts that are going to be happening to this building, to me, it appears that that should be something that’s more broadly applied, and should be a much larger conversation than the time allotted that this Committee and the Council is likely going to have this week in order to look at that with a broader lens and scope so they can be broadly applied to all complexes, and not just a particular group of people. So, just want to introduce those comments into your brains for further comment. Always happy to serve as a resource for Council as needed, but wanted to say, obviously, we support the formation of the H-3/H-4 zoning, and just want to see that you all meet the deadlines this week, hopefully, to put it on Maui Planning Commission for February. So, thank you so much.

COUNCILMEMBER LEE: Chair?

CHAIR U‘U-HODGINS: Thank you, Ms. Miller. Chair Lee?

COUNCILMEMBER LEE: Clarifying question.

CHAIR U‘U-HODGINS: Um-hmm.

COUNCILMEMBER LEE: Caitlin, on the matter of like-for-like, and you talked about the additional conditions. What about if it applied to future developments, and not be...so...and not be retroactive?

MS. MILLER: So, just to make sure I understand correctly, you’re saying that it wouldn’t apply to any existing buildings on Maui as it stands today, it would only be future legislation --

COUNCILMEMBER LEE: Right.

MS. MILLER: -- or future buildings made.

COUNCILMEMBER LEE: Yeah.

MS. MILLER: So, wouldn’t that still need to be a separate piece of legislation, since it then wouldn’t apply to the H-3/H-4 zoning?

COUNCILMEMBER LEE: Yeah, that’s my question.

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MS. MILLER: Yeah. . . *(laughing)*. . . So, I mean, I guess you could do that, right? In a separate piece of legislation? Obviously, there are setbacks in place now legally for any buildings getting built. So, I think that's probably a separate conversation for that. But I think, again, your question leans into the argument that this is a much larger conversation than one group of complexes, and that it should be addressed for the County as a whole, and likely the State. So...

COUNCILMEMBER LEE: Yeah, that's true. A lot of what...you know, the shoreline and so forth is all State jurisdiction. But I just wondered about your thought about...because you brought up, you know, you thought this was a like-for-like, and meaning it's just the use that's...you know, there's no new structures. However, I think some of the ASF's information was also...the purpose of it was also to provide the Planning Commission members additional thinking...thoughts on, you know, what could be for the future. And so, that...that's why I asked you that question. Even though it may not apply directly to those, any future additions to those zones --

MS. MILLER: Yes.

COUNCILMEMBER LEE: -- you know, could be...could consider some of those conditions. That's all.

MS. MILLER: And I absolutely agree that the County Commission and Council should be considering those things as we move forward --

COUNCILMEMBER LEE: Yeah.

MS. MILLER: -- for future legislation and building.

COUNCILMEMBER LEE: Okay. Thank you.

MS. MILLER: Thank you.

CHAIR U'U-HODGINS: Thank you. Any other clarifying questions? If not, we'll move on to the next testifier, if any.

MS. MCKINLEY: Chair, we can proceed with the last call.

CHAIR U'U-HODGINS: Please.

MS. MCKINLEY: This is the last call for oral testimony. Please come up to the podium or raise your hand on Teams if you would like to testify. The countdown is three, two, one. Chair, seeing no one indicating they wish to testify.

CHAIR U'U-HODGINS: Thank you. Members, seeing there are no individuals wishing to testify, without objection, I will now close oral testimony.

COUNCILMEMBERS: No objections.

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. . . CLOSE PUBLIC TESTIMONY FOR ITEM HLU-4(1) . . .

CHAIR U‘U-HODGINS: Thank you. And as a reminder, written testimony will continue to be accepted. We’re now going to proceed with discussion on this Resolution 25-230. We’re going to begin--and I’m just going to say what we’re going to do, and then we can do it--but we’re going to begin with Member Cook discussing the Resolution 25-230. Then we’re going to go over to Member Paltin’s amendments, and Member Rawlins-Fernandez’s amendments. We’re going to have the discussion that we can have in open session, and Corp. Counsel has requested that we go into executive session. So, if your question gets stopped, please save it for executive session. Before, though, we...sorry, Member Rawlins-Fernandez, one second. Before we begin, I am going to limit our discussion to three minutes per Councilmember for a few rounds so that we can have a timely meeting. I do need to end this meeting at 4:30. I know Member Rawlins-Fernandez has a plane to catch, and I’ve got kids at home that I would love to see tonight. Do you have anything you want to add?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, when you said that if we...if our question should be saved for executive session, who’s going to police that?

CHAIR U‘U-HODGINS: I’m going to trust Nāhulu to do that. If he feels like he should...

COUNCILMEMBER RAWLINS-FERNANDEZ: He’s going to stop us? You’re going to stop us?

CHAIR U‘U-HODGINS: Well, I mean, I think the answer, right? Like, if he’d be like, I can’t answer...

COUNCILMEMBER RAWLINS-FERNANDEZ: If we ask the question --

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- then he’ll say we’re going to save that for --

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- executive session.

CHAIR U‘U-HODGINS: I think...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U‘U-HODGINS: Yeah. Because that’s what we do in GREAT anyway...or, you know, when we have questions like, hey, save that one for executive session.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U‘U-HODGINS: But I just wanted to put that caveat because we don’t normally do, I guess, as it doesn’t relate to Bill 9, executive session in this Committee, so...

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COUNCILMEMBER RAWLINS-FERNANDEZ: Great. And then --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- you said that we're going to go to Member Cook, then Member Paltin, and myself. And since we've already talked about what it is, we're just going to...you're asking we're going...to take up the questions in that order?

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Not that Member Cook's going to re-explain the bill and the amendments again. We're just going to go straight into questions.

CHAIR U'U-HODGINS: Well, I guess he could. He could re-explain if he wanted to, as long as it remained brief. But if you guys had any questions related to H-3 and H-4, I think that'd be best. I did his, so I could keep it brief because we already kind of discussed it. But I will give him the opportunity for a quick discussion, and then you guys can ask any questions, which I'm not too sure if you folks will have. I think --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U'U-HODGINS: -- primarily the discussion will center around your folks' proposed amendments.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, since we have limited time, may I request that we just launch straight into questions since we kind of already outlined what the...the amendments are to Member Cook's bill, and we have the amendments to the bill in writing? And then that way, some of the explanation will come out with the questions.

CHAIR U'U-HODGINS: Sure. I will say I did steal his time in the beginning to expedite it, so I don't want to cut him off since I gave the two of you --

COUNCILMEMBER RAWLINS-FERNANDEZ: Sounds good.

CHAIR U'U-HODGINS: -- an opportunity to do so as well. So...because I...I did it for him. But...and then gave you two times, so I don't want to do that to him. So, Member Cook, if you would like --

COUNCILMEMBER COOK: Thank you.

CHAIR U'U-HODGINS: -- to quickly explain H-3.

COUNCILMEMBER COOK: And I will be brief.

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CHAIR U‘U-HODGINS: Yeah, we’ll be super quick.

COUNCILMEMBER COOK: Basically, the proposed bill, it’s...is basically creating a zoning category, H-3 and H-4. It isn’t zoning any properties. I think that’s a little bit of a crossover here. It was recommended by the TIG. It was drafted in collaboration with OCS, Corp. Counsel, Planning, based on the discussion intended during the TIG meetings. The development standards permitted for A-1 and A-2 Districts are being transferred to H-3 and H-4 Districts to allow continued TVR use if they are approved by the Council, by the Planning Commission, to be continued in that use. The...the reason during the TIG, for clarification, that the H-3 and H-4 is in alignment with A-1 and A-2 was, it eliminated the need and the opportunity...the opportunity for anybody to create something else. And the need, it’s basically...it isn’t H-1/H-2, it’s not a hotel. It’s basically the exact use, continued for that use, if, in future zoning...rezoning, it’s approved. This category of H-3 and H-4 does not rezone any properties. We’re creating these new categories so that in the event that properties meet the criteria, they can be rezoned. I’m hopeful that no amendments are made to it so it’s simple, and it is...we’re just creating those categories. I just want to emphasize that.

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER COOK: It isn’t...it isn’t attached to any properties at all. So, thank you.

CHAIR U‘U-HODGINS: Okay. Members, do you have any questions for Member Cook about H-3 and H-4? Chair Lee.

COUNCILMEMBER LEE: Member Cook, you said --

CHAIR U‘U-HODGINS: Followed by Member Sinenci.

COUNCILMEMBER LEE: -- it’s not attached to any properties at all. How...I thought you were talking about moving the...the properties on Exhibit 2 into H-3 and H-4.

COUNCILMEMBER COOK: In that way, they are connected because they’re existing...they’re properties that are currently being used for TVRs that are going to be Bill 9 over the three- to five-year period is exempting them from being used for that. This is creating a zoning category so that properties that do...that petition and qualify for the variety of reasons, cost, and et cetera, that they would basically have a category to petition the County for rezoning to. Right now, we don’t have anything.

CHAIR U‘U-HODGINS: If I may add, the comprehensive rezoning is the bill that’s coming up. This...this category of H-3/H-4 needs to be created, and then we can rezone properties with this new category. But the category comes first. And we’ll have separate legislation to rezone properties. But you need the category to be established first, or at least the beginning process of the establishment, so that you can rezone properties into what we create.

COUNCILMEMBER PALTIN: Chair?

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CHAIR U'U-HODGINS: Yes.

COUNCILMEMBER PALTIN: If I could add also, like Mr. Greg said, they could apply to H-1, or --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- H-2, or any other category we want. The reason Member Cook wanted to create this is because if they were to apply to H-1 or H-2, and granted, that it would allow for --

CHAIR U'U-HODGINS: Expansion.

COUNCILMEMBER PALTIN: -- more than what is currently allowed for. So, I mean, it's not necessary to do this. They could go and apply for H-1 or H-2, but it would allow them to do more than what they currently have. And that wasn't the TIG's intention. And so, that's why we're creating this. It doesn't need to be done, but if you want to limit it to what is currently existing instead of giving them more, more, more. So --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- just to clarify.

CHAIR U'U-HODGINS: Yeah. Chair Lee, did you have another question?

COUNCILMEMBER LEE: No, no. I...I...I'm not sure if it was answered, but I...I thought the cut and paste, you know, moving this list into another...into a category --

CHAIR U'U-HODGINS: We're cutting it...

COUNCILMEMBER LEE: -- that's going to be...that's going to be created.

CHAIR U'U-HODGINS: So, what is being cut and paste...cut and paste is the definition of A-1 and A-2, and what's allowed in those zonings in that category is being copied and paste [*sic*] into H-3 and H-4 so that, as Member Paltin described, they cannot increase their use.

COUNCILMEMBER LEE: Right.

CHAIR U'U-HODGINS: Yeah. But this is just the creation of H-3 and H-4. The units that will move into H-3 and H-4 is not in here, and that's subsequent.

COUNCILMEMBER LEE: Oh, that's another...oh, I see. But that's --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER LEE: -- another . . . (*timer sounds*). . . step forward.

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CHAIR U‘U-HODGINS: Yes.

COUNCILMEMBER LEE: Okay.

CHAIR U‘U-HODGINS: But this has to be done first.

COUNCILMEMBER LEE: Right. Okay. Thanks.

CHAIR U‘U-HODGINS: Yes. Thank you. Thank you. Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just following up on that, and Member Cook’s, under C, he...he does refer to both A-1 and A-2 Districts, where transient vacation rentals had been permitted uses. And so, it was...maybe my question for Mr. Nunokawa is, I mean, we’re not...if...if we’re not referring to A-1 and A-2, and this is just a creation of the Hotel zones, do we...do we need that language in there? I see that Member Rawlins-Fernandez had...in her proposal, had taken out that specific language.

CHAIR U‘U-HODGINS: Can you tell me what page that’s on real quick?

COUNCILMEMBER SINENCI: 3...page 3, at the bottom.

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER SINENCI: In Member Cook’s.

CHAIR U‘U-HODGINS: Okay. In 19.14.010?

COUNCILMEMBER SINENCI: Yes.

CHAIR U‘U-HODGINS: The last line for C?

COUNCILMEMBER SINENCI: Under...yeah, the last line under C.

CHAIR U‘U-HODGINS: Okay. Nāhulu?

MR. NUNOKAWA: Thank you for the question. There are a couple of ways we could go about. The lang...the language could be modified, but we do...at least my understanding of the intent of Council, we do want to have some sort of restrictive language on that. And there is more we can go into, but I think it should be done in executive session to sort of go over the various nuances.

COUNCILMEMBER SINENCI: Thank you.

CHAIR U‘U-HODGINS: Thank you. Members, any other questions for Tom? Okay. Member Paltin, did you want to describe your amendments any further than you already did? And then the Members will have an opportunity to ask you questions.

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COUNCILMEMBER PALTIN: I guess just that, you know, I walked the oceanfront properties on the lower road, and a lot of the beach access is not traversable. Like some of them had walls, some of them the beach access was far. Nearly all the properties had open spaces that I parked in to like make my assessments. And, you know, on the lower road, Lower Honoapi'ilani Highway and the Honokōwai area, there's a lot of old families, like old houses on the mauka side of the lower road. And, you know, they're cut off from the beaches by these complexes. Some of them I was able to gain access through by people who left the door open or whatnot, but I don't think it's right. All of our shorelines are public access, but it's not easy to access. Some of them you have to jump, or do other things. And it's...that's not ADA accessible, you know? And so, that was the reason for the shoreline access. You know, if available, it's available. If it's not available, it's not available. In terms of the...it was just the other part was discussed somewhat because sea level rise, shoreline erosion, call it whatever you want, there's effects going on, and it's not the slow, steady rise, it's the one-time catastrophic events, like, you know, a hurricane coupled with a full moon high tide during the summer when king tides are prevalent. And so, it's basically kind of a...a guidance. Like, you...you are getting more revenue than others, and you should put some away, but if you don't, don't blame us, you know? And then...so we...I think Mr. Nunokawa said, having them create their own reserves is --

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- not legal, so we amended it to like...you know, don't hold us accountable, you got to be smart with your revenues. And the third one was concern from Ms. Nishiki that if future things are enacted, that it shouldn't be exempted from future best practices. And then the rest of it was like, you know, I guess cleanup, substance, and style that OCS Staff asked me if I would mind having it incorporated in, and I didn't have a problem with it.

CHAIR U'U-HODGINS: Thank you. Members, questions for Member Paltin? We'll start with you, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'll ask Councilmember Paltin her opinion, but...and then I'm going to turn it over to Mr. Nunokawa as far as the legal side of it. I appreciate the...the point you made about how if sea level rise...or when sea level rise affects these buildings in the SLR-XA, who's on the hook for paying them. And the back and forth that you mentioned between Corporation Counsel was interesting to me. And maybe we got to wait until executive session on this, but has...has anyone considered a community facilities district for properties in the SLR-XA, that if you...you know, come tax time, a little bit of tax goes into this pot. And when it comes time for you to fix your building that's falling in the ocean, you already have those funds through a community facilities district fund. And I'm curious if Councilmember Paltin would, you know, consider that, and then following up with you.

COUNCILMEMBER PALTIN: To my recollection, the only time community facilities districts have been thought of in this way were for the T-groins, not for building, repair, or retreat.

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COUNCILMEMBER JOHNSON: Right. Okay. So, there's probably some strings attached to that funding?

COUNCILMEMBER PALTIN: The communities [sic] facilities district?

COUNCILMEMBER JOHNSON: Yeah.

COUNCILMEMBER PALTIN: I think you need like a percentage of the affected people to be in support of it.

COUNCILMEMBER JOHNSON: Okay.

COUNCILMEMBER PALTIN: And there's other things.

COUNCILMEMBER JOHNSON: Okay. I...I...when I looked it up, it said shoreline restoration, and I could see where T-groins would fall under that, but shoreline restoration, I don't know. Is that an avenue for us? Corporation Counsel, or...

COUNCILMEMBER PALTIN: One thing when they were talking about T-groins, and implementing a communities [sic] facilities district, whether it's T-groins, roads, whatever, it would then be owned by the County. So, then if a community facilities district was to repair the building, it's not for private structures.

COUNCILMEMBER JOHNSON: Okay. All right. All right. Corporation Counsel, any response to that?

MR. NUNOKAWA: Not at this time. I think we can discuss it more in executive session.

COUNCILMEMBER JOHNSON: Fair enough. Those are my questions. Thank you, Chair.

CHAIR U'U-HODGINS: Yes. Thank you, Member Johnson. Any other questions for Member Paltin? Chair Lee? Oh, you got to turn on your mic though.

COUNCILMEMBER LEE: Could you point out the similarities with your provisions with Member Rawlins-Fernandez, and the differences?

UNIDENTIFIED SPEAKER: It's all different.

COUNCILMEMBER LEE: I...I actually thought yours was...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, it's all different.

CHAIR U'U-HODGINS: How I read it...

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER LEE: I thought part of yours clarified hers.

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COUNCILMEMBER PALTIN: So, there's no similarities.

COUNCILMEMBER RAWLINS-FERNANDEZ: No similarities. Easy...easy question.

COUNCILMEMBER LEE: Oh, okay.

CHAIR U'U-HODGINS: All differences.

COUNCILMEMBER LEE: I thought yours --

CHAIR U'U-HODGINS: But I think...

COUNCILMEMBER LEE: -- was clearer, actually. Thank you.

CHAIR U'U-HODGINS: I think they both relate to shoreline, I guess, is something similar. Yeah? We'll go with that one? Yeah? They both are related to...to shoreline. But I think the language and what's going to be implemented from...if it's...if it's put into H-3/H-4 would be different. Okay. Any other questions we have for...

COUNCILMEMBER LEE: Excuse me. So, they don't --

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER LEE: -- contradict each other, they could be added together?

CHAIR U'U-HODGINS: Well, I do have a question about that, but I was holding it later. I guess I could ask now. So, for Member Paltin, she has a requirement for 10 percent of parking, but...

COUNCILMEMBER PALTIN: As available.

CHAIR U'U-HODGINS: As available. So, I'm curious how that's going to be implemented. Because typically, whatever is permitted, especially before, we typically didn't have as many parking stalls that we created like we do now. And so, the...it would be out of sync with 19.36, even if it was...you know, if we use old standards. So, if we were to create an ordinance where 10 percent of it, if available--which I think that's what my question is--would be required for shoreline access, but then Member Rawlins-Fernandez's one doesn't allow you to construct anything on shoreline access, they wouldn't be able to construct more parking unless I'm reading it wrong. But please correct me if I am.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mine's a shoreline armoring.

CHAIR U'U-HODGINS: Shoreline armoring. So, not necessarily construction. That's just related to the shoreline, but not...

COUNCILMEMBER RAWLINS-FERNANDEZ: Sea walls.

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CHAIR U‘U-HODGINS: Sea walls. Okay. Okay. That was...that was my question. So, I’m...I’m actually glad you asked that because in my head I was trying to rectify both. Okay. Thank you.

COUNCILMEMBER PALTIN: Do you have a question for me? No?

CHAIR U‘U-HODGINS: I...so, what would we do if, as the...as the testifier suggested, if they’re...the unit, the property stalls are deeded with the units? Like if each unit, let’s say, owns one stall, how would that work? And how --

COUNCILMEMBER PALTIN: So...

CHAIR U‘U-HODGINS: -- does your...if available works?

COUNCILMEMBER PALTIN: Yeah. Good question. The way that it was...like I said, I walked...like I didn’t walk, I drove and walked, drove and walked.

CHAIR U‘U-HODGINS: Sure. Yeah, yeah.

COUNCILMEMBER PALTIN: And in the driving and walking, near every complex that I went to, there was available stalls. Because --

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- I guess, you know, generally speaking, when you’re on vacation, you don’t want to spend your day in the hotel because you’re doing things. And so, like, you know, I was a little nervous. I had my County badge with me, and I parked there, but it would be nice if people weren’t nervous, you know --

CHAIR U‘U-HODGINS: Sure.

COUNCILMEMBER PALTIN: -- if there was parking available, and they could use it? And why not? And then access the beach. Like, the beach is public access, but people are prevented from accessing the areas in front of the properties that I site visited...in not every single circumstance, but in certain circumstances, when the property is built on a bay and the beach is right in front. And so . . .*(timer sounds)*. . . you would have to swim to access the beach, which to me, is not public beach access if you --

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- have to go through all those hoops.

CHAIR U‘U-HODGINS: Okay. I have a question for Planning. Mr. Pfof, when I had to permit something in Lāhainā Cannery Mall, I tried to use that very argument, if available, because businesses operated at different times. And to have, I guess, my version of what I understood as like flex parking, like where your dentist’s office isn’t open on Saturdays, but this restaurant is for lunch, hypothetically, you guys didn’t

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allow that. So, how...and that's fine, I get it because you needed to have it organized. If not, it becomes a little difficult. So, in this situation, if somebody was to fix something is when permitting would be required, and parking would be looked at, how would you guys account for that? How would you guys do that parking math?

MR. PFOST: Well, I think, you know, we'd make sure that anything's in conformance with 19.36B, which is our off-street parking requirement.

CHAIR U'U-HODGINS: Yeah.

MR. PFOST: If they cannot meet that, there are options. And we have, actually, a --

CHAIR U'U-HODGINS: Waivers.

MR. PFOST: -- parking modification reduction and deferral section in the Code that allows you to reduce your parking by up to 50 percent for certain circumstances.

CHAIR U'U-HODGINS: Yeah.

MR. PFOST: So, if we can make that finding, the Director can actually approve that.

CHAIR U'U-HODGINS: Okay.

MR. PFOST: So, in kind of the instance you were talking about, the Lāhainā Cannery Mall, that --

CHAIR U'U-HODGINS: Yeah.

MR. PFOST: -- may be a process that could have been used. I don't know why it wouldn't...

CHAIR U'U-HODGINS: This was before you all decided to just look at malls at 1 per 300, when you guys used to go, this is a dentist office, they require "X" amount of stalls. This is a restaurant; they require X amount of stalls.

MR. PFOST: Right.

CHAIR U'U-HODGINS: Now it's different, but hypothetically, the units are required to have "X" amount of stalls. And if we were to create some specifically allowed, which I think would be a little bit cleaner for public access, then how would that work?

MR. PFOST: Well, it would be...that's...that's a really good question. Because when I was looking at the bill, I was just...and initially, just my initial comments, I was a little concerned about the as available section within the wording that's...that's being presented by the Councilmember because I don't know exactly what that means. And...and we would come across that problem when we come to Planning, right? So, in Planning, I like things to be specific and detailed so that we can actually implement it. And that's...that's the problem. So, I'm not exactly sure how that would work as available, because that opens up the option --

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CHAIR U‘U-HODGINS: Right.

MR. PFOST: -- right, of...for example, the testifier that mentioned that, well, these are...these are reserved for the condominium owners. There is no available space. What do you do? Do we just say, okay, no, they don't have to do it because they're already taken? Do we exact some number of spaces from the property to...to actually reserve these for public?

CHAIR U‘U-HODGINS: That would be cleaner, right?

MR. PFOST: Yeah. So, it's kind of a difficult situation to actually implement. So, that was the concern that I was representing. I'm not exactly sure how to go about doing this.

CHAIR U‘U-HODGINS: How do we create language that allows for public beach access? I think that's the heart of Member Paltin's issue.

MR. PFOST: I...I think...

CHAIR U‘U-HODGINS: I think parking is a definite plus, but that's her concern. If I...if...please correct me if I'm wrong.

COUNCILMEMBER PALTIN: Yeah, beach access is the number one. The parking, if...if you guys don't understand what I meant by as available, is like as I drive onto the property, there's 50 open stalls, and I just want to take one of them for a site visit --

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- or jump in the ocean or hi'u wai whatever, and I'm going to be out of there before dark. So, that's kind of what I meant as available. If it's...if they're fully booked, there's nobody leaving the complex, they're all parked in it, it's not available. If it's...there's 500 empty stalls, and everybody's out at the County fair or whatever, then it's available.

MR. PFOST: Yeah, if I may?

CHAIR U‘U-HODGINS: Yeah...no, go ahead.

MR. PFOST: Yeah. When you look at the parking modification section within the Code, it actually...actually allows for things like that where, as you mentioned as well, different hours and --

CHAIR U‘U-HODGINS: Yeah.

MR. PFOST: -- different uses being used --

CHAIR U‘U-HODGINS: Yeah.

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MR. PFOST: -- at different times. And the actual parking modification allows for that, up to a 50 percent reduction. So, I think if this...actually, if this amendment were to move forward, I think it would be kind of up to...I would...I would prefer it that it leaves up to the property owner and how they want to manage that, how they want to determine what they want to do through some sort of a parking modification, and that could be going through the Director. You can do parking modifications through the Director, except for, I believe, on Moloka'i. And so...and you have to meet certain provisions, and one of those provisions I was looking at is, the parking is required because of an expansion of, or a change in use, the additional parking cannot be accommodated onsite, and the Director determines that the existing parking is adequate. So, that would be a finding that the Director would say, hey, we're looking at a change in use to allow public parking for beach access.

CHAIR U'U-HODGINS: Okay.

MR. PFOST: That's a change in use. And so, the Director could actually make that finding. But I think it would be beneficial to have the property owner actually tell us how they want to implement that if this were a change.

COUNCILMEMBER PALTIN: And to clarify on having the property owner tell us how, I'm totally open to like a code of conduct. I don't intend for people to be using public beach access to like blast their sounds or, you know, like put their fish guts any kine places, or whatever. Like --

CHAIR U'U-HODGINS: Fish guts.

COUNCILMEMBER PALTIN: -- I'm...I'm open to a reasonable code of conduct. I think that's a fair --

CHAIR U'U-HODGINS: Tradeoff.

COUNCILMEMBER PALTIN: -- balance.

CHAIR U'U-HODGINS: Thank you. Thank you, Mr. Pfoست. Yeah, that was kind of my question on how that was going to work. Any other questions before we move on to Member Rawlins-Fernandez's one? And then we can go into executive session. Member Sinenci, you have questions for Miss...Ms. Rawlins-Fernandez...Member Rawlins-Fernandez? Sorry. I think he had questions.

COUNCILMEMBER SINENCI: No, I just...

CHAIR U'U-HODGINS: Oh, Member Paltin.

COUNCILMEMBER SINENCI: Yeah, for...for Member Paltin's one, or maybe for Mr. Pfoست. It looks like for some...it seems like some areas are right next to a public park. So, beach access, you can...you can still get to the beach, but there's some condos that

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have visitor parking. Can...could the visitor...could they also use visitor parking for...for beach access?

MR. PFOST: I believe, under the provision that I mentioned in the Code that allows for the modification, I think it's up to the property owner to kind of decide how they want to use that. And I would...I would say that that would be where they would probably start first...actually --

COUNCILMEMBER SINENCI: Yeah.

MR. PFOST: -- if I was a property owner, I'd start with the visitor parking, and say we can use that for beach parking as well. So, I would kind of...again, I think it's better if the property owner has it. We can add...if the condition can be added. I just had some concerns, I know Corp. Counsel's going to talk about in executive session, but if it can be, then I would recommend that the property owner be involved in that.

COUNCILMEMBER SINENCI: Okay. Thank you. Thank you, Chair.

CHAIR U'U-HODGINS: Thank you. Member Rawlins-Fernandez, I do have a question for you. And this was what I was asking...or I guess when Chair Lee asked for the difference. So...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, do you want me to go through my amendments first?

CHAIR U'U-HODGINS: Oh, yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U'U-HODGINS: Yeah. Yeah, go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I'll take your question.

CHAIR U'U-HODGINS: Yeah, thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. And then, while I'm going through my amendments, may I request our resource person, Ms. Nishiki, to join us on the floor?

CHAIR U'U-HODGINS: Absolutely. Please come down.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Great. Okay. So...and I can do this real quick, Chair. Starting on --

CHAIR U'U-HODGINS: You can come sit on this side.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- page 1 of Exhibit 1 of the ASF that was distributed to you folks on the floor today, that's also available on Granicus for those following along in the public. So, under Section 1, the purpose, I propose adding,

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acknowledging necessary protection of shoreline and ocean ecosystems as recognized in the Maui Island Plan, community plans, and Climate Action and Resilience Plan. What I missed is the implementation of recommendations from the Hazard Mitigation Plan.

CHAIR U‘U-HODGINS: Okay. Hazard mitigation.

COUNCILMEMBER RAWLINS-FERNANDEZ: And these plans protect the interest of the public, and the public has an interest in the shoreline. And oftentimes, the public’s interest is undermined or disregarded when it comes up against private interests. And that’s why we do plans. Next proposed amendment is on page 3, and that’s 19...Section 19.14.010, Proposed Intent. And I propose striking the...the words in C, but I...I would propose striking the entirety of C because it seems redundant. And I’m interested in hearing what Deputy Direct...Deputy Corp. Counsel Nunokawa has to say about restricting it because I don’t think that restricting a group of properties for a zoning district is standard Planning practice. And we can hear from Mr. Pfof on that a little later, either in open session or in closed session. Next, on page 4, under Section 19.14.020, Permitted Uses, I think the practice of referring to the phased-out sections is not good language. The intention of creating zoning is to say what is permitted, what is not permitted, what is restricted, et cetera. And so, I propose striking everything after transient vacation rental uses. On the next page 5, Section 5, Accessory Uses and Buildings, it...the original...Member Cook’s bill just has a reference to Section 19.12.020. Generally, we would link one section to another section if the intention is to have uses change when the section changes, and I have no intention of doing that. And so, I embedded the...the...the chart that is in Section 19.12.020 so that it’s clear what the accessory uses and buildings are, and the criteria and limitations, and that’s what it is unless we change it within this section. I’m going to the next page on...on page 6, Subsection B, and this is under 19.14.040, Restrictions. It’s a new subsection that I’m proposing as a recommendation from the Hazard Mitigation Plan recommendation and the CARP, the Climate Action Resiliency Plan, and it’s to prohibit construct...so, it reads, “construction, maintenance, and expansion of shoreline armoring is prohibited.” This is not retroactive, this is proactive, actually, and prospective because anyone wanting to go...to take advantage of this new zoning, it would be...it would be a voluntary act. No one’s forcing them to do that. So, that would be part of the trade-off in being allowed to continue TVR use. On the last page that I have amendments, page 7, Section 8, I’m proposing a new section, 19.14.055. And, you know, it...it was actually perfect for the first testifier that talked about how much the ocean and sea level rise is affecting their property. And this section speaks to that inevitability, that we know that properties are going to go underwater. And what are we doing about it? We shouldn’t be twiddling our thumbs. We need to be proactive, and this does that. I’m ready for your question, Chair.

CHAIR U‘U-HODGINS: Thank you. No, I appreciate you doing...

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, and then --

CHAIR U‘U-HODGINS: Oh, is there one more?

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COUNCILMEMBER RAWLINS-FERNANDEZ: -- in the packet, we have examples of what it already looks like. And again, back to how I started about the public interest, which is our public spaces...and we, as representatives of the public, need to be better about fighting for the public interest, which is the shoreline, and all the ecosystems associated with it, and which is why I asked Ms. Nishiki to come to the floor. So, I'll...I have a couple questions for Ms. Nishiki. Since she...she worked so hard on this packet for all of us, I was hoping that she could go over some of the recommendations from the Hazard Mitigation Plan later. But I'll take your question now, Chair.

CHAIR U'U-HODGINS: Okay. Thank you. It was...it was basically what I had asked when Chair Lee--by the way, thank you for doing that explanation, I appreciate that--when Chair Lee was asking about similarities and differences, and then how they may interact. And I think for the packet, for those of you following along online, it was distributed to us by Ms. Nishiki. So, in 19.14.055, Section B, you say, for this purpose...for this section's purposes, human-made objects not a part of the natural ecosystem that are affixed to the land include buildings, foundations, decks, patios, swimming pools, septic systems, roads, and parking lots. That's kind of what I was asking about. So, if required...if we do some sort of parking requirement, they wouldn't be able to create more stalls if we needed...if, for whatever reason, there isn't a waiver possible, which arguably, it's not necessarily a zoning change in use because the use is still the same, but the use for the parking stall may have changed, but not what determines the parking stall changes. And so, how would that work together, is kind of my question. So, that's...that's where I was --

COUNCILMEMBER RAWLINS-FERNANDEZ: Got it.

CHAIR U'U-HODGINS: -- where I was trying to make it --

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that clarification.

CHAIR U'U-HODGINS: -- make sense.

COUNCILMEMBER RAWLINS-FERNANDEZ: I was thinking of the shoreline armoring --

CHAIR U'U-HODGINS: No, I saw that --

COUNCILMEMBER RAWLINS-FERNANDEZ: -- when you asked about.

CHAIR U'U-HODGINS: -- part too. And so, when I read it --

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR U'U-HODGINS: -- I was like, okay, I think that's what she was talking about. But I was talking about 19.14.055, Section B, as it relates to parking lots and how --

COUNCILMEMBER RAWLINS-FERNANDEZ: So, I...

CHAIR U'U-HODGINS: -- would it impact Member Paltin's amendments?

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COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for that question, and for the opportunity to clarify. So, it was brought to my attention that I should add like a trigger, a distance of when this section would apply, and that it's not like all sections.

CHAIR U'U-HODGINS: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And so, for example, we were distributed this...this map earlier. So, you will have some complexes that have, you know, parking lots that are above the SLR-XA, and for those, Member Paltin's section would apply. And then where the properties are right along the shoreline, and it would trigger the coastal transition and phased removal, then it...it would eventually...the parking lot would eventually be removed. And so, that would...you know, that complex would not be applicable to...or relevant to the parking section that Member Paltin was speaking to, because it would eventually just all be removed, and it would be shoreline.

CHAIR U'U-HODGINS: Shoreline. Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah.

CHAIR U'U-HODGINS: Mr. Pfof...

COUNCILMEMBER PALTIN: And to clarify for --

CHAIR U'U-HODGINS: Yeah, go ahead.

COUNCILMEMBER PALTIN: -- my parking thing, I'm not intending that anyone to have to build more parking. That wasn't the intention.

CHAIR U'U-HODGINS: No, I don't...I don't disagree. And that's what I was assuming.

COUNCILMEMBER PALTIN: Yeah.

CHAIR U'U-HODGINS: But if they become not compliant . . . *(timer sounds)* . . . with 19.36, then...then we're continuing this odd space of noncompliance. So, I think right now, for most of the existing nonconforming properties, they're in this weird nonexisting...existing nonconforming state, and then there are times when...let's say, they were going to have to get a permit for something, for whatever construction, they now have to conform. And then if we add this condition, where does that leave us, and how do we move forward, is basically more my question for Planning because they're going to have to do that.

COUNCILMEMBER PALTIN: Okay. Main thing, you guys know that I'm not expecting...

CHAIR U'U-HODGINS: I didn't think you were, but I think, arguably, for the people who need to provide parking, they may ask that. And so, I wanted to have that discussion.

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Because they're going to say, can I? And if this goes through, then it's no, but...and then...then your if as available comes into question.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. And I think, you know, like that's...it's great that we're having this discussion in this detail because this is really important. And I recognize that what I drafted may not be perfect. I know, surprise. . . .(laughing). . .

CHAIR U'U-HODGINS: Oh, no. . . .(laughing). . .

COUNCILMEMBER RAWLINS-FERNANDEZ: . . .(laughing). . . So, I'm...but I'm...I'm open, and happy to further discussing this, the language, and then refining it to something that really, you know, makes sense for all of us, since it's going to be law. Mahalo, Chair.

CHAIR U'U-HODGINS: Thank you. Thank you very much. Members, any...any for any other questions? I'm the only one who asked Member Rawlins-Fernandez, but do you folks have any other questions? I wanted...Mr. Pfof, during his opening remarks, said he had more discussion. So, before we go into executive session, though, I want him to continue to have his discussion, but I know you have...

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah. I just wanted to --

CHAIR U'U-HODGINS: Ms. Nishiki.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- ask Ms. Nishiki to discuss the...or share, in the packet, the recommendations of the hazard mitigation, and any other highlights from the packet.

MS. NISHIKI: Thank you, Member.

CHAIR U'U-HODGINS: Of course.

MS. NISHIKI: Oh, is this on?

CHAIR U'U-HODGINS: Yes.

MS. NISHIKI: Okay. Okay. From the Hazard Mitigation Plan, there is a lot of talk about how important the natural defenses are...coral reefs, healthy beaches, and wetlands, dune systems. And so, Councilmember Fernandez's amendments really speak to that because...and I'll...I'll just quote, "preserving and restoring these natural features is essential for mitigating the impacts of coastal erosion and sea level rise." And in another section, "open space is the best form of hazard mitigation, and is often overlooked." And so, we need to prioritize the preservation or acquisition for hazard mitigation and adaptation to future conditions. And so, if we are removing structures off of the shoreline, then that is restoring a healthy coastal ecosystem. And so, that is in inline...in alignment with the Hazard Mitigation Plan. I know that the Hazard Mitigation Plan puts forward a lot of data about vulnerable populations in the

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coastal hazard areas, and how we are...how we should be incentivizing...the best way to keep people safe is to not have them in these areas at all. And so, I think that in talking about H-3/H-4 zoning, if all of...all of the things that could affect the properties that are going into H-3/H-4 zoning, it's important to discuss that as part of creating the zoning. Because what is intended to go into the zoning, you need to look at those properties...location, location, location. Like that's...that's the mantra of...of real estate. And so, I think it's important to...to really look at what properties are being proposed to go into H-3/H-4, and what those...what the condition of those properties are, and what is the County's vision for those properties into the future. Because then all your policies, and plans, and regulations, and zoning should align with that. But that question should be looked at. That's . . .(timer sounds). . . what coastal zone management always...when they do their presentations, what do you want our shorelines to look like in the future? That's the question. Because then your plans, your policies, your regulations then should align with that.

CHAIR U'U-HODGINS: Thank you, Ms. Nishiki.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR U'U-HODGINS: Members, do you guys have any other questions for Member Rawlins...Rawlins-Fernandez, or even Ms. Nishiki, before I ask Mr. Pfof to provide any additional comments before we go into executive session? Any other questions? Seeing none. Thank you. Mr. Pfof, could you please provide us with any additional comments before we go into executive session?

MR. PFOF: Sure. Thank you. And as I mentioned before...well, typically, as you know, I'm...I'm the one that usually handles or processes your bills through the Planning Commission. And typically, when I receive a bill from the Council, as you may know, when I forward a report to the commissions, I provide recommendations on best possible recommended changes. So...and that's kind of where I get more into the detail. But...so as I reviewed these three, the original and the two amendments, I did see some things that I would probably point out at the Planning Commission level, and I can go over those if you would like.

CHAIR U'U-HODGINS: Please.

MR. PFOF: And...and so...and with that, also some concerns that I noted, and I talked to know Nāhulu about, and I'm sure you'll go over some things in executive session that he can talk to you about more appropriately. If we go to the original bill, that's Mr. Cook's...Councilmember Cook's bill, on page 4, under it's...yes, B2, it's...it's interesting when we talk about--and I hope you're all there, can find that page 4, yeah--we talk about...and I understand the purpose of the H-3/H-4 is to really move everything from the A-1/A-2, as it applies to these specific properties, into the H-3/H-4. That's the intent, I believe, of this bill. And if you may recall, those properties in the A-1 and A-2 that were permitted to do transient vacation rental were...were specific properties that met certain criteria in the...in the A-1 or A-2 zoning district...there were certain criteria they had to meet. So, if we're trying to transmit only those properties that met that certain criteria, I would recommend actually

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altering B2 to identify what that criteria was, so that we have a record for the future, when we're looking at anybody else that may want to do a zone change, that they meet that specific criteria that was in A-1/A-2. I hope that makes sense. Getting kind of some confusion. And so...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Can I ask him why? Like, why...like, isn't it good, or better Planning practice to...or is it the intention to restrict it? Or I'm sorry, we're supposed to save that for executive session? It just doesn't...like when we establish a zoning, isn't it supposed to be general for any land?

MR. PFOST: I...I agree, that that's...that's truly how you would typically do a zoning district. Let it stand on its own, and let...let the...let properties stand for what that zoning is. But in this particular case, the only purpose that I believe that we're creating the H-3 and H-4, the intention of the TIG, was to actually only move those A-1 and A-2 properties that were allowed to do TVR into this H-3/H-4. If that's the true intent, then I would...I would...I would structure the H-3/H-4 so it meets that intent for only those properties so you don't have other properties--for example, we have other apartment district properties that may want to change their zoning to H-3/H-4, and in...in 10 years, 20 years down the line, that didn't not...that did not meet the requirements of the original A-1/A-2 TVR. Do you understand what I'm saying? So, you may have other properties that want to become TVR that doesn't meet the intent of what we tried to do. And that may be okay, but if...if...if it's truly to meet the intent of what we're doing here, what I think that TIG's intent was, then I would recommend that only those properties that met that requirement in A-1/A-2 should be able to go into H-3/H-4. And so, I would recommend that you explicitly state what those requirements were in the A-1/A-2 in this particular section, if that makes sense. Hope I didn't confuse you.

CHAIR U'U-HODGINS: Thank you. Did you have anything else you wanted to add?

MR. PFOST: With that specific, also then there was another section...section on page 5. It was under Section 5, and it's under B, where we talk about accessory uses. Just to note that that should refer to Section 19.12.030. And then also, I think I...I would prefer, and I would recommend, that you actually list the accessory uses. I think Councilmember Rawlins-Fernandez had that in her proposal where she actually listed the accessory uses. I prefer to see that, that those uses indicated within the zone itself, as opposed to just referring to another zone. So --

CHAIR U'U-HODGINS: Okay.

MR. PFOST: -- that would be my recommendation on that one.

CHAIR U'U-HODGINS: Okay. Sounds good.

MR. PFOST: When it came to the other amendments, I did have recommendations. or some comments --

CHAIR U'U-HODGINS: Sure.

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MR. PFOST: -- on those, if you want me --

CHAIR U'U-HODGINS: Yeah.

MR. PFOST: -- to go through those as well.

CHAIR U'U-HODGINS: Yeah. Before we do, sorry. Member Sugimura, did you have your hand up?

COUNCILMEMBER SUGIMURA: I'll wait.

CHAIR U'U-HODGINS: Okay. Which one are you going to do first, Mr. Pfof?

MR. PFOST: This would be Councilmember Paltin's amendments.

CHAIR U'U-HODGINS: Okay. Okay.

MR. PFOST: And these are just things that I would raise as concerns on page 4. This actually gets to the same point that I was making. On page 4, under permitted uses, where it indicates transient vacation rental uses that were legally permitted the day before the effective date of the ordinance requiring transient vacation rentals to be phased out in the A-1 and A-2 districts. What is legally permitted...and legally permitted is actually what we were talking...what I was mentioning is those uses that were legally permitted under the A-1 and A-2 under that certain criteria. So, I almost...again, this is, again, the same references. Also, I think we should establish what that criteria was in the A-1/A-2. So, I would...I would prefer to transfer that criteria here as well so that we're making sure that we're only transferring those properties that were okay for TVR in A-1 and A-2. On page 5, accessory uses. Again, this is the same thing I mentioned, is changed from 19.12.020 to 19.12.030. And again, I would recommend listing the accessory uses as...as noted in Councilmember Rawlins-Fernandez's --

COUNCILMEMBER PALTIN: To clarify --

MR. PFOST: -- proposal.

COUNCILMEMBER PALTIN: -- what he was saying about it, like that were existing in A-1/A-2 prior to 1989, or April 20...whatever it is.

MR. PFOST: That's...that's correct.

COUNCILMEMBER PALTIN: That's how you would say it?

MR. PFOST: Yes. There's actually a few different provisions that are there. You had to have been operating TVR. So, it applies to all the properties that are on the Minatoya list, but there are...as you know, there are other properties out there that are not on the

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Minatoya list that we would want to have them prove that they can meet that criteria in order to transfer to the H-3/H-4.

COUNCILMEMBER PALTIN: So, take the criteria that we're phasing out and put it over there?

MR. PFOST: That's correct.

COUNCILMEMBER PALTIN: Okay. Yeah, no problem.

MR. PFOST: It's a pretty simple change, but I think that's an important change if you want to still meet the intent of just transferring the A-1/A-2 over.

COUNCILMEMBER PALTIN: Yeah. We definitely don't want to be creating new...

MR. PFOST: Exactly. Exactly.

COUNCILMEMBER PALTIN: You got it.

MR. PFOST: That's...that's --

COUNCILMEMBER PALTIN: Thank you.

MR. PFOST: -- what...issues with...Corp. Counsel can discuss these items. The public shoreline access. Again, I mentioned...just concerned with the word available...as available. And then also, the actual shoreline...shoreline access. I like to look at things a little more definitive. Is that shoreline access vertical access or...or horizontal access, meaning along the shoreline, or vertical? I think you mean vertical from the first roadway, or so to speak, to the shoreline. How wide would that be? What kind of...a paved path, ADA accessible, all those kinds of things. Maintenance, who maintains that? Is there an easement that the owner, he needs to create? So, it's those kinds of things, those little details, whether...if this...if this provision moves forward, those kinds of details is things that I would be looking for.

COUNCILMEMBER PALTIN: To me, I meant both vertical and --

MR. PFOST: And lateral?

CHAIR U'U-HODGINS: Horizontal.

COUNCILMEMBER PALTIN: -- lateral. And also...like I didn't intend for them to make more parking. I didn't intend for them to like put in wheelchair ramps or whatever, as it exists, but the same sort of...not access to the property, but an access way through --

MR. PFOST: Through.

COUNCILMEMBER PALTIN: -- that is the same as what their guests can have. Because it...it's crazy to me that people that have lived here all their life, born and raised

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generations, cannot get there without like jumping in the water, swimming around, and coming up on shore. That's...

CHAIR U'U-HODGINS: Or climbing a wall, you said.

COUNCILMEMBER PALTIN: Yeah, or climbing over a wall. There were some shoreline access, when you get to the end of it, it's blocked off.

MR. PFOST: Yeah.

COUNCILMEMBER PALTIN: You have to like scale a wall and jump into the ocean, or something like that, which is not my definition of shoreline access. But if guests with wheelchairs can access through the property, then residents with wheelchairs should be able to access through to the property. If guests can access through to the beach by walking, then residents should be given the same consideration. Not to have free rein of the property, and jump in their swimming pool, and use their shower, but just get to the beach.

UNIDENTIFIED SPEAKER: Um-hmm.

MR. PFOST: Yeah. And I...I totally agree with all the...the context of what this is for. I...I tend to look at the details of how we actually implement it. And so...and I don't know if we necessarily need to get into those details. I know when I get the bill, I'll be making additional recommendations. The Planning Commission will have that discussion, and then we bring it back to you, so... The other section that's on page 6 regarding the liability issue...and really, this is probably more of a Corp. Counsel issue of whether or not there's actually a formal release of liability agreement, or any kind of document that the ownership needs to enter into, whether or not that gets put in there or not. I would recommend something...considering that.

COUNCILMEMBER PALTIN: On that one, on the clarification of what you just said, Chair, is it all right to ask for our head attorney, Mr. David Raatz, to be in our executive session?

CHAIR U'U-HODGINS: Sure. We can do that.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. PFOST: The...and other things just to consider, the...the idea of the sea level exposure area. This is in Section C. I think that's a change or deviation from some other areas in existing Code. So, I would just want to make sure we're talking consistency, and ensuring consistency. And I'm not sure, we'd have to look at that in more detail.

COUNCILMEMBER PALTIN: I believe that's in our West Maui Community Plan.

MR. PFOST: Okay. Okay. And so, that's something we need to look into. I didn't understand quite the intent of number 4 on page 6 as well. That's okay. We can look into...

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COUNCILMEMBER PALTIN: That one was for Ms. Nishiki. I think what...what...what was it that you called it, a kuleana coastal...

MS. NISHIKI: Coastal kuleana fee. And that would be some future proposed legislation that could, with community and Council input, devise a funding mechanism to address effects of climate...climate change and coastal erosion. And so, there's likely a number of pieces of legislation that wouldn't just apply to this zoning, but likely all shoreline parcels.

MR. PFOST: And I think probably Corp. Counsel can apply opine that, whether it's necessary to actually indicate that or not...because I think any future ordinances would apply, but...but I...I get the intent. I think that's all I had, other than any concern that maybe Corp. Counsel might bring up in regards to just the...any...any legal issues related to all the other provisions of it.

CHAIR U'U-HODGINS: We'll save Corp. Counsel for after. And then if you could tell us your thoughts about Member Rawlins...Rawlins-Fernandez's amendments, please.

MR. PFOST: So, with Member Rawlins-Fernandez's amendments...

CHAIR U'U-HODGINS: A lot of S'.

MR. PFOST: Sorry, bear with me.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. PFOST: Yeah.

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

MR. PFOST: I...I think the...again, as I noted, I think the reference to the A-1/A-2 is important. And so, I think for those areas within Councilmember Rawlins-Fernandez, where she removes that portion, I would recommend putting those portions back in for the stated reasons that I indicated. I...and...and the example on...on page 2 of adding the accessory uses, I agree that that's a great way to...to reference and keep the accessory uses within it. And then I think the other items are really up to...I think issues related to Corp. Counsel and whether or not they can implement those or not. Thank you.

CHAIR U'U-HODGINS: Okay. Member Rawlins-Fernandez, real quick though, before you begin, I've had a couple of text messages letting us know that Granicus isn't working right now. So, just FYI, for people following along. I realized...I think that's what we heard from Mr. Law, too. Just...just letting you folks know.

COUNCILMEMBER PALTIN: Oh, it was working for me and I found the bill. It was number 13 on Granicus --

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CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- correspondence from Committee Vice-Chair, 12/23/2025.

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER PALTIN: It just wasn’t posted as bill number whatever.

CHAIR U‘U-HODGINS: Okay. Okay. Good to know.

COUNCILMEMBER PALTIN: So, it might’ve been the way it was labeled, and there’s --

CHAIR U‘U-HODGINS: Okay.

COUNCILMEMBER PALTIN: -- like 17 items on there. So --

UNIDENTIFIED SPEAKER: . . .*(laughing)*. . .

COUNCILMEMBER PALTIN: -- I don’t blame anyone for --

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- not picking --

CHAIR U‘U-HODGINS: Gets lost in the shuffle.

COUNCILMEMBER PALTIN: -- and opening each item.

CHAIR U‘U-HODGINS: Thank you. Member Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I...okay. First question, I guess, is for the TIG Chair.

CHAIR U‘U-HODGINS: Sure.

COUNCILMEMBER RAWLINS-FERNANDEZ: Was it the recommendation to just create a whole ‘nother Minatoya list within the framework of our planning? Because if we’re going to keep A-1/A-2 references as the intention...because I guess...I thought the question to Mr. Pfof was, what is the best planning recommendation? And I don’t think the best recommendation in Planning would be to create a whole ‘nother Minatoya list, basically, which we would be doing if we restrict this H-3/H-4 zoning to those that were on the Minatoya list.

CHAIR U‘U-HODGINS: That’s a good question. We didn’t necessarily discussed [sic] lists within lists. What we mainly discussed...

COUNCILMEMBER RAWLINS-FERNANDEZ: Except Exhibit 2 list.

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CHAIR U‘U-HODGINS: Yeah. Yeah. Except that one, which we didn’t consider that a list of a list because we were creating this new zone. And so, sorry, if I don’t...

COUNCILMEMBER RAWLINS-FERNANDEZ: I’ll...I’ll frame...I’ll frame the question in --

CHAIR U‘U-HODGINS: Yeah, please do.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- a different way.

CHAIR U‘U-HODGINS: Please.

COUNCILMEMBER RAWLINS-FERNANDEZ: Was it your intention that no other properties would be able to rezone to H-3/H-4?

CHAIR U‘U-HODGINS: Good question. We didn’t discuss the possibility of other non-A-1 and A-2 converting to H-3 and H-4. We did discuss the possibility...possibility of the units and TMKs not on Exhibit 2, either doing an applicant-initiated rezoning, but that part, we didn’t think other people may not or may want to do it if they don’t already have that existing use...because it’s quite difficult to go from, really, any other zoning to Hotel zoning. So, I don’t think we contemplated that issue, that we would have non-A-1 and A-2 attempt to rezone to H-3 and H-4.

COUNCILMEMBER RAWLINS-FERNANDEZ: And then I have other comments regarding this when we go into executive session.

CHAIR U‘U-HODGINS: Okay. Sounds good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR U‘U-HODGINS: Chair Lee?

COUNCILMEMBER LEE: Follow-up question on this Minatoya list. It’s just a list of roughly 6 to 7,000 units, but there are like 20,000 units, right? Short-term rentals. Aren’t there?

COUNCILMEMBER SINENCI: 27.

COUNCILMEMBER LEE: 27,000.

CHAIR U‘U-HODGINS: I think there is, but I think that’s...that’s...I was going to call you Member Pfof, but I’m not going to disrespect you like that today. That’s...I...not...not today, anyway. But I think that’s his concern, is that we have other properties that aren’t on the A-1/A-2 that isn’t allowed...that are allowed to rent short-term, but that wouldn’t be.

COUNCILMEMBER LEE: So, they wouldn’t be subject --

CHAIR U‘U-HODGINS: Oh, they’re not subject.

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COUNCILMEMBER LEE: -- to any type...future phase-out or anything? They...they should...

CHAIR U‘U-HODGINS: They’re not subject to Bill 9.

COUNCILMEMBER LEE: Yeah.

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER LEE: Because...but...because then that would be a problem.

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER LEE: You know, if some --

COUNCILMEMBER PALTIN: Like, for example, Nāpili...

COUNCILMEMBER LEE: -- irresponsible Council came along and...and applied the phase-out to...to...to other...other categories.

COUNCILMEMBER PALTIN: Like one other category is Nāpili Bay Civic Improvement District. They have everything that is hotels along the Nāpili Bay, is not by Minatoya list, it’s not by Hotel zoning, it’s by the Nāpili Bay Civic Improvement District. That’s how those guys are allowed, and that’s another few hundred or something. I’m not sure how much. But there’s other mechanisms that allow short-term rental use. Like I think Kahana Manor is zoned Hotel, although it’s mostly like residents living there. That’s a weird one. And then other stuff.

COUNCILMEMBER LEE: So, when the TIG was discussing this, you thought about that, right?

CHAIR U‘U-HODGINS: Well, she...well, you were in our TIG, obviously. So, when we were moving properties into this proposed H-3 and H-4, we discussed Nāpili Bay...because that’s the primary one. And then the other one, I guess, if I understand your question, is like Kuau Plaza that has a variance to operate.

COUNCILMEMBER PALTIN: And we briefly discussed Kahana Sunset, which is variance as well, but not Minatoya. I think --

CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER PALTIN: -- Kuau is variance and --

CHAIR U‘U-HODGINS: And Minatoya.

COUNCILMEMBER PALTIN: -- Minatoya. But...so this doesn’t apply to Kahana Sunset because Kahana Sunset is strictly variance. So, there’s --

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CHAIR U‘U-HODGINS: Nuanced.

COUNCILMEMBER PALTIN: -- a number of other ways that people are allowed to operate short-term rental. And the A-1/A-2 zoning prior to 1989 is just one of them. Like before the omnibus bill, like certain B Business Districts were allowed to do it. Like we...we just cut it off. We didn't phase out. In like Nāpili Bay Civic Improvement District, we stopped it; we didn't phase it out. So, I mean, I'm not sure what the . . . *(timer sounds)* . . . benefit of moving from Nāpili Bay Civic Improvement District or Kahana Sunset variance to H-3/H-4 zoning would be.

COUNCILMEMBER LEE: So, you decided to leave it open...or --

COUNCILMEMBER PALTIN: We --

COUNCILMEMBER LEE: -- or not?

COUNCILMEMBER PALTIN: -- we just never considered that other people would want to go through a Change in Zoning to H-3/H-4.

COUNCILMEMBER LEE: Okay.

COUNCILMEMBER PALTIN: Because like she said, it's a long process --

COUNCILMEMBER LEE: I see.

COUNCILMEMBER PALTIN: -- that costs money.

CHAIR U‘U-HODGINS: And it's...it's limited to what we allowed in A-1 and A-2 in 1989, and when units were built in 1960.

COUNCILMEMBER LEE: Okay. So, your...your intent was to just take these as recognized on Exhibit 2, to move it into H-3/H-4, and that's all...and no others.

CHAIR U‘U-HODGINS: In the future. Yeah.

COUNCILMEMBER LEE: Okay.

CHAIR U‘U-HODGINS: Well, not necessarily no others. If there are other units and other TMKs who are on the Minatoya list, if they wanted to, they could, but they would be applicant-initiated rezoning, and not Council-initiated rezoning.

COUNCILMEMBER LEE: But coming from the Minatoya list.

CHAIR U‘U-HODGINS: Yes. Unless they fell under the criteria...criteria we had already kind of discussed.

COUNCILMEMBER LEE: Okay. Okay.

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CHAIR U‘U-HODGINS: Yeah.

COUNCILMEMBER LEE: Thanks.

CHAIR U‘U-HODGINS: Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah. So, thinking about what Mr. Pfof said, right, and that discussion, and the testifiers, and I think they...Maui Sands, they actually delivered packets to all of our individual offices. They testified today. They’ve testified in the past. So, they would not be eligible to be on H-3/H-4 --

CHAIR U‘U-HODGINS: Are they...

COUNCILMEMBER SUGIMURA: -- based upon what Mr. Pfof said?

CHAIR U‘U-HODGINS: No, that’s not what he said. I didn’t think.

MR. PFOF: No, they...they would be eligible.

CHAIR U‘U-HODGINS: Yeah.

MR. PFOF: They’re just not on the Exhibit 2 TIG list.

CHAIR U‘U-HODGINS: Yes.

MR. PFOF: And that’s what Maui Sands I was indicating, is that they want to be on Exhibit 2 --

COUNCILMEMBER SUGIMURA: Right.

MR. PFOF: -- list...but they are eligible because they’re on the Minatoya list. So, they meet the qualifications in the A-1/A-2 District to do TVR. So, they just want to be able to put into H-3/H-4, but right now, they’re not on the Exhibit 2.

CHAIR U‘U-HODGINS: Yeah.

MR. PFOF: And that comes later...that consideration comes later when you actually look at specific properties.

CHAIR U‘U-HODGINS: Yes.

COUNCILMEMBER SUGIMURA: So, actually, what they want is, they want us to consider doing a Council-initiat...it sounds like a Council-initiated Change of Zoning for them--and others because we’ve been getting emails from other properties. So, it’s not...other properties that are on the Minatoya list, not on your Exhibit 2 from TIG, that they would want...

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MR. PFOST: That's...that's correct. When you...when you get to that phase, and looking at the specific properties, you probably will get additional property owners, like Maui Sands --

CHAIR U'U-HODGINS: Yes.

MR. PFOST: -- I, that are going to come forward that want to be on the Exhibit 2, and have a Council-initiated Change in Zoning and community plan amendment so they can be on the H-3/H-4 as well.

UNIDENTIFIED SPEAKER: Um-hmm.

MR. PFOST: That'll happen at that time.

CHAIR U'U-HODGINS: Yeah.

COUNCILMEMBER SUGIMURA: And I wonder, you know, just based upon the information submitted by that property and others, that the criteria that was used to create this list, this exceptional list, right, to then be Council-initiated. How would we decide...Council decide to say, oh, no, you cannot be on this Council-initiated list, and you must do it on your own...or what does Planning have to say, or Corp. Counsel?

CHAIR U'U-HODGINS: So, that's probably not a Planning question. That's probably --

COUNCILMEMBER SUGIMURA: Corp. Counsel.

CHAIR U'U-HODGINS: -- a Councilmember question. So, it's not on the agenda today, but for future reference, we're going to do what the TIG had recommended to do, and do a comprehensive rezoning from the TIG with all the properties we had already previously listed. And for all other properties that fall into that criteria, we'll probably have ASFs that could be introduced by any of these other Councilmembers.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR U'U-HODGINS: And we will handle it, yeah, at that time. Because there are a couple we missed because we did this in a week, and we looked at thousands of units, and hundreds of properties. And if they fall into that criteria, that's totally fine, but I'm not going to alter the list because those have...we've already discussed in depth, and then the ones that feel that they meet that criteria, we'll bring it to the Council floor, and do what we did in the TIG, and kind of justify that, and have that conversation.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR U'U-HODGINS: That's how, at least, I plan to do that in the future.

COUNCILMEMBER SUGIMURA: So, how soon . . . *(timer sounds)* . . . or what kind of time schedule are you looking at?

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CHAIR U‘U-HODGINS: We need to do this first, and then we’re going to come with it soon.

COUNCILMEMBER SUGIMURA: H-3/H-4, and then the Council-initiated.

CHAIR U‘U-HODGINS: Uh-huh.

COUNCILMEMBER SUGIMURA: And so, they have to wait for a long time, or...

CHAIR U‘U-HODGINS: No. We’re ready to go soon, but this needs...needs to go first.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR U‘U-HODGINS: I think it was supposed to be on the first or second week of January, but then we have to do this first.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR U‘U-HODGINS: Thank you. Oh, Member Batangan?

VICE-CHAIR BATANGAN: Thank you, Chair. So, I have a question for the Administration. Member Rawlins-Fernandez’s proposal has a provision prohibiting construction, maintenance, and expansion of shoreline armoring. Are you...is this the first instance in which we’re making such a prohibition on any zoning, or does that already exist in the Code?

MR. PFOST: I don’t know of another area within the Code or applying to another district that actually states that. So, it would be the first in a district...a zoning district that I would see. I know when we actually look at development along the shoreline, we process SMA applications, or special management areas. So...so, we look at those kinds of things, and armoring, and deal with...dealing with those kinds of things when development comes forward, but I don’t know of any zoning district that we have that currently has the same provision in it.

VICE-CHAIR BATANGAN: And then does the Administration have a position on shoreline armoring?

MR. PFOST: I know from just practice, it’s not usually a good idea. It leads to other erosional aspects elsewhere along the coastline. I’m not sure if it’s necessarily a position. You know, you can’t really opine [*sic*] for it. It’s kind of property by property. And some...some places maybe it is necessary, maybe it’s not, but I can’t really tell you exactly on a...on a...I...generally it’s not necessarily a good idea because of the erosion aspects it does to other properties.

VICE-CHAIR BATANGAN: I guess where I’m getting at is whether or not it makes sense to start this conversation on a specific zoning--a specific type of zoning, or if it’s something that we should have Countywide. And that’s why I was asking whether or not if this is the first time we’re having that conversation, and whether or not there

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have been discussions within the Administration, or if the Administration has already taken a position. But thank you.

CHAIR U‘U-HODGINS: Thank you, Member Batangan. Member Paltin?

COUNCILMEMBER PALTIN: Two...two points. The first one, in terms of what you said about the ASF, my request would be that each ASF only cover one property.

CHAIR U‘U-HODGINS: For the...for the Change in Zoning in the future. Okay.

COUNCILMEMBER PALTIN: And then the second one, to Mr. Batangan’s point, the shoreline armoring, in terms of like T-groins or seawalls, is not a County...solely within the County’s jurisdiction. In my experience, it...most times the armoring needs to go through the BLNR. And so, I think the BLNR’s perspective is that they’re not for shoreline armoring, as we’ve seen in all of their recent decisions. But it’s not...and...and Ms. Nishiki can probably correct me if I’m wrong because she is more ma‘a to this kine stuff, but if...if there is a seawall, like Hololani tried to make their seawall where there’s T-groin issues, it’s not solely within the County’s jurisdiction. It has to be approved or disapproved by --

CHAIR U‘U-HODGINS: You do, you get State approval.

COUNCILMEMBER PALTIN: -- the Board of Land and Natural Resources. But they are not supportive of shoreline armoring because of flanking and other things.

CHAIR U‘U-HODGINS: Uh-huh. Members, we have about 45-ish minutes left in this Committee, and I would like to go into executive session. Yeah? Okay. Before we do though, I’ve been asked to have Mr. Nunokawa please justify the reason for executive session, and then we can go into executive session.

MR. NUNOKAWA: The reason to go into executive session is for the Council to consult with their attorneys about some of the legality related to the ASFs that were proposed.

CHAIR U‘U-HODGINS: Thank you. Perfect. At this time, I will now entertain a motion to convene in executive meeting in...in accordance with Section 92-5(a)(4), Hawai‘i Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liability...liabilities of the County, the Council, and Committee.

COUNCILMEMBER COOK: So moved.

COUNCILMEMBER LEE: Second.

CHAIR U‘U-HODGINS: Thank you. I have a motion made by Tom...Member Cook, second by Chair Lee, to go into executive session for Resolution 25-230. Any further discussion?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

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CHAIR U‘U-HODGINS: Yeah, go ahead. Oh, are you guys going to warm potato us?

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, so Deputy Corp. Counsel Nunokawa was citing HRS 92-5, exceptions, (a)(4) to consult with the board’s attorneys on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities. Is that the section?

CHAIR U‘U-HODGINS: Yes. That’s the one I just read.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR U‘U-HODGINS: Yeah. Of the County, the Council, and the Committee.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo.

CHAIR U‘U-HODGINS: Perfect. Thank you for clarifying. Member Paltin?

COUNCILMEMBER PALTIN: Just requesting Director Raatz as an attorney.

CHAIR U‘U-HODGINS: Yeah, I’m going to read his name. Thank you. You can go if you need to use the restroom. Because I need to too, that’s why I’m trying to hurry up. Go ahead. I’ll read your name. Oh, wait. You may need to stick...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

CHAIR U‘U-HODGINS: Wait, you know what? You know what? One second. You know what I didn’t do? I didn’t say all those in favor to go into executive session, please raise your hand and say “aye.”

COUNCILMEMBERS: Aye.

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VOTE: **AYES:** **Chair U‘u-Hodgins, Vice-Chair Batangan, and Councilmembers Cook, Johnson, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

MOTION CARRIED.

ACTION: **APPROVE; RECESS open meeting and CONVENE executive meeting.**

CHAIR U‘U-HODGINS: All the discussion afterwards went throw me off. Okay. You...you can go use the restroom, Member Johnson. I’ll just read. For the record, the following personnel will be attending . . .*(laughing)*. . . and now it’s on the record that you got to make shishi. . . .*(laughing)*. . . For the record, the following personnel will be attending this executive meeting. All Councilmembers in attendance, including myself, Committee Chair Nohe U‘u-Hodgins, Committee Vice-Chair Kauanoë Batangan, Councilmember Tom Cook, Councilmember Gabe Johnson, Council Chair Alice Lee, Councilmember Paltin, Councilmember Keani Rawlins-Fernandez, Councilmember Shane Sinenci, and Councilmember Yuki Lei Sugimura; Office of Council Services Staff include Ms. Carla Nakata, Legislative Attorney; and Jennifer Yamashita, Committee Secretary; as well as Mr. David Raatz, Director of OCS. From Corp. Counsel, we have Deputy Corporation Counsel Nāhulu Nunokawa. And at this time, I will call for a five-minute recess, to return at 3:57 when we reconvene in executive meeting. And this meeting is now in recess. . . .*(gavel)*. . .

RECESS: 3:52 p.m.

RECONVENE: 4:54 p.m.

CHAIR U‘U-HODGINS: . . .*(gavel)*. . . Good afternoon again. It is 4:54, and will the HLU Committee please reconvene. Members, we have just completed our executive meeting on HLU-4(1). And if right now I could refer to Ms. Nakata to provide us a summary in accordance with Hawai‘i Revised Statutes Section 92-4?

MS. NAKATA: Thank you, Chair. The...all of the Councilmembers, Attorney David Raatz, Deputy Corporation Counsel Nāhulu Nunokawa, Committee Secretary Jen Yamashita, and myself were present in the executive meeting. No other Members or meeting participants were in the Chamber at the time the executive meeting was held. The

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Committee discussed the rights, duties, liabilities of the Council, the Committee, and the County in the executive meeting as it related to the bill attached to the resolution posted on today's agenda, as well as the two amendment summary forms that the Committee discussed. Nothing further, Chair. Thank you.

CHAIR U'U-HODGINS: Thank you, Ms. Nakata. Members, if we have no further questions, I would like to defer this item.

COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER pending further discussion.

CHAIR U'U-HODGINS: Thank you very much. This concludes the HLU meeting for today. It is now 4:56, and this HLU meeting is adjourned. Thank you, Members. . . .(gavel). . .

ADJOURN: 4:56 p.m.

hlu:min:260105min:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 54 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 26th day of January 2026, in Wailuku, Hawai'i



Daniel Schoenbeck

HLU Committee

From: HLU Committee
Sent: Monday, January 26, 2026 3:38 PM
To: planning@mauicounty.gov
Cc: HLU Committee; Kate Blystone; Ana Lillis; Jacky Takakura; joy.paredes@co.maui.hi.us; 'Michelle Santos'; 'Zeke Kalua'
Subject: re: Reso 25-230, Referring to the Planning Commissions a Proposed Bill to Establish the H-3 and H-4 Hotel Districts (HLU-4(1))
Attachments: 004(1)a01.pdf

Ms. Thayer: Please see the attached letter from the Housing and Land Use Committee Chair, dated 01/26/2026, regarding the above-referenced matter.

Mayor's Office: Please forward the attached letter to Mayor Bissen for his information.

Planning Department: *FYI.*

Thank you,
HLU Committee staff