


July 1, 2026, HLU Committee meeting

HOUSING AND LAND USE COMMITTEE
Amendment Summary Form

Legislation: Resolution 26-111, "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN AND A PROPOSED BILL TO CHANGE THE ZONING FOR PROPERTIES OPERATING LIKE HOTELS IN THE A-1 AND A-2 APARTMENT DISTRICTS."

Proposer: Councilmember Tom Cook. 

Description: My amendments would add three properties operating like hotels to the proposed bills attached to Resolution 26-111. These properties are noticed on the agenda's Exhibit "1."

Motion: I move to amend Resolution 26-111 by adding three properties to the proposed bills attached to the Resolution, as shown in the attached markups:

1. Kamaole Sands,
2. Luana Kai, and
3. Mahina Surf.

Effect: All three of the properties are listed on the agenda's Exhibit "1" and under my motion would be included in the bills as follows:

1. **Kamaole Sands:**

A 15.021-acre parcel located at 2695 South Kihei Road, Kihei, identified for Real Property Tax purposes as Tax Map Key (2)-3-9-004:004:

- o Community Plan Amendment bill, Section 2, from Multi-Family to Hotel.
- o Change in Zoning bill, Section 3, from A-2 Apartment District to H-4 Hotel District.

July 1, 2026, HLU Committee meeting

2. Luana Kai:

A 3.97-acre parcel located at 940 South Kihei Road, Kihei, identified for Real Property Tax purposes as Tax Map Key (2) 3-9-001:006:

- Community Plan Amendment bill, Section 2, from Multi-Family to Hotel.
- Change in Zoning bill, Section 3, from A-2 Apartment District to H-4 Hotel District.

3. Mahina Surf:

A 1.964-acre parcel located at 4057 Lower Honoapiilani Road, Lahaina, identified for Real Property Tax purposes as Tax Map Key (2) 4-3-009:005:

- Community Plan Amendment bill, Section 3, from Residential to Resort/Hotel.
- Change in Zoning bill, Section 2, from A-1 Apartment District to H-3 Hotel District.

Reasons: These properties operate like hotels, consistent with the Resolution's purpose.

- For Kamaole Sands, please see Appendix 1.
- For Luana Kai, please see Appendix 2.
- For Mahina Surf, please see Appendix 3.

Attachments: Markups of Resolution 26-111's Exhibit "1" Community Plan Amendment bill and Exhibit "2" Change in Zoning bill, showing the changes if my motion is approved; Appendices 1-3.

EXHIBIT “1”
MARKUP OF COMMUNITY PLAN AMENDMENT BILL

ORDINANCE NO. _____

BILL NO. _____ (2026)

A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND WEST MAUI COMMUNITY PLAN FOR PROPERTIES OPERATING LIKE HOTELS IN THE A-1 AND A-2 APARTMENT DISTRICTS

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

SECTION 1. Under Ordinance 5909, Transient Vacation Rental uses are being phased out of the Apartment Districts. By Ordinance 6008, effective June 22, 2026, the Council established the H-3 and H-4 Hotel Districts.

Some Apartment District properties with Transient Vacation Rental uses that operate like hotels—for example, by providing front-desk or similar services or employing groundskeepers and other staff—are appropriate for a Hotel land use designation within the Kihei-Makena Community Plan Area or a Resort/Hotel land use designation within the West Maui Community Plan Area.

This Ordinance’s purpose is to change community plan land use designations and approve related community plan amendments to allow Transient Vacation Rental uses to continue at these properties.

SECTION 2. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended by amending the Community Plan Land Use Map

by changing the designation from Multi-Family to Hotel for the following properties:

Property Name	Tax Map Key	Address	Size in acres
Wailea Ekahi II	(2) 2-1-008:060 (portion)	3300 Wailea Alanui Drive, Wailea	Portion of 10.388
Wailea Ekahi I	(2) 2-1-008:064 (portion)	3300 Wailea Alanui Drive, Wailea	Portion of 13
Wailea Ekahi III	(2) 2-1-008:065 (portion)	3300 Wailea Alanui Drive, Wailea	Portion of 10.118
Wailea Ekolu	(2) 2-1-008:077	10 Wailea Ekolu Place, Wailea	17.604
The Palms at Wailea I	(2) 2-1-008:082 (portion)	3200 Wailea Alanui Drive, Wailea	Portion of 16.727
Kamaole Sands	(2) 3-9-004:004	2695 South Kihei Road, Kihei	15.021
Luana Kai	(2)-3-9-001:006	940 South Kihei Road, Kihei	3.97

SECTION 3. Under Chapter 2.80B, Maui County Code, the West Maui Community Plan is amended by amending the Community Plan Land Use Map by changing the designation from Residential to Resort/Hotel for a 12.281-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 4-4-001:055, situated at 3543 Lower Honoapiilani Road, Lahaina, Hawai‘i, containing Papakea; and for a 1.964-acre parcel identified for Real Property Tax purposes as Tax Map Key (2) 4-3-009:005, situated at 4057 Lower Honoapiilani Road, Lahaina, Hawai‘i, containing Mahina Surf.

SECTION 4. Under Chapter 2.80B, Maui County Code, the Kihei-Makena Community Plan is amended at Part V, A., “Land Use Categories and Definitions,” for the “Hotel (H)” designation by repealing the bracketed material and adding the underscored material:

“This designation applies to transient accommodations [which] that do not contain kitchens within individual units[.] or that are in the

H-3 or H-4 zoning district. Such hotel facilities may include permissible accessory uses primarily intended to serve hotel guests.”

SECTION 5. The West Maui Community Plan is amended by amending page 176 in the table under “Most Compatible Zoning Districts for Updated Community Plan Designations” for the “Resort/Hotel (RH)” designation by repealing the bracketed material and adding the underscored material:

“B-R, B-1, H-1, H-2, H-3, H-4, H-M, [A-1, A-2,] PK, PKGC, OS-1, OS-2”

SECTION 6. This Ordinance takes effect on approval.

EXHIBIT “2”
MARKUP OF CHANGE IN ZONING BILL

ORDINANCE NO. _____

BILL NO. _____ (2026)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM THE A-1
AND A-2 APARTMENT DISTRICTS TO THE H-3 AND H-4 HOTEL
DISTRICTS FOR PROPERTIES OPERATING LIKE HOTELS

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

SECTION 1. Under Ordinance 5909, Transient Vacation Rental uses are being phased out of the Apartment Districts. By Ordinance 6008, effective June 22, 2026, the Council established the H-3 and H-4 Hotel Districts.

Some A-1 and A-2 Apartment District properties with Transient Vacation Rental uses that operate like hotels—for example, by providing front-desk or similar services or employing groundskeepers and other staff—are appropriate for H-3 and H-4 Hotel District zoning, respectively, to allow for continued Transient Vacation Rental uses.

This Ordinance’s purpose is to change the zoning for these properties.

This Ordinance is intended to advance the following General Plan policies:

- “Support the renovation and enhancement of existing visitor facilities.” (Countywide Policy Plan)

- “Recognize the important contributions that the visitor industry makes to the County’s economy.” (Countywide Policy Plan)
- “Provide a rich visitor experience, while protecting the island’s natural beauty, culture, lifestyles, and aloha spirit.” (Maui Island Plan)
- “Recognize the important economic contributions that the visitor industry makes and support a healthy and vibrant visitor industry.” (Maui Island Plan)
- “Establish balance between visitor industry employment and non-visitor industry employment.” (Kihei-Makena Community Plan)
- “Support best practices for tourism management in West Maui to protect the residents’ quality of life, and the area’s environment, culture, and character.” (West Maui Community Plan)

SECTION 2. Under Chapters 19.14 and 19.510, Maui County Code, a Change in Zoning from A-1 Apartment District to H-3 Hotel District is granted for the following properties:

Property Name	Tax Map Key	Address	Size in acres
Wailea Ekahi II	(2) 2-1-008:060	3300 Wailea Alanui Drive, Wailea	10.388
Wailea Ekahi I	(2) 2-1-008:064 (portion)	3300 Wailea Alanui Drive, Wailea	Portion of 13
Wailea Ekahi III	(2) 2-1-008:065 (portion)	3300 Wailea Alanui Drive, Wailea	Portion of 10.118
Wailea Ekolu	(2) 2-1-008:077 (portion)	10 Wailea Ekolu Place, Wailea	Portion of 17.604
The Palms at Wailea I	(2) 2-1-008:082	3200 Wailea Alanui Drive, Wailea	16.727

Mahina Surf	(2)-4-3-009:005	4057 Lower Honoapiilani Road, Lahaina	1.964
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SECTION 3. Under Chapters 19.14 and 19.510, Maui County Code, a Change in Zoning from A-2 Apartment District to H-4 Hotel District is granted for the following properties:

Property Name	Tax Map Key	Address	Size in acres
Papakea	(2) 4-4-001:055 (portion)	3543 Lower Honoapiilani Road, Lahaina	Portion of 12.281
Maui Eldorado	(2) 4-4-008:021	2661 Kekaa Drive, Kā'anapali	10.215
Kamaole Sands	(2) 3-9-004:004	2695 South Kihei Road, Kihei	15.021
Luana Kai	(2) 3-9-001:006	940 South Kihei Road, Kihei	3.97

SECTION 4. This Ordinance takes effect on approval.

paf:mkm: 26-183e

APPENDIX 1
Kamaole Sands



Date: 6/29/2026

Council Member Tom Cook
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Re: Proposed Amendment to Resolution No. 26-111 – Inclusion of Kamaole Sands

Dear Council Member Cook:

Thank you for your willingness to consider this request.

On behalf of the Board of Directors of the Association of Apartment Owners of Kamaole Sands (“Kamaole Sands”), I respectfully request your consideration of the enclosed proposed amendment to Resolution No. 26-111 and ask that you consider sponsoring the amendment for consideration by the Housing, Land Use, and Development Committee before the Resolution is referred to the Maui Planning Commission.

Background

Resolution No. 26-111 proposes to refer companion ordinances to the Maui Planning Commission to amend the Kihei-Makena Community Plan and West Maui Community Plan and to change the zoning designation for certain Apartment District properties that operate like hotels. The purpose of the referral is to allow the Planning Commission to review the proposal and provide findings and recommendations to the Council before further legislative action is taken.

Kamaole Sands is an existing condominium property located at **2695 S. Kihei Road, Kihei**, identified for real property tax purposes as **Tax Map Key (2) 3-9-004:004-0000**, consisting of approximately **15.021 acres (654,315 square feet)**.

The property consists of a single legal parcel and is legally described as **Lot 1 of the Kamaole Sands subdivision, File Plan No. 1751, Bureau of Conveyances, State of Hawaii**.

Basis for Inclusion

Kamaole Sands is an existing A-2 Apartment District condominium property that has long accommodated transient vacation rental uses and provides centralized on-site management and common services consistent with the purpose of Resolution No. 26-111.

The membership of the Association approved an amendment to the Association’s Bylaws expressly authorizing the Board of Directors to pursue Hotel District zoning for the property. Acting under that authority, the Board supports inclusion of Kamaole Sands in the proposed Community Plan Amendment and Change in Zoning so that the Planning Commission may evaluate the property together with the other properties identified in Resolution No. 26-111.

Because this amendment would be considered before Resolution No. 26-111 is referred to the Maui Planning Commission, the Planning Commission would have the opportunity to review Kamaole Sands



as part of the same legislative proposal and provide findings and recommendations to the Council pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui.

The proposed amendment does not alter the scope or purpose of Resolution No. 26-111. It simply adds Kamaole Sands to the list of properties that will be evaluated through the same Planning Commission review process contemplated for the other properties identified in the Resolution.

Proposed Amendment

Accordingly, the Board respectfully requests that you consider sponsoring the enclosed amendment so that Kamaole Sands may be evaluated by the Maui Planning Commission together with the other properties identified in Resolution No. 26-111.

The proposed amendment would:

1. Add a recital identifying Kamaole Sands as an A-2 Apartment District property with Transient Vacation Rental uses that operates like a hotel and is appropriate for consideration for H-4 Hotel District zoning through the legislative process established by Resolution No. 26-111.
2. Amend Exhibit "1" to include Kamaole Sands in the list of properties proposed for amendment to the Kihei-Makena Community Plan Land Use Map.
3. Amend Exhibit "2" to include Kamaole Sands in the list of properties proposed for rezoning from the A-2 Apartment District to the H-4 Hotel District.

The Board appreciates your consideration of this request and respectfully asks that you consider sponsoring the enclosed amendment for consideration by the Housing, Land Use, and Development Committee before Resolution No. 26-111 is referred to the Maui Planning Commission.

Thank you for your service to Maui County and for your consideration of this request.

Respectfully submitted,

Roy LeBlanc

President

Board of Directors

Association of Apartment Owners of Kamaole Sands



Attachment A

PROPOSED AMENDMENT TO RESOLUTION NO. 26-111

1. Amend the Recitals

Insert the following recital immediately after the recital beginning:

“WHEREAS, three of those properties...”

and before the recital beginning:

“WHEREAS, Sections 8-8.4 and 8-8.6...”

to read:

WHEREAS, the Council further finds that Kamaole Sands, identified for real property tax purposes as Tax Map Key (2) 3-9-004:004-0000, located at 2695 S. Kihei Road, Kihei, Hawai‘i, is an A-2 Apartment District condominium property with Transient Vacation Rental uses that operates like a hotel and is appropriate for consideration for H-4 Hotel District zoning through the legislative process established by Resolution No. 26-111; and

2. Amend Exhibit “1”

Amend SECTION 2 by inserting the following new row in the table immediately preceding **“The Palms at Wailea I (portion)”**:

Property Name	Tax Map Key	Address	Size in Acres
Kamaole Sands	(2) 3-9-004:004-0000	2695 S. Kihei Road, Kihei	15.021

3. Amend Exhibit “2”

Amend SECTION 3 by inserting the following new row in the table immediately preceding **“Maui Eldorado”**:

Property Name	Tax Map Key	Address	Size in Acres
Kamaole Sands	(2) 3-9-004:004-0000	2695 S. Kihei Road, Kihei	15.021



Attachment B

KAMAOLE SANDS – SUMMARY OF PROPOSED INCLUSION

Item	Description
Property	Kamaole Sands
Current Zoning	A-2 Apartment District
Proposed Zoning	H-4 Hotel District
Community Plan Designation	Multi-Family (proposed Hotel)
Tax Map Key	(2) 3-9-004:004-0000
Situs Address	2695 S. Kihei Road, Kihei
Parcel Size	15.021 acres (654,315 sq. ft.)
Legal Description	Lot 1, Kamaole Sands, File Plan No. 1751
Parcel Status	Entire legal parcel
Existing Use	Condotel (Condo Hotel)
Board Position	Supports inclusion in Resolution No. 26-111
Owner Authorization	Membership-approved Bylaw amendment authorizing the Board to seek Hotel District zoning

KAMAOLE SANDS

The Property

Kamaole Sands consists of 441 individual condo units consisting mostly of one bedroom two bath units, the top floor units are two bedroom two bath, and there are several units with more than two bedrooms.

Occupancy Limits

The Declaration of Condo Property Regime of Kamaole Sands limits the occupancy of condos to two times the number of bedrooms, or two times the number of bathrooms.

Use

The Declaration of Condo Property Regime of Kamaole Sands further states each condo may be used as a private dwelling, long term rental and transient rental. At Kamaole Sands approximate 10% of Condos are occupied by full time resident owners, vacation homes or long term lessees. The rest are short term transient rentals.



A True Condotel

Constructed in 1983, Kamaole Sands AOAO was incorporated by Aston Resorts and Hotels, a Hawaii based Hotel and Resort business. Since opening, Kamaole Sands has operated as a resort condominium (condotel) providing transient accommodations supported by hotel-style services, resort amenities, guest programming, and professional management. This brochure summarizes the features that distinguish Kamaole Sands as a true condotel. Over the ensuing four decades various hotel Industry companies have operated the front desk and guest registration functions.

Castle Resorts and Hotels

As the main face of Kamaole Sands, Castle Resorts and Hotels staffs the 24/7 Registration desk and checks in all arriving guests. Castle staff also manage the PBX phone system which connects the entire property.

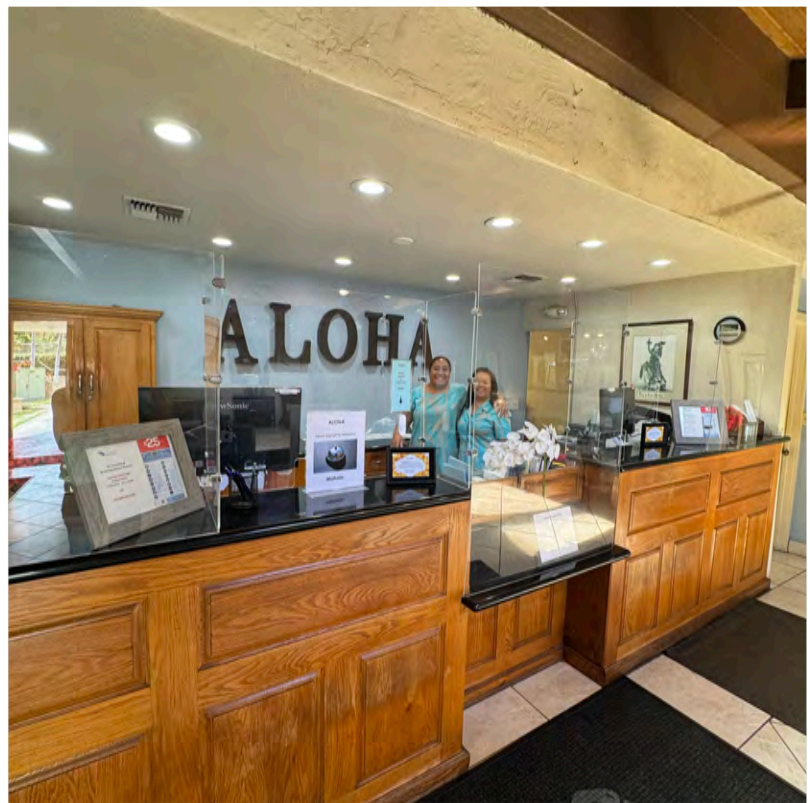




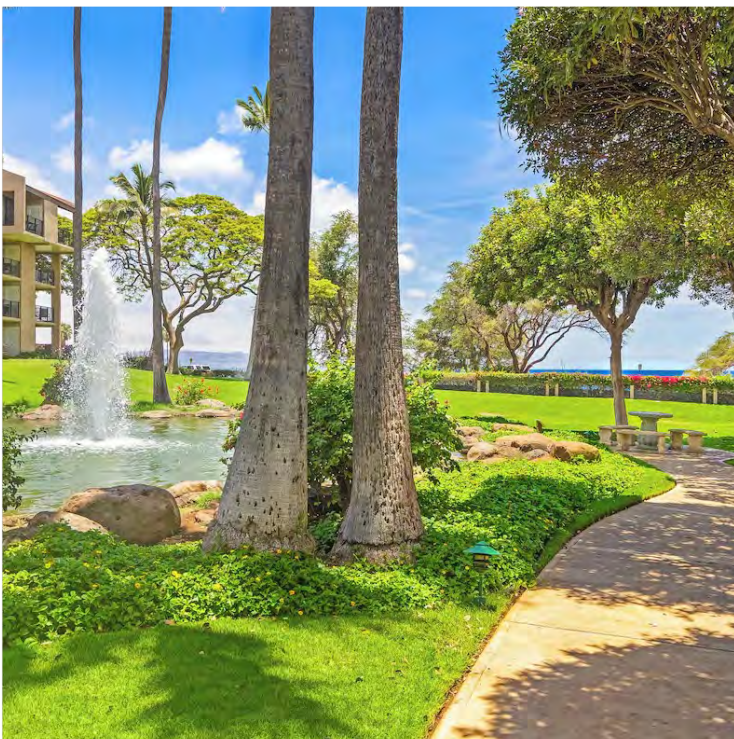
The Resort Experience

Kamaole Sands maintains the features you would expect from any tropical Hotel.

- Castle Resorts operates a staffed registration desk 24 hours per day where arriving guests check in, receive parking permits, obtain property information, and access concierge services. This centralized registration process is consistent with hotel



- Our 15 acre property features daily maintained gardens and water features providing guests with ample opportunities to stroll the grounds creating a resort environment for transient visitors.





Recreation

Guests have access to a variety of resort recreational amenities comparable to those commonly found at hotels and resort properties.

- Our property features a large main pool, Keiki pool as well as two spas!



- Guests have access to a well-equipped fitness center, tennis courts, pickleball courts and a donation library and reading area.





Resort Experiences

Kamaole Sands provides organized guest programming and services commonly associated with resort hotels.

- Kamaole Sands offers scheduled guest programming including educational presentations by Maui Ocean Center naturalists and weekly Hawaiian cultural entertainment featuring hula and live local musicians.



- Guests have access to an on-site concierge offering excursion reservations, activity bookings, equipment rentals, and visitor information, services commonly provided by resort hotels.



Additional Information

Security

Kamaole Sands is a controlled access property, two mechanical gates secure the north and south entrances to the property with only a main entrance on S Kihei Rd for public access. Once checked in, guests are provided access codes for the gates. The AOA employs a staff of licensed Security Officers who patrol the property and maintain order.

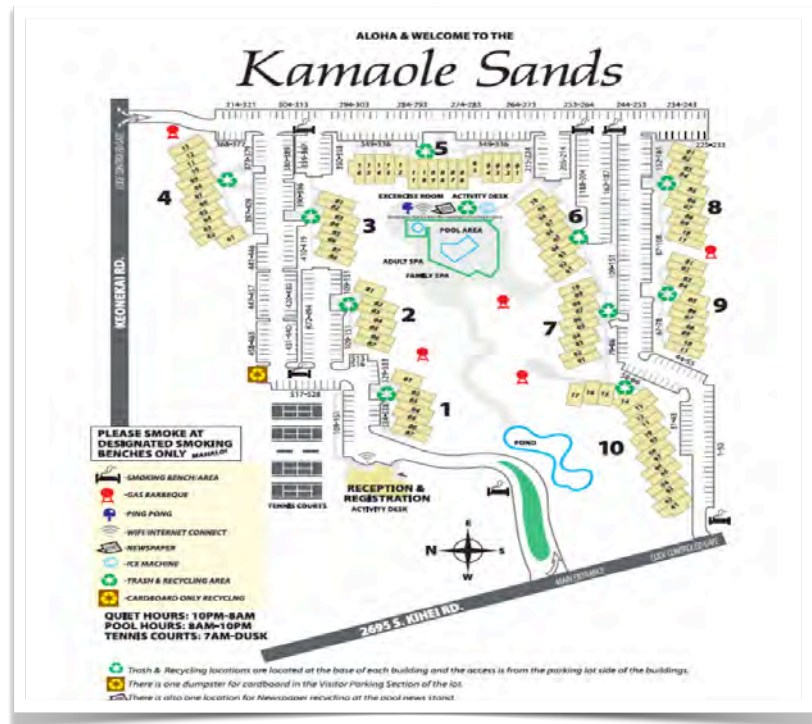
Parking

Kamaole Sands has dedicated parking for each condo and all vehicles must check in at the registration building and obtain a parking permit.

Rules

Like hotels and resorts, Kamaole Sands maintains rules governing guest conduct, including quiet hours and operating hours for recreational amenities.

We are also a no smoking/vaping property except in the provided designated outdoor smoking areas.



Our Team

Kamaole Sands AOA employs approximately 20 persons, several employees have served the property for more than 35 years. In addition to the AOA staff, Castle Resorts and Hotels employs multiple staff to operate the front registration desk as well as house keepers, maintenance staff and a general manager. This is in addition to the multiple service contracts Kamaole Sands AOA maintains with local companies.

Rental Management Companies

While Castle Resorts and Hotels represents a large portion of the STR Units at Kamaole Sands, many others are managed by local small businesses who employ or contract people for services like cleaning and laundry and maintenance.

Comparison of Operational Characteristics

Traditional Apartment Condo	Vs	Kamaole Sands
Long-term occupancy		Primarily transient occupancy
Individual arrival		Central registration desk
No concierge		On-site concierge
No cultural programming		Scheduled guest activities
No hotel services		Hotel-style guest services
Residential environment		Resort environment
Resident amenities		Resort amenities

For more than four decades, Kamaole Sands has continuously operated as a resort condominium providing transient accommodations supported by hotel-style operations, centralized guest services, organized recreational and cultural programming, and professionally managed resort facilities. These operational characteristics distinguish Kamaole Sands from a traditional residential condominium and are consistent with the operation of a condotel.

Appendix 2

Luana Kai

A

LUANA KAI ZONING TO BE CHANGED FROM A-2 APARTMENT DISTRICT TO H-4 HOTEL DISTRICT

INTRODUCTION

1. Luana Kai Vacation Resort, located at 940 South Kihei Road, Kihei, should have originally been included in Exhibit 2 of the TIG Report. It was a mistake that it was not.
2. It is a 113-unit condominium vacation resort occupying 4 separate 3-story buildings, with no elevators, on approximately 4 acres. It was designed and built to be operated as a short-term/transient vacation rental property.
3. It has always operated like a hotel and not as a long-term residential property.
4. It is currently zoned as A-2. It should be zoned H-4.

DEVELOPMENT OF LUANA KAI

5. Construction was completed in 1979, and it went on the market immediately.
6. It was developed by a Hawaiian General partnership, the two partners of which were residents of the State of Hawaii. David C. Maddox, one of the partners, has provided a statement which expressly confirms that:

“The primary purpose of the development was to design and build the apartments in Luana Kai for use by owners as short term vacation rentals, and not as long-term residential or worker housing.”

OPERATION AS A SHORT-TERM VACATION RENTAL PROPERTY

7. Since its completion in 1979, Luana Kai has always legally operated as a short-term/transient vacation rental property, more in keeping with a hotel.
8. Leslie Brown is the on-site property coordinator at Luana Kai. Ms. Brown has worked continuously on site at Luana Kai managing the vacation rentals since 1986. She also operates a short-term/transient vacation rental business in the office/lobby of Luana Kai.

9. Ms. Brown has provided a statement confirming that when she started working at Luana Kai to the present time, it has always operated as a short-term/transient vacation rental property.
10. Ms. Brown also says that during her 40 years at Luana Kai, typically, 100 of the 113 units have operated as short-term/transient vacation rentals and that some units are not rented out at all.

FACILITIES AND AMENITIES OF LUANA KAI

11. The property has:

- A front office and lobby for guest check-ins, with a leisure area for guests (it does not have USPS post boxes for any units)
- A commercial laundry area
- Industrial maintenance/repair shop
- Putting green
- Outdoor shuffleboard court
- Heated pool, hot tub, sauna, and deck lounge chairs
- Cabana with open kitchen (with sink, fridge, stove, cabinets, cold drink vending machine), barbeques, tables, and chairs
- 143 parking stalls, 4 of which are reserved for public beach access parking and 6 for handicap parking

EMPLOYEES/CONTRACTORS

12. The owners' association employs/contracts with numerous workers, including:

- a full-time and a part-time property maintenance worker
- on-site full-time property coordinator and short-term rentals manager along with a full-time assistant
- landscaping crew
- security patrol at night
- housekeepers whose numbers vary depending on occupancy

- other workers/contractors as needed for property and unit repairs, and property flood clean-up, who frequently attend for a range of services required

FINANCES

13. The average 2026 monthly maintenance fees are:

- o 1 bedroom units (44): \$741.87
- o 2 bedroom units (65): \$1,088.41
- o 3 bedroom units (4): \$1,344.31

14. The average monthly 2025 property taxes were:

- o 1 bedroom units (44): \$896.82
- o 2 bedroom units (65): \$1,069.51
- o 3 bedroom units (4): \$1,145.38

15. In 2025, the owners of Luana Kai paid to the County of Maui the following:

- o Property taxes: \$1,372,321
 - STR/TVR = \$1,362,649.35
 - Owner occupied = \$9,671.66
- o GET: about \$60,000
- o TAT: unknown as each owner is responsible for paying this tax

SALES OF UNITS

16. Since 2023, 6 of the 2-bedroom units in Luana Kai have sold with the sale price ranging between \$1,512,000 for oceanfront view and \$825,000 for garden view.

17. Currently there are 11 units for sale at Luana Kai. The units range from a small 1-bedroom garden view unit listed at \$500,000 to a 3-bedroom unit listed at \$1,500,000.

NATURAL HAZARDS

18. Sea Level Rise Zone:

- Luana Kai lies within the Kihei Flood Plane and therefore is in a special flood hazard area (SFHA). The County of Maui, FEMA and the PACIOOS classify Luana Kai as Flood Zone AE, which is not suitable for long-term housing because of the much higher and real risk of property damage from flooding, the cost of which will be borne by the owners of the units. Further, lenders may require flood insurance.

19. Waipuilani Gulch Flooding:

- Luana Kai also borders on the Waipuilani Gulch.
- When storms occur, such as the January 2025 storm and especially the March 2026 storm, the Luana Kai parking lots, lawns, and gardens are flooded which leaves tons of contaminated mud, rocks, and debris on the property. With every flood, the owners have had to pay tens of thousands of dollars in costs to clean up the mess and repair the damage.

CONCLUSION

20. Luana Kai should have been included in Exhibit 2 of the TIG Report, but it was missed. It was built and has always operated since 1979 as a short-term/transient vacation rental property.
21. Its operations and facilities are more in keeping with a hotel-like operation.
22. It is appropriate to include Luana Kai for a Hotel land use designation of H-4 within the Kihei-Makena Community Plan Area in order to allow transient vacation rental uses to continue.

B

- **Copy of Developer letter**
- **Photos**
- **Entrance sign**
- **Lobby**
- **Laundry facilities**
- **Pool cabana**
- **Leslie Brown letter**

DAVID C. MADDOX, INC.
1255 S. Nutwood Street, Suite 2
Anaheim, CA 92804

January 19, 2026

Mr. John Godfrey, President
Luana Kai Association of Apartment Owners
940 South Kihei Road
Kihei, Maui, HI 96753

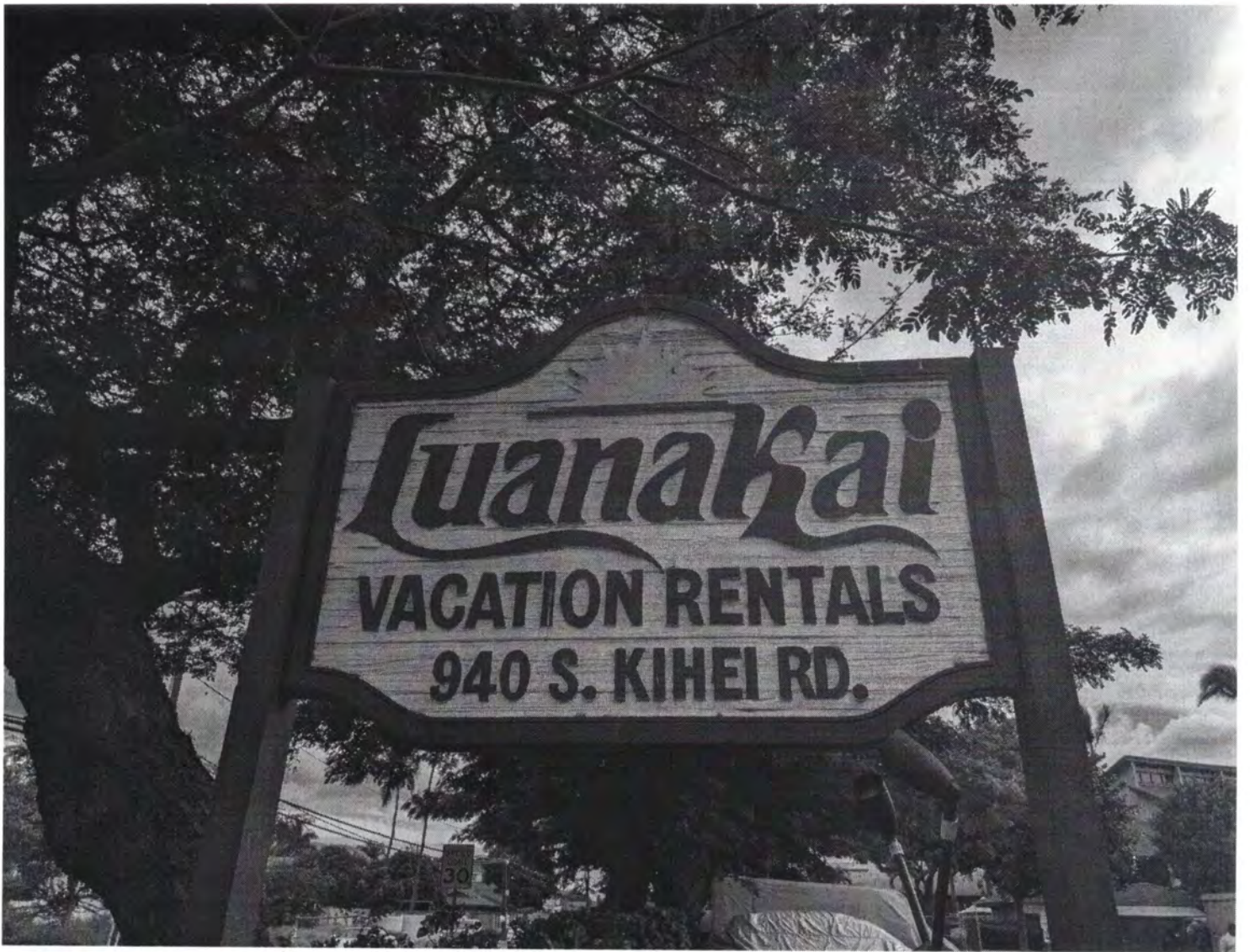
In 1978, David C. Maddox, currently President of David C. Maddox, Inc., and James K. Schuler, deceased, formed the Luana Kai Partners, a Hawaii general partnership, to develop the Luana Kai condominium property ("Luana Kai").

The primary purpose of the development was to design and build the apartments in Luana Kai for use by owners as short term vacation rentals, and not as long-term residential or worker housing. The documents submitted to the State of Hawaii and the County of Maui complied with the then regulations required for development of properties as short term vacation rentals.

Sincerely,

A handwritten signature in black ink, appearing to read "D. C. Maddox", written in a cursive style.

David C. Maddox, President



Luanakai

VACATION RENTALS

940 S. KIHEI RD.

30



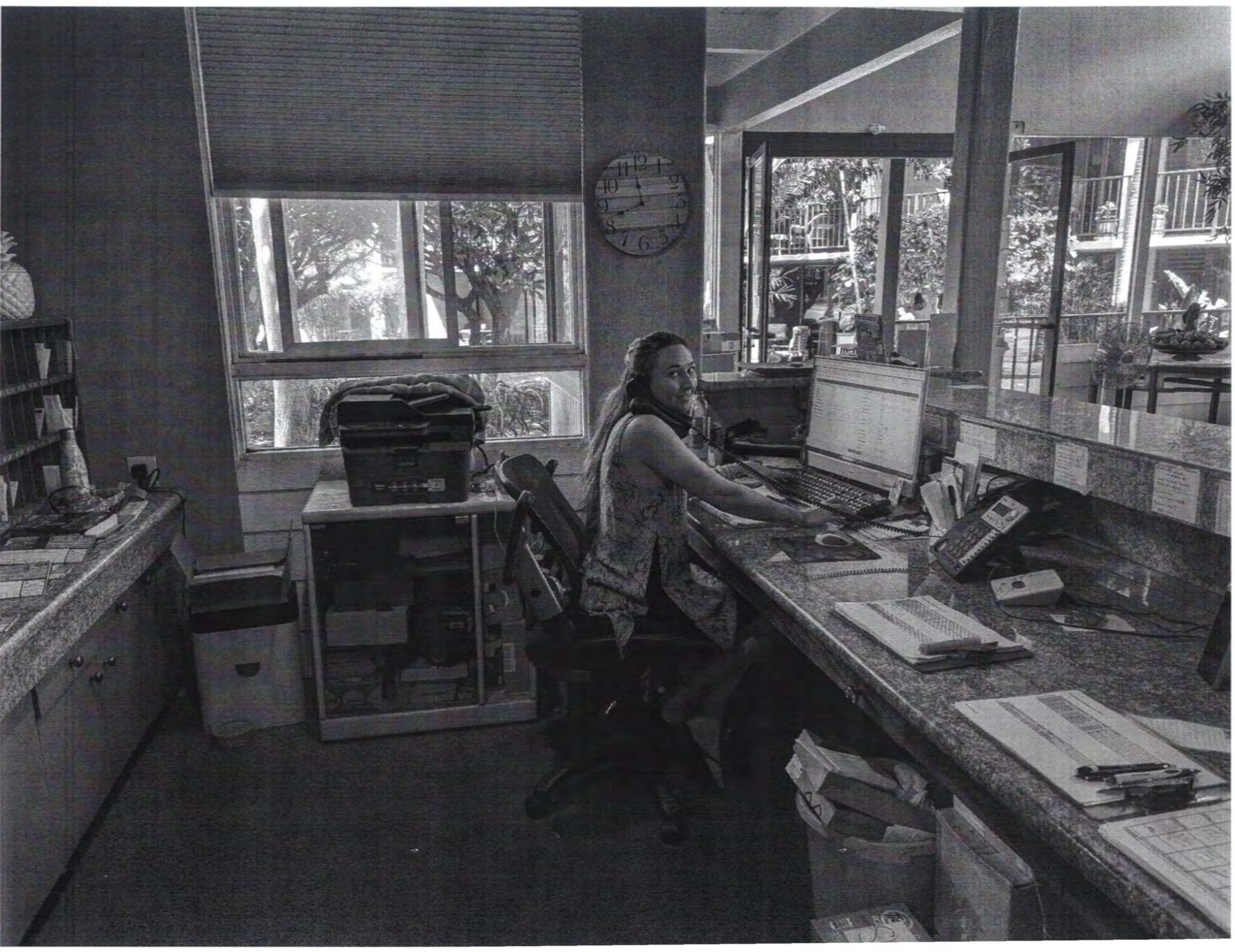
KINDNESS MATTERS

THE RULES
DON'T CHANGE
WE HAVE
YOUR TURN
OUR ATTITUDE
OUR BEST
NEW THINGS
CAN PROVE IT
WE'VE LIVED
THE SAME LIVED





FAMILY









My name is Leslie Brown. I have been a resident of Maui, Hawaii for 40 years.

I am the vacation rental manager at the Luana Kai Resort, located at 940 S. Kihei Road.

Upon moving to Maui, I immediately obtained employment with Hawaiian Island Resorts, a subsidiary of Chaney, Brooks and Company. They were the managing agent of Luana Kai at the time.

I was hired to staff the front desk, located in the lobby at Luana Kai. I replaced the previous employee who held the same position. My job duties included checking the short term rental guests in and out of their units, providing general visitor services, similar to what a concierge would do in a hotel. I also traveled to the Seattle travel show at the Needle to set up a booth and hand out brochures about Luana Kai to encourage short term rental business at the property. I worked as an employee of HIR continuously until 1992 when I purchased the vacation rental business from Chaney Brooks.

The Luana Kai has always been a vacation rental project and I have been the vacation rental manager on site for 40 years. I have an employee who assists me in the front office for rental and owner services.

The Luana Kai occupies approximately 4 acres. It has 113 units and at most, only 8 of those units have been occupied by the owner as their primary residence. In the 40 years, there have been only three long term rentals: currently, there is only 1 long term rental.

Throughout my 40 years at Luana Kai, there has always been a front office/ reception area for our guests and a separate commercial laundry room used by the cleaning staff and contractors.

The Luana Kai also has a pool, hot tub, saunas, kitchen and BBQ's.

The Luana Kai owners association employ or contract with numerous service providers, including:

- A maintenance manager & his part time assistant responsible for the pool, BBQ and gazebo area cleaning on a daily; daily janitorial & maintenance; necessary repairs & improvements to the structures and common areas.
- Pool maintenance service contractor, fully licensed, attending on a daily basis
- Professional landscapers, attending on a regular basis for lawn maintenance, irrigation maintenance & repair, shrub & tree trimming & general gardening.
- We have contracted with a local tree service to provide regularly maintenance & pruning of our palms & other large trees on site.
- Cleaning staff for the short term rental units.

The Luana Kai has no on site individual mailboxes for USPS deliveries. The front desk handles all mail and packages from USPS, Fed Ex and UPS. None of the four buildings have elevators.

Between 2023 and to the present, there have been 7 units sold.

Presently, there are 11 units listed for sale at the Luana Kai. Details of sales and listings are provided by realtor Lori Wash.

APPENDIX 3

Mahina Surf

- 56 Units
 - 53 Units in TVR (approximately 42 units in the Vacasa rental pool, approximately 11 independently rent)
 - 2 Units used by owner as a vacation property
 - 1 unit is for the AOA Resident Manager

Vacasa manages the TVR Program for the "rental pool" and operates the Front Desk which is open 7-days a week.

See: <https://www.vacasa.com/usa/Mahina-Surf>

See also attached brochure that shows the property has been operating like a hotel since it opened in 1971.



Mahina Surf

RURAL ROUTE 1, BOX 100
LAHAINA, MAUI, HAWAII 96761
TELEPHONE (808) 669-6068



golden moments... golden memories...

at Mahina Surf

56 Condominium apartment units set in the midst of the golden beaches of West Maui, on the leeward shore where the boisterous tradewinds become cooling breezes. Comfortable, convenient, relaxing - a perfect place to absorb the romance and the glorious living of Polynesia.

OR TELEPHONE:
Area Code 808
669-6068

TO: Resident Manager
Mahina Surf
Rural Route 1, Box 100
Lahaina, Hi., 96761

Please reserve _____ apartment(s) for _____ persons.

Arrival Date _____ Departure Date _____

Deposit enclosed: \$ _____ (One night's deposit required to confirm reservation. Immediately refundable if reservation cannot be made).

Name _____

Address _____



MAHINA SURF can be your "home in Hawaii" for a week - for 2 months - for as long as you can stay. Each apartment is individually owned by a family and has been fully fitted with the comforts and conveniences they want. When you rent such an apartment, then, you are like an honored guest in their home.

Some bedrooms are furnished with standard twin beds, while others have queen or king size beds, and day-beds or hide-aways take care of extra guests in your party. All-electric kitchens make cooking a pleasure when you don't want to dine out, and a coin-op laundry center will do your washing while you swim or sun. There is a TV set in each apartment for the shows you "don't want to miss", with cable antenna hook-up for maximum clarity.

Each unit has a private lanai looking across the sparkling blue Pacific to the islands of Molokai and Lanai, so whale-watching, ship-watching and sunset-viewing are daily habits of our guests. Ocean swimming, snorkeling, spear-fishing and surfing are all available for the active water enthusiast. For the less active, a spacious fresh-water swimming pool and sunning area are set in the surrounding tropical gardens.

Luxury hotels, shops, night club entertainment, and the championship Royal Kaaanapali Golf Course are only minutes away from MAHINA SURF. And only five miles away, quaint and historic Lahaina town, former royal capital of the Kingdom of Hawaii, maintains its reputation for fun and frivolity, a heritage from the age of whaling ships and roistering seamen. Many fine eating places offer gourmet delights in Polynesian, Oriental and Continental dining. For the ambitious sightseer, Maui offers an endless variety of secluded beaches, scenic wonders, tropical flowers and trees, and all types of water activities including deep-sea fishing.



RATES

EFFECTIVE 4/15/71

One-bedroom apartment with complete kitchen, ideal for two, sleeps four.

- 3 DAYS MINIMUM STAY -

\$20.00 per day for two persons

\$135.00 per week for two persons

\$450.00 per month for two persons

Extra persons, \$3.00 each per day.

(Maid service extra, upon request)

RATES SUBJECT TO 4% STATE TAX

RATES SUBJECT TO CHANGE WITHOUT NOTICE









PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
HANA KAI-MAUI	140050400000	1974	MF	A1	Ordinances
WAILEA EKAHI II	210080600000	1976	MF	A1	Ordinances
WAILEA EKAHI I	210080640000	1976	MF/OS	A1/BR/OS/PUD	Ordinances
WAILEA EKAHI III	210080650000	1976	MF/OS	A1/H1/OS/PUD	Ordinances
WAILEA ELUA I	210080690000	1977	MF	H1/PUD	Ordinances
WAILEA ELUA II	210080700000	1981	MF/OS	H1/OS	Ordinances
WAILEA EKOLU	210080770000	1979	MF	A1/OS-GC/PUD	Ordinances
PALMS AT WAILEA I	210080820000	1990	MF/OS/PD	A1	Ordinances
WAILEA BEACH VILLAS	210080910000	2005	Hotel	BR/H1/H2/OS	Zoning
GRND CHAMP VILLAS	210081040000	1989	MF/OS/PD	A2	Ordinances
HOOLEI	210081190000	2007+	H	H1/OS/PUD	Zoning
WAILEA POINT III	210230040000	1987	H	H1/H2/PUD	Zoning
WAILEA POINT II	210230050000	1987	H	H1/H2/PUD	Zoning
WAILEA POINT I	210230060000	1986	H	H1/H2/PUD	Zoning
KUAU PLAZA	260120500000	1973	MF	A2	Variance/Grandfathered
SUGAR COVE	380020030000	1976	SF	R3	Grandfathered
MAKANI A KAI	380140010000	1974	MF	A1	Ordinances
HONO KAI	380140020000	1972	MF	A2/A1	Ordinances
KANAI A NALU	380140040000	1977	MF	A2	Ordinances
MAALAEA BANYANS	380140110000	1978+	MF	A2	Ordinances
ISLAND SANDS	380140150000	1975	MF	A2	Ordinances
LAULOA MAALAEA	380140160000	1979	MF	A2	Ordinances
MAALAEA KAI	380140210000	1974	MF	A2	Ordinances
MILOWAI-MAALAEA	380140220000	1977	LI	A2/M1	Ordinances
MAALAEA YACHT MARINA	380140240000	1979	LI	M1	Ordinances
MAUI SUNSET	390010020000	1974	MF	A2	Ordinances
LUANA KAI	390010060000	1979	MF	A2	Ordinances
KAUHALE MAKAI	390010750000	1976	MF	A2	Ordinances
KIHEI BAY SURF	390011070000	1980	MF	A1	Ordinances
LEINAALA	390011100000	1975	MF	A2	Ordinances
KIHEI BAY VISTA	390011430000	1989	MF	A1	Ordinances
KAMAOLE SANDS	390040040000	1983	MF	A2	Ordinances

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
MAUI HILL	390040810000	1981	MF	A1	Ordinances
MAUI KAMAOLE III	390040820000	1990+	MF	A1	Ordinances
HALE KAMAOLE	390040840000	1974	MF	A1/A2	Ordinances
HALEAKALA SHORES	390040970000	1974	MF	A2	Ordinances
MAUI PARKSHORE	390040980000	1974	MF	A2	Ordinances
MAUI KAMAOLE	390041430000	1988	MF	A1	Ordinances
MAUI KAMAOLE II	390041440000	1989	MF	A1	Ordinances
LIHIKAI APTS	390050170000	1963	MF	A1	Ordinances
KAMAOLE ONE	390050230000	1973	MF	A1	Ordinances
PUNAHOA BEACH APTS	390050380000	1970	MF	A1	Ordinances
HALE KAI O'KIHEI	390080030000	1969	MF	A1	Ordinances
HALE KAI O'KIHEI	390080040000	1969	MF	A1	Ordinances
KIHEI GARDEN ESTATES	390080110000	1979	MF	A1	Ordinances
WAIOHULI BEACH HALE	390090290000	1979	MF	A1/Public Use	Ordinances
SHORES OF MAUI	390170030000	1975	MF	A1	Ordinances
MAUI VISTA	390180030000	1980	MF	A2	Ordinances
KIHEI AKAHI	390200010000	1977	H	BR/H1/H2/OS	Ordinances
KIHEI KAI NANI	390200030000	1970	H	H2/BR	Ordinances
KAPALUA BAY VILLAS	420010240000	1977	MF	A2	Ordinances
KAPALUA GOLF VILLAS	420010280000	1979	MF	A2/AG/OS/GC	Ordinances
KAPALUA IRONWOODS	420010300000	1979	MF/OS/P/QP	A2/BR/OS/Interim	Ordinances
THE RIDGE	420010320000		MF	A2/PK-4	Ordinances
PUNA II	420020050000	1973	MF/OS	NBCID	Zoning
KAPALUA BAY	420040280000	2009	H/B/OS	BR/HM/OS/PUD	Zoning
KAPALUA BAY CONDO	420040280000	2009	H/B/OS	BR/HM/OS/PUD	Ordinances
HONOKEANA COVE	430020190000	1969	MF	NBCID	Zoning
NAPILI POINT I	430020210000	1977	MF/OS/PK	NBCID	Zoning
NAPILI POINT II	430020430000	1978	MF	NBCID	Zoning
NAPILI BAY	430020520000	1977	MF	NBCID	Zoning
NAPILI SUNSET	430020550000	1974	MF	NBCID	Zoning
NAPILI SHORES	430020610000	1972	MF/OS	NBCID	Ordinances
NAPILI GARDENS	430020680000	1993+	MF	NBCID	Zoning

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
KAHANA SUNSET	430030150000	1973	SF/OS	R3	Ordinances
KAHANA REEF	430050090000	1974	MF	A2	Ordinances
KAHANA OUTRIGGER	430050200000	1981	MF	A1	Ordinances
KAHANA OUTRIGGER	430050210000	1981	MF	A1	Ordinances
KAHANA VILLAGE	430050290000	1978	MF/OS	A1	Ordinances
KAHANA OUTRIGGER	430050310000	1981	MF	A1	Ordinances
NOHONANI	430060070000	1974	MF	A2	Ordinances
KULAKANE	430060110000	1970	MF	B2	Ordinances
MAKANI SANDS	430060120000	1974	MF	A2	Ordinances
KALEIALOHA	430060130000	1973	MF	A2	Ordinances
LOKELANI	430060160000	1971	MF/OS	A2	Ordinances
HALE MAHINA BEACH	430060410000	1981	MF	A2	Ordinances
HALE ONO LOA	430060440000	1969	MF	A2	Ordinances
PIKAKE	430060630000	1966	MF	A2	Ordinances
POLYNESIAN SHORES	430080020000	1972	MF	A1	Ordinances
KULEANA	430080040000	1972	MF	A1	Ordinances
KULEANA	430080050000	1974	MF/OS	A1	Ordinances
HOYOCHI NIKKO	430080060000	1973	MF	A1	Ordinances
NOELANI	430090020000	1974	MF	A2	Ordinances
MAHINA SURF	430090050000	1969	MF	R3	Variance/Grandfathered
HALE KAI I	440010420000	1967	MF	A2	Ordinances
PAKI MAUI III	440010500000	1978	MF/OS	A2	Ordinances
PAKI MAUI I & II	440010510000	1975	MF/OS	A2	Ordinances
MAUI SANDS I	440010520000	1966	MF	A2	Ordinances
PAPAKEA	440010550000	1977	MF/H/OS	A2/H2	Ordinances
MAUI SANDS II	440010710000	1969	MF	A2	Ordinances
INTERNATIONAL COLONY	440060060000	1964	MF	R3	Grandfathered
HALE KAA NAPALI	440060110000	1964+	H	A2/H/OS	Zoning
MAUI ELDORADO	440080210000	1968	H	A2	Ordinances
KAA NAPALI ALII	440080220000	1981	H/OS	H2	Zoning
KAA NAPALI ROYAL	440080230000	1980	MF/OS	A2	Ordinances
LAHAINA SHORES	460020070000	1974	H/B	H2/HD1	Ordinances

PROPERTIES ALLOWED TO BE USED FOR SHORT-TERM OCCUPANCY

PROJECT PROPERTY	MASTER TMK	YEAR BUILT	COMMUNITY PLAN	COUNTY ZONING	Why Short Term Rental Allowed
AINA NALU	460110080000	2005	H	H1	Ordinances
PUAMANA	46028001 - 053	1932/1968	R2/R3/AG	SF	Ordinances
PUAMANA	46032001 - 048	1973	AG	SF	Ordinances
KENANI KAI	510030130000	1983	MF	A1	Ordinances
WAVECREST	560040550000	1975	MF	A2/Interim	Ordinances
THE SPINNAKER (Pioneer Inn apartments)	460100020000	1972/1973	MF	A1	Ordinances
NAPILI RIDGE	430160060000	1972	MF	NBCID	ZONING

LEGEND:

Community Plan

- B: Business
- H: Hotel
- LI: Light Industrial
- MF: Multi-Family
- OS: Open Space
- P/QP: Public/Quasi-Public
- PD: Project District
- PK: Park
- SF: Single-Family

Zoning

- A1 or A2: Apartment
- AG: Agriculture
- B2: Community Business
- BR: Business Resort
- H, H1 or H2: Hotel
- HD1: Historic District 1
- Interim: Interim
- M1: Light Industrial
- NBCID: Napili Bay Civic Improvement District
- OS: Open Space
- GC: Golf Course
- PK: Park
- PUD: Planned Development
- R2 or R3: Residential

Ordinances: use allowed by Ordinance Nos. 4167, 4315 and/or 4369

Zoning: use allowed outright by the underlying zoning

Variance: use allowed by a variance

Grandfathered: use was allowed when it was established and it can continue if not interrupted