

## HLU Committee

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**From:** Thomas and Mary Victorine <tjmjv@pacbell.net>  
**Sent:** Wednesday, July 23, 2025 9:06 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony Oposition  
**Attachments:** Maui Ordinance 4103 Definition of Hotel District.pdf

You don't often get email from tjmjv@pacbell.net. [Learn why this is important](#)

Although I am opposed to Bill 9, I would like to propose an amendment or a companion bill, which would define a practical and streamlined way for a condominium complex to apply for rezoning to Hotel District.

On numerous occasions, Mayor Bissen encouraged STR/TVR properties, that operate like hotels, to apply for rezoning to Hotel District. Several months ago, the owners of the condominiums at Makani Sands, voted to apply for rezoning.

Being the AOA president of the Makani Sands Condominiums, I applied for rezoning on April 8<sup>th</sup> this year. Prior to submitting the application, I conferred with a staff member in the Planning Department. I followed the formal application procedure for rezoning using the Maui Automated Planning and Permitting System (MAPPS). The staff person said I only needed to demonstrate that Makani Sands met the requirements of existing Maui Ordinance 4103, which defines a Hotel District. A copy of that ordinance is attached for reference.

When I contacted the staff person last month to determine the status of my application, she referred me to her manager. He said the Planning Department now requires a “consistent approach” for all zoning applications. He explained that this means I need to submit an environmental impact evaluation, shoreline regression study, traffic study, plus water and wastewater studies.

In my opinion, these studies are unnecessary and make the application prohibitively expensive for an AOA. And the studies would only show that there would be no real world impact to the environment, shoreline and neighborhood after rezoning.

So, my proposed amendment to Bill 9 (or companion bill) would mandate the rezoning of condominiums, from STR/TVR to Hotel District, to simply demonstrate compliance with Ordinance 4103. There would be no need for an environmental impact evaluation, shoreline regression study, traffic study, nor water and wastewater studies. Please follow existing law (Ordinance 4103) and do not impose outrageous requirements for existing buildings.

Thank you for considering my idea.

Tom Victorine

Makani Sands Condominiums AOA

3765 Lower Honoapiilani Rd

Lahaina, HI 96761

ORDINANCE NO. 4103

BILL NO. 7 (2014)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.14,  
MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 19.14, Maui County Code, is amended to read as follows:

**"Chapter 19.14**

**HOTEL DISTRICTS**

**Sections:**

- 19.14.010** **[Generally.] Purpose and intent.**
- 19.14.020** **Permitted uses.**
- 19.14.030** **[Area regulations.] Accessory uses and buildings.**
- 19.14.040** **[Height regulations.] Reserved.**
- 19.14.050** **[Lot coverage.] Development standards.**
- 19.14.060** **[Floor area-lot area ratio.] Rule making authority.**
- [19.14.070** **Yards.]**

**19.14.010 [Generally.] Purpose and intent.** A hotel district is a high density multiple-family area bordering business districts **[and] or** ocean fronts~~[.]~~, or both. This district includes public and semi-public institutional and accessory uses. ~~[This district is basically residential in character and, as such, should not be spotted with commercial enterprises.]~~

**19.14.020 Permitted uses.** Within hotel districts, the following uses shall be permitted:

- A. Any use permitted in residential and apartment districts;
- B. Hotels;
- C. Apartment-hotels;
- D. Auditoriums and theaters;
- E. Automobile parking lots and buildings;
- F. Bona fide nonprofit clubs and lodges;

G. Nonprofit museums, libraries, **[and]** art galleries, and philanthropic institutions; and

H. **[Accessory uses:**

1. Bar,
2. Barber shops,
3. Beauty parlors,
4. Dancing and hula studios,
5. Flower shops,
6. Gift and curio shops,
7. Haberdasheries,
8. Massage studios,
9. Music stores and studios,
10. Newsstands and magazine stands,
11. Pharmacies and drug stores,
12. Restaurants, with or without nightclub facilities,
13. Sandwich or coffee shops,
14. Tour service agencies and travel ticket offices,
15. Wearing apparel shops,
16. Other accessory, business or service establishments

which supply commodities or perform services primarily for the hotel guests; however, such uses shall be approved by the commission as conforming to the intent of this title;

I. Restrictions on accessory uses:

1. All such hotel and apartment-hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than twenty rooms, and such accessory uses shall be permitted and allowed only as an adjunct to, and as part of, the main building and no other,

2. All such personal service shops and businesses shall be operated primarily as a service to, and for the convenience of, the tenants and occupants of the buildings in which such services are located,

3. Where the lot area is in excess of twenty thousand square feet, doors and entrances to such shops and businesses may be allowed to open to the public street, further, the shops and businesses may be constructed as separate buildings; provided, that location of such shops and businesses shall have been approved by the commission.]

Cell or radio antenna attached to an existing building.

**19.14.030 [Area regulations.** The minimum lot area shall be ten thousand square feet in H-1 hotel districts, fifteen thousand square feet in H-M, and twenty thousand square feet in H-2 districts. The minimum lot frontage shall be seventy feet for H-1, eighty-five feet for H-M, and one hundred feet for H-2 districts.] **Accessory uses and buildings.**

<b><u>Accessory uses and buildings</u></b>	<b><u>Criteria or limitations</u></b>
<b><u>A. Energy systems, small-scale</u></b>	<b><u>Provided there will be no detrimental or nuisance affect upon the neighbors</u></b>
<b><u>B. Fences</u></b>	
<b><u>C. Garages</u></b>	
<b><u>D. Eating and drinking establishments</u></b>	<b><u>1. All hotel and apartment-hotel buildings in which such accessory uses shall be permitted and allowed shall contain more than twenty rental units</u></b> <b><u>2. Personal service shops and businesses allowed as accessory uses shall be operated primarily as an accessory service to, and for the convenience of tenants, occupants, and guests of apartment, hotel, and apartment-hotel buildings</u></b> <b><u>3. Where the lot area is in excess of twenty thousand square feet, doors and entrances to shops and businesses allowed as accessory uses may be permitted to open to the public street; further, the shops and businesses may be constructed as separate buildings, provided, that location of such shops and businesses shall have been approved by the director of planning</u></b>
<b><u>E. Personal and business services</u></b>	
<b><u>F. Dancing and hula studios</u></b>	
<b><u>G. Flower, gift, and curio shops</u></b>	
<b><u>H. Music stores and studios</u></b>	
<b><u>I. Newsstands and magazine stands</u></b>	
<b><u>J. Pharmacies and drug stores</u></b>	
<b><u>K. Restaurants, with or without nightclub facilities</u></b>	
<b><u>L. Other accessory, business or service establishments which supply commodities or perform services primarily for the hotel guests; however, such uses shall be approved by the director of planning as conforming to the intent of this title</u></b>	

**19.14.040 [Height regulations.** No building shall exceed two stories in H-1, six stories in H-M, and twelve stories in H-2 districts.] **Reserved.**

**19.14.050 [Lot coverage.** The total ground area occupied by all buildings shall not exceed twenty-five percent of the lot area in H-1, thirty percent in H-M, and thirty-five percent in H-2 districts.] **Development standards.**

	<u>H-1</u>	<u>H-M</u>	<u>H-2 &amp; Hotel</u>	<u>Notes and Exceptions</u>
<u>Minimum lot area (square feet)</u>	<u>10,000</u>	<u>15,000</u>	<u>20,000</u>	
<u>Minimum lot width (in feet)</u>	<u>75</u>	<u>85</u>	<u>100</u>	
<u>Maximum building height (in feet)</u>	<u>35</u>	<u>90</u>	<u>160</u>	<u>Except that vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof</u>
<u>Minimum yard setback (in feet)</u>				
<u>Front and rear</u>	<u>1/2 the height of building with a minimum of 15 feet</u>			
<u>Side</u>	<u>Building height in feet</u>		<u>Side yard in feet</u>	
	<u>Less than 30</u>		<u>10</u>	
	<u>30 to 60</u>		<u>15 ft.</u>	
	<u>60 to 90</u>		<u>20 ft.</u>	
	<u>90 to 120</u>		<u>25 ft.</u>	
	<u>120 to 160</u>		<u>30 ft.</u>	
<u>Maximum lot coverage</u>	<u>25%</u>	<u>30%</u>	<u>35%</u>	
<u>Maximum floor area ratio</u>	<u>50%</u>	<u>100%</u>	<u>150%</u>	

<u>Accessory structures within setback area</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	<u>Mail boxes, trash enclosures, boundary walls, and ground signs</u>	<u>Shall not exceed 8 feet in height except for signs for which a greater height is allowed in chapter 16.13 of this code</u>
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**19.14.060 [Floor area-lot area ratio.** The gross floor area of all buildings shall not exceed fifty percent of the lot area in H-1, one hundred percent in H-M, and one hundred fifty percent in H-2 districts.] **Rule making authority.** The director of planning may adopt rules to implement this chapter.

**[19.14.070 Yards.** Minimum yard spacing shall be provided in accordance with the following table:


**Minimum Yard Spacing in Feet**

No. of Stories	Side Yard	Front and Rear Yards
1 & 2	10 ft.	1/2 the height of building with a minimum of 15 feet
3 & 4	15 ft.	
5 & 6	20 ft.	
7 & 8	25 ft.	
9 to 12	30 ft.]"	

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

S:\ALL\MJH\ORDS\Amend 19.14 hotel district 3-20-13.doc

WE HEREBY CERTIFY that the foregoing BILL NO. 7 (2014)

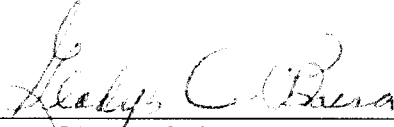
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 7th day of February, 2014, by the following vote:

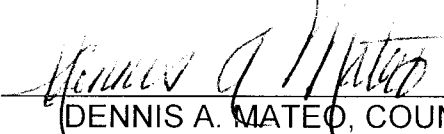
Gladys C. BAISA Chair	Robert CARROLL Vice-Chair	Eleanora COCHRAN	Donald G. COUCH, JR.	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Michael P. VICTORINO	Michael B. WHITE
Aye	Excused	Aye	Aye	Aye	Aye	Aye	Excused	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 7th day of February, 2014.

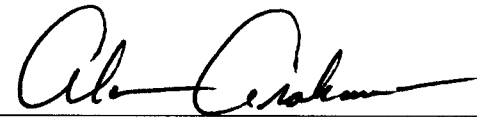
DATED AT WAILUKU, MAUI, HAWAII, this 7th day of February, 2014.

RECEIVED  
2014 FEB -7 PM 3:21  
OFFICE OF THE MAYOR

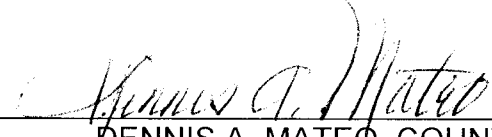
  
GLADYS C. BAISA, CHAIR  
Council of the County of Maui

  
DENNIS A. MATEO, COUNTY CLERK  
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 8 DAY OF February, 2014.

  
ALAN M. ARAKAWA, MAYOR  
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4103 of the County of Maui, State of Hawaii.

  
DENNIS A. MATEO, COUNTY CLERK  
County of Maui

Passed First Reading on January 24, 2014.  
Effective date of Ordinance February 8, 2014

RECEIVED  
2014 FEB 10 AM 9:32  
OFFICE OF THE  
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4103, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

\_\_\_\_\_  
County Clerk, County of Maui



## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 10:36 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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Aloha... to all the people that think AOA dues are "optional" need to familiarize themselves with the State of Hawaii governing Statute 514B - You can't just decide to do away with a reserve account that is in place by statute to fix repair replace items on a building.. Nor do away with insurance..

Condo's are NOT affordable housing.. You can qualify for \$100,000 more of a loan if you do not have AOA dues

## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 11:00 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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Aloha... If you plan on turning STR condo's into affordable housing? How will that be accomplished when residents do not want to pay \$5500 for rent right now.. You can rent a house for \$5,500 with more room and no rules like you can't put your bike on the lanai or hang a towel on the lanai rain so you must rent a storage shed.... They will not want to pay on a condo loan of that amount.. Also the "down payment" they get as a "grant" has restrictions and terms.. It is NOT FREE money... you should look into loan programs.. Its not as simple as it sounds..

## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 11:29 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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First Time home buyers can purchase condo's now.. Why aren't they? You don't have to turn STR's into apartments for anyone to purchase..

## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 11:38 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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First Time Home Buyer criteria: [First-Time-Home-Buyers-Brochure](#)

### First-Time Home Buyer's Down Payment Assistance Progr

5% of the of program the residential purchase unit shall property, whichever or appraised or

[www.mauicounty.gov](http://www.mauicounty.gov)

### First-Time Home Buyer's Down Payment Assistance Progr

5% of the of program the residential purchase unit shall property, whichever or appraised or

[www.mauicounty.gov](http://www.mauicounty.gov)

## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 11:45 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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Limiting Short term rentals in other States, means NO permitting ... Maui knows that there are NO permits they can yank...so they're trying to change ZONING.. Different animal

## HLU Committee

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**From:** Deb TP <mauislandtime@gmail.com>  
**Sent:** Wednesday, July 23, 2025 1:58 PM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony

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Condos are not the same as single family homes, someone posed the argument that all the condo owners can mow their own yards? and fix their own roofs? That really illustrates no one on the council understands that someone that owns a condo only owns airspace inside their condo walls...Outside of their sheet rock of a condo are common elements, which are owned by everyone in the complex.. Everyone shares in repairs..

## HLU Committee

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**From:** Tommylynn Ebreo-Castillo <noreply@adv.actionnetwork.org>  
**Sent:** Wednesday, July 23, 2025 7:29 PM  
**To:** HLU Committee  
**Subject:** Support for Bill 9 to Phase Out the Minatoya List!

Housing Land Use Committee,

Aloha Councilmembers,

Please SUPPORT Bill 9 to phase out the short term rentals on the Minatoya list without carveouts or special protections for timeshares.

Tommylynn Ebreo-Castillo  
leimomi71@aol.com

Paauilo, Hawaii 96776-0307

The Reverend Captain George D. Bement, M.Div., LCSW  
2191 South Kihei Rd. #2409  
Kihei, HI 96753  
kahukeoke@yahoo.com

July 23 2025

Maui County Council Housing and Land Use Committee  
2200 South High St.  
Wailuku, HI 96793

Subject: Proposed Minatoya Short Term Rental Phase Out

Aloha Chair, Vice Chair, and Committee Members,

I am writing to let you know that I am convinced that significantly reducing short term rentals will not solve the long-term housing problem on Maui, and respectfully ask the Committee to recommend denial for this proposal.

I moved to Kihei in 1987 to start Kihei Lutheran Church as its first pastor. Over the eight years I lived in Kihei I developed many friendships and a close tie to the island of Maui. Eventually I had to move to Texas due to family concerns, but my son still lives and has worked in Kihei for the past 19 years.

In 2014 my wife and I purchased a condo at Maui Vista; primarily for us to have a place to stay on our frequent return trips to the island. We could not afford the high price of Maui hotels. We are blessed to be able to spend time with our son, our longtime friends, our church ohana, and the aina we love. The fact that we have been able to rent the condo as a short-term vacation rental has provided us the opportunity to own property in Kihei.

Our condo monthly expenses, including mortgage, taxes, monthly and special assessment fees, utilities, insurance, maintenance, etc., total more than \$7,000 per month. The only way we can afford those costs is by using it as a short-term vacation rental. We are not making money; we are just breaking even. Should it be converted to long-term rental only, I don't think \$7,000 per month (to break even) for an 822 square foot, 1-1/2 bedroom apartment can be considered affordable housing. If we sold it, the cost to the new owner would be higher due to the increase in interest rates.

Our ownership and use of the condo as a short-term rental has not only benefited us, but it has also financially benefited the County of Maui and the State of Hawaii. Last year we paid \$10,020 state Transient Accommodation Tax, \$2,935 County Transient Accommodation Tax, \$3,600 State General Excise Tax, and \$15,636 County Property Tax, for a total of \$32,191.

Maui Vista was built for vacation rentals in 1980. The units are small with small kitchens and baths and parking limited to one car. Maintenance fees are high. There is no storage nor playground for families. These condos were never intended for full-time family living. FEMA funded families who moved into Maui Vista after the fire did not stay long, often only a few weeks, because it did not work well for families. Also, many condos in Maui Vista made available by FEMA funding were not chosen by locals, again because the condos are not well suited for families.

The need for affordable housing on Maui was critical when I moved there in 1987, and remains so today. It was exasperated by the loss of housing in West Maui following the tragic fires. Maui needs affordable long-term housing, but eliminating short-term vacation rentals is not a way to do that. Please vote in opposition to revoking rights to operate short-term rentals in Minatoya listed properties. Instead, build new affordable housing.

Mahalo nui loa for your consideration,

*Rev. Capt. George D. Bement*

The Reverend Captain George D. Bement, M.Div., LCSW



## HLU Committee

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**From:** George Bement <kahukeoke@yahoo.com>  
**Sent:** Wednesday, July 23, 2025 9:28 AM  
**To:** HLU Committee  
**Subject:** Bill 9 Testimony  
**Attachments:** Testimony.docx

You don't often get email from kahukeoke@yahoo.com. [Learn why this is important](#)